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PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS
SECOND SESSION

VOLUME 120--PART 31

DECEMBER 19, 1974 TO DECEMBER 20, 1974
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS, SECOND SESSION

SENATE—Thursday, December 19, 1974

The Senate met at 8:30 a.m. and was called to order by Hon. HUGH SCOTT, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Creator and Ruler of all men, look upon this Congress and grant that it may take its rightful place in the history and heritage of the Nation. Bless all that has been done which is in accord with Thy will, overrule all mistakes and guide us by Thy wisdom to complete the unfinished task in days yet to come.

Be with those who will serve no more in this Chamber granting them hallowed memories, peace of mind, and joyful hearts.

Come near those, O Lord, who take a new oath of office and assume new powers. Invest them with a sense of servanthood and support them by Thy pervading presence.

Lead us, as shepherds and wise men of old, to the manger of Him of whom it was written "the Government shall be upon His shoulder: and His name shall be called Wonderful, Counselor, the mighty God, the everlasting Father, the Prince of Peace" (Isaiah 9:6).

"Let us now go even unto Bethlehem, and see this thing which is come to pass, which the Lord hath made known unto us" (Luke 2:15). Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 19, 1974.

To the Senate:
Being temporarily absent from the Senate on official duties, I appoint Hon. HUGH SCOTT, a Senator from the State of Pennsylvania, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUGH SCOTT thereupon took the chair as Acting President pro tempore.

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THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Wednesday, December 18, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

ORDER THAT THE SWEARING-IN CEREMONY OF THE VICE PRESIDENT BE HELD IN LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the swearing-in ceremony to be held later today be in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR DURING SWEARING-IN CEREMONIES OF THE VICE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, inasmuch as the swearing-in ceremony will be held in legislative session, that will require the presence of the Journal clerk and I, therefore, ask unanimous consent that Mr. Bernie Somers be given the privilege of the floor. There will be a space in the front of my desk here for him.

Mr. President, I also ask unanimous consent that the legislative clerk, Mr. Harold G. Ast, assistant legislative clerk, Mr. William F. Farmer, Jr., and the assistant Journal clerk, Mr. James F. Thorndike, have the privilege of the floor, with the understanding that they will not be seated at their usual places.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I also ask unanimous consent that the pages be permitted the privilege of the floor. I think that arrangements can be made for them to stand on either side against the wall.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Zweben also be given the privilege of the floor. He will not be seated at the usual place.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that my executive assistant, Miss Margaret Lynch, be also allowed the privilege of the floor. She will not, of course, occupy one of the seats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that Mrs. Patricia Agnew, a historian in my office, be also allowed the privilege of the floor. She will not, of course, occupy one of the seats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that two Official Reporters, Mr. G. Russell Walker and Mr. William D. Mohr and Mr. Jim Timberlake, staff assistant, be allowed the privilege of the floor during the ceremony.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR DURING SWEARING-IN CEREMONIES OF THE VICE PRESIDENT

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent also that Mr. Dompiere may be accorded the privileges of the floor during the swearing-in ceremony.

Mr. ROBERT C. BYRD. Mr. President, I regret that I inadvertently overlooked the name of Mr. Dompiere.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I inadvertently overlooked requesting that the Chaplain of the Senate be given the privilege of the floor during the ceremony today. I make such request now.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Mr. ROBERT C. BYRD. Mr. President, I believe that the distinguished Republican leader requested that two members of his personal staff be on the floor today. I will do likewise.

I ask unanimous consent that two members of my personal staff be on the floor during the ceremony today, and their names will be supplied to the Sergeant at Arms.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I also overlooked four cloakroom attendants on each side. I ask unanimous consent that they be granted the privilege of the floor during the ceremony today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have been put in the position of making these requests, but I have done so in fairness to all. We have to keep in mind that Members of the House of Representatives—and they number only 435—also will have the privilege of this floor today.

So I suggest that we not proceed with any further unanimous-consent requests that persons be allowed the privilege of the floor. The walls will be stacked several persons deep when the Members of the House arrive. I just make this announcement in the hope that there will be no requests for aids or clerks to Senators.

I would not have asked for two for myself—I never have an aid on the floor, except for a few minutes at a time—but in this instance I did ask for two, because the distinguished Republican leader asked for two, and he is entitled to two.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I am almost at the point of apologizing for continuing to ask for additional persons on the floor today, because so many Members of the House will be on the Senate floor. However, I ask that instead of two members of my staff, only one be on the floor, and that as a substitute for the other one, Mr. Bob Dove, who is an assistant parliamentarian and who is very diligent, always very courteous, and most helpful to all Senators, be given the privilege of the floor during the ceremony.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that Jody Baldwin and Ned Beach may have privilege of the floor during the swearing-in ceremony. They are staff members of the Republican policy committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

ENVIRONMENTAL PROTECTION AGENCY

The second assistant legislative clerk read the nomination of Wilson K. Talley, of California, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NUCLEAR REGULATORY COMMISSION

The second assistant legislative clerk proceeded to read sundry nominations in the Nuclear Regulatory Commission.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nominations of Edward S. King to be U.S. marshal for the western district of New York for the term of 4 years; and Ronald C. Romans, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

THE JUDICIARY

The second assistant legislative clerk proceeded to read sundry nominations in the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield such remaining time as the Senator from Kentucky (Mr. HUDDLESTON) may desire.

Mr. HUDDLESTON. I thank the distinguished Senator from West Virginia.

TRIBUTE TO SENATOR MARLOW W. COOK

Mr. HUDDLESTON. Mr. President, a term of 6 years in the U.S. Senate offers great opportunity for an individual to serve his country, his State, and his fellow man. To be chosen by one's fellow citizens to represent them in this body is in itself a high honor and no small achievement.

My senior colleague from Kentucky, Mr. Cook, is completing his tenure. Senator Cook has served the people of Kentucky well, as those of you who have served with him know. He has diligently applied himself to the problems and issues that have confronted Congress. It is no surprise to me that Senator Cook's work here has been recognized and acknowledged in many places.

Although we are from different parties, our friendship long predates his entry into the U.S. Senate. I observed his performance in the State legislature in Kentucky and his subsequent duty as county judge of our largest county, Jefferson. Senator Cook devoted many years working for the betterment of the State prior to entering the U.S. Senate. That service was extended and expanded during his membership here.

I feel I would be remiss, if I did not here publicly acknowledge the tremendous assistance that my senior colleague and his staff have extended to me as a new Member of this body during the past 2 years, and I want to express my appreciation for that help and cooperation, and extend to him and to his family my best wishes in whatever new endeavors he undertakes.

Thank you, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, pending the arrival of a Senator, that there now be a brief period for the transaction of routine morning business, with statements therein limited to 2 minutes, the period not to extend beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR AIKEN SAYS "THANK YOU"

Mr. AIKEN. Mr. President, when the Senate convened yesterday, I was attending what was probably the last executive meeting of the Committee on Agriculture and Forestry in this session.

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This morning, in looking over the RECORD, as I usually do, I find that several of my colleagues made rather flattering remarks concerning my senatorial career, while I was attending the meeting of the Committee on Agriculture and Forestry.

I hope that I am entitled to a small percentage of the nice things they said about me and my wife, Lola. I thank them for all the remarks they made at that time.

I also want to say to those of us who are attending our last session of the Senate that I think we have a lot of work to do when we get home, because there is a great deal of misunderstanding about what the work of Congress is, what the work of government is, and there is a lot of misrepresentation. It seems to me that probably those of us who are going home can do as much good there as we have been doing here in the last few years.

Anyway, on behalf of Lola and myself, I want to say, "Thank you," to those who laid it on pretty thick yesterday.

[Laughter.]

Mr. STAFFORD. Mr. President, I listened with great interest to my senior colleague, Senator AIKEN. We have seldom disagreed in the years we have been in this body together. That is one reason why it has been so pleasant to serve with him.

But I must disagree on one little point this morning. When he said that yesterday his colleagues "laid it on pretty thick," my feeling is very strongly that we did not.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the Democratic side on the continuing resolution be under the control of Mr. McCLELLAN or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I hope morning business can be concluded.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1975

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 1180, which the clerk will state by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with an amendment on page 5, beginning with line 16, insert:

Chapter V—DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
JOB OPPORTUNITIES PROGRAM

For Job Opportunities Program assistance as authorized by title III of the Emergency Jobs and Unemployment Assistance Act of 1974, \$250,000,000, to remain available until December 31, 1975: *Provided*, That this appropriation shall become available only upon enactment into law of H.R. 16596 or similar legislation by the Ninety-third Congress.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I do not have a copy of the measure before me. I think they are on their way.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Do I understand correctly, Mr. President, that House Joint Resolution 1180 is now the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, I believe we have a time limitation on this.

The PRESIDING OFFICER. The Senator is correct, 20 minutes to a side, the time to be controlled equally.

Mr. McCLELLAN. I yield myself 5 minutes.

Mr. President, in this supplemental appropriations bill passed by the House, there are only five items. The House bill contained four items, and the Senate Committee on Appropriations has added a fifth item, which is chapter 5 in the bill as reported by the committee.

Mr. President, these items total \$5,074,873,000. They are composed of \$4 billion for additional public service jobs and extended unemployment compensation

coverage, which was authorized by a bill we passed just a few days ago. It includes \$812,200,000 for increased readjustment benefits for veterans, \$10,200,000 for interim operating assistance for the Penn Central Railroad under the Regional Rail Reorganization Act of 1973; and \$2,473,000 for implementation of the Commodity Futures Trading Commission Act of 1974.

The items to which I have just referred, Mr. President, were all contained in the House bill. The Senate has added this item, \$250 million for job opportunities programs of the Economic Development Administration, the Department of Commerce. That was added, Mr. President, by the Committee on Appropriations. That is a program that has been in effect, as we know, for a number of years, called the EDA program, which enables the Federal Government to provide assistance to States, counties, municipalities, in construction programs, primarily, such as the building and extension of water and sewer systems, in some instances roads out to new plant construction, sometimes enlargement of jails, the enlargement of courthouses, municipal buildings, and so forth.

This is actually a public works program. That is what it amounts to, and it has been in operation for a number of years. In view of the economic situation today, there are those who felt that money to provide jobs and to provide construction work in this particular category would be economically beneficial to the communities where those projects may be constructed, and also would enhance or provide some additional jobs, and thus alleviate, to some extent—to some small degree, at least—unemployment situations that may prevail in many localities.

Mr. President, with that addition to the bill, as I said a few moments ago, of \$250 million for job opportunities, the whole bill totals \$5,074,873,000. I do not know, Mr. President, of any opposition to the bill unless it be opposition to that amendment.

I yield the floor to anyone who wishes to speak to it.

Mr. YOUNG. Mr. President, I yield myself 5 minutes.

Mr. President, it is not easy for me to vote for a supplemental appropriation bill, especially one the size of this bill. But we are in a period of inflation and depression at the same time, with about 6.5 percent of our work force unemployed. There is a budget estimate for all but \$1 million of this appropriation. This bill would appropriate \$5,074,000,000. The new section added by the committee for the Economic Development Administration, EDA, is \$250 million; otherwise, the amount of this bill would be \$150 million below the budget.

Mr. President, I do not believe it will be necessary for me to go further in discussing the details of this bill. The distinguished chairman of the committee has done that very well. I see no alternative, Mr. President, but to support this bill.

The PRESIDING OFFICER (Mr. HUDDLESTON). Who yields time?

Mr. McCLELLAN. Mr. President, the distinguished Senator from Washington

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(Mr. MAGNUSON) wishes to address the Senate with respect to certain provisions in the bill, certain appropriations of \$4 billion particularly, which come under the jurisdiction of his Subcommittee on Labor, Health, and Welfare.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks to further elaborate upon the very adequate explanation by the chairman of the full committee, Senator McCLELLAN.

Chapter I of the "urgent supplemental" contains five Department of Labor items totaling \$4 billion to provide emergency assistance to the increasing number of our citizens who find themselves without jobs. It is a sad commentary on our economy that this current recession has been allowed to deepen to the extent that we must now frame emergency measure that cost as much as the current budget for all the other activities of the Department of Labor.

Most of the money—\$2.75 billion—is necessary to meet the increased costs of unemployment compensation to 5.3 million beneficiaries. Another \$1 billion is needed to create over 100,000 more public service jobs—which would about double the current program. The remainder of the request—\$250 million—is needed to pay for Federal and State administrative costs to process the higher volume of unemployment benefits.

Mr. President, this chapter involves an enormous amount of money—\$4 billion—but it will only provide jobs for about 1 out of 25 of the unemployed. On the other hand, it is doubtful that the Labor Department can expand the public service jobs program any faster than provided for by the level of funding in this bill. In any case, the committee has acted expeditiously on this request in order to help alleviate the current unemployment situation. If the economic situation continues to deteriorate, the administration may wish to come forward with a further budget request which the Congress could consider early next year.

As the first line of defense against rapidly rising unemployment, the bill includes funding for unemployment benefits to an additional 1.9 million newly covered persons who are not otherwise eligible. This includes State and local government employees and farmworkers.

Mr. President, the committee's recommendation reflects our concern about the great number of citizens who find themselves out of work because of circumstances over which they have little or no control. The entire economy is going downhill and more and more of our citizens will be forced out of their jobs and onto the unemployment rolls. Certainly it is better to provide public service employment for such unemployed individuals, rather than to force them and their families onto the welfare rolls. Moreover, we know that the swelling unemployment means that fewer citizens will be able to pay taxes and more citizens will be on various forms of relief programs.

As I said, these unfortunate citizens can have little control over such circumstances. Consequently it seems to me that it is incumbent upon the national administration to take a more active role in ameliorating the adverse effects of the

current recession. Something more is needed from the administration than the current rash of cutback proposals which can only prolong and deepen the current recession.

Sometimes I get the vague sense that we are involved in a "rob Peter to pay Paul" merry-go-round. For example, the administration tells us that we must cut back on medical research in order to balance the budget. Such cutbacks only serve to deprive our trained cadre of health researchers of gainful employment—and stall the advance of medical knowledge—with the inevitable consequence that we must then provide funds to pay their unemployment compensation or give them employment as hospital aides instead of medical researchers.

In any case, Mr. President, there is no doubt that we must enact this legislation to combat the unemployment that already exists. I wish I could be more reassured that the administration was taking a rational view of the entire state of the economy and that next year's budget will not be of such a restrictive budgetary nature as to further aggravate the already serious unemployment situation.

Mr. President, I am also aware that the state of the economy may have the effect of generating an increased demand in the work incentive—WIN—program. The Labor-HEW Appropriations Subcommittee has asked the General Accounting Office and the Congressional Research Service to examine this situation, which they are now doing. The next opportunity for Congress to consider additional funds for this program, should it become absolutely necessary, would be in a subsequent supplemental to be enacted early in the 94th Congress. I would like to reassure the Members that the committee is keeping careful watch on this program with a view to establishing whether or not additional funds may be required.

Mr. President, in closing, let me state that I believe that the amounts included in this supplemental will be sufficient to meet the needs in the area of unemployment for the months ahead; but because no one can accurately predict at this time just what the unemployment situation will be in the future, it will be necessary for the administration and the Congress to reassess the funding needs for these programs early in the 94th Congress. In the interim, I am confident that this bill provides sufficient funds to meet the necessary expenses of the Department of Labor for the months immediately ahead.

Mr. DOMENICI. Mr. President, I am pleased to add my strong support to House Joint Resolution 1180 as reported by the Senate Committee on Appropriations.

Yesterday I appeared before that committee and testified in support of urgent appropriations for the job opportunities program as authorized by title III of the Emergency Jobs and Unemployment Assistance Act of 1974. Other members of the Economic Development Subcommittee of the Public Works Committee, including its distinguished chairman, Senator MONROE, and its distinguished

ranking minority member Senator McCLELLAN, also testified. I commend them on their leadership in working so diligently and expeditiously to bring to fruition this job assistance program only so recently authorized by the Congress.

The Senate version of the urgent supplemental appropriations resolution differs from the House version by the addition of chapter V. That chapter appropriates \$250,000,000 to implement immediately the program created by title III of the Emergency Jobs and Unemployment Assistance Act of 1974. This is only one-half of the \$500,000,000 authorized by that act, but it is certainly enough to get this urgently needed job opportunities program started while the normal appropriations process is followed for the remainder of the authorization.

I commend the Appropriations Committee for recognizing the urgency of the need for funding of this program and for providing funds for it in this urgent supplemental appropriations legislation.

I urge the full Senate to pass this resolution and send it to conference with the House with strong backing for chapter V. I urge the House to also recognize the critical situation to which this chapter would enable us to respond effectively and quickly so that this chapter will be retained in conference.

Mr. McCLELLAN. Mr. President, if there are no further amendments, I ask for the third reading of the joint resolution.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE ON URGENT SUPPLEMENTAL APPROPRIATIONS, 1975 TO OCCUR AT 12:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, with the approval of the distinguished chairman of the Appropriations Committee and the distinguished ranking member, I ask unanimous consent that the vote on passage of the urgent supplemental appropriations occurs today at the hour of 12:30 p.m., in accordance with our assurances to the Senators last night that no rollcall votes will occur today before 12:30 p.m.

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Mr. McCLELLAN. Mr. President, I have no objection to that whatsoever. But I would like to get the third reading so that we will know there will be no more amendments, and all time is yielded back so there will be nothing to interfere with the vote at that time.

Mr. YOUNG. Yes, it is agreeable to me, Mr. President, and I will yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has been yielded back, and the third reading has occurred.

Mr. McCLELLAN. Mr. President, I have no objection to the unanimous-consent request to defer the rollcall vote on it until 12:30 today.

Mr. ROBERT C. BYRD. I thank Mr. McCLELLAN and I thank Mr. YOUNG.

ORDER WAIVING PARAGRAPH 3 OF RULE XII

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that paragraph 3 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 1975

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 1178, which the clerk will state.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 1178) making further continuing appropriations for the fiscal year 1975, and for other purposes.

The Senate proceeded to consider the joint resolution, which had been reported with amendments.

The PRESIDING OFFICER. Time for debate on this resolution shall be limited to 1 hour to be equally divided and controlled by the Senator from Hawaii (Mr. INOUE) and the Senator from North Dakota (Mr. YOUNG).

Mr. ROBERT C. BYRD. Mr. President, that control of time was later changed. It is Mr. McCLELLAN on this side of the aisle or his designee.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mr. McCLELLAN. Mr. President, we are on a time limitation?

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. I yield myself, Mr. President, 5 minutes.

Mr. President, House Joint Resolution 1178, the further continuing resolution, under consideration, would extend the current continuing resolution until February 28, 1975.

It would cover the following bills which have cleared the Congress until the President signs them into law:

First. Military construction appropriation bill;

Second. Agriculture appropriation bill; and

Third. Supplemental appropriation bill.

When these bills are signed into law, the continuing resolution will then cover activities for which provision was made in last year's foreign assistance appropriation bill in the absence of a new bill, as well as various programs and activities not yet funded in the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Cabinet on Opportunities for Spanish Speaking People. These programs have no new authorization or appropriations for fiscal year 1975. In addition, the continuing resolution would cover such HEW programs for which there have been no appropriations, including emergency school aid, health grants to States, community mental health center, family planning, health manpower, construction of hospitals and medical facilities and several other programs. Also the resolution provides for continuation of the Commission of the revision of the Federal court appellate system.

The major continuing resolution activity, of course, deals with the foreign assistance appropriation bill. This funding level, under the continuing resolution, amounts to \$3,481,000,000, a decrease of \$2,449,000,000 below the fiscal year 1974 level, and a decrease of \$1,700,000,000 below the fiscal year 1975 budget request.

In addition, the continuing resolution earmarks special items for foreign assistance as follows:

First. \$150,000,000 in supporting assistance to Israel;

Second. \$150,000,000 in supporting assistance to Egypt;

Third. \$25,000,000 for a Middle East Special Requirements Fund;

Fourth. Additional \$15,000,000 for famine and disaster relief for Cyprus;

Fifth. \$10,000,000 for assistance to Palestinian refugees;

Sixth. \$10,000,000 for assistance for refugees from the Soviet Union; and

Seventh. \$10,000,000 for Portugal and Portuguese colonies.

The continuing resolution also contains the same language dealing with suspension of military assistance to Turkey as contained in the conference report on the Foreign Assistance Act of 1974, which cleared the Senate the day before yesterday and the House yesterday. The effect of this language is to suspend all military assistance to Turkey as of February 5, 1975, unless the President certifies that several conditions have been met. I believe most Members are familiar with those provisions.

The House passed the continuing resolution before us by a vote of 272 to 122. There were two amendments adopted by the committee and recommended to the Senate. They are \$10,000,000 for assistance to Palestinian refugees and \$10,000,000 for assistance to Portugal and Portuguese colonies. Unless any Member has a question, I yield the floor to the distinguished Senator from North Dakota, and then I will yield to the distinguished Senator from Hawaii.

Mr. YOUNG. Mr. President, the distinguished Senator from Hawaii (Mr. INOUE) can explain this bill in much

more detail than I can. He has handled this bill very capably, after holding long hearings on it. I think his views are worth considering by the Members of the Senate.

We ordinarily would have had a foreign operations assistance appropriations bill, but the authorization bill was not passed in time to go that route, but I understand the money appropriated under this continuing resolution will be at a level approximately a billion dollars less than it might otherwise have been; had there been an appropriation.

Only two new items were added, \$10 million for Portugal and \$10 million for assistance to refugees from the Soviet Union.

Mr. President, I believe this is a necessary program. I ordinarily do not vote for foreign aid programs, but I believe this is a minimum that is needed and I believe it should be adopted.

Mr. McCLELLAN. I yield such time as the distinguished Senator needs.

Mr. INOUE. Thank you, Mr. Chairman.

Mr. President, I would like to spend a few moments describing in some detail some of the special appropriations found in this continuing resolution.

As the chairman has indicated, the committee recommends that we approve the House recommendation of \$150 million for supporting assistance to Israel, a similar amount in supporting assistance to Egypt, and \$25 million for the Middle East Special Requirements Fund.

As all of us are aware, these constitute the package that was submitted by the Secretary of State to assist him in seeking this rather illusive peace in the Middle East.

On the matter of Cyprus, I believe it should be noted that \$10 million has already been obligated thus far in fiscal year 1975 and the recommendation of \$15 million in the resolution will make a total of \$25 million available for assisting refugees on this war-torn island.

The committee further wishes to point out that a specific amount for military assistance to Israel was not included in the continuing resolution because under the existing authority \$300 million can be made available for military credit sales to Israel.

There are two items in this resolution which did not appear in the House version. The first is a \$10 million item in assistance to Portugal and Portuguese colonies.

This \$10 million was submitted to the Senate at the urgent request of the Secretary of State, and we concur with the Secretary that it is important that the United States demonstrate support for the transition to independence of Portuguese-speaking Africans, as well as indicating our friendly interest in Portugal's transition to Western democracy.

The amounts will be used for various purposes. For example, at the present time, the island of Mozambique has insufficient foreign exchange to pay for critically needed food imports and spare parts, and without this assistance Mozambique's economy, which is basically sound, will be drastically affected.

In other countries, illiquidity and lack

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of foreign currencies are significant factors in the rapidly worsening economic picture.

The other matter which did not appear in the House resolution is the sum of \$10 million to be appropriated for the purpose of providing refugee assistance to Palestinian refugees.

Mr. President, as all of us are aware, during the past year and a half this Congress has appropriated the sum of \$86.5 million to assist Soviet Jews to relocate themselves to Israel. This bill contains an additional \$10 million for this purpose.

The committee felt that the Office of Migration and Refugee Affairs should provide additional assistance to Palestinian refugees through the United National Relief and Works Agency or as otherwise authorized by Public Law 87-510. Refugees from Palestine now number over 1.5 million. Unlike many other refugees who have fled from their homelands in search of safety, the Palestinians have found no refuge. Palestinians in exile continue to search for peace and safety.

Over the past 26 years, they have been caught up in the rivalry of nations in the Middle East. Too frequently have they been the pawns in the international political process, and three times they have seen their homes, schools, and hospitals destroyed by the contending armies of the Middle East states.

Often neglected, seemingly in the backwaters of international concern, the Palestinian refugees have known no peace and have had very little reason to hope. Their camps have become the focal point of discontent.

Now, however, the United States has the opportunity to encourage the emergence of new realities in the Middle East.

In addition to the inadequate programs presently under consideration for rendering assistance to governments of the area, we feel there must be more tangible evidence of concern for the plight of the Palestinian refugees.

The modest amount the committee has recommended will be instrumental in convincing the Palestinians that they are not a forgotten people, and the committee very sincerely believes that this will advance the cause of peace in the Middle East.

As the chairman has noted, the language which appeared in the authorizing bill relating to Turkey and Greece also appears in this measure. On all other items, this bill is identical to that passed by the House a few days ago.

I join my chairman and the ranking minority Member in urging this Senate to adopt and support this continuing resolution.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I have no requests for time.

Mr. YOUNG. Mr. President, I suggest the absence of a quorum.

Mr. McCLELLAN. Wait a minute. It will be on someone's time. Ascertain whether there are any amendments to the bill.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Have the committee amendments been adopted?

The PRESIDING OFFICER. The committee amendments have not been agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER (Mr. HUBLESTON). Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, in line 3, insert:
Assistance to Portugal and Portuguese colonies, \$10,000,000;

On page 3, at the end of line 6, strike out "and".

On page 3, in line 8, strike out the colon and insert a semicolon and the word "and".

On page 3, beginning in line 9, insert "Assistance to Palestine Refugees, \$10,000,000:".

Mr. McCLELLAN. Is the joint resolution now open to further amendment?

The PRESIDING OFFICER. The joint resolution is now open to further amendment. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time be equally charged against both sides.

Mr. McCLELLAN. I cannot agree. Is the Senator talking about the amendments?

Mr. ROBERT C. BYRD. No. On the resolution.

Mr. McCLELLAN. I have no objection. I believe we have 1 hour on each side.

Mr. ROBERT C. BYRD. Have the amendments been adopted?

Mr. McCLELLAN. Yes.

Mr. ROBERT C. BYRD. Does the Senator wish to have them treated as original text for the purpose of further amendment?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the bill, as amended, be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, as I understand the parliamentary situation, the distinguished chairman of the Committee on Appropriations has laid before the Senate a continuing resolution, and my amendment has already been called up. Is that correct?

The PRESIDING OFFICER. The continuing resolution is before the Senate. The amendment of the Senator has not been called up.

Mr. HOLLINGS. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS' amendment, proposed by Mr. HOLLINGS (for himself, Mr. CHILES, Mr. NUNN, Mr. BARTLETT, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. PROXMIER, Mr. EAGLETON, Mr. ROTH, Mr. BROCK, Mr. BELLMON, and Mr. DOMINICK), to House Joint Resolution 1178, a joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes. At the end thereof insert the following:

On page 4, after line 12.

TITLE II—REDUCTIONS IN OBLIGATIONS AND OUTLAYS

SEC. 201. In view of the developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and outlays in controllable programs for the fiscal year 1975 should be reduced by no less than \$10,900,000,000 and \$5,450,000,000, respectively, below the President's budget request. The limitations hereafter required are necessary for that purpose.

SEC. 202. (a) During the fiscal year 1975, no department or agency of the executive branch of the Government shall incur obligations in excess of the lesser of—

(1) the aggregate amount available to each such department or agency as obligatory authority in the fiscal year 1975 through appropriation Acts or other laws, or

(2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1975 by—

(i) 2 per centum of the amount included in such estimate for personnel compensation and benefits, plus

(ii) 10 per centum of the amount included in such estimate for objects other than personnel compensation and benefits.

(b) As used in this section, the terms "obligational authority" and "budget estimate of obligations" include authority derived from, and estimates of reservations to be made and obligations to be incurred pursuant to, appropriations and authority to enter into contracts in advance of appropriations.

(c) The references in this section to budget estimates of obligations are to such estimates as contained in the Budget Appendix for the fiscal year 1975 (House Document Numbered 93-265, Ninety-third Congress, second session), as amended during the second session of the Ninety-third Congress.

SEC. 203. (a) This title shall not apply to obligations for (1) permanent appropriations, (2) trust funds, (3) items included under the heading "relatively uncontrollable" in the table appearing on page 39 of the Budget for the fiscal year 1975 (House Document Numbered 93-265, part 2, Ninety-third Congress, second session), and other items required by law in the fiscal year 1975, or (4) programs, projects, or purposes, not exceeding \$300,000,000 in the aggregate, determined by the President to be vital to the national interest or security, except that no program, project, or purpose shall be funded in excess of amounts approved therefor by Congress.

(b) This title shall not be so applied as to require a reduction in obligations for national defense exceeding 10 per centum of

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the new obligational authority requested in the Budget for the fiscal year 1975, as amended during the second session of the Ninety-third Congress: *Provided*, That the President may exempt from the operation of this title any obligations for national defense which he deems to be essential for the purposes of national defense.

(c) This title shall not be so applied as to require a reduction exceeding 20 per centum of the amount specified in any appropriation provision contained in this or any other Act or any activity, program, or project within such appropriation.

SEC. 204. In the administration of any program as to which (1) the amount of obligations is limited by section 202(a) (2) of this title, and (2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for obligation as limited by that section or as determined by the head of the agency concerned pursuant to that section shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

SEC. 205. To the maximum extent practical, reductions in obligations for personnel compensation and benefits under this title shall be accomplished by not filling vacancies. Insofar as practical, reductions in obligations for construction under this title may be made by stretching out the time schedule of starting new projects and performing on contracts so as not to require the elimination of new construction starts.

SEC. 206. The amount of any appropriation or authorization which (1) is unused because of the limitation on obligations imposed by section 202(a) (2) of this title and (2) would not be available for use after June 30, 1975, shall be used only for such purposes and in such manner and amount as may be prescribed by law in the first session of the Ninety-fourth Congress.

SEC. 207. The Director of the Office of Management and Budget shall make a report to the Congress of the estimated effect of this title by department and agency within forty-five days of the enactment of this Act.

The PRESIDING OFFICER. The Chair will inquire of the Senator if this is the amendment on which 3 hours of debate have been ordered.

Mr. HOLLINGS. That is correct. It is 1½ hours on each side.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HOLLINGS. Mr. President, I first want to acknowledge the support of the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. NUNN), the Senator from New Mexico (Mr. DOMINICK), both of the Senators from Oklahoma (Mr. BARTLETT and Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from Wisconsin (Mr. PROXMIER), the Senator from Missouri (Mr. EAGLETON), the Senator from Delaware (Mr. ROTH), the Senator from Tennessee (Mr. BROCK), and the Senator from Colorado (Mr. DOMINICK).

In listing these cosponsors, Mr. President, I point immediately to the bipartisan nature of the concern within Congress that we get the Government out of the money market so that we can lower the inflation rate, and lower the interest rates, by bringing the body politic in shape to be able to provide the many needed programs to face up to the recession in the ensuing year, 1975.

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Mr. President, this is the last call to the 93d Congress for economy as this is the last appropriation bill. This amendment, which is virtually identical to Public Law 90-218, is designed to cut an additional \$3.2 billion from the budget by reducing new budget authority by \$6.4 billion.

As the Senate will recall, the President has asked us for four things in the main before we adjourn: the confirmation of Mr. Rockefeller as Vice President; the public service employment program and an increase in unemployment compensation; the trade bill; and last, but by no means least, the enactment of a broad program that would reduce the budget by \$4.6 billion. The Congress has responsibly acted on all of these except the program to reduce the budget—in fact, that program has not even been introduced.

At one point I was prepared to introduce the President's budget program, but after carefully reviewing all of the actions that must take place I concluded that you just cannot get there from here. Apparently, my colleagues have come to the same opinion that the President's program is unrealistic and there is no way that this Congress is going to approve the proposed changes in the social security laws, reduce the strength of the Reserves and National Guard, and the mixed bag of budget recessions and deferrals.

Mr. President, because we cannot enact the President's program is no reason for Congress to fiddle while the fires of deficit Government spending makes Uncle Sam the borrower of 62 percent of the Nation's lendable funds. In fact, just last week before the Business Advisory Council, President Ford strongly renewed his call for budget reductions and it is imperative that the Congress take some hard action to reduce Federal spending so that more capital will be available for a recovery in the vital housing industry and help to restore consumer and business confidence.

On Tuesday of this week the administration's top economic spokesman, the Honorable William E. Simon, strongly testified to the Budget Committee of the compelling need to restrain excessive Government spending. I want to quote just a few short paragraphs from his statement:

There have been significant changes in the economic situation since I appeared before you in August. These changes deserve and are receiving our close attention within the Administration. However, nothing has happened in these past few months that detracts from the necessity of bringing the entire Federal budget process under much better control. Federal expenditures have doubled in the past 8 years and have built up a powerful momentum. Even with favorable action on the President's proposed cuts in spending, Federal outlays would rise by \$34 billion in the current fiscal year—a rise of 13 percent. At that rate, Federal expenditures would double again in just another 6 years. We must not allow anything like that to happen.

The problem is not only runaway Federal expenditure programs and chronic budget deficits. We are deceiving ourselves and the American public by excluding items from the budget that have a considerable impact

on the economy and the American taxpayer. For example, in fiscal year 1974 the reported figure of \$3 billion of Government borrowing from the public (to finance the unified budget deficit of \$3.5 billion) showed only the tip of the iceberg: the net borrowing from the public to finance Federal programs outside the budget was estimated at \$28 billion. During the past decade the unified budget had a cumulative deficit of \$102.9 billion. But total net borrowings for off-budget programs were an even more staggering figure—\$142.0 billion. The disruptive effects on the Nation's capital markets of having the government borrow one quarter of a trillion dollars in a single decade deserves much more attention. I seriously doubt that we will ever be able to have either stable housing markets or the level of savings and capital investment needed to generate the necessary jobs and economic output until we correct this serious government distortion of the financial markets.

There is much that needs to be done—and done quickly—by your Committee and the rest of us to restrain excessive Federal spending and moderate the use of Federal credit. We will not solve the problems of stagflation by opening the sluice gates of Federal spending and lending. We would only worsen our long run budgetary situation which is bad enough already.

This is exactly what the proponents of this amendment contended during the discussions of our proposal here on the Senate floor earlier in the week. We have got to reduce Government spending in order to reduce the deficit which is robbing the capital markets of the very funds American industry needs to recover from this recession, depression, or stagflation, or whatever you call it.

Mr. President, certainly the campaign and results of the election just a month ago have not been forgotten by my colleagues. The No. 1 human problem is the high cost of living. It is time we face up to it!

Before getting into the specifics of our amendment, I want to quote just once more from Secretary Simon's statement of Tuesday:

Surely the lessons are clear: First, there is no worthwhile payoff in a decision to ignore inflation and focus all policy on recession. Both are components of the same malaise. We are fighting a two-headed monster: one head is inflation and the other is recession, and the inflation has been the culprit in causing much of the recession. And the experience of the past decade clearly demonstrates that allowing inflation to accelerate so explosively does not achieve any benefits (except in the very short run) in the form of a reduced level of unemployment. Second, if we do not seize this present opportunity to pursue responsible fiscal and monetary policies, the problems of rampaging inflation and a weak economy will be even worse the next time around.

This amendment provides the Congress with the opportunity to "seize this present opportunity to pursue responsible fiscal and monetary policies" in a manner that avoids the pitfalls of the President's program. This amendment, which the Senate approved on December 12, 1967, by a vote of 74 to 0, of which 44 Senators who found it meritorious are still in the Senate, simply provides that:

During the fiscal year 1975, no department or agency of the Executive Branch of the Government shall incur obligations in excess of the lesser of—

(1) the aggregate amount available to each

such department or agency as obligatory authority in the fiscal year 1975 through appropriation acts or other laws, or

- (2) an amount determined by reducing the aggregate budget estimate of obligations for such department or agency in the fiscal year 1975 by—
- (i) 2 percent of the amount included in such estimate for personnel compensation and benefits, plus
- (ii) 10 percent of the amount included in such estimate for objects other than personnel compensation and benefits.

Now that is plain enough. The controlling factors are either the amount appropriated or the amount determined by the formula, whichever is the lower amount. The formula reduces the aggregate budget authority available by 2 percent of the budgeted obligations for personnel compensation and benefits and 10 percent of the other classes of controllable obligations. Let me emphasize that the controlling factors are either the amount appropriated or the amount determined by the formula. There has been some confusion that the formula must be rigidly adhered to but that is totally false. In fact this point is part of legislative history of the predecessor legislation of Public Law 90-218. On page 5 of the conference report (H. Rept. 1011) that was filed with this legislation there was the following statement:

The substitute as agreed upon in conference is specific as to amounts of reductions to be made at the department or agency level. The allocation of the reduction within the various departments and agencies would be determined by the officials of the departments and agencies, and would be subject to the approval of the President. Personnel reductions are not absolutely mandatory, although undoubtedly in many cases reductions will be made in civilian compensation costs. Departments and agencies may choose to cut other expenses an amount equal to 2 percent of personnel services estimates and maintain personnel levels. Of course, no individual employee's salary will be reduced by the operation of this title.

This was further elaborated on by Senator Holland, the manager of that continuing resolution on the Senate floor, as follows:

Mr. President, the effect of these provisions would be to impose a ceiling on the obligation to be incurred by a department or agency—that is, by each department and by each agency separately. In other words, the reductions are not supplied to specific appropriations, but are reductions in the total obligations of the department or agency.

The argument was made yesterday in the Appropriations Committee that this amendment will displace multitudes of Federal employees while at the same time we have just appropriated \$1 billion for public service jobs. That is also false. The preliminary estimate of the Civil Service Commission is that there was a 26-percent rate of turnover in Government jobs during last fiscal year. Furthermore, they estimate that about 50,000 people will be retiring at the end of this month. Certainly all those jobs are not that critical that they immediately have to be refilled. I am also reminded that the administration has a goal of reducing Federal employment by 40,000 through attrition, and that a consider-

able portion of the President's recessions are to be accomplished by a greater lapsing of jobs vacant through attrition. Besides, Federal employment has always been able to grow, and grow, and grow. In fact, executive branch employment grew by 58,000 over the number projected in the budget during 1968 when this amendment was law.

We have distributed to each Senator our best estimate of the effect of this amendment. I will right away acknowledge that the figures are not totally complete but are the best that could be done with the limited information available. I would prefer that they were absolutely nailed down tight but either by design or happenstance the OMB nor anyone else seems to have all the required data. We did the best we could and it is of great comfort to me that in the largest category, Defense, the staff of the Appropriations Committee is in agreement with our analysis.

The administration is actively opposing this amendment. They profess to prefer "selective" reductions that will never happen instead of a demonstrable workable procedure that avoids the entrapment of the interests opposed to each of the parts of their "selective" program.

Mr. President, this is our last opportunity to back the President by reducing Government expenditures. We are in agreement that this must be done. His plan will not work—this one will.

With all respect to our colleagues on the Appropriations Committee, on which I am honored to serve, the amendment was considered yesterday afternoon in the committee and voted down by a vote of 12 to 5.

Various points were raised. One was that the economic model of 1967 was different from that of 1974. Another view asked: what about the hard work that the committee chairman had done all during the year? Should we disregard all that hard work? What about the matter of jobs? Would it not be a rather specious move, on the one hand, to cause unemployment by a cut in each of the departments of approximately 2 percent in personnel and then, on the other hand, vote billions for public service employment?

Mr. President, these are some striking problems between what we offer today and the problem we had in 1967. At that time, we were at the height of the war in Vietnam. A budget had been proposed by President Johnson. Similarity No. 1, Congress, in trying to cut back, had the policy of guns or butter and had cut out some \$5 billion. Also, we were 5 months into the fiscal year.

Some argue what a terrible trauma and exacerbation it would cause in trying to effect these particular cuts. It has been said that a 2 percent cut in personnel would be one thing at the beginning of a fiscal year, but in the middle of a fiscal year it would have to be doubled in order to be implemented. We were 5 months into the fiscal year in December 1967, and inflation was public enemy No. 1.

Here we find a difference, with the headlines and statements, but certainly

not a difference within the administration.

The day before yesterday, Mr. Simon said, before a hearing of the Senate Budget Committee, "Make no mistake; inflation is the chief culprit." There is excessive spending, confiscatory Federal borrowing, whereby over the last decade, the U.S. Government has borrowed in the capital market approximately a quarter of a trillion dollars, more than \$250 billion.

In fact, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) delivered a speech in August, after his research and work in the Committee on Finance, in which he told of the amount of Government participation in the capital market, approximating \$100 billion at an annual rate. It nets out at \$31.5 billion this year, probably \$35 billion. But the actual participation, the dollars taken to be employed for Government programs, the dollars taken for the public sector, away from the private sector, away from jobs and investments and planned expansion, is a hundred billion bucks.

We had inflation in 1967 at the rate of approximately 5 percent. It had not quite reached it, but was approximating it at that time. Now we have inflation of between 11 and 12 percent, almost 3 times as much, in 1974.

To my mind, if there is any logic, that means that, as Secretary Simon says, the recession is inflation induced; and in order to take care of the problems of recession, we must first go to the cause and not the symptoms. We still have to act on stemming the tide of inflation, stemming the tide of excessive Government spending.

So even at that particular rate, President Johnson, seeing the problem, along with the leadership in Congress, moved, and they moved together. I think that is one distinct difference.

There are various opinions, but, like it or not, Lyndon Johnson was a leader. Some did not like the way he led in the war, his particular position; but when it came to congressional initiatives, when it came to budgetary matters, when it came to getting a bill through, he had no equal. When it came to putting first things first in 1967, he did it. He was not chasing around with Giscard d'Estaing of France, in Martinique, or the Chancellor of Germany, or the Prime Minister of Canada, or in Vladivostok, or in Japan at the judo games. Domestic problem No. 1 was on his mind. He did not go around all over the world, trying to fuff the problems and break down any kind of discipline we could have. We had this discipline several times before the election.

We voted in May for a \$295 billion spending limit. We voted in August for a \$295 billion spending limit. It seemed that we could sort of follow through on what we had pledged in the election of last month and go ahead with this thing. Instead, there is now all kinds of confusion.

President Johnson was not confused. The chairman of the Ways and Means

Committee, the chairman on Appropriations, the Bureau of the Budget, and the White House were all moving in the same direction. Without a single dissenting vote, on December 12, 1967, this little joint resolution, which is in essence the amendment at the desk today, hardly a page and a half, cut nearly \$5 billion additional out of the 1968 budget.

There it was: a war in which we were spending \$2 billion a month in Vietnam, with a budget of only \$172 billion for fiscal 1968. And here we are, with anywhere from \$305 billion on up; and there are all kinds of laments and hues and cries about how this would put people out of work, would stop Government, would take no regard of the programs. Of course, it takes no regard of the financial fact that last year we fought hard and finally succeeded in coming below President Nixon's proposed budget of \$268.9 billion.

What we propose now would still allow, if this amendment were adopted, a \$30 billion increase over last year, in the face of inflation.

This \$300 billion is almost double, without a war in Vietnam, what we had at the height of the war 7 years ago. Therein lies the story. It took this country 185 years to reach that \$100 billion budget, but it took the Republic only 9 years to reach the second \$100 billion level, the \$200 billion budget, from 1962 to 1971. Then, within a period of 4 short years, under President Nixon, we went to the \$300 billion budget.

We are all responsible—both Houses of Congress, the President leading in that direction. We were spending hand over fist.

What we are trying to do this morning is to diminish the flames of inflation, to cut the cost of living, to get the Government out of the borrowing market, so that private capital can take over and the automobile industry, the construction industry, and other real job-producing industries can start moving again.

Mr. President, I reserve the remainder of my time, unless the distinguished Senator from Georgia would like to be heard at this time, or the distinguished Senator from New Mexico. Perhaps the chairman of the Committee on Appropriations would like to be heard before we commence a colloquy.

The PRESIDING OFFICER. If no time is yielded, the time will be charged equally to both sides.

Mr. NUNN. Will the Senator from South Carolina yield?

Mr. HOLLINGS. I am glad to yield to the Senator from Georgia.

Mr. NUNN. As cosponsor of this measure, I should like to commend the Senator from South Carolina for taking the initiative, not only on this particular measure, but throughout this session and for a good many years, in trying to do something about our runaway inflation problem and our very severe budgetary difficulties.

As I understand it, this proposal calls for a 10 percent across-the-board cut in the budget authority of the various departments and agencies. Credits would

be applied where cuts have already been made by the Committee on Appropriations.

Is that correct?

Mr. HOLLINGS. That is correct. There is all the flexibility possible in the judgment allowed the department head.

Mr. NUNN. As I understand it, the President has sent certain recommendations which would amount, if Congress were to approve all of them, to about \$4 billion in cuts. Is that the approximate amount?

Mr. HOLLINGS. That is correct. It is slightly higher than our proposal here.

In the debate on yesterday before the Committee on Appropriations, the opposition took immediately the position that this was not in the spirit of President Ford's proposal, because in no wise would President Ford put a man out of a job, particularly from the Federal payroll.

That is not our intent, either. The fact remains that President Ford's proposal does call for a cutback of 40,000 Federal jobs, which is not difficult.

Mr. NUNN. We have a 200,000 turnover in the civilian defense personnel alone in 1 year. I do not know what the figure is for the entire Federal bureaucracy, but it can certainly vary within the Civil Service Commission levels. Theoretically, there can be a cutback of several hundred thousand without a single person losing his job. Is that a fairly accurate assessment?

Mr. HOLLINGS. That is correct. We have a 20-percent turnover in a million civilian employees in the Department of Defense. The Civil Service Commission has given us a figure of something like 26-percent turnover last year in civilian employment.

If one works on these budgets, one can always ask what positions are not filled. We find many retirements. People are leaving the Government now in droves to take the favorable retirement.

What happens is that people are not put out of jobs, they just cut back, and one can see at a glance how the Government has grown like a monster. When we had to run a war and tried to initiate the great society program, it grew, and all along, the people said, "Heavens, this is the craziest plan."

We had done everything people could think of by 1967 under President Johnson. Then, in the ensuing years, we just doubled everything, every one of the civilian programs, including defense, including the cost of the military personnel, with a volunteer army. We jumped the budget we had, when we took the same initiative. In 1967, we started with a \$300 billion budget; we are over \$400 billion now.

Mr. NUNN. The cost of the military alone has increased tremendously. The overall cost of the Federal Government has gone up at an astronomical rate.

I wish to take this opportunity to commend the Committee on Appropriations for the excellent work they have done this year. I have never seen a more determined effort to hold down individual items.

I do not think this amendment, cer-

tainly not as far as I am concerned, is in any way a criticism of the work already done.

In fact, the measure specifically calls for credits when an amount has already been cut from a particular department by the Committee on Appropriations.

I know the Senator from South Carolina agrees with the Senator from Georgia on the fact that we are not going to get out of this recession we are in, this inflation we are in, or this stagflation, as long as we continue to push inflation up.

The Senator from Georgia happens to be one of those, perhaps we are in the minority in this body, who believe that the inflation has caused the recession; that the inflation we have in this country has pushed consumer confidence down to a point of being so low that people have quit buying key items. I, for one, do not see how we are going to get out of this recession by stimulating the very cause of the recession, and that is inflation.

I know this body has voted, I believe on four different occasions this year, to cut the total amount of outlays down to \$295 billion. Yet here we are close to the end of this session. Where is the budget now? We are up at around \$301 billion. Can the Senator from South Carolina give me the total figure?

Mr. HOLLINGS. I believe the President indicated when he sent up his package that spending would total \$306.8 billion without his program and \$302.2 billion if it was enacted.

Mr. ROBERT C. BYRD. Will whoever has the floor yield briefly for a unanimous-consent request?

Mr. HOLLINGS. I am happy to yield to the Senator from West Virginia.

Mr. NUNN. I am happy to yield.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1975

The Senate continued with the consideration of the joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I have been told that the House Committee on Appropriations will have difficulty getting conferees appointed on the supplemental appropriations bill unless the Senate sends that bill over quickly. I, therefore, ask unanimous consent that the order for the vote to be taken at 12:30 today be vitiated and that there be a voice vote on the bill at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Does the Senator want unanimous consent to set this aside?

Mr. ROBERT C. BYRD. Not to set it aside, just a voice vote. It will take but 1 minute.

Mr. NUNN. Reserving the right to object, Mr. President.

Mr. McCLURE. Reserving the right to object, Mr. President, and I shall not object, I wish to express my concern.

I recognize the necessity. We passed up an opportunity last night to have a

rollcall vote on an item which the President might have some difficulty in signing. We wished to have the rollcall, because we thought it might be some direction to the President on that legislation, but we passed up the opportunity, with the expectation that we would have a rollcall today on this other matter, which would then contain the same kind of expression of our will.

I understand the urgency which the Senator from West Virginia has expressed, and I know he would not have asked it if it were not necessary. I therefore withdraw my objection.

Mr. ROBERT C. BYRD. Mr. President, I am one of those who feels we should always have a rollcall vote on an appropriation bill, but there are extenuating circumstances in this instance.

I thank the Senator.

The PRESIDING OFFICER. Is there objection? Hearing none, the question is, Shall the joint resolution pass?

The joint resolution (H.J. Res. 1180) was passed.

Mr. MCCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate. The motion was agreed to, and Mr. MCCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. ROBERT C. BYRD, Mr. MONTGOMERY, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, and Mr. CASE were appointed conferees on the part of the Senate.

FURTHER CONTINUING APPROPRIATIONS, 1975

The Senate continued with the consideration of the joint resolution (H.J. Res. 1178) making further continuing appropriations for the fiscal year 1975, and for other purposes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. The Senator from South Carolina is aware of the provisions of the budgetary reform act that, hopefully, is going to bring some order out of the chaos that we have had with our total Federal budget. But the Senator from Georgia, in the 2 years he has been here, realizes more and more the frustration that the Committee on Appropriations must have in doing everything they can to cut down on the budget through appropriations.

They usually succeed, only to find, when the year ends, and we add up all the entitlement programs that do not go to the Committee on Appropriations, and all the back-door spending proposals, that we have more money being spent than has been requested by an administration that constantly requests deficits.

I ask the Senator if he thinks we can wait until fiscal year 1977, when the Budgetary Reform Act comes into effect, to begin to do something about putting our fiscal house in order. Can we stand to wait that long?

Mr. HOLLINGS. No. I am on the Budget Committee, as well as the Appropriations Committee. When we met in August, approximately August 14—we had hearings on the 14th and 15th—so the day before we had an informal get-together of the committee. An organizational meeting, somewhat, and I proposed exactly this procedure under this Public Law No. 90-218 of 1967 to Senator MUSKIE and my colleagues on that Budget Committee.

As best I can recollect now, it was the feeling of the chairman that the budget law had not really taken all that effect. We had no rooms, we had no consultants, we had no staff. We had to have hearings, and all these other things.

I took an opposite view. I thought to establish credibility for the Budget Committee we should forgo worrying about a room, and the consultants, and without staff—and that if we could get FRITZ MONDALE, LAWTON CHILES, ALAN CRANSTON, and all those Senators to agree, we could make our minds up, like we did back in 1967, there in the late summer of 1974, and really establish ourselves as a Budget Committee.

But instead the committee took a different viewpoint, and of course the Appropriations Committee has taken a different viewpoint.

Yes, we worked hard; the chairman worked hard, particularly on the defense appropriation; but on yesterday, voted down the last chance to really put up or shut up. We have been talking cutting all year, everyone has campaigned on it, and yet we passed by our last opportunity for economy.

Mr. NUNN. In addition, many of our colleagues put out at least three or four press releases saying, "We have got to cut Government spending."

Mr. HOLLINGS. Oh, yes, they have all said it. But instead of doing that, the stalwarts on the Appropriations Committee added on, in addition to the \$4 billion for public service employment, they added \$250 million for education, and all that. We did not cut anything.

Mr. NUNN. Also, in this recession, we are going to be faced with the problem of tax relief early next year for middle and low income taxpayers. The Senator from Georgia is not against that. I do feel, however, that we must get this excess spending out of the Federal budget if we are going to be paying for the recession programs that will be inevitable and necessary, and has already been mentioned here: public service employment, extension of unemployment benefits, and tax relief for lower income people.

If we are going to do that and also get out of this recession without a 15- to 18-percent inflation, which will destroy the economy of this country, then we are going to have to make some sacrifices.

Mr. HOLLINGS. The Senator from Georgia is right on target. The best tax relief you can give your constituents at

home is to get this Government out of the money market, and allow some chance for private industry and the taxpayers, for example, to make a loan for that home.

We talk about spending \$5 billion for housing. Who is going down to sign a 20-, 30-, or 40-year contract at 10 to 14 percent?

We say, "Look at what we have done for farming; we have done away with all the allotments, and the farmer can go ahead and plant all he wants to." But how can he get a loan for his fertilizer? There is no Eximbank down in Atlanta, Ga., to give him a 6-percent loan for fertilizer like we gave Russia. So he cannot get a loan for his equipment, and gasoline, and increased fertilizer costs.

The best relief I can think of is in this measure right here; but, no, they do not want it. They say, "This is a meat-ax approach; we do not want it here." Moreover, as far as OMB is concerned, they do not even know who is in charge of OMB this afternoon.

Mr. NUNN. We have before us, and have had for several weeks, a series of proposals that the President of the United States said would cut down the Federal budget by about \$3 or \$4 billion; but each one of those proposals, under our present cumbersome system, requires legislative committee approval of three or four different committees of Congress. Is that not correct?

Mr. HOLLINGS. That is right. I would expect that sort of thing if one of these Governors suddenly became President of the United States, that they would send us something like this. But the President, having served in the legislative branch of this Government for many years, ought to know better than come up with law changes that fill up this booklet. No one has introduced this program yet. Parts of it have been, but no part has passed either body of Congress.

Mr. NUNN. If we forget about the question of whether we should take cuts in the budget that impact heavily on the elderly and low- and middle-income Americans—which the Senator from Georgia does not want and I do not think the Senator from South Carolina does either—even if you agree with that, it is totally impossible from a practical viewpoint to legislate the President's proposals in the last 30 days of any session; is that not correct?

Mr. HOLLINGS. Yes, but let us get to us. You know, as Pogo says, "We have met the enemy, and they are us."

Yesterday afternoon, we passed a land and water conservation measure, of which the cost was to run around \$350 million. The committee raised it to a billion dollars. Things are coming through here, business as usual, distribute the goodies, Merry Christmas to all and to all a good night.

I can tell you right now, we do not have this money, and we are really destroying this Government. We are putting ourselves into such a situation that everyone is lining up to be Santa Claus, come January and February, for all these recession and depression ameliorations, to go ahead and have more unemployment compensation, more invest-

ment credit, more tax relief for the poor, and everything else of that kind. Inflation, instead of being solved, is going to go right through the sky.

Mr. NUNN. I ask the Senator from South Carolina, what alternative do the people who call this a meat-ax approach offer to cutting spending? We have the President's proposals, which require a legislative approach, and which no one has shown one bit of approval for. How else do we cut down the budget? Is there any other way we can come within what the Senate has passed four times as a goal, the \$295 billion? How else are we going to meet that?

Mr. HOLLINGS. There is no other procedure. It was not a meat ax on that 12th day of December 1967. The leaders of the Senate and on the Appropriations Committee all voted for it.

The answer is that we want strong leadership. And where have all the leaders gone? "Where are all the leaders gone? Sometimes they will never learn," or whatever that song is. They are gone in the other direction, I can tell you that now.

No one around here is willing to distribute the pain. They all want to preside over distributing goodies. They all talk about belt-tightening. They get up in front of that Rotary Club and talk about belt-tightening, and the fight against inflation we are making down here in Washington.

Why not fight with our votes today? But they are all getting their airline tickets and wrapping their Christmas packages, getting ready to leave. There is no election today, so they know they are safe. The press does not even write this. They will hunt up something about Turkey, or write pages on end about some element of Watergate.

None of those reporters can fathom the budget. They leave it up to Hobart Rowen, and put it on the back page or the editorial page. But as far as Congress is concerned, they say, "A feeble effort was made to vote it down, and everyone went home for Christmas."

Mr. NUNN. Speaking of that, we have

had a trend of going more and more to uncontrollables. I do not know what portion of the budget now is uncontrollable; I have heard all the way from 40 percent to 70 percent. But we are getting to the point where we have very little control over the Federal budget.

How many times has the Senator seen or heard anything in the media about one of the most serious problems we have in this country—that Congress itself, representing the American people, no longer really has any control over the Federal budget?

Mr. HOLLINGS. I have two comments. The Senator points out a tremendous difficulty. It is complex, but there are many other complexities.

I do not see how they have followed that Watergate thing, yet they do, and do a good job.

This is a budget. The Director of the Bureau of the Budget says that 72 percent of the budget is uncontrollable. Yet, with all of these difficulties, the very same that we had in the Government in 1967, we figured it, and we made a decision. We decided on uncontrollables. You can start many an argument along this line on the very figures that we used.

We argued back and forth with OMB. They never gave us a better figure. The OMB figure for transportation, for example, included some trust funds, so we used a better figure, we used a conservative figure. We did not use any of the funny money or funny cuts such as in HEW, knowing they are going to have to spend more on welfare. We did not appropriate the amount they will probably require and congratulate ourselves about the great leadership in the cut as to HEW, knowing that a supplemental will be coming down the road, and they will have to cough up more money.

All of these expressions we use—like full-employment budget and uncontrollable—are misleading. We can control it; we can control it here. It has to have three readings in the House, three in the Senate, and we can cut back.

True, we never have had the one over-

all view or overview of the budget which the Budget Committee is now supposed to give it. But we have tried in the Appropriations Committee, and I really am very grateful and respectful for my chance to serve and to learn each day more about this budget on the Appropriations Committee. But I do not find today, in December 1974, the zeal we had in December 1967.

Mr. NUNN. Let me ask the Senator on that point, what happened after that December 1967 resolution? Did the Federal Government fold up in 1968?

Mr. HOLLINGS. No, sir.

Mr. NUNN. Did they close up the Department of Health, Education, and Welfare, or the Department of Defense, or the Department of Labor?

Mr. HOLLINGS. No, sir. They did have another supplemental bill afterward in the spring of 1968, and the full \$5 billion cut—actually \$6.1 billion was placed in reserve—was not enjoyed, but it was around \$3.4 billion which was still held back.

Mr. President, I ask unanimous consent that some tables developed by the Appropriations Committee showing, first of all, the initial estimate of the impact of Public Law 90-218 and then the final results be published in the Record at this point.

The PRESIDING OFFICER. Without objection, they will be printed in the Record.

[PUBLIC LAW 90-218]

LEGISLATIVE HISTORY

House Reports: No. 785 (Committee on Appropriations) and No. 1011 (Committee of Conference).

Senate Report No. 672 (Committee on Appropriations).

CONGRESSIONAL RECORD, volume 113 (1967): October 18, December 11: Considered and passed House.

October 23-25, December 12: Considered and passed Senate.

NOTE.—The following tabulation sets forth the effect of title II of the foregoing act on controllable obligations as estimated by the Bureau of the Budget on February 8, 1968, but subject to revision as later figures become available:

[In millions]											
Department or agency	Budgeted control- lable obli- gations	Reductions in obligations arising from congressional actions other than in H.J. Res. 888 (estimate)	H.J. Res. 888 addi- tional re- ductions (esti- mate)	Total re- ductions (esti- mate)	Revised obli- gations (esti- mate)	Department or agency	Budgeted control- lable obli- gations	Reductions in obligations arising from congressional actions other than in H.J. Res. 888 (estimate)	H.J. Res. 888 addi- tional re- ductions (esti- mate)	Total re- ductions (esti- mate)	Revised obli- gations (esti- mate)
	(1)	(2)	(3)	(4)	(5)		(1)	(2)	(3)	(4)	(5)
Agriculture.....	\$4,322	+\$72	\$458	\$386	\$3,936	National Aeronautics and Space					
Commerce.....	1,070	104	57	104	966	Administration.....	\$5,061	\$511		\$5,572	\$4,560
Corps of Engineers.....	510	10	57	67	443	Veterans Administration.....	1,754		\$139	1,893	1,514
Health, Education, and Welfare.....	7,498	311	439	750	6,748	Office of Economic Opportunity.....	2,060	287		2,347	1,773
Housing and Urban Development.....	1,351	488	150	638	713	Economic assistance.....	2,450	455		2,905	1,995
Interior.....	1,668	75	53	128	1,540	Other civilian programs.....	1,300	91	505	1,896	704
Justice.....	477	20	20	40	437	Allowances.....	2,450			2,450	2,450
Labor.....	325	27	20	47	278	Interfund transactions.....	-682			-682	-682
Post Office.....	532	62	49	111	421	Exceptions.....			+300	+300	300
State.....	306	6	12	18	288						
Transportation.....	1,456	+6	104	98	1,358	Subtotal.....	38,370	2,500	1,910	4,410	33,960
Treasury.....	917	7	26	33	884	Defense, non-Vietnam, and military					
Atomic Energy Commission.....	2,646	115	85	200	2,446	assistance.....	54,695	2,610	2,989	5,599	49,096
General Services Administration.....	699	8	113	121	578	Total.....	93,065	5,110	4,899	10,009	83,056

RESERVES ESTABLISHED UNDER PUBLIC LAW 90-218

[In thousands of dollars]

Department or agency	Reserves required by Public Law 90-218 ¹	Reserves released (2d Supplemental Appropriation Act, 1968, Public Law 90-302)	Reserves remaining on June 30, 1968	Effect on outlays (expenditures) reserves remaining on June 30, 1968
Executive Office of the President:				
The White House Office	89		89	89
Special projects	150		150	135
Executive Mansion	29	23	6	5
Bureau of the Budget	277	152	125	112
Council of Economic Advisors	28	28		
National Aeronautics and Space Council	15	5	10	9
National Council on Marine Resources and Engineering Development and Commission on Marine Science, Engineering, and Resources	65	10	55	49
National Security Council	17	17		
Funds appropriated to the President:				
Appalachian regional programs	63,643		63,643	20,300
Department of Agriculture	386,580	47,040	339,490	219,575
Department of Commerce	117,877	408	117,469	24,913
Department of Defense—Civil	49,816		49,816	40,700
Department of Health, Education, and Welfare	962,342	25,853	936,489	272,478
Department of the Interior	60,222	6,376	53,846	31,744
Department of Labor	6,900	1,700	5,200	2,713
Post Office Department	49,181	49,181		
Department of State	21,376	4,484	16,892	15,410
Department of Transportation	236,375	3,000	233,375	113,540
Treasury Department	21,876	19,808	2,068	2,120
Atomic Energy Commission	272,334		272,334	105,000
General Services Administration	255,387		255,387	68,000
National Aeronautics and Space Administration				90,000
Veterans' Administration	137,946	29,470	108,476	40,498
Other independent agencies:				
American Battle Monuments Commission	102	16	86	76
Civil Aeronautics Board	175	175		
Commission of Fine Arts	10		10	9
District of Columbia	175,864		175,864	20,000
Federal Coal Mine Safety Board of Review	8	2	6	6
Federal Communications Commission	462	462		
Federal Mediation and Conciliation Service	186		186	2
Federal Radiation Council	8		8	5
Federal Trade Commission	329		329	2
Foreign Claims Settlement Commission	34		34	34
Indian Claims Commission	15		15	
Intergovernmental agencies:				
Advisory Commission on Intergovernmental Relations	19	13	6	5
Appalachian Regional Commission	1		1	5
Delaware River Basin Commission				1
Interstate Commerce Commission	317	317		
National Capital Planning Commission	731		731	616
National Labor Relations Board	1,056	911	145	137
National Mediation Board	74	36	38	37
National Science Foundation	46,500		46,500	9,500
Renegotiation Board	30		30	
Securities and Exchange Commission	125	125		
Small Business Administration	188,263		188,263	85,000
Smithsonian Institution	18,387		18,387	8,000
Tariff Commission	6		6	
Tax Court of the United States	75		75	70
Temporary study commissions:				
Commission on Political Activity of Government Personnel	6		6	6
Public Land Law Review Commission	300	20	280	264
Select Commission on Western Hemisphere Immigration	391		391	368
Joint Commission on the Coinage	17		17	16
Tennessee Valley Authority	3,108		3,108	1,600
U.S. Information Agency	25,632	3,113	22,519	8,258
Water Resources Council	69		69	65
Total, civilian agencies	3,104,858	193,345	2,911,513	1,181,427
Department of Defense, Military (excluding special Vietnam costs)	2,970,662	2,481,558	489,104	75,000
Grand total, all agencies	6,075,520	2,674,903	3,400,617	1,256,427

¹ The amounts of reserves required shown here exclude amounts released through Presidential action of sec. 203(a)(4) of Public Law 90-218, which permits the President to exempt programs vital to the national interest or security not exceeding \$300,000,000 in the aggregate—and under sec. 203(b), which permits him to exempt obligations which he deems to be essential for the purposes of national defense. The attached table contains a listing of Presidential exemptions.

Section 203(a)(4) of Public Law 90-218 authorized the President to exempt certain programs, projects, or purposes that he determined were in the national interest or security in a total amount not to exceed \$300 million. The President authorized exemptions totaling \$88.6 million. The details on these exemptions are set out in the following tabulation:

PRESIDENTIAL EXEMPTIONS FROM OBLIGATION LIMITATIONS UNDER PUBLIC LAW 90-218 (2 TO 10 PERCENT)

Department or agency	Amount	Statutory reason (Public Law 90-218)	Relevant circumstances
Exemptions under sec. 203(a)(4):			
1. State Department	\$3,500,000	National interest or security (sec. 203(a)(4)).	Slippage in 1967 of planned overseas and Mexican border construction caused an unanticipated carryover into 1968 of \$10,700,000 of obligations. Since this amount was not reflected in the 1968 budget Public Law 90-218 required State to absorb this amount in its entirety unless relief were granted. State has been granted relief of \$3,500,000 for the most essential projects and has been instructed to find savings and deferrals to offset the remaining \$7,200,000.
2. Treasury Department	6,000,000	National interest (sec. 203(a)(4)).	Of the \$33,000,000 cut in obligations under Public Law 90-218, the lion's share had to be borne by Internal Revenue Service. The \$6,000,000 exemption was approved to prevent a revenue loss estimated to be in excess of \$50,000,000 (by preventing a drop in tax audits) and to provide sufficient seasonal aid to taxpayers in preparing returns.
3. Labor Department	16,000,000	do.	Because it represents about 85 percent of the Department's controllable budget, manpower development and training had to bear the brunt of Labor's cutback. This cut was inconsistent with current emphasis on JCS and manpower programs, and exemption was approved accordingly.
4. Defense—Civil—Ryukyu Islands Administration	1,291,000	National interest or security (sec. 203(a)(4)).	Exemption approved to prevent adverse effect on political relations with the islands and Japan caused by the necessity for continued military use of the islands and problems relating to reversion of the islands to Japanese control.
5. Public Land Law Review Commission	2,329,000	National interest (sec. 203(a)(4)).	Because (1) the authorizing legislation was enacted late and (2) Congress enacted an appropriation without a Presidential request, a literal interpretation of Public Law 90-218 would make the appropriation unavailable and completely negate the congressional action. Exemption permits the agency to use most of the money appropriated for its mission; it would otherwise have been able to do little besides keeping overhead personnel.
6. Securities and Exchange Commission	300,000	do.	Cutback would have required—among other actions—foregoing the purchase of a computer with (1) loss of \$130,000 in rental credits toward purchase and (2) addition to 1969 and 1970 budgets of amounts (over \$100,000 each) for continued rental. It was much less costly to the Government to purchase in 1968. Exemption of \$300,000 plus agency's reductions elsewhere to find another \$125,000 permitted purchase to proceed.
7. Historical commissions	53,000	do.	Termination of 5 Commissions (Civil War Centennial, Franklin D. Roosevelt Memorial, James Madison Memorial, U.S. Territorial Expansion Memorial, and Woodrow Wilson Memorial) that had been planned in 1967 did not come off and there ensued an unanticipated carryover of obligations into 1968. Since these were not in the 1968 budget, exemption had to be approved to permit orderly termination in 1968 with same funds that had been programmed for 1967.
8. Commission on Political Activity of Government Personnel	52,000	do.	Termination of the Commission did not come off as planned and there ensued an unanticipated carryover of obligations in 1968. Since these were not in the 1968 budget, exemption had to be approved to permit orderly termination in 1968.

Department or agency	Amount	Statutory reason (Public Law 90-218)	Relevant circumstances
Exemptions under sec. 203(a)(4):			
Continued:			
9. Renegotiation Board	\$35,000	National interest (sec. 203(a)(4)).	Workload under Vietnam contracts has increased. Total reduction of \$65,000 required by Public Law 90-218 would probably cause unnecessary delays and losses to the Government. As a result, \$35,000 of the \$65,000 has been exempted.
Total, exemptions approved to Apr. 18, 1968, from presidential \$300,000,000 statutory allowance	29,560,000		
Exemptions under sec. 203(b):			
1. Selective Service System	2,316,000	National defense (sec. 203(b)).	The exemption was approved because the cut would have impaired the agency's ability to classify young men by reducing the number of local board personnel and would have reduced funds necessary for travel of registrants to Armed Forces examining stations.
2. Atomic Energy Commission	57,000,000	do.	The exemption of \$57,000,000 of the 2 to 10 percent formula reduction of \$329,000,000 was approved in order to permit AEC to meet increased requirements related to the Sentinel missile defense system and other advanced weapons systems.
Total, exemptions approved to Apr. 18, 1968, for reasons of national defense	59,060,703		
Grand total	88,620,703		

Mr. HOLLINGS. Mr. President, that does not mean we have got to do the same thing. We can cut it and hold it at a level that this particular amendment calls for, and we can hold the line next year because I think the voters are going to be in real distress.

But, no, the Government did not fall; there was not high unemployment. In fact, the Government employment rate went up in the fiscal year 1968.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from South Carolina on this amendment. It is an amendment that is difficult to offer at this time. I understand why many Senators are reluctant to support it.

The fact is we are in a grim recession. The fact is we have unemployment increasing. The fact is that all the economic indicators indicate that we are going to be in worse economic condition 3, 4, or 5 months from now than we are now.

In spite of all that, I might say because of all that, it is timely and appropriate that the Senator from South Carolina should offer this amendment.

Let us take a look at what this amendment does. It permits Federal spending to increase this year over last year by \$30 billion. That is an 11-percent increase. It is one of the largest increases percentage-wise in the history of the United States, and in dollar terms we have never had an increase of \$30 billion before in peacetime. It is just about as big as the biggest increases we had in our worst wars. It is a very large increase in spending.

Furthermore, it would permit Federal Government spending to increase more than the gross national product increases. So anybody who argues that this is a pennypinching kind of an action which is going to destroy jobs in a wholesale way does not recognize what it does.

The heart of this amendment, and the reason why I am so enthusiastically supporting it, is that what we must do if we are going to fight inflation, while we fight recession, is to mandate a restraint on Federal spending; mandate a re-

straint on the use of manpower, so that the managers of our Federal Government have to use some, exercise some, discretion in the way they use their manpower and in the way they spend their money so that they will hold down unnecessary spending, eliminate waste, and not fall into the bad habits that we have fallen into which we are aware of in every department of the Federal Government, and this is the kind of a limited reduction, a \$5 billion reduction, which makes sense.

I would like to make one other point to the distinguished Senator from South Carolina. The Senate voted overwhelmingly earlier this year for a \$295 billion ceiling—overwhelmingly, it was about 10 to 1. There was not any question that the margin was very decisive.

It is true since then we have put into the budget about a \$5 or \$6 billion increase for public service jobs. Well, the Senator from South Carolina has adjusted to that. He is suggesting the ceiling not be at \$295 billion but at \$300 billion.

Mr. HOLLINGS. Right.

Mr. PROXMIRE. Furthermore, I think the action we have taken is not inconsistent because the way that you spend money is very important. We have asked of the Bureau of Labor Statistics, and they have told us, if you spend money in some areas for some defense expenditures, for example, \$1 billion will give you 57,000 jobs.

However, if you spend money in labor-intensive areas, such as public service jobs, \$1 billion will give you well over 100,000 jobs. So it is possible to reduce spending without cutting jobs.

Furthermore, as we reduce the amount that the Federal Government borrows, the demand the Federal Government makes on the capital markets, it means that interest rates tend to go down. They may not go down more than a half percent or a percent, but that has a terrific effect in increasing housing starts.

As interest rates fall, as mortgage rates fall, it is going to be much easier for housing jobs to grow.

Mr. NUNN. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE (continuing). It is going to be easier for the housing in-

dustry to come out of this literal depression.

The Senator from South Carolina has the floor.

Mr. HOLLINGS. I yield to the Senator from Georgia.

Mr. NUNN. I would like to ask a question because I have heard that the Federal Government, in terms of overall Federal spending involving all budgetary, nonbudgetary, back door, and otherwise—borrowed last year about 60 percent of all available capital.

Does the Senator have any precise figure on that percentage?

Mr. PROXMIRE. I do not have those figures, but it sounds as though it could be very close to the amount the Federal Government did borrow.

Of course, the important thing is that as the net borrowing increases, as the deficit increases, it means the Federal Government is borrowing an additional sum. It is true much of the borrowing, \$60 billion, was a matter of turnover of funds being retired, because we have a very short-term debt. But when we spend more, when the deficit increases by another \$5 billion or \$10 billion, then that really aggravates the capital market.

Mr. NUNN. Does the Senator agree that as we start moving out of this recession in the second and third quarters of 1975, the decisions we are making now are going to put the Federal Government back into the borrowing market in a huge way? Also, does the Senator agree that, as the private sector begins to revive and borrow more, it causes the interest situation that has been so detrimental to our country to rise—which in turn causes the vicious cycle of high interest rates, inflation, recession, less confidence, to start all over again?

Mr. PROXMIRE. The Senator from Georgia is absolutely correct. There is not any question that, in the long term, the very great growth of the Federal Government is the reason why the inflation rate over the long term has increased.

There are various reasons, energy and food shortages, and so forth, that may account for a temporary increase or drop but over the long term it is because we now have a Government that absorbs 40 percent of our economy compared to 10 percent in 1930.

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The only way we are going to get in control of that is to hold down the growth of the Federal Government and, hopefully, permit the private sector to grow faster.

All the Senator from South Carolina's amendment does is restrain somewhat, in a very limited way and a very modest way, the growth of the Federal Government so that instead of growing by \$35 billion this year it will grow by \$30 billion.

Mr. HOLLINGS. Responding to the Senator from Wisconsin, too, I had pointed out earlier the amendment of the Senator from Wisconsin to cut down the \$295 billion, and I know of two roll-call votes which confirmed that goal.

Mr. President, if I may, I ask that the distinguished Senator from Virginia (Mr. Scott), the senior Senator from South Carolina (Mr. Thurmond) be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIER. If the Senator will permit, I would like to make a correction. I said it accounted for 40 percent, and what I meant was that the Federal Government and State and local governments account for 40 percent. Of course, with our policy with respect to government, including revenue sharing and other policies, they are a very important element in the growth of the Federal and of local governments.

Mr. HOLLINGS. The distinguished occupant of the chair hit the target in his speech when the senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) said that the Federal Government was in the money market on an annual rate of \$100 billion a year.

Now, the net amount, the best we can determine, is somewhere in the vicinity of \$1.5 last year and maybe up as high as \$35 billion this year. It is the net amount of participation by the Government at an annual rate of \$100 billion that is sucking up our lendable funds—taking away from capital improvements, plant expansions, jobs, automobiles, and everything else of that kind.

No wonder, as we have been pointing out heretofore, no wonder things cannot move.

We get up here, pass a bill and say, "Whoopee, we have solved a problem," but we never solved this one, and when this is solved, then the private sector will begin to move, but only at that particular time.

Mr. NUNN. I note that the senior Senator from Virginia, one of the real experts in this area, says the Secretary of the Treasury confirmed to him that in 1973 62 percent of all expendable funds in this Nation was borrowed by the Federal Government—62 percent. And we wonder why we have tight money, why the farmers pay 12 to 14 percent for fertilizer, why homeowners borrow at 8 or 9 percent, why the construction industry is going broke, why we have a liquidity crisis in our country, and why we do not have enough money in the private sector to make the commitments that we need for energy.

This is one of the reasons that I think this amendment, although it is not going

to balance the Federal budget is an effort to prevent the circle from starting again in the next inflationary recession cycle.

If we are going to help our poor people, our unemployed people, and our people who need a tax break in order to cope with this mounting inflation, poured on in large part by our own Government, we need to pay our way as we go in giving this kind of relief. This amendment, in the way the Senator from Georgia understands it, tries to prevent these relief measures, from starting us right back on another inflationary cycle as we try to come out of the one we are in.

I commend the Senator from South Carolina for his efforts. I am proud to join as a cosponsor of this measure.

Mr. HOLLINGS. I thank the Senator from Georgia.

Mr. President, I wonder how much time is remaining, we have several Members coming in, the opponents have not been heard from yet?

The PRESIDING OFFICER. The Senator from South Carolina has utilized 45 of his 90 minutes.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. McCLELLAN. Mr. President, while the distinguished Senator from Georgia is on the floor I want to thank him for his very gracious compliment to the Appropriations Committee for its hard work in trying to meet its responsibilities in this difficult period.

I think I can say for the other members of the Appropriations Committee, particularly the chairmen of the subcommittees, that they have worked hard and worked in good faith and now submitted their recommendations to the Senate and the Senate has worked its will on all of the appropriations bill.

Now, I find this thing a bit awkward from the standpoint of being a Member of this legislative body when we talk about going to deal with the controllable expenditures of Government, and there are many that are uncontrollable, and some of them are uncontrollable not by my vote because I tried to get them brought before the Appropriations Committee each year instead of making them a final appropriation by authority of legislative committees; I did my best.

They are not all—some of those that are uncontrollable, not in that status because of any vote of mine, but if we want to set an example, if we agreed in good faith, if we want to go with this proposal and say that we want a cut, cut these things that are controllable, I wonder if the Senator from Georgia would join me in the sentiment that if this procedure is to prevail, if it would not look a little better to our constituents if we started a little cutting right here in the legislative branch of the Government?

Mr. NUNN. Absolutely.

Mr. McCLELLAN. All right.

Now, this provision, let me point out, the distinguished Senator from South Carolina, who is the chairman of the subcommittee—

Mr. HOLLINGS. Will the Senator yield?

Mr. McCLELLAN. I would like to make

my statement and then I shall be happy to yield.

Mr. HOLLINGS. Well, I am anticipating the question and it should be directed to me as the Senator knows I am chairman of the Legislative Branch Subcommittee.

Mr. McCLELLAN. Well, I am talking in the Senator's presence. The Senator will have an opportunity to answer me and ask me a question. I hope I can finish my statement.

Mr. HOLLINGS. All right, sir.

Mr. McCLELLAN. Now, I want to point out, we are talking about we want to do all we can, all of this with the controllable expenditures of the Government, and to bring in a resolution here to cut everybody but hold ourselves up here as a sacred cow—not going to cut ours—I just wonder what that looks like before the country, as a good faith and conscientious effort to go as far as we can and should.

We cut it, and the distinguished chairman of the legislative committee worked on this bill with his committee and came before this full committee with the result we had a 2-percent cut on the legislative branch of the Government under the budget amount.

Now, Mr. President—

Mr. NUNN. On that question, I can speak on it for the Senator from Georgia. If the Senator from Arkansas proposed an amendment to that effect, the Senator from Georgia would certainly cosponsor it and vote for it.

Mr. McCLELLAN. Well, I thank the distinguished Senator for offering to cosponsor an amendment if I offered it. I have taken a position and am trying—

Mr. NUNN. I would, if the Senator offers, join on this particular measure.

Mr. McCLELLAN. I know, if I were going to join, I would certainly insist we do try to reach ourselves a little bit, if I were going to join in this kind of proposal, but what I want to point out is, we had the opportunity to make the cut in the legislative branch, just like we have in all of the other controllable items in the due process, and in the appropriations due process procedure. We cut it only 2 percent.

I am not here today in the role of defending the military. I do handle the military appropriations bill—the subcommittee—and we cut that, on the military by 5.7 percent, trying to come down within this ceiling that was—

Mr. NUNN. Will the Senator yield on that?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. McCLELLAN. I yield myself 2 more minutes.

Mr. NUNN. Will the Senator yield for a question on the military part?

I would like to further compliment the chairman of the Appropriations Committee and the chairman of the Subcommittee on Military Appropriations because I know personally of the very diligent effort the Senator from Arkansas in his capacity as the chairman of the subcommittee made in trying to trim the fat out of the military budget. It is awfully difficult, the Senator from Georgia is certainly aware of this, serv-

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ing on the Armed Services Committee, to distinguish the fat from the muscle in the military budget.

I do not know of anyone who has done or could possibly do a better job than the Senator has done this year.

I would say if other committees and if the other Members of this body were as diligent in their particular responsibility as the Senator from Arkansas has been in the military, then we would not be here today debating this particular measure.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I question no one's sincerity, no one's motives, in trying to bring about this reduction. But this I want to point out to my colleagues, and it is a problem: We are going to have to determine about these issues whether, when a bill comes before the Senate, we are going to offer amendments to cut where we think it should be cut, and the Senate have the courage to cut where it should be cut, or the Congress, as the case may be. We should do it that way, or else we are going to move, and we are now moving, in the direction of saying, "What is the use of having an Appropriations Committee? Why hold hearings? Why work on these bills? Why try to find these places and make the cuts, report the bill, and then come in here and just determine to cut some more below the budget?"

The Senator wants a 10 percent cut below the budget. Why would it not be well for the Appropriations Committee, if we are going to do it in this fashion, to just report the appropriations bills back 10 percent below the budget and let the Senate work its will that way?

It does not make sense to have your Appropriations Committees, subcommittees, the members of the committees, work and hold long hearings, come in here and present the bill to the Senate, the Congress pass it and enact it into law, and then take the position that all of that work was futile, it was all in vain, it was not necessary.

What we are going to do is just cut 10 percent across the board. I do not mind working hard, and I am perfectly willing to continue, and I am sure every member of the Appropriations Committee is, to work hard on these bills and to bring them in here, to let the Senate offer amendments, to work its will, to reduce them where it can. But if this is to be the policy of simply saying we are going to cut 10 percent below the budget, or 5 percent or 8 percent below the budget, then I see no reason for us to go out and work hard on one committee, get a substantial reduction, have another bill come along with not much reduction, and then come here and just cut them all across the board 10 percent.

We can save a lot of hard work, if this is to be our policy and our practice. There is one other thing which comes up right at the last minute. We have to go to conference. I have no idea that we will be able to work this out in conference. We can pass it and send it over there.

We have a continuing resolution. We might work it out in conference, but I seriously doubt it.

I have one other thought. I believe I want to economize as much as any other Senator in this body. But you are not proposing now a 2-percent cut in personnel. Six months of the year will have been gone. If you are going to reduce the money appropriated for personnel for fiscal 1975 by 2 percent, that means a 4-percent cut in personnel for the rest of the year, and that means about 112,000 jobs.

When these people leave Government, you say this is the economical thing to do. Then you turn around and pass a bill to create public service jobs, averaging \$7,500 a year. I do not see any economy in it. I see more agony, more distress, and more problems being created for our economy and for our fiscal policy. We will be back with a supplemental bill.

More people will be out of jobs. Look at your headlines today. There are more and more.

If we are going to appropriate \$7,500 for a person out of a job to try to give them a job, it does not make any sense to run them out of Government and put them on those payrolls. That is where we are.

I would hope the Senate would not establish this precedent. It can do it; it can work its will and it can do it. If this is to be the policy, practice, and procedures that we are to follow, then, Mr. President, I believe you might as well tell the Appropriations Committee in the beginning of the session to go out and report back 10 percent under the budget, or whatever is wanted under the budget, to report it back and not do all of this hard work. That is the way it appears to me.

I am glad to yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman has said that if we really are sincere in wanting to cut, then why not in the legislative branch. If we are really sincere in that question, why not ask the chairman of the legislative committee who has handled that particular bill?

What is the actual fact? We started on this back in June of this year. When the conference report on the legislative appropriations bill was before the Senate my move to recommit it back to conference so we could make even further cuts was resented.

What is the fact about the cut? We did cut 2 percent. We can easily equal 10 percent by cutting back at the Madison Memorial Library. There is some \$4 million in equipment and furniture there. They can withhold that until next year.

We can withhold the additional \$14 million for the Dirksen Office Building extension and live through it. I am ready to do it. Some \$4 million of that is to be spent some year and a half to 2 years from now, and in fact, little of what we have appropriated for that project will be expended this year. We did not plan on all these investigations. If the executive branch of Government would obey the law, if it would act under the Constitution, if it would not get above the law, we would not have had to have the expensive investigations on Watergate on the Senate side, and the ex-

pensive investigations of the former President on the House side. We would not be having to afford these examinations into one distinguished President to confirm him, first as Vice President, and now this afternoon confirm an additional Vice President.

Yes, there has been a fair increase in the legislative branch, but a lot of it went to cover the costs of the pay raise that was absorbed the previous year.

Mr. McCLELLAN. Will the Senator yield?

Mr. HOLLINGS. May I complete my thought?

There has been some increase in this branch of Government. We did vote and show our sincerity by holding our own pay back for the last 6 years, while we have given cost-of-living increases to anyone and everyone. The Senate has set an example.

Mr. McCLELLAN. Will the Senator yield?

Mr. HOLLINGS. I will not yield right now.

Mr. McCLELLAN. I will not yield any further, Mr. President. I believe I have the floor.

If the Senator wants the floor, he has it.

Mr. HOLLINGS. I thought I had the floor.

To complete that thought, what was possible in 1967 and what is possible now?

The Office of Management and Budget labels the judiciary as well as the legislative branches as being uncontrollable.

They are two of the things in this particular amendment that we do not touch.

We touch none of those labeled uncontrollable: highway trust fund, permanent obligations. Everyone knows the difficulty of getting at the particular budgets. But to set us off on a primrose path about the lack of sincerity in this particular thing is totally unfounded.

We raised this question in the Senate and it was said at that time that we were discourteous in not coming to the committee. We had already been there. We started more vigorously in that particular Appropriations Committee. We flunked the course on Agriculture. We flunked the course on Interior. Interior did not come through with last year's budget, but added \$575 million more than the previous year. What do you call these things? Parks, fish hatcheries, and everything else.

Here is the Government in the throes of recession and joblessness, and we are putting out more park money and more fish hatchery money, increasing spending, not holding the line. Let us not praise each other about hard work. Let us look at the result. We could have held that Interior budget. We should have. We should have held public works.

On the matter of sincerity, I stated categorically that I would forego the public works projects in the State of South Carolina for a year or two, all of them meritorious. We want to support these things, but again, we should sort of hold the line for a year or two and look at what the real facts are.

We went through those budgets, with the cooperation and leadership of the chairman of the Committee on Appropriations, who is the chairman of the

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Subcommittee on Defense Appropriations. I commend him, genuinely and publicly, for cutting some \$5.1 billion in the Senate's treatment. We had to compromise that on the House side. But under Senator McCLELLAN's leadership, we did cut; and if he had not given that leadership, we would never have done it. I could not have done it. The membership could not have done it. But he got both sides of the spectrum, both sides of the aisle, and it was a healthy cut. As a result, this amendment won't tough Defense.

In addition to raising those questions, we raised this again, not only on agriculture but also on the public works bill. We put it in. We said to our colleagues that we intended to propose it. The Senator said it was at the last minute. But we told the Budget Committee on August 14 that we intended to propose it. I physically put it in the hands of William Simon, Secretary of the Treasury, who was chairing the finance summit conference in September. I said:

Mr. Secretary, when we were confronted with this problem under Lyndon Johnson, here is what all the Republicans, all the Democrats, all the House Members, all the Senators, and the White House did. Everybody worked together as a team. Here is what we did.

Then we gave it to the Policy Committee, when everybody was trying to get these policy positions about cutting budgets. This is not the only way, but this is not a precedent. This has been preceded by the successful vote of the Senate, by more than three-quarters of the Senate, and a majority of the members of the Appropriations Committee, who now complain of bad precedents and disregard for hard work and that it is no use to come in and even have a committee. They did not say that in December.

What is really lacking now is a seriousness and intent of purpose and a realization of where this country stands. Maybe I am overalarmed and overexercised. Maybe not. Maybe I am wrong.

But every economist we listened to on the Appropriations Committee and the Budget Committee—and they stream in from the Brookings Institute, the executive branch, and the academic world—has said that we are not through this recession yet, that it is dangerous, that it is inflation-caused.

Mr. President, I ask unanimous consent to have printed in the Record the entire statement of the Honorable William D. Simon before the Senate Budget Committee on December 17, the day before yesterday.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF THE HONORABLE WILLIAM D. SIMON, SECRETARY OF THE TREASURY, BEFORE THE SENATE BUDGET COMMITTEE, DECEMBER 17, 1974

Mr. Chairman and Members of this Committee, it is a pleasure to return before your Committee to continue the hearings initiated in August. These are important times for the Committee and for all of us. A rate of inflation unprecedented in our peacetime history is now coupled with a decline in economic activity and rising unem-

ployment. In large part, our present difficulties are the result of earlier failures, both fiscal and monetary, that extend back in time a decade and more. Your Committee, and its counterpart in the House of Representatives, can play an important role in helping to make the Federal budgetary process a much more effective instrument of economic stabilization in the future than it has been in the past. We want to work closely with you to achieve that objective. In this statement I have tried to answer the specific questions you raised, Mr. Chairman, in your letter of December 5.

There have been significant changes in the economic situation since I appeared before you in August. These changes deserve and are receiving our close attention within the Administration. However, nothing has happened in these past few months that detracts from the necessity of bringing the entire Federal budget process under much better control. Federal expenditures have doubled in the past 8 years and have built up a powerful momentum. Even with favorable action on the President's proposed cuts in spending, Federal outlays would rise by \$34 billion in the current fiscal year—a rise of 13 percent. At that rate, Federal expenditures would double again in just another 6 years. We must not allow anything like that to happen.

The problem is not only runaway Federal expenditure programs and chronic budget deficits. We are deceiving ourselves and the American public by excluding items from the budget that have a considerable impact on the economy and the American taxpayer. For example, in fiscal year 1974 the reported figure of \$3 billion of Government borrowing from the public (to finance the unified budget deficit of \$3.5 billion) showed only the tip of the iceberg: the net borrowing from the public to finance Federal programs outside the budget was estimated at \$28 billion. During the past decade the unified budget had a cumulative deficit of \$102.9 billion. But total net borrowings for off-budget programs were an even more staggering figure—\$142.0 billion. The disruptive effects on the Nation's capital markets of having the government borrow one quarter of a trillion dollars in a single decade deserves much more attention. I seriously doubt that we will ever be able to have either stable housing markets or the level of savings and capital investment needed to generate the necessary jobs and economic output until we correct this serious government distortion of the financial markets.

There is much that needs to be done—and done quickly—by your Committee and the rest of us to restrain excessive Federal spending and moderate the use of Federal credit. We will not solve the problems of stagflation by opening the sluice gates of Federal spending and lending. We would only worsen our long run budgetary situation which is bad enough already.

While sticking to a course of expenditure restraint, we recognize that the economy is in need of a degree of fiscal and monetary support. The economy is in a recession and the downward movement will probably continue into the spring of next year. We expect real growth to resume sometime during the middle months of the year.

At present, the automobile and housing industries account for a large part of the rate of change in the economic situation—much more than would be suggested by their relatively small average share of GNP. Both industries have substantial inventories of unsold units to work off. Both industries are thus producing at unsustainably low rates—well below their long-run normal levels. As soon as inventories are brought into better balance, production levels can increase again in both industries, probably in the late winter or early spring. In addition, most observers

expect car sales to rise from their recent very low levels, which would also require a pick-up in automobile production. In housing, where financing is always the key factor, there has already been an increase in savings flows to mortgage lenders, which is establishing the preconditions for a recovery in residential building activity.

However, the recession has not yet bottomed out; economic recovery still lies in the future. At the same time, some meaningful improvement in the price picture is beginning to emerge and more will appear. This is a very encouraging development. Nevertheless, the situation is still one of too much inflation and too much weakness in economic activity.

Some people feel that we must, therefore, make an agonizing choice between fighting inflation and fighting recession. I cannot agree. The two conditions cannot be separated. Inflation and recession are inextricably intertwined—they are both integral parts of the same disease.

Inflation led directly—through the high interest rates that always accompany inflation—to severe financial instability, to a heavy outflow of funds from thrift institutions, to a sharp squeeze on the availability of mortgage credit, and thereby to one of the worst slumps on record in the housing industry. Similarly, inflation has been a major factor—perhaps the major factor—that has demolished consumer confidence, which is having a crushing impact on sales of automobiles and other consumer goods. Surely the answer to these problems does not lie in policies that would invariably lead to still further increases in the rate of inflation. That road leads to economic and financial disaster.

We must recognize that fiscal discipline is the only appropriate course of action. I am not, of course, proposing doctrinaire actions to achieve unrealistic and undesirable budget goals that would aggravate the recession. Budget deficits are inescapable in the present situation. There is a vast difference, however, between a budget deficit arising from slow growth in receipts in a softening economy, and a budget deficit arising because of a burst of Federal expenditures.

But our present Federal budget position is already expansive. As I mentioned earlier, we face an expenditure increase of \$34 billion or 13 percent. And if the proposed spending cuts are not realized, the gain will be \$38½ billion, or 14½ percent.

Thus we should avoid a new spree of "budget busting" in the guise of curing recession. Spending programs designed for that purpose generally come too late, cannot be reversed, only intensify inflationary pressures in the recovery and thereafter, and ultimately must be paid for through the burden of higher taxes on the American people or, alternatively, through the cruel tax of inflation. Furthermore, larger Federal expenditure programs would shift resources from the private to the public sector at a time when all levels of Government are already taking one-third of total output.

What we need now, in my opinion, is a shift in the mix of policy to achieve a better balance between our monetary and fiscal positions. Over the past year, monetary policy has carried a disproportionate share of the burden of stabilization policy. This was necessary because fiscal policy did not do its share. In the present situation, therefore, we should be maintaining firm fiscal discipline. This is the purpose behind the President's proposals to reduce the explosive growth of Federal spending by \$4.6 billion in fiscal 1975, a cut that will produce at least \$6.7 billion of savings in 1976 and more in future years.

We should recognize that our measures of budget policy are seriously incomplete at the present time. First, the unified budget does

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not reflect the off-budget lending and loan-guarantee programs that I mentioned earlier. With net borrowing for off-budget programs added in, the deficit in fiscal 1973 would have totalled \$39.5 billion (rather than the \$14.3 billion shown in the unified budget), and in 1974, about \$32 billion (rather than \$3.5 billion). Because of their impact on the growth of money and credit, the inflationary impact of these off-budget lending programs is comparable to that of deficits in the unified budget. Second, the acceleration of inflation these past couple of years has boosted tax receipts (especially from taxes on inventory profits) faster than it increased Government expenditures. This has narrowed the budget deficit, but that reduction does not indicate fiscal restraint—it simply reflects the increase in the rate of inflation. For these reasons, Federal fiscal operations have been much more stimulative in fact than they have appeared to be.

Thus, fiscal policy should be kept under a tight rein. At the same time, however, monetary policy is easing. Indeed, the Federal Reserve has already moved a considerable distance in this direction. If we can pursue budget discipline, this will permit a further easing in credit conditions, which will assist the recovery in housing and help to restore consumer and business confidence. As I mentioned earlier, a redoubt of funds to the thrift institutions has already begun.

We have at the present time an extraordinary opportunity to alleviate our economic problems. The first essential step in the anti-inflation fight has already been completed in that the excess demand conditions that characterized our economy in 1973 have ended. We no longer have "too much money chasing too few goods."

Right now we are seeing the first concrete evidence of some progress on the inflation front. Raw materials prices have been falling since the end of July. The latest consumer and wholesale price indexes show some slackening in the upward thrust of nonfood commodity prices. Interest rates on Treasury bills are down about 2½ percentage points; long-term corporate bonds are down about 1½ points. Competition is breaking out again in many industries. Inflationary pressures are still strong on both the price and wage sides, but at last some indications have appeared that we are making headway.

This does not mean that inflation will quickly disappear, quite the contrary, but it does give us the opportunity to reduce the rate of inflation to more tolerable levels. We must not abandon the effort now that it is beginning to show signs of paying off. We can and must have recovery from the current recession, but we must do that in a way that does not lead to an overheating of the economy again. We must not get back into the situation where the economy is propelled beyond the limits of its capacity to produce.

We will, however, lose this opportunity to achieve stable economic growth if we switch to excessively stimulative policies. That has been the repetitive pattern over the past decade. Every time the economy showed signs of hesitation, there was a pronounced shift to stimulative monetary and fiscal policies. The result was that we pushed the inflation rate up onto higher and higher plateaus. In 1966, the peak inflation rate was about 4 percent; in 1970 it was about 6 percent; and now prices are rising at about a 12 percent rate. The same process ratcheted interest rates higher and higher. In 1966 rates on long corporate bonds peaked at a little over 8 percent, in 1970 they reached almost 10 percent, and this year the high was 12 percent.

We should also take note of what happened to unemployment over this same span of years. Economists often talk of the trade-off between inflation and unemployment.

This would suggest that as inflation worsened over the past decade—because stimulative economic policies were pursued—unemployment should have improved. But this did not happen; in fact, the unemployment rate climbed to higher and higher plateaus. In 1966–67 the unemployment rate barely increased and reached a high of about 4 percent; in 1970–71 unemployment climbed to around 6 percent; and unemployment is currently at 6½ percent and still rising.

Surely the lessons are clear: First, there is no worthwhile payoff in a decision to ignore inflation and focus all policy on recession. Both are components of the same malaise. We are fighting a two-headed monster: one head is inflation and the other is recession, and the inflation has been the culprit in causing much of the recession. And the experience of the past decade clearly demonstrates that allowing inflation to accelerate so explosively does not achieve any benefits (except in the very short run) in the form of a reduced level of unemployment. Second, if we do not seize this present opportunity to pursue responsible fiscal and monetary policies, the problems of rampaging inflation and a weak economy will be even worse the next time around.

This is why I believe that the top priority for both the Executive and Legislative Branches is to get our fiscal house in order. The runaway pattern of Federal spending threatens to become permanent. It is high time for a thorough review of Federal spending programs and a concerted effort to blunt the momentum of their growth.

Our current economic condition is very difficult but I am convinced we can bring the economy under better control if we persevere with suitable policies. We are presently paying the price—the high price—for the irresponsible policies of the past decade. If we turn again to excessive economic stimulus, in an attempt to escape the consequences of our past indulgences, we will only be presented with a larger bill later on. When will we learn that each time we refuse to pay the price, we face a still higher price the next time around?

Measures to adequately cushion the impact of the current economic adjustment where it falls with disproportionate force must be enacted promptly; the burdens of stagflation must be equitably shared. At the same time, I hope your Committee will assist in the equally important task of bringing Federal expenditures back within the limits of what the public is willing to provide in the form of tax revenues.

ENERGY POLICY

For many years, the energy policy of the United States was based upon the assumption that we would always be able to obtain all of the energy we wanted at bargain basement rates. Foreign oil was inexpensive and seemed limitless in quantity. It thus appeared to be good business and sound diplomacy to increase oil imports.

We have now learned that such a policy was a double-edged sword. It led directly to a growing dependence upon other nations and a decline in exploration and production within the United States. By the time of the embargo last year, foreign oil accounted for over one-third of our petroleum consumption and our dependence on it was still surging upwards.

The legacy of that policy is now clear: we allowed our domestic energy base to erode so badly that we became highly vulnerable to foreign extortion. Now we are paying an extraordinary price for our mistakes. In 1974, the United States will pay \$27.5 billion for foreign oil, and our balance-of-payments deficit is likely to be \$5 billion. As for the OPEC nations, their trade surplus for the current year will probably be in excess of \$60 billion, and by 1980, if present trends continue, their total accumulation could ex-

ceed \$500 billion. Imbalances of this magnitude cannot continue. They are neither economically nor politically tolerable.

In my meetings with the Arab leaders, I have tried to impress upon them that their oil policies are not only bad politics but bad economics. They are exerting enormous pressures on the United States and other countries to become more self-sufficient. Since 1972, significant discoveries of oil have been made in 26 areas of the world—outside of the OPEC bloc—and countries such as Britain are now working to convert these deposits into major energy sources. As consuming nations expand production and cut back on consumption, the only way the present high price can be maintained, even on a temporary basis, is for producers to cut back production. The OPEC ministers know that every barrel sold today is worth more to them than every barrel left in the ground. Selling now and investing the money is simply more profitable than selling later. For example, to match the long-run return on an investment made today at 8 percent per year, a barrel of today's ten dollar oil left in the ground until 1984 would have to bring more than \$21.59—a price that is unrealistic. Moreover, the Arab nations cannot expect to remain aloof from the dangers of social unrest and political instability that their policies are creating around the world.

I believe that economic and political realities will eventually force oil prices to come down. As of the moment oil diplomacy is particularly delicate and in the short run there may even be some further efforts to increase prices. But over the long run, the question is no longer whether oil prices will come down but when they will come down.

In the meantime, it is absolutely vital that the United States put its own house in order. Supply and demand must be brought into better balance here at home, so that foreign nations will never again be able to make oil a political weapon.

I believe we can now attack our problems with vision born of our mistakes. For many years the Government has posed major obstacles to the efficient market allocation of energy. We regulate the price and distribution of natural gas; we manipulate the pricing and distribution system in oil; we require lengthy and cumbersome processes for obtaining licenses and rate approval; and, we impose environmental restraints of questionable validity upon both the production and combustion of fossil fuel.

In order to accelerate domestic production, I would submit that the Government must act decisively to free producers from Federal laws and regulations which discourage growth. We at the same time should understand that now is not the time to point the finger of guilt at American energy industries. In the future, they are the major hope we have to meet our needs. However, what we need to remember now is that our success in providing needed supplies will be related to our willingness to allow the market place to function freely so that the exploration and development of energy sources will be encouraged. We must continue to provide energy companies with reasonable policies under which they can expand their production.

Our policy must be to eliminate waste through energy conservation programs and to stimulate the development of domestic energy resources. We must accelerate the development of oil and natural gas in Alaska and on the Outer Continental Shelf; we must boost coal production and bring on-line coal liquefaction and gasification capacity; we must develop the promise of our vast oil shale reserves; and expand our nuclear and geothermal power.

We have an abundance of natural resources than can meet our needs. For instance, The U.S. has one trillion, 500 billion tons of identifiable coal reserves, or half of the known freeworld reserves, and one-third of

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these reserves are economically recoverable now.

We have upwards of 80 billion barrels of oil and 490 trillion cubic feet of natural gas on the Outer Continental Shelf—for which intensive drilling is now becoming feasible as the Government accelerates the leasing program.

We have an estimated one trillion, 800 billion barrels of oil shale resources in Western States, enough to meet our total needs for decades. The time has come for the Federal Government and private industry to bring the promise of shale into the marketplace.

Throughout these efforts, we strongly believe that the Federal Government has a responsibility to provide strong leadership—to insure that there are necessary incentives for the development of our massive untapped energy resources.

Recently Secretary Kissinger and I outlined the U.S. proposals for international cooperation in energy and finance. The essence of our position can be succinctly described:

The price of oil itself, not its financial repercussions, is the real source of trouble in the world economy.

To help bring about lower oil prices, and to reduce the economic burden of oil imports, major consuming nations should work together to achieve significant reductions in their imports of OPEC oil.

They should also coordinate policies and pool their technical resources to increase energy production within their own nations.

IMF resources should be more fully mobilized for all its member nations.

A major, new financial mechanism should be set up in association with the OECD to provide stand-by financial support in case any of the participating countries find themselves in economic trouble after having made reasonable efforts on their own part.

Consideration should also be given to setting up a special trust fund managed by the IMF to help developing nations that are suffering the most and require financing on concessional terms.

Our ideas call for a forthright effort by the world's major industrial countries to resolve the international energy crisis. To implement our far-reaching initiatives will require many weeks of dialogue. Even now, our International Energy Agency (IEA) working group representatives are meeting in Paris in an effort to assimilate the views of the member nations. To implement the decisions and initiatives we have made will require many further weeks of diplomacy with our allies and with our friends. In our efforts, we will work closely with the Congress.

In our view, the most important and immediate aspect of our domestic energy policy is that of reducing our consumption of high-cost imported oil. In the near term, this can only be accomplished by strict adherence to conservation. In his recent economic message, President Ford announced a voluntary program to reduce oil imports by one million barrels a day by the end of 1975. As the members of this committee know, the President has made it clear that we will meet this target and that to do so we will take whatever steps are necessary.

If the voluntary reductions are not adequate to meet our target of reductions, more stringent steps will be taken. Federal agency working groups are now completing intensive studies of possible options for the President to consider. The President will present a coordinated package of administrative and suggested legislative actions to Congress in January. These actions will address the dual problems of reducing our imports and increasing our domestic supplies of energy. In developing its options, the Administration is paying particular attention to the possible effects on the economy and the Federal budget.

In total, the Administration's energy policy is a balanced mix of international and domestic initiatives. We have set clear goals for the Nation and we will work cooperatively with the Congress in achieving them.

Our ultimate goal is one of moving the U.S. from its present non-renewable hydrocarbon energy base to a renewable energy base. This calls for a coordinated effort to make maximum use of oil, gas and coal as well as the development of solar, geothermal, nuclear, and eventually fusion power. The switch over to these latter sources will extend over a period of many years, but what is needed now is a clear national commitment to increase our domestic energy production in areas and forms consistent with market forces. Such a commitment need not, and should not, imply that essential social and environmental concerns must be neglected. On the contrary, such concerns must be fully taken into account. But protection against social abuses must be provided without unduly dampening incentives to expand production.

Mr. HOLLINGS. Mr. President, I will refer to exactly what the Secretary said. He said:

There have been significant changes in the economic situation since I appeared before you in August. These changes deserve and are receiving our close attention within the Administration. However, nothing has happened in these past few months that detracts from the necessity of bringing the entire Federal budget process under much better control.

He goes on to say:

The disruptive effects on the Nation's capital markets of having the government borrow one quarter of a trillion dollars in a single decade deserves much more attention.

Here is what the administration is telling us:

I seriously doubt that we will ever be able to have either stable housing markets or the level of savings and capital investment needed to generate the necessary jobs and economic output until we correct this serious government distortion of the financial markets.

Finally, Mr. President, he has some very interesting observations. He says, in summation:

This is why I believe that the top priority for both the Executive and Legislative Branches is to get our fiscal house in order. The runaway pattern of Federal spending threatens to become permanent. It is high time for a thorough review of Federal spending programs and a concerted effort to blunt the momentum of their growth.

That is what this amendment is for—to blunt the momentum of the growth of the Federal Government. Regardless of what we do on the floor of the Senate in the closing hours of this session, it is bound to grow from about \$270 to \$300 billion. This baby is going to grow to \$300 billion.

But where is the effort to try to blunt this momentum? I thought a sincere effort was made in December 1967 when they all voted for exactly this procedure, under similar circumstances.

With due respect to everybody who has worked hard, and it is hard work. We have hearings day in and day out, all year long. The distinguished Senator from Hawaii starts his foreign assistance hearings in February, and he has to wait until December to get a continuing resolution. Much of it is wasted work.

But within it all, here comes a consensus of both sides of the aisle that has been found tried and true; and the Government did not fall after 1967, when we did this on December 12.

Mr. President, I yield to the distinguished Senator from Florida.

Mr. CHILES. Mr. President, I think it is interesting that we stand here, in the closing days of this Congress, trying to determine what our direction is going to be.

We are all concerned in this body with inflation. We are all concerned with recession. We are all concerned about the economy. I suppose each of us, in his own way, is trying to express his concerns and is trying to carry out his duty as he sees it.

I happen to be one of the people who in April of this year voted for a resolution that said that we would hold the spending to \$300 billion. I happen to be one of the people in this body who voted \$295 billion. I happen to be one of the people who, on June 13, voted again and expressed ourselves, by a vote of 78 to 23, that we would hold down spending.

Because of that, I am going to be one of the people who vote today to try to do something about spending; because if it was sweet in April and if it was sweet in June, it should be a lot sweeter in December, at the time we really come to the lick log, where we are not talking about a resolution, where we are talking about whether we are willing to take the step that means that we put our money where our mouth was then, and that we decide that we are going to face up to the realities of the situation.

Inflation and recession: I wish I understood these things, Mr. President. I wish I understood the causes. I wish I understood how to change them. I am concerned about the fact that we vote for this cut, it has to affect some unemployment. I do not think it would lay off one member of the Federal Government. When I look at the figures that show that there is a 26-percent turnover, and I look at the figures that they can adjust as to compensation, between this and the other outlays they make, and I look at the history of 1967 and see that after voting for that cut in 1967, the total employment of the Federal Government and the 4 years I have been in the Senate, knowing something about the nature of the beast, I do not think any man is going to lose his job in Government because of this cut. It may mean that there will be some difference in employment because of some project.

But I am persuaded by the statement that was made the other day on the floor of the Senate by the distinguished senior Senator from Tennessee (Mr. Brock), in which he laid before the Senate and before Congress and the people the facts that show that we are coming close to a situation in which 50 percent of the people employed in this country are going to be employed by the Federal Government and by State and local governments. What is the productivity of that 50 percent?

We are talking about the way to get out of inflation, the way to get out of recession, and this is the one thing that I have not heard any economist differ on,

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whether he be the most liberal or whether he be the most conservative, whether he be of the Keynesian school or whatever school he is of. I have not heard one economist who did not say that we could produce our way out of it if we could increase productivity.

How do we do that? I wish I knew the total answer to that. But I can tell the Senators, that is done in the private sector.

The distinguished senior Senator from Mississippi, the chairman of the Committee on Armed Services, knows that; he knows that that has always been the thing that made this country, the private sector of this country. Now we see that we are approaching a position where over 50 percent, over one-half of the people in the country, are going to be employed by the Government and not by the private sector.

I do not think it is going to matter whether we say that we have changed the name, that we are no longer the kind of country that we were, that we have gone to a socialistic country. At what stage, when we have over half of those people employed by the Government, are we going to become a country in which everybody works for the Government, more and more, as we see it being done?

It looks to me, Mr. President, as if this gives us a small possibility of sending a signal that help may be on the way; that we are not going to allow the Government to go completely to where more than half of the people will be employed by it.

The small sum of money—and it is small, I guess, the way we deal with money—the \$2.4 billion that this would save, what can that do? It seems to me, again, that what everybody is telling us is that we have to have some innovative new programs. We have to determine how we get capital back into economy.

One of the ways that we get capital back in, of course, would be to give some kind of a tax cut, accelerated depreciation, add to the investment credit. Those are ways of getting capital back in.

Another way of getting capital back in, of course, is that the private sector goes to the bond market and borrows money. They have not been able to do that in the recent past, because the interest rates are so high. Why should anyone take some kind of a bond by a company that may get into trouble when they can get 9 percent interest on a Treasury bill? The Government is, every day, in that money sector, borrowing money. We are talking about trying to hold that down a little.

This signal, I think, would certainly cause a reduction in interest rates. We had, in our Committee on Appropriations, the distinguished chairman of the Joint Economic Committee, who said that the figure had been suggested that this cut would only lower this interest rate one-half of 1 percent. Only? That is a large figure. I think, one-half of 1 percent lower interest rate.

Think what that means to the bond buyers. Think what that means to housing, to the people who would, maybe, be able to buy a house who now cannot. Think of the stimulant to housing.

How many jobs would we create? I think somebody told us we create two jobs in 1 year for every housing start we make. One-half of 1 percent lower interest rate, he said, could cause 200,000 new housing starts, 400,000 jobs immediately that could be done by generating this. Those jobs, the way I view them, are productive jobs.

There are many people in the private sector who are going to pay taxes and they are going to multiply. In my State, my mills are closed, my timber mills are closed, because they are stacked up with lumber in the yards. That means a man who goes out and is a sawmill hand is out of work. It means the timberman who goes out and cuts timber is out of work. The logger, the man who drives a truck and snakes them out of the woods, is out of work. Everybody up the line is out of work because housing is stopped. All of my contractors, all of my suppliers, all of my electricians and plumbers and carpenters and helpers are out of work.

Every housing start causes a generation there. As opposed to letting this Government grow at the same rate it has been growing, or holding it back just a little bit so that it would grow still \$30 billion over last year, we hold it back a little bit and allow that private sector to take a spurt.

I do not have any problems with this. I can tell the Senators I am so happy to be here today to have a chance to vote for this that I do not know what to do. I would be just as happy if we could pass it. But I am afraid that we are not going to.

At least, I am going to be able to go back and look some of those people in the eye—that little logger, that turpentine, that man who snakes that log out of there—and think, "I tried to help him. I did something that I thought was going to do it."

Maybe I am wrong. Maybe I am just as wrong as I can be about my premise. But I believe it pretty strongly. I think the only way we can turn this around is if we are willing to do in December what we talked about in April, what we talked about in June.

If every Subcommittee on Appropriations had done what the distinguished chairman of the Committee on Appropriations did in his Subcommittee on the Military, we would not be here today, because he made a drastic cut. He made a realistic cut. Because of that, there was a reduction there. But we did not see that reduction in all of the other subcommittees. They just said, "We cannot cut, we need to continue."

Certainly it is hard. I have never voted for a bad appropriations bill in my life. They are all good. They will all help somebody. They all make somebody happy.

At the same time, because we did not have that printing press, we did not have the ability to sell those Treasury bills and to raise the debt ceiling, I have seen the time in my State when we were not willing to vote new taxes. So we said, "We are going to hold the line."

When I was chairman of the Ways and Means Committee in my State, we said, no, and we said that to people who made me cry to see it. We said it to the crippled

children. We said it to the halt and the lame, and we said it to everybody else. We said, "Because we do not think we can put any more taxes on the people of this State, we are going to have to say 'no.'"

The interesting thing is that, after that 2 years, I looked around. Everything was still running, everything was still going.

It is amazing what the inventiveness of the bureaucrat is, the agency head. I did not see any programs stopped. There were not any fewer employees. In fact, they grew again in my State. Everything continued. Maybe it was that just some of the most-favored projects that people wanted to do did not get started. But things continued, went right on, as they always had.

As soon as there was a little bit of money, we spent every bit of it. As soon as the economy picked up in my State, we took it all, took all that slack up.

That is the way Government is: if there is ever a dollar, they are going to spend it. But at the same time, if we ever have to say no, or if we are willing to, it will go on. It will go right on. Everybody will still have his job. Everything will still go on.

So I think that what we have is a chance, Mr. President, to do something, to give a signal that we are concerned; that we are going to try to see that that figure does not reach 50 percent of all people being employed by Government; that we are going to try to do something in the productive sector, the private sector of this country; that we are going to try to have the leeway so that when we want to go into these inventive programs that will stimulate the economy—a tax cut, an investment credit—we are going to have the wherewithal, without adding to that deficit in tremendous amounts.

All we have to do is look at the newspapers and see how much production has fallen in the last month, how much the gross national product is going down. That tells us we are going to collect less tax revenues.

If we look at the other side of that paper, it will tell us how much unemployment has gone up. That tells us something else. The demand for medical, the demand for social services, the demand for food stamps, the demand for welfare are going up, too. Senators know the programs we have passed on unemployment compensation and jobs. We know what those are going to do.

So the outlay is going up and the revenues are going down. What does that mean? Why, deficits, continually higher and higher deficits. We are already talking about \$25 and \$35 billion deficits in the next year or next two years, that we are going to be facing. That is without any new programs. That is without doing anything on these incentive programs we have been talking about.

What does that mean? We are going to be selling those Treasury bills, draining that money out of the private savings and loan institutions, out of the banks, out of the bond market, out of the money available for stock purchases. That means no capital for industry, and more people laid off, and that is how you go into the cycle of recession and recession to depression.

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How do we reverse it? I think we have some opportunity, through trying, to stimulate the private sector, trying to stimulate the bond market, and trying to reduce that interest rate. But not if we continue to go the way we are going, and say, "No, we cannot cut anything; after all, it is too late and we did not consider it in time."

It seems as though one of the things we are supposed to do around here is look at the handwriting on the wall, and not be bound by saying, "This may cause a precedent." We did not worry about that in 1967, when we passed it.

After all, things may change. I think the people have elected us to come up here and think a little bit, use our judgment day by day on the situation as we see it, and use that judgment to change the course.

I think we need to do that. This is not business as usual. We are in times that cause us to be concerned that we have to do something. I hope very strongly, Mr. President, that we will pass this cut, and give the signal that we are going to try to change course.

Mr. McCLELLAN. Mr. President, I yield 10 minutes to the distinguished Senator from Hawaii.

Mr. INOUE. Mr. President, I have had the privilege of chairing the Appropriations Subcommittee on Foreign Operations for more than 2 years. During that period, it has been my responsibility to report the recommended appropriations for fiscal years 1973, 1974, and now 1975.

In fiscal year 1973, the administration requested \$5,163,024,000. The subcommittee reduced that by \$2,339,127,000.

For the following fiscal year, the administration requested \$6,866,000,000 plus, and my subcommittee reduced that by \$1,391,499,000.

For fiscal year 1975, unfortunately, although we began our hearings on February 25, we are now faced with a continuing resolution. The administration requested \$5,215,326,000 and my subcommittee was prepared to recommend a reduction of \$1,280,092,000.

So, I believe I meet the qualifications for joining those who seek to cut Government spending.

I am certain that all of us in the U.S. Senate are well aware of what inflation is doing to this country and to our people. But I am saddened to believe that this discussion today may, by emphasis, convince the people of the United States that the major cause of inflation, if not the cause of inflation in this country, is Government spending.

I think it is well that we remind ourselves of what has happened in agriculture in the last year. We began the spring with much rain. It was a very wet spring. As a result, the plantings were reduced by almost 15 percent.

That was followed by an unusual drought, further destroying our crops. Then, as if that were not enough, we had premature frosts in the fall, further damaging our crops.

As a result, the price of corn has gone up, and when the prices of corn and feed

grains go up, you can almost expect in a few months to see the price of beef going up, as well as the prices of poultry and pork products.

In that same period, we were faced with a quadrupling of oil prices. This was not as a result of action by the Committee on Appropriations. When oil prices went up four times, that translated itself, not just into higher price of gasoline—if that were the case, I would not be too concerned—but it involved just about every facet of our living: synthetic clothing, all petrochemical products, and most importantly, petrochemical fertilizers. This, again, resulted in spiraling inflation.

Furthermore, about 2 years ago we decided that the United States should have a modified wage and price control program. As a result of that, we insisted that our steel industry keep down their profits and their prices. So under this capitalistic system, where profits are very important, the steel industry decided that it would not expand its activities. Now when we need steel, and our steel foundries are working 24 hours a day, we do not have the facilities, and, under a simple application of the economic theory of supply and demand, the price of steel is going up. That translates itself to higher prices for all steel products.

I would hope that we would not give the impression to the people of the United States that all the culprits are here. Yes, we are responsible, but not the sole responsible party.

I would like to point out also that the Committee on Appropriations has reduced the requested amounts for controllables by more than \$6 billion. The \$30 billion increase that we find in this fiscal year over the last fiscal year is due for the most part to social security payments—are we suggesting that we reduce social security payments now?—the cost-of-living allowances—we almost unanimously voted for an increase in cost-of-living allowances—and the pay raise, on which we overrode the President's veto. We decided that veterans of the United States should be given a fair shake in education, and overrode the President's veto on that.

Then we have debt service costs on the moneys we have been borrowing over the past years, and now we are paying the principal and interest. These have to be paid.

So I would like to say, as a member of the Committee on Appropriations, that I think we have done our part to keep down the cost of Government, realizing that when we make our cuts, on the other end of the cut is someone who has a family, who has possibly involved himself with a mortgage payment, and suddenly he finds himself receiving a reduction-in-force notice.

We know what happens when we reduce Government spending. But we have done this, and I am certain we will continue to do so. But I would hope that the Senate will not decide to do so in this manner. I am convinced that the regular procedure that has been followed by the committee and by the Senate for many decades, has proven

itself. I am certain that through our subcommittees and in our full committees we can continue to bring about whatever reductions are necessary.

I would hope that this discussion will not give the impression that all we have to do is to cut \$5 billion and inflation disappears.

As my colleague has indicated, by reducing our budget by \$5 billion we will cut down the inflation rate by one-half of 1 percent. That is important.

We will cut down interest rates by one-half of 1 percent, and that is important.

But there are other factors much more important: The price of steel, the price of oil, the price of food, and the matter of weather. We have no control over weather.

So, Mr. President, in voting on this measure I hope that my colleagues will not fall into the trap of feeling that the only thing we have to do is to cut the budget and all the economic ills of this country will suddenly disappear.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. INOUE. Yes.

Mr. McCLELLAN. Under this amendment, it would require the withholding of expenditures of 2 percent of all money appropriated for the cost of personnel during the year. That would mean that it would be 4 percent that would have to be reduced from now until the end of the fiscal year. That would mean twice as many Federal employees would have to be relieved or twice as many in salary, total salary, at least, as would have had to be discharged at the beginning of the fiscal year in order to accomplish it.

Four percent of the amount involved here of personnel, if we had to take off 4 percent of the personnel to achieve it—it may take more to achieve the 4 percent reduction in expenditures—means 112,000 Federal employees who must be discharged now in order to achieve that reduction. And the longer it takes to achieve that reduction, if it is a month from now or more, why, it will be that much more that will have to be done.

Now, Senator, I have stood for economy, I am for economy. But this is going to work a hardship on somebody. When these people go off these rolls without any warning, suddenly here in order to achieve this, somebody is going on relief, somebody is going to need food stamps, somebody is going to need a bigger appropriation than we made this morning for public service jobs. Either that or they are out on the street and in a condition of unemployment, and they cannot get employment in the private sector the way the situation is going on now.

I think we had better think about what we are doing here, and we had better discipline ourselves to follow the rules and procedures and to do these things as these bills come up.

Things happen that we cannot foresee. I appreciate the compliments that have been paid about trying to do our duty, and the success we have had in reducing the military. But I point out that under this amendment the military does not

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have to cut any personnel if the President says that they are needed for the military, for the defense. That provision is in this resolution.

So I am not here defending the military. I am trying to get us to look at the overall aspect of this thing. Do we want to cut out 100,000 jobs immediately? It has to be done immediately in order to hold the expenditures down. Do we want to do that now, throw that many people out of work in the Federal Government, throw out those people in the Federal Government without throwing out people here in the legislative branch of the Government? How is it going to look?

I think we had better think seriously before we dump these people on relief.

We have contracts, Mr. President. We have contracts out, commitments already made where, if this money has to be reduced, the procurement funds have to be reduced, that means a breach of those contracts; it means a cancellation of them; it means other people out of work. This thing is not just one-sided. The consequences of it can be very, very serious, in my judgment, to do it here in the middle of the year.

I thank the Senator.

Mr. INOUE. Mr. President, as the chairman of the committee is well aware, I think when we use statistics we realize that by reducing the controllable by something over \$6 billion, we have reduced that controllable something in excess of 15 percent but much as we try there are certain things you cannot reduce, social security, veterans benefits, defense service costs, hospital benefits for veterans; so I would like to have my colleague from South Carolina believe that all of us who serve with him on the committee have tried our best, in our way, in our balliwick, to reduce expenditures to the lowest possible figure but, at the same time, it has been frustrating for all of us when we see inflation abound throughout the land, and we should realize that much of this inflation cannot be attributed to activities of Congress.

We have no control over weather; we have very little control over the decisions of the sheikhs of the Persian Gulf. So, much as it may be frustrating for us, I would hope that this very drastic step proposed in this amendment will be defeated.

Mr. McCLELLAN. I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I share the concern of the sponsors of this amendment of the increasing Federal expenditures and the need to do something about it.

Federal expenditures have been building up for years. It did not just suddenly happen in the last 2 or 3 years. We are still paying for World War II, the Korean war, and the Vietnam war. We are still paying for programs started under the New Deal, the Fair Deal, the New Frontier, and the Great Society programs. These are programs that are hard to cancel—some of them good, some of them not too necessary. Other programs were started by Republican Presidents and even more by Congress.

We on the Committee on Appropriations have been trying to reduce these expenditures. But almost every bill we report out is increased on the floor, sometimes by as much as \$500 million. We have been trying to do our part in reducing these funds.

I do not think a percentage cut is the proper way to reduce expenditures. I think, as the chairman of the committee, the distinguished Senator from Arkansas (Mr. McCLELLAN) pointed out, we might as well take the President's budget and cut 5 or 10 percent and send it back to the President.

There have been efforts to make reductions by item. The President, in the past, has withheld funds and impounded funds; and some that he has impounded, by that procedure have wound up in the Supreme Court, and the Supreme Court has ruled in two or three cases that the President did not have the right to impound funds.

Then, under the Budget Control Act we authorized the President to withhold funds under rescission and deferral procedures. Congress, under certain procedures, could agree or disagree with those.

The President proposed 46 rescissions equaling \$1,535,762,000. Congress has only approved \$116 million of these rescissions.

Then the President proposed 130 deferrals equaling \$23,548,997,000. These deferrals are program by program, and again Congress has the opportunity to approve or disapprove. The appropriations committee has recommended approval of the resolution introduced by Senator Sparkman to object to the deferral of funds for homeowner assistance. This resolution, if passed by the Senate will cause the President to utilize the \$246 million he proposed to defer. I think this program is meritorious and should be continued.

Overall I think it would be a much better procedure if we took the \$25 billion that the President proposed in rescissions and deferrals and disapprove or approve item by item rather than to take a percentage cut.

Now, I know I once voted for a percentage cut, but it was the lesser of two evils at the time.

I quote from part of my remarks in the Record on October 24, 1967:

Mr. Young of North Dakota. Mr. President, I would like to be able to support the continuing resolution as it came from the House rather than the resolution now pending before the Senate which is simply a continuing resolution of the sort that we have passed many times in previous years and twice before this year.

I am in full accord with the House position of trying to save from \$5 billion to \$7 billion, but how they do it is another matter. The manner in which these cuts are to be made are very ambiguous; and when the resolution is examined closely, I believe it will be apparent that some very unfair cuts would be applied.

Director Schultze, of the Bureau of the Budget, did not know how the cuts would be applied in many cases.

I request unanimous consent that my full remarks of October 24, 1967 be included as part of my remarks.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Mr. Young of North Dakota. Mr. President, I would like to be able to support the continuing resolution as it came from the House rather than the resolution now pending before the Senate which is simply a continuing resolution of the sort that we have passed many times in previous years and twice before this year.

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Director Schultze, of the Bureau of the Budget, did not know how the cuts would be applied in many cases. He said that in many instances an interpretation of the Comptroller General would be necessary to determine what was required by the House action. He did give us some idea as to where he thought these cuts would be applied under the Whitten amendment to the resolution that passed the House. The Whitten amendment would require a cut of approximately \$7 billion, and the expenditure, not on appropriation for the present fiscal year could not exceed 1967 appropriations, except in certain instances.

There were two or three exceptions, as I recall. One exception was for Department of Defense operations relating to Vietnam.

The Budget Director indicated that the cut might apply in the following manner. It would require a mandatory cut in the Defense Department appropriation of \$2½ billion on top of the \$1½ billion as have already cut in the regular appropriation bill and this at a time when war requirements in Vietnam are increasing. Agriculture would be cut \$400 million; Commerce, \$250 million; Interior, \$150 million; State Department, only \$10 million.

This cut would apply in the case of the State Department because its present appropriation is approximately the same as that of last year. I am not aware that the State Department has had any new functions added to its appropriation.

In the case of the Department of Agriculture, where the cut would be \$40 million, many new functions have been added from year to year which have little or nothing to do with agriculture. For example, the food stamp program has been added to this year's budget. In the last couple of years, we have added housing for towns and cities with a population up to 5,500 and under, and for farmers, to the Agriculture appropriation bill. And we have had the sewer and water system program added to Agriculture which affects not only farmers but also towns and cities with a population up to 5,500.

So Agriculture would receive a large cut because of the functions that have been added to the Department of Agriculture. The State Department would receive a cut of only \$10 million, which certainly would not hurt it at all.

The Veterans' Administration would be cut by \$180 million, and they have a vastly increased load because of the increasing casualties returning from Vietnam. I do not believe this department can afford any cut at this time.

Mr. President, I have in my hand a table which I ask unanimous consent to have printed in the Record as part of my remarks. These figures were presented by Budget Director Schultze before the Committee on Appropriations as to where he believed cuts would be required under the House Joint Resolution 888. It should be noted, however,

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that in many instances a determination by the Comptroller General would be necessary to know exactly how the House joint resolution would apply.

Mr. YOUNG. That resolution was modified by the late Senator Karl Mundt which made it more acceptable. It was then the lesser of two evils and I voted for it.

Mr. President, I think it would be wrong to adopt a resolution such as this during the closing days of the Senate when only a few hours before we passed a bill appropriating approximately \$5 billion mostly to take care of unemployment.

Maybe that bill should have been increased by \$3 billion, \$4 billion, or \$5 billion more if we are going to pass this resolution because this cannot help but create more unemployment.

So I hope the resolution does not pass.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Arkansas.

Mr. President, I will be brief.

Mr. President, may we have order down here in front?

I am speaking largely for the Record, but I do not want the Senator from South Carolina to leave the Chamber, either.

Now, Mr. President, I know the fine motives of these gentlemen who are sponsoring this amendment; that goes without saying. They are hard workers and they have done some good, constructive work, too.

But the idea, or tone of voice, that if one voted for a reduction in 1967 that it is a sin—a legislative sin—not to vote for the reduction now, that is just ridiculous. I say that with all deference to the sponsors because the facts are so vastly different.

The big fight in 1967 was over the question of expenditure, whether or not we were going to reduce it some or vote for a tax bill, a tax increase. That was the real issue, and we whipped that thing back and forth here a long time and I was one of those doing what little I could to resolve it. I think as a whole we did some good, although we were faced the next January, as I recall, with a supplemental request for even more money. Now, what were the facts then?

We did not have any unemployment, virtually none. War was going on, everybody that wanted a job and was worth a continental could get a job. So unemployment was not an issue, it was not a problem.

Now, at the same time, Mr. President, I think this question has been totally answered, answered here this morning by the Senate.

Things are such today that we passed here on a voice vote a \$4 billion bill—\$4 billion—five altogether, with the total delineated for unemployment.

Now, I voted against that authorization because while I recognized the problem, I thought we were going too fast and too far, and we ought to appropriate some of it—authorize some of it—then come back here and review the matter

again in January and February, see what is necessary. But that is the way things move here.

We stood on one foot, voted \$4 billion new dollars that we do not have, incidentally, because it is paper money, it is printing press money, there is no tax bill to go along with it to raise the money, and then we come back here and stand on the other foot the same morning and vote for this reduction.

And it applies to bills that have already been carefully gone over here by the ones that the Senate put in charge of going into these bills, and that includes valuable members of the Appropriations Committee, the Senator from South Carolina, the Senator from Florida, and they are valuable members.

Now, the military procurement authorization bill, just for hardware and manpower increases, came here on the floor and was debated, came with the recommendation of an overall \$2.3 billion reduction. It was debated here and passed June 11. Not a dime changed, as I remember, did not add a dime or take off a dollar, it went on to conference, back and forth, and the appropriation bill came in for the entire department, hardware, manpower, operations and all those other things, and the reduction was \$5.6 billion or \$7 billion, as I understand it.

Now, why? Because it was carefully gone over, soft spots were found, recommendations were made as to reductions, and they were approved by the bodies.

Now all these other bills went through the same process and many of them had reductions. I know we reduced the Atomic Energy Commission money, in our appropriations subcommittee and that is supposed to be an untouchable. The same applies to another public works appropriation bill; we reduced that, I think, \$56 million. We reduced another item there that is not ordinarily reduced, public works.

And we come to the floor and look at some of those reductions, because of special interests, which I do not complain about; but it just shows—let the Record show—that all these bills that would be reduced now through this amendment have been carefully gone over and reasonable reductions have been made.

Now, this amendment would create, unemployment, there is no doubt about that—there is no doubt about that. And the other one we passed a few minutes ago for around \$5 billion is supposed to try to relieve unemployment.

So what do we want, after all?

If we are going to be consistent now, and I would have gone along even further for some reductions if we could have taken that as a substitute for this \$4 billion to \$5 billion bill that we ran through, I think, with all deference, all too rapidly.

So I hope now at this hour—we will be back on these things quick enough anyway, these problems are not going to solve themselves, we will be back here in January and this debate will start all over again—but I hope now that we can go on now with what has been carefully and deliberately done. It represents the judgment of the body, and if the body as a whole thought there ought to be

more reduction, it would not have passed and \$4 billion bill a few minutes ago on a voice vote.

Mr. President, I yield back such time as I may have left.

Mr. McGEE. Mr. President, will the distinguished chairman yield to me.

Mr. McCLELLAN. I yield the distinguished Senator 5 minutes.

Mr. McGEE. Mr. President, there are two or three considerations with which I think this body should be deeply concerned. I say this with the utmost respect for our colleagues on the committee who have introduced the pending amendment. What is at stake here is the role of the Congress and its integrity in committing itself to more responsible budgeting. We all admit that there have been mistakes made over the years. We are all confessing that. We have begun this year to try to do something specific and responsible about it. It was begun by the chairman of the full Committee on Appropriations, to try to set an overall ceiling for all appropriation bills. Each subcommittee chairman was asked to set a tentative ceiling on his bill and that was done. Every subcommittee chairman on this committee lived up to that responsibility.

There were complications. There are always complications when a new procedure of this magnitude is initiated. But we made an important breakthrough. We took a big step forward. The second thing that the Senate did, Mr. President, was to establish a Budget Committee, precisely for the purpose of setting up ceilings and priorities, in the very broadest sense. This also has been done by the action of this body after deliberate hearings, after long deliberation, and after exercising the best judgment that the body could command. Having done these two things, Mr. President, which I believe redound to the great credit of the Senate, we are now being asked at this 11th hour, "Let us take another swipe out of it of 10 percent of all of the controllables."

I say to you, Mr. President, that means the kind of responsibility that this body ought to have. Our good friends tell us, "We are not going to take a meat ax to this." But if I may say to my friend from South Carolina and my friend from Florida, they are taking a meat ax. They are not only taking a meat ax to cut it back, but they are also cutting down the role of Congress in making these judgments, for with this amendment, we leave to the discretion of the administration what they are going to do with the money that is left.

Mr. McCLELLAN. Will the Senator yield?

Mr. McGEE. I yield.

Mr. McCLELLAN. In doing that, we abdicate our responsibility.

Mr. McGEE. Indeed we do. Mr. McCLELLAN. We are always talking about giving the power to the executive; losing the power of the Congress; conferring it upon the executive. Here we are abdicating our responsibility and turning it over to the executive, or the heads of the agencies.

Mr. McGEE. Exactly; and at the very

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time that the Congress says it is reasserting its responsibility and its role in the Government.

I am sure our colleagues proposing this amendment have been among those sharing that expression on this floor, saying it is time for the Senate to reassert itself.

I say to my friend from South Carolina, come and let us reassert ourselves.

In the agriculture appropriations bill, we have items that the Office of Budget and Management and the President rejected. They set them aside. They impounded them. They froze them. On some of them they did not submit budget estimates because in their opinion these programs were not of sufficient priority to justify a budget estimate.

But this body believed they were important, and this body intends to see that its will is carried out.

In this category for example we have grant funds for the water and sewer program of FHA; we have housing for domestic farm labor and mutual and self-help housing. There are others but these serve to illustrate the point I wish to make. We considered these programs and we made appropriations to insure that they would be carried out.

Even as we did that, Mr. President, we cut back the total budget and submitted a figure in this current agricultural appropriations bill that the Senate adopted that is \$58 million under the budget.

I am only saying to my friend that we utilized a procedure that epitomizes responsibility. We spent a lot of time trying to live up to that responsibility. We make no claim to having a monopoly on what the wise answer is. Our decisions might be subject to question but we do call into question a quick 10 percent hatchet job on a year's effort to try to arrive at an equitable balance. With the Senate preparing to adjourn today or tomorrow we should not take any action here today that would nullify a year's work of the Appropriations Committee.

We should stand on what we have done. Our Budget Committee does not become fully operational until next year. The Appropriations Committee is already under the ceiling laid out and provided by its chairman this year as a continuing policy.

I say to our colleagues that for this reason this is no hour to be demeaning the role of the Senate. This body is not only supposed to cut; it is supposed to make responsible judgments. You cannot do the one to the exclusion of the other. What is in the balance of these measures that we have submitted as appropriation items is a balance of equities which have been arrived at by the committee and Congress. They represent the will of the Congress in determining the policies and the directions of this country rather than forfeiting these decisions to OMB, or forfeiting them to the executive branch entirely.

I would petition my good friend from South Carolina to weigh the implications of his proposal very carefully, and to join all of the Members of this body in asserting the responsibility of the Senate in these very critical, serious, dangerous economic times.

I ask my colleagues to sustain the committee's judgment and to vote down the pending amendment by the distinguished Senator from South Carolina.

Mr. President, at the very time we were debating the amendment to the continuing resolution this morning the Budget Committee was conducting a hearing and had as its witness Charles Schultze, a Senior Fellow at Brookings Institute. I am certain that all of us are aware of the background and qualifications of Mr. Schultze and the reputation he enjoys among economists in the United States and the entire world.

The sponsors of the amendment to the continuing resolution repeatedly pointed out that this same procedure had been enacted by Congress on a unanimous Senate vote in 1967. The chairman of the Budget Committee (Mr. MUSKIE) asked Mr. Schultze to comment on this amendment and evaluate the 1967 action. Mr. Schultze did this in some detail and I think it would be most appropriate that this discussion be included as a part of this morning's debate. It is mostly timely and I think will serve to place the 1967 action and the amendment of the Senator from South Carolina in proper perspective.

Mr. President, I ask unanimous consent that the exchange among the Senator from Maine (Mr. MUSKIE), the Senator from Utah (Mr. MOSS) and Mr. Schultze be made a part of the Record and that it be included at the conclusion of my remarks in this morning's debate on the continuing resolution.

There being no objection, the material was ordered to be printed in the Record, as follows:

The CHAIRMAN. Let me ask a second question which is going to come before us in the Senate today I take it. You recall that in 1967 the Congress approved an across-the-board expenditure cut tailored in accordance with a formula which I understand had some part in shaping. I understand that based on that precedent, a similar across-the-board cut will be offered for Senate consideration this afternoon. And I wondered if you would give us your evaluation of that, both as a mechanism, and secondly in terms of its economic impact.

Mr. SCHULTZE. Let me start with the second first if I might, the economic impact. I think it would be perverse, undesirable, unneeded, bad. That is, even in periods of recession, I do not think that the Congress ought to close its eyes and pass my expenditure program and stop examining the budget for wastes and ineffectiveness. It should continue to do that. There is no reason to stop that during recession.

At the same time, however, cutting expenditures for economic purposes in a period where the problem is precisely the opposite, where the problem is that this economy is racing downhill because of too little market demand and too little spending, to pull federal spending out of the economy, not because you have decided that a particular program is wasteful, but more for economic reasons, literally it is just not a good thing to do. It is a bad thing to do and will contribute further to the recession.

Now, the only thing that is likely to save it is that I am morally certain that between now and next June the Administration is going to turn on a dime and is going to be putting some of that money back in, so it may turn out you voted, and they will ultimately, you and they will be forced to put

something else back in. But quite frankly, Senator, I see no reason for it.

Secondly, the problem with an across-the-board expenditure cut is that even after—I'm sorry to say—that I am not familiar with this particular one—even after applying a good bit of sophisticated thinking to how one might do it with the least arbitrary impact, and even after one gets rid of some of the gross inefficiencies that go with simple minded across-the-board cuts, any kind of an across-the-board cut presents you with all sorts of anomalies. You know, the federal government is running a \$305 billion enterprise, and that is a large enterprise with a lot of facets, and a lot of peculiarities, not all of which are just because of stupidity. A lot of it is because it simply fits the facts, and it is very hard to tailor an across-the-board cut to that kind of a complex enterprise, and you inevitably end up with problems.

Now, in a period in which it is clear that the economic problem is too much spending, driving the economy to a drum tight situation, then this may be the lesser of many evils, and it might be nevertheless necessary to do. So I do not want to say at no time is this a good idea. It may be the best way to get something done, but at the present time, as far as I am concerned, it makes absolutely no sense.

The CHAIRMAN. Do you have any recollection of the impact of that cut in 1967 and how it worked?

Mr. SCHULTZE. If I am right, this was the so-called 2 percent or 10 percent dealing with obligations and cutting payroll obligations by 2 percent and the other obligations by 10 percent?

The CHAIRMAN. Something of that nature. Mr. SCHULTZE. If that is roughly what it is, of all of the forms of doing an across-the-board cut that probably is better than most because you are dealing with the, you are hitting the budget where you can affect it; namely, when the government makes an obligation or contract you are not putting your hand over the spigot, you are saying I am going to turn the spigot down, I am going to turn the handle down a little. So that part of it makes sense.

My recollection of this, and it is fairly fuzzy by now, it is very hard as a matter of fact with the information the Congress has to know whether it was actually done or not, because you say well, it is a 10 percent cut in obligations. From what? First you have got to find out from what it otherwise would have been, and it is very hard to figure. It worked. At that time it was I think needed because we were in a Vietnam war, and the economy was booming too rapidly. In general it was carried out. It did not cause any major traumas. But, you know, in program after program there were a number of adjustments that had to be made that did not make any sense from a program standpoint. Some agencies that really should not have been cut back were cut back, and some agencies that really could bear it were not cut back equally. I guess my general evaluation is it did go. It is hard to measure how much was actually cut because you don't know quite what it was cut from.

And from a program standpoint, it would not ruin the federal government, no. But right now, from an economic standpoint, it just makes no sense.

The CHAIRMAN. I think I will yield at this point to Senator MOSS. My first 10 minutes is almost over in any case, and he might like to get into these questions as well as others. Senator MOSS. Well, thank you, Mr. Chairman. And I too think this is a very lucid and stimulating presentation that you have made. And I am interested in this matter of the across-the-board cut that we are probably going to be faced with. Can you estimate what impact that might have on our

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unemployment rate, which is, as you say, 6½ percent perhaps now.

Mr. SCHULTZE. Well, all I can do is think out loud about it, Senator, because I am sorry to say I am not familiar enough with the specifics to know what it adds up to in terms of total dollars. Since I don't know that, I can only think out loud about what it might do.

In the first place, it turns out, I read this morning before I came up the Department of Commerce's current survey of current businesses, and if the amount is cut from the budget equal to what the President has suggested in the way of his budget cuts, and if this is about the same magnitude, let me talk about that.

Senator Moss. It is predicted to be about \$3.2 billion.

Mr. SCHULTZE. That is slightly less than what the President said. I think it was 4 point something that the President asked for, so it is in the same ball park.

The Department of Commerce points out that if that happens, if the expenditures are held to that level, that from now during the next three quarters in current dollar amounts the federal expenditures will increase very slightly and that therefore, with inflation going on, the real purchasing power of federal expenditures, the real amount will go down. Over the next three quarters the federal expenditures will join automobiles, housing, inventories, non-durable goods in going down. And it will lead to an increase, a further increase in unemployment than would otherwise have happened.

Now, by how much I really cannot say. It would not be that \$3 million in a \$14 trillion economy, that obviously is not going to be massive, and I guess it would be more responsive if at this stage I gave you a number, but it would increase the rate of unemployment from what it otherwise would have been, and it is going to rise anyway by some noticeable but modest amount.

Senator Moss. Well, at the same time that we will be faced with this problem, we are being asked to authorize an appropriation for public service employment and an extension of the unemployment compensation eligibility to care for those who are out of employment. So, the two are really diametrically opposed, are they not?

Mr. SCHULTZE. That is right. In fact, what you do is you kick people out of work with your left hand, and then give them not as good a job with your right hand. Kick with your left hand is a very poor metaphor, but that is all right. You understand my point.

Senator Moss. Yes I do. Plus the fact that this employment of people to get them on the payroll often times is a rather inefficient use of their abilities and talents, is that not so, when you kind of give them a temporary job to fill in on this matter?

Mr. SCHULTZE. I fully agree. If a man—well, several things. If in the first place you have a reduction in federal expenditures at this juncture, that just does not reduce the employment of people who are working on federal programs, because it has a secondary impact, that as they lose their jobs, they buy less, and other people lose their jobs.

Now, to take a man who is a machinist, who is a carpenter, who is an accountant, who is working on an assembly line doing a useful, productive job for society, and then to replace that by a job that may be—it may be useful, I am not saying it would not be—but clearly it is temporary, and it has some chance of being made to work, but it is not using his full talents and his experience, and from the narrow, conservative standpoint you are not just providing jobs, but it is wasting productivity, and it is inefficient and economic waste, and we talk about excessive government spending, and here is a real waste of human talent, and you

end up producing less, which turns out less goods and services, and it is just wasteful.

The CHAIRMAN. Thank you, Senator Moss. Pursuing a point that Senator Moss raised a few moments ago, the new jobs bill, the public service jobs bill creates, as I understand it, 350,000 jobs. Might a \$3.2 billion budget cut eliminate almost that many jobs?

Mr. SCHULTZE. It would eliminate a significant number.

The CHAIRMAN. 350,000 jobs at \$7,000 a year, that is \$2.5 billion.

Mr. SCHULTZE. It would eliminate a significant part of that number of jobs. Whether it would completely wipe it out or not I don't know. I kind of doubt it, but it would significantly offset it, and I just cannot make that kind of a calculation in my head. It depends on where they cut.

The CHAIRMAN. I should warn you though what we are trying to do is make a record that we might find useful to us on the Senate floor.

Mr. SCHULTZE. Somehow I sensed that. Somehow I got sense of that. It clearly would offset a significant part of it.

Mr. MCLELLAN. Mr. President, I yield 1 minute to myself.

Mr. President, I ask unanimous consent to have printed in the RECORD page 30100 of the RECORD of October 25, 1967. My remarks at that time clearly indicated my position with reference to cuts of this character. That issue went on, as I remember it, from about September until the middle of December, until a day or two before the adjournment of Congress, just like the situation we have now. I have never voted for that kind of a cut, or the kind of cuts we have here today. I have always insisted that there ought to be cuts that identified the appropriation that was to be cut and not leave it to the President to do it, or to his agencies to do it. The only time I voted for anything like it was in the conference report when we were facing adjournment and when we had to pass the bill one way or the other.

I have never favored this kind of procedure and I do not favor it now. I regret to see it become the practice of this body. It destroys the integrity of the committee process with respect to appropriations, if this is to be the procedure to be followed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Mr. DIRKSEN. Would the Senator like to amend this to make it \$4 billion?

Mr. ELLENDER. No. I think I would rather leave it to the Committee on Appropriations as we have done in the past.

Mr. DIRKSEN. Well, you are.

Mr. MCLELLAN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MCLELLAN. Am I correct that in a rescission bill, like the original appropriation act, it must originate in the House of Representatives?

Mr. DIRKSEN. I do not believe so.

Mr. MCLELLAN. I wonder about that. This resolution simply expresses the sense of the Senate that unless the President finds some way to reduce this amount we propose to do it.

Mr. DIRKSEN. Precisely.

Mr. MCLELLAN. We propose to do it by a rescission act. This gives the President one more chance and if he does not do it we propose to do so by this resolution. We would bind ourselves to do it, and to stay here during this session of Congress until we bring

out a rescission bill and undertake to work out cuts in it and that we find we can make, should make, or are willing to make, in order to bring in the appropriations and expenditures; is that correct?

Mr. DIRKSEN. Correct.

Mr. MCLELLAN. Congress will still have the opportunity to meet its responsibilities, if the President does not. I do not know whether he will or not. I do not know how difficult it will be to take that much out of here, but at least a rescission bill can be brought in and Congress can work its will on making cuts in appropriations already made which, in my judgment, is the right way to do it. I voted against these other proposals because I do not want to tell the President, "Go and cut wherever you will. Take whatever you want to and apply it somewhere else." I think we should take that responsibility. I hope that there will be a rescission bill to which can offer amendments to cut those things which I think should be cut. The Senator from Illinois can do the same thing, and other Members of Congress can do the same thing.

Finally, when we can work out certain substantial reductions in appropriations, I think that is what we should do. I think that is what we must follow. If I understand the resolution correctly, it expresses the sense of the Senate that that is what we should do.

I thank the Senator from Illinois for yielding to me.

Mr. DIRKSEN. Make the record abundantly clear that this is a matter before us of a House joint resolution—No. 888. It comes from the House Appropriations Committee. This is a sense of the Senate resolution. It is quite in order on a resolution of this kind. I do not bind them. I would just like to get a declaration of intent on the part of the Senate when they go to conference on this measure, because it is going to run up against the Rock of Gibraltar in the House of Representatives before they get through.

The Senator from Arkansas is so perfectly right in this matter, if we can agree to a rescission bill and see where they can cut. But that is a matter for both Appropriations Committees and for a further recommendation to vote.

Mr. MCLELLAN. I was laboring under the impression that possibly a rescission bill would have to originate over in the House.

Mr. DIRKSEN. That is correct.

Mr. MCLELLAN. They may so contend.

Mr. DIRKSEN. Yes.

Mr. MCLELLAN. I thought the Senator said a while ago that he did not think so, but assuming it does, it will be their responsibility on what to cut in appropriation bills already passed, and to initiate a rescission bill. If they do not do it, and if we can do it, the Senate should do it here, I think.

Mr. Young of North Dakota. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, does the Senator from New Mexico desire time?

Mr. HOLLINGS. I do not wish any time. I thank the Senator.

Mr. HOLLINGS. Mr. President, how much time remains? How much time do the proponents have?

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. HOLLINGS. Mr. President, I yield myself 5 minutes.

Mr. President, let us now refer particularly to some of the comments which have been made by our colleagues who more or less tried to confuse the particular issue.

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For one thing, the distinguished Senator from Hawaii presented a very erudite discourse on inflation and budgetary matters, contending things that we never contend for in this amendment.

Specifically, we do not say that government spending is the sole culprit. We just happen to agree with the Secretary of the Treasury, Mr. Simon, who stated earlier this month:

If inflation is not public enemy No. 1, then chronic inflation and budget deficits must be recognized as public enemy No. 2.

We cannot affect the rain and the drought, and in this measure the quadrupling of oil prices and the other things.

Again, Government being the art of the possible, we are going to the heart of the matter on which we can act and act responsibly.

To try to twist this thing around and talk about it being demeaning to the Senate and abdicating responsibility is pure hogwash.

They have used the expression that it is ridiculous. My friend, the late Representative Mendel Rivers used to say, "It is so ridiculous, it is ridiculous."

That is exactly what they know.

They intimate, for example, that we went into this thing in a very quick, 10-percent hatchet job. What is the fact? The fact is that 7 years ago the Senate, the House, the White House, and the Bureau of the Budget worked throughout the months of October, November, and December, for a 3-month period, back and forth, on the things pointed out by the Senator from Hawaii: social security, highway trust funds, veterans' aid.

We all know, as the vote of Congress has just shown to the President, that he could not get more than 11 votes to sustain his veto in both Houses. We were overwhelmingly for those, and we were not going to propose those in 1967, and we do not propose cuts along that line at this time. With respect to debt service, that must be paid; those are taken care of.

This proposal was worked out in a very deliberate and considered manner over a 3-month period. It has withstood a 6-month testing period, with the colleagues in the Budget Committee, with the colleagues in the Appropriations Committee, and was set before the summit conference, the policy committee, and the Senate as a body, in the first part of the summer.

We said that the only time we have one final look is when the bills are passed. It is at the very end of the session. We never know how much, or where we are, until the very end of the session. So I am going to propose a particular approach that was employed.

When the Senator from Wyoming says, "Let us get all the Members together," that is exactly what they did in 1967. The Senator from Wyoming did not call it a hatchet job. He voted for it, and all the other Members voted for it. There was not a single dissenting vote.

So they worked during that period of time, and we worked during the summer. On that Budget Committee, specifically

with Senator CHILES and Senator NUNN on this side of the aisle, and more particularly with Senator DOMENICI, Senator BARTLETT, Senator BUCKLEY, Senator ROTH, and others, we all began to swap ideas throughout the summer and fall period as to how we finally were going to bring this matter into line. It was no quick, 10-percent hatchet job.

To use the word "ridiculous," to say that this was not the situation in 1967, I say that the Senator who says that is also ridiculous, because this is how the amendment reads. It starts out with his language:

In view of the developments which constitute a threat to the economy, with resulting inflation...

What are the words of the public law of 1967, and how does that start out? Public Law 90-218, word for word:

In view of developments which constitute a threat to the economy, with resulting inflation...

We were talking about taxes; we were talking about all those things. We had already cut \$5 billion, and we were trying to cut another \$5 billion to prevent inflation in 1967.

It is not ridiculous. Let us not mislead our colleagues on this particular score.

The PRESIDING OFFICER (Mr. ALLEN). The Senator's time has expired.

Mr. HOLLINGS. I yield myself 3 additional minutes. They misread the amendment when they come down to the matter of employment. The amendment says, specifically, "an amount determined by" the formula. It can be different figures. One thing is the aggregate amount of a 2-percent cut in personnel or 10 percent of the other controllables, and it can be a mix of either, or it can be to the exclusion of either.

The fact remains that in 1968, after this was voted on and put into the public law, the executive department picked up 58,000 employees. It was not, ipso facto, that, if you vote for this, you have to start unemployment. Some people are trying to call this the Unemployment Act of 1975. The truth is that of the 2½ million Government employees, with their 26-percent turnover, 500,000 will be leaving their positions in 1975. At the end of this month, 50,000 are going to retire.

What we are saying is that you do not have to touch those employees, but all those jobs are not necessary. To lead the Senate to believe that somehow it would cut off 112,000 employees is not correct; it is not the provision of this amendment.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. CHILES. I have not heard the entire debate. I missed some of it. Has anybody yet had anything to say about any chaos that was caused from the action in 1967?

Mr. HOLLINGS. No.

Mr. CHILES. Does anybody's experience tell him that there were massive layoffs, that people were unemployed, that there was this kind of chaotic situation in 1967?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I yield myself 2 additional minutes.

We still have the big monster enlarging each day, going from this year to next year, to the tune, whatever we do, of at least \$30 billion.

We are not trying to lead anybody, as the expression was used, to fall into a trap, that if we voted for this proposal, inflation would disappear. That, too, is ridiculous. No one has ever contended that. This is no trap. This has been put before everybody time and time again. But to many here who voted for and supported it genuinely in 1967, it is a bad memory. It was not demeaning for the senatorial responsibility when we all worked together in 1967 to cut back inflation.

What does the President of the United States say about the responsibility? He said:

Gentlemen, in this session, after the election, I need four things. We all have to start working together. I need you to confirm the Vice President.

We are doing that today.

I need a trade bill. I need public service employment.

We are going to do all those things.

He said:

I need to cut about \$4 billion more from this budget.

He said, before the Advisory Council, on national TV:

Don't give me rhetoric, give me action. If you disagree with me, give me an alternative.

That is the way to act responsibly, and it is not demeaning for the Senate or the abdication of responsibility. On the contrary, we are the only ones on both sides of the aisle who have made any proposal as an alternative to what President Ford has asked for and what this Nation needs. It is not a question of responsibility.

The PRESIDING OFFICER. The Senator's additional time has expired. The Senator has 7 minutes remaining.

Mr. HOLLINGS. I yield to the Senator from Florida.

Mr. CHILES. Has anybody introduced President Ford's program? Is it before Congress now, before the Senate?

Mr. HOLLINGS. Will the Senator please repeat the question?

Mr. CHILES. Has the President's program of cutting \$4.6 billion been introduced?

Mr. HOLLINGS. That has not been introduced. It is in the early stages. It comes in the nature of a program at this time. Here it is. It would cause changes in social security, and the National Guard and Reserves. It would raise the price of food stamps for the elderly. It would step up payment in social security. It is a completely impossible program.

With that in mind, we tried to look for those alternatives. If someone has an amendment to this, let him offer it.

We have been following them throughout, step by step, month after month, at the Policy Committee and in Appropriations. It is not quick. It is not a hatchet

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job. But it has worked. The Senators who called it a hatchet job voted for it.

Mr. CHILES. That program to reduce \$4.6 billion would hit some of these items that the distinguished Senator from Hawaii was talking about, that would hurt the people on social security, or hurt the people drawing food stamps, hurt the elderly. Those were specific steps in the President's budget.

Mr. HOLLINGS. Those were Presidential proposals, and obviously were rejected, as he was rejected on the proposal with regard to veterans.

Again, this would be something that the House Members had seen. I talked earlier in the year to the chairman of the House Committee on Appropriations, Mr. MAHON. He worked vigorously on it and was thoroughly familiar with it.

There are many Members on the House side who would accept an initiative of this kind, because they gave the leadership for it 7 years ago.

I reserve the remainder of my time, Mr. President.

Mr. McCLELLAN. I am ready to yield back my time, in the hopes of ascertaining a live quorum.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HOLLINGS. Mr. President, do we have enough Members to ask for yeas and nays, before we close the debate?

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Finally, Mr. President, if we close the debate on this matter—

Mr. McCLELLAN. Mr. President, I ask unanimous consent to reserve my time until everybody is ready to yield back. I am ready at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas has 44 additional minutes. The Senator from South Carolina has 5 minutes.

Mr. HOLLINGS. We are checking, Mr. President, with one of our colleagues on the other side of the aisle to see if he wants some time. I am glad to yield to the Senator from Arkansas on this side.

Mr. McCLELLAN. If anyone here wants to talk, I am for it. I was hoping just to move along.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, I yield 2 minutes to my distinguished senior Senator (Mr. THURMOND).

Mr. THURMOND. Mr. President, I rise as a cosponsor in support of the amendment offered by my colleague from South Carolina and others to cut Federal expenditures by \$3.2 billion. Although I have misgivings about cutting the budget authority of the various departments and agencies across the board, I feel that every Senator who is committed to the fight against inflation should give consideration to voting for this amendment. I would prefer that we make selective cuts, but I realize that from a realistic point of view, cuts in selective areas will not be achieved this year.

As I review the estimated effect of reductions and obligations produced by this amendment, I am particularly concerned about cuts in the Veterans' Administration and in defense and military assistance. Our Nation's veterans deserve all the assistance we can provide for their sacrifices to our country. Our Nation's defense, of course, is of paramount importance. Expenditures in the defense area have already been cut to the bone, and the Veterans' Administration actually needs more funds. Therefore, I would prefer that we cut less from these two areas. However, I anticipate that once attempts are made to modify this amendment, to cut less in particular areas, the chances for its passage will be significantly reduced. Consequently, I will support the amendment in its present form in the interest of reducing Federal spending in order to curb inflation.

Mr. President, I have long been an advocate of reduced spending on the Federal level. I am not less of an advocate today. We, as a country, cannot continue to spend more than we take in. The budget must be balanced at some time, and now is the time. By passage of this amendment, we have an opportunity to make a direct attack on inflation. The public is sick and tired of a Congress that continually expresses concern over our present economic situation but continually does nothing about it. I have listened in past months to many of my colleagues advocate a reduction in Federal spending. They have an opportunity today to go on record in support of reduced spending. Our citizens cry for action by Congress—let us have the courage to begin to take action today.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I hesitate to engage in any way today in this debate, because this is my last day—I assume we are going to be through tonight. This is my last day as a Senator.

I hesitate further, because some very dear friends of mine are advancing this proposal. However, having sat for many years on the Committee on Appropriations, I felt that I must indicate that I am opposed to this measure.

One of the things that I think has contributed to the lack of real respect for Congress is the fact that, when we get down to brass tacks, we do not always have quite the intestinal fortitude to say, "Here, we are going to cut this particular attractive item that appeals to a lot of people." Then, when we find that the aggregate is more than we should have, we have, many times, resorted either to a percentage cut across the board or, done worse than that, after complaining that the President is usurping the powers of Congress. Twice in our own HEW bills, we have, after the President's veto sent it back and asked the President to cut it without exceeding a percent in any particular item.

In other words, we complain about the President's trying to take away the prerogatives of Congress, but we do not exercise them quite as ruthlessly as we should. For that reason, even though I applaud the purpose of this proposal,

and with all due respect to some of my closest and dearest friends on the committee who are for this, I feel, as a member of the Committee on Appropriations, that if we do not meet these issues item by item and do not tell just where the reductions shall be made, we should refrain in the closing days of this session from doing what we have done before in the closing days of other sessions. That is to try to make up for the fact that the appropriations have gone too far and make it up by a general cut such as this.

I realize that this is specialized on personnel, and that this is the least objectionable form. It cannot be called exactly a meat-ax cut, but still, we are having to atone for something that we should have done ourselves in the subcommittees on the individual items. For that reason, I must oppose it.

Mr. GOLDWATER. Will the Senator yield?

Mr. COTTON. I am very glad to yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. I preface my remarks by saying that the distinguished Senator from New Hampshire is just as eloquent, just as wise, just as pleasing on his final day as he was on his first and during every day of his service.

Mr. COTTON. I thank the Senator.

Mr. GOLDWATER. I was very interested in what the Senator was saying, because I agree that it is true that we have to do these things as we go along. It sometimes takes quite a bit of political courage. I joined with my distinguished friends from South Carolina in advocating cuts back in the fall and late summer.

But I do believe that the work of the Appropriations Committee has to receive the attention and respect that is due it. I was interested, for example, in the suggestion that was made by the President sometime this fall that we delay for 3 months the 5-percent automatic pay increase, which would have accounted for a \$700 million saving. I wonder how many of the Senators who are now advocating an across-the-board cut in this appropriation bill stood up and voted with the President on that. Does the Senator have any idea?

Mr. COTTON. I do not recall. I recall the incident, and I know I supported him.

Mr. GOLDWATER. Well, the Senator certainly has the right, as a citizen, to vote as he pleases. But as I recall, the distinguished Senator from South Carolina voted against the President on a \$700 million saving. I think we have to be consistent in this whole field, and let the ball bounce and fall where it may.

I thank the Senator for yielding.

Mr. COTTON. I thank the Senator for his very fine contribution.

Mr. McCLELLAN. Mr. President, I am ready to yield back my time and vote.

Mr. YOUNG. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. I yield 2 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I want to reiterate again that under the Budget Control Act, the President is authorized by Congress to make rescission and deferral recommendations to Congress. He

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recommended 46 rescissions, equalling \$1,535,762,000, all of which would go into effect within 45 legislative days unless Congress acts to the contrary.

At the same time, he recommended 130 deferrals, equalling \$23,548,997,000, and these would go into effect unless Congress passes a resolution to the contrary.

These are item-by-item recommendations, which I think is more in keeping with our own feeling that the Congress should have a right to decide item by item where reductions or increases should be made.

Mr. GOLDWATER. Mr. President, will the Senator from Arkansas yield for a unanimous-consent request?

Mr. McCLELLAN. I yield.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the record vote analysis on vote No. 394, on the recent Government pay raise, be printed in the Record at this point.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

RECORD VOTE ANALYSIS

[Vote No. 394]

GOVERNMENT PAY RAISE

Subject: Resolution disapproving the alternative plan for pay adjustments for Federal employees (S. Res. 394). Vote on agreeing to the resolution of disapproval.

ACTION: AGREED TO

Synopsis: Existing law (5 U.S.C. 5305(c)) provided that the President could submit an alternative pay plan to Congress if he believed an October 1 pay adjustment based on a comparison between private enterprise and Federal pay was inappropriate because of economic conditions. It also provided that the President's alternative plan would become effective unless either House of Congress adopted a resolution of disapproval within 30 calendar days of continuous session after the date on which the alternative plan was submitted.

The purpose of the pending resolution was to express the disapproval of the Senate with the alternative pay plan proposed by the President and received by the Senate on August 31, 1974. The President's alternative plan would postpone a pay adjustment for Federal statutory employees from October 1, 1974 to January 1, 1975.

A vote in favor of the resolution was to nullify the President's proposed postponement and Federal employees would receive a pay adjustment as provided by law on October 1, 1974.

A vote in opposition to the resolution was to agree to the postponement from October 1, 1974 to January 1, 1975.

Estimated cost: The difference between an October 1, 1974 increase and a January 1, 1975 increase would amount to \$700 million (of which \$400 million would be ascribed to the military and \$300 million to Federal statutory employees).

Those favoring the resolution of disapproval contended:

All Senators shared the President's concern and determination to wage an all-out battle against inflation. However, to postpone this salary increase would be unjust and would be contrary to the comparability principle approved by Congress.

The purpose of the 1970 Federal Pay Comparability Act was to insure that Government workers would receive earnings comparable to those in the private sector. It was not a cost-of-living increase. Congress, as the only bargaining agent these Federal employees had left, had a moral responsibility to honor that obligation.

The comparability increase would make the pay of statutory (white-collar) employees comparable to that of the same kind of jobs in the private sector as of March 1974.

Action: The resolution of disapproval was agreed to.

Result: The result was announced—Yeas 64, Nays 35, as follows:

YEAS (64)

Republicans (15)
Aiken, Beall, Brooke, Case, Doie, Domenici, Dominick, Fong, Javits, Mathias, Packwood, Schweiker, Stevens, Weicker, Young.

Democrats (49)
Abourezk, Allen, Bayh, Bentsen, Bible, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Church, Cranston, Eagleton, Eastland, Ervin, Gravel, Hart, Hartke, Haskell, Hathaway, Hollings, Hughes, Humphrey, Inouye, Jackson.

Johnston, Kennedy, Long, Magnuson, McClellan, McGee, McGovern, McIntyre, Metcalf, Metzenbaum, Mondale, Montoya, Moss, Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Sparkman, Stennis, Symington, Talmadge, Tunney, Williams.

NAYS (35)

Republicans (27)
Baker, Bartlett, Bellmon, Bennett, Brock, Buckley, Cook, Cotton, Curtis, Fannin, Goldwater, Griffin, Gurney, Hansen, Hatfield, Helms, Hruska, McClure, Pearson, Percy, Roth, Scott, Hugh, Scott, William L., Stafford, Tatt, Thurmond, Tower.

Democrats (8)
Biden, Chiles, Clark, Huddleston, Mansfield, Nunn, Ribicoff, Stevenson.

NOT VOTING (1)
Republicans (0)

Democrats (1)
Fulbright—2.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I have announced that I am ready to yield back my time and vote.

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute remaining.

Mr. HOLLINGS. One minute? I yielded 2, and I had 5.

Mr. McCLELLAN. Mr. President, I will yield the Senator a couple of minutes, Mr. President, and let us get moving.

Mr. HOLLINGS. Mr. President, following up on the insertion of the vote on the pay raise, I ask unanimous consent to have printed in the Record the roll-call of December 12, 1967 on the conference reporting on the continuing resolution that is similar to my amendment.

There being no objection, the record of the vote was ordered to be printed in the Record, as follows:

[No. 386 Leg.]

YEAS—72

Bartlett, Bennett, Bible, Boggs, Brewster, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Carlson, Case, Church, Cotton, Curtis, Dirksen, Ervin, Fannin, Fong, Pastore, Pearson, Pell, Proxmire, Randolph, Fulbright, Gore, Griffin, Gruening, Hansen, Harris, Hart, Hartke, Hatfield, Hayden, Hickenlooper, Holland, Hollings, Hruska, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Kennedy, Mass., Smathers, Smith, Sparkman, Spong, Stennis, Kennedy, N.Y., Long, Mo., Long, La., Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, Metcalf, Miller, Monroney, Montoya, Morse, Moss, Mundt, Murphy.

Muskie, Nelson, Tydings, Williams, N.J., Yarbrough, Young, N. Dak., Young, Ohio.

NAYS 0

NOT VOTING—28

Aiken, Allott, Anderson, Baker, Bayh, Clark, Cooper, Dodd, Dominick, Eastland, Ellender, Hill, Inouye, Kuchel, Lausche, Magnuson, Mondale, Morton, Percy, Prouty, Ribicoff, Russell, Scott, Symington, Talmadge, Thurmond, Tower, Williams, Del.

Mr. HOLLINGS. And, mentioning the recent pay raise, when we voted against the President, I was proud of that vote. The executives in the private corporations had gotten raises averaging 22 percent, and the private sector employees had gotten a 10-percent raise, and we were merely trying to equalize it for the Federal employees.

How did the Senator from Arizona vote on the veterans' measure, when the President said "I veto this," which would have saved \$7 or \$8 hundred million?

We can make these cute little analogies, and we can say that we have to have the fortitude to meet the issues item by item, but just being realistic, life does not work that way. The country has been on an economic drunk for over 10 years.

I do not know how to get off a drunk except to go through a hangover. There will be some things that Government cannot solve. There are those problems. There will be pains. But I am convinced in my own mind that the one thing we should not do is give the drunk another drink, and that seems to be the proposal as we close out this session of Congress, with a \$5-billion supplemental appropriation putting in more billions here and yonder.

Talk about the sanctity and the de-meaning of the Senate, and the responsibility that we have. Back again to what the President asked for, he asked again for the confirmation of the Vice President, he asked for public service employment, and he asked for a trade bill. We have given him those things. He asked for a budget cut, and he says, "Don't give me rhetoric, give me action."

As we close out, either today or tomorrow, this is the only action proposal or alternative. It has been well considered and deliberately conceived and worked out on both sides of the aisle, as an initiative very similar to the measure on which the rollcall was just introduced.

So we should stop and think a moment. We wonder about the President's decisions, and everything else. This is not going to start unemployment. It is a formula that is workable, and I would plead with the Members of the Senate, if we are really going to provide moneys in this Federal Government to take care of the added programs to start the economy moving ahead, unemployment compensation, and public service employment, to please put in this one last effort, this one last cut, which is deliberately done, which will not injure any Government program. The Government will still go on to the tune of \$30 billion this year over last year.

I thank the distinguished chairman of the Committee on Appropriations for yielding me this time.

The PRESIDING OFFICER. Who yields time?

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Mr. McCLELLAN. Mr. President, for another purpose, I yield to the distinguished Senator from Colorado.

DESIGNATION OF CERTAIN LANDS AS WILDERNESS

Mr. HASKELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12884.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 12884), to designate certain lands as wilderness as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert:

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL WILDLIFE REFUGE SYSTEM

SECTION 1. That in accordance with subsection (c) of section 3 of the Wilderness Act (78 Stat. 890, 892), the following lands are hereby designated as wilderness and, therefore, as components of the national wilderness preservation system:

(a) certain lands in the Chamisso National Wildlife Refuge, Alaska, which comprise approximately four hundred and fifty-five acres, which are depicted on a map entitled "Chamisso Wilderness Proposal", dated November 1969, and which shall be known as the Chamisso Wilderness;

(b) certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Florida, which comprise approximately four thousand seven hundred and forty acres, which are depicted on a map entitled "Florida Keys Wilderness—Proposed", dated August 1969, and which shall be known as the Florida Keys Wilderness;

(c) certain lands in the St. Marks Wildlife Refuge, Florida, which comprise approximately seventeen thousand seven hundred and forty-six acres, which are depicted on a map entitled "St. Marks Wilderness Proposal—Florida", dated September 1971, revised December 1971, and which shall be known as the St. Marks Wilderness;

(d) certain lands in the Blackbeard Island National Wildlife Refuge, Georgia, which comprise approximately three thousand acres, which are depicted on a map entitled "Blackbeard Island Wilderness—Proposed", dated December 1971, and which shall be known as the "Blackbeard Island Wilderness";

(e) certain lands in the Wolf Island National Wildlife Refuge, Georgia, which comprise approximately five thousand one hundred and twenty-six acres, which are depicted on a map entitled "Wolf Island Wilderness Proposal", dated March 1971, revised March 1973, further revised March 1974, and which shall be known as the Wolf Island Wilderness;

(f) certain lands in the Breton National Wildlife Refuge, Louisiana, which comprise approximately five thousand acres, which are depicted on a map entitled "Breton Wilderness—Proposed", dated December 1970, revised January 1974, and which shall be known as the Breton Wilderness;

(g) certain lands in the Moosehorn National Wildlife Refuge, Maine, which comprise approximately four thousand seven hundred and nineteen acres and which are depicted on a map entitled "Moosehorn Wilderness (Baring Unit)—Proposed", dated September 1971, revised December 1971, further revised September 1974, and which shall be known as the Moosehorn Wilderness (Baring Unit);

(h) certain lands in the Brigantine National Wildlife Refuge, New Jersey, which

comprise approximately six thousand six hundred and three acres, which are depicted on the map entitled "Brigantine Wilderness—Proposed", dated August 1971, revised September 1974, and which shall be known as the Brigantine Wilderness;

(i) certain lands in the Bosque del Apache National Wildlife Refuge, New Mexico, which comprise approximately thirty thousand eight hundred and fifty acres, which are depicted on a map entitled "Bosque del Apache Wilderness—Proposed", dated July 1971, revised September 1974, and which shall be known as Bosque del Apache Wilderness;

(j) certain lands in the Chase Lake National Wildlife Refuge, North Dakota, which comprise approximately four thousand one hundred and fifty-five acres, which are depicted on the map entitled "Chase Lake Wilderness—Proposed", dated September 1971, and which shall be known as the Chase Lake Wilderness;

(k) certain lands in the Lostwood National Wildlife Refuge, North Dakota, which comprise approximately five thousand five hundred and seventy-seven acres, which are depicted on a map entitled "Lostwood Wilderness Proposal", dated August 1971, and which shall be known as the Lostwood Wilderness;

(l) all lands in the West Sister Island National Wildlife Refuge, Ohio, which comprise approximately eighty-five acres, which are depicted on a map entitled "Proposed West Sister Island Wilderness", dated October 1969, and which shall be known as the West Sister Island Wilderness; and

(m) certain lands in the Cape Romain National Wildlife Refuge, South Carolina, which comprise approximately twenty-eight thousand acres, which are depicted on a map entitled "Cape Romain Wilderness Proposal", dated January 1971, and which shall be known as the Cape Romain Wilderness.

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL FOREST SYSTEM

SEC. 2. In accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132) the following areas are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(a) The area in the Cleveland National Forest in California classified as the Agua Tibia Primitive Area, with deletions therefrom, which area comprises approximately sixteen thousand nine hundred and seventy-one acres, is generally depicted on a map entitled "Agua Tibia Wilderness—Proposed", dated July 1974, and shall be known as the Agua Tibia Wilderness.

(b) The area in the Stanislaus National Forest in California classified as the Emigrant Basin Primitive Area, with additions thereto and deletions therefrom, which area comprises approximately one hundred and six thousand nine hundred and ten acres, is generally depicted on a map entitled "Emigrant Wilderness—Proposed, 1970" on file in the Office of the Chief, Forest Service, Department of Agriculture, and shall be known as the Emigrant Wilderness. The area commonly called the Cherry Creek exclusion, depicted on such map as Exclusion 2 and comprising approximately six thousand and forty-two acres, shall, in accordance with the provisions of subsection 3(d) of the Wilderness Act, be reviewed by the Secretary of Agriculture as to its suitability or nonsuitability for preservation as wilderness in conjunction with his review of the potential addition to the Hoover Wilderness in Toiyabe National Forest. The recommendations of the President to the Congress on the potential addition to the Hoover Wilderness shall be accompanied by the President's recommendations on the Cherry Creek exclusion. The previous classification of the Emigrant Basin Primitive Area is hereby abolished with the exception of said Exclusion 2.

(c) The area classified as the San Juan and Upper Rio Grande Primitive Areas, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Weminuche Wilderness—Proposed", dated December 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Weminuche Wilderness within and as part of the Rio Grande and San Juan National Forests comprising an area of approximately four hundred five thousand thirty-one acres.

(d) The area in the Flathead National Forest in Montana classified as the Mission Mountains Primitive Area, with an addition thereto, which area comprises approximately seventy-five thousand five hundred and eighty-eight acres, is depicted on a map entitled "Mission Mountains Wilderness Area—Proposed", dated July 1974, and shall be known as the Mission Mountains Wilderness.

ADMINISTRATIVE PROVISIONS

SEC. 3. Except as otherwise provided in this Act, all primitive area classifications of areas herein designated wilderness are hereby abolished.

SEC. 4. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 5. Wilderness areas designated by this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any references to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

Mr. HASKELL. Mr. President, once again the Senate is to consider H.R. 12884. On May 6, 1974, the House first passed the measure. It would have designated 12 national wildlife refuge wildernesses and 3 national forest wildernesses. The Senate amendment, passed on August 1, would have designated six national forest wildernesses. This was followed by S. 600, passed by the Senate, on November 22, 1974, which would have designated 14 national wildlife refuge wildernesses.

Mr. President, H.R. 12884, in the form in which it is before this body today, would designate 17 new components of the National Wilderness Preservation System. Thirteen of these new wilderness areas are situated within national wildlife refuges in 10 States ranging from Alaska to Florida and from Maine to New Mexico. Four areas are within national forests in three States: California, Colorado, and Montana.

The total acreage to be included in the Wilderness System would be 720,456 acres, of which 587,529 acres are within national forests and 132,927 acres within wildlife refuges.

Mr. President, I am happy to say that the House in passing H.R. 12884 has agreed with this body's preference for the designation of larger areas for the Brigantine Wilderness in New Jersey, the Wolf Island Wilderness in Georgia,

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and the Moosehorn Wilderness in Maine, as set forth in S. 600, and the Mission Mountain Wilderness in Montana and Agua Tibia Wilderness in California, as set forth in the Senate amendment to H.R. 12884. The House has also accepted two areas which were not in H.R. 12884 as it first passed the House but were in the Senate amendment: Blackbeard Island Wilderness in Georgia and the Lostwood Wilderness in North Dakota.

Although I am indeed proud of our efforts on behalf of wilderness this Congress and am pleased to report these efforts to my colleagues, I must also add a strong caveat and address a particular message to the citizens of Colorado. Over half of the total acreage of additional wilderness designated by H.R. 12884, 405,031 of the 720,927 acres, is within Colorado. Yet, Mr. President, this is far less than the 799,619 acres of Colorado Wilderness which would have been designated by the Senate amendment to H.R. 12884. The Senate amendment would have created three Colorado wildernesses: Eagle's Nest, Flat Tops, and Weminuche. These wildernesses were contained in bills which were introduced by both Colorado Senators, were the subject of field hearings in Colorado, and were passed by the Senate twice, both as separate measures and as part of the Senate amendment to H.R. 12884.

Deleted from H.R. 12884 which we will vote on today are the provisions designating the Flat Tops and Eagle's Nest Wilderness. Furthermore, the Weminuche Wilderness to be designated by the bill is smaller by more than 30,000 acres than the one I have proposed and which the Senate has twice supported. The reduction in the acreage of my Weminuche proposal is unfortunate, but the opportunity to establish a magnificent 405,031-acre Weminuche Wilderness should not be lost. I am, therefore, willing to accept the position of the House on Weminuche. I hasten to add, however, that I will continue to fight vigorously for the designation of the Flat Tops and Eagle's Nest Wildernesses.

Fortunately, I believe that the fate of these two wildernesses is not sealed by any action we may take on H.R. 12884.

Yesterday, I talked with my counterpart, the chairman of the House Subcommittee on Public Lands, Mr. MELCHER. He fully agrees with me that it is high time that the Congress act upon the Eagle's Nest and Flat Tops Wilderness proposals. He has assured me that his subcommittee will take up the two proposals early next year. I, in turn, hope and expect that we in the Senate can send my Flat Tops and Eagle's Nest proposals to the House by early next summer.

Mr. President, in light of, first, the assurances of my colleague in the House concerning early action next Congress on the two major wilderness proposals approved by the Senate and deleted from H.R. 12884, and, second, the inclusion in this version of H.R. 12884 of the larger areas proposed in the Senate amendment, I recommend the bill to my colleagues and ask that they vote in its favor.

Mr. President, I move that the Senate concur in the House amendment. The motion was agreed to.

Mr. GRIFFIN. Mr. President, I want to note for the record that this particular measure was cleared on this side of the aisle, and particularly with Senator FANNIN, the ranking Republican member of the committee.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). What is the will of the Senate? Under the unanimous-consent agreement, there are to be no votes before 12:30.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to be recognized for the remaining 2 minutes until 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF CERTAIN ITEMS ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 1269, 1286, and 1298 through 1304.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO APPOINT CERTAIN RESERVES AND TEMPORARY OFFICERS TO ACTIVE LIST OF NAVY AND MARINE CORPS

The bill (H.R. 8591) to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT

The bill (S. 4242) to amend the Rail Passenger Service Act, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by inserting immediately after the third sentence the following: "This limitation upon compensation shall not apply, however, in the event the Board determines with respect to the position of Chief Executive Officer that a higher level of compensation is necessary and is consistent with the general level of compensation paid officers of railroads in positions of comparable responsibilities, but in no event shall such compensation exceed \$85,000 per annum."

SUSPENSION OF DEPORTATION

The concurrent resolution (S. Con. Res. 126) favoring the suspension of deportation of Carlos Marquez de la Plata-Montalvo, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Congress favors the suspension of deportation in the case of the alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 214; 8 U.S.C. 1254):

A15 704 486 Plata-Montalvo, Carlos Marquez de la Plata-Montalvo.

DINO MENDOZA PASCUA

The bill (S. 1045) for the relief of Dino Mendoza Pascua, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dino Mendoza Pascua may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in his behalf by Staff Sergeant and Mrs. Anthony Garcia, citizens of the United States, pursuant to section 204 of such Act. The natural brothers and sisters of the said Dino Mendoza Pascua shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

MR. JOSELITO S. ARCA AND DR. CORAZON I. ARCA

The Senate proceeded to consider the bill (S. 2644) for the relief of Mr. Joselito S. Arca and Dr. Corazon I. Arca, which had been reported from the Committee on the Judiciary with an amendment on page 1, at the end of line 7, strike out "visa fee" and insert "visa fees", so as to make the bill read:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mr. Joselito S. Arca and Doctor Corazon I. Arca shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence of such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by two numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The amendment was agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM AGUIRRE-GONZALEZ AND HILARIO AGUIRRE-MARTINEZ

The Senate proceeded to consider the bill (S. 3103) for the relief of Abram Aguirre-Gonzalez and Hilario Aguirre-Martinez, which had been reported from the Committee on the Judiciary with an amendment on page 1, in line 11, strike out "from the appropriate quota or quotas for the first year that such quota or quotas are available" and insert "from

the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the act of October 3, 1965", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Abram Aguirre-Gonzalez and Hilario Aguirre-Martinez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISS ROSARIO Y. QUIJANO

The Senate proceeded to consider the bill (S. 3248) for the relief of Miss Rosario Y. Quijano, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Miss Rosario Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano shall be held and considered to be entitled to preference status within the purview of section 203(a)(1) of that Act, and the provisions of section 204 of such Act shall not be applicable in these cases.

Sec. 2. The provisions of section 212(e) of the Immigration and Nationality Act shall not be applicable in the case of Walter York Quijano.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Miss Rosario Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano."

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1305, 1307, 1311, 1315, and 1316.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. GUSTAVO SCIOVILLE

The bill (S. 3280) for the relief of Dr. Gustavo Scioville, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Gustavo Scioville shall

be considered to have been lawfully admitted to the United States for permanent residence as of November 4, 1954, and the periods of time he has resided in the United States since that date shall be considered to meet the continuous residence and physical presence requirements of section 316 of such Act.

NESTOR MANUEL LARA-OTOYA

The bill (S. 3940) for the relief of Nestor Manuel Lara-Otoya was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nestor Manuel Lara-Otoya shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

NICOLA LOMUSCIO

The bill (H.R. 7684) for the relief of Nicola Lomuscio was considered, ordered to a third reading, read the third time, and passed.

ROBERT M. JOHNSTON

The bill (S. 2298) for the relief of Robert M. Johnston, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That service performed by Robert M. Johnston of Annapolis, Maryland, from July 1, 1946, through September 30, 1956, as a member of the civilian faculty of the United States Naval Academy, shall be included as creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code (relating to civil service retirement annuities), if, within one year after the date of enactment of this Act, the said Robert M. Johnston deposits a sum equal to so much of the repurchase price of his annuity policy carried as required by the Act of January 16, 1936 (49 Stat. 1092), as amended, as is based on the monthly allotments which were registered with the Navy Allotment Office toward the purchase of that annuity. Such deposit shall be in lieu of the deposit provided under section 8834(c) of such title 5.

Sec. 2. The Secretary of the Navy shall certify to the Civil Service Commission the amount of the repurchase price of the annuity referred to in the first section of this Act. The Civil Service Commission shall provide the said Robert M. Johnston such information as may be necessary to carry out the purposes of this Act.

CPL. PAUL C. AMEDEO, USMC

The bill (H.R. 1715) for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve, was considered, ordered to a third reading, read the third time, and passed.

FURTHER CONTINUING APPROPRIATIONS, 1975

The Senate continued with the consideration of the joint resolution (H.J. Res. 1178) making further continuing appropriations for the fiscal year 1975, and for other purposes.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from South Carolina and others, to impose a reduction of \$3.2 billion on Federal expenditures for the current fiscal year.

Let me first state that I agree with the need to reduce Federal expenditures. Throughout the 93d Congress I have supported efforts by the appropriations subcommittees on which I serve to make such reductions. For example, in the defense budget nearly \$5 billion was eliminated from the budget request for 1975. The agriculture-environmental and consumer protection appropriations bill was reduced by \$53 million from a measure vetoed earlier by the President. But these reductions were made carefully and with great precision by the various appropriations subcommittees and the full appropriations committee.

The Hollings amendment now attempts to dissolve these carefully fashioned reductions. The chart attached to the amendment circulated by the Senator from South Carolina notes that approximately \$4.47 billion in reductions was made by congressional action this year. These reductions reflect long hours of deliberation by members of the several appropriations subcommittees and agreement by the Senate when these bills were brought to the floor. I do not believe that this delicate system should be disturbed at this late hour by the pending amendment.

Mr. President, in addition to action by appropriations committees there are now in effect procedures pursuant to the Congressional Budget and Impoundment Control Act of 1974. We are now operating under the provisions of this law. The President has submitted, through a series of messages, his recommendations for the rescission and deferral of a number of items in the 1975 budget. The Senate Budget Committee, on which I serve, has given considerable attention to these procedures as has the counterpart committee in the House. Despite some difficulties over jurisdiction, the procedures of the Budget and Impoundment Control Act are serving to make further reductions in Federal expenditures. But these reductions are being made under careful committee consideration and pursuant to the procedures approved by the Congress.

Mr. President, with these considerations in mind, I would urge my colleagues to oppose this amendment. A vote against this amendment is not a vote for increased Federal spending, but for the well-established and demonstrably effective congressional appropriations process and in support of the recently passed budget and impoundment control measures. I urge its defeat.

Mr. ROTH. Mr. President, I am today cosponsoring legislation to cut Federal spending by \$3.2 billion and urging the

Congress to use these funds to finance a tax reduction for the American taxpayer.

The amendment I am cosponsoring would reduce the budget authority of the various departments and agencies by requiring a 2-percent reduction in personnel spending and a 10-percent reduction in spending for contract services, supplies, and grants.

The tax reduction proposal I am calling for is one I introduced last May to provide an inflation adjustment in the standard and personal exemption deductions. This legislation will reduce the personal income tax by the rate of inflation, thereby providing at least partial relief from today's economic problems. It would insure that a person would no longer be forced to pay more taxes simply because inflation has pushed him or her into a higher tax bracket. For the elderly person on a fixed income, the proposal would result in a tax deduction as long as inflation continues.

Under the provisions of my legislation, this year's inflation rate of 12.2 percent, as measured by the Consumer Price Index, would require a reduction in personal income taxes of approximately \$4.2 billion. It would also, of course, reduce the amount of revenue collected by the Government. Therefore, it is imperative to combine this proposal with a reduction in Federal spending. This reduction would mean a tax cut of \$90 for a married couple with 2 children with an income of \$6,000 or \$108 for such a family with an income of \$10,800.

In the last 5 years alone, the Federal Government has spent nearly \$100 billion more than it has taken in. The inflationary consequences of this deficit spending is obvious, and the recessionary aspects of high interest rates and high prices caused by the unavailability of funds in the private markets are now also becoming painfully apparent.

The tight money situation caused by massive Government borrowing to cover the budget deficits has made consumer loans for homes, automobiles, and appliances virtually unavailable. And because consumers cannot purchase these items, these industries have come to a standstill, resulting in growing unemployment.

The two spending and tax measures, if enacted, would provide a one-two punch on inflation and recession. The cut in Federal spending would decrease the inflationary pressures of deficit financing and ease the tight money situation, while the tax reduction would increase consumer income, stimulate economic growth, and create new jobs.

When the Government increases spending, it is spending the taxpayers' dollars. A combined cut in Federal spending and Federal taxes would allow the taxpayer, rather than the Government, to spend his own money.

Mr. DOLE. Mr. President, it would be a mistake for us to adjourn this Congress without making a final serious effort to combat inflation. We owe it to ourselves, to our constituents, and to our country.

The best method we have for accomplishing this is to insist upon constructive and meaningful reductions in Fed-

eral spending. The amendment offered by the distinguished Senator from South Carolina (Mr. HOLLINGS) would do just that, and I am pleased to join in its cosponsorship and support.

This amendment will consummate in a very appropriate manner the movement which we began last summer to say "no"—wherever possible and reasonable—to unnecessary and excessive Government outlays. We decided at that time to take advantage of any opportunity which arose to make "across the board" cuts that would have every person and every program making sacrifices for the good of our economy, and this is one of those occasions.

The action contemplated by the proposal before us is neither unfair nor unfeasible. It would simply require an immediate "formula basis" approach to reducing the anticipated 1975 deficit by \$3.2 billion.

By affecting every department and every agency, this method of imposing such a reduction represents the most evenhanded and realistic vehicle available for carrying out our budgetary responsibilities. The time to demonstrate a commitment to relieving our inflation-plagued economy is now, and I urge each of my colleagues to accept the challenge that faces us.

It is always easier to put off a decision which may be painful, and may demand a little courage in the face of charges that we are asking too much. But, Mr. President, we are not singling out any particular area with this amendment; we are asking only that a "share the burden" philosophy be implemented.

This is the kind of attitude we are going to have to display in order to escape from our current economic dilemma, and I just hope there are enough of us here today who are willing to recognize that fact. If so, I think we will be paving the way for the spirit of conscientious belt-tightening which will enable us to succeed in our inflation-fighting goals during the new year.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the distinguished Senator from South Carolina (Mr. HOLLINGS).

The yeas and nays have been ordered, and the clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, let us have order so that we can hear.

The PRESIDING OFFICER. Let us have decorum, please.

The legislative clerk resumed the call of the roll.

Mr. McCLELLAN. Mr. President, let us have order.

The PRESIDING OFFICER. The Senate will please be in order.

The legislative clerk resumed the call of the roll.

Mr. McCLELLAN. Mr. President, we cannot hear.

The PRESIDING OFFICER. Let us have order, please.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) is necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. GURNEY), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The result was announced—yeas 31, nays 63, as follows:

[No. 573 Leg.]

YEAS—31

Allen	Cook	Long
Bartlett	Cranston	Nunn
Bellmon	Curtis	Packwood
Biden	Dole	Proxmire
Brock	Domestic	Ribicoff
Buckley	Dominick	Roth
Byrd	Eagleton	Scott
Harry F. Jr.	Ervin	William L.
Cannon	Fulbright	Symington
Chiles	Helms	Thurmond
Church	Hollings	Tunney

NAYS—63

Abourezk	Hathaway	Montoya
Aiken	Hruska	Moss
Bayh	Huddleston	Muskie
Beall	Hughes	Nelson
Brooke	Humphrey	Pastore
Burdick	Inouye	Pell
Case	Jackson	Percy
Clark	Javits	Randolph
Cotton	Johnston	Schweiker
Eastland	Kennedy	Scott, Hugh
Fannin	Laxalt	Sparkman
Fong	Magnuson	Stafford
Goldwater	Mathias	Stennis
Gravel	McClellan	Stevens
Griffin	McClure	Stevenson
Hansen	McGee	Taft
Hart	McGovern	Talmadge
Haskell	McIntyre	Tower
Hatfield	Metcalfe	Weicker
	Metzenbaum	Williams
	Mondale	Young

NOT VOTING—6

Baker	Bentsen	Mansfield
Bennett	Gurney	Parson

So Mr. HOLLINGS' amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. INOUE. Mr. President, I move to table that motion.

The motion to table was agreed to.

Mr. McCLELLAN. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Will the Senator yield 2 minutes?

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, one of the items in the continuing appropriation—

The PRESIDING OFFICER. The Senator will suspend. We must have order in the Senate.

The Senator may resume.

Mr. JAVITS. I thank the Chair for getting an extraordinary degree of quiet.

Mr. ROBERT C. BYRD. It will not last long. The Senator better take advantage of it.

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Mr. JAVITS. I will, and I will be very brief.

Mr. President, the continuing resolution has one item on which I wish to address the Senate. I think they will appreciate my particularly addressing myself to this matter.

It is assistance to Palestinian refugees, \$10 million.

I would especially call the attention of the Senate to the statement made in behalf of this rather small appropriation. In rather modest language, and, indeed, I think, great understatement, the committee calls attention to the seeming hopelessness as well as danger of this situation which has festered for so long.

I would say to the Senate within the deliberations of the Foreign Relations Committee, in which this authorization was given, I raised in the strongest way the need for the most careful inquiry into this situation, which is, on the one hand, torn between people who are allegedly neglected over the years, and, as the committee says, the backwater of international affairs, and these camps as a focal point for terrorism, danger, indeed wars, as happened in Jordan in that area of the world which is so very dangerous to the whole world and in such need of world attention.

I would simply like to take this opportunity to invite the attention of Senators to that item, and to the fact that the Foreign Relations Committee intends, from the expressions around the table when the issue was raised, to very carefully examine into it, and to urge those who go into that area—

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

Mr. JAVITS (continuing). And to urge those who go into that area in the coming few weeks that we will have in recess to have this in the back of their minds, with a view toward focusing the attention of the Senate, which I am confident will have some recommendations from the Foreign Relations Committee, on what could be a handle on this very trying and very dangerous situation in the Middle East, or could, on the other hand, be an exacerbating factor, as we see from the dreadful performance of the United Nations inviting a confessed terrorist to address it.

I lay that before the Senate because it is stated in the report of the Committee.

I thank the Senator.

Mr. KENNEDY. Mr. President, I rise to support the item in the continuing resolution providing \$10 million for Portugal and African States. This is part of the \$25 million—80 percent in loans and 20 percent in grants—recently authorized for this purpose by the Congress, on the basis of an amendment I introduced.

This appropriation supplements the assistance reprogrammed by the administration last week.

When the new Congress convenes in January I will strongly support appropriation of the \$15 million balance in the congressional authorization.

Mr. President, following my trip to Portugal last month, I returned deeply impressed by the need for the United

States to support the democratic experiment taking place in that country. The government in Lisbon has ended 48 years of repressive rule; and is ending 500 years of colonial rule in Africa.

What we are doing today is tangible support for these two efforts. It puts the United States firmly on record in support of the ideals and actions that many of us in this Chamber long urged in regard to Portugal. It should provide the basis for a new and long-lasting relationship with that country, and with the five African States now gaining independence. Now we will look to Lisbon, in the fervent hope that the Portuguese democratic experiment will succeed, and that decolonization will proceed apace—heralding a new day for these tens of millions of people.

Mr. President, I want to commend the many Members of the Senate who worked diligently to see that this aid to Portugal and the African states could be made available in a timely fashion. I particularly appreciate, today, the efforts of Senator INOUYE, in providing for funds in this continuing resolution. This quality of statesmanship deserves our respect.

Mr. MCLELLAN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do both sides yield back the remainder of their time?

Mr. MCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

INCLUSION OF CERTAIN LANDS IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. ROBERT C. BYRD. Mr. President, now that all time has been yielded back and a rollcall vote is imminent, on behalf of Mr. AIKEN and Mr. HASKELL I ask that the Chair lay before the Senate a message from the House on S. 3433, and that there be a time limit, thereon of not to exceed 3 minutes.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendment of the House of Representatives to the bill (S. 3433) to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes as follows:

Strike out all after the enacting clause and insert:

STATEMENT OF FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—
(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain areas in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890); certain

areas in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness; and

(3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

DESIGNATION OF WILDERNESS AREAS

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter in this Act referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres, are generally depicted on a map entitled "Sipsey Wilderness Area—Proposed", and shall be known as the Sipsey Wilderness;

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres, are generally depicted on a map entitled "Caney Creek Wilderness Area—Proposed", and shall be known as the Caney Creek Wilderness;

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres, are generally depicted on a map entitled "Upper Buffalo Wilderness Area—Proposed", and shall be known as the Upper Buffalo Wilderness;

(4) certain lands in the Appalachian National Forest, Florida, which comprise about twenty-two thousand acres, are generally depicted on a map entitled "Bradwell Bay Wilderness Area—Proposed", and shall be known as the Bradwell Bay Wilderness;

(5) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres, are generally depicted on a map entitled "Beaver Creek Wilderness Area—Proposed", and shall be known as the Beaver Creek Wilderness;

(6) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area—Proposed", and shall be known as the Presidential Range-Dry River Wilderness;

(7) certain lands in the Nantahala and Cherokee National Forest, North Carolina and Tennessee, which comprise about fifteen thousand acres, are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed", and shall be known as the Joyce Kilmer-Slickrock Wilderness;

(8) certain lands in the Sumter, Nantahala, and Chattahoochee National Forests

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in South Carolina, North Carolina, and Georgia, which comprise about three thousand six hundred acres, are generally depicted on a map entitled "Ellicott Rock Wilderness Area—Proposed", and shall be known as Ellicott Rock Wilderness;

(9) certain lands in the Cherokee National Forest, Tennessee, which comprise about two thousand five hundred and seventy acres, are generally depicted on a map entitled "Gee Creek Wilderness Area—Proposed", and shall be known as the Gee Creek Wilderness;

(10) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand five hundred acres, are generally depicted on a map entitled "Bristol Cliffs Wilderness Area—Proposed", and shall be known as the Bristol Cliffs Wilderness;

(11) certain lands in the Green Mountain National Forest, Vermont, which comprise about fourteen thousand three hundred acres, are generally depicted on a map entitled "Lye Brook Wilderness Area—Proposed", and shall be known as the Lye Brook Wilderness;

(12) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres, are generally depicted on a map entitled "James River Face Wilderness Area—Proposed", and shall be known as the James River Face Wilderness;

(13) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres, are generally depicted on a map entitled "Dolly Sods Wilderness Area—Proposed", and shall be known as the Dolly Sods Wilderness;

(14) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres, are generally depicted on a map entitled "Otter Creek Wilderness Study Area", and shall be known as the Otter Creek Wilderness; and

(15) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres, are generally depicted on a map entitled "Rainbow Lake Wilderness Area—Proposed", and shall be known as the Rainbow Lake Wilderness.

(b) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1973, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitled "Cohutta Wilderness Area—Proposed", and shall be known as the Cohutta Wilderness.

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of subsection 3(d) of that Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall review, as to its suitability or nonsuitability for preservation as wilderness, each area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as wilderness of each such area on which the review has been completed.

(b) Areas to be reviewed pursuant to this section (hereinafter referred to as "wilderness study areas"), as generally depicted on maps appropriately referenced, dated April 1974, include—

(1) certain lands in the Ouachita National Forest, Arkansas, which comprise approxi-

mately five thousand seven hundred acres and are generally depicted on a map entitled "Belle Starr Cave Wilderness Study Area";

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand five hundred acres and are generally depicted on a map entitled "Dry Creek Wilderness Study Area";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise approximately two thousand one hundred acres and are generally depicted on a map entitled "Richland Creek Wilderness Study Area";

(4) certain lands in the Appalachian National Forest, Florida, which comprise approximately one thousand one hundred acres and are generally depicted as the "Sopchoppy River Wilderness Study Area" on a map entitled "Bradwell Bay Wilderness Area—Proposed";

(5) certain lands in the Hiawatha National Forest, Michigan, which comprise approximately five thousand four hundred acres and are generally depicted on a map entitled "Rock River Canyon Wilderness Study Area";

(6) certain lands in the Ottawa National Forest, Michigan, which comprise approximately thirteen thousand two hundred acres and are generally depicted on a map entitled "Sturgeon River Wilderness Study Area";

(7) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand one hundred acres and are generally depicted on a map entitled "Craggy Mountain Wilderness Study Area";

(8) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand five hundred acres and are generally depicted on a map entitled "Wambaw Swamp Wilderness Study Area";

(9) certain lands in the Jefferson National Forest, Virginia, which comprise approximately four thousand acres and are generally depicted on a map entitled "Mill Creek Wilderness Study Area";

(10) certain lands in the Jefferson National Forest, Virginia, which comprise approximately eight thousand four hundred acres and are generally depicted on a map entitled "Mountain Lake Wilderness Study Area";

(11) certain lands in the Jefferson National Forest, Virginia, which comprise approximately five thousand acres and are generally depicted on a map entitled "Peters Mountain Wilderness Study Area";

(12) certain lands in the George Washington National Forest, Virginia, which comprise approximately six thousand seven hundred acres and are generally depicted on a map entitled "Ramsey's Draft Wilderness Study Area";

(13) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately six thousand three hundred acres and are generally depicted on a map entitled "Flynn Lake Wilderness Study Area";

(14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred acres and are generally depicted on a map entitled "Round Lake Wilderness Study Area";

(15) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-six thousand three hundred acres and are generally depicted on a map entitled "Cranberry Wilderness Study Area";

(16) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred acres and are generally depicted on a map entitled "Big Frog Wilderness Study Area"; and

(17) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fourteen thousand acres and are generally depicted as the "Citico Creek

Area" on a map entitled "Joyce Kilmer-Slickrock Wilderness Area—Proposed";

(c) Reviews shall be completed and the President shall make his recommendations to Congress within five years after enactment of this Act.

(d) Congress may, upon the recommendation of the Secretary of Agriculture or otherwise, designate as study areas, national forest system lands east of the 100th meridian other than those areas specified in subsection (b) of this section, for review as to suitability or nonsuitability for preservation as wilderness. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or nonsuitability for preservation as wilderness submitted to Congress within ten years from the date of designation as a wilderness study area. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to carry out management programs, development, and activities in accordance with the Multiple-Use, Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531) within areas not designated for review in accordance with the provisions of this Act.

(e) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map of each wilderness study area and a map and a legal description of each wilderness area shall be filed with the Committees on Interior and Insular Affairs and on Agriculture of the United States Senate and House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

MANAGEMENT OF AREAS

SEC. 6. (a) Except as otherwise provided by this Act, the wilderness areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act. The wilderness study area designated by or pursuant to this Act shall be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System until Congress has determined otherwise, except that such management requirement shall in no case extend beyond the expiration of the third succeeding Congress from the date of submission to the Congress of the President's recommendation concerning the particular study area.

(b) Within the sixteen wilderness areas designated by section 3 of this Act:

(1) the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act. All lands acquired under the provisions of this subsection shall become national forest lands and a part of the Wilderness System;

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(2) in exercising the exchange authority granted by paragraph (1), the Secretary of Agriculture may accept title to non-Federal property for federally owned property of substantially equal value, or, if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require;

(3) the authority of the Secretary of Agriculture to condemn any private land or interest therein within any wilderness area designated by or pursuant to this Act shall not be invoked so long as the owner or owners of such land or interest holds and uses it in the same manner and for those purposes for which such land or interest was held on the date of the designation of the wilderness area: *Provided, however,* That the Secretary of Agriculture may acquire such land or interest without consent of the owner or owners whenever he finds such use to be incompatible with the management of such area as wilderness and the owner or owners manifest unwillingness, and subsequently fail, to promptly discontinue such incompatible use;

(4) at least sixty days prior to any transfer by exchange, sale, or otherwise (except by bequest) of such lands, or interests therein described in paragraph (3) of this subsection, the owner or owners of such lands or interests therein shall provide notice of such transfer to the supervisor of the national forest concerned, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(5) at least sixty days prior to any change in the use of such lands or interests therein described in paragraph (3) of this subsection which will result in any significant new construction or disturbance of land surface or flora or will require the use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of the designation other than timber cutting), the owner or owners of such lands or interests therein shall provide notice of such change in use to the supervisor of the national forest within which such lands are located, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(6) for the purposes of paragraphs (7) and (8) of this subsection, the term "property" shall mean a detached, noncommercial residential dwelling, the construction of which was begun before the date of the designation of the wilderness area (hereinafter referred to as "dwelling"), or an existing agricultural activity begun before the date of the designation of the wilderness area, other than timber cutting (hereinafter referred to as "agricultural activity"), together with so much of the land on which the dwelling or agricultural activity is situated, such land being in the same ownership as the dwelling or agricultural activity, as the Secretary of Agriculture shall determine to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use or for the agricultural activity, together with any structures accessory to the dwelling or agricultural activity which are situated on the land so designated;

(7) any owner or owners of property on the date of its acquisition by the Secretary of Agriculture may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purpose or agricultural activity for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary of Agriculture shall pay to the owner the fair market value of the property on the

date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided,* That whenever an owner of property elects to retain a right of use and occupancy as provided for in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act; and

(8) a right of use and occupancy retained or enjoyed pursuant to paragraph (7) of this subsection may be terminated with respect to the entire property by the Secretary of Agriculture upon his determination that the property or any portion thereof has ceased to be used for such noncommercial residential purpose or agricultural activity and upon tender to the holder of a right an amount equal to the fair market value as of the date of tender of that portion of the right which remains unexpired on the date of termination.

TRANSFER OF FEDERAL PROPERTY

SEC. 7. The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of wilderness areas and wilderness study areas designated by or pursuant to this Act is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act.

APPLICABILITY

SEC. 8. Unless otherwise provided by any other Act the provisions of this Act shall only apply to National Forest areas east of the 100th meridian.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation, or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to section 3 of this Act and an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by section 4 of this Act.

Mr. AIKEN. Mr. President, this bill, S. 3433, is the result of cooperation between the Committee on Agriculture and the Committee on Interior and Insular Affairs. The bill passed the Senate unanimously last May, and went to the House. It has been cut down somewhat by the House in both the number of instant wilderness areas and the wilderness study areas. The legislation is very important because it insures that people in the eastern part of the United States will have the opportunity to enjoy wilderness areas in the national forests.

I believe we should accept the House proposal of an amendment, and I so move.

Mr. HASKELL. Mr. President, I would concur with the distinguished—

The PRESIDING OFFICER. The Senate will please come to order.

Mr. HASKELL. Mr. President, I concur with the distinguished Senator from Vermont that we should accept the House amendments and concur.

Briefly, I would like to say to the distinguished Senator that it is due to the foresight of the Senator from Vermont and his persistence that the United States will now be providing for those citizens in the East the same wilderness

experience that those of us from the western part of the country have enjoyed heretofore.

Mr. JACKSON. Mr. President, we have before us today the eastern wilderness areas bill as passed this week by the House of Representatives. Despite some shortcomings in comparison with the bill which this body passed on May 31, it is nevertheless a sound bill and worthy of being enacted into law. It would place 16 areas in the National Wilderness Preservation System and would establish 17 study areas for further review as to their wilderness qualities—all 33 areas being on national forests located east of the 100th meridian, that is, east of the foothills of the Rocky Mountains.

Many members of this body and both the Interior Committee and the Agriculture Committee have labored long and hard to bring to fruition an eastern wilderness areas bill which will enable the National Wilderness Preservation System to become a truly all-America system. Previously, areas in this system have been overwhelmingly located in the West. With this eastern wilderness areas bill we have a great opportunity to assure the protection and preservation of wilderness near to where the majority of the Nation's population lives, to make this vital resource more conveniently available to the American people. I urge a favorable vote by the Senate today on the eastern wilderness areas bill—just as the Senate previously voted favorably on its own version of this legislation.

I would particularly call attention to the provision in this legislation concerning the management of wilderness study areas. The wording in the earlier Senate-passed version is intended to prevent the erection of any new buildings or other man-made structures, the bulldozing of new roads primitive or otherwise, any sort of timber cutting, the operation of motor vehicles—except in emergencies—and any such activities involving new works of man or motor vehicle use. Under the bill before us today the language itself has been clarified by an additional phrase so that the key sentence dealing with the management of study areas now reads:

The wilderness study areas designated by or pursuant to this act shall be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

I consider this additional phrasing requiring maintenance of the "presently existing wilderness character" to be most helpful for it makes clear that nothing is to be done by the managing agency or its agents which would in any way change any of the physical qualities of a study area nor permit uses which are contrary to those allowed in wilderness areas under the Wilderness Act.

At the same time this fuller language serves notice that there is no requirement to remove from a study area existing manmade structures which are incompatible with wilderness. It recognizes that study areas represent a temporary situation, temporary in the sense that such status is subject to change within a foreseeable time when the Congress

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will either determine to place all or a portion of the study area in the National Wilderness Preservation System or will return it to the status of ordinary national forest land. As a temporary situation, existing structures not conforming to wilderness standards may temporarily remain until the permanent status of the study area is determined by the Congress.

I also note with approval that subsection 4(d) permits the Secretary of Agriculture and others to recommend to the Congress additional study areas on eastern national forests for review as to suitability or unsuitability for preservation as wilderness. I am confident that the Congress will welcome this sort of cooperative action designed to assure a thorough and orderly review of the wilderness resource.

And now I wish to express to the gentleman from Vermont, Senator GEORGE AIKEN, my warmest thanks for the very active and constructive part he has played in developing this eastern wilderness areas legislation. We originally sponsored separate proposals but joined together in fighting for the cause of eastern wilderness and S. 3433, in particular. This is a cause which has been close to his heart. He has long looked across the Green Mountains of Vermont and cherished their natural qualities. He saw in this legislation the means of assuring that the choicest areas in those mountains shall not be despoiled through the works of man but that rather they shall be permanently protected and preserved in their pristine beauty and character. Two Vermont areas on the Green Mountain National Forest would be designated as wilderness by the bill before this body today. They are the 6,500-acre Bristol Cliff Wilderness and the 14,300-acre Lye Brook Wilderness. He further saw that the legislation which could protect such splendid lands in his home State could equally serve to protect similar natural treasures in all other States. Passage of this bill today is one of the finest and most fitting tributes which this body could pay to our beloved comrade GEORGE AIKEN, long dean of the U.S. Senate and now on the eve of his departure from this body in which he has been a distinguished Member so long and successfully.

Mr. President, there are 3 wilderness areas and 23 wilderness study areas in S. 3433, as it passed the Senate, which are missing from the bill we vote on today. I plan to ask the Senate Interior Committee, on which I serve as chairman, to give careful consideration to these additional areas early next Congress.

I urge the passage of this eastern wilderness areas bill.

Mr. HASKELL. Mr. President, I am pleased to add my own remarks to those of the chairman in support of the House-passed version of S. 3433, the Eastern Wilderness Areas Act, now before this body to be voted upon.

This legislation has been studied, discussed, and debated during almost the entire 2 years of this 93d Congress. As chairman of the Subcommittee on Public Lands of the Interior and Insular Affairs Committee, I first held hearings on this legislation in February 1973. Field

hearings were later held in Concord, N.H. and Roanoke, Va. S. 316 was reported by the full Interior Committee in December 1973. In January 1974 the Senate rereferred S. 316 to the Agriculture Committee. Additions were made to S. 316 by that committee, principally as amendments to the Wilderness Act, and was reported out in early May as S. 3433. On May 31, 1974, the Senate passed S. 3433, the joint work of the Interior and the Agriculture Committees, as the Eastern Wilderness Areas Act of 1974. We have since been waiting for the other body to act.

The House-passed version of S. 3433 is now before the Senate for its consideration. Regrettably a number of wilderness and study areas have been deleted from the Senate act. Also several of the provisions designed to strengthen the protection given to eastern wilderness areas and all the direct amendments to the Wilderness Act of 1964 are missing from the House-approved bill. I am disappointed at such deletions and, believing a number of them to be valuable and needed, I will consider seeking their enactment in new legislation in the next Congress.

Meanwhile, careful consideration of the amended S. 3433 now before us convinces me that the areas and the provisions contained in it are sound and should be enacted into law now; 16 areas located in 13 different States and totaling 207,000 acres would be placed in the National Wilderness Preservation System; 17 study areas located in 9 States and totaling 125,000 acres would be established with interim protection and for further study and recommendation to the Congress. This represents a strong beginning toward enlarging the wilderness system in the eastern national forests beyond the three small areas—totaling approximately 26,000 acres—placed in the system by passage of the original Wilderness Act.

This amended S. 3433 firmly establishes the principle that eastern national forests do have areas which qualify as wilderness under the definition in the Wilderness Act. With its provision for study areas, it sets up a careful, orderly means for the review of proposed new wilderness areas in those cases where adequate information as to their suitability for wilderness designation is not immediately available. It authorizes the Secretary of Agriculture and others to recommend to the Congress new study areas for possible placement in the National Wilderness Preservation System. It restores the power of eminent domain to the Department of Agriculture with respect to inholdings within eastern wilderness—an absolutely essential provision in the East where both the national forests and the designated wilderness areas are small compared with those in the West, where access is relatively easy and convenient because of the minor distances involved, and where developers are ready and eager to acquire and convert inholdings into resorts and second-home developments, thereby severely eroding the special values of the surrounding congressionally designated wilderness. All these provisions, for the

most part couched in the language of the earlier Senate-passed bill and applicable only east of the 100th meridian, constitute a solid piece of legislation which I recommend for acceptance and passage by this body today.

I commend the strengthening of the language pertaining to the management of study areas as contained in the House-amended S. 3433. The addition of the requirement that study areas shall be so managed as to maintain their "presently existing wilderness character," as well as maintaining their "potential for inclusion in the National Wilderness Preservation System," makes clear the intention of the legislation to forbid within study areas any action or use, whether activities such as road-building, erection of new structures, cutting of timber or motorized transportation—except in emergencies—that would alter the physical condition or depreciate the natural environment. This is fully consistent with the principles of wilderness protection as understood through 10 years' experience with the Wilderness Act. Concerning existing nonconforming structures, recognizing the temporary status of any study area pending a final congressional determination, such structures may temporarily remain without violating the law.

I join in the tribute to our esteemed colleague, the gentleman from Vermont, Senator GEORGE AIKEN, whose thoughtful, constant effort has contributed so much to the drafting of this bill and to its successful movement through the Senate. I share his pleasure that two wilderness areas located in his native State of Vermont, the Bristol Cliffs Wilderness and the Lye Brook Wilderness, will be established by this legislation.

The chairman of the committee has asked me to place in the Record a response he received to his December 13, 1974, letter to the Wilderness Society requesting the society's views on the House action on S. 3433. In their letter, the society endorses the House action while stating that our version of S. 3433 is superior.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE WILDERNESS SOCIETY,

Washington, D.C., December 17, 1974.
Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Dirksen Office Building, Washington, D.C.

DEAR SENATOR JACKSON: It is a pleasure to respond to your letter of December 13, 1974 requesting the opinion of The Wilderness Society on the Committee-passed Eastern Wilderness Areas bill, H.R. 13455, also identified as amended S. 3433.

It is true that the House version of the Eastern Wilderness Areas bill lacks many of the excellent and needed provisions of the Senate-passed bill—provisions which would strengthen the protection given eastern wilderness and would specify under law certain administrative practices. We are very much in favor of these provisions as contained in the Senate-passed version of S. 3433 and will welcome the day when they can be enacted into law. In our view, you,

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your Committee and its staff, and the Agriculture Committee and its staff, did a most commendable job in drafting and passing the Senate legislation—for all of which the Society is deeply grateful.

It is with reluctance that we forego at this time the strengthening, beneficial provisions referred to in the above paragraph. However, there are positive, worthwhile benefits to be gained by passage of the limited House bill H.R. 13455, and we urge its acceptance by the Senate and its enactment by this 93rd Congress. H.R. 13455, by adding to the National Wilderness Preservation System 16 areas located on eastern national forests, would absolutely confirm that eastern national forests can and do contain lands which meet the definition of wilderness in the Wilderness Act. In establishing 17 Study Areas, thus continuing the concept of Primitive Areas set up in the Wilderness Act, it prescribes interim protection and an orderly procedure for the review of candidate wilderness areas. Restoration of the power of condemnation of inholdings within wilderness east of the 100th meridian is also accomplished. These are all vital provisions with respect to protecting eastern wilderness and well worth enacting into law now.

Again we thank you for all that you and your colleagues have done to further the protection of America's resource of wilderness and request your full support and prompt passage in the Senate of the House Interior Committee's Eastern Wilderness Areas bill.

Sincerely,

ERNEST M. DICKERMAN,
Director of Field Services, Eastern Region, The Wilderness Society.

Mr. AIKEN. Mr. President, I want to thank the members of the Agriculture and Forestry Committee and the Interior and Insular Affairs Committee for their very fine cooperation in reporting this bill.

Mr. HASKELL. I thank the Senator. The PRESIDING OFFICER. Is all time yielded back?

Mr. AIKEN. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Vermont move to concur in the House amendment?

Mr. AIKEN. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senator from New York be permitted to proceed for 1 minute.

Mr. BUCKLEY. Mr. President, I want to commend all concerned for the preparation of this most significant legislation.

As the distinguished Senator from Colorado stated, it now provides in the eastern part of this country for the same kind of preservation of unique resources that we have enjoyed in the West. I believe it is a significant step, but only a first step, in achieving a goal that will preserve vital ecosystems for the benefit of the entire Nation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont (Mr. AIKEN).

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion on S. 3313, the national wilderness bill, was agreed to.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FURTHER CONTINUING APPROPRIATIONS, 1975

The Senate continued with the consideration of the joint resolution (H.J. Res. 1178) making further continuing appropriations for the fiscal year 1975, and for other purposes.

The PRESIDING OFFICER. The question recurs on whether the joint resolution shall pass. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. GURNEY), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The result was announced—yeas 84, nays 9, as follows:

[No. 574 Leg.]
YEAS—84

Alken	Griffin	Montoya
Bartlett	Hansen	Moss
Bayh	Hart	Muskie
Beall	Hartke	Nelson
Bellmon	Haskell	Packwood
Biden	Hatfield	Pastore
Brook	Hathaway	Pell
Brooke	Hruska	Percy
Buckley	Huddleston	Proxmire
Burdick	Hughes	Randolph
Byrd, Robert C.	Humphrey	Ribicoff
Case	Inouye	Roth
Church	Jackson	Schweiker
Clark	Jeffords	Scott, Hugh
Cook	Johnston	Sparkman
Cotton	Kennedy	Stafford
Cranston	Laxalt	Stennis
Curtis	Long	Stevens
Dole	Magnuson	Stevenson
Domenici	Mathias	Symington
Dominick	McClellan	Taft
Easton	McClure	Talmadge
Eastland	McGee	Thurmond
Ervin	McGovern	Tower
Fannin	McIntyre	Tunney
Fong	Metcalfe	Welcker
Goldwater	Metzenbaum	Williams
Gravel	Mondale	Young

NAYS—9

Abourezk	Cannon	Nunn
Allen	Chiles	Scott
Byrd	Helms	William L.
Harry F., Jr.	Hollings	

NOT VOTING—7

Baker	Fulbright	Mansfield
Bennett	Gurney	Pearson
Bentsen		

So the joint resolution (H.J. Res. 1178) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and ask that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the

Chair appointed the following conferees: Mr. McCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. STENNIS, Mr. MCGEE, Mr. MONTOYA, Mr. INOUE, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, Mr. CASE, Mr. BROOKE, and Mr. HATFIELD.

EIGHTY-FIVE PERCENT PARITY PRICE FOR MILK—S. 4206

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed, for not to exceed 4 minutes, to the consideration of Calendar Order No. 1334, S. 4206.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, what is Calendar Order No. 1334?

Mr. ROBERT C. BYRD. If the Senator will look at his calendar, it is the last measure there, No. 1334.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill will be stated by title. The assistant legislative clerk read as follows:

A bill (S. 4206) to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with an amendment on page 1, beginning with line 6, strike out:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning with the date of enactment of this subsection and ending on March 31, 1976, the price of milk shall be supported at not less than 90 per centum of the parity price therefor. The parity price for milk shall be adjusted by the Secretary at the beginning of each quarter, beginning with the second quarter of the calendar year 1975, to reflect any change during the immediately preceding quarter in the index of prices paid by dairy farmers for production items, interest, taxes, and wages rates."

And insert:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning with the date of enactment of this subsection and ending on March 31, 1976, the support price of milk shall be established at not less than 85 per centum of the parity price therefor on the date of enactment, and the support price shall be adjusted thereafter by the Secretary at the beginning of each quarter, beginning with the second quarter of the calendar year 1975, to reflect any change during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and wages rates."

Sec. 2. (a) It is the sense of the Congress that the President shall take appropriate action to limit the quantity of meat imports to an amount equal to the adjusted base quantity estimate for the current calendar year pursuant to section 2(b) of the Act of August 22, 1964.

(b) It is further the sense of the Congress that the President, with the concurrence of the Secretary of Agriculture, issue a procla-

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mation stating that import quotas on butter, butter oil, cheddar cheese, and nonfat dry milk, as authorized under section 22 of the Agricultural Adjustment Act of 1933, not be increased above the levels prevailing as of June 1, 1971.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Agricultural Act of 1940 (7 U.S.C. 1446), as amended, is further amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning with the date of enactment of this subsection and ending on March 31, 1976, the support price of milk shall be established at not less than 85 per centum of the parity price therefor on the date of enactment, and the support price shall be adjusted thereafter by the Secretary at the beginning of each quarter, beginning with the second quarter of the calendar year 1975, to reflect any change during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and wages rates."

Sec. 2. (a) It is the sense of the Congress that the President shall take appropriate action to limit the quantity of meat imports to an amount equal to the adjusted base quantity estimate for the current calendar year pursuant to section 2(b) of the Act of August 22, 1964.

(b) It is further the sense of the Congress that the President, with the concurrence of the Secretary of Agriculture, issue a proclamation stating that import quotas on butter, butter oil, cheddar cheese, and nonfat dry milk, as authorized under section 22 of the Agricultural Adjustment Act of 1933, not be increased above the levels prevailing as of June 1, 1971.

Mr. HUMPHREY. Mr. President, this bill is the result of hearings in the House and in the Senate. The bill before us represents a compromise in the original legislation. This bill will increase the support level to 85 percent of parity. It will also do some other things that are quite necessary, calling the administration's attention to the depressing effect of the massive imports of dairy products which are literally driving our dairy farmers out of business.

This bill will also require a quarterly rather than an annual recomputation of the price which farmers receive under the price support level.

Mr. President, very quickly, legislation like this should not be needed. We do have, presently on the books, a law that requires supports of not less than 80 percent of parity, but the support level really is running at about 73, due to increased operating costs and increased feed costs.

Our dairy industry is not in a recession, it is in a massive depression. There is wholesale liquidation of dairy cattle in this country, and, may I say, at prices that are scandalously low.

A milk cow sells in the Midwest today, according to the market reports, for around 12 to 16 cents a pound, which is an incredibly low price when you stop to think what you pay in the supermarket for hamburger.

Furthermore, we are liquidating many dairy farmers. In Minnesota alone, 3,500 dairy farmers have been liquidated this year, and 49,000 dairy cows have been

liquidated. Yet no one seems excited about it.

When there are unemployed, people are excited. When the automobile industry is in trouble, we are disturbed. When the steel industry cuts back, we are worried. But when farmers in the Midwest are in difficulty, everyone says, "Ho-hum"—not "Ho-ho, Ho-hum."

Something has to be done before we have a major disaster in rural areas. I ask Senators to remember that depressions are farm-led and farm-fed.

DAIRY SUPPORT LEVEL SHOULD BE RAISED TO 85 PERCENT OF PARITY

Mr. President, our dairy farmers are facing disaster, and I urge passage of this bill, S. 4206, to increase the price support level to 85 percent of parity. Hearings have been held by the Department of Agriculture and both Houses of Congress which have overwhelmingly demonstrated the need to increase the support level. But the Department of Agriculture has continued to turn a deaf ear.

Today, I urge that we pass legislation in order to help our dairy farmers to stay in production.

My bill would not only raise the price support level to 85 percent of parity, but it also would provide for a quarterly rather than an annual recomputation of the price which farmers receive under the price support level.

The price support level is now set on April 1 each year, and our present price support level was determined at 80 percent of parity on April 1, 1974.

However, because of rapidly escalating production costs, the support level, in terms of prices received by our farmers, has gone down, and it is now estimated at around 75 percent of parity.

Recomputing the parity level quarterly would be helpful in enabling farmers to at least stay even with ever-increasing production costs.

Our Senate Committee on Agriculture and Forestry held hearings on September 30. At that time, the testimony was unanimous that our farmers are in desperate straits. Even the Department of Agriculture, with its rose-tinted glasses, conceded as much. But they have been unwilling to act.

On October 8-10, the Department of Agriculture held hearings to consider raising the minimum prices paid to farmers for class I or fluid milk. A modest increase in the minimum prices to \$7.50 per hundredweight was proposed. This would have been somewhat helpful and at least indirectly have provided a minor benefit to the producers of class II milk. However, even this minimal increase has been rejected.

Mr. President, I find no other recourse but to enact legislation to do what the Department of Agriculture has neither the courage nor the will to do.

At our Senate hearings in September, we heard that dairy production costs have probably increased by at least 30 percent in the past year. Feed-concentrate costs, as one example, have gone up over 32 percent in 1 year. Some costs have gone up by 300 or 400 percent.

With our reduced harvests, there is little chance that the costs of feed will improve. At the time of our Senate hearings, it was indicated that our dairy farmers were able to buy only about 110 pounds of feed with 100 pounds of milk. A farmer should be able to buy 170 pounds of feed with 100 pounds of milk if he is to make a profit.

This feed-milk ratio is an important indicator of profitability, and the present ratio is the worst it has been since 1947.

In surveying States in different areas of the country such as South Carolina, Washington, Colorado, Texas, Oklahoma, Wisconsin, California, Iowa, and Minnesota, it was demonstrated that farmers have been losing from \$1.50 to \$2 per hundred pounds of milk produced.

To compound the problem, the Department of Agriculture this year increased the importation of milk products by about 1.3 billion pounds over 1972, a fairly typical year. The USDA estimates that this year the CCC will acquire 1.2 billion pounds of milk products, an almost even tradeoff in terms of the level of imports.

It is small comfort for our farmers to be told that the CCC has been making purchases of milk products. If our farmers had not had to face the increased competition of subsidized imports, our milk markets would not be in their present state.

While there has been a minor improvement in milk prices during the fall, this has been very slight. Our farmers have continued to face the choice of staying in production and continuing to lose money or selling their herds at a fraction of their real value.

Many of our urban citizens have rightly been disturbed at the recent slaughter of cattle. The news stories have sometimes given the false impression that the farmers were being greedy and trying to keep cattle prices high.

Our farmers have been trying to get their message through for months, and the USDA has ignored the law and has been unwilling to help.

Members in both Houses of Congress have developed legislation to make large-scale purchases of livestock to relieve this present problem.

Stories have reached me recently of cattle being sold in Minnesota for 8 cents and even 5 cents per pound. In some cases the returns from the sale did not even meet the hauling costs.

This is a sorry state, and it is understandable why our farmers are angry, frustrated, and desperate.

I am concerned that we not only look at the question of reducing livestock herds, but that we also find ways of keeping our farmers in production.

This bill will raise the price support level to 85 percent of parity and deal with the issue of meat and dairy imports.

It is a very modest but much needed bill.

Chairman TALMADGE of our Committee on Agriculture and Forestry announced on September 23, that we would be having extensive hearings early in 1975 on the need for revisions in our agricultural

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legislation. But, in my view, the situation has reached the point where we cannot wait until some time in 1975 for new legislation.

With over 3,000 of our Minnesota dairy farmers having been forced out of production during the past year, I think it is urgent that we enact this legislation.

I urge that we pass S. 4206 without delay.

Mr. President, I yield to the Senator from Kansas for a comment on this bill.

Mr. DOLE. I appreciate the Senator's yielding.

CRISIS IN DAIRY INDUSTRY

Mr. President, the Washington Star-News of yesterday has a headline of "\$5.5 Billion OK'd for Jobless Aid." I have checked with the Labor Department and have been advised that not a single penny of all these billions of dollars would be available for dairy farmers.

The point I would make to my colleagues is that when a dairy farmer is losing money, he goes out of business. The Congress has not provided multibillion-dollar programs to bail out dairy producers. As a matter of fact, we have scarcely done anything to relieve the disastrous conditions that dairy producers are facing and have faced for many months.

GOAL IS TO PRODUCE

And I do not think Kansas dairy producers are seeking multibillion-dollar programs to bail them out. Their objective is consistent with an objective of Congress—to have an adequate supply of reasonably priced dairy products for consumers. It makes sense for us to help their efforts to achieve that goal. We can do that by passing this bill today.

Dairy farmers work 365 days a year. They have to. A dairy cow has to be milked every day, 7 days a week, twice a day. They have to be milked in rain, snow, and shine. They must be taken care of in hot weather or in freezing weather. Dairy farmers face a rigorous day-in-day-out schedule.

They have faced rising expenses and declining market prices for many months. Many Kansas dairy farmers have contacted me to indicate that they are and have been operating at a deficit. Many of them are facing bankruptcy.

It is my feeling that we should do something to insure that consumers have a continuous, steady supply of milk and other dairy products. We can do that by enacting a higher dairy price support, and in that regard I hope the Senate today will pass this bill raising price supports to 85 percent of parity.

REALISTIC LEVEL

It was my proposal yesterday in the Senate Agriculture Committee that we report a bill with a price support level at 85 percent of parity. It is my feeling that this level of price support is not excessive. It is a realistic figure that would benefit dairy farmers. It is not so high that it would result in a tremendous increase in expenditure of Federal tax funds.

The trend in milk prices indicates that an increase in price supports is greatly needed. The manufacturing milk price declined by nearly \$1 per hundredweight between November 1973 and November

1974. At the same time, the expenses of dairy farmers have risen sharply. The simple economic fact is that dairy income does not match dairy costs. The only possible result is for dairy farmers to go out of business.

DAIRY FARMERS DECREASING

Recent figures from the Department of Agriculture show that the number of dairy farmers is declining. This year, about 50,000 dairy farmers went out of business. That is more than 13 percent of the total number of dairy farmers in business in 1973. Between 1972 and 1973, an even larger number of approximately 57,000 dairy farmers went out of the business.

These figures are sobering, but the most critical fact is not shown by the figures. That is the number of dairy farmers who are on the verge of going out of business right at this point. With dairy farmers losing money all over the country, it seems highly possible that dairy farmers could begin going out of business en masse. The result would be smaller supplies of dairy products, leading to possible shortages for consumers.

Another aspect of the declining number of dairy farmers is that smaller farmers and family farmers are being replaced by large corporate operations. Family farmers have always kept a competitive element in the market. In the interest of keeping dairy prices competitive, we should give family farmers and smaller operators an opportunity to stay in business. The increase in dairy price supports would help many of them survive this crisis.

MORE FREQUENT ADJUSTMENT

The present support level is about 73 percent of parity. It is too low to be meaningful to dairy farmers who are facing bankruptcy.

Last year, we set the dairy price support level at 80 percent of parity. It was duly established at 80 percent by the Department of Agriculture on the specified date, April 1, 1974. Since that time, expenses for dairy farmers have risen so sharply that the price support which was formerly 80 percent of parity is now equivalent to about 73 percent.

This kind of discrepancy between the actual level and what is required by law would be resolved by this measure. This bill provides for a readjustment of price supports on a quarterly basis, instead of the annual basis that is presently provided in the law. This provision would be of great benefit to dairy farmers and would insure that the intent of the law is more consistently carried out.

MULTI-FACETED PROBLEM

The difficulties facing dairy farmers are complex. For example, they have sought relief from dairy imports for many months and the Congress has done nothing to relieve their difficulties. Under the threat of countervailing duties, the European Economic Community lifted their dairy export subsidies a few months ago. It is my understanding that dairy imports are presently declining substantially. This should benefit the domestic industry. But when a dairy farmer is facing bankruptcy, it is hard for him to understand why our Government is permitting any dairy imports at all.

I understand this concern and feel that it is justified. I have attempted to get legislation passed to halt or limit dairy imports. The Senate has not been responsive to my proposals, but it is my feeling that this legislation we are considering today could reduce the difficulties being faced by dairy farmers.

Mr. President, dairy farmers are not asking for a \$5.5 billion program as printed in the Washington Star-News. They do need a meaningful program to help them get through the crisis they are presently facing. The price support at 85 percent of parity, as provided in this bill, would give some meaningful assistance. It is my hope that we can pass this measure today and move it toward enactment into law.

Mr. HUMPHREY. Mr. President, I am delighted to see the Senate pass S. 4206. This bill, if accepted in the House, will have a beneficial impact on our dairy industry since it raises the price support level to 85 percent of parity and provides for a quarterly adjustment of the prices paid to farmers under the basic support level.

In addition, the bill also provides that it is the sense of the Congress that the President should take appropriate action to assure that meat and meat product imports not exceed the adjusted base for the current year pursuant to the Meat Import Act, and that import quotas of selected dairy products not exceed the levels as of June 1, 1971, as authorized by section 22 of the Agricultural Adjustment Act of 1933.

This step is important in signaling to the administration that meat imports have been an important factor in our presently depressed livestock industry.

I understand that the administration is now at last planning to take action on the question of meat imports.

Mr. President, I hope that the House will see fit to take action on this bill without delay.

Mr. President, I notice the distinguished Senator from Vermont (Mr. AIKEN), who has been a leader in this effort to help our dairy farmers, which is without doubt the most important form of agriculture, is present in the Chamber. His resolution relating to dairy supports passed unanimously in the Senate just a few weeks ago.

Mr. President, I ask for the vote.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide price support at not less than 85 percent of the parity price therefor, and for other purposes."

Mr. GRIFFIN. Mr. President, may I inquire from the distinguished Senator from Minnesota, although the bill as read indicated 90 percent support, is it not true that a committee amendment changed that to 85 percent?

Mr. HUMPHREY. That is correct. That was a compromise that was arrived at in committee.

Mr. GRIFFIN. I thank the Senator.

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The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed with its regular order.

EXPORT-IMPORT BANK ACT AMENDMENTS—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the Chair lays before the Senate a report of the committee of conference on H.R. 15977. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 18, 1974 at page 40918.)

The PRESIDING OFFICER. Under the previous order, the time on this measure is limited to 45 minutes, to be equally divided between and controlled by the Senator from Illinois (Mr. STEVENSON), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Oregon (Mr. PACKWOOD).

Mr. PACKWOOD. Mr. President, I ask unanimous consent that Ed Kemp, of the staff of the Committee on Banking, Housing, and Urban Affairs, be accorded the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF CERTAIN ITEMS ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, while Senators who are involved in the Eximbank conference report are coming to the floor, I ask unanimous consent to proceed for 2 minutes without the time being charged to either side, and I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 1327, 1329, and 1333.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGINALD C. VINES

The resolution (S. Res. 466) to pay a gratuity to Reginald C. Vines was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Reginald C. Vines, Administrator of the estate of John H. Vines, an employee of the Senate at the time of his death, a sum equal to ten months' compensation at the rate he was receiving by law at the time of his death,

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said sum to be considered inclusive of funeral expenses and all other allowances.

TRANSPORTATION OF INFORMATION CONCERNING LOTTERIES

The Senate proceeded to consider the bill (S. 544) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes, which had been reported from the Committee on the Judiciary with amendments on page 2, in line 6, strike out "located" and insert "licensed to a location".

On page 2, at the end of line 8, strike out "addressees" and insert "addresses".

On page 3, at the end of line 14, strike out "addressees" and insert "addresses".

Mr. MCINTYRE. Mr. President, I wish to address myself to the State lotteries bill, S. 544.

I well understand the constraints of time under which we are operating here. There is an urgent need to resolve the position of State lotteries under existing law, and we must act now.

However, as a Representative of the State which developed the first State lottery, I would argue to my colleagues that this bill constitutes only a first step in adjusting present law to take into account the recent growth and public acceptance of State-conducted lotteries.

The New Hampshire lottery provides my State with a major portion of its revenues. Since 1964, it has provided the State educational system with more than \$18 million, and has been a model of honest administration. The prohibitions on interstate mailing and advertisements will cut substantially into those revenues.

I will continue to make every effort to broaden the position taken here today, and to assure that the needs of both lottery States and nonlottery States can be reconciled.

Mr. KENNEDY. Mr. President, I fully support the lottery legislation before the Senate body today. This bill was developed after extensive hearings in the Senate Judiciary Committee and closely resembles legislation recently passed by the House. While I supported broader legislation which would have allowed free use of the mails, radio, and television beyond the borders of the lottery States, I do support the present bill as does the Massachusetts State Lottery Commission as providing the absolute minimum of freedom of operation required to operate a successful lottery.

Thirteen States now operate lotteries and all have experienced legal difficulties as the result of laws passed a century ago to end abuses in private lottery schemes. State lotteries, as operated in the 13 States today, represent an entirely different situation. They are not operated for private gain, but to supplement revenue in order to support essential public services.

It is estimated that in this fiscal year alone, over \$400 million will be raised in the 13 lottery States to provide funding for government programs crucial to the citizens of those States. In the Com-

monwealth of Massachusetts, in fiscal 1972, \$22 million was distributed across 351 towns and cities from lottery funds. In fiscal 1973, another \$35 million was apportioned to these towns and cities for expenditures in the public interest.

Without this legislation, State lottery commissions will be forced to continue their operations waiting to see which Federal gambling statutes will be enforced, how strictly they will be enforced, and when enforcement procedures will be implemented. The Department of Justice has made their position quite clear. They are sympathetic to the problems of the lottery States, but it is up to the Congress to change the law and provide an equitable solution to their problems.

What is clear from these figures is that lottery operations in those States which have chosen to support them have become an important source of income for essential services to the residents of those States. None of the abuses which existed in lotteries run for private profit a century ago are present in the lotteries of these States.

In Massachusetts, lottery legislation was passed in September 1971, providing for a five-man commission to manage the operation: four members appointed by the Governor of the Commonwealth and the State Treasurer serves as chairman. An executive director supervises and administers the overall operation of the lottery.

The revenue from the lottery operation in Massachusetts is distributed to towns and cities on a formula which insures that poorer communities receive the greatest proportion of the revenues. This is accomplished by taking into account the population and property evaluation of the community. Once the funds are distributed, the local communities make their own decisions based on their own priorities as to what public service programs will benefit from the revenues.

In each of the 13 lottery States, the lottery operations now in existence have been run by commissions which have maximized every opportunity to insure the integrity of the operation. We have the facts; we know the amounts of revenue raised; and we know where the money has been spent. In all of the testimony gathered by both the Senate and the House, there has been no suggestion that any of the lottery operations has had any example of dishonesty.

The lottery States including my own State have found an innovative and effective way to raise revenues for local governments who are in dire need of these funds. We can today by passing this bill assure those States that outdated and outmoded Federal laws will not hamper their efforts.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SURPLUS MATERIAL FOR THE NAVAL SEA CADET CORPS

The bill (H.R. 11144) to amend title 10, United States Code, to enable the

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Naval Sea Cadet Corps and the young marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE EXPORT-IMPORT BANK ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Who yields time?

Mr. STEVENSON. Mr. President, the conferees have completed their work on the Export-Import Bank bill. I am happy to report that after prolonged and intense negotiations, we have reached an agreement which I enthusiastically support and urge my colleagues to support as well.

The conference report accomplishes the first major reforms in the history of the Bank. It vindicates our efforts in the Senate to focus public attention on the economic and foreign policy consequences of the Bank's operations. It vindicates our efforts to expose the Bank's operations to closer congressional scrutiny and to induce greater Bank sensitivity to such matters as U.S. energy policy and the domestic economic consequences of its operations. And it vindicates our efforts in the Senate to make the Bank's policies and practices more responsive to congressional oversight.

These efforts began just about a year ago when in the International Finance Subcommittee we began a searching examination of the Bank. Over the years, the Bank's charter had been routinely extended by the Congress, until by 1974 it had grown into a \$20 billion institution whose operations had taken no major economic and foreign policy dimensions. Just as it had in the past, this year the Bank again sought a routine extension of its charter and a \$30 billion authorization. But no routine extension was granted, and no blank check was issued. We can now be confident that hereafter the concerns expressed in the Congress will play a major role in the Bank's operations.

In this conference report all the major reforms sought by the Senate have been achieved. Every provision which the Senate secured in the second conference report was retained. And, in addition, the Senate was sustained on the two issues which received the greatest attention on the floor of the Senate; namely, the budget and Soviet Union energy issues.

Starting in fiscal 1977, the Export-Import Bank will be back in the budget. Unless the Budget Committees, which now have the matter under review, recommend otherwise and the Congress concurs, the Export-Import Bank's operations will again be subject to the full Federal budgetary process.

In addition, the Bank will hereafter be precluded from assisting major fossil fuel energy projects in the Soviet Union without congressional approval. Under the bill agreed on in conference, Exim assistance for Soviet Union energy development, including processing and distribution, is prohibited. In addition, the bill places a subceiling of \$40 million on Exim assistance for energy research and exploration in the Soviet Union. Both provisions are in addition to the overall ceiling of \$300 million on Exim assistance for exports of any kind to the Soviet Union and the requirement that Congress be notified 25 legislative days in advance of all proposed energy projects in the Soviet Union involving \$25 million or more of Exim assistance.

The \$300 million ceiling, the ban on energy production, and the \$40 million subceiling can only be changed if the Congress expressly approves. Before that can occur, the President must report to the Congress his determination to establish a higher overall ceiling and specifically indicate in his report the amounts within the ceiling which would be available for energy research, exploration, and production. This means, for example, that the Yakutsk project, which has received much attention in the Congress and involves more than \$40 million in Exim financing, cannot go forward unless Congress approves a higher overall ceiling and new subceiling for energy research and exploration. At that time, the Congress will have a full opportunity to review the proposed project as well as all other proposed Exim assistance for the Soviet Union to determine whether such financing is consistent with U.S. foreign and economic policy and otherwise serves the best interests of the United States.

Those who contend that the \$40 million subceiling will permit financing of a portion of the proposed Yakutsk project without congressional approval are absolutely incorrect. Yakutsk involves \$49.5 million of Exim assistance. In their deliberations the conferees made it clear that any attempt to break up the Yakutsk project or any other large project into smaller parts in order to escape congressional approval would be in violation of the law.

The same problem presents itself with respect to the prenotification provisions of the bill. And on that point, the Senate Banking Committee made clear in its report on the bill it originally reported out of committee that it expects full compliance with the spirit as well as the letter of the law. The language of that report on this issue (S. Rept. No. 93-1097, 93d Congress, 2d session at 10) is worth quoting in full for its applicability here:

The Committee is aware of the difficulty in determining whether a particular transaction involves a loan or loans aggregating \$50 million or more. The Committee does not anticipate that a transaction will be broken down into components or otherwise altered to avoid the applicability of this subsection. At the same time, it recognizes that subsequent to approval of a loan in an amount below the level set by this subsection, another loan or loans may be authorized for the same project which together with such earlier loan would aggregate \$50 million or more. The test

to be applied under this subsection should be whether the Bank's Board of Directors has been informed by the proposed borrower or should otherwise be reasonably aware at the time the loan is to be approved, that it is part of a series of loans intended by such borrower to relate to the same undertaking which, in the aggregate, equals or exceeds \$50 million. The Committee expects the Board to make every reasonable effort to ascertain the borrower's intentions before deciding whether or not a loan must be submitted to the Congress for review. If the Board concludes that a proposed loan will indeed be part of a series of loans relating to same undertaking, then the loan must be submitted to the Congress for review even if the particular loan in question does not itself amount to \$50 million or more.

Mr. President, it should be emphasized that these ceilings on authorizations for transactions with the Soviet Union are in no sense final. They can be raised by the Congress. Nor do they reflect, as has been charged, an anti-Soviet attitude. They do reflect a growing doubt about the wisdom of large Exim Bank transactions which involve foreign production of energy at a time when the United States needs capital and material to develop energy at home. Concern is also mounting over large Exim transactions that lead to the development of facilities abroad which can produce goods in competition with goods produced at home. In the case of the Soviet Union, such concerns are heightened by the knowledge that it has a GNP second only to our own. However, desirable trade with the Soviet Union may be, the need to subsidize trade with a rich nation, largely isolated from the economic distress in the West, is not clear.

Loans to the Soviet Union have risen to \$469 million in little more than a year and a half. These loans are long term and generally involve large projects for which there is little or no foreign competition.

The political benefits to be derived from subsidized trade with the Soviet Union are as yet unperceived, and I suspect that the availability of credits beyond the ceilings in this bill will depend on the prudence with which the Bank uses its authority—and above all, on progress toward détente, more particularly, the liberalization of emigration policy in the U.S.S.R., the Soviet role in the Middle East, movement toward strategic arms control and mutual and balanced force reductions in Europe.

In addition to changes in the Bank's charter regarding the Soviet Union and inclusion of the Bank in the budget, the conference report accomplishes other major reforms.

They include a requirement that the Bank take into account the possible adverse effects of Exim assistance on U.S. employment, the competitive position of U.S. industries, and the availability of materials in short supply before approving any loan, guarantee, or insurance. They include a requirement that Exim's interest rates be set by taking into account the average cost of money to the Bank. They require that Treasury lending to Exim bear interest at a rate equal to Treasury's cost of money on borrowings of similar maturities. They require

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that Exim report semiannually on the progress it is making in reducing international credit competition. They require that Exim report semiannually on all energy related transactions and include in that report an analysis of the effect of such transactions on the availability of energy developed abroad for use in the United States. They require that Exim report annually on its progress in assisting small business. And by reducing the amount of additional authority available to Exim to half of the additional \$10 billion it asked for, and by placing the ceiling of \$300 million on new assistance to the Soviet Union, it insures that within a relatively short time, perhaps as soon as 2 years or less, the Congress will again have an opportunity to consider what, if any, kind of Export-Import Bank it wishes to have.

Mr. President, the fate of the Export-Import Bank has been debated at length. In hearings, on the floor of the Senate, and in conference, the Bank has received the most intensive scrutiny in its 30-year history. The issues have been explored fully and now, in this third conference report, the Senate's position has been fully sustained.

With approval of this conference report, the Senate can be assured that the Bank's ability to assist U.S. exports will be continued and, indeed, improved, but that the Congress will have a continuing opportunity to oversee and influence the Bank's policies and practices. The Senate can have confidence that there will be no major commitments of Exim assistance for energy projects in the Soviet Union unless Congress approves. The Senate can have confidence that it will have an opportunity to scrutinize every proposed major transaction throughout the world before the Bank gives final approval. The Senate can have confidence that the Bank will be wary of extending assistance to other countries if there are potential adverse domestic economic consequences. And the Senate can have confidence that the Bank will be sensitive to the need to reduce international credit competition.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Vote.

The PRESIDING OFFICER. The Senator from Pennsylvania (Mr. SCHWEIKER) is recognized.

Mr. SCHWEIKER. Mr. President, I yield myself 5 minutes.

Mr. President, I rise in opposition to the conference report. I would like to begin by commending the conferees for making substantial progress in getting the Proxmire budget amendment included in this report and in getting or beginning to get a grip on the Soviet energy problem.

However, I would have to say that I am still disappointed on the Soviet energy problem, because I had hoped that Congress would have an absolute oversight in all energy explorations in the Soviet Union.

The report, as I understand it, says production is not permitted under the Export-Import Bank financing program, but that research, exploration, and drilling are.

Well, you do not have to be a genius in oil exploration or gas exploration work to know that that is where all the action is, in the drilling, the exploration. That is the risk; that is the gamble. Once you find you have something down there, anybody is willing to finance it, and I am sure even the Soviet Union, once they find the tremendous reserves of energy are there, will not have any trouble coming up with the money, notwithstanding the trouble that they are having in coming up with it right now. I am sure the Japanese would be glad to finance it once somebody took the risk, and which would necessitate such an investment in capital, and which is the gamble.

Under this proposal, the U.S. taxpayers will take the gamble, they will take the risk. If it should be a dry field or a dry well, we will be the ones holding the bag. Yet, ironically, we are doing it for them, and we are doing it at a time, and we are giving them 7 or 8 percent money, when our energy developers here at home cannot get that kind of money.

So, obviously, there is encouragement and inducement here for drilling equipment, for exploration equipment to go abroad—of all places, to the Soviet Union—because, in fact, they can get it at 7 or 8 percent money on the long-term versus 10, 12, or 13 percent money here at home. So we still have a sweetener in there for energy exploration abroad in the Soviet Union.

In addition, we encourage the shipment of this kind of equipment abroad. Just a little while ago I read an article which said that we were having trouble getting drilling rigs for the reserves that are off our shores, because drilling rigs were in short supply and drilling equipment was in short supply.

Well, it certainly is going to be in even shorter supply now, because we give it the impetus of 7 and 8 percent money.

So while we have made progress, and while we have certainly come a long way from the other body being unwilling to regulate the Export-Import Bank in any way, I still, as a Senator, have trouble understanding how we are promoting Project Independence and energy sources here at home when we put a taxpayer sweetener in of 5 to 6 percentage point interest which, over a long period of time, can amount to an awful lot of money.

In addition, I hope that the distinguished Senator from Illinois is correct in that we are not going ahead with the Yakutsk energy deal. I hope he is correct. I certainly trust his word and acknowledge his word. But I must say that I am not as excited about the Bank's situation in this regard because, quite frankly, it was just this past year where I had the General Accounting Office make a study of the last law we passed on the Eximbank and, lo and behold, they very clearly violated the law, the intent of Congress, and completely ignored the will of Congress.

The GAO report certified to that extent. We could never get them to undo the harm done, because they would never acknowledge, or acknowledge Congress own order.

So while I would be glad to hear the Senator from Illinois believes that, I am sure he does and I hope he is right—

Mr. STEVENSON. Would the Senator yield for one clarification?

I did not say or intend to say that Yakutsk was not going ahead.

What I intended to say, and I believe did say, was that the Yakutsk transaction could not go ahead without congressional approval.

Mr. SCHWEIKER. So the Senator is saying, though, that the changes he is making now would absolutely prohibit Yakutsk unless Congress gives further approval?

Mr. STEVENSON. That is correct.

Mr. SCHWEIKER. And I commend the distinguished Senator for his position, and his stand and belief.

What I am saying is that I have heard that song before from the Eximbank and we had a rule of law—

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SCHWEIKER. I yield myself 2 additional minutes.

We had a rule of law that Congress wrote, it was written in this body, it said very specifically that no money could be loaned to the Communist countries unless the Presidential determination was found that that particular loan was in the national interest.

The Eximbank turned that around so that the President wrote a letter and said that from now on, henceforth and forevermore, it is in the national interest to loan money to the Soviet Union under that provision.

No attempt to make a specific finding in each case, no judgment in each case. Clearly a circumvention of the Senate's will.

It went back with a ruling from the Congress and from our Comptroller General. They still ignored the law.

So that is why I am rightfully a little bit skeptical and suspicious, and because there is not a bit of exploration, which I happen to think is one of the biggest investments in oil and gas. Once we know it is there, there is no problem, everybody wants in on the deal, like the gold strike, we all want part of it.

Financing is no problem. It is a problem to dig a dry well and holes in fields one hopes is there.

So all I say is this did not give us the assurance that we will not be subsidizing energy development in the United States.

Therefore, Mr. President, I will have to vote against this conference report. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. First of all, I want to express my sincere appreciation to the members of the Senate conference. I think they did everything possible to uphold the Senate position in the final conference, and I commend them for the changes that were made in the bill.

It is a much-improved bill in terms of the measure of congressional control that has now been conceded, particularly with reference to loans through the Export-Import Bank in the energy field.

But I, too, cannot be satisfied that we

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have fully achieved our goal. I agree with the distinguished Senator from Pennsylvania that, without requiring the prior express consent of Congress at the commencement of one of these ventures, there can be no assurance that Congress will not afterwards be pressured—on the basis of money already lent—to approve a further commitment of American credit to underwrite the development of a gigantic natural gas project in Siberia, such as that contemplated in the Yakutsk negotiations, or that contemplated in the negotiations respecting the North Star project.

Mr. STEVENSON. Will the Senator yield long enough for me to ask for the yeas and nays?

Mr. CHURCH. Yes.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENSON. I thank the Senator.

Mr. CHURCH. Mr. President, I believe the only way we can be certain that major energy development projects inside the Soviet Union are not to be underwritten with American capital, is to insist upon the right of Congress to pass judgment, prior to the making of any foot-in-the-door loans through the Export-Import Bank, on whether the ultimate purpose of the transaction serves the best interests of the United States.

That is one reason why, despite the fact that a portion of the amendment which I originally offered has now been retained in a different form, I feel constrained to vote against the conference report.

The other reason, Mr. President, is that I do not believe economic circumstances any longer warrant giving preferred status to foreign purchasers of American goods and services over our own domestic purchasers.

The subsidized interest rate on Ex-Im bank loans, several points below the market, give foreign businesses a definite advantage in competing against our own.

For this reason, I supported the amendment offered earlier by the distinguished Junior Senator from Pennsylvania. The amendment failed. The subsidy continues. And since it is now outdated by economic conditions, and no longer serves our national interest, I shall vote against the conference report.

But in doing so, I recognize the strenuous efforts made by the Senate conferees and I commend them for fighting very hard to uphold the Senate position. I want them to know how much I appreciate their attempt to preserve the entire Church amendment in the final version of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President—
Mr. PACKWOOD. I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator.

Actually, I want to ask him if he would explain a couple of items to me, so we will be using my time.

I would very much like him to answer briefly for me, when we sent the bill back I think I understand that there were three very distinct conditions.

I understand we could not send them there saying, do them or do not bring back a report. Generally, they would try to get the three.

The third of the three was Senator STEVENSON's request that we keep all the good compromises that were in.

As I understand it, those were all kept? Mr. PACKWOOD. That is correct.

Let me answer this way, there were three requests, keep everything in the second conference report.

Mr. DOMENICI. And that was done.

Mr. PACKWOOD. That was done.

Try to get the Proxmire amendment, including the Export-Import Bank in the unified budget.

That was done. It would go in as of 1977 fiscal budget.

That is done. That is in.

Third was to attempt to get the Church amendment in its entirety.

We did not get it in its entirety. We have substantially tightened what was even in the second conference report. We did not get that in its entirety.

Mr. DOMENICI. Could the Senator tell me what he got in that regard?

Mr. PACKWOOD. Yes. As we came out of the initial second conference report, there was a ceiling of \$300 million on future loans and credits to Russia. Although I might say that any time during the 4 years Congress could increase the ceiling, the President could ask for an increase, but it would have to be granted by Congress. I do not want to give the impression that the ceiling is frozen for 4 years.

Mr. DOMENICI. That was before we had the second recommitment.

Mr. PACKWOOD. That is right. What we have done within the \$300 million on credits to the Soviet Union is to say none of the \$300 million can be used for the production of fossil fuel energy projects. Up to \$40 million can be used for what you would call nonproduction purposes, exploration and research—for the purchase of drilling rigs, for the purchase of trucks to haul the drilling rigs across the tundra, whatever. But not for production. That is, \$40 million of the \$300 million can be used for purposes of fossil fuel energy research and exploration.

In addition to that, if the President comes in and asks for an increase above the \$300 million authorization for the Soviet Union, he has to indicate what proportion of the increase he would plan to use, relative to fossil fuel energy, for production and for nonproduction, and submit that proportion with the request for the increase of the ceiling to this Congress. We would have to approve it. That is how we tightened it up.

Mr. DOMENICI. As I understood the Church amendment, even though we were not talking about the same use, we were talking about a \$25 million figure instead of \$40 million. Is that correct?

Mr. PACKWOOD. His would have re-

quired approval, as we were finally talking about it, of any fossil fuel project in the Soviet Union in excess of \$25 million, although you could have used the entire \$300 million for the purpose. We have put a lid of \$40 million on loans and guarantees, and beyond that it cannot be used at all unless Congress approves a recommendation for an increase submitted by the President.

Mr. DOMENICI. What makes the Senator think that limiting the use to exploration as compared with development and production is a distinguishing feature when you consider the various arguments that were made here in the Chamber about not knowing where we stood with reference to helping undeveloped Siberian energy at all?

Mr. PACKWOOD. I think it is in response to the argument of the Senator from Pennsylvania. He said we are taking all the risk. If there is a dry hole, we are taking the risk. If they happen to hit oil and gas, everybody will be happy to come in and put up money to finance it.

The only risk we are taking is not whether they are hitting a dry hole or not. The risk is will they pay us back.

If we extend credit and they buy drilling rigs, will they pay us back, whether they hit a dry hole or not?

Senator HUMPHREY has said time and time again—and his is correct—the Russian repayment record is excellent. I am not talking about the World War II lend lease.

Mr. DOMENICI. On the other hand, the objection of the Senator from New Mexico was that we have a worldwide shortage of technology and exploration equipment. We do not yet know whether or not it should be used in Siberia or in more friendly nations. I take it that with reference to that concern we have not directed our attention there other, than no more than \$40 million out of the \$300 million will be used there; is that correct?

Mr. PACKWOOD. We have not in this act. We have, under the Export Control Act, the power to prohibit the export of any item, of any kind, to the Soviet Union or any other country. If the Senator from New Mexico is worried about the export of these rigs, which are paid for, and we have enough here, then I think the concern should be worldwide rather than just the Soviet Union. The particular amendment of the Senator from Idaho was limited to the Soviet Union, and this amendment is limited to the Soviet Union.

Mr. DOMENICI. I understand that. However, the Senator from New Mexico knows it is worldwide. My concern remains that if we have to pick and choose we may have no alternative to pick and choose if it is in Russia and there are more friendly nations where this short supply of rigs, tool and die, equipment, tubular equipment, could be placed. Once we have made certain commitments to use it in Siberia, we could not pick and choose. My concern remains as I see it, other than it has a \$40 million limitation on it. Is that correct?

Mr. PACKWOOD. No, I do not think so. There is a \$5 billion increase in au-

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thorization in this bill, apart from the \$300 million lid on the authorization to the Soviet Union. The \$5 billion can be used any place, for drilling rigs or for anything else. We are not really faced with an either/or alternative. If you used all \$300 million of this money for the Soviet Union, you would still be left with \$4.7 billion to extend credits or loans elsewhere.

Mr. DOMENICI. I thank the Senator. Mr. PACKWOOD. Just so there is no misunderstanding, let me say the \$300 million provided for future financing of exports to the Soviet Union is not viewed by the conferees as being an absolute, inviolate ceiling. Our options will remain open. Foremost in our minds was the need for Congress to approve of any financing in excess of the \$300 million level. Under the terms of the conference report, this can be done.

Congress will stand ready to consider a higher ceiling for transactions with the Soviet Union at any time the President submits a recommendation. We will deal with any such recommendation on its merits and act accordingly.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield 1 minute to the Senator from Texas.

Mr. TOWER. Mr. President, I cannot say anything substantively on the conference report which has not already been said. But as the ranking minority member of the Banking, Housing and Urban Affairs Committee, from which this bill emanated, I would be remiss if I did not make note here of the superb job that the manager of the bill on behalf of the minority (Mr. Packwood) has done in getting this measure to the Senate, getting it to conference, and getting it out of conference.

The conference procedure was extremely difficult. There were some rather sharp disagreements between House and Senate conferees. Throughout all of this, Senator PACKWOOD deported himself in a manner that reflects credit to the Senate, to himself, to his State, and to our committee. He has done a superlative legislative job.

I would not like to see us finally act on this measure without commending him for the very splendid managerial job that he has done on this bill.

Mr. PACKWOOD. I thank the Senator.

Mr. PROXMIRE. Mr. President, I rise to speak in support of this conference report on the Export-Import Bank Act Amendments of 1974.

After long and detailed debate on this legislation, in committee, on the Senate floor, and in three conferences with the House, I think we have finally arrived at a satisfactory result: a conference report which adequately reflects the views and concerns of the Senate in this matter.

I commend the Senator from Illinois (Mr. STEVENSON) and the Senator from Oregon (Mr. PACKWOOD), the majority and minority leaders on this bill, for their long and diligent work on this important legislation. I also think it is in order to commend a number of other Senators, most particularly the Senator from Pennsylvania (Mr. SCHWEIKER),

the Senator from Idaho (Mr. CHURCH), the Senator from Nevada (Mr. CANNON), the Senator from Alabama (Mr. ALLEN), and the Senator from Virginia (Mr. BYRD), for the major contributions they made to educating the Senate and the public on the issues involved in this legislation and to achieving a conference report which offers a reasonable compromise on these issues. Finally, I would like to express to the other distinguished Senators my appreciation for their respecting our right to conduct a prolonged discussion of these issues and for voting overwhelmingly on two occasions to stand firm on the Senate position in conference. It is only because of this strong support that we are able to bring before the Senate today an Export-Import Bank Act conference report which is really responsive to the major concerns of the Senate.

The provisions contained in this conference report have been described in some detail by my colleagues. I would simply note that this Eximbank Act extension now includes a \$300 million limitation on Bank loans and financial guarantees to the Soviet Union, and this ceiling can only be raised on recommendation of the President if both Houses of Congress express their approval through a concurrent resolution. We also now have a requirement for prenotification of loans, guarantees, or combinations thereof of \$60 million or more to Congress at least 25 days of continuous session prior to final approval of the transaction.

By action taken in conference yesterday, the Bank will go back in the Federal budget effective at the close of September 30, 1976. This repeals the language adopted by Congress in 1971 removing the Bank from the budget and restore it to the budget and to the full scrutiny of the Appropriations Committees starting with fiscal year 1977. Finally, the conferees agreed to place a limitation of \$40 million on loans and financial guarantees to the Soviet Union for fossil fuel energy research or exploration, and to bar altogether loans or guarantees for the production of fossil fuel energy resources in the Soviet Union. This limitation can only be raised at the recommendation of the President if Congress agrees by concurrent resolution. Although this language does not meet all of the concerns expressed by some Senators, I do feel that it represents a reasonable compromise and a very substantial improvement over the language in previous conference reports.

I should like to say a few more words about the budget provision in the conference report. Section 13 of that report states that effective at the close of September 30, 1976, section 2(a) (2) of the Export-Import Bank Act of 1945 is repealed. That section, passed in 1971, excluded the Bank's receipts and disbursements from the Federal budget totals and exempted the Bank from any annual expenditure and net lending—budget outlays—limitations imposed on the budget. As the Senators know, I sponsored the amendment to repeal the budget exemption, which the Senate has now approved on two occasions, most recently

by a vote of 81 to 8. I am pleased that this conference report includes a firm determination that the Eximbank will go back in the Federal budget, effective for fiscal year 1977.

This action by Congress to repeal the first of several statutory budget exemptions passed by Congress in recent years—and the largest one in terms of net lending volume—is most significant and indicates a continuing commitment to fiscal responsibility and to the establishment of congressional control of the budget. That commitment has been shown in the passage of the Congressional Budget Act of 1974, in a multitude of cuts made in fiscal year appropriations bills this session, and now in this repeal of the Eximbank's budget exemption, which should set a precedent for consideration of other statutory budget exemptions.

Under the Congressional Budget Act, the Budget Committees of the Senate and House are directed to study on a continuing basis those provisions of law which exempt agencies of the Federal Government, or any of their activities or outlays, from inclusion in the budget.

The chairman of the Senate Budget Committee, the distinguished Senator from Maine (Mr. MUSKIE), stated here on the Senate floor that action by the Congress now to repeal the Eximbank's budget exemption was not inconsistent with this provision in the budget control legislation, since the October 1, 1976 effective date gives the Budget Committees ample time to conduct their study, while giving evidence of the Senate's desire with respect to the Eximbank. I am pleased to have the views of the Senator from Maine on this question, and I look forward to following the deliberations of his committee with great interest. As the Senator knows, it is the authorizing committees which must take final action on the matter of these statutory budget exemptions, in light of the recommendations of the Budget Committees, and most of the agencies involved here fall within the jurisdiction of the Banking Committees of both Houses of Congress.

The conferees, in agreeing to this provision repealing the Eximbank's budget exemption, took note of the fact that this matter would be under consideration by the Budget Committees. Language in the explanatory statement of the conference committee indicates that this action is not intended to prejudice the recommendations of the Budget Committees with respect to this question. As I have stated, I shall follow the progress of this study with great interest, and I think it will be valuable for all of us to have a detailed study with recommendations by the Budget Committees on the question of the proper budget status of agencies currently exempted from the Federal budget.

At the same time, I am pleased that Congress has now made an affirmative commitment to place the Export-Import Bank back in the budget. This is an important question, and I think it is proper for Congress to act to resolve it now, when we have this 4-year extension of the Bank in front of us and when we are facing great problems of inflation,

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high interest rates, and lack of credit available to meet pressing domestic needs such as housing, farming, and business investment.

Putting the Export-Import Bank back in the budget will make the Bank more accountable to Congress and to the American people for the loans it makes and the effect of its lending activities on the economy as a whole. It will enable us to balance competing demands for credit resources against each other and to set national priorities. Passage of this legislation today indicates the commitment of Congress to the principles of fiscal responsibility and congressional control of Federal spending.

I support final passage of the conference report on the Export-Import Bank Act Amendments of 1974.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, I want to be associated with the remarks of the Senator from Texas, and thank the very skillful Senator from Oregon for his cooperation, his help, and the hard work that he has invested in this effort, which I believe has led now to a very good piece of legislation which will produce an Export-Import Bank which will, in turn, continue its activity in support of U.S. exports abroad.

Mr. President, with that being said, I am prepared to yield back the remainder of my time.

Mr. SCHWEIKER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STEVENSON. Mr. President, I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) is necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The result was announced—yeas 71, nays 24, as follows:

[No. 575 Leg.]
YEAS—71

Alken	Hart	Metcalfe
Bartlett	Hartke	Metzenbaum
Beall	Haskell	Mondale
Belmont	Hatfield	Moss
Brock	Hathaway	Muskie
Brooke	Hruska	Nelson
Buckley	Huddleston	Nunn
Byrd	Hughes	Packwood
Clark	Humphrey	Pastore
Cook	Inouye	Pearson
Cranston	Jackson	Pell
Curtis	Javits	Percy
Eagleton	Johnston	Proxmire
Eastland	Kennedy	Randolph
Fannin	Long	Ribicoff
Fong	Magnuson	Roth
Fulbright	Mathias	Scott, Hugh
Gravel	McGowan	Sparkman
Griffin	McGovern	Stefford
Hansen	McIntyre	Stevenson

Symington	Thurmond	Welch
Taft	Tower	Williams
Talmadge	Tunney	Young

NAYS—24

Abourezk	Church	Laxalt
Allen	Cotton	McClure
Bayh	Dole	Montoya
Biden	Domenici	Schweiker
Burdick	Dominick	Scott
Byrd, Robert C.	Ervin	William L.
Cannon	Goldwater	Stevens
Case	Holmes	
Chiles	Hollings	

NOT VOTING—5

Baker	Bentsen	Mansfield
Bennett	Gurney	

So the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. BARTLETT). There will be order in the Senate.

DESIGNATION OF A NATIONAL LABORATORY AS THE "HOLIFIELD NATIONAL LABORATORY"—H.R. 17628

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17628.

I ask that there be a 1-minute time limitation on this measure. It has been cleared on both sides of the aisle.

The PRESIDING OFFICER laid before the Senate H.R. 17628, an act to designate a national laboratory as the "Holifield National Laboratory," which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

A CONCURRENT RESOLUTION AUTHORIZING A CORRECTION IN THE ENROLLMENT OF H.R. 14689—HOUSE CONCURRENT RESOLUTION 694

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House be laid before the Senate on House Concurrent Resolution 694, with a 1-minute time limitation. This has been cleared on both sides of the aisle.

The PRESIDING OFFICER laid before the Senate the concurrent resolution (H. Con. Res. 694) authorizing a correction in the enrollment of H.R. 14689.

Mr. BROOKE. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution was considered and agreed to.

H.R. 11897—AN ACT TO NAME THE U.S. COURTHOUSE AND FEDERAL OFFICE BUILDING AT 110 MICHIGAN STREET NW., GRAND RAPIDS, MICH., THE "PRESIDENT GERALD R. FORD FEDERAL OFFICE BUILDING"

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the

Senate a message from the House of Representatives on H.R. 11897, with a 1-minute time limitation. This has been cleared on both sides of the aisle.

The PRESIDING OFFICER laid before the Senate H.R. 11897, and act to name the U.S. Courthouse and Federal Office Building at 110 Michigan Street NW., Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building", which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Nebraska (Mr. HRUSKA) may proceed for not to exceed 2 minutes, after which the Senator from Massachusetts (Mr. KENNEDY) has a matter he wishes to call up. I understand the time limitation is agreeable to both sides. The time limitation is not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVEMENT OF JUDICIAL MACHINERY

Mr. HRUSKA. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 663.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 663) to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission and for other purposes as follows:

Page 4, line 11, strike out "(h)", and insert: "(g)".

Page 4, line 15, after "28", insert: "of the United States", Code.

Page 4, line 19, strike out "Commission", and insert: "Commission".

Mr. HRUSKA. Mr. President, I ask unanimous consent that we proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the Senate will proceed to its consideration.

Mr. HRUSKA. Mr. President, the House returned this bill with minor technical amendments. Having cleared the matter with the leadership on both sides, with the chairman of the Committee on the Judiciary, and with others on that committee, I move that the Senate concur in the House amendments.

The motion was agreed to.

AMENDMENT OF TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT TO REVISE AND EXTEND THE PROGRAMS OF ASSISTANCE UNDER THAT TITLE FOR NURSE TRAINING

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17085.

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The PRESIDING OFFICER laid before the Senate H.R. 17085, an act to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. KENNEDY. Mr. President, I move to strike all after the enacting clause and substitute an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

Resolved, That the bill from the House of Representatives (H.R. 17085) entitled "An Act to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training", do pass with the following amendment: Strike out all after the enacting clause and insert:

SHORT TITLE; REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the "Nurse Training Act of 1974".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—CONSTRUCTION ASSISTANCE
EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 101. (a) (1) Section 801 is amended by striking out "and" after "1973", and by inserting before the period a comma and the following: "\$25,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$25,000,000 for the fiscal year ending June 30, 1977".

(2) Section 802(c) (1) (A) is amended (A) by inserting "(1)" after "proposed facilities", and (B) by inserting before the semicolon, or (1) in expanding the capacity of the school to provide graduate training".

(b) (1) (A) Subsections (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1977".

(B) (1) The last sentence of subsection (a) of section 809 is amended (1) by striking out "(1)" and (2) by striking out all after "the project" and inserting in lieu thereof a period.

(1) The amendment made by clause (1) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Public Health Service Act after the date of the enactment of this Act.

(2) Subsection (e) of such section is amended by striking out "and" after "1973", and by inserting after "1974" a comma and the following: "\$2,000,000 for the fiscal year ending June 30, 1975, \$3,000,000 for the fiscal year ending June 30, 1976, and \$4,000,000 for the fiscal year ending June 30, 1977", and by inserting a period after "Treasury" the second time it appears in the fourth sentence and by striking out the remainder of that sentence.

(c) (1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal financing bank" after "non-Federal lenders".

TECHNICAL AMENDMENTS

SEC. 102. (a) (1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance".

(2) The heading for part A is amended by striking out "GRANTS" and inserting in lieu thereof "ASSISTANCE".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

TITLE II—CAPITATION GRANTS

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 201. (a) Section 808(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive \$400 for each student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive \$275 for each student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive \$250 for each full-time student enrolled in such school in such year."

(b) (1) Subsections (c), (d), and (f) of section 806 are repealed and subsections (e), (g), (h), and (i) are redesignated as subsections (c), (d), (e), and (f), respectively.

(2) Section 805(f) (1) (as so redesignated by paragraph (1) of this subsection) is amended by striking out "and" after "1973", and by inserting before "for grants" the following: "\$45,000,000 for the fiscal year ending June 30, 1975, \$50,000,000 for the fiscal year ending June 30, 1976, and \$55,000,000 for the fiscal year ending June 30, 1977".

(c) For the fiscal year ending June 30, 1975, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 808 (a) of the Public Health Service Act (as in effect before the date of the enactment of this Act) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of such Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1974.

TECHNICAL AMENDMENT

SEC. 202. Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

TITLE III—FINANCIAL DISTRESS GRANTS
EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 301. Title VIII is amended by inserting after subpart II of part A (as provided by title II of this Act) the following:

"Subpart III—Financial Distress Grants

"FINANCIAL DISTRESS GRANTS

"Sec. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b) (1) No grant may be made under subsection (a) unless an application thereof is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under sub-

section (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1975, \$5,000,000 for the fiscal year ending June 30, 1976, and \$5,000,000 for the fiscal year ending June 30, 1977."

TECHNICAL AMENDMENT

SEC. 302. Section 805 and 808 (as in effect on the date before the date of the enactment of this Act) are repealed.

TITLE IV—SPECIAL PROJECT ASSISTANCE
SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 401. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 301(a) of this Act) the following:

"Subpart IV—Special Projects

"SPECIAL PROJECT GRANTS AND CONTRACTS

"Sec. 820. (a) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—
"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or
"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve curriculums of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) provide continuing education for nurses;

"(5) provide appropriate retraining oppor-

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tunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession:

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a) (3).

ADVANCED NURSE TRAINING PROGRAMS

"Sec. 821. (a) (1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

- "(A) plan, develop, and operate,
- "(B) significantly expand, or
- "(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977.

NURSE PRACTITIONER PROGRAMS

"Sec. 822. (a) (1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

- "(A) plan, develop, and operate,
- "(B) significantly expand, or
- "(C) maintain existing, programs for the training of nurse practitioners.

"(2) (A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs

which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such a program, be qualified to effectively provide primary health care.

"(B) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum, require—

- "(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;
- "(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and
- "(iii) a minimum level of enrollment in each year of not less than eight students.

"(b) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a) (2) (B); and no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a) (2) (B).

"(d) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977.

"(e) Sections 810 and 868 are repealed.

TITLE V—ASSISTANCE TO NURSING STUDENTS

EXTENSION OF TRAINEESHIPS

Sec. 501. (a) Subsection (a) of section 821 (as in effect on the day before the date of the enactment of this Act) is amended to read as follows:

"(a) There are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977, to cover the costs of traineeships for the training of professional nurses—

- "(1) to teach in the various fields of nurse training (including practical nurse training),
- "(2) to serve in administrative or supervisory capacities,
- "(3) to serve as nurse practitioners, or
- "(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training."

"(b) Section (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a) (2) (B)."

EXTENSION OF STUDENT LOAN PROGRAM

Sec. 502. (a) Section 822(b) (4) (as in effect before the date of the enactment of this Act) is amended by striking out "1975" and inserting in lieu thereof "1977".

"(b) Section 823(b) (2) (B) is amended by inserting "or training to be a nurse anesthetist" after "professional training in nursing".

"(c) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"Sec. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, \$30,000,000 for the fiscal year ending June 30, 1975, \$35,000,000 for the fiscal year ending June 30, 1976, and \$40,000,000 for the fiscal year ending June 30, 1977. For the fiscal year ending June 30, 1978, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1977, to continue or complete their education."

"(d) Section 826 is amended by striking out "1977" each place it occurs and inserting in lieu thereof "1980".

"(e) (1) Section 827 is repealed.

"(2) The nurse training fund created within the Treasury by section 827(d) (1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

"(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered into under section 827(b) of the Public Health Service Act before the date of the enactment of this Act.

thetist)" after "professional training in nursing".

"(c) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"Sec. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, \$30,000,000 for the fiscal year ending June 30, 1975, \$35,000,000 for the fiscal year ending June 30, 1976, and \$40,000,000 for the fiscal year ending June 30, 1977. For the fiscal year ending June 30, 1978, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1977, to continue or complete their education."

"(d) Section 826 is amended by striking out "1977" each place it occurs and inserting in lieu thereof "1980".

"(e) (1) Section 827 is repealed.

"(2) The nurse training fund created within the Treasury by section 827(d) (1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

"(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered into under section 827(b) of the Public Health Service Act before the date of the enactment of this Act.

EXTENSION OF SCHOLARSHIP PROGRAM

Sec. 503. Effective July 1, 1974, section 860 is amended—

- "(1) by striking out "1972" in subsection (b) and in subsection (c) (1) (A) and inserting in lieu thereof "1975";
- "(2) by striking out "1975" in the second sentence of subsection (b) and in subsection (c) (1) (A) and inserting in lieu thereof "1978"; and
- "(3) by striking out "1974" in the second sentence of subsection (b) and in subsection (c) (1) (B) and inserting in lieu thereof "1977".

TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

Sec. 601. (a) (1) Section 802 is amended—

- "(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";
- "(B) by striking out "subsection 806(c) of this Act" in subsection (b) (2) and inserting in lieu thereof "section 810(c)";
- "(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurances that all laborers and mechanics employed by contractors, or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority

and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

"(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council') in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

"(E) by striking out "subsection (e) of section 806" in the second sentence following such paragraph and inserting in lieu thereof "section 810(c)";

"(F) by striking out "section 806(e)" in the last sentence following such paragraph and inserting in lieu thereof "section 810(c)";

"(G) by striking out in such last sentence "806(a)" and inserting in lieu thereof "810(a)"; and

"(H) by striking out "paragraph (A)" in subsection (c) (1) (B) and inserting in lieu thereof "subparagraph (A)".

"(b) (1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

- "(1) in the case of a grant—
- "(A) for a project for a new school,
- "(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or
- "(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment,

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 87 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made."

"(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

"(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart"; and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

"(d) Section 805 (as redesignated by section 102(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

"(e) Section 806 is redesignated as section 810.

"(f) Section 807 is redesignated as section 811 and is amended—

"(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting in lieu thereof "this subpart"; and

"(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing";

"(g) (1) Title VIII is amended by inserting after the heading for part B the following: "Subpart I—Traineeships".

"(2) Section 821 (as amended by section 501) is redesignated as section 830.

"(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

"(h) Section 822, 823, 825, 826, 828, and 830 (as in effect before the date of the en-

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actment of this Act) are amended as follows:

- (1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".
- (2) Section 822(a), 823(b), 823(c), 825(b) (2), and 826(a) (1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 822(b) (2) (A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4) (A) Section 825 is amended—

- (i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and
- (ii) by striking out ", and for loans pursuant to section 827," in subsection (b) (1).

(B) Section 826(b) is amended by striking out "other than so much of such fund as relates to payments from the revolving fund established by section 827(d)".

(C) Section 828 is amended by striking out "or loans".

(5) Section 830 is—

- (A) transferred to section 823 and inserted after subsection (1) of such section; and
- (B) is amended by striking out "Sec. 830. (a)" and inserting in lieu thereof "(j)".

(1) (1) Sections 822, 823, 824, 825, 826, 828, and 829 (as in effect on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835" and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j) (1) Part D of title VIII is inserted after subpart II of part B of such title and redesignated as subpart III; and section 860 and 861 are redesignated as sections 845 and 846, respectively.

(2) Section 845(a) (as so redesignated) is amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 846", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 860 is repealed.

(k) (1) Sections 841, 842, 843, 844, and 845 (as in effect on the day before the date of enactment of this Act) are redesignated as sections 851, 852, 853, 854, and 855, respectively.

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a) (2) and inserting in lieu thereof "subpart I of part A, of applications under subpart III of part A"; (B) by striking out subsection

(b); (C) by striking out "(a) (1)" and inserting in lieu thereof "(a)"; and (D) by striking out "(2)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

- (A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";
- (B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";
- (C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";
- (D) by striking out "825" in paragraph (f) and inserting in lieu thereof "838";
- (E) by redesignating paragraph (a) through (j) as paragraphs (1) through (10) respectively;
- (F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively;
- (G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and
- (H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"Sec. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

- "(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training; or
- "(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices."

TITLE VII—MISCELLANEOUS

INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF AND REQUIREMENTS FOR NURSES

Sec. 701. (a) (1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis—

- (A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, nurse's aides, registered nurses with advanced training or graduate degrees, and nurse practitioners;
- (B) the distribution, within the United States and within each State, of such nurses so as to determine those areas of the United States which are oversupplied, undersupplied, or which have an adequate supply of such nurses in relation to the population of the areas and the demand for the services which such nurses provide; and
- (C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

- (A) the number and distribution of nurses, by type of employment and location of practice;
- (B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;
- (C) the average rates of compensation for nurses, by type of practice and location of practice;
- (D) the activity status of the total num-

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ber of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1976, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a) (1) and the data gathered under subsection (a) (2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and

(B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under this section before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

TECHNICAL AMENDMENTS

Sec. 702. (a) The Health Revenue Sharing and Health Services Act of 1974 is amended by striking out section 305 and by redesignating section 306 as section 305.

(b) Section 401(a) of such Act is amended by striking out "310" and inserting in lieu thereof "319"; and the section amended by such section 401(a) is amended by striking out "310" and inserting in lieu thereof "319".

Mr. KENNEDY. Mr. President, the amendment that I have sent to the desk is in behalf of myself, Mr. JAVITS, Mr. WILLIAMS, Mr. PELL, Mr. NELSON, Mr. CRANSTON, Mr. MONDALE, Mr. HUGHES, Mr. HATHAWAY, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD.

This, for the information of the Senate, is the Nurses' Training Act. It will be a continuation of the capitation program which we presently have under implementation. It will provide a modest construction program, and also a nurse training scholarship program. It has been supplemented this year with a program to provide extended nurse training, and also to provide for additional graduate training for nurses.

Otherwise, it is virtually the continuation of the program which has been in existence, and builds upon that program. It is urgently needed at the present time.

The amendment has been worked out with the excellent help and cooperation of the members of the House Subcommittee on Public Health and Environment, which is chaired by my friend and colleague the distinguished PAUL G. ROGERS of Florida.

I understand that this amendment is acceptable to the House. And I hope and expect that this legislation can be ex-

pedited by the House prior to adjournment.

Before describing the bill, Mr. President I want to take this opportunity to briefly summarize the nature of the amendments now pending.

The House-passed bill contains a wholly new program to encourage the training of nurse practitioners. This is a most welcome development because there is reason to believe that increased numbers of high quality nurse practitioners will be of assistance in providing more primary health care to the American people. Five of the amendments propose changes for this new program. First of all we propose to increase the range of eligible applicants from just collegiate schools of nursing to all schools of nursing as well as schools of public health and medicine and public or nonprofit private hospitals.

Second, the amendment proposes to include pediatric and geriatric nurses within the scope of the program.

In addition the amendment liberalizes two provisions concerning the nurse practitioner course of study. My amendment requires that not less than eight students be enrolled in an approved program and that the minimum course of study be 1 academic year of which at least 4 months must be classroom instruction.

And finally the amendment broadens the professional and educational groups with which the Secretary of HEW must consult in the development of guidelines for the program to include appropriate educational and medical organizations.

Mr. President, my amendment also adds an additional program to the special project authority contained in the bill. This new authority is specifically designed to enhance professional mobility within the nursing profession by providing support for programs to upgrade nursing skills.

In addition the amendment adds authority in the special projects program to emphasize increasing the supply of nursing personnel who are bilingual.

Finally with regard to the special projects programs the amendment earmarks not less than 10 percent of the funds appropriated be reserved for programs to encourage the full utilization of educational talent in the nursing profession.

In deleting the special program "full utilization of educational talent" and, in its place, including programs for the recruitment and retention of students from disadvantaged backgrounds among those authorized under the special project grant authority of the new section 820 of the Public Health Service Act, there was no intent to change the intent or scope of the current program which has been administered under the authorities of the current section 868 of the Public Health Service Act. It is stressed that in addition to the categories of individuals who are specified in the current section 868, it is important to recruit individuals with the ability to speak a language—in addition to English—used by major U.S. population groups with limited English-speaking ability, as is made clear in the new section 820(a) (6) of the

bill as amended by the Senate—special project grant for increased bilingual nursing personnel.

To insure that the level of support available for programs for the recruitment and retention of prospective students who are disadvantaged due to socioeconomic factors is maintained at least at the level of previous years, no less than 10 percent of the funds appropriated for special projects under the authority of the new subsection 820(d) are earmarked for this purpose.

The amendment finally proposed two technical and conforming changes to the Health Revenue Sharing and Service Act of 1974, H.R. 14214.

I specifically want to point out to my colleagues that the proposed amendment to the bill includes no increase in funding levels. The total cost for fiscal year 1974 in the House-passed bill is \$187 million which compares to a total of \$254.5 million for fiscal year 1974.

I am very pleased to be able to bring this bill to the floor today. As you know the issue of health manpower is of major concern to all of us in the Labor and Public Welfare Committee. We have studied the issue carefully. The Nurse Training Act is really the only significant education and today I am asking your support of my amendment to H.R. 17085 which extends the current law with some significant additions and deletions for a 3-year period.

To briefly summarize the nursing statistics there are some 823,000 RN's now practicing. About 226,000 of those work part time. Three years ago when we enacted Public Law 92-581 there were 187,551 students enrolled in nursing schools. Last year, there were 232,589 students for a gain of 45,038. Keeping in mind that the administration never requested budget support for most programs of the Nurse Training Act and that capitation was as a result only funded at about 40 percent of authorization, this is a very significant increase. Graduations have increased from 47,000 in 1971 to 58,307 in 1973—again a significant gain. The major purpose of the 1971 law was to increase numbers and to improve quality of programs so I think the results show that we in the Congress were on the right track. Nursing schools should be commended for their response. We hope they will put greater emphasis on preparing their graduates to practice in communities in real need of their services. That includes big city hospitals and nursing homes as well as urban clinics and rural communities.

The bonus provision for nurse practitioners in the current law and the eligibility requirements for capitation that required every school to carry out three projects in specific areas to move the schools in the direction we felt was necessary—both of these were Senate provisions—have had a real impact. Nursing schools are increasingly adapting their curriculums to include the nurse practitioner skills in the basic programs. However, in the interim and for those nurses that have been out of schools for a period of time the provisions of section 822 in the bill before you for the first time earmarks funds exclusively for the develop-

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ment, maintenance, and evaluation of nurse practitioner programs.

The more effective utilization of nurses in providing health care—sometimes referred to as expansion of the nursing role—is an encouraging development. We have examples of rural and inner-city communities in which the only available health care is being provided by nurses. The States of Washington, New Mexico, California, Tennessee, North Carolina, and my own State of Massachusetts are just a few places where this is now being effectively demonstrated. The continuation of some of the outreach clinics after Federal demonstration grants expire is a point that we must watch as third party payers continue to refuse to pay reimbursement for nursing services not provided in close proximity to a physician. In such circumstances the clinics may have to close for economic reasons even though their quality of care and effectiveness is proven and a real community need is being met. I should point out that the clinics I refer to do have physician support and consultation. It is just that the physician may be 20 miles away and visits the clinic at intervals.

To mention a few other points in terms of the effectiveness of the current law some 26,000 students are receiving nursing student loans, 20,000 are on nursing scholarships and 3,800 are in advanced training programs with traineeship assistance. Obviously, in today's economy, these student aid programs are badly needed.

The Institute of Medicine cost study reports several important facts about Federal support of schools of the health professions. Out of more than 1,600 schools providing education in the eight health professions studied over 1,300 of those are nursing schools. Two-thirds of all health professional students are in nursing. Nursing schools get no significant amounts of research funds and patient care dollars go to hospital-based schools only. The bulk of support for nursing schools comes from tuition and State and local funding. There are schools of nursing in every State of the Union. My own State has 60 nursing programs and 10,500 undergraduate students.

There are, however, still major geographic differences in the nurse-to-population ratios State to State.

In its testimony before our Health Subcommittee on June 26 of this year, the ANA stated that:

Federal support for nursing education has made it possible for many young people to enter nursing who otherwise would not have been able to do so and for others to obtain the graduate education necessary for increased nursing responsibilities today. Nurses are functioning in many new ways, expanding their roles to fill gaps in health care, and working to upgrade the quality of care that is available. The potential benefits in improved health care of expanding the scope of nursing practice were outlined in the 1971 report of H.E.W. Secretary's committee to study extended roles for nurses. That this potential is beginning to be realized today is due in no small measure to the federal assistance which the Congress has made available to nursing schools and students.

The bill before you today will provide funds for some of the activities started

under the expiring law and it adds two significant new sections that will provide the resources needed to greatly increase the number of nurses prepared as nurse practitioners, clinical specialists, and administrators of nursing services.

These are the areas in which there is unanimous agreement among all the nursing groups, that greatest need for increased numbers exists. We think these provisions—section 821 and 822—pinpoint the move where it will do the most good.

Mr. President, I now want to briefly describe this vital health measure.

TITLE I—CONSTRUCTION GRANTS—SECTION 101

This provision remains essentially the same and authorized \$25 million for fiscal year 1975 and for each of the two succeeding years. Priority in funding is established for expanding the capacity of schools to provide for the major expansion required if enrollments of nurses for advanced training are to be adequately expanded.

TITLE II—CAPITATION GRANTS—SECTION 201

There are several significant changes in this section. For the first time there is a different amount designated for different types of nursing schools. The reason for this is to reflect the differences in costs as determined by the Institute of Medicine cost study. Capitation grants are restricted to undergraduate programs as there is a special section in this bill to fund advanced training.

Baccalaureate degree programs are eligible for \$400 per student enrolled in the last 2 years of the program.

Associate degree programs—community or junior colleges—are eligible for \$275 per student enrolled in the last year of the program.

Diploma—hospital-based—schools are eligible for \$250 per full-time student enrolled for each year of the program.

Authorizations for appropriations for capitation are \$45 million in fiscal 1974, \$50 million for fiscal 1976 and \$55 million for fiscal 1977. Provision is made for funds to be appropriated to continue payment for "enrollment bonus students" for students enrolled as first year students in such schools for school years beginning before June 30, 1974.

TITLE III—FINANCIAL DISTRESS GRANTS

This program is continued to provide special assistance to schools of nursing that are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements.

The Secretary of DHEW must consult with the national advisory council on nurse training before approving or disapproving an application for a financial distress grant.

The authorization is \$5 million for each of the 3 years 1975-1977.

TITLE IV—SPECIAL GRANTS AND CONTRACTS—SECTION 820

This section has provided funds to schools and health agencies to try out better methods of teaching to better utilize faculty, increase enrollment and several other types of projects. The new

provision makes some modifications providing funds for:

Mergers between hospital training programs or between hospital training programs and academic institutions, or

Other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

Plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve curriculums of schools of nursing, or modify existing programs of nursing education;

Increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by:

Identifying, recruiting, and selecting such individuals.

Facilitating entry of such individuals into schools of nursing.

Providing counseling or other services designed to assist such individuals to complete successfully their nursing education.

Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education.

Paying such stipends—including allowances for travel and dependents—as the Secretary may determine for such individuals for any period of nursing education, and

Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools; Provide continuing education for nurses.

Provide appropriate retraining opportunities for nurses who—after period of professional inactivity—desire again actively to engage in the nursing professions; or

Help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care.

Again the National Advisory Council on Nurse Training must review all applications for these project grants.

SECTION 831—ADVANCED NURSE TRAINING

This is one of the new section I referred to earlier. It provides funds for graduate programs and other advanced training programs to meet the costs of projects to plan, develop, operate, significantly expand enrollments and maintain existing programs, for the advanced training of professional nurses to teach, to serve as administrators of nursing services, or to practice in nursing specialties including nurse clinicians of various types determined by the Secretary to require advanced training. Authorizations are \$20 million for fiscal 1975, \$25 million in fiscal 1976 and \$30 million for fiscal 1977.

We have great hopes that the size of grants made to schools under this section will be adequate to provide for a very significant increase in those categories mentioned above by 1978.

SECTION 822—NURSE PRACTITIONER PROGRAMS

The nurse practitioner and nurse clinician movements hold great potential for improving primary care to the American public. The early programs have ruled out appropriate teaching methods and have demonstrated the effectiveness of the care provided. The field is now ready for an increase in the number of nurse faculty prepared to teach in these special programs and for a major increase in the number of practitioners to be prepared, the time for these increases is now. I am gratified at the progress being made in this regard but there is a long way to go. The quality of these educational programs is important. We want only well-prepared nurses functioning as nurse practitioners. We want first-class health care provided by expert nurses working in cooperative relationships with physicians.

Just teaching by physicians and nurses needs to be provided first. Funds for such purposes are provided in this section of the bill.

Grants can be made to plan, develop, operate, significantly expand or to maintain existing programs for training nurse practitioners.

Authorizations for this section are \$20 million for fiscal year 1975, \$20 million for fiscal 1976 and \$30 million for fiscal year 1977.

TITLE V—ASSISTANCE TO NURSING STUDENTS

There are currently some 26,000 nursing students receiving loans under the nurse training act. Only 20,000 are now receiving scholarship aid since the President's budget eliminated any new awards. Some 3,800 RN's are receiving traineeships for advanced training.

Authorizations for traineeships in H.R. 17085 are \$20 million for the first year, \$25 million for the second and \$30 million for the final year included in the bill.

Student loan authorizations are \$30 million in fiscal 1975, \$35 million in 1976 and \$40 million in 1977.

The scholarship program has an open-ended authorization to cover the formula which is based on the number of students.

That, in brief, is a summary of the bill before you. The total authorization is well below the current authorization and is close for most sections of the bill to the last amount appropriated by the Congress.

The total authorization for this bill is \$187 million as compared to \$254.5 million for fiscal year 1974.

Section 858 speaks to the delegation of authority for programs authorized by this bill. I am sure many of you share my frustration in trying to get information about the numbers of grants, numbers of students on scholarships or loans and so on, now that there is no centralized administration for these programs. It is our intent to change this by specifying central office control of the review and award mechanisms. I would like to be able to call the division of nursing for all information on these programs and

have adequate staff and resources to quickly respond.

I urge the adoption of the amendment. Mr. JAVITS. Mr. President, I urge my colleagues to support the proposed Senate amendments to the House passed H.R. 17085, the Nurse Training Act of 1974. I understand that the proposed amendments have been worked out by the staff of both the House and Senate and that the House will concur in the proposed Senate amendments.

The proposed Senate amendments address the following concerns in the House-passed bill:

First. Adding the language "including nursing personnel who are bilingual" to section 820(a)(6). It is the purpose of this amendment to address the special health needs of minority population groups whose members have limited English-speaking abilities and overcome the limited ability of these population groups to secure adequate health care resulting from the inability of the non-English-speaking individual to enter the system as a patient because of his inability to make himself understood, or to understand the system, or cultural sensitivities which interfere with communicable understanding of the nuances of or benefits available under various health programs;

Second. Adding a new specific special project grant to provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel. It is the purpose of this amendment to continue the provision in existing law which is vital if we are to provide the appropriate career ladder training;

Third. Adding a new provision to section 820(d) which insures that 10 percent of appropriations are earmarked for special projects which would increase nursing education opportunities for individuals from disadvantaged backgrounds.

Fourth. Broadening the eligibility of applicants to participate in establishing and operating nurse practitioner programs under section 822(a)(1). It is the purpose of this amendment to insure that in addition to collegiate schools of nursing that other public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals are eligible to train, plan, develop, operate, expand, or maintain existing programs for the training of nurse practitioners;

Fifth. Adding language to section 822(2)(A) to insure that the objective for the education of nurses in programs for the training of nurse practitioners include "pediatric and geriatric nurses" who upon completion of their studies will be qualified to effectively provide primary health care.

Sixth. Modifying section 822(B) to insure that nurse practitioner programs eligible for funding support shall at a minimum require that the minimum time of study of 1 academic year must include at least 4 months of classroom instruction and that the minimum level of enrollment shall be not less than "8 stu-

dents" in lieu of the House requirement of "25 students."

Mr. President, it is essential, if we are to have a nurse training bill enacted into law in this session of Congress, for us to proceed now, despite the recognition that this is quite a modest bill in terms of the funds that it would authorize for support of nursing education.

In essence the bill includes some new authority and refinements directed at meeting changes in the kinds of nursing services most in demand and most needed today. Great progress has been made in increasing the supply of registered nurses with Federal support to nursing schools and students in past years—enrollments have risen from 187,000 in 1970-71 to some 233,000 in 1974.

New facilities and teaching equipment made possible under construction grants have helped to improve the quality of nursing education and resulted in expanded enrollments. For example, the College of Nursing at Niagara University, New York, was able to expand its places for first-year students from 105 to 126 with its new teaching facility. The college expects to triple graduations to 1,037 during the decade 1972-81.

The opening of opportunities in nursing for minorities was expanded as the result of an amendment for minority recruitment that I introduced in 1966. I am pleased that that provision is retained in the current bill in the special projects section and I will continue to watch it with the greatest interest.

Special projects are a most significant part of this legislation because they foster innovations and improvements in nursing education that lead, as well, to improved nursing care.

One continuing education project at New York University, for example, is tied to improving the delivery of health services in the community.

A project at the Helene Fuld School of Nursing of the Hospital for Joint Diseases in New York is designed to help those with inadequate academic preparation for nursing to qualify through counseling and tutoring services.

The section on special projects is tightened and given more specific form in the bill on areas of special need today.

The bill also continues "capitation" or basic support to schools to help with operating costs. It provides different amounts for different types of nursing education programs reflecting a cost study that was done by the Institute of Medicine.

The bill puts special emphasis on preparing nurses for positions in the areas of greatest need. And one great need today is for nurse practitioners, pediatric nurse practitioners, nurse midwives, nurses prepared to provide therapeutic care for our elderly citizens, and others.

Today we find many nurse practitioners serving in rural and inner-city areas. Nurse practitioners prepared under previous nursing education legislation are demonstrating that they can substantially extend the delivery of health services in underserved rural and urban areas.

The NTA of 1974 includes a new authority to assist schools of nursing in establishing programs to train nurse

practitioners so that more nurses can get that kind of preparation.

There also is a critical need for additional nurses with advanced training for positions as teachers, directors of nursing, and clinical specialists.

Schools which now have advanced training programs should expand them; other schools must be assisted to start such programs.

Graduate programs are expensive both to initiate and maintain, and in these difficult times, especially, schools are reluctant to undertake their development. Funds are needed for planning, research, and curriculum development. Highly qualified faculty must be recruited or prepared. Specialized practice settings must be provided.

Clinical nursing specialists are making an increasing contribution to high quality care in this country. Coronary care units using specially prepared nurses, for example, have shown marked decreases in in-hospital mortality rates of heart attack patients.

Many studies are underway and some have been completed that show that clear benefits to patients occur when specially prepared nurses are optimally utilized as in nurse clinics in rural areas, in inner cities, in HMO's, and so on.

Nurse-midwives in Mississippi have clearly demonstrated their ability to dramatically lower the infant mortality rate, an item that has been of much concern to all of us in the Congress for several years.

Psychiatric nurse specialists are working cooperatively with psychiatrists, providing family counseling and group therapy.

This bill includes new authority to help schools in establishing advanced training programs. I believe that this is absolutely essential if we are to have the increased supply of highly qualified nurses that we need with the kind of special knowledge and skills in demand today. The bill also continues traineeships for students wishing to get advanced education and it continues the scholarships and student loans.

Mr. President, as I said at the beginning of my remarks, this is a modest bill in terms of funding. But it is of major significance in assuring that we will have the numbers and kinds of nurses that are needed to bring essential health services to the people of this country.

It represents a greatly increased emphasis on making nursing services more readily accessible and available.

This trend has been started under the previous legislation and should be accelerated by the provisions of this bill. Nursing has moved to try to meet expanding and changing needs for health services in all settings and areas of our country. We believe this bill helps to further that objective.

I strongly urge passage of this legislation.

NURSE TRAINING ACT OF 1974

Mr. CRANSTON. Mr. President, I am delighted to support the Nurse Training Act of 1974, as amended by the Senate.

Under the nurse training authorities of title VIII of the Public Health Service Act, nursing schools throughout the Na-

tion have been able to increase the number of students trained, to improve the quality of training programs, to establish new roles for nurses in the provision of health care, and to improve curriculum to be more responsive to changing social needs, in addition to the establishment of many other beneficial programs.

The bill as passed by the House continues the Federal role in support of nurse training and retains the incentive to assist nursing schools in meeting their responsibilities to provide the nurses needed by our continually expanding national needs and to train nursing personnel to fulfill the new responsibilities required by changing health care patterns.

The Senate offered a number of amendments, which I proposed to, first, emphasize the importance of continuing the program for recruitment of students who, due to socioeconomic factors are financially or otherwise disadvantaged, by earmarking a minimum of ten percent of the funds appropriated for special project grants for these programs.

The Senate amendments also clarify the need to recruit students with the ability to speak a language, in addition to English, used by major U.S. population groups with limited English-speaking ability, and added to the list of programs eligible for support under the special project grant authority, programs to provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Other amendments we are proposing would encourage the establishment of programs for training nurse practitioners by making institutions and entities other than collegiate schools of nursing eligible for grants, and amending the limitations in the House bill as to duration and size of class to more accurately reflect the diversity of programs which have already proven their excellence. The Senate amendments, Mr. President, also clarify that geriatric nurse practitioners and pediatric nurse practitioners are among the types of nurse practitioners who should be trained under the special projects authority for nurse practitioners.

I am very gratified by the responsiveness shown by the House in agreeing to these amendments.

I would like to clarify, Mr. President, in deleting the special program "full utilization of educational talent" and, in its place, including programs for the recruitment and retention of students from disadvantaged backgrounds among those authorized under the special project grant authority of the new section 820 of the Public Health Service Act, there was no intent to change the intent or scope of the current program which has been administered under the authorities of the current section 868 of the Public Health Service Act. In addition to the categories of individuals who are specified in the current section 868, it is our intention that the recruitment of individuals with the ability to speak a language—in addition to English—used by major U.S. population groups with limited English-

speaking ability, as is made clear in the new section 820(a)(6) of the bill as we propose to amend it—special project grant for increased bilingual nursing personnel.

To insure that the level of support available for programs for the recruitment and retention of prospective students who are disadvantaged due to socioeconomic factors is maintained at least at the level of previous years, we have provided that no less than 10 percent of the funds appropriated for special projects under the authority of the new subsection 820(d) is earmarked for this purpose.

I am pleased that the bill authorizes the Secretary to provide assistance to the heads of other Federal Agencies to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

As chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee, I am very familiar with VA programs in this regard. The Veterans' Administration hospitals currently are operating a great many educational programs for nurses; 145 VA hospitals are affiliated with 407 nurse training schools; 24,995 nurses received a portion of their training in VA hospitals in fiscal year 1974. In addition, Mr. President, the VA has several programs for the advanced training of nurses. To date, about 150 nurse practitioners have received their training in Veterans' Administration-university-based programs.

VA programs for the training of nurses began as long ago as 1943. At first, students from three hospital schools of nursing were accommodated for instruction in psychiatric and tuberculosis nursing in VA hospitals. Thirty years later, the VA is providing educational opportunities in fundamentals of nursing, and in all clinical specialties for students from many schools of professional nursing. More than 50 percent of these programs are in cooperation with university schools of nursing. Other dimensions have been added and the large clinical nursing resources of the VA are being utilized for clinical experience for graduate education in nursing, for nurse intern-residency programs, for practical nurse education, and for preservice nurses' aide training programs.

The VA nursing service's education and training of professional nurses and other nursing personnel is a substantially increasing number of students in training and the number of VA hospitals participating in these programs. Since fiscal year 1970, the number has increased from 14,191 nursing students receiving training in 123 hospitals to 24,995 in 145 hospitals. The number of schools affiliated with VA hospitals also increased from 254 schools in fiscal year 1970 to 407 schools in fiscal year 1974, representing 28 percent of all the schools in the country.

In order to further the concept of extending the scope of nursing practice in the VA, the VA has been striving to prepare nurses for the nurse practitioner role. This is a concept and practice which I have strongly encouraged. In 1972, 57

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nurses were prepared to perform expanded roles in 12 test-model sites for VA admission services. Most of the preparation and training has been occurring on the job. Today, there are approximately 150 nurse practitioners who have been prepared through VA-university based programs.

Mr. President, I believe close coordination already exists between those who administer these programs in the Veterans' Administration Department of Medicine and Surgery and those who administer nurse training programs in the Department of Health, Education, and Welfare. The language in the House-passed bill would encourage further coordination along these lines, and I thus support that provision.

Mr. President, these are the reasons I support the House bill, as it would be amended by our Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

CHANGE OF REFERENCE

Mr. McCURE. Mr. President, I ask unanimous consent that the bill (S. 4152) to amend the act of October 13, 1964, to authorize the transfer of earned purchaser credits between national forests timber sale contracts, which was referred to the Committee on Public Works, be re-referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama (Mr. ALLEN) may be recognized for not to exceed 4 minutes, to call up a measure which has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized for 4 minutes.

SENATE RESOLUTION 467—RELATING TO AGRICULTURAL CREDIT

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1331.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows: A resolution (S. Res. 467) relating to agricultural credit and the current liquidity problem facing agricultural borrowers that threatens the viability of agriculture, rural communities, and the national economy.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. ALLEN. Mr. President, this is a sense of the Senate resolution approved unanimously by the Committee on Agriculture and Forestry, which calls on the Government lending agencies and private lenders to give every consideration to the credit needs of agriculture during these critical times.

Notwithstanding the fact that this is a committee resolution, I ask unanimous consent that the names of the distinguished Senator from Oklahoma (Mr. BARTLETT) and the distinguished Senator from Florida (Mr. CHILES) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL INSTITUTIONS MUST RESPOND POSITIVELY TO THWART AN AGRICULTURAL CREDIT DISASTER

Mr. ALLEN. Mr. President, at my instance, the Senate Committee on Agriculture and Forestry unanimously reported Senate Resolution 467 which deals with the increasingly serious credit crunch in which many of the Nation's farmers now find themselves.

There is no need for me to recount in any detail on the serious economic conditions which now prevail in Alabama and generally in America. But the rapidly increasing unemployment rate and many other factors are grim reminders of the terrible Depression of the 1930's.

I would, however, remind the Senate that prior to that general economic collapse, our farm economy fell apart. Due to a lack of liquidity there were wholesale foreclosures on farmers. That same specter is raising its ugly head today.

Since 1971, in response to Government urging for all-out food production, farmers expanded their borrowing by 60 percent. This was in order to purchase the essential inputs which are vital in food production. Much of this debt was incurred at record high interest rates.

Farmers were able to take these credit risks because of record demand for their food and fiber and resulting good prices. But all of that has changed.

In the past 2 years the livestock, poultry, and dairy segments of our farm economy have been decimated by higher costs of production; market disruptions and drastically lower prices.

Markets for cotton have been depressed because American families, in their attempts to fight inflation, have sharply reduced their clothing budgets.

In addition, many crop farmers have had a variety of disasters which made their labor and investment a cataclysmic mockery. In spite of generally high grain prices, many farmers lost everything.

As a result of this, farmers are being forced to assume even greater debts in order to refinance their pending obligations and many others are simply going out of business.

Although I have not been able to find any statistics on this, my mail and personal contacts with my constituents make me certain that the number of farm bankruptcies is increasing rapidly.

The loss of these farmers to the system is a direct threat to the need for

increased food production for America and the world. This production base must be strong if we are to meet the double-barreled problems of inflation and recession.

Further, the agriculture economy lies at the heart of the viability of small communities. We are already aware that many rural banks have reduced their lending significantly and some have closed their doors for good.

The financial liquidity of the family farm must be preserved if we are to assure adequate food supplies at fair and reasonable prices.

As a result of this desperate situation, the Committee on Agriculture and Forestry has resolved that agricultural lenders immediately respond to the credit needs of agriculture. Chairman TALMADGE has resolved that immediately after the first of the year, the Committee will re-examine the Agriculture and Consumer Protection Act of 1973 in order to insure a fair return to the farmers. But unless agricultural lenders do their part now, those efforts will be too late.

Therefore, all of those institutions which farmers rely on for credit must use every means possible to assure agricultural solvency—this includes the merchants who sell vital inputs for farming.

Further, the Farmers Home Administration must fully implement all lending authority in law, including the Emergency Livestock Credit Act of 1974 and other disaster aid programs.

The Farm Credit Administration must use its good offices to the fullest extent possible to insure that adequate credit is made available to farmers.

Finally, the Federal Reserve Board must fully support those commercial banks which represent the largest source of farm production credit.

Mr. President, I can understand that in these troubled economic times, many lenders might feel it wiser to restrict their loan activities sharply. But farmers continue to exist almost solely on the basis of huge annual loans which are essential to the production of food in this country. Any wavering in support for this credit system by any of the vital institutions involved will certainly produce famine abroad and much higher food prices at home. This is not to mention the disruption of farm families and rural communities.

The U.S. Department of Agriculture has just completed the week-long exercise of its annual Outlook Conference. In my mind it was more of a back look conference, reflecting on what a good year last year was instead of the impending problems which any casual observer can foresee for the coming year in the entire food and fiber sector.

If we cannot rely on the Department of Agriculture for this information, then it seems to me that it is incumbent upon Congress to come to some determination of how the problem of financial liquidity will affect the farmers themselves, the economy of rural areas and the American housewife.

I intend to undertake a personal survey in my own State of Alabama, conversing with farmers, bankers, and merchants wherever I can find them.

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Their desperate voices must be heard. And this Congress must demonstrate that it is listening. Therefore, Mr. President, I urge the Senate to unanimously adopt Senate Resolution 467.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 467

Whereas a strong and viable agriculture is essential to the well-being of the Nation's economy; and

Whereas agriculture is the economic base of most rural communities; and

Whereas farmers and ranchers have sharply expanded their use of credit in response to domestic and world demand for food and fiber; and

Whereas skyrocketing production costs and plummeting farm prices have forced agricultural producers into a position of limited liquidity; and

Whereas inclement weather has further limited cash flows of farmers and ranchers this year; and

Whereas this situation of limited liquidity at a time of record indebtedness and high rates of interest threatens the welfare of producers and consumers as well as the longrun economic well-being of this Nation; and

Whereas the problem is immediate and proposed major legislative efforts will be too late unless all agricultural lenders immediately respond to the needs of agriculture: Now therefore, be it

Resolved, That it is the sense of the Senate that all agricultural lenders, including commercial banks, insurance companies, Production Credit Associations, Federal Land Bank Associations, and merchants and dealers, during this period of economic distress, use every means possible to assure agricultural solvency and, therefore, long-term agricultural production; and, therefore, be it further

Resolved, That it is hereby declared to be the sense of the Senate that—

(1) The Farmers Home Administration facilitate and fully implement all lending authority in law including the Emergency Livestock Credit Act of 1974 and other disaster loan programs; and

(2) The Farm Credit Administration use its good offices to the fullest extent possible to support and continue agricultural producers with necessary financial support including necessary refinancing; and

(3) The Federal Reserve Board fully support those commercial banks which represent the largest source of agricultural production credit, in their efforts to maintain their agricultural borrowers.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination which the Senator from Florida (Mr. CHILES) will send to the desk in behalf of the Committee on Government Operations, and that there be a 1-minute time limitation on the consideration thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY

The legislative clerk read the nomination of Hugh E. Witt, of Virginia, to be

Administrator for Federal Procurement Policy.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be recognized for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEADERSHIP IN ECONOMIC CRISIS

Mr. JAVITS. Mr. President, if the necessary leadership cannot now be shown by the President and the Congress the peril of real national and world depression faces us. The real question is are we up to it?

The Nation is in serious economic crisis. At home and abroad the world is beginning to realize the decisive position the United States could occupy to bring about recovery both from recession and unacceptable inflation. Critical examination is being made of the leadership ability of the United States to fulfill this role. Major improvement or the basis for it in this crisis are not yet clearly discernible. This means that we must complete whatever it is humanly possible to complete within these next few days; and, summon all the Nation's resolution to inspire the President and the Congress and enlist the dedication of the people for major decisions in the next few weeks.

The key point in resolving these grave issues for the immediate future now rests on whether we can get on top of the oil crisis. In order to do this the United States must so limit its reliance on imports of oil as to enable it to take a leading position with the OPEC countries in first stabilizing and then reducing price and assuring supply. This cannot be done without a major cut in U.S. consumption of not less than 1 million barrels of imported oil per day within a period of a few months.

I am convinced that the people of the United States are prepared for strict mandatory conservation authority capable of significantly reducing consumption to these levels, even if this means rationing. And that in this respect the President and the Congress lag behind the people.

There is nothing reassuring in the situation, for the OPEC nations have just announced a new increase in the price of oil by an additional 7.4 percent.

Action has been singularly lacking on the national front and we cannot allow this situation to continue. Our program of voluntary conservation is not doing the job. And until we have legislation with teeth, conservation is the only method we have of cutting oil imports and the general use of energy; it is not enough.

Unless the Congress has the will, no significant reduction of energy consumption can be achieved. Our Nation should lead the world in this effort, but instead of leading the world, we are following at our feeble best.

European nations are taking tough, positive steps. For example, Britain has just announced a 10-percent reduction in the consumption of oil products for automobile and heating use. France has announced—weeks ago in fact—that it will limit its oil imports to \$10 billion regardless of the consequences. And other nations are carrying out other programs to cut consumption.

What we need now is that leadership, that balance, that reordering of our priorities—which was so ably demonstrated on public service jobs and emergency unemployment compensation this week—to be again applied to the most urgent pending business before the Senate the Emergency Energy Act (S. 3267) which is critically necessary to our immediate economic future.

We have made considerable progress toward beginning the massive job of achieving energy independence in the 1980's. The Energy Research and Development Administration has been established, and its Director confirmed. Within weeks it will begin to give impetus and direction to our medium and long term energy policy. We have also passed and sent to the President the Energy Research and Development Act, which provides the authorizations and the mechanisms for the combined government-industry crash program so necessary for domestic energy self-sufficiency.

But while we have been able to reach agreement on these long term policies, we have not been able to muster the will and determination to deal effectively with the urgent problem of excessive oil imports and the resultant cash drain. Officials in the Administration, as well as Members of Congress, have refused to compromise their differences and put aside proposals embroiled in controversy in order to enact the truly necessary legislation that almost all agree we cannot do without: emergency conservation authority and petroleum import control. This legislation should be one of the foremost priorities of the next Congress. I hope we can display the leadership needed, to prevent ideological and regional disputes from delaying this measure's (S. 3267) enactment further.

What we need in the Senate right now is leadership and statesmanship, not by a select few who were elected to leadership positions, but by all. Such collective leadership and a collective willingness to compromise was exhibited in the highest way by the action of the Republican conference last Wednesday, when it unanimously adopted its proposals on the economy in an effort to speed solutions

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to our pressing problems. Among the actions endorsed by the conference was enactment of strict mandatory conservation authority capable of significantly reducing consumption. This was the first item—the priority item—on the energy proposals adopted. In this closing week of the 93d Congress, the leadership demonstrated at the conference must be implemented by similar leadership of all Democrats and all Republicans on the Senate floor on S. 3267.

I hope that we can rise to meet this challenge as this session draws to a close. The opportunity exists for enactment of a major emergency energy act. The country cries out for governmental leadership in this area. It asks us to lead the way. We ought not let that opportunity pass us by.

On the economic side, I should mention the outstanding work of the Republican conference in adopting a broad economic policy statement, and dealing specifically with employment, energy, food, and productivity. Some results have already been obtained in respect of but-tressing unemployment compensation for the longer term unemployed and providing what is now an aggregate of about 330,000 public services jobs as an additional safety valve. The enactment of the trade bill and the extension of the Export-Import Bank loom as other immediate and helpful developments.

The measures to relieve serious unemployment now are to be established as an equal priority—no greater and no less—than the major reduction in consumption of oil and gas.

The decline in productivity in the last year has been alarming. A significant way to counter this decline is through strengthening the National Commission on Productivity; and establishing regional and industrial productivity councils to deal with productivity problems at their source, but these measures are not enough and will not bite in fast enough.

Hence the urgent need for an increase under proper conditions for equalization of the investment tax credit, and a material improvement in making capital available at reasonable interest rates both for equity and debt.

This will require the Federal Reserve to pursue a policy permitting moderate growth in the monetary aggregates and the Government to pursue a fiscal and tax policy seeking to avoid unjustified and continuing deficits and acting on high priority tax reform.

Also, it may require new financing institutions like a Reconstruction Finance Agency and a Domestic Development Bank.

Food price increases have been a major element in our inflation. The much-abused consumer is in for another round of price increases, as much as 15 percent in the coming year. Rigid devotion to market forces is unrealistic in a world of big grain companies, state-owned trading companies which can buy huge amounts of grain secretly, and large food companies which control very significant portions of the market. We live in a world in which cattlemen slaughter their calves because feed prices allow them no room for profit, while

millions are malnourished or starving abroad and cannot afford to buy any grain. This need not have happened if we had had a policy that would have encouraged full production, but would have required the maintenance of reserve stocks, which would have put both a floor under prices and a ceiling on the most extreme price increases. Such a policy would also have required a much closer monitoring of exports, with authority to limit large sales. This policy is incorporated in my bill, S. 2411, the Export Priorities Act, and in Senator HUMPHREY's bill, both of which are now pending. In fact, we have now come to this policy even without a specific statutory structure, but after the damage has been done. However, we have still not made basic decisions regarding the balance between commercial sales to traditional and new customers, and humanitarian exports to the poorest countries. It is impossible to continue the pretense that market forces will fairly allocate our agricultural production, when so many monopolistic or other disruptive forces intrude.

I would finally mention the continuing debate over wage and price controls. I have long argued that the Council on Wage and Price Stability needs additional powers, especially the power to order a cooling off period for significant wage and price increases for a period up to 60 days. I feel that such powers are essential and I introduced a bill yesterday to do just that. However, this position is not inconsistent with the decision of the Republican Conference that discretionary wage and price control authority should not be granted to the President, but the hard decisions on specifying and implementing controls should be taken by Congress. Obviously Congress cannot administer such a system, which must be done by the executive branch. However, if we should find it necessary to impose wage and price controls again, we must determine in advance the industries to be covered and the triggering to justify increases or roll-backs. Renewed controls should cover only key industries with significant price setting power. The latest very large price increases announced by United States Steel emphasize the need for a cooling off period and subpoena power.

We must also recognize that labor deserves a catchup in view of the 5 percent or better loss of purchasing power of the average worker in the past year. Since inflation is not demand generated at this point, in fact, there is a growing slack in a number of industries, we cannot realistically expect wage and price controls to reduce prices that are beyond our control, for example foreign oil prices. But we must consider the usefulness of controls next year in tandem with efforts to reflate the economy, to ensure that the means of pulling us out of recession do not also lead to a renewed round of inflation.

The diversity and complexity of our economic problems, the close relationship between energy use and production, the impact of higher fuel costs on agricultural production—these indicate the urgent need on a national level for the

more intelligent and orderly establishment of national priorities. It is clear that this country needs an Office of National Planning; but without compulsion. We need not and should not establish a National Planning Office to regiment our lives, but the cruel fact is that our lives can be regimented, even impoverished, by forces beyond our control if we do not attempt to deal with the totality of our economic problems in a systematic manner.

I have proposed a mechanism that would attempt to carry out such planning functions, in S. 5, which would establish national goals and priorities. Such an agency should include among its functions the setting of national priorities, making national forecasts and predicting with reasonable accuracy, the probable effects of any given combination of proposed policies. Certain elements of national planning already take place in the Office of Management and Budget and the Budget Committees of the House and Senate, but their focus is not adequate to deal with the complex problems we face. A National Planning Agency should be a major priority in the new Congress.

Finally, the whole country—workers and management—is concerned about the rapid downward plunge of our economy.

Consumer confidence has fallen to its lowest level in decades and the housing and automobile industries are in severe recession. If the Federal Government continues its present tight fiscal policy the recession is likely to deepen.

Finally as a priority matter at the beginning of the 94th Congress, we must consider the advisability of a tax cut on lower and moderate personal incomes of up to \$12 billion; such a tax cut in tandem with an easing of monetary policy could pump back funds into the economy and provide the necessary stimulus to pull us out of the recession by mid-year. This tax cut on personal income can be offset by revenue raising measures in the second half of the year, such as an energy tax, or an increase in the excise tax on liquor and tobacco, for example, a 50-percent increase in the excise tax on liquor and tobacco, would raise almost \$4 billion, or on higher personal incomes.

We need to establish an Office of National Planning to deal with the totality of our economic problems.

I thank the Senator for yielding.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 5 minutes in order that the Senator from Arkansas (Mr. FULBRIGHT) may call up some nominations that have been reported by his committee today.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Monroe Leigh, of Maryland, to be legal adviser of the Department of State.

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The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of William B. Saxbe, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India vice Daniel P. Moynihan.

Mr. JAVITS. Mr. President, on that nomination, I would say it is deeply gratifying to all of Bill Saxbe's colleagues, friends, and fellow Senators that he has done the job he did in the Attorney General's office and is now going to a post which was held by another former Senator, Senator Keating, with brilliance and distinction, and we look forward to the same kind of incumbency by Bill Saxbe, and wish him and his family all the best in this very important post.

Mr. THURMOND. Mr. President, I just wanted to say that Senator Saxbe has held many high positions of responsibility in his State and then at the Federal level. He has made many friends. He has proven his worth. He is a man of ability and integrity, and his colleagues in the Senate wish him well in his new assignment as Ambassador to India.

Mr. ROBERT C. BYRD. Mr. President, as one of a small group of Senators who voted against the confirmation of the nomination of Mr. Saxbe to be Attorney General of the United States—and I and those other Senators who voted against him voted purely on the basis of constitutional questions that we thought were important—I want to add my pledge of support for the nomination of Mr. Saxbe to be Ambassador to India.

May I say for the Record that while he has been Attorney General of the United States, for the most part, I have certainly wanted to support the positions that he has taken. I have not agreed with him in every instance, but I think he has done a fine job as Attorney General.

I want to say this: He appeared before the Judiciary Committee and, under oath, assured the Judiciary Committee that he would give his full 100 percent backing to Mr. Jaworski, Special Prosecutor, and that he would not in any way ever attempt to impede that investigation.

As far as I know—and I have stated this many times—Mr. Saxbe never once deviated from his promise to the Judiciary Committee.

I feel that he ought to be given that praise because I know there must have been times when it was difficult for him. So I want to say that I give my wholehearted support to this nomination.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. Of course, my committee voted on this unanimously, and I associate myself with all that the Senator from West Virginia has said.

I wish to make it clear that Senator Saxbe has been a very close friend of mine, and I have every confidence that he will make a very fine ambassador. He has a wonderful wife to accompany him. Everybody is deeply impressed by them as a couple, and there is no question that he will make a fine ambassador.

Mr. CASE. Mr. President, I join my colleagues in the Senate and, particularly, on the Foreign Relations Committee in warm support of our former colleague, Bill Saxbe, in his nomination to be ambassador for our country to India.

I know he is going to do a good job. He has the capacity, he has the sense of compassion and interest in people that assure his success as a representative of our country to that great nation, and not the least of his assets is a most lovely and charming wife. She will add greatly to his ability to represent us in that vast land.

I join my colleagues in warm support of the commission.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may be permitted to include their statements in the Record if they so desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Thomas J. Scotes, of Maryland, a Foreign Service officer of class 3, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

Mr. FULBRIGHT. Mr. President, I do not wish to delay this, but I am bound to confess that this appointment particularly appeals to me this morning. Here is a man with unusual qualifications for this particular assignment to a country that is a very difficult country. I merely want to—

The PRESIDING OFFICER. The Senator will please suspend. The well will be cleared by the Senators and others.

Mr. FULBRIGHT. I wish to compliment the Department and the President for sending us a name so eminently qualified for this post. It is not always that we get this kind of a selection.

I hope it is a trend toward the selection of people so well-qualified by their experience for such an appointment.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Michael A. Samuels, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask that the President of the United States be notified of the Senate confirmation of the several nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I thank the Senator.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate

resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. FULBRIGHT may proceed for not to exceed 10 minutes on a measure which he wishes to call up.

AN ACT FOR THE RELIEF OF KIYONAO OKAMI

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H. R. 10827.

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate H. R. 10827, an act for the relief of Kiyonao Okami.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. FULBRIGHT. I would just say this bill was considered by the committee this morning. It is a private bill. It passed the House and has been cleared by both sides of the leadership, and I ask for its immediate consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

LOOKING BACK—AND LOOKING AHEAD

Mr. FULBRIGHT. Mr. President, in these final hours of my 32-year career in the U.S. Congress, I wish to express my gratitude and esteem, both to Members of this body with whom it has been my privilege to work, and to the institution itself.

I have participated in many vigorous debates over these years in the Senate, but with rare exceptions these have been free of rancor and personal recrimination. We have engaged here in a practice the British used to call "government by discussion." It has not by any means been an exercise in pure reason, but neither in general are human affairs, and we politicians—contrary to rumor—are members of the human race. However much I have agreed or disagreed with my colleagues over the years, I have always been deeply impressed with the ability of Senators—past and present—to represent the people who sent them here. For my own part, I take pride and satisfaction that, as part of the team of Congressmen and Senators representing the State of Arkansas, I have been able to make a contribution to the remarkable progress which has brought the people of my State from comparative poverty and underdevelopment 30 years ago to their present vibrant prosperity.

Wrote Walter Bagheot:

A constitutional statesman is in general a man of common opinions and uncommon abilities.

Having been privileged to know a great many Members of this body over three decades, I can testify to the accuracy of that statement. The Senate as I have known it is a representative, democratic institution composed of some of the most gifted individuals in our society.

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I leave the Senate at a time when it has achieved a new self-confidence and a renewal of its constitutional power and responsibility. I trust and hope that the congressional resurgence will not go too far, just as one resists the excesses of Presidential power. But as matters now stand, the U.S. Senate and House of Representatives probably constitute as strong, independent, and responsible a parliamentary body as exists in the world today. This accomplishment, so noteworthy in its own right, is the more so for the fact that it comes at a time when parliamentarism is on the decline and authoritarianism is on the rise in many parts of the world.

There are few greater presumptions than a politician speculating on his "place in history." It involves, for one thing, the assumption that he is going to have one. It assumes too that you are going to be remembered favorably, when there well may be things you would rather have forgotten. It will not bother me in the slightest, for instance, if history fails to record that I supported the Gulf of Tonkin resolution in 1964; or a speech I made back in 1961 complaining that we had hobbled our Presidents with "too niggardly a grant of power" in foreign policy—that was shortly before I launched my campaign to restore congressional authority in foreign policy.

Allowing for the pitfalls, I should like, nonetheless, to recall a few of the things I have tried to do and tried to prevent, leaving it to others—if they care to—to judge how well or how badly I succeeded. Early in my career I focused on the two areas of activity in foreign relations that I considered to be the most crucial, and also the most promising. One was the need of an international peacekeeping organization, the other the need of international education. I still believe in the United Nations—not the debilitated, often irresponsible body which sits in New York, but the concept underlying the United Nations, which cannot be said to have failed, because it has never seriously been tried. It also seemed to me—and still does—that the vital mortar to seal the bricks of world order was education across international boundaries, not with the expectation that knowledge would make us love each other, but in the hope that it would encourage empathy between nations, and that this sense of each other in turn would encourage a measure of tolerance and rational restraint.

With few interruptions the trend of events since World War II has been against these concepts. Accordingly I have found myself resisting what seemed to me the excesses of the cold war, culminating in the tragic and unnecessary hot war in Vietnam. I am not a pacifist in the sense of believing that military force should never be used. I would prefer to consider myself a rationalist who deplores the vanity and emotionalism which leads a nation to fight unnecessarily, or to arm to the teeth far beyond the necessities of defense or deterrence, at colossal and debilitating cost, with the overkill serving no purpose but "prestige," which is nothing but a synonym for vanity.

In Vietnam our GI's used to speak of "wasting" the enemy. It is an apt phrase, suitable for more general application. In Vietnam we "wasted" friends and enemies alike, with a fine impartiality. In the arms race with the Soviet Union we have wasted countless billions that might have gone for the education and welfare of the American people. As a result of the arms race, the Vietnam war, and such fatuous ventures as the race to beat the Russians to the moon, we have wasted some of the best hopes and best opportunities of our own people. I have suggested on occasion in the past that every nation has a double identity—as a power drawing down its resources through the conduct of foreign relations, and as a society replenishing its domestic resources through the inventiveness of its citizens. Of recent decades we Americans have drawn dangerously deep upon our reservoir of economic, political, and moral resources. That is the waste which I have deplored and resisted.

If I am remembered, I suppose it will be as a dissenter. That was not what I had in mind, but when things go contrary to your highest hopes and strongest convictions, there is nothing you can do except dissent—or drop out.

But I never made a principle of dissent. It has always seemed to me that a Senator has a responsibility to be independent in his judgments, not just contrary. Some individuals who supported my stand against the Vietnam war have accused me more recently of "selling out" with my support of Mr. Kissinger's détente and Middle East policies. I am frankly nonplussed by the criticism—to retain my credentials as a dissenter I should have had to reverse previously held views to denounce policies I think sound and wise.

In a Senate speech back in 1965, following my criticism of the Dominican intervention and the resulting controversy, I tried to define the role, as I perceived it, of the chairman of the Foreign Relations Committee. The chairman, I said, "has special obligation to offer the best advice he can on matters of foreign policy; it is an obligation, I believe, which is inherent in the chairmanship, which takes precedence over party loyalty, and which has nothing to do with whether the chairman's views are solicited or desired by people in the executive branch."

Looking back, I recall that my views were seldom solicited and, I suspect, even less often desired. But I crashed the party and offered them anyway—for better or for worse.

Now, as I retire to private life, to a new role as observer rather than participant in our public affairs, I wish that I could express great optimism about such matters as our economy and our foreign relations in the immediate future. In truth I cannot do that, but I can with all conviction express my unflagging confidence in the vitality and viability of our American democracy. The strength of our institutions is a reflection of the strength and basic decency of our people. One of the great educational ex-

periences of being a democratic politician is that one is under a continuing obligation to go home to take counsel with the people. I have gone home many times over these last 32 years and have returned each time with heightened respect and appreciation for the people of Arkansas. I have also been to other parts of our country, to college campuses and elsewhere, and on these occasions, too, my hopes for our country have been strengthened.

I depart, therefore, with confidence and gratitude—confidence in the future of my State and of our country, and with gratitude to my colleagues in this body and to the people of Arkansas who for so long have honored me with their trust.

Finally, I wish especially to thank my colleague from Arkansas, JOHN MCCLELLAN, for his friendship and cooperation during these 30 years. He has made a great contribution to the welfare of the people of Arkansas through his strong leadership of our congressional delegation.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island (Mr. PELL) be recognized for not to exceed 5 minutes.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES—CONFERENCE REPORT

Mr. PELL. Mr. President, I submit a report of the committee of conference on Senate Joint Resolution 40, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, as follows:

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 17, 1974, at pp. 40547-40550.)

Mr. PELL. Mr. President, yesterday, I filed the report on the conference, and it is available to the Senators.

There were four essential elements to the matters before the conference. The first concerned the White House Conference on Library and Information Services. The House and the Senate were virtually in agreement on this White House conference, except for some minor details as to the date, the composition of the committee, and certain other techni-

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cal matters. The only major difference between the House and the Senate was with regard to the level of authorization, the House having authorized \$3 million, whereas the Senate had authorized \$10 million. The Senate acceded to the House's wish and has brought back a bill which authorizes up to \$3.5 million for such a conference, to be held not later than 1978.

The second major provision in the conference was the Senate amendments to the so-called Buckley amendment, the Family Educational Rights and Privacy Act of 1974, section 438 of the General Education Provisions Act. I can report to the Senate that the conference report brought back virtually unchanged the amendment agreed to by Senator BUCKLEY and myself and adopted within the past week in this Chamber.

The changes which were made in the Buckley language are:

First. The Senate amendment had a section which read:

Nothing in this section shall be construed to alter the confidentiality of communications otherwise protected by law as confidential.

The House conferees expressed their concern that the effects of this provision were unclear and that we were dealing with a wide variety of State statutes and court decisions pertaining to confidentiality, as well as to parent/child, doctor/patient, lawyer/client, and a wide variety of other protected relationships. The House was concerned that this language would have a detrimental effect on a State with respect to enforcing its own laws and might provide a major loophole in enforcing the other provisions of the Buckley amendment. Therefore, that whole section was dropped, with the understanding that it is expected that the so-called common law and parental and student rights of confidentiality will be maintained; deletion of this section should not be construed as congressional intent to disrupt existing confidential relationships.

Second. The amendment, as sent to the House, set up a provision whereby a college student could waive his right to access to certain confidential recommendations for admission, employment, and receipt of awards. During the consideration of this provision, in a colloquy with Senator MONDALE, I clarified the fact that it had not been our intent to permit institutions to require a student to waive his rights. The conference agreement spells this out in the legislation. Of course, the institution could well take into consideration the failure of a student to sign a waiver. The school has every right to evaluate the character of a student, and the objection to giving a waiver could be taken into account in that evaluation.

Third. The Senate amendment authorized release of student information to State and local officials pursuant to State law. The House expressed a concern that States would use this provision as a loophole and enact subsequent legislation giving blanket exemptions from confidentiality to all sorts of records. The conference agreement closes this loophole by specifying that applicable State statutes

must have been in effect by November 19, 1974.

The other two amendments were technical in nature and had to do with the use of personally identifiable information in the conduct of studies and ongoing evaluations. In deleting the specific reference forbidding the use of social security numbers as a means of identifying students, it is not the intent of the conferees that widespread use, or indeed abuse, of these numbers should now be permitted.

A question was raised pertaining to the meaning of the language:

Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

As the author of that section, I can state my intention that the words, "none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department," clearly mean that regional personnel are not allowed to have any power to administer the Buckley amendment. The exception for hearings is very clear, and, since the hearings can only be conducted by the Board established by the Secretary of the Department of Health, Education, and Welfare, acting together as a Board, what this section means is that the hearings of this Board can be held in the regional offices, as well as in post offices or in State capitols. Nothing more should be read into it.

The next subject of the conference was the so-called Bayh amendment having to do with clarifying coverage under title IX of the Education Amendments of 1972, Public Law 92-318, pertaining to sex discrimination. The House accepted the language with a minor technical change to assure that the intent expressed by the Senate was carried out.

The final portion of the conference was the so-called Griffin amendment, which was adopted on the Senate floor and which affected title XVIII of the Social Security Act, the so-called medicare provisions. As we understood the intent of this amendment from its mover, the junior Senator from Michigan (Mr. GRIFFIN), it was to permit medicare payments to persons in certain Masonic hospitals and nursing homes.

There was concern that adoption of this amendment could have wider unknown effects than the limited purpose which Senator GRIFFIN sought.

I understand that the problem stems from a recent ruling from the Department of Health, Education, and Welfare with regard to the classification of certain payments. It is my view that medicare payments are a matter of personal right, and, no matter whom the hospital is run by, the client should be able to exercise his choice as to where he wants to be treated. I sympathize with the problem faced by the Senator from Michigan and hope that the Department of Health, Education, and Welfare will reverse its ruling and permit nursing home and hospital patients to continue to receive medicare payments, no matter where the patients are situated, without the necessity for further legislative action. To my mind, medicare payments,

like social security payments, must be paid out for the benefit of the beneficiary, no matter where the beneficiary is located.

Mr. President, I believe we have brought before the Senate a most inclusive conference report, one which has adopted virtually all the provisions of the Senate bill. Its signature into law by the President will not only provide for a White House Conference on Library and Information Services, but will also give to students, parents, and educational institutions guidance with regard to their rights under "The Family Educational Rights and Privacy Act of 1974". I, therefore, move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, I do not intend to oppose this conference report even though I am not happy about some aspects of the agreement reached by the conferees. I realize that this legislation carries important and meritorious provisions relating to the availability of student files held by colleges and universities. There are some serious problems with existing law, as I understand it. The Senator from Rhode Island (Mr. PELL) and the junior Senator from New York (Mr. BUCKLEY) have been able to work out important language that will help to make the existing law with respect to student files more reasonable and workable.

When this legislation having to do with libraries came to the Senate floor last week, I was surprised that another Senator offered several civil rights amendments to the bill. When it became apparent that the Senate would adopt those amendments, I felt that it was an appropriate time to address a problem which has come to light in my State.

I do not happen to be a member of the Masonic Order myself. However, like every Senator in this body, I have many friends and even some relatives who are members of that fine fraternal organization.

For many years, the Masons in my State have operated an old folks home in Alma, Mich., for members of the order; it is a fine facility, of which all the Masons in Michigan are very proud.

So, it was something of a shock for me to learn recently that the civil rights division of the Department of Health, Education, and Welfare has been threatening to cut off medicare payments of the old people in this Masonic home—to hold them hostage, so to speak—as a means of compelling compliance by the Order with some highly questionable interpretations of the 1964 Civil Rights Act.

It is the position of HEW that older folks now in the home stand to be penalized by having their medicare benefits cut off unless some undetermined percentage of blacks are admitted, even though they may not be members of the order.

Well, I do not know what sins the Masonic Order may have committed. The only thing I do know is that it would be a sad and tragic thing if older people who have already retired—who are in

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the twilight of their life, trying to survive with medicare benefits, are to be penalized by HEW because the HEW has some differences with the Masonic Order.

I would have no particular objection if the HEW wanted to direct its attention toward the membership policies of the Masonic Order itself, although I do not see any constitutional basis for such a challenge. However, the HEW could go right ahead if its purpose were to pursue that course directly. What is most regrettable and obnoxious, I suggest, is the tactics of HEW to challenge the Masonic Order indirectly by threatening to hold old people as hostages who are dependent upon medicare benefits. The purpose is to force compliance by the Masonic Order with strained, highly questionable interpretations which HEW bureaucrats seek to put on the civil rights laws.

I think the Senate ought to be aware of what is going on. If HEW should succeed with the high-handed tactics it is using with regard to this old folks home in Alma, Mich., it will soon be threatening to cut off the medicare benefits of the old folks in other States as well—not only those in homes operated by the Masonic Order but those operated by other organizations as well.

Of course, I was not a conferee and I was not a party to the conference committee meetings. I do hope that the Senate conferees who were appointed did argue and seek to persuade the House conferees to accede to the Senate amendments, one of which dealt, of course, with the Alma home problem.

Mr. ERVIN. Will the Senator yield?

Mr. GRIFFIN. Yes.

Mr. ERVIN. If the Department of HEW will read a little history, they will find that the Constitutional Convention which framed our Constitution was presided over by a great Freemason, George Washington.

To read history just a little bit further, they will find that the cornerstone of this Capitol was laid by a great Master Mason, and if they will study just a little bit more they will find that a very substantial part of the men who wrote the Constitution of the United States were members of the Masonic fraternity.

If they will read just a little bit more, they will find out that no organization at any time in this Nation has contributed more stability and wisdom to the American way of life than those who happen to be and to have been Freemasons.

I think that we see the most arrogant tyranny practiced on many occasions by the HEW, whose officials are not elected by anybody and not responsible to anybody, and who have the most tyrannical thirst for power of any bunch of bureaucrats that I have ever known anything about, and that is saying something, because bureaucrats have a thirst for arrogant and arbitrary power.

I want to commend the Senator from Michigan for standing up for sanity.

I guess the HEW would like to see the old folks thrown out on the street.

Mr. GRIFFIN. I thank the Senator from North Carolina for his contribution.

He speaks with great wisdom, as always, and I hope that his expressions will be read downtown by those bureaucrats in HEW.

I yield now to the Senator from Rhode Island.

Mr. PELL. I just wanted to assure the Senator from Michigan that, as chairman of the Senate conferees, together with the ranking minority member, we voted for the Senator from Michigan's amendment. The enthusiasm of the rest of the conferees on the Senate side for the amendment of the Senator from Michigan admittedly was very muted because of its unknown effects, other than the limited purposes for which the Senator sought.

Mr. GRIFFIN. Well, I thank the Senator from Rhode Island.

I had not intended to get into the details of the conference. However, I will say that I hope one report I heard is not true. I refer to a report that Senate conferees moved to recede from the Senate position on the Alma home amendment, even before the House conferees had a chance to consider and accept it. I hope that report is not true.

Mr. PELL. If the Senator will yield, the question has been raised, it should be answered.

The amendment had been discussed before on both sides, but the report the Senator heard was correct.

Mr. JAVITS. Mr. President, will the Senator yield to me on that subject?

Mr. GRIFFIN. Yes.

Mr. JAVITS. I was the ranking minority member and I did stand up for the Senator's amendment. Representative BRADEMAs referred to the House position in connection with the matter generally. The vote was taken on the Senate side, and Senator PELL, as he stated, he and I voted no. That was the vote to stand by the Senate position, and, specifically, by the Senator's amendment.

I would like to say to the Senator that, looking forward, I would like to ask the Senator if he would be good enough to supply me with the data obtained on this matter. It was obtained very suddenly in conference, as the Senator knows. I was not aware that it was even in existence. I was informed that the Senator had an amendment. I would urge the Senator to let me have the material so that the matter may be looked into. We do have legislative oversight over HEW.

There is no reason why, in a specialized case, I would not do all I could to apply that legislative oversight responsibility to this particular case. I will be glad to do it.

Mr. GRIFFIN. I thank the senior Senator from New York for his contribution.

I want to say to the Senator from New York, as I indicated, that the particular amendment I offered would not have been added to this library bill if two other civil rights amendments had not first been accepted.

Mr. JAVITS. I understand it perfectly and can only assure the Senator that I will try to get for him what he wants, which is some action in a substantive way.

Mr. GRIFFIN. I thank the Senator.

Mr. PELL. Mr. President, I move the question.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The motion was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAYH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair. Mr. ROBERT C. BYRD. Mr. President, there was a time limitation on that matter of 5 minutes. Has that time expired?

The PRESIDING OFFICER. The time has expired.

Mr. BAYH. Will the Senator from West Virginia yield for one moment?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. BAYH) may proceed for 3 minutes.

Mr. BAYH. One minute will be ample. I appreciate the courtesy of our colleague from West Virginia, Mr. President.

I just want to add to the colloquy which just transpired a little different note of special appreciation to the Senator from Rhode Island for the manner in which he has handled this bill and some other amendments which the Senator from Indiana and others were concerned about.

Of course, I was not a member of that parent committee, I was not a member of the conference, and I was not aware of what went on there. But I do have a good idea of the type of effort that the Senator and his staff have put into this particular amendment, the library resolution, and the special courtesy and attention he has given the problem which has been raised by the fact that HEW has totally misrepresented the intent of Congress in the application of title IX, which the Senator from Indiana put on the higher education bill.

The way in which they have tried to say that the wording and the legislative history of that title makes it impossible for our country to continue to have Boy Scouts and Girl Scouts, or YMCA's and YWCA's, or fraternities and sororities totally misses the mark.

We were trying to root out discrimination as far as salaries, promotion, access to universities, loan funds, scholarships—those things that go to the very foundation of an equal and open higher education system.

I want to express my gratitude to the Senator from Rhode Island for the inconvenience which he, his staff, and the committee as a whole were put to, but I am very grateful for his recognition of his need to deal with this problem.

I thank my colleague from West Virginia.

FRANK P. MUTO, AND OTHERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message

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from the House of Representatives on S. 251, and that the Senator from Nebraska may proceed for not to exceed 3 minutes.

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendments of the House of Representatives to the bill (S. 251) for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson as follows:

Page 2, after line 5, insert:

Sec. 2. (a) In the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, and subject to sections 8334(c) and 8339(h) of such title, Arthur D. O'Neill, Joseph H. Avery, Junior, Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal shall be deemed to have rendered creditable service during such periods as they were employees of the Democratic National Congressional Committee or Republican Congressional Committee prior to January 1, 1975.

(b) The Civil Service Commission shall accept the certification of the Speaker of the House, or his designee, concerning the service of, and the amount of compensation received by, the individuals named in this section.

Page 2, line 6, strike out "(c)", and insert: "Sec. 3."

Page 2, line 7, strike out "subsection (a) of this section", and insert: "this Act"

Amend the title so as to read: "An Act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Junior, Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal."

Mr. HRUSKA. Mr. President, this bill originated in the Senate. It went to the House and there were certain amendments added to it. I have cleared this with the leadership on both sides, and with the chairman and ranking member on the Post Office and Civil Service Committee.

I was authorized and requested to move that we concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I move that we reconsider the vote by which the motion was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later in the day the following proceedings occurred:)

Mr. HOLLINGS. Mr. President, I enter a motion to reconsider the vote by which S. 251 was passed by the Senate today. I just want to enter the motion under the rule.

I am trying to contact the Senator from Tennessee, who is interested in this matter. We will act on it tonight or tomorrow, at his pleasure.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 251) for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson.

The PRESIDING OFFICER. The motion will be entered.

AMENDMENT OF THE ACT OF MAY 13, 1954, RELATING TO THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Mr. ROBERT C. BYRD. Mr. President, I am informed that the House message on H.R. 17558 has been cleared on both sides of the aisle. I therefore ask that the Chair lay that message before the Senate.

The PRESIDING OFFICER laid before the Senate H.R. 17558, an act to amend the act of May 13, 1954, relating to the St. Lawrence Seaway Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. CLARK may be recognized for not to exceed 4 minutes, that the Senator from Virginia (HARRY F. BYRD, JR.) be recognized for not to exceed 8 minutes, that the Senator from Florida (MR. CHILES) be recognized for not to exceed 5 minutes, and that the Senator from New Mexico (MR. DOMENIC) be recognized for not to exceed 5 minutes.

Mr. GRIFFIN. Reserving the right to object, and I do not intend to object, is it concerning a House message?

Mr. ROBERT C. BYRD. No. The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Idaho is recognized.

OLDER AMERICANS

Mr. CLARK. Mr. President, with the year almost at end, I would like to take a few moments to discuss the needs of this country's older citizens—what has been done in 1974 to help meet those needs and what should be done in 1975.

Earlier this month, the Long Term Care Subcommittee of the Special Committee on Aging released another report on nursing home care in the United States. The instances of mistreatment and neglect need not be recounted here, but the subcommittee conclusion should be repeated time and time again: The problem of substandard nursing homes can be traced in part to a deeply negative attitude toward aging in the United States.

The attitude is all too pervasive in the United States, and it is a fundamental cause of more than just inadequate nursing homes. That attitude makes itself felt everywhere there are problems

for the elderly—in housing, nutrition, employment, health care, transportation. As the subcommittee's report suggested, a particularly potent form of bigotry has developed toward the elderly, a particularly demeaning form of discrimination.

The discrimination is as ironic as it is indefensible. If we are fortunate, we all will grow old, and when that happens, none of us will want to face the kind of problems that confront so many older Americans today. Yet the discrimination endures—even though every one of us may eventually become victims of it.

But it is not necessary to rely on purely selfish reasons to end discrimination against the elderly. We need the help, the enthusiasm, and the experience of every older American if we are ever going to solve the array of problems that faces this country.

There are 21 million older men and women in this country. They represent an invaluable natural resource, and it is time we put their experience and talents to work. They have lived through some of our most difficult years, through two world wars and a depression. They have helped build this country's wealth and abundance. To deny this country the potential contributions of older citizens just because they are older is unjust and shortsighted.

Many Americans have made great contributions after they have reached the age of 65 or 70. Chief Justice Holmes wrote his book on jurisprudence, "The Common Law," at 72, and he was an advisor to the President of the United States at 90. Eleanor Roosevelt was a member of the U.S. delegation to the United Nations at 77. Noah Webster was 70 when he compiled his dictionary. And Benjamin Franklin was 70 when he signed the Declaration of Independence and became Ambassador to France.

The litany of names could continue, but its lesson is clear: We do need the active participation of older Americans, and that alone is reason to give them the help and assistance they need.

Because of the work of many groups and individuals, there have been significant accomplishments in this effort. Groups like the National Council of Senior Citizens, the American Association of Retired Persons, and the National Retired Teachers Association, the National Council on Aging, the National Caucus on Black Aged, the Gerontological Society, and the American Association of Homes for the Aging all have helped bring the concerns of older Americans to this Nation's attention. They have played a significant role in the passage of important legislation—increased social security, medicare, supplemental security income, the Older Americans Act and its amendments of 1973, and the title VII nutrition program which all contribute to the well being and independence of older citizens.

Much has been accomplished, but much remains undone.

INFLATION AND INCOME

Mr. President, reviewing these challenges that face the elderly means re-

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viewing their concerns, and no concern is more immediate than the effect of inflation on income.

Inflation—coupled with a growing recession—is this country's most pressing problem.

The prices of the most basic items—food, housing, health care, transportation, and public utilities—have risen at unprecedented rates. These essential goods and services are claiming an increasingly large proportion of every family's budget. But there are some individuals in this country who inevitably suffer more from the inflated cost of living—those people living on relatively low fixed incomes, especially the elderly. For them, an inflated economy has taken away many of their hopes and left them to bargain for survival with increasingly inadequate incomes.

The Congress has made an effort to protect senior citizens from inflation, but to little avail. Social security benefits—the economic mainstay for the majority of older citizens—have increased 68½ percent since 1969. That increase should represent a milestone in economic and social progress, but because of higher and higher prices, it has been whittled away.

Last December, for example, Congress approved a two-step social security benefit increase totaling 11 percent. The first step was a 7-percent increase effective in March, 1974, with the full 11-percent increase effective in June.

As a result of last year's increases, the average monthly benefit to a single retired person increased from \$162 to \$181. For couples, it went from \$277 to \$310. The minimum monthly social security benefit for a single person increased from \$84.50 to \$93.80 during this period, and from \$126.80 to \$140.70 for couples.

Yet, higher food, health, fuel, and utility costs have more than offset these increases.

The next scheduled social security increase will be in July 1975, under the automatic cost-of-living escalator signed into law in 1972. But for many elderly people, that increase will be too little, too late. At the current rate of inflation—over 1 percent a month—older citizens cannot afford to wait for that increase. Waiting for increased benefits is tantamount to losing them.

The automatic cost-of-living escalator is based upon the Consumer Price Index, but it does not really represent older people's inflation because they spend a disproportionately large share of their income on food, transportation, utilities—all of the items which have led the ever-increasing Consumer Price Index.

So when social security is increased next July to reflect the increase in the Consumer Price Index as it affects all Americans, it will not really reflect the impact of inflation on the elderly.

That is why there should be legislation to provide for a "Consumer Price Index for Older Americans"—one that will more accurately represent their particular cost of living. It also would be helpful to recalculate the automatic cost-of-living escalator twice a year, instead of once a year as the present law

provides. In that way, increases would come closer to meeting the rate of inflation. Each of these proposals would help older Americans fight inflation, supplementing the four across-the-board social security increases of the last 5 years.

There have been other congressional initiatives that have benefited older people. One of the most important of these is the supplemental security income program—SSI—which established for the first time a minimum floor under the incomes of all older Americans. And, during the 93d Congress, a cost-of-living escalator for SSI was approved which is comparable to the present social security cost-of-living escalator.

The SSI program has been a great help to many of the elderly poor but the program's minimum income is shamefully low. Right now, elderly couples with no other income receive \$219 a month—for older individuals it is \$146 a month. By definition, individuals enrolled in the SSI program represent the poorest of elderly citizens, and they deserve at least enough to bring them above the level of poverty. At the beginning of the next session of Congress, I plan to introduce legislation which would accomplish this.

The social security system does not operate in a vacuum, nor should it. By itself, social security cannot provide a decent retirement income. It needs the help of supplemental income earned by older people and income from private pension plans, and both of these are areas of special concern to the elderly.

SOCIAL SECURITY REFORM AND MANDATORY RETIREMENT

Legislation enacted earlier in this Congress raised the amount a social security beneficiary may earn in any year and still receive full benefits from \$2,100 to \$2,400. In January 1975, it will go up to \$2,520, allowing many wage earners to further supplement their retirement incomes.

But with the current economic conditions, there is no doubt that the cutoff level needs to be raised again to insure that individuals who want to work will not be penalized unduly.

Changing the mandatory retirement policies that flourish in this country would accomplish the same goal—giving older workers the opportunity to earn a decent living. Besides being just plain discriminatory, using age as the sole criterion for retirement is unfair and unreasonable. Mandatory retirement deprives this country of the productivity and enthusiasm of millions of people each year, and it deprives these people of the opportunity to support themselves with dignity and purpose.

By forcing retirement, we are doing a great disservice, not only to those who have to retire, but to the Nation. Forced retirement all too often means forced reliance on others for income, an especially ironic practice since one of this country's major challenges is providing enough income for older Americans.

Because of the importance of older workers, it is imperative to reassess retirement policies and move toward a

more flexible system to allow older individuals willing and able to work the opportunity to maintain their independence and activity. Other countries have experimented with flexible retirement with very encouraging results. They have found that older people not only live longer when they continue to work, but they also maintain their health and play a useful and productive role in their communities.

As the social security program has provided increasingly higher benefits for more beneficiaries over the years, it has become more costly. As a result, there has been a great deal of discussion about the way the social security system is financed.

Right now, over half of the Nation's taxpayers pay more social security tax than Federal income tax. Everyone pays close to 6 percent social security tax on earnings up to \$13,200 a year, and this results in serious inequities.

The Special Committee on Aging is studying the problem now as part of its comprehensive investigation of the future directions of social security. One alternative is the well-conceived and well-timed use of general revenue funds to finance a portion of the social security program. No matter what plan finally is adopted it must recognize an important principle: Workers should continue to contribute some portion of their income so that the benefits continue to be an earned right, not just another form of "welfare."

Everyone realizes that it is expensive to help over 21 million older Americans maintain a decent standard of living. As social security benefits have increased, so has the payroll tax—and so has the dissatisfaction of those who have to pay it. With each increase in the tax, greater resistance builds against future increases in benefits. We are going to have to reform our entire taxing mechanism if we are to meet our goal of increasing the real incomes of older Americans. Fundamental tax reform will go a long way toward insuring a comfortable life for every older person in this country.

Establishing an independent Social Security Administration also will be an important measure for the next Congress to consider. Now, the Social Security Administration is part of the Department of Health, Education, and Welfare. Senator FRANK CHURCH—chairman of the Senate Special Committee on Aging—and I have introduced legislation to establish an independent Social Security Administration free from the pressures of changing administrations. An independent agency would be under the direction of a three-member governing board appointed by the President, with the advice and consent of the Senate, and responsible for making recommendations for providing economic security through social insurance.

The new agency also would be responsible for the continued successful administration of the social security programs—old age, survivors and disability insurance program, medicare, supplemental security income, and part of the black lung benefit program now admin-

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istered by the Social Security Administration.

In addition, the legislation to create an independent Social Security Administration contains important safeguards against political abuses.

PENSION REFORM LEGISLATION

Many people work all their lives to build an adequate retirement income through a private pension plan, and they want to be sure that investment is protected while it is growing and available when it is needed. This is one special concern of the elderly already addressed by Congress which has passed legislation to safeguard workers' private pensions. It is a major step toward insuring that those people enrolled in private pension plans get the pension security they have earned.

In the past, many employees have been denied their pension benefits after years of investment in a private plan. This legislation is designed to prevent that from happening. Its enactment means that over 30 million individuals enrolled in over 300,000 private pension plans will have greater income security in their later years.

The legislation establishes reporting and disclosure requirements so that the participants in a private pension fund know the status of their investments, and it provides a reinsurance system to take care of pension plan failures—with standards to insure that pension funds are not mismanaged.

Under this legislation, there are national standards for vesting to grant individual employees a nonforfeitable right to their own pension contributions, and beyond that, every firm that provides a pension must cover all its employees.

All of these reform measures have the same goal: to provide older Americans with economic security. But they are only a beginning—a long overdue installment on what we, as a nation, owe older Americans. Older people have made a significant contribution to the success and prosperity of this country. They deserve a share of its benefits.

And that includes health security, as well as financial security.

HEALTH SECURITY

When medicare was enacted in 1965, many people thought it established comprehensive health care for people over 65 as a matter of right. It never did that, and it does not today. Medicare falls short of the goal. Coverage of health expenses has dwindled, and the cost to the participant has increased.

The plain fact is, that older people are now paying more in out-of-pocket costs for their medical care than they did the year before medicare was established, and that means many people cannot get the care they need because they cannot pay for it. Since its inception, the monthly premium under medicare has risen from \$3 to \$6.70—more than doubled. The deductible—the amount the patient must pay for hospital costs—has gone from \$40 in 1966 to \$84 today—more than doubled. Coinsurance, the part of the hospital bill the patient pays after 60 days, has gone from a daily rate of \$10 to \$21—again, more than

doubled. And, just recently, the Department of Health, Education, and Welfare announced that the hospitalization deductible will increase almost 10 percent in 1975, from \$84 to \$92.

In response to that, Senator RIBICOFF and I have introduced legislation which would freeze medicare out-of-pocket costs at present levels to put an end to the additional costs burdens on older Americans. In my State of Iowa alone, over 390,000 individuals enrolled in medicare would have to pay more for hospital care in 1975. This legislation would prevent that from happening.

Medical problems are compounded by the substantial number of services not covered under medicare: Out-of-hospital prescription drugs, dental services, eyeglasses, hearing aids and custodial nursing home care. Today, medicare covers only about 40 percent of the elderly's health care costs. All of this means that older Americans really do not have the opportunity to enjoy the comforts and security generally available to the rest of society. The elderly have no greater concern than the concern for their health, and because the medicare system continues to be the primary source of health care for older Americans, it must be expanded and improved to meet the needs of these citizens.

The cost of out-of-hospital prescription drugs should be included in medicare coverage. A comprehensive long term care and home health care benefit should be established as well. In the next session of Congress, I plan to introduce legislation to make these changes in the medicare system. But they, too, will be inadequate until health care for everyone is put on a comprehensive basis.

Congress has been debating a number of national health insurance proposals and, hopefully, a bill will pass next year. National health insurance is critically important to many, many people in this country—especially the elderly.

Older people have a 1 in 4 chance of being hospitalized during a year—twice as great a chance as for those under 65. Once in a hospital, older people stay twice as long as younger people. And, about 85 percent of all older people have one or more chronic care conditions.

When the Congress begins active consideration of national health insurance legislation in the next Congress, we must not be satisfied with another patchwork, stopgap program which does not confront the basic health care problems. Health care is too important for a "band-aid" approach.

One of the most serious problems is the availability and distribution of health care personnel. Senator KENNEDY—chairman of the Senate Health Subcommittee—and I introduced legislation during this session of Congress which would address the problem directly.

This bill would have required medical students to pay back their public-supported education with 2 years of public service in a medically underserved area, and it would have placed special emphasis on the training of primary care physicians.

The legislation met significant opposition, and it failed to win approval in the

Senate. That failure was a serious blow to the elderly for whom good medical care is not readily available simply because they live in the country. In Iowa, for example, most rural counties have an elderly population of over 15 percent—twice the percentage of urban areas. Yet, most physicians practice in urban areas, leaving most towns of 1,000 and under with no doctor at all.

When the 94th Congress convenes in January, it will have a great many challenges to face—the health of the Nation's citizens is among the most important. We need a comprehensive health insurance program, one that will guarantee everyone the health care they need—not just the health care they can afford.

Continuing our research efforts into the aging process and the special health needs of the elderly is equally important. The 93d Congress passed legislation to establish a national institute on aging within the framework of the National Institutes of Health. The institute will be responsible for conducting and supporting psychological and biomedical research relating to the elderly, and it will provide grants for training health care personnel in the aging process.

NUTRITION

Proper nutrition is basic to the health and well-being of older Americans. Unfortunately, many older Americans do not get the diet they need—they cannot afford it. Over the past 2 years, food costs have risen more than 30 percent, and as a result, older people have had to cut back food consumption. No single item has effected older people more forcefully than the soaring cost of food.

Last July, Congress responded to these needs by approving a 3-year extension of the title VII nutrition program for older Americans.

This legislation authorizes \$150 million for 1975, \$200 million for 1976, and \$250 million for 1977 to provide at least one hot, nutritious meal a day to senior citizens. Right now, about 215,000 meals are being served each day, and that figure will increase as Congress provides more funding.

The title VII program is one of the most successful and effective Federal programs for older Americans. Not only does it provide older citizens with a nutritious meal every day, but just as importantly, it enables them to meet friends and neighbors in a comfortable social setting.

In Iowa, over 4,100 meals are being served to senior citizens each day at almost 100 sites. I have had the opportunity to share a meal with many of them, and without exception, older people have told me that this is one Federal program really working for them. But at the same time, they are concerned that the meal program may be cut back because of the inflation that has forced many meal sites to close. There are many people waiting to enroll in the program—over 115,000 nationwide.

In spite of the obvious need for good nutrition for the elderly, President Ford directed the Department of Agriculture to cut back the food stamp program to reduce Federal spending. Nearly 2 million

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elderly citizens could be directly affected. Mr. President, there are programs in the national budget which need to be trimmed, and others that should be eliminated altogether, but programs that help older Americans get the nutrition they need are not among them. Without food stamps older people will be deprived of adequate diets, and eventually this will be reflected in disease levels, mortality rates, and admissions to institutions. To curtail Federal spending in this area is a false economy and a disservice to the elderly.

TRANSPORTATION

Transportation is another great need of older Americans. Transportation determines the opportunities that are available to them and often means the difference between isolation and an active life. The 1971 White House Conference on Aging found that elderly citizens must have public transportation if they are to maintain a fair and reasonable degree of mobility.

Yet we have failed to provide these services.

In many rural and urban areas, public transportation services do not exist. Where they do exist, they often are inaccessible because bus stations or stops are not within reasonable walking distances. And, many transportation vehicles have high steps or other design barriers that prevent older people from using them.

Fewer than half the individuals 65 and over are licensed to drive. Not surprisingly, older Americans are forced to rely on the most expensive forms of transportation. They must pay someone with a car to get to the doctor's office, to pick up a prescription, or to cash a social security check—simply everyday activities that most people take for granted but which pose enormous difficulties for people of limited mobility.

During congressional hearings this year, title VII nutrition project directors and participants stressed that transportation is one of their most serious problems. Where there is no transportation or meals on wheels program, it is difficult for older people to participate in the nutrition program.

That is why the Congress authorized \$35 million under title III of the Older Americans Act to provide transportation services to older Americans. This authorization placed special emphasis on providing transportation services to support the nutrition programs, but it extended to other areas as well.

The Congress recognized long ago that older people should be provided adequate transportation to enable them to participate fully in society. Some money has been appropriated for this, and several major bills have been passed to meet the transportation needs of the rural and urban elderly.

Title III and IV of the Older Americans Act, the Federal-Aid Highway Act of 1973, and the Urban Mass Transportation Act all include provisions to develop and improve public transportation for older citizens. It is essential that these programs not only be maintained but expanded and improved in future years.

HOUSING

Housing is another major concern of the elderly—if only because it is their No. 1 cost. Many older people's homes have grown too old or too expensive to keep; apartments have deteriorated, and many stand in need of repairs.

Perhaps as many as 6 million elderly people are living in substandard housing now, and in some parts of the country, there are people on the waiting list for every existing unit of elderly housing. In January 1973, President Nixon placed a moratorium on all housing programs, falling to take account of the proven success of housing programs for the elderly. As a result, Congress enacted new legislation to reinstate the section 202 housing program—the most successful program ever enacted for older Americans.

This legislation will allow us to move toward the goal of building 120,000 units of elderly housing each year—the goal set by the White House Conference on Aging. The Housing Act of 1974 also provides that low-income elderly living in federally subsidized housing will not have to pay more than 25 percent of their income for rent. The Federal Government will assume the remaining cost.

While this legislation begins to address the housing problems of older Americans. It does not mean a total solution. Far from it. There is a desperate need to increase the availability of supportive social services—such as home helpers, counseling, and transportation services—to enable people to stay in their homes. The Federal Government should continue to share the cost of providing these services because they will prevent many older people from being institutionalized and give many older people the opportunity to remain active.

OLDER AMERICANS ACT AMENDMENTS OF 1973

One of the most significant congressional responses this session to the concerns of the elderly was the enactment of the Older Americans comprehensive services amendments which increased the funding levels of a variety of programs directly serving the elderly and provided authority for new programs in the field of aging. One very important section of the new bill, title IX, authorized funds for an older Americans community public service employment program for the low-income wage earner 55 and over.

Administered by the Department of Labor, the program is designed to provide part-time employment opportunities for older people who wish to work. During fiscal 1975, \$12 million was appropriated for the program and, hopefully, that amount can be doubled next year to help older workers supplement their retirement income.

Not enough attention is being given to older workers. Once unemployed, the older worker is unlikely to return to the labor force even though he or she may be particularly knowledgeable or skilled. One solution—already successful—is retraining older workers for new careers. Experience demonstrates that older workers are extremely dependable when

given the opportunity to work, and the Department of Labor's Operation Mainstream is one particularly successful example. It puts the skills and talents of the elderly to work through programs like Senior Community Service Aides, Green Thumb, and Senior Aides. And under title IX of the Older Americans Act amendments—the Older American Community Services Employment Act—more employment opportunities will become available as the appropriations increase.

OLDER VETERANS

For older people who once served in the Armed Forces, the problems of growing old are complicated by the inadequacies of the veterans' pension system. The system often provides only minimal help to those who have the greatest need. This year, the Congress approved the Veterans and Survivors Pension Adjustment Act to substantially improve benefits for veterans, widows, and dependents. The measure includes a 12-percent increase in veterans' pensions, and it will increase by \$400 the amount of outside income an individual may receive before any reductions are made in veterans' pensions.

This will prevent this year's social security increases from causing sharp cuts in veterans' pensions. While this legislation is a step in the right direction, more can and should be done. Extensive reform of the veterans' pension system is needed to make the system more responsive to the needs of veterans and their families, and to insure that future social security increases do not diminish the veterans' pensions. Hopefully, the new Congress will take additional affirmative action to make these changes.

Mr. President, there are other problems that have not been touched yet: Consumer fraud, the special problems of the rural and minority aged, and the necessity for education programs. This Congress has helped more older Americans live a comfortable and active life, but we must increase those efforts. Too much is at stake—the lives and happiness of too many older people—for us to stop now.

I yield back the remainder of my time. The PRESIDING OFFICER. The Senator from Virginia is recognized.

THE M-60 TANK

Mr. HARRY F. BYRD, JR. Mr. President, I was disturbed to learn this week that the cost of the M-60 tank has increased by 38 percent within the past year.

As chairman of the Subcommittee on General Legislation of the Committee on the Armed Services, I have scheduled hearings on this matter for January 14.

I have sent a letter to the Secretary of the Army, and I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

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CONGRESSIONAL RECORD—SENATE

Washington, D.C., December 18, 1974.
U.S. SENATE,
Hon. HOWARD H. CALLAWAY,
Secretary of the Army,
The Pentagon,
Washington, D.C.

MY DEAR MR. SECRETARY: In a reprogramming hearing I conducted yesterday for the Senate Committee on Armed Services, I was shocked to hear testimony that the cost of the Army's newest modern M60 tank has risen 38 percent within the last year. President Ford just this morning expressed strong concern over an eight to ten percentage increase in the price of steel.

I think it important that the Army demand a thorough and detailed justification for such a tremendous increase in price of the M60 tank. A 38 percent increase seems to me totally unreasonable.

Just as President Ford has expressed strong concern over the eight to ten percent increase in the price of steel, I want to express my strong concern over the 38 percent increase in the price of the M60 tank. I am scheduling a hearing on this matter before the Subcommittee on General Legislation of the Armed Services Committee. The hearing will be held at 9:30 a.m. on January 14, 1975. I would appreciate your cooperating fully in assuring the availability of expert witnesses and I would hope that between now and the Committee hearing the Department of the Army would delve deeply into this matter and be in a position to submit to the Committee detailed information concerning such a huge price increase.

Sincerely,

HARRY F. BYRD, JR.,
Chairman, Subcommittee on General
Legislation.

THE EMBARGO AGAINST CUBA

Mr. HARRY F. BYRD, JR. Mr. President, the Associated Press yesterday, in an article datelined Washington, carried the following report, of which I shall read three paragraphs:

Henry A. Kissinger, the Secretary of State, was reported yesterday as willing to support a move in the Organization of American States that could lead to an end of the economic and diplomatic embargo against Cuba.

Sol M. Linowitz, a former United States ambassador to the organization, told reporters Mr. Kissinger assured the Commission on United States-Latin American Relations that American policy concerning Cuba might be changed, perhaps as early as March when inter-American foreign ministers meet in Buenos Aires.

Mr. Linowitz used a peculiar phrasing. "We were assured by the secretary that the policy now in progress would through another mechanism advance . . . in subsequent meetings, perhaps in Buenos Aires."

Mr. President, regardless of what the Organization of American States may do, an OAS decision in the future to terminate its sanctions policy against Cuba would not obligate member States to renew diplomatic relations with Cuba or alter their bilateral policies. Insofar as the United States is concerned, legislation would be required. Proposed legislation was introduced in this session of Congress. Nothing has come of it, and of course nothing will come of it in this session.

I do not see how the United States can change its policy toward Castro until Castro changes his policy toward the United States. That, Mr. President, is the

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position of the President of the United States.

I have a letter signed by Brent Scowcroft, lieutenant general, USAF, Deputy Assistant to the President for National Security Affairs. It is addressed to former Ambassador Pawley, who is now a resident of Miami. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., November 16, 1974.
Hon. WILLIAM D. PAWLEY,
Miami, Fla.

DEAR AMBASSADOR PAWLEY: The President has asked me to thank you for your letter of September 5 in which you expressed your opinion that the United States should not reestablish relations with Cuba because of Cuba's ties with the Soviet Union. The enclosed publication on Cuba-Soviet relationships was also appreciated.

As you know, the Organization of American States has been considering whether to continue its economic and diplomatic sanctions against Cuba. At the recent meeting in Quito, a proposal to lift the sanctions was not passed because of insufficient support. In any event, an OAS decision in the future to terminate its sanctions policy against Cuba would not obligate member states to renew diplomatic relations with Cuba or alter their bilateral policies.

The President has stated publicly on several occasions that the U.S. would be willing to consider changing its policy toward Cuba when Cuba changes its policies toward us and the other nations in this Hemisphere. Cuba's military ties with the Soviet Union would, of course, be one element which the U.S. would consider. However, as the President has also noted, we have seen no real evidence of a change in the attitude of the Cuban government towards us and therefore see no basis for a change in our policy at this time.

Sincerely,

BRENT SCOWCROFT,
Lieutenant General, USAF, Deputy Assistant to the President for National Security Affairs.

FUNDING FOR THE UNITED NATIONS

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that three editorials dealing with the United Nations—one from the Northern Virginia Daily of December 5, one from the Danville, Va., Bee of December 5, and one from the Roanoke Times of December 5—be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Northern Virginia Daily, Dec. 5, 1974]

LOCKED IN ON DISASTER COURSE

Senators Hubert Humphrey and Gale McGee recently shocked millions of Americans when they issued this statement expressing their joint view relative to the United Nations:

"The United Nations Charter as adopted by the Congress of the United States and ratified by the Senate, has the same standing as a provision of our Constitution. It is the supreme law of the land."

We think it safe to say that there aren't many Americans, except for a small handful of one-worlders, who are willing to endorse the tenet that the Charter of the United

Nations is the supreme law of the United States. Yet, this is precisely what two distinguished members of the U.S. Senate said must be the motivating basis and the determining inspiration in our consideration of international affairs.

It would be stupid folly, indeed, to follow their advice. There has been nothing in the U.N.'s actions in recent years to justify a complacent faith in its sense of justice or right.

The world body has indeed become a charade, a place where the irresponsible among both large and small member governments can and do join to punish those of whom they disapprove, and a parade ground for the oddities of world diplomacy.

In any recital of the names of sovereign U.N. members which have been victimized by a militant, unreasonable and vindictive majority in the U.N., the names of Rhodesia, National China, and South Africa would lead the list. This same list will soon contain the name of Israel if the African, Communist and Arab nations have their way.

In the category of an oddity, totally inappropriate in a body seeking only peaceful means to determine differences, the reception given the gun-toting terrorist, Yasser Arafat of the Palestine Liberation Organization, takes honors.

Going back a bit farther, one finds the rape of Hungary by Soviet Russia and the bludgeoning of Czechoslovakia distressing reminders of U.N. inability to act effectively to protect the rights of the trampled.

Sen. Harry F. Byrd, Jr., in a speech before the Senate, pointed out the utter hopelessness of a U.N. under the domination of the African, Asian and Communist bloc nations, which represent 64 percent of the total membership, ever being able to treat international matters on a totally unbiased basis.

The Senator told his colleagues: "During the 29 years that have passed since its formation, its character and composition have changed radically."

"Originally having a membership of 51 countries, all with long-established records of government, it now has 138 members, most having come into being only in recent years. "The United States is pathetic in its impotence. On the motion to oust South Africa, which the United States strongly opposed, our country was able to muster only 22 votes—against 91 affirmative votes."

"On the resolution permitting the terrorist Arafat to address the United Nations, the United States found itself with only three allies—with 105 nations in opposition. On the motion to give official observer status to the Arafat group, the vote was 95 to 17."

"The United States, which puts up most of the money to run the world organization, and which has been shamelessly courting the African and Asian nations, has received in return nothing but contempt."

"The natural question, since we are irrevocably committed to the U.N., is what can this country do at this point to instill a sense of responsibility into an organization that is rapidly being taken over by a group of member nations that lack a sense of historic national perspective?"

The U.S. possesses one very strong, convincing weapon. According to Sen. Byrd, since the creation of the U.N. the United States has contributed a total of \$4.7 billion to the world body. The U.S. can and should demand that the U.N. put its financial affairs in order.

Of the 138 members in the U.N., 92 have an outstanding debt of \$204 million in back dues. The Soviet Union and its two member Republics of Byelorussia and the Ukraine owe \$110 million.

The Foreign Aid Authorization bill—which the Senate will soon consider—provides a total of \$194 million for the U.N., an increase

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of \$37.5 million, or 24 percent, over the previous year. How can this kind of increased support be justified in keeping afloat an organization the majority of whose members are out to push the U.S. around?

Only money, or the prospect of the lack of it, will be a strong enough tool to restore some semblance of sanity to U.N. actions. A 24 percent increase in our financial support is clearly not justified at this time.

On the contrary, the use of our weapon—a substantial reduction in the amount we are currently allocating to U.N. support—may bring the maverick nations to their senses.

We thoroughly agree with Sen. Byrd's promise to oppose the \$37.5 million increase on the grounds that the move may send a signal to those who are prostituting the purposes of the U.N. We would suggest going the extra mile by telling the U.N. that unless it shapes up we may even consider reducing the allocation we are now making.

[From the Danville, (Va.) Bee, Dec. 5, 1974]

REDUCE UN FUNDING

The United Nations came into formal existence October 24, 1945, when 29 nations ratified its charter.

In retrospect, that may have been the world organization's finest hour.

Despite the many humanitarian accomplishments of UN agencies, the recent actions of the General Assembly and the Security Council have soared to the heights of irresponsibility.

In almost back-to-back moves, the UN ousted a legitimate member—South Africa—because of its internal policies, a specific violation of the UN Charter.

Before the world could absorb this move, the UN turned around and, in effect, recognized a government in exile—the Palestine Liberation Organization (PLO). This, too, violated the UN Charter, not to mention the irresponsibility of conferring legitimacy on an organization bent on the destruction of a UN member nation—Israel.

These are just some of the most recent excesses by the world body, many of which have caused its most ardent supporters to question its present activities.

The list of its past exercises in hypocrisy is lengthy. The UN stood virtually mute while the USSR suppressed liberalization moves in Czechoslovakia and brutally repressed similar moves in Hungary. Then there was the expulsion of Nationalist China, a sovereign nation to please the Peoples Republic of China.

In addition, the UN has shown a growing toleration for totalitarianism, judging by the actions of some member nations, notably the African bloc.

For these and so many past abuses, we support Sen. Harry F. Byrd Jr.'s proposal to reduce U.S. aid to the UN. We would suggest abandoning this East River diplomatic brothel altogether except it might be turned into a base for terrorist operations within this nation.

Since the birth of the UN, the U.S. has poured \$4.7 billion into the operations of the world body.

Sen. Byrd has noted that 92 of the 138 UN members owe \$204 million in back dues. The USSR and its two member "republics"—Byelorussia and the Ukraine—owe \$110 million.

The U.S. Senate now is considering the Foreign Aid Authorization bill which will deliver \$194 million to the UN coffers, a 24 percent increase in the U.S. annual contribution.

There is no justification for this increase and, in the absence of some more mature action by UN member nations in the future, there is precious little justification for any U.S. funding at all. The money could be put to far better use, such as aid to the City of New York, which must tolerate the excesses

of UN delegates who are immune from prosecution for violation of that city's laws. And diplomatic violators are legion.

We will go Sen. Byrd one better. Not only do we oppose any increase in U.S. aid to the UN, but we suggest a reduction in our standard contributions to signal our displeasure—to put it mildly—at the growing irresponsibility of this world organization.

[From the Roanoke Times, Dec. 5, 1974]

WHY REWARD THE U.N.?

U.S. Sen. Harry F. Byrd, Jr., Ind.-Va., deserves support in his opposition to increasing the amount of the money the United States gives to the United Nations. The United States will show patience enough merely by remaining the largest financial contributor to another failure in the search for a parliament of man. To continue to pay the same amount will be seen by some as too much; there is no need to feed the hand that bites you.

To the idealists and the hopeful, whom this newspaper has encouraged over the years, the Byrd proposal will seem like a display of sour grapes. Granted, the disappointment with the U.N. leaves a sour taste. But when the United Nations was formed it was composed of 51 governments with different ideologies but with reasonable maturity. Now it has 138 members and is completely dominated by the African, Asian and Communist bloc nations which have 64 percent of the total membership.

Theoretically a majority should have its way, but a majority of what? If China, India and the Soviet Union should vote together, a majority of the world's people would be represented therein (whether they knew it or not). But it would not represent the preponderance of power, literacy, health or wisdom and experience in government. There is something silly in listening to advice from Uganda where the government chops up opponents and feeds them to crocodiles. It is bad enough to read the hypocrisy of speeches from the Soviet Union.

The African bloc in the United Nations is completely in accord with the Arab bloc. Together, with the Soviet Union and Communist China, they led the irresponsible endorsement by the United Nations General Assembly of Yasser Arafat, leader of the Palestine Liberation Organization (PLO). There is no need to reward an organization which approves the one group for which negotiation with Israel is impossible.

Not only should Mr. Byrd's warning be heeded. The United States should consider abandoning voting in the General Assembly. The act of voting carries implications of obedience and conformity which ought not to and do not exist. The United Nations now is something to be observed and listened to and not to be automatically approved and overly-assisted by American money.

HUGE SOVIET GRAIN APPETITE

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that an editorial published in the Staunton, Va., Leader, captioned "Huge Soviet Grain Appetite," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

HUGE SOVIET GRAIN APPETITE

The USSR harvests about twice as much wheat as the United States and produces normally far more wheat than they need for human consumption and for export. Yet, this year, called the second largest harvest year in their history, they tried to buy a half-billion dollars worth of wheat and corn from this country, but finally agreed to a purchase of \$380-millions worth.

Why this huge grain appetite? The continuing purchases of grain abroad is explained by the fact that the Soviets are both importers and exporters—importers because they need increasing amounts of animal feed for their livestock expansion program; exporters because they have standing grain export commitments of at least five million metric tons a year, mostly in wheat shipments to their friends, such as India, and allies such as Cuba.

There is also the comparative performance of agriculture in the two systems. Agriculture has a traditionally low priority under the Soviet system, which favors heavy industries and defense. The 48,000 collective and state farms are inherently less productive than the 2.8 million farms of the United States, most of them family-owned and worked by one or two persons.

Granted that the Soviet may be sweating to get enough grain to ship to North Korea, North Vietnam, Cuba, and to other communist East European countries, and to India, as surety of her support for them on world issues—this is not our concern. What is our responsibility is the pale-faced child whose family finds even week-old bread too expensive to buy, and who rarely if ever, gets meat, which would be lower in price if feed grains were plentiful.

While lower and middle income families suffer from the shortage of grains, and the effect of this on their meat and other essential protein supplies, American grain travels across the Pacific for the USSR, saving them from a haul by rail across Siberia. It lands on North Korean, North Vietnam, and India's docks labelled "Wheat From The Soviet Union."

Is the \$380-millions worth this and its inevitable consequences?

ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. HARRY F. BYRD, JR. Mr. President, I yield the remaining 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I was not seeking recognition.

Mr. HARRY F. BYRD, JR. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. CHILES. I thank the distinguished Senator from Virginia and the distinguished Senator from New Mexico. I will share the 2 minutes with any other Senators who desire time.

SENATOR HAROLD E. HUGHES

Mr. CHILES. Mr. President, many of our distinguished colleagues are not going to be with us next year. We are all filled with great feelings of sadness in seeing each of them go, and I know that many of us are putting in the Record tributes to each of them. I join in the tributes to each of our colleagues.

I particularly want to mention now what I think is a unique situation. I do not know that it has ever happened in the United States Senate before; perhaps it has. It is about one of our colleagues who is leaving the Senate, the Senator from Iowa (Mr. HUGHES).

Senator HUGHES is not retiring because of being here many years. He is not retiring because he is ready to retire from life, as such. He is not retiring because of an involuntary problem, as could hap-

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pen to all of us. He is retiring for a very unique reason.

He is retiring after serving one term, after having a very distinguished career in the Senate, after having been the Governor of his State. He could easily have sought and won renomination and reelection to be a Member of the Senate. But we find that Senator HUGHES is retiring because he feels that he can better carry out God's work by retiring from the Senate and by working and devoting all his time for the ministry of God's work and of Christ's work. I think it is unique for a man in public life to feel that calling.

Many of us who have had an opportunity to benefit from the commitment that Senator HUGHES has, and his strong personal life, wish him well at this time. We view with mixed feelings the fact that he will no longer be with us as a Member of the Senate. However, at the same time, it is with great pride that we see him take this commitment, to see that he is going to follow this calling, and we know what that can mean to all the people in the future.

I know that a number of my colleagues wish to speak on this matter, so at this time I yield 2 minutes to the distinguished Senator from Georgia (Mr. NUNN).

Mr. NUNN. I thank the Senator from Florida.

Mr. President, I certainly endorse what the Senator from Florida has said.

Mr. President, when HAROLD HUGHES decided not to run for reelection, the Senate suffered a great loss. Our loss, however, will be the gain of all who come in contact with his ministry.

His contributions to the Senate during the past 6 years have been of more than passing significance. As a member of the Armed Services Committee, he has developed a very sensitive perception of America's military problems and has made a great contribution in that area.

Through his leadership as chairman of the Special Subcommittee on Alcoholism and Narcotics, congressional attention was focused on efforts to prevent alcohol and drug abuse. The legislation which subsequently passed is landmark in scope for it set up broad programs to deal with alcoholism and drug abuse as medical, rather than criminal problems.

As chairman of the Armed Services Subcommittee on Drug Abuse, he has performed a vital service by working to identify and solve the complex drug problems of the military services. In addition, I have worked closely with HAROLD on other Armed Services Committee matters and have marveled at his in-depth and sensitive approach to military problems. He is a Senator of great ability who has built an outstanding record of service.

However, we will miss his presence here for a far more important reason. Our distinguished colleague from Iowa has been the acknowledged spiritual leader of the Senate. We will miss his inspirational messages delivered at the regular Wednesday morning prayer breakfasts. Both in the prayer breakfast meetings and on the floor of the Senate, HAROLD HUGHES has reminded us constantly that

a deep religious faith is the foundation of America's strength and greatness. He has reminded us that we are all children of God and ought to do His will and obey His laws. He has reminded us that God has a purpose for every life and every nation and he has made a deep impact on each and every Member of the U.S. Senate.

What ultimate purpose God has for the life of HAROLD HUGHES, I do not know; but I do know that the purpose will be a great one—for HAROLD is a great man with unlimited potential for goodness. I also know that he is a totally selfless man, whose zeal for the U.S. Senate is surpassed only by his zeal for ministering to the needs of his fellow man. His dedication to God and to his fellow man governs his every action.

Members of the Senate who have benefited from his spiritual guidance—and that includes all 100 of us—will follow HAROLD's future activity with deepest interest and affection, and we hope that he will frequently give us the benefit of his fellowship and guidance. He is, I think, going to find a renewed sense of strength in ministering to his fellow men, not only in Washington and the Senate, but indeed, throughout the country and the world.

ORDER FOR RECOGNITION OF SENATOR ABOUREZEK UNTIL 3:30

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the time has run on Senators for whom I have already gotten orders, the distinguished Senator from South Dakota may be recognized until the hour of 3:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise to join my colleagues from Florida and Georgia to pay tribute to Senator HAROLD HUGHES. I hope that everyone understands that we have many distinguished men leaving us at the end of this Congress and that, by singling him out, I certainly do not intend in any way to deny the great efforts and the great contributions that all the others have made. Separately, I shall pay tribute to them in the Record.

I rise today because I can say a little more unequivocally than the Senator from Florida, having had it researched, that indeed, it is unprecedented in the history of the U.S. Senate that a U.S. Senator would resign from this body as an elected person and not seek reelection for the distinct reason that he seeks to dedicate his full life, time, effort, and energy to the service of God.

We have not been able to find that any others have left with that avowed conviction and commitment, in these same circumstances.

Then we look at what the U.S. Senate is and what people around the world think it is, and we know that it is a very aspired-to position. There are leaders all over the Nation who say, "My ambition, my desire, my fulfillment would be to be a Member of the U.S. Senate."

Today, we pay tribute to a man who has been Governor and then reached that great pinnacle of U.S. Senator; he

not only reached it, but has been a very successful one. As he looks out at the world, he does not leave the U.S. Senate in fear. He is not leaving it because he does not think we can do things for the world or that we can not do things for humanity, or that we can not serve our God from here. He says:

I feel within me the commitment to give all of my energy and all of my power to bring people closer together by urging that they follow the Word and listen to the message.

I commend him for that. I would be remiss if I did not, before he leaves, say that I think it is unprecedented, but I think he is an unprecedented sort of fellow, with an unprecedented kind of mission in the seventies. Therefore he is the Paul of the seventies, in my opinion. He has been called just as certainly as Paul was called. He has been called from a very distinguished position of leadership and now moves to one where he thinks he can contribute more by helping other leaders throughout the world understand that the chaos and confusion that is in this world will not be solved by us, but can only be solved when we cooperate with that Divine Spirit of which he feels so strongly and that all people know is needed now to guide us, individually and collectively, in the world.

I thank him for what he has done for the Senate. I thank him for what he has done for the country. I thank him for the spirit that he has sent out to the world because of his message.

And last, I thank him for what he has done for me, because he has made me ever more cognizant of my relationship to my God in terms of my role as a Senator. He has made me more cognizant of the Word. He has made me more cognizant of my limitations.

Yet, he has not made me reluctant to strive in this body, knowing that he is out there trying to convince others that, without the message, without the Word, without a relationship with the Almighty, the Creator, we are not going to solve our problems. From my standpoint, I thank him.

For those who are not here who, I know, would want to say that, I extend my thanks for them.

I yield the remainder of my time to the distinguished Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I thank the distinguished Senator from New Mexico.

Mr. President, I join with the other Senators in complimenting the distinguished Senator from Iowa, Mr. HAROLD HUGHES, for making a selection that actually sacrifices political desires that he obviously has, as all of us do who are in the Senate, and for pursuing his desires in another area. It is in this area that he has contributed so much to the Members of the Senate.

He has been a driving force in the national Presidential prayer breakfast meeting, and has had a lot to do with the establishment in all of the States of Governors' prayer breakfasts.

He has also helped us to establish around the world various prayer groups, particularly in the areas of government leadership. I think that this shows his

sincerity in leaving the Senate for a higher calling.

Those of us who have been attending the prayer breakfasts in the Senate on Wednesday morning find it very rewarding. We find that it provides for us a better understanding of our own religions, our own role in life, and of how to weigh the obligations we have to God with the obligations that we have to our constituents.

It tends to give a more definitive interpretation to rendering unto Caesar what is Caesar's and unto God what is God's.

The PRESIDING OFFICER (Mr. NUNN). All the time of the Senator from Oklahoma has expired.

Mr. BARTLETT. Mr. President, I ask unanimous consent that I have 1 more minute from the Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I yield 1 more minute.

Mr. BARTLETT. It is my pleasure to express my sincere appreciation to a colleague in the Senate for his contribution, which I consider to be very important, to the junior Senator from Oklahoma and to other Senators. I think his example has been beneficial to the Senate as a whole, and I am very glad that it will be available and beneficial to the Members of the Senate and to various leaders throughout the world in the future.

I compliment him on his decision. I wish him well, and I look forward to working with him in his endeavor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized until 3:30.

Mr. GRIFFIN. Mr. President, did the Senator from Maine wish to speak concerning the Senator from Iowa (Mr. HUGHES), or on another matter?

Mr. MUSKIE. I wish to speak concerning Senator HUGHES.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Maine be recognized for not to exceed 5 minutes, notwithstanding the previous order.

Mr. ABOUREZK. Reserving the right to object, would the Senator include in that order that that 5 minutes be added to the time I shall have?

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I thank the distinguished Senator from Michigan (Mr. GRIFFIN) for his courtesy.

Mr. President, I find it difficult to make this statement about the distinguished Senator from Iowa, HAROLD HUGHES, who has been such a good and close friend. He has decided to end his Government, but not his public, service.

This big, kindly man who has been so great a help to me and to all of us has decided to heed the call of a higher authority, and to take God's work for his own. He served only one term here. But in the 6 years we have been together in this Chamber and these Halls, he has served his people, and his colleagues, well.

His activities as a practicing politician have been marked by one common

theme—they concern people. They concern the physical health and psychological well-being of people, the quality of people's lives and the quality of the people's government, and they concern the integrity of the people's institutions.

One of his best known achievements, of course, is the Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1970, which reshaped the Federal effort to control the abuse of drugs and care for drug-dependent people. The act set Federal programs on a humane and reasonable course, and millions of Americans are the beneficiaries of his efforts.

One of the reasons for his success was his own struggle with alcoholism. HAROLD HUGHES had been at the bottom of life. He knows the meaning of addiction. And he helped us understand it better.

He is a political reformer in the best sense, and it was reform which drew him to politics in his native Iowa. As a trucker in Iowa, he felt changes were needed in the State regulatory agency, so he sought and won a seat on the agency. Since then his name has been associated with a variety of efforts in the course of his career as Governor and then Senator to improve our political and governmental institutions.

His persistence exposed the secret bombing of Cambodia, and he was among the first to perceive the Vietnam mistake. In addition, he has been active in the reform movement of the Democratic Party.

HAROLD HUGHES has also been involved in a wide range of other issues which reflect his concern for people and his commitment to ideas rather than ideology. In a State with less than 1 percent minority population, he was a champion of civil rights. In a State where the ravages of pollution are less severe than in major urban areas, he has been a dedicated environmentalist.

We will miss the expertise and commitment of this Senator of enormous integrity. We will miss his capacity to touch the conscience of the Senate with the depth of his feelings on fundamental values.

But it is more as a man than as a Senator that we will remember HAROLD HUGHES. He is a man whose personality is as big as his frame, whose stability and kindness have been a source of constant support for many of us—a man whose warmth and goodwill can draw people to him and to each other.

HAROLD HUGHES plans to join the Fellowship Foundation and International Christian Leadership. I know that in his new role he will continue to be a people's advocate, and ours and future generations will continue to benefit from his public service.

Jane and I wish him and Eva Mae the best of luck in their new endeavor. I shall be ever grateful to him for the friendship and unswerving loyalty which he extended to me at a time of adversity.

Mr. CLARK. Mr. President, will the Senator from Maine yield me the remainder of his time?

Mr. MUSKIE. I yield my remaining time to the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. BARTLETT). The Senator's time was used up in its entirety.

Mr. CLARK. I ask unanimous consent to set aside the regular order for 1 minute.

Mr. ROBERT C. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAROLD HUGHES OF IOWA

Mr. CLARK. Mr. President, no one speaks in the U.S. Senate with a stronger or more persuasive voice than my senior colleague from Iowa, HAROLD E. HUGHES. The Senator from Maine and other Senators have spoken here this afternoon about his strong moral leadership. That phrase expresses it better than any other because he is in many respects the conscience of the Senate.

After 16 years of distinguished service to the people of Iowa in statewide elective office, Senator HUGHES is leaving the Senate for nondenominational religious lay work.

It would be difficult, if not impossible, to do justice to the unique and towering contribution this rare man has made to his State, his country, and the Senate. It has often been said about HAROLD HUGHES that "here is a man who really cares about people." Somehow, I cannot think of a finer and more sensitive tribute that could be accorded to any man.

His great compassion illuminates everything he does—in public life or in his daily contacts with the people around him. He has attained national fame, but he has never forgotten where he came from—he has never lost his love for his own State and his own people. He has made a decision to dedicate all of his time to spiritual work, but he has made it clear that he is not withdrawing from the effort to solve those issues involving human values with which he has been so identified as Governor and Senator—peace, poverty, civil rights, social justice, concern for the deprived and the handicapped. HAROLD HUGHES' new work will be "a continuation, not a withdrawal." As he has said:

Our constitutional system was founded on faith in God as well as love of liberty. And he strikes a chord in all of us when he says:

Reassertion of our moral purpose is the greatest need of our country in this time of crisis.

Many people think of HAROLD HUGHES as a popular and charismatic figure, a man whom people supported even when they disagreed with him because they knew he was honest and fair and compassionate. That feeling is right and appropriate, but it sometimes leads people to forget his extraordinary achievements as Governor and Senator.

Historians will look back at the years he served as Iowa's most popular Governor and note the major accomplishments that extend across the entire range of public affairs—accomplishments like providing adequate and realistic State funding of public school education, replac-

ing the corruption of statewide illegal key clubs by rational State control of liquor, the establishment of area vocational-technical training and educational television, the institution of State civil service and statutory State commissions on the aging and civil rights, tax relief for the elderly and improved subsistence for dependent children, accelerated industrial development. And these are only a few of the extraordinary achievements of the HUGHES years in the Iowa statehouse.

As my colleagues know, he carried this same record of purpose, conviction, and progress into the Senate—leading the way to historic alcoholism and drug legislation, fighting for the ending of American involvement in Vietnam, uncovering the secret Cambodian air war and the Lavelle case, championing the cause of the common man as a member of the Labor and Public Welfare and Veterans' Affairs Committees.

Let me read something HAROLD HUGHES said several years ago:

Within all of us, I sense a deep longing to hear the great themes of America's purpose as a nation reaffirmed—not in the context of old crises and past glories, but against the great challenges of modern times; challenges to the community of man and to the individual human heart.

We must use tough methods and hard-nosed practical programs. We must have order and respect for law in our nation or nothing will succeed.

But we must reject the false prophesy of those who would have us forfeit our decency, compassion and devotion to justice—for any reason.

This statement not only captures essential quality of HAROLD HUGHES, but it gives us sound and morally responsible national direction for the difficult period that lies ahead, a direction that is so desperately needed.

HAROLD HUGHES knows the problems that ordinary and disadvantaged people have because he has lived those problems himself. As we all know, he speaks with utter candor and, sometimes, with wry humor, about his own fallibilities. In short, there is no one like him.

His integrity speaks for itself because it is based in true humility and compassion for his fellow human beings.

We will miss HAROLD HUGHES sorely in the Senate. But we know that his positive influence on the country will continue in his new work as he continues to fulfill his profoundly personal commitment to God.

Mr. President, I ask unanimous consent to insert a series of articles about Senator HUGHES in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Des Moines Register, Sept. 7, 1973]

HUGHES: GOD'S WORK COMES FIRST

(By Jerry Szumski)

God's work comes first, Senator Harold Hughes said Thursday.

"I'm sure that thousands will believe that I have coped out, but that's not the case," Hughes confided as he considered the impact on his party of his withdrawal from politics.

"I only hope that as time passes they will come to understand that I am devoting my life to a cause I feel is more worthy."

Hughes was perspiring heavily and talking quietly, as stunned Democrats stood nearby in hangdog huddles trying to accept the loss of their leader.

Yes, said Hughes, there are unattained goals and, yes, the party people want him—have implored him—to run again in 1974.

But God's work comes first, he repeated. A reporter said the little room in the Hotel Savery resembled a mortician's visiting chamber. Men were on the verge of tears. They shook their heads as Hughes told the press he's quitting politics after the Senate terms ends in January, 1975.

"I'M AT PEACE"

Although Hughes wasn't smiling, he said he wasn't the least bit sad.

"I'm happy. I'm at peace with myself. I've found what I'm going to be doing with a great deal of joy," he told an interviewer.

Hughes said in the press conference that he believes, rightly or wrongly, that "I can move people through a spiritual approach more effectively than I have been able to achieve through the political approach."

But, he was asked, what crystallized the decision? Watergate? Something else in politics?

"The people have been confused for the past decade," said Hughes. "The responsibility is on the people. Government will never be any stronger than they are."

"The past three presidents have stated as a case for a need for spiritual regeneration. None could provide the basic leadership for spiritual regeneration . . ."

"This country is in jeopardy not from the outside, but from within each man and woman."

Let cynics scoff at his beliefs, Hughes said. It won't be the first time.

"I've been against a wall all my life one way or another. The ultimate victory will be God's victory."

Moments earlier he told reporters, "Today I lay down the mantle of my political life," but added that he might be a Democratic candidate someday if the purpose is worthy.

"Specifically, I will have the freedom to do whatever I feel called by God to do," he said. "There is no salary (in his future job with two Washington religious foundations). That's difficult to understand but true. . . . Whatever my needs, they will be met."

He once considered entering the ministry, Hughes said. That was when he emerged from a siege of alcoholism.

"I've devoted much of my life the past 20 years since I quit drinking to the service of God, as I understand it. Friends have told me it's the right thing for me to do. It's not going to be a sacrifice. . . . For me there will be a gain."

"SAVED A LITTLE"

He said he likes to mow his own lawn and tend his roses and be with his family, and politics interferes with such things.

It's been "a beautiful, comfortable, happy life" in politics for 11 years and I've saved a little."

(Hughes said earlier that he has \$35,000 in equity in his \$65,000 home and has about \$20,000 worth of government bonds.)

He stopped speaking. A few people from the audience approached.

"We'll be praying for you," said Bob Erickson, a Des Moines contractor.

Terry Yakish, 19, a student, told Hughes: "You know, there's not much left to believe in in politics any more, but men like you restore my faith in the system."

"God bless you," said Edris (Soapy) Owens, a tough union leader whose eyes were wet.

Polk County Supervisor Tom Whitney compared Hughes to Thomas More, who gave up his head rather than betray his principle. He told the senator:

"God said, 'I will always be with you.' That's all you need to know."

Responded Hughes: "That's all you need to know."

Finally Hughes broke the pall, telling State Democratic Chairman Cliff Larson he could raise a lot of money for the party by throwing a going-away party and a pre-going-away party toward the end of Hughes' term.

"The leader is gone," Larson said after Hughes and aides left the hotel.

"But like he said himself, there's no man who can't be replaced."

[From the Washington Post, Oct. 14, 1974]

SENATOR HUGHES LOOKS TO CHRIST

(By William Greider)

God hath favored our undertakings, as the Great Seal of the republic reminds us.

That is still an important idea in American politics and Washington takes its religion seriously. The trappings of faith are carefully draped about the government, decorative prayers, important cathedrals for important worshippers, a personal church in the White House.

Then a man like Harold Everett Hughes comes along and this town can't handle it. Hughes is a primitive Christian, elemental and mystical in his belief. Friends blush for him, opponents sneer.

"I believe, for me, that Christ has entered my life," said the senior senator from Iowa. "That the Holy Spirit is living with me, directing and guiding me, and I intend to follow it."

The words are too heavy for political coin. Powerful public men do not speak openly on giving themselves over to anything. But Hughes talks about it as if this is the most important thing he can tell you about himself.

"It sort of tickles me," the senator said, laughing gently. "What did Jesus say? Thank you, Father, for confusing the minds of men, the powerful and the rich and playing to simple people and the children the truth of life."

So Harold Hughes, who came to Washington with so much promise for conventional success, is preparing to leave it behind, more or less as a stranger here. Not with rancor, though he has been frustrated by the system. Nor with contempt for it, though he believes that government and politicians are impotent in those things which matter most.

"The one thing you have to realize, that I think has been missed," Hughes said easily, "is that the most important thing in my life is Jesus Christ. And, you see, that makes the difference."

"It's not that I don't believe that I could work in the Senate, effectively and powerfully, and rise to be a powerful man in the annals of this nation. I believe that I would do that if I stayed here. I might even someday again have a shot at the presidency. I don't know, if I willed to stay in the political structure."

"But that's not really the important thing to me. The important thing, I think, that people need to know in this country is that there is something more important than the structures of government on this earth. That there is something more important than the office of President or the office of senator."

"That men and women can lay these things down, without defeat or illness or something else. To say willingly that I give the power to those who desire it and I will work in a greater power, which is the power of prayer and the Holy Spirit."

That paradox is as old as the mystery of Christ—the notion that only by yielding power does one find a greater power, that only spurning wealth and title insures everlasting reward, that one sees God only when blind to self.

What on earth is the senator talking

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about? It is a difficult idea, especially for the nation's capital where the trafficking in power is the principal industry. It even bothers many of Hughes' fellow Christians, who believe in the same divinity and the same social causes which he championed as senator and as a three-term governor of Iowa.

COP-OUT, SAY SOME

Some of them call it a "cop-out," his decision to leave public life at the end of his Senate term next year to become a full-time religious lay worker. He should stay in the Senate they think he can do "the most good."

Hughes treats the objections gently, confidently. It is probably a mistake to leave public office as a Christian gesture, though it is, because Harold Hughes does not deal in symbolic actions. The Holy Spirit is alive and active in this world, today, his faith tells him. The message of the Bible is not poetic metaphor, it is the truth. The power which he seeks is real.

What is the nature of that power? "I just don't think governments, men sitting down together at a table and signing documents, are going to bring peace on earth," said Hughes whose own antiwar politics have been as zealous as anyone's.

"I've been on this earth now going on 52 years and I can't remember a time without war or the threat of war," he said. "Every generation of youth in my lifetime has died and bled, for what we say is to preserve the freedom of democracy on the face of the earth. And, yet, men have not learned the basic truths of life."

"What would happen if this nation would have a conviction of heart and kneel and pray through Christ to God for peace on earth? What would happen if this nation learned, as Jesus said, to confuse your enemy by loving your enemy?"

"The directions of man," Hughes sighed at what seems to him obvious folly. "The nation builds engines of death, continuously and ongoing, saying that this is the way we keep peace on earth, by building engines of death. God says in Christ that the way we bring peace on earth is by learning to love the enemy, by learning to love your neighbor."

MUST TOUCH HEART

So Harold Hughes is convinced that the peace movement begins, not with the defense budgets and the secret government war-making, though he has energetically assaulted both, but in the hearts of American citizens. They must be touched by "the fire of the Spirit," as he calls it, and Hughes means to spread that fire.

The senator talks regularly these days about his religious convictions, as people come around to ask him why a man would leave the club. At first, he wondered about giving interviews on the subject because he knows from experience how difficult it is to explain one man's faith to another, how easy it is for the other to misconstrue things. After prayer, Hughes decided that he should "witness" in print as well as in person.

The trouble is, there is no way to reproduce on the printed page the precise effect of Harold Hughes in person, explaining himself. He is a large man and magnetic by nature, with a brooding cast to his heavy features.

His expression seems always preoccupied with trouble, like Hamlet, but the bulk of the man suggests King Lear, capable of a great rage. In the morning gloom of his Senate office, as he speaks, the reckoning in his eyes holds the listener to each word.

His voice, which is deep and resonant, seems to command seriousness, even when he speaks lightly. It is soon clear that Senator Hughes is there, not so much to be questioned, but to say what he wants to say. That powerful personal effect is last, of

course, when the words are reproduced by themselves, which has always been the evangelist's weakness and his strength.

KNOWN AS TOUCH

From truck driver to governor to U.S. senator, Hughes has been a tough-minded guy, which he considers perfectly compatible with a Christian life. As a governor, he twisted arms to push his reform measures past recalcitrant legislators. As senator, he emerged as a guerrilla leader in the political assault on the Pentagon.

The man still has a rough edge that sets him apart from more polished colleagues, which he likes. When Harold Hughes talks about the "work ethic," he says "sweat." Instead of philosophizing about it, he goes on nostalgically about his early days as a young trucker in Ida Grove, Iowa (the hometown name is spoken with the same subtle Iowa lilt which Meredith Wilson captured in his songs).

"We did without," Hughes said proudly. "We never owned a car until I was 29 years old. . . . We got the first GI loan in the county, the home cost \$3,000. Bought it for \$100 down and \$24.77 a month payments. I'll never forget them because, when you're working for \$25 a week and you take one week's full wages for payment on the house, you got to figure the pennies, you know."

TYPICAL DRUNK

Working hard, drinking hard, he was married with two children, managing a small truck line. Hughes bombed out in his first year at the state university and never went back. He was religious in the conventional sense, he says, which means that the kids got to Sunday School on time.

"I've heard guys say I used to preach better sermons drunk than they ever heard in church on Sunday," he remembered, with a trace of the old rogue. His faith then was "like hedging your bets."

"If there is a God there, I wanted to be sure I've got at least one foot in Heaven while the other foot's on earth," he said. "I couldn't disprove nor could I prove it, so I was afraid not to accept part of it at least."

Meanwhile, drinking screwed up his life. "It was a hard-drinking business, you know," he explained. "After work, we'd sit down, seven or eight of us, and we might consume seven or eight fifths of whiskey. We'd buy one and share it. You didn't leave as long as someone was buying. It was more or less a matter of manhood and virility to stay until the last bottle was gone. By that time, three or four guys would be under the table."

Hughes' alcoholism is usually recounted with melodramatic stories about his savage binges, waking up in strange hotel rooms, and so on. But the important point to him is that he was a typical drunk. He wasn't down and out in the gutter, he was climbing the career ladder, managing a successful business.

"Most people have the opinion that the alcoholic's on his way to skid row, you know," Hughes said. "It isn't true. He usually becomes an alcoholic while he's climbing the success ladder. And he discovers it, you know, after he's modestly successful."

Hughes still speaks of those working people he was among, when his personal life was a mess. I've known them. I love them," he said. "Most of them have more faith in God than I find around Washington here. They may swear a little, they may drink a little too much occasionally, but I want to tell you, most of them get down on their knees and pray and believe that there is a God. They have to face the hardships of life, you can't run from them."

Hughes couldn't either. As a young man, he experienced a series of harsh and fundamental moments, the kind which often turn people toward deeper thoughts about the meaning of it all. His only brother was killed

in an auto accident. "Squashed like a fly for no apparent reason," as Hughes once said. As a soldier in World War II, he saw lots of dying close to him, in combat in North Africa, Sicily and Italy. And he saw his family life nearly destroyed by his alcoholism. He "quit" several times before he pulled back from the brink in his early 30's.

"When I quit drinking," he said, "I made just rigid moral determination to discipline my life. I knew I had to discipline, so I lived by stronger discipline than most people ever make themselves live by. I went through periods of getting up at five o'clock in the morning to read the Bible for an hour before I went to work."

"I got up in the morning to pray, though I really didn't know how to pray. You know, I knew that prayer was talking to God in some way, but I never really did understand how you pray. No one had ever bothered to tell me."

There were no thunderbolts. In fact, as Hughes describes it, his faith was clumsy and unschooled at that point, even after his promise to give his life to God. He became "a working churchman" in the Ida Grove Methodist Church, taught a high school Sunday School from the Bible, served as a church official, and explored the idea of going back to school to become a minister. He decided he lacked the proper temperament.

DRAWN INTO POLITICS

Instead, his job as spokesman for small truckers drew him into politics, first in election to the State Commerce Commission which regulated the industry, then as an underdog candidate for governor.

Among the many ironies along the way Democrat Hughes won in Republican Iowa by campaigning for a liberalized liquor law. He was an alcoholic and rural Iowa was "dry" but voters liked his directness on an issue which politicians usually straddled.

His political views, like his religious convictions were all rooted in concrete personal experiences. Nick Kotz and Jim Risse, reporters who covered him in Iowa and Washington for the Des Moines Register, have described how Hughes discovered issues over the years, from prisons to peace, sometimes before they became fashionable, sometimes after.

Hughes was lukewarm about the . . . toured the small black neighborhoods of Des Moines and Waterloo in 1967. What he heard made him a committed advocate. He announced against the war in Vietnam, only after he had experienced face-to-face what he considered the intransigence of L.B.J.

His private commitment to help alcoholics in trouble, including several of his Senate colleagues, always came before other appointments. Once, when he was running for President, Hughes was called away from an important fund-raiser in New York to help a man near suicide, someone whom he had never met. Hughes left the "fat cats" and saw the man safely through the night.

As governor, Hughes was too busy for the Sunday school class, but he began a personal exploration into the metaphysical mysteries, searching and reading.

"My life began to broaden on the base of spiritual interest," he said "What is life after death? Does it exist? Does it continue? Those sorts of things. . . . Then suddenly it dawned on me in these years that, you know, either the message of Christ is the truth or it's the greatest fraud ever perpetrated in humanity. Got to be one or the other. It's not something neutral."

"You know, you're either an active believer or you're more or less nothing. I don't mean you're immoral. You can have the highest morals and be an atheist, if you want to discipline your life to live that way. But Christ was more than a moral man, either he was God come to earth to reconcile mankind to himself or we are living in deception, as Paul said, we are the greatest fools of all."

UMI

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GIFT OF THE SPIRIT

About 10 years after he quit drinking, Harold Hughes experienced "the gift of the Holy Spirit." It was an intense, personal perception of God that is too mystical for explanation to non-believers.

"I haven't the ability to explain this to anyone," he said matter-of-factly. "The Holy Spirit can explain it to their spirit. I can't. I can put the words together, but if a man is thinking on the intellect only, he will reject it."

Hughes became convinced that the Bible, its accounts of miracles and mysterious interventions, is not allegory, but absolute truth. When Jesus was on the Mount of Transfiguration, surrounded by the blinding light, the Bible says he was talking to Moses and Elijah, men who were dead for a thousand and two thousand years. Did he believe that?

"So you go on through the Bible," Hughes explained. "Like the voice out of the burning bush. The voice out of the cloud. The spirit descending on Jesus. He saw far off, which was obviously miles away. He met the woman at the well and he knew her whole life. Dreams were translated into reality. It was God speaking to people. Paul on the road to Damascus. Jesus spoke to him personally and said 'Why dost thou persecutest me, Saul?'"

"Well, what are these things? I've had a mind that says: That's great, I believe that God did speak, that Jesus did speak, that Moses and Elijah were on the mountaintop talking to Jesus. But then my mind says: How? And everybody says, well you don't ask questions about that. That's evil."

Hughes still gets hundreds of letters from other Christians warning him against the pursuit of spiritism. In the biblical context, he has continued to explore, however, convinced that the realm is integral to the Bible. Several years ago, right in the middle of his abortive campaign for President, some of the senator's supporters were embarrassed by the revelation that he had attended seances, seeking communication with his dead brother.

"There was a purported communication and it seemed real to me," he once told reporters from the Des Moines Register.

NOT BLACK MAGIC

The subject does not embarrass Hughes, though he assumes it will be misunderstood. He is not promoting black magic, as he puts it, but he is pursuing from a religious standpoint the same phenomena which now interest science under the heading of "paranormal" events.

"What I was trying to understand is: did the miracles die with the disciples or do they continue today? I became convinced that they continue today through the act of the Holy Spirit," he said. Healing, speaking in tongues, the message of dreams, these and other spiritual powers are related in some way and still active, he believes, if one is attuned.

"Go over to Kathryn Kuhlman's healing services someday," he said, "and if you don't see healings take place before your eyes, then you're blind. If even one happened, it would be a miracle by all modern scientific terminology, but there are dozens every service. Here is obviously a woman so attuned to the Holy Spirit, that the power of Christ flows through her in healing the sick and the lame and the blind."

If this perspective seems bizarre to official Washington, Hughes thinks that it is gathering force across the country, expressed in the various pentecostal movements that are enlivening all of the main-line denominations, including middle-class worshippers who are usually less responsive. "I happen to believe that the Spirit is just sweeping the earth right now," Hughes said:

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So "doing good" has a different scale for Hughes than it does for those who have criticized him for giving up public office. His belief tells him that it has to start at the other end before it will genuinely change things at the top.

"It was hard for me to learn that you don't find the kingdom of Heaven by good deeds," he said. "I've worked in a world of good deeds. I've tried to act that way in government, in private life, in charity, passing legislation to alleviate pain and agony and hunger. But that isn't salvation. Salvation is free. You don't have to do a thing to get it. Except repent. And accept."

That doesn't mean Hughes, when he is an ex-senator, will be alone on a mountaintop praying or ignoring public issues. Among other things, he intends to work among public officials and their prayer groups. He will keep ministering to alcoholics, as he has done for years.

LIFE'S ONLY PURPOSE

"You become aware of the testament that Jesus gave us," he said. "To love the Lord thy God is the first and only purpose in life, realizing that until you can do that, none of the other things can happen."

"Then Jesus also said that, having done this, all the other things will be added to it. Everything that you could possibly need, you will have, under any circumstances, any way, any how. It eliminates the fear of death, the fear coupled with serious illness, the problems of the world."

"I mean it doesn't wipe them out. You still got to face them, you still got to work, you still got to live, you still got to face pain and agony. But in the midst of it, you see the purpose in life in being."

Harold Hughes thinks that idea is more powerful than the United States government.

[From the Dubuque (Iowa) Telegraph-Herald, Sept. 23, 1973]

WHEN A GREAT LEADER CHARMS US—IS IT REALLY ONLY "CHARM"?
(By Vance Bourjaily)

My subjects are examples of human magnetism, Tony, and Harold Hughes.

Let me start with Tony, who is still vivid to me from the time we were ninth graders together, 36 years ago. I changed schools in tenth grade, and saw him only once again afterward, before he was killed in the Second World War. He had a lot of charm.

At the age of 14, Tony could cause anybody—man, woman, boy and especially girl—to like him immediately and forgive him eventually. Tony was incorrigibly, sometimes offensively, mischievous, and needed a lot of forgiving. It didn't occur to me then, as another boy, reacting with pleasure or with hurt feelings, depending on whether I found myself in or out of Tony's favor, that the purpose of the offense might be to test, the charm.

Using Tony as my example of magnetism at the tricky level of charm, I can begin to see both what produced and what limited it. It seemed to be a product of vitality, physical attractiveness, great verbal ability and warmth—or, at least, the appearance of warmth. When you felt that Tony liked you, you felt that liking you was the center of his life. That wasn't so, of course, so one limit of his magnetism was dishonesty, and there were others like it: Tony was amoral, unstable and full of self-doubt.

Nevertheless, I think he could have made his mother walk off a cliff with one sparkling, blue-eyed glance, and his stepfather was just plain scared of the kid. His smile would have melted anything except, I guess, the Luftwaffe bullets that knocked his P-40 into the English Channel in 1943.

But about charm: I have learned since, as I don't suppose I did with Tony, that while one may have a good time with a charming person, and perhaps be persuaded by him or

by her for a time, the insecurity and instability and lack of moral center sooner or later offset the charm. One learns, then, after a while, to handle charming people: Or rather one learns to handle oneself around them, to resist their need to be loved, rejected, loved again.

And then there is the case of Harold Hughes, senior senator from Iowa, where I live. His degree of magnetism is to charm as a jet engine is to a firecracker.

Harold Hughes first saw me about 18 months after his election as governor of Iowa. That was in 1964, when I appeared in his office in Des Moines, from Iowa City 110 miles away, as a constituent, one of a solemn-faced group come to demand an accounting on conservation matters.

Harold Hughes was 46 then. So was I. In 1968, Governor Hughes took me on as a member of the staff in his campaign for the U.S. Senate, which he won—in spite, so the party professionals out here still say, of his having nominated Eugene McCarthy for the Presidency in Chicago. Since then I've either seen, or exchanged letters, or talked on the phone with Senator Hughes two or three times a year.

Somewhere, I have a letter from him apologizing for his delay in answering one of mine, in which he remarks that secretaries had shuffled it around, "not realizing that you are a personal friend." I would feel quite content to accept the phrase, but not quite honest.

I take it to be part of the particular loneliness of public life that when a man reaches a certain level in it he can no longer make new friends in any full sense of the word, unless it be with others at the same level, and only then if both men have decided against competing to rise to the next level. For all the rest of us, he finds himself the prisoner-king of a realm of jockeys and sharpshooters, wherein the highest rank a new acquaintance may attain, except by some miracle of affinity, is something short of friendship—an honorable and useful courtier, perhaps, a favorite jester; at best a trusted counselor and confidant who, taking the risk of independence, may deserve knighthood or dismissal, depending on how things turn out. But it is only with an old friend, from the time before it all began, that the public man need never be on guard; so be it.

There were one or two times in the 1968 campaign when Harold Hughes and I were close; but they came when he indicated a need for someone to talk to, and I was at hand, and it would have been stupid of me to presume that the tone of an evening's dialogue would carry over to our work next day.

It's as simple as this. In hot weather, and if there's no one else to do it and no matter how big and strong the candidate may be, you carry the suitcase to the motel room. You know what breaking into a sweat would do to his shirt collar. I remember Harold Hughes saying to me quite ruefully on a day like that, as we started out campaigning, "You've got to take care of the product if you want to show it, don't you?"

I am, then, no more than one of a number of men Harold Hughes seems to have found more useful than irritating, likes pretty well (I think I can say that), and can count on.

Nor have I, to be wholly truthful, set forth one final awkwardness; to do it, I've got to confess that many of the times I've felt less than comfortable with Senator Hughes have had nothing to do with his position, but were rather a consequence of the personality that put him into the position. Harold Hughes is, quite simply, an overpowering man. I sometimes wonder if he realizes the strength of his magnetism.

This is the thing I continue to ponder, for the phenomenon of human magnetism seems to me a central mystery to be solved in trying to understand how certain men alter his-

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tory. It is a quality to which we give different names at its different levels of strength.

At a low level—Tony's level, I suppose—we call it charm. At the next we recognize it, perhaps, with an old-fashioned term like character. At a still higher level we call it personal authority, and can be awed (and discomfited) by it. Yet it causes some rebellion in me, too, and some cynicism—I cannot guarantee that I will always like the way I behave with men who have these various degrees of magnetism. This feeling is not unusual in the men around Harold Hughes. I remember one of his staff saying to me, during the '68 campaign:

"You know, I think I'm pretty good. When I go in to make a pitch to him, I always get myself up for it. I'm going to get him this time. But he always takes me. I may get to make my point after he does, but he always has to take me first."

"God," I had to say. "He even takes me over the telephone."

Try him yourself some time.

Once I failed to see that magnetism might exist at levels more potent than charm, a degree that we more often associate with harm politically than good, learning finally to prefer the intelligent, conscientious officeholder who gets his work done. Probably it should have been obvious to me that magnetism at the higher levels is the most essential of the various qualities that combine as leadership, and therefore find myself involuntarily sympathetic with Lyndon Johnson and Richard Nixon, who have seemed to lack magnetism or even to hold it in negative quantities. "When Nixon comes in green on color TV," my wife said once, "I don't even pink him."

But whatever its origins in personal security, in ego, in great physical and intellectual energy, in moral wholeness, a grown man's degree of magnetism is probably inalterable, like his shoe size or the color of his eyes.

Harold Hughes has more of it than any other man I ever met.

Senator Hughes' voice is a strong, clear bass ("I can't get within an octave of baritone," Harold Hughes once told another writer). The only other American voice I know that resembles it belongs to Johnny Cash, the country singer, but as a speaking voice, Cash's is second best. As boys display their strength by rolling up their sleeves so that you'll note their biceps, Harold Hughes lets you know what's there from the sheer sound of his voice.

Energy is the constant quality in magnetism at every level. But rarest of all, even in the kings and emperors who are supposedly bred and educated for it, is magnetism in its highest degree: dominance.

An actor like George C. Scott sometimes conveys it and I feel it in Senator Hughes. With this kind of person (I'd be more confident in saying so if I knew more than one example) I think the moral certainty has been raised to moral commitment. The emotional certainty is now emotional commitment—yet, oddly enough, the totality of the self-confidence seems somewhat diminished. There is in Hughes (and I would guess other men and women like him) an undisguised strain of humility. I think what has been added to the other qualities, besides commitment, is the kind of intelligence that will not allow any conclusion to be foregone. It reflects. It broods. It asks.

It may not, perhaps, suffer fools gladly, at least not for very long. But genuine dominance, if that is what I've encountered, is not arrogant; it doesn't need to be.

[From the Chicago Today, Sept. 11, 1973]

THE REMARKABLE SENATOR HUGHES

Politics and politicians have rarely been as low in public esteem as now. In this environment, Sen. Harold Hughes [D., Iowa]

looms large as both an inspiring and a tragic figure.

A former truck driver and reformed alcoholic, Hughes has announced that he won't run for reelection next year but will begin work as a religious lay worker—specifically in connection with alcoholism and drug abuse.

Hughes has been an admirable man in many ways: Not only for his good record as a senator but for the candor with which he discussed his problem with alcohol even while entertaining ambitions for the Presidency in 1970 and 1971. His decision to devote his life to helping others directly only enhances our opinion of him.

But the other side of the coin is the political atmosphere that prompted his decision. Evidently it has nourished in him what a friend called an "apocalyptic sense of foreboding about what is happening to this country. He has felt our values are all shot to hell—politically, morally, spiritually."

This sounds particularly ominous when attributed to a courageous man like Hughes. If a man of his stature is dismayed by the state of government, how can the rest of us be expected to place any faith in our leaders?

The answer may be that his example could help change government for the better. Some of his colleagues hope Hughes will change his mind about leaving the Senate [for the good of the country, so we say]. One senator, speaking of Hughes' religious convictions, said, "we need some of that around here."

Whether he changes his mind or not, Hughes is clearly an extraordinary man, and the Senate will be better for his having been there.

[From the Washington Star, Sept. 27, 1973]

ODD MAN OUT

There has always been something so different and—whether or not one agreed with him—so open and so splendid about Senator Harold E. Hughes, the big, benevolent Iowa Democrat, that his recent decision to give up an extraordinarily successful career in politics comes as no surprise. In a day when many men in public life have cast their lots with whatever seemed to be expedient, it's refreshing to find a man so utterly true to himself.

Hughes says he will not run for a second six-year term in the Senate next year because he wants to work full time on the problems of alcoholism, drug addiction, peace, social justice and brotherhood, all of which have occupied much of his time as a legislator. In this, he is moved by "profound personal religious reasons." In the somewhat cynical world of Washington, that kind of talk can raise eyebrows. In the case of Hughes, it raises respect.

Here's a farm boy who, in high school, became both "a wild spree drinker" and a state football and discus champion, who, because of his taste for alcohol, "regularly lost control" of himself in college and, by the time he went into the Army, "needed (liquor) the way you need food."

Nothing can be more insufferable than a reformed drunk, but Hughes, a huge, deep-voiced, soft-spoken, quick-tempered bear of a man, has managed to use his conversion as a platform from which to work quietly but effectively to remedy what, from firsthand experience with it, he considers to be "a dirty, vicious illness that destroys human life and happiness and causes staggering economic waste."

Coming out of the Army as he had gone into it—a private—he went on to win many laurels, including three terms as Iowa's governor and a term, now ending, as its first Democratic senator in 20 years.

He has been called a "one issue" man—and surely his alcoholic past made him good newspaper copy—but the thing that

stands out about him is a kind of single-hearted integrity. A one-time brawling soldier, he became a formidable force for peace; a one-time big game hunter, he considered gun control legislation "a small inconvenience" that any sportsman should be willing to bear.

It may well be that Harold Hughes can accomplish more good as a religious lay worker than he has as an able governor and senator. At 51, he has hardly begun. The admiration and good wishes of his countrymen are going right along with him wherever he goes.

[From the Christians Century, Sept. 26, 1973]

A SENATOR'S FAITH AND VOCATION

(By James M. Wall)

WASHINGTON, D.C.—As soon as he finishes his present job, former truck-driver Harold Hughes will enter full-time religious work, and a good many religious people are not sure they approve. Me, for one. Not because Hughes won't make a good addition to the religious ranks; his massive (same) resonant deep voice, proven leadership skills and obvious commitment will assure him of influence in whatever setting he chooses. What has distressed many religious leaders about this vocational switch is the forum, influence and political potential he leaves behind. Since Harold Hughes left the trucking business in 1954, he has risen swiftly from three-term governor of Iowa to a seat in the United States Senate, where today he labors vigorously for what my mother used to call "good," at a time when goodness is in short supply in Washington.

A week after making his startling announcement that he would not seek reelection to the Senate when his term expires in 1974, Senator Hughes sat in his office and very quickly convinced me that this decision to leave the Senate for full-time religious work is based on his conviction that it is God's will that he do so. He fixed me with a steady gaze and in a quiet voice, softened only by the presence of a faint smile, asked: "You believe that I believe in what I'm doing, but you don't think it's the right thing to do, do you?" Politicians don't usually speak this frankly, so I hesitated for a moment before admitting that, no, while I respected his religious dedication, I had to question the impact of his decision on the country.

In the issues of war, ecology, party reform, alcohol and drug rehabilitation, and other humanitarian issues, his is a major Senate voice. I had asked for this interview because, with all due respect to the organizations with which he will be connected after 1974—two religious foundations that sponsor, among other things, prayer breakfasts—I couldn't imagine that this religious work could compare in importance with his past and potential impact on American life as a liberal senator from a traditionally conservative midwestern state. I told him frankly that my feeling that he is needed in government is shared by many other religious people who are grateful for his political leadership. His answer was without guile: "Do you doubt that God will use me more in a new work? This nation is on the edge of a precipice; the government will not make the decisions that are necessary unless the people set higher standards and demand these decisions. We raked across the world with our misuse of power; we are raping our natural resources for private profit—and the government will not solve these problems until the people require it."

Mixed disciplines create language barriers. Here I was talking to a man skilled in the political jungles of the Democratic party, aware of the nuances required to convince a conservative Iowa farmer that a liberal vote is finally in his best interest, and here he was telling me, "Didn't Christ say

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"Seek the kingdom of Heaven and all else will be added unto you?" Senator Hughes is not a simple man. He will continue as an active senator for the remaining 14 months of his term, and he will no doubt continue to deal in the subtle maneuvering required to push Senate legislation and to influence the reform of his own Democratic party. But the religious drive that has led him to this vocational shift is uncomplicated and direct. He knows as well as the rest of us that one reason his decision surprises us is that we are not used to seeing power given up so easily. Religious thinkers are as much in need of rational explanations as are nonbelievers, so I tried to get a clearer picture of the kind of work he would do for the two foundations after he leaves the Senate. After several questions regarding focus, finances and structure, he cut me off with a devastating counter question: "Why do clergymen doubt that a man has faith?"

This was turning into a theological debate, and the senator clearly had the upper hand. He was, after all, the one who had taken the step to abandon a place of national prominence in order to devote his full energies to religious work. I was in the role of the probing reporter. So I tried another approach. In his present position he affects a nation, while in the future he will probably be dealing with a limited number of individuals. "How do you measure importance?" he responded. "The least life I touch could be the most important in the Kingdom." But what about the forum he has in the Senate? It was one of his committees that secured the information that the executive branch had deceived the American public over the bombing of Cambodia in 1969-70. "You are wanting to limit God; other forums may appear for me," was his blunt answer.

At this point I found myself grasping for the right question and ended by saying nothing. Quietly amused, he alluded to a passage neither of us could immediately quote that has something to do with the ways of God confounding the minds of men. "I've looked at this in every way. I've explored all these things you ask about. I know I have a responsibility to my family, staff, state, party and nation. This decision affects all of them. But when I weighed it all, I knew that the Lord has directed my life until now; and he will use my life for a greater purpose. I can't explain it to you, but I have absolute faith that this is true."

Hughes made a decision in 1954 that changed his life from certain disaster to political success, and that decision continues to control all other choices—including this termination of a promising senatorial career. It was in 1954 that he faced the fact that he was an alcoholic and would always be an alcoholic. "I can't say that in 1954 I actually met Christ; but I quit drinking and I gave my life to God. Since then I've tried to grow spiritually and I've come to know Christ personally as my Savior. I've tried to develop a discipline in my life and to permit God to direct me. I'm not saying for a minute that politics is not important. But for me I am convinced that what is important is a personal experience of Jesus Christ which will lead men and women to realize that their first objective is to serve God. Ministering to God through politics and the social order is not enough for me. I have been in public service for 15 years now, and if I ran again for the U.S. Senate, another six years would reduce the number of years I would have left to devote my full time to leading others to Christ."

On the day of our interview, a reader's letter printed in the Washington Post complained that the senator's decision to enter "social work" was a mistake. This misunderstanding of his decision testifies to the pub-

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lic's uncertainty over what constitutes "religious work." If a man is a clergyman, he is religious. A layman going into "religious work" only loosely connected to institutional religion enters uncertain terrain. But the uncertainty is only in terms of public image, for what Senator Hughes is actually doing is following the will of God and leaving the Senate in 1974 to undertake new service which will allow him to continue his concern with the alcoholic ("I never met an alcoholic I didn't think could be helped") and all other areas of social justice. "I will be just as interested in social problems as I've ever been; I fail to see that this move will affect that. I've never been one to sit on the sidelines. The focus of what I will do is completely unknown to me. I will wait on the Lord to determine that."

This, then, was the insight that secular press coverage had missed. Senator Harold Hughes is not leaving the Senate to go to work for two religious foundations. That's language on the rational level. He is following the will of God that convinces him that after 1974 he should devote his full energies to man's spiritual needs ("You can't keep your soul unless you give it away"). The two foundations will be launching pads for whatever is to follow. As I prepared to leave, I could not resist one final practical observation: "Senator, may I say that while this decision takes you from the Senate, is it not possible that you may later return to public life in some other capacity?" He smiled tolerantly. "God can give me any forum he wants. More people will listen to me now than would have listened a week ago." An ambiguous answer, suggesting that he expects to be heard, but not necessarily in the political arena. And it is there that he must be permitted to stand, for this is the decision of a man who believes that whatever God wants for his future, God will provide. But don't rule out the insight of a Washington cab-driver who commented on the day the decision was announced: "Did you hear about Senator Hughes leaving the Senate to go into religious work? Now, there's an honest politician. We ought to elect him President."

[From the Waterloo (Iowa) Courier]

HUGHES' DECISION TO QUIT IS NOT DISILLUSIONMENT

(By Harrison Weber)

DES MOINES.—Senator Harold Hughes says his decision to go into religious lay work was not the result of any disillusionment with politics.

"In this time of deep trouble for our country, my faith in our political system is stronger than ever," Hughes told the Iowa Daily Press Association.

"In my new work, I will still be doing everything in my power to preserve our free way of life. So far as the American dream is concerned, my decision to devote myself to spiritual work is an act of affirmation, not rejection."

Therefore, Hughes related, he was "greatly disturbed" that it was assumed in some quarters that he had lost faith in America's political system and was leaving it in disgust.

"This country of ours is unique among nations, born in liberty. We are not like older countries traditions that can endure, without too much travail, passage from monarchy to constitutional monarchy to parliamentary government and the reverse."

"We are a composite of many races, colors and creeds, bound together by one cohesive element—the common belief in majority rule under our democratic system. So politics is not intrinsically a dirty word; it is the essence of our being as a nation and that way we must travel to realize our aspirations for the future."

The one lesson we should have learned from Watergate, Hughes emphasized, is that our liberties are not self-perpetuating but must be vigorously worked for and fought for in each succeeding generation.

This means, for each citizen, increased action in the political process, not withdrawal from it, Hughes asserted.

Iowa's senior U.S. Senator said a good example is "the imperative need" for reform in the way political campaigns are financed in the United States.

"We have all seen how the financing of election campaigns by private contributions ties in with corruption in campaigns in government. We all recognize the need to find a better way. Now the question before us is whether or not we have the determination to carry through with reforms that are so clearly indicated."

To its great credit, Hughes observed, the Iowa Legislature has provided Iowans with a way of financing campaigns that would obviate the possibility of elections being bought by private interests.

Hughes was referring to the provision in the Iowa individual income tax returns for diverting one dollar, without additional cost to the taxpayer, to the political party of his or her choice. If the proper entry is made on the state tax form, this one dollar will be paid by the state to the Iowa Election Campaign Fund for the account of the designated political party.

Sen. Hughes called it a "significant step" towards making elections "free from possible corruption."

It does not cost the individual taxpayer any additional money, he noted, nor will it affect his tax return in any way. "But," Hughes added, "it will strike a blow to keep our election process clean of private financial manipulation."

The chairmen of both Republican and Democratic parties in Iowa and the president of the League of Women Voters have issued a joint statement urging voters to participate in this "fair and realistic way" of helping to finance political parties and to broaden the base of political involvement in Iowa.

Hughes said he wants to add his voice to this bi-partisan appeal for citizen participation, through the state income tax check-off system, in the public financing of political campaigns. "The power to achieve this urgently needed form is where it belongs—in the hands of the people," Hughes said.

"I hope and believe that the people of Iowa will respond. The most tragic epilogue to Watergate of which I can conceive would be if we were to slip back, through public indifference, to the old, thoroughly discredited, corruption-prone method of financing political campaigns by private largesse."

Mr. "ABOUREZK. Mr. President, I think HAROLD HUGHES is not one of the most, but the most humane man in the Senate. His actions and words here have amply demonstrated that.

Mr. FONG. Mr. President, I rise today to pay tribute and extend best wishes to our colleague from Iowa (Mr. HUGHES) as he prepares to retire from this distinguished body and enter another field of public endeavor.

With the close of this 93d Congress, HAROLD HUGHES will become a religious lay worker in connection with two foundations—the Fellowship Foundation of Washington, D.C., and the International Christian Leadership.

He will retire with a record of 4 years as a member of the Iowa Commerce Commission, 6 years as Governor of his State, and 6 years as a U.S. Senator.

Notable during his careers as Governor and U.S. Senator has been his dedication

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to human-value goals. His three terms as Governor were marked by achievements in a wide range of social legislation. In the Senate, HAROLD HUGHES introduced landmark legislation in the fields of alcoholism and drug abuse. Important bills were enacted with authority for establishing broad programs which deal with alcoholism and drug abuse primarily as medical, rather than criminal, problems.

It is heartening to know that HAROLD HUGHES, still in his most productive years, will continue in his new position to direct his efforts toward many of the areas in which he has been working together with his colleagues in this body—alcoholism and narcotic addiction, peace, social justice, and brotherhood.

His approach, however, will be different. Instead of political, it will be primarily spiritual. As he put it:

This new work will cut across political and religious creeds; ethnic, political and language barriers; and will, I hope, reach into other countries of the world to further better international understanding. I have long believed that government will change for the better only when people change for the better in their hearts.

HAROLD HUGHES' spiritual commitment is reassuring indeed in these days of materialism and cynicism. He deserves our commendation and support. I wish him well as he faces his new challenge.

Mr. HANSEN. Mr. President, yet another of our distinguished colleagues, Mr. HUGHES of Iowa, will be leaving the Senate at the end of this session of the 93d Congress and we will miss his contributions in the years ahead.

As an active participant in the weekly Senate prayer breakfast group, I have been struck by the depth of Senator HUGHES' commitment to brotherhood and understanding and his decision to leave the Senate for full time nondenominational religious work is an important one which will have a decided impact, I am sure, on this country's progress in human relations and interpersonal relationships.

Mr. HUGHES is a dynamic individual and the force of his personality and deep conviction will stand him in good stead in his new work. We wish him the very best and are confident that his vigor and dedication will meet his new challenge in an effective manner and much good will certainly be accomplished.

Because I did not serve with Senator HUGHES on any committees of the U.S. Senate, from early associations as governors of our respective States and my impressions of him are those gained on the floor of the Senate during debate and at the weekly prayer breakfast gatherings.

He has been most outstanding and persuasive in those meetings and I have enjoyed and personally profited, in a spiritual manner, from his strong guidance and obvious conviction. Because he will be involved in the fellowship work here in Washington, D.C., it is my very real hope that the Senate prayer group, under the leadership of the distinguished gentlemen from Mississippi, (Mr. STENNIS) will continue to see him at our Wednesday meetings and to be uplifted by his witness to the Lord.

Mr. ALLEN. Mr. President, HAROLD HUGHES and I entered the U.S. Senate as Members of the same Senate class—the class of the 91st Congress. That fact alone has not endeared him to me, though I suppose Members of the same Senate class always do feel a certain closeness to each other. We have not often been together on the issues confronting the Senate and the Nation, and I suppose our voting records have been as far apart as any two Senators' records can be.

Yet I feel, and I believe other Members of the Senate feel, attracted and drawn to him, and I have the highest affectionate regard for him and enormous respect for him as a man, as a Senator, and as a Christian.

Those of us who have not availed ourselves of the opportunity of attending the Senators' prayer breakfast each Wednesday morning have missed the privilege of enjoying fellowship with him and drawing strength from the inspiration of his faith and devotion to God and his determination to follow His will.

Here is a man of great ability, personal magnetism, strength, dedication, and compassion who inspires others to follow his leadership in the Senate; but that means far less to him than getting people to follow his leadership to Christ.

Here is a man who is giving up a sure seat in the U.S. Senate to follow Christ, wherever that road may lead; for he does not yet know the exact role he will play in serving Christ.

HAROLD reminds me of Abraham of old who was called by God out of Ur of the Chaldees under a land and seed covenant with God—

By faith Abraham, when he was called to go out into a place which he should after receiving an inheritance, obeyed; and he went out, not knowing whither he went.

For he looked for a city which hath foundation, whose builder and maker is God.

Our love and our prayers and thoughts will go with HAROLD and his devoted wife, Eva, and their fine family as they enter upon their new work.

Mr. MCINTYRE. Mr. President, for the past several days this Chamber has echoed deserved praises for our departing colleagues, most of whom have served the Senate as long as they have served it well.

The colleague I salute today has been with us a regrettably short time, but his impact has been none the less because of that abbreviated tenure.

I speak of the senior Senator from Iowa, who in a single term earned a degree of respect and influence rarely accorded a freshman Member.

Mr. President, I could speak at length today on Senator HUGHES' contributions in one area of responsibility he and I share, the Armed Services Committee, and, more particularly, the Subcommittee on Research and Development it is my privilege to chair.

I could do this because I am keenly aware of those contributions, and I will be forever appreciative of what his presence on those units meant in terms of shaping a thoughtful, civilized, and prudent

committee approach to defense policy.

But I would rather speak of HAROLD HUGHES in broader terms than committee contributions. Mr. President, for the influence he exerted in this Chamber spanned the spectrum of human needs and concerns.

And I want to speak to the question of why he was so effective in so many ways in so short a time.

Mr. President, let me pose this conjecture:

If, as I sense, this great country of ours is, indeed, yearning for a gentler time, then why is its leadership—and I include this body—so reluctant to affirm that yearning?

Is it because we, too, are victims of a "macho" cult that inhibits men from speaking freely of love and compassion and gentleness?

I think it is, Mr. President, and I think this is precisely why HAROLD HUGHES has soared to deserved prominence and influence as quickly as he has.

Because, Mr. President, this man—this most masculine of men—relates to that yearning in the national soul by speaking without inhibition to gentleness and love and compassion, by doing so with powerful and moving eloquence, and by living the message he preaches.

For this alone he will be long remembered and often missed in the Senate of the United States.

I honor the decision of conscience that is bringing about Senator HUGHES' departure, but I confess to great personal regret that he will not be with us when the next session of the Congress convenes.

Mr. MCGEE. Mr. President, when the Senate convenes for the 94th Congress in January, we will be without the services of one of our most hard-working and sensitive colleagues, the distinguished senior Senator from Iowa (Mr. HUGHES).

HAROLD HUGHES, although retiring from public office, is not retiring from public life. He has chosen to carry on his work as a lay religious leader and in so doing, made the decision some time ago to relinquish his Senate seat.

It has been largely through the persistent efforts of HAROLD HUGHES that legislation was enacted in the Congress launching a nationwide, all-out attack on drug abuse and alcoholism, two diseases which have had such a debilitating effect on our Nation.

HAROLD HUGHES leaves us, but his commitment remains and he will continue carrying out this commitment in a most effective way. I regret that he will not be with us. However, I know that whatever HAROLD HUGHES does, many Americans will benefit by his strong and dedicated commitment to the spiritual and physical welfare of all mankind.

Mr. CHURCH. Mr. President, I rise today to pay tribute to a very special man, who is leaving us to embark upon a new mission in life.

HAROLD HUGHES is a unique man who brought a very special perspective to his work in the Senate.

I think that most men or women who serve in public office—especially in Con-

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gress—tend to look upon life in a generalized fashion. They view the impact of their efforts not so much in how it affects individuals, but in how it affects groups or whole segments of society.

HAROLD HUGHES, I venture, found this political perspective wanting, much too abstract. For it is clear he cares deeply about people, not collectively but individually, as persons to be reached, to be helped, to be loved. So it is hardly surprising that HAROLD HUGHES is leaving the Senate, impelled by a higher call, essentially spiritual in nature, to serve persons instead of people.

His departure will diminish the Senate in a singular way, for he brought to our midst qualities which are needed here.

Mr. PELL. Mr. President, when HAROLD HUGHES leaves the Senate at the conclusion of this Congress, we will witness an unusual and remarkable transition, in which a man has chosen to leave the U.S. Senate and to accept another, more personally satisfying vocation, in the service of his fellow men.

HAROLD HUGHES is taking a characteristic, forthright step in accordance with his beliefs about his personal responsibilities and actions. He has been a truck-driver, a Governor of a fine State, and a Senator, and in each position he has been foremost an individual, a man, who has asserted his humanity and courage at every critical point.

HAROLD HUGHES has sought at every turn to maximize his effectiveness as a man, and to forward those principles in which he so strongly believes. His energy and determination have been an example for all of us here.

I believe that we should strongly commend Senator HUGHES' work as chairman of the Senate Subcommittee on Alcoholism and Narcotics. He spoke with conviction and full knowledge of the ravages of alcohol, and he had legislated effectively in this area.

Finally, I wish him the greatest success as he moves into still another position from which he will, I know, express himself and his convictions with great clarity, energy, and effectiveness.

ALL SALUTES SENATOR HAROLD HUGHES

Mr. STEVENSON. Mr. President, I join my colleagues in bidding Senator HAROLD HUGHES a fond farewell. The State of Iowa, which Senator HUGHES has ably served for the past 16 years—as public service commissioner, as Governor, and as U.S. Senator—is Illinois' neighbor. The affection which I have for Senator HUGHES is born of much more than our States' geographic proximity and our cooperative efforts in solving common problems. Rather, it is based on my admiration for his dedication to the public interest, his openness and candor, his moral fervor, and his capacity for hard work.

When I first came to the Senate 4 years ago, I served with Senator HUGHES on the Labor and Public Welfare Committee. As chairman of the Subcommittee on Alcoholism and Drug Abuse, Senator HUGHES has rightly focused attention on the national scourges which alcoholism and drug abuse represent. He has successfully sponsored legislation to combat

alcoholism and drug addiction, particularly among young people. For this effort alone, Senator HUGHES deserves our gratitude and praise.

During his years in the Senate, HAROLD HUGHES has accomplished much more than this. As a member of the Armed Services Committee, he was the first Member of Congress to call attention to the secret bombing of Cambodia in 1969 and 1970. Senator HUGHES was instrumental in sponsoring successful legislation to end these illegal military operations in 1973. The Senator from Iowa has also fought hard to reduce military spending, particularly for unnecessary weapons systems. His efforts over the years have clearly helped us hold down military spending.

The Senator from Iowa has championed the veterans' cause as a member of the Veterans Affairs Committee. He and other members of the committee labored for many months securing congressional passage of the Vietnam-era Veterans Readjustment Assistance Act and in overriding the President's veto of this important legislation.

Senator HUGHES has been a leader in the fight for world peace; he has spearheaded efforts to reform our political process. He has always been a strong voice for decency and compassion in our political process.

Recently Senator HUGHES said:

A man has to change in order to solve social problems through God and Jesus Christ. My purpose is to call men and women to Christ.

Senator HUGHES is leaving the Senate to answer his call to serve Christ in a different forum, the lay ministry. I join my colleagues in wishing HAROLD HUGHES well. He will be missed as a conscience in politics and a good friend, too.

Mr. President, I ask that the article from Saturday's Star-News be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

CONGRESSMEN AND GOD'S CALL
(By Julie Delany)

Just as a senator is leaving Congress to go into full-time religious work, the 94th Congress will welcome for the first time two Roman Catholic priests who believe they can fulfill God's vocation for them in the halls of Congress.

Even though the reasons for their actions are varied and is pulling them in opposite directions, each sees the call of God at work in his life.

Sen. Harold Hughes, D-Iowa, a man who easily could have had a second term in one of the most sought after positions in Washington, says his decision to leave Congress at the end of the month "has come from three years of prayer. It was not a flash of light or a revelation."

"Actually," Hughes said, "my decision has been coming over 20 years, when I was drinking. Then I decided to follow Jesus Christ."

The big, burly senator said his decision to leave the Senate has no relation to the nationwide dissatisfaction in the political area. He has no reason "other than a call."

On Sept. 7, 1973, Hughes announced he would not run again.

Commenting on the two Catholic priests

going into Congress, Hughes said, "God called them into the government. He called me out. We can all be right."

Norbertine Father Robert Cornell, D-Wis., elected in the 8th Wisconsin District on his third try for office, will be the third Catholic priest ever to serve in Congress. Jesuit Robert Drinan, D-Mass., who won his third term, is the first priest to serve in modern times. The only other Catholic priest to sit in Congress was Father Gabriel Richard, a non-voting delegate to the House from the Territory of Michigan in 1823.

Cornell said he is convinced that a lot of things have to be achieved through government action. "We can solve social injustices through government action."

"Watergate had no effect on my decision. The theme of my campaign, the need to restore trust and confidence in the governmental system, predates Watergate. I hope I can help," he said.

"The resolution that I can stand in the pulpit and talk about social injustices is fine. But I believe more can be done through governmental action."

Drinan has basically the same reason for going into the government as Cornell.

"I wanted a voice, not merely a vote. I came here really to reorder the priority, to settle the irrational situation in the world. I came to Congress to help the Third World," Drinan said.

The lawyer-priest described himself as a "moral architect in the public order."

He said he had a vote "to stop all types of irrational things. I had some influence in stopping the war and having civil rights enforced."

Before entering politics, Drinan had been an activist in civil rights and anti-war causes, and a moderate Catholic spokesman on birth control, abortion and public aid to parochial schools.

In July 1973, Drinan, acting alone, introduced a resolution to impeach President Nixon. This was the first motion for impeachment after the Watergate scandal broke.

Drinan said he "lamented" the fact that Hughes was only here for one term. "But I think what he is doing is equally important."

Hughes entered the government because he was upset. "I was in the trucking industry. The laws were not applied properly. So somebody said, 'If you're so upset, why don't you run yourself?'"

As for social changes, Hughes said, "A man has to change in order to solve social problems through God and Jesus Christ. My purpose is to call men and women to Christ."

Hughes said he has absolutely no plans or desire to go into government in a third-party movement.

"The kingdom I'm serving isn't on earth. I can't work for the political structure. The government is distracting in personal religious discipline," he said.

"I want to witness for Christ. I'm not interested in self-importance anymore. I don't know what the future holds. It's vague. I'm waiting to see what the Lord wants me to do."

Hughes will stay in the Washington area as a religious layman and not an ordained minister in the Methodist faith which he was brought up in. He and his wife Eva and his three daughters attend the Christian Assembly, a charismatic fellowship in the Falls Church area.

Hughes has been a lay speaker in the Methodist Church for several years. In the early 1950s he came close to leaving the business world for the ministry.

He was briefly in the contention for the Democratic presidential nomination in 1973. His enthusiastic young supporters hailed him as the only man who could "talk peace to the hardhats and preach the Bible to the kids."

After 16 years in the government, Hughes

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is taking a three-month sabbatical from everything. "I'll spend time in prayerful retreat and self-discipline," he said.

His new ministry, under auspices of the non-sectarian Fellowship Foundation and the International Christian Leadership, is not yet defined.

Hughes felt his religious vocation "dimly" in his youth but it wasn't encouraged except by his mother.

Alcohol became a problem for him when he entered the University of Iowa in 1940. He dropped out after a year and joined the Army, drinking and brawling whenever he had a chance, emerging only as private.

As his alcoholism grew worse, he worked as a truck driver, truckline manager and livestock grain dealer. But his work suffered until finally, in 1952, he had his last drink and joined Alcoholics Anonymous.

"I wanted to die. I drank from the time I was a teenager until I was 32. There was disruption in my life. 'I prayed to God to help me. It was my first honest prayer in years.'"

Drinan was sworn into the 92nd Congress in January 1971. He is described as a cheerful extrovert with a dry wit and a quick mind. He lives at the Jesuit Community at Georgetown University.

Cornell is a history professor at St. Norbert's College in DePue, Wis.

Mr. HASKELL. Mr. President, I think the 94th Congress which will convene in January has the potential of being one of the best in our history. But, while the Senate will be a bit richer by virtue of the new talent and energy, it will be a bit poorer for the loss of some of its most devoted and well-liked Members, including Senator HAROLD E. HUGHES of Iowa.

Last September Senator HUGHES announced his decision to retire from the Senate and to devote his life for the religious service. He will be active in the Christian Fellowship Foundation and other lay religious organizations.

It is indeed a tribute to him that at the pinnacle of his career he still believes firmly in the cause of the common man and the pursuit of his spiritual beliefs.

In his 6 short years in the Senate HAROLD HUGHES has accomplished more than freshman Senators are expected to accomplish. In 1970, the Senate passed the Comprehensive Alcohol Abuse and Alcoholism Act, now better known as the Hughes Act. This landmark piece of legislation stands as our best hope of finding an answer to a problem which Government has largely ignored.

As a member of the Marihuana Commission, Senator HUGHES again helped shed light on one of the most controversial issues of the day. He has proved a persuasive and powerful spokesman for humanism in our defense policies through his membership on the Armed Services Committee. It was through his close scrutiny of the American military in Indochina that the shocking unauthorized bombings over both North Vietnam and Cambodia were revealed.

The Senate is unfortunate to lose one of its most distinguished Members. But we can be grateful that thousands of Americans will still benefit from the convictions and compassion of HAROLD HUGHES through his religious work. I wish him the best of luck in that endeavor.

Mr. HATFIELD. Mr. President, I rise to speak in tribute to one who has been a friend as close as a brother and in a

very real sense a true brother born of the spirit, Senator HAROLD HUGHES.

In a time when the ever-present temptation toward self-aggrandizement has been recognized by the public for what it is—plain self-centeredness—Senator HUGHES has presented his colleagues, his constituents, and the Nation with the challenge to servanthood. And his challenge has not been one of words. It has been one of example.

Our colleague from Iowa was one of the early prophetic voices regarding the moral impropriety of our involvement in Vietnam. Through his service on the Senate Armed Services Committee he joined in opposition to military conscription and called us to redirect our national priorities from those of destroying lives to those saving lives, building dignity in man rather than fear and hatred.

Senator HUGHES' accomplishments as chairman of the Senate Subcommittee on Alcoholism and Narcotics are well known. We can thank him for the turnaround in our national policy which now recognizes the worth of individuals who suffer from alcohol and narcotics abuse.

But perhaps Senator HUGHES' greatest challenge to each of us as Members of the U.S. Senate and as American citizens has yet to be acted out. In the midst of a rewarding term as senior Senator from Iowa, having built an enviable record in one term in the Senate, and having earned the respect of his colleagues for his vision, service, leadership, and accomplishment, Senator HUGHES has chosen to follow the call of One who will offer him the potential for greater stress and less recognition, but, with these things, the probability of greater joy.

Senator HUGHES' profession of a commitment to a personal God as revealed in Jesus Christ is well known, his having spoken with many of us personally as well as through the national media. He voluntarily leaves these Chambers for continued service, for direct involvement in the lives of men and women who are seeking for a liberation from the chains of an existence with no eternal significance or personal meaning.

In the light of recent events clearly exposing the wanton striving for power by too many political figures, we each would do well to take up the challenge of the life of Senator HAROLD HUGHES. Service to others rather than maintaining of one's ego and power is the only truly lasting investment one can make. The words of Jesus of Nazareth truly reflect the rearrangement of priorities in Senator HUGHES' life, and we each would do well to heed them. "If any man desire to be first, the same shall be last of all, and servant of all."

Mr. KENNEDY. Mr. President, all of us feel a deep sense of regret at the departure of HAROLD HUGHES from the Senate. I am honored to join the many other Senators who are paying tribute to him for his outstanding service to the Senate, to the people of Iowa, and to the Nation.

We shall miss many things about HAROLD HUGHES. But for my part, I shall miss most of all the commanding presence, the principled debates he led, the

powerful voice that was so often the voice of conscience and decency in the Senate.

It is rare for a freshman Senator, in a single term, to achieve the preeminent position in the Senate that HAROLD HUGHES so quickly attained. It is fair to say that the Vietnam war was the overriding issue for the Senate and the Nation during the period of his service with us. We know the way HAROLD HUGHES quickly established a position of major Senate leadership in opposition to the war. It was HAROLD HUGHES who led the way in uncovering the horror of My Lai. It was HAROLD HUGHES who led the way in uncovering the secret bombing of Cambodia. It was HAROLD HUGHES who, in so many other ways, helped the Nation finally end the war.

On domestic issues, he was best known for his outstanding leadership in developing programs for control of alcohol and drug abuse. But he was also a brilliant and effective Senator on many other social issues. It has been a great privilege for me to sit with him these past 6 years as a member of the Committee on Labor and Public Welfare. In many respects, that was a committee made for HAROLD HUGHES, and he helped to make it an extremely productive committee during his service with us.

But that is not all. We also honor Senator HUGHES for the universality of his interests and abilities. We remember the eloquent way he raised his voice against capital punishment on the Senate floor this year. We lost that fight. But one day, America will follow Iowa and HAROLD HUGHES, and we shall outlaw capital punishment from this land.

Now, to his record of public service in Iowa, especially his outstanding record as Governor of that State, he has added 6 brilliant years in the Senate. He has been a tremendous force for peace in the world, a tremendous force against poverty and injustice and racial discrimination at home.

His departure leaves a Senate void that will be extremely difficult to fill. Few, if any, in the history of the Senate have left so big a mark in so short a time. He has made lasting contributions to the Senate and the Nation, and all of us will miss him, even as we wish him well in the new endeavor on which he now embarks.

Mr. President, I ask unanimous consent that two excerpts on Senator HUGHES may be printed at this point in the Record: The first is from my own book on health care, "In Critical Condition." The second is from "The Great Plains States of America," by Neal Peirce.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From "In Critical Condition" by Edward M. Kennedy (1972)]

SEEKING OUT HEALTH CARE AFTER HOURS

Even if there is a physician near you, you may have trouble getting to him if you are sick at inconvenient times. At our hearing in Iowa, the state medical society indicated that no one in Iowa was more than twenty minutes from a doctor. In response, my dis-

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tinguished colleague Senator Harold E. Hughes told the following story.

Senator HUGHES. Would it surprise you if I were to tell you that when I was governor of this state I tried to call a physician for my son-in-law in this city and could not get a physician to go to his home to see him when he was suffering some severe cramps and intestinal distress? We were afraid to move him, and I called the Polk County Medical Society for help. There was no physician that they would give me for help; I was told as governor of this state to go to the house and get him and bring him to the emergency entrance of this very hospital. No one would see him. . . . When that happens to the governor, you know, I wonder what happens to the rest of the people.

So much of the medical care in this state is excellent and magnificent in quality, and yet we have so many that are totally left out. That's what we are talking about.

I might add, just to make the record equal, that last year in the state of Virginia my second daughter was seized one night with severe pain in the abdomen. We called an ambulance. We rushed her to a hospital, where we could get no medical help because we couldn't find a doctor who knew us. The doctor whom we called on—and, as a United States Senator, I called the Senate physician—couldn't make a recommendation to me. The pain was almost impossible to bear, yet they would give her absolutely nothing to relieve the pain. Seven hours later I was calling physicians in Des Moines, Iowa, trying to find out the types of pain relievers and drugs given to her during earlier illnesses. I finally tracked down at Okoboji the physician who had treated her in Iowa, after at least fifteen long-distance calls. I called Dr. Bedell at the University Hospital for help. He had been my own physician for many years. When finally medical care was found and a diagnosis was made, she had suffered from an inversion of the small intestine, and gangrene set in three days later.

I threatened a doctor in the hallway of that hospital and told him I'd break his neck if he didn't come in and do something about my daughter. I'm pretty upset when I find conditions like this in America.

[From "The Great Plains States of America" by Neal R. Peirce (1973)]

Iowa has been staunchly Republican from the late 1850s to modern times, electing only two Democratic governors in the span of 98 years ending in 1956. Only in exceptional year (1912, 1932, 1936, 1948) had the Democrats won for President. Most congressional delegations had been Republican, although Guy Gillette, who looked like an actors' studio choice for Senator, was elected to the Senate on the Democratic ticket in 1936 and three times subsequently, finally losing out in 1954. Another Democratic winner was Hershel C. Loveless, who won the governorship in 1956 and 1958; in 1958, with the farmers up in arms over Ezra Taft Benson's farm policies, Democrats also took half the U.S. House seats.

But Republican normalcy seemed to reappear in 1960 as Loveless lost a race for the Senate. Nixon swept Iowa, and control of the House delegation went back to the GOP. With the Benson irritant removed, a Republican decade seemed in the offing.

All those prognostications failed to take account, however, of a tall, black-haired man with a ruffled suit and Indian-looking face, a blunt ex-truck driver absolutely determined he would become governor of Iowa in 1962. The man was Harold E. Hughes, native of little Ida Grove, Iowa, the product of a Fundamentalist home and a sometime Methodist lay preacher. Until the age of 32, less than a decade before, Hughes had been an apparently hopeless alcoholic, reeling off weekend after weekend on long drinking

sprees. Then, in the mid-1950s, he had suddenly stopped. "If I hadn't quit," he said years later, "I'd either be dead or a bum by now."

Hughes had been a Democrat only five years and had occupied but single government post (state commerce commissioner) when he entered the 1962 governor race. (He had tried for his party's 1950 governor nomination but lost that year.) What Hughes did bring to statewide politics was a rare combination of deeply held convictions and exceptional natural intelligence that would make him within a few short years one of the most charismatic, effective reformers the Plains States have produced in this generation.

But why Harold Hughes, in rockribbed Republican Iowa, in 1962? Students of politics are hard put to fathom the strange interrelationships of men and events which will popularize an issue or a personality as some particular moment of time. One part of the equation for Hughes was the ongoing Iowa debate about whether liquor could be served legally by the drink, in bars and restaurants. Many Democratic candidates before Hughes had talked about liquor by the drink but had been generally ignored. But when Hughes seized on the issue in 1962, it sparked, perhaps by the very bluntness and forthrightness with which he attacked it.

Hughes' principal argument was that it was hypocritical to forbid liquor by the drink when key clubs, veterans, and fraternal clubs were selling liquor in almost every county of the state. "I told the people I'd close it up or I'd legalize it, that if the country club set wanted to drink every night of the week, then the laboring man was entitled to it too." Reporters on the campaign trail began to notice that even in dry areas there was a lot of sentiment to change the liquor law. Part of Hughes' strength was the unpopularity of the Republican governor at the time, Norman Erbe. But something deeper was taking place; as reporters Nick Kotz and James Risser of the Des Moines Register wrote some years later.

"On the surface, it seemed ironic that reformed drunk Hughes was speaking out boldly in favor of legalized liquor-by-the-drink in Biblebelt, dry, conservative Iowa. In reality, he was igniting a revolution in Iowa politics. The state was in the throes of a transition from a rural to an urban economy and urban mores, and was without any political leadership. . . . Hughes tapped a latent Iowa majority who desired a more progressive state image (they were tired of jokes about the little old lady from Dubuque and about key clubs) and who wanted more of their political leaders than cautious mediocrity. . . . The real surprise is that so few politicians, reporters, or business leaders really understood what was happening in the state."

But the election returns proved the point: Hughes was elected governor with 41,944 votes to spare (52.6 percent).

Once elected, Hughes could have pursued a safe "moderate-to-conservative" course in the style of his more cautious fellow Democrats, Morrison of Nebraska or Docking of Kansas. But if Hughes had ever harbored such thoughts, they were put to rest by his inaugural address before the Republican-controlled legislature. "It is sometimes said that the knack of skillful government is to hang back, to do as little as possible, and make no mistakes," Hughes noted. "I hope there is another way—for between you and me, this prospect does not invite my soul."

Hughes then proceeded to press for numerous reforms of a fundamental nature, appealing where he thought necessary over the legislators' heads and directly to the people. Liquor by the drink was indeed approved after a stormy legislative debate, a major victory for the governor. Another Hughes triumph came when the voters re-

jected by a three-to-one margin a proposal from the legislature to leave the rural areas in perpetual control of one house (the so-called "little federal" system). Hughes had campaigned for a straight population-based apportionment instead, and the vote seemed to indicate that Iowans were willing to make an even greater break with the old small-town order of things.

In retrospect, Hughes downgrades the importance of both the liquor and apportionment battles. "Liquor by the drink was probably the least important thing I did, even if it is the most remembered," he told me. As for reapportionment, he finds its results "disappointing" because the legislators still tend to be semi-retirees or lawyers who can afford to spend several months in Des Moines with minimal pay and facilities. The result, Hughes believes, is that "the legislature is not a clear response to the people of the state." (As Hughes was finishing his last year as governor in 1968, however, the legislature and people approved five amendments to the state constitution to modernize legislative operations, including annual, unlimited sessions. In 1971 the Citizens Council on State Legislatures reported that the amendments helped create a momentum for improvement so fundamental that the Iowa legislature ranked sixth in the entire Union, and first among small states, on a scale of its capacity to act in "a functional, accountable, informed, independent and representative manner." In particular, the Council praised Iowa's legislature for its limited number of committees in both houses with parallel jurisdictions, the open access which the press and public have to the work of the legislature, single-member districts that focus the relationship between legislators and their constituents, and effective conflict-of-interest statutes.)

Hughes believes that the more important achievements of his years as governor lie in the areas of penal reform, mental health, education, and industrial development. He fought successfully to eliminate capital punishment ("to erase the moral stigma of public hangings"), to establish a pre-release farm for prisoners before their reinfusion into society, to obtain Iowa's first public defender and its first alcoholic treatment facility, and to improve law enforcement training. Efforts in the mental health field included Iowa's first facilities specifically for the treatment of the criminally insane. Substantially more assistance for the state universities was authorized and the state's share of expenses for local schools went from 11 to 39 percent. State taxes rose sharply to finance the increase in the state budget from \$200 million to \$500 million annually during the Hughes regime (earning him a reputation as a big spender), but reform measures such as reduced taxes for the elderly and a withholding system to catch tax-dodgers and accelerate payments were instituted. An intensive industrial promotion effort included "Sell Iowa" trips to major U.S. cities and countries abroad and the establishment of 15 regional vocational-technical schools to train workers for the rural located light industries the state was trying to attract. The merit system for state employees was expanded and a state planning office established. The state's public utilities were brought under more effective control, and interest payments were required on previously idle state funds in Iowa banks. On the latter two issues, Kotz and Risser wrote later, Hughes and his chief aide, Park

*Foreign trade missions are more important for Iowa than one might think, since 10 percent of its farm goods are sold abroad, including a number of the animal glands scorned in America but popular in Europe for various delicacies. Foreign trade is one reason the state has rejected the isolationism of earlier decades.

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Rinard, "put together a new populist coalition of city men and farmer legislators who had their own dislike of the small-town bankers, merchants, and private utilities who so often had squeezed them hard."

Iowa has but 1.5 percent black population, but there are pockets of dismal Negro slums in Des Moines, Cedar Rapids, and Waterloo, mini-ghettos which most Iowans—including Hughes—were largely oblivious of until disturbances began. A riot in Waterloo obliged Hughes to call in troops, and he walked the streets of the state's ghettos in an attempt to quiet tension. "I was shocked by what I saw," Hughes said after his first trips to the ghettos. "I couldn't believe the venom I found. I'd go home nights and couldn't sleep and felt like I couldn't face the world the next morning." Hughes has assailed some Iowa audiences as hypocrites for ignoring or scorning the blacks, Indians, or other poor. He expanded the state civil rights commission and supported a state open-housing law as governor.

Hughes' peak in Iowa politics came when he first sought reelection as governor in 1964. The voters accorded him a stupendous plurality of 429,479 votes (68.0 percent), substantially ahead of even the showing which President Johnson made against Barry Goldwater in Iowa. The same election swept the Democrats to control of all but one of Iowa's seven U.S. House seats and gave them both houses of the state legislature for the first time in 30 years. In 1966 Hughes won a third and final term as governor, albeit by a lesser plurality (99,741 votes). It was shortly after that election, in which Democratic candidates, virtually abandoned by President Johnson, lost badly across the country, that Hughes broke with his old friend, LBJ, and candidly told reporters how much confidence Johnson had lost among the nation's Democratic governors. He also began to disassociate himself from the Johnson administration's Vietnam policy, which he had previously supported. (By 1970 Hughes' transformation on the war issue was complete. War, he said, "is useless as a political instrument. I hate war, all war. Humanity is at stake.")

During the spring and summer of 1968, as the Democrats went through the agony of preparing and conducting their Chicago convention, Hughes first emerged as a national figure. He had been preparing to endorse Kennedy just before the Los Angeles assassination, took charge of an *ad hoc* party rules reform group which made a number of influential proposals, and ended up placing Senator Eugene McCarthy's name in nomination for the Presidency.

In Iowa, however, Hughes was running for a vacated U.S. Senate seat and discovered that the accumulated antagonism of several years in the governorship, the higher taxes and ballooned state budget, had cost him much support. To make things worse, Hughes insisted on running his whole campaign on his opposition to the Vietnam war and on the Negro problem—neither especially popular issues in Iowa. His budget was substantially less than that of his Republican opponent, state Senator David M. Stanley. Finally Hughes won, but by a slim margin of 6,415 votes (60.2 percent).

In the Senate, Hughes was soon drawing attention as chairman of a special subcommittee on alcoholism and narcotics. Some accused him of being practically a one-issue Senator with his constant attention to "the problem," but in a column on Hughes, a *Washington Post* writer noted it was also true that "Washington has trouble with politicians who have passion. They upset the pace." (One sidelight is that Hughes has become a quiet but very effective father confessor for high-ranking Democrats of many states who had alcohol problems to contend with. When I interviewed Hughes, he told

me that one of these was former Governor Philip Hoff of Vermont; later Hoff publicly acknowledged the help Hughes had given him in conquering his problem with alcohol.)

Hughes' hearings also produced a broad range of interesting new testimony on drug problems, leading him to remark: "Why, instead of following safe and professional recommendations, do we continue a [drug control] system that busts up kids' lives, makes treatment of addiction impossible, and over-punishes the nameless, wretched addict or pusher, while channeling easy profits into the hands of the underworld?" On another occasion, Hughes said, "How the hell can Father sit in his chair at night sipping his third martini and yell at Johnny about the evils of pot?"

Although South Dakota's George McGovern was chosen over Hughes to head the Democratic party's official reform commission after the 1968 election, Hughes served as vice chairman, devoted long hours and days to the task, and left his imprint in the unprecedented requirements for party democracy that emerged. (According to the commission's counsel, Eli Segal, Hughes was "the most outspoken advocate of the prohibition of rigged caucuses, proxy voting, unit rules, closed slate-making, excessive fees for becoming a party delegate, and the automatic designation of certain public officials as delegates.") Many Democratic reformers were drawn to Hughes through his work, and became part of the *ad hoc* group that supported Hughes' tentative but never announced Presidential candidacy, which flowered through late 1970, and into the spring of 1971. (Hughes' financial support, however, came heavily from Iowa businessmen, many with a Republican background, who had become loyal to him when he was governor. One of these was Watson Powell, Jr., president of the Des Moines chamber of commerce and chairman of the American Republic Insurance Company.)

Reporters who watched Hughes during his Presidential explorations soon noted his unusual attributes. There was, for instance, Hughes' combination of a rough-hewn truck driver and idealistic reformer, thus potentially combining blue-collar and intellectual support—a natural answer, some thought, to the Republicans' Spiro Agnew. But there was more to Hughes than that. As David S. Broder wrote:

"His assets are a magnificent, deep bass voice, controlled in volume and flexible in tone, that may well be the best voice in American politics today; a commanding physical presence, and a face whose strength is the visible record of past travail. . . . He simply will not be confined to the polite generalities of politics but insists on raising questions of ethics in highly individual terms. . . . He has spoken so powerfully of life and reconciliation that audiences of hard-bitten politicians have been reduced to tears."

The reporters were also intrigued by Hughes' openly expressed religious faith, at once mystic and evangelistic. When Paul R. Wieck pressed Hughes on reports that he had consulted astrologists or physicists, Hughes denied it (though he has not denied an interest in the occult and extrasensory perception, or the possibility of speaking with his dead brother through a medium). Pressed by Wieck on the issue of his concept of God, Hughes replied:

"If I could adequately describe God, he'd be unworthy of consideration. God is a very personal thing. . . . I believe the prophets spoke truth to all. . . . I accept Jesus Christ as the incarnate word of God. . . . God is omnipresent, omniscient, the spiritual presence of all things. . . . I'm impressed with his concern for man."

On another occasion, Hughes spoke of "a longing in the hearts of men to love each

other" and of the necessity "to measure men by the persistence of their spirit and their soul" rather than by the standards of power and money.

Perhaps those thoughts and forces in a man were inconsistent with the cold-blooded calculations expected of a Presidential candidate; perhaps the practicalities of a clash with a man who shared his views so completely, George McGovern, helped to deter Hughes from an open candidacy. In any event, in July 1971 Hughes announced he would not run for the nomination. His given reasons: his failure to attract sufficiently broad support, and his conviction that his undeclared candidacy was preventing him from dealing with the problems he believed were "eating the heart out of this country"—drug abuse, crime, and the decay of the cities.

Mr. THURMOND, Mr. President, Senator HAROLD E. HUGHES of the fine Midwestern State of Iowa will be leaving us when the 93d Congress adjourns to pursue a career in religious work. He has been an able Senator and I am sure the people of the State will miss his leadership in Government. At the same time, I think all of my colleagues will join me in saying that HAROLD will continue to provide great spiritual leadership to all with whom he may come in contact.

Senator HUGHES is a very fine Christian man in addition to being a distinguished Senator. I have very much enjoyed his company at the Wednesday prayer breakfasts in which a number of my colleagues participate. Also, I have had the pleasure of serving with HAROLD on the Armed Services and Veterans' Affairs Committees. In both of these committees he has made great contributions to the well-being of past and present military personnel.

During his outstanding career in public life, including three terms as Governor, HAROLD HUGHES has championed a number of worthy causes. He has been especially instrumental in developing and lending programs to curtail alcohol and drug abuse, having served as a member of the National Commission on Marihuana and Drug Abuse and as President of the International Council on Alcohol and Addictions.

HAROLD, like myself, is a member of the Masonic Lodge and has brought great credit to the Masons with his outstanding work over the years.

Mrs. Thurmond joins me in wishing HAROLD and his charming wife Eva every success in their undertakings in the future.

TRIBUTES TO SENATOR J. WILLIAM FULBRIGHT

Mr. MCCLELLAN, Mr. President, it is with the deepest regret that I face the reality of the impending retirement of my longtime colleague and friend, Senator J. WILLIAM FULBRIGHT.

For three decades BILL FULBRIGHT has served the people of Arkansas and this Nation with great distinction and honor. Few men will leave behind them in this body a greater void in the Senate and one that will be more difficult to fill.

During his 30 years in the Senate, 15 as chairman of the Committee on Foreign Relations, Senator FULBRIGHT has gained the recognition of being regarded as a

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prophet in his own time. Often in defiance of conventional wisdom he has taken a sometimes lonely and unpopular stand on some of the great issues of our day. Often, it has turned out that his position was correct.

Senator FULBRIGHT was a comparatively young man when he came to the Senate in 1944, but he had already had a distinguished career.

In 1939 at the age of 34, he was named president of his alma mater, the University of Arkansas, thus becoming the youngest president of any major university.

Three years later, he began his political career by being elected to the Congress from the Third District of Arkansas.

As a member of the House Foreign Affairs Committee, he introduced the famous Fulbright resolution which was approved by the House in September 1943. This resolution, generally regarded as the forerunner of the establishment of the United Nations, called for the participation of the United States in a postwar international organization.

After serving a term in the House, he was elected to the Senate where he immediately made his mark.

In 1946, Senator FULBRIGHT initiated the international exchange program for students and scholars, a program which bears his name and has been an important instrument in furthering global understanding and reducing intellectual isolation.

As chairman of the Committee on Foreign Relations longer than any other Member, Senator FULBRIGHT has attained a reputation for independent judgment and articulate dissent.

He has advocated a foreign policy based upon his conception of what international relations and cooperation should be between nations.

His voice in world affairs has been one of intelligent vision and restraint.

While Senator FULBRIGHT has been primarily known for his achievements in the field of foreign affairs, he has made valuable contributions in the area of finance and banking.

From 1955 until February 1959, he served as chairman of the Senate Committee on Banking and Currency and is a member of the Finance and Joint Economic Committees.

Senator FULBRIGHT has also been a vigorous advocate of the interests of Arkansas and we have worked together on many programs of benefit to our great State and to its citizens.

He has been active in promoting programs for education, agriculture, conservation, and environmental development.

While our philosophies may have differed on occasions, our respect for each other has steadily increased. I am proud to have had him for my colleague and as a personal friend.

Some years ago, Senator FULBRIGHT enunciated what has been considered the Fulbright test for public officials:

The most valuable public servant, like the true patriot, is one who gives a higher loyalty to his country's ideals than to its current policy and who, therefore, is willing to criticize as well as to comply.

In my opinion, BILL FULBRIGHT passes this test.

I want him to know and to always remember that I have enjoyed our associations and labors together. Our relations have always been most amiable and pleasant. It has been a privilege to work with him as we tried to serve our country and our Arkansas constituency.

Norma and I wish for BILL many more productive years of service in whatever work he may choose to engage, that he and Betty may find and enjoy every happiness in pleasant living in the years following his retirement from the U.S. Senate.

Mr. ABOUREZK, Mr. President, speaking about the departure of Senator FULBRIGHT, I think his accomplishments and his name will be remembered for a long time after the rest of us have departed from the Senate. He has already joined the most respected and most illustrious names in the country, for his leading role in determining American foreign policy. As one of its major architects of the past 10 or 15 years, he has consistently dared to defy conventional wisdom and speak what he believes to be the truth, no matter what the opposition to his position might have been. His credibility is firmly established, because he has been proved to be correct, accurate, and right on each occasion.

We saw this in the Vietnam war. I think the hearings we held and persisted in holding at length under the Johnson administration can be described as the principal cause of the final end to the Vietnam war, and the view the American public took of that war as the result of his hearings.

But in spite of living and working in the very pessimistic city of Washington, D.C., Senator FULBRIGHT has maintained his optimism throughout. He recently delivered a speech, a month or so ago, at Westminster College in Fulton, Mo.—the same college at which Winston Churchill delivered his famous "Iron Curtain" speech. I want to read two or three sentences from that speech:

In the course of 30 years in the United States Senate, I can recall few if any instances on which it has seemed to me that our national problems were beyond resolution. Far more often than not, a solution or an approach or an opportunity to advance in a creative way has seemed both available and feasible. The obstacles most often have been political, and perhaps psychological. How can people and politicians be gotten to do what they ought to do, and what they usually very well know they ought to do, rather than do nothing or do what is convenient or comfortable for the moment?

I think with those words, as well as the many other words he has spoken on Vietnam, on the Middle East conflict, and on other aspects of the foreign policy of this country which are so important to the people of this country, Senator FULBRIGHT has become the prophet, the man who has called this Nation to a higher standard rather than expediency, a higher standard of responsibility.

Mr. President, I yield 2 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. CHILES, Mr. President, I thank the distinguished Senator from South Dakota. I want to add my voice in tribute to the distinguished Senator from Arkansas, who I think has had a wonderful career in the U.S. Senate, and with that leadership at all times he has also been a very, very fine gentleman, whom it has certainly been a pleasure for us as Senators to deal with.

As a freshman Senator who came to this body in 1970, I can think of no Member of the Senate who was more helpful and treated me and my family with more kindness. I know he has the love and esteem of my wife, who thinks he is one of the alltime great Senators. I think it has been an inspiration for all of us to see this model of courage and model of determination, who many times has seen that all voices were raised in opposition, and who went against the tide many, many times, but always where he felt he saw his duty as a Senator and as a leader of this country. He always heeded that call of duty and never the popular cry of the moment.

For that reason, I am delighted to have an opportunity to join in paying tribute to him today.

Mr. ABOUREZK, Mr. President, I shall yield to the Senator from Maine (Mr. MUSKIE). But I just want to say, now that Senator FULBRIGHT is here on the floor, that I think it is tragic that after 30 years in the Senate he was never able to achieve the title of senior Senator from Arkansas. The reason is JOHN MCCLELLAN, who would like to make a few remarks as well.

I yield to the Senator from Maine. Mr. MUSKIE, Mr. President, I suppose we ought to give the distinguished junior Senator from Arkansas a chance to defend himself from time to time. But, before we do, I would like to say a few words to add to his burden of defense.

The Senate, in my judgment, Mr. President, is losing one of its most eminent statesmen—a word I am sure the Senator from Arkansas would not like to see applied to himself. But he is, I think he is, one of the most eminent statesmen that the Senate has known since I have been here.

I regard him as a good friend, as the chairman of the committee on which I am privileged to serve with him, the Committee on Foreign Relations, and a deeply respected colleague of us all, whether or not we agree with him all ways.

I think he will be viewed by historians as one of the most effective and far-sighted political leaders of our time. As chairman of the Foreign Relations Committee during the period of sometimes painful transition in U.S. foreign policy, he has been a voice of reason, good judgment, commonsense, qualities that are appreciated in my part of the country. He has mastered the art of speaking truth plainly, and his wisdom and his vision have been a valuable national asset to us all.

In his 32 years in Congress, including five terms in this body, BILL FULBRIGHT became the strongest voice in Congress

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on foreign policy and international affairs.

As a freshman Congressman in 1943—I cannot think back that far—the House approved his resolution calling for an international organization for peace. The sentiments that he expressed at that time led to the establishment of the United Nations. It was an auspicious start to a career which has spanned, perhaps, the most difficult and, with the advent of the atom bomb, the most dangerous years America has faced in the international community.

A more recent accomplishment which stands out in the record was his early doubts about Vietnam which predated mine, and his pursuit of the truth of our involvement there. In 1966, he called the first congressional hearings on Vietnam and became a persistent critic and effective opponent of American involvement.

I am sure our colleague, Senator JAVITS, joins me in offering special thanks for Senator FULBRIGHT's dedication and hard work in this Congress to secure passage of the war powers resolution. His knowledge and ability were invaluable in that effort.

His philosophy as an internationalist not only led him to become one of the leading supporters of the policy of détente. They also took more personal form.

As a Rhodes scholar, BILL FULBRIGHT had the opportunity to travel and study abroad. His idea that the United States should have such a program of its own has become the Fulbright scholarships, which are of incalculable benefit not only to many American students every year but to the cause of international understanding and cooperation as well.

Finally, we who live in Washington, and the American cultural community as a whole, owe him a special debt for his work in establishing the Kennedy Center for the Performing Arts. The Kennedy Center has become a living, working tribute to Senator FULBRIGHT's imagination and concern for our cultural opportunities.

We will miss BILL FULBRIGHT in the Senate.

I have personally benefited from his enlightened leadership of the Foreign Relations Committee in the 4 years it has been my privilege to be a member. And it has been a personal pleasure to know him as a friend.

I understand he is returning to the practice of law, and Jane and I wish him and Betty all our best in the years ahead.

Mr. HUGH SCOTT. I will yield to the Senator, Mr. President.

Mr. President, as the distinguished Senator from Maine has said, we are going to miss our friend, our colleague, our chairman. He has proven quite distinctively and clearly that there is a role for intellect in the Senate, and there is a role for the rational and the thinking man. There is a place, there is an opportunity here, which many other Senators have embraced to give a high priority to the necessity for being a reasonable and rational human being.

As one who has been singularly fortunate in his educational background, and who had not only benefited from it

but benefited us as a result of his sagacity and his erudition, the fact that he was a Rhodes scholar and a Pembroke man, that he has been honored by an honorary degree by that perhaps greatest of all educational institutions, rivaled only by Cambridge, as his family said, the fact that as chairman of this important Committee on Foreign Relations we value him and his services; we value, too, his fairness, his patience, his willingness to tolerate and even to welcome dissent, to permit the fullest flow of debate, to give all the members of the committee an opportunity to be heard, to state fairly the results of the deliberations and actions of the committee to the whole Senate, never prejudicing them by word or action, we are indebted to men of the caliber of the Senator from Arkansas (Mr. FULBRIGHT) and, indeed, we are going to miss him.

He has often been most foresighted. Indeed, if he has erred, like the rest of us, that is a matter of opinion and of very short memory compared to the contributions he has made to American life, to the opportunity not only for education for others, but for an exchange among educated men of other countries to this country, his contribution in the establishment of the Kennedy Center here, and in the manifest and manifold ways in which he has contributed to the betterment of the conditions of the Republic.

So we wish him well. Reference has been made to the fact that he may plan to return to the practice of law. I hope he will give some time to the lecture service, and to the further opportunity to inform the young men and women of America of his experience and his observations.

We all join in wishing for him in his future career the greatest success and happiness, and we extend to him our warmest good wishes.

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes.

Mr. STENNIS. Mr. President, it is a privilege to say a word about our friend, and my neighbor, too, who is retiring from the Senate.

I think all of us occasionally let our minds go back to the time when we first came here. I remember that the Senator from Arkansas was one of the very first ones to give me a warm, cordial, personal greeting.

I have never forgotten that. I remember he took me out to his home where I met for the first time his lovely, wonderful wife. There, we had dinner with some other friends.

He made an impression then, a most favorable one, and one that I have retained.

I have always known, with others, that he made many contributions here, including the contribution that comes from a scholarly background that he had, and one that he has kept cultivated and updated.

That has been a contribution to the Senate, and it was one of a different kind from many of us and it meant something to the credit of the Senate and to its deliberations here.

The Senator from Arkansas and I

have had some differences of opinion on various matters, some debates which were always friendly. I have admired his capacity, his really great capacity for work, not only his capacity for mastering a subject, but his capacity for thoroughly presenting the matter in his committee, on the floor here, or in the public forums where he has been invited many, many times, and always spoke creditably.

I have in my unfinished business now the last speech, not the last one maybe, but a notable speech that he made recently at the site where Winston Churchill spoke when he gave the famed Iron Curtain speech.

The Senator from Arkansas was capable of the same caliber of speech, showing forethought and vision.

I certainly join in wishing him well, wishing his wife, Miss Betty, well, in every way in the years ahead when I hope that God will sustain and continue to bless them.

Certainly my tenure here has been enriched by their lives and I am most grateful to them.

Mr. CLARK. Mr. President, I would like to join my colleagues in praise of our distinguished friend, BILL FULBRIGHT.

His accomplishments are many—as a scholar at the University of Arkansas, at Oxford University, as a lawyer and a professor of law, as president of the University of Arkansas, as a Congressman, as a Senator and chairman of the Senate Foreign Relations Committee. Since he was first elected in 1944, BILL FULBRIGHT has given the Senate much of its independence, much of its courage and much of its wisdom. He has brought commonsense and stature to the Congress, especially in foreign affairs.

It seems that he has been in the Senate ever since I can remember. And ever since I can remember, he has represented the very best in the U.S. Senate. One particular incident comes to mind, one very old one, that many of us remember. It happened in 1954 when I was a student at the University of Iowa and it is a very vivid memory.

Early in February, Senator McCarthy, of Wisconsin, came before the Senate to ask for an additional \$300,000 for his special investigating committee. It was near the height of his power. The Senate voted him that money 80 to 1. The only dissent came from BILL FULBRIGHT.

That gives you an idea of BILL FULBRIGHT's character, the way it was 20 years ago and the way it is today. There are countless other examples. Nothing has changed. The independence and the courage are the same.

As he stood alone on that vote, he stood alone on the issue of Vietnam, alone in advising President Kennedy against the Bay of Pigs invasion. Eight years ago he began warning us against what he called the "arrogance of power" in the executive branch. Through his televised hearings he made this country aware of what really was happening in Southeast Asia, and helped us end it.

I would like to close with something historian Arthur Schlesinger wrote about

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the future of Congress in the Wall Street Journal earlier this year.

He said that the abuse of Congress has been something of an American tradition. He argued that Congress has the power but only lacks the will to use it. Schlesinger did say there was one "conspicuous exception" to that conclusion. He said that BILL FULBRIGHT has the will and the courage and the independence:

His courage, his knowledge, his clarity of expression and his grace have been a strong congressional weapon against a foreign policy run imperiously out of the Oval Office. . . . He is one of the few Senators whom Presidents have to take into account—one of the few who make a difference.

Indeed he has.

Thank you, Mr. President. Mr. SPARKMAN. Mr. President, when I entered the Senate 28 years ago, I was placed on the Banking and Currency Committee along with my friend, BILL FULBRIGHT, with whom I had served in the House but who came to the Senate 2 years ahead of me. Through the years, until he left the chairmanship of the Banking Committee to become chairman of the Foreign Relations Committee, I sat at his left. He has served as chairman for 15 years longer than anyone during the long history of that committee.

As it happened, not too long after I came to the Senate, I was given a place on the Foreign Relations Committee and, in time, I found myself sitting again on the left next to BILL FULBRIGHT. Thus, through the years, I have had the privilege of watching him work as a member and as chairman of two different committees. I always enjoyed working with him. He was a great chairman, a man whose opinions every member of the committee respected, even if sometimes differing with him.

BILL FULBRIGHT has been a great and distinguished Senator who has had much to do in shaping our foreign policy and who, in doing so, has gained an international reputation.

BILL is leaving the Senate. We shall miss him. I want to express, for myself and Mrs. Sparkman, our very best wishes for great happiness through the years for both him and his great and gracious helpmate, Betty.

Mr. TAFT. Mr. President, Senator J. WILLIAM FULBRIGHT has been an institution in the Senate. While some of us have not always agreed with his views, his unfailing dedication, his consideration for his colleagues, and his intellectual leadership have been outstanding. We shall miss him in the Senate, but hope that he will continue to remain active and continue the contribution he has made to our Nation.

Mr. FONG. Mr. President, I rise to pay tribute to my good friend and one of the most respected members of this august body, J. WILLIAM FULBRIGHT of Arkansas, who leaves the Senate at the completion of the 93d Congress.

A scholar from his early days, BILL FULBRIGHT has proved the worth of an outstanding academic background and intellectual excellence on Capitol Hill. It is indeed fitting that a world renown

and highly effective international scholarship program, instituted in the 1940's, bears his name.

His forte, of course, has been foreign relations. He became chairman of the Senate Foreign Relations Committee in 1959, the same year I arrived in Washington as one of the first two Senators from the then new State of Hawaii. He was well prepared, having served on this committee for 10 years.

Under BILL FULBRIGHT's leadership, the Senate Foreign Relations Committee became a leading forum for discussions of America's role overseas, and it has played a strong role in helping to shape U.S. foreign policy.

In addition to his work on the Foreign Relations Committee, BILL FULBRIGHT has made outstanding contributions as a member of the Senate Finance Committee and the Joint Economic Committee. His articulate, forthright, and provocative views will be missed in the 94th Congress.

Before coming to the U.S. Senate, BILL FULBRIGHT served for one term in the U.S. House of Representatives, and before that, in 1939, he was president of the University of Arkansas at the then almost unheard of age of 34.

BILL FULBRIGHT also served as a member of the university's law school faculty, a lecturer at the George Washington University Law School and as a special attorney with the Antitrust Division of the Department of Justice.

Mr. President, it has been a privilege and a pleasure to serve in the U.S. Senate with BILL FULBRIGHT for these many years.

I have had the extra pleasure of traveling with him on two official trips abroad, the latest of which as a member of the congressional delegation to the People's Republic of China last September.

That reminds me of one of BILL's talents that is not widely known. He is a very good ping pong player. After the ping pong team from the People's Republic of China toured America a couple of years ago, I fully expected BILL FULBRIGHT to head a ping pong team to tour the People's Republic. I guess he has just been too modest about his prowess with a ping pong paddle.

Seriously, though, I am confident that BILL FULBRIGHT will continue to contribute to our national discourse on foreign policy and America's role in international affairs.

I wish for him and for his gracious wife Elizabeth the best of all worlds in the future. Ellyn joins me in extending our warmest aloha to both of them.

Mr. PELL. Mr. President, the stature of this Senate will soon be diminished. From our legislative landscape, a towering tree will have been removed. A beacon to flash the presence of dangerous shoals will go out.

We all know the reason why. The expiration of the 93d Congress ends 30 years of outstanding Senate service rendered by our distinguished colleague and senior Senator from Arkansas.

But we can take heart. In other forums, in other halls, by pen and by voice, he will continue to shape events

and mold opinion on behalf of his country and of his State that he has already served so well.

I personally feel his departure from the Senate most keenly, as a friend, an admirer, and a colleague. From gathering years spent on the Foreign Relations Committee, the Senator to me will always be "Mr. Chairman."

Whenever I think of a scholar, I think of FULBRIGHT. I know we all do. What a tribute to the broad measure of the man—to his appreciation of the value of education and knowledge in bringing the world together in links no arms can forge.

Almost single-handedly in the beginning, who turned this country about from a murderous path of war?

Who first sowed the seeds of a realistic China policy?

"If, drunk with sight of power, we loose wild tongues," who among us has cried out loud and clear: "Lest we forget, lest we forget!"

In his valedictorian talk at the National Press Club, the Senator warned that Americans are now in the habit of concentrating more on the singer than on the song, more on shadow than on substance. With us, he should have no worry; long after his departure from the Congress, his theme songs will be sounding in these halls.

To the junior Senator from Arkansas and his gracious wife: Godspeed.

Mr. HASKELL. Mr. President, the departure of Senator J. WILLIAM FULBRIGHT from the Senate is a blow to all of us who know him. Hopefully we shall continue personally to enjoy his friendship and counsel.

But my real hope is that the tremendous wisdom and insight of the Senator from Arkansas be retained in some capacity for the Nation which so desperately needs it. Senator FULBRIGHT has given us a valuable head start on the most pressing issues of our time though, as a nation, we have sometimes been slow to heed him.

He was the first to see the grave dangers of our involvement in South Vietnam. He defied public opinion to tell us that conflict was contrary to our interests, that we were intervening in a civil conflict—and on the wrong side at that. We will pay the price for that mistake far into the next century. We can thank Senator FULBRIGHT that its cost was not higher in every regard.

Senator FULBRIGHT was the first American leader to oppose our foreign aid program. He recognized it for what it is: A massive military aid program we cannot afford. We know now that he was correct.

And it is my understanding that Senator FULBRIGHT was first to oppose the excesses of Senator Joseph McCarthy and the dark chapter he wrote in the Nation's history.

Senator FULBRIGHT has always been a bit ahead of his time and the Nation has profited from it. I wish him the best, but I hope his "retirement" is only a short hiatus from public service. We can ill afford to lose him.

Mr. DOLE. Mr. President, I wish to

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join with my colleagues and with his numerous friends around the country in extending best personal wishes to the junior Senator from Arkansas, BILL FULBRIGHT, who is marking the end of one of the most distinguished Senate careers in this century.

Since long before the junior Senator from Kansas came to this body, Senator FULBRIGHT has been recognized as a powerful voice in the foreign policy deliberations of this country. When he came to the Senate, the United States was immersed in global war.

Sadly, since, we have become involved in two other wars, more limited in their scope but no less horrible in their tolls of human suffering and destruction.

It is the aim and purpose of this country to develop policies which can prevent in the future the sad experience of the past, the experience of war, conflict and tension.

Should we prove successful in this effort and should the happy day come when peace becomes a reality and was a memory, the role of the Senator from Arkansas, as counselor to Presidents, leader in the Senate, and as often, as "gadfly" and thoughtful critic in the development of policy, will be written large in that history.

He has been a man who has attracted controversy. Outspokenness often does. He has been a man who has attracted both criticism and praise. Strongly held views almost always do. He has been a man who has earned respect. Intelligence always deserves it.

And I will carry personal memories and fond recollections of the lively debates we have entered into, on this floor and elsewhere. They have been lively, at least, and often more than lively. We have on occasion disagreed, but never differed with respect to ultimates. His aim, like mine, has always been the protection of freedom, the fostering of peace, and service to the best interests of the United States of America.

His presence, as advocate, as "gadfly", as eloquent adversary in debate, will be missed though I am confident that his voice will continue to speak out when he feels it necessary to do so. As he has served his State and his Nation in this body for the last 30 years as Senator from Arkansas, I trust he will continue to serve for many years into the future. I wish him the best of health and happiness in all that the future may bring his way.

Mr. STEVENSON. Mr. President, Senators like to think that the title "U.S. Senator" enhances a man's name—and perhaps it is true. But in the case of Senator WILLIAM FULBRIGHT, it is the other way around: His name adds luster and distinction to the title, U.S. Senator.

It has been this way for 30 years and more. Senator FULBRIGHT is one of those rare Americans who has always moved from one success to another; from distinction in youth to eminence in maturity. Having been Rhodes Scholar, attorney, university president, Congressman, Senator, advocate, gadfly and prophet, he now joins the ranks of elder statesmen. But though he is leaving the U.S. Senate, none of us will forget his

achievements: It was Senator FULBRIGHT who, as a freshman Congressman in 1943 secured passage of the resolution endorsing the United Nations. And it is Senator FULBRIGHT whose name is enshrined in one of our country's most hopeful gestures of international cooperation, the Fulbright scholarships.

Because citizens of his gifts are so rare, in this body and in our country, they are all the more valuable. It is a mark of Senator FULBRIGHT's distinction that almost every old, easy, fulsome word of tribute or farewell seems somehow insufficient when applied to him. So perhaps we should say very little—and hope that our affection and respect will speak for themselves.

In the Senate, as with any other institution, members come, stay for a time, and then move on. But this is not a body that easily forgets its greatest and most durable Members. WILLIAM FULBRIGHT will be remembered here.

Stephen Spender wrote that those who are truly great "leave the vivid air signed with their honor."

WILLIAM FULBRIGHT has been a truly great Senator.

Certainly he has made the air of the U.S. Senate, and of our country, more vivid.

Now, surely, he leaves this place signed with his honor.

Mr. SCHWEIKER. Mr. President, in the history of the U.S. Senate only a handful of men have earned worldwide respect and acclaim for their grasp of and influence upon American foreign policy. The distinguished junior Senator from Arkansas, J. WILLIAM FULBRIGHT, is such a rare man.

As chairman of the Senate Committee on Foreign Relations, Senator FULBRIGHT has been counsel and confidant of Presidents and monarchs on the affairs of state. He has at times stood alone as a voice of reason and restraint amongst precipitancy. And above all he has been a man of peace, an articulate advocate of the sanctity of man.

Although he will depart these Halls at the end of the 93d Congress, Senator FULBRIGHT I am certain will continue to have great influence over Congress and the Nation. He is an outstanding Senator who has served his country well, and I know he will continue to utilize his considerable talents for the betterment of mankind.

Mr. President, I am pleased to join with those who pay tribute of Senator FULBRIGHT today.

Mr. HATFIELD. Mr. President, with some Members of this body, there exists a temptation to forego tributes marking the end of Senate service because of a feeling that the person's record would stand for itself. This is the case of our respected and esteemed colleague, Senator J. W. FULBRIGHT. While we are too close to the time today, I would guess that future scholars studying American foreign policy of the years of the 1960's and 1970's will mark them as the "Fulbright Years." Seldom has one man ever left such a legacy for the American people as is the case with Senator FULBRIGHT.

In the warm glow of hindsight, many

Americans now praise those opponents of the Vietnam war who raised their voices against this folly. I say that this occurs now in hindsight. This was not always the case. I say that as the only Governor at the Governors' Conferences in 1965 and 1966 to vote against resolutions of support for the Vietnam policies of President Johnson.

I can speak from experience, therefore, when I pay tribute to the role played by Senator FULBRIGHT in helping create American public opinion opposing continued American involvement in Vietnam. He and I could share many stories about the public and private vilification we were subjected to during this time, when our patriotism was brought into question, and when the mention of our names in some quarters of this town brought sneers at best.

In his capacity as chairman of the Foreign Relations Committee, Senator FULBRIGHT helped educate people in this country about the folly of throwing good money after bad in Vietnam, and more tragically, throwing more American lives in pursuit of a no-win policy. The country owes Senator FULBRIGHT our warmest thanks for this education which he helped provide people about Vietnam.

It would be remiss not to mention another concern of Senator FULBRIGHT where he has raised his voice to question American policies. I refer to the Middle East, where he has voiced the need for a more balanced American policy. From what I can see, Senator FULBRIGHT now is receiving the same harsh judgment about the Middle East from some people that he received about Vietnam.

Just as a public airing of policies in Vietnam has educated a generation of Americans to an understanding of foreign policy, so should American Middle East policy not be immune from reexamination. No area of our foreign policy should be free from discussion, and yet some people unfortunately have dismissed Senator FULBRIGHT's comments or warnings in toto. I hope all aspects of our foreign policy will receive a thorough review.

In conclusion, I know I speak for all my colleagues when I say we will miss the wise counsel of Senator FULBRIGHT here in the Senate in the years ahead.

Mr. TUNNEY. Mr. President, the Senate and the Nation will be losing a major figure of the history of our generation when Senator J. WILLIAM FULBRIGHT retires at the end of this year.

BILL FULBRIGHT has been a towering figure whose influence has been felt not only on the American scene of today, but will be told as the course of history unfolds. For Senator FULBRIGHT is a man of rare vision, a man whose scope of knowledge and interests, whose perception and understanding reached far beyond the here and now.

A Rhodes Scholar at Oxford, a former teacher and practicing attorney, BILL FULBRIGHT has spent most of his career in public service. As a Member of the Senate since 1944, he rose to prominence in the late 1950's as chairman of the Senate Foreign Relations Committee. He brought this committee, and through it the Senate, back into a foremost place in

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the consideration and implementation of our Nation's foreign policy. In performing this role, BILL FULBRIGHT held fast to his vision of our Nation's role in the world, a vision which proved to become ever more prescient in the 1960's.

The Senate and the Nation will always owe BILL FULBRIGHT a great debt for his central role in mobilizing public understanding and eventually opposition to the Vietnam war. The hearings he chaired, over live television, were a milestone in turning around a policy which was conceived without congressional or public consultation.

BILL FULBRIGHT has played a major role in restoring to the Congress its rightful place in the making of foreign policy, a place which had been eroding constantly since World War II. He contributed heavily to all of our Nation's international endeavors over the past decade, both through the clarity and logic of his opinions, and the wisdom of his legislative hand. More than many Senators, BILL FULBRIGHT had and deserved a reputation as a scholar, a thoughtful student of his area of endeavor. This added immeasurably to his effectiveness and his breadth of knowledge.

As this man achieved worldwide fame and recognition, as he achieved status as both a scholar and a man of power and influence, he would not, he could not, compromise in the fundamental quality of his character. He remained through it all the very human citizen of Arkansas, a man with unshakable principles and beliefs, a man never too big to answer the greeting of a farmer or the voice of a merchant, a man who considered nothing too small or unimportant for his attention.

Senator FULBRIGHT steadfastly refused to succumb to the feelings of self-satisfaction. Here was a man who throughout the course of his long career and series of successes refused to sit back, to reflect and enjoy what he had already accomplished. He is a man who is constantly looking forward, scanning the horizon for future problems to be tackled, future questions to be grappled with and resolved.

We shall all miss BILL FULBRIGHT, and the Nation can take pride in his tremendous contributions to the public policy of the last 30 years.

Mr. BAYH. Mr. President, we must not let the closing gavel ring down on the 93d Congress without pausing to pay just tribute to one of our senior colleagues who will not be back in the 94th Congress. I speak of Senator J. WILLIAM FULBRIGHT, chairman of the Committee on Foreign Relations and a man whose reputation not only extends from this Chamber throughout our country, but truly reaches around the globe.

After a single term in the House of Representatives, BILL FULBRIGHT came to the Senate in 1945 and he has served since then with distinction. Time and again he has demonstrated his own personal dedication to the public good in a fashion which can only evoke the great respect of those of us who have been privileged to serve with him.

Understandably, Senator FULBRIGHT's greatest achievements are in the area of

foreign affairs to which he has devoted his energies and talents with special emphasis. As chairman of the Foreign Relations Committee he has brought renewed attention to the proper role of the Senate in the development and execution of foreign policy. Time after time, Secretaries of State have turned to BILL FULBRIGHT for counsel on how best to approach foreign policy questions during the three tumultuous decades since the end of World War II.

Of course, this Nation has already reaped substantial benefits from the scholarship program conceived and brought to fruition by BILL FULBRIGHT. And I am confident that Fulbright scholars for generations to come will make substantial contributions to our country and to international understanding.

Hopefully, this Nation will benefit in the years ahead from Senator FULBRIGHT's sage understanding of international relations. I am confident that our leaders, as well as academics and foreign leaders, will continue to turn to BILL FULBRIGHT—in his retirement—for advice and guidance. And so it should be, for few men are better equipped to provide that advice and guidance than BILL FULBRIGHT.

Mr. BURDICK. Mr. President, as we approach the end of the 93d Congress, it is appropriate that we take time to honor a man who has left a significant mark on American history. Senator J. WILLIAM FULBRIGHT has chaired the Senate Foreign Relations Committee since 1959 and under his leadership, the committee was the leading forum for the opposition to the Vietnam war. The distinguished Senator from Arkansas was instrumental in reducing American commitments—and foreign aid—abroad. He has always maintained that our country has the opportunity to set an example of democracy to other nations by the manner in which we conduct ourselves in our own society. We in the Senate will miss Senator FULBRIGHT when he leaves at the end of this session, but he will always be remembered for his influence upon the conduct of American foreign policy. For his 32 years of dedication to serving the people of Arkansas and the Nation, I join my colleagues in honoring Senator J. WILLIAM FULBRIGHT.

TRIBUTE TO THE DISTINGUISHED SENATOR FROM ARKANSAS ON HIS RETIREMENT FROM THE U.S. SENATE

Mr. ALLEN. Mr. President, among the many remarkable and wise provisions written into the Constitution by the Founding Fathers is that which establishes the division into thirds of the terms of Members of the U.S. Senate. Through this unique and sound provision the Senate remains a continuing body. This system has worked exceedingly well, helping make the Senate one of the great legislative bodies of all times.

As a Member leaves this body he leaves behind a legacy of his contributions to his country, to his fellow Americans, and, in many cases, to mankind throughout the world.

Few men or women have come to serve their country in Congress better equipped than the junior Senator from Arkansas (Mr. FULBRIGHT), holding degrees from

the University of Arkansas and George Washington University in Washington, and having been a Rhodes Scholar at Oxford University in England. Having tested his knowledge of law through practical application as a member of the antitrust division of the Department of Justice, Senator FULBRIGHT moved into the academic life, teaching law at George Washington University and then at the University of Arkansas where he was later to become president. His academic activities were balanced by parallel activities in banking, lumbering, farming, and newspapering.

And so he was well-equipped to serve his country when he was elected to the House of Representatives in 1942. After one term in that body, he made a successful race for the U.S. Senate, and on January 3, 1945, took the oath of an office that he was to hold through five terms. Now, 30 years after entering the Senate, Senator FULBRIGHT is leaving the U.S. Congress, having risen to the chairmanship of the prestigious and most important Senate Committee on Foreign Relations. Senator FULBRIGHT leaves a legacy of legislative expertise in a field which has for so much of our history been considered the realm of the executive branch. He has brought to the Senate a sense of responsibility for the Nation's foreign relations which had lain dormant for too long. As a voice crying in the wilderness, he pointed out the folly of the Vietnam war, long before that view became the dominant view of the people of America.

As a champion of the cause of world peace and international cooperation, he worked diligently for legislation creating scholarships enabling college graduate students to study in foreign institutions of learning. Countless numbers of American men and women have studied abroad and our country and the world have benefited from their experiences and their knowledge gained as FULBRIGHT scholars.

Senator FULBRIGHT is a man of erudition, of honor, courage, ability, and dedication, and he will be missed in the Senate and in the conduct of world affairs.

Mr. President, many honors have come his way, but I question that any speak so forcefully for Senator FULBRIGHT as do these Fulbright scholarships.

After devoting almost half a lifetime to its workings, I doubt seriously if he will be content to leave the Senate to sit back and rest on his laurels. We will be hearing from him in the future, I am sure. Already he has declined an appointment to an office so distinguished that it is beyond the wildest dreams of all but a few. For Senator FULBRIGHT and his lovely wife, Betty, Maryon and I wish the very best of everything, for that is what they deserve.

Mr. McGEE. Mr. President, as the 93d Congress draws to a close, I want to take this opportunity to pay tribute to one of our colleagues who retires with the adjournment of this Congress.

It is with a sincere touch of sadness that I reflect upon the fact that the distinguished junior Senator from Arkansas (Mr. FULBRIGHT) will not be with us when we convene the 94th Congress in

January. My association with BILL FULBRIGHT has been primarily in the area of foreign policy and the role of the Senate in this process of decisionmaking and formulation. While I have had several areas of disagreement with the distinguished chairman of the Senate Committee on Foreign Relations over the years, I feel, nevertheless, that this body will suffer a significant loss with his retirement.

BILL FULBRIGHT's unique intellect and searching questioning of U.S. foreign policy will be sorely missed in the committee and in the Senate. Over the course of the years, he opened an intensive dialog within the committee and the Senate on foreign policy questions—a significant contribution which forced many of us continually to assess our own perceptions and beliefs. As a result, I have a deep respect for BILL FULBRIGHT and the contributions he made to the work of the Committee on Foreign Relations and the entire foreign policy decision-making process.

Although, as I said before, I have disagreed with the distinguished chairman on numerous occasions, I believe somewhat of a vacuum may develop with his absence. There are searching questions which continue to haunt us as we attempt to find some means of bringing rationality to a world embroiled in chaos and disarray. In this regard, it will be difficult to find another individual who can perform the role BILL FULBRIGHT has performed so effectively over the years.

But most of all, at a time when the very wisdom of a continued U.S. commitment to multilateral institutions such as the United Nations is being questioned in this country, we lose one of that organization's staunchest supporters.

If there was one thing BILL FULBRIGHT and I saw eye to eye on, it was the need for a more effective U.S. participation in the United Nations and the need for a greater reliance upon the institution. Thus, it is even more critical that his voice play a prominent role in overcoming this erosion in support for the United Nations.

I believe it is particularly appropriate to reflect on and study a speech BILL FULBRIGHT made at the Pacem in Terris Conference held in Washington, D.C. in October 1974. He has many meaningful observations by which all of us can derive significant benefit.

In concluding my remarks, I want to wish BILL FULBRIGHT the best and I urge him to continue involving himself in these questions he has so diligently pursued over the years. BILL FULBRIGHT, you will always command my deepest respect.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR J. W. FULBRIGHT
PREFACE: THE MIDDLE EAST

One of my principal themes tonight is the need of a world rule of law, in the words of the United Nations Charter, "to have succeeding generations from the scourge of war."

Regardless of the outcome of the current fighting in Sinai and the Golan Heights,

Arabs and Israelis alike are catching a glimpse of their destiny in a world without law. It is a destiny of recurrent war, unending tensions, fear and hate, and a crushing burden of arms. For the fourth time in a generation these otherwise gifted and talented peoples have failed of the promise of their own ancient civilizations and plunged into futile hostilities. The failure, however, like the danger, is not theirs alone but that of the entire civilized world, which solemnly committed itself at San Francisco in 1945 "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

It is possible, though hardly likely, that the Arabs and Israelis are content to continue the struggle each in vain hope of some ultimate victory. I cannot believe that really is their wish because of the enormous costs to themselves and the bleakness of the future which continuing struggle will bring. The Arab states, including those which are now conservative, are likely to be radicalized as their grievances fester. Israel, already a garrison state, faces the prospect of mounting terrorism and recurrent war, of a national existence with no semblance of security. However confident they may be of their own military prowess, the Israelis can hardly relish this prospect.

But even if the combatants can accept the prospect of unending struggle, the outside world cannot. As long as there is danger of other nations being drawn in—and that danger is constant—the world cannot stand aside. Like the Balkans in 1914, the Middle East has become the potential flash point of world conflict. In addition, there is the energy problem. Call it what you like—blackmail or ordinary business—the Arab Middle East possesses at least 30 billion of the 500 billion barrels of proven world oil reserves. With no spare productive capacity of its own, the United States—like other industrial nations—is increasingly dependent on Middle Eastern oil, and consequently in need of good relations with the producing countries. These countries, it is well to remember, have no direct quarrel with the United States and have never done anything to harm the United States. Our dependence on their oil is a matter of national interest, no more so perhaps than our emotional bond to Israel, but surely no less so either. These are matters which affect all nations, and because they go beyond the Arab-Israeli conflict itself, the outside world has the right and responsibility to participate in the making of a settlement.

The first requirement is an immediate cease-fire—not a delayed cease-fire which might allow one side or the other to impose "new facts," but an immediate cease-fire ordered by the United Nations Security Council in accordance with its authority, under Chapter VII of the Charter, to "decide what measures shall be taken" to restore peace. Beyond a cease-fire the Security Council ought now, without delay and with full support from the United States, to implement its resolution of November 22, 1967, by persuasion if possible, by enforcement if necessary in accordance with the terms of the United Nations Charter. That resolution officially supported by the United States through the Rogers plan of 1969, calls for the withdrawal of Israeli forces from the occupied territories, but also provides for Israel's survival and security by requiring the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area."

Given a will to settle, reasonable variations on the Security Council resolution of November 1967 might be worked out to ensure Israel's security. The Rogers Plan allows of "insubstantial alterations" of territory for the sake of mutual security, and

these could include the retention by Israel of some part of the Golan Heights from which the Syrians before 1967 fired down upon civilian communities. In addition, arrangements might be made for the phased restoration of Sinai by Egypt along with a general acknowledgement of Egypt's sovereignty over the region. Israel's right of free access through the Gulf of Aqaba might be secured by the stationing at Sharm el Sheikh of an international force, removable only by the consent of all parties, or alternatively by an Israeli leasehold comparable to the special French presence in the German Saar after the First World War.

Jerusalem, because of its profound importance to three great religions, can and should be made an international city and given special status with free access to all. Its sacredness to Christians and Jews is well-known, but its equal importance to Muslims has not been fully appreciated in the West. It may be recalled that in 1967, by a vote of 99 to 0 in which the United States abstained, the United Nations General Assembly condemned Israel's unilateral annexation of the old city. Its status now cannot be accepted as "non-negotiable."

All these arrangements could be guaranteed by a binding agreement, duly ratified, between Israel, the Arab states and the United Nations. In addition—as I have suggested on several previous occasions—a United Nations guarantee could be supplemented by an identical bilateral treaty between Israel and the United States—not an executive agreement but a treaty consented to by the Senate—under which the United States would guarantee the territory and independence of Israel within its adjusted borders. This supplementary, bilateral arrangement with Israel would obligate the United States to use force if necessary, in accordance with its constitutional processes, to assist Israel against any violation of its borders, which it could not repel itself, but the agreement would also obligate Israel, firmly and unequivocally, never to violate those borders herself.

The conflict in the Middle East is testimony to the bankruptcy of traditional power politics. Had the nations met their responsibilities under the United Nations Charter in 1948 or 1956 or 1967, any or all of these three wars could have been avoided. Now, once again, tragedy brings opportunity. As will be shown in the remarks which follow, I am less than confident of the rational and humane conduct of human affairs. But neither have I given up on that possibility. I perceive in the Middle East a unique opportunity to make the United Nations work as it was intended to work, and by doing so, not only to resolve the conflict between Arabs and Israelis, but also to create a most valuable precedent for the future.

ASPECTS OF THE NATIONAL INTEREST

Perhaps in the abstract sense there is an objective category which can be called the "national interest". Human affairs, however, are not conducted in the abstract, and as one moves from the theoretical to the operational, objectivity diminishes and sentiment rises; ideas give way to ideology, principle to personality, reason to rationalization. As formulated by men of power, the national interest is a subjective and even capricious potpourri, with ingredients of strategic advantage, economic aspiration, national pride, group emotion, and the personal vanity of the leaders themselves. This is not to suggest that the concept of "national interest" is false but that it is elusive and far from self-evident, and when statesmen invoke it, they raise more questions than they answer.

There have been in recent American usage at least three separate conceptions of national interest; the ideological, exemplified by the anti-Communist crusade of the cold

war; the geopolitical, which treats international relations as an endless struggle for power as an end in itself; and the legal-institutional, an approach which holds that international affairs, like domestic affairs, must be brought under the regulation of law, an approach which gave rise under American leadership to the League of Nations Covenant and the United Nations Charter. Depending upon which approach you embrace, or deplore, your conception of the national interest will differ from, or conflict with, that of others. My own preference—bias if you like—is toward the legal-institutional. The preference of the Nixon Administration, as I perceive it, has been—at least in the past—strongly geopolitical. Though divergent in concept, these approaches often overlap in practice; I find myself, for instance, in agreement with the Administration on the wisdom of détente with the Soviet Union, but in disagreement on certain underlying concepts of what the national interest is and what it is not.

It is not my intention here to offer a definitive catalogue of the national interests of the United States but rather to comment on certain aspects of the national interest which I believe to be illustrative of its basic character.

I shall comment briefly later on the emergence of China as an influential and innovative nation, in the process of creating an extraordinary experiment in social cooperation within China which may well prove exemplary for much of the third world, and also to express hope that China will play a leading and responsible role in strengthening the United Nations. Nor do I comment here on the seemingly intractable problems of poverty and population growth in the Third World. In all of these the United States has major national interests, but I confine myself here to a discussion of basic concepts of national interest, of the fragile and threatened détente with the Soviet Union, of the need to restore economic health at home, and the continuing significance of the all-but-forgotten promise of the United Nations. Though by no means definitive, these areas seem to me to be both topical and illustrative of the kinds of national policy which are consistent with our national tradition, congenial to our national character, and best conceived, overall, to advance the security and welfare of the American people.

I. CONCEPTS OF POLICY

It has ceased to be useful, if ever it was, to deal with foreign policy as a category distinct from domestic policy. Neither can be rationally conceived or successfully executed except as aspects of national policy. I am thinking not of the policy maker's natural preference for strong domestic support of his foreign policy, but of the more fundamental need of a foreign policy which advances the well-being of our people, does not drain resources unduly, and is compatible with the national character. In the course of history nations have been defeated by foreign enemies at least as often because of internal weaknesses of their societies as because of insufficient armaments. But I would go even beyond the fact of demonstrable interaction between foreign and domestic problems to suggest that a well-conceived foreign policy is not only related to, but necessarily subordinate to, domestic needs and aspirations. In a report of a few years ago the Senate Foreign Relations Committee noted that "Foreign policy is not an end in itself. We do not have a foreign policy because it is interesting or fun, or because it satisfies some basic human need; we conduct foreign policy for a purpose external to itself, the purpose of securing democratic values in our own country." To put the matter simply: our national interest has to do with the kind of

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society we live in, and only incidentally with the kinds of society other people live in.

It is mistaken to conceive of foreign policy as an adventure even an idealistic adventure. Echoing General de Gaulle's mystical conception of France's role, Secretary Kissinger has suggested twice that "America was not true to itself unless it has a meaning beyond itself"—a "spiritual" meaning, he went on to explain. Dr. Kissinger also endorsed Theodore Roosevelt's entreaty that we "dare mighty things" and "win glorious triumphs". That invocation, the Secretary said, "epitomizes the essence and strength of this nation". I do not know exactly what "mighty things" he meant, but I must say that I find the notion disturbing. It is my impression that Theodore Roosevelt was an impetuous and enthusiastic chauvinist, with imperialistic tendencies.

There may have been a kind of romantic idealism in his outlook, but it is the wrong kind of idealism, dangerous and obsolete in this nuclear age.

Foreign policy is not an adventure, and our statesmen are not cavaliers but public servants. It is not daring but competence and prudence that are required of them. When they forget that, and take flight with their own soaring rhetoric, they get into trouble, and drag the rest of us with them. I do not agree with Dr. Kissinger that our American experience necessarily has "universal meaning," or that America requires a meaning beyond itself. There is meaning enough in being ourselves, a meaning by no means yet fulfilled, and in letting others find their own meanings.

The primacy of domestic policy has nothing to do with "isolationism"—a concept which has become functionally irrelevant as well as rhetorically polemical. The charge of "neo-isolationism" is an invention of people who confuse internationalism with an intrusive American interventionism, with a quasi-imperialism. Those of us who are called "neo-isolationists" are, I believe, the opposite: internationalists in the classical sense of that term, in the sense in which it was brought into American usage by Woodrow Wilson and Franklin Roosevelt. We believe in international cooperation through international institutions. We would like to try to keep the peace through the United Nations, and we would like to try to assist the poor countries through such institutions as the World Bank. We do not think the United Nations is a failure; we think it has never been tried.

The merit of the administration's foreign policy is that it is rooted in a coherent view of the world; the principal failing of this policy is the particular worldview in which it is rooted. The power politics approach is an improvement on the ideological crusade of the cold war, and the Administration deserves credit for the opening to China and Russia which have alleviated the cold war. But the balance-of-power approach, on which our new relationships with China and Russia are based, is justly criticized as cold and amoral, oriented to process rather than purpose, as if the "game" of nations were nothing but a game, conducted for the sake of the game, not for winning something but just for the sake of winning, for being "Number One." But the ultimate failing of supposedly hard-headed, realistic power politics is that, always in the long-run and often in the short-run as well, the approach turns out to be neither hard-headed nor realistic as a means of keeping the peace. However successful the balance-of-power has been in keeping the peace over certain periods of time, it has always broken down in the end, culminating as in 1914, in general war.

There are many reasons for the inherent instability of power politics. One is the failure to take account of the internal life of nations. In the eighteenth century the kings

of Europe were able to alter and adjust the balance-of-power through shifting alliances; even in 1939 the Hitler-Stalin pact shattered the last remaining fragment of European stability. For the most part, however, modern nations gain and lose strength, and with it the ability to upset the international equilibrium, as the result of internal developments. Germany upset the European balance in the late nineteenth century primarily because her economy and industry grew much faster than those of her neighbors, enabling Germany to become militarily preponderant. More recently, France has reclaimed a leading role in Europe despite the loss of empire, more accurately, perhaps because of it; the stability of the Fifth Republic and the rapid growth of the French economy since the Algerian war have given France a new weight in international affairs. Conversely, and more pertinently, we have seen the influence and reputation of the United States in world affairs diminished by political scandal and economic dislocations the latter largely the result of extravagant military spending. Confrontations, summits, alliances and spheres-of-influence are surely factors in a nation's position in the world, but they are no longer the major factors; the major factors are internal.

A skillful diplomacy can of course take account of domestic developments, but here we are thrown back upon the cleverness of statesmen—a commodity hardly to be relied upon. And that indeed is the root weakness of the game of nations: it is a despotism without laws, as stable or shaky, just or unjust, as the men momentarily at the top of the heap. In international relations as within our own country order and stability requires institutions; it requires a system that ordinary men can run and incompetent men cannot ruin. Guarantee if you can that the game will be played by a Bismarck or Taleyrand, by a Kissinger or Le Duc Tho, and perhaps I will withdraw my objections. But as long as luminaries give way to lesser lights—and they always do—the objection stands. As Henry Kissinger wrote of Prince Bismarck, "In the hands of others lacking his subtle touch, his methods led to the collapse of the nineteenth century state system. The nemesis of power is that, except in the hands of a master, reliance on it is more likely to produce a contest of arms than of self-restraints."

That brings me to the nub of both my concurrence with, and dissent from, the Nixon-Kissinger foreign policy and the Johnson-Rusk policy. I concur, strongly, in the efforts toward a "structure of peace," but I am concerned with flimsiness of the structure. It is makeshift and fragile, too dependent on agility and cleverness, too delicate to work for dull leaders or withstand incompetent ones. I remain, therefore, a Wilsonian, a seeker still of a world system of laws rather than of men, a believer still in the one great new idea of this century in the field of international relations, the idea of an international organization with permanent processes for the peaceful settlement of international disputes.

II. THE STRUCTURE OF DÉTENTE

Reluctant though we may be to relate foreign policy to our own domestic affairs, we seem all too willing at times to apply our foreign policy to other people's domestic affairs. The Jackson amendment to the trade bill pending in Congress would deny most-favored-nation trade treatment to the Soviet Union—which is to say discriminate against its trade with us—unless the Soviet Union eliminates restrictions on emigration by its citizens. On September 17 the Senate, on the initiative of Senator Mondale, adopted a resolution, without referral to a committee and with minimum discussion, asking the President to press the Soviet Government to

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stop oppressing dissidents and permit its citizens freedom of expression and emigration. Under the Mondale resolution the President is called upon to negotiate nothing less than a revamping of the Soviet system, and the dismantling of a police state apparatus going back half a century under the Communists and a thousand years before that under the tsars. It is a worthy sentiment but a tall order.

Nonintervention in the internal affairs of other countries is one of the cardinal rules of international law and relations, and it is codified in the United Nations Charter. The essential purpose of the rule of nonintervention is to prevent larger countries from bullying smaller ones, and to prevent quarrels arising from gratuitous meddling. There are times when nonintervention seems harsh and immoral, as when an oppressive government is left free to mistreat its own people. At times an exception may be warranted, as when a society disintegrates into barbarism, or when an internal issue becomes a threat to international peace, as that is defined in the United Nations Charter. Much more often than not, however, nonintervention is more likely to advance justice than to detract from it. As we Americans discovered in Vietnam, outsiders are seldom wise enough, just enough, or disinterested enough to advance the morality or welfare of a society not their own. The Russian people have lived under dictatorship throughout their history; it is not for us, at this late date, to try to change that by external pressure especially at a time when there is a better chance than ever to build a cooperative relationship between the Soviet Union and the United States.

Why indeed should we cooperate with the Soviet Union, a country whose social system is inimical to our own? The answer is simplicity itself: we have to get along with the Russians because, in matters of world peace, we cannot get along without them. The threat of nuclear destruction has become a commonplace, so much so that we tend to dismiss it or forget it. But the fact remains that the leaders of the two nations have the means at their disposal at any time to destroy each other's cities and much or most of each other's populations, and there is nothing—nothing—either side could do to prevent it. American pioneer families helped each other to build cabins and clear the land because the job was too big to do alone—cooperation was a matter of survival. Similarly, the Bedouin Arabs have an ancient etiquette of hospitality—a traveler across the desert cannot be refused food and water, because the host knows that he too may someday journey across the desert. Here too it is a matter of survival—not of affection or friendship or religion or ideology. That is the sum and substance of it: in matters of war and peace Russians and Americans are wanderers in the same desert, and in that desert it is not ideology that counts but food and water—the “food and water” of trade arms control, political cooperation and cultural exchange.

While I sympathize with the plight of the dissidents and minorities in the Soviet Union, I cannot concur in the approach of Mr. Sakharov, the Soviet physicist, who says that there can be no détente without democracy, or the novelist Solzhenitsyn, who says that “mankind's sole salvation lies in everyone making everything his business.” This asks too much of human nature, assuming that involvement will always be benign rather than aggressive, moral rather than predatory. Were everyone to make everything his business, the result would be war not peace, imperialism not democracy. Men have capricious notions of what is and is not their business; that is why it is usually better for them to mind their own. I do believe that the world can be made bet-

ter, and that man is capable of aiding its betterment, but I am equally a believer in selectivity of means. Important as it is to know what we hope to achieve, it is equally important to know what we are incapable of achieving; which is to say that humane aspiration must be tempered by realism.

Choosing from among alternatives is, of course, inevitable in politics, even on the part of those who would base détente upon sweeping standards of morality and justice. Why indeed are they so distressed by the denial of civil rights in the Soviet Union, when we have close and amicable relations with—and give material assistance to—a large number of non-Communist dictatorships who mistreat their citizens? Why do we suddenly require measures of democracy in the Soviet Union as the price of our trade? In Chile a freely elected but Marxist government has been overthrown by a book-burning military dictatorship. Do you suppose we will require a return to democracy before resuming trade and investment with the military junta there? If we wish to apply pressure for democracy and human rights, would it not make sense to start with Chile, Brazil or Greece, all of whom are vulnerable and should be responsive to American pressures, and none of whom are as essential partners for the maintenance of world peace as is the Soviet Union? Why start with the Soviet Union, a superpower which can, if it must, live without our trade and investment, and the one country whose cooperation is absolutely essential for building a structure of peace, which I know we all desire?

The adoption of the Jackson amendment requiring continued discrimination against the Soviet trade may not in itself destroy the détente between the Soviet Union and the United States, but it may well derail it. We may recall that in 1960 the U-2 affair shattered the Eisenhower-Khrushchev “spirit of Camp David,” and that the Cuban missile crisis precipitated a renewal of the arms race. Khrushchev went on to conclude the partial nuclear test ban treaty with President Kennedy, but his position at home had been irreparably weakened by his failures in attempting to get along with the Americans, and he was displaced in 1964.

General Secretary Brezhnev has now reiterated Khrushchev's request for business-like dealings with the United States. In Moscow last year significant agreements were reached in the field of arms control—especially the ABM treaty—and for cooperation in such fields as space, science and health. Now the Russians are interested primarily in trade and investment, and without being glib or naive, surely we owe it to ourselves to give openminded consideration to Mr. Brezhnev's assurance to members of Congress: “We came here to consolidate good things, not to quarrel.” If Mr. Brezhnev, like Khrushchev, falls in his détente policy because of American pressures on emigration and the treatment of Soviet intellectuals, it is possible that Brezhnev, like Khrushchev, will be discredited at home and displaced by hard-nosed successors who will have little interest in trade, arms control or détente with the United States, or in freedom of thought or emigration for Soviet citizens.

The Soviet Government, it is true, has already yielded a great deal under our pressure: emigration to Israel, which was kept to only 1,000 three years ago, is now being permitted at a rate of over 30,000 a year. But we should not conclude that the Russians will continue indefinitely to yield to American pressure. The adoption of the Jackson amendment might induce the Russians to move remaining restraints, or it might anger them into clamping the controls back on. If ever there is to be an authentic liberalization in the Soviet Union, it will come about as the result of internal pressures from

increasingly assertive professional, managerial and intellectual classes within the Soviet Union.

Like the tsars before them, the Soviet leaders greatly fear Western political ideas, which they consider a threat to their rule. It is understandable, though not admirable, that they should tighten internal controls at the same time that they are seeking closer political and economic ties with the West. They fear our subversion, just as we once feared theirs; specifically they fear that we will try to bring our political ideas into their country along with the trade and investment which they desire. The Jackson amendment reinforces these fears and, in so doing, threatens the political and economic cooperation which both sides need and desire.

I would judge that the most we can do to advance the cause of liberties within the Soviet Union is to help create an international atmosphere of security and cordiality, an atmosphere calculated to diminish rather than aggravate neurotic fears of Western ideas on the part of the Soviet leaders. In practice this would mean a continuation of measures of détente already begun, in trade, investment, cultural exchange, and above all arm control.

While recognizing the futility of war, the superpowers refuse to recognize the resulting futility of the arms race. Instead of pursuing the logic of the ABM treaty and proceeding energetically with the SALT talks, they prepare for future agreements by feverishly accumulating “bargaining chips,” which is to say, by arming to the teeth. To cite one recent example: on September 27 the Senate by a narrow margin voted \$1.6 billion to allow the Administration to accelerate the development of the Trident ballistic missile submarine. Each single Trident will cost an estimated \$1.3 billion, and that does not allow for the Pentagon's inevitable cost-overruns. The decision to accelerate the Trident program was made in the wake of last year's interim agreement so as to give the United States additional “bargaining chips” in the negotiations for a permanent treaty, and despite the fact that our Polaris and Poseidon submarines are virtually invulnerable to attack and likely to remain so for the foreseeable future. As Charles Yost has written, “When Congress votes funds for a submarine, it votes not for one but for two, an American and a Soviet.” Progress toward arms control—the most important single area of Soviet-American détente—is thus negated by the self-defeating theory of “bargaining chips.” If we are to have the “structure of peace” of which President Nixon and Secretary Kissinger speak, it is essential that we terminate this irrational, ruinously costly practice of accelerating the arms race while trying to restrict it.

Until and unless China joins the other great powers in their ill-considered arms race, her significance will consist primarily in the challenge of her society. Visitors to China—experts and amateurs alike—report on the orderliness, purposefulness, cleanliness, and cooperativeness of Chinese society. Perhaps, to some degree, the visitors have been misled by guided tours; perhaps their reports reflect something of the old condescending sentimentalism of Americans toward China. The evidence suggests however, that there is more to the modern Chinese experiment. The evidence suggests that this largest of human communities and oldest of civilizations has moved far to bring health, education, social cohesion and a sense of purpose into the lives of a long-divided, poverty stricken and demoralized population.

The world significance of the Chinese experiment is its potential impact on the third world. China alone of the great powers has

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a claim to membership in the third world. As an economically less developed nation itself, China has the potentiality of serving as a model for Asian, African, and Latin American nations to whom the experience of economically developed nations like the Soviet Union and the United States may seem out of reach and irrelevant. It seems possible, therefore, that neither of the missile-wielding superpowers will prevail in the competition for influence in the third world, but that the role of an exemplar will fall to China as one of their own. It is in this respect—not as a “power” but as a society—that China commands a position of primacy in our foreign policy and in our national interest, warranting our attention, our friendly interest and our best efforts toward understanding. Dr. Kissinger commented after his visit to China in early 1972, “These people have a sense of purpose. If there is communication, it will be a great challenge to our whole society.” That, I believe, was a perceptive observation.

III. THE DOMESTIC SIDE

If détente with the Soviet Union and with China represents the first foreign requirement in the national interest, the first requirement on the domestic side is the restoration of a healthy national economy. The two, as we have seen, are inseparable: extravagant military expenditures strain our economy, and the weakened economy in turn detracts from our foreign policy. The essential corrective is a more restrained American role in world affairs, a reduction in status, so to speak, from “Number One” to something like “first among equals.”

On August 15, 1971, the day President Nixon imposed emergency controls on the economy, the United States passed through a symbolic watershed in its foreign policy. Prior to that date we had felt ourselves able to shape our foreign policy solely in terms of what we needed and wished to accomplish in the world. Since that time we have been compelled—or should have been compelled—to recognize that our resources are limited and that we must base our policy decisions not only on what we wish to do but also on what we can afford.

Some cogent statistics illustrate the change. In 1950 the United States produced half of the world's total output of goods and services; by 1970 our share had dropped to 30 percent. In 1950 we produced almost half of the world's steel; today we produce about one-fifth. In 1950 the United States held half of the world's monetary reserves; today we hold less than one-tenth.

The significance of these developments, by no means yet fully appreciated, is that the United States can no longer afford, and no longer can fairly be expected, to sustain the military and political supervision of world affairs which it has exercised for three decades. The role of global colossus came to us by default after World War II when every other major industrial nation in the world was economically devastated. We thereupon undertook extraordinary global—and even extra-global—enterprises, including the Marshall Plan, the rearmament of ourselves and our allies, worldwide military and economic aid programs, two long and costly wars, the extravagantly and incredibly expensive arms race with the Soviet Union, and a superheated race to the moon.

Only recently, with our national economy beginning to crack under the strain, have we been constrained to recognize the necessity of bringing our military and political activities back into harmony with their economic base. For this purpose economic controls are only temporary expedients. They are no substitute for the fiscal and monetary reforms which are essential to curb inflation, stem the dollar outflow, and restore confidence at home and abroad in the American economy and its managers. However many “phases”

of control and de-control are superimposed on our national economy, a stable equilibrium can be restored only through some combination of increased revenues and reduced expenditures.

The most promising field by far for reducing expenditures without risk to our national security is in the development of unessential new weapons systems. The Brookings Institution economist Edward R. Fried suggests that savings of \$10 billion could be made without appreciably altering current military capabilities by major economies in the use of manpower and by slowing down the developments of such weapons systems as the Trident ballistic missile submarine and the B-1 supersonic bomber, the one designed to supplant the still-functional Polaris, the other to supplant the still quite adequate B-52 bomber. There are, in addition, numerous aid projects, troop deployments, and other foreign operations which, though individually modest in cost, are quite costly in the aggregate and of dubious relevance, in any case, to the national interest.

In practice if not in their declarations, Congress and the Nixon Administration reject the concept of interacting foreign and domestic policies. Congress pays eloquent tribute to the need of economy but votes just about everything the Administration requests for arms procurement.

The Nixon Administration, for its part, pursues détente with the Soviet Union, but at the same time pursues an arms policy which undermines détente and which strains our national economy. The military budget for fiscal year 1974 is still based on outdated cold war assumptions and on the equally outdated assumption of unlimited American resources to prosecute it. Concealed as it seems in isolated compartments, the overall Administration policy is one of pressing the cold war while also trying to end it, of straining the national economy while also trying to revive it.

Karl Marx predicted that the capitalist countries would ultimately collapse under the weight of their own internal contradictions. Our current ambivalence as between détente and cold war, extravagant weapons systems and the needs of the domestic economy, lend more than an iota of credibility to the Marxian prophecy. On the one side Senators and Congressmen sincerely advocate détente; on the other they vote for expensive and unnecessary weapons systems. On the one side the President and Congress take statesmen's advice on the possibilities of international accommodation; on the other side they accept the generals' and admirals' drastic estimates of a possible adversary's capacity and intentions. The effects of these contradictions are self-defeating abroad and debilitating at home.

Lord Salisbury, a British Prime Minister of the late nineteenth century, said to a colleague, “You listen too much to the soldiers . . . you should never trust the experts. If you believe the doctors, nothing is wholesome; if you believe the theologians, nothing is innocent; if you believe the soldiers, nothing is safe.” We are in need of an overview, one which will put risks and costs, projects and opportunities, in clarifying perspective.

IV. A CONCEPT OF ORDER

Shortly before he entered government, Dr. Kissinger wrote that “The greatest need of the contemporary international system is an agreed concept of order.” I surely do agree that a concept of order is essential to the world and essential to our own national interest. I agree too that the Nixon Administration's foreign policy has had a more well-defined central concept than that of any Administration since Woodrow Wilson's. But as noted before, I believe the Nixon concept

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to be adequate, reactionary in the historical sense, and profoundly pessimistic; recognized as it is to struggle for power as something permanent and inevitable, the administration's approach is essentially devoid of hope for progress or betterment in human affairs. Believing as I do that there is hope, however slight, for fundamental change and fundamental improvement in the way nations deal with one another, I retain my faith in the Wilsonian concept of a powerful world peace-keeping organization, not really because I am confident of its coming about or of its success, but because I think it is within the range of human possibility to make a world organization work, and that seems to me worth striving for.

It follows from this conception of the national interest that the United Nations ought to be at the very center of our foreign policy, and not at its far periphery. In this connection I was disappointed by the lack of conviction and detail in Secretary Kissinger's recent speech to the United Nations, and by his “unnecessarily modest proposals”—as the New York Times put it—for strengthening the world organization.

The United Nations—despised, neglected and misused—remains nonetheless the greatest potential instrument for dealing with the global problems of our time. When all is said and done—when all the ideologies have been exposted and found wanting, when all the theories of “realpolitik” have been tested and revealed as dangerous romanticisms—one ancient, still untested idea persists: the idea that politics can be put to the service of ordinary human needs; the idea that through world law we can free ourselves from the costly and dangerous burden of international conflict; the idea that through cooperation and man's genius we can alleviate poverty and put our technology to humane and rational purposes. It is the age-old dream of beating swords into plowshares, of changing the rules of the old, discredited game by supplanting the anarchy of nations with an effective international organization.

To begin to achieve these great aims, we must recognize that the principle of absolute sovereignty is obsolete. We must begin to think of the world as a community in which, for certain limited purposes at least, the good of the whole must take precedence over the advantages of the parts. Neither the large countries, including our own, nor the small countries have ever accepted that principle with respect to the United Nations. The large nations, including the United States, have used the United Nations as a minor instrument of their own foreign policies, to be used or—more commonly—ignored according to their convenience.

The United States is only just turning away from a long period of unilateralism, in the course of which we allowed ourselves to believe that we ourselves were the effective successors to an enfeebled United Nations, forced by fate and circumstances to bear the responsibilities of power. In so doing we not only went beyond our own legitimate interests and responsibilities; we discouraged others from accepting their fair share of international responsibility. Unilateralism fed upon itself; having gotten in the habit of acting on our own because others seemed unwilling to act, we then found them more unwilling than ever to accept collective responsibilities. For this reason, and for the even more important reason that long-neglected domestic needs now claim our attention, the United States can make a great contribution to international cooperation by making it clear that the Pax Americana—such as it has been—is now at an end, and that hereafter the United States will act promptly and loyally in concert with other nations in the United Nations but will not act alone.

Even without the immediate cooperation

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of others there is much the United States could do to breathe life into the United Nations. We could make it national policy to appoint men or women of eminence and power—with the prestige of the late Adlai Stevenson or the late Senator Robert Taft—as our representatives in the United Nations. We could make it national policy to refrain from using our veto in the Security Council. We could make it known to other great powers that the United Nations is our preferred forum for negotiations on arms control and other crucial issues. And we could take the lead in negotiating those long-neglected agreements called for by Article 43 of the Charter, under which members would "make available to the Security Council . . . armed forces, assistance and facilities" to deal with threats to and breaches of the peace.

We have survived in the nuclear age so far not through any "agreed concept of order" but through crisis diplomacy and that frail substitute for a "concept of order" known as the balance of power. At its best the old system was only fairly successful in preventing and limiting war, but in the age of nuclear weapons only one breakdown would result in catastrophe, quite possibly in the destruction of civilized human life in much of the world. Sooner or later the law of averages is going to run out on us.

There is very little in international affairs about which I feel certain but there is one thing of which I am quite certain: the necessity of fundamental change in the way nations conduct their relations with each other. There is nothing in the human environment, as Adlai Stevenson once reminded us, to prevent us from bringing about such fundamental change. The obstacles are within us, in the workings of the human mind. But just as it is the source of many of our troubles, the inventive mind of man is sometimes capable of breaking through barriers of prejudice and ancient attitude. In the field of international affairs, I believe, such a breakthrough was achieved with the formation, first of Covenant of the League of Nations, then of the United Nations Charter. The next breakthrough, urgently awaited, is to make the conception work.

FOOTNOTES

¹ "National Commitments," Report prepared for Committee on Foreign Relations (Washington: U.S. Govt. Printing Office), Apr. 16, 1969, page 9.

² Confirmation Hearings before Senate Foreign Relations Committee, Sept. 7, 1973; International Platform Assoc., Aug. 2, 1973.

³ Quoted by James Chace in *A World Elsewhere: The New American Foreign Policy*, (New York, Charles Scribner's Sons, 1973), pp. 33-34.

⁴ Yost, Charles, *The Conduct and Misconduct of Foreign Affairs*, (New York: Random House, 1972), p. 101.

⁵ Testimony before the Joint Economic Committee, July 31, 1973.

⁶ Quoted in Yost, *The Conduct and Misconduct of Foreign Affairs*, page 107.

Mr. HARTKE. Mr. President, after more than three decades of service in the U.S. Congress—29 of those years in the Senate—Senator J. WILLIAM FULBRIGHT is leaving this Chamber. He has made a tremendous mark here and will be missed.

Senator FULBRIGHT is credited with yesterday praising our current Secretary of State as "the ablest and best equipped" Secretary of State he has known. Those same words of tribute apply to BILL FULBRIGHT himself—he has been one of the ablest and best equipped Americans to serve in the U.S. Senate. In 15 years as chairman of the Foreign Relations Com-

mittee, he has been a spirited contributor to the formulation of this great Nation's foreign policy. He has served as advisor, confidante and devil's advocate to Presidents, Secretaries of State, foreign leaders and fellow Congressmen.

Last month, Daniel Yergin wrote of Senator FULBRIGHT in the New York Times Magazine:

His long, rich and troubled career not only illuminates and tells us much about, but is intimately bound up with, the entire course that United States foreign policy has followed since World War II, with all the pains and trials that two generations of Americans have experienced as our nation came into hegemony on the world scene—and then began to see it slowly slip away.

Today I pay personal tribute to JAMES WILLIAM FULBRIGHT. I wish him well and hope he will continue to afford this legislative body the benefit of his good and valued counsel.

Mr. CHURCH. Mr. President, when a speaker is introduced to an audience, the length of the introduction is supposed to bear an inverse relationship to the prominence of the featured guest. The more important the speaker, the shorter the introduction. So it should be with tributes.

No one can doubt the importance of BILL FULBRIGHT's career in the Congress. He came to national prominence while still a Member of the House of Representatives, as author of the legislation which has enabled many thousands of young people to secure some part of their advanced education in a foreign land. The "Fulbright scholarships" not only inaugurated a new era of exchange in education on a global scale, but it made the Senator's name famous in the early years of his remarkable career.

I have heard BILL FULBRIGHT say that he regards the scholarships as his foremost accomplishment. If that be so, it takes nothing from his great works in the Senate. For it was in the Senate that FULBRIGHT took his stand against our war in Vietnam; it was here that he earned his reputation as a dissenter, a role in which he displayed not only his keen intelligence, but admirable independence, as well. I shall always believe that BILL FULBRIGHT's best moment in the Senate came when he decided to unleash the Foreign Relations Committee from its captivity behind closed doors by conducting public hearings on that misbegotten war.

Afterwards, he devoted himself to the effort of reversing the waning role of the Senate in the formulation of American foreign policy. It was a task he could not complete, but it will be carried forward by the momentum of his leadership and example.

Upon his defeat last May in Arkansas, I issued a statement which summed up my feelings about the contribution BILL FULBRIGHT made during his summit years in the Senate. I said:

Bill Fulbright has been a stand-up Senator during a period when most have preferred to sit. As Chairman, he brought the Senate Foreign Relations Committee back to life, and he tried his best to achieve a renaissance in the Senate, itself. So he will leave an historic mark that will be remembered long after his time. This can be said of few men.

Inasmuch as Bethline and I have treasured our friendship with the Fulbrights—both that of BILL and Betty—we hope there may be many occasions in the future for the enjoyment of their company. And we wish them well.

Mr. FANNIN. Mr. President, I wish to add my voice to those paying tribute to the Senator from Arkansas, Mr. FULBRIGHT, for 30 years of service in the Senate.

Senator FULBRIGHT has had a monumental impact on education, not only through the promotion of scholarship but through his own scholarly approach to solving the problems facing America and the world.

Senator FULBRIGHT throughout his Senate service has shown great courage by fighting for what he believed to be right even if public opinion seemed to be to the contrary.

Although I have often differed with the Senator as to the proper course for our Nation, I have always respected him. His goal has always been to promote world peace and cooperation.

Mrs. FANNIN and I wish the Senator and his wife, Betty, all the best for the future.

Mr. HOLLINGS. Mr. President, as the Congress approaches sine die adjournment, it is fitting that we pause to pay tribute to the several distinguished Senators who will be leaving us at the close of the 93d Congress. Some of the most illustrious men of this Chamber will be going into retirement in just a few days.

One of the most brilliant careers of this or any other session belongs to our good friend and colleague, the distinguished Senator from the great State of Arkansas, the Honorable J. WILLIAM FULBRIGHT.

When the history of the post-World War II years is written, the name of J. WILLIAM FULBRIGHT will shine forth in prominence and brilliance. It will stand for the disinterested pursuit of truth and for adherence to principle in bad times as well as good.

Through the judicious use of the chair of the Senate Foreign Relations Committee, Senator FULBRIGHT not only helped lead the Senate—he instructed the Nation as well. Leadership depends upon informed public opinion, and no one is more tireless and dedicated to the goal of an informed body politic than the eminent gentleman from Arkansas. Presidents and Secretaries of State all included, I can think of no one individual who has done so much in enlightening the people to the realities of the world as Senator FULBRIGHT. "Old Myths and New Realities" was the title of one of his many books, and how powerful he is in exploding the old mythology and in depicting the new realities of the 1970's.

Education is the cement which holds a democracy together, and I have only to mention the two words, "Fulbright scholarships" to remind you of the contribution Senator FULBRIGHT made to education through these invaluable exchange programs. Then, too, there was his distinguished presidency of the University of Arkansas prior to his election to the Congress.

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As educator, author, Congressman, Senator, and statesman in the true sense of the term, J. WILLIAM FULBRIGHT has performed brilliantly on behalf of his country. I will miss his daily presence among us, and the wise and patient counsel which he always gave of so generously. Yet I know that we can continue to count upon him to observe and discuss the whole spectrum of public events, and that his role as educator-statesman will not be ending as his Senate career closes.

To my good friend, may I wish many happy and productive years ahead. The Republic is much in your debt. And your countrymen will long honor the splendid service you have performed as a Representative of the people of this great land.

Mr. MCGOVERN. Mr. President, Senator FULBRIGHT's years as chairman of the Senate Foreign Relations Committee will stand in history as an era of unexcelled statesmanship and patriotism.

He has challenged most forcefully the dangerous thesis that the role of Congress is only to ratify without question what the Executive does in foreign affairs. And we see the fruits of that courageous effort today, in such far-reaching institutional changes as the War Powers Bill and reformed procedures on executive agreements. In many cases these reforms bear the names of others. But every one bears the imprint and fulfills the inspiration of BILL FULBRIGHT. For above all other considerations, including party, he has been faithful to the Constitution and to the true interests of the American people.

We should recall in particular today Senator FULBRIGHT's decisive role in reversing the worst foreign policy blunder in our history—the war in Vietnam.

In the middle 1960's, the incisive hearings of the Senate Committee on Foreign Relations were, without any question, the greatest single restraint upon disaster in Indochina. More than anything else, it was Senator FULBRIGHT's persistent interrogations that exposed the fallacy of our war policy, and that began the long process which ultimately turned that policy around. And I shall always believe that there are thousands of young Americans who are alive today, or who escaped shattering injury, because of the courage and determination of the gentleman from Arkansas.

I have had the privilege of serving under Chairman FULBRIGHT on the Foreign Relations Committee for but 2 years.

But for all the time I have been in the Congress I have increasingly admired this remarkable, unique man from Arkansas.

As he leaves the Senate now, he has my lasting appreciation for his insight and inspiration and my best wishes for a happy, satisfying future for him and for his lovely wife Betty.

Mr. KENNEDY. Mr. President, I want to join my colleagues in the Senate in paying tribute to Senator JOHN WILLIAM FULBRIGHT of Arkansas. It would be impossible to do justice to our friend and colleague in a few words. For three decades, he has been a giant on the national and international scene. Only a small handful of Senators in our history have

even begun to rival his stature in foreign affairs and his impact on the conduct of U.S. foreign relations.

Under Senator FULBRIGHT's leadership, the Senate Foreign Relations Committee has gone on to new strengths, while his personal contribution both within and without the committee has been immeasurable.

From the Fulbright scholarship program to his unflagging courage and insight during the national trial of Vietnam, to divining a new course for America in the post-Vietnam era, Senator FULBRIGHT has set the highest standards for wisdom, statesmanship, and leadership.

BILL FULBRIGHT is a son of the Senate, but he has walked a world stage, as well. He is as well known and respected in the far corners of the Earth as he is here in this Chamber. One cannot travel anywhere without hearing him spoken of as the personification of what is best in America and best in our foreign policy. Our loss in the Senate is a loss, therefore, for the world.

Yet, even as Senator FULBRIGHT leaves the Senate, his work is not done. Whatever he does, he will continue to leave his mark on U.S. foreign policy, and continue to provide invaluable service to this Nation and the world.

Mr. President, on a more personal note, I want to thank BILL FULBRIGHT for all that he has done for me and the other younger Members of the Senate. For the past 12 years, I have always known that I could turn to him for wise counsel, friendship, and support. He has never failed to respond with generosity of his time, talents, and compassion.

I feel deep warmth and affection for BILL FULBRIGHT, treasure my associations with him, and look forward to many more years of continuing friendship. We will all miss him, and the Chamber will seem empty when he has left it.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. I could not possibly express adequately my appreciation to my colleagues for what they have said, Mr. President.

One of the rewards of retiring from this body is to feel that you have the respect of so many of these very able gentlemen from all parts of this great country.

Earlier today, not anticipating quite this development, I made this statement with regard to my experience here in the Senate. I will not repeat that, other than to say it has been a tremendous experience, and I have enjoyed it. It has been a unique one from my point of view, and wholly unexpected since I had started out in the academic field.

In any case, today has been a very satisfying and fitting last day—I presume it will be our last day—of 30 years in this body.

It is a great body, and I leave with every confidence that in the great problems that are confronting it, both domestic and foreign, a way will be found.

I appreciate all that has been said by the Senators from South Dakota, Florida, Maine, Pennsylvania, Mississippi,

Iowa and, of course, my senior colleague with whom I have worked during these 30 years.

Senator MCCLELLAN, of course, as we know, is a great tower of strength and a leader of this Senate. It has been a tremendous privilege and pleasure to work with him in the many areas which are of great interest primarily to Arkansas, but also to every State in the Union. He has made a great contribution and, of course, is making a great contribution as chairman of the Committee on Appropriations.

I only end by saying I deeply appreciate the thoughtfulness of all my colleagues who have so eloquently expressed themselves here today.

COPYRIGHT IN SOUND RECORDINGS

Mr. MCCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3976.

The PRESIDING OFFICER (Mr. HASKELL). Laid before the Senate the amendments of the House of Representatives to the bill (S. 3976) to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes as follows:

Page 2, line 12, strike out "three years," and insert "one year."

Page 2, line 14, strike out "seven," and insert: "two".

Page 2, line 19, strike out "three years," and insert: "one year."

Page 2, line 21, strike out "seven," and insert: "two".

Page 4, line 18, strike out "generally," and insert: "generally, with at least one member selected from among experts in consumer protection affairs;"

Page 6, line 8, after "title", insert: "until June 30, 1976".

Mr. MCCLELLAN. Mr. President, on September 9 the Senate passed the long delayed bill for the general revision of the copyright law. It was then anticipated that adequate time did not remain in this Congress for the House of Representatives to act on that legislation. Consequently, on the same day the Senate also passed S. 3976, which contains certain copyright provisions which require action this year.

The House of Representatives today passed S. 3976 with minor amendments. Two amendments relate to the criminal penalties for the pirating of records and tapes. The Senate language, which was supported by the Department of Justice, provides for imprisonment of up to 3 years for a first offense and up to 7 years for a subsequent offense. The House amendments reduce these terms to 1 year and 2 years respectively.

S. 3976 establishes a National Commission on New Technological Uses of Copyrighted Works to study certain copyright issues which are not resolved in the

general revision legislation. Two House amendments pertain to the Commission. One would limit to June 30, 1976, the authorization to appropriate funds for the operation of the Commission.

The other House amendment concerns the selection of the four public members of the Commission. The only requirement in the Senate bill is that they be "non-governmental." I had included that qualification in my bill solely to preclude the appointment of official representatives of Government agencies. The House amendment specifies that at least one of the public members shall be selected "from among experts in consumer protection affairs." All members of the public are consumers of copyrighted materials. None of the major consumer organizations have been active in the technical areas to be studied by the Commission. Consequently, I do not interpret the House amendment as requiring the President to necessarily select an individual who is associated with any organized association of consumers.

Mr. President, with the approval of the minority, I move that the Senate agree to the House amendments to S. 3976.

The motion was agreed to.

WAR CLAIMS ACT—CONFERENCE REPORT

Mr. BURDICK. Mr. President, I submit a report of the committee of conference on S. 1728, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HASKELL). The report will be stated by title.

The legislative clerk read as follows: The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 17, 1974, at p. 40540.)

Mr. BURDICK. Mr. President, I ask unanimous consent that two of my staff members William P. Westphal and Brian Southwell have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, the conference report on this bill reflects the fact that the conferees reached agreement on a compromise proposal for distribution of the funds remaining for distribution or to be liquidated for future distribution under the War Claims Act of 1948.

I might say at this time that the House has adopted the conference report.

When S. 1728 first passed the Senate on October 8, 1973, it provided simply for an increase from \$60 to \$150 per

month in the benefits paid to civilians who were interned during our recent experiences in Southeast Asia.

The bill was amended by the House to provide for certain new priorities in payment of the remaining unpaid claims by individuals and corporations for property lost in World War II.

The War Claims Act was intended to provide some measure of relief to U.S. citizens and U.S. corporations who suffered injury, death, or property loss as a result of the hostilities with Japan and Germany. They were to be paid as a matter of grace from the moneys received from the sale of enemy assets.

Because the claimants had no vested rights in the fund and because full payment of all claims was unlikely, Congress authorized payment through a system of priorities based on equity.

Personal injury and death claims were given first priority, with claims of small businesses, and those of \$10,000 or less also paid in full. This was authorized in 1962. In 1970 further amendments gave full satisfaction of claims by religious, charitable, and similar nonprofit organizations, and authorized additional payments not to exceed \$35,000 of which \$11,000 has been paid to date. All claims not yet fully satisfied were to be taken from the balance on a pro rata basis; 6,692 claims have been fully satisfied of approximately 7,000 total claims. The total expenditure to date is approximately \$350 million. The remaining 161 corporate and 187 individual claims represent the largest of the nonpriority awards.

The payments which have been made to date can best be summarized as follows:

Thirty-four death and personal injury awards paid in full totaling \$510,035; 251 small business awards paid in full totaling \$12,026,093; 5,635 awards of \$10,000 or less paid in full totaling \$13,059,352; 33 religious, charitable, and nonprofit awards paid in full totaling \$24,189,313; 886 individuals have received payment of \$35,276,571 leaving 187 individuals with a remaining unpaid claim balance of \$6,578,916; 199 corporations have received payment of \$249,441,491 leaving 161 corporations with a remaining unpaid claim balance of \$94,700,830.

There are now \$5 million in the fund available for distribution and there may be additional funds up to \$15 million available for later distribution.

The amendment made by the House proposed a payment priority which would satisfy all individual claims up to \$500,000 and pay up to \$50,000 on each corporate claim with the balance of any funds remaining after these priority awards to be divided prorata by the corporations.

The Senate Judiciary Committee held a day of hearings on December 3, 1974, at which all interested parties were heard. After consideration by the Judiciary Committee the Senate disagreed to the House amendments and the bill went into conference committee.

The comparative difference between the present law, the House amendment and the Senate compromise—which was accepted by the House—is explained in

the papers which have been placed on the desk of each Member.

The central argument, I presume, will be whether or not some preference in favor of individuals should be given instead of a general pro rata. The differences are found in the schedule placed on the desk of each Senator.

In the left-hand column will be found what is known as present law, where the \$5 million which is on hand today is divided equally among corporations and individuals. The House bill, which the Senate Committee on the Judiciary turned down, would not have included the corporations in that distribution. The compromise reached by the conference committee retained that section of the present law. The difference comes in thereafter.

The individuals would receive up to \$250,000 of their claim; and from that point on, all moneys would be paid on a pro rata basis, whether they are individuals or corporations.

When we consider the amount to be paid out, let us say, for final distribution, we find that under the present law, 15½ percent, or 15½ cents of every dollar, will be paid to the various claimants after the payment of the \$5 million.

Under the House bill, the rate of distribution would be 9½ cents out of every dollar. Under the compromise position, which takes a position more or less midway between the two, we find that, under the compromise position, adopted by the House in the conference report, the remaining balance of pro rata distribution would be on the basis of 12¼ cents of every dollar.

It can be seen that the conference committee struck a ground more or less between the present law and the House amendments.

Why do we have a tilt toward the individuals in this distribution? These are the reasons:

First. Individual awards are based on the loss of homes, personal belongings and family businesses. In most cases, the individuals lost all they had. The corporate awardholders are almost exclusively large multinational corporations that lost only a small fraction of their total assets. The corporations suffered losses, but the individuals suffered disasters.

Second. About 77 of the corporate awardholders have taken more than \$35 million in tax deductions as a result of their losses and have had the use of the money they saved for over 30 years. We were advised at the hearing that no individual awardholders took tax deductions.

Third. While it is true that under the law, if a corporation took a tax loss it had deducted from its award an amount equal to the tax benefit it received, it should also be noted that under section 2017(e) (b) of title 50 appendix, any payments received under the War Claims Act were declared exempt from Federal income taxation. No individual was granted an exemption from taxation and the staff of the Senate Committee on Finance prepared a memorandum for our hearings advising that under the Internal Revenue Code individuals who are fortunate

enough to receive from the War Claims Fund an amount equal to 100 percent of the adjusted cost basis for such property may be subject to income tax either on a capital gain basis or as ordinary income.

Thus, some of the corporations who took a tax loss and who have or will receive 100 percent of their claim will be exempt from taxation.

Records of the War Claims Commission show that some corporations took tax losses as small as \$300 or \$400.

Fourth. Many of the individual awardholders are elderly persons. Many of them live on small, fixed incomes and receive little in the way of social security payments since their productive years were spent abroad. Their war claims awards represent a final financial stake to support them in their declining years. A few individuals earned some wealth by their efforts after World War II but in this regard it must be noted that under the compromise language, the six largest individual claims will not be paid in full but will be affected by the \$250,000 limitation.

Fifth. In order to receive an award, claimants had to provide documentary proof of their ownership of the property that had been lost. Many individuals lost their documents in the war. U.S. corporations, which maintained extensive records in this country, were able to document a much greater percentage of their losses and hence received awards to cover a larger portion of their losses.

Sixth. All individual awardholders are U.S. citizens. Many of the stockholders of the corporate awards are foreign nationals. The basic theory of the War Claims Act is to compensate U.S. citizens. The priority for individuals furthers that purpose.

Mr. President, I believe that this compromise should be accepted. There is, as I say, a small tilt toward the individuals, and I think it is adequately justified.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. TUNNEY. Mr. President, I compliment the distinguished Senator from North Dakota for the work he has done, with the distinguished Senator from Hawaii and the distinguished Senator from Indiana, as an ad hoc subcommittee of the Committee on the Judiciary, in working out a compromise proposal to the House bill on the War Claims Act which I think is most acceptable, or should be most acceptable, to the Senate.

It is clear that Congress has consistently interposed its judgment on priorities for payment of war claims. There is ample precedent that other than pro rata payments be made. Congress has already created priorities for death and personal injury claims, for charitable and nonprofit institutions, for small businesses, and awards up to \$10,000.

The past practice has been for Congress to adjust the payment scheme based upon equitable considerations. This is what is being proposed by the Senator from North Dakota in the legislation that was passed by the Senate Committee on the Judiciary a few days ago.

I personally feel that individuals are entitled to some priority consideration as related to the claims that they have and that corporations have for losses that occurred in the last war. This bill established such a priority through a four-level payment scheme. The first priority gives each individual claimant the amount of his claim, up to \$24,000.

On the other hand, it does seem clear that, where we have a claim up to \$24,000, corporations—and some of them are relatively small—are entitled to some consideration, too. The second priority gives corporations a priority distribution after individuals, up to \$24,000. Then the bill gives individuals a third priority claim, up to the amount of his award or \$250,000. Thereafter, all claims are distributed pro rata. We are trying to measure fairly what is justified in the way of a claimant's receiving adequate compensation for the losses that were incurred, and I think this procedure gives a fair adjustment of the equities.

I know that there are some who feel that individuals should not be entitled to any priority considerations. There are others who feel that corporations should not receive a nickel until the individuals have their claims paid off in toto.

I cannot help feeling that the problem resembles a Gordian knot, and that there is, in an absolute sense, no right or wrong. I think that the committee has worked out a scheme which, from my point of view, is eminently fair.

I compliment, again, the Senator from North Dakota on the presentation that he has made, and the Senator from Hawaii for coming forward with a proposal to our committee and to the Senate that attempts to sift through the various claims and counterclaims, and manages to bring out what I consider to be the most equitable response to a difficult problem. In the end, I feel the individuals are entitled to this limited priority because the nature of their losses was more severe than the losses of corporations. Individuals—all of them U.S. citizens of course—lost their homes, their personal belongings, their family businesses. Such losses are of a special nature, not like the loss of a large plant to some shareholders.

Second, corporations were able to tax a tax deduction for those losses many years ago, and are not liable for tax on any war claims awards they receive. Individuals do not receive such tax benefits.

One thing that it does seem to me is clear is that we need to pass this bill this afternoon. It is my hope that we will be able to do it without very much further argument. Therefore, I shall and listen to my own advice, and end my remarks.

Mr. FONG. Mr. President, this bill, when originally passed by the Senate, was a very simple bill. It took care of the American civilian internees in Southeast Asia. It raised the amount which is to be paid to them from \$60 to \$150 a month while they were interned. If we do not pass this bill, these internees will be getting only \$60 a month, instead of the comparable \$150 which is now being paid to military internees.

When this bill went to the House, the

House added to the Senate-passed bill an amendment which would have repealed a present provision of the War Claims Act to pay corporate and individual awardees the next installment on their claims.

Up to now, Mr. President, under the War Claims Act, death and personal injury claims have been paid in full. Small business awards have been paid in full. Awards under \$10,000 have been paid in full. Awards to religious and charitable organizations have been paid in full. Each awardee, whether corporate or individual, has been paid \$10,000, plus 61.3 percent of the award.

In 1970, we provided for an additional \$35,000 payment to each awardee. Of this \$35,000, \$11,000 has been paid. The House would have nullified the provision for the payment of the balance of \$24,000. This the ad hoc committee, with the endorsement of the Committee on the Judiciary in executive session, rejected.

The House accepted that decision. The corporations will receive the money they were to receive under present law. That is, they will receive the \$24,000 which the House, in their amendment, refused to give to corporations and which we have restored in this conference.

Then the House originally proposed paying all individuals in full. The ad hoc committee cut the \$500,000 limit provided in the House amendment, which actually would have paid all the individual applicants in full, by half. Instead of giving full priority to individuals who suffered a loss, we limited this payment up to \$250,000.

There will still be, I believe, six individuals who will not receive payment in full, but, rather, will share with corporations, pro rata, in the distribution of these war claim funds, as they become available.

We had good reason, in the circumstances presented to the ad hoc committee, to make this recommendation for a preference in treatment of the individuals involved here. Some of the reasons which compelled the ad hoc committee to act this way are as follows, Mr. President.

One, it was harder for individuals to prove their claims, as their records were largely destroyed in World War II. Thus, not all their claims were necessarily awarded them.

Second, for many individuals, the lost asset was frequently his only personal or business asset. They had family holdings for generations totally wiped out. The lost asset was only one asset of the corporate awardees—they did not lose all their capital.

Three, many corporate claimants, especially those whose claims are now under \$50,000, are insurance companies on a subrogated basis under war risk insurance. It is for the assumption of this very risk they were paid their premium. That was their business, to insure these assets.

Four, corporations were given and took tax losses in the 1940's. No individual took a tax loss for the lost asset. Corporations, when they took that tax loss, had the use of that money for the past 30-odd years. Not one individual has taken

a tax loss and, therefore, had no use of that money for the past 30-odd years.

Five, by statute, corporations which took a tax loss were given an exemption for the amount of the awards, as received. No such exemption was given individuals. Hence, corporations had no capital gains tax, while individuals paid tax as the money was paid them.

Here, we gave preferential treatment to corporations as against individuals.

Six, some of the corporations which took no tax loss did so because—the asset lost had previously been fully depreciated; other tax deductions made this deduction unnecessary. For example, some of the companies' taxes were only 1 percent to 5 percent, so a tax loss was unnecessary for them.

Seven, furthermore, the present stockholders of corporations would benefit from these payments, not the stockholders of record at the time of loss. In the intervening years, from the dates of the losses in the 1940s, the corporate stockholders have changed. Many of the stockholders have sold out, and other, new stockholders have purchased the stock. So, the stockholders who bore the loss will not benefit by what has been paid to the corporations. Unless the stockholder of record at time of the loss still holds the stock, he sold it at a lower price because of the lost assets. The person now holding the stock paid less for it for this asset has long been written off the corporate books. A payment to these corporations now would be in the nature of a "windfall" to present stockholders.

This law, Mr. President, has been changed several times. This is not the only time it has been changed. In the several changes, privileges have been given to benefit particular groups as their needs were proved to Congress. In the conference report, the conferees made it clear that the amendments adopted were designed solely to provide an equitable solution under the particular facts now existing in connection with these claims arising out of World War II losses.

There is no precedent being set by this law. I repeat, we say that no precedent is being set by this action.

It is very late in the session. The House is adamant about its amendment. We were able to cut their amendment down to the point where we feel that it is a fair compromise.

If this conference report falls, we penalize the civilian internees, who will only get \$60 a month instead of the \$150 a month provided for herein.

So I urge the adoption of the conference report.

Mr. BAYH. Mr. President, the distinguished Senator from North Carolina asked to be notified. I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that for a moment?

Mr. BAYH. I am glad to withhold.

ORDER TO PRINT TRIBUTES TO DR. RIDDICK AS A SENATE DOCUMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the tributes which will be made with respect to Dr.

Riddick be collected and printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators have 10 days to file individual tributes to retiring Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

Mr. BAYH. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 16215—AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 16215.

The PRESIDING OFFICER laid before the Senate H.R. 16215, a bill to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I yield to the distinguished Senator from Hawaii.

PRIVILEGE OF THE FLOOR

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Robert Seto be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SENATOR PETER DOMINICK

Mr. CURTIS. Mr. President, I am at a loss for words when I express my disappointment that Senator PETER DOMINICK of Colorado will not be with us when the new Congress convenes next January. Senator DOMINICK is a most valuable Senator. I often referred to him as an ideal Senator.

Legislative tasks are like any other tasks. Success requires hard work. Senator DOMINICK worked hard and has the respect of all Senators. He possesses a keen mind and he knows what is going on in the field of legislation.

If Senator DOMINICK served on a committee, he mastered well the legislation that that committee would forward to the floor. Other Senators sought his opinion and advice. He was not a follower—he was a leader. Time and time again the Senate would be called upon to vote on a Dominick amendment. A Dominick amendment was always an amendment of substance and he backed it up with hard facts, clear logic, and a convincing argument.

PETER DOMINICK combines all of the qualities that a good legislator should have, such as honesty, respect, dedication, skill, background, knowledge, and a willingness to apply himself to the task at hand.

In these troubled times, the Senate of the United States has had to deal with many issues of grave concern to our country. These have involved issues of national defense, fiscal soundness, adherence to Constitutional principles and to our system of private enterprise. PETER DOMINICK could always be counted upon to be on the side of his country on these important and crucial issues.

Pressure groups, selfish interests, and self-aggrandizement never caused Senator PETER DOMINICK to deviate from his high principles. Senator DOMINICK was always attentive to debates. When he spoke, he spoke with authority, because he was well prepared. His work has made a great contribution to all legislation, but particularly legislation dealing with education, labor and management matters and legislation relating to our national defense.

I sincerely hope that this distinguished Senator from my neighboring State of Colorado will continue in the public

service. We need men of his caliber. I hope that the future will hold many fine things for him and that many challenges will come his way.

Mr. FONG. Will the Senator yield?

Mr. CURTIS. I am happy to yield to the acting leader and then I shall yield to the Senator from Hawaii.

Mr. GRIFFIN. Mr. President, I wish to join in the tribute to our distinguished colleague from Colorado, Senator PETER DOMINICK. I deeply regret that he will not be with us in the 94th Congress.

Having served 12 years in the Senate and 2 years in the House, PETER DOMINICK leaves a lasting impression on his colleagues of great ability, of great understanding of the legislative process, and of great devotion to the principles of sound government.

PETER DOMINICK has rendered notable service as a member of the Armed Services Committee, the Labor and Public Welfare Committee, the Joint Committee on Atomic Energy, and the Select Committee on Small Business.

I have been particularly impressed with his knowledge and understanding of matters involving national security. A veteran, he was a much-decorated Army Air Corps pilot in World War II. Throughout his congressional service he has recognized the importance of a strong national defense in a world agitated by continuing conflict and unrest.

Equally impressive has been his work on the Labor and Public Welfare Committee to improve the quality of education in this country—and to do so in ways that were practical and attainable.

PETER DOMINICK has demonstrated, time after time, here on the Senate floor that he has the courage of his convictions. He has fought vigorously for what he believes in, and he never hesitated to stand up—even as part of a small minority—for what he thinks is in the national interest.

We hope—and we have reason to believe—that his enormous talents will not be lost to the Government and the people of the country. In whatever he undertakes, we wish him great success.

Mr. CURTIS. I yield to my distinguished friend, the Senator from Hawaii (Mr. FONG).

Mr. FONG. Mr. President, I also rise to pay tribute to my friend and distinguished colleague from Colorado (Mr. DOMINICK) who leaves the Senate at the end of the 93d Congress in January.

PETER HOYT DOMINICK, the senior Senator from the Centennial State has been both diligent and effective in his service to the people of Colorado and of our entire Nation over the past 12 years. He came to the Senate after scoring an upset victory as a freshman Congressman in the 87th Congress. Before that, he had served for 4 distinguished years as a representative in the Colorado State legislature.

As a U.S. Senator, PETER DOMINICK was perhaps best known for his work in the fields of health and education, serving on both the Education and the Health Subcommittees of the Labor and Public Welfare Committee.

In addition, he won widespread respect

with his keen questioning and lucid reasoning during Senate debates and during hearings and meetings of the committees and subcommittees on which he served. In addition to the Senate Labor and Welfare Committee, these included the Armed Services Committee, the Select Committee on Small Business, and the Joint Committee on Atomic Energy.

He also played key roles as a member of the Office of Technology Assessment and the Republican Policy Committee.

As my colleagues are aware, PETER DOMINICK served as an Army Air Corps pilot during World War II and, for his gallant efforts while flying over the hump between India and China, won the Distinguished Flying Cross and the Air Medal and Cluster. His interest in flying has been maintained as a colonel in the U.S. Air Force Reserve.

Until recently, PETER and Nancy Dominick owned a home in my State of Hawaii, so we had a special friendship by virtue of our love for the Aloha State. One of his sons worked in Hawaii during the summer of 1973.

Mr. President, I am sad that PETER H. DOMINICK is leaving the Senate, but I am happy that his talents and knowledge and experience will still be available to us through a new public office. I am sure he will make an excellent representative of our great Nation as Ambassador to Switzerland, his next slated post.

To PETER and gracious wife Nancy, I extend my very best wishes and warmest aloha.

Mr. CURTIS. Mr. President, I yield to the distinguished Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, I want to join with my colleagues in the words they have said about PETER DOMINICK.

I knew PETER DOMINICK from the time he entered the Senate. As a matter of fact, the Senator from Nebraska will recall that the Senator with whom we served for a good many years, Senator Alec Smith of New Jersey—

Mr. CURTIS. Yes.

Mr. SPARKMAN. Senator Smith told me that his nephew was coming to the Senate and a recommendation from Senator Smith went a long way with me. I found that it was justified in the person of PETER DOMINICK.

I have not voted with PETER DOMINICK every time. I am sure I voted with him more times than I voted against him, but I knew always that he believed in the stand that he was taking.

I want to say he has been a good Senator. I regret, along with my colleagues, seeing him leave us. I know that with his training and his expertise he will continue to render real service to the Nation that he has served so well.

I join in the expression of regret that he will not be with us longer. I wish for him and his loved ones great happiness in the retirement that he has so well earned.

Mr. CURTIS. I thank my distinguished friend.

Now I yield to my distinguished colleague from Idaho.

Mr. McCURE. I thank the Senator

from Nebraska for yielding this time. I thank him for having brought to the floor of the Senate this opportunity to same some remarks about Senator PETER DOMINICK.

I think each one of us here, regardless of our own particular philosophy, and regardless of which party we may represent, or from what section of the country we may come, have grown to admire and respect not only the ability of this man from Colorado, but also his dedication and his courage and his conviction.

Few men have ever graced the halls of Congress who can speak with more assurance. Everyone who heard his voice would know that he had done his homework on the subject matter that he was discussing, and that he spoke with conviction that his viewpoint was correct.

I believe each of us would like to have the same kind of a feeling toward us that each of us has toward PETER DOMINICK.

We will sorely miss him and his services here in the halls of the Senate.

I thank the Senator for yielding.

Mr. CURTIS. Mr. President, I now yield to the distinguished chairman of the Agriculture Committee (Mr. TALMADGE).

Mr. TALMADGE. I thank the Senator from Nebraska for yielding to me.

I desire to associate myself with the remarks of my colleagues on both sides of the aisle, regarding our colleague, PETER DOMINICK, of Colorado.

I have known him since he came to the Senate. I know him as a hard working, dedicated, courageous, forthright Senator, with the courage of his convictions. I believe when he leaves the Senate, the Senate will miss him. I hope he will continue in some capacity in public service to his country.

I thank the Senator for yielding.

Mr. CURTIS. Mr. President, I am sure that there are many other Senators who will want to speak concerning the service of this distinguished and scholarly, yet practical and effective Senator, PETER DOMINICK.

I ask unanimous consent for all Senators to extend their remarks concerning Mr. DOMINICK's service, and that, regardless of the day they are inserted into the Record, in the permanent Record they might be assembled in one appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, Senator PETER DOMINICK's public contributions range over the entire spectrum of national concerns—from military policy to education, from atomic energy to health, to the state of the economy. All of us who have served with him have benefited time after time from his wisdom and his personal gentleness.

I want to call attention, however, to the singular contribution he has made as the first ranking minority member of the Senate's new Budget Committee. His help with the committee during its first months—indeed, his help with the legislation which established it—have given this major congressional reform a greater chance of success.

As chairman of the Budget Committee,

I have had only help and support from Senator DOMINICK. We have worked closely together on a totally nonpartisan basis, and this has been true of the committee as a whole.

I can report that in no small measure because of PETER DOMINICK the Senate is going to have this new and better budget process envisioned in the budget reform legislation passed last summer.

We wish Senator DOMINICK well, of course. We know he will make many more public contributions and we will have the pleasure of his company many times in the future. Meanwhile, I pledge to do everything in my power to make the Budget Committee worthy of the support he has given it.

Mr. ALLEN. Mr. President, the citizens of the Rocky Mountain State of Colorado have been ably and conscientiously served in the U.S. Senate by the Honorable PETER H. DOMINICK. The entire Nation has benefited from his dedicated service to his country, both in peace and war.

Senator DOMINICK has made significant contributions to the Nation through his unswerving adherence to the founding concepts of free enterprise and individual initiative inherent in our Union. This dedication to principle has brought him acclaim both on and off the floor of the Senate. The Senator is recognized as expert in many fields of legislative endeavor; he has been acclaimed as diligent in his duty and responsibilities as a Member of this body and for his dedicated work on the Armed Services, Labor, and Public Welfare, Atomic Energy, Equal Educational Opportunity, and Small Business Committees of the U.S. Senate.

Senator DOMINICK, born, reared and educated in the eastern part of the United States, combined in his public career, the urbanity one associates with the East, with the traditional, solid heartiness one associates with the natural sons of Colorado's rugged geography. This combination served him well in the increasingly complex world of the 1960's wherein the legislation affecting the Nation needed unique perspective. Senator DOMINICK possessed the necessary perspective and day after day, brought it to bear on the matters before this body.

Mr. President, I am naturally proud to have served in the U.S. Senate with my distinguished friend from Colorado. We saw eye-to-eye on many of the great legislative problems facing the country and, regardless of the unimportant fact that we sat on opposite sides of the political aisle, were able to work closely for the national interest. Our view did not always prevail, nor did Senator DOMINICK and I agree on every matter affecting our country and our respective States, but I shall feel a keen sense of loss at his leaving this body for I knew I could count on his integrity and openness with regard to all legislation.

I am honored to add my accolades to those afforded Senator DOMINICK by his friends and colleagues in the Senate and wish him well in whatever endeavor his natural enthusiasm leads him after leaving the Senate.

I regard him as one of the ablest Members of this body, a man of character, courage, ability, dedication, and patriotism. He has been one of the hardest working Senators, always working for the best interest of the people of Colorado and the Nation. Truly, he has been a great Senator, one of whom his State and its people can be tremendously proud.

My wife, Maryon, and I wish for Senator DOMINICK and his lovely wife, Nancy, the best of everything. They leave with our love, our high regard, and sincerest best wishes.

Mr. MCINTYRE. Mr. President, Senator DOMINICK and I came to this body in the same year, 1963. In the years since, I have come to know him and respect him as a diligent, knowledgeable member of the Armed Services Committee and of the Subcommittee on Research and Development it is my privilege to chair.

In the autumn of 1973, Senator DOMINICK and I worked in particularly close harness, developing and presenting the McIntyre-Dominick amendment to the Defense Authorization Act, holding a joint news conference on the amendment, and carrying out the floor effort for its adoption.

Our amendment called for an orderly more careful development of the Trident submarine, a vessel the administration and the Pentagon wanted to rush into production. Senator DOMINICK and I were convinced our defense posture needed the Trident, but we were also convinced that our plan for its development would save on initial costs, save even more in the long run by reducing costly errors, and even, perhaps, put a reliable Trident submarine into operation earlier than the speedup plan because it would avoid error-correcting delays.

The good Senator from Colorado and I lost that fight by only two votes. But we shared the satisfaction, just weeks later, of having the Pentagon in effect concede the validity of our position by turning to a plan that, indeed, did call for more orderly and careful development of the Trident.

I hope that long after he leaves this Chamber Senator DOMINICK will remember this mutual effort on our part and take lasting satisfaction in its ultimate vindication.

I thank the Senator from Colorado for his sterling service on my subcommittee and I wish him much happiness and fulfilling pursuits in the years ahead.

Mr. PELL. Mr. President, I believe we will all miss the presence of PETER DOMINICK in our body. I know I shall miss his presence here and particularly shall miss his presence as ranking minority member of the Subcommittee on Education, where, no matter what were the areas of disagreement, he was always very fair and considerate.

I came to know PETER DOMINICK, too, as a true friend of education, one whose valuable role in writing new and important legislation was not understood by many people. I personally will miss his wit and realistic view of legislative possibilities.

I understand from press reports that he may be our next Ambassador to Switzerland. The Swiss will be fortunate to have him and, having the regard I do for Switzerland, I believe our colleague is lucky to be going there too.

I wish Senator DOMINICK and his wife the best of luck on their new assignment and am glad that our Nation will continue to utilize their services.

Mr. DOLE. Mr. President, since 1962 among the many Members in this distinguished body there has been one who has stood out as a straight-talking, plain-spoken, forthright advocate of reason and reasonableness.

The senior Senator from Colorado, my neighboring State to the west, brought to this body a fierce dedication to the values and traditions that helped build this country and that helped those who have gone before us make of our two States—like this Nation itself, former untamed wilderness—into a home for millions, a home of unprecedented prosperity.

As Americans, we owe him a great debt. If my colleagues will allow it, I wish also to take a moment to speak as a partisan, and to thank him in behalf of the members of my party, for his selfless service and, indeed, for his true leadership, among Republicans across the Nation.

PETER DOMINICK has the qualities that make men and women proud to be associated with him. As Senator, as friend, as fellow member of the Select Committee on Small Business, and as fellow Republican, I know that my association with PETER DOMINICK has been both a proud and a happy one.

I wish him all the best in his future endeavors. I expect to keep up a close personal relationship with him and I thank him, on my own behalf and for the people of this country and of my party for his years of strenuous efforts in service of their interests—public service. I hope and expect he will continue in the future.

Mr. BUCKLEY. Mr. President, it is with a mixture of regret and pride that I take this opportunity to pay tribute to my colleague and friend PETER DOMINICK. Regret because the occasion is a sad one, as he will be leaving the Senate; pride because it has been my good fortune to have known and worked with this distinguished American for the past 4 years.

There are many things that could be said in praise of PETER DOMINICK but perhaps the most important is that he made a difference. He not only cared deeply but he cared about the right things. He worked hard and long for the people of Colorado; he worked just as hard for the people of all of the United States. Too often, Mr. President, we in this body tend to forget that what a Senator says and how he acts and what a difference he makes simply because of his presence here is just as important as his seniority and his committee assignments. PETER DOMINICK was a Senator who made a difference. He cared—and does today—about our national defense; he cared about the quality of health and education in this country; he cared about the rights of veterans, he cared about small

businessmen and the role they have in our Nation.

When I first came to the Senate, I was pleasantly surprised at the kind and abundant counsel and advice that were offered by older and wiser veterans of the Senate wars. PETER DOMINICK was one of those who helped to show me by his example as well as by his advice, that the principles he and I share, the conservative values we believe in can be implemented even in the face of overwhelming odds. I think that matters, Mr. President. I think that PETER DOMINICK showed me—and many other new Senators that one man with convictions can make a difference.

Perhaps that is what matters in the long run, Mr. President. Not victory or defeat or momentary gains or losses but whether over the long run it makes any difference if any of us are here. PETER DOMINICK made a difference. That is why the admiration and esteem we all feel for him will remain when he has left this body. The kind of greatness he has does not depend on the office he holds—it is inherent in the character and the spirit of the man.

Mr. President, in saying goodbye to PETER DOMINICK, we say farewell not only to the man but to the special quality he brought to our considerations here. We will miss that quality; we will miss the man as well.

Mr. BAYH. Mr. President, when I came to the Senate 12 years ago one of my freshman colleagues was from Colorado. While he sat on the other side of the aisle, it did not take me long to recognize that Senator PETER DOMINICK was a colleague whose thoughtfulness and hard work deserved the respect of the entire Senate.

It is one of the hallmarks of serving in this great Chamber that respect and appreciation for one colleague's abilities and concerns are not inhibited by political considerations. While it is probably true that PETER DOMINICK and I have more often been on opposite sides of controversial issues than we have been together, it is equally true that all times I have respected the positions taken by Senator DOMINICK. I have known him to be a man of considered action and a man of conscience—the kind of Senator who enhances the quality of debate in the Senate.

As second senior Republican on the Committee on Labor and Public Welfare, PETER DOMINICK has made many valuable contributions. Foremost in my mind is the constructive attitude he has taken in the consideration of education legislation. As the ranking minority member on the Education Subcommittee he deserves a great deal of credit for major education programs, including—most recently—the 1974 Education Act extending and amending the Elementary and Secondary Education Act and other education laws.

PETER DOMINICK's departure from this body is an appropriate time to recognize his long and dedicated service. With him go our lasting respect and admiration.

Mr. THURMOND. Mr. President, at the end of the 93d Congress, the Senate will no longer have the services of one

of its most able and distinguished Members, Senator PETER DOMINICK of Colorado. The people of Colorado will lose an outstanding spokesman, and the people of the United States will lose a true statesman.

Senator DOMINICK was elected to the Colorado House of Representatives in 1957 and served until 1961. He was a member of the National Commission for the United Nations Educational, Scientific, and Cultural Organization during 1960 and 1961. Senator DOMINICK was elected to the U.S. House of Representatives in 1960 and to the U.S. Senate in 1962.

During his 12 years in the Senate, PETER DOMINICK has been a patriotic and dedicated servant of his country. Senator DOMINICK has been a forthright spokesman for those causes which he advocated, and a constructive critic of those he felt should be opposed. His devotion to his work, his practicality, and his persistence are examples for all Members of the Senate to follow. He has combined his western independence with a deep sense of patriotism that should characterize all parts of the country. PETER DOMINICK is one individual to whom the phrase "a great American" is completely appropriate.

Mr. President, Senator DOMINICK has truly been an inspiration to all Members of the Senate. As the second-ranking Republican on the Labor and Public Welfare Committee and the Select Committee on Small Business, Senator DOMINICK has served with great distinction and ably guided worthwhile legislation through the Congress. He has been a dedicated and effective member of the Armed Services Committee, where I have had the pleasure of serving with him. All of his efforts in the Senate will long be appreciated by those who believe in sound government and a strong national defense.

I am particularly pleased that President Ford has recognized the outstanding qualities in PETER DOMINICK and plans to name him as an Ambassador. I am sure he will fulfill the responsibilities of such an office in a singularly outstanding manner.

Mr. President, I take pride in having served with Senator DOMINICK and will especially miss him because of the consideration and kindness which he has shown to me during our careers in the Senate together.

Mrs. Thurmond and I wish him and his charming wife Nancy much success in all their undertakings in the future.

THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SPARKMAN. Mr. President, I am happy to report to the Senate that after the acceptance of the conference report on H.R. 15977, which amends the Export Import Bank Act of 1945, the Banking, Housing and Urban Affairs Committee has cleared the Senate Calendar of all the legislation the committee reported to the Senate for consideration this year. For the information of the Senate, I ask unanimous consent that a résumé of all the bills han-

dled by the committee be printed in the RECORD following my remarks.

(See exhibit 1.)

Mr. SPARKMAN. During this past session of the Congress, the committee reported to the Senate some 22 measures, that is, bills and resolutions. In addition, the committee considered 20 nominations all of which were reported and acted upon favorably by the Senate.

Mr. President, I am very proud of the record achieved by the Banking, Housing and Urban Affairs Committee during the past session, and I would like to take this opportunity to thank and commend all members of the committee for the cooperation, attention, and work they gave and paid to committee business.

EXHIBIT 1

RÉSUMÉ OF BILLS HANDLED BY THE COMMITTEE

S. 2474—Mr. Williams; passed Senate Sept. 16, 1974; amends the Securities Exchange Act of 1934 to provide for the establishment of a mechanism of regulation among brokers, dealers, and banks trading in municipal securities, and for other purposes; S. Rept. 93-1145, Sept. 11, 1974.

S. 2519—Mr. Williams; passed Senate May 28, 1974; amends the Securities Exchange Act of 1934 to facilitate the development of a national market system, to provide for regulation of securities information processors, to remove unnecessary burdens on competition, to strengthen and improve the Securities and Exchange Commission's oversight of self-regulatory organizations, and for other purposes; S. Rept. 93-865, May 22, 1974.

S. 2986—Mr. Sparkman; tabled by Senate on May 9, 1974; authorizes appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended; S. Rept. 93-775, Apr. 9, 1974; Senate passed H.R. 13839 in lieu of S. 2986.

S. 3066—Mr. Sparkman; passed Senate Mar. 11, 1974; Public Law 93-383; to consolidate, simplify, and improve laws relative to housing and housing assistance, to provide Federal assistance in support of community development activities, and for other purposes; S. Rept. 93-693, Feb. 27, 1974; approved Aug. 22, 1974.

S. 3096—Mr. Cranston; included in sec. 9 of S. 3331; amends the Small Business Act to provide loans to small business concerns affected by the energy shortage; S. Rept. 93-950, June 20, 1974.

S. 3164—Mr. Brock; passed Senate July 24, 1974; awaiting President's approval; provides for greater disclosure of the nature and costs of real estate settlement services, to eliminate the payment of kickbacks and unearned fees in connection with settlement services provided in federally related mortgage transactions; and for other purposes; S. Rept. 93-866, May 22, 1974.

S. 3270—Mr. Sparkman; passed Senate June 13, 1974; Public Law 93-426; amends the Defense Production Act of 1950, as amended; S. Rept. 93-922, June 12, 1974; approved Sept. 30, 1974.

S. 3331—Mr. Cranston; passed Senate May 2, 1974; repassed Senate May 6, 1974; Public Law 93-386; clarifies the authority of the Small Business Administration, to increase the authority of the Small Business Administration, and for other purposes; S. Rept. 93-776, Apr. 9, 1974; approved Aug. 23, 1974.

S. 3792—Mr. Stevenson; passed Senate July 31, 1974; Public Law 93-500; amends and extends the Export Administration Act of 1969; S. Rept. 93-1024, July 22, 1974; approved Oct. 29, 1974.

S. 3817—Mr. Brock; passed Senate Oct. 1, 1974; provisions included in S. 3838; amends the National Bank Act, the Federal Deposit Insurance Act, the National Housing Act,

and for other purposes; S. Rept. 93-1171, Sept. 25, 1974.

S. 3838—Mr. Proxmire; passed Senate Sept. 10, 1974; Public Law 93-501; authorizes the regulation of obligations issued by financial institution holding companies, and for other purposes; S. Rept. 93-1120, Aug. 21, 1974; approved Oct. 29, 1974.

S. 3919—Mr. Sparkman; passed Senate Aug. 19, 1974; Public Law 93-387; authorizes the establishment of a Council on Wage and Price Stability; S. Rept. 93-1098, Aug. 15, 1974; approved Aug. 24, 1974.

S. 3979—Mr. Cranston; passed Senate Oct. 10, 1974; Public Law 93-449; increases the availability of reasonably priced mortgage credit for home purposes; S. Rept. 93-1223, Oct. 3, 1974; approved Oct. 8, 1974.

S. 4004—Mr. Sparkman; passed Senate Dec. 12, 1974; amends the Federal Home Loan Bank Act to provide for the continued duration of the Federal Savings and Loan Advisory Council; S. Rept. 93-1320, Dec. 10, 1974.

S. 4037—Mr. Cranston; passed Senate Sept. 30, 1974; extends for two years the authorization for the striking of medals in commemoration of the one hundredth anniversary of the cable car in San Francisco; S. Rept. 93-1178, Sept. 26, 1974.

S. 4204—Mr. Hathaway; passed Senate December 4, 1974; authorizes the Secretary of the Treasury to continue the minting of dollars, half-dollars, and quarter-dollars bearing the current design and coinage date during calendar year 1975, and for other purposes; S. Rept. 93-1303, Dec. 3, 1974.

H.R. 1817—Mr. Mills of Arkansas; passed Senate May 28, 1974; Public Law 93-309; provides for the striking of national medals to honor the late J. Edgar Hoover; S. Rept. 93-872, May 22, 1974; approved June 8, 1974.

H.R. 11221—Mr. St. Germain; passed Senate June 13, 1974; Public Law 93-495; provides full deposit insurance for public units and to increase deposit insurance from \$20,000 to \$40,000; S. Rept. 93-902, June 4, 1974; approved Oct. 28, 1974.

H.R. 11864—Mr. McCormack; passed Senate May 21, 1974; Public Law 93-409; Solar Heating and Cooling Demonstration Act of 1974; S. Rept. 93-847, May 14, 1974; approved Sept. 3, 1974.

H.R. 13839—Mr. Ashley; passed Senate June 19, 1974; Public Law 93-315; authorizes appropriations for carrying out the provisions of the International Economic Act of 1972, as amended; approved June 22, 1974.

H.R. 15977—Mr. Ashley; passed Senate Sept. 19, 1974; amends the Export-Import Bank Act of 1975, and for other purposes; S. Rept. 93-1097, Aug. 15, 1974 on S. 3917, companion bill.

S.J. Res. 263—Mr. Sparkman; passed Senate Dec. 11, 1975; amending the National Housing Act to clarify the authority of the Federal Savings and Loan Insurance Corporation with respect to the insurance of deposits, and for other purposes; S. Rept. 93-1322, Dec. 11, 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senator RANDOLPH be recognized for not to exceed 5 minutes, to call up two House bills.

GRANGER DAM AND LAKE

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, I report the bill H.R. 11802, designating the Laneport Dam and Lake on the San Gabriel River as the Granger Dam and Lake, without amendment, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows: A bill (H.R. 11802) designating the Laneport Dam and Lake on the San Gabriel River as the Granger Dam and Lake.

The PRESIDING OFFICER. Is there objection to the request for the immediate consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

O. C. FISHER DAM AND LAKE

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, I report the bill H.R. 15322, designating the San Angelo Dam and Reservoir on the North Concho River as the O. C. Fisher Dam and Lake, without amendment, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows: A bill (H.R. 15322) designating San Angelo Dam and Reservoir on the North Concho River as the O. C. Fisher Dam and Lake.

The PRESIDING OFFICER. Is there objection to the request for the immediate consideration of the bill?

Mr. ROBERT C. BYRD. Reserving the right to object, and my colleague knows I am not going to object, but I am doing this to protect the minority at the moment, is there any objection to either of these bills, may I ask my colleague?

Mr. RANDOLPH. Mr. President, as Representative O. C. FISHER comes to the end of a lengthy and productive career in the Congress, it is fitting that his accomplishments be recognized in the manner proposed in this bill. He has long recognized the value of water resource projects and has been a strong supporter of them. The lake in his district is a major contributor to the welfare of that area of Texas. The work in Congress of Representative O. C. FISHER will long be remembered by the people he so ably served for 16 terms. The naming of the dam and lake in his honor is a lasting tribute to his service.

Mr. President, in response to the question of the able majority whip, I cleared these matters with the minority whip, Mr. GRIFFIN. Both of these bills come from the Public Works Committee. All members of the Public Works Committee, both Republicans and Democrats, have been polled. There was unanimous support for the two measures.

The two bills refer strictly to changes of names of projects.

Mr. ROBERT C. BYRD. I have no objection.

Mr. McCLURE. Reserving the right to object, will the clerk again state the two measures which have been thus identified?

The PRESIDING OFFICER. The first measure was passed.

The clerk will report the second measure.

The legislative clerk read as follows: A bill (H.R. 15322) designating San An-

gelo Dam and Reservoir on the North Concho River as the O. C. Fisher Dam and Lake.

The PRESIDING OFFICER. Would the Senator like the first one reported again?

Mr. McCLURE. Yes.

The PRESIDING OFFICER. The clerk will state the first measure by title.

The legislative clerk read as follows:

A bill (H.R. 11802) designating the Laneport Dam and Lake on the San Gabriel River as the Granger Dam and Lake.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. I thank the Chair. I have no objection.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that a statement prepared by the Senator from Texas (Mr. BENTSEN) in connection with this bill be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENTSEN

I support the bill which would change the name of the San Angelo Dam and Reservoir, to the "O. C. Fisher Dam and Lake" in honor of the retiring Member of Congress from the 21st District of Texas.

In this time of governmental abuses of power and the apparent belief of some public officials that they are above the law and above the people, O. C. Fisher has never lost sight of the fact that he is a servant of the people. Through 16 Congressional terms, O. C. Fisher has served the people of his District with honesty, dedication, and a steadfast belief in the American Constitutional system of government. In his 22 years on the House Armed Services Committee, Congressman Fisher has supplied a firm and thoughtful approach to the country's defense needs during many periods of international tension. He is loved and respected in his District.

The area which Congressman Fisher has so ably served is a part of Texas often subject to extreme weather, hot summers and cold winters, long droughts and torrential rainfall. It was the uncertainty of the weather in this part of Texas that made the San Angelo Dam and Reservoir a necessity. A devastating flood which had ravaged the City of San Angelo in 1936 prompted the building of this vast flood control project which still serves a vital protective function to the community.

Congressman Fisher has a strong and wise record on water conservation and flood control; he recognizes the important, long-range benefits that flood control affords our future generations. I feel it only fitting that this project permanently bear his name to remind the citizens of the 21st District, the State of Texas and the United States of Congressman Fisher's steady, uncompromising devotion to the public interest. I have been fortunate to call him Congressman; I am proud to call him friend. I urge adoption of this measure, as a fitting tribute to this distinguished lawmaker as he completes his long and dedicated service in the Congress.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BURDICK. Mr. President, what is the present business?

The PRESIDING OFFICER. The conference report on S. 1728.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

Mr. BURDICK. Mr. President, may I raise a point of order? There is no intervening business.

The PRESIDING OFFICER. There has not been a live quorum since the last vote. There has been intervening business and the Senate just passed two bills.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. TALMADGE may proceed for not to exceed 2 minutes, to call up two measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVEMENT IN QUALITY OF UNSHELLED AND SHELLED FILBERTS

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2933, which was reported unanimously by the Committee on Agriculture and Forestry this morning, and which has been cleared with the acting majority leader and the acting minority leader.

The PRESIDING OFFICER (Mr. CHILES). The bill will be stated by title. The assistant legislative clerk read as follows:

A bill (H.R. 2933) to improve the quality of unshelled filberts and shelled filberts for marketing in the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, this bill amends the Agricultural Marketing Agreement Act of 1937 to include filberts as one of the commodities which are subject to section 8(e) of that act. Section 8(e) provides that whatever grade, size, quality, or maturity regulations are in effect under a Federal marketing order for certain domestically produced commodities, the same or comparable requirements must be applied to imports of that commodity.

Mr. PACKWOOD. Mr. President, I strongly urge the Senate to approve H.R. 2933, which is intended to improve the quality of unshelled filberts and shelled filberts for marketing in the United States.

On May 18 of this year I introduced S. 3539, which is identical to H.R. 2933. It passed the House on December 16 and was unanimously approved by the Senate Agriculture Committee yesterday.

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Mr. President, the filbert industry in this country is concentrated in the Northwest, with roughly 90 percent of the national filbert production coming from Oregon and the remainder from the State of Washington. Senators HATFIELD, MAGNUSON, and JACKSON join me in strongly supporting this legislation.

What H.R. 2933 does is quite simple. It would include filberts as one of the commodities protected under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended. Under the provisions of this section, grade and quality standards currently applied to domestic producers would be applied to imported filberts.

Mr. President, this legislation represents a sincere effort on the part of the filbert industry to upgrade the quality of its product. I commend the members of this industry for acting to assure that the quality of their product meets the highest standards. Without an amendment to section 8e of the Agricultural Adjustment Act, grading standards are only applied to filberts in the shell. It is the shelled filbert market that is subject to intense competition of ungraded, poor quality imports. The purpose of this legislation is to require the same standards of imported shelled nut meats as domestic producers have imposed upon themselves.

Mr. President, even though the State Department has indicated its disapproval of this legislation, they cannot deny the depressing effect which poorer quality imports have on the domestic market.

There is no need for further delay of this act of equity. It is time we recognize the plight of this small but important segment of our agriculture industry and give them an opportunity to compete in the market place on a fair and equitable basis.

I urge the adoption of H.R. 2933.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

DIFFERENT MINIMUM GRADE STANDARDS FOR GRAPES AND PLUMS

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 13022, which was reported unanimously by the Committee on Agriculture and Forestry on yesterday.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 13022) to amend the Act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, this

bill would amend the act of September 2, 1960, which authorizes the Secretary of Agriculture to establish and enforce uniform grade standards for packages of grapes and plums exported from the United States.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

WAR CLAIMS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia.

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 1728.

Mr. BAYH addressed the Chair. The PRESIDING OFFICER. The Senator from Indiana is recognized.

QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BURDICK. I object, Mr. President. The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll, and the following Senators answered to their names:

[No. 576 Leg.]		
Aiken	Curtis	Moss
Barlett	Dominick	Nelson
Bayh	Ervin	Pell
Biden	Fong	Sparkman
Buckley	Fulbright	Symington
Burdick	Graham	Talmadge
Byrd, Robert C.	Huddleston	
Chiles	McClure	

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Fannin	Javits
Allen	Goldwater	Johnston
Beall	Gravel	Laxalt
Byrd,	Gurney	Long
Harry F., Jr.	Hansen	Mathias
Cannon	Hartke	McClellan
Case	Haskell	McGovern
Church	Hatfield	McIntyre
Clark	Hathaway	Metcalf
Cook	Helms	Metzenbaum
Cotton	Hollings	Mondale
Cranston	Hruska	Montoya
Dole	Hughes	Muskie
Domenici	Humphrey	Munn
Eagleton	Inouye	Packwood

Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker

Scott, Hugh
Scott,
William L.
Stafford
Stennis
Stevens
Stevenson

Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present.

WAR CLAIMS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia.

The PRESIDING OFFICER. The question recurs on agreeing to the conference report on S. 1728.

Mr. ERVIN. Mr. President, this conference report should be rejected. We have these war claims. There is a limit to the amount of assets. The conference report, in effect, would have Congress bless with its approval a most discriminatory division of the assets that are available to the creditors. The conference report, in effect, says that all the corporate creditors will be excluded, or at least that all of the individual creditors will be given priority.

Corporations are owned in equity by individuals, and those individuals who are entitled to share in the corporate assets are just as much entitled to have their corporate claims paid as the individuals who have individual claims. Some of the individual claims are among the largest claims, which would swallow up a large part of the assets.

I have always heard that equality is equity. The assets that are available for the payment of all creditors ought not to be diverted to the payment of only a few of the creditors.

So, at the proper time, I intend to move that the conference report be laid on the table. I do not wish to cut off debate.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BURDICK. Is the Senator aware that this is a War Claims Act of 1948, and that both in 1962 and in 1970 we have adjusted, and again today we are adjusting, the priorities between the various people? Does the Senator realize that all the nonproperty claims have been paid, that is, all the personal injury claims have been paid for individuals, and that on the property damage claims everyone has been paid \$10,000, that everyone has been paid 61.3 percent, and that the 1970 law provides for the payment of \$35,000, of which \$11,000 has already been paid?

Mr. ERVIN. Yes, but this would pay certain creditors to the exclusion of others.

Mr. BURDICK. Is the Senator aware that certain tax benefits that inure to the corporations do not inure to individuals?

Mr. ERVIN. I am not aware that any corporation has tax benefits that are not available to individuals standing in the same position.

Mr. BURDICK. I will read the identification of the section. It is section 2017 (e) (b) of title 50 appendix.

Mr. ERVIN. Well, Mr. President, the fact that people have sinned in times past, and the fact that a legislative body may have sinned in times past, does not justify a continuation of the sinning. If we have sinned in times past, it is all the more reason why we ought to get righteous today.

Unless somebody else wants to speak, I move that this conference report be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the conference report on the table.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate will come to order. Can we have quiet in the Senate. The Senate will please come to order. The clerk will withhold calling the roll until the Senate comes to order.

May we have order in the Senate so that we can resume the call of the roll. May we have order in the back of the Senate so we can resume the calling of the roll.

The clerk will resume.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. McGEE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced—yeas 50, nays 35, as follows:

[No. 577 Leg.]

YEAS—50

Allen
Bartlett
Bayh
Beall
Biden
Buckley

Byrd,
Harry F., Jr.
Cannon
Case
Chiles
Church

Curtis
Dole
Dominici
Dominick
Ervin
Fannin

Goldwater
Gravel
Griffin
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Johnston

Laxalt
Long
McClellan
McClure
Montoya
Nunn
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Roth

Scott,
William L.
Sparkman
Stennis
Stevens
Symington
Talmadge
Tower
Weicker
Williams

NAYS—35

Abourezk
Aiken
Burdick
Byrd, Robert C.
Clark
Cook
Cotton
Cranston
Eagleton
Fong
Gurney
Hruska

Hughes
Humphrey
Inouye
Javits
Mathias
McGovern
McIntyre
Metzger
Metzenbaum
Mondale
Moss
Muskie

Nelson
Pastore
Pell
Schweiker
Scott, Hugh
Stafford
Stevenson
Taft
Thurmond
Tunney
Young

NOT VOTING—15

Baker
Bellmon
Bennett
Bentsen
Brock

Brooke
Eastland
Fulbright
Hart
Jackson

Kennedy
Magnuson
Mansfield
McGee
Percy

So Mr. ERVIN's motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

May we have order in the Senate, please?

The Senate will come to order.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Nelson may be recognized to call up a conference report on H.R. 14449 and that there be a time limitation on the discussion of that conference report of 10 minutes equally divided between Mr. NELSON and Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNITY SERVICES—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on H.R. 14449, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CHILES). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. NELSON. Mr. President, I ask

unanimous consent that Larry Gage, Richard Johnson, Don Elisberg, Nik Edis, and Jon Steinberg, of the Labor and Public Welfare Committee staff, have the privilege of the floor during the consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, the Joint House conference has agreed upon a compromise bill to extend the programs under the Economic Opportunity Act through fiscal 1977. Most Senators have heard the essential principles of that compromise. We worked out a very careful compromise between the conferees of the House and Senate. It was signed by 15 of the 16 conferees, including the minority on the House side.

This vital extension of the antipoverty programs under the Economic Opportunity Act is the result of long months of work in both Houses of Congress. The House of Representatives passed legislation to transfer the OEO programs to the Department of Health, Education, and Welfare, last May, by a vote of 331 to 53. The Senate then spent much time and effort analyzing that legislation and attempting to wrestle with the difficult problem of continuing the programs, while assuring their continued independence and effectiveness. The Senate solution, which was accepted in this body by a vote of 75 to 13 last month, was to set forth a reorganization plan procedure whereby the programs could be transferred to HEW by the President only after submission to Congress of a reorganization plan which could be disapproved by either branch by a simple majority vote.

The major decision of the conferees in coming to the agreement before us today was to adopt the Senate reorganization plan approach, with modifications. Under the conference agreement, the President is authorized to submit a reorganization plan on March 15 of next year to transfer the programs under the direct administration of the Office of Economic Opportunity to the Department of Health, Education, and Welfare. These programs include Community Action, Senior Opportunities and Services, and Emergency Food and Medical Services. Programs so transferred would be administered within a separate Community Services Administration within HEW. The final bill does, however, require the reorganization plan to transfer the community economic development program to a separate entity within the Department of Commerce.

If Congress does not find the reorganization plan acceptable, the reorganization plan could be disapproved by a joint resolution, which requires a majority vote in the House and Senate. The President could veto such a joint resolution disapproving the reorganization plan, which could then be overridden by a two-thirds vote of both Houses of Congress.

The question of the future location of OEO has been the major hurdle in the extensive consideration of the Economic Opportunity Act this year. The procedure set forth in the conference report

before us today was agreed to and the report signed by 15 of the 16 conferees, including Congressman ALBERT QUIN, Republican of Minnesota, the ranking Republican member of the House Education and Labor Committee. I hope and trust that the bill will, therefore, be signed by the President.

The other major issue in the conference was the House bill's provision for reducing the Federal share of Community Action Agencies' program costs from 80 percent for this year—fiscal 1975—to 70 percent for fiscal year 1976 and 60 percent for fiscal year 1977. The House conferees insisted upon this provision, but the Senate conferees persuaded the conferees to accept greater support for small community action programs, the majority of which are located in rural areas. Community action programs receiving less than \$300,000 in Federal funds would continue to receive the 80-percent Federal share this year, and would receive a 75-percent Federal share in fiscal year 1976 and 70 percent Federal share in fiscal year 1977.

This greater Federal support for small community action programs is essential, especially in present economic circumstances. Many communities with large numbers of poor persons, particularly in rural areas, simply do not have the resources to contribute to community action efforts, and they should receive the assistance needed to continue their community action programs.

The final conference agreement also contains provisions of both the House and Senate-passed versions of the bill consolidating the statutory authority for the Head Start, Follow Through, and Native American programs in the Department of Health, Education, and Welfare. HEW has administered those programs under delegation arrangements from OEO for the past several years.

The following is a brief description of the programs continued under the legislation reported by the conference:

COMMUNITY ACTION

Although Community Action was once highly controversial, we have found that it enjoys wide acceptance and support from State and city officials and civic leaders from all sections of the country, reflecting the full spectrum of political persuasion.

Community Action Agencies clearly perform a unique and essential function not only in providing services to the poor, but reflecting the specific concerns of the communities they serve. Local participation and flexibility are the cornerstones of the Community Action program.

The Community Action program has been successful, because it has been tailored to the unique needs of the local community. There are over 900 Community Action programs at the present time. In some cases functioning as part of the local government has been determined as the best method of serving the community, and some 95 Community Action programs are public agencies operating through the local government structure. In other instances, vigorous private nonprofit agencies have been found most appropriate. The conference

committee agreed that it is essential to preserve this flexibility to meet the specific needs of the local community.

Some of the most important functions of Community Action Agencies have been to initiate innovative programs, and to mobilize other Federal and local resources. In the past, CAP's have responded to specific local problems with programs which may have applicability on a national level. The Maine Community Action Agency's energy conservation project initiated last winter in response to the severe impact of the energy crisis on the poor is one outstanding example, and that program has been written into the new law.

The opportunity for employment and the development of leadership capabilities among low-income individuals in communities served by Community Action Agencies has also been an important part of this program; 185,000 persons are presently employed by CAP's and delegate agencies. Of these individuals, roughly half were poor or on welfare rolls before their employment with CAP's. Moreover, many former CAP employees have moved on to successful careers elsewhere in public and private life.

HEAD START

The conference agreement transfers legislative authority for the Head Start program to the Department of Health, Education, and Welfare and extends that authority through fiscal 1977, based upon the administration's requested legislation.

In transferring the Head Start authority by legislation, the bill simply recognizes in the law the delegation of operating authority from the Director of the Office of Economic Opportunity to the Secretary of Health, Education, and Welfare which took place in 1969. It is in no way intended to alter the nature of Head Start as a local community-based child development program with maximum parental involvement.

Congress does not intend that HEW reorganize Head Start grantees or shift funds and control away from the community and other agencies which have had as much as 8 years of experience operating Head Start.

The agreement also provides that financial assistance to Head Start programs shall not exceed 80 percent if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of the act.

The formula in the conference agreement for distribution of Head Start funds is as follows: 50 percent of the funds will be allocated to States based on the number of public assistance recipients and 50 percent to States based on the number of children in families with incomes below the poverty line. However, all Head Start programs would be held baseless at the fiscal year 1975 funding level.

I might also note that the conferees fully expect this fiscal year's appropriation to be distributed in such a manner as to take into account cost of living increases.

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FOLLOW THROUGH

The bill also consolidates the legislative authority for Follow Through programs in the Department of Health, Education, and Welfare and extends its authorization through fiscal year 1977. Follow Through has been an effective program which has shown tremendous promise in creating new and exciting methods that aid in the continued development of children in the first three grades of elementary school. The conference committee specifically rejects the suggestion that Follow Through has outlived its usefulness and should be phased out.

COMMUNITY ECONOMIC DEVELOPMENT

The conference agreement includes a strong commitment to the continuation of community economic development, and to its independence and vitality, either within an independent agency or, under the reorganization procedure outlined above, as an independent administration within the Department of Commerce.

Programs conducted by the Community Economic Development Corporation and other self-help entities combine business development efforts with job training and employment, social services programs, and a wide variety of other efforts reflective of community needs. These programs are designed to be comprehensive responses to the needs of all persons living in communities or areas with concentrations or substantial numbers of low-income persons. They include, but are not to be limited to, business enterprises; and the persons served include, but are not to be limited to, minorities.

Because of this comprehensive approach, the conference agreement maintains the autonomy and independence of this program as a complement to self-help programs such as those sponsored by the Office of Minority Business Enterprise, the Small Business Administration, and other such administrative entities. It is the intent of Congress that the programs funded under this title be administered separately, in order to insure their administrative autonomy and to maintain a clear distinction between minority entrepreneur programs and community economic development efforts—the former helping minority individuals to become independent entrepreneurs, whereas the latter is designed to make an appreciable impact through a comprehensive approach on the social and economic conditions of an entire community.

SENIOR OPPORTUNITIES AND SERVICES

The senior opportunities and services program—SOS—continued by this legislation was first established in 1967 to identify and meet the needs of the elderly poor—persons above the age of 60—in several key areas. One of the priority goals of the program is to provide older Americans with effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, and other services.

The value and worth of SOS has been demonstrated time and time again. For many aged poor, the wide array of serv-

ices has enabled them to live independently in their own homes and in dignity. Additionally, the program has succeeded in improving the conditions of the elderly poor in many other ways, including economical, psychological, nutritional, medical, and others.

NATIVE AMERICAN PROGRAM

The Native American program—NAP—was transferred from the Office of Economic Opportunity to the Department of Health, Education, and Welfare under a delegation arrangement in fiscal year 1974. It applies innovative approaches to deal with the special needs of Indians and Alaska Natives, and provides for a better focusing of available resources to enable them to attain economic self-sufficiency.

The program assists Native Americans, acting through their instruments of self-government, to establish their own programmatic and funding priorities and to provide direction to institutions and programs affecting their daily lives. A major element of Native American projects is overcoming the problems of poverty. Eighty percent of reservation residents are poor. Approximately 75 percent of Native Americans not living on reservations are poor. Assistance under the Native American program is provided through grants or contracts to tribal councils or other public or private non-profit agencies off reservations. The amount of the basic grants to reservations is based on the number of poor residents. Discretionary money is also available for short-term fundings to tribal councils or other grantees. The primary purposes of these grants and contracts include:

First, strengthening of tribal government aimed at increasing the capability of reservation Indians to perform services now provided by non-Indian organization;

Second, support of a range of services to meet individual and family needs;

Third, support for operation of urban centers serving Indian people living off reservations; and

Fourth, funding to encourage self-help and community economic development efforts.

The basic purpose of the Native American program is to increase the economic and social service self-sufficiency of the Indian people. This is in line with the whole concept of self-determination which has as its main function to build the capacity of tribal governments and off-reservation Indians to make decisions and to manage programs.

ASSISTANCE FOR MIGRANT AND SEASONAL FARMWORKERS

In view of the demonstrated effectiveness of programs operated under title III-B of the Economic Opportunity Act—EOA—of 1964 the conference agreement continues the authorization of funding for migrant and seasonal farmworker programs with respect to nonmanpower activities.

These programs include educational and developmental programs needed by farmworkers to ready them for employment or for vocational training. These developmental and education programs are priority activities of the 64 farm-

worker programs now functioning across the country.

In addition to basic education, such activities as consumer training, nutrition and health courses, child care and other supportive services, referrals, and related services, are all specifically authorized under these provisions. "Developmental programs" are those programs which are structured to permit economic, social, and cultural progress on the part of the farmworkers as a necessary prerequisite to their entrance into full-time employment or training. Developmental programs aim at the total needs of farmworkers and their families once education has been received. These programs are designed to augment the self-respect and confidence awakened through education by permitting farmworkers to participate in socioeconomic development programs.

COMMUNITY PARTNERSHIP AGREEMENTS

The conference agreement includes new legislative authority for community partnership agreements.

This new authority is designed to provide the resources and mechanism to encourage State and local governments to participate more fully in antipoverty efforts in conjunction with community action and similar agencies, thus forging creative partnerships to meet additional needs.

Under the new authority, the Director may provide financial assistance for programs and activities—of the type authorized under title II of the Economic Opportunity Act generally. Funds available to areas under the new authority will be in addition to local initiative funds. State and local funds will be matched dollar for dollar with Federal funds.

The bill also establishes an Intergovernmental Advisory Council on Community Services, including representatives of State and local governments and community action agencies to act as a catalyst in the formulation of such agreements.

State and local governmental agencies and community action agencies may use this new authority for cooperative efforts to deal with the effect of the economic crisis on the poor—such as authorized under the emergency energy conservation services program—as well as other purposes upon which they agree.

OTHER PROVISIONS

Other provisions of the conference agreement include Emergency Energy Conservation Services, designed to enable low-income individuals and families and others, to participate in energy conservation programs designed to lessen the impact of the energy crisis on such persons. This includes such activities as winterization of old or substandard dwellings, special transportation activities, and similar functions. In addition, the summer youth recreation program is designed to provide recreation opportunities for low-income children during the summer months. This authority is designed to provide for continuation of a program similar to the Neighborhood Youth Corps summer recreation program conducted previously under the general authority of the Manpower Development and Training Act of

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1962, repealed by the Comprehensive Employment and Training Act of 1973, as well as the Economic Opportunity Act.

Mr. President, the poor are the big losers in our struggle against worsening economic conditions. On the one hand, their meager incomes are demolished by the skyrocketing cost of living. On the other hand, they are virtually always the first to be demoted or tossed out of work when recession comes. The "substitution effect" that eases the economic crunch for most families simply does not function for the 25 million people living below the poverty line. If the demand for unskilled labor slows, there are no less desirable jobs around; if the cost of lower-priced meat rises, then all meat simply disappears from the table.

The war on poverty has, in recent years, become a continual struggle with those who would put an end to Federal antipoverty efforts. Passage of this conference agreement today and the affixing of the President's signature will not necessarily end that struggle. This bill is necessarily a compromise, and as such it embodies many of the better and weaker points of a compromise. But I believe it provides us a base on which we can for now put to rest the instability that has recently attended the question of the continuation of these programs—and a basis for the development once again of a solid antipoverty program in the course of the months and years ahead. While certain administrative arrangements remain to be settled next year, at least local people can be assured of continued Federal assistance for their programs.

Mr. President, I wish to thank the members of the majority and minority staff, as well as the minority members of the conference, and of course the majority conferees, for their cooperation in working out what I think was a very good and important compromise on the issues between the two Houses, as well as to thank all of them for the monumental amount of work that was put into developing the bill, and the nearly all night work that was put in by the staff in getting the conference report ready on such short notice. I call attention to the work into the early hours of this morning by Blair Crownover of the Senate Legislative Council's office who worked with Richard Johnson and Jon Shirk of the Labor and Public Welfare Committee staff to get this report ready for consideration today, in cooperation with the staff of the House Education and Labor Committee. On this conference agreement, Bill Cable and Susan Grayson of the House Education and Labor Committee staff worked with Senate staff to produce the conference report quickly.

On the public service jobs conference report we passed yesterday, Austin Sullivan of the House Education and Labor Committee provided to all of the conferees valuable assistance as he also did on the pending poverty conference report. In addition, Larry Gage of the Senate Poverty Subcommittee staff was helpful in working together with the House committee staff on the joint exploratory report of the conferees. Sid John-

son of Senator MONDALE's staff as well as Lisa Walker, Nik Edes, and Don Elisberg of Senator WILLIAMS' staff and Mark Schneider of Senator KENNEDY's staff, also deserve our special appreciation for their contributions.

The PRESIDING OFFICER. May we have order in the Senate? Too much conversation is going on in the Chamber. Members cannot hear the report on the conference. Will the Senate come to order?

Mr. JAVITS. Mr. President, I join Senator NELSON in urging the Senate to adopt this report, and I join him in commending the members of the staff on both sides, led by Dick Johnson on the Democratic side with substantial assistance from Jon Steinberg, and John Scales on the Republican side, who worked far beyond the call of duty in getting the conference report ready and giving us the various options on the issues.

In essence, Mr. President, the purpose of the agreement is to hold matters pretty much in status quo, and after March 15 to give the President the opportunity, if he wishes to, to reorganize the program by putting the various community action elements of it into HEW and the community development aspects into the Department of Commerce, each under separate organizations so there would be somebody in charge and autonomy may be provided.

In order to reject the President's reorganization, it would take a joint resolution of both Houses, subject to Presidential signature, and which would then be subject to override by the Congress. That is obviously very unusual and very tough to do.

But between the House and Senate, and in order to have the best elements of the program, the Senate conferees were forced to compromise.

We did, however, set certain conditions upon what that reorganization would accomplish, so as to save, as I said, the hard plan elements of the program.

It is a good report, considering the very adamant position of the House; it is a bad report considering the position of many community action and similar groups who felt very, very strongly—and I shared their feelings—that at worst either House should be able to reject, as is done in normal reorganization plans, any reorganization proposal submitted by the President by vote of either House.

This is absolutely essential legislation to those in the poverty syndrome—totaling 24 million Americans—and those who are on the edge of poverty, are to face this winter's energy and economic hardships with some sustenance and, over the longer term, find their way out or keep out of the poverty category.

It is axiomatic that the poor are hit most both by inflation and recession.

Just yesterday, after House action, the Senate approved and sent to the President the conference report on H.R. 16596, the Emergency Job and Unemployment Assistance Act of 1974, to deal with the recession aspect of the problem—through the creation of 330,000 transitional public service jobs, special unemployment assistance to an esti-

mated 3 million persons not previously covered under Federal-State unemployment insurance systems, and a special job generating public works adjunct program; we are hopeful that that bill soon will be signed into law.

This conference report relates to the inflation aspect, as well as the recession elements by providing for the continuation of the mechanisms, as we now know them, at the Federal and "grass-roots" levels designed to meet the needs of the poor, while making possible change in terms of administration in the future.

To that end of maintaining stability and providing for change, the major elements of the conference agreement are as follows:

First, the conference agreement would extend the basic authorizations, for anti-poverty programs for 3 years, authorizing generally "such sums as may be necessary" for each of the fiscal years 1975, 1976, and 1977. The authorization of appropriations expired last June, but the programs have been continued to date under continuing resolutions.

Importantly, under a provision I offered, the authority would be extended for an additional fiscal year, through fiscal year 1978, if the Congress did not act on extension; this would provide additional stability that we have never had since the Economic Opportunity Act of 1964 was enacted, since we have been plugging along on 2, and only sometimes 3-year extensions.

Second, as I indicated generally upon enactment, the Office of Economic Opportunity—the key advocate for the poor in the Federal establishment—would be renamed the Community Services Administration and made independent, reflecting the broadened programmatic emphasis which I shall describe in more detail.

The Community Services Administration would continue as an independent agency of the Federal Government for the 3-years—or as the case may be 4 years, continuing to administer community action, community economic development and other key programs now conducted by OEO.

However, to permit change in terms of administration, and not bind the hands of the Executive, the conference agreement provides that at any time after March 15, 1975, the President may submit a reorganization plan providing: First, for the establishment of the Community Services Administration as a separate office in the Department of Health, Education and Welfare, headed by a Director appointed by the President, subject to advice and consent of the Senate, responsible for community action and related programs; second, and for the establishment in the Department of Commerce of a separate Community Economic Development Administration, to conduct community economic development programs, similarly headed by a Director appointed by the President, subject to the advice and consent of the Senate. In both cases, the units are to be autonomous; in particular I note that in the case of community economic development, the Community Economic Devel-

opment Administration is to be separate from the Office of Minority Business Enterprise.

If the President chooses to submit such a plan—and he may decide not to—then the plan would become law unless a joint resolution disapproving the plan becomes law.

The Congress would have 60 days from the date of submission of the reorganization plan in which to pass a joint resolution. As Members know, a joint resolution, like a bill, would have to be passed by a majority in both Houses.

If the President chose to veto such a joint resolution, then the Congress could proceed as in the usual case to attempt to override the veto by a two-thirds vote of each House.

This formula represents a basic compromise—very much argued on both sides—between the House bill which provided for the immediate establishment of community action programs in a "Community Services Administration" in the Department of Health, Education, and Welfare, and community economic development programs in the Department of Commerce; and the Senate-passed bill, which permitted the President to submit a reorganization plan, which, following the ordinary reorganization procedures, could have been disapproved by a majority vote in either House.

This was the key issue in conference and very hard fought on both sides. I and a number of other Senate conferees had urged a compromise under which a concurrent resolution could have defeated a reorganization plan by a two-thirds vote.

But in the interests of a bill having a chance of becoming law in this Congress, we agreed to the joint resolution procedure.

Third, the conference agreement provides for continuation of the present 80 percent Federal matching share for community action agencies and programs through fiscal year 1975; for fiscal year 1976, the Federal share would decline to 75 percent in the case of community action agencies receiving Federal assistance from the administration in an amount less than \$300,000 and 70 percent for the remainder of the agencies; in fiscal year 1977, the Federal matching share for all agencies and programs would be 60 percent.

The Senate bill had maintained 80 percent matching through the 3 years of the act, while the House bill provided for across-the-board declines to 70 percent in fiscal year 1976 and 60 percent in fiscal year 1977.

The compromise is designed to give smaller community action agencies and programs—predominately in rural areas—more time to obtain greater financial support from State and local government.

Most crucially, the Director of the Community Services Administration—irrespective of whether it continues as a separate agency or is lodged in HEW—has the authority to provide Federal assistance in excess of the stated percentages to further the purposes of the community action title.

We anticipate, exceeding oversight by the two principal committees—the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor—to watch very closely the effect of the decline in the Federal matching percentage and the exercise of the director's authority to waive these requirements so as to insure that worthwhile agencies and programs do not "spin out" of existence under this formulation.

Fourth, the conference agreement provides for the immediate establishment in the Department of Health, Education, and Welfare of the Head Start and Follow Through programs and certain other activities, which are conducted by that agency now pursuant to delegation and other agreements with OEO.

Fifth, the conference agreement makes important additions to the antipoverty law immediately upon enactment, including:

A new "special emphasis" program for emergency energy conservation services designed to enable low-income individuals and families and others to participate in energy conservation programs designed to lessen the impact of the energy crisis on such persons. This incorporates essentially the provisions of S. 3051, the Emergency Energy Conservation Economic Opportunity Amendments of 1974, which I introduced on February 25, with 16 other Senators.

A "special emphasis" authority for "summer youth recreation programs," designed to provide recreation opportunities for low-income children during the summer months. I had included this provision in S. 3798, to provide for continuation of the summer youth recreation program as an adjunct to the summer youth jobs program, which is now authorized under the Comprehensive Employment and Training Act of 1973.

A new authority for community partnership programs, representing a compromise between the authority which I had included in S. 3798, and a special "incentive grants" program contained in the House bill. Under this new authority, 50 percent Federal matching would be available for programs of Community Action agencies conducted in conjunction with State and local government, with an authorization of \$50 million for this fiscal year and "such sums" thereafter.

An expanded provision for title VII, community economic development, to insure greater resources for community economic development corporations and similar entities, with a basic authorization of \$39 million for this fiscal year, and "such sums" thereafter. Under title VII as amended, we hope to build with increased resources upon the experience under the "special impact" program, title I-D of the act, which I coauthored with the late Senator Robert Kennedy, and title VII of the present law which I coauthored with Senator Edward Kennedy.

Mr. President, in closing, I wish to note that while we have no assurances from the President that this bill will become law, I and other members of the minority on both sides of the conference table, have recommended that the President sign the conference agreement.

I urge the Senate to approve the conference agreement so that after the

House acts, it may go to the President and become law, so that the commitment entered into by the executive and the legislative branches under the Economic Opportunity Act of 1964—to be implemented as I have outlined under the conference agreement—may be maintained in the interests of the poor.

Mr. President, the only signature that is not on the report is that of Senator DOMINICK, of Colorado. That is rather a credit to him because of his characteristic integrity. As he was not able to participate in the discussions and debates, he refrained from taking any position on the conference report.

It also gives me an opportunity, Mr. President, to again express how much I will personally miss him and his wise guidance and counsel as my friend and colleague sitting next to me as the next ranking on this particular committee.

Mr. President, finally, I wish to note the names of Members of the Senate who joined with me, Senator KENNEDY, Senator DOLE, and Senator JOHNSTON, in introducing on July 23, 1974, S. 3798, the Economic Opportunity and Community Partnership Act of 1974, thus expressing strong support for continuation of a separate antipoverty agency, and continued support for Federal funding for community action programs. They are Senators ABOUREZK, BAYH, BROOKE, CASE, CLARK, CRANSTON, GRAVEL, HART, HASKELL, HATFIELD, HATHAWAY, HOLLINGS, HUMPHREY, LONG, MATIAS, MCGEE, MCGOVERN, MCINTYRE, METZENBAUM, MONDALE, MOSS, MUSKIE, PASTORE, PELL, PERCY, RANDOLPH, RIBICOFF, HUGH SCOTT, TUNNEY, and WILLIAMS.

Mr. KENNEDY. Mr. President, I rise to reluctantly speak in favor of the conference report on H.R. 14449, the legislation extending the Economic Opportunity Act for 3 years.

As one who has endorsed and fought for a separate independent antipoverty agency, I opposed the compromise with in the conference report which will permit the President to submit a reorganization plan and give the Congress very little chance to override that plan. Given the administration disposition—inherited from the previous administration and reiterated during the conference—it appears almost certain that the President will opt for an effort to abolish the independent successor to OEO which we have established, the Community Services Administration.

I had favored retaining the Senate language which would have followed the Reorganization Act structure permitting a single House to override the plan. Now, a joint resolution will be necessary, with the possibility of having to override a veto as well.

The conference agreement does provide that this one-time only reorganization plan is the only way for transfer of programs to take place. It thus assures that sections 221 and 235 and titles I, II, III-B, VI, VII and IX cannot be delegated either before or after a reorganization plan decision. Thus, if the Congress successfully disapproves of the reorganization plan, the independent agency will remain in effect for the remainder of the act.

I am pleased that the conferees retained most of the Senate provisions concerning the community economic development program operation. That program I believe should be expanded and developed.

Also, I am pleased that the limitations on the kind of transfer possible, even through a reorganization plan, will insure independent entities for a community action administration within the Department of HEW and an independent entity within the Department of Commerce. In these agencies, if we are unsuccessful in overriding a Presidential veto, they will retain the independent operation that is essential to their success. The Director of these Administrations will report directly to the relevant Secretary, without any officer interposing himself. This will insure that the program director will be in full control of all aspects of the program and with respect to regulations or any other program function by activity he will not be under the control of an assistant secretary or any other official other than the Secretary.

In addition, I am disturbed that the House provisions, with some exceptions for small community action agencies, were substantially adopted reducing the available Federal share of support from its current 80 to 60 percent in the final year of the bill. A waiver is authorized which I hope will be liberally used, particularly for such urban programs as Boston which clearly have funding difficulties.

However, I do want to emphasize that the bill does at least prevent the immediate abolition of an independent antipoverty agency. It also does insure the integrity of the existing OEO programs. It does provide for the transfer of the nonmanpower migrant programs away from the Labor Department where they were atrophying to the antipoverty agency. It does provide for an expansion of the Head Start program. It does provide for a new community partnership incentive program for community action agencies and local and State government.

And it does provide for the continuation and authorization of several new innovative programs.

For that reason, I signed the conference report and will vote for the measure today. I urge its adoption and Presidential signature.

Finally, I want to commend the chairman, Senator NELSON, and Senator JAVITS, the ranking minority member, Senator CRANSTON and the other members of the subcommittee for their long and diligent work on this legislation. Once more, they have displayed commitment and concern for the interests of the poor of this land. Also, I want to commend the staff who worked long into night to complete this legislation.

The conference report was agreed to. Mr. CRANSTON. Mr. President, I rise in support of the pending measure, the conference report on Head Start, Economic Opportunity, and Community Partnership Act of 1974.

I congratulate the distinguished Senator from Wisconsin (Mr. NELSON) for his vigorous efforts in developing, and

moving so quickly through conference this important legislation. As chairman of the Labor and Public Welfare Committee's Subcommittee on Employment, Poverty, and Migratory Labor, on which I serve, Senator NELSON has brought the members of the committee together behind this comprehensive measure, and helped craft creative compromises among a number of points of view. The leadership and skill of Senator NELSON as well as that of the chairman of the Labor and Public Welfare Committee Mr. WILLIAMS, the Committee ranking minority member, the Senator from New York (Mr. JAVITS), and the distinguished Senator from Massachusetts (Mr. KENNEDY) were instrumental in bringing about a speedy resolution of the differences between the House and the Senate proposals for extending programs under the Economic Opportunity Act of 1964.

INTRODUCTION

Mr. President, the revelation that this Nation is experiencing its highest unemployment rate in 13 years was only the most recent indication of the severity of the economic situation confronting us right now. More than 6 million people are out of work; the prices of necessities, such as food, housing, and medical care, continue to soar, and most distressing—there is no relief in sight.

Our worsening economy is creating grave difficulties for all Americans, but there is no question that among those being most severely and most devastatingly affected are, according to some estimates, as many as 34 million poor people, who represent as much as 16 percent of this Nation's population. Of further serious consequence, is the fact that our depressed economic situation threatens to push many more Americans below the poverty level.

Mr. President, it was in this context that the Senate approved S. 4178 last Friday, December 13, 1974, and I believe, will act promptly and responsibly in approving the measure ordered reported from conference yesterday.

The bleak situation I have described demanded our attention and immediate action, and clearly revealed the necessity for the continuation of the many valuable programs operated under the Economic Opportunity Act of 1964.

Although I believe we all recognize the wisdom of redesigning or even ending programs that fail to live up to their promises, I believe the conference agreement clearly demonstrates our belief that successful antipoverty programs, such as Community Action and Head Start, must be maintained with the strength and vitality necessary to meet effectively the essential needs of the poor.

Community action agencies, in particular, have been at the very heart of the war on poverty in providing poor people with the opportunity to begin to help themselves. Head Start and Follow Through also have been most effective in providing comprehensive health, education, nutrition, social, and other services to economically disadvantaged children and their families.

Mr. President, providing for the needs of poor people is a responsibility we must meet. At the August inaugural hearings

of the Senate Committee on the Budget, on which I am privileged to serve, we heard testimony from two impressive authorities, who often have conflicting views: the Honorable Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System; and Prof. Walter W. Heller, of the University of Minnesota, former Chairman of the Council of Economic Advisers. Although much of their testimony focused on whether or not there was a need for significant cuts in the fiscal year 1975 budget for Federal Government spending, they, in essence, both agreed that there was a special need to compensate those persons most severely affected by our Nation's economic situation. Chairman Burns said there was a great need for compensatory increases in Federal spending for certain programs, and he went on to say we must ameliorate the impact which inflation has already had on certain groups in our society.

Professor Heller, who probably would define this group of inflation victims more broadly than Chairman Burns, made the same point and termed such "amelioration" as "reparations" for the sacrifices and hardships which these groups of individuals have experienced at the hands of our devastating inflation rate.

Mr. President, poor people are among those who have suffered the most, and now, more than ever, poverty programs must be expanded and strengthened to meet their needs.

MAJOR PROVISIONS OF THE CONFERENCE REPORT

Mr. President, although I favored an outright continuation of the existing Office of Economic Opportunity structure, I am pleased that the bill we have reported from conference contains substantially the Senate provision placing responsibility for proposing a transfer to the Department of Health, Education, and Welfare on the President—subject to disapproval by joint resolution by both Houses of Congress—which will insure an extension of OEO's independent status as the new Community Services Administration for at least another half-year.

This measure provides for the continuation of programs presently authorized under the Economic Opportunity Act of 1964, as amended, including the community action program, and immediately establishes a new independent Community Services Administration to administer these programs as the successor agency to the Office of Economic Opportunity.

Under the conference report, the independent Community Services Administration would be continued until at least June 15, 1975. At any time after March 15, 1975, the President may submit—one time only—a reorganization plan to transfer—not earlier than 90 days after he submits the plan—community action and other programs to an independent Community Services Administration in HEW and community economic development programs to a new independent Community Economic Development Administration in the Department of Commerce. Both Houses of Congress would

have to disapprove such a reorganization plan by joint resolution within 60 days, and if the President vetoes this joint resolution, the Congress could override the veto by a two-thirds vote in both Houses.

If the reorganization plan should be defeated, Mr. President, then the Community Services Administration would continue as an independent agency in the executive branch thereafter.

Under a provision I first originated and advocated in conference, the vote on the resolution would be guaranteed in both Houses, under the Reorganization Act procedures in chapter 9 of title V, United States Code.

The bill further provides new legislative authority for Head Start with a new nationwide allocation formula for funding Follow Through and Native American programs in HEW. And although I would have much preferred the 80-percent Federal, 20-percent across-the-board local share of costs for CAP's which was contained in the Senate bill, the bill as reported from conference retains this 80/20 cost share for the first year for CAP's receiving under \$300,000. In the second year, this would be reduced to 75/25, and in the third year, 70/30. Importantly, the Director may approve in excess of these amounts if he determines, in accordance with objective regulations, that this would be appropriate.

The bill as passed by the Senate also contained a provision I authored, in section 1102(d) of the new title XI, which earmarked, out of all funds allocated for research, demonstration, and pilot projects, 25 percent of these funds to be made available for Community Action programs to carry out such projects. This was designed to give these CAP agencies some versatile funds with which they could implement new designs and directions in antipoverty programs.

The conference agreement concerns the thrust of this provision by requiring that the CSA Director be given due consideration to CAP's requests for research and demonstration funding.

BRIEF DESCRIPTION OF PROGRAMS

Mr. President, in addition to Community Action, Head Start, and Follow Through, I particularly am gratified that a number of important programs would be continued by this measure.

DESIGN AND PLANNING ASSISTANCE

Community-based design and planning organizations would continue to receive financial assistance for technical assistance and professional architectural and related services. This is a special provision—section 226—which I authored in the Economic Opportunity Amendments of 1972, Public Law 92-424.

CONSUMER ACTION AND COOPERATIVE PROGRAMS

This program was designed to aid low-income individuals and groups in enforcing consumer rights, and to protect such individuals and groups against unfair or discriminatory trade and commercial practices by providing assistance with the development and operation of consumer action, advocacy, and cooperative programs, credit resources development programs, consumer protection,

and education programs. These programs—under section 228 which I also authored in Public Law 92-424—will also be continued under the committee bill.

SENIOR OPPORTUNITIES AND SERVICES

This program is designed to meet some of the special, unmet needs of elderly persons, particularly health, employment, housing, consumer, and welfare.

RESEARCH AND DEMONSTRATION

In addition to seeking information concerning the causes of poverty, research activities provide for the development of workable models and innovative programs that help Federal, State, and local agencies to meet the needs of the poor.

MIGRANT AND SEASONAL FARMWORKERS

The conference agreement provides that the Director shall coordinate programs for migrant and seasonal farmworkers with other Federal programs designed to assist or serve such farmworkers. Additionally, the Director is required to give special consideration to any public or private nonprofit agency which has previously received assistance for the provision of services for migrant and other seasonally employed farmworkers and their families.

CHILDREN WITH LIMITED ENGLISH-SPEAKING ABILITY

Importantly, the conference report provides that, in administering Head Start and Follow Through programs, the Secretary of Health, Education, and Welfare do all he can to meet the special needs of Indian and migrant children, and the joint explanatory statement stresses that the Secretary shall be especially sensitive to the needs of children with limited English-speaking ability in order to enhance the effect of these programs on these children. I was glad that these matters were resolved as I proposed in the conference.

EMERGENCY ENERGY CONSERVATION PROGRAM

I was pleased that the bulk of the Senate amendment establishing an emergency energy conservation program to lessen the impact of the high cost of energy for low-income individuals was retained in the conference report. The conference agreement requires the Director of the Community Services Administration to consult with the Administrator of the Federal Energy Agency and other appropriate departments and agencies prior to establishing the procedures to carry out the purposes of this program.

CONCLUSION

Mr. President, in closing I would like to stress that the poverty programs discussed above, and others contained in the reported bill, have demonstrated their effectiveness in helping to meet the needs of the poor. In "An Analysis of the Economic Impact of a Community Action Agency," prepared by the Technical Assistance Division of the California State Office of Economic Opportunity, the introduction states—

Because bad news makes news, the positive and vital contributions made by Community Action Agencies may have been lost or have gone virtually unnoticed.

I can assure you, Mr. President, the contribution of poverty programs do not

go unnoticed by one very large group of people—the tens of millions of poor people, who would have no measure of relief at all, if these programs did not exist.

The antipoverty program does not, Mr. President, come anywhere near meeting all our concerns and all our responsibilities toward helping poor persons improve their lives and opportunities. But it is an important symbol of our resolution to continue to fight—and hopefully win—the war on poverty, and I believe we are morally obliged to keep it going—to keep faith with the poor—by passing this reasonable measure. In truth, we should be doing much, much more.

I urge adoption of the conference report and pray that the President, in the spirit which should animate this season, will sign this bill as a fair and hopeful compromise measure.

The PRESIDING OFFICER. Is there further discussion?

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

SENATE RESOLUTION 468—EXPRESSING THE SENSE OF THE SENATE DISAPPROVING THE RECENT STEEL PRICE INCREASE

Mr. BIDEN. Mr. President, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CHILES). The resolution will be stated.

The legislative clerk read as follows:

Whereas United States Steel has announced price increases averaging 8 to 10 percent on two thirds of steel items produced by the Company.

Whereas steel prices of major companies including U.S. Steel were increased by an average of 23 percent last spring.

Whereas U.S. Steel has indicated it will persist in these price increases even though it has not yet given President Ford the justification for these price increases that he has requested.

Whereas for the first nine months of 1974 U.S. Steel's profits increased by 109.4 percent over the first nine months of 1973.

Whereas an increase in the price of steel will have a deleterious effect on the already sagging auto and construction industries.

Whereas an increase in the price of steel will place upward pressure on many consumer prices. Now, therefore, be it

Resolved, That the Council on Wage and Price Stability be requested to hold hearings on both the price increase announced by U.S. Steel and price increases that have been put into effect by other steel producers since July 1, 1974. Be it

Resolved, That the Justice Department and the Federal Trade Commission be requested to investigate the steel industry to determine whether the industry is guilty of violations of Antitrust Laws; be it therefore

Resolved, That U.S. Steel specifically and the remainder of the Steel industry generally be notified that it is the strong desire of the U.S. Senate that no increase in the price of steel be put into effect until the recommended hearings of the Council on Wage and Price Stability have been held and the Council's report has been made; and, finally, be it

Resolved, That the President use the full

power of his Office to roll-back the totally unjustified and unconscionable increases in steel prices announced by the United States Steel Corporation.

Mr. BIDEN. Mr. President, I have introduced today a Senate resolution expressing displeasure at the recent announcement of increases in prices by the United States Steel Corp., and, furthermore, urging the President to use the powers of his office to persuade United States Steel to withdraw its schedule of increases.

I realize the hour is late for us here in the 93d Congress. But, although we will adjourn this week, the economy will not adjourn; the unemployment lines will not adjourn; the food stamp windows will not adjourn; and the American people will not adjourn until January 14 of next year when the 94th Congress is scheduled to convene.

I am joined in the resolution by my able colleagues, Senators ABOWEZEK, CHILES, PROXMIER, HUDDLESTON, and HUGHES.

Mr. President, the announcement by United States Steel is an irresponsible action. According to reports I have read, the increases will average between 8 and 10 percent on two-thirds of the steel items it produces, although the Wall Street Journal has reported the increases will range "up to at least 11.6 percent on some major items." The Wall Street Journal further has reported that the White House received little or no advance warning that the increases were coming.

The newspaper said that United States Steel is raising the price of carbon steel plate \$20 a ton to \$247 a ton, the same price currently being charged by Armco Steel Corp., but it is \$10 a ton more than is being charged by six other major steel producers.

The Journal said that although United States Steel asserts it is merely playing "catchup" in terms of prices compared to that charged by other producers, that, in addition to carbon steel plate differential, its new price for standard structural steel would be \$241 a ton, while Bethlehem Steel Corp., the second largest steelmaker, is charging \$6 less.

The impact of the price increases by United States Steel will not be slight. Steelmaking is a basic industry and a significant increase by the giant of them all—United States Steel is the biggest—will have an upward rippling effect upon prices in other sectors of the economy.

Let us remember, Mr. President, 12 years ago when the President of the United States raised enough hell after United States Steel and other producers had raised prices that these hikes were rolled back. This was done, as I read the history of the episode, because of a persisting deficit in our balance of international payments and a corresponding need for domestic price stability.

In my opinion, a similar action is called for today. President Ford should take United States Steel by the scruff of its corporate neck and wring an agreement out of it for a rollback. I do note that the President has already expressed, according to the Washington Post, "concern and disappointment" over the increases and ordered the Wage-Price

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Stabilization Council to "obtain a justification in writing from United States Steel." This step, in my opinion, is not even "de minimus," as we lawyers say, and the President is a law school graduate.

Now, of course, we know that the Council does not have authority to block price increases—or wage increases, for that matter. The Council cannot even compel companies—or unions—to supply information.

It may hold hearings and make non-binding recommendations. The President's press spokesman, as quoted by the Washington Star-News, conceded that the Council's influence depends largely on "enlisting public opinion" against excessive price—or wage—increase. This is why, in my opinion, the President should do more than ask the Council to "act." He, himself, should directly talk to the chairman of the board of United States Steel—as President Kennedy talked to Roger Blough 12 years ago—and persuade him to have the price increases rescinded. President Ford should, if he has not done so already, also ask other steel companies not to fall in line with United States Steel and raise prices.

The President should point out that United States Steel, prior to this latest increase, announced, I believe, December 16, had already raised the price of its products by almost one-quarter in less than 3 months this spring and summer. As Senator PROXMIER also has pointed out, in the last year the steel industry has raised prices by more than 40 percent, while its costs rose at only half that rate.

Moody's shows that interim earnings of United States Steel have increased markedly just during the first three quarters of calendar 1974: for the first quarter, 1.65; for the second, 2.96; and for the third, ending September 30, a total of 3.95. Net income, it reports, totaled during the first 9 months of this year \$463.4 million—an increase of 109.4 percent, or more than double above the corresponding 9 months of last year.

Mr. President, I would like to point out that if there had occurred, for example, an irresponsible collective-bargaining contract agreement involving a labor union or an irresponsible strike by a labor union in these difficult economic times I would take a critical view similar to that I am now taking toward United States Steel.

Mr. President, the Ford administration's policy on inflation seems to be in the nature of a "punt and a prayer" one.

In any event, lapel buttons at the White House to the contrary, it's a "no win" policy to date, or, to reverse the initials and stand them on their head, as someone has done, it stands for NIM—"nothing in mind."

I hope the Senate will agree to this resolution by which we will be telling the American people that, although this, the 93d Congress is about to adjourn, its Members are adjourning their interest in the economic well-being of our Nation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. BUCKLEY. Mr. President, I rise

reluctantly to object for the simple reason that I am sure that no committee has yet heard any evidence as to why these prices may have been raised. I do not know whether they are justified or not.

I believe it would not be truly responsible for us to express a judgment based on a price report which has come to our attention through the press. Under the circumstances, I reluctantly object.

The PRESIDING OFFICER. Objection is heard.

DISPOSAL OF EXCESS AND SURPLUS PROPERTY IN AMERICAN SAMOA, GUAM, AND THE TRUST TERRITORY OF THE PACIFIC

Mr. ERVIN. Mr. President, from the Committee on Government Operations, I report the bill H.R. 5264, to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands, without amendment, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 5264) to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands.

The PRESIDING OFFICER. Is there objection to the request for immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, this bill has been passed by the House and reported to the Senate by the Senate Government Operations Committee. It is a very simple bill. All it does is to make some Samoa, Guam, and the trust territory entitled to come under the Surplus Property Act, just like the 50 States, the Virgin Islands, and Puerto Rico. I ask the Senate to pass this bill.

The bill was ordered to a third reading, read the third time, and passed.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. HASKELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1017.

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate the amendments of the House of Representatives to the bill (S. 1017) to promote maximum Indian participation in the government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; to train professionals in Indian education; to establish an In-

dian youth intern program; and for other purposes, as follows:

(1) Strike out all after line 2 on page 1, over to and including line 24 on page 15, and insert:
That this Act may be cited as the "Indian Self-Determination and Education Assistance Act".

CONGRESSIONAL FINDINGS

SEC. 2. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(b) The Congress further finds that—
(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

DECLARATION OF POLICY

SEC. 3. (a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(a) "Indian" means a person who is a member of an Indian tribe;

(b) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services pro-

vided by the United States to Indians because of their status as Indians;

(c) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: *Provided*, That in any case where a contract is let or grant made to an organization to perform services benefitting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant;

(d) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(f) "State education agency" means the State board of education or other agency or officer primarily responsible for supervision by the State of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

REPORTING AND AUDIT REQUIREMENTS

SEC. 5. (a) Each recipient of Federal financial assistance from the Secretary of Interior or the Secretary of Health, Education, and Welfare, under this Act, shall keep such records as the appropriate Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Comptroller General and the appropriate Secretary, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in the preceding subsection of this section, have access (for the purpose of audit and examination) to any books, documents, papers, and records of such recipients which in the opinion of the Comptroller General or the appropriate Secretary may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to in the preceding subsection.

(c) Each recipient of Federal financial assistance referred to in subsection (a) of this section shall make such reports and information available to the Indian people served or represented by such recipient as and in a manner determined to be adequate by the appropriate Secretary.

(d) Any funds paid to a financial assistance recipient referred to in subsection (a) of this section and not expended or used for the purposes for which paid shall be repaid to the Treasury of the United States.

PENALTIES

SEC. 6. Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

WAGE AND LABOR STANDARDS

SEC. 7. (a) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, in-

cluding painting or decorating of buildings or other facilities in connection with contracts or grants entered into pursuant to this Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. With respect to construction, alteration, or repair work to which the Act of March 3, 1921 is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (48 Stat. 948, 40 U.S.C. 276c).

(b) Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—

(1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

CARRYOVER OF FUNDS

SEC. 8. The provisions of any other laws to the contrary notwithstanding, any funds appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), for any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

TITLE I—INDIAN SELF-DETERMINATION ACT

SEC. 101. This title may be cited as the "Indian Self-Determination Act".

CONTRACTS BY THE SECRETARY OF THE INTERIOR

SEC. 102. (a) The Secretary of the Interior is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, provided for in the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, any other program or portion thereof which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat. 208), and any Act subsequent thereto: *Provided, however*, That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory; (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That in arriving at his finding, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Whenever the Secretary declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days; (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections; and (3) provide the tribe with a hearing, promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary of Health, Education, and Welfare is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

state his objections in writing to the tribe within sixty days, (2) provide to the extent practicable assistance to the tribe or tribal organization to overcome his stated objection, and (3) provide the tribe with a hearing, under such rules and regulations as he may promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

CONTRACTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

SEC. 103. (a) The Secretary of Health, Education, and Welfare is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to carry out any or all of his functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), as amended: *Provided, however*, That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted for will not be satisfactory; (2) adequate protection of trust resources is not assured; or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That the Secretary of Health, Education, and Welfare, in arriving at his finding, shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Whenever the Secretary of Health, Education, and Welfare declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days; (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections; and (3) provide the tribe with a hearing, promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary of Health, Education, and Welfare is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

GRANTS TO INDIAN TRIBAL ORGANIZATIONS

SEC. 104. (a) The Secretary of the Interior is authorized, upon the request of any Indian tribe (from funds appropriated for the benefit of Indians pursuant to the Act of

November 2, 1921 (42 Stat. 208), and any Act subsequent thereto) to contract with or make a grant or grants to any tribal organization for—

(1) the strengthening or improvement of tribal government (including, but not limited to, the development, improvement, and administration of planning, financial management, or merit personnel systems; the improvement of tribally funded programs or activities; or the development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources);

(2) the planning, training, evaluation of other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 102 of this Act and the additional costs associated with the initial years of operation under such a contract or contracts;

(3) the acquisition of land in connection with items (1) and (2) above: *Provided*, That in the case of land within reservation boundaries or which adjoins on at least two sides lands held in trust by the United States for the tribe or for individual Indians, the Secretary of the Interior may (upon request of the tribe) acquire such land in trust for the tribe; or

(4) the planning, designing, monitoring, and evaluating of Federal programs serving the tribe.

(b) The Secretary of Health, Education, and Welfare may, in accordance with regulations adopted pursuant to section 107 of this Act, make grants to any Indian tribe or tribal organization for—

(1) the development, construction, operation, provision, or maintenance of adequate health facilities or services including the training of personnel for such work, from funds appropriated to the Indian Health Service for Indian health services or Indian health facilities; or

(2) planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 103 of this Act.

(c) The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to this section may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made.

PERSONNEL

SEC. 105. (a) Section 3371(2) of chapter 33 of title 5, United States Code, is amended (1) by deleting the word "and" immediately after the semicolon in clause (A); (2) by deleting the period at the end of clause (B) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new clause:

"(C) any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and includes any tribal organization as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act."

(b) The Act of August 5, 1954 (68 Stat. 674), as amended, is further amended by adding a new section 8 after section 7 of the Act, as follows:

"Sec. 8. In accordance with subsection (d) of section 214 of the Public Health Service Act (58 Stat. 690), as amended, upon the request of any Indian tribe, band, group, or community, commissioned officers of the Service may be assigned by the Secretary for the purpose of assisting such Indian tribe, group, band, or community in carrying out the provisions of contracts with, or grants to, tribal organizations pursuant to section

102, 103, or 104 of the Indian Self-Determination and Education Assistance Act".

(c) Paragraph (2) of subsection (a) of section 6 of the Military Selective Service Act of 1967 (81 Stat. 100), as amended, is amended by inserting after the words "Environmental Science Services Administration" the words "or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended".

(d) Section 502 of the Intergovernmental Personnel Act of 1970 (84 Stat. 1909, 1925) is amended—

(1) by deleting the word "and" after paragraph (3);

(2) by deleting the period after paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) Notwithstanding the population requirements of section 203(a) and 303(c) of this Act, a 'local government' and a 'general local government' also mean the recognized governing body of an Indian tribe, band, pueblo, or other organized group or community, including any Alaska Native village, as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which performs substantial governmental functions. The requirements of sections 203(c) and 303(d) of this Act, relating to reviews by the Governor of a State, do not apply to grant applications from the governing body of an Indian tribe, although nothing in this Act is intended to discourage or prohibit voluntary communication and cooperation between Indian tribes and State and local governments."

(e) Notwithstanding any other law, executive order, or administrative regulation, and employees serving under an appointment not limited to one year or less who leaves Federal employment to be employed by a tribal organization on or before December 31, 1985, in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if the employees and the tribal organization so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of title 5, United States Code, and for this purpose his employment with the tribal organization shall be deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefit payable under subchapter I of chapter 81 of title 5, United States Code, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of title 5, United States Code. Days of unused sick leave to

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the credit of an employee under a formal leave system at the time the employee leaves Federal employment to the employee by a tribal organization remain to his credit for retirement purposes during covered service with the tribal organization.

(3) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Employee's Health Benefit Fund (section 8909 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(D) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Employee's Life Insurance Fund (section 8714 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United States Code.

(f) During the period an employee is entitled to the coverage, rights, and benefits pursuant to the preceding subsection, the tribal organization employing such employee shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of such preceding subsection.

(g) An employee who is employed by a tribal organization under subsection (e) of this section and such tribal organization shall make the election to retain the coverage, rights, and benefits in paragraphs (1), (2), (3), and (4) of such subsection (e) before the date of his employment by a tribal organization. An employee who is employed by a tribal organization under subsection (e) of this section shall continue to be entitled to the benefits of such subsection if he is employed by another tribal organization to perform service in activities of the type described in such subsection.

(h) For the purposes of subsections (e), (f), and (g) of this section, the term "employee" means an employee as defined in section 2105 of title 5, United States Code.

(i) The President may prescribe regulations necessary to carry out the provisions of subsections (e), (f), (g), and (h) of this section and to protect and assure the compensation, retirement, insurance, leave, re-employment rights, and such other similar civil service employment rights as he finds appropriate.

(j) Anything in sections 205 and 207 of title 18, United States Code to the contrary notwithstanding, officers and employees of the United States assigned to an Indian tribe as authorized under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48) and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or appear on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: *Provided*, That each such officer or employee or former officer or employee must advise in writing the head of the department, agency, court, or commission with which he is dealing or appearing on behalf of the tribe of any personal and substantial involvement he may have had as an officer or employee of the United States in connection with the matter involved.

ADMINISTRATIVE PROVISIONS

Sec. 106. (a) Contracts with tribal organizations pursuant to sections 102 and 103 of this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended: *Provided*, That the appropriate Secretary may waive any provisions of such contracting laws or regulations which he determines are not appropriate for the purposes of the contract involved or inconsistent with the provisions of this Act.

(b) Payments of any grants or under any contracts pursuant to section 102, 103, or 104 of this Act may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this title. The transfer of funds shall be scheduled consistent with program requirements and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by the tribal organization, whether such disbursement occurs prior to or subsequent to such transfer of funds. Tribal organizations shall not be held accountable for interest earned on such funds, pending their disbursement by such organization.

(c) Any contract requested by a tribe pursuant to sections 102 and 103 of this Act shall be for a term not to exceed one year unless the appropriate Secretary determines that a longer term would be advisable: *Provided*, That such term may not exceed three years and shall be subject to the availability of appropriations: *Provided, further*, That the amounts of such contracts may be negotiated annually to reflect factors, including but not limited to cost increases beyond the control of a tribal organization.

(d) Notwithstanding any provision of law to the contrary, the appropriate Secretary may, at the request or consent of a tribal organization, revise or amend any contract or grant made by him pursuant to section 102, 103, or 104 of this Act with such organization as necessary to carry out the purposes of this title: *Provided, however*, That whenever an Indian tribe requests retrocession of the appropriate Secretary for any contract entered into pursuant to this Act, such retrocession shall become effective upon a date specified by the appropriate Secretary not more than one hundred and twenty days from the date of the request by the tribe or at such later date as may be mutually agreed to by the appropriate Secretary and the tribe.

(e) In connection with any contract or grant made pursuant to section 102, 103, or 104 of this Act, the appropriate Secretary may permit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(f) The contracts authorized under sections 102 and 103 of this Act and grants pursuant to section 104 of this Act may include provisions for the performance of personal services which would otherwise be performed by Federal employees including, but in no way limited to, functions such as determination of eligibility of applicants for assistance, benefits, or services, and the extent or amount of such assistance, benefits, or services to be provided and the provisions of such assistance, benefits, or services, all in accordance with the terms of the contract or grant and applicable rules and regulations of the

appropriate Secretary: *Provided*, That the Secretary shall not make any contract which would impair his ability to discharge his trust responsibilities to any Indian tribe or individuals.

(g) Contracts and grants with tribal organizations pursuant to sections 102, 103, and 104 of this Act and the rules and regulations adopted by the Secretaries of the Interior and Health, Education, and Welfare pursuant to section 107 of this Act shall include provisions to assure the fair and uniform provision by such tribal organizations of the services and assistance they provide to Indians under such contracts and grants.

(h) The amount of funds provided under the terms of contracts entered into pursuant to sections 102 and 103 shall not be less than the appropriate Secretary would have otherwise provided for his direct operation of the programs or portions thereof for the period covered by the contract: *Provided*, That any savings in operation under such contracts shall be utilized to provide additional services or benefits under the contract.

PROMULGATION OF RULES AND REGULATIONS

Sec. 107. (a) The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this title.

(b) (1) Within six months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each to the extent practicable, consult with national and regional Indian organizations to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall promulgate rules and regulations to implement the provisions of this title.

(c) The Secretary of the Interior and the Secretary of Health, Education, and Welfare are authorized to revise and amend any rules or regulations promulgated pursuant to this section: *Provided*, That prior to any revision or amendment to such rules or regulations, the respective Secretary or Secretaries shall present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives and shall, to the extent practicable, consult with appropriate national or regional Indian organizations and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

REPORTS

Sec. 108. For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this title, the Indian tribe which requested such contract or grant shall submit to the appropriate Secretary a report in-

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cluding, but not limited to, an accounting of the amounts and purposes for which Federal funds were expended, information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request.

REASSUMPTION OF PROGRAMS

Sec. 109. Each contract or grant agreement entered into pursuant to sections 102, 103, and 104 of this Act shall provide that in any case where the appropriate Secretary determines that the tribal organizations performance under such contract or grant agreement involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons; or (2) gross negligence or mismanagement in the handling or use of funds provided to the tribal organization pursuant to such contract or grant agreement, such Secretary may, under regulations prescribed by him and after providing notice and hearing to such tribal organization, rescind such contract or grant agreement and assume or resume control or operation of the program, activity, or service involved if he determines that the tribal organization has not taken corrective action as prescribed by him: *Provided*, That the appropriate Secretary may, upon notice to a tribal organization, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat to safety and, in such cases, he shall hold a hearing on such action within ten days thereof. Such Secretary may decline to enter into a new contract or grant agreement and retain control of such program, activity, or service until such time as he is satisfied that the violations of rights or endangerment of health, safety, or welfare which necessitated the rescission has been corrected. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

EFFECT ON EXISTING RIGHTS

Sec. 110. Nothing in this Act shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or
(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

Page 16, line 17, strike out "objective," and insert: "objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students."

Strike out all after line 23 on page 17, over to and including line 2 on page 18.

Page 18, line 8, strike out "1974," and insert: "1975."

Strike out all after line 16 on page 19 over to and including line 19 on page 20.

Page 20, line 20, strike out "PART C," and insert: PART B

Page 20, line 21, strike out "206," and insert: 204

Page 21, line 8, strike out "part C," and insert: part B

Page 21, line 23, strike out "part C," and insert: part B

Page 21, line 24, strike out "218," and insert: 208

Strike out all after line 2 on page 23, down to and including "amended," in line 10.

Page 23, line 11, strike out "(g)," and insert: (f)

Page 24, line 15, strike out "(h)," and insert: (g)

Strike out all after line 20 on page 24, over to and including line 3 on page 30.

Page 30, line 4, strike out "PART G," and insert: PART C

Page 30, line 5, strike out "215," and insert: 205

Page 30, line 13, strike out "216," and insert: 206

Page 30, line 14, strike out "except as provided in Part B."

Page 30, line 22, strike out "217," and insert: 207

Page 31, line 25, strike out "218," and insert: 208

Page 32, line 9, strike out "219," and insert: 209

Amend the title so as to read: "An Act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance of upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes."

Mr. HASKELL. Mr. President, this matter has been discussed with the distinguished ranking minority member of the Committee on Interior and Insular Affairs, Mr. FANNIN. It has been discussed with the distinguished assistant minority whip.

Mr. GRIFFIN. Mr. President, the Senator from Colorado did speak with me earlier about this matter.

I should like to have it established in the record—and I know it means that this bill meets with the approval of the Senator from Arizona (Mr. FANNIN), because he mentioned it to me—has the bill been considered by the Committee on Interior and Insular Affairs?

Mr. HASKELL. Yes, the bill was considered by that committee. I want to be absolutely sure. Will the Senator wait one moment? I should like to check.

It was considered in hearings. It was reported unanimously from the Committee on Interior and Insular Affairs.

Mr. GRIFFIN. I thank the Senator.

Mr. JACKSON. Mr. President, the House of Representatives approval of S. 1017 brings the concept of Indian self-determination within reach. The proposed measure contains two significant titles authorizing major changes in national Indian policy, which, if enacted would provide the legal impetus for implementation of that concept.

Title I—the Indian Self-Determination Act—will authorize Indian tribes and their organizations to assume the control and management of all or portions of programs currently administered by the Bureau of Indian Affairs and the Indian Health Service within the Departments of the Interior and Health, Education, and Welfare, respectively. What this means to the Indian community is that the heavy hand of paternalism which has dominated the lives and affairs of Indian people for so many years can now be broken. In its place the Indian community, acting through its leaders, can determine the shape and form of these formal Federal programs as they relate to the actual needs of the Indian people and their communities.

Mr. President, the House agreed on both technical and substantive amendments to title I. These changes improve and strengthen the accountability of tribes who opt to contract for the control and administration of Federal pro-

grams; provide grant authority to the Secretaries of the Interior and Health, Education and Welfare to improve and strengthen tribal governing bodies; provide administrative procedures to facilitate contracting in favor of the tribes; and offer protection of employee benefits to Federal personnel assigned to tribal contractors.

Title II—the Indian Education Assistance Act—as approved by the Senate, contained several major provisions to improve the quantity and quality of Indian education for Indian children and adults.

Unfortunately, the House disagreed with the Senate on several of the educational provisions included in title II of the act. The House deleted provisions designed to authorize Federal subsidy to Indian educators desiring to obtain advanced degrees in the professional areas of education; a youth intern program for Indian youth which would have provided substantial summer employment for Indian college students desiring to return and work on their home reservations; a research and development authorization for the Bureau of Indian Affairs to support necessary research and other projects designed to improve and strengthen Indian education programs; and finally, an authorization for appropriations to undertake studies in the area of continuing education, vocational and technical career education for Indians, early childhood Indian education, and educational needs of gifted and handicapped Indian children. The foregoing provisions were deleted by the House on the grounds that the appropriate agencies already possessed the necessary authorities to support such programs and activities.

I am pleased that the House did retain our provision which provided modest reforms to the Johnson-O'Malley Act as it relates to Indian education and a much needed authority for appropriations to support construction activities in public school districts educating federally recognized Indian students.

Mr. President, members of the Senate Committee on Interior and Insular Affairs continue to hold to the belief that the educational provisions deleted by the House are still important and necessary to move Indian educational programs forward. However, we are also of the belief that it is extremely important to have legislation enacted in this Congress that will give legal credibility to the concept of Indian self-determination, to provide the modest reforms to the Johnson-O'Malley Act and to authorize appropriations for the sorely needed construction activities as noted earlier. The educational provisions deleted by the House can be addressed in new legislation during the forthcoming Congress.

Mr. President, I have discussed the House amendment with the distinguished ranking minority member of the committee (Mr. FANNIN), who agrees with me that, in order to avoid a conference, we should accept the House amendments.

Mr. FANNIN. Mr. President, I appreciate the remarks of the distinguished Senator from Washington, Mr. JACKSON, and I concur fully with them. It is, of

course, distressing to me that the educational programs contained in title II of the bill could not have been retained, but I do appreciate the problems which this bill faced in the House and I am grateful that S. 1017, in some form, survived. It is not, however, my purpose here to discuss at length the contents of S. 1017, but rather to make a few observations about certain portions of the bill and implication for the future.

First, the provisions of title I will greatly facilitate contracting of BIA and HEW programs to Indian tribes and tribal organizations. In this connection, these provisions represent a major step forward in implementing the concept of Indian self-determination. But while these provisions are important, I am not convinced that the present BIA Administration will be able to apply them without making a major effort to restructure their contracting process. It has been my experience that BIA area offices have proven masterful in failing to either accommodate the demand for contracting of services or in administering existing contracts. In particular, I have not been impressed with the Bureau's effort to resolve the contracting problems of contract schools which, in my opinion, are on the front line of Indian self-determination efforts.

Thus, while title I is of major significance to Indian contracting, the Bureau will have to address, quite soon, the need for a central contracting office which will be able to effectively and efficiently implement contracting policies.

Second, it is particularly gratifying to me that the House approved the so-called Fannin amendment dealing with school construction. The need for this amendment is clearly evident and its implementation will mark a significant step in providing more funds to schools serving reservation Indian children.

As we know, funds for the construction or renovation of public schools located on or near Indian reservations are either obtained through local tax resources or sections 14a and 14b of Public Law 81-815. In most cases, however, public schools find that local funds for capital outlay projects are limited due to the presence of large blocs of non-taxable reservation lands. The result is that these schools must then rely on Public Law 815 to supply the necessary funds. The problem, however, is that funds provided under Public Law 815 to such schools have been insufficient to meet current needs.

For example, under the 1974 budget, \$19 million was appropriated to support Public Law 815, of which \$9.5 million, or 50 percent of the total would be allocated to sections 14a and 14b.

This \$9.5 million allocation would cover the construction needs of perhaps five schools. Yet, there were 39 eligible applications approved for funding with a total cost of \$37,347,202. Clearly the 1974 budget was inadequate to meet the needs of those schools serving reservation Indian children, and the 1975 budget offers little hope that the existing backlog will be cleared up. The 1975 budget is requesting only \$10.5 million to meet a need of \$45 million.

This situation is critical because of the

continuing pressure of increased Indian enrollment. The enrollment in the public schools educating reservation based Indian children has increased over the past 5 years by a total of 23,502 students. In addition, these same schools are estimating an additional 19,428 students to educate within the next 5 years. Obviously, the lay time between the recognition of need and delivery of funds makes the problem even more difficult.

To meet these critical needs part B of title II authorizes Federal assistance in the construction of school facilities which serve reservation Indian children by providing a \$35 million annual authorization to the Secretary of the Interior. When S. 1017 was originally introduced, however, guidelines as to how these funds would be allocated were conspicuously absent. It was my view that without such guidelines there would be little chance that the physical plant needs of reservation schools would be met in a reasonable and rational manner.

I proposed, therefore, that the allocation of construction funds be tied to the Public Law 815 program. This program represents the basic commitment of the Federal Government to supply funds to public schools serving Indian children. As approved, S. 1017 provides that of the amount appropriated, 75 percent will be spent on those public schools whose construction needs have been approved under Public Law 815. The allocation of funds will be based on the priorities established by the Commission on Education. In terms of procedure, the Secretary of Health, Education, and Welfare will make available to the Department of the Interior, on a periodic basis, the priority listing of approved projects under sections 14a and 14b of Public Law 815 from which the Secretary shall disburse funds made available under this act. The remaining 25 percent shall be spent, at the discretion of the Secretary for other school construction projects which he deems worthy, which under the terms of the bill, covers Indian controlled private and contract schools.

This particular approach to an old problem is an innovative one. It was chosen for the following reasons:

First, By allocating funds on the basis of the Public Law 815 priorities, additional bureaucracy in the Department of the Interior is avoided and the role of the Office of Education is retained;

Second, By allocating funds on the basis of Public Law 815, an existing formula is utilized, one based on need, thus relieving the Department of the Interior from having to establish one; and

Third, By assigning new budgetary authority to the Interior, there is a greater chance for increased appropriations to meet the increasing need for school facilities.

Mr. President, it is my expectation that this provision will be funded promptly so that we can get on with the job of providing desperately needed construction funds to our reservation schools.

Third, the decision by the House to include a provision to allow the carryover of Johnson-O'Malley funds recognized the importance of preserving for the use of public schools their entire allotment

of Johnson-O'Malley funds. I had been advised that the BIA had ordered that any unspent Johnson-O'Malley funds could not be carried over to the next fiscal year. In view of the importance of the Johnson-O'Malley program to many reservation public schools, I urged the House Interior and Insular Affairs Committee to adopt a provision which would provide ample authority to the Bureau to carry over such funds thus insuring that the full appropriation would be used. Their acceptance of this provision is gratifying.

Fourth, the provision contained in title II ordering a study by the Department of the Interior is of particular importance to the future of Federal Indian education policies.

The significance of this mandated study lies in the fact that it represents a continuing desire on the part of the Congress to find an acceptable legislative alternative to the existing method for allocating Johnson-O'Malley funds.

By requiring a legislative proposal for the Secretary of the Interior by October 1, 1975, the Congress is making it fundamentally clear that it intends to proceed to reform the Johnson-O'Malley program.

Yet, of even more significance is the requirement that the possible duplication of Johnson-O'Malley, title I of ESEA, title IV, Public Law 874 and 815 be analyzed. The results of this part of the study may cause the Congress to consider an even more comprehensive funding approach to eliminate duplicate funding, conflicts in programs, and the multiple involvement of various Federal bureaucracies in administering these programs. I could conceive of a program for reservation public schools in which existing program funds could be combined into one authority to provide operational funds including capital expenses, and support for supplementary programs to meet the special educational needs of Indian children. This approach could possibly result in a significant change in how we assist our reservation public schools and therefore this particular part of the study is extremely important for the future of Indian education policies.

Finally, Mr. President, let me make a brief observation about the future. I have not been altogether impressed with the efforts to develop a more comprehensive policy toward financing Indian education whether in reservation public schools, contract schools or elsewhere.

The continuing struggle, for example, over the use of Johnson-O'Malley funds has gone on so long that we are ignoring the total realities of financing Indian education. Enrollments are doubling, and costs are rising, but instead of joining together in developing a comprehensive plan in recognition of such problems, we find ourselves mired in a debate over Johnson-O'Malley. It is time, it seems to me, to break out of the hamperlock in which the Johnson-O'Malley program has placed us and face up to bigger problems. It does not serve anyone's interest, especially the needs of Indian children, for example, to ignore the financial needs of reservation public

schools. Such needs are real, and ways must be found to deliver sufficient financial resources to accommodate and resolve such needs. The failure of our current policies is in part the failure of those both in and out of Congress to work toward a comprehensive financial delivery system which will meet the needs of schools and most importantly, Indian children.

Mr. President, I hope that in the next Congress, there will be a new spirit of cooperation in meeting the educational needs of Indian children. Perhaps, with genuine cooperation, legislation can be developed and passed which will correct some very basic deficiencies in our Indian education programs.

Mr. President, as approved by the House, S. 1017, represents another step in the continuing effort to strengthen the Federal commitment to Indian education.

In addition, it represents another step in the implementation of the recommendations of the Special Subcommittee on Indian Education as contained in its final report; "Indian Education: A National Tragedy—A National Challenge." This report, after surveying in depth the status of Indian education programs, made some 60 recommendations to strengthen Indian education endeavors and to urge new approaches. This vital report and its recommendations were virtually ignored, however, for almost 2 years until the Congress considered, in 1971, the Indian Education Act. This measure was adopted as title IV of the Education Amendments of 1972 which became Public Law 92-318. This was the first step in realizing the objectives of the special subcommittee. Now, 2 years later, the Congress is approving legislation which will further implement the goals and objectives of the final report of the special subcommittee.

What is taking place through these legislative efforts is the development of a comprehensive Indian education policy. By identifying deficiencies and omissions in current policies, the Congress and the executive branch are developing a program to meet the contemporary needs of Indian education. Certainly there is still much to do, but these initial efforts are building a new foundation on which hopefully will rest a program which will assure a quality Indian education program.

Mr. President, I urge the Senate to concur in the House amendments to S. 1017 so as to clear it for action by the President.

Mr. HASKELL. Mr. President, I move that the Senate concur in the amendments of the House to S. 1017.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. I ask unanimous consent that there may now be a period for the transaction of routine morning business, with statements limited therein to 5 minutes each, and with

my having permission at any time to close morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President were communicated to the Senate by Mr. Heking, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGH SCOTT) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVAL

A message from the President of the United States stated that on December 16, 1974, he approved and signed the bill (S. 433) to amend the Public Health Service Act to assure that the public is provided with safe drinking water, and for other purposes.

MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 17628. An act to designate a national laboratory as the "Hollifield National Laboratory."

H.R. 11897. An act to name the U.S. Courthouse and Federal Office Building at 110 Michigan Street NW, Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building."

The message further announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 3481) to amend the Federal Aviation Act of 1958 to deal with discriminatory and unfair competitive practices in international air transportation, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3934) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The message further announced that the House has passed the bill (S. 3433) to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wil-

derness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (H.R. 2770) for the relief of Charles P. Bailey, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 11273) to provide for the regulation of the movement in foreign commerce of noxious weeds and potential carriers thereof.

The message also announced that the House insists upon its amendment to the bill (S. 3585) to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. DEVINE, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT were appointed managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3538. An act for the relief of Selmer Amundson.

H.R. 14401. An act to authorize military band recordings in support of the American Revolution Bicentennial.

H.R. 14689. An act to provide for a plan for the preservation, interpretation, development, and use of the historic, cultural, and architectural resources of the Lowell Historic Canal District in Lowell, Massachusetts, and for other purposes.

H.R. 15912. An act to amend chapter 37 of title 38, United States Code, to improve the basic provisions of the veterans home loan programs and to eliminate those provisions pertaining to the dormant farm and business loans, and for other purposes.

H.R. 16609. An Act to amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

H.R. 16901. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1975, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. HUGH SCOTT).

At 12:32 p.m., a message from the House of Representatives by Mr. Hackney announced that the House had agreed to, without amendment, the concurrent resolution (S. Con. Res. 126) authorizing a technical correction in the enrollment of S. 356.

The message also announced that the House disagrees to the amendment of the Senate to the joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending

June 30, 1975, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MAHON, Mr. WHITTEN, Mr. BOLAND, Mr. FLOOD, Mr. SLACK, Mr. CEDERBERG, Mr. MICHEL, and Mr. WYATT were appointed managers of the conference on the part of the House.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 11340. An act for the relief of Mrs. Maritza Busch.

H.R. 11934. An act for the relief of Manuel Bonotan.

H.R. 12821. An act for the relief of Lystra Umlita Downs.

H.R. 14461. An act for the relief of Judith E. Sterling.

H.R. 17635. An act to adjust price support for tobacco under the Agricultural Act of 1949.

The message also announced that the House has agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

House Concurrent Resolution 693. A concurrent resolution providing for the printing of the prayers of the House Chaplain.

House Concurrent Resolution 694. A concurrent resolution authorizing a correction in the enrollment of H.R. 14689.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1283. An act to establish a national program for research and development in nonnuclear energy sources.

S. 3418. An act to amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. HUGH SCOTT).

At 1:20 p.m., a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House has passed without amendment the bill (S. 3943) to extend the time for using funds appropriated to carry out the 1973 Rural Environmental Assistance Program and the 1974 Rural Environmental Conservation Program, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 356) to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

The message further announced that

the House has passed the bill (H.R. 17589) to designate the new Poe lock on the St. Marys River at Sault Ste. Marie, Mich., as the "John A. Blatnik lock."

The message also announced that the House has passed the bill (S. 2854) to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis with an amendment in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 12427) to amend section 510 of the Merchant Marine Act, 1936.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15223) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes.

At 2:15 p.m., a message from the House of Representatives by Mr. Berry announced that the House has agreed to the concurrent resolution (H. Con. Res. 694) authorizing a correction in the enrollment of H.R. 14689.

The message also announced that the House has passed the bill (S. 3976) to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes, with amendments in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (H.R. 16215) to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 1017) to promote maximum Indian participation in the government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; to train professionals in Indian education; to establish an Indian youth intern program; and for other purposes, with amendments in which it requests the concurrence of the Senate.

At 10:01 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has con-

firmed the nomination of Nelson A. Rockefeller, of the State of New York, to be Vice President of the United States.

The message also announced that the House recedes from its disagreement to the amendment of the Senate to the resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message further announced that the bill (S. 1418) to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the organization of the executive branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 17597) to provide a program of emergency unemployment compensation.

The message further announced that the House agrees to the amendments of the Senate to the joint resolution (H.J. Res. 1178) making further continuing appropriations for the fiscal year 1975, and for other purposes.

The message also announced that the House has passed without amendment the bill (S. 2807) to name the Federal Building, U.S. Post Office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building."

The message further announced that the House has passed without amendment the joint resolution (S.J. Res. 262) authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol Grounds.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 5773. An act to establish the Canaveral National Seashore in the State of Florida, and for other purposes.

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

The above enrolled bills were subsequently signed by the Vice President.

H.R. 5463. An act to establish rules of evidence for certain courts and proceedings.

H.R. 8958. An act to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of certain excess and surplus Federal property to the Secretary of the Interior for the benefit of any group, band, or tribe of Indians.

H.R. 9588. An act for the relief of the city of Aransas Pass, Texas, and the Urban Renewal Agency of the city of Aransas Pass, Texas.

H.R. 10212. An act to designate the Veter-

ans' Administration hospital in Columbia, Missouri, as the "Harry S. Truman Memorial Veterans' Hospital"; to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to certain eligible veterans and persons; and for other purposes.

H.R. 10701. An act to regulate commerce, promote efficiency in transportation, and protect the environment, by establishing procedures for the location, construction, and operation of deepwater ports off the coasts of the United States, and for other purposes.

H.R. 15173. An act to extend until January 31, 1976 the authority of the National Commission for the Review of Federal and State Laws on Wiretapping and Electronic Surveillance, and for other purposes.

H.R. 15223. An act to regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes.

H.R. 13869. An act for the relief of Carl C. Strauss and Mary Ann Strauss.

The above enrolled bills were subsequently signed by the Acting President pro tempore (Mr. HUGH SCOTT).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGH SCOTT) laid before the Senate the following letters, which were referred as indicated:

PROJECT TRANSFER OF FUNDS

A letter from the Administrator of National Aeronautics and Space Administration transmitting, pursuant to law, a report on the projected transfer of \$2,500,000 of Research and Development funds appropriated for the Space Shuttle program (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment: H.R. 10827. An act for the relief of Kiyonao Okami (Rept. No. 93-1413).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 2933. An act to improve the quality of unshelled filberts and shelled filberts for marketing in the United States (Rept. No. 93-1414).

H.R. 13022. An act to amend the Act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations (Rept. No. 93-1415).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 11802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake" (Rept. No. 93-1416).

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake" (Rept. No. 93-1417).

By Mr. HUDDLESTON, from the Committee on Agriculture and Forestry, without amendment:

S. 4121. A bill to establish programs for the benefit of producers and consumers of rice (Rept. No. 93-1418).

By Mr. ERVIN, from the Committee on

Government Operations, without amendment:

H.R. 5264. An act to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands (Rept. No. 93-1419).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 14461. A bill for the relief of Judith E. Sterling (Rept. No. 93-1421).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 1820. An act to direct the administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes.

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 2532. A bill to amend the Federal Power Act to promote conservation, reduce wastage, and attain greater efficiency in the generation of electrical energy, and for other purposes (Rept. No. 93-1422).

CONSTITUTIONAL AMENDMENTS—REPORT OF A COMMITTEE—(REPT. NO. 93-1423)

Mr. BAYH. Mr. President, I ask unanimous consent that the annual report entitled "Constitutional Amendments" from the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be ordered to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NURSING HOME CARE IN THE UNITED STATES: FAILURE IN PUBLIC POLICY—REPORT OF A COMMITTEE—(REPT. NO. 93-1420)

Mr. MOSS, from the Special Committee on Aging, submitted a report entitled "Nursing Home Care in the United States: Failure in Public Policy," which was ordered to be printed.

FILING OF REPORT FROM THE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

Mr. BAYH. Mr. President, I ask unanimous consent that the Committee on the Judiciary may have until midnight on January 2, 1975, to file the report of the Subcommittee To Investigate Juvenile Delinquency, pursuant to Senate Resolution 50, section 12, 93d Congress, first session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Michael A. Samuels, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Monroe Leigh, of Maryland, to be legal adviser of the Department of State.

Thomas J. Scotes, of Maryland, to be Ambassador Extraordinary and Plenipotentiary

of the United States of America to the Yemen Arab Republic.

William B. Sarbe, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. EASTLAND, from the Committee on the Judiciary:

Edward B. McDonough, Jr., of Texas, to be U.S. attorney for the southern district of Texas.

Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. EASTLAND, from the Committee on the Judiciary:

John T. Elfvin, of New York, to be U.S. district judge for the western district of New York.

Ellsworth A. VanGraafeiland, of New York, to be U.S. circuit judge.

By Mr. CHILES, from the Committee on Government Operations:

Hugh E. Witt, of Virginia, to be Administrator for Federal Procurement Policy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on December 18, 1974, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 260) relative to the convening of the first session of the 94th Congress.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, December 19, 1974, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 184. An act to authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union.

S. 194. An act to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands.

S. 1283. An act to establish a national program for research and development in non-nuclear energy sources.

S. 1357. An act for the relief of Mary Red Head.

S. 2125. An act to amend the Act of June 9, 1906, entitled "An Act granting land to the city of Albuquerque for public purposes" (34 Stat. 227), as amended.

S. 2594. An act for the relief of Jan Sejna.

S. 2838. An act for the relief of Michael D. Manemann.

S. 3341. An act to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes.

S. 3397. An act for the relief of Jose Ismar-nardo Reyes-Morelos.

S. 3418. An act to amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes.

S. 3489. An act to authorize exchange of lands adjacent to the Teton National Forest in Wyoming, and for other purposes.

S. 3518. An act to remove the cloud on title with respect to certain lands in the State of Nevada.

S. 3574. An act to relinquish and disclaim any title to certain lands and to authorize the Secretary of the Interior to convey certain lands situated in Yuma County, Ariz.

S. 3578. An act for the relief of Anita Tomasi.

S. 3615. An act to authorize the Secretary of the Interior to transfer certain lands in the State of Colorado to the Secretary of Agriculture for inclusion in the boundaries of the Arapaho National Forest, Colo.

S.J. Res. 234. A joint resolution transferring to the State of Alaska certain archives and records in the custody of the National Archives of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. COTTON (for himself and Mr. Tower):

S. 4254. A bill to authorize the appointment of Alexander P. Butterfield to the retired list of the Regular Air Force, and for other purposes. Referred to the Committee on Armed Services.

By Mr. WILLIAMS (for himself and Mr. Brooke):

S. 4255. A bill to amend the Securities Investor Protection Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUGH SCOTT:

S. 4256. A bill to direct the Secretary of Commerce to require reports from foreign investors in the United States and their agents, and for other purposes. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. Church):

S. 4257. A bill to amend title 10, United States Code, to prevent discrimination against the Armed Forces of the United States in the supply of petroleum products, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PROXMIRE:

S. 4258. A bill to impose a moratorium on the receipt of deposits or the making of loans by financial institutions at places of business, other than those of financial institutions through the means of electronic methods of fund transfers. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. FONG:

S. 4259. A bill for the modernization and general revision of the patent laws, title 35, of the United States Code, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 4260. A bill to require Federal departments and agencies to act in accord with a

national policy of free and open competition in the economy. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COTTON (for himself and Mr. Tower):

S. 4254. A bill to authorize the appointment of Alexander P. Butterfield to the retired list of the regular Air Force, and for other purposes. Referred to the Committee on Armed Services.

Mr. COTTON. Mr. President, on behalf of myself and the Senator from Texas (Mr. Tower), I introduce a bill to authorize the President to reappoint Alexander P. Butterfield, formerly colonel, U.S. Air Force, retired, to the grade of colonel and to retire him in that grade. It permits the appointment directly, without further congressional action, and provides that the effective date of the appointment will be the day after the appointee ceases to hold the office of Administrator of the Federal Aviation Administration, or the day before his death, whichever is earlier.

Section 301(b) of the Federal Aviation Act of 1958 (Public Law 85-726) requires that the Administrator of the Federal Aviation Administration be a civilian at the time of his nomination. Though Mr. Butterfield had retired from the U.S. Air Force some 4 years prior to his nomination to the FAA post, he was not a civilian within the meaning of the Federal Aviation Act. He was, therefore, precluded from serving in this position unless he resigned his regular Air Force commission. Mr. Butterfield did so on February 8, 1973.

In doing so, Mr. Butterfield forfeited retirement and survivor benefits that he had earned in over 20 years of distinguished military service. This Senator does not believe that the Congress intended to deprive Mr. Butterfield permanently of the benefits and status that he acquired during his years in the Armed Forces. That would be unreasonable.

There is precedent for Congress taking this action. In 1958, under similar circumstances, Gen. Elwood R. Quesada resigned his commission in order that he might become the first Administrator of the Federal Aviation Agency. During the following year, the 86th Congress passed a bill similar to the one I am introducing today providing for his restoration to the Air Force's retired lists. In January 1961, the President restored General Quesada's rank and benefits.

The reappointment of Mr. Butterfield will cause no advantage or disadvantage to accrue to him other than the mere restoration of his previous status. He will receive no increase in grade and no pay above that to which he was entitled at the time of his resignation. Nor will enactment of this bill affect his status as Administrator of the Federal Aviation Administration.

The bill should result in no immediate cost to the Government.

Mr. President, I look upon the introduction of this bill today as one of several matters which I believe I should attend to before the adjournment of the

93d Congress and my retirement. During the course of the hearing before our Committee on Commerce on the nomination of Mr. Butterfield back on March 1, 1973, I made the following observation to the then-nominee, Mr. Butterfield:

I also added that I was reasonably confident that after you discharged your duties as FAA Administrator, your status could be restored so that you would not have to pay an added penalty. As I recall, similar equitable treatment was accorded Lt. Gen. Elwood R. Quesada by Private Law 86-177, in a like situation.

Mr. President, I certainly do not anticipate any action on this bill in the time remaining in this Congress. But, I would hope that its introduction will serve as a reminder to those in the succeeding Congress that this is a matter which should be addressed in all fairness to Mr. Butterfield.

By Mr. WILLIAMS (for himself and Mr. Brooke):

S. 4255. A bill to amend the Securities Investor Protection Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

SECURITIES INVESTOR PROTECTION ACT AMENDMENTS OF 1975

Mr. WILLIAMS. Mr. President, on behalf of Senator Brooke and myself, I am today introducing a bill to amend the Securities Investor Protection Act of 1970—the "1970 act."

The Congress established the Securities Investor Protection Corporation—SIPC—in the closing days of the 91st Congress. There was then a general recognition of the urgent need for Federal insurance to protect customers against the insolvency of broker-dealers. Indeed, the need was so great that a number of technical problems relating to the procedures for the liquidation of securities firms were left to be worked out after practical experience with the new act.

Since that time SIPC has administered over 100 broker-dealer liquidations, and has ample opportunity to evaluate the operation of the 1970 act.

In November, 1973, the present Chairman of SIPC, Hugh F. Owens, advised the Committee on Banking, Housing and Urban Affairs at the hearing on his confirmation that SIPC would undertake a thorough study of possible amendments to the SIPC Act. Pursuant to this commitment, Chairman Owens appointed a broadly based task force in January of this year to explore better, quicker and more efficient methods of achieving the investor protection and concomitant investor confidence envisaged by the Congress when it passed the 1970 act. The bill I am introducing today has been prepared by SIPC and represents the culmination of the efforts of that task force.

Although modifications may be necessary in certain of SIPC's recommended amendments to the 1970 act, on the whole this bill represents a constructive effort to provide more efficient solutions to the broad range of problems which confront SIPC. I believe this bill goes a substantial way toward improving the protections afforded securities customers and enabling SIPC to perform its role more effectively and efficiently.

The bill would change the 1970 act in nine basic respects:

First, the framework of the SIPC Act would be modified to provide protection which better comports with the expectations of both cash and margin customers. This would be accomplished by moving away from a strict insurance concept and toward a scheme of returning customer's accounts intact as they existed when the broker-dealer became insolvent.

Second, the liquidation trustee would have broader authority to operate the business of the debtor, although he would not be given the authority to attempt to rehabilitate a failed firm.

Third, in appropriate cases, SIPC would have the authority to make payments directly to customers without the necessity for a judicial proceeding.

Fifth, SIPC would itself be the trustee for liquidation of small brokers and dealers.

Sixth, new procedures for the satisfaction of open contractual commitments would be established.

Seventh, the wholesale incorporation of the Bankruptcy Act into the 1970 Act would be eliminated.

Eighth, SIPC would be granted the authority to promulgate rules subject to the SEC's oversight.

And ninth, and perhaps of most importance, the limits of the protection in the SIPC program would be increased from the present \$50,000 with no more than \$20,000 to be paid in cash, to \$100,000 with no more than \$40,000 to be paid in cash.

The provisions of the bill are designed to meet the reasonable needs and expectations of the investing public and at the same time to assure faster and more efficient liquidation of failed securities firms. Because of the extreme importance of the 1970 act for the protection of securities customers and the confidence of investors in our securities markets, this bill deserves careful consideration by all members of the securities industry, the Securities and Exchange Commission, the self-regulatory organizations, and interested investors. Senator Brooke and I are introducing the bill at this time to facilitate this consideration. We anticipate reintroducing the bill shortly after the new Congress convenes in January.

One aspect of the bill will require special scrutiny. As presently drafted the bill would eliminate all current exclusions from SIPC membership. As a result, all registered broker-dealers would become members of SIPC and required to pay the statutory assessment. Accordingly, broker-dealers whose sole business is the distribution of mutual fund shares, the sale of variable annuities, the business of insurance, and the business of rendering investment advisory services to one or more investment companies would become SIPC members.

The elimination of the current exclusions from SIPC membership will unquestionably be a controversial recommendation. The SIPC task force was split on the issue. In the course of hearings on the bill, it will be necessary for us to weigh carefully the customer protection which would be provided by the elimination of these exemptions against the financial burden which would be

placed on highly specialized broker-dealers. The proposal to include broker-dealer affiliates of insurance companies appears to raise special problems, particularly in light of the absence of any customer losses during SIPC's existence growing out of variable annuity contracts.

Mr. President, I now ask unanimous consent that a letter to me from Hugh F. Owens, chairman of the Securities Investor Protection Corporation, and the full text of the bill be printed in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

SECURITIES INVESTOR PROTECTION CORP.,
Washington, D.C., December 17, 1974.

HON. HARRISON A. WILLIAMS, JR.,
Chairman, Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I am pleased to transmit herewith two copies of proposed amendments to the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.). You may recall that a year ago I formed a Special Task Force to examine the experience SIPC has had with the 1970 Act and to make recommendations to the SIPC Board of Directors for changes and improvements in the SIPC program. The Task Force was composed of representatives of the Securities and Exchange Commission ("Commission"), the various self-regulatory organizations, trustees who have served in SIPC liquidations, the securities industry itself, and SIPC. It met throughout the first half of this year and issued a comprehensive report to our Board of Directors on July 31, 1974. Copies of that report were sent to you at that time. Most, but not all, of the proposals embodied in the amendments transmitted herewith are the result of recommendations contained in the Task Force Report.

The Board of Directors of SIPC, after reviewing the Task Force Report, directed (with only minor modifications) that the recommendations of the Task Force be drafted into proposed amendments. I am pleased to say that this work has now been finished and the enclosed amendments are the product of that effort which was begun a year ago.

While the proposed amendments are comprehensive and deal with many aspects of the SIPC program, their common purpose is to improve the protection which is made available to investors and to increase the efficiency of the program. This is done principally by adding more flexibility to the procedures for the liquidation of a broker-dealer firm. Certain other changes are recommended which will afford to customers more adequate protection, both quantitatively and qualitatively, and thereby aid substantially in increasing investor confidence in securities firms and in our securities markets. In addition, many of the amendments are designed to deal with technical problems (some major but many minor) which have been experienced in our three and one-half years of operations.

The Board of Directors has asked me to call particularly to your attention one of the recommendations of the Task Force which has generated considerable divergence of views. It is the only matter on which there was any dissenting view filed with the Task Force Report. This is the question of the inclusion of transactions in mutual funds and variable annuities in the assessment base of the SIPC program. Under the present Act, transactions in mutual funds and variable annuities are specifically excluded from the assessment base. Indeed, firms dealing exclusively in this type of business are excluded from membership in SIPC. As the Task

Force Report points out, however, SIPC has experienced claims based on transactions in mutual fund shares and has advanced approximately \$170,000 to satisfy these claims. For this and other reasons, the Task Force recommended that transactions in mutual funds and variable annuities be included in the SIPC assessment base. As you will note from page 59 of the Task Force Report, the representative of the National Association of Securities Dealers, Inc. dissented from that recommendation.

The SIPC Board of Directors, after reviewing the matter, determined to propose an amendment to accomplish what the Task Force recommended. Should the Congress, however, determine not to adopt such an amendment to the 1970 Act, the SIPC Board of Directors would respectfully request the adoption of an amendment which would make it clear that SIPC funds should not be used to satisfy claims based on transactions in mutual funds or variable annuities.

We have tried to work closely with interested groups on these amendments. That would be indicated from the composition of the Special Task Force. We are, of course, pleased that the members of the Task Force, who represented diverse views and organizations, were able to arrive at the consensus which was reached in the Task Force Report. Many of the recommendations represent an appropriate compromising and blending of views and positions in order to obtain the goal of all of us—increased investor confidence because of the existence of a viable and efficient SIPC program. While I cannot speak for any of the organizations (other than SIPC) represented on the Task Force, it is fair for me to point out the unanimity of the views reached by the Task Force. Of special relevance, understandably, are the views of the Commission. We have made available to the Commission drafts of the proposed amendments as they were developed. The staff of the Commission has provided us with certain comments on those drafts. Many of those comments have been incorporated into the proposals transmitted herewith; others will require further discussion between the staffs of our respective organizations.

Finally, I should express to you our great hope that these amendments can receive early consideration by the Congress. We believe this is advisable from the standpoint of the public's interest generally in our nation's securities markets and particularly in the protections afforded to customers by the SIPC program. The timeliness of these amendments is highlighted by the recent doubling in the limits of protection afforded to bank and savings accounts under the FDIC and FSLIC programs. We would particularly note that one of the amendments transmitted herewith would make a corresponding increase in the limits of protection in the SIPC program (from the present \$20,000/\$50,000 to \$40,000/\$100,000). In this connection I should call to your attention a recent letter I have received from Commission Chairman Ray Garrett, Jr., which states, "The Commission supports the provisions of the proposed amendments increasing the limits of coverage under the SIPC Act and, in this regard, the Commission welcomes the efforts of SIPC to provide more comprehensive protection to the investing public."

We will be pleased to provide any assistance to you and your staff which may be useful as you review these proposals. We welcome an early opportunity to discuss them with you.

Respectfully,

HUGH F. OWENS.

S. 4255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as the

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"Securities Investor Protection Act Amendments of 1975".

(b) Unless otherwise expressly provided herein, each amendment contained in this Act is an amendment to the Securities Investor Protection Act of 1970 and each reference herein to "the Act" is a reference to the Securities Investor Protection Act of 1970.

SEC. 2. The table of contents contained in section 1(a) of the Act is amended as follows—

(1) strike out items (e) and (f) under section 3 and insert in lieu thereof the following:

"(e) Bylaws and rules."
(2) strike out section 6 and items (a) through (j) thereunder and insert in lieu thereof the following:

"Sec. 6. General provision of a liquidation proceeding.

"(a) Purposes.
(b) Application of Bankruptcy Act.
(c) Definition.
(d) Costs and expenses of administration.
Sec. 7. Powers and duties of trustee.
(a) Trustee powers.
(b) Trustee duties.
(c) Reports by trustee to court.
(d) Investigations.
Sec. 8. Special provisions of a liquidation proceeding.
(a) Customer related property.
(b) Purchase of securities.
(c) Closeouts.
(d) Transfer of customer accounts.
(e) Payments to customers.
(f) Notice of claims.
Sec. 9. SIPC advances in a liquidation proceeding.
(a) Advances for customers' claims.
(b) Other advances.
(c) Discretionary advances.
Sec. 10. Direct payment procedure.
(a) Determination regarding direct payments.
(b) Notice.
(c) Payments to customers.
(d) Effect on claims.
(e) Jurisdiction of district courts.
(f) Discontinuance of direct payments.
(g) Effect on SIPC."
(3) redesignate section 7 as section 11;
(4) insert after item (d) under section 11 as redesignated the following:
(e) Financial responsibility rules."
(5) redesignate section 8 as section 12;
(6) redesignate section 9 as section 13;
(7) redesignate section 10 as section 14;
(8) strike out item (c) under section 14 as redesignated and insert in lieu thereof the following:
(c) Embezzlement, false claims, etc."
(9) redesignate section 11 as section 15;
(10) strike out item (b) under section 15 as redesignated;
(11) redesignate item (c) under section 15 as redesignated as item (b);
(12) strike out item (d) under section 15 as redesignated and insert in lieu thereof the following:
(c) Liability of SIPC, directors, and others."
(13) redesignate items (e) through (h) under section 15 as redesignated as items (d) through (g);
(14) redesignate section 12 as section 16; and
(15) after section 16 as redesignated insert the following new item:
"Sec. 17. Effective date."
Sec. 3. (a) Section 3(a)(2) is amended by striking out all that follows "national securities exchange," and inserting in lieu thereof the following:
"except persons whose head office is located, and whose principal business is conducted, outside the United States; and".
(b) Section 3(b) is amended—
(1) by striking out clause (3) thereof and inserting in lieu thereof the following:

"(3) subject to the provisions of this Act, to adopt, amend and repeal, by its Board of Directors, bylaws relating to the conduct of its business, the indemnity of its directors, officers and employees (including as trustee or otherwise in connection with a liquidation proceeding), and the exercise of all other rights and powers granted to it by this Act;
(4) to adopt, amend, and repeal, by its Board of Directors, such rules as may be necessary or appropriate to effectuate the purposes of this Act, including rules:
(A) defining terms used in this Act, notwithstanding that such defining rules may be at variance with the same or similar terms used in the 1934 Act or in rules and regulations thereunder; and
(B) relating to the liquidation of members, the transfer of customer accounts and distribution of customer property, the advance and payment of SIPC funds, the activities of a trustee and to any other aspect of a liquidation proceeding or direct payment procedure"; and
(2) by redesignating clauses (4) through (8) as clauses (5) through (9), respectively.
(c) Section 3(c)(5) is amended to read as follows:
(5) COMPENSATION.—All matters relating to compensation of directors shall be as provided in the by-laws of SIPC."
(d) Section 3(e) is amended—
(1) by striking out "by-laws" and inserting in lieu thereof "by-laws and rules";
(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:
(1) A copy of each bylaw or rule in the form adopted, amended or repealed by the Board of Directors shall be filed with the Commission.
(2) Each bylaw adopted, amended, or repealed by the Board of Directors shall take effect upon the thirtieth day (or such later date as SIPC may designate) after the filing of the copy thereof with the Commission or upon such earlier date as the Commission may determine, unless the Commission shall, by notice to SIPC setting forth the reasons therefor, disapprove the same as being contrary to the public interest or contrary to the purposes of this Act.
(3) Each rule shall become effective by promulgation by the Commission. Within 30 days of filing a proposed rule with the Commission, the Commission shall initiate those procedures applicable to the promulgation of legislative rules of the Commission, unless it shall within such 30 day period, by notice to SIPC setting forth the reasons therefor, disapprove the same as being contrary to the public interest or contrary to the purposes of this Act. All comments received by the Commission with respect to the proposed rule shall be forthwith transmitted to SIPC. The proposed rule as originally filed or as revised by SIPC as a result of comments or otherwise shall again be filed with the Commission. Within 30 days of such filing, the Commission shall promulgate the rule as filed by SIPC unless the Commission within such period shall, by notice to SIPC setting forth the reasons therefor, disapprove the same as being contrary to the public interest or contrary to the purposes of this Act. A rule so promulgated shall have force and effect as though promulgated under section 23(a) of the 1934 Act; and";
(3) by redesignating paragraph (3) as paragraph (4). (e) Section 3(f) is repealed.
Sec. 4. (a) Section 4(a)(2)(C) is amended by inserting before the period at the end thereof the following: "except as provided in subsection (d)(2)(C)".
(b) Section 4(c) is amended—
(1) by striking out paragraph (1) thereof;
(2) by redesignating paragraph (2) thereof as paragraph (1);
(3) by striking out "(3)" in the third

sentence of paragraph (1) as redesignated and inserting in lieu thereof "(2)";
(4) by redesignating paragraph (3) thereof as paragraph (2) and by striking out "(other than section 3(f))";
(5) by striking out "or (2)" in paragraph (2)(A) thereof as redesignated;
(6) by striking out "(2)" in paragraph (2)(B) thereof as redesignated and inserting in lieu thereof "(1)";
(7) by striking out the comma and the word "and" at the end of paragraph (2)(B) thereof and inserting in lieu thereof a period; and
(8) by striking out subparagraph (C) of paragraph (2) thereof as redesignated.
(c) In subsection (d) of such section—
(1) strike out "(c)(3)" in paragraph (1)(A) and insert in lieu thereof "(c)(2)";
(2) insert at the end of paragraph (1) the following:
(C) MINIMUM ASSESSMENT.—The minimum assessment imposed upon each member shall be \$25 per annum through the year ending December 30, 1974. [to be three years from date of enactment], and thereafter shall be the amount from time to time set by SIPC bylaw"; and
(3) insert at the end of paragraph (2) the following:
(C) OTHER LINES.—SIPC may maintain such other confirmed lines of credit as it deems necessary or appropriate, and such other confirmed lines of credit shall not be included in the balance of the fund, but amounts received from such lines of credit may be disbursed by SIPC under this Act as though they were part of the fund."
(d) In subsection (e) of such section—
(1) strike out "(c)(2)" and insert in lieu thereof "(c)(1)";
(2) amend paragraphs (2) and (3) to read as follows:
(2) OVERPAYMENTS.—To the extent that any payment by a member exceeds the maximum rate permitted by subsection (c) of this section, the excess shall be recoverable only against future payments by such member except as otherwise provided by SIPC bylaw.
(3) UNDERPAYMENTS.—If a member fails to pay when due all or any part of an assessment made upon such member, the unpaid portion thereof shall bear interest at such rate as may be determined by SIPC bylaw and, in addition to such interest, SIPC may impose a penalty charge in such amount as may be determined by SIPC bylaw. SIPC may waive such penalty charge in whole or in part in circumstances where it deems such action appropriate."
(e) In subsection (f) of such section, strike out "examining authority as" in the fourth sentence.
(f) In subsection (1)—
(1) amend clause (F) to read as follows:
(F) fees for investment advisory services or account supervision in respect of securities."
(2) amend clauses (J) and (K) to read as follows:
(J) fees in connection with put, call, and other option transactions in securities.
(K) commissions and fees in connection with the distribution of shares of a registered open end investment company or unit investment trust or from the sale of variable annuities, and"
(3) strike out the last sentence of the subsection and insert in lieu thereof the following new clause:
(L) all other income related to the securities business; and
(3) by striking out paragraph (3).
Sec. 5. (a) Section 5(a) of the Act is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:
(2) ACTION BY SELF-REGULATORY ORGANIZATION.—If a self-regulatory organization has given notice to SIPC pursuant to subsec-

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tion (a)(1), and the broker or dealer undertakes to liquidate or reduce its business either pursuant to the direction of a self-regulatory organization or voluntarily, a self-regulatory organization may render such assistance or oversight to the broker or dealer as it deems appropriate to protect the interests of customers of the broker or dealer. The assistance or oversight by a self-regulatory organization shall not be deemed the assumption or adoption by the self-regulatory organization of any obligation or liability to customers, other creditors, shareholders, or partners of the broker or dealer, and shall not prevent or act as a bar to any action by SIPC pursuant to a liquidation proceeding or a direct payment procedure.
(3) ACTION BY SIPC.—If SIPC determines that any member (including a person who was a member within 180 days prior to such determination by SIPC) has failed or is in danger of failing to meet its obligations to customers whose claims could be satisfied with SIPC advances in a liquidation proceeding, and that there exists one or more of the conditions specified in subsection (b)(1), SIPC, upon notice to such member, may apply to any court of competent jurisdiction specified in section 27 or 21(e) of the 1934 Act for a decree that customers of such member are in need of the protection provided by this Act (referred to as a "protective decree").
(4) EFFECT OF OTHER PENDING ACTIONS.—An application under paragraph (2)—
(A) with the consent of the Commission, may be combined with any action brought by the Commission including an action by it for a temporary receiver pending an appointment of a trustee under subsection (b)(3), and
(B) may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding or any proceeding to reorganize, conserve, or liquidate such member or its property, or any proceeding to enforce a lien against property of such member."
(b) Subsection (b) of such section 5 is amended to read as follows:
(b) COURT ACTION.
(1) ISSUANCE OF PROTECTIVE DECREE.—A court shall forthwith issue a protective decree if the debtor consents thereto, or if the debtor fails to contest SIPC's application therefor, or if the court finds that such debtor—
(A) is insolvent within the meaning of the Bankruptcy Act, or is unable to meet its obligations as they mature, or
(B) has committed an act of bankruptcy within the meaning of the Bankruptcy Act, or
(C) is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such member has been appointed, or
(D) is not in compliance with applicable requirements under the 1934 Act or rules or regulations of the Commission or any self-regulatory organization with respect to financial responsibility or hypothecation of customers' securities, or
(E) is unable to make such computations as may be necessary to establish compliance with such financial responsibility or hypothecation rules or regulations.
Unless the debtor consents to the issuance of a protective decree, SIPC's application shall be heard within three business days after the filing thereof or at such other time as the court for cause shown shall determine.
(2) EXCLUSIVE JURISDICTION OF COURT.—Upon the filing of an application for a protective decree, the court shall have exclusive jurisdiction of the debtor involved and its property wherever located (including (A) property located outside the territorial lim-

its of such court, and (B) property held by any other person as security for a debt or subject to a lien) and of any suit against the trustee with respect to a liquidation proceeding. In addition, except as inconsistent with the provisions of this Act, the court shall have the jurisdiction, powers, and duties conferred upon a court of bankruptcy by the Bankruptcy Act, together with such other jurisdiction, powers, and duties as are prescribed by this Act. Pending the issuance of a protective decree under subsection (1) such court shall stay, and upon appointment by it of a trustee as provided in subsection (3) such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the debtor or its property and any other suit against any receiver, conservator, or trustee of the debtor or its property. Pending the issuance of a protective decree and upon the appointment of a trustee and thereafter, the court may stay any proceeding to enforce a lien against property of the debtor or any other suit against the debtor, including a suit by stockholders of the debtor which interferes with the trustee's prosecution of claims against former directors or officers of the debtor. In addition, the court may, for such period as may be appropriate, stay enforcement of, but shall not abrogate, the rights of setoff provided in the Bankruptcy Act (section 68) and the right to enforce a valid, nonpreferential lien or pledge against the property of the debtor. Pending the issuance of a protective decree, the court may appoint a temporary receiver.
(3) APPOINTMENT OF TRUSTEE AND COUNSEL.—If the court issues a protective decree, it shall forthwith appoint as trustee for the liquidation of the business of the debtor (referred to as "trustee") and as attorney for the trustee, such persons as SIPC in its sole discretion shall specify, and the persons so appointed may be with the same firm. SIPC may in its sole discretion specify itself or one of its employees as trustee in any case in which SIPC has determined that the liabilities of the debtor to unsecured general creditors and to subordinated lenders appear to aggregate less than \$750,000 and that there appear to be fewer than 500 customers as defined in subsection (c)(1) of section 6. No person shall serve as trustee or attorney if such person is not "disinterested" within the meaning of subsection (7), except that for any specified purpose other than to represent a trustee in conducting a liquidation proceeding, the trustee may with the approval of SIPC employ an attorney who is not disinterested. A trustee appointed hereunder shall qualify by filing a bond in the manner prescribed by the applicable provisions of the Bankruptcy Act. Neither SIPC nor an employee of SIPC shall be required to file a bond when appointed as trustee.
(4) REFERENCE TO REFEREE IN BANKRUPTCY.—If the court issues a protective decree and appoints a trustee under this section, it may at any stage of the proceeding refer the proceeding to a referee in bankruptcy (including a bankruptcy judge) to hear and determine any and all matters, or to a referee as special master to hear and report generally or upon specified matters. Only under special circumstances shall references be made to a special master who is not a referee.
(5) DEFINITIONS.—For purposes of this Act—
(A) DEBTOR.—The term 'debtor' means a person in respect of whom an application for a protective decree has been filed.
(B) FILING DATE.—The term 'filing date' means the date on which an application for a protective decree has been filed; except that if—
(1) a petition was filed before such date by or against the debtor under the Bank-

ruptcy Act (as defined below) or under chapter X or XI as now in effect or as amended from time to time, or
(11) the debtor is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such debtor was appointed which proceeding was commenced before the date on which such application was filed,
then the term 'filing date' means the date on which such petition was filed or such proceeding commenced.
(C) BANKRUPTCY ACT.—The term 'Bankruptcy Act' means those provisions of the Bankruptcy Act relating to Ordinary Bankruptcy (chapters I through VII) as now in effect or as amended from time to time and the rules of bankruptcy procedure promulgated with respect thereto, except the provisions of the Bankruptcy Act relating exclusively to stockbrokerage bankruptcies (section 60e) shall not apply.
(6) COMPENSATION OF TRUSTEES AND ATTORNEYS.—
(A) The court shall grant reasonable compensation for services rendered and reimbursement for proper costs and expenses incurred (referred to as 'allowances') in connection with a liquidation proceeding by a trustee appointed under subsection (3) and by the attorneys for a trustee. No compensation for services shall be allowed to SIPC or an employee of SIPC for serving as a trustee, however, reimbursement for their proper costs and expenses shall be granted by the court. Allowances may be granted on an interim basis during the course of the liquidation proceeding at such times and in such amounts as the court shall deem appropriate.
(B) A person seeking allowances hereunder shall file with the court an application setting forth a detailed statement of (1) the services rendered and costs and expenses incurred, and (11) the amount requested. The application shall include such statements by the applicant as may be required in an application for compensation for services rendered and reimbursement of costs and expenses filed under the applicable provisions of the Bankruptcy Act.
(C) A copy of an application filed pursuant to subsection (B) shall be filed with SIPC, and SIPC shall forthwith prepare its recommendation thereon. The recommendation shall be transmitted to the court prior to the hearing on the application and a copy shall be given the applicant.
(D) After hearing on notice to the applicant, to SIPC and to such other persons as the court may designate, and after SIPC has been given an opportunity to provide a supplemental recommendation, the court shall determine the allowance.
(E) Where allowances are to be paid by SIPC without reasonable expectation of recoupment thereof as provided in subsection (d) of section 9 and there is no difference between the amounts requested and the amounts recommended by SIPC, the court shall award the amounts recommended by SIPC. In determining allowances in all other cases the court shall give due consideration to the nature, extent and value of the services rendered and shall place considerable reliance on the recommendation of SIPC.
(F) The restrictions on sharing of compensation as prescribed in the Bankruptcy Act shall apply.
(G) Allowances granted by the court, including interim allowances, shall be charged as a cost and expense of administration against the general estate of the debtor. If the general estate is insufficient to pay allowances in whole or in part, SIPC shall advance such funds as are necessary.
(7) DISINTERESTEDNESS.—
(A) STANDARDS.—A person shall not be deemed disinterested, for the purposes of subsection (b)(3), if—

"(i) he is a creditor (including a customer) or stockholder of the debtor; or
 "(ii) he is or was an underwriter of any of the outstanding securities of the debtor or within five years prior to the filing date was the underwriter of any securities of the debtor; or
 "(iii) he is, or was within two years prior to the filing date, a director, officer, or employee of the debtor or any such underwriter, or an attorney for the debtor or such underwriter; or
 "(iv) it appears that he has, by reason of any direct or indirect relationship to, connection with, or interest in the debtor or such underwriter, or for any reason an interest materially adverse to the interests of any class of creditors (including customers) or stockholders;

except that SIPC shall in all cases be deemed disinterested, and an employee of SIPC shall be deemed disinterested if he would meet the aforesaid standards except for his association with SIPC.
 "(B) HEARING.—The court shall fix a time for a hearing on disinterestedness, to be held promptly after the appointment of a trustee, notice of which shall be mailed at least ten days prior thereto to each person who, from the debtor's books and records, appears to have been a customer of the debtor with an open account within the past 12 months, to his address as it shall appear from the debtor's books and records, and to the creditors and stockholders of the debtor, to SIPC, and to such other persons as the court may designate. The court in its discretion may also require that notice be given by publication in such newspaper or newspapers of general circulation as it may designate. At such hearing, or at any adjournment thereof, or upon application, the court shall hear objections to the retention in office of a trustee or counsel to a trustee upon the ground that he is not disinterested as provided in this Act."

SEC. 6. The Act is amended by striking out section 6 and inserting in lieu thereof the following:
 "SEC. 6. GENERAL PROVISIONS OF A LIQUIDATION PROCEEDING.
 "(a) PURPOSES.—The purposes of any proceeding in which a trustee has been appointed under section 5(b)(3) (referred to as a liquidation proceeding) shall be:
 "(1) as promptly as possible after such appointment and in accordance with the provisions of this section—
 "(A) to deliver customer name securities to or on behalf of the customers of the debtor entitled thereto as provided in subsection (a)(2) of section 8;
 "(B) to distribute customer property and (in advance thereof or concurrently therewith) otherwise to satisfy net equity claims of customers to the extent provided in this section; and
 "(C) to transfer customer accounts to other members of SIPC as provided in subsection (d) of section 8;
 "(2) to sell or transfer offices and other productive units of the business of the debtor;
 "(3) to enforce rights of subrogation as provided in this Act; and
 "(4) to liquidate the business of the debtor.
 "(b) APPLICATION OF BANKRUPTCY ACT.—To the extent consistent with the provisions of this Act, a liquidation proceeding shall be conducted in accordance with, and as though it were being conducted under, the Bankruptcy Act. Any reference in the Bankruptcy Act to the date of commencement of proceedings under the Bankruptcy Act shall be deemed to be a reference to the filing date for purposes of this Act.
 "(c) DEFINITIONS.—Except as otherwise expressly provided, for purposes of a liquidation proceeding and the application of the Bankruptcy Act to a liquidation proceeding:

"(1) 'Customers' of a debtor means persons (including persons with whom the debtor deals as principal or agent) who have claims on account of securities received, acquired, or held by the debtor in the ordinary course of his business as a broker or dealer from or for the securities accounts of such persons (A) for safekeeping, or (B) with a view to sale, or (C) to cover consummated sales, or (D) pursuant to purchases, or (E) as collateral security, or (F) for purposes of effecting transfer. Customers shall include persons who have claims against the debtor arising out of sales or conversions of such securities, and shall include any person who has deposited cash with the debtor for the purpose of purchasing securities, but shall not include any person to the extent that such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground might have existed for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.
 "(2) 'Net equity' means the dollar amount of a customer's account or accounts determined by excluding any customer name securities reclaimed by the customer, and by subtracting any indebtedness of the customer to the debtor from the sum which would have been owing by the debtor to the customer had the debtor liquidated, by sale or purchase on the filing date, all securities positions of the customer. A customer may, with the approval of the trustee and within such period as the trustee may determine, pay to the trustee any indebtedness of the customer to the debtor, and the customer's net equity will be increased by the amount of the payment. Accounts held by a customer in separate capacities shall be deemed to be accounts of separate customers. Where a customer has acted with respect to cash or securities with the debtor after the filing date and in a manner which would have given him the status of a customer with respect to the cash or securities had the action occurred prior to the filing date, and the trustee is satisfied that such action was taken by the customer in good faith and prior to the appointment of the trustee, the date on which such action was taken shall be deemed to be the filing date for determining such customer's net equity with respect to the cash or securities.
 "(3) 'Securities' means any note, stock, treasury stock, bond, debenture, any collateral trust certificate, preorganization certificate or subscription, transferable share, voting-trust certificate, certificate of deposit, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase or sell any of the foregoing; but shall not include any currency; investment contract; certificate of interest or participation in any profit-sharing agreement or in any oil, gas, or other mineral royalty or lease; or commodity or related contract or futures contract; or any warrant or right to subscribe to or purchase or sell any of the foregoing.
 "(4) 'Customer property' means cash and securities (except customer name securities delivered to the customer) at any time received, acquired or held by or for the account of a debtor from or for the account of customers and the proceeds of any such property transferred by the debtor including property unlawfully converted. Customer property shall include:
 "(A) securities held as the property of the debtor to the extent such securities are necessary to meet the debtor's obligations to his customers for their net equities based upon securities of the same class and series of an issuer; and

"(B) resources provided through the use or realization of customers' debit cash balances and the debit items includable in the "Formula for Determination of Reserve Requirement for Brokers and Dealers" under Rule 15c3-3 of the 1934 Act.

Customer property shall also include other property of the debtor which, upon compliance with applicable laws, rules and regulations, would have been set aside or held for the benefit of customers, unless the trustee determines that effecting such inclusion would not significantly increase customer property. Any cash or securities remaining after the liquidation of a lien or pledge made by a debtor shall be apportioned between his general estate and customer property in the proportion in which the general property of the debtor and the cash and securities of his customers contributed to such lien or pledge.
 "(5) "Customer name securities" means securities which were held for the account of a customer on the filing date by or on behalf of the debtor and which on the filing date were registered in the customer's name or were in the process of being so registered pursuant to instructions from the debtor, but shall not include securities registered in the customer's name which by endorsement or otherwise were in negotiable form.

"(d) COSTS AND EXPENSES OF ADMINISTRATION.—All costs and expenses of administration of the debtor's estate and the liquidation proceeding shall be borne by the general estate to the extent it is sufficient therefor, and the priorities of distribution from the general estate shall be as provided in the Bankruptcy Act. Costs and expenses of administration shall include payments pursuant to subsection (c) of section 8 and costs and expenses of SIPC employees utilized by the trustee pursuant to subsection (a)(2) of section 7. All funds advanced by SIPC to a trustee for such costs and expenses of administration shall be recouped from the general estate as a first priority under the Bankruptcy Act.
 "SEC. 7. POWERS AND DUTIES OF TRUSTEE
 "(a) TRUSTEE POWERS.—A trustee shall be vested with the same powers and title with respect to the debtor and the property of the debtor, including the same rights to avoid preferences, as a trustee in bankruptcy under the Bankruptcy Act has with respect to a bankrupt. In addition, a trustee shall, with the approval of SIPC, have the right—
 "(1) to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) that are deemed by the trustee necessary for all or any purposes of the liquidation proceeding;
 "(2) to utilize SIPC employees for all or any purposes of a liquidation proceeding; and
 "(3) to margin and maintain customer accounts of the debtor for the purposes of subsection (d) of section 8;
 and no approval of the court shall be required therefor.
 "(b) TRUSTEE DUTIES.—To the extent consistent with the provisions of this Act or as otherwise ordered by the court, a trustee shall be subject to the same duties as a trustee in bankruptcy, except that a trustee may, but shall have no duty to, reduce to money any securities constituting customer property or in the general estate of the debtor. In addition, the trustee shall,
 "(1) deliver securities to or on behalf of customers to the maximum extent practicable in satisfaction of customer claims for securities of the same class and series of an issuer; and
 "(2) subject to the prior approval of SIPC, pay or guarantee all or any part of the indebtedness of the debtor to a bank, lender or other person if the trustee determines that the aggregate market value of securities

to be made available to the trustee upon the payment or guarantee of such indebtedness does not appear to be less than the total amount of the payment or guarantee, and no approval of the court shall be required therefor.
 "(c) REPORTS BY TRUSTEE TO COURT.—The trustee shall make to the court and to SIPC such written reports as may be required by the Bankruptcy Act, and shall include therein information as to the progress in distributing cash and securities to customers. The reports required hereunder shall also be in such form and detail as, having due regard to the requirements of section 17 of the 1934 Act and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine by rules and regulations to present fairly the results of such proceeding as of the dates or for the periods covered by such reports.
 "(d) INVESTIGATIONS.—The trustee shall—
 "(1) as soon as practicable, investigate the acts, conduct, property, liabilities, and financial condition of the debtor, the operation of its business, and any other matter, to the extent relevant to the liquidation proceeding, and report thereon to the court;
 "(2) examine by deposition or otherwise the directors and officers of the debtor and any other witnesses concerning any of the foregoing matters;
 "(3) report to the court any facts ascertained by him pertaining to fraud, misconduct, mismanagement and irregularities, and to any causes of action available to the estate; and
 "(4) as soon as practicable, prepare and submit a statement of his investigation of the property, liabilities, and financial condition of the debtor, and the operation of its business, in such form and manner as the court may direct, to SIPC and such other persons as the court may designate.
 "SEC. 8. SPECIAL PROVISIONS OF A LIQUIDATION PROCEEDING.
 "(a) CUSTOMER RELATED PROPERTY.—
 "(1) ALLOCATION OF CUSTOMER PROPERTY.—All customers shall be entitled to share ratably in customer property on the basis of and to the extent of their respective net equities. In, or for the purpose of, allocating customer property, securities to be delivered in payment of net equity claims for securities of the same class and series of an issuer shall be valued as of the close of business on the filing date. General creditors may not share in customer property, except that any customer property remaining after the satisfaction of all claims of customers and all claims of SIPC as subrogee and after the repayment to SIPC of moneys advanced pursuant to subsection (c) of section 9 shall become part of the general estate. To the extent customer property and SIPC advances pursuant to subsection (a) of section 9 shall not be sufficient to pay or otherwise satisfy in full the net equity claims of customers, such customers shall be entitled, to the extent only of their respective unsatisfied net equity claims, to participate in the general estate as unsecured creditors.
 "(2) DELIVERY OF CUSTOMER NAME SECURITIES.—The trustee shall deliver customer name securities to or on behalf of a customer of the debtor entitled thereto if the customer is not indebted to the debtor. With the approval of the trustee a customer may reclaim customer name securities upon payment to the trustee, within such period of time as the trustee may determine, of all indebtedness of the customer to the debtor.
 "(3) RECOVERY OF TRANSFERS.—Where customer property is not sufficient to pay in full the claims of customers, a transfer by a debtor of any property which, except for such transfer, would have been customer property may be recovered by the trustee and

shall be treated as customer property if such transfer is voidable or void under the provisions of the Bankruptcy Act. For the purpose of such recovery, the property so transferred shall be deemed to have been the property of the debtor and, if such transfer was made to a customer or for his benefit, such customer may be deemed to have been a creditor, the laws of any State to the contrary notwithstanding.
 "(b) PURCHASE OF SECURITIES.—The trustee may purchase securities as necessary for the delivery of securities to customers in satisfaction of their claims for net equities based on securities under subsection (b)(1) of section 7 and for the transfer of customer accounts under subsection (d), in each case to the extent that the securities can be purchased by the trustee in a fair and orderly market to restore such accounts as of the filing date. Customer property and moneys advanced by SIPC may be used by the trustee to pay for securities so purchased. Moneys advanced by SIPC may not be used to purchase securities to the extent that the aggregate value of such securities on the filing date exceeded the amount permitted to be advanced by SIPC under the provisions of subsection (a) of section 9.
 "(c) CLOSE-OUTS.—Contracts of the debtor for the purchase or sale of securities in the ordinary course of its business with other brokers or dealers and which are wholly executory on the filing date shall not be completed by the trustee, except to the extent permitted by SIPC rule. To the extent practicable, such contracts shall be closed out by such other broker or dealer without unnecessary delay in the best available market. The broker or dealer shall net all profits and losses on all such closed out contracts and shall pay any net profit to the trustee. In the event the broker or dealer sustains a net loss on such closed out contracts, it shall be entitled to file a claim against the debtor with the trustee in the amount of such loss.
 "(1) To the extent such net loss arises from contracts pursuant to which the broker or dealer was acting for his own customer, the broker or dealer shall be entitled to receive funds advanced by SIPC to the trustee in the amount of such loss up to a maximum amount of \$40,000 on each such customer account with respect to which he sustained a loss.
 "(2) With respect to a net loss not payable from funds advanced by SIPC under subsection (c)(1), the broker or dealer shall be entitled to participate in the general estate as an unsecured creditor.
 "(3) For the purposes of this subsection (c), the term "customer" excludes any person who (A) is a broker or dealer, (B) had a claim for cash or securities which by contract, agreement or understanding or by operation of law, was part of the capital of the claiming broker or dealer or was subordinated to the claims of any or all creditors of such broker or dealer, or (C) had a relationship as specified in subsection (a)(5) of section 9 with either the debtor or the claiming broker or dealer. A claiming broker or dealer shall be deemed to have been acting on behalf of its customer if it acted as agent for such customer or if it held such customer's order which was to be executed as a part of its contract with the debtor.
 "(4) Neither a clearing corporation which by its rules or regulations has an established procedure for the closing out of open contracts between an insolvent broker or dealer and its members, nor its members to the extent such members' claims are or may be processed within the clearing corporation, shall be entitled to receive SIPC funds in payment of any losses on such contracts. If such clearing corporation or its members sus-

tain a net loss on the closing out of such contracts with the debtor, they shall have the right to participate in the general estate as unsecured creditors to the extent of such loss. Any excess collateral held by the clearing corporation shall be promptly paid to the trustee.
 "(d) TRANSFER OF CUSTOMER ACCOUNTS.—In order to facilitate the prompt satisfaction of customer claims and the orderly liquidation of the debtor, the trustee shall have the right, on terms satisfactory to him and subject to the prior approval of SIPC, to sell or otherwise transfer, without consent of any customer, all or any part of a customer's account to another member of SIPC. In connection with any such sale or transfer and subject to the prior approval of SIPC, the trustee may—
 "(1) waive or modify the need to file a written statement of claim pursuant to subsection (f)(2); and
 "(2) enter into such agreements as the trustee deems appropriate under the circumstances to indemnify any such receiving member of SIPC against shortages of cash or securities in the customer accounts sold or transferred, and funds of SIPC may be made available to guarantee or secure any such indemnification. The prior approval of SIPC to such indemnity shall be conditioned, among such other standards as SIPC may determine, upon a determination by SIPC that the probable cost of any such indemnity can reasonably be expected not to exceed the cost to SIPC under subsections (a) and (b) of section 9.
 "(e) PAYMENTS TO CUSTOMERS.—Following receipt of a written statement of claim as provided in subsection (f)(2), it shall be the duty of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to a customer relating to, or net equity claims based upon, securities or cash by the delivery of securities or the effecting of payments to or for the account of such customer (subject to the provisions of subsection (b) of section 8 and subsection (a) of section 9) insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee. In, or for the purpose of, distributing securities to customers, all securities shall be valued as of the close of business on the filing date. For the purpose of this subsection the court among other things shall—
 "(1) in respect of net equity claims, authorize the trustee to satisfy claims out of moneys made available to the trustee by SIPC notwithstanding the fact that there shall not have been any showing or determination that there are sufficient funds of the debtor available to make such payment; and
 "(2) in respect of claims relating to, or net equities based upon, securities of a class and series of an issuer which are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, authorize the trustee to deliver securities of such class and series if and to the extent available to satisfy such claims in whole or in part, with partial deliveries to be made pro rata to the greatest extent considered practicable by the trustee.
 Any payment or delivery of property pursuant to this subsection may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee appropriate receipts, supporting affidavits, releases, and assignments, but shall be without prejudice to the right of any claimant to file formal proof of claim within the period specified in subsection (f) for any balance of securities or cash to which he may deem himself entitled.
 "(f) NOTICE AND CLAIMS.—
 "(1) Promptly after his appointment, the

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trustee shall cause notice of the commencement of proceedings under this section to be published in one or more newspapers of general circulation in the form and manner determined by the court, and shall cause a copy of such notice to be mailed to each person who, from the debtor's books and records, appears to have been a customer of the debtor with an open account within the past 12 months, to his address as it shall appear from the debtor's books and records. Notice to creditors other than customers shall be given in the manner prescribed by the Bankruptcy Act, except that such notice shall be given by the trustee.

"(2) Customers need not file formal proofs of claim, but must file a written statement of claim, except that no obligation of the debtor to any person 'associated' with the debtor as defined in section 3(a)(18) of the 1934 Act, any beneficial owner of 5 per centum or more of the voting stock of the debtor, or any member of the immediate family of any of the foregoing may be satisfied without formal proofs of claim. Claims for net equities received by the trustee after the expiration of such period of time (not exceeding 60 days after the date of publication under subsection (f)(1)) as may be fixed by the court, need not be paid or satisfied in whole or part out of customer property, and to the extent they are satisfied from moneys advanced by SIPC they shall be satisfied in cash or securities or both as the trustee may determine is most economical to the estate. No such claim shall be allowed unless received by the trustee within six months after the date of publication.

"(3) No claims of creditors received by the trustee after the expiration of six months from the date of publication shall be allowed, except that the court may, upon application within such period, and for cause shown, grant a reasonable, fixed extension of time for the filing of a claim by the United States, by a State or subdivision thereof, or by an infant or incompetent person without guardian.

"(4) Except as otherwise provided in this section, and without limiting the powers and duties of the trustee to discharge obligations promptly as specified in this section, nothing in this section shall limit the right of any person, including any subrogee, to establish by formal proof or otherwise as the court may provide such claims as such person may have against the debtor, including claims for the payment of money and the delivery of specific securities, without resort to moneys advanced by SIPC to the trustee.

"SEC. 9. SIPC ADVANCES IN A LIQUIDATION PROCEEDING.

"(a) ADVANCE FOR CUSTOMERS' CLAIMS.—In order to provide for prompt payment and satisfaction of net equities of customers of the debtor, SIPC shall advance to the trustee such moneys as may be required to pay or otherwise satisfy claims for the amount by which the net equity of each customer exceeds his ratable share of customer property but only to the extent that the amount of such excess shall not exceed \$100,000 for such customer; except that—

"(1) insofar as all or any portion of the net equity claim of a customer in excess of his ratable share of customer property is a claim for cash, as distinct from securities, the amount advanced by reason of such claim for cash shall not exceed \$40,000;

"(2) a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity;

"(3) insofar as all or any portion of the net equity claim of a customer is satisfied by the delivery of securities purchased by the trustee pursuant to subsection (b) of section 8, the securities so purchased shall be valued as of the filing date for the pur-

pose of applying the limitations of this subsection (a);

"(4) insofar as all or any portion of the net equity of a customer is determined pursuant to the last sentence of subsection (c) (2) of section 6, SIPC may but shall not be required to make an advance with respect to the portion so determined;

"(5) no advance shall be made by SIPC to the trustee to pay or otherwise satisfy, directly or indirectly, any claim of a customer who is a general partner, officer, or director of the debtor, a beneficial owner of 5 per centum or more of any class of equity security of the debtor (other than a non-convertible stock having fixed preferential dividend and liquidation rights), a limited partner with a participation of 5 per centum or more in the net assets or net profits of the debtor, or a person who directly or indirectly through agreement or otherwise exercised or had the power to exercise a controlling influence over the management or policies of the debtor; and

"(6) no advance shall be made by SIPC to the trustee to pay or otherwise satisfy net equity claims of any customer who is a broker or dealer or bank, other than to the extent that it shall be established to the satisfaction of the trustee, from the books and records of the debtor or from the books and records of a broker or dealer or bank or otherwise, that net equity claims of such broker or dealer or bank against the debtor arise out of transactions for customers of such broker or dealer or bank, which customers are not themselves a broker or dealer or bank or a person described in subsection (a)(5), and each such customer of such broker or dealer or bank shall be deemed a separate customer of the debtor.

To the extent moneys are advanced by SIPC to the trustee to pay the claims of customers, SIPC shall be subrogated to the claims of such customers with the rights and priorities provided in this section or otherwise provided by law, except that SIPC as subrogee may assert no claim against customer property prior to the allocation thereof as provided in subsection (a)(1) of section 8.

"(b) OTHER ADVANCES.—SIPC shall advance to the trustee:

"(1) such moneys as may be required to effectuate subsection (c) of section 8; and

"(2) to the extent the general property of the debtor is not sufficient to pay any and all costs and expenses of administration of the debtor's estate and the liquidation proceeding, the amount of such costs and expenses.

"(c) DISCRETIONARY ADVANCES.—SIPC may advance to the trustee such moneys as may be required to:

"(1) pay or guarantee indebtedness of the debtor to a bank, lender or other person under subsection (b)(2) of section 7;

"(2) guarantee or secure any indemnity under subsection (d) of section 8; and

"(3) purchase securities under subsection (b) of section 8.

"SEC. 10. DIRECT PAYMENT PROCEDURE.

"(a) DETERMINATION REGARDING DIRECT PAYMENTS.—If SIPC determines that any member (including a person who was a member within 180 days prior to such determination by SIPC) has failed or is in danger of failing to meet its obligations to customers, and that there exists one or more of the conditions specified in subsection (b) (1) (A) of section 5, and that each of the following conditions appears to exist, namely—

"(1) the claim of each customer of the member is within the limits of protection provided in subsection (a) of section 9;

"(2) the claims of all customers of the member aggregate less than \$250,000, and

"(3) the cost to SIPC of satisfying customer claims under this section will be less than in a liquidation proceeding,

SIPC, may, in its discretion, determine to use the direct payment procedure provided in this section, in lieu of instituting a liquidation proceeding. For purposes of this section, the terms "customer", "net equity" and "securities" shall have the same meanings as provided in subsection (c) of section 6, except that any reference to a filing date shall be deemed a reference to the date of first publication under subsection (b).

"(b) NOTICE.—Promptly after the determination in subsection (a), SIPC shall cause notice of the direct payment procedure to be published in one or more newspapers of general circulation in a form and manner determined by SIPC, and at the same time shall cause to be mailed a copy of such notice to each person who appears, from the member's books and records, to have been a customer of the member with an open account within the past 12 months to his address as it shall appear from the member's books and records. Such notice shall state that SIPC will satisfy customer claims directly, without a liquidation proceeding, and shall set forth the form and manner in which claims may be presented. A direct payment procedure shall be deemed to commence on the date of first publication and no claim by a customer shall be paid or otherwise satisfied by SIPC unless filed and received within six months after such date.

"(c) PAYMENTS TO CUSTOMERS.—SIPC shall promptly satisfy all obligations of the member to each of its customers relating to, or net equity claims based upon, securities or cash by the delivery of securities or the effecting of payments to such customer (subject to the provisions of subsection (b), of section 8 and subsection (a) of section 9) insofar as such obligations are ascertainable from the books and records of the member or are otherwise established to the satisfaction of SIPC. In, or for the purpose of, distributing securities to customers, all securities shall be valued as of the close of business on the date of publication under subsection (b) above. Any payment or delivery of securities pursuant to this section may be conditioned upon the execution and delivery in a form to be determined by SIPC of appropriate receipts, supporting affidavits, releases, and assignments. To the extent moneys of SIPC are used to satisfy the claims of customers, SIPC shall be subrogated to the claims of such customers with the rights and priorities provided by law.

"(d) EFFECT ON CLAIMS.—Except as otherwise provided in this section, nothing in this section shall limit the right of any person, including any subrogee, to establish by formal proof or otherwise such claims as such person may have against the member, including claims for the payment of money and the delivery of specific securities, without resort to moneys of SIPC.

"(e) JURISDICTION OF DISTRICT COURTS.—After SIPC has published notice of the institution of a direct payment procedure pursuant to this section, persons aggrieved by any determination by SIPC with respect to their claims filed pursuant to such notice may, within six months following mailing by SIPC of its determination with respect to such claims, seek the final adjudication of such claim. Suits arising hereunder shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof without regard to the amount in controversy. Such suits shall be brought in the district where the head office of the debtor is located.

"(f) DISCONTINUANCE OF DIRECT PAYMENTS.—If at any time SIPC in its discretion shall determine that direct payments are not appropriate, SIPC may cease the direct payment procedure. Thereupon SIPC may institute a liquidation proceeding. To the

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extent payments of cash, distributions of securities or determinations with respect to the validity of a customer's claim are made under this section, such payments, distributions and determinations shall be recognized and given full effect in the event of any subsequent liquidation proceeding. Any suits arising under section (e) and pending at the time of the appointment of a trustee under subsection (b)(3) of section 5 shall be permanently stayed by the court at the time of such appointment, and the court shall then or thereafter enter an order directing the transfer or removal to it of such suit. Upon such removal or transfer the complaint in such suit shall constitute the plaintiff's claim in the liquidation proceeding. If appropriate, and it shall be deemed received by the trustee on the day of his appointment regardless of the date of actual transfer or removal of the claimant's suit.

"(g) EFFECT ON SIPC.—SIPC shall incur no liability to a member or to any creditor of a member for any action taken or omitted pursuant to this section."

Sec. 7. (a) Section 7 of the Act is redesignated as section 11.

(b) Subsection (a) of such section is amended by striking out "section 3(e) and section 9(f)" and inserting in lieu thereof "section 3(e)(4) and section 13(f)".

(c) Such section is amended by adding at the end thereof the following:

"(e) FINANCIAL RESPONSIBILITY RULES.—Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end thereof a new subsection (22) as follows:

"(22) The term 'Financial Responsibility Rules' means the rules and regulations of the Commission or the rules and regulations prescribed by any national securities exchange or registered national securities association pertaining to financial responsibility and related practices which are designated by the Commission by rule or regulation to be 'Financial Responsibility Rules'."

Sec. 8. Sections 8 through 12 of the Act are redesignated as sections 12 through 16.

Sec. 9. Subsections (a), (b), and (c) of section 13 as redesignated are amended to read as follows:

"(a) COLLECTION AGENT.—Each self-regulatory organization shall act as collection agent for SIPC to collect the assessments payable by all members of SIPC for whom such self-regulatory organization is the examining authority, unless SIPC designates a self-regulatory organization other than the examining authority to act as collection agent for any SIPC member who is a member of more than one self-regulatory organization. Members of SIPC who are not members of a self-regulatory organization shall make payments direct to SIPC. The collection agent shall be obligated to remit to SIPC assessments made under section 4 only to the extent that payments of such assessments are received by such collection agent.

"(b) IMMUNITY.—No self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith pursuant to subsections (a) (1) and (2) of section 5.

"(c) INSPECTIONS.—The self-regulatory organization of which a member of SIPC is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of SIPC is a member of more than one self-regulatory organization, the self-regulatory organization designated as examining authority by the Commission shall conduct such inspection or examination."

Sec. 10. (a) Section 14(a) of the Act as redesignated is amended to read as follows:

"(a) FAILURE TO PAY ASSESSMENT, ETC.—If a member of SIPC shall fail to file any report or information required pursuant to this Act, or shall fail to pay when due all or any

part of an assessment made upon such member pursuant to this Act, and such failure shall not have been cured by the filing of such report or information or by the making of such payment, together with interest and penalty thereon, within five days after receipt by such member of written notice of such failure given by or on behalf of SIPC, it shall be unlawful for such member, unless specifically authorized by the Commission, to engage in business as a broker or dealer. If such member denies that he owes all or any part of the amount specified in such notice, he may after payment of the full amount so specified commence an action against SIPC in the appropriate United States district court to recover the amount he denies owing."

(b) Section 14(c) of the Act as redesignated is amended to read as follows:

"(c) EMBEZZLEMENT, FALSE CLAIMS, ETC.—Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, securities, or other assets of SIPC or otherwise defrauds or attempts to defraud SIPC or a trustee by any means including, but not limited to, the willful filing or presenting of a false claim in a liquidation proceeding or a direct payment procedure shall be fined not more than \$50,000 or imprisoned not more than five years or both."

Sec. 11. Section 15 of the Act as redesignated is amended—

(1) by striking out subsection (b);

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively;

(3) by striking out subsection (c) as redesignated and inserting in lieu thereof the following:

"(c) LIABILITY OF SIPC, DIRECTORS, AND OTHERS.—Neither SIPC nor any of its Directors, officers or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter contemplated by this Act;" and

(4) by striking out in the first sentence of subsection (d) as redesignated the words "or rule" and by striking out in such sentence the word "may" and inserting in lieu thereof the word "shall".

Sec. 12. Section 16(2) of the Act as redesignated is amended to read as follows:

"(2) Financial Responsibility Rules.—Notwithstanding any other provision of this Act, the term 'Financial Responsibility Rules' shall have the same meaning as under the 1934 Act."

Sec. 13. The amendments made by this Act shall become effective as of the date of enactment thereof, except that they shall not apply to a liquidation proceeding commenced prior thereto.

By Mr. HUGH SCOTT:

S. 4256. A bill to direct the Secretary of Commerce to require reports from foreign investors in the United States and their agents, and for other purposes. Referred to the Committee on Commerce.

Mr. HUGH SCOTT. Mr. President, prudence dictates that we put ourselves in a position to protect our Nation's domestic properties at this critical time in our economy from possible encroachment by over-zealous foreign investors.

For this reason, today I am introducing legislation requiring foreign investors in the United States, or their agents here, to disclose all their U.S. holdings valued at more than \$10,000 or else face imprisonment or fine.

The legislation would also enable the Secretary of Commerce to ask the Attorney General to bring action in a U.S. dis-

trict court to compel compliance with the requirements in cases where any person has failed to comply. The court could then issue a temporary restraining order or preliminary or permanent injunction without bond after a hearing.

The court could also order that any investment made without compliance with the requirements of the act be sold or otherwise disposed of in such a manner and during such period of time as the court may prescribe.

The reports to the Secretary of Commerce would contain the name of the foreign investor or agent, the amount of interest in a domestic business acquired—stated both in dollars and in percentage of outstanding securities of the business, the name of the domestic business, and such other information as the Secretary may require. The reports would be required quarterly.

I want to state as strongly as possible that this bill is not intended to restrict foreign investment nor to threaten potential foreign investors. To do so would deprive our Nation of badly needed capital. Rather, the intent of this legislation is to guard our legitimate national interests.

I ask unanimous consent that this bill be printed in the Record at the conclusion of my remarks and that it be referred to the appropriate committee for prompt consideration.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Foreign Investment Reporting Act of 1974".

DEFINITIONS

Sec. 2. As used in this Act—

(1) the term "foreign investor" means an individual who is not a citizen of the United States, and any person or entity which, directly or indirectly, is owned or controlled by one or more such individuals;

(2) the term "domestic business" means any corporation, partnership, trust, joint venture, or other association or entity, which is located in the United States and which is substantially owned by United States citizens; and

(3) the term "Secretary" means the Secretary of Commerce.

PENALTIES

Sec. 4. (a) Whoever knowingly violates any provision of this Act or any order or regulation issued under this Act may be fined not to exceed \$1,000 or imprisoned for not to exceed 1 year, or both.

(b) Whenever it appears to the Secretary that any person has failed to comply with the requirements of section 3 or any requirement imposed thereunder, he may request the Attorney General to bring an action in the appropriate district court of the United States to compel compliance with such requirements, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. In addition, such court may, upon a proper showing, order that any investment made without compliance with the requirements imposed under this Act be sold or otherwise disposed of in such manner and during such period of time as the court may prescribe in order to achieve compliance with the provisions of this Act.

AUTHORIZATION

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. JACKSON (for himself and Mr. CHURCH):

S. 4257. A bill to amend title 10, United States Code, to prevent discrimination against the Armed Forces of the United States in the supply of petroleum products, and for other purposes. Referred to the Committee on Government Operations.

PROHIBITION OF OIL COMPANIES FROM CUTTING OFF FUEL SUPPLIES TO U.S. ARMED FORCES ABROAD

Mr. JACKSON. Mr. President, last April the permanent Subcommittee on Investigations held hearings on the cutoff of oil to our military forces in the aftermath of the 1973 Arab-Israeli war. The subcommittee's investigation probed a crucial question: The role of U.S. corporations in implementing a cutoff by foreign nations of vitally needed oil supplies to our military forces abroad at a time when our 6th Fleet was on alert. The subcommittee examined the role of the multinational oil corporations which were placed in the position of having to act to implement the foreign policy decisions of another nation which were detrimental to the interests of the United States. There is no doubt that our oil corporations found themselves in a very difficult position: Assist the Arabs in implementing the embargo or face the threat of nationalization and economic retaliation.

The purpose of the subcommittee's investigation was to review the circumstances surrounding the oil companies' implementation of the Arab nations' cutoff of delivery of fuel to our Armed Forces abroad and to insure that this never happens again. The hearing demonstrated that the companies were unable to point to any legislative standards or requirement which would obligate them to resist or to withstand pressures by foreign countries to force them to work against the interests of the United States. And some Government officials appeared to be unable or unwilling to respond to the actions contemplated by the oil companies. This situation must be remedied. Today I introduced a bill which will go a long way toward establishing a standard with specific actions to be taken by the Secretary of Defense and the Attorney General in the event there is a repetition of events which transpired in October and November of 1973.

It has recently come to my attention that the oil companies have once again been less than fully cooperative with the Department of Defense in furnishing vitally needed petroleum supplies. Specifically I refer to attempts by the oil companies to force the Department to enter into contracts without supplying certain cost and pricing data required under the Truth in Negotiations Act and complying with certain cost accounting standards promulgated by the Cost Accounting Standards Board and applicable to all defense contracts.

I am placing in the RECORD a separate statement dealing with actions taken to insure oil company compliance with these statutory standards which will provide the basis for determining whether prices paid are fair and reasonable.

Of importance here, however, is the fact although the oil companies are required, under the Emergency Petroleum Allocation Act, to supply the Department of Defense with its domestic requirements, this is not true with respect to furnishing foreign supplies to our military. Therefore we could face the situation of the oil companies refusing to contract for petroleum supplies for our military outside of the United States unless the contracts exclude requirements for cost data. Indeed, as I note in my statement on this matter, Mobil Oil asked for a waiver of these requirements on a \$6,787,928 contract for military fuel supplies for Turkey and was refused.

The bill will also deal with this situation since "discrimination" as covered by the law will include not only the failure to perform contracts for the supply of petroleum products, as was the case in the aftermath of the 1973 Arab-Israeli war, but also the refusal or failure promptly to enter into such contracts at appropriate prices.

This bill provides that whenever the Secretary of Defense has reason to believe that there has been such discrimination against the Armed Forces of the United States by any U.S. citizen or corporation with regard to contracts involving the furnishing of petroleum supplies he shall immediately institute an investigation. If the Secretary of Defense determines that there has been discrimination he refers the matter to the Attorney General of the United States who is authorized to institute appropriate proceedings, including the enjoining of such discrimination. The amendment also provides that the Attorney General may file with the clerk of the District Court a certificate of the Secretary of Defense stating that, in the Secretary's opinion, the proceeding is of critical importance to the effective operation of the Armed Forces of the United States and that immediate relief from the discrimination is necessary. Upon receipt of such a certificate, a panel of three judges shall be convened to immediately hear and make a determination in such proceedings. Convictions for such discrimination will carry penalties of a fine of \$100,000 or imprisonment for not more than 2 years, or both.

Other amendments to title 10 would cover jurisdiction, the right to inspect records, and other procedural matters.

The need for such legislation is best illustrated by the facts surrounding the 1973 cutoff and the questions which were raised at our hearing. These are expressed in my opening statement at the hearing and I ask unanimous consent that the statement be printed in the RECORD at this time.

Mr. President, I ask that the amendments I propose to title 10, United States Supreme Court be printed in the RECORD. There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

CURRENT ENERGY SHORTAGES OVERSIGHT SERIES—CUTOFF OF PETROLEUM PRODUCTS TO U.S. MILITARY FORCES

Chairman JACKSON. The purpose of today's hearing is to initiate an inquiry into an issue that is emerging as a major and critical question of public policy.

In the broadest sense, the issue presented is this: What are the responsibilities of American-based multinational oil corporations to the U.S. Government when the vital interests of the United States and the policies of the oil-producing nations these multinational corporations operate in are in direct and fundamental conflict?

The focus of today's hearing centers on the corporate and Federal decisionmaking process whereby four domestic oil companies furnished information to the Government of Saudi Arabia which enabled the Arab oil-producing countries to implement a secondary oil embargo which effectively cut off supplies of refined oil products to U.S. defense and military installations abroad during a worldwide strategic alert.

The initial task before the subcommittee is to develop the factual record concerning the secondary embargo, the manner in which it was implemented, and its impact. This will require direct testimony of participants in these decisions as to the respective roles of the Aramco shareholders, Aramco, the Saudi Government, the Department of Defense, and other Federal agencies.

On the basis of this factual record, the subcommittee will then have to address a number of major issues which relate to insuring against a repetition of incidents of this nature or, if that is not possible, developing contingency plans to deal with shortages that threaten vital defense missions.

From staff investigation we find that these are the basic facts:

On October 31, 1973, Aramco, the Arabian-American Oil Co., a Delaware corporation, was directed by the Government of Saudi Arabia to obtain data on the petroleum products sold to the U.S. military from their shareholders' refineries in third countries which were derived from Saudi crude.

This information was apparently intended to be used to fully implement the embargo announced by Saudi Arabia against the United States on October 20, 1973.

This request was transmitted by cables signed by Frank Jungers, president of Aramco, dated October 31, to Aramco's U.S. shareholders—Exxon, Texaco, Standard of California, and Mobil. The sales data was desired in Aramco's New York office by Friday, November 2, and required in Saudi Arabia on Saturday, November 3.

The information was turned over to Aramco on November 2 and the secondary embargo was implemented on November 9.

Prior to turning over this information to Aramco, the shareholder companies had discussions among themselves and with officials of the Department of Defense.

On November 2, a Mobil official voiced concern to its Aramco partners over the disclosure of such data to the Saudi Government. Exxon, the largest military supplier, took this matter up with officials of the Department of Defense. However, very little time was left to meet the deadline imposed by the Saudi Arabian Government.

Recollections of these key conversations between Exxon officials and officials of the Department of Defense vary. We will examine these discrepancies by receiving testimony today from the participants.

Exxon apparently concluded that Defense had no objections to the turnover of such information to Aramco and so informed its fellow shareholders of Aramco. The information was subsequently turned over to Aramco and used as a basis for cutting off refined petroleum products to our military.

Thus, we will be examining the propriety

of turning over such information to implement a cutoff of supplies to our military at a time when our 6th Fleet was still on alert.

Since the companies had communications between themselves and with the Department of Defense before forwarding such information to Aramco, we will be examining the responses of each of the companies as well as the Department of Defense to Aramco's request.

The issues presented by the oil embargo are difficult and complex. They are also very important. As our oil imports increase and as our dependence on foreign sources becomes greater, vital national interests are increasingly vulnerable to the use of the "oil weapon" by producing nations.

Today the subcommittee will be seeking answers to these and other questions:

1. What was the chronology of events and discussions which led to the secondary embargo?

2. What options are available to the companies short of strict compliance?

3. What kind of retaliation for noncompliance or partial compliance was either threatened or likely?

4. Assuming the companies had not cooperated in effectively enforcing the embargo, could the Arab nations have successfully enforced it themselves?

5. What kind of consultative process between the U.S. Government and the companies should be followed in the future should similar incidents arise?

6. What actions have the Department of Defense or the companies taken to avoid a repetition of such an incident?

7. Is new legislation needed to provide regulatory authority over U.S. based multinational corporations and their foreign subsidiaries when they are in the position of acting to implement the foreign policy decisions of another nation which are detrimental to U.S. interests?

The subcommittee's purpose is to obtain all of the facts which are necessary to develop policies which will protect U.S. interests. In this regard I would like to state that it is my belief that the companies made substantial efforts to shift supplies to our military during this critical embargo period.

In our search for all of the facts in this matter, we have disclosed to oil company representatives, as well as all participants in this hearing, conflicts in data and recollection so that there will be no surprises.

I would like, in conclusion, to express my sincere appreciation to Senator Percy and the minority staff for their cooperation in this important investigation.

S. 4257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10 of the United States Code is amended as follows:

(1) Chapter 141 is amended by the addition of the following:

§ 2390. Findings and declaration of purpose.

The Armed Forces of the United States operate worldwide in maintaining international peace and in protecting the interests of the United States. It is essential to the effective operation of the Armed Forces that they receive adequate supplies of petroleum products. Citizens of the United States and corporations organized within the United States enjoy the benefits of the United States flag and the protection of the Armed Forces and owe allegiance to the United States. It is the purpose of sections 2391 thru 2396 of this chapter to provide a remedy against the recurrence of discrimination by United States citizens or corporations, or persons or organizations controlled by them, against the Armed Forces in the supply of petroleum products.

§ 2391. Investigation of discrimination by the Secretary of Defense.

(a) No U.S. citizen or corporation organized or operating within the United States, or person or organization controlled by them, shall engage in discrimination in the supply, either within or outside the United States, of petroleum products for the Armed Forces of the United States.

(b) The Secretary of Defense, whenever he has reason to believe that there has been such discrimination shall immediately institute an investigation.

(c) If, following such investigation the Secretary of Defense determines that there has been a discrimination against the Armed Forces of the United States, he shall refer the matter to the Attorney General of the United States.

§ 2392. Jurisdiction of the United States courts.

(a) The several district courts of the United States are invested with jurisdiction to prevent and restrain such discrimination; and it shall be the duty of the several United States attorneys, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such discrimination. Such proceedings may be by way of petitions setting forth the case, and requesting that such discrimination shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as possible, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

(b) Whenever it shall appear to the court before which any proceeding under subsection (a) of this section may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

(c) Any proceeding against a corporation may be brought not only in the judicial district where of it is incorporated, but also in any district wherein it may be found or transacts business; and all process in such cases may be served in the district of which it is incorporated, or wherever it may be found.

(d) In any proceeding brought in any district court of the United States pursuant to this section, the Attorney General may file with the clerk of such court a certificate of the Secretary of Defense that, in his opinion, the proceeding is of critical importance to the effective operation of the Armed Forces of the United States and that immediate relief from the discrimination is necessary, a copy of which shall be immediately furnished by such clerk to the chief judge of the circuit (or, in his absence, the presiding circuit judge) in which the proceeding is pending. Upon receipt of the copy of such certificate, it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine such proceeding, and it shall be the duty of the judges so designated to assign the proceeding for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the proceeding to be in every way expedited.

(e) In every proceeding brought in any district court of the United States under this section, an appeal from the final order of the district court will be only to the Supreme Court.

§ 2393. Inspection of records and furnishing of information.

For the purpose of the investigation instituted by the Secretary of Defense pursuant to section 2391, he, or any officer, employee, or agent of the United States authorized by him, shall at all reasonable times, have access to and the right to copy any book, account, record, paper, or correspondence relating to the business affairs of the person or corporation being investigated. Such person or corporation, upon demand of the Secretary of Defense, or any officer, employee, or agent of the United States authorized by him, shall furnish such information as the Secretary of Defense may require as to his or its business, organization, conduct, practices, management, and relation to other individuals, corporations, partnerships, associations and other entities.

§ 2394. Definitions.

As used in Sections 2390-2393 of this chapter:

(a) The term "United States" when used in a geographical sense includes the several States, the possessions of the United States, the Canal Zone, and the District of Columbia.

(b) The term "discrimination" means the refusal or failure promptly to enter into or perform contracts for the supply of petroleum products, at appropriate prices, in accordance with the laws and regulations of the United States governing the entering into and performance of such contracts when requested by the Secretary or his designee.

§ 2395. Penalties.

Any person or corporation who wilfully discriminates as prohibited by Section 2391 shall, upon conviction, be fined not more than \$100,000 or imprisoned for not more than two years, or both.

§ 2396. Separability.

If any provision of sections 2391 thru 2396 or the applicability thereof is held invalid, the remainder of these sections shall not be affected thereby.

(2) The analysis for chapter 141 is amended by the addition of the following:

§ 2390. Findings and declaration of purpose.

§ 2391. Investigation of discrimination by the Secretary of Defense.

§ 2392. Jurisdiction of United States courts.

§ 2393. Inspection of records and furnishing of information.

§ 2394. Definition.

§ 2395. Penalties.

§ 2396. Separability.

By Mr. PROXMIER:

S. 4258. A bill to impose a moratorium on the receipt of deposits or the making of loans by financial institutions at places of business, other than those of financial institutions through the means of electronic methods of funds transfers. Referred to the Committee on Banking, Housing and Urban Affairs.

MORATORIUM ON ELECTRONIC BRANCHING

Mr. PROXMIER. Mr. President, I am introducing legislation to impose a moratorium on the establishment of electronic transfer facilities on the part of financial institutions. The moratorium would be effective as of today and would continue until December 1, 1976. The purpose of the moratorium is to enable the National Commission on Electronic Fund Transfers, which was recently established by the Congress, to study the implications of electronic branching and to make appropriate recommendations to the Congress and the President. I understand similar legislation is being introduced today in the House of Representatives by Congressman St GERMAIN.

Mr. President, the need for a moratorium on electronic branching has become necessary due to a recent interpretation of the Comptroller of the Currency holding that electronic facilities for effecting deposits, withdrawals or loans are not branches within the meaning of the National Bank Act and, therefore, are not subject to the various geographic restrictions imposed on the establishment of branches by national banks. Under this interpretation, a handful of large money center banks could establish electronic branches throughout the United States and siphon money away from locally chartered financial institutions. While these electronic branches obviously have considerable benefit for the consuming public, they also can profoundly affect the structure of financial institutions and threaten the viability of the dual banking system.

The National Committee on Electronic Fund Transfers was established to assess all of these implications and to recommend a balanced approach to the problem. However, if the interpretation of the Comptroller is allowed to stand, the Commission could be quickly faced with a fait accompli. Accordingly, I believe it is in the public interest to defer further experimentation into electronic branching until Congress can receive the Commission's report.

By recommending this moratorium I do not mean to imply that these electronic facilities will in the long run be contrary to the public interest. I can see many advantages to electronic banking and I am hopeful that these new technological developments can proceed in such a way that the stability of our financial regulatory system is not unduly threatened. I also feel strongly that we should move cautiously in this area until the recommendations of the Commission on Electronic Fund Transfers are received.

By establishing the moratorium effective December 19, 1974, I believe financial institutions are put on fair notice that Congress is seriously considering legislation to restrict electronic branching until the report of the Electronic Fund Transfers Commission is received. It is my intent to press for the adoption of such a moratorium in the next Congress retroactive to December 19, 1974. The purpose of introducing the bill today is to advise financial institutions of the possibility of a moratorium so that they will not be caught unawares if they invest in electronic branching facilities prior to congressional action next year.

By Mr. FONG:

S. 4259. A bill for the modernization and general revision of the patent laws, title 35, of the United States Code, and for other purposes. Referred to the Committee on the Judiciary.

PATENT MODERNIZATION ACT

Mr. FONG. Mr. President, S. 4259, a bill for the general revision and modernization of the patent law, title 35 of the United States Code, and for other purposes. Referred to the Committee on the Judiciary.

Mr. President, one important reason why the United States of America has been able to exercise leadership in the world over the past several decades is that we have been in the forefront of science and technology. At the end of World War II in 1945, America was the undisputed leader, having crossed new frontiers of knowledge under the impetus of wartime necessity.

But those nations whose economies were shattered by the war have made a comeback, and certain other formerly agrarian nations are now making great strides in science and technology. Our Nation is facing increasingly fierce competition in world markets.

It is imperative that the United States keep pace with our competitors and exceed them, if possible.

Outnumbered as we are in population by some of our competitors, we must take positive steps to make sure we make up in quality what we lack in quantity.

This is why it is so vital that America's educational system must be the best possible. This is why our private competitive enterprise system is so important to fostering initiative and innovation. This is why we as a nation must continue to encourage research, both basic and applied.

An unsung, yet vital, component of America's success story to date is our patent system. I believe our patent system can be further improved to give even greater stimulus to invention, innovation, and advancement of the arts and sciences as envisioned by our Founding Fathers, who included in the Constitution authority for Congress:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

I am, therefore, today proposing the Patent Modernization Act of 1974, which I believe will encourage even greater disclosure by Americans of their writings and discoveries under patent safeguards, all in furtherance of our national interest.

Facing as we do in America the critical problems of energy shortages and soaring energy costs, high retail food prices, worldwide shortages of grains and other protein foods, and global inflation, we need now more than ever to provide added incentive to our inventors and scientists to find ways to solve these problems.

Our patent system can and should be increasingly instrumental in promoting discovery of feasible methods to harness solar energy, ocean wave energy, and geothermal energy. An improved patent system can stimulate discovery of methods to convert nonedible substances like cellulose into edible foods, which in turn can assist in overcoming predicted food shortages in the years to come.

Our Nation's patent incentive system should and can be improved so that its incentives not only will be preserved and protected but also perfected. Such an improved system should encourage and stimulate would-be innovators to redouble their efforts to solve our technological and scientific problems in energy, food

production, and other fields through needed inventions as soon as possible.

An improved patent system can also be instrumental in the fight against inflation by encouraging new inventions that allow industry to produce more and better products per unit time, thereby increasing efficiency and output and permitting reduced prices of goods and services.

Patents represent an important and effective avenue for creating incentive to produce a greater variety of new products, spurring competition with a better product or with reduced price. Additionally, prices of existing products can be lowered through the creation of new and more efficient patentable processes which allow these goods to be produced at lower cost and sold at lower prices.

Increased productivity, of course, is most important to our Nation and at this time in our history when our total national output of goods and services—gross national product—GNP—expressed in real dollars has declined over the past three quarters.

Additional, Mr. President, patents stimulate competition and allow smaller companies to compete successfully with larger companies. As the experienced and knowledgeable Commissioner of Patents, C. Marshall Dann, explained in his June 6 speech this year before the Conference on Patents, Antitrust, and Trade Secrets, sponsored by the Federal Bar Association and the Bureau of National Affairs:

The patent system provides a spur to competition in research and development. . . . Patents can be of great value in the competitive struggle both to small companies and to large ones. To the extent they permit a small company to compete more effectively with larger companies in the same field there is an overall benefit to competition. (Emphasis supplied.)

Mr. President, without belaboring the matter further, I believe I have illustrated the need for improvement in our patent system and the importance of a viable patent system to future scientific and technological leadership for our country. May I just proceed to explain the background of patent legislation in the current Congress and then explain the provisions of the bill I am offering.

Although there is, of course, no possibility of action on my bill in the remaining several days of this session, I offer it so that it can be printed and available to all interested parties. I look upon it as a vehicle for study and discussion, and I hope that anyone interested will offer comments on the bill and suggestions for improvement, so that it can be further refined for introduction in the new Congress, which convenes in mid-January.

BACKGROUND ON PATENT LEGISLATION IN CURRENT 93D CONGRESS

There are now pending several bills offered for modernization and revision of patent laws. These are S. 1321, by Senator HART, S. 2504 by Senator SCOTT, and S. 2930 by Senator BUCKLEY.

S. 1321 (HART)

After hearings in September, 1973, on this bill and upon introduction and selection for markup of the Scott-administration—bill, work on S. 1321 ceased.

S. 2504 (SCOTT-ADMINISTRATION BILL)

The subcommittee on Patents, Trademarks, and Copyrights of the Judiciary Committee labored in this Congress upon S. 2504 submitted by Senator SCOTT as a courtesy to the administration. Members of the subcommittee and their staffs soon were informed that the individuals and organizations which constitute the voluntary disclosure, patent incentive or innovative community, upon whom this country must rely for the progress of the useful arts as mandated by the U.S. Constitution, were deeply and vigorously opposed to the concepts in the administration bill. The bill received virtually no support by the public.

The will of the inventive community, as expressed at meetings of patent and inventor associations, legal organizations, chemical, engineering, and other societies, was virtually unanimous in opposition to the administration bill. Activity on S. 2504 committee print—C.P.—amended to include some of the essence of amendments offered by the administration, a small group of patent counsels, and by me, is now ended. This is discussed extensively in my "individual views" on this bill and briefly in the views of Senator JOHN L. MCCLELLAN, subcommittee chairman. I ask unanimous consent that both of these statements be printed in the RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

S. 2930 (BUCKLEY—AMERICAN PATENT LAW ASSOCIATION PATENT LAW MODERNIZATION BILL)

Mr. FONG. Virtually unanimous support from the public and the innovative community was given and still exists for S. 2930 introduced by Senator BUCKLEY. This bill was prepared by members of the American Patent Law Association and members of the Section of Patent, Trademark, and Copyright Law of the American Bar Association. I found this to be a good bill. However, none of its principal provisions received the approval of the Subcommittee on Patents, Trademarks and Copyrights. Yet, this bill, in its entirety, was presented and supported by Commissioner of Patents Marshall Dann when, as president of the American Patent Law Association, he testified before the Senate September 11, 1973. Unfortunately, no real consideration was given this bill even after its formal introduction on January 31, 1974.

NEW PATENT BILL (FONG)

Upon fresh, objective reconsideration of the entire subject of patent law, I have concluded it to be desirable and appropriate to offer today a new bill to accomplish expeditiously an effective vision of the patent system.

I believe this bill will improve our Nation's patent system while maintaining the basic structure of the law, which has served us adequately for many years. The bill does not intend a radical change in the patent laws, but rather is designed to increase the incentive to the inventive community, to streamline the patent system itself, and to spur the progress of science and technology. I do not be-

lieve it is necessary to perform radical surgery to improve the health and vitality of our Nation's patent system.

My bill seeks to balance the equities between the national interests of our country and the rights of our Nation's inventors, all within the framework of a practical, workable system.

My bill is designed to meet the following goals:

First. To increase the incentive to our Nation's inventors to create more inventions to meet our country's needs now;

Second. To achieve the maximum percentage of valid patents at a minimum of cost;

Third. To allow the public to request the Patent Office to reexamine any questionable patent;

Fourth. To harness the patent system to help fight inflation, solve our energy problems, and relieve our food shortages;

Fifth. To accelerate the public disclosure of technological advances.

Sixth. To reduce the expense of obtaining and litigating a patent.

Seventh. To shorten the period of pendency of a patent application from filing to final disposition by the Patent Office.

Eighth. To raise the quality and reliability of the U.S. patents.

HISTORY OF PATENT LAW LEGISLATION, GENERAL INFORMATION

Since 1966 the following bills have been introduced: S. 1042, February 1967; S. 2597, October 18, 1973; S. 3892, July 1968; S. 1246, February 1969; S. 2756, August 1969; S. 643, February 1971; S. 1321, March 1973; S. 2504, October 1, 1973; and S. 2930, January 31, 1974.

In an effort to achieve legislation to revise title 35, which had been before the subcommittee since early 1967, the so-called Fong amendments to S. 2504 were offered during subcommittee markup sessions in mid-1974. To a large extent, the thrust of these amendments has been incorporated into the Hart-Scott markup of S. 2504 committee print and is essentially incorporated in the bill I am introducing today.

PROBLEMS OF THE INCENTIVE SYSTEM FOR GRANTING PATENTS

My proposed bill is drafted in the light of the following facts:

(A) PRIOR ACT

Studies have shown the principal problem in determining whether an invention is worthy of a patent is to make certain that all the relevant prior art is before the Patent Office.

Under present law, relevant prior art is supplied voluntarily by the applicant and through a "search" of the available prior art in the Patent Office by the patent examiner assigned to that particular case.

Under my bill, the applicant is required to submit to the Patent Office all information which he "reasonably believes" to be pertinent to the patentability of his invention.

In addition, prior art can be cited to the Patent Office by the public at any time after the patent issues. A reexamination of the patent on the basis of such cited prior art can be requested by any-

one at any time. Any art to be used in a patent suit must have been considered first by the Patent Office.

Thus, my bill allows the public to attack any patent at any time during its entire life—at a very low cost—since this "reexamination" process would be done in the Patent Office, eliminating the need for hiring courtroom patent attorneys. Appeal processes are also provided within the framework of the Patent Office.

Bringing all the pertinent prior art before the patent examiner will maximize the percentage of valid patents issued by the Patent Office. According to the Patent Office Study of Court Determinations of Validity-Invalidity for the period 1968 through 1972, out of 1,500,000 patents outstanding, 2,025 were challenged as invalid. In other words, less than fifteen one-hundredths of 1 percent of all the outstanding patents were challenged.

Approximately 50 percent of the challenged patents were determined invalid, the majority of these because all the prior art was not before the examiner before the patent was issued.

It is well-nigh impossible to ensure that every patent issued will be valid, considering the approximately 80,000 patents issued each year and considering the fact that, on patent validity questions, reasonable men may honestly disagree.

As we all know, no system can ever be perfect. But I believe that by the additional input from the public as provided in chapter 31 of my bill, we can achieve the highest percentage of valid patents possible, while still protecting the inventor's rights by not denying him the power of injunction to protect his invention while his patent is being challenged.

(B) UNCLEAN HANDS; FRAUD

In the 1968 through 1972 period, 2,025 notices of patent suit were given to the Commissioner of Patents as required by law. In only 22 of the 2,025 cases, or about 1 percent of the total patents challenged, was fraud or unclean hands found. During the same 5-year period, there were an estimated 1.5 million patents outstanding. Also, in the same period of 5 years, the Patent Office issued about 400,000 patents, an average of 80,000 per year. For further information please see Patent Office study dated August 31, 1973.

Present law already provides sufficient means to deal effectively with those who may deliberately abuse the system by improper or fraudulent conduct. As the knowledgeable Assistant Attorney General of the Antitrust Division, now Judge Richard W. McLaren, said when testifying before our Senate Subcommittee on Patents, Trademarks, and Copyrights, is May of 1971:

The procurement of a patent by fraud on the Patent Office may give rise to an action by the United States for cancellation of a patent, or a perjury or other criminal prosecution.

Patent Office Study of Court Determinations of Validity-Invalidity, in 1968-1972, Published Patent Trademark, Copyright Journal, No. 144, September 13, 1973, Appendix.

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cution; and an attempt to enforce such a patent may constitute a violation of the Sherman Act. Similarly, the invalidity of a patent obtained by fraud is a defense in an action for infringement. . . . the Patent Code should and presently does contain safeguards to insure proper conduct by applicants before the Patent Office." (Emphasis supplied.)

Therefore, since the problem of fraud or unclean hands is already down to an almost irreducible percentage—22 of the 2,025 cases in the period 1968 through 1972—and since the patent code presently does contain sufficient safeguards to insure proper conduct by applicants before the Patent Office, my bill retains present law. As we all know, one cannot legislate honesty.

OVERVIEW

My bill includes concepts and provisions selected with care and deliberation from the several bills introduced in the past, including the recent administration bill. Concepts taken from these bills are implemented with language reflecting suggestions and recommendations from those with knowledge and expertise gained from many years of patent experience across a wide spectrum.

A substantial number of provisions from Senator BUCKLEY's bill (S. 2930), which was sponsored by the American Patent Law Association, and some provisions from the administration bill (S. 2504) have been incorporated.

My bill provides for a brand new procedure called reexamination that allows any member of the public to attack a patent and cause the Commissioner of Patents to reexamine the validity of an issued patent. This provides an inexpensive means by which anyone may attack a patent without hiring a patent attorney.

I have sought to hold down the cost of this bill by adhering to present law whenever possible.

Most importantly, my bill not only retains the crucial incentive for inventors contained in our present patent law, but I believe it significantly increases that incentive.

My bill is in accord with the fundamentals of the viable patent system, which are:

First. Availability, accessibility, and utilization of the system on the widest possible basis to the public, especially to those who would use the system—inventors, coworkers, and investors.

Second. Reasonable costs for obtaining valid patent protection for inventions.

Third. Reasonably valid protection when the patent has been obtained.

Fourth. Adequate protection of the disclosure made in the application for patent and thus disclosed to the Patent Office by the applicant, if ultimately no patent is granted.

I believe the patent system must be fair and equitable to the vast number of applicants—those who deal fairly with the Patent Office. It must not unduly burden all because of the transgressions of a very few!

THE CONGRESSIONAL PROVISION—ARTICLE I, SECTION 8, CLAUSE 8

The constitutional provision upon which the patent incentive system is based reads:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Rights to their respective Writings and Discoveries—(Art. I, Sec. 8, Cl. 8)

This provision mandates a voluntary disclosure patent incentive system; it also mandates that the inventor's exclusive rights be secured. In the constitutional provision, the word "securing" requires safeguarding the inventor's inherent rights to his invention.

Our Patent Office does not, as is so often mistakenly stated, grant a "monopoly." It grants a patent.

This patent is an "open letter" which, in effect, states to all who may be concerned that, in exchange for and upon the disclosure of his invention, the inventor's rights, which are inherent in him the moment he has completed his invention, have been secured so that his rights can be enforced in the courts of our land.

STIMULATION OF COMPETITION BY EARLY PATENTING

The primary purpose of the voluntary disclosure patent incentive system is to get to the public at the earliest possible moment the basic concept of the invention. Given the "crux" of the inventive concept, one skilled in the art can work with the invention or design around it. When the invention becomes known publicly, it engenders competition by those who will design around the patent claims to keep themselves competitive.

Obviously, price-cutting on the same product produced by more than one individual or organization is a kind of competition. In an innovative society, true competition results in the making available of alternative or better products, goods, or services as a result of the exclusive right. It is the exclusive right to one person which induces his competitor to produce something different or better with which to continue to compete. Thus, our patent incentive system stimulates competition.

TOO-BURDENSOME PATENT CHANGES WOULD DISCOURAGE DISCLOSURES OF INVENTIONS; ENCOURAGE RELIANCE ON TRADE SECRETS

Some provisions of other patent bills offered in this Congress concerned me because I believe they would impose unnecessary burdens upon the patent applicant and upon the Patent Office. There were too many requirements for excessive disclosure of information not needed by one skilled in the art to understand the invention for which a patent was applied.

These requirements would also impose much greater expense on the applicant and would drastically increase the reading burden on the examiner in the Patent Office. Printing costs would greatly increase without any quid pro quo benefit to anyone. Unreasonable statutory requirements for superfluous disclosure would only provide additional points for attack on validity decreasing rather than increasing the number of valid patents issued.

One bill which concerned me would have required full disclosure of the inventor's application for patent before a patent was issued on it. This would not have protected the inventor.

Neither individuals nor companies would invest time, funds, and energy to make and to develop expensive inventions only to turn them over to a competitor. Nor would they seek to obtain a patent in the face of patent law provisions that were difficult if not impossible, to comply with. They may well proceed to use their inventions secretly.

As Roger M. Milgrim said in Harvard Business Review, November-December, 1974; in his article "Getting Most Out of Your Trade Secrets," there is a growing disenchantment with the patent system of the United States—A patent is time-consuming and expensive to obtain.

Mr. Milgrim added: The key to the success of many a business, they (trade secrets) are often a good alternative to patents, and their use and licensing have been a mainstay of U.S. foreign revenues for many years.

On May 13, 1974, however, the Supreme Court determined that the law of trade secrets is independent of and complementary to the federal court patent system. Trade secret developers, therefore, can continue to choose freely between seeking patent protection and treating the matter as a trade secret.

Is it better to hold a given piece of patentable knowledge as a trade secret, thereby holding an advantage for as long as it remains secret, or is it better to seek a patent, trading public disclosure in the issued patent for a guaranteed period of statutory exclusivity?

Perhaps the major disadvantage of relying on trade secret protection, given the choice, is that the law of trade secrets encourages independent development of matter protected by a trade secret. It is, for example, perfectly lawful to purchase a competitor's formulation or product and attempt to copy it by reverse engineering. Many complex chemical processes, formulas, and manufacturing methods and techniques, however, are not readily reverse engineered and often prove terribly difficult to develop independently.

"Potential trade secret relief is startlingly superior to patent infringement relief in one respect: more than 20 states have trade secret theft statutes.

If those who are inventing and developing inventions, so that they can better compete in the marketplace with their goods and services, find that the "incentive" of our voluntary disclosure, patent incentive, inventive system is substantially reduced—and even destroyed—it is clear that they will direct their efforts toward secrecy. Return to the guilds may become the order of the day. Competition will be greatly reduced. Progress of science and the useful arts will be seriously impeded.

Only recently, the U.S. Supreme Court in *Kewanee v. Bicron*, 416 U.S. 470 (1974), recognized that the Federal patent laws do not compel disclosure of an invention but merely offer the exchange of a patent for the disclosure of an invention.

The present patent law, which is currently resulting in the publication of some 80,000 disclosures annually, has been eminently successful in causing the disclosure of inventions to the public.

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GENERAL DISCUSSION OF SOME PROVISIONS OF THE FONG PATENT MODERNIZATION ACT

1. STATUS OF COMMISSIONER OF PATENTS—ELEVATION

Presently the Commissioner of Patents is under an Assistant Secretary of Commerce for Science and Technology.

My bill would elevate the Commissioner of Patents to Assistant Secretary of Commerce, would raise his grade from executive level V to executive level IV, and would provide the Commissioner with full authority, responsibility, and necessary flexibility to conduct the operations of the Office.

My bill would provide the essential statutory guidance for the operation of the Patent Office and the examination of patent applications. It would leave the rulemaking authority in the administration of the Patent Office, where it belongs.

2. MAJOR PROVISIONS OF PRESENT TITLE 35 UNITED STATES CODE ARE RETAINED

Those provisions which are essential in present title 35 are retained as a basis for continued effective operation of our system.

The major portion of my bill consists of existing law, with slight modifications in some cases and substantive improvements in others.

3. SUBMISSION OF PRIOR ART BY APPLICANT

Present law does not require nor provide for submission of prior art known to applicant.

As I have noted, the principal problem in patent procurement is to place before the patent examiner the pertinent information needed to reach a judgment on patentability. My bill provides this in a reasonable, relatively feasible, inexpensive, manner. All pertinent information that reasonably can be found which would affect the examiner's judgment is required to be submitted by the applicant into the record.

4. RECORD OF ORAL INTERVIEWS

Present law provides no guidelines for recording of oral interviews.

My bill would provide that no oral interviews can be had without making a written record of points covered and their disposition. This record would be a permanent part of the patent file in the Patent Office. It would be available to the public whenever a study of the patent is made.

5. PATENT DISCLOSURE REQUIREMENTS—VALIDITY

Present law provides requirements for disclosure.

My bill would require only that the inventor or applicant for patent shall disclose sufficiently that concept or that information which those skilled in the art need to understand the invention.

The constitutional provision regarding patents obviously envisioned a system in which the return to the applicant will make it worth his while to relinquish his disclosure to competitors. Any attempt to siphon from him the continuing results of his research will operate as a serious disincentive, particularly at this time when we need to increase incentives.

The constitutional mandate does not require extensive, time-consuming dis-

closure of "all" the knowledge of the inventor or his associates. Funds and time should not be required to prepare a cookbook detailed disclosure to those skilled in the art.

6. RE-EXAMINATION OF ISSUED PATENTS

Present law has no provision for re-examination of patents.

(A) CITATION OF ART

Importantly, my bill provides that the applicant's invention shall not be disclosed to the public by the Patent Office unless and until the applicant and the Patent Office Examiner are both satisfied that a patent should and does issue. I have previously noted that my bill provides that any interested party can cite additional prior art to the Patent Office at any time after a patent issues. Upon a request for re-examination the Patent Office will consider the new art. That consideration will show whether the disclosure of the newly cited art is in fact closer to the invention claimed in the patent than that of the art previously considered by the Office. If it is, the Office will then decide whether it will nullify the patent or one or more of its claims or to abbreviate their scope.

(B) RIGHTS OF PATENT HOLDER

Present law sufficiently provides for rights of a patent holder.

My bill preserves the present rights of a patent holder.

Importantly, at the moment the patent is granted, the inventor—now a patentee—will, under my bill, have the rights which under our laws always have been those of a patent holder and which provided the incentive to disclose his invention. The incentive to apply for a patent will have been preserved. He will have the right to proceed, under due process of law, to obtain an injunction against anyone who infringes a claim of his patent.

Potential infringers will know this and only at their own risk will then proceed to use the invention and/or to make, use, sell, or stockpile either machines, manufactures, articles, or compositions of matter protected by patent claims. Full measure of damages for infringement will be available to the patentee in the courts. The mandate of our Constitution will have been "secured."

Many approaches have been advanced for improving potential validity of patents through the means of opposition proceedings. One approach called for opposition proceedings before the issuance of a patent. This could allow third parties to cite from time to time prior art, hoping that, by repeated new citations, issuance will be delayed. Also, I have noted great concern about the inherent expense of such proceedings.

In that respect, I have supported S. 2930 introduced by my colleague from New York, Senator JAMES BUCKLEY. However, as I have previously stated, chapter 31 of my bill does insure that all art will be considered by the Patent Office in connection with those patents which may be offered for license or in the course of litigation.

This procedure is also attractive because it is relatively inexpensive. Thus, under chapter 31 there are reduced to a

minimum the time and expense involved on the part of the Office personnel and on the part of the innovative community to deal with art cited against the patent, leaving the time and money for further progress of the useful arts through innovation.

The provisions of chapter 31 of my bill should be contrasted, carefully, with provisions of other bills which would publish and thus disclose the invention to a competitor of the inventor before a patent has been granted. Unless such bills would provide that the remedies for any unauthorized practice during the period starting with publication and ending with issuance of patent shall be those which would have been available had the patent been issued at the beginning of the period, and, further, that there shall be upon issuance of the patent the right to enjoin the use or sale of machines, manufactures, or compositions of matter made during that period, the provisions should be condemned as failing to meet the constitutional test.

Without these provisions, these bills would permit a compulsory licensing of the invention and to compulsory licensing of the patent with respect to machines, manufactures, or compositions of matter made during that opposition period.

Even if such provision includes that a reasonable royalty shall be paid to the patentee, that provision is defective because a reasonable royalty to one may not be a reasonable royalty to another.

Furthermore, the patentee may have wanted to practice his invention and to permit no one else to do so. He may have wished to start his own company or to cause his own company to grow, this being his free choice of how to compete in the marketplace.

7. SUBPENA POWERS—SECTION 23, SECTION 24

Present law, in sections 23 and 24, provides subpoena powers which have always been ample and proper.

My bill would preserve these powers.

In line with the principle of keeping examination in the Patent Office, I believe that subpoena powers should be retained in the Federal courts. A person, especially one who has no experience in the Patent Office, should continue to have, as he now does, the right to move to quash a subpoena issued against him and to do so in his own home district or jurisdiction. He should be able to do this under due process of law in a duly established court where each citizen would have the protection of the law as applied by a judge of that court. My bill preserves this due process of law for all persons.

8. SOLICITOR—SECTION 3 (d); BOARD OF APPEALS—SECTION 7

Present title 35 does not establish the position of Solicitor.

For a very long time, however, by administrative action there has been a satisfactorily functioning Solicitor and aides in the Patent Office.

There has also been a Board of Appeals and this Board is currently provided for in title 35.

My bill retains the Board of Appeals and also provides statutorily for a Solicitor. It prescribes the powers and du-

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ties of the Solicitor and the Board of Appeals. The functions of the Solicitor and the Board of Appeals are basically retained as in present law.

9. PROVISIONS FOR DISCLOSURE TO THE PATENT OFFICE—SECTIONS 112, 115, 131, 251

Present law provides for disclosure, for an oath, for examination, and for reissue of a defective patent.

My bill preserves and modifies, with improvements, these provisions.

I reiterate that the primary function of the Patent Office is to obtain disclosure of invention in such a manner that its basic concept will be clear to one who is skilled in the art to which it pertains or with which it may be most nearly connected. The would-be discloser of an invention should be continually encouraged, subject only to reasonable regulations or requirements, to come forward and to disclose his invention.

If the basic concept of his invention is not sufficiently made clear so that one skilled in the art applying his skill can place the invention into practice, then the patent should not be granted. My bill amply provides for a court to hold the patent invalid if it is granted without adequate disclosure of the invention. This will be a loss to the patentee of his secured rights to exclude others. This possible loss of right is ample incentive to produce the necessary disclosure.

Thousands of persons apply for a patent each year. Of these, a very few may inadvertently fail to disclose sufficiently that which is needed by one skilled in the art to comprehend and to practice the invention. There may be some who may deliberately withhold essential information from those skilled in the art. Burdening thousands of patent applicants because of relatively very few who may not have dealt fairly or properly with the Patent Office would be grossly inequitable.

Our great voluntary disclosure, patent incentive, inventive system should be made even more attractive, if possible, to encourage more progress of the useful arts and competition. It should not be made less attractive to the thousands of applicants because of a dishonest few. The patents of those few would, of course, be judged invalid.

Only reasonable disclosure requirements can be successful in a voluntary disclosure, patent incentive, inventive system.

The provisions which relate to disclosure including sections 112, 115, 131, and 251; should be sufficient to insure that an adequate disclosure will be made. There must be a balance between that which in theory may be required and that which in practice can be reasonably supplied. Anything less than adequate would be under my bill, as at present, basis for refusing to grant a patent.

(A) INFORMATION IN POSSESSION OF APPLICANT

Present title 35 makes no explicit requirement that information relating to prior art in possession of applicant shall be disclosed to the Patent Office.

My bill provides a practical requirement for such disclosure.

It is reasonable to require that the applicant, his associates, and/or his attorney tell the Patent Office the princi-

pal items of prior art that any of them have in their possession and which any of them have considered during the preparation of the application for patent.

It is reasonable to expect that such items will be noted by them so that when the time comes that the application for patent is filed, they can apprise the Patent Office of prior art which, upon review of all the matters noted by them, should in good conscience be disclosed to the Patent Office.

Also, it is reasonable to insist that the disclosure of such information and knowledge be reasonably complete at the time the application for patent is filed.

(B) PRIOR ART AFTER FILING

My bill further provides that, subsequent to the filing of the application, any prior art coming to the attention of either the inventor or his associates, or their attorneys or agent, shall be made available to the Patent Office within a reasonable time. There should be no penalty for inadvertence leading to a failure to disclose. Invalidity of a patent should not rest on mere technicality. It should be based only on whether or not the essential information has been disclosed.

10. COMMISSIONER'S FREEDOM TO REGULATE APPROPRIATELY

Present law provides the Commissioner of Patents with authority to issue regulations or rules not inconsistent with the law.

My bill preserves and improves present law.

Under my bill, the Commissioner of Patents would have the authority, as he has now, to promulgate rules and regulations not inconsistent with the law. In addition, by elevating the Commissioner of Patents to the level of Assistant Secretary, my bill eliminates one layer of bureaucracy and thus streamlines the operation of the Patent Office.

My bill does not, as the administration bill had proposed, write detailed regulations into the statute. I believe the existing Administrative Procedure Act not only provides the necessary flexibility for the Commissioner, but also provides opportunity for all interested parties to express to the Commissioner their views prior to final promulgation of regulations. In addition, this act provides for judicial review of regulations.

In the very complex, highly technical field of patent examination, Congress should set the policy guidelines and let the rulemaking process with all its safeguards under well-established law fill in the pertinent details.

11. COSTS OF PATENT OFFICE OPERATIONS—FEES AND BUDGET

At present, the entire Patent Office operation involves a budget of about \$80,000,000 annually. The Patent Office collects fees to the extent of about \$30,000,000, which are paid to the Treasury. If only these fees are taken into consideration, the net cost of the operation of the Patent Office is approximately \$50,000,000. As I noted earlier, however, the tax revenues generated through licensing of patents and through taxable income earned by enterprises using the

patents totals more than the budget of the Patent Office.

My bill retains the fee schedule of 35 U.S.C. I do not favor drastic revision of those fees. The public will continue to benefit greatly by continued widespread use of the patent system. They should not be discouraged in that use by fee increases.

Many in Government circles choose to ignore the general income taxes that patent owners pay on income from patent licenses. Also, many ignore the taxes generated by the great many enterprises created and operated as a result of the working of the incentive of our patent incentive system. Despite the fact that such funds are not set aside for specific use of the Patent Office, I believe we should recognize the financial support to the Federal Government by those funds and not try to cut too deeply into the patent owner's returns.

Setting of fees has been, and should continue to be, the prerogative of the Congress by statute. The Commissioner and his staff should submit to the Congress a schedule of fees with suitable justification.

12. MAINTENANCE FEES

Present law does not require the inventor or patent holder to pay fees to maintain the patent for its statutory life.

My bill provides for reasonable maintenance fees.

It is a fallacy to contend, as some have done, that under present law the Patent Office operates at a financial loss to our Government. Our Nation derives benefit far in excess of costs of operation of the Patent Office. It taxes incomes created by the progress of the useful arts and by consequent competition induced by the granting of patents. As earlier indicated, taxes collected by the Federal, State, and local governments on all operations, production of goods and services or by earned income in wages and salaries, and on royalties on patent license agreements, are so vast that our government at all levels—local, State, and Federal—is amply repaid for operation of the Federal patent incentive system.

On the other hand, those who would seek a patent should pay reasonable filing fees so that they will not lightly file applications for patent.

Time has allowed review of whether and to what extent maintenance fees should be payable on issued patents and yet retain the maximum possible incentive to come forward and to disclose. It must be clear to the inventor or to the organization to which he may assign his invention that the expense in proceeding by the patent route will be reasonable in his or its circumstances, otherwise he will proceed in secrecy, as I noted earlier.

Whether maintenance fees should be charged should not be related to the cost of operation of the Patent Office. At best such fees should be related only to the cost of collecting the fees.

In my "Individual Views," referring to the question of maintenance fees, I stated:

There have never been maintenance fees in the United States. There are no maintenance fees under present law. Once an in-

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ventor pays his patent attorney the fees for the prosecution for a patent and pays the fees charged by the Patent Office and his patent is issued, he has his patent free and clear for 17 years. He has responded to the incentive of the system and has disclosed his invention to the public.

Inventors are creators. Inventors take nothing from the public; they add to the public. Perhaps they should not be charged at all for filing patent applications, but should be paid for doing so.

At a time when our nation's economy is floundering, and our Gross National Product is declining, I question the wisdom of adding this heavy handicap to our nation's inventors. At a time when our Gross National Product has fallen 5.8% and we have a negative export/import balance, it appears to be a most inappropriate time to possibly DESTIMULATE our economy. (See April 19, 1974, Washington Post article entitled "GNP Falls 5.8%; Inflation Rate Rises to 10.8%")

It is also arguable that extremely high maintenance fees are possibly unconstitutional. Congress has been mandated (Article I, Sec. 8, Cl. 8):

"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

There is no indication in our Constitution that the government should charge any more than nominal administrative fees.

Many of the inventive community argue that the taxes received by the government from royalties paid to inventors and the taxes received by the government from the sale of products covered by patents far outweigh the cost of running the Patent Office, now estimated at about \$77 million per year.

Indeed, it has been said as early as in the 1950's that the tax on the royalties which are received in the electronics industry alone, through patent license and other arrangements, just about equals the cost of operations of the Patent Office. Therefore, the Patent Office could be looked upon as already a self-sustaining operation in the sense that it earns for the government taxes which already exceed the cost of operating the Patent Office.

There is no logical reason based either on the constitutional mandate or otherwise for which maintenance fees should be charged. The Patent Office is operated to stimulate invention and disclosure thereof to benefit all the people. All parties agree that this function has been amply discharged. The value of the award of a patent in exchange for the disclosure of the invention therein described should not be significantly reduced by maintenance fees. Maintenance fees will constitute a second big bite of the apple from the patent owner.

In a spirit of compromise, I am willing to accept reasonable maintenance fees.

13. INFRINGEMENT OF PATENTED PROCESS BY IMPORTED PRODUCT

Present title 35 does not contain any explicit provision securing the right of a process patent holder to sue for infringement by an importer of a product made abroad by his patented process.

My bill would provide protection for the U.S. process patent holder.

Major industrial nations—France, West Germany, Japan, England, Italy—who are competitors of U.S. producers protect their inventors holding process patents.

My bill would provide similar protection to our Nation's inventors holding process patents.

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Section 271(e) of my bill would provide to the American patentee or patent holder the right to sue for infringement upon any unauthorized importation of a product produced abroad by anyone else using his patented process.

PRESIDENT'S COMMISSION ON PATENT SYSTEM

Finally, my bill has been designed to accomplish the objectives of the President's Commission on the Patent System as these are reported by that Commission on pages 3 and 4 of its report submitted to the President on November 17, 1966. These objectives are worthy of repetition because all of them must be implemented in such a manner as to preserve, protect, and perfect the incentive of our voluntary disclosure, patent incentive, inventive system. Accordingly, they are contained in my "Individual Views" on S. 2504 committee print at the conclusion of my remarks.

CONCLUDING REMARKS

In preparing and presenting this bill, I have endeavored to find common ground on which all parties can agree, so that the patent incentive system will be truly improved. I believe the provisions of my bill are reasonable and reach the objectives of the President's Commission.

A complete rewrite or even extensive revision of title 35 or of its basic concepts can but engender 20 to 30 years of litigation at great expense to the public and great uncertainty to the inventive community.

I am seeking to avoid a dichotomy amounting to a polarization of opinion respecting key provisions. I have endeavored to give due weight to the views of the voluntary disclosure, patent incentive, inventive system community, which includes the Patent Office Commissioner, the Commission on Revision of the Federal Appellate System, and inventors, individuals, industry, and members of the bar who advise those responding to the patent incentive.

As I stated in my introductory remarks, I offer my bill for discussion and study by all interested parties. I look forward to receiving their comments and suggestions which would improve any features of my bill.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Modernization Act of 1974."

Sec. 2. Title 35 of the United States Code, entitled "Patents", is hereby amended in its entirety to read as follows:

TITLE 35—PATENTS

"PART I—PATENT AND TRADEMARK OFFICE"

"CHAPTER 1—ESTABLISHMENT, OFFICERS, FUNCTIONS"

- "Sec.
"1. Establishment.
"2. Seal.
"3. Commissioner and other officers.
"4. Restrictions on officers and employees as to interest in patents.
"5. Omitted.

- "6. Omitted.
"7. Board of Appeals.
"8. Library.
"9. Classification of patents.
"10. Certified copies of records.
"11. Publications and public services.
"12. Research and studies.
"13. Annual report to Congress.

"CHAPTER 2—PROCEEDINGS IN THE OFFICE"

- "Sec.
"21. Day for taking action falling on Saturday, Sunday, or holiday.
"22. Form of papers filed.
"23. Evidence on Office cases.
"24. Subpoenas, witnesses.
"25. Oath and declaration in lieu of oath.
"26. Effect of defective or missing execution.
"27. Effective date of documents and fees to be filed in the Office.

"CHAPTER 3—PRACTICE BEFORE OFFICE"

- "Sec.
"31. Regulations for agents and attorneys.
"32. Suspension or exclusion from practice.
"33. Unauthorized practice.

"CHAPTER 4—PATENT FEES"

- "Sec.
"41. Patent fees.
"42. Payment of patent fees; return of excess amounts.
"43. Maintenance fees.

"PART II—PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS"

"CHAPTER 10—PATENTABILITY OF INVENTIONS"

- "Sec.
"100. Definitions.
"101. Subject matter patentable.
"102. Conditions for patentability; novelty and loss of right to patent.
"103. Conditions for patentability; non-obvious subject matter.
"104. Invention made abroad.

"CHAPTER 11—APPLICATION FOR PATENT"

- "Sec.
"111. Application for patent.
"112. Specification.
"113. Drawings.
"114. Models, specimens.
"115. Oath of applicant; duty to disclose.
"116. Joint inventors.
"117. Death or incapacity of inventor.
"118. Filing by other than inventor, oath by other than inventor.
"119. Benefit of earlier filing date in foreign country; right of priority.
"120. Benefit of earlier filing date in the United States.
"121. Divisional applications.
"122. Confidential status of applications.
"123. Publication.

"CHAPTER 12—EXAMINATION OF APPLICATION"

- "Sec.
"131. Examination of application.
"132. Notice of rejection; reexamination.
"133. Time for prosecuting application.
"134. Appeal to the Board.
"135. Priority of invention contest.
"136. Settlement agreements.

"CHAPTER 13—REVIEW OF OFFICE DECISION"

- "Sec.
"141. Appeal to Court of Customs and Patent Appeals.
"142. Notice of appeal.
"143. Proceedings on appeal.
"144. Decision on appeal.
"145. Civil action to obtain patent.
"146. Civil action in case of interference.
"148. Presumption of correctness.
"149. Judicial review of nonfinal decisions.

"CHAPTER 14—ISSUE OF PATENT"

- "Sec.
"151. Issue of patent.
"152. Late payment; effect of reinstatement of patent.
"153. How issued.
"154. Contents and term of patent.
"155. Patents granted on review.

- "Chapter 15—PLANT PATENTS
- "Sec.
- "161. Patents for plants.
- "162. Description, claim.
- "163. Grant.
- "164. Assistance of Department of Agriculture.
- "Chapter 16—DESIGNS
- "Sec.
- "171. Patents for designs.
- "172. Right of priority.
- "173. Term of design patent.
- "Chapter 17—SECRECY OF CERTAIN INVENTIONS AND FILING APPLICATIONS IN FOREIGN COUNTRIES
- "Sec.
- "181. Secrecy of certain inventions and withholding of patent.
- "182. Forfeiture of the right to a patent for unauthorized disclosure.
- "183. Right of compensation.
- "184. Filing of application in foreign country.
- "185. Patent barred for filing without license.
- "186. Penalty.
- "187. Nonapplicability to certain persons.
- "188. Rules and regulations, delegation of power.
- "PART III—PATENTS AND PROTECTION OF PATENT RIGHTS
- "Chapter 25—AMENDMENTS AND CORRECTION OF PATENTS
- "Sec.
- "251. Reissue of defective patents.
- "252. Effect of reissue.
- "253. Disclaimer.
- "254. Certificate of correction of Office mistake.
- "255. Certificate of correction of applicants' mistake.
- "256. Correction of named inventor.
- "257. Certificate for change in status of claims.
- "Chapter 26—OWNERSHIP AND ASSIGNMENT
- "Sec.
- "261. Ownership; assignment.
- "262. Joint owners.
- "Chapter 27—GOVERNMENT INTERESTS IN PATENTS
- "Sec.
- "266. (Repealed)
- "267. Time for taking action in Government application.
- "Chapter 28—INFRINGEMENT OF PATENTS
- "Sec.
- "271. Infringement of patent.
- "272. Temporary presence in the United States.
- "Chapter 29—REMEDIES FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS
- "Sec.
- "281. Remedy for infringement of patent.
- "282. Presumption of validity; defenses.
- "283. Injunction.
- "284. Damages.
- "285. Attorney fees.
- "286. Time limitation on damages.
- "287. Limitation on damages; marking and notice.
- "288. Action for infringement of a patent containing an invalid claim.
- "289. Additional remedy for infringement of design patent.
- "290. Notice of patent suits.
- "291. Priority of invention between patentees.
- "292. False marking.
- "293. Nonresident patentee, service and notice.
- "294. Arbitration.
- "Chapter 30—PRESERVATION OF OTHER RIGHTS
- "Sec.
- "301. Preservation of other rights; nonpreemption.
- "Chapter 31—PRIORITY ART CITATIONS
- "Sec.
- "311. Rules established by Commissioner of Patents.

- "312. Citation of art.
- "313. Request for examination.
- "314. Determination of issue by Commissioner of Patents.
- "315. Reexamination ordered by Commissioner of Patents.
- "316. Response or amendment by patent owner.
- "317. Appeals.
- "318. Certificate of patentability; unpatentability and claim cancellation.
- "319. Reliance on art in court only after Office review.
- "320. Stay of court proceedings to permit Office review.
- "321. Dismissal of complaint.
- "PART IV—PATENT COOPERATION TREATY
- "Chapter 35—DEFINITIONS
- "Sec.
- "351. Definitions.
- "Chapter 36—INTERNATIONAL STAGE
- "Sec.
- "361. Receiving Office.
- "362. International searching authority.
- "363. International application designating the United States; effect.
- "364. International stage; procedure.
- "365. Right of priority; benefit of the filing date of a prior application.
- "366. Withdrawn international application.
- "367. Actions of other authorities; review.
- "368. Secrecy of certain inventions; filing international applications in foreign countries.
- "Chapter 37—NATIONAL STAGE
- "Sec.
- "371. National stage; commencement.
- "372. National stage; requirements and procedure.
- "373. Improper applicant.
- "374. Publication of international application; effect.
- "375. Patent issued on international application; effect.
- "376. Fees.
- "1542. Transitional and supplementary provisions.
- "Chapter 1—ESTABLISHMENT, OFFICERS, FUNCTIONS
- "Sec.
- "1. Establishment.
- "2. Seal.
- "3. Commissioner and other officers.
- "4. Restrictions on officers and employees as to interest in patents.
- "5. Omitted.
- "6. Omitted.
- "7. Board of Appeals.
- "8. Library.
- "9. Classification of patents.
- "10. Certified copies of records.
- "11. Publications and public services.
- "12. Research and studies.
- "13. Annual report to Congress.
- "§ 1. Establishment
- "The Patent and Trademark Office, hereinafter termed 'Office,' shall continue as an office in the Department of Commerce, where records, books, drawings, specifications, and other papers and things pertaining to patents and to trade-mark registrations shall be kept and preserved, except as otherwise provided by law. The Office shall function independently of the Department of Commerce in the exercise of discretion concerning the rule-making, investigatory, and adjudicatory functions of the Office, including judicial proceedings related thereto. Appointment of members of the Board of Examiners-in-Chief and primary examiners shall not be subject to the provisions of section 3105 of Title 5, United States Code.
- "§ 2. Seal
- "The Patent Office shall have a seal with which letters patent, certificates of trademark registrations, and papers issued from the Office shall be authenticated.
- "§ 3. Commissioner and other officers

"(a) (1) There shall be a chief administrative officer of the Office, the Commissioner of Patents and Trademarks, referred to in this title as the Commissioner. The Assistant Secretary of Commerce for Patents and Trademarks, shall, ex officio, be the Commissioner of Patents and Trademarks. The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate, and he shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule pay rates (5 U.S.C. 5315). The Commissioner shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks, shall have the authority to carry on studies and programs regarding domestic and international patent and trademark law and practice, and shall have charge of property belonging to the Office. The Commissioner is authorized to promulgate rules and regulations, not inconsistent with law, governing proceedings before the office; to review, himself or by such delegate as he shall designate, all decisions or orders of the Office, the review of which other provisions of this title do not assign to the Board of Appeals; and otherwise to prescribe such further rules and regulations and take such further actions as may be necessary or proper for purposes of administration of the Office.

"(2) The Commissioner may, in coordination with the Department of State, carry on programs and studies cooperatively with foreign patent offices and international intergovernmental organizations, or may authorize such programs and studies to be carried on, in connection with the performance of duties stated in subsection (a)(1) of this section.

"(3) The Commissioner may, with the concurrence of the Secretary of State, transfer funds appropriated to the Office, not to exceed \$200,000 in any year, to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents and trademarks. These special payments may be in addition to any other payments or contributions to the international organization and shall not be subject to any limitations imposed by law on the amounts of such other payments or contributions by the Government of the United States.

"(4) The Commissioner may, with the concurrence of the Secretary of State, allocate funds appropriated to the Office, to the Department of State for the purpose of payment of the share on the part of the United States to the working capital fund established under the Patent Cooperation Treaty. Contributions to cover the share on the part of the United States of any operating deficits of the International Bureau under the Patent Cooperation Treaty shall be included in the annual budget of the Office and may be transferred by the Commissioner to the Department of State for the purpose of making payments thereof to the International Bureau.

"(b) There shall be a Deputy Commissioner of the Office, who shall be appointed by the Commissioner, and who shall be compensated at a per annum rate of basic compensation not in excess of the maximum scheduled rate provided for positions in grade 18 of the General Schedule. The Deputy Commissioner shall perform such functions as the Commissioner may assign or delegate and he shall act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the office of the Commissioner.

"(c) The Commissioner may appoint not more than four assistant Commissioners of the Office who shall be compensated at a per annum rate of basic compensation not in excess of the maximum scheduled rate

provided for positions in grade 18 of the General Schedule. Such Assistant Commissioners shall perform such functions as the Commissioner may from time to time assign or delegate. In the event of vacancies in the offices of Commissioner and Deputy Commissioner, or their absence or disability, the Assistant Commissioner senior in date of appointment shall fill the office of Commissioner until said vacancies, absences, or disabilities terminate.

"(d) In addition to the officers designated in the preceding subsections of this section, there shall be a solicitor of competent legal and scientific knowledge and ability, appointed by the Commissioner, who shall be compensated at a per annum rate of basic compensation not in excess of the maximum scheduled rate provided for positions in grade 18 of the General Schedule. He shall perform such legal functions as requested by the Commissioner under regulations promulgated by the Commissioner. He or his delegate—

"(1) may participate in any proceeding before the Office when the supervisory primary examiner or the Board of Appeals so requests and it appears to him that it is necessary or appropriate in the public interest for him to participate;

"(2) shall defend appeals from any final action of the office, except as otherwise provided by subsection (f) of this section;

"(3) shall conduct such investigations or inquiries pursuant to section 24 of this title, as may be necessary or appropriate to investigate violations of this title and rules and regulations promulgated thereunder; and

"(4) shall take measures appropriate to assure that adverse or conflicting interests or positions are not taken by the same employee of the Office.

"(e) The Commissioner shall, subject to other requirements of law, appoint Examiners-in-Chief and other officers and employees and assign or delegate to them the functions of the Office. The Commissioner is authorized to fix the per annum rate of basic compensation of each examiner-in-chief at not in excess of the maximum scheduled rate provided for positions in Grade 17 of the General Schedule (5 U.S.C. 5104).

"(f) Any other provision of law to the contrary notwithstanding the authority of the Solicitor and that of any officer or employee of the Office, to appear before the courts shall be subject to the direction and control of the Attorney General, and shall be limited to such delegation of authority as the Attorney General or his duly authorized representative may make.

"(g) The Secretary of Commerce may vest in himself the functions of the Patent Office and its officers and employees specified in this title and may from time to time authorize their performance by any other officer or employee.

"§ 4. Restrictions on officers and employees as to interest in patents

"(a) Officers and employees of the Office shall be incapable, during the period of their appointments and for one year thereafter, of applying for a patent or, during such period and for one year thereafter, being named as an inventor in an application for patent for an invention made during such period or for one year thereafter and of acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent, issued or to be issued by the Office.

"(b) After expiration of the one-year post-appointment period provided for in subsection (a) of this section, a former officer or employee may apply for a patent or be named as an inventor in an application for patent: Provided, however, that if the subject matter claimed in an application for patent was invented during the period of his appointment or employment or within one year thereafter, the application for such patent

shall not be entitled to any date of invention earlier than one year after termination of the appointment of such former officer or employee.

"(c) The Commissioner shall prescribe regulations governing the participation of present or former officers and employees of the Office in the preparation or prosecution of applications for patent which may be or have been assigned to one or more examining groups to which the work of such officers or employees may be or has been related.

"(d) Nothing contained in this section shall be construed to modify the obligations imposed by this or any other title of the United States Code upon present or former officers and employees of the United States.

"§ 7. Board of Appeals

"(a) The Commissioner, the Deputy Commissioner, the Assistant Commissioners, and the examiners-in-chief shall constitute a Board of Appeals in the Patent Office. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified Civil Service. There shall be not more than thirty examiners-in-chief.

"(b) The Board of Appeals shall:

"(1) Review adverse decisions of the primary examiners upon applications for patents as provided in section 134 of this title.

"(2) Review or consider actions arising under Section 135 of this title and perform the functions specified in other Acts of Congress as being performed by a Board of Patent Interferences and when performing said functions shall constitute a Board of Patent Interferences.

"(3) Render other decisions and orders or perform other functions or duties as provided in this title or as the Commissioner of Patents may by regulation or order prescribe.

"(c) Each appeal or other action shall be decided by at least three members of the Board of Appeals. The Board of Appeals has sole power to reconsider its decisions.

"(d) Whenever the Commissioner considers it necessary to maintain the work of the Board of Appeals current, he may designate any patent examiner of the primary examiner grade or higher having the requisite ability to serve as examiner-in-chief for periods not exceeding six months each. An examiner so designated shall be qualified to act as a member of the Board of Appeals. Not more than one such designated examiner-in-chief shall be a member of the Board of Appeals hearing an appeal or considering a case. The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each designated examiner-in-chief in the Office at not in excess of the maximum scheduled rate provided for positions in grade 16 of the General Schedule of positions referred to in section 5104 of title 5, United States Code. The per annum rate of basic compensation of each designated examiner-in-chief shall be adjusted, at the close of the period for which he was designated to act as examiner-in-chief, to the per annum rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made.

"(e) Except as otherwise provided in or pursuant to this title, the Board of Appeals shall exercise judicial functions of the Office, including all agency review of appeals, as provided in this title. Except as provided otherwise in this title, the decision of the Board of Appeals shall constitute final agency action (as that term is defined in 5 U.S.C. 551) in all matters considered by it, and shall be the final decision of the Office for the purposes of chapter 13 of this title.

"§ 8. Library

"(a) The Commissioner shall make all reasonable efforts to maintain a complete and current library of scientific and technical works and periodicals, both foreign and

domestic, in the Office which shall be available to its employees in the discharge of their duties under this title and to assist the public in the study of the useful arts.

"(b) The Commissioner may establish liaison with such Government agencies as may be appropriate in order to make available to the Office library additional scientific and other works and periodicals, both foreign and domestic.

"§ 9. Classification of patents

The Commissioner shall maintain with appropriate revisions the classification by subject matter of published specifications of United States patents and of such other patents and applications and other scientific and technical information as may be necessary or practicable, for the purpose of determining with readiness and accuracy the patentability of subject matter for which applications for patent are filed.

"§ 10. Certified copies of records

"The Commissioner may, upon payment of the prescribed fee, furnish certified copies of records of the Office to persons entitled thereto.

"§ 11. Publications and public services

"(a) The Commissioner shall cause to be published, in such format as he determines to be suitable, the following:

"(1) The specifications and drawings of patents and patent applications, subject to the provisions of this title.

"(2) Certificates of trademark registrations, including statements and drawings.

"(b) The Commissioner may cause to be published, in such format as he determines to be suitable, the following:

"(1) Patent abstracts.

"(2) The Official Gazette of the United States Patent Office.

"(3) Annual indices of patents, published applications and trademarks, and information concerning the same.

"(4) Annual volumes of decisions in patent and trademark cases.

"(5) Classification manuals and indices of the classifications of patents.

"(6) Pamphlet copies of the patent laws and rules of practice, laws, and rules relating to trademarks and circulars and other publications relating to the business of the office.

"(c) The Office may print the headings of the drawings for patents for use in lithography.

"(d) The Commissioner (1) shall maintain public facilities for the searching of patent materials, (2) may establish a public information service for the dissemination to the public of information concerning patents and trademarks, and (3) may from time to time disseminate or provide for dissemination of public technological and other public information, the publication of which in his judgment would encourage invention and progress in the useful arts. Such dissemination may be made by periodical or other publications, the preparation and display of exhibits, and other appropriate means.

"(e) The Commissioner may exchange copies of any of the publications specified in subsections (a) and (b) for publications desirable for the use of the Office for like items of other countries, and may furnish copies of any of these publications to international intergovernmental organizations of which the United States is a member.

"(f) The Commissioner may supply copies of specifications and drawings of patents to public libraries in the United States which shall maintain such copies for the use of the public, at the rate for each year's issue established for this purpose in section 41 of this title.

"§ 12. Research and studies

"The Commissioner shall conduct a program of research and development to improve and expedite the handling, classifica-

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tion, storage, and retrieval of patents and other scientific and technical information.

"§ 13. Annual report to Congress

"The Commissioner shall report to Congress annually the moneys received and expended, statistics concerning the work of the Office, and other information relating to the Office as may be useful to the Congress or the public.

"Chapter 2—PROCEEDINGS IN THE OFFICE

"Sec.

"21. Day for taking action falling on Saturday, Sunday, or holiday.

"22. Form of papers filed.

"23. Evidence on Office cases.

"24. Subpoenas, witnesses.

"25. Oath and declaration in lieu of oath.

"26. Effect of defective or missing execution.

"27. Effective date of documents and fees to be filed in the Office.

"§ 21. Day for taking action falling on Saturday, Sunday, or holiday

"When the day, or the last day, for taking any action or paying any fee required by this title falls on Saturday, Sunday, a holiday within the District of Columbia, or on any other day where receipt of papers cannot be effected the action may be taken, or the fee paid, on the next succeeding secular business day.

"§ 22. Form of papers filed

"The Commissioner may by regulation prescribe the form of papers filed in the Office.

"§ 23. Evidence in Office cases

"The Commissioner shall establish regulations for the presentation and production of evidence in Office proceedings, including affidavits, depositions, discovery, and other evidence required in the Office. Any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where he resides, may take such affidavits and depositions.

"§ 24. Subpoenas, witnesses

"(a) The clerk of any United States court for the district wherein testimony is to be taken in accordance with regulations established by the Commissioner for use in any case in the Office, shall, upon the application of any party thereto, issue a subpoena for any witness residing or being within such district, commanding him to appear and testify before an officer in such district authorized to take depositions and affidavits, at the time and place stated in the subpoena. The provisions of the Federal Rules of Civil Procedure relating to the attendance of witnesses, discovery and to the production of documents and things shall apply to contested cases in the Office consistent with Office regulations established under Section 23 of this title.

"(b) Every witness subpoenaed and in attendance shall be allowed the fees and traveling expenses allowed to witnesses attending the United States district courts.

"(c) A judge of a court whose clerk issued a subpoena may enforce obedience to the process or punish disobedience as in other like cases, on proof that a witness, served with such subpoena, neglected or refused to appear or to testify. No witness shall be deemed guilty of contempt for disobeying such subpoena unless his fees and traveling expenses in going to, and returning from, and one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret matter except upon appropriate order of the court which issued the subpoena.

"The Commissioner may by regulation prescribe the form of papers filed in the Office.

"§ 23. Evidence in Office cases

"The Commissioner shall establish regulations for the presentation and production of evidence in Office proceedings, in-

cluding affidavits, depositions, discovery, and other evidence required in the Office. Any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where he resides, may take such affidavits and depositions.

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"(b) Every witness subpoenaed and in attendance shall be allowed the fees and traveling expenses allowed to witnesses attending the United States district courts.

"(c) A judge of a court whose clerk issued a subpoena may enforce obedience to the process or punish disobedience as in other like cases, on proof that a witness, served with such subpoena, neglected or refused to appear or to testify. No witness shall be deemed guilty of contempt for disobeying such subpoena unless his fees and traveling expenses in going to, and returning from, and one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret matter except upon appropriate order of the court which issued the subpoena.

"§ 25. Oath and declaration in lieu of oath

"(a) An oath to be filed in the Office may be made before any person within the United States authorized by law to administer oaths or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States, and such oath shall be valid if it complies with the laws of the state or country where made.

"(b) The Commissioner may by regulation prescribe that any document to be filed in the Office and which is required by law, rule, or other regulation to be under oath may be subscribed to by a written declaration in such form as the Commissioner may prescribe, such declaration to be in lieu of the oath otherwise required.

"(c) Whenever such written declaration is used, the document must warn the declarant that willful false statements and the like are punishable by fine or imprisonment, or both, in accordance with 18 U.S.C. 1001.

"(d) The Commissioner may by regulation prescribe that any oath or declaration of a person not fluent in English shall be in a language in which he is fluent, together with an English translation thereof, the accuracy of which shall be attested to pursuant to such rules as the Commissioner may prescribe.

"§ 26. Effect of defective or missing execution

"Any document to be filed in the Office and which is required by any law or regulation to be executed in a specified manner may be provisionally accepted by the Commissioner despite a defective or missing execution, provided a properly executed document is submitted within such reasonable time as may be prescribed by the Commissioner.

"§ 27. Effective date of documents and fees to be filed in the Office

"The Commissioner may by regulation prescribe that an application for Letters Patent, or for Trademark registration, any other document or thing, or a fee shall be deemed to have been filed in the Office as of the day of deposit thereof in the United States mails, and the Commissioner may by regulation prescribe the conditions which must be fulfilled to make such deposit effective as a filing in the Office as of the date of such deposit.

"Chapter 3—PRACTICE BEFORE OFFICE

"Sec.

"31. Regulations for agents and attorneys.

"32. Suspension or exclusion from practice.

"33. Unauthorized practice.

"§ 31. Regulations for agents and attorneys

"The Commissioner may prescribe regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office.

"§ 32. Suspension or exclusion from practice

"The Commissioner may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Office, any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who does not comply with the regulations established under section 31 of this title, or who shall, by word, circular, letter, or advertising, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the Office. The reasons for any such suspension or exclusion shall be duly recorded. The United States District Court for the District of Columbia, under such conditions and upon such proceedings as it by its rules determines, may review the action of the Commissioner upon the petition of the person so refused recognition or so suspended or excluded.

"§ 33. Unauthorized practice

"(a) Whoever, not being recognized to practice before the Office:

"(1) Holds himself out or knowingly permits himself to be held out as so recognized, or

"(2) Holds himself out or knowingly permits himself to be held out as available either to perform the service of preparing or prosecuting an application for patent or to provide such service to be performed by a person not so recognized or by an unidentifiable person, or

"(3) For compensation, either performs the service of preparing or prosecuting an application for patent for another not so recognized or provides such service to be performed by a person not so recognized or by an unidentified person, or

"(4) Knowingly makes to an applicant or prospective applicant for a patent any false, misleading or deceptive material representation, by commission or omission, with respect to patentability or the procurement of a patent—shall be punishable by imprisonment not exceeding one (1) year or a fine not exceeding \$25,000 nor less than \$1,000 for each offense or both.

"(b) Where an agent, attorney, or firm recognized to practice before the Office assumes responsibility for the service of preparing or prosecuting a patent application at the time such service is rendered, the service shall be considered as performed by such agent, at-

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torney, or firm within the meaning of this section.

"(c) An action for injunctive relief may be brought by the United States or by any person that is or is likely to be injured by any act proscribed in sub-section (a) of this section. In any action under this sub-section, it shall not be necessary that actual damage be alleged or proved.

"(d) Whoever engages in any act proscribed in sub-section (a) of this section shall be liable in a civil action to any person injured by such acts, and the person injured shall be entitled to recover damages which the court may treble in its discretion, and full costs and expenses including attorneys' fees.

"(e) The district and territorial courts of the United States shall have original jurisdiction of all actions arising under this section, without regard to the amount in controversy or to the diversity of the citizenship of the parties.

"(f) The bringing of or maintenance of a civil action for damages or injunctive relief under this section shall not prevent or be prevented by the institution or continuation of criminal proceedings against whoever commits any act proscribed in sub-section (a) of this section.

"Chapter 4—PATENT FEES

"Sec.

"41. Patent fees.

"42. Payment of patent fees; return of excess amounts.

"43. Maintenance fees.

"§ 41. Patent fees.

"(a) The Commissioner shall charge the following fees:

"1. On filing each application for an original patent, except in design cases, \$65; in addition, on filing or on presentation at any other time, \$10 for each claim in independent form which is in excess of one, and \$2 for each claim (whether independent or dependent) which is in excess of ten. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"2. For issuing each original or reissue patent, except in design cases, \$100; in addition, \$10 for each page (or portion thereof) of specification as printed, and \$2 for each sheet of drawing.

"3. In design cases:

a. On filing each design application, \$20.
b. On issuing each design patent: For three years and six months, \$10; for seven years, \$20; and for fourteen years, \$30.

"4. On filing each application for the reissue of a patent, \$65; in addition, on filing or on presentation at any other time, \$10 for each claim in independent form which is in excess of the number of independent claims of the original patent, and \$2 for each claim (whether independent or dependent) which is in excess of ten and also in excess of the number of claims of the original patent. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"5. On filing each disclaimer, \$15.

"6. On appeal for the first time from the examiner to the Board of Appeals, \$50; in addition, on filing a brief in support of the appeal, \$50.

"7. On filing each petition for the revival of an abandoned application for a patent or for the delayed payment of the fee for issuing each patent, \$15.

"8. For certificate under section 255 or under section 256 of this title, \$15.

"9. As available and if in print: For uncertified printed copies of specifications and drawings of patents (except design patents), 50 cents per copy; for design patents, 20 cents per copy; the Commissioner may establish a charge not to exceed \$1 per copy for patents in excess of twenty-five pages of drawings and specifications and for plant patents printed in color; special rates for libraries specified in section 13 of this title,

\$50 for patents issued in one year. The Commissioner may, without charge, provide applicants with copies of specifications and drawings of patents when referred to in a notice under section 132.

"10. For recording every assignment, agreement, or other paper relating to the property in a patent or application, \$20; where the document relates to more than one patent or application, \$3 for each additional item.

"11. For each certificate, \$1.

"(b) The Commissioner may establish charges for copies of records, publications, or services furnished by the Office, not specified above.

"(c) The fees prescribed by or under this section shall apply to any other Government department or agency, or officer thereof, except that the Commissioner may waive the payment of any fee for services or materials in cases of occasional or incidental requests by a Government department or agency, or officer thereof. (Amended July 24, 1965, Public Law 89-83, secs. 1 and 2, 79 Stat. 259.)

"12. For any request for patent re-examination under Chapter 31, \$75.

"§ 42. Payment of patent fees; return of excess amounts

"All patent fees shall be paid to the Commissioner who, except as provided in sections 361(b) and 376(b) of this title, shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury directs, and the Commissioner may refund any sum paid by mistake or in excess of the fee required by law.

"§ 43. Maintenance fees

"(a) During the term of a patent, other than for a design, the following maintenance fees shall be due:

"(1) a first maintenance fee of \$300 on or before the seventh anniversary of the beginning of the term of the patent; and

"(2) a second maintenance fee of \$600 on or before the tenth anniversary of the beginning of the term of the patent; and

"(3) a third maintenance fee of \$1100 on or before the thirteenth anniversary of the beginning of the term of the patent.

"(b) In the case of a reissue patent the times specified herein shall run from the date of the original patent.

"(c) (1) A grace period of six months will be allowed in which to pay any maintenance fee, provided it is accompanied by the fee prescribed for delayed payment. When a response is not received to the notice provided by paragraph (e) of this subsection, a subsequent notice shall be sent approximately sixty days after the due date of any maintenance fee.

"(2) The first and second maintenance fees may be deferred in accordance with paragraph (f) of this subsection.

"(d) A patent will terminate on the due date for any maintenance fee unless, as provided for in this section, the fee due (including any fees previously deferred) is paid or a statement in accordance with paragraph (f) of this subsection requesting deferment is filed. Such termination or lapsing shall be without prejudice to rights existing under any other patent.

"(e) Notice of the requirement for the payment of the maintenance fees and the filing of statements in compliance with this subsection shall be attached to or embodied in the patent. Approximately thirty days before a maintenance fee is due, the Commissioner shall send an initial notice thereof to the patentee and all other parties having an interest of record at the addresses last furnished to the Office. Irrespective of any other provision of this subsection, a maintenance fee may be paid within thirty days after the date of such initial notice.

"(f) Any inventor to whom a patent issued (or his heirs) and who owns the patent, or any small business concern (as that term is defined in or pursuant to section 2[3] of the Small Business Act, as amended, 15 U.S.C.

632), may within six months of the seventh anniversary of the beginning of the term of the patent by a statement to the Commissioner request deferment of the first maintenance fee if the gross benefit received by the inventor or any other party having or having had any interest in the subject matter of the patent, from, under, or by virtue of the patent or from the manufacture, use, or sale of the invention, was less in value than the amount of the fee, and the statement so specifies. The fee shall thereupon be deferred until the time the second maintenance fee is due and shall be paid in addition to the second maintenance fee.

"PART II—PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS

"Chapter Sec.

"10. Patentability of Inventions..... 100

"11. Application for Patent..... 111

"12. Examination of Applications..... 131

"13. Review of Office Decisions..... 141

"14. Issue of Patent..... 151

"15. Plant Patents..... 161

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"17. Secrecy of Certain Inventions and Filing Applications Abroad..... 181

"Chapter 10—Patentability of Inventions

"Sec.

"100. Definitions.

"101. Inventions patentable.

"102. Conditions for patentability; novelty and loss of right to patent.

"103. Conditions for patentability; non-obvious subject matter.

"104. Invention made abroad.

"§ 100. Definitions

"When used in this title unless the context otherwise indicates:

"(a) The term 'invention' means invention or discovery.

"(b) The term 'process' means process, art, or method and includes a new use of a known process, machine, manufacture, composition of matter, or material.

"(c) The terms 'United States' and 'this country' mean the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

"(d) The term 'applicant' means any person who owns an application for a patent, as provided in this title.

"(e) The term 'patentee' includes not only the person to whom the patent was issued but also the successors in title to such person.

"(f) The term 'actual filing date in the United States' includes the filing date to which an application, an international application under section 363 of this title, or patent, or the subject matter of any claim thereof, may be entitled under the provisions of sections 120 and 365 (c) of this title (and excludes any date under section 119, 365 (a) or 365 (b) of this title). An application or the resulting patent may contain separate claims for subject matter having different actual filing dates in the United States by virtue of the provisions of section 120 of this title or may contain claims entitled to the benefit of a prior date under the provisions of section 119 of this title, in addition to claims not so entitled.

"(g) The term 'useful' shall include, but shall not be limited to, utility in agriculture, commerce, industry, health or research.

"(h) The term 'person' includes an individual and any entity considered as such at law, including a corporation, company, foundation, institution, society, union, club, church, the United States, any government agency, or any other group of persons whether or not organized for any purpose.

"§ 101. Subject matter patentable

"Whoever invents or discovers any new and useful process, machine, manufacture, composition of matter, or any new and useful improvement thereof, or his successor in title, may obtain a patent therefor, subject to the conditions and requirements of this title.

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"§ 102. Conditions for patentability; novelty and loss of right to patent

"A person shall be entitled to a patent unless:

"(a) The applicant or any of his predecessors in title has abandoned the invention; or

"(b) The invention was first patented or caused to be patented or was the subject of an inventor's certificate by the inventor or applicant, or their assigns or legal representatives, or described or caused to be described in an official publication of an application in a foreign country before the actual filing date of the United States application, the application for patent or inventor's certificate resulting in the patenting or description of this subsection having been filed in said country more than twelve months before said actual filing date in the United States; or

"(c) Before the invention thereof the invention was made in this country by another, provided the invention of such other does not stand abandoned at the time of the invention which is the subject of the application; and further provided that such other has not suppressed or concealed his invention. In determining priority of invention, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time before conception by the other until his own reduction to practice. However, in establishing priority of invention, an invention which has been abandoned shall not be accorded a date prior to the date of resumption of activity; or

"(d) The subject matter was not invented by the inventor himself but rather derived by him from another; or

"(e) The invention is identically disclosed or described in any of the following prior art:

"(1) A patent or publication in this or a foreign country reasonably available to the public of the United States in printed or other tangible form before the invention was made by the inventor, or more than one year before the actual filing date in the United States of the application; or

"(2) A published United States patent application or United States patent of another which has an actual filing date in the United States before the invention was made by the inventor named in the application; or

"(3) Subject matter made known publicly by another, or in public use by another, in this country before the invention was made by the inventor named in the application; or

"(4) Subject matter on sale or in public use in this country more than one year before the actual filing date in the United States of the application; or

"(5) With respect to the losing party, of a priority of invention contest under sections 135 and 291 of this title, the subject matter of the claim involved.

"§ 103. Conditions for patentability; non-obvious subject matter

"A patent may not be obtained though the invention is not identically disclosed or described in the prior art as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and prior art are such that the subject matter as a whole would have been obvious from said prior art at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made, or because the invention has simplicity or is the last step in an evolutionary development, or because it is not revolutionary, basic, scientific or technical in character. Claims for a new combination or assemblage of known mechanical or other elements shall be subjected to the same

standard of patentability as is applied to claims for other types of subject matter.

"§ 104. Invention made abroad

"In proceedings in the Office and the courts, an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country, except as provided in sections 119 and 365 of this title. Where an invention was made by a person, civil or military, while domiciled in the United States and serving in a foreign country in connection with operations by or on behalf of the United States, he shall be entitled to the same rights of priority with respect to such invention as though the same had been made in the United States.

"Chapter 11—APPLICATION FOR PATENT

"Sec.

"111. Application for patent.

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"121. Divisional applications.

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"123. Publication.

"§ 111. Application for patent

"(a) An application for patent may be filed by either the inventor or the owner of the invention sought to be patented. The application shall be made in writing to the Commissioner, shall be signed by the applicant and include the name of each person believed to have made an inventive contribution, and shall be accompanied by the prescribed fee. An application filed by a person not the inventor shall include, at the time of filing, a statement of the fact supporting the allegation of ownership of the invention.

"(b) An application for patent shall include: (1) A specification as prescribed by section 112 of this chapter, and (2) A drawing as prescribed by section 113 of this chapter.

"(c) For purposes of filing a patent application and securing a filing date, an application may be signed by an agent of the applicant, provided that the agent is authorized so to do or provided that the application is ratified in writing by the applicant within six months after the filing. Failure of proof of the authority of the agent or of ratification by the applicant within six months after the filing of the application shall result in abandonment of the application.

"(d) When the application is signed by the owner or his agent, the owner, within thirty days after filing an application for patent, shall serve a copy of the application on the inventor, along with a statement calling the inventor's attention to the provisions of subsection (e) of this section. Service may be effected by mailing a copy of the application and statement, by first-class mail, to the last known address of the inventor. Failure to serve a copy of the application and statement on the inventor within thirty days shall result in abandonment of the application. The Commissioner may by regulation require proof of such service, and may extend the thirty-day period or waive the requirement for service upon a showing of sufficient cause.

"(e) An inventor, within a time prescribed by the Commissioner, may furnish a statement under oath to the Commissioner alleging that the applicant is not the owner of the invention as required by subsection (a) of this section. The Commissioner, in

accordance with such regulations as he establishes and on compliance with the requirements of this title, shall issue a patent to the inventor filing such statement without prejudice to later judicial proceedings, unless the notice is withdrawn by the inventor or the applicant records in the Office an assignment by the inventor, or in lieu thereof, files a written statement by the inventor consenting to the filing of the application by and the issuance of the patent to the applicant.

"(f) Notice to the Commissioner, in a manner prescribed by regulations, of a final decision in a judicial proceeding in a court having jurisdiction thereof, from which no appeal has or can be taken, that an applicant is the owner of an invention shall authorize the Commissioner to issue a patent to such applicant for such invention.

"(g) An error in the naming of an inventor, in either a sole or joint application for patent, without deceptive intent, may be corrected at any time, in accordance with regulations established by the Commissioner.

"§ 112. Specification

"(a) The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the applicant of carrying out his invention.

"(b) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. A claim may be written in independent or dependent form, and if in dependent form, it shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

"(c) An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

"(d) When the invention relates to a process involving the action of a micro-organism not already known and available to the public, or in a product of such a process, the written description required by subsection (a) of this section shall be sufficient as to said micro-organism if:

"(1) Not later than the date that the date that the United States application is filed, an approved deposit of a culture of the microorganism is made by or on behalf of the applicant or his predecessor in title, and

"(2) The written description includes the name of the depository and its designation of the approved deposit and, taken as a whole, is in such descriptive terms as to enable any person skilled in the art to which the invention pertains to make and use the same.

An approved deposit shall be a deposit which:

"(1) Is made in any public depository in the United States which shall have been designated for such deposits by the Commissioner of Patents by publication, and

"(2) Is available, except as otherwise prohibited by law, in accordance with such regulations as may be prescribed:

"a. To the public upon issuance of a United States patent to the applicant or his predecessor or successor in title which refers to such deposit, and

"b. Prior to issuance of said patent, under the conditions specified in section 122.

"(e) For the dissemination of information and other purposes, the Commissioner, in accordance with such regulations as he establishes, may require a brief abstract of all or

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part of the application. The abstract shall not be used for interpreting the scope of any claims of a patent, nor shall it affect in any way the validity of the patent.

"§ 113. Drawings

When the nature of the case admits, the applicant shall furnish a drawing.

"§ 114. Models, specimens

"(a) The Commissioner may require the applicant to furnish a model of convenient size to exhibit advantageously the several parts of his invention.

"(b) When the invention relates to a composition of matter the Commissioner may require the applicant to furnish specimens or ingredients for the purpose of inspection or experiment.

"§ 115. Oath of applicant; duty to disclose

"(a) Except as provided in section 118, the inventor shall make oath that he believes to the best of his knowledge that he is the first inventor, that he is aware of no prior public use or other facts which would bar the issuance of the patent, and that he has made full disclosure to the Office of all facts he reasonably believes to be pertinent to the prosecution of his application. Such oath shall state of what country the inventor is a citizen.

"(b) The applicant of an application filed pursuant to section 117 of this title may make the oath required by subsection (a) of this section, so varied in form that it can be made by him.

"(c) The oath or oaths shall be submitted not later than the time of payment of the fee required under the provisions of section 151 (a) of this title.

"(d) The applicant, and his agent or attorney (while responsible for prosecution of his application) have an obligation, continuing until issuance of the patent, to notify the Office of any known change in, or addition to, the information provided in accordance with section 131(b) of this title.

"(e) Only one of the inventor, the applicant (if not the inventor), any person to whom the inventor is under any obligation to assign the application, and the agent or attorney (or other representative recognized under Section 31 of this title) shall be responsible for making a reasonable inquiry and filing a statement of facts with respect to any change in or addition to the information required by subsections (a) and (d) of this section.

"§ 116. Joint inventors

"(a) When two or more persons have made inventive contributions to subject matter claimed in an application, they shall apply for a patent jointly and each sign the application and make the required oath, or, if the application is filed by some other person having the right to do so, they shall be named as the inventors.

"(b) In an application for patent for an invention naming two or more inventors, it shall not be necessary for each person named as an inventor to be a joint inventor of the invention asserted in any claim.

"(c) If a joint inventor refuses upon notice to him to join another inventor in an application for patent, or cannot be found or reached after diligent effort, the application may, subject to the requirements of section 111 of this title, be made by the other inventor on behalf of himself and the omitted inventor. The Commissioner, on proof of the pertinent facts and after such notice to the omitted inventor as he prescribes, may grant a patent to the inventor making the application, subject to the same rights which the omitted inventor would have had if he had been joined. The omitted inventor may subsequently join in the application.

"(d) Whenever a person is joined in an application for patent as joint inventor through error, or a joint inventor is not included in an application through error, and such error arose without any deceptive in-

tention on his part, the Commissioner may permit the application to be amended accordingly, under such terms as he prescribes.

"§ 117. Death or incapacity of inventor

"Legal representatives of deceased inventors and of those under legal incapacity and, if necessary to preserve his legal rights or prevent irreparable damage, the assignee or any person to whom the inventor was or is under an obligation to assign the application, may make application for patent and otherwise proceed on behalf of the inventor upon compliance with the requirements and on the same terms and conditions applicable to the inventor.

"§ 118. Filing by other than inventor, oath by other than inventor

"Whenever an inventor refuses to execute an application for patent, or an oath, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage; and the Commissioner may grant a patent to such inventor upon such notice to him as the Commissioner deems sufficient, and on compliance with such regulations as he prescribes.

"§ 119. Benefit of earlier filing date in foreign country; right of priority

"(a) An application for patent for an invention filed in this country by any person who has, or whose predecessor or successor has, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

"(b) No application for patent shall be entitled to this right of priority unless a claim therefor and a certified copy of the original foreign application, specification and drawings upon which it is based are filed in the Office before the patent is granted, or at such time during the pendency of the application as required by the Commissioner not earlier than six months after the filing of the application in this country. Such certification shall be made by the office of the foreign country in which filed and show the date of the application and of the filing of the specification and other papers. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he deems necessary.

"(c) In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.

"(d) When the application claiming priority under this section discloses an invention relating to a process involving the action of a micro-organism not already known and available to the public, or to a product of such a process, and an approved deposit is made under section 112, subsection (d) the approved deposit shall be considered to have been made on the earliest date that an application in a foreign country, the priority of which is being claimed, contains a reference identifying a deposit of the same micro-organism made in a public depository.

"(e) Applications for inventor's certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patent, subject to the same conditions and requirements of this section as apply to applications for patent, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.

"§ 120. Benefit of earlier filing date in the United States

"(a) An application for patent for an invention disclosed in the manner provided in section 112(a) of this chapter in an application previously filed in the United States shall have the same effect, as to such invention, as though filed on the date of the prior application if:

"(1) It is filed during the pendency of the prior application, that is, before the patenting or abandonment of, or the termination of proceedings in, the prior application;

"(2) The two applications have the same inventor for the subject matter common to both, and

"(3) The application specifically claims or is amended to claim the benefit of the date of filing of the prior application for subject matter claimed in the second application.

"(b) In a series of applications with respect to an invention, each of which is entitled to the benefit of the filing date of the immediately preceding application in the series in accordance with the provisions of subsection (a) of this section, the last application in the series shall be entitled to the benefit of the filing date of the earliest application in the series for which a claim is made, even though any application in the series may be depending only with the immediately preceding application.

"(c) Subject to the limitations of this section, if a previous application referred to in subsection (a) of this section is entitled to the benefit of the date of an application in a foreign country under section 119 of this chapter, with respect to the subject matter sought to be patented in the later application, then the later application referred to in subsection (a) of this section shall be entitled to the benefit of such date.

"(d) An applicant must claim the benefit of the filing date of the earliest application on which he intends to rely in a later filed application within three months of the time of filing such later application, or during examination or re-examination of such application as provided in chapter 12 of this title upon an adequate showing why the claim was not made earlier. In a series, each application must claim the benefit of the immediately preceding application in accordance with the provisions herein.

"(e) The Commissioner may by regulation dispense with signing and execution in the case of an application directed solely to subject matter described and claimed in the prior application.

"§ 121. Divisional applications

"If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the applica-

tion to be restricted to one of the inventions. If the other invention is made the subject of a divisional application which complies with the requirements of section 120 of this title it shall be entitled to the benefit of the filing date of the original application. A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application. If a divisional application is directed solely to subject matter described and claimed in the original application as filed, the Commissioner may dispense with signing and execution by the inventor. The validity of a patent shall not be questioned for failure of the Commissioner to require the application to be restricted to one invention.

"§ 122. Confidential status of applications

"Applications for patents shall be kept in confidence by the Office and no information concerning the same given without authority of the applicant, or owner of record of the application, unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner

"§ 123. Publication

"The Commissioner may establish regulations for the publication of pending applications at the request of applicants and shall publish applications in accordance therewith.

"Chapter 12—EXAMINATION OF APPLICATION

"Sec.

"131. Examination of application.

"132. Notice of rejection; reexamination.

"133. Time for prosecuting application.

"134. Appeal to the Board of Appeals.

"135. Priority of invention contest.

"136. Settlement agreements.

"§ 131. Examination of application

"(a) The Commissioner shall cause an examination to be made of the application and the alleged new invention. If on such examination it appears that the applicant is entitled to a patent under the law, the Commissioner shall issue a patent therefor as herein provided.

"(b) All oral interviews related to applications pending in the Office shall be in recorded form. Any arguments, or representations by the applicant, anyone acting on his behalf, or for the Office shall be summarized into the record and shall be available to the public in the patented file.

"(c) The Commissioner may require an applicant, within such time as he may prescribe by regulation, to submit copies of or cite a reasonable number of patents and publications the applicant has specifically considered in connection with the application for patent, and which were known with reasonable certainty to be prior art or, if no specific relevant patents or publications were considered, a statement to that effect and an explanation as to why the claims in such application are believed to be patentable. The Commissioner may at any time require an applicant to state in the record why a claim is patentable over any patent or publication. Neither matters of judgment exercised in citing such patents or publications, nor inadvertent failure to comply with the provisions of this section in whole or in part, shall constitute a ground for holding a patent invalid or unenforceable, or subject the patentee or patentee's attorney or agent to a charge of misuse or fraud.

"(d) The granting of a patent shall not be refused solely on the ground that if it occurred there would then exist more than one patent for the same invention where the patents will expire on the same date as a result

of filing on the same date or as the result of a terminal disclaimer pursuant to section 253 of this title, so long as the right to sue for infringement of said patents is in the same legal entity.

"§ 132. Notice of rejection; reexamination

"Whenever, on examination, any claim of an application is rejected, or any objection or requirement made, the Commissioner shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of the application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.

"§ 133. Time for prosecuting application

"Upon failure of applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than one month as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

"§ 134. Appeal to the Board of Appeals

"An applicant for a patent, any of whose claims have been finally or twice rejected, may appeal from the decision of the primary examiner to the Board of Appeals, having once paid the fee for such appeal.

"§ 135. Priority of invention contest

"(a) Whenever there are two applications naming different inventors claiming the same or substantially the same subject matter, a patent shall ordinarily be issued on the application having the earliest actual filing date in the United States, if otherwise allowable. The application having the later filing date in the United States with respect to such subject matter shall be rejected on the basis of such patent. If, within one year after the issuance of the patent or within six months after a rejection of claims in his application on the basis of the invention claimed in the patent, or within such shorter time as fixed by the Commissioner, not less than one month, the applicant for such later filed application, which application is found otherwise allowable, makes a prima facie showing of priority of invention in accordance with section 102(c), 119, or 120 of this title with respect to the actual filing date in the United States of such patent and offers to present evidence in support of such showing, the matter of priority of invention shall be determined by the Board of Appeals in such proceedings as the Commissioner shall establish. The Commissioner, upon the institution of proceedings under this section, shall issue a patent at the request of such applicant if his application is otherwise allowable. Failure of that applicant to proceed hereunder within the time specified shall preclude such applicant from asserting priority of his invention with respect to the invention claimed in the patent for the purpose of obtaining a patent.

"(b) Whenever an otherwise allowable claim of an application is for the same or substantially the same subject matter as a claim of a patent having a later actual filing date in the United States, or for subject matter over which a claim of such patent is unpatentable, the Commissioner may, on his own motion or at the request of the applicant, initiate proceedings under this section on notice to the parties, requiring such patentee to present his prima facie case within a designated time not less than three months. The Commissioner upon the institution of proceedings under this section, shall issue a patent at the request of such applicant if his application is otherwise allowable.

"(c) If two or more applications for the same or substantially the same subject matter have the same actual filing date in the United States, the Commissioner may initiate a priority contest under this section on his own motion, whether or not any of the applications may have been issued as a patent. The Commissioner shall, upon the institution of proceedings under this subsection and at the request of any applicant, issue a patent on his otherwise allowable application.

"(d) A claim for the same or substantially the same subject matter as a claim of an issued patent may not be made in any application unless such claim is made prior to one year after the date on which the patent was granted.

"(e) In any proceeding under this section, the Office or a party may raise the question of the patentability of any claim of the application or patent of one party over the subject matter claimed in the application or patent of the other party, and such question may be considered in the proceeding.

"(f) Whenever a patent, reexamination of which under provisions of chapter 31 has been ordered has an actual filing date earlier than that of an application, the patent shall have prima facie priority with respect to the application. In the case of two patents being reexamined, the patent having the earlier actual filing date shall have prima facie priority.

"(g) The decision of the Board of Appeals in proceedings under this section adverse to a claim of an application shall constitute the final refusal by the Office of such claim. A final judgment adverse to a claim of a patent from which no appeal or other review has been or can be taken or had been taken shall constitute cancellation of such claim from the specification of the patent thereafter distributed by the Office.

"(h) Any person who has not proceeded in accordance with the provisions of this title shall not be foreclosed or in any way prejudiced with respect to the defense of an infringement suit or affirmative relief under declaratory judgment proceedings, except as provided in chapter 31.

"(i) No person subject to an adverse decision in a proceeding under this chapter shall be foreclosed with respect to asserting comparable grounds in defense of an infringement suit or as a basis for affirmative relief under declaratory judgment proceedings involving the patent of the successful party.

"(j) Judgment adverse to a claim of a patent shall not preclude the filing of an application for reissue in accordance with section 251 of this title but matters already decided in a proceeding under this chapter may not be again considered.

"§ 136. Settlement agreements

"(a) Any agreement or understanding between parties to a proceeding under section 135 or 192 of this title including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the proceeding shall be in writing and a true copy thereof filed in the Office before the termination of the proceeding as between the said parties to the agreement or understanding. If any party filing the same so requests, the copy shall be kept separate from the file of the proceeding and made available only to Government agencies on written request stating reasons for the request or to any person on a showing of good cause. Failure to file the copy of such agreement or understanding shall render permanently unenforceable such agreement or understanding and any patent of such parties involved in the proceeding, or any patent subsequently issued on any application of such parties so involved. The Commissioner may, however, on a showing of good cause for failure to file within the time prescribed, permit the filing of the agreement or understanding during the six-month period subse-

quent to the termination of the proceeding as between the parties to the agreement or understanding.

"(b) The Commissioner shall give notice to the parties or their attorneys of record, a reasonable time prior to said termination, of the filing requirement of this section. If the Commissioner gives such notice at a later time, irrespective of the right to file such agreement or understanding within the six-month period on a showing of good cause, the parties may file such agreement or understanding within sixty days of the receipt of such notice.

"(c) Any discretionary action of the Commissioner under this subsection shall be reviewable under chapter 7 of title 5, United States Code.

"141. Appeal to Court of Customs and Patent Appeals.

"142. Notice of appeal.

"143. Proceedings on appeal.

"144. Decision on appeal.

"145. Civil action to obtain patent.

"146. Civil action in case of interference.

"148. Presumption of correctness.

"149. Judicial review of nonfinal decisions.

"§ 141. Appeal to Court of Customs and Patent Appeals

"(a) An applicant or patentee dissatisfied with a decision of the Board of Appeals under Sec. 134, 135, or Chapter 31 may appeal to the United States Court of Customs and Patent Appeals, thereby waiving the right to proceed under section 145 of this title.

"(b) The appeal of a party to a priority of invention contest dissatisfied with the decision of the Board on the question of priority may appeal to the United States Court of Customs and Patent Appeals, but such appeal shall be dismissed if any adverse party to such interference, within twenty days after the appellant has filed notice of appeal according to section 142 of this title, files notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 146 of this title. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under section 146, in default of which the decision appealed from shall govern the further proceedings in the case.

"§ 142. Notice of appeal

"When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and shall file in the Office his reasons of appeal, specifically set forth in writing, within such time after the date of the decision appealed from, not less than sixty days, as the Commissioner appoints.

"§ 143. Proceedings on appeal

"The United States Court of Customs and Patent Appeals shall, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The Commissioner shall transmit to the court certified copies of all the necessary original papers and evidence in the case specified by the appellant and any additional papers and evidence specified by the appellee and in an ex parte case the Commissioner shall furnish the court with the grounds of the decision of the Office, in writing, touching all the points involved by the reasons of appeal.

"§ 144. Decision on appeal

"The United States Court of Customs and Patent Appeals, on petition, shall hear and determine such appeal on the evidence produced before the Office, and the decision shall be confined to the points set forth in the reasons of appeal. Upon its determination the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Office and govern the further proceedings in the case.

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"§ 145. Civil action to obtain patent

"An applicant dissatisfied with the decision of the Board of Appeals may unless appeal has been taken to the United States Court of Customs and Patent Appeals, have remedy by civil action against the Commissioner in the United States District Court for the District of Columbia if commenced within such time after such decision, not less than sixty days, as the Commissioner appoints. The court may adjudge that such applicant is entitled to receive a patent for his invention, as specified in any of his claims involved in the decision of the Board of Appeals, as the facts in the case may appear and such adjudication shall authorize the Commissioner to issue such patent on compliance with the requirements of law. All the expenses of the proceedings shall be paid by the applicant.

"§ 146. Civil action in case of interference

"(a) Any party to a priority of invention contest under section 135 of this title dissatisfied with the decision of the Board of Appeals on the question of priority, may have remedy by civil action, if commenced within such time after such decision, not less than sixty days, as the Commissioner appoints or as provided in section 141 of this title, unless he has appealed to the United States Court of Customs and Patent Appeals, and such appeal is pending or has been decided. In such suits the record in the Office shall be admitted on motion of either party upon the terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court imposes, without prejudice to the right of the parties to take further testimony. The testimony and exhibits of the record in the Office when admitted shall have the same effect as if originally taken and produced in the suit.

"(b) Such suit may be instituted against the party in interest as shown by the records of the Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same state, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs. The Commissioner shall not be a necessary party but he shall be notified of the filing of the suit by the clerk of the court in which it is filed and shall have the right to intervene. Judgment of the court in favor of the right of an applicant to a patent shall authorize the Commissioner to issue such patent on the filing in the Office of a certified copy of the judgment and on compliance with the requirements of the law.

"§ 148. Presumption of correctness

In any appeal or proceeding under this chapter, the Office decision shall be given a presumption of correctness.

"§ 149. Judicial review of nonfinal decisions

"The Commissioner may be general regulation provide that there shall be judicial review of specified nonfinal decisions of the Office.

"Chapter 14—ISSUE OF PATENT

"Sec.

"151. Issue of patent.

"152. Late payment; effect of reinstatement of patent.

"153. How issued.

"154. Contents and term of patent.

"155. Patents granted on review.

"§ 151. Issue of patent

"(a) If it is determined that an applicant is entitled to a patent under the law, a writ-

ten notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.

"(b) Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned. Issuance of the patent shall be subject to the provisions of chapter 31.

"(c) Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof and, if not paid, the patent shall lapse at the termination of this three-month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded.

"(d) If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and sufficient cause is shown for the late payment, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred.

"§ 152. Late payment; effect of reinstatement of patent

"No patent with respect to which a late payment is accepted shall abridge or affect the right or privilege of any person or his successors in business or title to continue to use, or to sell to others for their use or sale, anything which such person without bad faith made, used, or acquired during the interim period after the date the patent lapsed or became unenforceable for failure to pay such fee, and prior to the reinstatement of the patent. Any such person or his successor may use or sell the specific thing so made, used, or acquired, in the same manner as though the patentee had authorized such use or sale, even though such use or sale by him or his successor would infringe the patent, in the absence of such authorization. A court before which the matter is in question may provide for the continued manufacture, use, or sale of things, to the extent and under such terms as the court deems equitable for the protection of investments made, business commenced, or business for which substantial preparation was made—during such interim period.

"§ 153. How issued

"Patents shall be issued in the name of the United States of America, under the seal of the Office, and shall be signed by the Commissioner or have his signature placed thereon, and shall be recorded in the Office.

"§ 154. Contents and term of patent

"(a) Every patent shall contain a grant to the applicant, his heirs or assigns or, as provided in section 111(e) of this title, to the inventor, his heirs or assigns, of the right, during the term of the patent, to exclude others from making, using, or selling the invention throughout the United States, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"(b) The term of a patent shall expire twenty years from the date of filing the application in the United States or, if the benefit of the filing date in the United States of a prior application is claimed, from the earliest such prior date claimed. In determining the term of the patent, the date of filing any application in a foreign country which may be claimed by the applicant shall not be taken into consideration.

"(c) The term of a patent whose issuance has been delayed by reason of the application having been ordered kept secret under section 181 of this title shall be extended for a period equal to such delay in issuance of the patent after the notice of allowability referred to in section 183 of this title. The term of a patent shall also be extended for a period equal to the delay incurred due to review under section 151 or 152 of the Atomic Energy Act of 1954 (68 Stat. 934), or under

section 305 of the National Aeronautics and Space Act (72 Stat. 435).

"§ 155. Patents granted on review

"An applicant may, after initiating review under sections 141, 145, or 146 of this title, request the issuance of a patent for claims standing allowed in the application. Upon payment of the prescribed fee, issuance of such patent shall occur in accordance with this chapter. As to claims which stand allowed, the patent shall have the force and effect specified in section 154 of this title. Each claim in the application not standing allowed shall be identified as such, and shall not have any force and effect, except as provided in section 257 of this title.

"161. Patents for plants.

"162. Description, claim.

"163. Grant.

"164. Assistance of Department of Agriculture.

"§ 161. Patents for plants

"(a) Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of this title. (Amended September 3, 1954, 68 Stat. 1190.)

"(b) The provisions of this title relating to patents for inventions shall apply to patents for plants, except as otherwise provided.

"§ 162. Description, claim.

"(a) No plant patent shall be declared invalid for noncompliance with section 12 of this title if the description is as complete as is reasonably possible.

"(b) The claim in the specification shall be in formal terms to the plant shown and described.

"§ 163. Grant.

"In the case of a plant patent the grant shall be of the right to exclude others from asexually reproducing the plant or selling or using the plant so reproduced.

"§ 164. Assistance of Department of Agriculture

"The President may by Executive order direct the Secretary of Agriculture, in accordance with the requests of the Commissioner, for the purpose of carrying into effect the provisions of this title with respect to plants (1) to furnish available information of the Department of Agriculture, (2) to conduct through the appropriate bureau or division of the Department research upon special problems, or (3) to detail to the Commissioner officers and employees of the Department.

"Chapter 16.—Designs

"Sec.

"171. Patents for designs.

"172. Right of priority.

"173. Term of design patent.

"§ 171. Patents for designs

"(a) Whoever invents any new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.

"(b) The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.

"§ 172. Right of priority

"The right of priority provided for by section 119 of this title and the time specified in section 102(b) shall be six months in the case of designs. Applications for design registrations and such registrations in foreign countries shall have the same effect as applications for design patents for the purpose of section 102(b) and 119 of this title.

"§ 173. Term of design patent

"Patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant, in his application, elects.

"Chapter 17.—SECURITY OF CERTAIN INVENTIONS AND FILING APPLICATIONS IN FOREIGN COUNTRIES

"Sec.

"181. Secrecy of certain inventions and withholding of patent.

"182. Forfeiture of the right to a patent for unauthorized disclosure.

"183. Right of compensation.

"184. Filing of application in foreign country.

"185. Patent barred for filing without license.

"186. Penalty.

"187. Nonapplicability to certain persons.

"188. Rules and regulations, delegation of power.

"§ 181. Secrecy of certain inventions and withholding of patent

"(a) Whenever publication or disclosure by the grant of a patent on an invention in which the Government has a property interest might, in the opinion of the head of the interested Government agency, be detrimental to the national security, the Commissioner upon being so notified shall order that the invention be kept secret and shall without publication thereof order withholding of the grant of a patent therefor under the conditions set forth hereinafter.

"(b) Whenever the publication or disclosure of an invention, in which the Government does not have a property interest, might, in the opinion of the Commissioner, be detrimental to the national security, he shall make the application for patent in which such invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

"(c) Each individual to whom the application is disclosed shall sign a dated acknowledgment thereof, which acknowledgment shall be entered in the file of the application. If, in the opinion of the Atomic Energy Commission, the Secretary of Defense, or the chief officer of another department or agency so designated, the publication or disclosure of the invention by the granting of a patent therefor would be detrimental to the national security, the Atomic Energy Commission, the Secretary of a defense department, or such other chief officer shall notify the Commissioner and the Commissioner shall order that the invention be kept secret and shall withhold the grant of a patent for such period as the national interest requires, and notify the applicant thereof. Upon proper showing by the head of the department or agency who caused the secrecy order to be issued that the examination of the application might jeopardize the national interest, the Commissioner shall thereupon maintain the application in a sealed condition and notify the applicant thereof. The owner of an application which has been placed under a secrecy order shall have a right to appeal from the order to the Secretary of Commerce under rules prescribed by him.

"(d) An invention shall not be ordered kept secret and publication or the grant of a patent withheld for a period of more than one year. The Commissioner shall renew the order at the end thereof, or at the end of any renewal period, for additional periods of one year upon notification by the head of the department or the chief officer of the agency who caused the order to be issued that an affirmative determination has been made that the national interest continues so to require. An order is in effect, or issued, during a time when the United States is at war, shall remain in effect for the duration of hostilities and one year following cessation of hostilities. An order in effect, or issued, during a national emergency declared by the President shall remain in effect for the duration of the national emergency and six months thereafter. The Commissioner may

rescind any order upon notification by the heads of the departments and the chief officers of the agencies who caused the order to be issued that the publication or disclosure of the invention is no longer deemed detrimental to the national security.

"§ 182. Forfeiture of the right to a patent for unauthorized disclosure

"The right to a patent for the invention disclosed in an application for patent subject to an order made pursuant to section 181 of this title may be held forfeited upon its being established by the Commissioner that in violation of said order the invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor, his successors, assigns, or legal representatives, or anyone in privity with him or them, without the consent of the Commissioner. The forfeiture shall be held to have occurred as of the time of violation. The consent of the Commissioner shall not be given without the concurrence of the heads of the departments and the chief officers of the agencies who caused the order to be issued. A holding of forfeiture shall constitute forfeiture by the applicant, his successors, assigns, or legal representatives, or anyone in privity with him or them, of all claims against the United States based upon such invention.

"§ 183. Right to compensation

"(a) An applicant, his successors, assigns, or legal representatives, whose patent is withheld as herein provided, shall have the right, beginning at the date the applicant is notified that, except for such order, his application is otherwise in condition for allowance, or February 1, 1952, whichever is later, and ending six years after a patent is issued thereon, to apply to the head of any department or agency who caused the order to be issued for compensation for the damage caused by the order of secrecy and/or for the use of the invention by the Government, resulting from his disclosure. The right to compensation for use shall begin on the date of the first use of the invention by the Government. The head of the department or agency is authorized, upon the presentation of a claim, to enter into an agreement with the applicant, his successors, assigns, or legal representatives, in full settlement for the damage and/or use. This settlement agreement shall be conclusive for all purposes notwithstanding any other provision of law to the contrary. If full settlement of the claim cannot be effected, the head of the department or agency may award and pay to such applicant, his successors, assigns, or legal representatives, a sum not exceeding 75 per centum of the sum which the head of the department or agency considers just compensation for the damage and/or use. A claimant may bring suit against the United States in the Court of Claims or in the District Court of the United States for the District in which such claimant is a resident for an amount which when added to the award shall constitute just compensation for the damage and/or use of the invention by the Government.

"(b) The owner of any patent issued upon an application that was subject to a secrecy order issued pursuant to section 181 of this title, who did not apply for compensation as above provided, shall have the right, after the date of issuance of such patent, to bring suit in the Court of Claims for just compensation for the damage caused by reason of the order of secrecy and/or use by the Government of the invention resulting from his disclosure. The right to compensation for use shall begin on the date of the first use of the invention by the Government. In a suit under the provisions of this section the United States may avail itself of all defenses it may plead in an action under section 1498 of title 28. This section shall not confer a right of action on any-

one or his successors, assigns, or legal representatives who, while in the full-time employment or service of the United States, discovered, invented, or developed the invention on which the claim is based. A patentee receiving a settlement of his claim for damages caused by reason of an order of secrecy by the Court of Claims shall be required to disclaim the terminal portion of the patent term equal in duration to any extension granted under the provisions of section 154(c) of this title.

"§ 184. Filing of application in foreign country

"(a) Except when authorized by a license obtained from the Commissioner a person shall not file or cause or authorize to be filed in any foreign country prior to six months after filing in the United States an application for patent or inventor's certificate or for the registration of a utility model, industrial design, or model in respect of an invention made in this country. A license shall not be granted with respect to an invention subject to an order issued by the Commissioner pursuant to section 181 of this title without the concurrence of the head of the departments and the chief officers of the agencies who caused the order to be issued. The license may be granted retroactively where an application has been inadvertently filed abroad and the application does not disclose an invention within the scope of section 181 of this title.

"(b) The term 'application' when used in this chapter includes applications and any modifications, amendments, or supplements thereto, or divisions thereof.

"(c) No license shall be required subsequent to the filing of a foreign application for any modifications, amendments, or supplements to that foreign application, or divisions thereof, which do not alter the nature of the invention originally disclosed, which are within the scope of the subject matter originally disclosed, and where the filing of the foreign application originally complied with the provisions of this section, unless the applicant has been notified by the Commissioner that a specific license is required for filing such papers in connection with any application.

"§ 185. Patent barred for filing without license

"Notwithstanding any other provisions of law any person and his successors, assigns, or legal representatives, shall not receive a United States patent for an invention if that person, or his successors, assigns, or legal representatives shall, without procuring the license prescribed in section 184 of this title, have made, or consented to or assisted another's making, application in a foreign country for a patent or inventor's certificate or for the registration of a utility model, industrial design, or model in respect of the invention. A United States patent issued to such person, his successors, assigns, or legal representatives shall be invalid.

"§ 186. Penalty

"Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 181 of this title, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed the invention, or material information with respect thereto, or whoever, in violation of the provisions of section 184 of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or inventor's certificate or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than two years, or both.

"§ 187. Nonapplicability to certain persons

"The prohibitions and penalties of this chapter shall not apply to any officer or agent of the United States acting within the scope of his authority, nor to any person acting upon his written instructions or permission.

"§ 188. Rules and regulations, delegation of power

"The Atomic Energy Commission, the Secretary of a defense department, the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States, and the Secretary of Commerce, may separately issue rules and regulations to enable the respective department or agency to carry out the provisions of this chapter, and may delegate any power conferred by this chapter.

"PART III.—Patents and Protection of Patent Rights

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"Chapter 25.—AMENDMENT AND CORRECTION OF PATENTS

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"256. Correction of named inventor.

"257. Certificate for change in status of claims.

"§ 251. Reissue of defective patents.

"(a) Whenever any patent is, through error without any deceptive intention, deemed wholly or partly inoperative or invalid, by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than he had a right to claim in the patent or by reason of failure to cite or adequately distinguish previously unexpired prior art, the Commissioner shall, on the surrender of such patent and the payment of the fee required by law, reissue the patent for the invention disclosed in the original patent, and in accordance with a new and amended application, for the unexpired part of the term of the original patent. No new matter shall be introduced into the application for reissue.

"(b) The Commissioner may issue several reissued patents for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued patents.

"(c) The provisions of this title relating to applications for patent shall be applicable to applications for reissue of a patent, except that the oath of the applicant prescribed by section 115 shall not be required if the application does not seek to enlarge the scope of the claims of the original patent.

"(d) No reissued patent shall be granted enlarging the scope of the claims of the original patent unless applied for within one year from the grant of the original patent.

"§ 252. Effect of reissue

"(a) The surrender of the original patent shall take effect upon the issue of the reissued patent, and every reissued patent shall have the same effect and operation in law, on the trial of actions for causes thereafter arising, as if the same had been originally granted in such amended form, but insofar as the claims of the original and reissued patents are identical, such surrender shall not affect any action then pending nor abate any cause of action then existing, and the reissued patent, to the extent that its claims

are identical with the original patent, shall constitute a continuation thereof and have effect continuously from the date of the original patent, subject to the provisions of section 152 of this title and subsection (b) of this section.

"(b) No reissued patent shall abridge or affect the right of any person or his successors in business who made, purchased, or used prior to the grant of a reissue anything patented by the reissued patent, to continue the use of, or to sell to others to be used or sold, the specific thing so made, purchased or used, unless the making, using or selling of such thing infringes a valid claim of the reissued patent which was in the original patent. The court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased or used as specified, or for the manufacture, use or sale of which substantial preparation was made before the grant of the reissue, and it may also provide for the continued practice of any process patented by the reissue, practiced, or for the practice of which substantial preparation was made, prior to the grant of the reissue, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant of the reissue.

"§ 253. Disclaimer

"(a) Whenever, without any deceptive intention, a claim of a patent is invalid the remaining claims shall not thereby be rendered invalid. A patentee, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of any complete claim, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing and recorded in the Office; and it shall thereafter be considered as part of the original patent to the extent of the interest possessed by the disclaimant and by those claiming under him.

"(b) In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted.

"§ 254. Certificate of correction of Office mistake

"Whenever a mistake in a patent, incurred through the fault of the Office, is clearly disclosed by the records of the Office, the Commissioner may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of patents. A printed copy thereof shall be attached to each printed copy of the patent, and such certificate shall be considered as part of the original patent. Every such patent, together with such certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form. The Commissioner may issue a corrected patent without charge in lieu of and with like effect as a certificate of correction.

"§ 255. Certificate of correction of applicant's mistake

"Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

"§ 256. Correction of named inventor

"An error in the naming of an inventor in either a sole or joint application for

patent, without deceptive intent, shall not affect validity of a patent and may be corrected at any time by the Commissioner in accordance with regulations established by him or upon order of a Federal court before which the matter is called in question. Upon such correction, the Commissioner shall issue a certificate of correction.

"§ 257. Certificate for change in status of claims

"(a) When any claim in a patent is allowed subsequent to the issuance of the patent under section 155 of this title, the Commissioner shall issue a certificate stating the fact, under seal, without charge, to be recorded in the record of the patent and shall publish a notice thereof in the Official Gazette. Such certificate shall be considered as part of the original patent, and a copy of the certificate shall be attached to each copy of the patent thereafter distributed by the Office. Upon the issuance of such certificate, such claim shall constitute a claim of the patent which shall have the force and effect specified in section 154 of this title with respect to actions for causes thereafter arising.

"(b) Upon the termination of proceedings on any patent issued pursuant to section 155 of this title, the Commissioner shall attach a certificate to subsequently distributed copies of the patent and publish in the Official Gazette a notice of the final disposition of all claims in the patent which were not allowed at the time such patent was granted.

"Chapter 26—OWNERSHIP AND ASSIGNMENT

"Sec.

"261. Ownership; assignment.

"262. Joint owners.

"§ 261. Ownership; assignment

"(a) Subject to the provisions of this title, patents shall have the attributes of personal property.

"(b) Applications for patent, patents, or any interest therein, shall be assignable in law by an instrument in writing. The applicant, patentee, or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent, or patents, to the whole or any specified part of the United States.

"(c) A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or, in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, shall be prima facie evidence of the execution of an assignment, grant or conveyance of a patent or application for patent.

"(d) An assignment, grant or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Office within three months from its date or prior to the date of such subsequent purchase or mortgage.

"§ 262. Joint owners

"In the absence of any agreement to the contrary, each of the joint owners of a patent may make, use or sell the patented invention without the consent of and without accounting to the other owners.

"Chapter 27—GOVERNMENT INTEREST IN PATENTS

"Sec.

"266. [Repealed.]

"267. Time for taking action in Government applications.

"§ 267. Time for taking action in Government applications

"Notwithstanding the provisions of sections 133 and 151 of this title, the Commissioner may extend the time for taking any action to three years, when an application has become the property of the United States

and the head of the appropriate department or agency of the Government has certified to the Commissioner that the invention disclosed therein is important to the armament or defense of the United States.

"Chapter 28—INFRINGEMENT OF PATENTS

"Sec.

"271. Infringement of patent.

"272. Temporary presence in the United States.

"§ 271. Infringement of patent

"(a) Except as otherwise provided in this title, whoever without authority makes, uses or sells any patented invention, within the United States during the term of the patent therefor, infringes the patent.

"(b) Whoever, without authority, imports into the United States a product made in another country by a process patented in the United States shall be liable as an infringer.

"(c) Whoever actively includes infringement of a patent shall be liable as an infringer.

"Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

"(e) No patent owner otherwise entitled to relief for infringement or contributory infringement of a patent shall be denied relief or deemed guilty of misuse or illegal extension of the patent right by reason of his having done one or more of the following:

(1) derived revenue from acts which if performed by another without his consent would constitute contributory infringement of the patent; (2) licensed or authorized another to perform acts which if performed without his consent would constitute contributory infringement of the patent; (3) sought to enforce his patent rights against infringement or contributory infringement.

"(f) Whenever a licensee under a patent licensing arrangement asserts in appropriate proceedings the invalidity of any patent or of any claim of any patent included in such arrangement:

"(1) The action in which such invalidity is asserted, if then pending in a state court, shall be removed to the district court of the United States for the district embracing the place where such action is pending, and

"(2) The licensor shall, with respect to such patent or to such claim of such patent, have the option of terminating such arrangement: *Provided, however,* That if any such arrangement is so terminated with respect to less than all of the patents or claims so licensed, and the arrangement itself does not provide for, or the parties thereto are unable, within such time as the court may determine to be reasonable, to agree upon the consideration to be paid for the license under the remaining patents or claims, the court in which the invalidity is asserted shall determine a reasonable consideration to be paid for the patents or claims not terminated: *Provided, however,* That such termination shall not relieve the licensee of liabilities accrued for the period prior to such termination. Agreement in such a patent licensing arrangement not to contest the validity of any license claim or patent shall neither prevent a licensee from asserting invalidity under this subsection nor serve as the basis for the finding of a misuse or illegal extension of the patent right.

"(g) No assignor of a patent shall directly or indirectly contest the validity of the patent which he has assigned unless he first offers to restore to the owner of the patent, or for his benefit, the consideration paid by such owner for the patent, or an amount determined by the court to equal the value

of such payment. Such restoration must be made regardless of the outcome of the contest, and the court shall provide therefor in its judgment or other final determination, if not previously paid. An assignor proceeding under this subsection shall be precluded from asserting any ground for invalidity known or reasonably available to him at the time his assignment of the patent was made.

"§ 272. Temporary presence in the United States

"The use of any invention in any vessel, aircraft or vehicle of any country which affords similar privileges to vessels, aircraft or vehicles of the United States, entering the United States temporarily or accidentally, shall not constitute infringement of any patent, if the invention is used exclusively for the needs of the vessel, aircraft or vehicle and is not sold in or used for the manufacture of anything to be sold in or exported from the United States.

"Chapter 29—REMEDIES FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS

"Sec.

"281. Remedy for infringement of patent.

"282. Presumption of validity; defenses.

"283. Injunction.

"284. Damages.

"285. Attorney fees.

"286. Time limitation on damages.

"287. Limitation on damages; marking and notice.

"288. Action for infringement of a patent containing an invalid claim.

"289. Additional remedy for infringement of design patent.

"290. Notice of patent suits.

"291. Interfering patents.

"292. False marking.

"293. Nonresident patentee, service and notice.

"294. Arbitration.

"§ 281. Remedy for infringement of patent

"A patentee shall have remedy by civil action for infringement of his patent.

"§ 282. Presumption of validity; defenses

"(a) A patent shall be presumed valid. Each claim of a patent (whether in independent or dependent form) shall be presumed valid independently of the validity of other claims; dependent claims shall be presumed valid even though dependent upon an invalid claim. The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting it. A party challenging the validity of a patent under this title has the burden of establishing invalidity of the claimed invention by clear and convincing evidence.

"(b) The following shall be defenses in any action involving the validity or infringement of a patent and shall be pleaded:

"(1) Noninfringement, absence of liability for infringement, or unenforceability.

"(2) Invalidity of the patent or any claim in suit on any ground specified in part II of this title except that based upon prior art cited under provisions of chapter 31, which shall be considered only after said prior art has been considered by the office under the provisions of said chapter as a condition for patentability.

Provided, however, That the validity of a patent may not be questioned solely because of the existence of two or more patents where said patents will expire on the same date as a result of filing on the same date or as a result of a terminal disclaimer pursuant to section 253 of this title, so long as the right to sue for infringement of said patents is maintained in the same legal entity.

"(3) Invalidity of the patent or any claim in suit for failure to comply with any requirement of sections 112 or 251 of this title.

"(4) Any other fact or act made a defense by this title.

"(c) In actions involving the validity or infringement of a patent the party asserting

invalidity or noninfringement shall give notice in the pleading or otherwise in writing to the adverse party at least thirty days before the trial, of the country, number, date, and name of the patentee of any patent, the title, date, and page numbers of any publication to be relied upon as anticipation of the patent in suit or, except in actions in the United States Court of Claims, as showing the state of the art, and the name and address of any person who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the invention of the patent in suit. In the absence of such notice proof of the said matters may not be made at the trial except on such terms as the court requires.

"§ 283. Injunction

"The several courts having jurisdiction of cases under this title may grant injunctions in accordance with the principles of equity to prevent the violation of any right secured by patent, on such terms as the court deems reasonable.

"§ 284. Damages

"(a) Upon finding for the claimant the court shall award the claimant damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the court.

"(b) When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to three times the amount found or assessed.

"(c) The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances.

"§ 285. Attorney fees

"The court in exceptional cases may award reasonable attorney fees to the prevailing party.

"§ 286. Time limitation on damages

"(a) Except as otherwise provided by law, no recovery shall be had for any infringement committed more than six years prior to the filing of the complaint or counterclaim for infringement in the action.

"(b) In the case of claims against the United States Government for use of a patented invention, the period before bringing suit, up to six years, between the date of receipt of a written claim for compensation by the department or agency of the Government having authority to settle such claim, and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be counted as part of the period referred to in the preceding paragraph.

"§ 287. Limitation on damages; marking and notice

"Patentees, and persons making or selling any patented article for or under them, may give notice to the public that the same is patented, either by fixing thereon the word patent or the abbreviation pat. together with the number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is contained, a label containing a like notice. In the event of failure so to mark, no damages shall be recovered by the patentee in any action for infringement, except on proof that the infringer was notified of the infringement and continued to infringe thereafter, in which event damages may be recovered only for infringement occurring after such notice. Filing of an action for infringement shall constitute such notice.

"§ 288. Action for infringement of a patent containing an invalid claim

"Whenever, without deceptive intention, a claim of a patent is invalid, an action may be maintained for the infringement of a claim of the patent which may be valid.

"§ 289. Additional remedy for infringement of design patent

"(a) Whoever during the term of a patent for a design, without license of the owner, (1) applies the patented design, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or (2) sells or exposes for sale any article of manufacture to which such design or colorable imitation has been applied shall be liable to the owner to the extent of his total profit, but not less than \$250, recoverable in any United States district court having jurisdiction of the parties.

"(b) Nothing in this section shall prevent, lessen, or impeach any other remedy which an owner of an infringed patent has under the provisions of this title, but he shall not twice recover the profit made from the infringement.

"§ 290. Notice of patent suits

"The clerk of a court of the United States, within one month after the filing of an action under this title shall give notice thereof in writing to the Commissioner, setting forth so far as known the names and addresses of the parties, name of the inventor, and the designating number of the patent upon which the action has been brought. If any other patent is subsequently included in the action the clerk of the court shall give like notice thereof. Within one month after the decision is rendered or a judgment issued the clerk of the court shall give notice to the Commissioner. The Commissioner shall, on receipt of such notices, enter the same in the file of such patent.

"§ 291. Priority of invention between patentees

"(a) Whenever there are two patents naming different inventors and claiming the same or substantially the same subject matter, the owner of one of the patents may have relief against the owner of the other by civil action, and the court may adjudge the question of the validity of any of such patents, in whole or in part. A final judgment in such action adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims involved from the patent, and notice thereof shall be endorsed on copies of the patent thereafter distributed by the Patent Office.

"(b) Such suit may be instituted against the party in interest as shown by the records of the Office, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same state, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs. The Commissioner shall not be made a party, but he shall be notified of the filing of the suit by the clerk of the court in which it is filed and shall have the right to intervene.

"§ 292. False marking

"(a) Whoever, without the consent of the patentee, marks upon, or affixes to, or uses in advertising in connection with anything made, used, or sold by him, the name or any imitation of the name of the patentee, the patent number, or the words 'patent', 'patentee', or the like, with the intent of counterfeiting or imitating the mark of the patentee, or of deceiving the public and inducing them to believe that the thing was made or sold by or with the consent of the patentee; or

"(b) Whoever marks upon, or affixes to, or uses in advertising in connection with any unpatented article, the word 'patent' or any word or number importing that the same is

patented, for the purpose of deceiving the public; or

"(c) Whoever marks upon, or affixes to, or uses in advertising in connection with any article, the words 'patent applied for', 'patent pending', or any word importing that an application for patent has been made, when no application for patent has been made, or if made, is not pending, for the purpose of deceiving the public—

Shall be fined not more than \$500 for every such offense.

"(d) Any person may sue for the penalty, in which even one-half shall go to the person suing and the other to the use of the United States.

"§ 293. Nonresident patentee; service and notice

"Every patentee not residing in the United States may file in the Office a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the patent or rights thereunder. If the person designated cannot be found at the address given in the last designation, or if no person has been designated, the United States District Court for the District of Columbia shall have jurisdiction and summons shall be served by publication or otherwise as the court directs. The court shall have the same jurisdiction to take any action respecting the patent or rights thereunder that it would have if the patentee were personally within the jurisdiction of the court.

"§ 294. Arbitration

"(a) A written provision in any agreement or contract to settle by arbitration any controversy thereafter arising out of such contract or agreement in respect to the infringement of validity of any patent involved in said contract or agreement, or an agreement in writing to settle by arbitration an existing controversy in respect to the infringement or validity of any patent, shall be valid, irrevocable, and enforceable, except for any grounds as exist at law or in equity for the revocation of any contract. Arbitration of such controversies, awards, and confirmation of awards shall be governed by title 9, United States Code. In any such arbitration, the defenses provided for under section 282 of this title shall be considered by the arbitrator.

"(b) The parties to an existing dispute as to patent validity or infringement may, after such dispute has arisen, agree in writing to settle such dispute by arbitration, and such agreement shall be valid, irrevocable, and enforceable, except for any grounds as exist at law or in equity for revocation of any contract.

"(c) Within two months after the award is rendered, the patentee shall give notice thereof in writing to the Commissioner and to the clerk of the district court of the United States for the district and division embracing the place where the arbitration proceeding was conducted. There shall be a separate notice prepared for each patent involved in such proceeding. Such notice shall set forth the names and addresses of the parties, the name of the inventor, and the name of the patent owner, shall designate the number of the patent, shall contain a copy of the award, and shall contain a copy of all submissions to the arbitrator concerning the validity of the patent. The Commissioner shall, upon receipt of such notice, enter the same in the record of the prosecution of such patent.

"(d) Any party to the arbitration proceeding may designate those portions of an award or submission contained in the notice required under subsection (c) of this section that he deems to relate to a trade secret or other confidential research, development, or commercial information belonging to and of substantial value to him. Upon a verified showing of good cause, such

designated information shall be kept separate from the file of the patent, and made available only to government agencies on written request to and approval by the Attorney General.

"Chapter 30.—PRESERVATION OF OTHER RIGHTS
"§ 301. Preservation of other rights; non-preemption

"This title shall not be construed to preempt rights or obligations not arising by operation of State or Federal law of contracts, of confidential or proprietary information, of trade secrets, or of unfair competition.

"Chapter 31.—PRIOR ART CITATIONS TO PATENT OFFICE AND REEXAMINATION OF PATENTS

"§ 311. Rules established by Commissioner of Patents

"The Commissioner shall establish rules and regulations for the citation to the Office of prior art patents or publications, pertinent to the validity of patents, and for the reexamination of patents in the light of such prior art.

"§ 312. Citation of art

"Any person may, at any time within the period of enforceability of a patent, cite to the Office prior patent or publications which may have a bearing on the patentability of any claim of the patent, provided that the person citing such prior art identifies in writing the part(s) of the same considered pertinent and the manner of applying the same to at least one claim of the patent. The writing identifying and applying the same shall become a part of the official file of the patent. The identity of the person citing the prior art will be excluded from such file upon his request to remain anonymous.

"§ 313. Request for examination

"Any person may, at any time within the period of enforceability of a patent, request reexamination of the patent as to the patentability of any claim thereof in the light of any prior art cited under the provisions of section 312 of this chapter, by filing in the Office a written request for such reexamination accompanied by a reexamination fee prescribed according to this title and by a statement of the relation of such prior art to the patentability of the claim or claims involved. Unless the requesting person is the patentee, the Commissioner shall promptly send a copy of such request and statement to the owner of the patent appearing from the records of the Office at the time of the filing of the request.

"§ 314. Determination of issue by Commissioner of Patents

"(a) Within ninety days following the filing of a request for reexamination under section 313 of this chapter the Commissioner shall make a determination as to whether a substantial new question of patentability affecting any claim of the patent concerned, not previously considered in examination or reexamination of such claim, is raised by the consideration, with or without any other prior art, of the prior art which has been cited in relation to the patent according to section 312 of this chapter. The Commissioner on his own initiative may make such a determination at any time.

"(b) A record of the Commissioner's determination under paragraph (a) of this section shall be made in the file of the patent, and a copy of it sent promptly to the owner of the patent.

"(c) A determination by the Commissioner pursuant to paragraph (a) of this section that such a new question of patentability is not so raised shall be final and non-appealable.

"§ 315. Reexamination ordered by Commissioner of Patents

"If, in a determination made pursuant to paragraph (a) of section 314, the Commissioner finds that a substantial new question

of patentability affecting a claim or claims of the patent is raised by consideration of the patents and publications that have been cited in relation to the patent according to section 312 of this chapter, he shall order a reexamination of the patent for the resolution of the question, and shall proceed to resolve it in accordance with sections 131, 132, 133, and any other pertinent section of this title, as though the claim or claims involved were present in a pending application. The patent owner shall be given a reasonable period, not less than two months, after the filing of the reexamination order within which he may file a statement on such question for consideration in the reexamination. Any reexamination proceeding under this section shall be conducted with special dispatch within the Office.

"§ 316. Response or amendment by patent owner

"The patent owner shall be provided an opportunity in any reexamination proceeding under this chapter to amend any claim of his patent in order to distinguish the claim from prior art cited according to section 312 of this chapter, or in response to a decision adverse to the patentability of the claim, but no amendment enlarging the scope of a claim shall be permitted in a reexamination proceeding under this chapter.

"§ 317. Appeals

"The owner of a patent involved in a reexamination proceeding under this chapter may appeal in accordance with section 134, sections 141-145 or other pertinent section of this title from a final decision in such proceeding adverse to the patentability of any claim, or amended claim, of the patent.

"§ 318. Certificate of patentability; unpatentability and claim cancellation

"When in a reexamination proceeding under this chapter the time for appeal has expired or any appeal proceeding has terminated, the Commissioner shall issue and publish a certificate cancelling any claim of the patent finally determined in such proceeding or on appeal therein to be unpatentable, confirming any claim of the patent so determined to be patentable, and incorporating in the patent any amended claim thereof so determined to be patentable.

"§ 319. Reliance on art in court only after office review

"No patent or (printed) publication may be relied upon as evidence of nonpatentability in a civil action involving an issue of validity or infringement of a patent unless the patent or publication was cited by or to the Office during prosecution of the application for the patent or was submitted for consideration by the Office in accordance with sections 312 and 313 of this chapter and was actually considered in accordance with section 314. The limitation provided by this section shall apply in any civil action in which a pleading presents a claim for infringement or for adjudication of the validity of a patent, upon the basis of the contents of the patent file as it existed on the date of the filing of such pleading, excepting that a party may rely upon a patent or publication cited later, and upon the final determination had on a request for reexamination in the light of such patent or publication, if such patent or publication was cited and such request was filed in the Office within the period of a stay ordered by the court in accordance with section 320 of this chapter.

"§ 320. Stay of court proceedings to permit office review

"(a) Any party to a civil action against whom a pleading presents a claim for infringement or for adjudication of the validity of a patent shall have the right, by motion brought before any responsive pleading, to secure a stay of all proceedings in the action by order of the court for a period, not less than four months, sufficient to enable such party to search for and cite

patents or publications considered pertinent to the patent and to request reexamination of the patent in view of such prior art according to sections 312 and 313 of this chapter. If such party files a request for such reexamination in the Office and serves and files a copy of it in the action within the period of the stay provided by such order, the stay shall be extended by further order of the court until at least twenty (20) days after the final determination of the request for reexamination.

"(b) The court, on motion and upon such terms as are just, may at any time stay the proceedings in a civil action in which the validity of a patent is in issue for a period sufficient to enable the moving party to cite to the Office newly discovered additional prior art in the nature of patents or (printed) publications and to secure final determination of a request for reexamination of the patent in the light of such additional prior art, provided the court finds that such additional prior art, in fact, constitutes newly discovered evidence which by due diligence could not have been discovered in time to be cited to and considered by the Office within the period of a stay of such proceedings that was or could have been secured according to subsection (a) of this section.

"§ 321. Dismissal of complaint

"The party or parties whose complaint commencing a civil action presents a claim for infringement or for adjudication of the validity of a patent shall have the right, by notice served upon the other party or parties and filed in the action at any time within the period of a stay ordered by the court pursuant to section 320 of this chapter, to dismiss such complaint without prejudice and without costs to any party.

"PART IV.—PATENT COOPERATION TREATY

"Chapter 35.—DEFINITIONS

"Sec.

"§ 351. Definitions.

"§ 351. Definitions

"When used in this part unless the context otherwise indicates—

"(a) The term 'treaty' means the Patent Cooperation Treaty done at Washington, on June 19, 1970, excluding chapter II thereof.

"(b) The term 'Regulations', when capitalized, means the Regulations under the treaty excluding part C thereof, done at Washington on the same date as the treaty. The term 'regulations', when not capitalized, means the regulations established by the Commissioner under this title.

"(c) The term 'international application' means an application filed under the treaty.

"(d) The term 'international application originating in the United States' means an international application filed in the Office when it is acting as a Receiving Office under the treaty, irrespective of whether or not the United States has been designated in that international application.

"(e) The term 'international application designating the United States' means an international application specifying the United States as a country in which a patent is sought, regardless where such international application is filed.

"(f) The term 'Receiving Office' means a national patent office or intergovernmental organization which receives and processes international applications as prescribed by the treaty and the Regulations.

"(g) The term 'International Searching Authority' means a national patent office or intergovernmental organization as appointed under the treaty which processes international applications as prescribed by the treaty and the Regulations.

"(h) The term 'International Bureau' means the international intergovernmental organization which is recognized as the coordinating body under the treaty and the Regulations.

"(i) Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

"Chapter 36.—INTERNATIONAL STAGE

"Sec.

"§ 361. Receiving Office.

"§ 362. International Searching Authority.

"§ 363. International application designating the United States: Effect.

"§ 364. International stage: Procedure.

"§ 365. Right of priority; benefit of the filing date of a prior application.

"§ 366. Withdrawn international application.

"§ 367. Actions of other authorities: Review.

"§ 368. Secrecy of certain inventions; filing international applications in foreign countries.

"§ 361. Receiving Office

"(a) The Office shall act as a Receiving Office for international applications filed by nationals or residents of the United States. In accordance with any agreement made between the United States and another country, the Office may also act as a Receiving Office for international applications filed by residents or nationals of such country who are entitled to file international applications.

"(b) The Office shall perform all acts connected with the discharge of duties required of a Receiving Office, including the collection of international fees and their transmittal to the International Bureau.

"(c) International applications filed in the Office shall be in the English language.

"(d) The basic fee portion of the international fee, and the transmittal and search fees prescribed under section 376(a) of this part, shall be paid on filing of an international application. Payment of designation fees may be made on filing and shall be made not later than one year from the priority date of the international application.

"§ 362. International Searching Authority

"The Office may act as an International Searching Authority with respect to international applications in accordance with the terms and conditions of an agreement which may be concluded with the International Bureau.

"§ 363. International application designating the United States: Effect

"An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Office.

"§ 364. International stage: Procedure

"(a) International applications shall be processed by the Office when acting as a Receiving Office or International Searching Authority, or both, in accordance with the applicable provisions of the treaty, the Regulations, and this title.

"(b) An applicant's failure to act within prescribed time limits in connection with requirements pertaining to a pending international application may be excused upon a showing satisfactory to the Commissioner of unavoidable delay, to the extent not precluded by the treaty and the Regulations, and provided the conditions imposed by the treaty and the Regulations regarding the excuse of such failure to act are complied with.

"§ 365. Right of priority; benefit of the filing date of a prior application

"(a) In accordance with the conditions and requirements of section 119 of this title, a national application shall be entitled to the right of priority based on a prior filed international application which designated at least one country other than the United States.

"(b) In accordance with the conditions and requirements of the first paragraph of section 119 of this title and the treaty and the Regulations, an international application designating the United States shall be

entitled to the right of priority based on a prior foreign application, or a prior international application designating at least one country other than the United States.

"(c) In accordance with the conditions and requirements of section 120 of this title, an international application designating the United States shall be entitled to the benefit of the filing date of a prior national application or a prior international application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application which designated but did not originate in the United States, the Commissioner may require the filing in the Patent Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

"§ 366. Withdrawn international application

"Subject to section 367 of this part, if an international application designating the United States is withdrawn or considered withdrawn, either generally or as to the United States, under the conditions of the treaty and the Regulations, before the applicant has complied with the applicable requirements prescribed by section 371(c) of this part, the designation of the United States shall have no effect and shall be considered as not having been made. However, such international application may serve as the basis for a claim of priority under section 365 (a) and (b) of this part, if it designated a country other than the United States.

"§ 367. Actions of other authorities: Review

"(a) Where a Receiving Office other than the Patent and Trademark Office has refused to accord an international filing date to an international application designating the United States or where it has held such application to be withdrawn either generally or as to the United States, the applicant may request review of the matter by the Commissioner, on compliance with the requirements of and within the time limits specified by the treaty and the Regulations. Such review may result in a determination that such application be considered as pending in the national stage.

"(b) The review under subsection (a) of this section, subject to the same requirements and conditions, may also be requested in those instances where an international application designating the United States is considered withdrawn due to a finding by the International Bureau under article 12(3) of the treaty.

"§ 368. Secrecy of certain inventions; filing international applications in foreign countries

"(a) International applications filed in the Office shall be subject to the provisions of chapter 17 of this title.

"(b) In accordance with article 27(8) of the treaty, the filing of an international application in a country other than the United States on the invention made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 of this title, whether or not the United States is designated in that international application.

"(c) If a license to file in a foreign country is refused or if an international application is ordered to be kept secret and a permit refused, the Office when acting as a Receiving Office or International Searching Authority, or both, may not disclose the contents of such application to anyone not authorized to receive such disclosure.

"Chapter 37.—NATIONAL STAGE

"Sec.

"§ 371. National stage: Commencement.

"§ 372. National stage: Requirements and procedure.

"§ 373. Improper applicant.

"§ 374. Publication of international application: Effect.

"§ 375. Patent issued on international application: Effect.

"§ 376. Fees.

"§ 371. National stage: Commencement

"(a) Receipt from the International Bureau of copies of international applications with amendments to the claims, if any, and international search reports is required in the case of all international applications designating the United States, except those filed in the Office.

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty, at which time the applicant shall have complied with the applicable requirements specified in subsection (c) of this section.

"(c) The applicant shall file in the Office—

"(1) The national fee prescribed under section 376(a) (4) of this part;

"(2) a copy of the international application, unless not required under subsection (a) of this section or already received from the International Bureau, and a verified translation into the English language of the international application, if it was filed in another language;

"(3) amendments, if any, to the claims in the international application, made under article 19 of the treaty, unless such amendments have been communicated to the Office by the International Bureau, and a translation into the English language if such amendments were made in another language;

"(4) a statement of the inventor (or other person authorized under chapter 11 of this title) complying with the requirements of section 115 of this title and with regulations prescribed for statements of applicants.

"(d) Failure to comply with any of the requirements of paragraph (1) to (3) of subsection (c) of this section, within the time limit provided by article 22 (1) or (2) of the treaty shall result in abandonment of the international application.

"(e) If the international application was signed by or on behalf of the assignee, or other successor in title, the inventor shall have the opportunity to file a ratification within thirty days from commencement of the national stage as provided in subsection (b) of this section. If such ratification is not timely filed, the procedure provided by section 111(d) of this title shall apply.

"(f) After an international application has entered the national stage, no patent may be granted or refused thereon before the expiration of the applicable time limit under article 28 of the treaty, except with the express consent of the applicant. The applicant may present amendments to the specification, claims, and drawings of the application after the national stage has commenced.

"(g) At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

"§ 372. National stage: Requirements and procedure

"(a) All questions of substance and, within the scope of the requirements of the treaty and the Regulations, procedure in an international application designating the United States shall be determined as in the case of national applications regularly filed in the Office.

"(b) In case of international applications designating but not originating in, the United States—

"(1) the Commissioner may cause to be reexamined questions relating to form and contents of the application in accordance with the requirements of the treaty and the Regulations;

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"(2) the Commissioner may cause the question of unity of invention to be reexamined under section 121 of this title, within the scope of the requirements of the treaty and the Regulations.

"(c) Any claim not searched in the international stage in view of a holding, found to be justified by the Commissioner upon review, that the international application did not comply with the requirement for unity of invention under the treaty and the Regulations, shall be considered canceled, unless payment of a special fee is made by the applicant. Such special fee shall be paid with respect to each claim not searched in the international stage and shall be submitted not later than one month after a notice was sent to the applicant informing him that the said holding was deemed to be justified. The payment of the special fee shall not prevent the Commissioner from requiring that the international application be restricted to one of the inventions claimed therein under section 121 of this title, and within the scope of the requirements of the treaty and the Regulations.

"§ 373. Improper applicant

"An international application designating the United States, shall not be accepted by the Office for the national stage if it was filed by anyone not qualified under chapter 11 of this title to be an applicant for the purpose of filing a national application in the United States. Such international applications shall not serve as the basis for the benefits of an earlier filing date under section 120 of this title in a subsequently filed application, but may serve as the basis for a claim of the right of priority under section 119 of this title, if the United States was not the sole country designated in such international application.

"§ 374. Publication of international application: Effect

"The publication under the treaty of an international application designating the United States shall have the same effect under this title as a published national application.

"§ 375. Patent issued on international application: Effect

"(a) A patent may be issued by the Commission based on an international application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on a national application filed under the provisions of chapter 11 of this title.

"(b) Where due to an incorrect translation the scope of a patent granted on an international application designating the United States, which was not originally filed in the English language, exceeds the scope of the international application in its original language, a court of competent jurisdiction may retroactively limit the scope of the patent, by declaring it unenforceable to the extent that it exceeds the scope of the international application in its original language.

"§ 376. Fees

"(a) The required payment of the international fee, which amount is specified in the Regulations, shall be paid in United States currency. The Office may also charge the following fees:

- "(1) A transmittal fee (see section 361(d));
- "(2) A search fee (see section 361(d));
- "(3) A supplemental search fee (to be paid when required);
- "(4) A national fee (see section 371(c));
- "(5) A special fee (to be paid when required; see section 372(c));
- "(6) Such other fee as established by the Commissioner.

"(b) The amounts of fees specified in subsection (a) of this section, except the international fee, shall be prescribed by the Commissioner. He may refund any sum paid by

mistake or in excess of the fees so specified, or if required under the treaty and the Regulations. The Commissioner may also refund any part of the search fee, where he determines such refund to be warranted."

"TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

"Sec. 2. Section 1542 of title 28, United States Code, is amended to read as follows:

"§ 1542. Office decisions

"The Court of Customs and Patent Appeals shall have jurisdiction of appeals from decisions of:

"(1) The Board of Appeals of the Office as to patent applications and patents as provided in chapter 13 of title 35, United States Code.

"(2) The Commissioner of Patents or the Trademark Trial and Appeals Board as to trademark applications and proceedings as provided in section 1071 of title 15, United States Code.

"Sec. 3. If any provision of title 35, Patents, United States Code, as amended by this Act, or any other provision of this Act, is declared unconstitutional or is held invalid, the validity of the remaining provisions shall not be affected.

"Sec. 4 (a) This Act shall take effect on the day one year after enactment. It shall apply to all applications for patent actually filed in the United States on and after this effective date, even though entitled to the benefit of an earlier filing date, and to patents issued on such applications.

"(b) Applications for patent actually filed in the United States before and still pending on the effective date of this Act, and patents issued on such applications, shall be governed by the provisions of title 35, United States Code, in effect immediately prior to the effective date. Part II and part III of this Act shall apply to patents issued on or after the effective date.

"(c) Part III of this Act shall apply to unexpired patents granted or applied for prior to the effective date of the Act except as otherwise provided.

"(d) Section 251 of title 35 as amended by this Act shall apply to applications for reissue filed after the effective date but the conditions for patentability shall be determined under the law applicable to the original patent.

"(e) Assistant Commissioners of patents and examiners-in-chief in office on the effective date of this Act shall continue in office and in accordance with their then existing appointments.

"(f) Subsection (d) of section 112 of title 35 as amended by this Act shall not apply to patents issued, and application filed, prior to the effective date of this Act. No such application shall be held incomplete, and no such patent shall be held invalid, because availability to the public of a deposit of a micro-organism recited therein was conditioned upon issuance of a United States patent reciting a deposit of said micro-organism.

"(g) The amendments made by this Act to title 35, United States Code, shall not affect any rights or liabilities existing under such title as in effect immediately prior to the effective date of this Act.

"(h) All functions performed by the Board of Patent Interferences shall be performed by the Board of Appeals. When performing such functions the Board of Appeals shall constitute a Board of Patent Interferences. Individuals who are members of the Board of Patent Interferences immediately prior to the effective date of this Act shall become examiners-in-chief and members of the Board of Appeals on the effective date of this Act and shall receive compensation at the same rate as provided for members of the Board of Appeals.

"Sec. 5. Nothing in title 35 as amended by this Act shall affect any provision of the Atomic Energy Act of 1954, as amended, or of the National Aeronautics and Space Act, except that the functions of a Board of Patent Interferences specified in said Acts may be performed by the Board of Appeals as specified in section 7 of title 35 as amended by this Act.

"Sec. 6. Section 308 of the Clean Air Amendments Act of 1970 is amended to read as follows:

"Sec. 308. If the Administrator determines that the implementation of the purposes and intent of this Act is being significantly retarded by any section of title 35 of the United States Code he shall, after consultation with the Department of Commerce, recommend to the Congress such modification of title 35, as may be necessary."

INDIVIDUAL VIEWS OF SENATOR HIRAM L.

FONG

INTRODUCTION

S. 2504 as reported by the Subcommittee on Patents, Trademarks, and Copyrights, to the full Judiciary Committee, hereinafter referred to as S. 2504 C.P., purports to improve the U.S. patent system and thereby increase the percentage of valid patents issued.

Unfortunately, as drafted, S. 2504 C.P. would have just the opposite effect.

Instead of moving toward the six major objectives of the President's Commission on the Patent System, S. 2504 C.P. would operate in exactly the opposite direction.

The President's Commission set forth the following, six major objectives for the U.S. patent system:

- "1. To raise the quality and reliability of the U.S. Patent.
- "2. To shorten the period of pendency of a patent application from filing to final disposition by the Patent Office.
- "3. To accelerate the public disclosure of technological advances.
- "4. To reduce the expense of obtaining and litigating a patent.
- "5. To make U.S. patent practice more compatible with that of other major countries, wherever consistent with the objectives of the U.S. patent system.
- "6. To prepare the patent system to cope with the exploding technology foreseeable in the decades ahead."

However, as I shall endeavor to demonstrate in these Individual Views, S. 2504 C.P. would:

- 1. Not accomplish the six goals of the President's Commission on the Patent System;
- 2. Add great cost and insurmountable burdens to the American inventor;
- 3. Invalidate many patents on expensively developed and important inventions;
- 4. Burden both the applicant and the Patent Office with chores and expense beyond what we can reasonably expect governmental and research and development budgets to carry without great loss of incentive to the advancement of science and the useful arts;
- 5. Frustrate small companies to the advantage of larger established ones who through the new opposition proceedings will have the greatest legal tool for harassment ever created to effectively eliminate their competition;
- 6. Exacerbate the problem of inflation which is now our Nation's Number One problem.

I agree and support the six major objectives outlined by the President's Commission established to reform the patent law.

The six amendments I introduced at the Patents, Trademarks and Copyrights Subcommittee level were introduced only after much thought and deliberation on comments from various members of the public.

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It is gratifying that the Administration has now recognized, generally, that the original bill needed amending.

My amendments were a sincere attempt to help the Administration bill meet some of the objectives outlined by the President's Commission and to engender support for the bill from the inventive community—support that appears to have been totally lacking for the original text of S. 2504. In fact, the voluntary patent inventive community has been almost unanimously opposed to the bill.

Unfortunately, only one and one-half of my six amendments were accepted in the Subcommittee. Thus, the bill as reported to the full Committee is not materially improved over the original bill either in meeting the six goals of the President's Commission or in regard to acceptance or approval by the inventive community. I was pleased, however, to have the support of the Chairman of our Subcommittee, Senator John L. McClellan on five or six of my amendments. He abstained on my amendment to Section 41 on maintenance fees.

Finally, we must not lose sight of two important facts: (a) that the patent system is a voluntary incentive system, and (b) that Congress should fulfill their Constitutional mandate "to promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors the Exclusive Rights to their respective Writings and Discoveries."

One can readily see that the useful arts will not progress if inventors never disclose or communicate their inventions to the public, but choose to practice them in secrecy or possibly to have their inventions die with them. This secrecy, of course, is the alternative to the patent system which is, and always has been open to the inventive community.

As the United States Government, speaking through the Department of Justice, stated in *Keeney Oil v. Bicon*:

"The Federal Patent Laws merely offer, and do not compel the exchange of a 17-year monopoly for disclosure of patentable inventions; . . ." (emphasis supplied)

Up to now, most inventors have chosen the patent route—but under the Subcommittee bill, S. 2504 C.P., they could very well choose secrecy.

Why patents are important and should be encouraged

Patents can effectively fight and reduce inflation by increasing our country's productivity through new inventions that allow industry to produce more and better products per unit time, thereby creating more products through greater efficiency and allowing for reduced prices of goods and supplies.

Thus, patents are important because they represent an economical and effective way of fighting inflation with no increase in taxes. By allowing goods to be produced faster and more efficiently (better products in a lesser time) patents permit a reduction of prices while maintaining or decreasing overhead in terms of man-hours and production time. Increased productivity, of course, is most important to our Nation at this time in our history when our total national output of goods and services (Gross National Product—GNP) expressed in real dollars has declined over the past two quarters.

Additionally, patents stimulate competition and allow smaller companies to compete successfully with larger companies. As the experienced and knowledgeable Commissioner of Patents, C. Marshall Dann, recently explained in his June 6, 1974 speech before the FBA-BNA Conference of Patents, Antitrust, and Trade Secrets:

"The patent system provides a spur to competition in research and development . . . Patents can be of great value in the

competitive struggle both to small companies and to large ones. To the extent they permit a small company to compete more effectively with larger companies in the same field there is an overall benefit to competition." (emphasis supplied)

However, S. 2504 C.P. as proposed by the Subcommittee would, in my view, inhibit inventors from disclosing their discoveries and thus would stifle competition and technological advances.

1. It would increase the difficulties of applicants, especially the smaller ones, in preparing and prosecuting patent applications.

2. It would increase the complexity of examination procedures necessitating a greatly enlarged Patent Office at the taxpayer's expense.

3. It would make valid patents more difficult to obtain and to enforce because of difficult if not impossible-to-comply-with provisions.

4. It would make the obtaining and enforcement of patents substantially more expensive.

5. It would create a disincentive to making inventions known.

6. It would create a disincentive to the making of inventions at all.

7. It would discourage the establishment of new businesses built on inventions, i.e., discouraging new companies such as Polaroid.

8. It would discourage individual inventors from applying for a patent because of prohibitive cost involving increasingly large patent lawyer's fees and new maintenance fees.

9. It may cause our nation to lose in the technological race.

10. It may cause our nation to lose in the arms race.

While some reform to the patent system is justified, I believe that we might well consider the caveat given to us by the eminent former Chief Judge of the Court of Customs and Patent Appeals Judge Eugene Worley, who said in *In re Prater and Wet*, 162 U.S.P.Q. 541, at page 552 (August 14, 1969):

"Congress, of course, had no way of knowing in 1952 what lay in the test tube then or what would become a reality tomorrow. But it devised a statute—a model of legislative craftsmanship and foresight—broad enough to anticipate and nourish the technological explosion we have witnessed. Our patent system is a delicate balance of interest; it protects the fruits of the extraordinary efforts it demands of inventors compatibly with the public interest. It has largely fostered the favorable climate resulting in the tremendous strides this country has made in reaching the pinnacle in the worldwide competition in the arts and sciences—from atomic energy to antihistamines, computers to catalysts, lasers to lunar landings.

"So it is with no little surprise and concern that one learns of proposed patent 'reforms'. I can appreciate, from my own Congressional experience, the difficulty of enacting legislation acceptable to all concerned. However, after having dealt with the patent statutes, particularly the 1952 Patent Act, for nearly twenty years as a member of this court, I have grave misgivings concerning the desirability or need for any substantive change in a system that has worked so well in following the Constitutional mandate 'to promote the Progress of Science and Useful Arts'."

Therefore, any substantial changes to the present patent system should be undertaken only with great caution and deliberation, after considering and integrating the suggestions from the experts in the field, the members and professionals of the inventive community itself.

Unless a change would clearly and indisputably improve existing patent law, we

should retain the law as it is, for it can be shown statistically and by actual court decided cases to be workable and successful.

S. 2930, introduced January 31, 1974, by Senator Buckley, would in my opinion attain the objectives of the President's Commission. S. 2504 C.P. on the other hand would exacerbate our current inflation problem and would fail to meet the objectives of the President's Commission.

THE FONG AMENDMENTS

First amendment (section 3)

Purpose:

The purpose of my first amendment was to insure that the 3 (d) Solicitor and his assistants (who may be numerous) would not cause great dissension and strife in the Patent Office, but rather work harmoniously with the Commissioner of Patents and his assistants. It would be a waste of the taxpayer's money and a loss of efficiency to have two warring factions within the same agency, both working against each other rather than with each other.

Problem:

The language in the bill stated that 3 (d) Solicitor "shall be independent of the Commissioner in carrying out his responsibilities under this title . . .", which means that a subordinate to the Commissioner of Patents would not have to report to, nor coordinate his activities with, that of the Commissioner. It is comparable to allowing a Deputy Attorney General to be independent of the Attorney General.

Solution:

In Subcommittee, I proposed to strike this language from Section 3 of the bill.

Accepted:

I was pleased to have the support of both the Chairman, Senator McClellan, and the ranking Minority member, Senator Scott on this amendment.

Second amendment

Purpose:

The purpose of my second amendment was to insure that all witnesses, especially non-party witnesses who were subpoenaed would be given the right to the full protection of law as now provided by the Federal Rules of Civil Procedure, and not made to travel thousands of miles to answer an extrajudicial administrative subpoena regarding a patent case they had no connection with, nor any interest in, as present language of the bill allows.

The Federal Rules of Civil Procedure, Rule 45, Section (d)(2) and Section (e)(1) provide that:

"the deposition is to be taken . . . only in the county wherein he resides or is employed or transacts his business . . ." and that "A subpoena requiring the attendance of a witness at a hearing or trial may be served at any place within the district, or at any place without the district that is within 100 miles of the place of the hearing or trial specified in the subpoena;" (emphasis supplied)

This reasonable restriction provided by our Federal Rules of Civil Procedure, which presently is also part of our patent laws (35 U.S.C. 23 and 24) should not be deleted.

Problem:

The language in the bill now allows the Board of Examiners-in-Chief to issue subpoenas to any persons in the United States—regardless of whether he or she is a party to the proceedings, and to compel that party or non-party to proceed to Washington, D.C. regardless of the distance involved, inconveniences, and loss of time to the party or non-party subpoenaed.

If the person located in Hawaii, Alaska, California, or any other distant state cannot make the trip to Washington, he must then hire an attorney in Washington to answer the order from the United States District Court for the District of Columbia "to show

cause why the person refusing or failing to comply with such subpoena or order should not be commanded by the court to comply therewith", as provided in Section 23(c) of the S. 2504 C.P., the subpoena enforcement section.

Therefore, if a non-party cannot afford to take time off from work to travel to Washington, the non-party must still pay a Washington attorney to represent him in the United States District Court in D.C. to explain why he could not or should not be made to comply with the subpoena in order not to be charged with contempt of court.

Under present law, a subpoena may be issued to compel witnesses to testify, but testimony is to be taken only in the area of the witnesses' residence. Present law also guarantees to each witness subpoenaed all the protection embodied by the Federal Rules of Civil Procedure and the concomitant protection of an impartial Federal judge as against an administrative non-judge person.

Since non-parties and their documents or other information can be subpoenaed, courts should decide the rights of a person to comply or not to comply with a subpoena, rather than an administrative officer purporting to read the Federal Rules of Civil Procedure. The person, especially the non-party called or subpoenaed, should have the unequalled right to recourse to the court in his own jurisdiction by a motion to quash or alter etc., pursuant to Rule 45 of the Federal Rules of Civil Procedure.

No Federal court requires one to travel from Hawaii to Washington to question the reasonableness of a subpoena.

Solution:

My solution was to substitute present Sections 23 and 24 of 35 U.S.C. Patents for Sections 23 and 24 of the bill, or in other words to retain present law. One may issue all the subpoenas he desires under present law (Section 24 of 35 U.S.C.) and obtain all the information desired in the district court of the witnesses' home state.

Rejected:

Although my amendment to substitute present law of 35 U.S.C. 23, 24 was rejected three to two, I was pleased to have the support of the Chairman of the Subcommittee on Patents, Trademarks, and Copyrights, Senator McClellan.

Third amendment (section 41)

Purpose:

The purpose of my third amendment was to reduce a newly created handicap proposed by S. 2504 to be put on the American inventor, a handicap that had never existed before in our Nation's history—that of maintenance fees.

S. 2504 C.P. would have charged the American inventor with a first maintenance fee of at least \$500 on or before the seventh year of his patent, a second maintenance fee of at least \$1,000 on or before the tenth year of his patent, and a third maintenance fee of at least \$1,500 on or before the thirteenth year of his patent.

In Subcommittee, I proposed an amendment to reduce the minimum total maintenance fee from \$3,000 to \$2,000 (7th year, \$300; 10th year, \$800; and 13th year, \$1,100). This amendment would have particularly eased the burden on the small inventor and the small business. As many are aware, in most instances, patents are the only means that small business have in competing with the giants of industry.

Problem:

There has never been maintenance fees in the United States. There are no maintenance fees under present law. Once an inventor pays his patent attorney the fees for the prosecution of his application and pays the fees charged by the Patent Office and his patent issues, he has his patent free and clear for 17 years. He has responded to the

incentive of the Patent System and has disclosed his invention to the public.

That would no longer be the case under S. 2504 C.P., as reported by the Subcommittee. The small inventor will now have to pay at least \$3,000, just to keep his patent alive for its full term. The words "at least" are most important since the proposed maintenance fees have no upper limit, but rise as the cost of running the Patent Office rises. According to Section 41, fees, including maintenance fees, are supposed to pay approximately 50% of the cost of running the Patent Office. The "at least" language would permit increases in the already high maintenance fees.

This change, together with the other financial burdens that S. 2504 C.P. would impose on inventors, will discourage many small inventors from inventing, or once having invented, it will discourage them from disclosing their inventions to the public, denying the public the use of what could be a needed advancement in medicine, science, or engineering.

Inventors are creators. Inventors take nothing from the public; they add to the public. Perhaps they should not be charged at all for filing patent applications, but should be paid for doing so.

At a time when our nation's economy is floundering, and our Gross National Product, adjusted to remove the impact of inflation, has been declining, I question the wisdom of adding this heavy handicap to our nation's inventors. At a time when our real Gross National Product has fallen 5.8% and we have a negative export/import balance, it appears to be an inappropriate time to possibly de-stimulate our economy. (see April 19, 1974 Washington Post article entitled "GNP Falls 5.8%; Inflation Rate Rises to 10.8%")

(a) Major Competitors Have Much Lower Maintenance Fees:

One can see how large this handicap would be when we compare the maintenance fees in S. 2504 C. P. to those presently in force in the countries of our competitors, i.e.:

Japan's maintenance fee.....	\$370
Great Britain's maintenance fee.....	\$898
France's maintenance fee.....	\$808
Proposed U.S. maintenance fee (or more than).....	\$3,000
Germany (but much lower for first 7 years).....	\$3,326

Germany's fees while high, are very low for the first seven years, i.e., \$187.20, compared to our proposed \$500 fee due the seventh year of the patent's life.

(b) High Maintenance Fees Possibly Unconstitutional:

It is also arguable that extremely high maintenance fees are possibly unconstitutional. Congress has been mandated (Article I, Sec. 8, Cl. 8):

"To promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Rights to their respective Writings and Discoveries;" (emphasis supplied)

There is no indication in our Constitution that the government should charge any more than nominal administration fees.

The power to tax is the power to destroy. In this case, the tax (maintenance fees) payable by the patentee could also result in the destruction of valuable patents of small inventors. It is therefore not surprising that those countries who have maintenance fees have a very small number of private individual inventors as distinguished from corporate inventors when compared to the United States. According to a recent study:

Patents Issued to Individuals	
Country:	Rather than Corporate Inventors
United States.....	25%
United Kingdom.....	5%
West Germany.....	5%

Therefore, it would seem that if one were to support the small inventor, one would have to support either the removal of maintenance fees, proposed in S. 2504, i.e., support present law, or institute low maintenance fees limited to reasonable administrative cost.

The above percentages seem to establish at least a prima facie case that the present United States patent system encourages individual inventors more than the patent systems of the United Kingdom and West Germany. This appears to be a positive attribute of our current patent system and one that should not be destroyed.

(c) Argument that Maintenance Fees Are Needed To Make the Patent Office Self-Supporting May Be Moot:

Many of the inventive community argue that the taxes received by the Federal government from royalties paid to inventors and the taxes received by the government from the private sale of products covered by patents far outweigh the cost of running the Patent Office, now estimated at about \$77 million per year.

Indeed, it was said as early as in the 1950's that the tax on the royalties which are received in the electronics industry alone, through patent license and other arrangements, just about equals the cost of operation of the Patent Office. Therefore, the Patent Office could be looked upon as already a self-sustaining operation in the sense that it earns for the government taxes which already exceed the cost of operating the Patent Office.

We may want to ask ourselves, how can we expect our nation to compete successfully with others while bearing such a handicap? Do we have enough of a handicap now with our present inflation and with our present real decline in productivity and negative import/export balance, or do we want more?

Solution:

The solution to this precedent-creating handicap is either to eliminate the maintenance fees entirely or to reduce them considerably so that they would be more in line with that of our competitors.

Since there was such strong support in Subcommittee for the maintenance fees as provided in S. 2504, it appeared hopeless to delete them entirely. Therefore, I introduced an amendment at the Subcommittee level to reduce the maintenance fees by one-third, bringing the maintenance fees down to a total of \$2,000 on the basis that this would have been a reasonable compromise.

Rejected:

This amendment was rejected by a three to one vote, with the Chairman of the Subcommittee, Senator McClellan, abstaining.

Fourth amendment (section 112)

Purpose:

The purpose of my fourth amendment was to make Section 112 reasonable to comply with. As S. 2504 C.P. stands, it makes compliance actually impossible.

Since Section 282(b) (3) makes any "failure to comply with any requirement of Sections 112, 115, 131, or 251" grounds for invalidity of a patent, it is very important that these sections demand only what can reasonably and practically be expected of the American inventor.

Problem:

(a) Tell Everything You Know:

Section 112 of S. 2504 C.P. would command the American inventor to have his patent attorney write down in the patent application everything the inventor knows regarding the invention and everything the inventor knows or contemplates in making or using the invention, and if he misses one fact, his patent will be held invalid under new Section 282(b) (3) mentioned above.

At \$50-\$75 per hour to the patent attorney who must maintain his offices and staff, this

will create another costly burden for the American inventor—one that S. 2504 C. P. makes no provision for escaping—but rather adds woe upon misery by adding to the inventor's cost additional attorney's fees on top of the \$3,000 in maintenance fees.

The question is how many American inventors can afford this type of cost, and how many inventions will be lost to the public for good because of the extreme high cost involved in obtaining a "protectable" patent?

Problem:

(b) Predict the Future:

Section 112 also adds a requirement to the law that never existed before, that is probably impossible to comply with, and may substantially change present case law.

Section 112(a) (1) (B) requires the applicant to predict at the time he files his application, all the novel or unexpected properties or results which he will use in the future to defend his patent, if his patent is ever attacked for invalidity. This of course is impossible in many cases, especially in chemical cases, where commercial success is almost never achieved or known until after the patent application is filed, since F.D.A. clearances may not be granted till several years after the application has been filed.

The full benefit which the disclosed invention bestows on the public may not be appreciated until long after the application has been filed.

Section 112(a) (1) (B) requires an applicant to look into a crystal ball, and if his crystal ball is cloudy, he runs the risk of later losing his patent. How can anyone reasonably be expected to predict the future 17 to 19 years hence, in this era of technological and scientific explosion?

Many patents are attacked on the basis of being "obvious" under Section 103 of 35 U.S.C., whereby the owner of the patent must prove that his invention was "unobvious". One of the ways of proving "unobviousness" has always been commercial success, yet this most often occurs long after the application has been filed, e.g., F.D.A. clearances obtained, or after other events.

As stated by the United States Supreme Court in *Graham v. John Deere Co. of Kansas City*, 148 U.S.P.Q. at page 467:

"Such secondary consideration as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. As *indicia of obviousness or nonobviousness*, these inquiries may have relevancy." (emphasis supplied)

If however, as in many cases, commercial success is never known until years after the application is filed, it is impossible for that applicant to know at the time he files his application whether his invention will be a commercial success. Yet under Section 112 as now written in S. 2504 C.P., he must know his commercial success at the time he files his application for patent or forever be barred from using that test later to show that his invention was non-obvious.

A further case in point is *In re Meng and Driessen*, 181 U.S.P.Q., where at page 96 it states:

"Under Section 103, evidence of what occurred after the invention may have a probative value equal to or greater than evidence of what went before. Though indicated as 'secondary' considerations in *Graham*, such factors are second only in time." (emphasis supplied)

Section 112 of S. 2504 C. P. would prevent an inventor from using any "evidence of what occurred after the invention" since he is unaware of such evidence at the time he files his application for patent.

(c) Superfluous and Irrelevant Information required could double the cost to the individual inventor and to the Patent Office.

Superfluous, irrelevant, and unnecessary

extra information requirements under Section 112 create at least a "doubling" cost effect to both the small inventor as well as to the Patent Office.

The inventor's cost is doubled since he still has to pay his patent attorney \$50-\$75 an hour to write down the extraneous information in the application, i.e., all the inventor knows regarding the invention and all the inventor knows or contemplates regarding the use of his invention.

The cost to the Patent Office and to the American taxpayers is doubled since it will take Patent Office personnel at least twice as long to read and digest a patent application which must at least be twice as long to comply with the bill, i.e., the application must not only include everything that is pertinent and relevant, it must also include everything the inventor knows regardless of its relevancy, or be rejected later as an invalid patent under Section 282(b) (3). Thus on discovery, a party or even the government under Section 298, could find some fact, relevant or not—significant or not—and argue that the applicant did not tell all.

(d) Britain and Italy have complained about Section 112.

I am informed by the Department of State that Britain and Italy have complained to the United States regarding the impossible-to-comply-with disclosure provision of S. 2504, especially Section 112.

Under the Patent Cooperation Treaty, ratified by Congress in 1972, they have to comply with United States Patent Law in order for the United States to give them credit and protection for their inventions in our country. However, as now written, S. 2504 C. P. provisions are onerous, burdensome, and unfair to applicants—from the United States and from abroad.

(e) Other possibly irrelevant requirements:

S. 2504 C.P. requires a patent applicant to state what is known "to be conventional or old" to the inventor, to any person he assigns his invention, and to the applicant. Any failure to do so or any inadvertent omission would result in loss of the patent issued to the inventor.

What is "old" can be entirely irrelevant. What we should be concerned with is the closest prior art, i.e., publications, patent, journal articles, etc., to determine if the invention is "obvious" under Title 35, Section 103 of present law, or is statutorily barred under Section 102.

Also, regarding "best mode or modes"—there can only be one best mode—one best means by which an invention is supposed to be used. Two or more best modes are self-contradictory, yet S. 2504 C.P. requires the inventor to describe all the "best mode or modes", or subsequently lose his patent.

At the other end of the spectrum, an invention such as a new herbicide, may be applied to crops in more than one hundred different ways, i.e., in slurries, in water-soluble sprays, in powders, in pellets, in water-insoluble sprays, and all at varying strengths.

S. 2504 C.P. would cause the inventor to list ad nauseam all the hundreds of different ways with varying strengths and different ways that a herbicide could be applied in order to assure that a court would not subsequently cancel his patent because he unintentionally forgot one mode that some court might interpret as a "best mode".

The unnecessary extra time this would take the inventor and the patent attorney to describe these multitudinous means would tremendously increase the attorney's fees to the inventor and thus discourage the American inventor from disclosing his invention to the public.

Solution:

(a) Require all that is relevant and material to the facts at issue

All that is necessary to determine whether

there is a valid invention is that there be a reasonable disclosure by the inventor which is relevant and material, the substance of which he is presently aware regarding his invention—not everything he knows regarding his invention or about the art to which it relates.

As a witness on a witness stand is never required to tell "all he knows" in a trial, but rather only what is relevant and material to the facts at issue, a patent application should only be required to contain that information which is relevant and material to determine whether or not there is present a valid invention—no more and no less.

The test is two-fold: (1) Is the basic concept disclosed, and (2) Is it so documented that those in the art will be able to carry out that concept?

(b) Language in Section 112 appears to be an easy method of guaranteeing all relevant and material information is disclosed by asking for everything, and of course will be extremely costly to the individual inventor, the Patent Office, and the taxpayer.

It is of course possible to guarantee, at an unjustified high cost, that everything relevant and material will be disclosed by asking the inventor to tell everything he knows concerning the invention.

This may be the easy way out in terms of drafting an airtight provision, but it does not take into account or consider the limited budget of most individual inventors, the high cost of patent attorneys, the waste of the taxpayer's money to support the extra personnel needed at the Patent Office to read all the extraneous material, nor the disincentive created in the inventor toward ever disclosing his invention to the public in the first place. As S. 2504 C. P. is written, one must of course tell everything he knows or lose his patent once he receives it, since it will be held invalid for non-compliance with Section 282(b) (3), above mentioned.

(c) Pertinent parts of my amendments to Section 112 are as follows:

(Underlined words are added and bracketed words are deleted.) (a) (1) The specification shall at the time the application is filed contain a written description—

(A) of the subject matter sought to be patented; and

(B) of the novel or unexpected superior properties or results [and the old but superior properties or results] on which the applicant will rely in seeking [or upholding] the grant of the patent.

(c) (1) With respect to the particular invention, [The specification shall state what is known to the inventor, any person to whom he is under any obligation to assign the application, and applicant, or any of them, to be conventional or old.] [It] it shall conclude with one or more, etc.

Rejected:

This amendment was rejected by a 3 to 2 vote, and again I was pleased to have the support of the Chairman of the Subcommittee on Patents, Trademarks and Copyrights, Senator McClellan.

Fifth amendment (section 115)

Purpose:

The purpose of this amendment was to remove the impossible-to-comply-with requirements presently in Section 115 which would breed invalidity rather than create more valid patents.

Problem:

As presently worded in S. 2504 C. P., Section 115 also breeds invalid patents since it requires the inventor, the applicant, the prospective assignee, the attorney, and the agent to tell, "all . . . they . . . know" and additionally anything "tending to" or "that would tend . . . to" affect the issuance of the patent. If he or any of the above persons accidentally misses anything, his patent will subsequently be held invalid under Section 282(b) (3).

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Even if perfect compliance is honestly sought by all parties mentioned above, Section 15 might still be impossible to meet since it is tantamount to having to prove a negative. An infringer should always be able to find the "one fact" that a person forgot to include or overlooked.

Solution:

What should be required is that the inventor and everyone in privity with him tell everything that is relevant and material to the facts to issue, i.e., anything which they are aware of after reasonable inquiry that would directly concern the denial or granting of the patent to the inventor.

Amendment:

The major change I proposed in Subcommittee to Section 115 (a) (3) was as follows (new words italic and deleted words bracketed):

(3) The duty of disclosure includes an obligation to furnish the Office with information becoming available on reasonable inquiry which [tending to] contradicts any representation made to the Office on behalf of the applicant and which [or that would tend] adversely [to] affects the issuance of the patent to the applicant, whether or not there exists further information which would in fact overcome the effect of the undisclosed information.

Rejected:

This amendment was rejected by a 3 to 2 vote in the Subcommittee, and again I was pleased to have the affirmative support of the Chairman of the Subcommittee of Patents, Trademarks, and Copyrights, Senator McClellan.

Sixth amendment (section 135)

Problem:

Section 135 on Opposition Proceedings is: (a) too expensive, (b) open to costly delays, and (c) allows for the harassment of smaller companies by larger ones.

As presently worded in S. 2504 C.P., Section 135, would defeat at least three of the six goals established by the President's Commission on the Patent System, i.e. (a) to shorten the period of pendency of a patent application from filing to final disposition by the Patent Office, (b) to reduce the expense of obtaining and litigating a patent, and (c) to make U.S. patent practice more compatible with that of other major countries, wherever consistent with the objectives of the U.S. patent system.

(a) Section 135 would broaden period of pendency:

Rather than shorten the period of pendency of a patent application, Section 135 would lengthen the period of pendency. As an eminent patent attorney, Mr. Tom Arnold, stated in his April 25, 1974 speech before the New Jersey Patent Law Association when presented with the Jefferson Medal for contribution to the Patent System.

"... unlimited oppositions commonly cause a delay in obtaining issue of patents which delays patent enforcement for years and reduces the patent owner's value."

The patent, if any is obtained, will have cost inordinate expense to the patent applicant.

Testimony at a recent American Patent Law Association meeting by Mr. Andy Kline of the law firm of Synnesvedt & Lechner of Philadelphia, indicated that in just one of his patent applications in Japan, he encountered 147 separate oppositions, which of course required him to write 147 answering briefs—considerably increasing both the pendency time and lawyer's fees involved.

(b) Section 135 would increase rather than reduce the expense of obtaining a patent.

As Mr. Tom Arnold said in his acceptance speech mentioned above, "Oppositions can raise the costs of getting a patent beyond the level of an applicant's financial capacity for commitment..." (Emphasis supplied)

What would the fee be at \$50-\$75 an hour

to write 147 answering briefs to 147 separate oppositions on a complicated invention in which the specification alone might be 50 pages long, and the application might contain 100 separate claims, as some chemical applications do? Would an independent inventor be able to borrow enough money just to pay his patent attorney to answer each opposition at a time that he had no patent yet, and therefore no collateral to use to borrow money from a bank or other financial institution? Many opposition proceedings run over \$10,000, and the small inventor with no collateral, i.e., no patent yet, will possibly just give up.

Mr. Arnold indicated one German company reportedly opposes all German applications for patents in its art, and reports that by doing so, 50% of its would-be competitors immediately give up by dropping their patent application—and therefore are effectively eliminated from competition. They are destroyed by the high cost of obtaining a patent before they ever start.

(c) U.S. Patent practice may be made more incompatible rather than more compatible, with other countries under Section 135

I am advised that under the new European Patent System mentioned in the recent June 24, 1974, Wall Street Journal article entitled, "Multinational Firms Find Patent Battles Consume Time, Money", that because of the harsh experiences with opposition proceedings in terms of costly delays, harassment of smaller companies by larger ones, and the great expense involved, the new European Patent System has eliminated the opposition proceedings.

While our pendency for patents now normally takes 18 to 24 months without opposition proceedings, France's pendency for patents with their opposition proceedings takes 72 months according to this Wall Street Journal article.

Under the new European Patent Convention, instead of filing for patents in a dozen different countries, they need only file at an office set up in Munich, which will then grant or deny a "European patent" good throughout most of Europe—through the new European Patent System Convention that has just decided to eliminate opposition proceedings.

(d) The brand-new-in-the-law opposition proceedings now proposed under Section 135 invite competitors to live off the fruits of another's labor, toil, and inventive genius.

Under Section 135 of S. 2504, an inventor's competitor need only to sit back and wait until there is full disclosure of the invention (this occurs when an application for patent is published as allowable under the bill) and oppose under Section 135 (c) (1) delaying the issuance of the patent for possibly many years.

In the meantime, the competitor can copy, market, and stockpile the new invention to his heart's content—the only risk being that IF and WHEN the patent ever issues, the competitor may be liable, upon a successful lawsuit by the inventor, for "reasonable royalties".

On the other hand, if the opposition proceeding is post-patent issuance, as in S. 2930 Buckley (and under the Fong Amendment), then there is the power of injunction.

Without this Power of Injunction, the competitor is considerably less likely to invest time, money, and energy to build a plant to conduct research in that field—but rather would just sit back and copy the inventions of others—robbing them of the benefits of their creativity.

Clearly, if the only risk of copying another's invention is a reasonable royalty, then Section 135 as now in the bill would amount to an unfair, unconsented-to compulsory license of the invention, at least until a patent has been issued—if ever.

Amendment:

Because of the strong support in the Subcommittee for opposition proceedings my amendment did not eliminate opposition proceedings, but tried to make them more reasonable, less time consuming, and fair to the inventor.

My amendment would have still allowed the public to present all the prior art to the Patent Office and later, after the issuance of the patent, would have allowed an adversary proceeding.

This would allow all relevant and material information to be brought to the attention of the Patent Office with the least delay, but still would give adequate protection to the inventor while his patent undergoes opposition proceedings.

Under my amendment to section 135, the opposition proceeding would still be allowed, but it would be allowed after the patent has issued, so that the inventor could protect his invention while his patent undergoes opposition proceedings. Since one cannot get an injunction to protect his invention without a patent, it is imperative that a patent be issued first so that an inventor can protect himself during the long drawn-out opposition proceedings. Otherwise an outsider could stockpile the invention and flood the market tying up all prospective customers before the inventor ever gets his patent.

Thus, my amendment would still have provided the public with an opportunity to get all the "prior art" to the Patent Office, and still allowed the expensive and long-drawn-out, adversary proceeding—but only after the inventor was protected, i.e., after he had received his patent. This would have achieved two main goals: (1) Making more valid patents, but at a lower cost, and (2) protecting the inventor, by getting the patent to him sooner so that he could protect his invention while the opposition proceedings were being deliberated. Disclosure of the claimed invention would occur at the same time as in the Administration bill.

Rejected:

While this amendment was rejected on a 3 to 2 vote again at the Subcommittee level, I was again pleased to have the support of the Chairman of the Subcommittee of Patents, Trademarks, and Copyrights, Senator McClellan.

Conclusion:

Because almost no one outside the government appears to support S. 2504 C.P. as a whole, because, as I have shown, S. 2504 C.P. has serious and fundamental defects, and because the patent system is crucial to the future technological and economic progress of the Nation, Congress should not act on such wide-ranging "reform" legislation without the benefit of thorough public hearings.

Hearings on such a complex measure would help the Judiciary Committee and the Senate avoid pitfalls which I believe are inherent in S. 2504 C.P.

I have listed some of the provisions which directly defeat the six goals of the President's Commission of the Patent System, but there are many others. Many other provisions make questionable changes in both procedural as well as substantive aspects of the Patent Law.

Among sections, not herein dealt with specifically, but which need attention notably are 28, 102, 123 (which overrules *Sears v. Gottschalk*, 178 U.S.P.Q. 33, decided April 26, 1973), 131, 132, 182(d), 191-194, 271(e), 298, (299 withdrawn), and 301.

Without belaboring the issues further, I believe hearings would assist the full Judiciary Committee in remedying the serious substantive and procedural defects of S. 2504 C.P.

I have no doubt of the sincere and honest efforts of the legislative staff and other members of the Subcommittee. But as the complexity and ramifications of the provisions of this bill are profound, I believe that more input from the experts in the field, includ-

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ing the leading members of the professional societies in the inventive community must be obtained.

As S. 2504 C.P. now stands:

(1) It will not accomplish its stated objectives, i.e., the six goals of the President's Commission on the Patent System;

(2) It will add great cost and insurmountable burdens to the American inventor.

(3) It will invalidate many patents on expensively developed and important inventions;

(4) It will burden both the applicant and the Patent Office with chores and expense beyond what we can reasonably expect government and research and development budgets to carry without great loss of incentive to the advancement of science and the useful arts;

(5) It will frustrate small companies to the advantage of larger established ones who through the new opposition proceedings will have the greatest legal tool for harassment ever created to effectively eliminate their competition.

(6) It will exacerbate the problem of inflation which is now our Nation's number one problem.

INDIVIDUAL VIEWS OF SENATOR JOHN L. MCCLELLAN

I voted to report S. 2504 from the Patents Subcommittee to permit the full Committee on the Judiciary to determine its disposition. This legislation introduces some long-needed and beneficial innovations in the American Patent System. It also introduces concepts and procedures which fail to promote the progress of the useful arts. In my judgment our patent system will be weakened by the enactment of patchwork legislation, which is confused in purpose, and deficient in execution.

This is not routine legislation. The Committee is dealing with an institution as old as the nation itself—an institution in which no basic statutory changes have been made since the Act of 1836.

S. 2504 was introduced on October 1, 1973—many of its important provisions were not contained in predecessor patent revision bills. The Administration urged the Subcommittee to immediately report the bill, as introduced. I met with the Secretary of Commerce and informed him that I could not agree to his request since I believed the legislation should be reviewed by all interested parties. I then learned that the judicial provisions of the legislation were drafted without any consultation with the Federal courts, or coordination with the Commission on Revision of the Federal Court Appellate System, which is considering the entire subject of patent appellate litigation.

Although the legislation has international implications, it appears that the Department of State likewise did not participate in its preparation. As Chairman of the Subcommittee I have received representations on behalf of several foreign governments that certain sections of S. 2504 are contrary to the objectives of the Patent Cooperation Treaty and of our international obligations. On December 20, 1973, I requested an early report from the Secretary of State. I have yet to receive a reply.

It is customary and useful that programs for the general revision or codification of titles of the United States Code to be undertaken with the assistance of the Nation's leading experts, including the appropriate segments of the organized bar. The bar was not consulted in the drafting of S. 2504. Some may regard this exclusion as a recommendation for this legislation. A somewhat different judgment is likely to be expressed in the future by those inventors, small business firms, and other patent owners who will suffer from the extensive and protracted litigation that is certain to result from this prolix legislation. Months after its introduc-

tion there still remains considerable uncertainty as to the intent of various sections of this legislation with respect to existing case law.

The Administration initially estimated that S. 2504 would add 5 million dollars a year to the budget of the Patent Office. It was apparent to me from a review of its provisions that this price tag was grossly inaccurate. The Secretary of Commerce subsequently furnished a detailed report on the budgetary and personnel implications of S. 2504. The Secretary advised that the initial additional costs would range from 20 to 31 million dollars and require from 1045 to 1565 additional Patent Office personnel. The bill as reported by the Subcommittee adds additional functions and costs to the Patent Office operation.

A particular concern to me has been the exclusion of the Commissioner of Patents from an effective role in the formulation and development of this legislation. On February 5, 1974, during the hearing on the nomination of Curtis Marshall Dann to be Commissioner of Patents, I requested the nominee to review S. 2504 and to give the Subcommittee the benefit of his independent counsel on this legislation. Mr. Dann assured me that he would. When it appeared subsequently that he was being prevented from doing so, I urged the President to authorize the Commissioner "to directly make known to the Subcommittee his comments on S. 2501 and proposed modifications". This request was denied.

I recognize that effective management of the executive branch is facilitated by a uniform Administration position on pending legislation. It is significant, however, that the Administration has permitted another agency of the executive branch to maintain a position on patent legislation independent and contrary to that of the Administration. Yet the Congress is being denied the counsel of the Commissioner of Patents on the most comprehensive patent legislation in almost 150 years.

When the Subcommittee commenced the markup of this legislation, it was presented with hastily drafted substitutes for many of the important sections of the bill. It now appears that yet another revision is to be proposed in the full Committee. This is not sound legislative procedure for the consideration of one of the most intricate titles of the United States Code.

S. 2504 fails to promote—in fact, will retard—the objectives of patent law revision set forth in the Report of the President's Commission on the Patent System. It discards beneficial provisions of predecessor bills and substitutes new concepts that will create endless uncertainty and delay. It will encourage greater reliance on trade secrets to the detriment of the public. It will significantly add to the costs of those who utilize the patent system, and to those of the Government, while conferring limited benefits.

By Mr. KENNEDY:

S. 4260. A bill to require Federal departments and agencies to act in accord with a national policy of free and open competition in the economy. Referred to the Committee on Government Operations.

Mr. KENNEDY. Mr. President, today I am introducing a bill which reaffirms by specific measures our general and often stated faith in competition as the guiding economic policy of the United States. This policy, which is as old as the Republic, has often been threatened in the past by the evils of private monopoly on the one hand or Government cartelization on the other. It is threatened by both today. We have witnessed these threats to our national economic policy

as our largest industries have become increasingly concentrated and as our Federal regulatory agencies have sanctioned—intentionally and inadvertently—anti-competitive practices among the oligopolies and monopolies they are chartered to regulate in the public interest.

Mr. President, I do not suggest that the unsatisfactory condition of our economy will be remedied by any one act of the Congress. But the series of actions which will be needed to remedy our present situation should surely proceed from a coherent vision of our free enterprise system—a vision we have not yet abandoned. The bill I am introducing today aims in part to demonstrate that our will is equal to our vision: It is designed to check and reverse governmental processes which promote anticompetitive practices in direct or implicit contradiction of our fundamental national economic policy.

It is obvious, Mr. President, that an unexecuted policy is no policy at all. This bill requires that our policy favoring competition be, in fact, executed wherever that policy should apply. The importance of enacting this principle into law becomes evident as soon as we realize that our commitment to competition is not merely a matter of intellectual cant: it is a matter which affects, daily and deeply, the lives of all Americans.

In theory, an effective competitive system provides the consumer with the widest range and highest quality of goods at the lowest prices; more efficient operation of business; higher productivity; the information consumers need to make intelligent purchasing choices; and an improved allocation of resources. There can be little doubt that the times require that we do all we can to insure that this theory is translated into fact by appropriate measures of Government.

The consequences of not doing so literally involve costs the public cannot afford. Monopolization and anticompetitive practices tend to produce business inefficiency and exploitation of the public, higher prices, fewer market choices, lower quality goods and services—in short, all of the evils which arise when the benefits of free enterprise are denied by unchecked aggregation of market power and restrained competition.

While our devotion to competition as the best means of advancing our economic well being at the least cost to our personal liberties is a paramount doctrine to which most can subscribe, it has certainly not been a dogma blindly applied. In some exceptional industry settings—the so-called natural monopolies—the Government has chosen regulated monopoly as a more appropriate economic form for protection of the public interest. But even where that has been our choice, as in the case of the regulated utilities, or in transportation or in electronic communication, the intent has never been to suspend completely the operation of competition as a goad to better economic performance.

In theory at least, air and motor and rail carriers, for example, will compete among and between each other. Even in these settings, therefore, the burden must be on those who would adopt gov-

ernmental measures inhibiting or lessening competition to demonstrate how such a departure from a policy of competition will in each case actually serve the larger public interest. In essence—and this is reflected in the bill I am introducing today, Mr. President—this means that to the extent possible the spirit of the antitrust laws now enforced by the Federal Trade Commission and the Antitrust Division of the Department of Justice must become a substantive part of the administrative law of every agency whose mandate is related to the economic well-being of our country.

Promoters of our Nation's economic goals must be the direct and explicit concern of every department and agency of Government whose actions can substantially advance or retard achievement of these goals. Every segment of our National Government directly concerned with economic matters must become expert in advancing our national economic policy of full and vigorous competition.

Our regulatory agencies were originally created by Congress to protect the public against anticompetitive practices and to combat a growing trend toward monopoly in certain key industries. The ICC, which subsequently served as a model for Government regulation, was set up in 1887 to curb the monopolistic practices in the railroad industry, at that time dominated by a handful of giant firms. The so-called independent regulatory commissions followed the ICC into existence.

In addition to restraining anticompetitive tendencies within the industry regulated, Federal economic regulation has several additional goals, often the fostering of one or another economic sector.

Because there would arise some occasions where these additional goals could not be achieved consistent with strict observance of antitrust principles, agencies were considered to be the embodiment of the public interest and given the power to exempt regulated actions from the normal operation of the antitrust laws. The public—and the Justice Department—were often thereby foreclosed from challenging agency approved activities on antitrust grounds.

It is now apparent that the regulatory agencies, by and large, are not fulfilling many of their responsibilities consistent with our basic belief in the advantages of a competitive economy. Some have spoken of the decline and fall of the public utility concept of regulation. Regulatory agencies are often found stifling or restricting competition rather than fostering it. Rather than serving the public, regulatory agencies have become the servants of the industries they are supposed to regulate—they often appear to be far more concerned about the profits of the corporations they regulate than the pocketbooks of the consumers they are supposed to serve.

The conclusions reached by two Presidential task forces and by the President's Council on Economic Advisers are instructive here. The task force appointed by President Johnson reported in 1968 that:

In the regulated sector of the economy,

the bias of policy and its enforcement is overwhelmingly against competition.

The task force that advised President Nixon concluded a year later that:

The regulatory commissions are largely out of control. . . . The commissions should have the merits of competition impressed upon them. Competition is not a matter of all or none, and the fact of regulation should not exclude competition.

And the 1970 report of the Council of Economic Advisers found that:

Regulation has too often resulted in protection of the status quo. . . . Change of any kind becomes hard to justify and even harder to allow when some affected group can claim immediate harm, whereas the potential beneficiaries are widely diffused and usually not represented. Yet innovation and adaptation are the dynamics of economic progress.

There is no clear safeguard against these dangers, but more reliance on economic incentives and market mechanisms in regulated industries would be a step forward. . . . Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition.

Several courts have documented the increasing tendency of the regulatory agencies to ignore or minimize competitive considerations. For example, the U.S. Court of Appeals for the Seventh Circuit observed in *Thill Securities Corp. v. New York Stock Exchange*, 433 F. 2d 264, 273 (7th Cir. 1970), that:

The history of the United States regulatory agencies in general seems usually to record an ever growing absence of the spirit required for vigorous enforcement of the antitrust laws. Rather, it seems to demonstrate that shortly following the establishment of administrative procedures the regulatory agency usually becomes dominated by the industry which it was created to regulate.

Congressional hearings have also focused on numerous instances where regulatory agencies have encouraged anticompetitive practices rather than curbing them. The Subcommittee on Administrative Practice and Procedure, which I chair, recently held 2 days of hearings on the Civil Aeronautics Board's issuance of guidelines for increased international charter air fares. The CAB first authorized closed discussions among charter airline carriers to agree on a minimum rate floor. Testimony at our hearings established that the Department of Transportation actively encouraged these efforts. These discussions, and the attempted agreement, would plainly have been illegal under the antitrust laws had the CAB not approved them ahead of time.

Several witnesses testified that the CAB's action was taken without regard to the needs of the traveling public, or of the smaller supplemental air carriers, but solely to bolster the revenue of some of the larger air carriers. The Justice Department's Antitrust Division testified that it regarded the CAB action as seriously inflationary and contrary to the policies of the antitrust laws. Yet this agency action is typical of CAB rulings over the years, which have suppressed almost all forms of competition in the airline industry without bringing to the consumer improved service or lower prices. Similar examples abound in the

case of the motor carrier, railroad, and power industries.

The Federal Communications Commission has also shown itself unresponsive to the problems inherent in media concentration. Although the courts have clearly recognized the obligation of the FCC to consider the antitrust implications of granting broadcast license renewals, the Commission refuses both to apply antitrust standards in individual renewal proceedings and to complete action in rulemaking proceedings designed to set general criteria for consideration of cross- and multiple-ownership at renewal time.

Nor is the problem confined to the independent regulatory commissions. Banking, agriculture, and housing agencies should be included. One example where one of the old line executive departments has acted to promote concentration rather than dissipate it involves the procedures followed by the Department of the Interior in leasing Federal lands for oil and gas development. These procedures not only allow, but favor, joint ventures by large oil companies and negotiated rather than competitive bidding. Tracts too large for small companies to develop, and bonus money requirements too great for any but the largest companies, combine to shut smaller companies out of competing for these important leases and to further entrench control of our valuable national resources in the hands of a few giants.

The list is endless. Federal departments and agencies, armed with powers to control entry into markets, regulate rates, restrict business practices, and lease public resources or allocate private ones, have operated to stifle rather than to promote competition.

Regulation has also often served to subsidize the inefficient. It has forced the consumer to pay billions of dollars more annually than he should. It has exacerbated the energy crisis and our present shortage of vital raw materials. Indeed, it has been a major "hidden cost" behind our inflation—a cost perhaps less visible or less tangible than others, but a cost which must be eliminated nonetheless.

Most recently, President Ford has recognized the need for Federal agencies to consider the effect of their actions on prices and has proposed that officials compile an "inflationary impact statement" to accompany major Federal actions affecting inflation. All too frequently the inflationary impact of Federal action arises not directly, but indirectly, through the restriction or reduction of competitive forces in the marketplace which ordinarily tend to keep prices down. As Deputy Assistant Attorney General Keith Clearwaters observed last month:

Unfortunately, too often regulation as administered by an agency may be designed to shelter and protect individual firms from competition. This may make for better profit margins of individual firms in the short run, but those profit margins come out of the consumer's pocketbook. I am certain that if the individual man on the street knew what was going on here in Washington almost every day in the halls of the regulatory agencies to stop new entry into the market, to en-

courage price-fixing cartels of carriers which drive up rates, to slow down or completely impede new technology developed by one carrier so that others more sluggish in the industry remain comfortable, that man in the street would be demanding legislative change now.

Just what form should that legislative change take? Certainly in many areas we will want to eliminate regulation completely. The motor carrier industry might be a candidate here. In other areas we will want to maintain some regulatory framework but to repeal antitrust exemptions that accompany regulatory actions. The international airline cartel could be a case in point. Where we do decide to leave regulation intact—with or without specific reference to antitrust immunities—we should insure that agencies are sensitive and responsive to antitrust principles as they carry out their statutory functions. That is the purpose, Mr. President, of the bill I am introducing today.

My bill does not represent the first effort to effectuate a national policy throughout all agency decisionmaking activities, despite the centralization of authority to enforce that policy in specific agencies.

Both the Civil Rights Division and the Equal Opportunity Commission are charged with enforcing Federal laws relating to equal employment opportunities, but nonetheless Executive Order 11246 imposes on all executive agencies the responsibility to carry out basic equal employment policies.

Likewise, even with the Environmental Protection Agency and the Council on Environment Quality, the President through Executive order and then Congress through the National Environmental Policy Act required all agencies to take the environmental impact of their proposed activities into consideration and to file a formal public statement thereon prior to taking action.

Similarly with energy conservation and inflation, although specific Federal agencies have specific mandates to fulfill, it has been made clear that all Federal agencies and officials must act in concert with a national goal of energy conservation and a common effort to fight inflation.

My bill elevates competition to these same heights as a pervasive national policy objective. First, the bill firmly states the national objectives to foster free and open competition in the national economy, to limit and prevent anticompetitive practices and concentrated markets, and to require Government agencies to give substantial weight to the impact of their actions on competition in the marketplace.

The bill would require the head of each Federal department and agency to file a detailed competitive impact statement with any proposal for legislation and for any other major action significantly affecting competition in the fields of energy, natural resources, communications, and computers, finance, transportation, agriculture, ferrous and non-ferrous metals, and chemicals and drugs.

The competitive impact statement would include an assessment of any adverse impact on competition of the pro-

posed action, possible alternatives to the proposed action, and the economic, environmental, or social justification for the action.

Prior to issuing any such statement, the department or agency would be authorized to solicit the views of the Department of Justice on the competitive impact of the proposed action. Copies of the statement and of any comments or views would be required to be made available to the public.

The bill would also direct each department and agency to adopt and utilize in-house expertise in antitrust matters and to develop procedures to insure that the promotion of competition will be fully considered and evaluated in decisionmaking.

The bill would require all Federal departments and agencies to administer and interpret laws, policies and regulations to serve the policies of the bill. It would also prohibit any department or agency from taking any action that would violate the policies of the antitrust laws or of the bill in key industries unless such action was necessary to accomplish a statutory objective or requirement of that department or agency.

The Federal Trade Commission would be required to issue an annual report on the state of competition in the major economic markets enumerated in the bill. And finally, the bill would provide for Federal court jurisdiction over claims arising out of any report or statement which was made or which was required under the provisions of the bill.

Mr. President, I fully recognize that the legislation I am proposing today may be viewed by some as encumbering an already complex and slow administrative process with another layer of paperwork. That was the basic criticism of the National Environmental Policy Act, and it may be that some agency processes have been slowed by its operation. But just last week the Council on Environmental Quality issued its 1974 annual report, which observes that:

In large part NEPA has succeeded in its objective of incorporating an environmental perspective into the decisionmaking process of Federal agencies.

I for one am not willing to say that we should turn back the clock and be prepared to sacrifice the quality of our environment to administrative efficiency. And I believe that the same principle should obtain for competition.

There may well be alternative approaches to making Government agencies more responsive to the demands of our modern economy for increased, rather than decreased, competition. Perhaps each agency's organic statute should be rewritten, one by one, with a reordering of decisionmaking standards that elevates competition to a higher priority of consideration. Perhaps regulation must be eliminated completely from many sectors of our economy. Perhaps full or partial public ownership in certain cases where "yardstick" regulation would be helpful is the route to take. But for now I am proposing that we inject competition as the driving force in our free enterprise system, wherever regulation has been superimposed.

I hope to solicit reactions and responses

to this proposal over the next month, so that next session this legislation might be clarified and refined for reintroduction. I expect to work actively next year as a member of the Subcommittee on Antitrust and Monopoly to bring about changes necessary to redirect and intensify our governmental energies toward the objectives of a free and competitive economy.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3182

At the request of Mr. McCLELLAN, the Senator from Arizona (Mr. GOLDWATER) and the Senator from Nebraska (Mr. CURTIS) were added as cosponsors of S. 3182, a bill to prohibit the banning of lead shot for hunting.

S. 4121

At the request of Mr. McCLELLAN, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 4121, the Rice Act of 1974.

S. 4196

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. ABOUR-EZZ) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 4196, a bill to provide public financing of primary and general election campaigns for Senate and House of Representatives.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 448

At the request of Mr. KENNEDY, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. HATHAWAY), the Senator from Wyoming (Mr. McGEE), the Senator from North Dakota (Mr. BURDICK), the Senator from South Dakota (Mr. ABOUR-EZZ), the Senator from Ohio (Mr. METZENBAUM), the Senator from Wisconsin (Mr. NELSON), the Senator from Indiana (Mr. HARTKE), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Resolution 448, relating to further arms control measures.

SENATE RESOLUTION 451

At the request of Mr. HUMPHREY, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Resolution 451, a resolution disapproving the proposed deferral of \$50 million under section 701 of the Housing Act of 1954.

AMENDMENTS SUBMITTED FOR PRINTING

STANDBY ENERGY EMERGENCY AUTHORITY—S. 3267

AMENDMENT NO. 2096

(Ordered to be printed and to lie on the table.)

SENATOR RANDOLPH OFFERS AMENDMENT TO S. 3267 REFLECTING SPECIAL NEEDS OF THE HANDICAPPED FOR GASOLINE

Mr. RANDOLPH. Mr. President, there are many American citizens who would suffer extraordinary hardships should

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an end-use rationing system be instituted. These are persons who because of disease, injury, age, congenital malfunction, or other permanent incapacity or disability would be unable without special assistance to use mass transportation systems; in other words, they are handicapped.

The average American consumer has the options of driving a car, joining a carpool, riding a bicycle, or using a taxi, a bus, a train, or the subway—or walking. These choices often are not available to a handicapped individual.

Our mass transit systems are usually inaccessible to the disabled due to a need to navigate steps or other architectural barriers. Thus our handicapped citizens are often relegated to the private automobile as the only means of transportation available. In order to get to and from one's job, the market, and medical and other necessary services, a handicapped person must use a private car.

This problem is further compounded when we face the realization that individuals with physical disabilities also must find accessible housing. As a consequence they often are forced to live in areas which may be far from their place of employment or the location of shops. Mr. President, rationing during World War II did not create undue problems for physically disabled persons, partly because of exemption provisions provided for them.

Since then major national programs have been instituted to enable our handicapped citizens to participate more fully in our society by encouraging equal opportunity for education and for employment in all those services which benefit the entire population. As a consequence, they are more reliant than ever before on the private car. Unless the Congress assures special priority is given in gas rationing systems and energy conservation plans employing transportation controls to this segment of our population, we will indeed subject them to an unfair burden and take a step backward.

I am pleased to introduce an amendment to S. 3267 which I believe ameliorates this situation. My amendment does several things: First, it would define the terms "handicapped person" and "eligible person."

Second, it would provide for special consideration for the need of the handicapped and other eligible persons—such as the parent or guardian of a handicapped person—in the event of gas rationing.

Third, it would provide for special arrangements to be made for those who would not personally pick up coupons because of architectural barriers.

Fourth, it would provide that the amount of fuel over and above the total number of gallons allotted to other private users be decided on an individual basis.

Fifth, it would require the Federal Energy Administration to consult with the Veterans' Administration and the Social Security Administration to decide who is eligible or handicapped.

Sixth, it would mandate that all ma-

chinery to administer this program be ready to move on the first day a rationing plan takes effect so that no handicapped person or parents of a handicapped person would have to wait for his eligibility status to be approved.

Mr. President, I ask unanimous consent that the text of this amendment appear in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 2096

On page 6, between lines 16 and 17, to amend section 102 by inserting the following new subsections:

"(6) The term 'handicapped person' means any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

"(7) The term 'eligible person' means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services."

On page 6, between lines 16 and 17, insert the following new paragraph and renumber paragraphs 102(h) (2) through (6) as paragraphs 102(h) (3) through (7):

"(2) In promulgating the rule under paragraph (1) of this subsection the President shall give priority consideration to the needs of the handicapped and other eligible persons, including the need for special arrangements for handicapped persons who because of architectural barriers would be unable to obtain evidence of their rights under paragraph (1) under standard procedures or arrangements.

"In determining the eligibility of 'handicapped person' and 'eligible person' the President shall consult with the Social Security Administration, the Veterans' Administration, and the Federal Energy Administration: *Provided further*, That the administrative procedures to meet the needs of the handicapped shall be established in advance of and take effect on the effective date of the rule promulgated pursuant to paragraph (1) of this subsection."

On page 9, between lines 7 and 8, insert the following new clause and renumber clause 104(a) (1) (B) as clause 104(a) (1) (C):

"(B) In promulgating regulations pursuant to this section the Administrator shall give priority consideration to the needs of handicapped persons."

Section 3 of the Emergency Petroleum Allocation Act of 1973 (P.L. 93-159) is amended by adding at the end thereof the following new subsections:

"(8) The term 'handicapped person' means any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

"(9) The term 'eligible person' means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services."

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENTS NOS. 2054 AND 2055

At the request of Mr. HATHAWAY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of amendments

Nos. 2054 and 2055, proposed to the bill (H.R. 10710), the Trade Reform Act of 1974.

RECESS FOR 15 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 15 minutes.

The motion was agreed to; and, at 6:02 p.m., the Senate took a recess for 15 minutes.

The Senate reassembled at 6:17 p.m., when called to order by the Presiding Officer (Mr. McGovern).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 469—THE USE OF THE DANIEL WEBSTER DESK

Mr. COTTON. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 469) to make available to the senior Senator from New Hampshire, during his or her term of office, the use of the desk located in the Senate Chamber commonly referred to as the "Daniel Webster desk."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COTTON. Mr. President, for a considerable number of years, whoever was the senior Senator from New Hampshire has occupied the so-called Daniel Webster desk which is before me here. At one time, I think, Senator Bridges took it over, then being the senior Senator. There was some discussion about it, and the Senator from Massachusetts was very gracious and yielded to the Senator from New Hampshire, although Daniel Webster technically represented the Commonwealth of Massachusetts in the Senate.

He was born, reared, and educated in New Hampshire at Phillips Exeter Academy and Dartmouth College, was admitted to the bar and practiced law in New Hampshire, argued the famous Dartmouth College case, came to the House of Representatives from New Hampshire, and then later—in those days membership in either branch of Congress was not a full-time occupation, they being in session 2 or 3 months of the year—he moved his law practice to Boston, and later became a U.S. Senator from Massachusetts.

The Sergeant at Arms was a little reluctant to arbitrarily move this desk across the aisle, because it has a long list of names in the bottom drawer, and quite obviously it has been on this side

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of the aisle for many years, sometimes in the possession of a Senator from New Hampshire and sometimes of others. But for the last 35 years it has been consistently used by the Senator from New Hampshire. Of course, I am sad over the fact that it may be that New Hampshire will have two Democratic Senators next year, but I think it proper that the desk be occupied by my distinguished colleague from New Hampshire (Mr. McIntyre), who will be the senior Senator after next week.

I have cleared this with both the majority and minority leaders, and taken it up with a member of the Rules Committee, and I thought it would be right and proper, in view of the fact that the Sergeant at Arms did not want to take the responsibility of assigning the desk and moving it across the aisle, to have a Senate resolution which could be reviewed at some time in the future if necessary, that would, for coming sessions, unless otherwise ordered, see to it that this desk was used, if he applied for it, by the new senior Senator from New Hampshire, my friend and colleague Senator McIntyre, with whom I have had such a deep personal friendship and worked together so happily, comfortably, and pleasantly for 12 years, should have the desk, and I am particularly anxious that he have it, as I leave the Chamber.

If no one else desires to speak, I ask unanimous consent that, without reference to a committee, the resolution may be immediately voted upon.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The resolution was agreed to, as follows:

Resolved, That during the Ninety-Fourth Congress and each Congress thereafter, the desk located within the Senate Chamber and commonly referred to as the "Daniel Webster Desk" shall, at the request of the senior Senator from the State of New Hampshire, be assigned to such Senator for use in carrying out his or her Senatorial duties during that Senator's term of office.

CERTAIN BENEFITS TO MEMBERS OF THE COAST GUARD RESERVE

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2149. I understand this has been cleared on both sides.

The PRESIDING OFFICER (Mr. McGovern) laid before the Senate the amendment of the House of Representatives to the bill (S. 2149) to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes, as follows:

Line 3, page 1, strike out "680", and insert: "684".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MARITIME AUTHORIZATION—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of

conference on H.R. 13296, and ask for its immediate consideration. I understand this has been cleared on both sides.

The PRESIDING OFFICER (Mr. McGovern). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of today.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CONFIRMATION OF THE ROCKEFELLER NOMINATION

Mr. ROBERT C. BYRD. Mr. President, it is my understanding having just talked with the Speaker of the House of Representatives, that the House is not expected to complete its vote on the confirmation of the nomination of Mr. Rockefeller until about 8:30 p.m. tonight. The swearing-in ceremony will not follow in the Senate, if that is the case, before 10 o'clock tonight, I say for the information of Senators.

RECESS UNTIL 7 P.M.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that other conference reports may be coming in momentarily, and the Senate will act upon them. Meanwhile, I move that the Senate stand in recess for 30 minutes, until the hour of 7 p.m. today.

The motion was agreed to; and at 6:30 p.m. the Senate recessed until 7 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

ORDER OF BUSINESS THIS EVENING

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, we are simply waiting on the other body.

We have been trying to get the conference report papers on some of the measures that have been acted on in conference, and I have reference to measures on which the House is entitled to act first. If the Senate could secure the papers, the Senate could act first. So the Senate is just waiting on the other body to send over conference reports or conference report papers.

The Senate could complete its work tonight and adjourn sine die, if the Senate could secure the papers on certain measures.

I am informed that the President has signed the Nixon tapes measure. I called the White House, and I have been told that the President has signed that measure. So insofar as that measure is concerned, the matter is settled. Tomorrow would have been the 10th day, and the Senate would have remained in session tomorrow on that one item alone. But that item is not keeping the Senate here.

The other body, of course, is debating the nomination of Mr. Rockefeller at this point. The latest word I have had from the Speaker was that the House is not expected to complete its vote on that nomination until about 8:30 p.m. today.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CURTIS. Does the distinguished leader have any information in reference to the possibility of securing papers relating to certain conference reports, so that he can make a prediction as to whether or not we will have any votes between now and the swearing in of the Vice President?

Mr. ROBERT C. BYRD. It is my intention to move very soon to recess the Senate until 8 o'clock tonight, so that Senators will have an opportunity to have dinner. There will be no votes before 8 o'clock. It is possible that by that time we may have some papers on some conference reports. I understand that we may have a conference report ready to call up soon, but I do not think there will be a rollcall vote on this one.

I spoke to the Speaker early this morning and again this evening with reference to the conference report papers on the trade bill and other measures that are under the jurisdiction of the Committee on Finance of the Senate and the House Ways and Means Committee. I was told that there was not an inclination, as of then, on the part of the House to relinquish those papers. The House is entitled to act first on those measures; but Senator LONG, when he came into the Chamber for the last rollcall vote, said that he would go back to try again. So it is possible that the House would let us have the papers, and the Senate could complete its work. But the latest word I had was that the House was not inclined to let the papers come over.

I wanted Senators to know that we are simply waiting on the other body with respect to conference reports, and that is all that is keeping us here.

PUBLIC HEALTH SERVICE AMENDMENTS—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on S. 2994, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HASKELL). The report will be stated by title. The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) a bill to amend the Public Health Service Act to assure the development of a national health policy and of effective State health regulatory programs and area health plan-

ning programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today).

Mr. KENNEDY. Mr. President, I am particularly pleased to report that the conferees met and agreed upon what I believe to be an excellent bill. This legislation will authorize the establishment of local and State agencies for the development of comprehensive health plans under national guidelines to be developed by the Secretary of Health, Education, and Welfare. This legislation authorizes the creation of health systems agencies, which will encompass the entire United States. In addition, it provides funds for the implementation of plans developed by the agencies, and the continuation of meritorious health development projects currently being funded under existing authorities, such as the regional medical programs. It also provides for continuation of Federal assistance for the construction of outpatient facilities with an emphasis on medically underserved areas and modernization of existing inpatient facilities. The special project grant program is earmarked to assist urban hospitals in meeting life safety and accreditation standards.

The amount of \$1.13 billion is authorized for a 3-year period. Although this authorization is somewhat higher than the Senate bill which went into conference, I believe the additional expenditures are justified. They are due primarily to increased authority for continuation of the construction program and the creation of five centers for health planning, to be in operation by June 1976. In addition, an experimental State-operated program of health service rate regulation under Federal guidelines is included in this legislation.

The most compelling reason for our immediate action on S. 2994 rests with the strong potential for enactment of some form of national health insurance in the near future. In all of the hearings that have been held on national health insurance and through the volumes of material that have been written on the subject, considerable stress has been given to benefit packages and the financial mechanisms for supporting such a program. Such a focus has been appropriate, since they are major elements in any program. However, a major outgrowth of this stress has been an increasing concern for physical and human resources. Specifically, will there be enough resources, appropriate to the needs, and distributed in a manner so as to effectively meet the demand that will be generated through a national health insurance program?

This concern leads into the question of planning and the need for an effective

planning base if we are to successfully implement national health insurance. Up to this point, adequate attention has not been given to this very real question. However, we can change that situation today within the context of this bill. Quite frankly, S. 2994 gives us the capacity to implement a comprehensive planning base throughout the United States. Even more important, though, is that this can be done with a time interval that provides an opportunity to plan for national health insurance.

What exactly does this bill do as far as the planning for national health insurance is concerned?

First of all, it will support the creation of a system of regional health planning agencies throughout the country. This is contrasted with the existing situation under the comprehensive health planning program where only 75 percent of the population is covered by an areawide health planning agency. The areas currently not covered are largely rural, but under S. 2994 they would now have the opportunity to participate in regional health planning.

Second, the bill would provide the financial resources necessary to employ both the number and types of staff necessary to tackle the planning issues posed by national health insurance. Under S. 2994 regional health planning agencies have a minimum professional staff of 10 compared with the average of 4 under existing comprehensive health planning program.

Third, S. 2994 targets the planning activities on the personal service needs of the population and the manpower and facilities necessary to meet the needs.

Finally, the bill fosters the creation of regional decisionmaking bodies encompassing providers, consumers, educators, payors, and local elected officials who in conjunction with appropriately educated professional staff can make planning and resource allocation recommendations which will go a long way toward insuring an effective implementation of a national health insurance program on a local level.

There is a second important reason for the Senate to move positively on this bill today. The concepts expressed in S. 2994 have been under discussion for a number of years. We are aware that the administration over 1½ years ago proposed the termination of regional medical programs and Hill-Burton. The Congress responded by calling for a simple 1-year extension of the existing programs, with the expressed intent of studying the programs under consideration. I believe that this was a sound move on the part of the Congress. While this action permitted us to carry out this essential review, it also had an adverse effect on the programs themselves. The 1-year extension was a signal to many that the Congress was going to make some significant changes in the near future. This lack of stability made it difficult for many programs to maintain and/or hire the high-quality personnel necessary to carry out program responsibilities. In other cases, it was hard to get communities to develop quality proposals

which were responsive to community needs since the future support of such efforts was clearly uncertain.

The study the Congress authorized has been completed. We have heard from many people and have incorporated their ideas into our own analysis of the strengths and weaknesses of the existing programs. The end result is a bill which significantly enhances our ability to deal with planning, implementation, and construction in a coordinated and effective fashion.

The time for action is now and there is no reason to delay the implementation of the concepts expressed in S. 2994. To do so would mean that the Senate would be avoiding its responsibility and obligation to insure that programs are enacted which will benefit the total population. Furthermore, nonaction by the Senate will only perpetuate the uncertainty and instability that now faces 56 State comprehensive health planning agencies, 218 areawide comprehensive health planning agencies, 53 regional medical programs, 56 State Hill-Burton agencies, 17 experimental health services delivery systems, and their respective constituencies.

A third rationale for immediate action is linked to the authority for development activities. As is well known, the regional medical programs have served as a vehicle for the development of a number of initiatives both on State and regional level. While many of the activities were consistent with community needs, a large number of the projects were research projects tied to the interests of medical school faculty. This bill gives us the capacity to benefit from the strengths of the regional medical programs experience by supporting developmental projects which are responsive to the priorities set forth in a regional agency's short-term priorities plan. More importantly though this provision will allow communities to positively attack resource deficiencies that they all face in some form. Of even greater significance though is that the authority gives real meaning and substance to the planning that will be taking place. In many parts of the country, under the existing comprehensive health planning program, planning agencies have been frustrated by their inability to get their planning priorities implemented in a viable format. There has been no mandated link between the planning under comprehensive health planning and the development under regional medical programs. S. 2994 rectifies this very condition.

Furthermore, if we think back to the earlier discussion about the ties between national health insurance and planning and resource needs, we see the real promise this provision holds.

Another reason for an immediate decision on this bill rests on the question of need for facilities and services. For a number of years this country has wrestled with the problem of how to get facilities and services into areas where they are needed. To a large extent, we have been successful, as witnessed by the Hill-Burton program. Increasingly,

though, our successes have been turning into failures as we have seen beds and services added in communities where there was already an adequate supply. Various estimates have placed the number of excess beds currently operating or projected to be operating in the near future throughout the United States as between 67,000 and 110,000. Estimates of the projected unnecessary cost of supporting those beds based on an average cost of \$20,000 range up to \$2 billion annually.

Many States have taken steps to rectify this condition by passing certificate of need laws. To date, 24 States have passed such legislation which requires providers to secure certificates of approval prior to carrying out modernization or new construction projects.

The Congress supported the actions of the 24 States through the Social Security Amendments of 1972. Specifically, the Congress, by adding section 1122 to the Social Security Act, legislatively expressed the conviction that public funds through medicare, medicaid, and maternal and child health programs should not be used to support unnecessary capital expenditures. The Congress made this a voluntary program and to date the chief executives of 40 States and territories have signed agreements with the Secretary of Health, Education, and Welfare to implement this program.

Those States participating in the section 1122 program have been doing so for about a year and in that period about 2,000 actions have been completed with a denial rate of about 5 percent. These disapprovals are estimated to have a dollar value of \$200 million.

Today, every State, except for Texas and West Virginia, has either a certificate of need or a section 1122 program. However, there is general consensus that State certificate of need programs are the basic component in a program to control unnecessary capital expenditures. This bill gives strength and substance to this feeling by requiring all States to enact a certificate of need program. In turn, States will be provided with the financial resources to operate such a program. Financial support is also available for those States that want to participate in the section 1122 program.

Another feature of this part of the bill deals with the necessity of existing facilities and services. To date, all of our attention is addressed to new construction and little time is spent on duplicative facilities and services that operate at low occupancies.

When one considers the \$2 billion cost of maintaining excess hospital beds in a 1-year period, the cost to the public over a 10- to 20- to 30-year period becomes overwhelming. This bill would permit planning agencies to review existing facilities and services in the context of total community needs.

Mr. President, I believe the passage of this legislation is a major accomplishment by the Congress in the health field, and I strongly urge Senate acceptance of the conference committee report. This legislation will, I believe, come to be recognized as a milestone in a preparation

of the health care system in the United States for national health insurance, which I believe will be passed by the 94th Congress.

Mr. President, I ask unanimous consent that the conference report and the accompanying statement of managers be printed in the RECORD at this time.

Mr. President, this measure was passed overwhelmingly in the Senate probably 5 to 6 weeks ago. I can report that it has an authorization which actually will be lower than the appropriated funds for this year. It deals with the planning agencies in the respective States. It has the strong support of Members on both sides of the aisle. It is a measure which I think commends itself to trying to insure that we will get efficient and effective programing in the future.

Mr. PEEL. Mr. President, today the Senate is considering the conference committee report on S. 2994, the National Health Planning and Development and Health Facilities Assistance Act of 1974. This is a complex bill, which I believe will be of great assistance to our national health planning effort, and which deserves the support of this body.

I am particularly interested in the process of health planning, because my own State of Rhode Island has long been a national leader in developing and testing out the components of systematic health planning.

Of particular interest in this legislation before us today is a section, which developed as a direct result of testimony on behalf of my State. Rhode Island is the only State in the Nation, to the best of my knowledge, that has no county or municipal health institutions or departments, but rather which provides for the planning and regulation of all health activities on a statewide basis, directed by the State unified administrative structure. For example, our State health department is responsible for conducting certificate of need review for all of the health facilities and programs in the State. It also has statewide roles in prospective budgeting, reviewing mandatory long- and short-range plans from all health facilities, conducting health care data analysis, environmental planning and regulation, and licensure of health facilities and health manpower training resources. All of these activities are carried out on a statewide basis, and each institution or facility in the State is accountable to the State health department.

I wish to stress today that health planning in Rhode Island is accomplished with the assistance and full participation of several private nonprofit corporations.

There is no question in my mind that Rhode Island's progress to this point could not have been achieved without the innovative and active participation in the planning and development process by these corporations, and, equally, that there remains a real role for private nonprofit corporations in the future of Rhode Island's health planning system development.

Three private entities currently provide the bulk of assistance and participation in our health planning process. First among these is the Health Planning

Council, Inc. HPC is an important and integral part of the current Rhode Island health planning network. It embraces both health service providers, notably the State's hospitals and private health insurance system, and health care consumers. Its performance in the past, and its close advisory relationship with the State's administrations since it was formed, have provided the basis for its affirmative role in health planning in Rhode Island today. Others are RIHSEC, the Rhode Island Health Sciences Education Council, which conducts studies and makes recommendations to the State on health manpower training courses and facilities, and SEARCH, Rhode Island Health Services Research, Inc., which was the first statewide health data collection and analysis agency in the Nation, and which provides the State's health decisionmakers with a great deal of their data collection and analysis support today.

Section 1435 of this legislation provides for the continuation of innovative and effective health planning in my State. It requires any State which has no county or municipal public health institutions, and which has been maintaining a health planning system which substantially complies with the purposes of this bill, to be exempted from the organizational regulations of this legislation, if that State's Governor so requests. In this way, the legislation recognizes the efforts being conducted in Rhode Island and provides that such a laudable effort shall not be swept away by blanket Federal regulations, nor superseded by a federally imposed mandatory parallel planning system. Further, and this was my clear intent when I offered the language which has been incorporated into section 1435, this legislation recognizes the outstanding efforts being conducted by the private, nonprofit corporations engaged in health planning in Rhode Island, and its intention is to encourage the continued participation in, and development of, the joint venture in health planning which is a Rhode Island tradition. Of course, I expect that Rhode Island will continue to innovate in this field. I have always believed that Rhode Island could become a model health care State, owing to its compactness and numerically small population. An integral part of being a model is the maintenance of a tolerance for innovation, and I am sure that this legislation, since it clears the way for continued joint participation by existing public and private entities, will allow and encourage the efforts to make Rhode Island a model health services State.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. KENNEDY. I yield.

Mr. CURTIS. Is this a bill that has anything to do with the Hill-Burton program?

Mr. KENNEDY. The Senator is correct, yes.

Mr. CURTIS. Will the Senator explain what it does?

Mr. KENNEDY. Yes, I will.

The formula for the Hill-Burton program in the Senate-passed bill divided the moneys which were authorized. That was a total of \$125 million annually, to

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be divided by allocating half to project grants and half to formula grants. Also, the formula provides for a minimum that would have been made available to any of the States. It would have provided a minimum of \$1 million.

If half of the \$125 million were allocated to projects and half to formula grants, \$50 million of that would be allocated to the States to fulfill the minimum allocation. \$62.5 million would be available for formula grants. That would leave only \$12.5 million which would have been applied under a formula grant. This was not a significant figure, but nonetheless that is the amount.

The Senate bill would have provided a project grant program that would have been administered by the Secretary of Health, Education and Welfare, with primary emphasis on modernization and outpatient facilities.

Mr. CURTIS. What does that mean from the standpoint of the practical operation of the Hill-Burton program?

Mr. KENNEDY. I am not quite sure I understand the question.

Mr. CURTIS. Does it make any basic changes in the operation of the Hill-Burton program?

Mr. KENNEDY. It means that we will be using the resources and funding that will be appropriated under this measure to build needed health facilities in areas where there is the need, in rural communities as well as in urban areas. But we will not perpetuate the existing situation. At the present time, there are between 70 and 100,000 hospital beds in this country which are unnecessary and require the American consumer to spend approximately \$2 billion a year to keep in operation.

It is because of this factor that the Administration attempted to work with us and with the House in the development of a formula which would meet our requirements and our responsibilities to rural communities, but would target available funds toward modernization with emphasis upon outpatient clinics and upon ambulatory care, given the rather limited amounts.

I indicate to my colleague that there is a heavy stress, based upon information that has been made available to us, that this is the way most effectively to carry on the tradition of Hill-Burton, which targeted the resources into building hospitals in many rural communities. Now it is necessary to build outpatient clinics and ambulatory services, and to modernize some of those facilities. That is what those particular resources are meant to do.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that Jonathan Steinberg be granted the privilege of the floor for the remainder of the evening.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, did the Senator say during the remainder of the evening?

Mr. CRANSTON. I said during the remainder of the evening, because I want to be sure he is on the floor at any time I want to bring up the arthritis bill.

Mr. ROBERT C. BYRD. The Senator is not speaking of the swearing-in ceremony?

Mr. CRANSTON. No.

Mr. ROBERT C. BYRD. I have no objection.

PUBLIC HEALTH SERVICE AMENDMENTS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) to amend the Public Health Service Act to assure the development of a national health policy and of effective State health regulatory programs and area health planning programs, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, is there any way in which we can ascertain whether we can get this measure passed quickly? I had understood there was no objection to it on either side.

Mr. JAVITS. Mr. President, if the Senator will yield to me, the conference report was signed by all the conferees on the part of both the House and the Senate, and I had no understanding that there were any problems. But perhaps some Senator has given notice since.

Mr. CURTIS. Mr. President, if the Senator will yield, I was unaware that this conference report was about to be called up. I was trying to get some information, but was unable to do so at this hour of the night.

This is a measure that I believe a great many of the hospital authorities in my State feel is adverse to them, and they have certain objections to it.

Therefore, if I am overruled and it is brought up, I shall oppose the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DOMINICK. Mr. President, I understand that we are dealing with health manpower; is that correct?

Mr. JAVITS. No, it is not. This is the health planning bill.

Mr. DOMINICK. This is planning?

Mr. JAVITS. That is right, the hospitals and planning bill. The manpower bill is in conference, and as a matter of fact they are waiting for us right now to continue the conference.

This involves the problems of the public hospitals, modernization and so on.

Mr. KENNEDY. This is the Comprehensive Health Planning Act.

Mr. DOMINICK. The health planning bill, as I understand it, included in the

conference report, apparently gives some problems to Senator CURTIS and others. I frankly do not know what is going on.

Mr. CURTIS. Mr. President, I state frankly that while I would much prefer to vote on this tomorrow, I certainly have no desire to delay the matter tomorrow with any extended debate. But I am in need of some information that is not obtainable tonight, and I would very much prefer to see this matter go over.

Mr. ROBERT C. BYRD. Mr. President, as far as I am concerned, I am not interested in going over until tomorrow for anything. I may be forced to because of matters that are beyond the control of the Senate. We are waiting on some conference reports from the House of Representatives.

The Senator is within his rights to say what he has said, but I am not in favor of its going over until tomorrow. If the Senator wants a rollcall vote on that, he is certainly entitled to ask for it.

Mr. GRIFFIN. Mr. President, may I ask the acting majority leader whether or not this conference report has been acted upon by the House of Representatives?

Mr. KENNEDY. No, it has not. They expect to get to it this evening, as a matter of fact.

The Senate passed this measure probably 7 weeks ago. The House passed it about 6 days ago. So we have had Senate action on it.

We have waited for the House to respond. We have worked out what is a perfectly reasonable compromise, an adjustment between the House and Senate positions. All the conferees on both sides signed it, and it took us probably 5 or 6 hours. There were some important differences, but those were worked out and adjusted in accordance with the usual rules.

The bill passed overwhelmingly in the Senate, and we are prepared, at least I am, to work with our colleagues, to respond to questions, or to go through the report. I can elaborate in more detail on the differences and the things that were adjusted or worked out, if that is the desire of my colleagues. We are glad to proceed in any way Senators would like.

I am not sure how the Senator from Nebraska voted on it the first time. I believe he may have voted in opposition to it. But nonetheless, we are prepared to move ahead with it this evening. It is an important bill. The administration recognizes its importance, and has worked with the committee in working out some of our concerns. It is a needed bill.

Mr. CURTIS. Go ahead. I got my information.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, to clarify one or two technical matters in the bill, I would like to address a question to the chairman, the Senator from Massachusetts (Mr. KENNEDY). Under section 1512 (b) (3) of the report, a Health Systems Agency, which is a public regional planning body or unit of general local govern-

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ment, shall in addition to its governing body, have a separate governing body for health planning. It is my understanding that the governing body for health planning of such a public body or unit of local government would be appointed and subject to removal by the governing body of the Health Systems Agency?

Mr. KENNEDY. That is correct.

Mr. JAVITS. It is my understanding that the governing body for health planning would be subject to the laws and regulations of the Health Systems Agency.

Mr. KENNEDY. That is also correct.

Mr. JAVITS. Furthermore, am I correct in my understanding that in carrying out the responsibilities prescribed in subparagraph b(3) (B) of section 1512, the governing body for health planning would be subject to the rules and rulings of the Health Systems Agency and that the health system plans developed pursuant to section 1513 and annual implementation plan would be submitted to the Health Systems Agency for approval?

Mr. KENNEDY. This is correct.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I sat in on a considerable amount of this conference. One of the big things dealt with in the conference which was a matter of very considerable moment to public hospitals, which are really municipal hospitals, was the question of modernization, which is terribly urgent.

The conferees restricted very considerably what was permitted to be done, so that it now permits only modernization which results from imminent hazards in respect of the structure which is to be modernized.

Even with that limitation, a limitation of 22 percent was imposed on moneys appropriated under that particular part of the bill which could be devoted to this purpose. This was again another limitation on a limitation, making it even more difficult for this very essential activity to take place.

Mr. President, anyone who has a big city in his State—and we all do—and has had any personal opportunity to visit the municipal or public hospitals must be as depressed as I am about their condition. Really, there is, on the whole, a very, very serious deficiency in the whole hospital system of the country.

While we must be content with the provisions made by this bill, I would hope very much that the respective committees concerned in the exercise of their legislative oversight would look into the condition of the municipal hospitals and so-called public hospitals, and if it is found that this provision contained in the conference report is inadequate—and I deeply feel it very likely to be inadequate, considering its restrictions—that an effort will be made here to help with it on the Federal level.

I did wish to call to the attention of the Senate the very serious conditions which face those of us who represent States with big cities in this particular regard, and the very sharply limited ef-

fort to health which is contained in this bill.

I do not denigrate it or express any feeling that it should be rejected, because of that. There is a lot in this bill that is very sound and very good. But it simply presents a serious problem to which we will need to address ourselves, and to which we do not address ourselves adequately in this bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report (putting the question).

The conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ARTHRITIS ACT OF 1974

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2854.

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 2854) to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis as follows:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Arthritis Act of 1974".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress makes the following findings—

(1) Arthritis and related musculoskeletal diseases constitute major health problems in the United States in that they afflict more than twenty million Americans and are the greatest single cause of chronic pain and disability.

(2) The complications of arthritis lead to many other serious health problems and other severe physical disabilities in persons of all ages with the disease, particularly children and adolescents.

(3) The annual cost of arthritis to the national economy in 1970, from medical care expenses and lost wages, was \$9,200,000,000, and number of workdays lost in that year totaled over 14,500,000.

(4) Uncontrolled arthritis significantly decreases the quality of life and has a major negative economic, social, and psychological impact on the families of its victims and society generally.

(5) Athletic and other types of joint injuries involving trauma can lead to arthritis.

(6) The development of advanced methods of diagnosis and treatment of arthritis and quality trained health professionals in arthritis deserves the highest national priority.

(7) There is a critical shortage of medical facilities and properly trained health professionals and allied health professionals in the United States for arthritis research, prevention, treatment, care, and rehabilitation programs.

(8) The citizens of the United States should have a full understanding of the nature of the human, social, and economic impact of arthritis and should be encouraged to seek early diagnosis and treatment to pre-

vent or mitigate physical disability resulting from arthritis.

(9) There is great potential for making major advances against arthritis in the National Institute of Arthritis, Metabolism, and Digestive Diseases, in concert with other Institutes of the National Institutes of Health.

NATIONAL COMMISSION ON ARTHRITIS; ARTHRITIS PLAN

SEC. 3. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary"), after consulting with the Director of the National Institutes of Health, shall, within sixty days of the date of the enactment of this section, establish a National Commission on Arthritis and Related Musculoskeletal Diseases (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of eighteen members as follows:

(1) Six members appointed by the Secretary who are scientists, physicians, or other health professionals not in the employment of the Federal Government, who represent the various specialties and disciplines involving arthritis and related musculoskeletal diseases (hereinafter in this section collectively referred to as "arthritis"), and of whom at least two are practicing clinical rheumatologists, at least one is an orthopedic surgeon, and at least one is an allied health professional.

(2) Four members appointed by the Secretary from the general public, of whom at least two suffer from arthritis.

(3) One member appointed by the Secretary, from members of the National Arthritis, Metabolism, and Digestive Disease Advisory Council, whose primary interest is in the field of rheumatology.

(4) The Director of the National Institutes of Health or his designee, the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases or his designee, the Directors, or their designees, of the National Institute of Allergy and Infectious Diseases and the National Institute of General Medical Science, the Associate Director for Arthritis and Related Musculoskeletal Diseases of such Institute, and the chief medical officer of the Veterans' Administration and the Secretary of Defense or their designees, each of whom shall serve as ex officio, nonvoting members.

(c) The members of the Commission shall select a chairman from among their own number. The Commission shall first meet on a date specified by the Secretary, not later than 30 days after the Commission is established, and thereafter shall meet at the call of the Chairman of the Commission (but not less often than three times).

(d) The Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases shall—

(1) designate a member of the staff of such Institute to act as Executive Secretary of the Commission, and

(2) provide the Commission with such full-time professional and clerical staff, such information, and the services of such consultants as may be necessary to assist it in carrying out effectively its function under this section.

(e) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission who are not officers or employees of the Federal Government shall each receive the daily equivalent of the rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Commission. All members, while so

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serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall survey Federal, State, and local health programs and activities relating to arthritis and assess the adequacy, technical soundness, and coordination of such programs and activities. All Federal departments and agencies administering health programs and activities relating to arthritis shall provide such cooperation and assistance relating to such programs and activities as is reasonably necessary for the Commission to make such survey and assessment.

(g) The Commission shall formulate a long-range plan (hereinafter in this section referred to as the "Arthritis Plan") with specific recommendations for the use and organization of national resources to combat arthritis. The Arthritis Plan shall be based on a survey investigating the incidence and prevalence of arthritis and its economic and social consequences, and on an evaluation of scientific information respecting and the national resources capable of dealing with arthritis. The Arthritis Plan shall include a comprehensive program for the National Institute of Arthritis, Metabolism, and Digestive Diseases (hereinafter in this section referred to as the "Institute") and plans for Federal, State, and local programs, which program and programs shall, as appropriate, provide for—

(1) investigation into the epidemiology, etiology, and prevention and control of arthritis, including the social, environmental, behavioral, nutritional, and biological control of arthritis;

(2) studies and research into the basic biological processes and mechanisms involved with arthritis, including abnormalities of the immune, musculoskeletal, cardiovascular, gastrointestinal, urogenital, pulmonary, and nervous systems, the skin, and the eyes;

(3) research into the development, trial and evaluation of techniques, orthopedic and other surgical procedures, and drugs (including drugs intended for use by children) used in the diagnosis, early detection, treatment, prevention, and control of arthritis;

(4) programs that will apply scientific and technological methodologies and processes involving biological, physical, and engineering sciences to deal with all facets of arthritis, including traumatic arthritis;

(5) programs for the conduct and direction of field studies, large-scale testing, evaluation, and demonstration of preventive, diagnostic, therapeutic, rehabilitative, and control approaches to arthritis, including studies of the effectiveness and use of home care programs, mobile care units, community rehabilitation facilities, and other appropriate community public health and social services;

(6) studies of the feasibility of, and possible benefits accruing from, the organization and training of teams of health and allied health professionals in the treatment and rehabilitation of individuals who suffer from arthritis;

(7) programs to evaluate available resources for the rehabilitation of individuals who suffer from arthritis;

(8) programs to develop new and improved methods of screening and referral for arthritis, and particularly for the early detection of arthritis;

(9) programs to establish standards and criteria for measurement of the severity and rehabilitative potential of disabilities resulting from arthritis;

(10) programs to develop a uniform descriptive vocabulary for use in basic and clinical research and a standardized clinical patient data set for arthritis to standardize collection, storage, and retrieval of research and treatment data in order to facilitate collaborative and comparative studies of large patient populations;

(11) programs to establish a system for the collection, analysis, and dissemination of data useful in the screening, prevention, diagnosis, and treatment of arthritis, including the establishment of a national data storage bank to collect, catalog, and store, and facilitate retrieval and dissemination of information as to the practical application of research and other activities pertaining to arthritis;

(12) programs for the education (including continuing education programs and development of new techniques and curricula) of scientists, bioengineers, physicians engaged in general practice, the practice of family medicine, or other primary care specialties, surgeons, including orthopedic surgeons, and other health and allied health professionals and educators in the fields and specialties requisite to screening, early detection, diagnosis, treatment, and prevention of arthritis and rehabilitation of individuals who suffer from arthritis;

(13) programs for public education and counseling relating to arthritis, including public information campaigns on current developments in diagnostic and treatment procedures and programs to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices;

(14) a program for the acceleration of international cooperation in and exchange of knowledge on research, screening, early detection, diagnosis, treatment, prevention, and control of arthritis; and

(15) coordination of the research programs relevant to arthritis of other Institutes of the National Institutes of Health, the Department of Health, Education, and Welfare, and other Federal and non-Federal entities.

(h) The Commission may hold such hearings, take such testimony, and sit at such time and places as it deems advisable.

(1) The Commission shall prepare for each of the Institutes of the National Institutes of Health whose activities are to be affected by the Arthritis Plan estimates of necessary expenditures to carry out each such Institute's part of the comprehensive program included in the Plan. The estimates shall be prepared for the fiscal year ending June 30, 1976, and for each of the next two fiscal years.

(2) Within five days after the Budget is transmitted by the President to Congress for the fiscal year ending June 30, 1976, and for each of the next two fiscal years, the Secretary shall transmit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Labor and Public Welfare of the Senate, and the Committee on Commerce and Health of the United States House of Representatives an estimate of the amounts requested for arthritis research by each of the Institutes for which estimates were prepared under paragraph (1) and a comparison of such amounts with such estimates.

(j) (1) The Commission shall publish and transmit directly to the Congress (without prior administrative approval or review by the Office of Management and Budget or any other Federal department or agency) the Arthritis Plan within two hundred and ten days after the date on which funds are first appropriated for the Commission.

(2) The Commission shall cease to exist on the thirtieth day following the date of the submission of the Arthritis Plan pursuant to paragraph (1) of this subsection.

(k) There are authorized to be appropriated, without fiscal year limitation, to carry out the purposes of this section \$2,000,000.

ARTHRITIS COORDINATING COMMITTEE, DEMONSTRATION PROJECTS, AND COMPREHENSIVE ARTHRITIS CENTERS

SEC. 4. Part D of title IV of the Public Health Service Act is amended by adding at the end thereof the following new sections:

"ARTHRITIS COORDINATING COMMITTEE

"SEC. 437. (a) In order to improve coordination of all activities in the National Institutes of Health, in the Department of Health, Education, and Welfare, and in other departments and agencies of the Federal Government relating to Federal health programs and activities relating to arthritis, the Secretary shall establish an Arthritis Coordinating Committee to be composed of representatives of the Department of Health, Education, and Welfare (including the Food and Drug Administration) and of the Veterans' Administration, the Department of Defense, and other Federal departments and agencies involved in research, health services, or rehabilitation programs affecting arthritis. This committee shall include the Directors (or their designated representatives) of each of the Institutes of the National Institutes of Health involved in arthritis related research. The Committee shall be chaired by the Associate Director established pursuant to section 434(e) and shall prepare a report not later than sixty days after the end of each fiscal year as possible, for the Secretary detailing the work of the committee in seeking to improve coordination of departmental and interdepartmental activities relating to arthritis during the preceding fiscal year. Such report shall include—

"(1) a description of the work of the committee in coordinating the research activities of the National Institutes of Health relating to arthritis during the preceding year, and

"(2) a description of the work of the committee in promoting the coordination of Federal health programs and activities relating to arthritis to assure the adequacy of such programs and to provide for the adequate coordination of such programs and activities.

"(b) The Committee shall meet at the call of the chairman, but not less often than four times a year.

"ARTHRITIS SCREENING, DETECTION, PREVENTION, AND REFERRAL DEMONSTRATION PROJECTS; AND DATA BANK

"SEC. 438. (a) The Secretary, acting through the Assistant Secretary for Health, may make grants to public and nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis, screening, detection, prevention, and referral, and for the dissemination of these methods to health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State local, and regional health agencies, (2) centers assisted under section 439, and (3) the data bank under subsection (c).

"(b) Projects under this section shall include programs which—

"(1) emphasize the development and demonstration of new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis;

"(2) emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) emphasize the development and demonstration of new and improved methods of standardizing patient data and recordkeeping; and

"(4) emphasize the development and demonstration of new and improved methods of

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dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals.

"(c) (1) As soon as practicable after the date of enactment of this section the Secretary, through the Assistant Secretary for Health, shall establish the Arthritis Screening and Detection Data Bank for the collection, storage, analysis, retrieval, and dissemination of data useful in screening, prevention, and early detection involving patient populations with asymptomatic and symptomatic types of arthritis, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis.

"(2) The Secretary shall provide for standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 439, and other persons engaged in arthritis programs.

"(d) There are authorized to be appropriated to carry out this section \$2,000,000 for fiscal year ending June 30, 1975, \$3,000,000 for fiscal year ending June 30, 1976, and \$4,000,000 for fiscal year ending June 30, 1977.

"COMPREHENSIVE ARTHRITIS CENTERS

"SEC. 439. (a) The Secretary, acting through the Assistant Secretary for Health may, after consultation with the National Advisory Council established under section 434(a) and consistent with the Arthritis Plan developed pursuant to the National Arthritis Act of 1974, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of centers for arthritis research, screening, detection, diagnosis, prevention, control, and treatment, for education related to arthritis, and for rehabilitation of individuals who suffer from arthritis. For purposes of this section, the term "modernization" means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1) (A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis, including research into implantable biomaterials and biomechanical and other orthopedic procedures and in the development of other diagnostic and treatment methods;

"(B) training programs for physicians and other health and allied professionals in current methods of diagnosis, screening and early detection, prevention, control, and treatment of arthritis;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis; and

"(D) programs for the dissemination of information—

"(i) on the importance of early detection of arthritis, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

"(c) Each center assisted under this section may conduct programs to—

"(1) develop new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(e) The Secretary shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Secretary shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(f) The Secretary shall evaluate on an annual basis the activities of centers receiving support under this section and shall report to the appropriate committees of Congress the results of his evaluations not later than four months after the end of each fiscal year.

"(g) No center may receive more than three grants under this section.

"(h) For purposes of this section, there are authorized to be appropriated \$11,000,000 for fiscal year ending June 30, 1975, \$13,000,000 for fiscal year ending June 30, 1976, and \$15,000,000 for fiscal year ending June 30, 1977. Not less than 20 per centum of the funds appropriated for each fiscal year under this shall be used for the purposes of establishing new centers."

ASSOCIATE DIRECTOR, ANNUAL REPORT, RESEARCH FUNDING, ADVISORY COUNCIL

SEC. 5. (a) Section 434 of the Public Health Service Act is amended by adding at the end the following new subsections:

"(e) There is established within the Institute the position of Associate Director for Arthritis and Related Musculoskeletal Diseases (hereinafter in this part referred to as the "Associate Director"), who shall report directly to the Director of such Institute and who, under the supervision of the Director of such Institute, shall be responsible for programs regarding arthritis and related musculoskeletal diseases (hereinafter in this part collectively referred to as "arthritis") within such Institute.

"(f) The Director of the Institute shall, as soon as practicable, but not later than sixty days, after the end of each fiscal year, prepare, in consultation with the National Advisory Council, and submit to the President and to the Congress a report. Such report shall include (1) a proposal for the Institute's activities under the Arthritis Plan formulated under the National Arthritis Act of 1974 and activities under other provisions of law during the next five years, with an estimate for such additional staff positions and appropriations as may be required to pursue such activities, and (2) a program evaluation section, wherein the activities and accomplishments of the Institute during the preceding fiscal year shall be measured against the Director's proposal for that year for activities under the Arthritis Plan."

"(b) Section 431 of such Act is amended by adding at the end thereof the following subsection:

"(c) Of the sums appropriated for any fiscal year under this Act for the National Institutes of Health, not less than \$500,000 shall be obligated for basic and clinical orthopedic research conducted within the National Institute of Arthritis, Metabolism, and Digestive Diseases which relates to the methods of preventing, controlling and treating arthritis and related musculoskeletal diseases, including research in implantable biomaterials and biomechanical and other orthopedic procedures and research in the development of new and improved orthopedic treatment methods."

(c) Section 434(b) of such Act is amended by adding at the end thereof the following: "The Advisory Council shall review applications made to the Director for grants for research projects related to arthritis and related musculoskeletal diseases and shall recommend to the Director for approval those applications and contracts which the Council determines will best carry out the purposes of this part. The Advisory Council shall also review and evaluate the arthritis programs under this part and shall recommend to the Director such changes in the administration of such programs as it determines are necessary."

Mr. KENNEDY. Mr. President, I am going to yield to the distinguished Senator from California who has been the sponsor, prime sponsor, of this legislation, and has been tireless in his pursuit of the objectives of this bill, in seeing not only that the hearings were held, and who chaired the hearings, but he has played an extremely important role in seeing to its successful conclusion.

This reaches an issue which is a health hazard to millions of Americans. It is of prime concern to senior citizens and to their children, and all those who care about good and decent health and who have seen the problems, the tragedy, of those afflicted with arthritis.

I think all Americans who are so interested, owe a very great debt of gratitude to the distinguished Senator from California.

NATIONAL ARTHRITIS ACT

Mr. CRANSTON. I thank the Senator from Massachusetts very much for his wonderful cooperation on this measure. Without his help, this measure would not have gone through the Senate and would not now be back for final passage—I am deeply grateful to him for his cooperation and his leadership.

I believe that virtually every Senator on the floor is a cosponsor of this measure. We had 76 sponsors in all in the Senate.

Mr. President, I believe the Senate should accept S. 2854, the National Arthritis Act, with the House amendment. However, there are a number of clarifying and perfecting amendments, and three amendments of a more substantive nature, which I believe are essential to insure that congressional intent is clear and to insure that the programs authorized by the legislation can be administered effectively. I do not wish to delay enactment of this measure and, for that reason, I am not at this time offering them to S. 2854 as passed by the House. Instead, I will offer them in a concurrent resolution which I hope the Senate adopts today. I have assurances from Members in the House that they will make every effort to take up the concurrent resolution before we adjourn and pass it so that the National Arthritis Act when enacted, will reflect these changes.

Mr. President, this matter of the concurrent resolution has been cleared on both sides of the aisle.

Mr. President, I, therefore, ask unanimous consent that I be recognized in order to submit and call up this concurrent resolution immediately after the Senate concurs in the House amendment to S. 2854.

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The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL PURPOSE OF THE NATIONAL ARTHRITIS ACT

Mr. CRANSTON. Mr. President, the bill before us today offers a means of developing a concerted attack against a disease which is, unfortunately, too familiar to too many of us. It is estimated that some 50 million Americans have some form of arthritis. It is known that 20 million Americans suffer from arthritis severe enough that they seek a physician's help.

Arthritis afflicts all ages and all income levels—although it hits hardest those with low income. It also strikes women twice as frequently as men. Over one-third of retired persons, and over 10 percent of those working suffer from arthritis.

But arthritis also takes its toll among the very young. Some quarter of a million children suffer from juvenile rheumatoid arthritis, the most devastating form of arthritis.

Mr. President, despite the prevalence of this disease, it is little understood. We do not now have the capability to cure it, nor do we know how to prevent it. This is because we do not know what causes it.

The toll of arthritis in human suffering and pain is great. In economic terms the cost to the Nation in medical bills and lost wages is estimated at \$9.2 billion.

The proportions of the impact of arthritis on the Nation's health, social, and economic programs are sufficient to require a planned strategy to counter this disease.

S. 2854 presents a means of developing this strategy.

Mr. President, I would like to re-emphasize my total agreement with the statement made by Congressman PAUL ROGERS, chairman of the Subcommittee on Public Health and the Environment of the House Committee on Interstate and Foreign Commerce yesterday when the National Arthritis Act was adopted in the House, in which he pointed out that the programs authorized by S. 2854 are in addition to and supplementary to programs currently being carried on under the authorities of the Public Health Service Act.

The programs and authorization levels proposed by S. 2854 are new programs and new appropriations authorizations requiring additional Federal financial support and are not intended to replace or reduce the current arthritis programs carried on in HEW under section 301, or under title IV, part D, or under other authorities of the Public Health Service Act. The programs proposed by this bill are intended to supplement the existing HEW programs in NIH. It is necessary to continue our existing arthritis program and to carry out these new programs at their authorization levels. Otherwise, we cannot expect to effectively combat arthritis.

The original arthritis bill I introduced in the Senate with Senator Javits and Senator Williams included an appropriations authorization of a total of \$75.5 million over a 3-year period, and the original bill introduced in the House called for a total of over \$80 million for

the attack on arthritis over a 3-year period. The bill as passed by the House and currently before the Senate reduced this amount to \$50 million over a 3-year period in an effort to limit expenditures, consistent with congressional desire to keep the budget within reasonable bounds. I believe if the amounts authorized in S. 2854 are appropriated we can have an effective program. I will be recommending to the Appropriations Committee that these amounts be appropriated in the appropriate fiscal year 1975 supplemental appropriations act and in the appropriations acts for both succeeding fiscal years.

The special needs of children who suffer from arthritis was vividly brought to the attention of the committee members in both Houses. To emphasize Congressional concern with the devastating effects of arthritis on children the bill directs the secretary to give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis. In addition, the arthritis plan developed by the Commission must provide for research into drugs intended for use by children.

The House has added a new provision with which I fully concur which requires the establishment of an intramural orthopedic program within the National Institute of Arthritis, Metabolism, and Digestive Diseases. This is vitally important to the 13 million persons afflicted with osteoarthritis and the 5 million persons crippled by rheumatoid arthritis, since orthopedic procedures are now considered as one of the best means of treatment being developed by current day research.

Presently, the institute has no orthopedic program to provide leadership in this area.

This situation will be corrected by this provision.

DISCUSSION—LONG-RANGE ARTHRITIS PLAN

Mr. President, S. 2854 provides for the establishment of a Commission to develop a long-range plan to combat arthritis and makes certain minor organizational refinements to the administration of HEW programs in order to place appropriate emphasis on research in arthritis and to insure that there is coordination among all programs related to arthritis so that each can benefit from the breakthroughs of the other.

A report developed 2 years ago by a prestigious group of rheumatologists, orthopedic surgeons, and other leaders in the medical profession, developed a list of major research goals in the study of arthritis and related diseases.

These goals were:

Determination of whether a viral agent is the cause of arthritis and, if so, its identification;

Clarification of the involvement of the immune system in the development of rheumatoid arthritis;

Identification of the mechanisms of inflammation, the early manifestation of most forms of arthritis;

Improvement of techniques for replacement of hips and other joints; and

Statistical surveys of arthritis incidence.

Achievement of these goals would help us find the causes and the cures of arthritis, Mr. President.

Mr. President, in addition, another major target of research is effective treatment of arthritis. Because there is no successful form of treatment, many arthritis sufferers become victims of false cures, quack remedies, and exploitation by the unscrupulous.

EFFORTS TO PREVENT QUACK ARTHRITIS CURES

The bill would require the establishment of regular public information programs to disseminate information on the status of diagnostic and treatment procedures in order to discourage the promotion of such "quack" remedies. It also encourages the dissemination of information on unapproved and ineffective diagnostic and treatment methods and ineffective drugs or devices.

One way in which this information could be disseminated is through doctors' offices. The average patient has full faith in his doctor and if the doctor warns him of the danger of ineffective "cures" the patient will be much less receptive to trying something new without talking it over with his doctor. A pamphlet placed in the primary-care physician's office waiting room would carry with it the weight of the doctor's approval, and could dissuade the patient from experimenting with unapproved "cures."

When the distinguished chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS, was chairman of the Subcommittee on Frauds and Misrepresentations Affecting the Elderly, of the Committee on Aging, that subcommittee conducted intensive hearings on frauds against the elderly. One of the findings of these hearings was that there are a large number of frauds perpetrated against the aging citizen who suffers from arthritis. The provisions in S. 2854 reflect the commitment which we share with the distinguished Senator from New Jersey (Mr. WILLIAMS) to provide protection to arthritis victims. The distinguished Senator from New York (Mr. JAVITS) also has a keen interest in this problem and, during the hearings on S. 2854, suggested the broad outlines of the language pertaining to this protection which has been accepted and is included in the bill.

ARTHRITIS SCREENING, EARLY DETECTION, PREVENTION, AND CONTROL PROGRAMS

Mr. President, the proposed National Arthritis Act also provides for the establishment of arthritis screening, early detection, prevention and control programs, which, consistent with the arthritis plan, can be provided through State, local, and other public or private nonprofit agencies. I believe the establishment of these programs directed at improved diagnostic and treatment techniques is crucial since early detection of arthritis can save years of pain and disability.

COMPREHENSIVE ARTHRITIS CENTERS

The legislation would also authorize support for ongoing arthritis centers and for the establishment, again consistent with the arthritis plan, of comprehensive arthritis centers to provide an opportunity for intensive, interdisciplinary basic and clinical research in arthritis. These centers would also offer a unique opportunity for training in, and demonstra-

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tion of, screening, advanced diagnostic prevention, treatment, and control programs for arthritis.

The Arthritis Foundation in its report entitled "Professional Manpower in Rheumatology" states:

Most physicians who care for rheumatic disease patients are not specifically trained for the task. . . . Specialists in rheumatology treat only 3.1 percent of those afflicted with rheumatic disease. Other specialists and primary-care physicians see about seven million rheumatic disease patients—yet more than 70 percent of these physicians have little or no formal education in the complexities of distinguishing among various rheumatic diseases and instituting appropriate modern modes of treatment.

Mr. President, the centers proposed by S. 2854 could serve as a locale for continuing education programs for primary-care physicians who are the normal entry point into the health care system for the symptoms of the various forms of arthritis sufferers. Better knowledge of arthritis can mean great savings in time lost in applying early treatment of the disease, and in early detection of the more severe forms of arthritis which require the care of a specialist.

These centers can also provide opportunities for interdisciplinary training in the treatment of arthritis patients and, through such training, the more efficient utilization of the skills of the specialist, the nurse, the physical therapist, and health support personnel in long term treatment and rehabilitation programs.

Treatment of arthritis cannot be confined only to the patient, but because of the pervasive nature of the disease in its pronounced stages, counseling must be provided to the family as well. The successful treatment of arthritis results from a joint enterprise of family, patient, and health care personnel. It can best be fostered by an organized, interdisciplinary program such as that which would be created by S. 2854.

DATA BANK

The bill also provides for the establishment of an arthritis screening and detection data bank, and for the dissemination of the data collected and processed in cooperation with the centers and programs developed under the authorities of S. 2854 or through other appropriate means. Testimony presented to the Senate committee by Dr. Evelyn Hess of the University of Cincinnati, was very convincing as to the need for an organized system for data collection and dissemination on all aspects of arthritis. Existence of such a system would add substantially to the dissemination of information on new treatment methods, as well as the body of epidemiologic information.

I would like to express my gratitude for the cooperation which has been given by House Commerce Committee Harley Staggers and Congressman PAUL ROGERS in our joint efforts to work out a bill which would be acceptable to both Houses. Their kindness and responsiveness has been invaluable in our discussions, and has enabled us to come to a satisfactory agreement.

I would also like again to express my thanks to the distinguished Senator from New York (Mr. JAVITS), the distinguished

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Senator from New Jersey (Mr. WILLIAMS) and, of course the distinguished Senator from Massachusetts (Mr. KENNEDY) for the leadership and dedication they have devoted to the deliberations on the National Activities Act. Their assistance has been invaluable and accounts in large measure for the fact that today we are ready to send the bill to the President for signature.

I believe we are ready to vote on the motion to concur in the House amendment.

Mr. KENNEDY. Mr. President, I move that we concur in the House amendment.

Mr. JAVITS. Mr. President, is this the House amendment on the conference report?

Mr. CRANSTON. This is the House amendment to the Senate bill.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to S. 2854. The motion was agreed to.

Mr. JAVITS addressed the Chair.

Mr. CRANSTON. Mr. President, under the unanimous-consent agreement—

The PRESIDING OFFICER. The Senator from California obtained a unanimous-consent agreement to be recognized for the purpose of bringing up a resolution immediately following the adoption of that motion.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CRANSTON. I yield.

Mr. JAVITS. Mr. President, I urge my colleagues to concur in the House amendments to the Senate-passed National Arthritis Act (S. 2854).

The House amendments are, in essence, technical and conforming amendments which adopt all of the provisions of the Senate-passed bill.

Since I joined with Senators CRANSTON and WILLIAMS in introducing this legislation, it has been cosponsored by 75 Senators evidencing the deep public concern about this crippling disease. During hearings, all witnesses, with the exception of those from the administration, joined in urging prompt passage.

Arthritis is a major health problem in the United States. An estimated 20 million Americans suffer from arthritis severe enough that they seek a physician's help. Arthritis affects all age groups, from the youngest to the most senior. For example, an estimated 75,000 Americans under the age of 17 are afflicted. However, senior citizens are hit hardest. At least half of those over the age of 65 have evidence of arthritis, and 700,000 have a moderate to severe form of the disease.

This bill reflects a deep concern that the Federal Government has not been providing adequate leadership in research, screening, detection and control programs and the development of necessary educational programs with respect to arthritis. I believe this legislation will assure that the Federal Government launches an effective all-out attack on this painful and crippling disease.

I am pleased that the House amendments accept the provision in the Senate passed bill which I authored with respect to "quackery"—the serious problem of unapproved and ineffective alleged

arthritis cures. The Committee on Labor and Public Welfare, of which I am ranking minority member, learned during the course of hearings on this measure that \$435 million is spent each year on such quackery and this amount would appear to be merely the "tip of the iceberg" according to the experts. I believe this is a financial waste, but even more important, ineffective and potentially harmful remedies can exacerbate arthritis or cause increased and unnecessary disabilities, and even death.

The provision I authored provides for programs for the dissemination of information to the general public to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment and control methods and unapproved and ineffective drugs and devices. In addition, the National Commission on Arthritis is directed to develop a long-range plan which shall include programs of this type. It is our hope that a vigorous program of public information will go far to alleviate the problem of quackery.

Also, I believe that organized medicine must become a leader in speaking out about the problem of quackery. The responsibility to protect the public must not be left to public officials who do not have the medical expertise to evaluate alleged "cures".

I urge my colleagues to support the National Arthritis Act, as amended, and allow us to advance a national attack on arthritis.

I thank my colleague.

The PRESIDING OFFICER. The Senator from California (Mr. CRANSTON).

SENATE CONCURRENT RESOLUTION 127—AUTHORIZING THE SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF THE BILL (S. 2854)

Mr. CRANSTON. Mr. President, I send to the desk a concurrent resolution cosponsored by Senators KENNEDY, WILLIAMS, SCHWEIKER, and JAVITS, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HASKELL). The clerk will state the concurrent resolution.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution is as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Senate be authorized to make the following corrections in the enrollment of the bill, S. 2854, to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis:

On page 1, line 5, insert "(hereinafter in this Act collectively referred to as 'arthritis')" after "diseases".

On page 2, line 5, insert a comma and "including \$2,500,000,000 in medical expenses," after "\$9,200,000,000".

On page 3, between lines 7 and 8, insert the following new subsection:

(b) It is therefore the purpose of this Act to establish—

(1) a long-range plan—

(A) to expand and coordinate the national research, treatment, and control effort against arthritis;

(B) to advance educational activities for patients, professional and allied health personnel, and the public which will alert the citizens of the United States to the early indications of arthritis; and

(C) to emphasize the significance of early detection and proper control of these diseases and of the complications which may evolve from them;

(2) centers for arthritis screening, detection, diagnosis, prevention, control, treatment, education, rehabilitation, and research and training programs; and

(3) programs to develop new and improved methods of arthritis screening, detection, prevention, and referral and to establish a central arthritis screening and detection data bank.

On page 4, lines 17 and 18, strike out "chief medical officer" and insert in lieu thereof "Chief Medical Director".

On page 11, lines 12 and 13, strike out "on which funds are first appropriated for the Commission," and insert in lieu thereof "of the first meeting of the Commission, as prescribed in section 3(c) of this Act."

On page 11, line 19, strike out "\$2,000,000" and insert in lieu thereof "\$1,500,000."

On page 11, line 20, strike out "DEMONSTRATION" after "COMMITTEE."

On page 13, line 12, strike out "DEMONSTRATION" after "REFERRAL."

On page 13, line 19, insert "the" after "to."

On page 13, line 23, insert "established" after "bank".

On page 15, line 13, strike out "\$2,000,000" and insert in lieu thereof "\$1,500,000"; and on line 14, strike out "\$3,000,000" and insert in lieu thereof "\$4,000,000."

On page 15, line 24, insert "new and existing" after "of".

On page 17, lines 19 and 22, strike out the comma and insert in lieu thereof a semicolon.

On page 18, line 13, strike out "\$11,000,000" and insert in lieu thereof "\$5,000,000"; on line 14, strike out "\$13,000,000" and insert in lieu thereof "\$16,000,000"; and on line 15, strike out "\$15,000,000" and insert in lieu thereof "\$18,000,000."

On page 20, line 5, strike out "and related musculoskeletal diseases" after "arthritis". One page 20, lines 12 and 13, strike out "and related musculoskeletal diseases" after "arthritis" on line 12.

Mr. CRANSTON. Mr. President, just to give a brief explanation, the majority of the amendments included in the concurrent resolution, Mr. President, are of a purely technical, clarifying, and perfecting nature. At this time, I would like to briefly explain the three amendments of a more substantive nature. The first would correct an oversight in the drafting of the bill in the House, where in the findings section, it is not stated that the term "arthritis and related musculoskeletal diseases" should thereafter be referred to as "arthritis," making clear that in the findings and in the work of the Commission and in the mission given the Commission to develop an arthritis plan, attention should be given to arthritis and related musculoskeletal diseases.

The second amendment would change the date of submission of the arthritis plan by the Commission to 210 days after the first meeting of the Commission, rather than 210 days after funds are first appropriated for the Commission. I believe this is an important change and would avoid any undue delay in the sub-

mission of the plan which might result from appropriations acts being out of sequence with the Commission's calendar or work page.

The third amendment would reallocate the appropriations authorizations so that authorizations for fiscal year 1975, which now has only 6 remaining months, would be reduced, and the 2 succeeding years authorizations would be commensurately increased. The increases are explained as follows:

Authorization	Fiscal year—		
	1975	1976	1977
1. Commission on Arthritis and Musculoskeletal Diseases (sec. 3(k)):			
House amendment.....	2.0	(to remain available until expended)	
Senate bill.....	5	5	
Senate amendment.....	1.5	(to remain available until expended)	
2. Screening projects and data bank (see 438(d) of PHS Act):			
House amendment.....	2	3	4
Senate bill.....	5	10	15
Senate amendment.....	1.5	4	4
3. Comprehensive Arthritis Centers (sec. 439(h) of PHS Act):			
House amendment.....	11	13	15
Senate bill.....	10	15	20
Senate amendment.....	5	16	18
Note: 3-year grand total:			
House amendment.....			\$50.0
Senate bill.....			75.5
Senate amendment.....			50.0

The net consequence, Mr. President, is no increase, of course, in the total sums that are authorized.

Mr. President, I ask that we now act on the concurrent resolution if no one else wishes to speak.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. CRANSTON. I thank the Chair. The PRESIDING OFFICER. What is the will of the Senate?

RECESS FOR 10 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 10 minutes.

The motion was agreed to, and at 7:40 p.m., the Senate recessed until 7:50 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

ORDER OF BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I am going to move shortly to recess the Senate until 10 p.m.

I have been informed by the Sergeant

at Arms of the other body that the House will expect to complete its voting on the nomination of Mr. Rockefeller by about 5 or 10 minutes after 8 o'clock, which is very soon.

I have also been told by the Sergeant at Arms of this body that approximately 2 hours will be needed to prepare this Chamber for the visit of the President of the United States and the soon-to-be Vice President of the United States. I will soon move to recess until 10 p.m. I would think that the swearing-in ceremony would require 30 to 45 minutes—hopefully, less than 30 minutes. But after that ceremony, the Senate will resume its session.

It is still possible that the Senate could adjourn sine die this evening. Otherwise, I would not say that we should come back into session tonight. We will come back into session and see where we go from there.

I also want to notify Senators that there will be at least the proposal made, once we get back into session, that the Senate proceed to act on two measures, without any amendments thereto.

One measure would be H.R. 11796, an act to provide for the duty-free entry of a 3.60-meter telescope and associated articles for the use of the Canada-France-Hawaii telescope project at Mauna Kea, Hawaii.

The other measure would be H.R. 8214, an act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes.

I would like all Senators to be notified that, immediately when the Senate goes back into session, the proposal will be made to dispose of those two matters, without any amendments beyond the two matters themselves. So Senators are so alerted.

Mr. GRIFFIN. Mr. President, will the acting majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I think the Senate will be interested in knowing that the other body has confirmed the nomination of Nelson Rockefeller to be Vice President by a vote of 287 to 128, with one voting "present."

Mr. LONG. Mr. President, will the Senator yield?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I believe that Mr. Long asked first. I yield to him, and I ask unanimous consent that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, permit me to explain that it would be unfortunate, and I think it would reflect badly upon the Senate and Congress, if Congress adjourned without passing this prisoners-of-war bill. The prisoners of war have been held hostage long enough.

Senators will recall that we initially reported out the prisoners-of-war bill with some amendments on other subjects which we thought would correct some inequities. That became the subject of other amendments added on the floor, until the bill became so burdened with

amendments that the bill was recommended.

At that time we had about a dozen amendments on the bill. Subsequently it was again reported out with some amendments and it has looked as if others would be added. However, I am now told by the acting chairman of the House Ways and Means Committee that they are not going to go to conference on any more bills and that if we want any bill signed by the President, we had better send it to the President directly, without amendment, because they are not going to consider any Senate amendments and they are not going to go to conference.

So that the prisoners of war and wives and families of prisoners of war and those missing in action who have been treated unfairly by the tax law will receive the treatment to which they are entitled, we should agree to this bill. We should not deny this treatment because we continue to fight other items on which the Senate and the House are not able to agree.

I think we should liberate that bill and let those people receive the consideration that the President of the United States and both committees and both Houses believe they should have.

I know that Senators would like to offer their amendments on some other bill; and I will not object to a Senator calling up some other revenue bill. I should make it clear, however, that any House-passed revenue bill which gains an amendment here is not going to become law in this Congress, for the simple reason that the House is not going to consider any more amendments. They have been in session with us for almost the last 24 hours, and they are through considering Senate amendments.

Incidentally, when the conference report on the trade bill and other measures come up, I think everybody will be pleased to see that the House took about 90 percent of all the Senate amendments sent to them on those three measures.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GOLDWATER. Mr. President, if the majority leader can assure this Senator that H.R. 8214 can be brought up without any amendment and to strike the 12 committee amendments, I would not raise objection.

But, Mr. President, this is already a beautiful Christmas tree.

For example, the fourth committee amendment extends to distilled spirits brought into the United States from Puerto Rico and the Virgin Islands the same abatement or refund provisions in the case of loss or destruction that are presently applicable to imported or domestic spirits.

All 12 amendments are of that type. They have nothing to do with veterans. They have nothing to do with prisoners of war. They have nothing to do with MIA.

I want to see a bill passed that will give the relief that the President has promised these people and that we have promised them.

Also, if H.R. 11796 is called up, which

is a bill that should have been passed, in my opinion, long, long ago—it is a cooperative measure with the Government of Canada, whereby they are willing to put up \$20 million to help build this much-needed telescope on Mauna Kea, Hawaii—we have no time limit asked by Mr. BUCKLEY, Mr. FONG, Mr. BEALL, Mr. McCLURE, and they all have amendments. Now, again, if the leader can assure me that this bill will be brought up with no other amendments, I shall not object. Otherwise, I am going to object. I will stay here all night, if necessary, to see that nothing happens to these bills.

Mr. ROBERT C. BYRD. Mr. President, I was merely indicating to Senators that once the swearing-in ceremony is completed and the Senate resumes its session, all Senators will be presented with this proposal. I was not attempting to get a unanimous-consent agreement at this time, because I think all Senators should be here to hear the proposal. Then they can make a judgment on it.

They are so alerted at this time, Mr. President.

Mr. President, I move that the Senate stand in recess—before I say this, Senators should be in their seats at 9:45 p.m. this evening.

I move that the Senate stand in recess until the hour of 10 o'clock tonight.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The motion was agreed to, and at 8:11 p.m., the Senate recessed until 10 p.m., whereupon, the Senate reassembled when called to order by the President pro tempore.

CEREMONY ON ADMINISTRATION OF OATH OF OFFICE TO NELSON A. ROCKEFELLER AS VICE PRESIDENT OF THE UNITED STATES

The Senate was called to order by the President pro tempore, the Senator from Mississippi (Mr. EASTLAND).

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

The secretary for the majority (Mr. J. Stanley Kimmitt) announced that he was directed by the House to inform the Senate that the House had adopted House Resolution 1511, confirming the nomination of Nelson A. Rockefeller, of the State of New York, to be Vice President of the United States.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee to escort the President of the United States and the Vice-President-designate of the United States into the Senate Chamber.

The PRESIDING OFFICER. Without objection, the Chair appoints the following Senators as a committee to escort the President of the United States and the Vice-President-designate of the United States into the Senate Chamber: the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOK), the Senators from New York (Mr. JAVITS

and Mr. BUCKLEY), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Utah (Mr. MOSS).

The Secretary for the majority announced the Speaker of the House of Representatives and the joint bipartisan leadership.

[Applause.]

Thereupon, the Speaker of the House of Representatives, the gentleman from Oklahoma (Mr. ALBERT), the gentleman from New Jersey (Mr. RODINO), the gentleman from California (Mr. McFALL), the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from Arizona (Mr. RHODES), the gentleman from Illinois (Mr. ANDERSON), and the gentleman from Michigan (Mr. HUTCHINSON) entered the Chamber and were seated in the well of the Chamber.

[Applause, Members and guests rising.]

The PRESIDENT pro tempore. Gentlemen, you are welcome to the Senate.

The secretary for the majority announced the Chief Justice of the United States, Warren E. Burger.

The Chief Justice entered the Chamber and took the seat provided for him to the right of the rostrum.

[Applause, Members and guests rising.]

The secretary for the majority announced the President of the United States.

The President of the United States entered the Chamber and stood at the clerk's desk.

[Applause, Members and guests rising.]

The PRESIDENT pro tempore. The Chair now appoints the Chief Justice of the United States to administer the oath in my behalf to the Vice President of the United States.

The Chief Justice approached the Vice President's desk.

The secretary for the majority announced the Vice-President-designate of the United States.

[Applause, Members and guests rising.]

The Vice President stood at the Vice President's desk, where the oath prescribed by law was administered to the Vice President by the Chief Justice of the United States, and the Vice President subscribed to the oath in the official oath book.

[Applause, Members and guests rising.]

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President of the United States be permitted to address the Senate at this time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The VICE PRESIDENT. Mr. President, Mr. Speaker, President pro tempore EASTLAND, Mr. Chief Justice, Your Excellencies, the members of the Diplomatic Corps, distinguished guests and fellow Americans:

As I stand before you, I feel a great sense of humility. I feel a great sense of gratitude for the privilege of serving the country I love.

I feel a deep sense of gratitude to President Ford, to the Congress of the United

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States, and to the people of America; to the President for his trust and confidence and the opportunity he has given me to serve this great Nation in working with him—a man for whom I have profound respect, admiration, and warmth of affection; a man of integrity, sincerity, openness, dedication; a man bearing the lonely burdens of the Presidency with deep human understanding and total devotion to his country.

And my admiration to the First Lady, Betty Ford, and her great warmth and her courage. And, if you will forgive me for a personal note, my love and admiration to my own gallant wife, Happy.

I feel deeply grateful to the committees and the Members of the United States Senate and the House of Representatives for their confirmation of my nomination.

Among the many reasons I look forward with pride and with keen anticipation to serving the Senate as its Presiding Officer is the fact that my mother's father, my grandfather, Senator Nelson W. Aldrich, represented the great State of Rhode Island in this very Chamber for 31 years, after serving for 3 years in the House of Representatives.

The thoroughness with which the Congress exercised its responsibilities on behalf of the American people under the 25th amendment has been another dramatic evidence of the enduring strength and vitality of our Constitution and our unique American system.

I have learned a great deal from this experience of the past 4 months, and I have come out of it with an even greater respect for the Congress of the United States, a more profound appreciation of the collective wisdom of the American people as expressed through the Congress, and a deeper understanding of the breadth of the responsibility to the people of this great, free land that falls upon those of us in positions of public trust.

I deeply appreciate the investigation work of all those in Government agencies involved in the investigation and preparation of material for the congressional committees.

I admire and respect the vigilant coverage of the free American press, radio, and television through which the people of America were so well informed.

I would like to thank all of those citizens who participated directly in the process by expressing themselves to their representatives in the Senate and in the House, and to those who sent words of encouragement to Happy and to me.

And, finally, especially to you, Mr. Chief Justice, my thanks for your administering the oath and symbolizing, as you do, the rule of law by which this great Republic functions.

This is a period in which our country faces tremendous difficulties and unprecedented problems, both at home and abroad—problems that affect every section of our country and every family in America. But there is nothing wrong with America that Americans cannot right.

[Applause, Members and guests rising.] I pledge myself to the fullest limit of my capacity to work with you, Mr. Presi-

dent, and the Congress in the great task of building the strength of America to meet the grave new problems which we confront as a nation and as a people.

I thank you.

[Applause, Members and guests rising.]

Mr. ROBERT C. BYRD. Mr. President, Mr. Vice President, Mr. Speaker, Mr. President of the Senate pro tempore, at this historic moment in the existence of this distinguished body, I offer congratulations to the Vice President of the United States.

And on behalf of our majority leader and my other colleagues in the Senate of the United States, I welcome the Vice President as the Presiding Officer of this body.

There was a time in the history of this Republic when the Vice President's role as President of the Senate was perhaps the highest responsibility of the office. But that is no longer true. In today's world, the office of Vice President of the United States has assumed an importance and a significance with which it was not formerly associated. As the stature of the Vice Presidency has increased, so have the responsibilities.

Therefore, Mr. Vice President, we wish you well as you prepare to take your place in the administration and the conduct of the Nation's affairs, and I repeat the welcome of this body to you as President of the Senate of the United States.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. HUGH SCOTT. Mr. President, Mr. Vice President, Mr. President pro tempore, Mr. Chief Justice, Members of the House of Representatives, Mr. Speaker, and Members:

I have a great privilege at this point. I would like to say, first, that I congratulate the Vice President upon his opportunity to serve, and to serve with the President and the Congress of the United States. Such a privilege is rare and is one to be earned. I am certain that we are all going to benefit and rejoice in this new move and advance along our constitutional paths. The 25th amendment has worked, and we are all very proud to have had a part in it.

Mr. President, on behalf of myself and the distinguished acting majority leader, I submit a resolution. I ask that it be read, and I will then ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The Assistant Secretary of the Senate (Mr. Darrell St. Claire) read as follows:

Mr. SCOTT, for himself and Mr. ROBERT C. BYRD, submit the following resolution:

S. RES. 470
To congratulate Vice President Nelson A. Rockefeller

Whereas the nomination of Nelson A. Rockefeller to be Vice President of the United States was submitted to the Congress for confirmation on August 20, 1974; and

Whereas Nelson A. Rockefeller has today taken the oath of office as the 41st Vice President of the United States: Now, therefore, be it

Resolved, That the Senate congratulates the Vice President on assuming his new duties and wishes him well during his term of office.

SEC. 2. That an engrossed copy of this resolution be transmitted to the Vice President.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, I renew my request for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to. [Applause, Members and guests rising.]

(The Vice President assumed the chair.)

The VICE PRESIDENT. The Senate will come to order, please.

[Laughter.]

Mr. ROBERT C. BYRD. Mr. President—

The VICE PRESIDENT. The Senator from West Virginia.

I know him very well, too.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

[Laughter.]

The VICE PRESIDENT. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

At 10:26 p.m., the President and the Vice President, accompanied by the committee of escort, retired from the Chamber of the Senate.

The PRESIDING OFFICER (Mr. CLARK). The Senate will please come to order.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have three measures which have been cleared on both sides of the aisle and they can be passed without debate.

I ask unanimous consent that the Senate proceed to the consideration of H.R. 14461.

JUDITH E. STERLING

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I submit a report from the Committee on the Judiciary on H.R. 14461 and I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows: H.R. 14461, an act for the relief of Judith E. Sterling.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

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AN ACT TO DIRECT THE ADMINISTRATOR OF GENERAL SERVICES TO RELEASE CERTAIN CONDITIONS WITH RESPECT TO CERTAIN REAL PROPERTY CONVEYED TO THE STATE OF ARKANSAS BY THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I submit a report from the Committee on Commerce on H.R. 1820, and I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1820) to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ELECTRICAL ENERGY AND NATURAL GAS CONSERVATION ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I submit a report from the Committee on Commerce, S. 2532, and I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

S. 2532, a bill to amend the Federal Power Act to promote conservation, reduce wastage, and attain greater efficiency in the generation of electrical energy, and for other purposes, with amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act shall be cited as the "Electrical Energy and Natural Gas Conservation Act of 1974".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress hereby finds and declares that—

(1) An abundance of low-cost electrical energy and natural gas has helped produce the present high standard of living in the United States.

(2) Continued availability of electrical energy and natural gas, and minimization of power failures, brownouts, and gas shortages is essential to the future of the economy and the public welfare of the Nation.

(3) Such continued availability is jeopardized today by inefficiency and profligate usage of electrical energy and natural gas.

(b) PURPOSES.—It is therefore declared to be the purpose of the Congress in this Act to—

(1) declare that henceforth it shall be the policy of the Nation to reduce wastage and maximize efficiency in the generation, transmission, distribution, and use of electricity, and natural gas in order to conserve scarce energy resources and minimize the impact on the environment;

(2) direct the Federal Power Commission to study better ways and more efficient methods of electric power generation and electrical energy and natural gas conservation, particularly the impact of rate structures on energy consumption.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Commission" means the Federal Power Commission.

(2) "Promotional practices" means any practice undertaken or consideration offered or granted by an electric public utility or natural gas company or its affiliate to any person for the purpose, express or implied, of inducing such person to select or use the service or additional service of such public utility or natural gas company, or to select or install any appliance or equipment to use such service.

STUDIES AND INVESTIGATIONS

SEC. 4. (a) INVESTIGATIONS.—In order to secure information necessary or appropriate as a basis for legislative recommendations, the Commission shall obtain and maintain, so far as practicable, complete and current information regarding—

(1) the ownership, operation, management, and control of all significant facilities for generation, transmission, distribution, and sale of electrical energy and natural gas, however produced, in the United States;

(2) the capacity and output of each such facility and the relationship between the two;

(3) the costs of generation, transmission, and distribution at each such facility;

(4) the rates, charges, rate structures, accounts, practices, classifications and contracts regarding the sale of electrical energy and natural gas to residential, rural, commercial, and industrial consumers and other purchasers by suppliers of electrical energy or natural gas;

(5) methods of more efficient generation, distribution, and conservation of electrical energy and natural gas;

(6) shortages of capital funds, relative to other sectors of the economy, which would restrict necessary expansion, as well as ways in which capital needs could be reduced;

(7) the relation of any and all such facts to the development of navigation, industry, commerce, environmental quality, and national security; and

(8) the extent and kind of promotional practices engaged in by private and public suppliers of electrical energy and natural gas.

In making such investigations, the Commission is authorized and directed to consult with the Federal Energy Administration so as to avoid duplication of effort. The Commission shall report to Congress on July 1, 1975, and on July 1 of each year thereafter, the results of investigations made and information obtained under this section. Such reports shall be submitted to Congress without any prior submission, review, or clearance by any other agency or officer of the United States.

(b) STUDY.—The Commission, in consultation with the Bonneville Power Administration, the Tennessee Valley Authority, any other instrumentality of the Federal Government which produces or sells electrical energy or natural gas, and appropriate State agencies and commissions, shall conduct a study of the impact of rate struc-

tures on the efficiency of generation and on the consumption and conservation of electrical energy and natural gas. Such study shall evaluate all relevant factors, including but not limited to—

(1) an identification of subsidies and other incentives which promote inefficient generation or production or unnecessary or wasteful energy consumption;

(2) an indication of how various rate structures and methods of pricing might affect the efficiency of generation, production, or consumption within the regions studied. Such methods shall include fuel cost adjustments, marginal cost pricing, and other pricing methods which may encourage increased efficiency of generation or production, or decreased consumption of electrical energy and natural gas;

(3) an analysis of the rate structure within each region studied, including its effect on design and use of less efficient power and gas generation, production, transmission, or distribution equipment;

(4) an indication of whether metering or other measures might be improved or instituted to inform purchasers of electric energy or natural gas of their costs and peak demand responsibilities;

(5) an estimate of the impact various rate changes might have on regional consumption and efficiency of generation or production;

(6) an analysis of the impact of various structures on the need for capital acquisition, as well as the impact of demand changes on capital needs;

(7) An analysis of the efficiency in various uses of electricity and natural gas, relative to each other as well as to other potential energy sources;

(8) recommendations for legislative, executive, and administrative actions in furtherance of the national policy declared in this Act.

Not more than six months after the date of the enactment of this subsection, an interim report on the results of such study shall be prepared and submitted to the Congress. Upon completion of such study, not to exceed three years from the date of enactment of this Act, a final report detailing the results of such study shall be prepared and submitted to Congress. Such reports shall be submitted to Congress without any prior submission, review, or clearance by any other agency or officer of the United States.

DEMONSTRATION PROJECTS

SEC. 5. (a) GENERAL.—The Commission, in consultation with the Federal Energy Administration and other appropriate Federal instrumentalities, and State public utility commissions, is authorized and directed to develop and implement demonstration projects to assist the Commission in furthering the purposes of this Act, and for other electrical energy and natural gas conservation purposes. Such demonstration projects shall include but not be limited to projects designed to—

(1) test the effect of consumption, generation, and production of electrical energy and natural gas of various rate structures;

(2) test the impact of various incentives and arrangements to facilitate consumer acquisition of advanced energy conservation devices and technology;

(3) determine the feasibility of tie-in arrangements between utilities and private generating facilities so as to maximize the efficient utilization of energy.

(b) CHARACTERISTICS.—Such demonstration projects shall be conducted so as to insure a representative sample of different generation and consumption characteristics, including but not limited to—

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- (1) the composition of the utility customer population according to rate class and annual average electricity or gas use;
- (2) the annual contribution to total output of electricity made by hydroelectric, nuclear, coal, natural gas and oil-based generating capacity;
- (3) population and population density of the utility service area and other demographic variables;
- (4) characteristics of the transmission and distribution system;
- (5) climatic conditions;
- (6) financial base including debt-equity ratio and anticipated capital expenditures.

(c) **GRANTS.**—The Commission is authorized to make such grants and contracts with any Federal or State agency, regulatory body, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual as are necessary to carry out and evaluate demonstration projects in furtherance of the purposes of this section. Each grant under this section shall be made in accordance with such rules and regulations as the Commission shall prescribe, and in no event shall such grant result in duplicate Federal funding of any demonstration project. Each application for a grant shall be made in writing in such form with such content and other submissions as the Commission shall require.

(d) **RECORDS, AUDIT, AND EXAMINATION.**—Each recipient of financial assistance under this section shall keep such records as the Commission shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Commission and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of any project undertaken pursuant to this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Commission or the Comptroller General may be related or pertinent to such project.

APPROPRIATION AUTHORIZATION

Sec. 6. There are authorized to be appropriated for the fiscal year in which this title is enacted such sums as are necessary to carry out this title, not to exceed \$2,000,000 for fiscal 1975, \$1,000,000 for fiscal 1976, and \$1,000,000 for fiscal 1977.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

—The title was amended so as to read: "A bill to promote conservation, reduce wastage, and attain greater efficiency in the generation, transmission, and distribution of electrical energy and natural gas, encourage improved financial stability of public utilities and natural gas companies, and for other purposes."

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized to call up the urgent supplemental conference

report, and I ask unanimous consent that there be a time limitation thereon of not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS, 1975, CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House Joint Resolution 1180, making urgent supplemental appropriations and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the House Joint Resolution 1180, making urgent supplemental appropriations, having met have agreed that the two Houses have been unable to agree.

Mr. McCLELLAN. Mr. President, I yield to the Senator from Iowa.

Mr. McCLORE. Mr. President, yesterday I was privileged to testify before the Appropriations Subcommittee on Labor to urge funding for title III of the Emergency Jobs and Unemployment Assistance Act. It was essential, I believe, that money for this program be included in the urgent supplemental, House Joint Resolution 1180, the conference report we are now considering.

I am pleased that the conference committee has recommended \$125 million for title III. While this is only a quarter of the \$500 million authorization, I believe the sum provided will allow the program to get underway quickly without waiting for the Congress to return. It will give us an opportunity to determine what can effectively be done under this program to meet our employment needs.

As I stated before the Appropriations Subcommittee, I believe that this program offers communities and individuals a meaningful alternative to public service jobs and unemployment compensation. This program is a constructive proposal providing additional assistance—flexible assistance—in the most efficient and effective way.

I thank the Senators for their consideration of this program. I urge the Senate to agree to the additional recommendation for this worthwhile program.

Senator DOMENICI, a cosponsor of the jobs opportunities program, appeared with me at the subcommittee hearing chaired by the distinguished Senator from Washington (Mr. MAGNUSON). Senator MONTROYA, who joined us in support of the program and is a member of Labor Appropriations Subcommittee, also was present.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I urge approval of the conference report.

The total amount of the bill recommended by the conferees is the same as passed originally by the House, \$4,824,873,000, which is \$1,500,000 below the budget estimates presented to Congress by the President.

I move that the conference report be agreed to by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to. Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1180.

The PRESIDING OFFICER (Mr. CLARK) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, as follows:

In lieu of the matter proposed by said amendment, insert:

CHAPTER V. DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION JOB OPPORTUNITIES PROGRAM

For Job Opportunities Program assistance as authorized by title III of the Emergency Jobs and Unemployment Assistance Act of 1974, \$125,000,000, to be derived by transfer from funds appropriated in this Act to the Department of Labor under the heading "Temporary Employment Assistance", to remain available until December 31, 1975: *Provided*, That this appropriation shall become available only upon enactment into law of H.R. 16596 or similar legislation by the Ninety-third Congress.

Mr. McCLELLAN. Mr. President, as members will recall, the Committee on Appropriations of the Senate recommended, and the Senate passed an amendment to the urgent supplemental appropriations bill earlier today to provide \$250,000,000 to initiate a new job opportunities program as authorized by title III of the Emergency Job and Unemployment Assistance Act of 1974. This was the only amendment to the bill and was the subject matter of the conference between the two Houses.

After much discussion, the conferees agreed to report the amendment in disagreement with an amendment to the amendment of the Senate which provides \$125,000,000 instead of \$250,000,000 and that the funds would be derived by transfer from funds appropriated in this act for the Department of Labor temporary employment assistance appropriation. This was the best that could be done under the circumstances and this agreement does provide funds to initiate the program at a level of half of the amount the Senate approved.

It should be noted that the House bill did not provide any funds for this new program. It was further agreed by the conferees that further consideration will be given to this matter with the convening of the 94th Congress in January.

Mr. JAVITS. Mr. President—
The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. I just wanted to be sure

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we understood what has happened to the billion dollars which was in the supplemental for public service jobs.

I understand from the chairman, Mr. President—

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, as I understand it, the conferees decided to—

Mr. PASTORE. Will the Senator please use the microphone?

Mr. JAVITS. The conferees decided to take the billion dollars, but took \$125 million out of it to be devoted to the purposes of title 3 of the bill, as we passed it, which yet remains to be signed by the President, which is the so-called EDA title, and may I just ask for confirmation?

Mr. McCLELLAN. That is correct.

Mr. JAVITS. That is correct.

Also, there is provided in the bill in respect of other problems of unemployment for the necessary resources to back up what we are providing in the bill which was passed here just yesterday for unemployment compensation.

Mr. McCLELLAN. That is correct. There is no change whatsoever other than the matter we have just discussed.

Mr. JAVITS. I thank my colleague very much.

Mr. McCLELLAN. Mr. President, I might answer at this time, too, that the continuing resolution was accepted by the House and, therefore, there will be no conference report on it.

Mr. President, unless there are any questions or further discussion desired, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 1.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it had been our hope that the Senate would be in a position to adjourn sine die tonight.

We were waiting on word from the White House that the President had signed the Nixon tapes measure. He has signed the Nixon tapes measure.

We were waiting on conference reports from the other body, or the papers on such conference reports on measures on which the House is entitled to act first.

We have received one of the conference reports. We were unable to secure the papers on other conference reports. Therefore, the Senate will be forced to meet tomorrow.

I want to thank all Members of the Senate for the splendid cooperation and understanding that they have shown the joint leadership in these last hectic days.

The Senate has made tremendous progress and had it not been for the fact that we could not act on the conference reports that are awaiting action first in the House, we would have adjourned sine die tonight.

Now, I have been assured by the majority leader of the other body that

the House will come in tomorrow morning at 9 o'clock and that by 3 o'clock in the afternoon, if we can possibly—if we can possibly—adjourn sine die, both Houses will be prepared to adjourn sine die by 3 o'clock tomorrow afternoon. I hope we can beat that, but anyhow, that is the best I can say for tonight.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Now, I would ask unanimous consent, Mr. President, that the Senate when it completes its business today stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. ROBERT C. BYRD. Now, Mr. President, before the Senate recessed a little earlier this afternoon, the distinguished chairman of the Senate Committee on Finance asked if it might be possible to call up H.R. 8214, an act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war who are missing in action, and enact that measure without amendments thereto.

Also, if it might be possible to call up H.R. 11796, which Senators will see on their calendar, which is order No. 1282, an act to provide for the duty-free entry of a 3.60-meter telescope and associated articles for the use of the Canada-France-Hawaii telescope project, without amendment.

Now, several Senators had written to Mr. MANSFIELD with copies of the letters to me asking that they be notified before any action was taken to call up the prisoners of war measure.

I explained my situation to the distinguished chairman of the Finance Committee and he agreed that I should proceed as I am doing now, that following the ceremony we would again resume our session, at which time I would explain to all Senators the situation and I would ask unanimous consent if the Senator from Louisiana (Mr. LONG) could be permitted to call up first H.R. 8214 and get it enacted without amendment and then follow that next with H.R. 11796 without amendment, and proceed to act thereon.

I know that the Senator from Louisiana will want to discuss these two measures and explain them and say whatever he wishes, but I will ask unanimous consent at this time so that the request will be pending, that the distinguished Senator from Louisiana be permitted to call up H.R. 8214 and that it be enacted with whatever debate is wanted, without amendment, and that it be followed by H.R. 11796 under the same condition.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. Reserving the right to objection—

Mr. LONG. Prior to the time the Senator makes his request, I would like to

make a general statement for the benefit of Senators.

We have on this calendar the so-called prisoner-of-war bill. It has been recommended by the President of the United States. It passed the House of Representatives. It has been recommended by the Finance Committee. I have yet to hear one whisper of opposition to anything provided in the so-called prisoner-of-war portion of this bill.

This is to relieve prisoners of war, the surviving spouses, and the unfortunate families of those who are missing in action, and those who died as a result of wounds received on the battlefield in Vietnam, of some of the unintended tax consequences that could not be foreseen when that war broke out.

This bill should have been passed 2 years ago. But the Senate Finance Committee recommended a number of amendments and sought to accommodate the Members of this body who wanted to find a revenue bill where they could have their amendments considered.

So someone said, when it came to the floor with quite a few amendments, that it was a Christmas tree bill.

We thought that all 12 of the amendments that were on the bill at that time were good ones and the Senate agreed to 11 out of 12 of them. At that point, one of the Members of this body decided, "If you are going to put those amendments on the bill, you ought to put something on there which represents tax relief for the rank and file." Also a tax reform amendment was added to it.

Often that sent the bill back to the committee to see what could be done about it.

We brought the bill back, and, with a much smaller number of amendments. They were called riders. The basic bill had more merit than all the riders put together. So then we bring the bill back out again, and in trying to accommodate the Senators, we show up with six meritorious amendments. Again, the bill is a better horse than the riders.

Now, however, we are on notice. We have met with the House in the last few days in conference on three bills. We had well over 400 Senate amendments on the trade bill. It seems to me that they yielded to us on about 400 amendments and we yielded on 25 amendments. We have a 95-percent success record, I report to the Senators, on the amendments of the Senate in that bill.

We also took a tax bill to conference which had a limited number of amendments because it was considered under a germaneness rule. The Senators will recall offered their amendments but only those germane to the committee amendments were considered. The House conferees took all of our amendments except two on that bill.

We also took a social services bill to them and they yielded on almost everything except the Long amendment on that one—my amendment—on which I think they should have yielded, by the way.

Now they are telling us, "We have considered enough bills and enough amendments. We are through. We quit. We are going home. Do not send anything over here you expect any action on. Do not change a comma to a semicolon on any more bills. If you do, they will not become law. If you have something that we sent you and you want to send it to the White House, go ahead. That is all right with us. We could not stop you if we wanted to. But if you want to amend it, forget about it. It will not become law."

In this kind of a situation it would reflect very badly on the Senate if we disregard the recommendation of the President of the United States, both this President and the previous President, as to the treatment of the prisoners of war and their families and the families of those who died in Vietnam. It would be most improper if we denied those who were hospitalized for a long period of time following injury in that war the relief that the President, the House of Representatives and the Senate Finance Committee believe to be appropriate.

Mr. President, I would pray that I would have the opportunity to offer every Senator the chance to offer his amendment on this bill, or some other bill, with the assurance that it would be considered. I regret to say that is beyond my control. We could go through the motions, but we cannot achieve it.

Mr. GOLDWATER. Will the Senator yield?

Mr. LONG. Yes.

Mr. GOLDWATER. Reserving the right to object, and we discussed this before we went into recess, I do not think any Member of the Senate will object to the passage of the basic bill which, by the way, was reported to the calendar on July 8.

Here it is the final night, and we are just getting to it.

What I am objecting to is the 12 committee amendments that, I believe, have nothing to do with tax relief for veterans.

For example, the fourth committee amendment extends to distilled spirits brought into the United States from Puerto Rico and the Virgin Islands the same abatement or refund provisions in the case of loss or destruction that are presently applicable to imported or domestic spirits.

The first committee amendment is intended to make it clear that cooperative arrangements formed by educational organizations and certain organizations supporting educational organizations for the collective investment of their funds are to be exempt from Federal income taxation.

Mr. President, if the chairman is willing to stand on the floor and state—

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. GOLDWATER (continuing). That he will not call for the inclusion of these 12 committee amendments, I have

no objections at all. But if we are going to try to ram these 12 Christmas tree ornaments down our throats I am going to stand here and object, and if the Senator makes a motion, I can talk until past 3 o'clock tomorrow afternoon.

Mr. LONG. Mr. President, the amendments the distinguished Senator from Arizona is referring to are amendments on the first version of the prisoner of war bill. Many of them are now law. In any event I now propose to move that we disagree to all Senate amendments, even those to correct a grammatical error—that we disagree to all of them—and simply send the bill to the White House the way the House sent it to us. We can perfect the law in this area next year. Not to send the bill to the President in my judgment, would be a great misfortune. I do not think any Senator in this body could defend such a vote. I do not think you could defend an objection among your constituents if you denied those widows and those men who were hospitalized—shot to pieces in Vietnam—the thoughtful consideration recommended by both committees, by the House of Representatives and the President, merely because you were holding out to try to put your rider on the bill.

Mr. GOLDWATER. I cannot defend before my constituents the sixth committee amendment which repeals the tax and other regulatory provisions on filled cheese in the Internal Revenue Code.

Mr. LONG. I would strike all amendments on the bill.

Mr. GOLDWATER. Let us strike it.

Mr. LONG. That is what I am trying to get consent to do.

Mr. GOLDWATER. If the Senator wants it, ask for it.

Mr. LONG. In other words, what I am trying to do is pass the bill the way the House sent it to us.

Mr. HUDDLESTON. Will the Senator yield?

Mr. LONG. I yield.

Mr. HUDDLESTON. I recognize the due of the POW families, and I recognize that they have been denied this relief for some time because of the delay in getting this measure passed.

But I also have a concern, and the distinguished Senator from Idaho (Mr. CHURCH) also has a concern, for the retired people in this country who have gone now 10 years without any adjustment in their cost-of-living tax allowances.

We thought this was one way that we might provide some relief for them.

I recognize the situation we are in, legislative wise, here at the end of the session. I am just wondering if the distinguished chairman of the Finance Committee can give us any encouragement, since we have been concerned with this for 2 years now and have not been successful. We have attempted to add it to other bills which have gone through in similar fashion as this one, because of the press of time.

When the new session of Congress starts are we going to be given any con-

sideration or any opportunity to present this case again, and have an opportunity to provide some relief?

Mr. LONG. I will say to the Senator that a proposal along the lines of his proposal is in the so-called major tax reform bill, which has been tentatively agreed to by the House Ways and Means Committee but not yet reported.

Mr. HUDDLESTON. Where is the bill?

Mr. LONG. The committee was not able to complete action on the bill in which this provision was included because there were too many provisions to be considered.

A proposal along the lines of the Senator's proposal, in and of itself, could pass over there, but there are so many other things in the package with it that the package did not move.

I have no doubt we can enact it next year.

I think I can assure the Senator that a proposal along the lines of his proposal is going to become law. I do not know how anyone could vote against it. But the House will not take it on this measure. If you put it on this bill, it will not help the aged people; all it will do is hurt the prisoners of war and the survivors of those people who died fighting for the liberty of this country.

Mr. HUDDLESTON. I assure the Senator I am not interested in an exercise in futility, or denying anyone rightful relief under this law, but I am concerned about our elderly, who have gone some 10 years now without any adjustment in their retirement income credit.

The amendment I am proposing would provide that. I would just like some assurance that early next session we will have an opportunity to get this proposal enacted into law.

Mr. LONG. I am glad to inform the Senator that Mr. ULLMAN says the House is going to get a bill over here within the first month of the next Congress, a limited version of tax reform, and he hopes we can act on it before the middle of the year.

If he gets it over here, if he can fulfill that commitment, I have no doubt we can do that.

I will put it this way: We can carry our end of the load if they can carry their end over there. They may have an amendment along the lines proposed by the Senator, on the House bill, or if they do not have it I will be glad to consider the subject over here.

Several Senators addressed the Chair. The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, do I correctly understand the Senator from Louisiana to say that the House passed a bill that was confined alone to the relief of the widows of those killed in action and the missing in action? Is that correct?

Mr. LONG. That is right.

Mr. PASTORE. And the Senator is now willing to accept that in the Senate, provided we do not add anything else to it, and if we do add anything else to it then the whole caboodle is lost?

Mr. LONG. We are not going to add any amendments.

Mr. PASTORE. All right. Why not make up our minds whether we want to do it or not do it, and stop all this talk? Do we want to confine it to the House bill, that has to do alone with the veterans, those killed in action, and those missing in action, and pass that? It sounds simple. We do not have to be here until 3 o'clock tomorrow morning to straighten that out. Let us have it out, yes or no.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. STEVENS. Is my understanding correct that the Senator's amendment also covers the telescope bill for Hawaii?

Mr. LONG. We are not talking about that now. Let us do one thing at a time. If we cannot do this bill we cannot do anything.

The PRESIDING OFFICER. The acting majority leader has made a unanimous-consent request. Is there objection?

Mr. GOLDWATER. Mr. President, if the Senator will agree that all 12 amendments be stricken, I shall not object.

Mr. LONG. Mr. President, I am willing to strike all amendments.

Mr. GOLDWATER. I would like to have that from the leader.

Mr. ROBERT C. BYRD. Mr. President, my request included the second bill.

Mr. LONG. All we are doing is asking that the bill be laid before the Senate, Mr. President.

Mr. ROBERT C. BYRD. That was with the understanding there would be no amendments offered thereto.

Mr. STEVENS. Including any amendments?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Mr. President, if the Senator will make the same request to take any amendments off the Hawaii telescope bill, I will not offer the amendment I have in mind. It is a Pan American amendment, quite similar to the American Motors amendment; but if we are going to strip it down, and everyone else will stand aside, we will all stand aside together. But I want to know if the Senator is going to do the same thing with that amendment.

Mr. ROBERT C. BYRD. With every amendment.

Mr. LONG. It is perfectly all right with me to call up some other resolution and let Senators load that measure down until Spencer Rich, who has been writing about four bills as Christmas tree bills, can point to the biggest Christmas tree you ever saw. But the point is, the Senator is not going to get the Pan American bill by this procedure. We will not have a conference with the House, so they are all out. If the Senator wants to go through the motions of amending a bill, it is all right with me, but it is not going to become law, because the House says they will not consider it.

I say take all amendments off, even those correcting manifest grammatical errors.

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Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that we take up first the prisoner of war tax bill, that no amendments be offered thereto—I do not presume to preempt the chairman, but this is my understanding of his intent—that the bill be stripped of all committee amendments, and that the bill then be passed without debate.

Mr. PASTORE. As passed by the House.

Mr. ROBERT C. BYRD. As passed by the House, and then that there be an immediate vote, that the second bill be stripped of all amendments, that no amendments be in order thereto, and that it be passed without debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Let me state more specifically how H.R. 8214, provides relief for military and civilian personnel returning from the Vietnam conflict, and the families of those individuals who are listed as missing in action and who are subsequently determined to have died at an earlier time.

First, the bill extends the provision under present law, which permits military personnel who are hospitalized as a result of service in a combat zone to exclude military pay they receive during the period of hospitalization, to cover for a period of time the pay they receive while hospitalized after all combatant activities have terminated.

Second, the bill extends the provision which forgives Federal income taxes on income other than combat pay, which is presently excludable under another provision, in the case of a member of the Armed Forces who dies while serving in a combat zone—or as a result of an injury incurred while serving in a combat zone—to cover the period he is in a missing status even though it is subsequently determined that he actually died at an earlier time.

Third, the bill deals with the question of when the special tax rates available to a surviving spouse should be available for a spouse whose husband was reported in missing status and is subsequently determined to have died at an earlier time. The bill provides that the widow is to be eligible for surviving spouse tax treatment for the 2 years following the year in which her husband's missing status is changed rather than the 2 years following the year of actual death.

This bill also clarifies existing law in two respects. First, the bill makes it clear that the spouse of a serviceman—or spouse of an individual serving in support of the Armed Forces—in a combat zone is to have the same extension of time for performing various acts, such as filing tax returns, paying taxes, or filing a claim for credit or refund of tax, as is available to her husband.

Second, the bill also makes it clear that the spouse of an individual who is listed in missing status may file a joint return during the period he is in missing status even if is subsequently determined that he had been killed in action in a prior year.

Mr. President, with respect to the

changes made in the provisions dealing with special benefits during the period there are combatant activities in a combat zone, the bill provides certain general limitations so that these benefits do not extend beyond a reasonable period of time after the termination of combatant activities. In the case of any future conflict, these benefits will generally not be available for more than 2 years after the termination of combatant activities. However, in the case of the Vietnam conflict, these benefits will generally be available for a 2-year period after this bill is enacted.

In addition to these changes, the bill also deals with the tax treatment of certain individuals who were illegally detained when the U.S.S. *Pueblo* was seized in 1968 by North Korea. In this regard, the bill provides an exclusion from income with respect to compensation received by the members of the crew to conform to the treatment available for prisoners of war in a combat zone.

Finally, the bill removes the requirement that a serviceman must be serving during an "induction period" in order to be eligible for certain benefits otherwise accorded. This change is necessary since the Military Selective Service Act of 1967 has expired and there is no longer an induction period.

Mr. President, this bill has only a small effect on revenues resulting in a decrease in receipts of approximately \$4 million spread over the next several fiscal years from the standpoint of the level of revenues on June 30, 1973. The elimination of the "induction period," which as I indicated is a requirement for certain benefits and was allowed to lapse as of June 30, would have resulted in an increase in receipts in fiscal year 1974. However, since the bill continues the identical treatment for those individuals serving in the Armed Forces after June 30, 1973, as was available prior to the expiration of the induction period, this increase will not occur.

I urge that this bill be adopted.

PRISONER OF WAR AND MISSING IN ACTION TAX ACT

The Senate proceeded to consider the bill (H.R. 8214) to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. LONG. Mr. President, it is understood, and I ask unanimous consent if it is not understood, that all committee amendments and all amendments to the House passed bill be rejected, and that the bill be voted upon as it came to us from the House.

The PRESIDING OFFICER. Without objection, the committee amendments are rejected.

The question is on the third reading of the bill.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The clerk will state the second bill.

DUTY-FREE ENTRY OF A TELESCOPE AT MAUNA KEA, HAWAII

The Senate proceeded to consider the bill (H.R. 11796) to provide for the duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii, which had been reported from the Committee on Finance with an amendment.

Mr. INOUE. Mr. President, in December, 1973, I introduced legislation similar to the bill before us in the Senate, with my colleague from Hawaii, Senator FONG, to authorize the duty free entry of a 3.60 meter optical telescope and associated articles to be installed and operated at Mauna Kea, Hawaii.

This legislation, which is in keeping with the intent of Public Law 89-651 to promote international cultural, scientific and educational projects, the so-called Florence Agreement, is necessary due to the unique characteristics of this venture, jointly sponsored by France, Canada, and the University of Hawaii.

Mauna Kea is Hawaii's highest mountain and as an astronomical observation site "may be one of the best in the world," according to the National Aeronautics and Space Administration. On this site the world's largest infra-red telescope will be constructed. This joint venture which will be undertaken by the Centre National de la Recherche Scientifique of France, the National Research Council of Canada and the University of Hawaii represents a unique opportunity for international scientific cooperation. When the site is completed, it will be one of the world's most important centers for ground-based celestial observations.

Among the uses of the proposed facility will be to provide data on the temperatures and surface characteristics of outer planets and their satellites, to study the nature of the planets, interstellar dust, expanding galaxies and galactic nuclei. These investigations will provide NASA with supporting and complementary data for our planetary exploration programs, including the Mariner Jupiter/Saturn mission. Finally, it will serve man's never ending efforts to better understand the cosmos.

Mauna Kea's extraordinarily clear atmosphere, on its summit, was the asset that caused the French Government to come to the University of Hawaii, which already operates three small telescopes on the site, to propose construction of a more powerful scope. Canada joined in the effort which will be financed cooperatively. France and Canada will put up roughly \$20 million for construction costs. A nonprofit corporation will operate the facility. The three nations will have access to its use. The international scientific community will greatly benefit from this cooperation in peaceful scientific pursuits.

The entire Hawaii congressional delegation has worked toward the passage of

this legislation. It is supported by the Department of State, the National Aeronautics and Space Administration, and the National Science Foundation. The Hawaii Chapter of the AFL-CIO Federation has expressed their approval of this project which will provide jobs for local labor in the construction of necessary access roads, support facilities and the foundation and structure of the telescope itself. I am gratified by the favorable reports of the House Ways and Means Committee and the Senate Finance Committee.

This project deserves the support of the entire Congress. I thank the chairman for his prompt and favorable consideration of this measure and I urge my colleagues to pass this bill.

There has been substantial progress made in bringing about an agreement on how the three countries can cooperatively create and operate this important facility. Because of rising costs, speed of action can mean valuable savings on an expensive undertaking. Prompt congressional approval of this request will be in keeping with the admirable record of international cooperation and economy that the telescope project has produced to date.

The PRESIDING OFFICER. Without objection, the committee amendment is rejected, and the question is on the third reading of the bill.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider the votes by which both bills were passed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I move to reconsider the votes.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will come to order. Senators will take their seats.

LEGISLATIVE PROGRAM

Mr. ROBERT C. BYRD. Mr. President, we will only be in session another 2 or 3 minutes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield. Mr. PASTORE. The majority leader stated a little while ago that we were awaiting certain conference reports from the House of Representatives before we could adjourn sine die tomorrow, and that he was hopeful we might be able to do it by 3 o'clock in the afternoon. May I ask at this time, what are the conference reports that we are waiting for?

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, the only matters that will come before the Senate tomorrow will be privileged matters, either messages from the House of Representatives or conference reports. In answer to the distinguished Senator's question, I cannot enumerate all the con-

ference reports that are still out, but the conference report on the trade bill is still out and will be acted on in the House of Representatives beginning at 11 o'clock tomorrow. The social services conference report remains to be acted upon. The upholstery bill, to which a tax bill is attached, I believe it is S. 421, the conference report on that measure is still to be acted upon. The community services conference report is still to be acted upon. Other Senators may recall other conference reports, but those are the four main ones.

I really do not think we will have any problem getting out at 3 o'clock tomorrow afternoon. As far as I am concerned, I will do everything I possibly can to discourage—and I can only discourage—any Senator from asking for the yeas and nays tomorrow. But I would hope we could have a workable quorum, at least up to 2 or 3 o'clock, if possible.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. Mr. President, every bill that has hit the calendar in the last 2 or 3 months or longer has been given an opportunity to have a hearing here on the Senate floor. I wonder if the distinguished majority leader would be willing to call up the very first bill on the calendar. It has been first on the calendar for at least 6 months.

It is a constitutional amendment banning the forced busing of schoolchildren for assignment by race, color, nationality, or religion.

I wonder if the distinguished majority leader will give that bill an opportunity to be voted on and give it a fighting chance to be considered by the House. There is surely no objection to considering that measure at this time. I wonder if the acting majority leader would be willing to call that bill up.

Mr. ROBERT C. BYRD. Mr. President, I can understand the concern of the distinguished Senator from Alabama with respect to the measure that he has called to our attention. As I say to the distinguished Senator in all seriousness, it would be impossible to get action on that measure if we stayed here from now until noon on January 3.

I must say, I favor the measure, but it would be impossible to do it, and I do not believe we ought to spend our time when such expenditure of valuable time would be futile.

Mr. ALLEN. I understand the position of the distinguished majority leader. I wish to assure him that the bill will be reintroduced in the next Congress and there might be some convenient place where it might be brought before the Senate for consideration. I am sure that the majority leader will cooperate with the Senator from Alabama in this regard.

Mr. ROBERT C. BYRD. The joint leadership takes note of the Senator's suggestion. We hope that the distinguished Senator will have a very Merry Christmas and that, after the new session begins, we can again have a little conversation about the Senator's wishes.

Mr. ALLEN. I thank the distinguished

majority leader for his cooperation and sympathetic consideration, and for his assurance of support, may I also say.

THE TRADE BILL

Mr. LONG. Mr. President, I wish to inform the acting majority leader and the Senate, through its Presiding Officer, that we now have the conference report on the trade bill, H.R. 10710—but not the official papers on the bill. I urge the Senators, if they can find the time to do so, that they take a look at the number of Senate amendments that the House has agreed to.

In my judgment, Mr. President, this is a landmark situation. The House has agreed to 423 Senate amendments.

Mr. President, this is something that I have been contending for many, many years, that when the House sends us a good bill, we should not strike good legislative language from the House bill just to try to gain leverage in conference—to try to make them take Senate amendments. Also, they should consider our amendments in the same manner. If they have something good in their bills, I propose we keep it, and we hope that they will show us the same consideration.

I think it is worth noting that, this being one of the first or second times, Mr. Ullman has been acting chairman of the Committee on Ways and Means when we have met in conference, the House has shown that approach. I think it is a tribute to both bodies that on every Senate amendment in which the House could find merit, they took all of it or took it in part. I am grateful to the House of Representatives, its conferees, and the acting chairman, Mr. ULLMAN, in particular, for the cooperation and the thoughtful consideration they gave to the Senate amendments.

I also state, Mr. President, that in filing the conference report on the social service amendments, they agreed to most of the amendments, except mine—which of course I think was the best one in it. That is how it goes, sometimes.

Also, Mr. President, they agreed to all amendments except two on the tax bill that we sent to them, which, in my judgment, is also a hopeful sign.

We shall discuss these conference reports tomorrow. We do not have the official papers, but we do have the conference reports. The Senate can review them overnight.

ORDER FOR ROLL CALL VOTES TO OCCUR AFTER 12 NOON ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if any roll calls be ordered prior to the hour of 12 o'clock noon tomorrow, there be no roll call votes prior to the hour 12 o'clock noon on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR THE PRINTING OF THE PRAYERS OF THE HOUSE CHAPLAIN—HOUSE CONCURRENT RESOLUTION 693

Mr. BAYH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 693.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 693) providing for the printing of the prayers of the House Chaplain.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

HERBERT HOOVER

Mr. HATFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1418.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1418) to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace, as follows:

Strike out all after the enacting clause, and insert:

That (a) in order to establish an appropriate memorial to the late President Herbert Hoover, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to the Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, California.

(b) No grant may be made under this Act for any fiscal year unless—

(1) the Secretary determines that the total of such grants for that year will not exceed the total amount of gifts, bequests, and devises of money, securities, and other property, made after the date of enactment of this Act, for that year for the benefit of the Hoover Institution on War, Revolution, and Peace; and

(2) the Hoover Institution on War, Revolution, and Peace furnishes to the Secretary such information at such times and in such manner as he may require.

(c) Grants made under this Act may be used for the construction of a new educational building to be used by the Hoover

Institution on War, Revolution, and Peace, and for the equipment of such building.

SEC. 2. (a) The Congress finds that, if a facility constructed with the aid of any grant under this Act is used as an educational facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall, therefore, be deemed to be the period of Federal interest in such facility for the purposes of this Act.

(b) If, within twenty years after completion of construction of an educational facility which has been constructed in part with a grant or grants under this Act—

(1) the Hoover Institution on War, Revolution, and Peace (or its successor in title or possession) ceases or fails to be a nonprofit institution, or

(2) the facility ceases to be used as an educational facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation, the United States shall be entitled to recover from such institution (or successor) an amount which bears to the then value of the facility the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility (as determined by the Secretary) financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this Act shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

SEC. 3. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Hoover Institution on War, Revolution, and Peace that are pertinent to the grant received.

SEC. 4. The Hoover Institution on War, Revolution, and Peace shall, annually, prepare and furnish to the President and the Congress a report on the expenditure of funds received by the institution in the previous fiscal year during the period for which grants are made under this Act.

SEC. 5. There are authorized to be appropriated to the Secretary for making grants in accordance with this Act amounts not to exceed \$7,000,000. Funds appropriated pursuant to this Act shall be available without fiscal year limitation, for the period beginning on the date of enactment of this Act and ending five years after such date.

SEC. 6. Grants made pursuant to this Act shall be the sole Federal memorial to the late President Herbert Hoover.

Amend the title so as to read: "An Act to recognize the fifty years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as thirty-first President of the United States, and in commemoration of the one hundredth anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace."

Mr. HATFIELD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

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CONGRESS LOOKS TO THE FUTURE

Mr. HUGH SCOTT. Mr. President, it is customary for the Republican leader at the end of each session of Congress to submit to his colleagues a report on what has happened during the year. Today I submit such a report.

Mr. President, I also ask unanimous consent that this Republican report, entitled "Congress Looks to the Future" be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. I ask unanimous consent that it be updated before the end of today's session in order that the record votes therein may be brought up to date and that any other statistical data mentioned be also updated as of the time today in which the updating occurs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, as I submit this minority report for the second session of the 93d Congress, I must first give credit to my good friend the distinguished majority leader, the Senator from Montana, Mr. MANSFIELD, and to the close and happy relationship he has established in carrying out our duties. He is the kind of modest, quiet individual who accomplishes much with seemingly very little effort. I am most grateful for everything he has done for me, and for all of our colleagues.

The assistant majority floor leader, the Senator from West Virginia, Mr. ROBERT C. BYRD, has been a true whip as he has driven us to complete the Senate's business. While he has had to keep our noses to the grindstone—not always, I suspect, an easy thing to do—I, for one, am grateful in that along with my skinned nose I can also point to quite a lot accomplished in this Congress. Sadly, however, and despite the majority whip's efforts, there is a lot yet unaccomplished.

Among my own colleagues on the Republican side, I am as always deeply conscious of the inspired assistance rendered by the Republican whip, the sagacious and energetic Senator from Michigan, Mr. GRIFFIN. I owe sincere and personal gratitude also to the distinguished chairman of the Republican Policy Committee, the Senator from Texas, Mr. TOWER, for the vigorous and unselfish contribution he and that committee have made to the orderly processes of our Nation's business.

Likewise, I am indebted to our distinguished conference chairman, the Senator from New Hampshire, Mr. CORROW, and to the secretary of the conference, the distinguished Senator from Utah, Mr. BENNETT, both of whom are winding up long and magnificent careers in the Senate of the United States.

Along with them I must rank the senior Republican Senator, the beloved and incisive Senator from Vermont, Mr. AIKEN, who also brings to a close many years of admirable dedicated service.

I wish to express at this time also, Mr. President, the great appreciation of the distinguished assistant minority leader and myself for the continued cheerful, willing and effective help of those in our

Whip system, beginning with the Senator from Vermont (Mr. STAFFORD) who is here today, and all of the other Senators who have volunteered services during this 93d Congress, because without them it would have been impossible to carry on the daily job of the Senate in an orderly and consequential manner.

I am also most grateful for the help of the White House Liaison Office headed by Mr. William Timmons and of the Senate Liaison from that office, Mr. Tom C. Korologos.

I regret that both of them are leaving government service, and I wish for them a very happy and successful future career. We look forward to the assistance, which we are in fact already getting, from Mr. Max Freidersdorf, the successor in the Liaison Office, and the Counselor to the President, Mr. Jack Marsh, who is in overall charge of that department of the Government, our former colleague in the other body.

At this time, as the 93d Congress draws to a close, there is a feeling of sadness in that we shall be bidding goodbye to a number of our colleagues who will not be with us next year. I want them to know that I speak for all Republican Senators and, in the largest sense surely for all our colleagues in this Chamber, in expressing regret that they will be leaving us and appreciation for their contributions to the U.S. Senate.

And finally, I am exceedingly grateful for the honor my colleagues have bestowed upon me in selecting me to serve as their floor leader. It goes without saying that without their cooperation, consideration, and helpfulness, any such job would have been an impossibility. I am proud of them, and of my association with them.

CONGRESS LOOKS TO THE FUTURE

The 2d session of the 93d Congress and the year 1974 are ending within a few days of one another—almost a dead heat, unfortunately. We have taken a long time to accomplish our annual legislative tasks. But, as they say, 1974 was a very long year.

We could hardly wish for a repetition of all that happened this year. But what was done in 1974 may very well dictate what can be done in 1975.

THE REPUBLICAN CONGRESSIONAL PARTY

This could be labeled "The Minority Report," for Republicans are indisputably the minority party in Congress. In fact, we seem wedded to the role, having taken power as the majority but once in the 1940's, once in the 1950's, never in the 1960's, nor yet in the 1970's—which reminds me of Gilbert and Sullivan: "Never? No, never. Never? Well, hardly ever."

And yet for 14 of those years, we could not be considered the minority in the classic sense, nor could we Republicans even qualify for that interesting status, the "loyal opposition." For the Republican Party has won the Presidency in four of the last six Presidential elections.

Whatever may be the reason, Republicans have not had the in-depth strength nor breadth of appeal to win a congressional majority, even when our party's candidates have assembled a Presidential majority. Our party, responsible enough

to head the Government, has yet to learn how to be responsive enough to run the Congress.

The result has been a peculiar, and oftentimes debilitating, standoff between President and Congress. The Democratic congressional majority has wholly controlled—as was to be expected—the committees, the supporting staffs, and the legislative schedule. But many of the great staples they work with—the administration budget, the related programs—come from a Republican executive.

The President speaks not only as Chief Executive of the Nation, but also as titular head of his party. Republican Senators and Representatives are pulled by a sense of party unity and loyalty to help, and cooperate with, our Republican President whenever possible. Yet Republican President and Republican Members of Congress alike labor with knowledge that the final form of all administration proposals can, through majority control, end up as the handiwork of the Democratic side of the aisle in House and Senate.

LOSS OF FAITH

Much has been written of the decline of the citizen-voter's confidence in political parties and elections as a means of "changing things;" of the loss of faith in government as the engine for improving our life on this earth.

Some of this disillusionment may result from the realization that men with public power can be absurd, inept, or corrupt even as in private matters. Or, that the golden promises so carelessly strewn about by our never-ending array of Presidential Senators are simply not collectible. This past year, these conclusions have come indisputably home.

But it may be that the peculiar standoff between Republican President and Democratic Congress for so many years has also contributed to the illusion that "nothing gets done."

Reinforcing this attitude—singing the same sad refrain—and the increasing multitudes of political analysts: reporters, columnists, TV-radio commentators, and editors of those ineffable "dateline Washington" newsletters—not always accurate even at the date of mailing. Indeed, we could wish that more of these very able men and women would seek public office. Perhaps some of the shortage of inspired leadership they so lament is due to their own modesty. If they are unable to overcome this homely virtue, the politician may become an endangered species, hunted down by thousands of critics hungry to pass judgment on his every movement.

THE CONGRESSIONAL PROFILE

The median has changed. Members have more widely varied backgrounds. They are younger, and the average length of service is lower. There have always been groups within each party—sometimes across party—formed around particular legislation, or the more enduring identity of interest. Today there are more visible, more highly organized ideological groups within each party in each House. What this presages for the

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future of the two-party system on Congress provides interesting conjecture.

CONGRESS: 1974

This 93d Congress, particularly in the 2d session, has done some unusual things: It consented to the appointment of a Vice President, who thereafter became President.

It has finally completed an unnecessarily long-winded process of considering the appointment of another Vice President, an act to be finally consummated, we expect, today.

It came very close to voting impeachment, and thereby trying a President. In so doing, it had to dust off and reexamine both impeachment and trial processes.

It persuaded a President to resign.

THE SENATE: 1974

Our preoccupation with the balance between Presidential and congressional powers became more evident in 1974 than during any other years in our recent history.

It gave needed stimulus for passage of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344), providing for a new Committee on the Budget, a nonpartisan Congressional Budget Office and new deadlines for submission of the budget. The act prescribed times for reporting of authorization and appropriations bills, and revised the Antideficiency Act to limit Presidential impoundment powers.

There is here potential for real improvement in Congress' exercise of its spending and tax powers. It could mean that authorization and appropriation bills will be reported out and acted on with dispatch, and within overall fiscal limits agreed upon. I emphasize "could," and I devoutly hope this expectation can be realized.

The procedures of this act are complicated. But the test will not so much resolve around the terms of the new law as around the resolve of Congress. We have before us the depressing history of the budget provisions of the Legislative Reorganization Act of 1946. The appropriations time schedule required by that law has been far more honored by Congress in the breach than in the observance.

The 93d Congress is no exception. As of the first week in December 1974—5 months into fiscal year 1975—four appropriations bills had not yet become law. On some there had been almost no action, since authorization bills had not yet been agreed to. This is hardly a good omen for the successful working of the new Budget Act, or for Congress' reputation.

VOTING

On the other hand, the Senate continues to establish new records in the matter of voting. There may be a connection between overfrequent votes and legislative constipation. In 1973, 594 record votes were cast, and this year 543, as of December 19, 1974. Already we have broken the record for an entire Congress that stood for 90 years. Always keeping in mind that correlation does not mean causation, we might note the stock market seems to react negatively to Senate

over-indulgence in record votes, having dropped by one-half during the 93d Congress. Or perhaps inflation in votes may have something to do with inflation in everything else, these days. Certainly many of these record votes were, by any reasonable standard, acts of vainglorious supererogation.

LEGISLATION

Last year the Senate chose to redefine its role in foreign policy with passage of the War Powers Act, which finally became law. This year, it continued the effort with the Executive Agreements Act (S. 3830).

The Watergate affair has now moved from Congress to final resolution in the courts. But it obviously inspired the Federal Election Campaign amendments enacted into law (P.L. 93-443), as well as the Freedom of Information Act which became law over a Presidential veto (P.L. 93-502).

Other important legislation which has been enacted would include the Housing and Community Development Act of 1974 (P.L. 93-383); amending the Elementary and Secondary Education Act (P.L. 93-380); the Minimum Wage Act (P.L. 93-255); the massive new aid for Urban Mass Transit (P.L. 93-503); and the Employee Security Benefit Act regulating private employee pension plans (P.L. 93-406).

Copyright reform (S. 1361) and codification of Federal Rules of Evidence (H.R. 5463) were both passed by the Senate. If enacted into law, they may have far-reaching effects, although the legislation did not attract much publicity.

CRISIS UPON CRISIS

The energy crisis was so constant a consideration in legislation proposed in committee and debated on the Senate floor as almost to defy description. Nevertheless, many of the basic questions have yet to be resolved. Quite frankly, the lines have been snarled by conflicting proposals of our many Presidential aspirants. It will continue to dominate a great part of foreign and domestic policy decisions in this most energy-intensive of nations.

This Congress has expended more energy than it has saved.

THE ECONOMY

The preoccupation of Washington in January 1974 was the Watergate affair. As of December it was the economy. The President and the Congress are trying to deal with the wicked triangular problem of inflation, recession, and energy shortage. It is not, however, an equilateral triangle. Inflation was and is the precursor of our other ills. Recession is, at least as of now, the sharpest priority of all.

Certainly, President Ford proved more than willing to cooperate with and listen to congressional leaders at the Economic Summit Conference. His program to deal with inflation and recession incorporated many suggestions from Senators and Representatives. The Home Purchase Assistance Act which became law (P.L. 93-449) shortly after the conference, the Trade Reform Act of 1974 (H.R. 10710)

and the Emergency Unemployment Compensation Act of 1974 (H.R. 17597) are examples of legislative cooperation.

If it is true, as Daniel Webster noted, that inflation wars against industry, frugality and economy, then it is also true that inflation fosters the evil spirits of extravagance and speculation. But if inflation has been prominent in the news lately, we can derive some small comfort from the fact that it is not a uniquely 20th century phenomenon.

Plato, for example, lived through the monetary inflations of ancient Greece and decided exchange control was the answer.

The great inflation of the middle 14th century led King John the Good of France to devalue his currency fully 88 times.

Our own devaluation of 1934—one of the most important events of the 20th century—created low interest rates and an abundance of gold for over two decades. With the exception of wartime, we enjoyed relative stability up to the early 1960's.

But along came the Vietnam war, and the administration then in office did not want to raise taxes to pay for it. Instead, the Government simply created more money by increasing our money supply through increased borrowing on the open market. This not only dries up funds available to other borrowers—industry, homebuilders, small business—it also allows banks to use Government I O U's as reserves, thus encouraging greatly increased new loans and investments to flow into the economy. And as more and more money chases our supply of goods, the price of those goods rapidly increases.

From mid-1962 to 1966 we added to our money supply at a 3.8 percent average yearly rate.

From late 1966 to 1972 we added to our money supply at a 6 percent average yearly rate.

From 1972 to mid 1974 we added to our money supply at a 7.4 percent average yearly rate.

In short, we not only greatly increased our money supply by borrowing on the open market, but increased it faster than productivity could increase the supply of goods.

Presto. Inflation and recession.

THE FORD PROGRAM

In the meantime, inflation became a major problem not only in the United States but worldwide. In an effort to limit what has been described as the present "runaway" inflation, on October 8, 1974, President Ford presented to Congress an emergency economic program, containing five major proposals, of which four have a 1-year lifespan.

The President's proposals highlighted these principal items:

An increase in the investment tax credit from 7 to 10 percent, a \$3 billion allocation of funds to purchase residential mortgages, a 5 percent 1-year surcharge on corporate and upper bracket individual income taxes, an additional 13-week extension of unemployment insurance, a public service employment program when the unemployment rate

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exceeds 6 percent, and a reduction in Federal expenditures in an attempt to keep initial outlays below \$300 billion.

WHAT HAS BEEN TRIED?

In retrospect during the past few years—since 1968 in fact—every economist and every theory has had a day in court. Some proposals have been forced upon the administration by the Congress, some by labor, some by the press, some by industry. The fact is that since 1968 Republican administrations have patiently and successively adopted the theories of:

Prof. Milton Friedman's monetarism; Prof. John Maynard Keynes's fiscalism;

Prof. John Kenneth Galbraith's wage-price controls;

Prof. Paul Samuelson's dollar devaluation; and, finally, back to

Prof. Adam Smith's laissez faire and the "old time religion" of cutting Government spending and balancing budgets. President Ford, aware of the foregoing, formed the "Economic Summit Conference" to solicit the best combination of ideas to deal with the situation that exists today. The resulting proposals were not hastily drafted. They had the benefit of the mistakes made in past years.

The program was proposed 2 months ago. Little has been enacted. As of December 16, the status of those items requiring Congressional action follows:

A SUMMARY OF THE PRESIDENT'S ANTI-INFLATION PROGRAM

FOOD

Remove remaining acreage limitations on rice, peanuts, and cotton.

(1) Peanut Act H.R. 15755 and H.R. 15757 (original administration); introduced 7/2/74; House Agriculture; subcommittee hearings held 7/9/74; informal meeting held week of 12/2/74 but nothing scheduled.

(2) Rice Act of 1974 H.R. 15263 (original administration); introduced 6/6/74; House Agriculture; reported out 8/21/74; failed to pass House 12/17/74.

Rice Act S. 4121 (original administration); introduced 10/10/74; Senate Agriculture; subcommittee hearings held 12/3/74; nothing else scheduled.

(3) Cotton Act S. 4161 (original administration); introduced 11/18/74; Senate Agriculture; nothing scheduled.

Provide flexibility to use food to help our foreign friends and to provide humanitarian help for those who are hungry.

H.R. 16901, Agriculture Appropriations, amends P.L. 480 to provide: (1) priority to most needy countries; (2) priority given high nutritional foods; amendment passed Senate by Voice vote 11/25/74; but was dropped in conference with House.

H.R. 16901 passed Senate 11/25/74 with above amendment; in conference 12/4/74; conference report filed in House 12/11/74 with above Senate amendment deleted; House agreed to conference report 12/12/74; Senate agreed to conference report 12/17/74; cleared for White House action; House also received Executive Communication #2973 on 11/18/74 dealing with availability criteria but not yet drafted into bill form.

ENERGY

Seek competitive pricing of natural gas supplies.

S. 2048 (original administration); introduced 6/21/73; Senate Commerce; working on drafting clean bill; hearings held 12/4 and 12/5/74; nothing scheduled.

H.R. 7507 (original administration); introduced 5/3/74; House Interstate; no action

Make Navy petroleum reserves in California and Alaska available.

California—Elk Hills Naval Petroleum Reserve; S.J. Res. 176 (original administration); introduced 12/4/73; Senate Armed Services; passed Senate 12/19/73; referred to House Armed Services 12/20/73; no action; H.J. Res. 832 (original administration); introduced 11/27/73; House Armed Services; no action. Alaska—Executive action with legislation to follow. The President is directing the Secretaries of Defense, Navy and Interior, within the next 90 days, to develop proposals (including any needed legislation).

Amend the Clean Air Act. S. 3287 (original administration); introduced 4/2/74; Senate Public Works; no action; sections 8 and 10 deal with coal flexibility.

H.R. 13894 (administration); introduced 4/2/74; House Interstate; no action.

H.R. 14368 became Public Law 93-319 6/22/74; section provided for temporary suspension of certain air pollution requirements, coal conversion.

Surface mining legislation.

S. 425 (original administration); introduced 1/18/73; Senate Interior; passed Senate 10/9/73; passed House amended by H.R. 11500 on 7/25/74; went to conference 8/1/74; conference report filed in House 12/5/74; House agreed to conference report 12/13/74; Senate agreed to conference report 12/16/74; cleared for White House action.

Support windfall profits tax, nuclear plant licensing, deepwater ports and ERDA.

(1) Windfall profits tax—H.R. 14462 (original administration); introduced 4/30/74; House Ways and Means; Oil and Gas Energy Tax Act; reported 5/4/74 and 6/10/74; Union Calendar #476; H.R. 17488, Energy Tax and Individual Relief Act, also contains a windfall profits tax clause; reported 11/26/74; Union Calendar #725.

(2) Nuclear plant licensing—S. 3179 (original administration); introduced 3/13/74; Joint Atomic Energy Committee; H.R. 13484 (original administration); introduced 3/13/74; Joint Atomic Energy Committee; clean bill H.R. 16700 introduced 9/17/74; markup begun 11/19/74; will not come out this session.

(3) Deepwater ports—S. 1751 (original administration); introduced 5/8/73; Senate Interior; clean bill S. 4076 passed Senate 10/9/74; vacated; postponed; H.R. 10701 as amended passed in lieu 10/9/74; H.R. 7501 (original administration); introduced 5/3/73; House Interior; clean bill H.R. 10701 passed House 6/6/74; in conference 12/2/74; conference report filed in House and Senate 12/16/74; conference report agreed to in House and Senate 12/17/74; cleared for White House action.

(4) ERDA (Energy Research and Development Administration)—S. 2744 (original administration); introduced 11/27/73; Government Operations; reported and indefinitely postponed 8/15/74; H.R. 11510 (original administration); introduced 11/15/73; House Government Operations; passed House 12/19/73; passed Senate 8/15/74; approved 10/11/74; P.L. 93-438.

RESTRICTIVE PRACTICES

Enforce the anti-trust laws, zeroing in on price-fixing and bid-rigging.

Increase penalties for corporate and individual anti-trust violations.

H.R. 17063 (administration); introduced 10/3/74; House Judiciary.

S. 782; not administration but similar; introduced 2/8/73; Senate Judiciary; passed Senate 7/18/73; passed House 11/19/74; cleared for White House 12/11/74.

Establish a National Commission on Regulatory Reform to reexamine independent regulatory agencies for rules and regulations that unnecessarily increase costs to the consumer.

H.R. 17417 (administration); introduced 10/16/74; House Commerce; no action.

S. 4145 (administration); introduced 10/16/74; Senate Government Operations.

MORE CAPITAL

Increase the investment tax credit to 10 percent.

H.R. 17488, the Energy Tax and Individual Relief Act; reported by Ways and Means 11/16/74; Union Calendar #725.

Make all dividends on new preferred stock issued for cash deductible.

No bill drafted; hearings have been held in House Ways and Means.

Liberalize the capital gains tax.

No bill drafted; hearings have been held in House Ways and Means.

HELPING THE CASUALTIES

Provide a one-year program of special unemployment insurance benefits to those who have exhausted their regular and extended employment insurance benefits and to those not now covered by a regular unemployment insurance program, and . . .

Establish a Community Improvement Corps for one year to provide work for the unemployed through short-term useful work projects.

H.R. 17218 (original administration); National Employment Assistance Act; introduced 10/9/74; House Education and Labor; pending.

S. 4129 (original administration); National Employment Assistance Act; introduced 10/10/74; Senate Labor and Senate Public Works; pending.

S. 4079 reported by Senate Labor 12/11/74; Administration would like bill amended to bring it up into line with President's program announced 10/8/74 as contained in S. 4129 and H.R. 17218; S. 4079 passed Senate 12/12/74; Senate passed H.R. 16596 amended by S. 4079 on 12/13/74; Senate requested a conference 12/13/74; House agreed to a conference 12/13/74; conference report filed in House 12/17/74; conference report agreed to in Senate 12/18/74.

Provide additional tax relief to low and middle income families and close tax loopholes.

H.R. 17488, the Energy Tax and Individual Relief Act; reported by Ways and Means 11/26/74; Union Calendar #725.

STIMULATING HOUSING

Make most home mortgages eligible for purchase by an agency of the Federal Government.

Make \$3 billion available immediately under the above provision for mortgage purchases, enough to finance about 100,000 homes.

S. 3979, Emergency Home Purchase Assistance Act of 1974, approved 10/18/74; Public Law 93-449.

THRIFT INSTITUTIONS

Pass the pending Financial Institutions Act to provide thrift institutions with better tools to compete for deposits.

S. 2591 (original administration); introduced 10/18/73; Senate Banking; approved by subcommittee for full committee 12/3/74, but will not be reported this session.

H.R. 10990 (original administration); introduced 10/17/73; House Banking; no action.

INTERNATIONAL INTERDEPENDENCY

Pass the Trade Reform Act.

H.R. 6767 (original administration); introduced 4/10/73; Ways and Means; clean bill H.R. 10710 reported out 10/10/73; passed House 12/11/73; passed Senate 12/13/74; Senate requested a conference 12/13/74; House agreed to a conference 12/16/74; in conference 12/18/74.

FEDERAL TAXES AND SPENDING

Establish a one-year temporary tax surcharge of 5 percent on corporations and families with adjusted gross incomes above \$15,000. No bill drafted; hearings have been held in House Ways and Means.

December 19, 1974

Set a spending target of less than \$300 billion for fiscal year 1975.

H. Con. Res. 667 (administration); introduced 10/10/74; House Appropriations; passed House 10/11/74.

S. 4113 and S. 4114 (administration); introduced 10/9/74; Senate ordered held at desk.

Submit within 40 days a package of budget deferrals and rescissions to meet this goal.

H.R. 17505 (administration); to rescind certain budget authority recommended in Presidential messages of September 20, October 4, and November 13; introduced 11/25/74; House Appropriations; reported 11/26/74; passed House 12/4/74; passed Senate 12/10/74; cleared for White House action.

S. Res. 446 disapproving proposed deferral as requested in message of October 4; reported by Senate Appropriations 12/17/74.

S. Res. 455-S. Res. 462 disapproving proposed deferral as requested in message of November 26; ordered held at desk 12/11/74.

WHAT DO REPUBLICAN SENATORS PROPOSE?

On December 11, 1974, the United States Senate Republican Conference adopted the following policy statement:

ECONOMIC POLICY STATEMENT AND INITIATIVES: U.S. SENATE REPUBLICAN CONFERENCE

The urgent needs of an economy marked by severe economic strains require urgent consideration and action. Therefore, the Republican Conference of the United States Senate endorses the following specific proposals to supplement and reinforce the President's economic program. These represent our effort to respond quickly and responsibly to the President's request to supplement his economic program, and should receive immediate attention by the Congress and the Executive Branch. While we do suggest certain strong steps to ease the burden imposed on those least able to sustain the current hardships, we hasten to note that no remedy will be painless. To the contrary, it will require a sacrifice on the part of all Americans. We recommend immediate action in the following areas:

RECOMMENDATION I—JOBS AND EMPLOYMENT ASSISTANCE

Increased employment and unemployment assistance through public service jobs and an emergency jobs program, job-impact determinations on all rescissions and proposals in the Federal Budget, a job stimulating tax credit, and increases in unemployment compensation.

RECOMMENDATION II—ENERGY

An aggressive attack on wasteful energy consumption while simultaneously increasing energy production.

RECOMMENDATION III—FOOD

Food production at maximum levels should be encouraged through free market channels so that we may meet present needs domestically, demands for U.S. products abroad, and obligations in cases of famine or humanitarian requirements at home and abroad.

RECOMMENDATION IV—PRODUCTIVITY

Stimulation of productivity by revamping the U.S. Productivity Commission.

Details of the foregoing and a statement of general economic policies follows:

RECOMMENDATION I

JOBS AND EMPLOYMENT ASSISTANCE

We consider a vigorous short-term program for the expansion of job opportunities in private enterprise and the provision of additional jobs in the public sector—coupled also with extended unemployment compensation benefits—an immediate objective of the highest priority. We recommend the following four-point jobs program:

1. Public Service Jobs—New Legislation to provide for an estimated 500,000 transitional

jobs during calendar year 1975 in such vital public service fields as education, environmental quality, health care, energy conservation and community improvement. The job funds should be allocated on a regional or areas basis, utilizing state and local government prime sponsors designated under the Comprehensive Employment and Training Act of 1973. These funds are designed to provide jobs and in many cases will replace welfare payments.

2. Emergency Jobs Program—We propose within the framework of the successful EDA program of grants and loans to public and private bodies, a one year, \$1 billion emergency fund to stimulate job opportunities in areas experiencing highest levels of unemployment. Funds would be available to supplement ongoing Federal projects selected for their job effectiveness through a review process, and provide initial loan and grant funds for job-creating activities.

3. Job-Stimulating Tax Credit—To foster the creation of new job opportunities in the private sector, we urge a job-stimulating and job-training human investment tax credit, similar to the Administration's proposed modification of the investment tax credit.

4. Expanded Unemployment Benefits—Finally, a temporary program of federally-financed income replacement payments for unemployed workers should be established. We recommend reenactment of the Emergency Unemployment Compensation Act of 1971, making it effective this January; modification of the existing Federal-State Extended Unemployment Compensation Program to make it apply nationally in January; and a supplemental program of up to 26 weeks of benefits for unemployed workers in high unemployment areas who are ineligible under the existing unemployment insurance system.

In addition, we suggest two technical changes in procedures:

1. Labor-Productive Budgeting—We ask the Executive Branch to develop promptly, in cooperation with the Appropriations Committees of Congress, a labor-intensive index as an analytical tool to accompany all budget proposals. This index would relate jobs involved to funds to be expended and would apply all budgetary measures proposed by the Executive Branch (including amendments, rescissions and deferrals). Such measuring of "jobs impact" would portray the employment effect of each proposed action in the context of the current economy.

2. New Federal Program Priorities—We urge the President to direct each federal agency operating a grant-in-aid program to inventory and report within 30 days all pending projects, identifying those which can be quickly implemented, are labor-intensive, and are in areas of high unemployment. Opportunities for high-labor, energy-saving, productive projects abound in projects already available under existing authority for highways, mass transit, waste treatment, water resources, public buildings, community development and the regular economic development programs.

RECOMMENDATION II

ENERGY

Because of the critical economic role that energy plays, both within our own country and in our relations with other nations, a comprehensive domestic and international approach to meeting energy problems in a realistic and workable manner is needed. Domestically we must pursue an aggressive attack on wasteful energy consumption while simultaneously increasing energy production.

We support the following action programs:

ENERGY CONSERVATION MEASURES

Enactment of strict mandatory conservation authority capable of significantly reducing consumption;

Encourage prompt Congressional consider-

ation of a tax on excessive energy consumption, including the possibility of a variable rate tax based on BTUs, and explore positive incentives to encourage the purchase of U.S. produced automobiles with greater fuel efficiency;

Expand federal programs related to increasing the efficiency of energy uses;

Require that an impact study on energy consumption of planned federal programs be prepared, published and reviewed prior to program implementations;

Initiate federal examination of utility rate structures, including peak load pricing, and other energy pricing policies with a view toward eliminating pricing inequities and inefficiencies in energy use;

Take positive steps to bring about bona fide enforcement by the States of the 55 mile per hour speed limit;

Formulate mandatory standards for insulation of new buildings, explore a program of tax incentives for improved insulation of existing structures, and promulgate mandatory temperature standards in all buildings federally financed or constructed;

Reduce oil imports by at least one million barrels per day during 1975 with an intermediate term goal of a two million barrels per day reduction; and

Closely monitor foreign investment in U.S. energy exploration, production and development.

ACTIONS TO INCREASE DOMESTIC ENERGY PRODUCTION

Expand outer continental shelf exploration and development with adequate environmental safeguards;

Lift such constraints as limit exploration and production of natural gas and other fossil fuels, with appropriate competitive safeguards;

Implement on a crash basis new programs to develop alternative energy sources such as nuclear power, coal liquefaction and gasification, syn crude, solar and geothermal;

Support prompt approval and construction of facilities to transport Alaska natural gas to the lower forty-eight states;

Support international energy efforts to assure stable sources of foreign oil at reasonable prices;

Promptly inventory recoverable energy reserves on federal lands; and

Enact a windfall profits tax with a credit for reasonable capital investment for domestic exploration, development and delivery of new energy supplies to assure that windfall profits generated by recent enormous increases in the prices of energy are promptly redirected toward increased domestic energy production.

RECOMMENDATION III

FOOD

Food costs are an important aspect of the current inflation and have presented serious problems for most consumers.

Food production at maximum levels should be encouraged through free market channels so that we may meet domestic needs, demands for U.S. products abroad, and requirements in case of famine or humanitarian requirements at home and abroad.

We must support those policies which provide adequate incentives to the farmer for production within the United States of our needed food supplies and recognize the current real distress of certain segments of food production such as livestock and dairy farmers. Solutions to these problems would be a major force in assuring ample supplies at reasonable prices.

We recognize the vital importance of agricultural exports to farm income and our balance of payments in enabling us to pay for oil and other vital imports. Exports should continue to be monitored to assure an equitable balance between our domestic supply needs, the need for markets for agri-

cultural products, and the need to maximize our export earnings and provide assistance abroad where needed.

For the benefit of the consumer and the producer we favor intensified study of off-farm costs that go into the final price of food. We also favor expanded consumer services to the buyer on what constitutes a nutritious diet at a reasonable price to help the consumer pick the best nutritional value for his dollar, and on market practices generally.

RECOMMENDATION IV PRODUCTIVITY COMMISSION

Increasing the productivity of American industry and labor is critical in order to raise output, combat inflation, and provide additional real purchasing power for the nation's workers. The National Commission on Productivity, which is now charged with promoting our productivity performance, must be revamped. It is at present inadequately funded to undertake the enormous task of reviewing the country's entire potential productivity capacity and removing the obstacles to improving it. Its funding should be increased to \$10 million for fiscal year 1975. At the same time, the Commission should concentrate on creating joint labor/management committees in production and service facilities, and in state and local governments throughout the country, and seek such additional funds as are necessary to implement fully this objective. To achieve this, the Productivity Commission should establish a strong substructure of field offices in each Federal regional center.

GENERAL ECONOMIC POLICIES

We have made four specific proposals to supplement and reinforce the President's economic package. Nevertheless, there are other important economic policies which we believe should be pursued to maintain the forward thrust of American economy. In order to achieve the broader objectives that we seek we encourage the following:

Monetary policy should pursue an orderly and moderate growth in monetary aggregates as an important means of relieving inflationary pressures brought on by an overly expansive monetary policy and of avoiding excessively high interest rates which eventually and inevitably follow in its wake. Monetary policy has been forced to bear an undue burden of restraining our inflationary tendencies because other fiscal restraints have not been exercised. We would hope that monetary policy could be appropriately eased as other fiscal measures become effective.

Fiscal and tax policy should continue to seek to bring the budget under control and to avoid unjustified and continuing deficits, which are a major source of inflationary pressure and credit market tensions. To enable us to bring the Federal budget closer to balance, reduce its inflationary effect, and, on a progressive basis where possible, pay as we go for anti-recessionary measures, every effort should be made to identify appropriate areas of taxation and other sources of revenue. A responsible fiscal policy will represent an earnest of good faith on behalf of the Federal Government to ameliorate our current inflationary tendencies.

Tax reform should be dealt with as a high priority by the new Congress with a view to an equitable, comprehensive reform in all taxes, most importantly social security taxes, tax relief for the elderly and for low and moderate income taxpayers, in an inflationary period. Tax reform to avoid escape of fair tax payments, increase investment, augment capital formation and spur the economy is necessary to increase employment at this time.

Trade should be stimulated through immediate enactment this year of the Trade Reform Act without extraneous amendments to enable the President to negotiate with respect to restrictive tariff and nontariff

barriers to foreign trade and thus to enhance the flow of trade with all our trading partners.

Capital investment and capital formation are critically important to modernization, competition and productivity, and will not only help pull the economy out of recession but also moderate inflation. We should give prompt consideration to encourage new incentives for adequate savings flows and the necessary government incentives to provide the required infusions of capital to troubled industries; and to provide for small business which cannot, under present conditions and on fair terms, either borrow money or raise equity capital from other sources.

Wage and price stability should continue to be sought through the discipline of the marketplace and the fiscal policies herein endorsed. Congress and the Executive share the responsibility to make the marketplace work more effectively and efficiently, but we expressly reject the concept of delegation of discretionary wage-price control authority to the Executive Branch at any time. Should the Congress determine it is necessary to impose controls, the Congress should bear the responsibility for specifying and implementing them when and where needed.

Regulatory review of existing Federal regulatory agencies should be undertaken by Congress to improve current practices. Practices or agencies which unnecessarily restrict competition, cause undue red-tape and result in inflationary pressures should be eliminated.

Anti-trust policy should continue to receive emphasis as a means of improving the functioning of the marketplace and removing anti-competitive practices. Congress should re-examine the significant changes which have occurred since our anti-trust statutes were conceived three-quarters of a century ago, with emphasis on the manner in which the Federal Government (1) identifies anti-competitive influences, (2) initiates anti-trust prosecution of instances of economic restraint, and (3) defines the legal relief available to effect adequate competition for all sectors of the economy.

Housing is recognized as one of the weakest sectors of our economy today, and one of the most vulnerable. We pledge ourselves to its significant improvement. Both private and public housing should, however, soon begin to experience recovery due to reduction in inflationary pressures and mortgage interest rates, to the roughly \$20 billion in Federal assistance recently made available, and to the increased availability of building materials. We strongly urge the full utilization of these programs.

SOCIAL AND PHILOSOPHIC CHANGE

To paraphrase Schumpeter, the transformation of social orders, one into another, is an incessant process but in itself a very slow one. To an observer who studies a moderate span of "quiet" time, it may well seem as if the social framework he beholds did not change at all. But it does change, and sometimes very rapidly, if one only takes a long view.

Much the same may be said of the decade of the 1960's. A cogent economic program would consist of keeping monetary policy focused on the long-term problem of inflation, of correcting capital formation problems and other distortions that have helped create the current dilemma, and—as the Wall Street Journal notes—of stimulating the economy by transferring resources from the public sector to the infinitely more productive private sector.

A MORAL ISSUE

But, as Mr. Solzhenitsyn says, inflation is a moral issue; and here the distinction between public and private economies

may become blurred. The London Economist notes the Communists' claim that this particular problem afflicts them less than it does the west:

Week after week Moscow radio cites the raging inflation in the West as proof of the failure of the mixed economy; steady prices in Communist shops, it says, are a clear vindication of Karl Marx.

Marx aside, the Economist notes, the claim is fair enough—up to a point. The Soviet retail price index has remained unchanged for 7 years—fares on the Moscow underground are still the same as they were in 1935 when it was built—and in China officially recorded local prices have risen hardly at all over two decades. But is this the same as licking inflation?

The Economist says:

Not quite, one thing the Russians leave out of their index (and the Chinese would leave out if they had an index) are the prices in the relatively free markets where peasants from collective farms sell the produce of their private plots. The Russians explain that the free market contributes only 2½ percent of their total retail turnover, so that its fluctuations do not matter very much. But the official index also ignores numerous hidden price increases. The standard method of disguising price rises is to label products "new" or "improved." When the GAZ-21 model of the Volga car was replaced by its not very different successor, GAZ-24, for example, the price jumped by two-thirds; from \$3,197 to \$5,378.

The fact is that the whole world has been—and still is—undergoing inflation. This is true whether under the subtle rules of a free society or the harsh rules of a totally controlled one. Perhaps the best way of explaining my private and personal view of the immensely complicated relation between inflation on the one hand and politics on the other, is this small vignette from Gilbert King, once director of research for IBM:

Quite a different approach in the life sciences is the study of living nervous systems to see how they differ from machines in processing information. Because of its simplicity, the crayfish has been a valuable subject for experiment. Thus far, little has been learned that can be applied to computer technology, although the computer has aided biologists considerably in understanding the crayfish!

INTERNATIONAL POLITICS

Our hard choices have changed but little in a year. We are still trying to define détente with the chief oligarchy in the world, the Soviet Union; and with the latter's chief rival for that title, China. We are still trying to prevent a renewal of war between the Arab countries and Israel. We are still trying to hold the NATO alliance together. We are still trying to achieve some stability in Southeast Asia. We are still trying to work out a counter to the economic squeeze resulting from the pricing policies of oil-surplus nations, which are burdened neither by large populations nor world responsibilities. We are still trying to feed hungry nations. Here the litany stops, incomplete though it is, lest we drop the reins and go fishing for the rest of the century.

It is just this question of attitude that may be the most important factor of all. The American peace-keeping burden is heavy. There is no end in sight. It

brings few cheers and precious little gratitude from the world we live in—nor is there another free-world nation waiting in the wings with strength enough to take over this burden.

It is with these unpalatable facts in mind that we measure détente and the most recent outline of a new SALT agreement arrived at in that most improbable of places, Vladivostok. And let us keep in mind that the hard details have yet to be worked out in actual negotiations next year.

The meeting did provide the first face-to-face encounter between a new President and an old Bolshevik.

It answered in the affirmative the question as to continuity in U.S. foreign policy.

The statement issued as to Mideast policy was sufficiently balanced as to be acceptable both to Syria and Israel.

What then should be our attitude toward the most important result of Vladivostok, the agreement to put a ceiling, a "cap" in President Ford's words, on nuclear arms production? Its critics argue the agreement places force limitations dangerously high, requires more rather than less military spending, and gives the Russian missile force an undeserved lead in the nuclear payload.

President Ford and Secretary of State Kissinger maintain that rejection by Congress would require \$5 billion to \$10 billion extra for more strategic weapons to keep American muscle intact while new negotiations are attempted.

Rather than being a sellout to Russia, Secretary Kissinger said the SALT II agreement came about only because the Soviets made major and unexpected concessions:

First. They stopped demanding that U.S.-European-based warheads be counted in the strategic totals;

Second. They dropped demands for extra warheads to offset the nuclear forces of Britain and France; and

Third. They dropped demands for "geographical compensation," in terms of additional warheads because China's nuclear forces can hit Soviet targets but not the United States.

Détente is not an arrangement whereby one big guy tells a little guy to shut up and sit in the corner. Rather it is an effort to reduce the possibility of war between two potentially hostile world powers with equal capacity to destroy each other and therefore the world. Negotiations are difficult. Constructive results are measured in cautious inches. The armed guards remain at ready.

Nevertheless, some progress has been made. Of the 105 treaties and international agreements with the Soviet Union since the United States established relations in 1933, 58 were concluded between January 1969 and May 1974. Forty-one of them were signed in the last 2 years.

I do not deny—rather I strongly support—Congress insistence on the fullest information as to any and all such agreements. We have the right and responsibility to advise and consent on such matters.

I would insist we exercise such responsibility in the best sense of that word,

setting aside partisanship and personal ambition in our quest to maintain an honorable peace in the years ahead.

Not all the news from home and abroad is bad. Thus we cite two treaties ratified by the Senate but 2 days ago. They are outgrowths of Nixon administration initiatives to control chemical and biological warfare, begun in 1970 with our unilateral renunciation of biological warfare and destruction of all U.S. germ weapon stockpiles.

The first treaty, the Geneva Protocol of 1925 prohibiting the use of chemical and bacteriological warfare, was initiated by the United States that same year but withdrawn and not resubmitted to the Senate until 1970. Ratification means that the principal military powers of the world have renounced first use in war of chemical or germ weapons.

The second treaty ratified was the 1972 Convention on the Prohibition of Development, Production, and Stockpiling of Bacteriological and Toxin Weapons; and On Their Destruction. Our approval will provide real impetus for the final ban of all chemical weapons.

CONCLUSION

The tragic confrontation between the White House and Capitol Hill has been followed, since August, by the efforts of a new President to reestablish practical, constructive working relationships with the House and Senate. Much will be done in the way of restoring public confidence if this effort is perceived as successful.

Republican Senators have made considerable contribution to the legislative accomplishments of the 93d Congress. They have, through their Conference, urged economic policies to supplement those already proposed by the President. They have been candid in expressing opposition as well. The hope of the President and Republican Senators was that Congress would take action immediately on inflation and recession. Apparently the Democratic majority would rather bask in the headlines engendered by their Kansas City Caucus and by their reactionary return to "King Caucus" in the House, than address themselves to the needs of the Nation as of December 1974. So be it.

The 94th Congress will have a top-heavy Democratic majority in both Chambers. Though our ranks are diminished, the Republican responsibility will be even greater. The history of representative government shows that an obese majority first considers itself under direct instruction from the Almighty, and thereafter wanders into polytheistic disputations.

It is a truism that the American voter has always appreciated the need for healthy two-party competition as part of our system of checks and balances. Republican Senators and Representatives must take that abstraction and prove in the concrete we are the party providing such competition. We will cooperate constructively. We will also police and audit the big majority lest they confuse themselves with Big Brother.

This is still the land of political opportunity. The late great Walter Lippmann noted, after the Democratic landslide in 1964, that the country was "in no danger

of having a one-party system," because the minority "always revives in a free country and we are a free country."

Let us make the most of this freedom for constructive opposition to the huge Democratic majority in Congress.

Finally, let us remember that President Ford was "one of ours" for 25 honorable, successful years in the House. There can be no question as to the sincerity of his intentions.

Let us be equal in the sincerity of our response.

SENATE ACCOMPLISHMENTS IN THE 93D CONGRESS

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished majority leader (Mr. MANSFIELD) concerning Senate accomplishments of the 93d Congress.

I ask unanimous consent that various extraneous pieces be included therewith.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent further that at the close of today, such additional information as is required to make the statements all-inclusive of today's session as well be included therewith.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD, Mr. President, as has been customary in the past, I ask unanimous consent that the statement, report, and related documents of Mr. MANSFIELD be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MIKE MANSFIELD SENATE ACCOMPLISHMENTS OF THE 93D CONGRESS

The 93d Congress will adjourn sine die on tomorrow. When we convened in January, 1973, many of us were discouraged and dispirited by the 1972 Presidential election results and the prospect of an even more powerful Executive branch headed by a President and Vice President who won reelection by one of the widest margins in history. There was unanimous concern about the increasing imbalance of power between the legislative and executive branches of government. This concern, however, fostered unprecedented determination and exceptional cooperation among Senators to halt a further erosion of power.

In this atmosphere of concern for the Constitutional structure of the government, the majority conference of the Senate endorsed a leadership statement of purpose and objectives for the 93d Congress calling on the Senate to move immediately to reassert the coequal role of the legislative branch in the government of the United States. It called for action on a number of specific issues which ranged from ending the involvement in Indochina to the investigation of the Watergate affair and related matters arising out of the political campaign of 1972.

Listed below are these 20 objectives as outlined in early 1973 along with brief reference to actions taken with regard to the objective. (See exhibit 1.)

An examination of this list indicates that considerable Congressional effort has been expended toward their achievement.

Among the specific goals set by the Democratic Conference in 1973 was prompt passage of a number of bills on which the Senate had already spent many hours. It

asked for immediate repassage of those twelve bills pocket vetoed by President Nixon after Congress adjourned in 1972. All of the major bills on this list have now become public law or have been cleared for the President. One of these measures, vocational rehabilitation, was vetoed three times before becoming law. (See Exhibit 2.)

A recap of Senate goals, as seen in early 1974, by the Majority Leader was presented to the nation on television at the beginning of the second session. These twenty objectives are listed below. (See Exhibit 4.)

A quick look at this list indicates that progress has been made in various areas. We have fallen short on only a few items—notably with regard to passage of national health insurance, comprehensive tax reform and energy related legislation—all matters of priority concern for the 94th Congress. However, with regard to the single most important issue involving the Constitutional structure of the government, we have been able to reverse the diminishing role of the legislative branch and to reassert its Constitutional authorities with regard to the impoundment of appropriations, control over the budget and the waging of war. Certainly, there exists today a more equal balance of power.

The 93d Congress may be remembered for the Watergate hearings which turned public attention to Watergate matters and the abuses of power in the government. The nation owes special thanks to Senator Ervin and the other members of the special committee for this accomplishment. However, members of the 93d Congress carried out other, less publicized, legislative responsibilities with distinction. Indeed, the legislative branch became the rock of the Nation at a time when the executive branch was seized in a whirlwind of disclosures, denials, dismissals, indictments and resignations of even the Vice President and finally the President. No Congress preoccupied with one issue alone could have made the legislative achievements of the 93d Congress. It enacted numerous important measures which had been in the legislative process for several years. They include:

War Powers resolution which prohibits the President from stationing troops overseas for more than 60 days without Congressional approval. President Nixon vetoed this measure but it became law after both Houses overrode his veto in early 1973.

Budget Reform and Impoundment Control Act which established a joint Congressional budget committee to give Congress better control over the budget and to clarify Presidential and Congressional authority with regard to the impoundment of appropriated funds. The President can no longer refuse to spend appropriations without Congressional approval. Nor can he postpone expenditure of appropriations if Congress disapproves.

Private Pension Plan Reform which assures that private pension plans will be more equitable and beneficial to all employees and that millions of Americans will not lose their pension benefits through mismanagement.

Campaign Financing and Reform Act which provides \$20 million in public financing to major Presidential candidates and sets limits on campaign spending and contributions.

Strip mining controls which sets Federal standards for the State regulation of surface mining operations in order to keep such operations from permanently scarring the land, and, indeed, the lives of our people.

Minimum Wage Increase which had not been changed in 8 years. This act which was vetoed in the 92d Congress extends coverage to several million more American workers.

Trade bill which seeks to promote the development of an open, non-discriminatory and fair world economic system, and to

stimulate the economic growth of the United States.

The Congress enacted other important legislation with regard to major revisions of the agricultural program, housing assistance programs and aid to elementary and secondary schools.

For the first time, it enacted special energy appropriations. It established an Energy Research and Development Administration and authorized twenty billion dollars over the next decade for nonnuclear energy research and development. The 93d Congress was fortunate to have leaders such as Senators Jackson and Randolph who have been in the forefront in the field of energy.

Other Senate-passed bills of widespread consequence include D.C. home rule, deep-water ports regulation, Vietnam veterans educational benefits, increases in social security, SSI and railroad retirement benefits, liberalization and extension of unemployment compensation benefits, emergency jobs program, preservation of the Watergate tapes, Senate confirmation of future OMB directors, national emergencies termination, privacy protection to list a few.

This year the Senate has broken the record on the total number of rollcall votes cast during a Congress which was set in the 47th Congress. During that Congress (1881-83), 986 record votes were cast. Thus far, 1,127 record votes have been cast in the 93d Congress. Rollcall votes are a measure of time expended and not always for useful purposes, notwithstanding the scorecards which are maintained and the snap judgments of performance which emerge from them. I hope that in the coming 94th Congress, a little more discretion will be exercised in the use of this parliamentary mechanism.

This year, the Senate has passed over 800 measures, ratified 9 treaties, and confirmed over 64,000 nominations. 280 measures have become public law and many more have become private law.

At the end of a long and productive Congress, I wish to thank the able assistant majority leaders, the Senator from West Virginia (Mr. Robert C. Byrd), who gives unstintingly of his time and talent to the orderly functioning of the Senate. I wish to express special thanks and appreciation for his outstanding leadership throughout 1973 and 1974 and particularly during my absence on official business this month.

I also wish to thank the distinguished Minority Leader (Mr. Hugh Scott) and his capable assistant Senator Griffin for their understanding, accommodation and cooperation. I am grateful to the Republican leadership for their readiness to work with the Majority leadership to make the Senate function at its best.

To all Senators, I express by gratitude for their understanding, my appreciation for their hard work, and my profound respect for their courage and determination to carry out their responsibilities to the Nation.

I ask unanimous consent that the documentation to which I have referred during my remarks and the Senate legislative activity report and index which is prepared by the staff of the Democratic Policy Committee be inserted in the Record at this point.

EXHIBIT 1.—SENATE OBJECTIVES, 1973, AS OUTLINED IN JANUARY 3, 1973

1. Reinforcement of Constitution's checks and balances and reassertion of legislative role, PL 93-344, PL 93-148.
2. End of war in Indochina, PL 93-50, PL 93-189.
3. Cooperation with House, monthly leadership meetings.
4. Coordination with Democratic Governors, periodic meetings.
5. Spending Ceiling set by Congress, PL 93-34.

6. Computerization and Access to Material in Budget, PL 93-344.

7. Clarification of the Impoundment of Funds Practice, PL 93-344.

8. Reduction of Defense Spending, PL 93-437, PL 93-238.

9. Closing of Overseas Bases.

10. Cutting of the size of the Federal Bureaucracy.

11. Reorganization of the Federal Government, PL 93-438.

12. Quick Disposal of Priority Legislation, including 1973 vetoes, only two out of twenty-eight never passed Senate.

13. Need for Health Insurance and Welfare Reform, H.R. 17045.

14. Reform of Campaign Financing Law, PL 93-443.

15. Investigation of Watergate Bugging and Other Practices, S. Res. 60, Watergate hearings.

16. End of FBI Dossiers on Congressmen—Watergate hearings led to Justice Dept. assurances that such a practice would be discontinued.

17. Insurance of Freedom of Speech for the Press, examined by Cte. during consideration of H.R. 5463.

18. Reform of Senate Rules, S. Res. 69.

19. Policy Committee to Delineate Party Positions, over 20 resolutions agreed to.

20. Clarification of the Use of Executive Privilege, Majority agreement to get commitment from all appointees regarding willingness to testify before confirmation.

EXHIBIT 2.—STATUS OF 1973 PRIORITY LEGISLATION

- *1. Airport Development, Public Law 93-44.
- *2. National Cemeteries, Public Law 93-43.
- *3. Older Americans, Public Law 93-29.
- *4. Public Works-Economic Development, Public Law 93-46.
- *5. Veterans Medical Care, Public Law 93-82.

- *6. Vocational Rehabilitation, Public Law 93-102.
- *7. Labor-HEW Appropriations, Public Law 93-192.
- *8. Flood Control, Public Law 93-234.
- *9. National Institute on Aging, Public Law 93-296.

- *10. Mining Research Centers, contained in conference rpt. on S. 425 which has been cleared for President.
- *11. Environmental Data Centers, passed Senate 6-12-74.
- *12. Deputy U.S. Marshals Pay, vetoed 8-12-74.
- *13. Highways Funds, Public Law 93-87.
- *14. War Powers, Public Law 93-148.
- *15. Minimum Wage Increase, Public Law 93-259.

- *16. Welfare Reform, H.R. 17045 in conference.
- *17. Anti-Aircraft Hijacking, Public Law 93-366.
- *18. Health Maintenance Organization, Public Law 93-222.
- *19. Fair Credit Billing, provisions contained in Public Law 93-495.
- *20. Land Use Policy, passed Senate 6-21-73.
- *21. Compensation for Victims of Crime, passed Senate 4-3-73.
- *22. Consumer Product Warranties, cleared for President.
- *23. Comprehensive Housing, Public Law 93-383.
- *24. Strip Mining Controls, S. 425 cleared for President.
- *25. Consumer Protection Agency, Senate tabled.
- *26. No Fault Insurance, Passed Senate 5-1-73.
- *27. Pension Reform, Public Law 93-406.
- *28. National Health Insurance, pending in committee.

*Pocket vetoed in 1972.

EXHIBIT 3

REMARKS OF SENATOR MIKE MANSFIELD AT THE DEMOCRATIC CONFERENCE, JANUARY 3, 1973

We meet, today, with a new majority. We meet with new responsibilities and a new mandate.

The same electorate that endorsed the President increased the Democratic majority in the Senate by two votes. If the re-elected Members (Senators Sparkman, McClellan, Mondale, Eastland, Metcalf, McIntyre and Randolph), and the Senators-elect (Senators Abourezk (S.D.), Biden (Del.), Clark (Iowa), Haskell (Colo.), Hathaway (Me.), Huddleston (Ky.), Johnston (La.), and Nunn (Ga.)) will stand, the Conference would appreciate the opportunity and the privilege of congratulating them en bloc.

In my judgment, the vote for each of these Senators in November was cast for them as individuals. Each speaks with unique ideological and regional accents. Each has a sensitivity to a particular constituency. Nothing I may say, today, is intended to detract from that basic fact of victory in this or any other free election. Collectively, however, these Senators are representative of the Democratic Party. They reflect the strength of a unified political identity in the midst of ideological diversity, of a party that excludes no sector of the nation, nor any group of Americans.

What I have to say now, I say with all due respect and affection for our distinguished colleague from South Dakota. (And if I may digress for a moment, I would note that not a single Member of the Democratic Majority in the Senate of the 92nd Congress—south, north, east or west—defected to the Republican Presidential candidate in November.) Notwithstanding the outcome of the November election, it should be emphasized that, as a Senator from South Dakota, George McGovern shares the mandate which the electorate has given to the Senate Majority. I have every confidence that we can expect of him a vigorous contribution in its pursuit.

The recent election tells us something of what the people of the nation expect of the Senate. If there is one mandate to us above all others, it is to exercise our separate and distinct constitutional role in the operation of the Federal government. The people have not chosen to be governed by one branch of government alone. They have not asked for government by a single party. Rather, they have called for a reinforcement of the Constitution's checks and balances. This Democratic Conference must strive to provide that reinforcement. The people have asked of us an independent contribution to the nation's policies. To make that contribution is more than our prerogative, it is our obligation.

An independent Senate does not equate with an obstructionist Senate. Insofar as the Leadership is concerned, the Senate will not be at loggerheads with the President, personally, with his party, or his Administration. The Senate will give most respectful attention to the President's words, his program and his appointments. Every President deserves that courtesy. During the period in which you have entrusted me with the leadership, every President has had that courtesy.

In a similar vein, the rights of the Republican Minority in the Senate will be fully sustained by the Majority Leadership and I anticipate the cooperation of the minority leadership in the operation of the Senate. I would say to the Minority, however, no less than to the Majority, that the Senate must be prepared to proceed in its own way. When conscience so dictates, we must seek to initiate and advance public programs from the Senate and, as indicated, to revise proposals of the Executive Branch.

It is my expectation that the House of Representatives will join in this approach. To that end, the Senate Leadership will seek to establish close and continuing liaison with that of the House. Looking to the needs of

the entire nation, moreover, the Leadership will put out new lines of communication to the Governors Conference, notably to its Democratic Members, as well as to the National Democratic Party. We have much to learn from these sources about conditions in the nation. Their contribution can help to improve the design of federal activity to meet more effectively the needs of all States.

There is no greater national need than the termination, forthwith, of our involvement in the war in Viet Nam. This Conference has been in the vanguard in seeking a legislative contribution to rapid withdrawal from that ill-starred, misbegotten conflict. The Majority Conference has resolved overwhelmingly to that effect. Members have voted on the Senate floor, preponderantly, to that effect.

Nevertheless, the war is still with us. Notwithstanding intermittent lulls and negotiations, the prisoners of war remain prisoners and their numbers grow with each renewal of the bombing. The fact is that not a single prisoner has been released to date by our policies; the handful who have come home have done so in consequence of gestures from Hanoi. The recoverable missing in action have yet to be recovered and their numbers grow. Americans still die in twos and threes and plane-loads. Asians die by the hundreds and thousands. The fires of an enduring hostility are fed by unending conflict. We are in the process of leaving a heritage of hate in Southeast Asia to our children and our children's children. And for what?

With the election behind us, I most respectfully request every Member of the Conference to examine his position and his conscience once again on the question of Viet Nam. I do not know whether there is a legislative route to the end of this bloody travesty. I do know that the time is long since past when we can take shelter in a claim of legislative impotence. We cannot dismiss our own responsibility by deference to the President's. It is true that the President can still the guns of the nation in Viet Nam and bring about the complete withdrawal of our forces by a stroke of the pen. It is equally true that the Congress cannot do so. Nevertheless, Congress does have a responsibility. We are supplying the funds. We are supplying the men. So until the war ends, the effort must be made and made again and again. The Executive Branch has failed to make peace by negotiation. It has failed to make peace by elaborating the war first into Cambodia, then into Laos and, this year, with blockade and renewed bombing, into North Viet Nam. The effort to salvage a shred of face from a senseless war has succeeded only in spreading further devastation and clouding this nation's reputation.

It remains for the Congress to seek to bring about complete disengagement. We have no choice but to pursue this course. I urge every Member of this caucus to act in concert with Republican Senators, by resolution or any other legislative means to close out the military involvement in Viet Nam. If there is one area where Senate responsibility profoundly supercedes party responsibility, it is in ending the involvement in Viet Nam.

In view of the tendency of this war to flare unexpectedly, the Leadership now questions the desirability of the Congress ever again to be in *sine die* adjournment as we have been since October 18, 1972. In that Constitutional state the Congress is unable to be reassembled on an urgent basis except by call of the President. It is the Leadership's intention, therefore, to discuss this gap in Congressional continuity with the House leaders. It may well be desirable to provide, at all times, for recall of the Congress by the Congress itself. There is ample precedent for providing standby authority of this kind to the combined Leaderships.

If Indochina continues to preoccupy us abroad, the Senate is confronted, similarly,

with an overriding domestic issue. The issue is control of the expenditures of the Federal government. We must try to move to meet it, squarely, at the outset of the 93rd Congress.

In the closing days of the last session, the President asked of Congress unilateral authority to readjust downward expenditures approved by the Congress within an overall limit of \$250 billion. The President's objectives were meritorious but his concern at the imbalance in expenditures and revenues might better have been directed to the federal budget which is now a tool—not of the Congress, but of the Executive Branch. It is there that the origins of the great federal deficits of the past few years are to be found. The fact is that Congress has not increased but reduced the Administration's budget requests, overall, by \$21 billion in the last four years.

As the Conference knows, the House did yield to the President's request for temporary authority to readjust downward, arbitrarily, Congressional appropriations. The Senate did not do so. The Senate did not do so for good and proper reasons. The power of the purse rests with Congress under the Constitution and the usurpation or transfer of this fundamental power to the Executive Branch will take the nation a good part of the last mile down the road to government by Executive fiat. That is not what the last election tells us to do. That is not what the Constitution requires us to do.

I say that not in criticism of the President. The fault lies not in the Executive Branch but in ourselves, in the Congress. We cannot insist upon the power to control expenditures and then fail to do so. If we do not do the job, if we continue to abdicate our Constitutional responsibility, the powers of the federal government will have to be recast so that it can be done elsewhere.

We must face the fact that, as an institution, Congress is not readily equipped to carry out this complex responsibility. By tradition and practice, for example, each Senate committee proceeds largely in its own way in the matter of authorizing expenditures. There is no standing Senate mechanism for reviewing expenditures to determine where they may fit into an overall program of government. A similar situation exists in our dealings with the House. So, if we mean to face this problem squarely, it is essential for us to recognize that the problem is two-fold. It involves: (1) coordination of expenditures within the Senate and; (2) coordination with the House.

In the closing hours of the 92d Congress, Congress created a Joint Committee to recommend procedures for improving Congressional control over the budget. While this committee cannot be expected to conclude its work by February 15, as the statute directs, it would be my expectation that by that date an interim report will have been submitted to the Congress. Thereafter, it is the Leadership's intention to seek the extension of the Joint Committee in the hope that a definitive answer can be found to the problem.

In the meantime, what of the coming session? Unless the Congress acts now to strengthen coordinated control of expenditures, it is predictable that the Executive Branch will press again for temporary authority to do so. It is predictable, too, that sooner or later a Congressional inertia will underwrite the transfer of this authority on a permanent basis.

That is the reality and it ought to be faced squarely here in this caucus and on the floor of the Senate. Unless and until specific means are recommended by the Joint Committee, I would hope that the Conference will give the Leadership some guidance on how an overall expenditures ceiling may be set as a goal for the first session of the 93d Congress. Shall we attempt to do it here in the Caucus? Shall

we take a figure by suggestion from the President? Thereafter, how will we divide an over-all figure among the various major priorities and programs? How much for defense? For welfare? For labor and so forth?

Who will exercise a degree of control over expenditures proposed in legislation? Can it be done by a committee of committee chairmen? The Appropriations Committee? Should the Majority Policy Committee monitor expenditure legislation before it reaches the Senate floor to determine compatibility with an overall limitation? In any case, where will the necessary budgeting technicians and skilled fiscal officers be obtained? From the General Accounting Office? The Congressional Research Service? By an expanded Senate staff?

I would note in this connection the provisions of the Reorganization Act of 1970 which called for a unified computerized system for the federal government. The system was to permit classifying various programs and expenditures of the government so that we might know, among other things, how much was being spent for each particular purpose. This knowledge is essential for effective control of expenditures on the basis of a program of priorities.

The computer project is being undertaken jointly by the Treasury and the Office of Management and Budget, in cooperation with the General Accounting Office. It is my understanding that the project has concentrated, to date, on the needs of the Executive Branch while those of the Congress are being overlooked. If that is so, this project had better be put back on the right track. If it is necessary, the Congress should alter the enabling legislation to make certain that we get the information that is needed to control expenditures. It would be my hope that the appropriate committees would move without delay to look into this situation.

If the President seeks the cooperation of the Senate in negotiating an immediate end to the involvement in the Vietnamese war, in the control of expenditures or, in any other matter of national interest, he will have that cooperation. Cooperation depends, however, on a realistic give and take at both ends of Pennsylvania Avenue. In the name of cooperation, we cannot merely acquiesce in unilateral actions of the Executive where the Constitutional powers of Congress are involved as they are in Viet Nam and in the control of expenditures. I would also note in this connection the proclivity of the Executive Branch to impound funds from time to time for activities approved by the Congress. This dubious Constitutional practice denies and frustrates the explicit intention of the Legislative Branch.

There are some areas in which, clearly, we can work cooperatively with the President. Defense expenditures, for example, can continue to be reduced to a more realistic level. I am glad to note that the Armed Services Committee and the Appropriations Committee both have been moving to bring about a general reduction of requests of the Executive Branch for these purposes. As a matter of fact, the reduction in defense appropriations amounts to \$5.3 billion for FY '73 and I would hope that we will do even better this year.

We should also consider closely the Administration's announced plans to close some domestic military bases during the coming year. The Executive Branch should not overlook the approximately 2,000 installations and bases which we have set up in all parts of the world at a continuing cost of billions of dollars annually. Here, too, there is an area for cooperation with the President. I would suggest most respectfully that the Senate and the President consider jointly both in terms of obsolescence and economy the closing of a good many of these overseas establishments.

In the civilian sector, the President has indicated that the Federal bureaucracy is too large. There would certainly be grounds for close cooperation with the Senate in this sphere. The misuse and underuse of civil servants is a scandalous waste of public funds which is felt especially at a time of rising federal salary scales. To overload the agencies and departments with personnel is also demeaning and deadening to the dedicated men and women in the federal service.

If the President will work with the Congress on this matter, I am persuaded that the Civil Service can be reduced substantially from its present 2.8 million employees. The reduction can be without personal hardships, by a carefully developed program which would permit greater flexibility in transfers among agencies and incentive retirements. Such a program coupled with the natural attrition of death and resignation and with accompanying limits on new hirings could do much to improve the tone of government service and curb the payroll costs which now stand at \$32 billion a year.

The President has expressed an interest in proceeding with his earlier proposed plans for reorganizing the Federal government. Clearly, there is a need for reorganization of sprawling, over-extended, over-lapping Executive departments, agencies and commissions. It must be faced as a realistic matter, however, that any basic reorganization in government is a difficult undertaking at best. In my judgment, a wholesale approach is not likely to achieve anything more concrete now than when it was first advanced two years ago. It would be only a charade. It is my hope, therefore, that the President would concentrate on areas of maximum need. It seems to me that Members of the Senate who have shown a deep interest in this problem can be very helpful in working with the Administration to define those areas.

Turning to our potential contribution to a legislative program for this session, I would emphasize that the Senate has a distinct mandate to assert its own concepts of priorities. The Constitution does not require us to await proposals from the Executive Branch. In this connection, two categories of "carry-over" legislation, from the 92d Congress warrant immediate attention. The first consists of those measures passed by Congress in the last session but vetoed by the President. In many cases, the same measures can be reported promptly by the appropriate committees largely on the basis of comprehensive hearings held in the past. Within this group, of even more urgent concern are the following bills which were vetoed after Congress adjourned without opportunity to override:

1. An Act To Establish Mining, Mineral, and Related Environmental Research Centers in Each State.
2. The Airport Development Acceleration Act.
3. The Public Works Navigation and Flood Control Construction Bill.
4. The National Environmental Data System Act.
5. Extension of Grants to States for Vocational Rehabilitation of Handicapped Individuals.
6. The Veterans' Health Care Reform Act of 1972.
7. The National Veterans' Cemetery System Act.
8. Reclassification of Positions of Deputy U.S. Marshals.
9. National Institute of Gerontology Bill.
10. Revision of the Older Americans Act of 1965.
11. Public Works and Economic Development Act Amendments of 1972.
12. Appropriations for the Departments of Labor and Health, Education, and Welfare for Fiscal Year 1973.

A second category of priority bills includes those which were reported out and

considered in either the House or the Senate during the 92d Congress but not enacted. They include pioneering measures of great relevance to the quality of the Nation's life and the welfare of its citizens. These measures should be reported by the Committees early in the current session so that the Congress may consider them carefully. The list includes:

1. Comprehensive Housing.
2. Consumer Protection Agency.
3. No-fault Insurance.
4. Minimum Wage.
5. Pension Reform.
6. Comprehensive Health Insurance.
7. Health Maintenance Organizations.
8. Strict Strip Mining Controls.
9. Omnibus Crime Victims Bill.
10. Highway Federal Aid.
11. War Powers.
12. Anti Hijacking.
13. Consumer Product Warranty.
14. Land Use.
15. Fair Credit Billing.

I would note, in particular, legislation involving health insurance. Senators have introduced various measures dealing with this subject. The Administration has advanced other proposals. The Congressional approach tends to offer more comprehensive health coverage to the people of the nation. The Administration is more concerned with costs. It would be my hope that a compromise can be brought about between what Senators have suggested and what the Administration has recommended. In that fashion, we might at least begin to move in the direction of meeting the medical and hospital needs of all of our citizens.

In a closely related area, we will have to come to grips with the question of welfare reform. Over the past ten years, the costs of welfare have increased from \$5 billion to approximately \$15 billion. The trend continues upward. The states and localities are overwhelmed by a growing demand for assistance. They plead for greater federal assistance in shouldering this load.

It is inconceivable to me that this nation will ever turn its back on those among us whose lives have been crippled by physical or mental handicaps, by unemployment, by poverty and disease. For years, we have assisted such people, by the millions, abroad as well as at home.

Nevertheless, we must find a better way of dealing with this problem. We must find a more effective system not only of training but of placement to put the able-bodied to work. It is more than a matter of getting people off welfare rolls. It is a matter of the right to personal dignity for every American who is prepared to assert it. It is a right which is interwoven with supporting oneself and family and with making a constructive contribution to the nation.

To date, the Administration has failed to meet this situation. So, too, has the Congress. Hopefully, together, in the 93d Congress we can make a new beginning.

Once, again, in the last election the flaws in the electoral system were paraded before the nation. In my judgment both Congressional and Presidential campaigns are too repetitive, too dull and too hard on candidates and electorate. Most serious, the factor of finance begins to overshadow all other considerations in determining who runs for public office and who does not in determining who gets adequate exposure and who does not. It is not healthy for free government when vast wealth becomes the principal arbiter of questions of this kind. It is not healthy for the nation, for politics to become a sporting game of the rich.

This Congress must look and look deeply at where the nation's politics are headed. In my judgment, ways must be found to hold campaign expenditures within reasonable

limits. Moreover, to insure open access to politics, I can think of no better application of public funds than, as necessary, to use them for the financing of elections so that public office will remain open to all, on an unfettered and impartial basis, for the better service of the nation. With this principle forming the objective, it would be desirable to consider limiting campaigns to three weeks or four weeks, later scheduling of conventions and, possibly, replacing the present haphazard, expensive, time-consuming state primaries with national primaries. Once again too, consideration might be given to abolishing the electoral college and to adjustments in the Constitutional provision involving the Presidential term of office and, perhaps, that of the Members of the House.

The Federal Election Campaign Contributions Act, which was enacted in the 92d Congress and which was put into effect this past year, may also need refinement and modification to reduce undue paper-shuffling and principle of full disclosure. There are also some specific matters relating to the past elections which warrant investigatory attention. One is the so-called Watergate affair which appears to have been nothing less than a callous attempt to subvert the political processes of the nation, in blatant disregard of the law. Another is the circulation by mail of false allegations against our colleagues, Senator Muskie, Senator Jackson and Senator Humphrey, during the Florida primary campaign, with the clear intent, to say the least, of sowing political confusion.

Still another is the disconcerting news that dossiers on Congressional candidates have been kept by the FBI for the last 22 years. This practice has reportedly been stopped. It would be well for the appropriate committees to see to it that appointed employees in the agencies of this government are not placed again in the position of surreptitious meddling in the free operation of the electoral process. The FBI has, properly, sought to avoid that role in other situations. We must do whatever is necessary to see to it that neither the FBI, the military intelligence agencies or any other appointive office of the government is turned by its temporary occupants into a secret intruder into the free operation of the system of representative government in the United States.

On November 17, 1972, I addressed letters to Chairman Eastland of the Judiciary Committee and Chairman Ervin of the Government Operations Committee. I requested that these two Chairmen get together and make a recommendation to the Leadership on how to proceed to investigate these and related matters, to the end that the Senate's efforts may be concentrated. I renew that request today.

While I am on this subject, I would like to suggest, too, that attention be given to the appearance in the Courts and Executive Agencies of what may be a tendency to cloud by disconcerting interpretations the safeguards of the First Amendment as they apply to practitioners in the press and other media of communications. If this tendency does exist, the Congress has a responsibility to try to check it. The press, radio and TV are prime sources of light in the otherwise hidden recesses of our government and society. They are as essential to the fulfillment of our legislative responsibilities as they are to the general enlightenment of the public. At the very least, therefore, it seems, too, that a Senate inquiry is called for into the implications of recent court decisions and such official pronouncements as that of the Director of the Office of Telecommunications Policy regarding the "Fairness Doctrine." We share with the President and the Courts a Constitutional responsibility to protect the freedom of the press to operate as a free press.

I would like next to present a few thoughts about the internal procedures of the Senate.

In recent weeks, much has been said about the evils of the seniority system. I can understand the intent of those who make these assertions. Yet, I would observe that, in general, the Senate has been well served in the years of my personal recollection, by the Chairmen of its various committees.

For the benefit of the new Members, however, I would point out that the system which is followed in the Senate by the Democratic Conference in nominating Members to Senate committees is not one of automatic deference to seniority. In the first place, nominees for each standing committee and its chairmen are designated by the Conference's Steering Committee and by secret ballot. During the 92d Congress, for the first time, the Leadership submitted en bloc to the Democratic Conference for concurrence the names of any new members of the several committees. The Steering Committee's selections were endorsed unanimously by the Conference.

Beginning in the 92d Congress, moreover, the Conference adopted a ratification procedure calling for separate Conference concurrence in the case of each of the Steering Committee's designees for Committee Chairman. That process will be followed this year and a Democratic Conference will be called for that purpose when the Steering Committee completes its work. Finally, I should note that what I have just discussed is the procedure only for designation of Democratic Members to Senate committees. The actual election of committees and chairman occurs on the floor of the Senate where, once again, they are subject to challenge. The safeguards seem to me to be substantial. Nevertheless, the Chair will entertain any request for further discussion of this matter.

On another question, I have received from Senator Moss, a letter which states, in part: "It is my hope that the Democratic Conference will adopt a resolution directing the Policy Committee to set forth the legislative objectives of the Democratic Party. It follows, of course, that all Democrats would be expected to support to the maximum degree possible these objectives."

Let me note, in this connection, that in early 1969, the Leadership did raise with the Policy Committee the question of who was to speak for the Democratic Party in the Federal government in view of the election of a Republican President. The Committee agreed unanimously that a need existed for such a spokesman. Thereupon, it adopted unanimously certain new rules of procedure which were proposed by the Leadership to deal with this need. In general, these rules provided for regular meetings of the Policy Committee to consider issues which might be identified as suitable for the assumption of a party position. Those issues were to be considered which came to the Policy Committee—quoting from the Committee's rules—"by reference . . . from any Member of the Policy Committee, by staff study of legislative proposals, statements or other actions of the Administration and by reference to the (Policy) Committee from any legislative Committee."

The Committee further agreed to consider "the issues which are thus brought to its attention for the purpose of determining whether they are of a significance and are likely to evoke sufficient agreement as to warrant adoption by the Majority Party of a Policy position."

Finally, the Committee agreed to seek "to secure the widest degree of party acceptance of a position on any significant issue (and) . . . to be guided by a minimum of a two-thirds vote in determining the issues on which a party position should be taken."

In short, basic machinery in line with Senator Moss' suggestion has been available and in operation in the Policy Committee for four years. The rules of procedure which govern in this connection were approved in

full and unanimously by the Democratic Conference on May 20, 1969, as well as by the Legislative Committee Chairmen. They have been used to identify and to disseminate more than a dozen party positions in the Senate and, in general, these positions have had substantial Democratic support.

It is conceivable that the Conference would wish to make changes in the functions of the Majority Policy Committee with a view to strengthening its role along the lines of Senator Moss' letter. It would be helpful, however, if the Policy Committee itself might consider this matter before it is discussed in the Conference. If there are to be modifications in the present procedures of the Committee, as approved unanimously by the Conference in the past, we ought to be as specific as possible in presenting them. The Policy Committee will be meeting soon and the Leadership will undertake to raise the matter at that time. The results of the discussion will be brought back to the Conference thereafter if changes are to be proposed.

I will now close these remarks with a final reference to the last election. I suppose each of us interprets the national sentiment which is reflected in the outcome in terms of his own predilections. Certainly, I have done so. Therefore, "the state of the Senate," as seen from the viewpoint of the Democratic Majority might not necessarily dovetail with the mandate which the Administration delineates from President Nixon's reelection or that which is seen by the Republican Minority in the Congress.

Nevertheless, it does seem that the election tells all of us—President, Democratic Majority and Republican Minority—what the people of the nation do not want.

(1) They do not want one party or one branch government during the next two years.

(2) They do not want to turn back the clock on the national effort to improve the human climate and the physical environment in which the people of this nation must live.

(3) They do not want a rate of change which whether too slow or too rapid produces major internal chaos and disruption.

(4) Most of all, they do not want the President to persist nor the Congress to acquiesce in the indefinite continuance of the senseless bloodshed in Viet Nam and, with it, accept the indefinite postponement of the return of the POW's and the recoverable MIA's.

These negatives point the way to the positive path which the Senate Majority Leadership intends to pursue during the next two years. We will not abandon the effort to end the U.S. involvement in Viet Nam and to bring back the POW's and the recoverable MIA's, period. We will work to preserve and to enhance the faithfulness of this nation to its Constitutional principles and its highest ideals and, in so doing, we will not shut the door on essential changes.

The Leadership needs your cooperation, your understanding and your support. Ideas are welcomed, equally, from every Member of this Conference, the oldest no less than the youngest, the most junior no less than the most senior. Together, we are here, in the last analysis, with only one mandate—to serve the people of the several states and the nation. With your help, the Leadership will strive to carry out that mandate in full.

EXHIBIT 4

SENATE OBJECTIVES 1974—AS OUTLINED IN STATEMENT OF FEBRUARY 1, 1974

1. Protect personal liberties of Americans—S. 3418, PL 93—
2. Check excesses of Executive to: Curtail public information for "Nat'l security" reasons, PL 93-502. Impound funds, PL 93-344.

Attack the press unwarrantedly considered in H.R. 5463.

Exercise complete control over the budget, PL 93-344.

Show and breed contempt for Congress, Watergate hearings.

Control government reorganization, did not extend Presidential reorganization authority.

Invade personal privacy, S 3418, PL 93-3.

Priority Legislation, 1974:

1. National Health Insurance.

2. Housing Program, PL 93-383.

3. Private Pension Reform, PL 93-406.

4. Minimum Wage, PL 93-259.

5. No Fault Auto Insurance, F/S.

6. Budget Control Reform, PL 93-344.

7. Education Program, PL 93-380.

8. Tax Reform, House must act first.

9. Public Campaign financing, PL 93-443.

10. Campaign Reform, PL 93-443.

4. Seek mutual arms reduction.

5. Seek closer ties with Latin America.

6. Seek more international cooperation.

7. Deal with energy crisis by:

1. Gas rationing.

2. Price roll back.

3. Cut tax benefits and excess profits of oil companies.

4. Open information on oil imports and production—Vetoed.

5. Funds for energy research and pollution control—PL 93- (S. 1283).

8. Set priorities for future—PL 93-426 creating a Commission on Supplies and Shortages composed of representatives of the private sector and the executive and legislative branches.

EXHIBIT 5—ADDRESS OF SENATOR MIKE MANSFIELD, MAJORITY LEADER
STATE OF THE CONGRESS—1974
(February 1, 1974)

Wednesday evening President Nixon addressed a joint session of Congress, through the medium of radio and television, he also spoke directly to the nation. His State of the Union Address was welcomed by the Congress. It will receive full and cooperative consideration. Whatever the legal difficulties which confront the Administration, the regular business of the nation must come first. The President put it first. Insofar as the Congress is concerned, it will be first.

Tonight, I offer an assessment of where the nation stands and what lies ahead as we see it in the Legislative Branch. The President, alone, speaks for the Executive Branch. One Senator cannot speak for the 100 Members of the Senate. Nor will all 435 women and men in the House of Representatives agree with everything that I have to say. Nevertheless, my remarks are indicative of the prevailing views of the Democratic Majority as reflected in the Leadership of the Congress.

In some respects, of course, these views are on the same wave length as the President's, as for example, when he spoke on Wednesday of his desire to protect the personal liberties of Americans. In others, they differ. It can be no other way. We are a government of separate branches. Our politics remain cast in two major parties.

Twelve months ago the 93d Congress convened after a sweeping victory for a Republican President in the 1972 election. From that same election, however, there also came an increase in the Democratic Majority in the Senate and a continuing Democratic Majority in the House of Representatives. There were those who chose to note the first event but to ignore the second. The facts of the election, nevertheless, were clear. There had been not one but two basic decisions. The people had continued the President in office. At the same time, they had rejected government by one party and government by one branch. And, may I add, subsequent events have underscored the wisdom of this duality of choice.

The Congressional Majority accepted the President's electoral mandate. At the same time, we concluded that there was also a mandate to the Legislative Branch. Therefore, we moved promptly to reinforce the nation's system of checks and balances against an accumulation of power in the Executive Branch. This accumulation did not begin in the present Administration. It had been going on, administration after administration, Democratic and Republican, for decades. Nevertheless, there were, at the outset of the 93d Congress the following evidences of an ominous shift to one-branch government:

(1) Excessive Executive curtailment of public information in the name of national security;

(2) Arbitrary Executive impoundment of appropriated funds;

(3) Unwarranted Executive attacks on the national press;

(4) Executive pre-emption of sole authority over the Federal budget;

(5) Multiplying expressions of Executive contempt for Congress and, by extension, for the people who elect the Congress;

(6) Executive usurpation of sole control over changes in the basic organizational structure of the government; and,

(7) Illegal invasions of personal privacy by Executive agents.

To the Congress, these were flashpoints of a danger to freedom and we were determined to act on them. In my judgment, we did what we set out to do. The erosion of the system of checks and balances was halted. A greater Congressional impact began to be registered on all of the basic decisions of the Federal government.

A year ago, for example, this nation's principal concern was to get out of Viet Nam. That was a goal set not in 1973 or 1972 by this Administration. It was set by its predecessor in the distant past. It was a goal reiterated year after year for a half-dozen years. For even more years, Members of Congress had spoken out against the involvement.

But at the beginning of the 93d Congress, we were still in Viet Nam. Americans were still dying in Indochina. The urgency, therefore, was to translate pious words into action that would restore fully the nation's peace. In 1973 that was done. An effective settlement was negotiated with the North Vietnamese by Dr. Henry Kissinger, the present Secretary of State. The final withdrawal of our military forces was achieved under what became an absolute legal insistence by the Congress. Thereafter, the gate to re-involvement anywhere in Indochina was shut tight by legislation.

The bitter and tragic experience of Viet Nam led us, moreover, to act against a repetition elsewhere. Now, any military intrusion into another nation—and, hopefully, we have seen the last—is conditioned on the expressed consent of Congress as prescribed in the War Powers Act. Hereafter, what this nation may find necessary to do abroad in a military sense is a question that must be openly considered. It must be decided not alone by the President. It must be decided by the President together with the men and women in the Congress who answer directly to the people. That is a basic Constitutional concept. That is an essential concept for the continued existence of freedom in this nation.

The past year also witnessed major contributions from the Congress over a range of domestic questions. New farm legislation was passed calling for the removal of all limitations on the production of food. Hopefully, this legislation will undo some of the damage done by subsidized sales of grains abroad at bargain-basement prices.

Last year, we sold millions of tons of grain to the Soviet Union. This year, the Soviet Union is offering to sell some of it back to us—at almost three times the price. Who pays

for this sort of film flim? The people of the nation pay for it in the skyrocketing costs of all foodstuffs.

In the last session, Congress acted twice on its own initiative to try to keep Social Security benefits in line with rising prices. The way was also cleared for building the Alaska pipeline. New emphasis was given to urban mass transportation. Measures were adopted to encourage emergency medical services and health maintenance systems throughout the nation. Legislation of significance to veterans became law after a Presidential veto. To be sure, the achievements were not earth-shaking. Nevertheless, they represented a sustained and sober effort on the part of Republicans and Democrats alike. They were the work of one session of a two session Congress. During the current year, it is my expectation that we will move to consider these additional major measures:

An effective National health insurance system which covers all Americans;

An expansion of Housing assistance so that those of limited means will once again be able to pay for a home;

Reform of private pension systems which will recognize that millions of Americans move from place to place and from job to job and that the accumulation of private retirement credit, in effect, should do the same;

A fair minimum wage that underwrites a modest standard of living in the face of an explosive inflation;

A system of no-fault automobile insurance;

An increase of Congressional control over the budget, to the end that the President's more than \$300 billion in spending requests will be reduced;

A renewed commitment to excellence in education after years of administrative indifference.

There will be time to try, too, to bring about more equity in the tax structure. The system now favors, too much, those who have more, over those who have less. It favors too much, income from substantial wealth already accumulated as against income derived from pay-check to pay-check and from personal savings that are small or almost non-existent.

That is the way the legislative program for the coming session is beginning to take shape. It is the first order of business. It will be pursued deliberately.

At this point, I wish to speak with the utmost candor on the Congress and Watergate and the related questions of impeachment and resignation. I raise these matters reluctantly. Nevertheless, they must be raised because they have been widely discussed by the public and, on Wednesday, reference was made to them by the President. The question of a Presidential resignation, as in the case of a Vice-Presidential resignation, is not one for the Congress. The President has stated his intentions bluntly in that regard. Insofar as the Congress is concerned, that closes the matter of resignation.

Impeachment is a responsibility of the Congress. The question is now before the House of Representatives where it belongs at this time under the Constitution. It is being handled properly and deliberately. On the basis of available information, I would anticipate that it will be dealt with fully in this session.

What has been done by the Senate Watergate Committee is also within the Constitutional responsibility of the Congress. That work, too, I would anticipate, will be completed during this session in legislative recommendations.

The question of impeachment and the matters of the Watergate hearings create onerous responsibilities for the Congress. They are also inescapable responsibilities. They have had to be assumed in order to

cleanse the political processes of the nation. The members of the Congressional Committees which are pursuing them—members of both parties—deserve every support in these endeavors.

As for the crimes of Watergate—and there were crimes—they cannot be put to rest by Congress. Nor can any words of the President's or from me mitigate them. The disposition of crimes is a function of the Justice Department and the Courts. Insofar as I can see, Mr. Leon Jaworski, the special prosecutor, is doing his job and so, too, are the courts. There the matter must rest for however long may be necessary. Whether it is months or years, there are no judicial shortcuts.

Looking ahead, in ten months the Senate and the House of Representatives will face the people in an election. That event will test the record of the past two years. More important, it will be an affirmation of freedom at a critical moment in our history. The transitory political lives of elected officials are not what will matter most in November. It is the political life of the nation that is involved most deeply.

To excise Watergate and what it implies before it becomes fatal to liberty is a fundamental responsibility of this government. The people have a right to an electoral system free of shenanigans, capable of yielding honest, responsible and responsive government, open to all, and shaped to meet the needs of all.

The people of this nation, in their overwhelming number, do not want government by the whim or the will of the most powerful and influential. That is the nub of the problem. It is incumbent on us to foreclose an excessive intrusion of great wealth, whether corporate, labor, personal or whatever, into the electoral process. That is a solemn and urgent obligation.

We have taken steps in law in the direction of fulfilling that obligation. Citizens, for example, can now indicate on the front page of their income-tax returns whether or not they wish a dollar of their taxes to go to defray election costs at no additional cost to themselves. These funds will be impartially divided to finance future political campaigns. Certainly, I would urge all Americans to use this income tax device to register their concern for the integrity of free elections.

In my judgment, we shall not come finally to grips with the problem except as we are prepared to pay for the public business of elections with public funds. We are moving in that direction, as I have already indicated, with the income tax earmark. There are other measures under consideration in Congress which will accelerate the process. I would hope and expect that the President will join with the Congressional leadership in supporting these efforts to clean up the campaign-financing mess. If it was in 1972 that Watergate arose, and in 1973 that it was investigated, may it be said that it was in 1974 that the matter was finally ended in a new system of open elections openly paid for. I urge the support of the people of the nation in that resolve.

What Watergate did to public confidence with regard to the nation's politics, the energy crisis has done in the realm of the nation's economy. Grave uncertainties have arisen. It is not merely a question of long lines at the filling stations, and slower speeds on the highways. The implications of the shortage are seen to extend far beyond the gas tank into every aspect of our society. Today, the petroleum situation threatens the jobs, the business and even the basic maintenance of the homes of millions of Americans. We have become aware, suddenly, of an abject dependency on decisions made by governments five thousand miles away and by a handful of executives in petroleum companies scattered around the world.

To be sure, oil shortages had been forecast for years. But, the message was either not

received or ignored. The use of ever-increasing amounts of energy and, in particular, of petroleum-derived energy was stimulated in this nation as basic to prosperity. Now, we have shifted gears. The watchword has changed from consumption to curtailment. The people of the nation have been quick to recognize the need. They have displayed, over all, a remarkable degree of self-discipline in meeting the problem. And that has been the single most important element in preventing a national catastrophe.

The recent agreement between Egypt and Israel will also be of significance in this connection. The President and Secretary of State Kissinger have acted with notable astuteness on the interplay of the Middle East conflict and other aspects of the international situation and the energy question. While I am on this subject, I would like to commend the peripatetic Mr. Kissinger. His achievements extend far beyond the Middle East as, for example, in the improvement of relationships with China and the Soviet Union.

In the year ahead, I would hope that the President and the Secretary of State will turn to such questions as the reduction—not just the limitation—but the reduction of arms on a mutual basis. Hopefully, this wasteful financial burden and the drain on the resources of the nation which it entails may be reduced, and military spending can be cut, not increased, as the President has already requested in his State of the Union message.

There is also the need for a new look, south, at our relations with a Latin America that is changing rapidly. It may well be that in the excellent ties which we have maintained with Mexico—ties in which regular meetings of the Congresses of the two countries play a major role—there will be found a prototype for a new cooperation with the other American republics.

Under the stress of the energy shortage and other economic difficulties, there is the danger of a crumbling of international cooperation, notably, as it involves our relations with Western Europe and Japan. That, indeed, would be the final straw. The consequences of devil-take-the-hindmost economic policies among free nations would be disastrous to all concerned and might well initiate the general erosion of world peace. In that connection, the President is to be commended for convening a meeting this month to consider our common plight with the representatives of several European nations and Japan.

As for the energy crisis at home, the immediate responsibility of government is to make certain that the shortage does not devastate the economy and that the price of past neglect is borne equitably by all Americans. If that means rationing, then let us not hesitate to use this device. Surely a price rollback will also be considered by the Congress. Surely the tax benefits accorded the major oil concerns on investments outside the United States by this Government, as well as excessive oil profits, will be scrutinized by the Congress.

Critical information on the production and distribution of energy must no longer be cloistered in the executive offices of private corporations. It is essential that the facts be uncovered and laid before the nation. Wherever they may operate, if corporations are chartered in this country or receive the benefits and protection extended by the government of the United States, they have an obligation to answer, through the Congress, to the people of the United States.

Let me say that we do not need scapegoats in this situation. But we must have a foundation of fact on which to build a national policy on energy. We have got to know far more than we know now if we are to meet the threat to the nation's well-being. I speak of the threat of widespread business shutdowns, transportation paralysis

and a run-away inflation which can only culminate in a severe recession with extensive unemployment and appalling human hardship. That, the people of this nation will not tolerate. That, the Congress of the United States will do all in its power to prevent.

The energy crisis has shocked this nation. In so doing, it has also shown us in a sudden flash the precarious manner in which our national economic life has come to be organized. It is all well and good to be concerned at this time with the exhaustibility of petroleum. But what of the exhaustibility of pure air and water? What of bauxite, nickel, tin, iron and copper, and many other materials? Where will the supplies of these and other essentials come from in the years ahead? Indeed, what of food, with the kind of disjointed policies in which exports of wheat are stimulated one year only to compel high-priced imports the next?

To say that we have been extravagant with our resources is to put it mildly. We spend nearly \$3 billion a year on air-conditioning and less than \$150 million on air pollution control. We throw away 60 billion beverage containers a year, yet spend only \$5 million to research recycling techniques. Pollution is building dead seas off the coast of New York, New Jersey, the Great Lakes states and elsewhere. Yet, during the recent recess the President chose to impound \$3 billion that had been appropriated for the treatment of waste.

It would be my hope that the concern of the Government will not stop with the energy shortage. The need is to take a careful look not only at the flashing of this single danger signal but at the whole integrated switchboard of our national existence. It is not enough, for example, for the federal government to spend tens of millions of dollars in a rescue operation to keep the bankrupt Penn Central on the tracks. We need to know where an action of this kind fits into a national rail policy; where that policy, in turn, fits into a total transportation pattern; where that pattern, in turn, fits into the over-all requirements of the nation, today, and for the next decade or more. In short, we need to think ahead and begin to make the hard political choices between what is more important to the nation and what is less, between what is enduring and what is transitory. That is the full scale by which government intervention in the nation's economy, when it must take place, should be measured. Unless we begin soon to develop that scale, the right hand of government will tend more and more to undo or do over what the left hand has just done.

It seems to me that it would be helpful in this connection to bring together on a regular basis representatives of the Executive Branch and the Legislative Branch with those of industry, labor and other areas of our national life. The fusion of ideas and interests from these sources should help us to establish useful economic yardsticks. In turn, we may begin to curb in some orderly way the ingrained tendencies of government to spend vast sums out of force of habit or for exotic and wasteful endeavors—whether military or civilian. Perhaps the resources of the federal government can then be used more effectively and efficiently to promote the national welfare. Perhaps, then, the President's budget—which has now broken the \$300 billion barrier—can be reduced and better framed to meet the over-all requirements of the nation for today and tomorrow.

There is a great deal that is right in this nation. There is a strong, decent, industrious and compassionate people. There is a bountiful land. There is intelligence, inventiveness and vitality. If, working together, today, we will put these attributes to use for the benefit of all, there need be no fear for the nation's tomorrow. That is the responsibility of this government. It is the responsibility of

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the President, the elected members of Congress, the appointed officials of government and the civil service. Nor is it a responsibility confined to the now. We owe this nation more than a decent present. We owe this nation leadership in the reach for a decent future. In 1974 this Congress—your Congress—will do its part fully in meeting that responsibility.

EXHIBIT 6

SENATE LEGISLATIVE ACTIVITY INDEX
(93d Congress, 2d Session)

(By Senate Democratic Policy Committee)
DECEMBER 19, 1974.

AGRICULTURE

Agricultural Credit (S. Res. 468).
*Animal Health Research (H.R. 11873).
Commodity Futures Trading Commission (H.R. 13113).
Egg Research and Consumer Information (H.R. 1200).
Farm Credit Administration (S. 3801).
Fertilizer (S. Res. 289).
Filbert Nuts (H.R. 2933).
Food Assistance Programs (S. 3458).
Food Marketing Margin Investigation (S. Res. 351).
Food Stamps (H.R. 15124).
Forest and Rangeland Management (S. 2296).
Forest Pest Control (S. 3371).
Grapes and Plums (H.R. 13022).
Guam Agricultural Assistance (H.R. 13267).
Horse Protection (S. 2093).
Livestock Credit (S. 3679).
Milk Price Supports (S. 4206); (S. Res. 418).
Noxious Weed Control (H.R. 11273).
Perishable Agricultural Commodities (H.R. 14364).
Poultry Indemnity Payments (S. 3231).
President's Committee on Food—Farm Inputs (S. Res. 391).
Public Law 480 and Food Stamps (S. 2792).
REAP and RECP Programs Extension (S. 3943).
Rice Allotment Transfers (S. 3075).
Rural Development Loans—GNMA Guarantee (H.R. 14723).
Tobacco Allotment Transfer, No. Carolina (H.R. 16857).
Tobacco Marketing Quota Provisions (H.R. 6485).
Top Level Positions in the Department of Agriculture (S. 3031).
Wheat Supplies (S. Con. Res. 70).
Wool Act Payments (S. 3056).

APPROPRIATIONS

1974

Supplemental (H.R. 14013).
Veterans' Administration Supplemental (H.J. Res. 941).
Veterans' Administration Urgent Supplemental (H.J. Res. 1061).

1975

*Agriculture-Environmental and Consumer Protection (H.R. 15472); (H.R. 16901).
Continuing (H.J. Res. 1062), *(H.J. Res. 1131), *(H.J. Res. 1163), (H.J. Res. 1167), and (H.J. Res. 1178).
Defense (H.R. 16243).
District of Columbia (H.R. 15581).
Energy Research and Development (H.R. 14434).
HUD (H.R. 15572).
Interior (H.R. 16027).
Labor-HEW (H.R. 15580).
Legislative (H.R. 14012).
Military Construction (H.R. 17468).
Public Works—Atomic Energy Commission (H.R. 15155).
State—Justice—Commerce (H.R. 15404).
Supplemental (H.J. Res. 1180), (H.R. 16900).

Transportation (H.R. 15405).
Treasury—Postal Service (H.R. 15544).
Urgent Supplemental (H.J. Res. 1180).
Appropriations Recissions: (H.R. 17505).

ATOMIC ENERGY

Atomic Energy Commission Authorization (S. 3292).
Atomic Energy Commission Authorization—Supplemental (H.R. 16609).
Atomic Energy Commission Omnibus Legislation (S. 3669).
Hollifield National Laboratory (H.R. 17628).
Nuclear Agreements (S. 3698).
*Nuclear Incidents—Insurance (H.R. 15323).
Nuclear Information Report (S. 3802).
Nuclear Warships (S.J. Res. 248).

CONGRESS

Adjournment (H. Con. Res. 568).
Budget Reform—Impoundment Control (H.R. 7130).
Congressional Office Equipment and Furnishings (H.R. 9075).
Congressional Record Postal Rates (S. 3373).
Executive Agreements (S. 3830).
First Continental Congress 200th Anniversary (S. Res. 415).
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National Emergencies (S. 3957).
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Canal Zone Marriage Licenses (S. 2348).
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"Coolidge Trade" Laws (S. 2220).
Copyright Laws (S. 1361); (S. 3976).
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Federal Rules of Evidence (H.R. 5463).
Florida Judicial District (S. 3021).
Interstate Commerce Commission Decisions (S. 663).
Judicial Disqualification (S. 1064).
Jurors Fees (S. 3265).
Juvenile Justice and Delinquency Prevention (S. 821).
Legal Services Corporation (H.R. 7824).
Mandatory Death Penalty (S. 1401).
Narcotic Treatment (S. 1115).
Privacy Protection (H.R. 16373 [S. 3418]).
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Wiretapping (S. Res. 463).

DEFENSE

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Army Deputy Chiefs of Staff (H.R. 14349).
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Coast Guard Icebreaking Operations (S. 3308).
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Coast Guard Reserve Benefits (S. 2149).
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Defense Production Act Extension—National Commission on Supplies and Shortages (S. 3270).
Defense Production Act Extensions (H.J. Res. 1056); (S.J. Res. 228).
Enlistment and Reenlistment Bonuses (S. 27711).
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Grumman Aerospace Corporation (S. Res. 380).
Medical Officers' Pay (S. 2770); (H.R. 15936).
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Military Construction Authorization (H.R. 16136).
Military Pay Adjustment (H.R. 15406).
Military Procurement Authorization (H.R. 14592).
Military Procurement Supplemental Authorization [H.R. 12565 (S. 2999)].
Motor Vehicle Shipment Expenses (H.R. 16006).
Naval Museum (S. Con. Res. 121).
Naval Sea Cadet Corps (S. 3204).
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Reservists Retirement Credit (H.R. 5056).
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Advisory Neighborhood Councils (H.R. 12109).
American University, Inc. (S. 3389).
Campaign Finance Reform (H.R. 15074).
Capitol Hill Construction (S.J. Res. 262).
Educational Personnel—Psychologists—Unemployment Compensation (H.R. 342).
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Insurance Holding Company Regulations (H.R. 7218).
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Bicycle Parts—Tax Amendments (H.R. 6642).
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Copper—Corporate Liquidation Judgments (H.R. 12281).
Crude Feathers and Downs—Tax Amendments (H.R. 11452).
Horses—Medicare Provider Provisions—SSI (H.R. 13631).

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Shoe Lathes (H.R. 8215).
Silk—Trona Ore—Gaming Operations (H.R. 7780).
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*Zinc—Disaster Loss Claims (H.R. 6191).
Economic Development (H.R. 14883).
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Wild and Scenic Rivers—Chattooga River (H.R. 9492 [S. 9211]).
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Eastern Wilderness (S. 3433).
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*Wildlife Refuge Rights-of-Way (H.R. 11541); (H.R. 17434).
*Willow Creek Dam, Oregon (S. 3537).

NOMINATIONS—ACTION BY ROLL CALL VOTE
Brig. Gen. Charles A. Gabriel to Maj. Gen., USAF.
Melvin A. Conant to be Assistant Administrator of the Federal Energy Administration.
Nelson A. Rockefeller to be Vice President of the United States.
John C. Sawhill to be Administrator of the Federal Energy Administration.
Maj. Gen. Alton D. Slay to Maj. Gen., USAF.

PROCLAMATIONS
American Business Day (S.J. Res. 195).
America's Hospitalized Veterans (S.J. Res. 227).
First Continental Congress Anniversary (S. Con. Res. 85).
Good Neighbor Day (S.J. Res. 235).
Honor America (H. Con. Res. 537).
Johnny Horizon '76 Clean Up America Month (H.J. Res. 1070).
March of Dimes Birth Defects Prevention Month (S.J. Res. 224).
Meals-on-Wheels Week (S. Res. 409).
National Agriculture Week (S.J. Res. 163).
National Amateur Radio Week (S.J. Res. 197).
National DeMolay Week (S.J. Res. 238).
National Historic Preservation Week (S.J. Res. 175).
National Hunting and Fishing Day (H.J. Res. 910).
National Legal Secretaries Court Observance Week (H.J. Res. 898).
National Student Government Day (S.J. Res. 258).
National Volunteer Week (S.J. Res. 179).

United States Space Week (H. Con. Res. 223).
Youth Art Month (S.J. Res. 41).
Women's Equality Day (H.J. Res. 11105).

TRANSPORTATION-COMMUNICATIONS
Aircraft Hijacking (S. 39).
Aircraft Piracy (S. 872).
Allen Radio Station Licenses (S. 2457).
Amtrak Authorization (H.R. 15427).
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Broadcast License Renewal (H.R. 12993).
Communications Common Carrier Charges (S. 1227).
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Cumbres and Toltec Scenic Railroad (S. 2362).
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Forest Highway Funds (S. 3490).
Intercoastal Shipping (H.R. 13516 [S. 3173]).
International Air Transit (Pan Am) (S. 3481).
Lottery Material (S. 544).
Maritime Authorization (H.R. 13296).
Maritime Supplemental Authorization (H.R. 12925).
National Defense Reserve Fleet (H.R. 12427).
Regional Rail Reorganization Report Extension (S.J. Res. 250).
Rolling Stock Utilization (S. 1149).
SS "Guam Bear" and SS "Hawaii Bear" (H.R. 11223).
SS "Independence" (H.R. 8586).
Surplus Railway Equipment (H.R. 1355).
Tariffs and Freight Rates (S. 1488).
Transportation Safety—Hazardous Materials (H.R. 15223).
Urban Mass Transit (S. 386).
Vessel Tonnage Deductions (S. 1353).

VETERANS
American Legion, Inc. (S. 4013).
American War Mothers, Inc. (S. 2441).
Disability Compensation and Survivor Benefits (S. 3072).
GI Bill Benefits (S. 3398); (S. 3705).
Harry S. Truman Memorial Veterans' Hospital—Veterans' Education and Rehabilitation Benefits (H.R. 10212).
Life Insurance (H.R. 6574).
Memorial Service Reimbursement (H.R. 12860).
POW Families, Funeral Transportation for (S. 3228).
U.S. Flag Presentation (H.R. 5621).
Veterans' and Servicemen's Automobile and Adaptive Equipment (S. 2363).
Veterans and Survivors Pension Adjustment (S. 4040).
Veterans Home Loans (H.R. 15912 [S. 3883]).
*Vietnam Veterans Education (H.R. 12628 [S. 2784]).

SENATE LEGISLATIVE ACTIVITY OF THE 93D CONGRESS, 1ST SESSION
Days in session..... 184
Hours in session..... 1084:13
Total measures passed..... 726
Public laws..... 245
Treaties..... 22
Confirmations..... 66,817
Record votes..... 594
Vetoes..... 10

SENATE LEGISLATIVE ACTIVITY (93D CONG., 2D SESS.) AS OF DECEMBER 19, 1974
Days in Session..... 167
Hours in Session..... 1064:12
Total Measures Passed..... 824
Public Laws..... 280
Treaties..... 9
Confirmations..... 64,430
Record Votes..... 543
Vetoes..... 18

Symbols: P/H—Passed House; P/S—Passed Senate; *—Vetoed 1974; (VV)—Passed by Voice Vote; numbers in parenthesis indicate number of record vote on passage, conference report, or reconsideration.

AGRICULTURE
Agricultural credit.—States the sense of the Senate that agricultural credit and the current liquidity problem facing agricultural borrowers threaten the viability of agriculture, rural communities, and the national economy. S. Res. 468. Senate adopted Dec. 19, 1974. (VV)

*Animal health research.—Authorizes \$47 million annually to support continuing programs for animal health research at colleges of veterinary medicine, or, at institutions where there are no such colleges, the State agricultural experiment stations conducting animal health research; sets a formula for distribution of funds based on the value of and income generated by livestock and poultry in each State and on the animal health research capacity at the eligible institutions; provides for additional grants for research on specific national or regional animal health problems; and establishes an Advisory Board appointed by the Secretary of Agriculture to make recommendations on matters related to the administration of the Act. H.R. 11873. Vetoed Aug. 14, 1974. (VV)

Commodity Futures Trading Commission.—Creates an independent regulatory commission, the Commodity Futures Trading Commission, consisting of a Chairman and four Commissioners to be appointed by the President with the advice and consent of the Senate and transfers to it all existing authority under the Commodity Exchange Act which is presently vested in the Secretary of Agriculture and the Commodity Exchange Commission; requires the Department of Agriculture to appoint a staff person to maintain liaison between the Commission and the Department; deletes certain language in the Commodity Exchange Act to assure that Federal law will preempt State law; gives the Commission broad authority to regulate all futures trading and exchange activities and imposes certain registration requirements in order to insure fair practice and honest dealing on the commodity exchanges and provide a measure of control over these forms of speculative dealing; authorizes a customer's reparation procedure for handling complaints arising from violations of the Act subject to judicial review; imposes administrative and criminal penalties for violations of the Act; authorizes the Commission to regulate transactions for the delivery of silver and gold bullion, bulk silver and gold coins pursuant to standardized margin or leverage account contracts; makes it a felony for any employees of the Commission to acquire and use inside information for futures trading, options trading and trading in actual commodities; provides that the Commission's annual report to Congress include information on registration of futures associations; requires a report to Congress within 2 years on the need for legislation providing insurance against losses caused by financial failure of futures commission merchants; and contains other provisions. H.R. 13113. Public Law 93-463, approved October 23, 1974. (VV)

Egg research and consumer information.—Authorizes the Secretary of Agriculture to issue a national order providing for the establishment of an Egg Board which would develop, subject to the Secretary's approval, a program of research, producer and consumer education, and promotion to improve and develop markets for eggs, egg products, spent fowl (laying hens removed for slaughter), and products of spent fowl; requires approval by referendum among commercial egg producers with laying flocks of over 3,000 before the order can become effective, and, if the order is approved, pro-

vides for payment of administrative costs through assessment of producers at a rate not to exceed 5 cents per case of commercial eggs. H.R. 1200. Public Law 93-428, approved October 1, 1974. (VV)

Farm credit administration.—Authorizes the Federal Farm Credit Board to establish the salary level of the Governor and the Deputy Governors of the Farm Credit Administration. S. 3801. P/S Aug. 19, 1974. (VV)

Fertilizer.—Expresses a sense of the Senate that: all Federal agencies should give the highest priority to the U.S. fertilizer industry in establishing allocation priorities for distribution; the U.S. fertilizer industry should distribute fertilizer supplies among farmers in a timely and equitable manner, and at reasonable prices; the Federal Power Commission, and appropriate State regulatory agencies, should establish priorities for the allocation of natural gas to nitrogen fertilizer producers sufficient to insure them of supply levels required to maintain maximum production levels; the Federal Energy Office should give the highest priority allocation to the fertilizer industry's needs for gasoline, middle-distillates, and other liquid fuels utilized in the production, distribution, and application of fertilizer; the Cost of Living Council and the Departments of Agriculture and Commerce should continue their monitoring and reporting of fertilizer supply availabilities, wholesale and retail prices, and export shipments; and the Cost of Living Council should establish a monitoring and investigatory program through the office of the IRS to determine the factual basis of any alleged price gouging involving either fertilizer wholesalers or retailers. S. Res. 289. Senate adopted Feb. 27, 1974. (VV)

Filbert nuts.—Provides that imported filberts must meet the same grade and quality standards required of domestic supplies. H.R. 2933. Public Law 93- , approved —, 1974. (VV)

Food assistance programs.—Makes mandatory for a 3 year period the authority of the Secretary of Agriculture under Public Law 93-86 to purchase agricultural commodities that are not in surplus supply for donation to certain food programs; authorizes the Secretary to pay each State agency 50 percent of all costs in administering the Food Stamp Program instead of, as at present, 62.5 percent of only certain designated administrative costs; requires that States report from time to time at the request of the Secretary on the effectiveness of the administration of the Food Stamp Program; amends section 3 of the Child Nutrition Act of 1966 to establish a 5-cent minimum rate or reimbursement for each half-pint of milk served in the special milk program, with annual adjustment beginning with the 1976 fiscal year to reflect changes in costs; and contains other provisions. S. 3458. Public Law 93-347, approved July 12, 1974. (VV)

Food marketing margin investigation.—Expresses the sense of the Senate that the Federal Trade Commission undertake an investigation of margins that exist between farm prices of livestock, dairy products, poultry, and eggs and their retail prices to determine: (a) the past and present margins for these commodities; (b) the changes in the relative values of the items that compromise the margin; (c) whether these margins fully reflect appropriate farm price changes; (d) whether any important level in the food marketing chain experienced any losses since August of 1973; (e) profits of each important level in the food marketing chain; and (f) whether market power concentration exists to the extent that it impedes competitive forces. S. Res. 351. Senate adopted Aug. 2, 1974. (VV)

Food stamps.—Extends for 1 year, until July 1, 1975, the period of eligibility where-in supplemental security income recipients

may receive food stamps. H.R. 15124. Public Law 93-335, approved July 8, 1974. (VV)

Forest and rangeland management.—Requires the Secretary of Agriculture to prepare a Forests and Related Resources Assessment, limited to programs administered by the Forest Service, by December 31, 1975; requires comprehensive surveys of the resources of the forests and rangelands of the United States and authorized therefor not to exceed \$20 million in any fiscal year; requires the Secretary to prepare and transmit to the President a recommended Renewable Resource Program, which may include alternatives, by December 31, 1975, covering the four year period 1976-1980; requires that land and resource management plans be coordinated with those of State and local governments and other Federal agencies; provides that the Secretary may utilize the Assessment, resource surveys and Program to assist States and other planning organizations; requires the President to submit a Statement of Policy to Congress which shall go into effect unless either House adopts a disapproval resolution within 60 days, and provides that Congress may revise or modify the Statement to be used in framing budget requests; provides that amounts appropriated to carry out policies approved under the bill shall be expended in accordance with the Budget and Impoundment Control Act of 1974; provides that the financing of forest development roads by forest product purchasers shall be deemed "budget authority" and "budget outlays" as defined in the Congressional Budget and Impoundment Control Act of 1974 and effective for any fiscal year only to such extent or in such amounts as are provided in appropriations acts; and requires the Secretary, in carrying out provisions of the bill, to use data available from other Federal, State, and private organizations, and avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. S. 2296. Public Law 93-378, approved Aug. 17, 1974. (VV)

Forest pest control.—Amends the Forest Pest Control Act to provide that funds appropriated to carry out the program of eradication and control of forest insect pests and diseases are to remain available until expended. S. 3371. P/S May 7, 1974. (VV)

Grapes and plums.—Permits the Secretary of Agriculture to establish different grade requirements for different export destinations for any variety of U.S. produced grapes and plums. H.R. 13022. Public Law 93- , approved 1974. (VV)

Guam agricultural assistance.—Authorizes the Secretary of Agriculture to provide financial and technical assistance to Guam to improve fire control, watershed protection, and reforestation programs. H.R. 13267. Public Law 93-421, approved Sept. 19, 1974. (VV)

Horse protection.—Amends the Horse Protection Act of 1970 (Public Law 91-54) in order to stop the practice of altering the gait of horses by injury ("soring") to assure that the horse has a distinctive high-stepping gait; prohibits the movement of "sore" horses in commerce, the showing of horses with "unsound" limbs, and the sale at a public auction or the showing of horses that have been sored or are wearing devices banned by the Secretary of Agriculture because they are usually used to make a horse sore or unsound; requires the management of horse shows and auctions to keep records subject to inspection by agents of the Department of Agriculture; imposes penalties for violations of the Act; and grants the Secretary of Agriculture the necessary authority to enforce the Act. S. 2093. P/S Nov. 20, 1974. (VV)

Livestock credit.—Requires the Secretary of Agriculture to establish a temporary 1 year guaranteed loan program to assist farmers and ranchers who are primarily engaged in agricultural production for the pur-

pose of breeding, raising, fattening, or marketing beef cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys; provides that guaranteed loans may be extended to a corporation or partnership only when the majority interest is held by stockholders or partners who are primarily engaged in such agricultural production; requires the Secretary of Agriculture to guarantee up to 80 percent of loans made by an approved lender at an interest rate to be determined, with a \$250,000 limit to any individual, and sets at \$2 billion the total amount of loan guarantees that may be outstanding at any one time; requires that the borrower must be unable to obtain financing without the guarantee; requires repayment in not more than 3 years with a possible renewal for not more than 2 additional years; and provides for a 6 month extension of the program if the Secretary so determines. S. 3679. Public Law 93-357, approved July 25, 1974. (VV)

Milk price supports.—Requests the Secretary of Agriculture to increase the support price for manufacturing milk to at least 80 percent of the September 1974 parity for the remainder of this marketing year. S. Res. 418. Senate adopted Oct. 4, 1974. (VV)

Amends the Agricultural Act of 1949, as amended, to provide, beginning with the date of enactment and ending on March 31, 1976, that the price of milk shall not be less than 90 percent of its parity price which is adjusted by the Secretary at the beginning of each quarter to reflect any change in the price index paid by farmers for production items, interest, taxes, and wages during the preceding quarter. S. 4206. P/S Dec. 19, 1974. (VV)

Noxious weed control.—Provides the Secretary of Agriculture with regulatory authority to prevent the introduction into the United States of noxious weeds from foreign countries; prohibits any person from knowingly moving any noxious weeds (identified as such by regulation issued by the Secretary) into or through the United States or interstate unless authorized under a general or specific permit; authorizes the Secretary to issue quarantines and regulate the interstate movement of products and the means of conveyance from the quarantined areas in order to prevent the interstate spread of noxious weeds; and exempts shipments of seed subject to the Federal Seed Act from the provisions of this Act. H.R. 11273. P/H Dec. 18, 1973; P/S amended Dec. 11, 1974. (VV)

Perishable agricultural commodities.—Amends the Perishable Agricultural Act to allow the imposition of a monetary penalty, not to exceed \$2,000, on those who violate the law by misbranding, or misrepresenting fruits and vegetables shipped, sold, or offered for sale in interstate or foreign commerce in lieu of a formal proceeding for the suspension or revocation of the violator's license. H.R. 14364. Public Law 93-369, approved Aug. 10, 1974. (VV)

Poultry indemnity payments.—Authorizes the Secretary of Agriculture until December 31, 1974, to pay compensation for contaminated poultry, eggs, and poultry and egg products, including the costs of disposing of such items, to producers, growers, and processors who have been advised after January 1, 1974, that their products contained unsafe residues of the pesticide dieldrin or other chemicals registered and approved for use by the Federal Government at the time of such use, and to compensate their employees for wages lost as a result of this condition, and to investigate and report to Congress within a year on the circumstances, which resulted in the economic loss. S. 3231. P/S Apr. 23, 1974. (141)

President's Committee on Food—Farm inputs.—Expresses the sense of the Senate that: the President's Committee on Food may in no way assume or displace any responsibilities delegated by law to the Secretary of

Agriculture or other government officials; the Committee consider increased farm costs and shortages of essential farm inputs in any actions or recommendations it may make; all agencies of the Federal Government having any responsibility for the establishment of allocation priorities considered essential farm inputs, including the Federal Power Commission in its allocation of natural gas supplies, give priority to agriculture and its related industries; the President expand the scope and responsibility of the Inter-Governmental Agency Task Force on Fertilizer to include all essential farm inputs; and the Federal Energy Administration consult and maintain a close liaison with the Senate Committee on Agriculture and Forestry with respect to any proposals that may affect the current priority status that agriculture and its related industries now enjoy under Federal mandatory fuel and propane allocation regulations. S. Res. 391. Senate adopted Sept. 9, 1974. (VV)

Public Law 480 and food stamps.—Permits the Secretary of Agriculture to waive the availability criteria for commodities which may be disposed of under Public Law 480 provided that the Secretary has determined and certified to the Congress that all domestic feeding programs will be provided with the same types and kinds of agricultural commodities at not less than the levels provided in fiscal year 1974, and amends the Food Stamp Act to require that effective March 1, 1975, not less than 20 percent of the total of coupons issued to eligible households be usable only for beef, pork, poultry, or dairy product purchases, with exceptions permitted in regard to a specific household in cases where the requirement is impractical. S. 3672. P/S Dec. 18, 1974. (VV)

REAP and RECP programs extensions.—Extends to December 31, 1975, the time for using the funds authorized in fiscal years 1973 and 1974 for the Rural Environmental Assistance Program (REAP) and the Rural Environmental Conservation Program (RECP). S. 3943. Public Law 93- , approved 1974. (VV)

Rice allotment transfers.—Permits rice growers who are unable to plant part or all of their farm acreage allotments because of floods or other natural disasters to transfer their allotments to other farms in the same or a near county on which they will have an interest in the particular commodity. S. 3075. P/S Mar. 13, 1974. (VV)

Rural development loans—GNMA guarantee.—Amends the Agriculture Act of 1970, as amended, to authorize the Government National Mortgage Association (GNMA) to guarantee payments on securities based or backed on loan participations guaranteed or insured under the Rural Electrification Act of 1936, as amended, or the Consolidated Farm and Rural Development Act provided that the Administrator shall use the funds created under both of these acts to reimburse GNMA for any disbursements they may make as a result of any guarantee and changes from September 1 to May 1 of fiscal year the date on which the President is to report to the Congress on the availability of government or government-assisted services to rural areas. H.R. 14723. P/H July 1, 1974; P/S amended Aug. 2, 1974. (VV)

Tobacco allotment transfer, No. Carolina.—Permits lease and transfer of tobacco allotments on 1974 quotas in certain disaster areas in North Carolina. H.R. 16857. Public Law 93-464, approved Oct. 24, 1974. (VV)

Tobacco marketing quota provisions.—Provides, effective with the 1975 crop, that any kind of tobacco for which marketing quotas are not in effect which is produced in an area where a quota kind is traditionally produced shall be subject to the quota if it possesses any of the distinguishable characteristics of the quota tobacco. H.R. 6485.

Public Law 93-411, approved Sept. 3, 1974. (VV)

Top level positions in the Department of Agriculture.—Upgrades the position of Under Secretary of Agriculture to Deputy Secretary of Agriculture; establishes two new positions of Assistant Secretary of Agriculture; changes the position of Administrator, Animal and Plant Health Inspection Service, from GS-18 to Executive Level V; increases the membership of the Board of Directors of the Commodity Credit Corporation from six to seven, in addition to the Secretary; and abolishes four existing positions. S. 3031. P/S May 8, 1974. (VV)

Wheat supplies.—States a sense of the Senate that the Secretary of Agriculture should: immediately conduct a survey of all wheat milling firms and bakeries to determine their position with regard to wheat supplies and requirements during the remainder of the 1973-74 marketing year; conduct a county-by-county survey to determine the amount of uncommitted wheat stocks remaining in the ownership of all grain dealers and farmers; and work with the Interstate Commerce Commission to expedite transportation of existing wheat stocks to the millers and bakers in need of additional supplies. S. Con. Res. 70. Senate adopted Feb. 25, 1974. (VV)

Wool Act Payments.—Authorizes the Secretary of Agriculture to amend retroactively the regulations governing the computation of price support payments under the National Wool Act of 1954 for the marketing years 1969 through 1972 to permit the making of Wool Act payments to certain farmers and ranchers who failed to receive the full proceeds from their sale of wool because of defaults in payment by their marketing agency, such payments to be computed on the basis of the lesser of (1) the net sales proceeds based on the price the farmer or rancher would have received had there been no default of payment or (2) the fair market value of the wool at the time of sale. S. 3056. P/S July 31, 1974. (VV)

APPROPRIATIONS 1974

Supplemental.—Appropriates \$9,301,474,398 to provide additional funding for the various departments and agencies for fiscal year 1974; includes: for the Department of Agriculture, \$500 million for the Food Stamp Program, and \$23,661,000 for watershed and flood prevention programs; \$2,139,312,000 for the Department of Defense, Military, to be considered as an "advance" on fiscal year 1975 appropriations; \$133 million (termed "Middle East Payback") for replacement in the U.S. defense inventory of equipment sold to Israel which must be replaced at a current price higher than that received at the time of transfer to Israel; for foreign operations \$49 million for Indochina postwar reconstruction assistance; \$250,000 for migration and refugee assistance upon enactment of authorizing legislation; reallocates funds appropriated under disaster relief, originally allocated for the Sahel region, for use in all the drought stricken nations of Africa; includes an additional \$36.2 million for disaster relief in the United States caused by tornadoes during the spring; \$2,285,584,000 for manpower assistance programs; \$20 million for elementary and secondary education; \$12.5 million for the Office of Economic Opportunity; \$2 million to alleviate the present crisis in the District of Columbia criminal justice system caused by lack of funds to pay court-appointed counsel; \$47 million for Amtrak for expansion and acquisition of stock; \$3,874,791,595 to meet increased costs in Federal salaries and expenses; and contains other provisions. H.R. 14013. Public Law 93-305, approved June 8, 1974. (174)

Veterans' Administration supplemental.—Appropriates \$750 million to the Veterans' Administration to insure the availability of

funds for financing Readjustment Benefits of the Nation's post-Korean conflict veterans, their sons and daughters, and their wives and widows. H.J. Res. 941. Public Law 93-261, approved Apr. 11, 1974. (VV)

Veterans' Administration urgent supplemental.—Appropriates a total of \$179 million for the Veterans' Administration to cover the increased rates of disability, dependency, and indemnity compensation for disabled veterans and their survivors as provided for in Public Law 93-295, which became effective May 1, 1974, and the 30 day extension of education benefits under the GI bill, as well as for general operating expenses. H.J. Res. 1061. Public Law 93-321, approved June 30, 1974. (268)

1975

***Agriculture-environmental and consumer protection.**—Appropriates \$13,571,395,000 for agriculture-environmental and consumer protection programs for fiscal year 1975, of which \$6,282,815,000 is for agricultural programs, \$831,341,000 is for rural development programs, \$1,311,191,000 is for environmental programs, and \$5,146,048,000 is for consumer programs. H.R. 15472. Vetted Aug. 7, 1974. (310,322)

Appropriates \$13,389,851,000 in new budget obligatory authority for the Agriculture-Environmental and Consumer Protection programs for fiscal year 1975, representing a net decrease of \$8,683,100 under the budget estimates. H.R. 16901. Public Law 93- , approved 1974. (482)

Continuing.—Provides funds for continuing governmental functions to September 30, 1974, for programs for which fiscal year 1975 funds have not been appropriated at either its current operational level or the lesser level passed by either House, or if applicable legislation has passed neither House, at either the budget estimate or the current level, whichever is lower; includes provisions to program; provides for distribution of the 1 funds of the Elementary and Secondary Education Act as contained in H.R. 69, as passed the Senate; provides an annual rate of \$1 billion for continued support of South Vietnamese military forces; and contains other provisions. H.J. Res. 1062. Public Law 93-324, approved June 30, 1974. (266)

*Extends until sine die adjournment the current continuing resolution (Public Law 93-324) for programs for which 1975 appropriations have not been enacted (Military Construction, Foreign Assistance, Agriculture, and Labor-HEW); prohibits the use of funds for military assistance or for sales of defense articles and services or their transportation to Turkey unless the President certifies to Congress that Turkey is in compliance with the Foreign Assistance Act of 1961, and the Foreign Military Sales Act; authorizes the use of \$15 million for relief assistance in connection with the damage caused by the floods in Honduras and Bangladesh and by the conflict on Cyprus; prohibits future procurement of fertilizers for South Vietnam; and contains other provisions. H.J. Res. 1131. Vetted Oct. 14, 1974. House sustained veto Oct. 15, 1974. (418)

*Extends until sine die adjournment the current continuing resolution (Public Law 93-324) for programs for which 1975 appropriations have not been enacted (Military Construction, Foreign Assistance, Agriculture, and Labor-HEW); authorizes the use of \$15 million for relief assistance in connection with the damage caused by the floods in Honduras and Bangladesh and by the conflict on Cyprus; prohibits military assistance to Turkey until the President certifies to Congress that Turkey is in compliance with the Foreign Assistance Act of 1961 and the Foreign Military Sales Act; provides that this prohibition shall become effective on December 10, 1974, or before if military equipment made available to Turkey by the United States which is not in Cyprus on the

date of enactment of this section, is transported to Cyprus; and limits to \$1,000 further fertilizer shipments to South Vietnam. H.J. Res. 1163. Vetted Oct. 17, 1974. House sustained veto Oct. 17, 1974. (459)

*Extends until sine die adjournment the current continuing resolution (Public Law 93-324) for programs for which 1975 appropriations have not been enacted (Military Construction, Foreign Assistance, Agriculture, and Labor-HEW); authorizes the use of \$15 million for relief assistance in connection with the damage caused by the floods in Honduras and Bangladesh and by the conflict on Cyprus; prohibits further purchase of fertilizer for South Vietnam; prohibits military assistance to Turkey until the President certifies to Congress that Turkey is in compliance with the Foreign Assistance Act of 1961 and the Foreign Military Sales Act and that substantial progress toward agreement has been made regarding military forces in Cyprus; authorizes the President to suspend such prohibition until Dec. 10, 1974, if it would further negotiations for a peaceful solution of the Cyprus conflict; and provides such authority only if Turkey observes the ceasefire and does not increase its forces on Cyprus or transfer to Cyprus any U.S.-supplied implements of war. H.J. Res. 167. Public Law 93-448, approved Oct. 17, 1974. (VV)

*Extends the current continuing resolution (Public Law 93-324 as extended by Public Law 93-448) which expires after the sine die adjournment of this Congress until February 28, 1975; provides funding for foreign assistance and related programs as well as various programs not yet funded in the Department of Health, Education, and Welfare and the Office of Economic Opportunity; provides funding for foreign assistance programs at \$3481 billion including the following earmarking: \$150 million in supporting assistance to Israel, \$150 million in supporting assistance for Egypt, \$25 million for a Middle East special requirements fund, an additional \$15 million (for a total of \$25 million) for famine and disaster relief for Cyprus, and \$10 million for assistance to Turkey as of February 5, 1975 unless the President certifies to Congress that Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act, and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus; provides for immediate suspension of military assistance to Turkey if Turkey violates the ceasefire or increases its forces on Cyprus or transfer to Cyprus any U.S. supplied implements of war; and contains other provisions. H.R. Res. 1178. P/H Dec. 18, 1974; P/S amended Dec. 19, 1974; in conference. (541)

Defense.—Appropriates \$82,096,297,000 in new budget obligatory authority plus an additional \$480,000,000 in previous year transfer authority for a total of \$82,576,297,000 for fiscal year 1975 for the Department of Defense. H.R. 16248. Public Law 93-437, approved Oct. 8, 1974. (358)

District of Columbia.—Appropriates for the District of Columbia for fiscal year 1975 a total of \$1,453,042,900 of which \$379,400,000 is the Federal payment to the District and \$1,073,642,900 is District of Columbia funds. H.R. 15581. Public Law 93-405, approved Sept. 2, 1974. (VV)

Energy research and development.—Appropriates \$2,236,089,000 to accelerate the Federal program of energy research and development, particularly in the fields of atomic energy and coal gasification and liquefaction, including funds for the Atomic Energy Commission; Interior Department; National Science Foundation; Environmental Protection Agency; National Oceanic and Atmospheric Administration; Federal Energy Office; National Aeronautics and Space Administration; and Department of Transporta-

tion. H.R. 14434. Public Law 93-322, approved June 30, 1974. (244)

HUD.—Appropriates \$21,215,812,000 to the Department of Housing and Urban Development, the President for disaster relief, the American Battle Monuments Commission, Army Cemetery Expenses, the Federal Communications Commission, the National Aeronautics and Space Administration, the National Science Foundation, the Renegotiation Board, the Securities and Exchange Commission, the Selective Service System, and the Veterans' Administration. H.R. 15572. Public Law 93-414, approved Sept. 6, 1974. (349)

Interior.—Appropriates a total of \$3,712,328,310 for the programs and activities of the Department of the Interior (except for certain agencies and programs which are funded under the Public Works Appropriations bill) and related agencies. H.R. 16027. Public Law 93-404, approved Aug. 31, 1974. (339)

Labor-HEW.—Appropriates \$33,045,856,000 for programs of the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal year 1975, including manpower assistance, community service employment for older Americans, maternal and child health, biomedical research, mental health, alcoholism, educational broadcasting, vocational education, student assistance, library and equipment programs, rehabilitation services, and programs for the aging; prohibits use of funds for HEW to force any school district which is desegregated as defined by the Civil Rights Act of 1964 to bus students as a condition precedent to obtaining Federal funds; clarifies the intent of Congress that the sex discrimination regulations under title IX of the Education Amendments of 1972 should not apply to fraternities, sororities, and organizations such as the Girl Scouts, Boy Scouts, YMCA and YWCA; stipulates that no funds are to be used to enforce the integration of physical education classes by sex; and contains other provisions. H.R. 15580. Public Law 93-517, approved Dec. 7, 1974. (387,484)

Legislative.—Appropriates \$708,275,650 for the legislative branch for fiscal year 1975; increases the salaries of the Senate's highest officials, the top position in each Senator's office and the two highest levels on all Senate committees; expands the service activities of the Sergeant at Arms by providing a developmental capability for the computer center, the establishment of a microfilm center, and additional Capitol Police; authorizes the Secretary of the Senate to withhold State income tax; authorizes 66 additional positions for the Library of Congress and 85 for the Congressional Research Service; authorizes payment of witness fees for persons appearing before the Senate Majority and Minority Policy Committees; requires that an annual accounting of travel expenses incurred by members of Congress and staff traveling abroad on official business be filed with the Secretary of the Senate and the Clerk of the House of Representatives; and contains other provisions. H.R. 14012. Public Law 93-371, approved Aug. 13, 1974. (259)

Military construction.—Appropriates \$3,072,480,000 in new budget authority for family housing and construction of line item projects for the Armed Services, which is a decrease of \$310,158,000 from the budget estimate of \$3,414,682,000. H.R. 17468. Public Law 93- , approved 1974. (521)

Public works—Atomic Energy Commission.—Appropriates \$4,505,472,000 for fiscal year 1975 for Public Works for Water and Power Development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions. H.R.

15155. Public Law 93-394, approved Aug. 29, 1974. (332)

State-Justice-Commerce.—Appropriates a total of \$5,290,157,100 for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies. H.R. 15404. Public Law 93-433, approved Oct. 5, 1974. (359)

Supplemental.—Makes supplemental appropriations of \$8,659,352,078 for fiscal year 1975; places a prohibition on use of funds to compel a school system to classify or assign teachers or students by race, religion, sex, or national origin except as may be necessary to enforce non-discrimination provisions of Federal law (amendment No. 17 reported in disagreement from conference). H.R. 16900. Public Law 93- , approved 1974. (470, 513)

Transportation.—Appropriates \$3,288,504,000 for fiscal year 1975, of which \$2,998,152,000 is for the Department of Transportation (including the Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Urban Mass Transportation Administration) and \$290,352,000 is for related agencies (including the National Transportation Safety Board, the Civil Aeronautics Board, the Interstate Commerce Commission, the Panama Canal Zone Government, the U.S. Railway Association and the Washington Metropolitan Area Transit Authority). H.R. 15405. Public Law 93-391, approved Aug. 28, 1974. (334)

Treasury—Postal Service.—Appropriates a total of \$5,561,169,000, of which \$2,286,165,000 is for the Treasury Department, \$1,555 billion is for the Postal Service, \$76,837,000 is for the Executive Office of the President, and \$1,648,167,000 is for Independent Agencies. H.R. 15544. Public Law 93-381, approved Aug. 21, 1974. (325)

Urgent supplemental.—Makes supplemental appropriations of \$5,074,873,000 for fiscal year 1975. H.J. Res. 1180. Public Law 93- , approved 1974. (VV)

APPROPRIATIONS RESCISSIONS

Rescissions:

Rescinds an estimated total of \$133,064,284 in budget authority from 1975 appropriations recommended by the President pursuant to title X of Public Law 93-344, the Congressional Budget and Impoundment Control Act, and disapproves \$540,635,000 as follows:

Approved:

HUD—College housing ----- \$16,171,284
Interior—Roads and Trails ----- 4,891,000
Interior—Road Construction ----- 10,461,000
Agriculture—Forest Service
Road & Trails ----- 61,611,000
Appalachian Regional Development Programs—Airport Development ----- 40,000,000

Disapproved:

Agriculture—Rural Electrification Administration ----- \$455,635,000
Agriculture—Agricultural Conservation Programs ----- 85,000,000

H.R. 17505. Public Law 93- , approved, 1974. (VV)

ATOMIC ENERGY

Atomic Energy Commission Authorization.—Authorizes \$3,677,433,000 for the Atomic Energy Commission for fiscal year 1975 of which \$2,551,833,000 is for operating expenses and \$1,125,900,000 is for plant and capital equipment. S. 3292. Public Law 93-276, approved May 10, 1974. (VV)

Atomic Energy Commission Authorization, Supplemental.—Amends Public Law 93-276, the Atomic Energy Commission Fiscal Year 1975 Authorization Act, by providing a supplemental authorization of \$80.5 million (\$62.2 million for operating expenses and \$18.3 million for plant and capital equipment) for two nuclear weapons testing and

safeguards programs of which \$22,250,000 is for a modified weapons testing program to complete certain tests before the effective date of a Threshold Test Ban Treaty which would limit tests to yields less than 150 kilotons. H.R. 16609. Public Law 93- , approved 1974. (VV)

Atomic energy commission omnibus legislation.—Amends the Atomic Rewards Act of 1955 to authorize rewards for furnishing of information with respect to the attempted or actual introduction, manufacture, or acquire a special nuclear material or an atomic weapon; places the determination of entitlement to a reward in the Attorney General, in consultation with the AEC, rather than an Awards Board; changes the title of the act to "Atomic Weapons and Special Nuclear Materials Act"; amends the Atomic Energy Act of 1954, as amended, to provide Congressional review of proposed increases in the amounts of special nuclear material authorized for distribution to the International Atomic Energy Agency or other groups of nations, and proposed changes in the duration of agreements for such distribution whereby all such proposals would be submitted to Congress for a 60-day period and referred to the Joint Committee on Atomic Energy who, within the first 30 days, must report its views and recommendations to the Congress together with a proposed concurrent resolution favoring, or not favoring the proposal and gives to a concurrent resolution of disfavor the legal effect of barring the execution of the proposed increase or change in duration; permits the AEC to exempt minimal quantities of special nuclear material from licensing requirements; extends for 5 years, to fiscal 1979, the compulsory licensing provisions of the act; and clarifies the AEC's statutory authority to institute a materials access approval program for safeguard purposes. S. 3689. Public Law 93-377, approved Aug. 17, 1974. (VV)

Holifield national laboratory.—Names the national laboratory at Oak Ridge, Tennessee as the "Holifield National Laboratory." H.R. 17628. Public Law 93- , approved 1974. (VV)

ATOMIC ENERGY

Nuclear agreements.—Amends the Atomic Energy Act of 1954, as amended, to require that proposed international agreements for peaceful cooperation in nuclear energy which deal with nuclear reactors capable of producing more than 5 megawatts of heat and fuel be submitted to the Congress under the procedure for military agreements for a period of 60 days of continuous session during which Congress may disapprove the agreement by passage of a concurrent resolution; directs that such agreement be referred to the Joint Committee on Atomic Energy who, within the first 30-day period, must report its views and recommendations together with a proposed concurrent resolution stating that the Congress does or does not favor the agreement of cooperation; and provides that any concurrent resolution so reported shall become the pending business of the House in question within 25 days and voted on within 5 calendar days thereafter unless otherwise determined; and provides that the Act shall apply to all proposed agreements and amendments thereto submitted to Congress after its enactment. S. 3698. Public Law 93-485, approved Oct. 26, 1974. Note: (Comparable provisions for distribution of special nuclear material are contained in S. 3686, the Atomic Energy Commission Omnibus Legislation.) (283)

Nuclear incidents—Insurance.—Amends and further extends for five years from August 1, 1977, to August 1, 1982, the Price-Anderson indemnity provisions of the Atomic Energy Act which were designed to protect the public and the emerging nuclear industry by assuring the availability of funds for the payment of claims in the event of a nuclear incident up to a total amount of

\$560 million, which represents the sum of Government indemnity fixed at \$500 million by the Congress and then-existing (1967) maximum available private liability insurance of \$60 million (which has currently risen to \$110 million);

Provides that the provisions of this bill shall not come into effect until 30 days after the Rasmussen Study on reactor safety and the probability of accidents has been completed and the Joint Committee on Atomic Energy has reported to the Congress its evaluation of the results of such study unless Congress within 30 days thereafter adopts a concurrent resolution of disapproval of extension of the Price-Anderson Act;

Amends the act to phase out Government indemnity for the nuclear industry; authorizes the Atomic Energy Commission (AEC) to establish the terms and conditions of the financial protection required of nuclear licensees and provides a deferred premium system whereby in the event of a nuclear incident resulting in damages exceeding the base layer of insurance each licensee would be assessed a deferred premium which would be a prorated share of the excess damages; sets the level of the standard maximum deferred premium at no less than \$2 million per facility and an upper level for the premium of \$5 million per facility; retains the present \$560 million limit on total liability until the total of primary insurance and assessable retrospective premiums reaches the level necessary to completely replace the Government indemnity; places no ultimate limitation on the level to which this coverage could rise and has a projected level, which, at a premium level of \$3 million per reactor, is \$1 billion about 1987 and \$1,346,000,000 in 1990;

Extends the coverage of the act (which is presently limited to the occurrence of a nuclear incident within the United States or involving the nuclear ship Savannah and to nuclear incidents involving activities under contract to the United States) to include occurrences outside the territorial limits of the United States and all other nations involving ocean shipments of fuel during transit from one AEC licensee to another and a nuclear facility such as an AEC licensed floating nuclear powerplant, and any occurrences resulting from theft;

And contains other provisions. H.R. 15323. Vetoes Oct. 12, 1974. (VV)

Nuclear information report.—Amends section 202 of the Atomic Energy Act of 1954, as amended, to establish a requirement for an annual report by the Joint Committee membership to their respective Houses on the development, use and control of nuclear energy for the common defense and security and for peaceful purposes in order to provide Members of Congress with factual information concerning nuclear energy, weapons and policy. S. 3802. Public Law 93-514, approved Dec. 6, 1974. (VV)

Nuclear warships.—Gives claims settlement authority to the President for any nuclear damages claims involving the reactor of a U.S. nuclear powered warship in domestic as well as foreign accidents, except for those resulting from acts of war or civil insurrection, for the purpose of enabling the United States to give assurances that such claims would be handled on an absolute liability basis regardless of whether or not a foreign government has enacted legislation to that effect. S.J. Res. 248. Public Law 93-513, approved Dec. 6, 1974. (VV)

CONGRESS

Adjournment.—Provides that neither House of Congress shall adjourn for a period in excess of three days or *sine die*, until both Houses have adopted a concurrent resolution for either an adjournment until a date certain or for adjournment *sine die*. H. Con. Res. 568. House adopted July 24, 1974; Senate adopted July 25, 1974. (VV)

Budget reform—impoundment control.—Establishes a new congressional budget process;

Establishes Senate and House Committees on the Budget and also, a Congressional Budget Office (COB) which shall (1) provide the Budget and other committees of both Houses with information and assistance regarding matters relating to the budget appropriation bills, other bills authorizing or providing budget authority, revenues, receipts, estimated future revenues and receipts, changing revenue conditions, and such other information as the committee may request; (2) issue a report as soon as possible after the beginning of the fiscal year which projects for 5 fiscal years total new budget authority and total budget outlays for each of the fiscal years, revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each of the fiscal years, (3) report by April 1 of each year to the Budget Committees, addressed to fiscal policy and national budget priorities, which will discuss the impact of alternative levels of revenues and outlays for the coming fiscal year on national growth and development;

Changes the Federal fiscal year from July 1—June 30 to October 1—September 30 beginning in 1976, with provisions for an interim transition period from July 1, 1976, to September 30, 1976, and establishes the following timetable for the budget process:

By November 10: The President submits the current services budget (a document showing programs and funding levels for the year just past), thus giving the Congress line-item information with which to begin analysis and preparation of the budget for the coming fiscal year prior to receipt of the President's budget;

Fifteen days after Congress meets: The President submits his budget;

By March 15: Committees and joint committees submit reports to the Budget Committees;

By April 1: COB submits report to Budget Committees;

By April 15: The Budget Committees report the first concurrent resolution on the budget to their Houses, setting forth (1) appropriate levels of total budget authority and outlays; (2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, including contingencies and for undistributed intragovernment transactions; (3) appropriate surplus or deficit, recommended level of Federal revenues and any recommended aggregate revenue-increase or decrease; (5) appropriate level of any recommended changes, if any, in the public debt, and (6) such other matters relating to the budget as may be appropriate;

By May 15: The appropriate committees report bills and resolutions authorizing new budget authority (with the exception of entitlement authority or omnibus social security legislation);

By May 15: Completion of all action on the first concurrent budget resolution;

Seventh Day After Labor Day: Completion of action on bills and resolutions providing new budget authority and new spending authority;

By September 15: Completion of all action on the second required concurrent budget resolution;

By September 25: Completion of action on reconciliation bill or resolution containing provisions necessary to accomplish any change or changes in budget authority, revenues, or the statutory public debt directed by the second required budget resolution;

October 1: The fiscal year begins;

Provides that the first concurrent budget resolution must be adopted before any measures providing for new budget authority, entitlement authority, and changes in revenues or the public debt limit are to be considered on the floor, with the exception of

advance appropriations or advance revenue changes; contains a procedure for waiver of the prohibition in the Senate;

Authorizes additional budget resolutions; Requires that proposed legislation providing contract or borrowing authority must provide that such new spending authority is to be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation acts, thus subjecting such legislation to the appropriations process, with the exception of such authority now in effect and all existing social security trust funds, 90 percent self-financed trust funds, general revenue sharing (to the extent provided in the legislation), outlays of government corporations, and gifts to the United States;

Makes entitlement authority (entitles persons or governments who meet the requirements to receive payments from the Federal Government) subject to the reconciliation process, with social security and 90 percent self-financed trust funds and government corporations not subject to the referral process for amounts exceeding the budget allocation;

Provides that after the budget process for a fiscal year has been completed it shall not be in order to consider any new budget level of budget authority or outlay to be exceeded or reduced;

Contemplates that in the future that authorization bills will be enacted a year or more in advance of the period for which appropriations are to be made;

Provides in title X, the Impoundment Control Act of 1974, that if the President determines that certain budget authority is not required to meet the objectives of a program or should be rescinded for fiscal purposes, or whenever all or part of budget authority provided for only one fiscal year is to be reserved from obligation for such fiscal year, he shall transmit a special message requesting a rescission of the budget authority, and, unless both Houses complete action on a rescission bill within 45 days, the budget authority shall be made available for obligation; also provides for a second type of message concerning deferral, which includes any withholding or delaying the availability for obligation of budget authority, and passes an "impoundment resolution" disapproving the proposed deferral at any time after receipt of the special message; amends the Antideficiency Act regarding the placing of funds in reserve by deleting an "other developments" clause, permitting reserves solely to provide for contingencies, or effect savings where possible by change in requirements or greater efficiency;

And contains other provisions. H.R. 7130. Public Law 93-344, approved July 12, 1974. (81,261)

Congressional office equipment and furnishings.—Permits a United States Senator or a Member of, Delegate to, or Resident Commissioner in the House of Representatives, upon his leaving office (except by expulsion), to purchase the office equipment and furnishings provided by the General Services Administration for use in his State or district office. H.R. 9075. Public Law 93-462, approved Oct. 20, 1974. (VV)

Congressional Record postal rates.—Provides that the Congressional Record be entitled to be mailed at the same rates of postage at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed. S. 3373. Public Law 93-314, approved June 8, 1974. (VV)

Executive Agreements.—Provides for congressional review of all executive agreements; requires the Secretary of State to transmit to both Houses of Congress all such agreements and provides that any agreement which, in the opinion of the President, would be prejudicial to the security of the United States if disclosed shall be transmitted under

an appropriate injunction of secrecy whereby only members of Congress would be permitted to inspect the document; and provides that such agreements shall become effective within 60 days unless both Houses pass a concurrent resolution of disapproval or unless the terms of the agreement provides for a later effective date. S. 3830. P/S Nov. 21, 1974. (VV)

First Continental Congress 200th anniversary.—Authorizes expenses to be paid from the contingent fund of the Senate for such officials the 200th anniversary of the First Continental Congress pursuant to S. Con. Res. 85. S. Res. 415. Senate adopted Sept. 2, 1974. (VV)

Impeachment inquiry.—Directs the Senate Committee on Rules and Administration, in executive session, to review any and all existing rules and precedents that apply to impeachment trials and to recommend any necessary revisions which may be required if the Senate is called upon to conduct a trial, such report to be submitted no later than September 1, 1974, or earlier if so designated by the Majority and Minority Leaders. S. Res. 370. Senate adopted July 29, 1974. (VV)

National emergencies.—Terminates, within 1 year of enactment, the states of national emergencies now in force with the exception of 6 statutes (including Trading with the Enemy Act, a Ready Reserve provision, and purchasing contract lease and claims authorities) which will continue in force until such time as Congress acts to repeal or modify them pursuant to recommendations made by standing committees having jurisdiction over these provisions who will have 9 months to study and report thereon; establishes a procedure for the future use of delegated emergency power whereby the President, by public proclamation, could declare a national emergency citing specific statutory powers required and provides that a state of national emergency can be terminated either by the Congress by passage of a concurrent resolution or by Presidential proclamation; provides 6-month Congressional review periods to determine whether a state of national emergency should continue; provides a means of accountability for actions taken pursuant to emergency power statutes in any future emergency; and requires an accounting of expenditures incurred under the authority of emergency powers statutes. S. 3957. P/S Oct. 7, 1974. (VV)

Office of Management and Budget.—Amends the Budget and Accounting Act, 1921, to require Senate confirmation of future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, effective in each case, immediately after the individual holding that office on the date of enactment ceases to hold the office and, effective immediately in the case of a vacancy in either position on the date of enactment. S. 37. Public Law 93-250, approved Mar. 2, 1974. (VV)

Select Committee on standards and conduct.—Amends rule XXV of the Standing Rules of the Senate to provide that a Senator serving as Chairman of a Standing, Select or Special Committee of the Senate or a Joint Committee of the Congress may also serve as Chairman of the Select Committee on Standards and Conduct. S. Res. 368. Senate adopted July 25, 1974. (VV)

Senate committee employees pay.—franked mail.—Eliminates the statutory minimum rate of compensation for Senate committee employees and eliminates the requirement that the words "Postage paid by Congress" be printed on franked mail. S. 2315. Public Law 93-255, approved Mar. 27, 1974. (VV)

Speakers of the House of Representatives.—Provides former Speakers of the House of Representatives with staff assistance, office space, supplies, and equipment to be available so long as each Speaker determines that they are necessary. H.R. 17026,

Public Law 93—, approved —, 1974. (VV)

Tourism study.—Authorizes the Senate Commerce Committee to undertake necessary research and study to formulate legislative proposals establishing a national tourism policy and role for the Federal Government. S. Res. 347. Senate adopted Oct. 10, 1974. (VV)

CONSUMER AFFAIRS

Consumer Food Act.—Amends the Federal Food, Drug and Cosmetic Act to provide consumers with greater assurance that food is safe and wholesome; includes provisions for industry-developed safety assurance procedures, authority for the Secretary of Health, Education, and Welfare to set standards for procedures found to be inadequate, and calls for the development of a comprehensive Food and Drug Administration (FDA) food safety plan including a mandate for at least annual inspections of food processing establishments; expands FDA's factory inspection authority to include access to records relating to misbranding; provides for administrative civil penalties and provides authority for citizen civil suits in Federal district courts; directs the Secretary to cooperate with the Small Business Administration for financial assistance to small volume processors who would suffer severe financial burdens in complying with the new requirements; requires food processors to register once every two years in order to maintain a national directory of food processors for inspection purposes; exempts retail grocery stores and restaurants from the safety assurance criteria and registration requirements; confirms FDA's authority to order that certain foods be date-labeled, that certain ingredients be quantitatively listed by percentage of the ingredient in such food, and that certain foods provide nutritional information in a specified format; requires that colorings be listed individually and that certain sensitizing spices and flavorings be listed by name; and provides that State and local food labeling laws which are inconsistent with the Federal laws are to be superseded by Federal regulation. S. 2373. P/S July 11, 1974. (VV)

Consumer product warranties.—Sets forth, in title I, disclosure and designation standards for written warranties on each consumer product that costs the consumer more than \$5; defines Federal contents standards for full warranties; provides meaningful consumer remedies for the breach of written warranty and written service contract obligations; in title II, adds a new section 18 to the Federal Trade Commission Act which would codify the Commission's authority to make substantive rules for unfair or deceptive acts or practices in or affecting commerce; permits interested persons to present their views on any proposed rule either in written form or orally; provides for judicial review of final rules in appropriate U.S. Circuit Courts of Appeals; requires the Federal Reserve Board to prescribe the regulations applicable to banks; gives the FTC the same authority to obtain information and enforce the processes for obtaining information against persons and partnerships as it has under existing law with regard to corporations; gives the Commission exclusive authority to appear in its own name through its own legal representatives and to supervise the litigation in civil actions relating to injunctive relief, consumer redress, judicial review of a rule prescribed by the Commission and certain actions for enforcement purposes; and contains other provisions. S. 356. Public Law 93—, approved —, 1974. (549)

Motor vehicle defect remedies.—Amends the National Traffic and Motor Vehicle Safety Act by empowering the Secretary of Transportation to require that the manufacturer of motor vehicles, motor vehicle equipment, and tires which contain safety related de-

fects, or which fail to comply with motor vehicle safety standards to remedy such defect, or failure to comply, without charge to the consumer; requires the Secretary to set mandatory federal safety standards for school buses; contains provisions requiring safer types of fuel tanks; increases the regulatory and enforcement authority of the Secretary; increases the maximum civil penalty to \$400,000; authorizes \$55 million for fiscal year 1975 and \$60 million for fiscal year 1976; and contains other provisions. S. 355. Public Law 93-492, approved Oct. 27, 1974. (VV)

CRIME-JUDICIARY

Antitrust procedures and penalties.—Enacts legislative and oversight changes to settlements of Government civil antitrust cases; provides that (1) any proposal for a consent judgment submitted by the United States must be published in the Federal Register 60 days prior to the proposed date of judgment, (2) be accompanied by a competitive impact statement by the Department of Justice, (3) comments by interested parties also shall be published which the district court shall consider in making its determination whether the entry of the proposed judgment is in the public interest and (4) requires the defendant to disclose all communications made on its behalf other than those made by counsel of record alone to officials of the Justice Department; increases the fines for violations of the Sherman Act from \$50,000 to \$100,000 for individuals and \$1 million for corporations; amends the Expediting Act to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit courts of appeals; eliminates the provision that a three judge court be impaneled in civil actions where the United States is the plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act upon filing by the Attorney General with the district court of a certificate that the cases are of general public importance; provides for direct appeal to the Supreme Court from final judgments of the district court only in cases certified by the district judge upon the application of either party to be of general public importance; and contains other provisions. S. 782. Public Law 93—, approved —, 1974.

Bilingual court proceedings.—Amends title 28, U.S.C., by adding a new section specifying the circumstances when an interpreter must be furnished to translate all or part of the court proceedings for the benefit of a non-English-speaking party or when a witness does not speak English and imposes administrative duties upon the Administrative Office of the U.S. Courts in relation to certification and use of interpreters. S. 1724. P/S Sept. 30, 1974. (VV)

Canal Zone marriage licenses.—Transfers the duties for issuing and recording marriage licenses and related activities, from the United States District Court of the Canal Zone to the civil affairs director of the Canal Zone Government. S. 2348. Public Law 93-465, approved Oct. 24, 1974. (VV)

Commission on revision of the Federal Appellate System.—Extends the date for the final report of the Commission on Revision of the Federal Court Appellate System from September 21, 1974, to June 21, 1975, and increases its authorization from \$270,000 to \$808,000. S. 3052. Public Law 93-420, approved Sept. 19, 1974. (VV)

"Cooly trade" laws.—Repeals the "Cooly Trade" laws which prohibit the procuring, transportation, disposition, sale, or transfer of Oriental persons as servants or apprentices, or to be held to service or labor. S. 2220. Public Law 93-461, approved Oct. 20, 1974. (VV)

Copyright laws.—Provides, in title I, for a general revision of the United States Copy-

right Law (title 17, U.S.C.); extends, with certain exceptions, copyright protection to include the creator's lifetime plus 50 years which conforms with general international standards; establishes a copyright liability for carrying broadcast signals by cable television (CATV); creates a Copyright Royalty Tribunal to adjust royalty rates; removes the present exemption for jukebox operators by requiring an annual royalty fee of \$8 per box;

Establishes, in title II, a 3-year National Commission on New Technological Uses of Copyrighted Works, within the Library of Congress, to study and compile data on the reproduction and use of copyrighted works of authorship (1) in automatic systems capable of storing, processing, retrieving, and transferring information, and by various forms of machine reproduction, and (2) the creation of new works by the application or intervention of automatic systems of machine reproduction;

Establishes, in title III, a form of protection for original ornamental designs of useful articles by protecting such designs for a limited time against unauthorized copying;

And contains other provisions. S. 1361. P/S Sept. 9, 1974.

Note.—(General extensions are contained in S. 1361.) (369)

Copyright laws.—Makes permanent the grant of copyright protection of records and tapes which would expire on December 31, 1974, and imposes stronger criminal penalties for willful infringement of such copyrights; extends all expiring copyrights for 2 years and establishes a National Commission on New Technological Uses of Copyrighted Works, within the Library of Congress, to study the reproduction, use and creation of copyrighted works of authorship in conjunction with automatic systems and directs the Commission to submit a preliminary report of its findings to the President and Congress within 1 year and a final report within 3 years after enactment after which the Commission shall be terminated within 60 days. S. 3976. Public Law 93—, approved —, 1974. (VV)

Drug Enforcement Administration.—Repeal of no-knock statutes.—Authorizes appropriations for the Drug Enforcement Administration for 3 years as follows: \$105 million for fiscal year 1975, \$175 million for fiscal year 1976, and \$200 million for fiscal year 1977;

Repeals the District of Columbia and Federal no-knock statutes enacted by Congress in 1970, which permit judges to insert a special clause into search warrants in narcotics cases which allow the police to execute the warrants without first knocking or announcing authority and purpose before entering private homes;

Extends the protection of section 1114, title 18, U.S.C. (which makes it a Federal crime to kill certain designated Federal officers and employees) to officers and employees of the Drug Enforcement Administration; and makes the parole provisions of section 4202, title 8, U.S.C. apply to persons convicted under laws repealed by the comprehensive Drug Abuse Prevention and Control Act of 1970. S. 3355. Public Law 93-481, approved Oct. 26, 1974. (289)

Explosives.—Amends section 845(a) of title 18 United States Code to entirely exempt commercially manufactured black powder in quantities not to exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational or cultural purposes in antique firearms and certain antique devices from regulation under title XI of the Organized Crime Control Act of 1970 (Public Law 91-452) relating to explosives, and amends section 921(c)(4) of title 18 United States Code to add language exempting from the

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term "destructive device" in the Gun Control Act of 1968 (Public Law 90-618) antique devices such as small, muzzle-loading cannon used for recreational and cultural purposes. S. 1083. Public Law 93—, approved —, 1974.

Federal rules of criminal procedure.—Postpones for one year, until August 1, 1975, the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure which were promulgated by the Supreme Court and transmitted to Congress under an order of the Supreme Court dated April 22, 1974, to allow Congress sufficient time to study these proposed amendments. H.R. 15461. Public Law 93-381, approved July 30, 1974. (VV)

Federal rules of evidence.—Establishes uniform rules of evidence for use in the Federal courts. H.R. 5463. Public Law 93—, approved —, 1974. (477)

Florida Judicial district.—Redefines the middle and northern judicial districts of Florida by transferring Madison County from the middle judicial district to the northern judicial district, thus reducing the average travel distance to court by approximately 45 miles for Madison County residents. S. 3021. P/S Sept. 30, 1974. (VV)

Judicial disqualification.—Makes the statutory grounds for disqualification of any justice, judge, magistrate or referee in bankruptcy in a particular case conform generally with the recently adopted canon of the Code of Judicial Conduct which relates to disqualification for bias, prejudice or conflict of interest. S. 1064. Public Law 93-512, approved Dec. 5, 1974.

Jurors fees.—Revises the fee section of the Jury Selection and Service Act of 1968, as amended, to mandate a \$25.00 per day juror attendance fee, establish minimal criteria for judicial certification of additional fees for extended service by grand and petit jurors, authorize procedures for determining the amounts to be expended for juror travel allowances and expenses including tolls and parking charges, authorize procedures for determining amounts to be expended for juror subsistence allowances when necessitated by long travel distances or sequestration, and establish basic job protection for persons serving on Federal juries. S. 3265. P/S Oct. 2, 1974. (VV)

Juvenile justice and delinquency prevention.—Establishes a new Juvenile Justice and Delinquency Prevention program within the Department of Justice, Law Enforcement Assistance Administration (LEAA), to improve the quality of juvenile justice and to provide a comprehensive coordinated approach to the problems of juvenile delinquency;

Creates an Office of Juvenile Justice and Delinquency Prevention within the LEAA, to be directed by an Assistant Administrator appointed by the President and confirmed by the Senate who shall implement all Federal juvenile delinquency programs and policies;

Authorizes grants to States, local governments, and public and private agencies through existing mechanisms of the LEAA to encourage the development of comprehensive programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile system, and to provide community-based alternatives to traditional detention and correctional facilities used for the confinement of juveniles; provides a minimum allocation of \$200,000 to each State with 10 percent to be matched by State and local governments; provides that two-thirds of funds to State and local government be spent through local governments;

Creates a National Institute for Delinquency Prevention and Juvenile Justice within the LEAA's National Institute of Law Enforcement and Criminal Justice to serve as

a center for national efforts in juvenile delinquency evaluation, data collection and dissemination, research and training;

Amends the Federal Juvenile Delinquency Act to provide basic procedural rights for juveniles who come under Federal jurisdiction and to bring Federal procedures up to the standards set by various model acts, many state codes and court decisions; and

Creates a National Institute of Corrections to serve as a center of correctional knowledge for Federal, State and local correctional agencies and programs to develop national policies, educational and training programs and provide research, evaluation and technical assistance; and provides authorization for fiscal years 1975, 1976, and 1977 at \$75, \$125, and \$150 million. S. 821. Public Law 93-415, approved Sept. 7, 1974. (317)

Legal services corporation.—Establishes a private nonprofit Legal Services Corporation—to which is transferred the duties and responsibilities of the legal services program in the Office of Economic Opportunity—for the purpose of providing financial support for legal assistance in noncriminal proceedings to those unable to afford legal assistance; places the administration of the Corporation in a Board of Directors consisting of 11 members appointed by the President with the advice and consent of the Senate and provides that not more than 8 shall be of the same political party, that a majority be members of the bar of the highest court of any State, and that none be full-time employees of the United States; provides that the Chairman shall be selected from the Board members by the President for a 3-year term and thereafter the Board shall elect annually the Chairman from its members; provides that within 6 months after the first meeting of the Board, the Board shall request the Governor of each State to appoint a 9-member advisory council for the State which shall be charged with notifying the Corporation of any alleged violation of this act;

Authorizes the Board to appoint a President of the Corporation, who shall be a member of the bar of the highest court of any State, and any other corporate officers; provides that no officer of the Corporation may receive any compensation from any source other than the Corporation during employment by the Corporation except as authorized by the Board; prohibits the use of political tests or qualifications in appointing or promoting employees of the Corporation or in selecting recipients;

Provides that all officers and employees of the Corporation are to be treated as private employees except for certain rights and benefits of employees of the Federal Government (work injuries, retirement, and health and life insurance); further provides that the Corporation shall be considered a private nonprofit entity for all statutory purposes, including those concerning labor relations, except as otherwise specified;

Authorizes the Corporation to make grants and contracts with individuals, partnerships, firms, and nonprofit organizations and corporations for the purpose of providing legal assistance to eligible clients; authorizes the Corporation to undertake directly and not by grant or contract, to provide research, training, and technical assistance and to serve as a clearinghouse for information relating to the delivery of legal assistance; authorizes the Corporation to insure that clients and employees comply with the law, rules, regulations and guidelines under which the recipients of assistance, grants or contracts will operate; provides that the Canons of Ethics or the Disciplinary Rules of the Code of Professional Responsibility would be fully applicable to the actions and responsibilities of attorneys in the legal services program; prohibits an attorney from receiving compensation for providing legal assistance under this act unless he or she is admitted to practice in the jurisdiction where such assist-

ance is initiated; prohibits employees of the Corporation or any recipient from engaging in or encouraging any public demonstration or picketing, boycott, or strike; makes special provision for bilingual legal assistance; prohibits the Corporation from influencing the passage or defeat of any legislation by the Congress or any State or local legislature; prohibits contribution of funds, equipment, or personnel to any political party or campaign or for use in influencing any ballot measures or referendums;

Provides that the Corporation, in consultation with the Director of the Office of Management and Budget and with the Governors of the States, establish maximum income levels (taking into account family size, urban and rural differences, and substantial cost-of-living variations) for individuals eligible for legal assistance and establishes guidelines and priorities to insure eligibility of clients; prohibits the use of funds for legal assistance with respect to a criminal proceeding, or to make grants to, or contracts with, any law firm which expends 50 percent or more of its resources litigating issues in the broad interests of a majority of the public; makes special provisions for legal assistance to persons 18 years of age; authorizes \$90 million for fiscal year 1975, \$100 million for fiscal year 1976, and such sums as may be necessary for fiscal year 1977;

And contains other provisions. H.R. 7824. Public Law 93-355, approved July 25, 1974. (28,302)

Mandatory death penalty.—Imposes by statute a mandatory death penalty for offenses for which the death penalty is available because death resulted, as follows where: (1) the offense involves flight by a prisoner from the custody of an officer or from an institution, gathering or delivering defense information to aid a foreign government, transportation of explosives in interstate commerce, destruction of government property, destruction of property in interstate commerce, kidnapping, treason, and aircraft piracy; (2) the defendant has been convicted of another offense, State or Federal, for which a sentence of life imprisonment or death was authorized by statute; (3) the defendant has previously been convicted of two or more offenses, State or Federal, which carried a penalty of more than 1 year's imprisonment and which involved the "infliction of serious bodily injury upon another person"; (4) the defendant knowingly created a grave risk of death to another person in the commission of the offense; (5) the offense was committed in an especially heinous, cruel, or depraved manner; (6) the defendant procured commission of the offense by payment or promise of payment; (7) the offense was committed for money or anything of pecuniary value; and (8) the offense was committed against the President, Vice President or Vice President elect, or if no Vice President, the officer next in order of succession, a chief of state of a foreign nation, certain foreign officials in the United States because of official duties, a Justice of the Supreme Court, a Federal law enforcement officer or an employee of a Federal prison;

Also provides in regard to offenses concerning defense information or treason that the sentence of death shall be imposed in cases where (a) the defendant has been convicted of another previous offense concerning defense information or treason, for which a sentence of life imprisonment or death was authorized by statute; or (b) in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security and it is found that the offense directly concerned nuclear weaponry, or other major weapons system or major element of defense strategy; or (c) in the commission of the offense the defendant knowingly created a grave risk of death to another person;

Makes the following exceptions to the imposition of the death sentence where, at the time of the offense, (1) the defendant was under 18 years of age; (2) his or her capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired but not so much as to constitute a defense for prosecution; (3) he or she was under unusual and substantial duress, although not such as to constitute a defense for prosecution; (4) he or she was a principal in the offense, which was committed by another, but the participation was relatively minor, though not so minor as to constitute a defense; (5) he or she could not reasonably have foreseen that his conduct in the courts of the commission of the offense which resulted in the death for which he or she was convicted would cause, or would create a grave risk of causing, death to any person; or (6) as allowed by the court when hostages have been released by the defendant on the assurance of the Attorney General that their release would be a factor mitigating the application of the mandatory death sentence;

Establishes a procedure whereby a hearing shall be held after conviction or plea of guilty for the purposes of determining whether any of the exceptions apply; contains provisions concerning appeal from a sentence of death under this procedure; and contains other provisions. S. 1401. P/S Mar. 13, 1974. (69)

Narcotic treatment.—Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, commonly called the Controlled Substances Act, to provide new authority for the regulation of the use of narcotic drugs in the treatment of narcotic addicts; provides definitions of "maintenance treatment" to enable the Attorney General to establish more specific and comprehensive regulatory control over the handling of narcotic drugs used in the treatment of narcotic addicts; requires practitioners who dispense or administer narcotic drugs in the treatment of narcotic addicts to obtain a special registration predicated on the approval of treatment standards by the Secretary of Health, Education, and Welfare and the approval of security standards by the Attorney General; enables the Attorney General to deny, revoke, or suspend the special registration for failure to comply with the new standards; makes the full range of civil remedies and felony penalties available under the Controlled Substances Act applicable to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration; and requires the special registered practitioners to keep complete records of narcotic drugs directly administered to patients in their presence. S. 1115. Public Law 93-281, approved May 14, 1974.

Privacy protection.—Requires agencies to give detailed notice of the nature and uses of their personal data banks and information systems and their computer resources;

Establishes a new Privacy Protection Study Commission, which is to submit a report of its findings in 2 years;

Establishes certain minimum information-gathering standards for all agencies to protect the privacy and due process rights of the individual and to assure that surrender of personal information is made with informed consent or with some guarantees of the uses and confidentiality of the information;

Establishes certain minimum standards for handling and processing personal information maintained in the data banks and systems of the executive branch; for preserving the security of the computerized or manual system, and for safeguarding the confidentiality of the information;

Prohibits any Federal, State, or local government agency from denying any rights,

privileges, or benefits provided by law because of an individual's refusal to disclose his or her social security number except with respect to a disclosure required by Federal law or any information system in existence and operating before January 1, 1975;

Gives the individual the right to be told upon request whether or not there is a Government record on him or her and to have access to it; allows enforcement of the act through the courts by individuals in civil actions;

Makes certain exceptions for CIA and police records;

And contains other provisions. H.R. 16373. P/H Nov. 21, 1974; P/S amended Nov. 22, 1974. (VV) S. 3418. Public Law 93- , approved 1974. (473,535)

Speedy Trials.—Makes effective the sixth amendment right to a speedy trial in Federal criminal cases by requiring that each Federal district court, in cooperation with the United States Attorney, establish a plan for trying criminal cases within 90 days of arrest or receipt of summons; provides a 7-year phasing-in period so that the goals of a 30-day limit between arrest and indictment and the 60-day limit between indictment and commencement of trial will not be in force until the seventh year to be phased in beginning in the second year after enactment as follows: during the 2d year—a 60-day arrest-to-indictment time limit and a 180-day indictment-to-trial time limit, during the 3d and 4th years—a 45-day arrest-to-indictment time limit and a 120-day arrest-to-trial time limit, during the 5th and 6th years—a 30-day arrest-to-indictment time limit and a 60-day indictment-to-trial time limit; requires that failure to comply with the phasing-in time limit schedule be reported to the Administrative Office of the United States Courts; provides a dismissal without prejudice sanction if a case extends beyond the specified time limits and provides that beginning the seventh year after enactment a prosecution can only be recommended following such a dismissal if the government can show "exceptional circumstances"; defines what is expected from the district courts, the United States Attorneys, and defense counsel in terms of planning for the implementation of speedy trials and provides reporting requirements so that the progress of implementation and its resource needs can be easily monitored; specifies that a judge should use a balancing test in order to determine whether to grant an exclusion from the speedy trial time limits; authorizes the creation of demonstration "pretrial Services Agencies" in 10 Federal districts to make bail recommendations, supervise persons on bail and assist them with employment, medical, and other services designed to reduce crime on bail; and contains other provisions. S. 754, P/S July 23, 1974. (VV)

Trademark Act procedures.—Grants an automatic 30-day extension, upon request, in which to file an opposition to an application for a trademark registration without need to give reasons showing good cause; eliminates as archaic the existing requirement that so-called "reasons of appeal" be filed with the Patent Office when appealing from the agency to the U.S. Court of Customs and Patent Appeals; and authorizes the award of attorney fees to the prevailing party in trademark litigation where justified by equitable considerations. H.R. 8981. Public Law 93- , approved 1974. (VV)

Wiretapping.—Extends until January 31, 1976, the life of the National Commission for the Review of Federal and State Laws on Wiretapping and Electronic Surveillance. H.R. 15173. Public Law 93- , approved 1974. (VV)

DEFENSE

Air Force Colonels promotions.—Extends for 2 years Public Law 89-606, as amended, which authorizes an increase in the number of Air Force colonels and lieutenant colonels,

with the number reduced by 3 percent and 2 percent respectively, above the number provided in permanent law. H.R. 14402. Public Law 93-397, approved Aug. 29, 1974. (VV)

Air Force Unit Command.—Removes the provision from law that commanders of Air Force flying units must be commissioned officers having aeronautical ratings as pilots. S. 3906. Public Law 93-525, approved Dec. 18, 1974. (VV)

Army Deputy Chiefs of Staff.—Increases from 3 to 4 the authorized number of Deputy Chiefs of Staff for the Army. H.R. 14349. Public Law 93- , approved 1974. (VV)

Army officers involuntary discharge.—Amends title 10, U.S.C., to authorize the Secretary of the Army to involuntarily discharge or retire, with certain exceptions, commissioned Army officers in regular grades below major whenever there is a reduction in officer strength force; provides that each discharged officer with 5 to 18 years of continuous active duty would receive readjustment pay at the rate of two months' basic pay times the number of years of active duty service with a maximum payment ceiling of \$15,000; and provides a 3-year expiration date for the authority contained herein: S. 3191. Public Law 93- , approved 1974. (VV)

Aviation crew incentive pay.—Restructures the flight-pay system of the uniformed services in order to achieve a more equitable distribution of flight pay and to increase the ability of the uniformed services to attract and retain officer aviator crewmembers in an all volunteer environment. H.R. 12670. Public Law 93-294, approved May 31, 1974. (VV)

Coast Guard authorization.—Authorizes \$122,200,000 to the Coast Guard for fiscal year 1975 for the procurement of vessels and aircraft and construction of shore and offshore establishments and bridge alterations; authorizes the end-year strength for active duty personnel and average military student loads; provides for certain schooling of Coast Guard dependents outside the United States; exempts certain fisheries vessels from load line and vessel inspection laws; and authorizes a study of new techniques to be used for fisheries jurisdiction enforcement. H.R. 13595. Public Law 93-430, approved Oct. 1, 1974. (VV)

Coast Guard icebreaking operations.—Provides the authority for the Coast Guard icebreaking operations in waters other than the high seas or waters subject to the jurisdiction of the United States when those operations are undertaken pursuant to international agreement. S. 3308. Public Law 93-519, approved Dec. 13, 1974. (VV)

Coast Guard laws.—Changes the Coast Guard's authority relating to aids of navigation by extending its jurisdiction to additional territorial waters of the United States and to non-navigable waters covered by the Federal Boat Safety Act of 1971; provides the authority necessary to carry funds over until the completion of projects for which funds were originally appropriated and provides continuing authorization for the payment of certain confidential investigative expenses; authorizes funds to provide for primary and secondary education for dependents of Coast Guard personnel stationed outside the continental United States whenever schools in the locality are unable to meet their educational needs; and makes changes in certain Coast Guard laws pertaining to personnel matters in the Coast Guard Auxiliary. H.R. 8293. Public Law 93-283, approved May 14, 1974. (VV)

Coast Guard Reserve benefits.—Amends title 10, United States Code, in order to ensure that Coast Guard Reservists have the same retention obligations and benefits as do the Reservists of the other armed forces. S. 2149. P/S Aug. 15, 1974; P/H amended Dec. 16, 1974. (VV)

the Act of June 13, 1933, to provide greater flexibility in the safety standards applicable to boilers and pressure vessels by allowing the Coast Guard, through the regulatory process, to set more realistic standards consistent with current technology. H.R. 10309. Public Law 93-370, approved Aug. 10, 1974. (VV)

Defense Production Act extension.—National Commission on Supplies and Shortages.—Extends the Defense Production Act of 1950 for 1 year, from June 30, 1974, to June 30, 1975; changes the method by which stockpile materials are purchased from Treasury Department loans to regular congressional appropriations in order to guarantee uninterrupted defense production when necessary;

Establishes an independent national commission to report to the President and Congress by March 31, 1975, specific recommendations with respect to institutional adjustments, including the advisability of establishing an independent agency, to provide for a comprehensive data collection and storage system to aid in the examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world and authorize \$500,000 therefor; provides for the appointment of 13 members—4 from the Executive branch, 4 from the Congress and 5 from the private sector; authorizes \$75,000 for the establishment of an advisory committee to recommend possible policy-making processes and structure within the executive and legislative branches to coordinate efforts with appropriate multi-State, regional and State governmental jurisdictions; and provides that the Commission make other reports and recommendations to the President and Congress.

S. 3270. Public Law 93-426, approved Sept. 30, 1974. (VV)

Defense Production Act Extensions.—Extends the Defense Production Act of 1950, which would expire on June 30, 1974, for an additional 30 days. H.J. Res. 1056. Public Law 93-323, approved June 30, 1974. (VV)

Extends the Defense Production Act for 60 days, until September 30, 1974. S.J. Res. 228. Public Law 93-367, approved Aug. 7, 1974. (VV)

Enlistment and reenlistment bonuses.—Revises the special pay bonus structure relating to members of the Armed Forces to provide enlistment and reenlistment incentives designed to ensure adequate manning in an all-volunteer environment; provides, through June 20, 1977, for a maximum reenlistment bonus of \$15,000 with the understanding that this maximum would be limited to the nuclear field only; and provides a bonus of up to \$3,000 for an enlistment of at least 4 years in any critical skill area in any service. S. 2771. Public Law 93-277, approved May 10, 1974. (VV)

Enlistment less qualifications.—Establishes uniform enlistment qualifications with regard age, parental consent and time of enlistment options for male and female persons in the armed services retaining however, the discretionary authority of the Secretary to set as a matter of policy a higher minimum age than seventeen or a lower maximum age than thirty-five for accepting enlistments. H.R. 3418. Public Law 93-290, approved May 24, 1974. (VV)

Grumman Aerospace Corporation.—Disapproves the restated and amended advance payment pool agreement between the Department of the Navy and Grumman Aerospace Corp. dated July 29, 1974, under which advanced payments in an aggregate amount not in excess of \$100 million may be made to Grumman in connection with a contract for the purchase of F-14 and other military aircraft. S. Res. 380. Senate adopted disapproval resolution Aug. 13, 1974. (345)

Medical officers' pay.—Increases the special

pay bonus for physicians (including physicians of the Public Health Services) for each year's extension of active duty to reduce the gap between the incomes of civilian and military physicians to ensure a level of staffing in an all-volunteer environment; limits the new bonuses to officers in the pay grade O-6 (colonel) and below; provides a maximum bonus of \$13,500 per year excluding those undergoing initial residency training and the first 4 years of obligated service; and contains other provisions. S. 2770. Public Law 93-274, approved May 6, 1974. (VV)

Permits medical officers of the uniformed services to draw continuation pay (up to 4 months basic pay) during initial residency training. H.R. 15936. Public Law 93-394, approved Aug. 29, 1974. (VV)

Military claims.—Increases from \$15,000 to \$25,000 the limit for administrative settlement of claims against the United States arising from noncombat activity of the Armed Forces, and increases from \$2,500 to \$5,000 the limit for the delegation of authority to settle claims. H.R. 9800. Public Law 93-336, approved July 8, 1974. (VV)

Military construction authorization.—Authorizes a total of \$2,984,378,000 in new budget obligation authority for fiscal year 1975 for construction and other related authority for the military departments and defense agencies, within and outside the United States, including construction of military family housing, facilities for the reserve components, medical facilities and initial funding of the first increment for the Uniformed Services University of Health Sciences to be located near the National Naval Medical Center at Bethesda, Md., NATO infrastructure program, pollution abatement, and the Trident submarine site at Bangor, Wash.; prohibits the expenditure of the \$14,802,000 authorized to expand the naval station at Diego Garcia in the Indian Ocean until the President advises Congress in writing that he has evaluated all military and foreign policy implications regarding the need for these facilities, certifies that this construction is essential to the national interest, and such action is not disapproved by either House of Congress by passage of a disapproval resolution within 60 days of certification; and contains other provisions. H.R. 16136. Public Law 93- , approved 1974. (371)

Military pay adjustment.—Provides that pay increases for active-duty members of the uniformed services shall be distributed among basic pay, quarters allowance, and subsistence allowance instead of the present method whereby increases go entirely into basic pay. H.R. 15406. Public Law 93-419, approved Sept. 19, 1974. (VV)

Military procurement authorization.—Authorizes a total of \$22,195,037,000 for fiscal year 1975 for military procurement, research and development, active duty, Selected Reserve and civilian personnel strengths, and student loads, of which \$35,673,000 will come from reimbursements for foreign military sales;

Includes \$13,258,000,000 for procurement of aircraft, naval shipbuilding and conversion, tracked combat vehicles, torpedoes, and other weapons, and \$8,936,977,000 for research and development;

Authorizes a year-end strength of 2,098,100 for active duty personnel; reduces by 18,000 personnel stationed in Europe, based on the June 30, 1974, level, with one-third of the reduction to be completed by June 30, 1975, and the full reduction completed by June 30, 1976, and authorizes the Secretary to increase the combat component strength of U.S. forces in Europe by the same amount of the reduction made in noncombat personnel; prohibits an increase in the total number of U.S. tactical nuclear warheads in Europe except in the event of hostilities;

Authorizes a total average strength of 936,712 for the Selected Reserve components including the Coast Guard and a year-end strength of 995,000 for civilian personnel

within the various military departments and agencies;

Authorizes \$1 billion, including \$263,860,000 for procurement of aircraft, missiles, tracked combat vehicles and other weapons to support South Vietnamese military forces; prohibits the use of any of these funds to provide military assistance to Cambodia or Laos and prohibits the obligation of any other funds for fiscal year 1975 for such assistance to South Vietnam;

Requires statutory authorization for selling, or otherwise disposing of naval vessels, larger than 2,000 tons or less than 20 years old;

Prohibits the use of dogs in research for the purpose of developing biological or chemical weapons;

Prohibits flight testing of the Minuteman missile from any place within the United States except Vandenberg Air Force Base;

Requires the Secretary of Defense to make recommendations on licensing export of goods, technology, and industrial techniques resulting directly or indirectly from Defense Department research and development or procurement programs with Communist countries to the President, and provides that Congress could deny the export by passing a concurrent resolution within 60 days;

And contains other provisions. H.R. 14592. Public Law 93-365, approved Aug. 5, 1974. (239,319)

Military procurement supplemental authorization.—Authorizes \$769,049,000 in supplemental appropriations for fiscal year 1974 for procurement including replacement of and support items for aircraft and synthetic flight trainer simulators, naval vessels, missiles, tracked combat vehicles, and other weapons for the armed forces; provides, under the military family housing program, the necessary funding authority to cover pay increases already approved by law; reaffirms the \$1.126 billion statutory ceiling enacted in 1974, for military aid to South Vietnam and provides that this amount shall not be circumvented by accounting adjustments; prohibits denial of enlistment to a volunteer on the basis of not having a high school diploma; and contains other provisions. H.R. 12565 (S. 2999). Public Law 93-307, approved June 8, 1974. (VV)

Motor vehicle shipment expenses.—Authorizes the various branches of the armed services to utilize surface transportation in combination with water transportation for the movement of privately owned vehicles of servicemen and requires that the major portion of the distance in such combined transportation is on American-flag vessels; extends the transportation and travel entitlement of section 554, title 37, U.S.C., to military personnel who are ill in addition to those who are dead, injured or missing, and permits the Department of Defense to pay for the reshipment of privately owned vehicles mistakenly shipped to the wrong destination. H.R. 16006. Public Law 93—, approved 1974. (VV)

Naval museum.—Expresses the approval of the Congress with respect to the establishment by the State of South Carolina, of the Naval and Maritime Museum in the city of Charleston. S. Con. Res. 121. Senate adopted Dec. 14, 1974. (VV)

Naval Sea Cadet Corps.—Amends the act of September 10, 1962 (76 Stat. 530) to permit young ladies to be eligible for membership in the Naval Sea Cadet Corps. S. 3204, Public Law 93-504, approved Nov. 29, 1974. (VV)

Navy and Marine Corps appointments.—Authorizes the President to make appointments to the active list of the Navy in permanent grades not above captain and to the active list of the Marine Corps in permanent grades not above colonel from certain officers who were in a missing status during the Vietnam conflict. H.R. 8591, Public Law 93—, approved 1974. (VV)

Reservists retirement credit.—Allows serv-

ice as an "aviation midshipman" to be counted for purposes of retirement for non-regular service under chapter 67, title 10, U.S.C., and for pay purposes under title 37, U.S.C. H.R. 5056. Public Law 93—, approved 1974. (VV)

Retired reservists pay.—Grants eligibility for retired pay to certain reservists who were members of the Reserves prior to August 16, 1945, but who did not serve on active duty during World War I, World War II, or the Korean war, if they served on active duty during the Berlin crisis or Vietnam war or if they had at least 20 years of Reserve service after August 15, 1945. S. 3283. P/S Dec. 14, 1974. (VV)

Service academy appointments.—Authorizes the Secretary of the Army to permit one citizen of Laos to attend the United States Military Academy at no expense to the U.S. Government. S.J. Res. 206. Public Law 93-317, approved June 22, 1974. (VV)

Surplus Naval material.—Authorizes the Secretary of the Navy to give obsolete material not needed for naval purposes and sell other material that may be spared to the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League as well as the Boy Scouts of America. H.R. 11144. Public Law 93—, approved 1974. (VV)

DISTRICT OF COLUMBIA

Advisory neighborhood councils.—Amends the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198) to make clear that only a majority of voters voting on the issues in the May 7th referendum are needed to ratify the Advisory Neighborhood Council. H.R. 12109. Public Law 93-272, approved Apr. 24, 1974. (VV)

American University, Inc.—Amends the act of incorporation of American University to clarify the relationship of the university, to the United Methodist Church, under whose auspices and control the university has existed. S. 3389. P/S June 21, 1974. (VV)

Campaign finance reform.—Replaces the present Board of Elections with the Board of Elections and Ethics which will assume the duties for the conduct of campaigns within the District of Columbia and gives the Board compliance authority including civil penalties; provides for the appointment of the Director of the Board by the Mayor with Senate confirmation until January 2, 1975, and Council confirmation thereafter; sets maximum limitations on contributions and expenditures for and on behalf of a particular candidate; provides that surplus funds shall be used for political purposes of a political party, for retiring proper debts of the candidate's political committee, or shall be returned to the donor within six months after the election; provides for registration and reporting by persons engaged for pay in lobbying for passage or defeat of legislation by the Council and limits its operation to lobbyists being paid over \$500 per year for this purpose; prohibits a public official of the District from using his office to obtain financial gain, accept gifts for taking official action, or disclose confidential information resulting in financial gain and prohibits an official from accepting membership on a committee or an assignment of responsibility which creates a conflict of interest; requires candidates and District office holders to file a report with the Board disclosing income, business transactions, property purchases or sales and taxes paid each year; and contains other provisions. H.R. 15074, Public Law 93-376, approved Aug. 14, 1974. (VV)

Capitol Hill construction.—Permits the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers to perform temporary and permanent construction work on the Capitol Grounds for the addition to their headquarters building at Louisiana Avenue and "D" Streets, Northwest, Washington, D.C. S.J. Res. 262. P/S Dec. 9, 1974. (VV)

Educational personnel—psychologists—unemployment compensation.—Authorizes the District of Columbia to enter into Interstate Agreement on Qualification of Educational Personnel; amends the Practice of Psychology Act to allow review of decisions by the Commissioner by the District Court of Appeals and to allow certain persons to obtain licenses who met District qualifications and were engaged in practice prior to the enactment of the Practice of Psychology Act in 1971; and amends the District of Columbia Unemployment Compensation Act to allow review of the determinations of the Unemployment Compensation Board in the District Court of Appeals. H.R. 342. Public Law 93-515, approved Dec. 7, 1974. (VV)

Executive protective service.—Increases the authorized size of the Executive Protective Service from 850 to 1,200 in order to expand protection for embassies and other diplomatic facilities in the D.C. area. S. 3124. P/S May 8, 1974. (VV)

Home rule amendments.—Amend the District of Columbia Self-Government and Governmental Reorganization Act to place employees of the D.C. Manpower Administration on an equal basis as other employees being transferred on July 1, 1974, from Federal agencies to the District Government; changes the District to the new Federal fiscal year of October 1 to September 30, and makes July 1, 1974, rather than January 9, 1975, the effective date for several sections of the act; simplifies the procedure for general obligation bonds; fills Board of Education vacancies at the next general election; and authorizes the City Council to impose a moratorium on condominium projects. H.R. 15791. Public Law 93-395, approved Aug. 29, 1974. (VV)

Indigent defense.—Makes the Federal Criminal Justice Act applicable to the District of Columbia and provides for a court-appointed counsel to represent defendants who are financially unable to obtain an adequate defense in criminal cases. S. 3703. Public Law 93-412, approved Sept. 3, 1974. (VV)

Insurance holding company regulations.—Provides a framework for the control of insurance holding company activities through registration of the insurance company with the District of Columbia and regulation by the District of the insurers' transactions with the other members of the holding company system; vests responsibility exclusively in the District to avoid conflicting or multiple state regulation; requires registration only of domestic insurers and those foreign insurers whose states do not have similar legislation; requires the reporting of all significant transactions between an insurer and its parent, subsidiaries and sister companies according to specified standards and provides that the Commissioner may direct the insurer to provide any necessary records of other members of the holding company system; permits insurers to invest additional amounts in subsidiaries if remaining surplus is adequate to protect policyholder interests; requires disclosure to the Commissioner of any attempt to take control of, or to merge with, an insurer; and provides that the Commissioner may disapprove any such attempted takeover if specific standards designed to protect the interest of policyholders are not satisfied. H.R. 7218. Public Law 93-388, approved Aug. 24, 1974. (VV)

Land-grant university.—Establishes a 16 member Board of Trustees to consolidate the existing local institutions of public higher education within the District of Columbia into a Land-Grant University which shall be an independent agency subject to the policy directives of the Mayor. H.R. 15643. Public Law 93-471, approved Oct. 26, 1974. (VV)

Law revision commission.—Creates a Law

Revision Commission for the District of Columbia to examine the law relating to the District, to receive suggestions thereon and to recommend changes and reforms to the Congress and the District Council which would remedy defects and anachronisms in the law and bring both civil and criminal law into harmony with modern conditions, and creates a municipal code so that all enacted laws will be in codified form to facilitate their use. H.R. 12832. Public Law 93-378, approved Aug. 21, 1974. (VV)

Marriage licenses.—Repeals provisions of present law requiring that the color of the applications be included on the application for a marriage license. S. 3476. P/S June 19, 1974. (VV)

Medical and dental manpower.—Extends for two years, through fiscal year 1976, the District of Columbia Medical and Dental Manpower Act of 1970 which provides Federal assistance to provide nonprofit medical and dental schools in the District. H.R. 11108. Public Law 93-389, approved Aug. 24, 1974. (VV)

National Visitor Center.—Increases the authorization for the National Visitor Center from \$8.68 million to \$21.58 million to supplement the construction work undertaken by the private owners of Union Station with respect to the circulation ramps, parking facilities and interpretive elements of the Center and provides that the Secretary of the Interior can commence rent (on behalf of the United States for a 25-year period) for the facilities built with the \$16 million authorized under the original act when the money is expended even though the facilities are not yet available for public use. H.R. 17027. Public Law 93-478, approved Oct. 26, 1974. (VV)

Pennsylvania Avenue Development Corporation.—Amends the Pennsylvania Avenue Development Corporation's enabling act to enhance its capabilities to plan and redevelop the north side of Pennsylvania Avenue between the Capitol and the White House; provides limited authority for noncompetitive hiring of experts and consultants for specified periods of time without regard for advertising and at rates not in excess of the rate in effect for GS-18; reinstates the expired moratorium on construction within the development area through December 31, 1974, and increases the authorization therefor from \$1 million to \$1.75 million. S. 3301. Public Law 93-427, approved Oct. 1, 1974. (VV)

People's counsel.—Establishes a People's Counsel within the local Public Service Commission of the District of Columbia who is to have the responsibility of representing the people of the District at hearings of the Commission and in judicial proceedings involving the interests of consumers regarding public utilities services, and the authority to represent consumer complaints before the Commission and to investigate the service, rates, and operations of the public utilities. H.R. 17450. P/H Nov. 25, 1974; P/S amended Dec. 14, 1974. (VV)

Policemen, firemen, and teachers pay increases.—Provides for a 16 percent increase in salary for policemen and firemen in the District of Columbia, and increases the salary of teachers by 10 percent effective September 1, 1974, with an additional 3 percent increase January 1, 1975, to compensate for the 16.8 percent increase in the cost of living in the D.C. metropolitan area between May of 1972 and July of 1974 and to maintain rates of pay for D.C. policemen and firemen in a favorable competitive position with those in major cities in the eastern half of the United States, and revises the real property tax to increase District revenue to cover these pay increases. H.R. 15842. Public Law 93-407, approved Sept. 3, 1974. (VV)

Sewell-Belmont House.—Designates the Sewell-Belmont House at 114 Constitution

Avenue, N.E., in Washington, D.C. which is now the headquarters for the National Women's Party, as a national historic site and authorizes the Secretary of Interior to proceed cooperatively with its restoration. S. 3188. P/S June 19, 1974. NOTE: (Provisions contained in H.R. 13157, the National Historic Sites bill which became Public Law 93-486.) (VV)

Smallpox vaccination.—Repeals provisions in present law requiring compulsory vaccination against smallpox for public school students. H.R. 8747. Public Law 93-334, approved July 8, 1974. (VV)

Taxability of certain dividends.—D.C. election.—Amends the existing District of Columbia tax laws to provide with respect to all taxable years ending after December 31, 1973, that dividends and interest received by a corporation from an insurance company, bank, and other savings institution subject to the 2 percent net premium tax imposed under present law shall not, when paid to the parent corporation, be considered as income from sources within the District, and thus shall not be subject to the District of Columbia income tax; provides that, upon ratification of the Charter by D.C. residents on May 7, 1974, employees shall be permitted to be candidates in the first elections for the offices of Mayor, Chairman or member of the Council; provides that employees who are duly qualified candidates may take an active part in political management or political campaigns for such elections; and exempts the Mayor, and members of the city council or the Chairman of the Council from prohibitions against active participation in political management and political campaigns contained in the Hatch Act. H.R. 6186. Public Law 93-268, approved Apr. 17, 1974.

Transportation subsidies for school children.—Extends for 3 years, to fiscal year 1977, the provisions subsidizing common carriers in order to provide reduced-rate transportation for school children to and from D.C. schools and provides that nothing in this act shall limit the authority of the D.C. Council to act on this matter after January 2, 1975. S. 3477. Public Law 93-375, approved Aug. 14, 1974. (VV)

Unemployment compensation.—Amends the District of Columbia Unemployment Compensation Act to remove the maximum limitation of 2.7 percent of his payroll that an employer may make. S. 3474. P/S June 19, 1974. (VV)

ECONOMY—FINANCE

Abandoned money orders and traveler's checks.—Permits the State in which a money order or traveler's check was purchased to claim the money in the event the money order or traveler's check becomes abandoned unless that State's law does not provide for escheat or there is no record of place of purchase, in which case the State in which the obligator has its principal place of business may claim the moneys. S. 2705. P/S Feb. 28, 1974. NOTE: (Comparable provisions are contained in H.R. 11221, the FDIC Insurance bill which became Public Law 93-495.) (VV)

American Revolution Bicentennial coins.—extension.—Grants the Secretary of the Treasury stand-by authority to continue minting for issuance dollars, half dollars, and quarter dollars bearing the current design and date along with the new Bicentennial coins (required by Public Law 93-127) until December 31, 1975, and extends for 1 year, until July 4, 1976, the statutory deadline for the minting of 45 million silver clad coins commemorating the Bicentennial. S. 4204. P/S Dec. 4, 1974. (VV)

Bow and arrow excise tax.—Delays for six months the date on which the new 11 percent excise tax on bows and arrows would be imposed by manufacturers and importers, such tax to provide additional funds for

certain wildlife restoration projects. H.R. 10972. Public Law 93-313, approved June 8, 1974. (VV)

Check forgery insurance.—Extends the availability of Check Forgery Insurance Fund to permit payment to payees and special indorsees on forged checks drawn in United States dollars or foreign currencies on depositaries designated by the Secretary of the Treasury in the United States or abroad by Government disbursing officers. H.R. 8274. Public Law 93—, approved 1974. (VV)

Council on International Economic Policy.—Authorizes \$1.8 million for fiscal year 1975 for the Council on International Economic Policy. H.R. 13839. Public Law 93-315, approved June 22, 1974. (VV)

Domestic Summit on the Economy.—States the sense of the Senate that a domestic summit be convened forthwith comprised of the President, the majority and minority leadership of both the House and Senate, the chairmen and ranking minority members of the Senate Finance Committee and the House Ways and Means Committee and the Chairman of the Federal Reserve Board, together with leaders of labor and business, and such other participants as they may agree upon, to decide upon a plan of action to restore stability and growth to the American economy and confidence and prosperity to the American people. S. Res. 363. Senate adopted July 23, 1974. (312)

Duty exemptions—SSI payments—unemployment compensation.—Exempts from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; amends the Social Security Act to provide reimbursement to State and local governments for any interim payments they make to an aged, blind, or disabled individual, applying for Supplemental Security Income (SSI) benefits whose claim has been delayed through processing, by authorizing the Social Security Administration, upon authorization by the individual, to withhold from his first SSI check an amount sufficient to reimburse the State for any interim payment; provides for an automatic cost-of-living increase for SSI benefits at the same time and by the same percentage as social security benefits are increased; extends until April 30, 1975, the benefits under the Federal-State unemployment insurance program to provide an additional 13 weeks of unemployment benefits and continues the present temporary waiver of the requirement that a State's insured unemployment must be increasing by 20 percent over the past 2 years; extends until July 1, 1977, payments to States under medical plans for compensation or training of inspectors of long-term care institutions; extends until July 1, 1976, the study by the National Science Foundation on supervisory positions in teaching hospitals; continues the discretionary authority of States to impose a premium on the medically needy (persons with too much income to qualify for cash assistance but not enough to pay for their medical care); directs the Committee on Internal Revenue Taxation to study the Renegotiation Act to determine if it should be extended beyond fiscal year 1975; and clarifies the way in which certain farm rental income is treated for social security purposes. H.R. 8217. Public Law 93-368, approved Aug. 7, 1974. (VV)

Duty-free entry of telescopes.—Provides for the duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii. Public Law 93—, approved 1974. (VV)

Duty suspensions

Bicycle parts—tax amendments.—Continues from January 1, 1974, through December 31, 1976, the suspension of duties on certain bicycle parts and accessories; ex-

tends for 1 year, to January 1, 1976, the moratorium with respect to the application of the moving expense provisions for members of the armed forces that are contained in the Tax Reform Act of 1969; repeals the tax and other regulatory provisions on filled cheese contained in the Internal Revenue Code and now enforced by the Food and Drug Administration; permits certain private foundations whose assets are largely invested in the stock of a multi-state regulated company to exclude the value of the stock in computing the amount of their required charitable distributions under the private foundations provisions; directs the Secretary of Health, Education, and Welfare to study the feasibility of combined social security tax reporting on an annual basis and the effect of such a system on social security beneficiaries, on costs to the employers and to the social security administration, and on the administration of such a program and submit a report thereon to the House Ways and Means Committee and the Senate Finance Committee by December 31, 1974; and increases the amount of carbon dioxide that may be contained in still wines from 0.277 to 0.392 gram per 100 milliliters of wine to improve the shelf life of wines with low alcoholic content. H.R. 6842. Public Law 93-490, approved Oct. 26, 1974. (VV)

Cellulose salts—tax amendments.—Suspends, until June 30, 1975, the duty on certain cellulose salts used in making permanent press clothing materials; extends to December 31, 1975, the transitional time for charitable remainder trusts on wills executed before September 21, 1974, to conform to the requirements in the Tax Reform Act of 1969 for purposes of an estate tax deduction; amends the Internal Revenue Code to permit companies writing guarantee insurance and insurance on obligations, the interest of which is excludable from gross income under section 103, to take the special deduction and income amount under section 832(e) of the Code for taxable years beginning after December 31, 1970; excludes from taxable gross income, funds received by an individual under the Armed Forces Health Professions Scholarship Program and similar programs as well as forgiven student loans received through programs operated by Federal, State or local governments which are conditioned upon future employment; and allows penalties for premature withdrawal of funds from time savings accounts or deposits to be deducted from gross income. H.R. 12035. Public Law 93-493, approved Oct. 26, 1974. (VV)

Copper—corporate liquidation judgments.—Continues until July 1, 1975, the duty suspension on certain forms of copper with a "peril point" level of \$0.51 per pound, and permits a corporation in a limited type of situation to deduct as a loss, its payment of a judgment against it as the successor to the business of a liquidated corporation when the liquidation occurred before July 1, 1975. H.R. 12281. Public Law 93-497, approved Oct. 29, 1974. (VV)

Crude feathers and downs—tax amendments.—Suspends until June 30, 1979, the duty on certain water fowl feathers and downs which are principally from ducks and geese; provides that, beginning with taxable years after December 31, 1973, the dividends received by members of a consolidated group of corporations from a life insurance company who is not a member of the affiliated group will not be treated as personal holding company income; and postpones for 1 year, from January 1, 1975, to January 1, 1976, the requirement in present law that the Federal employee health program be properly coordinated with the medicare program. H.R. 11452. Public Law 93-480, approved Oct. 26, 1974. (VV)

Horses—medicare provider provisions.—SSI.—Suspends until June 30, 1976, the duty

on horses other than for immediate slaughter; revises Medicare provisions to extend to providers of services for accounting periods ending on or after June 30, 1973, the right of judicial review of a decision by the Provider Reimbursement Review Board as well as any subsequent affirmations, modifications or reversals by the Secretary with the amount in controversy to be subject to annual interest beginning 6 months after the determination; and amends the Social Security Act to provide that support and maintenance furnished to an individual in a nonprofit retirement home or institution will not be considered as income for purposes of reducing SSI payments if the cost of such maintenance is paid by the home or another nonprofit organization. H.R. 13631. Public Law 93-484, approved Oct. 26, 1974. (VV)

Methanol—DISC qualifications—depreciation allowances.—Suspends the duty on methanol when imported for use as in producing synthetic natural gas or for direct use as a fuel; allows a financing corporation to qualify as a DISC if it holds accounts receivable or evidences of indebtedness which arise by reason of the export-related transactions of a related DISC; and extends section 167(k) of the Internal Revenue Code which provides tax depreciation for rehabilitation expenditures on low- and moderate-income housing to expenditures made under a binding contract entered into before December 31, 1974. H.R. 11251. Public Law 93-482, approved Oct. 26, 1974. (VV)

Shoe lathes.—Continues to June 30, 1976, the suspension of duty on copying shoe lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one sized shoe from a single model of shoe last. H.R. 8215. Public Law 93-310, approved June 8, 1974. (VV)

Silk—trona ore—gaming operations.—Continues from November 8, 1973, through November 7, 1975, the suspension of duties on certain classifications of yarns of silk; provides that the treatment process to achieve the decarbonation of trona ore into soda ash shall be treated as part of its mining in computing the percentage depletion allowance for trona; reduces the Federal excise tax, levied on wagers (licensed bookmakers of legal gaming operations) from 10 percent to 2 percent and increases the annual occupational tax imposed on persons liable for the tax on wagers and on persons engaged in receiving wagers from \$50 to \$500, effective December 1, 1974; prohibits any Treasury Department official or employee from disclosing any document relating to wagering taxes supplied by a taxpayer or any information obtained therefrom; and provides that such documents may not be used against the taxpayer in any criminal proceeding except in connection with administration or enforcement of internal revenue taxes. H.R. 7780. Public Law 93-499, approved Oct. 29, 1974. (VV)

Synthetic rutile.—Suspends until June 30, 1977, the duty on synthetic rutile which is used in the manufacture of white paint and pigments. H.R. 11830. Public Law 93-470, approved Oct. 26, 1974. (VV)

Zinc—disaster loss claims.—Suspends until June 30, 1977, the duty on zinc-bearing ores and certain other zinc-bearing materials including zinc waste and scrap; allows taxpayers with certain disaster losses, to reduce the basis of damaged or replacement property by the amount of compensation they received up to a maximum of \$5,000 of tax benefits with excess benefits to be included in the taxpayers' income over a five-year period; and provides that if a disaster loan is cancelled in whole or in part, a taxpayer whose adjusted gross income is not more than \$15,000 for the year in which the loss occurred is not required to reduce the amount of his casualty loss deduction by the amount of the cancelled loan or to include that amount in income, and a taxpayer

whose adjusted gross income is over \$15,000 in the year in which the loss occurred is permitted to disregard a percentage of the amount cancelled that is equal to the percentage which \$15,000 is of his adjusted gross income. H.R. 6191. Vetted Nov. 26, 1974. House sustained veto Dec. 3, 1974. (VV)

Economic development.—Extends for two years to June 30, 1976, the Public Works and Economic Development Act, which, through the Economic Development Administration (EDA), provides Federal assistance, in cooperation with the States and localities, to enable areas and regions suffering from economic distress to help themselves develop the planning and financial capability for long lasting economic improvement and the creation of permanent jobs.

Amends the act to permit areas designated under the substantial unemployment criteria of title I (grants for public works and development facilities), many of which are older, developed urban places in need of incentives to attract and hold business and industry, to be eligible for the title II business loan program; provides that not less than 10 percent of appropriations made under title I shall be spent for the Public Works Impact Program (PWIP) in redevelopment areas—urban areas with a large concentration of low-income persons or substantial unemployment or rural areas with substantial outmigration or actual or threatened rise in unemployment due to the closing or curtailing of a major source of employment; broadens the title II business loan program to permit eligible borrowers to now receive direct working capital loans and to permit the guarantee of loans and of rental payments of leases for buildings and equipment up to 90 percent of the outstanding unpaid loan balance or of the remaining rental payments;

Adds a new planning effort to title III (technical assistance, planning and State grant supplements) by authorizing direct planning grants to States, and to cities, political subdivisions, or sub-State planning and development organizations (including economic development districts) with the State to establish a continuing comprehensive planning process in cooperation with sub-State bodies, and, in conjunction with this assistance, also provides a program of grants for Governors to fund or supplement projects; amends title IV to provide a separate authorization of \$25 million to Indians for alleviation of economic distress in addition to other assistance to which they may be entitled;

Makes minor amendments to title V (Regional Action Planning Commissions) to improve the coordination between the commissions and the Secretary of Commerce and with the activities of other Federal, State, local, and sub-State planning agencies in the regions; adds new provisions to title V relating to the use of excess Federal property for economic development in the regions which authorize Federal co-chairpersons to acquire such property without cost and to give or loan it in their respective regions to States or their political divisions and other specified groups;

Adds a new title IX (Special Economic Development and Adjustment Assistance) to help meet economic dislocation problems increasingly encountered by local economies resulting from a variety of causes, including actual or planned Federal actions such as the closing of Federal installations, or energy allotments, weather, or environmental requirements, by permitting, in addition to the present authorized limited assistance for such disruptions, early action to assist areas or regions to adjust to alternative economic activities; authorizes grants to be made for this purpose to redevelopment areas, economic development districts, Indian tribes, States, cities or other political subdivisions which may be used for public facilities, pub-

lic services, business development, planning, unemployment compensation, rent supplements, mortgage assistance, research, technical assistance, training, relocation of individuals and other appropriate assistance;

And contains other provisions. H.R. 14883. Public Law 93-423, approved Sept. 27, 1974. (VV)

Economic opportunity programs.—Extends the Economic Opportunity Act for three years, authorizing such funds as may be necessary for fiscal years 1975, 1976, and 1977;

Continues the Office of Economic Opportunity until October 1, 1975; authorizes the President to submit a reorganization plan on March 15, 1975, to transfer community action programs to the Department of Health, Education, and Welfare and community economic development programs to the Department of Commerce which shall take effect unless either House disapproves it within 60 days; provides that if the President does not submit a reorganization plan or if Congress disapproves it, OEO becomes an independent Federal agency known as the Community Services Administration;

Provides legislative authority for Head Start, Follow Through, Native American and research programs in the Department of Health, Education, and Welfare which HEW now operates under delegation arrangements from OEO;

Retains 80 percent Federal, 20 percent local share of costs for community action programs, with the Federal share decreasing to 60 percent in 1977 for those programs receiving less than \$300,000 in Federal funds; authorizes an additional program of "Community Partnership" incentive grants to augment funds made available by State and local governments for community action programs; contains a "Native American Economic Opportunity Program Act" title to promote economic and social self-sufficiency for American Indians, Hawaiian Natives and Alaskan Natives; makes provision for research and demonstrations;

And contains other provisions. H.R. 14449. P/H May 29, 1974; P/S amended Dec. 13, 1974; (506)

Export Administration Act Extensions.—Extends the Export Administration Act of 1969, as amended, which would expire on June 30, 1974, for an additional 80 days. H.J. Res. 1057. Public Law 93-327, approved June 30, 1974. (VV)

Amends the Export Administration Act of 1969, as amended, to extend the expiration date for an additional 62 days, until September 30, 1974. H.J. Res. 1104. Public Law 93-372, approved Aug. 14, 1974. (VV)

Export control.—Amends the Export Administration Act of 1969 to improve United States capacity to respond to rapidly changing international economic conditions, and extends the act from July 30, 1974, to September 30, 1976;

Amends section 3(2)(A) of the act which sets forth congressional policy on the use of export controls in situations of short domestic supply to delete the word "abnormal" in relation to foreign demand, so that it will no longer be necessary that foreign demand for products be "abnormal" before export controls may be imposed;

Provides that it is the policy of the United States to use export controls to secure the removal by foreign countries of restrictions on access to supplies where such restrictions have had or may have a serious domestic inflationary impact, cause a serious domestic shortage, or have a serious adverse effect on employment in the United States, or where such restrictions have been imposed for purposes of influencing the foreign policy of the United States; establishes United States policy firmly in opposition to unreasonable restrictions on access to supplies, and firmly in favor of international cooperation to combat such restrictions;

Requires the Secretary of Commerce to monitor exports and contracts for exports (other than commodities) when such exports contribute or may contribute to domestic price increases or shortages which could have an adverse effect on the domestic economy;

Requires that license applications to export goods and technology subject to national security export controls must be processed within 90 days in order to alleviate delay; requires the Secretary to give interested parties an opportunity to comment when export controls are imposed for short supply purposes; provides statutory hardship relief under prescribed circumstances for persons who have historically exported materials made subject to export controls;

Adds provisions to establish review procedures for exports of goods and technology to "controlled countries" (the Soviet Union, Poland, Romania, Hungary, Bulgaria, Czechoslovakia, East Germany, and such other countries as may be designated by the Secretary of Defense); requires that the Secretary of Defense be notified of all requests for licenses for exports to such countries to insure full consideration of the military and national security implications of exports to Communist countries;

Gives the President permissive authority to use license fees as a means of export control;

Requires a study by the President of laws and regulations governing the export and re-export of materials and information relating to any nuclear facility or part thereof and of domestic and international nuclear safeguards, and to make a report within 6 months to Congress on the adequacy of the regulations to prevent the proliferation of the nuclear capability for nonpeaceful purposes, the adequacy of the safeguards, and the efforts by the United States and other countries to strengthen safeguards in anticipation of the Conference on the Review of the Nuclear Proliferation Treaty scheduled for February 1975;

And contains other provisions. S. 3792. Public Law 93-500, approved Oct. 29, 1974. (327)

Export expansion.—Establishes new export expansion programs to facilitate the entry of more American firms into export trade and to encourage certain American companies already exporting to increase their exports by: (1) authorizing a categorical grant program to States, regions, and municipalities for export promotion projects; (2) authorizing export training programs to be conducted under the aegis of the Department of Commerce; (3) authorizing establishment of regional export assistance centers; (4) authorizing a program for the simplification of documentation, to be conducted by the Secretary of Transportation; (5) establishing a Federal Export Agency, with two export expansion programs, within the Department of Commerce; (6) requiring Federal agencies to prepare international economic assessment impact statements on any Federal action or proposal which would significantly affect the international economic relations, balance of payments, or balance of trade of the United States; (7) amending the Export Trade Act of 1918 to include within the scope of the Act the export of firms wishing to participate in export trade associations; and (8) establishing an international trade specialist program within the Department of Commerce to implement the purposes of this act, S. 1488. P/S June 13, 1974. (VV)

Export-Import Bank Act extension.—Extends the life of the Export-Import Bank for 4 years;

Permits issuance of guaranties and insurance to the full extent of the Bank's obligational authority and increases that authority from \$20 to \$25 billion;

Makes the Bank's authority to meet foreign credit competition permissive instead

of mandatory; requires the Bank to give due consideration to the Small Business Act policy of aiding and protecting the interests of small business concerns;

Specifies that the Bank, in authorizing loans or guaranties, shall take into account any serious adverse effects on the competitive position of U.S. industries, the availability of materials which are in short domestic supply, or on employment in the United States;

Requires that guaranties, insurance, or loans of \$50 million or more, separately or in the aggregate, to a Communist country must be determined by the President to be in our national interest and reported to Congress within 30 days;

Requires congressional approval of loans, guaranties or a combination thereof of \$40 million or more for the export of goods or services involving research, exploration, or production of fossil fuel energy resources in the Soviet Union;

Places a ceiling of \$300 million in the aggregate on loans and guaranties to the Soviet Union in connection with exports, and provides that the ceiling may be raised if requested by the President and approved by the Congress by concurrent resolution;

Prohibits further credit assistance to Russia until H.R. 10710, the Trade Reform Act, becomes Public Law;

Places the Bank under the Federal budget effective October 1, 1976;

Prohibits the lending of funds by the Treasury to the Bank at a rate below the cost of borrowing by the Treasury; permits national banks to exclude borrowings from the Bank from the limitations on their aggregate indebtedness under the National Bank Act in order to provide additional private funds for exports; requires the Bank to include a description of each loan involving energy resources in its semi-annual report;

And contains other provisions. H.R. 15977. (399,490,520) Public Law 93- , approved 1974.

Export-Import Bank Act extension—San Francisco Cable Car and Jim Thorpe Medals.—Extends for 2 years the authorization for striking medals to commemorate the San Francisco cable car and Jim Thorpe.

The Export-Import Bank provisions are those of the conference report on H.R. 15977 as amended and recommittees by the Senate on Dec. 16, 1974. H.R. 17556. P/H Dec. 13, 1974; P/S amended Dec. 17, 1974. (VV)

Export-Import Bank Act extensions.—Extends the Export-Import Bank Act of 1945 for 30 days, until July 30, 1974. S.J. Res. 218. Public Law 93-331, approved July 4, 1974. (VV)

Extends the Export-Import Bank Act of 1945 for an additional 60 days, until September 30, 1974. S.J. Res. 229. Public Law 93-374, approved Aug. 14, 1974. (VV)

Extends the Export-Import Bank Act of 1945 for an additional 15 days from September 30 until October 15, 1974. S.J. Res. 244. Public Law 93-425, approved Sept. 30, 1974. (VV)

Extends the Export-Import Bank Act of 1945, as amended, until November 30, 1974, and prohibits the Bank from offering any financial assistance to the Soviet Socialist Republics during this period. S.J. Res. 251. Public Law 93-450, approved Oct. 18, 1974. (VV)

FDIC insurance.—Increases Federal deposit insurance from the present rate of \$20,000 to \$40,000; provides full insurance for public unit deposits of \$100,000 per account; extends until June 30, 1976, the moratorium on conversion of savings and loan associations from mutual to stock form of ownership with certain exceptions; extends until June 30, 1976, a moratorium on conversion of mutual savings banks to commercial banks; extends until December 31, 1975, the authority of financial regulatory agencies under Regulation Q to set flexible interest or dividend rate maximums on time or savings deposits;

increases the present limitation on Federal Reserve Branch bank building construction authority from \$60 to \$140 million; extends until October 31, 1975, the authority of the Federal Reserve banks to purchase directly from the Treasury public debt obligations up to a limit of \$5 million; extends and expands existing law to provide the Federal Reserve Board and the Federal Home Loan Bank Board with additional cease-and-desist powers over the operations of parent holding companies of bank and savings and loan holding companies; provides that no Government official may require the Securities and Exchange Commission or the independent banking regulatory agencies to submit for prior approval or review their legislative recommendations, testimony, or comments to Congress; increases by \$2 billion the conditional authority of the Secretary of the Treasury to purchase Federal Home Loan Bank obligations; expands the authority of the Federal Home Loan Mortgage Corporation to purchase residential mortgages from State-insured institutions in certain cases; establishes a National Commission on Electronic Fund Transfers; provides for the equitable disposition of abandoned money orders and traveler's checks as contained in S. 2705; and adds a fair credit billing title to protect consumers against inaccurate and unfair billing practices, to prohibit credit card fraud and to prohibit discrimination in all credit transactions on account of sex or marital status. H.R. 11221. Public Law 93-495, approved Oct. 28, 1974. (246)

Federal Savings and Loan Advisory Council.—Amends the Federal Home Loan Bank Act to provide that the Federal Savings and Loan Advisory Council shall be subject to all the provisions of the Federal Advisory Committee Act; provides that the Council shall continue to exist for each 2-year period that the Federal Home Loan Bank Board determines that it is in the public interest in connection with the duties imposed upon the Board by law; and expands the membership of the Council from 18 to 24. S. 4004. P/S Dec. 12, 1974. (VV)

Foreign investment in the United States study.—Authorizes the Secretaries of Commerce and Treasury to undertake a comprehensive study of foreign direct and portfolio investment in the United States; gives the Secretaries specific authority to collect information for use in the study; provides enforcement powers and levies civil penalties against those who refuse to comply with requests for information; requires an interim report to Congress within 12 months and a final report within 18 months; and authorizes therefor \$3 million. S. 2840. Public Law 93-479, approved Oct. 26, 1974. (VV)

Holding companies.—Amends section 19(a) of the Federal Reserve Act to authorize the Federal Reserve Board to regulate debt obligations of a parent holding company or an affiliate of a member bank, regardless of the use of the proceeds within the holding company; exempts from this authority any bank holding company which has filed prior to the date of enactment an irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all its banks under section 4 of the Bank Holding Company Act; grants similar authority to the Board of Directors of the Federal Deposit Insurance Corporation and the Home Loan Bank Board with respect to parent holding companies and affiliates of insured non-member banks; exempts from the authority granted the regulatory agencies those debt obligations exempted under section 3(a)(3) of the Securities Act of 1933 from SEC registration and prospectus requirements (such as commercial paper issued by holding companies and their nonbank subsidiaries characteristically sold only to institutional investors in large denominations);

Amends the National Banking Act, the Federal Deposit Insurance Act and the National Housing Act to alleviate situations primarily in Arkansas, Tennessee, and Montana which have a 10 percent ceiling on business loans by permitting national banks and Federally-insured savings and loan associations and savings banks to charge interest on business or agricultural loans in the amount of \$25,000 or more, at a rate of not more than 5 percent more than the Federal Reserve discount rate on 90-day commercial paper notwithstanding any State law; specifies that these provisions shall not apply to any loan made after July 1, 1977, or after the effective date of any law enacted by a State which prohibits the charging of interest at the rates provided herein; contains similar provisions applicable to small business investment companies' (SBIC's) loans;

Exempts borrowings of bank holding companies and bank deposits over \$100,000 from State usury laws until July 1, 1977, or earlier if the State legislates otherwise, which would primarily affect California, Arkansas, Oklahoma, and Montana. S. 3838. Public Law 93-501, approved Oct. 29, 1974. (VV)

Inflation policy study.—Directs the Joint Economic Committee to undertake an emergency study of the current state of the economy, with special reference to current inflation, and to provide Congress with specific legislative recommendations to improve the performance of the economy; authorizes \$100,000 for the six-month period July 1, through December 31, 1974; and directs the Committee to submit to Congress a report of its findings and any recommendations by December 31, 1974. S. Con. Res. 93. Senate adopted July 9, 1974; House adopted amended July 31, 1974; Senate agreed to House amendment Aug. 7, 1974. (VV)

Interest Rates.—State Usury Ceilings.—Amends the National Banking Act, the Federal Deposit Insurance Act and the National Housing Act to permit national banks, Federally-insured state-chartered banks, savings and loan associations, savings banks and small business investment companies, to charge interest on business or agricultural loans in the amount of \$25,000 or more, notwithstanding any State constitution or statute, at a rate of not more than 5 percent in excess of the discount rate on 90-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the institution is located; and amends the Federal Reserve Act, the Federal Deposit Insurance Act, and the Federal Home Loan Bank Act to exempt borrowings of bank holding companies and bank deposits over \$100,000 from State usury laws for three years, except that if a state so chooses, it may pass a law to the effect that it does not desire to be covered under these provisions. S. 3817. P/S Sept. 25, 1974; reconsidered and P/S amended Oct. 2, 1974. NOTE: (Comparable provisions are contained in H.R. 15977, the Export Import Bank Act Amendments and S. 3838, the Bank Holding Companies bill.) (VV)

Municipal Securities.—Extends Federal regulation to bonds and securities dealers who trade in tax-exempt state and local bonds thus removing the exemption municipal securities now have under the provisions of the Exchange Act; vests the ultimate authority and responsibility for the regulation of the municipal securities industry in the Securities and Exchange Commission with the rulemaking responsibilities vested in a new self-regulatory agency, the Municipal Securities Rulemaking Board, and the primary enforcement responsibility in the National Association of Securities Dealers and the federal bank regulatory agencies; and contains other provisions. S. 2474. P/S Sept. 16, 1974. (VV)

National Commission on Supplies and Shortages.—Establishes a one-year independ-

ent national commission to report to the President and Congress within 6 months specific recommendations with respect to institutional adjustments, including the advisability of establishing an independent agency, to provide for a comprehensive data collection and storage system to aid in the examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world; provides for the appointment of 13 members—4 from the Executive branch, 4 from the Congress and 5 from the private sector; authorizes \$75,000 for the establishment of an advisory committee to recommend possible policy-making processes and structure within the executive and legislative branches to coordinate efforts with appropriate multi-State, regional and State governmental jurisdictions; provides that the Commission make other reports and recommendations to the President and Congress by June 30, 1975; and authorizes therefor \$500,00 for fiscal year 1975. S. 3523. P/S June 12, 1974. NOTE: (Comparable provisions are contained in S. 3270, the Defense Production Act Extension, Public Law 93-426.) (VV)

National Securities Market System.—Amends the Securities and Exchange Act of 1934, as amended, to facilitate the development of a national securities market system for buying and selling stock in order to provide greater investor protection and maintain a strong capital raising and allocating system through the establishment of a uniform standard encompassing the various facets of the securities industry; vests in the Securities and Exchange Commission (SEC) the responsibility to take steps necessary to establish a national securities system and broadens SEC regulatory authority over securities information processors; consolidates and expands SEC oversight powers with respect to self-regulatory organizations, their members, and officers; confers upon the District courts the jurisdiction to command compliance with this act; clarifies the rule-making powers of SEC; and provides for judicial review of SEC actions in an appropriate court of appeals. S. 2519 P/S May 28, 1974. (VV)

Penny composition.—Eisenhower College.—Permits the Secretary of the Treasury to reduce the copper content of the penny if copper prices rise to levels which would make the penny more valuable for its copper content than as a coin and further permits the Secretary to produce pennies of other metallic content if copper prices rise to such an extent to make a reduced amount of copper impracticable as the major ingredient of the coin provided consideration is given to coin-operated devices and Congress is given a 60-day notice as to the alternative materials to be used; authorizes up to \$10 million for Eisenhower College, Seneca Falls, New York, the official memorial to Dwight D. Eisenhower, which represents one-tenth of the gross receipts to the Treasury from the sale of proof silver dollars authorized by the Coinage Act Amendments of 1970; and provides that 10 percent of the authorization for Eisenhower College received from the Treasury sale of the proof coins shall be transferred to the Samuel Rayburn Library, Bonham, Texas, the memorial to the late speaker of the House of Representatives. H.R. 16032. Public Law 93-441, approved Oct. 11, 1974. (VV)

Pension reform.—Seeks to protect the interests of participants in employee benefits plans by requiring disclosure and reporting, by requiring employers to vest the accrued benefits of employees with significant periods of service and to meet minimum standards of funding, and by requiring plan termination insurance;

Reporting and disclosure.—Requires the administrator of each employee plan to fur-

nish, in writing, to each participant a description of his rights and obligations under the plan; requires an annual audit and a report to be filed with the Secretary of Labor on certain financial and actuarial data;

Participation and coverage.—Sets minimum standards for participation and coverage in pension plans by employees; requires coverage of an employee who is at least 25 years old and has 1 year of service; requires credit up to 3 years of service prior to age 25; may require employees to be age 25 with 3 years service if the plan provides full and immediate vesting; exempts governmental plans (including Railroad Retirement plans) church plans (unless they elect coverage) and certain other plans;

Vesting.—Sets minimum standards for vesting of benefit rights derived from employer contribution by requiring vesting of employee pension credit according to one of three optional formulas: (1) *graded vesting*: 25 percent vesting after 25 years increased by 5 percent yearly through the 10th year and by 10 percent thereafter until the 15th year when 100 percent vesting is reached, (2) *full vesting*: 100 percent vesting after 10 years and (3) *modified rule of 45*: 50 percent vesting after 5 years when the sum of age and service total 45, increasing 10 percent each year thereafter and requiring 50 percent vesting for any employee with 10 years service regardless of age;

Funding.—Sets minimum standards for funding of plans to assure that pension plans will have sufficient funds to pay their obligations to participants and beneficiaries when they come due; provides for amortizing past service liability over no more than 30 or 40 years; authorizes waiver of minimum funding requirements upon a showing of substantial business hardship with the waived amounts to be amortized over no more than 15 years and prohibiting more than 5 such waivers within 15 years;

Portability.—Provides a voluntary portability system under which participating plans and employees can agree to transfer vested benefits from one plan to another through a central clearinghouse; facilitates portability by providing that an employee can transfer his vested benefits, upon changing employment, to an individual retirement account on a tax-free basis;

Plan termination insurance.—Provides a plan termination insurance program to be managed by a newly established Pension Benefit Guaranty Corporation within the Department of Labor and funded by an annual tax of \$1.00 per participant for single employer plans and 50 cents per participant for multi-employer plans, with vested pension benefits insured up to a benefit of \$750 per month;

Fiduciary Standards.—Imposes strict fiduciary obligations on those who have the discretion or responsibility for managing pension and welfare plan assets; applied the "prudent man" rule to the conduct of fiduciaries; prohibits transactions involving the transfer of assets between the plan and parties in interest with certain exceptions;

Individual Retirement Accounts.—Provides that individuals not covered by a pension plan may take a tax deduction for contributions to an individual retirement plan in the amount of up to 15 percent of earned income or \$1,000, whichever is less;

Limitation on Employee Contributions.—Limits the employer contribution tax deduction to an amount which would produce an annual pension of \$75,000 for any one employee;

Enforcement.—Enforcement of standards to be provided by the Department of Labor and the Internal Revenue Service with, in general, the IRS enforcing the tax qualification requirements and the Labor Department enforcing violations of standards which result in denial of employee pension rights;

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And contains other provisions. H.R. 2 (H.R. 4200). Public Law 93-406, approved Sept. 2, 1974. (360)

Public Debt Limit.—Increases, until March 31, 1975, the temporary debt limit to \$95 billion, thereby providing for a \$495 billion overall debt limit instead of the current \$475.7 billion limit. H.R. 14832. Public Law 93-325, approved June 30, 1974. (270)

Pyramid Sales Act.—Makes the knowing selling, offering, or attempt to sell, of a participation or the right to participate in a pyramid sales scheme, a criminal offense with penalties of a fine of not more than \$25,000 or imprisonment for not more than 5 years, or both; defines a pyramid sales scheme as a plan or operation which includes a means for increasing the participation in the plan or operation and with respect to which a participant pays a valuable consideration for the opportunity (a) to receive compensation for introducing any other person into participation in such plan or operation; or (b) to receive compensation when a person introduced by the participant introduces any other person into participation with the rights; provides that the fact the number of persons who may participate may be limited, or that conditions may be imposed with respect to eligibility shall not be construed to change the identity of any plan or operation that is a pyramid sales scheme; and contains other provisions. S. 1939. P/S Aug. 22, 1974. (VV)

Railroad retirement financing.—Restructures the Railroad Retirement system to place it on a sound financial basis; replaces, in title I, the Railroad Retirement Act of 1937 with a new Railroad Retirement Act of 1974, which provides all retirement and survivor benefits for employees with ten years or more of railroad service, retiring after December 31, 1974; prevents future accrual of dual benefit rights—payment of separate social security and railroad retirement benefits—and breaks the retirement benefit into two components, one tier reflecting a basic social security benefit—calculated on the basis of both railroad and nonrailroad service—and a second tier related strictly to railroad service; protects the dual benefits of those already retired as well as present railroad employees who are vested under both systems as of January 1, 1975; liberalizes benefits whereby (1) persons retiring at age 60 with 30 years of service could receive supplemental annuities at age 60 rather than at age 65, (2) the spouse of a person who retires at age 60 with 30 years service could qualify for a spouse annuity at age 60 rather than at age 65, and (3) the benefits generally payable to a survivor would be increased from 110 percent of the comparable social security benefit to 130 percent of the comparable benefit; and contains other provisions. H.R. 15301. Vetoed Oct. 12, 1974. House overrode veto Oct. 15, 1974; Senate overrode veto Oct. 18, 1974. Public Law 93-445, without approval Oct. 18, 1974. (404, 457)

Renegotiation Act.—Unemployment compensation.—Extends the Renegotiation Act of 1951, as amended, which authorizes the Government to recapture excessive profits on certain Government contracts and subcontracts, for 12 months, until June 30, 1975, and extends for 30 days the benefits under the Federal-State unemployment insurance program to provide an additional period of unemployment benefits. H.R. 14833. Public Law 93-329, approved June 30, 1974. (VV)

Securities and Exchange Commission Enforcement Actions.—Exempts law enforcement actions brought by the Securities and Exchange Commission under the Federal securities laws as well as actions arising under the antitrust laws in which the United States is a complainant. S. 2904. P/S Oct. 4, 1974. (VV)

Securities and Exchange Commission (SEC) paperwork reduction.—States as a

sense of the Senate that the SEC should immediately proceed to evaluate the role of the small broker-dealer in the U.S. securities markets and determine if their survival is being jeopardized by unnecessary overlapping, and duplicative reporting requirements and urges the SEC to examine the paperwork burden of the small broker-dealer consistent with SEC's statutory mandate to protect the investor and, where possible, reduce and consolidate duplicative and excessive reporting requirements. S. Res. 173. Senate adopted Feb. 7, 1974. (VV)

Social Security amendments.—Amends the Social Security Act to authorize a \$2.5 billion social services revenue sharing program, provides that the States will have maximum freedom to determine what services they will make available to reach the goals of self-support, family care or self-care, community-based care, and institutional care, the persons eligible for such services, the manner in which the services are provided, and any limitations or conditions on the receipt of such services; requires that any increase in Federal funding used by a State to purchase social services must result in an increase in the level of services, and that the State must submit an annual report on the use of funds for social services; retains the present \$2.5 billion annual national limit on social services but permits re-allocation of funds unused by any State, and repeals the requirement that 90 percent of funds for services (other than the six specified high-priority services) be devoted to welfare recipients; authorizes a social security tax credit for low-income workers with families; requires the Department of Health, Education, and Welfare to set up a separate organizational unit under the direct control of an Assistant Secretary for child support to review and aid State plans in implementing child support programs and in establishing effective systems for determining paternity and collecting support; and contains other provisions. H.R. 17405. P/H Dec. 9, 1974; P/S amended Dec. 17, 1974; conference report filed. (530)

Supplemental security income—unemployment compensation.—Authorizes payment of supplemental security income (SSI) benefits on the basis of presumptive disability, for up to 12 months, to otherwise eligible individuals who were formerly on the rolls of State programs of aid to the blind and disabled in order to allow benefits to continue while the Social Security Administration, which administers SSI, completes its eligibility review; extends unemployment compensation in Public Law 93-233, amending the Social Security Act, whereby a State can elect to come under the extended unemployment compensation program which provides for 13 weeks of extended benefits beyond the expiration of regular unemployment benefits, if the insured unemployment rate in the State is at least 4 percent without meeting the permanent law requirement that the rate also has increased by 20 percent over the prior 2 years; and provides a 1-year delay for the repayment by a State of funds it has received from the Federal government to pay unemployment compensation benefits. H.R. 13025. Public Law 93-256, approved Mar. 28, 1974. (70)

Tax amendments.—Extends for one year through December 31, 1975, the special amortization provisions for rehabilitation of law and moderate income rental housing, pollution control facilities, railroad rolling stock, and coal mine safety equipment enacted in the Tax Reform Act of 1969;

Deals with the tax treatment of accrued vacation pay;

Repeals the provision in the Revenue Act of 1971 requiring the application of the class life system (sometimes referred to as the asset depreciation range or ADR provision) to real estate after 1973 since the Treasury Department study for providing a system for

incorporating real estate into the ADR system is not yet completed;

Grants relief to real estate investment trusts that involuntarily acquire property on foreclosure; increases the interest rate paid by taxpayers on tax deficiencies, and by the government on tax overpayments, from 6 percent to 9 percent per year effective for obligations outstanding on July 1, 1975, and provides a procedure whereby the interest rate may be adjusted as the prime rate quoted by commercial banks to large business changes, with the government interest rate to be 90 percent of the prime rate and not to be changed more than once every 2 years;

Includes among the State and local governmental obligations exempt from Federal income tax qualified scholarship funding bonds where the student loan programs are financed by non-profit higher education authorities which are requested by governments even though they do not constitute a State or local government bond;

Extends for one year until December 31, 1976, the present exemption on interest for bank deposits and other similar types of deposits and debt obligations of nonresident aliens or foreign corporations;

Provides that U.S. companies which were entitled to make the IET (Interest equalization tax) election may make the interest paid on that obligation exempt from withholding tax, and also exempts eligible obligations from U.S. estate tax when held by nonresident aliens;

Modifies the tax treatment of political organizations in 5 major respects: (1) provides that political parties or committees (and separate campaign funds) are to be taxed on investment income and on income from a trade or business, but not on campaign contributions they receive; in addition, allows \$100 minimum before any tax is payable on investment business income; (2) allows the limited credit or deduction for campaign contributions to individual candidates, parties, and committees, in the year before a person announces his candidacy; (3) in general, treats newsletter committees (and separate funds) for tax purposes in the same way as political campaign committees; (4) appreciated property transferred by a taxpayer to a political party or committee, if occurring after May 7, 1974, is to be taxed to the donor at the time of transfer; (5) gift taxes are not to apply to contributions to political parties or committees;

Increases the maximum credit for contributions to a political candidate from \$12.50 (\$25 on a joint return) to \$25 (\$50 on a joint return), and increases the maximum deduction from \$50 (\$100 on a joint return) to \$100 (\$200 on a joint return);

Extends for one year to January 1, 1976, present law allowing owners of rental housing under low- and moderate-income housing programs full capital gain treatment with respect to any gain attributable to any excess of accelerated depreciation over straight-line depreciation after a holding period of 10 years, as opposed to 16 years and 8 months for regular rental projects;

Also, amends the tariff schedules of the United States to make duty-free imports of upholstery regulators, upholsterer's regulating needles and upholsterer's pins;

And contains other provisions. H.R. 421. P/H April 8, 1974; P/S amended Dec. 17, 1974; Conference report filed. (VV)

Tax treatment of POW's and MIA's.—Modifies the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action. H.R. 8214. Public Law 93, approved 1974. (VV)

Trade reform.—Authorizes the President, for a period of five years, to enter into trade agreements with foreign countries for the purpose of establishing fairness and equity

in international trading relations, including (a) the reform of the rules governing international trade, (b) the harmonization, reduction, and elimination of tariff and non-tariff barriers to, and other distortions of international trade, and (c) the securing for the commerce of the United States, on a basis of reciprocity, equal competitive opportunities in foreign markets and to promote the economic growth of, and full employment in, the United States;

Authorizes the President to proclaim, subject to certain conditions and limitations, such modifications or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties as he determines are required or appropriate to carry out such trade agreements;

Authorizes the President to negotiate trade agreements with foreign countries providing for the harmonization, reduction, and elimination of nontariff barriers and other distortions of international trade and to establish constitutionally appropriate procedures for the consideration and implementation of such agreements by the Congress;

Requires the President in the exercise of his trade agreement authority to assure reciprocal trade benefits, and in particular fair treatment and equitable market access for exports of the United States, through the full exercise of rights in such agreements, including the reform and revision of the rules of international trade;

Requires the President in the exercise of his trade agreement authority to enter into international agreements governing fair and equitable access to supplies of food, raw materials, semi-manufactured and manufactured products;

Requires the reporting of the balance of trade of the United States on a cost, insurance, and freight basis;

Provides additional authority to the President temporarily to modify restrictions upon imports into the United States in response to balance of payments disequilibria;

Strengthens the independence of the United States Tariff Commission;

Provides for close and continuing Congressional oversight of international trade negotiations and the implementation and operation of international trade agreements;

Provides greater access and more effective delivery of import relief to industries, firms and workers which are seriously injured or threatened with serious injury by increased imports;

Establishes a program of adjustment assistance for communities adversely affected by imports, to expand investment and employment opportunities in such communities, and to improve existing adjustment assistance programs for workers and firms;

Improves procedures for responding to unfair trade practices in the United States and abroad;

Provides for the fullest possible participation in the negotiating process by private sector advisory bodies representing principal segments of the economy affected by international trade;

Authorizes the President to extend most-favored nation (nondiscriminatory) treatment, upon certain conditions, to countries not presently receiving such treatment, and to provide adequate safeguards against market disruption by imports into the United States from such countries; and

Authorizes the President to extend preferential tariff treatment to the exports of less-developed countries to encourage economic diversification and export development within the developing world. H.R. 10710. P/H Dec. 11, 1973; P/S amended Dec. 13, 1974; In conference. (511)

Wage and price stability council.—Authorizes \$1 million to the President to establish, within the Executive Office of the President,

a Council on Wage and Price Stability, consisting of 8 members and 4 adviser-members to be appointed by the President; directs the Council to monitor the economy and review government programs with regard to inflation; and provides that the Act shall terminate on August 15, 1975. S. 3919. Public Law 93-387, approved Aug. 24, 1975. (353)

EDUCATION

Educational funding and guaranteed student loans.—Provides that funds appropriated for fiscal years 1973 and 1974 for any program to which the General Education Act applies shall remain available for obligation and expenditure until June 30, 1975, and amends the Higher Education Act of 1965 to clarify congressional intent concerning the Guaranteed Student Loan Program so that students whose family incomes are less than \$15,000 per year will be eligible for a \$2,000 subsidized loan without a needs test and an additional \$500 if they qualify under a needs test which is required for students whose family incomes are \$15,000 or more to receive a subsidized loan up to \$2,500. H.R. 12253. Public Law 93-269, approved Apr. 18, 1974. (VV)

Elementary and secondary education.—Revises and extends various educational programs through fiscal year 1978; authorizes the President to call and conduct a White House Conference on Education in 1977 to stimulate a national assessment of educational conditions, needs, and goals;

Changes the formula under title I of the Elementary and Secondary Education Act for allocation of Federal funds through the States to local educational agencies for special programs and projects for educationally deprived children so that grants to a local agency shall be determined by multiplying the number of eligible children by 40 percent of the State's average expenditure per pupil with the stipulation that no State will receive less than 80 percent or more than 120 percent of the national average expenditure, with the number of eligible children ages 5-17 to be counted as follows: (1) all children from families below the poverty level, as defined by the Orshansky Index of poverty—which allows variations for family size, sex of head of household, and whether the family is farm or non-farm; (2) two-thirds of the children from families receiving AFDC (Aid to Families with Dependent Children) payments bringing them above the Orshansky poverty level; and (3) children who live in institutions for delinquent or neglected children; requires an analysis of the measures of poverty used by the Federal government; authorizes use of \$50 million from title I funds for part B incentive grants to States whose local financial support of schools is higher than the national average; authorizes \$75 million for fiscal year 1975 for part C grants to local educational agencies having a high concentration of disadvantaged children and repeals part C effective July 1, 1975;

Makes three different consolidations: (1) an administrative consolidation allowing a State to make one comprehensive application for Federal funds (under programs administered by the Commissioner of Education) which are to be administered through the State educational agency; (2) a consolidation of categorical assistance programs under the Elementary and Secondary Education Act—titles II (libraries), III (innovation) and V (strengthening of education) and sections 807 (dropout prevention) and 808 (health and nutrition) and the National Defense Education Act—title III (equipment, other than section 305, loans to schools); and (3) a consolidation of federally operated education programs administered by the Commissioner under discretionary authority, with the Cooperative Research Act rewritten and retitled as the Special Projects Act to authorize the Commissioner to carry out special projects to experiment

with new methods, techniques and practices for education and administration, and provide for the creation of seven new programs for education in the use of the metric system, for gifted children, community schools, career education, consumers' education, women's equity in education, and arts in education;

Extends and makes certain revisions in the impacted areas programs whereby local school districts are reimbursed proportionally for the number of pupils whose parents live and/or work on Federal property to make up for revenues lost on tax-exempt Federal property, including a revision of the present categories of A, B, and C to A and B, and makes certain changes in the rates of reimbursement payments;

Includes the authorization of a new national reading improvement program, an extensive revision of the Bilingual Education Act, and an expansion of programs under the Education for the Handicapped Act; contains provisions for the protection of the rights and privacy of parents and pupils, which include inspection of school records and requiring their consent for release of records;

Includes busing provisions, entitled the Equal Education Opportunities Act of 1974, stating that equal educational opportunities may not be denied on the basis of race, color, sex, or national origin; gives the findings of Congress that standards for busing have not been clear and uniform and that it is necessary and proper for the Congress, pursuant to its powers under the Constitution, to specify what are appropriate remedies for the elimination of the vestiges of dual school systems, except that these provisions are not intended to modify or diminish the authority of the courts to enforce fully the requirements of the 5th and 14th amendments to the Constitution regarding the elimination of such vestiges; provides that failure to attain a numerical balance of students on the basis of race, color, sex or national origin does not constitute denial of equal educational opportunity, that no court, department or agency of the United States shall order busing of any student to a school other than the school closest to home, and that school district lines may not be ignored or altered unless they were drawn for, and had the effect of, segregating school children; provides that a parent or guardian of a child being bused under court order may seek to reopen or intervene in the future implementation of the court order if the busing is a risk to the child's health or significantly impinges on the child's educational process; and extends the expiration date of present law prohibiting implementation of a court order until appeals or the time for appeals is ended from January 1, 1974, to June 30, 1978;

And contains other provisions. H.R. 69. Public Law 93-380, approved Aug. 21, 1974. (204, 315)

Environmental education.—Extends to July 1, 1977, the Environmental Education Act and reestablishes the Advisory Council on Environmental Education (which was terminated on May 17, 1973, when the Commissioner on Education published his intent to abolish the Council and Congress did not, within 90 days, disapprove of this action); authorizes therefor \$5 million, \$10 million, and \$15 million for fiscal years 1975, 1976, and 1977 respectively; and permits the Commissioner to abolish the Council only after such intent is published in the Commissioner's annual report to Congress and only if either of Congress does not disapprove of this action. S. 1647. Public Law 93-278, approved May 10, 1974. (VV)

Health professions student loans.—Amends the Public Health Service Act to extend for 1 year, to June 30, 1975, the authorization for Federal capital contributions into the scholarship program for the National Health

Service Corps and the loan program for health professions students. S. 3782. Public Law 93-385, approved Aug. 23, 1974. (VV)

Legal education assistance.—Authorizes the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession. H.R. 15296. Public Law 93-343, approved July 10, 1974. (VV)

ELECTION REFORM

Campaign reform.—Amends the Federal Election Campaign Act of 1971 and certain other laws relating to the financing and conduct of Federal election campaigns; provides for strict limits on contributions and expenditures; provides public financing of Presidential nominating conventions, Presidential primaries, and general elections, effective January 1, 1976; establishes a Federal Election Commission to administer and enforce provisions of the Act;

Candidate contribution limits.—Limits individual contributions to \$1,000 to a candidate for each primary, run-off or general election; limits to \$25,000 per year the total contributions an individual may make to all candidates; limits to \$5,000 the amount a political committee may give a candidate or his campaign committee; permits a principal campaign committee designated by the candidate to contribute up to the full spending limit; prohibits cash contributions over \$100 and bars contributions by foreign nationals; limits candidate contributions to own campaign for entire campaign as follows: President—\$50,000, Senate—\$35,000, and House—\$25,000;

Spending limit.—Limits a Presidential candidate to \$10 million total for all primaries; limits a Presidential nominee to \$20 million in the general election; sets the following limits: Presidential nominating conventions—\$2 million each major political party with lesser amounts for minor parties; Senate primaries—\$100,000 or 8 cents per eligible voter, whichever is greater; House primaries—\$70,000 or 12 cents per eligible voter, whichever is greater; Senate general elections—\$150,000 or 12 cents per eligible voter, whichever is greater; House primaries—\$70,000; House general elections—\$70,000; provides that Senate limits apply to House candidates who represent a whole state; makes all spending limits subject to cost-of-living increases using 1974 as the base year;

Political party spending limits.—Permits a national political committee and also a State political party to spend \$20,000 or 2 cents per eligible voter for each Senate candidate in the general election and \$10,000 or 2 cents per eligible voter for each House candidate in the general election; permits a national political committee to spend 2 cents per total eligible voters in the United States for their Presidential nominee;

Exemptions.—Exempts from contribution and spending limits fund-raising cost of up to 20 percent of the candidate's spending limit and certain other costs up to \$500 for food and beverages;

Public financing of Presidential campaigns.—Provides public financing from the Presidential Election Campaign Fund (funded by the dollar checkoff); as follows: General Elections: provides that nominees of the major parties are eligible to receive the full \$20 million spending limit in public funds in which case private contributions are prohibited or they may elect to receive only private funds under the constraints of the contribution limits of \$1,000 and \$5,000 for individual and organizational contributions respectively; Nominating Conventions: provides \$2 million optional funding to major party conventions and proportional funding for minor party nominating conventions to defray costs; Presidential Primaries: provides Federal matching of contributions of \$250 or less to candidates in Presidential primaries after the candidate has qualified by

raising \$100,000 (of which \$5,000 must be collected from each of 20 or more States) in matchable contributions; provides that the candidates of any one party may receive no more than 45 percent of the total amount available in the Fund, and that no single candidate may receive more than 25 percent of the total available;

Enforcement and Penalties.—Establishes a 6-member Federal Election Commission to administer election law and the public the Clerk of the House shall serve as non-voting members; provides that the President, the Speaker of the House and President Pro tempore of the Senate each shall appoint two members who shall be subject to confirmation by both Houses of Congress, with the Chairman to be elected by the members and to be rotated every year; authorizes the Board to issue subpoenas to require testimony and the production of evidence; vests the Board with power to bring civil actions in Federal district courts; charges the Commission with receiving campaign reports, making rules and regulations (subject to review by Congress within 30 days) and serving as a clearinghouse for election information; increases the existing fine to a maximum of \$50,000 for violating spending limits and specifies penalties for other violations;

Other provisions.—Prohibits an elected or appointed official from accepting an honorarium of more than \$1,000 for a speech or article or \$15,000 total per year; permits use of excess campaign funds to defray expenses of holding Federal office; prohibits solicitation of contributions by franked mail;

And contains other provisions. S. 3044. Public Law 93-443, approved Oct. 15, 1974. (139-444)

Overseas citizens voting rights.—Guarantees the right of otherwise qualified private U.S. citizens residing outside the United States to vote in Federal elections in the State of their last voting domicile; requires a citizen, voting under the bill, to state his intent to retain his prior State as his voting residence and domicile if he has not registered to vote and is not voting in any other State, territory or possession of the United States; adopts a uniform absentee registration and voting procedure including the requirement that election officials mail out balloting material as promptly as possible after receipt of a properly completed application; recommends that the States adopt an alternate version of the Federal post card application; assures that Federal and State governments could not seek to impose taxes on a citizen which would cause him to lose any tax exemption solely on the basis of having exercised his right to register and vote absentee; and imposes a \$100,000 fine and 5 years imprisonment for willful violations of the act. S. 2102. P/S July 18, 1974. (VV)

Watergate Committee.—Extends for 3 months, from February 28, 1974, to May 28, 1974, the date for the Select Committee on Presidential Election Campaign Activities to make its final report to the Senate of the results of the investigation and study conducted by it together with its findings and recommendations for new legislation. S. Res. 287. Senate adopted Feb. 19, 1974. (VV)

Authorizes the Committee to make available to the Internal Revenue Service (IRS) such information requested by that agency and to investigate, receive, and inspect any data, documents, or other information held by the IRS directly related to the investigation being conducted by the IRS and the Committee. S. Res. 288. Senate adopted Feb. 21, 1974. (VV)

Increases the authorization for expenses of the Committee through May 28, 1974, from \$1.5 million to \$1.8 million, of which not to exceed \$70,000 shall be available for the procurement of the services of individual consultants or organizations. S. Res. 288. Senate adopted Mar. 1, 1974. (VV)

Extends from May 28, 1974, to June 30,

1974, the date for the Committee to make its final report to the Senate of the results of the investigation and study conducted by it together with its findings and recommendations for new legislation and provides that the Committee may submit any interim reports it considers appropriate; terminates the Committee three months after the submission of its report provided however that if the judicial action brought by the Committee against the President for certain specified taped recordings of conversations between the President and his former counsel, John W. Dean, is not adjudicated, the Committee shall remain in existence until 30 days subsequent to a judicial determination; and empowers the Committee to report to the Senate an addendum to its final report based on what the taped recordings disclose in the event they are received pursuant to the final adjudication. S. Res. 327. Senate adopted May 22, 1974. (VV)

Increases the authorization for expenses of the Committee from \$1.8 million to \$2 million of which not to exceed \$70,000 shall be available for the procurement of the services of individual consultants or organizations. S. Res. 328. Senate adopted May 28, 1974. (VV)

Authorizes the Select Committee to transfer its records to the Library of Congress; grants the Senate Committee on Rules and Administration complete control over access to and use of the records after the date of transfer; and authorizes the members of the Committee and staff members to testify before any court regarding their activities when requested to do so. S. Res. 369. Senate adopted July 29, 1974. (VV)

Watergate documents access.—Urges President Ford to take all steps necessary to assure full public access to all facts and investigations relating to Watergate including all papers, documents, memoranda, tapes, and transcripts during the period January 20, 1969, through August 9, 1974, except for those matters which are vital to national security interests. S. Res. 399. Senate adopted Oct. 3, 1974. (VV)

Watergate tapes preservation.—Directs the General Services Administration to obtain complete possession and control of all tape recordings, transcripts, and other materials recorded or prepared at the White House or other residences during the Presidency of Richard M. Nixon; provides that such material will be available to the Watergate Special Prosecutor and for use in judicial proceedings; gives Richard M. Nixon, or his written designee, access to the material; directs the GSA Administrator to formulate regulations with regard to their preservation and public access to them; establishes National Study Commission on Records and Documents of Federal officials to conduct a study with a view toward developing legislative or other recommendations regarding the control, disposition, and preservation of documents of Federal officials; and authorizes such sums as necessary to carry out the act. S. 4018. Public Law 93- , approved 1974. (432)

ENERGY

Coal leases.—Amends the Mineral Leasing Act of 1920 relating to development of Federal coal resources as follows: (1) requires that leases be issued by competitive bidding only; (2) requires that leases be issued after adoption of comprehensive land use plans prepared in consultation with State and local governments and with ample opportunity for public review; (3) eliminates prospecting permits and preference right leases; (4) directs that leases will be for a 20 year term and as long thereafter as coal is produced; (5) requires the lessee to submit a development and reclamation plan 1 year after obtaining a lease; and (6) broadens the purposes for which States can use their share of coal leasing revenues. S. 3528. P/S July 9, 1974. (VV)

Coal slurry pipelines.—Amends the Mineral Leasing Act of 1920, as amended by the Trans-Alaska Pipeline Act, to make the law governing the issuance of rights-of-way over Federal lands for oil and gas pipelines also include coal pipelines; amends the Interstate Commerce Act to require Commission certification of public convenience and necessity before a coal common carrier may exercise its power of eminent domain granted under the Coal Pipeline Act of 1974 in extending, constructing, acquiring or operating coal pipelines or in abandoning any part of a pipeline certified under this Act; and defines application procedures and Commission powers in granting or denying a request for a certificate. S. 3879. P/S Sept. 18, 1974. (VV)

Daylight saving time.—Amends the Emergency Daylight Saving Time Energy Conservation Act of 1973 (Public Law 93-182) to put the entire nation on non-advanced time for the winter months beginning at 2:00 a.m., October 27, 1974, until 2:00 a.m., February 23, 1975, and changes from June 30, 1975, to July 31, 1975, the date by which the Secretary of Transportation must submit to the Congress his final report on the effects of advanced time in winter months. H.R. 16102. Public Law 93-434, approved Oct. 5, 1974. (VV)

Energy allocation for tourism industry.—Expresses the sense of the Senate that in any allocation of energy supplies or other actions by Federal departments and agencies to alleviate the energy shortage, proper consideration should be given to the provision of adequate supplies of energy to all segments of the tourism industry. S. Res. 281. Senate adopted Apr. 29, 1974.

Energy Emergency.—Declares that current and imminent fuel shortages have created a nationwide energy emergency; calls for proposals for energy emergency rationing and conservation measures and authorizes specific temporary emergency actions to be exercised, subject to congressional review and right of approval or disapproval, to assure that the essential needs of the United States for fuels will be met:

Establishes a Federal Energy Emergency Administration (FEEA) until May 15, 1975, to be headed by an Administrator who will be appointed by the President with the advice and consent of the Senate; transfers certain powers and duties of the President under the Emergency Petroleum Allocation Act of 1973 to the FEEA Administrator; authorizes the promulgation of a rule to order priorities among users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment of rights entitling certain users to obtain products in precedence to others; requires the President to provide procedures by which any user may petition for review of priorities and entitlements;

Authorizes the FEEA Administrator to promulgate by regulation energy conservation plans to reduce energy consumption to a level which can be supplied by available energy resources through transportation controls, including highway speed limits, or other necessary and reasonable restrictions on the public or private use of energy, including limitations on energy consumption by businesses; provides that no energy conservation plan promulgated by regulation under this authority may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax; terminates any such energy conservation plan on May 15, 1975; requires transmission of any plan to each House of Congress, and makes any plan which would become effective before March 15, 1974, subject to congressional disapproval; provides that any energy plan which would become effective on March 15, 1974, and before September 1, 1974, shall go into effect 15 days after its transmission to Congress if neither House disapproves; provides that any energy plan which

would become effective on or after September 1, 1974, must be approved by act of Congress; provides procedures for Congressional review of the plans;

Directs the Administrator, to the extent practicable, to prohibit, as its primary energy source, the burning of natural gas or petroleum products by any major fuel-burning installation (including any existing electric powerplant) which, on the date of enactment, has the capability and necessary plant equipment to burn coal;

Directs the Administrator, within 30 days after enactment, to propose a contingency plan for allocation of supplies of materials and equipment for exploration, production, refining, and required transportation of energy supplies and for the construction and maintenance of energy facilities, implementation of such a plan to be subject to congressional approval by a means similar to that for any energy conservation plan;

Authorizes the Administrator, in order to supplement domestic energy supplies, to require production of oilfields to be designated by the Secretary of the Interior or the Secretary of the Navy at the maximum efficient rate of production and, in certain cases, in excess of the maximum rate;

Requires the President to specify equitable prices for domestic crude oil, all residual oil, and all refined petroleum products; provides that within 30 days of enactment the ceiling price for all crude oil be the price for that grade of oil in that field at 6:00 a.m., May 15, 1973, plus \$1.35, making the average basic price \$5.25 per barrel with savings from a price rollback to be passed on to consumers on a dollar-for-dollar basis; provides that the President may establish a higher ceiling price up to \$7.09 per barrel, upon proper justification to Congress, that a higher price is necessary for a recovery of costs as in the case of crude oil produced from stripper wells or by secondary or tertiary recovery;

Contains provisions for the protection of franchised dealers; provides, in relation to antitrust provisions, for procedures to achieve the goals of this act while retaining the integrity of the antitrust laws; authorizes the appropriate agencies to take action for conserving energy consumption by regulated carriers; authorizes certain restrictions on exports; provides for employment impact and unemployment assistance to those adversely affected by the energy emergency; directs the Secretary of Transportation to encourage the use of carpools; prohibits the use of limousines by Federal officials in the executive branch below the level of a Cabinet officer except for the Federal Bureau of Investigation and the Department of State for diplomatic assignment; prohibits the use of funds for furnishing a chauffeur for individual use to any Federal official; provides for administrative procedures and judicial review; and contains enforcement provisions; authorizes to FEEA to carry out its functions and to make grants to States \$75 million annually for fiscal years 1974 and 1975, with an additional \$50 million for 1974 and \$75 million for 1975 grants to States to carry out conservation measures and \$500 million for fiscal year 1974 for grants to States for unemployment assistance;

Amends the Clean Air Act to permit the Administrator of the Environmental Protection Agency to suspend, until November 1, 1974, any stationary source fuel or emission limitation; provides for implementation plan revisions; extends the interim standards for motor vehicle emissions to 1977;

And contains other provisions. S. 2589. Vetoed Mar. 6, 1974. Senate sustained veto Mar. 6, 1974. (34, 53)

Energy Reorganization (ERDA).—Consolidates the Federal government's fragmented and uncoordinated energy research and development functions by establishing the Energy Research and Development Administration (ERDA), an independent agency

formed from the transfer of the technical staff and national laboratories of the Atomic Energy Commission (AEC)—which is abolished by this Act—and certain research and development programs from the Department of Interior, the Environmental Protection Agency, and the National Science Foundation; provides that ERDA will be headed by a single Administrator, appointed by the President and confirmed by the Senate, who will exercise broad functions to explore and develop all possible sources of energy—both nuclear and non-nuclear; provides safeguards against unwarranted priority being given to any single energy technology; establishes an Energy Resources Council to coordinate energy programs in the Federal agencies and to advise the President on energy matters;

Requires the President to report to Congress by June 30, 1975, additional recommendations for the organization of energy and related functions in the Federal government, including the advisability of creating a Department of Energy and Natural Resources;

Establishes the Nuclear Regulatory Commission, an independent bipartisan regulatory commission which is based upon the Regulatory Division of the AEC but with a revised internal organization and broadens the licensing and regulatory authority transferred to it from the AEC; requires Senate confirmation of the 4-member commission and chairman who are charged with protecting the nation's health and environment by ensuring the safety and the security of the nuclear industry and the weapons-grade and other radioactive materials used to fuel it; provides for three coequal directors, each with direct and independent access to the Commission, and each responsible for separate operations relating to nuclear reactor safety, nuclear materials security, and nuclear safety research; establishes civil and criminal penalties for noncompliance with regulations or failure to report potentially hazardous defects; requires the Commission to make quarterly reports to Congress on details of abnormal occurrences at licensed nuclear facilities and to widely disseminate initial information to the public within 15 days of learning of each abnormal occurrence which it determines is significant enough to be reported;

And contains other provisions. H.R. 11510. Public Law 93-438, approved Oct. 11, 1974. (VV)

Energy supply—clean air.—Directs the Federal Energy Administration (FEA) to prohibit an electric power plant from burning petroleum or natural gas if it has the capability to burn coal and authorizes, but does not require such prohibitions with respect to other major fuel-burning facilities aside from powerplants unless coal or coal transportation are not available or electrical service would be impaired; authorizes FEA to require that powerplants be designed to burn coal as well as other fuels; authorizes FEA to allocate coal to any facility that is prohibited from burning oil or natural gas;

Permits the Environmental Protection Agency (EPA) to suspend until June 30, 1975, any stationary source fuel or emission limitation as it applies to the Clean Air Act if (1) there is an unavailability of fuels to meet the act's requirements, (2) a plant converted to coal between September 15, 1973, and March 15, 1974, or was ordered to convert to coal by FEA, or (3) the suspensions would result in emissions that exceed the primary air quality standard for a particular region; permits EPA to delay a plant's compliance schedule until January 1, 1979, if (1) emission limits to maintain primary air quality standards could be met, (2) the suspension would not result in emissions that would exceed the primary standards in an air pollution control region, or (3) EPA approved an interim compliance plan; prohibits EPA

from using parking surcharges to control air pollution;

Continues emission standards established for 1975 model year automobiles during the 1976 model year and delays until September 30, 1977, final automobile emission standards for carbon monoxide and hydrocarbons and until September 30, 1978, final standards for nitrogen oxides; provides that after January 1, 1975, an automobile manufacturer may seek a 1-year suspension of the statutory standards for hydrocarbons and carbon monoxide applicable to the 1977 model year and requires EPA to establish interim standards for such a suspension; provides for allocation of low sulfur fuel to minimize adverse effects on the public health; clarifies the relationship between the National Environmental Policy Act and the Clean Air Act; extends the Clean Air Act authorizations for 1 year; and provides criminal penalties for willful violations of the act. H.R. 14368. Public Law 93-319, approved June 22, 1974. (VV)

Energy transportation security.—Requires that 20 percent initially, 25 percent beginning after June 30, 1975, and 30 percent beginning after June 30, 1977, of oil for import into the United States shall be transported on U.S.-flag vessels to the extent that such vessels are available at fair and reasonable rates; authorizes the President to temporarily waive these requirements if he determines that an emergency exists; applies the requirements to direct shipments from the original point of production and to and from any intermediate points used for storage, refining, processing, packaging, unloading, or reloading of oil; exempts refiners whose total refinery capacity does not exceed 30,000 barrels a day provided that the total quantity of oil imported by or for such refiner does not in any year exceed the rated refining capacity of such refiner; permits reduction of license fees for imports of oil by 15 cents per barrel of oil other than residual fuel oil and by 42 cents per barrel for residual fuel oil if the oil is carried on privately owned U.S.-flag commercial vessels and the amount of the license fee reduction is passed on to the ultimate consumer;

Requires that not less than 10 percent of funds appropriated or otherwise made available for the foreign-trade requirements of the United States shall be allocated, to the extent that subsidy contracts are approved, to each of the Atlantic, Gulf, Great Lakes, and Pacific range of ports;

And contains other provisions. H.R. 8193. Public Law 93- , approved 1974. (366,528)

Federal Energy Administration.—Establishes the Federal Energy Administration (FEA) as an independent executive agency, to be headed by an Administrator to be appointed by the President with the advice and consent of the Senate; transfers to the Administration four existing agencies now in the Interior Department—the Offices of Petroleum Allocation, Energy Conservation, Energy Data and Analysis, and Oil and Gas; transfers the Energy Division of the Cost of Living Council into the new Administration; requires policy coordination with the Environmental Protection Agency; authorizes the Comptroller General to monitor FEA operations and make public its reports; authorizes the General Accounting Office to issue subpoenas to obtain information from companies engaged in any phase of energy supply or major consumption of energy; creates an Office of Private Redress and Grievances to handle complaints; requires the Administrator to prepare a comprehensive energy plan mapping out the Administration's proposed course of action for the next two years; and contains other provisions. H.R. 11793 (S. 2776). Public Law 93-275, approved May 7, 1974. (VV)

Federal energy report.—Clarifies the provisions of the Federal Energy Administration

Act regarding the timing, methodology and content of the Administrator's annual report to Congress on the Nation's energy needs. S. 3871. P/S Oct. 10, 1974. (VV)

Geothermal energy.—Establishes a Geothermal Energy Coordination and Management Project composed of the Federal Energy Administration, the National Science Foundation, the Department of the Interior, the National Aeronautics and Space Administration, and the Atomic Energy Commission, which will be headed by an Administrator to be appointed by the President, and shall have overall management responsibility for geothermal resource inventory, research and development inventory programs; directs the National Aeronautics and Space Administration (NASA) to carry out geothermal energy technology research and development programs assigned to it by the Project, including the establishment of an inventory and assessment program and requires the Administrator to carry out a comprehensive program definition with respect to the development of geothermal energy with an interim report to be submitted by November 30, 1974, and the final report by August 31, 1975; authorizes the Project to initiate a research and development program with respect to commercial utilization of geothermal resources and to enter into cooperative agreements with non-Federal entities for the construction, operation, and maintenance of demonstration developments for the production of electric or heat energy from geothermal resources; authorizes the Chairman of the Project to designate the head of a Federal agency to guarantee loans (up to 75 percent of cost) for projects involving geothermal energy development and provides that such loans shall not exceed \$25,000,000 for a single project or \$500,000,000 to a single borrower; limits the life of the loan guarantee program to 10 years; requires the Chairman of the Project to submit annual reports to the President and Congress; and authorizes therefor for fiscal years 1976 through 1980 such sums as may be appropriated following enactment of the Act plus \$2.5 million to NASA for fiscal year 1975 to fund the preparation of the required Program definitions and \$50 million annually for the loan guarantee program. H.R. 14820. Public Law 93-410, approved Sept. 3, 1974. (VV)

Natural gas pipeline safety authorization.—Authorizes \$2 million for fiscal year 1975 to carry out the purposes of the Natural Gas Pipeline Safety Act of 1968 which provides for Federal safety standards for those facilities in or affecting interstate or foreign commerce utilized in the transportation by pipeline and storage of natural and other gases, and authorizes \$1.2 million for the Federal grant-in-aid programs which, under the act, provides States with the opportunity to assume responsibility for enforcing safety standards for intrastate facilities or assist in the enforcement of Federal safety standards. S. 3620. P/S Aug. 19, 1974. Note.—(Provisions contained in H.R. 15205). (VV)

Authorizes \$2 million for fiscal year 1975 and \$2.85 million for fiscal year 1976 to carry out the provisions of the Natural Gas Pipeline Safety Act of 1968 and authorizes \$1.8 million for fiscal year 1975 and \$2.5 million for fiscal year 1976 for the Federal grant-in-aid program for which States would receive compensation of up to 50 percent of their costs in carrying out pipeline safety activities. H.R. 15205. Public Law 93-403, approved Aug. 30, 1974. (VV)

Nonnuclear energy research and development.—Authorizes \$20 billion over the next 10 years to undertake a comprehensive, national program of basic and applied research and development, including but not limited to demonstrations of practical applications of all potentially beneficial energy sources and utilization technologies within the Research and Development Administration (ERDA); directs the Administrator of ERDA

to transmit to Congress by June 30, 1975, and annually thereafter, a comprehensive plan for energy research, development, and demonstration designed to achieve solutions to environmental problems which are immediate and short term (to the early 1980's), middle-term (the early 1980's to 2000), and long-term (beyond 2000); provides that such research programs shall include research, development and demonstrations designed: (a) to advance energy conservation technologies; (b) to accelerate the commercial demonstration of technologies for producing low-sulfur fuels suitable for boiler use, for producing substitutes for natural gas, including coal gasification, and for producing syncrude and liquid petroleum products from coal; (c) to demonstrate improved methods for the generation, storage and transmission of electrical energy; and (d) to explore a variety of other nonnuclear energy sources as well as to improve methods for the prevention and clean-up of marine oil spills; authorizes the Administrator to utilize various forms of Federal assistance and participation including: joint Federal-industry experimental, demonstration, or commercial corporations; contractual arrangements with non-Federal participants including corporations, universities and on-Federally owned facilities; Federal purchases or guaranteed prices of demonstration products; and Federal loans and loan guaranteed prices of demonstration products; and Federal loans and loan guarantees; provides that the establishment of a joint Federal-industry corporation must be approved by Congress; contains provisions regarding the patenting of inventions made or conceived in the course of a project; and contains other provisions. S. 1283. Public Law 93-—, approved 1974. (532)

Oil price increase.—States a sense of the Senate the urgent matter of communicating to the governments of Canada, Venezuela, and the Arab oil producing countries that the United States views with the utmost concern the recent oil price increases as detrimental to prices, real income and employment in the United States and that such actions should not be taken by these countries without regard for these effects on the life of the American people and for the possibility of reciprocal economic action by the United States which might adversely affect the economies of these countries. S. Res. 249. Senate adopted Jan. 29, 1974. (VV)

Oil refinery development.—Provides Federal loan guarantees of up to 75 percent for the construction or expansion of refineries owned by independent refiners if the refiner defaults on his obligation as the result of an inability to obtain sufficient crude oil supplies. S. 2743. P/S Nov. 26, 1974. (VV)

Oil shale funds.—Amends the Mineral Leasing Act of 1920 to permit each State to use its share of oil shale revenues for purposes other than public roads and schools. S. 3009. P/S May 9, 1974. (VV)

Outer Continental Shelf energy.—Amends the 1953 Outer Continental Shelf Lands Act by setting guidelines for the Secretary of Interior to follow in the exercise of his broad authority under the 1953 Act to provide for the orderly and environmentally safe development of energy on the Outer Continental Shelf (OCS);

Leasing program.—Directs the Secretary to prepare a comprehensive 10-year leasing program by January 1, 1978 for all lands geologically favorable for oil and gas development without undue environmental damage; establishes procedures for a governor to delay issuance of leasing permits; directs the Secretary to conduct a survey of oil and gas resources of the OCS as a basis for the development and revision of the leasing program which requires annual review and approval; includes protection of confidential and proprietary information supplied by each lease or permit holder or applicant;

Research and development.—Directs the Secretary to carry out a research and development program to improve technology of offshore oil operations if such research is not done by private industry;

Oil spill liability.—Puts into law the existing Departmental regulation that an OCS lessee is liable for the total cost of control and removal of spilled oil, regardless of fault; creates a new strict liability rule for damages from OCS oil spills patterned after the Trans-Alaska Pipeline Authorization Act of 1973; sets a \$100 million limit for damages from any one incident with the lessee liable for the first \$7 million and the Offshore Oil Pollution Settlement Fund liable for the balance; finances the Settlement Fund by a fee of 2½¢ on each barrel of oil produced from the OCS;

Coastal States fund.—Establishes a Coastal States Fund in the Treasury; provides that 10% of the Federal OCS revenues but not to exceed \$200 million per year will be available for grants to assist Coastal States in ameliorating adverse environmental impacts and controlling secondary economic and social impacts stemming from the development of onshore support facilities for OCS development; provides that grant eligibility will be determined by the Secretary of Commerce with the Secretary of Interior managing the program so that the activities under this act will be coordinated with those under the Coastal Zone Management Act of 1972;

Enforcement and safety regulations.—Provides civil and criminal penalties for violations of the act and provides for citizen suits; requires annual on-site inspections to insure compliance with safety and environmental regulations;

Revised bidding systems.—Revises the way offshore oil and gas resources are leased; eliminates the royalty rate bid for exploration rights with a fixed cash payment on profits; retains the present cash bid system for exploration rights with a fixed royalty of at least 12½% of the gross revenues from the lease; authorizes lease sales under which net profits from the seas are shared with the U.S. Treasury; requires a National Strategic Energy Reserve to be set aside as part of the leasing program;

And contains other provisions. S. 3221. P/S Sept. 18, 1974. (393)

Petroleum allocation—mandatory.—Extends the Emergency Petroleum Allocation Act of 1973 which would expire on February 28, 1975, until June 30, 1975. S. 3717. P/S Aug. 12, 1974. (VV)

Extends for an additional 6-month period, until August 31, 1975, the existing authorities under the Emergency Petroleum Allocation Act of 1973 to assure that the allocation and price control authorities contained in the Act will continue through the ensuing winter and spring and give Congress an opportunity to consider whether the Act should be further extended or whether substantive amendments should be made. H.R. 16757. Public Law 93-511, approved Dec. 5, 1974. (VV)

Petroleum products fair marketing.—Prohibits suppliers from terminating, canceling, or failing to renew a franchise unless the affected distributor or retailer fails to comply substantially with any essential and reasonable requirement of the franchise, fails to act in good faith in carrying out the terms of the franchise, or unless the supplier goes out of business. S. 1694. P/S Aug. 7, 1974. (VV)

Solar energy research.—Establishes an interagency Solar Energy Coordination and Management Project to coordinate and administer the Federal program of research and development of solar energy; directs the chairman of the Project to initiate a solar resource determination and assessment program and a research and development program to facilitate commercial utilization of solar energy; requires the Chairman to ini-

tiate a program to construct demonstration facilities or powerplants for the development and use of solar energy; requires the establishment of a Solar Energy Information Data Bank to collect and disseminate information with respect to solar energy technologies; directs the Chairman to cooperate with other nations on solar energy research and projects; delineates the following as the advanced solar energy technologies covered by the Act: (1) solar heat for industrial purposes, (2) thermal energy conversion for electric powerplant generation, (3) conversion of organic materials to energy, (4) photovoltaic conversion, (5) sea thermal power conversion, (6) windpower conversion, (7) solar heating and cooling of housing and of commercial and public buildings, and (8) energy storage; provides that the Chairman may proceed with the construction of any small scale demonstration plant not in excess of \$20 million; authorizes \$75 million for fiscal year 1978 and such amounts as may be necessary for construction of demonstration projects; establishes a Solar Energy Research Institute to carry out any research, development or related functions assigned to it by the Chairman of the Project; and contains other provisions. S. 3234. Public Law 93-473, approved Oct. 26, 1974. (VV)

Solar heating and cooling.—Authorizes \$5 million to NASA for fiscal year 1975, \$5 million to HUD for fiscal year 1975 to be used to reimburse the Department of Defense, the National Bureau of Standards, and the General Services Administration for expenses incurred by them in carrying out their respective functions, and an additional \$50 million for fiscal years 1976 through 1979 for further development and testing for large scale commercial use of solar systems in heating and cooling residential and commercial buildings. H.R. 11864. Public Law 93-409, approved September 3, 1974. (VV)

Truck fuel prices.—Provides that the Interstate Commerce Commission shall issue its final order in Docket No. MC 43 (Sub. No. 2) as soon as possible, which shall become effective not later than February 15, 1974, in order to alleviate the threat of a national transportation crisis caused by the requirement that carriers reimburse their owner-operators for all increases in the price of fuel over the base period May 15, 1973. S.J. Res. 185. Public Law 93-249, approved Feb. 8, 1974. (VV)

Washington energy conference.—States as the sense of the Senate that the Washington Energy Conference, called by the President to provide a forum for the discussion of the common problems faced by the oil consuming nations, should consider (1) conservation measures necessary to reduce demand; (2) procedures for the emergency sharing of oil resources; (3) guidelines for bilateral agreements between oil consuming and oil producing countries; (4) coordination of research efforts in developing conservation practices and alternative sources of energy; (5) the responsibility for and the means to help to alleviate the plight of the developing countries in the oil crisis; and (6) closer coordination of fiscal and monetary policies; and further states that the United States should continue to bring about conditions of peace and stability in the Middle East. S. Res. 279. Senate adopted Feb. 6, 1974; Reconsidered and adopted by Senate amended, Feb. 7, 1974. (VV)

ENVIRONMENT

Coastal zone management.—Increases the authorization for program development grants from \$9 million to \$12 million; removes the 10 percent limitation on the amount an individual coastal State can receive for program management assistance, and would replace it with specific graduated dollar limitations; reinstates, at the level of \$6 million per year, the authorization for estuarine sanctuary grants which expire on

June 30, 1974; extends both the program development grants and administrative grants authority for an additional 2 years from fiscal year 1977 to fiscal year 1979; and contains other provisions. S. 3922. P/S Dec. 18, 1974. (VV)

Deepwater ports.—Establishes a licensing and regulatory program governing offshore deepwater port development beyond the territorial limits and off the coast of the United States for use to transfer oil and natural gas transported by tanker to and from States of the United States; authorizes the Secretary of the Department in which the Coast Guard is operating (currently the Department of Transportation) to issue licenses to own, construct and operate deepwater ports; requires the Secretary to exercise this authorization in consultation with other Federal agencies (Interior, State, Environmental Protection Agency and the Corps of Engineers) and with the approval of the governor of the adjacent coastal state; requires the Federal Trade Commission and the Attorney General to comment on whether issuance of a license would adversely affect competition, restrain trade or promote monopolization; requires a detailed environment impact statement to satisfy the requirements of the National Environmental Policy Act; creates levels of liability for damages for oil spills and a \$100 million Deepwater Port Liability Fund which is financed by a charge of 2 cents per barrel of oil flowing through any licensed deepwater port; and contains other provisions. H.R. 10701 (S. 4076). Public Law 93-—, approved 1974. (448)

Environmental data centers.—Authorizes the Administrator of the Environmental Protection Agency to provide financial assistance for the establishment of a qualified environmental research and education center at a university in each State or, at the option of participating States, to establish one regional center to serve a group of States; requires that each center conduct research, training, and environmental activities utilizing the interdisciplinary and interinstitutional capabilities in its area and, where desirable, arrange for a consortium of institutions to conduct these activities; recommends that each center coordinate environmental activities in nonregulatory areas; and provides Federal funding on a State-by-State basis with additional funds available on a matching basis. S. 1865. P/S June 12, 1974. (VV)

Ocean dumping.—Amends Public Law 93-352, relating to ocean dumping, in order to implement the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed by the United States on December 29, 1972, and ratified by the Senate on August 3, 1973; extends U.S. law to include regulation of the carriage and dumping of foreign-source waste material by U.S. vessels and aircraft; expands the definition of "material" to include oil taken on board a vessel or aircraft for the purpose of dumping at sea; seeks to give guidance to those administering the Act in instances where the standards of the Act differ from those of the Convention; and contains other provisions of a technical or conforming nature. H.R. 5450. Public Law 93-254, approved Mar. 22, 1974. (VV)

Extends the Marine Protection Research and Sanctuaries Act of 1972 for 1 year, through fiscal year 1975, and authorizes therefor \$5.5 million to carry out the provisions of title I of the act which provides for the control and regulation of the dumping of land-generated wastes at sea. H.R. 15540. Public Law 93-472, approved Oct. 26, 1974. (VV)

Oil pollution.—Incorporates into statutory law the rights, duties, and responsibilities of the United States under the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, signed November 29, 1969, at Brussels, which permits a coastal nation to take what-

ever action it deems necessary to prevent, mitigate, or eliminate a threat of oil pollution resulting from a maritime accident beyond that coastal nation's territorial limits by vesting such authority in the Secretary of the Department in which the Coast Guard is operating; gives the Secretary the authority to determine the extent of danger resulting from a collision, stranding, or other disablement of a vessel carrying oil, and to remove and, if necessary, destroy the ship and cargo which is the source of the danger; incorporates general guidelines for determining the permissible scope of intervention actions; authorizes actions against the United States in the Federal courts by persons claiming compensation; creates a mechanism for settling controversies between signatory nations, or between such nations and claimants relating to compensation for excessive measures; authorizes the Secretary to issue rules and regulations to carry out the purposes of this Act; imposes criminal penalties to insure full compliance with the legislation; and extends the right of intervention now inherent in the Federal Government for vessel incidents in territorial waters to incidents on the high seas involving potential oil pollution damage. S. 1070. Public Law 93-248, approved Feb. 5, 1974.

Safe drinking water.—Establishes a program within the Environmental Protection Agency (EPA) to regulate drinking water whereby the Federal Government will exercise a new responsibility to set standards and provide assistance in order to protect public water supplies from contamination by providing that (1) EPA establish minimum Federal drinking water standards prescribing maximum Federal drinking water standards for the operation and maintenance of drinking water systems and surveillance, monitoring, site selection and construction standards for public water systems to assure safe dependable drinking water; (2) EPA establish recommended standards to assure esthetically adequate drinking water; (3) the States will be primarily responsible for enforcing the standards, with Federal enforcement if the States fail to act or in cases of imminent hazard; (4) there be established a variance and exemption procedure pending compliance to provide relief for those water supply systems less able to afford treatment technology; (5) the States may establish standards which are more stringent than the Federal drinking water standards; (6) primary authority for regulating underground injection of water contaminants will be exercised by the States in accordance with EPA guidance regulations; (7) EPA has standby authority to allocate chlorine and other chemicals essential to water treatment; (8) a National Drinking Water Council be established to advise the Administrator on scientific and engineering matters; (9) EPA conduct and promote research, technical assistance and the training of personnel for water supply occupations; (10) EPA make grants for State supervision programs, with no State to receive less than 1 percent of the annual appropriation for this purpose; (11) EPA make grants for special study and demonstration projects with respect to water supply technology, and guarantee loans up to \$50,000 per system for meeting national regulations; (12) EPA conduct a rural water survey within 18 months of enactment; and (13) citizens be authorized to bring injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties. S. 433. Public Law 93-523, approved Dec. 16, 1974.

Solid waste disposal authorizations.—Authorizes \$76 million for each of fiscal years 1975 and 1976 under the Solid Waste Disposal Act. H.R. 16045. P/H August 5, 1974; P/S amended Dec 17, 1974. (VV)

Strip mining control.—Establishes a nationwide program to prevent the adverse

effect to society and the environment resulting from surface coal mining; places the authority for the administration of the Act with the Secretary of Interior who shall prepare and publish within 6 months regulations concerning coal surface mining and reclamation operations and a detailed description of actions to be taken by a State to develop an acceptable State program to regulate such operations; establishes the Office of Reclamation and Enforcement in the Department of the Interior which will be headed by a Director to be named by the President, with the advice and consent of the Senate; gives States 18 months to submit their regulatory programs for approval by the Secretary which upon approval gives States full responsibility for all regulation of surface mining and reclamation within the State; provides for Federal regulation of strip mining and reclamation in any State which proves unwilling or unable to do so itself; establishes an interim surface mining permit program which is in effect until the deadline for approval of a State program; sets requirements for performance bonds which must be filed before a surface mining permit is issued, such bond to satisfy the costs for reclamation of the land mined; sets criteria to be met by all surface mining and reclamation operations under a State program, a Federal program, and Federal Lands Program or the State or Federal interim permit, including the banning of downslope dumping of spoil, and mined materials in mountainous areas and restoration to the approximate original contour of the land with all highwalls (vertical cuts in the mountainside), spoil piles and depressions eliminated; provides for civil and criminal penalties for certain violations of the act; provides for citizen suits against persons violating the act or against the responsible regulatory authority; establishes a process for designation of areas as unsuitable for surface mining and prohibits new surface mining on National Parks, National Wilderness and National Forest lands; applies the requirements of the Act to public corporations, agencies, and utilities, including the Tennessee Valley Authority, which engage in surface mining; creates an "Abandoned Mine Reclamation Fund" in the Treasury to be funded by a reclamation fee of 35¢ per ton of coal produced by stripmining or 25¢ per ton for underground mined coal or 10% of the value of the coal, whichever is less; provides that 50% of the funds collected annually shall be spent in the State contributing the funds; authorizes an in-depth study by the National Science Foundation and the National Academy of Engineering involving surface and open pit mining for minerals other than coal; provides that where the surface owner is not the owner of the mineral rights, written consent or waiver by the owner must be obtained, or the surface miner must in addition to the performance bond required; places a moratorium until March 1976 on all surface mining of property privately owned where the Federal Government owns the mineral rights; authorizes funds to be used on a matching basis for the establishment of a mining and mineral resources institute or center at one college or university in each State; authorizes grants to States to provide cash payments to persons who become unemployed as a direct result of the administration and enforcement of the Act and who are not eligible for regular unemployment assistance; and contains other provisions. S. 425. Public Law 93-—, approved 1974.

Tennessee Valley Authority pollution control financing.—Amends section 15(a) of the Tennessee Valley Authority Act of 1933 to provide that TVA may defer the repayment of appropriations investment required in any one of the fiscal years 1976 through 1980 in which expenditures of the Corporation for certified pollution control facilities exceed

the \$20 million required annual repayment, and allows TVA to credit the difference between the amount expended for such facilities and the amount of the repayment deferred against the amount required to be paid as a return on appropriation investment of the Federal Government during any fiscal year for which a repayment deferral is in effect. H.R. 11929 (S. 3057). Public Law 93- , approved 1974. (VV)

Water Pollution Control Act extension.—Extends until June 30, 1975, those sections of the Federal Water Pollution Control Act, as amended, for which authorizations expired at the end of fiscal year 1974. S. 4073. Public Law 93- , approved 1974. (VV)

Weather modification.—Extends the provisions of Public Law 92-205, which provides for the reporting of weather modification activities to the Federal Government, for an additional 3 years, to fiscal year 1977, at the yearly authorization of \$200,000. S. 3320. Public Law 93-436, approved Oct. 5, 1974. (VV)

Woodsey Owl—Smokey Bear.—Authorizes the Secretary of Agriculture to license appropriate private use of "Woodsey Owl" and the associated slogan "Give a Hoot, Don't Pollute", originated by the Forest Service to improve environmental quality, in return for royalty fees, and creates criminal misdemeanor liability for the unauthorized use of "Smokey Bear", "Woodsey Owl", or "Give a Hoot, Don't Pollute". S. 1585. Public Law 93-318, approved June 22, 1974.

GENERAL GOVERNMENT

Alaska records.—Transfers to the State of Alaska the official archives and records of the Territorial Governors of Alaska, 1884 to 1958, when provisions have been made for their safekeeping, repair, and preservation in fireproof, air-conditioned storage space and directs the Administrator of the General Services Administration not to release these documents until these conditions have been met. S.J. Res. 234. Public Law 93- , approved 1974. (VV)

Amateur athletics.—Establishes an Amateur Sports Board to coordinate amateur athletic competition and a National Sports Development Foundation to support and encourage athletic activity and physical fitness; provides that the 5-member board shall be appointed by the President with the Senate's approval with at least one member an amateur athlete and with the chairman to be appointed by the members of the Board; charges the Board with the primary function of issuing charters designating private, non-profit amateur sports organizations as chartered sports associations so that within two years, no unrestricted amateur athletic competition can take place without the sanction of an association; defines "unrestricted competition" to characterize amateur competition among teams representing different nations, or domestic competition among members of more than one sports organization for the purpose of qualifying athletes for international competition involving only sports on the Olympic program; establishes basic requirements for eligibility to receive a charter and gives the Board the authority to revoke charters for specified reasons; defines six basic functions to be performed by a chartered sports association; specifies the conditions under which an association shall sanction a competition; provides for binding mandatory arbitration of disputes involving sports organizations, associations and amateur athletes; and authorizes \$1.1 million for each of the next 6 fiscal years for the Board and for administrative costs of the National Sports Development Foundation. S. 3500. P/S July 9, 1974. (279)

American Revolution Bicentennial Military Band recordings.—Authorizes the premier military bands to participate in the production of a collection of recordings for commercial sale in conjunction with the American Revolution Bicentennial Celebration, which would consist of an 80 minute program of heritage-related military music. H.R. 14401. Public Law 93- , approved 1974. (VV)

Audio-visual publications.—Allows the Federal Government to make advance subscription payments for audio-visual as well as printed materials. H.R. 7072. Public Law 93- , approved 1974. (VV)

Blind and handicapped products authorization.—Extends the authorization for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped; changes the name of the statutory committee to "Committee for Purchases from the Blind and Other Severely Handicapped"; increases committee membership from fourteen to fifteen in order to include a member who is knowledgeable about employment problems of other severely handicapped individuals; and clarifies the term "direct labor" so that it also includes work relating to the performance of a service. H.R. 11143. Public Law 93-358, approved July 25, 1974. (VV)

Blind vendor operations.—Amends the Randolph-Sheppard Act in order to strengthen the provisions for the establishment and protection of blind vending operations on Federal property; requires the Secretary of Health, Education, and Welfare to prescribe regulations to assure the establishment of one or more blind vending facilities on all Federal property, including work areas; establishes a grievance resolution procedure for blind licensees and State agencies; provides that vending machine income shall accrue first, to the blind licensee operating a vending facility and second, where there is no blind vendor, to the State agency in the State where the property is located, such income to be used for retirement, health, and leave purposes for blind in licensees; and contains other provisions. S. 2581. P/S June 20, 1974. Note: (The provisions of this bill were contained in H.R. 14225, the Rehabilitation Act Amendments which was vetoed Oct. 29, 1974.) (VV)

Cabinet Committee on Opportunities for Spanish-Speaking People.—Provides authorizations for the Cabinet Committee on Opportunities for Spanish Speaking People through June 30, 1975. H.R. 10397. P/H Oct. 18, 1973; P/S amended Dec. 17, 1974. (VV)

Canal Company borrowing authority.—Increases the borrowing authority of the Panama Canal Company from \$10 million to \$40 million and changes the method of computing interest upon any amount which the Company may borrow to a rate dependent upon the average market yield of these obligations for the preceding month. H.R. 14600. Public Law 93- , approved 1974. (VV)

Canal Zone Government authority.—Grants jurisdiction to the Governor of the Canal Zone to adjust and pay claims not cognizable under the Tort Claims Act and arising from personal injury or wrongful death in the Republic of Panama as a result of activities of the Canal Zone Government. H.R. 15229. Public Law 93- , approved 1974. (VV)

Chester Bridge.—Extends for 1 year, to June 1, 1975, the time available for the States of Illinois and Missouri to negotiate an agreement with the city of Chester, Illinois to take over joint operation of the Chester Bridge which connects the two States and has operated as a toll facility over the 30 year maximum set for such operations. S. 3546. Public Law 93-520 approved Dec. 13, 1974. (VV)

Commission on Federal Paperwork.—Establishes a temporary Commission on Federal Paperwork and directs it to make a comprehensive study of all Federal paperwork generated by various reporting requirements and report its findings and

recommendations to the Congress and the President within 2 years with a view toward the following: (1) assuring the availability of necessary information to Federal officials; (2) minimizing the paperwork burden others; (3) guaranteeing appropriate standards of confidentiality; (4) maximizing the usefulness of information; (5) reducing duplication of information; and (6) reducing the cost. H.R. 16424. Public Law 93- , approved 1974. (VV)

Commission on Productivity.—Renames the President's National Commission on Productivity as the National Commission on Productivity and Work Quality; sets the promotion of the productivity of the American economy and improvement of worker morale and work quality as objectives of the Commission and defines its functions; requires the Commission, by July 1, 1974, to transmit to the President and Congress a report of its activities during fiscal year 1974; and authorizes not to exceed \$2.5 million for fiscal year June 8, 1974.

Disaster relief.—Continues and expands the basic programs and mechanism established in the Disaster Relief Act of 1970, amends the definition of major disaster to create a new "emergency" category to make it more practicable to extend help during lesser emergencies which the President has not declared a major disaster (at present the President must declare an area a "major disaster" to "trigger" all benefits authorized by Federal disaster legislation); authorizes a one-time grant of \$250,000 to each State to assist them in developing comprehensive plans and programs to combat major disasters; stipulates that publicly owned facilities must obtain insurance adequate to protect against future loss for any disaster-damaged property which has been replaced, restored, repaired or constructed with Federal disaster funds; provides for a fine of not more than \$10,000 or 1 year's imprisonment, or both, for persons who willfully make fraudulent claims; provides that assistance for damaged or destroyed public facilities, including park and recreational facilities, can be provided under one of two plans: direct grants not to exceed 100 percent of cost for repair or reconstruction on a project-by-project basis or a Federal contribution based on 90 percent of the total estimated cost of restoring all damaged public facilities within its jurisdiction; authorizes the expenditure for "mini-repairs" to make a damaged home habitable as a substitute for other temporary housing which the Federal Government might otherwise provide; authorizes grants to States on a 75 percent Federal-25 percent State matching basis of the actual cost of providing direct financial assistance to persons adversely affected by a major disaster to meet extraordinary disaster-related expenses up to \$5,000 per family to be retroactive to April 20, 1973; authorizes the President to provide disaster unemployment compensation through agreements with States which, in his judgment, have adequate systems for administering the program; authorizes the President to provide professional counseling services to help relieve mental health problems caused by a disaster; provides loans to local governments suffering a substantial loss of tax and other revenues because of a major disaster for up to 25 percent of its annual operating budget and includes forgiveness provisions in specified situations; amends the Public Works and Economic Development Act of 1965 by adding a new title VII—Economic Recovery for Disaster Areas regarding long-range recovery; and contains other provisions. S. 3062. Public Law 93-288, approved May 22, 1974. (125)

Eniwetok Atoll.—Authorizes \$12 million to fulfill the U.S. commitment to rehabilitate Eniwetok Atoll in the Trust Territory of the Pacific Islands which after the war, in 1947, the U.S. used for its atomic weapons testing program between 1948 and 1968 making the

Atoll uninhabitable. S. 3812. P/S Sept. 25, 1975. (VV)

Executive branch reports.—Eliminates certain executive department and agency reports which are required by law but which are no longer considered necessary; decreased the frequency of certain other reports; and makes modifications in the substance of certain other reports so as to make them more useful to the Congress. H.R. 14718. Public Law 93- , approved 1974. (VV)

FBI Director, ten year term for.—Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a ten-year term for the appointment of the Director of the Federal Bureau of Investigation; limits the appointment of a Director to one 10-year term; and provides that the law regarding Federal mandatory retirement at age 70 shall apply to this appointment. S. 2106. P/S Oct. 7, 1974. (436)

Federal grants and cooperative agreements.—Sets forth distinctions between Federal assistance relationships and Federal procurement relationships and, on this basis, authorizes agencies to use contract, grants agreements and cooperative agreements to executive Federal/non-Federal transactions in acquiring property and services and furnishing assistance; establishes criteria for selecting the appropriate class of legal instruments to achieve uniform terminology and use by executive agencies S. 3514. P/S Oct. 9, 1974. (VV)

Federal policy formulation.—States as the sense of the Senate that the President should utilize every means and opportunity to insure the meaningful participation of State and local governments in the development of all major programs and policies of the Federal Government particularly those designed to combat inflation and that every major Federal department and agency provide for such participation at a high level, and further states that Congress should establish mechanisms to afford State and local governments the opportunity to participate in the legislative process. S. Res. 427. Senate adopted Oct. 10, 1974. (VV)

Federal procurement.—Amends section 3709 of the Revised Statutes of the United States, Federal Property and Administrative Services Act of 1949, Armed Services Procurement Act of 1947, Legislative Branch Appropriations Act of 1966, and the Tennessee Valley Authority Act of 1933 to permit the award of small procurements, without formal advertising, up to \$10,000 instead of the \$2,500 ceiling (in one case \$500) presently required by law. S. 3311. Public Law 93-356, approved July 25, 1974. (VV)

Federal procurement policy.—Establishes an Office of Federal Procurement Policy within the Office of Management and Budget to provide overall leadership and direction for the development of procurement policies and regulations for executive agencies in accordance with applicable laws in order to promote economy, efficiency and effectiveness in the procurement of goods, services, and facilities. S. 2510. Public Law 93-400, approved Aug. 30, 1974. (VV)

Fire prevention and control.—Authorizes \$45.5 million for 2 years for programs to reduce the nation's losses caused by fire through better fire prevention and control; establishes within the Department of Commerce an agency named the National Fire Prevention and Control Administration to administer the program; expands the Fire Research Center at the Bureau of Standards which performs research on all aspects of fire; establishes a National Academy for Fire Prevention and Control modeled on the FBI Academy to serve as a focal point for the professional training of fire officers; authorizes the Secretary of Commerce to review, evaluate, and suggest improvements in State and local fire prevention building codes, and fire services; expands the program of research on burns; their treatment and the rehabili-

tation of victims of fire within the National Institutes of Health; and contains other provisions. S. 1769. Public Law 93-498, approved Oct. 29, 1974. (VV)

Flood damage claims—Louisiana.—Provides for the relief of Louisiana oyster fishermen for damages which occurred when certain spillways were opened to avoid flooding populated areas in the spring of 1973. S. 2201. P/S June 18, 1974; House failed to suspend rules Dec. 9, 1974. (VV)

Freedom of information.—Amends the Freedom of Information Act as follows: requires each agency of the Federal Government to maintain and publish quarterly or make available for public inspection upon request current indexes providing information pertaining to matters issued, adopted, or promulgated after July 4, 1967; requires the agency, upon a request that reasonably describes the records, to make such records available unless they are subject to the present exemptions; provides that investigatory records compiled for law enforcement purposes must be disclosed unless disclosure would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, (5) disclose investigative techniques or procedures, or (6) endanger the life or physical safety of law enforcement personnel; authorizes in camera Federal court examination of withheld agency documents and records to determine whether such records may properly be withheld under any of the exemptions, including that for classified information, under the act; provides that the burden of proof rests with the agency; permits the assessment of attorney fees and litigation costs against the United States in cases where the claimant has substantially prevailed; provides that in cases where the court finds that agency personnel acted arbitrarily or capriciously in withholding records the Civil Service Commission must determine whether disciplinary action is warranted against the responsible officer or employee and that the agency must take prompt action to carry out the Commission's recommendations for disciplinary action when made; requires agencies to respond to requests for records within 10 days and provides a 20-day time limit on administrative appeals; requires the release of segregable nonexempt portions of a requested file after deletion of exempt portions; requires agencies to submit annual reports to Congress concerning their operation under this act; and sets the effective date at 90 days following the date of enactment. H.R. 12471. Vetoed Oct. 17, 1974. House overrode veto Nov. 20, 1974; Senate overrode veto Nov. 21, 1974; became Public Law 93-502, without approval Nov. 21, 1974. (213,471)

General Accounting Office.—Streamlines and modernizes the role and responsibility of the General Accounting Office so that it may more fully utilize its resources as an arm of the Congress; among other things, restates the time frames within which the Comptroller General must audit certain accounts, transfers the "executive function" of auditing transportation vouchers and claims to the General Services Administration, and provides the Comptroller General authority for audits of certain nonappropriated funds. H.R. 12113. Public Law 93- , approved 1974. (VV)

GSA leases.—Amends section 111 o, the Federal Property and Administrative Services Act of 1949, to permit the Administrator of the General Services Administration to enter into multiyear leases (not to exceed 10 years) of automatic data processing equipment at amounts in excess of what is available in the fund, provided the amount of unfunded obligations authorized is not needed and the balances of the fund are maintained in such amounts as are necessary at any time

for cash disbursements and clarifies the authority to enter into multi-year leases of automatic data processing equipment including collateral maintenance, software and other kinds of supplies and services normally associated with such equipment. S. 2785. P/S Sept. 19, 1974. (VV)

Historical and archeological data.—Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction to broaden the scope of activity to include all Federal or federally assisted or authorized construction projects which result in alteration of the terrain, authorizes the Secretary to conduct a survey and salvage program upon notification not only by the instigation agency but also by any other Federal or State agency or responsible private organizations or individuals except where recovery would impede a Federal or Federally assisted project undertaken as a result of an emergency in anticipation of, or as a result of, a natural disaster; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; provides that the costs incurred in connection with public works projects for archeological work under this act would become non-reimbursable project costs; and contains other provisions. S. 514. Public Law 93-291, approved May 24, 1974.

Idaho Admission Act.—Amends section 5 of the Admission Act for the State of Idaho to permit the State to exchange lands granted to it for educational purposes for other public or private lands of approximate value, or if the land values are equalized by payment of money; ratifies exchanges already made with the United States involving land granted for educational purposes; and adds exploration for and production of geothermal resources and by-products to the purposes for which the educational lands may be leased by the State for more than ten years. S. 939. Public Law 93- , approved 1974. (VV)

Joint funding simplification.—Simplifies funding and other procedures in the categorical grant-in-aid system in those cases where an applicant for Federal assistance receives that assistance from two or more different Federal agencies or programs within an agency. S. 2298. Public Law 93-510, approved Dec. 5, 1974.

Justice Department.—Provides for a working capital fund in the Department of Justice to be available without fiscal year limitations for expenses and equipment necessary for maintenance and operations of administrative services the Attorney General determines may be performed more advantageously as central services. H.R. 17010. Public Law 93- , approved 1974. (VV)

Law enforcement officers' and firefighters' retirement.—Amends present law to make mandatory retirement of eligible law enforcement officials at age 55 or after 20 years of service, whichever occurs first, with certain exemptions; removes provisions which require that a retiree must have his employing agency's recommendation and be approved by the Civil Service Commission; increases the computation factor from 2 to 2½ percent multiplied by the first 20 years plus 2 percent for all years over 20; provides for a \$50,000 payment to the survivor of a covered individual who is killed in the line of duty; includes premium pay received for uncontrollable overtime as part of the base pay for retirement purposes; and increases the employee's deduction and the matching agency contribution from 7 to 7½ percent of both regular and premium pay. H.R. 9281. Public Law 93-350, approved July 12, 1974. (VV)

Little League Baseball, Inc.—Amends the Federal charter of Little League Baseball, Inc., to allow girls to participate on an equal

basis with boys. H.R. 8884. Public Law 93-100, approved July 1974. (VV)

NASA authorization.—Authorizes \$3,266,929,000 to the National Aeronautics and Space Administration for fiscal year 1975 as follows: \$2,372,815,000 for research and development including continued funding of the space shuttle and space station programs; \$144,490,000 for construction of facilities; and \$749,624,000 for research and program management. H.R. 13998. Public Law 93-316, approved June 22, 1974. (VV)

National Historical Publications and Records Commission.—Redesignates the National Historical Publications Commission as the National Historical Publications and Records Commission; increases its membership by four; and extends and increases its annual authorization from \$2 million to \$4 million for a 2 year period. H.R. 15818. Public Law 93-317, approved July 1974. (VV)

National Science Foundation authorization.—Authorizes \$807,500,000 to the National Science Foundation for fiscal year 1975 and an additional \$5 million in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States. H.R. 13999. Public Law 93-413, approved Sept. 14, 1974. (VV)

National science policy.—Establishes a White House Council of Advisers on Science and Technology to advise the President and Congress with respect to Federal policies, plans, and programs in science and technology and requires the Council to make annual recommendations regarding the level of Federal investment and allocation priorities among major programs in this area; authorizes the Council to contract with the National Academy of Sciences for a comprehensive 10-month study of the Federal organization for civilian science and technology; redesignates the Federal Council for Science and Technology as the Federal Coordinating Committee for Science and Technology and gives it the statutory authority to coordinate all Federal plans and programs in science and technology; requires the National Science Foundation to aid in the development of national policies and to clarify the policymaking role of the National Science Board and broaden its membership; establishes an Intergovernmental Science and Technology Advisory Committee to advise the Foundation and the States on the application of science and technology throughout the Nation and make grants of up to \$100,000 to any State for the establishment of a State Office of Science and Technology; and authorizes therefor \$8 million for fiscal year 1975 and \$14 million for fiscal year 1976. S. 32. P/S Oct. 11, 1974. (VV)

No-fault motor vehicle insurance.—Establishes a system of nationwide insurance for medical expenses and loss of wages of victims of motor vehicle accidents regardless of fault; supersedes present State law to the extent of the bill by the enactment of a no-fault plan in title III of the bill which applies unless a State adopts a no-fault plan which meets, at a minimum, the standards of the no-fault plan in title II of the bill;

Requires, under the title II plan, insurance which provides unlimited coverage for "allowable expenses" professional medical treatment and care, emergency medical services, and medical and vocational rehabilitation services, coverage for funeral expenses not to exceed \$1,000, for work loss— income and reasonable expenses for hiring a substitute to perform self-employment services—with minimum coverage of the lesser of a monthly amount equal to \$1,000 multiplied by State average per capita income over nationwide average per capita income or actual monthly earned income up to a total of \$25,000 multiplied by the same formula or such total amount as may be determined by the State but not less than

\$15,000, and for replacement services and survivor's loss subject to reasonable limits and exclusions, and permits a deductible of not over \$100 per individual and a maximum 1-week waiting period; permits the offering of greater basic work loss benefits or added benefits for work loss or for noneconomic detriment; requires that the no-fault insurer offer added insurance for collision and upset damage;

Sets other requirements that a State must meet which include making insurance available to all, and the authorizing of the State insurance commissioner to provide an accountability program for medical and vocational rehabilitation services and to take steps to assure the availability of emergency health services and medical and vocational rehabilitation services in the State; permits in section 204(f) entities providing benefits other than no-fault on account of an injury to coordinate such benefits with benefits payable by a no-fault insurer on account of the same injury if this would result in lower cost to the purchaser of such other benefits; makes health insurance the primary coverage for "allowable expenses" (by subtracting health insurance benefits from total loss for "allowable expenses" under no-fault insurance) if it provides unlimited coverage and meets the same obligations unless the State determines with the approval of the Secretary of Transportation that this would affect adversely or unreasonably discriminate against the interests of persons required to provide security covering motor vehicles in the State;

Requires, except as provided in the section on assigned claims, subtraction from net loss of any benefits and advantages from social security, workmen's compensation, any State-required temporary, nonoccupational disability insurance, and all other benefits except the proceeds of life insurance available from any government unless the law providing them makes them excess or secondary to the benefits under this act, and provides for subtraction of up to 15 percent of income tax saving in calculating net work loss where benefits are not taxable income;

Abolishes tort liability for injury under the title II no-fault plan with the following exceptions: (1) uninsured motorist; (2) manufacturer's products liability; (3) intentional injury to self or others; (4) for work loss over the maximum coverage for amounts excluded from work loss for replacement service loss or for survivor's loss; (5) for noneconomic detriment—pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage recoverable under the applicable tort law—if the accident results in (a) death, serious and permanent disfigurement, or other serious and permanent injury or (b) more than 90 continuous days of total disability; (6) a person or government if such injury was caused or not corrected by an act or omission not connected with the maintenance or use of a motor vehicle; does not immunize an individual from liability to pay a fine on the basis of fault, and prohibits payment of any such fine by an insurer; permits the State to treat auto damage on a fault basis as it is presently done, or place it under a no-fault system;

Provides greater benefits in the title III plan, which places no limitation on the total benefits payable for allowable expenses, contains the same formula for monthly payments for work loss benefits but does not limit the total amount payable in all; provides benefits for replacement services loss and survivor's loss subject to a \$200 per week ceiling, and abolishes tort liability for injury, including liability for non-economic detriment, except with regard to an uninsured motorist, manufacturer's products liability and intentional injury to self or others;

And contains other provisions. S. 354. P/S May 1, 1974. (156)

Patent and Trademark Office.—Changes the name of the Patent Office to "Patent and Trademark Office" and the title of the Commissioner of Patents to "Commissioner of Patents and Trademarks." H.R. 7599. Public Law 93-318, approved July 1974. (VV)

Patents.—Changes the title of the First Assistant Commissioner of Patents to Deputy Commissioner of Patents; provides that the 15 examiners-in-chief in the Patent Office shall be appointed under Civil Service and confirmed by the Senate; empowers the Commissioner of Patents to accept late payment of the patent issue fee if delay in payment is shown to have been unavoidable, and contains provision for and limitations on retroactivity of the Commissioner's new authority to excuse late payment of the issue fee. H.R. 9199. Public Law 93-319, approved July 1974. (VV)

Postal rate adjustments.—Increases the number of years before users of certain classes of mail have to pay higher postage rates as follows: (1) second-class regular (magazines and newspapers), special or book-rate fourth class (books or records), and controlled circulation publications phasing to be increased from the present five years to eight; (2) preferred second-class, non-profit class (circulars from charitable organizations), and the special fourth-class library rates phasing to be increased from the present 10 years to 16. (Under the Postal Reorganization Act, Public Law 91-375, all classes of mail are required to pay postal rates established by the Governors of the Postal Service. For those classes of mail which formerly received reduced or preferential rates by law or practice, the impact of the rate increases is amortized—or phased—over a 5-year period which provides that Congress is to appropriate the revenue foregone by the Postal Service—the difference between the rate actually paid and the rate which would have been paid except for the phasing.) S. 411. Public Law 93-328, approved June 30, 1974. (178)

Presidential pardons.—States the sense of the Senate that the President not grant a pardon hereafter to any individual accused of any criminal offense arising out of the 1972 Presidential campaign and election prior to the indictment and trial of such individual. S. Res. 401. Senate adopted Sept. 12, 1974. (376)

Saint Lawrence Seaway Development Corporation.—Provides for a fixed 7-year term of office for the Administrator of the Saint Lawrence Seaway Development Corporation and eliminates the position of Deputy Administrator. H.R. 17558. Public Law 93-329, approved July 1974. (VV)

Small Business Administration.—Extends the authorization of the Small Business Administration from June 30, 1974, to August 18, 1974. S.J. Res. 223. P/S June 27, 1974. (VV)

Small Business Administration Authority.—Transfers to the Small Business Act the complete authority to provide financial assistance to socially or economically disadvantaged persons previously authorized under title IV of the Economic Opportunity Act of 1964, the economic opportunity loan programs; amends the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by SBA as follows: (1) increases from \$4.875 billion to \$8 billion the amount which may be outstanding from the business loan and investment funds at any one time for direct, immediate participation and guaranteed loans under displaced business loans, trade adjustment loan program, prime contract authority program, and economic opportunity loans, (2) increases from \$556.26 million to \$725 million SBA commitment authority to Small Business Investment companies, and (3) increases from \$381.25 million to \$540 million SBA commitment author-

ity for loans to low-income individuals and for businesses located in areas of high unemployment or low income areas; provides loan assistance, refinancing, and deferred payments, if need can be shown, to small businessmen adjusting to the new requirements imposed by the energy crisis; authorizes SBA to increase its loan ceilings so that it may spend funds that it will obtain through the appropriation process or through repayment of prior loans; revises the interest rate language directing participating lenders to charge a legal and reasonable rate of interest as they do on all other loan programs; requires SBA to make \$400 million in direct loans available before the end of the current fiscal year; and elevates the position of Assistant Administrator for Minority Enterprise to that of an Associate Administrator. S. 3331. Public Law 93-386, approved Aug. 23, 1974. (VV)

Small business emergency relief.—Provides relief to small business concerns caught in the economic squeeze between fixed-price Federal contract commitments and soaring costs of material, supplies and energy by granting executive agencies the latitude to terminate for the convenience of the government any fixed-price contract between that agency and a small business concern upon a finding that (1) during the performance of the contract, the concern has experienced or is experiencing significant unanticipated cost increases directly related to the contract; and (2) the conditions which have caused or are causing such cost increases were, or are being, experienced generally by other small business concerns in the market at the same time and are not caused by negligence, underbidding, or other special management factors peculiar to that small business concern. S. 3619. P/S Oct. 9, 1974. (VV)

Smithsonian Institution authorization.—Authorizes not to exceed \$1 million for each of fiscal years 1975, 1976 and 1977 to the Smithsonian Institution for carrying out the purposes of the National Museum Act of 1966 and strengthens the Smithsonian's program in museum conservation techniques and training. S. 2137. Public Law 93-345, approved July 12, 1974. (VV)

Smithsonian Museum support facilities.—Authorizes \$690,000 for Smithsonian Institution to plan museum support facilities within the District of Columbia. S. 857. P/S Aug. 1, 1974. (VV)

Submerged lands (Guam, Virgin Islands, and American Samoa).—Conveys title and control of submerged lands on the coastlines of Guam, the Virgin Islands, and American Samoa, with specific exceptions, from the Federal Government to the governments of the respective territories; turns over to the Virgin Islands Government title to properties, including Government buildings, which were placed under control of the Virgin Islands Government by the 1937 Virgin Islands Organic Act, except National Park Service properties; and retains existing law providing that "nothing in this Act shall affect the right of the President to establish naval defense sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense." H.R. 11559. Public Law 93-435, approved Oct. 5, 1974. (VV)

Surplus Property (Guam, American Samoa, and Trust Territory of the Pacific).—Puts the territories of Guam, American Samoa, and the Trust Territory of the Pacific in the same status as the 50 States, the District of Columbia, Puerto Rico and the Virgin Islands with regard to the excess and surplus program of the Federal Government. H.R. 5264. Public Law 93-387, approved July 1974. (VV)

Tourist travel.—Authorizes appropriations of \$2.5 million for each of fiscal years 1975-1977 to the Secretary of Commerce for the promotion of tourist travel in the United States. S. 3942. P/S August 22, 1974. (VV)

Vice Presidential residence.—Designates the premises occupied by the Chief of Naval Operations, consisting of approximately 12 acres located on the grounds of the Naval Observatory in the District of Columbia, as the official temporary residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations; places the responsibility for the custody, control and maintenance of the residence and grounds with the Secretary of the Navy subject to the supervision and control of the Vice President; and contains other provisions. S.J. Res. 202. Public Law 93-346, approved July 12, 1974. (VV)

White House Conference on Library and Information Services.—Requests the President to call a White House Conference on Library and Information Services in 1978 to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public.

Clarifies the intent of Congress with regard to the Family Educational Rights and Privacy Act of 1974, known as the Buckley Amendment to the Elementary and Secondary Education Act of 1974; and exempts college social sororities and fraternities and voluntary youth service organizations, such as the YMCA, YWCA, Girl Scouts and Boy Scouts, whose membership has traditionally been limited to members of one sex and principally to persons less than 19 years of age, from the non-discrimination provisions of title IX of the Education Amendments of 1972. S.J. Res. 40. Public Law 93-388, approved July 1974. (VV)

White House personnel authorization.—Authorizes through fiscal year 1978 the President to appoint White House employees under the following ceilings: 15 employees at the Executive level II (\$42,500 per year), 25 employees at Executive level III (\$40,000), and 35 employees at the GS-18 level (\$36,000); authorizes the Vice President to employ one person at the Executive level II (\$42,500), 6 persons at the Executive level III (\$40,000), and at the GS-18 grade level (\$36,000); sets a \$1 million annual ceiling for appointment of personnel to meet unexpected personnel needs; requires a yearly report to Congress on expenditures for White House office personnel including the names, titles, job descriptions and salaries of both White House office employees and those detailed to the White House from other agencies, requires that the White House reimburse an agency in full for the pay of employee detailed to the White House and that such an employee may not be so detailed for longer than 1 year; increases the present \$40,000 annual authorization for the President's travel expenses to \$100,000; requires White House travel and entertainment expenditures be subject to audit by the General Accounting Office; and limits access to income tax returns only to the President personally upon written request or to Treasury and Justice Department personnel who are involved with the filing or auditing of the return. H.R. 14715. P/H June 25, 1974; P/S amended July 18, 1974; House agreed to conference report Aug. 6, 1974; Senate tabled conference report Aug. 7, 1974; Senate requested conference Aug. 8, 1974; House agreed to Senate amendments with amendments Aug. 13, 1974. (303, 340)

Youth Conservation Corps.—Authorizes the expansion of the Youth Conservation Corps Program and establishes it on a permanent basis to be administered by the Departments of Interior and Agriculture at an annual authorization of \$60 million; permits the establishment of a new program of Federal support to States in their administration of Youth Conservation Corps to utilize surplus and/or unused Federal property; and makes available for off-season use by educational institutions Youth Conservation Corps facilities. S. 1871. Public Law 93-408, approved Sept. 1974. (VV)

GOVERNMENT EMPLOYEES

Civil service retirement annuities.—Establishes a minimum civil service retirement annuity equal to the social security minimum primary insurance amount including any cost of living increase; provides minimum amounts to a surviving child in an amount not less than the minimum monthly amount allowed under social security or three times such amount divided by the number of surviving children, whichever is lesser; excludes any individual who receives Social Security benefits from receiving payments under a military or civilian retirement system; increases annuity payments to former Federal employees who retired prior to October 20, 1969, by \$240 to annuitant and \$132 to the surviving spouse of an annuitant (resulting in monthly increases of \$20 and \$11 respectively); and contains other provisions. S. 1866. Public Law 93-273, approved April 26, 1974. (VV)

Civil service survivor annuities.—Amends chapter 83, title 5, U.S.C. by eliminating the reduction in annuity that a retiree takes to provide survivor benefits for his spouse during months when the survivor has not remarried. S. 628. Public Law 93-474, approved Oct. 26, 1974. (VV)

Civil service survivors eligibility.—Amends the Civil Service Retirement Act to change the 2 year marriage requirement regarding eligibility for survivor benefits under the Federal retirement system to a 1 year requirement. S. 2174. Public Law 93-260, approved Apr. 9, 1974. (VV)

Deputy U.S. marshals.—Reclassifies the positions of nonsupervisory deputy U.S. Marshals to GS-5, GS-7, GS-9, or GS-11 and provides that the GS-5 grade shall be used for trainees only; provides for initial conversion to the new grades and contains conversion provisions for those who were as the result of new classification standards approved June 15, 1973; provides that the employee will not be required to begin a new waiting period for his next step increase as the result of a reclassification accomplished under the conversion provision; provides that service performed by employee immediately before the effective date of the conversion shall count toward only a one-step increase under the time-in-step provisions; provides that no rate of basic pay in effect immediately before the effective date shall be reduced by reason of the enactment of this bill; and sets the effective date of the bill at the first applicable pay period beginning after enactment. H.R. 5094. Vetted Aug. 12, 1974. (VV)

Executive, legislative, and judicial salaries increase.—Disapproves, in its entirety, the President's recommendations for pay raises of 7½ percent per year for 1974, 1975, and 1976, for Members of Congress, Supreme Court Justices, Federal judges, cabinet and subcabinet officers, agency heads, and other officials in the executive, legislative, and judicial branches. S. Res. 293. Senate adopted disapproval resolution Mar. 6, 1974. (52)

Federal employees' compensation.—Amends chapter 81 of subpart G of title 5, U.S.C. relating to compensation for work injuries; provides for a continuation of full pay up to 45 days in undisputed claims relating to traumatic injury; guarantees the right to return to a former or equivalent position within 1 year; allows compensation of up to 312 weeks for an impaired external or internal organ not specified by the statutory schedule; adjusts the Consumer Price Index computation to make it more responsive to cost of living increases; makes certain groups, previously excluded, eligible for cost of living compensation increases; reallocates additional benefits to surviving spouses by increasing their share generally by 5 percent; allows freedom of choice of either private physician and hospital, or Federal medical personnel and facilities; permits a partially disabled worker to en-

ter vocational rehabilitation program without loss in benefits; provides additional compensation for wives with dependent husbands; increases the monthly allowance for the service of attendants for disabled workers from \$300 to \$500; eliminates the requirement for Federal review of benefit levels where participants each age 70; permits employees or survivors to receive benefits from both VA and FECA as long as the claim is not for the same injury; reduces from 21 to 14 days the minimum length of disability required to waive the exclusion of compensation for the first 3 days of disability; lengthens the time for notice of injury from 48 hours to 30 days; permits Federal agencies to obtain claims forms directly from the Government Printing Office rather than the Department of Labor; extends the statute of limitations from 1 to 3 years; expedites procedures for the recovery of benefits by the Federal Government in case of third party liability; permits death benefits to exceed the monthly pay of the deceased employee if the excess is created by authorized cost-of-living adjustments; provides \$200 to the representative of the deceased employee to cover administrative costs necessary to terminate the decedent's status as a Federal employee; permits the Secretary to discharge compensation liability by lump sum payment if the monthly payment is under \$50; provides for the use of improved actuarial tables; requires the U.S. Postal Service to contribute to the employees' compensation fund with respect to administrative costs; expends coverage to include Federal employees serving as grand and petit jurors; increases the compensation rate for head of household Peace Corps volunteers to that of volunteer leaders; adds a provision to enable employees to be compensated for damaged prosthetic appliances and devices; redefines the term "physician" and "medical services" to include podiatrists, dentists, clinical psychologists, optometrists, and specified service of chiropractors; and requires the Secretary of Labor to study and report to Congress on the Federal Employees Compensation Program. H.R. 13871. Public Law 93-416, approved Sept. 7, 1974. (VV)

Federal employees pay raise.—Disapproves the President's request, of September 11, 1974, to defer for 90 days, until January 1, 1975, the pay increase for Federal employees which becomes effective October 1, 1974, as provided under the Federal Pay Comparability Act of 1970. S. Res. 394. Senate adopted Sept. 19, 1974. (394)

Federal employees pay raise adjustment.—Rectifies the reductions in pay for any officer or employee who was adversely affected as a result of implementing Executive Order 11777 of April 12, 1974, (which fixed the effective date of the Federal Pay adjustment on October 1, 1972, and provided for payment of salaries due for the 3-month period to employees and former employees) because the employee transferred from one pay to another during the period of October 1, 1972, and January 1, 1973. H.R. 15067. Public Law 93-416, approved Sept. 7, 1974. (VV)

Foreign Service retirement.—Amends the Foreign Service Act of 1946, as amended, to improve the Foreign Service Retirement Disability System and bring it into closer conformity with the Civil Service Retirement System; authorizes an annual transfer of funds to the Foreign Service Retirement Fund to meet the portion of Foreign Service "normal cost" not met by current contributions; increases the unfunded liability incurred as a result of this legislation; increases annuity payments for surviving spouses, children, or other designated beneficiaries; provides retirement credit for all types of services, absences and separations including participation in the armed forces during a national emergency; authorizes the Secretary to recall retired Foreign Service reserve

and staff officers with an adjustment of annuities for processing retirement contributions during their employment and eliminates the loss of cost of living adjustments received prior to the recall; changes the effective date of cost of living increases to correspond to Civil Service and those affecting children's annuities to be determined according to the Civil Service formula; eliminates the 10-year waiting period that Foreign Service personnel had to complete before becoming participants in the retirement system; reduces the retirement age for career ministers from 65 to 60 years unless they are serving in a position requiring a presidential appointment and Senate confirmation; makes the Foreign Service eligible for the benefits enacted for the Civil Service on October 18, 1973, which would provide Foreign Service employees, who retire after the effective date of a cost of living increase, with an annuity at least equal to that which they would have received if they had retired just prior to the effective date of the increase; allows retirees over 50 and eligible for an immediate annuity and their spouses free routine annual physical examinations at government installations; enables retirees employed in another government agency to receive a salary and an annuity which together equal the salary currently paid the class and step they held upon retirement; permits former employees of binational cultural centers and language instructors of the Foreign Service Institute credit for prior service performed under non-personal service contracts before stipulated dates; restores the minimum annuity of \$2,400 to be paid a surviving spouse of a participant who dies in service; and contains other provisions. S. 1791. P/S July 17, 1974. (VV)

Personal property claims.—Amends section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 to increase the limit on payments for losses of personal property incident to Federal service from \$10,000 to \$15,000. H.R. 7135. Public Law 93-455, approved Oct. 18, 1974. (VV)

Postal Service retirement fund.—Requires the Postal Service to amortize, in thirty equal installments, any unfunded liability in the Civil Service Retirement Fund caused by collective bargaining agreements or administrative action since July 1, 1971, with the exceptions of the payments due as of June 30, 1972, June 30, 1973, and June 30, 1974, which would be made subject to appropriation by Congress; requires the Postal Service to assume responsibility for past and future installments, other than those made contingent on appropriations, resulting from the first and second employee-management agreements made under title 39 as it was reenacted in Public Law 91-375; provides that the Postal Service will not be responsible for unfunded liabilities created by Act of Congress; and repeals the requirement which results in dual payment for the costs of administration of the retirement program. H.R. 29. Public Law 93-349, approved July 12, 1974. (VV)

Privacy and rights of Federal employees.—Prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment: disclose their race, religion, or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their moral beliefs, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; or support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; prohibits officials from requiring an employee to disclose his own personal assets, liabilities, or expendi-

tures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest; provides a right to have counsel or other person present at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the Act; and establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violations of the Act and to determine and administer remedies and penalties. S. 1688. P/S Mar. 7, 1974. (VV)

Psychologists and optometrists.—Amends the Federal employee health benefits provision to make it mandatory that when a contract provides for payment or reimbursement for services performed by a licensed or certified clinical psychologist or optometrist, the participants under that health benefits contract will have direct access to the clinical psychologist or optometrist without referral by a physician. H.R. 9440 (S. 2619). Public Law 93-383, approved July 30, 1974. (VV)

Travel expenses.—Amends title 5, U.S.C., to increase the per diem allowance, actual expense reimbursement payment and mileage, which may be paid to regular employees of the Federal Government and to experts and consultants employed intermittently, who are traveling on official business; establishes a procedure to adjust on a periodic basis the per diem and mileage reimbursement figures and provides that travel expenses and mileage allowances for veterans with a service connected disability shall be the same as those set forth in this bill. S. 3341. Public Law 93-416, approved July 17, 1974. (VV)

USDA employees' and dependents training.—Authorizes the Secretary of Agriculture to use available appropriations to provide orientation and language training to families and employees of the Department of Agriculture in anticipation of an assignment abroad, or while abroad, and directs that the Foreign Service Institute or other Government facilities be utilized where practicable. S. 2189. P/S Aug. 2, 1974. (VV)

Withholding taxes.—Requires the Secretary of the Treasury to enter into agreements with city governments in which 500 or more persons are Federally employed for the withholding of city wage or employment taxes, with voluntary coverage for employees residing outside the State in which the city is located. H.R. 8660. Public Law 93-340, approved July 10, 1974. (VV)

HEALTH

Alcohol abuse and alcoholism prevention.—Extends for 2 years, through fiscal year 1976, the State formula grant program originally authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91-616, maintaining the annual authorization level at \$80 million; extends the contract and project grant authority of the Act of 1970 for an additional 3 years, through fiscal year 1976, and authorizes therefor appropriations of \$90 million for fiscal year 1974, \$100 million for fiscal year 1975, and \$110 million for fiscal year 1976; adds a new special grant authority providing an additional allotment of \$100,000 plus 10 percent of its formula allotment for each State which adopts the Uniform Alcoholism and Intoxication Treatment Act, or legislation substantially similar to that Act, which requires intoxication to be treated as a responsibility of the community's public health and social service agencies rather than of its criminal justice system; prohibits public or private general hospitals receiving funds from Federal agency sources from discriminating in their admissions or treatment policies against any person solely because of his alcohol abuse or alcoholism; deletes the language of the Act of 1970 placing the National

Institute on Alcohol Abuse and Alcoholism within the National Institute of Mental Health and substitutes language placing it within the Department of Health, Education, and Welfare, thereby permitting, not requiring, the Secretary to place the Institute elsewhere within the Department; gives the National Institute on Alcohol Abuse and Alcoholism authority for eleven top level positions; places alcoholism project and contract authority under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act; eliminates duplication by deleting section 247 of the Community Mental Health Centers Act; and contains other provisions. S. 1125. Public Law 93-282, approved May 14, 1974.

Alcohol and drug abuse education.—Extends through fiscal year 1977 the grant and contract authorities of the Drug Abuse Education Act of 1970, Public Law 91-527, and authorizes therefor \$26 million, \$30 million, and \$34 million for fiscal years 1975, 1976, and 1977 respectively; amends the Act to include education on alcohol abuse emphasizing the need for prevention and early intervention programs and broadens the activities which would be eligible for funding; permits up to 10 percent of the funds appropriated yearly for grants to State educational agencies for assisting local educational agencies to carry out drug and alcohol abuse education programs; gives grant priority to school-based programs and projects and earmarks 60 percent of the appropriated funds for drug and alcohol abuse education programs in elementary and secondary schools; authorizes the Commissioner of Education to expend up to 1 percent of the funds appropriated yearly for program analysis and evaluation; and directs the Commissioner to submit an annual report to the Senate and House Appropriations Committees stating specific program objectives and legislative recommendations. H.R. 9456. Public Law 93-422, approved Sept. 21, 1974. (VV)

Biomedical research.—Authorizes the appropriation of \$207,947,000 for the purposes of this Act for fiscal year 1975:

In title I, the National Research Act, repeals all existing biomedical and behavioral fellowship and training authority in the Public Health Service Act; provides for National Research Service Awards, for research and research training in the National Institutes of Health (NIH) and the Alcohol, Drug Abuse and Mental Health Administration (created by Public Law 93-282) and grants for non-Federal public and private institutions in order for those institutions to select and support their own trainees, using existing training grant programs of the NIH as the model for this provision; specifies that at least 25 percent of the sums appropriated shall be reserved for the direct provision of Awards to individuals;

Establishes, in title II, a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research for a period of 2 years whose duties include the undertaking of a comprehensive investigation and study to identify the basic ethical principles and develop guidelines which should underlie the conduct of biomedical and behavioral research involving human subjects, the identification of requirements for informed consent for participation in research by children, prisoners, and mentally infirm, determination as to whether a mechanism is needed for protection of human subjects not under regulation by HEW, the investigation and study of the nature and extent of research on living fetuses with a report in 4 months, and the investigation and study of the use of psychosurgery in the United States during the 5-year period ending in 1972, with a determination of the appropriateness of its use; establishes a permanent National Advisory Council for the

Protection of Subjects of Biomedical and Behavioral Research, effective July 1, 1976;

Provides protection for individuals in institutions receiving biomedical or behavioral research grants in matters of religious beliefs or moral convictions; prohibits research and experimentation on human fetuses until such time after the Commission has made its recommendations with regard to the conduct of research on the living fetus or infants unless it is done to insure the survival of that fetus or infant;

Requires entities receiving grants or contracts under this Act to set up Institutional Review Boards to review research to protect the rights of the human subject involved;

Calls for the Commission to make a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, with a report to be sent to the President and the Congress at least every 2 years together with recommendations for needed legislation or appropriate action by public or private organizations or individuals;

And contains other provisions. H.R. 7724. Public Law 93-348, approved July 12, 1974. (271)

Diabetes mellitus.—Requires the Director of the National Institute of Health (NIH) to establish a National Commission on Diabetes to formulate, within 9 months, a long-range plan to combat diabetes mellitus including a coordinated biomedical research program, evaluation of drug therapies, and treatment approaches and authorizes therefor \$1 million; adds diabetes mellitus to the list of diseases for which prevention and control programs are supported under the Public Health Service Act; requires the establishment by HEW of diabetes research and training centers and authorizes therefor \$9 million, \$12 million, and \$20 million for fiscal years 1975, 1976, and 1977 respectively; requires the establishment of a Diabetes Mellitus Coordinating Committee to coordinate all research activities within NIH and other Federal agencies which relate to diabetes mellitus; and authorizes, but does not require, the Secretary of HEW to establish the position of Associate Director for Diabetes within the National Institute of Arthritis, Metabolism and Digestive Disease who would be responsible for conducting the diabetes programs. S. 2830. Public Law 93-354, approved July 23, 1974. (284)

Health planning and facilities.—Replaces existing health planning programs, regional medical programs, the Hill-Burton program for health facilities, and experimental health service delivery systems with a single new program;

Requires, under a new title XIV, National Health Planning and Development, under the Public Health Service Act, that the Secretary of Health, Education and Welfare issue guidelines concerning national health planning policy; authorizes the permanent establishment of a National Advisory Council on health planning and development of these guidelines; creates a system of health planning agencies responsible for areawide planning and development throughout the country in health areas established by the Governors of the States;

Requires the Secretary to make yearly planning grants to these agencies, each of which shall also receive a development grant to enable it to establish and maintain an Area Health Services Development Fund from which it may make grants and contracts for development health resources; provides for the establishment of a State Health Planning and Development Agency in each State, selected by the Governor and designated by the Secretary; authorizes the Secretary to enter into agreements with the State agencies for the regulation or establishment of rates for payment or reimbursement of health services; and authorizes allotment to the State agencies to assist in meeting their

costs, with separate allotments to be available for those States which enter into an agreement with the Secretary for the performance of rate regulations functions;

Substitutes new provisions for title VI of the act regarding health facilities construction and maintenance which authorize allotments to assist States which have developed an approved health facilities plan in meeting the costs of projects for (1) construction or modernization of public or other nonprofit outpatient facilities, and (2) modernization of public or other nonprofit health facilities which will serve medically underserved populations or populations which would be designated medically underserved if without the modernization; also authorizes grants, direct loans, and loan guarantees to those entities to assist them in meeting the costs of these projects;

Amends title III of the act to provide for the establishment of criteria and minimum standards for accreditation of schools training radiologic technologists and the licensure of such technologists, and for the establishment of State programs for such accreditation and licensure, with authority for the Secretary to take necessary action in the absence of State action;

And contains other provisions. S. 2994. P/S Nov. 25, 1974; P/H amended Dec. 13, 1974; Senate agreed to conference report Dec. 19, 1974.

Health professions educational assistance.—Authorizes \$607.5 million for fiscal year 1975, \$704.65 million for fiscal year 1976, and \$767.7 million for fiscal year 1977, for a total of \$2,080,050,000 including construction of teaching facilities, student assistance, specialized training, community based programs, and training programs for allied health personnel in order to attract needed personnel into medically underserved areas; conditions capitation assistance to the health professional schools by requiring them to reserve 25 percent of the freshman class for persons who, in return for agreeing to serve in shortage areas would be entitled to a Federal scholarship; requires that alien physicians applying for immigrant status based on their occupational qualifications must satisfy certain requirements including passing the same examination American medical students must take and demonstrating competency in oral and written English; and contains other provisions. S. 3585. P/S Sept. 24, 1974; P/H amended Dec. 12, 1974; Senate requested conference Dec. 18, 1974. (403)

Health services.—Provides authorizations for health services research and development of \$65.2 million for fiscal year 1975 and \$80 million for fiscal year 1976, for health statistical activities of \$30 million each for fiscal years 1975 and 1976, and for the medical libraries programs of \$17.5 million for fiscal years 1975 and \$20 million for fiscal year 1976, with provision for an automatic 1-year extension for fiscal 1977 at the authorized level for fiscal 1976; gives a statutory status to both the National Center for Health Services Research (NCHSR) and to the National Center for Health Statistics within the Department of Health, Education, and Welfare; gives broad legislative authority to NCHSR to design and conduct research aimed at the stimulation of an aggressive pursuit of activities in this area and consolidates and broadens present authorities for the collection, analysis, and publication of health statistics over a broad range of contemporary health topics; requires that applications for grants or contracts in excess of \$35,000 for health services research, evaluation, or demonstration projects be reviewed for scientific merit and sets at 20 the aggregate number of grants for any one aspect or contract and at \$5 million the aggregate amount that may be made or obligated in any fiscal year respecting a particular means of delivery or another aspect

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of health service; requires the establishment and operation of at least six independent health services research centers, one of which is to be a Health Care Technology Center, to focus on technology, including computers and electronic devices, and its applications in health care delivery, and the other a Health Care Management Center to focus on the improvement of management and/or organization in the health field, the training of health administrators, and the development of leaders, planners, and policy analysts in the field; directs the National Center for Health Statistics to furnish upon request, statistical compilations and surveys to the Appropriations Committees of the Senate and House, the Senate Labor and Public Welfare Committee, and the House Interstate and Foreign Commerce Committee; and contains other provisions. H.R. 11385, Public Law 93-353, approved July 23, 1974. (170)

Health services—revenue sharing.—Amends the Public Health Services Act to extend and modify the Federal grant programs for allotments to State health and mental health authorities under the Family Planning Program, the Community Health Centers program, the Migrant Health Centers program and the Community Mental Health Centers program and provides authorizations therefor through fiscal year 1976; requires that 22 percent of each State's allotment be available for programs for diagnosis and treatment of hypertension;

Amends section 317 of the Act to expand the types of disease control programs to include programs for diseases borne by rodents; Establishes a program of start up grants to home health agencies for demonstration projects to provide home health services;

Establishes a Committee on Mental Health and Illness of the Elderly to review the mental health needs of the elderly and recommend a national policy for the care and treatment of mentally ill aged persons and to submit a report of its findings within 1 year of enactment, to the Senate Public Welfare Committee and the House Interstate and Foreign Commerce Committee;

Establishes a temporary Commission appointed by the Secretary of HEW to advise Congress and the President on a comprehensive national plan for the control of Epilepsy including the roles of State and Federal government, in research and the identification, treatment and rehabilitation of persons with Epilepsy;

Authorizes a Commission for the control of Huntington's disease with provisions identical to those governing the Commission on Epilepsy;

Establishes a new hemophilia diagnosis and treatment program; provides grants to establish and expand blood separation centers to provide blood products needed for the treatment of hemophilia;

Establishes a new center within the National Institute for Mental Health to study the causes, control and treatment of rape and to establish a clearinghouse of information on these subjects; provides support for demonstration projects in the prevention and control of rape;

And contains other provisions. H.R. 14214, P/H Aug. 12, 1974; P/S amended Sept. 10, 1974; Senate agreed to conference report Dec. 9, 1974. (VV)

Medical devices.—Authorizes the Food and Drug Administration to regulate the development and marketing of medical devices; requires that medical devices used in life-supporting situations, such as heart valves or pacemakers, shall be subject to premarket scientific testing; authorizes the Secretary of Health, Education, and Welfare to establish protocols for testing medical devices and requires that test data be submitted to HEW when a manufacturer seeks approval of a life-supporting medical device for marketing; provides that medical devices for which experts agreed standard-setting is suf-

ficient to protect the public health and safety need only meet performance standards; provides that the third classifications of devices which are generally safe when used in accordance with their instructions, such as tongue depressors, are exempted from either procedure; and contains other provisions. S. 2368, P/S Feb. 1, 1974. (VV)

National Arthritis Act.—Expands the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis; directs the Secretary of Health, Education, and Welfare to establish, within 60 days of enactment, a National Commission on Arthritis and Related Musculoskeletal Diseases; formulate a long-range plan to combat arthritis and related musculoskeletal and related diseases; requires the Director of the Institute to establish arthritis screening, early detection, prevention, and control programs and to establish and support research and demonstration centers in cooperation with other Federal, State and local health agencies; and establishes administrative mechanisms to ensure the interaction and coordination of all programs related to arthritis. S. 2854, Public Law 93—, approved.

National cancer program.—Authorizes the extension of the National Cancer Act of 1971 with increased funding for the research program at \$750 million, \$830 million, and \$985 million for fiscal years 1975, 1976, and 1977 respectively; requires that the national cancer program collect, analyze, and disseminate "information" useful to cancer and include information on nutrition programs for cancer patients and the relationship between nutrition programs for cancer patients and cancer; requires that cancer programs provide appropriate trials of routine tests conducted for the diagnosis of uterine cancer and authorizes therefor \$3.5 million for each fiscal year; requires the Director of the National Cancer Institute (NCI) to contract for programs to disseminate and interpret new and existing information respecting the cause, prevention, diagnosis and treatment of cancer or other related health problems; requires scientific peer review of research grants and contracts of all institutes within the National Institutes of Health (NIH); requires Senate confirmation of the appointment of the Director of NIH; provides for the obligation and expenditure of appropriated funds until the end of each fiscal year; and requires the establishment of a President's Biomedical Research Panel to review and make recommendations on the organization and operation of biomedical and behavioral research conducted and supported under the programs of the various institutes of NIH and to submit a report of its findings to the President and Congress. S. 2893, Public Law 93-352, approved July 23, 1974. (82)

National Institute on Aging.—Amends title IV of the Public Health Service Act to provide for the establishment by the Secretary of Health, Education, and Welfare (HEW) of a National Institute on Aging (NIA) in the National Institutes of Health (NIH) for the conduct and support of biomedical, social, and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aged, as authorized under section 301 of the Public Health Service Act and presently focused in the National Institute of Child Health and Human Development; provides that the Director of NIH shall assign functions to NIA or another institute when the activities overlap; directs the Secretary of HEW to (1) conduct scientific studies, through the Institute, for the purpose of measuring the impact on the biological, medical, and psychological aspects of aging, of all programs conducted or assisted by HEW to meet the needs of the aging in order to obtain data for assessment of the programs by the Institute, (2) carry out public information and education programs to disseminate information developed by the In-

stitute which may aid in dealing with, and understanding, the problems associated with aging, and (3) prepare a comprehensive aging research plan within 1 year after enactment for presentation to the Congress and the President, along with a statement of the staffing and funding requirements necessary to implement the plan; and contains other provisions. S. 775, Public Law 93-298, approved May 31, 1974.

Older Americans.—Extends for 3 additional years the nutrition programs for the elderly by authorizing \$150 million for fiscal year 1975, \$200 million for fiscal year 1976, and \$250 million for fiscal year 1977; restricts the Commissioner on Aging from delegating his functions to the Health, Education, and Welfare regional directors; authorizes \$35 million for a new transportation program for the elderly; and imposes restrictions on the establishment of local share requirements for the retired senior volunteer program (RSVP) conducted by the ACTION Agency. H.R. 11105, Public Law 93-351, approved July 12, 1974. (250)

School lunch and child nutrition.—Requires the Secretary of Agriculture during fiscal year 1975, to use funds available under section 32 of Public Law 74-230 and the Commodity Credit Corporation to purchase agriculture commodities for donation to maintain the \$290 million program level of assistance for programs authorized under the Child Nutrition Act and title VII of the Older Americans Act; requires a minimum 10 cents per meal level of donated food assistance for the school lunch program for fiscal year 1975 and subsequent fiscal years, or cash payments in lieu thereof; makes permanent the authority of States to serve reduced price school lunches to children from families with incomes up to 75 percent above those in the Secretary's income poverty guidelines; increases the authorization for school food service equipment assistance funding from \$20 million to \$40 million for fiscal year 1975 and for succeeding years; and increases the required expenditure for the special supplemental food program for women, infants, and children from \$40 million to \$100 million for fiscal year 1975 and provides that in addition to the \$100 million authorized, any part of the fiscal 1974 amount not expended shall be carried over to fiscal 1975. H.R. 14354, Public Law 93-326, approved June 30, 1974. (VV)

Sudden infant death syndrome.—Directs the National Institute of Child Health and Human Development at the National Institutes of Health to carry out a research program to identify the causes and preventive measures needed to eliminate Sudden Infant Death Syndrome and provides for public information and counseling services to families affected by Sudden Infant Death Syndrome and to personnel who come in contact with the victims or their families. S. 1745, Public Law 93-270, approved Apr. 22, 1974.

HOUSING

Home mortgage assistance.—Increases the availability of reasonably priced mortgage credit for home purchases by authorizing the Secretary of Housing and Urban Development, after certain determinations, to direct the Government National Mortgage Association (GNMA) to purchase and to make commitments to purchase mortgages; finances such purchases through a housing trust fund to be established in the GNMA and to be financed by borrowings of up to \$10 billion per year from the Secretary of the Treasury; imposes a limit of \$42,000 on the purchase price of homes purchased with such mortgages (or \$55,000 in Alaska, Hawaii and Guam) with mortgage interest rates at 8 1/2 percent, and contains other provisions. S. 3979, Public Law 93-449, approved Oct. 18, 1974. (452)

Housing and community development.—consumer home mortgage assistance.—Omnibus bill which consolidates and simplifies

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various existing programs, authorizes the development of several new programs, authorizes appropriations therefor in the total amount of \$11,258,250,000 for fiscal years 1975-1977;

In title I, community development, contains a new consolidated development program for communities which replaces present programs for public facilities loans, open space grants, public works planning advances, water and sewer, neighborhood facilities, advance acquisition of land, urban renewal grants, and the model cities programs with a block grant program effective January 1, 1975; provides for a summary plan covering a 3-year period with a single one-year application for funds which must specify the program to be carried out and must include proposals for a program of activities to eliminate or prevent slums and blight where such conditions or needs exist, plans for housing assistance for low and moderate income persons and plans for improvement and upgrading of community facilities and supporting health, social and similar services where necessary; makes an exception from these requirements in regard to slum improvement and upgrading facilities for communities of under 25,000 population which initially apply for community development assistance for certain single-purpose activities; requires an 80-20 allocation of funds between metropolitan and non-metropolitan areas; establishes a dual system of entitlement grants using both a formula approach which is based on population, poverty (counted twice), and housing overcrowding, and a hold-harmless amount based on past funding which phases out in 6 years; provides for a study of this method of funding and its effects within 3 years by the Secretary of Housing and Urban Development (HUD) who is to make a report to Congress not later than March 1, 1977, with his recommendations regarding any modifications for this program \$2.5 billion in fiscal year 1975, which may be increased to an aggregate of \$5.45 billion prior to the close of fiscal year 1976, and to an aggregate of \$8.4 billion prior to the close of fiscal year 1977, and prohibits discrimination under any program or activity funded under this title on the grounds of race, color, national origin, or sex;

Includes in title II, assisted housing, a new section 23 low-rent public housing program for both new and substantially rehabilitated housing and for existing housing to become effective within 18 months after enactment on such date as may be set by the Secretary within that time; a requirement that assistance payments be made for some or all of the units in projects for the elderly or handicapped financed under the section 202 direct loan program, new minimum rents for public housing, and provisions allowing local objections to be made concerning use of housing assistance funds subject to final determination by HUD; provides legislative direction, for the first time, as to distribution of housing subsidy funds with not less than 20 percent nor more than 25 percent to be allocated to non-metropolitan areas; continues the section 235 homeownership assistance program and the section 238 rental assistance program at a reduced level of funding until June 30, 1976, as a complement to the newly established section 23 rental program;

In title III, mortgage credit assistance, contains amendments to present law which include an extension of the Secretary's authority to establish interest rates under various FHA (Federal Housing Administration) authority until June 30, 1977, the raising of FHA mortgage limits by varying amounts, and an expansion of the compensation for defects provisions of existing law;

In title IV, comprehensive planning, revises the present program; designates as

grantees eligible for comprehensive planning assistance (1) a State for planning assistance to local governments, (2) States for State and interstate activities, (3) cities of 50,000 or more, (4) counties of 50,000 or more, (5) areawide organizations, (6) Indian tribal groups or bodies, and (7) other governmental units or agencies having special planning process with biennial review and authorizes funds for a comprehensive planning program to be used jointly with other Federal assistance funds subject to regulations prescribed by the President;

In title V, rural housing, extends and amends various programs administered by the FHA, and in title VI, mobile home construction and safety standards, requires HUD to establish national standards for this purpose;

In title VII, the Consumer Home Mortgage Assistance Act of 1974, revises and expands the real estate lending powers of Federal savings and loan associations and national banks, and the lending powers of Federal credit unions;

In title VIII, miscellaneous, includes provisions which establish a National Institute of Building Sciences to evaluate and promulgate criteria for housing and building experimental housing allowance program to include direct cash assistance for rental housing and homeownership and for HUD to determine the feasibility of a national direct cash assistance policy and to report to Congress within 18 months; direct HUD and the Treasury Department to study the feasibility of direct loans and other methods of financing assisted multifamily housing, including direct loans from the Federal Financing Bank; add a new guarantee program for State housing finance and development agencies obligations and a Federal interest subsidy to enable them to make mortgage loans at below market interest rates in regard to low, moderate, and middle income family housing and to slum revitalization; prohibit discrimination on account of sex in extension of mortgage assistance; and amend the Federal-Aid Highway Act of 1973 and the Urban Mass Transportation Assistance Act to remove the existing prohibition against Federal assistance to bus companies unless the applicant agrees not to engage in certain types of charter bus service, and instead require companies to enter into agreements with the Department of Transportation to insure that competing private companies are not foreclosed from their charter service by firms receiving Federal aid;

And contains other provisions. S. 3066, Public Law 93-383, approved Aug. 22, 1974. (59,347)

Housing and Community Development Act amendments.—Amends the National Housing Act to authorize FNMA to purchase insured or guaranteed loans of private nonprofit hospitals made under the Public Health Service Act in order to provide equity in the treatment of public and private nonprofit hospitals, and contains other provisions. S.J. Res. 263, Public Law 93—, approved 1974. (VV)

Real estate settlement costs.—Directs the Secretary of Housing and Urban Development (HUD), the Administrator of Veterans' Affairs, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to develop a standard real estate settlement form to be used in all transactions in the United States which involve federally related mortgage loans which clearly itemizes all charges imposed upon the borrower and the seller; retains the authority of the Secretary of HUD and the Administrator of the Veterans Administration to set amounts allowable for settlement costs in connection with FHA-insured and VA-guaranteed mortgages; directs the Secretary of HUD to prepare and distribute booklets explaining the nature and purpose of closing costs and escrow accounts and giving other pertinent information; re-

quires that at least 12 days in advance a lender must supply the prospective borrower, seller and any Federal insurer with an itemized disclosure in writing of each charge in connection with settlement; prohibits kickbacks for referral services; places a limitation on the requirement for advance deposit to escrow accounts; provides for the demonstration of a model system for the recordation of land title information in order to simplify land sales and mortgage transactions and to reduce the costs involved with a view to the possible development of a nationally uniform system of land parcel recordation; requires the Secretary of HUD to report to Congress after three years on the need for further legislation; and prohibits lenders from imposing a charge for preparing disclosure statements called for by this act. S. 3164, Public Law 93—, approved 1974. (VV)

INDIANS

Absentee Shawnee tribe, Oklahoma.—Authorizes the tribal officials of the Absentee Shawnee Tribe of Oklahoma to convey a tract of land (approximately 33 acres) to the United States to be held in trust for the tribe. S. 3358, Public Law 93—, approved 1974. (VV)

Alaskan natives enrollment.—Extends the time for Natives to enroll to receive the benefits of the Alaska Natives Claims Settlement Act; provides that the benefits shall not be considered as a substitute for, and thus bar Native receipt of benefits of government programs (including the food stamp program) for United States and Alaska citizens; establishes a thirteenth region for Natives who are not residents of Alaska; and contains other provisions. S. 3530, P/S Dec. 17, 1974. (VV)

American Indian Policy.—Replaces the national Indian policy set forth in H. Con. Res. 108, approved by the 83d Congress on August 1, 1953; embraces the principles of maximum Indian control and self-determination and seeks to strengthen and improve the delivery of services to Indian people wherever they may reside; places in the Federal Government the responsibility to assure that Indians receive their entitled share and participate fully in all Federal, State, and local social and economic development programs; and broadens the definition of "American Indian" or "Indian" to include "Alaska Natives". S. Con. Res. 37, Senate adopted May 29, 1974. (VV)

American Indian Policy Review Commission.—Provides for a Congressional Commission of bipartisan composition from both the House of Representatives and the Senate and five members from the Indian Community to be selected by the Commission; charges the Commission with reviewing all of the treaties, statutes, judicial decisions, and executive orders, as well as the Constitution itself, to determine the legal-historical basis for the unique relationship that Indian people maintain with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians; provides the authority to conduct an in-depth management study of the Bureau of Indian Affairs; requires the Commission to submit its recommendations to the Congress; and authorizes \$2 million for the purposes of carrying out this Act. S.J. Res. 133, Public Law 93—, approved 1974.

Assistant Secretary for Indian Affairs.—Establishes within the Department of the Interior an additional Assistant Secretary of the Interior who will be responsible only for Indian Affairs, and amends the Alaska Native Claims Settlement Act (85 Stat. 688) to establish a thirteenth region for Alaska Natives who are not residents of Alaska. H.R. 620, P/H Oct. 1, 1973; P/S amended Dec. 14, 1973; Conference report filed.

Establishes an Assistant Secretary of the Interior who will be an additional Assistant Secretary only for Indian Affairs, and estab-

lishes, by amending the Alaska Native Claims Settlement, a thirteenth region for Alaska Natives who are not residents of Alaska. S. 2777. P/S Feb. 4, 1974. (VV)

Bridgeport Indian Colony, California.—Declares that 40 acres of land in Mono County, California are to be held in trust for the Bridgeport Indian Colony subject to an easement to the Bridgeport Public Utility District for a sewer main. S. 283. Public Law 93-451, approved Oct. 18, 1974. (VV)

Cheyenne-Arapaho Tribes, Oklahoma.—Conveys to the Cheyenne-Arapaho Tribe of Oklahoma 5 acres of land to be held in trust by the United States. S. 521. Public Law 93- , approved 1974. (VV)

Chippewa Cree Tribe, Montana.—Declares that certain mineral interests are held by the United States in trust for the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana. H.R. 5525. Public Law 93-285, approved May 21, 1974. (VV)

Citizen Band of Potawatomi Indians, Oklahoma.—Authorizes the elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey seven tracts of land (approximately 280 acres) to the United States to be held in trust for the tribe. S. 3359. Public Law 93- , approved 1974. (VV)

Constitutional rights of Indians.—Amends section 701(c) of title VII of the Civil Rights Act of 1968 to authorize the appropriation of funds for the printing of certain legal materials relating to the constitutional rights of American Indians. S. 969. Public Law 93-265, approved Apr. 12, 1974.

Excess lands on Indian reservations.—Requires that GSA convey excess land located within an Indian reservation to the Secretary of the Interior to be held in trust for such use as the Indian tribe located on the reservation believes best, and provides the same disposal authority for excess land in Oklahoma, which has no reservations, if such land is located within the boundaries of former reservations and was held in trust by the United States for a recognized Indian tribe at the time of its acquisition or is contiguous to land presently held in trust by the United States and was at any time held in trust by the United States for an Indian tribe. H.R. 8958. Public Law 93- , approved 1974. (VV)

Hualapai Indians, Arizona.—Conveys approximately 794 acres of Federal lands reserved for Indian purposes to the Hualapai Tribe. H.R. 7978. Public Law 93- , approved 1974. (VV)

Indian Claims Commission.—Authorizes such sums as may be necessary for fiscal year 1975 to continue the program of the Indian Claims Commissions and provides that any expenditures for food, rations, or provisions may not be offset against any award of the Commission to any Indian tribe or other claimant. S. 3007. Public Law 93-494, approved Oct. 27, 1974. (VV)

Indian financing.—Provides capital to Indian organizations and individual Indians in the form of loans and grants that is needed to promote their economic development; authorizes a \$50 million increase for the Revolving Loan Fund; provides a Loan Guarantee and Insurance Program which could generate as much as \$200 million in new private capital; authorizes an Interest Subsidy Program; and provides an Indian Business Development Grant Program. S. 1341. Public Law 93-262, approved Apr. 12, 1974.

Indian health care improvement.—Provides the direction and financial resources to overcome the inadequacies in the existing Federal Indian health care program and invite the greatest possible participation of Indians and Alaska Natives in directing and managing that program;

Authorizes, in title I, a grant program to recruit and aid Indians in pursuing health careers; a preparatory scholarship program for the final two academic years of any pre-professional health education curriculum; a

health professions scholarship program; a program to facilitate employment by the Indian Health Service of medical students to further expand their opportunities for training; education and training programs in environmental health, health education, and nutrition; and a continuing education allowances program, for the purpose of assuring an adequate health manpower base for proper Indian health services and a sufficient cadre of Indian professional and health workers to permit Indian communities to have a maximum voice in shaping those services;

Provides, in title II, for a planned growth of the Indian Health Service's delivery system and facilities and authorizes funds to remove the backlogs in direct patient care and dental care, improve field health services, mental health care and services, treatment centers for the children, and other unmet health needs;

Authorizes, in title III, funds for construction of modern, efficient hospitals and other health care facilities serving Indians where none exist and to renovate existing facilities, most of which are in a state of general deterioration and to remedy the lack of safe water and sanitary waste disposal facilities in the Indian environment;

Meets, in title IV, the problem of limited access by Indians to services supported by Medicare or Medicaid due to most Indians living on remote reservation lands, by authorizing payments under the two programs to be made to qualified Indian Health Service hospitals and long-term care facilities for services rendered to Medicare and Medicaid patients, and provides 100 percent Federal Medicaid matching funds for services provided to any eligible Indian in an IHS facility; and

Establishes, in title V, programs in urban areas to make health services more accessible to the urban Indian population and assist them in making the difficult transition from traditional reservation life to the urban world. S. 2938. P/S Nov. 25, 1975. (VV)

Indian self-determination.—Authorizes Indian tribes and their organizations to assume the control and management of all or portions of programs currently administered by the Bureau of Indian Affairs and the Indian Health Service within the Departments of Interior and Health, Education, and Welfare respectively; provides basic authority for the Secretaries of the Interior and Health, Education and Welfare to enter into contracts with tribal organizations; amends the Inter-governmental Service Act of 1970 to bring "tribal governments" within the definition of "local government," to enable civil service personnel to be assigned to tribal organizations; exempts tribal contracts from Federal Procurement regulations which have served as obstacles to such contracting in the past; contains, in title II, the Indian Education Assistance Act; provides for a study of the Johnson-O'Malley Act (enrolling Indian children in public schools under contract) to be transmitted to Congress not later than October 1, 1974; amends the Johnson-O'Malley Act to provide criteria governing contracts between the Secretary of Interior and prospective contractors to assure that educational needs of Indian student beneficiaries of such contracts are met; authorizes \$35 million for assistance in the construction of school facilities serving Federally recognized Indian children on or near reservations. S. 1017. Public Law 93- , approved 1974. (VV)

Kootenai Tribe, Idaho.—Transfers 12.5 acres of Federal land into trust status for the Kootenai Tribe of Idaho. S. 634. Public Law 93-458, approved Oct. 18, 1974. (VV)

Navajo-Hopi land disputes.—Authorizes the Navajo and Hopi Tribes to enter into a final negotiating process for resolution of the dispute concerning the joint use area of the 1882 Executive Order Hopi Reservation with a mediator to be appointed by the Director of the Federal Mediation and Conciliation

Service and provides for Hopi and Navajo claims to lands in the Navajo Reservation created by law in 1934 to be referred to the courts for final disposition;

Provides that if a full agreement on the joint use area is not reached within 10 months or if either tribe defaults, the mediator is directed to submit a report to the U.S. district court which is authorized to make a final adjudication, including partition; establishes a three-member independent Navajo and Hopi Indian Relocation Commission to administer a generous relocation program to accomplish relocation within 5 years; establishes a range rehabilitation program and provides protection for religious sites and shrines; and

Contains other provisions. H.R. 10337. Public Law 93- , approved 1974. (486)

Pueblo of Acoma Indians, New Mexico.—Authorizes the Forest Service to exchange two sections of land within the Cibola National Forest, New Mexico, for two sections of land held in trust by the United States for the Pueblo of Acoma Indian Tribe, New Mexico. H.R. 6925. Public Law 93- , approved 1974. (VV)

San Carlos Apache Indian Tribe, Arizona.—Directs the Secretary of the Interior to purchase all privately owned real property within the San Carlos Mineral Strip in Arizona to be held in trust for the San Carlos Apache Indian Tribe and sets at \$300,000 the total compensation that any individual may receive under this Act. H.R. 7730. Public Law 93- , approved 1974. (VV)

Sisseton and Wahpeton Sioux Tribe, North and South Dakota.—Authorizes the Sisseton and Wahpeton Sioux Tribe of North and South Dakota to acquire additional trust lands within its Lake Traverse Reservation, and enables the tribe to mortgage its land, subject to approval of the Secretary of the Interior, in order to consolidate land holdings, alleviate the problem of fractionated heirship of allotted lands, and acquire lands for tribal programs. S. 1411. Public Law 93-491, approved Oct. 23, 1974. (VV)

Declares that all right of the United States to certain lands in the Lake Traverse Indian Reservation is to be held in trust for the Sisseton and Wahpeton Sioux Tribe, subject to all valid rights of way and subject to a condition that two tracts be utilized by the Secretary of the Interior for operating day schools. S. 1412. Public Law 93-489, approved October 26, 1974. (VV)

Spokane Tribe, Washington.—Deletes the provision of present law which requires that the value of nontrust lands acquired by the Spokane Indian Reservation in any year shall not exceed the value of lands passed from trust status to tax free status in order to enable the Spokane Tribe to consolidate its land base. H.R. 5035. Public Law 93-286, approved May 21, 1974. (VV)

INTERNATIONAL

African Development Fund.—Authorizes \$15 million in three annual installments of \$5 million each as the U.S. contribution to the African Development Fund; authorizes U.S. participation in the Fund and the appointment by the President (subject to Senate confirmation) of a U.S. Governor and Director who is directed to vote against loans to any nation which has (1) nationalized or expropriated properties 50 percent or more owned by Americans, (2) repudiated contracts to companies 50 percent owned by Americans, or (3) imposed discriminatory taxes or regulations on them, unless the President certifies to Congress that these provisions should be waived because of national interests. S. 2354. P/S July 30, 1974. (VV)

American Hospital of Paris, Inc.—Amends the Act incorporating the American Hospital of Paris by eliminating the maximum 20 member limitation on the Board of Gov-

ernors. S. 1836. Public Law 93-266, approved April 12, 1974.

Arms Control and Disarmament Agency.—Authorizes \$10.1 million for fiscal year 1975 to finance the operations of the Arms Control and Disarmament Agency, and changes the per diem limitation for the payment of consultants and experts from \$100 a day to a maximum of \$138 per day and extends their fiscal year employment limitation from 100 days to 130 days. H.R. 12799. Public Law 93-332, approved July 8, 1974. (VV)

Asian Development Bank.—Amends the Asian Development Bank Act of 1966, as amended, to authorize the U.S. Governor of the Asian Bank to subscribe to thirty thousand additional shares of the Bank's capital stock and to contribute an additional \$50 million to the Bank's Special Funds on behalf of the United States and authorizes therefor a total of \$411,904,726 over a three year period. S. 2193. Public Law 93- , approved 1974. (VV)

Board for International Broadcasting.—Authorizes \$49,990,000 for fiscal year 1975 (of which \$150,000 shall be available for the initiation of Radio Liberty Programming in the Latvian and Estonian languages) for grants to Radio Free Europe and Radio Liberty, and for operating expenses of the Board for International Broadcasting which administers the grants and monitors and evaluates the radio's activities. S. 3190. Public Law 93-392, approved Aug. 28, 1974. (VV)

China indemnification agreement.—Authorizes the Secretary of State to conclude an agreement with the Government of the People's Republic of China for indemnification for any loss or damage suffered by objects in the "Exhibition of the Archeological Finds of the People's Republic of China" while in the possession of the United States. S. 3304. Public Law 93-287, approved May 21, 1974. (VV)

Colorado River Basin salinity control.—Implements the agreement of August 30, 1973, with Mexico and authorizes the construction, operation, and maintenance of certain desalinization works in the Colorado River Basin to control the salinity of water delivery to certain lands in the United States and Mexico. H.R. 12165. Public Law 93-320, approved June 24, 1974. (VV)

Customs and immigration border facilities.—Increases from \$100,000 to \$200,000 the limitation on the amount of funds that may be expended to provide facilities for the enforcement of the customs and immigration laws along outland borders. H.R. 10044. Public Law 93-398, approved Aug. 29, 1974. (VV)

Foreign aid authorization.—Authorizes \$2,697,226,000 in new obligatory authority for fiscal year 1975 for certain foreign economic, military assistance, military credit sales, and other programs;

Authorizes for Indochina postwar reconstruction, \$617 million; authorizes for the Middle East \$660 million in security supporting assistance which will allow \$324.5 million for Israel, \$250 million for Egypt, and \$77.5 million for Jordan, \$600 million in military assistance, and \$405 million in foreign military credit sales of which \$300 million is earmarked for Israel with the provision that Israel is released from repaying \$100 million of that amount;

Extends by 1 year, to June 30, 1976, the funding of military assistance to Vietnam through the Department of Defense budget; Requires that all costs of military missions must be charged against appropriations for military assistance effective July 1, 1976; requires that any stockpiling of military equipment or material for foreign countries must be financed out of funds appropriated for military assistance and that material provided from previously stockpiled materials must be charged against funds appropriated for the regular military assistance program or military aid to South Vietnam; extends that authority to draw on Department of De-

fense stocks for the purpose of providing additional military grant assistance to foreign countries until June 30, 1975, with a ceiling on the drawdown of \$150 million; requires the transfer of authorizations for military assistance and sales programs for South Vietnam from the Department of Defense budget to the Foreign Assistance and Military Sales Acts effective on June 30, 1976;

Prohibits the use of Foreign Assistance Act funds for conduct of operations abroad by the CIA, other than those intended solely for obtaining intelligence except during a declared war or during an exercise of power under the War Powers Resolution;

Requires the President to give advance notice to the Congress of any letter or offer to sell defense articles or services of \$25 million or more, and allows Congress 20 calendar days in which it may disapprove the sale by concurrent resolution;

Imposes a ceiling on military grant aid and credit sales to Korea of \$145 million unless the President reports to Congress that Korea has made substantial progress in the observance of human rights in which case an additional \$20 million may be made available;

Imposes a minimum interest rate on credit for arms purchases of not less than the interest rate paid on Treasury borrowings of comparable maturity unless the President certifies to Congress that the national interest required a lesser rating of interest; Prohibits military assistance to Chile; imposes a fiscal year 1975 ceiling of \$25 million on economic assistance to Chile;

Authorizes the President to delay the suspension of aid to Turkey required by this Act, the Foreign Assistance Act, and the Military Sales Act until February 5, 1975, if Turkey observes the ceasefire and does not increase its forces on Cyprus or further transfer U.S. supplied implements of war to Cyprus;

Prohibits use of foreign aid funds for training foreign police, prison, or other law enforcement forces, except for narcotic control, effective on June 30, 1975;

Prohibits U.S. contributions to UNESCO until that organization has corrected its recent actions of a political nature;

Authorizes the President to waive any prohibitions on assistance to countries because they are trading with a designated country;

Authorizes \$154.4 million for U.S. contributions to international organizations and programs;

Ends the phase-out period for the use of reflows from past loans for further loans or grants as of July 1, 1975, when all reflows will revert to the Treasury;

Authorizes \$25 million for loans for Portugal and the African countries which were formerly colonies of Portugal prior to April 1974, of which \$5 million is for grant assistance;

Directs U.S. representatives in international organizations to encourage and promote the integration of women into the national economies of member countries and into professional and policymaking positions within such organizations;

Calls upon the President and the Secretary of State to take immediate actions designed to mobilize all appropriate resources to meet the food emergency and to implement the recommendations of the World Food Conference; and

And contains other provisions. S. 3394. Public Law 93- , approved 1974. (496,533)

Foreign disaster assistance.—Authorizes \$150 million for disaster relief and emergency recovery needs in Pakistan, Nicaragua, and the drought-stricken regions of Africa as follows: \$65 million to Pakistan and Nicaragua, and \$85 million to the African nations, of which not to exceed \$10 million may be used for assistance to Ethiopia. H.R. 12412.

Public Law 93-333, approved July 8, 1974. (VV)

Foreign Service buildings.—Authorizes additional appropriations for Foreign Service Buildings of \$2,732,000 for fiscal years 1974 and 1975, made necessary in inflation and devaluation of the dollar. H.R. 12465. Public Law 93-263, approved Apr. 12, 1974. (VV)

IDA—gold ownership.—Authorizes \$1.5 billion (in four annual installments of \$375 million each) as the U.S. contribution to the fourth replenishment of the resources of the International Development Association; amends Public Law 83-110 to make the provisions which legalized the private ownership of gold effective December 31, 1974, or prior to that time if the President finds and reports to Congress that the elimination of this requirement would not adversely affect the U.S. international monetary position; and directs the United States Governor to vote against any loan or other utilization of IDA funds that would benefit a country which develops a nuclear explosive device unless the country is or becomes a party to the treaty on the Non-Proliferation of Nuclear Weapons. S. 2665. Public Law 93-373, approved Aug. 14, 1974. (VV)

International Court of Justice.—Calls on the Secretary of State to submit to the Court any outstanding territorial disputes involving the United States which cannot be resolved by negotiations, and specifically to consider submitting 28 such disputes over desolate and largely uninhabited islands in the Caribbean Sea and the Pacific Ocean. S. Res. 74. Senate adopted May 20, 1974. (VV)

Recommends the inclusion in all future treaties and other international agreements of clauses providing that any dispute arising from the interpretation or application of their provisions, not otherwise settled by agreement between the parties, shall be subject to the jurisdiction of the Court or other appropriate body. S. Res. 75. Senate adopted May 20, 1974. (VV)

Declares that the Secretary of State should give favorable consideration to making use of the various chambers of the Court; calls on the President to take all appropriate measures to attempt to expand the range of international bodies eligible to request advisory opinions of the Court; urges the President to seek to improve the process by which judges are nominated and elected; and advises the President to encourage the Court to exercise its functions outside of the Hague from time to time. S. Res. 76. Senate adopted May 20, 1974. (VV)

Urges the President to direct the Secretary of State to encourage the maximum use of the procedures for the specific settlement of international disputes as outlined in Chapter VI of the Charter of the United Nations, particularly those procedures providing for the reference of legal disputes to the Court. S. Res. 77. Senate adopted May 20, 1974. (VV)

Calls on the Secretary of State to undertake a study examining the various ways of granting direct and indirect access to the Court and other international tribunals to individuals, corporations, non-governmental organizations, intergovernmental organizations, regional organizations, and other natural or legal persons, including the feasibility of establishing a special committee of the United Nations General Assembly with authority to request from the Court advisory opinions on behalf of these groups. S. Res. 78. Senate adopted May 20, 1974. (VV)

International Criminal Police Organization.—Raises to \$120,000 the present statutory ceiling of \$80,000 on the total annual dues authorized to be paid for United States membership in the International Criminal Police Organization (INTERPOL) and authorizes payment of \$30,000 to meet the unpaid balance of the existing ceiling. H.R. 14597. Public Law 93-468, approved Oct. 24, 1974. (VV)

December 19, 1974

International Monetary Fund and World Bank annual meeting.—States as a sense of the Senate that the International Monetary Fund be supported in its efforts to discourage unilateral economic actions which could adversely affect other nations' economic situations and that the annual meeting of the Board of Governors of the International Monetary Fund and the World Bank consider the adequacy of present and proposed international facilities for providing necessary financing to oil importing nations, recognize the emergency needs of the poorest oil importing nations, and pursue other types of international cooperation to help alleviate the present economic situation. S. Res. 416. Senate adopted Sept. 3, 1974. (VV)

International Ocean Exposition '75.—Authorizes a supplemental appropriation to the United States Information Agency of \$5.6 million, without fiscal year limitation, to fund U.S. participation in the International Ocean Exposition to be held in Okinawa, Japan in 1975. S. 2662. Public Law 93-304, approved June 8, 1974. (VV)

International Wheat Agreement Conference.—Expresses the sense of the Senate that the President should call upon the International Wheat Council to request the Secretary-General of the United Nations Conference on Trade and Development to convene a negotiating conference on provisions relating to the prices of wheat and to the rights and obligations of members with respect to international trade in wheat. S. Res. 340. Senate adopted June 21, 1974. (VV)

Japan-United States cultural exchange.—Creates a Japan-United States Friendship Trust Fund to promote scholarly, cultural, and artistic activities between Japan and the United States; authorizes therefor the transfer of \$32 million from the proceeds of the Okinawa Reversion Agreement of which the interest and up to 5 percent of the principal may be spent annually to support these activities; and establishes a commission to administer the programs. S. 649. P/S June 7, 1974. (VV)

Metropolitan Museum of New York indemnifications.—Provides for the indemnification of the Metropolitan Museum of New York for loss or damage suffered by objects in exhibition in the Soviet Union. S.J. Res. 236. Public Law 93-476, approved Oct. 26, 1974. (VV)

Middle East terrorists.—Condemns the terrorist threat made against the lives of 90 Israeli school children as well as all acts of terrorism and urges the President and the Secretary of State to call upon all governments to condemn this inhuman act of violence against innocent victims, and the countries where these groups and individuals are found to take appropriate action to rid their countries of those who subvert the peace through terrorism and senseless violence. S. Res. 324. Senate adopted May 15, 1974. (VV)

Migratory birds.—Implements the Convention with Japan concerning migratory birds (Ex. R. 92d-2d) which provides for the protection of certain species of birds common to both countries or which migrate between them; prohibits the taking, sale, purchase or exchange of migratory birds, their eggs or products thereof with certain exceptions including special provisions for Eskimos, Indians, or inhabitants of the Trust Territory of the Pacific Islands; and requires each country to control the exportation or importation of migratory birds, and products thereof, to encourage their conservation, and to preserve and enhance their environment. H.R. 10942. Public Law 93-300, approved June 1, 1974. (VV)

Military assistance to Greece.—Prohibits all military grant assistance, sales, credit sales, and guarantees to Greece until (1) the Executive Branch completes a review of United States policy toward Greece with specific attention to whether the Govern-

ment of Greece is in a position to fulfill its political obligations under the preamble to the North Atlantic Treaty which states "The Parties to this Treaty . . . are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and rule of law"; (2) reports the results of such review to the Congress; and (3) the President finds that Greece is in full compliance with its obligations under NATO, except that the President may extend assistance to Greece if he finds that such action would be in the overriding national interest and gives Congress 30 days' advance notice. S. 2745. P/S Jan. 23, 1974. (VV)

Missing in Indochina.—States as a sense of the Congress that new efforts should be made by the United States to persuade North and South Vietnam and Laos to comply with their obligations with respect to an accounting of personnel captured, killed or missing during the Vietnam conflict, and further states that every effort should be made to obtain the cooperation of the various parties in the conflict in Cambodia to provide information with respect to missing personnel. S. Con. Res. 81. Senate adopted Apr. 10, 1974; House adopted amended June 3, 1974; in conference. (VV)

Expresses the sense of the Senate that the United States reaffirm its determination to continue the quest for an accounting of every American missing in Southeast Asia, urges the President to use every diplomatic avenue available to pressure the North Vietnamese to live up to their own agreement which they have thus far ignored, broken and denounced, and that we give special remembrance during this Christmas season through our prayers and thought to our missing men and their loyal families. S. Res. 463. Senate adopted Dec. 17, 1974. (VV)

Overseas Private Investment Corporation (OPIC).—Extends until December 31, 1977, the authority of the Overseas Private Investment Corporation to issue political risk insurance to protect private overseas investments against war, expropriation of property and inconvertibility of currency; seeks to promote the transference of OPIC's insurance functions to private insurance companies and multinational organizations by requiring OPIC to cease writing expropriation and inconvertibility insurance after December 31, 1979, and war risk insurance after December 31, 1980, and by authorizing OPIC to assume the role of reinsurer after these dates; and contains other provisions. S. 2957. Public Law 93-390, approved Aug. 27, 1974. (40)

Passport application fees.—Authorizes the Secretary of State to prescribe the amount of the fee for executing a passport application and makes permanent the authority of the Secretary to transfer to the Postal Service the execution fee for each application which they accept. H.R. 15172. Public Law 93-417, approved Sept. 17, 1974. (VV)

Peace Corps authorization.—Authorizes \$82,256,000 to finance operations of the Peace Corps during fiscal year 1975; authorizes an additional \$1 million for increases in salary, retirement and other employee benefits; authorizes the transfer of \$315,000 from any sums appropriated to the Peace Corps for fiscal year 1975 to ACTION's readjustment allowance account at the Department of Treasury; and authorizes the waiver of claims resulting from the erroneous payments of readjustment allowances to Peace Corps volunteers between March 1, 1961, and February 28, 1973, and relieves the disbursing officers involved from liability for such erroneous payments. H.R. 12920. Public Law 93-302, approved June 1, 1974. (164)

State Department supplemental authorization.—Increases the authorization level of the State Department Authorization Act of 1973 in three categories: administration of

foreign affairs, international organizations and conferences, and pay raises; reduces the authorization level in four categories: international commissions, educational exchange, devaluation costs, and antiterrorism measures; and increases the permanent authorization for annual contributions to the International Committee of the Red Cross from \$50,000 to \$500,000. H.R. 12466. Public Law 93-312, approved June 8, 1974. (VV)

State Department—USIA Authorizations.—Authorizes \$741,901,000 to the Department of State and \$239,538,000 to the United States Information Agency for fiscal year 1975 plus any additional funds that may be required for salary and employee benefit increases; places into law a delineation of the authority and responsibilities of ambassadors; requires publication in the Congressional Record of political contributions of all ambassadorial nominees; places all civilian personnel stationed abroad under the jurisdiction of American ambassadors and requires certain reductions in such personnel; requires that the Administration submit to Congress a detailed plan for future U.S. economic and military assistance to South Vietnam within 6 months; states a sense of the Congress that there be established a new International Materials Bureau within the Department of State; establishes the requirement that 50 Foreign Service Officer's per year be assigned for one year to non-State Department service in state or local government, public schools, or other public organizations; authorizes the payment of one-year's salary to dependents of Foreign Service employees killed in the line of duty abroad; repeals the Formosa Resolution of 1955 which authorizes the President to use the Armed Forces for the protection of Formosa and the Pescadores Islands; authorizes expenditures for an annual trip to and from schools in the United States for dependents of State Department, AID and USIA employees assigned abroad; requires enactment of the annual authorization of State Department appropriations before funds may be expended; provides, effective in fiscal year 1976, for the consolidation of authorizations for the Departments of State and USIA, the Peace Corps, the Arms Control and Disarmament Agency, Radio Free Europe and Radio Liberty, foreign service buildings and foreign affairs, foreign economic assistance and foreign military assistance; and contains other provisions. S. 3473. Public Law 93-475, approved Oct. 26, 1974. (VV)

TREATIES

Consular convention with Bulgaria.—Establishes firm obligations on such important matters as free communications between a citizen and his consul, notification of consular officers of the arrest and detention of their citizens, and permission for visits by consuls on those so detained and authorizes the consuls of both countries to perform the customary wide variety of other consular services which contribute to the improvement of both governmental and commercial interaction between countries. Ex. H. 93d-2d. Resolution of ratification agreed to Dec. 16, 1974. (525)

Convention prohibiting bacteriological and toxin weapons.—Seeks to prohibit the development, production, stockpiling, acquisition or retention of biological agents or toxins, of types and in quantities that have no justification for peaceful purposes, as well as weapons, equipment and means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. Ex. Q. 92d-2d. Resolution of ratification agreed to Dec. 16, 1974. (523)

Geneva Protocol.—Seeks to prohibit (1) the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials, or devices and, (2) the use of bacteriological methods of warfare. Ex. J. 91st-2d. Resolution of ratification agreed to Dec. 16, 1974. (522)

December 19, 1974

International Maritime Traffic Convention amendment.—Provides a "tacit amendment" procedure for approving changes in the Annex to the Convention which sets forth the implementing standards and recommended practices for simplifying and making as uniform as possible the documentary and other formalities required of ships on arriving at or clearing ports relating to customs, immigration, public health and other requirements. Ex. D. 93d-2d. Resolution of ratification agreed to Dec. 16, 1974. (524)

Protocol to the Convention for the International Council for Exploration of the Sea.—Amends the Convention for the International Council for the Exploration of the Sea to require a two-thirds majority vote of members of the Council to approve its annual budget rather than a simple majority vote as now required. Ex. V. 93d-1st. Resolution of ratification agreed to Sept. 4, 1974. (361)

Protocols for the Extension of the International Wheat Agreement, 1971.—Extends to June 30, 1975, the provisions of the International Wheat Agreement, 1971 constituting (1) the Wheat Trade Convention which provides for the continued operation of the International Wheat Council, an administrative body established for the purpose of providing a mechanism for international cooperation in matters relating to the production and sale of wheat, and (2) the Food Aid Convention which commits its parties to provide minimum annual quantities of food to developing countries. Ex. C. 93d-2d. Resolution of ratification agreed to June 21, 1974. (260)

Vietnam war claims.—Increases the rate of detention benefits under the War Claims Act of 1948, as amended, to civilian American citizens held as prisoners in Southeast Asia, from \$60 per month to \$150 per month; retains provisions of present law giving priority to the payment in full of the remaining individual awards for property losses arising out of World War II, and second priority to the payment of corporate awards for similar losses up to a level of \$50,000 with such payments to be awarded in equal amounts up to \$35,000 and amends the law to provide that claimants not paid in full will receive payments in an amount which will be the same for each award or in an amount of the award, whichever is less; places a \$250,000 limit on the total payment to an individual under this section; and provides that the balance of amounts in the War Claims Fund will be used to make pro rata payments on the remaining individual and corporate claims. S. 1728. Public Law 93-475, approved Oct. 26, 1974. (VV)

1980 Winter Olympic Games.—Extends an invitation to the International Olympic Committee to hold the 1980 winter games at Lake Placid, New York; expresses the hope that the United States will be selected as the site for these games; and pledges cooperation and support in their successful fulfillment provided that Olympic activities and plans fit within present State laws and plans respecting the Adirondack Park. S. Con. Res. 72. Senate adopted Apr. 8, 1974; House adopted amended Aug. 5, 1974; Senate agreed to House amendment Aug. 21, 1974. (VV)

World food.—States as a sense of the Senate that the United States should take the lead in a cooperative international effort to meet the production of adequate quantities of food; calls upon the President and the Secretaries of State and Agriculture to give priority to the expansion of American food aid by restoring sales and grants under Public Law 480 to their 1972 commodity levels and taking additional steps to transfer food on concessional and donation terms to those nations most severely affected by the recent price rises and shortages in energy, fertilizer, and food and to undertake negotiations to obtain the participation of other food-exporting countries in an expanded food aid

effort and financial assistance from the oil-exporting countries for those nations most affected by current shortages and rising prices; states the need for international efforts to increase world fertilizer production; and calls upon the President to encourage domestic conservation of fertilizer by a reduction in non-food producing uses. S. Res. 329. Senate adopted Aug. 7, 1974. (VV)

World food and population.—States the sense of the Senate that pursuant to the initial steps taken at the World Food and World Population Conferences, the United States should cooperate fully and energetically with other nations to implement effective national and international policies on food production, storage, and distribution and on population growth. S. Res. 440. Senate adopted Dec. 3, 1974. (VV)

World hunger.—States a sense of the Senate that beginning Thanksgiving Day, 1974, and ending Thanksgiving Day, 1975, the U.S. should identify with the hungry people of the world by self-sacrifice and sharing through the practice of fasting; encourages individuals to share any moneys saved sacrificially with the starving people; and designates the Monday of Thanksgiving week, November 24, 1975, as a National Day of Fasting. S. Res. 437. Senate adopted Nov. 26, 1974. (VV)

Customs convention on the international transit of goods.—Provides simplified customs control mechanisms and uniform documentation procedures for transport by bonded trailers, railway cars, vessels, and large containers, such carriers to have the option to use the International Transit of Goods procedures or another system if more advantageous. Ex. P. 93d-1st. Resolution of ratification agreed to Jan. 21, 1974. (2)

Czechoslovak Consular Convention.—Establishes consular relations between the United States and Czechoslovakia, including the issuance of passports and visas, performance of notarial services, and representation of the interests of the sending state in estate matters; assures that consuls, whose nationals have been detained will be notified within 3 days and will have the right to visit them and provide legal assistance; and contains other provisions. Ex. A. 93d-2d. Resolution of ratification agreed to Sept. 30, 1974. (406)

Extradition Treaty with Denmark.—Provides for the extradition of fugitives charged with any of 28 specific offenses, including offenses relating to narcotics and aircraft hijacking, as well as conspiracy to commit any of the specified offenses; defines territorial application to include territorial waters and airspace as well as registered aircraft in flight; provides for extradition for offenses committed outside the territory of either party if the offense is punishable under the laws of both parties; provides discretionary power to either party to extradite its own nationals, with the requested state to try the individual when the offense is punishable under its own laws; and permits refusal of extradition unless assurances are received that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Ex. U. 93d-1st. Resolution of ratification agreed to Mar. 29, 1974. (92)

Missing newsmen.—States as the sense of the Senate that the President should make every possible diplomatic effort through the Department of State and other relevant agencies to ascertain the truth of the present whereabouts or fate of United States newsmen missing in Southeast Asia, and obtain the release of those still alive and an accounting of those who may be dead. S. Res. 291. Senate adopted Feb. 28, 1974. (VV)

National Olympic Commission.—Establishes a National Commission on the Olympic Games composed of nine members appointed by the President; directs the Commission to (1) review continued U.S. participation

in the quadrennial world Olympic Games, (2) conduct a review and oversight of the past performance of the United States Olympic Committee (USOC) in managing U.S. involvement in the Games, (3) examine ways to improve the management of U.S. involvement in the Games, and (4) submit a report of its recommendations to the President and Congress not later than December 31, 1974, or 180 days after the appointment of the ninth member of the Commission, whichever is later; and authorizes therefor \$750,000. S. 1018. P/S May 20, 1974. (VV)

Northeast Atlantic Fisheries.—Permits U.S. participation in international enforcement of fish conservation in additional geographic areas pursuant to the International Convention for the Northwest Atlantic Fisheries of 1949; requires payment for travel expenses and per diem incident to attendance at meetings of the International Commission for the Northwest Atlantic Fisheries for not more than five members of the industry advisory commission; and requires the Secretary of State to submit an annual report to Congress on the costs incurred to reimburse advisor's expenses. H.R. 14291. Public Law 93-339, approved July 10, 1974. (VV)

Turkey foreign aid.—Authorizes the President to suspend provisions of the Foreign Assistance Act of 1961, the Foreign Military Sales Act and H.J. Res. 1131, the Continuing resolution (which require a cut-off of military aid to Turkey because of hostilities on Cyprus) until December 15, 1974, if such a suspension will further negotiations for a peaceful resolution of the Cyprus conflict. S.J. Res. 247. P/S Oct. 9, 1974; House failed to pass Oct. 11, 1974. (449)

United Nations peacekeeping contribution.—Authorizes such sums as may be necessary for the payment of the United States share of the expenses of the United Nations peacekeeping forces in the Middle East for the period beginning November 1, 1974; authorizes an additional \$19.8 million supplemental payment for the period prior to November 1, 1974, to meet the U.S. share of peacekeeping expenses in excess of those originally anticipated; and designates the Secretary of State as the official to whom these funds would be paid in order to expedite payment of the U.S. contribution. H.R. 16982. P/H Nov. 18, 1974; P/S amended Dec. 18, 1974. (VV)

U.S.-Hungarian claims.—Amends the International Claims Settlement Act of 1949, as amended, to implement the provisions of the claims agreement between the United States and Hungary, signed March 6, 1973, which provides for the payment of \$18.9 million (in 20 equal installments of \$945,000) by the Hungarian Government "in full and final settlement" of all claims of American nationals against Hungary for war damage, nationalization, expropriation and other taking of property. H.R. 13261. Public Law 93-460, approved Oct. 20, 1974. (VV)

LABOR

Developmentally disabled assistance.—Extends and improves the programs initiated under the Developmental Disabilities Services and Facilities Construction Act (Public Law 91-517) for 5 years, through June 30, 1979; adds a new program to facilitate the achievement of standards by residential and community facilities in order to protect the rights of mentally retarded and other developmental disabled persons; improves care in residential facilities; and contains other provisions. H.R. 14215. P/H July 11, 1974; P/S amended Oct. 1, 1974; in conference. (VV)

Emergency unemployment compensation.—Creates a new temporary 2-year Emergency Unemployment Compensation Program modeled after the Emergency Unemployment Compensation Act of 1971; provides an emergency 13 weeks of unemployment benefits to workers who have exhausted their 26 weeks

of regular benefits and 13 weeks of extended benefits; makes it easier for States to qualify for the so-called extended benefits programs by lowering the national trigger of 4.5 percent insured unemployment to 4 percent and by waiving the State requirement that unemployment be going up by 20 percent over the previous 2 years; and contains other provisions. H.R. 17597. P/H Dec. 12, 1974; P/S amended Dec. 16, 1974. (527)

Farm labor contractor registration.—Amends and extends the Farm Labor Contractor Registration Act of 1963 through fiscal year 1979; deletes the limitation of coverage by including intrastate as well as interstate transactions; requires that a grower observe a registration certificate in the possession of the contractor before dealing with him; broadens the information requirement that the farm labor contractor must provide migrant workers with regard to the nature of the worker's prospective employment and requires that such information be in a prescribed written form and a language in which the worker is fluent; requires farm labor contractors to establish proof that their vehicles and property comply with Federal and State health and safety standards; increases the minimum amounts for vehicle insurance to those applicable to vehicles operating under the Interstate Commerce Act unless otherwise set by the Secretary of Labor; creates a Federal civil remedy for persons aggrieved by violations of the Act; provides the Secretary of Labor with powers of subpoena and examination similar to that provided under the Fair Labor Standards Act; increases civil penalties and sets criminal penalties for violations of the Act; reclassifies hearing officer positions within the Department of Labor and under the Longshoremen's and Harbor Workers' Compensation Act and the members of the Benefits Review Board established by the Longshoremen's Amendments of 1972; and contains other provisions. H.R. 13342. Vetted Oct. 29, 1974. (VV)

Contains similar provisions as the vetoed bill, H.R. 13342, with several minor changes; requires a determination by a grower that a contractor possesses a certificate of registration before dealing with him; exempts certain people who traditionally assist in picking or harvesting crops on a temporary or short-hand basis from the registration requirements under this Act if such employment does not exceed 13 weeks per year; provides both civil and criminal penalties for violations of the Act; and deletes provisions reclassifying hearing officer positions within the Department of Labor and under the Longshoremen's and Harbor Workers' Compensation Act and the members of the Benefits Review Board established by the Longshoremen's Amendments of 1972. S. 3202. Public Law 93—, approved Dec. 7, 1974. (VV)

Minimum wage increase.—Provides a statutory minimum wage of \$2.30 an hour for all covered workers according to the following time schedule:

For those covered prior to 1966, \$2.00 on the effective date of this act, \$2.10 effective January 1, 1975, and \$2.30 effective January 1, 1976;

For nonagricultural employees first covered by the 1966 and 1974 amendments, \$1.90 on the effective date of this act, \$2.00 effective January 1, 1975, \$2.20 effective January 1, 1976, and \$2.30 effective January 1, 1977;

For agricultural employees, \$1.60 on the effective date of this act, \$1.80 effective January 1, 1975, \$2.00 effective January 1, 1976, \$2.20 effective January 1, 1977, and \$2.30 effective January 1, 1978;

Extension of coverage.—Extends coverage of the act to employees of individual retail and service establishments (except "Mom and Pop" stores) which are part of enterprises with gross annual receipts of more

than \$250,000 (thus including individual establishments with gross receipts of less than \$250,000 if they are part of a chain with annual receipts over \$250,000) with the \$250,000 establishment test for smaller stores of large covered chains to be phased out by July 1, 1978.

Brings under the minimum wage and overtime provisions of the Act all employees in private household domestic service earning "wages" (\$50 per quarter) for purposes of the Social Security Act, but retains a minimum wage and overtime exemption for casual babysitters and companions and an overtime exemption for live-in domestic service employees;

Extends coverage of Federal employees to most employees including wage board employees, non-appropriated fund employees, certain employees in the Canal Zone and any other civilian employee working for the armed services; and extends coverage of State and local government employees;

Retains the present basis for coverage of agricultural employees, which requires at least 500 man-days (one-man-day being any day during which an employee performs any agricultural labor for not less than one hour) during the peak quarter of the preceding year, but alters the computation of man-days by adding to the definition of "employee" the previously excluded group of all local, seasonal hand-harvest laborers, with such employees and farmworkers under 16 working with a parent continuing to be exempt from the minimum wage if they are paid the adult piece rate;

Child Farm Labor: Amends the Fair Labor Standards Act by prohibiting the employment in agriculture of all children under the age of 12, except those working on farms owned or operated by their parents, or on farms not covered by the act under the 500 man-day test, or on conglomerate farms, with parental consent required for children on noncovered farms; permits children ages 12 through 15 to work only during hours school is not in session, provided that all 12 and 13 years olds must either receive written parental consent or work only on farms where their parents are employed;

Puerto Rico and the Virgin Islands: Provides for the gradual achievement of minimum wage parity for workers in Puerto Rico and the Virgin Islands with workers on the mainland as follows:

For certain hotel, motel, restaurant and food-service employees, as well as employees of the Federal and Virgin Islands Governments, the same as the minimum wage for counter-part mainland employees on the effective date;

For other covered workers, effective on the effective date of the legislation, presently covered employees are to receive: (A) an increase of 12 cents an hour if their wage order rates are less than \$1.40 an hour, and (B) an increase of 15 cents an hour if their wage order rates are \$1.40 an hour or higher;

For newly covered employees (including commonwealth and municipal employees), wage rates to be set by the special industry committees which may not be less than 60 percent of the otherwise applicable rate under section 6(b) or \$1.00 an hour, whichever is greater;

For all employees (other than commonwealth and municipal employees), yearly increases beginning one year after the effective date of this legislation as follows: (A) 12 cents an hour yearly if their wage order rates are less than \$1.40 and (B) 15 cents an hour yearly if their wage order rates are \$1.40 an hour, whichever is greater;

Exemptions.—Repeals or modifies a number of present exemptions, including some of the complete minimum wage and overtime exemptions as well as some which apply only to the overtime standard, in relation to: motion picture theaters, small logging crews, shade-grown tobacco, agricultural processing

industries, railroads, and pipelines, seafood processing, local transit, hotels, motels, and restaurants, tip allowance, nursing homes, salesmen, partsmen, and mechanics, cotton ginning and sugar processing, catering and food service employees, telegraphic message operations, bowling establishments, and house parents for orphans; sets a certain overtime exemption for police;

Youth Differential.—Permits a lower minimum wage for full-time students as follows:

In retail and service establishments of not less than 85 percent of the applicable minimum wage of \$1.60, whichever is higher for a period of up to 20 hours per week, and permits the hiring of up to 4 students without the need for the traditional recertification procedure;

In agriculture, the higher of 85 percent of the applicable rate or \$1.30 an hour for the same period, and up to 4 students without certification;

And in higher education institutions, 85 percent of the applicable rate of \$1.60 for the same period;

Provides that the Secretary of Labor, to the extent necessary to prevent curtailment of opportunities for employment, shall by regulation or orders provide for the employment of learners, apprentices, and for messengers employed primarily in delivering letters and messages, under special certificates at lower wages;

Age Discrimination.—Amends the Age Discrimination in Employment Act of 1967 to include within its coverage Federal, State and local government employees (other than elected officials and certain aides not covered by civil service), and to expand coverage from employers with 25 or more employees to employers with 20 or more employees; and contains other provisions. S. 2747. Public Law 93-259, approved Apr. 8, 1974. (58,85)

Nonprofit hospital employees.—Extends coverage under the National Labor Relations Act to employees of private nonprofit hospitals; establishes certain new procedures governing labor relations in health care institutions (which is defined to include hospitals, nursing homes, health maintenance organizations, extended care facilities, health and medical clinics and other similar institutions caring for the sick, infirm or aged); exempts health care institution employees who object to joining labor organizations on religious grounds from union membership if they make comparable payments to a non-religious charitable fund; and contains several provisions designed to facilitate collective bargaining settlement and to provide advance notice of any strike or picketing involving a health care institution by requiring: (1) a 90-day notice of termination or expiration of a contract; (2) a 60-day notice to the Federal Mediation and Conciliation Service (FMCS) of such termination or expiration; (3) a 30-day notice of a dispute to FMCS in initial contract negotiations; (4) the health care institution and labor organization to participate in mediation at the direction of the FMCS; and (5) a 10-day notice to the health care institution before any picketing or strike (whether or not related to bargaining) can take place; and by permitting the FMCS (within 30 days after the notice of a contract expiration or within 10 days after the notice of new contract negotiations) to convene an impartial board of inquiry to help settle a potential or existing labor dispute and to report thereon within 15 days. S. 3203. Public Law 93-380, approved July 26, 1974. (177, 280)

Public service employment.—Establishes a one-year \$2.5 billion public service employment program to provide approximately 530,000 jobs in all areas of the country for persons unemployed during the current economic crisis by enlarging the current public service employment program under the Comprehensive

sive Employment and Training Act of 1973 (CETA); establishes a 1-year \$2.5 million special unemployment assistance program to provide unemployment assistance payments to unemployed workers who would not otherwise be eligible for such assistance under any other State or Federal unemployment compensation law; authorizes \$500 million for a job opportunities program to provide emergency financial assistance to stimulate maintain or expand job creating activities in areas, both urban and rural, which are suffering from unusually high levels of unemployment; and contains other provisions. H.R. 16596 (S. 4079). Public Law 93—, approved 1974. (504)

Vocational rehabilitation.—Amends the Rehabilitation Act of 1973 to extend for 1 year the authorizations throughout the Act; transfers the Rehabilitation Services Administration (RSA) from the Social and Rehabilitation Service into the Office of the Secretary of Health, Education and Welfare; requires that the RSA Commissioner be confirmed by the Senate and that he report directly to the Secretary, Under Secretary or an appropriate assistant Secretary; prohibits the delegation of programs and administrative functions vested in the Commissioner to any officer not directly responsible to him;

Makes certain clarifying amendments to more effectively express the original Congressional intent that the nondiscrimination provisions of section 504 were not limited to employment but are of general application and the provisions of both section 504 and of section 503, affirmative action, were not limited to the individual's potential benefit from vocational rehabilitation services;

Eliminates fiscal years 1976 and 1977 funding restrictions for client assistance projects; extends to June 30, 1975, the date on which the Secretary is to submit a report on the study of service needs for individuals with the most severe handicaps; authorizes grants for demonstrations of architectural and engineering designs for handicapped individuals; assigns the Office of the Handicapped (renamed the Office for Handicapped Individuals) to the office of the Secretary or Under Secretary of HEW;

Adds the Department of Defense as a member of the Architectural and Transportation Barriers Compliance Board and makes the Secretary of HEW the Chairman of the Board; requires a Consumer Advisory Panel composed of a majority of handicapped individuals; authorizes the Board to carry out its functions by grant or contract; makes a Board order binding on any Federal agency; authorizes the withholding of funds for buildings not in compliance;

Amends the Randolph-Sheppard Act in order to strengthen the provisions for the establishment and protection of blind vending operations on Federal property;

Calls upon the President to convene a White House Conference on the Handicapped to make recommendations for further research and action in the field of the handicapped;

And contains other provisions. H.R. 14225. Vetted Oct. 29, 1974. House overrode veto Nov. 20, 1974; Senate overrode veto Nov. 21, 1974. (472)

H.R. 17503 (identical to H.R. 14225). Public Law 93-516, approved Dec. 7, 1974. (VV)

West Coast dock strike.—Provides that no strike or lockout in the longshore or maritime industry in the States of Washington, Oregon, or California shall be permitted to interrupt normal shipping, for a period of 160 days beginning on the first day of the strike or lockout, from any port on the West Coast to Hawaii, the Trust Territory of the Pacific Islands, Guam, or American Samoa, for from Hawaii or any U.S. Pacific Island to any port on the West Coast; permits employees or labor organizations who are parties to labor disputes, or the chief executive officers of the island government, to petition any U.S. District Court with jurisdiction

to issue an injunction or temporary restraining order to enforce the 160-day prohibition which would be in addition to any 80-day "cooling off" period which might be invoked under Title II of the Labor Management Relations (Taft-Hartley) Act, thus providing a possible total of 240 days postponement of any disruption of West Coast-Hawaii waterborne commerce; and provides that the wage rates established in the agreement settling the dispute be made retroactive to cover work done during the 160-day moratorium. S. 1566. P/S July 17, 1974. (288)

MEMORIALS, TRIBUTES AND MEDALS

Al Kaline.—Congratulates Albert William Kaline of the Detroit Tigers for achieving his career goal of 3,000 hits. S. Res. 414. Senate adopted Sept. 30, 1974. (VV)

Aleksandr I. Solzhenitsyn.—Declares by proclamation Aleksandr I. Solzhenitsyn an honorary citizen of the United States. S.J. Res. 188. P/S Oct. 4, 1974. (VV)

B. Everett Jordan. Death of.—Expresses the sorrow of the Senate in respect to the death of former Senator B. Everett Jordan (D., N.C.). S. Res. 298. Senate adopted Mar. 22, 1974. (VV)

Betty Ford.—Extends to Mrs. Betty Ford the Senate's best wishes for a full, complete, and speedy recovery and return to her activities as First Lady. S. Res. 413. Senate adopted Sept. 30, 1974. (VV)

Cable Car Medals.—International Exposition on the Environment Medals.—Amends Public Law 93-114 to extend for 2 years until December 31, 1976, the authorization for the striking of medals commemorating the 100th anniversary of the invention of the cable car, and amends Public 93-221 to extend until March 31, 1975, the authorization for the striking of medals commemorating the International Exposition on the Environment at Spokane, Washington in 1975. S. 4037. P/S Sept. 30, 1974. (VV)

Chautauqua Institution.—Salutes Chautauqua Institution, in western New York, on the hundredth anniversary of its founding. S.J. Res. 230. P/S Aug. 1, 1974. (VV)

Children's Gift Bell Memorial.—Authorizes the American Freedom Train Foundation to erect in the District of Columbia, a Children's Gift Bell and Memorial Bell Tower in honor of the Nation's Bicentennial celebration of the signing of the Declaration of Independence. S.J. Res. 212. P/S Dec. 13, 1974. (VV)

Church of Jesus Christ of Latter Day Saints.—Commends the members of the Church of Jesus Christ of Latter Day Saints on July 24, the day commemorating the settling of the Great Salt Lake Valley, for their many achievements as a major religion and a humanitarian people. S. Res. 366. Senate adopted July 24, 1974. (VV)

Clara Barton House.—Authorizes the Secretary of the Interior to acquire, by donation only, from its present owners the former house of Clara Barton located in Glen Echo, Maryland, which served as the home of Clara Barton, founder of the American Red Cross and as the first headquarters for the American Red Cross. S. 3700. P/S July 22, 1974. Note: (Provisions contained in H.R. 13157, the National Historic Sites bill which became Public Law 93-486.) (VV)

Earl Warren.—Authorizes \$25,000 for an oil portrait and a marble bust of former Chief Justice Earl Warren to be placed in the United States Supreme Court Building. S.J. Res. 123. Public Law 93-423, approved Oct. 17, 1974. (VV)

Directs the Architect of the Capitol to transfer to the custody of the Chief Justice of the United States the catafalque to be used in the Supreme Court Building in connection with services to be conducted there for the late Honorable Earl Warren, former Chief Justice of the United States. S. Con. Res. 101. Senate adopted July 10, 1974; House adopted July 10, 1974. (VV)

Frank M. Scarlett Federal Building.—Designates the Federal Building, Post Office, and

U.S. Courthouse in Brunswick, Ga., as the "Frank M. Scarlett Federal Building". S. 2807. P/S Dec. 12, 1974. (VV)

Georges Pompidou. death of.—Expresses the sorrow of the Senate in respect to the death of Georges Pompidou, President of the Republic of France. S. Res. 304. Senate adopted Apr. 4, 1974. (VV)

Gerald R. Ford.—Extends best wishes to Gerald R. Ford upon his assumption to the Presidency and the assurance of Congressional cooperation. S. Con. Res. 108. Senate adopted Aug. 9, 1974. (VV)

Hank Aaron home run record.—Expresses the congratulations of the Senate to Hank Aaron, of the Atlanta Braves baseball team, on hitting home run number 714 on April 4, 1974, thereby tying the home run record of Babe Ruth. S. Res. 303. Senate adopted Apr. 4, 1974. (VV)

Expresses the congratulations of the Senate to Hank Aaron on hitting his 715th home run on the night of April 8, 1974, thereby surpassing the home run record set by Babe Ruth in 1935. S. Res. 305. Senate adopted Apr. 9, 1974. (VV)

Harry S. Truman Memorial Scholarship.—Establishes, as a living memorial to former President Harry S. Truman, a graduate and undergraduate scholarship program for persons preparing to careers in public service at all levels of government, establishes the Harry S. Truman Scholarship Foundation in the executive branch to supervise the program, and authorizes \$30 million for funding of the program. S. 3548. Public Law 93—, approved —1974. (VV)

Herbert Hoover.—Calls upon the Secretary of the Interior and the Administrator of General Services to conduct appropriate ceremonies in celebration of the one-hundredth anniversary of the birth of Herbert Hoover on August 10, 1974. S. Con. Res. 79. Senate adopted July 11, 1974; House adopted Aug. 6, 1974. (VV)

International House 50th anniversary.—Commends International House in New York City on the service which it performs on behalf of international understanding and world peace and extends congratulations on the occasion of its golden jubilee anniversary. S. Res. 421. Senate adopted Oct. 7, 1974. (VV)

J. Allen Frear Building.—Designates the Federal office building located in Dover, Delaware as the "J. Allen Frear Building" in honor of Senator J. Allen Frear. S. 3816. P/S Aug. 21, 1974. (VV)

J. Edgar Hoover medals.—Directs the Secretary of the Treasury to strike and furnish to the general public national medals honoring the late J. Edgar Hoover who, for 48 years, served as Director of the Federal Bureau of Investigation. H.R. 1817. Public Law 93-309, approved June 8, 1974. (VV)

Lyndon B. Johnson Conservation Corps Center and Lyndon B. Johnson National Grasslands.—Renames the Arrowood Civilian Conservation Corps Center, near Franklin, North Carolina, and the Cross Timber National Grasslands, in Wise and Montague Counties, Texas, in honor of Lyndon B. Johnson. S. 2835. Public Law 93-298, approved June 1, 1974. (VV)

Marine barracks memorial.—Authorizes the erection of a statute to commemorate the founding of the Marine Barracks in Washington, D.C. by President Thomas Jefferson 174 years ago. S. 4141. P/S Dec. 9, 1974. (VV)

Monument to 1st Infantry Division.—Authorizes the erection in the District of Columbia, of a monument to the dead of the First Infantry Division, United States Forces in Vietnam. S.J. Res. 66. Public Law 93-384, approved Aug. 23, 1974.

Paul H. Douglas Federal Building.—Designates the Federal office building at 230 South Dearborn Street, Chicago, Illinois as the "Paul H. Douglas Federal Building". S. 4006. P/S Dec. 12, 1974.

President Gerald R. Ford Federal Office Building.—Names the United States Courthouse and Federal Office Building in Grand

Rapids, Michigan, as the "President Gerald R. Ford Office Building." H.R. 11897. Public Law 93- , approved 1974. (VV)

Purple Heart to Unknown Soldiers in Arlington Cemetery.—Expresses to the Secretaries of the military departments concerned the sense of the Congress that the Purple Heart should be posthumously awarded to the members of the Armed Forces of the United States interred in the Tomb of the Unknowns at Arlington National Cemetery, Virginia. S. Con. Res. 44. Senate adopted Dec. 13, 1974. (VV)

San Francisco Cable Car and Jim Thorpe Medals.—Extends for 2 years the authorizations for the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe. H.R. 17655. Public Law 93- , approved 1974. (VV)

Smokey Bear Memorial.—States the sense of the Congress that Smokey Bear shall be returned upon his death to his place of birth, Capitan, New Mexico for burial and a permanent memorial. H. Con. Res. 564. House adopted Aug. 5, 1974; Senate adopted Sept. 5, 1974. (VV)

Southeast Asia Military Decorations Time Limitation.—Extends the statutory limit within which the recommendation for, and actual award of, certain military decorations must occur for acts, achievements or service performed during the hostilities in Southeast Asia between July 1, 1958, and March 28, 1973. H.R. 15148. Public Law 93-469, approved Oct. 24, 1974. (VV)

Thomas Jefferson University 150th Anniversary.—Extends the congratulations of the Senate to Thomas Jefferson University, in Philadelphia, on the occasion of its 150th anniversary. S. Res. 434. Senate adopted Nov. 18, 1974. (VV)

University of Nevada Centennial.—Extends the congratulations of the Congress upon the occasion of the centennial anniversary of the University of Nevada. S. Con. Res. 87. Senate adopted Sept. 12, 1974. (VV)

Veterans Day.—Redesignates November 11 of each year as Veterans Day and makes such day a legal public holiday. S. 4081. P/S Oct. 10, 1974. (453)

William Jennings Bryan Statute.—Directs the Secretary of the Interior to donate the statue of William Jennings Bryan which was originally erected in the District of Columbia by the William Jennings Bryan Memorial Association to the city of Salem, Illinois, the place of his birth. H.R. 5507. Public Law 93-432, approved Oct. 4, 1974. (VV)

NATURAL RESOURCES

American Fisheries Protection.—Extends unilaterally U.S. fishery jurisdiction from 12 miles to 200 miles until a general agreement is reached at the United Nations Law of the Sea Conference establishing an effective international regulatory regime and extends U.S. control over anadromous (salmon) stocks wherever they may range on the high seas; provides that traditional foreign fishing may be allowed only to the extent that the optimum sustainable yield cannot be harvested by U.S. citizens; establishes a Marine Fisheries Management Council which would be required to report to Congress within 2 years the elements of a marine fisheries management system; requires the Secretary of State to negotiate new treaties and renegotiate existing ones to achieve consistency with this act; provides that this act shall not extend or diminish the jurisdiction of any State over any natural resources beneath and in the waters beyond the territorial sea of the United States; specifies prohibitions under the act, including violations of international fishery agreements, and provides for civil penalties not to exceed \$25,000 for each day of violation, criminal penalties to exceed a \$50,000 fine and/or 1 year imprisonment, and civil forfeiture of any fish or fishing gear used in violation of the act; empowers

the Secretary of Commerce and the Coast Guard to enforce the provisions of the act with the right to board and inspect vessels, to arrest suspected violators, to execute processes issued by the court and to seize suspected fish and gear; authorizes \$4 million to the Secretary of Commerce and \$13 million to the Secretary of the Department in which the Coast Guard is operating for each of fiscal years 1975, 1976, and 1977; and contains other provisions. S. 1988. P/S Dec. 11, 1974. (500)

Anadromous Fish Conservation.—Amends the Anadromous Fish Conservation Act to extend the program for conservation of fish which migrate upstream to spawn in the Great Lakes an additional 5 years, to June 30, 1979; broadens the act to allow for the control of the sea lamprey; increases Federal participation in cooperative projects undertaken by two or more States from 60 to 66 2/3 percent; and authorizes therefor \$20 million for each of fiscal years 1975-1979. H.R. 11295. Public Law 93-362, approved July 30, 1974. (VV)

Arapaho National Forest.—Extends the boundaries of the Arapaho National Forest and authorizes the transfers of approximately 14,000 acres of public lands from the Secretary of the Interior to the Secretary of Agriculture. S. 3615. Public Law 93- , approved 1974. (VV)

Big Cypress National Preserve, Florida.—Establishes the Big Cypress National Preserve in the State of Florida to protect a large portion of the Big Cypress Watershed which is critical to the survival of the subtropical environment within the Everglades National Park. H.R. 10088. Public Law 93-440, approved Oct. 11, 1974. (VV)

Big Thicket National Preserve, Texas.—Authorizes the Secretary of the Interior to acquire such lands, waters, and interest on a specified section of land in the State of Texas for the establishment of the Big Thicket National Preserve. H.R. 11546. Public Law 93-439, approved Oct. 11, 1974. (VV)

Boston National Historic Park.—Authorizes the Secretary of the Interior to acquire by purchase or donation the following areas of historical importance located in Boston, Massachusetts: Faneuil Hall; the Paul Revere House; the Old State House; Bunker Hill; the Old South Meeting House; the Old North Church; and the Charlestown Navy Yard, and authorizes \$2,740,000 for land acquisition, \$12,818,000 for development costs and an additional \$11,500,000 for the Charlestown Navy Yard. S. 210. Public Law 93-431, approved Oct. 1, 1974. (VV)

Canaveral National Seashore, Florida.—Establishes the Canaveral National Seashore in the State of Florida consisting of approximately 20 miles of beaches and a lagoon area and provides that the Fish and Wildlife Service will administer the lagoon area for refuge purposes and the National Park Service will administer the remainder of the area as a National Seashore. H.R. 5773. Public Law 93- , approved 1974. (VV)

Cascade Head Scenic-Research Area, Oregon.—Establishes the Cascade Head Scenic-Research Area in Oregon consisting of approximately 8,910 acres adjacent to the Siuslaw National Forest. H.R. 8352. Public Law 93- , approved 1974. (VV)

Chlorine Allocation.—Gives the Secretary of Commerce stand-by allocation authority, on a case-by-case basis, to require producers to supply chlorine to meet priority uses of drinking water, waste water treatment systems, food processing and other public health purposes in order to prevent the possibility of a public health disaster caused by an inadequate supply; provides that an authorized applicant with an inadequate supply may apply to the Environmental Protection Agency for a prompt determination of need for chlorine and requires the Secretary, upon a favorable determination, to order that a specified amount of chlorine be supplied to

the applicant; requires the Secretary to distribute such order equitably; and provides civil and criminal penalties for violations. S. 2846. P/S June 4, 1974. (VV)

Conservation on Military and Other Federal Lands.—Extends through fiscal year 1978 the game conservation and rehabilitation programs carried out on military reservations and provides new authority for carrying out such programs on certain other Federally owned lands; authorizes \$1.5 million per year to the Secretary of Defense and \$2 million per year to the Secretary of the Interior to carry out the programs on military reservations; authorizes \$10 million per year to the Secretary of Agriculture and \$10 million per year to the Secretary of the Interior to carry out the programs on certain lands of the Department of the Interior, and its responsibilities with respect to lands of the Atomic Energy Commission and lands of the National Aeronautics and Space Administration; maintains existing Indian rights to hunting and fishing on these lands; requires that hunting, fishing and trapping be in accordance with applicable State laws; requires that comprehensive plans and cooperative agreements for wildlife management adequately protect endangered fish and wildlife; and contains other provisions. H.R. 11537. Public Law 93-452, approved Oct. 18, 1974. (290)

Cuyahoga Valley National Recreation Area, Ohio.—Authorizes the Secretary of the Interior to acquire such lands within a specified area for the establishment of the Cuyahoga Valley National Recreation Area in Ohio. H.R. 7077. Public Law 93- , approved 1974. (VV)

Egmont Key National Wildlife Refuge.—Designates all of the land on Egmont Key, Florida, except for those lands under the jurisdiction of the Coast Guard and Hillsborough County, as the Egmont Key National Wildlife Refuge. H.R. 8677. Public Law 93-341, approved July 10, 1974. (VV)

Fish and Wildlife Service.—Abolishes, within the Department of the Interior, the position of Commissioner of Fish and Wildlife, the Bureau of Sport Fisheries and Wildlife and its Office of Director and vests all such duties and responsibilities in the redesignated United States Fish and Wildlife Service to be headed by a Director at an increased level of pay. H.R. 13542. Public Law 93-271, approved Apr. 22, 1974. (VV)

Golden Gate National Recreation Area.—Amends Public Law 92-589 which established the Golden Gate National Recreation Area in San Francisco and Marin Counties, California, to include certain parcels of land omitted from the original boundaries or subsequently deemed suitable for inclusion within the area. H.R. 10834. Public Law 93- , approved 1974. (VV)

Grand Canyon National Park.—Provides greater protection to the Grand Canyon of Arizona by creating the Grand Canyon National Park which will be managed as a single natural area by the National Park Service. S. 1296. Public Law 93- , approved 1974. (VV)

Granger Dam.—Changes the name of Lanepart Dam on the San Gabriel River in Texas to Granger Dam. H.R. 11802. Public Law 93- , approved 1974. (VV)

Harpers Ferry National Monument.—Authorizes \$1.3 million for the acquisition of land to increase the size of the Harpers Ferry National Park and provides shuttle transportation service within the park and places a \$8,690,000 limit on development funds for the area. S. 605. Public Law 93-466, approved Oct. 24, 1974. (VV)

Hell's Canyon Recreational Area.—Establishes the Hell's Canyon National Recreation Area along the Snake River within the States of Idaho, Oregon, and Washington consisting of approximately 700,000 acres plus an additional 270,000 acres of wilderness, and deauthorizes the Asotin Dam which was au-

thorized under the provisions of the Flood Control Act of 1962. S. 2233. P/S Sept. 26, 1974. (VV)

Indoor Recreation Facilities.—Amends the Land and Water Conservation Fund Act by adding new authority which permits a State to use not more than 25 percent of its total annual allocation from the Fund for the planning and development of sheltered recreational facilities within specified areas thus permitting the enclosure of swimming pools, ice skating rinks, tennis courts, and similar outdoor facilities for year-round use where climate now controls the season or where there is a shortage of available land. S. 2661. P/S May 30, 1974. (VV)

Kaniku National Forest, Washington.—Authorizes the Secretary of Agriculture to enter into land exchange agreements for non-Federal lands for inclusion in the Kaniku National Forest in Washington. S. 3289. P/S Aug. 16, 1974. (VV)

Land and Water Conservation Fund.—Increases the basic level of the Land and Water Conservation Fund from \$300 million to \$1 billion annually; establishes a five-year National Historic Preservation Fund to finance the Historic Preservation Act; requires the President to make the following appointments with the advice and consent of the Senate: Directors of the Bureau of Land Management, Director of the National Park Service, Director of the Bureau of Outdoor Recreation, the Commissioner of Reclamation and the Governor of American Samoa; permits each State to use its share of oil shale revenues for planning, construction and maintenance of public facilities and provision of public services; authorizes the Department of Interior to accept the gift of property adjacent to the Franklin D. Roosevelt home at Hyde Park, New York. S. 3839. P/S Dec. 18, 1974. (VV)

Lone Rock Lake Project.—Provides for deauthorization of the Lone Rock Lake project on the Buffalo River, Ark., as a modification of the flood control program for the White River Basin, Missouri and Arkansas. S. 1961. P/S Jan. 23, 1974. (VV)

Lowell Historic Canal, Massachusetts.—Establishes the Lowell Historic Canal District Commission which is directed to prepare a plan for the preservation, development, interpretation, and use of the historic, cultural, and architectural resources of Lowell, Massachusetts, and to submit the completed plan to the Congress within 2 years. H.R. 14689. Public Law 93- , approved 1974. (VV)

National Historic Sites.—Authorizes the establishment of the Clara Barton National Historic Site, Md.; John Day Fossil Beds National Monument, Oreg.; Knife River Indian Villages National Historic Site, Mass.; Tuskegee Institute National Historic Site, Ala.; Martin Van Buren National Historic Site, N.Y.; and the Sewell-Belmont House National Historic Site, Washington, D.C. H.R. 13157. Public Law 93-486, approved Oct. 26, 1974. (VV)

National Ocean Policy Study.—Authorizes the Committee on Commerce to make a full and complete National Ocean Policy Study to be undertaken with representative ex officio membership from other standing Committees of the Senate having a jurisdictional interest over the elements of the Study as well as six members from Coastal States to be selected by the President Pro Tempore without regard to Committee membership (such study to include, but not limited to, a thorough examination of the issues involved in the following areas: marine fisheries and other living resources; mineral resources of the seabed and subsoil; coastal zone management; ocean transportation; research and technology; law of the sea; government organization; pollution; Federal budget; and education), and to submit a report of its findings together with any legislative recommendations to the Senate. S. Res. 222. Senate adopted Feb. 19, 1974. (VV)

National Park System Acquisition.—Increases the appropriations ceilings and makes boundary changes in the following units of the National Park System: Biscayne National Monument, Fla.; Channel Islands National Monument, Calif.; Colonial National Historical Park, Va.; Cumberland Gap National Historical Park, Ky. and Tenn.; Fort Mifflin National Battlefield, Pa.; Independence National Historical Park, Pa.; Indiana Dunes National Lakeshore, Ind.; International Peace Garden, N. Dak.; Lava Beds National Monument, Calif.; Moores Creek National Military Park, N.C.; Morristown National Historical Park, N.J.; Ohio and Erie Canal, Ohio; Rocky Mountain National Park, Colo.; San Juan National Historic Site, P.R.; and Virgin Islands National Park, V.I. H.R. 14217. Public Law 93-477, approved Oct. 26, 1974. (VV)

National Resource Lands Management.—Provides for the management, protection, and development of 451 million acres of federally owned lands administered by the Secretary of the Interior through the Bureau of Land Management and designated "national resource lands" in order to signify their importance; establishes the policy that, except where disposal is consistent with the conditions of the act, national resource lands will be retained in Federal ownership; directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands, review those lands for potential wilderness areas, develop land use plans, and manage the lands in accordance with the plans;

Provides the basic authority and guidelines for both conveying and acquiring national resource lands or interest in lands; requires, with certain exceptions, that lands be disposed of at fair market value, under competitive bidding, and with the mineral interest retained in Federal ownership; provides a number of specific management and enforcement authorities and establishes a working capital fund;

Authorizes the Secretary to grant rights-of-way on national resource lands for such purposes as roads, trails, canals, and powerlines but does not provide new authority to grant rights-of-way for oil and gas pipelines which is contained in the Alaska pipeline act; repeals or amends numerous laws relating to Federal lands; provides that States may use revenues received from oil shale development for general governmental purposes rather than exclusively for public roads and school buildings; and contains other provisions. S. 424. P/S July 8, 1974. (273)

O. C. Fisher Dam and Lake.—Designates San Angelo Dam and Reservoir on North Concho River as the "O. C. Fisher Dam and Lake". H.R. 15322. Public Law 93- , approved 1974. (VV)

Pacific Northwest Power.—Establishes a Bonneville Power Administration Fund in the U.S. Treasury to receive revenues from electric power sales, appropriations made by the Congress, receipts from the sales of bonds, and miscellaneous other receipts of the Bonneville Power Administration; and authorizes the Bonneville Power Administrator to issue bonds and sell them to the Secretary of the Treasury to assist in financing the construction, acquisition, and replacement of the Bonneville electric power transmission system. S. 3362. Public Law 93-454, approved Oct. 18, 1974. (VV)

Piscataway Park.—Authorizes the acquisition of certain lands in Maryland, including the Marshall Hall Amusement Park, across the Potomac River from Mount Vernon in order to preserve the view from the home of the Nation's first President. H.R. 4681. Public Law 93-443, approved Oct. 15, 1974. (VV)

Reclamation Development Projects.—Authorizes, enlarges, and repairs the following Federal reclamation projects: (1) incorpora-

tion of Page, Arizona; (2) Cibola dam and reservoir project, Texas; (3) Mountain Park water project, Oklahoma; (4) Casitas Reservoir Open Space, California; (5) Klamath Project Right-of-Way, Oregon; (6) Solano Project Recreational Facilities, California; (7) miscellaneous drainage construction in Utah; (8) Belle Fourche Dam Rehabilitation, So. Dakota; (9) Glendo Unit road reconstruction, Wyoming; (10) Elephant Butte Recreation Pool, New Mexico; (11) Nueces River Project, Texas; (12) Frypan-Arkansas project, Colorado; (13) Savage Rapids Fish Way, Oregon; and (14) feasibility investigations for water resource development projects for the following: Water Management Plan—Solano County, California; Municipal Water Supply Delivery System, Yuma, Arizona; and Apple Creek Project, No. Dakota. H.R. 15736. Public Law 93-493, approved Oct. 27, 1974. (VV)

Recreation Use Fees.—Amends the Land and Water Conservation Fund Act to detail those facilities on Federal recreation lands for which no use fee may be charged and retains general criteria for fee requirements for all other locations. S. 2844. Public Law 93-303, approved June 7, 1974. (VV)

Rivers and Harbors.—Public Works.—Authorizes, in title I, water resources development projects; and authorizes, in title II, the River Basin Monetary Authorization Act of 1974, a monetary increase for certain comprehensive river basin plans previously authorized by Congress, at an approximate cost of \$1.33 billion, of which \$550 million is for title I projects and \$780 million is for title II river basins;

Establishes a new procedure for authorization of major water resources development projects of the Corps of Engineers which authorizes the Secretary of the Army, acting through the Chief of Engineers, to undertake the Phase I design memorandum stage of advanced engineering and design of certain named major water resources development projects, substantially in accordance with, and subject to conditions recommended by the Chief of Engineers, and authorizes the Secretary of the Army to undertake advanced engineering and design for the projects after completion of the Phase I stage only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the House and the Senate, that the project is without substantial controversy, is substantially in accordance with the conditions recommended by the Chief of Engineers or the Secretary of the Army, respectively, and that the advanced engineering and design will be compatible with any project modifications which may be under construction;

Provides for deauthorization of projects through the Chief of Engineers, and submission to Congress of a list of those authorized projects which have been authorized for at least 8 years without any congressional appropriations within the last 8 years and which he determines should no longer be authorized, which then become deauthorized unless either the House or Senate Committee on Public Works, within a certain time, adopts a resolution stating that the project shall continue to be an authorized project;

Enacts into law the discount rate of 5 1/2 percent approved by the President May 29, 1962, as amended and published in the Federal Register December 24, 1968, and the pre-1968 discount rate for projects authorized prior to 1969 which have assurances as to non-Federal payment of project costs;

Authorizes a streambank erosion control demonstration program and a national shoreline erosion control development and demonstration program; and contains other provisions. H.R. 10203 (S. 2798). Public Law 93-251, approved Mar. 7, 1974. (735)

Rocky Mountain National Park, Colorado.—Revises the western boundary of the Rocky Mountain National Park in the State of Colorado to include an additional 1,556.21

acres, consisting of several parcels in the Kawuneeche Valley. S. 2394. P/S Feb. 25, 1974. NOTE: (Provisions contained in H.R. 14217, the National Park System bill which became Public Law 93-477.) (VV)

Saline Water Conversion Authorization.—Authorizes \$3,029,000 for fiscal year 1975 and maintains the 1974 activity level for the saline water conversion program conducted by the Secretary of the Interior. H.R. 13221. Public Law 93-342, approved July 10, 1974. (VV)

Sequoia National Park Hydroelectric Project.—Authorizes the Secretary of the Interior to issue a permit for the use of Federal land in Sequoia National Park for the Kaweah No. 3 Hydroelectric project of Southern California Edison Co.; terminates the permit when existing of future licenses granted by the Federal Power Commission expire or not later than 10 years; specifies that the permit is to contain terms and conditions considered necessary by the Secretary to protect the Park; and states that the permit shall set forth that the privileges granted by it are to be exercised in accordance with applicable rules and regulations of the Federal Power Act. H.J. Res. 444. Public Law 93-522, approved Dec. 14, 1974. (VV)

Snake River Bridge.—Authorizes construction of an additional highway bridge across the Snake River at the Washington-Idaho border between Clarkston, Washington and Lewiston, Idaho. S. 3563. P/S Oct. 10, 1974. (VV)

Sumner Dam and Lake.—Renames the Alamogordo Dam and Reservoir on the Pecos River, New Mexico, as the Sumner Dam and Lake Sumner respectively. S. 2001. Public Law 93-447, approved Oct. 17, 1974. (VV)

Teton National Forest.—Extends the general exchange authority of the Forest Service to include certain land adjacent to the Teton National Forest, and to facilitate an exchange of land between the town of Jackson, Wyoming and the Forest Service as part of the Teton National Forest. S. 3489. Public Law 93- , approved 1974. (VV)

Wild and Scenic Rivers—Chattooga River.—Extends for 5 years, to October 2, 1978, the protection period for water resource projects for the 27 rivers now under study for possible inclusion in the national wild and scenic rivers system; increases the funding authorization from \$17 million to \$37.6 million to permit completion of acquisitions for seven of the eight rivers designated as the first components of the system and establishes a deadline of June 30, 1979, for expenditure of authorized funds; authorizes the Secretaries of the Interior and Agriculture to acquire State land within the river corridors for components of the system not only by donation but also by exchange of Federal land in other areas; removes the authority of either Secretary, without ever reporting to Congress, to terminate a study of, and remove protection for, any river which Congress has designated for study; requires the President to report to Congress on each river study; designates a section of the Chattooga River, North Carolina, South Carolina and Georgia, as a part of the national Wild and Scenic River System and authorizes therefor \$2 million for acquisition of lands and interests and \$809,000 for development; and contains other provisions. Note: (The general amendments to the Wild and Scenic Rivers were contained in S. 921 which passed the Senate Sept. 24, 1973.) H.R. 9492. Public Law 93-279, approved May 10, 1974. (VV)

Wild and Scenic Rivers—New River.—Amends the Wild and Scenic Rivers Act to designate an approximate 70 mile segment of the New River (which according to geologists is the oldest river in the United States and the only remaining segment of the North American continent's original prehistoric watershed) located in North Carolina and Virginia for study for possible inclusion in

the national wild and scenic rivers system, such study not to extend beyond 2 years from the date of enactment of this act. S. 2439. P/S May 29, 1974. (208)

Wild and Scenic Rivers—St. Croix River.—Amends the Wild and Scenic Rivers Act, as amended, to designate segments of the following 23 rivers in 10 States for study for possible inclusion in the national wild and scenic rivers system: 1) Au Sable, Michigan; 2) Mainstem, Michigan; 3) Wisconsin, Wisconsin; 4) West Fork of the Sipsey Fork, Alabama; 5) Cahaba, Alabama; 6) Kettle, Minnesota; 7) Upper Mississippi, Minnesota; 8) American, California; 9) Tuolumne, California; 10) Illinois, Arkansas and Oklahoma; 11) Shepaug, Connecticut; 12) Colorado, Colorado and Utah; 13) Gunnison, Colorado; 14) Los Pinos, Colorado; 15) Big Thompson, Colorado; 16) Green, Colorado; 17) Conejos, Colorado; 18) Elk, Colorado; 19) Cache La Poudre, Colorado; 20) Piedra, Colorado; 21) Encampment, Colorado; 22) Yampa, Colorado; and 23) Dolores, Colorado; provides a 5-year period for completion of the studies with October 2, 1979, as the deadline for all the studies except the Dolores River in Colorado which shall be completed by October 2, 1975; and amends the Lower Saint Croix River Act of 1972 to increase from \$7,275,000 to \$19 million the authorization for the acquisition and development of land. S. 3022. P/S Oct. 3, 1974; P/H amended Nov. 18, 1974; in conference. (VV)

WILDERNESS AREAS

Eastern Wilderness.—Designates certain areas in the eastern section of the United States as wilderness areas within the National Wilderness Preservation System under the management of the Secretary of Agriculture; designates additional areas within the continental United States and Puerto Rico for study by the Secretary for possible inclusion in the wilderness system; amends the Wilderness Act of 1964 to facilitate the administration of the National Wilderness Preservation system, and promote uniformity of management of wilderness areas in the East and West. S. 3433. Public Law 93- , approved 1974. (VV)

Farallon Wilderness—Point Reyes National Seashore.—Designates as wilderness approximately 141 acres within the Farallon National Wildlife Refuge, California and adds certain lands to the Point Reyes National Seashore, California. H.R. 11013. Public Law 93- , approved 1974. (VV)

Great Dismal Swamp.—Establishes the Great Dismal Swamp National Wildlife Refuge in the States of Virginia and North Carolina and authorizes for this purpose \$1 million for fiscal year 1975, and \$3 million each for fiscal years 1976 and 1977. H.R. 3620. Public Law 93-402, approved Aug. 30, 1974. (VV)

National Wilderness Areas.—Designates six wilderness areas, totalling approximately 999,088 acres in national forests in the States of California, Colorado, and Montana—the Agua Tibia Wilderness in the Cleveland National Forest, California, the Emigrant Wilderness in the Stanislaus National Forest, California, the Flat Tops Wilderness in the Routt and White River National Forests, Colorado, the Eagles Nest Wilderness in the Arapaho and White River National Forests, Colorado, the Weminuche Wilderness in the Rio Grande and San Juan National Forests, Colorado and the Mission Mountains Wilderness in the Flathead National Forest, Montana. H.R. 12884. P/H May 6, 1974; P/S amended Aug. 1, 1974; House agreed to Senate amendments with an amendment Dec. 17, 1974. (VV)

Designates as wilderness the following 14 National Wildlife Refuge areas consisting of approximately 141,186 acres: (1) Chamisso Wilderness, Alaska; (2) Simeonof Wilderness, Alaska; (3) Florida Keys Wilderness, Florida; (4) St. Marks Wilderness, Florida;

(5) Blackbeard Island Wilderness, Louisiana; (6) Moosehorn Wilderness (Baring Unit), Maine; (7) Brigantine Wilderness, New Jersey; (8) Bosque del Apache Wilderness, New Mexico; (9) Chase Lake Wilderness, North Dakota; (10) Lostwood Wilderness, North Dakota; (11) West Sister Island Wilderness, Ohio; and (12) Cape Roman Wilderness, South Carolina. S. 600. P/S Nov. 22, 1974. (VV)

Okefenokee Wilderness.—Designates approximately 343,850 acres located within the Okefenokee Wildlife Refuge in the State of Georgia as wilderness. H.R. 6395. Public Law 93-429, approved Oct. 1, 1974. (VV)

Snow Mountain Wilderness.—Designates certain lands in the Mendocino National Forest, Calif., as the Snow Mountain Wilderness. S. 114. P/S Oct. 11, 1974. (VV)

Weminuche Wilderness.—Designates approximately 433,745 acres in the Rio Grande and San Juan National Forests, in Colorado, as the "Weminuche Wilderness". S. 1863. P/S Feb. 7, 1974. (VV)

*Wildlife Refuge Rights-of-way.—Requires that the fair market value payment of rights-of-way, easements, or reservations in, over, across, or through lands within the National Wildlife Refuge System be used for additional land acquisition for the purpose of replacing such lands; adds legislation whereby the Secretary of the Interior may permit the use of any area within the System for powerlines, telephone lines, canals, ditches, pipelines or roads only if it is found to be the most feasible alternative for such purpose after all reasonable alternatives have been reviewed; and requires that national wildlife refuge revenues be used for the acquisition of refuge areas. H.R. 11541. Vetted Oct. 22, 1974. (VV)

Provides for the replacement of lands within the National Wildlife Refuge System that are permitted to be used for roads, canals, and pipelines; requires the grantee of a right-of-way easement or reservation within the system to pay to the Secretary of the Interior the fair market value as determined by him on the date of conveyance, such sums to be deposited in the migratory bird conservation fund and earmarked for land acquisition purposes only; grants the Secretary the option of collecting such fees in one payment or at an annual rental basis; and provides that any excess wildlife refuge receipts (after payment to counties) would be earmarked for the migratory bird conservation fund for land acquisition. H.R. 17434. Public Law 93-509, approved Dec. 3, 1974. (VV)

*Willow Creek Dam, Oregon.—Provides for reformulation and construction of the Willow Creek Dam project for purposes of flood control, recreation, fish and wildlife, and future irrigation use and authorizes advance Federal participation with the city of Heppner in the design and construction of those elements of the water system which must be relocated as a result of construction. S. 3537. Vetted Dec. 17, 1974. (VV)

NOMINATIONS

(Action by roll call vote)

Brig. Gen. Charles A. Gabriel to the temporary rank of maj. gen., USAF.—Nomination confirmed Apr. 24, 1974. (143)

Melvin A. Conant, of New York, to be Assistant Administrator of the Federal Energy Administration.—Nomination confirmed Dec. 13, 1974. (507)

Nelson A. Rockefeller, of New York to be Vice President of the United States.—Senate confirmed Dec. 10, 1974; House confirmed Dec. 19, 1974. (498)

John C. Sawhill, of Maryland, to be Administrator of the Federal Energy Administration.—Nomination confirmed June 18, 1974. (248)

Maj. Gen. Alton D. Slay to the permanent rank of Maj. Gen., USAF.—Nomination confirmed Apr. 24, 1974. (142)

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PROCLAMATIONS

American Business Day.—Designates May 13, 1974, as "American Business Day". S.J. Res. 195. P/S May 2, 1974. (VV)

America's Hospitalized Veterans.—Designates Monday, February 10, 1975, as a day of salute to America's hospitalized veterans. S.J. Res. 227. P/S Dec. 16, 1974. (VV)

First Continental Congress Anniversary.—Proclaims October 14, 1974, a day of national observance for the two hundredth anniversary of the First Continental Congress. S. Con. Res. 85. Senate adopted May 14, 1974; House adopted May 16, 1974. (VV)

Good Neighbor Day.—Designates the fourth Sunday of each year as "Good Neighbor Day". S.J. Res. 235. P/S Sept. 19, 1974. (VV)

Honor America.—Declares the twenty-one days from Flag Day, June 14, 1974, to Independence Day, July 4, 1974, as a period to honor America. H. Con. Res. 537. House adopted June 13, 1974; Senate adopted June 17, 1974. (VV)

Johnny Horizon '76 Clean Up America Month.—Designates the period of September 15, 1974, through October 15, 1974, as "Johnny Horizon '76 Clean Up America Month". H.J. Res. 1070. Public Law 93-418, approved Sept. 18, 1974. (VV)

March of Dimes Birth Defects Prevention Month.—Designates the month of January 1975 as "March of Dimes Birth Defects Prevention Month". S.J. Res. 224. Public Law 93- , approved 1974. (VV)

Meals-on-Wheels Week.—Designates the week of September 23 through September 27, 1974, as "Meals-on-Wheels Week". S. Res. 509. Senate adopted Sept. 24, 1974. (VV)

National Agriculture Week.—Designates the last full week of March of each year as "National Agriculture Week". S.J. Res. 163. P/S Mar. 19, 1974. (VV)

National Amateur Radio Week.—Designates the week beginning June 17, 1974, as "National Amateur Radio Week". S.J. Res. 197. P/S May 2, 1974. (VV)

National DeMolay Week.—Designates the period from March 16 to March 23, 1975, as "National DeMolay Week". S.J. Res. 238. P/S Sept. 4, 1974. (VV)

National Historic Preservation Week.—Designates the week beginning May 6, 1974, as "National Historic Preservation Week". S.J. Res. 175. P/S May 2, 1974. (VV)

National Hunting and Fishing Day.—Designates the fourth Saturday of September 1974, as "National Hunting and Fishing Day". H.J. Res. 910. Public Law 93-424, approved Sept. 27, 1974. (VV)

National Legal Secretaries Court Observance Week.—Designates the second full week in October 1974 as "National Legal Secretaries Court Observance Week". H.J. Res. 898. Public Law 93-442, approved Oct. 14, 1974. (VV)

National Student Government Day.—Designates November 29, 1974, as "National Student Government Day". S.J. Res. 258. P/S Nov. 19, 1974. (VV)

National Volunteer Week.—Designates the week of April 21-27 as "National Volunteer Week". S.J. Res. 179. P/S Mar. 19, 1974. (VV)

United States Space Week.—Designates the seven day period of July 15 through 21, 1974, as "United States Space Week". H. Con. Res. 223. House adopted June 28, 1974; Senate adopted amended July 11, 1974; House agreed to Senate amendment July 16, 1974. (VV)

Women's Equality Day.—Designates August 26, 1974, as "Women's Equality Day" in commemoration of that day in 1920 on which women were first guaranteed the right to vote. H.J. Res. 11105. Public Law 93-382, approved Aug. 22, 1974. (VV)

Youth Art Month.—Designates March of each year as "Youth Art Month". S.J. Res. 41. P/S Dec. 16, 1974. (VV)

TRANSPORTATION-COMMUNICATIONS

Aircraft Hijacking.—Amends the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy on both the international and domestic levels; implements, in Title I, the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention—Ex. A [1924-1st] to which the United States is a party and which came into effect on October 4, 1971; broadens jurisdictional definitions covering aircraft piracy and for the offense of aircraft piracy imposes the penalty of imprisonment of not less than 20 years with the death penalty to be imposed subject to specific procedural requirements; provides the President the authority to suspend air service between the United States and any foreign nation he determines is not acting consistently with the provisions of the Hague Convention; permits the Secretary of Transportation, with the approval of the Secretary of State, to restrict, limit, or revoke the operating authority of any foreign air carrier failing to afford necessary security safeguards to the traveling public and provides a civil penalty of not to exceed \$1,000 per day for violations; provides, in Title II, for the screening of all passengers and carry on baggage by weapons detecting devices prior to their being boarded on the aircraft; establishes under the Administrator of the Federal Aviation Administration an Air Transportation Security Force to provide a Federal law enforcement presence at the nation's major airports; and contains other provisions. S. 39. Public Law 93-366, approved Aug. 5, 1974.

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Aircraft Piracy.—Amends the Federal Aviation Act of 1958 to establish specific offenses for imparting or conveying threats to do certain proscribed acts and make more explicit the requisite intent for these felony sanctions; distinguishes "threats" from "false information" prosecution; broadens current law by making it a Federal crime for a person to knowingly carry aboard or place aboard an aircraft in air transportation a concealed explosive or other dangerous substance except for law officers and certain other purposes; and contains other provisions. S. 872. P/S Mar. 12, 1974. (VV)

Alien Radio Station Licenses.—Amends the Communications Act of 1934, as amended, to permit direct licensing of aliens and corporations with certain alien officers, directors, or stockholders rather than licensing them indirectly as a subsidiary corporation and deletes the requirement that the FCC follow certain prescribed procedures to make an intra-government security check on aliens who apply for permission to operate their amateur radio stations in the United States pursuant to a bilateral agreement extending such privileges to United States citizens on a reciprocal basis. S. 2457. Public Law 93-505, approved Nov. 30, 1974. (VV)

Amtrak Authorization.—Authorizes funds for the National Railroad Passenger Corporation (Amtrak) for 1975; increases the maximum amount of loans to the Corporation which may be guaranteed at any one time by the Secretary of Transportation from \$500 million to \$900 million; increases the amounts of Federal grants authorized for the Corporation by \$200 million; prohibits any one railroad or person from voting any shares which it owns in excess of one-third of the total number of Amtrak common shares held; requires Amtrak to institute rail passenger service beyond the basic system requested by a State or local agency which agrees to pay two-thirds of the cost; freezes until July 1, 1975, existing route services; contains provisions relating to the enforcement power and regulatory authority of the Interstate Commerce Commission; directs Amtrak to perform maintenance, repair and rehabilitation of its equipment; directs the Secretary of Transportation to facilitate customs inspection procedures on Amtrak trains operating in international intercity service; requires a thorough and comprehensive

study of the future transportation needs of the entire west coast as contained in S. 1328, the West Coast Corridor Feasibility Study Act of 1974; requires the Secretary to plan and construct a model intermodal transportation terminal at Union Station in the District of Columbia; and contains other provisions. H.R. 15427. Public Law 93-496, approved Oct. 28, 1974. (344)

Amtrak Officials.—Increases the annual compensation which may be paid the Chief Executive officer of AMTRAK to \$85,000. S. 4242. P/S Dec. 19, 1974. (VV)

Broadcast License Renewal.—Amends the Communications Act of 1934 to provide for the renewal of licenses for the operation of broadcasting stations for a five year term; directs the Federal Communications Commission to establish by rule procedures for broadcast licensees to follow throughout the terms of their licenses to ascertain the needs of the residents of their service areas for purposes of program services prescribing different procedures for different classes of broadcast stations; directs the FCC at renewal time to consider whether the licensee followed the applicable ascertaining procedures and met the ascertained needs of the residents, and whether the operation of the station was not otherwise characterized by serious deficiencies; requires the Commission to study how it might expedite the elimination of those regulations of broadcast licensees required by the Communications Act which do not serve the public interest, and to make annual reports thereon to the House and Senate Commerce Committees; directs the FCC to complete Docket 18110 (Multiple Ownership) by December 31, 1974; and contains other provisions. H.R. 12993. P/H May 1, 1974; P/S amended Oct. 8, 1974. (442)

Communications Common Carrier Charges.—Amends the Communications Act of 1934, as amended, to extend from one to two years the period of limitations applicable to proceedings against communications common carriers for the recovery of overcharges or damages not based on overcharges and for actions at law by such carriers for recovery of their lawful charges. S. 1227. Public Law 93-507, approved Nov. 30, 1974. (VV)

Communications Common Carrier Service Applications.—Amends the Communications Act of 1934, as amended, to designate (in addition to the Secretary of State) the Secretary of Defense, rather than the Secretaries of the Army and Navy, as the person entitled to receive the required official notice whenever a communications common carrier files an application with the Federal Communications Commission for permission to extend its lines, discontinue or curtail existing services or effect certain mergers or consolidations and designates the Secretaries of Defense and State as the persons to whom such notices should be directed with respect to applications involving service to foreign points. S. 1479. Public Law 93-506 approved Nov. 30, 1974. (VV)

Cumbres and Toltec Scenic Railroad.—Grants consent to the Cumbres and Toltec Scenic Railroad Compact between the States of Colorado and New Mexico to provide for the joint operation of an interstate narrow gauge scenic railroad which will preserve as a living museum a mode of transportation that helped in the development of the territories and states. S. 2362. Public Law 93-467, approved Oct. 24, 1974. (VV)

Federal-Aid Highway Amendments.—Authorizes funds for certain highway construction programs for 1975 and 1976 makes the temporary 55 miles per hour nationwide speed limit permanent; permits modest increases in allowable weights of trucks on Interstate highways provides additional authorizations for the rural bus demonstration

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program; allows the Alaska Ferry to stop in Canada; allows funds for Indian reservation roads and trails to be used on Federal-aid highways on or leading to Indian lands; increases by \$50 million the authorization for the special bridge replacement program with an additional authorization for the repair of bridges on the overseas highway leading to Key West, Fla.; authorizes funding for access roads to public recreation areas by Federal reservoirs; assures that public transportation facilities assisted with Federal-aid funds are accessible to the handicapped; extends the carpool demonstration program for 1 year; and contains other provisions. S. 3934. Public Law 93- , approved 1974. (375,538)

FM Radios.—Authorizes the Federal Communications Commission to require that all AM and FM radios, retailing for \$15 or more and being shipped in interstate commerce or imported into the United States, be capable of adequately receiving both AM and FM signals. S. 585. P/S June 13, 1974. (247)

Forest Highway Funds.—Provides that the 1972 apportionments to States for forest highways not yet obligated, which would otherwise lapse on June 30, 1974, shall remain available until expended. S. 3490. Public Law 93-338, approved July 10, 1974. (VV)

Intercoastal Shipping.—Deletes section 6 of the Intercoastal Shipping Act, 1933, as amended, which permits the carriage of government and charitable cargo at free or reduced rates. H.R. 13516 (S. 3173). Public Law 93-487, approved Oct. 26, 1974. (VV)

International Air Transit (PAN AM).—Directs all responsible agencies and departments to request the legislative authorization necessary to deal with discrimination or unfair practices affecting the U.S.-flag air carriers and requires comprehensive annual reports from the Department of State and the Civil Aeronautics Board (CAB) on the efforts to eliminate discriminatory and unfair competitive practices in this area.

Requires the Secretary of Transportation to impose retaliatory or compensating charges on foreign airlines in certain circumstances in response to discriminatory treatment of U.S. airlines and sets up a mechanism for determining when such compensatory charges are necessary.

Amends the Federal Aviation Act of 1958 to require the Secretary of State and the Postmaster General to take all steps necessary to assure that the rates paid for the transportation of mail pursuant to the Universal Postal Union Convention shall not be higher than fair and reasonable rates; requires the CAB to act expeditiously on proposed rate changes for the transportation of mail in foreign air transportation; requires that preference be given to U.S.-flag air carriers when the United States Government arranges for the movement of people or goods to or between foreign ports; authorizes the Comptroller General to approval payment to other carriers only when there is a showing that it was necessary to engage their services in the particular instance; and

Amends the International Travel Act of 1961 to direct the Secretary of Commerce to promote and encourage travel to and from the United States on U.S.-flag air carriers. S. 3481. Public Law 93- , approved 1974. (452)

Lottery material.—Amends title 18, U.S.C. to permit the transportation, mailing, and broadcasting of advertising, information and materials concerning lotteries authorized by law and conducted by a State. S. 544. P/S Dec. 19, 1974. (VV)

Maritime Authorization.—Authorizes \$562,933,000 for the various programs and activities of the Maritime Administration for fiscal year 1975 including vessel construction and reconstruction, ship operating-

differential subsidies, research and development, reserve fleet, Merchant Marine Academy training, and financial assistance to State marine schools; provides for additional authorizations for increases in salaries, pay, retirement, or other employee benefits authorized by law; amends the Shipping Act, 1916 to define "citizen of the United States" as a State or political subdivision of a State thereby making the provisions of the Ship Mortgage Act apply to State governments as well as to private lenders and mortgagees; requires that at least one regional office of the Maritime Administration be maintained for each of the four major seacoasts: Atlantic, Gulf, Great Lakes and Pacific; and amends the Fish and Wildlife Act of 1956, as amended, to require the U.S. Government, within 30 days, to assume financial responsibility for losses to U.S. fishermen caused by foreign vessels pending international negotiations for recovery of such loss from the foreign government involved and provides non-interest bearing loans to be paid from the Fisheries Loan Fund in cases where there is reasonable doubt that damage or destruction occurred as a result of foreign fishing activities. H.R. 13295. Public Law 93- , approved 1974. (VV)

Maritime Supplemental Authorization.—Authorizes \$23 million in supplemental appropriations for the operating-differential subsidy program of the Maritime Administration for fiscal year 1974. H.R. 12925. Public Law 93-308, approved June 8, 1974. (VV)

National Defense Reserve Fleet.—Modernizes the National Defense Reserve Fleet, by authorizing the Secretary of Commerce to accept Mariner-class vessels for trade-in to the Reserve Fleet in exchange for ships of equal scrap value that are scheduled for scrapping, and gives the Federal Maritime Commission jurisdiction over container barge service between San Francisco and Sacramento. H.R. 12427. P/H June 4, 1974; P/S amended Dec. 17, 1974. (VV)

Regional Rail Reorganization Report Extension.—Extends for an additional 120 days the reporting dates for the preliminary and final system plans required under the Rail Reorganization Act of 1973 and increases the authorization therefor from \$26 million to \$40 million. S.J. Res. 250. Public Law 93-488, approved Oct. 26, 1974. (VV)

Rolling Stock Utilization.—Establishes an Obligation Guarantee Board in the Department of Transportation as an independent agency, and an Obligation Guarantee Fund, to insure obligations incurred for the acquisition of rolling stock, and equipment or facilities; provides for Federal efforts to improve utilization of freight cars and other rolling stock by means of a national rolling stock information system, development and quarterly publishing of an index measuring freight-car utilization, a study by the Secretary on the utilization of freight cars and means to improve such utilization, and action under existing authority to improve utilization; provides, in the event of failure to solve the shortage problem, for potential direct government action to attempt to do so; provides for a railroad equipment corporation to acquire rolling stock and to manage rolling stock as a pool; and contains other provisions. S. 1149. P/S July 23, 1973; P/H amended Dec. 10, 1974.

SS "Guam Bear" and SS "Hawaii Bear".—Authorizes the Secretary of Commerce through the Maritime Administration to remove all contracts made under the authority of Public Law 91-195 to permit the Pacific East Line, Inc. to sell the vessels SS GUAM BEAR and SS HAWAII BEAR to a purchaser other than its successor in the trade between the West Coast and Guam, or to operate the vessels in some other trade.

H.R. 11223. Public Law 93-306, approved June 8, 1974. (VV)

SS "Independence".—Permits the foreign sale of the laid-up United States-flag passenger vessel SS INDEPENDENCE and requires that the existing government mortgage on the ship be paid off in full and the net proceeds of the sale deposited in the owner's capital construction or reserve fund. H.R. 8586. Public Law 93-330, approved June 30, 1974. (VV)

Surplus Railway Equipment.—Donates certain surplus railway equipment located on the Island of Oahu, Hawaii to the Hawaii Chapter of the National Railway Historical Society, Inc. H.R. 1355. Public Law 93- , approved 1974. (VV)

Tariffs and Freight Rates.—Improves the ability of the Federal Maritime Commission to deal with freight rate disparities which discriminate against American shippers in the foreign trade of the United States by (1) requiring the Commission to develop and adopt a system uniform commodity descriptions and codes to be used by all common carriers by water and all conferences of such carriers when filing any rate, charge, or tariff and (2) prohibiting common carriers and conferences from filing or maintaining an outbound or inbound rate or charge without including a statement of the applicable reciprocal rate or charge of the identical commodity between the same two points and gives the Commission the power to reject rate filings without the required statement and to suspend for no more than 180 days a filing which is being investigated. S. 1488. P/S Apr. 23, 1974. (VV)

Transportation Safety—Hazardous Materials.—Increases the regulatory authority and enforcement power and duties of the Secretary of Transportation with respect to the movement in commerce of hazardous materials and extremely hazardous materials; increases the effectiveness of existing rail safety laws; and reorganizes the National Transportation Safety Board to assure its independence, to broaden its accident investigation and analysis mission and capability, and to make it an advocate of safety in transportation. H.R. 15223. Public Law 93- , approved 1974. (433)

Urban Mass Transit.—Amends the 1964 Urban Mass Transportation Act to authorize \$11.7 billion for Federal assistance to State and local bodies in maintaining adequate transportation services in urban areas; combines \$4.285 billion of this new authority with \$3 billion of unobligated existing authority to provide an average authorization of approximately \$1.2 billion per year over a 6-year period for the existing capital grant program, and reserves \$500 million of the total amount for a new rural public transportation capital assistance program; permits the alternate use of one-half of any financial assistance under this program for payment of operating expenses where the grantee provides one-half of the funds for the capital grant project.

Authorizes \$3.975 billion for a 6-year period for a new formula grant program based on population and population density to be used to finance capital projects or pay operating costs of public transportation systems; provides that mass transit systems receiving assistance under the formula grant program may not charge more than half-fare to elderly and handicapped persons during nonpeak hours.

Authorizes, in title II, demonstration projects for free fares and, in title III, \$14 million for a demonstration program for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings; and contains other provisions. S. 386. Public Law 93-503, approved Nov. 26, 1974. (462)

Vessel Tonnage Deductions.—Amends the present vessel admeasurement laws to allow

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as deductions from gross tonnage, in determining net or register tonnage, certain non-revenue earning spaces which are used in collecting, processing or carrying shipboard-generated waste materials. S. 1353. Public Law 93-524, approved Dec. 18, 1974. (VV)

VETERANS

American Legion, Inc.—Amends the Act incorporating the American Legion to make eligible for membership those veterans of the Vietnam era who served honorably in the military or naval forces of the United States or its allies during the period August 5, 1964, to August 15, 1973. S. 4013. Public Law 93- , approved 1974. (VV)

American War Mothers, Inc.—Amends the Act incorporating the American War Mothers, Inc. to permit certain stepmothers and adoptive mothers to be members of that organization. S. 2441. Public Law 93-267, approved Apr. 12, 1974.

Disability Compensation and Survivor Benefits.—Provides cost-of-living increases in the rates of disability compensation for service-connected disabled veterans ranging from 15 to 18 percent; provides a 15 percent cost-of-living increase in the rates of additional compensation for dependents for veterans whose disability is rated 50 percent or more; provides a 17 percent cost-of-living increase in the rates payable for dependency and indemnity compensation (DIC), for widows and children, and for additional allowances for those in receipt of DIC and death compensation in need of aid and attendance; extends longstanding presumption of service-connection for wartime veterans to those veterans who served between the end of World War II, December 31, 1948, and before June 25, 1950, the beginning of the Korean conflict thus according to Veterans of this period the same wartime presumption of service-connection; provides for the equalization of the rates of death compensation to the survivors of veterans of peacetime and wartime service where death occurred prior to January 1, 1957, thereby eliminating the distinction between the two periods of service; authorizes a study to be conducted by the Veterans' Administration and submitted to the Congress at the beginning of the 94th Congress of applications for DIC by widows of veterans who had a total and permanent disability at time of death; authorizes the Administrator to make monetary benefit payments to the beneficiary upon the determination that the interest of the beneficiary would be served thereby, notwithstanding that a fiduciary has been appointed and regardless of any legal disability on the part of the beneficiary; and provides that the increases in disability, dependency and indemnity compensation shall be retroactive to May 1, 1974. S. 3072. Public Law 93-295, approved May 31, 1974. (VV)

GI Bill Benefits.—Extends for 30 days the 8 year delimiting date for which an eligible veteran discharged or released from active duty between January 31, 1955, and September 1, 1966, may utilize his educational assistance benefits. S. 3398. Public Law 93-293, approved May 31, 1974. (184)

Extends from 8 to 10 years the period of time following discharge or release from military service within which an eligible veteran may utilize his educational assistance benefits; excludes, in computing the delimiting date for those veteran-civilians held as prisoners of war, the period of time they were hospitalized immediately subsequent to their release; extends from 8 to 10 years the period for wives or widows to utilize their educational benefits under the GI bill; and amends the Vietnam Veterans Readjustment Assistance Act of 1972 (Public Law 92-540), to extend from 8 to 10 years the delimiting period for wives and widows eligible under the GI bill to utilize benefits first granted

by the 1972 act. S. 3705. Public Law 93-337, approved July 10, 1974. (VV)

Harry S. Truman Memorial Veterans' Hospital—Veterans' Education and Rehabilitation benefits.—Designates the Veterans' Administration Hospital in Columbia, Missouri, as the Harry S. Truman Memorial Veterans' Hospital.

Amends various chapters of title 38, U.S.C. to provide, effective January 1, 1975, a 2.8 percent increase in the following veterans' education and rehabilitation benefits programs to put them on a parity with the 22.7 percent increase provided to chapter 34 Veterans by Public Law 93-508 (the Vietnam Veterans Education Act): vocational rehabilitation monthly subsistence allowances; flight training allowances for persons on active duty or under the Predischarge Education Program (PREP); educational allowances for active duty personnel on or less than a one-half time basis; maximum educational allowances available under PREP; monthly educational allowance to eligible persons pursuing a full time course of training in a business or industry; special restorative training allowance payable to the parent or guardian of a child in need for such training; and correspondence, apprenticeship, or on-job training allowances. H.R. 10212. Public Law 93- , approved 1974. (VV)

Life Insurance.—Provides full time coverage under Servicemen's Group Life Insurance (SGLI) for all members of the Ready Reserve, National Guard, and certain members of the Retired Reserves who are under 60 years of age and have completed at least 20 years of service; provides for the automatic conversion of SGLI to a non-renewable 5-year term policy, the Veterans' Group Life Insurance (VGLI), effective the day coverage under SGLI expires for the veteran (120 days after discharge) and provides coverage under VGLI for any person whose coverage under SGLI terminated less than four years prior to the date the VGLI program became effective for a period equal to five years less the time elapsing between the two policies; increases the maximum amount of coverage under both programs from \$15,000 to \$20,000; authorizes the return of excess premiums paid by Korean conflict veterans for Veterans' Special Term Life Insurance as a dividend to the insured; allows the Secretaries of the Army and Air Force to permit allotments from the pay of members of the Air Force, who are not on active duty, to make payment for group life insurance premiums of programs sponsored by the State military department or State associations of the National Guard; and contains other provisions. H.R. 6574. Public Law 93-289, approved May 24, 1974. (117)

Memorial Service Reimbursement.—Amends title 10, U.S.C., to provide that the 2-year time period for submitting claims for reimbursement of memorial service expenses in the case of members of the armed forces whose remains have not been recovered, shall be extended to include the 2-year period after the next of kin receive notification that the member has been reported or determined to be dead under appropriate authority. H.R. 12860. P/H Oct. 7, 1974; P/S amended Dec. 13, 1974. (VV)

POW Families, Funeral Transportation For.—Authorizes the Secretary of Defense to pay funeral transportation and living expenses for the families of prisoners of war who died while listed as a POW or MIA in Southeast Asia during the Vietnam conflict. S. 3228. Public Law 93-257, approved Mar. 29, 1974. (VV)

U.S. Flag Presentation.—Authorizes the presentation of a flag to the person designated to direct the disposition of the remains of any member who dies under honorable conditions who was in a Ready Reserve status or who had completed all of their

requirements for Reserve retirement but who were not eligible to receive retired pay because they had not reached age 60. H.R. 5621. Public Law 93-292, approved May 28, 1974. (VV)

Veterans' and Servicemen's Automobile and Adaptive Equipment.—Amends chapter 39, title 3, U.S.C., to raise from \$2,800 to \$3,300 the maximum allowance for the purchase of specially equipped automobiles for eligible disabled veterans and servicemen; extends benefits under this chapter to veterans who served during the "peace time" periods between January 1, 1947, to June 26, 1950, and February 1, 1955, to August 4, 1964; improves a number of aspects of the program relating to the definition and provision of adaptive equipment; allows the VA Administrator to contract for driver training and arrange for areawide sharing of driver training personnel and necessary adaptive equipment needed when training is completed; urges the VA to request and expend all the funds necessary to achieve compliance with Public Law 91-666 which directed the VA to establish adaptive equipment safety standards; and authorizes the VA to carry out an expanded program of research and development in coordination with the Rehabilitation Services Administration in the Department of Health, Education and Welfare to carry out an expanded program of research and development in the field of adaptive equipment, adapted conveyances, and rehabilitation devices to help handicapped veterans become as independent as possible. S. 2363. Public Law 93- , approved 1974. (VV)

Veterans and Survivors Pension Adjustments.—Amends title 38, U.S.C. to liberalize the provisions relating to payment of disability and death pension and dependency and indemnity compensation; increases the maximum annual income limitations for eligible veterans and their survivors receiving pension by \$400 and provides an average 12 percent increase in the rates of pension; increases the maximum annual income limitations of "old law" pensioners by \$400; increases the maximum annual income dependency and indemnity compensation (DIC) and provides an average 12 percent increase in the rates for DIC; increases the allowances payable for those in receipt of pension in need of aid and attendance or who are deemed to be housebound by 12 percent; provides pension benefits for widows and children of certain veterans whose death occurred not in the line of duty but who had previous "honorable service"; provides reinstatement eligibility for benefit purposes to the child of a veteran whose marriage has been terminated by death or divorce; authorizes a study by the Veterans' Administration of the economic situation in terms of income and needs of veterans age 72 or older to be submitted to the Congress not later than 180 days after the beginning of the 90th Congress; and provides that the Act will become effective on January 1, 1975. S. 4040. Public Law 93- , approved 1974. (VV)

Veterans' Home Loans.—Permits the restoration of a veteran's entitlement to a guaranteed, insured, or a direct loan provided any prior GI loan has been paid in full and the property has been disposed of by the veterans or any immediate veteran-transferee has agreed to assume the outstanding balance on the loan and has consented to the use of his veteran's entitlement, permits the guarantee of loans by the Veterans' Administration (VA) on an automatic basis in the case of unsupervised lenders such as consumer credit institutions, finance companies and mortgage companies who meet VA regulatory standards; increases the maximum of condominium units eligible for VA guarantee by authorizing the guarantee of loans for

individual condominium units without the present prerequisite the Department of Housing and Urban Development has issued insurance on at least one loan in the project; increases the maximum loan guarantee for single-wide mobile home loans from \$10,000 to \$12,500; authorizes the guarantee of used mobile home units which meet VA minimum requirements for construction, design and general acceptability; amends the Federal Credit Union Act to increase the maximum maturity of loans made by Federal Credit Unions; makes the mobile home loan guarantee program permanent; increases the maximum grant payable for specially adapted housing for certain seriously service-connected disabled veterans from \$17,500 to \$25,000; extends the eligibility for "insured loans" to veterans whose service in the Armed Forces occurred after January 31, 1955; and contains other provisions. H.R. 15912. Public Law 93- , approved 1974. (506)

*Vietnam Veterans Education.—Liberalizes eligibility requirements for disabled Vietnam and post-Korean conflict veterans to receive training under the vocational rehabilitation program to equalize them with those in effect for veterans of World War II and the Korean conflict by increasing the monthly educational assistance allowances by 22.7 percent (an increase for the single veteran with no dependents from \$220 to \$270 for full-time institutional study) and increasing the monthly vocational rehabilitation subsistence and training assistance allowances by 18.2 percent; requires a study by the Veterans Administration of the desirability of a tuition assistance allowance program and a report to the President and Congress within 12 months; liberalizes the circumstances under which service-connected disabled veterans training under the vocational rehabilitation program may qualify for individualized tutorial assistance by extending the maximum assistance period from 9 to 12 months and increasing the maximum assistance allowance from \$50 to \$60; provides up to 9 months additional entitlement to educational assistance for eligible veterans pursuing a standard undergraduate degree; authorizes up to 6 months of refresher training for veterans with current GI bill eligibility in order to update knowledge and skills in their fields of employment; liberalizes the veteran student service programs by raising the maximum work-study allowance from \$250 to \$500 to \$625, increasing the maximum hours a Veteran student may work from 100 to 250, removing any statutory ceiling on the number of veterans permitted to participate in this program, and limiting to \$250 the amount of the work-study program which a veteran may receive in advance; establishes a veterans representative program to station a full time VA employee at each education institution where at least 500 veterans are enrolled; authorizes direct VA loans of up to \$600 a year utilizing the same entitlement as applies to the VA loan guarantee revolving fund under section 1824 of title 38 U.S.C. to cover educational costs not otherwise provided for; extends chapter 41 benefits (job counseling, training, and placement services) to wives and widows eligible for educational assistance; and contains other provisions. H.R. 12628 (S. 2784). Vetted Nov. 26, 1974. House overrode veto Dec. 3, 1974; Senate overrode veto Dec. 3, 1974; became Public Law 93-508, without approval Dec. 3, 1974. (252,488)

OUTSTANDING JOB BY SENATOR ROBERT C. BYRD AS SENATE MAJORITY WHIP

Mr. HUMPHREY. Mr. President, I take this opportunity as we come to the close of the 93d Congress, to pay tribute to Senator ROBERT C. BYRD for his outstanding performance as majority whip of the Senate.

Senator BYRD has a well-deserved reputation for diligence and hard work in expediting action on an unusually complex and heavy legislative program in this Congress with our distinguished majority leader, Senator MANSFIELD. He has consistently made every effort to give fair consideration to the requests of his colleagues on legislative matters.

However, it is important right now to give recognition to the fine job of our majority whip during this so-called lameduck, post election session of Congress, when he has had the responsibility for moving the Senate through its calendar of business. I salute him for his tireless efforts and statesmanship in achieving consensus on the completion of action on numerous bills of vital importance to the Nation. The Senate and the country are indebted to Senator BYRD for his dedication to the responsibilities of public service.

Mr. President, I ask unanimous consent that an excellent article on Senator BYRD, appearing in the December 15 issue of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYRD RESHAPES HIS IMAGE—SENATE WHIP'S POWER GROWS ALMOST DAILY
(By Spencer Rich)

When Robert C. Byrd (D-W. Va.) came to the Senate in 1959, he was viewed by many liberals as a racist yokel with a Klan background, a secretive manner and a bad education.

A decade later, as he began helping Majority Leader Mike Mansfield (D-Mont.) with boring little routine chores around the Senate floor he was snidely described as the Senate's "garbageman" or a "Hillbilly Uriah Heep" eager to ingratiate himself with his more statesmanlike colleagues.

Today, though still subordinate to Mansfield, Byrd has become one of the half-dozen most powerful men in the entire Congress. In 1971 he shocked complacent liberals by ousting Edward M. Kennedy (D-Mass.) as Senate Democratic whip, 31 to 24, on the strength of Southern and border-state votes and a proxy from the revered, dying Richard B. Russell (D-Ga.) that still hangs framed in Byrd's office.

His power is growing every day. He is universally credited with doing an excellent, assiduous job as whip—assistant leader. Mansfield calls him "the best whip the Senate has ever had."

He is one step from moving up to majority leader at such time as the 71-year-old Mansfield decides to step down, although Byrd may face a challenge from liberals who dislike his conservative views and his tendency to reach for control over everything.

Moreover, he has declared himself "not uninterested" in the presidency as a middle-of-the-road Democratic darkhorse in case of a 1976 convention deadlock. While he has no campaign organization, and is suspected by many of putting himself forward for President principally to enhance his stature for a future majority leader contest, those who have watched his progress in accumulating power are reluctant to discount him entirely.

Byrd's status in the Senate should not be overstated. The power of any Senate leader is circumscribed. He can wheedle, cajole, threaten a bit, build up credit by doing people favors, influence events by knowing more and working harder than others. But it is nothing at all like the President's power to order the entire Executive Branch about.

Byrd works within these limitations and he also is clearly second-in-command to Mansfield, the major spokesman and policy maker on national issues within the Senate Democratic group.

Furthermore, many liberals still mistrust Byrd, while some Republicans say he pushes GOP senators a bit too hard to get business through.

Others feel he has an excessive ego. Ritualistically and self-satisfiedly he intones the next day's program each evening to a nearly empty chamber. His official biography in the Congressional Directory boasts that he has "held more legislative elective offices than has any other individual in the history of West Virginia," and that he "carried all 55 counties in 1970 general election for the first time in the state's history and received highest percentage of votes (78) ever received by a candidate in a West Virginia statewide contested general election."

Still others say—without wanting to be quoted—that there is something too nakedly ambitious about favors he does for other senators: offering them a spare set of basketball tickets for the Bullets; giving them campaign funds allotted to him that he does not need; making campaign speeches for them; giving newly elected senators his own informed "crum course" in the ins and outs of the Senate, as he has been doing the past few weeks.

What accounts for the turn around rise of this enigmatic 57-year-old, who bucked Mine Workers' czar John L. Lewis to get his first Senate nomination, who won early public office by playing a mean country fiddle at every rally, who still plays it for his grandchildren, and who sometimes holds a bluegrass jam session in his stately Senate office with country guitarist Sen. James Abourezk (D-S.D.)?

Byrd-watchers attribute his success to: The poor boy's enormous ambition, fostered by his early poverty as a coal miner's stepchild, as a butcher-boy in depression West Virginia, as a welder in Baltimore and Tampa shipyards in World War II.

A finer and subtler mind than he gets credit for—a mind that enabled him to learn welding from a book for that Baltimore job; that earned him a law degree, cum laude, from American University in 1963 while a member of Congress, although he had never finished college; that enabled him to trap FBI acting director L. Patrick Gray in a Senate Watergate hearing and to make Nelson A. Rockefeller squirm at his vice presidential nomination hearings last month.

Realization that his voting record is more moderate than many supposed, and that he has been moving closer to the liberal wing of his party in recent years.

His conservative image has developed because, even though he did not sign the Southern manifesto that condemned the Supreme Court's 1954 decision, Byrd has consistently voted against civil rights legislation (the 1964 Omnibus Law, the 1965 and 1970 Voting Rights acts). In favor of sharp limits on busing, in favor of the Carswell and Haynsworth Supreme Court nominations by President Nixon, and has condemned the court for decisions stretching defendants' legal rights. He also backed Nixon on Vietnam until almost the very end, condemned welfare "cheaters," and social "permissive" legislation.

His membership in the Klu Klux Klan in 1942-43, when he signed up 150 persons and was named Kleagle (organizer), hurts his image. He concedes it was a "mistake" points out the "back in that time and in that part of the country, a lot of people, respectable people, were members."

But he has always had a good labor record (the AFL-CIO Committee on Political Education rates him 81 votes right, 44 votes wrong since he came to the Senate; the UMW rates him 11 out of 11 so far this year).

backed the liberal position on bread-and-butter issues like housing, Social Security, jobless benefits, federal projects. His "conservative coalition" support in 1959 was only 35 per cent and in the last two Congresses, about 50-50.

Recently, he has been talking and voting liberal on some showcase issues—against Richard Kleindienst nomination for Attorney General, against the Peter Flanigan nomination for ambassador, outstandingly vocal against the Nixon pardon and President Ford's "do-nothing" economic policies. And he has cooperated with liberals on issues like postcard voter registration and rounded up votes for consumer protection legislation.

But some northerners say privately that Byrd's recent liberal votes are merely aimed at improving his image for a future leadership race.

The ability to play "hard ball" when he feels he must, Lyndon B. Johnson (D-Tex.), then majority leader, put him on the Appropriations Committee when he came to the Senate, and he proudly relates how he blocked White House projects in every administration to bargain for West Virginia projects;

"When they decided to shut down the National Training School for Boys in the District, through my Appropriations spot I was able to block something President Kennedy wanted. One day he called me and said, 'Bob, if you will remove that block I'll locate the NTS wherever you want.' It ended at Morgantown."

Above all other factors is Byrd's fantastic energy, mastery of details, willingness to work at routine and vexing chores hour after hour, be on the Senate floor for a dozen hours at a time month after month, barely pausing to go to the bathroom, and to perform all the annoying and exhausting functions that go with "managing" the Senate.

At every moment, someone in or close to the leadership must be on hand on the floor to schedule bills, to call up nominations, to make sure that something a senator wants held up is not passed inadvertently, to reach agreements with the other side on time for debate—in short, make sure that business goes smoothly.

The leaders are the office managers of the Senate, the freight dispatchers.

Byrd's willingness to do this tiring dirty work is what earned him the whip job. His rise began with his 1967 election as Democratic Party secretary, a tiny foothold in the leadership.

Ted Kennedy, elected whip in 1969, did not view the job as requiring him to attend primarily to the floor needs of senators, and he spent relatively little time there. Then came Chappaquiddick and his father's illness, and he was away for long periods.

The whip work simply was not done. Byrd began helping Mansfield on the floor, staying late to watch things when some windy orator insisted on reading a long speech into the record after everyone else had left, coming in early to "open the Senate" when Mansfield couldn't.

He was given more and more responsibility by the grateful Mansfield until, in fact if not title, he was performing the whip function. Quietly, in the winter of 1970, he lined up votes, and in January, 1971, he took away Kennedy's title.

"I must say, he's been damned effective," said Edmund Muskie (D-Maine). "In any organization—a social club, the Boy Scouts or the Senate—when a guy is ready to go out and do the dirty work, the legwork, it's a good case for advancement. He wheels and deals for us. He's a service organization all by himself and a very efficient one."

Muskie told this story about Byrd's industry: "I remember when he first handled the D.C. appropriations bill—as floor manager. His first presentation. I was sitting in the chair presiding. He had the whole thing

memorized! He didn't look at a note. It was an amazing performance. It wasn't blind memorization. He had thoroughly mastered it. That's power. When anyone does that kind of a job, it's convertible to power. Respect and leadership comes whenever a member of a group comes forward and does something and does it well."

Another example, known to this reporter: Byrd clearly envisioned himself early this year as the potential star performer at a Senate impeachment trial of President Nixon.

Possibly alone among senators, he had read almost every available document on Watergate—the Nixon tapes, the hearings, plus most of the Senate impeachment trial proceedings of the past.

Industry and application have characterized Byrd's life. Brought up in a very poor family by an aunt and her coal miner husband after his mother died in a flu epidemic, he gathered neighborhood garbage after school to feed the hogs.

Graduating from high school in 1934 with excellent grades, he had no chance at college because of the depression, but managed to find jobs as gas pump jockey, produce salesman and butcher. Teaching Sunday school, he enrolled 600 in his class.

After the shipyard interlude during World War II, he returned as head butcher, filed for the state legislature in 1946 and won with the help of his fiddle. While he served, his wife Erma Ora ran a grocery store to help make ends meet, and he simultaneously went to college at night and rolled up 70 hours of straight "A" credits (he never finished but went to law school later at American University).

After six years in the legislature, he ran for the U.S. House in 1952 and won, although his former Klan connection almost cost him the race.

In 1958, he won the Senate nomination, despite an effort by John L. Lewis to keep him in the House so a Lewis favorite could run.

He relaxes in his office or home with a cigar or his fiddle—he plays a lot for his grandchildren (he has two daughters and six grandchildren)—but otherwise has few pastimes. Mostly he works.

The power Byrd now wields, and may eventually wield as majority leader, should not be overestimated, however. "Titles up here enormously exceed the real power grant," said Sen. Philip A. Hart (D-Mich.). "I don't think any leader's got a lot of power," said Gaylord Nelson (D-Wis.), "not like the days of Russell and Johnson."

Nelson and Byrd himself point out that Johnson operated with the backing of a big Southern Democratic group that had most of the committee chairmanships and that drawing unity from the common fight against civil rights legislation, often acted as a bloc. That group has eroded. In the current Congress, Northern Democrats outnumber Southern, 42 to 16; Northerners will be even more dominant next year.

In Johnson's day, the leader, in effect, controlled the precious appointments to the best committees; Mansfield has replaced that with secret-ballot voting by a 19-member, geographically and ideologically balanced steering committee.

A leader's strength today comes from his personal prestige, his fairness, his willingness to work hard and make himself knowledgeable, a shrewd ability to work out compromises, the little favors he can do members in scheduling legislation and minding the floor. On a vote, he can ask senators who don't have a really strong conviction to go along. Therein lies his power, if he chooses to exert it.

Mansfield, whose personal prestige is unequalled, does not bear down very hard, rarely asking for votes on anything, although he has a curious way of sliding things into place in the direction he wants them to go.

Within the policy limits set by Mansfield, Byrd plays much harder ball. But Byrd also helps chairmen round up votes, in a way Mansfield rarely does. And he performs personal favors.

Byrd, this fall, made election speeches—playing his fiddle, too—for Alan Cranston (Calif.), Mike Gravel (Alaska), James B. Allen (Ala.), Robert Morgan, who won a vacant seat in North Carolina, and several others including Harold Ford, a black House candidate in Tennessee.

Byrd is so good at his job that he could resist any challenge to his status as whip. But majority leader is a different story. Byrd is to the right of the majority of the Senate Democrats, and many liberals privately say they just don't want him as the national spokesman and a majority policy influence in the Senate.

A number of potential challengers have been mentioned for Mansfield's post (his Senate term is up in 1976 but he may run again). No one has declared, even privately, but the leading liberal possibilities are considered to be Muskie, Sen. Hubert H. Humphrey (Minn.) and, as outside possibilities, Kennedy and Cranston. One Southerner, Ernest F. Hollings (S.C.), is also sometimes mentioned.

Byrd, however, is the heavy early favorite. As one liberal puts it, "given the osmosis of this place, it'll probably be Byrd."

THE PRESIDENT SHOULD VETO CARGO PREFERENCE

Mr. PERCY. Mr. President, the President now has before him the Cargo Preference bill. It should be vetoed.

It is opposed by every department and agency of the Government that has expressed a view on it. Economists, newspapers, and citizens all have urged that this legislation never become law.

Yesterday, the representatives of 10 nations led by Great Britain, on the instructions of their governments, took the highly unusual step of going to the White House and urging the President not to allow this bill to become law.

The reasons why this bill should be vetoed are legion. It barely passed the Senate by four votes, even though five Senators who were opposed to the bill were present on the floor, and withheld their votes.

The maritime lobby is a strong one. We all know that. With the end of a Congress, the power of the pressure groups becomes greater, and they have had their say this week. However, the American people, the people who are going to have to pay the incredibly inflationary costs of this bill, the nations of the world with whom we have treaties which this bill would violate, they must now be heard by the White House. The President has asked the Congress to act responsibly to curb inflation. Many of us have taken his request most seriously, especially with regard to this legislation which the President has acknowledged to be highly inflationary. In that same spirit, 26 Senators have signed a letter to the President urging him to veto this very bad piece of legislation.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE.
Washington, D.C., December 18, 1974.
The President.
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: You now have before you the so-called "Energy Transportation Security Act." We strongly urge you to veto this bill.

Every Executive department which expressed an opinion on this legislation opposed it. These include the Departments of State, Defense, Treasury, Commerce, Interior, and Agriculture, as well as the General Services Administration, the Federal Energy Office, the Office of Management and Budget, the Federal Trade Commission, the Special Assistant to the President for Consumer Affairs, and the Chairman of the Council of Economic Advisors. Economists, newspapers and citizens of every political philosophy oppose this legislation. In your message to the Congress on November 18 you noted the "problems which this bill raises in the areas of foreign relations, national security, and, perhaps most significantly, the potential inflationary impact of cargo preference."

The record is clear. You have asked the Congress to act responsibly, and now the people of this nation can look only to you to prevent this bill from becoming law. We respectfully request that you veto this highly inflationary, highly unwise legislation. Considering the 46 Senators who either voted against the bill, or indicated their opposition to it on December 16, we can pledge to you that the Senate will sustain your veto.

Sincerely,

Charles H. Percy, James B. Pearson, George Aiken, Barry Goldwater, William Proxmire, Dewey F. Bartlett, Milton R. Young, Paul Fannin, Edward W. Brooke, Bill Roth, Clifford P. Case, James A. McClure, Walter D. Huddleston, Bill Brock, Robert P. Griffin, Bob Taft, John Tower, Hiram L. Fong, Roman Hruska, Carl T. Curtis, Gale McGee, Strom Thurmond, Dick Clark, Norris Cotton, Edward J. Gurney, Jesse Helms.

CONGRESS ACTS TO EXTEND AND ENFORCE THE 55-MILE-PER-HOUR SPEED LIMIT

Mr. PERCY. Mr. President, I congratulate the Senate for its action in passing the conference report on S. 3934, the Federal Aid Highway Amendments of 1974. I am especially grateful to the distinguished chairman and the ranking minority member of the Committee on Public Works, Senators RANDOLPH and BAKER, and to the distinguished chairman and the ranking minority member of the Subcommittee on Roads, Senators BENTSEN and STAFFORD, for their steadfast support for the 55 miles per hour speed limit.

I am extremely proud to have been associated with this legislation as the sponsor of provisions to extend indefinitely and fully enforce the 55 miles per hour speed limit, which has already saved over 10,000 human lives and over 50 million barrels of oil this year. In completing action on the conference report on S. 3934, the Congress has acted both to extend and enforce the reduced speed limit, which has had so dramatic an impact on safety and fuel conservation on our Nation's highways.

It can be said that the 55 miles per hour speed limit is one of the few good things to come out of last winter's energy crunch. It is the silver lining of an otherwise very dismal cloud. The speed limit

has provided a painless and unexpected method of reversing the inexorable annual increases in traffic fatalities and gasoline consumption.

For the record, I would like to describe again the highly salutary effect which the 55 miles per hour speed limit has had this year in saving American lives. Compared with the same period in 1973, traffic fatalities in the first 10 months of this year declined by 9,350 persons, or 20 percent, according to the National Safety Council. This reduction represents a fatality rate of 3.5 per 100 million vehicle miles traveled during January through October 1974, compared with 4.27 fatalities per 100 million vehicle miles for the first 10 months of 1973.

According to the Department of Transportation, this will be the lowest traffic fatality rate in U.S. history, in terms of vehicle miles traveled.

I ask unanimous consent that the month-by-month lifesaving figures for 1974, compiled by the National Highway Traffic Safety Administration, be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, Congress has done a great service to the people of the United States by continuing in law this extraordinary life- and energy-saving statute, and by providing a mechanism for adequate enforcement. President Ford has advocated the extension and strict enforcement of the 55 miles per hour speed limit. I now urge him to uphold that position by signing S. 3934 into law.

EXHIBIT 1.—ESTIMATED TRAFFIC FATALITIES AND CHANGES

	1974	1973	Percent change
January	2,950	3,834	-23.1
February	2,625	3,479	-24.5
March	3,192	4,328	-26.2
April	3,442	4,454	-22.7
May	3,732	4,813	-22.5
June	4,141	5,135	-19.4
July	4,320	5,156	-16.2
August	4,537	5,227	-13.2
September	4,190	4,999	-16.5
October 1	4,379	5,203	-15.8

¹ Preliminary figures.

Source: Department of Transportation.

THE ADMINISTRATION'S CHRISTMAS PACKAGE

Mr. HARTKE. Mr. President, how ironic it is that President Ford should unveil his latest plan to cut Federal expenditures during this Christmas season. His present to the Nation's elderly poor is a one-two economic punch that promises to create unconscionable financial burdens on those least capable of sustaining them.

It is incomprehensible to me that men of supposed intelligence, judgment, and good will could have conceived such an insensitive and inhumane program. During a period of dire economic crisis which registers its greatest impact on those with fixed incomes and limited or non-existent earning power, our Government should be providing additional assistance

to senior citizens, not slashing what little they already have. We need legislation that will assist the elderly to assure themselves of adequate fuel for heating and cooking; instead, the President has proposed to deprive them of access to food stamps which provide a small subsidy but one that in many cases spells the difference between an adequate diet and malnutrition.

Why is the administration heaping such hardship on the most vulnerable of our citizenry? For what crime is this retribution? The crime of becoming aged? Or is it the less obvious crime of being comparatively weak politically?

In the abstract, the objective of the administration does not seem too offensive. On the one hand, they are trying to cut unnecessary Federal expenditures which fuel inflation, and, on the other, they are, in the food stamp program, attempting to equalize the proportion of income devoted to food. They espouse the view that, at a minimum, individuals ought to pay 30 percent of their income for food. If an individual's income stands at \$150 a month—and I assure the Senate that hundreds of thousands of Americans live at this level—he is effectively barred from food purchase assistance. A couple whose joint income is \$225 a month—and, again, Mr. President, far too many Americans survive on this amount—paid out \$66 a month for food stamps which provided them with approximately \$92 a month worth of food; under the Ford plan, they would be required to pay \$67.50 for those same stamps. That is an increase of almost 21 percent.

The administration is not content to create a plan that will affect the ability of senior citizens to eat healthful meals. They simultaneously propose to substantially decrease their access to medical treatment. Under present law, the elderly are required to pay a deductible of \$92 toward their first 60 days of hospitalization. The Ford administration would raise this to \$750—an increase of 700 percent. Officials estimate that this would generate a savings of about \$425 million over a one-half year period. I would ask those same officials what the cost of this savings is in terms of human suffering? The injustice of the program is so painfully evident that criticism seems almost gratuitous. Yet, we must take this to be the considered view of the Ford administration, and one of its major inflation-fighting tactics. It cannot, therefore, be ignored no matter how apparently ill-considered. It is a program that is perfectly congruent with the deliberate, methodical attempt on the part of the Nixon administration to dismantle the major pieces of social legislation enacted during the Johnson years. The scepter has now passed to President Ford.

The administration's two-pronged attack on the elderly can and must be resisted by Congress. I propose two countermeasures. First, the increase in the medicare deductible cannot be accomplished by executive fiat; it needs congressional approval. We must not yield, regardless of

how great the pressures or how well-orchestrated the campaign.

Second, the Department of Agriculture has the authority to change the Food Stamp Act of 1964 to accomplish its goals. Congress, however, can pass legislation at the outset of the new session to freeze the program until the impact of the proposed changes can be examined and alternatives analyzed. We need not sit idly by while the minimum standards of equity and justice established by this body are cavalierly tossed aside.

The Congress has been too lackadaisical in the face of executive encroachment. The line that is so clearly drawn in the Constitution must be reaffirmed. Our intent was to protect the most vulnerable of our citizens from hunger and malnutrition, and to provide them with adequate medical care. We must not allow a callous administration to deprive the elderly poor of the essentials of a decent life.

THE FORD-GISCARD MEETING

Mr. HUGH SCOTT. Mr. President, the Philadelphia Inquirer on Wednesday published an excellent editorial on the Ford-Giscard meeting in Martinique. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Dec. 18, 1974]

FORD, GISCARD ACHIEVE A HOPEFUL "SYNTHESIS"

The three-day Martinique meeting of President Ford and French President Valéry Giscard d'Estaing seems to have achieved a nice "synthesis," as Secretary of State Henry Kissinger put it "of the French and American positions" on how to deal with the oil cartel.

That is one of the purposes of diplomacy, the bringing together of divergent positions between nations which share common interests. In this case, the common interest is to find ways by which the U.S., France and other oil-consuming countries can stop being at the mercy of the Organization of Petroleum Exporting Countries, which has jacked up prices over 400 percent over the past year.

And while the two presidents were conferring on Martinique, OPEC was holding its own meeting in Vienna, where it announced still another price increase, about 38 cents a barrel over last September's level, while generously declaring that it would hold the new level for the next nine months.

The "synthesis" is in part on tactics. The French, fearful of provoking the Arab countries, upon which they are so dependent for so much of their oil, had been insisting on a conference of producers together with consumers. The U.S., which can manage without foreign oil in a crunch, has sought a united front of consuming countries first.

In their meeting, Mr. Ford and M. Giscard arrived at a compromise—a preliminary consumer-producer meeting first, to be followed by "intensive consultations" among consumer countries to prepare for a subsequent consumer-producer conference probably next fall.

So much for the tactics, but something else occurred in the warm atmosphere of the French island, and that was a warm atmosphere between the leaders of countries which, though allies, have long been at loggerheads.

In addition to other agreements, they disposed of the long-standing irritant which began in 1967, when former French President Charles de Gaulle pulled French forces out of the military network of the North Atlantic Treaty Organization. That had to do with a financial settlement by the French for U.S. military bases in France. The two leaders compromised on \$100 million, one-fourth the U.S. asking price, nearly four times the last French offer.

For the new spirit of cooperation between the two ancient allies, our compliments to M. Giscard, who began a thaw in U.S.-French relations when he came to power last May, and to Mr. Ford, who has run into criticism for his trips abroad. Certainly this trip was worth the going.

FEDERAL REVENUE SHARING

Mr. BEALL. Mr. President, I am a firm believer in the concept of revenue sharing. Such grants enable the Federal Government to be of assistance in many areas, and at the same time preserve the decisionmaking process at the local level. As a result, citizens are more aware of where and why their money is being spent, and the fiscal process encourages participation at a grassroots level.

For that reason, I have joined in co-sponsoring legislation which will extend Federal revenue sharing for another 7 years. Although the current revenue sharing plan does not expire until 1976, many States are already in the process of planning budgets for our Nation's bicentennial year, and need to know what funds will be available. By acting now, we will allow local and State officials to plan future budgets with the certainty that the Federal program will continue.

Recently, local officials in several Maryland jurisdictions forwarded to me resolutions in support of the general revenue sharing program. These resolutions point up very clearly the positive aspects of this important program, and I ask unanimous consent that they be printed in the RECORD, for the benefit of my colleagues.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[County Commissioners of Charles County, Md.]

RESOLUTION No. 74-45

Whereas, Charles County, Maryland has been annually receiving \$1,151,837.00 dollars of vitally needed fiscal assistance through the general revenue sharing program; and

Whereas, these funds are received directly from the federal government with a minimum of restrictions and red tape which enables Charles County, Maryland to use the money for locally determined, priority needs; and

Whereas, Charles County, Maryland has spent its entitlements under the revenue sharing program as follows:

Purchase of ambulance	\$12,807
Purchase for sheriff's cars	170,576
Deputy salaries	269,795
Library funding	2,500
Purchase of new accounting system for county	50,000
Construction of playgrounds	12,275
Pitch In Campaign	12,865
and fiscal year budgets for:	
grading and sediment control	\$10,000
Sheriff's department	890,337
Animal shelter	50,000
Communications	50,000
Waste Disposal	50,000

Drug abuse	\$13,000
Mental health	40,000
Hospital	8,500
Libraries	100,000
Parks and recreation	100,000

Whereas, despite general revenue sharing, the current rate of inflation is also undermining the ability of the County government to provide essential services within a reasonable and acceptable level of taxation; and

Whereas, the general revenue sharing program, approved by Congress in 1973, will terminate at the end of 1976 unless the program is continued by the 94th Congress; and

Whereas, the termination of the general revenue sharing program will force Charles County, Maryland to either curtail essential services or raise the tax rate by 10.7 percent. Now, therefore, be it resolved, That the citizens of Charles County, speaking through their elected representatives on the Board of County Commissioners, unanimously endorse the continuation of the general revenue sharing program and call on the 94th Congress to re-enact the program during its first session in order to insure that vitally needed federal assistance will be provided to the citizens of Charles County.

Be it further resolved, That a copy of this resolution be immediately forwarded to the following members of the Senate and the House of Representatives: Charles McC. Mathias, Jr., J. Glenn Beall, Jr. and Robert E. Bauman and that a public written response be immediately requested which clearly states the candidates support or opposition to the re-enactment for the general revenue sharing program by the 94th Congress.

[City of Frederick, Md.]

RESOLUTION IN SUPPORT OF CONTINUATION OF GENERAL REVENUE SHARING

Whereas, the City of Frederick has or will receive \$1,854,919.00 of vitally needed fiscal assistance through the allocation of federal dollars under the General Revenue Sharing program; and

Whereas, These Revenue Sharing dollars are received directly from the federal government with a minimum of federal bureaucratic red tape which enables the city of Frederick to use their revenue sharing funds to meet the locally determined priority needs of the community; and

Whereas, the citizens of Frederick view their locally elected officials as being accountable for the expenditure of revenue sharing dollars, and that such clearly defined accountability has resulted in increased citizen involvement in identifying the priority needs of the community; and

Whereas, the City of Frederick has appropriated \$1,854,919.00 of revenue sharing funds that have been or will be received. (A copy of these appropriations is attached hereto.)

Whereas, the citizens of Frederick are being severely affected by the spiraling and unprecedented rate of inflation which is stripping them of their hard-earned income; and

Whereas, the current inflationary rate of 12% is also undermining the ability of city hall to provide essential services to the community within reasonable and acceptable levels of local taxation; and

Whereas, the General Revenue Sharing Program is providing essential fiscal relief to the devastating impact of inflation; and

Whereas, the General Revenue Sharing Program, which began in 1972, will terminate in 1976 unless the 94th Congress, which is being elected this November and will convene in January 1975, authorizes an extension of the General Revenue Sharing Program; and

Whereas, the termination of the General Revenue Sharing Program will place the city of Frederick in the untenable position of either having to decrease essential commu-

nity services by 9.97% or raise taxes by 21.49%;

Now, therefore, be it resolved, that the city of Frederick, speaking through its locally elected council and mayor, unanimously endorses the continuation of the General Revenue Sharing program and calls upon the 94th Congress to re-enact the General Revenue Sharing program in order to insure that vitally needed federal assistance will be provided to the City of Frederick.

Be it further resolved, That the representatives of the U.S. House of Representatives from the 6th District and the representatives of the U.S. Senate from the State of Maryland, be requested to publicly state their support for the re-enactment of the General Revenue Sharing Program in order for the citizens of Frederick to be informed of their commitment, or lack thereof, to this essential federal assistance program.

And be it further resolved, That a copy of this resolution be immediately forwarded to the following: Congressman Goodloe E. Byron, Senator J. Glenn Beall, Jr., Senator Charles McC. Mathias, Congressional Candidate Elton R. Wampler, and Senatorial Candidate Barbara Mikulski.

and that a public written response be immediately requested from each representative which clearly states his position on the continuation of the general revenuesharing program.

[Frederick County Council of Governments]
RESOLUTION IN SUPPORT OF CONTINUATION OF
GENERAL REVENUE SHARING

Whereas, the members of the Frederick County Council of Governments have received substantial amounts of vitally needed fiscal assistance through the allocation of federal dollars under the General Revenue Sharing program; and

Whereas, these Revenue Sharing dollars are received directly from the federal government with a minimum of federal bureaucratic red tape which enables Frederick County and its municipal corporations to use their revenue sharing funds to meet the locally determined priority needs of the community; and

Whereas, Frederick County and its municipal corporations have used Revenue Sharing funds for a variety of improvements and community services; and

Whereas, the termination of General Revenue Sharing will place Frederick County and its municipal corporations in an unfavorable financial position.

Now, therefore, be it resolved That the Council of Governments of Frederick County unanimously endorses the continuation of General Revenue Sharing program and calls upon the Congress to re-enact the program in order to insure vitally needed federal assistance.

[County Council of Harford County, Md.]
RESOLUTION No. 27-74

Whereas, Harford County has been annually receiving hundreds of thousands of dollars of vitally needed fiscal assistance through the general revenue sharing program; and

Whereas, these funds are received directly from the federal government with a minimum of restrictions and redtape which enables Harford County to use the money for locally determined, priority needs; and

Whereas, despite general revenue sharing, the current rate of inflation is also undermining the ability of the county government to provide essential services within a reasonable and acceptable level of taxation; and

Whereas, the general revenue sharing program, approved by Congress in 1973, will terminate at the end of 1978 unless the program is continued by the 94th Congress; and

Whereas, the termination of the general

revenue sharing program will force Harford County to either curtail essential services or greatly increase the tax rate;

Now, therefore, be it resolved, That the citizens of Harford County, speaking through their elected representatives on the County Council, unanimously endorse the continuation of the general revenue sharing program and call on the 94th Congress to re-enact the program during its first session in order to insure that vitally needed federal assistance will be provided to the citizens of Harford County.

And be it further resolved, That a copy of this resolution be immediately forwarded to our elected officials and candidates for the U.S. Senate and the House of Representatives, and that a public written response be immediately requested which clearly states the candidates' support or opposition to the re-enactment for the general revenue sharing program by the 94th Congress.

JOHN H. O'NEILL,
President, Harford County Council.

THE COMMISSIONERS OF THURMONT, Md.,
November 18, 1974.

Re: Revenue Sharing Funds.

HON. J. GLENN BEALL,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BEALL: It is our understanding that the Administration proposes a balanced budget, and in order to do this, several projects must be omitted. We understand that the Revenue Sharing Fund Program is one of the projects.

We, as the Commissioners of Thurmont, urge that you use your influence to continue this Program. The Town of Thurmont, to date, has received \$85,583 of Revenue Sharing Funds. These funds have helped to keep the tax rate at a minimum, which is 75¢ per \$100 assessed valuation. Also, due to the receipt of these funds, we have been able to complete several capital improvement programs that were urgently needed in the Town of Thurmont.

Please find enclosed, a summary of the funds received and how they were used by the Town of Thurmont.

Again, we are urging you to use your influence in helping to continue the Revenue Sharing Fund Program, as it is much needed by all communities.

Very truly yours,

JAMES F. BLACK,
President of the Board.

Capital improvement programs financed by the revenue sharing allocations

North Carroll Street: Street improvements, blacktop street, curb, gutter and sidewalk; replace water and sanitary sewer lines	\$35,990.21
North Carroll Street and Apples Church Road: blacktop street, storm drainage	3,503.03
Purchase of a Cues truck and television equipment to view and repair the sanitary sewer mains	28,610.00
Moser Road: storm sewer installation, from Frederick Road to Sewer Plant Road	17,480.00

NOTE: The above funds is only Revenue Sharing Funds applied to the projects, Town funds from Tax Revenues was also appropriated to the projects.

THE WORLD BANK

Mr. HARRY F. BYRD, JR., Mr. President, Robert S. McNamara, President of the World Bank, said in an interview yesterday that he was "euphoric" about the \$750 million loan from Saudi Arabia to the World Bank. Mr. McNamara says

it not only means a big addition to the Bank's lending resources but also helps to recycle money from the Arab countries to investment in the less developed part of the world.

The loan from Saudi Arabia will extend for 10 years and will bear an interest rate of 8½ percent.

This brings to mind the recent action of the Congress of the United States in agreeing to contribute an additional \$1½ billion to the International Development Association, the soft loan window of the World Bank. The United States must go into the money market and borrow that money at an interest rate of between 8 and 9 percent, then turn it over to the World Bank as a contribution. Of course, the United States loses both the interest and the amount of the contribution.

So, the same year that the United States is contributing an additional—an additional—\$1½ billion to the World Bank, oil-rich, dollar-rich Saudi Arabia is loaning—loaning—\$750 million to the World Bank at an interest rate of 8½ percent.

Mr. McNamara may be "euphoric" about the Saudi Arabian loan, but the senior Senator from Virginia would be "euphoric" if the Congress and the administration would cease giving away tax funds to the World Bank while other countries are making loans to that international organization at high interest rates.

FAIR TRADE LEGISLATION

Mr. BROOKE, Mr. President, on December 3, 1974, I introduced S. 4203, a bill to repeal exemptions in the antitrust laws relating to fair trade laws. I listed a number of examples at that time of the excessive prices paid by consumers in fair trade States compared to nonfair trade State prices. I also stated that State fair trade laws cost the American consumer more than \$2 billion in higher prices every year.

I was particularly interested to read in this morning's Washington Post a news article entitled, "Virginians Pay Premium Because of Fair Trade Act." The article points out in specific detail the extra cost burden placed on consumers in this area and will be, I am certain, a revelation to many of us.

Mr. President, I ask unanimous consent that the entire article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 19, 1974]

Christmas shoppers in Virginia are paying a questionable premium of about 20 per cent for some of their purchases because of the state's Fair Trade Act. Numerous manufacturers and small retailers wouldn't have it any other way.

Critics of the act label it blatant price-fixing, and say it is siphoning off hundreds of thousands of dollars from Virginia consumers already hardpinched by inflation.

Supporters insist that "fair trade" is not anticonsumer—that is pro-small business. Without it, they maintain, many service-oriented "Mom and Pop" retailers would be forced out of business by large-volume discount chains.

Whatever the viewpoint, the facts are indisputable that the real loser in terms of dollars is the consumer.

As far back as 1969, the Council of Economic Advisers estimated that the annual cost to consumers in states having fair trade laws was \$1.5 billion.

Customers of Best Products Co., Inc., a Richmond-based catalogue merchandising firm vigorously opposed to fair trade laws, are paying \$569.95 this year for a 19-inch Sony color television set.

In states where there is unlimited price competition, Best sells the same set for \$499.97—or nearly \$70 less. There are comparable differences in the prices of other products.

Particularly dramatic is the impact of fair trade laws on the retail costs of common nonprescription drugs.

While the figures are old, the price spread testified to before Congress a number of years ago for some of these items remains the same.

The cold remedy Coricidin could be bought in the District of Columbia for 51 cents, whereas sniffers in the fair trade state of Maryland had to pay \$1.08. Bayer aspirin cost 99 cents in the District and \$1.48 in nearby Bethesda. The price differential for insulin used by diabetics was the same.

Increased consumer concern over inflation has spurred renewed interest at both state and federal levels in repealing fair trade laws.

U.S. Attorney General William Saxbe recently urged Congress to scrap the federal legislation that permits states to enforce such laws.

And Del. Warren Stambaugh (D-Arlington) thinks chances are good for getting his carry-over repeal bill onto the House floor for a vote in the 1975 General Assembly.

Stambaugh, chairman of a Northern Virginia consumer protection group, said, "The more we looked into the Fair Trade Act, the more we became convinced that it was pure price-fixing."

The office of Attorney General Andrew P. Miller has taken the official position that "there is no valid reason for continuing to impose the economic cost upon consumers in Virginia that is occasioned by price-fixing in the form of resale price maintenance."

If legal officials, consumers and many large retailers favor abolishing the fair trade laws, who supports them?

In some instances, it's manufacturers who feel that the prestige of their name would be tarnished if their products were subjected to price competition.

But most of the hands-off attitude comes from small retailers and the trade associations that represent them.

Price maintenance began in the wholesale drug industry in 1878 and had spread to the retail level in 46 states by the late 1940s.

The initial impetus was provided by retail druggists. Small hardware and appliance dealers subsequently joined the movement.

Because of adverse court rulings, many states have abandoned fair trade in recent years and fewer than half of them have such laws on the books today.

Virginia's existing Fair Trade Act was enacted by the General Assembly in 1958.

The case for fair trade was summed up at a legislative hearing in Richmond two years ago.

Eugene B. Sydnor Jr., a former president of the Virginia Retail Merchants Association, told the hearing that "fair trade" was the only way to assure the independent retailer a reasonable profit margin.

Without fair trade, he said, the small merchants "risks the possibility that a nationally advertised item will be sold by certain competitors at loss leader prices."

In short, fair trade does no more than place the independent retailer on the same footing as the national chain...

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Sydnor said when this occurs, the independent retailer "cannot hope to make up the lost profits through large volume sales or through sales of other higher items which subsidize the discounted article."

Assistant Attorney General Walter Marston argued at the same hearing that the "loss-leader" argument is nothing more than a smokescreen to diffuse what essentially is a drive to eliminate price competition.

Ironically, Marston said, fair trade laws spurred large chains into promoting their own "house brands," forcing the small retailer to maintain a fair trade price on name brands while his competitor undersold him with private brands of comparable quality.

Marston also said that facts contradict the assertion that fair trade preserves competition.

"The rate of business failure is consistently higher in states having resale price maintenance laws than in those states permitting price competition," he said.

Sumpter Priddy, executive director of the Virginia Retail Merchants Association, said his group will continue to oppose fair trade repeal in the 1975 legislature.

"It does very little to hurt anybody since the additional service offered by independent retailers tends to cancel out the price savings in discount merchandising," Priddy said.

Critics disagree, claiming that manufacturer warranties protect the consumer, and that even discount retailers today offer a level of service nearly comparable to that of the small merchandiser.

Marston insisted that the effect on consumers should be the ultimate test of the effect of fair trade laws, especially in a time of rampant inflation.

He pointed to studies showing that consumers in fair trade states pay from 19 percent to 27 percent higher prices than consumers in states without such laws.

Soon after the Ohio Supreme Court ruled against a key clause in that state's Fair Trade Act, Marston noted, the price on automatic coffeemakers dropped from \$39.95 to \$29.87.

Although its recommendation was not adopted, a subcommittee of the Virginia Advisory Legislative Council earlier this year urged that the Virginia Fair Trade Act be repealed.

It did so, it said, "because the weight of evidence on the subject strongly suggested that a fair trade scheme resulted in higher prices at the consumer level without any discernible beneficial effects for the business-man."

SENATOR MATHIAS ON LIBERTY IN
A HOSTILE WORLD

Mr. HART, Mr. President, today, more than ever, there is a need for those of us charged with the responsibility for governing these United States to weigh the longer range impact of our decisions. The choices we make today, choices which will affect the basic direction which our economy and our society will take, will leave us scant margin for error. Mankind is at the turning point, as the title of the Second Report to the Club of Rome notes, and it is important that we consider all of the ramifications of all of the decisions we make. It is also important that we face all of the dangers that lie before us.

My colleague, the senior Senator from Maryland, has, I believe, made a worthy contribution to the necessary dialog in remarks he prepared on the occasion of his very deserved receipt of the Henry W. Edgerton Civil Liberties Award for 1974 from the Washington Chapter of the American Civil Liberties Union. Sen-

ator MATHIAS chose that occasion to remark on the danger to civil liberties that upheavals such as those we are now facing can cause. It is a warning that we all must heed as we enter this uncertain future.

I ask unanimous consent that the complete version of Senator MATHIAS' remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BEFORE THE AMERICAN CIVIL LIBERTIES UNION

(By Senator CHARLES MCC. MATHIAS, JR.)

I am particularly pleased to be here and am extremely proud of the honor that you do me. I feel at home among friends. There is a kind of kinship among us which comes from sharing the burden of working together on so many issues.

In just this past year, we have seen the repeal of no-knock. We have seen both Houses of Congress pass comprehensive privacy legislation. We can anticipate the success of legislation guaranteeing the right to a speedy trial. We have seen the enactment of legislation strengthening the Freedom of Information Act. And we have seen Watergate—a stain on our history—spawned in disregard of civil liberties—but an event which demonstrated the underlying commitment of many citizens to the Constitution.

This was a year of positive progress—but there is much left to be done. So let us tonight discuss some of the challenges to civil liberties we might anticipate confronting in coming years.

For example, there is the remaining problem of warrantless wire-taps, as the most flagrant invasion of privacy. I have sponsored legislation designed to curb this abuse. It should be acted upon with dispatch by the Congress.

There is the regulation of the use of criminal justice information. This has been a concern of mine for several years, as I know that it has been a concern of yours. Indeed, what we seek is a legislative guarantee of the results of the *Meard* decision. A decision in which you played a prominent role.

We have a broad group of supporters for this legislation in the Senate. We have drafted this legislation to provide shared Federal-State responsibility through a board to regulate such information. This is indeed the new federalism at work. I regret, therefore, that attempts to draft final legislation in cooperation with the Department of Justice have failed to yield results. The time has come to break this logjam. Either the Department of Justice or the White House and the President's Privacy Committee must do so.

The new 94th Congress will also be dealing seriously with proposed reforms of the criminal code. This revision raises numerous civil liberties problems which will be of concern to both you and I. I would hope that the congressional program in the area of civil liberties in the next two years would also include guidelines for the operation of the FBI, a study of the intelligence community including the CIA, curbs on surveillance of citizens by the military and executive branch agencies, attention to the problems of privacy from state and local government and private groups, and amendments to the Fair Credit Reporting Act.

We must also respond to the Supreme Court's decision in the ACLU and California banker's challenge to the Bank Secrecy Act. The records of private citizens contained in bank statements, or telephone accounts, or similar third-party files, must be given protection equivalent to that secured by the Fourth Amendment. Legislation has been drafted—with your assistance—but we must increase our efforts to ensure its enactment. And, it goes without saying, that as we

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approach this legislative year, you can help greatly. We need your help and attention to legislation—we need on the Hill the skill that you have always demonstrated in the courtrooms of the United States.

But, I do not choose tonight to use this opportunity which you have given me to dwell solely on these issues. The dialogue I would begin here with you tonight will center not on the value of these liberties. I think we are agreed on their value. That is why we are here. My concern is their preservation, the preservation of liberty in a hostile world.

We Americans, I believe, take too much for granted the benign environment in which our political values, our political institutions and our civil liberties have developed. The yield of a garden is dependent upon the state of the soil and the care which it received. And civil liberties grow best in a well-cared for garden.

The American garden, I believe we would all agree, has been a rich one. An open continent, abundant natural resources, upward mobility, an enormous capacity to absorb European immigration and westward migration. And in this atmosphere we were able to develop a society with a sense of concern for the rights of man, a society where the ideas of Locke and other European thinkers were felt to apply to the common man.

This abundant American garden was not so much well-tended as it was capable of growing without much attention. But times have changed.

It is difficult to talk frankly about current developments without sounding overly pessimistic and I do not seek the role of Jeremiah. But I do think that we must face the fact that this Nation and the Western World are in for, at best, some severe dislocation in our way of life, if not the long-predicted decline of the West.

And, as the industrial nations such as the United States respond to this changed condition of the world, as the shortages in resources of the globe shrink in proportion to the demands of the globe, there will be a pulling and hauling on the institutions of society which I think will test to the ultimate the dedication of the American people and others to civil liberties.

Let me catalogue some of the forces at work.

Famine is the most frightening. Tonight over 400 million people in the non-Communist world—a number twice that of the entire population of the United States—are suffering from substantial malnutrition. Most of these are children, who will suffer permanent physical and mental damage even if they survive the coming months, will be physically and mentally impaired throughout their lives and therefore disadvantaged in seeking a decent way of life. No civil liberty is secure, in any country, when so much of the world cannot even find a bowl of rice.

The global energy shortage, which I hope everyone now agrees, is a real problem and not a mirage. The fact that one can buy as much gasoline at the pumps as one can afford proves not that there is no crisis—rather it shows that the crisis is even worse than imagined because we have no control over it. We are continuing to consume energy at a rate which will, in the near term bankrupt much of the Western World and, in the long term, leave us without petroleum—whether or not we have yet found a substitute—in fuel, in petrochemicals and materials, in fertilizers, jobs, livelihoods, family life, and political institutions are threatened by our continuing delay in meeting the energy challenge.

Compounding these pressures is population growth, stabilizing in the United States, but pressing ahead elsewhere in the world, consuming economic advances as soon as they are made. As the world conference on popu-

lation growth and reasonable economic advance must go hand in hand.

Europe, once the center of the universe, now looks elsewhere for direction. We need all her ancient skill and diplomacy in preventing another explosion in the Mid-East, but she has no capacity to help in containing such an explosion.

Meanwhile, government demonstrates its lack of ability to respond to these crises. People are apathetic, I saw this in the recent campaign. They seem to have give-up on government's ability to solve these problems. Ultimately their demands that it do so will diminish—generating less pressure for action.

So government has not found the answer to the petro-dollar crisis which threatens the world economic system. The Arab nations have roughly \$60 billion a year which they must invest somewhere, for their sake and for ours. \$60 billion is enough, by the way, to buy controlling interests in AT&T, General Motors, IBM, United States Steel, Boeing, Dow Chemical, General Dynamics, ITT, United Airlines, Xerox and Lockheed. You have heard that an attempt by one Arab nation to buy part of Lockheed was dealt with through an ad hoc arrangement. What other ad hoc arrangements may be in the works is unclear, but what is patent is the lack of any kind of process to protect the people most concerned.

Bureaucracy, at home and abroad, is not providing solutions. Our recent experience with wage-price controls showed us something about the difficulties of centrally administering a modern economy fairly and equitably. But it may not have shown us enough to prevent us from putting our head back in that ringer without safeguards to ensure due process and fair and open administration.

What does all of this mean? Its implications for civil liberties are not encouraging. As always, such concerns must compete for congressional attention with a host of other concerns and this problem is most severe in times like these, when the wolf is at the door.

But more ominously, the willingness of mankind to sacrifice civil liberties under pressure cannot be ignored. How many remember the statement "at least he made the trains run on time"? Can any of us hear that remark about Mussolini without a touch of fear. The young among us may get the same reaction when thinking back to the repressive reaction to the crime wave of the late sixties, a crime wave which the current economic slump threatens to revive. And there are always prophets who arise who have all sorts of simplistic and very wrong solutions to the complex problems of the world.

And so, I bring these problems to you. For several reasons. First, you have a direct interest. Liberty is your concern and so is anything which threatens it. It is people and groups such as the American Civil Liberties Union who will hew back to the bedrock principles of the American Constitution, in foul weather as well as fair. Second, you are the thoughtful leaders who can help find solutions to these problems of decreasing abundance.

I make this latter statement because I believe that the solutions are to be found in the processes and procedures which we establish. You know their importance. You know the meaning of the phrase "A government of laws, not of men." You have demonstrated that awareness at home, and together we are proceeding with our common agenda of safeguards and reforms.

That same awareness of the importance of process and procedures must be felt within the world community. We see today the emergence of a world unlike that of even two years ago. We confront challenges, as great, as sudden and as unexpected as those

wrought by the devastation of the Second World War and the discovery of nuclear weapons.

As we did then, so must we now, recognize the necessity of shaping legal institutions and procedures for coping with these new realities.

The United Nations has played an enormously significant role during the past 29 years. But it must be strengthened, reshaped or supplemented if it is to keep pace with the challenges we confront.

Our international financial institutions are strained to the breaking point, and we must sculpt new financial arrangements which will not require the sacrifice of independence and liberty at the altar of energy and economic survival. These institutions must respond to the needs of both developed nations, such as Italy, and developing nations, whose prospects grow bleaker as each day passes.

Secretary Kissinger is carrying enormous burdens and responsibilities as he pursues his personal diplomacy. But as he himself recalls from the experience of Bismarck, world stability cannot be permitted to depend on the abilities of one man.

It is time to begin to weave the new fabric of international law which will guide nations toward a peaceful resolution of our disputes in the years ahead. Building this law—be it directed at international pipelines, or the law of the sea, or new monetary arrangements, or international tribunals and arbitration panels—and nurturing the notion that these laws exist to be used rather than ignored, that they are substance and not window dressing, is not an easy or short term proposition. But its difficulty makes it all the more important that we take the lead now.

INFLATION AND RECESSION

Mr. BEALL. Mr. President, without question, the issue most on the minds of the American people today is the state of our economy. Faced with both rising prices and rising unemployment, the American people are growing more and more concerned about our Nation's economic future.

Our current economic difficulties are compounded by the fact that today's situation is somewhat different than anything we have ever experienced in the past. While we have known periods of recession and inflation throughout the economic history of the United States, this is the first time we have experienced an inordinately high rate of inflation at the same time as we have moved into a period of recession.

I might add that this problem is so unique that it is difficult to find unanimity of opinion as to its solution. While most people agree on the nature of the problem, there seems to be difficulty in reaching agreement on the programs that are best suited to bring us out of this troubling situation.

For instance, in an effort to gain as much insight into our economic situation and its potential solutions as possible, I contacted many prominent Marylanders, representing business, labor, and the academic communities, seeking their thoughts on this matter. Their answers were extremely well thought out. But those answers also showed the great variance in thought about what we should do to remedy our current difficulties.

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It is obvious that our problems are complex and cannot be cured by simple solutions. However, I think it would be helpful to discuss briefly the nature of the problem and some steps I think government should and should not take in providing a remedy.

THE PROBLEM

First. The current nature of our problem: We face an inflation rate of almost 12 percent today, a rate higher than at any time since the Korean war.

There is a decline in the real gross national product for the third straight quarter.

We have a continuing decline in our industrial productivity. For instance, our third-quarter productivity declined 2.4 percent in the nonfarm sector and 0.2 percent in manufacturing, at seasonally adjusted annual rates. On the other hand, our unit labor costs rose at a 13.9 percent annual rate.

Consumer prices have continued to soar. Consumer prices in September rose at a seasonally adjusted annual rate of 14.4 percent sparked by another big jump in food prices. In the last year, prices have risen over 12 percent, the biggest year-to-year advance since September of 1947.

Housing starts continue to slump. These starts are off nearly 40 percent from last year at this time. To make matters worse, the pace of new building permits, a very good indicator of future housing activities, is reported to be running at a seasonally adjusted annual rate of only 825,000 units, an 8½-year low.

But perhaps the most sobering statistic of all is that unemployment is at 6.5 percent and rising. This means that 5,975,000 people were unemployed in November.

The United States, of course, is not the only nation in the world affected by the troubling inflation and deepening recession. In all fairness, we should point out that the problem is international in character, thus the solution will, to some extent, result from multilateral action.

It should further be pointed out that the rate of inflation has been contributed to by special situations. The costs of food and oil, probably the two most important commodities in the world, have spiraled and of course these costs have dramatically shown up in our price cycle.

There are also world-wide shortages in other basic commodities. These shortages will continue, if for no other reason than that each year we add 80 million people to the world's population. Additionally, because the world's population is increasing in affluence, the competition to receive basic commodities and use our limited natural resources also increases. So, while some long-term solutions must be international in character, there are things we should and should not do here at home to alleviate our own domestic situation.

FISCAL POLICY

For many years, this Nation, and particularly the Congress, has shown a great deal of fiscal irresponsibility. We have continually run deficits in the Federal budget in times of economic pros-

perity which have contributed significantly to rising prices and tightening credit.

If our only problem was inflation, I believe we could handle the situation simply by balancing the Federal budget and adjusting the supply of money. But we face the equally damaging problem of recession. The classical solutions to inflation unfortunately, would have an adverse effect on the recessionary cycle, and so treating one problem while ignoring another would be pure folly.

I had hoped that we would be able to cut the Federal budget below \$300 billion in fiscal 1975 and have a balanced budget in fiscal 1976. However, because of dwindling tax receipts caused by the recession, it unfortunately appears impossible to accomplish these goals.

However, we cannot forget the role the Federal budget plays in fanning the fires of inflation. Therefore, I believe it is absolutely essential that when we start to come out of our present economic decline, we begin to bring the Federal budget into balance so as to minimize inflationary pressures that will result from an unbalanced budget in a period of economic growth.

In the long run, we must move away from the mentality of permanent budget deficits, and stop funding programs far in excess of our ability to pay.

MONETARY POLICY

Monetary policy is by far the Government's most powerful weapon in fighting inflation. In part, our current inflationary spiral has been caused by a too rapid growth in the money supply in past years, and an inconsistent money growth policy.

I believe we must find a reasonable level of money growth, consistent with the production of real goods, and stick to it. This, of course, does not mean that the Federal Reserve Board should keep the money supply as low as it was earlier this year, because certainly this policy has created hardships in a number of industries. But it should guard against a sudden new explosion of money which will lead us on a roller coaster ride toward higher and higher inflation.

THE CASUALTIES

It is of immediate importance that we turn now to the development and expansion of programs which will care for the casualties of recession.

I believe that we have the responsibility to provide for human needs of people who are put out of work.

As a first step, we should stretch out or extend unemployment benefits for at least 13 weeks beyond its current limit, so that our people will have some continuity to their income.

Second. We must put into place an adequate program of public service employment which will provide meaningful temporary job opportunities for those who are laid off for relatively short periods of time. The program should be directed toward meeting the many needs of communities throughout the country. These needs include such things as land and water conservation, improvement of land transportation facilities, and community development problems.

I also think it desirable to proceed with Government assisted programs, that prior to this time, have been moving at a slower pace than originally intended because of budget restrictions.

There are many water, sewer, and transportation projects which have been curtailed for various reasons. The release of funds for the already authorized programs would provide a much needed stimulus. Particular attention should be given to those where the job benefit rate is high; that is those programs that produce higher numbers of jobs in proportion to the amount of money spent.

In a country as affluent as ours, there should certainly be the desire, capability and responsibility to insure that all our citizens are cared for as well as possible, as we work our way out of trying economic conditions.

TAXES

The two most important powers of Congress are to raise revenues and to appropriate funds. We have previously discussed the general policy our Nation should adhere to when considering the appropriations process, and now I would like to turn to recommendations concerning tax policies.

First, since 1969, the Congress has yet to look comprehensively at our Nation's tax program. Therefore, I believe it is imperative the 94th Congress put, as its first priority, comprehensive and meaningful tax reform.

It has been suggested by some, including the President, that we increase Federal income taxes in order to provide more revenue so as to more closely balance our budget.

On the other hand, it has also been suggested by some that we reduce Federal income taxes in order to spur additional economic activity.

It is my opinion that we should do neither. A tax increase at the present time would work unnecessary hardships on the majority of American citizens. By the same token, a broad tax reduction would be contrary to the long-term economic interest of this country because it would contribute to our already massive Federal deficit and add fuel to the fires of inflation, which fortunately show signs of easing.

What we should do is seek tax reform. I think it is possible to reduce taxes for lower- and middle-income people, at the same time as we close the loopholes which exist in our current tax laws. Among these loopholes are those which allow people in the very high tax brackets to avoid payment of any taxes. Thus, I believe that the present minimum tax should be strengthened.

Third, I think it is desirable to reform the tax laws to encourage investment of capital in our economy. Increased capital accumulation generates new jobs and expands our tax base. Unfortunately, this Nation is low on the list of the world nations in terms of capital accumulation and formation and I believe we must take a close look at all our tax laws to encourage the expansion and development of our capital resources.

I also think it is necessary that we do away with favored treatment for persons and businesses which, although justified

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at one time, are no longer serving the purpose for which they were created.

Above all, our tax system should be fair and equitable and its equity should be apparent to all of the American people. There must be confidence that all the taxpayers of America are being treated equally. These exclusions and special treatments do not encourage that type of thinking and thus, I think it is in the long-term national interest that we, to the extent possible, eliminate unnecessary tax preferences.

ENERGY

A discussion of our economic situation would not, of course, be complete without reference to our Nation's energy problems.

The tremendous increases which have occurred in petroleum-related products in the past year have found their way into every aspect of our economy and have contributed, probably more than any other factor, to spiraling price increases in a number of commodities.

The only way to lower energy costs is to increase our domestic supply. The market is doing this in many instances because the high price of gasoline and other petroleum-based products have made it more attractive to explore unreachable oil deposits.

Additionally, after long years of haggling, the Congress last year enacted legislation to permit the construction of the Trans-Alaska Pipeline, and this development will significantly increase our fuel supplies in the lower 48 States.

Third, I think it is necessary that we diligently explore possibilities of oil development off the coasts of our Nation. All indications point to the fact that there are massive deposits of petroleum and natural gas in our Outer Continental Shelf, and I think it would be irresponsible for us to allow unnecessary roadblocks in the path of prompt and systematic development of these resources. I recognize that there are environmental risks in this situation, both from spills and, even more significantly, from related onshore development. But I believe that, with existing technology and prior planning, these risks can be minimized.

Our efforts should be spent in the creation of a policy that will allow us to take advantage of these resources and protect the public interests rather than one of trying to prevent the development of an additional supply of energy.

I also believe that we must deregulate the price of natural gas, so as to permit a more reasonable return to producers.

At a time when there are significant shortages in natural gas in my part of the country, we hear reports wells are being capped because of the relatively small return on investment which is available to those who produce interstate gas. Although we must guard against windfall profits in this instance, I do believe it is the time for Congress to take a look at this situation, and move expeditiously to provide the incentives by which American people will have an adequate supply of natural gas.

HOUSING

One segment of our economy which is particularly hard hit during this recession, and thus deserves special attention, is the housing industry. Housing activity has declined for the last 4 consecutive months, and now is some 33 percent below the pace set only a year ago. Even more discouraging is the fact that the issuance of new building permits, an accurate barometer of future housing activity, is down 42 percent from October 1973, and has now reached the lowest point since December 1966.

The housing decline has serious short- and long-term implications. Currently, the unemployment rate in the construction industry is 13.9 percent, more than double the nationwide rate of all workers. Additionally, slackening demand by the industry for raw materials and finished products has had severe ripple effects in other parts of our economy.

Should this situation continue, we will face a significant housing shortage in this country. It is therefore incumbent on the Congress that we do all we can to stimulate housing.

The Congress has passed, and the President has signed into law, S. 3979, the Emergency Home Purchase Assistance Act, which is designed to pump \$7.75 billion into the housing market. The President has committed some \$3 billion of that amount, and I hope he will implement this legislation as rapidly as possible.

We must continue to respond to the needs of this industry, and I hope the Congress will consider early in the coming session further legislation to aid this industry.

FINANCIAL ASSISTANCE

Further, just as there are individual casualties in times of economic recession, so too are there many businesses who are forced to the brink of financial collapse. Therefore, it is most desirable that we recreate a program similar to that sponsored under the Reconstruction Finance Corporation to help failing businesses by providing loans to assist their capital requirements.

ANTITRUST ACTIONS

Additionally, the Federal Government should vigorously enforce the antitrust laws now on the books in order to assure that the maximum amount of competition exists in the marketplace.

WHAT WE SHOULD NOT DO

Although there are, as I pointed out, some significant actions the Federal Government can and should take to strengthen our economy, there are also some actions which have been advocated by others which I believe it should not take. We must guard against the temptation, in this period of economic downturn, to do too much to our economy. The free market system, with all its imperfections, has served us quite well in the past, and I think any unnecessary tinkering will create greater distortions and misallocations in the future.

WAGE AND PRICE CONTROLS

One particular action which I strongly oppose is wage and price controls. I think it is extremely important that we do not resort to the imposition of these controls. As politically attractive as wage and price controls seem to be in the

short run, they would be detrimental to our Nation's long-term interest.

In my judgment, those who offer wage and price controls as a panacea for all of our present economic problems, are opting for illusory solutions at the expense of sound economic policy.

The available evidence indicates there is no major industrial democracy that has been able to impose wage and price controls effectively in peacetime without causing great problems for itself. The results have generally been misallocation of resources and inventories, inefficiency in the marketplace, a growth of black markets, and a rising dissatisfaction on the part of the people who are subject to controls. Experience has shown that under controls, prices tended to rise, and wages lagged behind these price increases. In fact, we have to look no further than our Nation's recent history to understand the failure of this policy of economic controls. On August 15, 1971, when controls were placed into effect, the inflation rate was 3.7 percent. Two and one-half years later, with the expiration of controls, that same inflation rate had tripled to a rate of 10.8 percent. Additionally, we then had to contend with control induced shortages in everything from steel to hamburger, shortages which are only now being overcome.

Ironically, if wage and price controls are imposed, it would be the American worker who would be most hurt by such action. This is because it is much easier—barring the establishment of a massive new Federal bureaucracy—to control wages than control prices. If controls were imposed tomorrow, wages would be frozen but prices, because of the intricacies of the marketplace, would continue to rise and reduce individual purchasing power. Thus, I hope that such a policy will not be advocated by the President or the Congress.

SOME GOOD NEWS

Although recent trends indicate a bleak picture, there are encouraging signs for the future.

Prime interest rates are declining and now hover at a level of about 10 percent.

The U.S. trade balance has improved, too. In September shortfall of the Nation's trade balance totaled \$233 million, considerably less than the \$1.13 billion trade deficit registered in August.

The earnings for American workers are up slightly. After tax earnings of a typical worker, adjusted for the loss of purchasing power caused by inflation, rose 0.1 percent in September, but are still 5.2 percent below a year ago.

Finally, shortages in the number of commodities are disappearing.

There is another sign that is positive and is one which will be of great value, I believe, in the long run.

Judging from my mail and from my constituent contact, there seems to be a growing awareness and understanding of the economic facts of life by the public. More and more, people are not only understanding why we are experiencing an economic downturn, but more importantly they know what we should do and should not do to remedy the situation.

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For many years, good politics have not necessarily led to good economics. Government told the public indeed what the public wanted to hear, not what it should hear. But I believe that situation is changing. The public is demanding a new sense of fiscal responsibility and such demands can only lead to an improvement in our economic and political life.

By responding to this concern, the Federal Government will encourage Americans to have confidence in their own system. By having that confidence, we will assist the economy, since it is a barometer of the public mood, to overcome our present difficulties and move once again toward prosperity.

Although government, through fiscal and monetary policy, plays an important role, we should not delude the people of this country into believing that government can or should provide all the answers to our current dilemma. Certainly government must provide the leadership in developing programs that will provide the framework within which our free and flexible economy can react and change.

But it should not bear complete responsibility. Government can contribute to public confidence and to the maintenance of the market by providing general guidelines, but taking specific actions only when they are essential to the protection of the free market system. By these actions, government can show that it too has confidence in the system.

THE MARKETPLACE

There is one other point I would like to make today, and that is Americans should not stay away from the marketplace.

If there are goods and services which we need and can afford, then I think that we should go out and buy those goods and services after satisfying ourselves that we are getting the best buy available. It makes no sense to tell the American people not to buy when in fact they can afford to buy and need the goods and services that are being offered for sale. The only admonition should be to use care in the selection of the items being bought so that we are assured of getting the highest quality for the best price available. If Americans stay away from the marketplace, most assuredly we will be a long time recovering from our present economic difficulties. But if Americans recognize that our problems are short term in nature, the American economic system, within the structural framework of our democratic society, has both the flexibility and vitality to generate continual growth and thus provide the foundation for new and increased opportunities for an ever growing number of citizens.

There weren't always such routes, of course. Although the Constitution authorized Congress "to establish Post Offices and Post Roads," mail only came as far as the addressee's nearest post office.

For a time, independent deliverers picked up mail—for a fee. In 1863 post offices hired mailmen for free home delivery—in cities with over 10,000 residents. As a result, in 1890, 20-million Americans had free mail delivery; 55-million did not.

Several postmasters led the fight for Rural Free Delivery. It would, some said, destroy the isolation of the countryside and stem the "deplorable drift" of citizens from the country to the towns. These same supporters later advocated another radical move called Parcel Post. Their ranks included men named Richard W. Sears, Alvah C. Roebuck and A. Montgomery Ward.

By 1900 many rural mail routes were established and by 1913 President Wilson received his first Parcel Post package—eight pounds of New Jersey apples.

It was the historian Daniel Doorstin has written, "the least herald and in some ways the most important communications revolution in American history."

The people around Hungry Horse named for a skinny horse found here once, would probably go along with that—to a point.

has to brave bad weather, poor roads and other obstacles to get the mail through. According to the article, his customers include descendants of early homesteaders who have either returned from or avoided the cities in favor of enjoying a high degree of independence in the back country. Mr. Lane's dedication reflects credit not only on himself but on the other 30,724 men and women who deliver the mail to more than 12.5 million Americans, many of whom live in similarly remote areas.

Mr. President, I ask unanimous consent that this New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 18, 1974]
RURAL POSTMAN DEFIES ALL: SNOW, GLOOM, AND MOOSE

(By Andrew H. Malcolm)

HUNGRY HORSE, MONT.—Just about every letter that Virgil Lane delivers in these parts is a special delivery.

It's not that they cost extra or go out at all hours of the day or night. It's just that they are so dashed hard to deliver.

For Virgil Lane is a rural mail carrier, one of 30,725 men and women who haul letters and magazines and newspapers and junk ads to more than 12.5-million Americans, many of them living on isolated lanes yet unlined by electric and telephone wires.

To these Americans the regular arrival of the mail brings much more than a few pieces of paper. It is the main means of communication with the world. And at holiday times like these, with families far-flung and stores dozens of rugged miles away, mail day can be a very important occasion.

On some 30-below winter days, Mr. Lane may drive his 120-mile route through a snowstorm in the woods on a dirt road by the cliff near Canada to deliver a mere handful of letters. Only once was he ever late. But that was the fault of moose that blocked his path.

"It's a tough enough route," says the 51-year-old Mr. Lane. And especially nowadays with snow accumulating to the seven-foot annual level.

THE MAILMAN IN HISTORY

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The people around Hungry Horse named for a skinny horse found here once, would probably go along with that—to a point.

Last year the Postal Service proudly proposed that twice weekly deliveries on Mr. Lane's route be increased 50 per cent.

MORE MAIL, MORE PEOPLE

This prompted great opposition, however. As one old-timer put it, "More mail means more people."

Descendants of early homesteaders, these aging residents have either fled from or avoided the cities in favor of the back country where they can live by their own rules.

There are, for instance, only two signs along Mr. Lane's mail route. And neither one of them orders anyone to do anything. One sign says: "Warning: Road Width Varies Next 22 Miles."

The other sign is somewhat more comprehensive: "Polebridge Store Beer Cafe Groceries Cabins Western Souvenirs Ice Camp Grounds Fishing Hunting Camping Supplies U.S. Post Office Propane Bottles Filled Eddy's Bread Better By Far 1/4 Mile."

Mr. Lane's workday begins at 4 A.M. in his home near here. By 5 he is in Kalispell, picking up all the mail for Columbia Falls, Hungry Horse and four other communities. He drops the sacks off at the appropriate post office and reverses the process at night.

But twice a week—on Tuesdays and Fridays—he also wheels his truck up the North Fork, a twisting, rutted, unpatrolled one-lane dirt road that parallels the western boundary of Glacier National Park right up to the cleared strip of land and the open gate that marks the international boundary with Canada. For these 104 roundtrips each year Mr. Lane, a private mail contractor, earns \$5,063.88 for his time, gas and maintenance.

In the back of his truck, like a spare tire, Mr. Lane carries a snowmobile for those last 15 miles when the snow usually overcomes his truck. He straps the mail sacks on his back and heads down the road where the only litter is pine cones, used antlers and other wild animal droppings.

ROAD PLOWED RARELY

"The snow isn't really too bad," says Mr. Lane, "the county plows the road out once or twice a year." The county, which is named Flathead, is 363 times larger than Manhattan with 1/39th the population.

Six miles out of town he stops at Merle Hulford's mailbox, the first of 18 stops. Then comes Lloyd McCrory's and Clarence Rose's.

Then the road climbs. "A couple people got killed last winter here," says Mr. Lane. "Didn't make that turn." He points 150 feet down to the river.

Then on through the pines around Fool Hen Hill by Cyclone Point and Strawberry Lookout, where Mr. Lane encounters a car. "How about that?" he says. "You know in the summer here with the campers and all it's like Grand Central Station. You see two, maybe three, cars a day."

Two hours later he reaches Polebridge, a cluster of cabins and a general store with white wisps of smoke rising in the crisp mountain air. There by the big barrel of peanuts, Mr. Lane leaves some mail with Bob Olson for distant residents to pick up sometime.

He switches on his four-wheel drive and heads toward Canada past the Hullsinger place, the Wilsons, and the home of Lloyd Sondreson and Tom Reynolds, a 79-year-old hermit who rides a Honda out to the mailbox.

RESPECT FOR MOOSE

Then there's Bill Atkinson, a self-proclaimed mountaineer who fashions his own clothes from buckskin.

"Right in here is where the animals are," says Mr. Lane. Sometimes in deep snow the moose and elk prefer to travel on the road, a right Mr. Lane does not deny them if only because enraged moose have been known to charge freight trains let alone

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little pick-up trucks with fragile radiators in front.

"One day," Mr. Lane recalled "it took me three hours to go nine miles. Every so often they'd just lie down for a little snooze."

The last mail stop is for Joe Bush, probably the only Canadian to get all his mail from the United States. Mr. Bush, who gave up an urban plumbing business to build a home in the woods, owns 300 yards inside Canada. But he meets Mr. Lane at the border for his mail, which regularly includes the next lessons for his 10-year-old daughter Tracey in her Canadian Government correspondence courses.

Then begins the long drive back to town, picking up the outgoing mail in boxes with the red flag flipped up. If Mr. Lane is not back by 5 P.M., a rescue team is dispatched.

"Sometimes," said Mr. Lane, "the beauty up here almost knocks your eyes out—the trees covered with snow, the mountains standing over everything like white ghosts, the rush of the wind in the treetops. Some days you can watch a complete avalanche over there. And you realize how small you really are."

One recent evening as this mailman returned home for dinner after 14 hours of work. He noticed a piece of paper in his vest pocket.

Mr. Lane, who since dawn had delivered hundreds of letters, passed countless mailboxes and hauled several tons of mail to and from a half-dozen post offices, had forgotten to mail a letter from his son to a girlfriend. And anyway, the Lanes were out of stamps.

OIL COMPANY COMPLIANCE WITH THE TRUTH IN NEGOTIATIONS ACT AND THE COST ACCOUNTING STANDARDS BOARD

Mr. JACKSON. Mr. President, it has recently come to my attention that the oil companies have once again been less than fully cooperative with the Department of Defense in furnishing vitally needed petroleum supplies. Specifically I refer to attempts by the oil companies to force the Department to enter into contracts without supplying certain cost and pricing data required under the Truth in Negotiations Act and complying with certain cost accounting standards promulgated by the Cost Accounting Standards Board and applicable to all Defense contracts.

Denying the Government this information would prevent the Government from determining whether the prices to be paid for petroleum supplies by the Department are reasonable. Too often, both the executive and legislative branches have been denied information critical to ascertaining the reasonableness of oil company profits and prices. Certainly here, where we have statutory guidelines, waivers and exemptions should not be granted unless a compelling case has first been made for the necessity of such action.

The Department of Defense, acting on behalf of the oil companies, recently informed the Cost Accounting Standards Board that waivers would be sought in as many as one hundred Department of Defense contracts with oil companies totaling approximately \$1 billion.

When these facts came to my attention, I wrote the Honorable Elmer B.

Staats, Chairman of the Cost Accounting Standards Board and the Honorable James R. Schlesinger, Secretary of Defense, requesting that I be informed before any such waivers were granted and that all requests be carefully scrutinized.

On December 16, 1974, Mr. Staats replied that the Cost Accounting Standards Board had declined the Department of Defense waiver request made on behalf of Mobil Oil Corp. This contract was estimated to be \$6,787,928 for 1975 petroleum requirements in Turkey.

Finally, on December 17 the Federal Energy Administration issued a ruling to the Department of Defense that its petroleum allocation and pricing regulations in no way obviate the necessity of the oil companies complying with the cost and pricing requirements of the statutes.

Mr. President, it now appears that after some initial reluctance on the part of some officials of the Department of Defense, all affected Government organizations—the Department of Defense, the Federal Energy Administration and the Cost Accounting Standards Board—stand firm in their position that oil companies contracting with the Department of Defense must supply the necessary cost and pricing data and comply with standard cost accounting procedures.

I will continue to monitor this subject and I have directed the staff of the Permanent Subcommittee on Investigations to follow developments and to develop a complete report on this subject.

Mr. President, under the Emergency Petroleum Allocation Act, the oil companies must supply the Defense Department with its domestic requirements. This is not, however, true with respect to furnishing foreign supplies to our military. I note again that the waiver denied by the Cost Accounting Standards Board deals with Defense requirements for Turkey.

I would caution Mobil Oil Co. and any other oil company supplying petroleum products to our forces overseas to comply not only with the letter and spirit of the law, but also to exercise prudence and judgment in the best interests of the United States. I did not think that prudence and the best judgment were exercised by our major oil companies with regard to the cutoff of oil to our military in the aftermath of the 1973 Arab-Israeli war.

Mr. President, there should be no question of our Armed Forces, both here and abroad, getting all the petroleum products they need pursuant to contracts to be governed by all normal statutes and regulations.

And there should be no question of the Department of Defense obtaining the cost and pricing data necessary for them to determine whether the prices they pay for petroleum products are fair and reasonable.

Mr. President, I ask unanimous consent that the letters and materials referred to in my remarks be printed in the Record.

There being no objection, the material

was ordered to be printed in the Record, as follows:

U.S. SENATE, COMMITTEE ON GOVERNMENT OPERATIONS, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., December 11, 1974.

HON. ELMER B. STAATS,
Comptroller General, Chairman, Cost Accounting Standards Board, Washington, D.C.

DEAR MR. CHAIRMAN: I fully appreciate the important role of the Cost Accounting Standards Board in providing uniform and consistent cost-accounting principles for defense contractors engaged by the Federal Government. You have my unequivocal support in the effort to secure greater rationality and fairness in government procurement matters.

I am deeply disturbed by reports that several oil companies, contracted to supply petroleum products to the Department of Defense for the first six months of 1975, may refuse to comply with certain regulations and disclosure requirements promulgated by your Board. I am further concerned by allegations that the Department of Defense may seek an exemption from such requirements on behalf of the oil contractors. Such an exemption would raise significant questions of policy, since some sixty-eight oil companies and \$1 billion in supply contracts would be affected.

As Chairman of the Senate Interior Committee and the Permanent Subcommittee on Investigations, and to discharge their continuing oversight responsibilities, I have requested my staff to undertake a preliminary inquiry into the propriety of the contemplated exemption. Given the enormous implications of this matter for national security and energy policies, it is requested that you inform me should any such exemption request come before the Board.

You have my continuing support and assistance in your endeavors.

Sincerely,
HENRY M. JACKSON,
Chairman.

U.S. SENATE,
Washington, D.C., December 16, 1974.

MY DEAR MR. SECRETARY: In accordance with S. Res. 269 of the 93rd Congress, the Permanent Subcommittee on Investigations, which I chair, has conducted oversight inquiries and hearings into all aspects of energy supplies, prices and policies. You will recall that on April 22nd of this year, the Subcommittee heard testimony on the cutoff of petroleum products to our military forces in the aftermath of the October 1973 Arab-Israeli War. Let me thank you again for your outstanding cooperation during the course of that investigation.

Our continuing monitoring of the energy area has uncovered another situation involving petroleum supplies to the United States Military which merits further inquiry. Accordingly, I have directed staff to undertake a comprehensive preliminary inquiry and by this letter request that you again render your cooperation so that we might obtain all of the facts in this matter.

We understand that the major suppliers of petroleum products now faced with negotiated rather than competitive bid contracts, have balked at supplying the accompanying cost data and complying with cost accounting standards required by statute and regulation. Specifically, these include supplying and certifying cost and pricing data under the Truth in Negotiations Act (P.L. 87-653) and conforming with cost-accounting standards promulgated by the Cost Accounting Standards Board (CASB) under P.L. 91-379.

We further understand that some oil companies have warned that unless they are re-

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lieved of such requirements they will not be able to contract with the Department of Defense for fuel supplies for the first six months of 1975. Finally, we understand that the oil companies and DoD have had discussions on the possibility of obtaining waivers of the two statutory requirements or requesting the Federal Energy Administration to issue a ruling stating that they are exempt from the CASB standards. As you know, only the CASB can waive its standards while DoD has authority to unilaterally waive the requirements of the Truth in Negotiations Act.

In my opinion, the only way to determine whether the prices to be paid by the Department of Defense are reasonable is to insure that the oil companies comply with the cost standards established by law and regulation. Accordingly, I have written the Chairman of the Cost Accounting Standards Board, the Honorable Elmer B. Staats, requesting that I be informed before any waiver request is granted by the Board.

Likewise, I am requesting that you inform me prior to the Department's waiving the requirements of the Truth in Negotiation Act in contracts negotiated between the Departments of Defense and the oil companies. Such waivers should be withheld until they have been carefully scrutinized and the ramifications of such action properly evaluated.

Too often both the Executive and Legislative Branches have been denied information critical to establishing oil company profits and pricing. We cannot, without the most thorough reflection, allow these companies to avoid supplying data required by law of other large companies.

In addition, I also would like to know how the Department of Defense came to find itself in this position. Specifically, it is important to have a chronology of events which required "eleventh hour" decisions as well as all relevant documentation.

Accordingly, I request that you supply the following information:

1. A description and chronology of the Department's petroleum procurement process, including all pertinent dates at which procurement decisions for 1975 supplies were taken.

2. A copy of the September 24, 1974, letter sent to the prospective oil contractors by the Defense Fuel Supply Center, and copies of all responses thereto.

3. A copy of the Department's letter of November 22, 1974, to the prospective oil contractors and copies of all responses heretofore received.

4. Copies of all communications, documents and memoranda relating to the Department's request for waivers of the Cost Accounting Standards Clause from the Cost Accounting Standards Board.

5. Copies of all communications, documents and memoranda relating to the Department's request for petroleum pricing information from the Federal Energy Administration which would support a market or regulated price exemption for the prospective oil contractors.

6. Copies of all internal communications, documents and memoranda relating to the Department's efforts a) to obtain pricing information supporting a market or regulated price exemption for the petroleum suppliers or, b) to secure a waiver of the requirements of P.L. 87-653 and P.L. 91-379 on behalf of these suppliers.

I appreciate your cooperation and assistance in resolving the important questions raised which bear upon the efficacy of our petroleum procurement program, the FEA allocation process and the role of the oil companies in these critical areas.

Sincerely,
HENRY M. JACKSON,
Chairman.

CONGRESSIONAL RECORD—SENATE

COST ACCOUNTING STANDARDS BOARD,
Washington, D.C., December 18, 1974.

SENATOR HENRY M. JACKSON,
Chairman, Permanent Investigating Subcommittee, Government Operations Committee, U.S. Senate.

DEAR SCOOP: Your letter of December 11, 1974, asked me to inform you if any request for an exemption from the Cost Accounting Standards Clause in proposed Department of Defense contracts for petroleum products was received by the Cost Accounting Standards Board.

By letter dated December 5, 1974, from Assistant Secretary of Defense Mendolla, the Department of Defense requested the Cost Accounting Standards Board to waive the obligation to include the Cost Accounting Standards Clause in a proposed Department of Defense contract for its 1975 petroleum requirements in Turkey with Mobil Oil Corporation. The proposed contract was estimated to be \$6,787,928; officials of the Department of Defense informed the Cost Accounting Standards Board that similar waivers would be sought for possibly as many as one hundred Department of Defense contracts with oil companies for 1975 petroleum requirements in the United States and abroad. They estimated that the total of these contracts would be approximately \$1 billion.

At its meeting on December 13, 1974, the Cost Accounting Standards Board declined to grant the requested waiver for the proposed contract with the Mobil Oil Corporation. The Board's action, which is fully explained in a letter to Assistant Secretary Mendolla, a copy of which is enclosed, was based on the Board's conviction that Mobil has offered no reasons, and the Board knows of no reasons, why Mobil would be unable to comply fully with the requirements of the Cost Accounting Standards Clause.

Staff of the Cost Accounting Standards Board will be available to discuss this matter further with your Staff if you wish.

Sincerely yours,
ELMER B. STAATS,
Chairman.

COST ACCOUNTING STANDARDS BOARD,
Washington, D.C., December 13, 1974.

HON. ARTHUR I. MENDOLLA,
Assistant Secretary of Defense
(Installations & Logistics),
Washington, D.C.

DEAR MR. MENDOLLA: A letter dated December 5, 1974, from the Acting Assistant Secretary of Defense (I&L) requests the Cost Accounting Standards Board to waive inclusion of the Cost Accounting Standards Clause in a proposed Department of Defense (DOD) contract with the Mobil Oil Corporation for the supply of 1975 DOD requirements of fuels and lubricants in Turkey. In its consideration of this matter, the Board has had the benefit of additional information supplied informally by your staff and has had an opportunity for extensive discussions with Mr. Babione, Deputy Assistant Secretary of Defense (Procurement), and other DOD representatives at the Board meeting on December 13.

The Board noted that Mobil Oil Corporation has not unequivocally refused to accept the CAS Clause, but has said instead that it is unable to comply with it. It has stated that it is unable to provide a meaningful Disclosure Statement and further that it is unable to accept the inclusion of the obligation to comply with Cost Accounting Standards.

The Board is convinced that Mobil's position is not well founded. The DOD letter of December 5, 1974, enclosed a letter of April 2, 1974, from the Controller of the Mobil Oil Corporation to the Defense Fuel Supply Center. The Controller there stated that Mobil

is unable to provide the Government with a meaningful Disclosure Statement for petroleum products. However, the Disclosure Statement requires only that a potential defense contractor describe fully the cost accounting practices he will use in performance of a contemplated contract. There is nothing in the Disclosure Statement which would preclude a firm using a joint-cost system, which Mobil states that it uses, from completing the Disclosure Statement. The Board, for example, has received to date copies of 69 Disclosure Statements from firms which employ process-cost systems, and these Disclosure Statements have been accepted by the Defense Contract Audit Agency as complete and accurate statements of the cost accounting practices of those firms. A firm using a joint-cost system can be considered as using a refinement of a process-cost system, and there is no reason why it cannot describe its proposed cost accounting practices in a Disclosure Statement.

The Board considered carefully the comment also made by the Controller of the Mobil Oil Corporation in his April 2, 1974, letter that a company using a joint-cost system would be unable to comply with any promulgated Cost Accounting Standard. The Board concluded that the promulgated Cost Accounting Standards can be followed fully by firms using joint-cost systems, just as they are being followed by firms using other cost accounting systems.

The Board recognized the possibility that a proposed future Cost Accounting Standard might not be susceptible to compliance by a firm using a joint-cost system. The Board would expect that if such a circumstance were to arise, Mobil and other firms using joint-cost systems would so inform the Board through their comments on proposed Standards. In such a case, the Board could provide appropriate modification of the proposal or could, if it deemed appropriate, exempt firms using joint-cost systems from the application of the Cost Accounting Standard in question. In any event, by accepting the Cost Accounting Standards Clause in current procurements, Mobil would not thereby agree to comply with any future Cost Accounting Standard.

The Board noted that there is no indication from the materials submitted to the Board or from Mr. Babione that any officials of the Department of Defense who understand the accounting aspects of the Disclosure Statement and application of Cost Accounting Standards have raised and discussed with appropriate officials of Mobil the basis for the reasons why Mobil believes it cannot submit a Disclosure Statement or comply with Cost Accounting Standards. As indicated above, the Board is convinced, on the basis of the present record, that full compliance by Mobil with the CAS Clause is entirely feasible and is required.

For these reasons, the Board has declined to grant the requested waiver.

Sincerely yours,
ARTHUR SCHOENHAUT,
Executive Secretary

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 1974.

HON. ELMER B. STAATS,
Chairman, Cost Accounting Standards Board,
Washington, D.C.

DEAR MR. STAATS: Pursuant to Cost Accounting Standards Board Regulation 331.30, it is requested that a waiver of the Cost Accounting Standards Clause be approved to permit award of a contract to Mobil Oil Corporation (DSA-75-5). We believe the attached document is responsive to the requirements of 331.30.

We would appreciate consideration of this request at the Board meeting on 13 Decem-

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ber in order to meet the urgent procurement requirements.

Sincerely,

PAUL H. RILEY,
Acting Assistant Secretary of Defense,
(Installations and Logistics).

REQUEST AND JUSTIFICATION FOR WAIVER OF
COST ACCOUNTING STANDARDS CLAUSE: PRO-
POSED CONTRACT WITH MOBIL OIL CORPORA-
TION (DSA-75-5)

This request for waiver covers an indefinite quantity contract for the supply of the following petroleum products to 33 military locations in Turkey. These locations as well as their missions are of a classified nature; further information will be provided if required.

Product	Quantity (Gallons)
Diesel Fuel Oil, No. 2-----	11,807,000
Motor Gasoline, Premium Grade-----	1,902,000
Kerosene-----	554,180
Aviation Gasoline, 115/145-----	11,500
Turbine Fuel, JP-4-----	21,500
Fourteen Types of Lubricating Oils, Greases and Solvents-----	127,780

The contract period is 1 January 1975 through 31 December 1975. The estimated value of the contract is \$6,787,928. The contractor provides services relative to the storage, handling and distribution of these products. The estimated value of the petroleum products is \$5,537,264 and the estimated value of services is \$1,250,664. The buying activity is the Defense Supply Agency, Directorate of Procurement and Production, Defense Fuel Supply Center (DFSC), Cameron Station, Alexandria, Virginia 22314. The proposed contractor is Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017. The fuel oil, gasoline, kerosene and aviation fuels are supplied from Mobil's overseas affiliates; the lubricating oils and other miscellaneous packaged products originate from various sources in the United States.

Pursuant to the Cost Accounting Standards Regulation 4 C.F.R. 331.30, subparagraph (c) (1), the following specific information is furnished:

(i) The proposed contractor has refused unequivocally by letters of 2 Apr 74 and 30 Aug 74, and message of 16 Sep 74 (Attachments 1, 2 and 3, respectively) to accept this contract or any future contract containing the Cost Accounting Standards Clause relative to the supply of petroleum products. In connection with contracts for services only, i.e., storage, handling and distribution of petroleum products or contracts for petroleum products which contain clearly identifiable service costs, Mobil has agreed (Attachments 4, 5 and 6) to the inclusion of the clause applicable only to the services portion of the contract, subject however, to the deletion of paragraphs (d) and (e). Mobil has been unsuccessful in its attempts to obtain their trucking subcontractor's agreement to the inclusion of the clause and they do not qualify for one of the exemptions set forth in the clause. The estimated value of this subcontract is \$213,000. Further, Mobil states that they presume that unless an alternate solution is agreed upon, they will be unable to offer against any future negotiated procurements and that they may have to withdraw their offer under the Turkey procurement.

Mobil's rationale for refusal is that the Disclosure Statement and the Standards appear to be designed for manufacturing, construction and service industries which can assign or allocate costs to individual products or contracts. Mobil maintains this is not possible in a joint cost industry. In a joint cost operation, the incurrence of the prin-

cipal costs (materials or labor or capital, as the case may be) necessarily produces two or more products or services simultaneously. If it is not possible to avoid producing certain products or services when producing other products or services, there can be no separate cost for each of the individual products or services; only the cost for all of the joint products or services is known. Mobil is a producer and refiner of crude oil. In petroleum refining, the principal costs are for crude oil, labor and capital, and the refining process by its nature results in a spectrum of products from gasoline to residual fuel oil. Consequently Mobil's position is that it is not possible for the petroleum refining industry (or for Mobil) to compute a cost for an individual product or for an individual product sold under a specific contract. The only costs which are known are (a) the costs for all the products produced in a refinery and (b) the costs of the various processes or functions. The items in the Disclosure Statement refer with great frequency to accounting practices for costs charged to "Government contracts or similar cost objectives". Because of the joint cost problem, the "final cost objective" in Mobil's normal accounting is the function or department and sub-function or sub-department within each. None of these "final cost objectives" is "similar" to Government contracts, for which the Disclosure Statement is designed to disclose the relevant cost accounting practices.

The contractor has furnished cost and pricing data in support of the prices for the services portion of the contract. Contractor has refused to furnish cost and pricing data for the products portion of the contract. Moreover, the contractor has refused to provide market (or published/catalog) prices necessary to establish an exemption from the inclusion of the Cost Accounting Standards Clause as well as the exemption from the requirements of cost and pricing data.

(ii) The proposed contractor has accepted one contract (Number DSA-600-73-D-0921) with the Defense Fuel Supply Center containing the Cost Accounting Standards Clause. This contract, in the amount of \$831,920 was for diesel fuel oil (DF-2) for delivery to two locations in Ethiopia during the period 1 Apr 73-31 Mar 74. However, Mobil alleges in their message of 25 Sep 74 (Attachment 7) that they were exempt from the clause because of their monetary exemption from the requirements of submitting a Disclosure Statement. This misunderstanding on Mobil's part has been rectified.

(iii) The estimated total amount of the proposed contract with Mobil is \$6,787,928; the estimated amount for petroleum products is \$5,537,264 and the estimated balance of \$1,250,664 is for the in-country storage, handling and delivery services. The sum of all awards by the Department of Defense to Mobil in each of the past three fiscal years is as follows:

Fiscal Year 1972-----	\$110,149,000
Fiscal Year 1973-----	98,101,000
Fiscal Year 1974-----	155,771,000

(iv) There are no other sources of supply available in Turkey to provide the required products and services on a timely basis.

(v) There are no practical alternative methods of supply for these products. If the above cited requirements cannot be purchased from Mobil, which is the only supplier capable of furnishing these products to the various locations, it will be necessary for the U.S. Air Force to establish a military supply system within Turkey. The system could be established in several different ways, but regardless of the system, additional terminal facilities and U.S. military personnel would be required. Such action would require a new Government to Government agreement. To increase the presence of U.S.

military in Turkey would be difficult. But in this case, the increase in military would be at the expense of the local employment and revenue and it is doubtful such a proposal would be approved. Moreover, it would be a very long and difficult process to establish a military supply system in Turkey. There are 33 locations in Turkey which require support. Many of these sites are remote and access is over unsurfaced roads. Some of the larger locations have as many as 14 individual bulk drop points. Five bulk fuels are handled which would require terminal tankage at a minimum of two locations capable of receipt by T-2 size tanker. Two grades of product are currently stocked in one area by the U.S. military. In addition, a capability would have to be established to handle 14 different items packaged in containers from 35 pound pails to 55 gallon drums. A variety of transportation equipment would be required. The large deliveries are made in transport trucks with other requirements covered by varying sizes of tank wagons. The current supplier uses vehicles capable of hauling both bulk and packaged products for the support of the remote locations. The requirement can be most economically handled by an established commercial company within its current capability as is the present practice. The most expeditious method to establish a military supply system would be to contract for existing facilities, equipment and services; however, it is extremely doubtful terminal facilities could be obtained. Due to the high cost of construction, oil companies provide only the minimum tankage to support operations. In Izmir, one of the major terminals on the west coast of Turkey has been recently closed by the Turkish Government for ecology reasons. With this loss, ability to contract for terminal facilities was virtually lost, thus leaving new construction as the only means of providing required support. Construction at its best is a long process and in no way could be made available to support 1 Jan.-31 Dec. 75 requirements. If product is not made available, the Air Force will not be able to accomplish its essential mission in Turkey.

(vi) Mobil has been the sole source supplier for these products and services for many years and is the only company capable of furnishing the total requirements. DFSC has continually exerted efforts to encourage those firms who have marketing operations in Turkey to submit offers against the requirements but has had no success due to lack of facilities and delivery capability of possible suppliers. Such efforts will be continued for future procurements; however, due to the current petroleum shortage, it is unlikely that any other company would offer to supply these products.

(vii) In the past (FY 72 and FY 73), prior to the energy shortage, approximately 29 percent of the approximately 3,900 contracts awarded by DFSC was in excess of \$100,000. All of the purchases made by the Defense Fuel Supply Center for petroleum products originating from overseas areas for delivery to overseas locations were negotiated pursuant to 10 USC 2304(a) (6). Approximately 90 percent of the remaining contracts for the domestic requirements were solicited and awarded in accordance with formal advertising procedures. During the current petroleum crisis the Federal Energy Administration promulgated an allocation program under which the product must be procured from designated suppliers. Consequently, formal advertising has been precluded for the duration of the FEA Allocation Program. Approximately \$3,500,000,000 of petroleum products are to be procured during FY 75, of which at least 95 percent must be procured under negotiated contracts exceeding \$100,000.

In the past, prices published in various petroleum trade journals have been used by

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the procurement office to establish a basis for an exemption from the Cost Accounting Standards Clause as well as the requirement to submit cost or pricing data (per PL 87-653) relative to the petroleum products portion of the contract. It has been concluded recently that due to the uncertainties and fluctuations in the current market, the prices contained in the petroleum trade journals do not represent market prices within the context of ASPR 3-807.1(b). Therefore, prospective supplies are now required to furnish catalog-published-market prices equivalent to that required on DD Form 633-7 to enable the procuring activity to establish exemptions under PL 91-379 and PL 87-653.

Except as outlined in paragraph (ii) above, the Cost Accounting Standards Clause has not been included in any other negotiated contracts made by DFSC with Mobil or any other major oil companies due to DFSC's past practice of relying upon market information from petroleum trade journals on which to base a market exemption. Mobil's position in refusing to include the Cost Accounting Standards Clause is not unique among the major oil firms. The majority of the international oil companies with whom DFSC contracts have recently indicated formally or informally that they will not agree to the inclusion of the Cost Accounting Standards Clause in any negotiated contracts. To date, none has agreed to the inclusion of this clause. Some of these firms, Asiatic Petroleum Corporation, Gulf Oil and Exxon International, have responded to DFSC's requests for inclusion of the clause by referring to letters submitted to the Cost Accounting Standards Board in 1972 which outlined the impracticalities of complying with the Standards.

On the basis of the foregoing, it is in the best interests of the Government to issue a contract for the supply of these petroleum products to Mobil Oil Corporation without the Cost Accounting Standards Clauses as pertains to the product portion. The absence of the clause in previous contracts with Mobil has not been deleterious to the Government. In the instant case, cost or pricing data covering the service portion of the contract has been submitted and the proposed contractor has agreed to a modified Cost Accounting Standards Clause to be applicable to that data. Therefore, a waiver of the Cost Accounting Standards Clause is hereby requested for the products portion of the proposed contract; and deviation from paragraphs d and e is requested for application to the services portion of the contract.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., December 17, 1974.

MARTIN R. HOFFMAN, Esq.,
General Counsel,

Department of Defense,
Washington, D.C.

Re Request for Interpretation concerning
Department of Defense procurement
requirements.

DEAR MR. HOFFMAN: This is in response to your request on behalf of the Department of Defense ("DoD"), for an interpretation concerning the interrelationship between Federal Energy Administration regulations and the statutes and regulations applicable to procurement activities of DoD.

FACTS

DoD has traditionally obtained its domestic fuel requirements through competitive bid procedures. Since the implementation of the Mandatory Petroleum Allocation Regulations (10 C.F.R. § 211.1 et. seq.), suppliers of fuel to DoD have been designated pursuant to those regulations, generally on the basis of 1972 supplier-purchaser relationships, without competitive bids.

This change in procurement methods has made DoD's current procurement activities

subject to certain provisions of procurement statutes and regulations, which did not apply to competitive bid procedures.

DoD is required by the provisions of 31 U.S.C. § 200 to enter into a contract with each of its suppliers. Under the Truth in Negotiations Act (P.L. 87-653) (10 U.S.C. § 2306(f)), contractors are required to submit to DoD certified cost or pricing data for all negotiated contracts or modifications in excess of \$100,000, unless a procurement is otherwise determined by the procuring agency to fall within one of the exceptions set forth therein.

In addition, section 719 of the Defense Production Act of 1950, as added by P.L. 91-379 (50 U.S.C. App. 2168) established the Cost Accounting Standards ("CAS") Board to promulgate uniform cost accounting standards for use by defense contractors. Among other things, the CAS Board requires of certain contractors the execution of a Cost Accounting Standards Board Disclosure Statement (Form CASB-DS-1) and acceptance by the contractor of the Cost Accounting Standards Clause set forth in 4 C.F.R. § 331.60, ASPR 7-104.83, unless excepted by the procuring agency or the CAS Board. Uniform cost accounting standards are applicable to all negotiated prime and subcontract material defense procurements in excess of \$100,000.

The issue as to which an interpretation has been requested is whether the requirements of FEA regulations, promulgated pursuant to the Emergency Petroleum Allocation Act of 1973 (P.L. 93-159), supersede the requirements of law and regulation applicable to DoD contractors, as outlined above.

INTERPRETATION

The basic principle that has been followed by FEA in interpreting the scope of its statutory authority, as reflected in its regulations, is that its regulations do not supersede any other provision of law or regulation, unless there is a clear inconsistency between the provisions at issue. In the case of an irreconcilable conflict, the FEA regulations would be regarded as the controlling authority, if that were necessary to insure attainment of the objectives of the Emergency Petroleum Allocation Act of 1973.

In our view, there is no inconsistency between the requirements of law and regulation applicable to DoD procurement through non-competitive bid procedures, as outlined above, and the FEA allocation and price regulations.

The fact that suppliers are required to supply DoD pursuant to FEA allocation regulations does not preclude compliance with the statutory requirement that DoD enter into contracts with its suppliers. The FEA is aware that many of the details of supplier-purchaser relationships which are established by FEA traditionally been specified by private contracts. Where, as here, the Congress has seen fit to provide by law that contracts shall be entered into and that certain requirements shall be met with respect to such contracts, the FEA regulations should not be interpreted so as to interfere with that legislative determination, as long as the two requirements are not inconsistent.

Thus, the FEA would not regard the unwillingness of a supplier to enter into a contract containing terms and conditions required by the laws and regulations governing DoD procurement activities as justification for failure to comply with the allocation regulations. It appears that the requirements of both the laws and regulations governing DoD's procurement activities and the FEA regulations can be readily complied with; and that the refusal of a supplier to abide by the procurement requirements applicable to DoD would have the effect of frustrating the objectives of the Emergency Petroleum Allocation Act and the regulations issued thereunder.

We note that the objective of the statutory and regulatory requirements applicable to DoD's procurement activities is apparently to insure that DoD does not pay disproportionately high prices for the products it purchases. We anticipate that the FEA price regulations, and the cost calculations required of refiners thereunder, would be of substantial assistance to the CAS Board in this regard, and FEA is willing to cooperate to the fullest extent possible with the CAS Board, to insure that the Board is fully aware of FEA regulations and procedures.

The fact that both FEA regulations and the requirements governing DoD procurement activities are directed toward similar objectives does not mean, however, that the FEA regulations must be treated as the exclusive means to this end. FEA allocation and price regulations are necessarily the only basis upon which supplier-purchaser relationships and a supplier's maximum lawful price may be determined. Nevertheless, just as private parties are generally free to negotiate privately for contractual terms that are not inconsistent with FEA regulations, private parties dealing with government agencies must be deemed to be subject to the statutes and regulations governing procurement by those agencies, subject only to the overall limitations imposed by the FEA regulations.

The FEA has promulgated a regulation which requires, generally, that:

"Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the base period . . . and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this chapter" (10 C.F.R. § 210.62).

This regulation does not, however, serve to prevent all changes in business practices suppliers. Rather, it is a regulation which seeks to prevent any circumvention of FEA regulations which might otherwise be accomplished through altered business practices. Although the requirements of the law or regulation applicable to DoD's procurement activities outlined above would necessarily affect the "normal business practices" of DoD suppliers, that change would not result in circumvention of FEA regulations. Rather, it would simply be a result of the fact that suppliers were now subject to a different set of requirements because they are no longer supplying DoD through competitive bid procedures.

As provided by § 205.85(d) this interpretation may be rescinded or modified at any time. Any appeal of this interpretation must be filed with the FEA Office of Exceptions and Appeals pursuant to 10 C.F.R. § 205.86, within 30 days from service of this interpretation.

Sincerely,

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

FOOD FOR HUNGRY PEOPLE THAT OTHERWISE
WOULD HAVE SPOILED

Mr. SYMINGTON. Mr. President, when the news is all too often of strife and bloodshed, it is refreshing and encouraging to learn of personal activities which provide assistance to the needy.

In my State of Missouri, such an activity has been called to my attention recently. It involved the sending of a large amount of food to the hungry in a South American country.

On November 25, Mr. George Pace, manager of the Chamber of Commerce of Hannibal, Mo., contacted my office concerning the possibility of the Hannibal community donating 10 tons of survival biscuits, stored in civil defense shelters there, to the hungry in other lands.

We checked with civil defense officials, learned the survival biscuits, a concentrated food, had been given to States and local governments across the Nation for use in emergencies, that within 2 or 3 years the stored food would be in danger of spoilage and that the use of the food is within the jurisdiction of the local government.

My office advised Mr. Pace of the status of this food. He contacted the city officials of Hannibal who in turn authorized the donation. A Hannibal company, Atlantic Building Systems, Inc., agreed to donate its services to transport the food to New Orleans, and the CARE organization took it aboard ship for transportation to Colombia, South America.

Mr. President, this community effort, triggered by the inquiry from Mr. Pace and other interested citizens in Hannibal, demonstrates the kind of people-to-people concern in America which helps many thousands of needy persons in this country and the world every day.

This action will be most meaningful to the hungry in Colombia, but it is the spirit of this holiday season of good will that is needed throughout the year among all the peoples of the world.

I appeal to you, Mr. President, to make available the 300-million pounds of food now stored in Civil Defense Shelters and destined to spoil unless you direct executive action to save it.

Respectfully,

HANNIBAL CHAMBER OF COMMERCE,
GEORGE H. PACE, Manager

[From the St. Louis Globe Democrat, Dec. 12, 1974]

FOOD MAY ROT WHILE THE HUNGRY DIE
(By Andrew Wilson)

More than 100,000 tons of packaged food that could be used to feed the nation's or the world's hungry appear destined to rot in fallout shelters around the United States in the next few years, a Globe-Democrat investigation shows.

The food—high nutrient biscuits and canned carbohydrate supplements—was stockpiled mostly in 1962-64 and will be fit for human consumption for only two to four more years according to nutrition experts at CARE, an international voluntary relief agency.

And 1,500 tons of the food already have spoiled, according to the U.S. Defense Civil Preparedness Agency.

The government has not adhered to a policy of keeping fallout shelters amply stocked with food as a precaution against nuclear attack.

That policy was abandoned in the late 1960s, and Civil Preparedness has not only allowed but encouraged communities to donate the food stocks in their fallout shelters, officials at the agency said.

It is only because these foodstuffs, which are tinned, boxed, cartoned and crated—ready to ship and ready to eat—have greatly exceeded their originally anticipated shelf-life of five years that they haven't already been ripped open and fed to cattle or dumped into landfills, Civil Preparedness officials said.

The agency has been working with volunteer groups and agencies since 1970 to expedite the flow of the food—scattered in 99,000 locations around the country—to areas of the world faced with massive starvation.

The preparedness agency has stressed in its dealings with local communities that they own and control the food in their shelters and can donate their stocks through relief agencies to needy areas.

The President,
The White House,
Washington, D.C.

DEAR PRESIDENT FORD: You are, according to several press releases, searching for food supplies to assist other nations.

Perhaps you will be interested to know that Hannibal, Missouri, this week is shipping approximately 10 tons of Civil Defense Food stores to Columbia, South America. There are, according to the Defense Department, an additional 150,000 tons of these Civil Defense food stores located in communities throughout the United States.

The Civil Defense food is nutritional, packaged and ready for shipment. The food will soon be inedible as, in most cases, it has been in storage for more than a decade.

I respectfully suggest that you utilize these available, and soon to perish food stuffs. The food may well serve to alleviate the serious hunger problems in our nation and in our world.

It is my humble judgment that should you, or any high-ranking governmental official, issue an appeal to the many communities having title to these food stocks, the food would quickly be made available for collection and transportation to any destination that you may designate.

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DECEMBER 13, 1974.

"We'd sure rather see people eat this than have it fed to hogs, that's for certain," James J. Burns, directors of the financial and material assistance division of Civil Preparedness, said.

But the sum of a larger number of largely voluntary efforts—with little support of public money—has been a small dent in the total fallout shelter food supplies, he said. Only 13,500 tons—or 8 percent of the stockpile of 165,000 tons—have been distributed, agency records show.

The remaining 150,000 tons of still edible and highly nutritious food could feed 10 million people for 60 days, according to government sources.

STORED FOOD COULD HELP HUNGER

At present rates of distribution and anticipated spoilage, this means that 136,500 tons could go to waste in the next four years, the preparedness agency said.

"Some people don't want to give up their stocks. They ask what happens when a big boom comes," a Civil Preparedness official said.

But the much bigger problem in getting the food to needy people has been money, coupled with logistics and a lack of awareness among leaders of many communities that they are sitting atop small mountains of desperately needed food, experts said.

"The basic need is for somebody to put two and two together and allocate X millions of dollars for trucking these supplies," Burns said.

Even allowing for the logistical problems of gathering the stores from 99,000 locations around the country, "it's still cheaper to move a ton of this than several tons of wheat," a Civil Preparedness official said. Under the current setup, the U.S. government, through the Agency for International Development, a branch of the State Department, pays the ocean freight on food shipments.

Getting the food from inland cities to ports has been left largely to the private resources of citizen volunteer groups and voluntary relief agencies, Burns pointed out.

Agencies like CARE (Cooperative for American Relief Everywhere) inform Civil Preparedness of their ability to program certain tonnage needs for food in stricken lands.

Civil Preparedness then "sounds the alarm" for local civil defense directors to see whether their communities want to donate from their stocks, Burns said.

The problems in this approach were illustrated when the city of Hannibal, Mo., voted recently to give its entire stock of 10 tons from 16 shelters to hungry people anywhere in the world.

For starters, the town fathers were perplexed: Did they even have the right to donate the food? Where should it go? How could it be shipped?

"I thought, literally, that almost everybody in the country had forgotten this food," said George Pace, manager of the local Chamber of Commerce, who spearheaded the drive.

Pace was surprised to learn from a reporter that a mechanism already existed for donations of the food.

Now Hannibal has found a firm—Atlantic Building Systems, Inc., of Hannibal—which has volunteered to take the stores in its trucks to New Orleans. CARE will ship them to Colombia, Pace said.

The National Guard is assembling the food locally, Pace said.

In other inland cities it has taken the same sort of spirited efforts of private citizens and groups to move the food, Louis Samla, deputy executive director of CARE, reported.

Because Care's own resources are limited, it must rely on local inland communities to provide at least some assistance for the trucking and labor to get their stores to port cities, he said.

The problems of getting that kind of effort have meant that most big food donations have been assembled in the first place from port cities like New York, he said.

Sam Louis, director of the Office of Disaster Operations in the city of St. Louis, said it had dispensed roughly 15,000 pounds of food in the last 18 months to the Salvation Army, hurricane- and flood-stricken Honduras and other places.

Samla said he strongly favors some sort of federal-local matching grant system to facilitate movements of the food from inland cities.

"I don't know how much awareness there is in government structures that these commodities are there," he said.

Before the recent World Food Conference in Rome, Earl L. Butz, U.S. secretary of agriculture, warned hungry nations not to expect "a whole basketful of goodies" from the United States.

"Our capacity to deliver (food) this year is limited—let's face it," Butz said.

In a story carried in The Globe-Democrat this Wednesday, Norman E. Borlaug, winner of the 1970 Nobel Peace prize, predicted that millions will die from hunger in countries like India and Bangladesh in the next eight to nine months.

Borlaug, who won the prize for work in developing new strains of high-yield wheat to help poor countries feed their inhabitants, said:

"The deaths in those countries are going to make the fatalities from starvation caused by drought in the Sahara lands over the last couple of years look like very small numbers."

There is no official count of the number of deaths in the Sahara lands, but unofficial estimates have put it in the tens of thousands.

THE INDIVIDUAL AND THE STATE

Mr. HARTKE. Mr. President, the eminent Yugoslav writer, Mihajlo Mihajlov, is locked in conflict with his government. The issue is human rights, specifically, the right of freedom of expression. This is a right we call inalienable, a right we take for granted. Yet, in many parts of the world this is a right for which men still suffer and die.

The normally progressive and liberal government of Yugoslavia has, apparently, decided to try Mr. Mihajlov in secret; and he faces a long prison term for the crime of allowing his works to be published in the United States.

A number of American universities have invited Mr. Mihajlov to emigrate to the United States where he has been offered teaching positions. His government has interdicted any such move. They also will not allow his works to be published in Yugoslavia. Thus, besides denying his right of expression, they have denied him the means of earning a livelihood.

The United States cannot dictate the internal policies of sovereign nations. It can, however, exhort those governments to conform to what is implied in the United Nations Charter as well as the international consensus that is coalescing around the core value of human dignity.

The Yugoslav Government cannot be harmed by a lone individual—if it can, there is little there worth saving. Governments must learn not to overreact to criticism. It is criticism that will, if unfettered, allow us to progress. This is true whether the system is capitalist or socialist.

I urge the Yugoslav Government to reconsider its treatment of Mihajlo Mihajlov. I ask the Government to allow him to continue his work in Yugoslavia—if that is not acceptable, then he should be granted the right of egress. I hope the Yugoslavian leaders will come to the realization that it should not be criminal for an individual to express his views, that they will come to recognize the positive elements of criticism and of dialog.

I ask unanimous consent that a letter written to the Washington Post on the subject of Mr. Mihajlov's plight, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 19, 1974]
LETTERS TO THE EDITOR—"JUST ANOTHER POLICE STATE"

Yugoslavia, that "benevolent" Communist state which has received such praise for successfully opposing Soviet domination, now provides us with stunning evidence that it is just another police state wherein human freedoms are brutally trampled upon.

The case in point: the brilliant Yugoslav writer, Mihajlo Mihajlov, who at this moment either undergoing or facing a highly secret trial for daring to express his thoughts in books and newspaper articles—admittedly critical of that same Yugoslav police state. Constantly refused an outlet for his expression in his native country, Mihajlov's penetrating writings have been published from time to time in the United States by such organs as the New York Times, the New York Leader, etc. For this Mihajlov faces another long term in prison.

If he survives this new prison term (his other years of incarceration were mind and soul sapping), the Yugoslav government will undoubtedly continue its cruel policy of harassing this tormented individual. He had been continually denied means of employment in his native country. While he has been offered positions as guest lecturer by several major American college and universities, the Yugoslav government adamantly refuses to allow him to leave the country.

What a mockery Yugoslavia makes of the United Nations Convention on Human Rights.

BETHESDA.

RICHARD CONN.

PERSONAL INCOME TAX DECREASE RECOMMENDED

Mr. ABOUREZK. Mr. President, I believe the United States faces a real and growing threat of depression. I therefore, intend to support a 1-year, \$12 billion personal income tax decrease as a priority matter for 1975.

In light of the events of recent days, the escalating layoffs, uniformly depressing economic indicators, and growing consumer wariness, it is obvious that strong medicine is needed, and needed soon. In testimony before the Senate Budget Committee, Charles Schultze said that "a large part of the necessary stim-

ulus must come from a tax cut." Mr. Schultze added that he believed the tax cut ought to be temporary in nature and that its benefits ought to be concentrated among poor and middle income Americans. I agree.

An across-the-board individual income tax decrease is the only strong anti-recession measure which has the public support necessary to assure rapid approval. Major increases in Government outlays could obviously achieve the same effect as a tax cut. But, in my opinion, public support for major new Government expenditures is not there, and enactment of these measures would thus be delayed. We need action soon, and only a tax cut can get that action.

I am aware that a tax cut could have some adverse effect on the effort to curb inflation. I believe this is a risk we must take. If this adverse effect does develop, then I would urge support for wage and price controls as needed to limit inflation while the tax cut is in effect.

I have supported a major overhaul of our income tax system since the day I came to Congress in 1970.

I am optimistic that next year will be the year that we are finally able to achieve meaningful tax reform. Nevertheless, I believe the economic situation to be so grave that I would support a simple tax cut for individuals if that is the only way to insure rapid adoption of this needed legislation. However, I do not believe there is any justification for any decrease in corporate income taxes and I hope that this body will not adopt such an approach.

Mr. President, the kind of economic figures we are looking at today are no laughing matter. What we are seeing is not a minor swing in the business cycle. It is a full scale recession which threatens to become a mini-depression or worse. A tax decrease adequate to fight the kind of recession that is developing would have to total at least \$12 billion and must put at least \$200 in additional spending money in the pocket of the average middle income American during 1975. That is the kind of tax decrease that I support. That is the kind of tax decrease that this country needs and needs early next year. I believe the Members of this Congress will learn from their constituents over the holidays, if they do not already know, that a tax cut to stimulate the economy must be at the very top of the agenda as the 94th Congress opens. I can assure you that it will be at the top of my own agenda.

A REPORT FROM THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. HRUSKA. Mr. President, when Richard W. Velde was sworn in as Administrator of the Law Enforcement Assistance Administration 3 months ago, he indicated that he was going to focus a great deal of attention on certain priority items. He also said that he would report periodically on the progress that the agency was making in reaching the goals which he established. Last week,

Mr. Velde gave his first report on the status of his priorities for improving the Law Enforcement Assistance Administration's effectiveness. I feel that this report would be of interest to my colleagues, and ask unanimous consent that Mr. Velde's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY RICHARD W. VELDE, ADMINISTRATOR, THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, MONDAY, DECEMBER 9, 1974, WASHINGTON, D.C.

I am reporting to you today on the status of my priorities for improving the Law Enforcement Assistance Administration's effectiveness in supporting state and local criminal justice improvements.

Three months ago I met with you and told you what goals I had set for myself as the new LEAA Administrator. I promised you that I would meet with you periodically to describe the Agency's progress in meeting those goals or to answer for whatever shortcomings that might exist. This is my first meeting for that purpose.

LEAA is involved in an exceedingly broad range of complex activities, so there have been problems during the past three months as well as substantial forward movement. However, to generalize, it is fair to say that LEAA is responding to the challenges of its various responsibilities and is making major efforts to improve the quality of its work.

Reforming human institutions is an arduous undertaking. Especially in law enforcement and criminal justice there are no easy solutions to our society's centuries-old weaknesses. Therefore, I am not here to tell you tales of incredible successes which you would not believe. But what I can do is assure you that I and LEAA take seriously the mandate we have received from the Congress to work on each criminal justice problem with the utmost dedication and energy.

My priority statement last September listed 16 topics that I had designated as especially significant to LEAA's mission. What follows is a short summary of where the Agency stands on those matters today:

1—The block grant mandate. The pace of planning grant applications and approvals has increased compared to previous years. Fifty of the 55 states and territories have already sent in their applications. Twenty have already been approved, and 30 more are expected to be approved before the end of the month. By January 1 it is expected that 36 states and territories will have sent LEAA their annual criminal justice improvement plans. LEAA is revising the basic guidelines for planning and block action grants to allow for the publication of the fiscal year 1975 guidelines by March 1, 1975. This will facilitate the submission of state plans by September 30, 1975. The goal is to accelerate the guidelines and plan submission process so that all fiscal year 1977 plans can be submitted by October 1, 1976, the first day of the fiscal year. New initiatives to enhance the enforcement of the civil rights compliance obligations of state and local recipients of LEAA funds have begun. I am convening a policy development seminar next February to consider and recommend ways in which LEAA's civil rights compliance program can be strengthened. The Agency recently issued a comprehensive manual to help state and local governments prepare the equal employment opportunity programs LEAA requires. New training sessions in civil rights compliance matters will be conducted during the first half of 1975. I and other LEAA Administration officials have had

numerous meetings with Governors as well as state, county, and municipal criminal justice officials. LEAA is currently reviewing the experience of the last five years, and next spring it will recommend to the President new proposals for criminal justice improvement legislation.

2—Corrections. LEAA supports the National Institute of Corrections and provides assistance to state and local agencies in legal services development, employment, and inmate training and education. It has expanded the clearinghouse functions at the University of Illinois. After having written guidelines for adult corrections, police, and courts, the clearinghouse is now establishing proposed guidelines for juvenile corrections. It has added corrections specialist positions in all LEAA regional offices. LEAA's Treatment Alternatives to Street Crime program continues to expand. The number of offenders referred to treatment programs has increased by 3,500 persons since July 1. The program is now serving Federal probationers and parolees. It is expected that the program will extend its treatment services and juvenile drug abusers. LEAA is supporting the AFL-CIO program to provide job placement and job training services to ex-offenders. Another significant program is the \$1.8 million grant to Georgia's Department of offender rehabilitation to run restitution centers that will help offenders earn money to pay restitution to crime victims.

3—Juvenile delinquency. The Juvenile Justice and Delinquency Prevention Act of 1974 established a new office within LEAA. I have established a task force to coordinate all prior juvenile justice and to plan the office's activities and priorities for the next two years. This group has prepared a workplan that emphasizes reducing the number of juvenile status offenders—that is, non-criminal youths—incarcerated in institutions. The plan also calls for community-based alternatives to incarceration. LEAA has requested the Congress to authorize it to reprogram block funds the states return to LEAA. The funds will be used for the initial support of the increased responsibilities under the Act. I have sent to the President the names of nominees for the National Institute of Juvenile Justice and Delinquency Prevention Advisory Committee. These appointments are expected to be made shortly. Diverting juveniles from criminal activity as well as addressing the serious problems posed by young people who commit crime have been major LEAA priorities ever since the inception of Agency operations. This fiscal year several million dollars have been spent on such projects. LEAA has been meeting with the Department of Health, Education, and Welfare to insure an orderly transfer of its juvenile program activities and to explore ways by which the substantial resources of HEW, as well as other Federal agencies, can best be applied to youth development.

4—Courts. LEAA emphasizes prompt adjudication. The National Center for State Courts, which the Agency has supported with more than \$2.4 million this quarter, conducts significant research into the question of court delay, particularly delay and other problems facing appellate courts. LEAA has begun testing one proposed solution in its Arizona Appellate Initiative project. It has started a model project in the District of Columbia Court of Appeals to provide increased resources for prompt adjudication. Many judges and other courts personnel—a substantial percentage of all such personnel in the nation—have been provided training and continuing education. LEAA is expanding its automated legal research program. LEAA funds have provided technical assistance services to more than 600 criminal justice agencies to improve their courts man-

agement and administration. The Agency is developing at the President's request a program to speed up the prosecution of defendants who have previously frequently been involved in homicides, forcible sexual offenses, aggravated assaults, robberies, or burglaries. LEAA provides nationwide continuing professional education courses in Law, trial skills, and administration for judges, district attorneys, police, and public and private defenders. One example is the grant to the National Defenders College for \$583,000 awarded in October that will support the National College of Criminal Defense Lawyers and Public Defenders for one year.

5—Law enforcement. LEAA has awarded the Los Angeles Police Department a \$450,000 grant to create nationwide standards for police executives. I attended the first project meeting. It is an especially important step in professionalizing law enforcement leadership careers. LEAA has begun a project to automate command and control and data subsystems in police patrol cars. Just a few days ago I signed a grant to Los Angeles to support the first stage of a program to redesign the city's emergency communications network. LEAA's National Institute is supporting a project to plan and demonstrate proposed modifications to police vehicles using available equipment that can increase economy, safety, and utility.

6—Organized crime. LEAA has made a thorough review of all organized crime programs to place a greater emphasis on the efficient management of this important Agency activity. LEAA and the National Association of Attorneys General co-sponsored an Organized Crime Prevention Council in Indianapolis last October. Tentative plans are being made for a National Organized Crime Conference next summer. Negotiations with the Cornell University Law School to institutionalize organized crime prosecutorial training will begin Wednesday.

7—Research and development. Evaluation is one of LEAA's highest priorities. The responsibility for developing and coordinating evaluation efforts rests largely with the Agency's National Institute. During the past three months, the Institute has continued its efforts to create a framework for a comprehensive criminal justice evaluation effort. Through its Office of Evaluation, the Institute has launched a \$2 million Model Evaluation Program that will develop model systems at the state or regional level. Studies of the evaluation and monitoring systems currently existing at the state and local level have been completed. A report on monitoring systems has been published and distributed to the states. The evaluation systems report will be published next month. The Institute is supporting a number of projects that promise to increase knowledge about which criminal justice programs are the most effective. Under the National Evaluation Program, the Institute hopes to provide relatively rapid answers to questions about the benefits, problems, and costs of a number of widely used crime control efforts. The program will assess neighborhood team policing, specialized patrol operations, traditional preventive patrol, crime analysis units, pre-trial screening of cases, Treatment Alternatives to Street Crime, and early-warning robbery reduction projects. LEAA has published guidelines for State Planning Agency evaluation of block grant programs. Evaluation policies and procedures for discretionary grants soon will be published. The Law Enforcement Standards Laboratory provides criminal justice agencies with equipment information. Since July, nine standards have been published for such items as fixed and base station FM transmitters, personal portable FM transmitters, burglary alarm systems, walk-through metal detectors for use in weapons detection, and handcuffs. LEAA's technology transfer programs help

state and local governments use promising research findings and innovative practices.

8—Standards and goals. The six standards and goals volumes have been analyzed, and the results are scheduled to be published by January. In addition, task forces to prepare standards and goals for civil disorders and terrorism, juvenile delinquency, research and development, and organized crime are being established. Virtually all states have begun to plan a standards and goals development process. Thirty-four states are in the development stage. Seventeen states have held statewide conferences, 10 have conducted public hearings, and 24 have held state-regional meetings.

9—Systems development and statistics. Last month LEAA published its first nationwide crime victim survey, Criminal Victimization in the United States, January-June 1973. The National Law Enforcement Telecommunications system configuration program has been completed. The system's users' guide has been updated, and high-speed data capacity has been provided to 20 states. LEAA is investigating other ways to expand the system within the criminal justice community. One active project is computer-aided legal research. The responsibility for data processing support for the Interstate Organized Crime Index has been transferred from the Michigan State Police to the California Department of Justice. A problem is that the Interstate Organized Crime Index and the security and privacy program have been delayed pending the approval of Department of Justice security and privacy regulations and legislation.

10—The Law Enforcement Education Program. A Law Enforcement Education Program Training Office will be established in January. A survey of the existing and future personnel needs of the criminal justice system is being conducted. It will determine the kinds of specialized training required for a variety of key positions, including patrolman, detective, parole officer, forensic scientist, and other positions. A manpower survey is being performed. LEEP currently supports 100,000 students in 1,000 schools with approximately \$40 million annually. An extensive backlog in prior-year paperwork has been eliminated. Manual systems for processing paperwork and correspondence are in place awaiting the implementation of automated systems currently being developed.

11—Civil disorder and terrorism. LEAA will soon convene a task force under the chairmanship of Jerry Wilson, former Chief of Police, Washington, D.C. Nominations for members of the task force are being solicited. Members of previous civil disorder task forces are also being consulted. The task force will soon begin drafting national standards and goals for state and local programs. An LEAA-funded symposium on terrorism associated with the American Bicentennial Celebration will be conducted by the FBI for 100 state and local police executives December 10 through 12. LEAA's Private Security Advisory Council has established a Committee on the Prevention of Terrorist Crimes. Its members include law enforcement and private security officials as well as representatives from other Federal agencies.

12—International authority. LEAA is establishing assistance programs for other Federal agencies and international organizations to control airplane hijacking, narcotics smuggling, and terrorism. Two projects are included, and both are on schedule. The United Nations Social Defense Research Institute Clearinghouse project is in the eighth month of a 12-month developmental effort. One interesting international study on the worldwide energy crisis and its impact has revealed that the three-day workweek in Great Britain and the automobileless Sundays in the Netherlands did not prompt significant increases in crime rates.

13—Fiscal integrity and public accountability. The LEAA accounting system is being updated. Data processing programs are producing all grant reports. Twenty-five financial reports have been distributed since June 1974. An additional 35 financial reports will be produced during January 1975. A grants data base, consisting of approximately 15,000 transactions representing fiscal years 1969 through 1974 has been established. The necessary data elements for the preparation of management reports and the analysis of financial information have been developed. The Office of Inspector General has issued 93 audit reports and seven regional office inspection reports and has closed 23 investigations. It has completed one basic auditor training course and two advanced auditor training courses. In addition, it has conducted a one-day program on fraud and other criminal activities at the Pennsylvania State Planning Agency and held a one-day auditor training seminar for State Planning Agency auditors in LEAA Boston region.

14—Internal administration. Management Briefs, a monthly report of key LEAA financial and administrative activity, has been published each month since July. Monthly management reviews started in October. They discuss the Agency's management-by-objectives progress. LEAA's Grants Management Information System has been expanded to include state comprehensive plans and discretionary grant monitoring. A centralized grant processing and administration function has been established to ensure the expeditious processing of grant applications.

15—Employee relations and development. A training program for all new employees is being developed. It will incorporate lectures and videotape shows supplemented by a comprehensive handbook covering the history, organization, and future of LEAA. A high priority has been given to training LEAA's top managers. Twenty of the twenty-three individuals in executive positions have either participated in or have been enrolled in appropriate managerial training programs. More than 200 Agency employees have participated in or will soon take special instruction. Ten LEAA employees have already taken advantage of my open-door policy and have come in to talk to me privately about Agency matters. A revised code of ethics is about to be approved. Medical examinations are being extended to all LEAA personnel. A physical fitness program is being developed. An Agency arts and crafts exhibit will be held in late February. The competition will be open to all LEAA employees and their dependents and will include separate categories for professionals and amateurs and for juniors and children in painting, photography, metal work, wood carving, and weaving.

16—Relationships with the Congress. I have met with Members of the Congress and congressional committee staff personnel to discuss the status of LEAA programs and, particularly, to share information about its progress in preparing to implement the new Juvenile Justice and Delinquency Prevention Act of 1974. Moreover, a steady flow of communications has been developed between LEAA and the congressional oversight committees. Additional sessions for Members of the Congress are planned, and LEAA is developing an effort to familiarize new Members of the Congress with the LEAA program.

THE DEPARTURE OF POWELL MOORE FROM THE WHITE HOUSE STAFF

Mr. TALMADGE. Mr. President, Powell Moore, a fellow Georgian and a

veteran of Federal service, will leave the White House staff after the first of the year to enter private business, and I wish to take this opportunity to congratulate Powell for a job well done.

In some 10 years of Government service, Mr. Moore has compiled a very fine record. He was press secretary to the late Senator Richard B. Russell of Georgia for 4½ years and, following Dick Russell's death in 1971, he served as a press officer in the Department of Justice. He has been at the White House for the past 2 years as a legislative liaison officer, working as a Deputy Special Assistant to the President in the office of Bill Timmons.

Powell has been an able and conscientious public servant and I wish him well and every success in his new undertaking in the private sector.

MILITARY CONSTRUCTION APPROPRIATIONS

Mr. MATHIAS. Mr. President, I was pleased to join my colleagues in support of the conference report we approved yesterday on H.R. 17468, the military construction appropriations bill for fiscal year 1975.

As a member of the conference committee which deliberated on the final form of this measure, I want to take this opportunity to express my appreciation to my fellow conferees from both the House and Senate for their statesmanship and willingness to compromise responsibly, which allowed us to reach agreement on several difficult and keenly disputed items.

I would like particularly to underscore the agreement we reached on the matter of appropriations for Naval District, Washington, D.C., and the related question of various proposals to move existing Naval installations out of the Washington metropolitan area.

My colleagues will recall that some Members of the House of Representatives have held the view that long-established naval missions should be moved out of the National Capital area simply because there are too many here, and the original report of the House committee on this bill reflected that view.

In addressing this question, our report of the Senate Appropriations Committee took a different view, and one with which I strongly concur. In our report, we stated:

The Committee does not support relocation merely for the purpose of decreasing activity in the Washington metropolitan area The Committee is opposed to relocations and the disruption of community life simply for convenience sake and in the absence of a concrete showing of economy and efficiency.

I am heartened to note that the report of the conference committee reflects this view that the transfers of naval missions should be considered only insofar as they can be justified on the basis of economy and efficiency, and not simply on the basis of an allegedly excessive concentration of installations in any one area. In this connection, the conferees have instructed the Navy to come back to Con-

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gress next year with a comprehensive plan outlining which missions, if any, are "logical candidates for movement, taking into consideration economies and the overall efficiency of the naval service."

On this basis, I am confident that the temptation to juggle our naval installations like musical chairs will be resisted, and that a sound, logical, and thoughtful process will confirm what I have long believed: that the stability and efficiency which result from maintaining existing installations, particularly where great sums have already been invested, should not be haphazardly sacrificed to the urge to decentralize in the absence of most compelling reasons.

For example, the Department of the Navy is currently considering a proposal that will result in the relocation of the approximately 1,700 employees of the Naval Oceanographic Office, which is presently situated in Suitland, Md. According to unofficial estimates, the proposed move will cost the Navy at least \$12 million and might be as costly as \$25 million. Since mid-August, I have attempted to secure from the Navy a statement on the cost-effectiveness of the various proposals currently under consideration. I understand that one of the plans being studied will relocate the Oceanographic Office to Bay St. Louis, Miss. In any event, I have yet to receive any documentation which adequately justifies the expense or the benefit to be accrued by the Navy as a result of any relocation proposal.

In addition to the problem of cost-effectiveness, I am deeply troubled by the question of how much more efficient the operation of the Naval Oceanographic Office will become as a result of any move which will take it outside of the Washington area. I understand that the personnel at NAVOCEANO maintain very close liaison with such "sister agencies" as the Naval Weapons Lab, the Naval Research Lab, the Naval Ordnance Lab, the Defense Mapping Agency, the Pentagon, and NOAA, on both formal and informal bases, and that such contact is vital to the missions of all of these agencies. I sincerely doubt that the removal of the Naval Oceanographic Office will accrue to the benefit of the operations of these organizations, particularly if their interrelationships and interdependencies were to be destroyed.

Perhaps in this particular case, the most desirable alternative, as far as overall naval efficiency goes, might be to consolidate functions rather than to disperse them; and I have suggested that a new building could be easily constructed on existing property in Suitland, where there is ample room. Such a new facility would cost the Department of the Navy less than half the amount that a move of the entire operation to Louisiana would cost.

In any event, in cases such as the one involving the Naval Oceanographic Office, I feel very strongly that adequate review and thorough cost justification, "taking into consideration economies and the overall efficiency of the naval service," must be made, and any such proposals must be carefully weighed and consid-

ered before disruption of vast numbers of Federal employees is to take place. As long as I am a member of the Senate and the Committee on Appropriations, my colleagues may be sure that I will not stand idly by while the Pentagon plans to uproot my constituents, waste taxpayers' money and disturb the stability of existing agencies merely for the sake of decentralization or convenience and not without a concrete showing of economy and efficiency.

OUR NATIONAL HERITAGE

Mr. TUNNEY. Mr. President, like a number of my colleagues in the Senate, I have video tape recorded a "Bicentennial Minute" as part of a continuing series by the Columbia Broadcasting System.

I believe this series make a valuable contribution by calling attention to the 200th anniversary of our birth as a nation and by reminding viewers of our national heritage.

I ask unanimous consent that the script of my "Bicentennial Minute," to be broadcast January 17, 1975, be printed in the RECORD.

There being no objection, the script was ordered to be printed in the RECORD, as follows:

This is Senator John Tunney of California. Two hundred years ago today, Benjamin Franklin spent a rare, non-political evening with friends in London.

There was a dinner party to mark his 69th birthday.

Franklin was in London as an American agent, negotiating and politicking on behalf of the colonies.

They were tense times for Franklin. In December he'd submitted the colonists' grievances to the King and debate on the petition was only days away.

Franklin wasn't hopeful that a political settlement would be reached. He suspected that Britain planned to use force in dealing with the Americans.

On March 21st, Dr. Franklin sailed for home. He was now convinced that war was certain. He was right. The "shot heard 'round the world" was fired at Lexington on April 19 while he was still at sea.

I'm Senator Tunney and that's the way it was.

THE 80TH BIRTHDAY OF HENRY HAZLITT

Mr. BROCK. Mr. President, the great economist, Henry Hazlitt, celebrated his 80th birthday on November 28. This great champion of human dignity was once described by H. L. Mencken as "the only economist that could be understood by the general public."

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the November 30 issue of Human Events in which Mr. Hazlitt's close friend, Murray Rothbard, honors him.

There being no objection, the article was ordered to be printed in the RECORD as follows:

It is indeed a pleasure to have the opportunity to honor Henry Hazlitt on his 80th birthday (November 28). One of the most distinguished and productive economists, writers and intellectuals in this country, Hazlitt at 80 looks and acts a full 20 years younger. A remarkable combination of a brilliant and incisive mind, an unusually

clear and lucid style, and an unfailingly cheerful, generous, and gentle soul, Henry Hazlitt continues to be a veritable fount of energy and productivity.

No one, moreover, can match Henry Hazlitt in blending great and broad erudition with a clarity and simplicity of style that makes him a joy to read. The great stylist H. L. Mencken's tribute to Hazlitt 40 years ago that he was the only economist that could be understood by the general public remains true to this day.

Why, then, does Henry Hazlitt remain grievously neglected by the nation's intellectuals, by the self-proclaimed intellectual elite that moulds so much of "educated" public opinion? Why does Hazlitt, for example, never appear, either as writer or reviewed author, in the highly influential *New York Review of Books*?

There are several factors that contribute to this shameful neglect of one of the country's outstanding writers and thinkers. They all add up to his being totally out of the intellectual fashion of our day.

In the first place, he lacks either a Ph. D. or an academic post—those twin passports to intellectual and academic respectability. For a scholar to discuss or footnote a book by Hazlitt—no matter how important or scholarly—would be to lose caste and Brownie points in the status-anxious world of academe.

Secondly, in an age of hyper-specialization, when the fashion is to aspire to be the world's foremost expert on some extremely narrow and trivial topic, Henry Hazlitt simply knows too darn much about an enormous range and variety of subjects. Surely, then, he must be unsound.

Thirdly, Hazlitt writes too clearly; surely, someone who writes so that he can be generally understood lacks the "profundity" that only obscurantist jargon can provide. One of the main reasons for the popularity of Karl Marx and John Maynard Keynes among intellectuals was precisely the staggering obscurity of their prose; only when a writer is obscure can a cult of followers gather around to serve as the semi-official interpreters and exegetes of the Master. Henry Hazlitt has always lacked that fog of incomprehensibility necessary to become celebrated as a Profound Thinker.

Fourthly, as an economist, Hazlitt has always been too honest to don the robes of soothsayer and prophet, to tell us precisely what the GNP or the unemployment rate is going to be in six or nine months.

Last but certainly not least, Henry Hazlitt has been totally outside the modern fashion in battling for many years as an uncompromising adherent of laissez-faire and the free market economy. If only Hazlitt had been a statist or Socialist, perhaps he would have been forgiven for his other intellectual sins. But not the greatest sin of all—of arguing, year in and out, for free-market capitalism.

In the course of his remarkably productive career, Henry Hazlitt has been distinguished as a journalist, editor, literary critic, philosopher, political scientist and, above all, economist. His major base has been in journalism.

Born in Philadelphia in 1894, young Hazlitt left college early to be a financial writer, successfully for the *Wall Street Journal*, the *New York Evening Post*, and the *Mechanics and Metals National Bank* of New York. In 1921 he became financial editor for the *New York Evening Mail*. Then, during the 1920s, he expanded his horizons into the general editorial and literary fields, first as editorial writer for the *New York Herald* and the *New York Sun*, and then as literary editor for the *Sun* in the late 1920s, from which he went to the *Nation* as literary editor from 1930 to 1933. When H. L. Mencken left the editorship of the *American Mercury* in 1933, he was happy to select Hazlitt as his successor to that distinguished post.

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After leaving the *Mercury* the following year, Hazlitt became an editorial writer for—*mirabile dictu*—the *New York Times* for the next dozen years. It was Hazlitt who largely accounted for whatever conservative tone the *Times* adopted during that era.

It was shortly after he joined the *Times* that an event occurred which would change and shape Hazlitt's life from that point on. Reviewing the first English translation of Ludwig von Mises' great work *Socialism* in 1936, Hazlitt was converted to a position of uncompromising adherence to free-market capitalism, and hostility to statism and socialism that would mark all of his work from that time forward.

Hazlitt became a leading follower of the great Austrian, free-market economist, and was to become one of Mises' closest friends and co-workers from the time that Mises emigrated to the United States during World War II.

It was as a leading "Misesian" that Hazlitt was to write the bulk of his more than a dozen books and countless journal and newspaper articles.

As the *New York Times* moved inexorably leftward, Henry Hazlitt departed to become weekly economic columnist for *Newsweek* magazine. There, for 20 years, from 1946–1966, Hazlitt, week in and week out, penned lucid and incisive defenses of the free market, private property rights, and the gold standard, as well as trenchant critiques of the evils of government intervention in the economy.

In countless radio and television debates, and on the lecture platform, Hazlitt carried on the battle against the growth of Big Government. Furthermore, he was co-editor-in-chief of the *Freeman* in its early years, 1950–53, when that magazine was a noble attempt to serve as a weekly periodical on behalf of the conservative-libertarian cause.

But it is his host of published books that will serve as an enduring monument to this great and much neglected man. The scope and merit are enormous: ranging from his first work on clear thinking, *Thinking As A Science* (1916, reissued in 1969), to literary criticism, *The Anatomy of Criticism* (1933).

Particularly important, both in quantity and quality, is his post-1936 or "Misesian" output. His first work in this period was a notable contribution to political science, *A New Constitution Now* (1942, and soon to be reissued; see HUMAN EVENTS, Nov. 16, 1974, page 10). This work, in which Hazlitt argued for the scrapping of the American Constitution on behalf of a European Parliamentary government, was not calculated to please Constitutionalist conservatives.

But whether or not one agrees fully with Hazlitt, he made an extremely important point which has taken on far more importance in these days of unbridled executive and presidential power. For he argued that the great defect of the American Constitution is that it permits runaway executive power, unchecked by Congress or the public.

A Parliamentary system could at least make the executive far more responsive to Congress, and serve as a check on executive tyranny. In the era of Watergate, there would have been no need for the clumsy impeachment process, since the President could have been removed far more easily and swiftly.

In 1946, Hazlitt published his most popular book, *Economics in One Lesson*, which remains to this day the best introductory primer to economic science. With his usual lucidity, Hazlitt set forth the merits of the free market, and the unfortunate consequences of all the major forms of government intervention, all of which continue to plague us today.

There is still no better introduction to free market economics than *Economics in One Lesson*. The "lesson" derives from the 19th Century libertarian French economist Frederic Bastiat, who was also distinguished

for the clarity of his style: the difference between "what is seen" as a result of government intervention and "what is not seen."

For example, if the government taxes the public to build housing, what is seen is the new housing, which may seem on the surface to be a net advance; what is not seen is what the public would have done if they had been allowed to keep their own money.

The following year, Hazlitt came out with his booklet, *Will Dollars Save the World?*, his dissection of the Marshall Plan and one of the first important critiques of the postwar foreign aid program. This was followed by his *Illusions of Point Four* (1950), on Truman's boondoggle program of aid to what is now known as the "Third World."

In 1951, Hazlitt turned to the novel form, publishing what is one of my own favorite parts of the Hazlitt canon, *The Great Idea* (1951, later reissued as *Time Will Run Back*, 1966). *The Great Idea* was roasted by critics as a novel, but I confess I enjoyed it thoroughly, and it has long been one of my favorite works of fiction. This despite (or perhaps because of) the fact that it frankly cloaks sound economic theory in a readable, novelistic form.

For one thing, it is one of the best and most thorough discussions of the economic fallacies of socialism to be found anywhere. The plot is fascinating: by happenstance, an intelligent political innocent inherits the post of dictator of a future World Communist State.

Beginning simply as a search for ways of making the disastrous Communist economy work better, the dictator alters the economy, step by inexorable logical step, in the direction of freedom until he changes the world into a purely free market economy and free society.

Beginning with allowing citizens to exchange their ration tickets, the dictator comes to rediscover the forgotten free market, gold money, and the rights of private property. If the aesthetes are worried about the lack of avant-garde symbolism or of morbid psychologizing in *The Great Idea*, then so much the worse for them!

A few years later came a veritable labor of love, *The Free Man's Library* (1956). Hazlitt's annotated bibliography of libertarian and conservative books. It still serves as the only work of its kind, and an updating of this book would be one of the most useful projects to inspire and instruct a new generation of libertarians.

In 1959, Hazlitt published his greatest contribution to economic science, the massive, thorough *Fallacies of the New Economics*, a step-by-step and page-by-page evisceration of Lord Keynes' mischievous and enormously influential General Theory. Employing Misesian "Austrian" economics in a masterful fashion, Hazlitt left not a shred standing of Keynes' famous work. It was a superb exercise in economic demolition.

The massive neglect of *Fallacies* by the economics profession, which, when it deigned to consider the book at all, dismissed it as mere "pamphleteering," is a shameful blot on the state of the economics profession. As a one-two punch to Keynesianism, Hazlitt followed up this work by collecting the best anti-Keynesian critiques by economists in his *The Critics of Keynesian Economics* (1960).

In the same year, Hazlitt wrote his searching critique of the inflationary policies of our time, warning of accelerating inflation and calling for a return to the gold standard in his *What You Should Know About Inflation* (1960, revised editions in 1965 and 1968). Happily, Hazlitt is now busily at work on a new book on this all too timely topic.

Not content with economics, political science, journalism and literary criticism, Hazlitt next turned to an important work on political and ethical philosophy, *The Foundations of Morality* (1964). In a work fully

as neglected by the academic philosophers as his economic writings were ignored by the nation's economists, Hazlitt argued for a utilitarian ethic and for the morality of free-market capitalism.

In his latest two books, Henry Hazlitt dealt with the vital problems of poverty and the welfare state: *Man vs. the Welfare State* (1970) and *The Conquest of Poverty* (1973). In these works, Hazlitt showed that only capitalism can conquer poverty and provide genuine welfare, and he demolished the fallacies of the welfare state.

Thus, throughout his remarkably productive life, Henry Hazlitt has fought for freedom and a free-market economy with a unique combination of the erudition of a scholar and the lucidity and popular appeal of a lifelong writer and journalist. In a healthier cultural and intellectual climate, he would have honors heaped upon him by scholars and by the general public. As it is, we can only do our part by greeting this vibrant and gracious gentleman, this distinguished scholar and libertarian, and by looking forward to the many important books and articles which will doubtless flow from his pen in the years to come.

THE NUCLEAR POWER PLANTS DEBATE

Mr. CLARK. Mr. President, for many years, many people looked to nuclear power as the energy source for the future. In the last few years, however, there has been increasing debate on both the potential and the safety of nuclear power. The energy shortages of last winter focused attention on the need to decrease their country's dependence on oil and gas—and, naturally, nuclear power has been one of the most-discussed alternatives. But the increased attention given to nuclear power also has intensified the national debate on whether or not nuclear powerplants are the answer—or even one of the answers—to the national energy dilemma.

In Iowa this year, the State legislature considered a bill to place a moratorium on construction of nuclear power plants in the State. The bill was rejected, but the issue is not dead.

The controversy is primarily about safety. Last August, the Atomic Energy Commission released the Rasmussen report which indicated that the chance of a disastrous accident at a nuclear powerplant is very small. A number of people and organizations have expressed their disagreement with the Rasmussen report. One of these organizations is the Iowa Student Public Interest Research Group—ISPIRG—a nonprofit, professionally staffed organization of about 10,000 Iowa students. The Rasmussen report is available to all the Members of the Senate. To help make the other side of the issue available, I ask unanimous consent that a brief criticism of the Rasmussen report, by Skip Laitner of ISPIRG, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SKIP LAITNER, ENVIRONMENTAL COORDINATOR, DISCUSSING THE ISPIRG REVIEW OF THE AEC'S "REACTOR SAFETY STUDY"

In August of this year the Atomic Energy Commission released, for comment, a draft copy of a nuclear reactor safety study. Popularly known as the Rasmussen Report, the study estimated the probability of a major

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nuclear accident in which as many as 2,300 people would be killed. Such an accident would occur with a probability of one chance in a billion.

ISPIRG was one of a number of groups invited to comment on this study. The bulk of our efforts and the source of 75% of our information sources used in this review came from the AEC's own regulatory studies. The conclusion of this latest study files in the face of the AEC's own experience and their previous publications. Our review of the Rasmussen Study indicates that this \$3 million project is a promotional document designed to minimize the hazards of nuclear power and is nothing more than an expensive mathematical exercise.

Any figures used to determine nuclear risks are meaningless. Such computations depend upon the identification of an infinite number of variables for which, the AEC even admits, information is incomplete. For example, the AEC is only now beginning a series of tests to determine the behavior of nuclear fuel under critical operating circumstances. Continued research on the safety systems of nuclear reactors, most notably the emergency core cooling systems (ECCS), is not scheduled until sometime in 1975. This information is, therefore, totally incomplete and any risk estimates cannot be firmly established.

Specifically the deficiencies of the study include:

(1) a limited operating experience with commercial reactors and an inadequate data base from which risk assessment can be developed.

(2) the unjustifiable assumption that all significant paths which may lead to an accident have been identified. The history of nuclear operating experience indicates otherwise.

(3) the complete failure to discuss the effects of sabotage of nuclear facilities. In April of this year, Senator Abraham Ribicoff released a report for the AEC which stated, "in recent years the factors which make safeguards a real, imminent and vital issue have changed rapidly for the worse." Yet the AEC completely ignored this aspect in the discussion of reactor safety.

(4) An inadequate discussion of the frequency or consequences of human error. Although thousands of Americans, from people who soldered the circuits to computer programmers, felt personally responsible for the safety and success of the Apollo missions, two out of 17 missions failed and three astronauts died, not from outer-space surprises, but from simple human error.

In testimony before the Subcommittee on State Energy Policy in the California legislature, Mr. William Bryan, an expert in reliability and safety analysis who spent 11 years with the aerospace industry and was involved in the safety analysis of the Apollo and Nerva programs, stated that the study technique used by the AEC was useful in comparing alternative approaches in design. However, he noted, such results are not "meaningful in any absolute sense" and are subject to manipulation. Mr. Bryan concluded that the AEC is "pushing phony reliability and safety numbers" to establish the safety of nuclear power plants.

On September 22, 1974, a full month after the release of the Rasmussen report, Carl J. Hovevar, one of the AEC's top safety experts, quit his job in "order to be free to tell the American people the truth about the potentially dangerous conditions in the nation's nuclear power plants". In agreeing with reactor safety critics, Hovevar stated, in a letter to the AEC chairman, Dixy Lee Ray, that "the AEC is using shaky and unproven computer predictions as a basis for answering such vital questions as the effectiveness of reactor safety systems..." Hovevar also said that, "the AEC is ignoring advice from many

of its experts on reactor safety problems, a situation that has given rise to numerous resignations."

Thus, the zeal for promoting nuclear power as the nation's leading energy source continues to overshadow the AEC's responsibility to resolve these serious questions about nuclear safety. The fact that the nuclear industry will not accept the financial responsibility for the consequences of a nuclear accident is continuous proof that the technology is not safe. On one hand we have engineers who insist that nuclear power is perfectly safe. On the other hand, attorneys and economists for the industry insist that a limitation on the liability be continued with the renewal of the Price-Anderson Act. This is an act which states that neither the industry nor the Federal government shall be liable for more than \$560 million in damages, should an accident occur, despite the fact that the AEC's own estimate of damage potential exceeds 17 billion dollars.

If the nuclear industry believes the results of the Rasmussen report, then they do not need the protection of the Price-Anderson Act. However, as long as they continue to demand its existence, they cannot seriously expect anyone to believe the Rasmussen report. As Herbert S. Denenberg, the former insurance commissioner of Pennsylvania, recently wrote, "We can take the latest AEC study seriously when the insurance industry starts using it to set insurance rates."

In view of the existing doubts about the safety of nuclear power, ISPIRG must, therefore, renew its call for a moratorium on further construction of nuclear plants until such questions are fully and adequately resolved.

THE METHODIST HOSPITALS OF MEMPHIS, TENN.

Mr. BROCK, Mr. President, I ask unanimous consent that material on behalf of the Methodist Hospitals of Memphis, Tenn., be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 6, 1974.

Hon. WILLIAM H. BROCK III,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BROCK: On November 26, I wrote you a hasty letter regarding adverse publicity that the Methodist Hospital had received. Enclosed is a more detailed account of our position in this instance, which we would sincerely appreciate your entering into the CONGRESSIONAL RECORD on behalf of the Methodist Hospital. We feel we must protect the good name of the Methodist Hospitals of Memphis. The charges made in the report of the Southern Governmental Monitoring Project of Atlanta, Georgia, to the Health Subcommittee chaired by Senator Ted Kennedy of the Senate Committee on Labor and Public Welfare are false.

If there is any cost for this service, please be assured we will be happy to reimburse you. It is our understanding that we have thirty days from the time charges were placed on November 25, to correct this error. We shall appreciate your acknowledging this request and confirming that it can be accomplished.

Sincerely yours,

C. HENRY HOTTUM,
Executive Director.

THE METHODIST HOSPITALS OF MEMPHIS POSITION STATEMENT

On Monday, November 25, Allen Crimm of the Southern Governmental Monitoring Project of the Southern Regional Council in At-

lanta, Georgia, presented testimony before the Health Subcommittee of the Senate Committee on Labor and Public Welfare. Certain charges contained therein about the Methodist Hospitals in Memphis, Tennessee, are untrue; and we would like to correct the records.

Around July 1, 1974, a young man by the name of James C. Camp, came to my office—unnannounced and unidentified—and asked me if it were true that the Methodist Hospitals in Memphis, Tennessee, did not participate in the Medicaid Program. I stated that he was correct, but that we did render free service for the indigents and we frequently took patients that were Medicaid-eligible on our charity service under the care of the House Staff and forfeited filing a Medicaid claim. Our position was based on the fact that the Medicaid claim procedure is complex and costly. There is a limit of 20 days of coverage for any Medicaid-eligible patient in the State of Tennessee and there were insufficient appropriations in the programs in Tennessee to meet all the claims. We understood that the hospitals that did accept Medicaid frequently found themselves filing claims for which no funds were available.

Mr. Camp then asked what care was available to the Medicaid-eligible residents of Shelby County. I answered him that the majority of those patients went to the City of Memphis hospitals where governmental funds were provided for their care. Mr. Camp asked for financial information, at which time I asked him to identify himself and declare for whom he was gathering this information. I made a few estimates of some figures without referring to records to substantiate them. A few days later, he furnished me a letter requesting specific information (Exhibit I), and an identification of the firm for which he was working (Exhibit II). I replied on July 8, 1974 (Exhibit III). You will notice in that letter there was no reference to the disposition of residents of Shelby County.

On Saturday, November 23, a *Memphis Press Scimitar* reporter telephoned me and informed me that on Monday, November 25, testimony would be presented before the Subcommittee in Washington. I answered a few general questions, but gave him no specific figures. That afternoon, November 23, the *Memphis Press Scimitar* carried the story shown in Exhibit IV. I denied these charges locally, and a correctional story appeared in the press on November 26. (Exhibit V). I wrote Mr. Crimm on November 26, to protest the inaccuracy of his testimony (Exhibit VI).

According to Government regulations, we were to select one of four options as to how much free service we would do. The option that we selected was 10% of the amount of our Hill-Burton Grant received; or \$105,699 per year. As the story substantiated, we are doing about 13 times as much as required of us and about one-half of the charity work that we do is for residents of Shelby County. If we were to consider Medicare and other contractual discounts, bad debts, etc., we would show that we are giving nearly \$7,000,000 of free service per year. This is about 16% of our total patient income and we believe it is larger than the amount of free service given by most voluntary hospitals and it is a greater amount than required under new regulations.

We are church-owned and have been operating for over 50 years with a commitment of service, regardless of the patients' ability to pay.

We want the records corrected to reflect that we do render service to the indigents of Shelby County, Tennessee.

C. HENRY HOTTUM,
Executive Director.

December 19, 1974

EXHIBIT 1

MEMPHIS, TENN., July 5, 1974.

Mr. C. HENRY HOTTUM,
Executive Director,
Methodist Hospital,
Memphis, Tenn.

DEAR SIR: Please find enclosed a description of the project. I hope this will be adequate. We feel that the information we are seeking is not of a confidential nature, and I have had nothing but cooperation from other facilities in the area. If you need further assurances, please contact my director, Mr. Wayne Clark, in Atlanta, 404-522-8764. I appreciate your time and consideration, and look forward to completing this survey as soon as possible.

Thank you.

Sincerely,

JAMES C. CAMP,
Southern Governmental Monitoring
Project.

EXHIBIT 2

SOUTHERN GOVERNMENTAL MONITORING PROJECT

The Southern Governmental Monitoring Project is a special project of the Southern Regional Council. The Southern Regional Council, founded in 1944, is a research and information agency devoted to the attainment of equal opportunity for all peoples in the South.

The Southern Governmental Monitoring Project was established in 1973 by the Carnegie, Babcock, and Rockefeller Brothers foundations to investigate the effects of the "New Federalism" on minorities and the poor, and to assist community groups to understand and cope with government decentralization. For blacks and other minorities, and for those in poverty, New Federalism has serious implications: federal programs are being discontinued or reduced in funding, forcing states and localities to turn to federal revenue sharing funds or local monies if these programs are to be continued. The Southern Governmental Monitoring Project's purposes are to see how states, cities, and counties are responding and to help local groups understand and take advantage of these developments.

The Southern Governmental Monitoring Project has placed 50 interns in selected cities and towns in 11 southern states. During the 10 week period (mid-June to mid-August) interns will interview mayors, county officials, community leaders, and others to determine the effects of New Federalism on selected governmental activities in that area. They will aid community groups in their own investigations and, where possible, will assist groups in dealing with state and local governments. At the end of the summer the individual reports will be compiled and published.

EXHIBIT 3

ATLANTA, GA.,
July 8, 1974.

Mr. JAMES C. CAMP,
Southern Governmental Monitoring Project
Memphis, Tenn.

DEAR MR. CAMP: As requested we are happy to furnish you with the following information. You will find the figures I gave you from memory are inaccurate; the following are the correct figures:

Operating Expenses:	
1971	\$21,190,164
1972	23,823,752
1973	30,855,169
Hill-Burton Grants were as follows:	
School of Nursing	\$950,000
Out-Patient Clinic	106,987
Total	1,056,987

Notice of Services to Persons Unable to Pay:

Our first notice of services to persons unable to pay appeared in the *Memphis Press-Scimitar* on April 26, 1973. On May 8, 1973, we received a notice from the State of Tennessee, Department of Public Health, that we were in presumptive compliance.

The second notice was in the *Memphis Press-Scimitar* on April 4, 1974. On April 11, 1974 we received a notice from the State of Tennessee, Department of Public Health we were in compliance with the Hill-Burton charity care regulations.

Amount of Charity rendered to indigent patients:

1971	\$1,083,457
1972	1,344,751
1973	1,387,494

Very truly yours,

Executive Director.

EXHIBIT 4

CHARGES AGAINST METHODIST HOSPITAL: "NOT MEETING FREE SERVICE OBLIGATION TO INDIGENTS"

(By Peggy Burch)

Methodist Hospital in Memphis is included in charges made by a government monitoring project that many Southern hospitals receiving federal funds are not meeting their obligation to provide free medical service to indigent patients.

Allan Crimm, of the Southern Regional Council in Atlanta, has prepared a report on the council's investigation in 25 cities in 11 Southern states to be presented to the health subcommittee of the U.S. Senate Committee on Labor and Public Welfare. Crimm's report states that "facilities throughout the South are still not meeting their legal obligation to provide free medical service."

Methodist Hospital received \$1,056,987 under the Hill-Burton Medical Facilities Construction Act, according to the report, with an obligation to provide \$105,699 in free service. Methodist applied for no Medicaid reimbursements for indigents, the report says.

C. Henry Hottum, executive director of Methodist, said today that the hospital does not apply for Medicaid funds because of "complexities in filing for the funds, and inadequate appropriations."

The report charges that Methodist limits its number of indigent patients by using geographical restrictions. Hottum is quoted as saying that indigent patients are not accepted from Shelby County because "they are the responsibility of the City of Memphis Hospital."

Hottum said the hospital "does not refuse indigent patients from Shelby County, but we put emphasis on out-of-county indigent patients because the City Hospital has government funds to treat Shelby County indigent patients."

Southern Regional Council, a non-profit organization established 30 years ago and based in Atlanta, began its monitoring project in 1973. Dr. Philip Caper, medical consultant to the Senate health subcommittee, invited the report by the monitoring project.

Crimm is expected to tell the subcommittee members Monday that project findings were:

That some facilities use "loopholes" to avoid accounting for specific free service dollar amounts.

That hospitals include "highly questionable expenses."

That public notification of free service for indigent patients is inadequate.

That patients eligible for free service are turned away because of "arbitrary" geographic or service limitations.

That state agencies do not monitor the hospitals' records on indigent patients.

That the Department of Health, Education and Welfare regional offices "condone this lack of effective evaluation and enforcement" by approving inadequate state plans.

Facilities receiving Hill-Burton funds are required to choose one of four options to calculate their free service obligation.

Hottum said although Methodist does not record services to Medicaid patients on the Medicaid forms, "our hospital exceeds its obligations in providing indigent patient care and we've not turned away any Medicaid patients."

EXHIBIT 5

METHODIST REBUFS CHARGES ON INDIGENTS (By Peggy Burch)

Methodist Hospital officials today rebuffed charges that they do not treat their share of indigent patients, saying the hospital provides 13 times more free medical services than federal regulations require.

C. Henry Hottum Jr., executive director of Methodist, said the hospital is required only to provide \$105,699 in free medical services in 1973 under stipulations of a federal grant, but the hospital actually provided \$1,387,494 in free medical services.

Hottum said "If we would put in all our free services, they would exceed \$5 million for the year (1973)."

A government monitoring project yesterday submitted a report to a U.S. Senate subcommittee charging that some Southern hospitals, including Methodist, do not provide all the free medical services they agree to provide when they receive federal grants.

Allan Crimm, health consultant to Southern Regional Council in Atlanta, reported to the health subcommittee of the U.S. Senate Committee on Labor and Public Welfare, that Methodist did not account for its free services by applying for federal reimbursement under the Medicaid program.

Harry C. Mobley, an administrator at Methodist, said the number of beds available at the hospital controls the amount of free service the hospital can render.

"We are always running about 90 per cent occupancy, and we review the charity work we've done on a monthly basis," he said.

Hottum said the hospital does not apply for Medicaid funds because the application system is too complex and the funds received for reimbursement "are inadequate."

"We have felt we were better off to forfeit the little money we would get from Medicaid, and continue with our present system," Hottum said.

The Southern Regional Council report also charged that the hospital did not treat indigent patients from Shelby County "because the administrator contends that indigents are supposed to use the county-operated hospital."

Hottum said Shelby County residents on Medicaid are not turned away from the hospital. "We have not broken down the dollar value of treatment for Shelby County patients, but 50 per cent of our charity patient days in 1973 were for Shelby County indigent patients," he said.

Hottum said free medical service to indigent patients at Methodist in 1974 will be 25 per cent more than the \$1.3 million accounted for last year.

The Methodist officials said they had been reconsidering the hospital's decision not to apply for Medicaid funds prior to publication of Crimm's report.

"We are re-examining the Medicaid program constantly, but we keep coming back to our initial decision and reasoning not to apply," Mobley said.

December 19, 1974

NOVEMBER 26, 1974.

Mr. ALLEN CRIMM,
Southern Governmental Monitoring Project,
Atlanta, Ga.

DEAR MR. CRIMM: We must contest your report to the Health Subcommittee of the Senate Committee on Labor and Public Welfare dated November 25, insofar as your statements concerning Methodist Hospitals of Memphis, Tennessee, in which you state: "A Memphis, Tennessee facility, for example, will not admit residents of the county in which it is located. The administrator contends that indigents are supposed to go to the county-operated hospital for the medical care they need."

This is not true. We rendered over \$600,000 in free care for indigent residents of Shelby County in 1973.

In July, your agent James C. Camp came unannounced to my office. I saw him on his first visit and answered some of his questions, including our position on the Medicaid program. For several reasons, we had not participated in the Medicaid program; but I told him we did not deny admission to the patients eligible for Medicaid, who chose to come in under the care of our House Staff. He asked for some figures, which I cited from memory. I promised to complete answering his questions and to furnish more specific figures, if he would give me more information about the Southern Governmental Monitoring Project. My reply was dated July 8, 1974, a copy of which is attached.

As you can see by the letter, during the year of 1973, we gave \$1,367,494 of free care to indigent patients. This is far in excess of the government's requirement of 10% of our Hill-Burton Grants, which were \$1,056,987. (10% thereof is \$105,699). We have given as much free care to the indigents during the first 9 months of 1974, as we did in the full year of 1973. The number of patient days of care to residents of Shelby County represents 50% of our total patient days to the indigent. Therefore, your statements about our not servicing the indigent in Shelby County are completely false. These figures are exclusive of Medicare discounts and bad debts.

When all of our free services are computed, we will give this year over \$7,000,000 of free service. This represents a larger percentage of our total patient income than the amount given by most voluntary private hospitals.

We expect you to correct the false information you are distributing regarding Methodist Hospitals of Memphis.

Sincerely yours,

C. HENRY HOTTUM,
Executive Director.

A TAX CUT AND TAX REFORM

Mr. MONDALE. Mr. President, support for a substantial tax cut to head off the gathering slide into a deeper recession is growing every day.

Economists Arthur Okun, Otto Eckstein, Charles Schultze, and Paul McCracken have all called for a tax cut, with both Okun and McCracken agreeing that the cut should be as large as \$10-\$15 billion, and Schultze suggesting \$20 billion.

Henry Ford has proposed a 10-percent, \$12-billion tax cut, as has Leonard Woodcock of the UAW. Board Chairman Irving Shapiro of duPont called for a tax cut yesterday.

A top Treasury economist, Sidney L. Jones, said yesterday that he personally favored an income tax cut, and even Messrs. Simon and Greenspan have indicated that a tax cut might be in order if the recession continues to worsen.

In considering this diverse outpouring of support for a tax cut, I was struck by a passage from Sidney Jones' speech of

yesterday, as reported in today's Washington Post:

There comes a very exquisite point in the (business) cycle where you want to change policy, because if you wait until you see the need, it's too late.

That led to wonder whether perhaps that "exquisite point" did not come 6 months ago, when Walter Heller, Arthur Okun, Paul Samuelson, Senator HUMPHREY, Senator KENNEDY, myself, and others were proposing a modest \$3 to \$6-billion tax cut to stimulate the economy.

Our tax cut was denounced as dangerously inflationary then, but if it had been approved when we proposed it earlier this year, that money would now be in the hands of consumers, to be spent on housing, automobiles, household appliances, and perhaps a few Christmas gifts for their families.

Instead, we now face a massive deterioration in the economy, the lowest level of consumer confidence since World War II, the prospect of 8- or 9-percent unemployment, and the need for a tax cut of as much as \$10 to \$15 billion.

Mr. President, I believe now, as I have for many months, that the working people of this country, who have been cruelly tortured by inflation and higher taxes, need some tax relief.

It is a matter of justice, and it is a matter of sound economics. When Americans have enough money to support themselves and their families, and to buy the things that they need to live decently, everyone prospers. Business sales and profits are high, more jobs are created, and productivity and real income rises.

A substantial tax cut now would put extra money in the hands of consumers, and make up in some measure for the severe erosion of workers' real incomes in the last year.

\$200 OPTIONAL TAX CREDIT

Therefore, when the new Congress convenes in January, I plan to reintroduce the legislation I introduced a year ago to give taxpayers the option of taking a \$200 credit for themselves and each of their dependents, instead of the existing \$750 personal exemption.

This plan would cut the average family's tax bill by nearly \$200, at a total cost of just over \$6 billion.

In addition, it would concentrate the relief on those low- and middle-income families who have suffered the most from inflation and recession. While almost all families with incomes of \$20,000 or less would receive some tax relief, nearly 80 percent of the relief would be concentrated on those making between \$5,000 and \$15,000.

The \$200 optional credit would also substantially improve the equity and progressivity of our tax system. The existing \$750 exemption is worth \$525 in reduced taxes to wealthy Americans in the highest tax brackets, but only \$105 in reduced taxes to Americans in the lowest brackets making only \$5,000 a year. It provides the most relief to those who need it least, and the least relief to those who need it most. The \$200 optional tax credit would make certain that every personal exemption is worth at least \$200 in reduced taxes.

In order to provide relief to those whose incomes are so low they pay no taxes, the \$200 optional credit should be combined with Senator RUSSELL LONG's "work bonus" for low-income workers with families. The work bonus, which passed the Senate earlier this week, would give each low-income worker with one or more children a credit equal to 10 percent of his or her income up to \$4,000, and a smaller percentage of income up to \$5,600. This would put an extra \$600 million in the hands of the lowest income working Americans.

The nearly \$7 billion in tax relief these two proposals would provide may not be enough to pull the economy out of the accelerating slide it is now in, however. In that event, a higher optional credit could be used, or the \$200 credit could be combined with increases in the low-income allowance and the standard deduction.

I believe, however, that any tax cut that is agreed upon should concentrate relief on those low- and middle-income families who have suffered the most. An increase in the \$750 personal exemption to \$850 or \$900 would not meet that test, since it would provide much greater benefits to the very wealthy than it would to those with low and middle incomes. Each \$100 increase in the \$750 exemption, for example, would be worth \$70 in reduced taxes to those in the highest tax brackets, but only \$14 to those in the lowest. I do not believe this is fair.

Similarly, an across-the-board percentage tax cut would provide much greater relief to those with higher incomes than to those who earn less. A family earning \$40,000 and paying \$8,000 in taxes would get \$800 in relief from a 10-percent across-the-board tax cut, while a family making \$15,000 and paying \$1,700 in taxes would get only \$170 in relief.

In addition to cuts in the individual income tax, we should consider a carefully focused cut in business taxes. For example, S. 4187, the Tax Reform and Relief Act of 1974, which I introduced on November 25 with 14 other Senators, would increase the investment tax credit from 7 percent to 10 percent for investment in excess of the average of the 3 preceding years. This \$400 million business tax cut is designed to reward increases in job-producing, inflation-reducing capital investment, and, therefore, would give a direct, rifle-shot stimulus to investment. This kind of tax cut for business can be a constructive and useful part of an overall tax-stimulus package.

TAX REFORM

While a tax cut is very important, and should be acted upon promptly in the new Congress, we should not allow the need for a quick tax cut to deflect our attention from meaningful tax reform.

The Ways and Means Committee has already approved legislation—after more than a year of hearings and committee consideration—that would increase taxes on the oil industry by around \$3 billion a year. I regret very much that this legislation was not approved by the full House and sent to the Senate in this session of Congress. While there would have been substantial ob-

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stacles to the prompt passage of this legislation in the Senate, I believe that Senate action might have been possible if we had received a bill from the House.

That is now behind us, however. Therefore, the first order of business in the new Congress must be prompt action on this oil and gas tax legislation. With the new makeup of the House Ways and Means Committee, I hope that the legislation can be made even stronger. The provisions dealing with foreign oil and gas income especially, while constructive, are quite modest. They can and should be strengthened.

If this oil and gas tax legislation is combined with a strengthening of the minimum tax on wealthy tax avoiders, repeal of the DISC export subsidy, and a few other reforms which have already been thoroughly considered, it should be possible to move promptly on a package combining both reform and relief.

Since the need for economic stimulus is now well understood, it should not be necessary to balance reform and relief. A package providing approximately \$10 billion in tax relief and \$3-\$5 billion in revenue-raising reform could be appropriate. The main reform component—an increase in taxes on the large multinational oil companies—will raise revenue out of profits which are inordinate windfalls by almost any measure. As a result, the economic stimulus effect of the package is not likely to be significantly offset by the reform elements.

CONCLUSION

Mr. President, we have just about run out of excuses for failure to act on meaningful tax reform and relief. Most of us have talked a good deal about the need for tax reform and relief. It is now time to do something about it.

LAND USE PLANNING IN VERMONT

Mr. HANSEN. Mr. President, the State of Vermont has long been held up to us as the model for progressive land use controls. We have been told that if we wish to see how the apparatus to be established under the Land Use Policy and Planning Assistance Act—S. 268—would work in practice, we need look no further than Vermont. Vermont land use control officials have been much in demand at various national conferences to explain how their Act 250 program is working.

Throughout all this we have never heard the slightest rumbling that perhaps the ordinary people of Vermont do not concur in the dreams of the planners and regulators. This year, however, businessmen, farmers, and working men are coming to recognize that Vermont's bewildering array of land use control measures is directly responsible for a serious shortage of jobs, housing, business profits, and tax revenues.

To bring members up to date on the happenings in Vermont, I ask unanimous consent to have printed in the RECORD at this point an article from the Vermont Watchman, October 1974 by a former member of the Vermont House, and a former aide to Senators Prouty and Percy here on the Hill, Mr. John McClaughry, of Lyndonville, Vt. It is re-

printed from the October 1974, issue of the Vermont Watchman, a land use and environmental newspaper published occasionally by the Landowners Steering Committee, with offices at box 729, Lyndonville, Vt. 05851. I think Mr. McClaughry's article will provide some useful new insights to some Members of this body who have placed great faith in national land use planning and controls as the wave of the future.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VERMONT—THE ENVIRONMENTAL TIDE RECESSES

Three years ago Vermont was the joy and delight of the national environmental protection movement. For aside from Hawaii, which had inherited unusual land control programs from its territorial status, Vermont had become the first state to adopt a wide-ranging state-level environmental protection process. Students of land use control flocked to Vermont to find out how the celebrated Act 250 was working out in practice. By mid-1974, however, reporters were beginning to come to Vermont to see what had gone wrong.

For by 1974 Vermont's pioneering Act 250 was in serious trouble. From its inception there had been grumbling about administrative confusion, arbitrary permit rulings, and interminable delays. That was to be expected in any new program which gave citizen boards the power to pass on applications for complex developments. But that alone would not have become a tidal wave of opposition; and in any case, the administrative process was steadily improving with experience.

But first a bit of background. In 1968 the nation's economy was in high gear. People had money to spend. And many of those living in the larger cities of the Eastern seaboard began to consider buying second homes in some relatively accessible yet unspoiled rural area. The urban disorders of 1967 and 1968 accelerated this desire for many upper income whites.

Vermont had long been a beautiful but relatively distant backwater, known mainly for laconic farmers and a devotion to the Republican ticket. But in the mid-Sixties something new came to Vermont—the Interstate Highway System. By 1968 southern Vermont was a mere two hours drive from Boston, four hours from New York City. With its scenery, its skiing, its summer sports, and its relatively cheap land, Vermont suddenly became a mecca for urban expatriates and vacation home buyers. This did not escape the attention of second-home developers.

By summer of 1968 second-home developers were gobbling up southern Vermont's countryside at an unheard of pace. The International Paper Company, for example, proposed a huge second home village on 20,000 acres in Vermont's southeasternmost county. This trend led the new Governor, Republican Deane C. Davis, to name a Governor's Commission on Environmental Control in May of 1969.

This commission, chaired by Rep. (now Sen.) Arthur Gibb of Weybridge, issued its report in the fall of 1969. The report formed the basis for enactment of Act 250 by the 1970 legislature.

The Gibb Commission could have relied upon the traditional Vermont practice of local government control of development. Indeed, as of mid-1968 Vermont towns had sweeping powers to control development. The newly-enacted Municipal Planning and Development Act had authorized towns to impose stringent zoning and subdivision regulations, including such features as site plan approval, design control districts, per-

formance standards, and planned unit development regulations.

In addition, local powers included requiring performance bonds before accepting private roads as town roads; power to reject private roads altogether; power to seek injunctive relief for nuisance; and sweeping powers in sewage disposal and health-related matters. With some additional provisions and technical assistance from state experts and lawyers, these powers could have dealt with any conceivable development. But that would have required a local will to act, and the Gibb Commission was not sure local people were sufficiently united in their concern about massive environmental change.

Thus the Gibb Commission embarked on another route—state control over development. In a gesture to local control, the Commission recommended the creation of district environmental commissions, staffed with laymen, to pass on permits. The criteria for the issuance of permits would be written into state law. A State Environmental Board would prepare guidelines for the permit process and act as an appeals board. Finally, two important plans were to be prepared for subsequent legislative approval—the "capability and development plan" and the "land use plan."

Initially, it was intended that the "capability and development plan" be sort of a master plan for the state, indicating which kinds of developments were best suited to which areas, in light of numerous policy considerations. The plan made public by the Environmental Board in November, 1972, made only a feeble attempt in this direction. The sweeping statements in the plan alarmed opponents of centralized planning, while the lack of detail and general vagueness dismayed the environmentalists.

The result was something of a legislative debacle. The capability and development plan submitted by the Board was promptly scrapped, as was an equally inchoate land use plan. In its place came a bewildering series of legislative drafts. Finally, on the last day of the 1973 legislative session, a bill bearing the name of a "capability and development plan" squeaked through to final passage. As the State Planning Director later admitted, however, the bill had little of a "capability and development plan" in it. Instead, it added considerable refinements to the permit criteria section of Act 250, and stated nineteen policies for future land use planning. These policies, however, had no regulator force and effect and were not codified into state statutes.

The final plan, the "land use plan," was to be statewide zoning pure and simple. Under the law, it was to "consist of a map and statements of present and prospective land uses based on the capability and development plan, which determine in broad categories the proper use of the lands in the state . . . to be further implemented at the local level by authorized land use controls such as subdivision regulations and zoning."

The first attempt at a land use plan, unveiled in late 1972, was so inept a document that neither outgoing Governor Davis nor incoming Governor Thomas P. Salmon was willing to sign it. But it had one important impact. It revealed that the ultimate end of the "Act 250 process" was not merely requiring environmental permits from "larger developers," but the complete centralization of power over the use and exchange of land in Montpelier.

For the first two and a half years after enactment of Act 250 there had been no organized opposition, although there was some unhappiness among developers subject to the permit requirement. Ironically, it was not Act 250 at all but a related measure, the Health Department Subdivision Regulations, which provoked the organization of opposition culminating in the smashing defeat of the Act 250 land use plan.

To stall development until a comprehensive law could be passed, Governor Davis in September 1969 approved the adoption by his Health Commissioner of "subdivision regulations." These strict regulations had the ostensible purpose of preventing the subdivision of land into lots which lacked adequate sewage disposal capability. The regulations did not come into effect until the third lot was subdivided, so many farmers and rural land owners did not feel its strictures. (The subdivision regulations so far exceeded the powers of the Health Commissioner in 1969 that the 1970 legislature had to be asked to ratify them ex post facto by reference.)

In November, 1972 Human Services Secretary William Cowles (under whom reorganization had placed the health department) issued new subdivision regulations. Bearing only marginal relation to sewage disposal, the new regulations were clearly designed to prevent subdivision. A spontaneous protest meeting was held in Lyndonville, in Vermont's relatively undeveloped Northeast Kingdom. The 75 people attending, about one third of whom were associated with the real estate business, voted to form a Land-owners Steering Committee. As a means of getting public attention, the group pledged to post some 100,000 acres of Vermont land against hunting, fishing, or snowmobiling.

While the cause of the protest was the subdivision regulations, the Steering Committee quickly recognized that far more of the same kind of thing was on the horizon. Under the leadership of Lyndonville realtor Gerald Farrington, the Steering Committee adopted a five-point program:

1. Reject the Act 250 land use plan.
 2. Put the responsibility for preserving the environment on the developer, not the mere seller of land.
 3. Prevent bureaucrats from imposing impossible regulations on the citizens without legislative approval.
 4. Enforce the laws against polluters.
 5. Allow multiple use of state-owned lands.
- From its inception the Land-owners Steering Committee was roasted in the environmentally-oriented daily press. Governor Salmon, who had previously distinguished himself by leading a "mini-filibuster" against Act 250 as a member of the Vermont House, scored with the environmental organizations by inveighing against "land rapists and fast buck artists" and ridiculed the "committee with the long name."

The Steering Committee quickly broadened its board to include representatives from 10 of Vermont's 14 counties, and launched a series of public meetings and radio spots to alert Vermonters to the issues. The environmental organizations responded with meetings of their own, plus attempts to suppress the opponents.

Despite the vigorous efforts of the Land-owners Steering Committee, and circulation of some 10,000 copies of its 24-page tabloid newspaper, the *Vermont Watchman*, the legislature of 1973 did enact a bill named a "capability and development plan." Actually, much of that "plan" was either advisory in nature or noncontroversial. Its main significance was that it was admittedly the legal foundation for the land use plan to be presented in 1974.

Following the 1973 legislative session, Governor Salmon called a press conference to announce that he intended to take personal direction of the program to develop a land use plan for 1974. From the beginning, however, the state planning office and the state environmental board engaged in a running battle over the form of the plan to be produced. To the delight of the opposition, Governor Salmon seemed either unwilling or unable to insist on a resolution of these differences.

In September, 1973 the State Planning Office, in conjunction with the various regional planning commissions, conducted a

series of hearings on its proposal for a state land use plan. Scarcely had these hearings concluded when the Environmental Board took the field for its own set of hearings. Expressly disavowing the Planning Office draft, the Environmental Board offered no draft whatsoever. The purpose of the hearings was merely to gather opinion, said the Board; then it would retire to its chambers and bring forth the plan for submission to the Governor and legislature.

This rather cavalier approach by the board produced prompt criticism, and the board was ultimately forced to produce a draft plan and conduct seven additional hearings on it. Now, with the board's intentions revealed, public reaction arose quickly.

The Board's proposed plan was simply a state zoning scheme. The state was to be divided into seven zones. Each zone had its own set of purposes, allowed uses, prohibited uses, and density limitations. Local towns were given a year to prepare a zoning map "furthering the purposes of the State Land Use Plan." If they failed to do so, the state environmental board would supervise the zoning of the town. To satisfy the state environmental board, a town plan would have to comply with 16 detailed criteria.

A howl of protest went up at the unveiling of this plan—not only from previous opponents of centralized state planning, but also from local government officials. The plan's emphasis on keeping rural areas undeveloped clearly meant that growth in taxable development would be directed to regional centers. The plan promised tax chaos as the restrictions changed the value of land drastically and unpredictably. The plan virtually ordered the towns to provide for adequate housing for such people as the state thought ought to be living there—an idea already enunciated by the chairman of the environmental board, who claimed that towns should take over the responsibility for housing just as they had taken over schools and roads. This same gentleman's incautious declaration that "local control is out of the Dark Ages" did much to inspire and enlarge the opposition.

So did the deliberate refusal of the environmental board to produce the map, clearly called for by the statute. In open session, the board members, recalling the poor reception given to the abortive 1972 land use map, debate the "practicability" of complying with the law. Finally, they decide to ignore it and hope no one would notice. In this they made an egregious blunder.

Key legislators, including House Speaker Walter L. Kennedy, gave prompt notice to the board that if it intended to zone everyone's property, it would have to present the required map to the legislature. Two lawsuits to force the Board to produce the map were filed, and although both failed on technical grounds, they further dramatized the issue.

Throughout this furor Governor Salmon sided with the Environmental Board. Before a sportsmen's gathering in January, he said that publication of zoning maps would kill the whole plan—and that since his plan was too important to suffer this fate at the hands of an outraged citizenry, no maps would be published! But pressure built up rapidly, until the environmental board reluctantly asked the planning office to bring forth the maps. The maps were released in mid-February. Due to the necessary imprecision in zoning a whole state from the capitol, and to the extreme haste in which the maps were completed and rushed into publication, the maps carried countless errors which were immediately detected by local government officials and landowners. But more importantly, the maps dramatized the land use plan as statewide zoning, a charge frequently made but until that point not clearly proven.

And the board did another thing in its draft plan which produced a new wave of

opposition. Since 1971 the board had been concerned about the apparent inapplicability of the land use plan to developments which lay below the statutory threshold for obtaining a permit, i.e., ten units of housing. So in October, 1972 the board adopted a resolution asking the legislature to amend the law to make it applicable to even the surveying of lot lines on a single lot!

Not only did the legislature not honor this request, it responded by inserting in the land use plan section of the law a sentence affirming that the land use plan would explicitly not apply to anything but "developments" as defined in the act—meaning ten or more housing units and industrial and commercial development on ten or more acres (one acre in unzoned towns).

When the board came to prepare a land use plan in 1973, this proscription caused great perplexity. How could a meaningful statewide zoning plan be put forth, when anyone might build nine houses in any open field without being governed by the restrictions in the plan? The board made the decision to ignore this provision of law by presenting a plan which covered every single acre, every single lot, in the state of Vermont.

Within 60 days of its approval by Governor Salmon, and within forty days of the publication of the maps, the 1974 Land Use Plan was as stone-cold dead as the Green Mountains in February. The end came at a tumultuous public hearing before the House Natural Resources Committee on February 28. Farmers, landowners and just plain citizens flocked to Montpelier 800 strong to berate the plan for over four hours, while only a handful of special interest representatives, principally architects, rose to defend it. The Committee, which had voted in favor of a watered-down version of the plan by a 7-4 margin the previous day, voted 9-2 the following day to shelve the whole project.

What happened between 1969 and 1974 to produce such a turn-around in public opinion? The factors must include the following.

First, more and more citizens became outraged by "bureaucratic rule" from Montpelier, often by technicians imported from out of state for the purpose. While this reaction flowed from a number of subjects, the land use plan was a highly suitable area for the oppressed citizenry to strike back. Second, the environmental board and Governor Salmon made nearly every mistake in the book. By taking an arrogant attitude toward the common sense and decency of the average Vermonter—and his local government—and by flaunting the clear provisions of the law, it became clear that someone was trying to put one over on Vermonters. That, historically, has not been easy to do.

Third, the economic boom of 1969 had given way to a period of economic uncertainty. Partly due to the land use regulations and partly due to other factors such as the stock market and interest rates, second home construction dropped off sharply, and with it, jobs and building profits disappeared. Perhaps worse, Vermont gained a reputation as a state in which every form of harassment known to man would be practiced against the honest businessman. In this climate Vermont became increasingly unattractive as a site for economic development of any kind.

Fourth, poor people and their spokesmen began to discover that little or no housing could be had within their reach. This was not entirely a new phenomenon, but it was unmistakably clear that the environmental rules and subdivision regulations had driven small lots off the market altogether. The curtailment of housing, like the curtailment of economic activity generally, was quite properly laid at the door of the "environmental extremists."

Finally, and perhaps most importantly, Vermonters slowly came to realize that implicit in the series of land use plans and regulations offered by the environmentalists

was a threat more serious even than the "no growth" philosophy which would cost them jobs and housing. For the land use plan approved by Governor Salmon carried in it the premise that privately-owned free-hold property is to be no more; that henceforth, all property would be "social property," "held rather than owned by individuals for the benefit of the society at large, i.e., the State."

This "social property" theory, openly espoused by a few honest advocates of the land use plan but beatified by others, meant that the state would, where it saw fit, impose regulations to the very furthest limit of its constitutional power without paying compensation to the landowner. It meant that the power over the sale and hence the exchange of all land in the state would ultimately be vested in a board of bureaucrats at the state capitol. And it posed a mortal threat to the ideals of individual liberty and a republican form of government that Vermonters have always held dear.

The land use battle in Vermont is far from ended. A special study commission was created by the 1974 legislature to come up with recommendations for further action in the wake of the 1974 land use plan's defeat. There will be another debate in 1975 on the report of that committee. While the recommendations contained in it are extremely modest in scope, Vermonters recognize it as yet one more, albeit small, step in the direction of the centralization of all power over land in the State. That is a direction in which most Vermonters, despite their deep reverence for their land and their environment, do not want to go.

For four exciting years Vermont was the model for the nation in the eyes of environmental organizations everywhere. But the experience in Vermont clearly shows a reverse swing of the pendulum. The initial surge toward replacing freehold property with social property has expired, and Vermonters are now turning away from that form of collectivism and seeking another way to deal with land use problems. That new way may well be as creative as the movement toward Act 250 regulation—but it will not be headed in the same direction.

S. 2792 PROVIDES NEW FLEXIBILITY IN PUBLIC LAW 480 LEGISLATION

Mr. HUMPHREY. Mr. President, yesterday's passage of S. 2792 amends the availability criteria for commodities which may be disposed of under the Agricultural Trade Development and Assistance Act of 1954 familiarly known as Public Law 480.

Previously, the last sentence of section 401 provided that no commodities would be available for disposition under the act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated exports for dollars as determined by the Secretary of Agriculture at the time of exportation of such commodity.

The bill adds to this provision the clause "unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this act."

The proposal was offered in furtherance of the request made in the President's address to the joint session of Congress on October 8, 1974, in which he stated that authority was needed to waive certain of the restrictions on the disposition of commodities under the act

based on national interest and humanitarian grounds.

In times of temporary shortages it becomes essential that the food assistance program under Public Law 480 not be discontinued abruptly—particularly in cases where continuation of the program is needed for the foregoing objectives.

Such authority would be needed sparingly, and only to meet needs of the highest priority. It would allow the United States to make a significant contribution toward alleviating human suffering and maintaining the economic stability of friendly foreign governments.

At the same time, use of this authority will have little impact on total supplies of any commodity, as quantities exported under Public Law 480 represent very small proportions of supply and total exports for most commodities. For example, exports of wheat and feed grains under the act in fiscal year 1974 amounted to 2.8 and 1.9 percent of total exports for those commodities, respectively.

Although it is difficult to assess the effect of the proposed bill on budget outlays, it is believed that enactment of the bill would have no significant budgetary impact.

We also added to the bill, as an amendment, a provision sponsored by Senator BREN and others which makes it clear as a statement of policy that commodities included under the international food aid program should also be available for domestic feeding programs.

This amendment gives a clear warning to the Department of Agriculture that it should not tamper with domestic programs while the same commodities are being furnished to other nations.

The act also includes a provision to amend the Food Stamp Act to require that effective March 1, 1975, not less than 20 percent of the total value of coupons issued to eligible households be usable only for beef, pork, poultry, or dairy product purchases.

Coupons are to be coded so as to be usable only for the purchase of beef, pork, poultry, or dairy products. The amendment authorizes the administering State agency to make exceptions to this requirement in cases where it is impractical with regard to a specific household.

The Food Stamp Act provides that coupons shall be issued in such amount as the Secretary of Agriculture determines to be the cost of a nutritionally adequate diet.

Since there is a surplus of animal protein in the United States, the committee urged the President and his advisers to explore all possible avenues with regard to the use of meat, poultry, and dairy products under Public Law 480 and other U.S. Government food aid programs.

S. 2792 is an important step in clarifying the Public Law 480 program and in utilizing surplus animal products at home and abroad. I commend the Senate for approving this measure, and I urge that the House also give its approval.

OF FORTUNES AND THE FED

Mr. BROCK. Mr. President, I ask unanimous consent that the commentary by Nicholas Von Hoffmann entitled "Of Fortunes and the Fed" be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

OF FORTUNES AND THE FED
(By Nicholas von Hoffmann)

It tells you something when Sears Roebuck and Co., the nation's largest retailer, announces a personnel layoff eight weeks before Christmas. Times are getting harder and so is the pressure to do something.

Many of the proposals—like public service jobs—which get pushed forward at moments of such distress don't do enough good to be considered more than demonstrations that Your Government Loves You. These gestures of symbolic affection, however, turn people away from thinking about structural changes in the way we run our political economy. The need to break out of our pattern of *ad hoc* improvisation on the peaks and valleys of the business cycle has never been greater because these hastily contrived measures—price control, emergency loans and the forced feeding of enormous amounts of money into the system—are becoming progressively less effective.

It would pay us better to spend less time debating illogical schemes like the gasoline tax and poke around joints like the Federal Reserve Board. With the zero publicity the Board gets many people may think the Federal Reserve has something to do with administering government reservoirs when, in reality, the Fed has more to do with good times or the lack of them than any other single agency in Washington. The Fed controls our money supply.

You must consult such recondite business publications as *Fortune* magazine (July issue) to learn it is there that much of the blame for our double-digit inflation belongs. Specifically the magazine charges the board's chairman, Arthur Burns, with creating a false prosperity for the '72 election by flooding the country with a torrent of inflation currency.

This isn't the first time the Fed has been suspected of playing such dangerous games. The man who preceded Burns in his job did the same sort of thing for the '68 election with similar results, an upward surge in prices followed by unemployment. But Burns' critics, who are numerous and growing in business and economic circles, aren't accusing him of doing anything improper, only of pursuing mistaken policies for erroneous reasons.

Part of that goes to how Burns and his fellow Federal Reserve governors think as economists and politicians; part goes to the nature of the Fed itself. The decisions on monetary policy—decisions which weigh so heavily on how much you're going to pay for bread, milk and rent, or whether you're going to have a job or be laid off—these decisions are made by an arcane group within the Fed called the Open Market Committee. Its members are Burns, the six other governors, and, in rotation, five of the 12 presidents of the regional Federal Reserve Banks.

These gentlemen meet monthly, decide what the monetary policy of the United States is going to be and then tell no one about it. They keep it secret, only issuing instructions to another gentleman in New York who executes their orders. Ninety days after each meeting they routinely release a summary of what they talked about, but in languages so darkly Delphic that even men who've put in a lifetime of learning about our monetary system have trouble figuring out what the Fed has said it is doing. As a consequence a whole profession has been

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created of people who try to divine what the Sam Hill the Fed is up to. They're the domestic Kremlinologists of American economics.

The reasons for the secrecy aren't sinister. It's supposed to discourage sharp traders from cashing in on the information, but the rumors, tips, speculation and purportedly inside dope swirling about the Fed would seem to have exactly the opposite effect from the one intended.

However that may be, the nation's prosperity is still hugely affected by 11 guys who nobody has ever heard of, operating as a committee that everybody is ignorant of. Congress can struggle to balance the budget and the fruits of its fiscal responsibility can be canceled out by policy decisions that aren't even announced until three months after they're made.

In this clandestine nonsense Burns is but following the ancient traditions of his organization. He isn't the first man to orchestrate disaster in a closet. History teaches us that the same kind of secretive, well-intentioned madness brought on the massive bank closings of 1932-33 and the recessionary collapse of 1937 which prolonged the Great Depression another dreary, unnecessary four years.

Even now it's suspected—nobody outside the Fed can know for sure—that our monetary policies have been turned around 180 degrees, that the Fed is building the foundations of a new inflationary rush. It's possible that if the Fed made its decisions out in the open they'd still make the same mistakes, but, since the citizenry must pay the consequences, the least the Fed can do is to go public and thereby give the rest of us fair warning.

THE MIDDLE EAST

Mr. ABOUREZK. Mr. President, I ask unanimous consent to have printed in the Record an editorial written by Robert Martin, editor of the University of South Dakota newspaper, Volante.

Mr. Martin's editorial view manifests a great deal more rationality on the Middle East question than exists in many sources of opinion today.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the University of South Dakota newspaper, Volante, S. Dak., Nov. 19, 1974]

PUBLIC OPINION MANEUVERED TO ACCEPT WAR
There has been growing speculation on the part of military and political leaders that it may become a necessity to effect a military takeover of oil fields under the sovereign control of Arab nations if the oil "price gouge" continues to affect our "vital interests," as they state.

This change in attitude by political and military leaders has been accompanied by the derogatory characterization of Arabs as big, greedy, money-hungry slob. As an example of this, this week's political cartoon was especially selected to help emphasize the point. Also, witness over the past few weeks' cartoons in Time Magazine showing much the same stereotype of an Arab taking a bite out of the world with the caption stating, "Araburger."

In a recent column Jack Anderson stated that the "repercussions of Western countries being economically ruined by the price of oil would affect the vital interests of the United States. The use of the term vital interests is ominous. For it is understood that the United States will go to war, if necessary, to protect its vital interests." According to Anderson, one top policymaker compared the oil gouge by Arab nations to Pearl Harbor.

Anderson also stated in the same column that, "President Ford has taken a harder line

in the strategy sessions. Our sources say the President is willing to use United States military power as a last resort to prevent the oil cartel from causing disastrous economic and political dislocations in the West." Such frightening and threatening speculation by the President is demoralizing, especially keeping in mind his continual failure to act against the price gouging on the part of the major oil companies and his repeated failure to spark any anti-trust action against the major oil companies.

Also in the Anderson column of last week is the following statement. "Just as the United States didn't try to stop the Soviet Union from invading Czechoslovakia, Kissinger believes the Soviet wouldn't likely risk a nuclear war with the United States over Mid East oil." The analogy between the Soviet Union going into Czechoslovakia and the United States taking over an independent, sovereign Arab country is at best absurd. The relationship between the Soviet Union and Warsaw Pact nations is completely different than the relationship of the United States and the Arab bloc countries. Given the Russian interest in Middle East oil and Russian Naval superiority in the Mediterranean and ground troop concentration along its borders with Iran and Turkey, it's ridiculous to think the Soviet Union would sit idly by while the United States sent Marines in to take over Arabian oil fields.

Americans should be aware of these subtle attempts to maneuver public opinion into hating "Arab types" which would be the first step in preparing the public to accept a hostile situation in the Middle East in which the United States could be one of the belligerent nations involved in the conflict.

STATEMENT OF POLITICAL CONTRIBUTION OF CERTAIN NOMINEES

Mr. FULBRIGHT. Mr. President, pursuant to section 4 of Public Law 93-475, approved October 26, 1974, I am submitting a statement of political contributions of certain nominees.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Nominee: William B. Saxbe.
Post: Ambassador to India. Nominated December 14, 1974.

CONTRIBUTIONS

1. Self: William B. Saxbe, none.
2. Spouse: Ardath K. Saxbe, none.
3. Children and Spouses Names: William Bart Saxbe, Jr. & Anne, none; Charles Rockwell Saxbe & Suzy, none; Juliet Saxbe Lope-man & Sam Lope-man, none.
4. Parents names: Mother, Faye Carey Saxbe, none.
5. Grandparents names: Deceased.
6. Brothers and spouses names: none.
7. Sisters and spouses names: Betty Saxbe Sparks & Carl Sparks, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

WM. B. SAXBE.

Subscribed and sworn (or affirmed) before me this 17th day of December A.D. 1974, at Washington, District of Columbia.

[SEAL] SHARON SCHULTZ,
Notary Public.
Commission expires May 31, 1977.

Nominee: Michael A. Samuels.
Post: Ambassador to Sierra Leone. Nominated: December 11, 1974.

CONTRIBUTIONS

1. Self: \$50, October 19, 1972. Committee to Re-Elect the President (see attached supplemental statement).
2. Spouse: (see attached supplemental statement).
3. Children and spouses names: Joel Samuels, none.
4. Parents names: Myrrel F. Perenyi, none. (Father—deceased).
5. Grandparents names: Deceased.
6. Brothers and spouses names: William J. Samuels, none; Ellen E. Samuels, none.
7. Sisters and spouses names: None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

M. A. SAMUELS.

Subscribed and sworn (or affirmed) before me this 25th day of Nov. A.D. 1974, at Washington, D.C.

[SEAL] STELLA ———,
Notary Public.
Commission expires July 31, 1979.

SUPPLEMENTAL STATEMENT

Prior to the 1974 primary election for the D.C. City Council, my wife served as Assistant Treasurer in the campaign of Delano Lewis. Democratic candidate for an At-Large seat. In this capacity, she volunteered considerable time, the use of our car, and the cost of baby sitters. For this same campaign, I donated two African masks that were later auctioned for \$55 to help cover campaign expenses.

POLITICAL CONTRIBUTIONS FROM 1970-74
Nominee: Thomas James Scotese. Nominated: December 13, 1974.
Post: American Embassy, Sanaa, Yemen Arab Republic.

CONTRIBUTIONS

Self: none.
Spouse: none.
Children: none.
Parents: Mrs. Vasiliki Scotese, none; Mrs. Helen Sarides (M-in-law), none.
Grandparents: none.
Brothers and spouses: Maj. Theodore J. Scotese, none; Mrs. Nathalia Rocchi Scotese, none.
Sisters and spouses: Mrs. Anne Scotese Haydon, none; Mr. John M. Haydon, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.

THOMAS JAMES SCOTES.

Subscribed and sworn before me this 8th day of December A.D. 1974, at the American Embassy, Damascus, Syrian Arab Republic.

DONALD E. MUND,
American Consul.

Nominee: Theodore R. Britton, Jr.
Post: Barbados. Nominated November 19, 1974.

CONTRIBUTIONS

1. Self: Theodore R. Britton, Jr., \$200, June 6, 1972, (dinner) Nat'l Black Committee for Re-election of the President.
2. Spouse: Ruth B. A. Britton, none.
3. Children (5) all unmarried: Theodore R. Britton III, none; Renee A. Britton, none; Warren E. Britton, none; Sharon Y. Britton, none; Darwin A. Britton, none.
4. Parents deceased.
5. Grandparents deceased.
6. Brothers (nominees have none).
7. Sisters (2) and spouses: Virginia B. Dorsey, none; Herbert L. Dorsey, none; Mary H. Ward, none; Charles F. Ward, none.

December 19, 1974

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

THEODORE R. BRITTON, JR.,
Subscribed and sworn before me this 25th day of March, A.D. 1974, at New York, New York.

JOSEPH R. WORTMAN,
Commission expires March 30, 1974.

Nominee: Frank C. Carlucci, III.
Post: Lisbon. Nominated November 18, 1974.

CONTRIBUTIONS

1. Self: \$100, April 28, 1972, Finance Committee to Reelect the President: \$50, October 29, 1973, Distinguished Representative Award Dinner Committee (Penn.)
2. Spouse: none.
3. Children and spouses names: none.
4. Parents names: \$50, September 20, 1970, Committee to Reelect the President.
5. Grandparents names: none.
6. Brothers and spouses names: none.
7. Sisters and spouses names: (Neither my only sister, Joan Kleinrock, nor her husband made contributions.)

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

FRANK C. CARLUCCI, III.
Subscribed and sworn (or affirmed) before me this 1st day of November A.D. 1974, at Washington, D.C.

[SEAL] JACQUELINE M. BERNETT,
My commission expires July 31, 1978.

There are no changes to my political contribution form filed August 22, 1974, in connection with my appointment to the class of Career Minister.

Statement follows:
Nominee: Terrence A. Todman.
Post: Career Minister. Nominated: July 10, 1974.

CONTRIBUTIONS

1. Self: none.
2. Spouse: none.
3. Children and spouses names: none.
4. Parents names: none.
5. Grandparents names: none.
6. Brothers and spouses names: none.
7. Sisters and spouses names: none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

TERENCE A. TODMAN,
Subscribed and sworn (or affirmed) before me this 22nd day of Aug. A.D. 1974, at District of Columbia.

STELLA MAKARA,
Notary Public.
Commission expires July 31, 1977.

CONTRIBUTIONS OF RICHARD B. PARKER, AMBASSADOR TO ALGERIA

1. Self: None (except checkoff on last two income tax forms).
2. Wife: None (except checkoff on last two income tax forms).
3. Children: Allison Parker, none; Jeffrey D. Parker, none; Jill Parker, none; Richard J. Parker, none; (all unmarried).
4. Parents: Father deceased in 1946. Mrs. John A. Rosenson, mother, none.
5. Grandparents: Deceased.

6. Brothers: Major Gen. David S. Parker, none.
Mrs. David S. Parker, none.
7. No sisters.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.

RICHARD B. PARKER,
Sworn and subscribed to before me this 6th day of December 1974.

CHRISTOPHER N. DARLINGTON,
American Consul.

ECONOMIC CONCENTRATION IN THE FOOD INDUSTRY

Mr. ABOUREZK. Mr. President, our country faces a shortage of beef by 1976 because the livestock industry has been neglected by the Nixon and Ford administrations and because of the rise of food conglomerates.

Shortages of vital materials and products have become the rule, rather than the exception. But in the case of meat we have a situation where the producers want to supply the country's needs, and they could if only they were paid a fair price for their livestock.

Nevertheless, the administration refuses to restrict foreign agricultural imports, and it pampers the giant chain-stores, processors and packinghouses. I believe there is ample evidence suggesting that food conglomerates are manipulating the livestock market and fixing prices all the way to the supermarket shelf.

A successful lawsuit brought by a group of ranchers against the Great Atlantic and Pacific Tea Co.—A. & P.—resulted in a \$32-million settlement. The court indicated that the food chain had manipulated market prices through price fixing.

Despite this evidence, we have seen no action by the Justice Department, or any other part of the Ford administration, to initiate antitrust action in the food industry.

That is why I intend to make the Family Farm Antitrust Act a top priority in the next Congress.

And I hope it will be possible for Congress to force the hand of the administration to restrict foreign agricultural imports that are unfairly competing with American food producers.

Mr. President, two recent writings have called attention to the economic concentration in the food industry. They include "Who Will Sit Up With The Corporate Sow?" by the Center for Rural Affairs, Waltill, Nebr., and the President's Column from the South Dakota Union Farmer, by Ben Radcliffe, Huron, S. Dak.

I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

WHO WILL SIT UP WITH THE CORPORATE SOW?
This is a report on developments which are re-shaping hog production in Nebraska.

The general trend in recent years has been for food manufacturers to attempt to control the production of the raw farm products which they process. They do this by owning

or directly contracting with the farm operations that produce those products. This is called vertical integration.

Because vertical integration means a loss of cherished independence for the farmer, it has earned a bad reputation. Through vertical integration, some of the world's biggest conglomerate corporations like IIT, Greyhound, Esmark, and others, are muscling into agricultural production.

This concerns not only farmers, but consumers as well who are not pleased with the prospects of relying on vertically integrated giants for food as they now do for petroleum.

The United States Department of Agriculture (USDA) concedes that substantial integration already exists in some food lines (broiler chickens, vegetables, fruits, to name some) but consistently downplays its overall importance, especially in livestock.

For instance, in a recent status report on vertical integration, USDA maintains that it is necessary to use "best judgment" estimates in describing the extent of vertical integration in many commodities, including hogs. They note that occasional surges in contract production have taken place in the hog industry, but see it as a very small part of the total output. They project no rapid increase in integration due to its slow growth in the 1960-1970 decade.

Since 1970, however, new attempts by feed companies and packing houses to integrate hog production have been reported by farmers. Contracts supplying essential production inputs have been viewed with suspicion and the creation of swine leasing operations by some of the larger feed companies has caused more alarm. Fear has been heightened by the recent publicity surrounding a proposed breeding-to-processing, totally integrated operation in Northeastern Missouri that could produce an astounding 2.5 million hogs a year.

The impact of such an operation on hog farmers would be overwhelming. It could produce over half of what all 28,000 producers in Nebraska turned out in 1973.

Recent reports of the collapse of this proposed operation have done little to relieve concern about trends toward concentration of farm production in fewer commercial farms.

Pork has traditionally been a small farm commodity. The pork producer typically has a diversified farm, raising feed grains and cash crops as well as other livestock. He handles every aspect of raising hogs: breeding, farrowing, fattening and marketing. He finances his own operation, marketing about 150 to 200 hogs per year. He makes his own management decisions, runs his own risks in the market place, and sometimes sits up at night with a farrowing sow. Disease susceptibility and the delicate business of farrowing pigs from sows have tended to prevent large scale production.

There are signs that this scenario is undergoing rapid change. If it is, there is more at stake than the independence of hundreds of thousands of pork producers. At stake is the availability of and control over a substantial portion of the daily menu of American families.

In a concentrated industry, where a few firms control the supply of a product, the product is available only on their terms—which means at their price. Their efficiency is relatively less important than their total sales. On the other hand, unlike the hog factory, the struggling independent hog producer matches his wits, his skill, and his dedication with that of his peers. As shifts occur toward large scale production, consumers can begin to worry about the price of pork. After all, who will sit up with the corporate sow?

Are these shifts occurring? This report was prepared in order to provide a view from the ground of the status of hog integration and large scale production in Nebraska.

IMPLICATIONS

People who suspect that a rapid expansion in large scale hog production is taking place will have their suspicions confirmed by this report. The implication is that hog production will become more specialized, capital intensive, and dependent on sophisticated technology. The role of the individual producer will diminish.

The evidence presented here shows an amazing mushrooming in large scale corporate confinement, especially in feeder pig production in the past 3 years. The 39 farrowing units inventoried in this report alone farrow over 22,000 sows (more than 7% of the sows farrowed in Nebraska in 1973), equivalent to the production of 1,600 average individual producers. Two-thirds of these were added in the past 18 months. Moreover, most managers indicate an intent to expand, even as hog prices dip to catastrophic lows in mid 1974.

In fact, the dramatic and sudden intrusion of corporate confinement in Nebraska signals the removal of feeder pig production from the farm to the factory in relatively few years. If current trends continue, feeder pig production on family farms will be as rare in 1980 as broiler chicken production is today.

The development of specialization in the breeding stock business is even more pronounced. Obviously, these companies are promoting confinement operations as a marketing strategy for their breeding stock business. They sense an opportunity to get an inside position on what promises to be the wave of the future in hog production technology.

But beyond that, the apparent preference of the two most aggressive breeders promoting confinement for subchapter S structures over co-ops implies that their marketing strategy involves basic changes in the structure of the pork industry. They are confident that confinement will attract new and inexperienced money into hog production through subchapter S corporations and therein lies their best market for breeding stock. Their strategy is to sell a whole range of services to these new "producers"—management, construction, planning consultations, and other services which the investment oriented shareholder who wants to minimize his own decision-making finds attractive or necessary. Of course, this package is most attractive to the non-farmer whose experience is nil, but it is also useful to the farmer for whom feeder pig production is a new operation.

The reluctance of co-ops to utilize these breeder-offered packages indicates also that these plans represent a significant loss of independence for them.

Overall, the emerging breeding stock industry is a hustle which confinement has made possible.

It is significant that a number of confinement units identified here are well outside of traditional hog producing areas. This partly reflects the potential of confinement for accommodating livestock production to environmentally harsh areas.

It also reflects the "movement" of the corn belt to the west, where irrigation, hybrids, and chemical fertilization have made increased feed grain production possible in Plains states. This has created isolated grain markets and cheap corn, a natural attraction to big, new livestock business.

As livestock moves into these areas however, it moves farther away from major hog markets, increasing price risks and transportation costs. This has implications for marketing methods. The tendency in such cases is to forward contract, to sell direct to packers on pre-arranged terms, and to adopt other marketing practices that reduce risks. Reliable, large scale producers are at-

tractive to packers, too. This is visible in the Royal Lean system. As a result, terminal and auction markets will be further eroded. The combination of breeding stock specialization, large scale production and movement into new areas, all point to more loss of producer independence.

The most aggravated loss of independence is present in the SBA-financed "custom" operations that provide services to Super Pig, Inc.

These "small businesses" are required by the terms of their SBA loans to farrow only other people's hogs on a custom basis. Since Holt County is one of the "new hog areas" it is unlikely that these four custom operators could secure other customers of the same size if Super Pig, Inc., were to abandon them. The combined effect of being isolated from markets and being limited to custom operations makes these "producers" little more than hired laborers with their own investment at stake as well as their jobs. Moreover, 35% ownership of their facilities by the principal in Super Pig adds to their compromising position. The parallels between this type of operation and the integration of the broiler industry are powerful.

In fact, the presence of one dominant figure in each phase of this coordinated operation suggests that the entire setup is an effective scheme for getting public financing for a vertically integrated corporate farming operation.

The use of publicly subsidized financing for this purpose should be questioned. In the first place, SBA does not finance the independent producers who must compete against these pork hotels. In the second place, SBA financing of custom operations only gives corporate integrators the means by which to entice individuals into financial and contractual relationships which obligate them to the integrator. Once their investment is poured into these expensive facilities, their options are few. They are not unlike indentured servants, a condition of labor this country purported to repudiate over one hundred years ago.

Even more disconcerting than SBA financing is the appearance of tax shelter gimmicks in hog production. These have been justified for cattle feeding and other agricultural operations as a method of attracting the capital by which the industry expands and becomes more efficient. Until confinement made large scale hog production feasible however, there was no need to attract these large amounts of capital.

Obviously, the conditions now exist by which tax shelters can be used extensively in hog production. The predominance of subchapter S units over co-ops suggest that the tax laws are already being used extensively to attract equity capital—both farm and non-farm—into hog production. The fact that expansion of existing subchapter S corporations continues despite fluctuating markets, implies an incentive besides efficiencies of size.

In fact, most of the new growth in large scale confinement can be expected to occur in subchapter S units rather than cooperatives for just this reason. Operationally speaking, the co-op is just as efficient as the subchapter S, and if the level of agricultural knowledge of the owners is a factor, the co-ops are likely to be technically even more efficient. However, the competitiveness of the subchapter S unit has been written into the tax laws. With the tax break for big money, the subchapter S can amass capital more easily than the co-op. It tends therefore also to attract better heeled investors, and especially those with assets outside of agriculture. This makes securing additional financing easier. All things considered, the subchapter C corporation has artificial advantages over the co-op which are not related to efficiency.

These are principal factors in the erosion of independent production, even when independent producers are together in legitimate co-ops.

Furthermore, as confidence in large scale production spreads, more sophisticated tax investment methods such as limited partnership schemes can be expected to develop. These developments will hasten a shift in production to the commercial companies like the giants in the cattle feeding business, where less than one half of one per cent of the firms produce over half of the cattle. There is nothing at this point that suggests that these events will not occur, nor is there any substantial climate of opinion which provides hope that a solution will be offered that will protect the independent producer or producer co-ops.

There are additional questions raised that have not been addressed in this report.

One question is the environmental impact of large scale confinement. Regarding waste management, Thomas J. Mulligan of Hydroscience, Inc., and J. C. Hester of Greyhound Corporation recently reported the following to a Cornell Conference on Waste Management: "This waste disposal problem is of relatively recent origin. In the past, animal raising was conducted on relatively large areas where the animal wastes were readily assimilated by the land. However, current advances in nutrition of livestock, in the development of improved agricultural practices, and in the effective control of disease have fostered the confined raising of animals, so that individual, small farm operations are declining and the number of large scale raising facilities are increasing. All of these advances have significantly increased the quantity and quality of animals produced, but not without increased environmental problems."

This implies that there are unaccounted for costs, direct and indirect, that society must pay for this type of production.

The direct cost is the actual capital that must be spent to protect the environment from the pollution of animal wastes.

Lee R. Schuster of Schuster Farms, Inc., summed it up when he said in Proceedings of the 1972 Cornell Agricultural Waste Management Conference, "Eventually I have no doubt but that society will pay for pollution control through higher costs of retail."

The indirect costs are the social costs of industrializing the agricultural economy. We also need to question the increasing trend toward scientifically, genetically constructed hogs that become vulnerable to life outside of confinement.

Finally, questions need to be raised as to the future quality of confined pork and the possible effects on human consumption of massive doses of antibiotics in feed and other chemicals used in confinement hog production.

PRESIDENT'S COLUMN
(By Ben Radcliffe)

For years all of us involved in farming and ranching have suspected that there was "something rotten in Denmark" with regard to the price spread between producer and consumer. That suspicion has now been proved in a court of law.

The recent conviction of the A&P (Great Atlantic and Pacific Tea Co.) supermarket chain on charges of price fixing should be greeted with extreme satisfaction by South Dakota farmers and ranchers. Hopefully this court decision will provide the impetus for an in-depth review of the market spread between producers and consumers that has, for years, robbed both segments.

The verdict, delivered by a federal jury in San Francisco, requires the giant retailer to pay \$32.7 million in damages to ranchers and livestock producers from California and Colorado.

PALESTINIANISM: AN UNRESOLVED PROBLEM OF THE UNITED NATIONS

(Address of Harrison M. Symmes to the Windham County World Affairs Council, Brattleboro, Vt., United Nations Day, October 24, 1974)

Ladies and gentlemen, tonight I shall be critical of certain aspects of our government's policy in the Middle East. Having retired from the career Foreign Service only six months ago and knowing the difficulties of policy-making, I do not make these criticisms lightly. It is important in my view for criticisms to be made responsibly and understood clearly, and I shall therefore speak from a text.

WHAT IS PALESTINIANISM?

Obviously it is a special kind of nationalism that has to do with an area of the world called Palestine and thus it involves land or territory. But it also involves people and their political and cultural aspirations. To understand Palestinianism we must consider some background, first about the land involved and then about the people. Then we can discuss how and why Palestinianism is a problem of the United Nations and why it remains unresolved.

The Palestine we are talking about once included all of the present state of Israel and the West Bank of Jordan. It stretched from the southern borders of Lebanon and Syria to Sinai and from the Mediterranean Sea to the Jordan River. From 1920 until 1948 this territory had been administered by the British Government under a Mandate of the League of Nations. The Mandate ultimately was to achieve its independence under the tutelage of the British authority.

From its inception in 1945 the United Nations had been seized with the question of Palestine, but its first major decision on the matter came in 1947. On November 29, 1947, the United Nations General Assembly by the necessary two-thirds majority approved the partition of the Palestine Mandate. The Partition Plan provided for the creation of an Arab State, a separate Jewish state, and an international regime for the City of Jerusalem as a *corpus separatum* to be administered by the United Nations.

The British Mandate authority officially gave up its control of Palestine on May 15, 1948. The Jewish portion of the former Mandate immediately proclaimed itself the sovereign state of Israel and was recognized within hours by the United States and the Soviet Union. The Arab-designated area reacted differently. Most of the people in the Arab areas of Palestine had rejected the notion of Partition from the time it was first proposed by study commissions organized by the British during the 1920's and 1930's. Supported by the neighboring Arab states, the Palestine Arabs had argued that partition violated the principle of self-determination of peoples and that the United Nations, like the League of Nations before it, had no jurisdiction to partition national territories.

The Arab states thus attempted in 1948 to upset the Partition Plan by military force and set out to vanquish the state of Israel. In the ensuing military engagements during 1948 some of the land assigned to the Palestinian Arabs was lost to the Israelis. The larger portion of Arab Palestine—what has been called the "West Bank of Jordan" or, since 1967, the "occupied West Bank"—was annexed by King Abdullah of Jordan in 1949. The international area of Jerusalem, the third area of Palestine to which the Partition applied, was captured during 1948 from Jordanian forces by Israel and was declared to be the capital of Israel. (I should note that to this day neither Jordan's annexation of the West Bank nor Israel's occupation of Jerusalem has been accorded *de jure* recognition by most of the major member states of the United Nations.)

The foregoing briefly accounts for what happened to the territory assigned to the Palestine Arabs by the Partition Plan.

WHAT ABOUT THE PEOPLE?

To answer that question we must again review some history. In 1917, in response to the world Zionist movement, the British Government had issued the Balfour Declaration by which it unilaterally undertook to help establish a national home for the Jews in Palestine. It is well to recall the actual words of the Balfour Declaration:

"HM Government view with favor the establishment in Palestine of a National Home for the Jewish people . . . it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

In 1917 the final outcome of World War I was still very much in doubt. The area that later became the Palestine Mandate was almost entirely inhabited by Arabs and was under the control of the Turkish Empire. The Arab people in Palestine together with the other Arabs under Turkish domination had developed a strong sense of Arab nationalism. They longed to achieve self-determination and to free themselves from Turkish rule. Exploiting this nationalism, the British Government—through agents such as Colonel Lawrence—had made basic commitments to the Arab nationalists concerning their political future. In return for these commitments many of these Arabs had joined the Allies in active hostilities against the Turkish Empire.

In 1917 ninety percent of the population of Palestine was Arab. By 1922, 85 percent of the population of the Palestine Mandate was Arab. In the Mandate census of 1931, 80 percent was still Arab. But as European Jews migrated to Palestine during the Nazi persecution, the population ratio in Palestine steadily changed. By 1948, when the British Mandate ended, the percentage of Arabs in Palestine was only 55 percent. There were then about one million and a half Palestine Arabs (10 percent of whom were Christians.)

In the violence that erupted in 1947 and 1948, more than 750,000 Palestinian Arabs fled to neighboring Arab countries. Why did they flee? Think back to the 1930's and 1940's. There were both Jewish and Arab terrorist groups operating against each other and against the British Mandate authority. The Stern Gang, the Irgun, and other Jewish terrorist groups were carrying out actions that were just as shocking in their inhumanity as actions carried out then and since by the Arab fedayeen groups. In any case, many Palestinian Arabs fled. These refugees and their descendants, together with an additional several hundred thousand Palestinians displaced from the West Bank during and after the 1967 war, now number more than 2 million people. They are mainly concentrated in the east and west bank areas of Jordan, the Gaza strip, Lebanon, and Syria. Almost a million of them live in so-called emergency camps, often in tents or makeshift shelters. Some have so lived since 1948.

As I mentioned earlier the Arab reaction to the Mandate had been that the land of Palestine was theirs and that the foundation of a Jewish national home in Palestine by the Zionists could only be at Arab expense. We therefore see that two nationalisms were contending with each other for the same piece of territory. The Palestine Arabs fought against the Mandate Authority primarily to prevent continued Jewish immigration to Palestine. The Jews fought against the Mandate authority to urge it to allow increased immigration. And so went the twenties and thirties in Palestine. The horrors of the Nazi holocaust and the failures of the world community to prevent the slaughter of millions of Jews, or for that matter to provide these

PALESTINIANISM

Mr. ABOUREZK. Mr. President, I ask unanimous consent to have printed in the Record an address by Harrison M. Symmes to the Windham County World Affairs Council in Brattleboro, Vt., on October 24, 1974. Mr. Symmes has served in the State Department for many years and was our Ambassador to Jordan from October 1967 to August 1970.

There being no objection, the address was ordered to be printed in the Record, as follows:

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Jews with any alternative to seeking a home in Palestine, exacerbated the problem beyond belief. The Jewish people were faced with "extermination", not just "self-determination."

If Zionism was the national force behind the emergence and the sustaining of the State of Israel, Palestinianism is the nationalist force and feeling that has animated the more than 2½ million Arabs that are now spread in an Arab diaspora throughout the various Arab countries and Israel. To this day the Palestinians have never been able to agree upon a single preferred course of national action. Nevertheless, a sense of national identity and a set of nationalist aspirations bind them together as Palestinians, and no amount of words can obscure that fact.

By adopting the Partition Plan, the United Nations irrevocably made Palestinianism a United Nations problem, and it cannot wash its hands of the problem. Since 1947 probably more UN time and effort has been spent on the Palestine problem in its various ramifications than on any other matter that has come before the UN. In December 1948 in a major effort to regain control of the Middle Eastern situation after the failure of the Partition Plan, the United Nations had established a Palestine Conciliation Commission. The establishing resolution (UNGA 194 III) provided:

"... the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property... the Conciliation Commission to facilitate the repatriation, resettlement, and economic and social rehabilitation of the refugees and the payment of compensation..."

More tangibly, the United Nations established an agency to provide emergency relief for the refugees in 1949; twenty-five years later that "emergency" relief is still provided by the United Nations Relief and Works Agency (UNRWA). United Nations Truce Supervision Organizations were established to police the armistices worked out between the Arab states and Israel following the 1948 battles. United Nations Emergency Forces were established following the 1956, 1967, and 1973 wars to provide military forces to try to prevent violations of truce and ceasefire arrangements from erupting into full-scale wars such as those of 1956, 1967, and October 1973. A mere listing of the resolutions on the Palestine problems takes volumes.

Last September 19 the "question of Palestine" was placed as a separate item on the agenda of the General Assembly. This was a major and significant procedural departure. In previous Assembly sessions, discussions of Palestine were confined to the UN Political Committee. The usual procedure was for the Political Committee to receive and discuss a report from the moribund Palestine Conciliation Commission with respect to what had transpired since its last report. The Political Committee would also hear a report from UNRWA on the refugee situation and if necessary would renew the UNRWA mandate and its appropriation. So far as the Arabs were concerned the principal objective in these Political Committee meetings was to achieve reaffirmation of the statements in the 1948 PCC resolution calling for the repatriation and compensation of the refugees. Against this background of downplaying the Palestine question in the General Assembly, the inscription of the question on the main agenda of the Assembly last month was a substantial change.

The inscription of the item on the agenda immediately raised the question of how the Palestinians themselves would participate in the debate. Early this month the General

Assembly considered the question of participation and decided by a lopsided margin of more than 100 votes to 4 to allow the Palestine Liberation Organization (the PLO) to speak in the Assembly debate on the Palestine question. That debate is to commence in early November.

The United States and Israel were among the four states that voted against allowing the PLO to speak in the debate. Israel earlier had been outspoken also in its opposition to allowing the PLO or any other Palestinian organizations to participate in the Geneva talks designed to build upon the fragile cease fires that followed the October war of 1973. This Israeli position is understandable given the public positions the PLO and other Palestinian organizations have taken on terrorism. But it also reflects a more basic Israeli policy of long standing to eradicate if possible the very mention of the word *Palestine* in official international documents.

Similarly, King Hussein of Jordan has insisted that he must speak at Geneva or in any other forums in negotiating with Israel to regain former Jordanian-controlled territory captured by the Israelis in 1967. Hussein's position, which can be described at best as being ambiguous and ambivalent, seems to be that since the Palestinian territory of the West Bank was lost while under Jordanian control, he should negotiate for its return. In ambiguous statements he has said that after the return of the territory he will allow the Palestinians to determine what kind of constitutional arrangement they want with the Kingdom of Jordan, a decision he never allowed them when the West Bank was under his control.

The United States in recent months has seemed to be supporting the Israeli and Jordanian positions that the issue of the Palestinian interests on the occupied West Bank should be settled entirely within the context of possible talks between Jordan and Israel. Inherent in this position is acceptance of the possibility that the outcome of such Jordanian and Israeli talks will be further loss of Palestinian Arab territory to Israel, for Israel has made it quite clear that it intends to retain certain areas of the West Bank. In fact it has been reported reliably in the press that Secretary Kissinger feels strongly that Jordan as a friend of the United States should be entitled to try to negotiate the return of some, if not all, of the territory lost to Israel in 1967.

In a somewhat backhanded way, the Washington Post on September 23 advocated the policy line being followed by the United States and Israel. The Post stated in part:

"That the Palestinian question has been brought again to the United Nations—as a political question not a refugee issue—is well and good. It is a political question and the United Nations is meant to deal with such questions. But the whole situation has been transformed since the first (and last) time the United Nations addressed the issue, in 1948, when the Palestinians were offered a state of their own and they turned it down. Specifically, it is no longer within the capacity of the United Nations to offer Palestinians a statehood. That can only result now from a process in which Israelis and Jordanians are involved. Certainly the United Nations should hear the arguments, shrill and harsh though they no doubt will be. But the United Nations should not endorse terror, or trample on the sovereignty of its member states, or complicate the already immensely difficult task of the three principal local parties to work out a relationship of their own."

I can only say in passing that the Post editorial completely disregards the causes and issues that are involved in the Palestine question. The positions of Jordan, Israel, and the United States on whether the Palestinians should be a party to talks in Geneva or whether they should be allowed to

speak in a General Assembly debate on the Palestine question are obviously related. The result is to deny the Palestinians a voice in discussing an issue that touches them directly as human beings attached to a territory occupied and controlled by other states. It is certainly realistic to question the capacity of the UN to deal effectively with the problem of Palestinianism; but one may question with much more justification the capacity of the Israelis, Jordanians, and the United States to deal effectively with the matter—that is to bring about results that can involve the Palestinians in a responsible way.

More basically, it is still fair to ask in today's world whether the Palestinians have any claim to exercise the right of self-determination, whether it was intended they should exercise that right when Partition was voted in 1947, whether actions since that time change the basic juridical status of the territory and the peoples involved. Application of UN resolutions will always require compromise, and so far as I know the UN has not dissolved any of its resolutions on the Palestine question.

The general attitude of the United States toward Palestinianism has been publicly stated on many occasions since the Partition of Palestine in 1947. We have given much lip service to the various UN resolutions that have been voted over the decades. We have never failed to vote for reaffirmation of the right of the Palestine refugees to repatriation and compensation. It is possible to pick and choose among statements, but the United States Government in my view has made it clear that it sees Palestinianism as a force that must be involved constructively in any peace agreement between the Arab states and Israel. American spokesmen have frequently alluded to the "legitimate interests and aspirations" of the Palestinians.

What seems to have eluded American statesmen and indeed the world at large is how to bring about effective consideration of those legitimate interests and aspirations. Who decides what is legitimate or illegitimate? Why should we believe that Jordan or Israel will accord full and sympathetic consideration to the legitimate interests and aspirations of Palestinians? The historical record unfortunately shows that neither Jordan nor Israel can be expected to approve the establishment of a Palestine national entity whatever its label in land now occupied by either Jordan or Israel. One must seriously question therefore the recent policies of the United States, specifically the emphasis being placed on assigning to Jordan and Israel the primary voice for determining Palestinian interests in a settlement of West Bank territorial issues. It is absurd to pretend that Hussein or the Hashemite Kingdom of Jordan can speak for the Palestinians as a group. It is the tragedy of Palestinianism that it had not had a moderate and responsible spokesman. But it is preposterous to argue that Hussein is an acceptable substitute spokesman.

There are no simple answers to the question of who can or should speak for the Palestinians, but by not allowing the Palestinians to speak for themselves we tend to force them into more and more immoderate positions. It is no exaggeration to say that Western policies in the Middle East during the past twenty-five years have generally obstructed the development of an effective Palestinian consensus. In fact that obstructionism has been deliberate. This has been most notably true in the case of Jordan which from 1948 until 1967 controlled the area of former Palestine called the West Bank as an integral and formally annexed part of the Hashemite Kingdom of Jordan. The Palestinians living in this area did not like the rule of the Hashemites any more than they liked the previous rule of the British or the pres-

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ent rule of the Israelis who have occupied the West Bank since 1967.

Yet the United Kingdom and the United States for two and a half decades have supported the Hashemite Kingdom with one of the highest per capita levels of military and economic assistance that has been extended to any country of the world. This comparatively massive Western support of Jordan had been justified on grounds that Jordan has exhibited a moderate attitude towards working toward peace with Israel and that Jordan must be supported against the designs of its more radical Arab neighbors. Yet the much-touted Jordanian moderation did not stand in the way of an utterly irresponsible use of the Jordanian Army against Israel in 1967 or other less significant instances of misuse of the military forces before and since. By maintaining the garrison state of Hashemite Jordan in the manner we have supported it, we have mainly satisfied royal vanity and enabled the Hashemite establishment to suppress Palestinian restiveness when it has become too assertive to suit Jordanian interests.

Continued, unrestricted support of Jordanian pretensions to speak for the Palestinians, even those on the East Bank of Jordan where they almost outnumber non-Palestinians, can only obstruct the emergence of a moderate and responsible Palestinian consensus. The emergence of such a consensus has always been seen by the Hashemites as a threat to their monarchical survival. But we must recognize that the Hashemites have no historical homeland claims to this area. They were brought in from the Hejaz by the British in 1920, and they have never become welcome guests.

Similarly, United States support of Israeli policy that it will not deal with Palestinians is shortsighted on our part. It is entirely understandable that the Israelis resent dealing with organizations that contain terrorists, but there are a growing number of Israelis who know that the Palestinians must be brought in somehow as responsible parties to a peace settlement. The United States is not helping Israel in the long run by endorsing its refusal to deal with the idea of Palestinianism as a force that is involved in the dispute. Palestinian extremists will have continued justification for their terrorism in the popular Arab mind if the moderates are frustrated by what appear to them to be stone wall barriers to the possibility of compromise.

WHY IS THE PROBLEM OF PALESTINIANISM STILL UNRESOLVED?

I maintain it is because individual states have been allowed to make their own special interpretations of solutions proposed by the UN. The individual parties have taken it upon themselves to reject UN solutions. And outside powers, as I have described, have supported the individual parties in pursuing their special interpretations. We and the British have supported Jordan. The Soviets have supported Egypt, Syria, and Iraq. We have supported the Israelis. Almost no one has consistently supported the UN as the responsible agency to effect compromise and resolution of the conflict.

Therefore, I think it is essential on this UN day to insist that Palestinianism is properly a problem of the United Nations. We must insist that the Palestine question cannot be left to a few states that will be bound to disregard Palestinian interests in the outcome. Palestinianism, in short, is too important to be left only to Israel and Jordan.

If Palestinianism is a United Nations problem, can we suggest a prescription for a solution? How can anyone know what most Palestinians would settle for in contrast to the extreme demands of some of the feckless or the surrounding Arab states? I would suggest the following prescription:

—The Palestinians, wherever they now

live, must be given a real choice between being repatriated to their homeland or being resettled with compensation—a choice which the UN in principle has repeatedly guaranteed to them.

—Land is important to the Palestinians. It is a symbol of sovereignty with deep cultural overtones. Therefore, Palestine repatriation or resettlement with compensation will involve territorial satisfactions to some degree.

—Palestinians generally are fed up with being exploited by the other Arab states. In some ways they resent this political exploitation as much as they fear alleged Zionist expansionism. They therefore dream of some kind of separate Palestine political status that will protect their identity as Palestinians. They do not want to be second-class citizens in Jordan or Lebanon or wherever they may now reside.

Finally, Palestinians like any other human being deeply want security and stability and a chance to achieve their own modernist-reformist aspirations with their own political and social institutions. It is unlikely they will wish to live subordinate to another state such as Jordan or Israel. Thus, they will need an alternative to living in Israel or Jordan.

I believe that a reasonable Palestinian consensus can develop around these prescriptions—a consensus that will consist of Palestinians speaking for themselves, a consensus that would effectively engage Palestinian aspirations in a just and lasting Arab-Israeli political settlement under the auspices of the United Nations. It cannot develop if we continue deliberately to obstruct it.

Let us hope that some progress in this direction can be made next month in the General Assembly.

PROTESTS ON BEHALF OF UNESCO

Mr. CASE, Mr. President, this week, in passing the Foreign Assistance Act of 1974, Congress acted to withhold funds to support, directly or indirectly, the United Nations Educational, Scientific and Cultural Organization until the President certifies to the Congress that such organization has adopted policies which are fully consistent with its educational, scientific and cultural objectives and has taken concrete steps to correct its recent actions of a primarily political character.

Since adopting its reprehensive resolutions on Israel at the UNESCO general conference meeting in Paris, many thousands of scholars, artists, intellectuals and professionals have voiced their own independent protest and have decided to not participate in UNESCO under the circumstances.

I ask unanimous consent that three such protests, one in the Philadelphia area and another from Harvard University and one from New Jersey be printed in the RECORD to show the extent of feeling both in the United States and in other countries as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA.
December 12, 1974.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The appended list of academicians from Philadelphia area universities have approved the following resolution:

"We protest the degradation of UNESCO.

"As Professors of diverse disciplines in the Universities of the Philadelphia region, we are dedicated to the universality of educational, scientific and cultural programs. These pursuits seek to unite, uplift, and improve the condition of all people. The United Nations Educational, Scientific and Cultural Organization was the primary international agency for these purposes. In common with other humanitarian agencies of the United Nations, UNESCO rigorously rejected political involvement, which is antithetical to its purposes. Until now.

"Israel has been excluded summarily from all regional divisions under which UNESCO world activities are organized.

"UNESCO subventions to Israel for educational, scientific, and cultural projects have been terminated. Ironically, such subventions simultaneously have been offered to the PLO, which participated as invited observers in the actions excluding Israel.

"We applaud the protest of a large group of French intellectuals, under the leadership of Jean-Paul Sartre, and of numerous American Nobel laureates and prestigious academics. We join them in their pledge:

"We shall not collaborate with or support the activities of UNESCO so long as it shall continue to betray its avowed principles by acting as an instrument of political aggression."

On behalf of these academicians.

Sincerely,

RICHARD L. COREN,
Organizational Secretary,
Professor at Drexel University,
HAVERFORD COLLEGE

Richard Bernstein, Dorothy Borel, Edwin Bronner, William Davidson, Douglas Davis, Harmon Dunathan, Irving Finger, Manuel Garcia-Barlo, Robert Gavin, Linda Gerstein, Daniel Gillis, Harvey Glickman, Jerry Golub, Marcel Gutwirth, Holland Hunter, Roger Lane.

Daniel Larkin, Ariel Lowy, Wyatt MacGaffey, Sandra Malard, Mary Naws, Bruce Partidge, Sidney Perloe, Edgar Smith Rose, Joseph Russo, Melvin Santer, Diana Shelistat, John Spielman, Sara Shumer, Howard Teaf, Jr., Gayn Winters, Claude Wintner.

WEST CHESTER STATE COLLEGE

Irving Cohen, Paul Green, Marianne Kulasaki, Alfred D. Roberts, Myles Martel, Alois H. Kuhnnek, Medelyn Gutwirth, John Turner, Marianne Reles.

JEFFERSON MEDICAL COLLEGE

Arthur Allen, Hugh Callahan, David Ganfield, Allan M. Lefer, Paul Maurer, Leonard M. Rosenfeld, Bernard Schepartz, Sheldon Schaff, Sander S. Shapiro, Marion Siegman, Michael Simonhoff, Irwin L. Stolfo, Milton Taporek, Fu Li Yu, Allen R. Zeiger.

HAHNEMANN MEDICAL COLLEGE

Louis Baron, Albert A. Bell, Howard S. Berinson, Patricia Bricklin, Eric Coche, Bernard Cooper, Cathy Corozo, C. Peter Cummings, Murray Fenichel, Ilde Ficher, Stephen Greenberg, Harold Groff, Florence Kaslow, Morris Kricum, Arnold H. Levine, Frederic J. Levine, Robert T. Myers, Steven H. Ominsky, Joyce M. Pais, Lenore Podietz, Louise Sandler, Emanuel E. Schwartz, Myrna Shure, Julian Slowinski, J. George Teplick, A. Charles Winkelman.

BEAVER COLLEGE

Elaine P. Maimon, David Stevens, John Berrigan, Carl B. Klockars, Bernard Mausner, Helen Buttel, Bette E. Landman, Lionel Etscovitz, Adelina W. Gomberg, Gerald L. Belcher, Jack Davis, Lloyd M. Abernathy, William Bracy, Helene Lindsay Craig, Gary Wilson, Anita Udell, Patrick D. Hazard, Charles A. M. Hall, Robert Bergin, Dorothy O'Neill.

WIDENER COLLEGE—CHESTER, PA.
Dorothy Wolfe, Hyman Kamel.

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RUTGERS UNIVERSITY
Dorothy Mandelbaum.
PENNSYLVANIA STATE UNIVERSITY—OGONTZ CAMPUS
Lita Schwartz.
PHILADELPHIA COLLEGE OF OPTOMETRY
Harry Kaplan.

PHILADELPHIA COLLEGE OF PHARMACY AND SCIENCE
Eli Packman.

MEDICAL COLLEGE OF PENNSYLVANIA
William S. Frankel, Robert Krause.

PRESBYTERIAN UNIVERSITY OF PENNSYLVANIA
MEDICAL CENTER—39TH & POWELTON
Richard Helfant.

LINCOLN UNIVERSITY
President Herman R. Branson, Benjamin Schwartz.

SWARTHMORE COLLEGE
Howard Pack.

GRATZ COLLEGE
Eliazer Paltiel.

BRYN MAWR COLLEGE
Carole Joffe, Phyllis S. Lachs, Samuel Tobias Lachs, Stephen M. Poppel, Ruth Stallfort, Milton Spezman, Judith D. R. Porter, David Rabi, Eugene V. Schneider, Faye Soffen, Louis Sniderman, William Vosburgh.

VILLANOVA UNIVERSITY
Miriam Vosburgh.

COMMUNITY COLLEGE OF PHILADELPHIA
E. Allan Brawley, James Gaither, Nancy Logan, Ronald Feinstein, Evelyn Gordon, Sandra Napier, Jack Topion, Dean Jordan, John Scholl, George Sinnott, Pascal Scoles, Roz Kleinberg.

RECONSTRUCTIONIST RABBINICAL COLLEGE
Ira Eisenstein, President, Fredric Kazan, Ronald Brauner, Ivan Caine, Sol Cohen, Ludwig Nadelmann, Arthur Zuckerman, Jenifer Gabriel.

PHILADELPHIA MUSICAL ACADEMY
Harold Parker, Robert D. Sacks.

DREXEL UNIVERSITY
Edward Arian, Richard Rosen, Adele S. Rubin, Murry C. Miller, Lester Kraus, Doreen Steg, Michael Negin, Irv Jaffe, Milton Silver, Eli Promm, Martin N. Kaplan, Mary E. Hazard, Harriett Berger, Rosalind Schulman, Paul Gordon, Arthur Shostack, Miriam Katzin, Joan McCord, Julia Hall, Sara B. Taubin, Doreen E. Steg, Richard L. Coren, Carl Silver, Joseph Grunfeld, Vivian Shapiro, Richard Klaffer, Robert Fischl, Edwin L. Gerber, Haywood Elum, Herb Rossman, E. Grossman, Richard E. Speagle, Bruce Eisenstein, Kenneth Geller, Martha Montgomery.

UNIVERSITY OF PENNSYLVANIA
Ann Bartel, David Cass, Robert Inman, Irving R. Kravis, David McNicol, Joseph D. Reid, Jr., Paul Taubman, Jere R. Behrman, Richard Easterlin, Aron Katsenelboigen, Herbert S. Levine, Robert A. Pollak, G. A. Renton, Oliver E. Williamson, Janet Rothenberg Pack, K. Dan Levin, Laurence J. Silberstein, Murray Gerstenhaber, Lawrence Bernstein, Barry L. Eichler, Henry D. Berkowitz, Tzvi Adar, Dov Bakerman, Gideon Chitayat, Ran Lachman, Michael A. Monson, Joseph Soffen, James O. Freedman, Louis H. Pollak, Gerald E. Frug, Howard Holtzer, Israel Live, Alan Mann, Leonard Lodish, Elias S. Cohen, S. W. Englander, Donald G. Lee, Norman Oler, Arthur Green, Stanley Nash, Morton Benson, Betty Daskin, Stuart Messinger, David Cornfeld, Dan Levin, Yoram Landskroner, Jeffrey H. Tigay, Rela G. Monson, Mary C. Glick, Donald Schotland, Bernard A. Eskin, Alex M. Capron, Martin J. Aronstein, Saul Gorn, Russell Ackoff, Robert Madden, Erling E. Bol, Morris Mendelson, Fred Karush, Herbert Friedman, Mortimer

Civan, Elias Burstein, Thomas H. Wood, Edward Korostoff, Sidney A. Budman, Fay Ajzenberg-Selove, Walter Selove, A. F. Garito, Michael Cohen, Jeffrey M. Cohen, Sherman Frankel, Howard Brody, Ralph D. Amado, Abraham Klein, Donald M. Langenberg, Alan J. Heeger, Kenneth Lande, William W. Brickman, Martin Wolfe, Arnold J. Miller, Dov Pekelman, Morton Botel, Bernard R. Gerber, Paul S. Moonhead, Morton Lustig, Enoch Brater, Noel M. Edelson, Alfred K. Mann, Herman Levin, Neville R. Kallenback, Steven Seiden, June Axinn, H. Weisberg, Henry Primakoff, Noah Prywes, Murray Gerstenhaber, Seymour J. Mandelbaum, Fred Haber, Max E. Caspari, Liolen Manson.

J. Donald Ostrow, Eli Schwartz, Raymond S. Berkowitz, William Gomborg, Judah Golden, Irwin I. Ship, Burton Rosan, Arnold H. Gessell, Frank Goodman, Edward Bortnickhak, Stephen L. Stern, Reuben E. Cron, Marjorie M. Cohen, Lester Luborsky, Laurence Minowitz, Ward H. Goodenough, Morley R. Kare, Arthur E. Humphrey, A. Norman Hixson, S. W. Churchill, D. D. Perlmutter, Burton Paul, Sid Shore, Iraj Zandi, Leonard Nanis, Alan L. Meyers, J. A. Quinn, S. C. Batterman, E. B. Dussan, Robert Maddin, David Lefkowitz, Roselyn Eisenberg, Gary Cohen, Irwin Ship, Theodore Dishon, I. J. Fidler, Norton S. Taichman, Max Listgarten, Julian B. Marsh, Irving Shapiro, Chern-Hsiung Lai, Martin Goldberg, Reuben E. Kron, Don P. Wolf, Marc Reidel, Terence P. Thornberry, Mitchell Litt.

TEMPLE UNIVERSITY
Henri Amar, Mael Melvin, Jerold Franklin, Miguel Fisher, Julian L. Greifer, George Ehrlick, Louis Rappaport, Elliot White, Edward Newman, Stanley Newman, Joseph Loewenberg, Herbert E. Phillips, Raymond N. Davis, Ingrid Rimon, John Ritchie, Jr., David Meister, Boris Iglisz, Milton W. Hamilt, Samuel Millstan, Alan Severn, John C. Donnell, Michael Hooper, Edward B. Glick, Ellis Katz, David Schaeffer, Lynn Foster, S. Tahir-Kheil, Murray S. Stedman, Jr., Mordecai Popovtzer, Mildred Parker, June C. Ottenberg, Roger Dean, Jacqueline Boswell, John F. Johnson, Bruce Archibald, Allen Garrett, Marcine Matteman, Ernst Presselson, Maurice English, Frieda Herskovitz, Elya F. Daniels, Milton J. Sutter, Jr., David Kapel, Charles Adelman, Richard Wiley, Marilyn Kapel, N. David Charles, Bernard Shapiro, Sonia Stupniker, Harold Isard, Bernard J. Ostrum, Warren Becker, Emil Grosswald, Albert Schild, Orin Cheln, James Stasheff, Bruce Conrad, Samuel Katz, Evan Erdelyi, Nicholas Macri, Martin Eisen, Louis Raymond, Marvin Grossman, Eli Passow, Leon, Steinberg, Melville Green, Martin B. Millson, James H. Kelch, George G. Shapiro, Dennis L. Tarr, Murray Halfand, Sherman Perry, Solomon Levy, Judith Levy, Robert H. West, Sara West, Dorothy Platt, Harry Bailey, Ray Whitaker, S. H. Schmuckler, Schelysture McWhorter, John McWhorter, Martin Rosenzweig, Paul G. Shane.

Vladimir Bandera, Oscar Dooley, David Good, Kenneth McLennan, Arnold Raphaelson, Theodore Mitchell, Peter Havas, Merle Weiss, Charlotte Phelps, Judy Stoyke, Larry Darby, Norman Sum, Marvin Wachman, President, Gerhard Spiegler, Tessie Okin, Walter H. Powell, Harold L. Israel, Nathaniel Jackendorff, Louis N. Harms, Alexandra O. Warshaw, Walter Ebanks, Anthony F. Panzetta, Alice Goldberg, Louis C. Harris, Jr., B. M. Shmavonian, Donald Overton, Louise Sonnenberg, John C. Ball, Lyle H. Miller, William E. Perry, Willard C. Richan, Felice Perlmutter, Seymour Rosenthal, Donald Hamilton, Saul Bernstein, Philip Jaslow, Saul E. Leshner, James Shea, Eugene Udell, Norma Furst, Charles Howell, Joseph B. Oxendine, George H. Haganir, Frank K. Suttman, Burton Gummer, Jacob W. Griebler, Melvin Brownstein, Daniel S. Berger, Herbert J. Bass, Sidney Talper, Richard Brashears, Allen M. Garrett, Joseph Schmuckler, Frances Greenspan, Mer-

rill Lipton, Evelyn Mayerson, Roy Stern, John R. Benson, Leslie Lenox, Allan Cristol, Robert Kleiner, Leon Salganicoff, Joseph Tabachnick, Zita R. Atkinson, John J. Mulvena, Eudice Glassberg, Zaida Samoff, Herbert R. Winston, Grace Ganter, John H. Norton, Stanley Schor, Marvin Hirschfeld, Jack Gross.

PRINCETON, N.J., December 15, 1974.

DEAR SENATOR CASE: I am writing in reference to your support for the amendment which stops U.S. funds for UNESCO until Israel is readmitted as a full participant of that organization. The following statement of protest against the exclusion of Israel was signed by more than 100 distinguished professors and administrators of Harvard University during the past five days:

"UNESCO is the U.N. organization whose responsibility it is to promote education, science and culture. In the past month, the General Conference of UNESCO has voted to exclude Israel from all of its regional groupings. Alone among the 135 members of UNESCO, Israel is denied the right to full participation in UNESCO activities.

In essence, UNESCO has decided, as the Lebanese delegate proclaimed, that Israel has no place in the world of nations.

The undersigned will henceforth refuse to collaborate with UNESCO until Israel is unconditionally readmitted to full participation."

The list of those signing is attached. As you will see, it includes many persons who are nationally known, and indeed, world famous. I have arranged the names both alphabetically, and by department (within the Graduate School of Arts and Sciences) or by school (e.g., Law and Divinity). I have starred (*) those persons who are chairmen of their departments. No one has signed this statement in an official capacity related to Harvard University.

The persons who signed this statement were contacted by a group of graduate and undergraduate students of Harvard and Radcliffe. They have no organizational affiliation of any kind. I am writing you in my capacity as organizer of the group.

I would like to suggest that you might consider placing this statement, and the list of those who have signed it, in the Congressional Record, as evidence of the widespread support for opposition to the exclusion of Israel from UNESCO.

If you have any questions concerning this statement, please feel free to contact me at my address below.

Thank you for your attention.

Sincerely,

JONATHAN TOMLIN.

ALPHABETICAL LIST OF SIGNERS
James Luther Adams, Divinity School (emeritus); Lars V. Ahlfors, mathematics; Kenneth J. Arrow, economics; Kenneth T. Bainbridge, physics; Robert F. Bales, psychology; Paul Bamberg, law school; Elso S. Barghoorn, biology; Francis M. Bator, public policy; Abram Bergson, economics; Herbert Bloch, history; Morton W. Bloomfield, english; Lawrence Bogorad, biology (chairman); William H. Bond, English; Raoul Bott, Mathematics (chairman); Reuben A. Brower, english; Stanley Cavell, philosophy (chairman); Abram J. Chayes, law school; Alan M. Dershowitz, law school; John E. Dowling, biology; Burton S. Dreben, philosophy; Arthur J. Dyck, divinity school; Gwynne B. Evans, english; John K. Fairbank, history; Howard B. Fell, geological sciences; Franklin L. Ford, history; Frank B. Freidel, history; Charles Fried; Paul A. Freund, law school.

December 19, 1974

Clifford Frondel, geological sciences; Gino Germani, Sociology; Alexander Gerschenkron, Economics; Walter Gilbert, Bio-Chemistry; Roy G. Glauber, Physics; Nathan Glazer, Sociology; George W. Goethals, Psychology; Guido Goldman, Government; Nelson Goodman, Philosophy; Roy G. Gordon, Chemistry; Phillip A. Griffiths, Mathematics; Zvi Griliches, Economics; Charles Haar, Law School; Oscar Handlin, History; J. Woodland Hastings, Biology; James F. Hays, Geological Sciences; R. J. Herrnstein, Psychology; Duley R. Hershsbach, Chemistry; Heisuke Hironaka, Mathematics; Stanley Hoffman, Government; Heinrich D. Holland, Geological Sciences; Bert Holdoher, Biology; Morton Horowitz, Law School; H. Stuart Hughes, History; Samuel P. Huntington, Government; Kurt Isselbacher, Harvard Medical School (Physician-in-chief, Gastrointestinal Unit, Mass. General Hospital); Jerome Kagan, Psychology; John F. Kain, Economics; Walter Kaiser, English.

John V. Kelleher, English; Herbert C. Kelman, Psychology; Eugene P. Kennedy, Harvard Medical School (*-Bio-Chemistry); Robert J. Kiely, English; Martin L. Kilson, Government; William Klemperer, Chemistry (chairman); Bernhard Kummel, Geological Sciences (chairman); Clifford C. Lamberg-Karlovsky, Anthropology; David S. Landes, History; A. D. Langmuir, School of Public Health; Harry Levin, English; R. P. Levine, Biology; Nathan Lewin, Law School; Harvey Leibenstein, Economics; Karel F. Liem, Biology; James J. Lingane, Chemistry; William N. Lipscomb, Chemistry; Wallace T. MacCaffrey, History (chairman); Brendan A. Maher, Psychology (chairman); David H. P. Maybury-Lewis, Anthropology (chairman); Matthew S. Meselson, Bio-Chemistry; Frank I. Michelson, Law School; Barrington Moore, Jr., Sociology; William L. Moran, Near Eastern Languages and Civilization; David Mumford, Mathematics.

Masatoshi Nagatomi, study of religion; Leonard K. Nash, chemistry; Charles Nessen, law school; Robert Nozick, philosophy.

Orlando Patterson, sociology; Bryan Patterson, geological sciences; Martin Peretz, social studies.

Ulrich Petersen, geological sciences. Thomas F. Pettigrew, psychology.

Joel Porte, English; John T. Potts, Harvard Medical School (Chmn., Dept. of Endocrinology, Massachusetts General Hospital); H. Douglas Price, government. Mark S. Ptashne, biochemistry.

Lee Rainwater, sociology; Edwin O. Reischauer, history; John M. Rosenfield, fine arts; Arthur J. Rosenthal, Harvard University Press (director); Robert Rosenthal, psychology.

Israel Scheffler, philosophy; Thomas C. Schelling, economics; David L. Shapiro, law school; Martin Shefter, government; Judith N. Shklar, government; Raymond Siever, geological sciences; Seymour Slive, fine arts.

Stephen Thernstrom, history; Isadore Twersky, Near Eastern Languages.

Adam B. Ulam, government. Sidney Verba, government.

George Wald, biology; Michael Walzer, government; Charles Willey, education; Gordon R. Willey, anthropology; George H. Williams, divinity school; John Womack, Jr., history.

Oscar Zariski, mathematics (emeritus).

SIGNERS OF THE STATEMENT Department of Government

Guido Goldman, Stanley Hoffman, Samuel P. Huntington, Martin L. Kilson, H. Douglas Price, Martin Shefter, Judith N. Shklar, Adam B. Ulam, Sidney Verba, Michael Walzer.

Social Studies

Martin Peretz.

History

Herbert Bloch, Franklin L. Ford, Frank B. Freidel, John K. Fairbank, Oscar Handlin, H. Stuart Hughes, David S. Landes, Wallace T. MacCaffrey (*), Edwin O. Reischauer, Stephan Thernstrom, John Womack, Jr.

Philosophy

Stanley Cavell (*), Burton S. Dreben, Nelson Goodman, Robert Nozick, Israel Scheffler.

Near Eastern Languages and Civilization
William L. Moran, Isadore Twersky.

Divinity School

Harvey G. Cox, James Luther Adams (emeritus), Arthur J. Dyck, George H. Williams.

Committee on the study of religion
Masatoshi Nagatomi (Buddhist Studies), John M. Rosenfield (also in the Fine Arts Dept.) (*-Fine Arts).

Biology

Lawrence Bogorad (*), Elso S. Barghoorn, A. W. Crompton, John E. Dowling, J. Woodland Hastings, Bert Holdoher, R. F. Levine, Karel F. Liem, George Wald.

Mathematics

Phillip A. Griffiths, David Mumford, Lars V. Ahlfors, Oscar Zariski (emeritus), Heisuke Hironaka, Raoul Bott (*).

Psychology and social relations
Brendan A. Maher (*), Robert F. Bales, Stephen P. Cohen, R. J. Herrnstein, George W. Goethals, Jerome Kagan, Herbert C. Kelman, Thomas F. Pettigrew, Robert Rosenthal.

Law school

Alan M. Dershowitz, Abram J. Chayes, Paul A. Freund, David L. Shapiro, Frank I. Michelson, Morton Horowitz, Charles Haar, Nathan Lewin, Charles Nessen, Charles Fried.

Sociology

Barrington Moore Jr., Gino Germani, Nathan Glazer, Orlando Patterson, Lee Rainwater.

English

Morton W. Bloomfield, William H. Bond, Reuben A. Brower, Gwynne B. Evans, Walter Kaiser, John V. Kelleher, Harry Levin, Robert J. Kiely, Joel Porte.

Anthropology

Clifford C. Lamberg-Karlovsky, Gordon R. Willey, David H. P. Maybury-Lewis.

Harvard Medical School

Kurt Isselbacher, Eugene P. Kennedy (*), (Bio-Chemistry), John T. Potts.

School of public health

A. D. Langmuir.

Geological Sciences

Bernhard Kummel (*), Howard B. Fell, Clifford Frondel, James F. Hays, Heinrich D. Holland, Ulrich Petersen, Raymond Siever, Matthew S. Meselson, Bryan Patterson.

Physics

Kenneth T. Bainbridge, Roy G. Glauber, Paul Bamberg.

Economics

Kenneth J. Arrow, Abram Bergson, John P. Kain, Harvey Leibenstein, Alexander Gerschenkron, Zvi Griliches, Thomas C. Schelling.

Harvard University Press

Arthur J. Rosenthal (Director).
Education
Charles Willey.

Chemistry

William Klemperer (*), Roy G. Gordon, Dudley R. Herschbach, James J. Lingane, William N. Lipscomb, Leonard K. Nash.

Fine Arts

Seymour Slive.

Public Policy

Francis M. Bator.

Bio-Chemistry

Walter Gilbert, Mark S. Ptashne, DECEMBER 16, 1974.

To His Excellency, the Secretary of State, HENRY KISSINGER, Senator CLIFFORD CASE, Washington, D.C.

We, the undersigned, residents of Morris and Sussex counties, New Jersey, do hereby lend our support and endorse the following amendment to the 1974 Foreign Aid Bill introduced by Senator Clifford Case. In so doing, we support Senator Case in condemning further reprehensible resolutions concerning Israel and to any similar resolutions by UNESCO aimed at a particular country.

Senator Clifford Case's amendment:

"In 1967, when the old city of Jerusalem came into Israeli hands for the first time since the struggle of 1948-1949, authorities were appalled at the damages done to that ancient city. Of the 35 synagogues that populated the old city, 34 of the synagogues were totally destroyed, including the ancient HURVA synagogue, a landmark in the old city that stood there since the year 1267. The old Jewish synagogue, including those that held the remains of ancient scholars and sages, were desecrated there, in one case, a roadway was constructed across the cemetery grounds. Headstones and markers of the past were crushed and used for paving roads and other purposes. Christians who used to come to the old city were turned away except on Christmas. Moslems living in Israel were not permitted to come to the old sacred city at all.

"Since that time, the situation has changed dramatically. Access to the city for Christians, Moslems, and Jews is not blocked. The holy places of all faiths are maintained by separate administrators of each religious group. "Laws protect all holy places and guarantee the right of celebrants of all faiths to worship as they will.

"Moreover, reconstruction and restoration of all buildings and landmark structures have subsequently taken place, renewing the charm, grace and elegance of all Jerusalem for all peoples. Additionally, archeological studies undertaken with utmost scientific care have begun to piece together the historical and cultural life of the Hebrews, Christians, and Moslems that made the city the holy place it is.

"The offensive resolutions recently adopted by UNESCO must be repealed.

"I am introducing today an amendment to the Foreign Aid Bill which, if adopted, would cut off all U.S. funds to UNESCO until the Secretary of State certifies to the Congress that each resolution passed by UNESCO not of an educational, scientific, or cultural character, has been repealed. This applies to the reprehensible resolutions concerning Israel and to any similar resolutions aimed at a particular country.

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"This is severe action, but an action I hope the Congress will endorse. We want to preserve, not destroy, the fabric of our system of international organizations. None of us can stand by and watch American money and talent being funneled through UNESCO to the PLO. This is an affront to the American taxpayers and to the world community of nations."

HERMAN TILLENGER and 206 others.

NATIONAL GROWTH POLICY EMPLOYMENT ACT

Mr. HARTKE. Mr. President, on May 21, 1973, I introduced a bill to guarantee jobs to all who need them and to assist communities in attracting and maintaining an industrial base by providing for a land-banking program. At a time when our unemployment rate has reached 6.5 percent and may well go higher than ever before in postwar history, a time when 6 million working men and women are unemployed, I think it is appropriate to bring this piece of legislation before the Senate again and recommend it to the attention of my colleagues over the adjournment period.

Title I of S. 1857 would provide a job for every able-bodied American in need. In essence this "full employment" title assures that anyone who cannot find a job in the private sector will have access to a public sector job. These will not be transitional jobs, nor will they be make-work jobs. Instead, they will be jobs which will help translate the social concerns of government into concrete action. They will be jobs in which workers can take pride in their accomplishments.

As chairman of the Senate Committee on Veterans' Affairs, I am well aware of a most shameful aspect of the unemployment picture. Many of the unemployed are veterans. Men torn from careers in formation, pulled away from jobs and normal lives, sent to Indochina, and then returned to a society that offers them no place. This is nothing short of a national disgrace. However, this bill will guarantee that special preference is given to the hiring of Vietnam and Korean veterans who served after 1964.

For the past 35 years, we have assumed that the answer to a high rate of unemployment was either tax reductions or additional Government spending. Inevitably, both of these approaches have failed. Although there has been increasing recognition of structural unemployment and the marked skill imbalances in the economy, most economists have supported monetary and fiscal policy as the main tools to assure full employment and price stability. What is needed is a new approach.

The current policies of the administration, to the extent that there are any current policies of the administration, are the result of confusion rather than concern. While the administration engages in an academic interdepartmental debate about appropriate economic policies, 6 million American workers are suffering the disgrace and deprivation of unemployment. The policies which have been announced by the administration will not succeed in lowering prices and holding back inflation; nor will they

succeed in lowering unemployment or preventing it from rising to record levels.

It is time that we broke with the misguided policies of the past and adopted a new economic game plan which will give us full employment without substantial inflation. By full employment I do not mean a 5 percent rate of unemployment or even a 4 percent rate, but something close to zero long-term unemployment.

Another smaller but equally significant group of unemployed are highly skilled but, because of changes in national priorities or unfair competition from abroad, have lost their jobs and are unable to find new ones.

Experience has made it clear that the private sector cannot expand to provide jobs for these millions of able-bodied unemployed without, at the same time, causing inflation. The answer lies in creating new public sector jobs—jobs financed by the Federal Government and provided at the Federal, State, and local levels.

Some may say that the cost for these new jobs will be excessive but such critics forget that we are already paying the unemployed through unemployment insurance and welfare programs. By paying the able-bodied unemployed for socially useful work, we can enhance the moral fiber of the Nation, stabilize and invigorate the economy.

The continued growth of a technology-intensive society promises to leave millions of Americans with obsolete skills and no prospects of meaningful employment. This situation seems so needless and wasteful when there are so many unemployed public needs crying for manpower. This title will provide many middle-aged Americans with new hope, start millions of young people on the road to productive lives, and assure our returning veterans of full membership in the society that sent them off to war.

Title II on urban employment and national growth amends the Public Works and Economic Development Act of 1965. It helps cities to set up land banks. The banks would consist of land purchased by municipalities for resale to manufacturing plants and business enterprises that otherwise might move from central cities leaving their workers behind. An analysis of nonresidential building permits reveals that in the last 5 years approximately 70 percent of all metropolitan industrial building were constructed outside of the central cities. Another study has found that during the past 5 census years, the suburbs of the 40 largest metropolitan areas gained 85 percent of the new jobs in manufacturing, wholesale and retail trade and related services. In these same areas, 99 percent of the new manufacturing jobs developed in the suburbs. This means that the jobs requiring the lowest skills and paying the lowest salaries are leaving the city, while the white collar firms remain.

Officials in several cities have been trying to set up land bank proposals on their own but have found it difficult. Urban unemployment is a tremendous problem, and our effort needs new direction. Not only must we provide for public service jobs, but we must insure that

those jobs that are available in the private sector are not taken away. Thus, title II focuses on the main problem confronting firms that must expand, but find that it is uneconomical to do so inside the central city where a major drawback is the high cost of land. This land has been expensive because it is scarce and also because structures on it often must be demolished.

Under this title, city administrators aided by Federal loans and grants would embark on an aggressive program of identifying and buying parcels of land that are likely to be in demand for industrial expansions. The city would develop the land and hold it for resale. Out of the \$450 million cash reserve set aside by Congress, a city would obtain loans covering up to 90 percent of the purchase price of the land. The money could also be used for demolition. Corporations could borrow for construction and purchase of equipment. Certain conditions would have to be met to make the city or corporation eligible for the low-cost loans, including compliance with title VII of the Civil Rights Act of 1964 covering employment discrimination. A separate reserve of \$50 million would be used to make grants to cities only, covering up to 25 percent of the project cost.

This program will be a self-sustaining program for the most part. The city would repay the Federal Government out of proceeds of land resale. The grants would be used primarily to make up the loss, if any, that a city might incur in selling land.

Mr. President, I ask unanimous consent that the text of S. 1857 be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Growth Policy Employment Act of 1973".

TITLE I—FULL EMPLOYMENT AND NATIONAL GROWTH Statement of purposes

SEC. 101. The Congress finds and declares that—

(1) to attain the objective of the Employment Act of 1946 "to promote maximum employment, production, and purchasing power" it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and furnish the education, training and job placement assistance needed by any person to qualify for employment consistent with his highest potential and capability;

(2) the United States has the capacity to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and to obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities;

(3) the balanced growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who, with appropriate education and training, could capably perform jobs

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requiring a higher degree of skill, judgment, and attention;

(4) the placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate employment opportunities;

(5) there are great unfilled public needs in such fields as health, community improvement, education, transportation, public safety, recreation, environmental quality, conservation, and other fields of human betterment and public improvement, which can be met by expansion of public sector employment opportunities providing meaningful jobs for unemployed and underemployed persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures;

(6) economic prosperity and stability in the United States and the well-being and happiness of its citizens will be enhanced by the establishment of a comprehensive full employment program designed to assure every American an opportunity for gainful employment; and

(7) while there is an immediate national interest in an efficient and comprehensive means of guiding the Nation's growth and while the rapid growth of the Nation's population, a deteriorating environment, increasing urban sprawl, large-scale industrial growth, conflicts in patterns of land use, the fragmentation of government entities, and the increased size, scale, and impact of private and public actions have created a situation in which growth policy management decisions of national, regional, statewide, and local concern are often being made on the basis of expediency, tradition, short-term economic consideration, and other factors which detract from the real concerns of a sound national growth policy and are detrimental to the future well being of the Nation; first priority should be given to providing employment and job stability to those who have the greatest needs.

Definitions

SEC. 102. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) "city" means an incorporated municipality, or other political subdivision of a State, having general governmental powers.

Authorized appropriations

SEC. 103. (a) For the purposes of carrying out this Act, there are authorized to be appropriated such funds as may be necessary.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated, shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

Allocation of funds

SEC. 104. (a) Funds appropriated pursuant to this Act for any fiscal year shall be allocated in the following manner:

(1) Not less than 80 percentum shall be apportioned by the Secretary among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States.

(2) The remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this Act as he deems appropriate of the unobligated amount of any apportionment under subsections (a) (1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a) (1) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) of this section.

Financial assistance

SEC. 105. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services.

Eligible applicants

SEC. 106. Financial assistance under this Act may be provided by the Secretary only pursuant to applications submitted by eligible applicants who shall be—

(1) public agencies and institutions of the Federal Government;

(2) public agencies and institutions of States and cities; and

(3) Indian tribes and any private nonprofit agencies and institutions approved by the Secretary for the purpose of this Act.

Eligible participants

SEC. 107. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs assisted under the provisions of this Act.

Application

SEC. 108. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in such fields as health care, public safety, education, transportation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) a description of the methods to be used to recruit, select, and orient eligible participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(4) a description of unmet public service needs and a statement of priorities among such needs;

(5) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(7) the education, training, and supportive services (including counseling, medical care, and family planning) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(11) and indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program; and

(12) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

Application of applications

SEC. 109. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the Secretary; and

(3) an opportunity has been provided to officials of appropriate cities to submit comments with respect to the application to the Secretary.

Special conditions

SEC. 110. (a) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution

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of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment; and

(7) special consideration in filling public service jobs will be given to unemployed or underemployed persons who are military veterans of the Vietnam Era, as defined in section 101 of title 38, United States Code (and who have received other than dishonorable discharges); and that the applicant shall (a) make a special effort to acquaint such individuals with the program, and (b) coordinate efforts on behalf of such persons with those authorized by chapters 41 and 42 of title 38, United States Code (relating to job counseling and employment services for veterans) or carried out by other public or private organizations or agencies.

(b) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(c) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

Additional limitations and conditions

Sec. 111. (a) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(b) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the

effectiveness of all programs. Such data shall include, but be not necessarily limited to, information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in previous training and employment situations, if any;

(3) total dollar cost per person, including breakdown between salary or stipend, supportive services, and administrative costs. The Secretary shall compile such information on a State, regional, and national basis.

(c) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, political affiliation, physical disability, or beliefs.

(d) The Secretary shall not provide financial assistance for any program under this Act which involves partisan political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent engaged in the conduct of partisan political activities in contravention of chapter 15 of title 5, United States Code.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

Administrative provisions

Sec. 112. (a) The Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders under this Act as he deems necessary. Such rules, guidelines, regulations, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The Secretary may make such grants, contracts, or agreements, establish such procedures, and make such payments, in installments and in advance, or by way of reimbursement, or otherwise allocate and expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(c) The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ and dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

(d) The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 865(b)).

(e) The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other provisions of Federal law if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

(f) In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

(g) The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him only when necessary to fulfill the purposes of this Act and subject to prior written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority and the reasons and justification for the exercise of such authority.

Advance funding

Sec. 113. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the current fiscal year and one for the succeeding fiscal year.

Transfer of funds

Sec. 114. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

Labor standards

Sec. 115. All laborers and mechanics employed in any construction, alteration, or repair, including painting or decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). All others shall be paid at a rate not less than the then prevailing Federal minimum wage. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

Cooperation of other agencies

Sec. 116. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

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Advisory committee

Sec. 117. (a) The Secretary shall appoint an Advisory Committee on Public Service Employment which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, education, economic opportunity programs, as well as representatives of the unemployed. From the members appointed to such Committee, the Secretary shall appoint a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The Advisory Committee shall—

- (1) review the administration and operation of all programs under this Act and advise the Secretary of Labor and other appropriate officials as to carrying out their duties under this Act;
- (2) conduct independent evaluations of programs carried out under this Act and publish and distribute the results thereof; and
- (3) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs as are authorized under this Act.

(c) The Advisory Committee shall make an annual report, and such other reports as it deems necessary and appropriate, on its findings, recommendations, and activities to the Secretary and to the Congress.

(d) The Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the Advisory Committee shall be paid compensation at a rate not to exceed the per diem equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the work of the Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

State and local advisory committees

Sec. 118. For the purpose of formulating and implementing programs under this Act, the Secretary may, where appropriate, assist in the establishment of representative advisory committees on a community, State, and regional basis.

Reports

Sec. 119. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources and use, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress

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within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources and use.

(b) The Secretary shall transmit at least annually as part of the report required under this section a detailed report setting forth the activities conducted under this Act.

Interstate agreements

Sec. 120. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

Effective date

Sec. 121. The effective date of this Act shall be July 1, 1973. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment of this Act.

TITLE II—URBAN EMPLOYMENT AND NATIONAL GROWTH

Findings and declarations

Sec. 201. (a) The Congress hereby finds and declares that—

(1) the harmful economic consequences resulting from the trend of industrial migration from large cities is a matter of critical national concern;

(2) such industrial migration causes a waste of the economic resources in the cities, including serious unemployment in the labor force and an erosion of the tax base of the cities;

(3) to overcome this problem, the Federal Government, in cooperation with the States, should help cities and municipalities to take effective steps in planning and financing economic development in line with balanced national growth;

(4) Federal financial assistance, including grants and loans for development of facilities and businesses in areas needing development, should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies, provided that such assistance is preceded by and consistent with sound, long-range economic planning and growth policy planning; and

(5) under the provisions, employment opportunities should be created by developing and expanding new and existing industrial establishments and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

(b) It is the purpose of this Act to authorize the Federal Government to provide a direct program of Federal assistance to municipalities and to private industry to alleviate the wasteful economic disruption and loss resulting from the movement of industrial firms away from the cities.

Sec. 202. The Public Works and Economic Development Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE VIII—URBAN INDUSTRIAL DEVELOPMENT

"Part A—Grants to central cities for the establishment of urban land banks

"Direct and supplementary grants

"Sec. 801. (a) Upon the application of any central city, as defined in section 833, with a population of one hundred thousand or more, the Secretary is authorized to make direct grants for the purchase and development of real property within such central city, on condition that such real property be employed at a later date for the purpose of industrial development, if he finds that—

"(1) the project for which financial assistance is sought will directly or indirectly—

"(A) tend to improve the opportunities, in

the area where such project is or will be located, for the successful establishment or expansion of industrial plants or facilities,

"(B) otherwise assist in the creation of additional long-term employment opportunities for such area, or

"(2) the area for which a project is to be undertaken is suitable in terms of terrain and location for industrial development, and that the costs incurred by the municipality are reasonable in terms of current local property values.

"(b) The amount of any direct grant under this section for any project shall not exceed 25 per centum of the cost of such project.

"(c) Such project may include—

"(1) acquisition of real property and any structures located thereupon;

"(2) demolition and removal of buildings; and

"(3) other improvements necessary to make the land suitable for industrial development.

"(d) A municipality purchasing land with assistance provided under this section may sell, lease, convey, or otherwise use such land, provided that such use is consistent with the purpose of industrial development.

"(e) The Secretary shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of municipalities that apply for assistance. In prescribing such rules, regulations, and procedures the Secretary shall consider among other relevant factors (1) the severity of the rates of unemployment in the areas eligible for assistance under this title and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in such eligible area.

"(f) Not more than 15 per centum of the appropriations made pursuant to this section in any fiscal year may be expended in any one State in such fiscal year.

"Authorization of Appropriations

"Sec. 802. There is hereby authorized to be appropriated to carry out this part not to exceed \$50,000,000 per fiscal year for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1978.

"Part B—Loans to Central Cities for the Establishment of Urban Land Banks

"Urban Land Bank Loans

"Sec. 810. (a) Upon the application of any central city, as defined in section 833, with a population of one hundred thousand or more, the Secretary is authorized to purchase evidences of indebtedness and make loans to assist in financing the purchase and development of real property within such municipality; on condition that such real property be employed at a later date for the purpose of industrial development, if he finds that—

"(1) the project for which financial assistance is sought will directly or indirectly—

"(A) tend to improve the opportunities in the area where such project is or will be located, for the successful establishment or expansion of industrial plants or facilities,

"(B) otherwise assist in the creation of additional long-term employment opportunities for such area, or

"(C) prevent the loss of existing job opportunities in such area;

"(2) the financial assistance requested for such project is not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project;

"(3) the amount of financial assistance requested plus the amount of other available funds for such project are adequate to insure the completion thereof;

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"(4) there is a reasonable expectation of repayment;

"(5) the area for which a project is to be undertaken is suitable in terms of terrain and location for industrial development, and that the costs incurred by the municipality are reasonable in terms of current local property values.

"(b) The amount of any loan under this section shall not exceed 90 per centum of the cost of such project.

"(c) Such project may include—

"(1) acquisition of real property and any structures located thereupon;

"(2) demolition and removal of buildings;

"(3) other improvements necessary to make the land suitable for industrial development.

"(d) A municipality purchasing land with assistance provided under this section may sell, lease, convey, or otherwise use such land, provided that such use is consistent with the purpose of industrial development.

"(e) Subject to section 832(2) of this title, no loan, including renewals or extensions thereof, shall be made under this section for a period exceeding forty years, and no evidence of indebtedness maturing more than forty years from the date of purchase shall be purchased under this section. Such loans shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed one-half of 1 per centum per annum.

"(f) The amount of any loan under this section shall not exceed 90 per centum of the cost of such project.

"(g) Not more than 15 per centum of the appropriations made pursuant to this section for any fiscal year may be expended in any one State in such fiscal year.

"Authorization of Appropriations

"Sec. 811. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section: *Provided*, That annual appropriations for the purpose of purchasing evidences of indebtedness and making and participating in loans shall not exceed \$200,000,000 for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1978.

"Part C—Urban Industrial Development Loans

"Business Loans and Loan Guarantees

"Sec. 820. (a) The Secretary is authorized (1) to purchase evidence of indebtedness and to make loans (which for purposes of this section shall include participation in loans) to aid in financing any project within a central city, as defined in section 833 of this title, of one hundred thousand population or more for the purchase or development of land and facilities (including machinery and equipment) for industrial usage, including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; and (2) to guarantee loans for working capital made to private borrowers by private lending institutions in connection with projects in central cities assisted under subsection (a) (1) hereof, upon application of such institution and upon such terms and conditions as the Secretary may prescribe: *Provided, however*, That no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

"(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, how-

ever, to the following restrictions and limitations:

"(1) Such financial assistance shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them, except that such limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts manufacturing operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing manufacturing entity in the area of its original location or in any other area where it conducts such operations.

"(2) The project for which financial assistance is sought must be reasonably calculated to provide more than a temporary alleviation of unemployment or underemployment within the area wherein it is or will be located.

"(3) No evidence of indebtedness shall be purchased and loans shall be made or guaranteed unless it is determined that there is reasonable assurance of repayment.

"(4) Subject to section 832(2) of this title, no loan, including renewals or extensions thereof, may be made hereunder for a period exceeding thirty years and no evidences of indebtedness maturing more than thirty years from date of purchase may be purchased hereunder, except that these restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor.

"(5) Loans made and evidences of indebtedness at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the nearest one-eighth of 1 per centum, plus additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

"(6) Loan assistance shall not exceed 90 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land facilities (including machinery and equipment), demolition and removal of structures, and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project, and shall, among others, be on the condition that other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost.

"(7) Such assistance shall be extended only to applicants which have been approved for such assistance by an agency or instrumentality of the central city thereof in which the project to be financed is located, and which agency or instrumentality is directly concerned with the problems of industrial development in such central city.

"(8) To the extent the Secretary finds such action necessary to encourage financial participation in a particular project by other lenders and investors, any Federal financial assistance extended under this section may be repayable only after other loans made in connection with such project have been repaid in full, and the security, if any, for

such Federal financial assistance may be subordinated and inferior to the lien or liens securing other loans made in connection with the same project.

"Authorizations of Appropriations

"Sec. 821. There is hereby authorized to be appropriated to carry out this part not to exceed \$250,000,000 per fiscal year for the fiscal year ending June 30, 1974, and for each fiscal year thereafter through the fiscal year ending June 30, 1978.

"Part D—Miscellaneous

"Sec. 830. (a) No land for the acquisition of which a grant, loan, or other financial assistance has been made under this title shall be converted to uses not originally approved by the Secretary without his prior approval. Prior approval will be granted only upon satisfactory compliance with regulations established by the Secretary. Such regulations shall require findings that (1) there is adequate assurance that the substitution of another project of as nearly feasible equivalent usefulness, location, and fair market value at the time of the conversion; (2) the conversion and substitution are needed for orderly growth and development, and (3) the proposed use of the substituted project meets with the criteria established by the Secretary under this title.

"(b) If application is made for conversion under subsection (a), the Secretary may modify the terms of the grant or loan agreement as he sees fit, taking into account the degree by which the municipality or manufacturing firm benefited by purchasing the land pursuant to this title, the alternate land use which such municipality or manufacturing firm proposes, and any other relevant factors. Such modification of the agreement may include establishing an earlier repayment date for a loan, or repayment by the municipality of any grant received. The Secretary, after consulting with the municipality, may similarly modify the terms of the agreement if the land purchased remains vacant for an unreasonable length of time as determined by the Secretary.

"Sec. 831. The Secretary is authorized to make grants, loans, and other financial assistance to municipalities under this title in any combination he deems necessary except that the total of all financial assistance under this title shall not exceed 100 per centum of the total project cost (excluding all other Federal aid in connection with the undertaking).

"Sec. 832. In performing his duties under this title, the Secretary is authorized—

"(1) under regulations prescribed by him, to assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with loans made or evidences of indebtedness purchased under this title, and collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or collection;

"(2) to further extend the maturity of or renew any loan made or evidence of indebtedness purchased under this title, beyond the periods stated in such loan or evidence of indebtedness or in this title, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan or evidence of indebtedness;

"(3) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to, or otherwise acquired by, him in connection with loans

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made or evidences of indebtedness purchased under this title;

"(4) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made or evidences of indebtedness purchased under this title. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Secretary. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not apply to any contract or hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of loans made or evidences of indebtedness purchased under this title if the premium therefor or the amount thereof does not exceed \$1,000. The power to convey and to execute, in the name of the Secretary as a result of loans made or evidences, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Secretary pursuant to the provisions of this title may be exercised by the Secretary or by any officer or agent appointed by him for that purpose without the execution of any express delegation of power or power of attorney;

"(5) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this title;

"(6) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under this title;

"(7) employ experts and consultants or organizations thereof as authorized by section 55a of title 5, compensate individuals so employed at rates not in excess of \$100 per diem, including traveltime, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 73b-2 of title 5 for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

"(8) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this title from the application of sections 507(b) and 2679 of title 28 and section 316 of title 5; and

"(9) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this title.

"Sec. 833. When used in this Act the term 'central city' shall mean that governmental unit within each Standard Metropolitan Statistical Area designated and defined as such by the Office of Management and Budget."

OIL AND ANTITRUST

Mr. ABOUREZK. Mr. President, when I introduced the Petroleum Act of 1973 (S. 2165), I stated that enactment of this legislation, which would reorganize the petroleum industry into competing units

of manageable size would reestablish the viability of competition at each level.

Now, Mr. Angus McDonald, former legislative and research director of the National Farmers Union, has stated in a paper presented to the Midwest Electric Consumers Association:

Divestiture would not involve any disruption of production, refining, transportation or distribution facilities. Separating ownership and control of the different segments of the oil industry would increase efficiency with resultant benefits to independents and consumers.

Mr. McDonald presents a comprehensive, fully substantiated argument in support of divestiture in the petroleum industry as the only means of restoring the spirit of free enterprise, the vitality of free competition, and the necessity of reasonable prices for both consumers and independent sectors of the industry.

Mr. President, I ask unanimous consent that Mr. McDonald's cogent analysis of the need for decisive Government antitrust action with respect to the petroleum industry be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

OIL AND ANTITRUST (By Angus McDonald) I. THE OIL OLIGOPOLY

The eighteen largest integrated oil companies are inextricably bound together by: Oil and gas leases; Joint business ventures; Joint ownership of production facilities; Joint ownership of pipelines and other transportation facilities; Vertical integration from point of production to point of consumption;

Horizontal integration of thousands of distribution facilities which results in control of markets and division of territories; 132 interlocks with banks and other financial institutions;

31 interlocks with insurance companies; 12 interlocks with 11 utilities; 15 interlocks with transportation companies;

46 affiliations with educational institutions; and 224 interlocks with manufacturing and distributing corporations.

Seven firms produce 70 percent of the so-called free world's oil production. Twenty-three major oil firms control 85 percent of refining capacity in the United States, 72 percent of natural gas production, 75 percent of the gasoline retail market and 50 percent of uranium reserves. Five of the fifteen companies that control approximately 75 percent of the sale of coal are oil companies.

Dominant firms are the same in both oil and gas production. In 1956 the top natural gas producers were among the top fifteen oil producers and among the top seventeen oil refiners. The top ten interstate natural gas suppliers were Exxon, Amoco, Shell, Gulf, Phillips, Mobil, Texaco, Union, Atlantic Richfield and Continental. Fourteen years later they were the same except that Atlantic Richfield and Continental had become bigger by merger.

One of the most conspicuous evidences of oligopoly activity is the practice of four or more of the major oil companies to submit joint bids for onshore and offshore United States leases. The system of bidding administered by the Department of Interior has become a cartel device which shuts out the independents. Three or four or a half dozen of the giants are allowed to submit a single

bid which involves putting up a large sum initially which is beyond the capability of any independent or group of independents. This system rather than one entirely based on royalties was evident in the oil shale bidding. Bids which did not include the payment of a bonus in advance were thrown out. Such a system does not differ materially from one of explicit collusion which is illegal under the antitrust laws.

Government policies relating to offshore leases have ruled out participation by independents. In 1967 Secretary of Interior Stewart Udall encouraged independent producers to offer recommendations as to how independents could participate in offshore operations. Subsequently the Texas Independent Producers and Royal Owners Association submitted a proposal:

"It is recommended that the U.S. Dept. of Interior set aside an undivided acreage interest equivalent to 10 percent of the acreage in each federal offshore tract made available for competitive bidding by independent producers and royalty owners, as defined by the Small Business Administration." (Hearings before the Subcommittee on Antitrust and Monopoly Committee on the Judiciary, U.S. Senate, August 1, 1970, p. 1951.)

Clinton Engstrand, Vice President of the Texas Independent Producers and Royalty Association, says that Interior was not serious about trying to prevent a monopoly in offshore development. "We received only a kiss-off in the form of a letter from the Assistant Secretary for Mineral Affairs asking, 'Does the small independent really need or want Federal intervention to get into the offshore game?'"

It was contended that the leasing law prevented allocation of a share of federal leases to small producers. Actually the Department is given wide discretionary power in the disposal of federal petroleum leases.

Joint bids and common conspiratorial action on government contracts is a way of life in the oil industry. In December, 1971, the Department of Justice published data indicating that U.S. oil companies submitted more identical bids relating to Federal, State and local government contracts than any other business group. Leading the list were: Armour Oil, Atlantic Richfield, British Petroleum, Cities Service, Continental Gulf, Mobil, Shell, Standard of California, Standard of Ind. and Union, John Mitchell, Attorney General, assured the oil companies that submitting identical bids "does not imply wrong doing on their part."

Although the Clayton Act of 1914 forbids competing corporations from having common Directors there is nothing in the law which prevents two or more competing corporations from having common directors on the Board of a third corporation unless a lessening of competition may or will result. There is a multiplicity of oil directors serving on the Board of Directors of the largest banks in the U.S. A total of nine oil directors representing seven oil giants are connected with the Chemical Bank of N.Y. Four of them are directors and five are members of advisory committees. Sitting on the Board of the Bank of America are directors of the Board of Standard of Calif., Continental, Getty and Union. Chase Manhattan Bank has four oil men on its Board representing Exxon, Mobil, Continental, Atlantic Richfield and Standard of Ind. First National City Bank has three oil men (Mobil, Phillips and Shell). Morgan Guaranty Trust is connected with Exxon, Atlantic Richfield, Cities Service and Continental.

Oil company directors who are directors of banks and other corporations form a cozy and exclusive club where it is convenient for them to reach understandings and agreements which result in common if not conspiratorial action. Oil company interests in

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large banks, particularly where a relatively large number of oil men are bank directors would find it easy to reach tacit agreements in violation of the antitrust laws. It is difficult to imagine how they could carry on their day to day financial transactions involving bidding, investments, interest rates and all kinds of deals without involving antitrust violations.

Federal Power Commission studies indicate that all the major oil companies are not only connected by indirect interlocks and bidding practices but with joint ownerships. In the Permian basin in Tex. and in the state of La. the eighteen largest oil companies have a multitude of joint ownerships. Fourteen of the eighteen have five or more interlocks with the other seventeen. Continental has 28 joint ventures with Atlantic, 27 with Cities Service, 27 with Getty, 16 with Mobil, 13 with Exxon and 11 each with Amoco and Sun.

Uncommitted gas reserves throughout the U.S. for the most part are held by only a few of the major integrated oil companies. In the Permian basin eight companies own 94 percent of the gas reserves. Eight companies own 98 percent of the onshore gas leases, 74 percent of the offshore gas reserves leased by the state, and 100 percent of those leased by the federal government. In Alaska eight companies own 99.9 percent of the gas reserves leased.

The proposed Alaska pipeline is to be built by a consortium of oil companies. Ownership will be divided as follows: British Petroleum 28%, Atlantic Richfield 28%, Exxon 25.5%, and Amerasia-Hess 3%. William J. Lamont, antitrust attorney, who resigned in disgust after Attorney General John Mitchell pulled him off the proposed Alaska case in a letter to Senator Haskell said that "the joint venture arrangements for production and transportation of Alaskan oil give three companies, which are already substantial factors in domestic U.S. crude oil production, joint control over the marketing. . . . Two of the three companies involved are also major factors in world production outside the U.S. (Standard of N.J. and British Petroleum). . . . control over the pipeline and the related production agreements will give to three companies operating virtually as one monopoly control over the marketing of oil on the West coast and a greater share of domestic oil production than would be permissible under any view of the antitrust laws." (CONGRESSIONAL RECORD, vol. 119, pt. 18, p. 23568.)

The Alaska pipeline should be called the Japanese-Alaska pipeline since much of the oil will probably go to Japan. Senator Mondale and other midwest Senators lost their fight to have a pipeline built through Canada which would bring oil to North Dakota, Minnesota and other states which desperately need the oil. There are no pipelines crossing the Rocky Mountains and there is no economically feasible way to bring the oil to the midwest.

The Prudoe Bay field in Alaska has 10 or more billion barrels of proven reserves, 55 percent of which are owned by British Petroleum. Atlantic Richfield owns 20 percent and Exxon 20 percent. These reserves will be exhausted in a few years with a standard 48 inch pipeline carrying 2 million barrels a day.

A vice president of British Petroleum said: "Say in 1980 you have got 1.8 million bbls. a day coming out of that field. Say West coast demand is about 1.2 million, you have got 400,000 or 500,000 or 600,000 barrels a day surplus. We have to decide what is in our best interest. . . . It's a matter of indifference, from the oil company's point of view whether we sell it to Japan or the West Coast." (CONGRESSIONAL RECORD, vol. 119, pt. 18, p. 23569.)

II. THE INTERNATIONAL OIL CARTEL

Outside the United States control over the Petroleum Industry (including reserves,

production, refining, transportation and marketing) is divided between state monopolies and seven large international petroleum companies. These seven companies are: Standard Oil of N.J., Standard Oil of Calif., Texaco, Gulf, Mobil, British Petroleum and Shell.

Arthur Dean, Attorney for Standard Oil of New Jersey, in urging that documents be withheld from a grand jury investigating the international oil cartel, said in 1952: "If it were not for the question of national security we would be willing to face either a criminal or a civil suit. But this is the kind of information that the Kremlin would love to get its hands on."

One of the documents kept from the grand jury was the Federal Trade Commission's study of the International Petroleum Cartel which had been released to the public. All the Kremlin had to do to get a copy was to send one of the agents down to the publications division of the FTC which was giving out copies to all on a first come first served basis. The cartel study was never a classified document. Quite the contrary. Economists John Blair and Bill Johnson and Commissioner John Carson wanted the document distributed as widely as possible. The statement of Arthur Dean was a smoke screen thrown up to convince the public that enforcement of the antitrust laws would endanger national security.

A careful reading of the cartel study convinced many including Dept. of Justice attorneys that the Sherman and Clayton Acts had been and were being violated. Prices had been fixed first by requiring all those who bought oil to pay the Houston, Texas, price plus freight cost to Houston. Buyers of Mid-East oil paid imaginary freight to Houston. This system was resisted. As a result a second basing point was set up in the Persian Gulf which required purchasers to pay freight either to the Persian Gulf or to Texas whichever was closer. The result was almost the same as under the single basing point arrangement. Fictitious freight rates resulted in identical prices at any given point. Thus competition was eliminated. Buyers paid phantom freight if the oil they purchased was produced at points closer to them than either basing point. If the oil was produced at a place farther away than either basing point the seller absorbed freight and only charged freight to the closest basing point.

As can be imagined there was resistance to the basing point system both in its first and second phases. The British, for example, had to pay phantom freight to a basing point on purchases of oil produced at locations as close as 200 miles away. The result was a phantom freight charge equal to the cost of transporting the oil many hundreds of miles. Thus under the dual point basing system phantom freight and freight absorption were often involved.

A congressional investigation in 1948 indicated that the Navy which was bringing oil from the Arabian-American Co. for delivery to the French Government under the Lend-Lease Act was paying excessive prices. The cost of Saudi-Arabia oil was \$4.1 a barrel including royalty of \$.21. The Navy was paying \$1.05. Finally mid-east prices and Texas Gulf prices were equalized at a point in the United Kingdom.

The FTC cartel study formed the basis for the antitrust division of the Dept. of Justice's attempt to indict Jersey Standard, Calif. Standard, Texas and Socony-Vacuum (now Mobil). The companies claimed the suit endangered national security. While paper shuffling was going on in the Dept. of Justice the State Dept. was promising the companies antitrust immunity if they would take care of Premier Mossadegh, who had nationalized Iranian oil.

Even President Truman was subverted by oil company pressure. He offered to dismiss the grand jury and substitute a civil suit

if the companies would promise to turn over the subpoenaed documents. The companies refused. They knew that John Foster Dulles, partner of Arthur Dean, was scheduled to be Secretary of State under Eisenhower.

The Eisenhower Administration hastily dismissed the grand jury investigation and the civil suit floundered. The oil companies kept saying national security would be endangered and the Administration agreed. The National Security Council put its foot down and forbade any attempt to break up the cartel.

In 1960 a consent decree settlement with Gulf and Jersey Standard was announced the day after Senator O'Mahoney was assured there was no intention of Justice to settle the case. O'Mahoney was furious and threatened to sue but nothing came of it. Texaco agreed to a consent settlement in 1963; in 1967 the case against Standard and Mobil was dismissed without prejudice.

On Jan. 15, 1971 Justice issued a secret business review letter giving the oil companies immunity from prosecution in their joint bargaining with the organization of petroleum exporting companies. Justice said this was done to protect the smaller companies from being discriminated against by the OPEC. The agreement was announced by the so-called Big Eight and the independents were advised their interests would be represented by Jersey Standard and British Petroleum.

The purpose of the joint bargaining session is clear. Prices were fixed and both the oil cartel and the OPEC countries were stronger and the independents (natural enemies of the cartel in the U.S.) were weakened. Thus competition was dealt a blow both at home and abroad by the Justice Dept. which was supposed to enforce competition. To wrap things up the Dept. of Justice issued another business review letter to allow the majors to pool their oil if Libya got out of line. Senator Proxmire said that was a violation of the 1960 consent order and that the Justice Department's denial was Orwellian double talk.

One attorney said Justice had no choice. Arthur Dean was running things. "He marched into Attorney General Mitchell's office with the Defense Dept. under one arm and the State Dept. under the other" and presented the head of the Justice Dept. with the pooling agreement. Antitrust immunity was necessary to prevent the Arabs from cutting off oil supplies.

Mark Green compares this agreement with what happened after Nasser took over the Suez Canal in 1956. (*The Closed Enterprise System*, Grossman, N.Y. 1972, p. 217.) Immunity was granted under the Defense Production Act which provided for government participation in oil company decisions and required approval of both the Justice Dept. and the Chairman of the Federal Trade Commission. When the group met to work out the arrangements the State Department representatives were asked to wait outside.

All these agreements and waivers of antitrust laws, exclusion of elected and appointed antitrust law enforcers from decision making meeting underlines the fact that the real managers of foreign policy which concern oil are the oil companies. The Dept. of Justice, the Federal Trade Commission and various regulatory agencies had no more real power over the oil companies than Charlie McCarthy had over Edgar Bergen.

The oil companies have had their problems with the mid-east countries which have been pressing for a larger share of oil profits. In 1950 or thereabouts oil companies in the Persian Gulf were selling oil for \$1.75 a barrel. The cost of production was 20c a barrel. The royalty was 21c, which left \$1.34. Royalties were increased to 67c under a 50-50 arrangement. But the increased royalties by a process of transmutation were changed into tax credits against the U.S. Treasury.

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The result was that the companies paid the U.S. little or no tax and because of the depletion allowance and intangible expense credits often had a credit arising out of the operation which could be transferable to another operation.

It is important to know that the countries in this bookkeeping operation had no income tax laws. There was no such thing as a barrel on oil when it is taken out of the ground can only be a royalty or when a government seeks a payment on production it is called an excise tax. How can there be an income tax before the oil is sold to a refinery or distributor?

The problem of the oil companies was simple. How could they avoid paying U.S. income taxes? The solution was more complicated. Under our tax laws an American corporation operating in a foreign country is allowed to subtract the income taxes paid in that country from the income taxes he owes the U.S. Treasury. This arrangement seems equitable since if a foreign country had an income tax of say 50 percent, the 48 percent income tax of the U.S. would virtually wipe out all the company's profits. Arrangements have been made with a number of countries by means of treaties which are ratified by the U.S. Senate to determine how much credit a U.S. firm is entitled to when it pays its income taxes in the U.S.

The oil companies solved the problem in this way. They got attorneys in the State and Treasury Departments to employ a little hocus-pocus. They decided to call the increased royalties the sheiks were demanding income taxes. Just to make it look legal the companies sent their Wall Street lawyers to Saudi Arabia to write some laws which defined the added royalty as income taxes.

The oil companies since then have subtracted most of their royalties which they call taxes from U.S. taxes which they would otherwise owe the Treasury. The first year the Treasury lost \$50 million from ARAMCO. The Arabian American Oil Co. is a partnership of four oil companies and Saudi Arabia. Calif. Standard, Exxon and Texaco each own 22.5 percent of ARAMCO, Mobil owns 7.5 percent and Saudi Arabia 25 percent.

Recently the Saudis have announced that they are taking over 100 percent of the ownership of ARAMCO. This should not affect the existing owners though it should benefit smaller oil companies. "Until now there has been a wide differential, ranging from \$1 to \$4 a barrel, between the prices paid by the smaller concerns for mid-east crude and the cost of the oil to the international companies that produced it." (*Wall Street Journal*, Dec. 6, 1974.)

Nobody knows how much taxes the U.S. lost from other companies. Nobody knows how much money the Treasury has lost since then. And nobody knew about the negotiations which resulted in this arrangement because all the discussions, memoranda and decisions were top secret. The documents were classified. Even the documents originating in the Joint Committee on Taxation were classified.

But we know that since then the oil companies have paid little or no income taxes. We know now about the machinations of the oil companies and the officials we pay to look after the interest of the American taxpayer. The oil companies do have a problem even though government agencies have fixed it so they can avoid paying income taxes. They have so many tax credits they don't know what to do with them. They have the tax credits referred to. They have the depletion allowance. They have the intangible expenses which they can deduct as a tax credit instead of an expense. And they have the accelerated depreciation credit and the privilege of carrying tax credits they don't use back two years and forward several years.

The only mystery is why the oil companies pay any taxes at all. As former Ambassador

McGhee outlined the situation the increased royalties (called taxes) went to Saudi Arabia and other mid-east countries instead of the U.S. Treasury. The oil companies made the same profit as before. In effect the U.S. Government was a tax collector for the mid-east countries. Senator Church called the situation an absurdity. (*Hearings*, Senate Subcommittee on Multinational Corporations, Jan. 1974, Part 4, pp. 83-102.)

The effect of the Mid-east tax benefits and the depletion allowance has been to discourage the building of refineries in the U.S. The depletion allowance was supposed to encourage development. But why should the oil companies produce oil in the U.S. when they can develop cheap oil in the Mid-east and get the depletion allowance there too. And why should it build refineries on which there is no depletion allowance. But one large refinery has been built in the eastern part of the U.S. (where most oil and gas is consumed) since 1950.

It is easy to see why it is to the advantage of the oil companies to keep gross profits high on crude oil production and profits low on the refining part of their enterprises. Keeping profits low on refining discourages the building of refineries by the independents who might compete with them in distribution. Having a bottle-neck on distribution enables the oil companies to operate in a scarcity situation or the illusion of scarcity. The major oil companies do not usually sell to independent refineries, nor do their refineries usually sell to independent distributors. In this way they can control the volume and the price of crude and its by-products from point of production to point of consumption.

For the last several years the main problem of the oil companies has been to try to contain in some way the increased demands of the oil producing countries in the Mid-east. One of the most obstreperous of these countries was Libya which demanded drastic price increases in 1971. The oil companies' reaction was to call once more on their willing servants in the Justice and State Departments.

In early 1971 Dudley Chapman of the Antitrust Division of the Dept. of Justice and James E. Atkins, Chief of Fuels and Energy in the State Dept., huddled in an anteroom of a Wall Street office while the oil executives conferred inside. The government officials were there because it was necessary that they agree in advance to whatever violations of the antitrust laws the oil companies agreed on. Antitrust laws were waived without Congress or anyone else knowing about it and a few days later John J. McCloy, an old State Department man, flew down to Washington to put the final touches on the agreement which is still a classified document. The Subcommittee on Multinational Corporations, headed by Senator Church, is trying to find out if the earlier control of production by the oil companies was a major policy error leading to today's crisis.

The adverse effect of oil company manipulation on U.S. consumers of oil and gasoline was recently revealed by the Subcommittee. The New England Petroleum Corporation battled unsuccessfully in 1973 two major oil companies and the State Department when it attempted to bring oil and its by-products into the U.S. during the period of extreme shortage. The result of the struggle was a stiff increase in the fuel bills by millions of consumers in New York and New England. (*Washington Post*, Feb. 19, 1974.)

New England Petroleum Corporation's (NEPCO) troubles began in Sept. 1973 when Libya seized 51 percent of the properties of Standard Oil of Calif. (SoCal.) NEPCO and SoCal jointly owned a refinery in the Bahamas and SoCal was under a long term contract to supply NEPCO with Libyan crude. After the seizure SoCal decided to get tough and told NEPCO it was suspending delivery of oil from Libya. Thus NEPCO would

have no oil from the Bahama refinery and would lose its share of the ownership since SoCal had guaranteed the financing. NEPCO was the chief supplier of Consolidated Edison of New York and other utilities in the northeast which produced electricity by means of oil for 20 million people.

NEPCO was forced to negotiate its own deal with Libya and had to charter its own tankers since SoCal refused to deliver the Libyan oil it was trying to boycott. On September 13, 1973 Laurie W. Folmar, a Vice Pres. of Texaco, called NEPCO and threatened legal action. He said that his company owned the Libyan oil and that NEPCO had no right to buy and transport it. In minutes after the Texaco call H. A. Nevis, a Vice President of SoCal also called and threatened legal action. A half hour later Frank A. Mau of the State Department's office of Fuel and Energy called NEPCO and also made threats. He said that legal action would be taken to preserve the rights of the two companies and that there would be repercussions in the Middle East.

Richard de Manning, legal counsel for NEPCO, appeared before the Church Subcommittee and told this story. Manning appealed to Secretary of State Kissinger but apparently he was in accord with the action of his employees. Nothing happened except that the price of low sulfur Libyan crude jumped from \$4 to \$17. Fuel prices to utilities served by NEPCO jumped 74 percent and the increase was passed on to consumers.

III. THE SHORTAGE

The Church hearings brought into public view the result of the dragon's teeth sowed by oil executives and a supine government. From 1962 to 1968 three of the Aramco owners: SoCal, Texaco and Mobil, joined with Gulf in Iran to hold down production and production capacity. Owners agreed to impose financial penalties on any owner which takes or "lifts" oil in excess of its ownership share. Despite oil industry claims that it has been warning of an impending oil shortage Aramco did not significantly expand until 1970. (Senate Subcommittee on Multinational Corporations, March, 1974; *Washington Post*, Mar. 28, 1974.)

There have been many charges that the oil companies engineered the oil shortage of 1973. Regardless of the truth of these charges the motivation for keeping oil in short supply is evident. There is also evidence that the oil companies benefited directly from the exorbitant price increases of the oil producing countries in the Mid-east. Profits per barrel of oil increased from 62¢ in 1963 to \$1.23 to \$1.25 in most of the embargo period of 1973 and to almost \$2 in the post embargo period and to \$4.50 by April 1974. (IBID)

At the hearings of the Multinational Subcommittee, Senator Church asked Senator Joseph J. Johnson, Senior Vice President of Aramco, what incentive Aramco and its owners had to press for lower prices. Johnson was unable to think any incentive. Profits of the oil companies increased in the same proportion as the Mid-east countries increased their share of the price of the oil. During the so-called crisis the Mid-east share was increased by 350 percent; and the profits of Aramco increased by 350 percent. Aramco's 1973 cash flow was \$8.7 billion, the largest in history for a single firm in international commerce. In 1973 it paid \$2,397,000 in taxes or less than .1 of 1% of profits.

The oil companies have attempted to lay the entire blame for high prices on the Mid-east oil producers. The situation today is curious and unique. One of the Mid-east producers is attempting to come to the aid of American consumers exploited by the oil companies. The Shah of Iran has proposed a new system which would benefit consumers by \$1.60 a barrel and reduce the profits of oil companies from \$2 a bbl. to 50¢ per bbl. Mid-east countries have been souring on

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the oil companies for some time. Khone Abderrahman, Secretary General of the Organization of Petroleum Exporting Companies, said that OPEC is blamed for world-wide skyrocketing prices but that big oil companies were responsible. He accused U.S. oil companies of making "windfall profits." "We never took the first step in raising prices," he said.

The Shah of Iran, probably the best friend American consumers have in the oil community, called attention many months ago to the duplicity of the oil companies. (*New York Times*, Feb. 24, 1974.) In February of this year (1974) he suggested that big oil companies had caused the gasoline shortage in order to increase their profits. He insisted that as much oil was coming into the country as before the embargo. Although the Shah's statement was an exaggeration recent figures indicate there is a good deal of truth in what he said. Figures released by the Commerce Department indicate that crude oil exports from most Arab countries were heavy in the first two months after the embargo was imposed on October 16, 1973. (*Wall Street Journal*, April 9, 1974.)

Critics wondered why domestic oil production declined during and before the Arab embargo. Saudi Arabia continued to export oil to the U.S. during the embargo though in smaller quantities. Some suspected a plot between the Arabs and the oil companies because imports increased before the embargo actually ended. (*Wall Street Journal*, June 13, 1974.)

Robert B. Stobaugh of the Harvard University Business School told Senator Church's Subcommittee that Americans were hit twice as hard as Europe and Japan during the embargo. (*Washington Post*, July 26, 1974.) He said that the American companies did not favor their home countries. In February, for example, when the crunch in the U.S. was the worst, other countries' supplies had bounced back to pre-embargo levels.

Some thought it strange that supplies of oil were plentiful during the embargo. Interior Department statistics showed that U.S. crude oil stocks on Dec. 14, 1973 stood at 251.2 million barrels, three million bbls. more than a year earlier.

Christopher Rand, a Middle East oil specialist, called the shortage a manipulation. In articles in Dec. 1973, *Harpers Magazine*, and the *Washington Post* of Jan. 1974, he said there was no oil shortage in December and no gasoline shortage in January 1974. He said refinery capacity in the U.S. was 13.33 million barrels a day which could be compensated by the capacity of 3.65 million barrels a day of refineries in the Caribbean owned by oil giants, including Texaco, Shell, Gulf and Exxon. Caribbean and domestic refinery capacity he said totaled more than 17 million bbls. leaving a U.S. shortage of about 500,000 bbls. a day. This could be amply compensated by stocks which, he said, stood on Dec. 2 at 513.7 million barrels.

In July 1974 the American Petroleum Institute reported that major refiners were cutting back on gasoline production because high prices had driven down demand. (*Washington Post*, July 31, 1974.) Refineries were operating at 6 to 7 percent below the capacity utilized a year earlier. Dr. Fred C. Alline of Georgia Tech., a recognized authority on petroleum, said it was the purpose of the majors to keep the supply of gasoline relatively tight in order to keep prices high.

M. B. Holdgraf of the Independent Gasoline Marketing Council, in June 1973 (*Washington Star-News*, July 29, 1974) during the height of the oil shortage and before the oil embargo, told the Hart Committee that independent refineries were 50 percent idle and that if they could have obtained adequate supplies of crude oil there probably would have been no shortage. Yet the major oil companies were telling the American people

that lack of refining capacity caused the shortage.

Holdgraf said: "... the major oil company refiners may indeed have used up major oil company refining capacity or close to it. But in the Midwest, in the William Brothers pipeline system ... points along the gulf coast and along the west coast, where independent refineries, who sell to independents, or class of trade such as ourselves, are running up to 50 percent short of capacity. ... As a result we are told of not being able to have crude available to them, especially the inland refiners, the land locked refiners ... and also surprising as it may be the independent refiners who are on the coast. ... 300,000 bbls. of refining capacity (are) available to process crude. And this is very ironic to us, who headquarter in the Midwest to see refineries of independents along a pipeline system not using their capacity, when the farmers, the transcontinental truckers, public services, ambulances, fire departments ... are being denied a product. ...

"It is also very difficult to understand why in the State of Kansas and surrounding State of Oklahoma where crude oil is available and pumping out of the ground next to the refineries these refineries cannot put their hand on sufficient crude to run their operations. ...

"I am thinking in terms of 2 and 1/2 or 3 or 4 percent of the product—very near what I think is the short fall of the Nation at this point in finished product."

Senator Hart: "And could these refineries, if they had crude available to them in your judgment, make up for whatever shortage may be at the moment?"

Holdgraf: "Very close to it." (Hearings before the Senate Subcommittee on Antitrust and Monopoly, June 12, 1973, p. 149.)

There has been a good deal of speculation in regard to the wholesale cancellation of contracts and the removal of certain companies from retail and wholesale markets which they had been supplying over a long period of years. Questions have been asked as to where the gasoline went which was suddenly shut off and why the majors suddenly shut off old branded stations and then installed secondary gasoline outlets in the same market area. Questions have been asked why contracts with schools, municipalities and other government entities were suddenly cancelled. The complaints of those operating owned or leased major stations would fill volumes and the complaints by the independents about the squeeze in supplies would fill more volumes.

During the last several years the country has been flooded with propaganda about the necessity for decontrolling the price of natural gas supposed to be controlled by the Federal Power Commission. Testimony before Senator Hart's antitrust subcommittee indicate that there is a concerted effort by the oil companies to force Congress to decontrol natural gas. All during the embargo and before and after wells were capped and gas was withheld from the market. Hundreds of wells were shut down in the natural gas rich Gulf of Mexico while the oil companies were spending millions to advertise claims they were working overtime to end the crisis. Forty percent of the wells in the Louisiana Gulf area were said to be capped. 880,000 acres of federal domain of oil and gas leases in the Gulf of Mexico were classified as idle or "producing shut in." (CONGRESSIONAL RECORD, Mar. 12, 1974) Senator Hart has characterized the gas shortage as a "hoax". James T. Halverson, director of the Bureau of Competition, said that his investigations showed that U.S. gas reserves in some areas were as much as 1,000 percent higher than those reported by the industry. Procedures he said used by the American Gas Assn. and utilized by the FPC "could provide the vehicle for a conspiracy to under report gas reserves."

There have been rumblings for years in Congress and among consumer groups that the FPC was conniving with the oil and gas companies and related groups to hoodwink the public about both oil and gas reserves. Protests were heard when in 1971 the FPC appointed executives of the industry to make a gas survey which was to be labeled confidential. This followed a report by a House Subcommittee which severely censured the FPC for granting multibillion dollar rate increases based on highly disputed data.

In April 1974 Senator Proxmire accused the American Petroleum Institute of grossly understating oil reserves. The API claimed that reserves had declined by a billion barrels when in fact according to Proxmire they rose by many billions of barrels. So called proved reserves are equal to the amount of oil that can be economically produced under existing costs and prices. Because of skyrocketing prices the Senator reasoned that the amount of proved reserves must have increased. Proxmire called the API estimate outrageous and said it was based on the ridiculous assumption that prices would drop by half. "This is about as likely as assuming the sun will rise in the West tomorrow." (*Washington Star News*, April 7, 1974.)

Complaints about the maladministration of the Natural Gas Act by the Federal Power Commission developed into a public uproar and a demand by Congressman John Moss that the General Accounting Office investigate. In a letter to Elmer Staats, Comptroller General, Moss asked that GAO look into the apparent effort of the FPC Chairman Naskas to repeal the Natural Gas Act by paying no attention to Congressional policy as set forth in the Act and interpreted by the Supreme Court. The court in the famous Phillips case said that the FPC must regulate the price of natural gas sold in interstate commerce.

Moss was especially exercised over the Belco Petroleum case in which the FPC had authorized a 73 percent increase in the price of natural gas. He said that similar increases would cost consumers at least \$1 billion a year. The Belco case said Moss set the stage for a "most astonishing performance in memory by a regulatory commission." "On Sept. 14, 1973, without any public notice or allowing interested parties to comment, the FPC effectively decontrolled natural gas prices for six months." Moss also asked that GAO look into the apparent effort of FPC to sabotage a Federal Trade Commission investigation of monopoly practices in the oil and gas industry. To get action on FPC maladministration Moss went to court petitioning the U.S. Court of Appeals of the District of Columbia to determine whether FPC had the power to repeal in effect the Natural Gas Act by its apparent illegal decisions.

Moss was aided in his efforts by the Consumers Union of the U.S. which sought Judicial review of the Belco case. The Consumer Federation of America also entered the court battle on Sept. 21, 1973. In Oct. 1974 Judge David Bazelon of the U.S. Court of Appeals for the District of Columbia set aside the natural gas increase which the FPC had authorized for Belco. Belco it appears was a part of the Tenneco oil complex. The gas was to be sold by Belco to Tenn. Gas Pipeline Co., a division of Tenneco, Inc. Belco was also a division of Tenneco. In other words Tenneco was selling natural gas to itself and the new high price was to be charged to consumers.

This situation is not uncommon in the petroleum industry. Major oil companies own intrastate gas not subject to regulation. Interstate gas and intrastate is often produced by the same company. Intrastate producers sell gas not subject to regulation at exorbitant prices not only to enhance their profits but to call attention to the high intrastate prices and relatively low interstate prices. It should be emphasized that pro-

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ducers under regulation are generally allowed a net profit of 15 percent.

The argument for decontrol is that it would stimulate production of natural gas and relieve the shortage. Higher prices would not necessarily make more gas available. A Library of Congress study says that freeing new gas wouldn't do more than produce higher prices. The effect of decontrol would be stupendous and contribute to inflation. In Nov. 1974 Congressman Moss released the study made by the Library which concluded that decontrol might cost consumers \$75.6 billion over a period of six years. Both Nixon and President Ford have urged that natural gas be decontrolled. Higher prices in an industry where half a dozen companies control does not usually produce additional production. Coal prices more than doubled or tripled in the last year or two yet production has not increased. The same has been true of oil. Where an industry is concentrated prices are purposely kept high for obvious reasons. Increased production which might cause prices to fall result in a situation which is feared much more than government regulation.

The result of the General Accounting Office investigation was a devastating exposure of the subversion of the Natural Gas Act by the Federal Power Commission. The Commission did not even pay attention to its own regulations. For a year there were no minutes kept of official meetings. Important decisions were transmitted by word of mouth and conflicts of interest were common throughout the agency. Only seven of 125 officials had filed their financial forms as required and a number had participated in decisions affecting companies in which they held stock. Officials were found to hold stock in numerous mammoth corporations they were supposed to regulate. Included among these were Exxon, Union, Standard of Indiana, Northern Ill. Gas, Occidental Petroleum, Monsanto, Washington Gas Light, Tenneco and Atlantic Richfield. (Comptroller General of the U. S. *Need for Improving Regulation of Natural Gas Industry*, Sept. 13, 1974, p. 36.)

So flagrant and illegal has been the conduct of the FPC that employees were caught in the act of burning records by Senator Hart's antitrust subcommittee. The FPC over a period of several years had apparently attempted to throw obstacles in the way of the Federal Trade Commission which was investigating the oil companies. It had denied the Commission the right to see or copy even under a promise of confidentiality the result of a natural gas survey and had attempted to prevent the FTC from compiling information by saying it would cost \$25,000 to get the information by means of computers. The FTC, the most starved agency in Washington, had no funds for such a purpose finally got the information at a cost of \$150 or \$200. An FTC employee who attempted to sabotage the FTC investigation resigned and to a fat job at the Federal Power Commission. His huge salary increases were apparently a reward for his loyalty to those interests who did not want an investigation. The complete facts will never be known of the FPC role in the destruction of documents, the concealment of reserves, the close relation between FPC and the oil and gas companies. Unfortunately no records or tape recordings exist of their probably overt and tacit conspiracies.

During all the commotion over concealment of oil and gas reserves, capping of wells, fixing of prices, manipulation and withholding of supplies the Dept. of Justice remained as always oblivious to violations of the antitrust laws. Impediments on interstate commerce in restraint of trade are violations of the Sherman Act as are conspiracies. Countless discriminations, mergers and punitive action against independents in violation of the Clayton Act were also ignored.

IV. THE FEDERAL TRADE COMMISSION, STATE ATTORNEY GENERALS AND THE DEPARTMENT OF JUSTICE

The Federal Trade Commission castigated unfairly by Ralph Nader and his associates several years ago moved in June 1973 to check the power of eight of the largest integrated oil firms. The complaint charged that Exxon, Gulf, Mobil, Standard Oil of Calif., Standard Oil of Ind., Shell and Atlantic Richfield joined to monopolize refining of crude oil into petroleum products and maintain and reinforce a non-competitive market structure. The FTC contended that American consumers were forced to pay higher prices than they would have paid in a competitive market and that actual and potential competition had been "hindered, lessened, eliminated and foreclosed." (FTC Docket No. 8934) The FTC also accused the eight companies with causing shortages in areas where the independents were located. As a result independent marketers were forced to close.

Previously the Commission had issued a complaint against the Phillips Petroleum company on May 14 and against the Standard Oil Co. of Ohio on Jan. 18. Standard of Ohio was charged with fixing prices and Phillips was charged with dealer coercion, illegal tie ins, market foreclosure to competitors and surveillance and control of dealer operations.

The suit against the eight major oil companies was regarded as the biggest antitrust case in history. Congressman Moss called it the most significant antitrust litigation since the Standard Oil trust was broken up in 1911.

Those sympathetic to the oil companies moved almost immediately. The House Appropriations Committee acted to deny the FTC the \$1,014,000 requested by the agency. However as a result of protests the House restored the funds.

Despite approval of funds the case against the big oil companies seems to have bogged down. The staff charges that cumbersome rules make it impossible to get subpoenas expedited. Under the FTC rules the side seeking a subpoena must show that it is necessary and that its purpose couldn't be accomplished by voluntary methods. Another factor is the refusal of the companies to obey a subpoena. In this and other cases the oil companies have either ignored subpoenas or refused to honor them.

At the Senate Antitrust Judiciary Committee hearings on June 8, 1973 Senator Kennedy said: "Two years ago the FTC requested data from the major oil companies for its study. Monday, 18 months after it issued subpoenas for that information, the Justice Dept. announced it will seek to enforce subpoenas that require submission of that data. We waited a year and a half for the Justice Dept. to act on a legitimate request for the information for the Federal Trade Commission ... nor do we have any evidence that the Justice Dept. itself is concerned about the antitrust implications of the recent marketing practices of the major companies." (Senate Antitrust Subcommittee Hearings, June 1973, p. 3)

Prospects for expedition of the FTC case are not good. Donald R. Moore, Administrative Law Judge, said: "The commission may want to consider as an alternative, the withdrawal of this case from adjudication—that is, dismissal without prejudice—so that it may be more fully investigated without the restrictions imposed by existing rules." (*Washington Post*, Nov. 1, 1974)

Another battle of the FTC concerns the attempt of the agency to get information about profits, costs and taxes of the different divisions of the giant corporations. The consolidated returns of statistics of a corporation are sometimes meaningless. Frequently a conglomerate or other type of corporation will take over for tax purposes another corporation which is not making a profit. Losses

of the acquired corporation may be credited against taxes paid by the acquiring corporation. Often a corporation will merge with another corporation in order to eliminate competition. The FTC has been trying for years to get a breakdown of consolidated returns which would give it statistics in each separate line of business the corporations are engaged in. Large companies have consistently opposed giving the FTC such information.

When the FTC attempted to seek funds for its line of business survey the companies apparently put pressure on appropriation committees. Despite setbacks on Capitol Hill, the FTC is going ahead with its survey. An Appropriation Committee changed the FTC's request and said it could query only 250 major corporations, halving the FTC's original request to include 500 major corporations in the survey. The House voted in June 1974 to go along with the committee action. However the House did restore a million dollar cut of the Appropriation Committee relating to the antitrust complaint against the eight major oil companies. The FTC has received support for its line of business survey from the General Accounting Office. In May 1974 the GAO advised the FTC that it was not opposed to the survey.

Hamstringing the FTC in its suits and line of business survey have been William Simon, Sec. of the Treasury and Roy Ash, Director of the Budget. Ash it was reported has been seeking legislation which would make it harder to break up companies because they are too big. Ash has opposed the FTC attempt to send out questionnaires to big corporations and has opposed the law passed over President Ford's veto which will make it possible for consumers and interested persons to secure unclassified information under the Freedom of Information Act.

Ash, formerly President of the Litton Corp., has been involved in fraudulently activities. A federal grand jury in San Diego has indicted Litton and four officers in a 121 count fraud suit. Litton was accused in a Superior Court of Los Angeles of overcharging the Air Force by \$43.4 millions. Ash it was said made conflicting statements while under oath.

Ash has been involved in antitrust suits for years. In 1971 the FTC in its suit against Litton said Ash's testimony was inconsistent and that it was difficult to determine who was telling the truth. Certain employees of Litton revolted against Ash because they were ordered to "book false information." (*Washington Post*, Dec. 1973) In one California lawsuit the Litton Co. and Ash were accused of defrauding owners of businesses acquired. Ash has also been involved in dubious legislative activities. He tried to emasculate the FTC by dismembering its antitrust and economic functions. On Capitol Hill he tried to kill the FTC amendment to the Alaska pipeline bill. He made an 11th hour visit to Congressman Melchor and threatened a veto if the FTC amendment was not killed.

William Saxbe, Attorney General, after some of the Ash revelations said: "I don't think it's good to have a president of Litton sitting in the cat-bird seat."

William Simon, now Secretary of the Treasury, is even better known than Ash for his anti-FTC activities. The ink was scarcely dry on the complaint against the big eight when Simon, then Under Secretary of the Treasury and Chairman of the President's Oil Policy Committee acted to stop the suit. He challenged the charge that the major oil companies were not competitive although he later admitted to a congressional committee that "antitrust policy is a little bit out of my line." (Hearings, Senate Judiciary Antitrust Subcommittee, July 1973, p. 347.) This was probably the understatement of the year.

On July 30, 1973, Simon wrote a letter to Lewis A. Engman, Chairman of the FTC, in

which he said he found it "difficult to believe that the oil industry is not competitive." Simon went on to say that he would like to meet with Engman "to discuss this matter further and also provide you with our complete comments on the FTC staff recommendations before final Commission action."

On August 10, 1973, Robert J. Lewis, assistant to the Chairman of FTC, answered the Simon letter in which he said that "it would not be appropriate for the Chairman in his judicial capacity to discuss the specific issues which you have raised." What Simon did not understand was that his letter was interference with a quasi-judicial agency. Members of the FTC must act as judges and are prohibited from discussing a pending case. FTC acts as a U.S. District Court. Cases when appealed to the Court of Appeals. Simon's action was highly improper and evoked the kind of response expected. But Simon had gone further. He had authorized a study of his own. (Staff Analysis of the Energy Advisor, Dept. of the Treasury, on the FTC . . . *Investigation of the Petroleum Industry*)

On August 27, 1973 he released this study to the press apparently in an attempt to try the case in the newspapers. The study was a whitewash of the major oil companies and contained some misrepresentations. For example, the study listed on p. 41 a number of refineries in order to refute the FTC statement that no large refineries had been built in the Eastern U. S. since 1950. Several of the refineries listed manufactured asphalt not gasoline or processed oil and had nothing to do with the shortages. The study also contended that the lack of refineries was entirely the fault of the environmentalists. Actually big oil refused to build refineries years before the protests of the environmentalists has acted in recent years to stop the building of a large refinery in New England.

Simon's main contention was that breaking up the oil companies would disrupt the entire industry. He inferred that separating refining from production would be a disaster.

The history of past divestitures has proved this not to be true. Examples are the Big Oil divestiture of 1911, the meat packer divestiture of the 1920's and the electric power and gas divestitures of the 1930's. Divestiture as an antitrust technique is discussed in the final section of this paper.

About the same time that the FTC issued its complaint against the big eight it also charged a number of oil and gas companies with violation of that part of the Clayton Act that prohibits a person from serving as a director of two competing companies. Named in the proposed complaints were: Standard Oil of Ohio, Diamond Shamrock Corp. and Horace A. Shepard, a member of the Board of both Cleveland companies which the FTC said competed in the sale of oil and gas;

Amerada Hess Corp., Newmont Mining Corp. and William B. Moses;

El Paso Natural Gas Co., Transcontinental Gas Pipe Line Corp. and Alfred C. Glassell Jr. and Franz Schneider;

Kerr-McGee Corp., Oklahoma City, Okla. Natural Gas Co. Tulsa and Dean A. McGee; General American Oil Co. of Texas, Dallas; Pauley Petroleum, Inc., Los Angeles and Paul A. Cenley;

Dixilyn Corp., Austral Oil Co. and William M. Johnson.

All of these companies and directors were engaged in the business of oil and gas.

Kenneth Anderson, an assistant director of the FTC's Bureau of Competition, said that the proposed complaints represented only a miniscule part of what we hope to do." (*Wall Street Journal*, June 28, 1974.)

More vociferous and active than the FTC against the so-called oil monopoly have been State Attorney Generals. In June 1974 the national district Attorneys' Assn. represent-

ing 5,000 members accused major U.S. oil companies of violating state and federal antitrust laws and attempting to acquire control of all the nation's energy resources. The Association after a five months' investigation urged all local district attorneys to initiate antitrust investigations and prosecutions to fill the void resulting from inaction at the federal level in Washington, D.C. The group alleged that the Justice Department was not interested in enforcing antitrust laws against the petroleum industry. The District Attorneys charged nine companies: Exxon, Texaco, Gulf, Mobil, Standard, (Ind.) Standard (Calif.), Shell, Atlantic Richfield and Union with violating laws in seven specific areas involving advertising, interlocking directorships with insurance companies and banks, elimination of competition through acquisitions and mergers, joint ownership of pipelines, joint bidding on oil leases on public lands, destruction of independent retailers and marketers and making exchange agreements that permit only one company to refine a second company's crude oil or supply it with fuel.

These charges by the national group of Attorneys followed filings of antitrust suits against major oil companies in the states of Mass., N.Y., Conn., Fla., and Calif. One of the most vocal of those castigating the oil companies was Daniel S. Dearing, Chief Trial Counsel, who represented the Attorney General of Florida in testimony before the Senate Antitrust and Monopoly Subcommittee on June 8, 1973. He referred to the techniques of the oil companies in violating antitrust laws as: "a strange animal: it has feathers like a duck, webbed feet and a bill like a duck, and it quacks like a duck. When we broil it, garnish it with orange slices, and serve it with wild rice on the business end of an antitrust complaint, it may taste like crow; but for now it isn't too irresponsible to conclude that it is indeed a combination, contract, conspiracy or cartel." (Hearings, Senate Judiciary Antitrust Subcommittee, July 1973, p. 65.) Dearing said that an attorney in the Dept. of Justice had told him that he had been told to "go slow" on antitrust enforcement against the oil companies.

Attorney General Robert K. Killian of Conn. told the Senate Antitrust Subcommittee that he had been "rebuffed outright by the Dept. of Justice . . . This arrogant, let the public be damned is a scandal." Killian was one of those who urged a multi-district federal antitrust suit by cooperating state Attorney Generals. He also was a mover behind the National Association of Attorney General's resolution condemning the Dept. of Justice for its inaction. FTC's response to an appeal was to welcome assistance to State Attorneys and pledge complete cooperation.

Thomas E. Kauper, Assistant Attorney General of the Antitrust Division of the Dept. of Justice, responded to the appeal for help with a letter saying that the activities of the oil companies "may merely manifest parallel behavior by the majors and not the result of an illegal combination." (Ibid, p. 18.)

Killian also was rebuffed by John Dunlop, Director of the Cost of Living Council, who refused to answer his letter. Killian wrote to Dunlop asking for information on the controls to be placed on petroleum prices and how these controls could be enforced and policed in the State of Conn.

Dunlop at the time was busy pushing through a \$1 a bbl. increase for oil over the objections of the Council staff and an outside consultant. This increase on "old" domestic oil to \$5.25 a bbl. (which cost consumers an estimated \$2½ billion a year) was settled on as a compromise by Economic Advisor Herbert Stein who wanted oil to rise to \$12 a bbl. William Johnson, Treasury aid, suggested \$10 a bbl. and his

colleague Oz Brownlee wanted all controls taken off oil prices.

Johnson said in response to Congressional and FTC evidence that proved reserves were understated said that "the notion that industry was falsifying information is part of a paranoid, McCarthyite attitude that is sweeping the country." (Washington Post, Dec. 21, 1973.)

Dunlop also set profit dates for profit margins apparently designed to cripple retailers and add to profit margins of the big oil companies. Senator Jackson wrote Dunlop on July 26, 1973, pointing out that the Jan. 10, 1973 date discriminated against retailers because of price wars and low margins at that time of year.

A few historical examples document the contention that the Dept. of Justice is completely worthless as far as the public interest in regard to oil is concerned. In 1941 twenty-two vertically integrated oil companies and 379 of their subsidiaries were charged by Justice with a number of antitrust violations. Included were price fixing, predatory price wars, basing point delivered pricing, exclusive dealing contracts and other practices. The complaint (U. S. v. Atlantic Refining Co.) called for divestiture of the oil companies' transportation and marketing facilities. The result of these awesome charges was a consent decree in which the companies received a mild slap on the wrist in the form of limiting payments to shipper-owners of pipelines. The complaint was then referred to the Council for National Defense which in turn referred it to an oil advisory committee nine of whose members were connected with Standard Oil or Shell, both defendants. According to Mark Green the oil industry threatened to withhold commitments to the war effort unless the charges were dropped or postponed until after the war. "The decree reflected this blackmail." (The Closed Enterprise System, Grosman, N.Y. 1972, p. 195.)

Another famous case (U. S. v. El Paso Natural Gas Co.) which reflected little credit on the Justice Dept. involved two pipelines. El Paso Natural Gas was the sole supplier of Natural Gas to California in 1954. The Federal Power Commission in a weak moment gave the Pacific Northwest Pipeline Corp. the right to enter the California market. So El Paso moved to acquire the potential competitor and after Arthur Dean said the merger would be OK went ahead and acquired the stock of Pacific Northwest. Arthur Dean a private citizen representing the oil companies was more powerful than the U.S. As pointed out he succeeded in other instances in squelching antitrust activity.

The El Paso case dragged on for years and years, went to the Supreme Court four times and elicited a remark by Justice Douglas that any one would have to have blinders on not to see the merger was illegal.

Another case filed in 1950 (West Coast Petroleum) by the Justice Dept. attempted to divest Calif. Standard of its service stations. The judge in charge said he would not order divestiture even if Justice proved its allegation. So Justice settled for a consent decree which meant that all the evidence was put in the deep freeze where injured parties and even state and federal governments cannot see it.

A few years later Justice lost another case where a price conspiracy was proved. Although the Alexandria, Va. grand jury returned an indictment, Judge Savage threw the case out of court and thereafter resigned to become Vice President of Humble Oil (a subsidiary of Standard of N. J.).

Colonial Pipeline also received some attention from the perennial loser of antitrust oil cases. This time Justice did not even go through the motions of losing. The Colonial seemed on the face of it to be in violation of the antitrust laws. It is a so-called common carrier which runs from the Gulf Coast refineries through Virginia, Washington and into New Jersey. The major oil companies

that own Colonial (Shell, Jersey Standard and Calif. Standard) also own the Plantation pipeline. These two pipelines supply according to Mark Green 79 percent of the gasoline sold in the entire Southeast. Pipelines under existing law are supposed to be open to anyone who needs to transport oil or gas. (Hepburn Act of 1906) But this pipeline was apparently designed to exclude everyone but the owners. So the antitrust division drew up papers that called for divestiture of all but one owner of the Colonial Pipeline. But nothing happened. Every three months it was said attorney would yawn and ask, "Whatever happened to Colonial Pipeline?" (IBID, p. 285)

After the Colonial fiasco the merger movement accelerated. By 1971 eight firms that were among the 25 top oil companies in 1960 had been taken over by other big oil companies. These were: Standard of Kentucky, Pure, Tidewater, Richfield, Sunray DX, Sinclair, Standard of Ohio and Amerada.

The wave of mergers in big oil was accompanied by a wave of oil-coal mergers. Gulf oil acquired Pittsburgh and Midway Coal; Gulf also acquired Consolidated coal (which produced 11 percent of all coal mined in the U.S.), Standard of Ohio acquired Old Ben Coal and Enos Coal; Belco acquired Hawley Fuel Corp.; Occidental Petroleum acquired Maust Properties; Westrans Industries acquired Canterbury Coal, Kristianson and Johnson Coal; Humble Oil acquired Monerey Coal, Eastern Gas and Fuel acquired Joanne Coal, Ranger Fuel and Sterling Smokeless; Gulf Resources Chemical acquired C and K Coal; Falcon Seaboard acquired Breathitt County Coal, Black Eagle Coal, Mt. Top Strip-ping and Pine Bluff Augur; McCulloch Oil acquired Marietta Coal, Kingdom Come coal, Number 7 Corp. Carbon Fuel and Big Four. U.S. Natural Resources acquired Twilight Industries; Zapeta Corp. acquired Boone County Coal; Crestmont Oil and Gas acquired Black Lode Coal; Ethel Corp. acquired Elk Horn; Houston Natural Gas acquired Ziegler Coal and International Mining and Petroleum acquired Belva Coal. (An economic analysis of Price Increases in the Coal Industry, James R. Barth and James T. Bennett, IV, 15-17)

A Subcommittee of the Senate Interior Committee in commenting on the acquisition of Signal Oil by Burmah, one of the largest oil companies in the world said, "without a competitive infra-structure, free market forces cannot be relied upon to curb inflation and unemployment . . . the Justice Department has been able to mount only token opposition to the accelerated merger movement and the concomitant increase in concentration which has taken place in the petroleum industry . . . The last major petroleum industry antitrust case brought by the Justice Department occurred during the 1930's and withered away after more than 20 years without any significant remedial action taking place." (Special Subcommittee on Integrated Oil Operations of the Committee on Interior and Insular Affairs, U.S. Senate, Oct. 10, 1974.)

V. MYTHS AND ANTITRUST

The myth of competition in the oil industry has persisted for years. Robert G. Dunlop, President of Sun Oil, told the Senate Antitrust Committee that he opposed voluntary action in restricting oil imports because "that would be destructive of the basic principle of competitive enterprise in this country and thus individual freedom and opportunity." Then he justified the mandatory import program because it gave his company legal protection. Because Dunlop lived in a fantasy world he did not recognize the contradiction.

In order to convince the committee that the free market really existed Dunlop contended that Venezuelan crude oil was offered willy-nilly to independent marketers in the U.S. He ignored the fact that the

major consistently refuse to sell oil to independents. "We will sell the oil at whatever the competitive circumstances are in the market place." (Hearings, Judiciary Subcommittee, May 1969. *The Petroleum Industry*, Part II, p. 786.)

M. A. Wright, Chairman of the Board of Humble Oil, subsidiary of Exxon, said: "Alaska is a highly competitive area today. We were fortunate enough to discover the first oil field but there are a dozen rigs running up there now, four of which we are participating in, but all the information is being held confidential for competitive reasons, and there is a lease sale coming up this summer in which there will be tremendous competition in buying leases, bidding on leases, this sort of thing, and I think if I revealed our leases on what we think the reserves are in Alaska today, this would be working to the detriment of my company . . . let me not expose my own company's views on this highly competitive situation." (IBID, p. 745.)

What is the real competitive situation in Alaska? More than 90 percent of the oil and gas leases are owned by three companies. The production will be controlled by the same consortium that is building the pipeline. As indicated previously, the monopoly situation is so self evident that a high ranking attorney in Justice resigned when he was told by Attorney General Mitchell to drop the case which would lead to a conviction of a violation of the Sherman Act.

Webster defines a myth as a traditional story used to explain some phenomenon. A myth is also defined as a fable, fiction or falsehood, or imaginary person or thing, a mythology which after being believed in for a while becomes irrational or unintelligible.

What could be more irrational and unintelligible than competition in the oil industry? A consortium of four companies control the oil coming out of Saudi Arabia. The same is true of Iran and other countries in the Mideast, Indo-China and Venezuela. As indicated in the first part of this study a few companies control more than 90 percent of the oil reserves in the U.S. They own the productive facilities, the tankers, the pipelines, 85 percent of the refineries, 75 percent of the retail outlets.

Why do they permit the independents to exist when a few telephone calls would end their existence? M. B. Holdgraf of the Independent Gasoline Marketing Council answered this question. "It is my experience and my belief that the major integrated oil companies want just enough independent action to qualify for peace with the Justice Department and with the Federal Trade Commission, so that they can manage, inside of their total integrated system, the volume and/or the pricing structure. They want just enough to be at peace with the world." (Senate Antitrust Subcommittee Hearings, June and July, 1974, p. 152.)

Holdgraf describes the myth that are created by the oil companies in an effort to convince Congress and the public that the industry is competitive. He describes the myth of the major brand independent. It is explained to Congressional Committees that thousands of small independent businesses are spawned and nurtured by them.

The "small independent" businesses are not independent at all and are not a part of the mythical free market. They are creatures and slaves of the major oil companies. Their leases may be cancelled and their supplies cut off at any time. Thousands of them have been put out of business during the alleged shortages of the past few years. 1300 gasoline retailers closed their doors in New England.

Those who showed any sign of independence were marked for extinction. One of these was William J. Webb of Saginaw, Mich. He handled petroleum products under the Boron label which is Standard Oil of Ohio. Webb

was an unusual major brand operator. He also handled an independent competitive gasoline operation which he called the Rebel Division. This apparently incurred the disfavor of Boron which cancelled his contract.

Webb told Senator Hart's committee that he had built up the Boron business over a period of years and that now the company was forcing him out of business. Boron, he said, had built eight new stations to accomplish its aim. These stations cost \$1,160,000 or \$145,000 each and were selling only 22,000 gallons of gas a month. "It would take twice that number of gallons to justify that investment," said Webb. " . . . the result can only be a higher gasoline price with no competitive force in the market place . . . unless relief comes at once we will see 19 small independent business people go down the drain, plus investments representing \$2 and ½ million lost, plus much finished products at the gas pump . . . my story is one small man in a small community who fell under the hands of big business." (IBID, p. 115)

The twin myth of the branded station operator as an independent is the myth of the private brand operator as a destructive force who causes price wars. Actually, says Holdgraf, the majors start price wars to put the independents out of business. The independent marketer represents the only competitive force at the retail level.

Then there is the myth of surplus gasoline. The majors only produce and refine as much gasoline as the market will absorb at high prices. Sometimes the majors make a mistake and produce too much. For example, Exxon notified the Texas Railroad Commission that it had 800,000 bbls. of oil more than it needed. This mistake was immediately followed by a reduction in production which sustained the consumer prices. Actually prices had gone down a little. The function of the marketing of the majors is to enable management to dispose of all manufactured products while profit making from the production and sale of crude oil is maximized.

It is easy to see why the independent marketer is hated and labeled an outlaw by the integrated company. If he has access to supply, to refining and to crude oil he becomes a threat to the fine balance in the whole system of production and marketing. This is the reason why in the past integrated producers have subsidized their branded stations by credit cards, prizes, trading stamps and various free services.

Major integrated companies have created the myth that they have been responsible for exploration and development. Over the years independents have been responsible for ¾ of the finding and development of new wells. In 1956, 58,160 wells were drilled for domestic oil and gas in the United States. In the state of Arkansas in 1968 there were 80 new wild cat wells drilled. Ninety percent were drilled by small companies. In 1970 it was anticipated that the industry would drill only 30,246 or 48 percent under the 1956 level. Clinton Engstrand of the Texas Independent Producers contended that ¾ of the decline represented reduced activity by the small companies and independents. Chase Manhattan Bank estimated that 27 major companies produced 4,408,000 bbls. of crude oil daily in 1956 and that the rest of the industry produced 2,745,000 bbls. daily. By 1969 the 27 major companies were producing 6,418,000 bbls. of the industry or an increase of over 2 million bbls. while the rest of the industry increased by only 53,000 bbls.

Walter J. Simas, President of Ashland Oil of Oakland, Calif., managed to outwit the major oil companies in 1967 but finally was defeated when the Dept. of Interior joined the effort to put him out of business. Ashland was a family corporation owned by Simas and his wife Jean. Simas, an old oil man who said he had been in the oil business for 40 years, was an oil marketer. He

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was a wholesale dealer who sold to 103 stations but he lacked a reliable source of supply. He wanted to get a firm contract with a refiner who could guarantee him 5 million gallons of gasoline a month which was the amount he needed at the time (1966) to supply his customers.

At this time the major oil companies refined 90 percent of the oil sold, and since some independents (called "concubines" by Fred Hartley of Union Oil) were closely tied to the big oil companies the position of an independent not in the club was precarious. At any time his supply might be shut off.

The "real" independents comprised supplied only about 5 percent of the market. The Ashland stations dispensed less than 1 percent. In Calif. the majors would not sell to any stations except their own house brand outlets.

Ashland got hold of a terminal in 1966 by a low bid which would enable him to handle 5 million gallons a month. But he had not reliable source of supply. The majors and the concubine refiners wouldn't sell to him and he was barred from importing because of quotas. However, under the regulations he would be allowed to get access to 10 million gallons of gas for the West Coast if he could find some refiner who would make it available to him. So Simas went to New York and after a while finally got C. D. Mallory of Coastal States to assure him a 5 million gallon supply. Coastal however didn't want to use its own tankers. There was a surplus of tankers at the time but it turned out that none were available to Ashland. Hidden forces were already at work.

Then along came Commonwealth Oil which was looking for a customer. Commonwealth was a Puerto Rican refiner which had expanded its facilities and had a surplus of 12 million gallons. This looked like a godsend to Simas who wanted to expand his operations. The gasoline situation was very tight in California because of the Vietnam War, war contracts and other reasons. So Simas as a typical business man looked on the situation as a great opportunity for a free enterprise. So he worked out a four year contract with Commonwealth for the 12 million gallons and began nosing around looking for terminal space for all this gas.

Terminal owners and lessors were delighted. They were glad to talk to Simas and promised to lease or sell him terminal facilities. Then strange things began to happen. Bray Chemical had a terminal, promised Simas space then the next day backed out of the verbal agreement. Union Oil it appeared blocked the deal. Then Golden Eagle Refining at the last minute withdrew its offer. Simas told Senator Hart's antitrust subcommittee, "the terminal has been empty ever since." Nobody in Southern California would lease or sell Simas any space. He became a laughing stock in California. He was going broke at a time when there was a gas shortage because he had too much gas.

Finally Simas managed to lease some land from the Long Beach Port Authority but only by getting a Chicago man to pretend that an out of town firm wanted it. Simas set about building a terminal. For the moment it looked like Simas had won his battle. He spent over a million dollars on the terminal and went ahead with his plans to supply gas at a reasonable price to the independents. He did not dump gas or sell at bankrupt prices. His prices were comparable to other comparable brands.

Then the axe fell on Simas and all his plans. Secretary of Interior Udall cut off his supply and Commonwealth cancelled its contract. Under the quota regulations the importation of the 10 million gallons daily was legal. Udall in a press release said he was cancelling this shipment and transferring it to the East. He had no legal right to do so. Quotas could be changed only by a Presidential Proclamation. The action of Udall oc-

curred on Dec. 15, 1967. He went down to Puerto Rico and made a speech that said the cancellation was to increase Puerto Rican employment. This was not true. Changing the destination of gasoline refined in Puerto Rico couldn't have the slightest effect on employment. Commonwealth cancelled its contract on Dec. 18. President Johnson didn't sign the new proclamation until Jan. 27, 1968. Another excuse given for doing away with the West Coast allocation was that it was necessary to revert to an earlier period when California did get such an amount of gas. This argument was nonsensical.

The oil companies won again. Competition was destroyed and the consumers paid whatever the majors wanted to charge. (Hearings, Senate Antitrust Subcommittee, July, 1969, pp. 1217-1235.)

VI. CONCLUSIONS

The Dept. of Justice should no longer be depended on to enforce the antitrust laws which are related to petroleum and its by-products. The evidence indicates that Justice has never seriously considered enforcement. The Attorney General and the President of the United States should not be in a position of authority to destroy effective enforcement. The Dept. of Justice is a political football which has operated as an agency to serve the political party in power. Democratic Administrations have been as guilty of the subversion of the antitrust laws related to oil as Republican Administrations.

When Lyndon Johnson became President he called the heads of antitrust agencies together and ordered them to go easy on big business. It was inevitable that employees in the Dept. of Justice were responsive to this order since their employment was dependent on the pleasure of the President. President Nixon acted no differently. He was linked to the oil companies early in his political career. Under his administration and that of Attorney General Mitchell the Dept. of Justice was completely ineffective.

There have been sporadic attempts of law enforcement but these have been few and far between. An example was the conviction of executives in the electric power industry during the last years of the Eisenhower Administration. But Big Oil was untouchable. Complaints have been formulated. Evidence has been compiled by conscientious staff men but oil oligopoly has never had to pay the penalty for antitrust violations. It has never been bothered much by competition.

President Ford has shown no indication that he is aware of the long standing and persistent antitrust violations of antitrust laws by oil companies. His appointments related to oil could not have been better designed to discourage antitrust law enforcement. The most conspicuous example is William Simon, who was rewarded by being made Secretary of the Treasury after his violent attack on the complaint of the FTC against the oil companies. Simon, more prominent than any other individual involved in the energy crisis, has served as a mouthpiece of the oil companies. He is an able public relations representative of Big Oil and is parading under the banner of a government official who pretends to represent the public interest.

The Dept. of Interior which administers the public lands and waters is a flagrant example of the subversion and betrayal of the public interest. Effective antitrust enforcement of antitrust laws relating to oil will be difficult if not impossible as long as the Dept. of Interior as presently constituted administers petroleum resources. As pointed out in this study under both democratic and republican administrations Interior has been the choreboy and servant of Big Oil.

Secretary of Interior Morton, while not so flamboyant and verbose, has dutifully served the oil interests. He bowed to the will of the oil companies in regard to the loca-

tion of the Alaska pipeline and showed his true colors when he fired the Administrator who announced publicly that he wasn't going to be stooge for the oil companies. No wonder Sawhill was considered an oddball by oil men in the Dept. of Interior and the new energy administration.

No one should be fooled by the statement of Rogers Morton made on TV that an excess profits tax on oil is necessary. The Morton tax will be like the Nixon excess profits tax. That is, a setting aside of some of the exorbitant profits of the oil companies for "new oil" discovery and exploration. Since when, asks Senator Jackson, has it been necessary in a capitalistic system to bribe tycoons to invest in enterprises which are already yielding fantastic profits?

In evaluating those who are indirectly related to the antitrust laws one should not forget Alan Greenspan and Ayn Rand. Greenspan, Chairman of the President's Council of Economic Advisors, co-authored with Ayn the book Capitalism: The Unknown Ideal, which brought up to date stone are thinking. In one article in the book Greenspan argued for abolition of the antitrust laws. In another he opposed legislation to protect the consumer. "Buyers should suffer from their bad judgment," he said.

There is no competition except that which big oil permits. Big Oil wants to keep the people quiet. When the uproar becomes too loud and bothersome, the oil companies draw back a little and wait for a more opportune time to put the remaining independents out of business. They are like the man who disliking the dog's tail didn't get rid of it all at once so he cut it off an inch at a time.

The FTC is pursuing enforcement of the antitrust laws against impossible odds. It has not only the administration to contend with but other agencies and the men in Congress who represent Big Oil. As national defense stops at the waters edge so partisanship stops at the edge of an oil field whether it is in Texas or Saudi Arabia. Democrats and Republicans from oil states know that it would be political suicide to challenge the sovereignty of big oil.

The Ford Administration by sponsoring Nelson Rockefeller and refusing to face reality will get us deeper and deeper in the mire. Nelson's brother David is probably the most powerful man in America. Books have been written about the influence of the Rockefellers and they are understated. Even those good men in Congress who are concerned about the power of the Rockefeller family didn't go too deeply (as far as I know) into the oil connections of Nelson.

It was not revealed for example how he indirectly contributed \$900,000 to Robert E. Anderson, Sec. of the Treasury under Eisenhower. A few months after Anderson became secretary a corporation closely held by the Rockefeller family and run by Nelson Rockefeller bought out Anderson's interest and paid him for it while he was in office. Nelson was President of International Basic Economy Corporation when it made a commitment to buy into the Dalada company. Dalada was the concern that bought out Anderson and owed him \$900,000. As it turned out the Nelson Rockefeller Co. paid Anderson the money. Dalada it appeared was bankrupt or at least near bankruptcy. It never paid any dividends. The \$900,000 I presume was a gift. Some unkind people might have called it a bribe since Anderson was said to be responsible for the import quota law which saved the oil companies from competition. At that time (1957-58) the oil monopoly was breaking down and had to be protected by a law which kept out cheap mid-east oil.

There are no indications that anything will be done to avert the coming catastrophe. Unfortunately the oil companies and their mouthpieces in government are blind as well

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as greedy. Estimates vary but there are probably only about 41 billion bbls. of proved reserves in the 50 states. Oil well in the U.S. are producing less and less. A few years ago annual U.S. production was around 10 billion barrels. Now it soon will be down to 8.6 billion bbls. according to the Independent Petroleum Assn. of America.

Consumption is around 6 or 7 billion bbls. a year in the U.S. This amounts to between 17 and 18 millions bbls a day. Nearly half of this is imported. Using estimates of proven reserves as a guide it is obvious that all the proved reserves will be gone in a few years. One estimate is that Alaskan oil will be gone in 13 or 14 years. There's plenty of coal but it will be strip-mined at terrible cost to the environment. Despite laws it is impossible to recreate the original conditions and with the servants of big oil in power, with Nelson Rockefeller as the quarterback it can be assumed there will be little or no antitrust enforcement. So the oligopoly will have its way. And the new Congress won't be able to do much about it.

The Wall Street Journal's response to the loud tooting of the Dept. of Justice regarding a rejuvenation of antitrust enforcement which has been in a state of coma for 35 years was that such rhetoric occurs with every new administration and should be taken with a grain of salt. Isn't it strange that Mr. Kauper who took a dim view of State Attorneys' excitement over antitrust violations is now beating the drums for action against the American Telephone and Telegraph Co. Attorney General Saxbe is in a rage about price fixing. He says price fixers should be treated as common criminals and that lack of competition is one of the causes of inflation. But not a word about oil company violations of antitrust laws comes out of the Dept. of Justice. The announced campaign against monopoly is a diversion calculated to take people's minds off the oil cartel crisis. The Bell Telephone complaint even if successfully prosecuted would take 5 or 10 or 20 years. No one knows this better than the Dept. of Justice which has cases which have been going on for 18 years.

From the standpoint of the oil companies it is good tactics to pretend to tackle a big monopoly which we could live with and to ignore the oil cartel which is the cause and result of the crisis. It is also good tactics from the standpoint of the oil companies to call for nationalizing everything. It is possible I suppose that some day Congress would authorize nationalization and the entire restructuring of economic society. But who is so foolish to think that anything of the sort is politically feasible now? Yet liberals are saying that nationalization is the answer. They are chiming in with the oil companies by saying that vertical integration is a good thing and that divestiture would be a great disaster, that the courts would never accept it. (The Nation, Jan. 26, 1974, p. 115)

One reads these statements with a sense of frustration and amazement. To intimate that Congress and the courts would never accept the idea of divestiture or the breaking up of integrated companies into competitive segments and that divestiture is something new or untried makes one wonder where the stary eyed socialists have been for the last 65 years. Divestiture (except for treble damage suits) has been the only successful technique that has been used against powerful oligopolies. Most people who have been even slightly interested in antitrust problems know about the 1911 Divestiture of the old Standard Oil company. Most do not know about the meat packing consent decree divestiture which the Supreme Court ordered after the FTC had entered a complaint. (CONGRESSIONAL RECORD, June 11, 1974, p. 18678.) Some people know about the divestiture of the electric power and gas monopoly in the 1930s but few know that scarcely

a month goes by without a divestiture proceeding resulting from an FTC action.

Divestiture would not involve any disruption of production, refining, transportation or distribution facilities. Separating ownership and control of the different segments of the oil industry would increase efficiency with resultant benefits to independents and consumers. If refining were separated from production no longer would refineries be idle when the majors' tanks were filled with crude oil. No longer would leases of filling stations be cancelled, supplies cut off and new expensive and unnecessary outlets be built. Each segment of the industry would stand on its own feet and oil would flow freely in interstate commerce without artificial restraints. There would be no incentive to operate refineries as bottlenecks. Transportation if divorced from oil production would make oil accessible to independents. Pipeline companies wouldn't care whose oil they transported as long as they made a profit. The law making pipelines common carriers would become meaningful. Every filling station operator would compete with every other filling station in its vicinity and distribution would be efficient which would mean that consumers would benefit from the lowest economically possible price.

In U.S. v. E. I. duPont de Nemours & Co. case (366 U.S. 316,361) the U.S. Supreme Court commented: "Divestiture has been called the most important of antitrust remedies. It is simple, relatively easy to administer and sure. It should always be in the forefront of a court's mind when a violation of Section 7 has been found."

Passage of the Abourezk bill (S. 2165) should be in the forefront of the mind of everyone who is sincere about doing something about the energy crisis. Passage of this legislation should be accompanied by the building of government owned and operated yard stick plants, including refineries with adequate environmental safeguards. Plans for the development of new sources of energy from the wind, from the sun and from organic wastes should be programed and financed on a huge scale and most important a conservation policy such as that outlined by David Freeman in A Time To Choose (Energy Policy Project of the Ford Foundation, Ballinger Publishing Co., Cambridge, Mass., 1974) should be authorized by Congress.

CLOSER COOPERATION WITH EUROPEAN ALLIES IN MILITARY RESEARCH AND DEVELOPMENT

Mr. MCINTYRE. Mr. President, my strong conviction of the importance and necessity for increased and closer cooperation with our European allies in research and development is a matter of record. Last year at my direction a member of the staff of the Committee on Armed Services made an initial trip to Europe to explore the possibility of positive actions which could be taken in cooperative research and development of military equipment.

There is no question concerning the mutual benefits promised by eliminating duplication of research and development which has wasted literally billions of dollars in the past. Continuation of such duplication is even less tolerable in the real world of serious inflation and the chaotic economic trends which encroach upon us daily. Another important objective of the first trip was to pioneer for the Congress in impressing upon the European community, including governmental as well as industrial organizations, that such cooperation would be

given the most serious consideration by the Congress in its deliberations on the budget requests of the Department of Defense.

The result of the first trip was highly successful, and the reaction of our European partners was uniformly very favorable and enthusiastic. Moreover, subsequent actions by the Congress on the Army short-range air defense system, known as SHORADS, made it very clear on the record that the three European developed candidates would be given equitable consideration together with U.S. candidates in the source selection process that now is scheduled for completion next month.

The fact that all three of these foreign systems are licensed to major U.S. companies insures that, if selected, one will be built in the United States by our own labor force. This also will serve as a most convincing demonstration of U.S. policy in cooperation with Europe.

The general U.S. industry reaction to the report on this first trip was highly complimentary, and there was similar reaction by our European allies. The Department of Defense also has responded in a positive and favorable manner. This initial success prompted me to arrange for a second visit this year by the same staff member to broaden the scope of his coverage to include other western European countries which he had not previously visited and to follow up on his previous actions in those areas which were more promising. I am pleased to report that his second trip has been as highly productive as his initial visit.

Mr. President, following the same procedure as last year, a copy of his comprehensive report has been submitted to the Secretary of Defense for comment and necessary action on a wide range of specific items and recommendations. A copy of this report now has been cleared by the Department of Defense for security and is available for general publication. I ask unanimous consent that my letter and the report, which has been cleared for security, be printed in the Record upon the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. MCINTYRE. Mr. President, I will continue to report progress made upon this matter as additional information is received from the Department of Defense until all actions involved have been completed. All of this information will be of substantial value to the committee in its deliberations on the fiscal year 1976 military procurement authorization requests on which the committee will commence hearings early next year.

DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
Washington, D.C., December 18, 1974.
Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The report of Mr. Fine has been reviewed by the three Services, ISA, and DD&E for security clearance, and attached you will find our bracketed copy. I would consider it inappropriate that you release the letters attached to your report since many contain proprietary and/or company sensitive information. In formulating

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our responses, the letters will be utilized for information and background.

Interim responses to the specific paragraphs have been prepared; however, staffing is not complete and I feel that it is to our mutual benefit that our responses be coordinated and factual.

Sincerely,

ROBERT N. PARKER,
(For Malcolm R. Currie).

U.S. SENATE,

Washington, D.C., November 4, 1974.

Hon. JAMES R. SCHLESINGER,
Secretary of Defense, Department of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: Mr. Hyman Fine, Professional Staff Member, has submitted a report on his recent trip to Europe relating primarily to cooperative research and development between the U.S. and NATO countries.

The report, a copy of which is attached, is very comprehensive and includes numerous items which should be of direct interest to the Department of Defense. Certain items require action to be taken by your office.

Request that the report and attachments be reviewed and cleared for security so that it may be released by the Armed Services Committee. I would also appreciate your early comments on specific paragraphs as applicable, including statements of actions planned to be taken.

Since the preparation of comments on the individual items may take various periods of time, request that those which are ready by December 15, 1974, be furnished first and the remaining information by February 15, 1975. This will enable members of the committee to consider these matters and ask appropriate questions during the forthcoming hearings on the fiscal year 1976 budget.

Sincerely,

THOMAS J. MCINTYRE,
Chairman, Subcommittee on
Research and Development.

OCTOBER 31, 1974.

To: Chairman, Committee on Armed Services.

From: Hyman Fine.

Subject: Report on European trip relating to increased international cooperation in research and development and production of military equipment (September 17-October 8, 1974).

1. The primary objective of this trip was to follow up on the results of last year's trip, and to visit other Western European countries and companies in the interest of encouraging increased cooperation in research and development.

2. The foreign government organizations visited included the following:

British Ministry of Defense, Swedish Ministry of Defense, German Ministry of Defense, French Ministry of Defense.

3. The foreign companies visited included the following: Rolls-Royce, England, Hawker-Siddeley, England, Hollandse Signaalapparaten (HSA), Netherlands, SAAB, Sweden, Bofors, Sweden, Barracuda-verken, Sweden, Oerlikon-Contrares, Switzerland, Messerschmidt-Boelkow-Blohm, Germany, VFW-FOKKER, Germany, Krauss-Maffel, Germany, Dornier, Germany, SNECMA, France.

4. My trip also included a visit to the British Admiralty Surface Weapons Establishment in Portsmouth, England, the NATO Advisory Group for Aerospace Research and Development (AGARD), Paris, France, and discussions with our Ambassador to Sweden, with the Deputy Chief of Mission to our Ambassador to France, and with General John W. Vogt, Jr., Commander-in-Chief, U.S. Air Forces, Europe.

5. The following represents a summary of my general reactions, impressions and observations relating to the overall trip.

a. Representatives of all of the countries and companies visited unanimously support increased cooperation with the United States in research and development.

b. With the exception of France, which feels that relationships with the U.S. should be only on a bi-lateral basis, the European community accepts multi-lateral cooperation.

c. The growing pressure of economic problems, aggravated by inflation and high oil prices, is a major factor behind the cooperative attitude of the European nations. Other basic reasons for their interest in cooperation are to eliminate or reduce the unwarranted duplication between the U.S. and themselves and to benefit from our advanced technology. It should be recognized that the U.S. also benefits in selected areas where the European community has the technology lead (e.g. the British Harrier VTOL aircraft).

d. Standardization of equipment, components, munitions, etc. in the interest of simplifying logistics and realizing the economies inherent in this approach, was uniformly supported by the NATO countries as a major objective of cooperation. However, as will be covered later in this report, this is an elusive and extremely difficult goal to attain. Major stumbling blocks are primary dedication to national interests, difficulty in influencing bi-lateral and multi-lateral agreements which are usually tailored to the interests of the participating nations with little, if any, regard to the common interest and military effectiveness of the alliance as a whole.

Senator McIntyre directed me to stress the importance of standardization as the major area of cooperation, and I did this at every opportunity during the trip. This single problem has been recognized by all NATO nations as the most challenging and requires the highest priority of attention by the Western European community and the United States.

e. England, France and Germany expressed satisfaction with the various actions of the Congress in authorizing and appropriating most of the funds requested by the Army this year to select a contractor to develop the short range air defense system (SHORADS). They were generally uniform in acknowledging that the languages of the reports of the various Congressional committees and of the conferees supported open competition and were not prejudicial to the possible selection of one of the three candidate European systems (Crotale, Rapier or Roland) to meet U.S. needs. This experience has contributed markedly to their interest in greater cooperation with the U.S. in military research, development and procurement.

f. There is general acceptance by the Europeans of the use of licensing agreements and shared production of complete systems, subsystems and components as the basis for cooperation with the U.S. in development and production of military hardware.

6. The following paragraphs address the various significant subjects which were discussed during the trip, some of which will require actions or commentary by the Department of Defense.

a. *British Ministry of Defense—Sir Neal Wheeler, Air Chief Marshal, Controller of Aircraft.*

(1) He was impressed with the significance of full restoration of \$3.909 million for the Advanced Harrier and restoration of half of the \$6 million reduction in SHORADS, making \$18.2 million available. In both cases, this affirmation of continued U.S. willingness to consider foreign developments on a cooperative basis with the potential for manufacture in the U.S. under license was considered highly significant.

(2) He stated that the British government decision to jointly finance Advanced Harrier development had not been made and would follow the October 10, 1974, national election. He was impressed that favorable Congress-

sional attitude towards supporting Advanced Harrier development in FY 1976 would be more likely if Britain participated financially.

(3) The British through-deck cruiser is being built and will be equipped with a maritized Harrier. Sir Neal thought that the present Harrier would be used for this purpose, rather than the Advanced Harrier, because it would cost less and be available sooner. However, he acknowledged that if the Advanced Harrier could be developed and maritized to meet this requirement, it would have the following advantages:

(a) Improved chances for U.S. development and use with financial benefit to Britain.

(b) Provide a more capable aircraft.

(c) Enhance Britain's potential for foreign sales to other nations.

(4) I suggested that a maritized Advanced Harrier could be available. If the through-deck cruiser program slipped, the Advanced Harrier could be available. Also, the potentially larger quantity required for combined British and U.S. forces and foreign sales would bring the price of Advanced Harrier down.

(5) He said that while the possibility of the Advanced Harrier being adopted by the RAF existed, he was unable to indicate what the chances were of this happening.

b. *British Ministry of Defense—Professor Sir Hermann Bondi, Chief Scientific Advisor.*

(1) He was pleased with the actions of the Congress on the Advanced Harrier and SHORADS as positive indications of the possible adoption by the U.S. of weapon systems developed in Europe.

(2) He expressed doubts concerning the practical use for the Surface Effect Ship, as measured against the program cost and other alternative capabilities, such as helicopters, for ASW use. He also mentioned that there were substantial technical problems involved.

c. *Hawker-Siddeley—Mr. Robert Lickley, Director.*

(1) Advanced Harrier—He was impressed with Congressional action restoring \$3.9 million for Harrier.

He acknowledged my suggestion that British government interest and financial support would be very important to U.S. Congressional support of FY 1976 and future year development costs. He said he would discuss this with the British government.

He agreed that the Advanced Harrier, maritized, would be more desirable for the through-deck cruiser than the AV-8A, but this could be affected by the higher cost as well as the later availability of the Advanced Harrier.

d. *Rolls Royce (Bristol Div.)—Mr. T. Whitfield, Managing Director.*

(1) Pegasus 11 for AV-8A and Pegasus 15 for AV-16 Advanced Harrier. I covered the same points as were covered with Hawker-Siddeley and impressed him with the importance of British government financial support to favorable Congressional action. He stated that we would pursue this with the British government.

(2) Remotely Piloted Vehicles (RPVs) and Cruise Missiles. Rolls Royce has expertise in ramjet engines. I suggested that they could explore opportunities in the U.S. for applications on a cooperative basis. They expressed great interest and will follow up. It appears that the British government has little if any interest at this time in such weapon systems for its own forces.

(3) Subsequent proposals were transmitted to me by letter of October 17, 1974. OSD should be requested to comment on the details. Copy is attached.

e. *British Aircraft Corporation—Mr. Geoffrey Jefferson, Director.*

(1) Seawolf ship-based anti-air and anti-missile system. (Possible competition to Phalanx.) The Royal Navy evaluation was presented to the U.S. Navy in July, 1974, and elicited much interest in the technical as-

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pects of the program, but no interest was expressed in adopting this for U.S. Navy use.

The presentation also was made to a representative of DDR&E, Mr. Jefferson. OSD should be questioned concerning their interest in this program and any future plans.

(2) Skua—Lightweight, helicopter-borne anti-ship missile. U.S. Navy has little interest in this because of Harpoon, which is a larger missile, and is planned for the Lamps helicopter system when a helicopter is selected. BAC questions the need for any helicopter system larger than the Westland Lynx which carries the Skua missile. British and French ASW testing with the Lynx (not equipped with a smaller radar and the Skua missile) have been generally satisfactory. The U.S. Navy should explain why this combination wouldn't substantially meet their needs and save substantial development and procurement costs.

(3) Presentation was made on the Surveillance and Target Information Radar (STIR). It is planned to be installed on a 4,000 ton destroyer.

(4) Remotely Piloted Vehicles and Strategic Cruise Missiles were discussed. BAC was interested in the fact that these programs promise to receive significant support in the U.S. and will look into it.

f. *Hollandse Signaalapparaten (HSA)—Netherlands—Mr. E. Ferwerda.*

(1) The Netherlands government no longer appropriates funds for contractual research and development. The significance of this action was not discussed other than that it reflects growing economic pressures in that country. OSD may have some comments on this.

(2) MK 92 Fire Control System for NATO Patrol Hydrofoil Missile (PHM) Ship.

(a) A derivation of this system is installed on the Netherlands Flakpanzer anti-aircraft system now in early production.

(b) HSA plans to demonstrate this system to NATO Army and Air Forces in the Netherlands on October 23, 1974 as part of the Flycatcher (portable ground-to-air) fire control system.

(c) HSA plans to invite the U.S. Navy to a separate demonstration during the same time period.

(d) There is a possibility that a delay in the PHM schedule may permit consideration of this system depending upon technical, cost and schedule considerations.

(3) AJAX/Vulcan Phalanx. The AJAX is a dual mode radar fire control and gun system incorporating the same dual mode tracking radar principle as on the Flakpanzer with the addition of twin 30 mm guns.

(a) AJAX is planned to be installed on the Netherlands' new standard frigate (similar to U.S. FF). It also is a candidate for the Canadian frigate in competition with the Vulcan Phalanx.

(b) AJAX has been tested by the Netherlands but still requires research and development to be completed. There is an open question concerning U.S. participation in this program. This is discussed in a letter involving offset payments dated June 21, 1974, from the U.S. MAAG Netherlands to the Netherlands Ministry of Defense. It also is discussed in a letter to the U.S. Deputy Secretary of Defense (Mr. Clements) from the Netherlands Secretary of Defense for Material (Mr. Sternerdink) dated in August. (Copy of the first letter is attached. The second letter is not available to the committee.)

(c) (Omitted.)

(d) (Omitted.)

(e) A member of the discussion group submitted five questions which he considered should be addressed in this matter. These questions follow:

(1) Does the U.S. Navy support the requirement for a very short range air defense weapon system (VSR/ADS) as drafted in NATO (PG 9) and to what extent does Phalanx meet these requirements?

(2) General Dynamics has made a Project

Definition Report and Proposal for the Canadian Force (Navy) on a VSR/ADS. Is this based on the NATO requirements, and what is the difference between the features of the system described in that proposal and Phalanx?

(3) It is understood that Phalanx has a capability against anti-ship missiles by causing warhead detonation. What is the Navy opinion on warhead detonation caused by the ammunition to be used in the Phalanx system?

(4) Today missiles can fly very low. It is understood that this may cause severe problems in radar tracking. Can Phalanx cope with this threat?

(5) A VSR/ADS is often referred to as a "last ditch defense system". If this is "last ditch", what is the "next-to-the-last-ditch" system? Why not improve this one, rather than taking a completely new approach?

g. *Sweden—Discussions with U.S. Ambassador Robert Strausz-Hupe and the Military Attache indicated the following:*

(Omitted.)

h. *Sweden—National Defense Research Institute—Discussion with Director General Nils-Henrik Lundquist reflected the following:*

(Omitted.)

i. *Sweden—Defense Materiel Administration—Discussions with Major General Carl Gustav-Stahl, Chief of the Planning Directorate and other government personnel indicated as follows:*

(Omitted.)

j. *SAAB—Discussion with Dr. Malkowsky, Director, indicates as follows:*

(1) SAAB is the sole manufacturer of the military aircraft in Sweden, as represented by the Viggen.

(2) Viggen is a competitor with the French Mirage F-1, the YF-16 and YF-17 air combat fighters for the four nation European consortium to replace the F-104G. However, articles in the press and periodicals indicate that Viggen is not a serious candidate.

(3) (Omitted.)

k. *Bofors Ordnance Division—Mr. Lennart Palsson, Vice President and General Manager, and Mr. Ake Isaksson, Director of Research and Development Department.*

(1) and (2) (Omitted.)

(3) 40 mm L/70 anti-aircraft gun system was demonstrated, and the results of previous test firings with proximity fuzes were examined. These were very impressive.

(4) The self propelled 155 mm field howitzer, FH-77 was discussed and operated, but not fired.

(5) The Swedish Main Battle Tank S was demonstrated and operated but not fired. This tank does not have a movable turret but has a number of unique features including high rate of fire, low silhouette, and reverse drive at high speeds.

l. *Barracuda-verken—Mr. Bo Abrahamsson, Chairman of the Board.*

(1) This company specializes in the development and production of camouflage nets and materials. It is recognized as a leader in this field and has particular expertise in production techniques which U.S. industry has not been able to match.

(2) Mr. Abrahamsson emphasized the interest of the company in cooperating with the United States in transfer of advanced technology under normal licensing agreements with industry, including a turn key program to build and equip a production facility in the U.S. Attached is a letter dated October 3, 1974, from Mr. Erik Gustafsson, President, which indicates that he is following my suggestion to contact U.S. agencies to initiate such an agreement. This should be followed up by the Army Mobility Equipment Research and Development Center (MERDC), Ft. Belvoir, Virginia, which is the responsible agency. The committee should be kept advised to insure that this opportunity is not overlooked.

(3) The company entered into an agreement with Dow Chemical a number of years earlier, when Dow was competing with the Brunswick Corporation for an Army contract. Dow did not succeed, and the agreement was terminated in 1973. A cooperative agreement has been reached with Brunswick.

m. *Oerlikon-Contrares, Switzerland—Mr. J. Gimmi, Manager (Oerlikon), and Mr. Bon, President and Mr. W. Hochstrasser, Sales Director (Contrares).*

(1) Flakpanzer—All weather anti-aircraft gun system equipped with twin 35 mm guns and self contained surveillance and tracking radar. These are now being produced mounted on the Leopard I Chassis for Germany, Holland and Belgium. The contractor stated that the system could be adapted to the M-60 and M-48 tank chassis with some modification to the tank. The Army should be asked to state what requirement they have for such a system and how this system may or may not be adapted to meet this requirement.

(2) There was a discussion of the relative effectiveness of the Oerlikon 35 mm high rate of fire conventional round with the Bofors 40 mm proximity fuze round. This was not resolved and should be addressed to the Department of Defense as an area of interest to the committee. The Department should explain what has been done to determine the relative effectiveness of these two approaches and whether there is potential merit in developing 35 as well as 30 mm rounds with proximity fuzes.

(3) Sparrow Skyguard all weather Point Defense System. This consists of the Sparrow missile with Skyguard Fire Control Unit. The fire control system was demonstrated against an airplane in flight and appeared to be effective.

(4) Bushmaster—Oerlikon stated that during the development of this system they had provided a quantity of 35 mm ammunition for the TRW/Philco Ford gun. TRW dropped out of the program and the Bushmaster development has been suspended but Philco Ford is using the 35 mm ammunition for other purposes.

(5) Oerlikon-Contrares finance their entire research and development effort with company funds. Their philosophy is to subcontract a substantial part of their work to maintain a comparatively small and stable level of production. This approach, where it can be applied, has merit.

n. *German Ministry of Defense—Dr. Seydel, Armaments Department, Brigadier General Brandt, Military Materiel Land Forces, Brigadier General Trienes, Military Materiel Air Forces.* This was a preliminary meeting followed later by a meeting with their superior, Mr. Eberhard.

(1) Flakpanzer—This was discussed with Oerlikon-Contrares as previously reported, but the following additional information was obtained.

(a) Orders have been placed for the following quantities:

(Omitted.)

(b) (Omitted.)

(c) Krauss-Maffel will be the prime contractor for production of NATO units other than the United States.

(d) Tests are now being completed at the Army White Sands test facility, but there is not yet a position by the United States regarding this system. Germany is ready to proceed if a favorable U.S. decision is made.

(e) The effectiveness of the gun system would be the same whether mounted on Leopard II, M60 or the M48 chassis. It is primarily a case of the vehicle being able to keep up with the tanks.

(2) Standardization—My reiteration of Senator McIntyre's strong emphasis of this met with enthusiastic support. It was stated that if the U.S. and Germany agree upon a joint program, it has a strong influence on its adoption by other NATO countries.

(3) (Omitted.)

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(4) Motorola is working on a proximity fuse for 35 mm ammunition. This should be verified and commented upon in regard to the earlier report on this visit to Oerlikon-Contraves.

(5) SAM-D—German strong support continues for SAM-D as a replacement for Nike-Hercules. I indicated how important this interest could be to future Congressional support of this program. The Germans see merit in the possibility of evolving Improved Hawk into a more capable system by upgrading it with specific elements of SAM-D on an incremental, evolutionary basis. The SAM-D radar and Fire Control System would be early candidates. I explained that this was my own proposal and not that of the committee, the contractor, and the Pentagon.

(6) (Omitted.)

(7) There was a general feeling that if the NATO Defense Ministers took a more active part in decisionmaking, matters of standardization and of the pursuit of specific programs would be advanced.

o. Messerschmidt-Boelkow Blohm (MBB)—*Manching Flight Test Center—Mr. Forster-Steinberg.*

(1) MRCA—Joint British/German/Italian development of Multi-Role Combat Aircraft. Key element in this program is the willingness of participating countries to share technology. In production, each part of the airplane will be built by only one company but final assembly will be done in all three countries for their own requirements. Nine prototypes are being built (3 for Germany, 4 Britain and 2 for Italy). First flight was August 14, 1974. 3,000 flight hours are planned prior to initial operational capability date in 1978.

The commitment to this aircraft by the three countries could force them for political reasons and national pride to complete development and produce for inventory regardless of technical problems, delays or cost.

(2) U.S. Army has indicated an interest in the Bo-105 or -115 helicopter (Bo-115 is a tandem Scout version of the 105 which the Germans have not yet adopted) for the Aerial Scout as an alternative to a completely new development.

(3) UTTAS—Mr. Forster-Steinberg referred to the licensing agreement which MBB has with Boeing Vertol on helicopter production, which would include UTTAS.

In my opinion, regardless of the U.S. Army's selection of the Bo-105 (or 115) for Aerial Scout, MBB still will push for European adoption of the Boeing UTTAS.

p. VFW-Fokker—*Manching.*

The VAK 191-B lift plus lift cruise VTOL aircraft was the primary subject of discussion. This experimental program is approaching its end unless the U.S. government or U.S. industry takes a direct interest. The third aircraft is being cannibalized to keep the other two in operating condition. The German government is no longer willing to support this technology program.

The statement was made that lift plus lift cruise is a more efficient system for VTOL application than the Harrier concept. Considering that the Congress has directed that the third technology, the Thrust Augmented Wing, be phased out by the Navy at the end of this year and possibly picked up by NASA, the VAK 191 technology may be worthwhile for the Navy to continue at a modest level. Attached is a letter from VFW-Fokker including a proposal for continuation of the program. A more detailed proposal was sent directly to the U.S. Navy. The Navy should comment on their reaction to this proposal.

q. Dornier—*Friedrichshafen, Dr. Klaus Islerland.*

(1) History of building flying boats. Discussions are being held with Spain and France on possibility of new developments.

(2) CL-89—This is an operational drone being built by Canadair (Division of General Dynamics) and Dornier and is a joint Cana-

dian/British/German program. Canada and the U.S. Army are negotiating on possible token quantity procurement by the U.S.

(3) CL-289—Reconnaissance Drone; Joint Canadair/Dornier development; recoverable by parachute; (omitted.)

OSD should state what plans, if any, there are for U.S. participation in the CL-89 and CL-289 programs.

(4) Kelbitz—Tethered rotor platform with fuel fed continuously from the ground or ship.

There now is a cooperative program with France which involves a French radar mounted on Kelbitz for battlefield surveillance. This is called Argus. Two prototypes being built. Could also serve as RPV relay station.

The Sea-Kelbitz, for shipbased operation, combines the Dornier Kelbitz with the British Ferrante Seaspray radar which now is being tested.

U.S. Interest-Boeing entered into an agreement to license Kelbitz some two and a half years ago. Boeing is exploring possibility of a sensor test. Kelbitz will be demonstrated to U.S. Army in November or December 1974. Dr. Robert Dilloway, Scientific Advisor to Army Materiel Command, has expressed an interest. The U.S. Navy is aware of this program which has possible use as a ship-based RPV. The Navy should comment on this.

(5) Aerodyne Drone—Sponsored by German military beginning in 1967. Advanced development program.

(6) Alpha-Jet—Cooperative development between France (Dassault) and Germany (Dornier). France will use this as a trainer while Germany will use it as a close air support aircraft. Has two newly developed SNECMA Turbomeca Larzac 04 engines. IOC date is 1977 for German Air Force. Development started in May 1972 with first flight in October 1973. It is interesting that, unlike the U.S. where development is covered by a cost reimbursement type contract, this development was done under a fixed price contract. OSD should comment on this as well as on the fact that only four development prototypes were built and no preproduction prototypes were involved. OSD also should address a possible interest as a U.S. trainer.

(7) Standardization of aircraft guns—The Alpha-Jet for the French contains a DEFA 30 mm gun which is the same caliber being used by the U.S., while the Germans will use a 27 mm Mauser cannon. This is a single barrel gun carried in a pod centerline below the fuselage. The 27 mm gun size also is being used in the MRCA airplane. This illustrates the broad problem of standardization which is unduly complicated by the various NATO countries adopting different guns with different sizes of ammunition for their operating forces. This is a major concern to be addressed by OSD.

r. Krauss-Maffel, Munich—*Mr. Hans-Dietrich Von Bernuth.* The entire discussion involved the Army XM-1 and the Krauss-Maffel Leopard II (L II) tanks. The meeting was held at the contractor's plant but was conducted by Brigadier General Brandt from the German Ministry of Defense. Significant points of discussion follow:

(c) Growing shortage of funds pushes all NATO countries towards greater cooperation in research and development and procurement.

(d) It is necessary to put national prestige into a secondary role and become partners rather than competitors on an international basis. The German Ministry of Defense and the U.S. Department of Defense have joined in formal support of this philosophy.

(2) Tri-lateral MOU (UK/US/FRG) covering main armament assessment provides for comparative trials during 1975. Participation by France is now under discussion.

(3) U.S. is testing L II chassis at Aberdeen Proving Ground. Trials show that almost all U.S. requirements are being met. U.S. should seriously consider the possibility on

a competitive basis, of adopting L II with modifications to meet the XM-1 requirement.

(4) Germany has ordered another L II prototype to be fitted with improved armor to meet U.S. Army requirements. They will pay for this.

(5) (Omitted.)

(6) (Omitted.)

An MOU is under discussion to cover this approach. Draft MOU was sent to U.S. Department of Defense in August 1974. U.S. Army on October 3, 1974 returned the MOU with many proposed changes. Now being staffed within the German MOD.

Germans consider U.S. Army changes to be very comprehensive and very expensive. For example, the U.S. Army wants tests to be conducted in the U.S. The L II prototype would be brought to the U.S. The Germans are willing to do this at their expense. U.S. wants Germans also to produce test sections for live firing tests in the U.S. Such testing would save costs if conducted in Germany. U.S. also wants a hull and turret to be brought to the U.S. for test. This is a new requirement. (Mr. Wahl of the German MOD was concerned about this and planned to speak with Dr. Currie in Paris several days after my visit.)

General Brandt said that his visit to the U.S. in February 1974 on this problem was not conducive to the objective of exploring this joint test program. He recognized the need to win U.S. Army support. Mr. Wahl wrote directly to General Deane, U.S. Army Chief of Research and Development, about this.

(7) Teledyne-Continental has a licensing agreement with MTU for the Model MB 873 MTU engine for the XM-1. U.S. Army has decided that the first two tanks will have the Continental engine but the third vehicle will have the MB 873 MTU engine. This is the subject of a study being conducted under the XM-1 program.

(8) FMC Corp. and Krauss-Maffel executed a Memorandum of Understanding several months ago whereby FMC would build the modified L II tank if the program is approved. This was informally discussed by General Brandt with General Deane, who thought that Germany should direct the study because if the U.S. Army directed it and the study was negative, the Army could be criticized for not being objective. He also felt that this would overburden the XM-1 Program Office. General Brandt feels that it is important for the U.S. Army to direct the study and the results should be available by June 1976 when comparative trials with the XM-1 are concluded. He said that a German directed study would be useless because the U.S. Army knows the requirements, limitations, and procurement procedures. This study was to be discussed at the next four power meeting.

(9) The L II Daimler Benz engine, combined with the Reink transmission and the Diehl track has a growth potential up to 2,000 horsepower. This compares with a potential of 1,800 for both the General Motors Continental powered XM-1 and Chrysler Avco Lycoming powered XM-1 candidates. OSD should address the practicability of another possible approach involving the two XM-1 contractors building a prototype tank with the L II power train (engine, transmission and track).

The XM-1 versus the modified Leopard II is an issue of major importance to the Germans, to the U.S. Army, and to the Congress. OSD should consider all of the facts in this report and advise the committee of their reaction and of their future plan for this program. The simple objective should be to select the most capable system to meet the stated requirement at the least cost. Schedule considerations should be somewhat flexible to permit the most cost effective choice. The attached letter dated June

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27, 1974, from Dr. Currie to Mr. Wahl, German MOD, contains the specific details of the then current understanding between the U.S. and Germany.

s. German Ministry of Defense—*Mr. Eberhard.* With further reference to paragraph 6n above, I met privately with General Brandt and Mr. Eberhard, his superior. The results of this meeting are as follows:

(1) He confirmed Germany's complete support of cooperation with the U.S. and other NATO countries in research and development and production as well as standardization of weapons and other military equipment. He added that Germany is willing to reduce technical and operational requirements by as much as 15 percent to achieve commonality and interoperability with other NATO forces.

(2) I described the current status of development of the Pershing II missile including final Congressional action on the FY 1975 program which reduced the Pershing II funds requested from \$11.2 million to \$2 million. The \$12 million for the companion radar area correlation program was approved as requested to support supersonic flight test prior to initiation of Pershing II development. The Congress has recognized that Germany, having Pershing I missiles deployed, should be interested in ultimately adopting Pershing II.

I suggested that Germany could be interested in joining the U.S. in developing Pershing II. This would enhance approval and support of Pershing II by the Congress if it proves technically sound. It also could lead to cooperative production with Germany under appropriate licensing agreements. Mr. Eberhard said that he would be willing to discuss this the following week when he met in Paris with DDR&E representatives.

(3) SAM-D—I reviewed the situation as discussed under paragraph 6n(5). Mr. Eberhard agreed to discuss this at the Paris meeting previously described, for possible German participation in an evolving SAM-D program. I added that this could possibly include production of SAM-D components in Germany, under appropriate licensing agreements with U.S. contractors.

(4) Offset funding—We discussed the need to clarify problems involved in German government approval of individual R&D projects in time to be candidates for offset funding support. It appears that Germany must explore this in relation to their internal programming and budgeting cycle which does not coincide with the bi-annual offset funding agreements between U.S. and Germany. Mr. Eberhard said that he would discuss this in Paris with DDR&E the following week and would explore the internal German government impediments to greater use of offset funds for R&D. I said that I would pursue it with OSD. I explained that I had discussed this with Dr. Shields, OSD ISA, and that my efforts were consistent with the views of that office.

(5) Mr. Eberhard expressed his appreciation of my efforts in furthering consideration of the three European candidates for the SHORADS program. He complimented Senator McIntyre, the Armed Services Committee, and both houses of Congress for approving funds for FY 1975 and directing that source selection be based on an objective and competitive basis.

(6) Armbrust—This is a light antitank weapon being developed by MBB in Germany. It was an item of interest addressed as the result of my trip last year. There are some significant technical problems which must be solved before this program is seriously considered either by the German or U.S. Armies. Mr. Eberhard said that Germany has initiated conceptual studies of a system based on Armbrust technology, and that information has been forwarded to OSD. DDR&E should be requested to provide the current status of any interest in this development.

(7) Heavy Lift Helicopter—The Germans have no interest in this development program.

t. General John W. Vogt, Jr., *Commander-in-Chief, U.S. Air Forces, Europe, Ramstein.* Summary of his views and comments follows:

(1) Progress is being made in establishing an integrated command, control and communications center of NATO air forces in Europe.

(2) (Omitted.)

(3) (Omitted.)

(4) (Omitted.)

(5) (Omitted.)

(6) (Omitted.)

u. NATO Advisory Group for Aerospace Research and Development (AGARD), *Paris—Col. Dimon and Major Catiller.* The presentation covered a description of the organization, its mission, its size (40 people including 8 military and 8 secretarial) and its operations. It is jointly staffed by the NATO countries, financed with NATO funds, and grouped into 9 permanent technical panels. The mission is to bring together the leading NATO aerospace scientists and engineers to exchange scientific and technical information, advance science and technology to strengthen NATO, and provide information and advice to NATO regarding research and development. It appears to be an effective organization in the accomplishment of its mission.

v. French Ministry of Defense—*Mr. Laurens Delpech, Minister Delegate for Armament.* Significant points of the meeting include the following:

(1) General Impression—The three hour working lunch provided an excellent opportunity for candid discussion. Mr. Delpech did not invite my two escorts to attend but he did permit Captain Leverone from the MAAO office to accompany me. I was impressed with his candor and with his statement that he has been dedicated to cooperation with the U.S. for the past 35 years. He is interested in pursuing cooperative programs, but, as his predecessor made pointedly clear to me last year, on a bi-lateral basis. He was complimentary about my efforts last year to foster cooperative research and development with the European community and recognized the opportunity of SHORADS for the three competing European systems vs. Chapparel. He is well informed on the Congressional actions on this subject and believes that Congressional intent is to make this selection equitable. He is a strong supporter of the concept of standardization as a principle but recognizes it is somewhat elusive in practice.

(2) (Omitted.)

(3) Offset Agreements—He suggested that instead of individual agreements on an item-by-item basis the approach should be to negotiate an overall offset agreement with the U.S. to include not only military equipment but also military "related" equipment such as commercial aircraft engines. I told him that his idea appears to have merit although I did not then feel qualified to address its full implications. This is an item for attention by the Departments of Defense, Commerce and State. DOD should be asked to comment on this.

(4) (Omitted.)

(5) SAM-D—Discussed previously with the German MOD, as described under paragraphs 6n(5) and 6s(3). Mr. Delpech said that he is interested in my suggestion of potential French participation in evolutionary improvement of Improved Hawk with SAM-D subsystems as they are developed and proven. (Here again, that is a potential opportunity for either bi-lateral or multi-lateral programs with Germany and/or France.) OSD should comment on this possibility and desirability of a joint program with France and/or Germany.

(6) Advanced Harrier—This was not an

item discussed with Mr. Delpech. However, upon my return from the trip, I was invited to a dinner with General Jouffret who works directly with Mr. Delpech, and some French Embassy people. I explained that if the British government does not support the Advanced Harrier, this could jeopardize Congressional support of this program in FY 1976. I suggested that if the British did not support the program the French government may have an interest in filling the gap. The potential for shipboard operation may be of interest to the French Navy and the potential for military sales to other countries could be of interest to the French government. I stated that my personal concern was that the program could go down the drain if the U.S. was left as the sole supporter. While I did not make the point, I believe that in a broader sense, the opportunity to obtain French participation on a tri-nation basis including the U.S. could be a breakthrough in departing from their classic and restrictive bi-lateral policy. (I conveyed this information to Dr. Currie before he left on his trip to attend a CNAD meeting during the last week of October 1974.)

(7) Javelot Air Defense Gun—Last year, U.S./France completed Phase I, demonstrating the feasibility of this concept. Phase II, testing of the gun against aerial targets, is contingent on agreement by U.S. and France to proceed. The French are awaiting the U.S. decision. OSD should state what decision has been made, or when it may be expected.

(8) (Omitted.)

(9) Lynx ASW Helicopter developed by U.K. and France—Although the U.S. Navy now is considering a UTTAS derivative as a candidate to satisfy the Lamps requirement, the Lynx is cheaper and carries a smaller payload. It also will be used by the British. OSD should address the need for the payload and range requirement specified by the U.S. Navy for the Lamps mission and advise the committee if a smaller, less capable helicopter than UTTAS will suffice. (Refer to paragraph 6e(3). This was also discussed after my return with representatives of Westland Helicopters, British participant in Lynx development.)

w. SNECMA, *Paris—Mr. J. C. Malroux, Program Director.* Highlights of this visit are as follows:

(1) CFM 56 Engine—The cooperative program between General Electric and SNECMA to develop this 10 ton high bypass turbofan engine is a notable example of combining technology and resources with the objective of mutual benefit to the companies as well as to the United States and France. G.E. contributed engine core technology while SNECMA's contribution is development of the low pressure system, reverser system, gear box, accessory integration and engine installation.

SNECMA feels very strongly that their technical contribution to this joint development is of substantial significance.

The CFM 56 engine has significant potential for a wide range of airplane applications, both military and civilian.

The CFM 56 program is progressing satisfactorily. Estimated total development cost of \$500 million, of which about \$50 million already has been spent. Engine development and certification is scheduled for completion in December 1977.

(2) The SNECMA engine facilities in the Paris area impressed me as being modern in all respects.

(3) SNECMA has a long history of successful engine development and production as represented by the ATAR engine family powering the Mirage III airplane. Current engine developments include the M53 for the next generation of French combat aircraft, and the LARZAC engine which powers the Alpha-Jet and will be suitable for drones and RPVs. (Teledyne CAE has an option to license the LARZAC engine for production in the U.S.)

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(4) I was impressed with the presentation made on the relationship between their sales and the personnel employment for the period from 1964 through 1974. While their sales increased during the recent five year period 1969 through 1974 from 1.2 billion francs to 1.8 billion francs, some 50 percent, their employment declined from 15,000 to about 14,000. It would be interesting to compare the trends of our own major engine and airplane manufacturers with that of SNECMA.

7. There is a basic and difficult problem concerning the reluctance of the United States to make its advanced technology available to the other NATO countries and to other countries of Western Europe with whom we have special relations. This reluctance is resented by some of these countries, although on a case-by-case basis we do make exceptions. The G.E. engine core technology is an example.

The U.S. concern is valid where it relates either to the possibility that transferred U.S. technology could show up in modern arms in the hands of third countries and be employed contrary to U.S. national security interests; or to the possibility that foreign industry would be placed in a more competitive position and jeopardize the foreign markets of U.S. industry.

There is another factor which must be considered in this problem. It is the practical recognition that technology is perishable. With time and with investment, European industry can catch up and possibly pass us by where they elect to place their greatest emphasis in selected areas. In these circumstances, it is not in our interest to deny our industries the opportunity to "sell" their technology abroad and profit from such sale while there is a demand. Otherwise, the opportunity may be lost with no advantage to U.S. industry or U.S. government interests. This complex problem requires the highest level attention by the Departments of Defense, State and Commerce, although it is not a new problem and has been generally recognized. What it needs now is a new focus of attention in a period of growing economic pressures throughout the free world and the erosive effect of high inflation on a generally constant level of Defense spending. OSD should comment on this problem and take the lead in solving it.

8. Conclusion—The conclusion stated in the January 21, 1974, report on my previous trip to Europe is even more applicable now, a year later. It reads as follows:

In summary, the major conclusion reached as a result of this trip is that it is in the interest of the United States, as well as our allies, to recognize the urgency and necessity for closer cooperation in research and development and to infuse the existing organizations responsible for this task with a greater awareness of this situation at all levels of organization up to the national leadership. In a world of growing technical competition where our very national survival could be involved, and with the growing pressures of non-defense programs in all countries for increased support, expanded cooperative research and development represents a positive method for retaining our lead in technology where it already exists, and for recovering the lead in those critical technologies where we may be losing ground. This message must be emphasized to a larger segment of the Congress. The basic findings contained in this report should be examined closely by the Members of Congress and the Administration and translated into appropriate positive actions. To ignore this matter is to risk erosion of the U.S. and NATO lead in future weapons and possibly jeopardize the future security of all the countries involved.

Attachments:

1. Rolls Royce letter of October 17, 1974, with inclosure
2. Chief MAAG, Netherlands letter of June 21, 1974 (Confidential)

3. Barracudaverken letter of October 3, 1974

4. VFW-Fokker of America letter of October 7, 1974

5. DDR&E letter of June 27, 1974

REPORT ON CONGRESSIONAL PLACEMENT OFFICE

Mr. METCALF. Mr. President, on August 18, 1974, press reports alleged that discriminatory employment practices were being followed in certain congressional offices.

As evidence, these reports referred to, quoted from, and reproduced several job order forms which had been removed from the files of the congressional placement office, forms which contained notations indicating the employing offices would not consider applicants from specified racial, religious, ethnic or other backgrounds.

On August 19, 1974, in my capacity as chairman of the Joint Committee on Congressional Operations, which has jurisdiction over the placement office, I expressed my personal abhorrence of discrimination of any kind, promised a complete investigation of the alleged incidents, and directed the staff of the placement office to refuse to accept or process job orders which included discriminatory qualifications, that is, requirements other than those related to education, experience, necessary skills, availability, salary requirements, geographical location, and stated political preferences.

In the investigation which followed, staff members of the joint committee reviewed all past and pending job order forms on file in the placement office, covering the entire 3-year history of that office and totaling approximately 5,000 in number. Forms which contained notations indicating discriminatory preferences of an exclusionary nature were subjected to further study in an effort to determine the sources, timing, and circumstances responsible for such notations.

In addition, staff members reviewed the operating practices and procedures of the placement office with regard to the receipt and processing of job orders, the assembling of panels of applicants to be referred to employing offices, followup discussions between personnel of the placement office and employing offices, and the format and structure of the forms on which employment information was entered.

Interviews with past and present employees of the placement office and with joint committee staff members responsible for supervision of the office were conducted, together with similar interviews with Members and staffs of the office alleged to have submitted discriminatory job orders. Numerous discussions were also held with staff members of other offices concerning their experience in dealing with the placement office in an attempt to determine from non-involved sources whether any placement office practices may have revealed discriminatory tendencies or invited such expressions from employing offices.

On the basis of the information ob-

tained from these sources, the following findings have been established:

First, a total of 48 job orders were found which contained notations of exclusionary preferences or instructions. These 48 job orders were phoned to the placement office from 25 House, Senate, and committee offices. These 25 offices submitted a total of 132 job orders to the placement office, of which 84 did not contain exclusionary notations of any kind.

Second, in the great majority of cases, the exclusionary preferences were based on race, with the job order forms containing such notations as: "no blacks," "white," "white only," "caucasian." In the remainder of the cases, such preferences were directed against "minorities" generally and, in specific instances, against "Catholics," those with "southern accents," persons born under the "water signs" of the Zodiac, and women who wear "pants suits."

Third, in no case could it be determined that a Member of the House or Senate personally instructed the placement office to discriminate against or to exclude any class or group of persons from the panels of applicants to be referred to the Member's office for consideration. Only one Member of Congress—on two occasions—appears to have personally phoned in job orders concerning which the forms show exclusionary specifications. In each instance, careful examination of the forms and study of supplemental notations in the context of followup conversations with staff members in the Member's office, strongly suggest that the exclusionary specifications originated with one or more of the Member's staff employees. And in a sizable minority of such job orders, the job order forms indicate that the notation of exclusionary specifications was made at some time after the original order was submitted, following supplemental calls between placement office personnel and employing office staff, neither of whom in several instances were parties to the original listing.

Fourth, approximately 160 other job order forms contained notations expressing preferences for applications from one or more minority groups. Such notations included "prefer Jewish," "prefer black," "black," "Spanish," "black or chicano," "black or oriental," "Polish surname," "black or Puerto Rican," "minority only," "Mexican American," and "Puerto Rican."

Fifth, since neither the joint committee nor the placement office has authority to establish standards or qualifications for employment in congressional offices or authority to police discriminatory employment practices in those offices it has been impossible to determine in most cases, with certainty, the person or the circumstance responsible for the exclusionary job specifications.

Sixth, there is no evidence available to the joint committee which suggests that present or former employees of the placement office consciously encouraged staff members of employing offices to specify exclusionary employment qualifications or requirements. But, however

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indirectly or innocently, the placement office did accept job requirements unrelated to reasonable qualifications for positions in congressional offices, and did attempt to honor those job requirements by referring to the employing offices only those applicants who met the stipulated requirements.

Seventh, a number of factors, however, including prevailing philosophies in the placement office of service to Members, the structure and composition of the job order form, personnel turnover and the resulting shortage of fully trained personnel in the placement office, and the ambiguities, misunderstandings, unwarranted assumptions, and other shortcomings that often plague day-to-day communication between individuals in busy offices can, singly or in combination, help explain the existence and acceptance of some of the discriminatory job orders. To illustrate—

The placement office staff, as is generally the case in other offices in the Congress providing services to Members and their staffs, has intended to adopt the attitude—laudable in most instances—that requests from Members' offices will be met, if possible.

Throughout its brief history, the placement office has been subjected to more than normal rates of personnel turnover, due both to relatively low rates of compensation and the corresponding attraction of the higher paid jobs which employees saw daily coming to the placement office. At certain times, therefore, including the summer of this year, the placement office was staffed with less than adequately trained personnel, thereby increasing the possibility of misunderstandings and unwarranted assumptions.

The format of the job order form and the process of acquiring information needed to complete it may also have contributed either to misunderstandings between the placement office employee and the staff members of the employing office or to casual or careless expressions of preferential characteristics. In addition to spaces for information about required skills, education, experience, salary range, and type of position, the form then in use also included space for entering preferences regarding sex, age range, marital status, and other special—unspecified—requirements. Customarily, a staff member phoning in a job order simply stated that Congressman X's office was looking for a new caseworker, secretary, receptionist, and so forth. In the ensuing conversation, the placement office sought additional details.

There is some evidence, in fact—though not extensive—that placement office employees, at the point of soliciting additional information, from time to time queried the employing office as to whether it would be willing to interview black or other minority applicants. However, what was intended as a form of affirmative action in an equal employment opportunity sense may have stimulated a reverse response from the potential employer's staff—and, possibly an expression of personal rather than official bias.

Eighth, it remains to be stated that, regardless of the multiple possible explanations for discriminatory employment practices in Members' and committee offices, the joint committee and those senior staff members supervising placement office operations share a responsibility for placement office acceptance of discriminatory job orders. Although it was never the policy of the joint committee to condone discrimination of any kind, it was a failure on our part not to have foreseen the problem and to have instructed the staff of the placement office—at the outset of its operations—to refuse to accept discriminatory job orders from any and all sources.

Mr. President, while congressional employment practices are exempt from the requirements of Federal equal employment opportunity and related statutes—and thus from the supervisory and enforcement authority of executive agencies—because of both specific statutory provisions and the separation of powers doctrine, such exemptions were designed to preserve the independence of the legislative branch, not to relieve Members and staff from the moral obligation of adhering to fair employment practices.

As I mentioned at the outset, as soon as the press reported the allegations of discriminatory congressional employment practices, I directed the staff of the placement office—with the explicit concurrence of the distinguished vice chairman of the joint committee, Representative Jack Brooks—to refuse to accept, as of that moment, any job orders, or other instructions, requests, qualifications or requirements which involved discrimination of any kind. As I stated publicly on August 19, 1974, "I have ordered the placement office staff to accept requests limited only to the following necessary skills: experience, education, salary requirements, availability, and geographical location. In addition, an applicant's stated political preference will be honored." Subsequently, in view of the necessarily political character of the institution, the placement office was instructed to accept political preferences as a bona fide job requirement from employing offices.

Moreover, in a jointly signed letter, Congressman Brooks and I informed every Member of the House and Senate, congressional committees and officers of the two bodies of this action. Employees of the placement office were thoroughly briefed on this directive and instructed in the means of implementing it. The office's job order form was redesigned, with those sections of the prior form relating to the preferred sex, age range, marital status and other possibly discriminatory requirements for applicants eliminated. Staff members of the joint committee responsible for supervising placement office operations were directed to monitor carefully the carrying out of the new policy and procedures. The staff of the placement office was strengthened by the addition of more experienced personnel and the upgrading of others.

In addition, the staff of the placement office has been directed to submit to the joint committee more frequent periodic

reports on the operations of the office including implementation of the anti-discrimination regulations. The staff has also been directed to consult, at the earliest opportunity, with experts in the field of fair employment practices as part of a continuing program to enhance employees' understanding of and compliance with the requirements and spirit of anti-job discrimination laws and regulations.

As a result of these changes, I can report that in the period since the abuses were revealed, not only has the placement office refused to accept discriminatory job orders, there have been only a very few instances where the staff of that office has been asked by an employing office to accept a job requirement that could be interpreted to be discriminatory. I believe this can be attributed to an understanding and an acceptance—throughout the Congress—of the efforts we have made to eliminate discriminatory practices in congressional hiring, so far as the operations of the placement office are concerned.

While I deeply regret, Mr. President, the circumstances which made this investigation necessary, I am reminded that opportunity often arises from adversity. I am convinced the steps we have taken insure that the discharge of its responsibilities by the placement office, from the time this matter was brought to my attention and henceforth, will be fully in accordance with fair employment principles and practices.

However, assurances that the placement office will not be a party to discriminatory practices in congressional hiring cannot alone eliminate employment discrimination in the legislative branch.

As I mentioned earlier, I found the responses of the employing offices to the changes we have made in the placement office operations most gratifying. I am encouraged, as well, by recent actions undertaken in the other body toward equal employment opportunity.

In adopting House Resolution 988, the Bolling-Hansen resolution, reforming the structure, jurisdiction and procedures of its committees, the House provided that the staff of its standing committees shall be appointed "without regard to race, creed, sex or age."

Subsequently, the caucus of Democrats who will sit in the House in the next Congress, meeting for purposes of organization for that Congress, adopted a resolution offered by Representative Brooks, which extends fair employment principles to cover all employees of the House and provides procedures to deal with allegations of discriminatory employment practices within that body.

The proposal would amend the Rules of the House to add this language to the code of Official Conduct of that body:

A Member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin.

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The jurisdiction of the House Committee on Standards of Official Conduct is defined by this code and the committee, upon the adoption of this amendment to the rules, would become responsible for studying, investigating and making recommendations regarding allegations of discrimination in employment within the general authority granted the committee.

I think the time is long overdue for the Senate to adopt equal employment opportunity as a principle of all its employment practices. Accordingly, I am proposing that the Rules of the Senate be amended to prohibit discrimination in employment in the Senate because of race, color, religion, sex or national origin, with the Senate Select Committee on Standards and Conduct having the jurisdiction and authority to enforce such a prohibition.

I am introducing a resolution to this effect prior to the final adjournment of this Congress, in order to afford my colleagues an opportunity to study the proposal prior to the convening of the 94th Congress, when action would be appropriate.

I acknowledge the limitations of my proposal—and, perhaps, of any proposal in this area—in relation to the complexities of prohibiting discrimination in employment in the Senate. It may not be the perfect solution; it surely is not the only solution.

But it is imperative that the Senate—and the Congress, as an institution—act to insure that there is no discrimination in employment in the Congress by accepting the responsibility for prohibiting discrimination and enforcing that prohibition, a responsibility appropriately denied any other institution of our Federal Government by the constitutional doctrine of separation of powers.

It is the acceptance of this responsibility, our understanding of it and our mutual effort to see that it is discharged—and not merely the artfulness of the language by which we state it in a resolution—that will determine whether the spirit of equal employment opportunity will be a hallmark of Senate employment practices.

Of all the institutions in this country, there should be no tolerance of discrimination in employment in the Congress of the United States. It is appropriate as we prepare to begin a new Congress that each one of us reconfirm our commitment to equal employment opportunity and honor that commitment in the hiring practices of this institution, in which we are privileged to serve in the interests and at the pleasure of the people of this Nation. We must ask no more of them than we are willing to give of ourselves.

Mr. President, I ask unanimous consent that the text of my resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. RES.—

Resolution prohibiting discrimination in employment in the Senate because of race, color, religion, sex, or national origin

Resolved, That (a) no Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

- (1) fail or refuse to hire an individual,
- (2) discharge an individual, or
- (3) otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment,

because of that individual's race, color, religion, sex, or national origin.

(b) No Member, officer, or employee of the Senate shall, with respect to employees under his jurisdiction, control, or supervision, limit, segregate, or classify such employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise affect his status as an employee, because of that individual's race, color, religion, sex, or national origin.

Sec. 2. (a) The Select Committee on Standards and Conduct shall have jurisdiction to enforce the provisions of the first section of this resolution. For such purpose, the Select Committee shall—

- (1) prescribe procedures for the correction of violations of such provisions,
- (2) prescribe penalties for such violations, and

(3) issue such rules and regulations as it deems appropriate.

(b) In carrying out its duties and functions under subsection (a), the Select Committee may exempt any position from the provisions of the first section of this resolution relating to discrimination because of sex, if the Select Committee finds that sex is a bona fide occupational qualification for that position.

EMERGENCY ENERGY LEGISLATION

Mr. MAGNUSON. Mr. President, it is with deep regret that I must report that the administration is not willing to cooperate in enacting emergency energy legislation in this session.

The Senate committees with responsibility in this area are organized as a team under the leadership of Senator Jackson. We have prepared a clean amendment to provide standby emergency authority to assure that essential energy needs of the Nation are met. Our representatives have engaged in good-faith negotiations with the administration and we have accepted most of their suggestions. The remaining differences on the emergency bill are minor, but negotiations over the weekend and into this week were to no avail.

Mr. President, it is painfully evident that the administration is not really interested in obtaining the standby emergency authority. The minor differences that remain could be quickly resolved if there were any spirit of cooperation.

A basic ground rule for enacting emergency legislation at this late hour is that the bill must be limited to noncontroversial measures which are truly urgent to meet an emergency—such as another embargo—that could take place before the Senate could act next year. Our bill provides such items as standby rationing and energy conservation plans for such an emergency.

In an effort to pass such an emergency bill in this session, Senator JACKSON removed his oil price rollback provision and other controversial items from the bill. Despite these concessions, the administration in the past few days has

injected its proposal to decontrol natural gas prices as a part of the energy emergency legislation. Changes in natural gas pricing are important, but are completely separate from the measures needed in an emergency. Secretary Morton conceded before the Senate Commerce Committee on December 4 that nothing the Congress could do on natural gas pricing would have any appreciable supply impact this year, or for that matter, until nearly 1980.

Mr. President, the Senate Commerce Committee is committed to bringing natural gas reform legislation to the Senate floor at the earliest possible date in the new Congress. The committee this session held the most intensive review ever conducted of the Natural Gas Act. We recognize that the current regulatory system is deficient because of lengthy delays and great uncertainty. Producers need an adequate price, but that price must also be fair to consumers. Deregulation does not meet that essential test of fairness, nor does it deal with the many other issues that must be addressed, such as curtailment priorities. I might add that we have made progress in these matters despite the obstinate refusal of the administration and the industry to cooperate in working out a reasonable compromise. But even the administration must realize that nothing could be accomplished by considering this highly controversial matter on the floor of the Senate in the dying days of this session.

The administration insistence on hooking natural gas decontrol onto the emergency bill forces me to conclude that the President does not want the authority contained in the emergency bill to cope with an energy emergency. It would appear that his support for the oil industry's efforts to remove the consumers' protection against higher natural gas prices is stronger than his desire to pass this emergency legislation. We were promised communication, compromise, cooperation, and conciliation. But in energy policy, that particular approach has not yet become administration policy. For the good of the country, I hope in the new year the administration will begin to practice what it preaches in a cooperative relationship with the Congress.

PROPOSED ENERGY CONSERVATION LEGISLATION

Mr. PERCY. Mr. President, I ask unanimous consent that the full text of the five energy conservation bills I introduced yesterday be printed in the Record. The five bills, S. 4247 through S. 4251, were inadvertently omitted from the Record for December 18.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 4247

A bill to amend the Internal Revenue Code of 1954 to increase the Federal excise tax on gasoline, to make such tax, as increased, a permanent tax, to provide that revenues derived from the increase in, and extension of, such tax are appropriated to the general fund rather than to the Highway Trust Fund, and to provide a credit for the in-

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creased tax paid with respect to not more than 500 gallons of gasoline purchased each year by a taxpayer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4081 of the Internal Revenue Code of 1954 (relating to imposition of tax on gasoline sales) is amended to read as follows:

"Sec. 4081. IMPOSITION OF TAX.

"There is imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of—

- (1) 14 cents a gallon with respect to gasoline sold before January 1, 1976; and
- (2) 24 cents a gallon with respect to gasoline sold after December 31, 1975."

(b) The amendment made by this section applies to sales occurring after December 31, 1974.

Sec. 2. (a) Section 209(c) (1) of the Federal-Aid Highway Act of 1950 is amended by—

- (1) inserting "and" before "4071 (a) (4)" in subparagraph (A),

(2) striking out "and 4081 (tax on gasoline)" in such subparagraph,

(3) redesignating subparagraphs (G) and (H) as (H) and (I), respectively, and

(4) inserting after subparagraph (F) of such section the following new subparagraph:

"(G) 100 percent of the tax received after June 30, 1956, and before January 1, 1975, under section 4081 (tax on gasoline) 28 1/2 percent of such tax received after December 31, 1974 (to the extent attributable to liability for tax incurred after such date and before January 1, 1978); and 16 1/2 percent of such tax received after December 31, 1975;"

(b) Section 209(c) (3) of such Act is amended by—

- (1) striking out "4081 (tax on gasoline)," in subparagraph (A),

(2) striking out "and" at the end of subparagraph (C),

(3) redesignating subparagraph (D) as (E), and

(4) inserting after subparagraph (C) the following new subparagraph:

"(D) 8 1/2 percent of the tax under section 4081 (tax on gasoline); and"

(c) Section 209(c) (5) of such Act is amended by striking out "paragraphs (1) (A) and (3) (A)" and inserting in lieu thereof the following: "paragraphs (1) (A), (1) (G), (3) (A), and (3) (D)".

Sec. 3. (a) (1) (A) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credit allowable) is amended by redesignating section 42 as 43, and by inserting after section 41 the following new section:

"Sec. 42. EXCISE TAX ON GASOLINE.

"(a) IN GENERAL.—There is allowed as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 10 cents multiplied by the number of gallons of gasoline purchased by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The credit allowed by subsection (a) for any taxable year shall not exceed \$50 (\$100 in the case of a joint return under section 6013).

"(2) Application with other credits and deductions.—In determining the number of gallons of gasoline purchased by the taxpayer during the taxable year, any gasoline purchased with respect to which a credit or a deduction is claimed under this chapter for the taxable year shall be disregarded."

(B) The amendments made by this paragraph apply to taxable years beginning after December 31, 1974, with respect to amounts paid or incurred after such date.

(2) (A) Section 42 of such Code (as added by subsection (a) of this section) is amended—

- (i) by striking out "10 cents" in subsection (a) and inserting in lieu thereof "20 cents"; and

(ii) by striking out paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"(1) AMOUNT.—The credit allowed by subsection (a) or for any taxable year shall not exceed \$100 (\$200 in the case of a joint return of tax under section 6013)."

(B) The amendments made by this paragraph apply to taxable years beginning after December 31, 1975, with respect to amounts paid or incurred after such date.

(3) The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Excise tax on gasoline.

"Sec. 43. Overpayments of tax."

(b) Section 6401 (b) of such Code (relating to excessive credits) is amended by—

(A) inserting after "lubricating oil" the following: ", 42 (relating to tax credit for excise tax on gasoline)"; and

(B) striking out "sections 31 and 39" and inserting in lieu thereof "sections 31, 39, and 42".

(3) Section 6201 (a) (4) of such Code (relating to assessment authority) is amended by—

(A) inserting "OR 42" after "SECTION 39" in the caption of such section;

(B) striking out "oil," and inserting in lieu thereof "oil" or section 42 (relating to excise tax on gasoline);"

(c) (1) Section 6421 of such Code (relating to gasoline used for certain nonhighway purposes or by local transit systems) is amended by striking out "2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon" where it appears in subsection (a) and in subsection (b) (1) (A), and inserting in lieu thereof the following: "an amount equal to the amount determined by multiplying one-half of the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081 if such rate was greater than 3 cents a gallon".

(2) The amendment made by this subsection applies to taxable years beginning after December 31, 1974, with respect to amounts paid or incurred by the taxpayer after such date.

S. 4248

A bill to repeal deduction for gasoline taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective after December 31, 1973—

(1) Section 164 (a) of the Internal Revenue Code of 1954 as amended (relating to deduction of taxes not related to a trade or business) is amended by striking out paragraph (5) (relating to taxes on gasoline and other motor fuels);

(2) Section 164 (b) (5) (relating to separately stated taxes) is amended by striking out "or of any tax on the sale of gasoline, diesel fuel, or other motor fuel".

S. 4249

A bill to terminate the Highway Trust Fund

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on and after July 1, 1975—

(1) the Highway Trust Fund is terminated and the amount in such Fund, including any obligations held in such fund, shall be covered into the general fund of the Treasury;

(2) any outstanding appropriations from, or obligations of, such Trust Fund shall be made from such general fund;

(3) any authorizations for appropriations to be made from such Trust Fund shall be considered to be authorizations for appropriations from such general fund; and

(4) section 209 of the Highway Revenue Act of 1956 is repealed.

S. 4250

A bill to establish an automobile efficiency tax incentive program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 38 of the Internal Revenue Code of 1954 (relating to certain other excise taxes) is amended by inserting at the beginning thereof the following new subchapter:

SUBCHAPTER A—AUTOMOBILE FUEL CONSUMPTION TAX

"Sec. 4451. IMPOSITION OF TAX.

"(a) IN GENERAL.—There is imposed on each new automobile sold to a final purchaser a tax in the amount determined under subsection (b). The tax imposed by this subsection shall be paid by the final purchaser.

"(b) AMOUNT OF TAX.—The amount of tax referred to in subsection (a) is determined in accordance with the following table:

If the fuel consumption rate (in miles per gallon) of the new automobile is:	The tax is:
Over 15.....	\$ 0
Over 13 but not over 15.....	\$140
Over 11 but not over 13.....	\$290
Over 9 but not over 11.....	\$470
Not over 9.....	\$680

"(c) CREDIT AGAINST TAX.—There shall be allowed as a credit against the tax imposed by this subsection an amount determined in accordance with the following table:

If the fuel consumption rate (in miles per gallon) of the new automobile is:	The credit is:
Not over 17.....	\$ 0
Over 17 but not over 19.....	\$ 70
Over 19 but not over 21.....	\$140
Over 21 but not over 23.....	\$210
Over 23.....	\$280

"(d) INCREASE IN TAX AND CREDIT.—

"(1) 1977-1978.—Effective January 1, 1977, each fuel consumption rate listed in the tables under subsections (b) and (c) shall be increased by 2 and, as increased, shall be the rate in effect for calendar years 1977 and 1978.

"(2) 1979-1980.—Effective January 1, 1979, each such rate shall be increased by 4 and, as increased, shall be the rate in effect for calendar years 1979 and 1980.

"(3) 1981-1982.—Effective January 1, 1981, each such rate shall be increased by 6 and, as increased, shall be the rate in effect for calendar years 1981 and 1982.

"(4) 1983 and thereafter.—Effective January 1, 1983, each such rate shall be increased by 8 and, as increased, shall be the rate in effect for calendar years after 1982.

"(e) COLLECTION OF TAX AND REFUNDS.—

"(1) COLLECTION.—Every person who receives payment for a new automobile on which a tax is imposed under this section shall collect the amount of the tax from the final purchaser making such payment.

"(2) REFUNDS.—Each person who sells a new automobile to a final purchaser shall report to the Secretary or his delegate the amount of credit, if any, to which such purchaser is entitled under subsection (c).

"(f) DEFINITIONS.—For the purposes of this section—

"(1) FINAL PURCHASER.—The term 'final purchaser' means the first person who in good faith purchases a new automobile for purposes other than resale.

"(2) FUEL CONSUMPTION RATE.—The term 'fuel consumption rate' means the fuel consumption rate determined on the basis of the Automobile Fuel Consumption Schedule prepared by the Administrator of the Environmental Protection Agency.

"(3) NEW AUTOMOBILE.—The term 'new automobile' means an internal combustion engine vehicle, other than a truck or bus, which is a highway motor vehicle as defined in section 4482 (a)."

SEC. 2. AUTOMOBILE FUEL CONSUMPTION SCHEDULE

(a) STUDIES.—The Administrator of the Environmental Protection Agency shall, from time to time, study the fuel consumption rates of automobiles which are subject to the tax imposed by section 4451 of the Internal Revenue Code of 1954 (relating to automobile fuel consumption tax).

(b) CRITERIA.—The studies conducted under subsection (a) shall include tests—

(1) of each automobile model subject to such tax equipped—

(A) with each available engine size (measured by horsepower);

(B) with standard accessories; and

(C) with standard tires;

(2) which shall be conducted—

(A) under driving conditions representative of average urban and highway driving speeds and circumstances;

(B) with the fuel used being of the quality normally recommended for use in such automobile; and

(C) with such automobile carrying the average weight load recommended for such automobile.

(c) REPORTS.—Based upon the studies conducted under subsection (b), the Administrator shall determine the fuel consumption rate of each automobile with each available engine size, standard accessories, and standard tires. The Administrator shall, not later than January 1, 1976, and by January 1 of each year thereafter, report to the Secretary of the Treasury a schedule of all such rates to be known as the Automobile Fuel Consumption Schedule. The Automobile Fuel Consumption Schedule shall be published in the Federal Register each year.

(d) Until the first Automobile Fuel Consumption Schedule is reported to the Secretary of the Treasury under subsection (c), the fuel consumption rate shall be determined for purposes of section 4451 of the Internal Revenue Code of 1954 by reference to the harmonic mean between the urban and highway test cycles as reported by the Environmental Protection Agency under the 1975 Federal Test Procedure.

SEC. 3. TECHNICAL AMENDMENTS.

(a) ASSESSMENT AUTHORITY.—Section 6201 (a) of the Internal Revenue Code of 1954 (relating to assessment authority) is amended by adding at the end thereof the following new paragraph:

"(5) ERRONEOUS CREDIT UNDER SECTION 4451.—If on any claim for a refund of excise taxes under chapter 36 there is an overstatement of the credit allowable by section 4451 (relating to automobile fuel consumption tax), the amount so overstated which is allowed as a refund may be assessed by the Secretary or his delegate in the same manner as in the case of a mathematical error."

(b) REFUNDS.—Section 6401 of the Internal Revenue Code of 1954 (relating to amounts treated as overpayments) is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following new subsection:

"(c) EXCESS CREDIT UNDER SECTION 4451.—If the amount allowable as a credit under section 4451 (relating to automobile fuel consumption tax) exceeds the tax imposed by chapter 36 of subtitle D of chapter 1, the amount of such excess shall be considered an overpayment."

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1954 is amended by inserting at the beginning thereof the following new item:

"Subchapter A. Automobile fuel consumption tax."

SEC. 4. LABELING.

Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by inserting "(a)" after "Sec. 3" and by adding at the end thereof the following:

"(b) Every label required to be affixed under subsection (a) shall include, in the case of any automobile on which a tax was imposed or a credit allowed by section 4451 of the Internal Revenue Code of 1954 (relating to automobile fuel consumption taxes)—

(1) the fuel consumption rate determined to be applicable for such automobile; and

(2) the tax paid or credit allowed under such section 4451."

S. 4251

A bill to amend title 23 of the United States Code in order to provide for standards for the enforcement of any maximum speed limit on any public highway required pursuant to Federal law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 1 of title 23 of the United States Code, relating to highways is amended by inserting at the end thereof a new section as follows:

"§ 154. Enforcement of maximum speed limit
 "(a) The Secretary shall promulgate, not later than ninety days after the date of enactment of this section, standards for the State enforcement of any maximum speed limit on any public highway required pursuant to this title or any other Federal law.

"(b) Effective after the promulgation of such standards the Secretary shall not approve any project under section 106 in any State which the Secretary determines, after notice and hearing to the appropriate official of such State, is not in compliance with such standards.

"(c) A determination pursuant to subsection (b) shall be terminated at any time such State proves to the satisfaction of the Secretary that it is in compliance, and will continue to comply, with such standards."

(b) The analysis of such chapter 1 is amended by inserting at the end thereof the following:

"§ 154. Enforcement of maximum speed limit."

THE FREE PRESS, WARTS AND ALL

Mr. PROXMIER. Mr. President, the free press of the United States, guaranteed under our Constitution, is a misunderstood creature. Even in this day of widespread education, people in all walks of life, with all degrees of intellect and knowledge, misunderstand what freedom of the press is all about.

Defending the free press—which includes the broadcast media—is not the same as defending that which is printed and broadcast.

That is a simple proposition. But too many are willing to equate defense of the press with the defense of the words and ideas communicated.

This week I received a letter from a man in Georgia who suggested that a law be passed that would require that all newspapers with circulations of 16,000 or more and all television networks each day devote space and time to a regular feature called "The Spectrum." That, he says, would present all kinds of view-

points so that democracy could be preserved. "Spectrum" would include complete coverage of all the news, the writer suggests, as well as reprints from newspapers, periodicals, letters, books. And it would be edited by committees of editors and subscribers. The writer said:

We need a representative as well as a free news media.

And all of this, my correspondent says, should be required by law.

Of course, such a law obviously would be unconstitutional.

I do not bring up this letter to ridicule the writer. He was sincere. And, from my experience, his point of view is shared, to some degree, by many, many people in this country.

The warts on the press do show. They cannot and should not be ignored. They can be removed. But not by the Government. The first amendment will not allow it.

It would be fine if the press were just as we all wanted it: truthful, objective, complete.

Unfortunately, all of those are abstract measurements. The press is concrete. Each of us has his or her own measurement of truth, objectivity, completeness. It is utterly impossible for the press to be all things to all men.

But that is not to say that the errors and faults of the press should be ignored or accepted.

The economics of the news business is one major obstacle, despite cries of monopoly. This subject is a large one, and I plan to get into it in later speeches.

Another obstacle to perfection is the individuality of editors, reporters, and newscasters. They, despite beliefs to the contrary, are just like the rest of us: no better, no worse.

That individuality does give character to newspapers, magazines, books, pamphlets, and, yes, to radio and TV broadcasts.

That individuality also gives us—as readers and viewers and listeners—a chance to pick and choose that which we like; but more important, a chance to see what others are thinking.

Imagine what would happen if my correspondent got his way and we all, regardless of where in this country we live, would have the same material to see and read each day. And we would know it all had a governmental imprimatur, a stamp of approval.

Human nature would have us demanding to get something else.

One reason—the most important reason—for that would be that we would suspect we could no longer trust what we read and listened to. We would know that it was controlled by the Government.

Soon, there would be a movement calling for freedom of the press.

I hope that would be the inevitable result.

But down through the ages, there have been cases where governments have successfully controlled the press. And it goes on right now—in Peru, Zaire, South Africa, Ethiopia, to mention but a few

examples we have read about in recent weeks.

Even in our own country we have governmental control over two of our media. The Federal Communications Commission regulates, for the most part indirectly, the content of radio and television broadcasting.

The FCC's fairness doctrine, the equal time provision in the Communications Act, the FCC's requirements for the broadcast of certain types of programming, the review of programming policies at license renewal time—all of these are controls over a free press.

They are tolerated, for the most part, because many people believe that the rest of the people cannot be trusted to think for themselves.

But if broadcasting is a part of the press—and few, very few will deny that—why is it treated differently under the first amendment?

I do not know.

It is not logical.

Yet, we allow it. We in the Congress, despite invitations from the judicial branch, have not acted to give broadcasters full recognition under the first amendment.

We have stood by while the FCC, good intentioned though the commissioners may be, has acted as if each broadcaster were in the only electronic voice in any market.

The FCC in its rulemaking has ignored the evident fact that other stations exist in the same places; that people living in those individual communities and markets have access to newspapers, magazines, and books. The FCC has ignored that there is a marketplace of ideas.

Yet, the FCC says it must exercise its powers to promote diversity of ideas.

That just does not follow.

The FCC policies tend to promote sameness. The FCC, in its own way, carrying out law, to be sure, is advocating something quite akin to the letter writer who proposes "The Spectrum."

Mr. President, to make clear that I am aware of the warts, I ask unanimous consent to have printed in the RECORD a critique of the press that appears in the current issue of the National Observer.

Warts and all, a free press is necessary to democracy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Observer, Dec. 21, 1974]

THE PRESS' PROBLEMS STEM FROM SEVERAL

ENTRENCHED FAULTS

(By Sisyphus)

The press functions like one continuous unfulfilled New Year's resolution. Its performance during the corrupt Nixon Presidency suggested the press should either claim less or perform better. Otherwise, it will suffer additional distrust, even disrepute on the part of Americans.

Prospects for improvement are discouraging because, if for no other reason, editors are more snarlingly sensitive to criticism than those in any other occupation—except, perhaps, bankers. Yet, its freedom is as bountiful as its sense of responsibility is in

short supply. Prepublication censorship was quite properly demolished two centuries ago; postpublication censorship has dissolved as a result of the Sullivan and Pentagon Papers cases involving the good, gray New York Times. However, the press seeks additional protection from Congress in the form of a so-called press-shield law. What Congress giveth, it can taketh away, the press lords should keep in mind, afflicted as they are by delusions of moral grandeur.

THE PRACTICAL PROBLEM

We can let those who delight in profound philosophical debates wrestle about where to draw the line between freedom and responsibility, liberty and license. The practical problem, considering the foul mood of Americans toward newspapers, radio, and television, is simply to promptly reform their technical operations and format coverage. The difference in approach is as in reasoning, inductive rather than deductive.

Television and radio performance is dismal. Their "news" programs, from which most Americans obtain their knowledge about current events, mostly consists of a pretty voice reading stories provided for a fee by the two major national news-gathering associations, the Associated Press (AP) and United Press International (UPI). Program directors try to disguise the reading-by-rote. At least Frank Blair of the NBC Today show is honest about it—he openly reads the news dispatches on camera. But here is one excuse for radio and TV—each is primarily designed to entertain, not inform.

MIDDLE-CLASS BULLETIN BOARDS

Newspapers have no such excuse. Editors, amid drinks and smoke of their annual self-congratulatory conventions, insist their job historically has been to "afflict the comfortable and comfort the afflicted." The reverse is, in fact, the rule.

With few exceptions, newspapers are community bulletin boards for the middle class—or, more precisely, for the orthodoxy of their middle-class readers.

TRAINING SCHOOL FOR CLERKS?

The press peddles crime and catastrophe—padded with good-will editorials, sometimes simply rewrites of editorials originally appearing in the New York Times.

Journalism schools emphasize irrelevant accuracies—how high is the steeple? The schools have all the intellectual content of "a training school for A&P clerks," as A. J. Liebling once wrote about the one he attended, perhaps the most prestigious, the Columbia University Graduate School of Journalism.

The press, until the ghettos erupted and the traffic jams worsened, ignored among other major stories:

Migration of an estimated three million Americans from farm to city between 1957 and 1964.

Creation of slovenly white suburbs by means of Federally funded housing and interstate-highway programs designed by Congress to favor private interests.

Newspapers are shot through with contradictions. They laud "Brotherhood Week" each year on the editorial pages, while employing no black reporters in the newsrooms. They bleed editorially from time to time for the poor, while accepting deceptive advertising placed by food and furniture stores and running color photos of baked Alaska and other expensive recipes on their "women's pages." Even the best of the newspapers, the Washington Post and the New York Times among others, run weekly financial and real-estate sections that are straight skills for the most base motivations in those economic sectors.

Unfortunately, the fabled critics of the press are dead or retired—Liebling, Seldes,

and Hollenbeck. The 1947 Hutchins Commission's report on freedom of the (American) press is a dusty curiosity in libraries. At present, a monthly tabloid-sized publication, [More], seeks to monitor the media, but, instead, tangles itself up in intramuralisms that interest press people but are unfathomable to laymen who wish to know what's wrong.

There have been tons of newsprint spent over what's wrong. Contrary to George Seldes, it's not that advertisers control news columns, although their footprints are not uncommon in newsrooms. It's not so simple as a conspiracy of economic interests. In fact, there's less "cooking" of the news these days.

Nor is it another favorite bete noire of critics—the prevalence of communities in which the only newspaper(s) is owned by one publisher. Responsible publishers in Providence; Louisville; Atlanta; and Eugene, Ore., have demonstrated that pretty good newspapers—fair and comprehensive—can be produced without competition.

NEWS BY CONSENSUS

However, the prevailing pattern may be typified by the one-ownership morning and afternoon newspapers in Worcester, Mass., either of which may be thoroughly read in about seven minutes—even if the lighting's bad.

No, a major problem, perhaps the major problem, is more elusive. It might be termed a consensus approach to the news—after all, the original Section 2 of Article I of the Constitution stated a consensus attitude—that a Negro was three-fifths of a white person for purposes of allocation of seats to states in the House of Representatives. A consensus approach, reflecting one or more major orthodoxies among readers, is reinforced by ill-informed editors, lazy reporters paid low salaries, and standard news-coverage techniques that shape the content of the news itself.

SEVERE SHORTCOMINGS

Readers of the "better papers" and viewers watching only educational TV and/or radio don't comprehend the shoddiness of most newspapers, north, south, east, and west—although the opinion-ridden, columnist-laden New York Post does provide for interested New Yorkers an example of the severe shortcomings of papers elsewhere.

A David Broder may stumble, a Mary McGorray may mislead because of a journalistic "love affair" with a public personality, or a James Reston may go stale. But such drawbacks are minor compared to the faults of most reporting. In fact, relatively few readers are aware these three talents even exist. And this brings us to the press associations, AP and UPI, the so-called "wire services."

The AP boasts that three million words of copy move each day through its vast automatic teletype circuits to more than 1,260 dailies and 3,350 radio and TV stations in the United States. Days go by without either the Washington Post or the New York Times printing an AP (or UPI) story on page one.

But for all but a handful of newspapers the wire services are the only source for news beyond their immediate-circulation "bylines;" they can cite that of Walter Mears, the AP political reporter, not Broder or McGorray or Reston. More people read his dispatches than any other reporter's. Mears is a good reporter. So are other wire-service reporters covering national news such as Walter Leubsdorf and Steve Gerstel. UPI's Frank Eleazar knew more about the House of Representatives than the combined staffs of the Washington Post and the New York Times' Washington bureau.

But as Timothy Crouse points out in his book about the 1972 Presidential campaign reportage, *Boys on the Bus*, the AP and UPI stories on major matters—politics, civil

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rights, labor disputes, etc.—are overly cautious: "There is an inverse proportion between the number of persons a reporter reaches and the amount he can say. The larger the audience, the more inoffensive and inconclusive the article must be. Many of the wire men are repositories of information they can never convey."

WIRE SERVICES' COVERAGE

Wire-service dispatches are the staple of American newspapers. A news editor often will prefer a wire-service story over that of his newspaper's own reporter's coverage of the same event if the latter's is not in conformity with the wire-service story.

And wire-service reporters emphasize superficial conflicts. After all, they are weaned on fires and accidents. "If you don't learn how to write an eight-car fatal on Route 128 [Boston], you're gonna be in big trouble," Mears says. The deeper controversies become alighted because they violate the consensus syndrome.

Moreover, the wire services' coverage of Congress, for example, is deficient. A reporter finds himself covering more than one congressional hearing. Consequently he attends one where he finds a witness' press release incorporating his testimony. He scurries off to his other assigned hearing, unable to stay for the more productive questioning of the witness.

It's happened that a wire-service reporter has covered four hearings in one morning. His stories become coverage by press release, plus a snippet of testimony shared by an understanding reporter able to remain throughout hearings.

The AP reports that 25 to 30 percent of its domestic news each day carries Washington datelines. At the same time, the wire-service reporter is drilled to remember that at any minute of his working day there's a client newspaper going to press. Inadequate staffing is, then, aggravated by time pressures.

THE "REWRITE" REPORTER

Another deficiency, seldom analyzed, is the role of the "rewrite" reporter. He or she sits in a newsroom, accepts notes over the telephone from a reporter, and then, without firsthand knowledge, rewrites the notes into a story for publication.

The failings of this technique often overcome the advantage—the technical one of speeding coverage of an event into print. The failing is tremendous as practiced by the weekly news magazines. Tens of thousands of words conveyed from their Washington bureaus to the home office in Manhattan where unknowing editors select those stories to be included in the next issue and turn morasses of words over to rewrite men to be reworked into easy-flowing narratives. The product is notoriously unreliable. The editors in New York have reworked Woodrow Wilson's definition of news as "the atmosphere of events" into a formula: News is what the editor says it is.

Another deficient news-gathering method is that of the news conference. The Presidential is the most widely known.

AN INTERVIEW WITH HOOVER

In December 1929, with the stunning October stock-market crash reverberating throughout the country, President Hoover held a press conference. In response to one question, he reported that Christmas retail purchases were running at a volume comparable to the previous Christmas season's level. There was apparently only one other question from reporters—as to whether the newly elected President of Mexico would sleep at the White House during his forthcoming visit. President Hoover replied that he didn't expect that to happen.

But that occurred 45 years ago, comes the challenge. But in 1974, a recent televised press conference of President Ford's shows a worsening of the format—individual reporters strutting on camera as they asked ques-

tions. Disjointed questions about the Nixon pardon. No informed questioning about the dolorous economic condition.

GOD'S IN HEAVEN, A SOURCE SAID

Additional practices compound inadequate news coverage—reporters who collect news sources as lawyers collect clients; reporters huddling after joint interviews to make certain they all agree on the "lead" of the story each will write (comparable to price fixing among corporations); and editors who lurch from issue to issue for prime coverage, a sort of interest-spasm-of-the-day approach.

There are other flawed practices, one of which is the ground rules reporters, individually or collectively, accept as a basis for interviewing a political personage in Washington:

1. God's in his Heaven, Rev. Billy Graham said today (on the record).
2. God's in his Heaven, an authoritative source said today (not for attribution).
3. God's in his Heaven, it can be reliably reported (an extreme form of the back-grounder without attribution).
4. Off-the-record rule under which the Rev. Billy Graham tells reporters that God's in his Heaven, but reporters can't print it in any form or shape.

Occasionally reporters refuse to be bound by such rules originally designed to oblige the reporter without embarrassing his source. Occasionally there is mentioned a need to re-evaluate the whole constellation of news coverage in Washington, whether by wire services, the Post, the Times, or the Washington bureaus of daily newspapers.

Competent news coverage is in a class with Samuel Johnson's observation when told about there being a woman minister in the neighborhood: The wonder, he said, like that of a dog walking on hind legs, is not that it's done well, but that it's done at all.

The press is misleading itself in the wake of Watergate. The persistence of two Washington Post reporters, Woodward and Bernstein, is not to be undervalued; nor is it to be overlooked that both were inexperienced reporters who uncovered pieces of the scandal, while for months after month big-shot newspapermen in Washington scoffed or ignored them. But primarily it was the persistence of congressional committees and Federal judges and juries that exposed the corruption of the Nixon Presidency.

WATERGATE REACTIONS

The downfall of Nixon isn't being greeted joyously everywhere. Alan Otten of The Wall Street Journal recently wrote: "While the press is on a jag of self-satisfaction and self-congratulations, there is an unhappily large number of Americans who aren't overjoyed by the Watergate exposures—in fact, they're annoyed, angry and hostile." They are joined on the left by those who recall the press' glamorization of Presidents, the press' self-censorship of our bombing of Cambodia, and more-than-faint indications that working reporters voluntarily, and sometimes for pay, help the CIA and other intelligence agencies.

Blacks share the distrustful mood. The Washington Post, in a recent series, noted that during the first 19 weeks of this year, nearly 1,500 news items were broadcast on the CBS Evening News, but of these only 20 focused on black problems. And, of the 20, 9 dealt with the so-called "Zebra killings" in San Francisco and 2 about Hank Aaron's home-run achievements.

NEWS MEDIA ARE IN TROUBLE

Customarily, Presidents and their assistants and the reporters assigned to the White House are locked in fond, not deadly, embrace. The role is mistakenly symbiotic, not adversary as it should be. Washington correspondents, assuming even the best intentions by officers of Government, should remember an observation of a British government official to reporters: "You think we lie to you. But we don't lie, really we don't."

However, when you discover that, you make even a greater error. You think we tell you the truth."

The news media are in trouble, only a few of their practitioners understand this.

"A popular government without popular information or the means of acquiring it," James Madison remarked, "is but a prologue to a farce or tragedy or perhaps both."

We shall see if press people turn away from divvying up with politicians free news and free publicity in time to reform formats of coverage before public opinion unfairly shackles them with restraints believed permanently long ago cast off.

BATTELLE MEMORIAL INSTITUTE—ANNIVERSARIES

Mr. MAGNUSON. Mr. President, I wish to bring to the attention of my distinguished colleagues two anniversaries that have significance for both the Nation as a whole and a particular meaning for the Pacific Northwest. These are the 10th anniversary of the establishment of Battelle Memorial Institute's Pacific Northwest Division at Richland, Wash., which will be on January 4, 1975, and the 50th anniversary of the establishment of its parent organization—Battelle Memorial Institute, on March 27, 1975.

In the life of our Nation, 50 years is not a great length of time, and 10 years, in the view of historians, is "only yesterday"; nonetheless, these are important milestones to mark Battelle's many contributions to scientific progress, education, the advancement of technology, and economic development. Battelle is a unique and dynamic organization, and what makes it most noteworthy is what it has been able to do and the beneficial influence it has had in our country in a relatively short period of time.

A charitable trust that had a modest beginning, the Battelle organization—now, a not-for-profit Ohio corporation—has grown from an original staff of some 30 people in a single location to a multinational organization with some 5,900 scientists, engineers, and supporting specialists. Charged with the ideals of its founder to use technology to benefit people, and possessing the flexibility of a unique corporate entity, Battelle has been able to become effectively involved in a wide range of research, educational, and invention and technology development activities. It has demonstrated an uncommon sense of initiative and has been a pioneer in development of the concept of sponsored research, and it has been a model for a number of other independent research institutes established since World War II.

Today, the Battelle staff conducts as many as 3,000 different studies each year on a not-for-profit basis for industrial companies, associations, and Government agencies. This research has resulted in new and improved materials and manufacturing processes and in advances in housing, transportation, and education. It is on the forefront in research concerned with environmental quality, new sources of energy, and human health.

Throughout its history Battelle has been remarkably innovative in creating new technology and adapting technology for the benefit of people. This innovative capability is especially valuable in a

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time of revolutionary changes in knowledge and society. Battelle's ability to act promptly and creatively and to override the lethargy inherent in many organizations is part of what makes it so unique and deserving of encouragement. Battelle's impact in the Pacific Northwest is illustrative of its innovative approach. Its Pacific Northwest Division in Richland serves as a classic example of how a highly specialized Government installation can be transformed into a diversified research resource that serves all sectors of government and industry—and one that "pays its own way." Lawmakers everywhere should take note and heart that there are instances where private organizations, such as Battelle, have pitched in to assist Government in difficult situations, and that it is not always Government being called upon to help and subsidize companies and organizations in distress.

Battelle willingly assumed the operating control of the Atomic Energy Commission's Hanford Laboratory at a crucial time when the AEC recognized the need for shifting the facility's use from specialized nuclear research to diverse research and educational purposes. Battelle assumed this difficult assignment, taking control of the facility and creating its Pacific Northwest Division.

Thus, the 10th anniversary of Battelle-Northwest has a very special meaning for its 1,800 employees, but it is significant to all people throughout the Pacific Northwest region. Battelle's move to Richland 10 years ago inspired confidence at a time when it was much needed, and its presence has contributed much to the economic health and outlook of the entire Northwest.

The Nation is fortunate to have Battelle Memorial Institute with its unique capabilities, resources, and innovative spirit. It could use many more organizations of this kind—organizations with the diverse talents and adaptability to deal with the ever-changing problems and to do so with total dedication to human betterment.

OLDER WORKERS HARD-HIT BY JOB SLUMP—EMERGENCY ACTION NEEDED

Mr. RANDOLPH. Mr. President, last month the unemployment rate reached 6.5 percent, the highest level in 13 years.

Nearly 6 million individuals are unemployed, or more than the entire workforce of two-thirds of the nations in the world.

But these figures really only represent the tip of the iceberg because there is a substantial amount of "hidden unemployment," particularly for middle-aged and older workers. These individuals, who may have dropped out of the labor force after prolonged and fruitless searches for a job, are not included within the official unemployment figures.

As the chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Committee on Aging, I have been concerned with the harsh impact of unemployment on older workers.

Latest figures reveal that 1.1 million persons 45 and above are unemployed—

nearly a 37-percent jump during the past 6 months.

Once unemployed, the middle-aged and older workers run a great risk of being without a job for a long period of time.

In fact, 264,000 persons in this age category have been unemployed for 15 weeks or longer. This accounts for about 28 percent of the long-term joblessness in the United States.

The situation for very long-term joblessness—27 weeks or longer—is even more grim. Nearly 140,000 individuals 45 and above have been unemployed for more than 6 months, or about 37 percent of the very long-term joblessness in the United States.

With further massive layoffs expected in the months ahead, the unemployment level for mature workers is likely to intensify.

Quite clearly, emergency action is needed now. This is why I voted for the Special Employment Assistance Act, which can provide approximately 530,000 useful public service jobs in all areas of the country.

I am hopeful that this measure can soon be enacted into law. In my capacity as chairman of the Subcommittee on Employment and Retirement Incomes, I plan to follow this legislation closely to assure that the special needs of middle-aged and older workers are appropriately considered.

A recent article in the National Observer provides an excellent description of the problems encountered by persons seeking employment. It also provides further compelling reasons for prompt action on emergency employment legislation.

Mr. President, I commend this article—entitled "Job Hunting Is a Job Too"—to my colleagues, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

JOB HUNTING IS A JOB TOO

(By John Peterson)

Read the headlines and you know an awful lot of people are out of work and that an awful lot more soon will be. One middle-aged man, unemployed for seven months, describes its impact: "My wife used to say that being married to an unemployed bum is fine if you like being married to a eunuch. She didn't, so she's living with the plumber."

The results of unemployment can be tragic. Here, several unemployed people have short-circuited their miseries by jumping off the Golden Gate Bridge. "Unemployment is a psychological illness with symptoms as clearly defined as a disease such as measles," says vocational psychologist Toni St. James. "The most tragic part is that too many of them face its trauma alone, feeling rejected by even those who love them."

Counselors say a person has two pressing needs when he loses his job. The first is to find another job. The second is to somehow arrange his finances for what might become a prolonged battle to avoid financial ruin. Most unemployed people find there are no easy solutions to either need. But there are techniques that might save the unemployed person's home, his marriage, and eventually produce an even better job.

Nearly all advisers recommend reworking the family budget the same day the ax falls—right after you return from filing for unemployment-insurance benefits. "The first symptom of the unemployment malaise,"

says Ms. St. James, "is when the person says, 'I'm going to take a couple of weeks off and then worry about it.'"

Looking for a job when under pressure is extremely difficult. The search gets more difficult as unemployment grows—and in November it hit its highest level in 13 years. The Labor Department said last week that November unemployment reached 6.5 percent nationally, up from 6 percent in October and 5.8 percent in September. The number of jobless people increased by 500,000 from October to November, the report said, bringing total unemployment to 6 million.

Unemployment often brings the specter of months of unsuccessful job hunting and the loss of your home, car, spouse, mental stability, and self-esteem. But there are ways to order your finances, to hang on to your possessions, to buy "breathing space," and even to find a fresh attitude and approach that can go far in getting you the job you want.

Most financial advisers fall into two camps: those who consider any debt a sacred obligation, and those who consider debts that threaten home, family, and peace of mind something to be discarded immediately. And most unemployment advisers fall into two camps: those recommending the shotgun attack that sends hundreds of letters, resumes, and interview applications to any conceivable employer, and those contending a person must only decide what he wants to do, where, and then devote himself to the research and preparation necessary to land the job.

But there is wide agreement among employment professionals that the unemployed face long months of searching. Statistics show that one out of every five middle-aged men who lose their job will still be unemployed a year later. Figures also reveal that three out of four who remain unemployed for at least nine months will face divorce proceedings.

"The second symptom," says Ms. St. James, who teaches the unemployed a creative job-search procedure for the state of California, "is a real reluctance to get to the next interview, to make the next contact, to accept the proposition that job hunting is tough work. Miraculous job offers seldom materialize."

By this time, says Doug Hayward, a state-employment public-relations official who fought unemployment for months himself, "the job hunter should be revisiting both public and private employment agencies so damned often that the people there are sick of his face. Otherwise there's little chance your name would even be pulled for an opening."

He adds that the jobless period is a great time for the unemployed to closely check any disability insurance they might have had. "Many times, and it is getting easier, this period is the time for the hernia operation or some other elective surgery."

Most professionals agree, too, that private employment agencies fill only about 5 percent of the jobs, state agencies about 10 percent, and that the rest constitute the "hidden" market that must be searched out. In places such as California, where more than 25 percent of the work force changes jobs each year, Ms. St. James says, "an individual must become a successful entrepreneur in the game of musical jobs."

RULES OF THE SEARCH

The third, and possibly most debilitating symptom, is the loss of self-esteem, Ms. St. James says. "After all, you've been unsuccessful in selling yourself. The depression can take over a person, and what becomes ripped apart in him through the introspective soul-searching may never be repaired, because there will always be that worry that he'll be unemployed again."

These symptoms hardly apply to all job seekers. In California, where the unemploy-

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ment rate is 8.2 per cent, about 40 per cent of the jobless were laid off or fired, 10 per cent quit, 30 per cent are new employees such as students or women returning to work, 15 per cent are second members of a household, and 5 per cent are the elderly. "You don't find the skilled bluecollar worker affected drastically by layoffs," says Hayward. "The nature of their work dictates slumps and then peak periods with overtime."

"If a person is going to pursue the number game—the blanket mailings of resumes, the badgering of employment agencies, and the classified-ad follow-ups—then he must know that there are two basic rules," says the Rev. Richard N. Bolles, an Episcopalian priest. "He must not insert a piece of paper between his face-to-face encounters, and he must pursue as many avenues as possible."

But Bolles—with the assistance of John Crystal, a career counselor in McLean, Va. [The Observer, June 1, 1974]—has devised a revolutionary job-search procedure that enables the job seeker to turn the tables and screen out the employers who do not interest him. The two collaborated on the book, *Where Do I Go From Here With My Life?*, and Bolles wrote the best-selling *What Color Is Your Parachute?*, a practical manual for job hunters and career changers.

Already many agencies are adapting Bolles' thesis to week-end seminars and for high-priced counseling services. The process can take months, but Bolles contends it is essential and that professional help is no better than that of a good friend or spouse. "The effort is worth it because the job may account for as many as 10,000 hours of the person's life and as much as \$250,000 in earnings. Once you work the exercises, you will have a job-hunting skill," he says. "People forget they'll be job hunting again. If they're under 35, it's about every year and one-half, and if they're over 35, it averages about every three years."

What Color Is Your Parachute? details exercises that help a person determine his skills and his rewards. Generally, it says: The job hunter should ask himself, When did I enjoy myself most—at work, school, play—and what skills was I using each of those times?

"How to get the job is, surprisingly, the easiest part," contends Bolles, who's also director of the ecumenically sponsored United Ministries in Higher Education employment project. "But it takes effort and research. The key is to convince the employer you choose that your abilities, understanding, and insight are essential to his operation."

THE FINAL INTERVIEW

Bolles cites a writer who decided to get a job with *Sunset* magazine, a California-based magazine devoted to Western living. The writer not only studied the magazine's writing, style, and content, but he catalogued every article that *Sunset* had carried in the past 8 to 10 years. In the final interview, he showed the editor his findings, adding, "Here's a category in which you need more articles." The category was the writer's area of interest and he showed the editor a list of prospective article ideas. He got the job.

Ms. St. James teaches an "open-end" course where the student only graduates when he is employed. "The sad truth is that only 3 per cent of our workers are doing a job they truly like, and another 12 to 15 per cent get some viable satisfaction. If you know what you want, you can get there," she says.

"Finding a job is a learned skill," she adds. "People are not hired because they are the best qualified but because the employer likes how you look, feel, what your attitudes are. You would not be talking to him if you weren't qualified for the job. Success is five words: Give them what they want."

Ms. St. James, along with job-seeking organizations such as 40 Plus, an independent

group of professionals who are more than 40 years old, spends hours teaching job seekers how to behave in job interviews. She stresses the need for a calm, confident voice, and the effects of active listening, body kinetics, and eye contact. "If a person first asks the right questions and then asks for the job they often get it."

Job hunting takes time and money, and some authorities suggest that employees prepare for adversity in advance. One recommended cushion is a savings account equal to six months' income.

TWO VIEWS ON DEBT

But most people start counting their pennies only after they've lost their job. The number of persons coming to the consumer-credit counseling office here has increased 80 per cent in the past three months. The organization, which is financed by the credit-banking industry, says creditors will attempt to make equitable arrangements with the debtor 90 per cent of the time. Executive manager Al Cahen says, "We're seeing some interest-only arrangements" in which the creditor agrees to defer the payments due on the principal of a debt.

Some financial counselors, however, say an unemployed person shouldn't worry too much about his consumer debts. "Under no circumstances should a person lose his home, furniture, clothing, car—any of the necessities—because of debt," says John Slavicek, director of the American Bankruptcy Council here.

Essential steps that many counselors recommend include investigating the possibility of getting food stamps, selling a second car, or working in the evening after unemployment insurance runs out. Too, 90 percent of the states have a homestead act, which means a homeowner's equity in his home cannot be attached by a lien.

THE BANKRUPTCY "OUT"

"The person looking for a job does not need the psychological and social problems that stem from his inability to pay bills and he does not need all of the legal and extralegal harassment that accompanies late charges and threatening letters," contends Slavicek. "The Federal bankruptcy law is a progressive law, a reaction to debtors' prison."

U.S. bankruptcy Judge Lynn Gillard here says: "Frankly, there could be more bankruptcy filing these days. It's an absolute right, you know. But there is no way for me to assess the impact of a person's having declared bankruptcy. A person could lose his job, his credit, but I think that's rare."

Slavicek says it's time to consider bankruptcy proceedings when you start spending exempt funds (in California \$2,500 can be maintained in an exempt savings account), start paying late charges on debts, receive one threatening telephone call or letter from a creditor, when your income is cut off.

"People feel they must stand behind any purchase or agreement, for some ridiculous reason. They'll go into a finance company, listen to the terms, and sign contracts that carry from 36 to 45 per cent interest," he adds. "Bankruptcy is not for everyone, but Chapter 13 of the law allows for debt consolidation. The result is that the bill is usually cut by more than half because it carries only a 10 per cent interest charge stretched over three years. What's more, all late charges, harassment, and phone calls stop right then."

Slavicek concludes: "The civil-rights acts protect the person who has declared bankruptcy from discrimination. Too, many companies feel that people who have just declared bankruptcy are good credit risks because they won't be able to file for another six years."

Most employment officials say it takes six to nine months for a person to find a job when the market is tight. "The sooner a person learns there is no job in maintaining

his pride, the sooner he'll be getting after a job as best he can," says Hayward. "The standing in line, the constant rejection, it destroys you. I think a person must take every conceivable avenue, every idea, friends, relatives, and use them all."

A BETTER WAY

Mr. FULBRIGHT, Mr. President, a recent meeting of senior statesmen from many countries and cultures concluded that "a new spirit of active solidarity and cooperation" among all peoples and nations is indispensable for mankind to face the challenge of our time. This, too, is my conclusion—after 30 years in the U.S. Senate, 15 years as chairman of the Foreign Relations Committee, and a fair opportunity to move around at home and abroad listening to people engaged in trying to hold the world together.

I most definitely believe that my association with endeavors to promote mutual understanding internationally is the most significant and important activity I have been privileged to engage in during my years with the Senate. I am convinced that more and improved programs for exchange of persons and intellectual interchange around the world offer the best prospect that we may be fortunate enough to find the understanding and rationality necessary to avoid annihilating ourselves in a burst of nuclear misery. I am persuaded of the inadequacy and peril of the traditional competitive, beggar, and even destroy-thy-neighbor, methods and beliefs which remain too deeply embedded in our own country and elsewhere. In my opinion the hydrogen bomb puts us on notice to find a new and better way to deal with human relations in the international field.

The question, of course, is if we can or will, as Secretary Kissinger has said, "muster the vision and resolution which the conduct of foreign policy requires." I believe we can; I am less sanguine that we will. For we have yet to accept and act upon the reality of interdependence for what it is: the challenge and opportunity of our time. One exception, a most significant exception, is the sustained effort of the United States to promote mutual understanding internationally. This objective motivated legislation introduced almost 30 years ago for a Government-supported exchange of persons. Operating largely under this legislation, the Department of State's exchange programs have produced some 150,000 alumni, including over 20 who are now chiefs of state, currently more than 250 cabinet ministers and tens of thousands of legislators, educators, journalists, and other key individuals in America and abroad.

I think of these alumni scattered throughout the world, acting as knowledgeable interpreters of their own and other societies; as persons equipped and willing to deal with conflict or conflict-producing situations on the basis of an informed determination to solve them peacefully; and as opinion leaders communicating their appreciation of the societies which they visited to others in their own society. In my view such exchange of person programs are among the most significant activity now going

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on in the world, and I am pleased that other countries are beginning to establish similar programs suited to their conditions. That is a very hopeful development. If and as these efforts succeed in establishing an international base of mutually comprehending leadership groups capable of facilitating international cooperation, then we can hope to supplant the traditional methods of solving differences of opinion according to the standards of feuding and dueling. Therein lies my principal long-term hope for the human race. But there is not much time left, and we and others still are not doing nearly enough, not giving this hopeful endeavor nearly the attention it deserves.

We simply can no longer afford to consider this basic human dimension as a low priority add-on to the serious content of our international relations. The Department of State's well administered programs in this field are currently grossly underfunded at levels approximately only equivalent to that of 1967. Whereas we readily spend billions for the military and hundreds of millions for propaganda abroad, it is incredibly difficult to get the administration and the Congress to invest the few-score millions necessary to sustain this most important activity to the future of this country and to the peace of the world. When one reflects on the accomplishments, it is indeed disturbing that lack of funding remains such an impediment to the future potential of these programs.

Fortunately, we have a Secretary of State who fully understands and also feels strongly about the importance of personal and institutional intellectual relations among nations. As he said to the Board of Foreign Scholarships on December 16, we must deal with what Walter Lippmann called the "pictures in people's heads"—the manmade environment in which ideas become realities. The Secretary referred to our "age when the technologies of communication are improving faster than man's ability to assimilate their consequences, and when the multiplication of differing perspectives and predispositions complicate the achievement of global consensus." He recognized "that the dramatically accelerating pace of interaction among peoples and institutions would not necessarily lead to increased understanding or cooperation." He noted "that interaction, unguided by intelligent and humane direction and concern, had the potential to bring increased tension and hostility rather than less." Speaking of the exchange-of-persons program with which I am honored to have been associated, he observed that "It has grown to meet new realities," "promoted the solidarity of the West (and) now sustains exchanges between the United States and 122 countries around the globe. If expressed, it helps us to master the growing interdependence of the world."

More than any Secretary since I have been here, the present holder of that office appreciates that this type of activity is a real alternative to the traditional methods and that it is imperative to support these new ways of dealing with international human relations. I am, of

course, pleased that people in the State Department, the Board of Foreign Scholarships, and the Binational Commissions have made the exchange program so successful. Their dedication and efficiency have been so obvious throughout, that while people occasionally have questioned the program, never has anyone, including the late Senator McCarthy in the 1950's, succeeded in discovering anything discreditable in it.

The question remains whether we can sufficiently civilize and humanize international relations, not merely by improving our traditional way of doing things but by devising new techniques and inculcating new attitudes within our capacity and adequate to our needs. What we can do through the power of creative human interaction in scholarly and other fields, is to expand the boundaries of human wisdom, sympathy and perception. The process is slowmoving but powerful; it may not be enough, but it is the best available, and its proper place is at the center of our international relations concerns. Perhaps the greatest power of such intellectual exchange is to convert nations into peoples and to translate ideologies into human aspirations. I do not think such exchange is certain to produce affection between peoples, nor indeed is that one of its essential purposes; it is enough if it contributes to the feeling of a common humanity, to an emotional awareness that other countries are populated not by doctrines that we fear but by individuals—people with the same capacity for pleasure and pain, for cruelty and kindness, as the people we were brought up with in our own country.

If intercultural exchange is to advance these aims—of perception and perspective, of empathy and the humanizing of international relations—it cannot be treated as a conventional instrument of a nation's foreign policy. Most emphatically, it cannot be treated as a propaganda program designed to "improve the image" of a country or to cast its current policies in a favorable light. Such exchanges can be regarded as an instrument of foreign policy only in the sense that the cultivation of international perception and perspective is—or ought to be—an important long-term objective of the foreign policy of any country aware of its true national interests as inescapably encompassing regional and international self-interest.

The Secretary in his remarks before the Board of Foreign Scholarships quoted Pericles on the lasting effect of inspiration in terms which could well summarize all intercultural exchanges: The effect "lives on far away, without visible symbol, woven into the stuff of other men's lives."

SENATOR JOE MONTOYA—WATCHDOG OVER FEDERAL PROGRAMS FOR SPANISH-SPEAKING AMERICANS

Mr. PROXMIRE, Mr. President, Senator JOSEPH MONTOYA, of New Mexico, our friend and colleague, has sponsored more good legislation to insure that Spanish-speaking Americans get a fair

break from the Federal Government than any Senator in the Senate. But while JOE MONTOYA can write the legislation, it takes concerned, active, and tenacious executive branch agencies to carry out the programs.

EXECUTIVE BRANCH FAILS TO CARRY OUT PROGRAM

In an interview in the *Federal Times* for their December 25 issue, Senator MONTOYA tells us that both the 16-point program for Spanish-speaking Americans and the Cabinet Committee on Opportunities for Spanish-Speaking People are "pieces of rhetoric for political purposes."

Although the cabinet committee is supposed to meet quarterly with the top people in the Government, Senator MONTOYA says:

They've had no meetings of any meaning and no followthrough.

In 1970, they did not meet at all, and they met only twice in 1971, and only once a year since.

Under its own program, the White House had no Spanish-speaking people at the White House. Now they have improved by 100 percent. They have hired one.

EQUAL OPPORTUNITY FOR ALL

What we want in the United States is to insure that every American gets an equal break—for jobs, for education, for Federal employment, for city and state services, and as dignified human beings. We want no special privileges for any but we want equal opportunities for all.

JOE MONTOYA's legislative leadership has been designed to make this day come true. But if administrators do not meet and problems are swept under the table, no number of good laws like JOE MONTOYA's good laws can achieve this purpose and erase a smattering sense of injustice from the minds and hearts of Spanish-speaking Americans.

WATCHDOG FOR SPANISH-SPEAKING AMERICANS

Senator MONTOYA has recognized this problem and has instituted regular oversight examination of the 16-point program and the cabinet committee through his chairmanship of the Senate Appropriations Subcommittee on Treasury, Post Office, and General Government.

We now have both the legislator and the watchdog for the rights of Spanish-speaking Americans in the person of one man, Senator JOSEPH MONTOYA of New Mexico. No one is more dedicated to this cause. No one could do a better job.

I ask unanimous consent that the article from the December 25 *Federal Times* be printed in the *Record*.

There being no objection, the article was ordered to be printed in the *Record*, as follows:

HIRING SPANISH-AMERICANS—JUST A PIECE OF RHETORIC

WASHINGTON.—The Sixteen Point Program for Spanish-speaking Americans "is just a piece of rhetoric for political purposes," Senator Joseph Montoya, D-N.M., said in an interview last week.

The chairman of the appropriations subcommittee on Treasury, Post Office, and General Government said there was no evidence that the White House, under both Presidents Nixon and Ford had demonstrated any leadership in encouraging federal agencies to hire more Spanish speaking persons.

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"There is a great deal of prejudice in hiring Spanish Americans," he said, "and nothing will improve unless the President becomes a sincere advocate of the program."

The Sixteen Point plan, developed under Nixon four years ago, designed to improve "the shockingly low percentages" of Spanish-speaking Americans in federal employment, "has been badly hamstrung," the senator said.

He cited lack of cooperation between different executive agencies as one of the major obstacles to the program's implementation.

The Civil Service Commission, charged with administering the program, Montoya said, should have asserted itself more "and paid more attention to its role." He did not contemplate removing the program from CSC's aegis.

But he also noted that CSC has not obtained high level administration support in carrying through its responsibilities in this area.

The coordinators for the program, Montoya pointed out, are powerless people—"just receptacles for complaints." Of 88 coordinators, according to the latest statistics, only 44 were Spanish speaking and only 10 percent of them worked full time.

Moreover, most agencies have no guidance on how to implement the program.

The only monitoring of the program, Montoya said, was done at hearings before his committee—and he plans to have more hearings.

Montoya was equally disappointed with the performance of the Cabinet Committee on Opportunities for Spanish Speaking People. It was created in 1969 under his own sponsorship to serve as a White House advocate for Spanish speaking Americans.

The committee requires participation of Cabinet officers and is mandated by law to meet quarterly.

"They've had no meetings of any meaning, no follow through," Montoya said. He revealed: In 1970 the committee did not meet at all, twice in 1971 "because I raised hell about why they hadn't met," once in 1972 and once the following year.

In addition, Montoya revealed, the committee had degenerated into a political tool for the reelection of Nixon. He based his assertion on statements made by advisory committee members.

"To find out how much commitment the White House had toward the program," Montoya said, "you've got to realize that the White House had no Spanish-speaking person on its rolls under its own program. This year the White House performance improved 100 percent. They've hired one."

He said it was best to ignore the regular government publicity claiming improved opportunities for Spanish speaking Americans. Montoya said their employment in the government had risen from 2.9 percent in 1970 to only 3.1 percent this year. "And most of these employees are janitors."

In the GS level pay system, the percentage of Spanish Americans is lower—2.4 percent, and more than twice that in Wage Grade jobs.

He added that at the supergrade level the Spanish speaking had not even achieved a level of one percent. In May 1973 there were 36 Spanish speaking employees at supergrade levels. In November of the same year the number dropped to 33.

"That is not progress," Montoya said. The median grade level for Spanish speaking Americans is 5.

BADHWAR.

SENATOR MUSKIE'S ADDRESS ON DÉTENTE

MR. HUMPHREY. Mr. President, I would like to bring to the attention of

my colleagues a recent address delivered by my friend and colleague from Maine (Mr. MUSKIE). This thoughtful and cogent analysis of the process and goals of détente should be read carefully by those who are both supporters and skeptics of improving Soviet-American relations.

I can only voice my fundamental agreement with Senator MUSKIE that détente is a process—not a single accomplishment, and that mutual restraint in the arms race must remain a focal point of the process. Despite the emphasis often given to improving economic and commercial relations between the United States and the Soviet Union, I believe the most important goal to be achieved is limitation of an arms race which has cost the people of both countries billions of dollars and rubles which can be better spent on the improvement of lives.

Mr. President, I ask unanimous consent that Mr. MUSKIE's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DÉTENTE: THE BALANCE SHEET

(Remarks of Senator EDMUND S. MUSKIE at the Eighth Atlanta Forum on National and International Affairs, Atlanta, Ga., November 14, 1974)

The central foreign policy debate in Washington today concerns the policy of détente: its purpose, its accomplishments, and its future.

It is not an issue which has been widely or passionately debated in our recent political campaigns. In one sense, the American people—beset by inflation, recession, and a massive Watergate hangover—are finding foreign policy issues relatively remote from their day-to-day struggle to make ends meet.

But in another sense, there is an understanding that the state of the world and the quality of our lives at home are interrelated. The effect of world affairs on the average family budget is illustrated by such obvious examples as the price and availability of oil, or the taxes we must pay to provide for our nation's defense in a troubled world community.

The American people understand this relationship. And they also understand that the Soviet-American relationship is a determining factor in the preservation of international stability—or, in a more hostile environment, as an engine of world conflict.

So the debate over détente is something more than an isolated, theoretical argument among foreign policy elites in Washington and New York. The debate has an attentive—and deeply concerned—national audience.

My remarks tonight are intended to be a defense of the policy of détente. At the same time, my views are tempered by a certain respect for the arguments of those skeptics who are on the other side of the issue. We should begin, perhaps, by summarizing the points of view on both sides of the debate.

Secretary Kissinger has described détente as a process, not a permanent achievement. But the process has already produced results—in the form of several U.S.-Soviet arms control agreements; in the Berlin settlement; in negotiations on mutual force reductions in Europe; and in a whole series of cooperative agreements between ourselves and the Soviet Union which have turned Soviet-American relations in a far more positive direction. In short, we have moved from an era of confrontation to an era of negotiation.

Clearly, these limited accomplishments do not guarantee peace. But Kissinger has ar-

gued that they have served to lessen the rigidities of the past, setting a new trend which has markedly changed the character of international politics.

The main purpose of détente, from our point of view, is to reduce the sources of potential conflict. The record so far, as Kissinger's critics point out, is mixed. And the future of détente is also uncertain, depending on the outcome of ongoing, difficult negotiations which involve the vital interests of both powers.

But if détente is to survive as the guiding spirit of Soviet-American relations, our negotiations must continue to produce results in several interrelated areas:

First, there must be mutual restraint in the arms race—and a renewed effort at the SALT negotiations to agree on comprehensive and equitable strategic arms limitations at significantly reduced levels.

Second, there must be a satisfactory completion of negotiations on mutual force reductions in Europe, and a positive outcome in the Conference on Europe Security and Cooperation.

Third, there must be new efforts to convert the recently negotiated threshold ban on underground nuclear testing into a comprehensive nuclear test ban treaty. This must be part of a continuing Soviet-American commitment to prevent the spread of nuclear weapons to additional states.

Fourth, there must be mutual restraint in areas of Soviet-American political competition, and a determination to resist all temptations to seek unilateral advantage in crisis situations. In addition, there must be real cooperation in removing the causes of crises—most urgently, for example, in the Middle East.

Fifth, there must be a normalization of U.S.-Soviet trading relations on a basis which provides concrete benefits both to the United States and to the Soviet Union.

The critics of détente are distrustful of Soviet intentions and skeptical that negotiations will produce meaningful results in these areas. They argue that the Soviets view détente simply as a tactic in the continuing struggle against the West. Even the New York Times has argued that the Soviets are much more interested in trade than in the political or military component of détente, and that "the desperate driving impulse of détente is access to Western advanced technology." (New York Times editorial, September 26, 1974.)

So it is not comforting to those of us who have defended détente—and who have urged a normalization of trade relations—to recall Lenin's words in 1921, when he wrote:

"The capitalists of the entire world, and their governments, in the rush of conquering Soviet markets, will close their eyes to the realities, and will thus become blind deaf mutes. They will open credits which will serve as a support for the Communist Party in their countries and will provide us with essential materials and technology thus restoring our military industries, essential for our future victorious attacks on our suppliers. Speaking otherwise, they will be working to prepare their own suicides."

One might dismiss this quote as the rhetorical zeal of another era. Unfortunately, the rhetoric of confrontation has not died with the Cold War. In 1967, Secretary Brezhnev was arguing for détente because, in his words, the Cold War and the confrontation of military blocs "seriously hampers the activity of revolutionary democratic forces," and that "in conditions of slackened tension, the pointer of the political barometer moves left." (Remarks to Communist representatives at Karlovy Vary, April 24, 1967.)

More recently, in June of 1972, Brezhnev told a dinner honoring Fidel Castro that détente "in no way implies the possibility of relaxing ideological struggle. On the contrary, we must be prepared for this struggle to be intensified and becoming an ever

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sharper form of the confrontation between the systems."

The critics of détente use these quotes as evidence of continued Soviet hostility and as a warning that the Soviets cannot be trusted in any serious negotiations. Skeptical of Soviet intentions, they demand a radical change in Soviet behavior as the price for normalization of trade and any other concessions to Soviet interests. It is here that Secretary Kissinger and his critics part company—over the issue of what we can reasonably demand of the Soviets in exchange for the concrete benefits they seek from détente.

This issue has been at the heart of the controversy over the Jackson amendment to the trade bill—an amendment which I co-sponsored. I felt that the issue of Soviet Jewish emigration was not simply a matter of Soviet internal policy which we should properly ignore. The issue concerned basic human rights which we hold sacred, and it involved the legal question of Soviet observance of an international covenant of which it was a signatory. The Universal Declaration of Human Rights adopted by the United Nations over 24 years ago says specifically, in Article 13, Point 2: "Everyone has a right to leave any country, including his own, and to return to his country." That declaration is further confirmed in the international convention on the elimination of all forms of racial discrimination, ratified by the Supreme Soviet on January 22, 1969.

Further, Article 129 of the "Principles of Civil Legislation of the U.S.S.R. and Union Republics" establishes that international agreements to which Russia is a party override any conflicting domestic legislation. For more than two million Soviet Jews, however, those provisions of international and domestic law have been dead letters. And Soviet leaders would be profoundly mistaken if they under-estimated American feelings on this issue. The concern is not limited to the American Jewish community. It is shared widely throughout our country, and its impact on Congress is heavy. Americans properly perceive existing Soviet restrictions on Jewish emigration from the Soviet Union as being in violation of fundamental human rights and freedoms.

So in this particular instance, I made the judgment that we should withhold enactment of most-favored-nation treatment until the Soviets moderated their policy. This judgment, I think, has now been vindicated by the apparent outcome of the controversy—the recent informal agreement between Secretary Kissinger and Ambassador Dobrynin on the one side, and several members of the Senate on the other, whereby there will be a sizable increase in the number of Soviet Jews permitted to emigrate each year and an end to Soviet harassment of those who apply for emigration. This informal agreement now seems to have cleared the way for early adoption of the trade bill, including nondiscriminatory trade treatment of the Soviet Union.

American idealism is rightly engaged with the question of personal liberties in the Soviet Union, if only because some minimal common moral framework is essential to a stable peace. The practical question for American policy is not whether a degree of pressure for human liberties is warranted, but at what point that pressure may become excessive, and therefore detrimental to its own purpose.

Secretary Kissinger, in recent testimony before the Senate Foreign Relations Committee, clearly rejected the view that internal changes in Soviet society must be the precondition for the pursuit of détente. "Our view is different," he said. "We shall insist on responsible international behavior by the Soviet Union and use it as the primary index of our relationship. Beyond this we will use our influence to the maximum to alleviate suffering and to respond to hu-

mane appeals. We know what we stand for, and we shall leave no doubt about it." (September 19, 1974)

Despite the apparent success of the Jackson amendment in pressuring the Soviets into constructive policy changes on Jewish emigration, I believe that Secretary Kissinger has articulated an appropriate general guideline for American policy in the future. Clearly, there are limits to what we can demand of the Soviet Union in areas which they regard as matters solely of domestic concern. At the same time, we cannot be indifferent to those aspects of the Soviet system which are repugnant to our own social and political values. But those of us who support the policy of détente believe that the steady normalization of political and economic relations provides the greatest opportunity for bringing about constructive changes in Soviet society in the long run.

This argument was made persuasively before the Foreign Relations Committee recently by the exiled Soviet scientist, Dr. Zhores Medvedev. According to Dr. Medvedev, such influence as the Western countries have acquired upon the internal life of the Soviet Union has come about only because of détente on the official level. "It is the development of these official state ties," said Dr. Medvedev, "of personal, trade, scientific, cultural and social ties and links between statesmen which create the opportunity for Western public opinion to influence the situation in the U.S.S.R." (October 8, 1974)

But even the most effective foreign inducements can exert no more than a marginal influence on the internal life of the Soviet Union. Russia has been a dictatorship throughout its history, for a half-century under the Communists and for many centuries before that under the tsars. As Dr. Medvedev advised the Foreign Relations Committee, "common sense tells us that we cannot escape our different histories."

If Russia is ever to become a free or even liberalized society, it will be the result of internal evolution, of pressures generated from the increasingly assertive professional, managerial and intellectual communities within the Soviet Union. The very fact that voices of protest are now being heard is indicative of progress. In Stalin's time, Solzhenitsyn and Sakharov would have been disposed of before their voices could be heard.

We cannot bring freedom to the Soviet people, but within the limits of prudence and policy, we can offer a measure of hope—the hope inspired by our own good example as exponents and practitioners of freedom. Beyond that, as a matter of common sense and national interest, we must shape our foreign policy as much in awareness of the limits of what we can do as of our hopes and aspirations. We must move back toward the standard embodied in the classic formulation of John Quincy Adams:

"Wherever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions, and her prayers. But she goes not abroad in search of monsters to destroy. She is the well wisher to the freedom and independence of all. She is the champion and vindicator only of her own. (Address at Washington, July 4, 1821)

The critics of détente have attacked the move toward normalization of trade relations between the U.S. and the U.S.S.R. as providing concrete benefits for the Soviet Union in return for little more than elegant declarations of peace and friendship. Of course the Soviets will benefit. But there is no reason why the United States should not also derive concrete economic benefits from this relationship as well. Moreover, what we seek to achieve from a normalized trading partnership goes beyond an economic balance sheet: we wish to establish the kind of normal, businesslike, cordial dealings which will

give the Russian people and their leaders a vested interest in continued peace and stability.

The improvident grain sale of 1972 gave trade with Russia a momentarily bad name, but surely the lesson of that experience is not to shun trade but to trade intelligently and profitably. A steadily increasing commerce with the Soviet Union—in foodstuffs, consumer goods and machinery—combined with carefully considered investments and jointly financed resource development projects—would represent a prudent policy, combining profit with political incentive for peace and moderation.

Although the broader purpose of trade may be political, it does not follow at all that we should be guided by anything less than strict economic criteria in our business dealings with the Russians. American businessmen quite legitimately are exploring the adequacy of managerial facilities, and are also requesting relevant economic data which are readily available in most countries but about which the Soviets have been secretive. Close and careful scrutiny must also be given to the soundness of credit arrangements, investment guarantees, and reliability of supply. The latter will be an especially sensitive problem for American investment in Soviet energy sources. In the wake of the recent Arab oil embargo it would seem utterly mistaken to allow ourselves to become heavily dependent on Soviet natural gas or petroleum.

And so I reject the argument of those who have attacked our policy of normalized trade with the Soviet Union. The focus of that attack has been on the question of most-favored-nation trade treatment, which in purely economic terms is a secondary issue. All most-favored-nation actually means is non-discrimination in tariffs; as George Kennan has commented, "It involves no one-sided transfer of funds or goods; no loans, no gifts . . . (no) act of benevolence . . ." In enacting this provision of the Trade Bill, we are doing no more than establishing the same kind of trading relationship with the Soviet Union that we already have with most other nations. In doing so, we will benefit economically, as will the Soviets. And hopefully, the world will also benefit from a deeper commitment of both countries to continued cooperation in political as well as economic affairs.

III.

The future of détente lies above all in the willingness and ability of the United States and the Soviet Union to end the arms race on the basis of an overall equality in strategic forces—preferably at significantly reduced levels.

A continued arms race will undermine the political and economic accommodations we seek. It will undermine our ability to deal constructively with diplomatic crisis. It will add to the already oppressive economic burden on both our peoples.

And yet the arms race goes on, without any rational purpose. It goes on only because of our failure to stop it, and at its end, in the warning of Albert Einstein, whose formula made the atomic bomb possible, "looming ever clearer, lies general annihilation."

If we are to put a stop to the impoverishing arms race, we shall both have to take well-calculated risks, setting aside the chimera of absolute security for a rational goal of the greatest attainable security. The effort to achieve precise equality in strategic arms has turned the Geneva SALT talks into a swamp of futile wrangling over the nuts and bolts of every conceivable weapons system. Variations of geography and national vulnerability give the same weapons systems markedly different significance for the two sides, and the attempt to negotiate these variables into a semblance of strategic symmetry has resulted in the failure thus far to agree on much of anything. In his wise and

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incisive statement before the Senate Foreign Relations Committee last September 18th, Professor Dean Rusk, who has had experience with the dilemmas of arms control, said that he had "just about reached the conclusion that, if real progress is to be made, the approach must be wholesale rather than retail and must involve dramatic simplicity."

The arms control agreements reached thus far, though not insubstantial, are nonetheless inadequate—somewhat, as Professor Rusk put it, "like building a dam one-eighth of the way across river." The Moscow agreements of 1972 were significant and promising—the ABM treaty limiting each side of two anti-ballistic missile sites, and a five-year interim agreement limiting both land-based and submarine-launched missiles. The Washington summit of 1973 produced only an agreement on "basic principles" for a permanent arms limitation treaty to be concluded by the end of 1974; but that objective has now been abandoned. The Moscow summit of June, 1974 limited each side to one ABM site instead of two—a useful agreement, although neither side wanted a second site anyway.

Beyond that, the 1974 summit was a disheartening failure: abandoning the goal of an early permanent treaty limiting strategic arms, the Soviet Union and the United States agreed only to strive for a new interim decision to last until 1985. In addition the Moscow summit this year produced a "threshold test ban," prohibiting underground nuclear test above 150 kilotons. With the threshold set so high as to leave both sides virtually unimpeded, and with so-called "peaceful" testing—which is technically indistinguishable from military testing—deferred for later regulation, the threshold test ban stands little chance, in its present form, of winning Senate approval.

Of all these agreements only the ABM treaty has major, lasting significance. The abandonment by both sides of the effort to make themselves invulnerable to attack signifies a commitment to coexistence. It can be upset or destabilized by a bid for "first-strike" capacity, but as long as both sides retain their retaliatory power, and each therefore remains certain that an effort to destroy the other would result in its own destruction as well, there can be no conceivable rational reason for either power to launch a nuclear attack. This is the "balance of terror"—a frail foundation for survival—but until and unless a permanent, thoroughgoing agreement to limit strategic arms is reached, it is all that we will have, all that stands between us and armageddon.

Meanwhile the arms race goes on, with no end in sight, at crushing expense to both sides, and with the ever-present possibility of a technological "breakthrough" by one side or the other which might upset the fragile balance of the drawn-out SALT talks, and the prospect of only another interim agreement actually have the effect of accelerating the arms race as both sides strive feverishly to pile up "bargaining chips" for prospective negotiations.

Both the United States and the Soviet Union have played the bargaining chip game. The United States moved ahead with the development of MIRV—and thereby insured that the Soviets would follow suit. The reason it has been impossible to reach an agreement limiting MIRV's is that the Russians are behind and have not the slightest intention of being frozen into a position of inferiority. Clearly, the time to have sought agreement on the multiple warhead missiles was before they reached the testing stage. As "bargaining chips," MIRV's have been worse than a failure: they have actually fueled the arms race.

And now, I fear, the Soviets may be on the

verge of accelerating the arms race. Soviet strategic weapons development has continued unabated, not matching the relatively greater restraint exercised more recently on the U.S. side. Only yesterday, the Defense Department's chief scientist warned that "the coming year will probably see the start of the most massive deployment of new strategic nuclear weapons in history" by the Soviet Union. Four new intercontinental-range missiles, the SS-X-16, 17, 18, and 19, are reported now ready for deployment. Moreover, the Soviets are reported to have made significant progress in missile accuracy, including the development of terminal guidance systems, and they have been conducting underground nuclear tests on more powerful warheads for the new missiles.

There is no more certain path to the destruction of detente than a unilateral Soviet effort to gain strategic superiority over the United States. The American people will bear whatever defense burden is necessary to preserve an overall strategic equality. The Soviet leadership would be well-advised to consider this fact carefully before moving ahead to the deployment of a new generation of strategic weapons.

IV.

Arms Control is the heart and core of detente, the sine qua non of survival in the nuclear age. As Professor Rusk told the Foreign Relations Committee, "In a world in which thousands of megatons now rest in the hands of frail human beings, the pursuit of agreements which can reduce tensions is not merely good policy but harsh necessity."

Our current primary task in the world is the preservation and stabilization of peace. It is not the kind of peace we once hoped for—the peace of justice and law envisioned in the Covenant of the League of Nations and the United Nations Charter. But that is not within the grasp of our generation. It is rather a peace of the traditional kind—a peace of power politics among uneasy rivals. We may not have to settle for that forever—it probably could not last forever. Sooner or later we shall have to move beyond mere detente, if we are to avoid a nuclear Armageddon.

But for the time being we can do no better than to give agreements substance where we can—first and foremost to end the arms race—while also trying to solidify the personal accommodations of leaders with more durable arrangements, and taking whatever opportunities come our way to inch beyond detente, toward a world of justice and law.

DEATH SENTENCE FOR A SOVIET JEW

Mr. TUNNEY. Mr. President, just in the past few days I have received shocking news that the Soviet Government has imposed the death sentence on a Soviet Jew who has been seeking to emigrate to Israel. The unfortunate victim of this inhuman action is Mikhail Leviev, 56 years old, a resident of Moscow.

Leviev, his wife, and his wife's parents applied to emigrate to Israel in 1971. At that time, he resigned his position as a manager of a department store in Moscow. In early 1972, the family received exit visas. Shortly before their scheduled departure, Leviev was arrested, and held for "investigation" until 1974. In the meanwhile, his in-laws did emigrate to Israel, but his wife remains in Moscow.

Mikhail Leviev was tried this month by the city court of Moscow, and convicted of swindling and stealing state

property. On December 8, he was sentenced to death for these economic crimes. This is the first sentence of death for economic crimes in over a decade, although these economic crimes have been frequently used to harass people seeking to emigrate from the Soviet Union.

I am shocked and deeply disturbed by the Leviev case. Just today the Congress of the United States is completing action on the Trade Act of 1974, which will permit the extension of economic credits, and most-favored-nation status to the U.S.S.R. It is our understanding in the Congress that coincident with this action the Soviet Government will ease its policy on emigration from the U.S.S.R., with particular emphasis on expediting exit visas, and ending various harassments of those who seek to emigrate. It was my hope that this agreement would lead to a strengthening of detente, and to significant progress on humanitarian concerns in the U.S.S.R.

Unfortunately, I have received persistent reports, over the 2 months since the agreement on the Jackson amendment was revealed, that Soviet harassment of Jews and others seeking to emigrate has increased rather than lessened. The horrendous example of the sentence of death against an innocent man, seeking to emigrate to Israel, is a tragic escalation of these trends, which can serve no purpose other than to set back the cause of detente. I, and all the other Members of the House and Senate, who cosponsored the Jackson amendment, have made clear that we will be carefully watching the activities of the Soviet Government in the next 18 months, pending the decision on extending MFN and trade credits. I will say at this time that the imposition of this death sentence is a serious setback to my support for the trade benefits which the Congress has authorized; carrying out of the sentence would be absolutely unconscionable and in direct contravention of the agreements as I understand them.

I speak out on this matter not only because I have been deeply concerned about emigration from the Soviet Union, and full implementation of the Universal Declaration on Human Rights, but also because the imposition of a death sentence for such a minor crime is totally inhuman, no matter what country would have done it. I intervened on humanitarian grounds earlier this year when the Chilean Government sentenced to death a number of military officers for alleged treason in connection with the 1973 coup, and also with the Philippine Government in a similar case. Thus, for purely humanitarian reasons, I hope the Soviet Government will undo this tragic miscarriage of justice.

Mr. President, having brought this most unfortunate matter to the attention of my colleagues, I hope that they will join me in contacting the Soviet Government to urge that the death sentence against Mikhail Leviev be rescinded. I have today sent a telegram to Ambassador Dobrynin expressing this message, which I strongly feel is essential to continued good relations between our two nations.

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SENATOR RANDOLPH URGES PRESIDENT TO SIGN SURFACE MINING LEGISLATION

Mr. RANDOLPH. Mr. President, as a Senator from our country's largest coal producing State, I am concerned for the continuing uncertainty that plagues the future of the American coal industry. If we are to cope with the energy crisis facing our Nation and achieve any significant degree of energy self-sufficiency, it is requisite that we formulate a comprehensive national fuels and energy policy. More importantly, it is essential that we now establish a definitive Federal policy governing surface mining and the reclamation of surface mined lands.

During the last 4 years, the Congress has worked closely with the administration and industry as well as environmentalists on legislation governing the reclamation of surface mined lands. In these discussions every attempt has been made to formulate a Federal policy which assures an equitable balance between meeting our country's future needs for secure energy supplies and national concerns for environmental quality.

It is my considered judgment that the policies set forth in S. 425, the Surface Mining Control and Reclamation Act of 1974, are consistent with both these national goals. I am, therefore, disturbed by reports that President Ford is considering vetoing this vital measure. I also recognize that there is a disparity of opinion within both Government and industry on the potential adverse impact of this legislation. Nevertheless, this measure does represent a reasoned attempt to cope with this national problem; it achieves an equitable balance between energy and environmental concerns. The policies set forth are predicated on implementation by reasonable government officials.

Enactment of this measure, at this time, is essential to providing certainty where uncertainty in Federal policy is serving as a constraint on the development of new domestic coal supplies.

For these reasons, yesterday I urged the President to approve S. 425, the Surface Mining Control and Reclamation Act of 1974. I ask unanimous consent that the text of my telegram appear in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

WASHINGTON, D.C., December 18, 1974.

THE PRESIDENT,

The White House,

Washington, D.C.

DEAR MR. PRESIDENT: I strongly urge your affirmative action on S. 425, the Surface Mining Control and Reclamation Act of 1974, approved by the Congress earlier this week.

As a Senator from our country's largest coal producing State, I am deeply concerned for the uncertainty that plagues the future of this energy industry. If we are to cope with the energy crisis facing our Nation, it is essential that a definitive Federal policy governing surface mining be enunciated at this time.

During the last 4 years the Congress and the administration have engaged in extensive deliberation on legislation establishing Federal policies to govern surface mining and reclamation of surface mined land. In these

discussions every attempt has been made to assure an equitable balance is achieved between meeting our country's needs for secure energy supplies, and also national concerns for environmental quality.

It is my considered judgement that the policies in S. 425 are consistent with national goals to promote development of domestic coal resources to meet our country's future energy requirements, as well as increased energy self-sufficiency. I recognize that there is a disparity of opinion within both Government and industry on the adverse impact of this legislation. Never the less, this measure represents a reasoned attempt to cope with this national problem, which is predicated on implementation by reasonable Government officials.

I reiterate my support for your approval of this vital measure.

With esteem, I am,

Truly,

JENNINGS RANDOLPH.

KEEPING EXPERTS ON "TAP" NOT ON "TOP"

Mr. PROXMIRE. Mr. President, a few months ago, I issued a statement warning Congress and the public to beware of the government expert. I stated that the watchword should be "keep the experts on tap but not on top."

Neither government scientists, economists, housing experts nor the military brass can be counted on to give Congress objective, scientific, or infallible judgments. Instead their advice is too often subject, biased, and just dead wrong. Their opinions should be taken with a grain of salt.

Since that time, I have come to believe that my warning should not be limited to government experts only. Rather, beware of experts in any field.

To confirm my admonition, I would like to quote in its entirety an article from the Journal of Medical Education describing an experiment in which the experts were out-experted. An actor was hired to give an articulate, but thoroughly nonsensical lecture entitled "Mathematical Game Theory as Applied to Physician Education" to audiences of psychiatrists, psychologists, educators, and administrators. These experts answered questionnaires following the double-talk lecture which indicated that they were stimulated to think, that they learned, that they believed the material was well organized and presented in an interesting manner, and in several cases, that they had even read the fictitious Dr. Fox's prior publications.

The implications of the "Dr. Fox" lecture and its ready acceptance by supposed "experts" are far-reaching. As Congressmen and Senators hear "expert witnesses" day after day at hearings, we must exercise extreme scrutiny and detachment. Consider the implications of exercising such scrutiny in advertising. Dr. Fox certainly sold himself to people who should have known better. There is most certainly need for consumer oriented research and protection. In the discipline of education, think of the critical need for developing valid criteria for use in evaluating educational programs and teaching methods. The Dr. Fox syndrome evokes many questions about our perceptions and our vulnerability to the "expert." Let us learn from it.

I ask unanimous consent to have

printed in the Record the article from Journal of Medical Education, excerpts from the original Dr. Fox script, and my press release on experts of July 3, 1974.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE DR. FOX LECTURE: A PARADIGM OF EDUCATIONAL SEDUCTION

(By Donald H. Naftulin, M.D., John E. Ware, Jr., and Frank A. Donnelly)

The article is based on a paper presented at the 11th Annual Conference on Research in Medical Education at the 83rd Annual Meeting of the AAMC, Miami Beach, Florida, November 6, 1972.

(Dr. Naftulin is associate professor and director of the Division of Continuing Education in Psychiatry, University of Southern California School of Medicine; Mr. Ware is assistant professor of medical education and health care planning and director of research and evaluation, Southern Illinois University School of Medicine; Mr. Donnelly is an instructor in psychiatry (psychology) in the USC Division of Continuing Education in Psychiatry.)

Abstract—On the basis of publications supporting the hypothesis that student ratings of educators depend largely on personality variables and not educational content, the authors programmed an actor to teach charismatically and nonsensitively on a topic about which he knew nothing. The authors hypothesized that given a sufficiently impressive lecture paradigm, even experienced educators participating in a new learning experience can be seduced into feeling satisfied that they have learned despite irrelevant, conflicting, and meaningless content conveyed by the lecturer. The hypothesis was supported when 55 subjects responded favorably at the significant level to an eight-item questionnaire concerning their attitudes toward the lecture. The study serves as an example to educators that their effectiveness must be evaluated beyond the satisfaction with which students view them and raises the possibility of training actors to give "legitimate" lectures as an innovative approach toward effective education. The authors conclude by emphasizing that student satisfaction with learning may represent little more than the illusion of having learned.

Teaching effectiveness is difficult to study since so many variables must be considered in its evaluation. Among the obvious are the education, social background, knowledge of subject matter, experience, and personality of the educator. It would seem that an educator with the proper combination of these and other variables would be effective. However, such a combination may result in little more than the educator's ability to satisfy students, but not necessarily educate them.

Getzels and Jackson (1) have stated that the personality of the teacher might be the most significant variable in the evaluation of teaching effectiveness. Wallen and Travers (2) also supported this concept in stating that "we have tried to demonstrate that patterns of teacher behavior and the teaching methods they represent are mainly the products of forces which have little to do with scientific knowledge of learning."

Similarly, Goffman (3) viewed audience receptivity to a lecturer as highly influenced by the person introducing him as well as by the quality of the introduction. In addition, Goffman described an audience as influenced by the speaker's "involuntary expressive behavior" as much as by the expressed information he wished to convey. This is especially so if the audience has little time to evaluate the information. Consequently, the learner's impression of the information conveyed becomes a decisive factor in how he responds to the information conveyed.

Rogers (3) stressed the importance of humanizing our educational institutions by bringing "together the cognitive and the affective-experiential" aspects of learning. He also discussed the significance of the educator's genuineness. He feels that the educator who does not present a facade is more likely to be effective. The educator, states Rogers, must have a "direct, personal encounter with the learner."

In one study (4) in which student perceptions of educators in 1,427 seventh through 12th grade classes were factor analyzed, it was reported that the students regarded "teacher charisma or popularity" as the most important characteristic when rating teachers. The article further states that "students do not respond directly to specific questions regarding teacher effectiveness. Rather a kind of halo effect on teacher charisma or popularity determines to a large extent how students react to questions about their teacher."

If charisma or popularity have such an effect on the rating of teachers by junior high and high school students, the authors wondered whether the ratings of a highly trained group of professional educators in a learning situation might be similarly influenced. If that were the case, a demonstration of the personality factor in perceived learning might serve to arouse the group members' concern about the proper combination of style and substance in their own teaching.

METHOD

The hypothesis for this study was as follows. Given a sufficiently impressive lecture paradigm, an experienced group of educators participating in a new learning situation can feel satisfied that they have learned despite irrelevant, conflicting, and meaningless content conveyed by the lecturer.

To test the hypothesis, the authors selected a professional actor who looked distinguished and sounded authoritative; provided him with a sufficiently ambiguous title, Dr. Myron L. Fox, an authority on the application of mathematics to human behavior; dressed him up with a fictitious but impressive curriculum vitae and presented him to a group of highly trained educators.

The lecture method was the teaching

format selected since it is one used extensively in the professional educational setting. It has been described as the one teaching method during which most of the time the instructor talks to the students (1). Its acceptance as an effective teaching tool is attributable mainly to its time-testedness.

Dr. Fox's topic was to be "Mathematical Game Theory as Applied to Physician Education." His source material was derived from a complex but sufficiently understandable scientific article geared to lay readers (5). One of the authors, on two separate occasions, coached the lecturer to present his topic and conduct his question and answer period with an excessive use of double talk, neologisms, non sequiturs, and contradictory statements. All this was to be interspersed with parenthetical humor and meaningless references to unrelated topics.

GROUP I

Eleven psychiatrists, psychologists, and social-worker educators who were gathered for a teacher training conference in continuing education comprised the learner group. The purpose of the conference was to help this group be more effective educators of other health professionals by providing them various instructional goals, media, and experiences. Dr. Fox was introduced as "the real McCoy" to this unsuspecting group; and he presented his one-hour lecture in the manner described, followed by a half hour discussion period which was hardly more substantive.

At the end of his performance an authentic looking satisfaction questionnaire was distributed to which all 11 mental health educators were asked to respond anonymously (Table 1). The introduction of the lecturer as well as his lecture and discussion were videotaped for use with other groups.

Significantly more favorable than unfavorable responses to the questionnaire were obtained (χ^2 -square = 35.96, $p < .001$). The one item with most favorable responses was the first, "Did he dwell upon the obvious?" It was the feeling of half the group that he did. The remaining items received a majority of favorable responses. No respondent reported having read Dr. Fox's publications. Subjective responses included the following:

"Excellent presentation, enjoyed listening. Has warm manner. Good flow, seems en-

thusiastic. What about the two types of games, zero-sum and non-zero sum? Too intellectual a presentation. My orientation is more pragmatic."

Because the first group was few in number and quite select, the authors sought other subjects with similar experience and professional identity who might provide further data to test the hypothesis.

GROUP II

The second group consisted of 11 subjects who were psychiatrists, psychologists, and psychiatric social workers, all identified as mental health educators. A videotape of the previously described lecture and discussion period as well as the preparatory introduction was shown to the group. After the presentation group members responded to it using the same questionnaire as did the first group (Table 1). Favorable responses far outweighed unfavorable responses, and the difference between the two was (χ^2 -square = 64.53, $p < .001$). All responded favorably to the first item, which means that they felt he did not "dwell upon the obvious." There were also significantly more favorable than unfavorable responses to the other items and one respondent reported having read the lecturer's publications. Some subjective statements were:

"Did not carry it far enough. Lack of visual materials to relate it to psychiatry. Too much gesturing. Left out relevant examples. He misses the last few phrases which I believe would have tied together his ideas for me." Still more subjects were sought to further test the hypothesis.

GROUP III

The third group was different in that it consisted of 33 educators and administrators enrolled in a graduate level university educational philosophy course. Of the 33 subjects in this group, 21 held master's degrees, eight had bachelor's degrees, and four had other degrees which were not specified. Most of these educators were not specifically mental health professionals but had been identified as having counseling experience in their respective schools. The videotape of the lecture was again presented to this group, after which the educators responded to it by using the same questionnaire as the first two groups (Table 1).

TABLE 1.—EXAMPLES OF QUESTIONS USED AND PERCENTAGE OF RESPONSES¹ FOR 3 GROUPS

Questions	Group I		Group II		Group III		Questions	Group I		Group II		Group III	
	Yes	No	Yes	No	Yes	No		Yes	No	Yes	No	Yes	No
Did he dwell upon the obvious?	50	50	0	100	28	72	Did he put his material across in an interesting way?	90	10	82	18	81	19
Did he seem interested in his subject?	100	0	91	9	97	3	Have you read any of this speaker's publications?	0	100	9	91	0	100
Did he use enough examples to clarify his material?	90	10	64	36	91	9	Specify any other important characteristics of his presentation						
Did he present his material in a well organized form?	90	10	82	18	70	30							
Did he stimulate your thinking?	100	0	91	9	87	13							

¹ "Yes" responses to all but item 1 are considered favorable.

Again the number of favorable responses was significantly greater than the number of unfavorable responses (χ^2 -square=102.83, $p < .001$). The majority of respondents from Group III also did not feel the lecturer dwelt upon the obvious, and they also responded favorably for the most part to the other items. Subjective responses, when given, were again interesting. Some were:

"Lively examples. His relaxed manner of presentation was a large factor in holding my interest. Extremely articulate. Interesting, wish he dwelled more on background. Good analysis of subject that has been personally studied before. Very dramatic presentation. He was certainly captivating. Somewhat disorganized. Frustratingly boring. Unorganized and ineffective. Articulate. Knowledgeable."

Given the responses of these three groups of educators to the lecture paradigm, the authors believe that the study hypothesis has been supported.

DISCUSSION

The notion that students, even if they are professional educators, can be effectively "seduced" into an illusion of having learned if the lecturer stimulates a style of authority and wit is certainly not new. In a terse but appropriate statement on educators, Postman and Weingartner (6) emphasized that "it is the sign of a competent crap detector that he is not completely captivated by the arbitrary abstractions of the community in which he happened to grow up." The three groups of learners in this study, all of whom had grown up in the academic community and were experienced educators, obviously failed as "competent crap detectors" and were seduced by the style of Dr. Fox's presentation. Considering the educational sophistication of the subjects, it is striking that none of them detected the lecture for what it was.

In addition to testing the hypothesis, the paradigm was to provide these professional

educators with an example of being educationally seduced and to demonstrate that there is much more to teaching than making students happy. A balanced combination of knowledge and personality are needed for effective teaching even if the student does not require the former to sustain the illusion that he has learned. It is hoped that this experience has helped respondents from these three groups to question their educational effectiveness more meaningfully.

To the authors' knowledge a simulated teaching paradigm such as this with student responses to subsequently perceived learning has not been reported. Despite the usual reservations about generalizing data from only 55 subjects, the results of the study raise some interesting questions. The first involves the content of the lecture. Does a topic seemingly short on content and long on ambiguity or abstraction lend itself more readily to such a lecture paradigm than a content-

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EXCERPTS FROM ORIGINAL "DR. FOX" SCRIPT

Opening. "There are several advantages I've noticed in coming from California. The first being that you can wear shorts (the Easterners wear suits) and that you can wear a mock turtle neck shirt where we wear a tux." . . .

Second Page. "Now, this games theory, translated or carried on to its next step, is obviously no good in a dog fight. The motivation of a fight is hostility. The goal is to totally eliminate the opponent. This is not true in games. In games, the idea is to outlogic the opponent. If you will, to reduce that fight to a level of more amicable confrontation and this, gentlemen, I think is perhaps where the value of game theory lies in our profession. Pursuing instead the theory of games and how it pictures the value of a game, the value of parlor games as games is that they are instances of formalized conflict."

Games are instances of formalized conflict. You have not, as I've said, you don't get the optimum strategy but you get a choice of many strategies. In a sense, medically, one might say a patient comes in and says, "Dr., I have a pain." And you say the element of chance is that he has one of x, y, and z. Most people who come in, between the ages of 25 and 45, with a pain in that area suffer from this particular disease. And so you say, "Fine, this is my diagnosis," after the normal procedure of the clinic."

Games wouldn't help you there because games says you have to go into more possibilities. In a sense, it is the application, if you will, of general systems where the entire man, the entire thing is discussed in relation to the illness of that patient. And certainly in the area of mental illness or in the training of those who have to involve themselves with mental illness, this has enormous value. Now, I would like to give a couple of specific examples of game theories. We've seen in chess where there is a man to man situation. One must lose."

Sen. William Proxmire (D-Wis.) in a statement from his Washington office Wednesday warned Congress and the public to "beware of the government expert. The watchdog should be, keep the experts on tap but not on top."

Proxmire is Vice Chairman of the Congressional Joint Economic Committee and Chairman of the Senate Appropriations Subcommittee with jurisdiction over Housing, the National Science Foundation, and the Space Agency.

"Neither government scientists, economists, housing experts, or the military brass can be counted on to give Congress objective scientific, or infallible judgements. Instead their advice is too often subjective, biased, and just dead wrong. Their opinions should be taken with a grain of salt. Here are some reasons why:

"*Defense.* Congress is told by the experts at the Pentagon that we cannot cut a dime from the massive \$95 billion total national defense budget. When we attack requests for

new carriers, the B-1 bomber, or the MBT tank the military experts tell us that mere Congressmen or Senators should not interpose their judgments in an area which only the highly trained military brass can understand."

"At the same time a group of outside experts composed of former Deputy Secretary of Defense Roswell Gilpatric, former Assistant Secretaries of Defense Paul Warnke and Alfred B. Fitt, and men like Admiral Gene LaRocque, Vice Admiral John M. Lee, and Brigadier General Douglas Kinnard have told us we could reduce this year's military budget by \$14.9 billion without weakening the defense of the country at all."

"The Pentagon experts have a vested interest in getting their money and running a big program. Are they really merely unbiased experts?"

"*Nutrition.* The experts who advise the Food and Drug Administration (The Food and Nutrition Board of the National Academy of Science) officially tell us that the so-called Recommended Daily Dietary Allowance of Vitamin C for adults is 45 milligrams a day. After next January, if the FDA has its way, Vitamin C in amounts more than 150 percent of that amount, or 67.5 grams, will be regulated and sold as a drug."

"But the Nobel Laureate Dr. Linus Pauling advocates that individuals use many many times—tens of times—the amount proposed by the Food and Drug Administration and its stable of orthodox nutritionists."

"Furthermore, a very thorough double blind trial done in Canada with about a thousand people and reported in detail in the *Canadian Medical Association Journal* for September 23, 1972 indicates that there were statistically significant results—with fewer illnesses, shorter durations of illnesses, fewer doctor visits, and fewer days lost from work—with that half of the group who routinely took 500 milligrams of Vitamin C a day instead of a placebo."

"Here we have outside scientists recommending that people take 50 to 100 times the amount of Vitamin C which the Food and Drug Administration recommends."

"The problem is not that the FDA may well be wrong. The problem is that they have taken one side of a scientific dispute and have written it into law. That's not science. That's bureaucracy, stupidity, and wrong-headedness all wrapped into one."

"*Economics.* There's an old saying that if you laid all the economists in the world end to end they would never reach a decision. But this year the problem has not been 'no' decisions but 'wrong' decisions."

"The government economists were just dead wrong about the rate of inflation, the budget deficit, the price of oil, the price of food, and dozens of other vital economic predictions. This year more than any other proved why Carlyle called economics the 'dismal science.'"

"*Housing.* The experts at the Department of Housing and Urban Development have told us to scrap all the old housing programs and substitute a new leased housing program called Section 23 instead. But the builders who, under the program will not only have to build the units but are required to manage the units, select the tenants, and collect the rents, say it won't work. The builders, who have to put up the money and take the risks, may know far more about it than the so-called experts who plan programs on paper but are not required to run them."

SENATOR MONDALE AND THE PRESIDENTIAL NOMINATION

Mr. NELSON, Mr. President, it is rare in our political system when a serious and increasingly well-received contender for his party's Presidential nomination

renounces all ambition for the Presidency on the ground that he does not have the "overwhelming desire" for the office "that is essential for the kind of campaign that is required."

That is what our colleague from Minnesota, Senator MONDALE, did recently, and in doing so he surprised many of his own friends and supporters.

Senator MONDALE'S unusual act said a great deal about him and a great deal about the way in which we choose Presidents. Fortunately, both of these points caught the notice of many reporters and editorial writers around the country and resulted in a number of thoughtful and perceptive commentaries. It is these I would like to share with my colleagues, because regardless of how one regarded Senator MONDALE'S potential candidacy, his unique reasons for withdrawing from the Presidential race and the questions those reasons raise about our political process deserve our attention.

Saul Pett, of the Associated Press, wrote perhaps the most revealing article on this matter, and I ask unanimous consent, that it be printed in the RECORD together with a number of editorials and commentaries from newspapers throughout the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Grand Forks Herald, Dec. 1, 1974]
MONDALE FEARED HE MAY HAVE TO "TURN AND TWIST" AS CANDIDATE

(By Saul Pett)

WASHINGTON.—The long, numbing hours of the campaign. The lack of time to think, the snap judgments reached out of fatigue. The need to impress strangers. The effort to remake his personality, the fear he might have to "turn and twist" himself "out of shape."

Walter Mondale, the attractive senator from Minnesota who might have provided the Democrats with a fresh face, added it all up. He decided he didn't want to be President of the United States that badly.

He quickly adds that he does not object to the demanding system by which we nominate and elect presidents. He says he "admires" those who can endure it. It is just not for Walter Mondale.

"I also reject the notion that the system will automatically produce someone who is sort of obsessed or twisted," he says. "I don't think that has to be. Mr. Nixon was, of course. But I don't think politics ruined Nixon. I think Nixon nearly ruined politics."

Mondale withdrew last week after a year of exploring his possibilities around the country. While he still had miles to go before becoming a household word, he had risen in the polls from almost total obscurity.

In the beginning, he had to fight jokes about the only Mondale anybody had ever heard of was a suburb of Los Angeles. He ranked so low in the polls, he recalled, he was ready to issue a debate challenge to "Don't Know," who was running two points ahead.

After a year of travel and speaking and campaigning for Democrats in other states, and specially after Sen. Edward Kennedy withdrew, Mondale appeared to be the favorite of northern liberals. Admittedly the field was sparse. Among all Democrats, according to one poll, he was tied with Sen. Henry Jackson as having the best chance to beat President Ford. Neither was close to Ford but Mondale had come up from the pack.

Still, he said, he had the same doubts he had from the beginning about whether he

really wanted to run for President. His feelings went up and down. At one point, the day after Kennedy withdrew, Mondale was "99 per cent" certain he wanted to run. Last week, the one per cent prevailed.

"I just didn't have the overwhelming desire you need to do all the things you have to go to get nominated and elected," he concluded. "I had to get all the way in or all the way out."

"I was at a point where I would have to go to people in the Senate, in the House, governors, political leaders and leaders in other fields and ask them to commit themselves to me publicly. How could I honestly ask them to do that, to pledge part of their careers to me, when I had these doubts myself?"

So he got all the way out. He insists other candidates or his own chances were not a major factor. He decided he'd be happiest remaining a senator. He decided he really didn't have the stomach for a run at the White House.

Why not?

"The absolutely unbelievable schedules, the 18-hour days, the weekends. Above all, there's no time to sit down and think through an issue, to read books and other things you should, to test and probe an idea to be sure you're on the right track, to talk with leaders in the field. That has always been my way. I'm just uncomfortable with the snap judgements that one makes when you're tired or don't have a chance to think things through."

"Also, national politics has a lot of theater to it. In Minnesota, I'm with friends, almost part of a family. I don't have to put on airs. If I do, they'll resent it. If I don't speak well but makes sense, that's fine enough for them. It's a nice reassuring, comfortable feeling."

"Politically, the 47-year-old Mondale has led a relatively sheltered life in his own state. In 1960, he was appointed state Attorney general and then won election and reelection. In 1964, he was appointed to the senate term vacated by his mentor and his party's nominee for vice president, Hubert Humphrey. Mondale was elected in 1968 and re-elected in 1972. He has never had to run as anything but an incumbent."

He found national campaigning far different.

"So much of the time you're with people who don't know you," Mondale said in a shirt-sleeved interview in his Senate office. "You're appearing before them for the first and perhaps only time. There is this pressure to perform, to impress, that I found very uncomfortable. Maybe I'm not very good at it."

"The suggestion always was: You're a fine man but you really need to comb your hair differently; you need different kinds of suits; what you need is a speech instructor (I probably do); what you need is two hours in a Hollywood studio. It is a form of remake I don't like."

"Anyway, there are many different ways to serve. Not everyone has to be president or can be. I'm fortunate to be a senator."

Doesn't campaigning for the Senate require some "remaking?"

"No. One campaign hard for the Senate but there's time to think. Besides, I can be myself. I'd better be in Minnesota. I don't have to be remade. There's a wonderful sense of joy to it, a satisfaction. You have to be a politician to realize the joys and support and good feeling that come with it."

Running for president, was he beginning to dislike himself?

"I don't think so."

Was he getting close to the edge?

"Well, you start thinking about it."

Did he worry that a presidential campaign would bring great pressure to waffle or compromise on his principles?

"I don't think I did any of that. Anyway, the wafflers are in for a big surprise. The

things that seemed to get me the most support were the things I spoke most clearly about. When I was asked if I'd run with George Wallace and said no, people liked that. People are so tired of the manure put out by politicians that they'll often come to your banner just because you say something even when they don't agree with it."

Having tried it for a year, having decided finally he didn't want it badly enough, what were the joys of not running for president?

"First of all, I went deer hunting in Minnesota. I love the woods. I went back to the woods for three days and talked to the chickadees, the hawks, the squirrels. I listened to the wind and watched the snow come down. I can't tell you how that felt. It was just marvelous."

Mondale chuckled.

"Then I went home and I said to my wife, 'Joan, I'm sorry to be such a burden being home like this. I introduced myself to my children. Now I'm going home again tonight. I'm going to be with my family. I've got a book I'm going to read. I'm going to call a bunch of old friends and just talk. It's going to be a nice weekend.'"

And in the manner of a man who clearly won't, Walter Mondale of Minnesota added, "I'm going to miss all those Holiday Inns."

[From the Washington Post, Nov. 24, 1974]

SENATOR MONDALE'S EXIT

People have ducked in and out of the presidential running before; indeed, the mid-campaign renunciation of ambition has become a staple of our politics. But it is hard to remember a statement of this kind that was more candid than that made by Sen. Walter F. Mondale (D-Minn.) on Thursday in announcing his decision to end his quest for the Democratic presidential nomination—or one that was based on a sounder principle. For the plain fact is that the ordeal connected with seeking and acquiring the presidential nomination of one of the major parties tends to work as a valuable test of both the candidate's commitment to serve in the office of President and his capacity to organize a national enterprise and to create the required coalition of national political interests.

To say as much, however, is not to endorse or even admire the particular nature of the ordeal which has become associated with the quest for the American presidency in recent years—and that is the point. It is one thing to believe, as we do, that the trials and rigors of seeking the office can be an intimate part of demonstrating one's fitness for it, and quite another to believe that the candidates' exertions are being put to good use under our present costly, quirky and accident-prone system. As David Broder put it in a column on this page last month, "No sane person can survive, with his reason intact and his personality unwarped, the hideous, ludicrous, endurance course that now passes for a presidential selection process."

Mr. Broder's observation came at the end of several paragraphs describing the frantic and demeaning peregrinations of a collection of would-be candidates (including Sen. Mondale) as they tried to press their way to the attention of the media, the public and the party faithful.

Some of the elements contributing to the oddity and wastefulness of the process are probably past remedy. Others may be, at bottom, self-imposed conditions that owe more to fashion and trend and misconception of political necessities than to actual need: the JFK pattern of success, memorialized in literature and legend, has become a kind of model since 1960—and one that implies a protracted, costly, primary-by-primary campaign.

To complicate things further, it is also possible that reforms affecting particular parts of the process of selecting our Presidents could have the general effect of making

ing life more arduous for the individual candidate. We are thinking here of the alterations in the Democratic Party's delegate and nominee selection procedures whose effect could conceivably be to require an even more painstaking and prolonged state-by-state endeavor on the part of prospective nominees.

Nevertheless, there are some institutional actions possible that could go a certain way toward rationalizing the process itself. The recently enacted federal campaign financing legislation is an example of what can be done. There is also, kicking around on the Hill, legislation addressed to bringing a degree of order and practicality to the scheduling of state primary elections with a view to 1) shortening the overall campaign-to-convention-to-election day time period and 2) eliminating the marathon race aspects of the primaries by grouping them regionally and/or on certain specified days. And at their forthcoming miniconvention, the Democrats themselves will have an opportunity to endorse moves to regularize the timing of state delegate selection procedures. These are ideas that seem to us to be at least worth exploring as the country heads into another of its two-year election campaigns for a four-year term of office.

You will have noticed that there is one institution we haven't mentioned yet: the press. Here we leave the area where legislation is either desirable or lawful, but that is hardly to say that a little introspection and self-restraint and intellectual rigor are not in order. We do not have a candidate for election, but we certainly have a candidate for extinction, and that is the whole panoply of horseracing images—front-runner and the rest—that quadratically deform political reporting and distort the meaning of what is taking place. Front-runners slip, dark-horses make unexpected gains and the whole procedure sooner or later tends to become a kind of national sports event with its own built-in needs for surprise, reversal and "neck-and-neck" competition. Also, the members of the press (despite so much of what you hear these days) being human, there are certain points where trend and fashion overwhelm interpretation of events as they are, so that in addition to the roller coaster ride of the primaries and state nominating conventions themselves, the candidates are treated to a simultaneous seesaw ride of press expectations: they are up, they are down, they are up again—and so on.

It would be enough to make almost anyone dizzy, but that in itself is not a particularly good test of character, endurance, toughness or a capacity to engage and hold the political loyalties of divergent groups of Americans. We think Sen. Mondale is right about the importance of the ordeal. But we think a national effort can and should be undertaken to make the ordeal a more relevant one.

[From the Los Angeles Times, Dec. 11, 1974]

"I LISTENED TO THE WIND"

Walter F. Mondale's name is no longer on the list of Democrats who want to be President.

For almost a year, the 47-year-old Minnesota senator had been traveling around the country, trying to make his name better known. He spoke for other Democrats in the off-year elections. He held news conferences. He shook the hands of thousands of people he had never seen before and would never see again. But for all his work it wasn't going well.

"Mondale is hardly a household word," he would joke. "Most people think it's a city just outside Los Angeles." The public opinion polls gave him little chance of winning the Democratic nomination, and he was ready to issue a debate challenge to "Don't Know," who was always running just ahead of him.

Finally, he began to doubt what he was

doing. "I just didn't have the overwhelming desire you need to do all the things you have to do to get nominated and elected . . . The absolutely unbelievable schedules, the 18-hour days and the weekends away from home. There's no time to sit down and think through an issue or to read a book."

Nor did Mondale like the way people were trying to change him. He was told to comb his hair differently to dress more modishly and to go to a Hollywood studio and learn how to act in front of a camera. And worse, he was told he ought to modify his positions on public issues to make them more acceptable to more Democrats.

And just at the time Mondale was beginning to balk at all this, his chances began to look better. His fellow senator from Minnesota—Hubert H. Humphrey—came out for him. His close friend—Sen. Edward M. Kennedy of Massachusetts—withdrew from the race and left Mondale the favorite of liberal Democrats.

Suddenly, the polls had Mondale tied with Sen. Henry M. Jackson of Washington as the Democrat with the best chance of defeating President Ford.

And, just as suddenly, Mondale threw it all away. He said he would rather be himself than be President. "I made the decision on a deer-hunting trip in the Minnesota woods. I love the woods. I went back there for three days and talked to the chickadees, the hawks and the squirrels. I listened to the wind and watched the snow come down. It was just marvelous."

Then he went home and "introduced myself to my children" and "told my wife I was sorry to have been such a burden."

We don't know how Mondale would have done if he had stuck with it all the way. But we do know this: The republic has less to fear from a Mondale, who didn't want the Presidency enough, than from those who have wanted it too much.

MONDALE WITHDRAWAL MAY HURT DEMOCRATS

(By Chuck Stone)

Senator Walter F. Mondale (D., Minn.) is one of the few men in the U.S. Senate who has shared the abolitionist Wendell Phillips' passion for racial justice, but contradicts Phillips' view about Presidential candidates.

"You can always get the truth from an American statesman," wrote Phillips, "after he has turned 70 or given up all hope of the Presidency."

Mondale's reputation for honesty has long been as widely known as it has been highly regarded. His withdrawal as a Democratic presidential candidate will in no way alter his legislative integrity.

Yet, the decision by half of the Senate's "Minnesota Twins" (the other half, Senator Hubert H. Humphrey) not to seek the presidency damages the Democratic party's reputation as the party of liberalism and reform.

To the liberal wing of the Democratic Party, the depressing loss of Mondale's candidacy narrows an already badly impoverished field of acceptable candidates.

The only declared liberal candidate is Representative Morris K. Udall who whimsically described his candidacy as "lean." Yon lanky Arizonian does indeed have a "lean and hungry look" and one wonders how well his liberalism will stand up under the reactionary assaults of the other three leading Democratic candidates—a racist and mentally limited Gov. George Wallace, a saber-rattling manipulator, Senator Henry M. Jackson and an all-things-to-all-people opportunistic Senator Lloyd Bentsen of Texas.

But Mondale's withdrawal poses a larger problem than the mere loss until now of the most attractive and viable liberal candidate. He represents another statesman who has rejected the American dream of one day growing up to become president. There are any number of men—and women—out there of

superior intellect, high moral character and compassion for people. Yet, none of them wants to be president.

One man I deeply admire as one of the country's most authentic liberals and warm-hearted humanitarians—Wisconsin's Senator Gaylord Nelson—has persistently repudiated efforts by associates to mount a presidential draft for him. Nelson and Mondale are close friends. "Fritz was Gaylord's candidate," laughed Nelson's wife, Carrie Lee, in her soft Southern accent. Now, the two friends are noncandidates.

What is it about the descending star of the presidency that only the most savage mediocrities in our midst—Wallace, Jackson, Bentsen and Udall—emerge as the "leading" candidates? My God, we used to have to worry about choosing from Adlai Stevensons, Wendell Wilkies, Eugene McCarthy and Earl Warrens.

The presidency's power and majesty may be entering, as George E. Reedy suggests, a "twilight" period. Or it may have been twisted into an ominously different form unintended by the founding fathers—what Arthur M. Schlesinger, Jr., calls the "Imperial Presidency." Or the office may have been transformed into what another author, Fred Feinfield, labeled as the "Biggest Job in the World."

If so, how many honest and sincere men are that egomaniacs?

Recently, the glittering allure of the presidency has been dirtied first by Richard M. Nixon's pervasive dishonesty and then diminished by the well-meaning, but horribly inept campaigning of Senator George McGovern.

And now this highest office is being lowered to a new nadir in prestige by its present occupant—an athletic jock—who has got to be nominated for first honors as probably one of the dumbest men ever to serve as president.

One can't blame Mondale, 46, for abandoning the presidential holy grail. And all sides of the political spectrum can admire his candid admission that "I found I did not have the overwhelming desire to be president which is essential for the kind of campaigning that is required."

Nonetheless, all of us ought to start worrying where this country is heading when the greatest political talents among us treat the nation's highest office like an abandoned house.

Hubert Humphrey, can we have a word with you?

[From the Baltimore Sun, Nov. 25, 1974]

THE MAKING OF A PRESIDENT

"(When the dinners run out, the luncheons begin, and when the luncheons run out, the breakfasts begin. We may all meet next week to get the campaign out of the red with a midnight brunch at \$85 a person—and I will be there.)" JOHN F. KENNEDY, 1960.)

Walter Mondale won't be there. The Minnesota senator announced last week that while he admired those politicians who were willing to make the sacrifices presidential campaigning requires, it wasn't worth it to him. So he ended his candidacy less than one year after he began it. All who follow politics more or less with interest will certainly sympathize with Mr. Mondale's dilemma. He believes that only as President can a public official make a maximum impact on public policy. But he doesn't believe a presidential campaign is endurable. We believe that Senator Mondale would have made a good candidate. He is one of the most articulate and attractive of the Democratic party's liberals. It is too bad he found he couldn't take the grind.

The grind is a punishing one—too punishing. There ought to be some way to make it less of a mankiller. Certainly if it were

shorter people like Senator Mondale would be more likely to go the route. But if it were shorter, the American public would never really get to know enough about newcomers on the scene like Mondale. That's the public's dilemma. We are stuck with the old familiar faces and the marathon runners who can campaign from breakfast through midnight brunch for two or more years. That narrows down the American choice too much.

But we don't know what to do about it. We guess John Kennedy set the pattern for a long time to come by proving that a long campaign could lead to victory. That means that in 1976 the Democratic nominee will almost surely be one of those already-known stand-bys, such as Senator Henry Jackson, Senator Hubert Humphrey or Senator Edmund Muskie, or one of those younger men eager to pick up where Walter Mondale left off, such as Senator Lloyd Bentsen of Texas or Governor Jimmy Carter of Georgia, both of whom have announced that they are planning to announce, or Representative Morris Udall of Arizona, who formally tossed his hat into the ring last week, just as Mondale was taking his back out.

[From the Denver Post, Nov. 25, 1974]

WALTER MONDALE LEAVES A MESSAGE

Sen. Walter F. Mondale of Minnesota was hinting something important about the quest for the American presidency when he announced his decision not to run.

"I do not have," he said, "the overwhelming desire to be president which is essential for the kind of campaign that is required."

In that statement, it is possible to read at least two significant implications.

The first is that the burden of campaigning for the presidency has become so vast and irksome that a man with only a moderate desire for the office would be unwilling to undertake it.

The second is that the burden of campaigning tends to limit the field to those with a desire so strong that it may be unhealthy or an egotism so powerful that it may impair their judgment.

Mondale was out on the hustings in 30 states this fall to help Democratic candidates and take soundings on his own prospects for the presidential race. He spent \$100,000 in the process, and his aides say he received all the encouragement he could have asked for.

But he saw at first hand the ordeal of candidates and the powerful emotional commitments that were necessary to sustain them through many of the punishing, absurd and distasteful aspects of campaigning.

Mondale did not want the presidency badly enough to endure all that it has become necessary to endure to win elections. Nor did he feel that he was the only man who could save the country and therefore had an obligation to run.

His unwillingness to compromise his identity in a campaign to gain office and his recognition that God had not necessarily chosen him to save the country may be the very qualities most desirable in a president.

But the voters will rarely have men like Mondale to choose from in presidential elections. The choices will more commonly have to be made among men with a passion for power or a messianic concept of their own roles.

Until we can introduce more sense and moderation into presidential campaigning, we will continue to lose men like Mondale. As things stand now, the kind of man who could help the country most may be the kind who would find it most distasteful to run.

[From the Chicago Daily News, Nov. 25, 1974]

TOO LONG A ROAD FOR MONDALE

Sen. Walter F. Mondale (D-Minn.) has withdrawn from the 1976 presidential sweep-

stakes, explaining that he does not have "the overwhelming desire to be President, which is essential for the kind of campaign that is required."

The nation is the loser thereby: It needs all the attractive candidates it can muster in order to make the best choice possible for its leader.

But it does, as Mondale implies, take a rare kind of desire and dedication, plus a very strong stomach indeed, to go through a full-scale campaign at the national level, and those without such attributes can be torn to shreds by the ordeal. There is the physical punishment of the incessant touring, meeting, speaking, handshaking, backslapping; the frayed nerves; the loss of sleep. There is the mental strain imposed by the crescendos of succeeding state primaries. There is the critical problem of somehow raising the money to get the job done without mortgaging one's soul.

Unless the loftiness of the goal and the headiness of the effort can make up for all of this, a man is wise to stop where Mondale did before he really gets caught up.

But of course there shouldn't be such punishment involved in the process, and there needn't be if Congress will ever bestir itself to the point of providing corrective measures. It can substantially shorten the campaign period, and it can relieve the candidates of much or all of the money-raising anguish. Efforts to achieve the latter are afoot in Congress; some day the whole job may be done. Meanwhile the nation must live with the constant chance that the best men for the job just won't or can't pay the price.

[From the Boston Globe, Nov. 25, 1974]

A CHANGE OF MIND

In the stepping-stone atmosphere that has characterized American politics for well over a century, the path of the most determined players leads to the White House.

And in this day of instant and constant communication, the game is played virtually around the clock, rather than once every four years as was the comfortable custom of a past that is still within the memory of many citizens.

When President Ford assumed office in August, little more than two years before the next presidential election, a month of general relief for both Republicans and Democrats set in. By middle and late September, play was resumed with, on the Democratic side, the names of Sen. Edward M. Kennedy and Sen. Walter Mondale (D-Minn.) leading the rest.

President Ford found an early opportunity to declare himself a candidate in 1976, and not long after Sen. Kennedy withdrew his name from speculation, Sen. Mondale sensed a vacuum, as, perhaps, did others and geared up his campaign to make himself more widely known.

But on Thursday, Sen. Mondale, too dropped out of the field, and many a liberal Democrat felt the party had lost its "last hero," or at least the last one now visible on the stepping-stones.

The Democratic Party roster of presidential hopefuls is never exhausted, of course, but most of those whose names and faces will continue to be seen lean more toward the political center. Among them are Sen. Lloyd M. Bentsen Jr. of Texas, Gov. Jimmy Carter of Georgia, Sen. Henry M. Jackson of Washington, Rep. Morris Udall (D-Ariz.), and Gov. George Wallace of Alabama. Boston's Mayor Kevin White has been showing his flag for national office, and after the first of the year, new Democratic governors and members of Congress elected this month may stride into national prominence.

Politics being the equivocal profession it is, some observers sense that Sen. Mondale has chosen to stand aside while other competitors conduct their predictable internecine

warfare, and to be available at the proper time.

But a human and compassionate—even firm—conviction shows through in the poignancy of his withdrawal statement: "I do not have the overwhelming desire to be President which is essential for the kind of campaign that is required." A clue might also be found in a story Sen. Mondale has told about entering a restaurant with his teenage son Theodore. "Dad," the boy said, "please don't shake hands with anybody. Let's just sit down."

It may be the party's and the nation's loss that Walter Mondale, whether through disillusion or family concern, will not be on the national stage discussing issues to the degree that a campaign would offer. The greater danger is that if too many good politicians hold back, the door will be open to a demagogue.

THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, the 93d Congress is now drawing to a close and the Senate has still failed to take affirmative action on the Genocide Convention.

As I have said innumerable times on the Senate floor, ratification of the Genocide Convention is of the utmost importance to our country. The U.S. delegation took the lead in drafting the Genocide Convention because they felt secure with the principles expressed in our Declaration of Independence and Constitution and felt it was imperative for our country to take a strong stand against this abhorrent crime. Yet the Senate does not seem to feel as secure in our freedoms as our diplomatic corps.

This is a tragic anomaly that must be corrected. It is now too late for action on this human rights treaty this year but we must act early in the next Congress.

It is time for us to reassert United States leadership in the field of protection of human rights. To do anything less, Mr. President, would be a betrayal of the noble aspirations of our Founding Fathers.

COST OF COAL

Mr. MATHIAS. Mr. President, over the last year, the Congress has been considering S. 425, the Surface Mining Reclamation Act, but now that congressional agreement and approval is at hand the Executive has indicated that he intends to veto this important measure. This is an unfortunate circumstance since extensive hearings in the Congress clearly determined that this was a necessary and workable bill. In fact, many of the President's own advisers recommend against the promised veto.

Let anyone think that the problems of strip and deep mining are trivial or that congressional action can safely be put off until next year, I ask that an article appearing in the September 1974 issue of Environment magazine by George E. Dials and Elizabeth C. Moore entitled "The Cost of Coal" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE COST OF COAL—WE CAN AFFORD TO DO BETTER

(By George E. Dials and Elizabeth C. Moore)

Coal mining in the United States damages the environment and the health of coal miners. Unfortunately, the cost of this damage is seldom paid by those who enjoy the labor-saving energy and the profits that come from coal. Instead, most of the cost is paid by the people who live and work where the coal is mined. Their lands are gutted, and their streams and lakes are polluted. Smoke from burning refuse piles hangs over wide areas, and thousands of miners are crippled because of accidents or are coughing their lives away because of black lung disease.

Most of the damage and destruction is unnecessary, and it is less necessary every day. The technology is available to make coal mining safe for both miners and environment. The problem is that until now this technology has been largely ignored in order to avoid additional production cost—and thus to keep coal price-competitive with other sources of energy.

Such protection is no longer needed. In today's U.S. energy market, coal mining can be made safe and environmentally sound without jeopardizing coal's competitive advantage.

The following article estimates that during the years 1970-2000 human and environmental costs—what might be called social costs—will total \$0.8727 per ton for deep-mined and \$1.0028 per ton for surface-mined coal. No charges for damage to miners or environment prior to 1970 are included. If these costs had been added to the average selling price of coal in 1972, the price of deep-mined coal would have gone up to \$10.57 per ton (an increase of 9 percent), and surface-mined coal would have cost the consumer \$6.65 per ton (an increase of nearly 18 percent). With recent skyrocketing coal prices, the addition of social costs would be less in percentage terms.

The human and environmental cost figures developed in this article are estimates. They are based on past experience, which means that they are on the conservative side because inflation has made everything cost more—and there is no end in sight. Social costs will also be affected by any future changes in legislative controls, mining and reclamation technology, incidence of accidents and black lung disease, miners' wage rates—and whether the coal rush to the West continues.

The estimates do, however, give us a much better idea of what a ton of coal really costs, and hence what its market price should be. At this higher market price, coal will still be a bargain, and it will continue to be a bargain even if social costs increase substantially above the estimates that follow.

What coal mining does to people and the environment depends on which kind of mining is being discussed. In this article mining will be divided into two traditional categories: underground mining (or deep mining, as it is commonly called) and surface mining (which includes both strip and auger mining).

In both discussions, costs will be analyzed over a specific 30-year period, the years 1970-2000, and the analysis will be based consistently on the following assumptions:

1. The cumulative production of coal during the period 1970-2000 will be 20 billion tons. Although this estimate represents an extrapolation of past production history, it may well be conservative because of the escalating world demand for energy and the shortages or high prices of alternative fuels such as oil and natural gas.

2. During the 30-year period, an average of 60 percent of the coal (12 billion tons) will be surface-mined, and 40 percent (8 billion tons) will be deep-mined. As shown in Figure 1, there has been a dramatic increase

in the percentage of coal that comes from surface mines in the U.S.—up from less than 2 percent in 1920 to 48.9 percent in 1972. According to L. W. Westerstrom of the Bureau of Mines, the figure for 1973 will probably be about 51 percent when data for that year are complete. With the increased amount of mining in the West, where surface mining is more prevalent, this upward trend is expected to continue.

3. There will be no significant breakthroughs in mining or reclamation technology. There will therefore be no marked increase in productivity in the coal-mining industry, and no marked change in the effectiveness of methods used to prevent or repair environmental damage.

4. There will be no restrictive legislation that will affect the type of mining practices now permitted.

History may prove that some of these assumptions are way off base. The authors hope, for example, that the third and fourth assumptions will be proved wrong, and soon. But in estimating the social costs of coal, past experience must be leaned on heavily, and that means holding some important variables—notably technology and legislation—constant during the analysis.

One important point must always be kept in mind by the reader: the social costs calculated in this article will be only those resulting from coal production during the 1970-2000 time period, and will not include any costs for damage in the past.

The costs for past damage, such as payments to present black-lung victims and the costs of reclaiming strip-mined "orphan" lands are large; many people feel that they should be paid by the current consumers of coal, since so many of them are the same people and groups who consumed the coal when the damage was done. Others argue that these compensation and reclamation costs should be paid by the federal government out of general revenues—which really means that they should be paid by all the taxpayers in the nation.

This is an important argument, and one that generates much heat. But it is beyond the scope of this article. In the analysis that follows, we shall frequently indicate the scope of these damages in the past, and past experience will be used as a basis for estimating costs during the 1970-2000 period. But we shall not confuse the two; scrupulous care has been taken to separate past from future in developing the cost figures.

The following social costs of coal will be analyzed in this article for deep-mined coal: mine fires, disposal of mine wastes, control of acid mine drainage, prevention of subsidence, loss of potential production due to accidents, black lung disease, and other costs (gaps in restitution to miners and their families after accidents, lowered property values near mine sites, damage to roads and highways). Analyzed for surface-mined coal will be: land reclamation, control of acid mine drainage, sedimentation, diminished recreational value of land, loss of potential production due to accidents, and other costs (same as those for deep-mined coal).

DEEP MINING: MINE FIRES

There are two types of fires that occur during deep mining: underground mine fires and fires in coal refuse piles. Both are damaging and expensive to control. In the 1971 Senate subcommittee hearings on surface mining, John Quarles, then general counsel of the Environmental Protection Agency (EPA), reported that, taken together, the two kinds of fires had caused the deaths of 50 people and the destruction of property valued at more than \$2 billion.

Today, however, coal operators use effective techniques to prevent fires in deep mines and refuse banks—and the money spent on fire prevention is routinely included in production costs, and hence in the selling price

of coal. Mandated by the Mine Health and Safety Act of 1969, use of these techniques means that new outbreaks are expected to be relatively rare in the future. For this reason, assessment of the social costs of coal mined from 1970-2000 includes no charge for control of mine fires.

DISPOSAL OF MINE WASTES

Some mine waste in deep mining comes from the mine itself, and some of it is a discarded by-product of the coal preparation process. Most of this waste is simply put into piles, creating a real environmental problem. Mine refuse piles are unsightly; they discharge particulates and noxious gases; they result in acid drainage and sedimentation; and they are subject to massive slides.

The magnitude and cost of these wastes are enormous. Bureau of Mines studies in Kentucky and Alabama show that one-quarter of a ton of waste is produced for each ton of coal mined, and that disposal of these wastes costs an average of \$0.07 per ton of coal mined. At this rate, the 8 billion tons of deep-mined coal projected for the period 1970-2000 will result in 2 billion tons of waste, and disposal of the waste would cost \$1.4 million.

An intensive search is underway to find constructive and profitable ways to use these mine wastes—in the manufacture of lightweight aggregates for concrete or cinder blocks, as a fill for flat coastal areas, in the manufacture of bricks, in the construction of secondary roads in the form of burned refuse, and in generation of electricity. In mining areas, these wastes are sometimes used to backfill both active and abandoned underground mines.

The happy day when mine waste can be turned into profit cannot come too soon, but until it does, it seems reasonable to use the \$0.07-per-ton figure from the Bureau of Mines studies as the average cost of mine waste disposal.

ACID MINE DRAINAGE

The acid water which drains from both deep and surface mines is justly infamous. Frequently orange-red in color, it kills the aquatic life in streams and makes the water unfit for human consumption.

The total amount of drainage each year is tremendous. It is estimated that back in 1966, when coal production was considerably less than it is now, mining operations in the Appalachian region alone discharged 4 million tons (nearly 1 billion gallons) of acid each year into 5,700 miles of streams, resulting in continuous and serious deterioration of water quality. In the U.S. as a whole, nearly 11,000 miles of streams are affected by acid mine drainage on either a continuous or intermittent basis.

The effects of acid mine drainage are expensive. It has been estimated that it adds about \$3.5 million each year to the costs of industrial water users, municipal water suppliers, navigation, and public facilities.

There are a number of methods that can be used to control acid mine drainage, such as neutralization, distillation, reverse osmosis, ion exchange, and so on. Some of them involve treating the water to make it nonacid, and others reduce the amount of drainage that takes place at the mine.

Which methods are used depends on many variables—the type of mine (surface, underground below drainage level, or underground above drainage level), whether it is active or inactive, and what the geological and hydrological conditions are.

What will be the cost of acid mine drainage caused by the deep mining of 8 billion tons of coal between 1970 and 2000, and how much would this cost be on the average for each ton of coal mined? (Costs of acid mine drainage in surface mining are discussed later.)

The answer does not seem to lie in a detailed analysis of specific control methods.

December 19, 1974

There are too many different methods, and the differences in costs and effectiveness are too great to allow us to calculate averages on any sensible basis. Instead we will take a look at our past national experience with this problem, and then use that information to estimate the future.

In 1970, the Department of the Interior estimated that it would cost \$6.6 billion to clean up all the acid mine drainage in the nation—that is, to treat all the acid water so that it would be usable and nontoxic. This \$6.6 billion figure deals with past damage; it represents the total result of all the coal mining done in the U.S. from the beginning of our history up to the year 1970. It can also be used as a basis for estimating what the future costs of acid mine drainage will be.

But before using the \$6.6 billion figure for this purpose, we must recognize that it includes the cost of not only the acid mine drainage that originated in the mines themselves (both deep and surface), but also of the acid mine drainage that originated in refuse or waste piles—from rainwater leaching down through the piles and turning acid in the process. Remember that we have just discussed the importance of disposing of mine wastes—and have developed a figure (\$0.07 per ton of coal) for the cost of doing so. In our calculations of the per-ton cost of acid mine drainage, therefore, we must ignore—indeed, we must be careful to eliminate—any costs that are the result of acid mine drainage from waste or refuse piles. Otherwise we will be double charging, and our cost figures will be accordingly inflated.

So the first step is to estimate how much of the \$6.6 billion cleanup cost should be subtracted for this reason. There are no precise figures available, but David Maneval of the Appalachian Regional Commission estimates that somewhere between 10 and 15 percent of the pre-1970 acid mine drainage originated in waste piles. Using a midpoint estimate of 12.5 percent and subtracting it from the total cost, it would cost \$5.78 billion to clean up the acid mine drainage coming from mines.

Of this \$5.78 billion worth of drainage, over 70 percent, or about \$4.05 billion, originated in deep mines, which produced a total of 69 billion tons of coal during that period of time. The cost therefore averages out of \$0.0587 per ton. In other words, if all the acid mine drainage produced by deep mines up to 1970 were cleaned up, it would cost an average of \$0.0587 for each ton of deep-mined coal produced during that long period.

Recent experience indicates that \$0.0587 per ton is a very conservative figure. On the basis of experience in treating acid mine water at four typical bituminous deep mines in Pennsylvania, Maneval has estimated that the average cost of treatment was \$0.20 per ton of coal mined.

So although we do not include the costs of past damage in calculating the real cost of coal during the period 1970–2000, we can use past experience as a basis of estimating what future costs will be. In this case, we conservatively estimate that it will cost an average of \$0.0587 per ton to clean up the acid mine drainage caused by deep mining 8 billion tons of coal during the last 30 years of the twentieth century. The total cost of abatement would be \$470 million.

PREVENTION OF SUBSIDENCE

Mine subsidence occurs when a mine caves in, causing the land above it to buckle and settle. It can cause extensive and expensive property damage, particularly in urban areas—as citizens of Scranton and Wilkes-Barre, Pennsylvania can testify.

Most subsidence can be traced directly to the type of mining techniques used. In the room-and-pillar technique, which has been popular in the U.S., the columns or pillars of coal that are left in place to furnish sup-

port represent lost production—coal that cannot be sold. So the pillars are often of only intermediate size and strength, and the unsupported sections of the mine frequently subside. It is this nonuniform subsidence that causes the most damage on the surface.

New mining techniques, particularly the longwall method brought to the U.S. from Germany during the last decade, can help alleviate this problem. A special machine, known as a longwall miner, removes all of the coal as the machine advances through the seam; a set of automatic advancing jacks holds up the mine roof immediately behind and parallel with the cutting bits. As the operation moves farther along the coal deposit, the jacks are also moved, leaving behind a completely mined-out area. The surface over this area settles, but because 100 percent of the coal has been removed, the settling or subsidence is uniform—and hence not usually damaging to surface structures. Until the longwall method is more widely used in the U.S., however, the threat of subsidence remains a real problem. At the Senate hearings in late 1971, the EPA's John Quarles estimated that there was a threat of subsidence or cave-ins in more than 250 communities in 28 states.

When coal is mined with the room-and-pillar technique, the most common method used to prevent subsidence is to backfill the abandoned mine—that is, to fill up the voids with some strong, solid substance that will prevent buckling of the surface. At the same 1971 Senate hearings, Assistant Secretary of the Interior Hollis M. Dole estimated the cost of backfilling abandoned mines at \$10,000 to \$15,000 per undermined acre. He based his estimate on Bureau of Mines experience in subsidence control projects conducted in the anthracite region of Pennsylvania under the Appalachian Regional Development Act of 1965.

The next question, then, is how many acres will have to be backfilled. According to calculations by Harry Perry, approximately 0.0001 of an acre of land was undermined in the U.S. for each ton of coal extracted from deep mines from the beginning of mining through the year 1969. This means that 800,000 acres of land will be undermined to produce the 8 billion tons of coal projected to be deep-mined during the period 1970–2000.

However, not all of the undermined acres will require backfilling to prevent subsidence. Perry estimates that of the acres undermined up to 1969, about one-third have subsided. It is difficult to predict just which areas will be in jeopardy, but David Maneval reports that research now being funded by the Appalachian Regional Commission deals with this problem, and that by 1975 a thorough and reliable method of measuring subsidence-proneness should be available.

With this tool at hand, then, we can assume that of the 800,000 acres undermined between 1970 and 2000, only about 267,000 will subside if they are not taken care of—and that these areas can be spotted ahead of time and backfilled at a cost of \$15,000 per acre. The total cost of backfilling will be approximately \$4 billion, or about \$0.50 per ton of deep-mined coal.

DEEP-MINING ACCIDENTS

Measuring the cost of damage to human beings—the cost of accidents—is far more complex than measuring costs to the environment, and it may in some ways be almost impossible. Who can put a price tag on pain, or a wife's worry, or the way a child feels when his father is killed in a mine explosion? Can anybody pretend that any sum of money will really make up for what it means to go through life minus an arm, or paralyzed from the waist down?

Granting all this, however, part of the social cost of an accident can be given a price tag. When a man in the prime of life is cut

down by a mine cave-in, society is poorer in many ways that can be expressed in dollars and cents.

Three types of accident costs—the costs of administration, prevention, and restitution—are already being paid by the mine operators, and are then passed on to the people who buy and use coal.

Accidents create certain administrative costs. The accident must be investigated, if production levels are to be maintained, substitute workers must be recruited and trained, and their wages must be paid. Productivity probably sags, for a while at least, since substitute workers are not usually as efficient and productive as the men who were injured or killed in the accidents. These costs are paid by coal operators, and hence by coal consumers.

In order to prevent accidents, and to meet standards set under the 1969 Mine Health and Safety Act, operators install and operate mine-safety equipment, and many operators also organize and operate programs in mine-safety education. These expenses are part of the cost of mining coal and are passed on to those who buy and use it.

In the case of coal-mining accidents (as well as accidents in other industries), restitution is accomplished primarily through benefits provided by workmen's compensation programs in all 50 states of the union. These benefits include: burial allowances and survivors' benefits to widows and dependent children of miners killed at work; weekly income-replacement payments to a miner and his family during the period when he is unable to work because of a disabling accident; medical benefits to help cover doctor bills and hospital expenses; and the cost of rehabilitation programs, including those which retrain injured miners to prepare them for new jobs.

The cost of workmen's compensation programs in the coal industry is paid by the coal operators, usually in the form of insurance premiums paid either to a special state workmen's compensation fund or to private insurance companies that furnish this kind of coverage. (In some states, coal operators may qualify as self-insurers, and large coal companies sometimes choose this approach.) In any case, directly or indirectly, it is the coal operators who pay the cost of workmen's compensation programs for their employees, and the operators in turn pass on the cost to coal consumers.

There are, however, significant gaps in the coverage provided by workmen's compensation. Each state has its own program, and there are sizable variations in the amount of coverage provided. Of the 24 coal-mining states, for example, 16 pay all medical bills for injured miners—but Wyoming, at the other end of the spectrum, pays only a maximum \$880. Income-replacement benefits paid to a totally disabled miner and his family are \$175 a week in Alaska and \$150 a week in Arizona—but in eight of the coal states the maximum payment is below the poverty level set by the U.S. Department of Labor in 1973 (\$82.69 a week for a family of four). Even the most generous state programs have limits on the dollar amount of weekly benefits that will be paid to injured miners or their widows and families.

Other types of financial help are available in case of mining accidents. Depending on the duration of the disability and the age and number of dependents, some miners and/or their wives and families, are eligible for Social Security, union benefits, or both, in case of accidental injury or death. Even so, the restitution for coal-mining accidents is not usually complete. James O'Brien, assistant director of AFL-CIO's Department of Social Security, puts it this way:

"However all the various payments are put together—workmen's compensation, Social Security, union payments—the combination usually does not replace the income lost, and

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it frequently does not pay all of the special expenses, such as burial or medical expenses, that are incurred as a result of the accident."

Family, friends, or organized charity, public or private, must pitch in and help—and the dollar value of this needed help is a social cost of coal that must not be ignored. It is, however, a cost which at present cannot be translated into a dollars-and-cents figure for the coal industry as a whole. We know it is there, but we do not know how big it is. As long as the present situation continues, this part of the cost of coal is an inequity to those who must pay it.

To summarize, many of the costs of accidents—the costs of administration and prevention and some (though by no means all) of the costs of restitution—are paid by the coal operators, and are therefore already included in the price the consumer pays for coal.

LOSS OF POTENTIAL PRODUCTION

There is, however, still another kind of cost which is incurred when a coal miner is injured or killed in an accident—and this cost is levied, not on the miner or his family or the coal operators or the coal consumers, but on the U.S. economy as a whole. When a person of working age is killed in an accident, the national economy is poorer because it loses whatever that worker could have produced during the rest of his or her working life (or during the period of disability, in case of injury). We have all seen magazine articles and health insurance ads that estimate the annual cost to the U.S. of heart disease, cancer, or alcoholism. In these articles, the costs are usually measured in terms of what happens to the productivity of working-age people who are disabled or killed by the disease in question, and these cost estimates are frequently—and successfully—used to justify spending large sums of money to help prevent, detect, and treat the illness. The same reasoning is valid in reckoning the cost of industrial accidents, including those that happen to coal miners. Our supply of manpower is one of our greatest national assets, and anything which diminishes or damages that supply levies a real cost on the nation.

This concept is easy to grasp when studying full-employment industries—including today's coal industry, in which current shortages of skilled manpower frequently mean that an injured or killed miner cannot be replaced except by hiring someone from another mining operation. In these cases, a mining accident has immediate and clear results: the loss of coal desperately needed in our energy-short economy. In industries where there is a pool of unemployed workers, an accident does not cause this immediate loss of current production—but the loss in potential production is just as real, and its results are just as serious for the long-run health of the U.S. economy.

One analyst, estimating the economic value of a human life lost in an airplane crash, included not only what the man (or woman) would have earned during the remainder of his working life, but also the value of the time he would have contributed to community service had he lived. Some economists feel that the loss of a person's contribution to family life is also an important cost of a fatal accident, and should be assigned a dollar figure.

In estimating the loss in potential production due to coal-mining accidents during the period 1970–2000, the authors have chosen to include only the amount of wages that would have been earned by dead and injured coal miners if no mining accidents had taken place. We have not included estimates of the value of a miner's services to his family and community. The result is a very conservative estimate of what our nation will lose in potential production as a

result of coal-mining accidents during the last 30 years of the century.

The costs that are developed should be levied on the consumers of coal—and the money should promptly be spent by public agencies to cut down the accident rate in coal mines. There is much research that needs to be done on the causes and prevention of accidents, including the design of better ways of selecting miners, better ways of training them to do the job, and better equipment with which to do the job. Such research, including demonstration projects in different kinds of mines throughout the nation, could be a boon to miners and operators alike—and it could, if it is effective, soon lower this type of cost to the coal consumer. This is, in short, a cost which will eliminate itself if the funds are wisely spent.

CALCULATING LOSS OF EARNINGS

The next question immediately arises: How does one calculate the earnings that are lost as the result of accidents in the coal mines—and then convert this figure to a cost per ton of coal?

First, it should be noted that in making the cost calculations we have been forced to generalize. In real life, each mining accident is different, and the earnings that are lost will depend on the age of the miner, exactly what happened to him, what kind of work he does, how much he is paid—or how long he would have lived if the fatal accident had not occurred. But since data are not available on all these variables, we must be satisfied with averages.

Second, in this analysis we do recognize that a mining accident can mean anything from a slight cut requiring just a bandage to an explosion or cave-in that causes death. In this discussion we shall exclude completely what are called nondisabling accidents—those in which the employee loses less than one day of work—because no detailed information is available on them. All other mining accidents will be divided into two major categories—nonfatal disabling and fatal—and separate costs will be calculated for each.

The method used here to develop per-ton figures is essentially a straight-forward one that can be represented by the following fraction:

(1) x (2) x (3) over 8 billion tons=per-ton cost of accidents in deep coal mines.

where (1) is the total number of accidents, 1970–2000; (2) is the average number of workdays lost per accident; and (3) is the average daily earnings of coal miners; and 8 billion tons is the amount of coal that is projected to be deep-mined during 1970–2000.

As the reader follows the step-by-step computations that follow, first for nonfatal disabling accidents and then for fatal accidents, it may be helpful to refer back to this fraction occasionally to see exactly what is being done and why.

LOSS OF EARNINGS DUE TO NONFATAL DISABLING ACCIDENTS

Item (1). What is the number of nonfatal disabling accidents that can be expected to take place in deep mines in the period 1970–2000? The latest complete accident data available from the Bureau of Mines are for the year 1971, when there were 52.81 nonfatal disabling accidents per one million man-hours in underground mines.

Since the 52.81 rate is quoted for one million man-hours, the next step is to find out how many man-hours will be required to mine the 8 billion tons of deep-mined coal. According to Bureau of Mines statistics for 1971, the average productivity in underground mining was about 1.5 tons per man-hour; at that rate it would take 5.333 billion (or 5,333 million) man-hours to mine the 8 billion tons.

We can now complete the calculations:

5,333 million man-hours times 52.81 accidents per million man-hours equals 281,636 nonfatal disabling accidents in deep mines during the period 1970–2000. For ease in subsequent calculations, this number will be rounded to 281,500. Thus, item (1) in the fraction is 281,500.

Item (2). What is the average number of days lost from work per accident? According to the latest (1970) figures available from the Mining Enforcement and Safety Administration (MESA), formerly a part of the Bureau of Mines, an average of 52 days was lost or charged for each nonfatal disabling accident in the mining industry.

The "lost or charged" terminology used by MESA has important meaning, since the term "nonfatal injuries" covers a lot of territory, ranging all the way from a bruised leg (which would be what is called a temporary disability, and would be charged for the actual number of days off from work) through the loss of the first joint of a toe (a permanent partial disability that is charged at 35 days) to the loss of both legs (a permanent total disability charged at 6,000 days). (Some fifty to sixty assigned time charges were developed by the American National Standards Committee Z16 to measure the comparative severity of various kinds of industrial injuries. This committee is made up of representatives from industrial associations, and departments of state and federal governments. The time charges that were developed were based on the committee's combined experience with industrial accidents of all kinds.)

Because there is such a range of severity in nonfatal accidents, a weighted average of 52 days was derived. Thus, the average number of days lost or charged as a result of nonfatal accidents—is 52.

Item (3). What are the average daily earnings in the coal-mining industry? Preliminary Bureau of Labor Statistics data indicate that as of June 1973 the average gross earnings of miners in the coal industry were \$232.93 per week, or \$46.59 per day on the basis of a five-day week. (The average work week on that date was 41.3 hours, or an average of 8.26 hours per day on a five-day-week basis.) For ease in calculation, the average earnings figure has been rounded to \$47 per day. Thus, item (3) in the fraction is \$47.

The formula can now be put together as shown in the box below.

If the total cost of \$688,000,000 is divided by the 8 billion tons of coal projected to be deep-mined during the period, we find that the average loss of earnings due to nonfatal disabling accidents in deep mines would be \$0.086 per ton of coal mined (at 1973 wage rates). This estimate of lost earnings can be used as a measure of the loss of potential production caused by such accidents.

LOSS OF EARNINGS DUE TO FATAL ACCIDENTS

Using the same formula, the per-ton loss of earnings as a result of fatal accidents in underground mines can be calculated as follows.

Item (1). Number of fatal accidents predicted for deep mines between 1970 and 2000. Bureau of Mines figures for 1971 show that during that year there were 0.84 fatal accidents per million man-hours, an improvement over the 1970 figure of 1.20. Since mining 8 billion tons of coal will require 5,333 million man-hours, the projected number of fatal accidents during the 30-year period would be 5,333 times 0.84 or 4,480.

Item (2). Average number of days lost or charged per fatal accident. According to MESA, a fatal accident is charged as 6,000 days. (This figure was also developed by American National Standards Committee Z16, described above.)

Item (3). Average daily earnings in the coal-mining industry are \$47 per day, as described earlier.

The calculation can therefore be made as shown in the box below.

If this total cost of \$1,263,360,000 is divided by the 8 billion tons of coal projected to be deep-mined during the 1970-2000 period, we find that the average loss of earnings due to fatal accidents in deep mines would be \$0.158 per ton of coal mined (at 1973 wage rates). This loss of earnings can be used to measure the loss of potential production due to fatal accidents.

The combined loss of potential production (as measured by lost earnings) in deep mines during the 1970-2000 period is as follows:

Due to nonfatal disabling accidents, \$0.086 per ton.

Due to fatal accidents, \$0.158 per ton.

Total loss of potential production due to accidents in deep mines, \$0.244 per ton.

FURTHER DEEP-MINING COSTS

As of May 1973, black lung payments to miners and their widows had cost \$1 billion, and were expected to top \$8 billion by 1980. These are costs, however, that are the result of the way deep mining was done in the past. Presumably the future is going to be different—and better. Federal standards under the 1969 Mine Health and Safety Law required that by the end of 1972 the level of respirable dust could not exceed 2 milligrams per cubic meter of air; the Bureau of Mines reported in the summer of 1973 that coal dust had been reduced to acceptable levels in 93 percent of the mines in the nation.

The standards in the 1969 law were set after consultation with experts, and presumably they are rigorous enough to ensure that new miners coming into the industry will not contract the disease. If these standards are rigorous enough, and if they are enforced, the social cost of coal deep-mined during the last 30 years of the twentieth century will not include any costs attributable to black lung. If the standards are not rigorous or not enforced, it will be quite another story.

In this analysis we will assume the best, and therefore not include in the cost table a charge for black lung disease. But this is one entry that merits the closest scrutiny as more experience and data are accumulated on miners' health under the new law.

We have already discussed one of the costs of coal that is very real but which cannot be translated into national dollar figures: the gaps in restitution (medical and income benefits) to miners and their families after accidents. These gaps exist in both deep mining and surface mining.

There are other costs that fall in this same unquantifiable category: the lowered property values near mine sites (because of noise, dust, and general unsightliness) and the damage to roads and highways caused by heavy equipment and coal trucks. These latter two social costs are usually greater in surface mining than in deep mining, but they exist in both.

The estimated social costs of deep-mined coal add up to \$0.873 per ton, or a total of \$6.982 billion for the 8 billion tons projected to be deep-mined during the period 1970-2000.

SURFACE MINING: LAND RECLAMATION

Without proper reclamation, thousands of square miles of surface-mined "moonscape" will be left as a legacy to future generations; large portions of some Appalachian states already have this appearance. Thanks to the work of many fine photographers, we all now know what surface mining does to the land, and most people in the U.S. would agree without hesitation that if there is going to be surface mining there should also be good reclamation afterward. There is great disagreement, however, as to what "good reclamation" means and how much it costs.

In 1971, Assistant Secretary of the Interior Hollis Dole estimated that it would cost an average of \$600 per acre for what he called "basic reclamation" (grading, revegetation,

and drainage control) of the approximately 2.3 million acres of unrestored surface-mined land that existed in 1970. In the same testimony, he pointed out that Bureau of Mines data on reclamation work in the Appalachian states showed an average cost of \$1,100 per acre to return surface-mined land to productive use, with some special projects running as high as \$15,000 per acre.

In 1971, William Guckert, director of the Mine Reclamation Division in Pennsylvania's Bureau of Land Protection and Reclamation, reported that the cost of reclamation performed by mine operators in Pennsylvania averaged from \$250-\$500 per acre, with some costs of \$750 per acre in high terrain.

In a U.S. Bureau of Mines project in Pennsylvania in 1966, the cost of grading and filling a strip-mined area ranged from \$912 to \$2,770 per acre, depending on the methods used. According to estimates by the Center for Science in the Public Interest, reforestation or planting of forage for grazing could add another \$250 per acre.

In its 1972 calculation of the total cost of cleaning up our national environment, the Council on Environmental Quality used a figure of \$2,000 per acre as the average cost of reclaimed land disturbed by surface mining.

Ernest Preate, president of Help Eliminate Life's Pollutants (H.E.L.P.), a citizen conservation group in Scranton, Pennsylvania, reported costs of \$2,000 an acre (for backfilling, grading, and landscaping 120 acres of surface-mined land near Scranton), \$5,730 an acre (for rough grading, compacting, and controlled filling of a 20-acre tract to be used as the site of a vocational-technical school in Lackawanna County, Pennsylvania), and \$8,000 an acre (for site preparation work on 27.4 acres of surface-mined land in Norton, Virginia, which were used as the location of an elementary school).

The Soil Conservation Service reports costs of \$2,000 an acre for reclamation work performed by an independent mine operator near Catoosa, Oklahoma, where the land is as flat as a tabletop.

The Environmental Protection Agency reports that the per-acre cost of regrading and revegetating surface-mined land includes the following: \$500 to \$2,500 per acre for regrading, \$50 for fertilizer, \$60 for liming to reduce soil acidity, and \$200 to \$800 for seeding. No costs were estimated for stockpiling topsoil, for surface preparation (raking, reburial of toxic and dark-colored materials, and breaking up compacted surfaces) or for irrigating dry areas, but these costs would be high in many mining operations.

Cost of reclamation is obviously a slippery statistic. It not only depends on all the obvious variables—the topography, the soil, and the geology of the area affected, the depth of the pit, or the size of the cut, it also depends on what standards must be met. Does "good reclamation" mean just restoring the land to useful condition—any use at all? Is it enough, for example, to restore former cropland to a condition such that it is suitable only for pasture? And what attention do we pay to the aesthetics of the situation? Some of the mountains of Appalachia, for example, had no specific economic use before they were surface-mined—but they were an important part of the scenery, and many people enjoyed them.

In calculating the social costs of coal, the standards of acceptable reclamation are beyond dispute: after reclamation is complete, the surface-mined land must be at least as economically productive and attractive to the eye as it was before mining began.

On this basis, of course, there is some land that should never be surface-mined at all, since it can never be fully restored, no matter how much money is spent. That is why several of the surface-mining bills that have been proposed in Congress have prohibited surface mining in steep-slope

areas, such as those common in Central Appalachia. In the western part of the U.S., where the coal seams are often very thick, there are other problems. "If you remove a 30-foot thickness of earth," says David Maneval, "surface mine a 100-foot-thick seam of coal, and then just put the earth back, as is frequently done in parts of the West, you finish up with an enormous hole." This is not acceptable reclamation by any standard.

The authors hope that federal legislation will soon prohibit surface mining in areas where good reclamation is impossible. If this happens, the average per-acre cost of reclamation in the U.S. will go down. As of now, however, the average must include what it costs to do everything possible to restore these lands, even though the final results will not be satisfactory. Difficulty must not be used as an excuse for doing nothing.

On this basis, then, how do we decide which reclamation cost figure to use? The U.S. averages that are generally available are not satisfactory. They are based heavily on experience in Pennsylvania, where most of the surface-mined land is flat or rolling and rainfall is adequate—two great advantages in reclamation work. Perhaps even more important, the quality of reclamation varies widely from one part of the U.S. to another. Since there has to date been no quality control on a national level, averaging out reclamation costs in the U.S. today is almost a meaningless exercise.

So in developing an average per-acre reclamation cost for this article, we have chosen to go another route: to find a place where large-scale reclamation work has been done over a long period of time, where the caliber of the work has been high enough to return surface-mined land to truly productive use—and then to find out how much that kind of reclamation costs.

GERMANY'S EXAMPLE

The place is West Germany, where fuel needs were and are such that "it is not possible to consider seriously the luxury of banning the surface mining of brown coal. Instead, methods of mining and land restoration had to be developed which would permit continued production of brown coal without incurring serious environmental damage."

German reclamation in the brown-coal fields of the Rhineland begins before the mining starts. Detailed plans are made for the evacuation and relocation of populated settlements and for the restoration of land after the mining is over. Land-use patterns are proposed and approved far in advance, and the post-mining landscape is planned accordingly. With this kind of advance planning, the mining operations can be tailored to fit the land restoration work that is to follow—instead of vice versa, as is so often the case in the U.S. During the mining, huge wheel excavators selectively strip off and save the top layer of loess, a form of topsoil—the extremely fertile loam which lies at the surface. The remaining sand, gravel, and clay overburden is then removed, and the coal is extracted. After mining is completed, mammoth spreaders are used to fill the overburden back into the mined-out pits, which are then leveled off with bulldozers. The loess, which has been combined with water to make a slurry, is then reapplied to the surface. The slurry dries out after several months, leaving behind a three- to six-foot-thick layer of fertile topsoil on which almost anything can grow. Grain and hay, for example, thrive on land restored less than five years earlier.

The institutional arrangements used by the Germans for planning, regulating, and enforcing this program are of particular interest, and although there is not enough space to discuss them here, we strongly recommend that they be studied by any person or group interested in reducing the environ-

mental damage we now suffer from surface mining.

The German program has been operating slightly more than twenty years. Under its aegis, 33,000 acres of land have already been restored for forestry, agriculture, and recreational uses. Officials there report that the costs of restoring mined-out lands to full agricultural productivity range from \$3,000 to \$4,500 per acre.

Experience in Great Britain, where strip-mining regulations are very strict and reclamation is first-rate, bears out the German cost figures. A Sierra Club study shows that British costs ranged between \$1,350 and \$7,542, for a rough average of about \$4,400 per acre—clearly in the same range as the West German costs.

On the basis of this German and British experience, therefore, a reclamation cost of \$4,000 per acre will be used in this analysis. Of course there are differences between the work done in Europe and that carried out in the U.S. Few U.S. reclamation projects, for example, would involve transplanting whole towns, as was sometimes the case in West Germany; so in this regard the American work might be done more cheaply. On the other hand, however, a great deal of surface mining in the U.S. takes place in mountainous areas, where reclamation is far more expensive than in either Germany or Britain; strip-mining in those countries is permitted only on relatively flat terrain.

On balance, the \$4,000-per-acre figure—assuming that we insist on first-class reclamation of our surface-mined lands—if we try to do it for less, we will get just what we pay for: lands that are far less productive and frequently far less beautiful than they were before mining took place.

PER-TON COST OF RECLAMATION

To calculate the total cost of reclamation, we must know not only the cost per acre, but how many acres will be affected. The Bureau of Mines has estimated that the average thickness of bituminous and lignite coal seams surface-mined in 1970 was 5.7 feet; no corresponding figure is available for anthracite. If the average density of surface-mined coal is 1,800 tons per acre-foot, this means that the coal content of surface-mined seams would average 10,260 tons per acre (1,800 tons per acre-foot times 5.7 feet). With an 80 percent recovery factor (about 20 percent of the coal in a seam is lost or wasted in the mining process), the actual yield would average 8,200 tons of coal per acre.

This means that approximately 1.5 million acres will have to be stripped to obtain the 12 billion tons of surface-mined coal projected for the 1970-2000 period. Using the reclamation cost of \$4,000 per acre, the total cost of reclamation will be \$6.0 billion, or \$0.50 per ton.

How will this per-ton cost estimate be affected by today's coal rush to the American West, where thick seams of low-sulfur coal (frequently yielding from 40,000 to 80,000 tons per acre) lie relatively close to the surface? It is too soon to know what the per-ton cost of reclamation will be in these surface-mining operations. In a recently published report by the National Academy of Sciences (NAS) to the Energy Policy Project of the Ford Foundation, a panel of scientists flashed some warning signals. The major findings of the report were summarized in a magazine article by Thad W. Box of Utah State University, chairman of the study committee:

"In the western coal areas, restoration [which the panel defines as duplicating the pre-mining conditions of the site] is rarely, if ever, possible. Rehabilitation, however, should be performed for all stages of mining."

Note that the definition of "rehabilitation" used by the panel contains some rather elastic terms, as indicated by authors' italics:

"'Rehabilitation' as used in this report implies that the land will be returned to a form and productivity in conformity with a prior land use plan including a stable ecological state that does not contribute substantially to environmental deterioration and is consistent with surrounding aesthetic values."

Even if one accepts this "rehabilitation" as an appropriate standard, there is no guarantee of success. "Those areas receiving ten inches or more of annual rainfall can usually be rehabilitated," writes Professor Box, "provided that evapo-transpiration is not excessive, if the landscapes are properly shaped and if techniques that have been demonstrated successful in rehabilitating disturbed rangeland are applied. . . . The drier areas, those receiving less than ten inches of annual rainfall or with high evapo-transpiration rates, pose a more difficult problem. . . . Where natural revegetation of a disturbed site may occur in five to twenty years on a high-rainfall eastern U.S. site, it may take decades or even centuries for natural revegetation to occur in a desert. . . . Arid ecosystems are delicately balanced and, once disturbed, may never reach natural equilibrium on a time scale acceptable to modern man. . . . Revegetation of these [arid] areas probably can be accomplished only with major, sustained inputs of water, fertilizer, and management."

But this is not the whole story. "Rehabilitation of mined lands requires more than achieving a stable growth of plants," Professor Box continues. "In these other aspects—wildlife, aesthetics, erosion control and water quality—pertinent data for rehabilitating mined land are virtually nonexistent. The necessary research has barely begun. . . . In the West the absence of a climatic 'safety factor' means that even supplying all the requirements will not guarantee success. Instead, successful rehabilitation requires a commitment to the proper application of proven techniques at all the critical times."

In short, even the somewhat fuzzy goal of "rehabilitation" is not going to be easy to attain in the West, and its cost and success are still uncertain.

There is still a third standard defined in the NAS report: "reclamation," which is something less than complete restoration but something more than mere rehabilitation. It is defined as "making the site habitable to organisms that were originally present, or others that approximate the original inhabitants," a standard of acceptability very similar to that used by the authors of this article. If we insist on this standard for surface-mined land in the West, cost and success are even greater question marks—and we need to start finding the answers before we heedlessly allow any more of the landscape to be damaged by strip-mining.

CONTROL OF ACID MINE DAMAGE

In surface mining, most of the acid mine drainage originates in the spoil banks—the piles of dirt, rock, and shale which are stripped from the surface to get at the coal underneath. These spoil banks are potent generators of acid for a number of reasons:

(1) In surface mining there is great exposure of the layers of shale, which are heavy producers of sulfuric acid when they are exposed to air and water. Since these shale layers are usually found directly above and below the coal seam, they are customarily the last to be stripped off, and hence they usually finish up at the top of the spoil pile, where they can do the greatest damage.

(2) Even if the shale is not at the top of the pile, spoil banks encourage formation of acid mine drainage because the loose material in them allows both air and water to percolate down ten feet or more.

(3) Higher temperatures produce more acid water, and during the summer months the temperature in spoil piles is very high.

(4) It is hard to control the acid produced

by surface mines because the acid water from spoil banks can flow in all directions, down off and down through the spoil.

In 1970 the total cost of treating all the then-existing acid mine drainage was estimated by the Department of the Interior to be \$6.6 billion, of which \$5.78 billion was attributed to the mines themselves, as calculated earlier in this article. Of this cost, 30 percent, or about \$1.73 billion, was due to surface mining. From the beginning of coal mining until 1970, 4.4 billion tons of coal had been surface-mined. The average cost of abating acid drainage would therefore be \$1.73 billion divided by 4.4 billion tons, or \$0.3932 for each ton of coal surface-mined during that long period.

If proper land reclamation is carried out, as we have already discussed in this article, will the amount of acid mine drainage in surface mining be reduced to zero? The answer to this question depends on the kind of reclamation being talked about. The work done in West Germany did not include any special provisions for preventing acid mine drainage since there are no sulfur-bearing minerals in the brown-coal fields of the Rhineland. In areas where the sulfur-bearing shale layers do exist, the problem is unavoidable. In the words of David Maneval:

"In strip mining, the union between coal, air, and water is almost inevitable. Coal seams are exposed to the air during stripping operations, and rainfall furnishes the water, which frequently runs down the hillside into the area where the stripping is going on."

Special actions are therefore required to prevent formation of acid mine drainage. First, the sulfur-bearing strata must be segregated, and this requires great care since they are usually the layers which lie nearest the coal seams. Then this sulfur-bearing material must be put at the bottom of the strip pit, and the top layers of the piles must be compacted tightly. Simultaneously, all water must be diverted from the mining operations, and if any water accumulates in the pit as the result of direct rainfall, it must be pumped out and treated immediately.

In short, reclamation must include some very specific practices if it is to prevent acid mine drainage altogether, and most of these practices were not included in the German work because the problem did not exist there.

There is no question, however, that even without these specific practices, the amount of acid mine drainage will be cut down markedly by what is called basic reclamation work—putting the spoil back after mining is completed, restoring the topsoil, and revegetating the area. So if any kind of decent reclamation work is done, the cost of controlling acid mine drainage will be considerably less than the \$0.393 per ton estimated cost for past mining—precisely how much less is not known at present.

For these reasons, \$0.393 a ton will be the maximum cost of acid mine drainage for surface-mined coal, and the cost figure will be so labeled in Table 3.

CONTROL OF SEDIMENTATION

Another major water pollution problem that results from strip-mining is sedimentation. Strip-mined areas continuously erode, filling streams and rivers with sediment which impedes the flow of water, fills the stream channels and promotes flooding, coats stream bottoms and prevents the growth of aquatic plant and animal life, fills reservoirs and impoundments, clogs public water systems and transmits pathogenic organisms. According to studies by the U.S. Geological Survey, erosion and sedimentation rates on strip-mined land are 500 times as great as those on neighboring land that has not been stripped.

Furthermore, erosion also loads water with large quantities of other minerals, such as manganese, aluminum, ammonium, magnesium, calcium, potassium, and sodium. These minerals are needed in the stripped soil to

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encourage revegetation; without them the soil is not hospitable to new growth. Maybe even worse, when the minerals collect in runoff water in toxic concentrations, they destroy fish and plant life wherever these waters flow.

Unfortunately there have been no specific and detailed analyses of what it costs to correct this particular impact of surface mining. Removing sediment from streams—or preventing it from going there in the first place—have been viewed as integral parts of land reclamation, and it has been assumed that the cost of reclamation covers the cost of coping with sedimentation as well.

This is probably a safe assumption if the reclamation is really first-rate. If it is not then specific actions must be taken to prevent erosion and remove sediment from mine water, and those actions cost money. Since the reclamation analyzed and recommended in this article is of high quality and includes a high degree of concern for these problems, no separate cost will be assessed for control of sedimentation.

DIMINISHED RECREATIONAL VALUE

One cost of surface mining that is frequently forgotten is the diminished recreational value of disfigured land and polluted water. Hunters, campers, hikers, fishermen, and swimmers spend money in pursuit of their sports, and this expenditure is lost or greatly diminished when areas are ravaged by surface mining.

A study published in 1968 by the Bureau of Sports Fisheries and Wildlife in the Department of the Interior stated that approximately 3.2 million acres of land had been surface-mined (for all minerals, not just coal) in the U.S. from the beginning of mining through 1967. Two million of these acres (or about two-thirds) were fish and wildlife habitat damaged by the mining. The study then estimated that, if there were "minimal or basic reclamation that would control silt, sediment, and acid pollution" on these 2 million acres, two changes would occur: the number of man-days of use of the land by sportsmen would increase from 7.5 million to 40 million per year, and the recreational value of the land would therefore increase from \$10 million to \$58 million per year.

In other words, reclaiming 2 million acres of fish and game habitat would give a pay-off (in terms of increased use by sportsmen) of \$48 million per year, or \$24 per acre per year. Or, worded still another way, whenever an acre of surface-mined fish and game habitat is unreclaimed, it costs society \$24 per year in terms of its diminished recreational value.

How do we translate these figures into a per-ton cost for surface-mined coal? Taking it step by step:

(1) We have already shown earlier in this article that an estimated 1.5 million acres will have to be stripped to obtain the 12 billion tons of surface-mined coal projected for the period 1970-2000. On the basis of past experience, this would mean that roughly two-thirds of this acreage, or 1 million acres, would be fish and game habitat.

(2) More than just the 1 million acres of habitat will be affected by the stripping however, since use of adjacent land is also often impaired. The Bureau of Sports Fisheries and Wildlife has reported that for every acre of land distributed in Appalachia by surface mining, use of an additional 1.25 acres has been impaired—denied to hunters, campers, hikers, and fishermen because of highwalls, piles of mine refuse, and tearing up of the landscape by machinery and trucks. So the surface mining of 1 million acres of fish and game habitat during the 30-year period would result in the impairment of an estimated total of 2.25 million acres.

(3) If each unreclaimed acre of habitat costs society \$24 per year in reduced recreational use, the total cost of 2.25 million impaired acres would be \$54 million (\$24 times

2.25 million) for each year these acres are being mined or are not yet reclaimed after mining is completed.

(4) The next question is: How many years, on the average, will these surface-mined acres be out of commission as far as hunters and fishermen are concerned? Harry Perry estimates that an average of three to five years elapses from the time mining begins until reclamation can be started. But this is only the beginning. Some time is required to do the reclamation itself, although concurrent reclamation—reclaiming as you go during the mining operation—is more and more common. Even more significant, a long period of time must pass before the ecological balance is restored so that fish and game are again available to sportsmen. Many things must happen, and some take longer than others. Fish populations must be replenished by introducing native species into the streams or ponds. There must be a regrowth of ground cover dense enough to attract native animals back to the mined areas—and this means time to grow bushes and small trees as well as grass. These things do not happen quickly. Willard M. Spaulding, Jr., deputy regional director of the U.S. Fish and Wildlife Service, estimates that after first-rate reclamation work has been completed, it still takes an additional ten years, on the average, to develop an ecosystem that will allow sportsmen to harvest fish and game. Thomas Flynn of the Division of Environment, Bureau of Mines, confirms this estimate.

On the basis of this testimony, we assume in our analysis that it takes a total of fifteen years, on the average, to surface-mine habitat land, to do first-class reclamation, and then to restore the fish and animal populations so that sportsmen will again find the mined areas attractive.

We are now ready to calculate the per-ton social cost that results from the diminished recreational value of fish and game habitat. Remember that the total loss of recreational value has been estimated to be \$54 million for each year the 2.25 million surface-mined acres were not available to sportsmen. If we multiply this \$54-million annual cost by fifteen years (the average out-of-commission time), the result is a total cost of \$810 million, or \$0.0678 per ton for the 12 billion tons of surface-mined coal projected for the period 1970-2000.

LOSS OF POTENTIAL PRODUCTION

In calculating the loss of potential production due to accidents in surface mining, the method used is the same as that used for deep mining. First, the loss will be calculated for nonfatal disabling accidents.

Item (1). Number of nonfatal disabling accidents predicted for surface mines between 1970-2000. Bureau of Mines figures for 1971 show that there were 25.86 nonfatal disabling accidents per million man-hours in surface mines. The Bureau of Mines also reported that in 1971 the average productivity in surface mining was approximately 4.5 tons per man-hour. At that rate it would take 2.667 billion (or 2,667 million) man-hours to mine the 12 billion tons of surface-mined coal projected for that period.

The number of nonfatal disabling accidents would therefore be 2,667 times 25.86, or 68,970. For ease in calculation this number will be rounded to 69,000. Thus, item (1) in the formula is 69,000.

Item (2). The average number of days lost from work per accident is 52.

Item (3). The average daily earnings in coal mining are \$47.

Calculation of the formula is as shown in the box on page 24.

If the total cost of \$168,000,000 is divided by the 12 billion tons of coal projected to be surface-mined during the 1970-2000 period, we find that the average loss of earnings due to nonfatal disabling accidents in surface mines would be \$0.014 per ton of coal mined

(at 1973 wage rates). As was true for deep mining, this estimate can be used as a measure of the loss of potential production caused by such accidents.

The loss of earnings from fatal accidents is calculated as follows:

Item (1). Number of fatal accidents predicted for surface mines between 1970-2000. Bureau of Mines figures for 1971 show 0.45 fatal accidents per million man-hours. Since surface mining 12 billion tons of coal will require 2,667 million man-hours, the total number of fatal accidents would be 2,667 times 0.45, or 1,200. Item (1) in the fraction is 1,200.

Item (2). The average number of days lost or charged per fatal accident is 6,000.

Item (3). The average daily earnings in coal mining are \$47.

Calculation of the formula is as shown in the box on page 24.

If the total cost of \$368,400,000 is divided by the 12 billion tons of coal projected to be surface-mined during the 1970-2000 period, we find that the average loss of earnings due to fatal accidents in surface mines would be \$0.028 per ton of coal mined (at 1973 wage rates). This loss of earnings can be used to measure the loss of potential production due to fatal accidents.

The combined loss of potential production (as measured by lost earnings) in surface mines during the 1970-2000 period is as follows:

Due to nonfatal disabling accidents, \$0.014 per ton.

Due to fatal accidents, \$0.028 per ton.

Total loss of potential production due to accidents in surface mines \$0.042 per ton.

The estimated social costs of surface-mined coal are summarized in Table 3. They add up to \$1.003 per ton, or a total of \$12.033 billion for the 12 billion tons projected to be deep-mined during the period 1970-2000.

EFFECT ON COST AND PRICE

How much would the cost of producing coal increase if the social costs were added? It is impossible to answer this question, for the simple reason that it is impossible to get any authoritative information as to what production costs are in the coal industry. Coal companies consider production costs to be confidential information, and the Bureau of Mines does not gather data on the subject.

We can, however, indicate what the effect would be if social costs were added to average selling price, an increase of roughly 9 percent in the price of deep-mined coal and an almost 18 percent increase for surface-mined coal.

Even here, we are limited by the data available. The calculations are based on average U.S. selling price (F.O.B. the mine) during 1972, the latest year for which average figures are available from the Bureau of Mines. Domestic coal prices have subsequently skyrocketed; Harry Perry reports prices as high as \$25 to \$35 a ton for low-sulfur coal during early 1974. Of course, as selling prices rise, the burden of paying social costs becomes relatively less. If deep-mined coal is selling for \$9.70 per ton, as in 1972, and you add \$0.88 in social costs, the price increase is 9 percent. If the selling price goes up to \$35 per ton, however, adding the \$0.88 will up the price by only about 2 percent.

A WORD OF CAUTION

The various costs are not completely independent of each other, as we have emphasized several times. For example, effective backfilling of deep mines to prevent subsidence would also affect the amount of acid mine drainage from those mines. Adequate reclamation of a strip-mined area would reduce the acid mine drainage, the sedimentation, and the loss of income from recreation. To make a proper analysis of these interrelationships would require more cost data and an extremely detailed and

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complicated econometric model, both of which we hope will soon be available.

In the second place, all of the estimated social costs are based on certain assumptions, and some of these costs might be changed markedly if reality does not correspond with these assumptions during the last 30 years of this century. Some examples:

A change in deep-mining technology—increased use of the longwall method, for instance—would probably result in a marked decrease in the per-ton cost of preventing subsidence, the largest single social cost for deep-mined coal. Many U.S. coal companies have already made this switch, and the rate of conversion is expected to increase.

Increased productivity in deep mining, surface mining, or both, would decrease the per-ton costs of accidents. If a given number of tons of coal can be produced with fewer man-hours, and if the number of accidents per million man-hours remains the same, there will be fewer accidents—and a smaller social cost.

If the new regulations controlling the permissible levels of respirable mine dust are not properly enforced, black lung costs would have to be added into the total—and that might cause a sizable increase in the social cost of deep-mined coal.

In the third place, the average per ton cost of strip-mine reclamation in the U.S. may be affected if surface mining continues its phenomenal rate of growth in the West—but no one knows for sure just what the effect will be. Other things being equal, the thick coal seams and resulting high yields would result in lower per-ton reclamation costs. But other things are not equal. There are some special reclamation problems in the West: those big holes that are left when the deep seams are mined out, the limited moisture, and the very fragile ecosystems that may take decades or even centuries to restore. As a result, the cost and success of western reclamation are still question marks.

In the fourth place, some of the coal-mining states have already taken action to pay some of the social costs of coal. They do it by collecting taxes and fees of various kinds from the coal operators and then spending these revenues—and sometimes other revenues as well—to prevent or repair the human and environmental damage caused by the mining. The four most common sources of state revenue are: permit fees (flat sums paid to the states for all new mining operations), acreage fees (so much for each acre of land distributed by mining), severance taxes (so many cents for each ton of coal mined), and taxes on gross or net income from coal mining.

Unfortunately, most of the states have been much more interested in collecting the revenues from coal mining than in repairing the damage caused by it. As a general rule, the fees and taxes collected from coal operators have been put into the states' general revenue funds, where the money is used to pay for the regular functions of state government—many of which have little or nothing to do with the land or the people directly affected by the mining.

There are exceptions. Both West Virginia and Maryland, for example, collect acreage fees and earmark the funds for use in reclaiming abandoned or "orphan" lands damaged by mining. The Pennsylvania legislature has appropriated state funds and authorized state bond issues to pay for mine restoration projects. Several states use the acreage or permit fees they collect to pay for the enforcement agency that monitors the coal industry in the state.

Despite many inquiries, the authors were not able to obtain even an estimate of how much state revenue comes from coal mining nationwide—let alone any hard facts about how much of that revenue is used to pay

social costs. From the skimpy information that is available, one thing is certain: since the social costs of coal will be an estimated \$600 million per year during the last 30 years of this century, the current level of state spending for reclamation and enforcement is only a very small drop in a very large bucket.

On balance, the social costs are probably too low. They are based on some assumptions that may very well not work out quite that way—the assumptions that health and safety standards will always be rigorously enforced and that no new mine fires will break out, for example.

Even more important, the cost figures are conservative because of the impact of inflation. They are based primarily on past experience—which means that many of them are already understatements of what these same costs would be today. By the end of the century, if current inflationary trends continue, the costs will have increased substantially.

With all the ifs, ands, and buts, however, Table 3 does begin to give us a more accurate picture of what a ton of coal really costs—and hence what consumers should be paying for it. Further and more elaborate research on this question should be a high-priority item on our list of national needs.

STILL COMPETITIVE

Would coal still find a ready market if the selling price were increased by the social costs developed in this article? The answer, according to David Maneval, is definitely "yes."

The key, of course, is the price of alternative fuels, particularly those used to produce electricity, since this is the only use of coal that is subject to serious competition from other fuels.

In producing electricity, there are currently four possible fuels that can be used to produce the heat to run the generators: coal, oil, gas, and nuclear fuel. "The importance of nuclear energy is in the future, but not now," says Maneval. "Natural gas isn't a real alternative because it's in such scarce supply. So that leaves oil and coal. And between these two, coal has an enormous cost advantage. To make a cost comparison that means something in practical terms, the cost per ton of steam coal (the type of coal used to generate electricity) and the cost per barrel of crude oil must both be translated into the cost of producing a given number of BTUs. (A BTU, or British thermal unit, is a measure of heat.) At the May 1974 average market prices of steam coal (\$10 per ton) and crude oil (\$10 per barrel), it costs much more to produce 1 million BTUs of heat with oil than it does with coal—four to five times as much, in fact."

There is no question about it. Coal can compete with oil, even if the selling price of coal is raised to cover the social costs developed in this article. As a matter of fact, these social costs could increase substantially before coal's competitive advantage would be lost. Pay-as-you-go coal has always been an ethical imperative. It can now be a practical reality.

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OUTER CONTINENTAL SHELF DEVELOPMENT AND THE COASTAL ZONE

Mr. MAGNUSON. Mr. President, the end of the Arab oil embargo brought about new appraisals of U.S. energy policies. Over the past year, it has become increasingly apparent that the United States will have to expand domestic energy production and institute strong conservation measures in order to decrease its reliance on foreign energy sources. These steps will be necessary, not only to meet future energy needs, but also to improve our deepening balance-of-payments problems and to insure that another oil embargo will not disrupt and disable our economic system.

One area which is expected to contribute greatly to expanded domestic production is the Outer Continental Shelf, where we are told vast acreages of oil and gas reserves wait to be tapped.

Since its creation by the Senate last February by the passage of Senate Resolution 222, the Senate's national ocean policy study, chaired by Senator HOLMSEN, has been undertaking a comprehensive analysis of the administration's oil and gas leasing programs for frontier areas on the OCS. The primary focus of this 6-month study has been the expected environmental, economic, and social impacts of drilling activities upon conditions in the coastal zone, which has necessarily led us to an evaluation of present Interior Department leasing procedures and policies.

The initial phase of the OCS study has been completed and findings and recommendations were released last month in a staff report entitled "Outer Continental Shelf Oil and Gas Development and the Coastal Zone."

A key finding of the report is that coastal States stand to undergo substantial environmental, social and economic changes as a result of offshore oil and gas development. The staff report concludes that the magnitude of the impacts necessitates that affected coastal States and local governments should be closely consulted on all phases of the leasing program and should be given an opportunity to participate in the decisionmaking as to where and when to lease. In addition, it concludes that there should be close coordination with ongoing State coastal zone management programs being developed pursuant to the Coastal Zone Management Act of 1972.

As to the size of the administration's planned leasing program, the staff report finds that "There is widespread doubt about whether the oil industry can cope with such a large quantity of OCS development in so short a time." The administration plans to lease in 1975 close to 10 million acres in the Atlantic, Pacific, Gulf of Alaska, and the Gulf of Mexico. Mr. President, this is as much acreage as has been leased on the Outer Continental Shelf over the last two decades—an undertaking of massive proportions. Many experts agree that it is unlikely, in view of current shortages of

drilling rigs, manpower and tubular steel, that the oil and gas industry can develop even half of the acreage proposed for sale in 1975.

Such a huge sale is bound to result in a situation where the Federal Government will receive only a fraction of the potential market value of the oil and gas resources with little guarantee that these resources will be readily available to help the Nation cope with present or future shortages. In short, Mr. President, the NOPS staff finds the administration's leasing scheme to be in need of an immediate overhaul. It recommends that the leasing program be scaled down to reflect existing economic constraints on development and that it be based on sound management principles aimed at maximum benefit from the resource and minimal impact to the coastal environment. The Department of the Interior has an obligation to demonstrate prior to a lease sale that it is clearly necessary, safe, and in the public interest.

A related report which focuses on proposed leasing off southern California has also been prepared by the ocean policy study staff. This report was prepared at the request of Senator TUNNEY, who chaired a series of hearings in Santa Monica in September on the subject of the State role in OCS development. The California report, which is based on testimony gathered at the hearings, is an excellent case study of the present inadequacies of intergovernmental coordination and cooperation over OCS oil and gas leasing and forewarns of the kind of reaction Interior can expect from other coastal States as they continue to push their present leasing program. The findings and recommendations of the California study reaffirm and reemphasize those contained in the more comprehensive staff report previously mentioned.

Mr. President, the findings and recommendations of the ocean policy study staff were among the topics discussed by Senator HOLLINGS in a recent speech before the National Press Club. In his speech he outlined 12 policies which he feels are necessary in order for this Nation to cope with what is becoming an unbearable energy situation. Mr. President, I ask that the speech be printed at this point in the Record, so that my colleagues might have the benefit of this very thoughtful presentation. In addition, I ask unanimous consent that the findings and recommendations of the two recent ocean policy study staff reports be printed in their entirety in the Record along with various comments on the reports that have appeared in newspapers across the country.

There being no objection, the material was ordered to be printed in the Record, as follows:

KING FAISAL'S CONSULTANT, THE U.S. ENERGY CRISIS AND THE OCEANS
(By Senator ERNEST P. HOLLINGS)

I'd like to share a complaint with you. Under the past two administrations, we've tried so hard to get along in the world that we've forgotten how to get ahead. We have become so obsessed with "detenting" that we have forgotten how to compete. We are out-produced, out-traded, and out-negotiated at every turn. We've given away our food, our

technical know-how, our weapons at the drop of a foreigner's demand. And so we find ourselves running out of money, running out of oil, running out of clout and running out of time.

Who would have supposed that the Arab countries, all by themselves, could throw the United States into an economic tailspin? The truth is they've had some help—from us. The Arabs are using their economic wealth in a logical and powerful manner. It's the only weapon they have. But when they look at America, they see no sense of urgency. We haven't increased gasoline taxes. We have allowed our domestic oil prices to soar to the level of the Arab price. Cars speed past you going 75 miles an hour and the President is off watching judo in Japan.

We have an energy crisis but no energy policy. So when Kissinger begs and pleads and cajoles, the sheiks chalk it up to American politics rather than American policy and there is no give. When we make up our minds to show the Arabs we mean business by showing ourselves we mean business then we can move this country forward again.

I want to compete with the Arabs in the energy contest and I mean to lick them. Let's look at the administration game plans. The Kissinger-Simon team has opted for conservation. They say that if we can conserve 3 million barrels a day worldwide then the oil cartel will be beaten and the price will start coming down. One million barrels a day saving is America's share of the burden. Let's assume that the 3 million barrel goal is attained. The Saudis alone are producing some 8 million barrels a day, and they need to sell only 3 million a day to satisfy their wildest dreams of economic program. The King will still go laughing off to the bank.

There's another game plan put forward by the major oil companies and Secretary Morton—better known as the team of Major Morton. They say the way to lick the oil cartel is to increase production. Lease 10,000,000 acres on the Atlantic seaboard during the year 1975 and you will have the Arabs in a corner. What a cruel joke. The Arabs have the world's best consultants because they can pay and get the best—and because they are serious. King Faisal's top consultant isn't worried about the Major Morton Plan. The consultant advises: "Your Highness, relax. With the lack of money in the U.S., with the lack of drilling rigs and with the geological studies yet to be made, there isn't a chance of drawing a quart of oil from the Atlantic seaboard in less than 6 years. This game is for 4 quarters and time will run out before that plan works. Assorted teams on the U.S. side have assorted game plans. Some of them propose insulating houses, greater automobile fuel economy, more public transportation, deregulation of gas and—as a last resort—invasion. But the emphasis here, Your Highness, is assorted. As long as the Americans stay assorted, all you have to do is sit tight."

So what do the Arabs have to fear? What will make the Arabs deal? Obviously, the first step is to assimilate the assorted Americans. Package these initiatives and ideas and approaches. Package them all into one energy strategy with emphasis on American technology. And then we can get back into the game and be taken seriously.

Let me quote what your speaker, David Freeman, told you last week: "The energy crisis we face is not caused by a lack of material resources or technology. It is a political crisis." Twenty-two years before, in 1952, the Paley Study Commission issued an 8 volume report. The volume on energy contained this language: "In the past, government has dealt with energy problems largely on a piecemeal basis. . . . The hydra heads of energy policy must be reined together."

The lesson is clear: when everyone is in charge, no one is in charge. And the national interest suffers. Realizing this in the Senate,

three years ago we organized the National Fuels and Energy Policy Study. Each of the energy-related committees was represented. When the Arab oil embargo hit us in late October 1973, we were geared for the battle and responded. By the 19th of December we had passed an energy policy council bill, an emergency fuel allocation bill, an energy conservation bill, an energy research and development bill and a Federal Energy Administration bill. We knew that the Executive department suffered from the same organizational dilemma and this is why we tried to provide the Energy Policy Council so the Executive could fix responsibility and respond effectively.

But the administration has not responded. And this is why the consultant can tell King Faisal: "Forget it, the Americans aren't serious." Now and again, of course, a white paper is issued, a new button ordered, and another "czar" appointed. But there's no gasoline rationing, no rollback on prices, no accelerated Manhattan-type project in energy technology. Czars come and czars go, but the major oil companies continue to control the Interior Department and day-to-day energy decision-making.

It seems to me that Major Oil operates much like a nation. Taking their text from Lord Palmerston, the companies apparently believe, "We have no permanent friends, we have no permanent enemies. We have only permanent interests." These interests being financial and primarily overseas, Major Oil makes most of its money outside of the United States. What is an energy crisis to the rest of the country can be, and indeed has become an economic boon to Major Oil. The oil companies have infiltrated governments abroad and of course they have had a home for decades in Washington in the House of Oil, better known as the Department of the Interior.

Secretary Morton had this to say while briefing oil executives in the White House on August 16, 1973: "Our mission is to serve you, not regulate you. We try to avoid it. I have tried to avoid regulation to the degree that I possibly can."

So when the consultant advises King Faisal, he must tell him that Major Oil has an energy policy, courtesy of Secretary Morton, but the rest of the United States doesn't—and can't until the Major Morton connection is broken. The President had a few things to say about energy in his recent WIN message. He labeled energy as the chief culprit of inflation and then proposed to remove the only protection consumers of energy now enjoy by deregulating natural gas, thereby adding some \$10 to \$11 billion to the nation's already inflated energy bill. That's a LOSE program for sure. But the members applauded.

We had better wake up. First, we should institute in the White House an Energy Policy Council. This group should be responsible for correlating all the information that is necessary to an energy policy, and then coordinating its implementation through a national strategy.

We must acknowledge what King Faisal's consultant knows and the American people should be told—our ox is in the ditch. There is no one solution to our energy fix. We must move forward deliberately on all fronts. Next, conservation. Cut that speed limit and ration that gas. There are too many political hurdles to a gasoline tax increase.

So let's not play around. Issue the ration stamps that have been printed and accelerate the regulations for improved automobile fuel economy. Move faster to improve public transportation. Tell the Secretary of Housing to announce new regulations for insulation requirements no later than January 1. Adopt a schedule for generating plants to convert from oil to coal. Quit palavered about regulation versus deregulation of natural gas and put in a statutory formula

that will constitute a generous profit for the gas developer balanced off with a fair price to the consumer. Fix a time limit on the unpardonable procrastination of the Federal Power Commission decisions. Announce a Manhattan Project in nuclear fusion and coal gasification. Pass the strip mining bill and start mining the coal. Start drilling the oil. Proclaim the reserves of Teapot Dome and Elk Hills for defense. But state candidly that the emergency warrants drilling Naval Petroleum Reserve No. 4—now. Petroleum Reserve No. 4 and the Gulf of Mexico fields can be brought in a good two years earlier than anything along the Atlantic seaboard. In two years the States can determine environmental impact and firm up the Coastal Zone Management plans. Don't delay drilling to plan. Drill immediately where you have planned. And plan immediately so that you can drill. Delay Atlantic and Pacific frontier area drilling as a business judgement, not environmental.

Before we lease the Atlantic and Pacific to the oil companies, we ought to do some government sponsored exploratory drilling. It is pitiful to see Secretary Morton say we are going to lease but we don't know where and we don't know what. He wants to lease 10,000,000 acres of oil now—but for 30 million bucks to balance the budget. Bonus bidding has always been a favorite of the Secretaries of the Treasury. But even Major Oil lacks 30 billion—and a giveaway to the oil companies is ensured. This is why leasing has always dovetailed with the plans of Major Oil. They buy cheap and sell high. At the moment, they have no idea of developing proposed leases along the Atlantic. Already they are moving to stretch out the 5 year requirement for production to 10 years on the basis of the lack of steel or drilling equipment. It is also pitiful to see this same needed drilling equipment going abroad to the far corners of the earth during the past bleak year while we are all crying for more domestic production or proclaiming Operation Independence. The 10,000,000 acre leasing program off the Atlantic and Pacific at this time is a fraud on the American public. It will produce no energy in the next few years when we need it. It will only divert our attention from the sources that already have been found and that could be developed immediately. By trying to develop everything, Major Morton develops nothing.

Clearly the problems of offshore drilling and energy supply give impetus to the need for a national ocean policy. What happens when a productive oil field is found beneath lucrative fishing grounds, or when drilling rigs must be built in the center of busy shipping lanes, or when pipelines carrying offshore oil pass through an estuarine area of particular importance? Who plays traffic cop for all these interests? Who mediates the public interest and the special interest? As in energy, we need an ocean policy. As in energy, we in the Senate have instituted the National Ocean Policy Study. The 1969 recommendation of the Stratton Commission for an independent agency should be implemented at once. The National Oceanic and Atmospheric Administration, presently within the Department of Commerce, is the logical nucleus.

The oceans will make or break this planet of ours. They are our ultimate life support system. Yet even as I speak, the oceans are dying. Jacques Cousteau, the oceanographer, testified before the Congress. The day before he testified he had fish for lunch in Malta but he explained that the fish were caught off the shores of faraway Iceland. The Mediterranean was dying. And the Black Sea was dead. He testified that the coastal waters around the several continents had been dying at an accelerated rate. By the year 2000, 35% of these waters would be dead. Fifty percent would mean the beginning of the end of life. Thor Heyerdahl also testified about his raft voyage across the Atlantic from Morocco to

the Barbados. On only 3 of the 43 days at sea could he dip his toothbrush into the mid-ocean because of oil slicks. Coastal oil is a one-time crop. It must be harvested—but without injury to the coastal zone. For here we have fish. Here we have our people. These are life-time crops—and more. Life was born in the ocean, evolved in the ocean. With Cousteau and Heyerdahl we have reached the Age of Environment. With King Faisal we have reached the Age of Energy. These ages meet down at the sea. Or they can end there. A reconciliation is in order.

EXCERPTS FROM OUTER CONTINENTAL SHELF OIL AND GAS DEVELOPMENT AND THE COASTAL ZONE, A STAFF REPORT OF NATIONAL OCEAN POLICY STUDY, SENATE COMMITTEE ON COMMERCE, NOVEMBER 1974

I. DISCUSSION AND RECOMMENDATIONS

This report will set forth some of the major issues involved in OCS leasing and recommend improvements in current procedures and practices. It draws upon the hearings held by the National Ocean Policy Study of the Committee on Commerce and additional hearings before the Committee on Interior and Insular Affairs. It also benefits from several recent studies, including those conducted by the Council on Environmental Quality (Summary, Appendix F.), the University of Oklahoma (Summary, Appendix G.), and the National Academies of Science and Engineering (Appendixes H and I, respectively).

A. Discussion

Approximately six million acres of federally-owned lands on the Outer Continental Shelf are currently under lease for oil and gas development, and that number may increase substantially in the near future.

The Department of the Interior, at the direction of Presidents Nixon and Ford, has disclosed its intention to lease 10 million acres of OCS lands for oil and gas development in 1975. To achieve this goal, the Department may offer as much as 19.1 million acres in the Atlantic, the Gulf of Alaska, the Gulf of Mexico and the Pacific off California. If successful, this sudden acceleration of OCS leasing would double in a single year the total acreage leased during the previous 21 years of Federal OCS leasing, and would open up hitherto untapped areas to exploration.

Recent energy shortages and interruptions of imported oil supplies are the motivating force behind the planned expansion of OCS oil and gas development. Additionally, the quadrupling of world oil prices following the 1973 Middle East war has been a major contributor to inflation and has strained the balance of payments position of the United States, making domestic oil development even more attractive. However, offshore leasing would not immediately relieve shortages, interruptions or foreign price pressures, since it takes about five years from the time of a lease sale before oil and gas can be produced on an offshore tract in commercial quantities. In the short term, energy conservation offers the only real possibility for reducing oil imports.

Public disclosure of the 1975 leasing program has aroused concern in many quarters, including the Congress and the coastal States. While few quarrel with the general goal of expanding OCS oil and gas development, many are concerned lest the precipitous leasing of so many acres in a single year cause coastal states and communities environmental harm and create administrative, financial and technical problems beyond the capability of the Federal government and the oil industry to handle.

There is very little coordination or communication between the Interior Department and the coastal States prior to OCS lease sales, despite the significant impact that OCS operations have on State coastal zones.

The only major role played by States prior to OCS leasing is to exercise their right to comment on environmental impact statements which the Bureau of Land Management prepares before each lease sale, in compliance with the National Environmental Policy Act of 1969. This means that State participation does not begin until after the Interior Department has decided when, where and how much OCS acreage will be offered.

States and communities adjacent to past and present offshore oil developments have incurred significant environmental, economic and social costs. Direct costs include environmental degradation from the siting of refineries, pipeline terminals, tank storage farms, supply bases, petrochemical plants and other hydrocarbon-related facilities in the coastal zone. Substantial risks of large-scale accidental pollution from oil spills also face coastal States, as do the largely unknown effects of chronic low-level discharges of oil into the marine environment. Indirect effects include changes in land use (including loss of valuable wetlands), shifting populations and employment patterns, housing demand, and the required expansion of public facilities such as schools, roads, police and fire protection. A recent study found that the negative economic impact of Federal offshore development on the State government of Louisiana in 1972 equaled \$38 million.¹

When Federally-owned mineral resources are produced onshore, affected States receive royalties of 37½ percent and, in many cases, additional reclamation funds which bring the State share to 90 percent of revenues. With offshore oil, on the other hand, States receive no royalties or severance taxes on resources produced. While costs and benefits should also be examined on a national basis, coastal States would clearly realize a more equitable share of costs and benefits if they received financial assistance in coping with the onshore impact of offshore oil.

If the 1975 leasing program goes forward as presently planned, without policy changes, it could exacerbate serious problems which are evident in current leasing and management practices for the Outer Continental Shelf.

There is evidence that regulation of environmental and safety practices in OCS oil and gas operations is inadequate. The U.S. Geological Survey of the Department of the Interior has primary responsibility for issuing and enforcing orders which govern oil company practices. Two recent studies found that the USGS did not enforce its orders to the fullest extent, but often issued only oral warnings about violations when written notices or fines were called for.² In addition, the orders themselves appear to need strengthening. The USGS has permitted the industry being regulated to comment on proposed regulations prior to their publication in the *Federal Register* for public comment. The Subcommittee on Conservation and Natural Resources of the House of Representatives' Government Operations Committee has contended that the practice of circulating proposed orders to the industry's Offshore Operators Committee is a violation of the Administrative Procedures Act and is "not in the public interest", since the strength of the orders may be compromised.³

In view of these shortcomings, there is cause for concern about the ability of the U.S. Geological Survey to effectively regulate the vast acreage contemplated for leasing in 1975.

A serious defect in the current OCS leasing and management program is the inadequacy of information about resources and reserves. While the USGS collects a substantial amount of raw data—including maps of productive formations, core samples, and well logs indicating drilling success or failure, the agency lacks sufficient manpower or

Footnotes at end of article.

funds to analyse, interpret or translate these data into useful information comprehensible to coastal planners, energy policy-makers and other members of the interested public. Instead, the Survey relies on data compilations prepared by industry trade associations—the American Gas Association and the American Association of Petroleum Geologists. Different estimates of potential resources and reserves in frontier areas of the OCS vary by as much as an order of magnitude. A major reason for the Federal government's lack of reliable independent information about the resources it owns is the fact that it does not conduct any exploratory drilling and only limited seismic and geophysical studies. A large-scale exploration program in frontier areas, sponsored and administered by the U.S. Geological Survey rather than by private industry, would greatly improve the government's resource data base and improve the Interior Department's efforts to receive revenues for oil and gas which truly represent a fair market value.

The usual bonus bidding system—in which oil companies place competitive bids for OCS tracts—gives the competitive edge to the largest companies with the greatest capital reserves. While small independent companies often participate in OCS leases as minority share-holders in joint ventures, they are generally unable to introduce a truly competitive element into the bidding through majority holdings. Alternative leasing systems are permitted under the Outer Continental Shelf Lands Act of 1953, and their implementation might alleviate this situation and restore effective competition among prospective bidders. One such system is the "royalty bidding" option, which the Interior Department tested in an October 1974 lease sale. Under this system, bidders compete in offering to pay the Federal government a percentage of the value of the oil produced, and pay only small, fixed bonus fees at the time of the lease sale. A third system would base competitive bidding on the percentage of net profits that companies were willing to pay to the government. Both the royalty and the profit sharing systems would reduce the amount of initial capital companies would have to pay, thereby eliminating a barrier to bidding for small companies.

The present leasing system also fails to guarantee the timely development of resources under lease. While the lease theoretically expires after five years if no development takes place, the U.S. Geological Survey routinely extends the lease period at the operator's request.

There is widespread doubt about whether the oil industry can cope with such a large quantity of OCS development in so short a time.

Never before has the Interior Department offered more than three million acres for lease during a single year. It is unlikely, in light of current shortages of drilling rigs, manpower and tubular goods, that the oil and gas industry would be in a position to develop promptly all of the tracts on which it makes successful bids, if, in fact, it purchases 10 million acres.²

Even more important, under the bonus bidding system the capital requirements for such a large leasing program are enormous. Bonus bids on oil and gas tracts in recent sales have averaged between \$2,000 and \$5,000 per acre. To offer an average of \$3,000 an acre on 10 million acres, the industry would need \$30 million worth of capital just for bonus payments at the time of sale. This does not include the costs incurred by the industry in drilling exploration wells, developing tracts where oil or gas is discovered, or making royalty payments to the government on resources produced. In the face of these enormous capital requirements, even the

highly profitable oil industry would experience cash flow problems.

In actual experience, however, the oil industry is likely to limit its annual capital investment in bonuses to a lower level by placing far lower average bids on the acreage leased. This is because of the need to spread its financial resources out over such a large quantity of offerings, and because of the financial uncertainty inherent in leasing in new areas where information about potential resources is scarce. Where promising geophysical data do exist, competition will prevail and bids will be high; in other areas, there may be no bids at all. Until exploratory drilling begins on the Atlantic, and the Gulf of Alaska, financial risks will be great for both the companies and the government. If significant quantities of oil and gas are found in frontier areas, the rapid leasing policy could result in the Federal government receiving revenues representing only a small fraction of the potential market value of those resources.

It remains unclear what part OCS leasing in 1975 is intended to play in the larger context of national energy policy.

Despite several Federal organizational changes, including the creation of the Federal Energy Administration, the Energy Research and Development Administration, the Nuclear Energy Commission and the Energy Resources Council, the nation still lacks a coherent national energy policy. Without such policy, it is impossible to determine whether or not the nation needs to lease 10 million acres of offshore lands in 1975. It is clear, however, that such a massive leasing program will do little to alleviate oil and gas shortages in the next few years and that energy conservation is the only means of reducing oil imports during this period.

The Senate recently passed the Energy Supply Act of 1974 (S. 3221) which would substantially improve the OCS leasing and management system.

Although the House of Representatives has not acted with respect to OCS legislation, making it unlikely that such legislation will become law in the 93rd Congress, there appears to be a growing momentum for OCS reform early in the 94th Congress.

The Senate bill improves OCS leasing and management practices in several ways. For example, it requires the Secretary of the Interior to prepare a 10-year leasing program, which would be updated annually. To develop the program, the Department must consult with the States and allow for public participation. The bill specifies further that the environmental impact statement on the leasing program must include an assessment of how the program fits into the larger picture of energy supply, a description of the environmental hazards posed in each proposed leasing area, and a discussion of the industry capability to develop the acreage leased. Furthermore, the Senate bill calls on the Secretary to conduct a large-scale survey of federal oil and gas resources to improve the Department's and the public's knowledge about these federally owned resources.

The new bill also offers substantial improvements in the environmental and safety regulation of OCS operations. It calls for strong performance standards, more frequent inspections, and stiffer fines for violations. It requires OCS operators to use the best available technology in the hazardous segments of drilling operations. It provides for strict liability for oil spills, and sets up an Offshore Oil Pollution Settlement Fund, financed by a tax of 2½ cents on each barrel of oil produced, to compensate fishermen, coastal land owners, or others damages by oil spills.

The OCS bill also calls for a report to Congress on the relative advantages of different leasing systems, including bonus bidding, royalty bidding, and net profit sharing.

A key feature of the new legislation is the establishment of a Coastal State Fund. Together with grants to States under the Coastal Zone Management Act of 1972, this Fund will greatly assist States in alleviating the impacts of offshore oil and gas development upon coastal lands. The Fund will come from oil revenues—up to 10 per cent of total royalties and bonuses, limited to \$200 million annually.

The Senate has clearly established its leadership and commitment to reform OCS leasing and management policies and has demonstrated a clear understanding of impacts within the coastal zone caused by OCS-related energy facilities siting. This makes it all the more important for new leasing programs now proposed by the Secretary of the Interior to conform to the intent of the State with respect to State participation, long-range planning of leasing programs, and sound environmental and safety practices in OCS operations.

B. RECOMMENDATIONS

1. There should be early enactment of legislation to improve OCS policies and practices, along the lines of the Energy Supply Act of 1974 (S. 3221) as passed by the Senate on September 18, 1974.

Following extensive hearings and investigations by two United States Senate Committees, the Committee on Interior and Insular Affairs and the National Ocean Policy Study of the Committee on Commerce, the Energy Supply Act was approved by the Senate by a roll call vote of 64 to 23. This action by the Senate came in the face of opposition from the White House, the Department of the Interior and spokesmen for some of the major integrated multinational oil companies. This Act, significantly amending the Outer Continental Shelf Lands Act of 1953, should receive the prompt attention of the 94th Congress. Moreover, the Congress should consider additional amendments requiring public access to information, government-sponsored exploration by the USGS (including drilling exploratory wells in frontier areas) and further research and experimentation on alternative leasing systems by the Secretary of the Interior. At the same time, Congress should, through research, hearings and other means, closely examine and consider whether alternative Federal organizational mechanisms are necessary to deal with the developmental, research and regulatory responsibilities associated with OCS oil and gas, which are now performed primarily by the Department of the Interior.

2. No leasing of offshore oil and gas lands should occur in frontier areas until the Interior Department demonstrates that such leasing is clearly necessary, safe, and in the public interest.

Several steps should be taken prior to leasing in frontier areas of the Atlantic, the Gulf of Alaska and the Pacific.

(a) Affected coastal States should be allotted emergency grants for special studies, to be completed within nine months of grant appropriation, to determine the critical issues that adjacent OCS leasing would pose for their Coastal Zones. The results of these studies should be available to the public and evaluated by the Interior Department, the National Oceanic and Atmospheric Administration's Office of Coastal Zone Management, the Council on Environmental Quality, and the Review Panel of the National Academy of Sciences before leasing.

(b) Environmental baseline studies of proposed leasing areas, which are currently underway, should be completed, published and evaluated by CEQ and the NAS Review Panel.

(c) A leasing schedule which begins with the areas of least environmental risk and potential socio-economic disruption should be drawn up.

(d) The Interior Department should demonstrate that it has exerted all possible

effort to ensure that previously-leased tracts are developed and produced in a prompt and timely manner before leasing in frontier areas.

FOOTNOTES

¹ Offshore Revenue Sharing: An Analysis of Offshore Operations on Coastal States, prepared for the Governor's Offshore Revenue Sharing Committee, by Dr. Jan W. Duggar, Gulf South Research Institute, Baton Rouge, Louisiana, 1973.

² Outer Continental Shelf Resource Development Safety: A Review of Technology and Regulation for the Systematic Minimization of Environmental Intrusion from Petroleum Products. National Academy of Engineering Marine Board, December 1972. Improved Inspection and Regulation Could Reduce the Possibility of Oil Spills on the Outer Continental Shelf. Report to the Conservation and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives, by the Comptroller General June 1973.

³ Our Threatened Environment: Florida and the Gulf of Mexico, Report by the Committee on Government Operations, U.S. House of Representatives, October 1, 1974.

⁴ 67 Stat. 462, 43 U.S.C. §§ 1331-1343.

⁵ Availability of Materials, Manpower and Equipment for the Exploration, Drilling and Production of Oil—1974-1976, National Petroleum Council, September 1974.

EXCERPTS FROM OUTER CONTINENTAL SHELF OIL AND GAS LEASING OFF SOUTHERN CALIFORNIA: ANALYSIS OF ISSUES, A STAFF REPORT OF THE NATIONAL OCEAN POLICY STUDY, SENATE COMMITTEE ON COMMERCE, NOVEMBER 1974

II. FINDINGS AND RECOMMENDATIONS

A. The Department of the Interior's massive leasing schedule for OCS oil and gas resources, aimed at six sales per year, beginning in 1975, should be replaced with a more modest level of leasing, avoiding frontier areas until (1) Congress enacts legislation similar to S. 3221 or administrative procedures are developed so as to insure that Federal, State, local and public interests are properly considered in OCS leasing decisions, (2) coastal States have been given a reasonable time to undertake the development of coastal zone management programs to accommodate the demands of offshore oil and gas development, and (3) a comprehensive evaluation of the Programmatic Environmental Impact Statement and Blueprint of Project Independence is made and reviewed by competent authorities.

1. Energy conservation is a feasible alternative to accelerated development of OCS oil and gas resources during the interim while the leasing policies and procedures are being reappraised.

2. In view of constraints posed by shortages in drilling rigs, construction materials and investment capital, the oil industry's capability to develop lease tracts each year is limited. Consequently, the temporary deferral of some lease sales in frontier areas would not significantly delay petroleum supplies.

3. All of the coastal states which would be affected by the 1975 accelerated lease schedule are drafting coastal zone management programs in accordance with the Coastal Zone Management Act of 1972. California, in particular, is in the advanced stages of development, with 1975 as its target date for completion. Within two years most of the coastal states will be substantially finished with their plans.

B. The Department of the Interior should reassess its OCS leasing system to develop a pre-lease procedure which includes substantive participation by State, local, and regional representatives in all determinations or decisions from nomination to sale, coupled

with full and candid disclosure of pending decisions and supporting information.

1. Department testimony indicated that the Department of the Interior considers the environmental impact statement process required by NEPA after nomination of specific tracts to be the primary vehicle for input for state, local and regional interests. According to State and local officials, however, the Department failed to consult or warn them sufficiently in advance of the announcement of the call for tract nominations; and the determination to issue the call was made unilaterally by the Department.

2. The Department of the Interior uses a highly technical approach to interpret and administer the regulations promulgated under the Outer Continental Shelf Lands Act. One example is the determination that the "call for nominations" is not a "decision;" that a "decision" is not made until it is decided which tracts are to be sold. While perhaps technically defensible, the non-federal witnesses did not consider the distinction as a reason not to fully consult state and local representatives prior to the call for nominations.

3. Government credibility is at low ebb. Underlying the testimony of many Southern California witnesses appeared the attitude that Federal Government representatives are not trustworthy, that decisions and commitments to the oil and gas industry have already been made, and that the environmental impact statements and other planning documents are pro forma.

C. The Federal government should have the primary responsibility for exploration and exploratory drilling so that the proprietary rights to information about the extent and location of OCS oil and gas are with the public. Until such exploratory activities are undertaken by the Federal Government, the Department of the Interior should make estimates of the numbers and types of facilities needed for production, refining, and transportation of OCS oil and gas based on the best data available.

1. While the USGS has responsibility for general exploration on the OCS lands, the detailed resource information is generally acquired by the industry and treated as proprietary. This imbalance in resource information casts doubt on the Government's ability to assess the value of oil and gas resources and ensure the American taxpayer receipt of fair market value in its sale to private companies.

2. The present nomination—pre-lease procedures do not provide adequate and timely information necessary for state and local planning. State and local officials in California emphasized the need for planning information, e.g. number and location of drilling platforms, locations of pipelines, location and size of refineries and processing facilities and transportation and service requirements. Such data are not available from the present leasing procedures until after the lease sale and discoveries are made by the lessee.

D. The Council on Environmental Quality (CEQ) in cooperation with the Office of Coastal Zone Management of NOAA should convene an interagency task force to assess the programs of the Federal agencies as to their impact on the coastal zone, and to establish guidelines for achieving the objectives of the Coastal Zone Management Act and, more specifically, the "Federal consistency" provisions of the Act.

1. Testimony by the Department of the Interior indicated that Federal agencies read the mandate of the Coastal Zone Management Act narrowly in the legal sense, and tend to diminish the operation of the broad objectives of Federal-State cooperative planning. The "Federal consistency" provisions are subject to interpretation; thus it is the responsibility of the Executive Branch to de-

termine a course of action which will respect the legislative mandate for protecting and managing the coastal zone, while pursuing national goals through actions of the Federal agencies.

2. The National Environmental Policy Act and the Coastal Zone Management Act are the two primary planning devices to achieve balanced land use and environmental protection. Because of their importance to coastal zone management, detailed consideration should be given to the interaction and mutual roles of the two statutes in relation to the missions of the Federal agencies.

E. The Department of the Interior should provide appropriate committees of Congress with a complete justification of its leasing program before leasing additional acreage in frontier areas. Such a justification should take into account the availability of capital, materials and manpower, the ability of the major oil companies to develop such large acreage at this time, and the ability of the U.S. Geological Survey to properly administer such a sizable area.

F. The final programmatic environmental impact statement of the expanded Federal OCS Leasing Program should include a comprehensive assessment of the onshore support facilities such as infrastructure, platform construction sites, pipeline landfalls, storage tank farms, refineries and tanker terminals. The impact statement should estimate the secondary impacts such as population growth, land use changes, need for new infrastructure, employment dislocations, and economic changes such as inflation in land and housing prices. In addition, the site specific impact statement should give more detailed attention to these factors as they affect Southern California and other affected coastal States.

[From the Washington Post, Nov. 29, 1974]

HOLLINGS DENOUNCES OFFSHORE "FRAUD"
(By George C. Wilson)

The Interior Department's plan to lease 10 million acres of Atlantic and Pacific sea bottom to oil companies next year "is a fraud on the American public," Sen. Ernest F. Hollings (D-S.C.) has charged.

Hollings, who is chairman of the Senate Commerce Committee's ocean policy study group, further charged in a recent speech before the National Press Club that the industry has shut down thousands of wells offshore which could be producing oil today.

The 10-million acre leasing program, he said, is a fraud because "it will produce no energy in the next few years when we need it. It will only divert our attention from the sources that already have been found and that could be developed immediately."

Hollings claimed energy sources that could be developed immediately include offshore wells that have been "shut in," or closed down. The number went from 953 in 1971 to 2,966 in 1972 to 3,054 in 1973, Hollings said.

Wilson Laird, director of exploration of the American Petroleum Institute, called Hollings' figures misleading and said they do not represent wells that could produce oil.

The U.S. Geological Survey, Laird said, took the 1971 figure for shut-ins from the state of Louisiana and then made its own calculations for 1972 and 1973 under a different method. That is why the difference between the latter two years is so much less than the gap between 1971 and 1972, he said.

Also, the figures do not represent wells but individual drill pipes within one well that reach oil at different depths, or zones, Laird said. Eighty per cent of the zones within the wells no longer produce oil but each pipe into them is listed as a shut-in, he said.

Several members of the House small business regulatory agencies subcommittee have

Footnotes at end of article.

complained that the Geological Survey has no adequate way to keep track of shut-ins and judge whether they could produce oil. Hollings in his speech lamented the government's inability to determine for itself where the most productive oil fields offshore are located.

"Before we lease the Atlantic and Pacific to the oil companies," he said, "we ought to do some government-sponsored exploratory drilling. It is pitiful to see Secretary of Interior Rogers (C. B.) Morton say we are going to lease, but we don't know where, and we don't know what."

[From the Wall Street Journal, Nov. 27, 1974]

OFFSHORE LEASE PLAN NEEDS MORE STUDY, SENATE STAFF ADVISES

WASHINGTON.—A Senate staff report urged the Interior Department to put brakes on its plan to lease 10 million acres of offshore lands for oil and gas development next year. The report noted widespread concern that "the precipitous leasing of so many acres in a single year (could) cause coastal states and communities environmental and technical problems beyond the capability of the federal government and the oil industry to handle."

The staff report is part of a National Ocean Policy Study commissioned by the Senate last February. The study group is composed of Senators from eight legislative committees that deal with policies affecting oceans.

Using the decorous language of a formal congressional report, the group's staff urged that before new offshore lands are leased in the Atlantic, the Gulf of Alaska and the Pacific, coastal states should be allowed more time to study the effects of the proposed drilling activities. The staff also urged passage next year of legislation tightening the Interior Department's leasing procedures. The Senate approved such a bill this year, but it died in the House.

Decorous language wasn't used in a speech to the National Press Club yesterday by Sen. Ernest Hollings (D., S.C.), chairman of the ocean policy study. "The 10-million-acre leasing program off the Atlantic and Pacific at this time is a fraud on the American public," he said. "It will produce no energy in the next few years when we need it. It will only divert our attention from the sources that already have been found and that could be developed immediately."

Coastal state governors already have been protesting the Interior Department's leasing plan. The opposition has showed signs of forcing the department to back away from its 1975 leasing target.

On Monday, for example, the agency announced a two-month delay in hearings scheduled on the leasing plan, although it said the delay wouldn't affect the timetable for the sale.

[From the South Carolina News and Courier, Nov. 27, 1974]

HOLLINGS CALLS FOR IMMEDIATE GASOLINE RATIONING

WASHINGTON.—The chairman of a Senate study critical of administration oil policies called for immediate gasoline rationing Tuesday "to show the Arabs we mean business."

Sen. Ernest F. Hollings, D-S.C., in issuing the Senate staff study, also urged a "Manhattan Project," emphasis on energy research and the opening of Naval Petroleum Reserve Number Four in Alaska to commercial oil production.

But he advised delaying offshore oil leasing in untouched areas of the Atlantic and Pacific, charging that the Interior Department's plans to lease 10 million offshore acres in 1975 was a potential "giveaway" and "a fraud on the American public."

Hollings, chairman of a Senate National Ocean Policy Study Committee, aired his recommendations about energy policy in a speech at the National Press Club.

The Senate staff report, also critical of the Interior Department's offshore plans, urged the department to bar petroleum operations in "frontier areas" offshore unless it can prove they would be both safe and necessary.

The report suggested federal, not private, exploration of new offshore areas; nine-month studies of offshore oil impacts by the coastal states; and Interior Department efforts to stimulate full development of areas already leased before new areas are opened.

In his speech, Hollings charged that "the major oil companies continue to control the Interior Department and day-to-day energy decision making," and have no intention of developing proposed offshore leases in the Atlantic.

Interior Secretary Rogers C. B. Morton's proposal to lease 10 million offshore acres in 1975, as much as was leased during the previous 20 years, would only drive down the bidding by oil companies for the leases, Hollings said.

"A giveaway to the oil companies is ensured," he charged.

Hollings said U.S. attempts to reduce world oil prices would not be taken seriously by the Arab oil producers until the United States itself takes serious action at home.

"There are too many political hurdles to a gasoline tax increase," Hollings said.

"So let's not play around. Issue the ration stamps that have been printed and accelerate the regulations for improved automobile fuel economy."

With other proposals, Hollings also urged a "Manhattan Project," like the all-out federal development of the atom bomb during World War II, for development of nuclear fission and coal gasification, unlocking huge new energy resources.

Hollings later told a reporter he thought rationing is essential to achieve President Ford's goal of saving one million barrels of oil a day.

"It's not going to work out voluntarily," Hollings said. In his speech, Hollings also urged:

"Move faster to improve public transportation.

"Tell the secretary of housing to announce new regulations for insulation requirements no later than Jan. 1.

"Adopt a schedule for generating plants to convert from oil to coal.

"Quit palavering about regulations versus deregulation of natural gas (by the Federal Power Commission) and put in a statutory formula that will constitute a generous profit for the gas developer balanced off with a fair price to the consumer."

Proposing to authorize commercial oil production from the naval petroleum reserve in Alaska, Hollings said oil from there and from the Gulf of Mexico "can be brought in a good two years earlier than anything along the Atlantic seaboard."

"Before we lease the Atlantic and Pacific to the oil companies, we ought to do some government-sponsored exploratory drilling," Hollings said.

"It is pitiful to see Secretary Morton say we are going to lease but we don't know where and we don't know what."

[From the New York Times, Nov. 27, 1974]

OUTPUT CURB LAD TO OIL COMPANIES; SENATOR SAYS BIG PRODUCERS ARE HOLDING BACK OFFSHORE

(By E. W. Kenworthy)

WASHINGTON, Nov. 26.—Senator Ernest F. Hollings suggested today that the major United States oil companies were engaged in "speculative withholding" of oil and gas production from offshore "productive zones" under leases purchased from the Federal Government.

The South Carolina Democrat is chairman of the National Ocean Policy Study, a group created by the Senate last February within the Commerce Committee after President Nixon's announcement that the Interior Department would lease 10 million acres on the Atlantic and Pacific continental shelves to the oil companies in 1975.

In a question period after a speech today at the National Press Club, Mr. Hollings cited evidence from two Government agencies that he said, indicated that the oil companies, to guarantee maximum profits, were holding back production by using "shut-ins" of offshore leases in the Gulf of Mexico. The Interior Department's Geological Survey has called the areas proven "productive zones," Mr. Hollings said.

COMPLETED AND CAPPED

A "shut-in" is a well in which drilling has been completed and the well capped. A completed shut-in productive zone is defined by the Geological Survey as one capable of producing oil or gas in paying quantities. A single well may have more than one productive zone.

Senator Hollings cited a study last June by the Geological Survey showing that shut-in oil productive zones off-shore had jumped from 853 in 1971 to 2,966 in 1972 and to 3,054 in 1973, while active oil wells fell from 5,704 in 1971 to 4,744 in 1972 and 3,814 in 1973.

The survey noted that this decline in active wells had taken place even though new well completions continued over this three-year period at the rate of 300 to 400 a year.

Another study, by the Federal Power Commission last January, of 168 offshore shut-in productive gas leases estimated that these areas contained proved reserves of 4.7 trillion cubic feet and an additional 3.3 trillion cubic feet in probable reserves of gas. The total amounted to two-and-one-half times the gas produced in 1973 from offshore wells.

In a paper presented to a Brookings Institution panel in September, Prof. Paul Davidson of Rutgers University said that since most oil and gas producers "can expect rapidly rising prices," the jump in shut-ins "does suggest an explicit decision to restrict available offshore production." Senator Hollings's group is going to inquire into these shut-ins.

In his speech, Mr. Hollings advocated creation of a White House energy policy council since, he said, policy development could not be left to Secretary of the Interior Rogers C. B. Morton and his aides. Mr. Morton is also head of the Federal Energy Resources Council.

"Czars come and czars go," Mr. Hollings said, "but the major oil companies continue to control the Interior Department."

[From the Los Angeles Times, Nov. 27, 1974]

SENATE PANEL ASKS SHARP CURBS ON DEVELOPING NEW OFFSHORE OIL

WASHINGTON.—A Senate group urged Tuesday that the Interior Department keep oil and gas development out of untouched offshore areas unless it could prove their development was both necessary and safe.

And Sen. Ernest F. Hollings (D-S.C.), chairman of the study group, called for immediate gasoline rationing "to show the Arabs we mean business."

The study of offshore oil leasing was the first report by the staff of the Senate's National Ocean Policy Study. Hollings issued it to news media.

The study sharply criticized the Interior Department's management of offshore oil leases and its plans to lease about 10 million offshore acres in 1975, doubling in a single year the acreage leased during the last 20 years.

The study concluded that the department had too little information to justify or manage such a vast leasing program and said it should be scaled down to "a more realistic

lease target based on sound management practices for publicly owned resources."

The report suggests that the federal government itself explore new offshore areas to determine where oil and gas are situated, rather than leasing unexplored areas to oil companies at what may later turn out to have been bargain-basement prices.

The Interior Department agreed Monday to postpone for 60 days the public hearings it had scheduled for December on the environmental impact of its planned 10-million-acre 1975 leasing program.

It acted at the urging of the state of California, which said too little time had been allowed to study the massive draft environmental impact statement published by the department, Oct. 21.

Secretary of the Interior Rogers C. B. Morton has indicated that the full 10 million acres may not be leased but that the department was planning to offer leases on "frontier" areas off the Atlantic and Pacific coasts and in the Gulf of Alaska.

The new Senate staff report urged, however, that "no leasing . . . should occur in frontier areas until the Interior Department demonstrates that such leasing is clearly necessary, safe and in the public interest."

It said the coastal states should be given nine months, and emergency federal grants, to conduct their own studies of offshore oil and its impact on them.

Hollings, in issuing the study, urged a crash program of energy research and the opening of Naval Petroleum Reserve No. 4 in Alaska to commercial oil production.

But he advised delaying offshore oil leasing in untouched areas of the Atlantic and Pacific, charging that the Interior Department's plan to lease 10 million offshore acres in 1975 was a potential giveaway and "a fraud on the American public."

In a speech at the National Press Club, Hollings said that "the major oil companies continue to control the Interior Department and day-to-day energy decision-making" and had no intention of developing proposed offshore leases in the Atlantic.

Leasing of 10 million offshore acres in 1975 would drive down the bidding by oil companies for the leases, Hollings said.

He said U.S. attempts to reduce world oil prices would not be taken seriously by the Arab oil producers until the United States took serious action at home.

It said the coastal states should be given nine months, and emergency federal grants, to conduct their own studies of offshore oil and its impact on them.

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He said U.S. attempts to reduce world oil prices would not be taken seriously by the Arab oil producers until the United States took serious action at home.

"There are too many political hurdles to a gasoline tax increase," Hollings said. "So let's not play around. Issue the ration stamps that have been printed and accelerate the regulations for improved automobile fuel economy."

Hollings urged a Manhattan Project (the all-out federal development of the atom

bomb during World War II) for development of nuclear fusion and coal gasification, unlocking huge new energy resources.

[From the Washington Post, Nov. 26, 1974]

STATES TOLD U.S. WILL SLOW OFFSHORE OIL DRILLING PROJECT

(By George C. Wilson)

The Interior Department told California officials yesterday that it would reduce the speed and scope of its program to tap new areas of sea floor off the East and West Coasts for oil.

Secretary of the Interior Rogers C. B. Morton said he would postpone for 60 days the hearings scheduled for December where state officials would have reacted to the federal government's plan to lease 10 million acres of sea bottom of oil companies in 1975.

Morton also reiterated during a meeting with California officials at his office that his department is no longer counting on leasing the full 10 million. But he disclosed no new target.

The postponement of hearings came as California threatened to sue the Interior Department in U.S. District Court here for not giving state officials enough time to assess the impact of accelerated offshore drilling.

Bert Pines, Los Angeles city attorney, said the complaint he had drafted argued that the National Environmental Policy Act required the federal government to give states sufficient time to evaluate the environmental impact of such government actions as offshore drilling.

The states of Massachusetts, Oregon and Washington would have joined California in suing on those grounds, Pines said.

"The hearings will be the only time people will have to speak their minds on this major program," Pines said in an interview. Without a postponement, he added, "you're just getting trampled upon."

The basic document state officials are trying to digest as they grope for policy positions is Interior's environmental impact statement on offshore drilling—a document over 2,000 pages long put out last month and not yet in the hands of some state officials.

Richard Maullin, energy adviser to California Gov. elect Edmund G. Brown Jr., said Brown has not received a copy yet and is thus in no position to react to it. Pines said California will spend between \$45,000 and \$60,000 to have the National Academy of Sciences evaluate the impact statement.

Armed with that and other information, California officials intend to testify at Interior's hearings, which will be rescheduled for early February.

California Democratic Sens. Alan Cranston and John V. Tunney and Republican Rep. Alphonzo Bell met with Morton yesterday to request the postponement.

Interior officials have been backing away for weeks from their stated goal of leasing 10 million acres in 1975—as evidence mounted that the oil industry would have trouble finding the capital, drilling rigs and manpower for that vast an undertaking.

The Senate's National Ocean Policy Study, a Commerce Committee group chaired by Sen. Ernest F. Hollings (D-S.C.), took note in a staff report released yesterday of this shortage and other flaws in Interior's 10 million-acre plan. Said the report:

"There is widespread doubt about whether the oil industry can cope with such a large quantity of outer-continental-shelf development in so short a time"—warning that the shortage of capital could result in offshore land being leased for less than its full value.

"The nation still lacks a coherent national energy policy" so "it is impossible to determine whether or not the nation needs to lease 10 million acres of offshore lands in 1975," the report added.

[From the Baltimore Sun, Nov. 29, 1974]

OFFSHORE DRILLINGS A "FRAUD"?

A new report from a special Senate ocean policy study group suggests, in the words of Senator Ernest F. Hollings, that the Interior Department's plans to lease Atlantic and Pacific offshore areas for oil drilling represent a "fraud." Strong as this may sound, the report itself tends to back up this assessment.

From the point of view of Marylanders, the most glaring omission in Interior's plans (according to the report) is the agency's failure to consider the impact of offshore drilling on populated and unpopulated coastal areas, both of which often now rely on tourism as the fundamental base for their economies. What makes the situation worse is the fact that initial exploration for oil would be done by oil companies instead of by the federal government—with the result that data from exploration would be secret and states would be unable to make plans based on knowledge of where the oil reserves actually are. The report recommends, with eminent good sense, that the exploration phase be left to federal agencies and that the information gathered be made public.

The other glaring deficiency in Interior's plans is that they envisage allowing the oil companies to lease millions of acres of offshore lands all in one huge gulp. The potential here is for the companies simply to sit on the reserves till the price of oil goes up. As the report points out, this is no imaginary peril in view of the fact that the companies right now are sitting on potentially productive offshore leases they earlier secured from the Interior Department. In this connection, Senator Hollings terms Interior's present leasing procedures a vehicle for a "giveaway" of the publicly-owned oil. He appears to be correct.

A number of steps need to be taken, according to the report. Leases must be of small, discrete acreages instead of great expanses of millions of acres. Interior's plans to issue the leases in 1975 must be delayed so as to give states time to plan for onshore development which otherwise could have dire social, economic and environmental impacts. And mechanisms must be established so that states can receive a full share of offshore drilling revenues, not only so they will have funds for land use and environmental planning but also to build new schools and other public facilities that will be needed with an influx of oil workers.

[From the Washington Post, Nov. 30, 1974]

OIL ON THE SHORES

Friends of the nation's wetlands and beaches have reason to be grateful to Interior Secretary Rogers C. B. Morton, Mr. Morton's plans to accelerate oil drilling on the outer continental shelf have done more for the cause of coastal zone management than any thing since the Santa Barbara Channel oil spill of 1969. The coastal states have realized that their toughest problems are likely to come not from off-shore disasters but from rapid industrial development on-shore. The uncontrolled growth of refineries, petrochemical complexes and the like can ruin irreplaceable natural resources, turn placid backwater communities into unstable boom towns and overwhelm public services. Many of the Atlantic and Pacific states have started to devise controls and planning strategies to minimize the harm. But no state is really prepared to come with what may be coming, and the understandable apprehension has been magnified by Interior's apparent desire to push ahead with large-scale off-shore leasing whether the states are ready or not.

Two recent developments suggest that Interior may be shifting toward a more careful and better modulated policy. First, officials have acknowledged that they are not really counting on leasing a full 10 million acres

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next year, because the oil industry is not capable of undertaking such a vast program at once. Second, under pressure from California and other states, Mr. Morton last week gave the public 60 days more to study the draft environmental impact statement on the leasing program before public hearings are held. The department has not yet indicated what its modified 1975 leasing plans will be, nor how much hospitality will be given to public questions and concerns when the inevitably stormy hearings do occur. Even so, these two changes may reflect a realization that plunging ahead with grandiose plans and little regard for public opinion is the best way to provoke greater hostility, more litigation and costly delays.

The administration could take two larger steps to help the coastal states—and to strengthen the nation's overall capacity to make complex decisions about energy requirements, environmental protection and land use. First, the geological surveying required in the frontier off-shore areas should be undertaken by the U.S. Geological Survey before the oil leases are auctioned off, rather than by the oil companies afterwards. This would allow the administration to delay the lease sales without postponing the dates at which new wells might come into production. It would also greatly improve the quality of information in the public domain and enable the public, industry and all levels of government to judge more sensibly what they are dealing with off-shore. Second, the administration should make supplemental grants—some agencies have proposed a total of about \$9 million—to the coastal states to accelerate their planning. This relatively small investment could have many large dividends.

No matter how open and cooperative the administration decides to be, much will turn on the attitudes of leaders in the affected states. They may, of course, assume a self-protective stance and loudly combat any oil drilling off their own shores. However popular that may seem, it would be unproductive and divisive in the extreme. It would be far wiser for state officials to acknowledge not only the nation's general need for off-shore oil, but also each region's responsibility to help meet that need. Leaders in Maryland, for instance, are taking a creative approach. Committees of the General Assembly, the state bar association and the Maryland Environmental Trust are developing innovative legislation that would require petroleum facilities to be built on sites selected and purchased by the state. In Virginia, where interest in state land-use planning has developed more slowly, 13 state agencies have recommended legislation to enlarge the role of the commonwealth in major siting decisions. Such ideas should be pursued. The oil and the refineries are needed; now is the time to start refining the controls.

[From the Washington Post, Nov. 22, 1974]
OFFSHORE OIL LEASE DELAY IS SOUGHT
(By Stephen Green)

Two Maryland Republican legislators, Sen. Charles McC. Mathias and Rep. Robert E. Bauman, have moved to oppose the Ford administration's decision to grant leases for oil drilling off the shores of Maryland, Virginia and other coastal states next year.

Bauman called yesterday for Congress to act to prevent the Interior Department from granting the leases until the states have an opportunity to consider what impact the leasing and subsequent drilling would have on the coastal areas.

Mathias' office released copies of correspondence on the leasing problem between Mathias and Interior Secretary Rogers C. B. Morton, who once represented Bauman's Eastern Shore district.

Morton, replying to a letter from Mathias and other senators, said the department intended to proceed with the leasing program.

Mathias and other members of a special Senate National Oceans Policy Study Committee had written Morton last month to express "surprise and dismay" at the decision to lease 10 million acres next year for off-shore oil and gas development.

In a related development yesterday, Sen. John V. Tunney (D-Calif.), on behalf of the Senate group, issued a report calling for a delay of the leasing program until its environmental impact can be better studied and coastal management plans developed.

"It is imperative that we delay the precipitous 10 million acre leasing program developed in secrecy by the Interior Department with totally inadequate consultation with state and local officials and with complete disregard of the environmental consequences."

Bauman said he is drafting a bill that would stop Interior from leasing the offshore sites until the states develop their own coastal management plans. Several states, such as North Carolina and Delaware, have. Virginia and Maryland have not. The states would have until June 30, 1976, to come up with a plan.

"Without this legislation we'll end up plunging ahead into a development spiral which will surely degrade the environmental and esthetic qualities of our coastal areas," said Bauman.

Bauman contended Morton's attitude has amounted to a philosophy of determining the environmental impact when drilling starts. "That's ridiculous," said Bauman.

"As a former representative in Congress of a coastal district, I am sure that you recognize the impact of offshore drilling on the affected localities without prior consideration by local governments. . . . Bauman wrote Morton on Oct. 10. In the letter, he urged a delay in the leasing plan. Morton has not yet responded to the letter, Bauman said yesterday.

Bauman said he also has received no reply to an Oct. 10 letter he sent Maryland Gov. Marvin Mandel. In the letter he wrote that the Maryland legislature should enact "the necessary legislation to protect Worcester County and our beach areas in Ocean City and Assateague. I want to emphasize the urgency of action no later than next year."

Morton, in his letter to Mathias, said "I would be happy to receive any suggestion you might have for increasing our energy supply base in the next few years if we do not turn to our outer continental shelf."

In the letter Morton also said that the offshore oil would cost less to produce than the cost of importing foreign oil. However, he wrote it would sell in the United States at "world prices" with the differences "in the form of bonus payment for leases and taxes (and hence lower U.S. taxes), higher wages and reinvestable corporate profits."

[From the Oil Daily, Nov. 22, 1974]
COASTAL BATTLE LINES DRAWN

WASHINGTON.—Atlantic coastal states are preparing their defenses against the Ford administration's plans to accelerate oil and gas leasing on the Outer Continental Shelf in 1975.

In Virginia, the Outer Continental Shelf Advisory Committee has recommended to Gov. Mills E. Godwin that legislation be passed to protect coastal areas.

Maryland Gov. Marvin Mandel has said the state must develop a comprehensive plan to deal with the onshore impact before any drilling occurs.

Godwin has expressed concern of the impact on the rural Tidewater region, whose residents are likely to reject increased industrial development.

And the Senate's National Ocean Policy Study has commissioned a project to determine the effects of offshore drilling on the New Jersey and Delaware coasts.

In addition to the environmental effects

of such drilling, the states are worried about the strain on their pocketbooks.

In Louisiana—where most of the prior OCS development has occurred in the Gulf of Mexico—the state loses about \$35 million annually because of the government services it must furnish. The offshore projects bring with them substantial population increases, which mean more money is needed for such services as water, sewage, schools, police and fire protection.

The states are also concerned about the effects of construction of refineries, storage tank farms, transmission stations and facilities to build and service drilling rigs.

Substantial onshore effects can occur even from exploratory drilling, the states fear.

Maryland has received \$288,000 from the federal government to develop a coastal zone management program, including determination of the Louisiana situation.

The Virginia committee has recommended legislation to strengthen the 1972 wetlands law to permit strong regional planning and zoning, provide state aid to local governments and increase state control over the location of refineries and other petroleum-related facilities.

The state of Maryland is studying the possibility of buying tracts that are well suited for petroleum facilities and requiring companies to buy such tracts for their structures.

The New Jersey-Delaware study will be conducted over the next 12 months by Brad-dock, Dunn and McDonald, Inc. of Vienna, Va.

[From the Greensboro Daily News,
Nov. 27, 1974]

SENATOR HOLLINGS URGES GAS RATIONING

WASHINGTON.—The chairman of a Senate study critical of administration oil policies called Tuesday for immediate gasoline rationing "to show the Arabs we mean business."

Senator Ernest F. Hollings, D-S.C., in issuing the Senate staff study, also urged a "Manhattan Project" emphasis on energy research and the opening of Naval Petroleum Reserve Number Four in Alaska to commercial oil production.

But he advised delaying off-shore oil leasing in untouched areas of the Atlantic and Pacific, charging that the Interior Department's plans to lease 10 million offshore acres in 1975 was a potential "giveaway" and "a fraud on the American public."

The Senate staff report, also critical of the Interior Department's offshore plans, urged the department to bar petroleum operations in "frontier areas" offshore unless it can prove they would be both safe and necessary.

The report suggested federal, not private, exploration of new offshore areas; nine-month studies of offshore oil impacts by the coastal states and Interior Department efforts to stimulate full development of areas already leased before new areas are opened.

FISCAL YEAR 1975 LABOR-HEW APPROPRIATIONS BILL

Mr. SCHWEIKER, Mr. President, I ask unanimous consent that the following correspondence between myself and Harley Dirks, professional staff member for the Appropriations Committee, be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1974.

Mr. HARLEY DIRKS,
Professional Staff Member, Senate Appropriations Subcommittee on Labor/HEW, Washington, D.C.

Dear HARLEY: As you are aware, the Senate Appropriations Committee agreed to the following Committee Report language explain-

December 19, 1974

ing the Committee's intentions regarding federal funding for Opportunities Industrialization Centers of America (OIC):

"Similarly, the Committee directs the Department of Labor to provide not less than \$15,000,000 in Title III funds under the Comprehensive Employment and Training Act to Prime Sponsors on a 50-50 matching basis for the funding of Opportunities Industrialization Centers of America. The Committee, furthermore, instructs the Department of Labor to take steps to insure that funding of OIC for fiscal year 1975 be at least a total of \$75 million through a combination of support by State and local sponsors and national contracts. This will provide for a total of 75,000 job opportunities. OIC presented arguments of compelling importance for these funds, and the job training and employment programs of this organization have, in the past, had an outstanding record of success."

"The Committee believes that these SER and OIC funding levels should be accomplished without reducing other on-going title III programs below the 1974 level. If, however, final agreement on the bill reached by the Congress does not provide adequate resources to make this possible, the title III matching SER and OIC earmarking language shall apply only to the extent that funds are available."

Moreover, the House Appropriations Committee also recognized the special accomplishments of OIC, by including the following language:

"The Committee is fundamentally in sympathy with the philosophy of the Comprehensive Employment and Training Act, which is that local needs and priorities can best be determined at the local level, and not in Washington. Nevertheless, they are concerned that manpower training programs of proven effectiveness in dealing with special groups, such as those sponsored by the OIC, SER, and Mainstream, may not receive adequate support if their future is left entirely to the discretion of local sponsors. While the Committee has refrained from earmarking specific amounts in either the bill or in this report for programs such as OIC, Mainstream, and SER, the Committee expects the Labor Department to take steps to insure that the funding of these programs is maintained at least at current levels through a combination of national contracts and support by State and local sponsors."

When the House-Senate Conference Committee considered this legislation, you will recall that you advised me that no additional explanatory language was necessary, since the specific Senate earmarking language clarified, and did not contradict, the House language. It is therefore my understanding that the Senate earmarking provision has full force as legislative history, and must be followed by the Department of Labor in administering this law. I would appreciate it, however, if you could review this legislation again, and confirm my understanding.

If you have questions, please contact my Legislative Counsel, Dave Marston (41472). Thank you very much.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., December 16, 1974.
Hon. RICHARD S. SCHWEIKER,
U.S. Senate,
Washington, D.C.

Dear SENATOR SCHWEIKER: This letter is to confirm the intent of the House-Senate conferees, the Senate Appropriations Committee, and that of Chairman Magnuson in stating that Senate Report language accompanying the FY 1975 Labor-HEW Appropriations bill has full force as legislative history with respect to the Opportunities Industrializa-

tion Centers of America. Whenever the conference report is silent on an issue, then both House and Senate reports apply. Since the Senate report essentially concurs with the House, but further strengthens the OIC language, the Senate report must certainly be followed by the Labor Department in administering this recently signed public law. Chairman Magnuson wants me to be of assistance to you in pursuing this issue with the Department if that becomes necessary. Please let me know if there is anything further we might do.

Sincerely,

HARLEY M. DIRKS,
Professional Staff Member.

Mr. SCHWEIKER, Mr. President, I wrote to Harley Dirks to confirm my understanding of the impact of the Senate committee report language earmarking \$75 million for the Opportunities Industrialization Centers of America—OIC—program. I know my colleagues are familiar with the outstanding accomplishments of OIC in the manpower training area, and of course OIC's record of success was recognized when it was included, by name, in the Comprehensive Employment and Training Act passed earlier this year. The following correspondence establishes the legislative history of the Labor-Hew appropriations bill, by making clear the intent that the Department of Labor should give the OIC program special consideration to insure it has the Federal resources to maintain its training efforts. In the present state of our economy, manpower training should be a top priority, and I believe the following correspondence makes absolutely clear our intention to insure maximum funding for OIC.

BUSING—LITTLE ROCK AND BOSTON

Mr. BIDEN, Mr. President, a columnist for the Washington Post, William Raspberry, wrote a column published December 18, 1974, which sets down clearly a difference between the objective of the early court suits against school segregation and the objective of current suits.

Mr. Raspberry at one point writes:

But the similarities between North and South over race and education have already occasioned a good deal of commentary. What goes largely unremarked are the differences between Little Rock and Boston.

To begin with, what the plaintiffs asked and what the courts ordered in Little Rock is really quite different than what was sought and achieved in Boston. Little Rock was firmly rooted in the Brown decision that said a school system may not maintain schools open only to whites or to blacks; that children—the Little Rock Nine—could not be required to attend the traditionally black high school when Central High was nearer where they lived.

The Boston plaintiffs argued, as many of the recent Northern suits have argued, that it is not enough to maintain a unitary school system, that it is also unlawful and wrong to have schools that are identifiably white or black on the basis that a large proportion of the children who attend them are of the same race.

I ask unanimous consent, Mr. President, that the entire column by Mr. Raspberry be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DIFFERENCES BETWEEN LITTLE ROCK AND BOSTON

(By William Raspberry)

Those who thought the North was different must be astonished at the similarities between what went on in the Deep South two decades ago and what is going on in Boston today.

There on each evening's television news is the open, curled-lip hatred, the vicious race baiting, the bitter defiance of the law, the demagoguery, the venomous racial epithets—all the old familiar themes from the South of 20 years ago.

There are also the demonstrations, the marches, the chants, the strong-willed determination to follow through on a chosen course even at the risk of jail—all the old familiar trappings of the black movement.

It looks like Little Rock gone North. But the similarities between North and South over race and education have already occasioned a good deal of commentary. What goes largely unremarked are the differences between Little Rock and Boston.

To begin with, what the plaintiffs asked and what the courts ordered in Little Rock is really quite different than what was sought and achieved in Boston. Little Rock was firmly rooted in the Brown decision that said a school system may not maintain schools open only to whites or to blacks; that children—the Little Rock Nine—could not be required to attend the traditionally black high school when Central High was nearer where they lived.

The Boston plaintiffs argued, as many of the recent Northern suits have argued, that it is not enough, to maintain a unitary school system, that it is also unlawful and wrong to have schools that are identifiably white or black on the basis that a large proportion of the children who attend them are of the same race.

The two notions are really quite different, even though they are both termed "desegregation."

An analogy to black and white neighborhoods makes the point. The principle of the Brown decision applied to housing would hold that no person could lawfully be denied access to housing he could afford on the basis of his race. It is a principle widely endorsed, even though it is obvious that racial steering, *sub rosa* agreements and plain lying still are used to keep black people from moving into "white" neighborhoods. At least occasionally, people get caught and brought to justice for these racist efforts.

The point here is while neighborhood segregation and public school segregation are very much of a piece, springing from the same sources, no one has seriously proposed for neighborhoods the same second step that is commonly demanded for schools: integration by any feasible means.

We count desegregation as accomplished when it is possible for blacks to buy or rent anywhere their money will let them, and if some neighborhoods remain identifiably white or black (as some Washington neighborhoods clearly are) no one alleges racial segregation.

But with schools, the prevailing view is that it isn't enough to stop setting aside schools for white and black pupils; the school must be integrated. If assignment by home address does not result in integrated schools, then other means must be employed to achieve that result.

If someone made a similar proposal for ending racially identifiable neighborhoods, he'd be carted off to the looney bin.

It's one thing to take a real estate operator's license, or even to send to jail, for refusing to show black home-seekers houses in "white" neighborhoods. It is another to hold Wesley Heights out of compliance until more black families can be brought to live there, whether they particularly want to or not.

There is another interesting difference between Little Rock and Boston. In Little Rock, it was clear what the black plaintiffs were after. Central and the other white schools had better facilities, more resources and better educational programs than the neglected black schools.

But it is hard to see what anybody hopes to gain by busing his children into South Boston High. If Southie is significantly better off than Roxbury—culturally, economically or educationally—it isn't very obvious to me. The area apparently has a highly developed sense of community, but that doesn't seem to be what Boston blacks are after.

The only thing South Boston has in obvious abundance is whiteness, and someone seems to have decided that proximity to whiteness is in and of itself a worthy goal for black people. I missed the meeting when they explained why.

Boston, it must be emphasized, did not wind up with its black residents concentrated in certain neighborhoods, and in certain schools, by accident. The evidence is that decisions on where to locate new schools and where to draw attendance boundaries, among others, have been made in ways calculated to minimize racial integration.

It may that these racist actions should be punished. But it is hard to see how using black children as instruments of that punishment does very much for the children. Or for anyone else.

THE WALL STREET JOURNAL AND THE POSTAL RATE CONTROVERSY

Mr. FONG. Mr. President, on May 9 this year, the Senate debated and approved S. 411, a bill to increase the time interval which users of certain classes of mail would have to adjust to higher postal rates. The bill was later signed as Public Law 93-328.

During the Senate debate, divergent views were expressed as to whether the publishing industry, and especially certain publications, needed the additional subsidies provided in the legislation to remain financially healthy. I opposed the increase in such postal subsidies, citing among other evidence, data furnished me by the U.S. Postal Service showing the amount of such subsidies being received by certain magazines and newspapers. In remarks on the Senate floor, I said:

Information given me by the U.S. Postal Service shows that the Readers Digest magazine, under present law—if we do nothing with this bill—will receive a subsidy of \$19,452,000 for its postal rates. Under S. 411, its subsidy will increase by \$12,545,000 for a total subsidy of \$31,997,000 for the 16-year period covered by this legislation.

Time magazine, under present law, will receive \$17,901,000. Under S. 411 it will receive an additional \$11,826,000 for a total of \$29,727,000 over the same 16-year period.

How can we justify, Mr. President, giving \$29,727,000 of the taxpayers' money to a company that receives a return of 12.5 percent on its equity?

The Wall Street Journal, under present law, will receive a subsidy of \$23,373,000. S. 411 would increase this subsidy by \$15,339,000, for a total of \$38,712,000 over the 16-year period in S. 411, and the Wall Street Journal is doing well though I do not have the return on equity for this company.

Subsequently, the Dow Jones & Co., Inc., which publishes the Wall Street Journal, took issue with the information

furnished by the Postal Service. I requested Dow Jones to submit its views in writing to me, which it did. I then submitted the Dow Jones views to the Postal Service for comment, which I have now received.

Mr. President, I ask unanimous consent to have printed in the RECORD the views of Dow Jones & Co. and the comments by the Postal Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WALL STREET JOURNAL AND THE POSTAL RATE CONTROVERSY

(Statement by Dow Jones & Company, Inc.)

In the debates concerning second-class postal rates, it is often charged that major publications such as The Wall Street Journal are not paying their way and are getting a free ride at the expense of the taxpayer. (For example, see debates in Congressional Record on May 9, 1974 concerning S411, beginning on page 14050 through 14087.) This is a false allegation. It can be shown to be false by analysis of the Postal Service's own figures.

(Detailed documentation is contained in the testimony of economist Charles W. King before the Postal Rate Commission—dated May 16, 1974, Docket No. R74-1. Much of the following is drawn in summary form from that testimony.)

The Postal Service has been quoted (by Senator Fong, page 14055 of May 9, 1974 Congressional Record) as saying second-class mailers as a group pay a "cost coverage of 129.5% (of attributable costs), which is 65% of the actual cost." It is arguable whether the 65% cost coverage estimate for second-class mail is valid, but let's assume for the sake of this discussion that it is. It is not valid, however, to imply that the cost coverage figure applicable to the entire second-class group is the same figure applicable to any individual member of the group—particularly one such as The Wall Street Journal, which does so much of its own pre-sorting and transportation of mail. A dollar subsidy figure for an individual mailer such as the Journal certainly cannot be derived from using this percentage figure.

The Postal Service uses a system of costing which attributes about half of the cost of the postal system to the various classes of mail services. The remaining half are called "institutional" or "non-attributable" and are costs allegedly shared by all mail users. However, it is a fact that all classes of mail do not participate equally in the institutional cost of the postal system. Second-class bulk shipments are deposited at the larger post offices. We do not incur mail collection route costs, cost of third- and fourth-class post offices or smaller branch stations, or window services costs at the post offices, to cite just a few examples.

Discussion of second-class mail costs obscures the very much lower costs and higher revenues of daily newspapers within that class. Consider the following:

FISCAL YEAR 1972 PER PIECE COSTS AND REVENUES

	Daily newspapers	Other publications	Total 2d class
Attributable cost (cents).....	2.516	5.308	4.548
Revenues (cents).....	2.806	2.615	2.694
Revenue coverage of attributable cost (percent).....	115	49	59

FISCAL YEAR 1975 PER PIECE COSTS AND REVENUES

	Daily newspapers	Other publications	Total 2d class
Attributable cost (cents).....	3.131	6.872	5.759
Revenues (cents).....	5.7	5.1	5.3
Revenue coverage of attributable cost (percent).....	184	74	91
1975 revenue coverage of costs under the proposed rates now being considered by the Postal Rate Commission (percent).....	252	103	126

Under the proposed rates, daily newspapers would make a contribution to institutional costs greater proportionately than for any other major class of mail.

The above figures are based on the Postal Service's own data, supplied by postal executives Arthur Eden and Harold Orenstein in testimony, exhibits and answers to interrogatories in connection with the current Postal Rate Commission hearings. (Including, for fiscal 1972 cost and revenue data, Eden answer to interrogatory no. 35 by Direct Mail/Marketing Association, May 10, 1974; and Eden testimony, Exhibit 5, page 4 and Exhibit 4, page 4; and for fiscal 1975 cost data, worksheets supporting Orenstein Exhibit 2, Part D, R-1, and testimony of Orenstein, Table 3; and for fiscal 1975 revenue data under current and proposed rates, Orenstein Exhibits 2 and 3.) The detailed analysis is contained in the Charles W. King testimony particularly pages 11, 13 and 14, with amplification in answers to related interrogatories.

The Wall Street Journal costs much less to handle than daily newspapers as a group. A Postal Service study conducted in 1972—Rate Classification Study Number 9: Red Tag Service for Publications Mail—showed the processing of publications such as The Journal that have received maximum mail preparation costs the Postal Service approximately one-fourth the cost of publications mail with minimum make-up and preparation. (The Postal Service has rejected repeated requests to make this study public. It contends it was "aborted," it is "fragmentary" and "incomplete." It has commissioned a new Red Tag Mail study instead.)

Mr. King's testimony documents Wall Street Journal cost savings for the Postal Service in detail. A few examples: Because the Journal pre-sorts its mail by zip codes and sometimes even by individual carrier routes, it requires an average of 2.0 sorting handlings compared with 5 for unsorted mail. Because the Journal transports its mail to central post offices closer to subscribers, it requires less than 11 bundle handlings compared with an average of 23 for others. Because the Journal sends its papers out in flat bundles instead of mail sacks, it saves the Postal Service millions of dollars by eliminating the need for more than 5 million sacks and by requiring much less space in truck trailers than sacks would occupy, thus requiring the use of fewer vehicles than the equivalent amount of sacked publications mail or letter mail. The transportation savings is about 25 percent.

Under the proposed rates with the S411 phasing for the year 1975, The Wall Street Journal contributes a minimum of \$2.8 million a year above and beyond its attributable cost. This figure is derived from the Postal Service's figures for all daily newspapers. But because the Journal costs much less to handle than the daily newspaper group, its contribution above and beyond its attributable cost obviously is well above \$2.8 million. If there were no phasing, it would contribute

more than \$11 million a year above its attributable costs (again based conservatively on the statistics for daily newspapers generally). Details of these calculations are contained in the aforementioned King testimony.

VI

Well-known, prosperous publications such as The Wall Street Journal are highly visible and from a political standpoint make appealing targets to justify ever-higher rates to cover the Postal Service cost until it establishes the economic and efficient management contemplated by the Postal Reorganization Act. But the facts are that we more than cover our costs.

Let subsidies to smaller marginal publications that cannot afford the pre-sorting and other mail preparation of large mailers be judged separately on their merits and in light of historical policy. Let other publishers being serviced under an efficient and economically managed Postal Service be charged according to the cost of servicing their publications.

THE WALL STREET JOURNAL AND THE POSTAL RATE CONTROVERSY POSTAL SERVICE COMMENTS

PART I

The Postal Service has not said *The Wall Street Journal* "gets a free ride." We have supplied data, on request from Members of Congress, to illustrate how much of "revenue foregone" benefits various publications receive from phased rates and how much more of such benefits they would receive under various bills, such as S. 411. The data was computed by subtracting the phased rate actually paid by the publishers by virtue of the statutory subsidy accorded them, from the full rates they would pay absent phasing and multiplying that difference by the publication's volume. This amount is an actual dollar subsidy that reduces the postage that the Wall Street Journal would be required to pay under the existing classification schedule.

The Wall Street Journal seems to be arguing that the costs to the Postal Service for handling the Journal are less than the average for second class publications and therefore they should be accorded a separate rate rather than being lumped in with other publications. If later studies establish that the Journal and perhaps some other publications are unique in the area of cost causality, the subject of a new subclass recognizing the distinctions may be properly considered in Phase II or III of the current classification proceedings before the Postal Rate Commission. The impracticality of establishing a separate rate category for each publisher who says the costs to the Postal Service for handling his publication are different from the average costs of the class is self-evident.

PART II

The discussion under this part assumes that causality is a factor in apportioning institutional costs to classes of mail. Such is not the case. The Postal Service spreads these costs via a pricing markup based on each class' elasticity of demand.

PART III

The Postal Service reports unit costs for newspapers lower than costs for other second-class mail. But under the present classification system separate rates cannot be established for newspapers and magazines. If there is any merit in separate rates, the matter must be addressed in Phase II or III of the classification proceeding and not in the present rate case. Mr. King, the Dow Jones witness, has agreed.

PART IV

The Postal Service did not release the partially completed study on time value second class mail because management felt the

analysis was inadequate and would not accept responsibility for nor sponsor the study. There is a new study nearing completion.

PART V

The comments assert the Journal's phased rates in FY '75 exceeded average attributable costs for newspapers as a whole by \$2.8 million. They further indicate at full rates the equivalent contribution in excess of attributable costs would be \$11 million. This would appear to be confirmation that the Journal will receive a fiscal 1975 tax supported subsidy of at least \$8.2 million.

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE TRILATERAL COMMISSION

Mr. ROTH. Mr. President, on December 9 and 10, the Executive Committee of the Trilateral Commission held its third meeting in Washington. The Commission is a nongovernmental organization of Europeans, North Americans, and Japanese designed to enhance mutual understanding in these three great regions of the industrialized free world and to seek common solutions to common problems. The Trilateral Commission has been especially concerned with energy, trade, and international monetary problems and has sponsored a number of projects and papers to elucidate these problems and find solutions.

At its Washington meeting, the Executive Committee of the Commission adopted a resolution reflecting its concern over the dangers posed by worldwide inflation and the abrupt changes in oil prices. In order to meet the urgent challenge of the accumulation of funds by the OPEC countries, the executive committee resolution suggests that the industrialized countries approach OPEC with a cooperative proposal to recycle petrodollars, provide new sources of investment capital, and share the burden of foreign assistance. The resolution also endorses the efforts of the United States, Japan, and some European countries to cooperate on energy problems through the International Energy Agency and urges other oil-consuming countries to join this effort.

Because the resolution will be of interest to Congress, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

The international system is undergoing a drastic transformation through a number of crises. Worldwide inflation reflects, transmits and magnifies the tensions of many societies, while the difficulties produced by the abrupt change in oil prices are accompanied by the entry of major new participants onto the world scene.

Confrontation in an attempt to maintain the underlying assumptions of the old system could lead to a general breakdown. On the other hand, creative policies to adapt it to the new partners and conditions could extend the area of effective cooperation more widely than ever before.

Such cooperation must be based on the principle of equality. This is the core of any future political understanding.

This applies notably to the most urgent challenge, the one posed by the funds being

accumulated by the oil producers. These could dislocate the system if they are not properly absorbed. Cooperatively used, on the other hand, they are a potentially massive new source of investment in a world which will be in desperate need of capital.

In view of the proposals which have been put forward for cooperation between the oil consuming countries, and the need for cooperation also with the oil producers, the Executive Committee of the Trilateral Commission calls on the major oil consuming countries to approach the OPEC countries in order to find out if they would consider:

Setting up a new Bank for Fund Recycling, with subscription of an equal amount of capital and joint control by oil consumers and producers.

Such parity is essential to create confidence and stability, enabling the bank to borrow funds from the OPEC countries on an acceptable debt instrument.

Creating a new international agency associated with the World Bank to supply the extra \$3 billion a year urgently required by the most needy developing countries. This agency should borrow \$3 billion a year at 8% interest from OPEC countries and lend it to low income countries at 3%, in loans with 20-year maturities and four-year grace periods, in each of the years 1976-1980. The total cost of the interest subsidy required for these loans would amount to \$900 million a year for the years 1976-1980, a sum small enough so that it should be politically feasible to raise it among the OECD and OPEC countries.

These short term solutions are complementary to the need simultaneously to develop a longer term framework for international cooperation. The Executive Committee believes that this should involve a tripartite global structure in which the oil producers are encouraged to invest in low income areas by joint guarantees with the highly industrialized countries. To prepare the necessary long term framework for cooperation, a tripartite conference, or series of conferences, should be organized, involving some of the highly industrialized countries from each of the three trilateral regions, some of the oil producers and some of the low income countries.

The solidity of the long term framework also requires that the major oil consuming countries cooperate on energy policies.

The Executive Committee welcomes the agreement on an International Energy Agency able to organize crisis cooperation and hopes that other countries of their regions will join the group.

It also endorses the recommendations for joint action contained in the report on "Energy: A Strategy for International Action" submitted to it and particularly the proposals for (i) the reduction of dependence on imports, (ii) holding the annual growth of energy consumption below 2% in North America, 3% in Europe and 4% in Japan, and (iii) cooperation in developing the extensive energy reserves, actual or potential, of the trilateral area.

The success of measures to rejuvenate the international economic system are umbilically tied to successful progress towards a lasting peace in the Middle East. Such a peace settlement must be guaranteed by the United States and the Soviet Union; other countries, especially the European states, should be ready, if required, to associate themselves with them.

The Executive Committee has discussed means by which the Trilateral Commission could in future further the proposals in this resolution. Also, it has initiated a trilateral policy program on a Renovated International System, to be completed by 1976.

The Commission will hold its first Plenary Session in Tokyo in May 1975.

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U.S. ABSTENTION AT THE U.N.
GENERAL ASSEMBLY

Mr. PELL. Mr. President, I was puzzled and disappointed that the United States abstained when the U.N. General Assembly recently approved, 126 to 0, the resolution, with an accompanying draft convention, for prohibiting environmental warfare and referred it to the Conference of the Committee on Disarmament—CCD—in Geneva for further action. By abstaining, the United States found itself in the odd assorted company of France, Chile, Mali, and Paraguay.

The draft convention, or treaty, of the U.N. resolution was very similar to the draft treaty unanimously approved by the North Atlantic Assembly in November 1972 and recommended by this Senate, 82 to 10, as part of Senate Resolution 71 in July 1973. That resolution bade the United States "seek agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war." Both the United Nations and the Senate resolutions clearly call for this prohibition to be incorporated into a formal international agreement.

Why, then, should the United States abstain on a project which the Senate in a strong mandate had asked the administration itself to undertake a year and a half ago?

The explanation of the administration is that it objected to the prohibition being reduced to a convention or any kind of formal agreement—that the whole concept should be left open as in the words of the United States-Soviet Summit Understanding of July 3, in which the two countries "Advocate the most effective measures possible to overcome the dangers of the use of environmental modification techniques for military purposes." In taking this position, however, the administration was ignoring the Senate mandate calling for a treaty.

I fear that one reason for the administration's action was pique. It was the Soviet Union that took the initiative to introduce into the General Assembly a proposed resolution and draft convention, which in final passage included Swedish revisions intended to meet U.S. objections. This Soviet move, whatever its motive, put the administration's nose out of joint on the grounds that there had not been adequate prior consultation in the spirit of the earlier Summit Understanding.

As a Senator, my sympathy with the administration's irritation is limited by the fact that the United States had over a year to do what the Soviets finally did. The situation would not have arisen if the administration had responded with greater alacrity to Senate Resolution 71. An uncharitable interpretation is that, reflecting Pentagon reluctance to the whole concept, the U.S. motivation for the vague language of the summit understanding was deliberately to delay the ban on military use of environmental modification from reaching the treaty stage and thus foreclosing a future military option.

We should not, however, dwell further on a post mortem of the past. Regardless of the circumstances of how it

came about, the positive, encouraging development is that the proposal for a ban on environmental warfare has reached an international forum, the CCD in Geneva, for consideration in the spring.

What is essential now is that the United States give its wholehearted backing at the CCD and elsewhere for bringing into force at an early date, a treaty to prevent the military use of environmental or geophysical modification. I have written to the Secretaries of State and Defense urging their full support in this effort.

That objective reflects the will of the Senate expressed in Senate Resolution 71 passed a year and a half ago. It is an objective that will serve the long-range security interests of the United States and contribute to lasting world peace.

STATE CONSUMER ACTION
PROGRAM

Mr. MOSS. Mr. President, recently, Ralph Nader gave a speech to the National Conference of State Legislative Leaders in which he outlined a bold State consumer action program worthy of their consideration. I have reviewed Nader's proposals and believe that there are a number of recommendations which could form the foundation for an excellent program for State legislators concerned with the proper functioning of the marketplace. Additionally, there are some concepts which should be translated into Federal legislation which I intend to study for use in the 94th Congress.

Mr. President, the Nader talk should be closely read by both Federal and State legislators. I, therefore, ask unanimous consent that the text of the Nader speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY RALPH NADER BEFORE THE NATIONAL CONFERENCE OF STATE LEGISLATIVE LEADERS, NEW YORK CITY, DECEMBER 9, 1974

As lawmaking bodies, state legislatures could be entering a period of major awakening after years of easy manipulation by special interest groups and their executive branch's indentured servants. It is not a uniform awakening. Nor is it principally prodded from within but rather is receiving the winds of change from outside citizen groups and the accumulated sweep of the public's distaste over current conditions and recurrent corruption in government.

The building of the state legislature's capacity to conduct its duties is one of the first orders of business. Developing competent professional staff and resources with which to initiate and complete its responsibilities of legislation, oversight and the facilitating of citizen access to itself and to the other two branches of government—executive and judicial—is of central importance. No longer can the almost contrived inability of the legislature to do more than reverberate—puppet-like—to executive branch orders be tolerated as was the case for so many years under the Rockefeller regime in Albany. The procedural reforms of open meetings, conflicts of interest avoidance, campaign finance cleanup and decentralized legislative initiatives within the legislature itself are only the beginnings of the need to be meticulous in the implementation of the public interest. Legislatures for sale or for rent are the foremost felony of the land for it is here that the crux

of democracy is so fundamentally and consequentially destroyed.

Many of the problems before you in the coming years are not difficult to grasp—like the serious and undimissable contamination of many local antiquated drinking water systems by polluted sources. Nor are many solutions out of reach—like the need for self-help systems as consumer class actions, advocacy and checkoff proposals for consumers and rigorous investigation by legislative committees of government agencies and departments that waste, flout and violate revenues and laws. They are stayed by cowardice, sloth, venality or abdication.

There will be an increasing resort by citizen movements to activate the initiative, referendum and recall in states that have them and push for their adoption in states which escaped the early populist-progressive movements at the turn of the century. For the most significant movement in America today, little recognized by the media, is the citizens' movement for tax, environmental and consumer reforms, for greater self-determined citizen access rights vis-à-vis government and for ever more and more fundamental inquiries and assessments of the political and economic institutions which have so long dominated the society that is now in so much trouble. The wholesale delegation of the people's power to these over-concentrating institutions in business and government has reached its most extreme lengths. The reclaiming of these powers by more direct democracy, more direct involvement of citizens in shaping their own future, is the meaning of the transformation of disgruntlement into sustained civic actions.

As legislative leaders, you can help lead this movement or you will be overtaken by it. Repeated crisis will cause change as much as the sharpened perception and stamina of citizen movements. The depression of leadership is evident and will continue until elected politicians work closely their citizen constituency between elections to resolve or prevent the problems, abuses and injustices which the legislative power is invested to accomplish. It is well to appreciate that it is not just what the legislature can do directly but also what it can put into motion throughout the government and society. In today's intricate and interdependent society, proper restraints and meaningful freedoms go hand in hand. It is your function to provide educational leadership for people to recognize this twin function of the law.

What follows is a platform of legislative suggestions for the immediate future with several references for follow-up.

I. INCREASE IN DIRECT CITIZEN INVOLVEMENT
IN GOVERNMENT AND REFORM

Initiative. For democracy to be real, citizens must have timely and accurate information about the processes of government; they must also feel that there are officials and elected representatives who will listen and respond to their needs. Most importantly, they must have vehicles available to them for redress and action if they are unable to find responsive governmental leaders or bureaucrats.

One such vehicle which has been effective in California is the Initiative. Under the Initiative procedure this year California voters passed Proposition 9, the political reform act providing conflicts of interest by public officials, regulation of lobbyists and other "clean government" reforms.

Of the 50 states, 22 have a statewide initiative; 25 states have a statewide referendum (the process by which voters may repeal or approve a bill passed by a state legislature); and 14 states have a statewide recall. The other states should move immediately to provide for a process by which a prescribed number of people may petition for submission of proposed laws directly to the voters. Over half

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a million Californians signed the petition that placed Proposition 9 on the ballot.

Such direct democratic measures were largely passed during the Populist-Progressive period of American history early in this century. But they have been dormant in most states, unused and forgotten by most citizens. They should be revived as a major way to restore confidence in legitimate government.

The revival of the initiative, referendum and recall in states which provide for them, and the passage of similar measures in other states would reduce citizen apathy and quicken citizens involvement in public policy. It is the restoration of excessive delegation of power from the people back to the people—American style. Further details can be obtained from the newly-published National Initiative And Vote of Confidence (Tool for Self-Government) by Ed and Joyce Koupal. This is available from People's Lobby, 3456 W. Olympic Blvd., Los Angeles, Calif. 90019. The cost is \$5.00.

Class Actions. One of the most important ways in which citizens can help themselves is through the expansion of the concept of the class action. In a number of recent decisions, the United States Supreme Court has significantly cut back on the ability of consumers to bring class actions in the federal courts. Thus, except where a special statute is involved, such as the antitrust or securities laws, each person who claims an injury must allege a loss of \$10,000 or more in order to be a member of the class. Even then, where monetary damages are sought, the Court has ruled that individual notices—paid for by the named plaintiffs—must be sent to each member of the class who can reasonably be identified. And entry to the federal courts is not even available for a single plaintiff, let alone a class, unless there is either a violation of federal law or the dispute is between citizens of different states.

Thus, it is clear that class actions need a boost from the states which are free to enact statutes and pass rules designed to foster rather than deter class actions. Contrary to the myth which is circulated by the giants who are the principal potential defendants in class actions, a recent study by Georgetown Law School, in conjunction with the U.S. Senate Commerce Committee, demonstrates that class actions are not overwhelming the federal courts and that they are generally not serving as vehicles for abusing the processes of justice while enriching only the plaintiffs' lawyer. The way in which large scale civil wrongdoing is going to be widely deterred is by making available the class action remedy so that those who violate the law on a wholesale basis will not get a 90% discount when it comes time to pay for their wrongs.

Among the options which should be considered are (1) public financing of notice to class members where notice is appropriate or required by law; (2) statutorily providing that where either the damage to each class member is small or the members of the class can be reimbursed only with great difficulty or at great expense, the wrongdoers shall nonetheless be liable for the full amount of damages, and the court directed to apply them to an appropriate group or purpose; and (3) specifically assuring that under laws providing for minimum statutory damages, class actions may be maintained, contrary to the holdings in a number of cases involving the Truth in Lending Act.

The road to progress in the federal system is rocky indeed. The rules of procedure can only be changed by the Supreme Court, which is not inclined to do so, and in most cases the relevant statutes must advance through the Senate Judiciary Committee where Senator James Eastland is carefully guarding the door against justice. The states can and should take the lead, as California has already done in part, because otherwise

significant progress in the new term is unlikely.

Standing and Attorneys fees. Legislatures can pass laws, but it is the courts which must stand behind them if they are to be enforced. Normally, one would look to the executive branch of government to insist upon that enforcement, but when it is the executive which is breaking the law, "who will guard the guards?" Reference here is not made to criminal violations a la Watergate but to routine violations of statutes enacted to protect consumers, taxpayers and just plain ordinary citizens, violations committed by the persons sworn to uphold those very laws.

The remedy, of course, is to allow suits by the affected citizens, taxpayers, etc. The problem is that the courts have erected a pernicious barrier known in legalese as the law of standing, but in practical terms means "Don't mind our business." The federal courts, under the lead of Chief Justice Burger, have been taking significant steps backwards in recent years and hence many violations by the Executive branch are unremedied. The situation is somewhat different in the states where either by statute or by decision, taxpayers often are able to bring suits forbidden in the federal courts. But even in those states where taxpayers have standing, other interested groups do not, unless they can meet the often rigorous tests of demonstrating "injury" of the kind the courts feel is proper—which usually means monetary harm.

All of this can easily be changed by statute, as even the Supreme Court seems to have conceded for the federal courts. At the very least any member of the legislature who believes that an official in the executive branch is violating the law should be able to take that person to court and have a judge rather than the wrongdoer decide whether the law has been violated. Even better, any citizen or taxpayer who is wronged should have that right, conditional only upon a prior request to the official to correct his action before suit can be started. This latter approach has been adopted in a number of recent federal laws dealing with the environment and has enabled interested persons to insure compliance with the law without unnecessary delay in litigating issues of standing.

In this connection, another important element of that same group of recent federal statutes is the inclusion of a provision for attorneys fees for citizens' suits. If private attorneys are to take up public causes, it is unrealistic to expect them to do so unless there is some hope that they will earn some recompense. There are simply too few public interest lawyers to take the cases that should be brought to do the job without the participation of the private bar. One other matter on attorneys fees is essential: the rate to be allowed must be the prevailing rate for all attorneys in the locale. Otherwise, the wrongdoers will reap a windfall where a public interest organization provides the legal assistance.

Freedom of Information. By an overwhelming vote of 371 to 32 in the House and 65 to 27 in the Senate, Congress on November 20, 1974, overrode President Ford's veto of badly needed amendments to the Freedom of Information Act as originally passed in 1967. In doing so, it recognized that the existing law, because of several loopholes amenable to abuse by judicial decisions and bureaucratic manipulation, was inadequate for effectively providing vitally needed public access to government documents and decision-making process on the federal level.

It is equally important that the public be informed about the state decision-making process which has a substantial impact on their daily lives. Only through the implementation of strong freedom of information and public meeting (or sunshine) laws on state levels will citizens have access to the information necessary to fulfill their re-

sponsibility to participate fully and effectively in the political process. Information is the currency of democracy.

It is imperative that state freedom of information laws be enacted, amended or superseded, whichever is appropriate, that will (a) apply to both the executive and legislative branches; (b) apply to all documents in the possession of the government and not only to those required by law to be kept; (c) provide procedural tools that will prevent bureaucratic abuses based on delay and cost (such as time limits for responding to requests for information); administrative penalty sanctions to be applied to employees who arbitrarily withhold information from the public, attorney fees for successful plaintiffs and limit the costs of access to the actual cost of copying and research; (d) provide citizens a right to judicial relief; (e) provide for broad court review power and authorize the courts to order disclosure of public records; and (f) have any exemptions be fairly specific and well-defined which will avoid some of the loopholes of the more general and broadly defined ones.

The state of Texas has recently enacted a freedom of information law and Florida has a sunshine law that are both particularly good examples of strong and stringent public access statutes that should be looked to for examples in drafting similar legislation.

Finally, it is essential that an independent state body be given the responsibility to oversee the operation of the public access laws and to ensure their proper implementation. In addition, this body should serve as a pre-judicial forum in which citizens could petition to obtain release of documents that an agency has refused to release.

Employee Responsibility. The United States became a nation with the conviction that arbitrary government action should not restrict the freedom of individuals to follow their own consciences. Today arbitrary treatment of citizens by powerful institutions has assumed a new form, no less insidious than that which precipitated the American Revolution. Within the structure of the "organization"—be it corporate or governmental—there has taken place an erosion of both human values and the broader value of human beings as the possibility of dissent within the hierarchy has become so restricted that common candor requires uncommon courage.

The key question is, at what point should an employee resolve that allegiance to society (e.g., the public safety) must supercede allegiance to an organization's unlawful, corrupt or wasteful policies, and then act on that resolve by informing outsiders or legal authorities? It is clear that hundreds and often thousands of people are privy to such information, but choose to remain silent within their organization. There is, therefore, a great need to develop an articulate ethic of whistle blowing which can be practically applied in many contexts, especially within corporate and governmental bureaucracies.

All areas of the law touching upon the employer-employee relationship should be reexamined with an eye to modifying substantially the old rule that an employer can discharge an employee for acts of conscience without regard to the damage done the employee. Existing laws that regulate industries should be modified to include provisions protecting employees who cooperate with authorities. Government employees should be treated like public servants if they are expected to act like them. Today, civil service laws and regulations serve two primary functions, each the exact opposite of those initially intended. First, they tend to reward or at least shield incompetence and sloth. Second, they discourage creativity and diligence. You might say that the speed of exit of a public servant is almost directly proportional to his or her commitment to serve the public.

State as well as federal legislation should insure that employees have legal protection when they point out that citizen health and safety has given way to profit, greed and inefficiency.

For further consideration of this issue see *Whistle Blowing* edited by Blackwell, Nader and Petkas (Grossman Publishers, 1972) and the forthcoming *Spoiled System* by Robert Vaughn (Charterhouse).

II. POLITICAL REFORM

To further insure the involvement of the citizenry and to restore faith in the processes of government, numerous political reforms are needed throughout state laws.

Open Government. Especially after Watergate, citizens and officials alike appreciate Brandeis' wisdom that "sunlight is the best of disinfectants." The way to discourage official sloth and skulduggery, the way to hold officials accountable to the people is to throw some sunlight on operations previously kept confidential. It is a perversion in a democracy for those who do the people's business to keep the people in the dark.

After much prodding, the Federal Government came to understand this principle in 1967, when the Freedom of Information Act became law.

Beyond freedom of information, a number of measures are valuable additions to open government:

(a) Those who are paid to lobby state legislatures and state agencies should be required (under consolidated forms) to list their names, group affiliations, the subject of their interest and what they are spending in pursuit of it. Further, when someone lobbies a state agency once a formal proceeding is underway or once an investigation toward a civil law enforcement action has begun, he or she should be required to log the fact and purpose of that visit on some public calendar. These requirements in no way violate the intent of the First Amendment, which aimed to encourage citizens to petition their government. It instead strengthens the First Amendment by furthering its founding premise—a competition of ideas and factions in the political marketplace. When some citizens reveal, often through an investigative process, what they are up to, this revelation can alert and inspire other citizens to mobilize to fight for their interests; they can visit those whom their opponents have visited; they can gauge the importance of seemingly minor measures by the amount that business is spending to defeat or promote. In all, these rules encourage the kind of political contests that are the trademark of a working democracy.

(b) Public officials must disclose their financial interests as a way to discourage self-dealing and corruption. Conflicts-of-interest can be more widespread locally than federally. From the alcoholic beverage businessman on a liquor board to a lieutenant governor garnering large legal fees, the temptation for economic self-help at the local and state level can overwhelm those who care more for their purse than the public. But a strict disclosure law can help insure that officials will take positions which, when matched against their personal economic benefits, they can publicly defend. If this principle is strictly applied to, say, an Undersecretary of Defense and a Vice-President, it should be no less necessary for honest government to apply it to a Health Services Commissioner, a State Highway Commissioner, or the Agriculture Department chief.

Campaign Reform. Proposition 9, recently passed by initiative in California, can act as a guide for reform of the elective and governmental process in all other states that either have not enacted any reform or have enacted weaker reforms.

The key provisions of the new law are as follows:

1. Campaign receipts and expenditures—

strict filing requirements for all committees and candidates.

2. Creation of a strong regulatory body removed from partisan politics that will enforce the provisions of the law.

3. Campaign spending limits—depending on population, geographic size and media markets.

4. Conflict of Interest—complete disclosure by all elected and appointed officials, or at least disclosure where there will be a potential conflict of interest.

5. Regulation of the activities of lobbyists and limitations on their abilities to finance campaigns.

Passage of political and campaign reforms are the acid test of legislative sincerity to remove the barriers to democracy in this country. Cynicism will prevail unless there is reform. Many legislators as well as political parties who continue to abuse the public's right to know will suffer political defeat by an aware public if the recent past is any guide.

Ombudsman. Another vehicle for reforming the governmental process is the creation of an Office of Ombudsman, whose main function is to handle citizen complaints against the government, without charge to the citizen, and to see that the law is properly administered. Without enforcement powers, the Ombudsman uses persuasive methods including reports to the legislature for reform and the media to bring about corrective actions. The ideal Ombudsman would be a high level official of the legislature with adequate funding and status, independent of the bodies overseen, with long tenure in the office.

In July 1969, Hawaii became the first state to appoint an Ombudsman. The office received \$103,000 and wide authority to investigate the internal activities of state agencies and to intervene in administrative matters. Also, there are provisions to insure that the person appointed will not be easily tossed out if he becomes too effective. The Ombudsman is appointed by a majority vote of no less than two thirds of each house, and only for neglect of duty, misconduct, or disability.

Some successes for the Hawaii Ombudsman—

Inmates at the Hawaii State Prison now have the right to file grievances with prison authorities.

The Department of Regulatory Agencies now send a letter of explanation along with all dismissed complaints.

Interest is now paid on rental security deposits for leased space at the airports.

The Contract License Board requires most home improvement contractors to enter into written contracts with consumers.

Citizens in Hawaii now see their complaints against the governmental agencies reviewed and handled by an independent body without any direct charge to them. Agencies are aware that someone is monitoring their behavior, and the public thereby has greater access to the decision makers.

It is certainly an improvement over the present ad hoc manner of handling citizen problems by government agencies in most states, if those problems are handled at all.

III. ENERGY AND ENVIRONMENTAL ACTIONS

Nuclear Safety And Reliability. After two decades of assurances by the Atomic Energy Commission (AEC) and private utilities that nuclear power is acceptably safe, the evidence to the contrary has become undeniably impressive during the last several years. As the true range of risks emerges from behind the massive curtain of secrecy long surrounding matters dealing with nuclear energy, Americans are becoming involved and informed.

Not only are they becoming involved and informed but they are taking action; they have demanded an AEC review of the Emergency Core Cooling System; they demanded a reassessment of the reliance on nuclear power to end the energy crisis; and in a conference held November 15-17, 1974 in Wash-

ington, D.C. citizen groups from 40 states demanded a moratorium on the building of new nuclear power plants.

Although the Supreme Court has ruled that the states are preempted from establishing standards for nuclear pollution, there are avenues for action. There is a wide area for creative legislation. Laws requiring utilities to demonstrate that capital expansion plans will not jeopardize their economic stability could have the effect of limiting nuclear proliferation. Similarly, laws requiring utilities to demonstrate that there is an assured fuel supply, adequate insurance or that a facility will have a minimum reliability factor, could have the same effect. Zoning, land use and facility siting laws can also provide a lever over nuclear power plant construction.

A caveat to bear in mind in pursuing any of these approaches is that they must be carefully drafted so as to avoid arbitrary documentation against nuclear power. The standards must apply equally to nuclear and non-nuclear plants unless a sound distinguishing classification can be established. (See "A Citizen's Manual on Nuclear Energy 1974" available from Critical Mass, P.O. Box 1538, Washington, D.C. 20013.)

In Vermont, intervenor groups entered into a contract with Vermont Yankee, whereby the utility agreed to observe state radiation standards which are more stringent than the AEC's. This solution to failure of regulation by the AEC came about in Vermont at least partly due to the Governor and Attorney General, since both early took the position that nuclear power should be supervised more closely.

Utility Reform (RUCAG). One of the most volatile issues in states today is the manner and capacity of the state regulatory bodies to control the increasing costs of utilities. In response to this, many governors, attorneys general and legislators ran on platforms calling for improved regulation and greater control over the investor owned utilities.

These campaigns were urged in response to the frustration of consumers in their efforts to challenge the utilities and press their views on the regulatory body. What residential utility customers need most is organization and a full time staff that can present their needs and demands to the utilities, the utility commission, the courts and the state legislature. The utilities have no trouble presenting their demands; they charge the public for the costs of the rate proceedings. The commercial and industrial concerns can afford outside counsel and experts to present their concerns. A checkoff procedure is the best way for the residential utility consumer to gain representation and be a full participant in the decision making process.

The full time staff and organization would be funded through the utility bill checkoff. Included with every monthly bill sent to residential consumers, be it telephone, electric, gas, water or other regulated utility, would be either a check off card or a well designated provision on the bill itself. If the consumer desired, he or she could check-off the amount to be contributed to their action group and add it to their utility bill. The utility would then be obligated, under strict state audit, to pass such contributions over to the Residential Utility Consumer Action Group (RUCAG).

RUCAG's constitution and by-laws could be developed by statute through the normal legislative channel or citizens could convene a utility consumers convention. The structure of the group should insure its control by utility consumers and not by the utilities, their employees or their indentured government agencies. Consumers would hold annual meetings, set overall policy, elect a Board of Directors, and develop their own vehicle for self help.

For further information on the RUCAG

proposal, send a stamped, self addressed envelope to Martin Regal, Esq., P.O. Box 19312, Washington, D.C., 20036.

State Energy Conservation Programs. The federal government has failed to adequately address the energy problems facing this country. It now becomes incumbent on the leaders of revitalized state governments to provide the foresight and imagination necessary to curtail energy use. Some suggestions for action:

(1) Energy efficiency labeling of appliances, autos, heating and cooling systems, lighting systems and insulation. A variation on this theme is requiring purchase and design information to include a life cycle cost figure as well as the initial purchase price.

(2) Energy impact statements for construction of major buildings, highways, public works projects, and electric power plants. By requiring an energy impact statement prior to construction, a state can gain knowledge and some degree of control over the new high users of energy.

(3) Ban or tax nonreturnable beverage containers.

(4) Reduce auto use through traffic fare subsidies, construction of bike paths, and surcharges on downtown parking. Successful experiments with transit fare subsidies by Seattle and other cities should be studied and replicated. Arlington, Virginia is greatly expanding its system of bike paths and may serve as a model for similar programs. In Oregon a portion of the road use tax fund has been diverted to construction of bike paths.

(5) A major priority for the forthcoming legislative session should be opening your highway trust fund to alternative transportation opportunities.

(6) Provision of low cost and accessible financing of insulation and weatherproofing improvements in existing buildings and fiscal incentives for insulation, weatherproofing and installation of solar heating equipment. Michigan has encouraged an electric utility company to provide low cost financing for home insulation improvements and Maine has encouraged such improvements in its "Project Fuel." Indiana has provided for an exemption from the property tax for the first two or three thousand dollars of the cost of solar heating equipment.

State legislators also have the responsibility to oversee the activities of the various state agencies. Are they saving energy through their procurement policies? Why not convene state legislative hearings to determine what each agency is doing. Do they consider the energy efficiency of their purchases and the life cycle costs?

There is a great deal that can be done on the state level. Take such ideas and provide the energy leadership that is lacking in this country.

Automotive Air Pollution. The problem of automotive air pollution is national and originates with the oligopolistic auto industry. The near-term solution is low-emission vehicles with long-term emphasis on more rational transportation systems. To achieve low emission levels from motor vehicles, the burden must be placed on the auto industry rather than the consumer. The following is a short outline of areas where state action can shift the burden for vehicle emission control to the manufacturers and avoid more costly or restrictive transportation controls.

I. Vehicle Emission Inspection/Maintenance Systems.

A. Inspection/maintenance programs reduce emissions, save fuel and protect consumers.

1. Infrequent high emission vehicles, these programs provide data base for recall of the vehicles by the U.S. Environmental Protection Agency.

2. Frequent correction in minor tune-up or adjustment of carburetor air-fuel ratio which generally results in improvement of fuel economy.

3. Inspection can invoke the warranty provisions of the Clean Air Act.

4. Can be carried out in conjunction with safety inspections which are mandatory if states are not to lose their highway funds from the federal government.

II. Excess Emissions and Gasoline Consumption Charges.

A. Higher fees could be charged for higher polluting and less fuel efficient automobiles in the same manner that some states already distinguish in a rough fashion between heavy and light motor vehicles.

1. Generates revenue which can finance state mass transportation systems.

2. Encourages conservation of gasoline and lower polluting vehicles while not affecting directly lower income groups who purchase used cars.

III. State Inspection of Leadfree Gasoline.

A. Leadfree gasoline is absolutely necessary to prevent damage to catalysts on new cars.

1. Insures low emission levels thus offsetting need for more stringent transportation controls.

2. Prevents consumer from paying for catalyst replacement.

3. Can be done by state weights and measures departments.

Safe Drinking Water and Water Pollution. Recent disclosures linking cancer to contaminated drinking water have alerted the American public to our dangerous drinking water situation. Existing standards cover neither viruses nor most industrial chemicals or heavy metals which are not screened out by the purification methodology in widespread use in this country and which, consequently, are making their way from our polluted lakes and streams into our tap water. The Safe Drinking Water Act now awaiting presidential signature would set minimum national standards to be enforced by the states or, if a state is seriously derelict, by the federal government.

Even if the Safe Drinking Water Act becomes law, of course, action at the state level will be needed to ensure state enforcement capabilities. But beyond that, the protection provided by the minimum national standards will leave serious gaps which call for state response. For example, while the proposed federal law would ultimately require public water systems to use the best available technology to purify drinking water, the law's applicability to the polluters responsible for contamination is limited, and in any event, unclear. A hard-pressed local community should not have to pay for expensive technology to remove lethal chemicals dumped into their supply by an upstream polluter. State legislation is needed to ensure that the pollution is cleaned up at the source and that the polluter and not the water drinker pays for this.

An even more serious situation exists when the best available technology does not completely take out dangerous pollutants in the drinking water source. Laws are needed which require swift termination of pollution that contributes to significant health risk and which permit citizen groups and water systems to obtain an injunction against the polluter. Laws also must provide consumers with up-to-date information about their water systems as well as give these consumers the right to sue in state court to compel public water systems to comply with health standards and to compel state officials to carry out their enforcement duties.

Another defect in the federal water pollution laws is the failure to provide incentives for polluters to develop and implement new, innovative technologies that would reduce pollution below current acceptable limits. These limits are typically based on an estimate of what available technology can achieve. By enacting a tax to be levied on polluters—to supplement our current regulatory scheme—a state would encourage needed technological improvements and pollution reduction, generate new state

revenues which would possibly permit tax cuts in other areas, and provide a model solution for other jurisdictions to emulate.

Further, the Residential Users Consumer Action Group (RUCAG) proposal for consumer-sponsored scrutiny of utility performance is of course applicable to public water systems.

IV. ECONOMIC AND FINANCIAL REFORMS

Property Taxes. The first item on the property tax agenda is to take the burden of the tax off of the small taxpayer by elimination of all loopholes and a return to the original concept of a tax on all property.

The largest property tax loophole by far is that for "intangible" property—stocks, bonds and the like. There are several times more of this property in the country than real estate, and most of it is owned by the nation's wealthiest people. Just a modest tax on the more common forms of intangible property would cut real estate taxes by at least one-third nationwide. The myth that such a tax cannot be administered has been dispelled by the recent one-year experiment in Connecticut, Massachusetts, Ohio, and Florida all have working versions of taxes on intangible property. Closing this one egregious loophole could go far towards solving pressing school finance problems while helping small taxpayers.

The growing exemptions for commercial and industrial equipment, machinery, and inventories are another fertile source of potential revenues. Even more important are the underassessment and nonassessment of large mineral, commercial, industrial and other forms of property, which alone are costing a minimum of \$7-\$10 billion each year.

The best way to keep property tax exemptions and loopholes under control is to treat them as other expenditures and review their costs and benefits regularly, at least every three years. They should also appear in each year's budget. The U.S. Treasury and the state of California have already initiated this "tax expenditure budget" approach.

It will do little good to close property tax loopholes unless the tax laws are administered properly. General reform of property tax assessing and administration is an urgent need in most states. States such as Oregon and California show the progress that is possible when the legislature makes up its mind to act. Wisconsin recently took the progressive step of empowering a team of qualified state appraisers to assess complex commercial and industrial property throughout the state. This is an advance which could readily be duplicated elsewhere.

Crucial to assessment reform is the assessing of property at 100% full value. Any other system confuses taxpayers and makes them vulnerable to manipulation by public officials. States such as Oregon and parts of Kentucky have dispelled the myth that the public automatically rejects assessing at close to full value.

The single most effective way to insure fair assessing is to provide taxpayers with complete assessment information. Each property taxpayer should receive with their assessment notices a form showing the actual level of assessments for each type of property in their jurisdiction, a brief statement of the taxpayer's rights and the standards the assessor is bound to follow, and instructions for making appeals.

Larger assessing jurisdictions would help diminish "tax blackmail," whereby large businesses resist fair taxation by threatening to move elsewhere. And larger jurisdictions would enable localities to base their land-use decisions on factors other than a chronic and obsessive need for more "ratables." The seven counties in the Minneapolis-St. Paul area have agreed to share all additions to their commercial and industrial tax bases, a signal stride. Senator Walter Mondale (D-Minn.) has introduced legislation which would protect local governments, taxpayers,

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and workers against renegade industries. This legislation merits careful study.

For more information on property taxes, write to *People & Taxes*, P.O. Box 14198, Washington, D.C. 20044. (Subscriptions are \$6.50 for individuals; \$9.50 for businesses, professionals and institutions. Published twelve times a year.)

State Antitrust. At a time of accelerating prices, people are understandably turning to the antitrust laws. When firms collude, prices rise and income is misdistributed from consumers to producers. According to Thomas Kauper, head of the Justice Department's Antitrust Division, price-fixing costs consumers \$80 billion a year. Instead of economists meeting in televised seminars in Washington to haggle over a \$10 billion cut in federal spending, state and local officials should be concentrating on tough antitrust enforcement to cut \$80 billion from retail prices.

State antitrust laws drastically vary. Two years ago Virginia had an antitrust enforcement budget of \$1,500, Missouri \$9,000, New York State \$250,000. Some provided treble damages for local violations while others did not. There are a calendar of items necessary for state antitrust to be an effective inflation-fighter.

(a) Budgets must be adequate, not like Virginia's and Missouri's. Of course there are competing interests for state revenues, but antitrust efforts are an especially worthy investment of state funds, for they can return dividends to consumers that far exceed their investments as taxpayers.

(b) Antitrust crimes (like price-fixing or market divisions) should be felonies, not misdemeanors, and should carry stiff penalties (e.g., jail sentences of 1-3 years, and fines of \$500,000 or two percent of a firm's gross revenue) in order to deter behavior. Previously, lump antitrust penalties have been viewed as a cost of doing business.

(c) In addition, there should be a provision for treble damages in private antitrust actions at the state level; the use of economists to watch price levels of similar products in different cities in order to launch antitrust probes when a half gallon of milk or a haircut costs 50 percent more in Town X than in Town Y for no apparent reason; and so-called fair-trade laws—which balk consumers of millions in the form of "vertical" price-fixing—should be abolished.

Banking and Consumer Credit Reforms:

1. Consumer Credit. Legislatures should abolish the holder in due course doctrine. Several states have abolished the doctrine for certain categories of consumer loans and a new federal law would limit the application of the doctrine to bank credit cards. The Rule of 78s, a complicated method used by banks in computing interest on consumer loans, should also be abolished and replaced with a per diem charge. The Model Consumer Credit Act developed by the National Consumer Law Center in Boston should be used as a consumer oriented alternative to the Uniform Consumer Credit Code which is being considered by many state legislatures. The Law Center's Model Act contains important limitations on the creditors' remedies which are unnecessarily burdensome to debtors.

2. Mortgage Lending. Legislation should be enacted to require the payment of interest on mortgage escrow accounts. Mortgage lenders should also be required to send letters of advice to home owners who have missed a mortgage payment and to provide the home owner with an opportunity to explain the late payment.

3. Criteria for Chartering, Branching, or Relocating Banks and Savings and Loans. State Banking Departments and state Savings and Loans Commissions should be directed by statute to consider whether banks and savings and loans are adequately meeting the financial needs of the community in which they operate when passing upon ap-

plications to branch or relocate. The California Savings and Loan Commission has recently issued branching criteria which focus on the responsibility of savings and loans to extend credit and employment opportunities to minorities and women.

4. Disclosure Statute for Mortgage Loans: Redlining. Savings and loans and commercial banks should be required by law to disclose the geographic location of their mortgage loans. This would enable officials and community groups to detect a pattern of refusal to make mortgage loans in certain neighborhoods, a practice known as redlining. The City of Chicago has passed an ordinance requiring such disclosures.

State Consumer Protection Agency. To assure that the voice of the people is heard by the governmental decision makers who regulate business practices, a proposal was developed about five years ago in the United States Congress for a Consumer Protection Agency. In 1974 it passed the House of Representatives by a 3 to 1 margin and was barely defeated by a filibuster in which 65 senators—one less than the needed two-thirds—voted for cloture.

With no authority for it to impose fines or penalties, to set standards or to force businesses to change their practices, the bill would create a non-regulatory advocate to appear before federal regulatory agencies and departments for consumers who purchase or acquire goods and services in the marketplace, just as legions of attorneys and lobbyists now represent the interests of those who produce these goods and services. The concept of a governmental advocate for a particular interest group is not new; there are now numerous, much larger agencies and departments which explicitly advocate, promote and subsidize industry and commerce.

The need for a professional consumer advocate who can gather technical information, intervene and participate before agencies, and seek judicial review is not unique to federal programs. The same abuses, the same absence of consumer representation, the same resultant misallocation of the public's resources occur in state and local government. As a small anti-inflationary advocate before executive agencies, the consumer representative could concentrate on the rigid and hitherto unchallenged policies which bloat governmental decisionmaking. By opening the closed door behind which most government decisions are made, the consumer advocate would help restore public confidence in the operation of government. It could demand that agency actions be substantiated in writing to permit proper evaluation and judicial appeals. Where there is blatant disregard of consumer interests, an advocate equipped with essential expertise should be able to take the consumer's case to court. (Copies of S. 707 and its committee report are available from the Subcommittee on Executive Reorganization, United States Senate, Washington, D.C. 20510.)

Earlier this year the state of New Jersey enacted a broad bill setting up a Department of Public Advocate with authority to represent and protect the public interest in rate-making and other administrative and judicial proceedings. The Public Advocate has full, unfettered authority to challenge a questionable agency decision. The "public interest" the Public Advocate is charged with representing is defined as "an interest or right arising from the constitution, decisions of court, common law or other laws of the United States or of this State."

In a number of ways the New Jersey statute gives more authority to the Public Advocate than would the proposed federal legislation. For example, the federal bill provides that if the consumer advocate receives complaints from consumers it can merely refer them to another agency charged with enforcing the relevant laws. It cannot compel action to remedy a specific consumer grievance. The

New Jersey advocate in contrast can institute a proceeding before any agency, department or board of the state with responsibility for resolving consumer complaints. Even without the federal legislation, which will pass the Congress in 1975, the rights of consumers would vastly improve if other state legislatures would emulate the New Jersey precedent.

For more information, write to the New Jersey Department of Public Advocate, Trenton, New Jersey.

Small Claims Court. The ultimate public check on business practices is unavailable to the average consumer. Lawyers are interested in "big" cases, defined in monetary terms, and consumer grievances are "small." Citizens resent the cost of hiring lawyers, and the courts are so hopelessly backlogged that delayed justice often results in no justice at all.

There is a ray of hope, however. And that ray is represented by Small Claims Courts.

Small Claims Courts could provide a forum for swift, simple and inexpensive dispute resolution. In those few states where they do not exist, they should be created; where they do exist, their services need to be considerably expanded and drastically reformed.

1. States should publicize their Small Claims Courts. Radio and TV ads should make the courts' availability known to the general public; also, at the courts and at other locations, clear booklets describing court procedures should be available. All this information, of course, should be in whatever languages are commonly spoken by the state's citizens.

2. States should expand court hours. This expansion should include evening sessions and Saturday sessions. People who have day-time five day a week jobs should not have to lose time from work to pursue their Small Claims Court cases.

3. Jurisdictional amounts should be set at realistic levels. In a time of inflation, any limit that was set as long ago as two or three years should be reviewed in the light of the costs of consumer goods and services.

4. The Small Claims Courts should be given power (equity power) to make judgments ordering relief such as occupancy of apartments, return of goods, repair of goods or carrying out of other services. In most states, Small Claims judgments can only be for money.

5. States should improve the means available for individuals who seek to sue corporations. Now, the individual must contact a state office to find the name of the corporation's agent for receipt of legal process; this chore should be undertaken for the individual by the clerk of the court, or else should be made easier by the locating of state corporation records at points convenient to the Small Claims Courts.

6. Assistance by community aides, such as the program pioneered at New York City's Harlem Small Claims Court, should be available throughout the country, at all Small Claims Courts.

7. States should improve safeguards against fraudulent process serving. Particularly in Small Claims Courts, this practice has led to issuance of unfair default judgments.

8. Courts should be encouraged to deal with the problem of their excessive use as collection agents by setting new substantive standards; only credit prudently extended should be an allowable basis for a court-enforced collection. This "prudent lender" doctrine, adopted by state legislatures or developed by judges, would eliminate this unfortunate spectacle.

9. States should eliminate the problem of judgment collection. Commonly, as many as half of the winning consumer plaintiffs never collect the money they are awarded. Collecting judgments should be handled by the states in newer ways; for example, an insurance fund analogous to the uninsured motorist funds in the states could be estab-

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lished to cover uncollected judgments; civil servants, such as sheriffs, should replace the politically appointed marshals who execute judgments for a percentage of the take and who are notoriously reluctant to collect small amounts; also, for businesses that do not pay judgments, provisions should be made for their identification and for subjecting their principals to severe penalties for the failings of their establishments to honor the judgments of the court.

10. States should make legal assistance available free to consumers who win at Small Claims Courts but whose cases can be appealed to the higher courts where a lawyer's help is needed.

For more information on Small Claims Courts, write to the Center for Auto Safety, 1346 Connecticut Ave., N.W., Washington, D.C. 20036. The cost for the study is \$5.00. To obtain a model booklet for use in publicizing the courts, send a stamped, self-addressed envelope to the Center for Study of Responsive Law, P.O. Box 19367, Washington, D.C. 20036.

V. HEALTH RELATED REFORMS

Hospital Costs. In 1971 Maryland became the first state to enact comprehensive, publicly accountable, rate-setting requirements for all hospitals in the state.

The Health Services Cost Review Commission, an independent state agency, is charged with verifying costs and eliminating conflicts of interest in all Maryland hospitals. The seven member commission reviews all financial data submitted annually by hospitals pursuant to uniform accounting requirements established by the Commission. The Commission, after public hearings, is empowered to lower or raise the rates charged by any hospital if it determines that the rates are not reasonably related to the costs incurred by the hospital.

The Commission examines the costs incurred by each hospital department in order to clarify actual costs and to examine the effects of hospital-encouraged subsidizing of less profitable departments by other more profitable departments. For example, the department of radiology might charge higher prices to subsidize the hospital's emergency room services.

All Commission data, including all submissions by hospitals, are open to public inspection.

The Commission has been responsible for fiscal changes in Bethesda, Maryland's Suburban Hospital, for example, which have forced the Hospital to upgrade its staff and equipment levels or to face the prospects of lowering its rates under Commission order. Suburban Hospital, a non-profit facility, has profits and reserves totaling in excess of \$22 million.

Details of Commission activity, including Commission regulations are available from: Harold Cohen, Ph.D., Executive Director, Health Services Cost Review Commission, 2100 Guilford Avenue, Baltimore, Md. 21218, (301) 383-4175.

Other state legislatures have passed similar legislation. It is a good vehicle for developing some control over our health institutions presently and is a method for curbing the spiraling inflation in hospital costs.

Posting of Prescription Drug Prices. The price of prescription drugs affects everyone periodically, and is a continuous expense for some. It falls often on those who can least afford it—the elderly, the indigent and the chronically ill.

Prescription drug consumption and prices have been steadily rising in the U.S. over the last 15 years. In 1959, the average family bought 11 prescriptions at a cost of \$33.00 or \$3.00 per prescription. In 1966, the average family bought 15.9 prescriptions at a cost of \$54.54 or \$3.43 per prescription, a rise in cost of almost 16% per prescription. And, these

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figures were compiled before the raging inflation now plaguing the country.

These rising costs are a result of the policies of the drug manufacturers, pharmacists and physicians. Pharmaceutical companies earn nearly two times the profit of other manufacturing concerns on investment.

There are two ways these inequities can be removed—mandatory posting of drug prices and the elimination of the ban on pharmacy price advertising of prescription items, and elimination of antitrust laws which prevent a pharmacist from dispensing anything but the precise drug prescribed by the physician if that drug is a brand name product. This blocks the pharmacist from substituting for a brand name drug its generic equivalent which is much lower in price but otherwise tested to be identical. Antitrust laws operate largely to protect the companies which sell brand name products. They were intended initially to stop pharmacists from changing the prescription to a different drug, not the substitution of a cheaper version of the same drug.

Consumers should have the right to shop for prescriptions by price and have the benefit of the lower priced generic equivalent. Passage of laws dedicated to these ends will loosen the stranglehold of the major drug manufacturers over the consumers, the pharmacists and the doctors.

Tax On Soft Drinks To Fund Health Facilities. The state of West Virginia has used revenues gained from taxing the manufacturing of soft drinks to build a medical center. Soft drinks offer not only little or no nutritional value, but they are considered harmful to people's health. Considering these health concerns, a tax was placed at the manufacturing level, where it is least likely to be passed on to the consumer, and the state and citizens obtain the benefit of increased health care facilities from tax revenues generated from a cause of health problems.

Ban on Use of Prisoners for Experimentation. Ethical medical research demands, among other things, the informed consent of its subjects. Informed consent cannot be given under coercion. Imprisonment is an inherently coercive situation, and the idea of "volunteer" in prison experiments is ridiculous.

The prison population is comprised in large part of the poor and disadvantaged, those least likely to comprehend the complexities of research when told about them. The majority of prisoners at the Maryland House of Detention, for example, are functional illiterates. Prisoners are at the mercy of prison personnel. Conditions of prison life, parole and release are dependent on judgments of those same personnel. Desperate for "good behavior" judgments, prisoners are likely to feel compelled to participate upon the mere suggestion of their jailors.

Prisoners may participate in experiments for temporary improvement of intolerable conditions, or for meager amounts of money. Prisoners at the Maryland House of Detention, for example, undergo tortuous and often recurrent bouts of malaria and other infectious diseases, in return for access to a television set, a quiet ward, and pay of \$2.00 a day.

There have been a number of restrictions on prisoner tests in recent years. England has prohibited it entirely. The states of Oregon, Pennsylvania, Wisconsin and Missouri have prohibited all prison experiments. Legislation banning psychotropic drug research in Massachusetts prisons, and all such research in federal prisons, is pending. The practice should be eliminated in all states.

VI. OTHER LEGISLATIVE RESPONSIBILITIES: OVERSIGHT

Equal to your role as lawmakers and providing leadership is your obligation to see that all the laws already passed are working

and effectively implemented. The role of oversight of governmental agencies is crucial to your knowledge of the need for new laws and amendments of old. For example, your budgetary and tax responsibilities hinge on how well each state agency performs its services. A previous legislature may have passed progressive consumer and environmental protection laws, but they may not be properly enforced, and, therefore, are wasted.

The most infrequent oversight occurs when the Governor and majority of the state legislature are of the same political party. However, that is usually the time that oversight is most often required to combat complacency and inefficiency. It is up to the various committees to keep track of the successes and failures of the state agencies, and to determine if the hard earned dollars paid in taxes by the citizens are properly expended. Yet these committees rarely exercise their power and duties of oversight.

A REAL BREAKTHROUGH ON ARMS LIMITATIONS IN LATIN AMERICA

Mr. CHILES. Mr. President, I would like to bring to the attention of my colleagues in the Senate a most encouraging event in Latin America. Last week eight nations in Latin America agreed to seek arms limitations and to stop purchasing offensive weapons. The eight nations are Peru, Chile, Bolivia, Ecuador, Venezuela, Argentina, Colombia, and Panama.

This is a major step forward. It sets in motion the possibility of seeking an overall arms limitation agreement covering the entire region. This will release badly needed resources within Latin America for economic development. And it will help get us out of the arms trade in this hemisphere and the continuing danger of feeding two sides of a potential war.

This agreement has received surprisingly little attention thus far.

I ask unanimous consent to have printed in the Record a news report in the December 13 New York Times and an article in today's Washington Post.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 13, 1974]
EIGHT LATIN NATIONS DECLARE INTENTION TO LIMIT ARMS

(By David Binder)

WASHINGTON, December 12.—Eight Latin American countries, after a three-day meeting in Peru, have issued a declaration of agreement to limit armaments and to stop acquiring offensive weapons. The eight were Peru, Chile, Bolivia, Ecuador, Venezuela, Argentina, Colombia and Panama.

All of these signers have been involved in frontier clashes in the past and some still lay claim to territory in neighboring countries.

The declaration, which contains no specifics on types or numbers of weapons, was hailed today by William D. Rogers, the Assistant Secretary of State for Inter-American Affairs, as "an extraordinary and unprecedented step which could substantially reduce tensions in the hemisphere."

BRAZIL PARTICIPATION SOUGHT

Mr. Rogers, who attended the signing of the declaration Monday in Ayacucho, Peru, returned to Washington last night.

United States officials said that the agreement would require the addition of Brazil to make it really effective. Brazil is the largest and most powerful country of the continent and borders six other states. A follow-

up meeting has been scheduled for next summer in Caracas, Venezuela, with all Latin-American countries attending.

The occasion for the latest meeting was the 150th anniversary of the battle of Ayacucho, in which Simon Bolivar finally defeated the Spanish colonial empire in Latin America.

One reason for the disarmament agreement expressed in the declaration was to divert arms expenditures to economic and social projects, Mr. Rogers noted at a press briefing.

But he added that the United States considered the agreement "most hopeful" on the expressed intention to solve future problems among the signers through peaceful means.

SOME FRONTIER DISPUTES

One frontier problem referred to specifically in the declaration involves landlocked Bolivia's wish for access to the sea. But Latin-American specialists said the agreement would also have a bearing on traditional disputes between Colombia and Venezuela, Venezuela and Guyana and Peru and Chile.

The declaration also expressed the intention to bring together foreign ministers and defense ministers of the eight countries in the event of a threat to peace in the region.

Mr. Rogers said that the declaration "goes far beyond the Rio treaty" of 1946, in which the hemisphere countries agreed on the principle of nonaggression and mutual defense.

U.S. DELEGATION PRESENT

Mr. Rogers said that he had the impression that the eight countries intended the declaration to be a vehicle for new forms of Latin-American solidarity and cooperation.

The United States was one of several countries to send guest delegations to the Ayacucho meetings that began last Friday. Canada and Cuba were also represented.

"Our attitude is one of great interest toward the intentions of the Ayacucho signatories," Mr. Rogers said. "But we are not yet sure where we go from here."

[From the Washington Post, Dec. 19, 1973]

THE OTHER ARMS RACE

(By Victor Zorza)

Very little attention has been paid in the outside world to a remarkable Latin American initiative which may result in the limitation of conventional arms in that area and, perhaps by way of an example, in other parts of the world.

The nuclear arms race consumes only a fifth of world arms expenditure. The other 80 per cent goes on conventional arms. The most expensive of these are sold by the industrial world to what it calls the backward countries—much as early Western traders sold rifles to the natives.

Latin America, which has long provided a market for such exports, has seen many unsuccessful arms limitation initiatives in the past. This time, however, the eight members of the Andean group of countries, including, most notably, the mutually hostile regimes of Chile and Peru, have agreed on a pledge to bring about "effective arms limitation." They will, in particular, "put an end" to the purchase of offensive weapons from foreign suppliers.

The history of Latin America and of disarmament is littered with high-sounding statements of this kind, but the background of the Declaration, issued this month in Lima, the capital of Peru, is made up of practical politics, not of pious hopes. Most of the previous Latin American disarmament proposals were the result of U.S. prompting, and this doomed them to failure from the start, but the Lima Declaration is a genuine home grown product.

The idea was first broached by President Velasco of Peru at the beginning of this year, and its formal promulgation during the Lima

meeting came as something of a surprise to the United States. When Velasco first proposed it, he was replying to foreign criticism of Peru's purchase of Soviet tanks—the first Soviet appearance as a major arms supplier on this continent. He insisted on Peru's right to get its arms from any country, but at the same time suggested a freeze on current Latin American arms levels by imposing a 10-year moratorium on arms purchases.

His proposal was dismissed as a propaganda effort designed to reduce the impact of the Soviet arms deal. This had so alarmed the new Chile regime that it promptly pressed the United States, with some success, for "balancing" arms supplies. A new arms race was in the making.

Arms spending has rarely exceeded 3 per cent of the GNP by any of the Latin American countries, compared with 5 per cent for developing countries generally, and nearly 7 per cent for the industrial countries. But Latin America can ill afford even the lower levels of arms spending, and any competition between the United States and the Soviet Union as arms suppliers would bring to the area the kind of instability which now bedevils relations in other regions of the world.

The Peruvian regime was grateful for the Soviet tanks, which the Kremlin eagerly provided on easy terms, but the Velasco regime is far more interested in social reform and economic development than in military splendor. It knows that, to carry out its ambitions, it must limit and, if possible, reduce the claims of defense on resources that are already inadequate.

In Chile, too, the regime is not unconcerned about economic development, but it is particularly alarmed by the prospect of a gradual accumulation of Soviet weapons in the hands of a potentially warlike neighbor. The Chile regime, internally insecure as its suppression of Allende supporters shows, is clearly anxious to mitigate any external threat, especially if it appears to be Communist-inspired. The Peru regime is certainly not Communist—but Soviet arms are.

In this way the political interests of both Chile and Peru, however hostile the two regimes may be, require the reduction and, if possible, the termination of the flow of foreign arms to the area. The private conversations between the eight governments in the past year are known to have been as serious as the public propaganda war between Chile and Peru was irresponsible. Tanks, for instance, have been mentioned as being among the imports to be banned—and that would be a very promising beginning.

Brazil, although the most powerful country on the continent, was not included in the earlier stages because it is not a member of the Andean group. But Brazil is to be invited to next year's summit meeting in Caracas which ought to give more practical expression to the Lima Declaration. In the meantime, staff talks between the participating countries will attempt to work out the details of the formal agreement to be signed by the heads of state.

The common culture and history of most Latin American countries, their liberation by Simon Bolivar 150 years ago at the battle of Ayacucho which forms a passionate and lasting bond between them, the economic links which they have been trying to forge in recent years in an attempt at integration—all these help to promote the arms limitation agreement. The Lima meeting, in fact, was held to commemorate the battle of Ayacucho. There are other parts of the world, such as West Africa, for instance, where politics and tradition combine with the low intensity of local conflicts and the low level of arms spending to make such agreements possible.

Here it is the arrival of Soviet arms on the scene that has stimulated serious interest in arms limitation efforts. Elsewhere

Soviet and U.S. and European arms suppliers are already in serious competition. But one successful example of such arms limitation could do a great deal to show the way. Latin America, once derided as the continent of military coups, could yet prove to be an example for the rest of the world.

SENATOR JAMES L. BUCKLEY ON RUSSIAN TRIP

Mr. BUCKLEY. Mr. President, I rise in order to keep a promise I made on November 14, 1974, in Moscow to Nikolai Scholokov, the Soviet Minister of the Interior.

I hasten to state that my interest in meeting Mr. Scholokov had nothing to do with my membership on the Interior Committee, as his responsibilities are of quite another order than those of Secretary Rogers Morton. In the Soviet Union, the Minister of the Interior might be described as the man who is in charge of the Gulag Archipelago. He is also the man in charge of issuing exit permits to those seeking to exercise their human right of emigration, a right that the Jackson amendment to the trade bill now in conference seeks to translate into meaningful reality.

I told Mr. Scholokov that I had sought the meeting for several reasons:

First, I had been given, prior to my departure for the Soviet Union, the names of a number of Lithuanians and Ukrainians who have been seeking permission to leave the Soviet Union and join relatives now living in the United States, and I had been asked to make a plea on their behalf to a high official of the Soviet Union.

Second, I had been asked to plead for a cessation of the harassment visited upon Soviet Jews seeking to emigrate to Israel.

Third, I had been asked to intercede on behalf of two individuals now in Soviet prisons who were reported to be on the verge of death.

Fourth, I had been asked to express the widespread concern in the United States over reports of a recent upsurge and intensification of the campaign against religion in the Ukraine, Lithuania, and now—as a result of Soviet pressures—in Czechoslovakia.

Finally, I stated that I wanted the opportunity to convey to a highly placed official the seriousness of the Congress concern over the refusal of the Soviet Union to allow freedom of emigration. I said that I understood that the Soviet Government considered their emigration policies to be a matter of internal concern only, and therefore none of the business of foreigners. On the other hand, I said that he would have to understand that it was uniquely our business as to what conditions we might choose to attach to credits extended at preferential interest rates to finance the purchase by Russia of the American technology she badly wanted to have.

The Minister commented on these and other points I made during our long discussion and ended with the following request:

Please tell the other Senators exactly what I have told you. Everything I have told you

is the full truth. Soviet leaders are as good as their words.

I shall now proceed to carry out my promise, quoting Mr. Scholokov as faithfully as I can from memory:

With respect to the suggestion that anyone in a Soviet prison might be in need of medical attention or might be subject to brutality:

We have fine hospitals and excellent doctors at all our prisons. Everyone in a prison gets good medical treatment as anyone in the Soviet Union. It is against the law for anyone to mistreat a prisoner, and I will on the spot punish those who encroach on the rights of prisoners. All our prisoners (who are required to work hard in connection with our rehabilitation program) receive 4,500 calories of food a day, which is far more than the 2,000 calories you and I require.

To the charge that there is religious repression within the Soviet Union:

Another dead cat! The law guarantees everyone in the Soviet Union freedom of religion, and the law is faithfully applied. Ask anyone, ask the priests and bishops of the Russian Orthodox Church, and they will tell you that they and their parishioners enjoy the fullest religious freedom. I'll show you a film that shows we have religious freedom.

At this point, Mr. President, I told the minister that if these reports are "dead cats," he would be astonished at the platoons of dead cats now roaming the West.

To the charge that the Soviet Union did not permit freedom of emigration:

You have been speaking with malcontents. Everyone who applies for an exit visa gets it at all levels. We do not hold anybody except those held because they break Soviet laws. I can give you the figures. Everyone who wants to emigrate has the right. The only grounds to refuse exit visas are possession of state secrets—just as is the case in your country. There is a five year guarantee on possession of state secrets. The problem of emigration doesn't exist. It is only invented by those who are interested in destroying the good relations of our two countries. Be assured that what I am saying is true.

To the charge that immediately after the publication of the exchange of letters between Secretary Kissinger and Senator Jackson regarding Soviet undertakings to liberalize their emigration policy, Soviet Jews seeking to emigrate to Israel have been subjected to an intensification of harassment, including the loss of jobs, threats of prosecution, and the disconnection of telephones:

Such facts are not known to me. They are phony. It is probably the work of hoodlums.

Unfortunately, Mr. President, I did not have the presence of mind to ask in whose employ these hoodlums might be. In any event, what I have just cited reflects the essence of the messages Mr. Scholokov wanted me to convey to our colleagues. I have, however, other messages that I would also like to convey from Moscow. These are messages given me by many of the "malcontents" whom it was my privilege to meet during my brief stay.

On the first day of my visit, I found myself among more than 200 Jews on the street in front of Moscow's only synagogue—there are more than half a mil-

lion Jews in Moscow—who were passing the time between religious services talking to one another. People were soon bringing me letters, some for delivery to Senator Jackson, describing their concerns and detailing their experiences. I would like to read three of them:

DEAR SENATOR: I ask your assistance in the difficult situation, in which I, as a Jewish activist, was put by the Soviet authorities, despite the promise not to interrupt communications. Twenty-five of October, just a week after the publication of the assurance, given by the Soviet authorities to Mr. Kissinger, my telephone was disconnected. The case is especially grave, because by grandmother (76), with whom I live is seriously ill, and needs a telephone to call her doctor. Two words about myself. I applied for (an) exit visa two years ago, and was refused in spite of never being connected with any military secrets. I am twenty-seven years old, and I now don't have any work and I have no possibilities to finish my education.

JULIUS WEXLER.

Senator JAMES BUCKLEY.

DEAR SIR: We are a group of scientists desiring to leave the USSR in order to settle in Israel. Understanding very little and perhaps therefore not very interested in politics, however not to the extent as to forget that our fates and the security of our families depends very much on it. This is why we are extremely concerned by all the ups and downs of the proposed discussions between the Congress of the USA and the government leaders of the USSR. This is why we have so often addressed the government leaders of the USA despite certain doubts resulting from the delicacy of our civil status. However, we are convinced that true détente and an improvement in the relations between the two super powers may be attained only with real initial understanding which does not consist solely in formal declarations of mutual respect.

Without going into the details of the compromise which may be concluded between the Congress of the USA and Soviet leaders, we firmly believe that no compromise of this kind can be realistic unless measures for its control and execution are prepared in advance. Being a group of the more susceptible as a result of the particular attention which we receive from the Soviet authorities, we are also all the more sensitive to the various violations of the rights of Jewish minorities in the USSR since the traditional authority of the intelligentsia among the Jews forces many to turn to us of those people whose rights have been trampled upon. This makes it possible for us to express a proposal to inform the Congress of all the violations of the conditions of the proposed compromise if the Congress is really interested in carrying out these conditions.

Extremely important in the present situation is the question of means of communication with those abroad which at present are drastically reduced for us. In differentiation from our own fates which the USSR regards as its own internal business [without our agreement to this], international relations in general and communication among scientists in particular is not an internal matter of our government. There are international conventions which demand that the government comply with particular rules of postal and telephone communications. We don't even speak of mail whose services do not exist for us, but only recently in our group eight telephones have been disconnected, which had been used to talk with those in other countries. In the USA finally they must understand that the disconnection of telephones pursues a definite aim far from good will, and the stabilization of communi-

cations as one of the basic conditions for reaching any compromise must be established which in the opposite case will become one more empty exchange of politeness.

Please accept dear senator our assurances of the profoundest respect which the truly noble position of the US Congress arouses in us in a matter so far from your practical necessities as the civil rights of minorities in the Soviet Union.

M. Azbel, V. Brallovskii, A. Voronel, V. Fain, D. Romm, M. Shetaev (?), Iu. Gofand, M. Khalt (?), M. Minusherskii, I. Brallovskala, E. Essas, A. Galperin, A. Lerner, A. Goldfarb, V. Rubin.

OPEN LETTER

LEONID I. BREZHNEV, General Secretary of the Communist Party, U.S.S.R.:

We chose this method of approaching you because all our declarations to all offices, including those addressed to you personally, have remained without reply.

We are those who thru deception were separated from our parents, who were allowed by the authorities to leave for Israel. We, on the other hand, were refused for various, often unexplained reasons.

Both our parents and we were promised that soon the families could re-unite. Since then every office automatically repeated all sorts of promises, but no permission for departure is being given. Other Soviet representatives abroad are shamelessly making the same promises to our mothers, relatives and near ones.

Those being deceived are: Semen Amdurskii-Breslavskii, born 1948. His family left for Israel in November 1971. The authorities had promised he could leave in 1 month. The reason for refusal—service in the Army, which has been completed 5 years ago.

Veniamin Bogomolnyi, born 1946. Relatives are residing in Israel since 1970. He submitted application for departure in 1972. Reason for refusal—service in the Army which has been completed three years ago. During this period of his service he built living quarters.

Grigori Vigdarov, born 1947, Marina Vigdarov, born 1951 and their two children. Grigori's parents left for Israel in June 1973. Grigori and Marina were promised by the authorities that they would be able to leave in a few months. Reason for refusal—service in the Army completed six years ago.

Veniamin Grushko, born 1946. Parents residing in Israel since 1972. Submitted application for emigration in October 1973. Reason for refusal—studies at the N. Bauman Moscow Higher Technical School. Upon finishing school in 1970 has been working in the field of agricultural machinery. Work was never secret.

Iosif Shraiber, born 1951. Iosif's parents are in Israel since 1973. Iosif was promised that he would soon be given permission to leave. Reason for refusal—studies at the Saratov University.

This list is incomplete. You yourself can see that we are being detained in the USSR for reasons wherein any consideration of state security and secrecy would be laughable. In contradiction to the Soviet Constitution and all the Declaration of the Soviet government on the humanism of its policy we are still detained in the USSR. Possibly our personal letters to you did not reach you, therefore, we are approaching you thru open letter. In as much as you are now conducting official discussions with foreign representatives which concern our fates—fates of children separated from our parents we ask you specifically; do not detain us in the USSR, do not stand in the way of our reunification with our families.

We are the children of a people who often

it had been attempted to detain in various countries but this was never considered to be just or humane.

We are not only prevented from living with our people, but the most ancient and natural connection has been torn asunder—that between parents and children. This is just pure inhumanity.

Let us join our fathers and mothers.
Semen Amdurskii-Breslavskii, Moscow, Pogocheskii Val, House 3, Apt. 3.
Veniamin Bogomolnyi, Moscow, Kyskolskii House 10a.

Grigorii and Marina Vidarov, Moscow, Malaitovskii, House 10 Kop 2, KB 165.

Veniamin Grushko, Moscow, 9 Markoval, House 57, Kop 5, KB 63.

Iosif Shraiber, Saratov, Cherneshestovo, House 53, KB 22.

Moscow, November 2, 1974.

The next day I met with the distinguished Russian academician and champion of civil liberties, Andrei Sakharov. This meeting resulted from my desire to speak with some individuals whom I had been told were well informed on the current persecution of Baptists, Uniates, Roman Catholics, Jehovah Witnesses, and other religious groups within the Soviet Union. Although Sakharov is an atheist, his leadership in establishing the Committee on Human Rights in the Soviet Union and his passionate commitment to its goals enables him to speak with authority as to every aspect of current programs of religious repression.

Mr. President, I am happy to report that one of the ideas that came out of my conversation with Andrei Sakharov will soon become a reality.

During our meeting, he expressed the same fears over the Jackson-Kissinger compromise that I had heard the day before from the Jews outside the Moscow synagogue. He was deeply concerned that while we would be extending to the Soviet Union the benefits of most-favored-nation status and of preferential credits, the Soviets would maintain a systematic campaign of harassment that would discourage applications for exit permits as to enable the Soviets to allow token emigration and claim full compliance with the understandings given to Secretary of State Kissinger.

When I asked him how the true facts could be verified, he stated that thanks to the courage of the dissidents who maintained an underground network throughout the Soviet Union, the true facts as to the treatment accorded those seeking to emigrate could be ascertained with a sufficient degree of accuracy to determine whether the authorities were in fact living up to their agreement.

When I suggested to him that the Congress might establish some sort of entity for the specific purpose of maintaining day-by-day contact with these groups and monitoring Soviet compliance, he stated that it would be an excellent idea, and that the establishment of such a mechanism would do much to encourage those wanting to leave the Soviet Union to make the necessary applications. The idea arose while I was "brainstorming" with Sakharov in order to see if we could, together, come up with some ways to help make certain the Soviet rulers lived up to this agreement.

As you know, in our colloquy during debate on the trade bill last week, the

Senator from Washington (Mr. Jackson) agreed that the Investigations Subcommittee of the Committee on Government Operations will be assigned the responsibility of surveillance of Soviet emigration. The subcommittee will act independently of the State Department. It will be in a position to assess compliance, and to recommend the cessation of MFS and credits if and when the Soviets are found to be in violation of their understanding as described in the exchange of letters between the Senator from Washington and the Secretary of State.

In our conversation, Sakharov placed great attention on the need to liberalize the Soviet system if we were not to invite future problems from a strengthened totalitarian state. He said we ought to bring pressures to bear for foreign newspapers and magazines to be freely available in Russian newsstands. He then stated that journalists and other Westerners ought to have full right of access to all parts of the Soviet Union. He strongly emphasized that we should also warn people in the West of the extraordinary measures that the Soviets continue to isolate their citizens from any contact with Westerners. Troublesome Jews were swept out of Moscow before Secretary of State Kissinger's last visit, just as Germans were "removed" at the time of Chancellor Schmidt's visit.

We were warned that when the Olympics take place in Moscow in 1980, not only will all dissidents be removed from the scene, but that Russians living outside of Moscow will be denied access to the city, lest they come into contact with foreigners.

That evening, representatives of a dozen of the most prominent Jewish families met with me in Moscow. Not a single family still had a working telephone because all of their phones had been disconnected—after the Soviets had undertaken to stop harassing individuals seeking to emigrate to Israel. Deprived of a telephone—even one that is tapped—these families are cut off not only from each other but from any hope of getting messages to an aid from the outside.

Evidence coming from the GULAG camps has convinced the dissidents that prison conditions are now in many ways worse than those that existed even during the barbarities of the Stalin era. One of my informants told me that Soviet regime has simply grown more sophisticated. Instead of the extermination camps of the Stalin years, there now exist camps dedicated to what might be called "protracted death," that is, death on the installment plan, in little pieces of psychological pressure, of inhuman discipline, and inhuman conditions, with the thread of life barely kept from snapping.

Applications to leave the Soviet Union are being met with new forms of harassment. Today, it is not just those individuals with the courage to apply for exit permits who feel the full weight of official displeasure. Today, not only they, but members of their family—even friends and employers—may find their work permits taken away, their education interrupted, their lives made unbearable in the thousand ways that are

available to a totalitarian state. I emphasize that all this has increased, not decreased, since the announcement that some "agreement" had been reached with the Soviet Union.

Mr. President, when I was about to leave that crowded apartment in Moscow, where I had heard so many sickening stories of oppression and terror from representatives of the Jewish community, I turned to one of those present and complimented him on his bravery for continuing to struggle under such terrible conditions. He said:

But don't you see, Senator, we have to be brave. There is no other way out.

Mr. President, needless to say, those words made a lasting impression upon me. All of the sophisticated arguments for giving the Soviet leaders what they want in terms of economic benefits fade into insignificance when seen in the light of those words.

The next day I returned to Andrei Sakharov's apartment, this time to find out the details about a list of 6,000 Volga German families who had been trying to leave the Soviet Union which Mrs. Sakharov had handed to my aide, Leonard Saffir, during our earlier meeting. I had not asked for more information at the time because Dr. Sakharov follows a policy of saying everything that he has to say openly in full reach of the ever-present electronic bugs, rather than resorting to scribbled notes as so many others do to escape being overheard. I did not want the Soviet authorities to be aware that I had the list until I could take the precaution of making a copy and sending the original to my Washington office by diplomatic pouch.

Mr. President, in discussing the Volga Germans I think it is necessary to emphasize the fact that we are dealing with a nationality almost as large as the Jewish community—approximately 2 million versus 3 million—that they are treated as a separate nationality—the word "German" being stamped on their identity papers—and that they are subject to abuse in schools as "Hitlerites" and "Nazis," and denied opportunities for higher education. They are for the most part farmers and miners who are not in possession of state secrets nor of costly education that would justify the harassment of emigration. Their sin, apparently, is that of being exceptionally productive workers and, of course, of wanting to leave Mother Russia.

Dr. Sakharov informed that between 20 and 30 individuals who had helped compile the list were now in jail; that these families comprised more than 25,000 men, women, and children who had been seeking exit permits to no avail for well over a year; and that this was only a sampling of the ethnic Germans within the Soviet Union who given a chance would emigrate to West Germany. This list, in other words constituted compelling evidence that there are many nationalities within the Soviet Union, not only Soviet Jews, who are seeking the right to leave and carve out new lives elsewhere, and that they are meeting with the same obstacles to emigration as are Soviet Jews.

At this point, Mr. President, Dr. Sakharov described to me several examples of current religious repression in the Soviet Union in addition to the widely known facts about the persecution of Soviet Jews. He discussed the case of a Buddhist leader who had been imprisoned because he was drawing too large a following, and was reported to have died the day before as a result of mistreatment. He told us that there has been a virtual elimination of Baptist ministers through imprisonment and harassment.

In order to suppress religious instruction of the young, the Soviet authorities invoke a provision of a law that states that parents have the responsibility to raise their children in the highest Communist ethical tradition. This is interpreted to mean that parents teaching a child about God are in violation of the law. One form of punishment is to throw them in jail. A far more effective one is to take the children away from the parents and place them in an orphanage.

You do not need too many cases of this kind of persecution to have a major effect on a community. Another technique, especially in rural areas where public religious processions are still held, is for the police to pull in some of the younger participants for questioning at the local police station. Their names and identity numbers are taken down, although no charges are made. Nothing more is really needed. Because the state is in total control of education and jobs, the gesture is not an empty one.

The man acting as interpreter at our second meeting was Alexander Goldfarb, one of the most prominent of the younger dissidents—a very distinguished biochemist who can no longer practice biochemistry. He mentioned, when we were talking about the phenomenon of "state secrets" as an excuse dusted off at will to justify a refusal to issue exit permits, that this reason had been used in his case. He said that he had smuggled all the papers in his possession to the Weissman Institute in Israel, and had recently written the authorities that he had done so—

I told them that under the circumstances they had only two choices: either prosecute me for treason or let me go.

One has to admire this kind of naked courage.

My final meeting with a dissident, which took place just hours before my meeting with the Minister of the Interior, was with Mr. Mikhail Agursky, one of the individuals who has contributed to the book of articles on current life in the Soviet Union that Solzhenitsyn has just announced. After great effort, he and others had put together the group of Christians I had sought to speak to—but, unfortunately, it was too late. I did take a long walk with Mr. Agursky—followed at appropriate intervals by Soviet gumshoes—in which he reiterated much of what I had heard from others, and in which he went out of his way to warn me against being deceived by any talks with the clergy and hierarchy of the Russian Orthodox Church because it had been totally preempted by the Soviets and had long ago ceased to exist as a meaningful, independent religious body.

There are those who may ask, Mr. President, how it was that I was able to see so many dissidents, and that they felt so free to speak with me knowing that we were always being watched and listened to. Here I should mention the extraordinary immunity that currently accrues to those who manage to attract attention in the West—to the point that I was advised that I should publicly identify all those with whom I had contact. The Soviets are currently particularly anxious to avoid a bad press because of their desire to gain the benefits of our technology through expanded trade.

It was for this reason that everyone I spoke with gave me permission—in fact urged me—to take down their names. It was for this reason that I delivered those names, together with the names of all for whom I had been specifically asked to intercede, to the Minister of the Interior at the time of our meeting. It is for this reason, Mr. President, that I ask unanimous consent that those same names and lists be printed in the Record at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)
Mr. BUCKLEY. Mr. President, how shall I summarize the messages given me by all these "malcontents," messages that they are deeply anxious that those who are privileged to live in the free societies of the West not only receive, but fully understand? Basically they urged the necessity for maintaining pressures on the Soviets, the importance of safeguards, the importance of maintaining open lanes of communication with the peoples of the Soviet Union. They stressed that if we are really to achieve the objective of détente, there must be a liberalizing of the Soviet system so that ideas and people can circulate. They all were emphatic about the importance of the Voice of America, and Radio Free Europe, and Radio Liberty as lifelines of reliable information.

I hope, Mr. President, that the Members of this Congress will understand that message as it is enormously important that we do so. Tass has described me as "one of the four enemies of détente." This is not so. I deeply believe in the objectives of détente—but I also believe that it will only succeed if we and the Soviet Union are agreed upon its meaning and implications.

There are hundreds of thousands of Jews waiting for the opportunity to emigrate to Israel. I have the names of 6,000 households of ethnic Germans representing more than 25,000 human beings, who have shown the courage to apply for exit permits, and whose pleas have been ignored. There are hundreds of thousands of others. We will betray their hopes for freedom if we do not determine for ourselves whether Soviet actions match Soviet words, whether the Soviet leadership in fact tells us the truth:

EXHIBIT 1

LIST PROVIDED SOVIET MINISTER OF THE INTERIOR BY JAMES L. BUCKLEY IN MOSCOW IN NOVEMBER 1974

I. The following are the names of American residents and of their relatives in Lithuania who are seeking to join them:

1. Sister Bertha Juodvalis, Loretto Hospital, Chicago, Illinois.
2. Brother and sister, both born in the USA: A. Jonas Juodvalis, 45 years, Wife and three children, Kaunas, K. Giedrio 3-51.
3. B. Lauryna Juodvalis Valcekauskienė, Husband Povilas and two children, Kaunas, (26), Vytenio 12-29.
4. 2. Kostas Paulius, 6915 So. Rockwell, Chicago, Illinois. Wife, Dr. Felicitja Lalma, Vilnius Hospital.
5. 3. Aloyzas Jurgutis, Chicago, Illinois. Wife, Marva and 11-year old daughter, Zirmunugve 75, b. 100, Vilnius.
6. 4. Stanley Petrus, Metairie, La. Daughter Aldona Cesnuleviciene, Husband and three children, Vilnius, Angariecio 4-4.
7. 5. Audrone Simonaityte, 7349 So. Maplewood, Mother—Mrs. Simonaitis.
8. 6. Anthony Valentis, 10010 W. 127 Street, Palos Park, Illinois 60464. Brother—Pranas Valantiejus, born 1905, Chicago. Wife Zose, Siauliai, Lenino 32-14.
9. 7. Aloyzas Jurgutis, Chicago. Wife Marai and 11-year old daughter, Vilnius, Lithuania.
10. 8. Nadia Kuzma of Queens, New York City, tells me that she has not seen her son George Kuzma of Lviv, in thirty years. According to Mrs. Kuzma, she has been trying for fifteen years to bring her son and his family to the United States. All papers are said to have been approved by the State Department but the Soviet authorities have not as yet responded.
11. 9. Valentyn Moroz, the Ukrainian historian, is reported to be in Vladimir prison, and according to reports, is near death from heart and gall bladder ailments.
12. 10. Dr. Mikhail Stern who reported he has been in prison since May 29, 1974 and is presently suffering from abdominal internal bleeding. According to the account received, he has not been hospitalized and has not been given any medical attention.
13. 11. Russian dissidents with whom J. L. B. met in Moscow.
14. 12. Dr. and Mrs. Andrei Sakarov, Mrs. Dia Beilin, Dr. and Mrs. Viktor Brailovsky, Dr. Vitaly Rubin, Mr. Vladimir Slepak, Dr. Alexander Luntz, Mr. Elias Essess, Mr. Anatol Schiransky, Professor and Mrs. Mark Azbel, Dr. Alexander Goldfarb, Professor and Mrs. Alexander Lerner, Professor and Mrs. Alexander Voronol, Mrs. Ida Nudel, and Professor and Mrs. Benjamin Levich.

VI. LIST OF LITHUANIAN POLITICAL PRISONERS IN SOVIET CONCENTRATION CAMPS

Name	Birth date	Sentencing date	Sentence years
Mordovija 385/19 (strict regime):			
1. Abukauskas, Jonas.....	1927	1952	25.0
2. Araminas, Vytas.....	1935	1955	25.0
3. Burbulis, Antanas.....	1917	1969	15.0
4. Baltrunas, Antanas.....	1907	1967	13.0
5. Berankis, Kazys.....	1917	1969	15.0
6. Bireys, Povilas.....	1901	1959	25.0
7. Brickus, Aleksas.....	1910	1963	25.0
8. Budreika, Stasys.....	1914	1952	25.0
9. Businskas, Kazys.....			
10. Oambrauskas, Antanas.....	1907	1962	12.0
11. Gimbutas, Justas.....	1925	1948	25.0
12. Glinskis, Vladas.....	1917	1961	15.0
13. Gruzdys, Stasys.....			
14. Jauneika, Aleksas.....	1914	1960	15.0
15. Janovickas, Juozas.....	1916	1962	13.0
16. Kerza, Teodoras.....	1906	1966	10.0
17. Klanauskas, Vytas.....	1929	1949	25.0
18. Korsakas, Antanas.....	1917	1963	15.0
19. Kivlinokas, Jonas.....		1966	10.0
20. Lauritis, Stasys.....	1907	1970	12.0
21. Kudjilunas, Stasys.....	1905	1969	15.0
22. Lapinskas, Jonas.....		1966	10.0
23. Namcivicius, Motiejus.....		1964?	10.0
24. Stasaitis, Vytas.....		1965?	15.0
25. Simutis, Liudas.....	1935	1954	25.0
26. Sarkanas, Stasys.....	1920	1966	10.0
27. Valvada, Antanas.....	1900	1968	15.0
28. Valaitis, Antanas.....	1910	1951	25.0
29. Virbickas, Mykolas.....	1914	1967	10.0
30. Vilutis, Jonas.....	1914	1970	15.0
Mordovija 385/17 (strict regime):			
1. Bacednas, Povilas.....	1917	1957	25.0
2. Gaudinskas, Stasys.....	1915	1952?	12.0

Footnotes at end of table.

VI. LIST OF LITHUANIAN POLITICAL PRISONERS IN SOVIET CONCENTRATION CAMPS—Continued

Name	Birth date	Sentencing date	Sentence years
3. Jauckojis, Juozas	1912	1967	12.0
4. Jakubauskas, Kazys	1920	1965	15.0
5. Leikus, Juozas	1914	1971	15.0
6. Maeskiis, Jurgis	1912	1955	15.0
7. Mislinas, Leonas	1907	1963	12.0
8. Pasiulis, Aleksas	1949	1970	4.0
9. Radauskas, Antanas	1909	1950	25.0
10. Siksnys, Kazys	1912	1951	25.0
11. Vilciskius, Bronius	1912	1951	2.5
12. Zelenkevicius, Juozas	1916	1958	15.0
Mordovia 385-1 (most strict regime):			
1. Paulaitis, Petras	1905	1958	25.0
2. Simokaitis, Jonas	1936	1970	15.0
Mordovia 385-2 (camp hospital):			
1. Grigas, Stasys	1913	1967	15.0
2. Klaidiene, Veronika	1920	1967	10.0
3. Klimauskas, Petras	1897	1960	15.0
4. Kukle, Jonas	1908	1966	12.0
5. Skirulevicius, Petras	1902	1962	12.0
6. Tamoliunas, Povilas	1902	1954	25.0
7. Tautkevicius, Juozas	1902	1954	25.0
8. Zukauskas, Pranas	1902	1954	15.0
Perm raion, Kucino:			
1. Akramavicius, Petras	1930	1952	25.0
2. Baranavicius, Stasys	1917	1969	10.0
3. Bakavicius, Antanas	1917	1969	15.0
4. Driaugys, Antanas	1910	1954	25.0
5. Griusis, Jonas	1923	1949	25.0
6. Jurkstas, Vladas	1927	1953	25.0
7. Kavoliusas, Vytas	1928	1954	25.0
8. Kadzionis, Jonas	1928	1954	25.0
9. Kadzionis, Antanas	1931	1971	10.0
10. Kudirka, Simas	1930	1972	3.0
11. Labrinskas, Aleksas	1918	1950	25.0
12. Lesciauskas, Juozas	1915	1964	15.0
13. Paulauskas, Jonas	1915	1964	15.0
14. Rimkus, Jonas	1915	1964	15.0
15. Sidaras, Jonas	1915	1964	15.0
16. Silinskas, Jonas	1915	1964	15.0
Perm raion (Camp unknown):			
1. Babicas	1935	1953	25.0
2. Baslys, Vytas	1912	1953	10.0
3. Bruzas, Ignas	1912	1953	15.0
4. Cukulytis, Karolis	1910	1950	25.0
5. Qubauskas, Julius	1910	1962	15.0
6. Dudenas, Mykolas	1925	1948	25.0
7. Galdikas, Kazys	1921	1967	15.0
8. Jaugas, Antanas	1908	1962	15.0
9. Jozys	1912	1964	15.0
10. Karavicius, Petras	1912	1964	15.0
11. Karalius, Jonas	1924	1957	15.0
12. Kirdelkis, Vladas	1916	1953	25.0
13. Kiburyis, Jonas	1913	1951	25.0
14. Klumaz, Vladas	1913	1951	25.0
15. Kurzius, Jonas	1930	1953	25.0
16. Matuzevicius, Jonas	1910	1955	25.0
17. Mitrikas, Vladas	1922	1964	10.0
18. Miliunas, Jonas	1920	1962	15.0
19. Niekinis, Balyis	1920	1962	15.0
20. Niekinis, Balyis	1920	1962	15.0
21. Mekinis, Balyis	1920	1962	15.0
22. Morkunas, Stasys	1913	1968	15.0
23. Petrauskas, Bronius	1922	1968	15.0
24. Poscius, Petras	1920	1961	15.0
25. Purlys, Bronius	1921	1953	25.0
26. Rekasius, Benius	1921	1953	25.0
27. Remekis, Vytas	1942	1967	25.0
28. Shiparis, Pranas	1917	1967	15.0
29. Slucka, Antanas	1917	1967	15.0
30. Skarzius, Juozas	1917	1967	15.0
31. Slapsinskas, Vytas	1921	1952	25.0
32. Streikus, Izidorius	1928	1962	15.0
33. Storkus, Povilas	1905	1967	15.0
34. Srikas, Jonas	1917	1967	15.0
35. Smitas, Edwardas	1924	1955	20.0
36. Tucas, Robertas	1924	1955	20.0
37. Urmezius, Zigmantas	1921	1950	25.0
38. Vyturyis, Placidas	1921	1950	25.0
39. Valenunas, Vladas	1920	1969	6.0
40. Zilinskas, Antanas	1930	1959	25.0
41. Zypro, Algis	1915	1966	8.0
42. Zyvytis, Bronius	1915	1966	8.0
Perm raion, Solikamsk:			
1. Povilonis, Vidmantas	1947	1974	2.0
2. Rudaitis, Izidorius	1911	1974	3.0
3. Sakalauskas, Antanas	1939	1974	5.0
4. Zukauskas, Sarunas	1950	1974	6.0
Unknown camp:			
1. Salvyis, Vaclovas	1947	1972	4.0

1 Received additional 5 yr while in camp.
2 Received additional 3 yr each in camp.

ADDITIONAL INFORMATION ON SEVERAL PRISONERS

After having received the enclosed list of political prisoners, the Committee for a Free Lithuania has published their names in the national Lithuanian press with a request to inform us, should somebody recognize them as relatives or friends. The Supreme Com-

mittee received several letters with additional information which follows.

1. Kadzionis, Jonas: His brother, Mr. A. Kadzionis, of 119 Carrington Street, Bradford Moor, Bradford 3, Yorks, England, born in 1928 in Piktagalial village, Kavarskas county, Ukmerge ralon. Poor health: TB. Married, wife in Lithuania.

2. Rimkus, Jonas: Mr. Kazimieras Rimkus, M.D., of 7200 S. Richmond, Chicago, Illinois, 60629, thinks that Jonas is his brother, born, however, not in 1916 as indicated in the list, but in 1919, in Juozapava, Svedasai, Rokiskis ralon. Father's name is Juozas. His entire family was deported to Siberia, near Altay, closest city Benuil. "In 1962 my brother Jonas was arrested and sentenced to concentration camp," for "mistakes of young days."

3. Budreika Stasys: the same Mr. Kazimieras Rimkus thinks that Budreika Stasys may be his relative. Stasys was born, according to Mr. Rimkus, in 1914 in Gyklai, Svedasai county, Rokiskis ralon. His father's name is Antanas.

4. Dudenas Mykolas: Mr. V. Dudenas of W212 N5420 Kenmore Dr., Menomonee Falls, Wisc. 53051, thinks that Mykolas is his uncle, born in 1910 in Linkmenys, Svecionys ralon. His parents are Justinas and Veronika (nee Pelenyte) Dudenas, both dead. There is a sister, Mrs. Veronika Bileislene, Linkmenu past, Ignalina ralon, Lithuanian; brother Kazys Dudenas, 6857 S. Campbell Avenue, Chicago, Ill. 60629. His present address is: SSSR, Moskva, Ychrezhdnyye 5110/1 BC, Dudenas Mykolas.

5. Miltastunas Jonas. Mr. Jonas V. Simkus of 1014 Royal York Rd., Toronto, Ontario, Canada, MBX 264, thinks that Jonas Miltastunas is his school friend, born in 1922 in Trunkunai, Panevazys ralon. From 1941 to fall of 1943 attended Vilnius University.

TELEPHONE DISCONNECTION

(November 1, 1974)

In addition to the more than forty telephones disconnected since May, nine more phones were disconnected in the past two days. Many calls made to the Soviet Union in the past two weeks have not been completed. Moreover, activists have had to arrange to receive incoming calls not only from other apartments, but they have to find places in suburban areas often as fast as two hours away from their homes.

ADDITIONAL TELEPHONES DISCONNECTED

(November 5, 1974)

City, Name, and Telephone numbers
Kishinev, Kupershtein, Mikhail, 351-99.
Vinnitsa, Shtern, Mikhail, 268-13.
Moscow, Yankelovich, Isaak, 157-3293.
Leningrad, Strugach, Mikhail, 233-352.
Leningrad, Chertin, Aleksandr, 722-317.
Moscow, Feldman, Vladimir, 283-8347.

LIST OF PHONES DISCONNECTED THROUGHOUT

THE SOVIET UNION

(Since October 18)

City, name, and telephone numbers
Moscow, Genya Lapidus, 198-02-22.
Moscow, Yuli Veksler, 452-83-54.
Moscow, Vladimir Davidov, 433-39-48.
Moscow, Mikhail Suslov, 151-40-75.
Moscow, Ilya Essas, 187-85-57.
Moscow, Tsatskin, Efim, 251-82-11.
Moscow, Mikhail Agursky, 129-52-81.
Moscow, Baras, Yevgeny, 241-46-02.
Leningrad, Blikh, Iosif, 109-895.
Kiev, Pukovsky, Mikhail, 423-711.

TELEPHONES DISCONNECTED PRIOR TO OCTOBER 18

Moscow

Korenfeld, Ilya, 1637913.
Slepak, Vladimir, 2293782.
Polisky, Viktor, 2741631.
Prestin, Vladimir, 1627922.
Lerner, Aleksander, 1375396.
Rubin, Vitaly, 2235472.
Levich, Benjamin, 2238006.
Shakhnovsky, Vladimir, 4829232.
Abramovich, Pavel, 4618138.

Novikov, Mark, 1641933.
Nashpits, Mark, 2632481.
Kosharetsky, Yuri, 4576969.
Fatermark, Viktor, 1515804.
Galperina, Tamara, 1627922.
Tsitionok, Boris, 1644375.
Beilin, Iosif, 1614228.
Koshevoy, Leonid, 1108038.
Tsipin, Leonid, 2518495.
Toker, Gersh, 4898331.
Bralkovsky, Viktor, 4339928.
Yakir, Yevgeny, 1292630.
Ramm, Dmitri, 1299305.
Rozenshtein, Grigory, 1291273.
Lunts, Aleksander, 1332755.
Davidov, Vladimir, 4339948.
Vigdorov, Grigory, 1376880.
Galperin, Anatoly, 1647582.
Gendin, Lev, 2212879.
Elistratov, Viktor, 1623900.
Kamov-Kandi, Feliks, 1519685.

Kiev

Tartokovsky, Yuli, 528982.
Tsatskis, Aleksander, 427360.

Kishinev

Abramovich, Mikhail, 164040.

Minsk

Davidovitch, Yefim, 337114.
Ovshcher, Lev, 227114.
Zevin, Paul, 261540.
Khess, Grigory, 242740.

Leningrad

Zhigun, Lev, 12506.

Tbilisi

Goldshtein, Grigory, 227119.
Gelman, Ovsey, 223965.

Novosibirsk

Poltinnikov, Isaak, 661767.

PARTIAL LIST OF RECENT HARASSMENTS

Name, city, and date

Azbel, Mark, Moscow, Mid-October: Wife questioned by Moscow police as to whereabouts of her husband. Azbel has been threatened with prosecution on the charges of "parasitism."

Prisoners of Conscience—Perm and Potma, October: Camp conditions have deteriorated. Prisoners of Conscience are being transferred from one camp to another in an effort to further isolate them. They also face harsher conditions in the new camps.

Zalmanson, Izrail, Potma Prison No. 3, October 28: Not allowed his regulation visiting rights. Relatives denied permission to see him. Put in solitary confinement for 15 days.

Penson, Boris, Potma Prison No. 3, October 28: Visiting rights revoked. In answering Penson's mother's appeal, the Head of Prison Camp Administration claimed that Penson had "broken camp rules." Was also transferred to Camp No. 3 to further isolate him.

Butman, Hillel, Perm Prison, October 28: Placed in solitary confinement for the second time in the last few months.

Azernikov, Boris, Potma, October 29: Transferred to Camp #3 in an attempt to further isolate the prisoner. Also sentenced to six months in solitary confinement for protesting non-delivery of mail.

Silnitsky, Aleksandr, Krasnodar, October 18: After applying for a visa to Israel, Silnitsky received a summons to report for military service. Refused to comply with order.

Roitburd, Lev, Odessa, October 16-20: Search carried out in his home by Soviet authorities. Materials of Jewish content were confiscated. Roitburd's wife was summoned the following day to police headquarters for interrogation and accused of speculation in the black market. Roitburd refused to appear for interrogation as ordered. Two of Roitburd's friends were summoned as well to testify against him and his wife. They refused to comply with the order.

Rubin, Vitaly, Moscow, September: Prosecution on charges of "parasitism" pending. Vainman, Leonid, Ukrainian Prison, October 18: In response to his request that he be allowed to apply for formal renunciation of his Soviet citizenship, a meeting was called by Camp authorities in which Vainman was abused and a suggestion made that he be castrated. Vainman is serving a four year term.

Kutchuk, Yechiel, Kishinev, October 24: Sentenced to ten years imprisonment with an additional three years in exile. Kutchuk and his wife were about to leave the Soviet Union for Israel when their visas were taken from them. Kutchuk was charged with unspecified economic crimes.

Voronel, Aleksandr, Moscow, October 11: Under constant surveillance, now in hiding outside of Moscow. His whereabouts are unknown. The Voronel apartment has been cordoned off by Soviet police. Voronel's wife cannot leave the apartment. Since the cancellation of the scientific seminar in May, Voronel has been under the constant threat of being charged with "parasitism."

Tartakovsky, Yuli, Kiev, October 21: Apartment broken into by KGB with extensive damage of furniture and instruments and the confiscation of documents. Tartakovsky has been under constant surveillance for the past few weeks. Has been summoned by the draft board for military service but refuses to comply with the order.

Kislik, Vladimir, Kiev, Mid-October: Severely beaten for a second time within a month. Planned to participate in a demonstration on October 18 marking the first anniversary of the Feldman trial. Kislik and his attackers were given fifteen day sentences after police intervention.

Shtern, Mikhail (Dr.), Vinnitsa: Was first arrested in May on charges of accepting bribes. The charge was subsequently dropped for lack of sufficient evidence. He was recently taken to custody again for allegedly "attempting to poison his patients, among them children." He is expected to go on trial at the end of the month. The Shtern family has been systematically harassed and persecuted by Soviet authorities since first applying for a visa in May 1973. People living in neighboring villages who are former patients are being pressured to sign documents giving false testimony.

Altman, Anatoly, Perm Prison No. 35, October 28: Denied medical treatment for leg ailment. A package sent to Altman containing medicine for his condition was denied him.

Khokh, Leib, Altman, Anatoly, Yagman, Lev, Perm Prison No. 35, October 4: Because conditions in Perm Camp No. 35 have become so bad, Khokh, Yagman and Altman have written out their last wills and testaments. They feel that should these conditions continue they will not be able to survive much longer.

Frolov, Oleg, Riazin, October 4: After serving his five year sentence in Perm Prison Camp, Frolov was released and has been placed under constant surveillance for a twelve month period by local authorities in Riazin.

Zalmanson, Vulf, Perm No. 36, October 11: Has had his visiting rights cancelled and given a one year punishment.

Korenblit, Mikhail, Potma, October 29: Transferred to Camp No. 19 in an attempt to further isolate him.

Kaminsky, Lassal, Potma, October 29: Transferred to Camp No. 19 in an attempt to further isolate him.

Aleksel, Targonsky and Leonid, Tsypin, Moscow, October 18: Held a press conference on October 18 with correspondents of Associated Press and Reuters. On their separate ways home, both were attacked by groups of unidentified men. Tsypin was knocked unconscious and a bag containing letters and photographs from his wife in Israel was stolen. Upon reporting the incident to the

officer in charge in the militia station, Tsypin was laughed at and told that the incident had been a figment of his imagination.

JEWISH PRISONERS OF CONSCIENCE

Anatoly Altman. Born: September 19, 1942. From: Riga. Occupation: Engraver. Mother: Aleksandra Naumovna Perkel, USSR Ukrainian SSR, Chernovtsy, Kotlarevskogo 5/12. Relative: Nina Lotzova, Yam Suf 16, Jerusalem, Israel. Arrested: 6/70. Tried: 12/70 (FLT). Sentence: 10 years (strict). Camp: Perm No. 35. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/35.

Gennady Avramenko. Born: Date unknown. From: Kiev. Occupation: Unknown. Wife: Zinaida Avramenko. Arrested: Date unknown. Tried: 4/17/74. Sentence: 1 year. Camp: Voroshilovgrad. Address: Unknown.

Zinalda Avramenko. Born: Date unknown. From: Kiev. Occupation: Unknown. Arrested: Date unknown. Tried: 4/17/74. Sentence: 1 year. Camp: Dneprodzerzhinsk. Address: Unknown.

Boris Azernikov. Born: May 18, 1946. From: Kalinin. Occupation: Dentist. Father: Paul Yankelson, Kiriat Yam "B", Rehov Ely Kohen 12/18, Haifa, Israel. Arrested: 8/71. Tried: 10/71. Sentence: 3 1/2 years (strict). Camp: Potma No. 19. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 Zh/Kh 385/19.

Anna Berkovsky. Born: 1932. From: Novosibirsk. Occupation: Foreign-language instructor. Husband: Yuri Berkovsky. Arrested: 4/12/74. Tried: 6/74. Sentence: 2 years of assigned work tasks. Address: USSR, RSFSR, Novosibirsk 87, Novgorodnyaya 36/40. Yuri Berkovsky. Born: 1931. From: Novosibirsk. Occupation: Lecturer in radio techniques, former naval officer. Wife: Anna Berkovsky. Arrested: 4/12/74. Tried: 6/74. Sentence: 2 years of assigned work tasks. Address: USSR, RSFSR, Novosibirsk 87, Novgorodnyaya 36/40.

Grigory Berman. Born: 1946. From: Odessa. Occupation: Linguist. Father: Rafael Berman, USSR, Ukrainian SSR, Odessa, Generala Petrova 4/11. Brother-in-law: Yefim Krasniansky, Maion David, Maailm St. 8, Naharia, Israel. Arrested: 5/72. Tried: 8/72. Sentence: 2 1/2 years general. Camp: Odessa. Address: USSR, Ukrainian SSR, Odessa, P.O.B. Yug 3119 Z, G.S.P.

Hillel Butman. Born: September 11, 1933. From: Leningrad. Occupation: Lawyer/Engineer. Mother: Sara Glikovna Butman, USSR, RSFSR, Leningrad, Kirovsky Prospekt 64-66. Wife: Eva Butman, Merkaz Klita Katamon "Tet", Jerusalem, Israel. Arrested: 6/70. Tried: 5/71 (SLT). Sentence: 10 years (strict). Camp: Perm No. 35. Address: USSR, RSFSR, Moscow, P.O.B. 5100/1 VS 389/35.

David Chernoglaz. Born: June 3, 1940. From: Leningrad. Occupation: Agronomist. Wife: Bronia (Berta) Chernoglaz, Merkaz Klita, Ashdod, Israel. Wife's Sister: M. Veinger, Bar Kokhba 510, Afridar, Ashkelon, Israel. Father: Iser Samullovich Chernoglaz, USSR, RSFSR, Pushkino, Komintern 44/27. Arrested: 5/70. Tried: 6/71 (Kishinev Trial). Sentence: 5 years (strict). Camp: Vladimir. Address: USSR, RSFSR, Vladimir, P.O.B. Od/1 St/2.

Mark Dymshitz. Born: May 10, 1927. From: Leningrad. Occupation: Pilot. Wife: Aletvina I. Dymshitz, USSR, RSFSR, Leningrad, Novo-Izmailovskiy Prospekt 81/64. Children: Yulia and Elizaveta, Har Hatofoim, Shikun Reznik 5/57, Jerusalem, Israel. Arrested: 6/70. Tried: 12/70 (FLT). Sentence: 15 years (strict). Camp: Perm No. 36. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/36.

Aleksandr Feldman. Born: 1947. From: Kiev. Occupation: Construction Engineer. Father: Moti Feldman, USSR, Ukrainian SSR, Kiev, Entuziastov 11/1/147. Brother: Leonid Feldman, Ulpan Eetelon, Backa 6/18, Jerusalem, Israel. Arrested: 10/73. Tried: 11/73. Sentence: 3 1/2 years. Camp: Selo Daryovka P/O Ya UshCH Yu Z 17/10.

Ilya Glezer. Born: 1931. From: Kharkov. Occupation: Biologist. Mother: Reveka Boreskina, Ben Zakal 56, Blok 106/5, Shikun Ben Shimon, Jerusalem, Israel. Arrested: 2/72. Tried: 8/72. Sentence: 3 years (general). Camp: Potma No. 17. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 Zh/Kh 385/17.

Lassal Kaminsky. Born: March 26, 1930. From: Leningrad. Occupation: Engineer. Wife: Sima Kaminsky, Reh. Petah Tikva 21/38, Jerusalem, Israel. Mother: Mira Natansonovna Kaminsky, USSR, RSFSR, Leningrad, Novo-Izmailovskiy 75/9. Arrested: 6/70. Tried: 5/71 (SLT). Sentence: 5 years (strict). Camp: Potma No. 17. Address: USSR, RSFSR, Moscow, P.O.B. Zh/Kh 385/17.

Yakov Kaufman. No data. Sentenced in Tashkent, 1/73, to 3 years.

Leib (Arye) Khokh. Born: October 4, 1944. From: Riga. Occupation: Electrician. Wife: Meri Khokh, Reh. Share 25-2, Kiriat Tivon, Israel. Relative: Etta Shvartz, Rishky Raion, P/O Ulbroka Institut 10/46. Arrested: 6/70. Tried: 12/70 (FLT). Sentence: 10 years (strict). Camp: Perm #35. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/35.

Albert Koltunov. Born: 1921. From: Chernovtsy. Occupation: Manager, lottery administration. Wife: Genya Koltunova, USSR, Ukrainian SSR, Chernovtsy, Chelyus Kintsev 4/10. Mother-in-law and brother-in-law, Sarah and Rudolf Brinson, Rehov Atarat 2/11, Holon, Israel. Arrested: 3/12/74. Tried: 6/74. Sentence: 5 1/2 years. Camp: Chernovtsy. Address: USSR, Ukrainian SSR, Chernovtsy P.O.B. 328211.

Mikhail Korenblit. Born: September 4, 1937. From: Leningrad. Occupation: Dental Surgeon. Wife: Polina Yudborovskaya, Bodenheimer 18/22, Haifa, Israel. Relative: Yevgeny Shelmovich, USSR, RSFSR, Leningrad, Bolshokhinskiy Pr. 6/1/85. Arrested: 11/70. Tried: 5/71 (SLT). Sentence: 7 years (strict). Camp: Potma #17. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 Zh/K

December 19, 1974

Iosif Mishener. Born: July 22, 1935. From: Benderi. Occupation: History Teacher. Wife: Elena Mishener, Merkaz Klita, Ashdod, Israel. Mother-in-law: Many Gershovna Felendler, USSR, Moldavian SSR, Benderi, Tkachenko 14/40. Arrested: 2/70. Tried: 7/70. Sentence: 6 years. Camp: Perm #35. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/35.

Boris Penson. Born: January 2, 1946. From: Riga. Occupation: Artist. Mother: Gessia Borukhovna Penson, USSR, Latvian SSR, Riga, Birknieku 1/13. Friend: Michael Neuberger, Kibbutz Merom Hagolan, Israel. Arrested: 6/70. Tried: 12/70. Sentence: 10 years (strict). Camp: Potma No. 19. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 Zh/Kh 385/19.

Piotr Pinkhasov. Born: Date unknown. From: Derbent. Occupation: Carpenter. Wife: Yalta Pinkhasov, 15 Shkun Peer, Hadera, Israel. Arrested: 9/73. Tried: 11/73. Sentence: 5 years. Address: Unknown.

Yuri Pokh. Born: October 15, 1950. From: Odessa. Occupation: Student (economics). Brother: Kalman Pokh, Ben Yehuda 5, Natania, Israel. Father: Ilya Borisovich Pokh, USSR, Ukrainian SSR, Odessa, 1905 Goda 11/7. Arrested: 5/72. Tried: 6/72. Sentence: 3½ years (general). Camp: Near Odessa. Address: Unknown.

Haim Renert. Born: December 5, 1923. From: Chernovtsy. Occupation: Physician. Mother: Mali Renert, Degenia 17-4, Haifa, Israel. Friend: Regina Ripel, USSR, Ukrainian SSR, Chernovtsy, Pirogova 36/7. Arrested: 3/71. Tried: 5/71. Sentence: 5 years (general). Camp: Lvov. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 Zh/Kh.

Isak Shkolnik. Born: 1936. From: Vilnitsa. Occupation: Mechanic. Wife: Feiga Shkolnik, now in Israel. Arrested: 7/72. Tried: 3/73. Sentence: 7 years. Camp: Perm No. 35. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1; VS 389/35.

Yakov Suslensky. Born: May 5, 1929. From: Benderi. Occupation: English Teacher. Wife: Margarita Suslensky, USSR, Moldavian SSR, Benderi, Lunacharskova 3/3. Arrested: 2/70. Tried: 10/70. Sentence: 7 years. Camp: Vladimir. Address: USSR, RSFSR, Vladimir, P.O.B. Od/1 St/2.

Arkady Vainman. Born: February 28, 1952. From: Kharkov. Occupation: Student. Arrested: 5/17/72. Tried: 9/7/72. Sentence: 4 years (intensified). Camp: Kharkov. Address: USSR, Ukrainian SSR, Kharkov, 310030, P/Ya UShCh YuZh 313/12, Otryad 6, Brigada 64.

Leonid Vainman. Born: February 28, 1952. From: Kharkov. Occupation: Student. Arrested: 5/17/72. Tried: 9/7/72. Sentence: 4 years (intensified). Camp: Selo Daryovka. Address: USSR, Ukrainian SSR, Belo-Ozersky Raion, Khersonsky Oblast, Selo Daryovka, P/Ya UShCh YuZ 17/10, Otryad 2, Brigada 5.

Yuri Vudka. Born: 1947. From: Riazan. Occupation: Student. Brother: Valery Vudka, Rehov Atarot 4/8, Kiriat Shareit, Holon, Israel. Plance: Anna Yefimovna Gurevich, USSR, Ukrainian SSR, Chernovtsy, Gulaka-Artemevskoye 25/8. Arrested: 8/69. Tried: 2/70 (Riazan Trial). Sentence: 7 years (strict). Camp: Vladimir. Address: USSR, RSFSR, Vladimir, P.O.B. Od/1 St/2.

Lev Yagman. Born: September 14, 1940. From: Leningrad. Occupation: Engineer. Wife: Musya Yagman, Klebanov 33/19, Haifa, Israel. Father: Naum Ruvimovich Yagman, USSR, RSFSR, Leningrad, Radishevo 32/39. Arrested: 6/70. Tried: 5/71 (SLT). Sentence: 5 years (strict). Camp: Perm #35. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/35.

Israil Zalmanson. Born: March 13, 1949. From: Riga. Occupation: Student. Uncle: Avram Zalmanson, Mivtza Sinai 23, Bat Yam, Israel. Father: Iosif Zalmanson, USSR, Latvian SSR, Riga, Veldenbaum 45/22. Arrested: 6/70. Tried: 12/70 (FLT). Sentence: 8 years (strict). Camp: Potma #3/5. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 Zh/Kh 385/3-5.

Vulf Zalmanson. Born: November 2, 1939. From: Riga. Occupation: Army Engineer. Relatives: (See above). Arrested: 6/70. Tried: 12/70 (FLT). Sentence: 10 years (strict). Camp: Perm #36. Address: USSR, RSFSR, Moscow, P.O.B. 5110/1 VS 389/36.

NOTE: Aleksei Murzhenko and Yuri Fedorov were the two non-Jews sentenced in the First Leningrad Trial. Personal data not available.

LITHUANIAN POLITICAL PRISONERS IN SOVIET CAMPS, JAILS AND UNDER HOUSE ARREST

The 41 names below represent but a small fraction of the total number of the Lithuanian political prisoners.

1. Jonas Zilinskas, Potma concentration camp in Mordovia.

2. A. Jastrauskas, ditto.

3. Julijonas Steponavicius, Bishop of Panevezys, Apostolic Administrator of Vilnius, under house arrest since 1961, when he was relieved of his duties.

4. Vicentas Sladkevicius, 53, Auxiliary Bishop of Kaistadorys, under house arrest. (These Lithuanian youths (No. 5 to No. 11) were tried on September 25, 1972, and accused of participating in mass demonstration, demanding freedom for Lithuania. The demonstrations were caused by self-immolation of Romas Kalanta on May 14, 1972, in Kaunas, and his subsequent secret burial by the police.

5. Vytautas Kalade, 3 years of prison.

6. Antanas Kucinskas, 3 years of prison.

7. Kazys Grinkevicius, 2 years of prison.

8. Vytautas Zmuda, 2 years of prison.

9. Rimas Bauzys, 18 months of prison.

10. Virginija Urbonaviciute, 1 year of concentration camp.

11. Richardas Truskauskas, 10 years of forced labor.

12. Ruta Januseviciute, arrested May 13, 1973 in Kaunas.

13. Vidimantas Povilonis, arrested in March 1973 in Kaunas.

14. Antanas Sakalauskas, arrested in March 1973 in Kaunas.

15. Sarunas Zukauskas, arrested in March 1973 in Kaunas.

16. Izidorius Rudaitis, M.D., arrested, sentenced to 3 years.

17. Donatas Butkus, was sentenced for studying Buddhism, in Alma-Ata, Kazakhstan.

These (No. 18 to No. 24) all are participants in the anti-Soviet guerrilla war in Lithuania during 1942-1952. They all are inmates of the concentration camp "Uchrezhdenia ZK 885/17-a", poselok Ozeroye, Republic of Mordva (Mordovskaya Respublika.).

18. Paulaitis.

19. Petras Paltarokas.

20. Balys Gajauskas.

21. K. Kavaliauskas.

22. B. Pupelis.

23. I. Steikunas.

24. K. Sirvis.

They (No. 25 to No. 32) are all Jehovah's Witnesses tried and imprisoned by Soviet court in Klaipeda, Lithuania, in March 1972, for practicing their religion.

25. V. Arajus, five years of heavy labor prison.

26. T. Serelis, five years of heavy labor prison.

27. J. Susys, five years of heavy labor prison.

28. Pr. Babonas, five years of heavy labor prison.

29. V. Anusis, two years prison.

30. A. Kukutis, two years prison.

31. Miss E. Krauzaitis, 2.5 years loss of freedom.

32. K. Velskiene (Mrs.).

33. Vytautas Simokaitis, 34, was sentenced to death on January 19, 1971, in Vilnius, Lithuania for an attempt to escape to freedom by diverting the Soviet plane from Vilnius to Scandinavia.

34. Grazhina Simokaitis, Mrs., wife of Vytautas Simokaitis for the same offense

sentenced to 3 years of hard labor (she was pregnant at that time).

35. Algis Statkevicius, arrested for having written "Critique of Communist Manifesto." Sentenced to psychiatric hospital.

36. Juozas Tumajalis, sentenced to concentration camp.

37. Liudvikas Simutis, sentenced to death in 1955 for being a partisan, sentence commuted to 25 years. At present in the camp P/O Javaz, ZX 385/10 heavy labor camp.

38. Antanas Dumbilauskas, Jesuit priest, arrested.

39. Pranas Kriksciunas, in psychiatric clinic. Vilnius, M.T.P.-4, P/d. 12/11, Lith? uania.

THE RETIREMENT OF JERRY VERKLER

Mr. METCALF. Mr. President, I take this opportunity to call to the attention of my colleagues the retirement of Jerry Verkler, after 14 years as staff director of the Senate Committee on Interior and Insular Affairs.

As a Member of the other body, I first met Jerry when he was legislative assistant to Senator Clinton Anderson of New Mexico. His appointment as staff director of the Senate Interior Committee came at about the same time I first joined that committee in 1961.

During the intervening years, I have worked closely with Jerry and have come to depend on him for advice and counsel in the public interest in our public lands.

I am not alone in this regard. Last year Jerry received one of the highest honors in the conservation movement—the American Motors Conservation Award. This tribute to Jerry was noted by the distinguished junior Senator from Washington (Mr. JACKSON) volume 119, part 19, page 24873, CONGRESSIONAL RECORD.

That tribute, however, did not include the citation, which I call to your attention. It includes these words:

Mr. Verkler has been a dedicated worker in the cause of conservation for more than a decade. He has given able guidance to members of the Senate Committee in development of such legislation as the landmark bill establishing the Council on Environmental Quality in the Office of the President, and the series of actions establishing additional national parks, monuments and national seashores. He was a key participant in the five years of work which led to passage of the Wilderness Act of 1964, setting aside 20 million acres of wilderness lands.

I have had a chance to talk with Jerry recently. He takes pride in his close work with the senior Senator from Nevada (Mr. BIBLE) on most of the major national park accomplishments since 1961. He regards as his greatest accomplishment the Land and Water Conservation Fund. His hope, as he retires, is a modernization of the public land laws, especially the Bureau of Land Management Organic Act.

As he said the other day:

But we've started—and the tough ones take time. If I've accomplished anything, it is that I may have helped the Committee with the legislation it has passed in the last dozen or so years, with a small, busy, and pretty effective staff.

I agree with Jerry. Those who disagree with him will also disagree with me. He has made an effective contribu-

December 19, 1974

tion to the working of our Government. I wish him well in retirement.

FRANCIS SALVADORE

Mr. HOLLINGS. Mr. President, December 19 is a date of significance for all those Americans who love liberty and all those people who revere religious freedom. This year we celebrate the bicentennial of the election of Francis Salvatore to South Carolina's First Provincial Congress. On December 19, 1774, Francis Salvatore, a recent immigrant, an English Jew of education and wealth, was elected by the District of Ninety Six to South Carolina's First Provincial Congress which was to be held in Charleston. Francis Salvatore was the first member of the Jewish faith elected to a parliamentary body in the western world. In November 1773, he arrived in Charleston and settled on the South Carolina frontier near the community of Ninety Six. His family had owned the land for 20 years. He called his home "Coranoca."

In January 1775, Francis Salvatore took his seat in the First Provincial Congress which met in the Exchange Building which still stands. Re-elected a member of South Carolina's Second Provincial Congress in 1776, he was appointed with Col. Charles Coatsworth Pinckney as a member of a subcommittee to review the wording of the new proposed constitution for South Carolina. In July 1776, he served as a volunteer on the Carolina frontier and defended his home from an attack of the Cherokee Indians. The Cherokees were then in alliance with the English King and under the dominance of the King George III's agent to the Indian Nations, John Stuart. As a matter of interest John Stuart's home has survived the terrors of war and remains a handsome home a block from the Charleston Battery. On August 1, 1776, Francis Salvatore while serving as a volunteer with Colonel Williamson's Command was wounded at the Battle of Seneca. A few hours later he died at the age of 29, having been scalped by the Indians. "Thus perished one whose future was full of promise to himself and to the young republic." He was the first member of the Jewish faith to give his life in the cause of American independence.

South Carolina is proud of its heritage. It is justly proud also of all those men who came from other lands and other colonies to save her from British tyranny and to fight for her and America. They were gallant soldiers, many bled and some gave their lives on the altar of freedom so that this Nation could be independent and free.

In 1973, the 100th General Assembly of South Carolina and the South Carolina American Revolution Bicentennial Commission passed a resolution asking for commemorative stamps in memory of five of the great heroes of the Revolution. It was introduced by the 124 members of the South Carolina House of Representatives, each member being a sponsor.

The resolution asked for commemorative stamps in honor of Francis Salva-

dore; Francis Marion, the famous "Swamp Fox" of the Revolution, a French Huguenot and a South Carolinian—17 States have a county named in his honor; Sgt. William Jasper, the most famous enlisted man of the Revolution, a hero of Fort Moultrie and Savannah, where he was killed raising the flag of his regiment—8 States have a county named in his honor; Count Pulaski, a Roman Catholic, who came from Poland, fought valiantly in the Revolution for this country and gave his life at Savannah—7 States have a county named in his honor; and Baron De Kalb of Germany who landed on the South Carolina coast in 1777 with LaFayette, offered his services to the Nation and died a hero's death at Camden in 1780—6 States have a county named in his honor.

Of these five heroes only one survived the Revolution, the legendary Francis Marion, courageous in battle, magnanimous in victory. The other four gave their lives for this Nation. It is my hope that my colleagues in the Senate and in the House of Representatives will join with me in asking the U.S. Postal Service to issue stamps in memory of these five patriotic Americans. Their example of patriotism and self-sacrifice should inspire us all.

Mr. President, I ask unanimous consent that the resolution, approved unanimously by the South Carolina General Assembly, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION—EXPRESSING SUPPORT FOR THE ISSUANCE OF COMMEMORATIVE STAMPS IN HONOR OF GENERAL FRANCIS MARION, SERGEANT JASPER, COUNT PULASKI, BARON DE KALB AND FRANCIS SALVADORE

Whereas, the South Carolina Bicentennial Commission of the American Revolution has passed a resolution expressing support for the issuance of commemorative stamps in honor of five great heroes of the Revolution; four of whom gave their lives in the cause of freedom; only Francis Marion, the legendary Swamp Fox, survived the war; the others being Sergeant Jasper, Count Pulaski, Baron De Kalb and Francis Salvatore; and

Whereas, the General Assembly of South Carolina favors the issuance of commemorative stamps in the Bicentennial Era in honor of the heroes and heroines of the Revolution and major events in the history of the founding of the nation; and

Whereas, the General Assembly of South Carolina would like to express its support for the resolution which reads as follows:

"A resolution reaffirming support for the issuance of a commemorative postage stamp in honor of General Francis Marion of the Revolution and the issuance of commemorative stamps in honor of Francis Salvatore, Count Pulaski, Baron De Kalb and Sergeant Jasper."

Whereas, the South Carolina American Revolution Bicentennial Commission has already passed a resolution that a commemorative postage stamp be issued in honor of the legendary General Francis Marion, the Swamp Fox, one of the most famous patriots in the Revolution. The issuance of such a stamp would be in the national interest. More counties commemorate Marion's memory than any other American military hero of the Revolution except George Washington. Seventeen states have a county named in honor of Francis Marion. An authentic hero of the American Revolution, from the time of

Parson Weems and William Cullen Bryant to Archibald Rutledge and Walt Disney, Francis Marion has been a part of our national heritage, a legend of the land; and

Whereas, it has come to the attention of the Commission that some of the heroes of the American Revolution are identified in the public mind with their ethnic or national origin; and

Whereas, among these heroes are the gallant Marquis de Lafayette of France and General Thaddeus Kosciuszko, the Polish patriot, both are famous and they have had commemorative stamps issued in their memory in recent years while others equally deserving have not been so honored, such as General Baron De Kalb of Germany, Count Pulaski of Poland, Francis Salvador, an English Jew who came to South Carolina and gave his life for America, and Sergeant Jasper who came from Ireland and gave his life in the attack on Savannah, Georgia; and

Whereas, Francis Salvatore, who was educated in England, but moved to South Carolina shortly before the American Revolution, was the first member of the Jewish faith to be elected to a parliamentary body in the western world, being elected to South Carolina's first legislature in 1775 and during the same year he was the first member of the Jewish faith to give his life for American independence; and

Whereas, Count Pulaski, a native of Poland, offered his services to America, fought on the soil of many states, including South Carolina, and gave his life for America in the attack of the British position at Savannah, Georgia, in 1779. Counties in seven states honor his memory; and

Whereas, Major General Baron De Kalb, a native of Germany came with Lafayette in 1777, landed on the coast of South Carolina, and offered his services to the young nation, which he served with conspicuous gallantry, giving his life for America at the Battle of Camden. He died at the age of 58 after receiving eleven wounds. He was a bright star in a sad and tragic defeat. Counties in six states honor his memory; and

Whereas, Sergeant William Jasper, the most famous enlisted man in the Revolution, the hero of Fort Moultrie and Savannah, was from Ireland. Counties in eight states are named in his honor.

Now, therefore be it resolved, By the South Carolina American Revolution Bicentennial Commission, that it go on record as reaffirming its support for the issuance of a commemorative postage stamp in honor of General Francis Marion and that it does further request that commemorative postage stamps be issued in honor of Francis Salvatore, Count Pulaski, Baron De Kalb and Sergeant William Jasper.

Be it further resolved, That it is requested that consideration be given to the first day cover for the Francis Marion stamp to be in each of the seventeen counties in the seventeen states named in his honor, and in Berkeley County where he was born, and in Florence County where Francis Marion College is located; and that the first day cover for Francis Salvatore be at Ninety-six, South Carolina, which bears the name of the district he represented in the South Carolina Legislature and is the site of the famous Revolutionary Battle where Star Fort is presently being restored and in Washington, D.C., such a stamp would commemorate our Country's religious liberty and individual freedom; that the stamp in honor of Count Pulaski have its first day issue in Savannah, Georgia, where he gave his life, and in the seven counties named in his honor; that the stamp issued in honor of Baron De Kalb have its first day issue in Camden, South Carolina, where he gave his life, and the six counties named in his honor, including Dekalb County, Georgia, which includes part of Atlanta, and the stamp in honor of Sergeant Jasper be issued

in Charleston, South Carolina, and Savannah, Georgia, and in the eight counties named in his honor. Be it further

Resolved, That a copy of this Resolution be mailed to the Postmaster General of the United States and to the Chairman of the American Revolution Bicentennial Commission in Washington, D.C. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That it go on record in favor of the resolution of the South Carolina Bicentennial Commission on the American Revolution calling for the issuance of commemorative stamps in honor of General Francis Marion, Sergeant William Jasper, Count Pulaski, Baron De Kalb and Francis Salvador. Be it further

Resolved that the legislatures of the other forty-nine states, the Commonwealth of Puerto Rico and the territories be asked to join in sponsoring this resolution. Be it further

Resolved that a copy of this resolution be mailed to the Postmaster General of the United States, the Chairman of the National Bicentennial Commission of the American Revolution and the members of the South Carolina Congressional Delegation.

U.N. CONTEMPLATES CENSORSHIP

Mr. PROXMIER. Mr. President, the free flow of ideas—a building block of our American democracy—apparently is not the ideal of many member countries in the United Nations.

Roscoe Drummond, writing in the Christian Science Monitor of December 18, warns that if a coalition of Communist and third-world countries gets its way, international satellite television broadcasts will be censored. His warning should be heeded.

How will our delegation to the U.N. react when the proposed international treaty on such broadcasts comes up in the General Assembly?

I would hope that Ambassador John Scali, a distinguished former newsmen, will have a hand in setting U.S. policy on this issue. The United States should do all that it can to block such an anti-democratic treaty.

But, we must remember that our own domestic broadcasting policies have led to control of the airwaves, in a way that I believe violates the first amendment to the Constitution.

True, the Federal Communications Commission is not in the censorship business. It exercises no prior restraint over programming. But, the FCC so-called fairness doctrine does impose an atmosphere that makes broadcasters think twice before airing controversial issues.

Only yesterday, it was announced that the entire nine-judge U.S. Court of Appeals had agreed to reconsider whether the NBC television documentary, "Pensions: The Broken Promise," violated the fairness doctrine.

That was a prize-winning program that was on the network before the Congress voted legislation to correct the abuses in private pension systems reviewed on that program.

A group called Accuracy in Media challenged the fairness of that NBC presentation. The subject matter was important. It had never been dealt with before on network television. Partisan politics was not involved. The national

security was not involved. Yet, an investigative journalistic endeavor, which would have clearly been protected under the first amendment had it appeared in a newspaper, magazine, or book, was attacked. And the abuses were corrected by Congress, which had already begun its work.

Admittedly, that is a quick review of a case, in which a three-judge appeals court panel found in favor of investigative journalism and the first amendment. Yet, can you imagine the uproar that any international satellite broadcast—any broadcast—will raise should that treaty come into force.

Maybe we need to see such an uproar on the international scene to appreciate the aberration we have allowed to develop in our own country with the governmental regulation of broadcasting.

The Congress of the United States will have the opportunity next year to look at the fairness doctrine, for I plan to introduce legislation to eliminate it along with other controls on broadcasting. I hope that the international satellite proposal, so clearly inimical to democracy, can be translated to action to free our own broadcasters so that they can be of greater service as a communications media to our citizens.

Mr. President, I ask unanimous consent that the column of Mr. Drummond be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Dec. 18, 1974]

CREEPING GLOBAL CENSORSHIP (By Roscoe Drummond)

WASHINGTON.—In recent weeks the General Assembly of the United Nations has put through a series of actions—already reported—which bend, if, indeed, they do not break, the spirit and letter of the UN Charter. If continued, they would imperil its survival.

It looks as though they were continuing. It is now evident that the same coalition of Communist, Arab, African, and third-world states has additional plans—and they are ominous.

Bear in mind that in a few years satellite television will be able to carry news, ideas, and information everywhere on the planet so that any person with a home set in any country can get clear images and a daily profile of what is going on in every other country.

But this coalition of Communist and third-world countries doesn't want it that way. So what are they doing? They are ordering up an international treaty for early next year to put the authority of the UN behind a worldwide censorship.

Several drafts of such a treaty have already been written and their objective is to enable any nation anywhere to impose over a large area of the world a prior censorship on anything and everything in satellite television which it deems censorable—not only from its own citizens but from peoples in neighboring countries.

For example, if Kenya or Poland should decide they want to keep their countries from seeing a Shakespearean play or a controversial UN debate, they would be blacking them out not only for themselves but for most of Central Africa and Eastern Europe.

Let's not pretend. It is perfectly evident what these nations are after—and at this point it looks as though they have the votes to get what they want. They want to drape

the mantle of UN moral authority around the worst kind of political censorship.

And what they are trying to do is to imbed in a treaty a violation of a commitment under the UN Charter. I quote Article 19 from the Universal Declaration of Human Rights adopted and proclaimed by the General Assembly on Nov. 10, 1948:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

Some governments may wish they had never signed this declaration and may have no intention of living up to it. But should the UN be willing to authorize its violation?

Obviously the new technology of satellite television should be used constructively and sensitively. Those who have the means to use it must respect the culture and customs of those peoples to whom it is available.

But that is not what the would-be censors are really concerned about. They want to hold their people in intellectual bondage and bar them from knowing very much about what is being said and thought elsewhere in the world.

I propose a test. Let's agree that first experiments with worldwide satellite television will be only to report live and verbatim the major debates of the United Nations.

Will those who want to censor satellite television permit these debates to be televised worldwide? Let's find out.

Yes, one man's truth is another man's propaganda. So if the UN is to authorize the censorship of propaganda, it will erect in effect a massively increased barrier to the free flow of ideas in clear violation of the UN's own "Universal Declaration of Human Rights."

Internal censorship is bad enough, but should one nation be given the right to censor what the peoples of neighboring nations can hear and see?

When the Soviet Union first presented this kind of treaty to a UNESCO meeting in Paris, its delegate wanted to see his country free to "shoot down" such an orbiting TV satellite "as though it were a spy."

What a travesty that the UN should even be asked to treat the imparting of "information and ideas through any media and regardless of frontiers" as though it were gathering intelligence rather than spreading it!

The next step to get such a treaty will come at the UN in February.

THE LIFELINE ELECTRIC RATE

Mr. METCALF. Mr. President, one of the inequities in our utility regulatory system is the rate structure. Residential consumers often pay two or three times more for their electricity than do large industrial concerns.

There are sound arguments for rate restructuring. Industrial and large commercial users are primarily responsible for increase in demand and, therefore, additional plant capacity. Their low rates discourage conservation. The social cost of electric power used by industry is extremely high when the industry is a major polluter. This important factor is, unfortunately, seldom considered in rate design. On the other hand, cost of service for basic electric needs to low-income rate payers in densely settled areas is often a fraction of the cost to the large industrial concerns which are subsidized by the low-income residential users.

Fortunately, several of the State public service commissions are recognizing inequity and restructuring rates.

One is the Michigan commission, whose chairman likened the typical rate structure to "allowing a Cadillac owner to pay 26 cents for gasoline, while requiring a Volkswagen owner to pay 41 cents." Others are Wisconsin and North Carolina. Vermont and a number of other States' efforts are under way to obtain, either by legislation or regulation, rate restructuring which will provide 400 kilowatt hours of electricity per month for \$10, or some similar small amount of electricity for a set payment.

Millions of pensioners and other low-income persons face a grim winter because of escalating fuel prices. Adoption of the Lifeline rate would be of great assistance to them. It might also provide an incentive, now lacking, for utilities to pay more attention to their fuel costs which they casually pass on via automatic adjustment clauses.

The November 1 issue of the Northern Virginia Sun carried an excellent article, "A Lifeline Plug." The October 11 issue of the Charlotte, N.C. Observer carried an account, by Jack Horan, of a decision by the North Carolina Utilities Commission which took a long step toward the Lifeline rate. I ask unanimous consent that the editorial and article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Charlotte (N.C.) Observer, Oct. 11, 1974]
POWER TO COST "LITTLE MAN LESS, INDUSTRY MORE"

(By Jack Horan)

More than a half-million homeowners who consume low or moderate amounts of electricity in Piedmont, North Carolina will pay a dollar or two less a month to Duke Power, while the bills of large industries will jump by more than 25 per cent.

That was the effect of a precedent-setting decision Thursday by the N.C. Utilities Commission.

The residential rate decrease was aimed at encouraging conservation of electricity and helping the poor and the elderly on fixed incomes as well as the hard-pinched middle class served by Duke Power Co. in North Carolina.

The reductions will be on bills sent to households that are considered low and moderate users of electricity.

The commission Thursday granted Duke all of a requested 16.8-per-cent rate increase and shifted the burden of paying it to Duke's industrial customers.

Industries were hit with increases of 26 and 27 per cent. They have historically paid less than their proportionate share of the cost of producing electricity, compared to residential and business customers, according to commission testimony.

The dramatic increase in industrial rates climaxed a two-year effort by the commission to compel Duke to price its electricity so none of its N.C. customers, whether a Charlotte home-owner or a Concord textile plant, was subsidizing the others.

Duke received all the \$61 million that it had asked for when it filed the rate request 13 months ago. A statement by president Carl Horn Jr. termed the decision "... sound. We asked only for what we needed based on the economic situation of last year. ..."

Horn said that Duke planned to file soon for a new rate increase.

The utilities commission allowed Duke to continue passing along the increased price of

coal in the so-called "coal-cost adjustment charge". But it threw out a second, pending 16.6 per cent rate increase, in effect telling Duke not to file new rate requests until the commission has finished with the earlier one.

Not directly affected by the rate order is Duke's 16.8 per cent request still pending before the S.C. Public Service Commission.

Abney A. Smith, chairman of the S.C. commissions, expressed interest in what the N.C. commission had done. He said, however, that the reduction of rates for residential customers and the steep increase for industry will have no bearing on the S.C. case.

Duke also has a companion 16.6 per cent request backed up behind the 16.8 per cent case in South Carolina.

N.C. Commissioner Tenney L. Deane of Charlotte said the unanimous order shows the commissioners consider the "little man" when it is weighing multimillion-dollar rate cases.

"Most people don't think the commission is sensitive to people," Deane said, noting there was a repeated public plea to hold electric rates down. "I think it's being responsible to the consuming public and to the company."

Deane said several alternate rate schedules, including one that would put a surcharge on the price of electricity for people who run air-conditioners during peak demand periods in the summer, were rejected.

Nonetheless, he said, part of the reason for dropping the price of electricity in the low-use and medium-use brackets and to increase it in the upper-use brackets was to encourage another dollar of increase is energy conservation.

"I think the thrust of it," Deane said, "is to provide relief to those people for whom greater in proportion than what they earn..."

The commissioners sharply criticized Duke for several of its operating practices and urged cost-cutting.

"After having carefully considered the current economic environment..." the order said, "we conclude that Duke should begin immediately to institute the most careful review of its entire operating budget to effect and carry out savings..."

Specifically noted was that former president W. B. McGuire is receiving a \$75,000-a-year consultant's salary deemed "excessive and not justified."

Duke should eliminate its so-called institutional advertising, the commissioners said. North Carolina's other major electric utility, Carolina Power & Light Co., has a 21 per cent increase pending before the commission.

Deane hinted that the commission might order reductions for CP&L's low-use and medium-use customers.

"If this is a workable solution to the problem, then probably we could employ some similar thinking," he said.

[From the Northern Virginia Sun, Nov. 1, 1974]

AN EDITORIAL—A LIFELINE PLUG

Whether Virginia Electric and Power Co. deserves to raise electric rates is a complex question on which even experts disagree.

But the hearings to be held next spring on VEPCO's request for a permanent increase in rates offer the opportunity to rationalize the rate structure in a way that makes sense.

Back in the days of coal-oil lamps and wood-fired stoves, electricity wasn't a necessity. Today it is. The nation's health and welfare depend on the availability of electricity. For many not only the availability of electricity is essential. It must be available at a cost low enough for them to afford.

Increases are boosting the cost of electricity at such an alarming rate that it may soon be impossible for some families to afford it.

The State Corporation Commission has the power to set rates for VEPCO must con-

sider the public's need for an essential service at affordable rates. It should scrap traditional rate formulas that permit large electric users to purchase power at discount rates.

Today the average VEPCO residential customer pays a rate per kilowatt-hour that is double that of industrial users. These discount rates act as an incentive for industrial users to hog electricity and waste it.

Even residential customers who use large amounts of electricity get rate breaks. A VEPCO residential customer who used only 100 kilowatt hours in July paid a basic rate of \$5.42, according to a table sent out by the electric company last month. That figures out to be 5.4 cents per kilowatt-hour. A juice guzzling neighbor who used 2,000 kilowatt hours of electricity paid only 2.6 cents per kilowatt-hour that month.

Instead of rewarding conservation in this age of inflation and dwindling resources, we foolishly continue to prize gluttonous behavior. Thus the wasteful industrial user is subsidized by the residential customer and the wasteful residential customer is subsidized by frugal neighbors.

The rate structure needs to be changed to reflect human need and to encourage conservation. The best way to do this is to institute what has become known as a lifeline rate. This will permit a basic minimum of electricity to be purchased cheaply and at a rate that remains constant throughout inflationary buffeting.

Experts say that the minimum amount of electricity needed to maintain a household's health and welfare is about 400 kilowatt hours. Using 1972 as a base year and the average price paid by all VEPCO customers that year as a fair rate, 400 kilowatt hours of lifeline power would cost \$6.96. That is about half the price it would cost under today's discriminatory rate structure.

Of course it will be necessary to raise rates paid by large users. Studies have shown they are largely responsible for the need to increase rates.

Some public utility commissions have already seen the light. In Michigan, for instance, users of 500 kilowatt hours or less received a rate reduction last year. Industrial and commercial users were hit with a \$20 million increase.

The chairman of the Michigan commission likened the old rate structure, similar to the one now used in Virginia, to "allowing a Cadillac owner to pay 26 cents for gasoline, while requiring a Volkswagen owner to pay 41 cents."

The beauty of the lifeline rate concept is that it acknowledges electricity as a human need in a way that is financially helpful. Yet it is not a welfare program either. It presents a chance for Virginia to be among the first to fight the wasteful consumption that lies at the heart of our nation's most distressing crisis.

ADEQUATE FOOD SUPPLIES AND U.S. AGRICULTURAL POLICIES

Mr. HUMPHREY. Mr. President, on December 10 and 12 hearings were held by the Subcommittees on Foreign Agricultural Policy and Agricultural Production, Marketing and Stabilization of Prices of the Senate Agriculture and Forestry Committee. These hearings reviewed the U.S. food situation and food aid demands.

I would like to call your attention to the statement of Mr. Robert G. Lewis of the National Farmers Union which points out that our present agricultural policies are totally inadequate and are clearly set to encourage "boom and bust, glut or famine."

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A special problem is the fact that the 1975 price supports have been set so low—33 percent of parity for wheat and 40 percent of parity for feed grains—that farmers will be unable to survive if crop production returns to normal during the coming year.

As an example, if 78 million acres of wheat are planted and yields per acre reach 33.9 bushels we will have a total harvest of almost 2.7 billion bushels. This level of production would likely lead to a glut on the market.

Mr. Lewis correctly asks: Why does the U.S.A. undermine and handicap her pre-eminent food power? Why do we try to depress the prices and discourage the producers of our most effective asset in international trade, in world politics, even in national security?

I think this statement makes a very convincing case as to why our agricultural policies are in need of revision, and I commend it to the attention of this body.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT G. LEWIS, NATIONAL SECRETARY OF THE FARMERS UNION

Today's world food shortage was made in Washington in 1971 and 1972 with depression-level grain prices for U.S. farmers.

If grain prices had been supported at parity, American farmers could easily have produced enough food to prevent today's starvation.

Unfortunately, the Administration is continuing the same "boom and bust, glut or famine" policies that got us into our present trouble. This is sure to perpetuate insecurity in the world's food supply. It is also creating shortages of meat and milk for consumers right here in the U.S.A.

The point of this historical review is what it can teach us about dealing with our present problems. We ought to avoid repeating the mistakes that led to the present shortages and disruptions and distortions in our domestic agricultural industry, our own food supplies, in our commercial export markets, and in our food and opportunities and obligations.

I am submitting for the record the report of a recent study by Farmers Union economists which shows the changing course of our Food for Peace program operations since their initiation 20 years ago. This report demonstrates that the U.S. has had ample unused food producing capability to have provided sufficient stocks to meet the current needs. Indeed, the World Food Conference in Rome last month placed the needs for the hunger emergencies at about 7½ million tons. In both 1973 and 1972, land sufficient to have produced far more grain than the quantity now needed was held out of production under government programs.

It should be emphasized that much of the withheld crop land would not have been returned to production in the absence of the set-aside program. The low prices that prevailed in those years, because of the extremely low levels of price support, prohibited farmers from cropping much of that land. It is low prices that has been the main contributing force to today's food shortage.

Unfortunately, the Administration has not seen fit to correct this basic cause of food shortage.

The Administration last week announced the lowest levels of price supports for grain crops since farm commodity programs were

begun 40 years ago. This is a sure-fire prescription for a calamitous "bust" in farm prices in 1975. That will be followed by even worse shortages of food than at present a year or so from now.

Milk and livestock prices are already down so low that thousands of producers are going out of business and shortages are close ahead.

The price support loan rate just announced for wheat in 1975 is only 33 percent of parity. It's only 40 percent for feed grains. Farmers can never survive if crop production returns to normal around the world next year, and prices drop to these low floors. They are even worse than the depression-level prices in 1970 and 1971 and 1972 that reduced harvested acreage in the United States to the lowest point since the 1890's, and created today's world food shortage.

If we have good weather next year, we are sure to have huge temporary surpluses of grain, forcing prices down to the support floors. But when the surpluses are gone, thousands of family farmers will be gone too, and then consumers will be in for another round of famine.

Francis Gomme of USDA's Economic Research Service is quoted in today's *New York Times* as forecasting the winter wheat acreage planted for the 1975 crop at 72 million, up from 70 million this year. But he said others are forecasting acreages "as high as 75 to 78 million."

This acreage will produce an enormous all-time record crop if yields are even at this year's below-trend level of 28 bushels per acre. If the U.S. wheat yield returns to the recent trend at about 35 bushels per acre, the size of the 1975 wheat crop will be staggering. Here are some comparisons:

1974—Actual (record crop)—70 million acres: 1,781 billion bushels;

1975—Projected 78 million acres @ actual 1974 yield of 27.8 bu./acre (lowest since 1967): 2,168 billion bushels;

Projected 78 million acres @ previous record yield of 33.9 bu./acre in 1971: 2,678 billion bushels;

Projected 78 million acres @ trend yield of 35 bu./acre: 2,730 billion bushels.

Any wheat crop that is at all probable from the probable planted acreage for 1975 harvest, if crop conditions are normal for wheat and other grains throughout most of the world, is certain to create a staggering surplus and collapsing grain prices and financial disaster for American grain producers.

It is neither equitable, nor in the long-run practical, for the U.S. to conduct its food and agricultural policies on such a reckless and unstable course as is now the case.

Our livestock, dairy, and poultry industries are already casualties of the "boom and bust, glut or famine" policy.

Our export markets have been damaged irreversibly by our inability to supply traditional customers dependably. This has given a tremendous impetus to the financing of competing farm production enterprises in other countries.

Ironically, the U.S. government itself is encouraging the oil exporting countries to invest heavily in new farming developments. In terms of world economic power and political influence, this is parallel to the Shah of Iran or the King of Arabia giving to the U.S. financial aid and technical help to develop competing energy sources.

Why does the U.S.A. undermine and handicap her pre-eminent food power? Why do we try to depress the prices and discourage the producers of our most effective asset in international trade, in world politics, even in national security?

This is a thoughtless and poorly-conceived national policy, based on obsolete ideological doctrines and serving only the narrow special interests of the multinational commodity trading companies, who profit from

the farmers in times of glut and "bust", and who profit from consumers in times of shortage and hunger.

The Farmers Union recommends that Congress take charge and put a stop to the "boom and bust, glut or famine" approach that created the present food crisis.

Price support loan rates should be raised to 90 percent of parity, with target prices at full parity.

This will assure abundant food supplies at fair and reasonable prices for our own consumers and for our commercial export customers as well as needy people in famine emergencies in other countries.

Our specific proposals for a new and modernized farm and food policy are as follows:

THE FARMERS UNION'S PLAN FOR PARITY AND ABUNDANCE

Following is the plan proposed by the Farmers Union to provide parity for farmers and an assured abundance of agricultural commodities for U.S. consumers and export customers:

1. Non-recourse commodity loans should be offered to farmers at 90% to 100% of parity, to establish the minimum floor under market prices. Stocks of commodities would accumulate in loan status to the extent that supplies were more than sufficient to satisfy the market demand at about the parity price. The producer could sell his commodity at any time during the marketing year by repaying the loan and paying the accumulated interest and storage charges.

2. Farmers should be eligible for price support loans on eligible commodities stored in any approved facility, whether on the farm, in the farmers' cooperative, or in other approved storage facilities.

3. Price support loans should be extended from year-to-year, at the option of the farmer. When a commodity loan is extended, the government should absorb the interest and storage cost for the prior year if the market price of the commodity has not reached 110% of parity.

4. When supplies in the market become short and the market price approaches 110% of parity, farmers would have an incentive to repay their loans and sell their stored commodities so as to avoid incurring the cost of continued storage. But it would not be necessary for the government to "call" loans. The farmer should be permitted to hold his commodity in extended loan status if he wished to absorb the storage and interest costs himself after the price reaches 110% of parity.

5. Commodities owned by the government should not be offered for sale into commercial markets at prices below the higher of the current market price or 115% of parity. If it should be considered necessary in order to assure that ample supplies would move into the market when needed, the Secretary of Agriculture could be authorized to enter into option agreements to buy the commodity from the farmer at a price of 115% of parity during the term of an outstanding initial or extended non-recourse loan. This would provide some flexibility to the government in meeting urgent requirements under exceptional conditions. But it would keep government-owned stocks totally insulated from the market so long as prices are below 115% of parity.

6. Voluntary or mandatory programs to restrain production of major farm commodities should be put into effect at any time that the Secretary of Agriculture determines that carry-over stocks of the commodity is likely to rise above the desired "reserve" level. Price supports should be maintained at 90% to 100% of parity. The minimum reserve should be established by Congress. The Farmers Union recommends that reserves be established at about 50% of the annual re-

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quirements for domestic use and exports in the case of food grains, 25% in the case of feed grains, and 35% in the case of cotton.

7. A new import control plan should be established which would eliminate practically all imports of any farm commodity when prices in the U.S. are below parity. A variable rate of duty, equal to the amount by which world market selling prices fall below 115% of parity, should be applied to any farm commodities imported into the U.S.

8. International agreement should be negotiated with other producing and consuming countries to provide for international co-operation to stabilize prices and supplies of agricultural commodities, particularly grains, dairy products, cotton, and sugar, through one or more of the following provisions:

(a) minimum and maximum prices in world trade (the Farmers Union proposes a range of prices between 90% and 110% of parity);

(b) commitments to assure supplies to importing countries, and to assure access to markets for exporting countries;

(c) rules on the disposal or stockpiling of surplus domestic production;

(d) limitations or prohibitions on the use of export subsidies;

(e) cooperation among participating countries to manage the supplies put into the world market;

(f) consultations between governments on the effects of national price support programs on world trade;

(g) reserves of food and fiber, under the control of national governments but subject to international review, to assure importing countries of the reliability of exporting countries to meet their supply commitments, and to provide for national and international emergencies.

AN INTERVIEW WITH SENATOR MONTOYA

Mr. HATFIELD. Mr. President, as a member of the Appropriations Subcommittee on Treasury, Postal Service, and General Government, I have been honored to work with our chairman, Senator JOSEPH MONTOYA, in closely examining the taxpayer services provided by the IRS through hearings held both last year and this year.

Senator MONTOYA has indicated to me his deep concern with citizen service in other Federal departments and agencies whose requests for funding are reviewed by our committee.

I share his concern, and want to bring to the attention of the Senate an interview with the chairman which was printed in the *Federal Times* of December 25, 1974. In this interview, Senator MONTOYA addressed the problems encountered by both the Postal Service and the Civil Service Commission, and commented upon the many complaints received by Members of Congress concerning deteriorating mail service and lack of equality in Federal employment and job opportunity.

I ask unanimous consent that Senator MONTOYA's interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

MONTOYA PROMISES ACTION (By Don Mace)

WASHINGTON.—Sen. Joseph Montoya, D-N.M., has become the first member of the Senate to call for the resignation of Postmaster General E. T. Klassen.

He said that Klassen has failed to provide the "kind of leadership the U.S. Postal Service needed when it became a semiprivate corporation under the Postal Reorganization Act of 1970."

Referring to a recent history of bad management decisions, high postal rates, flagging employee morale, questionable contract practices, and expensive executive recruitment, the New Mexico Democrat said that Klassen's image is "badly tarnished." Reps. Morris K. Udall, D-Ariz., Jerome R. Waldie, D-Calif., Patricia Schroeder, D-Colo., and others in the House earlier asked that Klassen step down.

Montoya, chairman of the appropriations subcommittee on treasury, post office and general government, said that a career employee "who has been through the peaks and valleys of morale" should take Klassen's place.

He said that the more than \$600,000 the PMG has spent on executive recruitment could have been better spent.

"I don't know why he chose to search private industry for his top people when he could easily have looked within the ranks of the USPS for this talent," he added.

Montoya promised to conduct extensive hearings on all postal operations—possibly next spring—if the Senate Post Office and Civil Service Committee does not.

Klassen is in deep trouble on Capitol Hill, he said.

"Things are piling up on the PMG. He has few friends in Congress."

"We are still bitter about his order of two years ago that cautioned employees not to answer congressional questions."

"Such orders do nothing to improve good congressional relations that are so necessary to improve management," he added.

While Klassen's position is worsening in Congress, his problems at home are haunting him, too, Montoya said.

"Employee morale is terrible. Service is falling off. Postal rates are rising once again. The expensive equipment he has purchased—such as the \$1 billion bulk mail system—is not working. And service is as bad as the critics say," he said.

Montoya said that a test of that service he conducted in his own state proves his point.

He sent some letters from one post office to another in Santa Fe.

"It took the postal service four days to deliver the letters. They trucked them to Albuquerque to sort them. This is incredible," he said.

Montoya disclosed that he has begun to amass background information on postal operations in preparation for hearings if they become necessary.

SAYS MONTOYA—"CSC MUST DO BETTER JOB" (By Inderjit Badhwar)

WASHINGTON.—Former President Nixon "really subverted the Civil Service Commission," Sen. Joseph Montoya, chairman of the appropriations subcommittee on treasury, post office and general government, said in an interview last week.

Montoya, whose committee appropriates money for the White House including CSC, and who was a member of the Watergate committee, added that Nixon was "very brazen" in his dealings with the commission.

"He scared and cowed the commission," into doing his bidding and tolerating abuses in hiring and promotion, Montoya said.

If the White House wanted career status for one of its candidates, Montoya revealed, it would "order" the commission to accomplish this goal or deal directly with federal departments.

He said CSC "just could not protest. If the commissioners had protested they would have been asked to resign and replaced by some other puppets."

Montoya added: "It's hard for a man to say, 'I resigned for principle, the hell with my family.'"

Overall he gave good marks to the civil service commissioners calling them "persons of integrity but subject to political pressure."

CSC, he said, must do a better job in monitoring promotion policies. It must create a new inhouse organization to monitor promotions not only in Washington but in the field as well.

"There are too many religious and ethnic cliques at work" which oppose the progress of dissimilar groups, Montoya said.

"CSC must police these cliques," he emphasized.

Montoya stressed that only constant and vigilant congressional oversight could reform some of the abuses in the federal government that have been highlighted by the Watergate hearings and by subsequent revelations about widespread personnel abuses.

He readily accepted blame that Congress had not provided the kind of oversight necessary to keep the bureaucracy functioning efficiently and honestly.

And he urged different oversight committees to examine and correct abuses of authority and congressional mandates that have come to light in various federal agencies and departments.

Previous lack of congressional concern, Montoya admitted, had allowed the Office of Management and Budget to assume a role far greater than its mandate.

He said it was time to curb the growth and power of OMB and was glad to see that the House had taken the first step by chopping the agency's budget.

"We concurred with the House," Montoya said. "If we have to cut their budget just to get their attention in order to make them more accountable, we will do it."

He promised that even though his was an appropriations committee it would assume oversight responsibilities whenever necessary.

But he said his resources would limit him to taking on one target at a time.

INVESTIGATION OF CASE OF POSSIBLE RACIAL DISCRIMINATION IN THE ARMY

Mr. TUNNEY. Mr. President, I would like to call to the attention of the Senate to a most unfortunate incident which occurred last year and to make my colleagues aware of the facts which have been uncovered during the course of an investigation into that incident.

Col. Travis M. Gafford, a black, had been nominated for the post of Chief, Army Section, U.S. Military group, Chile. When Colonel Gafford failed to be appointed to this position, it was understood that his nomination had not been acceptable to the Government of Chile, probably as a result of his race.

I wrote the Secretary of Defense expressing my extreme distress over this matter and my desire for a thorough investigation. Mr. Schlesinger has informed me that an investigation has been conducted, and I would be pleased to share the results with my colleagues. Colonel Gafford's nomination was withheld for a number of ill-advised reasons. There was a general assumption that Chile would react unfavorably to the nomination of a black officer. In addition there was, apparently, an intention on the part of the Army to spare a black officer from a potentially antagonistic environment. The resultant situation, whatever the

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motives, can only be described as inexcusable, especially as it became clear during the course of the investigation that a staff recommendation favoring the nomination had been overlooked and that Colonel Gafford's own opinions and feelings on the matter were consulted only after the fact. At the same time it should be recognized that this most regrettable and unfortunate incident did not, apparently, result from overt or intentional prejudice directed against the colonel but, rather, was the product of a long series of individual misjudgments and misunderstandings inconsistent with the usually admirable performance of the Army.

I have been informed that Colonel Gafford has subsequently been appointed as Division Chief of the International Staff Affairs Office of the Strategic and Security Assistance Directorate. It is perhaps small solace to the man that his misfortune has demonstrated to the Army the great need for safeguards to prevent the recurrence of similar, potentially tragic situations.

I would like to express my gratitude to Secretary of Defense Schlesinger and to Army Secretary Callaway for their cooperation in making the facts known to all involved.

Mr. President, I ask unanimous consent to have printed in the RECORD, memorandums from the Secretaries of Defense and the Army.

There being no objection, the memoranda were ordered to be printed in the RECORD, as follows:

[MEMORANDUM]

SECRETARY OF THE ARMY,

Washington, D.C., August 9, 1974.

Subject: Equal Opportunity.

The Secretary of Defense has reviewed the entire matter of the alleged unacceptability of Colonel Travis M. Gafford, a black Army officer, for a position with the U.S. Military Group, Chile. The Secretary concluded, in a letter to the Secretaries of the Military Departments (inclosed), that the failure to carry through with the Army's nomination of Colonel Gafford was inconsistent with national purpose and in conflict with the equal opportunity policies and goals of the Department. The Secretary has emphasized that assignments in the Department of Defense will be based solely on the abilities of the persons concerned and in no instance will race be a factor determining whether or not an individual is nominated for or assigned to any position.

I ask each of you to continue to be alert and work to eliminate errors which suggest any wavering in our commitment to equal opportunity. Army leadership at all levels must affirmatively and sensitively implement equal opportunity policies and programs, taking appropriate disciplinary action where warranted against those who fail in their equal opportunity responsibilities. I am 100% behind the Army's equal opportunity program—for both military and civilians. To be effective, this program will require the dedicated support of you and every leader and supervisor in the Army. I solicit your personal assistance in making this so.

HOWARD H. CALLAWAY.

MEMORANDUM

THE SECRETARY OF DEFENSE,

Washington, D.C., August 3, 1974.

At my direction, the JCS and ISA conducted an inquiry into the circumstances

surrounding the alleged unacceptability of Colonel Travis M. Gafford, USA, to the Government of Chile. The Department of the Army had submitted to USSOUTHCOM the nomination of Colonel Gafford—a black officer—as Chief, Army Sections, U.S. Military Group, Chile. According to a Washington newspaper, the Chilean Government had rejected the colonel's nomination on account of his race. The JCS/ISA inquiry revealed, however, that as a result of staff action, SOUTHCOM had actually withheld the nomination and never submitted it to the Government of Chile.

Both the initial JCS/ISA inquiry and a subsequent Army investigation concluded that SOUTHCOM had not violated any policies concerning equal opportunity and that no one was at fault in the matter. However, there is additional evidence of record to indicate that SOUTHCOM did not take an adequately sensitive and thoughtful approach to the nomination.

The decision to withhold Colonel Gafford's nomination resulted from a series of individual judgments and actions, on the basis of which each participant could persuade himself that he had done nothing in contravention of departmental policy. Several of the participants simply assumed that Chile would adopt a negative reaction to the nomination. Moreover, apparently through oversight, a staff recommendation favoring the nomination never became a factor in the decision, even though it was based on a carefully researched analysis of Chilean racial attitudes. There was also an understandable but unwarranted desire to spare a black officer from a possible hostile environment—a desire based not on that officer's perspective and tolerances, but on those of the staff. As a consequence of these inadequacies the nomination did not go forward and Colonel Gafford was consulted regarding his sensitivities only after the fact.

I can only conclude that the failure to support Colonel Gafford's nomination to the U.S. Military Group, Chile, was inconsistent with national purpose and in conflict with the policies and goals of this Department. The inevitable result of collective actions, such as those taken in this case, is to constrain substantially the range of opportunities open to black officers. On the particular issue of personnel assignment, it must be emphasized once again that the Department of Defense will base assignments solely on the abilities of the persons concerned. There must be no doubt that a black member of the Armed Forces is a representative of the United States and the Department of Defense. If a nomination for any post is to be rejected because of race, it will have to be rejected from outside this Department.

The failure to nominate Colonel Gafford to a post for which he was qualified was an error that should not be tolerated. Steps have been taken to remedy the injustice to the individual, but the matter cannot rest there. Action must and will be taken by all in authority throughout the Department to assure positive and sensitive interpretation and implementation of equal opportunity directive interpretation and implementation to equal opportunity directive in the future.

More generally, I must remind you that the Secretary of Defense and the entire senior military and civilian leadership originally issued the Department of Defense Human Goals on August 18, 1969, and that each succeeding Secretary of Defense has reaffirmed and reissued them. The policy is unequivocal. Equal opportunity goals are based unmistakably on the moral imperatives of American society. This Department must share that commitment to equal opportunity, not only as a matter of theory, but as a matter of abiding practice.

JAMES R. SCHLESINGER.

ASSISTANT SECRETARY OF DEFENSE,

Washington, D.C., December 17, 1974.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: This will reply to your earlier inquiry into the circumstances attending the nomination of Colonel T. M. Gafford to be Chief, Army Section, Military Group, Chile. The memorandum, attached at Tab A, from the Secretary of Defense to the Secretaries of the Army, Navy and Air Force sets forth the circumstances as well as the Secretary's views of the incident. You will note that a complete investigation was undertaken.

In addition to circulation to the Army of the memorandum at Tab B, and individual counseling of the persons involved, the Army has moved to assure more effective oversight of and participation in personnel assignments to MAAGs and missions. These steps taken by General Abrams in 1973 included the assignment of Colonel Gafford as Division Chief of the International Staff Affairs Office of the Strategic and Security Assistance Directorate. The matter was fully discussed in detail on several occasions by Secretary Schlesinger with the Service Secretaries and Chiefs of Staff, as well as with the Armed Forces Policy Council.

If you have further questions, please do not hesitate to contact me.

Sincerely,

JOHN M. MAURY.

SENATOR HATFIELD ON WORLD FOOD

Mr. McGOVERN, Mr. President, yesterday, Senator HATFIELD, at an ad hoc Senate hearing on the world food crisis, called for an increased effort on the part of the United States in helping feed the hungry and starving of the world. He pointed out the historical precedents for such aid, including the leadership of Herbert Hoover after World War I in averting famine throughout the world.

In asking for administration leadership in the stepping up of food aid to the needy, Senator HATFIELD pointed out the necessity for the various departments of the Federal Government to put aside their disagreements and reach a consensus as to the level of assistance to be given.

Mr. President, I ask unanimous consent that the remarks of Senator HATFIELD and the New York Times article on yesterday's hearings be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR MARK O. HATFIELD

Mr. Chairman, in the aftermath of World War I, millions of people throughout Central and Eastern Europe and Russia were threatened with starvation. Already ravaged by one of the Four Horsemen, Europe was haunted by the spectre of his brothers: famine, pestilence, and death. One contemporary observer described the scene in this way: "No one who has not seen famine can have understanding of its hideous reality. Mothers at every meal watch the wilting away of their children. Gaunt mothers search for scraps of food, carry emaciated children too feeble to walk. Long streams of refugees flee from the famine areas, carrying their children and a few possessions, with many dead lying at the roadsides. Few people die directly, for disease intervenes. The hos-

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pitals and children's refuges are crowded with all who can lie on the floors. The dead lie unburied in heaps. And even worse things happen which I do not repeat here."

The eloquence is reminiscent of Senator Joseph Tydings' statement earlier this year on conditions in Calcutta, and the situation described is much the same. As we discuss the outcome of the World Food Conference and the United States response to world hunger, it is interesting and informative for us to see how America responded during and after World War I, when it was a matter of saving starving Europeans rather than Indians or Africans.

American food relief for Europe began in 1914, with the creation of the Commission for Relief of Belgium under the chairmanship of Herbert Hoover. The CRB became the neutral channel through which more than 5,100,000 tons of provisions and supplies passed through the German blockade into Belgium and were distributed by local Belgian committees. Nearly 10 million Belgian and French were included in the relief.

The CRB secured basic food stuffs by purchase or gift, transported these commodities into Belgium and guaranteed their equitable distribution under the supervision of American or neutral volunteer workers. World opinion mobilized in support of the Commission's efforts was largely responsible for the success of delicate negotiations between the belligerent and neutral nations. Relief requirements were met by gifts amounting to \$162 million in cash and kind collections by volunteer committees in the United States, Britain and elsewhere; subsidies from Britain and France in the amount of \$314 million; and American loans of \$380 million. Altogether the CRP coordinated an effort costing nearly \$900 million at an administrative expense of less than half of one percent.

This success prompted President Wilson to appoint Hoover U.S. Food Administrator in 1917. Although working with the poor harvests of 1916 and 1917 from which there was no "statistical" surplus available for export, the Food Administration and the American Relief Administration managed to stabilize prices, increase food production, maintain an adequate supply of farm labor, make great strides in food conservation and the elimination of waste, and still export nearly eight times as much food between 1917 and 1920 as in the three year period before the war.

The food was shipped all over Europe: France, Belgium, Italy, Russia, Poland and Germany. In all, 33 countries and millions of people were aided by the American Relief Administration in its public and private phases. The more remarkable efforts were made in Germany, against the stubborn opposition of some Allies and those who denounced the relief as treasonable feeding of the enemy. And so also in Russia in 1922 and 1923 when an estimated 20 million people were saved despite objections to assisting "Bolsheviks."

But the greatest of these efforts was the child feeding program. Hoover realized that "stunted bodies and deformed minds in the next generation were not the foundation on which to rebuild civilization." When the American Red Cross was unequal to the task, the American Relief Administration took it up, and determined to make the program a gift of the American people. According to Hoover, 14 to 16 million children "passed from undernourishment to health" at a cost to the United States of \$325 million, the largest part of which came from charitable contributions.

In the ten years 1914-24, operations were carried on under Hoover's direction and by the organizations which he headed involving the delivery of nearly 34 million tons of commodities and the expenditure of more than \$5 billion dollars. In today's dollars, the sum

would be about \$20 billion. And there were other voluntary aid organizations which made substantial contributions: the Red Cross, the American Friends Service Committee, the Jewish Joint Distribution Committee, Near East Relief, the YMCA, and others.

The operating costs for this massive relief program were nominal. The administrative cost of the entire U.S. Food Administration was only \$7.3 million, less than one-half of one percent of the cost of the aid provided. Indeed, other operations of the Food Administration actually netted the U.S. Treasury \$50 million.

These figures are startling in these days when the bureaucracy staggers us with 2 billion pieces of paper a year costing us \$18 billion to fill out and the federal government \$15 to read, and when U.S. food aid programs are continually frustrated by bureaucratic entanglements. But they are more understandable in view of the massive voluntary cooperation and contribution of the American people. Hoover knew that "although Americans can be led to make great sacrifices, they do not like to be driven." While some punitive powers were granted the Food Administration by the Congress, they were rarely used, as the self-imposed controls monitored by the so-called "War Committees" in each trade group were quite sufficient. The response was magnificent.

Twenty million Americans signed up as "members" of the Food Administration, and pledged themselves to close adherence to its production and consumption policies. Posters appeared everywhere with the motto "Save food for world relief." One effort to save fats and butter was so successful that the trades were demoralized, the Allies flooded with supplies, and the plea to save withdrawn. Charitable contributions from individuals and groups funneled through the American Relief Administration amounted to \$134,000 after the Armistice, when it was no longer a question of feeding our men in uniform and the Allied soldiers during the war. As mentioned earlier, Americans or their government gave nearly one-third of a billion dollars for child feeding programs. Let me reiterate that in today's dollars the amount would be nearly 1 and 1/4 billion dollars.

In sum, the success of the European relief program during and after World War I is for the most part attributable to the willingness of the American people to voluntarily respond to the initiatives of their leaders.

There is much more to the story of American relief to Europe from 1914 to 1924, and I would be happy to provide more information for the hearing record. Ambassador Harriman will be telling us of efforts after World War II in a few minutes.

Even this brief review, Mr. Chairman, sheds an interesting light on the failure of the United States to respond adequately today to what is recognized the world over as a global food crisis. Despite high-minded rhetoric and admirable intentions, our government has sat on its bureaucratic hands while millions eke out a malnourished existence or starve. A simple request for an additional one million tons in immediate food aid has been denied; inter-agency squabbles have stymied action on "high," "middle," and "low" options for assistance; P.L. 480 shipments continue to be used as political tools rather than as humanitarian aids. This government inaction and confusion has increased public bewilderment about the world's food needs and our aid programs, and fostered cynicism about the prospects for any significant relief.

This need not be the case, Secretary Butz told us at the World Food Conference in Rome that we have available surpluses for a food aid budget of around \$1.4 to \$1.5

billion, enough to provide the 5.5 million tons of aid specified in the "high option" of food relief for this fiscal year. While this estimate is now disputed, I believe it could be done without initiating the reduced consumption and waste elimination programs that could provide food aid in the amounts we were able to muster after World War I. Nor does it take into account the additional gains that could be achieved if we were to vigorously encourage all-out production.

For a variety of reasons of which we are painfully aware, these actions have not been taken. I suggest that our failure to act is simply a lack of political will and courage. I do not believe that it is because the American people would not support an immediate and intensive relief effort. My office is flooded with mail from constituents voicing their concern and pledging their support of private and public programs to feed the world's hungry people. They reflect the compassion of the American people. Despite ever-rising food prices here at home and the restrictions of recession, they are willing to make personal sacrifices so others might eat.

This willingness of the American people to help others in need is evidenced in an informal survey taken by my office of private, voluntary relief agencies. A representative of CARE stated "if the economy is having an effect on giving, it is a good effect. Our current receipts amount to about \$6 million as of November 22, and represent only cash gifts, not those in kind." The Mennonite Central Committee reports that their receipts are up 15% to 20% over last year, and expect their level will be maintained. They receive correspondence from all across the U.S. and Canada indicating the desire of their constituency to be of help and urging the government to do more. Representatives of Catholic Relief Services report they expected a decrease in giving because of the economic situation, but instead have experienced an increase in individual gifts. One comment from this organization was particularly illuminating: "The American people are expressing greater compassion for the needy than is our government."

These reports are most reassuring. Despite years of wheat deals, foreign aid failures, and a politicized food aid program, the American people are not yet content to withdraw into their citadel of affluence while people starve overseas. We in government sell them short when we view them as grim misers unwilling to make a few sacrifices for the benefit of others. I expect we take this view to rationalize our own impotence. The people of this country have never refused to help others when their leaders provided direction and the aim was clear. It is no wonder that they grow impatient and cynical when their representatives debate technicalities incomprehensible to those who are starving.

President Ford has the authority to take a humanitarian initiative of dimensions similar to that of Presidents Wilson and Truman to prevent the starvation of millions in the countries most seriously hit by the food and energy shortages and price increases of the past year. If he would do so, he could give meaning to the resolutions of the World Food Conference and a sense of leadership to the American people. I urge him to take that initiative.

And, Mr. Chairman, I propose that he do more. I propose that he take the lead of Presidents Wilson and Truman and appoint, with the consent of the Senate, a Food Administrator to coordinate, promote and expand all U.S. food aid programs to countries in need. Like Mr. Hoover, he should be directly responsible to the President, and should receive the full cooperation of the Departments of Agriculture, State, and Treasury, in devising and implementing food aid programs. His office should be the clearinghouse for all information on food avail-

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ability and need. He should be employed to implement national programs to curb consumption and eliminate waste, with an emphasis on voluntary action. Food and fertilizer production should be increased posthaste and these programs of the Department of Agriculture and other agencies closely supervised through his office. So also with the shipment of foodstuffs and other commodities to foreign nations. Prices should be stabilized to guarantee the farmer a fair return for his product while preventing black market and profiteering.

Furthermore, the Food Administrator should also be directed to work closely with voluntary aid agencies, facilitating their efforts through his office and coordinating them with government programs. The continued public support of these agencies indicate a confidence in their efforts that must be retained. They have often been more successful than government agencies in providing assistance. Such success should be fostered. Finally, he should make regular reports to the American people on the progress of programs and the success of their efforts. I expect that much of this can be accomplished under existing authority providing the leadership is forthcoming. Other elements of this proposal may well require Congressional action, and certainly the necessary funding.

Senator Humphrey has already drafted a Senate Resolution calling upon the President to appoint a food coordinator to work with existing agencies in ways similar to those I have described, and I am pleased to join him in sponsoring that Resolution.

I do so, and make my own proposal, in the firm expectation that we can bring relief to a hungry world if we will only rally ourselves and our people and make a determined effort. As Mr. Hoover said after World War II, "if every source of supplies will do its utmost, we can pull the world through this most dangerous crisis. The saving of these human lives is far more than an economic necessity for the recovery of the world. Such action marks the return of the lamp of compassion to the world. And that is part of the moral and spiritual reconstruction of the world."

[From the New York Times, Dec. 19, 1974]
HATFIELD BIDS UNITED STATES NAME A FOOD-AID ADMINISTRATOR

(By William Robbins)

WASHINGTON, December 18.—Senator Mark O. Hatfield, assailing what he called a lack of leadership in the Administration, called today for an effort on the scale of that led by Herbert Hoover during and after World War I to feed the hungry and starving in nations threatened by famine. The Senator, backed by two other liberal Republicans as well as Democrats at an ad hoc Senate hearing on the world food situation, called for appointment of food administrator with responsibilities comparable to the wartime role that the Hoover played to lead governmental and private efforts and motivate people to make necessary sacrifices.

"I suggest that our failure to act is simply a lack of political will and courage," said Senator Hatfield, who is from Oregon. He added that his mail, reflecting widespread compassion, showed that the American people were ahead of their leaders.

A FORD REJECTION CITED

Among other witnesses at the hearing, headed by Senator George S. McGovern, Democrat of South Dakota, was Edwin M. Martin, who was deputy chairman of the United States delegation to the United Nations World Food Conference in Rome this fall.

Mr. Martin, who retired last week as an assistant to Secretary of State Kissinger, disclosed that at the Rome conference, he

supported a call from several Senators for an increased food-aid commitment by the United States. The request, he said, was rejected by President Ford. Mr. Martin said he had thought that "it would be helpful to the United States position in the world if we could announce a minimum commitment," and added:

"I did think it would be useful for the United States to get the credit for what I was sure it would do in the end."

But, noting that the United States was already providing more such aid than any other country, Mr. Martin said he thought it was "unfair to ask the United States to take a second step before others take their first."

HATFIELD IS APPLAUDED

After Senator Hatfield read his statement, the Senate hearing was interrupted by extended applause from an audience of about 300.

Mr. Hatfield recalled that large contributions had helped the American relief effort during and after World War I, and that "20 million Americans signed up" to help produce and conserve food. He went on:

"The success of the European relief program is for the most part attributable to the willingness of the American people to voluntarily respond to the initiatives of their leaders—when their leaders are willing to lead."

RHETORIC AND INACTION

"Despite high-minded rhetoric and admirable intentions, our Government has sat on its bureaucratic hands while millions eke out a malnourished existence or starve. Interagency squabbles have stymied action on high, middle and low options for assistance."

He was referring to disagreements, primarily between the State Department and the Office of Management and Budget, over proposed levels of food aid for this fiscal year, ranging from \$1-billion to more than \$1.4-billion, with the State Department supporting the high figure.

President Ford was asked by the agencies early last week to give them a decision. Food program officials say that continued delay would make it difficult to reach even a middle option—about \$1.2-billion—before the fiscal year ends next June 30.

In response to a question, the White House issued a statement tonight saying: "The President has the matter under consideration. He is aware of the importance of the problem and we expect a decision shortly."

White House aides said that they hoped for a decision before President Ford leaves for Vail, Colo., this weekend.

At the Senate hearing Mr. Hatfield said that his office has been "flooded with mail from constituents voicing their concern and pledging their support of private and public programs to feed the world's hungry people."

IN CHILDREN'S EYES

He quoted from several letters by school children who had seen pictures of starving children. From Yonah, Ore.:

"The little boy was eating a piece of bean and they should have more in their mouth don't you think I do. They are starving to death. If we was them they would send food to us. Why don't you do something?"

Senator Hatfield said an informal survey by his office showed increasing individual contributions to private food relief agencies.

President Ford, he said, "has the authority to take a humanitarian initiative of dimensions similar to those taken by Presidents Wilson and Truman. If he would do so, he could give meaning to the resolutions of the World Food Conference and a sense of leadership to the American people. I urge him to take that initiative."

CUTTING TAXES—FIRST PRIORITY FOR THE 94TH CONGRESS

Mr. HUMPHREY, Mr. President, the current economic policies of the Ford administration, to deal with the worst economic situation since the depression, are characterized by one word—"confusion."

Only in the last few days has there been any indication by the administration that it realizes that we face a "two-headed monster" of inflation and recession; that we have two public enemies, rather than one.

While this is progress, it has taken much too long to face the hard economic facts of life. As disturbing, the administration is still unaware of the real magnitude of the recession and, therefore, is giving little attention to the strong medicine needed at this time to cure our economic ills and get our economy on its feet again.

But, while the administration may not yet understand how serious a recession we are in, I assure you that the American consumer and working family are feeling it directly and suffer under none of the same illusions.

Do not mistake me: Inflation is still a serious problem and will remain one at least through 1975. Yet, the more threatening danger, Mr. President, and the focus of our economic weapons, must be on recession.

Today 6 million American men and women are out of work, and the OECD says the number of the unemployed will climb to almost 8 million next year. We have not had so many people out of work since 1941. Industrial production is almost 5 percent below the 1973 level, and falling. Housing construction is at an 8-year low with unemployment in construction nearly 15 percent. In just over 1 year, the after-tax real income of a family of four has fallen 6 percent.

We know from sad experience that recession has a life of its own. The shutdown of auto plants pushes copper, rubber, glass, plastic, and steelworkers out on the street to join unemployed auto-workers. They stop buying Christmas gifts and clothing—which causes layoffs in retailing and manufacturing. And so it goes, down the hill, gathering momentum, like a giant snowball.

We have been through all of this before and we know how to avoid it. We know how to get the snowball to slow down and finally, to melt away. And we know, all too well, how dangerous it is to stand by and wring our hands in indecision while its destructive momentum accelerates.

The momentum of recession can be halted by forceful and direct action to stimulate the economy through a substantial tax cut. We know that is what should be done. We know that is how unemployment is reduced and income increased. And, we know that this can be done without harming the fight against inflation, because there are many, many sectors now working well below full capacity and thus fanning the flames of inflation. Added demand in those sectors won't start a new round of price increases—but it will reduce unemployment, raise incomes and increase output.

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As far back as last June, I led the fight on the Senate floor for tax relief to head off this recession—a fight to provide tax relief for the low- and middle-income families hurt most by soaring prices, falling incomes and mounting unemployment.

This fight was reflected in the "Interim Report on Inflation" of the Congressional Joint Economic Committee, which recommended in September that tax relief was a necessary and urgent step that we should take.

Again, on September 28, in my summation before the Economic Summit Conference, I repeated the call for tax relief. I urged that recession and inflation be viewed as dual problems, and that we should not attack inflation alone, but fight just as vigorously against recession. As I said then, "inflation erodes income, but recession destroys it."

Two weeks ago, I urged that a \$10 billion tax cut, aimed primarily at low- and middle-income working families, be the No. 1 priority of the 94th Congress when it convenes in January.

This past Monday, December 16, I outlined the details of this tax cut proposal to the Senate and stated my firm intention to introduce this legislation at the outset of the 94th Congress.

This Sunday, the Joint Economic Committee will issue its extensive study of inflation. A principal recommendation in that report will be an immediate \$10 billion reduction in taxes.

In recent days, I have been joined in my call for a major tax cut, by many of our Nation's leading economists and several of our most distinguished business leaders.

Today, in testimony before the Senate Budget Committee, Dr. Charles Schultz, now an associate of the Brookings Institution, urged Congress to enact a major tax cut. As a former Director of the Bureau of the Budget, he is perhaps uniquely qualified to judge the desirability of a stimulative tax cut at this time. Dr. Schultz recognizes, as I do, that a tax cut is vital, if we are to reverse the recessionary momentum and prevent an unnecessary economic tragedy in America.

Mr. President, I urge all of my colleagues to join me in sponsoring a \$10 billion tax cut as the first order of business in the new Congress. I also commend the testimony of Dr. Schultz today, before the Senate Budget Committee, to the careful scrutiny of all my colleagues.

Mr. President, I ask unanimous consent that Dr. Schultz's testimony, "The Economy and Fiscal Policy," be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE ECONOMY AND FISCAL POLICY

(Testimony of Charles L. Schultz, the Brookings Institution, before the Senate Committee on the Budget, December 19, 1974)

Mr. Chairman and Members of the Committee, your Committee has already heard from a distinguished panel of economists about the economic outlook and the kinds of corrective fiscal policy measures which that outlook calls for. In the absence of

strong policy measures they foresee a continued decline in economic activity at least for the next six months, an unemployment rate reaching and perhaps exceeding 8 percent by midsummer 1975, and a real danger of even further deterioration. That picture is widely shared among independent economic forecasters and presents, I believe, a sober and realistic view of the near term economic future. Rather than simply add another voice to this consensus I would like to take that outlook as given and proceed to examine briefly its implications in three areas of interest to the committee:

First, what are the very special features of this recession which must be taken into account in designing fiscal policies to turn it around;

Second, what do current economic problems suggest about how your Committee addresses its first full year of work; and

Third, how does the energy problem relate to our economic difficulties, and how should energy policy be tied in with overall budgetary measures?

I. THE SPECIAL FEATURES OF THIS RECESSION, AND THEIR MEANING FOR BUDGETARY POLICY

The current recession is not a typical economic cycle, in which business spending on plant and equipment and inventories or consumer purchases of durable goods temporarily over-reach themselves, fall off, and with the aid of easy money and stimulative fiscal measures, snap back to more normal levels. There are several more pervasive influences at work that tend to make this recession deeper and more stubborn than has been typical of other postwar downturns.

The first of these features has to do with oil. My colleague George Perry has compared the sudden increase in the price of crude oil that occurred this year to a giant excise tax levied on the American consumer, siphoning off purchasing power and leading to a drop in real incomes. The additional money directly and indirectly paid by consumers for petroleum products goes principally to the OPEC countries and into the profits of domestic oil companies.

Ultimately a large part of this diverted flow of funds will be resented—on American exports to the producing countries and on increased investment in domestic energy sources. But in 1974 and 1975 most of the "oil excise tax" will not be resented—it is being drawn off from the income stream and effectively sterilized. Exports to OPEC are rising, but by a far smaller amount than their increased revenues. Oil and gas industry investments have expanded, but have been offset by a drop in electric utility investment. On balance, only a small part of the "oil excise tax" has been resented on buying goods and services.

Starting with Perry's estimates for the size of the drain, I have conservatively calculated that in 1975 it should amount to a \$25 to \$30 million reduction in consumer purchasing power. One does not need to invoke complex psychological theories of consumer confidence to explain why markets are weak and sales are falling—about \$25 to \$30 million is being removed from the spending stream and not replaced.

The behavior of the federal budget has been exacerbating the problem. In the third quarter of 1974 total output in the American economy was 3 percent below late 1973 and still falling, while unemployment was racing past the 6 percent level. Despite the recession, however, the federal budget (on a national income accounts basis) was virtually in balance during the third quarter. While output was below a year ago, federal revenues, pushed upward by inflation, were 16 percent higher. In practice, even if not through intent, we are reverting to the outdated practice of trying to balance the budget in the face of a rapidly falling economy.

What has brought us to this fix? Partly the problem stems from the fact that in our progressive tax system rapid inflation acts just like an increase in tax rates. Even though for most people money incomes in the past year have not kept pace with inflation, they have increased. People have been pushed into higher tax brackets, despite the fact that their real income is down. Effective rates of taxation have risen. The consequence of having both rapid inflation and recession at the same time is that the federal budget automatically behaves perversely—it gives us tax rate increases at precisely the time we should be having tax cuts to fight the recession. At the same time the real purchasing power of those parts of the federal budget which are determined by fixed dollar appropriations is being reduced, also producing a depressing effect on economic activity.

How large are these budgetary effects? We cannot measure them by looking at the actual budget balance—the rapid decline in output and unemployment is acting to reduce revenues while inflation is acting to increase them. One imperfect but serviceable way to look at the problem is to ask the following question: Suppose this recession had not happened; suppose the rate of unemployment and the level of capacity utilization were the same now as they were in early 1973. What would the federal budget look like? Under those conditions, given the rate of inflation we have experienced, the federal budget would have shifted from a \$7 billion deficit in the second quarter of 1973 to a \$27 billion surplus last quarter—a swing of \$34 billion in less than a year and a half.

In addition to the more usual cyclical influences, therefore, the demand for goods and services has been sharply depressed over the past year by the combination of the oil excise tax and the perverse behavior of the federal budget during a period which combines inflation with recession.

We cannot leave the matter there, however. While the oil price increases are now siphoning off and "sterilizing" a large slice of consumer purchasing power, these funds will gradually re-enter the income stream in later years, in the form of demands for American exports and increased investment in domestic energy industries. The demand depressing effects of the oil excise tax, in other words, have a time profile—large at first, and then diminishing. Similarly the effect of inflation on the federal budget acts initially to depress demand as revenues react more quickly than expenditures, but this effect is likely to be moderated after a time, as appropriations for various programs are eventually raised simply to take account of the higher prices.

Given the economic outlook presented to you by earlier panelists, and the analysis outlined above, what are the implications for the design of fiscal policy in 1975?

First, the economy needs a large dose of fiscal stimulation. By the third quarter of this year, GNP was already 4½ percent or 70 billion below the level which would provide employment for 95 percent of the work force. By the middle of 1975 GNP is likely to be 140 billion below the level consistent with a 5 percent unemployment target, and even further below the traditional 4 percent unemployment target. As I have indicated the current market depressing forces of the oil excise tax and the federal budget are huge—approaching \$30 billion each. The economy has already slipped so far that even with vigorous action it will be a long time before recovery can produce reasonably prosperity. For example, even if a combination of fiscal measures, monetary policy, and good luck turned the economy around by mid-year, and produced a steady growth of 7 percent a year in real output, it would not be until the fourth quarter of 1978—four years

from now—that the unemployment rate would fall to 5 percent.

In the face of these facts small measures will not do. We have an economy of \$1.4 trillion dollars, beset by very large depressing forces. Applying minuscule fiscal policy measures, which add to \$5 to \$10 billion, cannot provide the leverage needed to achieve a reasonable recovery path. How large should the stimulus be? Professor Eckstein suggested a \$25 billion fiscal package to the Committee. In 1964, with an unemployment rate of only 5.2 percent (compared to the current 6½ to 7 percent) an \$11 billion tax cut was enacted to promote economic recovery, and was remarkably successful at doing so. In terms of today's much larger GNP a fiscal stimulus of the same relative size would amount to \$25 billion. I think much more work needs to be done to estimate the magnitude of the appropriate fiscal action, but it is already clear that it will have to be a large one.

The second implication for fiscal policy, arising from the analysis of the current situation, is that some part (though not all) of the depressing forces now acting on the economy will gradually taper off over the next several years. As I pointed out, a sizeable portion of the income drain from higher oil prices will eventually filter back into the spending stream. And the general inflation, which quickly and more than proportionately increased federal revenues, will ultimately be reflected in higher federal outlays. When the depressing effects of these events are at their peak, as they are now, the countervailing fiscal stimulus ought to be large. But the need for fiscal stimulus will diminish over the next three or four years, as the offsetting factors begin to operate. This suggests that some part of the sizeable fiscal stimulus, urgently needed now, be of a temporary nature, and decline in succeeding years. Otherwise we may commit ourselves to a pattern of revenues and expenditures which, however appropriate now, may not fit the needs of 1977 and 1978.

In short, the specific budgetary actions called for by the urgent needs of the present must be designed and evaluated in terms not just of today but of tomorrow as well. And this brings me to my second major topic.

II. FISCAL POLICY MEASURES AND THE ROLE OF THE COMMITTEE ON THE BUDGET

Given the way economic events are unfolding, next year will, I am convinced, see the enactment of large scale budgetary measures aimed at stemming the recession and promoting recovery. There are a number of major choices to be made:

How large should the budgetary stimulus be?

How much of the stimulus should be in the form of expenditure increases and how much in the form of tax cuts?

What kinds of expenditure programs should be increased, judged both by criteria of speed and effectiveness in putting people back to work and by criteria of social need?

What kinds of tax cuts should be enacted; what part should be temporary and what part permanent?

What will be the effect of various actions next year on the budget and the economy in 1976, 1977, and 1978, and how should these projections influence the choices to be made in 1975?

Unless the budget is viewed as a whole, and in the context not only of 1975 but of later years, Congress will never have a chance to make these choices explicitly. Rather a piecemeal series of actions will be taken, on expenditures and taxes, adding up willy-nilly at the end of the session to an overall picture that no one had in mind when voting for or against each particular action. Reasonable people can and should differ over what is the appropriate combination of fiscal measures. But they cannot even carry on an intelligent debate until they have a set of options presented to them.

The situation is, indeed, made to order for

this Committee. You can undertake to design several alternative sets of possibilities, that differ from each other in terms of magnitude, expenditure increase, tax cuts, and temporary vs. permanent effects. You can, at least roughly, trace the consequences of each set on the economy and on the budget. You can outline how choices will affect subsequent years. In doing so you need not come crosswise with other Committees by getting deeply into the detailed design of particular tax or expenditure measures. But by laying out several alternative budget policies in a comprehensive way, and discussing the major strengths and drawbacks of each, in a framework not just of 1975 but of later years, you can, I think, perform an immensely valuable and urgently needed service to the Congress and the country.

For what it is worth, my own choice among the various possible options, at least in very general terms, would run along the following lines:

There are areas in which federal expenditure programs can be used speedily and effectively to spur recovery; but these are limited in number and magnitude, given the size of the needed fiscal stimulus.

A large part of the necessary stimulus must come from a tax cut;

Part of that tax cut should be temporary in nature; or as an alternative, the continuation of part of the tax cut beyond a certain date should be made statutorily contingent on the subsequent enactment of an equivalent amount in revenue-raising reforms;

The benefits of the tax cut should be concentrated principally among the poor and the average worker, as a means of offsetting some of the recent loss in real wages, and restoring purchasing power; to the extent possible the tax cut should be used as an inducement to secure wage restraint during the present period of inflation cum recession; devoting part of the fiscal stimulus to a reduction in payroll taxes would be a highly desirable way of achieving some of these objectives.

But as far as the work of this Committee is concerned, picking out one particular set of choices may not be most immediate task. Rather it lies in beginning to develop, and to analyze, a number of comprehensive fiscal alternatives.

III. THE ROLE OF ENERGY POLICY

It is very important, I think, to be quite clear on just how energy policy relates to overall economic and budgetary policy. Although one major reason for our current economic difficulties is the reduced purchasing power occasioned by the rise in oil prices, economic recovery can not—I repeat not—be brought about by changes in energy policy.

To offset the loss of purchasing power and real consumer spending resulting from higher oil prices we must act through such standard fiscal measures as reductions in taxes or increases in federal expenditures. No matter what we do by way of oil conservation, prices will not return to 1973 levels, nor are they likely to drop very far in the immediate future. There is rationale for undertaking rigorous conservation measures—but economic recovery does not hinge upon such actions, nor would such actions themselves promote recovery.

In the long run we would like to see lower oil prices. Ultimately we must pay for high-price imports through a transfer of real goods and services to the oil exporters. Insofar as we develop high-price domestic fuels we divert scarce resources from other uses. As a consequence, even with full employment and economic prosperity restored, higher oil prices imply some reduction in our living standards below what they otherwise would have been. If world oil prices remain at present levels, domestic prices will eventually match them. The effect will be to lower living standards by perhaps 2 percent below trend. This reduction equals about one year's

normal growth in real per capita income. Insofar as the U.S. is concerned, therefore, we can say two things about oil prices:

(1) The immediate siphoning of funds from the spending stream by higher oil prices depresses demand throughout the economy; this can and should be offset by fiscal measures which increase market demand.

(2) Even with demand and employment restored to prosperity levels, the higher price of energy leads to a reduction in living standards; but this is a moderate, and certainly not a catastrophic drop.

No one knows whether and how world oil prices can be brought down. But we do know that the greater the reduction in the size of the world oil market, the more difficult it will be for the OPEC countries to keep prices at today's levels. A shrinking market means that prices can be maintained only by reductions in output among OPEC countries. And we do know that those OPEC countries with large populations and ambitious development programs are most reluctant to cut back output. Hence, output reduction may have to fall disproportionately on some members of the cartel, thereby threatening its cohesion and effectiveness. Reducing the size of the world oil market, therefore, will not guarantee a price reduction but it will substantially increase the chances of it happening.

Over the next few years the possibility of reducing U.S. imports through the expansion of domestic energy sources is quite limited. Major cutbacks in imports will have to come from reduced consumption. Effective conservation measures by the major consuming countries afford the only realistic means of reducing the size of the oil market in the years ahead.

This then, is the role of oil conservation policy—to increase the long run chances of a reduction in world oil prices, not as a device to restore employment and spending, but as a means of reducing the impact of higher oil prices in a fully employed economy. It is an important objective. But it ought not to be confused with the measures needed immediately to cope with the recession.

One final observation about the relationship of oil conservation to budgetary policy. A large increase in the gasoline tax is a prominent candidate among the measures available to reduce oil consumption (although the President has done his best to knock it in the head every time it emerges). Without going into the merits of taxes versus rationing, I would like to stress two points. First, if a gasoline tax is enacted, it is vital that it be fully refunded through an income tax rebate or other measures. A 20 cent gasoline tax would raise almost \$20 billion. The last thing this economy needs is a further \$20 billion drain in purchasing power. Full rebate of any gasoline tax is critical. Second, a gasoline tax rebate would not provide any net economic stimulus; it would merely offset the restrictive effect of the gasoline tax itself. Hence, the total size of the required tax cut, taking into account both the gasoline tax rebate and the additional fiscal stimulus, would have to be very large indeed. If, after further careful examination, the net budgetary stimulus that is needed should indeed turn out to be in the neighborhood of \$20 to \$25 billion; if most of that stimulus comes in the form of a tax reduction; and if a 20 cent gasoline tax is fully rebated; then the total size of the necessary tax cut would range between \$35 and \$40 billion.

ADDRESS BY ROBERT R. COKER ON THE HISTORY OF SOUTH CAROLINA AGRICULTURE

Mr. THURMOND. Mr. President, recently Dr. Robert R. Coker, president of Coker's Pedigreed Seed Co. of Hartsville,

S.C., spoke to the Southern Regional Planning Committee on the history of South Carolina agriculture. Dr. Coker is widely known for his agronomic work as a plant breeder. He has given outstanding leadership to many agricultural groups throughout his distinguished career and has been honored numerous times for his agricultural contributions.

Dr. Coker recently addressed the Southern Regional Planning Committee. This is a joint planning effort among the State agricultural experiment stations of our land grant universities, the colleges of 1890, the schools of forestry, extension service, and various agencies in the U.S. Department of Agriculture involved in agricultural and forestry research.

In his presentation, Dr. Coker pointed out that the chronicle of agricultural development in South Carolina was representative of the agricultural history of most Southern States. He then proceeded to trace that fascinating history from the early days of rice and indigo, through the days of the War Between the States when cotton was king, to the ascendancy of the principal modern-day agricultural crops in South Carolina—soybeans and tobacco.

Dr. Coker emphasized the role of agricultural societies and the research and extension efforts of land grant colleges in making farming a highly scientific enterprise. He noted that "brain power and intellectual life are working intensely on the land now, applying the laws of nature and economics" to all phases of agricultural production and marketing.

Mr. President, I think Dr. Coker's address is particularly appropriate with our Nation's Bicentennial approaching. This is an excellent time to look back on where we have been in agriculture, evaluate our present state of affairs, and chart our course for the future. Dr. Coker's remarks are helpful toward that end, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA AGRICULTURE—PAST AND PRESENT (Remarks by Robert R. Coker)

I count it a privilege to talk about the history of South Carolina agriculture before so distinguished a group as the Southern Regional Planning Committee who have honored us by holding their meeting in the Carolina low country at Hobcaw Barony where landmarks of agricultural history are woven into contemporary research in agricultural science.

In his initial communication with me, Dr. Halpin suggested that I speak on the general subject of agricultural history in the South. Since this appeared much too broad a subject to treat in limited time and space, even if I felt adequate to the task, I sought and received his permission to limit my remarks to a brief survey of the history of agriculture in South Carolina. In a sense, this will serve the purpose of his initial request since, in broad terms at least, the history of agriculture in South Carolina or in almost any Southern state is, with some exceptions, the history of Southern agriculture in microcosm.

The advanced stage of agriculture today makes it difficult to imagine the beginnings when first attempts were made to convert

wilderness lands into productive field and pasture. The records tell us that the first settlers brought with them cotton seed, ginger roots, canes, several sorts of vines, and olives. Forests covering the land were so dense that it took six men six weeks to clear six acres. Stimulated by a warm moist atmosphere and fed by a rich soil, vegetation grew luxuriantly and continually threatened to take back into the forest the small acreage cleared for cultivation.

About 1689 rice made its appearance when a New England slave ship put into the Charleson harbor and Dr. Henry Woodward obtained from its captain about a peck of Madagascar rice. Within 20 years, rice industry had developed in South Carolina with sailing vessels from many parts of the world putting into the Charleston and Georgetown harbors to take on rice cargoes for delivery in principal parts of the world. Prosperity resulting from the cultivation of rice produced a wealthy planter aristocracy with which the romantic South is still identified. Hobcaw Barony, where your meeting is being held, is in the midst of an area where rice culture spawned a wealth and a civilization still identified by the splendid homes and spacious grounds of antebellum mansions built along the rivers that flow into Winyah Bay at Georgetown.

The rice industry flourished in South Carolina for more than 150 years. Being mainly hoe cultivated and hand harvested, it lent itself naturally to slave labor. But with the freeing of the slaves and the development of rice fields in the Southwest where the crop could be handled principally by machinery, the rice industry in South Carolina began to fade out of the picture and by the early part of the present century it belonged to history.

About the time that rice was introduced into the state, indigo put in its appearance. The plant came from the West Indies and was first successfully grown and processed by Eliza Lucas, who became Mrs. Charles Pinckney. Indigo and rice culture prospered together for almost a hundred years. The production of indigo was encouraged by English demand for it and an English bounty paid on each pound shipped from American to British ports. But when the American colonies declared their independence from Great Britain, the bounty ceased and with its termination the value of indigo as a commercial crop ceased.

Cotton was planted in South Carolina during the first year of the colonial settlement but its importance as a commercial crop was not realized until Eli Whitney invented the cotton gin. The effect of Whitney's invention on cotton production is shown by the fact that South Carolina's million and a half pounds of cotton produced in 1791 had increased to 20 million pounds in 1801, or an increase of almost 2000 per cent in a 10-year period. The cotton gin also had the effect of firmly attaching the ante-bellum South to a slave economy.

Cotton production increased steadily until 1860 when 350,000 bales were produced, valued at about \$14 million. The Confederate War and Reconstruction resulted in a sharp decline in production, but by 1880 it had come back strongly with a production of 450,000 bales. By 1911 it had reached a record of over a million and six hundred thousand bales. Then came the boll weevil, combined with the high cost of production and low market value to put cotton on the decline again.

The culture of long staple Sea Island cotton had spread rapidly up and down the coast and brought a golden age to agriculture in the Sea Island country. Large fortunes were made among Sea Island growers. But just past the turn of the century when the boll weevil put in its appearance, the fabled story of Sea Island cotton came to an end

because its paper thin bolls and late maturity date made it ideal for destruction by the weevil.

Tobacco culture was of only minor importance in South Carolina until late in the 19th century when the first commercial crop of flue-cured tobacco was grown in the Pee Dee. By the mid-90's it was on the road to becoming a major crop destined to replace cotton as the foremost crop in South Carolina.

The decline in production forced on cotton by the boll weevil not only stimulated the production of tobacco, it also introduced an era of wide diversification on South Carolina farms including truck produce, grass-land farming to support a livestock and dairy industry, poultry production, tree farming, and in the early 1950's an emphasis upon soybean production which by the late 60's and early 70's had become so extensive as to vie with tobacco as the leading South Carolina crop. Soybean's ascendancy is one of the more remarkable developments in recent years.

From 1935-44 the average acreage planted in South Carolina was 74,000 acres of which only 10,000 was harvested for beans, the rest being for forage. In 1935 the average per acre yield was 6.9 bushels, but by 1971 the acreage planted for beans was 1,070,000 acres and the average yield had increased to 21.5 bushels per acre.

Why this spectacular rise in soybean production? Numerous reasons may be given. Soybeans are easier to grow than some crops. Because they produce their own nitrogen nodules, they require less fertilizer and are therefore produced at lower cost. They are also highly adapted to mechanization throughout the entire growth and harvesting process. Extensive work in varietal development in the 1940's and 50's had resulted in the development of high-producing, shatter-resistant varieties, and a world wide demand for additional protein had produced a ready and profitable soybean market. This combination of circumstances, beginning in the middle 50's and extending through the 60's into these years of the 70's, spiraled soybean production upward into a position in which it now challenges tobacco as the state's principal crop.

Through its long agricultural history, South Carolina has seen one money crop replaced and another grow to temporary ascendancy. The downfall of indigo supported the uplift of rice, then both of these were lost to cotton. During the teen years and the early 20's when the boll weevil was marching across the state's cotton fields, cotton began to lose its top rank as a money crop as tobacco came to prominence in the Pee Dee and pushed cotton from its longtime throne. Now today, soybean acreage is spread so extensively across the state that tobacco is no longer the unchallenged leader of South Carolina crops. Of singular significance is the diversification which now characterizes South Carolina agriculture in contrast to earlier years when emphasis centered chiefly in one primary cash crop.

The factors involved in this progression of change were many and varied. In the case of rice, the labor was lost; in the case of indigo the market was lost; in the case of cotton it became a struggle between man and an insect. It was the first time that South Carolina farmers had been faced with the threatened loss of their primary income from insect damage.

But long before this happened, farsighted leaders had come to understand the relationship between science and cultivation of the soil. Indeed, the dawn of the 18th century saw the beginning of a new era for agriculture in most parts of the world. Agriculture was still called an "art," but it was fast taking on the earmarks of a science. Back in England, the farmers had copied

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lessons from the industrious and progressive Dutch, and were growing turnips and tulips for the first time. Stock-raising was no longer regarded as an alternate to crop-growing, but an important part of any farming enterprise.

In Carolina experimentation became the keynote of the planters' activities. They seized onto new crops with eagerness, and once the seed was procured, lost no time in making tests. With dogged determination they went ahead with their experiments in spite of disheartening obstacles. These early South Carolinians had no government technicians to consult, no scientific treatises to aid them, and few labor-saving devices. Each plantation was a kind of laboratory, and each planter a pioneer in agricultural science.

Among the early ones in South Carolina away from the rice-growing coastal country was David Rogerson Williams of Darlington County, three times a member of the U.S. Congress, a brigadier general in the War of 1812, and a one-term governor of South Carolina beginning in 1814. He was a pioneer industrialist who built and operated one of the first cotton manufacturing plants in the South, and a multiple plantation owner who introduced the mule to Southern agriculture and pioneered in scientific agricultural methods, including land reclamation, irrigation, and use of river silt for soil enrichment on his plantations along the Great Pee Dee River in Darlington County. Governor Williams, little remembered in South Carolina today, was one of the state's most remarkable men and an authentic prophet of the role destined to be played by science in the future history of American agriculture.

Like the colonists of earlier years, post-Revolutionary planters, like Williams, were experimentalists eager to obtain new knowledge and share it with other planters. It was from this desire to spread knowledge of agricultural advances and discoveries that agricultural societies were formed. The first of these was the Agricultural Society of South Carolina organized August 24, 1785, with Thomas Heyward, Jr. as first president. In an address to the Society three days after its organization, he opened his remarks with the following declaration:

"After having gloriously succeeded by assistance of Divine Providence and our own exertions in terminating a war which has laid waste our country, it is incumbent upon us equally to promote and enjoy the blessings of peace. These blessings of peace cannot be effected by any means more interesting and advantageous than by turning our attention to the cultivation and improvement of our fields. We ought not only to think of restoring their former appearance, which has been defaced by the horrors of war; but as by the events of that war, the fruits of the labor we shall now bestow upon them are now secured to our own, and not at a master's disposal, we are encouraged and should be induced to make further exertions for rendering both their beauty and their produce greater."

This and other societies like it, among them the Pendleton Farmer's Society founded in the early 1800's, and the Darlington Agricultural Society founded in 1846, pointed toward founding of the U.S. Department of Agriculture and the Land Grant Colleges in 1862. Subsequent passage of legislation establishing State Experiment Stations and State Extension Services within the Land Grant college system provided that a fair share of the operating funds be supplied by the Federal Government on a matching arrangement with the states.

Thus, what had been individual planters experimenting on their own and agricultural societies sharing the knowledge and experience thus obtained now became an organized system for marshalling the resources of government in cooperation with colleges and universities to bring the full benefits of science to American agriculture.

Thomas G. Clemson died in 1888, leaving the bulk of his estate to the State of South Carolina for founding, on certain conditions, an agricultural and mechanical college. Born in Philadelphia in 1807, he received a Paris education in chemistry, metallurgy and mining. He also became a friend of John C. Calhoun and married his daughter. For some years as a South Carolina planter, he put his ideas in practice, drawing upon his observations of European interest in agricultural and technical education while serving as U.S. charge d'affaires to Belgium. South Carolina accepted his gift and in 1893 opened the doors of what is now Clemson University to 446 students. It was the beginning of a new day for agriculture in South Carolina.

Postdating Clemson's opening by only nine years was the pioneering work of David R. Coker who in 1902 initiated the first successful commercial cotton improvement program in the United States based on scientific principles. Son of Major James Lide Coker, a Confederate war veteran, he inherited his father's love for growing things and a philanthropist's desire to translate that love into a better life for his native South. He initiated his work not as a business enterprise but as a pure service to Southern farmers. It was not until 16 years after his initial work began and long after the value of scientific plant breeding had been demonstrated that he agreed to the establishment of Coker's Pedigreed Seed Company, a commercial corporation independent of the general merchandise store under whose wings it had functioned and been financed.

I will not go into the historic particulars of this now 72 year old plant breeding organization founded by my father, and of which I now have the honor of being president. It is enough to say that its work has been and continues to be an integral part of the revolution in Southern agriculture which has characterized the 20th century. By the work of ourselves and others in the private sector, in which we are joined in many common efforts with the U.S. Department of Agriculture, the Land Grant colleges, and their Experiment Stations and Extension Services, old, slow, expensive methods have been replaced by others which are new, rapid, efficient, and economical. Unscientific farming practices which depleted the soil, wasted land and labor, and neglected resources are now replaced by others based on scientific principles and practices. The science of plant breeding has made available pure seed stocks of improved, disease resistant, high yielding, high quality, adapted varieties. An old one-crop economy is now diversified farming in which livestock, row crops, and tree farming are achieving balanced use of our land resources.

All of these developments, plus mechanization, high capital investment, and virtual elimination of the small farm are part of the history of South Carolina agriculture during these 20th century years.

Some fifty years ago, a poet wrote sadly: "More and more men in our modern civilization drift out of Nature, out of sweet air, health, strength, beauty, into the cities. . . . Is here any prophet, any statesman, any leader who will, like Moses once led the Israelites out of Egyptian bondage, excite the human imagination and lead humanity back to Nature, to sunlight, to starlight, earthbreath, sweet air, beauty, gaiety, and health?"

Brain power and intellectual life are working intensely on the land now, applying the laws of nature and economics to seed, soil, plant, produce, working on frontiers of plant breeding, disease and insect problems, marketing, and all the vastly complex business of today's agriculture.

No better proof of this is needed than this gathering of distinguished agricultural scientists dedicating their efforts toward finding solutions to these very problems.

We've come a long way from those days when Eliza Lucas experimented with indigo, when rice plantations spawned an aristocratic culture in this coastal country, when cotton plantations and slave labor were synonymous terms, and when agricultural societies were the medium for exchanging information on experimental projects. But we have yet far to go, and that is your challenge and mine.

HISTORIC PRESERVATION AND THE LAND AND WATER CONSERVATION FUND

Mr. KENNEDY. Mr. President, the bill passed by the Senate to increase the Land and Water Conservation Fund and to establish the National Historic Preservation Fund is among the most important pieces of legislation that we will have the opportunity to act on in this Congress. It provides the funds to protect our most precious and our most fragile resources—our land and our water and our cultural heritage.

The Land and Water Conservation Fund established in 1965 provides funds for the acquisition of lands administered by the Federal Government as recreation areas and for matching grants to State and local governments for planning, acquisition, and development of recreation lands and facilities. Fund revenues are derived primarily from the sale of Federal surplus property and Outer Continental Shelf mineral receipts.

The legislation is designed to take advantage of the rapid increase in mineral receipts from the leasing program and is a direct response to the increasing backlog of recreation land acquisition needs on both the Federal and State level.

The bill provides for an increase in the Land and Water Conservation Fund to \$1 billion which is a crucial first step in catching up with the backlog of acquisition and recreation needs in this country. The National Park Service alone estimates it will need \$638 million to complete its land acquisition backlog.

An important amendment to this bill offered by Senator BUCKLEY and Senator WILLIAMS will assure that where the recreation needs are the greatest, the money will be more available. By adjusting the allocation formula to provide that 75 percent of the money available to the State will be distributed on a need basis, we insure that in the densely populated areas of the east coast where green space and recreation is needed most and least available, that acquisition can proceed on a level in some way commensurate with the need.

There are some areas in this country where legislation especially suited to the complex problems of preservation of our resources is required; where simple acquisition cannot solve the problems. In the Commonwealth of Massachusetts, the islands lying off the coast of Cape Cod require an innovative program of management which will allow the local residents to determine how to curb overdevelopment on privately owned lands.

In Boston, we have worked out a framework to protect the sites of the Revolutionary War period and at the same time leave ownership in the hands of those who have cared for these landmarks for 200 years. In the Connecticut River valley, a plan which provided areas

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of recreation as well as areas suitable for residential and commercial growth has been the subject of legislation at both the State and Federal level.

But the fact remains that there are thousands of places in this country where acquisition for the development of recreation areas is feasible and the most effective way to accomplish our goals. Those most expert in the field, the National Park Service and the agencies of the States themselves have identified these areas. Only the lack of sufficient funds has hampered this effort. And today we have an opportunity to begin turning that around.

There is no one today who would suggest that preservation of our resources is optional or that development of recreation areas is frivolous. We have lost a great deal of time by not authorizing adequate funding sooner; and we have lost some valuable resources that are not renewable. We can assure today that this tragic loss is not perpetuated.

Of all the depressing accounts of lost resources, one of the most distressing is the destruction of so much of our history as a nation. As testimony before the House Interior Subcommittee on National Parks and Recreation substantiates, over 50 percent of the 12,000 buildings listed in the Historic America Building Survey since 1933 have been destroyed. There is nothing we can do to bring those symbols of history back to life for our children. But we can see that this kind of senseless loss is stopped by providing the financial assistance crucial to the historic preservation effort.

By setting up the National Historic Preservation Fund to provide financial assistance to the States, we have not solved all the problems in historic preservation. We need a greater emphasis on planning the development of new methods of preservation, and greater support of local community preservation groups. But the financial assistance that the fund will provide is critical in demonstrating our commitment to preservation of our heritage.

Historic preservation is not building museums dedicated to the past. It is not making a showcase of relics and artifacts of our history. It is not cordoning off antique buildings and furniture. Historic preservation is breathing new life into our cities and making our birth and growth as a nation come alive for all our young people. Mr. Tersh Boasberg of Preservation Action pointed out in his testimony:

Fed by the national concern for environmental quality and the upsurge of Bicentennial interest, the preservation movement offers a real hope that our cities yet can stave off economic and social catastrophe. . . . Over 80 percent of our Nation now lives in urban areas. Our interest in historic preservation is no more or less than a concern for the quality of life in Twentieth Century urban America. For historic preservation means not only recognition of the values and landmarks of our past; but it means community renewal, economic development, and local progress for our future.

The action we take today in acting favorably on legislation to increase funding for historic, land, and water conservation is in no way inflationary; it is an

investment in our future. It is not expenditure without gain; it is the acquisition and conservation of life-giving resources and the preservation of the finest moments of our past.

HISTORIC BROADCAST FROM THE SENATE CHAMBER

Mr. TAFT. Mr. President, today is a historic occasion in the Senate for two reasons.

First, NELSON ROCKEFELLER is to be sworn in as the 41st Vice President of the United States. I join my colleagues in congratulating him. I voted for his confirmation and believe he will be an excellent addition to the executive branch.

Second, television cameras will be permitted in the Senate Chamber to transmit this important occasion to the American public. This will mark the first time in the history of the Senate that such broadcast coverage has been authorized. I commend Senator HUGH SCOTT and Senator ROBERT C. BYRD for their leadership in introducing Senate Resolution 452 which makes this possible.

Such experimentation with broadcast coverage of Senate Chamber proceedings, has considerable merit. It certainly is consistent with the objectives of Senate Resolution 447 introduced by Senators METCALF, HUGH SCOTT, ROBERT C. BYRD, GRAVEL, and myself. This resolution which incorporates the recommendations of the Joint Committee on Congressional Operations' Interim Report on Congress and Mass Communications, Senate Report 93-1275, provides for experimentation in broadcast coverage of regular Senate Chamber proceedings during the first session of the new Congress. Senator METCALF, the distinguished chairman of the joint committee, and I are extremely hopeful that expeditious action will be taken on this proposal in the 94th Congress.

In the December 21, 1974, issue of New Republic, an article entitled "Televising Congress" makes some excellent points in this area, and I believe it quite appropriate that it become part of the Record of this historic occasion. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

TELEVISION CONGRESS

Sen. Lee Metcalf of Montana, chairman of the Joint Committee on Congressional Operations, last week introduced a resolution that, if passed by the Senate, would authorize a year-long test of radio and television broadcasting of the upper chamber's floor debates. Ironically none of the three network television news shows that night (December 9) reported that fact, nor did *The Washington Post* or *The New York Times* the next morning. If Capitol Hill newsmen ignored the story because they thought Metcalf's resolution had no chance of being approved, they have another think coming. At the last minute Metcalf picked up as co-sponsors Sen. Robert Byrd, Democratic Whip of the Senate and de facto floor leader, and Sen. Hugh Scott, the Republican chief, Byrd and Scott are important for reasons beyond their leadership positions. Both are members of the nine-man Senate Rules Committee, which will take up the measure.

For years the major networks have been requesting the Senate and House to allow

live coverage of major debates and votes. The rules in both bodies prohibiting such exposure were drawn up at a time when strong leaders such as Speaker Sam Rayburn resented having legislative deliberations under the camera's candid eye. The rules have remained untouched, though television has grown to be the prime news source for most Americans. As Presidents took to using television more and more to press their causes, Congress—an equal branch—was in no position to respond with equal force. Sen. Byrd has pointed out the incongruity: "Where a struggle exists over spending authority, the President can use television to veto a bill in full view of the American population—he can take what conceivably could be a private act and make it public. The subsequent Senate vote," Byrd went on, "to override or sustain the veto, however, cannot be seen by the general public, only by the 425 persons accommodated by the public gallery."

Watergate and the televised impeachment hearings of the House Judiciary Committee helped to demonstrate the power of TV to the Congress. To the surprise and pleasure of the House leadership, most of the committee members appeared on the screen as serious, thoughtful men and women. Prior to Mr. Nixon's resignation the House Democratic leadership—long opposed to the introduction of television—made final preparations to allow microphones and cameras to cover floor debate of the expected impeachment resolution. On the Senate side, with the active support of Robert Byrd and Majority Leader Mike Mansfield, it was a foregone conclusion that cameras would be on hand to televise the impeachment trial.

And yet an undercurrent of congressional opposition still runs against the type of coverage proposed by Metcalf. There is anxiety that the mere presence of cameras will turn Congress, as it has party conventions, into a "media event." There's anxiety that TV may force members to come to the floor when they should be doing committee work, or that network news programs may distort floor action by selective use of taped debates, or that cameras will focus on embarrassing situations.

Recognizing this, the Metcalf proposal sets up a test for one year, giving the Senate a chance to see how broadcasters use their new liberty. At first cameras in the Senate chamber would be turned on for a 60-day trial period, with receivers set up in strategic spots such as the Senate cloakroom and areas within the Capitol and Senate office buildings. After 60 days continuous television coverage would be initiated and networks and local broadcasters would be permitted to use excerpts from the tapes in news shows and documentaries. Live coverage would be allowed only in special situations.

In Florida and Connecticut public television broadcasts state legislative proceedings. Both states found that after a time the legislators managed to forget the cameras. No doubt when the cameras first appear on the Senate floor, they will be inhibiting. For a while, the old casualness, the few impromptu outbreaks in heated debate, the delays that permit compromise will be replaced by an attempt to appear more orderly. But as a former Senate official and now a Washington lawyer, Harry McPherson, told Metcalf's committee last spring, "I suspect that in time [Senators] will come to realize that their viewers, their voters, that some compromise is necessary in public life, as it is in private life. And that will free them to be the natural political animals they are."

A major unanswered question was raised by Rep. Claude Pepper of Florida at the Metcalf hearings. "There might come a time that we found abuse," he said, "that we found [the networks] were only putting the Democrats on, only putting the Republicans

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on, and not giving fair coverage." To Pepper, opening the Senate floor to television cameras is a "privilege" to be granted by Congress to the networks, not a right. And for that "privilege," the networks, he believes, should be held accountable for their coverage. If there is one long-term journalistic danger in the Metcalf plan, it is precisely that network newsmen would be held accountable to Senate-approved "procedures" to ensure that broadcast coverage is carried out in a nonpartisan manner and is fair and equitable in recording the views of members participating in floor proceedings."

RETIREMENT OF PORTER MORGAN WARD

Mr. CHURCH. Mr. President, Mr. Porter M. Ward, a close, personal friend of mine long before he became a staff member of the Senate's Interior and Insular Affairs Committee, will retire at the end of this year. He thus completes 18 years of faithful service on Capitol Hill.

During the 8 years he worked as my press secretary, he was always dependable under the pressures of a heavy load and never missed a deadline. It was here that he developed the reputation for pounding the "fastest typewriter in the West." I will always be grateful for the service he rendered me.

Before coming to Washington as my press secretary in 1957, Porter Ward had already distinguished himself in the field of journalism. He literally cut his eye teeth on newspapers in the State of Washington, moving on to bureau chief for the United Press International in Spokane, Wash. and then Portland, Oreg. He was also managing editor of the Lewiston, Idaho, Tribune, a newspaper of great reputation, not only in Idaho but throughout the whole of the Northwest.

During World War II, Porter served in the Counter Intelligence Corps, assigned to duty in the Far East.

Following the war, Porter returned to Idaho, where, for several years, he was a prominent legislative newscaster, as well as the author, director and producer of dramatized stories of our State's rugged and colorful history.

Porter headed up his own public relations firm in Boise, before coming to Washington.

Since he signed on as a professional staff member of the Senate Interior and Insular Affairs Committee, Porter Ward has made significant contributions to the successful enactment of landmark legislation relating to outdoor recreation. Major bills to which he has given particular attention have established: a Nationwide System of Trails, a National Wild and Scenic Rivers System, and the Sawtooth National Recreation Area. More recently, he has worked on the bill to create a Hells Canyon National Recreation Area, which has passed the Senate but still remains to be considered by the House. These are the most important bills, but they do not embrace countless others which required and received his skillful handling since he became the Interior Committee's staff man for the Public Lands Subcommittee.

One of Porter's principal contributions to the committee and, in my judgment,

to the conservation movement, was facilitating the procedure by which new wilderness areas are added to the National Wilderness Preservation System. He joined the staff after the enactment, in 1964, of the Wilderness Act, just before the committee had to work out procedures for adding new tracts to the basic system created by the original bill. As the administration began submitting its proposals for such additions to Congress, as required by the law, Porter Ward, more than anyone else, helped set up the ground rules by which these areas are assessed for inclusion in permanent wilderness for the benefit of future generations of Americans.

Porter was also very helpful in implementing legislative considerations of amendments to the Initial Land and Water Conservation Fund Act. This measure, in my opinion, has provided the means by which we will attain our goal of furnishing the people with adequate outdoor recreational facilities through coordinated action at the National, State and local levels.

In addition to his legislative duties, Porter Ward was also the committee press liaison officer. In this capacity, his warm and wonderful personality was of great help to the committee. He was liked and admired by all those who dealt with him, including the staff, the general public and the media. His easy-going manner and personal charm proved to be a tremendous asset during the years when the committee considered and approved milestone legislation relating to our great outdoors.

For his services, we are in his debt. And as he leaves for a much-deserved retirement, I want to wish him the best of everything. I hope the years ahead are happy, and I am glad that he will be close by where we can call upon him, from time to time, for good counsel.

BILINGUAL EDUCATION

Mr. KENNEDY. Mr. President, earlier in this session, I was pleased to see the enactment of a major reform and expansion of the Federal bilingual education law.

The provisions ultimately adopted in H.R. 69 by the Congress and signed into law by the President, Public Law 93-380, represent the combination of bills which I originally introduced with Senator CRANSTON. On October 9, 1973, I introduced S. 2552, the Bilingual Education Reform Act of 1973 and Senator CRANSTON introduced S. 2553, the Bilingual Education Amendments of 1973. Both bills were cosponsored by Senator MONTANA.

This was the first substantive review of the original bilingual education legislation enacted in 1967. It followed a series of evaluations conducted by the General Accounting Office, by the Select Committee on Equal Educational Opportunity and the U.S. Civil Rights Commission as well as reports from organizations and groups with special concerns in the field of bilingual education.

Following a hearing of the Senate Education Subcommittee, a measure combining the features of the legislation Senator CRANSTON and I had introduced

was drafted. That measure was included in the Senate version of H.R. 69 and, to a significant degree, its provisions were adopted by the House-Senate conference and enacted into law.

Our action came with the knowledge that existing Federal programs were serving only a small percentage of the limited English-speaking students in need of the program. Whether the administration estimate of 1.8 to 2.5 million children as the target group, or the U.S. Civil Rights Commission estimate of 5 million children is used, the number served by bilingual education programs, whether funded by Federal, State, or local entities, is pitifully small.

Coming in the wake of the Lau decision, we felt it was essential to stress not only an increase in the number of programs funded by the Federal Government but to expand dramatically the development of the human and material resources necessary for a quantum jump in local and State supported bilingual education programs.

Thus, the new provisions of the law represent a new congressional mandate to support the preparation and training of teachers, administrators, counselors, paraprofessionals and other resource bilingual education personnel.

At least \$16 million of the first \$70 million appropriated is to be directed to these purposes as well as one-third of all appropriations in excess of \$70 million. It is my expectation that this reservation will be in addition to funds used for the purpose of preservice and inservice training under the 15 percent requirement of section 721(b) (2) (B).

I also am pleased that the conferees maintained the fellowship provisions of the bill, a minimum of 100, and I would expect that this program will quickly become an aid in the preparation of the college-level bilingual teaching staff necessary to prepare teachers for elementary and secondary school bilingual programs.

It is clear from the testimony we received that there is a compelling need for additional bilingual education teachers across the Nation.

The definition of a bilingual education program was revised and section 703 (a) (4) (A) now recognizes that in order for limited English speaking children to progress through the educational system and to have the same opportunities as their English speaking counterparts, they must have instruction in their native language and the courses must be given with full appreciation of the culture of the children.

The definition of a bilingual program turns away from the English as a second language approach except where TESOL is part of a full bilingual program in which the native language of the child of limited English-speaking ability is used to transfer skills and to acquire knowledge and where the limited English-speaking child—as most educators recommend—is or becomes literate in his native language and then transfers that literacy to English. It includes as well full appreciation of the culture of the child in aspects of the program.

The U.S. Civil Rights Commission outlined the concepts that were included in

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a new definition of a bilingual education program, concepts which I read to the conferees in arguing for the basic elements of the new definition. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the concepts were ordered to be printed in the RECORD, as follows:

1. Using the native language to teach other subjects allows the child's education to continue uninterruptedly from home to school. This permits immediate progress in concept building and learning subject matter rather than postponing these important areas until a second language is learned. It thus eliminates the situation which leads to such unsound practices as requiring non-English speakers, as a matter of course, to repeat the first grade to learn more English—a practice the Commission found commonly used in the five Southwestern States with regard to Mexican American children.

2. Teaching a child to read first in the language he brings with him facilitates his learning to read and write in a second language because the basic skills of reading are generally transferable from one language to another. Many linguists and educators hold as axiomatic that the best medium for teaching is the mother tongue. To quote Drs. Trolke and Saville of the Center for Applied Linguistics: "Recent experiences in many places prove that an equal or better command of the second language is achieved if school begins with the native language as a medium of instruction and introduces the second language gradually."

3. Curriculum which incorporates the students' familiar experiences, community, history, and cultural heritage will help build pride and self confidence in the student, and by being more relevant to the student's personal experiences heighten his interest and motivation in school. This principle is one the Commission has stressed in its recommendations on Mexican American education. Because language is so much a part of culture, a program which utilizes the child's native tongue can more fully incorporate his or her cultural background. Other language programs, designed simply to impart a knowledge of English to non-English speaking students are not as likely to successfully foster personal identification and self-worth in language minority students.

4. By integrating the language and cultural background of all students, bilingual-bicultural education reinforces and increases the communication between home and school. When schools communicate with parents in a language they can understand, when parental input into school programs is solicited and efforts are made to include parents in school activities, they will become more responsive and will play a more active role in the education of their children. This in turn will have a positive effect on the students' motivation and achievement.

Mr. KENNEDY. Mr. President, the inclusion of the native language and culture is basic to the concept of bilingual education. Further, educational research bears out the necessity for instruction in the native language and inclusion of the native culture in any child's intellectual development. These factors also were considered by the conferees prior to reaching a final decision.

Research conducted by the Civil Rights Commission shows that learning through the native language and culture are especially critical as the child is first learning concepts and developing basic skills. The use of the native language usually facilitates the development of reading

skills, since the child is better able to learn to read in a language he or she already understands. Children similarly are better able to develop oral fluency in their native language. In addition, the full development and respect for a child's language has a direct bearing on his or her conceptual development, since language is the major vehicle of learning.

Inclusion of a child's cultural background in the basic curriculum is as important as native language instruction, since relevant curricula increase the chance that students will take an interest in and effectively learn from materials presented.

A student's attitude toward himself and learning is an important determinant in his or her success in school and in second language learning. This further testifies to the value of bilingual education, since the inclusion of a child's native language and culture enhances the development of a positive attitude through reinforcement in the school of the child's personal experience and background.

The superiority of bilingual education programs in developing fully the native language of the child while enhancing the learning of English has been evident in a number of case studies by the U.S. Civil Rights Commissions.

In San Francisco, Calif., for example, where 135 children are enrolled in a bilingual program for grades 1-3, Chinese students, many of whom are recent immigrants, in the bilingual program, scored 1½ years ahead of students in the district ESL programs in reading and mathematics. In addition, they scored 1 year ahead of all students in the district, and 5 months ahead of the national norm for third graders.

The "Arriba" program, which provides bilingual education for pupils in grades 3-12 in several schools in Philadelphia, Pa., shows that the dropout rate of language minority pupils can be greatly reduced as a side effect of bilingual education.

Of the percentage of Spanish-dominant pupils graduating in 1973 who had been in the program since the 10th grade, participating students were four times as likely to graduate as were Spanish-dominant pupils in the same school but who were not participating. City-wide, Spanish-dominant pupils in the program were nearly twice as likely to graduate as were nonparticipating Spanish-dominant pupils.

A fiscal year 1973 evaluation report from the Rock Point, Ariz., bilingual program for Navajo students indicated that at the end of the second grade, students taught to read in Navajo and English showed an average level of achievement on the Stanford achievement test of 2 months higher than the average student in the Chinle Agency BIA schools. These students also passed a Navajo reading comprehension test with 98-percent accuracy, indicating that the Rock Point children can operate in English as well as those children in predominantly monolingual English programs and they have learned to read and write as well. Navajo first graders taught bilingually are at the end of first grade already

working with second grade arithmetic materials.

One of the most successful programs which has changed both community sentiment toward the program and toward second language learning is the bilingual program in Johnstown, Colo. In October of the first year of operation, questionnaires were sent out to community members regarding their sentiments toward the program or toward their child being in the program. Responses indicated that around 80 percent of the community was not in favor of such a program. However, the superintendent backed the program strongly. It was he who insisted that the program must have a significant proportion of English-speaking students of the community benefiting in order to succeed. The program consists of 50 percent Spanish speaking—chicano—and 50 percent English speaking. The program was well planned, with a great deal of emphasis placed on reading skills. Last year another attitudinal survey was made of the community of Johnstown. The results showed a total reversal of community attitudes with almost 70 percent of the respondents in favor of the program. However, more impressive than this is to see children of both groups communicating amicably and proficiently in both languages, according to program evaluators.

The new law permits funding of preschool, elementary, and secondary school programs, although it was the expectation of the Congress that the vast majority of the funds for programs would go to the early elementary school grades.

In addition, the law stresses a new bilingual research requirement for the National Institute of Education to be conducted concurrently with the Office of Bilingual Education. The Office itself was upgraded from its previous designation as a division and the change was specifically designed to provide direct communication between the director of the Office and the Commissioner of Education.

In addition, a national review of the program and a study of national needs along with an estimate of a 5-year program for meeting those needs is to be prepared by November 1, 1975.

The program also provides an incentive for State educational agencies to become more active in the area of bilingual education.

Overall, the title VII program has been extended through fiscal year 1977 with authorizations climbing to \$160 million in that year. Separate authorizations in addition to that amount are provided for State administration and research.

In the original legislation, I introduced separate amendments which were included to remedy the traditional lack of attention to the special needs of the limited English speaking in other federally supported education programs. Most of these provisions were retained in the final law. Thus, in both adult education and library services programs, new attention must be directed at the needs of the limited English speaking.

In the area of vocational education, a new program with an authorization of

\$17.5 million was accepted. It would be designed to multiply across the country many of the innovations that have been developed in Massachusetts and certain other States.

An equal level of funding was approved for a vocational training program aimed at those individuals who have dropped out of school.

In addition, State vocational education plans submitted to the Federal Government under the vocational education law, must recognize the needs of limited English-speaking students within their States, and State and national advisory commissions must include membership from these populations.

The interest in the Congress in this program has been expressed recently in its action this year on appropriations measures. Although the administration originally requested a decrease from last year's \$53 million level of funding to \$35 million, it doubled that request to \$70 million following the Lau decision. The Senate approved \$90 million and the House-Senate conference on the supplemental appropriations bill accepted \$85 million.

Mr. President, because of the interest in this program, I ask unanimous consent that appropriate provisions of Public Law 93-380 and of the conference report accompanying H.R. 69, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

PROVISIONS OF PUBLIC LAW 93-380 EDUCATION AMENDMENTS OF 1974 AFFECTING BILINGUAL EDUCATION

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS
"BILINGUAL EDUCATION PROGRAMS

"Sec. 721. (a) Funds available for grants under this part shall be used for—

"(1) the establishment, operation, and improvement of programs of bilingual education;

"(2) auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs described in clause (1), including such activities as (A) adult education programs related to the purposes of this title, particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act, and (B) preschool programs preparatory and supplementary to bilingual education programs;

"(3) (A) the establishment, operation, and improvement of training programs for personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education and (B) auxiliary and supplementary training programs, which shall be included in each program of bilingual education, for personnel preparing to participate in, or personnel participating in, the conduct of such programs; and

"(4) planning, and providing technical assistance for, and taking other steps leading to the development of, such programs.

"(b) (1) A grant may be made under this section only upon application therefor by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies (or, in the case of a training activity in clause (3) (A) of subsection (a) of this section, by eligible applicants as de-

fined in section 723). Each such application shall be made to the Commissioner at such time, in such manner, and containing such information as the Commissioner deems necessary, and

"(A) include a description of the activities set forth in one or more of the clauses of subsection (a) which the applicant desires to carry out; and

"(B) provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant.

"(2) An application for a grant under this part may be approved only if—

"(A) the provision of assistance proposed in the application is consistent with criteria established by the Commissioner, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, which criteria shall be developed by his taking into consideration (1) the geographic distribution of children of limited English-speaking ability, (2) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in subsection (a), (3) with respect to grants to carry out programs described in clauses (1) and (2) of subsection (a) of section 721, the relative ability of particular local educational agencies within the State to provide such services and activities, and (4) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs;

"(B) in the case of applications from local educational agencies to carry out programs of bilingual education under clause (1) of subsection (a) of section 721, the Commissioner determines that not less than 15 per centum of the amounts paid to the applicant for the purposes of such programs shall be expended for auxiliary and supplementary training programs in accordance with the provisions of clause (3) (B) of such subsection and section 723;

"(C) the Commissioner determines (1) that the program will use the most qualified available personnel and the best resources and will substantially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (2) that, to the extent consistent with the number of children enrolled in nonprofit, nonpublic schools in the area to be served whose educational needs are of the type which the program is intended to meet, provision has been made for participation of such children; and

"(D) the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Commissioner.

"(3) (A) Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination by such State agency of technical assistance to programs of bilingual education in such State assisted under this title. Such State program shall contain such provisions, agreements, and assurances as the Commissioner shall, by regulation, determine necessary and proper to achieve the purposes of this title, including assurances that funds made available under this section for any fiscal year will be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such funds be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(B) Except as is provided in the second sentence of this subparagraph, the Commissioner shall pay from the amounts authorized for these purposes pursuant to section

702 for each fiscal year to each State educational agency which has a State program submitted and approved under subparagraph (A) such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Commissioner to any State educational agency under the preceding sentence for any fiscal year shall not exceed 5 per centum of the aggregate of the amounts paid under this part to local educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which this limitation applies.

"(c) In determining the distribution of funds under this title, the Commissioner shall give priority to areas having the greatest need for programs assisted under this title.

"INDIAN CHILDREN IN SCHOOLS

"Sec. 722. (a) For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominantly for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 702(b), the Commissioner is authorized to make payments to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for such purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702(a).

"(c) The Secretary of the Interior shall prepare and, not later than November 1 of each year, shall submit to the Congress and the President an annual report detailing a review and evaluation of the use, during the preceding fiscal year, of all funds paid to him by the Commissioner under subsection (b) of this section, including complete fiscal reports, a description of the personnel and information paid for in whole or in part with such funds, the allocation of such funds, and the status of all programs funded from such payments. Nothing in this subsection shall be construed to relieve the Director of any authority or obligation under this part.

"(d) The Secretary of the Interior shall, together with the information required in the preceding subsection, submit to the Congress and the President, an assessment of the needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those State educational agencies and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.) and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"TRAINING

"Sec. 723. (a) (1) In carrying out the provisions of clauses (1) and (3) of subsection (a) of section 721, with respect to training, the Commissioner shall, through grants to, and contracts with, eligible applicants, as defined in subsection (b), provide for—

"(A) (i) training, carried out in coordination with any other programs training auxiliary educational personnel, designed (1) to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility, (2) to train teachers, administrators, paraprofessionals, teacher aides, and parents, and (3) to train persons to teach and counsel such persons, and (ii) special training programs designed (1) to meet individual needs, and (2) to encourage reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education; and

"(B) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs.

"(2) In addition the Commissioner is authorized to award fellowships for study in the field of training teachers for bilingual education. For the fiscal year ending June 30, 1975, not less than 100 fellowships leading to a graduate degree shall be awarded under the preceding sentence for preparing individuals to train teachers for programs of bilingual education. Such fellowships shall be awarded in proportion to the need for teachers of various groups of individuals with limited English-speaking ability. For each fiscal year after June 30, 1975, and prior to July 1, 1978, the Commissioner shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate on the number of fellowships in the field of training teachers for bilingual education which he recommends will be necessary for that fiscal year.

"(3) The Commissioner shall include in the terms of any arrangement described in paragraphs (1) and (2) of subsection (a) of this section provisions for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(4) In making grants or contracts under this section, the Commissioner shall give priority to eligible applicants with demonstrated competence and experience in the field of bilingual education. Funds provided under grants or contracts for training activities described in this section to or with a State educational agency, separately or jointly, shall in no event exceed in the aggregate in any fiscal year 15 per centum of the total amount of funds obligated for training activities pursuant to clauses (1) and (3) of subsection (a) of section 721 in such year.

"(5) An application for a grant or contract for preservice or inservice training activities described in clause (A) (i) (I) and clause (A) (ii) (I) and in subsection (a) (1) (B) of this section shall be considered an application for a program of bilingual education for the purposes of subsection (a) (4) (E) of section 703.

"(b) For the purposes of this section, the term 'eligible applicants' means—

"(1) institutions of higher education (including junior colleges and community colleges) which apply, after consultation with, or jointly with, one or more local educational agencies;

"(2) local educational agencies; and

"(3) State educational agencies.

"PART B—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION"

"Sec. 731. (a) There shall be, in the Office of Education, an Office of Bilingual Education (hereafter in this section referred to as the 'Office') through which the Commissioner shall carry out his functions relating to bilingual education.

"(b) (1) The Office shall be headed by a Director of Bilingual Education, appointed by the Commissioner, to whom the Commissioner shall delegate all of his delegable functions relating to bilingual education.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively.

"(c) The Commissioner, in consultation with the Council, shall prepare and, not later than November 1 of 1975, and of 1977, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English-speaking ability. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English-speaking ability and of the extent to which such needs are being met from Federal, State, and local efforts, including (A) not later than July 1, 1977, the results of a survey of the number of such children and persons in the States, and (B) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English-speaking ability, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(2) a report on and an evaluation of the activities carried out under this title during the preceding fiscal year and the extent to which each of such activities achieves the policy set forth in section 702(a);

"(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English-speaking ability and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs, and the number of other educational personnel needed to carry out programs of bilingual education in the States and a statement describing the activities carried out under this title designed to prepare teachers and other educational personnel for such programs; and

"(5) a description of the personnel, the functions of such personnel, and information available at the regional offices of the Department of Health, Education, and Welfare dealing with bilingual programs within that region.

"NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

"Sec. 732. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory Council on Bilingual Education composed of fifteen members appointed by the Secretary, one of whom he shall designate as Chairman. At least eight of the members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English-speaking ability, at least one of whom shall be representative of persons serving on boards of education operating programs of bilingual education. At least three members shall be experienced in the training of teachers in programs of bilingual education. At least two members shall be persons with general experience in the field of elementary and secondary education. At least two members shall be classroom teachers of demonstrated teaching abilities using bilingual methods and techniques. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English-speaking ability and the geographic areas in which they reside.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications, and plans under this title, and the administration and operation of other programs for persons of limited English-speaking ability. The Council shall prepare and, not later than November 1 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 731(c), and the administration and operation of other programs for persons of limited English-speaking ability.

"(d) The Commissioner shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445, of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

"PART C—SUPPORTIVE SERVICES AND ACTIVITIES

"ADMINISTRATION

"Sec. 741. (a) The provisions of this part shall be administered by the Assistant Secretary, in consultation with—

"(1) the Commissioner, through the Office of Bilingual Education; and

"(2) the Director of the National Institute of Education, notwithstanding the second sentence of section 405(b) (1) of the General Education Provisions Act; in accordance with regulations.

"(b) The Assistant Secretary shall, in accordance with clauses (1) and (2) of subsection (a), develop and promulgate regulations for this part and then delegate his functions under this part, as may be appropriate under the terms of section 742.

"RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 742. (a) The National Institute of Education shall, in accordance with the provisions of section 405 of the General Education Provisions Act, carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education programs carried out under this title and other programs for persons of limited English-speaking ability.

"(b) In order to test the effectiveness of research findings by the National Institute of Education and to demonstrate new or innovative practices, techniques, and methods for use in such bilingual education programs, the Director and the Commissioner are authorized to make competitive contracts with public and private educational agencies, institutions, and organizations for such purpose.

"(c) In carrying out their responsibilities under this section, the Commissioner and the Director shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations—

"(1) undertake studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for, educating children of limited English-speaking ability;

"(b) (1) The Office shall be headed by a Director of Bilingual Education, appointed by the Commissioner, to whom the Commissioner shall delegate all of his delegable functions relating to bilingual education.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively.

"(c) The Commissioner, in consultation with the Council, shall prepare and, not later than November 1 of 1975, and of 1977, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English-speaking ability. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English-speaking ability and of the extent to which such needs are being met from Federal, State, and local efforts, including (A) not later than July 1, 1977, the results of a survey of the number of such children and persons in the States, and (B) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English-speaking ability, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(2) a report on and an evaluation of the activities carried out under this title during the preceding fiscal year and the extent to which each of such activities achieves the policy set forth in section 702(a);

"(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English-speaking ability and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs, and the number of other educational personnel needed to carry out programs of bilingual education in the States and a statement describing the activities carried out under this title designed to prepare teachers and other educational personnel for such programs; and

"(5) a description of the personnel, the functions of such personnel, and information available at the regional offices of the Department of Health, Education, and Welfare dealing with bilingual programs within that region.

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"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications, and plans under this title, and the administration and operation of other programs for persons of limited English-speaking ability. The Council shall prepare and, not later than November 1 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 731(c), and the administration and operation of other programs for persons of limited English-speaking ability.

"(d) The Commissioner shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445, of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

"PART C—SUPPORTIVE SERVICES AND ACTIVITIES

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"Sec. 741. (a) The provisions of this part shall be administered by the Assistant Secretary, in consultation with—

"(1) the Commissioner, through the Office of Bilingual Education; and

"(2) the Director of the National Institute of Education, notwithstanding the second sentence of section 405(b) (1) of the General Education Provisions Act; in accordance with regulations.

"(b) The Assistant Secretary shall, in accordance with clauses (1) and (2) of subsection (a), develop and promulgate regulations for this part and then delegate his functions under this part, as may be appropriate under the terms of section 742.

"RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 742. (a) The National Institute of Education shall, in accordance with the provisions of section 405 of the General Education Provisions Act, carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education programs carried out under this title and other programs for persons of limited English-speaking ability.

"(b) In order to test the effectiveness of research findings by the National Institute of Education and to demonstrate new or innovative practices, techniques, and methods for use in such bilingual education programs, the Director and the Commissioner are authorized to make competitive contracts with public and private educational agencies, institutions, and organizations for such purpose.

"(c) In carrying out their responsibilities under this section, the Commissioner and the Director shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations—

"(1) undertake studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for, educating children of limited English-speaking ability;

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"(2) develop and disseminate instructional materials and equipment suitable for use in bilingual education programs; and

"(3) establish and operate a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and such bilingual education and related programs.

"(d) In carrying out their responsibilities under this section, the Commissioner and the Director shall provide for periodic consultation with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

"(e) There is authorized to be appropriated for each fiscal year prior to July 1, 1978, \$5,000,000 to carry out the provisions of this section."

"(2) (A) The amendment made by this subsection shall be effective upon the date of enactment of this Act, except that the provisions of part A of title VII of the Elementary and Secondary Education Act of 1965 (as amended by subsection (a) of this section) shall become effective on July 1, 1975, and the provisions of title VII of the Elementary and Secondary Education Act of 1965 in effect immediately prior to the date of enactment of this Act shall remain in effect through June 30, 1975, to the extent not inconsistent with the amendment made by this section.

"(B) The National Advisory Council on Bilingual Education, for which provision is made in section 732 of such Act, shall be appointed within ninety days after the enactment of this Act.

"(b) Section 703(a) of title VII of such Act is amended by adding at the end thereof the following:

"(8) The term 'other programs for persons of limited English-speaking ability' when used in sections 731 and 732 means the program authorized by section 708(c) of the Emergency School Aid Act and the programs carried out in coordination with the provisions of this title pursuant to section 122(a)(4)(C) and part J of the Vocational Education Act of 1963, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English-speaking ability pursuant to section 6(b)(4) of the Library Services and Construction Act."

STATUTE OF LIMITATIONS

Sec. 106. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by inserting after section 803 the following new section:

"STATUTE OF LIMITATIONS ON REFUND OF PAYMENTS

"Sec. 804. No State or local educational agency shall be liable to refund any payment made to such agency under this Act (including title I of this Act) which was subsequently determined to be unauthorized by law, if such payment was made more than five years before such agency received final written notice that such payment was unauthorized."

DROPOUT PREVENTION PROJECTS

Sec. 107. (a) Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: "and each of the five succeeding fiscal years."

DEVELOPING INSTITUTIONS AMENDMENT

Sec. 832. Section 302(a)(2) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Commissioner is authorized to waive three years of the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions if the Commissioner de-

termines such action will substantially increase higher education for Spanish-speaking people."

BILINGUAL EDUCATION AMENDMENTS

Sec. 833. (a) (1) Clause (B) of section 417 B(b)(3) of the Higher Education Act of 1965 is amended by inserting "(1)" after the word "who" and by inserting before the semicolon at the end thereof a

backgrounds, as determined in accordance with criteria prescribed by the Commissioner, to undertake training for the legal profession.

"(b) Grants made, and contracts entered into, under subsection (a) may cover, in accordance with regulations of the Commissioner, all or part of the cost of—

"(1) selecting individuals from disadvantaged backgrounds for training for the legal profession,

"(2) facilitating the entry of such individuals into institutions of higher education for the purpose of pursuing such training,

"(3) providing counseling or other services designed to assist such individuals to complete successfully such training,

"(4) providing, for not more than three months prior to the entry of such individuals upon their courses of training for the legal profession, preliminary training for such individuals designed to assist them to complete successfully such training for the legal profession,

"(5) paying such stipends (including allowances for travel and for dependents) as the Commissioner may determine for such individuals for any such period of preliminary training or for any period of training for the legal profession during which such individuals maintain satisfactory academic proficiency, as determined by the Commissioner, and

"(6) paying for administrative activities of the agencies and organizations which receive such grants, or with which such contracts are entered into, to the extent such activities are for the purpose of furthering activities described in clauses (1) through (5).

"(c) The activities authorized under this section may be carried out without regard to the requirements and limitations set forth in sections 962 and 963 of this part."

"(b) The amendment made by subsection (a) shall become effective on September 1, 1974.

COMMUNITY COLLEGE AND OCCUPATIONAL EDUCATION AMENDMENT

Sec. 837. Section 1001(b)(1) is amended by striking out "1974" and inserting in lieu thereof "1975".

PART D—OTHER MISCELLANEOUS PROVISIONS

AMENDMENTS TO THE LIBRARY SERVICES AND CONSTRUCTION ACT AND THE VOCATIONAL EDUCATION ACT OF 1963 RELATING TO BILINGUAL EDUCATION AND VOCATIONAL TRAINING

Sec. 841. (a) (1) Section 102 of the Vocational Education Act of 1963 is amended by redesignating subsection (c), and all references thereto, as subsection (d), and by adding after subsection (b) thereof the following new subsection:

"(c) There are authorized to be appropriated \$17,500,000 for the fiscal year ending June 30, 1975, for the purpose of carrying out section 122(a)(4)(C). Nothing in this subsection shall be construed to affect the availability for such purpose of appropriations made pursuant to subsection (a)."

"(2) Clause (D) of section 104(a)(1) of such Act is amended by inserting before the comma at the end thereof the following: "and of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965)".

"(3) Clause (A)(vii) of section 104(b)(1) of such Act is amended by inserting before

the comma at the end thereof the following: "(and may include, where appropriate, students who are persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965))".

"(4) Section 108 of such Act is amended by adding at the end thereof the following new paragraphs:

"(14) The term 'vocational training' means training or retraining which is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as or preparing to become, instructors in a vocational training program; travel of students and vocational training personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

"(15) The term 'postsecondary educational institution' means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school."

"(3) (A) Clause (4) of section 122(a) of such Act is amended by adding at the end thereof the following:

"(C) vocational education for students of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) carried out in coordination with bilingual education programs under such title VII and bilingual adult education programs under section 306(a)(11) of the Adult Education Act."

"(b) Section 191 of such Act, and all references thereto, is redesignated as section 189.

"(7) Title I of such Act is amended by adding at the end thereof the following new part:

"PART J—BILINGUAL VOCATIONAL TRAINING

"STATEMENT OF FINDINGS

"Sec. 191. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from vocational training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that such persons are therefore unable to help to fill the critical need for more and better trained personnel in vital occupational categories; and that such persons are unable to make their maximum contribution to the Nation's economy and must, in fact, suffer the hardships of unemployment or underemployment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate vocational instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of

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instructional methods and techniques suitable for such instruction.

"GENERAL RESPONSIBILITIES OF THE COMMISSIONER

"Sec. 192. (a) The Commissioner and the Secretary of Labor together shall—

"(1) develop and disseminate accurate information on the status of bilingual vocational training in all parts of the United States;

"(2) evaluate the impact of such bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to contribute fully to the economy of the United States; and

"(3) report their findings annually to the President and the Congress.

"(b) The Commissioner shall consult with the Secretary of Labor with respect to the administration of this part. Regulations and guidelines promulgated by the Commissioner to carry out this part shall be consistent with those promulgated by the Secretary of Labor pursuant to section 301(b) of the Comprehensive Employment and Training Act of 1973 and shall be approved by the Secretary of Labor before issuance.

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 193. There are authorized to be appropriated \$17,500,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this part.

"AUTHORIZATIONS OF GRANTS

"Sec. 194. (a) From the sums made available for grants under this part pursuant to section 193, the Commissioner is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created to serve a group whose language as normally used is other than English in supplying training in recognized occupations and new and emerging occupations, and to enter into contracts with private for-profit agencies and organizations, to assist them in conducting bilingual vocational training programs for persons of all ages in all communities of the United States which are designed to insure that vocational training programs are available to all individuals who desire and need such bilingual vocational training.

"(b) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant for the purposes set forth in that application.

"USE OF FEDERAL FUNDS

"Sec. 195. Grants and contracts under this part may be used, in accordance with applications approved under section 197, for—

"(1) bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training by a postsecondary educational institution;

"(2) bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

"(3) training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as are set forth in section 111 of the Comprehensive Employment and Training Act of 1973.

"APPLICATIONS

"Sec. 196. (a) A grant or contract for assistance under this part may be made only upon application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the

Commissioner deems necessary. Each such application shall—

"(1) provide that the activities and services for which assistance under this part is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes described in section 195; and

"(3) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this part.

"(b) No grant or contract may be made under this part directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or any other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under part B of this title, or in the case of a State that does not have such a board, the similar State agency, for comment and includes the comment of that board or agency with the application.

"APPLICATION APPROVAL BY THE COMMISSIONER

"Sec. 197. (a) The Commissioner may approve an application for assistance under this part only if—

"(1) the application meets the requirements set forth in subsection (a) of the previous section;

"(2) in the case of an application submitted for assistance under this part to an agency, institution, or organization other than the State board established under part B of this title, the requirement of subsection (b) of the previous section is met; and

"(3) in the case of an application submitted for assistance under this part, the Commissioner determines that the program is consistent with criteria established by him, where feasible, after consultation with the State board established under part B of this title, for achieving equitable distribution of assistance under this part within that State.

"(b) An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application."

"(c) Clause (4) of section 6(b) of the Library Services and Construction Act is amended by inserting before the period at the end thereof a comma and the following: "and to programs and projects which serve areas with high concentrations of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965, as amended)".

"(c) The amendments made by this section shall be effective on and after July 1, 1974.

PROVISIONS OF STATEMENT OF MANAGERS ON THE CONFERENCE REPORT ON H.R. 69, EDUCATION AMENDMENTS OF 1974, AFFECTING BILINGUAL EDUCATION

BILINGUAL EDUCATION ACT

Policy.—The Senate amendment, in amending the Bilingual Education Act, substitutes a new text for the existing text of such Act. The statement of policy of the Senate amendment recognizes the importance of bilingual educational methods and techniques, and declares the policy of the United States to be, in order to establish equal educational opportunity for all children, to encourage and assist such methods and techniques, from preschool through secondary school level.

The House bill contains no comparable provision. The House recedes, with an amendment clarifying that it is children of limited English-speaking ability who benefit through the fullest utilization of multiple language and cultural resources.

Extension of the Act; reservation of funds.—The House bill authorizes appropriations for the Bilingual Education Act of \$135,000,000 for each of the fiscal years 1974

through 1977. The Senate amendment authorizes \$135,000,000 for fiscal year 1974, \$145,000,000 for fiscal year 1975, \$155,000,000 for fiscal year 1976, and \$175,000,000 for each of fiscal years 1977 and 1978. For all such years, the Senate amendment authorizes such additional sums as Congress may determine.

The conference substitute authorizes \$135,000,000 for each of fiscal years 1974 and 1975, \$140,000,000 for fiscal year 1976, \$150,000,000 for fiscal year 1977, and \$160,000,000 for fiscal year 1978, with no additional amounts authorized for such years.

The Senate amendment also provides for the reservation of specific amounts of appropriated funds for training activities: 50% of the appropriation which is in excess of \$35 million but not in excess of \$60 million and 33 1/3% of the appropriation which is in excess of \$60 million. Ten percent of the funds are also reserved for the National Advisory Council on Bilingual Education and the development of leadership capabilities in State educational institutions. The House recedes, with an amendment which sets aside for training purposes \$16,000,000 from the first \$70,000,000 appropriated and 33 1/3% of amounts appropriated in excess of that figure. One percent of the appropriation is reserved for the Advisory Council. For State coordination of technical assistance, \$6.75 million is authorized for fiscal year 1974, \$7.25 million for fiscal year 1975, \$7.75 million for fiscal year 1976, \$8.75 million for fiscal year 1977, and \$9.75 million for fiscal year 1978.

Definitions.—The Senate amendment, but not the House bill or existing law, defines the terms "limited English-speaking ability", "native language", "low-income", "Bureau", "Director", and "Council" for purposes of the Bilingual Education Act. The House recedes, with an amendment which defines the term "native language" of an individual of limited English-speaking ability to mean the language normally used by such individuals or, in the case of a child, by the parents of the child. In adopting this definition, the conferees intend that normal usage of a language in a child's environment may also determine that child's native language.

The Senate amendment requires that a bilingual education program be a full-time program of instruction, designed for children of limited English-speaking ability in elementary and secondary school, in which there is instruction in both the native language of such children and in English, given with appreciation of the cultural heritage of such children, and in which, with respect to elementary schools, such instruction is to the maximum extent feasible to be in all courses which are required of the child pursuant to State law.

The House recedes to the Senate on the definition of a "bilingual education program" with an amendment to emphasize the conferees' concern that the new definition not be misinterpreted to indicate that an ultimate goal of the program is the establishment of a "bilingual society." However, the conferees agreed that the bilingual education program must include use of the native language of the child of limited English-speaking ability in the acquisition of skills and knowledge as well as—either through the development of literacy in, or the transfer of literacy from, his native language to literacy in English—in the acquisition of English language competence. The conferees acted to insure that the limited English-speaking child would progress effectively through the educational system. Thus, a limited English-speaking child should receive his instruction in whichever language is necessary to insure that he has the same opportunity to learn and develop his skills as a non-limited English-speaking child during the time that he is building his English competence to a level equivalent with his non-limited English-speaking peers. The con-

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feres also agreed in the amendment to maintain the requirement that all instruction be given with appreciation of the culture of the limited English-speaking student. This also was designed to encourage the appropriate study of the history and culture of the nation, territory, or geographical area with which the native language of the child of limited English-speaking ability is associated, and of the history and culture of the United States.

The Senate amendment also provides that a bilingual education program shall provide for the voluntary enrollment to a limited degree of children whose language is English, but priority must be given in participation to children whose language is other than English.

The conference substitute changes this provision from a requirement to a permitted activity of such a program, provides that the enrollment of English-speaking students need not be on a full-time basis, and provides that in no event shall such a program be designed for the purpose of teaching the foreign language to such students.

The Senate amendment also requires that a bilingual education program require that in courses of art, music and physical education, the program shall provide for the participation of children of limited English-speaking ability in regular classes; and provides that children enrolled in such a program be placed in classes with children of approximately the same age and level of educational attainment.

The House recedes.

The Senate amendment further requires that an application for a bilingual education program be developed in open consultation with parents of children of limited English-speaking ability, teachers and students, including public hearings and full participation of a committee composed of, and selected by, such parents, teachers and, in the case of secondary schools, students.

The conference substitute provides that an application shall be developed in consultation with parents of such children, teachers, and students in the areas to be served, and that the application shall give assurances that after the application has been approved, a committee will be established composed of and selected by parents, and secondary school students, where appropriate.

Regulations.—The Senate amendment provides that the Commissioner, after receiving recommendations from State and local educational agencies and groups involved in bilingual education, shall establish and publish suggested model guidelines containing recommendations for State and local educational agencies with respect to factors affecting the quality of instruction offered in bilingual education programs, such as student-teacher ratios and teacher qualifications. Neither the House bill nor existing law contains a comparable provision.

The conference substitute requires the Commissioner to distribute suggested models, with respect to such factors, but does not require State and local educational agencies to consult with the Commissioner about such models to achieve maximum voluntary conformity.

Financial assistance for bilingual education programs.—The Senate amendment but not the House bill expands the description in existing law of the uses to which funds available for grants under the Bilingual Education Act may be put in assisting bilingual education programs and adds new requirements for applications for such funds by local educational agencies.

The House bill contains no comparable provisions. The House recedes with an amendment combining all training program references in the language of the Senate amendment.

It is the intent of this legislation that the eligible children enrolled in non-public schools share equitably in the benefits of this program. This can be accomplished not only by charing in teacher training programs and by utilizing special materials and equipment but through the provision of specially trained public school personnel who would be necessary for the implementation of a quality bilingual education program.

State program of coordination of bilingual education programs.—The Senate amendment provides that if in any fiscal year the Commissioner determines for any State that (1) the State educational agency has developed high quality leadership capabilities for coordination of programs of bilingual education; (2) there is in effect for such State a statute under the State constitution or a decision of the highest court of the State or of the United States requiring equal educational opportunity for children of limited English-speaking ability of such State; (3) local educational agencies in such State operate bilingual education programs serving a substantial number of children of limited English-speaking ability; (4) the expenditures for such fiscal year from State revenues for bilingual education programs constitute not less than 15% in the first year for which a State receives payments for State coordination activities, 20% in the second year, and 25% in each succeeding year, of the entitled expenditures for bilingual education programs in the State; and (5) local educational agencies in the State will be paid under the Bilingual Education Act amounts at least equal to the amounts received in fiscal 1973, the Commissioner shall upon application from the State educational agency provide for the submission and approval of a program for the coordination by such State educational agency of, and the provision by such State agency of technical assistance to, bilingual education programs assisted under this Act. The Commissioner shall pay to each State educational agency, for each program approved, such sums which may be necessary for the proper and efficient conduct of the State program. The amount paid shall not exceed an amount which, when added to the amount which the State receives for development of its leadership capabilities, equals 5% of the amounts paid to local educational agencies within the State for bilingual education. Such sums as may be necessary are authorized to be appropriated for State coordination and technical assistance activities.

There is no comparable provision in the House bill or existing law.

The conference agreement provides that, upon application from a State educational agency, the Commissioner shall provide for the submission and approval of a State program for the coordination by such agency of technical assistance to programs of bilingual education in the State. The State program shall contain assurances that Federal funds will supplement and not supplant State funds for bilingual education, including technical assistance from the State. The amount paid to a State agency shall not exceed 5 percent of the aggregate of payments to local educational agencies in the State in the preceding fiscal year.

The Senate amendment contains a new limitation on the amount of funds which can be used in schools with ungraded classes and in secondary schools.

The House bill contains no comparable provision. The Senate recedes.

The Senate amendment provides that the funds must be distributed equitably in all areas of the United States while giving priority to States within such areas having the greatest need for programs.

The House bill contains no comparable

provision. The conference substitute adopts the provision of the Senate amendment, with an amendment that the Commissioner is directed to give priority to areas having the greatest need for programs assisted under the Act.

The Senate amendment contains a new authorization for the Commissioner to approve applications from the Commonwealth of Puerto Rico for children who live in Puerto Rico, but are of limited Spanish-speaking ability.

The Senate recedes. In deleting this item, the conferees wish to emphasize that this is done without prejudice and with the knowledge that under the Bilingual Education Act programs are presently being conducted in Puerto Rico for children of limited Spanish-speaking ability. The conferees do not believe that this authority needs to be expressly stipulated in legislation.

Indian children in schools.—The Senate amendment changes the provisions of the Bilingual Education Act with respect to Indian children, so that certain reports on assistance to such children under such Act and on the needs of such children with respect to the purposes of such Act will be made to Congress and the President by the Secretary of the Interior.

The House bill contains no comparable provision. The House recedes.

Training.—The Senate amendment, but not the House bill or existing law, provides that the Commissioner shall, in carrying out his duties under the program of assistance for bilingual education programs, provide for policies and programs related to training of personnel in connection with such programs, including provision for 200-500 fellowships for study leading to an advanced degree for persons planning to pursue a career in bilingual education. The Commissioner may not award less than 200 such fellowships unless he certifies in the Federal Register and to the authorizing committees that applications from 200 qualified applicants were not submitted.

The conference substitute adopts this provision, with amendments so as to provide in fiscal year 1975 for not less than 100 fellowships in the field of training teachers in bilingual education. It is the conferees' expectation that recipients of such fellowships will remain in the field of training such vitally needed personnel. The Commissioner is directed, in awarding these fellowships among eligible applicants, to award them in proportion to the needs of the various groups of limited English-speaking ability in the country.

Bureau of Bilingual Education.—The Senate amendment establishes in the Office of Education a Bureau of Bilingual Education headed by a GS-18 Director to whom the Commissioner must delegate all of his delegable functions relating to bilingual education.

Neither the House bill nor existing law contain a comparable provision.

The conference substitute establishes an Office of Bilingual Education in the Office of Education, without the creation of super-grade positions.

Annual report on the condition of bilingual education.—The Senate amendment provides for an annual report on the condition of bilingual education submitted by the Director through the Commissioner and the operation of the Bilingual Education Act, including an assessment of needs, a survey of the number of persons of limited English-speaking ability, and a plan for extension of programs of bilingual education and bilingual vocational and adult education programs, a detailed estimate of necessary expenditures by Federal, State, local, and private sources, an assessment of the educational personnel necessary, and a description of personnel in regional offices dealing

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with bilingual education. If reports are delayed beyond their due date by the Office of Management and Budget, the Director shall immediately submit them to Congress in the form they were submitted to the Office of Management and Budget. The Senate bill also provides for a survey, to be completed by July 1, 1976, of all children and persons of limited English-speaking ability in the United States. The study shall be conducted by the National Center for Education Statistics.

The House bill contains no comparable provision.

The conference substitute provides that this report will be made by the Commissioner, and that it will include cost estimates. The conference substitute requires that such report is due twice: November 1, 1975, and November 1, 1977. The provision relating to delays in submission of the reports is omitted from the conference substitute, but the conferees expect that such reports will be submitted when statutorily required.

National Advisory Council on Bilingual Education.—The Senate amendment revises existing law to specify the membership of the National Advisory Council on Bilingual Education.

The House bill continues the provisions of existing law. The House recedes.

Grants for bilingual education.—The House bill adds to section 704 of the Bilingual Education Act a provision whereby if a local educational agency determines, in accordance with criteria provided by the Commissioner of Education, that the needs of schools having high concentrations of students of limited English-speaking ability from families with incomes below \$3,000 per year have been adequately met, it may carry out programs under that title in other schools where, in accordance with criteria of the Commissioner, there is a major need for bilingual education programs.

The Senate amendment contains no comparable provision. The House recedes.

The House bill also amends section 705(a) of such Act to provide that grants may be made to an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies.

The Senate amendment provides in its new section 723 that training grants may be made to such institutions which apply after consultation with, or jointly with, local educational agencies.

The Senate recedes, with an amendment which provides that training grants may be made to such institutions without joint application with local educational agencies.

Supportive services and activities for bilingual education.—The Senate amendment provides that certain supportive services and activities in connection with bilingual education shall be administered by the Assistant Secretary, in consultation with the Commissioner (through the Bureau of Bilingual Education) and with the Director of the National Institute of Education. Such services and activities include a program of research in the field of bilingual education, operation of a national clearinghouse of information, and a program for the development in State education agencies of leadership capabilities in such field; \$5 million is authorized to be appropriated to the National Institute of Education for bilingual research and demonstration projects. If such appropriations do not reach \$5 million, 5 percent of the National Institute of Education's appropriation, but no less than \$3 million, is earmarked.

The House bill contains no comparable provisions, except that the House bill does provide the Commissioner with authority under the Bilingual Education Act to make grants for research or demonstration projects materials for use in bilingual education projects designed to disseminate instructional

materials for use in bilingual education programs, and for projects designed to provide preservice or inservice training for bilingual education personnel.

The conference substitute adopts the provisions of the Senate amendment, but requires that contracts thereunder be competitive, and deletes those provisions of the Senate amendment requiring models of bilingual education programs and model State statutes. Such requirements are considered to be unnecessary in view of section 703(b) of the Bilingual Education Act, as contained in the conference substitute, which requires the Commissioner to establish, publish, and disseminate models with respect to bilingual education programs. The conferees intend that such section 703(b) includes development of models (including model bilingual and bicultural curricula) for bilingual education programs and for other activities for which funds may be used under subsection (a) of section 721 of the Bilingual Education Act, and model State statute or statutes designed to promote equal educational opportunity for children of limited English-speaking ability through bilingual education practices, techniques, and methods.

The conference substitute retains the clearinghouse function but drops the language of the Senate amendment which designated the clearinghouse as a "Center for Bilingual Education," eliminates the program for the development of leadership capabilities in State educational agencies, and eliminates the earmarking of the National Institute of Education funds for these supportive services and activities. In deleting the earmarking for NIE, the conferees wish to indicate that their opposition is to the precedent that such earmarking would establish for NIE, rather than opposition to the expenditure of funds for bilingual education research by the Institute.

Developing institutions.—The Senate amendment, but not the House bill, amends title III of such Act (Developing Institutions) by authorizing the Commissioner to waive three years of the requirement that institutions be in existence for five years prior to their eligibility for assistance under title III if the particular institution is located in or near communities with large numbers of Spanish-speaking people and if the Commissioner determines that such waiver will increase higher education opportunities for Spanish-speaking people.

The conference substitute adopts this provision of the Senate amendment, omitting the necessity for the particular institution to be located in or near communities with large numbers of Spanish-speaking people, and requiring that the Commissioner determine that waiver will substantially increase such opportunities. The conference agreement is not meant to exclude for consideration of a waiver those institutions already serving large numbers of Spanish-speaking people.

Bilingual education.—The Senate amendment, but not the House bill, amends subpart 4 (special services for disadvantaged students) of part A of title IV of such Act—

(a) to authorize support for remedial and other special services for students with academic potential who by reason of limited English-speaking ability are in need of bilingual educational teaching, guidance and counseling in order to enable them to pursue postsecondary education; and

(b) to authorize the use of funds appropriated for the Special Services Program for the training of persons to provide bilingual educational teaching, guidance and counseling needed in order to enable limited English-speaking ability students to pursue a postsecondary education.

The House recedes as to the first such amendment. The conference substitute provides that recipients of grants for such special services shall include in their curriculum a program of English language instruction for

students of limited English-speaking ability. Programs to train persons to provide bilingual instruction and counseling can be supported under the Education Professions Development Act.

MISCELLANEOUS PROVISIONS

Amendments to the Library Services and Construction Act and the Vocational Education Act of 1963 relating to bilingual education and vocational training.—The Senate amendment, but not the House bill, revises the Vocational Education Act of 1963 in the following manner:

The Senate amendment authorizes \$40 million each for fiscal years 1975 and 1976 for the purpose of funding a new bilingual vocational education program. The conference substitute authorizes \$17,500,000 for fiscal year 1975 only.

The Senate amendment includes persons of limited English-speaking ability on the national and State vocational education advisory councils.

The conference substitute includes this provision, but the State advisory council may include such students where appropriate.

The Senate amendment includes a new definition of "vocational training" and a new definition of "postsecondary educational institution."

The conference substitute adopts this provision, but requires that a postsecondary educational institution must be nonprofit.

The Senate amendment requires that 5 percent of the appropriations for basic State grants under the Act be distributed by the Commissioner to States which he finds have areas of high concentrations of persons of limited English-speaking ability.

The conference substitute does not retain this provision of the Senate amendment.

The Senate amendment requires that the new \$40 million authorization be distributed within States among school districts serving areas with concentrations of children with limited English-speaking ability. The Senate recedes.

The Senate amendment creates a new program for bilingual vocational training administered by the Commissioner, in consultation with the Secretary of Labor, with authorizations of \$40 million for fiscal year 1975, \$60 million for fiscal year 1976, and \$80 million for fiscal year 1977. Sixty-five percent of funding is allotted for grants and contracts to State and local educational agencies, postsecondary and private vocational training institutions, and other non-profit agencies to provide bilingual vocational training. One quarter of the funds are reserved for the training of teachers and ancillary personnel, such as counselors, and 10 percent will be devoted to the development of instructional materials and methods.

The conference substitute authorizes \$17,500,000 for fiscal year 1975 only, for bilingual vocational training programs. The provisions of the Senate amendment relating to instructor training programs and development of instructional materials, methods, and techniques are not included in the conference substitute.

The Senate amendment, but not the House bill, inserts in the Library Services and Construction Act a new requirement that priority in funding under that Act must be given to areas with high concentrations of persons with limited English-speaking ability. The House recedes.

ADJUSTMENT OF SUPPORT PRICE ON TOBACCO

Mr. HUDDLESTON. Mr. President, there is at the desk a message from the House in the form of H.R. 17635—a bill to adjust the support price for tobacco. It is a reasonable bill—guided through the House by two Kentucky Congressmen, Mr. STUBBLEFIELD and Mr. PERKINS.

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Two days of hearings before my subcommittee on agricultural marketing, production, and stabilization of prices clearly demonstrates the need for this legislation. The present formula for determining the tobacco support price has proved to be inadequate in responding to the substantial increases in production costs over the past years and consequently has failed to provide growers with the protection intended by the program.

H.R. 17635 would set the support price at 75 percent of parity. This would result in a modest increase—still substantially below the current and projected market price. So it is not expected that the new support price could result in the Government acquiring any appreciable amount of tobacco. But it would provide the grower—who is typically a small farmer greatly dependent on tobacco income to sustain his operation—with a reasonable amount of insurance that his investment and labor will not result in great financial loss. It will also strengthen his position in negotiating bank loans necessary to finance his total farming activity.

As for the amount of tobacco the Government might acquire under the support program, it should be pointed out that during the past several years, such stocks have been disposed of at a profit and at present there is practically no tobacco in the Government pool.

I believe H.R. 17635 should be passed. But I realize that during these final hours of the 93d Congress action could only be accomplished through a unanimous consent agreement. Several Senators have indicated their intention to object to any such agreement.

I regret that this is the case because there is every indication that a majority of this body would agree to this measure if a vote could be taken. But I believe that by the favorable House action and the hearings that have been held, we have laid the groundwork and provided the factual basis for affirmative action on the matter in the next Congress.

That will be our objective, and Mr. President, I am confident that a majority of the Members see the wisdom and correctness of our objective and will respond accordingly.

TAKEOVER OF SIKKIM BY INDIA

Mr. PELL. Mr. President, from random headlines in the world's press over the last months, there has been unfolding the cynical story of India's progressive engulfment of its tiny, but strategic, Himalayan neighbor, Sikkim.

Let me cite a few of the captions of these press reports: "India's House backs Sikkim 'Association';" "India humbles Sikkim ruler;" "India presses Nepal to drop Sikkim aid;" "India saved Sikkim democracy;" "Chogyal: I tried to save Sikkim identity;" "India snubs China over Sikkim status;" "The heavy hand of Mother India: There is growing talk of guerrilla action in Sikkim;" "Government in Sikkim asks ouster of titular ruler."

What happens to a remote Himalayan kingdom may seem irrelevant to Mr. American Citizen today, harried by in-

flation, crime in the streets, public scandals; yet as champions of the right of self-determination for all peoples regardless of size or significance, Americans should be aware of situations where this right is being violated. That, I regret to say, is the case of Sikkim versus Mother India, whose maternal attention the Sikkimese people regard less as affectionate than acquisitive. For the record, let me put the story together behind the jumble of headlines as I know it and have reason to believe it true.

Although quick to criticize others for alleged imperialist designs, India has chosen to ignore the Indian-Sikkimese Treaty of 1950, signed by two sovereign states, and now contends Sikkim has always been a "princely" state and part of India.

Having obtained the right to station troops in Sikkim as part of a common defense plan against China, the Indian Government took advantage of mysteriously incited disorders in Sikkim in the spring of 1973 to send and maintain there a force of 400 central reserve police, CRP, for influencing the internal situation and turning it to the advantage of Indian ambitions. The CRP, according to reports, controls all communications and, in some cases, movement of Sikkimese from one part of the country to another. At the same time, the Indian Government has made it almost impossible for foreign journalists and observers to enter Sikkim to see what is going on there.

With the country firmly under Indian domination, it is not surprising that from an admittedly confused ethnic and political situation, there emerged in June 1974 a new constitutional structure in Sikkim, in which the chief executive, an Indian, wields governing authority in the place of the monarch, or chogyal, while an allegedly popularly elected assembly dutifully legislates in response to executive directives.

It is this assembly that petitioned the Indian Government in the summer for the "association" of Sikkim with India, a request which the Indian Parliament contentedly granted in September.

It is the same assembly which is now advocating the removal of the chogyal in what India describes as a confrontation between the titular ruler and the Sikkimese people. In reality, it is a confrontation between the Sikkimese people and a foreign imposed regime. Western Europeans should be sympathetic to the Sikkimese plight, having experienced such "governments" under their own history.

I am aware that the Indian people are beset by staggering difficulties and problems and that they have adhered to the parliamentary system and an open society. I only wish they would practice what they preach in their relations with their neighbors and, in particular, refrain from further interference in the right of the Sikkimese people to self-determination.

In this connection, let me quote Prime Minister Nehru who in August 1959 stated that he "cannot imagine any foreign authority doing anything which is in infringement of the sovereignty of Sikkim and Bhutan."

IMPORTANCE OF CAPE VERDEAN ELECTIONS

Mr. PELL. Mr. President, the State of Rhode Island and Providence Plantations is the smallest State in the Union, but it is an impressive State. It tightly packs a lot of diversity and quality. Contributing to this characteristic is the State's large ethnic group of Americans of Portuguese origin, many of whose forebears came from the Azores and the Cape Verde Islands, some even back in the days of Moby Dick. Rhode Island shares this good fortune with Massachusetts.

Recently, I met with a group of Rhode Islanders with Cape Verde ties, who are concerned that the Cape Verdeans will be denied the right of real self-determination now that the future status of the islands is up for consideration following the change of government in Portugal.

Their fear arises from reports that Communist and extremist elements of the PAIG, the party in Guinea-Bissau that led the independence movement for Guinea and the Cape Verde Islands, are doing everything in their power, including the use of terror tactics, to prevent the Cape Verdeans from making a free choice in deciding their future. The extremists are working for the automatic absorption of the islands with Guinea-Bissau on the African mainland. Americans with Cape Verdean connections are urging that Portugal and the island authorities take all measures to assure the population a free choice as to their future status, especially in view of a significant sentiment for some continuing tie with Portugal.

I am informed that the Portuguese Government is in the process of setting up an interim regime for the islands, consisting of a High Commissioner appointed by Portugal and four ministers, two named by Portugal and two by the PAIG. The regime will be charged with arranging elections to be held sometime between April and June in which the Cape Verdeans will choose members of a constituent assembly. The assembly, in turn, will decide upon the various options for determining the islands' future.

If this plan is honestly executed, it should provide for the exercise of self-determination that the Cape Verdeans seek. I earnestly hope that all of the parties concerned will faithfully work to realize this objective. I can well understand why Cape Verde Americans wish for their Island cousins the same benefits of the democratic process as we enjoy in the United States.

To become better acquainted with this unique and accomplished group of fellow citizens, I ask unanimous consent that an article in the January issue of the National Geographic entitled "New England's 'Little Portugal,'" be printed in the Record. From it, Senators will learn how these people contribute to the enrichment of our national life by a lively consciousness of their origins combined with the achievements of their daily lives as dedicated Americans.

There being no objection, the article was ordered to be printed in the Record, as follows:

December 19, 1974

CONGRESSIONAL RECORD—SENATE

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NEW ENGLAND'S "LITTLE PORTUGAL"

(By O. Louis Mazzatenta)

It is no small feat to retain grace and dignity while edging through a crowd with a heavy suitcase. But somehow Catarina Alves was managing it on that golden afternoon at Boston's Logan International Airport. Using sign language, I offered to carry her luggage to an immigration booth. She smiled a silent thank-you.

A tall woman with salt-and-pepper hair and the brown skin of a Cape Verdean, Catarina is one of more than 100,000 Portuguese who have immigrated to the United States in the past decade.

Others had arrived even earlier, of course. Many Portuguese-Americans firmly believe that a Portuguese explorer—Miguel Corte Real—and his crew lived among the Indians a century before the English landed at Plymouth.

Over the years an increasing flow of Portuguese came to settle—mostly in New England. A quota system adopted in 1924 restricted the flow, but a law passed in 1965 opened the gates again. With limited land and opportunities at home, Portuguese have been arriving since then in greater numbers than ever. Thousands still head for New England—including Catarina Alves. Her immigration form indicated that she would stay at first with friends in Pawtucket, Rhode Island.

The next day, with Professor T. Steven Tegu—friend, translator, and teacher of modern languages at Rhode Island College—I called on Catarina at her temporary new home.

An attractive woman who answered our knock listened cautiously as the professor explained in Portuguese our interest in Catarina. In effect, we quite presumptuously invited ourselves to join the immigrant Catarina for her first breakfast in America. The woman nodded, won over by Dr. Tegu's good humor. "Yes," she said, "she arrived last night. When I came home late from work at the factory, I found her in my bed."

Soon we were engulfed by Catarina's friends and relatives. Her daughter, Eugenia, appeared, along with Eugenia's husband and four children. They had preceded Catarina to America by three weeks.

It was a bustling, cheerful breakfast, though communication was difficult. Catarina spoke only *crioulo*, an Afro-Portuguese dialect, so her conversation had to be translated into Portuguese, and then into English.

She had lived on Brava, one of Portugal's Cape Verde Islands. It was a 48-day trip from there to Pawtucket. First an island-hopping boat. Then a plane to Lisbon. Then a long wait while documents were sought and slowly processed—and finally that flight to Boston's airport.

Was the long trip worth it? Catarina looked lovingly at her family. "Está contente," her son-in-law said. Yet, it was worth it.

As we prepared to leave, I gave each of the children a dollar—an old Italian custom I had learned from my father. Eugenia's youngest daughter, Ester, clutched the bill in one hand and a toy in the other.

"Quero dar ao Senhor a minha boneca," the 2-year-old said. "I want to give you my doll."

IMMIGRANTS TRANSPLANT ISLAND PAGEANTRY
Such open warmth greeted me again in Fall River, Massachusetts, the heart of New England's Portuguese communities. I went there on a sun-kissed Sunday to attend the Feast of Santo Criscao, a duplicate of one held yearly on the island of Sao Miguel in the Azores, Portugal's mid-Atlantic archipelago.

Surely someone in Fall River must speak English! I felt like an immigrant myself, unable to communicate with the happy throngs

around me. And then a smile wove its way toward me, attached to Raul Benevides.

"Bom dia," he said. "You want to take pictures? I'll clear the way. You can use the porches, the roofs, the balconies—anywhere. I get you there."

His smile was like a flashbulb going off. Teeth gleamed, wavy hair glistened, nose puckered, and a precisely trimmed moustache stretched across his lip. He used that smile often as he towed me through the crowd.

Suddenly a shattering explosion of bells came from the church, where a procession was forming. Out of the darkness emerged a striking statue of Christ, borne on the shoulders of six somber men in formal dress. A shaft of sunlight fell on the statue's scarlet cape, embroidered with gold thread by women parishioners.

Raul led me up three flights of stairs in a building near the church. "My sister lives here," he said.

We entered an apartment filled with children in Sunday finery, and with the fragrance of a feast. Once again, Portuguese hospitality overwhelmed me. The *senhor* must sample the food, I was told firmly. They stuffed me with marinated roast beef, a spicy sausage called *chouriço*, sweetbreads, and *javaz*—large beans baked in the Portuguese style.

Through lace curtains Raul and I watched the procession passing below. Dark-suited men genuflected at the curb as the priest strode by carrying the monstrance containing the Host. It was a scene brought straight from the Azores.

SUCCESS IN AMERICA HAS ITS PRICE

What prompts a man to tear up roots and begin again in a new country?

"Back in São Miguel," Raul answered thoughtfully, "I worked for the government, and earned about \$1,500 a year. But things were so expensive, it was very difficult."

And so seven years ago Raul brought his wife and two children to the U.S. For six years he painted houses. Now he sells automobiles and conducts a weekly radio show.

"The show is all in Portuguese. I call it 'Acores-Madeira.' I rent the station, and sell ads for the program. I'm independent."

But Raul's transition from blue to white collar has exacted a price. "My stomach gets upset now, and I don't sleep so good," he said. "You know, that never happened before."

Relationships between Fall River's Portuguese and the city's other ethnic groups are seldom upsetting—but one lively incident occurred some years ago on the 800th anniversary of Portugal's birth.

An impressive statue of Portugal's famous Prince Henry the Navigator had been commissioned for the occasion. Who would object to such a worthy project?

"Unfortunately," news editor Herman Mello of the *Fall River Herald News* told me, "the statue was erected at the intersection of Eastern Avenue and Pleasant Street—which happens to be in the heart of the city's French-Canadian community! The French got a bit excited and there was talk of tearing the statue down."

Herman chuckled. "But word got around to the French that some Portuguese with a tow truck were ready to pull down their statue of Lafayette. So it was a standoff. There was a lot of tension, but it quieted down finally. Both statues are still standing, and we're all friends now."

There remains some rivalry among the Portuguese themselves, even though most of the immigrants—mainlander, Azorean, Madiran, and Cape Verdean—share a common fishing and agrarian background.

Cape Verdeans are perhaps the most distinctive group, a racially mixed people whose African heritage has blended with the Portuguese. They were among the last who came

to man New Bedford's whalers in the past century, and later to pick Cape Cod cranberries.

Theirs has been an isolated existence at times. Older Cape Verdean immigrants tend to claim Portuguese identity, but younger ones often seek ties with New England's black communities. Mutual acceptance among the parties—white Portuguese, Cape Verdeans, and blacks—has not always been the result. The coincidence of dark skin and deep Roman Catholic faith places many Cape Verdeans apart from both of the other groups. Nonetheless, the dignity and character among the Cape Verdeans I encountered were impressive. I still recall Tony Andrews, a farmer and leading citizen of Falmouth, Massachusetts. (An immigration officer "simplified" his name from de Andrade when Tony arrived in this country 45 years ago.)

I found him riding a tractor in the middle of a cornfield one day and handed him my business card by way of introduction. A handsome man, Tony pushed back his hat, and clapped the dust from his hands. He reached into his work pants and handed me a beautifully embossed card of his own. "Commonwealth of Massachusetts," it read. "Member, Board of Agriculture."

FACTORIES AND PROMISING NEWCOMERS

Some older immigrants have worked their way into independent enterprises, but new arrivals usually begin in the lower-paying jewelry, shoe, clothing, and textile industries.

Fall River's textile plants are granite-walled fortresses with an eternal look. But the Great Depression, the southward movement of industry, and foreign competition have conquered many of the mills. A few still hum with life, though. In the Providence File Fabric Corporation's plant, Fall River's largest, nearly half the 1,200 employees are Portuguese. Company manuals, newsletters, and safety signs are printed in both English and Portuguese. Employees with supervisory potential may be sent to English classes.

But there are not enough jobs to go around. "There's about 10 percent unemployment here," City Councilor John Medeiros told me. "Some of the settled Portuguese resent the newcomers. They're afraid the immigrants will take their jobs."

I talked to one of the 10 percent: Tony Medeiros. Yes, the newcomers, or "greenhorns," are helping to cause the unemployment situation, he told me. But a few weeks later I saw Tony again, at Fall River's airport, and he was more cheerful. He had a job as a painter on the big Braga Bridge (named after a Portuguese-American) that spans the Taunton River at the city's edge.

"I was just kidding about greenhorns the other day," he said with a grin. "A bunch of them were standing right beside us, you know. Half my relatives are greenhorns!"

I asked Tony what had brought him to the airport, and in his answer sensed something of the adventurous spirit that launched so many Portuguese explorers into the unknown.

"Painting that high bridge got me interested in parachute jumping," he said. "This Saturday I jump for the first time. But I thought it would be good to go up in a plane today. I've never been in one before."

FATE DOMINATES PORTUGUESE SONG

One evening I drove down a lonesome country road a few miles north of New Bedford. Through the open door of an old farmhouse I walked into a bit of Portugal—the Fado Restaurant.

A dark-haired woman named Valentina stood in the center of the room, eyes closed, hands clasped passionately. She seemed possessed by an inner struggle. A guitarist struck a chord. The tension snapped, and she began singing from her soul.

It was my introduction to *fado*—the Portuguese equivalent of our American blues. Fado

means "fate." Usually it is a melancholy one, involving unrequited love, and it can loosen tears from almost any listener's eyes.

As she sang, I dined on *carne de porco à alentejana*—pork with clams—on endless side dishes, on sweet *pudim flen*, and washed it all down with *vinho branco*. Portuguese food is as flavorful as Portuguese song.

Next day I approached another side of Portuguese life in New Bedford's famed whaling museum. George Avila, one of the curators, and an expert on things Portuguese, showed me the ship's article on the whaler *Acushnet*, which sailed out of Fairhaven, across the river, more than a century ago.

Acushnet? Herman Melville partially modeled the fictional *Pequod* after her in his book *Moby Dick*. And sure enough, his signature was scrawled among the others when the real vessel sailed in 1841.

"Here," said Avila, "are some of the Portuguese in her crew: George W. Galvan and Joseph Luis, both from Fayal, in the Azores. And John Adams, a Cape Verdean. His name was probably Adão, Anglicized by the captain."

"PARDELAS" POINT THE WAY TO FISH

The museum rekindled a boyhood notion of going to sea, so I arranged to sail with Armando Estrella aboard his fishing trawler, *Venture I*.

From the Fairhaven dock we headed for the fishing grounds. "Very dangerous," Armando said as we entered a channel past Woods Hole on the southwest tip of Cape Cod. "Strong tides. Very skinny channel. Many boats go down here." We made it through without incident, though.

Soon a spicy aroma drifted up from the galley. Rabbit stew. Delicious.

A heavy rumbling awoke me early the next morning. We were fifteen miles off the Cape and the crew was paying out the net. Armando leaned from the pilothouse window as he steered a half circle to let the net deploy. I went on deck to help, but the mate shook his head. I was a guest.

Three times that morning the net went down and was brought aboard again to spew its cargo of fish, mud, sand, and shells onto the deck. The men worked with precision, separating good fish—mostly gray sole, flounder, haddock, and cod—from unmarketable ones. Hungry gulls screamed overhead.

"We call those sea gulls *gaviotas*," Armando told me. "But we look for another bird, *pardela*—you call it shearwater. Important bird. When the *pardelas* fly down, they go for sardines. When they do that, we put our nets down for the good fish that feed on sardines. One hundred percent they are there."

Fog rolled in that night, but the fishing continued. I asked about the hazard of other ships suddenly looming out of the night.

"We have radar for that," Armando said. He turned on the set hidden behind the cabin wall and peered at the illuminated screen for a moment. "Nothing," he said casually and flicked the set off to return to his work. Somehow, my landlubber's fears were not allayed by that fleeting radar image.

A few days later I transferred at sea by dinghy to another Portuguese fishing boat heading for Provincetown, Massachusetts. Armando continued on to the Georges Bank, where the fishing would be better.

WERE PORTUGUESE THE FIRST COLONISTS?

From the city of Provincetown, near Cape Cod's tip, a tower rises. "That commemorates the Pilgrims' first landing in 1620," I was told by a Portuguese-American sailor. "When those Pilgrims arrived, we had the harbor all buoyed out for them."

The subject of who the first "pilgrims" were is no laughing matter in New England. Adherents of the theory that they were Por-

tuguese point, as proof, to a 40-ton sandstone boulder on the bank of the Taunton River, 30 miles upstream from Narragansett Bay.

Dighton Rock, it is called, and it is covered by a mosaic of mysterious carvings (page 98). Among them appear what some regard as clues that the Portuguese, indeed, came first. In 1920 Dr. Edmund Burke Delabarre, psychology professor at Providence's Brown University, spotted an inscription he believed to be the date 1511. He had already published several articles about the rock, but suddenly he had a specific year on which to concentrate.

He found from royal charters in Lisbon that two brothers sailed from there to North America on separate voyages. Gaspar Corte Real embarked in 1501. His brother Miguel left, probably the next year, in search of the missing Gaspar. Neither ever returned.

I visited the rock with Dr. Manuel Luciano da Silva, a doctor of internal medicine and a dedicated student of Portuguese history. Dr. da Silva showed me a cross carved on the boulder. "There are more than 300 variations of crosses," he said, "but this is the Portuguese style, with the 45° angle at the base."

Then he showed me the 1511 date that the late Dr. Delabarre had found. "Note that the five is shaped like an 'S'. That's the way a Portuguese would have written it."

With his father he traced another carving: an "M" and "COR" beneath it. "To me, that stands for Miguel Corte Real. He could have arrived here in mid-1502, and stayed for at least nine years."

"Surely in those nine years there would be intermingling of Portuguese and Indian blood," he paused, building up to his point.

"When later Europeans—Verrazano and Roger Williams—arrived here, they noted the Indians were light in color. They called themselves Wampanoag, 'People of the Dawn Light.' I believe their paler hue was a characteristic passed on by Miguel's crew."

Dr. da Silva waved at Grassy Island in midriver. "An Indian burial ground has been found out there. I wish excavations would begin on this shore, so we could fit more pieces of the puzzle together."

"After all," he said firmly, "this is an American monument, not a Portuguese one."

FAMILY THRIVES ON TOGETHERNESS

The bond that sent Miguel Corte Real across an unknown ocean in search of his brother is the same one that links the Portuguese today. Family loyalty.

I talked with affable Joseph Fernandes, who arrived in this country in 1924 at the age of 13 months, later graduated from Boston University, and now heads a chain of 32 Massachusetts supermarkets. His management team is made up of brothers-in-law, nephews, nieces, and other relatives. They work together in a modern campuslike headquarters in Norton, 19 miles north of Fall River. They live together in a compound of handsome houses tucked away in a grove of pine trees.

"The lines of authority have to be clearly understood in a family situation like this," Mr. Fernandes told me. "The others have a right to question my reasoning when I am reaching a decision, and we can all argue about it, too. But once I make the decision..."

A nephew finished his sentence: "... it becomes law!"

An emigrant can take comfort from the knowledge that relatives will be waiting when he arrives—and that many schools in Portuguese New England offer classes to help him understand his adopted country.

With my language-professor friend, Dr. T. Steven Tegu, I visited one of those classes. When we reached the classroom door, the students were reading in English, droning the phrases in a dry flat monotone.

Dr. Tegu winced. The regular class instructor grinned and waved the professor in.

"When you speak a country's language," my friend announced, "you must adopt the manners of that country. If you are a lover, you must live the part of a lover."

He raised his arms. "Now, say after me, 'I love you, *te quero*—but with *feeling*!' Dr. Tegu's soulful "I love you" nearly steamed the classroom windows.

The students roared back in unison, "I 1-o-o-o-ve you," and dissolved into laughter. "Now say, 'I kiss you, *beijo-te*,'" Dr. Tegu bellowed, lunging with outstretched arms toward a stout woman. Her startled shriek was drowned out by another howl of laughter.

As Dr. Tegu and I left, the students were reading aloud again. Rarely have English words been uttered with such drama.

CEREMONY SEALS A LIFETIME VOW

"Graduation" for these students takes place in a Providence, Rhode Island, courtroom. On a day when new citizens were being sworn in, I took a seat amid an overflow crowd of friends and relatives. Raymond J. Pettine, Chief Judge of the U.S. District Court, presided. He spoke with earnest eloquence.

"My father came here as a poor Italian immigrant some eighty years ago. I think of the day he took his oath of allegiance as you will today. How could he have dreamed that someday his son would be sitting on this bench—perhaps the very court where he swore his own allegiance to the United States."

Every eye was fixed on the black-robed judge as he continued: "Keep alive the heritage and culture of your homeland. When people like you become citizens, America is enriched. I ask you to hold your citizenship dear—to hold it sacred. Love your country."

They stood then, those Portuguese, and all the others who had come to this nation in hope of a better life. They repeated, as if with one voice:

"I pledge allegiance..."

AMERICAN ELECTRIC POWER—ADS AND SALES EXPENSES DWARF R. & D.

Mr. METCALF, Mr. President, for the last several years, I have inserted into the RECORD figures released by the Federal Power Commission comparing advertising and sales and research and development expenditures of all major investor-owned electric utilities. The figures for 1973 have just been released, and for the first time they are at least encouraging. In 1973, investor-owned electric utilities spent 1.1 times as much on advertising and sales as they did on research and development. In 1971, the ratio was 3.3 to 1, and in 1969 and 1970 the ratio was 7 to 1. As a whole, the electric utility seems to be headed in the right direction.

It is important to keep in mind, however, that through accounting procedures, research, and development figures can be padded, while advertising expenses can be made to appear smaller than they actually are.

Mr. President, I ask unanimous consent that the figures for 1973—as published by the Federal Power Commission—be printed at this point in the RECORD.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B 1973 ADVERTISING AND SALES EXPENSES

Company	Advertising account 913	Institutional advertising account 930	Total advertising	Total sales expense
Alabama Power Co.	\$441,042	\$1,009,261	\$1,450,303	\$5,948,673
Alaska Electric Light & Power Co.		480	480	21,266
Alcoa Generating Corp.	2,131		2,131	1,940,169
Algonquin Power Co.	293,507	302,111	595,618	531,696
Arizona Public Service Co.	528,656	3,040	531,696	1,369,050
Arkansas-Missouri Power Co.	53,435	37,556	90,991	206,831
Arkansas Power & Light Co.	566,158	517,500	1,083,658	3,010,060
Arkla Power Co., Inc.				
Atlantic City Electric Co.	30,836	45,391	76,227	395,643
Baltimore Gas & Electric Co.	184,907	116,839	301,746	1,096,434
Bangor Hydro-Electric Co.	14,238		14,238	25,409
Black Hills Power & Light Co.	57,152	12,161	69,313	234,409
Blackstone Valley Electric Co.	96,955	8,133	105,088	518,954
Boston Edison Co.	305,281	370,624	675,905	2,342,771
Brockton Edison Co.	28,473	14,371	42,844	432,544
California-Pacific Utilities Co.	18,777		18,777	117,780
Cambridge Electric Light Co.	11,157	21,522	32,679	275,202
Canal Electric Co.				
Cardinal Power & Light Co.	118,811	756,836	875,647	2,120,343
Central Hudson Gas & Electric Corp.		93,745	93,745	237,482
Central Illinois Light Co.	38,207	134,130	172,337	247,537
Central Illinois Public Service Co.	330,130	264,342	594,472	2,112,432
Central Kansas Power Co., Inc.		5,355	5,355	4,777
Central Louisiana Electric Co., Inc.	177,384	15,325	192,709	730,514
Central Maine Power Co.	272,377	391,767	664,144	1,124,524
Central Power & Light Co.	66,813	13,336	80,149	185,406
Central Telephone & Utilities Corp.	12,105	1,902	14,007	309,201
Central Vermont Public Service Corp.				
Chester Electric Light & Power Co.	9,819	13,694	23,513	94,506
Cheyenne Light, Fuel & Power Co.	124,914	59,814	184,728	1,085,330
Cincinnati Gas & Electric Co., The	7,410		7,410	2,702,537
Citizens Electric Co.	32,588		32,588	59,107
Citizens Utilities Co.	846,065	510,220	1,356,285	2,411,533
Cleveland Electric Illuminating Co., The				
Cliffs Electric Service Co.	74,413	62,033	136,446	827,958
Columbus & Southern Ohio Electric Co.	203,728	2,312,795	2,516,523	7,189,222
Commonwealth Edison Co.				
Commonwealth Edison Co. of Indiana, Inc.	224,710		224,710	842,234
Community Public Service Co.	4,165		4,165	81,674
Concord Electric Co.		331,155	331,155	200,460
Connecticut Light & Power Co., The	1,291		1,291	25,254
Connecticut Valley Electric Co., Inc.				
Connecticut Yankee Atomic Power Co.				
Conowingo Power Co.	2,675		2,675	75,517
Consolidated Edison Co. of New York, Inc.		1,193,963	1,193,963	1,414,537
Consolidated Water Power Co.				
Consumers Power Co.	1,134,345	1,134,345	2,268,690	2,735,468
Dallas Power & Light Co.	299,724	586,884	886,608	809,311
Dayton Power & Light Co., The	114,758	168,554	283,312	583,169
Delmarva Power & Light Co.	19,544	186,804	206,348	264,242
Delmarva Power & Light Co. of Maryland	15,236	39,542	54,778	62,590
Delmarva Power & Light Co. of Virginia	2,600	3,696	6,296	742,627
Detroit Edison Co., The	33,836	130,402	164,238	2,680,105
Duke Power Co., The	141,462	791,441	932,903	2,112,090
Duquesne Light Co.	94,463	402,566	497,029	40,464
Edison Electric Co.	7,851		7,851	537,114
El Paso Electric Co.	121,920		121,920	416,820
Electric Energy, Inc.				
Empire District Electric Co., The	47,798	4,533	52,331	3,685
Exeter & Hampton Electric Co.	181	3,504	3,685	198,231
Fall River Electric Light Co.	9,722	43,995	53,717	121,548
Fitchburg Gas & Electric Light Co.	17,818	3,124	20,942	1,799,771
Florida Power Corp.	499,764	499,764	999,528	8,860,006
Florida Power & Light Co.	1,270,359	181,814	1,452,173	83,717
Florida Public Utilities Co.	6,127	235	6,362	7,691,773
Georgia Power Co.	496,134	1,517,489	2,013,623	85,768
Granite State Electric Co.	434	7,370	7,804	113,673
Green Mountain Power Co.	17,932		17,932	1,094,884
Gulf Power Co.	152,723	256,729	409,452	2,525,583
Gulf States Utilities Co.	339,089	138,329	477,418	69,798
Hartford Electric Light Co., The	1,938	268,807	270,745	1,180,446
Hawaiian Electric Co., Inc.	74,639	96,436	171,075	5,782
Hershey Electric Co.	116		116	206,034
Hilo Electric Light Co., Ltd.	12,222	15,342	27,564	432
Holyoke Water Power Co.				
Holyoke Water & Electric Co.		6,965	6,965	31,985
Horne Light & Power Co.		3,931	3,931	20,548
Houston Lighting & Power Co.	2,119,884	827,623	2,947,507	3,921,726
Idaho Power Co.	137,221	50,681	187,902	1,358,653
Illinois Power Co.	199,029	125,360	324,389	1,205,174
Indiana-Kentucky Electric Corp.	146,901	486,679	633,580	1,557,893
Indiana & Michigan Electric Co.	589,131	42,667	631,798	2,177,942
Indianapolis Power & Light Co.	102,010	31,066	133,076	818,420
Interstate Power Co.	215,468	59,094	274,562	1,120,916
Iowa Electric Light & Power Co.	8,373	5,347	13,720	201,790
Iowa Power & Light Co.	221,903	17,855	239,758	743,007
Iowa Public Service Co.	198,936	32,343	231,279	548,338
Iowa Southern Utilities Co.	35,268		35,268	353,767
Jersey Central Power & Light Co.	12,659	140,007	152,666	681,780
Kansas City Power & Light Co.	332,929	194,957	527,886	1,294,380
Kansas Gas & Electric Co.	222,666	72,969	295,635	1,031,637
Kansas Power & Light Co., The	57,334	54,586	111,920	510,668
Kentucky Power Co.	263,319	42,168	305,487	446,594
Kentucky Utilities Co.	11,463	17,424	28,887	1,614,652
Kingsport Power Co.	4,803	12,387	17,190	91,884
Lake Superior District Power Co.	4,803	12,387	17,190	1,884
Lake Superior District Power Co.	7,290		7,290	7,290
Lincoln Service Corp.	1,865		1,865	1,865
Lockhart Power Co.	376,407	402,159	778,566	2,554,656
Long Island Lighting Co.				

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PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B 1973 ADVERTISING AND SALES EXPENSES—Continued

Company	Advertising account 913	Institutional advertising account 930	Total advertising	Total sales expense
Virginia Electric & Power Co.	\$225,894	\$373,821	\$599,715	\$3,022,558
Washington Water Power Co., The	146,269	166,035	312,304	579,123
West Penn Power Co.	(62)	304,095	304,033	1,858,767
West Texas Utilities Co.	186,415	42,853	229,268	1,341,434
Western Colorado Power Co., The	6,055	14,581	20,636	69,895
Western Massachusetts Electric Co.	53,843	176,770	230,613	165,886
Wheeling Electric Co.	12,536	23,432	35,968	141,609
Wisconsin Electric Power Co.	98,193	388,197	486,390	1,250,528

¹ Includes advertising expenses, account 913.

PRIVATELY OWNED CLASS A AND CLASS B ELECTRIC UTILITIES RESEARCH AND DEVELOPMENT EXPENDITURES, YEAR ENDED DEC. 31, 1973

Company	1973 ¹		1972	
	Amount	Percent of total	Amount	Percent of total
Within the company:				
Powerplants:				
Hydroelectric:				
Recreation, fish and wildlife	\$580,349	0.2	\$5,303,405	3.0
Other hydroelectric	378,454	.2		
Fossil-fuel steam	76,184,096	31.8	70,019,290	39.9
Internal combustion or gas turbine	170,174	.1	282,385	.2
Nuclear	18,329,870	7.7	14,675,975	8.3
Unconventional generation	1,629,914	.7		
Siting and heat rejection	5,749,539	2.4		
Direct conversion			93,324	
System planning, engineering operation	6,352,783	2.6	4,037,016	2.3
Transmission:				
Overhead	3,645,197	1.5	7,341,738	4.2
Underground	2,858,175	1.2		
Outside the company:				
Research support to:				
Electric Research Council or Electric Power Research Institute	\$2,446,449	1.0	\$2,058,164	1.2
Other	6,903,013	2.9		
	12,376,968	5.2	6,796,669	4.0
Total	137,604,981	57.5	110,607,966	63.1
Grand total	239,223,194	100.0	176,342,514	100.0

¹ 1973 preliminary data subject to later verification and revision.

PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B RESEARCH AND DEVELOPMENT EXPENDITURES

Company	1973		1972		1971	
	Total	Percent of total electric utility operating revenues	Total	Percent of total electric utility operating revenues	Total	Percent of total electric utility operating revenues
Alabama Power Co.	\$4,158,278	1.05	\$2,344,527	0.72	\$321,056	0.12
Alaska Electric Light & Power Co.						
Alcoa Generating Corp.						
Alpena Power Co.						
Appalachian Power Co.	640,467	.22	893,382	.34	808,209	.35
Arizona Public Service Co.	2,510,217	1.46	1,848,357	1.30	2,289,129	1.95
Arkansas-Missouri Power Co.	64,206	.28	23,875	.12	1,873	.01
Arkansas Power & Light Co.	578,522	.28	301,090	.16	109,134	.07
Arkansas Electric Co.						
Atlantic City Electric Co.	404,827	.30	189,128	.16	96,928	.10
Baltimore Gas & Electric Co.	2,054,172	.58	1,820,744	.60	1,032,073	.38
Bangor Hydro-Electric Co.						
Black Hills Power & Light Co.	93,414	.33	16,716	.12	11,180	.05
Blackstone Valley Electric Co.	2,258,111	.74	2,155,956	.84	1,965,676	.80
Boston Edison Co.	96,686	.29	10,540	.04	12,357	.05
Brockton Edison Co.						
California-Pacific Utilities Co.	60,198	.39				
Cambridge Electric Light Co.	79,731	.32	73,584	.35	19,872	.10
Canal Electric Co.	192,154	.48	1,363,533	4.53	3,387,331	12.11
Carolina Power & Light Co.	1,046,238	.31	668,549	.22	157,865	.06
Central Hudson Gas & Electric Corp.	889,907	1.14	733,848	1.02	513,723	.79
Central Illinois Light Co.	362,312	.50	115,668	.19	84,084	.15
Central Illinois Public Service Co.	436,325	.32	248,324	.21	131,817	.12
Central Kansas Power Co., Inc.	13,209	.16				
Central Louisiana Electric Co., Inc.	16,200	.03	102,367	.19	42,417	.05
Central Maine Power Co.	149,425	.14	142,535	.15		
Central Power & Light Co.	315,702	.20	377,040	2.92	94,324	.08
Central Telephone & Utilities Corp.						
Central Vermont Public Service Corp.			11,418	.03	13,002	.04
Chester Electric Light & Power Co., The						
Cheyenne Light, Fuel & Power Co.	23,162	.43	2,182	.04	2,343	.05
Cincinnati Gas & Electric Co., The	642,781	.29	366,043	.18	230,722	.13
Citizens' Electric Co.	6,398	.39				
Citizens Utilities Co.						
Cleveland Electric Illuminating Co., The	3,353,721	1.04	732,048	.25	558,773	.21
Cliffs Electric Service Co.						
Columbus & Southern Ohio Electric Co.	476,212	.30	391,979	.29	169,170	.14
Commonwealth Edison Co.	10,792,971	.86	18,321,497	1.61	13,022,276	1.32
Commonwealth Edison Co. of Indiana, Inc.	698,247	1.26	3,416,084	8.50	4,333,343	10.58
Community Public Service Co.	158,731	.34	32,035	.08	33,000	.09
Concord Electric Co.	14,675	.25				
Connecticut Light & Power Co., The	3,136,957	1.26	1,735,394	.82	782,643	.44
Connecticut Valley Electric Co., Inc.						
Connecticut Yankee Atomic Power Co.	190,664	.86	238,385	1.06	251,477	1.10
Conowingo Power Co.						
Consolidated Edison Co. of New York, Inc.	10,942,570	.73	6,442,545	.52	2,028,405	.18
Consolidated Water Power Co.						
Consumers Power Co.	1,874,240	.38	1,386,197	.33	1,524,250	.42
Dallas Power & Light Co.	599,642	.38	365,495	.25	293,111	.23
Dayton Power & Light Co., The	245,083	.16	353,097	.25	217,667	.16

Company	1973		1972		1971	
	Total	Percent of total electric utility operating revenues	Total	Percent of total electric utility operating revenues	Total	Percent of total electric utility operating revenues
Delmarva Power & Light Co.	\$303,062	0.26	\$161,920	0.16	\$104,999	0.14
Delmarva Power & Light Co. of Maryland	72,428	.21	7,629	.03	5,090	.02
Delmarva Power & Light Co. of Virginia	11,436	.19	1,245	.03	879	.02
Detroit Edison Co., The	3,635,285	.49	6,343,991	.96	4,169,613	.71
Duke Power Co.	2,865,971	.48	1,774,024	.35	858,935	.19
Duquesne Light Co.	31,309,426	12.95	23,121,247	10.75	5,293,597	2.74
Edison Sault Electric Co.	1,000	.02	1,000	.02		
Electric Energy, Inc.	94,036	.19	31,935	.07	31,818	.08
Empire District Electric Co., The						
Exeter & Hampton Electric Co.	50,960	.16	1,543	.01	(18,107)	(.05)
Fall River Electric Light Co.					74	.00
Fitchburg Gas & Electric Light Co.	44,768	.24	4,918	.03	5,998	.04
Florida Power Corp.	24,138	.22	9,877	.11		
Florida Power & Light Co.	1,289,246	.51	846,644	.42	731,909	.41
Florida Public Utilities Co.	2,575,300	.36	2,569,234	.45	1,285,124	.26
Georgia Power Co.						
Granite State Electric Co.	4,687,176	.78	596,674	.12	377,891	.09
Green Mountain Power Co.	5,697	.07			1,187	.02
Gulf Power Co.	248	.00	7,252	.04	8,393	.05
Gulf States Utilities Co.	1,047,675	1.27	459,477	.63	69,910	.12
Hartford Electric Light Co., The	720,643	.27	545,955	.11	193,431	.10
Hawaiian Electric Co., Inc.	1,958,929	1.38	1,509,241	1.22	493,821	.46
Hershey Electric Co.	585,515	.60	916,685	1.10	677,318	.89
Hilo Electric Light Co., Ltd.	11,354	.22	5,000	.10		
Holyoke Power & Electric Co.						
Holyoke Water Power Co.						
Home Light & Power Co.	123,828	.68	73,748	.44	31,236	.16
Houston Lighting & Power Co.	16,980	.24			2,663	.05
Idaho Power Co.	5,863,219	1.43	2,846,147	.78	862,195	.27
Illinois Power Co.	544,113	.60	460,490	.51	507,262	.62
Indiana-Kentucky Electric Corp.	906,604	.45	2,714,123	1.53	2,016,575	1.27
Indiana & Michigan Electric Co.	83,502	.17				
Indianapolis Power & Light Co.	825,335	.35	786,398	.36	898,148	.49
Interstate Power Co.	363,139	.28	87,787	.07	122,347	.11
Iowa Electric Light & Power Co.	161,047	.27	34,488	.06	33,484	.06
Iowa-Indiana Gas & Electric Co.	61,000	.09	8,443	.01	9,193	.02
Iowa Power & Light Co.	406,153	.60	387,768	.61	97,101	.19
Iowa Public Service Co.	229,053	.29	116,115	.17	69,341	.11
Iowa Southern Utilities Co.	203,288	.31	80,682	.16	22,678	.04
Jersey Central Power & Light Co.	82,356	.28	90,999	.33	17,888	.07
Kansas City Power & Light Co.	1,685,052	.64	1,285,742	.57	177,385	.13
Kansas Gas & Electric Co.	452,793	.29	98,770	.07	505,278	.39
Kansas Power & Light Co., The	257,283	.32				
Kentucky Power Co.	268,997	.31	103,689	.01	72,256	.10
Kentucky Utilities Co.	61,236	.14	59,962	.15	129,592	.62
Kingsport Power Co.	278,510	.24	63,761	.05	114,306	.12
Lake Superior District Power Co.	8,900	.07	13,731	.12	17,124	.16
Lincoln Service Corp.	31,646	.23	25,724	.20	6,342	.06
Lockhart Power Co.						
Long Island Lighting Co.						
Long Sault, Inc.	4,689,129	1.38	2,082,598	.71	993,217	.38
Louisiana Power & Light Co.						
Louisville Gas & Electric Co.	606,688	.29	397,979	.22	110,050	.07
Madison Gas & Electric Co.	1,000,958	.92	2,706,134	2.78	93,706	.10
Maine Electric Power Co., Inc.	338,834	1.07	86,114	.33	32,642	.14
Maine Public Service Co.						
Maine Yankee Atomic Power Co.			3,185	.03		
Massachusetts Electric Co.						
Maul Electric Co., Ltd.	160,732	.06			191,908	.09
Metropolitan Edison Co.						
Michigan Power Co.	608,443	.33	344,072	.22	312,686	.23
Millstone Point Co., The	6,052	.07	8,863	.12	11,917	.17
Minnesota Power & Light Co.	386,104	2.69	359,227	2.51	197,656	.07
Mississippi Power Co.	139,436	.19	107,690	.18	41,420	.07
Mississippi Power & Light Co.	846,010	.99	599,822	.72	232,294	.37
Missouri Edison Co.	311,659	.25	143,653	.13	25,905	.03
Missouri Power & Light Co.	25,751	.22				
Missouri Public Service Co.	75,464	.20	9,377	.03	5,215	.02
Missouri Utilities Co.	22,000	.05	20,000	.05	12,000	.03
Monongahela Power Co.						
Montana-Dakota Utilities Co.	346,720	.33	419	.15	1,598	.01
Montana Power Co., The	92,574	.32	9,519	.04	75,164	.09
Montauk Electric Co.	765,405	1.09	120,663	.19	116,221	.20
Mt. Carmel Public Utility Co.	80,981	.14				
Nantahala Power & Light Co.						
Nantucket Gas & Electric Co.						
Narragansett Electric Co., The						
Nevada Power Co.	259,758	.28	208,461	.26	224,156	.35
New Bedford Gas & Edison Light Co.	2,228,757	3.89	132,229	.25	138,104	.33
New England Power Co.	145,614	.23	47,587	.09	12,222	.03
New Jersey Power & Light Co.	1,357,816	.62	2,534,692	1.46	987,414	.74
New Mexico Electric Service Inc.	(?)	(?)	(?)	(?)	36,632	.07
New Orleans Public Service Co.			3,271	.05	3,570	.06
New York State Electric & Gas Corp.	251,331	.29	178,404	.23	82,342	.11
Newport Electric Corp.	1,842,141	.91	1,490,028	.81	176,320	.10
Niagara Mohawk Power Corp.	3,255	.09	12,445	.13	4,353	.05
Northern Indiana Public Service Co.	4,326,019	.82	2,967,600	.61	456,129	.10
Northern States Power Co. (Minnesota)	807,085	.44	399,478	.25	207,865	.16
Northern States Power Co. (Wisconsin)	128,618	.03	1,883,564	.55	1,401,108	.48
Northwestern Public Service Co.	2,558,276	4.26	97,586	.19	25,272	.06
Northwestern Wisconsin Electric Co.	53,088	.31	1,514	.01	13,450	.10
Ohio Edison Co.	1,309,072	.39	390,254	.13	337,539	.13
Ohio Power Co.	1,600,463	.42	955,991	.29	998,451	.34
Ohio Valley Electric Corp.	14,270	.01				
Oklahoma Gas & Electric Co.	690,707	.35	241,280	.14	201,362	.13
Old Dominion Power Co.						
Orange & Rockland Utilities, Inc.	269,694	.32	2,291	.04	2,630	.05

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PUBLICLY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B RESEARCH AND DEVELOPMENT EXPENDITURES—Continued

Company	1973		1972		1971	
	Total	Percent of total electric utility operating revenues	Total	Percent of total electric utility operating revenues	Total	Percent of total electric utility operating revenues
Pennsylvania Power & Light Co.	\$2,014,271	0.53	\$903,039	0.26	\$453,754	0.15
Philadelphia Electric Co.	14,516,210	2.26	5,670,706	0.99	2,371,360	0.47
Portland General Electric Co.	565,952	.45	323,488	.26	147,938	.14
Potomac Edison Co., The	219,921	.11	74,752	.11	61,431	.10
Potomac Edison Co. of Pennsylvania, The	14,650	.01	564,918	.02	2,520	.02
Potomac Edison Co. of Virginia, The	83,908	.13	3,160	.02	5,426	.04
Potomac Edison Co. of West Virginia, The	22,846	.03			3,931	.03
Potomac Electric Power Co.	3,883,233	1.21	4,393,978	1.61	686,291	.27
Public Service Co. of Colorado	676,879	.37	157,143	.06	144,032	.10
Public Service Co. of Indiana, Inc.	923,829	.38	445,721	.20	223,067	.12
Public Service Co. of New Hampshire	1,234,838	1.14	344,546	.52	368,867	.46
Public Service Co. of New Mexico	152,650	.27	376,751	.27	131,958	.15
Public Service Co. of Oklahoma	3,852,152	2.64	3,792,389	.56	1,584,299	.26
Puget Sound Power & Light Co.	12,127,731	1.58	288,366	.27	142,996	.15
Rochester Gas & Electric Corp.	397,998	.52	793,745	.68	412,404	.37
Rockland Electric Co.	709,013		1,122	.01		
Rumford Falls Power Co.						
Safe Harbor Water Power Corp.						
St. Joseph Light & Power Co.	51,219	.28	25,795	.15	12,986	.08
San Diego Gas & Electric Co.	2,709,524	1.64	2,321,027	1.65	1,086,116	.90
Savannah Electric & Power Co.			14,117	.05	8,796	.03
Sherrard Power System						
Sierra Pacific Power Co.	131,751	.29	67,443	.17	34,445	.10
South Beloit Water, Gas & Electric Co.						
South Carolina Electric & Gas Co.	291,001	.18	258,455	.18	87,413	.08
Southern California Edison Co.	17,440,958	1.62	11,107,357	1.19	4,137,287	.52
Southern Electric Generating Co.						
Southern Indiana Gas & Electric Co.	185,558	.39	33,894	.08	63,746	.18
Southwestern Electric Power Co.	250,576	.19	204,015	.17	78,055	.08
Southwestern Electric Service Co.	835	.01				
Southwestern Public Service Co.	247,687	.21	55,713	.05	79,211	.08
Superior Water, Light & Power Co.	17,735	.28	6,120	.11		
Susquehanna Electric Co., The	61,107	.68				
Susquehanna Power Co., The	42,954		701,047	11.06	513,050	
Tampa Electric Co.	88,796	.07	261,608	.21	105,265	.10
Tapco, Inc.						
Texas Electric Service Co.	986,541	.47	620,384	.31	311,076	.18
Texas Power & Light Co.	759,759	.30	464,786	.20	325,406	.17
Toledo Edison Co., The	360,646	.29	45,075	.04	36,729	.04
Tucson Gas & Electric Co.	815,087	1.03	430,564	.72	35,589	.07
UGI Corp.	43,039	.25	5,093	.04	6,673	.05
Union Electric Co.	1,814,219	.48	975,351	.29	411,919	.14
Union Light, Heat & Power Co., The	102,488	.40	58,154	.24	31,739	.14
United Illuminating Co., The	618,729	.53	765,588	.74	761,926	.94
Upper Peninsula Generating Co.						
Upper Peninsula Power Co.	5,000	.03	1,600	.01	1,600	.01
Utah Power & Light Co.	870,866	.69	468,721	.40	340,208	.35
Vermont Electric Power Co., Inc.					4,500	.02
Vermont Yankee Nuclear Power Corp.	125,944	.26	112,066	.28		
Virginia Electric & Power Co.	2,322,414	.44	1,163,671	.26	2,227,917	.57
Washington Water Power Co., The	253,446	.39	136,982	.25	2,743	.01
West Penn Power Co.	722,192	.38	353,491	.21	363,057	.23
West Texas Utilities Co.	75,830	.13	104,672	.21	37,611	.08
Western Colorado Power Co., The	10,842	.20	5,280	.14		
Western Massachusetts Electric Co.	1,150,663	1.27	646,507	.92	325,912	.47
Wheeling Electric Co.	15,709	.07	22,145	.11	27,195	.16
Wisconsin Electric Power Co.	3,679,962	1.27	973,918	.37	236,435	.11
Wisconsin Michigan Power Co.	339,376	.86	149,678	.35	38,509	.10
Wisconsin Power & Light Co.	1,144,769	1.10	315,230	.35	154,377	.19
Wisconsin Public Service Corp.	1,051,006	1.05	597,557	.69	81,371	.11
Wisconsin River Power Co.						
Yadkin, Inc.						
Yankee Atomic Electric Co.	14,414	.14				
Total	239,223,194	.82	175,342,514	.69	94,389,884	.42

1 Reflects adjustment of prior years expenditures.

2 New Jersey Power & Light Co. merged into Jersey Central Power & Light Co. July 31, 1973.

In preparation for the merger the two companies entered into an operating agreement which became effective July 1, 1972, and filed a combined annual report for the year 1972.

Mr. METCALF. Mr. President, one group of companies stands out in opposition to the tide of increased research and development expenditures. The American Electric Power system—AEP—the largest electric utility holding company in the Nation, actually decreased the percentage of its total operating revenues spent on R. & D. by 0.13 percent

in 1973. Meanwhile, the electric utility industry as a whole increased the percentage of its total operating revenues spent on R. & D. by 0.13 percent during that same period.

While that set of figures alone is distressing, I am even more amazed when I look at the record of AEP over the last 4 years. Six of its seven wholly owned subsidiaries spent less money in

1973 on research and development than they spent in 1970.

Mr. President, I ask unanimous consent that a chart showing American Electric Power's research and development expenditures for the last 4 years be printed at this point in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

AMERICAN ELECTRIC POWER SYSTEM—RESEARCH AND DEVELOPMENT EXPENSES OF SUBSIDIARIES, 1970-73

Company	1973		1972		1971		1970	
	Total	Percent of total operating revenue	Total	Percent of total operating revenue	Total	Percent of total operating revenue	Total	Percent of total operating revenue
Appalachian Power	\$640,467	0.22	\$898,382	0.34	\$808,209	0.35	\$736,871	0.37
Indiana-Michigan Electric Co.	825,335	.35	786,398	.36	898,148	.49	935,532	.57
Kentucky Power	61,236	.14	59,962	.15	129,592	.36	156,918	.50
Kingsport Power	8,990	.07	13,731	.12	17,124	.16	19,790	.20
Michigan Power	6,052	.07	8,863	.12	11,917	.17	18,968	.17
Ohio Power	1,600,463	.42	955,991	.29	998,451	.34	840,841	.32
Wheeling Electric	15,709	.07	22,145	.11	27,195	.16	29,131	.18

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Mr. METCALF. Mr. President, the figures comparing American Electric Power's research and development expenditures with its advertising and sales expenditures in 1973 are equally distressing. As I stated earlier, the entire industry spent 1.1 times as much on advertising and sales as on research and development last year. During that same period, AEP's companies averaged 6.8 times as much on advertising and sales as on research and development. One of its subsidiaries, Michigan Power Co., spent \$15.50 on advertising for every \$1 it spent on research.

Mr. President, I have excerpted the advertising and sales and research and development figures for AEP, and I ask unanimous consent that they be printed in the Record at this point.

There being no objection, the figures were ordered to be printed in the Record, as follows:

AMERICAN ELECTRIC POWER SYSTEM SUBSIDIARIES—RESEARCH AND DEVELOPMENT VERSUS ADVERTISING AND SALES EXPENDITURES, 1973

Company	Total advertising and sales expenditures	Total R. & D. expenditures	Ratio of advertising and sales to R. & D.
Appalachian Power	\$1,940,169	\$640,467	3.02:1
Indiana-Michigan Electric Company	1,557,893	825,335	1.88:1
Kentucky Power	446,594	61,236	7.29:1
Kingsport Power	88,859	8,990	9.88:1
Michigan Power	94,333	6,052	15.58:1
Ohio Power	1,688,714	1,600,463	1.05:1
Wheeling Electric	141,609	15,709	9.01:1

Mr. METCALF. Mr. President, it appears that the 1974 American Electric Power priorities will be even more dismal. For the last several months, AEP has been running a major advertising campaign with full page ads appearing almost weekly in the Washington Post, the New York Times, Newsweek, Time, and other national news publications. The campaign has been even more intense in subsidiaries' service areas, which run from the shores of Lake Michigan to Virginia's Roanoke Valley. The cost of the campaign has been estimated to be around \$3.2 million.

In this era of the energy crisis, inflation and recession that \$3.2 million could have been better devoted to rate relief for some of AEP's 1,560,000 residential consumers.

Hopefully, American Electric Power, and the other electric utilities will realize that the best way to improve their public image is not to use a slick advertising campaign, but to devote their time and money to providing the public cheaper, more efficient, pollution-free electricity.

It should be noted that last year the American Electric Power system established a record. Although it was one of the most profitable utility systems in the country its Federal income taxes reached a record low. The proof of that statement is in the subsidiaries' own reports to the Federal Power Commission, whose chairman provided the information to me. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Company	Total Federal income taxes as percent of total operating revenue	Net profit as percent of total operating revenue
Appalachian Power	0	22.1
Indiana-Michigan Electric	0	23.8
Kentucky Power	0	14.0
Kingsport Power	0	4.1
Michigan Power	0	6.1
Ohio Power	0	23.0
Wheeling Electric	0	4.0

Mr. METCALF. Mr. President, all taxpayers are indebted to Congressman VANIK and the staff of the Joint Committee on Internal Revenue Taxation for their recent study on effective corporate tax rates. It is pertinent to my remarks in that the utility holding company to which I have referred, American Electric Power, enjoyed the same Federal tax-free status last year which characterized all but one of its subsidiaries. According to the Vanik study American Electric Power had an adjusted net income of \$194,285,000. It not only paid no Federal income taxes. It accumulated a tax credit of \$8,920,000.

AMERICAN-FLAG AIR CARRIER ACT

Mr. STEVENS. Mr. President, as I am sure all of my colleagues are aware through recent news reports, Pan American World Airways has sustained severe economic difficulties in recent years as a result of many factors beyond the airline's control—not the least being restrictive routing authority.

Pan Am plays an important role in Alaska's transportation network and I have been very concerned for some years over the problems that Pan Am has faced.

I had hoped that before adjournment, the 93d Congress would have enacted legislation to assist Pan Am in overcoming its most difficult financial problems. However, due to the very limited time remaining and considering the absolutely essential legislation that must be passed prior to adjournment, it is apparent that legislation I had intended to offer to aid Pan Am cannot be considered at this time.

Still, Mr. President, I would like to briefly state what my proposal would do and, without objection, submit my proposal for incorporation in the Record in the hopes that my colleagues might have the opportunity to review it.

Basically, my proposal to assist Pan Am is quite similar to that plan which the Congress passed to aid American Motors during a time of financial crisis. My proposal would allow Pan Am to carry back losses it incurred in 1970 and 1971 and apply them against taxes paid by Pan Am in the preceding 10 years. Under present law only a 3-year carry-back is permitted and Pan Am has already depleted those benefits.

As Senator NELSON from Wisconsin stated in support of the American Motors bill, on August 9, 1967, "It would not cost the American taxpayer a nickel."

This is also true for Pan American, because if Pan American is sustained as a

viable air carrier, its future Federal tax payments would be increased if, as provided under my proposed amendment, the carryforward of its 1970-1971 losses were eliminated. I should also point out that there would also be no revenue impact if Pan American were to be unable to regain its profitable position and were required to be merged with another airline. In such a case, the surviving or consolidated airline entity would, under present law, probably be entitled to utilize Pan American's losses against the future income of the combined entity. Under my proposal, the utilization of those losses would not be available and, consequently, any combined entity would be required to pay greater taxes on its future income. In addition, my amendment would have permitted the more than 32,000 Pan American employees to share in any eventual success to Pan American when it, hopefully, regains operational profitability, by providing that 25 percent of any tax refund resulting from the amendment would have been distributed to the employees through an employee stock ownership plan as Pan American gradually regained its former profitability position.

My proposal to extend the carry-back period for Pan Am would help insure the solvency of this important U.S. international airline. If action is not taken soon, Pan Am will find itself in an absolutely untenable financial condition which would make recovery almost an impossibility.

Again, it is most unfortunate that the Congress could not consider my proposal this year. However, I do intend to submit my plan to the 94th Congress in the hopes that it can be acted on expeditiously so as to be of positive assistance to Pan Am during this time of financial crisis.

Mr. President, I ask unanimous consent to have my amendment printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

At the appropriate place insert the following new section:

Sec. (a) This section may be cited as the "American Flag Air Carrier Act".

(b) Section 172 (b) of the Internal Revenue Code of 1954 (relating to net operating loss carrybacks and carryovers) is amended—

(1) by inserting "(C)" after "subparagraphs" in paragraph (1) (A) (i),

(2) by striking out "In the case" in paragraph (1) (C) and inserting in lieu thereof "(1) Except as provided in clause (ii), in the case", and

(3) by adding at the end of paragraph (1) (C) the following:

"(ii) In the case of a taxpayer which is a regulated transportation corporation, satisfies the requirements of subsection (1), and is the common parent corporation of an affiliated group (as defined in section 1504 (a)) which made a consolidated return for each of the taxable years beginning on or after January 1, 1970, and ending on or before December 31, 1971, a consolidated net operating loss attributable to such taxpayer for any such taxable year shall be a net operating loss carryback to each of the 10 taxable years preceding the taxable year of such loss and shall not be a net operating loss carryover to any taxable year following the taxable year of such loss if a consolidated return was made for any of such preceding 10 taxable

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years during which the taxpayer was the common parent corporation of the affiliated group, such net operating loss shall be applied the consolidated taxable income of the affiliated group. If no consolidated return was filed for any such preceding year, the net operating loss shall be applied against the separate taxable income of such taxpayer."

(c) Section 172 of such Code is amended by redesignating subsection (l) as (m), and by inserting after subsection (k) the following new subsection:

"(1) General Requirement.—In order to satisfy the requirements of this subsection for any taxable year, a taxpayer must meet the requirements of paragraph (2) and of the American Flag Air Carrier Act.

"(2) Requirements relating to taxpayer and amount of loss.—A taxpayer meets the requirements of this paragraph if—

"(A) the amount of the taxpayer's net operating loss for the taxable year with respect to which the provisions of subsection (b) (1) (C) (ii) are to apply exceeds the sum of the taxable income (computed in accordance with the last two sentences of subsection (b) (1) (C) (ii)) for each of the 3 preceding taxable years of the taxpayers, and

"(B) for the taxable year of such loss, the taxpayer—

"(i) was a common carrier by air, subject to the jurisdiction of the Civil Aeronautics Board, and operated under one or more certificates of public convenience and necessity issued under section 401(d) (1) or 401 (d) (2) of the Federal Aviation Act of 1958 authorizing the taxpayer to engage in the scheduled service carriage of persons in 'interstate air transportation', in 'overseas air transportation', and in 'foreign air transportation', as such terms are defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and

"(ii) had operating revenues from the furnishing or sale of both (I) 'domestic' and (II) 'international' and 'territorial' air transportation (as such terms are defined in Civil Aeronautics Board regulations), and at least 60 percent of such operating revenues for such year were derived from the furnishing or sale of international and territorial air transportation, as so defined."

(d) In order to meet the requirements of this subsection—

(1) A corporation (hereinafter referred to as "the employer") must establish an employee stock ownership plan (described in paragraph (2)) which is funded by transfers of employer securities from an escrow account in accordance with the provisions of subsection (e).

(2) The plan must be an individual account plan established in writing which—

(A) is a stock bonus plan, or a stock bonus and money purchase plan,

(B) is designed to invest primarily in employer securities, and

(C) meets such other requirements (similar to requirements, to the extent appropriate, which are applicable to employee stock ownership plans as defined in section 4975(e) (7) of the Internal Revenue Code of 1954) as the Secretary of the Treasury may prescribe.

(3) In addition to any requirements applicable to deferred compensation plans under the Employee Retirement Income Security Act of 1974, the plan must meet the requirements of section 401(a) (4) of the Internal Revenue Code of 1954, and provide for vesting in accordance with the provisions of section 411 of such Code. For purposes of this paragraph, the plan must satisfy the requirements of section 411(a) (2) (A) of such Code and such requirements shall be applied to the plan by substituting "3 years" for "10 years" where "10 years" appears.

(4) The plan must provide that, at the close of each plan year, the plan will allocate to the account of each participant that portion of the employer securities trans-

ferred to the plan during that year which bears substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensation paid to such participant (disregarding any compensation in excess of \$100,000 per year) bears to the compensation paid to all such participants during that year (disregarding any compensation in excess of \$100,000 with respect to any participant).

(5) The plan must provide that each participant is entitled to direct the plan as to the manner in which any employer securities allocated to the account of the participant are to be voted.

(6) The plan must provide for participation by all employees of the employer and may provide for participation by employees of any corporation which is a member of a controlled group of corporations (within the meaning of section 1563(a) (4) and 1563(e) (3) (C) of such Code) which the employer is a member. The plan is not considered to have failed to meet the requirements of this paragraph solely because employees who are covered by a collectively-bargained agreement are excluded from participation if participation is offered to such employees (through their employee representatives) and the offer is not accepted within a reasonable time.

(7) The plan and the escrow agreement shall provide that if—

(A) the plan meets the requirements of section 401 of the Internal Revenue Code of 1954, and

(B) the amounts involved in the required transfers of employer securities from the escrow account to the plan are in excess of the limitations contained in section 415 of such Code,

the stock to be transferred which is in excess of such limits shall be transferred directly to the employees to whom it would be allocated if it were transferred to the plan.

(e) In order to meet the requirements of this subsection—

(1) The escrow account must be established by the employer under a written agreement. The escrow account must be held and administered by a bank which is qualified to hold assets under section 401(d) (1) of the Internal Revenue Code of 1954 and which is not a disqualified person (as defined in section 4975(e) (2) (other than subparagraphs (A) and (B) thereof) of such Code) with respect to the plan.

(2) Within 10 days after the escrow account is established, and before making a claim for adjustment or refund under section 172(b) (1) (C) (ii) of the Internal Revenue Code of 1954, the employer must transfer employer securities to the escrow account having an aggregate value at the time of transfer of at least 25 percent of the total amount of the refund or credit of any overpayment of tax claimed by the employer in its carryback adjustment application or claim for refund under such section.

(3) The agreement under which the escrow account is established must provide that each year there will be transferred to the plan, not later than 10 days after the due date (including any extensions of time) for filing the employer's return of tax under chapter 1 of the Internal Revenue Code of 1954, a number of the employer securities equal in value to 10 percent of the employer's net income after income taxes without taking into account any deduction for contributions to the plan from the escrow account.

(4) The agreement must provide that, by the end of the 120th month after the escrow account is established, either all of the employer securities in the escrow account will have been transferred to the plan, or (if less) employer securities having a total value equal to at least an amount equal to the amount

required to have been transferred to the plan under paragraph (2) will have been transferred to the plan. The agreement may provide that, if there are any employer securities remaining in the escrow account after application of the provision described in the preceding sentence, the remaining securities may be distributed to the corporation.

(5) The agreement must provide that any charges incurred with respect to the escrow account will be paid by the employer, except that, to the extent that dividends paid on employer securities held in such account are sufficient to cover such charges the dividends shall be used to pay such charges, to the extent that such dividends exceed such charges the excess shall be used to reimburse the employer for any such charges previously paid by the employer, and to the extent that such dividends exceed such charges and reimbursements the excess shall be paid to the plan.

(6) The agreement must provide that no transfers may be made from the escrow account except as provided in this subsection.

(f) For purposes of this section, the term—

(1) "employer securities" means common stock issued by the employer with voting power and dividend rights no less favorable than the voting power and dividend rights of other common stock issued by the employer,

(2) "value" means the average of closing prices of the employer securities, as reported by a national exchange on which securities are listed, for the twenty consecutive trading days immediately preceding the date of transfer or allocation of such securities.

(g) If, at any time within 120 months following the date on which a person claims a refund for overpayment of tax or adjustment of tax through a net operating loss carryback under section 172(b) (1) (C) (ii) of the Internal Revenue Code of 1954, that person fails to meet any requirement imposed under this section or under any obligation undertaken to comply with a requirement of this section, he is liable to the United States for a civil penalty of an amount equal to the amount involved in such failure. The amount involved shall not exceed the amount of such refund or adjustment, and shall not be less than one-half of one percent of the amount such person is required to transfer to the escrow account described in this section during such 120-month period. The amount of such penalty may be collected by the Secretary of the Treasury in the same manner in which a deficiency in the payment of Federal income tax may be collected.

LESLIE C. ARENDS

Mr. PERCY. Mr. President, this year marks the end of a remarkable congressional career. Congressman LES ARENDS has been in the House of Representatives since 1935 and has been Republican whip since 1943. He is also the most senior Member of the Illinois delegation in Congress.

Born in Melvin, Ill., LES ARENDS served in World I and maintained his belief in a strong national defense as a senior member of the House Armed Services Committee.

He has been most effective as Republican whip in the House and his voluntary retirement at the end of this Congress closes the book on a remarkable chapter in Illinois and congressional history.

I came to know LES ARENDS well during the 1950's while serving as president of the United Republican Fund in Illinois. LES ARENDS was always willing to attend and address our meetings. Our relation-

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ship has continued since my election to the Senate and I have enjoyed seeing him in action in the House for the past 8 years.

I wish LES and his wonderful wife, Betty, all the best as an impressive House career comes to a close and a new, I trust, equally exciting life opens ahead for them both.

ACCOMPLISHMENTS OF THE APPROPRIATIONS COMMITTEE, U.S. SENATE

Mr. McCLELLAN. Mr. President, Congress has no more important task than to provide the American people with a stable economy and a sound dollar. Caught in an economic vise of soaring costs and the shrinking purchasing power of the dollar, the people have the right to expect that Congress will make every effort to alleviate these pressures that are producing instability in the economy.

I am indeed pleased to report that the Committee on Appropriations has been moving with some effectiveness in the handling of appropriations bills for the 1975 fiscal year in its purpose to combat the effects of inflation.

We have made a concentrated effort—and with some measure of success—to

reduce administration spending requests for the current fiscal year to reasonable levels. These efforts should be of assistance in turning back the rising tide of inflation.

Fifteen appropriations bills for fiscal year 1975—including two supplemental appropriations bills and a special energy bill—have been reported by the Appropriations Committee so far this year. Eleven have been signed into public law.

Eleven of these measures have been substantially and significantly reduced below the budget estimates submitted by the administration to the Committee on Appropriations.

We have, Mr. President, made a net reduction of \$6,147,871,387 under the budget in fiscal year 1975 new obligatory authority.

The reductions made by Congress in the President's budget requests so far this year are:

Legislative—\$14,196,735.
Agriculture, Environmental, and Consumer Protection—\$58,683,100.
District of Columbia—\$26,600,000.
Transportation—\$256,499,552.
HUD, Space, Science, Veterans—\$221,001,000.
Labor, HEW—\$485,239,000.

U.S. SENATE, COMMITTEE ON APPROPRIATIONS

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 93D CONG., 2D SESS., AS OF DEC. 19, 1974

[Does not include any "back-door" type budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law, without further or annual action by the Congress]

Bill and fiscal year (1)	House actions			Senate actions			Final action	
	Budget requests considered (2)	Approved by House (3)	Compared with budget requests (4)	Budget requests considered (5)	Approved by Senate (6)	Compared with budget requests (7)	Conference agreement (8)	Compared with budget requests (9)
A. Bills for fiscal 1975:								
1. Legislative (H.R. 14012).....	\$609,009,265	\$603,221,280	-\$5,877,985	\$722,472,385	\$718,439,511	-\$4,032,874	\$708,275,650	-\$14,196,735
2. Agriculture-Environmental and Consumer Protection:								
H.R. 15472 (Vetted bill).....	(13,432,588,100)	(13,405,420,000)	(-27,168,100)	(13,432,863,100)	(13,667,397,300)	(+234,534,200)	(13,571,395,000)	(+138,531,900)
H.R. 16901 (New bill).....	13,432,863,100	13,379,183,000	-53,680,100	13,446,534,100	13,394,854,000	-53,680,100	13,389,851,000	-58,683,100
3. District of Columbia (Federal Funds) (H.R. 15581).....	406,000,000	389,400,000	-16,600,000	406,000,000	379,400,000	-26,600,000	379,400,000	-26,600,000
4. Transportation (H.R. 15405).....	3,538,938,552	3,182,239,000	-356,699,552	3,545,003,552	3,288,946,775	-256,056,777	3,288,504,000	-256,499,552
5. HUD-Space-Science-Veterans (H. R. 15572).....	20,887,851,000	20,846,332,000	-41,519,000	21,436,813,000	21,210,718,420	-226,094,580	21,215,812,000	-221,001,000
6. Labor-HEW (H.R. 15580).....	33,262,997,000	33,156,541,000	-106,456,000	33,531,095,000	33,111,142,000	-419,953,000	33,045,856,000	-485,239,000
7. Interior (H.R. 16027).....	3,134,594,710	3,153,515,310	+18,920,600	3,154,004,710	3,170,394,310	+16,389,600	3,169,162,310	+15,157,600
8. State-Justice-Commerce-Judiciary (H.R. 15404).....	5,411,809,600	5,311,454,100	-100,355,500	5,452,799,600	5,262,502,000	-190,297,600	5,290,157,100	-162,642,500
9. Public Works-AEC (H.R. 15155).....	4,412,251,000	4,475,410,000	+63,159,000	4,526,826,000	4,568,203,000	+41,377,000	4,505,472,000	-21,354,000
10. Treasury-Postal Service-General Government (H.R. 15544).....	5,576,846,000	5,503,794,000	-73,052,000	5,618,196,000	5,565,908,000	-52,688,000	5,561,169,000	-57,027,000
11. Defense (H.R. 16243).....	87,057,497,000	82,983,570,000	-4,073,927,000	87,057,497,000	81,584,258,000	-5,473,239,000	82,096,257,000	-4,961,200,000
12. Military Construction (H.R. 17468).....	3,383,000,000	3,062,108,000	-320,892,000	3,383,000,000	3,082,480,000	-300,520,000	3,072,842,000	-310,158,000
13. Energy (H.R. 14434).....	2,203,729,000	2,269,828,000	+66,100,000	2,203,728,000	2,219,716,000	+15,988,000	2,236,089,000	+32,361,000
14. Supplemental (H.R. 16900).....	6,128,761,162	6,859,751,562	+730,990,400	6,278,641,178	6,753,726,678	+475,085,500	6,659,352,078	+380,710,900
15. Urgent Supplemental (H.J. Res. 1180).....	4,576,873,000	4,575,373,000	-1,500,000	4,576,873,000	4,825,373,000	+248,500,000	4,575,373,000	-1,500,000
16. Foreign Assistance.....	(5,215,326,000)			(5,215,326,000)				
Total, bills for fiscal 1975, to date.....	196,023,109,389	191,251,720,252	-4,771,389,137	197,341,483,525	191,135,661,694	-6,205,821,831	191,193,612,138	-6,147,871,387
B. Bills for fiscal 1974:								
1. Urgent Supplemental (H.J. Res. 941).....	750,000,000	750,000,000		750,000,000	750,000,000		750,000,000	
2. 2d Supplemental (H.R. 14013).....	10,532,735,943	8,811,662,043	-1,721,073,900	11,100,530,077	9,645,935,398	-1,454,594,679	9,301,474,398	-1,799,055,679
3. Further Urgent Supplemental (H.J. Res. 1061).....	179,500,000	179,000,000	-500,000	179,500,000	179,000,000	-500,000	179,000,000	-500,000
Total, bills for fiscal 1974.....	11,462,235,943	9,740,662,043	-1,721,573,900	12,030,030,077	10,574,935,398	-1,455,094,679	10,230,474,398	-1,799,555,679
C. Totals for the session, to date.....	207,485,345,332	200,992,382,295	-6,492,963,037	209,371,513,602	201,710,597,092	-7,660,916,510	201,424,086,536	-7,947,427,066

1. Additionally, the Congress has considered requests to rescind fiscal year 1975 budget authority in the amount of \$672,116,000; of that total, \$131,481,000 has been rescinded (H.R. 17565).

Note: The budget for 1975, as submitted Feb. 4, 1974, tentatively estimated total new budget authority for 1975 at \$361,684,000,000 gross (\$322,141,000,000 net of some \$39,543,000,000 interest and intergovernmental transactions and certain so-called proprietary receipts handled as

offsets for budget purposes only). Of this total, an estimated \$163,692,000,000 does not require current action by Congress; it involves permanent appropriations such as interest and various trust funds already provided in basic law. Virtually all of the remaining \$197,992,000,000 is for consideration at this session in the appropriation bills. About \$9,024,000,000 of the \$197,992,000,000 was shown in the January budget as being "for later transmittal" for supplemental requirements under present law, new legislation, and allowances for contingencies and civilian pay raises.

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TOBACCO

Mr. HUDDLESTON. Mr. President, the December 17 edition of the *Record* included an insertion by the distinguished Senator from Utah (Mr. Moss) of an article and editorial from the *Journal of the American Medical Association*. This material was presented as justification for the Senator's continuing and unsuccessful effort to eliminate the tobacco support program and all that it means to the millions of Americans who grow, manufacture, and consume tobacco and the favorable impact it has on this Nation's balance of trade.

The editorial board of the *Journal of the American Medical Association* and the publication's editor who have joined together in the December 16 issue in an attack on the competence and credibility of Congress in dealing with the health needs of the American people. One pleads guilty to "contempt of Congress" and the other warns legislators to heed his colleague's "stern challenge."

It is an article entitled "Government-Subsidized Death and Disability," written by Weldon J. Walker, M.D., of the editorial board of *JAMA*. The author is outraged that Congress is using "our tax money in many ways to subsidize increased death and disability among our citizens as well as those of the rest of the world." This rhetoric is supported by an editorial entitled "The New Seduction," in which Robert H. Moser, M.D., editor of *JAMA*, endorses the demand for "an end to Federal subsidy loans and tax breaks for industries that support cigarette production."

It is ironic that these two medical men question the competence of Congress, yet do not hesitate to pontificate on matters of taxation, advertising, regulation, and legislation.

Let me say that in conjuring up an image of a vast flow of tax dollars subsidizing tobacco, the two doctors are dealing in a delusion which stems from either ignorance of the facts or an unwillingness to accept them.

Surely they could have determined—and should have determined—these facts before contributing to the unceasing and unthinking chorus of congressional detractors. All that would have been required was reference to the Department of Agriculture's tobacco situation report of September 1974. This document would have exercised their delusion. It reveals the following:

In fiscal year 1974 new loans by the government made under the tobacco support program totalled \$38 million. During the same period, loans repaid to the government totalled \$269 million. Thus the so-called "shameful" tax subsidy actually represented a net gain of \$231 million for the Federal Government.

The authors could also have learned that the so-called tobacco export subsidy cost \$23 million in fiscal year 1974, in order to make American tobacco competitive with tobacco produced by Rhodesia, Bulgaria, Mainland China, and other countries. They could also have learned that this subsidy helped to produce close to \$1 billion on the favorable side of the U.S. balance of trade.

Now let me deal with their premise for holding Congress in contempt and for demanding that the tobacco support program be scrapped. This premise is, of course, their strong belief that tobacco smoking is responsible for "increased death and disability among our citizens." To do so, I need not stray outside of my area of competence as they have. Rather I need only refer to their previous publications in *JAMA*.

For instance in the December 16 issue both doctors attribute the sharp decline in the death rate from coronary heart disease to a reduction in smoking. Dr. Walker says that—

This dramatic breakthrough against coronary disease apparently resulted chiefly from a modest reduction in tobacco consumption.

Dr. Moser agrees, and adds that "improved dietary habits" can also be correlated with this decline.

But in the March 1974 issue of *JAMA*, Dr. Moser, commenting editorially on an article by Dr. Walker dealing with the decline in heart disease rates, is not so sure about its reality or its causes.

Here is how he expressed his reservations:

Of course, we all would like to believe that the improved mortality statistics are not some subtle artifact of numbers and really reflect increasing public awareness about coronary risk factors. However, there is no apparent evidence that western man is moving toward a more spartan life style (unless it is the occasional chap who runs out of gas on the highway); there are no indicators to suggest a decrease in cigarette smoking or a decline in caloric or saturated fat intake. Certainly, there is no immediate evidence that the jogging (or other daily "routine exercise") population is expanding. The coffee drinkers remain in suspended animation.

One is inclined to suspect that, if indeed, the statistics are valid they could represent earlier detection and better management of acute myocardial infarction.

What they attributed to good medical practice in March, is transformed into an attack on Congress, and tobacco, in December.

Mr. President, when Senator Moss' insertion appeared and I read the material by Drs. Walker and Moser, I was pleased to learn that the Tobacco Institute had already responded with a letter to Dr. James H. Sammons, executive director of the American Medical Association.

I ask unanimous consent that the considered and detailed reply to the *JAMA* material prepared by Horace R. Kornegay, president of the Tobacco Institute, be printed in the *Record*. I do so in the interest of fairness, objectivity, and in defense of the hard work, devotion, dedication, and integrity of Congress which I can assure you I do not hold in contempt but in the highest esteem.

There being no objection, the letter was ordered to be printed in the *Record*, as follows:

THE TOBACCO INSTITUTE, INC.,
Washington, D.C. December 19, 1974.
Dr. JAMES H. SAMMONS,
Executive Vice President,
American Medical Association,
Chicago, Ill.

DEAR DR. SAMMONS: An article and an editorial in the December 16 issue of the *Journal of the American Medical Association*

both of which were publicized in a news release issued by your organization last week, have the effect of misinforming readers and debasing *JAMA's* professional standards.

It is inconceivable that a respected medical journal could put into print such a package of falsehoods, half-truths and gross inaccuracies. I refer to an article entitled "Government-Subsidized Death and Disability," by a member of *JAMA's* editorial board, Dr. Weldon J. Walker, and the accompanying editorial endorsement by the editor, Dr. Robert H. Moser, entitled "The New Seduction."

This journalistic offense cannot be due solely to lack of expertise on the part of the writers, although inexperience no doubt played a part in that the physicians were here dealing with matters beyond their disciplines.

There is, however, no explanation for the degree to which the author and the editor misled the subscribers and, because of the news release, the general public, about certain medical and health phenomena.

We are told by *JAMA* that a decline in U.S. heart disease death rates began with cessation of smoking after what is called the "watershed" 1964. Report of the Advisory Committee to the Surgeon General on Smoking and Health. We are given as sources for the heart disease rates an article in the March 4, 1974, *JAMA*, also by Dr. Walker, and for the smoking data *Statistical Bulletin No. 523: Annual Report on Tobacco Statistics 1973*, published last April by the U.S. Department of Agriculture. The March article gave an incomplete citation of "Vital Statistics of United States," and provided no further identification.

During that same month, however—last March—the National Center for Health Statistics of the U.S. Public Health Service published "Mortality Trends for Leading Causes of Death, United States—1950-69." It is evident from a footnote to Dr. Walker's current article that this publication was familiar to him.

A comparison of cigarette smoking rates (per-capita consumption) from "Tobacco Statistics" and coronary death rates (age adjusted) from "Mortality Trends" can leave little doubt that 1) the reported decline in the latter began more than a decade before the Surgeon General's report; 2) this decline persisted over the twenty-year period (1950-69) in spite of the general increase in per-capita consumption of cigarettes and 3) the reduction in pounds of cigarette tobacco per capita was only one percent between 1950 and 1959 and 16 percent between 1960 and 1969, yet the reduction in heart disease death rates remained constant at eight percent for each decade.

Year	Cigarettes per capita	Heart disease death rates
1950	3,522	307.6
1951	3,744	302.9
1952	3,896	299.6
1953	3,778	298.9
1954	3,546	294.7
1955	3,597	287.5
1956	3,650	288.7
1957	3,755	293.0
1958	3,953	289.3
1959	4,073	283.3
1960	4,171	286.2
1961	4,266	278.7
1962	4,265	287.7
1963	4,345	285.4
1964	4,194	276.9
1965	4,258	275.6
1966	4,287	275.8
1967	4,280	267.7
1968	4,186	270.0
1969	3,993	262.3

Thus the illogic of the author's opposition to federal tobacco programs becomes obvious

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when the pertinent data are examined in their full context.

Nevertheless, Dr. Walker amazingly states that "this dramatic breakthrough against coronary disease apparently resulted chiefly from a modest reduction in tobacco consumption." Although this claim apparently suited his current purpose, it is noteworthy that in his March article he at least gave partial credit to "the vigorous educational program against risk factors"—not the plural—prevalent in recent years. In any event, his failure to recognize any advances by the medical profession in treatment of coronary diseases in the past two decades must be shocking to *JAMA's* readers.

Insofar as peptic ulcer is concerned, Dr. Walker evidently just did not read, on page 7 in "Mortality Trends", the very explicit statement: "Mortality from peptic ulcer as measured by age-adjusted death rates decreased about 28 percent between 1950 and 1969." Dr. Walker's contention that the reported drop in peptic ulcer death rates dates only from a 1962 peak is additionally fallacious in light of the point made on page 53 of the same source document that changes in the method of coding causes of death distorted the reported rates.

Having presented such a contrived picture of the health aspects of this matter, the *JAMA* article continues in like vein in its discussion of government tobacco programs.

Inexplicably, the discussion begins with a contention that "\$11.5 billion is spent annually in the U.S. for health care costs resulting from cigarette smoking." The author's reference for this startling claim is "Mortality Trends", as identified above. The truth of the matter is that this publication deals neither with health care costs nor any aspect of smoking.

The statement that the government price support for tobacco has risen 34 percent since 1964 is a complete non-sequitur. In fact, price support levels are based on farmers' costs, and if the Congress had not modified the formula for these computations in 1960, the rise would have been far more substantial, as farmers' costs have risen sharply. The foolishness of this point is the complete omission of reference to the application of the formula. In fact, government-held tobacco loan collateral has been declining steadily and is expected by the Department of Agriculture to vanish during the next year. A simple inquiry would have revealed that demand is exceeding supply and that the government is very rapidly selling off its collateral stocks of tobacco. The author should have known, in view of his contention that the tobacco program is irresponsible financially, that these sales are being made at very substantial profits to the government in view of the rising market price of tobacco.

Dr. Walker implies that an increase in the percentage of cigarettes produced free of federal tax during the past decade, from 7.5 to 9, is a sinister trend. Actually, this has nothing to do with U.S. health trends—it is entirely due to an increase in the number of cigarettes exported for sale and consumption overseas, none of which are subject to U.S. taxes, but which contribute substantially to the U.S. balance of trade.

The statement that federal taxes on tobacco have remained unchanged is a deliberate effort to mislead. While the tax rate has remained unchanged, federal tax revenues increased 7.5 percent from 1968 to \$2,221,000,000 in 1973. During the same period, state and local tobacco tax collections rose 61.4 percent, or nearly \$1.2 billion, to \$3,093,000,000.

The statement which makes it appear that the government carries a heavy burden of tobacco under loan is, of course, completely erroneous, totally unsupported by the facts. As noted above, such stocks are rapidly declining to zero.

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The statement about "Washington's spending \$80 billion for health care" is attributed by Dr. Walker to the editor of the *New England Journal of Medicine*. What the editor, Dr. Ingelfinger, actually wrote in the issue of that journal which was cited by Dr. Walker was: "The amount of money spent on health care in this country now exceeds \$80 billion per year." Dr. Walker's misrepresentation is self-evident and needs no comment.

The final blow to credulity is struck by the editor in discussing cigarette advertising. He begins by incorrectly ascribing the discontinuation of broadcast cigarette advertising to action by the Federal Communications Commission. The facts, of course, are that in 1969 the cigarette industry volunteered to discontinue this form of advertising, and Congressional enactment resulted. The editor's treatment of this subject demonstrates his adroitness in substituting polemics for facts. It is on that note that his editorial, mercifully, terminates.

As we observed at the outset, it is lamentable that the irresponsible material put forth by Drs. Moser and Walker appeared in a publication of the calibre of the *Journal of the American Medical Association*. This material is characteristic of the outpourings of the adversaries of tobacco in recent years. It is virtually lacking in factual basis; it is almost entirely emotional, even fanatical in its approach. Ironically, it is precisely this approach which has only confused rather than enlightened the public and served to obscure rather than illuminate the medical and scientific questions which must be answered through objective research on smoking and health.

In light of the seriousness of the foregoing, we request favorable consideration of the publication of this communication in *JAMA* at the earliest possible date.

Sincerely,

HORACE R. KORNEGAY.

REPRESENTATIVE H. R. GROSS

Mr. McCURE. Mr. President, I know how he would object to wasting the taxpayer's money on tributes, so I will keep it short.

Today marks the last day that H. R. Gross will grace the floor of the House of Representatives. Perhaps the greatest tribute to him comes from the sigh of relief that such news elicits from our liberal friends.

It is true that Mr. Gross has dedicated himself to serving the best interests of the taxpayer—so much so that he comes about as close as anyone I know of to being the indispensable man.

We will never really know how much money he has saved the taxpayer, because we will never really know how many schemes were discarded in the knowledge that "it will never get by H. R."

He has left an indelible mark upon the Congress and will be missed by friend and foe alike.

THE PLATTE RIVER IN NEBRASKA

Mr. HRUSKA. Mr. President, there has been much comment and controversy surrounding a report that the U.S. Army Corps of Engineers is proposing to declare certain portions of the Platte River in Nebraska "navigable." I believe many persons misunderstand the idea of navigability as it pertains to the law.

For many years, the primary concern of the corps in its regulatory program was protection of navigation. Activities

in navigable waters of the United States were authorized if they did not unduly interfere with navigation.

However, in the 1960's, the public and the Congress became more and more interested in the environmental aspects of these activities.

Following the passage of the Federal Water Pollution Control Amendments of 1972—which declared all waters of the United States "navigable" for purposes of the administration of the act—the corps moved to reevaluate its position on determining "navigability" under its regulatory program.

In an Army Corps of Engineers regulation issued in September 1972, the concept of navigability was broadened significantly.

Much more liberal guidelines were set forth for determinations of "navigability" and district engineers—including the Omaha District Engineer—were told:

Although conclusive determinations of navigability can be made only by Federal Courts, those made by Federal agencies are nevertheless accorded substantial weight by the courts. It is therefore necessary that when jurisdictional questions arise, district personnel carefully investigate those waters which may be subject to Federal regulatory jurisdiction . . . as the resulting determination may have substantial impact upon a judicial body. Official determinations by an agency made in the past can be revised or reversed as necessary to reflect changed rules or interpretations of the law.

In a subsequent letter, in November 1972, the director of civil works for the corps explicitly directed that the September regulation be implemented. He said:

It is emphasized that the provisions of the new regulations are to be implemented immediately. Accordingly, District Engineers will initiate continuing programs for review of the waterbodies within their geographical area of responsibility to insure that the navigable status of each waterbody is consistent with the referenced regulation. Review programs should be accomplished with existing resources. Whenever a question arises regarding the navigability of a specific waterbody, it is anticipated that the review of its navigable status will assume a priority.

On May 10, 1973, the Department of the Army, acting through the Chief of Engineers, published proposed regulations to serve as interim guidance to all Corps of Engineers installations. These proposed regulations prescribed the policy, practice and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing structures and work in or affecting navigable waters of the United States pursuant to the Rivers and Harbors Act of 1899, the discharge of dredged or fill material into navigable waters pursuant to section 404 of the Federal Water Pollution Control Act and the transportation of dredged material for the purpose of dumping it into ocean waters pursuant to section 103 of the Marine Protection, Research and Sanctuaries Act of 1972.

In September 1973, Maj. Gen. J. W. Morris, director of civil works for the corps, restated the initiatives expected for district engineers to proceed to review all waters within their jurisdictions for a determination of navigability. In a

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letter to the Missouri River Division Engineer, Morris said:

District Engineer(s) should continue to undertake appropriate programs for the review of all waterbodies within their geographical area of responsibility to determine which of these waterbodies fall within the jurisdictional definition of "navigable waters of the United States" as expressed in ER 1165-2-302, "Water Resource Policies and Authorities—Definition of Navigable Waters of the United States," dated 11 September 1972. The need for these reviews and determinations is extremely important, and should be conducted on a priority basis. It will serve to define the extent of the regulatory program. It is anticipated that the public, increasingly aware of the Corps' expanded regulatory permit program and the extent and magnitude of statutory and judicially developed criminal and civil fines and other penalties and actions for violations of these regulatory statutes, will look to the Corps in increasing numbers for an indication as to whether their proposed activities require Corps permits.

On April 3, 1974, the corps published final regulations on these matters in the Federal Register.

It says in part:

Several comments and questions were received concerning the different definitions which were assigned to the terms "navigable waters of the United States" and "navigable waters". In this regard, it is noted that the Corps' regulatory authority under the River and Harbors Act of 1899 speaks in terms of "navigable waters of the United States." This term has received the benefit of over 100 years of judicial definition and interpretation which has largely been based on the constitutional extent to which the authority of the United States can extend over the nation's waterways. Recognizing that the extent of Federal authority over the nation's waterways has been an evolutionary one and that recent judicial decisions have provided additional guidance and direction as to the scope and extent of this jurisdiction, the Corps recently undertook an extensive review of all of the judicial decisions in this area, and substantially revised and refined its administrative definition of this term to more accurately reflect and incorporate this judicial guidance.

In line with this procedure, "navigable waters of the United States" has been defined as follows for corps purposes:

Navigable waters of the United States are those waters which are presently, or have been in the past, or may be in the future susceptible for use for purposes of interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the water body, and is not extinguished by later actions or events which impede or destroy navigable capacity.

Given these directives, the Omaha district engineer obviously had no choice but to proceed with a study to determine if the Platte and other rivers within the area were "navigable" under the definition of the law.

A very detailed study of the river was conducted to determine whether under the legal definition of "navigable" the Platte could be declared as such. After much review and consultation, Col. Russell Glenn, Omaha district engineer, recommended to the Office of the Chief of Engineers in Washington that the river to the extent designated in his report be declared "navigable." This procedure was in line with the law and in response to Army directives.

I certainly did not instigate or originate this study or make any recommendation that the Platte be declared navigable. That is the responsibility of the Corps of Engineers.

My role in this was in October 1974 to inform the people of Nebraska of the corps activity. This was done through a statement to the press. In fact, I have asked the Chief of Engineers to postpone a decision on the navigability declaration until at least February so that the people of Nebraska may have the opportunity to understand the ramifications of the proposed action and also to register such views as they may have on the subject. He has agreed. I hope during the interim a better understanding of the corps activities is gained.

Private ownership of the river bed certainly is not threatened should the river be declared navigable. Naturally, however, owners are subject to the Federal law.

The corps will not "take over" or "confiscate" the river. Property rights are affected only in that permission must be obtained for channel diversion or dumping. The jurisdiction of the corps is quite limited in this regard. For example, it has no jurisdiction over the quantity of water to be used for irrigation, nor can it determine priorities for irrigation.

I think everyone would agree that individual or private interests do not have the right to make the Platte unuseable for others. The purpose of the corps action is to prevent that from occurring insofar as its authority goes. Currently, permits from the State department of environmental control are required for effluent discharge into the Platte for the exact same reason—to insure this great natural resource is not destroyed.

Under provisions of the Federal Water Pollution Control Amendments of 1972, the Environmental Protection Agency has interpreted the meaning of "navigable waters" as all waters of the United States. As a result, the State of Nebraska has classified all of its rivers and streams and put them under the control of the State department of environmental control for the purposes of controlling effluent discharges from feedlots, municipalities and commercial activities. In June of this year, the EPA was satisfied the State had sufficient standards and turned permit issuing authority and enforcement over to the State. In effect, then, the Governor has already conceded the Platte is "navigable."

Under section 404 of the same 1972 environmental protection law, authority to control certain activities in U.S. rivers and streams—other than that delegated to the EPA—was granted to the corps. As has been pointed out, the corps elected to interpret the meaning of "navigability" in a more restricted way than the EPA.

Once the river is declared navigable, a Federal permit is required for various activities in and on the river.

The following excerpts from the Federal Register describe the corps permit authority:

Section 9 of the River and Harbor Act approved March 3, 1899, prohibits the construction of any dam or dike across any navigable water of the United States in the

absence of Congressional consent and approval of the plans by the Chief of Engineers and the Secretary of the Army. Where the navigable portions of the waterbody lie wholly within the limits of a single State, the structure may be built under authority of the legislature of that State, if the location and plans or any modification thereof, are approved by the Chief of Engineers and by the Secretary of the Army. The instrument of authorization is designated a permit.

Section 10 of the River and Harbor Act prohibits the unauthorized obstruction or alteration of any navigable water of the United States, the excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters are unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The instrument of authorization is designated a permit or letter of permission.

Section 13 of the River and Harbor Act provides that the Secretary of the Army, whenever the Chief of Engineers determines that anchorage and navigation will not be injured thereby, may permit the discharge of refuse into navigable waters. In the absence of a permit, such discharge or refuse is prohibited. While the prohibition of this section, known as the Refuse Act, is still in effect, the permit authority of the Secretary of the Army has been superseded by the permit authority provided the Administrator, Environmental Protection Agency, under sections 402 and 405 of the Federal Water Pollution Control Act.

Section 14 of the River and Harbor Act provides that the Secretary of the Army on the recommendation of the Chief of Engineers may grant permission for the temporary occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States. This permission will be granted by an appropriate real estate instrument in accordance with existing real estate regulations.

Section 1 of the River and Harbor Act of June 13, 1902 allows any persons or corporations desiring to improve any navigable river at their own expense and risk to do so upon the approval of the plans and specifications by the Secretary of the Army and the Chief of Engineers. Improvements constructed under this authority, which are primarily in Federal project areas, remain subject to the control and supervision of the Secretary of the Army and the Chief of Engineers. The instrument of authorization is designated a permit.

Section 404 of the Federal Water Pollution Control Act authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

I think those sections of the law very clearly described the Army's authority in this area.

I think the issue of Federal domination of State interests in this matter is totally false. Currently, there is no State agency with authority comparable to that which would be exercised by the corps if the Platte is declared navigable. Clearly, there is a regulatory void in this area. I believe that void should be filled. If the State legislature chooses to designate a State agency to assume control over the Platte, it will not conflict with the corps. When a Federal permit for construction or other work in the river is requested, the corps will not act on the request until the State's requirements are satisfied. There will be coordination and

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cooperation between the State and Federal authorities.

I favor the supervision and the proper control of activities in and on the river. The question is whether the Federal Government or the State government should have authority, or whether the authority should be shared. It is for the Nebraska Unicameral to decide what part, if any, it will assume. To the extent that a declaration of navigability under the Federal law will result in bringing about sound and wholesome protection by either the Federal or State governments, or both, I approve.

I have stopped short of favoring the Corps of Engineers report recommending a navigability declaration because that recommendation is not yet completed. I do not feel I should endorse a report that has not been made final. That final point is determined by the Chief of Engineers.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES IN 1976

Mr. BUCKLEY. Mr. President, I am pleased to see that the House and the Senate conferees have acted quickly on Senate Joint Resolution 40. Swift action was particularly important with regard to the amendment that the Senator from Rhode Island and I introduced to make some needed clarifications and changes in the Family Educational Rights and Privacy Act. Without the speedy enactment of these amendments, many institutions of higher education would find themselves facing some serious problems with the beginning of the new year. I urge the President to sign this legislation into law without delay.

The conferees did make some changes in our amendments. I was pleased to see that they added language which specifically says that an educational institution cannot require a potential student to waive his rights of access to his records as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such an institution or agency. It should be further noted that anything done by an institution which has the effect of coercing a student into signing a waiver should be treated as requiring him to do so and, therefore, would be in conflict with the law.

I would also hope that educational institutions would not act prejudicially against potential students who refuse to waive their rights of access, but, instead, judge their applications on their merits. A student who does not meekly bow to institutional pressures to waive his rights is not thereby demonstrating a bad character, but is only properly exercising his basic right to see material which may affect important decisions made about him. An institution which automatically thinks poorly of such a student actually reflects poorly on its own procedures and attitudes by doing so.

Mr. President, I ask unanimous consent that several items relating to the question of the general value of confidential letters of recommendation be in-

serted into the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I was somewhat disappointed to see that the conferees broadened some of the provisions relating to release of student records without consent, so that various private organizations and government agencies will be able to obtain personally identifiable information without the consent of the parents or students involved. Of course, language has also been added restricting the use of such information, and I would urge HEW to develop strict regulations regarding the use and protection of such personally identifiable information, and to enforce them fully.

With regard to all of the exceptions allowed from the requirement of individual consent for the release of personal records or information, I would urge educational agencies and institutions to act prudently, to construe narrowly, and only to allow access to or release of such information from such records as is specifically and directly related to and required for the legitimate purposes of the requesting individual, agency, or organization—not simply all the records or information therein that may exist on a student—in order that the general privacy of students and their parents may be preserved.

Institutions are required by the law to provide parents, students, and former students with access to individual student records, but the law does not in all cases require that the institution provide a copy of the records if so desired. I would nonetheless urge institutions, as far as they feel they can reasonably do so, to be willing to provide a copy of such records to parents, students, or former students, for the cost of reproduction.

One provision of the amendment would not allow parents or students to have access to the personal notes and files of individual school personnel which serve simply as memory aids and which are not revealed to other persons, except a substitute school employee, who performs the duties of another when that person is absent. It is not intended that this exception be abused by allowing regular school personnel, or persons outside the school, routinely to rotate through courses and classes, et cetera, for the purpose of effectively gaining access to another's notes and evaluations, which that person is himself unwilling to otherwise transmit to others, for fear that parents or students would have access to them.

Another provision of the amendment offered to Senate Joint Resolution 40 would allow only the conduct of hearings to be held in the regions. I would expect that representatives of the office designated to administer the law, or of the review board established in conjunction with it, would preside at such hearings, in order to obtain information needed for the deliberations of the office and the review board located at the HEW headquarters in Washington, D.C. I would also expect that, since it is a necessary activity involved in the preparation for the conduct of hearings, local

HEW personnel would be able, if so directed, to gather information, materials, and evidence relevant to the concerns and purposes of such a hearing.

The law provides parents and students with the opportunity for a hearing at the educational institution in order to challenge and correct the contents of school records about them—or their children. I would certainly hope that such hearings would be held before a person—or persons—who has no direct interest in the matter at hand.

Mr. President, I would like to thank the Senator from Rhode Island and the staff of the Education Subcommittee for the unusual cooperation which they have given me and my staff in the course of the preparation of our joint amendment to Senate Joint Resolution 40. I believe that the amendment will satisfactorily resolve the legitimate potential problems that have been raised in connection with the Family Educational Rights and Privacy Act, thereby enabling institutions to swiftly implement its provisions so as to protect the privacy of students and their parents and enable them to begin exercising their rights under the law. [From the New York Times, Dec. 5, 1974]

OF COLLEGES AND CANDOR

TO THE EDITOR:

There is much consternation voiced by the academic community that the Buckley Amendment will destroy the venerable institution of the professorial letter of recommendation by raising the veil of confidentiality. Such will indeed be true if professors do not take the trouble to tell unqualified applicants that they cannot write positive letters, and if they write things they cannot tell applicants to their faces. To require the contrary of professors is to ask that they act with honesty and understanding toward young people who place their futures in their hands. Even more, it will mean that professors will have to know their students. Perhaps this is asking too much of the academic profession, in which case the venerable institution deserves to be destroyed.

DONALD M. ROPER,

Associate Professor of History,
State University College.

NEW PALTZ, N.Y., November 30, 1974.

RE THE BUCKLEY AMENDMENT: PROFESSORS AND ADMINISTRATORS SHOULD LEARN TO WRITE RESPONSIBLE LETTERS

TO THE EDITOR:

I was dismayed at reading the recent article [The Chronicle, Oct. 21], which discussed the possibility of changing the Buckley amendment. The article indicated that leaders of college associations are trying to round up support for a "resolution that would keep the bill from taking effect until July 1."

This would be a mistake.

I am strongly in favor of the Buckley amendment. It is imperative in this age of advanced technology, with computerized record-keeping practices, that the rights of confidentiality and access, for parents and students, be insured.

The reaction among college educators who are reluctant for students to see their letters of recommendation because it would, *ipso facto*, mean the demise of candid evaluations, is irresponsible. It is the job of administrators and faculty to write, or learn to write, responsible letters including candid evaluations of students, whether the student sees the letter or not.

If college administrators and faculty would spend more time and energy learning how to write responsible letters, rather than trying to evade or circumvent the law, perhaps our

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institutions of higher education would be more humane.

STEPHEN MARCUS,
Assistant Director,
Teacher Preparation Program,
Princeton University.

PRINCETON, N.J.
Sen. James L. Buckley's amendment to the elementary-secondary education act provides that students in post-high-school institutions shall have "the right to inspect and review any and all official records, files, and data directly related to them, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system.—*The Editor*

TO THE EDITOR:

I am surprised at the concern raised by Stanford President Richard Lyman [*The Chronicle*, Oct. 7] over the opening of student records containing confidential letters of recommendation. The purpose of such letters, solicited by applicants for admission to various programs, is to provide informed observation of an individual's potential for success in, usually, an undergraduate or graduate degree course.

Presuming that selection committees extend offers of acceptance to the best qualified candidates, it follows that recommendations made on their behalf will have been positive and persuasive influences in the evaluation process that was used.

If a student so chosen and ultimately enrolled is later able to see the evidence on which his acceptance was based, I cannot imagine that he, the writers of recommendations, or the selection method itself would in any way be damaged.

Indeed, many recommenders already use a straightforward approach with students who request a letter of reference by requiring a *priori* a conference with the student and a review of pertinent materials relating specifically to his application.

Often such a contact results in a mutual agreement on the general approach to be taken in the proposed letter; if the student feels that the potential recommender's comments will not adequately complement other aspects of his application, he is free to search out another reference. It would appear that such "shopping" has benefits for both parties and for the educational institutions that receive the recommendations because it serves to eliminate uninformed and insubstantial comments about students.

It is essential for young adults in programs of higher education to ascertain and understand the way in which their manner, character, and intellectual productivity affect others whose experience and expertise enables them to evaluate performance accurately.

One way to assist in this process is to allow students to review judgments made of them at one level as they propose to gain admission to the next, after such evaluations have served their purpose; I believe that the Buckley amendment will facilitate this kind of important self-scrutiny.

PETER C. STORANDT,
Assistant to the Dean,
Student Affairs/Admissions,
University of California.

DAVIS, CALIF.

STANDARD ENGLISH IS A NECESSARY TOOL IN TODAY'S WORLD—AND SO ARE STANDARDIZED TESTS

TO THE EDITOR:

As a member of the National Council of Teachers of English, I take exception to your article of Oct. 29, concerning the English composition addition to the ... test. I feel your article ... in promoting the negative arguments and merely touching upon the positive.

We are no longer living in the era of the '60's, and though some of our more liberal members may mourn those exciting times, I feel that we must face the unpleasant (to some) realities of the '70's. These realities include the fact that to be accepted in standard society, by standard business, and in standard job placement, the students we teach must be able to read and write standard English. I do not say it is "better" than other forms. I do say it is a necessary tool in today's world.

Acceptance of students on the basis of test results is a college's prerogative. I would see no reason for not accepting students on the basis of their scores, but I do see a very real reason for using the scores in placement.

I, too, enjoy the controversy and "intellectual" debate found in ivory towers, but I feel we must also face reality and teach our students, as best we can, the necessities for survival in an increasingly upsetting society.

WINFRED S. WADSEN,
Assistant Professor of English,
Northwest Community College.

[From the Journal of College Student Personnel, November 1969]

CONFIDENTIALITY OF RECOMMENDATIONS—IS IT REALLY NECESSARY?

(By Kenneth Burns, Humboldt State College, and Earl F. Carnes, University of Southern California)

The process of choosing teachers for a given position depends rather heavily upon the use of what is presently called the "confidential file." This confidential file is composed for the most part of letters of recommendation written about the candidate by people with whom he has come into prolonged contact—either academically or in the student-teaching program.

There are growing pressures to have this confidentiality removed and to force the disclosure of these ratings and recommendations to the individual involved. On the positive side there is the school of thought that these recommendations would be more valuable if they were disclosed to the individual involved, that comments made about a job applicant or employee, if discussed in an open, constructive manner, could be more helpful to that person than if these comments were maintained in a confidential file and kept secret.

However, in any controversy concerning the confidentiality of recommendations, those in favor of retaining confidentiality plead that its loss would make the recommendations less useful, would lead to meaningless statements and vague platitudes, and the result would be bland letters of no value to school administrators.

For years the confidentiality and reactions to it have been the subject of heated discussions at educational placement meetings, nationally and regionally. In 1966, with the cooperation of the California Educational Placement Association, a study was proposed to determine if a loss of confidentiality would actually damage the efficacy of recommendations concerning teacher candidates. The project was limited to first-time teachers who were graduating with a teaching credential in June of 1967. No effort was made to include experienced teachers or administrators. This paper is a report of that study.

METHOD

The basic hypothesis of this study was that if recommendations written about beginning teachers were changed from being confidential in nature to nonconfidential, there would be no measurable value change. Three objective measurements of the value of the recommendation were used: First, they were checked for the presence or absence of superlative statement; second, they were analyzed for the presence or absence of a qualifying statement; third, they were

examined for a description of a critical incident. These criteria were selected on the basis of prior research evidence: (a) those recommendations were most predictive that contained more superlative adjectives; (b) that letters that are predictive of least success contain reservations or qualifying statements; and (c) that administrators are more inclined to give credence to letters of recommendation which actually describe examples of typical behavior or "critical incidents."

As an additional test of value, the letters were also submitted to a panel of judges who were asked to make subjective judgments of the letters. They were asked first to rate the subjects of the letters on the global variable of "promise as a teacher," and then to rate the recommendations themselves on the basis of helpfulness in evaluating the subject as a teacher.

The sample for this study included 1,000 letters collected from three college placement offices: California State College at Long Beach, California State College at Hayward, and Humboldt State College. The conditions surrounding the gathering of these recommendations were randomized so that no systematic bias could operate. Procedures were set up at Humboldt State College and California State College at Hayward which would require each candidate's file to contain approximately one-half confidential and one-half nonconfidential recommendations. This was accomplished by having the placement offices send out the recommendation blanks to the recommenders, one-half marked confidential and one-half marked nonconfidential. At California State College at Long Beach an alternate method was used in which every other file in June of 1967 was stamped confidential and the alternate files nonconfidential, and recommendations solicited on that basis.

Because only 1,000 recommendations were to be used, every second file was selected at Humboldt State College, every third file was selected at Hayward State College, and every fourth file was selected at Long Beach State College. The final sample included 509 confidential and 491 nonconfidential recommendations. These recommendations were coded and identifying material removed in an attempt to control rater bias.

FINDINGS

Superlatives

A superlative was defined as any statement that utilized a superlative form of an adjective or adverb or indicated a superior or outstanding class of behavior. Table 1 indicates the distribution of superlative statements from the confidential and nonconfidential recommendations.

TABLE 1.—PRESENCE OF A SUPERLATIVE STATEMENT

	Confidential	Nonconfidential	Total
No superlatives.....	124	98	222
1 or more superlatives.....	385	393	778
Total.....	509	491	1,000

$\chi^2=2.80$ (NS).

Presence or absence of a qualifying statement

A qualifying statement was defined as any statement that suggested, intimated, or stated a weakness on the part of a candidate. An example of such a statement is, "She would make a good teacher, but first she must increase her understanding of students," or "He will become a competent teacher; however he will need more work in the area of lesson planning." Most authors were strong in their belief that with nonconfidential recommendations the incidence of statements of this type would decline.

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Distribution of qualifying statements is indicated by Table 2.

TABLE 2.—PRESENCE OF A QUALIFYING STATEMENT

	Confidential	Nonconfidential	Total
Yes.....	121	122	243
No.....	388	369	757
Total.....	509	491	1,000

$\chi^2=0.20$ (NS).

Critical incidents

The critical incident for purposes of the study was defined as a description of an actual incident in the student teacher's preparation which was used by the recommender to illustrate a point or describe a trait or a characteristic of a candidate. An example of such an incident is a description of how a student teacher brought in materials over and above that required for the lesson plan, or how a student teacher successfully coped with a discipline problem. The actual incident itself was not the criterion, but the fact that the recommender wrote about it in the recommendation. The findings for this item are indicated in Table 3.

TABLE 3.—DESCRIPTION OF A CRITICAL INCIDENT

	Confidential	Nonconfidential	Total
Yes.....	51	49	100
No.....	458	442	900
Total.....	509	491	1,000

$\chi^2=0.00$ (NS).

Judges' evaluations

The panel of judges, selected from California Educational Placement Association membership throughout the state, was asked first to rate the person described in the recommendation on the global basis of "promise as a teacher." Then the judges were asked to rate the same persons while forcing their ratings into a rectilinear distribution.

Each of the 14 judges received 48 recommendations equally divided between confidential and nonconfidential. The distribution within the subgroupings was random in nature, and none of the judges was aware of the conditions of distribution.

The distribution of the judges' ratings on the first question is indicated in Table 4, while the forced-choice distribution is indicated in Table 5.

TABLE 4.—OVERALL EVALUATION OF JUDGES' RATINGS ON "PROMISE AS A TEACHER"

	Confidential	Nonconfidential	Total
High.....	85	68	153
Above average.....	97	110	207
Average.....	92	107	199
Below average.....	62	51	113
Subtotal.....	336	336	672
Not rated.....	173	155	328
Total.....	509	491	1,000

$\chi^2=4.93$ (NS).

TABLE 5.—OVERALL EVALUATION OF JUDGES' RATINGS ON "PROMISE AS A TEACHER": RECTILINEAR DISTRIBUTION

	Confidential	Nonconfidential	Total
High.....	92	76	168
Above average.....	79	89	168
Average.....	75	93	168
Below average.....	90	78	168
Subtotal.....	336	336	672
Not rated.....	173	155	328
Total.....	509	491	1,000

$\chi^2=4.90$ (NS).

Finally, the judges were asked to rate the recommendation itself as compared with recommendations typically seen on the single variable of "describing this person as a teacher." Distribution of these ratings is shown in Table 6.

TABLE 6.—OVERALL EVALUATION OF JUDGES' RATINGS ON THE RECOMMENDATION: "EFFECTIVENESS IN EVALUATING THIS PERSON AS A TEACHER"

	Confidential	Nonconfidential	Total
As effective or more.....	222	232	254
Less effective.....	114	104	218
Total.....	336	336	672

$\chi^2=0.68$ (NS).

SUMMARY OF FINDINGS

The major findings in this study are:

- (1) There is no evidence that confidential recommendations contain a significantly different number of superlative statements.
- (2) There is no evidence that confidential recommendations contain a significantly different number of qualifying statements.
- (3) There is no evidence that confidential recommendations contain a statistically different number of statements which describe a critical incident.
- (4) There is no evidence that recommendations, when judged on the basis of that person's promise as a teacher, would be rated significantly different from nonconfidential recommendations.
- (5) There is no evidence that nonconfidential recommendations when rated on the basis of effectiveness in describing this person as a teacher would be rated significantly different from confidential recommendations.

CONCLUSIONS

Based upon the findings in this study, there is no basis for believing that nonconfidential recommendations will be less effective in describing potential promise of a teacher candidate. The data have not shown that confidential recommendations have fewer qualifying statements or fewer actual descriptions of critical incidents.

Teacher-education institutions should re-examine their historical position with respect to the confidentiality of teacher records and explore the possibility that open discussion of the perceptions of supervising teachers and other raters with the candidate may be more beneficial to the candidate.

HAIL TO THE CHAMPIONS—CENTRAL MICHIGAN UNIVERSITY

Mr. GRIFFIN. Mr. President, last weekend my alma mater, Central Michigan University, scored a stunning 54-14 victory in the nationally-televised Camellia Bowl game to win the small college national football championship.

As Coach Roy Kramer put it, this was a "dream come true" for CMU's football team, its student body and the alumni. All of Michigan is extremely proud of the Chippewas of Mt. Pleasant.

As an alumnus, I hope I may be pardoned for a little reminiscing and a few personal references. Back in the days when I went to Central, the college was small enough that you knew everyone on campus. In fact, there was an unwritten rule that you spoke to everyone you met on the way to class.

But the nicest thing that happened to me during my days at Central Michigan was that I got to know the pretty, petite valedictorian of the 1945 senior class. She was a lot smarter than I, but at least I had enough brains to marry her.

Mr. President, I salute the football team of CMU, the coaches, band, cheerleaders, student body, and the entire Mount Pleasant community for their performance and spirit last Saturday.

I ask unanimous consent that sincere newspaper accounts of the championship game be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)
Mr. GRIFFIN. The best man at our wedding was my roommate Ted Kjolhede, who just happens now to be the athletic director at Central Michigan University and a motivating force behind its 1974 national championship team.

I suppose my wife, Marge, and I feel much as Daniel Webster must have felt, when he argued a landmark case before the Supreme Court concerning his alma mater, Dartmouth College:

It is, sirs, a small college, and yet there are those who love it.

Times have changed, of course. Central, like most colleges, has grown. It has lost some of its earlier characteristics, but it has gained some new advantages—and it has gained widespread recognition, not only for prowess on the football field but in the academic world as well.

EXHIBIT 1

[From the Traverse City (Mich.) Record-Eagle, Dec. 16, 1974]

CMU TITLE "DREAM COME TRUE"
MOUNT PLEASANT.—A national championship football team arrives home today and it marks the first time since 1952 the state can hold such a welcome.

Within 16 seconds, the national television audience knew Central Michigan University was a team to be reckoned with.

Running back Dick Dunham took the handoff on the first Chippewa offensive play and raced 68 yards to paydirt, his first of four touchdowns in a game in which he gained 105 yards.

By the time the contest with the University of Delaware was finished, the Chippewas had won 54-14 and the national championship in the Division II of the NCAA.

"It was a dream come true," Central coach Ray Kramer said.

When the players return home later today at nearby Tri-City Airport from Sacramento, Calif., with their memories of victory in the Camellia Bowl, they are the first outright national champ from Michigan since 22 years ago when Michigan State University was voted No. 1 in both wire service polls.

It was also an especially 'Michigan' victory as the 75 players on Kramer's squad are Michigan natives.

The win was the 13th consecutive this season for the Chippewas since they lost the season opener to Kent State, 21-14.

Saturday's victory by the Chippewas also was the team's farewell to Division II status in the NCAA. Central now moves up to Division I, for schools that face tough opponents, and will be eligible for the Mid-American Conference title next year.

Central scored five of the first six times it had the ball against the Blue Hens in the first half and held a 16-0 lead at the end of the first quarter and a 30-8 intermission edge.

Quarterback Mike Frankowiak kicked his first field goal from 39 yards in the first quarter and tailback Walter "Smoke" Hodges got his first touchdown on a two-yard run with a pitchout before the second quarter began. For Hodges it was the 11th straight game in which he rushed for more than 100

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yards. He got 112 yards in 27 carries, including his second score in the final quarter on a one-yard plunge.

Frankowiak hit Matt Means with an eight-yard pass for a seventh CMU touchdown and added a 27 yard field goal. Means ended the day with eight receptions for 146 yards.

Delaware, a team noted for good ball-handling, committed six turnovers in gaining their second loss in 15 games, and didn't get a score until the second quarter when quarterback Bill Zwann sneaked over from the one-yard line at 10:17 of the period. Zwann passed to halfback Vern Roberts for the two-point conversion.

With :21 left in the fourth quarter, Delaware scored again when halfback Herky Billings carried the ball over from five yards out.

[From the Detroit Free Press, Dec. 14, 1974]
FOOTBALL SUCCESS REFLECTS CHANGE AT CENTRAL MICH.

(By Bill Michelmore)

MT. PLEASANT.—The scene as you enter this town of 20,000 in the flat Michigan midlands is gloomy. The day is gray and the radio announcer is talking about fertilizer. But you press on, driving north on Business U.S. 27 and turning left at Preston Avenue. The object of the search: Central Michigan University.

You find it: Trees, attractive new buildings and streams of young people walking into the low-slung University Center with vitality and freshness—and a kind of old-fashioned wholesomeness that reminds you of a Van Johnson varsity movie in the 1950s.

"When I was a ballplayer and going to school at Central Michigan, people would ask, 'Where the hell is that?' Now they'll know," says Tom Tresh, 36, former major league ballplayer and now CMU's assistant director of placement. "Central hasn't seen a year like this ever before."

That is what has happened in the past couple of weeks—Central Michigan has become known.

The reason for the sudden fame is the university's football team, the Chippewas, who Saturday will play the biggest game in CMU history as they take on the University of Delaware in the NCAA Division II play-off at the Camellia Bowl in Sacramento, Calif. The game will be carried on national network television.

The underdog Chippewas won the berth in the Camellia Bowl by beating the number one rated small college team, Louisiana Tech, 35-14 Dec. 7 in the Pioneer Bowl in Wichita Falls, Tex. That game was televised to 25 states and a lot of Americans started talking about Central Michigan. Saturday, when the game goes on the air (2 p.m. ABC, Channel 7) millions of Americans will be watching. "Now," beams Kirk Squires, an 18-year-old CMU broadcasting major from Pontiac, "We can say, 'Look, we're on national TV, now ask us where we're from.'"

Yet, the school has nestled here for a long time—since 1892, in fact. And in the last decade it has grown rapidly as many Michigan parents, from the Detroit area and small outstate towns alike, sent their sons and daughters here, convinced they would receive a fine education.

The school has been traditionally committed to teaching and to the liberal arts. About 80 percent of the graduates come out of its fine School of Education, many going on to teach in Michigan elementary and secondary schools. The school also turns out many school administrators.

One of the most famous of its 40,000 alumni is U.S. Sen. Robert Griffin, R-Mich., who as assistant Republican leader in the

U.S. Senate, is one of the most powerful congressional leaders in the country.

"We have always been a superior school academically and attracted good quality students," said ex-Detroit Tresh, who joined the University in 1971 after a well-known career with the New York Yankees and Detroit Tigers.

When he was studying at CMU on an athletic scholarship in the late 1950s there were 3,400 students. Today there are 14,500.

"It's a beautiful campus," says Tresh who wears cowboy boots and raises quarter horses on 72 acres not too far from the school. "It's just about the right size. Not too small anymore to be called hick and yet not so enormous that you lose quality teaching."

It was natural that as the quality of the students and faculty continued to flourish so, too, would the athletic program, specifically the football team.

But the big breakthrough for sports came in 1971 when the CMU Chippewas joined the Mid-American Conference, boosting the team to a high-quality league.

The big time had eluded CMU for years. The quality of education was often always there, but the enrollment was small and nothing was really happening.

"But about five or six years ago we had this tremendous breakthrough," recalls journalism chairman Dr. Gilbert Malenknecht. "Enrollment started burgeoning, things started moving. Something or someone had arrived."

Malenknecht and most other faculty members and students say that someone was Dr. William Beatty Boyd, who became the college's seventh president in 1968. Boyd, 51, a tall, softspoken Ivy Leaguer, joined CMU with an impressive academic background. He had been vice-chancellor at the University of California at Berkeley.

"I think Boyd just hit it right," says Malenknecht. "He sensed the tempo."

Boyd, who was born in another Mt. Pleasant, that one in South Carolina, is modest about what he has been able to do at Central.

"I think I just happened to be here when the changes became visible," he says. "It was a case of happy human dynamics."

Boyd, who came from Berkeley where "I always thought we (the college) was in a state of warfare with the town," calls this co-operation and rapport between Mt. Pleasant and CMU "remarkable."

This has never been more true now that the Chippewas have become national stars.

"The glory of the football team reflects on the whole town," says Boyd, "and the football team is a reflection of the quality of this university. . . . Now that the football team has called national attention to Central, the university will attract even more quality students."

The sad footnote to Boyd's role in shaping the burgeoning CMU is that he is leaving in September to become president of the University of Oregon. "I feel a really enormous sense of loss about leaving this university," he says.

The rapport between the town and the college that Boyd admires is obvious when you talk to people on and off campus.

"I have never been in a place before where there is such a community spirit towards the college," says Dr. Allan Quick, director of student teaching, who came here 11 years ago intending to stay about two years. "But I've found this to be such an exciting campus and such a nice town to live in I doubt if I'll ever leave."

Last Wednesday, about three dozen townspeople were down by fog-covered Perry Shorts Stadium, a new \$2½-million structure that is a striking example of the physical growth of the college, boarding buses for the airport to go with the team to Sacramento.

"The community spirit in this town is fantastic," beamed one of them, John Walsh, executive director of the Chamber of Commerce. "All the talk downtown is about the game."

Last Saturday when CMU beat Louisiana just about everybody in town watched the game on television in large groups and they sang the fight song (Fight Central down the field/Fight for vic-tor-y) and there were a lot of partying going on.

Motorists blasted their horns and people were waving the school's maroon and gold colors.

"I was thinking as I rode through all that," says Kirk Squires, an 18-year-old student. "God, I'm just so happy to be at Central."

Still, there was something missing from last Saturday's game—the CMU Marching Chips band. They weren't down in Wichita Falls, Tex., to belt out the victory razzle-dazzle because there was no money to send them.

But this week the townspeople got together and raised \$35,000 to send the 164 band members to Sacramento. Local bakers turned out 500 dozen doughnuts at \$2 a dozen and many places in town like the bowling alleys turned in their receipts to the fund.

One resident, five-year-old Larry Grabinski, came into Walsh's office and dumped out the contents of his piggy bank. "Eighty cents," he said. "Go Chips, go."

[From the Flint (Mich.) Journal, Dec. 15, 1974]

CMU ROARS TO NCAA GRID TITLE, 54-14.—
DELAWARE NO MATCH FOR CHIPS

SACRAMENTO, CALIF.—Hail to the Chippewas!

Central Michigan University concluded its greatest season on the gridiron here Saturday by trampling over Delaware, 54-14, to win the Camellia Bowl for the NCAA College Division II championship.

Central's 13th straight victory was a copy of recent performances and maybe just a bit better.

Roy Kramer's club was powerful on offense as evidenced by its first play of the game when fullback Dick Dunham bolted for a 68-yard touchdown run.

Mike Frankowiak, 6-foot-3, 220-pound quarterback, led the offense by completing 11 of 13 passes for 186 yards and kicking field goals of 39 and 27 yards.

The defense intercepted four passes, including a pair by Flint's Ed Rykluski. Flint's Steve Bograkov, 6-1, 175-pound senior, recovered one fumble, had six tackles and was later named over-all defensive player of the game by the ABC crew which telecast the game nationally.

Frankowiak was picked the game's top offensive player.

Dunham tied an NCAA playoff record with four touchdowns and gained 121 yards in 16 carries. His plunges covered one, three and four yards.

Walter "Smoke" Hodges wound up with 112 yards in 26 attempts, marking the 11th straight game this season that Hodges has gained more than 100 yards.

"For them to go out and win this is something you think about, but it's like a dream come true," said a happy Kramer after the game. "Our game plan was to play it safe. We ran and we threw the ball in the first half to loosen them up and give Hodges some running room. The first play (by Dunham) was designed to feel them out. Fred Jacobson (CMU tackle) and Matt Means (end) threw some great blocks on that touchdown run."

Delaware, a team with a reputation for good ball handling, committed six turnovers, losing the ball also on two fumble recoveries.

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The Blue Hens scored in the second and fourth periods.

Said Delaware Coach Harold "Tubby" Raymond after the game: "I think we left our best ball game in Baton Rouge. We turned it over quickly four times in the first half and we just couldn't control Central Michigan's offense."

The loss was the worst defeat for Delaware since 1933 and the most points scored against the Blue Hens since 1921.

The CMU defense smothered Delaware's shifting wing-T offense and put a hard rush on quarterback Bill Zwann throughout the game.

On the opening play from scrimmage, Dunham, 205-pound sophomore from Lansing, burst up the middle and lumbered untouched into the end zone, putting the Chippewas ahead to stay with 16 seconds gone.

A field goal by Frankowiak and a two-yard run by Hodges made it 16-0 after one quarter. Delaware, 12-2 mounted a long touchdown drive early in the second period, ending in a one-yard sneak by Zwann and a two-point conversion pass to Vern Roberts.

Central Michigan bounced right back with a 68-yard march capped by Dunham's second touchdown of the day. The key play in that drive was a 43-yard pass from Frankowiak to Means.

Means had an outstanding day of receiving, catching eight passes for 146 yards, all from Frankowiak.

Flint's Houston Tipton, a former Northwestern High star, and a recent addition to the CMU roster, also sparkled, recovering one fumble and running 33 yards with a pass interception.

A crowd of 14,137 watched what is expected to be the last championship game here in Hughes Stadium which is scheduled to be demolished as an earthquake hazard.

[From the Detroit News, Dec. 15, 1974]
DELAWARE ROUTED IN CAMELLIA BOWL—CMU ROMPS TO NATIONAL GRID TITLE

SACRAMENTO, Calif.—Athletic history will record that Central Michigan University's football team won the National Collegiate Athletic Association (NCAA) 1974 Division II national championship, but perhaps it should have been placed in another division.

It could have been called the "Super Division," because this season the Chippewas were truly a super football power, who performed in a class by themselves.

Their almost unbelievably dominant 54-14 massacre of the University of Delaware in Saturday's Camellia Bowl which gave it the national title was typical of the way Central whipped one team after another all season.

From the time fullback Dick Dunham raced 68 yards for Central's first touchdown with only 16 seconds elapsed in the game, it was not a question of whether Central would win but instead how badly it would beat the Blue Hens.

Quarterback Mike Frankowiak guided Central's offense flawlessly—picking Delaware apart with a superbly executed option attack, handing off to Dunham for bursts up the middle, and bull's-eye passes to split end Matt Means.

In addition, Frankowiak kicked two field goals, five extra points and did Central's punting and handled the kickoffs. He was voted the game's top offensive player.

Defensively, Central took the ball away from Delaware four times in the first half with two interceptions and two fumble recoveries and the Blue Hens never were in the game after scoring their only touchdown in the first quarter.

Central will take its national championship trophy back to its campus in Mt. Pleasant

Monday afternoon, giving the state of Michigan its first outright national football championship since 1952. That year Michigan State University was voted No. 1 in both wire service polls. In 1964, MSU finished first in one poll and Alabama was voted No. 1 in the other.

The University of Michigan won the Associated Press' national championship in 1948 when AP had the only poll.

Central is Michigan's only football team to win a national title on the field because the NCAA has a playoff system only for Divisions II and III. The system was begun last year, with Louisiana Tech winning the national title, but Division I was not included in the format.

And CMU's football squad really is a Michigan team, because all 75 players on Coach Roy Kramer's full roster are from Michigan.

Saturday's victory provided a fitting farewell to Division II status for Central, which moves up to Division I next season. Central, which became a member of the Mid-American Conference in 1971, will be eligible for the league championship next year.

Division I is what the NCAA considers University Division football and contain the country's major teams. Division II teams play smaller opponents and Division III teams are smaller still. Schools are placed in divisions according to the difficulty of their schedules, not the size of their institutions.

Central's only loss this year was a 21-14 defeat by MAC rival Kent State in its first game, and it won its last 13 games.

"To go out and win this is something that you think about," Kramer said after being carried off the field by his happy players. "It's like a dream come true."

Central got added inspiration before the game from a telephone call from defensive end Mark Bennett, who was in a hospital in Mt. Pleasant. Bennett's knee was injured in the Chippewas' 35-14 victory over Louisiana Tech in the Pioneer Bowl last Saturday.

"If you'd been in the locker room after Bennett talked to the team you'd have known they were going to play a good game," Kramer said.

It didn't take Central long to gain control of the game, with Dunham getting his first score on the long run on CMU's first play from scrimmage.

"The play was designed to feel them out," Kramer explained.

Instead, it knocked the Blue Hens out. Central scored five of the first six times it had the ball in the first half and held a 16-0 lead at the end of the first quarter and a 30-8 advantage at the intermission.

Frankowiak kicked his first field goal from 39 yards out in the first quarter and tailback Walter "Smoke" Hodges of Detroit Kettering High School got his first touchdown on a two-yard run with a pitchout before the first quarter ended.

Delaware took the ensuing kickoff and drove yards in 12 plays for its first touchdown with quarterback Bill Zwann getting the score on a sneak from the one. Zwann passed to back Vern Roberts for the two-point conversion to put Delaware in the game.

Central put Delaware out of the game quickly, however, as it took the kickoff and drove 68 yards with Dunham getting his second touchdown on a plunge from the one. Frankowiak's conversion gave Central a 23-8 lead.

Delaware fumbled the kickoff and Central recovered on the 34. In nine plays Central scored again with Dunham getting his third touchdown on a three-yard run up the middle. Frankowiak added the extra point and Central had a commanding 30-8 lead.

Whatever chance Delaware had ended in the third quarter when Frankowiak booted

a 27-yard field goal and Dunham got his fourth score on a four-yard run. Central scored two more times in the fourth quarter, the first touchdown coming on Frankowiak's eight-yard pass to Means and the second on Hodges' one-yard run.

Delaware ended the scoring on Herky Billings' six-yard run late in the game.

Frankowiak had an impressive day, completing 11 of 13 passes for 186 yards. Means caught eight passes and picked up 146 yards.

Dunham had 121 yards in 16 carries and Hodges gained 112 in 12 rushes, giving him 11 consecutive games in which he has gained 100 or more yards. Dunham's four touchdowns tied an NCAA playoff record.

Central had 465 yards in total offense—279 rushing and 186 passing—while Delaware had 187 rushing and 167 passing for 354 yards. Delaware, which finished with a 12-2 record, qualified for the Camellia Bowl with a 49-11 victory over Nevada-Las Vegas in the Grantland Rice Bowl.

Central's defense had three pass interceptions, by Ed Rykluski, Joe Sierzenga and Houston Tipton, and Steve Bograkov and Benny Starns recovered fumbles. Central did not have a turnover.

Bograkov, a safety, was named the game's top defensive player.

Kramer, in his eighth season as Central's coach, couldn't resist a few smiles and back claps for his players when it was obvious late in the game that Central had the game wrapped up.

"I didn't feel it was in the bag until we got the 40th point," Kramer said.

The national title is in Central's bag now, headed back to Mt. Pleasant, where a super team produced a super season.

[From the Detroit Free Press, Dec. 15, 1974]
CENTRAL MICHIGAN OVERPOWERS DELAWARE—
MIGHTY CHIPS ARE BOWL CHAMPS, 55-14

SACRAMENTO, CALIF.—Fullback Dick Dunham bolted 68 yards for a touchdown on the game's first play and plunged for three more scores Saturday as Central Michigan buried Delaware, 54-14, in the Camellia Bowl for the NCAA Division II championship.

Dunham, a 205-pound sophomore, and quarterback Mike Frankowiak teamed to lead the Chippewas (12-1) to their 12th straight victory in the finals of the NCAA's eight-team playoffs.

Frankowiak, a second-team All-American, mixed option runs and pitches with deadly passing as the midwesterners, playing their last game in the college ranks, moved the ball at will. He completed 11 of 13 passes for 186 yards and one touchdown, and kicked field goals of 39 and 27 yards.

Dunham tied an NCAA playoff record with his four touchdowns and gained 121 yards in 16 carries. His plunges covered one, three and four yards.

On the opening play from scrimmage, he burst up the middle behind a block by center Wes Gamble and lumbered untouched into the end zone, putting the Chippewas ahead to stay with 16 seconds gone.

A field goal and a two-yard run by Walt Hodges made it 16-0 after one quarter. But Delaware (12-2) mounted a long touchdown drive early in the second period, ending in a one-yard sneak by Bill Zwann and a two-point conversion pass to Vern Roberts.

Central Michigan then put the game away with a 68-yard march that included a 43-yard pass from Frankowiak to split end Matt Means.

The Chips got a pre-game telephone call in the locker room from Mark Bennett, their injured defensive end, and coach Roy Kramer said: "We knew we were going to play a fine game after that. Bennett will get the game bill."

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Bennett is confined to Gratiot Community Hospital in Alma after undergoing surgery on a knee. In the room with him were CMU president William Boyd and Mark's parents from Trenton.

"Certainly this was Mike Franckowiak's greatest game of the season," Kramer told reporters in the jubilant CMU dressing room. "We went to the pass in the first half to loosen them up and get some running room for Hodges. The first play of the game was just designed to feel them out, but (Fred) Jacobson's great block and Means' downfield block sent Dunham all the way," Kramer explained.

Hodges had a few comments about the turf and his rushing day. "The turf wasn't that good and I ran on my toes in the first half," he said. "The second half, I ran with my heels and had better traction. One of my goals is to get 100 yards rushing every game. Our backfield coach tells us that if we get 100 yards we're making a true contribution to the team."

The Chippewas intercepted three Zwaan passes and recovered two Delaware fumbles.

Hodges wound up with 112 yards in 27 carries, his 11th straight 100 yard plus game.

It was the worst defeat for Delaware since 1933 and the most points scored against the Blue Hens since 1921.

PROGRAM

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow morning, the distinguished assistant Republican leader be recognized for not to exceed 15 minutes; that the junior Senator from West Virginia be recognized for not to exceed 15 minutes; that there then be transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, in order that we may be clear as to procedure on tomorrow, I ask the Chair for clarification, particularly in light of a statement made by the acting majority leader that messages from the House are privileged matters.

It is my understanding that conference reports and messages from the House involving House amendments to Senate bills would be privileged, but that a House message on a House-passed bill only would not be a privileged matter.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. It is also my understanding that it would take a motion, which would be debatable, to bring up a House-passed bill at the desk—or by unanimous consent.

The PRESIDING OFFICER. It would take unanimous consent.

Mr. GRIFFIN. I thank the Chair.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD, Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and at 11:20 p.m., the Senate adjourned until tomorrow, Friday, December 20, 1974, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 19, 1974:

DEPARTMENT OF DEFENSE

Joseph Laitin, of Maryland, to be an Assistant Secretary of Defense, vice Jerry Warden Friedhelm, resigned.

INTERSTATE COMMERCE COMMISSION

Robert J. Corber, of Virginia, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1976, vice W. Donald Brewer, resigned.

U.S. RAILWAY ASSOCIATION

Charles B. Shuman, of Illinois, to be a member of the Board of Directors of the U.S. Railway Association for a term of 2 years (new position).

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19, 1974:

ENVIRONMENTAL PROTECTION AGENCY
Wilson K. Talley, of California, to be an Assistant Administrator of the Environmental Protection Agency.

NUCLEAR REGULATORY COMMISSION

The following-named persons to be members of the Nuclear Regulatory Commission for the terms indicated:

Marcus A. Rowden, of Maryland, for a term of 2 years.

Edward A. Mason, of Massachusetts, for a term of 3 years.

Victor Gillinsky, of California, for a term of 4 years.

Richard T. Kennedy, of the District of Columbia, for a term of 5 years.

DEPARTMENT OF JUSTICE

Edward S. King, of New York, to be U.S. marshal for the western district of New York for the term of 4 years.

Ronald C. Romans, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years.

FEDERAL PROCUREMENT POLICY

Hugh E. Witt, of Virginia, to be Administrator for Federal Procurement Policy.

DEPARTMENT OF STATE

Monroe Leigh, of Maryland, to be legal adviser of the Department of State.

Michael A. Samuels, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Thomas J. Scotese, of Maryland, a Foreign Service officer of class 3, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

William B. Saxe, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

THE JUDICIARY

William J. Bauer, of Illinois, to be U.S. circuit judge for the seventh circuit.

Alfred Y. Kirkland, of Illinois, to be U.S. district judge for the northern district of Illinois.

William S. Sessions, of Texas, to be U.S. district judge for the western district of Texas.

J. Calvitt Clarke, Jr., of Virginia, to be U.S. district judge for the eastern district of Virginia.

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for unemployed persons through programs of public service employment."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 356) entitled "An act to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1296) entitled "An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 521. An act to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma;

S. 1083. An act to amend certain provisions of Federal law relating to explosives;

S. 2888. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 3548. An act to establish the Harry S. Truman memorial scholarships, and for other purposes;

S. 3358. An act to authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma; and

S. 3359. An act to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 16045. An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal years 1975 and 1976, and to make certain technical and conforming changes;

H.R. 16982. An act to authorize U.S. payment for fiscal year 1975 to the United Nations for expenses of the United Nations peacekeeping forces in the Middle East, and the United Nations Force in Cyprus;

H. Con. Res. 675. Concurrent resolution providing for the printing as a House document of the Constitution of the United States (pocket-size edition); and

H. Con. Res. 679. Concurrent resolution to provide for the printing as a House document of the Constitution and the Declaration of Independence.

The message also announced that the Senate agrees to the amendments of the House with amendments to a bill of the Senate of the following title:

S. 3418. An act to establish a Privacy Protection Commission, to provide management systems in Federal agencies and certain other organizations with respect to the gathering and disclosure of information concerning individuals, and for other purposes.

The message also announced that the Senate insists upon its amendments to a joint resolution (H.J. Res. 1180) entitled "A joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. PASTORE, Mr. ROBERT C. BYRD, Mr. MONTGOMERY, Mr. YOUNG, Mr. HRUSKA, Mr. CORTON, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 126. Concurrent resolution authorizing a technical correction in the enrollment of S. 356.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.
The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 713]

Adams	Green, Pa.	Podell, N.Y.
Alexander	Grover	Powell, Ohio
Andrews, N.C.	Gude	Price, Tex.
Ashley	Haley	Rarick
Aspin	Hanley	Reid
Boggs	Hanna	Robison, N.Y.
Brasco	Hanrahan	Roncallo, N.Y.
Brooks	Hansen, Idaho	Rooney, N.Y.
Brown, Calif.	Hansen, Wash.	Rose
Broyhill, Va.	Harsha	Roussot
Burke, Calif.	Hebert	Runnels
Burton, John	Heckler, Mass.	Ruppe
Butler	Heinz	Ruth
Byron	Hillis	Sandman
Camp	Holifield	Shibley
Carey, N.Y.	Holtzman	Shriver
Chisholm	Howard	Shuster
Clark	Hudnut	Smith, N.Y.
Clay	Johnson, Colo.	Staggers
Collier	Jones, Ala.	Stanton
Conlan	Jones, N.C.	James V.
Conyers	Kyros	Stark
Crane	Landgrebe	Steele
Cronin	McKinney	Stephens
Culver	McSpadden	Stuckey
Davis, Ga.	Macdonald	Teague
de la Garza	Mann	Thornton
Dellums	Martin, Nebr.	Tierman
Denholm	Mathias, Calif.	Towell, Nev.
Dennis	Mathis, Ga.	Traxler
Derwinski	Matsunaga	Udall
Diges	Mills	Vanik
Donohue	Minshall, Ohio	Vigorito
Downing	Moakley	Widnall
Drinan	Molohan	Wiggins
Dulski	Mosher	Wilson
Edwards, Ala.	Murphy, Ill.	Charles H.
Edwards, Calif.	Murphy, N.Y.	Calif.
Esch	Nedzi	Wolf
Eshleman	Nelsen	Wyatt
Fountain	Nichols	Wyman
Gaydos	O'Hara	Young, Alaska
Gialmo	Owens	Young, Ga.
Grasso	Passman	Zion
Gray	Pepper	Zwach

The SPEAKER. On this rollcall 302 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. JONES of Tennessee. Mr. Speaker, yesterday on rollcall No. 706 on the conference report on the bill H.R. 16596, the Special Employment Assistance Act of 1974, the RECORD shows that I voted "No." I intended to vote "aye." I would like the RECORD to show that.

The SPEAKER. The gentleman's statement will appear in the RECORD.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that the Chair will take personal requests, but not for speeches.

PROXY VOTING IN COMMITTEES SHOULD BE ELIMINATED

(Mr. COCHRAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COCHRAN. Mr. Speaker, although this is my first term in the House, I have been distressed over a practice I have observed which in my opinion should be changed. We do not, nor should we, permit proxy voting on the floor of the House.

It is equally important, in my judgment, for each Member to cast his own vote in legislative committees. It is there that some of our most important votes are cast. It is an abrogation of our duty as elective Representatives to turn over our votes to committee bosses or others who are not answerable to the constituency entitled to those votes.

When we seek reform next year, let us begin by eliminating proxy voting in committees.

REGULATION OF MOVEMENT IN FOREIGN COMMERCE OF NOXIOUS WEEDS AND POTENTIAL CARRIERS THEREOF

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11273) to provide for the regulation of the movement in foreign commerce of noxious weeds and potential carriers thereof, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.
The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Federal Noxious Weed Act of 1974".

Sec. 2. The importation or distribution in interstate commerce of noxious weeds, except under controlled conditions, allows the growth and spread of such weeds which interfere with the growth of useful plants, clog waterways and interfere with navigation, cause disease, or have other adverse effects upon man or his environment and therefore is detrimental to the agriculture and commerce of the United States and to the public health. The uncontrolled distribution within the United States of noxious weeds after their importation or interstate distribution has like detrimental effects and allowing such distribution encourages and facilitates the burdening and obstructing of interstate and foreign commerce, and is inimical to the public interest. Accordingly, the Congress

HOUSE OF REPRESENTATIVES—Thursday, December 19, 1974

The House met at 10 o'clock a.m.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Unto you is born this day in the city of David a Saviour who is Christ the Lord.—Luke 2: 11.

Our Father, who hast declared Thy love to Thy children by the birth of the Holy Child at Bethlehem; help us to welcome Him with gladness and to make room for Him in all our hearts and in all our homes. Thus may we learn to live at peace with one another, in good will with all Thy family and continue to work for justice among the people on this planet. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 9598. An act for the relief of the city of Aransas Pass, Tex., and the Urban Renewal Agency of the city of Aransas Pass, Tex.;

H.R. 15229. An act to expand the authority of the Canal Zone government to settle claims not cognizable under the Tort Claims Act; and

H.R. 17655. An act to extend for 2 years the authorizations for the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17468) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes."

The message also announced that the Senate agrees to the House amendments to the Senate amendments numbered 1, 2, 3, and 4 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16596) entitled "An act to amend the Comprehensive Employment and Training Act of 1973 to provide additional jobs

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hereby determines that the regulation of transactions in, and movement of, noxious weeds as provided in this Act is necessary to prevent and eliminate burdens upon and obstructions to interstate and foreign commerce and to protect the public welfare.

Sec. 3. As used in this Act, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Authorized Inspector" means any employee of the Department of Agriculture, or any employee of any other agency of the Federal Government or of any State or other governmental agency which is cooperating with the Department in administration of any provisions of this Act, who is authorized by the Secretary to perform assigned duties under this Act.

(c) "Noxious weed" means any living stage (including but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health.

(d) "United States" means any of the States, territories, or districts of the United States.

(e) "Interstate" means from any State, territory, or district of the United States into or through any other State, territory, or district.

(f) "District" means the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

(g) "Move" means deposit for transmission in the mails, ship, offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move, or allow to be moved, by mail or otherwise.

Sec. 4. (a) No person shall knowingly move any noxious weed, identified in a regulation promulgated by the Secretary, into or through the United States or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this Act to prevent the dissemination into the United States, or interstate, of such noxious weeds.

(b) The Secretary may refuse to issue a permit for the movement of any such noxious weed when, in his opinion, such movement would involve a danger of dissemination of such noxious weeds into the United States or interstate.

(c) No person shall knowingly sell, purchase, barter, exchange, give, or receive any such noxious weed which has been moved in violation of subsection (a), or knowingly deliver or receive for transportation or transport, in interstate or foreign commerce, any advertisement to sell, purchase, barter, exchange, give, or receive any such noxious weed which is prohibited from movement in such commerce under this Act.

Sec. 5. (a) The Secretary may promulgate such quarantines and other regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States and otherwise restricting or prohibiting such movement, as he deems necessary to prevent the dissemination into the United States of any noxious weeds, and it shall be unlawful for any person to move any products, articles, or means of conveyance into or through the United States contrary to any such regulation.

(b) Whenever the Secretary has reason to believe that an infestation of noxious weeds exists in any State, territory, or district, he may by regulation temporarily quarantine such jurisdiction, or a portion thereof, and by regulation may restrict or prohibit the interstate movement from the quarantined area of any products and articles of any character whatsoever and means of conveyance, capable of carrying such noxious weeds, and after promulgation of such quarantine and other regulations, it shall be unlawful for any person to move interstate from a quarantined area any such products, articles, or means of conveyance, specified in the regulations, except in accordance with such regulations: *Provided, however*, That such quarantine and regulations shall expire at the close of the ninetieth day after their promulgation.

(c) However, if, after public hearing, the Secretary determines, on the basis of the information received at the hearing and other information available to him, that such a quarantine and regulations are necessary in order to prevent the interstate spread of noxious weeds from any State, territory, or district in which he determines an infestation of noxious weeds exists, and to protect the agriculture, commerce, fish, or wildlife resources of the United States or the public health, he shall promulgate such quarantine and other regulations as he determines are appropriate for such purposes, and thereafter it shall be unlawful for any person to move interstate from any quarantined area any regulated products, articles, or means of conveyance except in accordance with such regulations.

Sec. 6. (a) Except as provided in paragraph (c) of this section, the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any noxious weed, seize, quarantine, treat, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States or interstate, in bond or otherwise, and which he has reason to believe is infested by any noxious weed or contains any such weed, or which has moved into the United States, or interstate, and which he has reason to believe was infested by or contained any noxious weed at the time of such movement; and any noxious weed, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation hereunder.

(b) Except as provided in subsection (c) of this section, the Secretary may order the owner of any product, article, means of conveyance, or noxious weed subject to disposal under subsection (a) of this section, or his agent, to treat, destroy, or make other disposal of such product, article, means of conveyance, or noxious weed, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States District Court, or to the United States court of any territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or noxious weed is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoenas for witnesses who are required to attend a court in any judicial district in such a case may run to any other judicial district.

(c) No product, article, means of conveyance, or noxious weed shall be destroyed, exported, or returned to shipping point of

origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of noxious weeds into the United States or interstate.

(d) The owner of any product, article, means of conveyance, or noxious weed destroyed, or otherwise disposed of, by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or noxious weed (not including compensation for loss due to delays incident to determining its eligibility for movement under this Act) if the owner establishes that such destruction or disposal was not authorized under this Act. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for administration of this Act.

Sec. 7. Any authorized inspector, when properly identified, shall have authority (a) without a warrant, to stop any person or means of conveyance moving into the United States, and inspect any noxious weeds and any products and articles of any character whatsoever, carried thereby, and inspect such means of conveyance, to determine whether such person or means of conveyance is moving any noxious weed, product, article, or means of conveyance contrary to this Act or any regulation under this Act; (b) without a warrant, to stop any person or means of conveyance moving through the United States or interstate, and inspect any noxious weeds and any products and articles of any character whatsoever carried thereby, and inspect such means of conveyance, to determine whether such person or means of conveyance is moving any noxious weed, product, article, or means of conveyance contrary to this Act or any regulation thereunder; if such inspector has probable cause to believe that such person or means of conveyance is moving any noxious weed regulated under this Act; and (c) to enter, with a warrant, any premises in the United States, for purposes of any inspections or other actions necessary under this Act. Any judge of the United States or of a court of record of any State, territory, or district, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or noxious weeds subject to this Act. Such warrants may be executed by any premises for purposes of any inspection or other action necessary under this Act, except as otherwise provided in section 9 of this Act. Such warrants may be executed by any authorized inspector or any United States marshal.

Sec. 8. Any person who knowingly violates section 4 or 5 of this Act, or any regulation promulgated under this Act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or both.

Sec. 9. (a) The Secretary is authorized to cooperate with other Federal agencies, agencies of States, territories, or districts, or political subdivisions thereof, farmers' associations, and similar organizations, and individuals in carrying out operations or measures in the United States to eradicate, suppress, control, or prevent or retard the spread of any noxious weed. The Secretary is authorized to appoint employees of other agencies of the Federal Government or any agencies of any State, territory, or district, or political subdivisions thereof, as collaborators to assist in administration of the pro-

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visions of this Act, pursuant to cooperative agreements with such agencies, whenever he determines that such appointments would facilitate administration of this Act.

(b) In performing the operations or measures authorized by subsection (a) of this section, the cooperating State or other governmental agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the State or other jurisdiction involved, other than those owned or controlled by the United States Government, and for such other facilities and means as in the discretion of the Secretary are necessary.

Sec. 10. The Secretary is authorized to promulgate regulations necessary to effectuate the provisions of this Act. However, any regulation identifying a noxious weed under section 4 of this Act shall be promulgated only after publication of a notice of the proposed regulation and, when requested by any interested person, a public hearing on the proposal. Any such regulation shall be based upon the information received at any such hearing and other information available to the Secretary and a determination by the Secretary that the plant is within the definition of a noxious weed in section 3(c) of this Act and that its dissemination in the United States may reasonably be expected to have, to a serious degree, any effect specified in section 3(c).

Sec. 11. There are hereby authorized to be appropriated such sums as Congress may from time to time determine to be necessary for the administration of this Act. Any sums so appropriated shall be available for expenditures for the purchase, hire, maintenance, operation, and exchange of aircraft and other means of conveyance, and for such other expenses as may be necessary to carry out the purposes of this Act. However, unless specifically authorized in other legislation or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed under section 9 of this Act.

Sec. 12. The provisions of this Act shall not apply to shipments of seed subject to the Federal Seed Act (53 Stat. 1275, as amended; 7 U.S.C. 1551 et seq.) and this Act shall not amend or repeal any of the provisions of said Act or of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315, as amended; 7 U.S.C. 151-154, 156-164a 167), the Federal Plant Pest Act (71 Stat. 31; 1 U.S.C. 150aa-150jjj), or any other Federal laws.

Sec. 13. The provisions of this Act shall not invalidate the provisions of the laws of any State or political subdivision thereof, or of any territory or district of the United States relating to noxious weeds, except that no such jurisdiction may permit any action that is prohibited under this Act.

Sec. 14. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Amend the title so as to read: "An Act to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HEALTH MANPOWER ACT OF 1974— APPOINTMENT OF CONGRESS

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3585) to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, ROGERS, SATTERFIELD, KYROS, PREYER, SYMINGTON, ROY, DEVINE, NELSEN, CARTER, HASTINGS, HEINZ, and HUDNUT.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

Mr. PERKINS. Mr. Speaker, I call up the conference report on the Senate joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, and ask unanimous consent that the statement of the managers be read in lieu of the report.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to make sure I can preserve my right to raise a point of order against the nongermane Senate amendment.

The SPEAKER. The Chair will protect the gentleman.

The Clerk will report the title of the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

POINT OF ORDER

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against section 3 of the conference report, that section which amends section 901(a) of the Education Amendments of 1972, on the basis that had this been offered as an amendment during the consideration of Senate Joint Resolution 40 in the House, it would have been a nongermane amendment.

Under clause 4, rule XXVIII a motion can be offered to handle this matter separately. Thus I make a point of order that that section of the conference report is nongermane under the rules of the House.

The SPEAKER. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. PERKINS. Yes, Mr. Speaker. In the conference report on page 17 there is an explanation, but on page 8 we will find we do have an exception there which states:

This section shall not apply to membership practices—(A) of a social fraternity or social sorority . . .

The SPEAKER. It is obvious to the Chair that section 3 of the conference report is not germane to the House amendment. The point of order is sustained. Does the gentleman from Wisconsin (Mr. STEIGER) have a motion to reject the section?

Mr. STEIGER of Wisconsin. I do have a motion to reject, Mr. Speaker.

MOTION TO STRIKE OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Speaker, I offer a motion to strike.

The Clerk read as follows:

Mr. STEIGER of Wisconsin moves to strike section 3 of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, the hour is late, or early, depending on one's view and I regret exceedingly that it may take somewhat more time than otherwise would have been anticipated to discuss Senate joint resolution 40.

Mr. Speaker, section 3(a) of the conference report is known as the Bayh amendment and I ask that the Members look at the conference report, either as printed in the form that has been given to us, which is in error because the YWCA has been dropped out of this version, or that which is found on page 40547 of the CONGRESSIONAL RECORD of December 17 which is, I understand, the correct version of the conference report. What this does, and I think the House ought to understand what it does, is to say that title IX of the Education Amendments of 1972 shall not apply to social fraternities or social sororities, the active membership of which consists primarily of students in attendance at an institution of higher education, but it does apply to service organizations or fraternities.

What we are doing is establishing, for reasons that I do not comprehend, a dichotomy between a social fraternity and a service fraternity or a social sorority and a service sorority insofar as sex discrimination is concerned.

The section then goes on to exempt the—

YMCA, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations, which are so exempt—under section 501(a) of the Internal Revenue Code—the membership of which has traditionally been limited to persons of one sex and principally persons of less than 19 years of age.

Now let us understand, the YMCA has a membership the majority of which is under 19 years of age. The YWCA has a membership approximately two-thirds over the age of 19; but both are to be exempt from the sex discrimination provisions of the Education Amendments of 1972, offered by the gentleman from Oregon (Mrs. GREEN).

Thus, Mr. Speaker, two substantive problems arise with this language as we

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have it before us. No. 1, it establishes a unique and, in my judgment, very bad precedent in making a separation between social and service fraternities and sororities.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, in view of the state of the economy of the country and the terrific importance of this dialog, I think we ought to have a quorum here to hear it.

Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred and eighty-two Members are present, not a quorum.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

(Roll No. 714)

Adams	Hanna	Price, Tex.
Addabbo	Hanrahan	Rarick
Alexander	Hansen, Idaho	Rees
Andrews, N.C.	Hansen, Wash.	Reid
Ashley	Harsha	Rhodes
Blackburn	Hebert	Roncallo, N.Y.
Blatnik	Heckler, Mass.	Rooney, N.Y.
Brasco	Hillis	Rousselot
Burton, John	Holifield	Roy
Byron	Howard	Ruth
Camp	Jones, Ala.	Sandman
Carey, N.Y.	Jones, N.C.	Shipley
Cederberg	Jones, Tenn.	Sikes
Chisholm	Kuykendall	Sisk
Clark	Kyros	Stark
Collier	Leggett	Steele
Crane	Lukens	Stephens
Culver	McKinney	Stuckey
Davis, Ga.	McSpadden	Teague
Dellums	Macdonald	Thornon
Dennis	Mann	Tierman
Derwinski	Martin, Nebr.	Towell, Nev.
Diggs	Mathias, Calif.	Udall
Downing	Mataunaga	Vander Jagt
Drinan	Millard	Vanik
Dulski	Mills	Vigortto
Esch	Minshall, Ohio	Widnall
Eshleman	Mosher	Wiggins
Evans, Colo.	Nedzi	Williams
Evins, Tenn.	Nelsen	Wilson
Fraser	Nichols	Charles H., Calif.
Fröhlich	Ober	Wyman
Gaydos	O'Hara	Young, Alaska
Glavin	Owens	Young, Ga.
Grasso	Passman	Zion
Gray	Pepper	Zwack
Green, Pa.	Podell	

The SPEAKER. On this rollcall 325 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WHITE HOUSE CONFERENCE ON LIBRARY INFORMATION SERVICES

The SPEAKER. The gentleman from Wisconsin (Mr. STEIGER) is recognized.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman in the well yield?

Mr. STEIGER of Wisconsin. Yes, Mr. Speaker, I am delighted to yield to the gentleman from Oregon.

Mrs. GREEN of Oregon. There are questions I would like to ask the gentleman from Wisconsin in regard to the section of the bill that he maintains is not germane.

Would he agree that this language is not as all-inclusive as was the language in the report on the appropriation bill in regard to Boy Scouts, Girl Scouts, Campfire Girls, and all sororities and fraternities?

Mr. STEIGER of Wisconsin. The gentleman is correct.

Mrs. GREEN of Oregon. There are many Members of the House who are concerned about HEW's proposed rules and regulations with respect to Boy Scouts, Girl Scouts, Campfire Girls, YMCA, YWCA, Boys Club, Girls Club. There is also deep concern about proposed regulations requiring physical education classes and all other classes to be brought under the provisions of title IX. This title has been interpreted by some downtown as requiring all classes to be integrated on basis of sex.

We have a law now which must be sent to the Congress, and Congress has 45 days in which to review them and to reject them, if they wish.

The gentleman from Michigan (Mr. O'HARA) has told me this week, and I tried to find him on the floor, that he intends to have hearings next year as soon as possible on the proposed regulations from HEW which make no sense to the majority of the Members of this House, according to our previous votes.

Would the gentleman from Wisconsin agree that if we write this language into the law which is not all-inclusive and which does not cover all of our concerns, then it would be far more difficult to pass a resolution rejecting the proposed regulations on the basis that they are inconsistent with the law because of the very language to which the gentleman objects would seem to sanction the proposed regulations by its omission of certain groups.

Mr. STEIGER of Wisconsin. May I say to the gentleman that I think she has made exactly the point. If we adopt the amendment and do not reject the motion to strike this language, it is going to be hard ever coming back to HEW and saying, "What you are doing is wrong." The second fundamental reason, may I say to my colleagues and the gentleman from Oregon, is that title IX, as we passed it in our Education Amendments in 1972, provided that—

No person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

What the language does in this section of the conference report is to condone, in my judgment, the institutional approval which HEW is now attempting to do. They are saying we will regulate and even cut off Federal assistance to the whole of the institution, not just to a program or activity.

In interpreting title IX as an institutional eligibility statute HEW has generated controversy about everything from co-ed wrestling teams to regulation of the Girl Scouts, neither of which could possibly have been foreseen to be termed federally assisted programs. That kind

of de facto recognition to the mistakes HEW is making by the adoption of this language is wrong.

Mrs. GREEN of Oregon. Mr. Speaker, I must say to my friend, the gentleman from Wisconsin, if he will yield further—

Mr. STEIGER of Wisconsin. Absolutely.

Mrs. GREEN of Oregon. I agree with the gentleman from Wisconsin; it seems to me this section should be taken out.

Mr. STEIGER of Wisconsin. Mr. Speaker, I very much appreciate the comments made by the gentleman from Oregon (Mrs. GREEN).

Mr. Speaker, I urge the rejection of this nongermane provision.

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we do not vote down the Steiger motion, the status of fraternities and sororities and the Boy Scouts and the Girl Scouts and other voluntary youth service organizations will be uncertain.

It is true that the gentleman from Wisconsin (Mr. STEIGER) states that the amendment makes a distinction between social fraternities and sororities and service fraternities. The gentleman is correct. But in the conference we were restricted to dealing only with social fraternities. To also deal with service fraternities would have taken us beyond the scope of the conference.

In the new Congress in January we can deal with these other issues. Let us now do all we can by accepting what is in this conference report.

If we adopt the motion of the gentleman from Wisconsin (Mr. STEIGER) we will be doing a great disservice to these important national youth service organizations. We will be leaving them in a totally uncertain situation.

I should like to ask the Members to turn to the conference report on page 8, and to paragraph (B), where we expressly exempt the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, Boy Scouts, and Campfire Girls. Now, if the Members do not want to exempt these groups now, then they should vote for the Steiger motion.

Let me read from the statement of the manager on the Labor-HEW appropriation bill we considered a few weeks ago.

On page 17 of that conference report, the conferees stated:

We have received reports that the Department of Health, Education, and Welfare, is interpreting the provisions of title IX of the Education Amendments of 1972, Public Law 92-318, which prohibits sex discrimination in education, in such a manner as to apply these provisions to such organizations as the Boy Scouts, Girl Scouts, Campfire Girls, Boys' Clubs, Girls' Clubs, YMCA, YWCA, and sororities, fraternities and similar organizations.

The managers go on to say:

The conferees are agreed that this is an improper interpretation of the law and direct that none of the funds appropriated in this bill are to be used to enforce the provisions of title IX with respect to such organizations.

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What we attempt to do in the conference report before us today is clarify that these organizations are exempt from title IX. The conference report goes as far as the rules of the House would permit. Let me say to my colleagues, if we want to go further next year we can. Hearings will be conducted. Nothing will be jeopardized in future deliberations. But at this time we should clarify the situation for the millions of people who constitute these youth organizations all over the country. I am concerned that if we fail to act today we will play into the hands of the HEW regulation writers. We should support the Committee on Appropriations with this statutory clarification that clearly exempts these organizations.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. I thank the gentleman for yielding.

I know all of the Members have had letters from organizations like the Boy Scouts, Girl Scouts, fraternities, and sororities, stating that they feel it is wrong for HEW to prohibit them from using school facilities and that the language of title IX of Public Law 92-318 does not give this authority. Before the regulation becomes effective, we will have 45 days to review them and we will have a chance to reject them if we disapprove, which, I expect, we will do if they continue to insist on regulating such organizations.

However, the question before us today is. Do we want to make certain that the sororities, fraternities, Boy Scouts, Girl Scouts, the YMCA, and the YWCA are exempt? Some are saying that if we exempt these organizations, we then in effect say to HEW it is all right to continue to prohibit others from using school grounds while we hold these groups hostage. I do not think we ought to hold them hostage. I think we ought to get as much as we can now, and if the Congress in its wisdom exempts these organizations, I expect that the Congress next year will exempt the others that then come to our attention.

In the 45-day review period the Congress only has to convince itself. It does not have to convince a jury; it only has to convince itself, and it is pretty well convinced now.

Mr. PERKINS. Let me say we went as far as we could possibly go within the rules of conference; am I correct?

Mr. QUIE. That is right. We would have gone further in the conference if we could have under the rule.

Mr. PERKINS. Mr. Speaker, I am hopeful that the Steiger motion will be voted down, so that we will not penalize these groups and keep them in this uncertain situation.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. CASEY of Texas. I thank the gentleman for yielding.

The distinguished chairman of the

Committee on Education says that we will have an opportunity to review portions of these so-called regulations next year when we have 45 days to do so. This House would only have that privilege if his committee submits a regulation; is that not true?

Mr. PERKINS. That is correct, and I believe we will submit such a resolution if HEW does not change its interpretation.

Mr. CASEY of Texas. All right. Now I would like to ask the distinguished chairman if at this stage he intends to bring to the floor of the House and to give this House the opportunity to further restrict HEW insofar as the physical education classes and service organizations are concerned.

Mr. PERKINS. I certainly do have that intention, but here we have something concrete which we can do today. None of us know what the future holds. If HEW does not change its view, I am sure that a resolution will be brought up in committee and I will urge the committee to go along with it.

Mr. CASEY of Texas. If the gentleman will yield further, I do not want us next year to come in and find that we are being told, "Well, you have got this, and that is enough," because I and many Members of the House felt it is not enough—as I am sure the gentleman has heard not only myself, but from other Members of the House who are concerned about HEW going overboard on this idea of integration by sex of every operation from the ground up.

Mr. PERKINS. I know the gentleman is concerned. I know that is true, and that is the reason we are trying to deal with as much as we can possibly deal with in this conference. We have gone as far as the scope of the conference would permit us to go.

Mr. CASEY of Texas. And the gentleman will bring such a resolution to the floor of the House in the next session?

Mr. PERKINS. That is my intention as far as it is within my power to do it. If it is within my power to do it, I will.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, is it not true that any resolution that is to be brought to the floor rejecting the proposed regulations by HEW must be brought to the floor on the basis that it is inconsistent with the law?

Mr. PERKINS. I will not argue with the gentleman on that point. If I understand the situation, the gentleman was very active in the House Committee on Appropriations in pointing out that title IX was never intended to cover Boy Scouts and Girl Scouts and Campfire Girls and boys clubs and girls clubs, the YMCA, and the YWCA and many others. We are trying to clarify this in the law so that these exemptions will not be questioned. May I repeat we went as far as we could possibly go in conference.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman from Oregon.

Mrs. GREEN of Oregon. My question was: Is it not true that we cannot bring a resolution to the floor rejecting proposed regulations unless the regulations are inconsistent with the law? Now we put this into the law and then we will have far more difficulty rejecting their proposed regulations.

Mr. PERKINS. I disagree with the gentleman because a resolution or a bill can be brought to this floor on any subject—to change any law. Here we have the conference agreement clarifying certain exemptions, and a plea with this Chamber not to continue the uncertainty about these exemptions because none of us knows what the future holds. We want this clarified as soon as possible and this will clear up much of it.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I agree with the gentleman 100 percent. I think one of the areas of negligence in this body is that we always wait for somebody else to correct our errors. If we straighten it out in the conference, the regulations can be straightened out, but here we have a chance to take a correcting action against the improper interpretation of the law. I think we should take this action today and let the future take care of itself.

Mr. PERKINS. I thank the gentleman.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I know the chairman did not have a copy of the act in front of him and I think we should say we would only bring back a resolution disapproving the regulations if they are inconsistent with the law. To that extent the gentleman from Oregon is correct.

The question is: If we put this in the law at this time, does that make the rest of HEW's regulations inconsistent with the law? I say that what they have done is inconsistent and we can bring a resolution of disapproval to the floor, because the law says, and the mandate of the law is clear:

No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Concerning these other organizations in which the gentleman from Texas is interested, as the service fraternities, we have included social service fraternities in the report and we expect they will be exempted. We do not know for certain because we are dependent on HEW's interpretations, but we will, I believe, have the grounds even if we adopt the report to disapprove of what they send up to us if they attempt to include other organizations, and we find this inclusion to be inconsistent with the law. And we can bring that resolution back to the

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House, for who is it that decides whether we can disapprove or not? We decide that ourselves. We do not go to a jury. The gentleman says the regulations are inconsistent with the law. I say they are inconsistent with the law. If our colleagues on the committee agree it is inconsistent with the law, we can bring back that resolution to the House.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding, and particularly to speak out of order for 1 minute.

I indicated this morning that we have the Project Survival, which was an effort for Members to include food for the needy in Washington on the steps of the Capitol at 11:45 today. I have spoken to the Speaker. We are going to go ahead with this. If the Members that have food or members of their staff, we would appreciate their contributions.

Mr. Speaker, I would like to urge everyone to support this conference report, because it certainly answers a need at this time and sends us in the direction we ought to be going.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Speaker, with reference to the colloquy with the gentlemen from Minnesota (Mr. QUIE): If it is determined that a resolution of disapproval is necessary to bring about the result we desire, will the chairman exert his efforts to bring forth a simple amendment to title IX, bring it up under suspension. This House would pass it in 40 minutes, and the gentleman knows it.

Mr. PERKINS. Mr. Speaker, I certainly will, because I would like to go along with the exceptions within the scope of the conference.

Mr. CASEY of Texas. I do not want to be too harsh about it.

Mr. Speaker, we have had similar problems before, where if the committee had brought out a simple amendment, they did not need to bring out a comprehensive bill. If they will just pick out the things that are giving so much trouble and bring a simple amendment and let us pass it and say that this is the law, that is all that is necessary.

Mr. PERKINS. Let me say that I will work with the gentleman from Texas (Mr. CASEY) next year.

Mr. CASEY of Texas. That is the best way to handle it.

Mr. PERKINS. Mr. Speaker, the motion of the gentleman from Wisconsin (Mr. STEIGER) should be voted down.

The SPEAKER. The question is on the motion to strike section 3, offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—yeas 37, nays 102.

So the motion to strike was rejected.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1974.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, the conference report before us contains three important sections: First, authorizing a White House Conference on Library and Information Services; second, a series of amendments to the Family Educational Rights and Privacy Act of 1974; and third, as we have discussed, an amendment to title IX of the Higher Education Act of 1972 which prohibits discrimination in education on the basis of sex.

The provisions of the conference report authorizing the White House Conference on Library and Information Services are identical to the House-passed version of this legislation, with two exceptions.

As passed by the House, \$3,000,000 was authorized to be appropriated for the Conference. The Senate version authorized \$10,000,000. The conference report authorizes \$3,500,000.

In the House version the Conference is to be held in 1977, while in the Senate version the Conference is to be held in 1978. The conference agreement provides that the Conference shall be held not later than 1978.

The second section of the conference report concerns the Family Educational Rights and Privacy Act of 1974, commonly known as the "Buckley amendment." That amendment gives parents, students 18 years of age and older, and students attending postsecondary institutions the right to inspect their education records and the right to challenge those records. The Buckley amendment also restricts the access of third parties to these records.

In brief, the Senate in its version of the White House conference bill proposed to make a number of changes in the provisions of the Buckley amendment. These changes were designed principally to meet objections voiced by the higher education community.

The major modifications which we adopted to the Buckley amendment in conference are the following:

First. College students are not given the right to inspect the financial records of their parents;

Second. Confidential letters of recommendation placed in college education records prior to January 1, 1975, are not subject to student inspection;

Third. State and local officials will continue to have access to information specifically required to be reported to them pursuant to State law in effect on November 19, 1974; and

Fourth. Parents of dependent college students are guaranteed the right to receive information on their children from the colleges.

Mr. Speaker, I believe that these amendments meet the principal concerns of the higher education community and their adoption will make the Buckley amendment more workable in its implementation.

Mr. Speaker, I would now like to elaborate further on the Buckley amendment.

The Buckley amendment was adopted as part of the Education Amendments of 1974, Public Law 93-380. As I stated, after its adoption a number of complaints arose concerning its implementation, especially complaints from the higher education community. The purpose of the changes which we have adopted in this bill is to correct certain deficiencies in the Buckley amendment which have been pointed out during the last several months.

These amendments originated in the Senate version of this bill. The House version of Senate Joint Resolution 40 contained no amendments to Buckley. The Senate proposed to change the Buckley amendment by—

First. Clarifying the definition of the education records involved.

Second. Clarifying that previously enrolled students have the same rights as presently enrolled students.

Third. Exempting parents' financial records and confidential letters of recommendation placed in education records prior to January 1, 1975, from the coverage of this amendment;

Fourth. Providing that students can waive this right of access to certain confidential recommendations;

Fifth. Permitting parents to insert an explanatory statement into the education records;

Sixth. Exempting personal notes of education staff and physical and mental health records from the coverage of the amendment;

Seventh. Setting up a procedure for the publication of generalized directory information on students;

Eighth. Exempting from the amendment information which must be reported to State and local officials pursuant to State law and information used by education organizations administering tests and by accrediting organizations;

Ninth. Giving parents of dependent students the right to receive information on their children;

Tenth. Creating an exemption for emergencies;

Eleventh. Requiring that a list of third parties given access to education records be maintained; and

Twelfth. Forbidding regionalization by HEW of the administration of the amendment, except for the conduct of hearings in regional offices.

The House conferees adopted these amendments with the following modifications:

First. Institutions are prohibited from requiring a student to waive his right to inspect records as a condition of his admission to such institution;

Second. State and local officials will

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continue to have access to information specifically required to be reported to them pursuant to State law in effect on November 19, 1974;

Third. The exemption for testing organizations is clarified; and

Fourth. Longitudinal studies are permitted under certain conditions.

Mr. Speaker, I would like to make several additional points for the purpose of legislative history.

The first point concerns the amendment to section 438(b)(1) dealing with the new exemption for organizations of educational agencies involved with predictive tests. This amendment permits such organizations to use personally identifiable information under two conditions: first, that only employees of such organizations have such information available to them; and second, that such information be destroyed when it has served its purpose. It is the intention of the conferees that social security numbers not be used in any way by organizations using this exemption.

Similarly, in the exemption for authorized representatives of the Comptroller General, the Secretary of HEW, administrative heads of education agencies, and State educational authorities conducting audits and evaluations and implementing Federal legal requirements, it is the intention of the conferees that social security numbers also not be used.

In redrafting the subsection dealing with this exemption to third party accessibility, the phrase "including social security numbers" was deleted purely on the basis of superfluity. It is not the intention of the conferees to permit the use of such social security numbers in these situations.

Mr. Speaker, the last point I would like to make concerns the situation in several States where the State legislature has provided funds for statewide testing in the school districts of the State and where the State education agency serves as the intermediary for the collection of these tests and their transmission to a national testing organization for processing and evaluation. The State of Georgia, for instance, has followed this procedure for the past several years. It is clearly our intention to permit this practice to continue provided, however, that any personally identifiable information be available only to officials of the State education agency and to employees of the organization processing this information and provided that the personally identifiable information be destroyed when it has served its purpose.

Finally, Mr. Speaker, the conference report amends title IX of the Higher Education Act of 1972 which prohibits discrimination in education on the basis of sex. As my colleagues know, there have been a number of concerns with respect to the application of title IX to fraternities and sororities and such organizations as Boy Scouts and other voluntary youth organizations.

The amendment in the conference report exempts the membership practices of social fraternities and sororities and voluntary youth service organizations such as the YMCA, the YWCA, Girl Scouts, Boy Scouts, Campfire Girls from the application of title IX. This is consistent with a direction in the manager's statement on the Labor-HEW appropriations bill that no appropriated funds be used to enforce the provisions of title IX with respect to social fraternities and sororities and these youth service organizations.

Mr. Speaker, this is obviously an important and necessary piece of legislation, and I urge the adoption of the conference report.

Mr. BRADEMAs. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Mr. Speaker, I yield to the distinguished gentleman from Indiana, the author of the House bill (Mr. BRADEMAs).

Mr. BRADEMAs. Mr. Speaker, I thank the chairman for yielding to me. Mr. BRADEMAs. Mr. Speaker, I think this is a good conference report touching on three important matters. I hope very much it will have the support of Members on both sides of the aisle.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman if he took the White House library bill to conference and made a Christmas tree out of it?

Mr. PERKINS. No, we did not, I say to the gentleman from Iowa. We did increase the authorization for the White House Conference from \$3 million to \$3,500,000. The authorization in the Senate bill was \$10 million. We insisted that figure be reduced. We finally agreed on \$3,500,000.

Mr. GROSS. I understand, but I am talking about the many items that were not in the bill when it passed in the House.

Mr. PERKINS. That is correct, but these are important and necessary Senate additions.

Mr. QUIE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as the gentleman from Kentucky has indicated in his colloquy with the gentleman from Iowa (Mr. GROSS) there are two provisions added to this bill which were not in the House bill. They were added by the Senate, and are of such importance that we did feel it important to accept them. The first were the amendments to the Buckley amendment in H.R. 69 dealing with privacy of student records. The second were the changes to title IX of the Education Amendments of 1972 dealing with sex discrimination.

We have talked a great deal already this morning about the title IX amendments. Let me just recap a bit about title IX.

Tuesday evening the conferees, appointed to resolve the House-Senate differences on the White House Library Conference bill, came to agreement on a modified version of the Bayh amendment dealing with title IX sex discrimination regulations. Because the subject was not in the House bill the conferees

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were forced to work within the limited scope of the Bayh amendment, we were not able to address ourselves to the overall issues and problems presented by title IX.

On July 1, 1972, title IX of the Education Amendments of 1972 became effective. The mandate of the law was clear:

No person in the United States, shall on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Yet, when on June 18, 1974, the Secretary of HEW published the proposed regulations to implement title IX, we were presented with regulations which went far beyond federally assisted programs, touching every activity in an educational institution and every program and activity beyond the institution itself conducted in the academic community. Consequently, we now are faced with an attempt by HEW to regulate the membership practices of organizations which do not receive Federal funds and which merely use school facilities for meetings, social events and student benefit programs.

The title IX regulations as written extend to such groups as social honorary and service fraternities and sororities, mortarboard, and key clubs, all of which are traditionally single sex and which usually have male and female counterparts on the same campus. Further, the regulations prevent an educational institution from providing any service more than the occasional loan of a room to such groups as the American Association of University Women, the American League of Women Voters, Rotary, Lions, and Kiwanis. Is it possible that when Congress exempted from title IX the admissions practices of traditionally single sex public institutions of higher education, that at the same time it intended to force open the membership of the single sex organizations which serve such institutions? In some instances, in small towns for example, the local campus is the only place for these organizations to meet, have functions, conduct youth projects and athletic activities. Is Congress saying that assisting these organizations in some minute way will so taint the institutions that their eligibility for Federal funds will be affected? What about community colleges which thrive on the intermingling of academic and community contacts? Will they be denied Federal funds?

With regard to the agreement reached by the conferees, although we have been successful in exempting from regulation the membership practices of social fraternities and sororities, which I hope would be interpreted to mean honorary and service as well—the YMCA and YWCA, Boy Scouts and Girl Scouts, and the Campfire Girls, we have neither touched nor even addressed ourselves to the problems of similar youth and adult service organizations. The restrictions placed upon the conferees by the Bayh amendment severely limited our consideration at this time, but the new Con-

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gress must and shall deal thoroughly and effectively with the greater issues and problems presented by title IX. I support the conference report and will work to further correct HEW's mistakes and the law's vagueness next year.

Mr. Speaker, I am also pleased that included in this conference report are several major changes in the Buckley amendment dealing with student and parent rights to school records which should serve to clarify the confusion which had surrounded adoption of the Family Rights and Privacy Act in August as a section of the Education Amendments of 1974, Public Law 93-380.

With the adoption of these refinements, schools, colleges, and other educational institutions will now be better prepared to move ahead in implementing the act. I expect that our committee will carefully watch the experiences of both students and institutions as they operate under this section of Federal law, and we should hold hearings on the implementation of the law in the next Congress. I wish to express my thanks to those individuals and groups who have worked to develop perfecting amendments.

For the assistance of those interested in knowing exactly what the Federal law will be regarding student records, assuming Presidential signature of Senate Joint Resolution 40, I am inserting at the conclusion of these remarks the text of section 438 as amended by this joint resolution.

PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS
(As amended by S.J. Res. 40)

Sec. 438. (a) (1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

(i) financial records of the parents of the student or any information contained therein;

(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

(i) respecting admission to any educational agency or institution,

(ii) respecting an application for employment, and

(iii) respecting the receipt of an honor or honorary recognition.

(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) in the case of recommendations described in such clause are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with the regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4) (A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which—

(i) contain information directly related to a student; and

(ii) are maintained by an educational agency or institution, or by a person acting for such agency or institution.

(B) The term "education records" does not include—

(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b) (1), the records and documents of such law enforcement unit which (i) are kept apart from records described in subparagraph (A), (ii) are maintained solely for law enforcement purposes, and (iii) are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for the use for any other purpose; or

(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in his professional or para-professional capacity, or assisting that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone

other than persons providing such treatment except, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5) (A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b) (1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following—

(A) other school officials, including teachers within the educational institution or local educational agency who have been determined by such agency or institution to have legitimate educational interests;

(B) officials of other schools or school systems in which the student seeks or, intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) authorized representatives of (i) the Comptroller General of the United States, head of an education agency (as defined in (ii) the Secretary, (iii) an administrative head of an education agency (as defined in section 408(c) of this Act), or (iv) State educational authorities, under the conditions set forth in paragraph (3) of this subsection; and

(D) in connection with a student's application for, or receipt of, financial aid;

(E) State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

(I) subject to regulations of the Secretary in connection with an emergency, appropri-

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ate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.

(2) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection unless—

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents; or

(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, (C) an administrative head of an education agency or (D) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally supported education programs, or in connection with the enforcement of the Federal legal requirements that relate to such programs: *Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4) (A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1) (A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

(C) The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Sec-

retary, or an administrative head of an education of an education agency under an applicable program, unless such activities are authorized by law.

(d) For the purpose of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education the permission or consent required or and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(e) No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(f) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this Act, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

(g) The Secretary shall establish or designate an office and review board within the Department of Health, Education, and Welfare for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

I think all of these amendments are good and necessary. I urge the adoption of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

I would like to direct a question to the gentleman on the Committee on Education and Labor, on the Buckley amendment.

Mr. QUIE. I yield to the gentleman from Wisconsin for a question to the gentleman from Kentucky.

Mr. STEIGER of Wisconsin. I thank the gentleman for yielding.

When defining "educational record," that is, materials which are to be held in confidence, unless prior approval is obtained for release, the conferees have excluded: "records of instructional, supervisory, and administrative personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;"

I presume this is to be narrowly construed so that only those materials used solely by the person preparing them, or an appropriate substitute, are exempt. Is my interpretation correct?

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, the gentleman's interpretation is correct.

This is a very narrow exclusion to cover materials such as an instructor's notes to himself, and the like, not, for

example, an instructor's notes to someone else.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman and I thank the chairman.

Mr. BRADEMANS. Mr. Speaker, I rise in strong support of the conference report on Senate Joint Resolution 40, authorizing a White House Conference on Library and Information Services and for other purposes, and urge my colleagues to join in approving it.

Mr. Speaker, the gentleman from Kentucky, the distinguished chairman of the Committee on Education and Labor, Mr. PERKINS, as well as the gentleman from Minnesota, the distinguished ranking minority member of the committee, Mr. QUIE, and I have labored diligently to see that the conference report closely mirrors the House-passed bill.

My colleagues will recall that on December 12, the House gave overwhelming approval to Senate Joint Resolution 40 by a vote of 258 to 81, with one Member voting present. The conference report retains most of the major House provisions.

The House-passed bill, for example, authorized \$3 million for the White House conference, while the Senate provided for \$10 million. The conference report authorizes \$3.5 million.

The Senate bill provided that the conference be composed of members of the general public, and the House included public officials as well. The Senate has receded to the House on these provisions, and has receded, also, on the provisions relating to the composition of the Advisory Committee of the White House Conference.

Mr. Speaker, let me point out that the House bill provided for holding the conference in 1977 with 1978 in the Senate-passed bill. Because the House date is only 1 year away, the conferees agreed that the White House conference should be held no later than 1978.

Finally, Mr. Speaker, I want to just note that the Senate has receded to the House provisions requiring that the printing of documents from the conference, and related work such as binding, be carried out by the Government Printing Office.

Mr. Speaker, the conference report contains two Senate amendments not included in the original legislation approved by the House.

One of the Senate amendments provides an exemption from the sex discrimination provisions of title IX of the Education Amendments of 1972 for youth service organizations such as the Girl Scouts and Boy Scouts. The same exemption is also provided to college fraternities and sororities. None of these organizations was intended by Congress to be included within the coverage of title IX, and the amendment makes clear to the Department of Health, Education, and Welfare that they are not to be treated as if they were included.

I am happy to add, Mr. Speaker, that this amendment was offered by my distinguished colleague and friend, the junior Senator from Indiana (Mr. BAYH), whose dedication to the concept of equal

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opportunity is second to none in the Congress.

The second Senate amendment is intended to clear up various ambiguities and errors in the Family Educational Rights and Privacy Act, the so-called "Buckley Amendment" to the Education Amendments of 1974.

I am compelled to say, Mr. Speaker, that I am not entirely convinced that the amendments to the Family Educational Rights and Privacy Act contained in this report are sufficient to remedy all of the anomalies which may arise under that legislation. The original act was added as a floor amendment during Senate consideration of the elementary and secondary education bill earlier this year and, like the amendment contained in this report, has never been the subject of hearings or committee consideration in either body.

Since the original measure was signed into law, the act has had a number of effects not contemplated by its sponsors, particularly in its application to institutions of postsecondary education.

I would hope, Mr. Speaker, that hearings in both bodies will be held in the new Congress to consider any additional problems not resolved by the amendments contained in the report considered today.

Mr. Speaker, to return to the original purpose of Senate Joint Resolution 40, the White House Conference on Library and Information Services it authorizes can prove to be of enormous importance to the future directions of libraries and information science in our society.

I urge my colleagues to support this conference report.

I want also to include in the RECORD an editorial on the Family Educational Rights and Privacy Act from this morning's Washington Post.

The editorial makes the point that while the objectives of the act are clearly laudable, this is a matter "more complicated than it first appeared." The editorial follows:

SECOND THOUGHTS ABOUT SCHOOL RECORDS

SEN. JAMES L. BUCKLEY (R-Cons.-N.Y.) has found out recently that opening up school records is more complicated than it first appeared. The senator's original proposal, approved in modified form as a floor amendment to this year's big education bill, limits the uses of school records about individual students and gives parents—and students themselves, if they are 18 years of age or in college—the right to inspect and correct those files. When many educators belatedly focused on the law, they found much which they said was vague or objectionable, and some universities even took steps to make some files unavailable for student review. In response to such opposition, Sen. Buckley and Sen. Claiborne Pell (D-R.I.), chairman of the Senate education subcommittee, fashioned another floor amendment which has been tacked onto a minor libraries bill. If President Ford signs the bill, an important due-process law will have been enacted and amended without a minute of public hearings or formal committee debate in either house.

Aside from the procedural shortcuts employed, there is considerable merit to the Buckley-Pell amendment just advanced. In large part the new language clarifies and improves the original law. Some critics had charged, for instance, that the act would keep schools from disclosing the heights and

weights of football players. Sens. Buckley and Pell agree that isn't so. To meet a more serious potential problem, the senators decided that college students should not be permitted to look at financial data which their parents submit in applying for aid. Similarly, the senators recognized that it may not always be wise to disclose medical or psychological records to students undergoing treatment. The new amendment provides for disclosure of such information to a physician of the student's choice.

The future status of letters and statements of recommendation is the issue causing the greatest fuss on college campuses. Until now, the confidentiality of such recommendations has generally been assumed. To let students see evaluations already made, many educators argue, would violate the privacy of those who wrote the comments. To open such files in the future, they assert, would reduce written recommendations to meaningless platitudes and make the academic community use other methods—probably phone calls—to convey the candid assessments involved in decisions on admissions, employment and academic honors. Harvard University, for one, feels so strongly about this that past letters of recommendation are being removed from students' files and returned to the writers. The most dramatic result of this purging process has been the discovery of a case of forgery by a student—but that's another story.

It is one thing to maintain that past pledges of confidentiality should be respected. That is a reasonable and persuasive view. But it is something else to argue that the whole system of private communications about students should not be changed. Professors, like managers in the business world, may not enjoy the prospect of criticizing those under them face-to-face. The change may be doubly traumatic for faculty members because other forces, primarily equal opportunity laws, have already brought so many challenges to the traditional methods of evaluating people in the academic world. But if those methods are so fragile or capricious that they can't stand scrutiny, there is no stronger argument for change.

The Buckley-Pell amendment sets an inconclusive course. Students may not inspect confidential recommendations already in their files or placed there by Jan. 1. Thereafter, students may waive the right of access to specific types of evaluations but may not be compelled to do so. No doubt many students will assert their rights—and faculty members should respond with candor and good faith. The purpose of disclosure, after all, is not simply to let a student find out what his professors think of him. The broader goal is to discourage arbitrary, unreasonable and unfair evaluations and thus to make the entire system of educational decision-making more reliable and trustworthy than before.

The SPEAKER. Without objection, the previous question is ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

MR. MEEDS. Mr. Speaker, I call up the Senate bill (S. 1017) to promote maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources

of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right to Indian citizens to control their own educational activities; to train professionals in Indian education; to establish an Indian youth intern program; and for other purposes, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection. The Clerk read the Senate bill, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Self-Determination and Education Assistance Act".

CONGRESSIONAL FINDINGS

SEC. 2. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children, Indian adult education, and Indian skills training has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

DECLARATION OF POLICY

SEC. 3. (a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major na-

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tional goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children and adults to complete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well being.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(a) "Indian" means a person who is a member of an Indian tribe;

(b) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(c) "tribal organization" means the elected governing body of any Indian tribe or any legally established organization of Indians which is controlled by one or more such bodies or by a board of directors elected or selected by one or more such bodies (or elected by the Indian population to be served by such organization) and which includes the maximum participation of Indians in all phases of its activities;

(d) "Secretary" means the Secretary of the Interior;

(e) "school district" means any political subdivision of a State which is responsible for the provision, administration, and control of public education through grade 12 as defined by the law of such State; and

(f) "State education agency" means the State board of education or other agency or officer primarily responsible for supervision by the State of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

TITLE I—THE INDIAN SELF-DETERMINATION ACT

SEC. 101. This title may be cited as the "Indian Self-Determination Act".

CONTRACTS BY THE SECRETARY OF THE INTERIOR

SEC. 102. (a) The Secretary of the Interior is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, provided for in the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, parts B and D of title II of this Act, any other program or portion thereof which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat. 208), and any Act may initially decline to enter into any contract requested by an Indian tribe if he finds that:

(1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory, (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That in arriving at his finding, the Secretary shall consider whether the tribe or tribal organization is deficient with respect to (1) equipment, (2) bookkeeping and accounting procedures, (3) substantive knowledge of the program to be contracted for, (4) community support for the contract, (5) adequately trained personnel, or (6) other necessary components of contract performance.

(b) Whenever the Secretary declines to enter into a contract or contracts pursuant to subsection (a) of this section he shall (1) state his objections in writing to the tribe within sixty days, (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objec-

tions, and (3) provide the tribe with a hearing, under such rules and regulations as he may promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy insurance.

CONTRACTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

SEC. 103. (a) The Secretary of Health, Education, and Welfare is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to carry out any or all of his functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), as amended: *Provided, however*, That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted for will not be satisfactory, (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That the Secretary of Health, Education, and Welfare, in arriving at his finding, shall consider whether the tribe or tribal organization will be deficient with respect to (1) equipment, (2) bookkeeping and accounting procedures, (3) substantive knowledge of the program to be contracted for, (4) community support for the contract, (5) adequately trained personnel, or (6) other necessary components of contract performance.

(b) Whenever the Secretary of Health, Education, and Welfare declines to enter into a contract or contracts pursuant to subsection (a) of this section he shall (1) state his objections in writing to the tribe within sixty days, (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections, and (3) provide the tribe with a hearing, under such rules and regulations as he shall promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary of Health, Education, and Welfare is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise the defense of tribal immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

GRANTS TO INDIAN TRIBAL ORGANIZATIONS

SEC. 104. The Secretaries of the Interior and of Health, Education, and Welfare are each authorized, upon the request of any Indian tribe, to make a grant or grants to any tribal organization of such Indian tribe for planning, training, evaluation, and other activities specifically designed to make it possible for such tribal organization to enter into a contract or contracts pursuant to sections 102 and 103 of this Act.

DETAIL OF PERSONNEL

SEC. 105. (a) Section 3371(2) of chapter 33 of title 5, United States Code, is amended (1) by deleting the word "and" immediately after the semicolon in clause (A); (2) by deleting the period at the end of clause (B) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new clause: "(C) any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

(b) The Act of August 5, 1954 (68 Stat. 674), as amended, is further amended by adding a new section 8 after section 7 of the Act, as follows:

"SEC. 8. In accordance with subsection (d) of section 214 of the Public Health Service Act (58 Stat. 690), as amended, upon the request of any Indian tribe, band, group, or community, commissioned officers of the Service may be assigned by the Secretary for the purpose of assisting such Indian tribe, group, band, or community in carrying out the provisions of contracts with, or grants to, tribal organizations pursuant to section 102, 103, or 104 of the Indian Self-Determination and Education Assistance Act."

(c) Paragraph (2) of subsection (a) of section 6 of the Military Selective Service Act of 1967 (81 Stat. 100), as amended, is amended by inserting after the words "Environmental Science Services Administration" the words "or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended."

"ADMINISTRATIVE PROVISIONS"

SEC. 106. (a) Contracts with tribal organizations pursuant to sections 102 and 103 of this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

(b) Payments of any grants or under any contracts pursuant to section 102, 103, or 104 of this Act may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this title.

(c) Any contract requested by a tribe pursuant to sections 102 and 103 of this Act shall be for a term not to exceed one year unless the appropriate Secretary determines that a longer term would be advisable: *Provided*, That such term may not exceed three years and shall be subject to the availability of appropriations: *Provided further*, That the amount of such contracts may be renegotiated annually to reflect factors, including but not limited to cost increases, beyond the control of a tribal organization.

(d) Notwithstanding any provision of law to the contrary, the appropriate Secretary may, at the request or consent of a tribal organization, revise or amend any contract or grant made by him pursuant to section 102, 103, or 104 of this Act with such organization as necessary to carry out the purposes of this title: *Provided, however*, That whenever an Indian tribe requests retrocession of the appropriate Secretary for any contract entered into pursuant to this Act, such retrocession shall become effective upon a date specified by the appropriate Secretary not more than one hundred and twenty days from the date of the request by the tribe or at such later date as may be mutually agreed to by the appropriate Secretary and the tribe.

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(c) In connection with any contract or grant made pursuant to section 102, 103, or 104 of this Act, the appropriate Secretary or agency head may permit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(f) The contracts authorized under sections 102 and 103 of this Act and grants pursuant to section 104 of this Act may include provisions for the performance of personal services which would otherwise be performed by Federal employees: *Provided*, That the Secretary shall not make any contract which would impair his ability to discharge his trust responsibilities to any Indian tribe or individuals.

(g) Contracts with tribal organizations and regulations adopted pursuant to this Act shall include provisions to assure the fair and uniform provision by such organizations of services and assistance to Indians in the conduct and administration of programs or activities under such contracts.

Sec. 107. (a) The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out of the provisions of this title.

(b) (1) Within six months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall, to the extent practicable, consult with national and regional Indian organizations to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall promulgate rules and regulations to implement the provisions of this title.

(c) The Secretary of the Interior and the Secretary of Health, Education, and Welfare are authorized to revise and amend any rules or regulations promulgated pursuant to this section: *Provided*, That prior to any revision or amendment to such rules or regulations the respective Secretary or Secretaries shall, to the extent practicable, consult with appropriate national or regional Indian organizations and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

Sec. 108. For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this title, the Indian tribe which requested such contract or grant shall submit to the appropriate Secretary a report including, but not limited to, an accounting of the amounts and purposes for which Federal funds were expended, information on con-

duct of the program or service involved, and such other information as the appropriate Secretary may request. The reports and records of the Indian tribal organization with respect to such contract or grant shall be subject to audit by the appropriate Secretary and the Comptroller General of the United States.

Sec. 109. There are hereby authorized to be appropriated for the purposes of section 104 of this title the amount of \$3,000,000 to the Department of the Interior and \$2,000,000 to the Department of Health, Education, and Welfare for each of three succeeding fiscal years following the date of enactment of this Act.

Sec. 110. Nothing in this Act shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by any Indian tribe; or

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

TITLE II—THE INDIAN EDUCATION ASSISTANCE ACT

Sec. 201. This title may be cited as the "Indian Education Assistance Act".

PART A—EDUCATION OF INDIANS IN PUBLIC SCHOOLS

Sec. 202. The Act of April 16, 1934 (48 Stat. 596), as amended, is further amended by adding at the end thereof the following new sections:

"Sec. 4. The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of the Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives.

"Sec. 5. (a) Whenever a school district affected by a contract or contracts for the education of Indians pursuant to this Act has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided*, however, That, whenever a local Indian committee or committees established pursuant to section 305(b)(2) (B) (ii) of the Act of June 23, 1972 (86 Stat. 235) or an Indian advisory school board or boards established pursuant to this Act prior to the date of enactment of this section exists in school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

"(b) The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a).

"Sec. 6. Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purposes of attending public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for the

full per capita costs of educating such Indian students.

"Sec. 7. There are hereby authorized to be appropriated for the education of Indians pursuant to this Act \$65,000,000 for each of the fiscal years 1975 and 1976."

Sec. 203. After conferring with persons competent in the field of Indian education, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall prepare and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives not later than October 1, 1974, 1975, a report which shall include—

(1) a comprehensive analysis of the Act of April 16, 1934 (48 Stat. 596), as amended, including—

(A) factors determining the allocation of funds for the special or supplemental educational programs of Indian students and current operating expenditures;

(B) the relationship of the Act of April 16, 1934 (48 Stat. 596), as amended, to—

(i) title I of the Act of September 30, 1950 (64 Stat. 1100), as amended; and

(ii) the Act of April 11, 1965 (79 Stat. 27), as amended; and

(iii) title IV of the Act of June 23, 1972 (86 Stat. 235); and

(iv) the Act of September 23, 1950 (72 Stat. 548), as amended;

(2) a specific program to meet the special educational needs of Indian children, who attend public schools. Such program shall include, but need not be limited to, the following:

(A) a plan for the equitable distribution of funds to meet the special or supplemental educational needs of Indian children and, where necessary, to provide general operating expenditures to schools and school districts educating Indian children; and

(B) an estimate of the cost of such program;

(3) detailed legislative recommendations to implement the program prepared pursuant to clause (2); and

(4) a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges.

PART B—PREPARATION OF PROFESSIONALS IN INDIAN EDUCATION

Sec. 204. (a) The Secretary is authorized to establish and carry out a program of making grants, to, and contracts with, institutions of higher education and other public, private nonprofit organizations or agencies, or Indian tribes or tribal organizations with relevant experience and expertise in order to provide fellowship and carry out programs and projects to—

(1) prepare persons to serve Indians in public, private, or jointly federally funded schools as educational administrators, teachers, teacher aides, and ancillary educational personnel, including, but not limited to, school social workers, guidance counselors, nurses, and librarians; and

(2) improve the qualifications of persons who are serving Indians in such capacities.

(b) In selecting participants in or recipients for fellowships to programs and projects under this section preference shall be given to Indians.

(c) The Secretary is authorized and directed to develop criteria pursuant to which he shall evaluate all grants and contracts authorized under this section.

Sec. 205. For the purpose of making grants or contracts pursuant to this part B there is authorized to be appropriated \$10,000,000 for the fiscal year after the enactment of this Act, and \$15,000,000 for each of the next two succeeding fiscal years.

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PART C—SCHOOL CONSTRUCTION

Sec. 206. (a) The Secretary is authorized to enter into a contract or contracts with any State education agency or school district for the purpose of assisting such agency or district in the acquisition of sites for, or the construction, acquisition, or renovation of facilities (including all necessary equipment) in school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians, if such facilities are necessary for the education of Indians residing on any such reservation or lands.

(b) The Secretary may expend not less than 75 per centum of such funds as are authorized and appropriated pursuant to this part C on those projects which meet the eligibility requirements under subsections (a) and (b) of section 14 of the Act of September 23, 1950 (72 Stat. 548), as amended. Such funds shall be allocated on the basis of existing funding priorities, if any, established by the United States Commissioner of Education under subsections (a) and (b) of section 14 of the Act of September 23, 1950, as amended. The United States Commissioner of Education is directed to submit to the Secretary, at the beginning of each fiscal year, commencing with the first full fiscal year after the date of enactment of this Act, a list of those projects eligible for funding under subsections (a) and (b) of section 14 of the Act of September 23, 1950, as amended.

(c) The Secretary may expend not more than 25 per centum of such funds as may be authorized and appropriated pursuant to this part C on any school eligible to receive funds under section 218 of this Act.

(d) Any contract entered into by the Secretary pursuant to this section shall contain provisions requiring the relevant State educational agency to—

(1) provide Indian students attending any such facilities constructed, acquired, or renovated, in whole or in part, from funds made available pursuant to this section with standards of education not less than those provided non-Indian students in the school district in which the facilities are situated; and

(2) meet, with respect to such facilities, the requirements of the State and local building codes, and other building standards set by the State educational agency or school district for other public school facilities under its jurisdiction or control or by the local government in the jurisdiction within which the facilities are situated.

(e) The Secretary shall consult with the entity designated pursuant to section 5 of the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, and with the governing body of any Indian tribe or tribes the educational opportunity for the members of which will be significantly affected by any contract entered into pursuant to this section. Such consultation shall be advisory only, but shall occur prior to the entering into of any such contract. The foregoing provisions of this subsection shall not be applicable where the application for a contract pursuant to this section is submitted by an elected school board of which a majority of its members are Indians.

(f) For the purpose of implementing the provisions of this section, the Secretary shall assure that the rates of pay for personnel engaged in the construction or renovation of facilities constructed or carried out in whole or in part by funds made available pursuant to this section are not less than the prevailing local wage rates for similar work as determined in accordance with the Act of March 3, 1921 (46 Stat. 1491), as amended.

(g) Within ninety days following the expiration of the three-year period following

the date of the enactment of this Act, the Secretary shall evaluate the effectiveness of the program pursuant to this section and transmit a report of such evaluation of the Congress. Such report shall include—

(1) an analysis of construction costs and the impact on such costs of the provisions of subsection (f) of this section and the Act of March 3, 1921 (46 Stat. 1491), as amended;

(2) a description of the working relationship between the Department of the Interior and the Department of Health, Education, and Welfare including any memorandum of understanding in connection with the acquisition of data pursuant to subsection (b) of this section;

(3) projections of the Secretary of future construction needs of the public schools serving Indian children residing on or adjacent to Indian reservations;

(4) a description of the working relationship of the Department of the Interior with local or State educational agencies in connection with the contracting for construction, acquisition, or renovation of school facilities pursuant to this section, and

(5) the recommendations of the Secretary with respect to the transfer of the responsibility for administering subsections (a) and (b) of section 14 of the Act of September 23, 1950 (72 Stat. 548), as amended, from the Department of Health, Education, and Welfare to the Department of the Interior.

(h) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated the sum of \$35,000,000 for the fiscal year ending June 30, 1975; \$35,000,000 for each of the four succeeding fiscal years; and thereafter, such sums as may be necessary, all of such sums to remain available until expended.

PART D—YOUTH INTERN PROGRAM

Sec. 207. In order to provide meaningful and career related work opportunities for Indian youth who are not enrolled in educational programs during the summer months, the Secretary is authorized to establish and carry out an Indian youth intern program for any Indian sixteen years of age or older who is regularly enrolled in secondary school, vocational school, or higher education program during usual school terms.

Sec. 208. (a) In establishing and administering the Indian youth intern program, the Secretary shall designate or recognize community service fields including those related to education, child development, recreation, law, health services, engineering, research, science, government, agriculture and forestry, business and commerce, and other appropriate pursuits, which can provide useful experience to Indian youth in exploring and participating in activities related to their future choices of possible careers.

(b) The Secretary shall determine the number of Indian youth in the community or reservation who are interested in employment during the summer months in the fields designated in subsection (a) of this section.

(c) The Secretary shall require negotiations with employers for the employment of each Indian Youth participating in the Indian youth intern program, such negotiations to include a job description outlining specific duties, evaluation of the progress of the Indian youth intern, and consultation by the employer with the Indian youth intern periodically.

Sec. 209. In establishing and carrying out the Indian youth intern program, the Secretary shall take such action as may be necessary to assure that—

(1) each Indian youth intern shall be paid not less than the Federal minimum wage;

(2) each Indian youth intern shall engage in activities which are supplemental to those of the regular work force where he is em-

ployed and shall not replace any regular adult full-time employee, except as a temporary substitute during any normal vacation or other such leave of any such employee;

(3) the total wages paid each Indian youth intern employed by a nonprofit agency shall be paid out of funds provided in this part D;

(4) one-half the wages paid each Indian youth intern employed by other than a nonprofit agency shall be paid out of funds provided in this part D, and one-half by the employer;

(5) each Indian youth intern shall be covered by appropriate workmen's compensation laws;

(6) no Indian youth intern shall be entitled, by reason of his employment as an intern, to participate in any pension, retirement, or unemployment compensation programs;

(7) there shall be one supervisor for each twenty Indian youth interns during their period of employment; that such supervisor shall be compensated at a rate not in excess of the minimum rate for GS-9 of the General Schedule under section 5332 of title 5, United States Code; and that, with respect to the position of supervisor, preference shall be given to qualified Indians residing in the locality in which the interns are employed.

Sec. 210. For the purpose of carrying out the provisions of this part D, there is hereby authorized to be appropriated \$10,000,000 for the first fiscal year after the enactment of this Act, and \$15,000,000 for each of the next two succeeding fiscal years.

PART E—EDUCATIONAL RESEARCH AND DEVELOPMENT

Sec. 211. (a) The Secretary is authorized to make grants to and contracts with universities and colleges and other public and private nonprofit agencies, institutions, and organizations, and to and with individuals for research, surveys, and demonstrations in the field of Indian education and for the dissemination of information derived from such research, surveys, and demonstrations.

(b) No grant shall be made or contract entered into pursuant to this section until the Secretary has obtained the advice and recommendations of educational specialists who are competent to evaluate proposals as to the soundness of design, prospects of productive results, and adequacy of the resources of any applicant to conduct research, surveys, or demonstration projects. Whenever possible among the educational specialists consulted shall be Indians who are not employees of the Federal Government.

(c) No grant shall be made or contract entered into pursuant to this section until the Secretary is satisfied that the activities to be funded do not substantially duplicate research, surveys, or demonstrations the results of which are or will be accessible to the public.

Sec. 212. For the purposes of carrying out the provisions of this part E, there is hereby authorized to be appropriated \$2,000,000 for the first fiscal year after enactment of this Act, and \$3,000,000 for each of the next two succeeding fiscal years.

PART F—ADULT, VOCATIONAL, AND EARLY CHILDHOOD EDUCATION

Sec. 213. After consultation with persons competent in the appropriate field of education, which persons shall include Indians who are not employees of the Federal Government, the Secretary shall present to the Ninety-fourth Congress, within sixty days of the convening thereof—

(1) a proposed program of adult and continuing education designed to meet the needs of Indian people;

(2) a proposed program designed to meet the vocational and technical career education needs of Indian people;

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(3) a proposed program designed to meet the early childhood needs of the Indian people;

(4) a proposed program designed to meet the special education needs of gifted and handicapped Indians aged three to twenty one years;

(5) a review and analysis of existing programs in higher education for Indians administered by the Department of the Interior, and a proposed program of higher education designed to meet the needs of the Indian people; and

(6) an assessment of the capability of the Federal Government to measure effectively and accurately the educational progress and achievement of Indian people, such assessment to include a review of the ability of the Department of the Interior to measure the educational achievement and progress of Indian people. The Secretary is further directed in the preparation of such an assessment to consult with the Secretary of the Department of Health, Education, and Welfare, and such other agency heads as he deems appropriate, as to the capability of the Office of Education or the National Institute on Education to measure the educational progress and achievement of Indian people, and shall include the result of such consultations in such report.

Sec. 214. For the purpose of carrying out the provisions of this part F, there is hereby authorized to be appropriated \$750,000 for the first fiscal year after the enactment of this Act.

PART C—GENERAL PROVISIONS

Sec. 215. No funds from any grant or contract pursuant to this title shall be made available to any school district unless the Secretary is satisfied that the quality and standard of education, including facilities and auxiliary services, for Indian students enrolled in the school of such district are at least equal to that provided all other students from resources, other than resources provided in this title, available to the local school district.

Sec. 216. No funds from any contract or grant pursuant to this title except as provided in part B shall be made available by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations: *Provided*, That school districts, State education agencies, and Indian tribes, institutions, and organizations assisted by this title may use funds provided herein to contract for necessary services with any appropriate individual, organization, or corporation.

Sec. 217. (a) (1) Within six months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national and regional Indian organizations with experiences in Indian education to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary shall present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this title.

(b) The Secretary is authorized to revise and amend any rules or regulations promulgated pursuant to subsection (a) of this section: *Provided*, That prior to any revision or amendment to such rules or regulations the Secretary shall, to the extent practicable,

consult with appropriate national and regional Indian organizations, and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

Sec. 218. The Secretary is authorized and directed to provide funds, pursuant to this Act; the Act of April 16, 1934 (48 Stat. 596), as amended; or any other authority granted by him to any tribe or tribal organization which controls and manages any previously private school. The Secretary shall transmit annually to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a report on the educational assistance program conducted pursuant to this section.

Sec. 219. The assistance provided in this Act for the education of Indians in the public schools of any State is in addition and supplemental to assistance provided under title IV of the Act of June 23, 1972 (86 Stat. 235).

Amend the title so as to read: "An Act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes."

Mr. MEEDS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate bill be considered as read and printed in the RECORD.

The SPEAKER is there objection to the request of the gentleman from Washington?

There was no objection.

With the following committee amendments:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Self-Determination and Education Assistance Act".

CONGRESSIONAL FINDINGS

Sec. 2. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

DECLARATION OF POLICY

Sec. 3. (a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

DEFINITIONS

Sec. 4. For the purposes of this Act, the term—

(a) "Indian" means a person who is a member of an Indian tribe;

(b) "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(c) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: *Provided*, That in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant;

(d) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(f) "State education agency" means the State board of education or other agency or officer primarily responsible for supervision by the State of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

REPORTING AND AUDIT REQUIREMENTS

Sec. 5 (a) Each recipient of Federal financial assistance from the Secretary of Interior or the Secretary of Health, Education, and Welfare, under this Act, shall keep such records as the appropriate Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Comptroller General and the ap-

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propriate Secretary, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in the preceding subsection of this section, have access (for the purpose of audit and examination) to any books, documents, papers, and records of such recipients which in the opinion of the Comptroller General or the appropriate Secretary may be related or pertinent to the grants, controls, subcontracts, subgrants, or other arrangements referred to in the preceding subsection.

(c) Each recipient of Federal financial assistance referred to in subsection (a) of this section shall make such reports and information available to the Indian people served for or represented by such recipient as and in a manner determined to be adequate by the appropriate Secretary.

(d) Any funds paid to a financial assistance recipient referred to in subsection (a) of this section and not expended or used for the purposes for which paid shall be repaid to the Treasury of the United States.

PENALTIES

Sec. 6. Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this Act or the Act of April 16, 1934 (48 Stat. 596), as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of such a grant, subcontract, contract, or subcontract, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

WAGE AND LABOR STANDARDS

Sec. 7. (a) All laborers and mechanics employed by contractors of subcontracts in the construction, alteration, or repair, including painting or decorating of buildings or other facilities in connection with contracts or grants entered into pursuant to this Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. With respect to construction, alteration, or repair work to which the Act of March 3, 1921 is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (48 Stat. 948, 40 U.S.C. 276c).

(b) Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—

(1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

CARRYOVER OF FUNDS

Sec. 8. The provisions of any other laws to the contrary notwithstanding, any funds appropriated pursuant to the Act of November 2, 1921 (42 Stat. 208), for any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeed-

ing the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

TITLE I—INDIAN SELF-DETERMINATION ACT

Sec. 101. This title may be cited as the "Indian Self-Determination Act".

CONTRACTS BY THE SECRETARY OF THE INTERIOR

Sec. 102. (a) The Secretary of the Interior is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, provided for in the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, any other program or portion thereof which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat. 208), and any Act subsequent thereto: *Provided, however*, That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory; (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That in arriving at his finding, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Whenever the Secretary declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days, (2) provide to the extent practicable assistance to the tribe or tribal organization to overcome his stated objections, and (3) provide the tribe with a hearing, under such rules and regulations as he may promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

CONTRACTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Sec. 103. (a) The Secretary of Health, Education, and Welfare is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to carry out any or all of his functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), as amended: *Provided, however*, That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted for will not be

satisfactory; (2) adequate protection of trust resources is not assured; or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further*, That the Secretary of Health, Education, and Welfare, in arriving at his finding, shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Whenever the Secretary of Health, Education, and Welfare declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days; (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections; and (3) provide the tribe with a hearing, under such rules and regulations as he shall promulgate, and the opportunity for appeal on the objections raised.

(c) The Secretary of Health, Education, and Welfare is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however*, That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance.

GRANTS TO INDIAN TRIBAL ORGANIZATIONS

Sec. 104. (a) The Secretary of the Interior is authorized, upon the request of any Indian tribe (from funds appropriated for the benefit of Indians pursuant to the Act of November 2, 1921 (42 Stat. 208), and any Act subsequent thereto) to contract with or make a grant or grants to any tribal organization for—

(1) the strengthening or improvement of tribal government (including, but not limited to, the development, improvement, and administration of planning, financial management, or merit personnel systems; the improvement of tribally funded programs or activities; or the development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources);

(2) the planning, training, evaluation of other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 102 of this Act and the additional costs associated with the initial years of operation under such a contract or contracts;

(3) the acquisition of land in connection with items (1) and (2) above: *Provided*, That in the case of land within reservation boundaries or which adjoins on at least two sides lands held in trust by the United States for the tribe or for individual Indians, the Secretary of the Interior may (upon request of the tribe) acquire such land in trust for the tribe; or

(4) the planning, designing, monitoring, and evaluating of Federal programs serving the tribe.

(b) The Secretary of Health, Education, and Welfare may, in accordance with regulations adopted pursuant to section 107 of this Act, make grants to any Indian tribe or tribal organization for—

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(1) the development, construction, operation, provision, or maintenance of adequate health facilities or services including the training of personnel for such work, from funds appropriated to the Indian Health Service for Indian health services or Indian health facilities; or

(2) planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 103 of this Act.

(c) The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to this section may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made.

PERSONNEL

SEC. 105. (a) Section 3371(2) of chapter 33 of title 5, United States Code, is amended (1) by deleting the word "and" immediately after the semicolon in clause (A); (2) by deleting the period at the end of clause (B) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new clause:

"(C) any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and includes any tribal organization as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act."

(b) The Act of August 5, 1954 (68 Stat. 674), as amended, is further amended by adding a new section 8 after section 7 of the Act, as follows:

"SEC. 8. In accordance with subsection (d) of section 214 of the Public Health Service Act (58 Stat. 690), as amended, upon the request of any Indian tribe, band, group, or community, commissioned officers of the Service may be assigned by the Secretary for the purpose of assisting such Indian tribe, group, band, or community in carrying out the provisions of contracts with, or grants to, tribal organizations pursuant to section 102, 103, or 104 of the Indian Self-Determination and Education Assistance Act."

(c) Paragraph (2) of subsection (a) of section 8 of the Military Selective Service Act of 1967 (81 Stat. 100), as amended, is amended by inserting after the words "Environmental Science Services Administration" the words "or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended".

(d) Section 502 of the Intergovernmental Personnel Act of 1970 (84 Stat. 1909, 1925) is amended—

(1) by deleting the word "and" after paragraph (3);

(2) by deleting the period after paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) Notwithstanding the population requirements of section 203(a) and 303(c) of this Act, a 'local government' and a 'general local government' also mean the recognized governing body of an Indian tribe, band, pueblo, or other organized group or community, including any Alaska Native village, as defined in the Alaska Native Claims Settlement Act (85 Stat. 688), which performs substantial governmental functions. The requirements of sections 203(c) and 303(d) of this Act, relating to reviews by the Governor of a State, do not apply to grant applications from the governing body of an Indian tribe, although nothing in this Act

is intended to discourage or prohibit voluntary communication and cooperation between Indian tribes and State and local governments."

(e) Notwithstanding any other law, executive order, or administrative regulation, an employee serving under an appointment not limited to one year or less who leaves Federal employment to be employed by a tribal organization on or before December 31, 1985, in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if the employee and the tribal organization so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of title 5, United States Code, and for this purpose his employment with the tribal organization shall be deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefit payable under subchapter I of chapter 81 of title 5, United States Code, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the period of employment are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of title 5, United States Code. Days of unused sick leave to the credit of an employee under a formal leave system at the time the employee leaves Federal employment to be employed by a tribal organization remain to his credit for retirement purposes during covered service with the tribal organization.

(3) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the period of employment are currently deposited in the Employee's Health Benefit Fund (section 8909 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(4) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the period of employment with the tribal organizations are currently deposited in the Employee's Life Insurance Fund (section 8714 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United States Code.

(f) During the period an employee is entitled to the coverage, rights, and benefits pursuant to the preceding subsection, the

tribal organization employing such employee shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of such preceding subsection.

(g) An employee who is employed by a tribal organization under subsection (e) of this section and such tribal organization shall make the election to retain the coverages, rights, and benefits in paragraphs (1), (2), (3), and (4) of such subsection (e) before the date of his employment by a tribal organization. An employee who is employed by a tribal organization under subsection (e) of this section shall continue to be entitled to the benefits of such subsection if he is employed by another tribal organization to perform service in activities of the type described in such subsection.

(h) For the purposes of subsections (e), (f), and (g) of this section, the term "employee" means an employee as defined in section 2105 of title 5, United States Code.

(i) The President may prescribe regulations necessary to carry out the provisions of subsections (e), (f), (g), and (h) of this section and to protect and assure the compensation, retirement, insurance, leave, re-employment rights, and such other similar civil service employment rights as he finds appropriate.

(j) Anything in sections 205 and 207 of title 18, United States Code to the contrary notwithstanding, officers and employees of the United States assigned to an Indian tribe as authorized under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48) and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or appear on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: *Provided*, That each such officer or employee or former officer or employee must advise in writing the head of the department, agency, court, or commission with which he is dealing or appearing on behalf of the tribe of any personal and substantial involvement he may have had as an officer or employee of the United States in connection with the matter involved.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) Contracts with tribal organizations pursuant to sections 102 and 103 of this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended: *Provided*, That the appropriate Secretary may waive any provisions of such contracting laws or regulations which he determines are not appropriate for the purposes of the contract involved or inconsistent with the provisions of this Act.

(b) Payments of any grants or under any contracts pursuant to section 102, 103, or 104 of this Act may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this title. The transfer of funds shall be scheduled consistent with program requirements and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by the tribal organization, whether such disbursement occurs prior to or subsequent to such transfer of funds. Tribal organizations shall not be held accountable for interest earned on such funds, pending their disbursement by such organization.

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(c) Any contract requested by a tribe pursuant to sections 102 and 103 of this Act shall be for a term not to exceed one year unless the appropriate Secretary determines that a longer term would be advisable: *Provided*, That such term may not exceed three years and shall be subject to the availability of appropriations: *Provided, further*, That the amounts of such contracts may be renegotiated annually to reflect factors, including but not limited to cost increases beyond the control of a tribal organization.

(d) Notwithstanding any provision of law to the contrary, the appropriate Secretary may, at the request or consent of a tribal organization, revise or amend any contract or grant made by him pursuant to section 102, 103, or 104 of this Act with such organization as necessary to carry out the purposes of this title: *Provided, however*, That whenever an Indian tribe requests retrocession of the appropriate Secretary for any contract entered into pursuant to this Act, such retrocession shall become effective upon a date specified by the appropriate Secretary not more than one hundred and twenty days from the date of the request by the tribe or at such later date as may be mutually agreed to by the appropriate Secretary and the tribe.

(e) In connection with any contract or grant made pursuant to section 102, 103, or 104 of this Act, the appropriate Secretary may permit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or pertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(f) The contracts authorized under sections 102 and 103 of this Act and grants pursuant to section 104 of this Act may include provisions for the performance of personal services which would otherwise be performed by Federal employees including, but in no way limited to, functions such as determination of eligibility of applicants for assistance, benefits, or services, and the extent or amount of such assistance, benefits, or services to be provided and the provisions of such assistance, benefits, or services, all in accordance with the terms of the contract or grant and applicable rules and regulations of the appropriate Secretary: *Provided*, That the Secretary shall not make any contract which would impair his ability to discharge his trust responsibilities to any Indian tribe or individuals.

(g) Contracts and grants with tribal organizations pursuant to sections 102, 103, and 104 of this Act and the rules and regulations adopted by the Secretaries of the Interior and Health, Education, and Welfare pursuant to section 107 of this Act shall include provisions to assure the fair and uniform provision by such tribal organizations of the services and assistance they provide to Indians under such contracts and grants.

(h) The amount of funds provided under the terms of contracts entered into pursuant to sections 102 and 103 shall not be less than the appropriate Secretary would have otherwise provided for his direct operation of the programs or portions thereof for the period covered by the contract: *Provided*, That any savings in operation under such contracts shall be utilized to provide additional services or benefits under the contract.

PROMULGATION OF RULES AND REGULATIONS

SEC. 107. (a) The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this title.

(b) (1) Within six months from the date of enactment of this Act, the Secretary of the

Interior and the Secretary of Health, Education, and Welfare shall each to the extent practicable, consult with national and regional Indian organizations to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall promulgate rules and regulations to implement the provisions of this title.

(c) The Secretary of the Interior and the Secretary of Health, Education, and Welfare are authorized to revise and amend any rules or regulations promulgated pursuant to this section: *Provided*, That prior to any revision or amendment to such rules or regulations, the respective Secretary or Secretaries shall present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives and shall, to the extent practicable, consult with appropriate national or regional Indian organizations and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

REPORTS

SEC. 108. For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this title, the Indian tribe which requested such contract or grant shall submit to the appropriate Secretary a report including, but not limited to, an accounting of the amounts and purposes for which Federal funds were expended, information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request.

REASSUMPTION OF PROGRAMS

SEC. 109. Each contract or grant agreement entered into pursuant to sections 102, 103, and 104 of this Act shall provide that in any case where the appropriate Secretary determines that the tribal organization's performance under such contract or grant agreement involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons; or (2) gross negligence or mismanagement in the handling or use of funds provided to the tribal organization pursuant to such contract or grant agreement, such Secretary may, under regulations prescribed by him and after providing notice and hearing to such tribal organization, rescind such contract or grant agreement and assume or resume control or operation of the program, activity, or service involved if he determines that the tribal organization has not taken corrective action as prescribed by him: *Provided*, That the appropriate Secretary may, upon notice to a tribal organization, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat to safety and, in such cases, shall hold a hearing on such action within ten days thereof. Such Secretary may decline to enter into a new contract or grant agreement and

retain control of such program, activity, or service until such time as he is satisfied that the violations of rights or endangerment of health, safety, or welfare which necessitated the rescission has been corrected. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970 (84 Stat. 1590), as amended (29 U.S.C. 651).

EFFECT ON EXISTING RIGHTS

SEC. 110. Nothing in this Act shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

TITLE II—THE INDIAN EDUCATION ASSISTANCE ACT

SEC. 201. This title may be cited as the "Indian Education Assistance Act".

PART A—EDUCATION OF INDIANS IN PUBLIC SCHOOLS

SEC. 202. The Act of April 16, 1934 (48 Stat. 596), as amended, is further amended by adding at the end thereof the following new sections:

"SEC. 4. The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of the Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students.

"SEC. 5. (a) Whenever a school district affected by a contract or contracts for the education of Indians pursuant to this Act has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however*, That, whenever a local Indian committee or committees established pursuant to section 305(b)(2) (B)(ii) of the Act of June 23, 1972 (86 Stat. 235) or an Indian advisory school board or boards established pursuant to this Act prior to the date of enactment of this section exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

"(b) The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a).

"SEC. 6. Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purposes of attending public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for the full per capita costs of educating such Indian students."

SEC. 203. After conferring with persons competent in the field of Indian education, the Secretary, in consultation with the Sec-

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retary of Health, Education, and Welfare, shall prepare and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives not later than October 1, 1975, a report which shall include—

(1) a comprehensive analysis of the Act of April 16, 1934 (48 Stat. 596), as amended, including—

(A) factors determining the allocation of funds for the special or supplemental educational programs of Indian students and current operating expenditures;

(B) the relationship of the Act of April 16, 1934 (48 Stat. 596), as amended, to—

(i) title I of the Act of September 20, 1950 (64 Stat. 1100), as amended; and

(ii) the Act of April 11, 1965 (79 Stat. 27), as amended; and

(iii) title IV of the Act of June 23, 1972 (86 Stat. 235); and

(iv) the Act of September 23, 1950 (72 Stat. 548), as amended;

(2) a specific program to meet the special educational needs of Indian children who attend public schools. Such program shall include, but need not be limited to, the following:

(A) a plan for the equitable distribution of funds to meet the special or supplemental educational needs of Indian children and, where necessary, to provide general operating expenditures to schools and school districts educating Indian children; and

(B) an estimate of the cost of such program;

(3) detailed legislative recommendations to implement the program prepared pursuant to clause (2); and

(4) a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges.

PART B—SCHOOL CONSTRUCTION

SEC. 204. (a) The Secretary is authorized to enter into a contract or contracts with any State education agency or school district for the purpose of assisting such agency or district in the acquisition of sites for, or the construction, acquisition, or renovation of facilities (including all necessary equipment) in school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians, if such facilities are necessary for the education of Indians residing on any such reservation or lands.

(b) The Secretary may expend not less than 75 per centum of such funds as are authorized and appropriated pursuant to this part B on those projects which meet the eligibility requirements under subsections (a) and (b) of section 14 of the Act of September 23, 1950 (72 Stat. 548), as amended. Such funds shall be allocated on the basis of existing funding priorities, if any, established by the United States Commissioner of Education under subsections (a) and (b) of section 14 of the Act of September 23, 1950, as amended. The United States Commissioner of Education is directed to submit to the Secretary, at the beginning of each fiscal year, commencing with the first full fiscal year after the date of enactment of this Act, a list of those projects eligible for funding under subsections (a) and (b) of section 14 of the Act of September 23, 1950, as amended.

(c) The Secretary may expend not more than 25 per centum of such funds as may be authorized and appropriated pursuant to this part on any school eligible to receive funds under section 208 of this Act.

(d) Any contract entered into by the Secretary pursuant to this section shall contain provisions requiring the relevant State educational agency to—

(1) provide Indian students attending any such facilities constructed, acquired,

or renovated, in whole or in part, from funds made available pursuant to this section with standards of education not less than those provided non-Indian students in the school district in which the facilities are situated; and

(2) meet with respect to such facilities, the requirements of the State and local building codes, and other building standards set by the State educational agency or school district for other public school facilities under its jurisdiction or control by the local government in the jurisdiction within which the facilities are situated.

(e) The Secretary shall consult with the entity designated pursuant to section 5 of the Act of April 16, 1934 (48 Stat. 596), as amended by this Act, and with the governing body of any Indian tribe or tribes the educational opportunity for the members of which will be significantly affected by any contract entered into pursuant to this section. Such consultation shall be advisory only, but shall occur prior to the entering into of any such contract. The foregoing provisions of this subsection shall not be applicable where the application for a contract pursuant to this section is submitted by an elected school board of which a majority of its members are Indians.

(f) Within ninety days following the expiration of the three-year period following the date of the enactment of this Act, the Secretary shall evaluate the effectiveness of the program pursuant to this section and transmit a report of such evaluation of the Congress. Such report shall include—

(1) an analysis of construction costs and the impact on such costs of the provisions of subsection (f) of this section and the Act of March 3, 1921 (46 Stat. 1491), as amended;

(2) a description of the working relationship between the Department of the Interior and the Department of Health, Education, and Welfare including any memorandum of understanding in connection with the acquisition of data pursuant to subsection (b) of this section;

(3) projections of the Secretary of future construction needs of the public schools serving Indian children residing on or adjacent to Indian reservations;

(4) a description of the working relationship of the Department of the Interior with local or State educational agencies in connection with the contracting for construction, acquisition, or renovation of school facilities pursuant to this section, and

(5) the recommendations of the Secretary with respect to the transfer of the responsibility for administering subsections (a) and (b) of section 14 of the Act of September 23, 1950 (72 Stat. 548), as amended, from the Department of Health, Education, and Welfare to the Department of the Interior.

(g) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated the sum of \$35,000,000 for the fiscal year ending June 30, 1975; \$35,000,000 for each of the four succeeding fiscal years; and thereafter, such sums as may be necessary, all of such sums to remain available until expended.

PART C—GENERAL PROVISIONS

SEC. 205. No funds from any grant or contract pursuant to this title shall be made available to any school district unless the Secretary is satisfied that the quality and standard of education, including facilities and auxiliary services, for Indian students enrolled in the school of such district are at least equal to that provided all other students from resources, other than resources provided in this title available to the local school district.

SEC. 206. No funds from any contract or grant pursuant to this title shall be made available by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations: *Provided*, That school districts, State education agen-

cies, and Indian tribes, institutions, and organizations assisted by this title may use funds provided herein to contract for necessary services with any appropriate individual, organization, or corporation.

SEC. 207. (a) (1) Within six months from the date of enactment of this Act, the Secretary shall, to the extent practicable, consult with national and regional Indian organizations with experiences in Indian education to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from the date of enactment of this Act, the Secretary shall present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from the date of enactment of this Act, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this title.

(b) The Secretary is authorized to revise and amend any rules or regulations promulgated pursuant to subsection (a) of this section: *Provided*, That prior to any revision or amendment to such rules or regulations the Secretary shall, to the extent practicable, consult with appropriate national and regional Indian organizations, and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

SEC. 208. The Secretary is authorized and directed to provide funds, pursuant to this Act; the Act of April 16, 1934 (48 Stat. 596), as amended; or any other authority granted to him to any tribe or tribal organization which controls and manages any previously private school. The Secretary shall transmit annually to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a report on the educational assistance program conducted pursuant to this section.

SEC. 209. The assistance provided in this Act for the education of Indians in the public schools of any State is in addition and supplemental to assistance provided under title IV of the Act of June 23, 1972 (86 Stat. 235).

Amend the title so as to read: "An Act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes."

Mr. MEEDS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection. The committee amendments were agreed to.

Mr. MEEDS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it is with a great deal of pleasure that I bring to the floor for passage what I consider to be one of the most significant bills in Indian affairs

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since enactment of the Indian Reorganization Act of 1934.

Down through the years of formulation of this Nation's policy on Indian affairs and in the administration of that policy, we have fostered and supported a colonial government on Indian reservations in the form of the Bureau of Indian Affairs and its programs and services.

While many of us here in the Congress, both now and in the past, have called for a final solution to the Indian problem and demanded that Indians be made "first-class" citizens, we have never permitted the Indian tribes and Indian people to gain the necessary experience of controlling and operating the programs and services which will decide their destiny.

The paternalism of our policies has frustrated, rather than facilitated, the development of Indian managerial and governmental experience and skills.

Governmental policies encouraging outside development of Indian resources have frustrated, rather than facilitated, the growth of Indian self-determination, self-government, and self-sufficiency.

The early attempts of the Congress and the administration in the 1930's to bring about the restoration of tribal self-government and move toward Indian self-sufficiency within the trust relationship through the Indian Reorganization Act were all too shortlived.

Without giving this policy adequate time to bear fruit, Congress moved into the disastrous policy of termination, ending the trust relationship and the programs and services of the Federal Government for Indian tribes. I fervently hope that our passage this Congress of the Menominee Restoration Act has totally repudiated this policy.

S. 1017, as amended by the Committee on Interior and Insular Affairs, will provide the necessary administrative machinery to permit tribes to assume the control and operation of Federal programs and services carried out for their reservation for their benefit.

Title I of the bill clarifies and expands the authority of the Secretary of the Interior, and the Secretary of HEW in the case of the Indian health service, to contract with Indian tribes and tribal organizations to operate federally funded programs on the reservations.

The restrictive contracting and procurement laws of the Federal Government, particularly the requirement for competitive bidding, are either waived or made more flexible to facilitate such contracting.

Grants to prospective tribal contractors are authorized to develop their ability to administer such contracts.

Various Interior Department and General Accounting Office recommendations for amendments were adopted by our committee. These amendments have tightened up the bill's provisions on contracting in the areas of auditing and reporting, criminal penalties for misuse of contract funds, advance payment of contract funds, and applicability of the wage and labor standards of the Davis-Bacon Act.

In addition, departmental amendments were adopted which permit Fed-

eral employees transferring to tribal employment under such contracts to retain earned civil service benefits to facilitate contracting.

In title II, the committee struck, at the recommendation of the Department of the Interior, four authorized Indian education programs in the area of training of Indian professionals; youth internships; educational research and development; and special educational programs. While these are very desirable programs, the committee accepted the administration's argument that they were already authorized or duplicative. We expect the Secretary to provide us with a report on his activity in these areas.

Committee amendments to the entire bill have eliminated \$223,750,000 in authorization for new programs. Again, we feel that these funds and programs are vitally needed, but have relied on the statements of the Department that they either exist or are duplicative.

Mr. Speaker, as amended, this bill will go far to resolving the Indian problems and place again in their hands the control of their own future and their own development.

I urge its enactment. The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the conference report on Senate Joint Resolution 40, White House Conference on Library and Information Services, agreed to earlier today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON S. 356, CONSUMER PRODUCT WARRANTY AND FEDERAL TRADE COMMISSION IMPROVEMENT ACT

Mr. MOSS. Mr. Speaker, I call up the conference report on the Senate bill (S. 356) to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1974.)

Mr. MOSS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support of the conference report on S. 356, the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act. This is one of the most important pieces of consumer legislation that will be considered by the 93d Congress. It and similar bills to make consumer product warranties meaningful and enforceable and to improve the consumer protection capabilities of the Federal Trade Commission have been pending in the last three Congresses. The legislation has had extensive comment from business groups, consumers, Government agencies, and others. It is now a balanced piece of legislation which emphasizes increased consumer protection and basic fairness to those subject to its provisions. I believe it is fair to say that S. 356 has broad support from both consumers and business.

Title I is similar to the House bill. It applies to warranties given on "consumer products" but does not require any one to give a warranty. Where a warranty is given, the bill authorizes the Federal Trade Commission to make rules insuring adequate and clear disclosure. The conference report requires that written warranties on most consumer products be designated as either "full" or "limited" warranties. In the case of "full" warranties, a seller would have to meet minimum Federal standards which include refund, repair or replacement of a defective or malfunctioning product within a reasonable time and without charge to the consumer.

Title I also prohibits the disclaimer of implied common law warranties when full or limited warranties or service contracts are given in writing. In the case of a limited warranty, however, a seller could limit the duration of implied warranties to the period of the warranty, provided the limitation was conspicuously disclosed.

Title I also gives congressional endorsement to the establishment of informal dispute settlement procedures, with the participation of independent or governmental entities. The Federal Trade Commission and the Attorney General would enforce the warranty title and would be empowered to obtain injunctive relief against any person violating its provisions or issuing deceptive warranties.

In addition, any person damaged by the failure of a supplier to comply with a warranty or service contract could bring suit in a Federal or State court giving the warrantor an opportunity to cure the breach. In order that such a suit be brought in a Federal district court, the amount in controversy would have to exceed \$50,000 and each individual claim

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would have to exceed \$25. The report authorizes class actions, provided these conditions are met and also where there are at least 100 named plaintiffs notwithstanding any restrictions on such actions which might exist under general principles of Federal law.

Title II of the legislation deals with improvement of the powers of the Federal Trade Commission.

Section 201 expands the jurisdiction of the Federal Trade Commission to matters in or affecting commerce. Both the Senate and House bills contained this provision.

Section 202 clarifies the power of the Federal Trade Commission to issue substantive trade regulation rules defining with specificity acts or practices which are unfair or deceptive to consumers and others under section 5 of the Federal Trade Commission Act. The section then establishes procedures designed to insure that Commission proceedings for the issuance of such rules will benefit from the input of all interested persons and from submission of relevant data and information. Where the Commission determines it is appropriate and necessary for a full and true disclosure of disputed issues of material fact, there may be cross-examination either by interested persons or by the Commission on behalf of such persons. Judicial review is, of course, provided for all Commission rules.

Section 202 directs bank regulatory agencies to issue regulations substantially similar to regulations of the Federal Trade Commission, unless the Federal Reserve Board makes certain findings that such regulations would conflict with monetary policy or that the acts or practices in question are not deceptive.

Section 203 clarifies that the investigative authority of the Federal Trade Commission extends to persons, partnerships, or corporations.

Section 204 clarifies certain provisions of the Alaska pipeline bill regarding representation of the Commission in court. The Commission is authorized to represent itself in actions seeking injunctive relief, relating to consumer redress, to obtain judicial review of a rule or order, and in certain other situations. In all other cases, the Commission must give the Attorney General 45-days notice—increased from 10 days under the Alaska pipeline bill—and thereafter may represent itself only if the Attorney General fails to take the action requested by the Commission. In addition, if the Attorney General declines to appeal a case where the Commission represented itself in the lower courts, the Commission is authorized to appear before the Supreme Court and to represent itself. The Attorney General may also appear on behalf of the United States.

Section 205 authorizes the Commission to bring actions for civil penalties for knowing violations of rules or orders it has issued.

Section 206 is quite significant. It authorizes the Commission to bring civil actions in order to obtain redress for consumers and others who have been injured by violations of existing Commission trade rules, or by persons violating the

act, resulting in a cease-and-desist order where a reasonable man would have known under the circumstances that the acts or practices were dishonest or fraudulent.

Section 207 provides for authorization of appropriations for the Federal Trade Commission not to exceed \$42 million for the fiscal year ending June 30, 1975, \$46 million for the fiscal year ending June 30, 1976, and \$50 million for the fiscal year ending June 30, 1977.

I would like to call the attention of the Members to one additional matter. Section 202 of the act—page 40241—provides for judicial review of trade regulation rules of the Commission. After reviewing the conference report, it was the unanimous opinion of the conferees that the standard of review set forth in section 18e(3)(A) should be clarified. The Standard for Judicial Review now found in the conference report provides that the court shall set aside any Commission rule on certain grounds specified in the Administrative Procedure Act and also if "the court finds that the Commission's findings and conclusions, with regard to disputed issues of material fact on which the rule is based, are not supported by substantial evidence in the rulemaking record taken as a whole."

At this time, Mr. Speaker, I would like to yield to the distinguished gentleman from North Carolina (Mr. Broyhill). In so doing, Mr. Speaker, I want to say I have the strongest regard for the gentleman for his vigorous support and the very active role he has played in making it possible for this legislation to reach this floor.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. Broyhill).

Mr. BROYHILL of North Carolina. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise in support of the conference agreement on S. 356, the Consumer Product Warranty and Federal Trade Commission Improvement Act. While there are some matters in the agreement which I did not support and on which I continue to have concern regarding their wisdom, I believe that on the whole we reached an agreement which I can recommend to my colleagues.

The conference agreement contains two titles as did the House bill. Title I of the conference report applies to warranties which are given on consumer products. The provisions of title I of the conference report are substantially the same as the provisions of title I as passed by the House. Summarized briefly, the provisions of title I would do the following:

First, authorize the Federal Trade Commission to issue rules requiring that the terms and conditions of written warranties be fully and conspicuously disclosed in simple and readily understood language. These provisions would apply only to warranties on consumer products actually costing more than \$5.

Second, require that all written warranties be clearly designated as "full" or "limited" warranties. In order for a warranty to be designated as a "full" war-

ranty, it must incorporate the Federal minimum standards for warranty. If the Federal minimum standards are not incorporated in a warranty, it must be designated as a "limited" warranty.

Third, establish Federal minimum standards for "full" written warranties. These standards would:

a. Require replacement or repair of the product within a reasonable time without charge.

b. Prohibit any limitation on the duration of implied warranties.

c. May not exclude or limit consequential damages for breach of such written warranty unless such exclusion or limitation conspicuously appears on the face of the warranty, and

d. Require that if a warranted product or component part thereof is not repaired after a reasonable number of attempts (as determined by the FTC by rule), the consumer be given the choice of a refund or replacement of such product or component part thereof.

Fourth, encourage warrantors to establish procedures for settling consumer disputes through informal dispute settlement mechanisms and require that the consumer must first resort to the procedures established before commencing a civil action in a court of law.

Fifth, allow class actions in Federal courts under certain circumstances for actions for breach of warranty. There are different requirements imposed by the law before a class can be formed:

a. Individual claims must be \$25 or more;

b. The total value must be \$50,000 or more;

c. There must be at least 100 named plaintiffs;

d. A class of consumers may not proceed in a class action, except to the extent the court determines necessary to establish the representative capacity of the named plaintiffs, unless the warrantor is afforded a reasonable opportunity to cure the breach of warranty.

It would be my interpretation of the Eisen case that the plaintiffs must make a reasonable attempt to notify all potential members of the class.

DEFINITION OF REFUND

The term "refund" is defined in title I as "refunding the actual purchase price—less reasonable depreciation based on actual use where permitted by rules of the Commission. The intent of the conferees is that the warrantor be allowed to deduct reasonable depreciation where the consumer has enjoyed use of the product prior to obtaining a refund. Any different result could well constitute an inequity in many circumstances. For this reason, it was not intended that the Commission could prohibit deduction for reasonable depreciation by merely failing to issue rules in this regard. We expect the Commission to issue such rules in the near future and thereby inform both warrantors and consumers of the circumstances in which deduction for depreciation will be allowed.

While title I is for the most part fully operative by its own terms, I would like to make one point clear. Nothing in this act would grant to the Commission the authority to require the giving of a war-

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ranty on a consumer product, under any circumstances.

AMENDMENTS TO THE FEDERAL TRADE ACT

Title II of this legislation amends the Federal Trade Act in several respects. An extremely important aspect of this title is that it establishes a clear set of rights for persons in the new procedures the FTC is required to follow in promulgating rules defining unfair or deceptive acts or practices. These procedures, together with a provision authorizing the FTC to seek consumer redress for rule violations form the heart of the added consumer protection afforded by the bill.

The rulemaking provision embodies two important principles. First, it provides that rules promulgated by the FTC pursuant to the bill will have the force and effect of law. Second, because of the new significance of FTC rules, the bill imposes certain new standards in FTC rulemaking proceedings to assure that all premises for these rules—which will have a potentially pervasive and deep effect—are soundly based. We have taken pains, however, to introduce flexibility into both principles.

PRESENT FTC RULEMAKING AUTHORITY

For a number of years, the FTC issued rules defining acts or practices deemed unfair or deceptive to consumers. During this period, there were continuing assertions that the FTC did not possess substantive rulemaking authority, and that any rules it issued had only the effect of being a guideline to industries.

In the Octane Rating case, the court held that the Federal Trade Act did confer authority to the FTC to issue substantive rules defining both unfair methods of competition and unfair or deceptive acts or practices to consumers. Under this interpretation, the FTC has the authority to issue substantive rules which may affect an entire industry and, in some cases, a great number of industries. However, the act is silent regarding the procedural requirements to be followed in issuing these rules; therefore, those persons immediately and seriously affected by such rules have no procedural rights before the agency except the informal rulemaking procedure set by the Administrative Procedures Act. Thus, the Interstate and Foreign Commerce Committee determined that the Federal Trade Commission Act should be amended to provide adequate procedural safeguards for those affected by the Commission's rules. In our judgement, more effective, workable, and meaningful rules will be promulgated if persons affected by such rules have an opportunity, by cross-examination and rebuttal evidence, to challenge the factual assumptions on which the agency is proceeding and to show in what respect such assumptions are erroneous.

NEW FTC RULEMAKING PROCEDURES

With respect to the new procedural safeguards for factfinding, we have not turned rulemaking proceedings into adjudicatory proceedings as those terms have been traditionally understood under the Administrative Procedures Act. Rather, we have tried to develop a wholly new type of proceeding designed to balance the need to test the premises of pro-

posed FTC rules with the obvious need to grant the FTC the power to expedite proceedings and avoid being tied up by trial-type tactics. First, there is a right to cross-examination and submission of rebuttal evidence for the proceedings, but the right is limited to disputed issues of material fact. We have provided in appropriate cases that cross-examination be conducted by a representative of a group to enable the Commission to speed up a proceeding where there is a likelihood of substantial delay. We have also—in a wholly unique provision—specifically authorized the Commission to conduct cross-examination for those persons who may not have counsel or who may not wish to ask questions themselves. Thus the right to cross-examination is far from absolute, and much less extensive than it would be in a typical adjudicatory proceeding. We are quite frankly relying in this area on two factors: the commonsense and fairness of the FTC, and, of course, the review function of the courts, which are not to affirm rules if, among other things, the FTC's handling of rebuttal evidence and cross-examination has prevented full disclosure of material issues of fact and thus prevented a fair determination of the entire proceedings.

WAIVER AUTHORITY

The provision that grants rules the force and effect of law is also not absolute. The rulemaking authority contains an exemption provision pursuant to which persons may seek waiver of a rule because in their circumstances, application of the rule would be unreasonable or unnecessary in light of the purposes of the rule. While we intend that the agency and the courts would, of course, always have authority to apply waiver doctrines where appropriate in an enforcement case, this exemption provision gives additional flexibility to the rules by permitting some persons to seek exceptions in advance.

ANTITRUST RULEMAKING AUTHORITY NOT INTENDED

The rulemaking provision, I might add, does not affect any authority the FTC might have to promulgate rules which respect to "unfair methods of competition" including, of course, antitrust prohibitions. I myself do not believe that the FTC has any such authority. I am advised that there is a passing reference in the appellate court decision in the Octane Posting case, to the effect that the FTC may have some kind of authority to issue some kind of antitrust rules. But the case, of course, did not deal with antitrust rules. Antitrust rules would obviously have a far more pervasive effect than rules defining unfair or deceptive acts or practices, and I would feel very uncomfortable giving such antitrust rules the same effect as this bill gives consumer practice rules. Accordingly, we have made clear that the new bill does not deal with the antitrust laws.

CONSUMER REDRESS

The rulemaking authority's "bite" in this new legislation derives from the consumer redress and civil penalties provisions, which may come into play in appropriate cases of rule violations, as well

as in other clearly defined circumstances. The consumer redress provision, as a whole, is a significant advance in consumer protection, for it, together with the carefully drafted class action provisions in title I, should provide an answer to the multifaceted and perennial problem of class actions. In part because of my objections, a similar consumer redress provision was defeated on the floor of the House. I was initially opposed to the addition of such a provision in conference because it was being added without an opportunity for hearings to permit the public to be heard and without full recognition of what we were doing to clearly spell out the authority of the FTC to seek consumer redress. However, I acceded to the provision finally adopted because it seeks to provide protections against unfairness and is aimed at making whole those consumers who actually show injury from a rule violation or knowingly dishonest and fraudulent practices.

CIVIL PENALTIES

One aspect of the civil penalties provision deserves comment because the idea involved is a relatively new one. The penalty provisions permit the FTC, after it has obtained a cease-and-desist order, to go into court to obtain civil penalties for the conduct subject to the order if it was engaged in with actual knowledge that the conduct was unfair or deceptive and in violation of section 5. Sometimes, in dealing with a joint scheme, the Commission will proceed against only some of the persons involved in the joint action. We have added a new provision which will now enable the FTC to seek civil penalties in court against the other persons involved in the scheme but not technically parties to the initial FTC proceeding and thus not technically subject to the cease-and-desist order. I might add, of course, that these persons will be entitled to their day in court before being assessed with penalties, and for that reason are granted a de novo trial on all factual issues in the penalty action.

SELF REPRESENTATION IN THE COURTS

The conference report contains one provision that gives me a good deal of concern. That provision is the one that grants to the Federal Trade Commission the authority to represent itself through its own attorneys in the Supreme Court under certain circumstances. This provision was added to the conference report despite great expressions of concern from the chief legal officers of the United States, the Attorney General, former Solicitor General Ervin Griswold, and all nine justices of the Supreme Court. What other expertise could we possibly draw from? I would like to caution my colleagues that if we allow this type erosion of the Solicitor General's authority to continue, we will fragment what has traditionally been a central authority designed to coordinate a uniform position for Federal Government litigation.

CONCLUSION

All in all, I believe the bill represents a reasonable compromise between the Senate and House versions and a responsible piece of legislation. It completes the FTC reform begun with the amendments

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to the Alaska pipeline bill, and these two bills together constitute an important new consumer protection measure for which we should all feel proud.

Mr. MOSS. Mr. Speaker, I yield to the gentleman from Texas (Mr. ECKHARDT) such time as he may consume.

Mr. ECKHARDT. Mr. Speaker, as the gentleman from North Carolina (Mr. BROYHILL) has just indicated, we are establishing a new category somewhere between the adjudicatory and the rule-making process of the present Administrative Procedures Act, and I think it is very important that we clearly understand exactly what we are doing.

There is a provision on page 33 of the report which states that—

If the Commission determines (1) that there are disputed issues of material fact, and (2) that it is necessary to resolve such issues, interested persons would be entitled to present such rebuttal submissions and to conduct (or have conducted by the Commission) such cross-examination of persons commenting orally as the Commission determines to be appropriate and required for a full and true disclosure with respect to such issues. The only disputed issues of material fact to be determined for resolution by the Commission are those issues characterized as issues of specific fact in contrast to legislative fact.

I point out the word "orally," and I wish to find out if the gentleman from California (Mr. Moss) feels that that language is exclusive, or merely descriptive of the section dealing with oral presentation.

Mr. MOSS. It is the intent and the understanding of the gentleman from California that the words "commenting orally" were intended to be descriptive, and not limiting. In other words, the Commission could authorize cross-examination of written submissions if it determined that it was appropriate.

Mr. ECKHARDT. For instance, if the Commission should rely, in making a rule on a written report of one of its agents and cross-examination of that agent is necessary for fair determination of the rulemaking procedure taken as a whole, the Commission should make that agent available for cross-examination. Am I correct in that?

Mr. MOSS. The gentleman is indeed correct.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

I concur in the gentleman's interpretation.

Mr. ECKHARDT. Each of us was on the conference committee, and I understand that to be in accord both with the language and with the discussions there; is that not correct?

Mr. BROYHILL of North Carolina. That is correct.

Mr. ECKHARDT. I thank the gentleman.

Mr. McCOLLISTER. Mr. Speaker, the civil penalties provision for violations of section 5 of the FTC Act (section 205) of S. 356 requires proof of a defendant's knowledge of the illegality of his conduct before penalties can

be imposed. This means that penalties cannot be imposed if a defendant, in good faith, believes that his conduct is permissible. His belief may be based on lack of knowledge of the law, or on a reasonable judgment that his circumstances are different from those to whom an order or rule may apply, or indeed on the view, held in good faith, that his conduct is defensible under the FTC Act for any reason. The penalties provision thus does not convert FTC action applicable to someone else, or a mere complaint against the defendant himself, into knowledge of illegality. The reason is clear: No person should ever have to pay for the right to his day in court to defend his own conduct by being compelled to assume a risk of a \$10,000 per day penalty should he ultimately lose. On the other hand, it is not the intent of the Congress to establish a system to encourage court challenges merely for the purpose of thwarting the FTC or delaying its legitimate objections to illegal practices under provisions of the FTC Act.

Mr. MOSS. Do any other members of the committee at this time seek recognition?

Mr. Speaker, I move the previous question on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused. So the conference report was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1180, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1975

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, with Senate amendments thereto, disagrees to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. MAHON, WHITTEN, BOLAND, FLOOD, SLACK, CEDERBERG, MICHEL, and WYATT.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I would like to make the following announcement.

We had scheduled for today the chrome bill next. By mutual agreement of both sides on this issue, it will be eliminated from the schedule, and it will not be brought up for the remainder of

the session. It will be scheduled sometime early in the 94th Congress.

AUTHORIZING A TECHNICAL CORRECTION IN THE ENROLLMENT OF S. 356

Mr. MOSS. Mr. Speaker, I call up the Senate concurrent resolution (S. Con. Res. 126) authorizing a technical correction in the enrollment of S. 356, and ask unanimous consent for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. Con. Res. 126

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of S. 356, An Act to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes, to make the following technical correction:

Section 18(e)(3)(A), as inserted by section 202(a) of the Conference Report on such bill, is amended to read as follows:

"(A) the court finds that the Commission's action is not supported by substantial evidence in the rulemaking record (as defined in paragraph (1)(B) of this subsection) taken as a whole, or"

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOSS. Mr. Speaker, I indicated at the time of my statement on the conference report that I intended to offer this essential resolution in order to clarify an understanding of the conferees. We feel that the standard of review could be better expressed as follows:

The court shall hold unlawful and set aside the rule on certain grounds specified in the Administrative Procedures Act or

And now I quote from the resolution—if—

the court finds that the Commission's action is not supported by substantial evidence in the rule-making record (as defined in paragraph (1)(B) of this subsection) taken as a whole, or

This, Mr. Speaker, is strictly to clarify and make very clear the intent of the conferees and to do it through the concurrent resolution so that there will be no possibility of error.

Mr. Speaker, I yield to the gentleman from North Carolina, Mr. BROYHILL.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, it is necessary to clarify the language in the conference report, not because of any disagreement among the conferees but because of some legal interpretation of the language which was included in the conference report. We want to make crystal clear that any rules that are issued by the commission must be based upon the substantial evidence that is developed in the consideration of the rule. That is the purpose of the amendment—to clarify the provision in the Judicial Review section.

Mr. MOSS. I thank the gentleman.

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Mr. Speaker, I urge adoption of the concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

WAR CLAIMS ACT AMENDMENTS

Mr. ECKHARDT. Mr. Speaker, I call up the conference report on the Senate bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, is there a printed report?

Mr. ECKHARDT. There is.

Mr. ASHBROOK. Mr. Speaker, further reserving the right to object I take this time to ask if there is anything in the conference report that is not germane.

Mr. ECKHARDT. No, there is not.

Mr. ASHBROOK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1974.)

Mr. ECKHARDT. Mr. Speaker, on August 12, 1974 the House passed amendments to the War Claims Act of 1948 to increase benefits provided to American civilian internees in Southeast Asia and for other purposes. The House language differed from the Senate and a conference was needed. The conference report has been filed and it is a good report. It reflects the give and take that one expects in a conference between two bodies.

I will summarize briefly the recommended solution. First, both the Senate bill and the House amendment increased the authorized detention benefits for American civilians during the Vietnam conflict from \$60 per month to \$150 per month in order to raise the benefits for civilians to the same level presently authorized for military personnel. The conference substitute retains this provision.

Second, the House amendment would have eliminated the priority in existing law for all unpaid award holders, both

individual and corporate, up to \$35,000. The conference substitute retains this priority under which \$11,000 has already been paid to each award holder. Therefore, \$24,000 or the unpaid balance of each remaining award, whichever is less, will be paid under this priority.

Since each corporate award holder will receive up to \$24,000 under this provision, the language in the House amendment providing an additional priority for payments to corporate award holders up to \$50,000 was omitted from the conference substitute.

Third, the House amendment would have created a priority for all individual awards up to \$500,000. The conference substitute creates a priority for individual awards up to \$250,000. The conferees agreed that the equitable considerations favoring a priority for the payment of remaining individual awards would be adequately recognized by the priority adopted in the conference substitute. The balance of amounts in the war claims fund will then be used to make pro rata payments on the remaining individual and corporate awards.

While this legislation was pending in the House, the Department of Justice was requested to refrain from certifying funds for distribution to the war claims fund until this Congress completed action on S. 1728. The Department agreed to this request. It is my understanding that certain funds are now ready to be certified by the Department of Justice for distribution to the war claims fund, and it is also my hope that this transfer and any future transfers will be accomplished as soon as possible upon enactment of this legislation.

Mr. Speaker, the conference report reflects a reasonable resolution of the differences in the Senate and House measures. It will provide an equitable solution for the payment of the remaining awards from the war claims fund. I urge its adoption.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the conference report.

Members will recall when the bill was before the House, the issue was, are we going to give priority to individual claimants to the war claims funds and, if so, how much that priority would be in terms of dollars?

The conference report says we are giving priority to claims of individual persons up to \$250,000 and then those other claimants, including corporations, would share on a pro rata basis in the balance of the fund.

I think it is a good compromise. It is, in my opinion, a better bill than when it left the House. Although I do still disagree with the principle of giving individuals this preference, as we have done here, at least we have a better bill than when it left the House.

Mr. YOUNG of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

Mr. YOUNG of Illinois. Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from North Carolina (Mr. BROYHILL).

Mr. ECKHARDT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 1782, just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL RAILROAD SAFETY ACT OF 1970 AND HAZARDOUS MATERIALS TRANSPORTATION CONTROL ACT OF 1970

Mr. JARMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 15223) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 13, 1974.)

Mr. JARMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, the House and Senate conferees held three lengthy sessions to iron out differences between their respective versions of H.R. 15223. I believe we have brought to the floor a product which is much better than the bills either House produced.

The bill is called the Transportation Safety Act of 1974, and deals with the problems of railroad and aviation accidents, and with the matter of transporting hazardous materials by any mode of transportation.

Title I is the Hazardous Materials Transportation Act. The conferees consolidated the many faceted jurisdictions within the executive branch over hazardous materials transportation into the office of the Secretary of Transportation. He and he alone will have regulatory

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powers involving the carriage of hazardous materials. We also ban radioactive materials from passenger aircraft, unless it is necessary for use in research or medical activity. We see no need to submit unsuspecting passengers to the perils of potentially dangerous materials. We have put some teeth in this new legislation by making civil and criminal penalties for violations of regulations quite severe.

Title II is the Rail Safety Improvement Act of 1974. The conferees adopted the House-passed provisions with minor changes.

Title III is the Independent Safety Board Act. The House did not have a similar provision, but we agreed with the Senate on the necessity of an independent National Transportation Safety Board. We felt, like the Senate, that if we wanted to have expanded emphasis on transportation safety, we would have to have a board free from the influences of other Government agencies. This is particularly true in the field of surface transportation safety. At present the National Transportation Safety Board is a part of the Department of Transportation, and most of the surface accidents involving railroads and trucks are investigated by the Federal Railroad Administration and the Federal Highway Administration. We want the new independent Board to be much more involved in those areas—particularly in passenger train accidents.

We stripped the Senate bill of an attempt to terminate the present chairman of the National Transportation Safety Board, and we will have no part of efforts to change the composition of the new Board. We feel that the Board will be responsive to the public's need with their new independence. We did make a change as a concession to the Senate—and that involved requiring at least two members of the Board to have certain technical and professional background qualifications, but we do not require or intend for the full Board to be named on such a basis, because we felt to do so might stack the Board with industry-oriented people who may not allow the public interest to prevail in their decisions.

I recommend this conference report to the House as a good bill, one which will improve safety in all modes of transportation, and one which is sorely needed.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Speaker, for the sake of the record, I want to compliment the chairman of the subcommittee for this conference report and point out that there is one area in which the Senate had a major change and we accepted what I think was a meaningful compromise and that is the makeup of the National Transportation Safety Board.

The Senate passed and required technical qualifications for all five members of the Board. The compromise said that such technical or managerial obligations apply to two members of that Board.

Would the gentleman care to comment on the meaning of that compromise on the qualifications?

Mr. JARMAN. Mr. Speaker, the intent is that we only intend to have two members with technical qualifications.

Mr. KUYKENDALL. Is it not true that the additional managerial term would also basically qualify any member of the present Board, if the President should choose to reappoint?

Mr. JARMAN. That is correct.

Mr. KUYKENDALL. I have a second question also with reference to the matter of legislative record.

For the first time, Mr. Speaker, we have given the Secretary of Transportation safety responsibility and access to the manufacture of containers. I would also like to ask the chairman of the subcommittee to comment on the point that the component parts of container manufacture of the containers are also covered under the intent of this legislation; for instance, if we have a container of sulphuric acid, the person that makes the seal and the spigot would also be covered; is that not correct?

Mr. JARMAN. That is correct. The gentleman has stated it exactly and the component parts are covered.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. Mr. Speaker, I am happy to yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I wanted to ask a question for the legislative record. The conference committee specifies in section 108, which was in the Senate version and not in the House version of the bill, it is intended to limit the carriage of radioactive materials to those relating to research, medical diagnosis, and therapy.

I assume it is not the purpose of this section to eliminate those items for carriage which contain tiny trace elements or small quantities of radioactive material on scheduled passenger flights, is that correct?

Mr. JARMAN. Yes, the gentleman is correct in his interpretation.

Mr. PICKLE. By way of explanation, I understand there is a possibility the language in section 108 might be interpreted, when the regulations are issued, so that a person could be prohibited from boarding an aircraft because he was wearing a pacemaker in his heart. Would that be true, by application?

Mr. JARMAN. No, that is not the intent.

Mr. PICKLE. I have one other question for clarification. What about automatic fire extinguishers? On most airplanes they are triggered by intense heat. They are operated by small quantities of radioactive materials. This legislation would not prevent that type of extinguisher from being used aboard a plane, would it?

Mr. JARMAN. No, I would say to the gentleman that it would not keep those articles off.

Mr. PICKLE. I thank the gentleman.

Mr. KUYKENDALL. Mr. Speaker, I urge adoption of the conference report. I think the House bill went through practically intact, and I think the chairman of the subcommittee, the chairman of the full committee and members of the staff are to be congratulated for their work on what is a very important bill,

particularly in the area of radioactive materials.

Mr. JARMAN. Mr. Speaker, I thank the gentleman for his comments and for his valuable assistance on this bill.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

AMENDING SECTION 510 OF THE MERCHANT MARINE ACT OF 1936

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12427), to amend section 510 of the Merchant Marine Act, 1936, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, I would ask my friend from Michigan if there are any amendments here that are not germane.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield to me, I will say that first of all, all of the amendments save one are germane and are technical in character. There is one amendment which is nongermane, and if the gentleman will permit, I will elaborate.

The bill actually contains two principal sections. The amendments to the Merchant Marine Act already cited allow the trade-in of mariner vessels in the reserve fleet to upgrade both the moving fleet and also upgrade the reserve fleet, which now has reached such a state of deterioration that it is of no value.

The second section is a bill, which was earlier passed by the House as H.R. 12208, passed the House April 2, 1974, overwhelmingly. That, my colleagues will recall, is a minor bill which resolved a jurisdictional problem relating to the port of Sacramento and for the other ports on the west coast.

It resolved a jurisdictional conflict between the ICC, which claimed jurisdiction over portions of water carriage on the west coast, and the Federal Maritime Commission by simply stating that in those instances the jurisdiction will be fixed by Congress as belonging to the Federal Maritime Commission.

Mr. ASHBROOK. Mr. Speaker, further reserving the right to object, what I understand the gentleman to say then is that the one section that is not germane does include a bill formerly passed by this House?

Mr. DINGELL. The gentleman is correct.

Mr. ASHBROOK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate amendments, as follows:

Page 1, lines 7 and 8, strike out "the Merchant Marine".

Page 1, line 8, after "Marine" insert: "this".

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Page 1, line 8, strike out "Act, 1936," and insert: "Act".

Page 1, line 8, strike out "legislation in".

Page 2, line 6, strike out "vessel[s]" and insert: "vessel".

Page 2, line 7, strike out "vessel[s]" and insert: "vessel".

Page 2, line 8, strike out "vessel[s]" and insert: "vessel".

Page 2, line 9, strike out "vessel[s]" and insert: "vessel".

Page 2, line 10, strike out "vessel[s]" and insert: "vessel".

Page 2, line 12, strike out "vessel[s]" and insert: "vessel".

Page 2, line 18, strike out "vessel[s]" and insert: "vessel".

Page 3, after line 3, insert:

Sec. 2. (a) The Shipping Act, 1916, as amended (46 U.S.C. 801-842), is amended by inserting a new section 3 to read as follows:

"Sec. 3. Notwithstanding part III of the Interstate Commerce Act, as amended (49 U.S.C. 901 et seq.), or any other provision of law, rates and charges for the barging and affreighting of containers or containerized cargo by barge between points in the United States, shall be filed solely with the Federal Maritime Commission in accordance with rules and regulations promulgated by the Commission where (a) the cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession and a point in the United States, (b) the transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers, or containerized cargo under a through bill of lading, (c) such terminal operator is a Pacific Slope State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and the only one furnishing the particular circumscribed barge service in question as of the date of enactment hereof, and (d) such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service. The terminal operator providing such services shall be subject to the provisions of the Shipping Act, 1916."

(b) Within one hundred and twenty days after enactment of this Act, the Federal Maritime Commission shall promulgate rules and regulations for the barge operations described in the amendment made by the first section of this Act. Such rules shall provide that the rates charged shall be based upon factors normally considered by a regular commercial operator in the same service.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

JOHN A. BLATNIK LOCK

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17589) to designate the new Poe lock on the Saint Marys River at Sault Sainte Marie, Mich., as the "John A. Blatnik Lock."

The Clerk read as follows:

H.R. 17589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the new Poe lock on the Saint Marys River at Sault Sainte Marie, Michigan, shall hereafter be known and designated as the "John A. Blatnik lock". Any reference in any law, map, regulation, document, record, or other paper of the United States to such lock shall be held to be a reference to the "John A. Blatnik lock".

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The SPEAKER pro tempore. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. JOHNSON) will be recognized for 20 minutes, and the gentleman from New York (Mr. GROVER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California.

Mr. JOHNSON of California. Mr. Speaker, H.R. 17589 would name the new Poe lock as the John A. Blatnik Lock, at Sault Sainte Marie, Mich.

This bill came out of the Committee on Public Works unanimously. There was no opposition to it.

Mr. JONES of Alabama. Mr. Speaker, it is a distinct and high privilege for me to rise in support of H.R. 17589 to designate the new Poe lock on the Saint Marys River at Sault Sainte Marie, Mich., as the John A. Blatnik lock in honor of my dear friend and distinguished colleague and chairman of our Public Works Committee.

The new Poe lock is a feature of the project for deepening of the connecting channels in the Great Lakes to depths commensurate with those in the St. Lawrence Seaway. This deepening project has permitted the full utilization of the St. Lawrence Seaway to bring ocean going commerce to all of the Great Lakes.

Congressman JOHN BLATNIK was first elected to the Congress in 1946. He is retiring at the end of this session after 28 years of honorable and distinguished public service to his constituents and to the United States. From the beginning of his service in the Congress he has championed the development of the St. Lawrence Seaway and navigation in the Great Lakes. He was a leading and vital force in bringing about the authorization of the St. Lawrence Seaway and the legislation to deepen and widen the connecting channels of the Great Lakes, opening the ports of the Great Lakes to the trade routes of the world.

Not only did he sponsor both the Seaway and channel deepening legislation, but presided as chairman of the Rivers and Harbors Subcommittee during the construction of the largest of the inter-lakes locks, now named the Poe lock. This lock is on one of the connecting channels—the 63-mile St. Marys River linking the Mesabi Iron Range with the Chicago-Gary industrial complex of Lake Michigan, and measures 1,200 feet in length by 110 feet in width, in contrast to the 860 by 80 feet dimensions of the other locks. This larger size has permitted construction of the superlakers, the enormous 1,000-foot oreboats which carry iron ore and taconite from Lake Superior to the Lake Michigan industrial region. In turn, this larger scale, more economical interlake transport has encouraged the development of domestic sources for the Nation's backbone iron and steel industry, instead of relying, as

we might have been forced to, on imports from Labrador.

Congressman BLATNIK has also been a leading advocate of the deepening of the major harbors of the Great Lakes. His efforts have played a significant role in the development and economic and social well-being of a vast part of our Nation which is served by the Great Lakes.

For these reasons, Mr. Speaker, as well as for his many contributions to the Great Lakes and the Nation, I urge enactment of this legislation honoring this great man.

Mr. JOHNSON of California. Mr. Speaker, I have no further requests for time.

Mr. GROVER. Mr. Speaker, we have no requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 17589.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AGRICULTURAL CONSERVATION TIME EXTENSION

Mr. BERGLAND. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3943) to extend the time for using funds appropriated to carry out the 1973 rural environmental assistance program and the 1974 rural environmental conservation program.

The Clerk read the Senate bill as follows:

S. 3943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law or regulation issued by the Secretary of Agriculture, the time within which producers may request and receive approval for cost-sharing assistance under the 1973 Rural Environmental Assistance Program and the 1974 Rural Environmental Conservation Program (as authorized by sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended, and title X of the Agricultural Act of 1970, as amended) is extended to December 31, 1975, and funds appropriated for such programs shall remain available for making payments to eligible producers until December 31, 1976, for practices carried out during the period July 1, 1972, to December 31, 1975.

The SPEAKER. Is a second demanded?

Mr. THONE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Minnesota (Mr. BERGLAND) will be recognized for 20 minutes, and the gentleman from Nebraska (Mr. THONE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. BERGLAND).

Mr. BERGLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill does not entail any new money or any new program. It

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simply extends to December 31, 1975, the time required to complete the conservation practices that have been authorized by law, otherwise scheduled to be completed by December 31, of this year.

Mr. Speaker, this problem arose when, in 1973, the administration terminated the 1973 Rural Environmental Assistance program and impounded most of the funds for the program for 1974.

On December 28, 1973, a Federal Court decreed that those impoundments were illegal, and forced their reinstatement.

In April, 1974, the Department of Agriculture announced a conservation program for the 1973 and 1974 authorization. Because of the lateness of the time in which it was announced the farmers of the country did not have time to complete 2 years work in less than 9 months.

Many of the land improvement contractors left the business because they felt the program was terminated. Much of the country was devastated by near record rain fall last spring, not only preventing this installation of badly needed conservation measures, but adding to the conservation needs. As a consequence we find, Mr. Speaker, that \$100 million in vitally needed conservation practices will not be completed by the termination date as required by law.

Mr. Speaker, I urge the bill be adopted. I yield to the gentleman from Nebraska.

Mr. THONE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Minnesota. He and Chairman Poage have been most active in the passage of this needed bill.

Mr. Speaker, to comply with the original intent of Congress, to maintain our precious soil and water resources, and to comply with the court order, the soil conservation program compliance period just must be extended for 1 year as mandated in this legislation.

Urban oriented administrations have paid far too little heed to the need to maintain and expand our on-the-farm programs to conserve water and topsoil. In 1973 the funds were impounded. A Federal court ordered that these funds be invested in conservation during 1974. The program to make available both 1973 and 1974 funds was not announced until late in April 1974. Unsatisfactory weather compounded the problems.

When it appeared that Federal assistance for conservation work was ending in 1973, many contractors went into other specialties or reduced their operations. Then when the programs were reinstated by the courts and 2 years' appropriations were scheduled for 1 year, there were not enough contractors left in the business to do the work—even if the weather had been ideal. Additionally, there is much tillable ground that needs conservation work, but they have made the need for such work even greater.

At this time there is still some \$50 million of the 1973 program that has not been committed and about \$85 million remaining in the 1974 program. Therefore, to comply with the original intent of Congress, to maintain our precious soil and water resources, and to comply with the court order, the program period must be extended.

Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BERGLAND) that the House suspend the rules and pass the Senate bill, S. 3943.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BERGLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

Mr. EILBERG. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 1518) opposing the granting of permanent residence in the United States to certain aliens.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FISH. Mr. Speaker, reserving the right to object and I do not intend to object, would the gentleman from Pennsylvania briefly explain the nature of the resolution.

Mr. EILBERG. Under section 244 of the Immigration and Nationality Act, several hundred administrative decisions of the Department of Justice granting permanent-resident status to aliens who have been in the United States for a period of 7 years or more are sent to the Congress annually for our review. Unless either body of Congress approves a resolution opposing the granting of permanent residence to such aliens, they will automatically acquire that status upon the adjournment of this Congress. The Immigration Subcommittee has reviewed each of the cases referred and has unanimously agreed that the granting of permanent resident alien status to the six aliens referred to in House Resolution 1518 is not warranted. This resolution has been cleared on both sides of the aisle and I would urge its approval at this time.

Mr. FISH. I thank the gentleman for his explanation and would note that the resolution has been cleared on this side of the aisle and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WYLIE. Mr. Speaker, reserving the right to object, for the record I wish to ask if any of the persons referred to in this resolution have a private bill which

has been reported from the Committee on the Judiciary or any such bills now pending in the Committee on the Judiciary.

Mr. EILBERG. Mr. Speaker, the answer is: No.

Mr. WYLIE. Mr. Speaker, further reserving the right to object, is this procedure to expedite the ongoing operations of the Department of Justice, as far as these people are concerned. Is it in any way contrary to whatever action the Attorney General has taken on the question of deportation; does the gentleman know?

Mr. EILBERG. Mr. Speaker, the answer is no to the gentleman's final question. These aliens have been found to be deportable and the Special Inquiry Officer's decision denying suspension of deportation has been reversed by the Board of Immigration Appeals. We are complying with the law since all of these decisions have been referred to us for approval or disapproval, and there are hundreds of cases in this category. In these six cases however, we believe it would be grossly improper to allow these people to acquire the status of permanent resident aliens.

Mr. WYLIE. In other words, the gentleman has been working with the Attorney General's office?

Mr. EILBERG. Yes.

Mr. WYLIE. This bill then is in fact a confirmation of what the Attorney General intends to do?

Mr. EILBERG. The gentleman is correct insofar as it relates to the determination of deportability which has been made by the Department of Justice in each of these cases.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COPYRIGHT MISCELLANY

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3976) to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes, as amended.

The Clerk read the Senate bill as follows:

S. 3976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMEND TITLE 17, UNITED STATES CODE, AND FOR OTHER PURPOSES

SEC. 101. Section 3 of the Act of October 15, 1971 (85 Stat. 391), is amended by striking out "and before January 1, 1975".

SEC. 102. Section 104 of title 17, United States Code, is amended—

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(1) by striking out "Any person" and inserting in lieu thereof "(a) Except as provided in subsection (b), any person"; and

(2) by adding at the end thereof the following new subsection:

"(b) Any person who willfully and for profit shall infringe any copyright provided by section 1(f) of this title, or who should knowingly and willfully aid or abet such infringement, shall be fined not more than \$25,000 or imprisoned not more than one year, or both, for the first offense and shall be fined not more than \$50,000 or imprisoned not more than two years, or both, for any subsequent offense."

SEC. 103. Section 2318 of title 18, United States Code, is amended by striking out all after "fined" and inserting in lieu thereof "not more than \$25,000 or imprisoned for not more than one year, or both, for the first offense and shall be fined not more than \$50,000 or imprisoned not more than two years, or both, for any subsequent offense."

SEC. 104. In any case in which the renewal term of copyright subsisting in any work on the date of approval of this bill, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public Law 91-147, by Public Law 92-566 (or by all or certain of said laws), would expire prior to December 31, 1976, such term is hereby continued until December 31, 1976.

TITLE II—NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

ESTABLISHMENT AND PURPOSE OF COMMISSION

SEC. 201. (a) There is hereby created in the Library of Congress a National Commission on New Technological Uses of Copyrighted Works (hereafter called the Commission).

(b) The purpose of the Commission is to study and compile data on:

(1) the reproduction and use of copyrighted works of authorship—

(A) in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information; and

(B) by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities; and

(2) the creation of new works by the application or intervention of such automatic systems or machine reproduction.

(c) The Commission shall make recommendations as to such changes in copyright law or procedures that may be necessary to assure for such purposes access to copyrighted works, and to provide recognition of the rights of copyright owners.

MEMBERSHIP OF THE COMMISSION

SEC. 202. (a) The Commission shall be composed of thirteen voting members, appointed as follows:

(1) Four members, to be appointed by the President, selected from authors and other copyright owners;

(2) Four members, to be appointed by the President, selected from users of copyright works;

(3) Four nongovernmental members to be appointed by the President, selected from the public; generally, with at least one member selected from among experts in consumer protection affairs;

(4) The Librarian of Congress.

(b) The President shall appoint a Chairman, and a Vice Chairman who shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office, from among the four members selected from the public generally, as provided by clause (3) of subsection (a). The Register of Copyrights shall serve ex officio as a nonvoting member of the Commission.

(c) Seven voting members of the Commission shall constitute a quorum.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

COMPENSATION OF MEMBERS OF COMMISSION

SEC. 203. (a) Members of the Commission, other than officers or employees of the Federal Government, shall receive compensation at the rate of \$100 per day while engaged in the actual performance of Commission duties, plus reimbursement for travel, subsistence, and other necessary expenses in connection with such duties.

(b) Any members of the Commission who are officers or employees of the Federal Government shall serve on the Commission without compensation, but such members shall be reimbursed for travel, subsistence, and other necessary expenses in connection with the performance of their duties.

SEC. 204. (a) To assist in its studies, the Commission may appoint a staff which shall be an administrative part of the Library of Congress. The staff shall be headed by an Executive Director, who shall be responsible to the Commission for the Administration of the duties entrusted to the staff.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 per day.

EXPENSES OF THE COMMISSION

SEC. 205. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title until June 30, 1976.

REPORTS

SEC. 206. (a) Within one year after the first meeting of the Commission it shall submit to the President and the Congress a preliminary report on its activities.

(b) Within three years after the enactment of this Act the Commission shall submit to the President and the Congress a final report on its study and investigation which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

(c) In addition to the preliminary report and final report required by this section, the Commission may publish such interim reports as it may determine, including but not limited to consultant's reports, transcripts of testimony, seminar reports, and other Commission findings.

POWERS OF THE COMMISSION

SEC. 207. (a) The Commission or, with the authorization of the Commission, any three or more of its members, may, for the purpose of carrying out the provisions of this title, hold hearings, administer oaths, and require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of documentary material.

(b) With the consent of the Commission, any of its members may hold any meetings, seminars, or conferences considered appropriate to provide a forum for discussion of the problems with which it is dealing.

TERMINATION

SEC. 208. On the sixtieth day after the date of the submission of its final report, the Commission shall terminate and all offices and employment under it shall expire.

The SPEAKER. Is a second demanded? Mr. RAILSBACK. Mr. Speaker, I demand a second.

Mr. DINGELL. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Michigan opposed to the bill?

Mr. DINGELL. I am opposed to the bill, Mr. Speaker.

The SPEAKER. Is the gentleman from Illinois opposed to the bill?

Mr. RAILSBACK. No, I am not, Mr. Speaker.

The SPEAKER. The gentleman from Michigan (Mr. DINGELL) is opposed to the bill, and the gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection. The SPEAKER. The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. DINGELL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3976, the bill before the House, which passed the Senate on September 9, 1974, is addressed to three issues, all related to the copyright law. First, it would render permanent the expiring prohibition against piracy of sound recordings and maximum existing imprisonment penalties for willful infringement for profit and for counterfeiting of sound recordings (sections 101, 102, and 103);

Second, it would extend the duration of expiring copyrights in certain cases (section 104), and

Third, it would establish a National Commission on New Technological Uses of Copyrighted Works (sections 201-208).

PIRACY PROVISIONS

I turn first to the provisions of S. 3976 involving piracy of sound recordings (secs. 101, 102, and 103). These sections, as proposed to be amended, are identical in effect with the provisions of H.R. 13364, as it passed the House on October 7, 1974, and has since been pending in the Senate Committee on the Judiciary. For parliamentary reasons it has now become desirable for the House again to pass the identical provisions—also amended as to penalties—in enacting S. 3976.

The principal purpose of H.R. 13364, like that of sections 101, 102, and 103 of S. 3976, is to eliminate the present January 1, 1975, expiration date from Public Law 92-140, which first gave copyright protection to sound recordings. The measure also makes increases in the penalties for willful infringement for profit of sound recording copyrights and in the penalties for knowing and fraudulent transportation of sound recordings carrying counterfeit labels.

The effect of these provisions would be to render permanent the existing tentative protection of sound recordings and to fix new penalties for willful infringement of sound recordings carrying counterfeit labels. The new penalties would be for a first offense a maximum fine of \$25,000 or a maximum of 1 year's imprisonment or both, and for subsequent offenses a maximum fine of \$50,000 or a maximum of 2 years' imprisonment or both. Existing penalties call for a fine of not less than \$100 nor more than \$1,000 and imprisonment of not more than 1 year, whether for a first or a subsequent offense.

EXTENSION OF EXPIRING COPYRIGHTS

Section 104 of title 1 of the legislation would extend until December 31, 1976,

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the copyright in works now in their second term of copyright and due to expire on December 31, 1974. Copyright in approximately 124,000 works will expire on December 31 of this year unless an interim extension of the term is passed. Of this total, approximately two-thirds of expiring copyrights are musical compositions. The Copyright Office estimates that an additional 13,350 copyrights are due to expire in calendar year 1975 and 15,300 in calendar year 1976. By the end of 1976 the total of copyrights affected by interim extension legislation would be approximately 153,500.

If section 104 is enacted, it will be the ninth in a series of interim extensions of the renewal term of expiring copyrights, which began with Public Law 87-668 in 1962. The first 3-year interim extension was followed by a two-year extension, Public Law 89-142, then by five successive 1-year extensions, Public Laws 90-141, 90-416, 91-147, 91-555, and 92-170, and finally by another 2-year extension, Public Law 92-566, which expires at the end of this year. S. 3976 would add another 2-year extension, ending on December 31, 1976.

The principal justification for the extensions has been the bill for general revision of the copyright law, which would add 19 years to the renewal term of all subsisting copyrights, making a total term of 75 years. In the past, support of these temporary extensions was thought warranted under the view that a total 75-year term for subsisting copyrights was fully justified. As long as the revision bill providing a 75-year term was progressing toward enactment, it was thought undesirable to allow subsisting copyrights to expire while the bill was moving through the necessary legislative process. Families of authors, and in a few instances authors themselves, as well as assignees and successors of assignees are direct beneficiaries of the royalties from the majority of these copyrights, and it seemed drastic to permit their works to fall into the public domain during active legislative consideration of a bill that would definitively extend the term in all subsisting copyrights. It should be noted that in no case would any of these works be given protection longer than the 75-year term which is established as the norm under the revision bill, S. 1361, which passed the Senate on the same day as did S. 3976.

The revision bill became stalled in the Senate because of a dispute over rights in cable television transmissions, an issue completely unrelated to the length of copyright term.

Senate passage of S. 1361 on September 9, 1974, by a margin of 70 to 1, warrants the view that considerable legislative momentum has been regained by the revision project. Indeed the prospect for revision seems brighter than at any time since 1967.

A total of 150,000 copyright properties are caught up in the question of extension by the end of 1976. About two-thirds of these works are musical compositions, and in the bulk of these cases the families of composer-authors or their heirs, as well as a few authors and as-

signees, will benefit personally from royalty payments flowing from these works.

In short, the committee believes that the status and prospects of the general revision bill do provide the justification for another interim extension.

As chairman of the subcommittee that recommended that S. 3976 be favorably reported to the House, I am conveying the views of the Judiciary Committee as I understand them. For myself, however, I cannot concur in the action of my colleagues in ordering a further extension of expiring renewal terms of copyright. I continue to be of the opinion that in too many instances the measure will operate to provide an unjustifiable windfall at the expense of the public domain (see dissenting views in House Report Nos. 92-605 and 92-1449).

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

Title II of S. 3976 would create a National Commission on New Technological Uses of Copyrighted Works in the Library of Congress. The Commission would study and compile data on the use of copyrighted works "in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information, and—by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities."

Twelve members of the Commission would be appointed by the President with four each from among three groups:

- First, authors and copyright owners;
- Second, copyright users; and
- Third, the general public.

The committee amendment No. 3 requires that at least one of the four public members shall be selected from among experts in consumer protection affairs. The Librarian of Congress would serve as the 13th voting member, and the Register of Copyrights would serve ex officio as a nonvoting member. The supporting staff, headed by an executive director, would be an administrative part of the Library of Congress.

Within 3 years after enactment of the bill, a final Commission report would be made, including recommendations for changes in the copyright law for the twin purposes of assuring access to copyrighted works while providing appropriate recognition of proprietary interests. An interim report would be due within 1 year after the first Commission meeting.

The inadequacy of the present law to deal with the range of problems arising from the use of copyrighted works in computer systems is well recognized. Moreover, even though section 108 of the revision bill deals with certain aspects of library photocopying, and other aspects of the problem are now before the Supreme Court in the *Williams and Wilkins* case, neither enactment of the revision bill nor a definitive decision in the lawsuit can be expected to solve the copyright problems presented by library photocopying or reprography generally. Both of these important public issues urgently need to be studied in depth by recognized experts, and to be reviewed by

a commission or other organized body representing all of the interests affected. It is for this reason the committee is advised that the Copyright Office has supported creation of a National Commission either as part of the general revision bill or, if necessary, as separate legislation.

The committee agrees that it is not necessary to await enactment of the general revision package before undertaking the studies and consultations contemplated in title II of S. 3976. We share the hope of the Register of Copyrights that the studies and consultations needed to provide solutions to the copyright problems presented by reprography and the storage and transfer of information will be undertaken without further delay, and that they may be considered independent of the general revision bill itself.

COST OF COMMISSION

The Librarian of Congress has given the committee the following schedule of estimated expenses of the Commission:

	1st year	2d year	3d year
Salaries.....	\$476,800	\$692,800	\$929,800
Other expenses.....	108,000	111,500	142,500
Total.....	584,800	804,300	1,072,300
Total 3-year cost.....	2,461,400		

Although the committee recognizes that cost estimates of this character must often be rough, and although it tentatively accepts and adopts these estimates, the committee serves notice that it intends to exercise its oversight function and to keep itself informed with respect to these substantial expenditures. Expenditures of the magnitude of those here involved cannot be allowed to occur without close legislative scrutiny.

More significantly and specifically, however, the committee, by its amendment No. 4, has amended section 205 of this bill to limit the authorization to appropriate funds. As so amended, the authorization applies only to funds for the period preceding June 30, 1976.

Mr. MCCLORY. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Illinois.

Mr. MCCLORY. Mr. Speaker, I thank the gentleman for yielding.

I want to say on my own behalf and on behalf of the members of the subcommittee and of the full committee that I fully agree with the comments made by the gentleman from Wisconsin (Mr. KASTENMEIER).

There is concern about copyrights' expiring, and removal of the expiration date with respect to sound recordings and with respect to piracy and the creation of a National Commission on New Technological Uses of Copyrighted Works would seem to be very much in order and would help the Congress to act intelligently and constructively on this at a future time.

Mr. Speaker, I hope there will be an overwhelming vote in support of this measure.

Mr. Speaker, I rise in support of S. 3976. In 1962 the House began drafting a general revision of our copyright law.

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An uncontroversial part of that revision is a provision that would extend the life of a copyright from its present term of 56 years (28+28) to 75 years. Believing that such a change was just 1 or 2 years down the legislative road in the early 1960's, the Congress chose to extend the life of existing copyrights since the new revision contemplated a 19-year longer term for such copyrights. In other words, every year copyrights expire and the Congress thought on eight prior occasions that it would be unfair to those copyrights that would expire just prior to the enactment of the new revision because their rights would be lost and placed in the public domain, whereas those copyrights that expired after the enactment of the new law would have received an expanded life of 19 years (75-56). The only equitable solution to this dilemma in light of the anticipated new revision was to keep the expiring copyrights alive until the Congress completed its work on the new revision law.

After several years of working on the general revision the House passed in 1967 a comprehensive copyright revision bill and in the interim the Congress kept expiring copyrights alive. Meanwhile in the other body the House-passed General Revision bill got bogged down in controversy and in the interim while the House waited for the other body to act, expiring copyrights were kept alive. After 7 years of waiting, last September by a vote of 70 to 1, the other body passed the General Copyright Revision bill, S. 1361. Given this action by both Houses, the likelihood of a general revision law next year is excellent. However, in the meanwhile, we have a total of 150,000 valuable copyright properties that will expire at the end of this month unless this 2-year extension is granted. About 100,000 of those 150,000 copyrights are of musical compositions and in the vast majority of these cases, the composer, author or their heirs are benefiting personally from royalty payments flowing from these copyrights.

Mr. Speaker, it is important to point out that in no case would any of these copyrights be given protection longer than the 75-year term which is contained in the revision bill. In other words, if this bill is adopted, those copyrights that would have expired in 1962 but for the extensions, will have used up 14 of their 19 years and when the new revision bill is enacted, hopefully in the next Congress, they will have 5 years remaining for a total of 75 years.

Mr. Speaker, it would make no sense to me for the Congress to have kept expiring copyrights alive all these years because of an anticipated enactment of a new law and just when it looks as if the Congress is going to enact that new law, it lets existing copyrights die. Given this situation, I believe we can live with just one more extension. I urge the Members to support this legislation.

Mr. KASTENMEIER. Mr. Speaker, I appreciate the comments of the gentleman from Illinois with respect to the creation of a commission.

The committee and, indeed, the Senate are sensitive to the fact that the Congress has been reluctant to create a commission, but we have really no alterna-

tive. Unless we are prepared to defer for years to come the treatment of technological uses of copyright, we can literally handle it in no other way.

The committee does recommend the creation of this commission.

Yesterday morning, the second page of the Washington newspaper contained a major discussion of a bill before the Supreme Court in which certain technological uses of copyright are referred to, but we cannot expect the court to determine in each instance how storage and retrieval systems and how various computer systems shall function under existing law, and consequently, we will have to, in our codification of copyright, eventually come to the point where we specifically write into the law the recommendations of this commission which the Senate thinks—and we join the Senate in this—should be created.

We did add an amendment, the Danielson amendment, which would require this commission to report back to the House of Representatives on an interim basis, in 18 months.

Mr. Speaker, on balance, I would say that it is necessary for the House to pass this legislation at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I thank my chairman for yielding.

Mr. Speaker and Members of the House, I, too, urge the support of this bill, which I feel we must pass at this time.

As my chairman has pointed out, the bill contains three operative provisions. The first is really to ratify a bill we passed earlier this year establishing penalties for the piracy of copyrighted works, principally phonograph records and tapes.

The second, being a critical one as far as time is concerned, is to extend until December 31, 1976, those copyrights which would otherwise expire on December 31, 1974. The reason this is necessary is that a comprehensive revision of the copyright laws will soon be underway. The other house sent a bill to us in September, but it is too complex a subject to be completed this year, although we do propose to go into it early next year. But this bill is to prevent these valuable copyrights from expiring at this time, so it is essential that we do pass this bill.

The last item, the commission, is inherently valuable in our forthcoming review of the copyright laws. With the advent of computer technology, recall electronics, data storage and the like, it is impossible for our courts to handle cases of copyright infringement under the existing law, which is the 1909 copyright law. The existing copyright law was passed and on the books long before anyone dreamed of the radio, let alone computer technology and the like. I therefore strongly urge that we pass this bill.

Mr. DINGELL. Mr. Speaker, I do have a request from my good friend, the gentleman from Illinois (Mr. RAILSBACK) and I yield 5 minutes at this time to that gentleman.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of S. 3976. This bill has three main provisions.

The first main provision containing sections 101, 102, and 103, would remove the expiration date—January 1, 1975—and grant regular term copyright protection of records and tapes and increase the criminal penalties for piracy and counterfeiting of sound recordings as amended by the Judiciary Committee. This part of the bill is identical to legislation passed earlier this year by the House (H.R. 13364, October 7, 1974). This legislation has the support of the Register of Copyrights, Departments of State, Justice, and Commerce.

The second main provision contained in section 104 of the bill would extend until December 31, 1976, the copyright in works now due to expire on December 31, 1974. If this extension is enacted, it would be the ninth in a series of interim extensions of the renewal term of expiring copyrights which began in 1962. The principal justifications for these extensions for the bill is the general revision of the copyright law, S. 1361, which passed the Senate and is pending before the Subcommittee on Courts, Civil Liberties and the Administration of Justice. The general revision legislation would add 19 years to the renewal term of all existing copyrights making a total of 75 years. Given the likelihood of favorable action on this general revision legislation early next year, it is only equitable to extend existing copyrights.

The third main provision of S. 3976 is contained in title 2 of the bill and it would create a National Commission on New Technological Uses of Copyrighted Works. The Commission would study and compile data on the computer uses of copyrighted materials as well as the various forms of machine reproduction of copyrighted works. The Commission would complete its work within 3 years. This National Commission idea first passed the other body in the 90th Congress. This year it passed the other body twice, first as part of the general copyright revision bill, S. 1361, and then as title 2 of this bill presently before us today, S. 3976.

The creation of a Commission is always closely scrutinized by the House and many times the creation of a Commission meets with the disfavor of this body, and rightly so. But there is a critical need for the very specialized information which this Commission is expected to provide. The Judiciary Committee neither possesses the expertise nor will it have time to develop such a study. One of the legislative matters the committee will be working on early next year will be a general revision of the entire copyright law which has remained pretty much intact since 1909. The creation of this Commission is presently a part of the general revision bill (S. 1361). It will be useful to establish a Commission at this time in order to help us prepare for and facilitate the resolution of these highly technical copyright issues.

At first the Copyright Office projected

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a total 3-year cost of the Commission at almost \$2.5 million. The Subcommittee on Courts, Civil Liberties and the Administration of Justice was unanimous in believing that this estimate was excessive and should be cut back. After the report was filed, I was advised by the Register of Copyrights that, given the disposition of the subcommittee, the cost of the Commission can and shall be revised downward by at least one-half and may be more. This can be done, as I understand, by using the personnel and office space of the Library of Congress and the office and personnel of the Register of Copyrights. I believe these two offices should work closely together and develop the needed technical information and keep the cost down to a bare minimum.

To assist in keeping the cost down, the committee adopted an amendment offered by the gentleman from California (Mr. DANIELSON) which would limit the money authorization for the Commission to June 30, 1976, which would be for 1½ years, which is exactly one-half of the Commission's total life of 3 years. This will have the effect of forcing the Commission back to the Congress after half of its life is completed, giving the Congress the opportunity to review the Commission's work product to date, its direction and use of its money. Given the critical need for this particular study the assurances of the Register of Copyrights and this built-in authorization safeguard, I urge my colleagues to support the enactment of S. 3976.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I have no doubt but what this piece of legislation will pass, but I think the Members of the House ought to know that it is an incredibly bad piece of legislation.

Before I proceed to denounce the legislation for what it is, I would like to compliment my good friend and colleague, the gentleman from Wisconsin (Mr. KASTENMEIER), who has been very fair in giving me notice so that I might get up this year, as I do every year, to point out the outrage that this piece of legislation is.

I want it understood that my remarks, in no fashion, should be interpreted by my colleagues as in any fashion indicating anything other than the highest regard, deservedly and properly so, that I have for my good friend and colleague, the gentleman from Wisconsin (Mr. KASTENMEIER).

What does this bill do? First of all, it is a Christmas tree. This bill comes up, by the way, at the end of every session as it does every Congress. It is the ninth time since 1962 that the Congress has had this kind of an extension bill before us.

And what is the real thrust of the bill? The real thrust of the bill is to extend copyrights—to extend copyrights. And whom does it extend them for? For the authors, for their heirs, for a bunch of poor old ladies who hold copyrights? By no means—not for old ladies, not for heirs, not for anybody other than the big publishing houses who are going to have their copyrights extended for the ninth time.

I have asked for copies of the hearings—where the hearings were had, and I must confess I have received two documents which I am informed cover the question of whether or not copyrights should be extended. But a quick reading—and that was all the time I had on these two documents—indicates that the question was never really placed before the American people or their representatives whether copyrights going back now 50 and 60 years should be extended for another year.

The beneficiaries are interesting: ASCAP—ASCAP—one of the curious institutions which hold copyrights, and which holds them not for the benefit really of the authors, but which holds them for the benefit of its own interests. And Broadcast Music—and they, also. Each of these institutions would merit a very careful consideration from the standpoint of the antitrust laws as to their actions, activities, and as to whether in fact they serve the public interest, which, in my view at least, is highly doubtful.

In other years we had the gentleman from New York, Manny Celler, the beloved late chairman of the Committee on the Judiciary, who would rise and assure the House that this is the last time we are ever going to have this question before us, because we are going to have a general revision of the copyright law, next Congress.

He began those promises of revisions in 1962, and periodically I would inquire as to when he was going to deliver on that promise. In one instance, he finally in his last year here decided that he was going to renege on the promise altogether, that his commitments which I quoted to him in the record were simply not going to be honored.

I recognize the fact that this is brought up during the closing days of the session. It is much easier to handle a piece of legislation that has as little merit as this during the closing days than to face the searching scrutiny of a proper hearing and proper consideration by Members of this body with regard to the merits of the legislation.

Let us have a clear understanding of the function of the copyright laws. The copyright laws were to protect the works of authors which had originality and which had merit, and to give them a period during which they would not move into the public domain, during which time the author would be assured that he would be the sole beneficiary of his labors. That situation has largely been corrupted by a number of circumstances.

First of all, the original copyright, once extended under the law, has been statutorily extended to the detriment of the public at large on no less than nine occasions, and so almost all the original authors and holders of these copyright laws have now passed from the realm of the living. Very few of those many thousands who are cited in the report are still around to derive the benefits of their copyrights and benefits of their labors.

These copyrights have passed to the big publishing houses. They have passed

to the recording companies. They have passed to other persons who have them as speculators, and to others who otherwise bought the interests in these copyrights.

The argument is made that this section is going to cost the taxpayers nothing. It is not going to cost them anything as taxpayers, but as readers, as consumers, and as citizens it is going to cost them plenty, because they are going to keep on paying for the ninth extension of the copyright laws for the benefit not of the public at large, for the benefit not of the public domain, but for the benefit of the publishing houses and ASCAP and speculators, investors, and persons like that.

That is who the beneficiaries of this legislation are. They are not the widows and they are not the children and they are not the heirs and they are not the authors, but they are often a bunch of possible antitrust violators who stand to get by fiat of the Congress of the United States another extension of the copyright laws for their particular benefit. That is what is at stake.

There are other things in this legislation that Congress ought to be aware of. The Judiciary Committee has been studying these copyright laws at least since I came to the Congress in 1955. They always promise a general revision of the copyright law especially in connection with these extensions. They now set themselves up a commission in this bill to study copyright revisions. We are literally awash in commissions in this town, and these commissions cost a great deal of money.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I want to say, and I am a member of the Judiciary Committee, I have been guilty since 1962 of studying time and again the extension of this copyright bill, and at the last meeting of the Judiciary Committee I told them I had crossed that wire for the last time. They have told us and told us in this Congress and in that committee that we are just going to extend it one more time, and I believe we have extended it long enough. I want to say since 1962 we have been extending it. I believe 12 years is long enough to give these people the benefit and the advantage of extending their original contract.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, my sentiments are very similar to those of the gentleman from Texas.

The Judiciary Committee under its new chairman in this Congress has been preoccupied for over a year with extraordinary burdens, including two Vice Presidential nominations and the Presidential impeachment proceedings. Had we not had these burdens we might have moved a great deal of other business out of the committee before the end of this Congress. Hopefully, the committee will not have to repeat those assignments in the next Congress. Surely, before the end of the next Congress we should

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have come up with some permanent legislation to take care of this once and for all, and should cease granting these 1-year extensions.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I would ask the gentleman, how old are some of the copyrights which are being prolonged and extended by this bill?

Mr. DINGELL. Let me ask my friend, the gentleman from Wisconsin, that question: How old are some of the oldest copyrights involved in this?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, they are from 1906 and date from the period 1906 to 1918. Normally those obtained in 1906 would expire 56 years thereafter, in 1962. In 1962 the Congress decided to extend these copyrights and they will have been extended nine times since then. So those particular copyrights are extended. However, in no event could they be extended beyond 75 years. I think the Members are entitled to know that it was contemplated that originally a new term would be contemplated of life plus 50 but all existing copyrights would be extended to a total of 75 years, and it was in that context that these early existing extensions of subsisting copyrights was passed by the Congress.

Mr. DINGELL. I thank my colleague. So they go from 56 years plus 9 years plus 1 year, that is 66 years, and then when the general copyright extension comes forward they will extend it to 75 years, and through this pattern; if we are here at the end of that time, we will have an American copyright extension bill before us, just as this one is.

Mr. KAZEN. Mr. Speaker, if the gentleman will yield, I associate myself with the remarks of the gentleman in the well and I am of the opinion that these copyrights have been protected long enough.

Mr. DINGELL. I agree with the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for his effort, but I would like to point out that our former colleague, Chairman Celler, did remind us: Promises are like pie crusts: They are easily broken.

Mr. DINGELL. I can only assume that was a campaign promise. The hard fact is that they are going to set up in addition to that a commission.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. DINGELL. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, they are going to figure out how to extort further from the reading public, the listening public, and the consuming public.

We ought to take a look at the four members from the authors and copyright owners, four from the copyright users, and four from the general public; that means the publishers, not the citizens of art; four nongovernmental members selected from the public generally.

Then there is the Library of Congress. Now, the Library of Congress is a longtime supporter of long-term extensions of copyrights. Every time we get one of these abominations before the House, we find one of the principal pushers and promoters is the Library of Congress.

Then there are the folks in the Copyright Office. They are here taking care of ASCAP and BMI and the big publishing companies.

This is nothing more than a ripoff of the American consumer, the American reading public, and the American listening public. I say "Shame." We ought not to have it here. We ought not to have it here at this time. It is going to extort more money from the people. We are told it is not going to cost the Government anything, but the Commission will cost a pile of money, a couple million dollars. In addition to that, the reading public, the listening public, the consuming public, are going to be ripped off. This legislation ought to be summarily defeated.

Mr. ASHBROOK. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. KASTENMEIER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman.

I want to apologize for rising a little late to bring up this point. I notice the hour is 12:25. I wondered if we were heading in the direction of consideration of the private bill for the relief of one Nelson Rockefeller.

Mr. KASTENMEIER. Mr. Speaker, that matter will be up shortly; but we are presently on the copyright bill.

Mr. Speaker, in that connection, I yield to the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON. Mr. Speaker, I take this time to express my strong support of this legislation and I commend the Committee on the Judiciary, especially on this particular section we are considering.

Before the 93d Congress adjourns, we must extend the limited copyright protection afforded to sound recordings against modern-day pirates of the legitimate work of musicians, artists, and record companies. Title I of S. 3976 does this. It continues to provide a tool for Federal law enforcement authorities to move against the thieves who steal the creative efforts of composers, arrangers, singers, musicians, and the countless others who bring us the wide world of recorded music.

Pirates steal the successful works of others. When a recording company produces a "hit," the pirates move in and reproduce it on tape. These leeches on legitimate business and labor pay no musicians, no artists, little or no advertising and promotion and seldom, if ever, pay copyright fees to composers and publishers. Yet, they skim the cream off the industry.

Pirates sell cheap reproductions of the recordings which have taken many hours and many hundreds of dollars to produce. Because no fees are paid, they sell their imitations at lower cost. But stolen merchandise often is cheaper.

Legitimate companies pay for what

they use and pay for what they produce. They contribute to pension and welfare funds. They pay scores of experts. They spend money to create and to promote. They bear the losses of recordings that do not become hits.

Without the protection of Federal antipiracy legislation, the pirates will increase their activities. This would be intolerable since last year, despite Federal legislation and similar laws in many States, record pirates are estimated to have earned \$200 million with their stolen merchandise.

We need more protection against pirates, not less. We need less piracy, not more. The pending legislation increases penalties against those convicted of piracy.

While I represent one of the music centers of America and scores of people in my district have a direct stake in protecting legitimate recordings, this is not a parochial problem. It is necessary that we extend the Federal antipiracy law so that it does not die on December 31, and increase the penalties against the pirates.

I commend the distinguished chairman of the Copyright Subcommittee (Mr. KASTENMEIER) and the chairman of the Judiciary Committee (Mr. RODINO) for their efforts in this regard.

Mr. KASTENMEIER. Mr. Speaker, I would like to yield 3 minutes to the gentleman from New York (Mr. SMITH), a member of the subcommittee.

Mr. SMITH of New York. Mr. Speaker, I might say to the gentleman from Michigan, that there was testimony before our committee that in addition to ASCAP and the Broadcast Music Institute and some of the big people in the publishing field also, there are a great deal of royalties which go from their ownership of copyrights to the original authors and families of authors.

I had a letter myself from one of these authors who hoped that we would continue with the extension of the copyright.

Now, the only justification for this further extension, after eight different extensions, is the fact that from year to year there has been the good possibility, or a possibility, that the copyright law would undergo in this Congress a general revision, and if we will remember, this House has voice-passed a revision of the copyright bill. The other body had not moved on it until this last September, at which time, I think it was September 9, the other body did pass a general revision of the copyright law.

I understand it is the intention of the chairman, the gentleman from Wisconsin (Mr. KASTENMEIER) to move forward on the House side in the new Congress as soon as possible, because now that the other body has moved and there is a prospect of enacting a general revision of this law, it looks as if we may get this general revision; so it seems only logical and fair to extend those copyrights that would otherwise expire during the interim period between December 31 of this year and the time when a general revision of the copyright law is adopted.

The fact is that the general revision will create a term of some 75 years of

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copyrights as opposed to our present term of 56 years—two terms of 28. In addition to that, I might say, if the Members will remember, those who were here when the House passed a general revision bill, the rest of the world has copyrights that extend for lifetime of the author plus 50 years in many instances.

We here in the United States have copyright protection extending for the shortest period. I am sure the effort will be made in the new copyright revision, as it was in the two bills the House did pass, to bring the United States more in harmony with the rest of the world.

I would like to make one remark, if I may, about the commission. I think some sort of institution, commission, committee, advisory board, is necessary to go into these questions of automatic data processing and reproduction that are now facing us and recommend a legal resolution to these tough questions.

So, Mr. Speaker, I hope S. 3976 will be passed overwhelmingly by this House.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I commend the members of the subcommittee of which I am a member. I also commend the distinguished chairman of the subcommittee, Mr. KASTENMEIER, for working out the best arrangement that is possible under all the present circumstances. I have difficulties with this bill, as the chairman does.

Mr. KASTENMEIER. Mr. Speaker, let me say briefly in conclusion that while I sympathize with the importance of what the gentleman from Michigan (Mr. DINGELL) has had to say about the extension of existing copyrights, nonetheless the Congress has spoken, and spoken often, on the subject. It has in the past consistently extended these copyrights, and the fact of the matter is that next year is a year when we should have general revision.

I think the proponents can and have made that point. Next year, when we come back for general revision, that Congress will have an opportunity to determine whether it wants to extend subsisting copyrights for 75 years, as it proposed in the legislation, and whether it wants a term of life plus 50. Thus far, there is every indication that it will do as they did in the House and as they did in the Senate in 1964.

Mr. DRINAN. Mr. Speaker, it is always difficult to know how to vote on a bill which contains both the good and the bad. S. 3976 is a measure of that kind. It has three discrete parts: First, a provision to extend existing copyrights; second, a provision to perpetuate copyright protection for sound recordings, first enacted in 1971, and third, a provision to establish a National Commission on New Technological Uses of Copyrighted Works. I support the first part, but not the second and third sections.

The decision whether to vote for or against in this case is further complicated by the status of the beneficiaries

of part of the bill. In the past several weeks, I have received a number of letters from the survivors, heirs, and descendants of many famous American writers and composers. They seek an extension of existing copyrights on the ground that part, and in some instances, most of their present income derives from royalties which are still being paid on the works of the deceased artist. To be sure, the case they present is compelling.

But their just claim for continued protection cannot be evaluated in a vacuum. Other interests are at stake. A great number of these existing copyrights are in fact held by large corporations whose business practices, in the view of some, are not consistent with the antitrust laws. For example, just a few weeks ago the Justice Department filed a civil complaint against a large number of the major book publishers alleging monopolistic practices. These charges, if proved, would indicate the shoddy and unfair manner in which these companies have treated the American consumer and the rest of the industry. Extending copyrights which may inure largely to the benefit of these corporations and at the expense of the consumer is something which should give each of us pause.

Furthermore, S. 3976 would extend without limitation the copyright protection we first gave to sound recordings in 1971. On October 10, 1974, this House passed H.R. 13364, a bill nearly identical to the sound-recording copyright provisions of S. 3976. I voted against that bill in subcommittee, in full committee, and on the floor, principally for three reasons: First, we did not adequately examine the impact of the law on the competitive aspects of the recording industry, on consumer prices, and on artistic freedom; second, the criminal penalties in H.R. 13364 were too severe, and third, the act did not contain an expiration date as did the original law.

Since that occasion, I have seen no evidence which would persuade me to alter my position on the matter. In addition, this bill would establish a National Commission on New Technological Uses of Copyrighted Works. With 13 members appointed by the President, this agency would examine the innovative aspects of copyrights and report its findings and recommendations to the Congress and the President. The estimated cost for three years is \$2,461,400. In my judgment the cost of the Commission is excessive. At a time when there is great concern over the size of the Federal budget, I cannot justify the nearly \$2.5 million which this bill authorizes for this new agency. I think we could save the taxpayers a great deal of money if we merely authorized funds to support independent research on the subject. That would surely accomplish our aim, and reap the additional advantage of securing truly independent and disinterested judgments about the applicability of copyrights in these new and emerging areas.

I also object to the provision which gives the President the sole power of appointment. The bill does not even contain the usual requirement that the Senate give its advice and consent to the nominees for the Commission. When it is considered that the Commission staff will be an administrative part of the Library of Congress, the requirement of presidential exclusivity is more astounding.

Furthermore at least eight of its members must be chosen from among those who have a vested interest in preserving and extending copyrights. What is needed at the present time is not perpetuation of entrenched economic power. What is needed is independent and dispassionate judgment of the utility of the assumed benefits of copyright protection. The appointment mechanism of this bill is hardly calculated to achieve that result.

One, of course, cannot be blind to the interests of the descendants of composers and writers. Nor on the other hand can one be insensitive to the grave concerns of the American consumer and taxpayer. For these reasons, I vote, though reluctantly, against this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the Senate bill (S. 3976), as amended.

The question was taken and the Speaker announced the ayes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Before the Chair makes a determination, the Chair is going to state that we are going immediately into the Vice Presidential confirmation proceedings after this vote.

Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 101, not voting 41, as follows:

[Roll No. 715]

YEAS—292

Abdnor	Breaux	Cotter
Addabbo	Brinkley	Coughlin
Anderson, Calif.	Brownfield	Crane
Anderson, Ill.	Brotzman	Cronin
Andrews	Brown, Calif.	Culver
N. Dak.	Brown, Mich.	Daniel, Dan
Annuozio	Brown, Ohio	Daniel, Robert
Arends	Broyhill, N.C.	W., Jr.
Armstrong	Buchanan	Daniels
Ashley	Burgener	Dominick V.
Bacilio	Burke, Calif.	Danielson
Baker	Burke, Mass.	Davis, S.C.
Barrett	Burlison, Mo.	Davis, Wis.
Bauman	Burton, Phillip	Delaney
Beard	Byron	Dellenback
Bell	Casey, Tex.	Denholm
Bergland	Cederberg	Dennis
Bevill	Chamberlain	Dent
Blagel	Clausen	Derwinski
Blister	Don H.	Dickinson
Bingham	Cleveland	Diggs
Blackburn	Cochran	Donohue
Blatnik	Cohen	Dorn
Boggs	Collins, Ill.	Duke
Boggs	Collins, Tex.	Duncan
Boland	Conable	du Pont
Bolling	Conlan	Eckhardt
Bowen	Conte	Edwards, Ala.
Brademas	Corman	Ellberg

December 19, 1974

Eisenborn
Esch
Evins, Tenn.
Fasell
Findley
Fish
Flood
Flynt
Foley
Ford
Forsythe
Fraser
Frelinghuysen
Froehlich
Fulton
Fuqua
Gettys
Glalimo
Gibbons
Gillman
Ginn
Goldwater
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Guyer
Hamilton
Hammer-schmidt
Hanley
Hanshan
Hansen, Idaho
Harsha
Hastings
Hebert
Heckler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hineshaw
Hogan
Hollifield
Holt
Holtzman
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kemp
Ketchum
King
Kluczyński
Koch
Kyros
Lagomarsino
Landgrebe
Landrum

Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClary
McCollister
McCormack
McDade
McFall
McKinney
Madden
Madigan
Mallory
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Mezvinisky
Michel
Miller
Minish
Mink
Mitchell, N.Y.
Mizell
Moakley
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Myers
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Patman
Patten
Pepper
Pettis
Peyser
Pike
Powell, Ohio
Preyer
Pritchard
Quile
Quillen
Rallsback
Randall
Rangel
Reid
Rhodes
Rinaldo
Robinson, Va.
Robinson, N.Y.
Rodino
Roe
Rogers

Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roussellot
Roy
Ruppe
St. Germain
Sandman
Sarin
Sarbanes
Satterfield
Scherie
Schneebell
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton
J. William
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stucky
Sullivan
Symington
Symms
Talcott
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Derlin
Vander Veen
Veysey
Vigorito
Walde
Walsh
Ware
Whalen
White
Whitely
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Woff
Wright
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion

Wampler
Whitten
Wilson
Charles H., Calif.

Widner
Charles, Tex.
Young, S.C.

Wyllie
Yates

NOT VOTING—41

Adams
Alexander
Archer
Brasco
Broyhill, Va.
Camp
Carey, N.Y.
Chisholm
Clark
Davis, Ga.
Downing
Eshleman
Flowers

Frey
Goodling
Grasso
Grover
Haley
Hanna
Hansen, Wash.
Jones, N.C.
Kuykendall
Macdonald
Mills
Minshall, Ohio
Montgomery

O'Hara
Owens
Podell
Price, Ill.
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Ruth
Shipley
Stark
Wyatt
Wyman
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Howard with Mr. Carey of New York.

Mr. Shipley with Mr. Owens.

Mr. Rooney of New York with Mr. Clark.

Mr. Roncallo of Wyoming with Mr. Davis of Georgia.

Mr. Haley with Mr. Hanna.

Mrs. Chisholm with Mrs. Grasso.

Mr. Downing with Mrs. Hansen of Washington.

Mr. Flowers with Mr. Collier.

Mr. Macdonald with Mr. Camp.

Mr. Montgomery with Mr. Archer.

Mr. O'Hara with Mr. Eshleman.

Mr. Price of Illinois with Mr. Broyhill of Virginia.

Mr. Stark with Mr. Frey.

Mr. Alexander with Mr. Goodling.

Mr. Adams with Mr. Grover.

Mr. Jones of North Carolina with Mr. Kuykendall.

Mr. Minshall of Ohio with Mr. Mills.

Mr. Roncallo of New York with Mr. Ruth.

Mr. Wyman with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFIRMING NELSON A. ROCKEFELLER AS VICE PRESIDENT OF THE UNITED STATES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1519 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1519

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 28(d) (4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1511) confirming Nelson A. Rockefeller as Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and Representative Robert W. Kastenmeier, of Wisconsin, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final adoption or rejection.

Mr. DELANEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. GRIFFITHS) for the purpose of making a unanimous-consent request.

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

Mr. WALDIE. Mr. Speaker, I reserve the right to object, and I shall not object, but I do so in order to ask the gentleman from New York a question.

The question is: I asked for time to speak on the rule, and I was told that because I was in opposition to it I could not speak; that the gentleman from New York (Mr. DELANEY) was anxious to get the matter over with. I ask the gentleman from New York: Will I be granted permission to speak on the rule?

Mr. DELANEY. Mr. Speaker, what the gentleman from California said is true. The gentleman asked for time. I told the gentleman I was in favor of the adoption of the rule, and that from what the gentleman indicates in the Committee on Rules he was in opposition to it, and I told the gentleman I had no intention of delaying it any further.

Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. WALDIE. Mr. Speaker, I have reserved the right to object.

The SPEAKER. The gentleman from California has reserved the right to object.

The regular order has been demanded. The regular order is: Is there objection to the request of the gentlewoman from Michigan?

Mr. WALDIE. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. WALDIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will state that a quorum has just been established. The Chair will count.

Two hundred thirty-five Members are present. A quorum is present.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1519 provides that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 1511 confirming Nelson A. Rockefeller as Vice President of the United States.

House Resolution 1519 provides for a waiver of clause 28(D)(4) of rule XI of the Rules of the House—the 3-day rule.

House Resolution 1519 provides for 6 hours of general debate—2 hours to be controlled by the chairman of the Judiciary Committee, 2 hours to be controlled by the ranking minority member of the Judiciary Committee and 2 hours to be controlled by Representative ROBERT W. KASTENMEIER of Wisconsin. After general debate is concluded, the committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final adoption or rejection.

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December 19, 1974

Mr. Speaker, I urge the adoption of House Resolution 1519 in order that we may discuss, debate and pass House Resolution 1511.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from New York has explained, House Resolution 1519 provides for 6 hours of debate on House Resolution 1511 providing for the confirmation of Nelson A. Rockefeller as the Vice President of the United States. The 6 hours are to be divided equally between the chairman and the ranking member of the committee and the gentleman from Wisconsin (Mr. KASTENMEIER) representing those in opposition to the resolution.

I am not going to speak very long, nor am I going to cover the subjects included in the committee report. I should like to call attention to the House, however, that the request from President Ford for the nomination of Nelson Rockefeller as Vice President was made 5 months ago tomorrow. I compliment the House Committee on the Judiciary and its chairman, the gentleman from New Jersey (Mr. RODINO) for the excellent, exhaustive, and detailed study which they have made of Mr. Rockefeller and his activities throughout his entire life.

Immediately upon receipt of this message, the chairman of the committee appointed and set up an able, adequate staff to go into every phase of Mr. Rockefeller's life. In addition to this, 31 agencies in the Federal Government were requested to make a complete report of all activities of Mr. Rockefeller in any context that he or his family had had with those particular agencies, and of all correspondence Mr. Rockefeller or his family had had with those agencies.

Over 400 FBI agents were put on the job of investigating very thoroughly from the day that Nelson Rockefeller was born up to the present in every area of the United States in which he had appeared, and other parts of the world as well.

I just wonder, Mr. Speaker, how many Members of the Congress could come up with a clean bill of health from such an exhaustive investigation as Mr. Rockefeller has gone through.

I want to speak about some of the things that I learned about Nelson Rockefeller beginning back in 1926. I first met Nelson Rockefeller at Dartmouth College up at Hanover, N.H. I was a sophomore, and he was a freshman. I did not know him well on campus, but I do know some things about him that happened during our college years together.

First of all, he was just a plain, ordinary student at the college, just as plain as an old shoe. In regard to his allowance, his allowance was probably less than the average student at Dartmouth received at that time. It was far less than many students received.

Because of Nelson Rockefeller's upbringing in a good Christian home, and the fundamental teachings that he received from both his mother and his father, he learned from a very early age

as a young boy that 10 percent of his allowance was to be contributed to the church or to charitable institutions.

When Nelson Rockefeller was at Dartmouth, from the very modest allowance which he received from his parents he contributed 10 percent to the church in Hanover, N.H., and in addition to that, Mr. Speaker, he attended church services regularly every Sunday, and in addition to that he taught a Sunday school class. How many college students engage in that sort of activity?

Another thing that Nelson Rockefeller learned from his boyhood, from his mother and from his father, was that he was going to have a great responsibility, in his manhood, to society and to his fellow citizens because of the tremendous wealth of the Rockefeller family. It was impressed on young Nelson Rockefeller that he should use this power and this money wisely and for the benefit of mankind, and all the Rockefeller children have done that. They have done an outstanding job in handling the tremendous wealth which that family has and in contributing millions and millions of dollars to be helpful not only to fellow citizens in the United States but also in many, many other countries of the world.

There are some cynics in the country today who do not understand this basic philosophy of Nelson Rockefeller and his family. They put some sinister connotations on the fact that the Rockefellers have contributed funds and made loans to their friends and to institutions in order to be helpful. This is part of his way and it was the way he was brought up and it is the only way he understands how to utilize the wealth that family has accumulated: for the benefit of mankind.

Then a few words regarding his public life: He has been elected four times as Governor of the great State of New York, representing about 18 million people. He has had vast administrative experience as the chief executive officer in New York State.

In the field of the Federal Government, five Presidents of the United States of both parties have appointed Nelson Rockefeller to responsible jobs in our Federal Government in both the domestic and foreign fields. In every one of these jobs Mr. Rockefeller has done an outstanding job and has been commended for the work that he did in the particular duties and jobs to which he was assigned by these five Presidents of the United States.

So he has had experience not only in the domestic field but also in the foreign field.

As a result of his background and experience Nelson Rockefeller is well qualified to be the next Vice President of the United States.

In closing, Mr. Speaker, I would like to quote from the last two very brief paragraphs of the majority report on this resolution:

Looking at the total record, however, the Committee finds Nelson A. Rockefeller fit and qualified to be Vice President, and believes his

nomination merits confirmation pursuant to the Twenty-fifth Amendment.

Nothing in the Committee's hearing record or in its investigative files was found to disqualify Mr. Rockefeller from service. On the contrary, the evidence warrants an endorsement of his capacity and fitness to serve as Vice President.

Mr. Speaker, I second those views. I support the rule and I support the nomination of Mr. Rockefeller as Vice President of the United States.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I will yield very briefly. I will not yield for a speech by the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for yielding and I do not intend to make a speech.

The gentleman has mentioned that he felt that the Committee on the Judiciary had gone through Mr. Rockefeller's record very thoroughly.

If the gentleman will remember, yesterday in the Committee on Rules I raised the issue and question whether there had been a thorough and complete investigation of the potential impact of the Foundation activities in the political arena. Is the gentleman satisfied that the Committee on Judiciary gave adequate and thorough time on that point or should the rule provide more time for such subject matter?

Mr. MARTIN of Nebraska. I cease to yield to the gentleman any further. That will be covered very thoroughly by the Members of the Committee on the Judiciary in the general debate that will take place in a few minutes.

Mr. ROUSSELOT. Assuming we get the time.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I appreciate the fact that I am being allotted 2 hours of time principally for those who are in opposition to this resolution. My question to the gentleman from Nebraska is whether there is anything in the rule which would prevent the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO) or the gentleman from Michigan (Mr. HUTCHINSON) from allowing time to those who oppose the confirmation of Mr. Rockefeller.

Mr. MARTIN of Nebraska. Mr. Speaker, that is correct and normally the chairman and the members of the committee are very fair in allowing time under the rule.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Nebraska. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I just want briefly to call attention to a House resolution which I introduced a year ago, which would create a solution to the problem of how we handle Vice Presidential nominations under the 25th amendment. The confirmation resolution would be a matter of high privilege and come directly to the floor. I will not go into the details, of the procedures in my House resolu-

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tion but I hope the Committee on Rules, having been confronted with this problem twice under the 25th amendment, will early next year deal with this procedural situation with regard to handling of Vice-Presidential nominations.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Speaker and Members of the House, I regret that the Committee on Rules chose not to honor the request of the chairman of the Committee on the Judiciary for 8 hours of debate on this very important matter. I should note, of course, that the Committee on Rules originally reported a rule providing for 4 hours of debate and subsequently reconsidered that matter and allotted 6 hours for debate purposes.

I very much regret that the Committee on Rules chose not to give 8 hours of debate time, because I think the issue before us today is enormously important. It is imperative that every Member of the House have an opportunity to hear the arguments both pro and con, not only with respect to Nelson Rockefeller as an individual, but also, and perhaps more importantly, with respect to some very fundamental questions raised by this nomination concerning the relationship between political power and private economic power in our society.

Now, I am not going to try to go into the substance of the matters that will be covered in the general debate after the adoption of the rule, but I urge the Members to take the report of the committee and to peruse it carefully and in particular to go through those arguments contained in the minority report and the additional, supplemental, and dissenting views contained in the report with respect to this nomination.

I also asked the Members to go to the printed hearings and look at those sections which attempt, incompletely I regret, to lay out the reach of the private economic power that is exercised by the Rockefeller family. I believe that issue, the merger of great, concentrated private economic power with the public power of the National Government of the United States, raises a very fundamental question which each Member of this House, before he votes today on the nominee, ought to consider as responsibly as possible.

Mr. DELANEY. Mr. Speaker, I yield three minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, the reason I am speaking on this rule is to add to the remarks of the gentleman from Maryland. When I appeared before the Rules Committee and support the chairman's request for 8 hours, I did so because we are dealing with a situation that is unique.

Under the 25th amendment, we cannot simply treat this nomination as a national convention-like confirmation, but rather we must really analyze and test the particular designee; in this case, Mr. Rockefeller.

I would submit that the issue of conflict of interest is sophisticated, one that has never come before this body in the form that the nomination of Mr. Rockefeller presents today.

It is terribly unique. It is one that calls for understanding. One must look at the report, understand the hearings, because, as was pointed out, we have cynicism which exists, we have suspicion that runs rampant. The 25th amendment and this designee fall into the category of whether or not this House can face an issue that is terribly unique.

The problem is one of conflict; the problem is one of economic influence in this country and its merger with political influence. The question is whether we as a body can face it, face it forthrightly and debate the issue so that history can see whether or not we recognize its significance and judge whether the 25th amendment is really operating as it was envisioned by those who drew it up several years ago.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague yielding to me.

The reason I appeared before the Rules Committee yesterday was for two reasons: Either to encourage an expansion to 8 hours of debate on the House floor, or, to have as an alternative the Judiciary Committee reexamine the issue of the impact of a vast number of foundations controlled by the Rockefeller interests in the field of political action. My understanding is that this subject was really not fully explored, and I felt it should be. I was led to believe the subject would be covered in the Judiciary Committee hearings or I would have testified myself.

Second, I was very disturbed when I picked up the Los Angeles Times yesterday—and I understand many papers across the country also used a photo of our chairman, Mr. RODINO, and Mr. Rockefeller toasting. In these many news stories and wire photos we were told that this confirmation here today was just pro forma—that everything was set; it was all done, and the "formality" of the vote would now almost automatically follow.

I was somewhat disturbed that we were not really being allowed the full 8-hour discussion of this important issue. Now, it is true that I am disinclined to vote for this nomination, but that was not the reason I was so concerned about this specific nomination coverage across the country. The subtle and not so subtle direction of this news coverage was that the nomination was "in the bag"—it was all wrapped up. There was going to be a big celebration in the Senate a few minutes after the confirmation. The television people would all be there in the Senate for the first time in the history of the Senate and the House would just kind of go through the motions today.

That presumption concerned me in a substantial way. I did not feel we were sent here by our constituents to be a rubberstamp. Even though the Commit-

tee on the Judiciary has spent hours upon hours and days upon days on this subject, it still requires our thought and proper time. I was concerned that suddenly there was a great effort to cut down the time on the floor and not give us the opportunity to make proper inquiry on some of these issues.

I am grateful to the Committee on Rules for increasing the time to 6 hours. I think that was correct. But I still believe that with a subject of the magnitude of this nomination especially when the electorate as a whole has not had an opportunity to vote on candidacy, we should have an opportunity to express the concepts and questions of our own countryman on the issues that need to be raised. I thought it should be extended to 8 hours or the Committee on the Judiciary should return to its hearing room and consider the ramifications of the Rockefeller foundations that they have not had a chance to study.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I would be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I share the thoughts the gentleman has so well expressed, but I want to say that I think the publication of the picture of the chairman of the Committee on the Judiciary was very unfair and gave a completely false impression. The press has taken it and tried to make of it something that it actually was not.

Mr. ROUSSELOT. Yes. Especially when Mr. RODINO informed us that that picture was taken a week before yesterday's news story it really did not relate to the moment; and I think it was rather unfortunate that it was played across the country the way it was and that we were just a kind of rubberstamp operation here in the House.

Mr. MARTIN of Nebraska. Mr. Speaker, in reply to the gentleman I would like to point out that when we had the nomination of Mr. Gerald R. Ford for Vice President about a year or so ago, that there was 6 hours granted under the rule, and the House used slightly over 5 hours.

Mr. DELANEY. Mr. Speaker, I yield to the chairman such time as he may consume, since his name has been brought up.

Mr. RODINO. I thank the gentleman for yielding.

Mr. Speaker, I would like to comment on the subject that the gentleman from California brought up a while ago, and that is the use of a picture which depicted me and another member of the Committee on the Judiciary toasting Mr. Rockefeller, the Vice President-designate.

It is unfortunate that this picture was used, and used at a time prior to the debate on this very momentous question. That picture was taken more than a week ago, at the conclusion of the hearings, and at a time when this Member had surely not made up his mind as to how he would vote on the confirmation, or on the resolution which was before the committee.

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This Member has sought to protect the rights of those who have been in opposition at all times. As a matter of fact, I regret very much that that picture, which was taken in a very private little gathering to which I had been invited and to which I went out of courtesy because I had been invited by the minority staff, portends to show anything other than a simple courtesy on my part to be with the Members of the minority because they had asked after we had concluded with the hearings. It is nothing more. To read anything in that, anything beyond that, is absolutely unfair and dishonest.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. McCLODY).

Mr. McCLODY. Mr. Speaker, I thank the gentleman for yielding. I want to speak in support of the rule and also say that I share the regret of the chairman that his picture was used, and I think it gave the wrong impression. I am happy the gentleman gave an explanation, and I want to concur in the explanation he made.

I would also like to say that the Committee on Rules has been very fair in granting the 6-hour rule. As a matter of fact, although my colleagues on the other side of the aisle requested an 1-hour rule, they are getting the 4 hours which they requested for themselves, because the rule provides 2 hours to the chairman of the committee and 2 hours to the gentleman from Wisconsin (Mr. KASTENMEIER). So there are 4 hours provided to my colleagues on that side of the aisle. It seems to me that it is eminently fair that distribution of time has been made as it has been made.

I think we should recall that this investigation by the House Committee on the Judiciary has been going on for 4 months and that we have carried on a thorough and complete investigation. We have had access to FBI reports. We have examined a vast amount of material which is contained in a large volume which is available to the Members.

Mr. Speaker, I certainly want to commend the chairman of the committee and my colleague, the ranking minority member, the gentleman from Michigan (Mr. HURCHINSON) for the kind of thoroughgoing investigation which has been carried on to illuminate and inform the Members so they can vote intelligently on this subject today. It seems to me that we have a very complete record available to us.

I want to support the appraisal of the nominee that has been made by my colleague, the ranking member of the Committee on Rules, and I wish to state that I am hopeful that we can get on to the general debate on this subject, and that we may vote to confirm the nominee.

I might say that the plans for the swearing-in are not unlike the plans which were made with respect to the other Vice Presidential nominee, Gerald R. Ford, when he was confirmed as Vice President. It seems to me the leadership is the one that has made these plans;

it is not the members of the committee who have made the plans as to what is going to follow the vote here today.

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, I want to thank the Speaker and not the unyielding gentleman from New York (Mr. DELANEY) for the 5 minutes that were just yielded to me. I want also to suggest that it is precisely that type of attitude on the part of the gentleman from New York, in denying an opportunity to fully debate and to fully examine the facts of this nomination, that causes the nomination to be viewed with suspicion by many.

Mr. DELANEY. Mr. Speaker, will the gentleman yield?

Mr. WALDIE. No, I will not yield. Mr. Speaker, I ask for regular order. I am not going to yield to the gentleman. I suggest the gentleman can do as he required of me—make a point of order of no quorum if he wants some time.

Mr. Speaker, I am taking this 5 minutes because there is not sufficient time during general debate, although I am with those Members who appreciate that we have extended the time for debate from 4 hours to 6 hours.

Even so, there are those members on this committee who are asking for additional time, and they are entitled to it. So the best way we can get time is to use part of this hour on the rule to speak to the issues that we will not be able to address in general debate.

One of the problems with the debate and with this issue is this: We have had given to us as of last night a volume consisting of almost 1,400 pages of hearings of the Committee on the Judiciary. I am fairly familiar with these pages, as are most of the members of the committee, but I dare say that hardly any other Members of the House are familiar with the hearings which the Committee on the Judiciary held. Although I found some objection in terms of the scope of those hearings, they still are quite instructive as to the particular holdings of the nominee and as to the potential use by the nominee of his private wealth contrary to public interest, as well as the actual use of that private wealth.

Mr. Speaker, it is very difficult to examine Mr. Rockefeller in terms of his concepts of wealth and my concept of wealth. For example, when one questions him about the use of \$22 million of his family's money to purchase the office of Governor—and I use that term advisedly—there is not a soul in the world, I am sure, who believes Nelson Rockefeller could have been elected without his family coming up with \$20 million-plus. The nominee does not perceive \$20 million as being a great sum of money.

Now, that really is not good for the system. It has little to do with whether wealthy people should be denied access to public office. The question is: Should access to public office be made equally accessible to poor people as well as

wealthy people? With a Rockefeller in the picture, it is not equally accessible.

The nominee says that was an abuse in the past that no longer will occur because New York has passed laws preventing that and the Federal Government has passed laws preventing that.

I then asked the nominee: "Do you agree that was an abuse at the time it was being exercised by you?"

And the nominee said, "Well, it was legal."

I said, "That really was not the question. Was it ethical? Was it an ethical use of your private wealth?"

The nominee said that he equated that particular issue of morality with legality. And then the most incredulous testimony of all contained in this record came when I asked the nominee if his testimony before our committee was testimony of direct recollection or if his testimony was testimony of reconstruction.

He said it was all reconstruction. There was no direct recollection in his testimony.

I said, "This committee has just been through an episode of listening to one of the most famous voices in this land, the former President of the United States, on tape, advising his staff people how to testify before congressional committees under oath or before courts; and the way to testify, the former President of the United States, Mr. Nixon, said, was to say, 'You don't recall.'"

Reconstruct or reconstruction, no direct recollection. Those are precisely the words the nominee used before our committee.

I am suggesting to the House that if the Members have an opportunity to read this record, they will find and conclude as I have, and as did many of the 12 members constituting the majority of the Democrats on that committee, that the nominee, charitably, was less than candid before our committee.

It just simply is not correct, as the nominee says, that the loans he made were, in fact, loans. It was apparent, and the nominee admitted, that he made gifts to these individuals prior to their obtaining public employment and subsequent to their leaving public employment. But he made "loans" in the intervening intervals between obtaining public employment and ending public employment. Moneys given by the nominee to these officials were denominated as loans, loans not containing any interest or bearing any collateral, and loans inevitably forgiven when the nominee left public office so that they could be converted into a gift without violating a statute of New York.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I request the attention of the gentleman from New York (Mr. DELANEY), a member of the Committee on Rules.

The division of time under this rule is fairly unique, 2 hours being granted the chairman of the Committee on the Judi-

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ciary, 2 hours to the ranking minority member of that committee, and 2 hours to a member of the committee, the gentleman from Wisconsin (Mr. KASTENMEIER).

Will you explain to me why the Committee on Rules granted 2 hours to the gentleman from Wisconsin (Mr. KASTENMEIER)?

Mr. DELANEY. I believe it was because, first of all, the time is usually divided between the majority and minority, which was done. Then the opposition claimed time. In an effort to be fair and because of the fact that there were as many votes against as there were for, they decided to assure the opposition an equal amount of time.

There is no limitation, either on the majority chairman or the minority or the ranking member, in granting additional time as they see fit.

What we tried to do here was to limit the discussion to the rule itself and not to the merits.

Mr. WIGGINS. I understand. The gentleman has answered my question that the 2 hours for the gentleman from Wisconsin (Mr. KASTENMEIER) is for the benefit of those who oppose the nomination.

Is it the gentleman's purpose to yield a portion of his time to those Republicans on this side of the aisle whom may also oppose the nomination?

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. Yes, I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I gave assurance to the chairman and members of the Committee on Rules that I would be willing to yield not more than 30 minutes to opponents of the nomination from the minority. However, I ask that those members be designated and that I be given the names so that I might program their time.

In the interval, however, I understand that certain of such members have sought time from the ranking minority member, and perhaps there are some other accommodations.

I can assure the gentleman from California that I have reserved a limited amount of time for minority members.

Mr. WIGGINS. How much time is the gentleman now prepared to designate for minority members who oppose the nomination?

Mr. KASTENMEIER. As I told the gentleman from California (Mr. DEL CLAUSEN), even at this moment I would be willing to reserve up to 30 minutes, but would prefer it if the 30 minutes were specifically requested by Members of the minority in opposition, so that I would be able to program accordingly, because I have had requests for all the remaining hour and a half. Personally, at this time, I have reserved 10 minutes, specifically, for Members of the minority.

The SPEAKER. The time of the gentleman has expired.

Mr. WIGGINS. I thank the gentleman for his explanation.

Mr. DELANEY. Mr. Speaker, I yield

5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. DELANEY) for yielding time to me. I do not intend to take the 5 minutes. I want to speak in opposition to this rule, not only because I oppose the confirmation of Mr. Rockefeller, but because I feel very strongly, despite the thorough investigation by the Committee on the Judiciary, that there are serious matters that we have not investigated. To vote, therefore, on his nomination at this time is really premature.

Let me explain the reasons that I say this.

In the first place, we know that this nominee, if he assumes the Vice Presidency, and becomes President, would be faced with very serious conflicts of interest. There is no question about that. How do we protect the public on this issue?

The nominee says he will set up a blind trust. That is a symbolic gesture; it affords no real protection. I submit the only way to protect the public is through full disclosure of the extent of the nominee's economic power. How far does the power reach? How does it function? Is the nominee, for example, able to control the voting power of the stocks—worth billions of dollars—administered by the trust department of the Chase Manhattan Bank? We don't know. Is the nominee able to control the voting or management of the assets of the various foundations he and other members of his family have set up? We don't know the answer to that either. We cannot tell you about the distribution of, and the full range through which the nominee exercises, economic power. Without knowing what the nominee's real economic interests are, the public has no way of assessing or evaluating the disinterestedness of his conduct. We have left the public unprotected.

This is not a frivolous point, because we are talking about enormous economic power affecting central political and governmental issues, questions of antitrust policy, energy policy, tax policy, and the like, which will be coming up for this nominee's decision if he becomes President of the United States.

So I think just on this issue of failing to obtain full financial disclosure and thereby failing to protect the public, the rule should be rejected.

I also think this rule is premature because we still do not know if the gifts and "loans" made by Mr. Rockefeller were legal. The Committee on the Judiciary, unfortunately, did not make an independent investigation into the legality of the gifts that the nominee made. Let me say to the Members that we received a letter from six law professors telling us that these gifts violated the criminal laws of the State of New York. Aside from that letter all the committee has are briefs by the nominee's lawyers, who obviously have a biased point of view. I think it would be absurd if, after this nominee were confirmed, we were to learn that he had, in fact,

violated the laws of the State of New York. I am not suggesting that he has, but I am suggesting that the committee should have made that study before it asked Members of the House of Representatives to vote.

We also have not obtained from this nominee a complete list of the gifts that he made while he was Governor of the State of New York. We cannot assure the Members or the people of this country that there are no other gifts to public officials. Mr. Rockefeller refused to supply a complete list of gifts to nonrelatives. Furthermore, we cannot tell you whether Mr. Rockefeller's brothers made gifts to persons who held public offices while Mr. Rockefeller was Governor.

I think these are important questions to which we need to get the answers. For this reason, this rule comes prematurely.

In addition, I am deeply troubled that the nominee has failed to give us clear answers on essential matters of national policy. We cannot, therefore, tell our constituents that we voted in accordance with what we knew his positions to be.

For example, Mr. Rockefeller made no specific statements on anti-trust enforcement, foreign tax credits for multinational corporations, excess profits taxes and price rollbacks in the oil industry, and Federal tax reform. Because these matters will inevitably present conflicts of interest to a man of the nominee's great wealth, he should have been most careful to provide specifics in order to reassure the American people. He provided none.

The nominee dodged repeated questions on executive privilege, wiretapping, pardons for Watergate defendants and the use of the FBI to stifle dissent. He refused to promise not to lie to the public, and not to set up a "plumbers" operation, should he become President.

Mr. Rockefeller made no commitment about whether he would favor U.S. recognition of the Palestine Liberation Organization, but instead made the profoundly disturbing observation that the Palestinians "were on their land, and they—the Israelis—took the land." He also refused to say whether he saw any danger in massive Arab investments in U.S. defense industries.

The nominee made no statement or the central issue of reordering Government priorities to deal with human needs. He would not indicate whether or where he felt the military budget could be cut. He would not even answer a direct question about whether he agreed with President Ford's proposed cuts in food stamps, Medicaid and Medicare assistance to the elderly.

I know the public wants answers to these questions, and is entitled to answers. I believe, therefore, that without the answers to these and other questions posed, this rule should be defeated.

Mr. SARBANES. Mr. Speaker, will the gentleman yield?

Ms. HOLTZMAN. I yield to the gentleman from Maryland.

Mr. SARBANES. I thank the gentleman for yielding.

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I want to comment on an observation made by the ranking minority member of the Committee on Rules earlier in the debate when he pointed out that 6 hours was allowed for the debate on Gerald Ford. I want to ask him how in all good conscience his committee could have; as it originally did, made the decision to schedule only 4 hours of debate on Nelson Rockefeller, a far more controversial appointment than Gerald Ford, and an appointment which raises very fundamental issues not present in the previous Vice-Presidential confirmation.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SANDMAN).

Mr. SANDMAN. Mr. Speaker, I would like to ask the gentleman from New York a question, since the time is so divided.

We have some people who are in opposition who have already taken 5 minutes. The chairman of the Committee on the Judiciary will have 2 hours to divide among those same people, if he chooses. That will give him a second shot at it, and then the gentleman from Wisconsin (Mr. KASTENMEIER) comes up as the anchor man, and he can give them as much time as he chooses. I wonder if there is any agreement for a little fairness here. Do they have to be first and last to the jury all the time, or are we going to do it the fair way? When does Mr. KASTENMEIER's time begin?

Mr. DELANEY. Is the gentleman asking me?

Mr. SANDMAN. I am asking the gentleman from New York.

Mr. DELANEY. I imagine they should rotate, and the chairman of the Committee on the Judiciary would end it.

Mr. SANDMAN. Does he have the right to give the same people the same time?

Mr. DELANEY. The Speaker will regulate that and recognize them. They try as nearly as possible to keep them on an even keel. That is a procedural question.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I thank the gentleman for yielding.

I am really kind of startled. Is this not a nonpartisan issue? Is this man not to be the Vice President of all of the people, and is it not a nonpartisan issue? I do not understand the minority saying "one side" or "the other side."

Mr. SANDMAN. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I decline to yield further.

Mr. Speaker, I yield 7 minutes to the gentleman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I rise in opposition to this rule. I appeared before the Committee on Rules in opposition to this rule as well.

I recognize the many pressures that have been generated to get the House to act on confirmation this week. If I do not place the concern for speedy action

above all other considerations, it is because I am aware, as the Members are, that on 18 different occasions totaling almost 39 years, our Nation has been without a Vice President, and the Republic still stands.

Congress has provided for an orderly line of succession and if for any reason we should again be without a President before the present term is completed, remote as that coincidence may seem, it would be only a matter of minutes before a new acting President could be sworn into office.

I believe that the confirmation of a Vice President fits more properly into the responsibilities of the incoming Congress than into those of the present Congress, which includes many men and women who are retiring from office and which will be passing into history in a few days.

The prime consideration must be our responsibility to the American people. Whatever action we take must strengthen their confidence in the democratic process and in democratic government, a confidence that has been greatly undermined by the events of the past 2 years under the Nixon and Ford administrations.

We are all aware of the unprecedented character of the Rockefeller nomination. A self-impeached President, Richard Nixon, named as his successor Gerald Ford, the first nonelected President in the history of our Nation. President Ford, in turn, has nominated a man for Vice President who would be elevated to the second highest office in the land, again without benefit of a popular vote. Thus, the two highest officers of our Nation, for the first time, would be nonelected.

These are most unusual circumstances. It is ironic that both the confirmation of Gerald Ford as Vice President and the nomination of Nelson A. Rockefeller as Vice President should both be the first implementation of the 25th amendment to the Constitution because throughout the long deliberations that preceded adoption of this amendment, these circumstances were never discussed or even envisioned.

Last year, when I testified in opposition to the confirmation of Gerald Ford as Vice President, I noted that nowhere in the hearings or debate on the 25th amendment could any suggestion be found that it would be proper for a President who was the subject of a serious impeachment inquiry to name his successor.

The fact that Gerald Ford used his newly acquired Presidential powers to grant a sweeping, unprecedented and, in my view, illegal pardon to Mr. Nixon only strengthens my belief that it was inappropriate for Congress to allow Richard Nixon, in effect, to pick the next President of the United States. Are we now to compound this misjudgment by having the line of succession go from Mr. Nixon to Mr. Ford to Mr. Rockefeller, without any reference to the wishes of the electorate?

At the time of the Ford nomination,

I urged the Congress to take a different path rather than confirm a Vice President. I pointed out that for all its checks and balances and separation of powers among the three branches of Government, the Constitution is primarily designed to protect the predominance of the public will as expressed through elections. It would be an abuse of the intent of this amendment to allow it to be used to fill both Chief Executive offices without an election.

Accordingly, I introduced H.R. 11230, which amends title 3, United States Code, relative to Presidential succession, to provide that if the elected President and Vice President both leave office, the Speaker of the House would act as President only until a new election for President and Vice President was held, thus reaffirming the ultimate power of the people over the Government.

I believe that recent events have vindicated the need for such legislation and I intend to reintroduce it in the 94th Congress. With hindsight, we can certainly agree that the Nation would be in a much stronger position now to deal with the enormous problems of the economy and international relations if new national elections had been held and if the American people had been allowed to choose a national leadership in which they had confidence.

Traditionally, the President has been allowed to choose a compatible Vice President, presumably because the electorate requires assurance that the policies it voted for in the person of the President will be continued by his successor. But there is no popular mandate for either Mr. Ford or Mr. Rockefeller, or for their policies. Despite numerous opportunities during their long public careers, neither ever came close to winning a Presidential nomination and the most recent public opinion polls show that neither enjoys majority support.

The closest we have come to a determination of any kind of a public mandate is in the recent national elections, which certainly were an overwhelming repudiation of Watergate and of Mr. Ford's actions and policies to date. The men and women who will be seated in January were the winners in the first national election held since the Watergate scandal. If there is to be a vote on this nomination, it should be theirs. I therefore believe that no rule should be granted for a vote on the Rockefeller confirmation until the 94th Congress convenes.

It should also be recalled that under the 25th amendment, no deadline is imposed on the President in nominating a Vice President and no deadline is imposed on Congress for confirming a nomination. We are not expected to function simply as rubber stamps. We can reject as well as confirm. I also must register my objection to the atmosphere of inevitability that has been created around the Rockefeller nomination. Some Members have been quoted as saying, "If not Rockefeller, then who?" If in a democratic nation of 200 million people, only one individual can be found who is con-

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sidered acceptable as Vice President, then we are in terrible trouble. In my view, that is a manufactured dilemma.

In the debate in the Senate last week on the Rockefeller nomination, Senator BIRCH BAYH, the author of the 25th amendment, explained that he was particularly conscious throughout long hearings and floor debate:

That in this one instance—

That is, the confirmation of a Vice President—

the Congress would serve as surrogate electors: that, in fact, we were the vehicle through which our constituents' feelings were to be made known and that public sentiment was a critical element in the decisionmaking process for those of us called upon to vote.

He went on to say that—

While the legislative history of the amendment does not spell out the precise details of how each one of us is to reach that judgment, it does make it abundantly clear that it is a unique function we are called upon to perform and that its uniqueness stems, in large measure, from our responsibility to reflect upon the sentiments of those who, normally, have the right to make this decision for themselves.

Senator BAYH said that because of the long series of potential conflicts between Mr. Rockefeller's private interests and the public interest, the people of this country would not credit him with the ability to make an impartial decision and therefore would not have the necessary confidence of the American people.

He also pointed out that the 25th amendment requires the judicious consideration of all the facts before Congress votes on the confirmation of a Vice-Presidential nominee.

We do not have all the facts. Far from it, despite the apparently lengthy hearings held by the Senate and House. While this amount of time might suffice for an ordinary citizen, Mr. Rockefeller is no ordinary citizen. In fact, as I said in my testimony last month to the House Judiciary Committee, Nelson Rockefeller is a "partner in the greatest agglomeration of private power in the history of our Nation" and "Rockefeller power is entirely unique as a huge, interlocking complex of economic and other interests both here and abroad."

POINT OF ORDER

Mr. MARTIN of Nebraska. Mr. Speaker, a point of order. I object to the gentleman in the well reading her remarks because she did not ask unanimous consent before she started to read her remarks, and that is according to Jefferson's Manual.

The SPEAKER. The question is: May the gentleman from New York read her remarks?

The question was taken; and the Speaker announced that the ayes appeared to have it.

The SPEAKER. The gentleman from New York may proceed.

Ms. ABZUG. Mr. Speaker, I defend your right to speak but not to read your speech.

In addition to the innumerable points at which the public interest may collide

with the private interests of the Rockefeller group, with its vast investments in oil, other sources of energy, utilities, transportation, banks, communications, chemicals, et cetera, a number of questions remain outstanding as to whether decisions made by Mr. Rockefeller during his 15 years as Governor of New York State benefited the special interests he associated with. In a letter to the chairman of the Judiciary Committee, I cited nine specific areas of conflict relating to gubernatorial decisions and actions. Those remain for the most part uninvestigated.

There is also strong evidence to indicate that Nelson A. Rockefeller during his tenure in office as Governor and following his resignation violated two sections of the New York State Penal Code and the New York State Public Officers Law by giving gifts and interest-free loans totaling almost \$2 million to various public officials.

I have presented to the incoming district attorney of New York County outlining a "prima facie" case that Mr. Rockefeller did violate these laws. Until the district attorney of New York County makes a thorough investigation of the facts and the law and until it is determined whether Mr. Rockefeller is innocent or guilty of breaking the law, I believe it would be unwise for the House to proceed with a vote on confirmation.

If it does proceed to a vote, Congress may be placed in the highly awkward position of having elevated to the Vice Presidency a man who may be subject to a grand jury investigation and trial. The Nation would then find itself again involved in an all too familiar and repulsive discussion of whether a Vice President is immune from prosecution. Or, as appears more likely, if Mr. Rockefeller is confirmed, no investigation at all will be held, and large numbers of Americans will feel more than ever that equal justice has once again been subverted and that the rich and powerful are above the law.

I strongly urge the House to vote against the rule at this time. It should be left to the incoming Congress to decide whether it requires more facts before acting on the confirmation. It may also want to consider legislation on a special election, which I referred to earlier, and it may feel that it is necessary to revise the 25th amendment to prevent us from having a nonelected President and a nonelected Vice President.

For most of its 2 years in office, the 93d Congress has been immersed in the Watergate and impeachment inquiries. It is only fitting that we should allow the next chapter to be handled by the most recently elected representatives of the American people.

I urge a vote against the rule.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding. I rise in support of the rule and for the confirmation of Nelson Rockefeller to be Vice President of the United States. Following upon the

last statement made by the gentleman from New York and others, it seems to me that there is some confusion about the role of this Congress as to what our role really is today.

Wisely, the 25th amendment gave Congress the power of confirmation over the President's choice of who he wants to be Vice President. While this charges us with the responsibility to closely scrutinize a nominee, it does not empower us to make the selection ourselves. The 25th amendment clearly does not give the Congress authority to impose its own preference on the President. As a matter of fact, that approach was rejected during the debate on the floor of this Congress.

In the months of investigations and hearings, we have learned more about the President's choice for Vice President, Nelson Rockefeller, than we will ever know about most of our friends and our relatives; yet nothing that would disqualify the man from being Vice President has been found.

Obviously, some have found instances and circumstances they personally dislike; but, most have found a man of intelligence, who, aided by his vast experience, could make numerous, important contributions to this country as Vice President.

Our Nation has been too long without a Vice President and I, for one, am pleased that the question of confirmation is before us today and I will cast my one vote for confirmation, trusting that we will have a Vice President before the New Year.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1511) confirming Nelson A. Rockefeller as Vice President of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1511) with Mr. NATCHER in the chair. The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 2 hours, and the gentleman from Michigan (Mr. HUTCHINSON) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 2 hours.

The Chair would like to state that the gentleman from New Jersey (Mr. RODINO) will be recognized first; the gen-

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tleman from Michigan (Mr. HUTCHINSON) will be recognized next; the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized next. The Chair will alternate from side to side as we proceed through the general debate.

At this time, the Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, barely 1 year and 13 days ago, this House met to consider the nomination of Gerald R. Ford to be Vice President.

At that time, the American Vice-Presidency was vacant for the 17th time in our history, but for the first time our Constitution has provided a mechanism by which to address such a vacancy—the 25th amendment, recommended by the Congress in 1965 and ratified by the States in 1967.

And as we exercised our responsibility under section 2 of that amendment 1 year ago, one fact certainly was very clear—a fact which recent history has only reaffirmed: that the responsibility with which we were charged was at its very heart the examination of a man's qualifications and fitness to hold the highest office in America, that of President of the United States.

That, of course, is the great responsibility facing us today. That is why the Committee on the Judiciary has inquired and deliberated for 17 long and searching weeks before making our studied recommendation to this House.

Nine Vice Presidents of the United States have succeeded to the Presidency during the unexpired term of an incumbent President. John Tyler, Millard Fillmore, Andrew Johnson, Chester Arthur, Theodore Roosevelt, Calvin Coolidge, Harry Truman, Lyndon Johnson, and Gerald R. Ford have all ascended to the Presidency during their terms as Vice President.

But at no time in our history, prior to the resignation of Richard Nixon, had any man become President without having first gone before a national electorate.

And at no time in our history, prior to the submission of this nomination, had any Congress, acting pursuant to the Constitution, been called upon to pass judgment on the nomination of a designated Vice President submitted by an unelected President.

That places a very special burden upon this House, and clearly enunciates the scope of our responsibility. It does not call into question the legitimacy of the nomination, but it does underscore the need to be careful and thorough.

At the same time, however, we are not afforded the luxury of an unnecessarily extended inquiry. The language of the 25th amendment makes clear that our responsibility exists simply "whenever" there is a vacancy; the language of the House and Senate reports in 1965 make clear that the intent of section 2 is to have a nomination considered promptly, and "to virtually assure us that the Nation will always possess a Vice President."

It is particularly important then that we act to fill this vacancy now.

We, as a nation, are confronted by growing problems all too real and familiar—we, as a nation, must look to leadership in the field of energy, in the battle against inflation and recession, and in the quest for peace in the Middle East and elsewhere. I believe those efforts could be severely impaired if we delayed, if we failed to act in an effort, at least, to give the President the help he has told us he needs.

Beyond that, Mr. Rockefeller, if confirmed, might conceivably bring to the Ford administration some of the competence and confidence it so urgently demands. The nominee has had of course years of diverse experience in both foreign and domestic affairs and has served several previous national administrations, Republican and Democrat, as well as the State of New York.

I cannot stand on this floor today, however, and state that my endorsement of this nomination has been an easy decision, or that it has been reached without long study and deep soul searching. I am aware of the opposition it has aroused on the part of many people who have raised serious questions. I personally have some disagreements with parts of Governor Rockefeller's record, and share with some of my colleagues on the Judiciary Committee certain other reservations regarding his nomination.

I find myself particularly concerned with some of his actions and decisions in some of his later years as Governor. The tragic loss of life at the time of the Attica prison revolt is of special concern to me.

Then the previously undisclosed gifts and loans of vast sums of money are also troubling. More than errors of judgment, the Ronan, Miller, and Morhouse loans—among others—reveal at best a serious insensitivity to the uses of private money. Similarly, the publication of the Goldberg book in 1970 is a use of the family wealth that raises very legitimate concern.

But ought any disapproval of some of his actions, ought these misjudgments, which Mr. Rockefeller has recognized and pledged to avoid, constitute a bar to confirmation under the 25th amendment? I have concluded that when balanced against the nominee's experience and competence and the many good works that are a matter of public record—his total dedication to the public service—that they should not.

And I believe, most importantly, that these proceedings have been a very useful and salutary experience for Mr. Rockefeller. He has stated openly and candidly—and on several occasions—that he has been made to understand the seriousness of public concern and the realities of some of his own past insensitivities.

Our extensive hearing record, however, cannot change the fact that I am a Democrat and the nominee is a Republican. But it is without contest that the 25th amendment envisions, and assures, a procedure for the selection of a Vice President that is designed to give the President a person with whom he feels politically and ideologically compatible.

According to the legislative history of the amendment, the purpose of this procedure is to assure the country a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

Nelson Rockefeller, it seems to me, meets that test of compatibility. And so, again, despite any ideological differences he and I may have, I have concluded on the basis of all the evidence before us that Nelson Rockefeller is qualified and fit to be Vice President under the terms of the 25th amendment.

I make that judgment even while respecting the concerns of those who think that this nomination proposes an extraordinary combination of private economic power and public political power. There are those who feel that such a combination ought to be a disqualifying factor, except by election of the people. But this responsibility under the Constitution is not the people's, it is ours. And I believe that we would do a greater disservice if we established a principle that money—either too much of it or too little of it—prevents a man from serving in high public office.

Because the wealth of the Rockefeller family, however, is more than just another large fortune, because it is an unusual aggregation of private economic authority, the Judiciary Committee took great pains to examine the diversity of complex relationships and interrelationships that it creates. We have attempted to measure the network of Rockefeller family wealth and to place it into the perspective of both the American economy and the American political system; we have inquired of the nominee regarding a history of gifts, of loans, and of forgiven loans.

In order to help us do that, immediately after the submission of the President's nomination, the committee assembled a very able and responsible team of staff lawyers and investigators who traveled extensively in New York State and elsewhere. Here in Washington, every agency of the Federal Government was contacted and a request went out for all files in agency possession relating to the nominee.

The results of the committee's thorough investigative efforts were made available to the committee on a continuing basis before and during the hearings.

In addition, all members of the committee had access to, and were briefed on the information accumulated by the Federal Bureau of Investigation. Moreover, the staff of the Joint Committee on Internal Revenue Taxation, working with Judiciary Committee lawyers, conducted an independent audit of Mr. Rockefeller's income tax returns for the period covering the last 7 years. Gift tax returns were reviewed for a longer period. These additional materials were also available to the members.

Another team of committee lawyers, with the assistance and full resources of the Library of Congress, developed thorough analyses of the nominee's public record and positions on critical issues of public policy.

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I believe the American people have been well served by these long hours of research and inquiry. The Judiciary Committee has held 9 full days and several evenings of public hearings. We have heard from two dozen witnesses, including the nominee himself on three separate occasions. Our hearing record comprises more than one thousand, four hundred pages. A more exhaustive inquiry of any nominee has probably never been made. That is perhaps as it should be for the Constitution subjects this appointment alone to the scrutiny of both Houses.

Finally, this decision, despite all our searching inquiry, would be easier for me if I were faced with a nominee of my own party and my own political philosophy. But given the limitations of the 25th amendment, I believe President Ford has provided an acceptable nominee, whose experience and administrative abilities will hopefully be brought to bear on the urgent national priorities now before us.

I shall vote aye on this nomination. I urge the House to adopt this resolution.

Before yielding to others, Mr. Chairman, I hope I can be permitted a moment to express my special appreciation to Mr. HUTCHINSON, our ranking minority member.

Throughout all of our painstaking proceedings—not only in this inquiry, but in others that have come before our committee in this 93d Congress—Mr. HUTCHINSON and the minority members have conducted themselves in the best traditions of the collegiality of this House. I know that the difficult work of the Judiciary Committee could not have been accomplished without their best efforts.

And to all members of the committee, and to my 20 colleagues on the Democratic side, I hope I can convey to you how very much your cooperation and counsel and hard work have meant to me over the past months of this Congress. It has been a high honor to be among you.

The CHAIRMAN. The Chair notes a disturbance in the visitors' gallery, in contravention of the law and the rules of the House. The doormen and guards will remove from the gallery those persons participating in the disruption.

The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield to the chairman of the Committee on Rules, the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, I think I speak in behalf of the vast majority of the Members of this body in commending and congratulating the chairman of the Committee on the Judiciary and also the members of the Committee on the Judiciary on the outstanding and expert and magnificent job which that committee did over the weeks of hearings on this legislation.

Our local papers out in my area, and in fact, all over the country commended the chairman and the ranking minority member of this committee, as well as the members of the committee and the Congress, for the dignified legislative manner in which the Committee on the Judiciary conducted these most difficult hearings on Governor Rockefeller's Vice Presidential nomination.

Mr. Chairman, I thank the gentleman for yielding.

Mr. RODINO. I thank the gentleman from Indiana very much.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I will be glad to yield to the gentleman from New Jersey.

Mr. PATTEN. I thank the gentleman. Mr. Chairman, I would like to join in the remarks of our great speaker, the chairman of the Committee on Rules, and tell the chairman of the Committee on the Judiciary that his colleagues from New Jersey are proud of him. He has brought credit on all of us. He has come to this point with honor to the Congress, honor to his committee, and honor to all the Members of Congress.

We in New Jersey are proud of the job that the chairman and his committee has done.

Mr. RODINO. Mr. Chairman, I thank the gentleman very much for his comments.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. RODINO. I yield to the gentleman from Maryland.

Mr. BAUMAN. I listened with great interest to the impressive details describing the standard by which the chairman of the Committee on the Judiciary feels the nomination should be judged. Of course, I know, as the gentleman does, that he opposed the nomination of Gerald Ford for Vice President.

Has the gentleman changed his view as to what standard should be applied since he cast that vote a year ago, and does he criticize, in some way, those Members who feel a basic difference in the philosophy of government might be grounds for voting against the nominee?

Mr. RODINO. To answer the gentleman, no, I do not criticize them at all, nor have I changed my views.

Circumstances demand that a man exercise his conscience and vote in accordance with the way he feels. If Members feel that way, it is their privilege and their right to vote accordingly.

It was the privilege and the right of this Member, who a year ago felt very strongly, to cast his ballot accordingly.

I feel very strongly in this particular instance, and while I may have some reservations and disagreements, nonetheless, I believe it is in the best interests of our country to confirm the nominee, and since Mr. Rockefeller is completely qualified, I shall not only vote for him, but I urge the House that the confirmation be approved.

In closing, Mr. Chairman, I would like to state that the members of my committee have done, in my estimation, a remarkable job of being able to bring together the facts. Whether they support

or do not support this nomination, I respect and admire them for their integrity and for the position that they take.

It is for that reason that I am glad that they will not be foreclosed from expressing their views. I believe it is only in this manner that the American people will have a full understanding of what this House of Representatives is all about.

The CHAIRMAN. The Chair now recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, nearly 4 months ago Nelson A. Rockefeller of New York was nominated by President Ford to be the 41st Vice President of the United States. In that time the Committee on the Judiciary has conducted a searching investigation into the qualifications of the nominee. In fact, our efforts may have been the most thorough ever undertaken by any committee in a confirmation process. But as thorough as we were, nothing was found to cast doubt on the fact that Nelson Rockefeller is qualified to be Vice President.

Indeed, some members of the committee voted "no" when the roll was called in committee for various reasons. But they did not vote "no" because Nelson Rockefeller lacked executive and administrative experience. They did not vote "no" because Nelson Rockefeller failed to be a resourceful, dynamic Governor of New York. They did not vote "no" because Nelson Rockefeller lacked intelligence or knowledge or talent. Rather they voted "no" because Nelson Rockefeller has great wealth, because he didn't remember all the details involved in publishing the Goldberg book, because he commuted the sentence of a convict in bad health—which he should not have done apparently because the convict was once head of the Republican Party in New York—and because he made gifts and beneficial loans to many friends some of whom were State officials.

The ironic aspect of these arguments for voting against confirmation is that traditionally men of good character have viewed wealth, compassion, and generosity as advantages in a public official. One member of the committee, the gentleman from Texas, spoke to this point eloquently, saying:

I am inclined to think that you have a greater stake in this country than most people. It is to your own best interests that it be successful, that it be prosperous, that it be free. . . . (Hearings, 1025)

In my opinion the most revealing development of the committee's long inquiry has not concerned the nominee but rather those Members who would deny office to a person solely on the basis of his wealth. There is a critical difference between treating all men equal before the law and between equalizing all men. I am disappointed that this difference escapes some Members. In exercising our constitutional confirmation power I had thought that we were constitutionally precluded from discriminating on the basis of race, sex, religion, or economic status. Thus the only way the argument can rationally be made is not on the

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basis of the nominee's status as a wealthy man, but on the basis that the nominee would use his wealth against the common good of the American people. Yet such a basis finds no support in our lengthy record. Every bit of evidence runs counter to the argument. In fact, it almost seems as if Nelson Rockefeller has lived his whole life in a way to disprove that argument. There is utterly lacking any evidence that he ever benefited Rockefeller financial interests at the expense of the people. In contrast the record shows a man of great personal generosity giving much of his income each year to charity. In contrast the record shows a sincere, dedicated public servant for 40 years—a man, who although wealthy enough to lead a carefree existence, worked in the trenches at every level of government under both Republicans and Democrats, but always for the people. Why did he give so much of his money, his time, and himself for so long? Are we to believe that he did so much merely to lull us asleep so he could, after a long and brilliant career in government, betray his country to his family's economic interests?

The nominee's involvement in the publication of a political biography about Arthur Goldberg is another suggested basis for withholding confirmation, but the suggestion has been on the decline since the hearings before the Senate Rules Committee provided a forum for the nominee to answer accusations. At first we heard that the book was scandalous. But reading it laid that to rest.

Then we heard that the method employed to finance the book was designed to cover the nominee's involvement. Although it now appears that the nominee was not involved in financing the book and was unaware of how it was done, he candidly admitted that the method used by others was designed to disassociate the Rockefeller name. Next we heard that the nominee's revelations were slow and less than candid. The nominee then answered that he has always told the full truth as best as he could recollect it and that later revelations were not from his own experience, but the result of his current inquiry of others who were better informed. Since the answer seems to be a good one and there is no evidence to controvert it, resort was made to a smear that the answer was reminiscent of Watergate. So now that issue seems to be without substance.

Another basis for withholding confirmation which is frequently mentioned is Nelson Rockefeller's commutation of L. Judson Morhouse in 1970. As Governor of New York, Nelson Rockefeller had on several occasions commuted the sentences of convicts because incarceration was substantially impairing their health. Between his conviction in 1966 and the conclusion of appellate review in 1970, Morhouse suffered several medical catastrophes. He contracted Parkinson's disease, cancer of the rectum requiring removal of two-thirds of his large intestine, and then had his prostate gland removed. The evidence shows that no one with such a medical history had ever

served a sentence in a New York penitentiary. Morhouse applied for clemency and submitted medical affidavits of four respected doctors attesting to his medical condition. Under New York law, the Governor has absolute discretion to grant a commutation. No legal standard need be met.

Governors, of course, prefer to appear reasonable, but on the record there was little reason to question a grant of clemency to this sick man, other than that L. Judson Morhouse had at one time been chairman of the Republican Party in New York. For that reason should this man have been required to serve his sentence? Apparently Nelson Rockefeller thought not. Although the case for clemency was already established, he asked the State medical society for independent verification of Morhouse's condition so that no one later could reasonably challenge the propriety of a commutation.

Three doctors were selected. Although only one doctor of the three made it through a blizzard to see Morhouse, all three consulted and agreed with the previous evaluation made by Morhouse's four doctors that L. Judson Morhouse's health would be substantially impaired by imprisonment.

And on the next day Mr. Morhouse and Mr. Wright received clemency for reasons of health. No one talks about Mr. Wright; he was never State chairman of the Republican Party.

Finally, it is suggested that confirmation should be withheld because the nominee made gifts and loans to public officials. It is argued that this was wrong whether or not it was legal to make such loans and gifts. Perhaps such loans and gifts would be cause for suspicion if made by someone other than the nominee. But Nelson Rockefeller's generosity is well known. For each year he gives a substantial portion of his income to charity, sometimes over 50 percent. And what is not noted by his detractors is that during the same period of time he made loans and gifts aggregating \$1,692,219 to a total of 58 other people who were not State employees. As for the State employees, he testified that he made the loans and gifts to them as he made them to others—out of friendship. There is no evidence whatsoever contradicting the testimony. The New York laws do not prohibit making loans or gifts to friends who are State employees. Detractors argue that he did this to influence them. But this does not make sense because as governor the employees in question with one exception all served at his pleasure. By law they were already under his control.

Another fact often overlooked is that the New York laws in question did not become effective until January 1, 1966 and September 1, 1967, respectively, some time after many of the loans and gifts had been made. When this is mentioned, it is replied that it is normally wrong to make such gifts or loans even if it is legal. But if he gave out of friendship and not to influence them, I cannot comprehend the impropriety.

On two occasions the nominee made gifts or loans to individuals who were

not residents of New York so that they could relocate in New York and become public officials there. But New York law does not prohibit such loans or gifts no more than it prohibits contributions to those seeking elective office. All that is prohibited is gifts or loans relating to past official conduct. Moreover, in one of the two instances, the law was not in existence at the time.

In conclusion, when the arguments against confirmation are examined, they appear to be without merit. It is perhaps because there is no really sound argument against the nominee that recourse is made to a "constitutional aside" that we must remember that Nelson Rockefeller was nominated by a President who was not elected. Of course, that argument if taken far enough is simply an argument against section 2 of the 25th amendment. However, the time to make such arguments is when we are amending the Constitution. That is when I made my argument against section 2. I do not think that we should hold a duly enacted constitutional procedure against the nominee because we are unhappy with its operation.

Moreover, I have not heard anyone complain that any bill signed into law by the President was not a law or that any veto was less of a veto because the President rose to that office without being elected by the electoral college.

The President is the President, and the mandate of section 2 could not be plainer. It is our duty to confirm or not confirm the nominee on the merits. The record indicates that the nominee is qualified to serve as Vice President. Although it is fair to say that we do not in each instance agree on the answers to the problems of our time, I find Nelson Rockefeller to be a man of integrity, ability, and experience. He is the choice of our President, and there is no reason to deny him that choice.

Mr. KASTENMEIER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would at the outset like to compliment my chairman, the gentleman from New Jersey (Mr. ROBINSON) on the way he has conducted the hearings on the Rockefeller confirmation. The gentleman has been most fair to all of us.

Mr. Chairman, we meet today in these 6 hours to debate possibly the last important matter to come before this 93d Congress. In 6 hours, or 8, or 14, we would not be able to fully reach the parameters of this question. It is the case, as those who have preceded me have suggested, that we have a 1,400-page set of committee hearings replete with addendums, statistics, and graphs. We have countless expressions of opinion with reports and hearings. We also have available to us the reports of the national press and the media who have covered this question rather completely.

There are those who must, however, realize there are limitations both in time and in manner of presentation. What we do or say here this afternoon will not necessarily reach their question in its entirety.

Mr. Chairman, as we are aware, there are those Members who feel, for at least

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two reasons, that we ought not vote today but ought to continue this proceeding for either additional investigation on certain questions, or to permit a new Congress to exercise its will on the grounds that the election of November in and of itself serves as a referendum, at least in part, on the question of the Rockefeller nomination.

Regardless of the merit there may be in these reservations, the fact is we will reach a decision on this matter this afternoon.

The major question, it seems to me at the outset, is one's interpretation of the 25th amendment. Clearly, it cannot be purposeful if we are to confirm an individual for Vice President or for President of the United States as we would a Cabinet official. One year ago we considered the then pending nomination of Gerald Ford solely in the context of his serving as President of the United States and we must apply the same standards to this nomination.

The CHAIRMAN. The gentleman has consumed 3 minutes.

Mr. KASTENMEIER. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I submit that we stand as surrogates of the public in this matter and that we must view this nomination not solely in terms of constitutional qualifications or whether the FBI has reported to us that the nominee has not been convicted of a crime, is not a Communist, and that he is otherwise fit for office; but rather we must exercise our independent judgment. I submit further that that judgment includes a review of the policies of the nominee himself and the exercise of our own independent judgment as to whether not only is he fit, in terms of conflicts of interest because of his wealth, of possible mistakes in judgment and lack of candor, but whether his policies and his positions are sufficiently central so as to require us to vote in opposition or in affirmation.

We here this afternoon will not be able to debate fully the 25th amendment, but it seems to me the events of the last 2 years compel the next Congress to do so. One thing is certain. Under the 25th amendment we are not a rubber stamp for the President. We have a partnership in this nomination and the Congress must and will exercise its own point of view.

Mr. Chairman, the views of 10 or 12 members of the Democratic side of the Committee on the Judiciary are, of course, in the report. The 12 members constitute a majority of the majority of the committee. There are different perspectives represented by others, both members of the minority and members of the majority, and they will be reflected here this afternoon as they should be. In fact, Mr. Chairman, there may also be views of some American people in opposition to this nomination which will not be expressed here this afternoon. That is unfortunate. Nonetheless, in the context of this debate, we will at least hear both from those right of center and those left of center on questions re-

lating not necessarily to judgment, to failings of the nominee in terms of fitness for office, and to the conflicts of his wealth, but in terms of policies advocated by the nominee.

This is appropriate and when it is completed, Mr. Chairman, I submit that Members of this House this afternoon ought to vote in opposition to this nomination.

Mr. Chairman, for the second time in a little more than a year, this House is being asked to vote to confirm a Vice President selected by the President under the provisions of the 25th amendment. This situation is particularly unique, however, in that we have a nominee selected by a President who was himself placed on the Presidential succession ladder through the provisions of the 25th amendment. We have learned through our first experience with the 25th amendment that Vice Presidential nominees must be judged as we would judge a prospective President. Thus, the burden placed on this House and this Congress through the 25th amendment is a great one.

We must serve as the voice of the people. We must act as surrogates for the people in determining who can best guide us through the difficult times facing this country. More than any other action we may take, our consideration of this nomination, like our consideration of its predecessor nomination, will determine, in part, the course this Nation will travel.

The Judiciary Committee conducted an exhaustive investigation into the record of Nelson Rockefeller. Like every other member of that committee, I weighed the testimony and the record carefully in considering this nomination. That Nelson Rockefeller is well qualified on the basis of his past Government service and record to become Vice President is obviously indisputable. Further, it is clear that he meets the constitutional requirements for this office. However, it is my belief that the 25th amendment places an obligation on us to go beyond his curriculum vitae in our examination of this nominee.

We all are aware that the criteria for our judgment is ill-defined. Lacking the normal barometer for judging a Vice Presidential or Presidential candidate, namely a public election, we are, thus, left with our own individual judgment and our own personally defined criteria. In this regard, we must view, with the broadest application of discretion, Mr. Rockefeller's record and make a judgment as to whether we approve of his policies.

Judging the testimony and the record, then, in that light, I shall cast my vote against confirmation of this nominee for several reasons.

First, I find far too many instances where Nelson Rockefeller's judgment must be called into question. One must question the propriety of the substantial gifts and loans made by Mr. Rockefeller to public officials. That he would seek to be a patron to public officials, who should be bound by public trust and the public interest, is of great concern to me.

The entire incident surrounding the Lasky book on Justice Goldberg and Governor Rockefeller's secret involvement in that incident, is greatly disturbing, particularly what I regard as a lack of candor on his part and that of his brother.

Mr. Rockefeller's judgment with regard to Attica raises grave doubts about this nominee. These are only a few examples, but added to the many others I find in the Record, they severely weaken Mr. Rockefeller's ability to command the public confidence and trust which a Vice President, or President, must have to function effectively.

Second, there is the entire matter surrounding the implications of the Rockefeller personal and family fortune, for I find the two to be inseparable. A review of their holdings indicates that they maintain a sizable personal influence in virtually every important aspect of American life—energy, transportation, banking, insurance, electronics and computers, metals, communications, chemicals, forestry and paper manufacturing, real estate, retail sales, pharmaceuticals, investment management, construction, and farm equipment manufacture. While this is an accurate catalog of the personal manifestations of their wealth, it does not nearly reflect the total sphere of influence which this family, through a marriage of interlocking directorates with other wealthy families and individuals, has built into an unrivaled financial and political empire which permeates our entire system.

With this nomination, we face the possibility of merging this tremendous economic power with the greatest political power held in this country. The scope of this private authority raises the serious question of whether or not Mr. Rockefeller, as President, would be able to distinguish between the private interest and the public good. The range of decisions which a President is daily called upon to make is so expansive and fundamental to the Republic's safe conduct that we cannot permit even the suggestion that there is a conflict between personal and public interest in the office of the President.

The current wave of public cynicism rests, in part, on the not-unfounded belief that the special interests and private concerns hold the counsel of the powerful, and that the interests of the people must wait in line while the influential have their say. The strength of our Government is drawn from the depth of its popular support. Never has the public confidence been more shallow and shaken than in these last few years. No matter how judiciously and honorably arrived at, every decision that a President Rockefeller would make would influence his and his family fortune. Even the most carefully considered decision would raise the specter of conflict of interest in the increasingly skeptical eyes of the public.

I am particularly concerned about this area, because the nominee has not responded adequately to it in his committee testimony. There seems to be both a lack of understanding on his part of

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the widespread suspicion that great wealth raises, and a certain arrogance of power that this issue of conflict could ever, indeed, apply to him. Mr. Rockefeller's promise to put his holdings in blind trust is hardly adequate. For, when the scope of the Rockefeller wealth is understood, one would have to be blind not to see it. It permeates every corner of American life from Main Street to Wall Street. Mr. Rockefeller could hardly hide it from himself, let alone from the huge bureaucracy which historically is always in tune to the President's interests.

In all candor, I must admit that I find no specific instance of any conspiracy on Mr. Rockefeller's part to advance his economic position at the expense of those he would publicly serve. Yet, the perception of such self-interest motivations will exist in the public mind.

The public views the Rockefeller fortune with a jaundiced eye for other important reasons. Nelson Rockefeller, while a decent and honorable man, represents the inherent inequities in our system. The family wealth is synonymous with all that is exploitative in the economic system of our Nation. It represents a system and a body of laws that have been so designed over the years as to enhance the power of the powerful, increase the wealth of the wealthy, and perpetuate the influence of the influential.

Our experience of the last couple of years has placed an obligation on us to do everything we possibly can to renew public confidence and trust in Government. This nomination can only further shake that confidence and erode that trust.

Finally, I am greatly concerned with the Governor's view of the role of the military in American life and with his apparent total willingness to tolerate what I consider to be "dirty tricks" as a necessary tool of Government at home and abroad.

Mr. Rockefeller has a record of long-standing and continuing support of almost every manifestation of American military power. He was an ardent supporter of American involvement in the Southeast Asian war, and continues to this very day to support American financial assistance to the corrupt dictatorship of General Thieu. He has a long record of endorsement of almost every demand the U.S. Military Establishment has made on the resources of this Nation.

But, particularly disturbing to me is Mr. Rockefeller's view of what I consider totally illegitimate Government activities in foreign countries and here at home. The record shows that Governor Rockefeller believes that the continuance of CIA covert operations into internal affairs of foreign nations is a legitimate expression of American foreign policy. It also reveals the nominee's apparent insensitivity to the necessity of protecting the basic human and constitutional rights of American citizens, particularly when they are endangered by official Government actions such as the FBI COINTELPRO operations, or those subversive White House activities for which the Judiciary Com-

mittee recommended articles of impeachment against former President Nixon.

We have had quite enough experience with the type of outlook that says anything can be justified in the name of national security. Our rights have been trampled upon and the sovereignty of foreign nations has been violated. Our reputation at home and abroad has been severely tarnished. In my view, we must exercise the greatest care to make certain that the kind of philosophy that caused our national trauma is not perpetuated. I fear, however, that this is the philosophy of Nelson Rockefeller, and I must reject it.

I hold no personal animus toward Nelson Rockefeller. It seems apparent that he will be confirmed by the House, notwithstanding my own views, and I wish him well in his prospective new position. However, for the above reasons, I cannot in good conscience support this nomination.

On a separate, but related matter, it seems appropriate to consider our experience in the last year with the 25th amendment. There is a valid concern that the 25th amendment has not served the Nation well. It has produced, first, a President who was not elected directly by the people, and now it will result, with the confirmation of Governor Rockefeller, in having the two highest positions in our land held by individuals who have not been chosen by a popular vote. While the chances of our present situation occurring again may be dismissed as improbable, we must remember that we did not seriously contemplate our current situation at the time of consideration of the 25th amendment by the Congress a mere 9 years ago.

The Constitutional Convention of 1787 rejected proposals for the election or appointment of the President by the Congress, and the principle of popular election of our President and Vice President has met the test of time. Yet, we are today involved in a process which is a serious departure from that cherished and firmly established principle of our representative government.

The implications of this procedure, which deprives our citizens of their right to choose directly those individuals who seek to lead our Nation, is sufficiently troublesome that a reexamination of the manner by which a vacancy in the office of Vice President is to be filled, if indeed it should be filled, is warranted.

The CHAIRMAN. The Chair now recognizes the gentleman from Michigan (Mr. HUTCHINSON) for the purpose of recognizing the minority leader.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I ask unanimous consent that I may be allowed to yield to the gentleman from Oregon (Mr. DELLENBACK) for the purpose of having him read the speech which I otherwise would have made.

The CHAIRMAN. Is there objection to

the request of the gentleman from Arizona?

There was no objection.

Mr. DELLENBACK. Mr. Chairman, speaking for Mr. RHODES:

Mr. Chairman, Nelson Rockefeller, the man whose nomination to be the Nation's Vice President we consider today, has been probed, provoked, tried, tested, and observed from virtually every conceivable angle and perspective. No other person in history—save for the current President of the United States—has undergone such meticulous scrutiny as a prelude to national office.

This is as it should be. The 25th amendment provides Congress with a mechanism through which we can satisfy our legitimate concern that a non-elected President or Vice President is qualified in every respect.

Once again, Mr. Chairman, the Judiciary Committee has performed with a thoroughness that brings credit to this entire body. The members of that committee—in particular, their great chairman, PETER RODINO and the equally great ranking minority member, EDWARD HUTCHINSON—are to be highly commended for their most recent service to the Nation.

As a result of their work and that of the other body, this Congress knows everything there is to know about the man who will become the 41st Vice President of the United States.

We know that Nelson Rockefeller's experience in Government is immense. As Governor of a State that has faced probably every problem known to man, he brings to the executive branch a special understanding of the complex problems confronted at the State and local level, along with a working knowledge of what can be done at the Federal level to help solve them.

We also know a great deal about Governor Rockefeller's financial resources. This is a fascinating subject that has attracted considerable attention. It is important for us to acknowledge the fact that throughout the exhaustive confirmation process, not a single shred of evidence was produced to even remotely suggest that Nelson Rockefeller profited financially from his service in Government. What has been proven is that the Governor is a very generous man. I submit that this is not an undesirable quality for a human being to have, particularly one who is going to be Vice President.

Mr. Chairman, we have a nation that is troubled. We face many domestic problems that simply must be met with affirmative action by the Federal Government.

In Nelson Rockefeller, I submit that the Nation will have a Vice President who will not be just a figurehead or a spokesman. He will be a Vice President willing and able to make a real and definite contribution to the important work which is going to involve all of us during the next 2 years.

I urge his immediate confirmation.

Mr. DELLENBACK. Mr. Chairman, may I ask the gentleman from Arizona if he will yield to me for a moment?

Mr. RHODES. I yield to the gentleman from Oregon.

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Mr. DELLENBACK. Mr. Chairman, may I add a few words on my own, not speaking for the gentleman from Arizona (Mr. RHODES).

Mr. Chairman, we deal today with a vote as potentially critical as any of us is ever apt to cast in this House. The Presidency of the United States has so expanded in this modern day that the job is an almost impossible one. The tasks of the Vice President of the United States have not ranked in complexity or importance with those of the President, but at a time when this Nation is in its present deep and severe time of testing, today's vote for or against a person who will both carry heavy loads in his own office and will also serve only a heart beat away from the Presidency is of that same massive, great, and deep importance.

There is no perfect man perfectly prepared to become the Vice President of our country. Our burden is to exercise our very best judgment as to whether confirmation of Nelson Rockefeller as Vice President would be in the best interests of this Nation and of the people whom we represent. It is my personal opinion that in selecting Nelson Rockefeller for this job President Ford has chosen wisely. In Nelson Rockefeller we have a man of integrity, capacity, and dedication as ably equipped to become our Vice President and to serve us and this Nation as any person in this country.

I join with the minority leader, the gentleman from Arizona (Mr. RHODES) in endorsing this proposed confirmation and expressing my hope that we will today overwhelmingly confirm Nelson Rockefeller as Vice President of the United States.

The CHAIRMAN. The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I thank the chairman for yielding and commend my colleagues on the Committee on the Judiciary, both those who were for and against the nomination, and the diligence they have brought to this discussion and continue to bring to it highlights the issue to the public. Heaven may be better for climate, but I do not think you can beat the Committee on the Judiciary for companionship.

One of our legacies of Watergate must not be an unfounded and unreasoning suspicion of our public officials. Mark Twain noted that a cat that sits on a red hot stove will never do so again. Unfortunately, he also will never again sit on a cold stove.

We must avoid drawing such overly broad conclusions from our recent unfortunate experience. We must trust someone some time, if we are to maintain our republican form of government. We should do our best, we must investigate, but at some point we must trust; even as we are trusted.

At this Christmas season, if there were a star in the East, I might urge Rockefeller's rejection and await the designation of another nominee.

One of my principal concerns is that of whom we get if we reject Mr. Rockefeller and when would the United States get a Vice President?

Our basic document in this situation is the 25th amendment. Whenever there is a vacancy in the Office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation of a majority vote by both Houses of Congress.

Some have suggested we might send the President some Vice President nominee lists. We might send him our laundry lists, too. I suppose, but the President shall nominate. He is the one that has sent us this name, and would send any other.

Governor Rockefeller has demonstrated his ability to do the job and I think his compatibility with President Ford is undeniable.

You know, asking a Democratic Congress to confirm a Republican Vice President is a little bit like one of Brooks Hays stories about the man that said he was going to go home now and if his supper was not ready, he was going to be awfully mad, and if supper was ready, he was not going to eat a bite.

It is a difficult thing we have to do here on the Democratic side.

I was impressed by the witnesses we heard. Possibly my decision was made as much by those in opposition to the Governor, as by what he and his allies did. In opposition to this nomination we heard from the Liberty Lobby. We heard from the American Conservation Union. We heard from the National Lawyers Council. We heard from the American Labor Party. We heard from Americans for Democratic Action. We even heard from the Christian Action Council, with three biblical references why this nomination should be rejected.

Now, when you can be opposed that far on the left and that far on the right, I suspect you begin to occupy some of that middle ground where we find most of the American people.

The public disclosure that has been brought about has been most helpful and should enable the press, and through them the public, to keep any conflict of interest along that line in balance.

Mr. Chairman, I support this nomination and commend similar action to my colleagues.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I am not going to speak at length in urging a no vote on the confirmation of Mr. Rockefeller. I refer my colleagues to the committee report and the dissenting views of the 11 other members of the Committee on the Judiciary whom I joined in opposition. The arguments for a negative vote, are, I believe, persuasive. No member came lightly to the decision. Indeed, I believe it accurate

to state that the investigation and the dialog in the committee, in the report, and with the public, has been responsible, and that each member based his vote on what he or she believes would be in the best interests of the country.

The members of the staff of the Committee on the Judiciary deserve special credit for their long hours of work and their industrious, thorough research and investigation. General Counsel Jerome M. Zeifman, who I regret to note is leaving the committee for a professorship at the University of Santa Clara Law School, gave to Members of both sides of the aisle the benefit of his wide experience and good judgment. Associate General Counsel Garner J. Cline was always cooperative and helpful. The other lawyers assigned to the confirmation proceedings provided without exception valuable assistance and a host of legal and investigative skills. I personally worked most closely with Counsel Alan A. Parker who did a splendid job in compiling the public records of Mr. Rockefeller. Counsel William P. Dixon, charged with the investigative details, was indefatigable in pursuing leads. Committee Staff Robert J. Trainor, Franklin G. Polk, Daniel L. Cohen, and the many other lawyers all deserve our appreciation.

The House Judiciary Committee's Subcommittee on Civil Rights and Constitutional Rights, which I chair, was assigned by Chairman Rodino the responsibility of reviewing the Federal Bureau of Investigation report on Mr. Rockefeller and briefing the full committee on the contents. I would like to compliment the FBI on their diligent and skillful work. The FBI report consisted of nearly 2,500 pages. More than 1,300 people were interviewed throughout the country. Each lead was pursued by individual special agents with diligence and skill. From time to time individual members of the committee asked for additional interviews, and the FBI always responded in a most cooperative manner.

I would also like to thank our chairman, PETER W. RODINO, JR., for his unfailing courtesy to each member of the committee during the long and arduous confirmation proceedings. During this past year Chairman Rodino has led the committee in a period which I believe to be the most challenging in its history—beginning with the confirmation of Vice President Ford, the impeachment inquiry of President Nixon, and last of all these Rockefeller confirmation proceedings. His command of these historic responsibilities can, I believe, never be matched.

My own views on this nominee, Mr. Chairman, are well known. After a considerable period of indecision I concluded that the nomination was inappropriate. While subscribing to the reasons stated in all the dissenting views of the committee report, I would like to emphasize that my chief objection is on the grounds of conflict of interest. I agree with the views of witness Joseph L. Rauh, Jr., who stated that in a Nation of over 200 million people, President Ford has chosen a person with more potential conflicts of interest than any other possible candi-

date. As President—and that is how Mr. Rockefeller must be judged—his every decision could affect the Rockefeller empire. This is a risk that I believe is unacceptable to the American people and that we, as guardians of the public trust under the 25th amendment to our Constitution, have no right to take.

The CHAIRMAN. The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, this is a novel period for us as Members of Congress to come here and really try to determine what our responsibilities are. I guess the main reason for this is because nobody in this body could have conceived at the beginning of this Congress that we would have these vacancies in the highest offices in our Government due to corruption and violation of the Constitution by those in these offices.

Nevertheless, without any precedent to guide us except our own newly created legislative history under the 25th amendment, we have proceeded to fulfill our responsibility under the 25th amendment to confirm and pass upon the qualifications of the man who has been selected by the President to serve as his Vice President.

None of us, unfortunately, has the opportunity to carry this question to the American voters, where it rightfully belongs. It seems to me that this body is going to have to restudy the question as to how vacancies such as these should be filled, if, God forbid, the question arises in the future. But since we are restricted here, since we do not have the opportunity to put in our own nominee, then the question before us concerns the qualifications of the person who has been selected by the President to work with him.

Those of us in this Congress, and certainly in the Nation, have been looking for strong executive leadership during this economic crisis. I certainly have been disappointed by what we have seen, or rather not seen, come out of the White House in terms of clear direction toward solving our many economic problems.

We now have a massive unemployment rate throughout the Nation. People are suffering because of an inability to find jobs, because of an inability to buy the necessary things in order to live, to buy clothing, to get shelter, to get food.

As we on the Committee on the Judiciary investigated the qualifications of Nelson Rockefeller, I think most of us agreed that, in connection with the issues that faced this Nation, it would be difficult to find a more qualified candidate in terms of administrative experience in the critical problem areas which we face today.

However, one judges Nelson Rockefeller's experience and leadership as Governor of the State of New York—and I myself as a Democrat found many more issues to disagree with him on than to agree—no one can dispute the fact that in understanding the nature of the problems that we have experienced in the

State of New York, both in the inner cities and the suburban and rural areas—and in his ability to take decisive action to meet problems, Governor Rockefeller left no doubt that he could and would govern. I cannot think of anyone in the Republican Party who meets his qualifications and experience and still might be selected by President Ford.

I might add that, since under the 25th amendment the President has the right to choose his Vice President from his own party and that we cannot choose a person who pleases us, but must select from the President's choice, we have given consideration about what would happen if Nelson Rockefeller was not confirmed and who would the President be going to and seeking advice from regarding who the next nominee would be. From all I have heard, perhaps if we do not find that Nelson Rockefeller should be confirmed, that coming before this body and the Committee on the Judiciary as the next nominee would be a man who would be of substantially less wealth but, by the same token, would probably be somebody substantially less experienced.

As I weigh my decision regarding the conflict between my personal philosophy and the practices facing this Nation, I must make my decision not only on the basis of the qualifications of Nelson Rockefeller, but in terms of the reality of who else might be selected who would come closer to my philosophy.

I see my responsibility, as a member of the Judiciary Committee, to cast my vote to fill the vacancy with a qualified candidate for the sake of the Nation, to make certain that the executive branch of the Government can have capable and effective leadership and have no excuses that it cannot move forward, because we have not acted to provide a Vice President under the 25th amendment.

I have recommended that the Committee on the Judiciary deem him as qualified, and I further recommend that this House of Representatives, in weighing the facts, also find him qualified to fill our present leadership vacuum so that this House and the executive branch can get on with the business of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, first of all, I want to call attention to the thorough, complete and highly responsible manner in which our House Judiciary Committee has handled the hearings relating to the confirmation of Nelson A. Rockefeller as Vice President of the United States.

The investigation has been going on during the entire 4-month period since Mr. Rockefeller's nomination in August. The FBI has conducted an extensive and in-depth investigation comprising more than 2,500 pages of data concerning the nominee, which the committee members

have had the opportunity to examine. In addition, the Joint Committee on Internal Revenue has reviewed the Federal income tax returns of Mr. Rockefeller for the entire period from 1967 to 1973. Our capable committee staff has conducted an extensive investigation, exploring every relevant subject which has been brought to the committee's attention. We have had 9 days of hearings and have received the testimony of numerous witnesses both pro and con, and large quantities of additional documentary evidence have been presented and reviewed.

What the committee's work adds up to is that Nelson A. Rockefeller is a very able and experienced public figure, whose reputation for integrity and honorable service is beyond question. He is thoroughly experienced at every level of government and he possesses talents with respect to national and international affairs equal to those of any citizens of the Nation. In short, he possesses excellent credentials supporting his overwhelming confirmation as Vice President under the 25th amendment to the Constitution of the United States.

Mr. Chairman, I do not mind adding that I have known Mr. Rockefeller on a personal basis for more than 45 years. While certainly not a close friend, I have nevertheless followed his public and private life with a continuing and personal interest.

I say without qualification, and the record of the facts contained in the testimony and documentary evidence supports the conclusion which the committee reached, that nothing in Mr. Rockefeller's record or in our investigative files was found to disqualify Mr. Rockefeller from service. On the contrary, the evidence warrants endorsement of his fitness and capability to serve as Vice President.

Mr. Chairman, there may be some who will complain that this nomination should be deferred until the next Congress. Others may complain about the 6-hour time limit on general debate on this nomination.

What I say is that in providing a faithful interpretation of the 25th amendment, this House should not delay another hour or another day in finally securing Nelson A. Rockefeller as our Vice President. He meets the high standards which we intended a Vice President to possess when the 25th amendment was adopted in 1967.

As Vice President, Mr. Rockefeller can add stature and strength to this administration and can contribute substantially to the solutions of our great national and international problems with which both the executive branch and the Congress are so deeply concerned.

Mr. Chairman, before discussing my recommendations on the qualifications of the Vice President-designate, however, I want the House to know of the gratitude and respect which I have for the leader of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO). Chairman RODINO's leadership of our committee during the 93d Congress coupled with the able service of

the ranking minority member, the gentleman from Michigan (Mr. HUTCHINSON), have been a source of pride to all members of the committee and of this House. I am especially pleased that our last accomplishment during this Congress will enable the American people to have in Nelson Rockefeller a truly outstanding American as the new Vice President of the United States.

Mr. Chairman, in considering the confirmation of Nelson Rockefeller, we are applying the 25th amendment to the Constitution for the second time in this 93d Congress—the only times that this constitutional procedure has been utilized in our history. In my opinion, this amendment has, in both instances, served our system of Government admirably under more trying times than were ever imagined at the time of its adoption. A year ago this month, it was utilized to install our colleague, Gerald R. Ford, as Vice President—a man of ability, honor, and integrity who has done an excellent job during the brief period he has served as President—after one of the greatest constitutional crises in our history. Today, the procedure of the 25th amendment again provides the American people with a proven national leader of exceptional intelligence and admirable dimension to serve in the Vice Presidency.

Mr. Chairman, perhaps out of necessity, this Congress has often consulted the Constitution in weighing the monumental issues which have come before us; and, as we make preparations to adjourn sine die, I believe that we all share a renewed confidence in this venerable and worthy charter—it has once again proved its vitality in solving hard questions facing the Congress—no less in the application of the 25th amendment than in any other part.

Mr. Chairman, with all due respect, I believe that a great deal of the opposition to this nomination has arisen because of a misreading—or misunderstanding—of the true intent and purpose of the 25th amendment. Some Members have voiced the sentiment that, in an application of this amendment, they ought to serve merely as surrogates of their constituencies—and that the Vice President-designate appears not to be the choice of those whom they represent.

Let me emphasize that that is not the test. It is clearly not the intent of the amendment that a nominee under its provisions had to be of the same political party or persuasion as the House Member in order that he or she might vote to confirm. To be consistent with the 12th amendment, it is only required that the Vice President should be politically compatible with the President who nominates him, and one with whom the President can work harmoniously. I do not mean to imply that the Congress has a duty to blindly and subserviently confirm whomever the President chooses to nominate. Rather, we do have a duty to determine that the nominee is a person of integrity, ability, and experience who is dedicated to the welfare of our country.

Having completed the most searching investigation and scrutiny that any nominee to public office has ever undergone, I am satisfied, on the basis of the voluminous evidence before us, that Nelson A. Rockefeller is supremely well qualified to fill the high office of Vice President. In fact, I do not think that it is exaggeration to say that President Ford, in selecting Nelson Rockefeller, has nominated the best qualified person to serve as Vice President in this crucial time.

As Governor of our second largest State from 1959–74, he displayed considerable administrative ability and achieved a remarkable record of accomplishment. Reelected four times by the 18 million people of New York, the Vice President-designate holds a distinguished reputation as one of the country's most dynamic Governors.

He revitalized and expanded the State University of New York. He established a landmark pure waters program and instituted the first State financing for mass transportation. His administration was responsible for the construction of almost 90,000 units of low-income housing. He created a State office to work on the problems facing senior citizens and overhauled the State welfare system.

As convincing proof of Mr. Rockefeller's faith in our Federal system, I need only point out that he was instrumental in bringing about the enactment of the Federal revenue sharing program, while achieving a return to local government of 62 percent of every State-collected tax dollar during his tenure as Governor of New York.

At the national level, Nelson Rockefeller has demonstrated his ability in a wide range of governmental posts. As chairman of President Eisenhower's Committee on the Organization of the Executive Branch of the Federal Government, he was deeply involved with the creation of the Department of Health, Education, and Welfare—and he played a crucial role in HEW's organization as its first Undersecretary.

At the international level, Nelson Rockefeller has served five Presidents—of both parties—in behalf of many aspects of the foreign policy of the United States. As Coordinator of Inter-American Affairs under President Franklin Roosevelt, later as Assistant Secretary of State for American Republic Affairs, and on subsequent diplomatic assignments, the Vice-President-designate has amply demonstrated a mastery of the skills necessary for the development of an effective foreign policy.

It is clear that after 40 years of distinguished service in government at all levels, Nelson Rockefeller possesses unique qualifications as the right man for the Vice Presidency at this important time. I am delighted that the President has indicated that he will make full use of Mr. Rockefeller's talents in solving the difficult problems that face the country—especially in the area of domestic policy.

Mr. Chairman, as I indicated earlier, our efforts may have been the most thorough ever undertaken by any com-

mittee in a confirmation process. But as thorough as we were, nothing was found to cast doubt on the fact that Nelson Rockefeller is qualified to be Vice President.

Some members of the committee voted "no" when the roll was called in committee for various reasons. But they did not vote "no" because Nelson Rockefeller lacked executive and administrative experience. They did not vote "no" because Nelson Rockefeller failed to be a resourceful, dynamic Governor of New York. They did not vote "no" because Nelson Rockefeller lacked intelligence or knowledge or talent. Rather they voted "no" on the basis that Nelson Rockefeller has great wealth, that he did not remember all the details involved in publishing the Goldberg book, or because he commuted the sentence of a convict in bad health—which presumably he should not have done primarily because the convict was once head of the Republican Party in New York—or because he made gifts and beneficial loans to many friends, some of whom were State officials.

The ironic aspect of these arguments for voting against confirmation is that traditionally men of good character have viewed wealth, compassion, and generosity as advantages in a public official. One of the members of the committee, the gentleman from Texas (Mr. BROOKS) spoke to this point eloquently when he addressed himself to Mr. Rockefeller, as follows:

I am inclined to think that you have a greater stake in this country than most people. It is to your own best interests that it be successful, that it be prosperous, that it be free. . . . (Hearings, 1025)

Mr. Chairman, in my opinion a most revealing development of the committee's long inquiry has not concerned the nominee but rather those members who would deny office to a person solely on the basis of his wealth. There is a critical difference between treating all men equal before the law and between equalizing all men. I am disappointed that this difference escapes some members. In exercising our constitutional confirmation power I had thought that we were constitutionally precluded from discriminating on the basis of race, sex, religion, or economic status. Thus the only way the argument can rationally be made is not on the basis of the nominee's status as a wealthy man, but on the basis that the nominee would use his wealth against the common good of the American people. Yet such a basis finds no support in our lengthy record. Every bit of evidence runs counter to the argument. In fact, it almost seems as if Nelson Rockefeller has lived his whole life in a way to disprove that argument. There is utterly lacking any evidence that he ever benefited Rockefeller financial interests at the expense of the people or by the exercise of any public or political prerogative. In contrast, the record shows a man of great personal generosity giving much of his income each year to charity. Furthermore, the record shows a sincere, dedicated public

servant for 40 years—a man, who although wealthy enough to lead a care-free existence, chose instead to work in the trenches at every level of government under both Republicans and Democrats—but always for the people. Why did he give so much of his money, his time, and himself for so long? Are we to believe that he did so much merely to lull us asleep so he could, after a long and brilliant career in Government, betray his country to his family's economic interests?

In order to set the record straight, let us review the claim that the nominee's involvement in the publication of a political biography about Arthur Goldberg should suffice as a basis for withholding confirmation. This suggestion has been on a steady decline since the hearings before the Senate Rules Committee provided a forum for the nominee to answer accusations. The author, Victor Lasky and the biographer, Arthur Goldberg, also testified at length at those hearings. At first we heard that the book was scandalous. But reading it laid that to rest. Next we heard that the method employed to finance the book was designed to cover the nominee's involvement. Although it now appears that the nominee was not involved in financing the book and was unaware of how it was done, he candidly admitted that the method used by others was designed to disassociate the Rockefeller name. Then we heard that the nominee's revelations were slow and less than candid. This charge appears to be closely associated with apparent deliberate leaks of selected information from FBI reports which were made available to committee members.

The nominee answered all of these charges and revealed the full truth as best as he could recollect it, admitting quite frankly that later revelations were not from his own experience but the result of his current inquiry of others who were better informed. There is no evidence to controvert Mr. Rockefeller's answers. However, since there was a lapse of time between the selected leaks—and the nominee's testimony, there has been resort to a smear that was reminiscent of Watergate. Quite clearly the entire issue seems to be without substance.

Another basis for withholding confirmation which is frequently mentioned is Nelson Rockefeller's commutation of L. Judson Morhouse in 1970. As Governor of New York, Nelson Rockefeller has on several occasions commuted the sentences of convicts because incarceration was substantially impairing their health. Between his conviction in 1966 and the conclusion of appellate review in 1970, Morhouse suffered several medical catastrophes. He contracted Parkinson's disease, cancer of the rectum requiring removal of two-thirds of his large intestine, and then had his prostate gland removed. The evidence shows that no one with such a medical history had ever served a sentence in a New York penitentiary. Morhouse applied for clemency and submitted medical affidavits of four respected doctors attesting to his medical condition. Under New York law, the Governor has absolute discretion to grant

a commutation. No legal standard need be met.

Governors, of course, prefer to appear reasonable, but on the record there was little reason to question a grant of clemency to this sick man other than that L. Judson Morhouse had at one time been chairman of the Republican Party in New York. However, should that reason alone required this man to serve his sentence? Apparently Nelson Rockefeller thought not. Although the case for clemency was already established, he asked the State medical society for independent verification of Morhouse's condition so that no one later could reasonably challenge the propriety of a commutation.

Three doctors were selected. Although only one doctor of the three made it through a blizzard to see Morhouse, all three consulted and agreed with the previous evaluation made by Morhouse's four doctors that L. Judson Morhouse's health would be substantially impaired and his life endangered by imprisonment.

And on the next day Mr. Morhouse and Mr. Wright received clemency for reasons of health. No one talks about Mr. Wright; he was never State chairman of the Republican Party.

Finally, it is suggested that confirmation should be withheld because the nominee made gifts and loans to public officials. It is argued that this was wrong whether or not it was legal to make such loans and gifts. Perhaps such loans and gifts would be cause for suspicion if made by someone other than the nominee. But Nelson Rockefeller's generosity is well known. For each year he gives a substantial portion of his income to charity, sometimes over 50 percent. And what is not noted by his detractors is that during the same period of time he made loans and gifts aggregating \$1,692,219 to a total of 58 other people who were not State employees. As for the State employees, he testified that he made the loans and gifts to them as he made them to others—out of friendship. There is no evidence whatsoever contradicting that testimony. The New York laws do not prohibit making loans or gifts to friends who are State employees. Detractors argue that he did this to influence them. But this does not make sense because as Governor the employees in question all served at his pleasure with only one exception. By law they were already under his control.

Another fact often overlooked is that the New York laws in question did not become effective until January 1, 1966 and September 1, 1967, respectively, some time after many of the loans and gifts had been made. When this is mentioned, it is replied that it is morally wrong to make such gifts or loans even if it is legal. But if he gave out of friendship and not to influence them, I cannot comprehend the impropriety.

On two occasions the nominee made gifts or loans to individuals who were not residents of New York so that they could relocate in New York and become public officials there. But New York law does

not prohibit such loans or gifts no more than it prohibits contributions to those seeking elective office. All that is prohibited is gifts or loans relating to past official conduct. Moreover, in one of the two instances, the law was not in existence at the time.

Thus, when these arguments against confirmation are examined in the light of the true facts, they appear to be without merit. It is perhaps because there is no really sound argument against the nominee that recourse is made to a "constitutional aside" that we must have in mind that Nelson Rockefeller was nominated by a President who was not elected. Of course, that argument if taken far enough is simply an argument against section 2 of the 25th amendment. However, the time to make such arguments is when we are amending the Constitution. That is when several Members of this House made their arguments against section 2. However, we should not now refuse to utilize a duly enacted constitutional procedure against the nominee because we are unhappy with its operation.

Moreover, I have not heard anyone complain that any bill signed into law by the President was not a law or that any veto was less of a veto because the President rose to that office without being elected by the electoral college.

The President is the President, and the mandate of section 2 could not be plainer. It is our duty to confirm or not confirm the nominee on the merits. The record indicates that the nominee is qualified to serve as Vice President. Although it is fair to say no single Member of this House would in each instance agree with the answers to the problems of our time which he might supply, I know Nelson Rockefeller to be a man of integrity, ability, and experience. He is the choice of our President. In fairly applying the 25th amendment, there is no reason to deny him that choice.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. MCCLORY. Mr. Chairman, I yield to my colleague, the gentleman from Pennsylvania (Mr. SCHNEEBELI), who attended Dartmouth College and who, I believe, was a roommate of the nominee when they were in college together.

Mr. SCHNEEBELI. Mr. Chairman, from the vantage point of personal observation and experience, I support enthusiastically the nomination of former Gov. Nelson A. Rockefeller to be the next Vice President of the United States.

Governor Rockefeller and I were roommates in our senior year at Dartmouth College and from this personal knowledge, and my continuing interest in his career in public service, I have nothing but total approval for his qualifications and background for this vital position. The six children of John D. Rockefeller, Jr., were all raised with a discipline and dedication to public service and the contributions which all the members of this family have made to the betterment of our country are manifold and complete.

With the indoctrination of the family training for public service, it is quite evident that Nelson has fulfilled his commitment to this fine ideal and has done

it well. His more than 15 years as Governor of New York have underscored the tremendous contribution which he has made, and it emphasizes the additional great service to our country which he is prepared to provide in this new capacity as Vice President.

His qualities of leadership and his ability to inspire loyalty from so many of our Nation's leaders will provide our country with the needed support for President Ford. We are fortunate that Nelson Rockefeller has agreed to serve in this second most important job in our country. Let us give him our endorsement and vote of confidence at this time.

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, the best political decisions in this Nation are made at the ballot box.

I sincerely question whether the voters of this Nation—given a free opportunity to express their opinions at the polls—would elect an individual with the apparent conflicts of interest and the power and the wealth of the man whose name stands in nomination for Vice President before this House. And I question the wisdom of the Members of the House of Representatives confirming and installing a man of such immense personal, family, and corporate power in this high office.

Mr. Chairman, I do not oppose this confirmation today on any petty or personal basis. I recognize the public service rendered by Nelson Rockefeller and other members of the Rockefeller family, but this does not wipe out the fact that the worldwide holdings—including every country in the world and every one of the 3,071 counties of the United States—of this fantastically wealthy family constitute the most colossal conflict of interest that could ever be imagined in any government, anywhere.

We have heard that Governor Rockefeller would be willing to place his holdings in trust—a blind trust. But, I know of no instrument—no arrangement—which could really accomplish this goal. It just is not possible with the massive holdings of the Rockefeller family—holdings which probably exceed \$2 billion—and with assets and interests scattered and interlocked all over the world. The managers of any blind trust—if it were to be created—could not possibly diversify the holdings in any significant manner without serious losses and without drastic effect on the stock of the companies involved. A blind trust might be possible for a public official with a few hundred thousand dollars or even a million or two, but it would be a farce to claim that any such arrangement could deal with the conflicts between the public interest and the interests of the Rockefeller empire.

Even in the unlikely event that Governor Rockefeller could completely divorce himself from any action which would touch one of his vast holdings—

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it would be difficult—if not impossible—for the regulatory agencies, the Government bureaucracy, to forget whose interests were involved in their day-to-day decisions. And this would be all the more intensified should he assume, for any reason, the top job as President of the United States.

Many words have been spoken and written on this point, but I think the Washington Post, in an article by William Greider and Thomas O'Toole in the September 22 edition focused the issue best and I quote:

If Nelson Rockefeller becomes Vice President or events make him President someday, he will bump into his family's wealth on practically every major public issue.

As President, he would have the last word on chartering overseas air routes, yet his family's bank is the largest stockholder in Northwest Airlines, which flies the Pacific. The bank holds major stakes in six competing airlines, not counting Eastern which Nelson's brother Laurance launched.

If President Ford wants oil prices held down, he could speak to the Veepee who could talk to his family. They control the largest bloc of Exxon stock and have a substantial presence in three other major oil companies: Mobil, Amoco, and Standard of California.

If "Vice President" Rockefeller tours the Middle East, he may find tracks in the sand left by his brother David who, as chairman of Chase Manhattan, the family bank, has been consulting the Arab sheikhs on where to invest their money—the bulging fortune from their oil wells.

If "President" Rockefeller asks the CIA for intelligence on the Soviet Union or China, he could take comfort in the knowledge that the spy-plane reconnaissance photos were taken with Rockefeller-made electronic gizmos—by Itel.

If he wants to check on conditions in Latin America, the stomping ground of his youth, he can do it through his own personal company—IBEC, or International Basic Economy Corp.—now run by his son Rodman. It's a mini-conglomerate with affiliates in 30 countries and sales this year of more than \$300 million—housing and supermarkets, mutual funds and coffee marketing, poultry and canned fish.

If the television networks give "Vice President" Rockefeller a bad time, he might turn to a friend at Chase Manhattan. According to a Senate subcommittee's study of corporate ownership, the bank controls respectable minority blocks of stock in CBS, ABC and NBC, not to mention modest bites of the New York Times and Time-Life, Inc.

Taxes, the environment, government regulation of business, prices, interest rates, overseas diplomacy, war and peace—Rockefeller interests are enhanced or hurt by government policymaking in practically every major area of American life.

Many members of the Judiciary Committee in the House and the Rules Committee in the Senate have correctly raised questions about the long list of Rockefeller "gifts" to various individuals, most of them public officials in New York State. The obvious question is whether these gifts—which I understand have totaled around \$2 million—were philanthropy or simply the use of wealth to extend power and influence?

Mr. Chairman, this is the kind of question which I have raised—along with other Members of the House—in various

foundation studies conducted in the Small Business Committee of the House and later in the Banking and Currency Committee. We have surveyed through the years the holdings of the Rockefeller foundations—some 14 private foundations controlled or dominated by the Rockefeller family. While these foundations have provided the funds for many worthwhile projects, I have never been convinced that these foundation gifts have been totally isolated from the nonphilanthropic economic activities and interests of the Rockefeller family. These foundations, in my opinion, are an integral component of the vast network of Rockefeller-dominated and controlled economic and political entities.

A survey of the portfolio of these foundations reveals that many of the investments are similar in many instances to the investments of the trust department of the Rockefeller-owned Chase Manhattan Bank and the members of the Rockefeller family themselves. As many Members in this House will recall, the Banking and Currency Committee in the late 1960's launched the first full-scale study—over massive opposition—of the trust activities of major commercial banks.

This study, "Commercial Banks and their Trust Activities: Emerging Influence on the American Economy," spelled out some of the massive power residing in the trust department of the Rockefeller family's Chase Manhattan Bank.

At the time this study was released by the Banking and Currency Committee in 1968, Chase Manhattan—which I believe is the real cornerstone of Rockefeller family power today—had investments through its trust department of nearly \$13.6 billion including substantial stockholdings in 59 major U.S. corporations—many of which were interlocked with still further Rockefeller interests. In fact, the committee study revealed 79 interlocks between the Rockefeller-dominated and controlled bank and major U.S. corporations.

Of course, this Chase Manhattan trust department has been growing and today it has holdings of about \$16 billion and the bank is reported to retain voting rights to well over half this portfolio—a portfolio which reaches right into the heart of the corporate power of the United States.

This Banking and Currency Committee study along with our earlier study, "Bank Stock Ownership and Control" and our investigation of the collapse of the Penn Central empire, raised major questions about the concentration of economic power and these are questions which have now been intensified by the fact that a member of this powerful family is to assume one of the highest public offices in the world.

These banking studies and the studies of the tax-exempt foundations have made significant contributions to an understanding of wealth and corporate and banking power in the United States. The investigations and hearings conducted by the Rules Committee in the Senate

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and the Judiciary Committee in the House of Representatives have been excellent and they throw much new light on how this corporate power is interlocked and how it is wielded.

But the unfortunate truth is that we do not know enough in the Congress about how U.S. corporations and banking institutions are owned, controlled, and how their decisionmaking processes are linked with other economic entities and how this power touches other economic interests and governments around the world. As we have often learned in the Banking and Currency Committee, attempts to elicit this type of information runs into all kinds of bitter opposition.

The Rockefeller nomination, in my opinion, points up the need for a mammoth congressional study of corporate and banking power in the United States and how it is interlocked and how it makes its decisions and how these decisions affect the lives of all Americans—our entire economy. Such a comprehensive study, had it been in existence, would have answered many of the nagging questions which still hang over us as we vote on this nomination today.

The Judiciary Committee with its jurisdiction over legislative areas dealing with economic concentration, the Banking and Currency Committee with its jurisdiction over banking, and the Commerce Committee with its jurisdiction over large segments of the business community could coordinate such a study—to include not only the Rockefeller holdings but the entire corporate and banking picture. This is a good opportunity to pull back the covers and really look at corporate America.

In all fairness to Governor Rockefeller, I do not think we really know the degree to which he is involved in the day-to-day operations of the mammoth empire of the Rockefeller family. He and his supporters minimize his role. Perhaps this can be established, but I would like better answers to claims and counterclaims and I think these studies of the Rockefeller family should continue—and I hope and believe that Rockefeller would cooperate in this.

In the meantime, I think it would be wise for President Ford to limit the Vice President's role in policy and decision-making that might bear directly on any of the Rockefeller interests. This may be difficult, I recognize, but it is essential that we do everything possible to maintain confidence in the Federal Government—and conflicts of interest or the appearance of conflict can do more to destroy confidence than anything else.

Mr. Chairman, I think many of us could rest easier about this nomination if it were not for the apparent insensitivity of the nominee to what money means in terms of power. Many of his statements about the "gifts" seem strange and out of character for a public official expected to represent people of all walks of life—the poor as well as the rich.

He is quoted as telling Joseph Kraft, the columnist:

I like to give gifts, and \$100,000 to me is like \$10 to other people.

This kind of thinking—and I am sure it is sincere—makes me wonder how Nelson Rockefeller could understand the interests, the needs, the hopes, and aspirations of the plain people of America. Perhaps, I misjudge him, but this kind of attitude worries me—and I think it worries many people across this land.

Mr. Chairman, I do not feel that the nomination of Nelson Rockefeller is in the public interest and I will vote against the nomination.

What really disturbs me is the fact that this is the second time in just 13 months that the Congress has been called on to give its blessings to a Republican appointment to one of the two highest offices in the land.

When Governor Rockefeller is confirmed—as everyone tells us he will be—we will then have for the first time in the history of this Nation two unelected officials as President and Vice President. In my opinion, this is an intolerable situation—something which we should never have allowed to occur. It is sad indeed that the Republican Party has made such massive mistakes as to leave us with such a situation and it is unfortunate that the Congress did not better provide alternative solutions.

The 25th amendment does not work in a situation like this and it should be changed. This should be a priority item in the next Congress.

As I stated back on August 8 when the present incumbent in the White House, Gerald Ford, was about to take the oath of office through the courtesy of an appointment by Richard Nixon, I feel that the Constitution does in reality allow us to call an election despite the 25th amendment.

Let me point to article 2, section 1 of the Constitution. It is my opinion that this section of article 2 does leave the possibility that the Congress can call an election.

Article 2 provides:

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Mr. Chairman, I realize that there are many who will disagree about what article 2 means in this circumstance, and it is obvious that many feel that the 25th amendment is the only course which we can pursue in filling these vacant offices.

If in truth the prevailing opinion is that no election can be called under the present Constitution, then I feel it is important that the Congress move quickly—in the next session—on an amendment providing for an election within 90 days of any vacancy. I think it is contrary to our whole concept of Government to have the two highest offices in the land filled by appointed officials.

Judging from some of the news reports, there are apparently to be ceremonies later in the day—apparently the

votes in the House have already been decided. In any event, I hope that any such ceremonies and celebrations are conducted in a subdued manner in keeping with the real facts of recent history. Without the tragic and sordid events which required both the elected President and Vice President to leave office within 1 year of each other, we would not today be considering still another appointment.

It is hardly a happy event for the House to be confirming appointments to offices which the people are supposed to control through open and free elections.

Mr. Chairman, I do not think that big business and big banking could win at the polls. It is after all big business and big banking that have put us into this economic mess we are in today with high interest rates, ruinous inflation, and growing unemployment lines.

I do not like to see a representative of this big business and big banking community elevated to this office by this back door method of appointment. Once again, I am convinced that this would not happen if we had open and free elections on this question.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana (Mr. WAGGONER).

Mr. WAGGONER. Mr. Chairman, this amounts to the second occasion this Congress that we have relied on the 25th amendment to fill a vacancy for the office of Vice President. Some have suggested that the 25th amendment falls short of its intended purpose and needs revising. Regardless of how imperfect it might be, the 25th amendment provides us with an orderly means of filling a vacancy for the office of President and Vice President.

It is, I feel, most unhealthy and unwise to continue the operation of the executive branch of Government without a Vice President. That office should be filled as soon as is possible, and I think it is incumbent upon us, the legislative branch, to provide the leadership and act forthwith on behalf of all the American people.

Certainly, not everyone agrees on President Ford's choice for Vice President. No one would expect everyone to agree. In fact, I would be surprised if there were ever unanimous agreement given anyone nominated to fill a high public office.

Yet after a thorough and exhaustive investigation by the Senate Rules Committee and the House Judiciary Committee, there was really nothing found that would warrant disqualifying Mr. Rockefeller. I do not feel that any man, save perhaps the President, Mr. Ford, has undergone any closer scrutiny than has Mr. Rockefeller. If nothing could be turned up of a disqualifying nature by the Senate and the House Judiciary Committee, then I feel that there is nothing. If there were, surely it would have been found by now. It is amazing really that so few objections have been raised, all factors considered.

A number of people have asserted that

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unless one can agree 100 percent with Mr. Rockefeller's stand on the issues then he should vote against his nomination. I take issue with that kind of thinking, and I hasten to add I disagree with Mr. Rockefeller myself on some issues. If we are going to oppose a man's confirmation say, for example, on just one or two issues, then there is not a man alive who can meet all the qualifications for President or any other public office for that matter. To do so would be to effectively abandon the 25th amendment. People, of course, should express themselves.

I think we should all keep in mind what a confirmation hearing is all about. Herein lies the misunderstanding of the 25th amendment. It is an opportunity to review the nominee's qualifications for the office and then determine whether or not the nominee is qualified and meets the requirements. It is nothing more, nothing less. It is not like an election or a vote on some bill in the House where there is often more than one choice or a substitute. The issue here is to accept or reject the qualifications of this one man for this one office. This is our only choice. It is that simple.

Here we have a man who has the experience and the proven abilities which this office calls for. His experience and abilities are limitless. He is, beyond any reasonable doubt, qualified for the job in every respect. We must rely on our system of checks and balances. Mr. Speaker, I take a little bit different view of Mr. Rockefeller's wealth. Rather than being a liability as some might have suggested, I think it could be an enormous asset, when it is viewed in terms of the independence it allows the man who is unencumbered by personal financial problems and who cannot be tempted by financial gain while in office. I do object, however, to politics becoming a rich man's hobby.

Whatever one man might think of his political views, I do not feel there can be a challenge to his qualifications to hold this office. Surely we have not reached the point in this land wherein no man is qualified to serve in public office. While I do not know him as well as I know the person who nominated him, there is no more honest and truthful man than Gerry Ford; and if he feels that Nelson Rockefeller is the man for the job, then I accept his recommendation. If your findings concur with those of the Senate and the House Judiciary Committee, we have no choice but to confirm the man. It matters not whether Mr. Rockefeller was anyone's first choice; he is the only choice at present. For the reasons I have outlined, I intend to vote to confirm Mr. Rockefeller, and I urge his confirmation and my wife agrees.

Mr. BURLESON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAGGONER. I will be happy to yield to my friend, the gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Chairman, perhaps we could say that every day the Congress is in session is, to some degree, historic. Today, however, is the second historic occasion under the recently adopted 25th amendment to the

U.S. Constitution. My remarks might be more in the form of a testimonial, rather than from the standpoint of attempting to describe the merits of the Vice Presidential nominee, which is being done here now by members of the Judiciary Committee who have so carefully and fully heard the pros and cons of this nomination.

For more than 25 years I have had occasional opportunity to observe Mr. Rockefeller when he was in the service of our Government. He was in the Truman administration, the Eisenhower administration and subsequent administrations, doing his job in what I believe to have been out of a sense of duty and a willingness to submit himself to the efforts it took for him to perform a particular task. He has never done me a favor nor have I ever been asked to do anything for him. My views on this matter are absolutely and unequivocally objective.

A few days after President Ford nominated Mr. Rockefeller to become the Vice President, I had occasion to mention the fact that I wondered how many of us with his reputed wealth would be willing to assume this responsibility offered him. I wonder how many of us here would be willing to undergo one of the most thorough and exhaustive investigations in all facets of our lives. I wonder if we would be willing to enter the glass bowl and subject our every past and present action to the most severe questions which could possibly be propounded to us. I wonder if most of us would not feel it time to enjoy the material things available to the Vice President-designate and not be worried by the intense scrutiny under which Mr. Rockefeller has gone, and which has turned up nothing which, in my opinion, disqualifies him from this high office.

As everyone is aware, many publications of the extreme right and left, and many individuals in this category, have disseminated opinions, insinuations and innuendoes which they did not present to the committees looking into the affairs of Vice President-designate Rockefeller. In some quarters it has raised distrust, doubts and fears that something sinister is taking place but none of this has gone beyond accusations of one sort or another. Where do we get men and women to serve in this Government if wealth and success are to be disqualifications?

I have confidence that, although I certainly do not agree with Mr. Rockefeller on many philosophical issues, it is not reasonable that any of us would agree wholly with any individual who may be presented for this position.

Mr. Chairman, I support the nomination of Mr. Rockefeller as Vice President of the United States. Under our system there must be continuity, there must be conscientious leadership, whether we always agree with it or not, and I believe it is time this Congress expeditiously acts to confirm Nelson Rockefeller as Vice President of these United States.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, this in all probability will be the last time that I shall address this House, and I am proud that this occasion is going to be used to recommend the confirmation of a great American to be the Vice President of the United States—Nelson A. Rockefeller.

I have known him for a long time. In the early 1960's, when he was Governor of New York, I was president of the New Jersey Senate, and, of course, coming from that area, we always looked to what is known as the New York Port Authority to remedy all of the problems of both States. For the most part, we were in adversary positions trying to do what we could for our individual States which we represented.

I am proud, too, that because of these negotiations, I was in some small way, together with him, a part of the largest transaction that ever took place in this country between two States which led to construction of the World Trade Center.

The biggest asset that I found in Nelson Rockefeller, in addition to his ability—which is second to none, in my judgment—was the fact that this is a man of great integrity. What he told me, I could believe. His word is good. This is important; I think the most important factor that has to be considered.

The Committee on the Judiciary set a very heavy standard for this nominee. Because he is going to be the Vice President and is only a heartbeat away from the Chief Executive's position, the standards of the Presidency also apply here.

We found three main objectives that had to be explained and proved to the committee: One, was he capable of doing the job, and on this not a single soul has a question. The second was: Does he have the integrity to carry out the office? Can we trust him? And, of course, here there was not a shred of evidence presented by anybody of anything that happened in his whole lifetime, his 40 years of public service to his country, his 15 years of dedicated service as Governor of his State—not a shred of evidence that showed anywhere that he did something that he should not have done.

The only thing that has been raised is not something that happened—this is the most unusual test of them all—but hypothetical cases on what might happen because he has great wealth, and this, I think, is an untenable position.

We can best judge what a man is going to do by studying what he has already done. Some say an accumulation of economic wealth is too dangerous to have when at the same time one may have the great power of the Presidency. I ask them to analyze that statement. These are a lot of first-class 50-cents words. But what do they mean?

If we talk about the Rockefeller wealth, where is it concentrated? New York City is where it is—most of it. And where was he Governor for 15 years—New York State.

To each of the witnesses who came to testify against his candidacy, I asked pointed questions: Show me one case where this man in the 15 years as Gov-

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error of the State at any time acted in the interest of his fortune or his family in such a way that it was detrimental to the State of New York, and not a single one of those witnesses was ever able to present anything.

Some members of this committee wanted all 84 members of the Rockefeller family to come in and testify as to their wealth, testify as to where all the foundation investments were.

After one does all of that, and after we find out where it all is, do we still not resolve the same questions: the integrity of the nominee?

As our chairman so aptly said, the only one thing judged by this House is the nominee, Nelson A. Rockefeller, and not his 84 relatives.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SANDMAN. Mr. Chairman, the third area of course has to do with his philosophy and in this area no two people are going to agree on everything.

Some people say that because of the man's great wealth he is not going to appeal to the people. Is this not the man who has been elected four times by the people of one of the largest States in the Nation? Somebody had to believe he appealed to people.

I am interested too in what those people have to say who have had to represent and have spent their lifetime in representing minorities. What do they have to say about the man? I would like to call to the attention of the Members the remarks made by the gentlewoman from New York (Mrs. CHISHOLM), made on November 27 before our committee, when she pointed to an outstanding record in the interest of the people from all walks of life. That is important. Then there are the remarks made by the gentleman from New York (Mr. RANGEL), and the gentlewoman from Texas (Miss BARBARA JORDAN) in a wonderful statement she made before the Judiciary Committee.

Putting all of this together I think we have resolved that this is the most capable man for this office who can be presented to this House.

To my colleagues on both sides of the aisle I would say, let us admit that this nominee was confirmed by the Senate 90 to 7. He was confirmed overwhelmingly by the Judiciary Committee. We know he is going to be confirmed by this House. Would it not be a nice thing if we could agree on something and go together into the new year? Let us nominate Nelson A. Rockefeller to be the next Vice President of the United States.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Chairman, with due respect to our great Judiciary Committee chairman, I would say that the greatest cause for concern about the nomination of Nelson Rockefeller to be Vice President is the possible conflicts of interest he would face because of his family's great wealth. This wealth includes holdings in this country in oil and

banking as well as immense investments in other countries.

In this country, his family, the Rockefellers, own 2 percent of Standard Oil of California, 1 percent of Exxon, 1.8 percent of Mobil, 0.7 percent of Marathon Oil, and 0.2 percent of Standard Oil of Indiana. In addition, the family bank, Chase Manhattan, holds 5.2 percent of the stock of Mobil Oil, 4.5 percent of Atlantic Richfield, 1.3 percent of Continental Oil, and 0.2 of Ashland Oil.

The family's control of the Chase Manhattan Bank is of great concern. It has \$37 billion in assets and is the Nation's third largest bank—after the Bank of America in California and First National City Bank in New York. In addition to its holdings in the oil industry, Chase has large interests in four of the Nation's airlines and the three television networks.

Although J. Richardson Dilworth claims the Rockefeller family does not control anything, Nelson's brother, David, is chairman of the board of the bank and it is widely known as the Rockefeller family bank.

Throughout his career Nelson Rockefeller has been an advocate of a militant foreign policy. During one campaign for the Republican nomination for President he proposed the establishment of an Inter-American defense force, which was generally regarded in Latin America as a ploy to form an army to protect the holdings of American companies in Central and South America as well as the holdings of the wealthy families of Latin America.

This plan and other statements by Rockefeller make it clear that he would advocate the use of American troops to protect American industry abroad. This indicates that he did not learn anything from the Vietnam war which he supported wholeheartedly to the very end.

Because of his family's great wealth Nelson Rockefeller's outlook has been one of protecting industry and institutions rather than meeting the needs of the majority of the American people.

He simply has no way to relate to the needs and desires of people who worry about making mortgage payments when they have to buy a new car and have one or more children about to enter college.

He does not know, and can never know, what it means to worry about being laid off from a job or worrying how a family is going to be fed when both parents are out of work and unemployment benefits are about to run out.

How can a man relate to the needs of middle America when he only gives gifts to people—for alleged family emergencies—who are in the top 1 percent income bracket in the country?

One gift, to L. Judson Morhouse—the gift was stock in a firm which owned one property—is suspiciously significant. The same Morhouse, former chairman of the New York State Republican Party, was sent to prison as a result of a liquor license scandal.

Rockefeller later pardoned Morhouse because of what he said were medical

reasons. Morhouse was and is allegedly in poor health.

Rockefeller told the Senate Rules Committee that he pardoned Morhouse after three independent doctors went to the prison where Morhouse was serving his time and examined him and reported that his life would be in jeopardy if he remained in jail.

The facts in the case are that only one of these doctors ever saw Mr. Morhouse. The others never made it to the prison because of a snowstorm, but they filed affidavits anyway.

Other affidavits were filed by doctors on behalf of Morhouse as part of his application for clemency. Some of these were rewritten because a member of then Governor Rockefeller's staff thought they were "weak."

The nominee's lack of candor on this issue and others shows an arrogance and a willingness to be less than candid with the Congress which could lead to trouble—such as we had with Mr. Nixon—if he were to become President.

In his reply to my questions about gift taxes relating to the use of his airplanes by Henry Kissinger and others is the kind of "I do not give a damn" type of answer we got from the Nixon White House.

This indicates a belief in the supremacy of the executive branch which can only cause trouble since the nominee would probably act in the same high-handed manner as Nixon did. There is simply nothing in his testimony before either committee or in his statements of support for Nixon's positions before he resigned the Presidency to indicate otherwise.

I intend to vote no.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, my earliest recollection of Mr. Rockefeller is when he became Under Secretary of Health, Education, and Welfare, in early 1953. Mrs. Hobby from Texas was the first Secretary of Health, Education, and Welfare. Mr. Rockefeller was her Under Secretary. During that period of time the Eisenhower budget for education just touched the surface, just tipped the iceberg, so to speak. All that it had at that time in the budget for education was \$528.7 million.

Now, the capacity of Mr. Rockefeller in this field is shown in that he had a very discerning mind about what was going to be required for education in the last one-third of the 20th century. Where we had \$528.7 million in 1953, with Mr. Rockefeller as the principal exponent of Federal assistance to education, we come today to the fact that we have total appropriations for Federal assistance to education of more than \$6 billion, almost \$7 billion.

A great deal of what he believes some of us would disagree with, but most of us cannot deny the fact that he has courage, that he has brains, that he has real

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capacity. And, as I have tried to demonstrate here, he has shown a very discerning mind about what is needed, or what has been needed and what will be needed for the future of these United States. Education is the fundamental of this need and more than 20 years ago he led the way. He broke the ice.

I think we can do no better than to go ahead and confirm Mr. Rockefeller as Vice President of the United States. I think we need his leadership. I think he can tell the country what it needs to be told.

Mr. Chairman, I am an individual dedicated to the welfare of America. I am not concerned about personal assets. I am not concerned about all the things that go with personal wealth. What I am really concerned about is the welfare of America. I think Nelson Rockefeller has demonstrated that quality in his terms as Governor of New York, in his service as Under Secretary of HEW, and many other public endeavors.

I am pleased today to be able to endorse the nomination of Governor Rockefeller for Vice President of the United States.

The CHAIRMAN. The Chair now recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield five minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I do not come before the committee this afternoon with a prepared speech, although perhaps in view of the very portentous nature of this occasion, that would have been the proper procedure. But again, in view of the fact that we were so recently reminded of that little used House rule against reading of speeches from the well of the House, maybe it is fortunate that I do not.

Having had the opportunity to testify on the 12th of September of this year before the Committee on Rules of the other body in support of the nomination of Nelson Rockefeller, and more recently before the House Judiciary Committee, I felt it would serve no great or useful purpose to again recite his many and vast accomplishments. His record of experience and public service, I think, eminently qualifies him for the Vice Presidency of the United States. His interest in a wide range of questions of public policy has been manifest in the contributions he has made to effective government over several decades, and most recently as the Nation's senior Governor until his retirement from that office at the end of last year. He does have a record of public service rarely equaled in the annals of our country.

I have made a few notes here this afternoon as I have listened to the debate proceed. It seems to me that there are two somewhat conflicting theories espoused by those who oppose the confirmation of Nelson Rockefeller. One, as I understand it, is that we are acting this afternoon in the capacity of surrogates of the people, and to that extent we should merely reflect the wishes of our particular constituency. An exten-

sion of that theory has been offered to the effect that, in view of the results of the recent election, there would be a lack of legitimacy to our actions if this particular Congress, the 93d Congress, undertakes to act on this nomination, and that we might therefore well defer it until January 1975 or until the 94th Congress.

It seems to me that, if we were to follow that logic to its conclusion, that it would be very difficult for any Democratic Congress to ever confirm a Republican for the Office of Vice President. There might even be some who would be encouraged to suggest that we should require the reconfirmation of the 38th President of the United States in view of what occurred in the congressional elections on the 5th of November this year. Yet, if we were to take that posture this afternoon, it seems to me without any argument that we would have to concede that the system devised under the 25th amendment to fill a vacancy in the constitutional Office of Vice President would simply break down.

I cannot really believe that anyone wants that to happen. There may be those here who have a legitimate quarrel with the 25th amendment. I myself have had, on occasion, some pause about it and it may be argued that the 25th amendment is an imperfect vehicle. However, the fact remains that it is the supreme law of the land legislated by this body and ratified by two-thirds of the States, and let us, therefore, proceed to do what is our constitutional duty: to act in this Congress on this nomination.

The other theory in opposition to confirmation of Nelson A. Rockefeller that has been advanced by the gentleman from Wisconsin, whom I respect as one of the leaders of the opposition, is that we should not be merely guided this afternoon by constitutional standards for the Office of the Vice Presidency—as I believe he said in his earlier remarks—but by our independent judgment, and that independent judgment, in turn, can rest upon what our individual feelings are about the nominee's position on various questions of public policy.

Obviously, I can agree with the gentleman from Wisconsin (Mr. KASTENMEIER) that we are not simply rubberstamps, as he put it, but equal partners in the constitutional process set forth in the 25th amendment.

However, in exercising that independent judgment, I think we ought to be careful not to substitute merely our personal prejudice about the views of the Vice President-designate, not to substitute our personal prejudice in that regard for an objective examination of the exhaustive record that has been compiled by the House Committee on the Judiciary. That record shows conclusively that it was not a whitewash. This committee went into the matter of Nelson A. Rockefeller's fitness and qualifications—as the chairman of the committee, the gentleman from New Jersey (Mr. ROJINO), told us when this debate opened—extensively and intensively and on the broadest possible scale.

In answer to the one speaker who earlier expressed concern about the great fortune of the Rockefeller family and their economic interests—they do, admittedly, stretch into many different areas. Here again I would suggest that it is our duty in exercising that independent judgment to be guided exclusively by the record of the nominee's stewardship both as a public servant and as a private citizen of the United States of the assets which he enjoys.

That is the record on which we are to proceed, rather than on the basis of some vague inchoate suspicion that may lurk in the back of someone's mind. I am satisfied that this same House Committee on the Judiciary, of which I was so very proud earlier this year, which performed so magnificently in connection with the impeachment inquiry, has again done the kind of careful job that entitles us to accept the recommendation that they have made by a vote of more than 2 to 1 that Nelson A. Rockefeller should be confirmed by this House as Vice President of the United States. He can help to provide the kind of positive and progressive leadership that our Nation requires in the critical years that lie ahead.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from New York, who represents the State of the former Governor of New York (Mr. STRATTON).

Mr. Chairman, it is my understanding there will be an additional request.

Mr. RANGEL. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York (Mr. STRATTON).

The CHAIRMAN. The gentleman from New York is recognized for 8 minutes.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the nomination of Governor Rockefeller as Vice President of the United States. Perhaps my views on this matter may be of some interest to the Members of this body, for two reasons. First of all, because I am, at least in a sense, Governor Rockefeller's Congressman, since I happen to represent the city of Albany, the capital of the State of New York, where the Governor served for 15 years. Actually, his voting residence is in Westchester County, but I think the people of Albany have come to know him pretty well in those 15 years.

Second, because I do hold a view which has been mentioned earlier today in debate, but which until today has been almost completely ignored, and that is that there is a difference between the confirmation procedures set forth in the Constitution for the Senate of the United States to advise and consent to the President's nominations and the job that is imposed upon us by the 25th amendment to the Constitution.

Traditionally, the Senate has felt that if they cannot find anything to disqualify a nominee, they have to let the President have his own man.

But this is a different procedure we face today, in my judgment, for two reasons. First of all, because the House this time is included, and not just the Senate; and, second, because the people we

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are being asked to confirm are those who in the normal course of events would have been elected by the people themselves in a general election.

Therefore, it seems to me that the primary obligation on our part, in the circumstances of selecting two of the top men in our Government without the election that ordinarily is called for, should be to represent in our votes a kind of surrogate for that national election and so to try, as well as we basically can and insofar as we possibly can, to vote the way the people would like to have us vote.

So with this view of our obligation and having the privilege of serving here in Congress the people of the capital of New York, who know Mr. Rockefeller best, I intend to vote against the confirmation of Nelson Rockefeller.

How do I know, Mr. Chairman, what my people want on this question? Well, I have conducted no scientific polls, I have not even sent out a questionnaire on this subject. But in the 5 months during which Mr. Rockefeller's name has been before us, I have talked to literally hundreds of people in my district on this subject, people from all walks of life. I believe that their views on this question represent a fair sample of the basic views of the people in the capital district of New York State.

In addition to that, I made my position concerning this nomination a part of my recent election campaign: that I intended to vote the way the people of my district wanted me to vote. At that time, my mail was running about 85 to 1 against the Governor. When the campaign was over, I urged the people to write me or call me and let me know how they felt. It still ended up 3 to 1 or 4 to 1 against Mr. Rockefeller. Now, why is it that they feel this way in upstate New York? Some people have said, "This is just the antiabortionists writing in." Yes, I have had some antiabortion sentiment expressed to me in my mail, but this is certainly not the bulk of it. The bulk of it, I think, shows that the people of New York State have a little different view of Nelson Rockefeller than do the people in the other 49 States.

The people of New York have become, frankly, disenchanted with his administration of our State. We have had an eightfold increase in the State budget over his 15 years; we have the highest taxes of any State in the United States; and we now have the highest bonded indebtedness of any State. Moreover, that bonded indebtedness is scattered through a maze of independent authorities, with virtually no accountability to the people themselves.

The people of my district recognize that this is a time when we are trying to put our national fiscal house in order and when we are talking about restraint and budget reduction, and they are afraid that Mr. Rockefeller is just not the person who, on his record, can contribute to that kind of objective. They are afraid that if Mr. Rockefeller should become President, he will put into effect nationally, the same program he put into effect in the State of New York.

Mr. Chairman, there is another fear

that the people of my district have, and I think I have an obligation to express it too. They know that Mr. Rockefeller is a take-charge guy. They know that he ruled New York State with a firm hand during the 15 years he was our Governor, not only in the executive department but in the legislature as well. They know he is not the kind of person who is going to accept the kind of docile, subordinate role that is traditionally the Throbbottom image of the Vice President.

My people have a gut feeling about this point, Mr. Chairman. They do not know any better than anybody else knows just how this might be accomplished, but they have an intuitive feeling that if Nelson Rockefeller becomes Vice President of the United States, in a very short time he is going to be taking over from Mr. Ford and is going to be President of the United States; and they just do not want him to be President.

Finally, I want to make it clear, Mr. Chairman, that while I will cast my vote against the nomination, I do so without any animosity toward Governor Rockefeller himself whatsoever. I have known him over these 15 years. I know of his fine qualities; I know of his tremendous energy; I know of his long dedication to public service. But I shall cast my vote, Mr. Chairman, in conformity with that which I interpret to be the primary responsibility placed upon us under the Constitution to make this vote in the House today reflect, as much as we humanly can, the voice and the vote of the sovereign people of the United States.

Mr. GUNTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be happy to yield to the gentleman from Florida.

Mr. GUNTER. Mr. Chairman, I commend the gentleman from New York on his statement. I agree with it in most respects.

Mr. Chairman, I will vote against confirming Nelson Rockefeller as the 41st Vice President of the United States.

This has been a difficult decision, because of the long period of instability our country has experienced during the dark night of national turmoil and disgrace which began with the indictment and forced resignation of the former Vice President, and finally reached its depths with the forced resignation of the previous President of the United States under the certainty of impeachment.

The first President to hold the highest office in the land without having been directly elected as President or Vice President by the people has now sent us the nomination of a Vice President of the United States also not elected by the people.

The extraordinarily critical responsibility of the Congress in such a circumstance under the 25th amendment to the Constitution becomes undeniably imperative, for that reason alone and of itself before weighing all the other critical implications attendant with this nomination. The responsibility we are required to meet today with respect to the confirmation process, as a process, rises far, far above the level of that responsibility as is exercised routinely and

at times perfunctorily in confirming the appointments of admirals, or another foreign U.S. Ambassador, or department head, by the Senate. The 25th amendment recognizes the unique level of responsibility placed upon the Congress in these circumstances, and the fact that the process of installing a new, non-popularly elected Vice President is a jointly and fully equal one between the President and Congress, and in this instance, involving a confirmation process in which the House, as well as the Senate, is mandated to participate and give its consent.

The 25th amendment thus recognizes the special constitutional role of the House as that body closest to the people, in circumstances where the people themselves may not directly represent themselves in the process of selecting their two highest national leaders. There is no presumption, therefore, as with the lower level political appointments of a popularly elected President, that he is entitled by virtue of that popular election to staff the executive branch with any qualified choice congenial to the purposes of his administration.

The only presumption today that matters here is that the House will, in fact, represent the people to whom our body is closest, and who are prevented from directly representing themselves in the selection of a constitutional head of state in a free and democratic society. With this presumption goes the additional, inherent presumption that the process itself by which we vote or deny confirmation will have been adequate to the gravity and nature of the special responsibility the 25th amendment thrusts upon us. Specifically, it means that all of us who now debate and will shortly vote on this nomination have adequate information and knowledge on which to base such a historic decision, and one so critical in its implications for the life of the country.

This would be an imperative requirement in any event for the process of fair and impartial consideration of the Vice Presidential nominee under the provisions of the 25th amendment. The national tragedy and instability we have gone through makes it, if possible, even more so.

We have before us as a nominee, the name of a man about whom serious legal, financial and moral questions were raised and explored by the Senate Rules Committee and the House Judiciary Committee, in some instances, and in my judgment, not sufficiently and thoroughly explored in others.

We have before us a report and recommendation by the Judiciary Committee. We know that a number of members of that committee felt it essential to the adequacy of the record that certain witnesses be called who were not, and certain questions thoroughly explored, which were not, and that 12 members of that committee, nearly a third its membership, do not join in that report and that recommendation.

We consider this nomination in the full House today under strict limitations of time for debate and exploration by

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those of us not privileged to sit on the Judiciary Committee, but who must nonetheless exercise a personal responsibility under the Constitution.

I was one of those who felt that the House Judiciary Committee should have begun its hearings on this nomination earlier, so that the committee record could have been more fully and more adequately developed, in keeping with the gravity of the occasion and the requirements placed upon Members who have not had the benefit of sitting on the committee.

On the basis of the information that is presently available to me, Mr. Chairman, I will be compelled to vote against confirmation on substantive grounds, notwithstanding the difficulty of arriving at my decision to do so.

For though I recognize the long uncertainty and instability and turmoil the Nation has lived through for so many months, far too long now, with the political tragedy of the forced resignation of its two highest leaders, and with the whole sorry chapter and tragedy of Watergate, I think it essential that we not possibly tempt the occurrence of still another such tragedy by shunting aside and failing to soberly recognize the many serious questions that still remain about this nominee.

Such questions are only, in part, personal.

They are also institutional, with respect to the function of high office within a democratic society and democratic process.

If we have before us the name of a nominee about whom questions still remain and information yet remains lacking, we also have before us a proposal of institutional, governmental, and constitutional marriage between extravagant private wealth and extravagant public power.

We have before us, finally, and perhaps in the last analysis, most importantly, a moral choice and a special moral responsibility to the people of our country already ravaged once too often and far too long by the consequences of granting vast power to those lacking the sensitivity to the values and purposes of our democratic process itself in a free society.

In all these respects, finally, we are required to weigh the nominee's qualifications not to become Vice President, but to be President. Our most recent national experience makes real that transcendent fact and commands our full and sober recognition of it.

On all counts, I will vote against the confirmation of Nelson Rockefeller.

I will do so primarily because on the basis of the inadequate but available record, I cannot agree to help perform this marriage of public power and private wealth. Were I persuaded that no part of the public record contained or hinted that in the past public performance of the nominee, the dangers and concerns and fears of misuse of the combination of power and wealth ever materialized, I might be more inclined to consent to the nomination.

But in the case of this nominee, such

fears have been made real, caused by his own long and consistent and varied exhibition of total insensitivity to the dangers raised by the combining of his vast private wealth with previous public office he has held.

In an effort to thoroughly and vigorously explore the full nature of and extent of possible private economic influence over the affairs of National Government, were he confirmed, I asked the Judiciary Committee last month to summon David Rockefeller to testify. I did so because I strongly believed that no question as to the possible degree of a potential and inherent conflict of interest could be answered by asking such questions of the nominee alone, but also required vigorous questioning of David Rockefeller and the fullest identification of, and most thorough, examination of the implications of the economic power and influence in virtually every segment of the U.S. and world economy by Chase Manhattan Bank, one of the largest banks in the world, which David Rockefeller heads. Because Chase Manhattan cuts into every segment of the American economy, with major holdings in four of the Nation's largest airlines, all three television networks, and every conceivable kind of major corporation in every field, it is patently insufficient to let the question of possible conflict of interest pass with the mere assurance by the nominee that he will place his own individual fortune into a blind trust. There is no way Governor Rockefeller may place his brother and the rest of his family into a blind trust, or the \$1 billion fortune they have amassed.

David Rockefeller, despite the desire of some members of the Judiciary Committee, was not called to testify. The potential, really inherent, conflict of interest posed by the vast economic power and interests of Chase Manhattan Bank, was not identified, examined, and weighed.

If that was perhaps the single greatest omission in the confirmation hearings held by the committee, and the most single important part of the record lacking before us in the House today, there were many other omissions as well.

I previously urged that Governor Rockefeller be asked to testify at length with respect to his economic holdings and interests in both the country of Venezuela and in Exxon, the major supplier of Venezuelan oil to my consumers in Florida, as well as to other parts of the country. Given the economic extortion practiced against the people of the United States in the oil prices charged by Venezuela, and the nominee's own economic ties to both that country and that major oil company, surely the failure to weigh this question thoroughly and examine it vigorously is a most serious omission.

So was the failure, in my judgment, to adequately examine the relationship between Chase Manhattan and the taxpayer-backed and State Department-supervised Overseas Private Investment Corporation, which many feel should be eliminated but which Chase bank desires to maintain as a taxpayer-guaranteed insuring agency for its lending and bank-

ing operations in Brazil, South Vietnam, South Korea, India, the Dominican Republic, and Guiana.

As Vice President, what influence would the nominee have over the decision to continue or eliminate this program, and how could he not be aware of the vital interest Chase Manhattan, headed by his brother, has in the continuation of the program?

In the House today as we prepare to vote, we cannot even know the full extent of the additional kinds of questions of this nature which demand to be asked, because the full extent of the economic power of Chase Manhattan is not in the record before us.

We do have, however, the record of the nominee's past willingness to distribute private financial aid to public officials. The legal questions remain to be resolved. The nominee remains under a legal cloud, no less than a moral one. In light of recent history, we ought not tolerate the slightest doubt and yet vote to confirm.

The variety and degree and nature of his insensitivity to the attitude of mind, the abuse of spirit, and ignorance of public ethics, which brought so much tragedy down on the people of our land, for so long, and from which we now must emerge again into the sunlight of reborn hope, would, if we vote to confirm, proclaim our own darkness of knowledge, and our own insensitivity.

I urge that the insensitivity of Nelson Rockefeller in high office not befall the already ravaged political spirit of our people, and that our own insensitivity not, and that we vote to deny his confirmation today.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUBBS).

Mr. STUBBS. Mr. Chairman, I thank the gentleman for yielding.

I, too, bring to this matter much the same approach as did the gentleman from New York who spoke before me, although in my case it will lead to a different vote.

Mr. Chairman, I think the people of this Nation are extremely uneasy at the prospect we face of having both a President and a Vice President, neither of whom was elected by the people. I feel very, very strongly that the vote which we must cast later today is unique among all the votes we are ever called upon to cast as Members of Congress.

I think the selection of the Vice President and, consequently, of a potential President is one case in which our judgment should not be imposed upon that of the people.

To ascertain the wishes of my constituents I sent a questionnaire to the people in my district, as I did a year ago when President Nixon nominated Gerald Ford.

The people of my district were given precisely the question that we must face shortly:

Do you wish me, as your Congressman, to vote for or against the confirmation of Nelson Rockefeller?

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Over 29,000 people responded, with a vote of 69 percent for and 31 percent against. Consequently, when the roll is called later today, I shall vote, in their name, to confirm Mr. Rockefeller.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, for the second time in this Congress, we are asked to stand in for the American people to elect a Vice President of the United States. I have approached the nomination of Mr. Rockefeller in the same manner as I did for the confirmation of Gerald Ford.

Partisanship has no place in this proceeding. Mr. Rockefeller is the choice of a Republican President and a Democratic-controlled Congress should not veto President Ford's choice unless proof is presented to show that Mr. Rockefeller is personally unfit to hold the office.

I perceive to be one of my responsibilities as a Member of Congress to reflect as accurately as possible the majority thinking in my district. Therefore, I conducted a survey in my district calling several hundred citizens asking their opinions on the Rockefeller nomination. This was a statistically selected sample broad enough to give an accurate profile of First District opinion.

I repeat that I have taken this survey on this special issue because normally the American people are permitted to cast a direct vote for Vice President.

The results of that survey show that 75 percent favor the confirmation of Mr. Rockefeller, 17 percent are against, and 8 percent had no opinion.

Therefore, Mr. Chairman, in an effort to vote what my district wants, I shall cast a vote in favor of Mr. Rockefeller for Vice President.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois (Mr. McCLOY).

Mr. McCLOY. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, we are engaged here today in the important business of voting on the confirmation of the Honorable Nelson A. Rockefeller, who has been nominated by the President of the United States, pursuant to the provisions of the 25th amendment to the Constitution, to fill the existing vacancy in the Office of the Vice Presidency.

As I understand the purpose of the 25th amendment, in regard to the area with which we are now concerned, that purpose is to assure continuity in the Office of the Vice Presidency; continuity in the physical sense that the office shall not be allowed to remain vacant, and continuity in the political sense that it shall be filled by an individual of the same political party, and of the same general political philosophy as that of the Chief Executive who makes the nomination.

The individual nominated should also and naturally be personally acceptable

to the President; and he should, of course and above all, be an individual of integrity, ability, competence, and experience equal to the duties of the high office for which he has been nominated.

If these criteria are met then a Member of Congress ought, in my view, to vote to confirm. He is not, as I understand it, to decide the question on the basis of whether he personally would have made the nomination had he had that prerogative, nor on the basis of whether he would have supported the nominee had the Member been voting as a delegate to a national nominating convention, nor on the basis of whether, in his view, the nominee would be likely to carry the Member's district or State at a popular election; for no one of these is the situation which is now before us.

As a member of the Judiciary Committee I have listened carefully to the testimony before us, and have examined as much as I could of the voluminous documentary evidence.

The record before us indicates that Governor Rockefeller meets the criteria under the 25th amendment which I have mentioned. It indicates that he is a man of honor, competence, and experience, who has devoted his life to public service, and who has dealt responsibly with the great wealth with which his particular fate has endowed him, and which not only does not, but in my judgment, ought not to disqualify him from office. He is the choice and the nominee of the President of the United States, who has performed his function under the 25th amendment. In performing my own and different function under that amendment, the record before me discloses no persuasive reason why I should not ratify the executive choice; and I shall, therefore, cast my vote for the confirmation of Governor Rockefeller to be Vice President of the United States.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, as we conduct this debate on this allegedly vital issue before this half-empty Chamber, with these half-empty galleries, it becomes pretty obvious that the stockings are already hung by the chimney with care, the TV time has been ordered, the champagne is cooling in the bucket, and the question becomes: What do you give to the man who has almost everything? You give him almost everything he wants. I do not like taking the role of Scrooge at this particular time.

I would like to say first the things which are not my reasons for opposing this confirmation.

It does not have to do with the overwhelming barrage of mail which has come to my office opposing this confirmation, because I believe most of it is for the wrong reasons. I do not find relevant the nominee's personal life. I do not find disqualifying his views on particular issues. As to his conduct at Attica, I think there has been a great deal of second-guessing on that. I find also disturbing, but not disqualifying, the statistics. Governor Rockefeller was

elected Governor of the State of New York on a campaign promise of "pay as you go." That was his campaign promise—"pay as you go." The total budget of the State the last year before he became Governor was \$1,390,000,000. The total budget the last year he was Governor was \$8,881,000,000, an increase in the budget of 800 percent.

The total debt of the State in the last year before he was Governor was \$912 million. The total debt the last year he was Governor was \$9.1 billion, an increase in the debt of 1,000 percent.

We are told that we have a right or an obligation to confirm a man of the political philosophies of the President of the United States. Is this the political philosophy of the President of the United States? I submit not. Still I find this disturbing, but not disqualifying.

What I do find disqualifying is not the fact that he is wealthy but that he has used this great wealth improperly to buy political strength and political power. His gifts, to, for example, William J. Ronan were not just improprieties, they were illegalities. They were criminal illegalities, and they were not prosecuted in any manner in the State of New York because we tend not to prosecute the wealthy and the powerful.

I find his promise to put his holdings, if confirmed, in a blind trust rather unimpressive. Does he mean that in all the years he was Governor of the State of New York he did not make any decisions whatsoever? He did not do anything as Governor which might have required that they be in a blind trust while he was Governor? He did nothing about, for example, offshore oil drilling that might inure to the benefit of Exxon? I do not find this credible. This is why, although Santa Claus is coming to town, I decline to be one of his helpers.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

I certainly want, Mr. Chairman, to associate myself with the gentleman's remarks.

Mr. Chairman, I shall be with a minority of the U.S. House of Representatives as I cast my vote against the confirmation of Nelson Rockefeller as Vice President of the United States. This is an especially difficult vote for me because I am cognizant of the talent and ability and past contributions of the nominee. I am also fully aware of the great philanthropic contributions of the Rockefeller family. Because I am a black man, I am also aware that black Americans have benefited greatly by the philanthropies of the Rockefeller Foundation. However, I must vote against the confirmation.

No person should condemn any other person because he has a great abundance of wealth or because he is abjectly poor. Yet I cannot disabuse my mind of the gnawing, nagging fear that the awesome combination of political power and economic power in the long run bodes ill for the Nation. Perhaps this persisting, nag-

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ging fear would leave me if, as Governor of the State of New York, Mr. Rockefeller, had not lavished big gifts and big loans to public officials and influential citizens. It concerns me gravely that wealth could be used to pay for the writing and publishing of a book which was clearly designed to smear the life and political career of a political opponent of Governor Rockefeller.

Along with these concerns, I must remember Attica, a stain against the Nation that will not be washed away for many years to come. I must remember the "get tough on welfare recipients" posture that Mr. Rockefeller assumed when he apparently believed it was to his political advantage to do so. I must remember that it was at Nelson Rockefeller's insistence that antidrug legislation which was violative of civil liberties was rammed through the New York State Assembly.

Finally, we must inevitably come to grips with the problem associated with the second use of the 25th amendment within less than a year. At the time of the Nixon debacle, I, along with many of my colleagues, was grateful that the Congress had enacted this measure. However, I remain convinced that none of us contemplated that the Congress would, within less than a year, twice act as a surrogate for the people by naming a Vice President. We must make some changes in the law because citizens should not be denied the basic right to select a Vice President of their own choosing.

These are troubled, chaotic times for our Nation. We need strong and effective leadership in our highest elective offices. We need to pledge fulsome support to strong, effective, positive leadership. My negative vote against the confirmation of Nelson Rockefeller for Vice President does not and should not mean that he will not receive cooperation and support from me after he is Vice President. My negative vote means only that I have wrestled with my conscience and conscience has prevailed.

The CHAIRMAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I shall vote to confirm, and I shall do it for two reasons, one quite pragmatic, and the other upon a reasoned judgment of the basis upon which I think my choice should be governed.

First, as to the pragmatic basis: If this nomination were stopped, it would be by the votes of widely divergent elements of this House who could not coalesce to stop the nomination of a much less qualified nominee. Do any of my friends, my National Democratic friends, think that a better nominee from their standpoint would be forthcoming if Nelson Rockefeller were rejected?

Second, as to the philosophic basis, it is true, of course, that we are not called upon here to act upon the advise and

consent basis that underlies the confirmation process of the Senate of officers of the United States. That is the basis, of course, provided in Article II of the Constitution. We are called upon to act on the basis provided in the 25th amendment a confirmation by a majority vote of both Houses of Congress. There is a difference, as has been stated by the gentleman from New York (Mr. STRATTON), that is, when the question is whether or not to act on the advise and consent basis, the rule is generally considered to be whether or not there are negative factors that should block the selection of the person nominated by the President. Usually that selection is of a person who is to fill an executive office.

In this instance, as the gentleman from New York correctly states, the question is whether or not, on positive grounds, the nominee is within the brackets of ability and integrity so as to make him a fitting candidate for the office of Vice President, an office which may eventually vault him into the Presidency.

I differ however from my friend, the gentleman from New York, in the conclusion at which he finally arrives. I feel that Nelson Rockefeller is within those brackets rather clearly. I have not found—as my other friend from New York (Mr. PIKE) says—such positive disqualifying factors as would persuade me to vote against him.

For those reasons I shall vote to confirm.

I do not support the nomination of Nelson Rockefeller because I would choose him for the Vice Presidency on the merits. I would not, I think, agree with this President on his choice for the Vice Presidency on the merits in any case. But that is not the question here. It is as I have said, only whether Mr. Rockefeller is within the brackets of competency and integrity from within which a nominee may properly be selected. So I shall vote to confirm.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in support of the confirmation of Nelson A. Rockefeller as Vice President of the United States.

Mr. Chairman, the Judiciary Committee has again distinguished itself in these proceedings under the very able leadership of Chairman PETER RODINO and the ranking Republican EDWARD HUTCHINSON. We have conducted an extensive and intensive investigation of the nominee's credentials and public career which has consumed 4 months. It has already become a cliché that the nominee has been subjected to the most grueling scrutiny of any in the history of our Republic. It is important to remember that before us was not a political novice, an unknown, but a man with a long public career which is fully known and which has been confirmed four times at the polls. In assessing the nominee's qualifications, we have his

record before us—fact and history, not mere speculation.

Like so many others, it is my conclusion that our Nation has few others as uniquely and eminently qualified to be a mere heartbeat away from the Presidency. The nominee served my own State of New York as its Governor for 15 years. His administration was one of unparalleled accomplishment and progress in such varied fields as education, health, transportation, environmental protection, urban development, and human rights.

Over the years, Nelson Rockefeller has served five Presidents, beginning with President Roosevelt as coordinator for Latin American affairs and then Assistant Secretary of State. He was deeply involved with the creation of the complex Department of Health, Education, and Welfare under President Eisenhower, and served as its first Under Secretary. Today, he serves President Ford as a member of the Foreign Intelligence Advisory Board. So, he brings with him both a knowledge of foreign affairs as well as domestic issues.

A major concern remains, however, for some of our colleagues—the merger of vast personal wealth with a position of high public trust. The conflicts of interest, they say, are inherent and unavoidable. True, the melding of great personal fortune and public power is unique in our country and it demanded, and received intense examination by the members of the House Judiciary Committee.

Governor Rockefeller's 40-year record of public service has been exhaustively scrutinized. And yet, other than the rather vague feelings expressed that somehow the merger of economic power with the political power of the Vice President would be wrong, or a threat to our Government, no one has submitted one proven example to the Members of this House that the nominee has in fact ever abused his public trust. Can one deny that as Governor of one of the largest and diverse States in the Union, or as the first Under Secretary of Health, Education, and Welfare, political power was merged with the Rockefeller economic power? Yet we have heard no evidence that would indicate that such a merger was harmful to the government or people of the State of New York, or the operations of the Department of Health, Education, and Welfare. Surely during these many years of service a personal character susceptible to corruption—to abuse of trust—would have been revealed.

During the confirmation hearings held by our committee and in the Senate, Governor Rockefeller publicly disclosed a list of the assets owned by himself and his wife, together with a list of assets held in the two trusts of which he is a beneficiary. This list is available for all to see and examine. The media know of these holdings. The nominee himself is aware of the deep concern of the Congress regarding this issue.

I would submit that with the increased public awareness of the extent of his assets, and due to great concern expressed

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by both congressional committees before which he appeared, Governor Rockefeller will, as Vice President, be sensitive to the possible conflicts of interest, and will scrupulously avoid even the appearance of the improper use of his power.

Mr. Chairman, I am satisfied that an examination of this nominee's record of public service, together with his actions during confirmation hearings, give assurance that as a man of high character, purpose, and dedication, Governor Rockefeller's conduct as Vice President will be above question.

In his appearances before our committee, the Governor demonstrated a belief in the ideals of this country and an impressive grasp of the problems we currently face. His performance can only serve to reinforce the feelings of many of us that he is a man of high ideals and a remarkable public servant. He qualifies to be Vice President on the basis of talent, dedication, and a keen sensitivity to the problems facing America and the world. I urge my colleagues to join me in supporting his confirmation.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I rise to support the confirmation of Nelson A. Rockefeller as Vice President of the United States.

The nomination of Mr. Rockefeller was submitted to Congress barely 2 weeks after Gerald Ford became our 38th President. The new President, acutely aware of the suddenness with which a Vice President may be called upon to assume the highest office in the land, acted expeditiously in the nomination with the hope that it could be promptly confirmed and the Nation relieved of the worry of Presidential succession. Yet, also knowing only too well the heavy responsibilities a Vice President may suddenly have to shoulder and the need he will have for the acceptance and support of the Nation and its leaders, President Ford carefully sought the recommendations of Members of this and the other body and looked for an individual whom he knew well and whose abilities were well tested. The person he finally chose certainly met these qualifications. Not only has Nelson Rockefeller been a personal friend and adviser of Mr. Ford, but he comes from a family which has figured prominently in the history and growth of this Nation and he brings with him years of administrative and political experience at the State and national level.

Yet perhaps because his family and career in public service have been so vigorous and at times controversial, difficult questions quickly arose regarding Nelson Rockefeller's fitness to be Vice President. While recognizing the desirability for an early confirmation, the House Judiciary Committee, on which I am privileged to serve, felt a deep responsibility to pursue these questions closely in order to assure that future revelations would not jeopardize the fragile public trust which had been so sorely strained during the past year.

The committee considered in detail the actions Mr. Rockefeller has taken in the past in numerous policy areas. Needless to say, no member of the committee, myself included, agreed with all of Mr. Rockefeller's positions during his long career. His record includes some actions with which I would take strong exception and some which he himself now regrets. Assessing that record as a whole, however, and recognizing that no one is free from human fallibility, I feel that the record clearly indicates strong intelligence and executive ability.

Much attention was also devoted to Mr. Rockefeller's wealth, the uses to which it has been put, and the potential conflict of interest it may create. While these are vital questions to ask in determining whether Mr. Rockefeller should become Vice President, they are unfortunately not matters which can be finally resolved. In the end we are forced to judge the possible future role of Mr. Rockefeller's fortune in terms of his previous public service and his statements to the committee that the national interest will always come first. Certainly his long career has demonstrated a continuing commitment and concern for the public weal, and nothing in his record indicates that he has used his public position to enhance his or his family's economic power. As to his future actions, the ancient Greeks expressed the belief that "the oath does not make the man, but the man the oath." From all that I have seen and heard from and about Mr. Rockefeller during the past long weeks, I am firmly convinced that he is a man of honesty and integrity who will do his utmost to live up to the assurances he gave the committee and the Nation.

In the past critical year, this Congress has already once exercised its responsibility for confirming a Vice President under the 25th amendment. At that time it wisely recognized the two-part requirement inherent in that amendment. The first part of that responsibility is to fully and publicly scrutinize the Vice-President-designate in a manner which will provide an adequate substitute for the public knowledge gained as part of a normal election. The second part of the constitutional charge is to make the final decision on confirmation not on a narrow basis of one or two policies the candidate may have taken in the past but on the broad grounds of whether the chosen nominee of the President has the competence and the integrity needed to fulfill his new duties.

Mr. Chairman, during the past months, the Senate Rules Committee and the House Judiciary Committee have fulfilled the first part of the constitutional responsibility for confirmation. Although regrettably the process has not been as expeditious as we would have hoped due to the diverse and complex aspects of Mr. Rockefeller's background and career, nonetheless we have brought to public attention a wealth of information regarding Mr. Rockefeller's public and private life. I might add that this was accomplished with the full cooperation of

Mr. Rockefeller despite his and his family's understandable preference for personal privacy.

The final aspect of our constitutional duties is now upon this body. Although I appreciate the concerns and objections to confirmation being raised by Members today on various grounds, I hope my colleagues will recall the broad basis on which this decision should be made. It is my firm conviction that Nelson A. Rockefeller has the experience, intelligence and integrity necessary to serve his President and his Nation faithfully and well and I strongly urge his confirmation on that basis.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, as the gentleman from New Jersey (Mr. SANDMAN) mentioned, I, too, am engaging in perhaps my last appearance in the U.S. Congress. It is with mixed feelings, but with very positive feelings about my service on the Committee on the Judiciary and about my colleagues on both sides of the aisle and, most particularly, of my able and fair chairman, Mr. RODINO. The responsibilities that have been assigned to our committee have been quite enormous and have been acted upon with great credit to the House of Representatives; but it is from service on that committee that some of my dilemma today confronts me. As I have been sitting listening to the debate I have become more and more uncertain what motivates my objection to the nominee. Perhaps it has been my service on the Committee on the Judiciary during the impeachment of Richard Nixon that has caused me to become distorted in my approach to judging this nominee. Perhaps I now insist on unreasonable standards of political ethics.

I thought we had set a standard in the impeachment of Richard Nixon that was a new standard in this country for political morality and political conduct. Perhaps I erred. Perhaps I misunderstood the extent of the demands of that new standard and that we now will revert to a tolerance and approval of political expediency. If it is true, and I believe it to be true, as the gentleman from New York (Mr. PIKE) suggested, that the nominee engaged in criminal conduct in the matter of his loans converted to gifts and if it is true in the matter of the Goldberg book that the nominee engaged in criminal conduct, then applying the new standards certainly he should not be confirmed. In the Perry Duryea case, there is a great parallel to the Goldberg book in determining what is criminal conduct. Duryea was a minority leader in the Republican Assembly of the State of New York during the time of Governor Rockefeller's incumbency. Perry Duryea was indicted for the crime of failing to identify campaign literature circulated by his campaign people.

Nelson Rockefeller's financing and distribution of the Goldberg book was

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clearly, under all the evidence, including his own admissions, the distribution of campaign material, not labeled, not identified, and, therefore, clearly a criminal act under the existing law of the State of New York at the time.

Now, if these allegations are correct, and I believe them to be as the result of our investigation by the committee thus far, and I call every Member's attention to the cross-examination of the nominee on these points in the record, then the standard we set in the Nixon impeachment is not being adhered to in the Rockefeller confirmation.

The Nixon impeachment came about because essentially article 1 of the impeachment resolution alleged criminal conduct on Mr. Nixon's part of obstruction of justice. This was an allegation brought about solely by reason of our committee inquiry. There was no indictment of Richard Nixon, nor any criminal accountability even sought against Richard Nixon. There was just a determination of this committee on the facts given them and, unlike the instant case, without Richard Nixon's personal testimony. We then said that obstruction of justice is criminal conduct and therefore constitutes an impeachable offense. I said, "Governor, why did you not forgive the loans to public officials during the terms of your office?"

His response to that was, "Because to have done so would have violated the law of New York."

Of course, that is why they were not forgiven. Every transaction Governor Rockefeller engaged in with these individuals was highly suspect as having violated the criminal statutes of the State of New York.

How can we now say that there is now a new standard of political morality as to which we will measure nominees when we judge whether they should be approved? Conduct in two instances of this nominee, his gifts to public officials and the Goldberg book, constitute potential criminal conduct as great, in terms of its demonstrability, as any alleged and proven act of Richard Nixon. How can we ignore that conduct?

If we have not set a new standard of conduct, if the impeachment of Richard Nixon by this great committee is no longer to be considered as having set new standards of accountability, morality, and ethics for future politicians, then we have done Richard Nixon a great injustice, as well as the people of this Nation.

The CHAIRMAN. The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I thank the Chairman for yielding to me.

Mr. Chairman, I have great misgivings over the fact that the vote on a nomination for Vice President under the 25th amendment is taken by the yeas and nays. It should be by secret ballot. I had originally intended to bring my arguments before the Rules Committee, but

felt it might be misconstrued. At this time I would rather have the question dealt with after today when the legislative objectivity will be unimpaired by the consideration of any particular nominee. Nevertheless, I want to place in the Journal of the House and before you, today, my case for a secret ballot.

House Rule XXXVIII provides that secret ballots may be taken. Past precedent shows that this was used during early history for the selection of House officers and the election of President Thomas Jefferson.

While some will argue that no vote in the House should be secret, this is a special exception. The Constitution provides for two methods of voting in the House. One is by the yeas and nays, the other is by ballot. Under the former procedure, an individual is voting as a Representative of his constituency and should be held accountable to them for his vote. Under the latter procedure, however, the individual is acting as a Member of the House to whom the Constitution entrusts the obligation to choose a President when no candidate has a majority.

It is the latter procedure that should be applied to consideration of nominations under the 25th amendment. To continue to use the yeas and nays in such confirmations is a mistake that should be corrected at some point before the precedent becomes too firmly entrenched in our history.

Elections for President and Vice President are conducted by the people voting by secret ballot for electors who then vote by secret ballot. The only exceptions to this long history of secret balloting are the confirmation of President Ford and Nelson Rockefeller. On one other occasion when the House voted to select President Jefferson over Aaron Burr, the voting was done by secret ballot.

Secret balloting has long been established in democratic states as a means of insuring that a vote will be conducted uninfluenced by outside pressures. A person can vote his conscience without any fear of retribution and without being held accountable in any other place for the manner in which he voted. Throughout the history of democracy, secret ballot has been the hallmark of fairness. In recent times, the right to a secret ballot was fought for by the valiant civil rights leaders of the sixties who knew that only by privacy in the ballot box could true democracy be assured.

Arguments have been made that a nominee could be in a position to influence the outcome of the election through the exercise of his personal power before the election, or through the threat of the use of his power once confirmed as Vice President.

Even dismissing these arguments, one could look at it from the vantage point of a nominee. Some might argue that the final outcome was influenced by fear of retribution. By conducting the secret ballot, we accord all fairness to a nominee that his election was gained in the most democratic manner without any hint of possible influence, without any

fear on the part of those voting that they might later be held accountable to the nominee in some fashion for their actions. I am sure that a nominee would want to remove any vestige of impropriety or any hint of influence through the use of a secret ballot.

The Office of Vice President is a powerful one despite its lack of constitutional or statutory directives. It is the second highest public office in the United States. Its holder has the ear of the President and the respect of the key officials of Government. His presence or viewpoint adds great weight to any argument.

Add to this, a Vice President who in his own right may hold a position of immense power and prestige in economic and political circles, and a situation is created where—rightly or wrongly—those voting might fear retribution at a later date. It is incumbent, therefore, that such fear, or even the possibility of such fear be eliminated, and that can only be done by secret ballot.

Should it become necessary to confirm a nominee for Vice President under the 25th amendment again, I announce now my intentions to urge a secret ballot on that confirmation. Irrespective of the identity of the nominee, I hope that if I am not here to do so, others will read these proceedings and see the merits of my case.

Mr. BAUMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-three Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to the provisions of clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair now recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I would like to add my strong personal support to the resolution providing that the House of Representatives confirm the nomination of Nelson A. Rockefeller to be Vice President of the United States.

Nelson Rockefeller's political philosophy, his background, his public and private life have all withstood an unprecedented unveiling. The Senate Committee on Rules and Administration scrutinized the nominee, and then unanimously voted to favorably recommend him to the full Senate, which overwhelmingly

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approved his confirmation, 90 to 7, earlier this month.

We on the House Judiciary Committee have also independently researched every imaginable aspect of the life of Nelson Rockefeller. The Internal Revenue Service and the Joint Committee on Internal Revenue Taxation conducted thorough audits of the nominee's financial transactions.

In addition, an extensive investigation was undertaken by the FBI. More than 350 FBI agents, involving 38 field offices, conducted over 1,400 interviews. Ninety-nine percent of those persons interviewed indicated strong approval of Mr. Rockefeller.

There is no issue even remotely connected with Nelson Rockefeller which has not been thoroughly examined. The committee looked closely at the loans and gifts, the Lasky book, the potential conflicts of interest due to the vast wealth of the nominee, his taxes, and his financial transactions, and we found absolutely no evidence of any sinister or improper motives relating to the activities of Mr. Rockefeller.

It has been a trying experience for him, his wife, and other members of his family, and I want to commend them for their understanding and patience. However, I believe it was necessary for all the information to be made public, and, upon reflection, I feel it has enhanced Nelson Rockefeller's position, and proven that the 25th amendment does, in fact, work.

Mr. Chairman, there were two themes that clearly surfaced during our hearings and investigations. One, that Nelson Rockefeller is a man of the highest integrity; he is candid, honest, dedicated, and sincere. Two, he is a man of tremendous knowledge and experience, both in the field of foreign policy and in the area of domestic affairs. Both are of critical importance at this time in our history.

Mr. Rockefeller has served five Presidents of both parties in various capacities. He has held important positions in the Department of Health, Education, and Welfare and in the Department of State, so he knows how the Federal Government works both nationally and internationally.

The voters of the State of New York elected him Governor on four different occasions, and, in his last reelection, he received his largest vote of confidence ever. For 16 years, Nelson Rockefeller dealt with and handled the almost insurmountable problems which plagued this country's largest city, in what was then this country's largest State.

His familiarity and sensitivity to State and local problems, his humanitarian concerns, his support and leadership in the areas of education and civil rights uniquely qualify him to serve as Vice President. Our country desperately needs the experience and dedication which Nelson Rockefeller will bring to the Vice Presidency, and I would hope we would put our partisanship aside and stand behind him.

Mr. Chairman, I would also like to take

this opportunity to commend our distinguished chairman from New Jersey (Mr. ROBINO) and our distinguished colleague from Michigan (Mr. HUTCHINSON) for their leadership and guidance in this historic proceeding. Also, a great deal of thanks is owed the Judiciary Committee staff for their fine work in conducting such a thorough investigation on the nominee.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Chairman, we are about to confirm Nelson Rockefeller as Vice President, undoubtedly an historic decision in several respects. Personally I believe it is a wise and right decision.

So, now it becomes a crucially important question, how will the new Vice President's extraordinary experience and abundant competence, his tremendous enthusiasm and energy, his genius for attracting persons of exceptional talent into public service, how will these great assets be most effectively used for the public good?

Throughout our Nation's history it always has been a difficult question exactly how any Vice President can best serve. The men elected to that high office have varied tremendously in their qualifications. But, in my opinion, few if any have ever been more qualified than Governor Rockefeller. Never has there been a more likely candidate to render superb, innovative leadership as Vice President of the United States.

Therefore, Mr. Chairman, I am presuming to suggest a couple of specific ways in which I hope Vice President Rockefeller's exceptional talents might best be used. I already have presumed to make these suggestions in a personal letter to President Ford. Obviously, Mr. Ford himself will determine the roles to which his new Vice President will be assigned.

I am confident the President will welcome specific suggestions concerning those Vice-Presidential roles as we know he does welcome other suggestions from his former congressional colleagues. Our new President's willingness to consider congressional advice is a blessed asset that we should use wisely and with respect, but nonetheless use vigorously.

Therefore, I hope other Members of this House will agree with my two proposals and may join actively in communicating these to the White House.

Mr. Chairman I submit that our Nation is scandalously lacking in any coherent, comprehensive, vigorous maritime policy. I see a crucial need to better identify our long-time needs and goals in the uses of the oceans, and to agree on a program for attaining those goals. This new world in which we are groping, this world of diminishing limited resources, forces us to give new attention to the incalculable opportunities that are available in the oceans, opportunities for tremendous inputs toward the solution of our energy, minerals, chemical, and protein needs, to name only a few of the more obvious probabilities.

There is hardly any facet of our na-

tional needs and problems that is not somehow directly related to these maritime opportunities.

But there is hardly a facet of the oceans' resources which does not need immediate, aggressive research effort to bring it to true fruition.

There is also the complex problem of our lagging merchant marine activity.

There is an imperative need for us not to attack these various oceans opportunities and problems on a piecemeal basis. There is the imperative need to recognize that we cannot "go it alone" in any national oceans policy; it will be essential for us to coordinate in international management of the ocean resources. There is need for a global food policy, with the protein from the oceans as an important element, for example.

There certainly is the need for an international regime of the seas, and we must vigorously press for success in the Law of the Sea Conference.

The point I am making is that all of these ocean activities need to be pulled together under very energetic leadership at the White House level, rather than scattered in such a weak fashion through more than 20 different Federal offices. The National Oceanic and Atmospheric Administration is doing an excellent job, I think. It was a great step in the right direction, but it is not enough.

Therefore, I suggest that one superb use for Mr. Rockefeller's talents would be to assign him the coordinating and leadership role in achieving and administering a new, vital, dynamic maritime policy. I suspect that such an assignment would be very congenial to his interests and talents. I believe he would do a great job in that role.

Many of us remember that an earlier Vice President, HUBERT HUMPHREY, was at one time an ex officio Chairman of the National Council on Marine Resources and Engineering Development. He provided really excellent leadership in that role. But that Council was later abolished. I very definitely believe that something of the same sort at the White House level deserves to be reactivated, and I am presuming to urge that as a proposal for President Ford's consideration.

Then, Mr. Chairman, closely associated with that concept, I also suggest the urgent need for some form of mechanism in the White House by which one or perhaps two or three professionally eminent, knowledgeable, and wise scientists and engineers shall have very ready and immediate access to the President, and also to participate responsibly in the budget-making process, in the coordinating of national policies for science and technology in the broadest sense.

Personally, I think that Dr. Guy Stever, who is presently science adviser to the President and also Director of the National Science Foundation, is doing an excellent job, but I feel strongly that the present organizational structure handicaps his efforts. He should have the opportunity to be much more effective, in the national interest.

So, if it is assumed that one of Vice

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President Rockefeller's chief assignments will be to direct the efforts of the Domestic Council in the White House, I would hope that he would be assigned rather specifically the mission of working with the relevant committees here in the Congress, quickly to provide a more effective mechanism to coordinate and manage the Government's tremendously important and complex research and development efforts.

Who better can provide aggressive and savvy leadership in those areas—who better than Nelson Rockefeller?

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise in support of the nomination of Nelson A. Rockefeller to be Vice President of the United States.

Over the 12 years that I have served in the Congress, there have been many times when I have agreed with Presidential appointments or nominations, and many when I have disagreed. There has almost never been a time when I felt the nominee in question was perhaps the most qualified man in the Nation to fill the post. I have that good feeling with regard to the Rockefeller nomination.

In this case, of course, the nomination is hardly run-of-the-mill. With his nomination of a Vice President, President Ford was setting in motion a set of circumstances which we in America have never before experienced—a situation where neither the President nor the Vice President have stood for election by the American people. No matter how one looks at this situation, it is uncomfortable and unfortunate. It is particularly difficult for this to occur at a time when our Nation is still emerging from the cloud of Watergate, and is now in the thick of the worst economic crisis in 30 years.

The fact that this is not an ideal or even desirable situation does not make our job under the 25th amendment any easier. We must be at once aware that we are voting on a potential President of the United States, and that we are doing so as the representatives of and surrogates for the people we represent. The Constitution calls upon us to exercise our judgment on the nominee of the President for this high office. There have been few times in history when our votes here on this floor have had a greater potential impact on our country than today's vote.

Fortunately, the precedent for exercise of the confirmation power under the 25th amendment was properly set only one year ago when the nomination of Gerald R. Ford for Vice President was considered. We were well aware then that we could be confirming a man who could become President, and we went about the confirmation task in a deliberate and careful way. Had this not been the case, President Ford would today be under an even greater disadvantage than he already faces as a result of his being the first nonelected President in our history.

The appropriate committees of the House and Senate have exercised even more care in the examination of the character, the record, and the philosophy of Nelson A. Rockefeller.

Their hearings and investigations have generated much controversy and discussion, but they have been worthwhile in that they have served in place of an election campaign as a more pointed, but less perfect way, of familiarizing the people with the details of the nominee's background, and, familiarizing the nominee—often during grilling sessions—with some of the concerns of the people and their representatives.

I said at the outset that I support the nomination of Nelson Rockefeller without reservation. That statement will sound strange, and even unwise to many who have followed the hearings, and who may themselves oppose the nomination.

Many feel that Rockefeller's wealth alone disqualifies him from the office. Others find episodes which occurred during his massive record of public service to be distasteful, or to show lack of judgment or wisdom. I do not doubt that in 16 years as Governor and in even more years as a citizen and public servant that Nelson Rockefeller has made some mistakes—even some very serious ones. I do not doubt that there are probably innumerable actions he took or decisions he made that I would have wanted handled a little differently, or perhaps altogether differently. I could say the same for many other public figures. No man or woman is perfect.

One of the problems which I think we have developed as a nation, partly as a result of Watergate, is that we have become hero worshippers who revel in the destruction of our own heroes. We must remember that we are human beings and that we elect human beings to office. When we find incurable or intolerable flaws in a man's character, we can and should find him unfit for office, just as we may find his views unfit, or not to our taste. But when we spend so much time examining blemishes that we forget to examine the man, we have lost the perspective of an enlightened electorate.

America has examined the blemishes on the Rockefeller background more closely than we have ever examined any man in history. I know of no person who could stand as harsh an inquisition and survive it as brilliantly.

Certainly, the wealth of a man is a problem if you assume he will use it for greedy purposes or for illegal ones. This has not only not been shown in Nelson Rockefeller's case, the reverse has been shown. His record of generosity and compassion, and his use of wealth in pursuit of worthwhile causes is to me a strength, not a weakness in his character.

If wealth has any relevance to this inquiry, it is in the sense that wealth since birth has probably given to Nelson Rockefeller the optimistic outlook that the resources are available to solve even the most difficult and costly of the world's problems. Many of my constituents in New York State feel that Rockefeller, as Governor, carried out such opti-

mism with their money—and they have a point. He probably learned the hard way, as evidenced by his greater fiscal conservatism in his final years as Governor, that he must respect the limitation on the availability of resources he had to work with.

But at the same time, his concern and his optimism have given Nelson Rockefeller his greatest strength—his vision and depth of understanding of deeply complex human, international, and economic problems. It is this quality which to me most qualifies Nelson Rockefeller for the high office of Vice President.

Although there are increasing cries in this country for simple answers and quick answers to the things that trouble and plague us, these cries cannot be answered simply or quickly. There have been few times in our Nation's history when we have had a greater need for leadership which understands and can deal with the complexities which make up our society, our economy, and our world.

In fact, the Rockefeller confirmation hearings in the Senate contained some of the most constructive and creative discussions on economic, population, energy and other problems that I have heard in recent times. The fact that the Senate, after 3 months of grilling and questioning the nominee, was able to confirm him by a vote of 90 to 7 is a substantial tribute to the respect he has garnered among both liberals and conservatives and among Republicans and Democrats.

It is the vision, the perspective, the depth of knowledge, the ability to recognize and utilize expert talent, and the demonstrated effectiveness in communicating with and dealing with people of diverse backgrounds and points of view which are most persuasive to me about this nominee. My vote for his confirmation is not an endorsement of everything he has ever done or said—any more than a voter endorses everything a candidate stands for by pulling his or her voting lever in the voting booth.

It is our responsibility to do the best we can under the 25th amendment procedure to examine and pass judgment on a nominee. My judgment is that this nominee is worthy of my vote for confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, as we turn to the final business of this Congress, we could not possibly consider a more important subject than the determination of our national leadership. During the time I have served in Congress, the Vice Presidency has become, not just an historical symbol, but an important adjunct of the Presidency. It is of utmost importance that the office be filled, forthwith, in accordance with constitutional procedures.

The Vice President-designate, Mr. Nelson Rockefeller, has been subjected to searching official and unofficial scrutiny over a period of months. His detractors

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have been heard and he has passed all the tests.

We should not forget, Mr. Speaker, that this man was chosen four times by the citizens of the State of New York for their highest office. Few persons in public life can cite equal evidence of popular confidence and trust.

There has been criticism of Mr. Rockefeller because of his great inherited wealth. The essential question, Mr. Speaker, is not whether a person has wealth in great or small amounts, but how that wealth is used. When we consider that Mr. Rockefeller might have lived his entire life without ever becoming involved in any constructive endeavor, that he might have spent his time entirely in pursuit of personal pleasure, both he and the country are to be congratulated that he chose instead to devote his years, his energies, and his great abilities in public service.

Indeed, Mr. Speaker, we are fortunate to have a man of his caliber, able and willing to fill the office of Vice President. I am pleased to express my confidence in him, and my support for him.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I thank the distinguished gentleman from Michigan (Mr. HUTCHINSON) for yielding to me at this time. I want to compliment the gentleman from Michigan as well as the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO), for the manner in which they have handled this nomination, the responsibility for which was assigned to our committee by the House of Representatives.

Mr. Chairman, certainly it is no exaggeration to say that the nominee, Governor Rockefeller, has undergone the most intensive investigation and questioning of any person ever appointed to public office.

As a member of the Committee on the Judiciary, I know that our own staff spent weeks investigating every conceivable aspect of his background before we ever got to the hearings stage. We had not only their work product available to us, but also the work product of the very thorough investigation of the staff of the Senate Committee on Rules, as well as the transcript of 8 days of testimony before the Senate committee, when 38 members of the House Committee on the Judiciary commenced questioning the nominee.

It was obvious even before the hearings started on November 21, that a very determined and thorough effort had been made to uncover any flaw serious enough to disqualify this nominee from being confirmed as Vice President of the United States.

Our own hearings lasted for 9 days. A great many witnesses were called, some of whom had been working for many weeks in preparation for their testimony. Three days of our hearings were taken up by the most thorough and intensive cross examination of the nomi-

nee himself. I do not believe that any objective observer could fail to be most favorably impressed by the manner in which the nominee conducted himself during those 3 days when he appeared before our committee. I am sure that he persuaded many by his coolness under fire during some very searching and at times heated cross examination.

He persuaded a number of members of the committee through his well reasoned responses and the very capable way in which he conducted himself that he is, indeed, a highly dedicated public servant, fully qualified for the Vice Presidency. Upon the entire record it seems to me that while he has made mistakes and is far from perfect, nothing has been turned up which is serious enough to disqualify him.

The most questionable activity on his part which has caused me the greatest difficulty was his gifts made to Dr. William Ronan totaling \$625,000. But when we view the entire record it becomes evident this Ronan matter was a very remarkable departure from the good judgment and sensitivity to ethics which has otherwise characterized the nominee throughout his career, and it should be pointed out that he has recognized this by agreeing not to make any such gifts or loans in the future.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Indiana, a member of the committee.

Mr. DENNIS. I thank my colleagues for yielding.

I agree with what the gentleman has said. The record will show that that is the thing which concerned me, too, which I questioned him about; but at the same time it ought to be pointed out that there are some very sweeping and unsupportable statements that have been made here.

The gentleman from New York (Mr. PIKE) has said, flat out, the Governor was guilty of a criminal offense in this connection. Then the gentleman from California (Mr. WALDR) said if he is guilty of such an offense, then certain things should happen. Maybe they should if he is guilty, but that is a very highly debatable proposition, to say the least, under these statutes and under the facts of the case.

The statutes apply to giving a benefit to a public servant for having engaged in official conduct which he was required to perform. In other words, there is a serious question of the intent with which any benefit was conferred, and there is a serious question in Ronan's case whether he was a public servant or officer of the State of New York at the time that most of the gift was made. It is also true, if I recall correctly, that many of these transactions took place before one of the main statutes in question had been enacted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. I yield 1 additional minute to the gentleman from Iowa.

Mr. MAYNE. I thank the gentleman.

Mr. Chairman, in addition to the nominee's qualifications, another very practical consideration which impels me to vote for confirmation is the fact that this nomination has now been pending 1 day short of 4 months. In other words, this country has already been too long without a Vice President.

If Governor Rockefeller were to be rejected by this body today, the nominating process would have to start all over again, and this matter might well take another 4 months. I think any such further prolonged delay would subvert the spirit and purpose of the 25th amendment and clearly would not be in the country's best interest.

I will for this and for the reason of the obvious qualification of the nominee vote yes on the motion to confirm.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield so much time as he may consume to the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Chairman, the House is confronted with a task greater than many observers may realize; approving or disapproving the nomination of Nelson Rockefeller to be Vice President of the United States. Many news stories have dealt with the House role under the 25th amendment as if we were merely required to rubber-stamp Mr. Ford's selection. Some Members of this body seem to share that view. I do not. Our role is far more an elective one than it is merely confirmative. In light of the somber events of the past several years, we would be grievously amiss in fulfilling our oversight responsibilities as the people's representatives if we did not view our role in that more significant light.

A distinguished Member of the other body, prime sponsor of Senate Joint Resolution 1, 89th Congress, which eventually became the 25th amendment, in speaking of Congress' role in filling a Vice Presidential vacancy, stated:

... The Congress should act on the President's recommendation by electing or rejecting the nominee.

... Certainly the Congress is the proper body—with its hand on the pulse of public opinion—to elect a Vice President upon the nomination of a President.

My interpretation of the intent of Congress when framing the 25th amendment is that we are required to exercise vigorous independent judgment. In effect, we must stand in the stead of the people, our electorate, when selecting a Vice President. Use of the term "upon confirmation" in the 25th amendment is in conformance with other language in the Constitution and therefore appropriate. In this instance we are filling an office normally filled through the electoral process. We must act in accordance with the manner in which the electorate selects a national ticket. It is easy to distinguish between confirming appointment of a Cabinet officer, for example, who serves at the President's pleasure. The Vice President, on the other hand, will be a constitutional officer removable

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only by resignation, death, or impeachment. After the cases of Richard Nixon and Spiro Agnew, I believe we must view Nelson Rockefeller as minutely and calculatingly as possible.

And his record, under such scrutiny, fails a number of critical tests. Taxes and State debts are of interest for a start. As Governor of New York, he presided over the backdoor financing of the billion-dollar Albany mall project, implemented not by direct vote of all the people, but through financing by Albany County, which then leased the properties in question to the State. New Yorkers paid the bill, and are still paying it, without having a full say in that decision, or a role in determining its ultimate cost.

From January 1, 1959 through June 30, 1973, the New York State Legislature, acting under his leadership and urging, enacted one new tax and took 17 actions increasing rates of existing major taxes. A sales tax was enacted in 1965, reaching 4 cents in 1971. In 1959, withholding of personal income taxes at the source was adopted along with changes in rates and base amounting to an increase of 35 percent. Further increases in individual income tax rates were made in 1968 and 1971.

Total taxes collected during fiscal year 1960 were almost \$2 billion. In fiscal year 1973, they amounted to \$8.2 billion, an increase of \$6.2 billion. Forty percent of the higher yield came from individual income taxes; 28 percent from general sales taxes. General obligation debt during this period increased by 265 percent. Guaranteed debt in the State rose by 35 percent, while nonguaranteed debt grew by 388 percent. In States elsewhere it grew by 166 percent.

In terms of relative change, the total debt outstanding at the end of fiscal year 1973—March 31—was 4.1 times larger than the amount outstanding on March 31, 1960. Short-term debt was 19.9 times larger, guaranteed debt one-third larger, and nonguaranteed debt almost five times greater at the end of fiscal year 1973 than in 1960, when Rockefeller took office. What emerges is a pattern of confiscatory taxation of the middle class.

Much has been made of gifts and loans made by Mr. Rockefeller. Not enough has been made of the fact that these large sums of money handed over to high-ranking State employees are a serious violation of law. Section 200.30 of the New York State Penal Code specifically prohibits any individual from bestowing gratuities on public officials for their having engaged in official conduct. Only general intent need be proven. Nor does the donor have to have had intent to influence the official's actions. Nor is the donor relieved of criminal responsibility because the donations were not intended to break the law.

Even more important than questions of whether or not "gifts or loans" were lawful, is the "why" for such gifts. They seem directed toward persons, especially toward Dr. Ronan, who, by virtue of their office, were in a unique position where they could make decisions directly or indirectly affecting the Rockefeller

family holdings. Was it an act of compassion by a very wealthy man for a dear friend working for the State? If such an employee or employees were so underpaid, why did not the Governor recommend raises for all State workers? Mr. Rockefeller may claim an understanding of such use of money, but it leaves a sour taste in my mouth. As I understand it, the Rockefellers rarely expend money without seeking a practical benefit of some kind. Nelson Rockefeller is such a man and I cannot accept his basis for being so generous with a few uniquely situated people who could be of such value to his family. I will not dwell at any significant length on the book commissioned on Arthur Goldberg. The revelations of recent weeks speak for themselves respecting both tactics and thinking behind that provocative volume. Suffice it to say that Nelson Rockefeller disclaimed in his first testimony before the Senate Rules Committee that he had any advance knowledge that the book was to be financed by funds provided by his brother Laurance. Later, before the same committee, he acknowledged having had just such advance knowledge about the book project.

Yet what disturbs me most about his nomination and the willingness of so many to accept it is Mr. Rockefeller's inextricable intertwinement with big oil and other vast corporate interests who view the public as fair game to be bilked, deluded and led. He and his family control 315,000 shares, or what many informed people would consider to be a crucial interest, in Exxon, largest energy trust in the world. They possess massive holdings in Standard Oil of California, Mobil, and other energy-related corporations. These three companies, for example, have for years controlled the overwhelming majority of shares in Aramco, the Saudi Arabian oil concession which has taken such cumulative advantage of Americans as both taxpayers and consumers. A combination of Rockefeller interests in oil and the Chase Manhattan Bank presents us with financial power unrivaled in recorded history. Their shareholdings, made even more potent by the cohesiveness of the manner the family acts financially, allows them unique leverage within the Nation's corporate and banking structure. To deny this is to indulge in self-defeating intellectual callisthenics.

Great political power is supposed to be interposed in order to prevent abuse of equally great economic power. Yet in this instance, after the atrocities of the Nixon-Agnew era, and in the face of Nelson Rockefeller's obvious shortcomings and failures, Congress is supposed to solemnize the marriage between these two forces and place the beneficiary one step away from the Presidency's absolute power. I will not lend my name or vote to such a confirmation or election.

Mr. Rockefeller is a decent man. No one will argue with that. Yet more than that is involved. We must evaluate the nominee in terms of the central issues of our time. And no issue is more vital

to all of us than that of concentration of power in huge institutions. What are the implications of rapidly increasing concentrations of economic power in large institutions and fewer hands?

The Rockefeller fortune is more than just a vast lump of money. It is an integral, partially controlling part of a mammoth, monopolistic economic infrastructure which fixes prices, crushes competition, saps the vitality of free enterprise and wields huge political and economic power without accounting for it to anyone, least of all the public. Their end is profit, not any common weal. Among corporate equals such behavior is acceptable. Among real people, it is a moral abomination.

The Rockefeller wealth is part of what we are supposed to be opposing; part of what we fought when we unraveled the Nixon abuses of campaign financing. In response, the malefactors of great wealth sought to excuse their behavior by saying they were playing by the rules of the game. It was a bad game. And the rules were worse. Let us bear in mind that every successful campaign waged by the former Governor of New York was lavishly financed by money secured from his family, nor was any effort put forth by him while Governor to curb campaign abuses.

These are the same corporate behemoths who squeeze the average American mercilessly, extracting vast sums in interest, mortgages, unfair prices and shoddy goods. Their growing success is attested to by the evils abounding in our market places, the unwillingness of government to regulate them and the burgeoning misery of millions of our people.

Monopoly, as represented by the Rockefeller interests, is the enemy of all types of human freedom. If Nelson Rockefeller could turn his back on it, betraying his class, which he is not expected to do, he would be fit for the post in which we are asked to confirm him. And because he cannot and will not do this, I must oppose his nomination. Theodore Roosevelt said in 1906—August 9—in a letter to Frederick Scott Oliver:

Monied classes, especially those of large fortune, whose ideal tends to the mere money, are not fitted for any predominant guidance in a really great nation. I do not dislike but I certainly have no especial respect or admiration for and no trust, in the typical big monied man of my country. I do not regard them as furnishing sound opinion as regards either foreign or domestic policies.

And Theodore Roosevelt further stated in Outlook magazine on June 19, 1909, page 393:

It is essential that we should wrest the control of the Government out of the hands of rich men who use it for unhealthy purposes, and should keep it out of their hands.

Mr. Rockefeller speaks of setting up a blind trust for his wealth. Are we so naive as to believe that the Rockefeller holdings could be placed in such a trust where a family member would be unaware of the effect of his decisions on such investments? I quote T. R. merely to show the continuity of concern over

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massive wealth and great power. In this case, the revelations disqualify Nelson A. Rockefeller from becoming Vice President of the United States. I therefore shall vote against the President's nomination of him, and shall, in the next Congress, offer legislation to modify the 25th amendment.

It is not enough for us to bow in the direction of the symbols of America. It is not enough for us to facilely mouth the catchphrases of liberty. Rather, it is for us to address ourselves to these interests which by their very growth and power, continue to sap our liberties, erode our institutions and limit our freedoms. To make a person who is the very epitome of such abuses of power Vice President of the United States is, in my belief, to betray the people we represent, turn our backs upon our beliefs and guarantee further erosion of all we constantly claim we hold most dear.

It is our clear duty to see, in the interests of the people, that there is adequate supervision and control over the business use of the swollen fortunes of today, and also wisely to determine the conditions upon which these fortunes are to be transmitted and the percentage that they shall pay to the Government whose protecting arm alone enables them to exist.

Mr. KASTENMEIER. Mr. Chairman, I yield so much time as he may consume to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. I thank the gentleman. Mr. Chairman, under the provisions of the 25th amendment the Congress has the responsibility of approving or disapproving any individual nominated for the position of Vice President of the United States.

This position is one of awesome responsibility, and any man approved for the office of Vice President must be considered, in every respect, to be fully qualified for the office of the President. Beyond this, such a man must be one who individual Members of Congress casting their votes on the question believe would make a President they could support with regard to the major questions facing the Nation.

Thus, while there is significant concern over the role of the present nominee with regard to the distribution of funds, the financing of a campaign book critical of his opponent, and a variety of similar concerns, a vote against Mr. Rockefeller need not rest on the belief that he has acted in either an illegal or immoral manner in the past.

In this regard, I wish to state that I have the highest respect for Governor Rockefeller as a man who cares deeply for his country and who has acted in a manner which he believes to be consistent with the public interest. I do not believe that the hearings in the Senate and in the House, although they have raised serious questions, have shown beyond a doubt that Mr. Rockefeller's actions should disqualify him for this position.

Nevertheless, it is my intention to vote against confirmation of Nelson Rockefeller for the position of Vice President. My decision has come as a result of a

careful study of his record as a public official, not a negative assessment of his character as a man. I do not believe that, according to my responsibility under the 25th amendment, I must find anything more than inadequacy for the position of Vice President based upon the past public record in order to cast a negative vote. The primary question I have asked myself is whether the Nation will be well served, or poorly served, by having in national office a man who has advocated a series of policies, and implemented in the State of New York a series of programs, which I would like to share with my colleagues.

As Governor of New York for 15 years, Mr. Rockefeller proved himself an advocate of big—and expanding—government. He was, in addition, a generous spender of public funds. The State budget last year was \$8.75 billion in New York and the debt was four times what it was when Mr. Rockefeller took office. Taxes also quadrupled during his regime.

Governor Rockefeller and the usually Republican State legislature raised taxes eight times in 15 years.

By the end of his term of office, there were 183,383 employees on the State payroll, a huge jump over the 101,729 who were there when he started. Welfare rolls also soared from a monthly average of 513,581 clients in 1958 to 1.8 million—1 out of every 10 persons in New York State—in the current fiscal year.

New York observers agree that one great failure of the Rockefeller administration was his inability to cope with the State's narcotics problem, despite spending more than \$1 billion. He started out with an elaborate hospitalization program and ended up cracking down hard on addicts and prescribing stiff jail sentences. The problem has persisted despite his efforts.

As Governor of New York, Nelson Rockefeller increased the cost of State government approximately 400 percent—from \$1.9 to \$9 billion a year. In addition to raising State taxes eight times, he doubled the rate of State income and gasoline taxes and imposed a 4-percent sales tax.

Under his leadership, New York State taxpayers became the most overburdened in the country. One result is that New York's share of manufacturing declined significantly, from 11.2 to 9.2 percent. New York State, under Governor Rockefeller's leadership, lost 400,000 jobs, and many national companies moved to other parts of the country.

When Richard Nixon defeated GEORGE McGOVERN in the 1972 election, the American people made it clear that they desired an administration which would move toward a balanced budget, which would cut back on deficit spending, and which would restore fiscal integrity to the workings of government.

President Ford, as a man who was not elected to his present position, has a special obligation to fulfill the mandate of the voters. Governor Rockefeller's record in the State of New York indicates that he is hardly the man to assist in restoring fiscal responsibility to the Nation. His entire record tells a far different story,

one of deficit spending, huge budget increases, rapidly increasing taxes, and decreasing productivity. The American people voted against such a philosophy in 1972 when they rejected the candidacy of GEORGE McGOVERN. The 25th amendment was not designed to bring in through the back door what the voters rejected at the front door.

It is my belief that Governor Rockefeller sincerely and honestly disagrees with the positions taken by the overwhelming majority of voters in 1972—decisions in opposition to forced busing, opposition to such schemes calling for the redistribution of wealth as a guaranteed annual income plan. He has every right to disagree with those positions. The American people, however, deserve as Vice President a man who shares the positions which voters supported in the most recent Presidential election.

The unfortunate fact is that the first policy which Mr. Rockefeller supported after his nomination to the position of Vice President was a scheme to have the Federal Government freeze mass transit fares at a low level. This indicates that his traditional views have not, in any sense, changed. He remains an advocate of Government intervention in and control of the economy—again, precisely what voters opposed in 1972.

An indication of the unchanging nature of Governor Rockefeller's opinions on national questions may be seen in the composition of his critical choices panel. His panel consists almost solely of men and women who advocate deficit spending, Government control of the economy, and further redistribution of wealth. These include such individuals as Pat Moynihan, Wilson Riles, and Bess Myerson. They are honorable men and women. They are advocates, however, of a philosophy the voters rejected in 1972. As Human Events, in an important editorial in its December 14, 1974, issue, stated:

Rockefeller's Critical Choices panel—which he selected this year—could have been a Cabinet-in-waiting for Teddy Kennedy.

Mr. Rockefeller is far from a popular choice for this position. Just after President Ford sent Governor Rockefeller's name to the Congress for confirmation, polls showed support to be 55 percent in favor of confirmation; 31 percent against. As more and more Americans have come to understand Governor Rockefeller's political philosophy and political record, this has changed dramatically.

In a Harris poll conducted September 23-27, during the first Senate hearings on the nomination, Governor Rockefeller's popularity was already waning. Forty-seven percent approved his appointment, and 40 percent disapproved.

A Gallup poll conducted during the last week in October showed his approval rating at 44 percent and his disapproval rating at 38 percent. The most recent poll, conducted by Louis Harris during the period November 1 through November 14, shows support for Governor Rockefeller eroding to only 39 percent in favor of confirmation and 43 percent opposed.

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In that latest poll, a majority of the American people, 54 percent to 28 percent, felt that it was "not all right for him to give \$2 million as gifts and loans to people he appointed to high office." By a vote of 47 percent to 34 percent, the public felt "there would be a conflict of interest if he were confirmed as Vice President because of his family's financial holdings and investments."

I am concerned about Governor Rockefeller's loans. I am concerned about the question of laundered funds so reminiscent of what we have faced during the past Watergate period. I am concerned that the use of great wealth can influence public decisions. More important to me, however, is the future of a free and democratic society. The American people voted in 1972 in landslide proportions for a series of public policies which Nelson Rockefeller, in most instances, opposes. To appoint a man to this high office despite the fact that he is not in agreement with the overwhelming majority of Americans on the major issues facing the Nation, is to reverse the mandate of 1972, and to hold the democratic process itself in disrepute.

It is for this reason, beyond all others, that I find it necessary to vote against the confirmation of Nelson Rockefeller to the Office of Vice President. The American people deserve as Vice President a man whose philosophy is consistent with their own. To make a mockery of the 1972 election is to reverse the will of the people themselves. Should this be done, our long run freedom and the stability of our political order will be that much less safe and less secure.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, it is imperative to recognize that there is in issue here today a very fundamental question as to how American society should operate and what the relationship should be in our society between political power and economic power. It is my own view that an underlying premise of our society is that public power shall be available to check and restrain, to limit and control, private economic wealth and power.

Resting upon that premise we have an economic system that allows private individuals to accumulate significant economic wealth and power. We allow that to happen on the assumption that public power will be available to check private economic power and to channel it in the public interest.

The decision confronting us here today, going to the very premises of the operation of our society, is whether a great concentration of private economic power ought to be melded with public power, thereby eliminating this fundamental separation and the resulting basic checks and restraints.

In my view we have only begun to perceive the reach of the private economic power of which we speak. The financial charts submitted to us by J. Richardson Dilworth, the investment counselor for the Rockefeller family, really the chancellor of the exchequer of the Rockefeller

financial interests, indicated \$1.3 billion in assets. That report by Mr. Dilworth covered: Those assets owned outright and in trust by the 84 descendants of John D. Rockefeller Jr. which are supervised by the family officer; those assets held in trusts created by John D. Rockefeller, Jr. for his descendants and supervised by trust companies, primarily the Chase Manhattan Bank; and those assets held by certain charitable foundations and organizations advised from the family office. It did not include the Rockefeller Brothers Fund, the Rockefeller Family Fund, or the Rockefeller Foundation, which, if included, would add over another billion dollars in assets, giving us a figure of approximately \$2.4 billion in assets. It did not include the economic influence of the Chase Manhattan Bank, in which the Rockefeller family, individually and through its trusts and charitable foundations, is the single largest stockholder, approximately 3 percent of the Chase stock, and of which a Rockefeller brother David Rockefeller is the chief executive officer.

We never looked at the reach of economic influence of the Chase Manhattan Bank, the third largest bank in this country with assets of \$37 billion and loans outstanding of over \$22 billion. There is a Senate subcommittee study which indicates that the trust department of that bank is the leading stockholder in Atlantic Richfield; it holds 5 percent of the stock in Mobil Oil; 14 percent of the stock of CBS; 7 percent of the stock of ABC; 10 percent of the stock of Safeway stores; significant holdings in numerous airlines; and on and on and on.

Looking for a moment at only the oil interests and adding together all of the Rockefeller holdings including the charitable foundation holdings, they exceed \$300 million in Exxon alone. It was brought out in the discussion before the committee that taking together these various economic holdings of which I have spoken, including the foundations and the Chase Manhattan, you are talking about a leading influence for this family group in the following oil companies: Exxon, Standard Oil of California, Standard Oil of Indiana, Mobil, Atlantic Richfield, Amerasia Hess, and Marathon Oil. Aramco, which for a long period of time was such a major influence on governmental policies in the Middle East, was primarily owned—that is, 70 percent—by three of the above companies: Exxon, Standard Oil of California, and Mobil.

It must be recognized that what we are talking about is the single greatest aggregation of private economic power in this country. This is not simply the case of a wealthy individual. This is a case of a person and a family with unprecedented private wealth and financial influence being placed in a position where he can also exercise the public power of the executive branch of the National Government of the United States.

The Governor was asked about the very important basic question with respect to the interrelationship between

public power and private economic power and if he were sensitive to it, and he made an interesting point. He said he brought it up to President Roosevelt when he was asked to become coordinator of the Inter-American Affairs office. He asked President Roosevelt how President Roosevelt could appoint him when he had connections with the oil companies. And he testified that President Roosevelt said:

That is my responsibility. I understand you. I understand these countries. I know and I trust you. Let me take that responsibility and all you have to do is remove yourself from these decisions relating to oil companies.

Governor Rockefeller indicated he did. If Nelson Rockefeller were to be the President of the United States, who would be in a position to make that judgment and determination as Franklin Roosevelt was able to do at that earlier time? In effect, what this appointment means, is that we are taking the captain of the team and also making him the umpire of the game.

I believe we should think long and hard about the implications of such an action because I believe history will perceive this confirmation as representing a watershed in the American experience when a fundamental principle governing the operation of our society was discarded.

Now, the people of the United States may make the direct judgment that they wish to transform the basic relationship between public power and the great concentrations of private economic power in a direct election. The nominee is not precluded from high office, because he can stand in a direct election and receive a direct mandate. The people may choose in a direct election to make the judgment that they do not consider this separation as a fundamental premise of the operation of our political and economic system.

In closing I want to underscore how extremely important to the operation of both our economic and our political systems I consider the separation of public power from great private economic power. I think the abridgment of that fundamental separation carries with it consequences and implications that we can only dimly perceive today. I do not believe that this Congress ought to abridge that fundamental premise, which I think is so important to the operation of our free society.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, I did not plan on speaking for or against this nomination today. I really think it is perhaps an act of futility, because I do not think there is going to be a single mind changed by all this 6 hours of debate. I have heard on this floor today individuals from both sides of the aisle speaking for and against the nomination of Nelson Rockefeller and I have heard reasons for and against his great

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wealth. I have heard reasons expressed that we have gone to school together and we are old buddies and he is a good fellow.

I have heard, by the same token, allegations of practically everything from seduction to bribery. My decision is not based on any of those allegations or lack thereof. The thing that I have not heard expressed on this floor today is, do the people want Nelson Rockefeller?

Under the provision of the 25th amendment, and there are as many interpretations of that amendment as there are points on a compass, under those provisions the people will not have a right to make that selection by casting a ballot. Be that as it may, that is the law of the land.

Therefore, they have only one way to make that decision and that is through your vote here today. In my own case, in an attempt to do my job as I see it, I solicited, with the help of the media in my district, an opinion, yes or no, on Nelson Rockefeller. I did it before all the allegations and before the hearings proceeded.

The overwhelming majority of the people in my district, and I believe in the other districts of the Members here, say no.

Therefore, I shall vote no on this confirmation and hope that I am reflecting to the best of my ability the wishes of the people of my district.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I intend to take a little time to make a confession, if we do not get anything else done. I confess that in 1965 and a few years preceding that I fell, like most and practically all of the Members of Congress at that time, for the great barrage of propaganda being put out against the fact that we had a couple of leaders who were first and second in succession to the Presidency, the Speaker of the House and the President of the Senate, who had lived beyond their three score years and ten, or more. We were led into doing something that I believe was ill advised, illogical and a very serious mistake.

Because of expediency, we tampered with a constitutional provision that had worked well for almost 200 years, never having caused a ripple of discussion or dissent in this Nation, and the Nation had not suffered because there was in direct line for accession to the Presidency the Speaker of the House, in that there was no Vice President.

We are all excited today because there is no Vice President. How would it strike the Members to know that almost 40 years of the existence of this Nation of less than 200 years, there has been no Vice President? There has been no catastrophe; there has been no disaster; there has been no wild jumping in the streets because we had no Vice President.

I would not vote for anybody today for Vice President of the United States because the line of succession right now is as it was intended in that Constitution written by wiser men than we have proven ourselves to be. It is the Speaker of the House. As far as the candidate is concerned, if I were voting against or for a candidate, I could probably find one more to my liking.

I believe that at this time we have all forgotten the one cardinal sin that all of us have been guilty of in one way or another. We have subjugated the welfare of this Nation, the survival, the very survival of this Nation to an internationalism that is probably closer to the Rockefeller creed than anything else.

I want to say to all the Members today that if we had the courage that we ought to have, we would say that we made a mistake in the 25th amendment. We would pass the repealer I have introduced and would go back to fundamental government which is sound, because the Speaker of the House does, in a sense, represent a vote by all of the people of the United States in the body of the House. At least, it is one qualification he has.

He is knowledgeable of the problems from an unselfish and a political view, which is exactly what we are—politicians. This Nation is a nation of politics, and that is why it is free. We cannot continue the 25th amendment as it is now written without having opened up a possible avenue for anybody rich enough, ambitious enough, and powerful enough through connections and otherwise to become a virtual dictator by succession without election to the Presidency.

I predict—I predict that before my lifespan has run out, we will have exactly what I am talking about. We will have a President of the United States in a triple succession, either by design or accident. Ambition is something that has no soul, and ambition will step over all rights of all men to achieve itself.

I fear for the country and I fear for the life of this Nation, not exactly the person before us today, but in the fact that we have passed legislation by way of the constitutional convention that makes it possible for this to happen, not only possible, I say to my friends, but probable.

I read last night in the paper that the President is going to turn over to this new Vice President all of the economic problems of this Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, we are called upon to discharge a unique constitutional function.

The 25th amendment provides in relevant part:

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

The President having nominated Nelson A. Rockefeller to fill a vacancy occur-

ring in the office of the Vice President, our responsibility is to determine whether the nominee of the President is to be confirmed.

A threshold matter for decision is to define the standards against which we are to test the nominee of the President so as to justify his confirmation. We are invoking the provisions of the 25th amendment for only the second time in its brief history and no general agreement on such standards has yet evolved. It is especially important, therefore, that Members articulate the criteria against which they test the qualifications of a nominee for the guidance of future Congresses.

First, of course, the nominee must meet the constitutional qualifications of age and residency required of the President. Mr. Rockefeller meets this standard.

Beyond the first agreed qualification, there is some divergence of view. There is a clear consensus, however, that the nominee is to be politically compatible with the President and must not fail of confirmation solely for the reason that a majority of the Congress may be of a different political party and would, understandably, prefer a nominee with whom it is politically compatible. But agreement with this wholly appropriate "politically compatible" criterion does not deter some of its adherents from promptly nullifying its effect.

Congressman CONYERS, for example, interjects the nullifying test which requires the nominee to be in tandem with the political philosophy of a Member who must confirm the nomination. Our colleagues, Congressmen WALDIE and DRAXAN, see their roles to be that of surrogates representing the political views of their constituents.

It may be safely assumed that the constituents of some Members do not support the President or any nominee with whom he is politically compatible. And my friend, Congressman DANIELSON, reads a special meaning into the word "confirm" which requires a personal endorsement of the nominee.

To accept any of these points of view is merely paying lip service to the standard of political compatibility between the President and his Vice Presidential nominee. It is admittedly difficult for individual Members to divorce subjective views on political issues from an objective appraisal of the overall fitness of the nominee. However, if the lessons of history which prompted the adoption of the 12th amendment are to be respected—and there is no suggestion that the 25th amendment requires these lessons be disregarded—the President has the clear right under the 25th amendment to nominate a member of his own party with whom he is politically comfortable. Confirmation cannot properly be rejected solely because of political differences, however phrased, between a Member or his constituents, and the President or his nominee.

The President having nominated Nelson A. Rockefeller, it may and should be

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assumed by all Members of Congress that the test of political compatibility has been met.

Apart from the political compatibility test, I would state the additional criterion as follows: Is the nominee one who has demonstrated the capacity to serve the Nation well as its Vice President?

The answer to this question properly focuses upon the integrity of the nominee, his experience, and most of all, his judgment. It does not, as I have indicated, permit considerations of personal or constituent partisan preferences to impact the question.

At this point it would be appropriate to review the record of Nelson A. Rockefeller as it may bear upon his integrity, experience, and judgment. The evidence accumulated by the Judiciary Committee is voluminous and exhaustive. Others have discussed it in detail. For purposes of these remarks, however, it is sufficient to observe that the evidence before Congress reveals a man capable of occasional error, but taken as a whole, establishes beyond all reasonable challenge that Nelson A. Rockefeller is a man who has demonstrated the capacity to serve the Nation well as its Vice President.

Our inquiry should end there. But there remains the nagging and widely held view that the economic power of the nominee and his family is incompatible with his service as Vice President. Analytically, the issue fits neatly within the standard enunciated above, but some consider the matter of the nominee's wealth to be an independent ground for opposing his confirmation.

The principal, and exceedingly able, spokesman for this point of view is Congressman SARBANES. The argument goes as follows: Society tolerates the accumulation of private wealth but does so subject to the limitation that accumulated wealth shall not be used contrary to the interests of society itself. The public, through its designated representatives, must oversee and regulate where necessary those who have benefited from the policy which tolerates the amassing of a fortune of the dimensions of Nelson A. Rockefeller and his family. According to the argument, how can the nominee, in his public capacity, fairly umpire a game in which he and his family are among the dominant players?

The argument has superficial appeal, but does not, in my view, withstand critical analysis.

Power, be it economic or political, or a wedding of both, may be abused. A rich man, no more than a poor man, is capable of abusing power. If the mere potential for abuse is unacceptable, then the answer must be to eliminate the power of the office itself so as to insulate all men from its temptations. We cannot do this, of course, because a President and his Vice President must, within constitutional limitations, possess such power, admittedly vast in scope, as is necessary to serve the needs of the Nation.

Our concern, therefore, must focus

not on the existence of the power, but rather its abuse.

My colleague, Congressman SARBANES, urges us to recognize as a fundamental governmental principle that political and economic power must be separated. Abuse, according to his view, is irrelevant. He contends that it is the joinder of economic and political power itself which is offensive.

I respectfully disagree. My friend has confused a simple factor, but only a factor, which is entitled to appropriate consideration, with a bottom principle.

As a matter of fundamental principle there should be no dissent from the proposition that any citizen, constitutionally eligible, is entitled to a fair consideration of his qualifications to serve as President or Vice President. No class of citizens—rich or poor—must be passed over. And yet, adherence to the view urged strenuously by Congressman SARBANES would disqualify all members of a disfavored economic class—the very rich—from serving in policy positions in government when the power of the office might enhance the economic status of the officeholder or give the appearance of bias in regulating economic power in the national interest.

The imposition by government of disabilities upon a class of citizens is constitutionally suspect. The arbitrary denial to some of rights and privileges conferred by government and their enjoyment by others, is clearly offensive to the egalitarian traditions of this country which find expression in several constitutional provisions. No implication is intended here that Congress may not adopt criteria for confirmation under the 25th amendment which might fail to meet equal protection muster in another context. But it should not do so.

The Sarbanes argument does not justify the disqualification of the very rich on any rational basis. There is no evidence before the committee that the assumed evils have occurred historically when economic and political power have been wedded. To be sure, there have been occasions, not documented in our record but which should not be overlooked, when rich and powerful men have abused their public trust. But the incidence of such abuse is rare.

On the other hand, evidence exists in abundance that men and women of considerable wealth have served the Nation faithfully and well throughout our history. No better modern example can be found than the nominee himself.

Nor does the Sarbanes argument properly respond to the contention that it imposes an unworkable standard upon Congress. Wealth, of course, is relative. If \$1 billion in family assets is intolerable, how much should the Congress be willing to accept as compatible with Government service? The question posed has not been given a reasonable answer.

Nor can it be argued persuasively that the electorate may reward the very rich with public office, but the Congress in the discharge of its 25th amendment responsibilities may not. One would wish

that every person duly elected completes his designated term. But vacancies do occur and the 25th amendment places the responsibility to fill such vacancies as may occur in the office of Vice President upon the President and the Congress. The electorate is uninvolved in a decision which only we can make. It would be ironic if our choice must exclude a class of citizens which the electorate has supported repeatedly. And yet, that is the clear consequence of a rule which permits only the people, in a direct election, the option of selecting a man of wealth to be Vice President. This decision is ours and the time for decision is now. It cannot be deferred or delegated.

The point need not be labored. The Sarbanes argument should be rejected as imposing an arbitrary disqualification upon a class of citizens otherwise qualified to serve. It should be rejected in favor of a standard which looks to the nominee's individual qualifications, be he wealthy or poor, and examines that individual's record for conduct abusive of his economic status in terms of the public interest.

Measured against the criteria here suggested—constitutional eligibility, political compatibility with the President, and the demonstrated capacity to service the Nation well as its Vice President—I am satisfied that Nelson A. Rockefeller should be confirmed.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I am pleased to lend my strong support to the nomination of Nelson A. Rockefeller to be Vice President of the United States.

In evaluating this nomination, I have kept in mind three basic criteria. First, the person confirmed as Vice President must be capable of serving as President of the United States. Second, he should add breadth and depth to the administration. Third, he must be acceptable to both Houses of Congress.

On the basis of these criteria, Nelson Rockefeller is an outstanding choice to serve as the next Vice President of the United States. Mr. Rockefeller is eminently qualified to assume the Presidency as evidenced by his many years of service as an administrator and legislative advocate in his home State of New York, as public servant and policymaker in the Federal Government, and as representative of the United States abroad. While there is no adequate training for the offices of President and Vice President, few can match the range of relevant experience which Nelson Rockefeller has acquired during his long and distinguished career in public service.

In addition, Nelson Rockefeller will significantly broaden the national leadership with his vast experience, his sound judgment, his superior intellect, and his firm grasp of political realities. I am especially pleased that Nelson Rockefeller will bring to this adminis-

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tration the benefit of 16 years as Governor of New York, and I would hope that he will continue to serve as a link between Washington and State and local governments whose problems and needs he knows firsthand.

That such a capable administrator and leader on domestic issues should also be a respected authority in the field of foreign affairs and have served in a diplomatic capacity is a bonus that will add still greater breadth and depth to the Ford administration. Mr. Rockefeller's personal experience and expertise in Latin American affairs are well known and will be a great asset to the administration.

I am fully satisfied that this nomination, which has been subjected to exhaustive scrutiny, is one which will serve our Nation well. I am pleased to cast my vote for the confirmation of Nelson A. Rockefeller to be 41st Vice President of the United States and I look forward to working with him in the days ahead.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, if we consider only the personal qualifications of the nominee, Nelson Rockefeller, it would be hard for me to quarrel with the nomination we are considering. Mr. Rockefeller appears to me at least to be a person of unusual ability, outstanding experience, and high integrity. While I disagree with the nominee's political philosophy in some areas, I cannot say that he lacks the personal qualifications to be Vice President or President.

However, this nomination confronts us with an unprecedented situation. When we considered the Gerald Ford nomination a year ago, the committee tracked down every lead. We investigated even the most minute details of his modest financial interests and transactions, as well as those of his family. We even got into the way he financed his condominium at Vail with loans from his children, and we got into a few small Government contracts that the Ford Paint Company had over the years. We convinced ourselves that there was no conflict of interest.

Considering the Rockefeller nomination, the Committee on the Judiciary did indeed conduct an extensive investigation. The investigation was sufficient to reveal the scope of the nominee's personal wealth and many details of his personal affairs and his political career. It also revealed the outlines of a vast web of economic interests of the Rockefeller family, including many interlocking relationships involving other members of the family, private foundations, banks, and other family-controlled institutions. The financial value of this web of interests is measured in billions. In that sense, Mr. Rockefeller is not representative of a class as the gentleman from California (Mr. WIGGINS) implied. He, with his family, is in a class by himself.

This economic power extends into many key areas of the Nation's economy.

Yet, the committee did not attempt to investigate even the main lines of these interests and the precise way in which they are managed and controlled.

Confronted with the complexity of this web and the difficulty and time it would take to unravel the facts, the committee simply threw up its hands.

Some have attempted to rationalize this result, as has the gentleman from California (Mr. WIGGINS), on the ground that wealth alone should not disqualify a person from holding high public office. Of course, that is true.

From George Washington to John F. Kennedy, some of our finest Presidents have been men of wealth and men from wealthy families. However, the case before us is not a case of wealth alone. We are not confronted by Nelson Rockefeller alone, nor by his personal wealth alone.

What confronts us is the greatest aggregation of private economic power in the history of the United States. It is a grouping of wealth so vast that it becomes not merely a difference in degree, but a difference in kind.

If we were faced only with Nelson Rockefeller and his personal fortune, the problem might be solved by his offer to place his fortune in a blind trust. Certainly that is the minimum we should insist upon, but if the blind trust solves his personal conflict-of-interest problem—and I am not at all sure that it does—it does not even approach a solution of an equally serious problem that will be faced by every civil servant—in fact, by every Member of Congress—when faced—as they will be—with the necessity of making a decision that will affect one of the many interests of the vast Rockefeller economic power.

Is it right to place public officials in a position where they must weigh the effects on their personal careers of taking action adverse to the economic interests of the Rockefeller family?

Does not the nomination of Nelson Rockefeller to the Vice-Presidency, or to the Presidency place every such public official in a potential conflict-of-interest situation?

From this standpoint, the failure of the committee to call David Rockefeller, the chairman of the Chase Manhattan Bank, is a serious omission. Here is the brother of Nelson Rockefeller controlling the third largest bank in the country, which holds controlling interests in four of the Nation's largest airlines and in all three television networks and in many other major corporations. Surely, we should have placed in the record the facts as to the Rockefeller relationships with Chase Manhattan and its methods of control of this empire.

With their great commonsense, ordinary Americans understand there is something inherently wrong with giving extraordinary governmental power to an individual who, with his family, already has an enormous influence over the Nation's economy.

Although the Constitution does not mandate the separation of governmental and economic powers in the same manner, the principle is just as valid.

This principle finds expression in many

of our most basic laws and traditions. The antitrust laws, for example, not only have an economic purpose—to protect our free enterprise system, they also have a political purpose—to prevent aggregations of economic power from becoming so great as to threaten the independence of our political institutions.

The original John D. Rockefeller's economic empire was just such an aggregation, and it was broken up under the antitrust laws because it became just such a threat to the independence of our political institutions.

Certainly there are grounds to fear that by approving this nomination, we will be breaching the principle of separation of powers and will be creating a threat to the independence and integrity of our institutions.

Truly, this is a momentous occasion, since it involves a fundamental break with our traditions, and one with grave and far-reaching implications.

If the American people, through the electoral process, choose to break tradition by selecting a President or Vice President who has such enormous economic power, that is their right and privilege. But at this time of flagging faith in our institutions, surely the Congress should not be the one to break that tradition by endorsing this enormous concentration of power.

Mr. SARBANES. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, I want to commend the gentleman from Ohio (Mr. SEIBERLING) for his statement, and to associate myself with his remarks. The gentleman has responded very effectively to the statement that was made by the gentleman from California (Mr. WIGGINS) which failed to understand and appreciate our position in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, for a Congress that has already faced a seeming overabundance of critical and historic decisions, it is implausible that we should encounter, today, yet another such choice. This one, however, unlike some of the earlier ones, is not a difficult one—at least, not for me.

For I count it a high honor, and a personal privilege, as one of my final acts as a Member of this House, to be able to endorse, and vote for, Nelson A. Rockefeller as Vice President of these United States.

I take this action not out of the narrow partisan or parochial considerations that might be ascribed as my motivation, but because—as one who has known Nelson Rockefeller well during the years he served as Governor of my State, which period of time almost coincides with the years I have been in the Congress—I have come to appreciate the positive and progressive leadership capacities of this man, the personal qualities of honesty

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and candor that mark his actions, and the courage and forthrightness that illuminate his career.

As President Ford's nominee to become Vice President under procedures established by the 25th amendment, Governor Rockefeller has undergone a searching examination of his record in public office, of his financial situation, and of that of his family. He has outlined and explained his views. He has answered all questions put to him. He has patiently endured the efforts of a few to malign his record or, through innuendo, to defame his character.

Some argue that this inquiry was not complete enough, and that it should still go forward—virtually ad infinitum. Certainly, some of the concerns they express have validity, and it is a judgmental matter to determine when any inquiry of this nature can be termed "complete." But a substantial bipartisan majority on the committee feels that its investigation has—to use the adjective found in its report—been "exhaustive," and it is my conclusion that those who still want to look further for some disqualifying reasons so argue, in the main, merely because neither Nelson Rockefeller nor any other person President Ford might nominate would ever satisfy them.

As for the rest of you who might have harbored some doubt about Nelson Rockefeller's qualifications, it seems to me that, subjected to days of hard, difficult, even occasionally hostile questioning in both this and the other body, as he was, he came through as few among us could have done and, thereby, gained even greater respect and strength as a nominee.

I would say, Mr. Chairman, that that fact—alone—tells more about Nelson Rockefeller than hours of discussion and debate here could ever do.

For myself, I would like the record to show that Nelson Rockefeller was the only individual I suggested to President Ford, some months ago, when he asked for our recommendations in this matter. I thought then, as I think now, that his qualifications are such as to enable him to stand head and shoulders above any potential candidate for Vice President whose name might come to mind. I shall not, here, take the time to expand upon my reasons for that belief since I did so as a witness before both the Senate Rules Committee and our own Judiciary Committee. Besides which, I really believe this is one of those rare times when it can truthfully be said that this man's record "speaks for itself."

If, however, there is one area of our investigation of Governor Rockefeller that might be said to have been neglected—because of the concentration by the majority of his examiners on political matters and upon his and his family's obviously great wealth—that would have been in the area of the nominee's own basic, and motivating, philosophy. Governor Rockefeller did address himself at some length to such matters in his own preliminary statements, but it was not often that the committee members ventured back into such area. With the idea in mind, therefore Mr. Chairman, that it might be helpful, I would

here wish to insert several, rather extensive excerpts from that truly remarkable, and fine, series of lectures that Mr. Rockefeller delivered at Harvard University, in 1962, and entitled "The Future of Federalism."

In introducing his own remarks then, Mr. Rockefeller said he hoped they would state:

... the urgent, historic necessity summoning Americans of this generation to match the founders of this nation in their political creativity, boldness and vision.

Turning, then, to the "Federal Idea" and its evolution in our Nation, he continued with these thoughts:

Let me first make it clear that I do not speak of the federal idea as merely a mechanical or technical or abstract formula for government operations.

I refer to the federal idea broadly as a concept of government by which a sovereign people, for their greater progress and protection, yield a portion of their sovereignty to a political system that has more than one center of sovereign power, energy, and creativity.

No one of these centers or levels has the power to destroy another. Under the Constitution, for example, there are two principal centers of government power—state and federal. As a practical matter, local government, by delegation of state authority under the principle of "home rule," is a third such center of power. The federal idea, then, is above all an idea of a shared sovereignty at all times responsive to the needs and will of the people in whom sovereignty ultimately resides.

Our federal idea is complex and subtle. It involves a balance of strengths. It puts into play a sharing of powers not only among different levels of government but—on each level—a separation of powers between the legislative, executive, and judicial branches of government. And it clearly signifies more than mere governmental structure. It demands faith in—and an environment for—the free play of individual initiative, private enterprise, social institutions, political organizations, and voluntary associations—all operating within a framework of laws and principles affirming the dignity and freedom of man.

A federal system, then, seeks stability without rigidity, security without inertia. It encourages innovation and inventiveness—governed by principle, and guided by purpose. It assures responsiveness more thoughtful than mere reflex—and liberty that does not lapse toward anarchy. In short, it seeks to hold the delicately precarious balance between freedom and order upon which depend decisively the liberty, peace, and prosperity of the individual.

A more full and meaningful "definition" of the federal idea may be offered in the form of what I believe are four of the critical ways in which the federal concept operates. First: The federal idea fosters diversity within unity.

In this land that reaches from ocean to ocean, the great social, economic, and political problems vary profoundly as they may appear, for example, before the people of Wyoming, the people of Louisiana, or the people of Massachusetts. In meeting many of these problems, a sweeping generalized edict from the national government might well be futile or even fatuous. Yet, in our federal concept, the national government is called upon to work with state governments in ways encouraging the states more effectively to resolve their own problems in their own way.

Second: The federal idea permits and encourages creativity, imagination, and innovation in meeting the needs of the people. Those needs, if not met by private action,

can be met at the local, the state, or the national level of government.

By providing several sources of political strength and creativity, a federal system invites inventive leadership—on all levels—to work toward genuine solutions to the problems of a diverse and complex society. If local solutions are not forthcoming, it is still possible to bring to bear the influence, the power, and the leadership of either the state or the national government.

Third: The federal idea is a pluralistic idea. It gives scope to many energies, many beliefs, many initiatives, and enlists them for the welfare of the people. It encourages diversity of thought, of culture, and of beliefs. It gives unparalleled opportunity for the development of private institutions—social, political and economic.

Whereas a tightly centralized government tends, by its disproportionate weight and power, to stifle diversity and creativity in both the public and private sectors, a federal system provides room for both infinite variety and creativity in all sectors of national life.

Fourth: The federal idea is characterized by a balance which prevents excesses and invites the full, free play of innovation and initiative. This balance is essentially achieved by: the division of powers between the national and state governments, the separation of legislative, executive, and judicial authority, the absence of monolithic national parties, the permissive encouragement given to local municipal governments to achieve a measure of home rule either in fact or in law, the competitive action of commercial enterprise, and—above all—the freedom of individual initiative, rooted in a basic and unwavering belief in the dignity of the human person.

Further on, Governor Rockefeller entered upon a discussion of what he called "political labels." And, since Mr. Chairman, it would appear to me that, in a sense here today, some of us are worried over whether or not Mr. Rockefeller is either too "liberal" or too "conservative" for our—or our constituents'—tastes, I believe what he states in this context might also be useful for the RECORD:

A second distortion of political reality... is the obsession with political labels which results in the rigid classification of laws, leaders, and policies as "liberal" or "conservative." We all know that, in any serious historical sense, these terms have lost all meaning. The use of such artificial labels, in political debate, merely distorts the issue and confuses the citizen. It substitutes the slogan for thought, the false label for the serious goal.

Under the now-meaningless terms of "liberal" and "conservative," some would hold that economic policies welcomed by labor are "liberal," while those cheered by business are "conservative." Yet all progress for all sections of the community depends upon inter-related factors of economic growth.

When I took office as governor, there were 600,000 unemployed in the State of New York. Business had been leaving the state because of an unfavorable economic climate. And the outgoing administration left, as its fiscal heritage, budget requests calling for expenditures of \$2.3 billion, backed by revenue of only \$1.6 billion—a deficit of \$700 million.

To restore the state's fiscal integrity required cutting expenditures, instituting economies, and raising taxes. None of these moves was popular. I can assure you. But the restoration of confidence in the state was fundamental to improving the climate for economic growth. And it set us on the road to expanding business and industry, rising

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employment, declining unemployment, and a far greater capacity to meet our social responsibilities as a state. As an example of this capacity, the state this year provided \$500 million more for education than when I took office—in other words, a 90 percent increase in state aid to education in just four years.

Where—in all this brief history—does a policy or an act become "liberal" or "conservative"? According to these labels, action to improve the business climate is "conservative," and increased aid to education is "liberal." The fact is that the implied distinction is false and deceiving.

Then, Mr. Chairman, Governor Rockefeller discussed his idea of political leadership. Again, let us note his words:

The power of the federal idea rests, in important part, upon the opportunity it gives for action. Yet there may be no limitation upon leadership of any kind so severe as the simple unwillingness to lead.

If a state government lacks the political courage to meet the needs of its people by using its own taxing power—if it prefers to escape by letting the national government do the taxing and then return the money to the state—the leadership of this state puts itself in an exceedingly poor position to weep over the growth of federal power. The preservation of states' rights—in short—depends upon the exercise of states' responsibilities.

The key to this exercise, obviously, is responsible leadership in the executive and legislative branches of government. It must have the vision to foresee and the courage to meet problems and challenges before they grow to the ugly size of crises.

We live in an age that, by its very pace of change, severely tests all capacity for such leadership. The challenges themselves come large, and they surge swiftly.

In such a time of rapid change, timidity in government only compounds the problems.

Yet few things may trouble [our American] destiny so much as a political disposition to confuse the leading of public opinion with the reflecting of it. We have all witnessed, in recent years, the widening temptation to hinge political judgment on the techniques of marketing research—the polls and surveys supposedly measuring the public temper. Any leadership that is merely a creature of such devices is not even playing politics.

I do not believe that the public wants any such acquiescent leadership. It does not turn to leadership as to a mirror, to study its own reflection. It looks for a definition of, and a dedication to, those principles and policies which enable a free people to grow. I doubt if any democracy, without such vision and courage, without such leadership, can seriously expect to survive the mortal trials of our century.

Finally, then, there was this summary in this particular lecture—in words which I found as exciting and as meaningful back then, 14 years ago, as I do today when it is even possible that we have a greater need to consider and think upon them:

Let me summarize briefly:

The historic application of the federal idea—reconciling unity and diversity—is probably the supreme American contribution to the struggle of all self-governing peoples to build political structures strong enough to assure freedom and order in their lives.

Our own federal system provides a unique arena for imaginative and inventive action

and leadership, responsive and responsible to the people.

The practical fulfillment of this promise in our political heritage depends critically, however, upon the health of the national economy, the momentum of our social progress, and the vitality of the whole political environment. This environment can be rendered cold and barren by a citizenry fearful of political partisanship, by a public or a leadership that prefers to deal with labels and slogans rather than real problems and needs, or by a leadership too timid to venture from seemingly safe paths of the past.

The truth, in short, is that the federal idea—like the whole American experience—is a political adventure. It is no static thing, no dead definition, no dogmatic proclamation. Old as it is in our history, its secret strength is that it forever summons a free people to learn and try the new. It requires us, I believe, to imitate its authors in only one respect: to be, like them, unchained to the past and unafraid of the future, to be—in our time as they were in theirs—political pioneers.

Mr. Chairman, in his own words—somewhat outdated as they may be, but still so very pertinent to our need—Nelson Rockefeller has set forth far better than could I in my own words, the reasons why I not only endorse and will vote for him as Vice President, but why I do so with enthusiasm and with trust that this is the right man, at the right time for America.

When I announced my retirement from Congress nearly 11 months ago, I said that, in doing so, I hoped to be able to concentrate during the balance of this year in putting behind us some of the gnawing problems facing the Nation.

Among those problems was the need—and a great need it was—to restore public confidence and trust in our system of government. I believe we are well along toward accomplishing that important objective, but I see the confirmation of Nelson Rockefeller as Vice President as essential to that task.

It is time to vote, and to vote to confirm President Ford's choice of a Vice President, so that this administration—and this Nation—can get on with the urgent business confronting it.

Mr. CONABLE, Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from New York.

Mr. CONABLE, Mr. Chairman, we are here today discussing a foregone conclusion. Nelson Rockefeller is going to be Vice President of the United States. Our country decided, by constitutional amendment, not to leave such an important office vacant and that it was in the national interest to create a presumption in filling the vacancy in favor of the man the President wants. That presumption should not be overturned lightly, although it is entirely appropriate that an unelected Vice President—or an elected one, for that matter—should be subject to the most exhaustive scrutiny. Given the long public service, the intense political involvement, and the vigorous personality of Nelson Rockefeller, no one in this room can seriously believe that the congressional investigation of his background has revealed flaws of a disqualifying nature. The current popu-

lar style is to be skeptical of public leaders, and yet in any relative scale Nelson Rockefeller stands before this House virtually unscathed by the 3 months of poking, pulling, and pushing to which his record has been subjected.

Like many other Members of this House whose confidence has been abused in the past, I withheld final judgment on Mr. Rockefeller until all the evidence was in. When I vote to confirm him in a few minutes, therefore, I feel that I should make public my reasons for approving his nomination. Since I have not always been in agreement with Mr. Rockefeller on public issues here or in the State legislature, where I previously served, some place me historically in the role of critic of Mr. Rockefeller. Nothing could be farther from the truth.

One of the toughest roles in American public life is that of the Governor. New York is not the easiest State in the Union to govern. That he survived more than 14 years in this demanding leadership position says something about Nelson Rockefeller's capacity to lead. Because any Governor who does his job also acquires the scars of battle, I want to express the belief that people dissatisfied with the Rockefeller activism as Governor should keep an open mind about the performance to be expected of him as Vice President. The two jobs are very different. The same person will respond differently to the expectancies of the different offices and will bring different qualities to different responsibilities.

Those of us who have been associated with both Gerald Ford and Nelson Rockefeller are struck by the differences in these two men, and the opportunities for supplementation in direction of national policy which can result. As Vice President, Mr. Rockefeller can add the strength of his administrative experience to the executive branch. He is a man skilled by long experience in staff work, in establishing and working with single-mindedness toward long-term goals, while the President's experience has been one of legislative responsiveness. Tough individual decisions have been a necessity in the career of Nelson Rockefeller, while Gerald Ford has proved his ability to direct the group decision. In short, while each of these men is attractive in his own right and for his own personal strength, each brings a very different experience to the effective partnership we all hope the leaders of our country can have. While I do not have any doubt that the President will be the leader of the country, his well-known capacity to draw strength from the people around him will make good use of the talents and experience of Nelson Rockefeller, to the benefit of the country.

A word to my Republican friends who think of Nelson Rockefeller primarily as an ideological liberal testing the conservative traditions of our party. Nobody has done more for the pluralism of our Federal system, the bedrock of our belief in responsive decentralization. Mr. Rockefeller believes in strong State government as the only antidote to poisonous centralism. Instead of espousing the negativism which conservatives frequent-

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ly show when serving on the level of central government, Mr. Rockefeller pushed the only viable alternative, State government. The creative leadership he brought to New York State government, while not always comfortable for New Yorkers, has long set a standard for the other States, and without it the central government in Washington would be a much more dominant force than it is.

A word to my New York friends, some of whom claim in their letters to me that Nelson Rockefeller's leadership has damaged our State. Everyone thinks his problems are unique. If New York's problems are unique, it is only because of the unique structure of our State, and its inclusion of the world's most complicated city, whose budget is greater than the State budget. It is these circumstances which produce financial problems unmatched elsewhere.

Some perspective for New Yorkers on Nelson Rockefeller's contribution to the recent history of our State is suggested by the following statistics. Although New York ranks first among all States in combined State and local taxes in proportion to personal income, taking State taxes alone, New York ranks 20th among the States according to the most recent statistics. It stands first among all States in percentage of State expenditures for aid to local governments, contributing 57.5 percent of State general expenditures to the localities, compared to an average for all States of about 38 percent.

Those of us who believe in strong local government strongly approve of this aspect of our State budget and must acknowledge the leadership Nelson Rockefeller has provided in developing this constructive pattern of government.

Mr. Chairman, if what I have said sounds defensive, it is only because of the negative traditions of American politics, which lead us to give more prominence to accusations and regrets than to more positive factors. Everything about Nelson Rockefeller is personally positive. He is a vital man, an optimist. At his age and after comparable experience, few of us would have as open a mind as he does, would be willing to go through what he has gone through to become Vice President, or would express the enthusiasm which is such a remarkably durable Rockefeller characteristic. He is the man the President wants, he is highly qualified by experience, he is personally attractive and ideologically acceptable, his honesty has been attested by the most rigorous investigation, and it would be transparently hypocritical for us to reject his nomination in this light. I hope he will have overwhelming support from my colleagues.

Mr. McEWEN, Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from New York.

(Mr. McEWEN asked and was given permission to revise and extend his remarks.)

Mr. McEWEN, Mr. Chairman, my remarks shall be brief. Were they extensive and persuasive, they would not change one vote. We all know that soon

the vote will be taken, and we know what the result will be. We shall confirm the nomination of Nelson A. Rockefeller, of the State of New York, to be Vice President of the United States.

My vote will be for that confirmation.

The prolonged hearings by the committee of both Houses of the Congress, fully reported to all of our people by the printed and electronic media, have told us more than anything that we might now add. The American people approve the nomination and their Representatives should and will do likewise.

Mr. MITCHELL of New York. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. Mr. Chairman, I yield to the gentleman from New York.

Mr. MITCHELL of New York. Mr. Chairman, I rise to support the confirmation of Nelson A. Rockefeller and ask unanimous consent to revise and extend my remarks at this point in the Record.

In rising to support the confirmation of Nelson A. Rockefeller as Vice President of the United States I have a good feeling. It is that good feeling we have all experienced in public service that comes when participating in an endeavor of conscience and conviction tell you to be in the best interest of the people you are privileged to represent and the Nation you are honored to serve. Nelson A. Rockefeller is the personification of those qualities we seek in those we select to govern. He is a leader with the courage to lead. He is knowledgeable with the ability to put that knowledge to good use for the common good. He is innovative, a man of reason and a man of conscience, of compassion and understanding.

Vice President-Designate Rockefeller is uniquely qualified for the awesome responsibilities that will shortly be his. He has no equal in the broad base of experience that he brings to the job.

At the Federal level his prior service in the Departments of State and Health, Education, and Welfare, as well as within the White House as a Presidential adviser, has earned for him much praise.

At the State level, as Governor of New York, his record is also strong. His accomplishments as chief executive officer for the Empire State are legion. With justifiable pride he can point to the finest State University system in the Nation, an educational complex for which he has been the principal architect, building with precision and care from a student body of only 30,000 on a few scattered campuses to a present enrollment of more than 400,000 in facilities across the State that are geographically and financially within the reach of all.

There is so much more. New York State's fine highway system that predated our own Interstate Highway program. A mental hygiene program second to none. State agencies that are concerned with and doing something about the problems of our cities and those who are disadvantaged. All of these endeavors, which have enjoyed so much success, stand as lasting monuments to the Rockefeller years as Governor.

The many dimensions of Nelson A.

Rockefeller go beyond domestic considerations. He is schooled in international affairs and is viewed around the world as a man of great depth and understanding in matters affecting the family of nations.

In summary, Mr. Chairman, Nelson A. Rockefeller is a complete man and this body will do itself proud if we follow the example set on the other side of the Capital by voting overwhelmingly for his confirmation as the 41st Vice President of the United States.

Mr. O'BRIEN, Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Illinois.

Mr. O'BRIEN, Mr. Chairman, this Nation will not rise or fall on what I have to say in the next few minutes. Nevertheless, I feel compelled to state my reasons for supporting the confirmation of Nelson Rockefeller as Vice President.

The domestic and foreign problems facing us today require a complete executive. The President needs a strong Vice President to help him carry the weight of these burdens. He has chosen Nelson Rockefeller.

In considering this nomination, we should ask ourselves two main questions: First, What qualifications should we demand of the person who stands second in line to the President? Second, Does Mr. Rockefeller possess those qualifications?

During the past 4 months, the House Judiciary Committee and the Senate Rules Committee held intensive hearings to answer those questions.

Throughout those hearings, Mr. Rockefeller's ability to serve was never a question, even to his most adamant opponents. His experience covers almost four decades during which he has become an expert in Latin American affairs, governed the vast State of New York and shaped its history, advised Presidents and headed numerous national commissions seeking answers to this country's problems.

What has been at issue is the fact that Mr. Rockefeller and his family are tremendously wealthy, and that over the years he has disbursed portions of this vast fortune in gifts and loans to private individuals and public servants. The far-reaching nature of such immense wealth has aroused doubts in the minds of many as to whether Mr. Rockefeller can carry on the Nation's affairs without an ever-present potential for conflicts of interest.

To my mind, these gifts and loans do not necessarily mean that strings were pulled to obtain favors. In fact, not even a hint of illegality has come out, even under the bald light of the committee hearings.

There have also been criticisms of his involvement in Victor Lasky's controversial book on Arthur Goldberg and of his inconsistent record on prison reform.

These and other matters reveal a certain amount of insensitivity in some areas of his previous public life. They are questions not easily put aside. But the fact remains that Mr. Rockefeller has responded to questions on these subjects openly and fully and I believe he now realizes what difficulties they pose

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for the American people. While I certainly do not agree with some of Mr. Rockefeller's decisions on these and other matters, I do not feel they should disqualify him from the Vice Presidency.

Why? Because I believe that the unusual and thorough disclosure of Mr. Rockefeller's personal and family wealth and his activities now in the public record are effective protection against similar incidents in the future.

No other candidate for the Vice Presidency or the Presidency has ever undergone such close scrutiny as Governor Rockefeller has since he was nominated last August. The Senate Rules Committee held 7 weeks of public hearings and the House Judiciary Committee held 3 weeks before recommending confirmation by an overwhelming margin. In addition, such agencies as the FBI and the Internal Revenue Service have thoroughly investigated every aspect of his long career in public service and his personal and family finances. Furthermore, the nominee has agreed to end such practices and to put his fortune in a blind trust for the duration of his term in office.

The true Rockefeller fortune is not in his money, but the wealth of talent and experience he brings to the Vice Presidency. His career in public service and a vast number of positions of great responsibility eminently qualify him for fulfilling the duties of the Vice Presidency, and even the Presidency, if some tragedy should require it.

The times we live in demand that our Nation be led by experienced men, not experimenters. Men who can decide for the Nation, not divide it.

Nelson Rockefeller meets these demands. Therefore, I intend to vote for his confirmation and urge my colleagues to do likewise.

Mr. HEINZ. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, I rise in support of confirming Nelson A. Rockefeller as Vice President of the United States, mindful that we meet today to discharge a solemn obligation. Indeed, it is a responsibility that may well prove to be unique in the history of our Nation.

The 25th amendment to the constitution is quite simple. When a vacancy occurs in the office of the Vice Presidency, it requires that the President designate his choice to fill the Vice Presidential vacancy. Such a nominee may only become Vice President when the Congress has voted, a majority of both the House and Senate, in the affirmative, to confirm.

Just over a year ago Gerald R. Ford became the first Vice President to be confirmed under the 25th amendment. Richard Nixon's resignation—an unprecedented departure from our Nation's highest office of public trust and responsibility—then caused Mr. Ford to assume the Presidency. It is President Ford's nomination of Nelson A. Rockefeller of New York for the office of Vice President that we must decide upon today.

In deciding on Mr. Rockefeller's qualifications and fitness, I believe we must apply a standard that meets two somewhat conflicting tests: it must be the highest possible standard; but it must

also meet the test of being a reasonable standard.

We cannot set a standard so high that it is impossible to achieve. Yet experience and prudence dictate that the test should be stronger than either of our political parties apply in the choice of their Presidential and Vice-Presidential nominees since the electorate at large will have no chance to measure candidates and then decide.

There is almost no question that Mr. Rockefeller has the basic intellectual capacity and experience to govern and accede to the Presidency. His four terms as Governor of the great State of New York and the numerous other positions of trust that he has held under both Democratic and Republican administrations establish this beyond reasonable doubt. Moreover, as stated in the Judiciary Committee Report on page 20.

Mr. Rockefeller's record as Governor of New York shows outstanding achievements in providing improved transportation services, health care, protection of the environment, promotion of the arts, and accomplishments in many other areas which are fully documented in the record of the Committee's investigation.

Mr. Rockefeller cited as a key to his faith in our Federal system the return to local governments of 62 percent of every dollar of state taxes collected while he served as Governor.

At the national level, Mr. Rockefeller has demonstrated his ability in a wide range of governmental posts—from his Chairmanship of President Eisenhower's Committee on the Organization of the Executive Branch of the Federal Government to his crucial role in organizing the Department of Health, Education, and Welfare as its first Under-Secretary.

At the international level, Mr. Rockefeller has served five Presidents of both parties in behalf of many aspects of the foreign policy of the United States. As Coordinator of Inter-American Affairs under President Franklin D. Roosevelt, later as Assistant Secretary of State for American Republic Affairs, and on subsequent diplomatic assignments, the Vice President-designate has amply demonstrated his mastery of the skills necessary for the development of an effective foreign policy.

Finally, in the area of inter-governmental affairs, Nelson Rockefeller's four years of service on President Johnson's Advisory Committee on Inter-Governmental Relations are indicative of his expertise in this increasingly important field of national policy.

In summary, the Committee's exhaustive investigation of Nelson Rockefeller's extensive record of public service provides convincing evidence that he is uniquely well qualified as the right man to serve our country as Vice President at this time. Nelson Rockefeller qualifies under the 25th Amendment as a national leader of exceptional intelligence and admirable dimension.

While I strongly agree with the above conclusion, this is not the first occasion when I have carefully examined Mr. Rockefeller. I did so over 6 years ago, in 1963, as an elected delegate to the Republican National Convention, when, after careful study, I felt Mr. Rockefeller had every qualification to become the President of the United States. And, at that convention, I voted to nominate Nelson Rockefeller as the Republican candidate for President.

Our shattering experience with the events known as Watergate has taught us that there is far more to being President or Vice President than intelligence

and experience. We have been reminded that integrity is vital, and that conduct of the Nation's affairs has but one and only loyalty: to the Nation and the public that has entrusted to the Presidency so many vast responsibilities and powers.

The House Judiciary Committee has made a minute examination of Mr. Rockefeller. I have listened carefully to both the proponents and the opponents of Mr. Rockefeller's confirmation and examined hundreds of pages of testimony in the hearing record of the Judiciary Committee. Clearly, Governor Rockefeller has made his share of unpopular decisions. On occasion he has made mistakes. But I believe no one in public service can avoid making either unpopular choices or decisions that turn out to be wrong. These are the inevitable battle scars of fighting for what you believe is the good of the people of your State or Nation. Our society places great value in fighting for what we believe in. It is clearly not something that should disqualify a man or woman from holding any high position of public trust.

I except the circumstances involving the book on former Supreme Court Justice Authur Goldberg from the category of unpopular choices or mistaken decisions. In what the committee has determined to be a single and isolated instance I question Governor Rockefeller's judgment and handling of the issue. It is a blemish on an otherwise distinguished record of public service which I do not condone. But I am satisfied that it is a single instance, and that it is not indicative of Mr. Rockefeller's basic character. I do not believe it is sufficient to disqualify him.

Before the Judiciary Committee began its searching inquiry, it was clear that Nelson Rockefeller was a man of tremendous wealth. It has, of course, been suggested that this wealth should disqualify him whether or not Mr. Rockefeller, as he has pledged, places his holdings in a blind trust. That we should apply this standard seems totally inconsistent with the American belief that we judge a man on what he has done, not how much money he is worth. Application of this test would have prohibited public service by some of our most distinguished Presidents and greatest high Government officials, including Presidents Kennedy and Roosevelt. Nelson Rockefeller's own career, exemplified by the unparalleled record of honest administration during his 16 years as Governor of New York State, is in itself a further demonstration that individuals of very considerable wealth can and do put the public trust consistently above any temptation of private gain.

Our country needs a strong and responsible executive branch to work with a strong and responsible Congress if we are to overcome these difficult and challenging times at home and abroad. In supporting the confirmation of Nelson Rockefeller, I am hopeful that this Nation can and will make use of his considerable talents to make America a land of equal justice and genuine opportunity for all our people.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

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Mr. ROBISON of New York. I yield to the gentleman from New York.

Mr. WYDLER. If the gentleman would yield to me further, I would just like to say I have listened to the main theory put forth in the House here today by some of the opponents of Nelson Rockefeller to the effect that the Rockefeller family has too much wealth to qualify him for the job. That seems to be a very strange argument, indeed, because, of course, it would disqualify every member of the Rockefeller family. They would all be subject to that same criticism, including a member such as a gentleman known as Jay Rockefeller who was running for Governor in West Virginia as a Democrat not long ago. He might be surprised to find out that he is disqualified in the minds of some Members of this House of ever being considered as able to run for President or Vice President of the United States.

Mr. BIESTER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. I thank the gentleman for yielding.

Mr. Chairman, I firmly believe Nelson Rockefeller is uniquely qualified for the position of Vice President of the United States, and I rise in support of his nomination to that office.

As Governor, Mr. Rockefeller placed New York in the forefront of State—and national—leadership in addressing social, economic and environmental problems. He worked and fought for the elimination of discrimination in housing, expansion of the State university system and increased aid to elementary and secondary schools, establishment of a strong air and water pollution control program and extensive improvements in the State's transportation network. In word and deed, Governor Rockefeller has been an innovator and aggressive exponent of an invigorated Federal system of government.

His career at the national level has been nothing less than impressive. He has worked in the administrations of four Presidents of both parties. He has served as an assistant Secretary of State, an Under Secretary of HEW, a special assistant to a President and a chairman or member of numerous national boards and commissions.

Nelson Rockefeller, although he has been before the electorate in his own State and nationally on a number of occasions, has not won the public's endorsement to be Vice President through the customary campaign and electoral process. Instead, he has had to gain its confidence indirectly through Members of the House and Senate acting under the procedures set forth in the 25th amendment.

Accordingly, the Congress examined Nelson Rockefeller—his personal and public lives—in the minutest detail. Because the traditional route of campaign appearances and media testing was not available for the public to size up and measure the nominee's qualifications, Congress initiated a probing investigation into Mr. Rockefeller's background. Much was already on the record dating back to

the beginning of his public service in the Roosevelt administration and continuing through his 15 years as Governor of New York. Personal and family finances—a subject intensely personal to each of us—were laid bare and scrutinized.

All this revealed Nelson Rockefeller to be an accomplished administrator with experience both nationally and internationally, a man who in the long course of public service has inspired considerable progress in many areas of social concern. During these many years he has made some mistakes and errors of judgment and, quite expectably, his policy decisions as Governor were not always well-received by certain people and groups. This does not disqualify him from being Vice President.

Much has been said in a negative way of Governor Rockefeller's wealth and financial interests and that this should somehow prevent him from becoming Vice President under the 25th amendment. I believe this argument is without substance and, in fact, suggests a totally unacceptable precedent for the consideration of future Presidential and Vice Presidential candidates.

Nelson Rockefeller was born into a family of great wealth, and that family remains one of the most wealthy in the country. It is also a family which has maintained a generous philanthropic involvement with a wide spectrum of deserving groups and causes. Mr. Rockefeller has neither experienced firsthand nor undergone the many severe handicaps facing the poor in this country or, for that matter, had to cope with the everyday problems of the middle-income wage earner. He has not, however, allowed his wealth to isolate him from becoming involved in efforts to resolve the social concerns of the average American. His financial independence has allowed him the freedom and flexibility to devote himself, as few men have, to serving the public. In so doing, he has involved and educated himself intimately and widely in an extensive range of problem areas.

American history shows that, in the past, wealth—or the absence of it—has not prohibited individuals from running for office and getting elected, including a number of Presidents and Vice Presidents in recent decades. Mr. Rockefeller has given his assurance that his financial interests will not be permitted to interfere or conflict with the execution of his Vice Presidential responsibilities and his oath of office to the United States. I believe we can and should accept his word.

The 25th amendment and the examination to which Congress has subjected Nelson Rockefeller, as exacting as it was and must be, was not intended to set standards for the office so unreasonably stringent that no one can qualify. If we are saying Nelson Rockefeller should not be Vice President because of his wealth, or because he has offended some people and interests during his career, or because he has erred in his handling of certain situations, then we are virtually saying that no one should be Vice President—or President—who is wealthy, or who has to make some difficult and unpopular decisions or who has erred in

judgment. Mr. Rockefeller has been a dynamic and aggressive leader willing to tackle controversial problems and eager, personally and as a public official, to right wrongs as he sees them.

I have studied the arguments and propositions raised against his confirmation very carefully, and while they do reveal some unfortunate errors of judgment they do not convince me that his nomination should be rejected. I have looked at the totality of his record and am voting to confirm him on that basis.

I look expectantly and optimistically to having Governor Rockefeller adding his extensive expertise to national problem-solving during the next 2 years. Few people are as uniquely qualified to serve during such an uncommonly challenging period in American history. Let us confirm our new Vice President and free his abundant energies and intellect for the big job ahead.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. I thank the gentleman for yielding.

Mr. Chairman, there has been an implication in the debate today that perhaps we are trying to set a double standard in considering the confirmation of Mr. Rockefeller. I say that in one respect that may be true, and should be, and in another it should not. We are not the electorate of the United States. The people of the United States can choose as their President or Vice President, whomsoever they wish. They have a right to vote for whomever they choose. But we, as trustees for the people of the United States under the 25th amendment, must adhere to a higher standard than that. We are not conducting our own business; we are conducting the public business; and we must be held to the highest standards of trust and select a Vice President who is beyond criticism for that office.

In another respect, should we have a double standard for different nominees under the 25th amendment? I say that we should not. The standards we apply to Nelson Rockefeller—or applied to Gerald Ford a year ago—or to any other nominee under the 25th amendment, should be the same.

If conflict of interest is too great a disqualification for one nominee, then conflict of interest is too great a disqualification for another. Could the Members sit here and state that if someone other than Nelson Rockefeller had a massive conflict of interest, they would still vote to confirm?

When we considered Gerald Ford, we even traced out the fact that he got some money for his mountain home from his children's piggy banks, of course, with their permission, and yet we overlooked billions of dollars which lie unexamined in the Rockefeller vaults.

Mr. Rockefeller has a massive conflict of interest. Never again will we find one quite the equal. His conflict of interest reaches into every nook and cranny of our economy. It is congenital, and it is in-

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soluble. I submit that if conflict of interest is to be a standard and should be an issue, we must acknowledge the fact that here is the greatest conflict of interest in the United States, and then if we are going to confirm, we must confirm despite that fact.

The thing that concerns me most, however, is the gifts and soft loans to public employees of the State of New York at the time he was Governor. I am not going to recount them here, but if the Members will look at pages 287 to 289 of the Hearings, they will find a listing of the various gifts and soft loans he made to public employees of the State of New York, and they will find that scarcely ever were they collected.

Again, if they look at pages 954 through 957, they will see the explanation given by William Ronan, the recipient of the greatest gift, some \$625,000.

I am not going to repeat the whole Ronan story here but the Members will know that during his employment with the State of New York he received \$510,000 in soft loans, with no interest, no collateral, and no effort to collect, but during the little 13-day window in time last May, after he resigned from the State government, all of these were forgiven, all of them, plus an added tip of \$40,000, so that in the course of 16 years he came out a net beneficiary of \$625,000. A summary of the Ronan transactions is as follows:

FINANCIAL TRANSACTIONS BETWEEN WILLIAM J. RONAN AND NELSON A. ROCKEFELLER, AND SIGNIFICANT DATES OF WILLIAM J. RONAN'S EMPLOYMENT, DECEMBER 19, 1958 THROUGH MAY 16, 1974

December 19, 1958: Gift, \$75,000.

January, 1959: William J. Ronan became New York State Employee under Governor Nelson A. Rockefeller.

January 8, 1963: Loan, \$100,000; balance owed, \$100,000.

May 1, 1965: Loan, \$50,000; balance owed, \$150,000.

May 1, 1965: Loan, \$50,000; balance owed, \$200,000.

July 15, 1966: Loan, \$110,000; balance owed, \$310,000.

December 16, 1966: William J. Ronan became full-time Chairman of the Metropolitan Commuter Transportation Authority (later known as the Metropolitan Transportation Authority).

January 24, 1967: Loan, \$50,000; balance owed, \$360,000.

October 16, 1969: Loan, \$150,000; balance owed, \$510,000.

May 1, 1974: Ronan resigned from Metropolitan Transportation Authority, left state employment.

May 3, 1974: Gifts, \$510,000, \$40,000; total gifts, \$625,000.

May 3, 1974: Ronan became Chairman, Board of Commissioners, of the Port Authority of New York and New Jersey (unsalaried).

May 13, 1974: Ronan became salaried employee of Rockefeller Family and Associates.

May 16, 1974: Ronan became a Trustee of the Power Authority of the State of New York.

The nominee would tell us he was concerned that Ronan did not have enough money for his retirement. Is that not something? Could it be that Mr. Rockefeller never knew anybody else without enough money for his retirement and, if he did, did he give that person \$625,000?

I ask the Members, at this time when the restoration of public confidence is

such an important concern in our Republic, when the lack of faith is such a grave problem, can we now, in good conscience, confirm as Vice President, as potential President, a person who is unaware, insensitive, and ignorant of the effect of wealth, badly used, to corrupt public officials? I say we cannot and I say we should turn down this confirmation.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BADILLO), soon to become a member of the Judiciary Committee.

Mr. BADILLO. Mr. Chairman, I rise in opposition to the nomination of Nelson Rockefeller for Vice President of the United States. In my judgment, the confirmation hearings before the House Judiciary Committee and the Senate Committee on Rules and Administration establish clearly that Nelson Rockefeller, as Governor of New York State for 15 years, availed himself extensively of the economic power and influence of Nelson Rockefeller, the private individual. That power and influence were used in the conduct of political campaigns for the governorship, in the appointments to office made as Governor and in the development of policy decisions affecting the people of New York State. In my opinion, Rockefeller the Governor and Rockefeller the billionaire were one and inseparable and governed as one. I oppose the nomination because there is nothing in the record of the hearings that reassures me that Rockefeller the Vice President or Rockefeller the President will conduct himself any differently in the future than he has in the past in terms of combining political know-how with private economic wealth and influence. I oppose the nomination because I would consider such a combination a serious danger to our country.

Many of the issues presented at the confirmation hearings remain unresolved and for that reason I was among those who sought to delay the confirmation vote until additional facts could be secured. Nevertheless, I believe the following conclusions are justified from the available data:

First, Nelson Rockefeller and his family spent nearly \$20 million to elect and maintain Nelson Rockefeller as Governor of New York State. In addition, the record shows that the private wealth of Rockefeller and his family was used extensively to finance campaigns of political supporters. It is impossible to compile total amounts contributed by related interests but even the limited amounts revealed to date indicate that the fortune of Rockefeller the candidate was heavily dependent on candidate Rockefeller's fortune.

As far as the future is concerned, the nominee has testified that he intends to continue to make political contributions to selected political candidates if confirmed as Vice President not unlike contributions he has made over the years. Presumably, the same would apply to the nominee's family and related interests. Such a prospect can hardly be called reassuring.

Second. The case of the Goldberg book

indicates clearly that the resources available and used by Governor Rockefeller included not just money but the best talent and connections available in the legal community of the country.

It is apparent that the entire Goldberg episode involved a complicated scheme which embraced establishing separate corporations and requiring the services of law firms in Washington, New York, and Philadelphia. Anyone familiar with legal firms' fees knows that the cost of devising and carrying out such a scheme in legal fees alone would have been several times the amount of the alleged investment and that the project would have been abandoned on that ground if the client had been anyone but Nelson Rockefeller. As it happened, the project went ahead and there is nothing in the record to indicate that the normal legal fees and other costs were paid. This case points up clearly that access to talent and connections can be more important than actual amounts of money involved and that such access was availed of where necessary.

Third. The gifts and loans made by Governor Rockefeller to appointed public officials in key positions established an additional layer of obligations between the Governor and his appointees which conflicts with the public interest. Even if the most charitable and innocent explanation for gifts and loans to appointed officials is accepted, the inevitable result of this practice is the establishment of a new and special relationship between the Governor and his appointees which would give an appointee greater pause in criticizing his benefactor. The prospect of being fired is obviously an inhibiting factor but the necessity of having to repay a debt while looking for another job would certainly serve to deter even the most outspoken public official. It is surprising that Mr. Rockefeller could be so unsophisticated that he failed to perceive this problem until it was called to his attention during the hearings.

However, it is not totally reassuring to know that Mr. Rockefeller pledges to make no additional gifts or loans in the future because the hearing record indicates that the special relationships established by Governor Rockefeller include not just gifts and loans but future employment at substantial salaries with family enterprises. For example, Dr. Ronan was retained as a "family consultant" at a salary of \$100,000 per year when he resigned from his paid position in State government. Mr. Alton Marshall became the president of Rockefeller Center at a substantial salary when he resigned from State government. No attempt seems to have been made by the committee to trace this line of inquiry but there is enough mention of other former key officials working in different family enterprises to indicate to me that the private resources of the Governor were used extensively to offer inducements that could conflict with the public interest.

Fourth. The interests of the Rockefeller family were so pervasive in New York State that they could not be separated from the public interest in the develop-

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ment of basic policies for the State. The hearing record documents clearly that the merger of the Metropolitan Commuter Transportation Authority with the Triborough Bridge and Tunnel Authority came about as a result of an agreement between Nelson Rockefeller, acting as Governor and David Rockefeller, president of Chase Manhattan Bank, acting as trustee for certain bond holders. The conclusion of this agreement was indispensable to Governor Rockefeller's political career and it is inconceivable that David Rockefeller could have failed to recognize the importance of the agreement to his brother.

The record indicates that the potential for conflicting interest is even greater on the national scale. As stated by Representative Kastenmeier in his separate views:

A review of their holdings indicates that they maintain a sizable personal influence in virtually every important aspect of American life.

Accordingly, it is clear that there is no reasonable way in which it could be expected that future conflicts of interest of even greater magnitude than existed in New York State could be avoided.

It is in the light of the above circumstances that I have decided to oppose the nomination of Mr. Rockefeller. I must point out that I disagree strongly and, so I believe, do the people of my district, with Mr. Rockefeller's views on Attica, Chile, Watergate, tax reform, the role of the military in American life, his views of his accomplishments as Governor of New York, the continuance of CIA covert operations, and indeed most of the important issues in our society today. This basic disagreement would be enough under the intent of the 25th amendment to justify a negative vote for confirmation on behalf of the district which I represent. However, I believe the earlier reservations I have raised apply to every district and therefore cast my vote on the grounds that confirmation would not be in the best interests of any community in this country.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I shall vote against the confirmation of Mr. Nelson Rockefeller as Vice President of the United States. I shall do so because of a commitment I made to the constituents of my congressional district to follow the outcome of a districtwide poll on the question. I would also like to state that I do not differ with this directive because of my own serious reservations about his confirmation. I should say at the outset that I have no illusions about the results of the vote on Mr. Rockefeller's confirmation but I do feel that it behooves me to state the reasons for my opposition and the opposition of the majority of my district.

For the first time in the 14 years I have served in Congress, Mr. Chairman, I bound myself to the results of a legislative poll. During my tenure in the U.S. Congress I have sent out an annual ques-

tionnaire soliciting the opinions of the people in the district I was elected to serve, on the major issues confronting the Nation. On each occasion I have stated my belief that an elected official has the responsibility to weigh all sides of each issue to the best of his ability and should never let public opinion be the sole factor in his decisions. I do feel that any officeholder should realize that his judgments are not always right and that it is important for him to lay his judgments alongside of the people who elected him. However, I have always insisted that the final responsibility for each vote rest with me and that I stand ready for the people to hold me accountable for my voting record.

In the case of the poll asking for the opinions of the residents of Missouri's Eighth District on Mr. Rockefeller's confirmation I made an exception to my general rule and bound myself to the results of the poll for the following reasons: First, for the first time in the history of this Nation we have a President who was not elected by the people to either the Presidency or Vice Presidency; second, once a Vice President is confirmed we will have, also for the first time, two men serving in the Nation's highest offices who have not attained these positions through a vote of the people, and third, since any man who serves as Vice President is only one heartbeat away from the Presidency it is entirely possible that the man we confirm as Vice President might become President. It was my judgment that allowing the people to determine my vote on confirmation by their responses was the closest means I could find to give them a ballot on the selection of their Vice President.

Although the results of my poll were not as large as I had hoped, 20,529 people responded to the question of Mr. Rockefeller's confirmation, 11,078, or 54 percent of those responding, voted against confirmation while 9,451, or 46 percent voted for the confirmation of Mr. Rockefeller. Certainly the vote was too close to contain any overwhelming sentiment on the issue but the fact that the percentages ran about the same from the earliest returns to the latest probably indicates a fairly accurate gauge of opinion of the voters in the district.

Many reasons were given by Missourians who opposed Mr. Rockefeller's becoming Vice President. Certain themes reoccurred, such as: "We don't need an oil man as Vice President," "I am opposed to a man who would rather make gifts to his friends than pay his honest taxes to the government of his country," "he is very liberal, a pro-abortionist, and his record of deficit spending while governor of New York, should prevent him from being one heartbeat away from the presidency," "he was rejected by the voters for President in 1964 and should not be appointed to an office for which he could not be elected," "he has used his great wealth to gain political power and influence," "his vast economic empire would involve him in a conflict of interest on almost every subject," and many similar statements.

People on the other side of the question assured me that such a wealthy man

could not be bought, that he might have even less power as Vice President because he would be watched closer, that he had tremendous administrative experience and was well versed in foreign and domestic problems. It goes without saying that I recognize that there are two sides to this issue.

Mr. Chairman, I certainly do not believe that any man should be prevented from holding any office because he is wealthy just as I do not believe that wealth entitles anyone to public office. I have strongly favored a revision of campaign spending laws for many years in order that public office might be within the reach of the nonwealthy as well as the wealthy.

In examining the disclosure of loans and gifts by Mr. Rockefeller to his political friends and associates there remains a question of how extensively—perhaps unintentionally—his wealth was used to obtain his political power and influence. The fact that these gifts ranged from judges, New York State officials in agencies dealing with banks, transportation, and taxation, to the U.S. Secretary of State cannot help but raise doubts in our minds about how great his influence might have been over these people.

Yet I feel that the most alarming observations were made by Bill Moyers in a December 2, 1974 Newsweek article where he points out that if Mr. Rockefeller is confirmed:

There is next in line for the Presidency a modern Croesus whose own resources constitute a fifth estate of government—a network of alliances so invisible and vast they are immune to ordinary accountability and represent private means to supersede the public process.

He then makes the point that: Simply being Rockefeller is a conflict of interest.

As he complains that the entire story "of wealth and power mingling in high office" has not been told by Mr. Rockefeller he finds a point missed by most "of how corrupting great wealth can be, not just to the people who possess it but to those who stand in awe of it."

Mr. Chairman I do not question Mr. Rockefeller's honesty, integrity, or sincerity—nor am I passing blanket judgment that he is unfit to serve in the high office of Vice President or President for that matter. I am, however, convinced that enough serious questions have been raised about his economic and political power, his past dealings and decisions to indicate that we could certainly find many other men more capable of inspiring the confidence and providing the leadership sorely needed in this country in the aftermath of Watergate. Therefore, I can carry out the wishes of the majority of those in my district answering the poll with the conviction that my people have directed me to do that which is in the best interest of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, no vote in the 5 years I have been in the

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Congress is as difficult and fraught with uncertainty as the one I intend to cast this afternoon for Nelson Rockefeller. A year ago, on December 6, I stood here and urged this House to reject Gerald Ford. I could take a momentary and perhaps ill-placed satisfaction in having some of my predictions borne out. I take no other pleasure in coming today to support Nelson Rockefeller precisely for the reason that Gerald Ford is President.

His well-intentioned, ambivalent, leaderless and almost absence of philosophy tenure over the last 4½ months, superimposed on 11 years of foreign and domestic discord, of shattering of the fabric of public confidence in the institution of government to the point of where whatever is left is fragile and tenuous, prompt me to support someone who in other times less bizarre, less unique, less significant, I would find easy comfort in joining with those who have spoken against him.

I do not believe we can afford, in attempting to, in vicarious fashion, offer judgment this afternoon, lose sight of what this country has gone through, lose sight of the precipitous decline in public support of the present occupant of the office in the obvious inability to inspire, to nurture, to develop that fragile, subjective element called confidence in government.

I do not know that Nelson Rockefeller can. I do not suppose, frankly, that, situationally, I would not find myself very, very defensive when each of the specific issues raised appear, or the general concern of the divergence of wealth and political power are brought to the forefront. But I have, despite a clumsy degree of optimism in our ability to muddle through most of our problems, a persuasive sense of pessimism about where this country has been and where, in reckless fashion, it appears not to be going.

Whatever one may say about Rockefeller and his tenure in public office over 40 years, he has not hesitated to fill vacuums, to attract and to use talent, and to a degree to be decisive, even in a controversial way.

I suppose in an era attendant to having a lesser time to deal with someone not as controversial as Nelson Rockefeller, contrasted with the fact we had almost double the time given us 1 year ago to deal with someone as bland as Gerald Ford was in his 25 years in the Congress, it says something for the standards which even these concerns today make disparate allies in this House.

But it is the pessimism and the bleakness of the uncertainty of what we have left of the institution, both private and public, that compels me on an act of faith and not expectation in support of Rockefeller in general in the broadest sense it stands for, the firmness, purposeful execution of whatever the role is he has filled. I hope that we can see, out of the next few years, perhaps the emergence of a dual Presidency, perhaps the filling of that vacuum which is so profound, which has disturbed me on occasions like today.

Let me close by suggesting that, having been forewarned twice in the in-

stance of the use of the 25th amendment, and once in the tortuous process called impeachment that we have gone through, that I hope that the process we have seen used by the Committee on the Judiciary over the course of the last year will be the basis for more widespread and deeper-rooted inquiry into the institution that we have had for almost two centuries and not wait until some other trauma befalls us before we act in a hasty fashion and ill-conceived fashion.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from New York.

Ms. ABZUG. Do I take the gentleman's words to mean that, in his judgment, if we confirm today, what we do is confirm not a functionless Vice President but, hopefully, in his view, an acting President?

Mr. HARRINGTON. Exactly.

Ms. ABZUG. In that case, in the opinion of the gentleman, does it not matter what he stands for, what position he takes, although it be entirely contrary to those of the gentleman?

Mr. HARRINGTON. I would prefer always to have someone who has positions of philosophy and purpose than someone who has an absence of those qualities, whether I agree or not.

Ms. ABZUG. In other words, it is the view of the gentleman that what we do here today is install a President, and the gentleman does so willingly, even though it may mean that this man may oppose everything that the gentleman has fought for?

Mr. HARRINGTON. I disagree with "installing a President," but other than that, up to now, I would concur in what the gentleman is suggesting.

Ms. ABZUG. Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. MARAZITI).

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from Connecticut.

Mr. SARASIN. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the confirmation of Nelson Rockefeller.

Mr. Chairman, I will cast my vote in favor of the confirmation of Nelson Aldrich Rockefeller as Vice President of the United States in the conviction that this course is in the best interest of the Nation as a whole and in conformity with the responsibility placed on the House of Representatives by the 25th amendment to the Constitution.

Exhaustive investigations by the Judiciary Committees of both the House and Senate have covered every aspect of Mr. Rockefeller's personal and public life. No candidate for any office in the history of this country has ever been subjected to such intensive and far reaching scrutiny. While the committee hearings revealed actions by Mr. Rockefeller which were less than exemplary, his overall qualifications were deemed to be compatible with the requirements of the Office of

the Vice Presidency. Consequently, I agree with the majorities on both these committees and the overwhelming majorities in both the House and Senate that nothing revealed disqualified the former New York governor from becoming Vice President.

The 25th amendment, for good reason, does not call upon the Congress to judge a vice president-designate on his political philosophy, but on his fitness to hold the office. Mr. Rockefeller's long and honorable record of public service, his vast experience in government at all levels and his many admirable personal qualities give us all reason to expect him to carry out the duties of Vice President with distinction.

Mr. CONLAN. Mr. Chairman, will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Chairman, today we are being called upon, under the 25th amendment to the U.S. Constitution, to vote our approval or disapproval of President Ford's appointment of Nelson A. Rockefeller as 41st Vice President of the United States.

After carefully considering the many arguments and evidence given for and against this appointment, I have come to the conclusion that I will have to vote no on Mr. Rockefeller's confirmation.

My responsibility under the 25th amendment, as I see it, is to be a representative for the views of the voters of my congressional district, voters who have not had a chance under the 25th amendment to express their vote at the ballot box for either our President or Vice President. Communications from citizens in my Arizona district overwhelmingly indicate he is not their choice for Vice President or President.

I myself think our country would be better represented and served by a younger man closer in generation and thought to the majority of our people. And also, I think it would be most difficult for a man of this wealth to personally comprehend the needs and desires of the working men and women of America.

However, my voters major concern, and one that I personally share, is that confirmation today of Mr. Rockefeller as Vice President, and possibly successor President of the United States, will merge the world's most powerful private fortune and financial empire with the world's most powerful government.

This will fuse in the hands of one man a family heavily involved in world finance and trade in both the free and Communist worlds with the leadership of our executive branch of Government, which is daily called upon to make vital choices and decisions greatly affecting the personal economic lives of our people and our political survival as a nation.

Many Arizona voters have expressed to me their belief this is fair neither to the man nor to the people of this great Nation. Mr. Rockefeller will have a great personal burden, in this position of tremendous governmental power and influence, separating his family loyalties from the active conflicts which will confront him as he serves as Vice President or President.

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Mr. Speaker, I have come to the conclusion that these circumstances I have touched upon would prevent Nelson Rockefeller from ever being elected to this high office by the voters of my State, and perhaps all America, were he ever to come before them under our normal election processes. When people vote, they go beyond a candidate's philosophy and capability to do a job, beyond a simple weighing of problems confronting them and our country, casting a vote of confidence in political leaders, our political institutions, and our Nation's founding principles themselves.

Consequently, I must, as honestly as I know how, represent the voters of my district and cast a "no" vote against his confirmation as Vice President of the United States.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from New York.

Mr. HASTINGS. Mr. Chairman, I rise in support, and very strongly so, of the confirmation of Nelson Rockefeller as Vice President of the United States.

Mr. Chairman, I welcome this opportunity to speak on behalf of Nelson Rockefeller who will be considered today for confirmation by the House of Representatives for the office of Vice President of the United States.

I think no person has been subject to a more rigorous examination of his qualifications than Mr. Rockefeller. Both the House and Senate committees are to be commended for the thoroughness with which they did their jobs.

Hardly any facet of his life, public or private, was left untouched. Some valid questions were raised about his great wealth and power but I feel the answers given by Mr. Rockefeller were forthright and dispelled any serious grounds for disbarment from the high office of the Vice Presidency.

Mr. Rockefeller has spent 34 years in public life—15 of those years as Governor of the State of New York. As a former member of the New York State Legislature, it was my privilege to be closely associated with him and I can attest first hand to his devotion and skill in seeking to solve the many problems that confronted the State of New York.

He faced tough decisions and admittedly not all his actions were popular but in the long run, he served the people well and they elected him their Governor four times.

Few men today can offer the Nation the expertise, experience and enterprise that Mr. Rockefeller can. He has demonstrated himself to be the possessor of a keen comprehension of the complexities of government and a comparable awareness of international affairs, both of which are so vitally needed today to buttress our national vitality at home and abroad.

I am aware that there are those who have misgivings about Mr. Rockefeller because of differences in political philosophies but I think my colleagues need not be reminded that this is not a reason for disqualification.

Under terms of the 25th amendment, nominations must be considered on the basis of the nominee's qualifications for

the office. Certainly Mr. Rockefeller's more than 30 years of superior and unselfish service at both State and National level more than meet the test.

We have been without a Vice President since August 9 during a time when troubles deepen every day. I think the Nation will be greatly served if his enormous talents and energies can be utilized to help shape our national policies and I strongly urge my colleagues to confirm Nelson Rockefeller as Vice President of the United States.

Mr. DORN. Mr. Chairman, will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Chairman, I rise today to support the confirmation of Gov. Nelson Rockefeller for Vice President of our country. Mr. Rockefeller has been investigated more thoroughly than anyone in the history of the United States. The very fact that he has stood up under this grueling experience with calm, dignity, and even an excellent sense of humor, indicates he has the character, courage, and stamina to do the job.

As Governor of the great State of New York for 15 years, Nelson Rockefeller demonstrated great executive ability and leadership. He was admired and respected by his fellow Governors from throughout the Nation. He made many appearances before our Committee on Public Works. There he was a familiar and able witness for some of the greatest programs in world history.

We particularly respected his opinion on water quality legislation, economic development, housing, mass transit, rivers and harbors, and Federal highways.

Mr. Rockefeller has the rare ability to compromise when necessary for positive progressive programs. He has the ability to bring diverse factions and diverse viewpoints together for a common cause. He will provide for this administration the balance urgently needed. He is not only well versed in economic matters, but is thoroughly familiar with foreign affairs and has the friendship, associations, and contacts the world over to help our country during these troubled times of international stress and crisis.

I am proud to have been one who suggested to the President the nomination of Mr. Rockefeller. When flying back to Washington with the President from the National Convention of the Veterans of Foreign Wars in Chicago on August 19, I proposed to him that Mr. Rockefeller would provide for his administration a broader base of economic, regional, political, and philosophical balance. I still strongly feel the same way today. I urge the House to vote overwhelmingly for Mr. Rockefeller and thus demonstrate the unity so vital for our country in these critical times. I commend the President for recommending such an experienced, dedicated, patriotic, and devoted American to become Vice President of these United States.

Mr. MARAZITI. Mr. Chairman, the Committee on the Judiciary has conducted a thorough study and investigation of the qualifications of Governor Rockefeller. During that inquiry many points were covered, and properly so.

It seems to me that the central issue, as we have heard it here today, is the question of wealth, and, more especially, the question of the combination of wealth and political power. This issue raises a very profound question in American politics and American Government. The question is: Should wealth disqualify a citizen from holding public office?

If we accept the principle that it does, we in my opinion establish a very dangerous doctrine. Let us examine this concept for a moment.

If we agree that wealth should disqualify an individual from holding office, we must then ask the next question: How much wealth? A million dollars, \$2 million, \$10 million, or more?

Mr. Chairman, the point is this: Where do we draw the line?

And then there is another question we must decide: Who shall draw that line? Shall the Congress of the United States draw the line? Shall we amend the Constitution and deprive some citizens of this land from holding office because they are exercising their constitutional right to hold and acquire wealth?

Then we come to another question: Should the same rule apply to all public officials? Should the rule apply to the Members of this House? Should the rule apply to the Members of the other body?

It seems to me that the only reasonable and logical and sensible test is the integrity of the individual.

Fortunately, in this case before us involving the nominee, we have a record of past performance which allows us to judge the nominee. He has had a long term of public service. During the hearings before the committee there has been no apparent substantial conflict of interest shown to exist during the course of the term of office or during the course of the public service of the nominee. If there had been a conflict of interest of any substantial nature, we would certainly have heard of it.

Mr. Chairman, on the question of qualification to be the Vice President of the United States, I feel that the nominee is highly qualified. I say this because the Nation today faces serious economic problems. It seems to me that Mr. Rockefeller is an individual who can assist in the solution of these problems, and that he has the special knowledge and economic expertise that are needed in this period of our Nation's history. I feel he can be of tremendous assistance to the President of the United States and, more importantly, to the people of this Nation.

Therefore, Mr. Chairman, I urge the confirmation of Mr. Rockefeller as Vice President of the United States.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, if a wealth test is to be established for the Vice President and, presumably, for the President, should not a wealth test also be established for Members of the U.S. Senate and for U.S. House of Representatives?

I understand the Senate is half full of millionaires, and I understand too there are a few millionaires alive and well in this body.

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Mr. MARAZITI. That is a point I seek to make. If one is going to do it for one public official, he has to do it for all. Where does anyone draw the line, and who draws the line?

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from New York.

Mr. WYDLER. I have also noted that one of the arguments raised here today is that Nelson Rockefeller has used his wealth to help himself run for office.

I would like to know of one man who has had any wealth of any kind, and even some who have had very little money, who has not used his personal wealth to help him run for office.

As a matter of fact, this Congress has recognized the right of people to do that by passing laws that have tried to set limits on it, but have recognized the right of people to use money that they have to run for office.

People sitting in this Chamber and in the Senate Chamber have always done the same thing. Democrats and Republicans have done the same thing.

The argument is specious.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I wish to comment on the statements that have been made rather extensively in the last few minutes by my good colleague, the gentleman from New Jersey, and my good colleague, the gentleman from New York, about a wealth test.

I wish to assure my colleagues that many of us understand full well that people of wealth, and people of substantial wealth, have every right to run for office, as everybody has, and they should have this right. To imply that all of this concern over the use of wealth is somehow a reason that an individual should not run for office is false. I think that it should be made clear that it was the use of wealth in gifts to public officials that caused the problems many have talked about.

I can imagine, as my good colleague, the gentleman from California (Mr. WIGGINS), mentioned in the hearings, if any Member of this House or of the Senate had used his wealth to make substantial gifts to public officials, great concern would have arisen, and with good reason, because of the potential feeling of obligation that might have been implied with those gifts.

For instance, let us take the gift of \$50,000 that was given to Mr. Kissinger, on his departure as an employee of the Rockefeller family and on his becoming Chief Foreign Affairs Adviser in the Nixon administration. Would, in fact, that have some tendency to encourage Mr. Kissinger to look favorably on the Rockefeller interests internationally? For instance, let us take the recent reintroduction after many years of American banking interest in Peking: Who gets it—the Rockefeller's Chase Manhattan Bank.

I am sure that Mr. Kissinger did not, in his discussions in Peking, make that a major item on the détente agenda—

that is, who would get the first and only American bank in Peking; or while in Moscow in talking to Breshnev suggest which bank might obtain a branch in Moscow. But I did not find this point adequately considered in the hearings. That lack of discussion on this subject disturbs me. What would Mr. Rockefeller do, as Vice President, for the Rockefeller business interests around the world? They are substantial. Are those gifts having some impact on our international relations?

Therefore, to imply that it is solely a question of wealth that is the main means test is incorrect.

The report, "Tax-Exempt Foundations and Charitable Trusts; Their Impact on Our Economy," of subcommittee No. 1 of the House Select Committee on Small Business, dated December 21, 1966, states:

Between 1961 and 1964, Gov. Nelson A. Rockefeller provided practically all of the funds of the Government Affairs Foundation, Inc. of Albany, N.Y.—a foundation which received \$310,469.49 in gifts (all from Governor Rockefeller) and paid out exactly zero dollars for contributions, gifts, grants, scholarships, etc. . . .

This report goes on to state that this Rockefeller-controlled foundation, however, during 1961 and 1964 did pay out—

\$120,000 in salary to Frank C. Moore, former Lieutenant Governor of New York. Additionally, during the same period, Moore received \$10,000 per year expense account allowance. The \$160,000 paid to Moore during that period represents approximately 57 percent of the foundation's total expenses of \$284,193, and about 52 percent of the \$310,469 contributed to the foundation by Governor Rockefeller.

This brings to mind many unanswered questions that were not covered in the confirmation hearings—

Exactly what was the purpose of this foundation?

Was it to create a full-time job for Frank Moore, and at the same time provide a tax deduction for Governor Rockefeller?

What functions did Mr. Moore perform?

How many other foundations does the Governor support that pay out nothing in contributions, gifts, grants, or scholarships, but pay high salaries to Rockefeller friends for unknown services?

Clearly, the Democratic Party has nominated substantial people of wealth, the Kennedys, the Harrimans, and many others. Nobody complained about their wealth because there were no substantial questions about the use of money to influence public officials.

Mr. Chairman. I rise in opposition to this nomination for several reasons. One, the opinion polls in this country show substantial opposition, well over 50 percent. It is the same in my district in California. It is a tradition in our country that the President and Vice President have general support of the electorate. Obviously, under these unique circumstances, Mr. Rockefeller has no way of running for Vice President. In the case of Gerald R. Ford, our new President, came from the House of Representatives. Gerald Ford was already elected to a position of leadership by in-

dividually elected Representatives with a broad national constituency.

The concern here is that three times Nelson Rockefeller was turned down in the nominating process of his own party for the office of President. As the gentleman from Massachusetts (Mr. HARRINGTON) has just said, it is his judgment that Mr. Rockefeller will in fact be almost an acting President of the United States. By the words of Gerald R. Ford himself, the President has said that Mr. Rockefeller as Vice President will probably have substantial involvement in the domestic economy of our country, and therefore will be, in some ways, the acting President, as surmised by the gentleman from Massachusetts (Mr. HARRINGTON). I agree with the gentleman. I think he will be in many ways the "acting President" of the United States, and for that reason we must give deliberate thought, concern and carefully contemplate the possible conflict of interest.

On the subject of domestic policy—If the same economic policies which Mr. Rockefeller imposed as the Governor of the State of New York, are implemented on our Nation, there is much reason for concern.

Editor Robert Bleiberg reported in Barron's of December 17, 1973 that—

Nelson Rockefeller has spent the taxpayer's money as if it were his own. Since he moved to Albany a decade ago, New York's expenditures have nearly tripled, while New Yorkers—local businessmen in particular—have been saddled with the heaviest tax burden in the U.S. . . .

Since then, things have gone from bad to worse. In the past five years both the state budget and tax burden have mounted by more than half. New Yorkers remain far and away the most heavily taxed Americans, while the relative decline of the Empire State, political and economic alike, proceeds apace. . . .

Since 1959, the state budget has increased from \$1.9 billion to the \$8.8 billion estimated for the current fiscal year, ending March 31, 1974, not far behind New York City's disastrous financial spiral. Under Governor Rockefeller, taxes have been imposed or increased at least every other (usually non-election) year; in 1959, 1963, 1965, 1966, 1968, 1969, 1971, and 1972. Since Rocky took office, the maximum rate on the personal income tax has more than doubled, from 7% to a ponderable 15%; last year, moreover, a 2.5% surcharge (temporarily suspended) was decreed. Over the same period, the state gasoline levy has advanced from four to eight cents a gallon, the cigarette tax from three to fifteen cents per pack. A state sales tax, which now runs to 4%, and a host of nuisance taxes (including the notorious "hot dog" tax on meals costing less than one dollar) have gone on the books.

Mr. Bleiberg went on to point out that the tax load for New Yorkers has multiplied almost five times under the Rockefeller administration, from \$94 per capita to \$460. He also labeled New York as "the Nation's costliest and least efficient welfare State." During the Rockefeller administration the welfare rolls soared from 513,681 per month to 1.8 million. An audit of 9,000 cases selected by the New York State Department of Social Services revealed that 11.3 percent of those receiving AFDC aid were ineligible, and 23.2 percent were overpaid. This works out to be a fraud rate of 34.5 percent.

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The Bleiberg commentary said with regard to education expenditures:

Another major rathole, New York State spends \$1,584 per pupil in elementary and secondary schools, 17% higher than the second biggest spender (New Jersey) and a staggering 53% above the nationwide average.

He concludes with the observation that—

Tax and tax; spend and spend; elect and elect. For 15 years, the old New Deal formula has worked famously for the retiring Governor, less well for his state . . . Americans may face Critical Choices—but Governor Rockefeller scarcely ranks among them.

Therefore, Mr. Chairman, I will not vote to confirm.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I rise in opposition to the confirmation of Mr. Rockefeller.

Mr. Chairman, while we are called upon here today to confirm or reject a nominee for Vice President, I must look upon this action as I am sure many other Members of the House of Representatives will, in direct relation to the highest office within the gift of the people of this Nation—the Presidency of the United States.

Twice within a little more than the last 10 years have Vice Presidents been elevated to the Presidency.

Mr. Speaker, I cannot support the nomination of Mr. Nelson Rockefeller.

I am convinced that should he become President, and in view of his vast, worldwide business and financial involvements, he would be repeatedly faced with conflicts of interest.

It is my opinion that no wall of blind trusts could be built high enough to insulate him from conflicts of interests arising from his operations in this country and abroad.

Mr. Rockefeller is a confirmed internationalist and supporter of the Council on Foreign Relations, the avowed goal of which is a "new world order"—in other words world government.

Time magazine has reported that Chase Manhattan Bank, owned by the Rockefeller interests, and which has an admitted \$39 billion in assets, also has 28 foreign branches and "a globe-circling string of 50,000 correspondent banking offices."

As far as I know, there is nothing illegal about these farflung domestic and foreign financial interests, but they are the fertile fields from which, in my opinion, serious questions of conflicts of interest and ethics will inevitably spring.

His record as Governor of New York is scarcely a recommendation for either the Presidency or Vice Presidency.

Editor Robert Bleiberg, writing in the December 17, 1973, issue of Barron's, had this to say:

Since 1959, the (New York) state budget has increased from \$1.9 billion to the \$8.8 billion estimated for the current fiscal year, ending March 31, 1974, not far behind New York City's disastrous financial spiral.

During the past 15 years, says Bleiberg, New York's tax load has been multiplied nearly five times—from \$94 per capita to \$460.

This is only part of the record of a

Governor who states it as his desire to bring fiscal sanity to Washington.

Mr. Chairman, I hold no brief for Arthur Goldberg or his ill-fated journey into the New York political arena, but I cannot accept the Rockefeller denial of knowledge of the issuance of a \$60,000 undermining campaign document, and then the admission that he did. Neither can I accept the explanations of loans, all too often converted to gifts, to political associates.

In the wake of Watergate, with all its evils and corruption—largely spawned by the misuse of vast sums of money—we need not even a hint of additional tarnish.

Mr. Chairman, I have not supported Mr. Rockefeller in the past in his quests for the Presidency. I cannot support him now.

Mr. SYMMS. Mr. Chairman, I rise in opposition to confirmation of Nelson Rockefeller as Vice President of the United States. I am opposed to Rockefeller on philosophical grounds and I think that there are some things that my colleagues, especially on the Republican side, should consider.

During his political career of the last 20 years or so Rockefeller has followed a policy of tax and tax, spend and spend, elect and elect. In New York he created a political base through certain powerful vested interest groups which benefited—or thought they benefited—from inflation and debt. For 15 years he ruled New York by forging an alliance of certain sectors of big business and big labor at the expense of the average taxpayer. He is a champion of government intervention at every level and of creating bigger and bigger bureaucracies in the name of "problem solving," although most of the "problems" were created by government in the first place. There is reason to suspect that—like any political machine—the expansion of government at the hands of Rockefeller was used to solidify absolute political control through patronage and other government favors. I share the opinion of Senator GOLDWATER that Rockefeller has used his wealth to buy political power and influence. At the national level the policies advocated and practiced by Rockefeller have led to monopoly capitalism via government regulation, State capitalism, and a reduction of individual liberty. But, now let us look specifically at his record as Governor of New York.

The record is very clear. In his years as Governor the cost of State government in New York increased by 400 percent. According to the Citizens Public Expenditure Survey, Inc., taxpayers in New York State are today the most overburdened in the United States. In 15 years, the taxload of New Yorkers nearly quintupled. During the Rockefeller years the maximum rates on the State income tax more than doubled, from 7 to 15 percent; the State gasoline tax went up from 4 to 8 cents per gallon; the cigarette tax from 3 to 15 cents per pack; and a 4 percent State sales tax was imposed.

The bonded indebtedness of New York also increased 600 percent under Rockefeller. It is ironical that Rockefeller would have driven the State even deeper in debt were it not for the restraining

influence of the State comptroller, Arthur Levitt, a Democrat. Levitt has said:

Rockefeller and his staff fashioned devices whereby debt was imposed on the people without their vote. This was done despite the fact that the state constitution forbids the assumption of debt or guarantee of debt without the vote of the people.

Thus the question naturally arises, will Rockefeller as Vice President or President be as cavalier with the laws and Constitution of the United States as he was with the constitution of New York?

As a direct result of these policies New York State lost 400,000 jobs during the years of Rockefeller's governorship. The State's share of the Nation's manufacturing declined from 11.2 to 9.2 percent. Many national companies moved to other parts of the country as the cost of doing business in New York became prohibitive. At the same time the welfare rolls have grown larger each year until, in New York City, 1 out of every 6 persons is on welfare.

President Ford has said that our No. 1 domestic problem is inflation, now running about 12 percent a year. It is reported that, if Rockefeller is confirmed, the President will assign him the task of presiding over the administration's war on inflation. In view of Rockefeller's almost incredible record as a champion of inflation, big spending, and big taxes, this could be likened to appointing the village arsonist fire chief.

Also, I think that we should take a look at Mr. Rockefeller's views on foreign policy. I am particularly concerned about his views on international federalism—or world government. In 1962, Rockefeller delivered a series of lectures at Harvard University which were compiled into a book entitled "The Future of Federalism." In this book Rockefeller argues that national sovereignty and the nation-state have become obsolete. He says that the problems facing our country and the world are simply outrunning the political mechanisms for handling them and proposes federalism between the free world nations as the solution. Rockefeller states:

The federal idea, which our Founding Fathers applied in their historic act of political creation in the eighteenth century, can be applied in this twentieth century in the larger context of the world of free nations—if we will but match our forefathers in courage and wisdom.

Now, I do not think that the American people want the United States integrated into some kind of world government. Americans love their independence and want to maintain it. And, make no mistake about it, there can be no involvement in a multinational federal union without loss of our national sovereignty. Rockefeller's proposal would mean a loss of our national sovereignty and it would make the United States subservient to the wishes of other nations. This proposal is contrary to the principles of liberty for it would further centralize power in the hands of a few. Government problem solving has been an utter failure on the national level; I shudder to think of what would result from a world government trying to solve all our problems.

Regardless of how well intentioned these proposals may be they would only result in the destruction of the individual

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in society. And let me make a quick comment here; we as a nation must get our own house in order before we can solve world problems. Furthermore, problem solving will occur only by returning to a free society—free men working through free markets—not by government, especially a world government. I urge my colleagues to consider this before they vote today.

There is another aspect of Rockefeller's foreign policy views that I would like to mention. He and his brother David, board chairman of the Chase Manhattan Bank, are strong proponents of subsidized loans to Communist countries guaranteed by American taxpayers. Of all the many questionable purposes for which our tax dollars are spent, surely one of the least excusable is to finance the shipping of U.S. technology and industrial plants to the Soviet Union—and this is a policy Rockefeller has favored for years.

I would like to remind my Republican colleagues that we are being asked to confirm a man who has been soundly rejected as a Presidential candidate by Republican conventions three times, and his support among grassroots Republicans is very low.

For some time now I have been concerned about the leftward movement of the Republican Party. I fear that we have now entered an era where there is no philosophical difference between the leadership of the two major parties. They are both moving in the direction of more and more government, more and more spending and taxation. The selection of Nelson Rockefeller, in my opinion, only confirms this trend. We need at least one political party in the United States to stand up for the principles of limited government and a free economy. It seems we have come a long way from when Abraham Lincoln formed the Republican Party in the name of sacred principle, not false promise, based on the basic premise that slavery was wrong whether through excessive taxation and regulation or overt human bondage.

I hope my voiced objections to the nomination of Rockefeller will be taken in the spirit intended, which is one of constructive criticism of his political philosophy and policies. It is not a personal criticism. It is simply that Nelson Rockefeller represents—in the mind's eye of most Americans—big government, big business, big labor, high taxes, the centralization of power and abrogation of liberty, which were all part of the great society, new deal, paternalistic government approach which was soundly rejected at the polls in 1968 and 1972.

I for one will not be a party to the abandonment of principles nor to the breaking of my sacred trust as a U.S. Congressman. Far too many of my colleagues followed that course of action when Richard Nixon began his voyage to the left after his 1968 election. Had enough people stood firm in their convictions 6 years ago, they may have changed the course of history and started America moving in the direction of more freedom rather than toward more government control. Consequently, I have no choice but to vote against confirmation of Nelson Rockefeller.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I sympathize with public officials who are charged with a conflict of interest. I myself have been called upon on many occasions to refute some of the alleged conflicts of interest imputed to me. As a result, I was very sympathetic with the nominee when the charge of conflict arose.

I have regularly revealed every opinion and every judgment of mine so that everyone could judge for themselves whether this was in conflict with the right or the best interest of the American people.

Article VI of the U.S. Constitution states that no religious test shall ever be applied for an office of public trust but, even so, every person aspiring to a public office must, in my judgment, justify the fact that he does not have any conflict. A potential conflict exists when a public official can be thought by reasonable people to be trying to serve two masters.

Three weeks ago President Ford signed a bill cleared by this Congress which totally eliminates even the appearance of conflict on the part of Federal judges. Now the law requires that no Federal judge may decide a case when he owns even one share of the stock of a corporation that is involved.

Divestiture and financial divorce were remedies employed by Charles Wilson and David Packard.

The conflict in Nelson Rockefeller does not come from mere possession of great wealth, but from his attitude towards the use of that wealth.

Does Rockefeller admit that the use of this wealth should be subjected to public scrutiny? Does he see the dangers of interlocking corporate directorships? Does he think that energy companies must be more closely supervised? The answer given by the nominee in the hearing to all of those questions is "no."

The burden is on him to demonstrate that in seeking public office he does not serve two masters. Mr. Rockefeller, in my judgment, has not persuaded me that he even sees the conflict created by his wealth.

Let me take three areas of conflict. The elimination of tax loopholes for the rich would cost Mr. Rockefeller a good deal of money. Has he said that he would make the tax laws equitable for all? No. The burden was on him to show that he wants the public interest over his own interest in the tax laws, and he failed.

A second point: Exxon and the oil companies with their fantastic profits are in conflict with the American consumer. Did Mr. Rockefeller state that he would aid the consumer and not the energy companies? The answer is no. He was ambiguous and equivocal about any change in the preferred status now enjoyed by the oil companies.

A third point: The antitrust laws were designed to promote competition and curb monopolies. Their inadequate enforcement right now is a scandal in this country. Did Mr. Rockefeller ever state that there is a serious problem in Amer-

ica because some 100 conglomerates dominate American business? The answer is no. That is the main reason why Senator Gaylord Nelson voted against the nomination of Mr. Rockefeller.

Mr. Rockefeller has a conflict of interest, in my judgment, which he has not explained, excused, or eradicated. Consequently, I vote no because Mr. Rockefeller has not persuaded me that he would subordinate his own economic interests to the best interests of the American people.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, as one of the original authors of the 25th amendment, I think we should be grateful to the people of this country who ratified that amendment and gave to us this vehicle to handle this matter in an orderly and prompt fashion. As a coauthor of that amendment, I am very conscious of its language requiring "confirmation" by a majority vote of both houses of Congress. This is a specific, deliberate, and conscious change from earlier constitutional language providing for only "consent" being needed in the usual Presidential appointment. This difference is important to us here today when we are deciding whether we "confirm" the choice, as distinguished from merely assenting or "consenting" to it.

On this basis, despite the fine qualities of character and ability that Mr. Rockefeller possesses, I am opposed to his confirmation, primarily because I do not believe he represents the mainstream of thought of most Americans. Although he has done well in generosity to the needy and the poor and in successful, progressive, free-enterprise business, and although he has done many good and exemplary deeds in his busy life, he did, in his career as Governor of New York, manifest little or no concern for the onerous burdens placed on the backs of the majority of most middle-income and low-income taxpayers. Today these people, the majority portion of Americans, is now being doubly trounced by high taxes and inflation, the product of excessive government. There is nothing in the hearings that reassures me that Mr. Rockefeller is even conscious of this.

Finally, the hearings clearly show a great insensitivity on his part in the critical area of conflicts of interest. Although I do not believe that great wealth should preclude a person from the Presidency or the Vice Presidency, the hearings indicate to me that there must be great doubt that there is any credible or feasible way in which this man, as able and as dedicated as he may be, will ever be able to eliminate important conflicts of interest, as hard as he may try.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

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Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I rise in wholehearted support of the nomination of Nelson A. Rockefeller to be Vice President of the United States.

I had the privilege of serving in the New York State Senate for 8 years, 1963-70, during the Rockefeller governorship. For approximately half that period, as chairman of the joint legislative committee on the problems of public health, I had the opportunity to work very closely with the Governor. During that period, and under Nelson Rockefeller's leadership, New York State initiated the Nation's largest health care program for the needy under Medicaid. We initiated multibillion dollar loan programs for the construction of much-needed nursing homes and hospitals. We pioneered in legislation to improve the quality of our State's waterways and enacted stiff, new requirements to improve air quality.

In the 15 years of Nelson Rockefeller's administration, New York State gained national preeminence in such areas as environmental conservation, aid to local government, transportation, social services, consumer protection, human rights, the arts and education. In particular, under Governor Rockefeller's leadership, the State developed the largest public university system in the world to make it possible for some 284,000 students per year to receive a public, higher education. Our State established a State department of environmental conservation, proposed by Nelson Rockefeller, to centralize the State's attack on all forms of pollution.

Before the Federal Government accepted the notion, we enacted a New York State revenue sharing plan, under which two-thirds of every tax dollar collected by the State is returned to the localities and school districts. In addition, Governor Rockefeller was one of the earliest and strongest proponents of Federal revenue sharing. The State, under the leadership of Governor Rockefeller, has undertaken an active program of hiring minorities and women for State jobs, and passed New York's first minimum wage law and no less than five minimum wage and workmen's compensation increases.

Mr. Chairman, the Nation is in serious need of strong and experienced leadership. In 15 years as Governor of one of the Nation's most populous States, Nelson Rockefeller demonstrated time and again the quality of leadership our Nation needs to guide us through these trying times.

There was great preliminary controversy surrounding the initial announcement of the Rockefeller nomination. Some people claimed that he had misused his wealth in the pursuit of political power. These charges did not stand up under scrutiny during the Senate and House confirmation hearings. Nelson Rockefeller was subjected to the most intense and thorough investigation of any individual under consideration for major political office in the history of

this Nation. After a careful review of the evidence presented at these confirmation hearings, he even more than ever before has my complete confidence. The overwhelming vote of approval accorded him by the other body on December 10 demonstrates that he enjoys the Senate's confidence as well. I am hopeful that my colleagues in this House will give appropriate consideration to his long and distinguished record of human and social concern and overwhelmingly approve his nomination.

Mr. PEYSER. Mr. Chairman, I have had the opportunity of knowing Nelson Rockefeller for many years. As the Members know, he is a constituent of mine and also, as has been publicly brought out and has always been indicated by my records, Governor Rockefeller as a constituent of mine has contributed to political campaigns of mine.

Over the years I have been impressed with one characteristic in Nelson Rockefeller more than anything else, I have observed this long before I ran for Congress. That characteristic was one of dedication to work, the desire on the part of Nelson Rockefeller to work and to work for the people. This is not just to work for the rich people. This is to work for everybody. Anyone who has ever observed this man out in the streets or in meetings—and I am not talking about during political campaigns now but I am talking about programs he instituted in New York State—programs when he went out and found out what was troubling the people and what was needed to be done to help the people. They would never say they were talking to a man who was insensitive to the needs of the people, Democrats or Republicans, rich or poor, people in all walks of life.

This is a man, if he is confirmed by this body today, as I hope he will be, who will certainly not sit on his hands as the Vice President. He will not be someone who goes out and makes nice talks around the country or who will meet visiting dignitaries and will be just delighted with his great office of the Vice Presidency. As I know him and as others in the Chamber know him he is going to be truly on the job, working and trying his best, whether we agree or disagree with some of his philosophies, he will be doing what he believes is right for the people of this country working together with the President.

I respect the Judiciary Committee and the work they have done. There has been great detail and a tremendous amount of work involved in this effort. The year that these people have had on the Committee on the Judiciary should earn them the respect of all the people in this country. They have reached by a substantial majority the conclusion that Nelson Rockefeller should be confirmed.

That is certainly my hope, because he is a man of great dedication and honesty and concern.

I would also like to point out one other thing.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANGEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PEYSER. Mr. Chairman, I thank the gentleman for yielding me that time.

Mr. Chairman, in all the time I have been in this Congress as his Congressman representing Mr. Rockefeller as one of my constituents, he has never called on me for any action, for any vote other than in a group meeting with other New York Representatives on items that were good for the State of New York. My own stance to eliminate oil depletion and to have windfall profit taxes on oil and other situations, he has never raised a question nor called me about nor said anything—nor would he to influence me because he is not that type of man.

I hope the Members will, as much as they can in their good conscience, support this man and give him an overwhelming victory in this House so this country can move ahead.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I will yield if I have the time.

The CHAIRMAN. The gentlewoman from New York has time remaining.

Mr. PEYSER. Mr. Chairman, I yield to the gentlewoman from New York.

Ms. ABZUG. I was very interested in the last question of oil interests the gentleman raised. There has been a lot of talk about conflict of interest. Governor Rockefeller and his interest in oil companies. I find it interesting that in the 14 years he was Governor, no action was taken against flagrant violations of New York antitrust laws by the major oil companies. In September of this year, for the first time, seven oil companies were indicted by New York State for marketing practices designed to eliminate competition from independent gasoline stations, and for attempting to thwart open bidding for the supply of gasoline to State governmental agencies.

Mr. PEYSER. Mr. Chairman, I would take back the time and say that that type of question at this time has no bearing on the case, and the gentlewoman from New York knows it as well as I do.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, considering the fact I followed my colleague, the gentleman from the State of New York (Mr. PEYSER), I was interested in the gentleman's comments that Mr. Rockefeller as Vice President would be concerned with the interests of the people of this country. I cannot help but remember, since he seems to represent Mr. Rockefeller, that during the 15 years Mr. Rockefeller was Governor of the State, almost everybody's taxes went up and yet, curiously enough, the taxes on Mr. Rockefeller's estate at Pocantico, did not go up despite improvements. They went down.

I want to address myself first to the problem of conflict of interest, which

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disturbs me. It disturbs me because there is no way that this man nominated to become Vice President can avoid the conflicts of interest he will inevitably face—whether he deals with tax policy, banking policy, policy in the Middle East, or any other major issue. He will be confronted with an irreconcilable conflict between his own and the Nation's interest. I do not see that we in the Congress ought to put a position of enormous power in a man whose judgment cannot be disinterested.

I want to address as well, an issue that has not been addressed in this House—the question of integrity—because I think that the Committee on the Judiciary, the House of Representatives and the country as a whole have been brought to a new consciousness regarding the meaning of that term.

The question of double standard has been raised before in this debate and I want to raise it again. I remember not too long ago when all of us were confronted with payments of hush money and claims that had been made for compassionate reasons. Neither the country nor our committee believed those claims. And what were we on the Judiciary Committee confronted with on this nomination? We were confronted with the claim that \$625,000 was given to Mr. Ronan in loans because of "pressing family responsibilities and problems," that \$100,000 was given to Henry Diamond for "certain pressing family obligations," that \$20,000 went to Joseph Murphy for "certain pressing family obligations," that \$100,000 went to Mr. Morhouse for "very pressing family obligations."

And that \$300,000 went to Alton Marshall for "exceptionally serious family obligations and problems."

Now, I for one cannot suspend all my critical faculties and accept this inherently improbable story. The improbability is heightened when we reflect on additional facts.

First of all, why was Mr. Rockefeller's compassion directed only to persons who served on his personal staff, Republican Party chairmen, and persons who headed State agencies controlling billions in construction?

Why, in the 15 years he was Governor, did he not feel compassionate toward the commissioner of education, the commissioner of health, the mental hygiene commissioner or any trustee of the State university? Did not these people have pressing family obligations as well? Second, the committee has never found any specific fact that proved the existence of any of these "obligations," no matter how "pressing" or "extraordinary."

Third, we were told that these loans were going to be repaid, that there was an expectation of repayment. But, the nominee admitted that he never asked for repayment, he never asked if repayment was possible. And we remember that only 1 out of the 10 public officials made any repayment on any loan, whereas 25 out of 26 private persons receiving loans from the nominee made repayments.

I ask this question in all seriousness: Can we apply different standards to the question of compassion that was raised

in Watergate hush money payments and look uncritically at the story we were given under oath in our hearings about all these loans or gifts?

I also want to raise a question about testimony given by the nominee about a \$100,000 cash contribution that Judson Morhouse brought to him, and that he allegedly told Judson Morhouse to return. In the Senate, the nominee testified twice about this incident describing the circumstances in vivid detail. He recalled that he was seated "behind the second tier on the dais," that the attorney general and Lieutenant Governor were with him, and that it was the first Republican fund-raising dinner he attended as Governor. He was very concerned to state that this \$100,000 ought to be returned to the source because there was something wrong about it. Before our committee, he was confronted, with facts that contradicted his claim, showing that the money had been returned a month before the dinner he described. Faced with the conflict the nominee retreated, claiming he "had difficulty" in recalling the dinner occasion involved. He then placed the incident at a dinner in April—but here again his story runs into trouble. According to our committee's investigation, neither the attorney general nor the Lieutenant Governor were present at this new event.

In view of our recent bitter experience with a President who did not respect his oath of office, we must insist on the highest standards of integrity. We cannot in my judgment be content with the glibness, the sudden switches in testimony and the casual attitude toward telling the whole truth that we have seen from this nominee.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Chairman, I come here today to exercise my right as a member of this committee under the 25th amendment the second time. For all those who supported Jerry Ford, I would like to direct my remarks, because I too supported Jerry Ford under the 25th amendment because I believe that under the 25th amendment a President has the right to appoint a person of his own party. He has the right to appoint a person he feels is loyal and who can agree with him.

When I began to look at Nelson Rockefeller, my immediate feeling was that, very well, I could support him, but then I began to look at the nomination and what it meant—what it meant to this country and also what it means to the interpretation of the 25th amendment, because I think it is very significant.

If the 25th amendment is simply a confirmation process, then I think the vote in support of Nelson Rockefeller will mean simply that we treat him as a Cabinet officer. We do not give it the kind of scrutiny it deserves, and we do not recognize the kind of unique problem we have with Nelson Rockefeller.

So, what happened? I began to look at and analyze my vote on Jerry Ford

and to consider how I would vote and look at the problem of Nelson Rockefeller. Two problems came up; one has been discussed to a great extent, the conflict of interest—and I have expressed that in my dissenting views and the Members can read them in the report that is before them. I want to say this: The problem is not wealth alone. To label it such muddles the water. The question is, Can we insulate that wealth so that the public interest is protected, and can we remove the suspicion that exists?

I would submit that there is no way to insulate Nelson Rockefeller from his vast economic interests. It is agreed that divestiture could not work. Blind trust is cosmetic; so the customary means of insulating and protecting the public interests are denied.

I find the inevitable conflict of interest a situation we cannot tolerate.

The second point I want to elaborate on is the one that has been suggested about sensitivity. This House knows better than any House in recent times the whole impact of suspicion in this country. The people are cynical. They are suspicious; they question their public officials, whether it is a Vice Presidential designee or whether it is a Congressman or whether it is any other officer.

How does the conflict of interest fit in? It fits in because whenever the discretionary power of a Vice President or a President touches on that individual's proprietary interest, the public will always be suspicious. For instance, if this nominee is approved, each time an executive branch decision touched upon a Rockefeller family interest, the cautious and already cynical citizenry would be called upon to wonder whether their interests have been subjugated to the personal interests of Mr. Rockefeller.

There is no way to get around that. There is no way whatever. It is reinforced by what we have gone through with Watergate, by what we have gone through with the resignation of a Vice President and a President.

Now what do we see? We see that Mr. Rockefeller told our Judiciary Committee that before our hearings he was unaware of the depth of the people's concern about the conflict of interest problem. This is a sign of his insensitivity; and it is reinforced by his difficulty in recognizing the questionable ethics involved in the Goldberg book. I think this insensitivity to the concerns of the people was demonstrated further by the fact that it took congressional hearings to open his eyes to the implications and impropriety of lavish gifts to public employees and State and national party leaders. That is what the problem is. That is what bothered me as I began to look at this nomination, and that is what I would submit is a key factor in my decision to oppose confirmation.

If we are to restore the faith in Government, which is the purpose of this Congress, which is the purpose of why we are here, which is going to be the purpose of the next Congress, then I think we need leaders that have the courage and sensitivity to recognize these problems, not individuals in need of public pressure to educate them to the stand-

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ards and principles applicable in our society—we need leaders that in fact, realize that the public is concerned, and who do not simply react for political expediency, but actually will attempt to lead the way and try to initiate that sensitivity which leads to higher demands on Government and society.

I believe a Vice Presidential nominee, under the 25th amendment, has to inspire others, has to be competent, has to be one who plays a leading role in the task of restoring credibility to Government, because that is the formidable task before us.

Unfortunately, Nelson Rockefeller's inherent and inescapable conflicts of interest, coupled with the insensitivity which I have described, requires that I vote against his confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SMITH).

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, of the many reasons which impel me to vote enthusiastically for confirmation of Nelson Rockefeller as Vice President, one towers over all the rest.

He is superbly equipped intellectually and politically to deal effectively with the most pressing necessity Western civilization has perhaps ever faced—the necessity for solidarity.

He knows how to achieve solidarity—through a fundamental political federation of the principal nations which prize and protect individual liberty.

Over the years he has spoken for this federalism with clarity and commitment.

We must all agree the need for solidarity is colossal.

It is widely accepted that the present rate of inflation is a serious threat to our institutions and, therefore, to our liberties—and that it cannot successfully be corrected by national policy alone.

It is widely accepted that the energy crisis poses a threat to our institutions and especially to our allies in Western Europe. Like inflation, the energy crisis cannot satisfactorily be met by national policy.

Solidarity is also required in financial policy. The international flow of oil money poses a serious threat to us all.

In short, the times require solidarity far beyond anything these nations have been able to achieve in the past—including wartime. Traditional diplomacy is not enough.

Foremost among nationally prominent political leaders in this country, Nelson Rockefeller has long demonstrated his awareness of this challenge and his conviction on how to meet it.

Ten years ago, speaking in Philadelphia, he cited with remarkable vision the gathering storm over the Atlantic Community nations. And he urged the United States to meet this storm by taking the lead in exploring federalism, Atlantic Union.

As Vice President he will, I am sure, have opportunities to take an even more active role in this exploration.

Who knows? Perhaps destiny beckons. Just as George Washington helped to inspire an effective union of liberty-loving people on this continent, perhaps Nelson Rockefeller will help to inspire an even broader, grander union—helping to bring together people on both sides of the Atlantic in this time of grave peril to our liberties.

Nelson Rockefeller, having displayed extraordinary competence and dignity through weeks of close examination, today will be confirmed as our 41st Vice President.

A better choice could not have been made. He has greatness of spirit, greatness of accomplishment, greatness of promise. Throughout his illustrious career Mr. Rockefeller has proven himself to be responsive to those who have chosen him for leadership. He has enthusiastically devoted almost his entire life to public service.

I am certain that he will approach the Vice-Presidency with the same diligence and sincerity that characterized his years as Governor of New York. His leadership, bonded to that of President Ford, can result in an immense good for our country and indeed the world.

Considering his long record of public service, the level of controversy over his nomination to the Vice Presidency was remarkably modest. Like any other public figure, he has made mistakes of judgment and, with the benefit of hindsight, would doubtless like to recast certain thoughts and actions. Who would not? But the hearings disclosed no abuse of his wealth or position, despite the enormous potential for such that necessarily exists. Instead, he and his family have a legacy of aiding causes and persons in need.

The Vice-Presidency demands a man of unusual perception and dedication. In my view, Nelson Rockefeller is that man.

My personal acquaintance with Mr. Rockefeller began in 1964 when I heard him speak in Philadelphia in behalf of federation as the goal of the alliance of Atlantic democracies. I had read his book on the same theme, "The Future of Federalism."

In his book, Mr. Rockefeller proved that he is a man of vision. He set forth in clear, convincing fashion the fundamental proposition that—

The federal idea, which our Founding Fathers applied in their historic act of political creation in the eighteenth century, can be applied in this twentieth century in the larger context of the world of free nations—if we will but match our forefathers in courage and vision.

More than a decade ago, he realized that—

The problems—of defense and commerce, of surplus and shortage—are simply outrunning the political mechanisms for handling them.

More than a decade ago, Mr. Rockefeller recognized the severe limitations of the United Nations, limitations which have in recent weeks become the publicly stated concern of Ambassador Scali. In Mr. Rockefeller's words:

The United Nations, repository of so much hope, has not been able—nor can it be able—to shape a new world order as events now so compellingly command. The structure of the

UN is such that it can function effectively only when there is essential agreement on purpose and procedure, among the five permanent members of the Security Council. But the Communist bloc has dedicated itself to the manipulation of the UN's democratic processes, so astutely and determinedly, as largely to frustrate its intended power and role. As a result, the UN lacks the strength to master or control the forces that it confronts.

More than a decade ago, foreseeing the urgent need for closer cooperation among our allies to deal with these problems, Mr. Rockefeller stated:

The historic choice fast rushing upon us, then, is no less than this: either the free nations of the world will take the lead in adapting the federal concept to their relations, or, one by one, we may be driven into the retreat of the perilous isolationism—political, economic, and intellectual—so ardently sought by the Soviet policy of divide-and-conquer.

Recalling our own early history, he said:

All the problems we face have this in common: we cannot solve one of them in isolation. And in their basic nature these problems are strikingly similar to those faced by the original 13 American colonies—problems of security and of trade, of growth and of order, and above all, the human aspirations of the free individual.

To deal with the plethora of problems confronting the free world, Mr. Rockefeller put forward four specific recommendations:

First: that we develop an understanding at home of the nature and character of the problems that we and the other free nations face—and the significance of the federal idea as a practical framework within which they can be solved.

Second: That leaders throughout the free world work to develop a consensus of purpose and bring forth positive suggestions and recommendations for practical application of the federal idea to the problems before us all.

Third: That informal, intergovernmental consultations by the political leaders of free nations be undertaken to define agreed objectives and develop means to achieve them through application of the federal idea.

Fourth: That these consultations be supplemented by regional and functional conferences to attack specific problems and launch explicit programs.

Out of this, I would venture to prophesy that—sooner perhaps than we may realize and despite the enormity of the apparent difficulties—there will evolve the bases for a federal structure of the free world.

A call for a conference of the NATO allies to explore the possibilities of federation has long been the subject of legislation pending in Congress. In fact, this year, for the first time, the U.S. Senate passed a resolution, Senate Joint Resolution 21, calling for such a conference, and the House only narrowly decided not to bring the resolution up for consideration.

Endorsing an almost identical resolution, Mr. Rockefeller wrote me in 1966:

I am wholeheartedly in favor of the purposes set forth in these resolutions . . . a practical first step toward forging a Union of the Free . . . Enactment would be a historical milestone in the annals of human freedom and world peace.

My hope and prayer is that when he assumes the Vice-Presidency he will actually seek the occasion to foster the growth of the Atlantic Union principle

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through the advancement of the resolution.

It would be fitting indeed for our new Vice President to lead the U.S. delegation to a convention of the NATO nations once Congress passes a resolution authorizing U.S. participation. I am hopeful the 94th Congress will pass such a resolution. As chairman of the U.S. delegation, Mr. Rockefeller could become the George Washington of this century.

To be sure, there are those who lack the vision to see the enormous potential of federalism, who fear the one great institution which gave us all the freedom we enjoy today. There are those who scoff at the idea as being unrealistic, and doubtlessly would have scoffed at the original union of the 13 colonies. They would be well advised to reread the Federalist Papers and to heed James Madison's sage advice:

Hearken not to the voice which petulantly tells you that the form of government recommended for your adoption is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what it is impossible to accomplish. No, my countrymen, shut your ears against this unhallowed language.

Mr. Rockefeller, like all great leaders, is a man of vision, a man unafraid to confront the realities of the world around him. He now enters an administration which, in the field of foreign policy, has made remarkable progress toward world peace by confronting reality and dealing effectively with it. In fact, the State Department, under the leadership of Dr. Kissinger, for the first time endorsed the Atlantic Union resolution as "consonant with the goals and concepts which this administration is seeking to achieve in trans-Atlantic relationships."

Thus, because of the critical problems facing us today—skyrocketing oil prices, faltering world economies, hunger, and the unrelenting challenge of communism—I am encouraged by the accession to leadership of a man who I firmly believe has the ability to help our Nation cope with its problems.

A decade ago, in November of 1964, Nelson Rockefeller made a statement in Philadelphia which is every bit as timely today as when it was first uttered. It bears reprinting, not only because it has stood the test of time, not only because the speaker is now our Vice President, but also because its last sentence tells us something of the unique combination of realism and vision that has now been brought to the highest levels of our Government. I shall include the entirety of Mr. Rockefeller's statement, but I especially commend to you his closing comment:

The future belongs to those who embrace it in the present.

Today, with the confirmation of Nelson Rockefeller as Vice President, our future, and that of the free world, becomes a little brighter.

Text of Mr. Rockefeller's statement follows:

TEXT OF ADDRESS BY GOVERNOR ROCKEFELLER, DECEMBER 1964

We live in a fast-paced world which in a few recent weeks has seen the first atomic

explosion in Red China, the fall of Khrushchev, a change of government in Great Britain and our own national election.

We live in a period when—despite the lessons of a half-century in which the West has consumed itself in two great civil wars—the Free World appears to be losing its unity, its common purpose, or a clear sense of direction.

We live in a time when no single nation, not even the largest or oldest, can achieve security or realize its human aspirations by itself and from within its own borders alone.

Almost three years ago, in the Godkin Lectures at Harvard University on "The Future of Federalism," I said that: "The federal idea, which our Founding Fathers applied in their historic act of political creation in the 18th century, can be applied in this 20th century in the larger context of the world of free nations—if we will but match our forefathers in courage and vision." I have held these convictions, and that is why I am so pleased to be here tonight.

It is an honor indeed to join you in celebrating the 25th anniversary of your organization, which has done so much to foster the concept of Atlantic Union—and to join you in tribute to a man of unique vision, selfless dedication and inspiring faith in the power of an idea, Clarence Streit.

I would like to discuss tonight the question of whether the time has not come for this generation of Americans to get seriously to the business of applying the example of our forefathers, in courage and political creativity, to the challenges and opportunities of today's Free World.

II

The problems of today's free nations are not really new. With their independence, the thirteen original colonies faced a similar situation. After ten years of experience under the Articles of Confederation, the States of this infant Nation recognized that they could not achieve security or realize their aspirations until a structure involving political union was achieved.

When the immediate goal of independence from Britain was achieved and the war was successfully concluded, disunity grew among the states. State rivalries flourished. There were monetary troubles, there were tariff wars, there were even dangers of military hostilities between the states.

In the face of this, it was agreed to hold a Constitutional Convention here in Philadelphia in 1787.

At that Convention, the best interests of the individual states lay so clearly in achieving a viable political structure that within 100 working days, the delegates not only agreed on a Federal Union as their goal but worked out the way—in the Federal Constitution—to monetary, economic, military and political union.

After two years of hard-fought debate, the Constitution was ratified and this Federal Union was launched upon a course that has surmounted all obstacles and calamities for 175 years—and has made this nation a leader of the Free World.

The American experience with a Federal Union has significant application to the problems confronting the Free World today.

Among the nation-states of this Free World, and especially in the Atlantic Alliance, there are problems like those of 1787. With the successful conclusion of World War II, the establishment of the North Atlantic Alliance and the economic rehabilitation of Europe, disunity has grown at a progressive and alarming rate. National rivalries are rampant. Monetary troubles are increasing, the threat of tariff wars is growing and even again, there is the danger of military action—as we have recently seen in the Mediterranean.

Today's problems, however, are even more urgent and fateful: the tremendous surge of population together with mankind's ris-

ing expectations for a better life; the revolutions in science; the social upheavals attending industrialization and rapid urbanization; the compression of time and space by electronic communications and the jet airplane; the overhanging threat of nuclear weapons; and the commitment of world communism to the destruction of freedom.

For far too long, we have been jerry-building the house of freedom. Our conceptions have been too limited, our goals too temporary, our methods too timid.

In its early days, the Atlantic Alliance was unified importantly by a common fear of Communist military aggression. Overt Communist hostility left little scope for purely national action.

In recent years, though the fundamental objectives of the Communist to "bury" the Free World have not changed, their present tactical emphasis on coexistence has blurred the true dangers. The Sino-Soviet split has further made the world-wide thrust of Communism more confusing, though no less dangerous.

At the same time, Europe's postwar recovery has completely altered the relationship between Europe and the United States, demanding that we be prepared to have our allies share more fully in decisions which affect our common future. This is particularly acute with respect to control of nuclear weapons. We, in effect, have tried to reserve the right to decide unilaterally on questions of nuclear war and peace.

National pride, national rivalries and especially the unfortunate split between France and the United States have greatly weakened the fabric of the Atlantic Alliance. The Alliance has fallen into disarray because the constituent nations are responding to problems on the basis of national expediency rather than on the basis of common interest. We are losing the great and positive vision for a free association of free peoples working together in their common interest.

Such an association must be capable of ultimately embracing all the free nations that wish to join it, but the nations bordering the North Atlantic can and must play the major pioneering role in its creation.

For the North Atlantic nations share common views about the nature of man and just political arrangements. They have achieved a high level of economic activity. They have the means to create a community based on respect for diversity and a shared belief in the dignity of man.

The United States, together with Western Europe, which originated the concept of the nation-state, must set an example in creating a new political structure—as respectful of diversity among nations as Western democracy is respectful of diversity among individuals—a structure capable of achieving a community consistent with national and individual dignity.

Our forefathers pioneered a political framework within which this nation conquered a continental wilderness. Our generation is called on for no less a pioneering act of political creativity and economic construction on an intercontinental scale.

III

In my opinion, this challenge could find its greatest expression in forging a Union of the Free. The practical first step would be to form a federal political structure for the North Atlantic area that would be open to other free nations to join.

The growth and institutions of federalism have differed according to the particular challenges faced in each country, as for example in Canada, in the United States, in Switzerland. But the federal form was chosen for the same reason in each case—the desire to respect the diverse interest and the separate identity of peoples, while giving to them all the strength and protection which come from unity.

This is why I believe that the federal

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idea can serve as a basis for the achievement of a political structure for free nations. Divided peoples invite disaster. Free peoples united in purpose and determination can make any dream a reality. We must have the honesty and courage to admit and to face the fundamental truth that mere national policies are no longer adequate to our needs. Not only must we face up to this fact, but we must work with our allies to create a structure which enables us all jointly to share in the process of decision-making, not as advisers in American decisions but as partners in the development of common purposes.

Within our federal structure, the United States has maintained freedom, preserved diversity, encouraged initiative, expanded her economy, steadily increased living standards, fostered education, marshalled the resources to protect global freedom in two world wars, and grown in every dimension to a position of world leadership. In Europe the Common Market alone is an inspiring demonstration of what combined efforts can achieve in a larger framework—for it has wrought a revitalization, an economic renaissance in which Europe has progressed from economic stagnation and high unemployment to booming prosperity and a labor shortage.

With this perspective, we begin to get some glimpse of what a Union of the Free, starting with a federal political structure for the North Atlantic and open to other free nations to join, would mean. In my opinion:

1. It would mean a surge of new strength for the forces of freedom and respect for human dignity.

2. It would open unparalleled opportunity to achieve the hopes and aspirations of free peoples.

3. It would provide a framework within which the increased international flow of goods, money, and ideas would make possible the solution of farm problems, the problems of manpower and unemployment, and the availability of equal opportunity for minority groups.

4. It would inspire other free peoples by demonstrating that democracy is the wave of the future, encouraging other free nations to join in the Federal Union of the Free as Alaska and Hawaii have in recent years joined the Federal Union of the United States.

5. It would inspire people behind the Iron Curtain, living in oppressive, stagnant, bureaucratic societies, to look increasingly to a truly creative and dynamic West. In fact, for the first time, whole nations behind the curtain which are seeking to break from Communism could find a haven within the Union.

6. It would provide a framework within which to solve the nuclear weapons disputes now dividing the free world, and thus insure a truly adequate shield for all free peoples.

7. It would marshal such overwhelming strength through unity as to greatly reduce temptations and opportunities for aggression, marking the ascendancy of freedom as Communist unity is declining and demonstrating for all that free men can indeed, in voluntary association, achieve their own full destiny.

IV

Before this vision can be turned into reality, certain decisions must be made: first, agreement on the goal; second, agreement on a time schedule, third, agreement on the means for achieving the goal.

The time has come for us and our Atlantic allies to take the leadership by appointing a preparatory convention of delegates to work out answers to these basic questions. Let us realize that, in so doing, we will be taking the first practical step toward the ultimate union of all the free.

Let's consider each of these steps: first, the goal:

For the Nations of the North Atlantic, there is much evidence that agreement could be reached as to the goal of political union within a federal system.

European doubts as to what the American people would accept seem to go back to this country's rejection of the League of Nations and the period of isolationism, thereafter. This, of course, is understandable, but unrealistic today.

Both major political party platforms this year had planks favoring greater Atlantic unity and partnership. This was reflected in the unanimous opinion of majority party leaders. The Republican plank was stronger and more specific than the Democratic.

In the House of Representatives, closely attuned to public opinion, the House Republican Task Force on NATO Unity is solely concerned with uniting the Atlantic community effectively. It is highly significant that every last one of the fourteen Republican House members who make up this Task Force survived the political landslide last month. In fact, they averaged 56 per cent of the vote as a group, even as President Johnson was sweeping most of their districts, which are scattered from coast to coast.

Congressman Paul Findley, vice chairman of the Task Force and its most outspoken advocate of Atlantic Union, who is with us here tonight, was reelected this year by a majority of 20,000, double the majority he received in 1962—and his district is composed of 14 rural counties in Illinois, some of which Abraham Lincoln represented when he was a Congressman.

On the Democratic side, the late President Kennedy, President Johnson, Vice President-elect Humphrey, the late Senator Kefauver and many others have spoken out for Atlantic unity. As Vice President, Mr. Johnson declared in a message delivered at SHAPE that "the United States is resolved to do everything in its power—and I emphasize the word *everything*—to enhance the strength and unity of the North Atlantic community."

The need for a viable political structure for the nations of the North Atlantic is no longer an issue that upsets or frightens the American people; on the contrary, its advocacy is taken by many as a measure of our ability to see beyond the immediate problems of international relations to a grand design for world peace and freedom.

As to the consensus elsewhere, I believe the very distinguished membership of the Honorary Council and Board of the International Movement for Atlantic Union is evidence in itself of the strong European and Canadian leadership available.

EUROPEANS WORKING TOWARD UNION

Then there is the Common Market and all the other cooperative arrangements that have sprung up in postwar Europe, which give every indication of the trend to eventual Union on a political as well as functional basis.

Once we as peoples accept through meaningful action the goal of Federal Union, the orientation of national leaders here and abroad will change to such an extent that we will make progress toward the goal much faster than people generally think possible.

As to the second question—the matter of a timetable—the objective should be immediate, the effort should be intense. Time is of the essence.

Third, as to the question of means, it is easy enough to identify the major procedural problems: whether to follow the functional, piecemeal, seriatim approach of the Europeans, or to tackle the political, military, economic and monetary elements as an inter-related whole as in the U.S. Federal Convention; and whether to solve the problems of balance between the U.S. and Europe by first federating Europe, or by going directly to federation of NATO and adoption of the

Senate-House balance in representation which has worked so well in the U.S. federal government.

But do we really have to choose? If we know that Atlantic Union within a federal structure is the goal, why not proceed on the various courses simultaneously as each proves useful? In some fields, such as the economic one, union may be advanced through the prior unity of Europe. In other areas, such as defense and foreign policy, common policy may be achieved most effectively through political unity on a NATO-wide basis.

The Federal idea permits great flexibility; it can benefit from the richness and variety of all the institutional possibilities of a pluralistic society of nations. The time has come to look at Atlantic relationships as the start of a broader Union of the Free, which is our ultimate goal.

The design of this structure for the Atlantic Union must provide for effective working relationships with an ultimate participation by the British Commonwealth, the nations of the Organization of American States, Japan, the Philippines, India, and other Asian and African nations.

The triumph of the free is not automatic. Only as we seize our opportunities can we realize our destiny. To those who warn that the quest is futile—or the journey too long—or the destination too uncertain, we must reply that great things have not been done by the timid or the doubting.

America best fulfills herself when she is dedicated to great ideals and noble visions.

The future belongs to those who embrace it in the present.

Mr. SMITH of New York. Mr. Chairman, I rise in strong support for the confirmation of the nomination of Nelson Rockefeller to be Vice President of the United States.

I had the honor to be the senior Republican member from New York on the Committee of the Judiciary and, therefore, introduced the resolution to recommend confirmation in the Committee on the Judiciary.

I think we found a lot of things in our searching investigation in the committee, but one of the things we found, beyond any doubt, is that this man has had tremendous experience in State and Federal Government.

I think we all recognize President Ford needs all of the help he can get, and I say to the Members that this country needs the experience and the knowledge in government that Nelson Rockefeller has acquired through 15 years in the State service and through many years in Federal service.

We found another thing out. We found that he was a man of great integrity, and I think this is the answer to the gentleman from Iowa (Mr. MEZVINSKY).

We found that he was a dedicated man, a man dedicated to good government, a man dedicated to the traditions and the future of this country. He is an enthusiastic man. I would say, if we have someone who has integrity and experience and is as dedicated and as enthusiastic about public service as this man, then he is a national resource that this country cannot afford not to use.

Mr. RANGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding this time to me. It gives me a chance to ask a question of those who are on the

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Committee on the Judiciary about the troublesome gifts and loans that have been alluded to in the report and by many Members who have spoken before me.

I think these loans and gifts were most unfortunate, to say the least. We have not had any conversation about the consequences or any other facts or about what may have flowed following the loans and the gifts.

Therefore, I will address myself to any of those Members who are here and who are on the Committee on the Judiciary in order to ask about matters that have not been discussed before. I will address these questions to any Member who wishes to respond.

No. 1: As a consequence of making these loans and gifts, was there any evidence before the committee concerning resulting undue influence or resulting improper acts or resulting improper decisions or resulting unjust enrichments?

I noticed with interest that the gentleman from California (Mr. Rousset) mentioned that there had been a charter issued to a bank in China which the Rockefellers had an interest in, but I have had no other information in this regard.

So I wonder if any member of the Committee on the Judiciary could enlighten me concerning these matters.

Mr. SARBANES. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Maryland.

Mr. SARBANES. Of course, the Governor and Dr. Ronan deny that there was any undue influence involved with the loans and the gifts. So we have received their denials.

Dr. Ronan was, of course, in the position of making enormously important decisions, including the decision leading to the renegotiation of the Triborough Authority bonds at a higher interest rate for the bondholders in order to permit authority funds to be used for mass transit purposes. That negotiation apparently took place at a meeting involving Governor Rockefeller, David Rockefeller, and Dr. Ronan. There is a public interest justification given for that decision. That decision has been attacked and criticized, as well.

All I can say to the gentleman is that this is where we are; that is where we are left. But we do have the undisputed fact as to the parties who were involved, and we know now what has been revealed from the loans and gifts as to the nature of the relationship between the Governor and Dr. Ronan.

Mr. EVANS of Colorado. Mr. Chairman, this is the question I wish to ask:

Was there any information that came to the committee's attention showing that as a result of these gifts and loans, any enrichment flowed back to the nominee or to his family?

Mr. McCLOREY. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Illinois.

Mr. McCLOREY. Mr. Chairman, I asked that specific question of both Nelson Rockefeller and Mr. Dilworth, as well as others, and we understood there was no

single instance where the use of the Rockefeller political influence was employed to enrich in any way either Nelson Rockefeller or any member of the family. In addition, there is no evidence that Nelson Rockefeller or his family was enriched in any way by any loans or gifts made by Mr. Rockefeller.

Mr. EVANS of Colorado. Mr. Chairman, I have conversed briefly with the distinguished chairman of the Judiciary Committee on this question prior to this, so I will address the same questions to him that I have to the other members.

Has any evidence come before the committee as to enrichment which flowed to the nominee or to his family, or have there been any improper acts flowing from these gifts or loans which were alluded to?

Mr. RODINO. Mr. Chairman, if the gentleman will yield, throughout the extensive investigation, and during the course of the interrogation, there has been no such indication and there has been no such evidence.

As a matter of fact, I might state that I specifically inquired of Dr. Ronan regarding some of these items. I did so because of my interest in the State of New Jersey regarding matters that Dr. Ronan might be involved in as chairman of the Port Authority of New York and New Jersey. As a consequence of my interrogation, I was satisfied that Dr. Ronan was not enriched, nor was the nominee enriched as a result, in any way.

The CHAIRMAN. The Chair now recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I oppose the confirmation of Nelson A. Rockefeller as Vice President, or for that matter, for anything. I cannot help but recall the Broadway critic who once wrote, after viewing opening night on the Great White Way, "A creeping paralysis set in which turned out to be the plot." In my view, there has been nothing short of paralysis in the Congress and in the news media in the Rockefeller matter. It amounts to a crass double standard in which most legislators and reporters have fallen over themselves in heaping hosannas on the nominee. It can be argued that time spent on the Rockefeller hearings constitute adequate study. Time should not be confused with depth.

Because of this paralysis, the nomination of Nelson Rockefeller has not received the type of minute attention that the cases of former President Nixon and former Vice President Agnew received. I should think that this body would have learned something from these past several years. Unfortunately, this does not seem to be the case.

I ask all of my colleagues: Have the necessary questions been asked and satisfactorily answered by this nominee? Has this body had an opportunity to conscientiously and unhurriedly study the record of the hearings on this nomination?

Further, has the standard applied by the press and the Congress to Nixon, Agnew, Harnsworth, and Carswell been ap-

plied to Mr. Rockefeller? No, because of this paralysis of will, the former Governor of New York has been subjected to a totally different standard.

As a part of this paralysis, an easy out, a wealth herring has been created. Many proponents make it sound like those who oppose Mr. Rockefeller apply a wealth test. This is not so. His wealth has clearly raised questions over misuse of that wealth and power which has come from that wealth but I do not, nor do many opponents I have heard, apply a wealth test to the nominee.

I think it important to maintain the same standard for Nelson Rockefeller as maintained for others. That standard is not being maintained because of a strange paralysis of will.

In closing, I wish to ask my fellow Republican colleagues, do you plan to vote for a man who as Governor was an advocate of those same liberal policies—big government spending, bigger welfare schemes, and other liberal nostrums—that have led this country to its present economic mess? The Republican Party has repeatedly rejected Rockefeller. Public support for his nomination is lacking. I particularly reject the Republican attitude of quote—"If President Ford wants him, we should support him"—unquote. This set of blinders on my Republican friends led our party to near disaster in the sordid Watergate affair and should not be repeated here as a test of loyalty.

At a time the American people are weary of politics, politicians, and past failures of both parties, we should be holding out some bright new hope in this rare opportunity afforded by the 25th amendment. There is no hope for change in a Nelson Rockefeller. He represents the type of spending and taxing politician we should have had enough of. A legislative paralysis has precluded a real study of the nominee. It is one of the reasons for the decline in respect for this great body. I urge a "No" vote.

Many issues have never really been studied. One issue is the military draft. Nelson Rockefeller was No. 10 on his local draft board but was appointed by Franklin D. Roosevelt to a newly created Government post. Was the draft just one more thing that applied to average Americans but not to Nelson Rockefeller?

Another issue that has received little attention is Rockefeller and Chase Manhattan Bank involvement in the World Trade Center in New York City. The New York State government is paying \$16 million a year in rent for space in that building while other previously built State buildings are sitting partially or totally empty. Is there a conflict of interest in this matter? I do not know but the possibility has not been investigated.

A third area where numerous questions remain is the case of L. Judson Morhouse. Senator HELMS has pointed out a number of inconsistencies and discrepancies in this whole case and in how Nelson Rockefeller related it. Has Nelson Rockefeller candidly related the Morhouse story? Has this issue been dealt with fully and accurately?

Another area deals with American sovereignty and vital American interests. His views on American participation in

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Atlantic Union and his one world stance imperil basic sovereign interests. At a time we should reassert basic American self interests and put our own survival first, he would lead in the opposite direction.

I do not have time to discuss all the possible conflicts of interest nor to ask all the necessary questions. The time limit on debate today has insured that. The spinoff of Rockefeller money into foundations in itself should be studied. But in addition to the questions above there are numerous others such as: Is Nelson Rockefeller in violation of the law by making loans and giving gifts to various officials?

What about the lesser gifts? He has showered smaller—smaller by his standards, anyway—gifts in the \$1,000 to \$2,000 range like Morton salt, Steuben glassware, mementos, weekend trips in the Poconos—do we have information on these? No.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in support of the nomination of Nelson Rockefeller. Many in our Nation have come to regard the Vice Presidency as a secondary office, primarily concerned with fulfilling ceremonial functions without too much affect on American domestic and foreign policy.

But those of us who know Nelson Rockefeller know full well that he will never accept such a limited view of the office of the Vice Presidency. For it has always been Mr. Rockefeller's nature, whatever his office, to give more than 100 percent of himself, to spare no effort on behalf of the people. That was the manner in which he conducted 15 outstanding administrative years as Governor of the State of New York. We can anticipate that he will bring this same dedication, concern, and zeal to the duties of the Vice Presidency.

We must not delude ourselves into thinking America can any longer afford merely a ceremonial Vice President. Events of recent years underscore the folly of such reasoning. Our Nation needs, in its second highest office, a man of immense talent, competence, and leadership, capable of exerting a significant influence upon policymaking. The old adage has never been more true; the man who occupies the Vice President's chair stands a heartbeat away from the Presidency of the mightiest Nation on Earth.

Since America plays such a key role in world affairs, the Vice President of the United States must be a man capable of assuming the burdens, duties, and task of such worldwide leadership.

Those were the qualities and criteria President Ford was considering in selecting Mr. Rockefeller as his nominee for Vice President. He has filled the bill admirably.

Mr. Rockefeller's gubernatorial years in New York were a time of tremendous change and progress in New York. The Governor built our State university system from humble beginnings into one of the largest and best public educational systems in the world. The vast network of State-built highways that criss-cross

our State are monuments to the transportation achievements of the Rockefeller era.

Mr. Rockefeller's imprint has been left on virtually every facet of New York State: In agriculture, in business and industry, in education, social services, housing, and community development through the State.

Nelson Rockefeller's nomination has been subjected to the most intensive investigation and exhaustive examination in our Nation's history. He has emerged from the House and Senate hearings with his capability and qualifications unquestioned and his integrity unchallenged.

Yes, some of us disagree with some of his positions and yes, there have been errors of judgment in his career, but which of us can claim a flawless record spanning more than two decades in public life? Mr. Rockefeller's errors of judgment do not detract from the overwhelming qualifications he brings to this position.

Accordingly, Mr. Chairman, it is with great pride that I urge my colleagues to support the nomination of my fellow New Yorker, Nelson A. Rockefeller, as the next Vice President of the United States.

Mr. VEYSEY. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from California.

Mr. VEYSEY. I thank the gentleman for yielding.

Mr. Chairman, after considering the hearings and the report compiled by the Judiciary Committee and after considering the debate which has taken place on the floor of the House, I will cast my vote in favor of the confirmation of Gov. Nelson Rockefeller to be the 41st Vice President of the United States.

Twice in the past 12 months we have employed the 25th amendment as the Congress has considered a nominee to become the Vice President. House and Senate Committees have probed the nominee's finances and background thoroughly. The investigations have been more exhaustive for these Vice Presidential nominees than for any other aspirants to political office in the nearly 200 years of our existence as a Nation.

I must say that the scrutiny has been unusually severe and painstakingly slow. For example, consider the three-cornered debate provided by the rule under which the confirmation of Governor Rockefeller is being discussed. One can hardly say that the opponents of this nomination are not being given a full opportunity to present their point of view—even though most have been aired numerous times and considered by the respective committees of the House and Senate.

Reviewing the confirmation procedure leads one to conclude that there is a flaw in the application of the 25th amendment. This nomination was presented to the Congress on August 20—only 1 day short of 4 months ago. While the committees delayed over questions of Governor Rockefeller's wealth or possible conflict of interest concerning his gifts and charitable donations, the office of Vice President has remained vacant. Ironically, the exhaustive in-

vestigative procedure notwithstanding, if a tragic accident had deprived us of the services of the incumbent President, the Speaker of the House—whose qualifications have never been considered in such a forum—would have automatically succeeded to the Presidency. Surely, matters of such grave importance deserve a higher priority in the future.

Mall from some constituents in California suggest that this is a controversial nomination. Personally, I recommended to the President that he select Gov. Ronald Reagan of California as the nominee. Governor Reagan's experience and undisputed ability as a spokesman for the administration, in my opinion, are ideally suited for the problems to be faced by the executive branch during the next 2 years.

While some oppose the selection of Nelson Rockefeller to be Vice President, none can question the dedication and perseverance which he exhibited during the ordeal of public hearings following his nomination. The agonizing process of committee hearings, coupled with the innuendo and aspersions cast by those opposing Rockefeller's confirmation in an apparent effort to impugn his character and qualifications, certainly challenged his tenacity. Anyone with the record of accomplishments and achievements compiled by the Governor, but who was endowed with less determination, would surely have bypassed the opportunity to become Vice President to avoid the glaring spotlight of a public investigation into his private life. After all, historically, the Vice Presidency is not well recognized as a steppingstone for aspiring politicians.

Sometimes in the heat of debate, rhetoric receives more attention than facts uncovered by an investigation. The important thing to remember in this instance is Governor Rockefeller's record of public service rather than the sometimes reckless charges hurled by his detractors. Through all the harangue, the Governor's dignity, patience, and humility were noteworthy. In the eyes of most fairminded people, he rose in stature above the ordeal and controversy.

There seemed to be an effort by some to find fault with the Governor because of the immense personal and family wealth, while others would indict him because his gifts and charitable contributions were overly generous. Certainly, this double standard falls far short of the American ideal of fairplay. How one equates wealth with quality of character is unclear. Surely, neither poverty nor wealth should qualify or exclude any person from public service. Likewise, neither poverty nor wealth should be equated with a conflict of interest. In the final analysis, every public servant must be judged on the record of his accomplishments. This is a standard which none can avoid, and no one can justifiably require a higher standard.

Throughout his years of public service, Governor Rockefeller has displayed a sense of dignity and responsibility that is befitting the office of Vice President, and I join my colleagues in confirming his nomination. I extend my best wishes for his success and well-being during the years of his further public service.

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Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Michigan.

Mr. RUPPE. I thank the gentleman for yielding.

Mr. Chairman, for the second time in little over a year, the Congress is being called upon under the provisions of the 25th amendment to confirm a nominee for the office of Vice President of the United States. It is a tremendous responsibility, and one which the Congress cannot take lightly. For the first time in our history, the country will be led by two individuals who have not been elected to their high offices by a vote of the people. I believe the Congress has admirably discharged its responsibilities in carefully considering both nominations. And I believe that President Ford has made a wise choice in the nomination of Nelson Rockefeller to be our 41st Vice President. He is a man I have long admired, and who, in my opinion, was destined to be a national leader.

In these days of change and unrest, more than anything this country needs leaders who have broad experience, and Mr. Rockefeller has 40 years of distinguished service to this country. He has experience on both the Federal and State levels. As Governor of the State of New York for 15 years, Mr. Rockefeller managed one of the largest State budgets in the country. He gained valuable experience with our hemispheric neighbors as Coordinator of Inter-American Affairs. During the Eisenhower administration, he served as Under Secretary of Health, Education, and Welfare, and as Chairman of the President's Committee on Government Reorganization. His wide-ranging skills covering four decades have given him excellent credentials for a man who is next in line to succeed the President.

In Governor Rockefeller's testimony before the House Judiciary Committee, he made an interesting observation regarding his motivation, which I believe is worth recalling. He describes himself as "a man who delights in tackling tough problems." The past few years have brought more than their share of complicated problems and questions, and this will undoubtedly hold true in the future. We can ask no more than to have a second in command who has proven experience and who is ready to give his utmost for the betterment of this country and the world. Nelson Rockefeller's public record reflects admirably his motives and experience, and I am honored to have the opportunity to cast my vote in favor of confirmation.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, when Mr. Rockefeller's nomination was first announced, my public reaction was distinctly favorable. But much has transpired in the months since then to change my mind.

George Bernard Shaw once said that when a poor man steals a loaf of bread,

he goes to jail; when a rich man steals a railroad, he goes to Parliament.

Stealing, of course, is much too strong and unfair a word to use in connection with Mr. Rockefeller. Nevertheless, if we approve of his nomination, this House will be applying a dual standard to the conduct of public officials: one for persons of ordinary means and position, and another for Nelson Rockefeller.

Granted that Nelson Rockefeller has intelligence, experience, and polish. This man has, nevertheless, violated every standard of morality which the average public official is being held up to in this atmosphere of post-Watergate morality—in his use of wealth to obtain and retain public office; in his dispensing of gifts to exert influence, a use bordering on criminality; in his laundering of expenditures to undermine political opponents; in his hostility toward the enforcement of antitrust laws over areas in which he has an undeniable conflict of interest; in his insensitivity toward the use of covert U.S. influence in other countries; in his failure to have learned anything from our disastrous military ventures in other countries, especially in Vietnam.

I submit that no ordinary Member of this body could survive politically if he had this record and this expression of views.

I regret that I must vote against Nelson Rockefeller.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. FOLEY).

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I thank the gentleman for yielding.

Mr. Chairman, congressional scrutiny of Nelson Rockefeller's fitness for the Vice Presidency has revealed enough evidence to suggest that he may have used literally millions of dollars to buy political influence in the State of New York. Moreover, Mr. Rockefeller and the Rockefeller family have billions invested and concentrated in industries and companies whose profits frequently turn on Government decisions. He demonstrates a clear conflict of interest between his great personal wealth and business interests on the one hand, and the making of public policy on the other.

The compatibility of that record with high political office is a question that the American people would normally resolve in a general election. If they wish to overlook it, they can. Under the 25th amendment, however, we confirm—we do not elect—the President's nominee. We have no authority to overlook the nominee's serious conflict of interests. Only the electorate should have that privilege.

On the basis of this record, I intend to vote against the confirmation of Nelson Rockefeller as Vice President.

Mr. FOLEY. Mr. Chairman, it has been said this afternoon that the 25th amendment is a substitute for the process of

election, and that this is one of the reasons that we must exercise the greatest care in the consideration of this nominee. We are not only approving him for confirmation to the second highest office of the country, but in the event of an unfortunate possibility we are approving him as a successor to the Presidency itself.

But it troubles me that the process by which we attempt to substitute for election, involving as it does a searching examination of the background of the individual leaves that individual in an enormously difficult situation of running against the standard of perfection.

An eminent political scientist once said that in many American elections for the Presidency, the public examines the two major candidates, rejects one, and on January 20 the other is inaugurated as President of the United States.

Whether that is true or not, the process dictated by the 25th amendment is, I think, much more difficult for the nominee than the election process. We go back over the career of a man who has been in and out of public life for over 30 years, subject it to a full investigation by the FBI and to complete Internal Revenue audits, and then ask anyone who wishes to come forward with pejorative information and testify against him. Few Americans would willingly want to undergo such scrutiny.

Probably few Presidents in our history, if they were somehow brought back to stand again for confirmation could survive this sort of examination of all their official and private actions without incurring bitter criticism and searching questions as to their judgment and fitness for high office.

Think for a moment of those Presidents we have honored in our hearts and whether we would wish to subject them to the severe and often corrosive criticism that this nominee has endured.

I think the examination of Nelson Rockefeller can leave us with an extraordinary sense of confidence that a man so active, and investigated so carefully, should have so few serious questions raised about his conduct and qualifications.

In fact many of his most serious opponents admit that he is highly qualified and experienced that he has had a singular record of public concern, and he has attracted associates of extraordinary talent. But they question, for example, this or that specific decision made while he was for 12 years Governor of the second most populous State in the Union. He has made mistakes of judgment and he has publicly admitted to that. Could anyone so active in public life not have made mistakes of judgment? Could any of us go back over our careers and not wish we had made different decisions at one time or another?

If total absence of fault is to be the standard, the only easily acceptable nominee is a man of no experience, no decisions, no prior responsibilities because only such a person is invulnerable to critical judgment.

He is also questioned because of his wealth and the wealth of his family. Yet it is widely conceded that wealth alone is not an issue, but whether that wealth

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has been used to abuse public office and the public trust. Some allege that the wealth of the Rockefeller family is so extraordinary that it somehow changes the character of this problem and creates a permanent conflict of interest.

Will this nominee not be subject to the most careful scrutiny which could raise a question of conflict of interest for any public decision he makes? Of course, he will. We can assume the most resolute watchfulness. Beyond that consider the statement of the distinguished chairman of the Committee on the Judiciary that despite this great wealth and this long career of high public office was any public act of Mr. Rockefeller proved to have been taken to advance his or his family's financial interest?

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Ms. HOLTZMAN. Mr. Chairman, I want to direct a question to the gentleman and to the point the gentleman made previously. Of course the nominee will be under great scrutiny. And I might agree with the gentleman, but we have never fully achieved that result when there has been no investigation into the extent of the economic power of his family. We do not know for example whether stocks administered by the trust department of the Chase Manhattan are voted together with their other stocks. How can we be sure?

Mr. FOLEY. I suppose the answer is there can be no assurance if one wishes to assume a corrupt purpose.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. RANGEL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FOLEY. If one wishes to assume a nominee is likely to become corrupt it makes little difference whether he is rich or poor. The opportunities for corruption in high office are enormous. We all know that. This is a man, however, who has served in high public office, who has made great and difficult and controversial decisions time and time again, a man of great wealth; yet there is not one documented case in all that record that establishes that he ever acted with a corrupt motive and not one of his opponents comes forward and says that has been established.

Even his most serious opponents will, while claiming a specific action, say there was a public interest for the decision, as well as one that raises a question for the nominee.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. WALDIE. Would the gentleman describe the Goldberg book as not a corrupt action of great wealth to enhance public political power?

Mr. FOLEY. I have not read the book. Mr. WALDIE. I am not talking about the book as such, but the attempt to cover up the financing of it.

Mr. FOLEY. The financing of the book, I think, raised a reasonable question. I

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think the book was erroneous, no question about that.

Mr. WALDIE. Was it corrupt?

Mr. FOLEY. I do not think it was corrupt.

Mr. WALDIE. Was it a violation of the law?

Mr. FOLEY. I am not able to answer that question.

Mr. WALDIE. If it was a violation of law, would it not be a corrupt action?

Mr. FOLEY. I am speaking of corruption in the light of those unfounded concerns that the nominees' great wealth was or will be used to advance his financial interest. I do not yield any further.

Mr. McCLODY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. McCLODY. It is not corruption to publish a book. Books were not covered in the New York State law at that time. There was nothing dishonorable or corrupt about it. It was a mistake and he apologized for it and that was the extent of it.

Mr. FOLEY. Exactly.

Mr. Chairman, it seems to me extraordinary that with this sort of searching inquiry of the life and long career of this nominee, so few specific questions have been raised. I suggest to my colleagues on both sides who opposed the nomination that the record fairly judged leads on to the conclusion that this man is eminently qualified to hold the office for which he has been nominated. He has made mistakes; he has erred in judgment; as have all who serve in public life. I believe he has been faithful to the tradition of public service and the obligations of public trust.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. RANGEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FOLEY. Mr. Chairman, in supporting this nomination I am painfully aware of the strong disagreement of many respected colleagues. Among those are some with whom I have worked closely in this House and for whom I feel a special administration and regard. I am sorry that I disagree with them.

But I would hope that every Member would cast a vote tonight, yea or nay, on this nomination as he or she best judges the issues and facts at this moment, the time for decision has come. We should not attempt to reserve our judgment to qualify our answer to the Nation. Some perhaps are inclined to cast a cautious vote of no, a careful vote of no, that will, if events later prove the nominee's conduct to be disappointing, give the satisfaction of retroactive wisdom. That is, I believe a tempting course for many tonight; but I hope it will be resisted. I hope that those who vote no are only those who are convinced that the nominee is not suited for the office. Our Nation faces great difficulties at home and abroad and the nominee if confirmed will be expected to play an active role in the search for this resolution. Because of this the question of his nomination deserves a vote recorded not on the basis of personal caution, informed

assumption, or speculation but on the basis of our best judgment and conviction.

The country deserves no less.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I have no prepared remarks. I have spent 2½ to 3 hours on the floor today listening to the debate.

We have been without a Vice President for just a little over 4 months. I think it is time for us to remedy that situation.

In addition to being a historic day today, I think that if this does nothing else, it proves that our system works.

We can remember that on October 10 a year ago we had a Vice President that resigned and our then minority leader underwent what was probably the most intensive investigation ever conducted by the Federal Bureau of Investigation. He survived that investigation. He was appointed Vice President and he was confirmed. This was accomplished without rancor, resolution, demonstration, or bloodshed.

We have had other events occurring in the history of this country which have been monumental. We had a President resign last August 9, which caused our action to be precipitated to the top level, and we have a President selected rather than elected. We are now in the process of again proving that our system works by virtue of the 25th amendment of the Constitution of the United States—a peaceful, orderly, tranquil transition of the top level of government.

I am not a Rockefeller fan. I was against him in 1960 at the convention; I was against him in 1964 at the convention; I was against him in 1968 at the convention, and again in 1972. Governor Rockefeller was not on the list of names I submitted to the President for consideration for this appointment.

But, what has happened in the meantime? We have been without a vice president for 4 months. The Senate of the United States undertook and had in-depth hearings. They had an investigation and they approved him with less than 10 votes in dissent. Our Judiciary Committee held a series of in-depth hearings. The FBI has conducted another intensive investigation, this time covering 2,800 pages, and they found wanting anything that would disqualify this man from serving as vice president of the United States.

I say I am not a Rockefeller fan. I do not find myself in a position where I can offer an alternative in the event this House should see fit to reject this man. I have no idea who President Ford might recommend in his place, and I am not sure the House would approve whomever that might be; I am not sure that I would.

But, in looking at just two arguments used by the opposition, one has to do with his wealth. One can choose one's friends, but one cannot choose one's relatives. By accident of birth, he is a man

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who has inherited a great amount of wealth, and of course through his own intelligence he has increased that amount, apparently.

But the other argument, I think, is ironic, and almost laughable. Those Members particularly who have pointed out his record for having run the State of New York on the basis of spending more than he has taken in are the ones I am addressing. I stand second to no one in this House in being a conservative or voting against deficit spending, but the very persons who point this out—some of them from New York—say that he ran as a candidate who would not spend any more than he took in, are the same ones here that have a miserable track record as far as blowing the budget out of sight and in deficit spending and spending beyond income.

So, I think it ill behooves those Members who point out that as a disqualification. It would disqualify many—I would say a majority—of the Members of this House if that were the test.

I find myself in a position where I think there is only one choice, and that is to vote for the confirmation of Governor Rockefeller as Vice President of the United States.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, just to touch on something else in respect to the gentleman's remarks, I think it is only fair to point out that the comparisons that have been made on the floor when we are told that when Mr. Rockefeller became Governor, taxes were so much more, those comparisons are really unfair unless they are put into perspective of the fact that he was Governor for 15 years, and those were 15 years in the life of our country when the budgets of every State in the union went up tremendously, and taxes in every State of the Union went up tremendously.

I think if we look at the track record over a 15-year period in most States of the Union, we will see that the record he achieved as Governor was not so far out of line. I think that should be put in the record and put into perspective.

Mr. DEVINE. Mr. Chairman, I thank the gentleman for his contribution.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, members of the Committee, I rise in opposition to the confirmation of Nelson Rockefeller. I have some prepared remarks here, but I would like to deviate from those remarks and point out to this group that, as has once been stated by a great human being, "The price of freedom is eternal vigilance."

You and I must be extremely vigilant at this moment. We face an unprecedented, unparalleled moment in the history of this Nation, a Nation that is ostensibly democratic.

We are now about the business of confirming the second highest officer in this

land, totaling two people, not duly elected and directly elected by the people of this Nation.

If it were within my power, I would reject the ability of the 93d lame duck Congress. Many of those who sit in this room are defeated candidates who faced the American people and were rejected for their policies and their stances and their positions. I would say we should let the 94th Congress, who have been the most recent people to stand before the American people to be exonerated or defeated, in terms of their stances and policies, make this decision. But I am not vested with that power, and we must now face this moment.

I would like to make a few comments at this moment upon statements made by several of my colleagues who spoke so eloquently of Nelson Rockefeller. Many have taken this well and said it is not wealth we are talking about. I agree with that, but let me advance this position. It is my belief that if there is anything at all we should have learned over the last 2 years in a series of hearings is that Government and Government officials with awesome power run wild, unchecked by the democratic process, breeds extraordinary corruption.

I would further advance that an individual with power unchecked by the democratic process has the awesome potential for corruption. Extreme wealth in the hands of an individual or a few individuals breeds awesome power, power that perhaps even Nelson Rockefeller does not understand. He understands the power of a million dollars, but does he understand the awesome power to corrupt Government officials, the power to corrupt Government, the power to corrupt or affect universities, making decisions on what research shall be conducted for what purpose and by whom, to corrupt or affect public policy and even social agencies?

It is my belief that awesome wealth that breeds that kind of power concentrated in the hands of a few people or one individual is antithetical to the democratic process, and that is the basic question you and I must come to grips with—the issue we must consider.

When we couple that awesome, extraordinary power with the ability to corrupt, with the awesome power of occupying 1600 Pennsylvania Avenue, we have a potential for extreme danger, for that kind of awesome economic power permeates throughout our entire political system. You and I have not checked it. What bill have we passed, what decision have we made that checks those millions and millions of dollars of a Nelson Rockefeller? We have not assumed that ability, and we stand in this well fraudulently assuming that we have and will. We do not want to even pass tax loophole laws that create more Nelson Rockefellers. The price of freedom is eternal vigilance, and you and I have the responsibility to protect the American people.

Nelson Rockefeller could not be elected to anything nationally in this country, and we both know it. Why do we stand here, talking about all of the wonderful things about Nelson Rockefeller when it has been clearly pointed out that he has

affected agencies, he has affected people, he has affected Government.

Nelson Rockefeller potentially is one of the most dangerous human beings to rise to political office of this country.

Oppose Nelson Rockefeller and speak to the will of the American people.

Mr. Chairman, for the second time in 15 months we are forced to rely on the 25th amendment to choose a new Vice President, a procedure forced upon us by an administration so scandal ridden that a Vice President and a President were both forced to resign in disgrace.

The procedure of congressional selection set up by the 25th amendment does not allow the people a direct vote in the selection. Since this provision is at best a poor substitute for a direct vote on the Vice President, each Representative should seriously consider the needs and interests of his district and of the Nation in his vote. Unless we take these responsibilities seriously, the people will have no role at all in this election.

Therefore, I consider it a privilege to represent the millions of Americans who oppose the election of Nelson Rockefeller, by casting my vote against his confirmation. When the holders of the Nation's two highest offices are not elected by the people—an unparalleled situation in the history of the Republic—it calls for some extraordinary thoughts and extraordinary measures. If instead of playing 1976 Presidential politics we are seriously committed to trying to bring this Nation together, then we ought to aim for unity. The best way President Ford could have demonstrated that was to have moved into a bipartisan Government to take care of the Nation until the American people make their own decision in 1976. The President has obviously rejected that course. In fact, he has chosen a man whose past record creates severe doubts about his personal ability to contribute to national unity. Once again, an historical opportunity has been misjudged and mishandled.

By confirming the nomination of Nelson Rockefeller, Congress is agreeing to an unprecedented concentration of economic and political power in the hands of a man who has shown that he does not easily distinguish the two, just as he sometimes forgets the distinction between public and private power. This concentration and consolidation occurs at a time when the United States should be reducing and dispensing power, not the reverse. Mr. Rockefeller and President Ford may not understand this, since they supported the Watergate Nixon down to the final moment, but the rest of us should remember and act on what we learned. We do not have to look closely to see that air of untouchability and invulnerability that led Nixon to abuse his office so seriously. Let us not make the same mistake twice.

Mr. Chairman, a number of matters recently have been brought to public attention which call into question Rockefeller's judgment: His involvement in the publication of a derogatory book on Judge Goldberg, his lack of candor and leadership in the Attica prison riot, and his lack of sensitivity to the serious legal and ethical questions involved in his substantial gifts and loans to public officials while Governor of New York.

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stantial gifts and loans to public officials while Governor of New York.

The majority of the American people disapprove such poor judgment on the part of Mr. Rockefeller. Confirmation of Nelson Rockefeller would not restore public confidence and trust in government officials. Last year we elected a President, even though we were deceived about such important matters as the possibility of a pardon. But it is with this kind of seriousness that we should vote today.

Everyone knows that Nelson Rockefeller could not possibly win a popular election to the Presidency. I believe that any confirmation would be much more legitimate if it were done by the Members of the 94th Congress rather than the 93d Congress, since they represent the most direct, recent expression of the will of the American people. This is especially true since the rush to have Rockefeller confirmed by this lame-duck Congress has led to serious procedural irregularities.

The House of Representatives has therefore, a great responsibility to the American people today: Let us not let them down.

Mr. HUTCHINSON. Mr. Chairman, I yield 7 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, the confirmation of a Vice President of the United States under the provisions of the 25th amendment is obviously a critical and serious responsibility for each of us. Just over a year ago we found ourselves in such a situation, and I joined with nearly all of my colleagues to confirm the nomination of Gerald Ford to hold that high office.

Today we are confronted once again with the responsibility of the selection of a man to serve in the Nation's second highest office and potentially, in our highest office. But this time, in nearly every detail, the circumstances are entirely different.

A year ago, the nomination for a successor to the Vice Presidency was presented to us by a President who had been twice elected to his post by the citizens of the United States, the second time in 1972 with an overwhelming mandate. Today, we are considering a nomination submitted by a President who has never received the electoral endorsement of any voters outside of the single congressional district in Michigan which he represented for many years.

A year ago, the nominee was a man of modest means who enjoyed a reputation for honesty and sincerity throughout his political career. Today, the nominee is a man of such considerable means that even he was hard-pressed to detail the full extent of his wealth. Moreover, facts unearthed in the course of committee investigations reveal that this nominee has made substantial portions of his wealth available to a multitude of political associates in the form of loans or of gifts. And in at least several instances, it has been shown that he was, to put it mildly, not entirely candid about his background and conduct under committee questioning.

I might add that the fact of Mr. Rockefeller's wealth does not trouble me as it does some of my liberal brethren in this House. His specific use of his wealth in given instances is another matter.

A year ago the nominee was a well-known fiscal conservative who had been a part of the mainstream of his party throughout his career, and possessed a clear commitment to sound financial management of government affairs and fiscal responsibility. Today, the nominee is a man who has spent his entire political career outside of the mainstream of his party and who has been rejected formally in three separate bids for the Presidency by his party. He now seeks to attain by appointment what he could not obtain by election.

In addition, his record as Governor of the State of New York shows him to be a man with little regard for responsible fiscal policy who repeatedly has increased the size of the State budget and who found ways to balloon the State's long-term indebtedness without any regard for a constitutional provision requiring that such increases be approved by the voters in referendum.

A year ago we were called upon to consider the nomination of a man who was demonstrably in tune with the essentially conservative electoral mandates expressed in the past two national Presidential elections in 1968 and 1972. Today, we are pondering the nomination of a man whose record of liberalism and devotion to the increased power of big government is nearly unparalleled in either party, and who is closer philosophically to the defeated candidates in the Presidential elections of 1968 and 1972. And this nomination comes at a time when public opinion polls show more than half—59 percent, in fact—of the American people consider themselves basically conservative in political philosophy.

At least one other thing is different today than it was last year. Today, I shall have to cast my vote on confirmation in the negative; I shall vote "no" on the nomination of Nelson Rockefeller to become Vice President.

THE 25TH AMENDMENT

When the 25th amendment to the U.S. Constitution took effect on February 10, 1967, few ever dreamed that only a few years hence the Nation would be governed by two appointed individuals who had never been subject to the popular vote of the people. Never before in our history have we lost both the President and the Vice President during a single term of office. The seriousness of this situation must give us special pause as we consider the nomination before us.

In any case, I do not believe that the language of the 25th amendment in any way requires us to give our automatic blessing to the nomination to fill the Vice Presidency, giving consideration only to that nominee's fitness to hold office. Nor do I believe that the legislative history of the amendment suggests that we ought to "rubber stamp" the President's choice unless we can identify serious and grave transgressions which show him to be unfit.

Rather, I think that it is up to the Congress, presently the sole source of legitimacy under the doctrine of popular selection of the Nation's chief executives, to attempt to insure that the individual who assumes the Vice Presidency is one who will carry out the electoral mandate expressed by the voters in the most recent Presidential election. Today we are asked to speak in the people's stead. I believe that it is abundantly clear that Mr. Rockefeller does not meet the test.

Moreover, the evidence is substantial that he could not win the support of a majority of Americans today. I have no doubt that he could never win a majority of votes in the district which I have the honor to represent. In New York, where voters know him best and where he served as Governor for 17 years, a recent Yankelovich survey found that Mr. Rockefeller "was the least popular public figure" in the State among those voters surveyed. The most recent available Harris poll, based on interviews conducted during the first week in November, showed that 43 percent of those surveyed nationally were opposed to his confirmation, and only 39 percent were in favor.

I am not suggesting that we should approve or reject a nominee for the office of Vice President simply on the basis of the latest public opinion polls. But I do intend to argue that we ought to pay more than passing attention to the weight of public opinion in this case. This is especially important when we consider that we are acting in lieu of a more direct expression of the public's wishes in the selection of one who, as we learned so painfully over the past year, could easily become the most powerful man in the country with little or no warning.

PUBLIC DOUBTS JUSTIFIED

There are several reasons for grave public doubt about the ability of Mr. Rockefeller to operate the Federal Government in the best interests of all of us, as citizens and taxpayers.

First, it is apparent that the taxpayers of New York did not fare well under the many terms of the Rockefeller administration. Between the time when he took office as Governor in 1959 and the end of the last fiscal year, the amount of money spent annually by the State government there went from \$1.9 billion to nearly \$9 billion.

Under Mr. Rockefeller, taxes were raised in the State at least every other year, and the maximum rates on personal income tax more than doubled from 7 to 15 percent. During his tenure, the State gasoline tax went from 4 to 8 cents a gallon, cigarette taxes climbed from 3 cents to 15 cents a pack, and a 4-percent sales tax went on the books. When it is all added up, the tax load in New York went up by almost five times while he was in office.

Through the efforts of Mr. Rockefeller and his inventive staff, ways were devised to obligate State funds far into the future without the inconvenient and sometimes perilous need to put such a claim against future revenues before the people in the form of a constitutionally required referendum.

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Thus, although the people of New York have approved only \$3.4 billion in bonded indebtedness through referendum, they owe another \$7.7 billion in long-term obligations which were never submitted to the electorate for approval. As a result, the State had to pay more than half a billion dollars in debt service last year, which represents double the figure of just 5 years earlier.

The future of the people of New York is thus heavily mortgaged for many years to come, and I cannot help but wonder how any Members of this House could entrust the future of the entire Nation to the man who had handled the affairs of one of our largest States in so cavalier a fashion.

Where has all of the taxpayers' money gone? As one Empire State cynic put it, "Nelson spends the taxpayers' money as if it was his own." From enormously expanded social welfare programs to the incredible monument to what has been called his "edifice complex," the multi-billion dollar Albany Mall, he has indeed spent public moneys freely. The rate at which he and his associates found new places to spend that money is unmatched even by Uncle Sam. In an era when there is a growing recognition that such governmental spending policies have been the major impetus behind today's rampant inflation and faltering economy, it seems incredible to me that we should be on the verge of installing as Vice President, and possibly President, a man who can only be described as the dean of the Nation's big spenders.

The examination of the miserable fiscal record of Mr. Rockefeller gives us no comfort when we consider the "informal sources" at the White House who envision this man in the role of the chief domestic policy assistant to the President. Given Mr. Rockefeller's personal temperament and his past record on policy matters, the prospect of his control over our domestic affairs is chilling and, indeed, dangerous. It is also totally at odds with the President's own profession of fiscal conservatism.

In all fairness, it must be admitted that Mr. Rockefeller has been at least as free with his own personal financial resources. But as we have seen in the revelations of recent weeks, Mr. Rockefeller's generosity provides more reason for doubt than for enthusiasm.

The examples of questionable practices in this regard have been well developed in hearings held by the House and Senate, and I do not intend to reiterate the details here. But in my opinion, there were altogether too many instances of subordinates in State government who had received large gifts from the Governor or who owed him outstanding debts.

The problems which this sort of activity might generate if Mr. Rockefeller were to become Vice President, or even President, are obvious. Suppose he were involved in making a decision regarding an investment in the Soviet Union to be financed by the Chase Manhattan Bank, owned by his brother, and the Export-Import Bank? Would he make the decision himself, or turn it over to Secretary

of State Kissinger, to whom he has given a gift of \$50,000?

THE ABORTION ISSUE

Mr. Chairman, perhaps some of the gravest reservations I have about Mr. Rockefeller apply to his professed and even arrogant disregard for the right to human life. His personal support of liberalized abortion laws in his native State has turned New York into the abortion capital of the Nation where hundreds of thousands of innocent children have been deprived of life. He personally blocked the popular expression of the people and the New York legislature by vetoing a bill which would have preserved the right to life. I know that many of my colleagues would rather ignore the issue of abortion and Mr. Rockefeller's view of this matter, but on an issue of such fundamental importance we should not be tiptoeing, but rather standing firm for the right to life. I note in passing that Mr. Rockefeller's pro-abortion stand is at serious variance with that of the President who nominated him for the post we are considering today, yet another curious contradiction.

THE TWO PARTY SYSTEM

While political considerations in the sense of partisanship should have no place in our deliberations today, I would like to say a word or two to my Republican brethren. I have spoken with many of you privately and based on my observation, I would suspect that if the vote today on this nomination were by secret ballot, a strong majority of those on this side of the center aisle would vote against Mr. Rockefeller. That would be appropriate because, as I have detailed, his record is not consistent with the majority philosophy of our party, or, as I understand it, with the express wishes of the American electorate. But my Republican colleagues, consider what you do by your acquiescence in this nomination. If you vote to approve this man, you raise the specter of the further dissolution of our party. I do not suggest a third party is inevitable, only that millions of Americans would like to see a second party which presents a conservative philosophy; and this comes at a time when less than a quarter of the registered voters are willing to be identified as members of our party. This nomination makes the future success of our party highly unlikely in the foreseeable future, as I see it.

Mr. Chairman, these are the principal reasons for my decision to vote against confirmation of Nelson Rockefeller as Vice President. Although my philosophical differences with him go much deeper, I have not made my decision on that basis alone. Instead, I am voting in a fashion which I believe is in the best interests of the people of my district, of all Americans, and which is consistent with my own conscience, and my oath of office. I could not do otherwise.

The CHAIRMAN. The Chair now recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I appreciate the gentleman from Wisconsin's yielding me some time.

I realize that I shall not be as articulate or as eloquent as those who have preceded me. Therefore, the question may be asked: "Why don't you just revise and extend your remarks?"

The answer is that I believe this is a matter important enough that I do not want to go home without being able to say to my people that I actually spoke out on the floor—and that I participated in the debate to represent them in this confirmation vote.

As one of the preceding speakers has put it, I intend to cast a cautious and a careful "no" vote on this confirmation.

I will try now to recite some of the reasons.

None of my reasons are partisan. I have never been bitterly partisan.

I was one of the few—about a half dozen as I recall it—who took the floor on this side of the aisle to speak in behalf of Jerry Ford. But I knew Jerry Ford. We all knew Jerry Ford. We could take that man on faith.

We cannot do the same in this case. We cannot take Mr. Rockefeller on faith. I do not know him, and most of us do not know him.

This brings me down to some specific reasons why I have doubts on this confirmation. During the Rockefeller investigation in the other body, someone asked me "What do you think of the investigation—Is it thorough enough?" I answered "They have not scratched the surface."

That view is my present view—we have no more than scratched the surface in the investigation of the vast Rockefeller financial interests.

I have no criticism for our committee. They were pressured by time. I think they felt we should act on this confirmation before the arrival of a new Congress. But the facts are we do not know nearly enough about the almost unbelievable wealth of Mr. Rockefeller or his family who by their own statement work together as a unit.

What we are doing here today is most important for the reason that we may in fact be confirming not just a Vice President but President, because every Vice President is but a heartbeat away from the Presidency.

What is the unusual significance of our procedure tonight? Well, for one thing we are not simply proceeding like the Senate in a matter of advise and consent. We are doing a whole lot more than advise and consent. We are doing something positive, not just suffering something to be done. We are approving a nominee for Vice President.

If you please, we are approving an unelected Vice President named by an unelected President. In all of the history of this country this situation is indeed unique.

In my judgment what we are doing is very different from legislating. This is not a legislative matter. Each Member of this House represents about 500,000 constituents. Today we are not voting as Members of the Congress, as we would

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vote on legislation, because I repeat this is not a legislative matter. Some have said we are acting as surrogates. I have never liked the word "surrogate." Rather, I would say we are acting as delegates or agents. Better to say, we are filling the role of office exactly as our name implies—we are acting as representatives of the people. If we are going to represent the people, then I believe we must reflect their views and attitudes toward Mr. Rockefeller.

What then is the attitude of the people? The nationwide polls as reported by Gallup show about 45 percent against confirmation and 35 percent in favor of confirmation.

A while ago, one of my colleagues mentioned the Father of our Country, President Washington. I too wish to refer to a quotation that the Father of our Country made to the Continental Congress when he said "If we only please the people, and what we do we disapprove ourselves, then how can we defend our work?"

In this instance, I have no problem to please most of my people and at one and the same time approve, myself, what I am doing. This would satisfy the dilemma President Washington mentioned. I feel sure I represent the majority of my people when I cast a negative vote today against this confirmation. During the campaign this confirmation became somewhat of an issue.

As far as our mail was concerned, the count was about 30 to 1 against confirmation. I do not know the experience of other Members, but in our office we received exactly two letters urging a vote for confirmation.

Tonight, I reflect the views of my people, but more than that I personally believe that this confirmation is not in the best interest of our country at this time. The one overriding and most important reason to be against confirmation is the conflict-of-interest issue.

I understand that today the rule was enforced that a Member cannot quote from or refer to notes. Yet, I am going to do this, briefly, as I read a quotation from a recent newspaper story which stated that if Mr. Rockefeller were to later become President, and if he were to disqualify himself in all of those areas in which the Presidential discretionary power crossed the path of his family's economic interests, he would be just hopelessly hamstrung, and he could not act at all. He would be, in other words, unable to act on almost any decision if he wished to be free of conflict of interest. The extent of his conflicts is inconceivable and unprecedented.

Well, time is running on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, someone has said earlier that if a matter involving energy or oil would require a decision by Mr. Rockefeller at 8 a.m., he could not act if he were to remain free of a potential conflict of interest. Another decision might come on

chemicals at 9 o'clock. Then a decision on banking at 10 o'clock, and a decision on transportation, either air or rail or water 11 o'clock. If he respected the existence of a possible conflict of interest—he could not make the decision. He would be literally hamstrung.

Well Mr. Chairman, it all comes back to the fact that all of these hearings were punctuated with questions about this vast wealth. It is not a question of his personal wealth alone. It is a question of the Rockefeller empire that involves his brothers. Such an accumulation of wealth has seldom, if ever, been seen before in this country. It is not found elsewhere in our country except within this family.

Mr. Chairman, I am grateful to the gentleman from Wisconsin for yielding me the additional minute. I conclude by saying that because of the background of Mr. Rockefeller, and because of the enormous wealth, which seems almost limitless, and because of the constant potential that exists here for a conflict of interest he should not be confirmed. We should not confirm the merger if you please, of this great wealth and such great political power. For this paramount reason I shall vote "No" on the confirmation.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Illinois (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. PRITCHARD).

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, as I approach the conclusion of my 6 years service in the Congress, I am grateful for the opportunity to cast an affirmative vote for the confirmation of Nelson A. Rockefeller to be the 41st Vice President of the United States. This is one of the most important votes of the thousands I have cast in those 6 years. During this time I have seldom cast a vote with such complete confidence that it will best serve the interests of our country. There has never been a greater need for the combination of experience, ability, and exceptional leadership qualities that Governor Rockefeller will bring to the office of the Vice-Presidency.

Because the quality of national leadership is of such fundamental importance to the lives of our people and the preservation of our Republic, the decision of who shall govern is of paramount concern.

Following the prescribed constitutional procedures under provisions of the 25th amendment, Governor Rockefeller has been subjected to one of the most thorough and careful investigations of any Vice Presidential nominee in our history. Coming at a time of deep national concern over the conduct of Government, congressional scrutiny has been aggressive and uncompromising.

The outcome from these congressional hearings conducted during a 4-month

period has provided an unprecedented amount of information upon which to base a decision of confirmation.

A careful consideration of the substance of these hearings has strengthened and reaffirmed my long-held conviction that Governor Rockefeller possesses the dedication, ability, and integrity that will make him a great Vice President. My vote of conscience for his confirmation is a vote which I believe will strengthen and maintain the ideals that have made this country great. It is also a vote that will help give a man of outstanding qualifications and past achievements the chance to serve this country at a time of uncommon challenge and opportunity.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, today I will cast my vote for confirmation of Nelson Rockefeller as Vice President of the United States.

Mr. Rockefeller was not my first choice for the Vice Presidency, but in the final analysis the selection of a Vice President under the 25th amendment is up to the President, just as the choice of a candidate for Vice President at a nominating convention is pretty much up to the candidate for President. Under the 25th amendment, the Congress is called upon to confirm or reject the nominee on the basis of his fitness for office. I believe that in such a situation the nominee should be confirmed unless the investigations lead to a conclusion of unfitness.

My political philosophy is not the same as that of our new Vice President. His political judgment on some questions has been different from mine. But I would have to say the same about President Ford, former President Nixon, Senator GOLDWATER, the late President Johnson, and anyone else in public life. Being "for" someone does not mean—it cannot mean—always agreeing.

Many of the objections raised against the Rockefeller nomination center on his having run a very tough campaign for reelection as Governor in 1970 against a very tough, aggressive liberal. I have been in tough campaigns and, while I would have done things differently from the way then-Governor Rockefeller did them, I do not consider what he did to be disqualifying. Other objections center on the toughness with which he crushed the prison revolt at Attica. Under the crisis circumstances at Attica, and in spite of the tragic loss of life, I believe he was right to break the revolt, and do so quickly.

Some have objected to the wealth of the Rockefeller family and of Nelson Rockefeller's personal wealth. He is by no means the richest of Americans. J. Paul Getty and the late H. L. Hunt account for individual fortunes probably as large as the whole Rockefeller family fortune. Then there are DuPonts, Mellons, Harrimans, Kennedys, and others. Wealth itself—or the lack of it—must never be a bar to public service. Nelson

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Rockefeller's wealth is an accident of birth, and has been maintained by good management. And much of it has been given away and more is to be donated to charity and the Nation according to his testimony. He has regretted some donations, a fact that is not surprising considering how many there have been. Some people with fortunes choose to simply wallow in it. I am impressed by the philosophy of the Rockefellers: "Great wealth imposes great responsibilities." Universities, churches, hospitals, and museums stand as evidence of the exercise of their responsibility.

In listening to the arguments against the Rockefeller nomination coming from colleagues in my own party, I am reminded of a story describing judicial reasoning. It seems a young lady was being propositioned by the boy next door. She recoiled and objected, saying, "I'll give you three good reasons why not: First, you'd lose all your respect for me; second, I'd lose all my respect for you; and, third, it always gives me a headache." Sometimes you have to wait a while to get to the real reason why you get a negative answer.

In the Rockefeller case the real reason is that in 1964, Governor Rockefeller ran for President against someone I admire greatly and whom I supported in 1964. We cannot leave the fellow in the dog house forever just because he ran and lost. That attitude would require that, were Senator GOLDWATER the nominee instead of Governor Rockefeller, every Democrat in the House would be voting "nay."

As Governor of New York, our new Vice President was tough on crime and drugs, to his credit, albeit to the consternation of the so-called liberal establishment. When he ordered a hard-nosed policing of the State's welfare rolls, editorial hearts bled as expected. Instead of running up State operating expenses, he engineered a system of self-liquidating revenue bonds to finance projects from college dormitories to parking lots. He was a dynamic Governor. He stepped on a few toes. He ruffled a lot of feathers.

One cannot expect to agree with an office-holder all the time and I expect to have my own toes stepped on sometimes, and my feathers sometimes ruffled. But, not only does America need a Vice President, but America needs public officials who have the guts to disagree, to step on a toe or two, and ruffle feathers when that is called for.

I wish Nelson Rockefeller well and call on all Americans to unite behind the new team.

Mr. PRITCHARD. Mr. Chairman, coming from Washington State, which is a long way from our Capital and New York, I feel I can talk about Nelson Rockefeller's national reputation, and the qualities which he will bring to National Government. But others can do that, too, and with more eloquence, so let me just stick to basics. I think that Nelson Rockefeller is not only our best choice for Vice President; he is our obvious choice. Let us be frank. If we were going to sit down and choose a Vice President on our own, we would agree that, first, of course, he would have to be a

Republican. If we wanted to give balance to our national leadership, would we be wise to choose a Vice President who, like the President, came from the legislative branch? It is pretty clear that the answer is no; that the Vice President should come from the executive branch, or be someone with maximum executive experience. Now we cannot really have someone from the previous administration, so is it not logical to look to State government for a tested leader? Right away, we are pointed to the great State of New York and its former Governor, in office for over 15 years, with a track record as a proven and able executive who has faced head-on the major issues of our time. If you follow this line of reasoning, and add as a bonus Nelson Rockefeller's years of experience at the Federal level before he became Governor, and add as another bonus his understanding of international affairs and their interrelationship with our problems here at home, why, Mr. Chairman, I think Nelson Rockefeller would clearly be our logical choice. For these reasons, I am pleased that the President has sent his name up, and I am delighted to vote for him.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McCLODY).

Mr. McCLODY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in support of House Resolution 1511 to confirm Nelson Rockefeller as Vice President of the United States. There is no man in this Nation more qualified for the job of Vice President than the one being considered here today. His success as Governor of New York has become legendary. He is probably one of the best, if not the best, the Empire State has ever had.

For those concerned about conflict of interest, Rockefeller was born into a family of tremendous wealth. I suggest that his goal in life might, therefore, not be to gain more wealth. How rich can you be? Judging by his interest and activities, including all the tasks that he has performed under the Cabinets of various Presidents, it seems obvious that his own personal interests are best fulfilled working for the Government and, if you will, for the good of mankind. With this background I suggest his efforts are not dedicated to enlarging the Rockefeller family fortune, but to achieving some governmental solutions to problems. So where's the conflict of interest?

If Nelson Rockefeller is not approved, who would be the next choice? Someone of similar ability? If so, could he withstand a similar scrutiny? Probably not, as there are not many people of such accomplishments in America who could stand up satisfactorily under such investigations.

Unfortunately, those of little accomplishment who make the least number of enemies, stand up best under such an examination.

Rockefeller has undergone a rigorous and thorough examination by both the Senate and the House. I think we in this

Nation are fortunate to have a man of such proven ability to serve as Vice President of the United States.

Mr. Chairman, I hope his nomination will be overwhelmingly approved.

Mr. McCLODY. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, Nelson A. Rockefeller's wide experience in public service does not denote wisdom and discernment. The record shows that his standard pattern of operations reflects a lack of those two qualities. Both are vital to the Presidency, and the office he is up for is the backup slot for the Presidency more than anything else. By an unfortunate incapacitation or unexpected resignation of the incumbent President, he could be catapulted into the Oval Office like Harry Truman, Lyndon Johnson, and Gerald Ford.

The hearings before the Senate Rules Committee and the House Judiciary Committee focused attention on decisions and actions by the nominee which have rendered him suspect in the minds of the majority of our America citizens. Public opinion polls can be in error, but they are usually quite accurate when questions are clearcut and precise, leaving no room for ambiguity.

In November, the Harris poll results indicated that 43 percent of the people actually opposed the Rockefeller nomination while only 39 percent approved it. The nominee's record was such that another 18 percent could not make up their minds. It is hard to misunderstand a simple question, "Do you approve of Nelson Rockefeller?"

As to the people's opinion on the likelihood of conflict of interest because of the nominee's wealth and investments, 47 percent held it would be a factor, while 34 percent felt it would not; 19 percent were undecided.

My own thinking about Mr. Rockefeller is shared by more, rather than less, of my fellow citizens.

It is true that those citizens are not directly selecting and electing the man who may be the next President of the United States by succession rather than election if, God forbid, something should happen to Gerald Ford—or if he should for some reason resign before completing his term. We who are participating in the confirmation process on behalf of the electorate cannot ignore the people's thinking.

It is doubtful that when the 25th amendment to the Constitution was enacted by Congress, any of us appreciated the possibility that two or more successive Presidents might be elevated to office under its provisions instead of by the American people through the normal election process.

Since events have brought home this possibility, many have urged further perfection of the emergency selection process. In the meantime, however, we are faced with the immediate need to name a Vice President. The nominee should have the trust of a majority of the people, if only because they did not elect him. That is vital for the good of the Nation. The President's nominee does not command that trust.

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I fear that the distrust of Mr. Rockefeller engendered by public airing of these facts would continue to attend upon every decision and act he would be called upon to make should he succeed to the Presidency. Let me sum up the chief factors which disqualify him.

First, Gerald Ford, as the opposite number of the Speaker of the House, would have been in direct line for the Presidency had the Republicans gained control of the House prior to the 25th amendment. He was a logical successor to the Vice Presidency. Mr. Rockefeller lacks any such stature. He was, in fact, repudiated by his own party more than once when he sought the nomination for the Presidency.

Second, The hearings showed that as Governor of New York, he gave large sums of money to certain persons who held public office. He admitted to giving some \$2 million to 18 public officials. In those offices, the beneficiaries of his largesse were in a position to advance both the political and personal interests of Mr. Rockefeller. These gifts and loans are highly questionable under New York law. The Harris poll found 54 percent of the people disapproved of this use of the nominee's wealth.

Third, The Rockefeller financial interests were shown to be so widespread as to penetrate vast areas of American industry and commerce, controlling enormous enterprises and wielding the largest single blocks of power in many giant corporations. Some 8 to 10 million shares of Exxon, the largest oil company in America, are owned or controlled by Rockefeller interests. Eastern Airlines' preferred stock is entirely owned by them. They hold 700,000 or more shares of the Chase Manhattan Bank, a powerful international concern. That bank, in turn, holds the largest blocks of stock in Atlantic-Richfield Oil, in United Airlines, and in Northwest Airlines. It owns substantial amounts of stock in A.T. & T., IBM, Sperry Rand, ITT, Motorola, and other giants.

Wealth in itself is not bad. Control of giant segments of industry and commerce in itself is no evil.

Power in public office in itself is not wrong.

Yet there is no way to erase from his mind and the public's mind the knowledge of these vast holdings—and his every decision—should he become President—would be subject to public and media scrutiny in light of these holdings. Resultant public controversy would not be good for our country.

Fourth, In my opinion, the congressional committees failed to thoroughly investigate and examine the nominee minutely in areas where great conflict of interest is indicated. It has been charged that the purchase by the State of New York of the Long Island Railroad while he was Governor, bailed out the parent Penn Central Railroad which was headed by a director of the Rockefeller Chase Manhattan Bank that had investments in Penn Central securities, and was heavily in debt to the First National City Bank—headed by another Rockefeller, Dr. William Roman—who received

some half a million dollars in gifts and forgiven loans from the nominee—negotiated the \$65 million purchase of the Long Island Railroad when \$76 million in debt to Penn Central, which purchase directly aided the interests of the two Rockefeller headed banks.

Still more conflict of interest needs total airing, in the matter of the Port Authority of New York and New Jersey, which the same Dr. Roman headed, and which borrowed heavily from the Rockefeller Chase Bank. New York State agreed under Rockefeller to rent at high rates 60 floors of the World Trade Center controlled by the authority while, it is claimed, space in rent-free buildings was available.

A number of other suspicious areas remain obscure.

For example, it is charged that at least 44 individuals received financial gifts or loans from the nominee. The Senate Rules Committee called only five of these to testify or give prepared statements. The House Judiciary Committee called only one recipient, Dr. Roman. That is no way to probe a total pattern of the nominee's operational procedure of giving his personal funds to officials in key positions where they clearly could advance his own ends.

Fifth, Mr. Rockefeller did not follow sound fiscal policies as Governor of New York, where he increased the cost of government by some 400 percent. After his terms in office, New Yorkers were the most heavily taxed citizens in the land. I cannot praise the administration of a Governor who increases the indebtedness of his State some 600 percent, as Mr. Rockefeller did, driving business out of State at a loss of 400,000 jobs. The Nation's taxpayers need less, not more, of such administration.

Sixth, Governor Rockefeller on occasion has professed some concern about the Communist threat to our freedoms. But his actions and certain Rockefeller family interests seem to indicate otherwise.

I have heard no objection on his part to the Rockefeller Chase Manhattan Bank being the principal American financial agent for the Chinese Communist regime. That bloody regime, committed to the ideas and goals of Marx and Lenin, has slaughtered hundreds of thousands of Chinese, murdered hundreds of American and other missionaries, and intervened on the side of the North Korean Communists to kill tens of thousands of our servicemen fighting to repel the invasion of South Korea.

The nominee favors increased trade with Communist countries. Yet such trade, other than widespread espionage, has been the Communists' chief means of obtaining our advanced science and technology. Our lead in this vital area is the only factor enabling us to hold any superiority in the strategic balance of power. And that fast-diminishing superiority alone has enabled us to defend the freedom of Western Europe and our own country from Soviet attack. The Communists vigorously seek to obtain our advanced computer technology, to cite only one example of their deficiencies.

Governor Rockefeller's position simply confirms Lenin's classic definition of a capitalist as a man who would sell a rope to his enemy for a profit, even if he knew the buyer would use the rope to hang him.

Seventh, The nominee long has favored the concept of international federalism. The book, "The Future of Federalism," based on a series of lectures Mr. Rockefeller gave in 1962, sets forth his thinking. He argues that the concept of the Nation-State as we know it is obsolete. I cannot support a man for the second highest office in the land whose patriotism is such that he would subordinate the sovereignty of our people to a polyglot international parliament espousing principles other than those great ones embodied in our own Declaration of Independence and the Constitution.

The United Nations should be sufficient proof of the dangers involved. Even its staunchest supporters must privately admit the U.N. is nothing more than a sounding board for the self-interest of would-be world figures, some of whom head or represent so-called nations whose populations are smaller than the city of Louisville. While lip service is paid to liberty, justice, and the like, nothing but power counts there anymore—on the one hand, the power of the mighty Soviet Union which vetoes whatever it sees as a threat to its potential world domination, and on the other hand, the voting power of blocks of small countries practically impotent individually or collectively outside the debating halls.

As a private citizen, Mr. Rockefeller's views are merely impractical. As Vice President, they might have influence on our national policy. As President, his views could prove disastrous to the United States of America as a free nation.

Mr. McCLODY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, several months ago I polled my district on the question of the confirmation of this nominee, and I would remind those who may have forgotten that my district is a Washington suburb that has been recently characterized in a national magazine as a microcosm of the Nation.

We enjoyed a substantial rate of return, well over 30,000, and almost 60 percent responded in favor of the confirmation of this nomination. My review of the record of the evidence and testimony before the various committees has not established any facts sufficient to dissuade me from casting my vote consistent with that result. I sincerely hope and believe that view represents the majority opinion of my constituents.

I would point out I have often disagreed politically and philosophically with the nominee but I will support his confirmation.

I have listened to almost all of the debate today with the exception of a very few moments and I have noticed with interest that many of my colleagues who oppose this confirmation are those who are most vocal in opposing any civil and political discrimination against

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minorities, or any abridgement of a civil or constitutional right. And that is a laudable purpose, but those same people would by indirection or implication amend article II, section 1 of the Constitution which basically sets forth the qualifications for the highest offices of this Nation. They would reduce the constitutional rights of this nominee and the right of all Americans to aspire to public office because of his admittedly massive inherited wealth. That premise, Mr. Chairman, in my review is preposterous. Of course, it would be equally preposterous if we disqualified those people who were without wealth at all or without material assets.

So I would hope, Mr. Chairman, that the Members of this body would cast their vote and base their decision solely on this judgment as to the personal qualifications and competency of this nominee to carry out the serious obligations of his office.

Mr. KASTENMEIER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CARNEY).

Mr. CARNEY of Ohio. Mr. Chairman, I rise in opposition to the confirmation of Nelson A. Rockefeller as Vice President of the United States.

Around October 1 of this year, I sent questionnaires to the citizens of my congressional district, the 19th District of Ohio. Approximately 15,000 questionnaires were completed and returned to my office.

One of the questions I asked was: "Should Congress confirm Nelson Rockefeller as Vice President of the United States?" More than 74 percent, or almost three-fourths of all the people who answered the questionnaire, said: "No." Congress should not confirm him.

In addition, I have received over 300 letters and telegrams from my constituents regarding the Rockefeller nomination. Less than a dozen of these letters and telegrams expressed support for Mr. Rockefeller. The overwhelming majority urged me to vote against the confirmation of Mr. Rockefeller as Vice President.

Mr. Chairman, the people of my congressional district have spoken loudly and clearly on this issue. They are deeply troubled by the concentration of economic and political power in one man, which would result if Mr. Rockefeller becomes Vice President or President.

My constituents have expressed other concerns and other reservations about the Rockefeller nomination, but, primarily, they are concerned that Mr. Rockefeller is insensitive to the needs and problems of the average citizen—the working men and women of this country.

Mr. Chairman, I share many of the concerns expressed by my constituents. While I fervently and sincerely hope Mr. Rockefeller proves that my constituents and I are wrong about him, I must vote against his confirmation as Vice President of the United States.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, this has been a very difficult day for most of us.

There has been a great deal of concern expressed that we are talking in generalities. I have heard a great deal about the 15 years when the nominee was Governor of the State of New York and how wonderful have been his programs and how there has been no evidence of any conflict of interest.

Let me just state the following to the Members. I have watched Governor Rockefeller during his 15-year career as Governor of the State of New York, and I think it is a career which was kicked off and financed and consolidated by the Rockefeller family funds.

There is no question about the fact that Nelson Rockefeller is a very intelligent and forceful leader. Certainly as Governor for 15 years he has a record that includes some worthy accomplishments—and it would be incredible if in all that time he had not done some good and praiseworthy things.

But Mr. Rockefeller as Governor, viewed in his totality, achieved these programs by authoritarian and arrogant and questionable methods which did not serve the people well.

That record includes: Quintupling the tax load on residents of New York State.

Developing gigantic, quasi-public authorities that are involved in every aspect of New York life and that have burdened taxpayers with a huge so-called phantom debt over which they have no control for programs they have never approved.

His largely successful efforts to give private utilities, in which he and his family had investments, monopoly control of conventional and nuclear power in New York State.

His sponsorship of the vacancy rent decontrol program, a disaster for tenants, and his approval of the lapsing of commercial rent controls, which was an equal disaster for small businesses.

His irresponsible behavior in the Attica prison massacre that took the lives of 43 prison guards and prisoners.

His imposition, for political reasons, of the most repressive and most ridiculed drug abuse law in the Nation.

His lavish and, in my view, illegal gifts of almost \$2 million to public officials.

His domination of a State legislature notable for its rubberstamp actions and lack of democratic procedures.

A host of other actions that at the very least suggest a conflict of interest between his private role and the public welfare.

The New York State Legislature passed with Rockefeller support the statewide banking bill, which will allow such large New York City banks as Chase Manhattan to acquire branches all over the State. Given the obvious extent of Mr. Rockefeller's ties with Chase Manhattan, and the profit Chase Manhattan serves to gain by such legislation, inquiry could be made into the role Rockefeller played in the passage of this legislation.

Another example of Rockefeller exercising his leadership as Governor to benefit private interests with questionable results for the public involved the

merger of the Triborough Bridge and Tunnel Authority into the Metropolitan Transportation Authority. This controversial merger was another instance in which Nelson Rockefeller as Governor worked in concert with David Rockefeller as the head of the Chase Manhattan Bank.

Evidence presented to the committee has indicated that the Rockefeller family holdings include extensive control in major insurance companies. In view of this interest in the well-being of insurance companies, the failure of the New York State Legislature to accomplish any significant reform in its antiquated workmen's compensation laws during Mr. Rockefeller's four terms as Governor merits inquiry.

Additionally, while Governor, Mr. Rockefeller was instrumental in securing passage by the legislature of a "no fault" automobile insurance law which drastically eliminated some 90 percent of personal injury claims at a time when there existed a direct conflict of interest because of the Rockefellers' ownership of seven insurance carriers. This ownership was revealed in a statement filed with the secretary of state of New York in 1953, and in one filed in 1972, following a disclosure of Rockefeller's noncompliance in the news media.

Another area which merits scrutiny is the extent to which Rockefeller's extensive oil interests may have influenced his leadership as Governor. It has been pointed out that it was not until some time after Rockefeller resigned as Governor that any action was taken against the flagrant violations of New York State antitrust laws by the major oil companies. In September of this year seven major oil companies were indicted by New York State for marketing practices designed to eliminate competition from independent gasoline stations, and for attempting to thwart open bidding for the supply of gasoline to State governmental agencies.

Mr. Rockefeller reportedly personally intervened in behalf of H. Ross Perot in obtaining a \$125,000 feasibility study contract as the basis for a \$30,000,000 contract to computerize the welfare system.

Mr. Rockefeller is particularly astute in consolidating his power by programs and hiring policies, as well as the use of his personal wealth, to bind to him the loyalty of certain constituents and individuals.

There will be Members who will talk about the enormous contribution that he has made to minorities in New York State, and I do not deny that that is so. This family, their foundation, has used their money well, has used their money to consolidate support and prevent and suppress any kind of opposition.

The pork barrel Albany Mall in the State capital, and the World Trade Center twin towers in New York City, which provided jobs, construction that would have better been used to build housing, stand as monuments to Mr. Rockefeller's expenditure of billions of dollars for dubious purposes.

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The World Trade Center was constructed when New York City had experienced a boom in office building construction and had a great surplus of business space. This unnecessary architectural horror, now standing at least half empty, was erected by the Port Authority of New York, which plunged some \$600 million of its surplus into the center at a time when Mr. Rockefeller's close associate and beneficiary, Dr. William J. Ronan, held a key position on the board. People who work in these huge 110-story buildings, the highest in New York and possibly the world, complain that the physical environment is alienating and makes them ill. Private businesses reportedly cannot wait for their leases to expire so they can move out. In an apparent attempt to cover up the magnitude of this fiasco in planning and construction, the State has rented 60 floors at the center—2 million square feet at an annual cost of \$20.5 million—at a time when existing State office space is going unused in the city. There is also an estimated 10 million square feet of vacant, privately-owned office space in the lower Manhattan area in which the center is located.

The New York Post reported on December 13, 1974 that the State of New York is paying hundreds of thousands of dollars a year in rent for offices left vacant by agencies that were ordered by Mr. Rockefeller to move into the World Trade Center. One building alone, 50 Park Place, costs the State almost a half million dollars a year in rental fees for unused space, although the State liquor authority and other State agencies that formerly occupied the building are no longer there. The SLA lease, which cost \$5,981 a month, expires this month, although the SLA has been in the World Trade Center for almost 4 years.

Not only is the State paying double rents to sustain this white elephant, but the city of New York is losing out on real estate taxes. The World Trade Center was financed by tax-free bonds, floated by the Rockefeller Chase Manhattan Bank, and pays only a fraction of the taxes to which a private building would be liable.

I have discussed this particular project in some detail because it illuminates the highhanded and extravagant Rockefeller mode of operation in New York State. If transplanted to a Federal level, this kind of operation could be incredibly costly for taxpayers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Chairman, I yield the gentleman from New York an additional 4 minutes.

Ms. ABZUG. Mr. Chairman, I thank the gentleman.

The most cynical thing that has taken place today is that we are moving to put into office not a Vice President, but as President, that affected the oil, banking, insurance, transportation, utilities, or communications industries, not to mention a number of industrial giants like IBM.

Of course, it is utter nonsense to suppose there is any difference. The fact is that Nelson Rockefeller would be unable to act in countless areas of public policy—the energy shortage and Middle East politics, Government regulation of airlines and broadcasters, the role of big banks in monetary policy, American involvement in Latin America, to name just a few—without stepping on one part or another of his own private empire.

I can tell the Members one other thing. As a lawyer who has practiced in New York State for many years and who knows something about New York State law, the six professors who testified to the fact that the State laws were violated by these gifts are correct.

There is strong evidence to indicate that Nelson Rockefeller during his tenure in office as Governor and following his resignation violated two sections of the New York State Penal Code and the New York State Public Officers Law by giving gifts and interest-free loans totaling almost \$2 million to various public officials.

I have already inserted into the record excerpts from a memorandum of law which I have presented to the incoming district attorney of New York County outlining a prima facie case that Mr. Rockefeller did violate these laws, under which violations are deemed misdemeanors.

Until the district attorney of New York County makes a thorough investigation of the facts and the law and until it is determined whether Mr. Rockefeller is innocent or guilty of breaking the law, I believe it would be unwise for the House to vote on confirmation.

If it does proceed to a vote, Congress may place itself in the unseemly position of having elevated to the Vice Presidency a man who may be subject to a grand jury investigation and trial. The Nation would then find itself again involved in a degrading and all too familiar discussion of whether a Vice President is immune from prosecution.

Or if Mr. Rockefeller is confirmed, no investigation will be held, and many Americans will feel more than ever that equal justice has once again been subverted and that the rich and powerful are above the law.

The investigation of the Judiciary Committee has really not been completed. The report of the Judiciary Committee is a statement of what was stated by witnesses. It is a statement of what documents were presented. It reaches no conclusions for decision. It provides no guidance.

Is this to be the legacy of Watergate? Have we gone through all the trauma of exposing and ejecting from power a servant of big business only to install in his place a master of big business and enormous wealth?

Thomas Jefferson once said: We must crush in its infancy the aristocracy of the monied corporations.

We failed to heed this advice, and we have paid for it dearly—from the time when the monopolies built by men like Nelson Rockefeller's grandfather tried to

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buy whole legislatures to the time when ITT, big dairy combines, and a blue chip list of corporations bought themselves a piece of the Presidency.

We cannot be so unmindful of our responsibilities to raise to the Vice Presidency of the United States one of the most powerful leaders of that corporate aristocracy. I believe that the private Rockefeller power in combination with great public power would be simply too much for a democracy to risk.

That is the issue before us. We are not simply choosing a functionless Vice President. We are choosing a defacto President, now and for 1976. I ask you to consider whether the American people have given any indication that they want Nelson Rockefeller to be President of the United States. Have they given any indication that they support his policies and views, which include total silence on Watergate corruption, total support of the Vietnam war, total support of the nuclear military-industrial complex, and a fervent belief that the monopolies that now rule America should be put in charge of such vital Government programs as energy development.

I believe there is no significant popular support for Mr. Rockefeller. There is only an apathetic feeling that what the people want doesn't count. I urge you to reject this nomination and to begin to restore public confidence in Government.

I insert at this point in the Record my testimony at the House Committee on the Judiciary hearings on the confirmation of Nelson Rockefeller as Vice President, November 27, 1974:

I welcome this opportunity to appear before the Committee in behalf of many of my constituents who have asked me to express their opposition to the confirmation of Nelson Rockefeller as Vice President, a viewpoint that I share.

Once again a great responsibility rests with this Committee, which acted so correctly in serving the public interest in its hearings and votes on the impeachment of Richard M. Nixon. The issue now before you is a direct consequence of the Watergate events and should be seen as part of a continuing process in which the interests of the American people must be protected.

We are all aware of the unprecedented character of the Rockefeller nomination. A self-impeached President, Richard Nixon, names as his successor Gerald Ford, the first non-elected President in the history of our nation. President Ford, who by pardoning Mr. Nixon showed greater consideration for the former President than for the wishes of the American people, now proposes a Vice President who would be elevated to the second highest office in the land without benefit of a popular vote.

Under these most unusual circumstances the Committee has a moral obligation to act as surrogate of the American public to seek to determine as carefully as it can whether there is any reason why Mr. Rockefeller should become a non-elected President-in-waiting of the United States.

I can see no such reason.

Traditionally, the President has been allowed to choose a compatible Vice President, presumably because the electorate requires assurance that the policies it voted for in the person of the President will be continued by his successor. But there is no popular mandate for either Mr. Ford or Mr. Rockefeller,

or for their policies. On the contrary, public polls show that a majority of those surveyed are opposed to the nomination of Nelson Rockefeller as Vice President.

The closest we have come to a determination of a public mandate is in the recent national elections, which certainly were an overwhelming repudiation of Watergate and Mr. Ford's policy. I think the Committee should take careful note of Mr. Rockefeller's position on the two major issues that have confronted and involved the American people in recent years: Watergate and the war in Indochina.

Mr. Rockefeller remained resolutely silent on the Watergate affair and Mr. Nixon's culpability from the beginning right through the resignation. How are we to interpret his silence on this momentous event, which involved massive corruption and lying in the White House under Mr. Nixon's direction and the illegal use of millions of dollars in corporate funds to influence the 1972 national election.

It should be noted that Mr. Rockefeller is an expert on the use of big money to influence elections. A study by the Citizens Research Foundation in 1972 showed that in 1970 he and his family spent \$4.5 million on his gubernatorial campaign. In his four campaigns for Governor, the same group found he spent \$27 million, and more than half of that came from his own family.

On the Vietnam war, Mr. Rockefeller actively supported American intervention in Indochina and was known as a war hawk. American involvement in Indochina continues, and it would be illuminating to get Mr. Rockefeller's views on whether he favors continued military support of the Thieu government in South Vietnam as well as the use of American planes for bomb "spotting" missions in Cambodia.

Mr. Rockefeller's acceptability as Vice President and perhaps, ultimately, as President of our nation also should be evaluated in terms of his record as governor of New York for almost 16 years. Other witnesses before this Committee will or already have discussed his gubernatorial record, which includes his shocking behavior in the Attica massacre that took 43 lives; his sponsorship of the vacancy rent decontrol program, a disaster for tenants; his pork barrel Albany Mail and World Trade Center buildings, involving the needless expenditure of billions of dollars in taxpayers' money; his imposition for political reasons of the most repressive drug abuse law in the nation; his quintupling of the tax load on residents of New York State; and his lavish gifts to public officials.

It is Mr. Rockefeller's riches and the total wealth and influence of the entire Rockefeller family that overshadow these hearings, this wealth that shapes and influences our entire economy.

Mr. Rockefeller has told the Congress that he intends to place his holdings in a blind trust, which is surely the most ingenious proposal ever made to this Committee. The nominee can no more divest himself of his heritage, his interests, his interconnection with the dominant corporations that control our economy and much of the world than he can divest himself of his skin. The power of the Rockefeller interests extends far beyond even what has been admitted before this Committee or the Senate committee.

I understand that the FBI's report to you on Mr. Rockefeller was compiled by 350 agents who conducted 1300 interviews. It is 2300 pages long.

The agents were thorough. But if the chairman of the Exxon Corporation was interviewed, did he admit anywhere in those 2300 pages that the Rockefeller family controls his company?

Did the chairman of Metropolitan Life

concede that his giant financial corporation is dominated by another giant financial corporation—the Chase Manhattan Bank—which is in turn run by the Rockefellers?

Did the chairman of the Eastern Airlines admit that his ailing firm is in hock to the same Rockefeller-run bank?

Did the chairman of CBS testify that he was ever influenced by the fact that Chase Manhattan Bank holds 14% of this vital part of our communications industry?

Did the chairman of the Port Authority of New York and New Jersey, Dr. William F. Ronan, ever agree that receiving \$625,000 in so-called "gifts" from Nelson Rockefeller had any effect on his official conduct?

Of course not. We will never get a straight answer to such a question from Dr. Ronan—much less from the heads of huge private corporations that are in the grip of Rockefeller power.

Rockefeller power is enormous and deeply entrenched. It has sometimes been ugly and often benevolent, as memorials from Rockefeller University in New York to Grand Teton National Park in Wyoming testify, even though this benevolence was induced by the tax laws.

Most importantly, Rockefeller power is entirely unique—one of a kind—as a huge, interlocking complex of economic and other interests both here and abroad.

It is our Constitutional duty to examine Rockefeller power thoroughly in judging Nelson Rockefeller's ability to serve as Vice President of the United States. In doing so, we must weigh any and all real or potential conflicts of interest, and insist on the highest standard of behavior by a possible holder of this great office; all the more so because we are acting on behalf of the whole people in assessing the nomination of a man who may become President.

When you have finished such an examination, I believe it will be evident that the private Rockefeller power in combination with great public power would be simply too much for a democracy to risk.

Only a man as completely accustomed to enormous wealth and power as is Nelson Rockefeller would have had the audacity to present his staggering financial statement to the Senate Rules Committee and say the "myth" of his family's influence had been "dissipated."

He revealed that his and his immediate family holdings were currently valued at \$218 million. He evidently hoped that Congress, the press and the public would be satisfied that, as a small-potatoes multi-millionaire with long government experience, he was well-suited to be Vice President and would be confirmed routinely.

Even this initial disclosure, however, showed that he was guilty of serious conflicts of interest as Governor of New York. His holdings in two trusts that encompass the bulk of his personal wealth included 7,550,000 shares of tax-exempt bonds of New York State agencies, all of which were affected by decisions he made as Governor. According to a slightly earlier accounting of the same holdings obtained and published by New York magazine, Mr. Rockefeller benefits to the tune of \$433,000 a year from these securities—tax free.

Mr. Rockefeller had fifteen years as Governor to eliminate any blemishes on his public image. Now he says he will put his direct holdings into a blind trust and instruct the managers of his existing trusts to treat them as "blind" while he is a federal official. But throughout his tenure as governor of the nation's second largest state, his trusts and those of his immediate family remained under the none-too-near-sighted control of the Rockefeller-run Chase Manhattan Bank. And even the Chase portfolio managers were not allowed to make significant changes

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without the approval of Rockefeller Family & Associates, an operation headed by J. Richardson Dilworth that oversees the Rockefellers' far-flung interests.

Luckily, Mr. Rockefeller's incredible statement to the Senate Committee led to a barrage of questions and a commitment by Congress to scrutinize every aspect of his affairs.

So far, we have learned that he paid no federal income taxes in 1970 on an income of nearly \$2.5 million; that he owed the better part of a million dollars in taxes; that he gave \$50,000 to the Secretary of State, Henry Kissinger, for past services rendered; that he not only gave \$86,000 to L. Judson Morhouse, the one-time Republican State chairman who played a key role in Rockefeller's gubernatorial campaigns, but also pardoned Morhouse after he was convicted of bribery and sentenced to serve a jail term; that Morhouse profited handsomely from a \$49,000 loan from Mr. Rockefeller's brother, Lawrence; that he gave an unbelievable \$625,000 to Dr. Ronan; and gave or loaned large sums to many other present and former public officials and associates; and that he and his brother were involved in a deceptive, money-laundering operation that resulted in the publication of a derogatory biography of former Supreme Court Justice Arthur Goldberg, his 1970 rival for governor.

We have long known that Nelson Rockefeller has always been prepared to use his vast wealth to get himself elected. What has not been explored, and I would hope this committee would do so, is the widespread suspicion in Albany that Rockefeller wealth and financial and banking connections were used to keep under his control some members of the state legislature, many of whom are attorneys with practices that involve real estate and insurance cases. The belief that this kind of influence was used is so prevalent among those familiar with the New York state legislature that it warrants further investigation by the Congress.

The hearings to date have shown that Mr. Rockefeller has not been above using his wealth behind the scenes for dubiously ethical purposes. This is truly "dissipating" a myth—the myth that so rich a politician does not need to resort to lowly means to achieve his ambitions. In fact, Mr. Rockefeller's riches have simply made it all the easier for him to get his way by spreading around gifts and loans.

His gift to Dr. Ronan violates a New York state law (Sec. 73 Public Officers Law, effective January 1, 1976) against giving anything worth more than \$25 to a public official if it can "reasonably be inferred" that the gift would influence the official's duties. Mr. Rockefeller's largesse breaks the law to the extent of \$624,975. Lesser men have resigned in disgrace or gone to jail for transgressions that make them pliers by comparison. Yet, incredibly, Mr. Rockefeller is still being considered for the second-highest office in the land.

The Ronan and Morhouse gifts and the Goldberg biography, among the facts we have learned about Nelson Rockefeller's conduct in office, are by themselves enough to disqualify him from such consideration.

If the lesson of Watergate means anything, it is that we must apply the most scrupulous standards of honesty and propriety to all public officials. Even the appearance of improper behavior or conflict of interest must be weighed heavily against any aspirant for office.

Mr. Rockefeller's nomination must be rejected for another, even more important reason: A person who is a principal in the unique Rockefeller empire of corporate and financial interests cannot function as Vice President—let alone President—without constantly criss-crossing those interests.

The guesses at what and how much the

Rockefellers own or control vary so much that I am going to stick to those that are well-documented or seem to be fair estimates.

First, the Rockefellers control the Chase Manhattan Bank. They have fed the public a great deal of nonsense to the effect that this is not true. They get away with this because only David Rockefeller, as chairman of the board of Chase, is required to disclose how much of the bank he owns—about 1% at last count.

There are other sizeable chunks here and there that have come to light, and I suggest that if the Committee wants to clean up the whole matter once and for all it can invite David Rockefeller to appear publicly before it with all the undisclosed numbers. In any case, this particular argument is academic because David Rockefeller is indisputably Chase's chief executive officer. He therefore runs the world's third largest bank with more than \$40 billion in assets and vast lending capabilities. It is through the bank's enormous economic leverage that the family can control or influence a long list of America's largest corporations.

Last winter, subcommittee headed by Senators Muskie and Metcalf released a report showing that Chase, through its trust department and investment subsidiary, was the single largest stockholder in 20 companies; that it was among the top ten shareholders in 42 utility companies; that it held 8.3% of United Airlines, 9% of American Airlines, 6.9% of Northwest, 7.3% of Western and 2.7% of Pan American, as well as 6.7% of the Burlington-Northern railroad; and that it held 14.1% of CBS, 6.7% of ABC, and 4.5% of RCA, NBC's parent company.

The bank's capabilities are perhaps even more important than its stockholdings in assessing the family's economic power. For example, according to the Muskie-Metcalf report, 14 airlines owed \$274 million to Chase, including some in which Chase holds a significant interest. Chase has millions of dollars in loans outstanding to financially troubled Eastern Airlines, a company which Lawrence Rockefeller helped start and in which he and Chase are major shareholders. This is double-barreled control. While trying to dissipate the "myth" of family power, even Mr. Rockefeller was willing to admit at the initial Senate hearing that his family had great influence, if the word "potential" were added.

Through Chase, the family has "potential influence" over Metropolitan Life, the bank's largest customer. The family has substantial interests in Equitable Life, whose chief executive sits on Chase's board, and over which the family must have "potential influence."

In addition to the obvious "potential influence" over the transportation industry, the communications industry, and the utilities industry, it seems that the family has "potential influence" through the bank over AT&T, IBM, Sperry Rand, International Paper, Motorola, ITT and Atlantic Richfield Oil.

The family also has "potential influence" through its ownership of Rockefeller Center, a sizable piece of midtown Manhattan and 21 buildings worth an estimated \$1 billion.

And consider what must be the "potential influence" of the total of all the private, personal holdings of family members—which many educated guesses place at more than \$1 billion held in various trusts for the children, grandchildren and great-grandchildren of John D. Rockefeller, Jr.

More importantly, where is the bulk of this "potential influence?" Nelson's portfolio gives us some good ideas. He holds a good-sized chunk of the family's International Basic Economy Cooperation which owns, among other things, 48 supermarkets in Venezuela. This raises another question that should be more fully examined by this Com-

mittee—the extent of Rockefeller power in Latin America.

On the whole, Nelson Rockefeller's holdings show a tenacious desire to keep most of his fortune in a few of the bluest blue chips. Any portfolio manager would have told him long ago to diversify. But plummeting market prices notwithstanding, 79% of his holdings are in just five common stocks. Rockefeller Center, Inc. accounts for 25%. Another 25% is in just two oil stocks, Exxon and Standard Oil of California. Another 17% is in IBM and 12% in Eastman Kodak.

Interestingly enough, David Rockefeller's trust holdings, obtained and published by New York magazine, show a striking parallel to his brother's. Both men are life beneficiaries of trusts established by their father, so the similarity is not surprising. Their father created some 70 separate trusts for his descendants, which have now probably multiplied with the births of new Rockefeller. Do all these trusts show the same favoritism for the same companies, including Exxon, the direct descendant of John D. Rockefeller Senior's oil combine? If so, the "potential influence" of a billion dollars so concentrated must be enormous.

Finally, it is surely no accident that Chase and other Rockefeller-run institutions favor the same stocks. Among the top 20 on Chase's hit parade are IBM, Exxon, Mobil Oil, Kodak and Standard Oil of California. The Rockefellers' interest in and "potential influence" over the oil industry have no doubt been diluted over the years, but the holdings are still gigantic.

Everyone in the Rockefeller orbit and the oil industry denies that the family has anything like control over the oil companies. But the Rockefeller Foundation's assets of \$936 million in 1972, included a whopping \$362 million in oil stocks. And the Rockefeller Brothers Fund had \$67 million of its \$268 million in oils in the same year.

The bulk of these investments were in Exxon and Mobil. If you add Chase's Exxon holdings, you find that these three Rockefeller institutions have nearly 4% of the world's largest oil company. We are free to guess what the total would be if we throw in family holdings by those scores of trusts. I for one am willing to bet it's quite a lot of "potential influence."

And for what it's worth—potentially—Chase Manhattan describes itself as the "leading bank for energy industries."

I think this Committee should ask Nelson Rockefeller just what on earth the difference between "influence" and "potential influence" would be if he had to make a decision as Vice President, or as President, that affected the oil, banking, insurance, transportation, utilities, or communications industries, not to mention a number of industrial giants like IBM.

Of course, it is utter nonsense to suppose there is any difference. The fact is that Nelson Rockefeller would be unable to act in countless areas of public policy—the energy shortage and Middle East politics, government regulation of airlines and broadcasters, the role of big banks in monetary policy, American involvement in Latin America, to name just a few without stepping on one part or another of his own private empire.

What of Mr. Rockefeller's assurance that he would place public above private interests in the face of conflicts? He may be sincere in saying he would like to, but the question is, can he?

CONFIRMING NELSON A. ROCKEFELLER AS VICE PRESIDENT OF THE UNITED STATES—Continued

The Rockefellers' bank is the leading bank in East-West trade and is now up front in the parade of Western companies going into

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business in Egypt. It is a major financial force on every continent. David Rockefeller, according to a biographical sketch by E. J. Kahn distributed by the bank, "rarely visits any country without paying at least a courtesy call—more often than not a business call—on its head of state. Such a gesture is expected of him, much as if he were a head of state himself." How long would it take for Vice President Rockefeller, or President Rockefeller, to find American foreign policy in conflict with brother David's foreign policy? How would anyone know the difference? Perhaps we could ask Secretary of State Kissinger to interpret for us.

Nelson Rockefeller cannot disassociate himself from Rockefeller power; he cannot abdicate it.

Throughout his advantaged life, Nelson Rockefeller has been a beneficiary of Rockefeller wealth and power. There is a price he should pay at this moment for this enviable distinction: He should not be allowed to become an appointed Vice President. He has, of course, a right to run for the Presidency, but he could not achieve that post without the sovereign act of the American people electing him.

We are told that Mr. Rockefeller should not be penalized for his wealth. Our concern should be not to penalize the American people without their consent. We in Congress have no right to jeopardize the independence and integrity of the Executive by placing in direct succession to the White House a man who is a partner in the greatest agglomeration of private power in the history of the nation.

Thomas Jefferson once said, "We must crush in its infancy the aristocracy of the moneyed corporations."

We failed to heed this advice, and we have paid for it dearly—from the time when the monopolies built by men like Nelson Rockefeller's grandfather tried to buy whole legislatures to the time when ITT and big dairy combines tried to buy themselves a piece of the Presidency.

We cannot be so unmindful of our responsibilities as to raise to the Vice Presidency of the United States one of the most powerful sons of that corporate aristocracy.

I therefore, urge the members of this Committee to vote to reject this nomination. At the very least, I believe you should hold this matter over until the new Congress convenes. The men and women who will be seated in January, winners in the first national election held since the Watergate exposure, are the closest we can come to a direct expression of the people's will. If there is to be a vote on this nomination, it should be theirs.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the first time I was called upon to cast a vote under the dictates of the 25th amendment, I faced many considerations. But overriding them all was the simple fact that the impeachment of Richard Nixon would not proceed until a Republican was safely installed in the Vice Presidency. Insuring that an accident of history would not overturn the electoral verdict of the American people. My choice was, I thought, simple and so I voted for Gerald Ford.

When President Ford nominated Nelson Rockefeller to succeed him as Vice President I thought my task would again

be easy. Mr. Rockefeller was a man of obvious ability. I believed him to be honest. He knew government, and in contrast with the ineptitude we have seen in some quarters in the last few years, his competence was a refreshing change. I thought I would vote for him.

But gradually I became troubled by a number of other considerations. For example:

First. What role should public opinion play in determining my own vote on Mr. Rockefeller?

In most cases when voting on legislation, I believe like Edmund Burke that in the end after weighing informed opinion from my own district and from elsewhere, I owe to my constituents above all else, the commitment to use my own best judgment based upon evidence and information I possess at the time. But in this case, I believe we all have a higher than usual duty to take into account the views of the people we represent because we are, in a sense, standing in for them in a peculiar sort of election.

Second. What standards should be applied in determining the "qualification" of the nominee?

It has been implied by some that approval of a nominee in this instance should amount to nothing more than a certification of good character. I do not think so—especially when the approval of a nominee will place in office in the two highest positions this land has to offer, two nonelected men.

I do believe that in this special case we are doing more than simply determining whether the nominee is agreeable to the President and is not a scoundrel. I do believe we have an obligation to look at the needs of the times—as best we perceive them—and ask whether this nominee is the right man for these times.

And based upon those considerations, I intend to vote no on Mr. Rockefeller—because I sense a great malaise on the part of the people I represent about Mr. Rockefeller's confirmation and because I personally doubt that he is the right man for these times.

I do not expect a nominee's views to be a mirror's image of my own, or my constituents, so I can, for instance, accept—even though I do not agree with—some of Mr. Rockefeller's judgments about our own use of arms aid to Latin America.

What bothers me most is Mr. Rockefeller's apparently easy acceptance of the fundamental changes in this Nation's economic structure since the end of World War II. Indeed, Mr. Rockefeller does not just accept those changes, he virtually epitomizes them.

I do not mean to imply that Mr. Rockefeller, because he is rich, may not serve. That is clearly not so. I do not even really fear that Mr. Rockefeller would consciously and intentionally use the political power of the Vice-Presidency or the Presidency as a lever to magnify his economic power or vice versa.

What bothers me about Mr. Rockefeller in short is not his character but

his perspective. I do not believe Mr. Rockefeller really feels there is anything wrong about 500 of the 200,000 manufacturing firms in America—one-fourth of 1 percent—controlling 71 percent of the country's manufacturing assets. I do not believe Mr. Rockefeller really believes that there is anything fundamentally wrong with the inexorable concentration of economic power that has slowly moved more and more economic decisions affecting all areas of the country—large and small, urban and rural—into fewer and fewer plushly paneled and carpeted boardrooms of the economic titans in Chicago, New York, San Francisco and the other giant metropolises of America—gradually reducing any real opportunity for all but the biggest to compete.

I see no visible concern on Mr. Rockefeller's part that bigger might not necessarily be better.

I deeply believe that one of the essential elements of American success has been the ability of anyone with grit, initiative, imagination, good judgment and luck to make a place for himself. But today the overwhelming concentration of economic power in the economic sector is slowly squeezing the vitality out of free enterprise as we have known it—and squeezing with it the real opportunity for competition to thrive. We are losing the kind of genuine competition that we used to associate with the capitalist system. And we are losing it not to any outside threat from communism or socialism, but rather to the economic titans within our own borders, who in the name of competition are in fact inexorably eliminating the competition that has always been the principle strength of our capitalistic system.

Today inflation is imposing a special burden on our economic system and on our people. We can, and should do all the things that "experts" tell us are necessary to ease that inflation: reduce our energy consumption, increase our food producing capacity, develop alternative energy sources, eliminate supply bottlenecks. But with all that, I do not believe any economic policy can satisfactorily attack the inevitability of inflation without action to bring under some control the growth of economic giants so strong and so powerful they surpass even the ability of government to influence them. And I honestly do not believe we would get that action from Mr. Rockefeller, were he to become President.

I believe it is necessary to convey to the American people a sense of urgency about this central economic problem and the acceptance of Mr. Rockefeller would do just the opposite. That is something we simply cannot afford to do if we are to rebuild the confidence of millions of Americans and the responsiveness and sensitivity of our political institutions.

I regret having to vote against Mr. Rockefeller. He is talented and vigorous. I think he is decent, but as I said earlier, what concerns me about Mr. Rockefeller is not his character but his perspective which I believe—for this time—is simply wrong.

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Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, when historians render an account of these times, they will undoubtedly say that this year, 1974, was one of the most perilous times in the history of our Republic. It will be recorded as a time of decision.

There have not been many such times; 1861, perhaps, or 1932 might be remembered as equally fateful.

This year we have seen the country fall into the grips of political scandal so pervasive that it forced the vacating of both the highest offices in the land. We do not yet have a government that has restored a sense of national pride or purpose; nor have we found the key to renewed confidence.

And even as our Government's powers of leadership and decision have sunk to grievous depths, our country finds itself endangered at home and abroad. At home we confront an economic situation of the most desperate nature; our entire economy is under attack from forces that wish to destroy it. We have found no effective response to oil blackmail, or to its consequences, inflation and mounting economic breakdown. Abroad we see a world endangered, from the possibility of renewed conflict in the Middle East, where our diplomatic efforts have been singularly ineffective. And we stand prepared today, for the second time in less than a year, to fill a vacant Office of Vice President.

We know that the nominee might become President. Yet we hesitate to assess the real importance of our decision.

The matter of the confirmation of Nelson Rockefeller is one that presents an opportunity for the first branch of Government, the Congress, to redeem its proper role as the surrogate of the people. Congress did not live up to this opportunity last year, in the matter of Gerald Ford. We did not demand excellence and high capacity for leadership, as was our duty; we merely acceded to the wishes of a President who was himself a desperate failure, and whose judgment none of us really trusted.

And the truth of the matter is that Congress has not thus far lived up to its responsibility in the matter of Nelson Rockefeller.

Yet here we have an astounding opportunity, as if taken from the dark and convoluted recesses of ancient Roman intrigue, or the poisonous intrigue of the Medici; or perhaps even more aptly, from the tangled web of ambitiousness, greed and pettiness of the 1940's government of France—all stained and darkened pages of history that we all pray will never be a part of American democratic history.

Here is a critical time—a turning point in our history. How historians write their judgments may well depend on what we do with our opportunity. Was the Republic regenerated today; or was it doomed? Did Congress do its duty? Sober minds one day will judge this day. We must understand the grave nature of this last decision of the 93d Congress.

Here we have the same situation: we are in no position to demand that the nominee be a person who can command respect; we are in no position to closely examine the nominee's ideas and attitudes on questions of national importance; and we are even helpless to evaluate the full implications of the nominee's unparalleled personal wealth—though we know that he has used his wealth in ways that at the very least call his judgment into question.

And so we are given hearings and a report that do not speak to the real issue. We are treated to a sideshow display, designed to satiate our curiosity about the structure of one of the world's greatest family fortunes. We do not know what kind of President Mr. Rockefeller would make.

Would the voters make Mr. Rockefeller President? The only evidence is that he has failed twice to win the nomination of his party. In preparing to overrule that twice-given decision of his own party, we ought to have persuasive evidence that in Mr. Rockefeller is a man who might, in fact, become an effective national leader, should he be called upon to do so.

All we have is his assurance that he will be careful about using his money to provide special benefices to his friends and proteges; he will be careful with what he thinks of as charity, but which more skeptical minds see as misuse of personal wealth; misuse that moreover would create great scandal for a person of less renown or less power—or one to whom the normal scale of political values is applied, which certainly is not the case with a nominee for a vacancy in the Office of Vice President. A lesser man, like Mr. Gibson, lately of the Federal Energy Agency, can be bounced from office merely for having an income from an energy-related company, an income that is described as severance pay only.

But the scale of values is different in the case of Mr. Rockefeller; his actions might have been actual violations of law, but few would dare make such a judgment of a man of stupendous wealth, one who is being considered for Vice President. For to rescind his nomination would be a humiliation beyond measure for the President, something he will not inflict upon himself, and which we are unwilling to do ourselves. The circumstances, once again, render ineffective and valueless the confirmation process itself. So the hard questions fade away in the soft assurance that this very experienced politician was merely naïve.

And we perforce accept Mr. Rockefeller's explanations at face value: he just made some mistakes in judgment, and would not do it again. He is willing to accept the penalty of being portrayed as an honest man, a little bumbling about the uses of money, because he has so much of it. The question will not leave my mind: how naïve can a many-time Governor of New York be? Mr. Rockefeller is one of the most widely experienced politicians of our time.

He is not a naïve person. If he had been, he would never have lasted as

Governor of New York. If you consider his background in politics, you have to say that it is very unlikely that Mr. Rockefeller did not know what he was doing in making large gifts to numerous people who served him and his political interests. But also, the peculiar nature of these proceedings throws normal judgments, normal scales of value, completely out of the picture, and most retreat from making a judgment.

I would not say that Mr. Rockefeller is dishonest; he has no need to be. But I cannot accept his explanations that he was merely naïve and unwise in passing out his special kind of charity.

For the sake of national unity, most of us have skirted around the very real implications of Mr. Rockefeller's immense fortune, and how it would affect his decisions, should he become President. There is hardly any aspect of American commerce and industry that does not in some way involve Mr. Rockefeller's family interests. There is no way that he can be unaware of those interests. Presidential decisions inevitably affect American business and commerce in various ways. As President, Mr. Rockefeller might try to forget this, but he could never be entirely unaware that, one way or another, almost any decision he might make would affect his personal fortunes.

Suppose that a crisis were to take place in Venezuela, and Mr. Rockefeller were President. The United States has vital interests in Venezuela. For Mr. Rockefeller to act on those American interests, he would in some corner of his mind always remember that his decision would beyond any doubt affect his family interests, for good or bad. And from the Venezuelan point of view, aggressive action by a President named Rockefeller would be aimed not at protecting the legitimate interests of our country; it would be seen as preserving or enhancing his own fortune.

The same might well be said of other countries, where Rockefeller fortunes are involved in ventures and investments of all kinds. How would those countries differentiate between the personal interests of Mr. Rockefeller, however conscientious he might be, as against the interests of this country?

It is unfortunate that this is so. Yet to deny the truth of it is to ignore our responsibility; to assess how good a President this man would be. And the truth of it is that wealth, in his case, could in fact be a handicap. There is no escaping it: the implications of the man's fortune are involved, whether we like it or not, whether we will it or not, and whether it is fair or not. "Life is unfair," President Kennedy once observed, and he was right. It might be unfair to say that Mr. Rockefeller's wealth has to be considered as a possible handicap to his possibilities to be an effective President, should he become President, but there is no blinking the fact that his wealth is so great that it cannot help but affect his performance. Great wealth might not have mattered so much in a Governor of New York; it might not matter so much in a Vice President; but it could matter a great deal in a President.

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As in the case of Mr. Ford's nomination, we have little idea of what Mr. Rockefeller's conception of national problems is, or how we ought to deal with the very critical problems of our time. Yet how can we assess him as a potential President without knowing his ideas?

It might be argued that we need not ask his views, because a Vice President has the duty of following the President's lead in all matters, and that is true. But we do not have here a Vice President; we have a nominee who might become Vice President, and maybe President. It is not possible to become such a nominee, in the normal course of events, without having been in politics on a national level long enough to have developed some kind of track record, or displayed some ideas. Mr. Rockefeller was in the process, at the time of his nomination, of setting forth on a great effort to establish his ideas on leadership. But that project has been dropped, so we do not know what kind of President he might be.

Mr. Rockefeller has had a couple of runs on the national political stage, but that was years ago, in a very different kind of world than we see today. We have no way of knowing what his notions are today, and no way of reacting to them.

Now it is almost time for us to vote. The question is, what kind of President would this man make, should the Presidency become vacant? On the basis of the record, we do not know.

We are told that it would be catastrophic to let the Office of Vice President remain vacant. But there have been vacancies in that office before, and the Nation has survived. Beyond that, what assurance is there that the presiding officer of the Senate would necessarily make a better President than the presiding officer of the House? There is none; bestowing the title of Vice President carries with it no special gift of leadership.

We are told, finally, that the President has the right to choose a person in whom he has confidence, to fill any vacancy in the Office of Vice President. If that is so, then there is no reason for this confirmation process, and we have no real decision to make. This argument by those who favor the nomination is evidence that there is no independent decision desired from Congress on this matter.

Would the nominee be elected, if there were an election? On the basis of the record, and what I can discern about the feelings of my constituents, the answer is that his election would be unlikely. Why then, do we dare, acting as proxy for the people, elect one for whom there seems to be no general public support?

I have no ill feelings for the nominee. Yet I cannot bring myself to believe that this is a process that allows us to give a true measure, a true test, to the nominee. I reluctantly conclude that I will vote "no."

My vote is a judgment that we do not have a record sufficient to show what kind of President the nominee would make.

My vote reflects my firm belief that

the 25th amendment provides a process which is fatally defective, in that it does not allow Congress to make the kind of judgment that its authors said would be made, and so Congress ought to abolish or radically change that process. The people are entitled to a mature and informed judgment of persons who become President and Vice President, and the 25th amendment effectively destroys any such judgment.

I doubt that many will hear my arguments in the rush to judgment and adjournment; the distractions of the hour are too raucous; and there are few who want to stop long enough, in these crowded hours, to reflect on what we are doing, and why, or what our real function and duty are. Yet I have a duty to be true to myself, and to do that I must raise these questions, and say that this is a proceeding about which I have profound reservations, and that I cannot in good conscience cast any but a vote of "no" on the confirmation of Nelson Rockefeller to be Vice President of the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER). Does the gentleman have additional requests?

Mr. KASTENMEIER. Mr. Chairman, I have no further requests for time, but I will reserve 1 minute for myself, that 1 minute to be utilized immediately prior to the presentation by the chairman of the committee.

I will then yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McCLODY).

Mr. McCLODY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman and Members of this House, I would say that this has been a most interesting debate, and I do not seek to prolong it at this late hour. Nonetheless, it strikes me as significant that we have somehow confused the issue of the confirmation of a Vice President with the possible revision of the Constitution itself.

There are those who seek to redraft the Constitution by opposing and rejecting the confirmation of Nelson Rockefeller as Vice President of the United States.

I think it is important that we realize the real issue here. Many extraneous points have been raised as to questions of policy and questions of selection by the President.

President Ford took office on August 11. Should this President have proposed a Vice Presidential nominee of a different political stripe, and then further, from a political dimension totally different? Is this a potential nominee who will go on to be a President of the United States, and is that what we seek, or is that what we fear?

There are many, many interesting cross currents in this whole debate.

I would like to say that I would be in sympathy with those who would open

the issue of a revision of the Constitution and seek to redraft another 25th amendment. Certainly, after the tumultuous events of August and throughout this year, we have come to enjoy and cherish the wisdom of the Founding Fathers, and perhaps should have left the document intact without the recent revision of the 25th amendment itself. However, we are not about to redraft that particular provision right now. What we are talking about is the confirmation of the Vice President.

If I may inject a totally extraneous issue, I would like to make it clear to the Members of this House that the constituents in my district, who are facing a very cold, a very gloomy, and unprosperous winter, are very anxious for this country to get going on the real issues, the issues of the economy and the issues of energy, and they will not understand our endless delay of a progressive thrust into problem solving by the President and his chosen Vice President.

The dimensions of the people's problems, in my judgment, are so great as to make pale the postponement of executive leadership by a President and Vice President for reasons of policy differences with the Vice Presidential nominee.

I have strongly disagreed with Governor Rockefeller on a number of questions. I have agreed with him on others. The perfect Vice-Presidential nominee probably does not exist.

The Goldberg book, for example, is a deplorable episode in Governor Rockefeller's past. It is also a mistake for which he has publicly apologized.

I do not support his expensive gifts. I question them and I question their wisdom, but I am confident that they were made in good faith.

The Rockefeller wealth is too vast for most of us to comprehend. But I can find no evidence that in all his years in public service Nelson Rockefeller ever used his position to enhance his economic status.

What this House is really doing is searching the soul of a public man.

I think we are extracting a standard that far exceeds the one which is exhibited in the private lives of many Members of this body.

I feel that we too, of course, must live up to the highest standards. The Committee on the Judiciary has done so. It has found no conflict of interest. I have respect for the eminent men and women on that committee. I respect their judgment.

During this debate we have heard the most extraordinary rationalizations for a particular judgment.

In fact, I can cite one position which was submitted to the Committee on the Judiciary as a reason for objecting to the Rockefeller nomination.

10. The U.S. Census Bureau confirms that, largely through exodus, New York State has been losing population during the past two years—the first shrinkage in history and under Rockefeller's stewardship (over 102,000 persons in the last 12 months alone).

So, some would have us believe that the Rockefeller empire's influence extends even to changing the population

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patterns of New York, to the outward movement of people from New York, and if we are to believe such ridiculous extensions of fantasy then we do not warrant our positions in this House.

Mr. Chairman, it seems to me that this has been an honorable and distinguished public servant. I think we have searched his soul, although we are not theologians here, and he has been found more than adequate by the Committee on the Judiciary.

Nelson Rockefeller's record of strong, able, imaginative, compassionate leadership is clear—his service to five Presidents, Democratic and Republican, in domestic and foreign policy matters, and his 15 years as Governor of New York.

Mr. Chairman, I urge his confirmation as Vice President of the United States.

PRESIDENT FORD SIGNS S. 4016, TO PROTECT AND PRESERVE TAPE RECORDINGS OF CONVERSATIONS OF RICHARD M. NIXON

(By unanimous consent, Mr. McCLODY was allowed to proceed out of order.)

Mr. McCLODY. Mr. Chairman, I have just learned that President Ford has signed the bill S. 4016, a bill to protect and preserve the tape recordings of conversations of former President Richard M. Nixon.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, there seems to be little doubt that Governor Rockefeller will be confirmed. The arguments in his behalf by his supporters and a large segment of the media are indeed convincing, and I am very impressed by them. Few men bring such a wealth of experience to the job of Vice President as does Mr. Rockefeller.

But, I submit, Mr. Chairman, there are other considerations in this nomination which have been conveniently relegated to a remote corner by the proponents of Mr. Rockefeller. In my judgment these considerations, which I want to discuss briefly, compel me to oppose his nomination.

Let me say at the outset that I am well aware of the arguments advanced by some political observers to the effect that I would naturally oppose Mr. Rockefeller's nomination in retaliation for his lack of support of my father's Presidential candidacy in 1964.

Well, Mr. Rockefeller was not the only person in this country to oppose the Goldwater candidacy in 1964. He was joined by a sizable majority of the American people as I recall. In retrospect I seriously doubt if Mr. Rockefeller, or any other prominent politician, for that matter, would have been able to stop the landslide for President Johnson. It would be easy to blame Mr. Rockefeller for the 1964 election defeat, but such an argument flies in the face of history and good sense.

No, Mr. Chairman, I oppose this nomination because I am totally convinced that in this critical phase of our Nation's history, Governor Rockefeller is the wrong man for the job.

I do not question his honesty or integ-

rity. Furthermore, as I mentioned previously, he has great experience and administrative ability. But, what he does not have and I am convinced beyond a shadow of a doubt—is the support of the majority of the American people.

I know the argument to refute such an observation. Simply stated, the argument is that the President has a right to make his own choice as to who will be Vice President. I cannot buy that.

For instance, I have received a large volume of mail from my constituency on this nomination. It is running approximately 30 to 1 against. Furthermore, recent national polls show mounting opposition to the nomination. A recent Harris poll indicated only 39 percent of those polled favored his confirmation as Vice President.

Now, these are troubled times, and I would be the first to admit that we cannot govern by opinion polls and especially, popularity polls.

But, I do intend to suggest that we ought to pay more than passing attention to public opinion in this case. This is especially important when we consider that we are acting in lieu of a direct expression of the public's wishes in the selection of one who, we so painfully learned over the past year, can become in an instance the most powerful man in the country.

We are not debating the confirmation of a cabinet officer. A cabinet official can easily be removed from office. On the contrary, for the second time in a year, we are discussing the critical matter of a Vice-Presidential confirmation. Once confirmed, the people for all intents and purposes, are removed from the decision-making process, because a Vice President can only be removed through the process of impeachment.

When the nomination was first announced, it appeared to have significant support among the electorate, but much has come to light in the past few months to indicate a dramatic turnaround.

While I do not presume to read the mind of the President, I cannot help but feel that if he had been totally aware of the manipulation of the Rockefeller fortune in some questionable areas, he would have had second thoughts about the nomination. At any rate, I sense that more and more people are having second thoughts about it. For that reason I sincerely feel that we should turn down this nomination and give the President an opportunity to select a nominee who enjoys greater support.

We have a special obligation to do this in light of recent political scandals which have rocked the Nation.

I do not oppose Mr. Rockefeller because of his wealth as much as I do because of the ethical questions raised by its use; not only in the gifts, but in the conflict of interest, the influence it may have on him in the day to day decision-making process as Vice President. His family fortune of \$2.5 billion is invested heavily in national and international business not to mention seven major oil companies.

I see nothing legally wrong with the

so-called "Rockefeller gifts", but I do question the judgment and propriety of such gifts when the recipients played a major role in political decisionmaking, including influence upon national and international affairs.

There is another critical area of national concern, where, in my judgment, Mr. Rockefeller falls short. Not everyone in this Chamber agrees with me that the greatest contributor to inflation is top-heavy Federal spending, which has resulted in too much money chasing too few goods.

But, if you do accept such a premise, then the economic philosophy of Mr. Rockefeller is appalling. The record demonstrates conclusively that as Governor of the State of New York, Mr. Rockefeller helped spend the State into financial chaos.

I know of no other man in America who should appreciate the value of the dollar more than Mr. Rockefeller, but apparently he lacks some degree of sensitivity to the taxpayer's dollar as Governor of New York during the period 1959 through fiscal 1974, the cost of State government soared from just under \$2 billion a year to around \$9 billion a year.

Under Mr. Rockefeller the taxpaying citizens of New York saw incredible increases in their tax burden. During his tenure, the maximum rate on the personal income tax went from 7 percent to 15 percent. In just 15 years, taking into account all forms of tax levies, the people of New York were hit with a tax bite that almost quintupled.

During his tenure, the State gasoline tax went from 4 to 8 cents a gallon. Cigarette tax has climbed from 3 cents to 15 cents a pack, and a 4 percent sales tax went on the books.

Through the efforts of Mr. Rockefeller ways were devised to obligate State funds far into the future without permission from the people in the form of a constitutionally required referendum; thus, although the people of New York have approved only \$3.4 billion in bonded indebtedness, they owe another \$7.7 billion in long-term obligations, which were never submitted to the electorate for approval. As a result the State had to pay more than half a billion dollars in debt service last year, which represented double the figure of just 5 years earlier. The future of the people of New York is thus heavily mortgaged for many years to come. I cannot help but wonder how members of this House could entrust the future of the entire Nation to a man who has handled the affairs of one of our largest States with such disregard for the taxpayers and their limited earnings.

Very few economists would argue against the point that the taxpayers of New York State are the most overburdened in the Nation.

Make no mistake about it, as Vice President, Mr. Rockefeller will have incredible say in the Nation's economic affairs. And, if he applies the same economic rationale to the country as he applied to New York State, then God help us, because we'll be going to the poor house in short order.

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During the confirmation hearings, Mr. Rockefeller has displayed no economic changes of heart. On the contrary, his public utterances convince me that he will be a strong proponent of the spend, spend, spend, theory.

Well, this is an outmoded solution to the Nation's economic woes, and I think the American people deserve a Vice President who has some fresh ideas about cutting inflation instead of the shopworn Keynesian approach, which Mr. Rockefeller apparently advocates.

Mr. Chairman, I am truly sorry to vote against the President's selection of a Vice President, but in good conscience I cannot do otherwise. I have been acquainted with Mr. Rockefeller and his wife, Happy. They are indeed fine people from a family that has given much to making America a better place to live. He is a courageous, hard-working man.

I would like nothing better than to support the nomination; but, I reiterate that in my judgment it does not meet with majority approval on the part of the American people. Also, the revelations concerning the monetary gifts do little to restore public confidence. His wealth presents a potential conflict of interest in the decisions he must make, and lastly, we need a Vice President who believes in cutting Government spending and restoring the economic decisionmaking power back to the taxpayer. I urge that the nomination, therefore, be rejected.

Mr. McCLODY. Mr. Chairman, I do not have any further requests for time. I want to say on my own behalf that in my opinion the Committee on the Judiciary of the House have fully discharged their responsibilities, and a reading of the hearings, the committee report, and the debates in my opinion fully support this confirmation.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, the hour has come for the ending of the debate. I think this has been a temperate debate. It has been conducted on a high level, and I wish to compliment all those who have participated in this historic proceeding.

I hope and trust that a case has been made for objection to the nomination notwithstanding the fact that the other body has acted in the affirmative, and at this very moment arrangements are being made there for investiture proceedings, and where the networks are ready to televise the swearing in of the nominee, should he be so sworn in. However, I hope and trust that this House will not supinely accept what appears to be its allotted fate, and will instead vote, and vote with courage, "no" on this nomination.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Chairman, I rise in support of the confirmation of Nelson Rockefeller as Vice President.

Mr. Chairman, I have known Nelson Rockefeller for a number of years and in several incarnations.

His nomination for Vice President, with the possibility that at some point in time he could become President, is a question—and a vote—on which I have given considerable thought.

Although I have frequently differed with Nelson Rockefeller in matters of public policy, I support his nomination as Vice President. The primary, indeed critical, need of the Nation, at a time of incipient depression, is for firm, creative, and experienced leadership. Nelson Rockefeller has demonstrated those qualities. He has also shown remarkable ability to attract to government some of the best talent available. I may differ with him on specific questions of priorities, human needs, and indeed at times on judgment, but I cannot doubt his commitment to public service and his unique personal qualifications, nor his ebullience and faith in America.

I am hopeful that Nelson Rockefeller in concert with President Ford can help energize an administration and help restore confidence in our land, that tough decisions can be made, that sacrifices are called for, and that our country can act with compassion and decisiveness at home and with wisdom and forethought abroad.

Mr. BROWN of Ohio. Mr. Chairman, Vice President-designate Nelson Rockefeller is an unusual man whose consideration for appointment comes before us at an unusual time and under unusual circumstances. He is also a controversial man called to serve at a time of great controversy. He is a complicated man, who is being considered for a previously simple job at a time when simplicity seems to be greatly admired, but when the problems are very complicated. And, he is a rich man in a time when wealth has become a political embarrassment—even though it is a common goal.

Some members of my party believe that Mr. Rockefeller brings more political problems to the office of Vice President than can be tolerated by the administration which he will serve. And some others tout him as the solution to our Nation's problems.

But in fact, neither of those things may be true. Like the rest of us, he puts his pants on one leg at a time. He has many strengths and his share of human frailties. He will neither be our Nation's salvation or its downfall. But if past performance is any way to judge, he will do his best to contribute generously—even generously for one who has a great deal to give.

Nelson Rockefeller will join the executive branch of our Government at a time when our new President, Mr. Ford, is working manfully to assert his own leadership as our first nonelected Vice President to succeed to the Presidency. As the second nonelected Vice President is called upon to assist President Ford in the task of administrative leadership, his real or imagined weaknesses are not so significant as his strengths. I have not agreed with everything President Ford

has ever done or said. So I do not agree with all of Nelson Rockefeller's views or actions during his career. But they have each been given more thorough public scrutiny than most other men who have occupied their positions. And each has stood the test as an honorable man.

Nelson Rockefeller need not have devoted a life to public service or responded to the calls of national leaders of both parties to exercise his talents in a wide variety of governmental fields. His family need not have used its talents to further expand its talents. And there is no requirement that persons of wealth use that wealth toward social good. Many people with much less of the world's wealth have chosen to use their wealth merely in pursuit of self-gratification. But not the Rockefeller's. They have been good, hard working and generous citizens of the Nation which gave their family an opportunity to do or be whatever it had the capacity to do or be.

My predecessor once said of Nelson Rockefeller—

Can you think of anyone who owes more to the American system of opportunity and who has more at stake in trying to conserve that system?

I will place my bet on Nelson Rockefeller's efforts and his prospect for success. He is a proven administrator and a natural leader who has the capacity and the good sense to gather men of talent and integrity about him. We need those qualities very badly at a time when public service is in question. I will cast my vote for him.

And I will offer him my best wishes and my prayers that he will receive and accept God's guidance as he begins his difficult undertaking. Even those who oppose him here today must wish him only success.

Mr. FRASER. Mr. Chairman, my decision to vote for Mr. Rockefeller is based largely upon his civil rights record which I understand to be supportive of these rights for all Americans. A person's record in this area I believe to be the most significant indicator of all as to the kind of person he or she is. I find other considerations in Mr. Rockefeller's record and background mixed. Moreover it is difficult to know what standards should be applied in judging this record. I am uneasy about the marriage of wealth and political power about which Joseph Rauh, vice chairman of Americans for Democratic Action, spoke so forcefully in his testimony before the Judiciary Committee. Nevertheless, since the 25th amendment requires me to make a decision, I shall vote aye.

Mr. GRAY. Mr. Chairman, this is an historic moment in our history. I had the privilege of voting for the 25th amendment to the constitution and tonight I will have the privilege of voting to confirm the nomination of a candidate for Vice President under that amendment. In fact, Mr. Chairman this is the second time this year that we have seen democracy work by voting to confirm President Ford and now Mr. Rockefeller for the second highest office in the land. Mr. Chairman, I have been requested by sev-

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eral persons to vote against the nominee because he has too much wealth or because he is too liberal for the Republican administration or for other reasons; however, I sincerely believe President Ford has the right to choose his own Vice President and in the absence of any wrongdoing by the nominee as adjudicated by a court of law, I feel obligated by my conscience and for the good of the country to vote tonight for the nomination of Nelson Rockefeller as the next Vice President of the United States.

Mr. Chairman, we are living in critical and uncertain times. The call for strong leadership is crying out. Government is like a chain, it is no stronger than the weakest link. We need a strong President and Vice President. When one office is vacant, that becomes an impossibility. On behalf of southern Illinois, we want to offer the new Vice President that will surely be confirmed tonight, the prayers and best wishes for successful service to our country.

Mr. VANIK. Mr. Chairman, I rise to cast my vote in opposition to the confirmation of Nelson A. Rockefeller as Vice President of the United States. I would like to take this opportunity to discuss this difficult decision.

Allegations have been made that Mr. Rockefeller should not be confirmed by virtue of his wealth alone. Mr. Rockefeller certainly is a wealthy man. However, wealth alone should not disqualify Mr. Rockefeller from serving his country. Nowhere in the Constitution is a citizen forbidden from seeking public office by virtue of either his wealth or lack of it.

Our decision today is not whether Mr. Rockefeller should be considered as a candidate for Vice President, but whether in our judgment Mr. Rockefeller is qualified morally and professionally to serve in the highest office of the land with the right to succeed to the Presidency.

Mr. Rockefeller's professional qualifications are impressive by any standard. However, the conduct of his personal financial affairs raises serious moral questions concerning the way in which Mr. Rockefeller perceives his obligations and responsibilities as a private citizen to his government. Over the past 15 years Governor Rockefeller has made approximately \$3 million in gifts and loans to associates both inside and outside government. Legal questions have been raised regarding Mr. Rockefeller's gifts and loans to public officials. These issues regard a possible violation of New York State law, which unfortunately, remain unresolved.

Issues of law aside, however, Mr. Rockefeller's gifts reveal a callous insensitivity to any standard of propriety. What is worse, while Mr. Rockefeller has demonstrated an eager willingness to assist his friends and associates in financial trouble, he demonstrates no similar sense of responsibility in supporting his Government. In 1970, after an IRS audit, Mr. Rockefeller paid a tax liability of \$104,180 on a total income of \$2,257,241. Before the audit, Mr. Rockefeller reported no income tax liability for that

year. How can we measure Mr. Rockefeller's tax patriotism? At his income level, a taxpayer can decide through his estate planning whether he will pay any Federal tax. How are we to interpret his initial decision to pay no tax? Is there no obligation to the Government which provides shelter and protection of his fortune. Is there no obligation to support a Government which has permitted his fortune to grow?

Mr. Chairman, I want to emphasize that Mr. Rockefeller used every loophole in the book to minimize his tax liabilities. What these facts demonstrate, however, is that Mr. Rockefeller is virtually unaware of the responsibilities his wealth entails for him as a citizen of the United States. For a man who makes millions of dollars each year, the least the American people can properly expect is a small contribution in support of our Federal Government.

Finally, in these days of oil crisis, can we be certain of Mr. Rockefeller's objectivity if a decision must be made to deal with the oil producing nations on a government-by-government basis, instead of dealing through American corporations and banks in which his family has great holdings and historic control? Can Mr. Rockefeller insure a sufficient degree of objectivity if it might become necessary to drastically reduce or eliminate oil imports? Does Mr. Rockefeller possess that degree of objectivity necessary to pass judgment on the elimination of the foreign tax credit, proposals to deny U.S. support for petroleum search abroad or high import taxes on oil? Can Mr. Rockefeller objectively support tax programs which would subject equity sales of American-held oil assets in foreign countries to taxation as domestic capital gains?

In my considered judgment, there are grave risks in the degree of impartiality that can be expected from a person with Mr. Rockefeller's extensive involvement.

The integrity of the office of Vice President, or President, would constantly be challenged by the appearance or the fear of potential conflict of interest.

While I admire the many achievements of Nelson Rockefeller as Governor of New York and as a Federal official, I cannot approve his appointment as Vice President of the United States.

Mr. KOCH. Mr. Chairman, for the second time in a year we are voting on the confirmation of a Vice President. In 1967 the Nation ratified the 25th amendment which provides for the interim appointment and confirmation of a Vice Presidential nominee submitted by a President. I believe that the Congress is limited in the criteria it can use in determining whether to confirm or reject a nominee under the 25th amendment. We are not being asked to endorse the nominee's political philosophy. We are being asked to confirm that he or she is capable of fulfilling the oath of office, namely to "faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

When we voted on December 6, 1973 on the confirmation of Gerald Ford as Vice President, I set forth the criteria of the 25th amendment as I saw them, which I believed compelled my voting for him. I said then that I believed Gerald Ford "is an honest man. I believe he is intellectually able. I believe that his philosophy, though different from mine, is within the mainstream of the Republican party."

I think that the same is true of Nelson Rockefeller. I have read the Judiciary Committee's report, including the dissenting opinions, and I have listened to the debate. I have been concerned about some of the financial questions raised. I know that the nominee is not without blemish. But, I also know that he has had a long history of public service, he has been a hard and demanding leader, and in the passage of this much time there have been some instances in which he has made some wrong judgments and decisions. I have been offended by the loans and gifts that Nelson Rockefeller has made to public office holders and I am introducing legislation tomorrow to require full public disclosure of future gift giving by public office holders. I will reintroduce this bill on the first day of the 94th Congress. After the many weeks of long and intensive investigation, I had to conclude, as did the majority on the House Judiciary Committee including one of its most probing members, BARBARA JORDAN, that no evidence had been brought forward establishing corruption or dishonesty on the part of Mr. Rockefeller.

I also am concerned about the enormous wealth of the Rockefeller family and the power and the potential abuse of power that accrues from that magnitude of wealth. I am aware of the fact that the Rockefeller family has financial interests all over the world. But, I also know that Nelson Rockefeller has devoted his life to unstinting and capable public service. Since coming to Congress I have worked with him on several matters in support of New York's interests. The care that Nelson Rockefeller has demonstrated in past years for the poor, the handicapped, and the education of our children, leads me to believe that he will not abuse his office and that he will strive to uphold and protect the Constitution and remember that this is a government of, for, and by the people—and that indeed he is a public servant. Just as I do not believe that any person should be denied office because of a lack of personal finances, I also do not believe that an individual should be denied office because of wealth.

Aside from the financial matters that have been thoroughly explored in the committee, I also have been concerned about his position on Israel. During the House Judiciary Committee hearings Mr. Rockefeller had an unfortunate exchange with our colleague from Pennsylvania (Mr. EILBERG) on the subject of the Palestine Liberation Organization. Nelson Rockefeller has assured me subsequently by letter that he understands Israel's refusal to deal with the Palestine

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Liberation Organization and that he is supportive of Israel and believes that "the preservation of Israel is not only in the U.S. national interest, but it is also a moral imperative."

In saying the foregoing, I want to note that while voting to confirm Nelson Rockefeller's nomination in extraordinary circumstances under the 25th amendment, this does not mean that I am endorsing his future political candidacy. As I indicated earlier, I do not believe that in voting to confirm an individual nominated by the President for the Vice Presidency, a Member of Congress can demand the same political and philosophical agreement that one does in endorsing a candidate in a general election. I expect that I will disagree with some of the administrative and political decisions of the Ford-Rockefeller administration. And I have no doubt that the Democrats will nominate a Presidential candidate who will represent my political philosophy as opposed to Nelson Rockefeller who represents the Republican Party's philosophy. I will not hesitate to support the Democrat's candidacy against Mr. Rockefeller if he is the Republican Presidential nominee. Furthermore, I would hope that the Democrat's financial disclosure will not have the blemishes of the Rockefeller disclosures—and so I would expect to refer in the campaign to the negative material disclosed concerning Mr. Rockefeller.

Mr. Chairman, I have thought long and hard on this matter. On balance I believe that Nelson Rockefeller should be confirmed.

Mrs. HOLT. Mr. Chairman, I shall vote to confirm Nelson A. Rockefeller as Vice President of the United States.

It is a reluctant vote. I cannot be enthusiastic about the ambitions of a man who is now achieving by appointment, a status he failed to reach through normal political processes on three occasions. His own political party rejected his Presidential aspirations three times, and now we are asked to approve his nomination as the potential successor to the Presidency.

However, Mr. Chairman, the 25th amendment to the U.S. Constitution imposes upon us the duty of considering his fitness and qualifications, not our political differences with him. Although he is not my choice for the Vice Presidency, he is the choice of President Ford. We must give great weight to the need of a President to have a Vice President in whom he has trust and confidence. The Presidential team will survive or fail on their record of performance.

Indeed, I believe we are duty bound to confirm this nomination unless we find extremely compelling reasons to do otherwise. My great political differences with Nelson Rockefeller are not sufficient reason to vote against confirmation.

There is evidence that the Rockefeller family has recognized the public responsibilities associated with immense wealth, and that Nelson Rockefeller has a strong commitment to public service.

I hope, Mr. Chairman, that he serves our Nation well.

Mr. ADDABBO. Mr. Chairman, I rise in support of House Resolution 1511 to confirm the nomination of Nelson Rockefeller to be Vice President of the United States. My vote on this most important issue will be cast with the knowledge that a most unique constitutional crisis has been passed by the American people with the strength necessary to prove and sustain our democratic system of government.

The 25th amendment to our Constitution may not be perfect—in fact I believe we should reexamine the provisions of that recently passed amendment during the next session of Congress—but it has provided us with the vehicle to continue on in our search for answers to very difficult problems at home and abroad.

The nomination of Nelson Rockefeller to assume the duties of the Vice Presidency has been examined by appropriate congressional committees with a careful eye. The results of the investigations have been published for all to read.

There are certain issues which have been raised during these investigations that disturb me—issues involving the vast wealth of the Rockefeller family, gifts made to public officials, and charges of political dirty tricks. There have also been many differences between the former Governor of my State of New York and myself over important substantive matters and of course the Attica prison incident. Notwithstanding these concerns and differences, the results of the investigation also indicate that Nelson Rockefeller is a man with a long record of public service, with no traces of corruption in his personal activities, and with the kind of broad experience in foreign and domestic matters which we need in the individual who will occupy the second highest position in Government.

In addition to his personal qualifications, Nelson Rockefeller has been elected and reelected to the governorship of the populous State of New York four times in the past, a sign of voter confidence which is important when we consider that this is the first time in our Nation's history when both the Presidency and Vice Presidency shall be filled by appointment rather than direct election. While I have reservations about this unusual procedure allowed by the 25th amendment, I am pleased that the nomination pending before us has in its favor a record of previous voter support. In 2 years the voters will have the opportunity to directly elect their highest officeholders so essential to our system.

I cannot allow partisanship to stand in the way of the urgent needs of our Nation for an active Vice President who is qualified to participate in policymaking decisions at the highest level of Government. I believe Nelson Rockefeller has the qualifications to serve in that capacity. He has undergone one of the most thorough personal examinations ever witnessed in our nominating process and I believe the plus outweighed the minus findings.

For these reasons I will vote in favor of the nomination of Nelson Rockefeller to be Vice President of the United States.

Mr. CLEVELAND. Mr. Chairman, these remarks are in support of the confirmation of Nelson Rockefeller as Vice President. It seems difficult to believe, however, that we are for the second time in little more than a year proceeding to confirm a Vice President under the 25th amendment.

In my remarks on that earlier occasion when the House voted to confirm Jerry Ford as Vice President, I expressed the belief that as long as we have a party that can attract to its ranks and develop as leaders people like Jerry Ford, we still have a future, and a great one, for service to our Nation.

This belief has been reinforced, Mr. Chairman, by President Ford's selection of former Gov. Nelson Rockefeller whose record of public service has convinced me of his capabilities to serve well as a strong and effective Vice President.

Mr. Rockefeller was one of the three choices I submitted upon request from the White House to recommend nominees for the office of Vice President.

A number of people in my district have expressed strong opposition to Mr. Rockefeller. During the hearings I have kept an open mind; but none of the information brought out in either the House or Senate investigation is, in my view, of sufficient weight to change my initial opinion.

I have previously noted that President Ford wisely gave great weight to a proven record of experience in government in nominating his Vice President; and, in the case of Nelson Rockefeller, the record is an outstanding one.

I was fortunate to have been able to personally observe Mr. Rockefeller's qualifications when he testified before my House Public Works Committee during water pollution hearings on July 28, 1971. At that presentation I was deeply impressed with his breadth of knowledge in this complicated area. He was not only well informed; he was frank and realistic. He was without doubt one of the best witnesses we had; and, if the committee had paid better attention to his testimony, we would have written a better law than we did.

Mr. Chairman, it will not be my purpose to summarize the arguments for and against this nomination. Members of the committee have done this in their report which I commend. Suffice it to say I think we are fortunate in this country to have the number of people we do who participate in public service and sacrifice for it. I hope the day never comes when we will invoke unwelcome restraints against unlimited participation in public service by reason of race, creed, or color, or for other reasons such as wealth or lack of it.

This Congress has just proudly passed a campaign reform act with a modified public financing of Presidential campaigns. This is in recognition, among other considerations, of the fact that we do not want a qualified candidate of modest means to be denied the chance to

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run for the Presidency or Vice Presidency—or conversely to give a candidate of great wealth unfair advantage. With this in mind, it seems rather unfair to invoke the specter of wealth as a bar to public service.

Mr. Rockefeller has run the gamut of the elective process in a large "city-State" on four occasions. He has been carefully scrutinized by voters, the Congress, and the press. The results of that scrutiny and his record in New York State in perspective persuade me that his nomination should be approved.

Mr. BENNETT. Mr. Chairman, I have made it clear in what I have said previously that I do not plan to vote to confirm this nomination. I would just like to add a few thoughts to what I have said. It is quite possible to do one's best to achieve one's highest potential in achievement and in character, for both himself and for mankind, and still find particular responsibilities and particular opportunities closed to him. Not every athlete can be a poet. Not every businessman can be an orator. When a person's financial holdings are such that serious conflicts of interest are inevitable if that person were to hold public office, then that person, however noble and however able, should not be placed in that public office. That is the case before us today.

Mr. TALCOTT. Mr. Chairman, our decision today on the confirmation of the President's nominee for Vice President is as critical and momentous as any decision we have made during this Congress.

Most of the questions have been thoroughly and extensively debated and discussed—in the Congress and out. There is no need for further repetition.

Our Nation has been without a Vice President for 4 months. Granted the circumstances are unique, the hiatus has been delayed too long. Effective representative government should be able to act more expeditiously.

I have certain philosophical differences with Governor Rockefeller and he was not the person I recommended to the President for nomination as Vice President. I admittedly cannot fully appreciate the magnitude or the impact of his personal and family wealth.

But, the committees of the Congress, the news and commentary media, and the Rockefeller adversaries have thoroughly investigated and exposed every aspect of Mr. Rockefeller's personal, political, public, business, and family life. They have pried far beyond the bounds of civility and necessity, except in the area of the political impact or influence of the Rockefeller Foundations, which, to my amazement, was largely neglected.

Frankly, Mr. Rockefeller's personal stature and his qualifications and capabilities to serve as Vice President were enhanced by the hearings in the House and Senate.

He bested his detractors and condemners in almost every instance.

He demonstrated a sincere commitment for public service far beyond any

large personal ambition or self-aggrandizement.

His background and experience in State, local, and international affairs are sorely needed in the administration.

He is the President's choice for many good reasons. We in the Congress have a constitutional obligation to pass upon the President's nomination. We have a moral and political obligation to try and make our system work.

In spite of my reservations concerning Governor Rockefeller, I must consider the alternatives. No other name has been suggested that could be confirmed expeditiously by this Congress or the next.

For these and other reasons I shall vote to confirm Nelson Rockefeller as Vice President of the United States. I wish him great success, personal satisfaction, and Godspeed. I trust and believe that his every deed will be in the best interests of the United States.

Mrs. SULLIVAN. Mr. Chairman, when Gerald R. Ford was nominated by former President Nixon under the 25th amendment for the vacancy in the Office of Vice President, most of the Members of the House were transported with joy. The Republican Members were overjoyed that their minority leader in the House had been singled out for such recognition. The Democrats, while holding the minority leader in great esteem, and regarding him as a friend, had somewhat different feelings about his nomination for the Vice Presidency.

We had a growing conviction in those days that whoever was named Vice President to succeed the disgraced Spiro Agnew would shortly be President of the United States, probably as a result of impeachment of Mr. Nixon by the House and conviction in the Senate. Mr. Ford would not have been our choice for President among all Americans eligible for the Office. But as between Mr. Nixon and Mr. Ford, or as between Mr. Ford and any other Republican Mr. Nixon might choose as his Vice-Presidential nominee, we regarded Gerald R. Ford as a man who could handle the Presidency with honor and integrity, virtues desperately needed in that Office at the time.

If we had refused to confirm Mr. Ford or any other Republican, and had proceeded to impeach Mr. Nixon and thereby cause his eventual removal from office, the elevation of a Democrat Speaker of the House to the Presidency would have lent credence to the charge some were making that the impeachment proceedings were politically motivated, representing an effort by the Democrats to reverse the results of the 1972 election. Most of the Democrats in the House were, I believe, sensitive to that charge and anxious to demonstrate its falseness.

Mr. Ford's elevation to the Vice Presidency proved our sincerity in pursuing impeachment proceedings.

But the situation is much different now from what it was when Mr. Ford was nominated for Vice President under the 25th amendment. There is not the remotest possibility of Mr. Ford be-

ing made the subject of impeachment proceedings. President Ford has requested confirmation of Nelson Rockefeller in order, he has told us, to have Mr. Rockefeller help him run the country. Aside from the fact that no Vice President in our history ever really ran anything while in that office, President Ford has many high positions available in his administration to which he could appoint Nelson Rockefeller with full confidence that the Senate would confirm him—perhaps not as energy czar but in almost any other field.

The point is that we do not really need a Vice President at this time. President Harry Truman felt that when the Vice Presidency was vacant, as it was during the 3 years and 9 months of his first term, that the Speaker of the House was the proper official to stand next in line to the President, because the Speaker was an elected official, elected not only by his congressional district constituents but by the Representatives of all of the people in all of the congressional districts in the country. And this idea was written into law at Mr. Truman's urging.

The argument of a year ago that a Republican had to be appointed Vice President because otherwise impeachment and removal of Mr. Nixon from office would result in overturning the 1972 election results, by placing a Democrat in the Presidency, holds no water now. President Ford was not elected by the people. The last time the people of this Nation spoke in an election, it was to vote resoundingly for the Democratic party.

The only reason, then, to name a Republican Vice President at this point is to provide for a continuation of a Republican Presidency in case anything should happen to the nonelected Republican President now in office. But I think the 1972 election results are no longer binding on anyone. I do not see any reason to confirm any Republican as Vice President at this time. The majority who voted for Nixon and Agnew in 1972 would not do the same thing today, knowing what they know now. There are no residual obligations upon us to anoint a new Vice President and possible President from the other party.

I have come to the conclusion that I will vote against Mr. Rockefeller's nomination, not only because filling the Office at this time holds no urgency from an administrative or political standpoint, but also, and more importantly, because Mr. Rockefeller is not in my opinion the person to be President of the United States in case a vacancy should occur between now and January 20, 1977.

He is a personable, knowledgeable, and extremely able politician. But he was rejected by his own party at least three times for the Republican nomination for President of the United States. And he was certainly never the choice of the Democrats for that office. He can make many fine contributions to the Ford administration in a variety of possible positions other than Vice President.

If his role as Vice President is to be chiefly a political one, then there is no

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reason for the Democrats in Congress to provide him with this possible stepping stone to the Presidency.

I will vote no on the nomination.

Mr. CAREY of New York. Mr. Chairman, this House has moved and expressed its support for Nelson Rockefeller of New York to be the 41st Vice President of the United States. I support that and wish to join with the countless others this day who wish him well as he undertakes his high office and duties.

We in New York have a long tradition, carried on in this case, of offering fine men for national leadership. The respective committees of the House and Senate have attested to the worthiness of Nelson Rockefeller. Their investigations were both thorough and complete—this man was tested and he met the test.

Nelson Rockefeller and I have differed in the past and I am sure we will again, in that spirit of debate that differentiates our Nation from so many others. But common to us is the desire to serve, and it is that bond that will always remain.

To the former Governor of my State, his lovely wife and entire family, I offer my most sincere congratulations and best wishes on this day and for the months ahead.

Mr. NIX. Mr. Chairman, I will vote today in support of the nomination of Nelson Rockefeller to be Vice President of the United States despite some of the testimony developed in Senate and House hearings on cash gifts made by the nominee to public officials associated with him.

Nelson Rockefeller, who has given generously of his time and fortune to many causes, is a liberal, a lifetime member of the NAACP and from 1961 through 1971 made personal contributions to the NAACP Legal Defense Fund totaling \$76,250. He is a long and regular supporter of CORE and the Southern Christian Leadership Conference.

As Under Secretary of the Department of Health, Education, and Welfare, he led the fight to obtain \$6 million from Congress for Howard University construction. The Rockefeller Brothers Fund in its annual report shows current contributions of \$860,000 in its 1972 annual report to such organizations as the NAACP Legal Defense Fund, the NAACP Special Contribution Fund, the National Council of Negro Women, and the National Urban League. The ties between Nelson Rockefeller and his family to equality and rights for black Americans stretch back to the time of the Underground Railroad in the 1850's. As a wealthy family their contributions to good and great causes have been freely and often.

It is the very generosity of Nelson Rockefeller which has raised an issue as to his confirmation to the Vice Presidency of the United States.

Testimony developed the following facts: Nelson Rockefeller had given to various friends involved in politics gifts totaling \$2 million. Among these gifts or loans, later written off, was \$625,000 to Dr. William J. Ronan, chairman of the New York Port Authority, Edward

Logue, president of the New York State Development Corp., who received \$31,389 as a gift and \$145,000 as a loan; and Emmett Hughes, journalist, who received a total of \$155,000. In no case was there any evidence established that Nelson Rockefeller had received any improper consideration from persons who were recipients of such gifts. What was established was the power of a man with immense wealth who had spent, all told, in his political career an amount close to \$20 million on his career.

What has been established is the Rockefeller search for talent often involved the giving of outside income to those he wished to retain in public service or in political life.

These matters have a sensational impact but must be weighed in the balance against a liberal record as Governor of New York. This record includes:

The first statewide law in the United States prohibiting discrimination in private housing, a later extension of this legislation covered 95 percent of the private housing in New York State.

The development of the largest public university system in the world, which grew from 41 campuses and 38,000 students to 72 campuses and 232,000 full-time students and increased the number of community colleges from 13 to 38.

The initiation of the Nation's largest State medical care program for the needy under Medicaid creation.

The initiation of increased worker benefits in five minimum wage increases, five workmen's compensation increases, and four worker disability increases and New York's first minimum wage law.

The veto of a 1972 bill prohibiting busing.

Provided State aid for expenses in achieving school racial balance.

Initiated affirmative action in the construction industry hiring of minorities.

Created a tax break system for bringing jobs to low-income areas.

Nelson Rockefeller's career in public affairs began long before his election to the governorship of New York. He began his career under Franklin Roosevelt and he has taken an intense interest in foreign affairs. He maintained that interest while he was Governor of New York. Nelson Rockefeller was one of the first to speak out in behalf of the \$2.2 billion military aid program on behalf of Israel on October 21, 1972, when Israel's need was greatest.

I believe that Nelson Rockefeller must not be discriminated against because of his wealth in voting on his nomination. I believe that his public life weighs in the balance against the bad judgment he used in making cash gifts to retain the services of New York State officials and political officials. That bad judgment highlights a brilliant career, a career that must not stop this afternoon in this Chamber.

I urge the Members of the House to support this nomination.

Mrs. COLLINS of Illinois. Mr. Chairman, I have given a great amount of thought to Mr. Rockefeller's nomination

as Vice President of the United States.

In the first place, I thought about Attica which I see as an unfortunate circumstance which was poorly handled. I read in one of the dissenting views to the committee report that his refusal to go to the prison or to so much as recognize as valid some of the prisoners' demands—even after repeated urgings of his staff who were at the scene—was based upon the fact that he did not want to appear on world television as "the man who failed in this thing." It is sad when a public official's concern for his image is placed above his prime responsibility which is to govern. For him, Attica was destined to be a "no win" situation, because his momentary reluctance to lead left many men dead and played even greater havoc with his image.

Second, I am, too, bothered by the fact that he saw fit while Governor of New York to make loans and grants to individuals holding high political office. The revelation of this sophisticated persuasion has not done much to enhance his moral image, and has accomplished even less in narrowing the credibility gap that our citizens feel about public officials.

Third, and more important, I have strong misgivings which stem from the fact that his confirmation as Vice President will forge a marriage between immense monetary power and enormous political power. This seems especially true in light of yesterday's Star-News article which said that President Ford is seriously considering establishing a Domestic Policy Board on which Vice President Rockefeller will serve as Chairman. This Board, as I understand its proposed structure, will bring together domestic advisers and Cabinet members for the purpose of charting the course of domestic policy. As we all know, that policy is inextricably interwoven with monetary policy which has to do with the shaping of world economy.

Mr. Ford, according to the Star-News, wants to get Mr. Rockefeller involved in domestic policy. He already is. It is not secret that the Rockefeller assets include stock in Eastman Kodak, General Electric, Dow Chemical and IBM, Standard of California, Exxon, Mobil, and the Chase Manhattan Bank, which has holdings in four of our Nation's largest airlines and all three television networks. Although he has indicated a willingness to place his fortune in blind trust, his holdings so permeate the American economy that his every domestic policy decision will be subjected to outcries of "conflict of interest."

Further, Mr. Rockefeller has indicated an unwillingness to speak out against covert CIA activities and has steadfastly supported huge defense spending. In my view today's economy needs less such spending and more policy commensurate with social needs. For these reasons, Mr. Speaker, I cannot cast my vote for Mr. Rockefeller.

Mr. STOKES. Mr. Chairman, with the confirmation of Mr. Rockefeller the United States will, for the first time in its history, have both a President and a

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Vice President whom the American people never elected. It is regrettable that both of these offices were achieved through the provisions of the 25th amendment. However it would be improper if the entire burden resulting from the operation of this new amendment were to be entirely shifted to the specific individual now nominated pursuant to it. For the reality is that we do now have a void in the second highest executive office in our Nation. It is necessary to fill that void, and the only mechanism now available to us is that provided by the 25th amendment.

Since the 25th amendment has seen such rapid and successive usage in the past year, I think it is vitally important to clarify what the responsibilities of Congress and its Members are when preparing to confirm a Vice President. The nomination of a Vice President is unique by its character and importance. It is also clear that the President and Congress are to be equal partners in the process, with the Congress particularly reflecting the popular will. Those criteria which are appropriate for the President to use when nominating, or for the people to use if they were electing, are proper for the Congress to use when confirming. The nominee should be evaluated as a potential President, and the level of scrutiny which ought to apply to a Vice Presidential nomination must be higher than that which is exercised by Congress over other Presidential nominations.

As responsible Members of Congress we must be aware of the likely ultimate consequences of our decision. If Mr. Rockefeller is not confirmed another individual will be nominated under the 25th amendment. Would it be Mr. Goldwater? Mr. Reagan? I am not comforted by the alternative selection list. A careful analysis of all those with any reasonable chance of subsequent nomination by Mr. Ford reveals no other Republican official with the equivalent experience in public affairs, or a similar commitment to solving the problems of the minorities and disadvantaged of our Nation. And it is only natural to expect that Mr. Ford would choose a second nominee from the ranks of Republicans, and would choose a man at least as compatible with his own views and philosophy as is Mr. Rockefeller.

Many persons are opposed to Mr. Rockefeller on the basis of what occurred at Attica. I, too, have strong feelings and a vivid memory of what took place at Attica. I condemned it for what it was, a damnable act. But in arriving at my decision as to how to cast this vote, I cannot isolate Attica. I must view it in the total analysis of the man. I do not know of any person with whom I would be in agreement upon the totality of his record or with all aspects of his general philosophy of government. My vote, therefore, must reflect upon the nominee's overall fitness to serve as Vice President.

Much has been said in recent weeks about the manner in which the enormous financial Rockefeller empire has

been utilized. Much has been said about the gifts and loans which were made by Mr. Rockefeller and the purposes for which they were made. As a black American one of my main concerns was how the utilization of such wealth had adversely or favorably affected black Americans. I was principally concerned as to whether it had been used to the disadvantage of black Americans. For that reason I have taken the time to research the issue, because it is important that when I put the total picture together on Mr. Rockefeller from a black perspective, that all the facts be known.

No area of life in America today is more important to me than the area of education. Much progress has been made in this Nation by black Americans by utilization of the educational process, yet the acquisition of higher education has not been easy nor have black Americans had the equal access to higher education available to other Americans. In this category I cannot help but think of the tremendous financial undertaking which the United Negro College Fund undergoes each and every year in attempting to obtain from private resources the funds necessary to educate black youth in institutions of higher learning. My research led me to the fact that in 1881 the first college for black women was founded in Atlanta, Ga.

This institution was originally known as the Atlanta Baptist Female Seminary, but in 1920 its name was changed to Spelman College because of the significant financial contribution of John D. Rockefeller, whose wife's maiden name was Laura Spelman. This institution is today one of America's outstanding places of higher learning. Over the years the Rockefeller family has continued to contribute money to Spelman College, affording the opportunity for higher learning to thousands of black women. This year alone the Rockefeller Brothers Fund contributed \$1 million to the college.

The first college for black women was only the beginning of the Rockefeller contribution to minority education. John D. Rockefeller founded the General Education Board, which was later to become the United Negro College Fund. The latest Rockefeller Brothers Fund donation to UNCF was \$300,000. The total of all Rockefeller contributions to minority education is about \$62 million.

Nelson Rockefeller demonstrated his commitment to black education when, as Under Secretary of HEW he managed to get \$6 million from Congress for Howard University. As Governor of New York he was also active in this area, establishing the SEEK program which aided 15,000 disadvantaged youths seeking higher education. He also created the Higher Educational Opportunities Program which increased black attendance considerably in State universities.

There has been Rockefeller philanthropy toward minorities in many areas. The NAACP has been the recipient of on the average of \$75,000 a year from the Rockefeller Brothers Fund. Nelson Rockefeller's personal contributions to the NAACP totaled \$76,250 between 1961 and

1971, and he is a lifetime member of the association.

The Rockefeller Brothers Fund has been contributing to the National Urban League since 1921, providing their own money plus entrees to other sources. Nelson Rockefeller has been effective in soliciting millions of dollars for the League from the giants of American industry. He personally chaired several Urban League affairs and it was through his influence that the League became the only organization to have the fundraising benefit of a showing of the Rockefeller family's collected art works. The combined total of all Rockefeller donations to the National Urban League is the most impressive fact of all. It amounts to \$8,399,501.03.

In the final analysis I do not wish to point merely to the pecuniary gain afforded to blacks by the Rockefeller family. My real concern is the history of this man and his family in terms of their commitment to minorities, the poor, and the disadvantaged. I must peer into the future also to see what his commitment will be to black Americans and the only criterion I have is his family's proven commitment over the years in terms of their vast contributions to the lives of minorities in this Nation. When I add up all the facts and take a look at the total picture I cannot discount their enormous assistance to black progress. For that reason I have no problem in casting my vote for the confirmation of Nelson Rockefeller as Vice President of the United States of America.

Mr. DON H. CLAUSEN. Mr. Chairman, today, December 19, 1974, marks another very significant day in our Nation's history. As a result of unparalleled and unprecedented circumstances related to the Presidency, we are asked to assume our constitutional responsibility and vote to confirm or reject the recommendation of the President that Nelson A. Rockefeller become Vice President of the United States.

This responsibility is delegated to us by virtue of the authority established by section 2 of the 25th amendment which reads as follows:

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Now it is up to this body to exercise its constitutional responsibility. The 25th amendment clearly defines both the executive and legislative authority involved in the process. The President submits his nomination and we, in the Congress, vote to support or reject his nominee on the basis of factual evidence.

As would be the case with every human being, we can judge a nominee for this office and find points of disagreement, concern over motives, questions of judgment and other factors. In the final analysis, however, my vote must be based upon Governor Rockefeller's capabilities, qualifications, and honesty.

The State Rules Committee and the House Judiciary Committee have completed their very comprehensive and ex-

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tensive investigations of Governor Rockefeller's personal and public life and presented us a 1,411-page hearing record and a condensed committee report of findings, evaluations and a recommendation.

The exhaustive investigations of the two committees found Governor Rockefeller capable and qualified by virtue of his background and experience. Few men have had their lives scrutinized more thoroughly. We can rely on the diligent investigations that were made.

In addition, I am personally acquainted with Governor Rockefeller and have high regard for his professional talents and expertise. He has testified before the committees on which I serve on a variety of legislative proposals and I have always found him to be an able advocate of his viewpoints with a grasp of the facts and issues.

If Governor Rockefeller is confirmed—and it is generally apparent that the House will follow the pattern of the Senate and approve his nomination by a large majority—he is going to be granted a unique and unusual opportunity to serve his country.

With this special opportunity comes a special responsibility and challenge to discharge his duties fully and effectively in troubled and historic times. If, in the final analysis, he rises to the challenge, he will have secured his place in history and vindicated the trust placed in him by the American people through their Representatives in the Congress.

Very few people have had this opportunity. I shall vote to present this major challenge to Nelson Rockefeller and then we must all give him the support and assistance he will need to serve effectively in this high office.

Mr. ROUSH. Mr. Chairman, under the requirements of the 25th amendment the House of Representatives will once again today concur or disagree with the President's choice for Vice President of the United States. This is the second time in just over a year that we have exercised this responsibility of choosing for the American people in the second highest executive position in the Government.

Few of us would say that we accept such a responsibility gladly. But I believe every Member of the House approaches the vote on confirmation with a profound sense of the historic quality of this particular decision. Equally impressive is the fact that each of us in casting our vote must vote for every constituent in our district. Now I cannot vote as all 500,000 of my constituents would wish me to, but I can and will try to represent the best interests of them all in my choice.

I have determined that the best way I can do this is by voting for the confirmation of Nelson Rockefeller for Vice President.

I do so with certain reservations. I am disturbed about the possible conflict of interest between the Rockefeller fortune and this high position in the Government. I think Mr. Rockefeller displayed perhaps admirable generosity, but something less than wisdom when he dispensed large sums of money to friends

whose positions in government made those gifts suspect, whether correctly so or not.

But, on the other hand, I cannot find in all the hearings on this nomination over several months' time that Nelson Rockefeller was ever involved in an actual conflict of interest situation; that he ever used his political position to augment his family's fortune. So I will not vote against confirmation simply on the grounds that he has "too much money." Nothing in the Constitution disqualifies a person from holding office, because of the accident of being with or without a personal fortune. I would not want to make such a disqualification a precedent in this vote today.

We have now been without a Vice President since August. I believe that we badly need to fill that second post in our executive branch. This country is now facing a severe economic crisis. We need all the help that we can get. Our President needs all the advice and assistance that he can secure. President Ford seems to think that Nelson Rockefeller fills the bill on that score. I believe the President deserves to have the person of his choice for Vice President, unless that person is proven unqualified for the office. In political conventions the Presidential candidate alone chooses who his running mate will be. The 25th amendment recognizes the particular right of the President in that regard by providing that he will nominate the Vice President; the Congress confirm.

Nelson Rockefeller can provide the wealth of executive experience that President Ford lacks, which he seriously needs and certainly deserves. I believe the fact that Mr. Rockefeller served four terms as Governor of one of our largest States, that he has had 40 years of service at the local, State, and Federal governmental levels, that he has filled consultative and administrative positions under five Presidents, all led President Ford to his choice.

Finally, Nelson Rockefeller has endured a kind of public scrutiny that few can pass and he has survived this with dignity, affability, and candor. Although he has not always supported issues that I support, and in spite of the fact that we will doubtless disagree on other matters in the future, yet I believe that Nelson Rockefeller has shown himself to be a man of rich experience, personal integrity, and dedicated service to this Nation. He, therefore, will have my vote for confirmation for Vice President of the United States.

Mr. MEEDS. Mr. Chairman, the Congress has been called upon twice in as many years to confirm the nomination of a man who could become President of the United States without being chosen by popular vote.

The potential ascension of a Vice President selected under the 25th amendment procedure was dramatically demonstrated on August 9 when Gerald Ford, who we confirmed as Vice President a year ago, became the 38th President. With the confirmation of Nelson Rockefeller, the United States will for the first

time, have both a President and Vice President who achieved these offices without popular election.

Because of the enormous responsibility placed upon the Congress in lieu of a Presidential election, I have thought about Mr. Rockefeller's nomination for some time and carefully reviewed the results of the committee investigation. I have decided, somewhat reluctantly, to vote in favor of confirmation, because Mr. Rockefeller's overall record of public service outweighs the individual misjudgments he may have made in financial gift-giving and in campaign tactics.

I am not as disturbed as some of my colleagues over the Rockefeller wealth. If this is truly a nation where one's economic background should not be a basis for discrimination, then the rich as well as the poor should have equal opportunity to achieve in their own right. Mr. Rockefeller has stated his intention to place his financial holdings in a blind trust and has made full disclosure of that wealth. There has been no evidence brought forward that he has used his or his family's wealth to abuse the political system.

However, I am disturbed by the legal and ethical questions raised by his substantial gifts and loans to public officials while Governor of New York. I am also displeased by his involvement in a scurrilous campaign book on Arthur Goldberg, which he sanctioned, and his apparent lack of judgment and leadership in dealing with the Attica prison riot.

These are all serious allegations. But they must be considered in the context of Mr. Rockefeller's overall record of public service. Few individuals in the United States today can match his record of achievement in foreign and domestic affairs.

He served Presidents Roosevelt, Truman, and Eisenhower well in various foreign and domestic assignments of considerable responsibility. His 15-year record as Governor of New York is one of accomplishment and that, in a State with the problems of New York, is an achievement that can stand well by itself.

Although he may have a few isolated misjudgments on the public record, there is nothing that indicates to me that Nelson Rockefeller is incompetent or lacking in sufficient wisdom to serve as President of the United States. His overall record demonstrates just the opposite and on that basis I will vote for his confirmation.

Mr. LEGGETT. Mrs. Chairman, I have decided to vote to confirm Nelson Rockefeller to the Office of Vice President. Since this is a decision I have made with considerable reservation, I believe I should explain my reasoning in some detail for the record and for my own satisfaction.

Much of the debate over this nomination has centered on the wealth of the nominee's family. While the Rockefeller family money is immense, I see no sign that it has been used for antisocial purposes or in an illegal manner. While this wealth has been used to further his po-

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litical career, there is no evidence that it has done so illegally; the fault is in the system of private election financing which allows wealthy candidates an advantage; I do not feel we can fairly blame Mr. Rockefeller for playing by the rules. In summary, I do not regard wealth as necessarily a barrier to public office.

On the other hand, the most commonly advanced argument in favor of Mr. Rockefeller's nomination is that he is supposedly an experienced and distinguished public servant who is fully qualified to serve as President should the need arise. This, too, strikes me as a very weak argument. Because a man has occupied many offices over many years does not necessarily mean he has learned anything. Distinction does not automatically accompany experience—witness Richard Nixon as a prime example of how it did not.

We must examine the substance of Mr. Rockefeller's record and his views. On this basis, I find most serious cause for concern.

His record on foreign policy and national security questions has been dismal. He opposed the test ban treaty. He advocated bombing North Vietnam a year before Lyndon Johnson did it.

More important than his specific views is his broad view of the place of the national security apparatus in a democratic society. Consider these two instances:

First. When asked by Congressperson HOLZMAN, in the course of his confirmation hearings, for his views on our CIA efforts to subvert the Allende government in Chile, he acted as if she had belched in church. His attitude was that it would not be proper for him to discuss such things in public. Clearly, he does not regard foreign policy as the servant of the American people.

Second. In discussing the decision to retake Attica by force, he said:

I'm not a military man or a police official. These are professional judgments. . . . I do not feel I have the competence to make the judgments and I think there's nothing more dangerous than a civilian messing in military activities and trying to impose . . . his judgment over those of the professionals. . . . My experience is that the best thing a well-intentioned civilian political personality can do is not try and impose his judgment on professional matters but to pick good people and back them up.

Mr. Chairman, I want to state as forcefully as I can that a President who does what the military tells him to do is no President at all. The Constitution designates the President as the Commander in Chief.

Last night the American Broadcasting Co. brought us a gripping and brilliantly executed 3-hour dramatization of the Cuban missile crisis. We saw how every military advisor, backed by the congressional delegation and many of the diplomats, emphatically insisted on an invasion of Cuba. We saw how they told the President that their professional judgment left no room for doubt that a quarantine would be a miserably inadequate response.

When a single U-2 pilot was shot down,

the military demanded a massive air strike in retaliation. We saw how it was only through the determination of President Kennedy to avoid war and follow his best judgment that the casualties of that episode were limited to one person, when they could easily have been 1 billion.

What would have happened if Nelson Rockefeller, with the attitudes he has expressed, had been President at that time?

Briefly, there are several other points which cause me concern:

First, Rockefeller's conduct regarding the book on Arthur Goldberg can only be described as a gradually retreating coverup reminiscent of former President Nixon. Even today, he has not come clean regarding the reasons for disguising the Rockefeller family financial support for the book.

Second, throughout the Attica crisis he seemed to be less concerned about the lives of the hostages than about the impact the incident would have on his political image. This makes painful contrast with former Illinois Gov. Adlai Stevenson's handling of a similar riot in the midst of a Presidential campaign.

Third, he has frequently shown a tendency to evade rather than confront issues, to give Ron Ziegler-style answers to difficult questions, and to attack the image of a problem rather than its substance.

But when all that is said and done, I believe that on balance he should be confirmed. These are my reasons:

First, Mr. Rockefeller is obviously a man of intelligence and ability. These qualities are not in overabundance in the current administration.

Second, there is reason to hope he will grow in office.

Third, he seems to have none of the insecurity which caused Mr. Nixon to do many of the things he did. There are, after all, some advantages to having independently wealthy people in office.

Fourth, and probably most important. While Congress could, of course, reject nominee after nominee, I believe this would be a perversion of the spirit of the 25th amendment. I believe it is our duty to confirm somebody, and realistically speaking Mr. Rockefeller is the best nominee we are likely to get in spite of the objections I have mentioned.

Mr. KING. Mr. Chairman, I rise in support of the confirmation of Nelson A. Rockefeller as Vice President of the United States.

On August 20 last, President Gerald R. Ford sent to the Congress his nomination of Nelson Rockefeller to succeed him as Vice President.

The processes of confirmation as provided by the 25th amendment to the Constitution have been pursued exhaustively. No nominee for public office has ever been scrutinized so thoroughly. And the life and service of Nelson Rockefeller has met the test.

As one who has enjoyed the privilege of his political partnership and close association for many years, this comes as no surprise. I have long recognized his

eminent qualification for high public responsibilities.

Nelson Rockefeller possesses extraordinary ability, vast executive experience, and an uncommon knowledge of foreign relations. He will be a distinct asset to the Ford administration, and a credit to our country.

It will be my pleasure to join the overwhelming chorus of "ayes" in acclaim of his confirmation, and I take this final moment to extend my congratulations and cordial good wishes to Mrs. Rockefeller and their family in appreciation for what this great moment must mean to each of them.

May God bless and use Vice President Nelson A. Rockefeller.

Mr. JAMES V. STANTON. Mr. Chairman, after carefully reviewing the record of Nelson Rockefeller, I have concluded that I must, in fulfilling the responsibility entrusted to me under the 25th amendment, cast my vote against confirming Mr. Rockefeller for Vice President.

While no one can seriously believe that one's wealth inherently disqualifies him from serving in public office, I suggest that the extent and nature of the Rockefeller family wealth are vastly different from those of any Federal officeholders ever in our history. Regrettably, Mr. Rockefeller has not been sensitive to the dangers created when great wealth and governmental authority are fused. To the contrary, he has at times acted as though his financial power is a legitimate instrument to effect his political and governmental purposes. His pouring large sums of money into foundations whose main function—in addition to benefiting his tax situation—is to further his political ambitions, and his large gifts to others in public life, are of especially great concern to me.

Of course, if Mr. Rockefeller stood before the voters of this country as a candidate for President or Vice President, they might well decide that he could be trusted to exercise sound discretion with regard to his wealth. But, standing in the stead of the voters, and reviewing the record before us, I can say neither that the serious questions raised by the Rockefeller wealth have been answered in a satisfactory manner, nor that the fears of abuse of power—of which we have had our fill in recent years—are groundless.

In addition, I find that Mr. Rockefeller's conduct indicates that he would be hostile to what I consider to be one of this Nation's most pressing needs—the need for tax reform. In reducing his tax liability, Mr. Rockefeller has, I feel certain, done nothing illegal, and indeed, this fact shows what the problem is. The flagrant loopholes which permit the wealthy to avoid paying their fair share of the tax must be closed, and we can hardly expect leadership on this issue from one who has so benefited from the present tax system.

Thus I shall vote against confirming Nelson Rockefeller for Vice President.

Mr. BINGHAM. Mr. Chairman, the one thing I am sure of, as we confront

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the question of whether or not Governor Rockefeller should be confirmed for Vice President, is that the 25th amendment to the Constitution, which mea culpa I voted for, should be changed.

We will soon have a President and a Vice President neither of whom was elected by the people, and one of whom was selected by a President who was forced to resign his office in disgrace.

This situation, which clearly we did not foresee when we passed the 25th amendment, seems to me to be clearly intolerable. My vote today will be in part a protest against that situation and against the constitutional amendment which gave rise to it.

One of the things that is wrong with the 25th amendment is that it offers no criteria by which the Congress is to act in passing upon the President's nomination. As I have discussed this matter with many colleagues, I have discovered that widely varying sets of criteria are being used by different Members.

In attempting to resolve this question of criteria in my own mind, I have come, first, to the conclusion that the process here is different from the confirmation of a Presidential appointment to a Cabinet position. In the case of a Cabinet position, one has to agree that a President is entitled to have working for him as a department head a person who shares the President's point of view on the major issues involved in the operation of that department. In such a case, the principal question faced by the Senate is whether the person is of good character and is qualified in terms of experience and ability, although in recent years questions of possible conflicts of interest have also been carefully examined by the Senate.

It seems clear to me that the 25th amendment procedure presents a different case. First of all, the language is different. In the case of a Cabinet appointment, the President nominates and, "with the advice and consent of the Senate, appoints"; in the case of a Vice President, the President "shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

The language of the 25th amendment, I submit, suggests that the power to appoint a Vice President is a shared power, in which the President and the two Houses of Congress are to act to a degree as surrogates of the voters who normally elect a President and a Vice President.

It was on this basis that I voted against the confirmation of Gerald Ford as Vice President. I said then that my vote "should not be construed as any reflection on Mr. Ford's character or ability" but that I felt it was "incumbent upon the President to nominate a person whose public record and views lay somewhere between his own and those of the majority of both Houses." Instead, I noted, the President had nominated a person who had "given him virtually 100-percent support."

This is not to say that a Congressman's vote on the matter of confirming a Vice President should be a partisan

one; but it is to say that the criteria to be applied are broader than simply ability, experience, and character.

Turning now to the nominee before us, let me first say that I have found it extraordinarily difficult to decide how to vote.

There is no doubt that Nelson Rockefeller has had a distinguished career. He performed creditably in several appointive posts in the Federal Government, including Under Secretary of Health, Education, and Welfare. Earlier, as FDR's Coordinator of Inter-American Affairs and later as Chairman of the International Development Advisory Board, he was a pioneer in the field of international development. His book "Partners in Progress" admirably set forth the need for developmental programs and the concepts of technical assistance embodied in President Harry Truman's Point 4 program.

When he first began campaigning for the Presidency, Nelson Rockefeller was considered a representative of the liberal wing of the Republican Party, and during that period he apparently incurred to his credit, the lasting enmity of many representatives of the extreme right wing. If he had maintained this political posture, he would in my view have a very strong case for confirmation. But he has not; as Governor of New York, he moved steadily in a conservative direction, apparently trimming his views to what he considered to be the political winds. He showed courage on some issues—notably the sensitive issue of legislation on abortion—but he showed a regrettable lack of courage in his refusal to speak out on the two overriding issues of our time: the Vietnam war and Watergate.

I have read with care the various opinions expressed in the committee report and dissenting views, and I find I cannot agree wholly with any of them.

For example, I felt that Messrs. McCLOY and SMITH, who curiously were the only members of the committee majority to state their reasons for voting to confirm, brushed far too lightly over the very disturbing matter of large loans and/or gifts to public officials. I feel these transactions were highly inappropriate, to say the least. What if a President were to give half a million dollars to the Chairman of the Federal Communications Commission, for example? Would that not be considered intolerable?

Governor Rockefeller has virtually admitted that this was bad practice by undertaking not to make such gifts while holding national office, except in case of medical emergencies or something of that sort.

Yet I do not feel that the motivation for these loans or gifts was selfseeking or in any way sordid. To some extent, they resembled the contributions that Adlai Stevenson as Governor solicited from friends of his so that some of his State government appointees could afford to accept or remain in their jobs. The chief difference was that Nelson Rockefeller could afford to make the supple-

mental payments himself, and Adlai Stevenson could not.

In any case, as already noted, Governor Rockefeller has agreed not to repeat such loans or gifts in the future.

I also cannot agree with the dissenters' severe criticism of Rockefeller's acceptance of tens of millions of dollars from members of his family "to achieve his political desires;" that is, to finance his various campaigns. Until the recent changes in Federal and State laws, this was a not uncommon practice for those who had wealthy relatives, and the voters of New York State, at least, showed on several occasions that they did not object to such contributions or to the fact that Nelson Rockefeller and his family were almost uniquely wealthy people.

The authors of the dissenting views seem to recognize this when they say "The people of this Nation may believe it appropriate to merge vast economic power with enormous political power," but they go on to say that "a decision of such fundamental magnitude must be made by the people, themselves, in a direct election, rather than by Congress." I fail to see the logic of that distinction, especially since the dissenters elsewhere state that in acting under the 25th amendment, the President and the Congress "are acting as surrogates of all the electorate."

Thus I cannot accept the argument that Nelson Rockefeller should be denied national office, because of the extraordinary economic power he and his family are in a position to exercise. And I wonder if my friends, the dissenters, would have reached that conclusion if the nominee had been a person whose views on the issues had in general coincided with their own.

Thus, we come back to the question of the nominee's positions on public issues. So far as I can discern, Governor Rockefeller's views coincide almost totally with those of President Ford. In naming him, the latter made no concession whatever to the fact that the majority of both Houses hold very different views. This consideration leads me in the direction of casting my vote on the basis of the same reasoning that led me to vote against confirmation of Gerald Ford.

One final point: In meetings with my constituents I have often been asked—as, I am sure, have all my colleagues—whether in deciding how to vote on an issue I follow my own convictions or whether I am guided by the views of my constituents. My answer is that, if my conviction is a profound one, I will follow it, even though my constituents may feel differently; but that, if the issue is one on which I am ambivalent and on which I know the majority of my constituents have strong views, I will "vote my district."

During the fall campaign I discussed the Rockefeller nomination with my constituents in all parts of the 22d District, singly and in groups. By an overwhelming margin, their advice to me "vote no" and that is what I shall do.

Mr. WRIGHT. Mr. Chairman, I shall vote in support of Nelson Rockefeller's

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confirmation. I can see no valid reason to do otherwise. He is remarkably able and more than amply qualified for the office.

Those who oppose this confirmation seem to base their opposition on one or more of three grounds. Either they feel Mr. Rockefeller should be disqualified because of his personal wealth, or they find something unattractive in the fact that he has been generous with his money, or they disagree with his public position on some particular issue.

As one who feels very strongly that no person should be disqualified to serve in high public office for lack of wealth, I cannot consistently support the theory that an individual should be disqualified simply because he possesses financial wealth.

Having actively and wholeheartedly supported John F. Kennedy for the Presidency, I could not now oppose Mr. Rockefeller for the Vice Presidency on the grounds of his affluence.

As for the contention that Governor Rockefeller's personal gifts to friends and associates implies some sinister or unworthy motive, I find this the least impressive objection of all. Are we to condemn a person for being generous? Every instinct of decency cried out against such tortured reasoning.

And supposing Mr. Rockefeller may at one time or another have disagreed with you or me on some issue of public policy. What man who thinks for himself has not disagreed with me on one occasion or another? To search for a public official who agrees with me on every point would commit me to a more difficult quest than that of Diogenes.

And to expect such a person to be nominated by a President of the other party would be unrealistic in the extreme for any Democrat.

If not Mr. Rockefeller, whom would you desire President Ford to name? Whom indeed could we find who is better grounded by experience? Whom could we find who has dedicated more years of his life to the service of our country?

There probably is relatively little that I can tell the House which most Members do not already know about Nelson Rockefeller, but I am pleased to share a few of my personal observations and the results of my personal experience with this truly distinguished public servant.

For approximately 10 years, in the consideration of legislation involving such matters as water pollution abatement, economic development, highway and port improvements, the House Committee on Public Works has had occasion to receive testimony from the Governors of various States. Typically a Governor will have a prepared statement and will be accompanied by staff personnel to assist in the factual answering of specific questions posed by members of the committee.

Ever since his extremely remarkable appearance before our committee in 1965, I have been deeply impressed by the unique skills, broad knowledge, and total dedication of Gov. Nelson Rockefeller. He has been clearly the best informed and most informative witness who has ap-

peared before our committee in discussions of these vital matters.

Consistently, Nelson Rockefeller has displayed a profound depth of knowledge and a truly surprising capacity for detailed information. While accompanied by a battery of experts, he hardly ever has had to call upon one of them for a complete and factual answer to specific and sometimes difficult questions posed by members of our committee. In almost every instance, he has had the information we desired at his very fingertips and has replied lucidly, responsibly, and informatively to an almost infinite variety of questioning. More than once, he has volunteered suggestions which were innovative and creative. His mental capacity has been more than amply demonstrated in these appearances, and I have been very greatly impressed by his total grasp of deep and perplexing public problems.

More recently, during the past 2 years, I have had the privilege of serving with him as a member of the National Commission on Water Quality, of which Governor Rockefeller has served as Chairman. Here his decisive leadership and great executive capability have become known to me. He has the ability to assimilate enormous volumes of information, to sift through the outer froth and burn quickly to the center core of each issue. His questioning of expert witnesses is sharp and incisive. His ability to organize professional staff personnel and professional consultants into a purposeful and effective team is almost unrivaled in my experience.

In my judgment, there can be no question that Nelson Rockefeller possesses breadth of knowledge and experience, the traits of personality and the keen mental acuity to perform the duties of the Vice Presidency in a truly outstanding manner.

Mr. REUSS. Mr. Chairman, despite some doubts, I vote to confirm Mr. Rockefeller. I do so in conformance with what I conceive to be my duties under article XXV, section 2, that I must vote to confirm unless the nominee is unqualified.

The doubts arise from the blend of vast financial and political power symbolized by Mr. Rockefeller.

Consider the financial empire in which Mr. Rockefeller family hold such substantial interests. In Vietnam, Thiokol-powered McDonnell Douglas aircraft use IBM or Itek guidance to drop bombs made by Automaton Industries; ground forces, flown in by Pan Am, guided by ITT communications, use vehicles fueled by Mobil, Chevron, and Amoco. In the United States, the family holds substantial interest in 17 of the top 100 military contractors. In Peru and Venezuela, political disputes rage over Exxon subsidiaries.

It is reported that Mr. Rockefeller has offered to put his financial holdings in a blind trust, and to forgo the financial butting up of political associates. These decisions are commendable.

But the larger question remains: Is it wise, in a democracy, to encourage the

marriage of extreme wealth and high political power? The Milwaukee Journal perceived the danger 70 years ago in an editorial in which it saw the coming of the first billionaire, the original John D. Rockefeller, the nominee's grandfather. Said the editorial:

A billion dollars in the possession of one family, makes it possible for one man to say who shall work and who shall starve, who shall engage in business and who shall not be allowed to compete in the markets of the world. They make it possible to control legislation as well as the finances of the country. By centralizing industry and hogging opportunity they force an increase in the number of those who must work for wages and decrease the number of those who would embark in business for themselves.

There are wise men in this country who see in this coming billionaire and what he represents a greater danger than America has ever known before, and who believe that it can only be curbed by one of two methods: legislation rigidly enforced or revolution.

The last must not be.

The Rockefeller empire has grown more rich and more powerful in the last 70 years. And all this time, the Congress has been doing those things, and leaving undone those things, which have made this vast agglomeration of wealth and power possible. The plutocracy has grown, and recently the share of income and wealth going to those at the top has increased. The holding company, the conglomerate, the multinational have acquired sovereignty undreamt of by the first Rockefeller. Congress has acquiesced in a tax system that lets the incomes and inheritances of the wealthy very largely escape their just share of the burdens of civilization. Money makes money, and there is more of it at the top.

All this is so. But, in a certain sense, it is a world that Nelson Rockefeller never made—though it cannot be denied that he enjoys its benefits. He has not been one of the idle rich—indeed, there are those who complain that he is overenergetic. He has not shrunk from contact with the common man—indeed, there are those who complain that he is overgregarious.

It is Congress that has created the system that produced Mr. Rockefeller. Our duty ought to be to correct the inequities of the system, rather than to take it out on the exemplar who comes before us under article XXV. I vote to confirm.

One final thought, perhaps inspired by the Christmas season. When Mr. Rockefeller assumes his magistracy later today, he will be granted for the next 2 years powers and opportunities seldom granted to an American. Because of his unique background, he has a capacity to reform our society not given to Tom, Dick, or Harry. It is too much to hope that Mr. Rockefeller, in his high office, will lead the struggle to rid this country of the curse of bigness, to reform our tax laws so as to prevent the accumulation of empires like the Rockefeller, to reduce our international corporate giants to manageable and humane proportions?

Mr. BOWEN. Mr. Chairman, I have followed with great interest the hearings

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of the House Judiciary Committee and the debate here today. Although I have seen nothing on Governor Rockefeller's part which would disqualify him out of hand for the office of Vice President of the United States, I have found many things which give both me and my constituents cause for deep concern about whether or not this is the right man to fill the office. We have heard these matters discussed in detail today, and I do not propose during these few minutes to examine them any further.

Under the 25th amendment to the Constitution, the people of America have no voice in the selection of a Vice President, and because of the peculiar circumstances obtaining today they have had no voice in the selection of their President. My vote on most issues under consideration in this body has been and will continue to be based upon my own considered judgment of what I believe to be best for my district, my State, and my Nation, but under the circumstances of this confirmation process, I feel a very special obligation to vote as my constituents would want me to vote. I feel that I am serving here this evening in an unusual capacity as a member of an electoral college, representing the people of the Second Congressional District of Mississippi.

Through many letters, phone calls, and personal contacts over a period of several months I have found the overwhelming sentiment in my congressional district to be against Governor Rockefeller's confirmation. I have the highest respect for those of my colleagues who for convictions of their own will vote to confirm Governor Rockefeller, and I am certain they will be in the majority, but I feel a personal obligation to vote not to confirm Nelson A. Rockefeller as Vice President of the United States.

Mr. DINGELL. Mr. Chairman, I rise to oppose the confirmation of Nelson Rockefeller as Vice President of the United States.

I do so for many reasons which I consider compelling. My purpose in rising at this time is to set forth the reason why I will vote no when the roll call is called on this important constitutional action of the Congress.

Our duties here are defined for us by the 25th amendment, which provides as follows:

AMENDMENT XXV
(Ratified February 10, 1967)

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION 4. Whenever the Vice President and a majority of either the principal officers

of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

A clear reading of this amendment shows that there is no mandate upon the Congress to confirm or not confirm the President's appointee. As Members of a coequal branch of the Government we have the right, and more importantly, the solemn sworn duty to exercise our independent judgment on confirmation of Mr. Rockefeller as Vice President, giving due weight to all facts and circumstances.

I note with some regret that the tone and language of the report of the Judiciary Committee gives the impression, which I am satisfied is erroneous, that the Congress has some sort of responsibility to confirm the nominee here. This interpretation is thoroughly out of keeping with the language, intent, and constitutional prerogatives of the Congress. To consider the meaning of the 25th amendment to be so is to convert the Congress to a mere rubber stamp, condemned in this instance, and probably in others, succeeding and difficult, to only approve and ratify the actions of the Executive without exercising the wise judgement necessary to a strong and independent Congress, properly responsive to the will of the people.

This Nation has learned time and again, from the days of the Magna Carta, the struggles of the Parliament against the excesses of Stuart kings, from the outrages of George III which led us to our War of Independence, and the scandals of Watergate and Richard Nixon, that a strong and independently minded Congress is the only protection of the liberties of people against executive tyranny and excess.

In that framework, let us then approach our task of determining whether the public interest requires that this Nation should fill this office of Vice President at this time, and whether or not

Nelson Rockefeller should fill it by confirmation of the Congress.

THE IMPORTANCE OF OFFICE IS REALLY MINIMAL

A wise, and much beloved Vice President, the late Alben Barkley told a story of the significance of this office—he described a mother who had two sons, one went off to sea, and the other became Vice President and neither was ever heard of again.

Vice President John Nance Garner observed in his usual salty way the importance and value of the office was about equal to a "pitcher of warm spit."

President Eisenhower was asked for contributions to his administration by his Vice President, Mr. Nixon. Mr. Eisenhower asked for several days' time to think and observed that in that period he might think of some contribution or service by his Vice President to the Nation.

The duties of the Vice President are set out in law and the Constitution. He is to do the following:

First. Preside over the Senate;
Second. Cast the deciding vote in the event of a tie vote in the Senate; and
Third. Assume the office of President in the event the President dies or becomes incapacitated.

A reading of history and the CONGRESSIONAL RECORD reveals that few, if any, Vice Presidents bother with the tedious and burdensome duty of presiding over the Senate. According to my study Vice Presidents exercise this function on opening sessions, joint sessions, and when the meetings of the other body are televised. In other times they are not to be found, except where we read of their partisan denunciations of the other party in the press.

To prove the general uselessness of the position, of Vice President, the Republic has existed most comfortably for long periods with no incumbent in the office at all. In the difficult periods following the assassination of Presidents Lincoln, McKinley, and Kennedy there was no Vice President. In the period following the enforced resignation of President Nixon, there has been no Vice President. There is no demonstrable evil which has befallen the Nation for this absence of a Vice President in these difficult times.

In the period following the enforced resignation of Mr. Agnew there was no Vice President until confirmation of Mr. Ford as Vice President.

There was no evidence of any difficulty besetting the Republic during that period stemming from the absence of a Vice President.

THERE IS AN ORDERLY STATUTORY PRESIDENTIAL SUCCESSION

The law provides that in absence of a Vice President there shall be a regular statutory succession to the Presidency.

The immediate successor is the Speaker of the House, next the President pro tempore of the Senate, then Cabinet officers in order of seniority of their respective posts.

So if anything happens to the President, there are fully qualified successors ranked in depth ready to succeed to the office with minimal dislocation.

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THE CONFIRMATION OF NELSON ROCKEFELLER MEANS TODAY THAT THE HIGHEST TWO OFFICERS OF THE NATION ARE APPOINTED, NOT ELECTED

The factual character of this statement cannot be denied. That the situation is evil and unintended even by framers of the 25th amendment cannot be gainsaid.

That we as a nation need tolerate this situation is obviously untrue. We have always believed that the people should select their servants and officials by open and free election. Let this process not be diminished here.

THERE IS GREAT COST AND SMALL BENEFIT IN THE CONFIRMATION OF NELSON ROCKEFELLER

The cost of keeping a Vice President in style is enormous.

His salary is over \$60,000 per year. He gets a \$10,000 a year as a personal expense allowance.

His staff, according to the last appropriation list costs about \$550,000 a year.

Security by Secret Service is \$1.5 million per year for this rather useless office, plus \$200,000 per year for the new Executive Protection Service to look after his safety at the new Vice President home.

We have yet to get a figure as to the cost of remodeling the new official residence of the Vice President, entertainment costs, travel and so forth can only be estimated as large, and unneeded at this time.

What does the Nation receive for this expenditure? Very little.

NELSON ROCKEFELLER DOES NOT MEET THE HIGH STANDARDS OF CHARACTER REQUIRED FOR VICE PRESIDENT

Nelson Rockefeller, it is clear, did not deal fairly with the committees which investigated the qualifications. He failed to reveal his true holdings until prodded by the committees. His worth grew from around \$30 million to somewhere around \$300 million during his testimony.

If this discrepancy grew from ignorance of the English language it raises one kind of question as to his fitness. If the discrepancy grows from inability to keep count of assets, it raises still other questions. Possibly it results from intention on part of Mr. Rockefeller to deceive the Congress. I do not know what the reasons are. The questions raised by the discrepancy remain to speak loudly against his fitness.

Mr. Rockefeller's family supported his gubernatorial campaign with a book about his opponent which was in keeping with the best traditions of character assassination, muckraking and Watergate politics. Even the financing was obscured by laundering funds advanced by family members for the publication of the book.

LOANS AND GIFTS BY MR. ROCKEFELLER RAISE GRAVE QUESTIONS AS TO HIS BEHAVIOR BOTH AS GOVERNOR OF NEW YORK AND A PRIVATE CITIZEN

Mr. Rockefeller's gifts to officeholders, large gifts may well contravene the law of New York.

The roster of the recipients of Mr. Rockefeller's beneficence is long and distinguished.

Listen to the roster: Some \$2 million showered upon the superintendent of banking, the commissioner of the de-

partment of environmental conservation, the commissioner of housing and community renewal, the commissioner of taxation and finance—who later became chairman of the State housing finance agency—the president of the State urban development corporation, the chairman of the New York and New Jersey Port Authority, the presiding judge of the New York Court of Claims, all officials of the State of New York; and the Assistant to the President of the United States for National Security Affairs.

Why these gifts?

What was their import? What was the quid or the pro quo here? We will never know. Nor do we need to. The appearances are against a real sensitivity to the public interest on the part of both donor and donee. There appears here real lack of appreciation of the responsibility of an officeholder to so behave as to maintain and justify the public trust in its officers in both appearance and fact.

The appearances are bad. It is doubtful that fact is appreciably better than appearance.

Certainly the recipients had, before them, on a daily basis, a plethora of questions affecting Mr. Rockefeller as an individual, as a member of the Rockefeller family, as Governor, as stockholder of scores, if not hundreds of major corporations. Gifts were made to persons who pass on questions relating to oil and Exxon, to banking and Chase Manhattan, on matters relating to airlines, all of which are matters of special interest to Nelson Rockefeller, stockholder and possible beneficiary and to his family whose financial interest multiplied his.

POTENTIAL CONFLICTS OF INTEREST AROUND IN THE PERSON OF NELSON ROCKEFELLER

Protestations as to establishment of a blind trust, and other remedies to the contrary, there is no way Mr. Rockefeller can be viewed as anything other than a walking, breathing, conflict of interest.

President Ford indicates Mr. Rockefeller will be his partner, in fashions not yet divulged, in running the country. While this arrangement is of doubtful legality and unsanctioned by law or usage, it does indicate the opportunity available to Mr. Rockefeller for conflicts will be immense.

If there is such virtue in blind trust, why is it coming years after Mr. Rockefeller was elected Governor of one of our largest, richest, and most populous States? What trustee will dissipate, sell, and dispose of Mr. Rockefeller's vast holdings in today's market and under the 2 years potentially remaining in his Vice-Presidential term? The questions answer themselves. The reform comes too late, and is clearly meaningless.

Mr. Rockefeller's actions and advice will clearly affect IBEC, the family holding company, his brother's bank, family banking interests, family investments in oil, his and his family's holdings in the giants of the oil industry. This action and advice will clearly affect the families interests in transportation, land, and other corporate interests and investments.

The Nation is told of his integrity. I do not know the gentleman. There is possibility his integrity is proof against

both the constant flow of opportunity and temptation to favor his personal interests and those of his family. I hope so. Many people doubt it with the best of reasons.

Certainly trust of Mr. Rockefeller is gravely jeopardized by common understanding of the frailty of human nature and the immense size and frequency of temptation imposed on him by the office he seeks. No action of his will escape perfectly valid questions as to his self-interest.

I will not recount his holdings, or speculate as to his potential conflicts. His wealth is documented in the hearings. His conflicts of interest will cover the whole width and breadth of his official actions.

Nelson Rockefeller cannot escape these questions by our confirmation. Our action is not a baptism absolving Mr. Rockefeller of taint and question. We cannot even engage in a whitewash here. We cannot instill any trust of him or his actions into the public mind.

There will be no reason to bottom our judgments here on integrity or lack of it on the part of Mr. Rockefeller.

We have a special duty to exercise the greatest prudence and care here. Since no election will be held for the office for 2 years, we exercise a duty bound by the highest care and greatest caution. There are sufficient warnings here of potential peril that we cannot confirm this man. His every action is subject to broad and widespread public doubt and apprehension. Public trust in its Government cannot be helped by his appointment. Human nature being what it is, no one can be sure when and whether his actions favor the people or further Exxon's interests. No one will know when or whether he furthers the public interest or those of his brother's Chase Manhattan Bank. Or, worse, when his actions favor his brother's bank's correspondents here at home or abroad. Nelson Rockefeller should not be confirmed.

Mr. CLAY. Mr. Chairman, this speech will perhaps be the most ironic speech I have ever made. However, it fits the most ironic situation America has ever faced. Let me point to a few of the ironies. Is it not ironic that in this instance, I disapprove one Rockefeller, the Vice-Presidential nominee; and end up approving another Rockefeller, his brother, John D., III. More importantly, the American political irony in which we find ourselves involved, looms beyond any single event this country has faced since its birth.

Approaching the 200th birthday of a nation built upon the world's greatest experiment in democracy and self-government, we find ourselves in a situation where the first and second office in the land will be occupied by people—not elected—but appointed. Needless to say, this greatly disturbs many of us.

More disturbing is the thought that this President was appointed by a President whose Vice President had to resign from office in disgrace as a convicted felon. Furthermore, the former President himself had to resign in face of certainty of impeachment because of crimes he had committed against the United

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States. Our present President unconscionably pardoned his benefactor for all crimes he had committed or may have committed, even before justice could have established his guilt or innocence.

Article II, section I, of the Constitution explicitly provides that the President and the Vice President are to be elected. This right of the people to choose their own leaders is the fundamental principle of self-government. Clearly, this was the intention of the framers of the Constitution. They believed firmly, like I do, that no one should serve as President who had not faced a national election. Neither the President nor the Vice President nominee has ever faced a national election. In fact, the Vice Presidential nominee was repudiated by his own party as their Presidential choice in the past. Today, public opinion of the American people show disapproval of Mr. Rockefeller's appointment by a margin of 43 percent against, to 39 percent for his appointment.

The authors of the 25th amendment back in 1967 never contemplated that they would introduce such an extraordinary innovation into the American system of government. When they cavalierly discarded the wisdom of the framers of the Constitution, by allowing the President to appoint his own successor, I am sure that they never contemplated such extraordinary events. Both the President and the Vice President will take office without winning a single precinct in the country or without the opportunity of a single voter to express an opinion. This has moved the most vital political choices farther and farther away from the people.

There are very serious questions about the wisdom; even the legitimacy of this arrangement. For these reasons alone, I oppose the nomination of Nelson Rockefeller. But, this is not to say that he otherwise gets a clean bill of health. One cannot easily forget the 40 prison inmates and guards slaughtered at Attica under his governorship. Nor, can one ignore the enormous accumulation of wealth and its attendant power.

Watergate has alerted a great number of Americans to the fact that the democratic, representational election procedure is much too valuable to be left in the hands of those who are willing to purchase it at any price. Rockefeller has demonstrated in the past that no price tag is too high to pay for an election. It is staggering to look at the money spent by the Rockefeller family to get him elected to office. In 1970, the Rockefeller campaign for reelection for Governor of New York cost \$6,985,455 million. Over \$4 million of this sum came from members of the Rockefeller family. In 1966, he spent \$4,896,656 million, of which, more than \$3.5 million came from the Rockefeller family. In his unsuccessful Presidential campaign of 1964, \$5,228,550 million was spent. Over \$8 million was spent in 1968 in his bid for public office.

I must say that I am confounded why an individual or a family would spend such vast amounts of money to stay in office or to get elected to an office. My

concern is—what effect would this have on those less advantaged though dedicated who would also wish to seek election to public office in this country.

I sincerely believe that public officials seeking election to high offices such as these, should be decided by we the people of the United States, we alone, each equally. Furthermore, integrity in Government is a sine qua non to effective Government policymaking in all fields. Yet, the bag of history bulges with instances of the many ways that public officials flaunt that trust for their own personal material gain, conflict of interest, and outright corruption. One might ask, why did Mr. Rockefeller see fit to subsidize the U.S. Secretary of State, and in New York, the chairman of the transportation authority; the superintendent of banks; the head of environmental affairs; the commissioner of housing and community renewal; the chief of urban development; the commissioner of taxation and Finance; and the presiding judge of the State court of claims.

Earlier this year, Mr. Rockefeller personally, and through friends, established a "nonpartisan" national committee to "study" public issues. Rockefeller himself headed the proceedings. This cost millions of dollars, won countless admirers, friends, staffers, and supporters under the guise of political nonpartisanship. This clearly shows one way that a true public-spirited citizen with money can beat the political hustlings and gain a tremendous political advantage long before the Congress could institute campaign expenditure ceilings. This sort of maneuvering gives us a foretaste of the potentiality for corrupting the political process.

This litany can go on ad infinitum, but suffice it to say that my vote of no confidence will be recorded.

In conclusion, if Nelson, would subscribe to the ideals of his brother, John D., III, a millionaire himself, his ultimate solution to social and political equality would be the same as mine. In his book, "The Second American Revolution," John D., III recognized that the fundamental political problem in American society is the gap between our ideals and the way it has fallen into general disarray, disrepair, and disrepute. He, too, sensed that growing numbers of Americans feel hostile or alienated from the "system." In his words:

I became aware of the underlying similarities between the America of today and of 200 years ago. It seemed to me that now, as then, there are important social forces in motion that can legitimately be considered revolutionary, and they go to the essence of what our country is all about. In my judgement, we are in the early stages of a revolution of fulfillment, not of overthrow, a revolution designed to bring fruition to the great ideals upon which this nation was founded.

His hope is to fulfill these revolutionary impulses. So he latches onto the idea the "American Revolution" was not a war, with 1 day as its beginning and end, but a process that took time. It began on July 4, 1776, with the Declaration of Independence and formally terminated with the ratification of the

Constitution in 1789. What he wants is the American people to rededicate themselves, starting in 1976 to Bicentennial era in order to complete a renaissance and rebirth of American principles.

One of the fundamental principles then, as is now, that this country of self-government should be governed by leaders chosen by the people. He believes that time is needed to find new ways to address our social and economic problems, and to chart our future into the third century of the American experience. Time. Time to learn. Time to discover. Time to chart. I subscribe to his idea.

Mr. FRENZEL. Mr. Chairman, today the House will at long last pass judgment on the nomination of Nelson Rockefeller to be Vice President of the United States. The dilatory manner in which this nomination has been handled provides just one more example of why the Congress, as well as the nominee, stands today in judgment.

Reams of criticisms have been leveled at the 25th amendment, under which authority this nomination is being considered. Yet we have failed to come to grips with the amendment's most glaring deficiency; namely, its assumption that Congress would make a good-faith effort to complete the confirmation process with all deliberate speed. Someone obviously underestimated the willingness of Congress to pursue partisan advantage at the expense of the national interest. There is nothing wrong with the 25th amendment. There is definitely something wrong with a Congress that needs 4 months to make it work.

Even our interminable presidential election campaigns consume less time from nomination to election than the 17 weeks it took this Congress to process the Rockefeller nomination. This is just one more example of the desperate need to reform our antiquated congressional procedures and our even more obsolete congressional attitudes. Our zeal is boundless when it comes to exposing someone else's soiled linen, matched only by our lassitude in laundering our own.

Governor Rockefeller is without doubt the most investigated nominee for the office of Vice President that this country has ever known. The record shows that the nominee has the normal complement of human flaws. But, there is nothing in the record to indicate that he has violated the public trust, nor is there any reason to believe he would do so in the future.

The principal criticism of Nelson Rockefeller is that he is too rich. The next nominee might be too poor. Whomever the nominee might be, he or she could bring a record, an association with friends, a set of principles, a set of prejudices, and some assets. Any of us might be encumbered, but very few of us would be disqualified. Neither is Nelson Rockefeller.

Nelson Rockefeller has enjoyed a long and distinguished career of public service as Governor for 15 years of the then most populous State. As Governor, he was regarded as creative, but practical, and above all, effective. He has served

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as an employee, adviser, and trouble-shooter for several Presidents of both political parties. He has the background, the experience and the ability to complement President Ford in the day-to-day conduct of the executive branch. I consider him an excellent choice for Vice President.

Based on the record, I will vote to confirm Governor Rockefeller as Vice President of the United States.

Mr. FUQUA. Mr. Chairman, it has not been very long since we were called upon to approve, by virtue of the 25th amendment, the nomination of Gerald Ford as Vice President of the United States. I voted in favor of that nomination and I believe that history has shown that that nomination and subsequent approval was in our national best interest. As a cosponsor of that amendment and being mindful of the great public interest in an orderly transition of power within the executive branch, I recognize the important task before us today; the confirmation of Nelson Rockefeller as Vice President of the United States.

We, as a people, have been without a Vice President since August 9, 1974, when Gerald Ford was sworn in as the Chief Executive. The 25th amendment recognizes that the important matter with which we are now confronted is too critical to be decided arbitrarily or without the cooperative efforts of the executive and legislative branches. Accordingly, the House and Senate must approve the President's choice for Vice President after a searching inquiry into his personal and financial background and his capacity to lead. This process has gone forward and we have seen favorable action by the U.S. Senate in a vote of 90 to 7 for the confirmation of Mr. Rockefeller.

This House knows that the nominee and I have disagreed many times about the priorities which should be set for the American people. In voting in favor of the President's nominee, I demonstrate my willingness to cooperate with him in insuring that the American people are spared the upheaval and uncertainty which would be encountered should an untoward event make a vacancy in the office of the Presidency. Certainly, in ratifying the 25th amendment the several States recognized that Presidential succession would be more orderly and less traumatic should it be accomplished by the processes at work today.

We are not called upon to vote for or against Nelson Rockefeller on the basis of his political philosophy or his view of the National Government's role in the Federal-State relationship. The President's nominee is to be approved or rejected on the basis of his personal integrity, capacity for leadership, and ability to unite the people of our great Nation. On the basis of the extensive inquiry which has been conducted since Mr. Rockefeller's nomination as our 41st Vice President, I feel compelled to vote in favor of his confirmation. Certainly, I join with my colleagues in wishing Mr. Rockefeller well in fulfilling the awesome responsibilities of that high office, for his successes will be shared by the American people.

The course that this House has embarked upon today is more prudent and considerably less divisive than rejecting the President's nominee and casting our Government into still further crisis and unrest. Our actions will serve to bring the American people closer together and provide a cohesive filament to strengthen further our institutions of government. I believe that the good people I am privileged to represent would have us do no less.

Mr. STARK. Mr. Chairman, the vote we cast today could be one of the most meaningful in the history of our Nation. We are being asked to approve the nomination of a man of great inherited private wealth and power to a position of enormous public influence, a breath from the Presidency. The mixture is not comforting.

I do not question the sincerity of Nelson Rockefeller in seeking the Vice Presidency of the United States. He has served his own constituencies, both well and poorly, with a dedication peculiar to his circumstances. But I question whether he could get elected today to any public office in the ninth Congressional District, or a majority of congressional districts throughout the Nation, because by accident of birth, he lacks the one quality desperately needed in today's crippled society, the quality of understanding.

In my own district, for example, would a man who has never suffered want in his life understand the pangs of hunger suffered by the elderly and poor living on social security and welfare? Would a man who keeps a doctor virtually within arm's reach 24 hours a day understand the health needs of the average person faced with spiraling costs of medical care and hospitalization? Would a man who has consistently used tax loopholes to protect his own empire understand the need for tax reform that will relieve the inequitable burden of taxation now carried by low- and middle-income persons? Would a man whose family fortune was built on oil understand the morality of eliminating special favors now granted to oil companies and other large corporate interests? Could a Nelson Rockefeller feel what it means to live on a social security check of \$191 per month?

As a prospective member of the Ways and Means Committee, which deals with taxation, social security, and other human concerns, I question whether we will get a sympathetic ear from a man whose existence depends upon attempts to foil movements toward eliminating unfairness between the rich, the middle income, and the poor.

I fear that Nelson Rockefeller's whole background coupled with his shift toward conservative views which stall movements for reform, mitigate against his ability to make decisions which will solve the problems facing Americans today.

Nelson Rockefeller's concerns are not those of the average person. He does not share the hopes, the dreams of those he seeks to reign over.

He is not being elected by the people,

and I do not believe he would be. He will not get my vote.

Mr. PHILLIP BURTON. Mr. Chairman, I am voting against the nomination of Nelson Rockefeller as Vice President of the United States for a variety of reasons. Most importantly, it is clear to me that the power of the Rockefeller fortune in a free and democratic society if combined with the authority of the Office of the President, which Rockefeller seeks, would amount to a monumental concentration of power that would leave the public potentially defenseless.

More particularly, a President not elected by the people, selecting a Vice President—also not elected by the people—is too bizarre a confluence of events to be ratified by a "lame duck" Congress where almost 100 "lame duck" Members will not be serving next year.

My colleagues may find of interest the material prepared by the Democratic Study Group which I am placing in the Record at this time:

DEMOCRATIC STUDY GROUP,
FACT SHEET,
December 17, 1974.

THE ROCKEFELLER NOMINATION

This DSG Fact Sheet deals with President's Ford's nomination of Nelson A. Rockefeller to be Vice President of the United States. The Rockefeller nomination is the second appointment to the office of Vice President in little more than one year. Confirmation of Rockefeller will give the U.S. its first President and Vice President who were not elected, but who achieved office through provisions of the 25th Amendment for filling a vacancy in the Vice Presidency.

The principal controversies surrounding the nomination include the following: possible conflicts of interest concerning the merger of Rockefeller family wealth and influence with the office of the Vice Presidency; Rockefeller's gifts and loans to public officials; Rockefeller's financing of a book critical of Arthur Goldberg, Nelson Rockefeller's 1970 gubernatorial opponent; Rockefeller family political contributions; and the nominee's handling of the Attica prison riot. The Rockefeller nomination is scheduled for consideration beginning Thursday, December 19. The Judiciary Committee has requested a rule providing eight hours of general debate. The Senate confirmed the nomination by a vote of 90 to 7 on December 10.

This DSG Fact Sheet contains the following sections:

- I. Background.
- II. Major Points of Controversy.
- III. Arguments For and Against the Nomination.

SECTION I Background

The office of Vice President became vacant at noon on August 9, 1974 when Gerald R. Ford was sworn in as the 38th President of the United States, succeeding Richard M. Nixon. On August 20, President Ford announced the nomination of Nelson Rockefeller to be the 41st Vice President of the United States. The nomination of Rockefeller to the office of Vice President is the second such nomination in little over a year under provisions of the 25th Amendment. The first occurred when President Nixon nominated House Minority Leader Ford to succeed Vice President Agnew, who submitted his resignation on October 12, 1973, immediately prior to his conviction on a felony count involving tax evasion.

The procedure for filling a vacancy in the Vice President is set forth in Section 2 of

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the 25th Amendment to the Constitution, which was ratified February 10, 1967:

"Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

The 25th Amendment

The 25th Amendment was adopted to prevent situations such as that which existed following President Kennedy's assassination when the Vice Presidency stood vacant for 13 months after Vice President Johnson became President. The first section of the amendment states that "In the case of the removal of the President from office or of his death or resignation, the Vice President shall become President," thus making clear that the framers had in mind situations in which a vice presidential vacancy resulted from a prior presidential vacancy. The framers could not have foreseen an Administration so scandal-ridden that the Vice President would be forced to resign and a President under threat of impeachment himself would be replacing said Vice President with his own potential successor.

The legislative history surrounding the adoption of the 25th Amendment makes clear the intent of the framers regarding the role of Congress in the approval process:

The President and the Congress are equal partners in the process, with the Congress guaranteeing a popular voice in filling the office.

The Congress is expected to exercise a greater degree of scrutiny over a vice presidential nominee than it exercises over presidential nominations for other offices.

The Congress should judge the nominee as a possible future President and examine his capacity to lead and unify the nation.

Senate Action

The Rockefeller nomination was referred to the Senate Rules Committee, which requested reports on Rockefeller's financial background and qualifications from the FBI, the IRS, the Attorney General, the GAO, the Library of Congress, the New York State Board of Elections, and the Senate Select Committee on Presidential Campaign Activities. Following eight days of hearings on the nomination, the committee unanimously recommended that the Senate confirm Rockefeller (Executive Rept. 93-34). On December 10, the Senate approved the nomination by a vote of 90 to 7. The seven dissenting votes included four Democrats (Abourek, Bayh, Nelson and Metzenbaum) and three Republicans (Goldwater, Helms and Scott of Virginia). Another Republican (Dominick) voted Present.

House Committee Action

In the House, the nomination was referred to the Judiciary Committee, which conducted an extensive investigation of the nominee, including financial and tax audits and his past record in public service. Following nine days of hearings, the committee on December 12 recommended approval of the nomination by a vote of 26 to 12. Voting against confirmation were Reps. Kastenmeier, Edwards, Ellberg, Conyers, Waldie, Sarbanes, Selberling, Danielson, Drinan, Holtzman, Owens and Mezvinsky.

SECTION II

Major points of controversy

This section briefly discusses the major points of controversy which have arisen regarding the nomination of Nelson A. Rockefeller to be the 41st Vice President of the United States.

Possible Conflicts of Interest: Rockefeller Wealth and Influence

The major concern surrounding the Rockefeller nomination involves potential con-

flicts of interest and the magnification of power which could result from merging the vast financial power of the Rockefeller family throughout the U.S. and the world with the office of the President of the United States, to which Rockefeller as Vice President might suddenly succeed. Many decisions Rockefeller would have to make would directly or indirectly affect the Rockefeller family fortune, which exercises substantial financial influence in several important sectors of the U.S. and world economy.

In disclosing his financial holdings, Nelson Rockefeller stated that his net worth is approximately \$218 million. The Rockefeller family has assets totaling over \$1 billion, most of which are held in two trusts established by John D. Rockefeller.

The \$1 billion in total Rockefeller family assets does not include the Rockefeller brothers' fund, the Rockefeller family fund, the Chase Manhattan Bank and the Rockefeller Foundation, which if included, would add another billion dollars in assets. Also excluded from this figure is Nelson Rockefeller's real estate in the U.S. and his art collection valued at \$33 million.

The Rockefeller family has more than \$1 million of their stock in 12 corporations, including Dow Chemical, Eastman Kodak, General Electric, and IBM. The family also has aggregate holdings in three of the world's largest oil companies—Exxon, Mobil, and Standard Oil of California—which total more than \$300 million, not including lesser holdings in the stock of other oil companies. In addition, the Rockefellers have controlling interests in the International Basic Economy Corp., which funnels family investments into Latin America and other developing areas; Coherent Radiation, which manufactures laser systems and optical equipment; and Rockefeller Center.

Rockefeller investments are coordinated by a central management group. It is reported that the 15 employees of this group serve on the Board of Directors of some 100 large business enterprises such as Chase Manhattan Bank, Chrysler Corp., and Eastern Airlines.

The Rockefeller family is the leading holder of stock in the Chase Manhattan Bank, of which David Rockefeller, the nominee's brother, is the Chairman of the Board. The Chase Manhattan Bank is one of the world's largest, holding major interests in four of the nation's largest airlines, all three television networks, and many other major corporations.

Rockefeller's financial advisor, J. Richardson Dilworth, testified that in most of the companies in which the Rockefellers have invested, their holdings are approximately 2%. He also stated that members of the family do not coordinate their investment, and stressed that while the family held total assets of over \$1 billion, both the family members and their investment advisors "are totally uninterested in controlling anything." The family's aim is simply to make money, according to Dilworth.

Nelson Rockefeller stated that he hoped the "myth or misconception" about his family's control of "the economic life" of the U.S. would be dispelled by his financial disclosure. He also stated that he holds a "nominal percentage" of stock in the Standard Oil Companies and owns no shares in Chase Manhattan, although one of the Rockefeller family trusts owns shares of Rockefeller Center, which in turn owns Chase Manhattan Bank shares.

Nelson Rockefeller has offered to put his holdings in a "blind trust" if confirmed as Vice President.

Rockefeller Gifts and Loans

Questions of legality, propriety and moral value have been raised regarding some \$3

million in loans and gifts Nelson Rockefeller made to public officials, friends, and personal associates during 15 years as Governor of New York. The Rockefeller gifts and loans to public officials almost always were given to persons when they moved from one post to another, and all were given to individuals in the top 1% of all wage-earning Americans.

Most of the gifts were given tax free and the loans were given with the apparent expectation that they would be forgiven at some future date. The record establishes that very few loans have ever been repaid.

Examples of Rockefeller's beneficiaries include:

Dr. Henry Kissinger, who was given \$50,000 when he was about to become President Nixon's chief advisor for foreign affairs.

Dr. William Ronan, who was given more than \$500,000 in loans, all of which were forgiven the same day he was elected Chairman of the Board of Commissioners of the New York-New Jersey Port Authority, an authority in which the Rockefeller family holds \$1.8 million in bonds. Dr. Ronan also received a \$75,000 gift two weeks before he was appointed Governor Rockefeller's secretary in 1959.

L. Judson Morhouse, a convicted felon and former Republican state chairman, received a \$100,000 loan in 1960 for investment purposes. Subsequently he was convicted of bribery in a liquor license scandal. Rockefeller then commuted Morhouse's prison sentence because of his medical condition and then forgave the loan.

Fred Young, who received a \$15,000 gift, had been a Republican state chairman and was appointed to the State Court of Claims as presiding judge. He was later relieved of the judgeship to assist in Nelson Rockefeller's 1964 campaign and then was reappointed as presiding judge on the Court of Claims in 1966.

G. Russell Clark received a \$25,000 gift three weeks before he assumed office in 1959 as New York State Superintendent of Banks.

James W. Gaynor received \$107,000 in gifts, which originally were given as loans. He received a \$7,000 gift just after he assumed office in 1959 as New York State Commissioner of Housing and Urban Renewal.

Serious questions have been raised regarding the legality of the Rockefeller gifts and loans to New York State officials under the *New York Penal Code* (Section 200.35). That section states that it is unlawful to give money to a public official for the performance of his official duties for which he is not entitled to any special or additional compensation.

A memo by six distinguished law professors sent to Sen. Canavan and Rep. Rodino stated that "We do not know all of the facts bearing on these loans and their forgiveness. But enough evidence has been made public to raise substantial legal questions in our minds." The memo added, "The statute involved is important to the integrity of government. If it has been violated by the nominee, its violation could be a disqualification for holding high office in the Government of the United States."

Nelson Rockefeller testified that the loans and gifts were made "as gestures of affection and friendship," not as a reward to the recipients for services rendered. Although Rockefeller, during Senate testimony, recog-

nized in retrospect the validity of concerns of impropriety, he adamantly denied that any ulterior motives were present in connection with his generosity.

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nized in retrospect the validity of concerns of impropriety, he adamantly denied that any ulterior motives were present in connection with his generosity.

Rockefeller Financed Book on Arthur Goldberg

During the 1970 New York gubernatorial race, Nelson Rockefeller arranged family financing for a derogatory book about his opponent, former U.S. Supreme Court Justice Arthur J. Goldberg. The book, entitled *Arthur J. Goldberg: The Old and the New*, was written by Victor J. Lasky with \$65,000 in financial backing from Laurance Rockefeller, brother of the nominee.

Nelson Rockefeller did not contribute money to the publication himself; however, he did further its progress by arranging for John Wells, a lawyer who had worked in previous Rockefeller campaigns, to meet with Lasky and work out details for the book. He also arranged the financing of the book through his brother Laurance by requesting that he find investors for the publication.

Nelson Rockefeller originally disclaimed any knowledge or involvement with the publication of the book; but when attention remained focused on the issue during Senate hearings, he acknowledged his role in the publication and assumed "full responsibility" for his participation and his brother's \$65,000 under writing of the Goldberg book. Upon accepting "full responsibility," Rockefeller stated that the book was a mistake and that he should not have become involved in the matter. He also extended an apology publicly and privately to Justice Goldberg and to others regarding publication of the book.

Rockefeller Political Contribution

The substantial political campaign contributions by Nelson Rockefeller and the Rockefeller family to further the nominee's past political career have been criticized. While there has been no evidence of any illegality, critics question the propriety of these contributions. Political contributions of the nominee and the Rockefeller family have totaled approximately \$20 million over 17 years of the nominee's active political career, including major campaigns for Nelson Rockefeller's four gubernatorial and three presidential races plus various politically oriented research projects and background studies.

Nelson Rockefeller's own total contributions to political parties, campaign committees and candidates have amounted to nearly \$3.3 million, two-thirds of which he gave in connection with his own campaigns. Approximately \$16 million in contributions has been disbursed by the Rockefeller family, including a total contribution estimated at \$10.5 million from the nominee's Step-mother Martha Baird Rockefeller.

In almost all of his campaigns, Nelson Rockefeller began as an underdog, but enormous infusions of money have given him the edge over rivals in the last few months of campaigning. During his 1970 gubernatorial campaign, Rockefeller spent almost \$7 million compared with Arthur Goldberg's \$1 million. Two-thirds of the Rockefeller campaign funds came from within the family. Rockefeller won the election with 51% of the vote.

Reports of political contributions by and to Nelson Rockefeller and the Rockefeller family furnished to the House and Senate investigating committees showed no violation of either state or federal election laws. During his testimony before the Senate Rules Committee, Rockefeller expressed his intention to continue to make political contributions to "selected political candidate:" if confirmed as Vice President.

Attica Prison Riot

Governor Rockefeller's handling of the 1971 prison riot at the New York Correctional Facility at Attica has raised questions of his leadership capabilities. Prison inmates held 39 correctional officers and civilians as hostages and presented Governor Rockefeller a list of grievances, including better food and medical facilities, recreation facilities, and the right to have legal counsel representation before the parole board. They also demanded amnesty and safe passage to a "nonimperialist" country.

Governor Rockefeller refused all of the demands and refused to meet with the inmates. Instead, he called in the state police who opened fire on the inmates, killing 43 prisoners and hostages and wounding 80 others.

After the Attica uprising ended, controversy arose about the handling of the situation by Governor Rockefeller, leading to the creation of a Citizen's Committee. This nine-member committee later became known as the New York State Special Commission on Attica, and included the Dean of the New York University Law School, Deputy Dean of Yale University, and the Chairman of the Board of the New York Urban Coalition. In its report, the Commission concluded that the prisoners were trying to demonstrate the pitiful conditions of their imprisonment and, having exhausted all other channels for their grievances, tried the method of taking hostages. Rockefeller never recognized the prisoners' demands and refused to go to the prison after repeated urgings of his staff at the scene. The reason, according to the Commission, and admitted by the nominee publicly many times, was that he saw the issue as one of state sovereignty versus rebellion.

The number of dead and injured left Attica with the highest casualty rate of any disturbance in U.S. prison history, resulting in the Commission describing the riot as "the bloodiest one-day encounter between Americans since the Civil War."

In his opening statement to the Senate Rules Committee, Rockefeller stated that the Attica prison riot was one of the five events that "I shall always deeply regret." He added that "these tragic developments will always remain in dispute but as one who has accepted the responsibility to govern and uphold the Constitution and the laws of the state, I had to do what I sincerely felt was best at the time under all the existing circumstances."

SECTION III

Arguments for and against the Rockefeller nomination

This section highlights the major arguments raised by opponents and supporters of Congressional approval of President Ford's nomination of Nelson Rockefeller to be Vice President of the United States. Following is a summary of those arguments.

ARGUMENTS AGAINST THE ROCKEFELLER NOMINATION

Opponents make the following arguments against the Rockefeller nomination: The power of the Rockefeller family fortune combined with the office of the President of the United States, to which Rockefeller could succeed, discards a fundamental principle of the American system of checks and balances used to restrain economic power. This merger of power threatens our free enterprise system because it emasculates these healthy checks and balances that our system of government has established, through its anti-trust laws and regulatory agencies, to protect the public from huge economic powers. By confirming the nomination of Rockefeller, Congress is agreeing to a powerful economic and political consolidation; thereby

encouraging abuse of power and leaving the American public without any protection.

The economic power of the Rockefeller family would continually raise the spectre of conflicts of interest. Rockefeller stands for the consolidation and expansion of executive power and economic concentration at a time when the U.S. is reducing those powers in the aftermath of the Nixon era. At a time when the U.S. faces serious decisions about the economy, Rockefeller is associated with and advised by those connected with the largest corporations in the world. One of the lessons of the Nixon years is that those who see government as something separate and remote from ordinary people are dangerous individuals, especially when that belief is combined with the power of the Presidency.

In addition, a number of matters recently have been brought to public attention which call into question Rockefeller's judgment: his involvement in the publication of a derogatory book on Arthur Goldberg, financed by the nominee's brother and sanctioned by Nelson Rockefeller; his lack of candor and leadership in the Attica prison riot; and his lack of sensitivity to the serious legal and ethical questions involved in his substantial gifts and loans to public officials while Governor of New York.

These poor judgments are reflected in a recent Harris Poll which shows that the American people disapprove of the appointment of Nelson Rockefeller by a 43 to 39 margin. The same poll also indicates that the public, by a 47 to 24 margin, believes Rockefeller's financial holdings and investments will create an inherent conflict of interest. Confirmation of Nelson Rockefeller would not restore public confidence and trust in government officials.

Rockefeller has clearly demonstrated his lack of sensitivity to U.S. spying activities by his continued support of covert CIA operations into the internal affairs of foreign nations and illegal domestic FBI activities. Also, Rockefeller was an ardent supporter of American involvement in the Southeast Asian war.

The confirmation should not be voted on until further inquiries into the Rockefeller fortune are examined, including testimony from the nominee's brother David, and the family's relationship to the Chase Manhattan Bank. Many unanswered questions still remain. Moreover, the Members of the 94th Congress, rather than the 93rd, should vote on the nomination since they represent the most direct, recent expression of the will of the American people. The responsibility of confirmation as stated in the 25th Amendment is in the hands of Congress, instead of the electorate, and therefore should not be left to a lame-duck Congress.

Finally, President Ford never would have nominated Rockefeller had he been aware of the problems which have subsequently come to light. Rejection of Rockefeller will free President Ford to find a more acceptable nominee.

ARGUMENTS IN BEHALF OF THE ROCKEFELLER NOMINATION

Supporters make the following arguments in behalf of the Rockefeller nomination: Few individuals in the U.S. today can match Nelson Rockefeller's experience and outstanding achievements in the field of public affairs. Rockefeller is a highly qualified and extremely competent individual who would bring strong leadership to the office of Vice President.

Rockefeller's government service began in 1940 when President Franklin D. Roosevelt appointed him coordinator of Inter-American affairs. In 1944-45, he served as Assistant Secretary of State for American Republic Affairs. While in that post, he participated

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in the founding of the United Nations. In 1950, he was named chairman of the newly-created International Development Advisory Board by President Truman.

In 1952, President Eisenhower asked Rockefeller to take over the chairmanship of the President's Advisory Committee on Government Organization, which subsequently recommended the establishment of the Department of Health, Education and Welfare. Rockefeller then became HEW Undersecretary. In 1954, he resigned that position to become special assistant to the President for foreign affairs.

Even while serving as Governor, Rockefeller undertook numerous presidential assignments, such as a Latin American fact-finding tour for President Nixon early in his administration.

Rockefeller's 15-year record as Governor of New York is also one of unparalleled accomplishment. His administrative hallmarks include: the establishment of the Metropolitan Transportation Authority; the creation of one of the nation's best state university systems; the development of a vast interstate highway network; lowering the voting age requirement to 18 years; and implementing a state revenue-sharing plan distributing 21% of state income tax revenue to cities and towns.

Rockefeller's full disclosure of his financial holdings during the intensive congressional investigation into his qualifications has proven that Rockefeller has never used his or his family's economic wealth to abuse political or public power. The nominee's full financial disclosure and his stated intention to place his holdings in a blind trust will serve as a sufficient safeguard against the use of the office of the Vice President for personal or family gain. In addition, all the attention that has been focused on Rockefeller's gifts and loans to political associates, and friends has failed to produce any evidence of illegality.

Although Rockefeller has been heavily criticized for his involvement in the publication of the derogatory book about his 1970 gubernatorial opponent, Arthur Goldberg, Rockefeller has admitted that the undertaking was a mistake and has apologized both publicly and privately to Justice Goldberg and all others involved in the book's publication. Rockefeller has also been sharply criticized for his lack of leadership in his role in the Attica prison riot. He has stated that the tragedy was one that he will always regret, but felt he did what "was best at the time under all the existing circumstances."

Although some Rockefeller supporters agree that publication of the book about Justice Goldberg and the handling of the Attica prison riot clearly demonstrate errors in judgment, they believe that Rockefeller's years of competent public service totally outweigh these errors in judgment.

Under the 25th Amendment, the President is guaranteed the right to choose an individual in whom he has trust and confidence. President Ford has nominated Nelson Rockefeller because he believes Rockefeller will bring substantial administrative and leadership skills to the job, plus diverse experience in both foreign and domestic affairs. Also, President Ford has indicated that he will make full use of the Governor's considerable talents. Congress should confirm the President's choice in the absence of any information which would serve to disqualify the nominee.

Mr. MICHEL. Mr. Chairman, I am very happy to rise in support of the nomination of former Gov. Nelson A. Rockefeller of New York to be the 41st Vice President of the United States.

I believe he is an American who is qualified, in every respect, to stand the

traditional "one heartbeat" from the Presidency. He will bring to the administration of President Ford an added dimension of governmental expertise such as is rarely seen in our Nation's history.

The life record of Nelson Rockefeller is replete with devoted service to the public good. I feel that he will make a dynamic Vice President, combining hard work with selflessness, and applying himself with all the knowledge gained in a long career of tackling some of the toughest human problems existing on the national and international scenes.

I am enthusiastic about the nomination for four principal reasons:

First, Nelson Rockefeller as Vice President will inspire confidence. The need for greater confidence in government is shown by almost every index one can name—low voter turnout, nationwide polls, the stock market, inflation—you name it. We have a winner in the field of gaining public confidence, and I hope we have the acuity to recognize him as such.

Second, He has blue-chip qualifications in Government. He was Governor of New York for nearly 15 years, and was the first Governor in U.S. history to be elected to four 4-year terms. During part of that time New York was our most populous State, and the remainder of the time it was the second most populous.

Third, Nelson Rockefeller is a long-time believer in and practitioner of the free enterprise system, the system that has made this Nation what it is today. I am sure he would not apologize for that fact, and I am not here today to do it for him. If I may, I think I might call him an enlightened apostle of big capital. His goals have consistently been humanitarian, but he has always been realistic in ways to achieve them. He knows that the wealth that is controlled by government can derive only from the work of the governed; he is, therefore no welfare-stater.

Fourth, He is a firm believer in putting wealth to work. Much of his life has been devoted to finding imaginative ways to employ capital so as to create jobs—to provide housing—to improve diets—to lift the living standards of the poor of this Nation and other nations.

Mr. Chairman, these are my four principal points. However, the second one—the nominee's qualifications in Government—I believe deserves a little elaboration. What is often not recognized is the fact that Nelson Rockefeller, despite his record tenure as a Governor, has a parallel record as an organizer and administrator at the Federal level.

Mr. Chairman, the nominee's background has been most thoroughly dug into by the Federal Bureau of Investigation, by other Government agencies, by the Senate Committee on Rules and Administration and by our House Judiciary Committee.

The purpose of those investigations was to determine the character and moral qualities of the candidate. In that regard it seems to me that there is a growing attitude in the country and especially in the media which seems to

presuppose that any individual who has achieved some level of success in life is somehow automatically suspect when that individual becomes a candidate for public office or for appointment to a high position in government. This mood, or attitude, if you will, causes me a great deal of concern. It is unhealthy. People who have trouble imagining anybody with either power or money being honest and above-board betray more of their own nature than they perceive in others.

We have all heard and read some of the criticism of the President that he has been too slow in replacing officials from the previous administration and in getting his own team in place. While I am not familiar with all of his efforts in that field, I suspect that he is having a hard time attracting competent people because of the treatment that Governor Rockefeller and others have received from the media and committees of Congress.

If we are not careful, we will find ourselves with a political system woefully lacking in people who have a record of achievement and accomplishment in other fields of endeavor that could be usefully applied in government.

Finally, Mr. Chairman, President Ford has had an enormous burden thrust upon him. He faces an incredibly big task in rebuilding confidence in Government—in putting behind us the divisions created by our longest war—and in working with labor and with business to turn the economy around and bring out its vast underlying strength.

Big tasks require the efforts of big men and women. Gerald Ford is such a man and so is Nelson Rockefeller. They will make a great team. I hope you feel, as I do, that we should put the team on the field as soon as possible.

Mr. HOGAN. Mr. Chairman, we are again confronted with our responsibilities under the 25th amendment.

Each of us, of course, may interpret these responsibilities differently. My own view is that standards against which we test a nominee for Vice President should be measured with the thought in mind that he could become President.

If I were a delegate to a national Presidential-Vice Presidential nominating convention, I would be justified in judging a nominee on the basis of ideology and political views on issues. It would be valid for me to compare his or her views with my own and those of the constituency which I was representing at such a nominating convention.

I do not feel that my responsibilities as a Member of Congress voting on a sitting President's nomination for a person to be Vice President allows me to base my decision on these same ideological or issue grounds.

I see my responsibility as judging such a nominee on his loyalty to the country, his personal integrity and his ability to do the job.

The President, under the 25th amendment, has the right to nominate a person who, in his judgment, is acceptable from an ideological and political basis. President Ford has nominated Nelson

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Rockefeller to be his Vice President, and, while Mr. Rockefeller would not have been my choice for Vice President, the decision was President Ford's not mine.

Along with many of my colleagues on the House Judiciary Committee, I have been troubled by some of the matters uncovered during the investigation. I also have very strong disagreement with Nelson Rockefeller on some vitally important issues. Notable among them is abortion. Mr. Rockefeller favors it; I most strenuously oppose it. But I have been unable to persuade myself that these disagreements justify my voting against him. That, in my view, is not my right under the 25th amendment.

As a reading of the hearing transcript will reflect, I was also deeply disturbed by what I perceived to be a lack of candor on the part of Mr. Rockefeller and his associates relating to details surrounding the financing and publication of a book about one of Mr. Rockefeller's political adversaries.

But weighing the pros and cons, studying my own duty under the 25th amendment, and being concerned about the country being so long without a Vice President, I will vote "aye" on this confirmation.

Mr. CONYERS. Mr. Chairman, I have approached my decision on this nomination on the basis of whether Mr. Rockefeller's policies are in the best interests of the citizens of this country. And after reviewing his record, I conclude that they are not.

I say that because we are now moving into a different period in American history. Since World War II, and up to Vietnam and Watergate, we operated under a misconception—a myth, if you will—that all would prosper in this country through the expansion and consolidation of American corporate wealth within the United States and abroad. Our governmental policies have reflected this continually. We have supported a huge defense establishment and a CIA with its destabilizing ability. We have supported expansionary fiscal policies, but all of a sudden, we realize that perhaps this theory, this myth, no longer applies. And I think that this question of what are the best interests of the people in this country converge upon our votes on this nomination, because I suggest that on policy grounds alone, this nominee does not meet the test.

I must respectfully refuse to be guided by the argument that since the nominee is as acceptable as any Republican would be, he ought to be supported. And the reason I reject that theory is that we would be injecting partisanship and we would be bringing political considerations to this test. That is not the test. Our test is more important than whether the nominee has ideas compatible with those of the President who nominated him. That is not the point, and that is precisely why the 25th amendment provided that we would each enter our one small 435th of a judgment, separate from that of the President of the United States who made this nomination. And so I reject

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this nomination on policy grounds—for example, on Mr. Rockefeller's continuing support for the notion of America as policeman of the world, which has led to the decline of American power and the shortage economy that we now live in. But over and above that, if that were not a sufficient ground, I would argue that this great merger of wealth and power is more than this Congress should tolerate.

Now I am not willing to say that the American people would not have the right to elect Nelson Rockefeller to the Vice-Presidency or indeed the Presidency. But I do say, and I say very firmly and with a deep conviction, that this Congress has no authority for the first time in our history to ratify this enormous merger of wealth and economic power with the political power that would become his upon assuming the office of the Vice-Presidency.

There is one other notion that I feel I must address because all have granted rather cavalierly that the rich and the poor should not be precluded from public office, which is something like precluding the wealthy from being able to sleep under bridges. The poor, in fact, are excluded from the American political process, and I think that it is incumbent upon at least some of us to make that statement public. Poor people—not professional people, not middle-class people, but poor people—have been traditionally excluded from this process, not only as active participants, but even as voters. And so the great struggle in this country to make this democracy what it has said it is continues with greater urgency than ever before.

What is before us now is a question of merging wealth and power that is so enormous that this Congress ought to reject it.

Now, finally, I have been troubled by the lack of candor, of the nominee. I have been impressed that most of the critical evidence has not been brought forward in a voluntary manner, but it has been discovered almost despite the activities of Nelson Rockefeller and the staff and counsel assisting him in the Judiciary Committee hearings. It has been brought forward most reluctantly. There are any number of contradictions on the record itself that disturb me.

My views on how this country ought to be run are not compatible with those that have been expressed and are reflected in the record of this nominee. He ought not be confirmed.

Mr. RARICK. Mr. Chairman, the action that we are asked to take, that is to confirm or reject the nomination of Nelson A. Rockefeller to be Vice President of the United States, is so far-reaching that it again points out the mistake of the adoption of the 25th amendment.

By treating his nomination as a perfunctory confirmation, we commit the grievous act of placing over the affairs of our country and our people a man who has not been selected, nor voted upon by the American people. His con-

firmation fulfills the wildest fears of the original opponents of the 25th amendment, in that we will then have both a President and a Vice President who, by the quirk of fate, have been hand-selected by a powerful minority of one political party, rather than by the traditional constitutional process of a Republic.

No minority government, unelected by its people has remained stable long.

I am not unmindful of Mr. Rockefeller's background as the Governor of New York, nor of the influential role he has played through applying his family's wealth to the change mechanisms which are hard at work in our country, as well as, almost every other country on the face of the Earth. I am also aware of the intense suspicions by many freedom-loving Americans as well as foreign nationals, to the Rockefeller wealth and Mr. Rockefeller's image as a little god, desirous of changing the world to suit his scheme, regardless of time-honored traditions, loyalties and the Creator's natural plan.

Mr. Rockefeller's nomination has set many fears in operation. He is identified with trade with the Reds for profit, with the pro-abortion movement, the firearm registration movement, and the international one-world supremacy elitists. He is too controversial to ever unite our people, let alone lead them.

Our vote will come on the confirmation of Mr. Rockefeller to be the Vice President of the United States. I am not convinced that his confirmation would accomplish that purpose, nor that he will reduce his international posture to fulfill such position in the best interests of the American people.

Clear-cut conflicts of interest exist between Mr. Rockefeller's wealth and international commitments, and his ability to perform the constitutional responsibilities invested in the Office of Vice President.

Therefore, I am casting my people's vote against his confirmation.

Mr. RIEGLE. Mr. Chairman, in my 8 years of service here in the U.S. House of Representatives, the confirmation vote on Vice-President-designate Nelson Rockefeller has caused me the greatest amount of personal reflection and anguish. I have felt an enormous weight of responsibility in endeavoring to reach a judgment on his confirmation that is honest, painstaking, and right for the country—a vote which squares with my conscience and my instincts. The test I have applied is that of fitness to be President—for that to me is the real issue in this situation.

For countless hours, both day and night, I have wrestled with the real and complex issues associated with the Rockefeller nomination. As I am not personally acquainted with the nominee, as I was earlier acquainted with Gerald Ford when he was the Vice-Presidential-designee, I have keenly felt the absence of first-hand personal awareness and knowledge—and this has troubled me.

Now, like my colleagues, I am to speak for my constituents and for the Ameri-

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can people in judging whether Mr. Rockefeller should or should not receive the vote that it is my responsibility to cast.

The issue in my mind comes down to two basic factors: first, the qualities, good and bad, of the man himself and second, this particular crucial moment in time where we find ourselves as a self-governing people.

I find a mix of strengths and weaknesses in the nominee himself.

On the negative side there is for me his inexcusable and near blind support of the Vietnam war and the American bombing policy in Southeast Asia. As bad, was his continued blind support of the Nixon-Agnew administration and its policies—and his failure to see and comprehend the mountain of evidence proving the pervasive corruption of that administration.

My memory does not recall Governor Rockefeller stepping forward to speak out against the "Southern strategy," against former Vice President Agnew's divisive and polarizing political attacks, or the sad Nixon nominees to the Supreme Court which the U.S. Senate wisely rejected.

As the country was staggered by Watergate and the massive criminal law violations of the Nixon administration, Mr. Rockefeller remained essentially silent. The comments I remember him making were to give unqualified support to a discredited President Nixon. On the burning national issues of the past decade, Mr. Rockefeller has not offered the kind of alternative national leadership the country desperately needed. As a potential national leader, he was either unable or unwilling to lead. To me that is a terrible failure. He counted for little, in national leadership terms, when the country needed him most.

Add to this his aloofness and misjudgment in the Attica prison uprising—and the terrible loss of life experienced there. Add further the shoddy campaign tactic of the Goldberg book, and what seems to be a pattern of deliberately evasive answers in regard to this shameful book project.

Add to this the countless loans and gifts to political associates and the continuing conflicts of interest such gifts must necessarily cause to arise. Add further the enormous concentration—in my mind overconcentration—of private economic power he represents and the obvious impossibility of avoiding future conflicts of interest—to me they are inherent in his situation.

Finally I have a sense that Governor Rockefeller was in many respects a political bully—a man who used his executive powers and family resource powers to enforce his own will.

I am also convinced that in 1970 Mr. Rockefeller could have averted the Nixon purge of Senator Goodell. My instincts tell me that despite some Rockefeller financial help to Goodell, Mr. Rockefeller was careful to limit his help—and more importantly to limit his own direct involvement—and the associated political risks to himself—so that in the end Senator Goodell was purged and Senator Buckley elected. That in-

cident to me suggests that self-interest came ahead of any other principle.

I should make one additional point. I have seen nothing that convinces me that Mr. Rockefeller has a deep understanding of the pressures and problems facing the average citizen in this country. It pains me greatly to feel that Mr. Rockefeller has spent a lifetime too removed from auto workers in Flint, Mich.—coal miners in West Virginia—agricultural workers in California—and other rank and file people across the whole of America. Does Mr. Rockefeller know—and feel—the agony and pain facing millions and millions of people across our land? I am sad to say that I see little evidence of this kind of understanding.

Having said the worst, let me now indicate the pluses I see in this nomination.

Mr. Rockefeller seems to me to be genuinely dedicated to public service—and has so invested his working life. Moreover he has shown himself to be a competent chief executive and a man able to govern and win reelection from his constituents. Obviously his unlimited wealth facilitated his campaign efforts, but my confidence in the electorate tells me he was not able to "buy" his reelection victories—although his great wealth did provide him a substantial, and in my judgment, unfair, advantage.

On matters of civil rights generally, Mr. Rockefeller has shown himself a moderate. He has shown a greater concern for urban problems—and the difficulties facing low- and middle-income people, than most of his contemporaries in the Republican Party. His general approach to the problems of State government demonstrated an awareness of the broad public interest that I find encouraging.

As to motivation, I do not believe the assertion advanced by some that Mr. Rockefeller would use a public trust to promote his own private gain.

The evidence examined by the Judiciary Committee does not support that charge—and I do not suspect Mr. Rockefeller of that intent. However, I do feel there is another kind of conflict—an attitude conflict—that probably exists both consciously and unconsciously, that would tend to lead Mr. Rockefeller in directions that would preserve concentrated private power at the possible expense of the broad public interest.

Finally it is my sense that Mr. Rockefeller genuinely wants to do a good job, whether as Vice President or President.

The suitability of confirming Mr. Rockefeller must take into account these factors as well as the unique moment in time where we now find ourselves.

The times cry out for strong, experienced, humane, and sensitive leadership. Our economic difficulties alone here in America, and in the Western World, suggest to me that we have not a moment to lose in devising and implementing a comprehensive economic recovery program.

Other life and death human issues also cry out for attention and solution. Addressing these urgent national and global issues requires talent and broad experi-

ence—it seems to me Mr. Rockefeller could be an important additional element in getting this job done.

The 25th amendment, as imperfect as it is, gives the President the power to name a Vice President, subject to the confirmation of Congress. He has submitted his choice, we have spent considerable time investigating and examining his candidate, and now we ought to properly settle the matter. I think the country would be ill-served to continue indefinitely without a Vice President.

President Ford has named a person he feels he can work with during the next 2 years. I have said on numerous occasions that the interests of America require that President Ford be effective in the discharge of his responsibilities. If he is to do his best, he needs to assemble the talent and resources he feels are necessary—with Congress retaining its proper oversight responsibility. My position has been to give Mr. Ford the essential tools he needs to do his job.

In recent years and months Congress has acted with new vitality to regain its constitutionally assigned powers in relationship to the executive branch of Government. I feel we are on the verge of an era of congressional government—after a long and disillusioning period of executive government.

Whatever potential excesses, then, the present administration might be inclined toward, I am confident that a strong and independent legislative branch will be fully adequate to meet and repel them.

In summary then, America and free world—in fact the whole world—face unprecedented crises on all fronts—and the fate of mankind demands competent and decisive leadership. Despite his shortcomings—and the serious reservations I cited earlier—I believe the times and circumstances argue for the confirmation of Mr. Rockefeller.

There is no joy in my vote, and the struggle in my mind on this issue will not end when I finally cast my vote today. I vote today the way I think will help my country the most and hurt it the least. I hope and pray that the future will show that this Congress, this day, rendered a wise collective judgment that will serve our people well.

Mr. HANLEY. Mr. Chairman, the House is assembled today to elect a Vice President of the United States. Under normal circumstances, this task is reserved for the American people, but we find ourselves today voting in behalf of the approximately 500,000 citizens we represent.

I believe that the 25th amendment provides Congress an equal share of responsibility for the selection of a Vice President under its provisions. The House is called upon to make a judgment regarding the fitness of the nominee, not so much with regard to the Vice Presidency, as to the Presidency itself.

Before proceeding further, I must comment on my disappointment over the urgency with which this issue is being resolved in the House. The 1,400 pages of testimony before the Judiciary Committee were available only for a few days

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prior to this vote. I was able to obtain one copy of the Judiciary Committee report this morning. I would have hoped that the decision on the Rockefeller nomination could have been postponed several weeks, until the 94th Congress convenes, so that the 92 new Members of the House would have been able to participate in a debate which will have great implications for them.

I cannot resolve in my mind the pressing misgiving that the 25th amendment ought not to be invoked in this instance. We have, in effect, an appointed President choosing his potential successor. We are far away from the position that the American people at large ought to participate in the selection of their President and Vice President.

I intend to vote against this nomination. It is a decision which has developed in my mind and my heart since the day that President Ford announced that Nelson Rockefeller was his choice for Vice President. I have been a close observer of Mr. Rockefeller for 16 years, and it is on the basis of these 16 years of observation that I am constrained to vote against his nomination.

I have tried hard to generate within myself some degree of confidence that Nelson Rockefeller would be a good President of the United States. From my observations and from my study of the Judiciary Committee report, I must conclude that I cannot generate this basic confidence.

Basically, I have little confidence in Mr. Rockefeller's judgment to the point that it would be the judgment I would like to see a U.S. President possess. The record of the Judiciary Committee investigation is replete with instances of serious bad judgment. I refer to substantial financial loans and gifts to close political allies, the matter of his assent to the authorship of an ugly book against his gubernatorial opponent, his tragic mishandling of the Attica prison revolt, his continuing defense of the Vietnam war, and so on.

My own observations of his stewardship as Governor of New York strengthen my lack of confidence in Mr. Rockefeller's judgment. Taxes paid by the people of New York are much greater than those paid by citizens of other States. During the Rockefeller years, literally thousands of jobs departed from New York as businesses located elsewhere to escape excessive taxation. When it appeared politically feasible for the Governor to create a massive welfare program, he did so, and when it was politically feasible to dismantle that program, he also did so.

With further regard to his leadership capability, I noted during my years of service as a New York Congressman that the Governor had a tendency to dump all of the problems he created in the State into the lap of the Federal Government. Governor Rockefeller devised grandiose plans for raids by the State into the Federal Treasury for funds to pay for programs which the State enacted but could no longer financially support.

I could go on in this vein, but I have made my point. I have little confidence

that Nelson Rockefeller possesses that high degree of political and governmental judgment that a President ought to possess.

I would be remiss if I did not also mention my deep concern over the vast financial and political influence of the Rockefeller family. The American people watched with amazement as each announcement of the Governor's wealth grew substantially. The point is not Nelson Rockefeller's personal wealth, whatever it actually is. My concern is the marriage of the power of the American Presidency and the power of the Rockefeller family's enormous economic and financial influence.

Perhaps the most pressing issues facing Americans today are economic and financial issues, and the resolution of those issues may well require major adjustments in the economic and financial structure of this country. I have little confidence that Nelson Rockefeller could lead the United States in a period of economic and financial stress.

Mr. Chairman, I feel certain that Mr. Rockefeller will be confirmed. I wish him the very best in the duties he is about to undertake, and I pledge my cooperation and support to the maximum extent possible.

Mr. DU PONT. Mr. Chairman, when the nomination of Governor Nelson Rockefeller to the Vice Presidency comes before the House of Representatives today, I will vote for confirmation. My decision is based upon Governor Rockefeller's long record of public service—a record that demonstrates the understanding, the concern and the ability to serve the public interest. It is not a record free of controversy, but the negatives are far outweighed by the experience and ability of the nominee.

First, I should restate my preference for a younger person as Vice President. I had hoped that the President would choose someone from a political generation other than his own to fill this position. Governor Rockefeller was not a choice I would have made. He is, however, the only choice on which I will have the opportunity to vote. Under these circumstances, in order to vote negatively, there would have to be substantive factual reasons for doing so.

Three such reasons have been advanced.

First, Mr. Rockefeller's participation in the publishing of the Goldberg book was unfortunate. Publications of this nature, which are written to cast the worst possible interpretations on the actions of an individual, would never have my approval. However, I view statements about the material being libelous, or the tactics being comparable to the Watergate plot to obstruct justice, as an exaggeration of the situation. Taken in perspective, I do not believe that the facts surrounding these actions are either conclusive enough or serious enough to warrant voting against this nomination.

Second, Governor Rockefeller's substantial monetary gifts to public officials raises grave questions of possible conflict of interest. Such gift—however, well-intentioned—should not have been made.

But, a careful review of the testimony before the Senate and House committees reveals no evidence that any action of any public official was improperly influenced by the gifts. Nor can I find any evidence that they were given with this objective in mind. The unanimous vote of approval of the Senate Rules Committee underscores the absence of conclusionary evidence on this point.

Finally, on the issue of Governor Rockefeller's wealth, it is argued that if he were to succeed to the office of the Presidency, his power would be used for the advancement of his, or his families' financial interests, rather than the public interest.

I believe the nominee's record as Governor of New York for 15 years cuts the ground out from under this objection. There is no evidence that he had misused his considerable power as Governor of our largest State for personal or family gain.

Too much of the case against Governor Rockefeller depends upon guessing at his possible past motives and on unknowable future actions. Conversely, the case for the nominee is supported by a long career of able public service.

I think that the Senate committee's action in unanimously approving the nomination, plus the House committee's approval, support these judgments.

For all of these reasons, I will vote in favor of Governor Rockefeller for the office of Vice President of the United States.

Mr. SHUSTER. Mr. Chairman, after carefully considering my duty under the Constitution, studying the findings of the Judiciary Committee, and listening to the floor debates, I have concluded that I shall vote, with reservations, to confirm Nelson A. Rockefeller as Vice President of the United States. My reasons for voting affirmatively are:

First, my duty under the Constitution is to confirm the President's nomination if the nominee is qualified and fit to hold the office, even though I may not agree with some of his political views or actions.

Second, he unquestionably possesses a breadth and depth of experience which, when coupled with his intelligence, energy, and personality, qualifies him for the position.

Third, based on the searching examination into his 35 years of public life I must conclude, on balance, that his judgment, character, and integrity pass any reasonable test of fitness.

Fourth, our Nation needs a Vice President, and unless this nominee is confirmed, the successor shall continue to be the Speaker of the House, who is not a member of the party elected by the American people in the last Presidential election.

Fifth, while I do not condone the nominee's involvement in the publication of the anti-Goldberg book, I reject completely the hypocritical double-standard applied by those members of the majority party who claim it is a basis for disqualification. If they are serious about wanting to clean up political campaigns, then I suggest they start with eliminating the gutter-politics practiced by mem-

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bers of their own party in congressional races.

Sixth, those who oppose this nomination based on the nominee's alleged conflict of interest, have failed to make their case. The gentleman from Wisconsin, Mr. KASTENMEIER, the leader of the opposition, stated in his views on page 28 of the Judiciary report:

In all candor I must admit that I find no specific instance of any conspiracy on Mr. Rockefeller's part to advance his economic position at the expense of those he would publicly serve.

Mr. Chairman, if after exhaustive investigation into 35 years of public service, the Judiciary Committee and the leader of the opposition to the nomination reach the above conclusion, I must conclude that no such disqualifying evidence exists.

Mr. Chairman, my reservations to the nomination are:

First, I do not subscribe to many of the political positions taken by the nominee during his years of public service; indeed I strenuously oppose the massive spending and taxing measures he supported while Governor of New York, as well as his excessive commitment to internationalism.

Second, I acknowledge the inherent potential for conflict of interest which exists due to the pervasive economic interests of the Rockefeller family.

Third, while the nominee's gifts and loans to public people may have been motivated by the highest principles, their pattern casts a shadow which has not been removed.

Fourth, the use of vast economic resources to achieve political power must be of deep concern, even while recognizing that some national leaders of both parties have used their wealth to aid them in achieving positions of political prominence. It is clearly arguable, that political leaders who are economically secure, are not dependent on political jobs and may therefore act more independently in the public interest.

Mr. Chairman, I conclude, on balance, that my constitutional duties dictate that I vote to confirm the nomination of Nelson A. Rockefeller as Vice President of the United States.

Mr. RANGEL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman and my fellow colleagues in this House, I have sat in this Chamber practically all day today in order to be able to listen very attentively to the remarks that were being made with respect to the potential nomination of Vice President of these United States in the person of Nelson Rockefeller.

One of the reasons why I felt that it was very important for me to participate in the debate—as I had no intentions originally to do so, except to cast my vote—was due to the fact that in spite of the fact that Nelson Rockefeller served as the Governor of the State of New York for close to 14 years, the indication and the feelings that have been exhibit-

ed would lead one to believe that during the years of public service of this man there were very few things that were positive, that there was a lack of sensitivity to the needs of different segments of the people that made up the entire State of New York, that, indeed, there were feelings that were generated around here that Nelson Rockefeller was a terrible ogre, a terrible monster.

Anyone who knows anything about me in terms of my having served in the New York State Legislature knows fully well that Nelson Rockefeller and I crossed swords on many, many occasions, but I could not see myself sitting here in this Chamber and not telling some of my colleagues who do not come from the State of New York and who, therefore, will have to make their decisions on the basis of what many of my colleagues from New York have said, without giving to you a total picture in total perspective.

I could not be silent, and so although the Members have been sitting all day long, I ask you to just bear with me while I read this statement.

Mr. Chairman, I take the floor of the House today because we as a body of colleagues are confronted with the movement of history. We come here this evening or today to confirm a Vice President of this Nation. Much controversy has surrounded this nomination. Charges have been made over the last several weeks about abuses of his wealth; yet none have been actually proven before the Committee on the Judiciary.

Charges have been made relative to his alleged insensitivity to human needs; yet his record as Governor of New York on balance was a veritable demonstration of some progressivism.

I can recall that when President Ford nominated Nelson Rockefeller—now seemingly ages ago—many of us here in this chamber breathed a sigh of relief when he had made the selection of a progressive, seasoned, and 20th century-thinking man. Many in my own party were even pleased. And at that time there was no great hue and cry against this nominee.

Yet today some of our colleagues feel compelled to convey to the American people a totally negative and unjust image of a man who has devoted a large portion of his life to participating in the problem-solving process.

We have all heard about how Nelson Rockefeller supposedly used his wealth for political reasons, but no one has spoken about the constructive uses of Rockefeller money and personal initiative. No one speaks any longer about the establishment of one of the first black colleges in this Nation, Spellman College—we just do not talk about these things nowadays. This college could not stand today had it not been for the Rockefellers. None of my liberal friends talk about or newspapers print in bold headlines the fact that the Rockefeller brothers have contributed—yes, have contributed—over \$300,000 to the United Negro College Fund and over one-half million dollars to the NAACP Legal Defense and Special

Contribution Funds, some of my friends even got here in the well this afternoon and very casually said that we must not talk about the \$50,000 he gave to the Urban League or to the NAACP Defense Fund. Yet if it were not for those dollars in terms of the needs of these organizations a certain segment in this country would not even be now moving into the midstream of this Nation. If the money had not been forthcoming, we would not have been able to provide the benefits that would redound to the benefit of hundreds of minority children in this generation of today.

Yes, I am going to talk about it. Mr. Chairman, I think it is very interesting that some of those in this Nation and in this House who were in the forefront of the movements and causes which were courageously championed by Governor Rockefeller somehow faded into the woodwork and failed to speak up positively and remind the Nation of some of his constructive service in government for the 14 years that he served in New York State.

Where are those very skilled and articulate social workers and community organizers who called on Governor Rockefeller, he who has been alleged to be insensitive to the community needs, who initiated the largest State medical program, as he did? Where are those environmentalists who lobbied for stringent environmental controls and expansive State-wide planning? Why have not the many people, particularly from the delegation of the State of New York, come forward to tell us it was Governor Rockefeller who created the State's pure waters program, the largest in the Nation, and a department of environmental conservation?

I only mention these things because of the constant talk about his insensitivity and lack of attunement to what the people need today in this Nation.

The record speaks for itself.

Mr. Chairman, I ask my colleagues, where are the voices of labor today? Why have not they and the American people been made aware of the fact that it was Rockefeller, yes, big bad, and rich Nelson A. Rockefeller who in New York set up the first State-wide minimum wage law and extended the right of collective bargaining to public employees and started in this country the State's first manpower training program?

Now, I am not here to tell the Members by a long shot that Nelson Rockefeller is perfect, because neither is anyone of us in this Chamber perfect, but I resent the fact that in terms of the record of public service that we have not balanced this on both sides of the scale.

It is no wonder that many of the Members here have their constituents writing in and telling them not to support Rockefeller and they do not want the Members to support Rockefeller. I do not blame them, and it is because of the fact that they have heard nothing in proportion to what the gentleman has done in terms of public service as contrasted to the publicity with respect to his wealth and also some errors in judgment which

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he has made. Of course, they have to rely on what the papers and the media have told them.

I realize that most of the Members have their minds already made up, but I am saying to them: Let us place everything in proper perspective.

Finally, where are the wonderful women who have spent endless hours in New York—and I worked with many of them—working toward an equitable and intelligent abortion law? Where are their voices now, telling my colleagues that it was Nelson A. Rockefeller who stood in the eye of the storm and in the face of heated controversy pushed through New York's abortion law? Where are these voices today? Well, I guess it is just not fair nor just to a man of great stature, for all of those who have endlessly called on him in the past, when they desired certain things on behalf of humanitarianism, to remain so silent and mute in this hour.

I do not intend to be silent nor do I intend to dispense undeserved praise. I only call on my colleagues to look at the total record and judge this man on the basis of fact and not allegation nor emotion.

The 25th amendment stipulates to us that it is our responsibility to make a determination as to whether or not the man has the qualifications to assume this important office.

Now if, indeed, we feel there is something wrong with the 25th amendment, we need to repeal the amendment and do something else.

Finally, my colleagues, I would just like to say that the fundamental problem with the Rockefeller nomination, of course, is that the Congress has not yet determined precisely what its responsibilities ought to be under the 25th amendment. Those responsibilities are quite different from those of a voter in a Presidential election. A voter is entitled to make his decision on prejudice, qualifications, philosophy, partisanship, or anything else that crosses his mind. Under the 25th amendment, it seems that Congress ought not to vote to reject a nominee unless it can be demonstrated that his judgment is consistently and persistently bad, that his political views are outside the mainstream of American politics and that his knowledge and experience are so limited as to make him unable to grasp the problems a President must face.

Mr. Chairman and my colleagues in the Congress, let us not for even 1 hour more delay the business of this Government. The Nation needs to have a Vice President, a team at 1600 Pennsylvania Avenue that will help get the Nation going forward. Let us overwhelmingly confirm this man, though not perfect, Nelson Aldrich Rockefeller.

Mr. PEYSER. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I just want to say, this has been one of the few times today that the clear, cool wind of fairness and truth has blown through

this Chamber and I thank the gentlewoman.

Mr. RANGEL. Mr. Chairman, I yield to the gentleman from Texas (Mr. PICKLE.)

Mr. PICKLE. Mr. Chairman, I rise in support of the nomination of Gov. Nelson A. Rockefeller as Vice President.

Mr. Chairman, Vice President Nelson Rockefeller is a distinguished American from a distinguished family. The President has nominated him to be the Vice President. We need to have a Vice President, and the President is entitled to a man of his choice if he qualifies. I think Mr. Rockefeller qualifies based on his public service. I intend to vote for him.

Mr. RANGEL. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I do not believe that anything further can be added to this debate. I yield back the balance of time.

Mrs. GREEN of Oregon. Mr. Chairman, today, when Congress again considers the confirmation of a Vice President under the provisions of the 25th amendment—and after having endured the agonizing months of "Watergate"—it seems appropriate to call to the attention of my colleagues an article by one of the most distinguished jurists of our time, Abe Fortas. The title of Mr. Fortas' article is "The Constitution and the Presidency." Inevitably, he also discusses the other branches of Government, the fourth estate or the press, and what he insightfully refers to as the fifth estate—the people, themselves—and the sixth estate—individual freedom of conscience. All these disparate entities—the President, the Congress, the Supreme Court, the press, the people and the individual—have rights, responsibilities and limitations defined in the Constitution. Mr. Fortas comments:

A management consultant, looking at the product of the Founding Fathers, would almost certainly have said that it could not possibly work. A realistic chart of the governmental system they created would look more like a hopeless maze, bound to frustrate the emergence of decision, than an orderly structure. But the remarkable fact is that this system, defying all management principles, has survived for about 200 years. Its longevity is unparalleled. No other nation has been governed for so long a period under a continuous written charter.

As we all know, one of the great strengths of that charter is its adaptability to changing realities. There are presently 26 amendments to the Constitution. Mr. Fortas advocates the repeal of some and the adoption of new ones. He does so only after thoroughly examining the assault on the Constitution which he believes the "Watergate" debacle represents and the weaknesses in the Constitution as now written to adequately meet such a challenge. I may not agree with all of the statements in this article, but I wholeheartedly agree that this time we have been lucky; that we must not presume our survival of the ordeal means we have sufficient constitutional safeguards to meet a similar challenge in the future, and that we now have an obligation, hav-

ing been forewarned, to provide a more flexible means for removal of a President than the only one now at our disposal—the impeachment process.

Mr. Fortas refers to a constitutional amendment I have proposed which would permit a new election for President and Vice President within 90 days if two-thirds of the Members of the House and two-thirds of the Members of the Senate agree that the incumbent President has either failed to meet certain specific constitutional responsibilities or has exceeded his powers. The legislative branch is as capable of abuse of power as is the executive and in the proposed constitutional amendment which I suggest there are certain built-in restraints to prevent capricious use of power by the Congress. I invite your attention to this legislation and hope hearings will be held in 1975. I think it is a good, sound proposal and I wish to give credit where credit is due. It grew out of a luncheon conversation with Mr. Fortas, himself. I believe his to be one of the most brilliant and incisive minds I have ever encountered. I offer the following article as an example. With wit, eloquence, passion, and logic Mr. Fortas argues powerfully that we must, in his words "revitalize the machinery of government."

THE CONSTITUTION AND THE PRESIDENCY (By Abe Fortas)

The American Presidency, like slavery, is a peculiar institution. Many of our Chief Executives have sometimes felt that the Presidency is in fact a form of slavery. But they seem to resist emancipation; and most of them exercise considerable ingenuity to avoid being relieved of their splendid misery. Every job has its compensations. Its trappings are regal; its fringe benefits are sumptuous; and the power which is attendant upon it is overwhelming. The President's finger can put vast events in motion—not just the firing of the nuclear bomb.

The Presidency has become the central, dominating factor in our collective lives, and a crucial factor in the world.

The Presidency does not induce humility. The President is coddled, cuddled, and sheltered—even while he is denounced and abused. But he is still just a man: A fallible human being. His exalted position and his vast power constantly remind him that he has a great mission; and the splendid unreality of the White House residence, the airplanes, secret service agents, and body servants—the retinue and trappings of the office—constantly tell him that he is a chosen man—that he is uniquely endowed with wisdom and genius to determine the Nation's course.

His life is sheltered: He is criticized in public, sometimes viciously, but never to his face. In his presence, he is treated with reverence: He is never Harry or Lyndon or Dick. He is always "Mr. President."

To most Presidents, public criticism and the frustrations of our system are healthy reminders of their fallibility; but sometimes, and to some Presidents, they are incitements to use the enormous power of the office to punish in retaliation: They are unbearable interferences with the great mission of the Presidency as he sees it.

The Framers of the Constitution tried to design a modest Presidency. They foresaw the danger of an Imperial Presidency, in Arthur Schlesinger's phrase. They realized that the Presidency was capable of misuse

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and abuse: That it could be used to invade the constitutional liberties of private citizens; to weaken and enfeeble opposing political parties by illegal means; to operate secretly; to avoid accountability; and to circumvent and enfeeble the other institutions of government. We know now that their fears were justified.

The group of astonishing young men, whom we call the Founding Fathers, sought to devise a system that would not permit a run-away Presidency. They feared the corruption of power. They distrusted kings and Presidents. They distrusted legislatures and they even distrusted the people themselves. As George Washington phrased it, they wondered whether "mankind when left to themselves are unfit for their own government."

But they had reluctantly concluded that a strong central government was essential. They had learned, from their distressing experience under the Articles of Confederation, that feeble government was no government; and that no government meant chaos. They had learned that people need the restraining hand of government—just as government requires the restraints of the people. They had not abandoned the revolutionists' exalted faith in the divine nature of man; but they had learned that man's divinity was still a seed which needed the help of an effective government.

So it was that in 1787, when the delegates to the constitutional convention met, they tried to create a government in which power would exist, but always in check. They devised a powerful government; but they fragmented its power. They built conflict and tension into the system that they created. No one—no official or branch of government—was given authority independent of the authority of others. No one was given power to decree. Their guiding principle was not efficiency, but advocacy and persuasion. The President could advocate and propose, and he could execute the laws, but he could not legislate. The Congress could legislate, but unless it could persuade the President or override him, it was subject to the President's veto power. And the Supreme Court could checkmate both of them.

Even this was not enough: They did not merely fragment power in three parts. They created not just a tri-partite government, but a pluralistic political system. The checks and balances were not confined to the three estates of the Legislature, Executive and Judiciary. The architects of our Constitution decreed a fourth estate, the press, and a fifth estate, the people; and to both of these, they guaranteed rights to affect and even determine the course of government—rights which were placed beyond the reach of government. And they also carved out of the domain of government, a sixth estate, untouchable by government or by a majority of the people: This was each man's fealty or non-fealty to God and to the institutions of religion. They knew that man's inner commitment and the vastly important establishments of the various faiths are the bedrock of political democracy because they are the ultimate—the irreducible essence—a personal freedom. They knew that no government could achieve absolute authority if the conscience of the people is free.

By the First Amendment, guaranteeing individual liberty and freedom of the press and religion, the Founding Fathers sought to serve more than the cause of personal liberty. The First Amendment is more than a charter of individual freedom; it is a fundamental political principle. It is the fundamental institution of political government in a democracy. A free people—and only a free people—protected in their persons, their conscience, their speech, their rights to act jointly—secure in their homes and offices, can effectively preserve a political democracy.

A management consultant, looking at the

product of the Founding Fathers, would almost certainly have said that it could not possibly work. A realistic chart of the governmental system they created would look more like a hopeless maze, bound to frustrate the emergence of the decision, than an orderly structure. But the remarkable fact is that this system, defying all management principles, has survived for about 200 years. Its longevity is unparalleled. No other nation has been governed for so long a period under a continuous written charter.

Our Constitution has survived because it is essentially and realistically a human document. It has survived because of, and not in spite of, its ambiguities and its managerial imperfections—because it is peculiarly adapted to the American character and to our institutions, of which it is both parent and child. A more perfect Constitution—efficiently designed, and free of the ambiguities and conflicts of our charter—would long ago have been shattered by the pressures and demands of the spectacular growth of our Nation and the aggressiveness of its people.

But the very characteristics which made our Constitution viable, were themselves the source of danger. The ambiguities of our Constitution are essential to its vitality; but an ambiguous charter is a temptation to the ambitious. The fragmentation of power in our Constitution is essential to its democratic design; but fragmentation of power carries with it conflict, confrontation, and frustration; and the combination of power and frustration is hard for some leaders to accept. To some men in the Presidential chair, our system is a cage preventing them from accomplishing their herculean task; and the peril that a President may seek to break through the bars of the cage has always been present.

The Founding Fathers realized this danger. They were acutely aware that Presidents might seek to breach the limitation upon their power.

So it was, according to legend, that when Benjamin Franklin returned to his lodging from the constitutional convention, he was asked by his landlady: "Mr. Franklin, what have you given us, a republic or a monarchy?" and he replied, "A republic—if you can keep it."

That is still our challenge, dramatized by the events of the past few years.

Despite their misgivings, the drafters of the Constitution concluded—and wisely—that they had no alternative; that a strong Presidential office is essential to effective government.

They resolved that the President was to be the only "National Officer," the only chosen official, along with his Vice President, representing the Nation as a whole. As Gouverneur Morris stated it, he was to be the only "National Officer, acting for and equally sympathizing with every part of the United States."

The President was to be the Chief Executive of the government—the sole and ultimate repository of power to carry out the laws of the United States.

He was to be the supreme military commander; Commander-in-Chief of the Armed Forces of the United States.

He was vested with the power to conduct our foreign affairs.

He was given a legislative function: He must report to Congress on the State of the Union, and recommend measures for their consideration. He may veto bills passed by the Congress, in which event they do not become law unless passed over his veto by two-thirds of each House. He may convene Congress and, in certain circumstances, adjourn them.

He was given a vital role with respect to the Judiciary: He appoints Justices of the Supreme Court and judges of the other

federal courts, with the advice and consent of the Senate.

These are great powers; but they are incomplete. The President has power to administer, to initiate, to lead, and to advocate. He can shape events which determine the fate of the Nation. As Chief Executive and political leader, he has unique opportunity to summon the people to his support, and to reward those who aid him and to punish his opposition.

But the ultimate power to make the rules, to legislate, is not the President's; it is the Legislature's. Our Constitution creates a President with formidable governmental power; but it does not authorize him to govern. The President is a part of the government; he is not the government.

There have been many instances in our history, dating from the earliest days of the Republic, when Presidents have taken action which was not authorized by the Congress, and which was, in greater or less degree, beyond the President's unilateral power. With few exceptions, these instances have been related to armed conflict and foreign affairs. They have stemmed from the premise, which I believe to be erroneous, but which many Presidents have adopted, that the President, particularly as Commander-in-Chief, has implied and virtually unlimited emergency powers.

Even Lincoln and Truman, both of whom were sensitive to the meaning and genius of our Constitution, were guilty of exceeding their constitutional powers. Truman seized the steel mills in order to prevent interruption of production which might jeopardize conduct of the Korean War. Lincoln suspended the writ of *habeas corpus* during the Civil War. Both Presidents rationalized their acts by the claim, as Truman stated, that "The President of the United States has very great powers to meet great national emergencies." The Supreme Court held that both of them had acted unconstitutionally.

In considering the constitutional derelictions of past Presidents, however, it is important to realize that, without exception, their unconstitutional actions have been specific and isolated—taken to meet specific and emergency situations. Their derelictions have not challenged or implicated the basic constitutional structure of our government. They have not been part of a general course of action in the day-to-day conduct of government. They have not been based upon, nor have they constituted an assertion of general Presidential power to override the power of Congress or to disregard the law. Presidents have not sought to prevent examination of their acts, or to avoid responsibility for them. They have not claimed that "executive privilege" confers upon the President total immunity from legal process and absolute, comprehensive and exclusive authority to decide what he will and will not disclose in response to congressional demand or other lawful authority.

Obviously, most Presidents, under the pressure of events, have sometimes wished that our system was different. Every President is certain that he could do better if it were not for the Congress and the press, and sometimes, the Supreme Court. In the past, they have nevertheless endured the frustrations of the system; and within that system, some of them have nevertheless achieved greatness. Strong Presidents have found within the President's constitutional power the potential for powerful, daring, innovative action; but, with relatively few lapses, they have done so by providing leadership and advocacy and by using the office to obtain the consensus that our Constitution requires.

The outstanding exemplar of this was Franklin Roosevelt. During his incumbency, Presidential power expanded to an unprecedented degree; but the expansion occurred despite, and not because of, his abortive

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and unfortunate attempt to weaken the institution of the Supreme Court. It was the result of constitutional processes. The explosive increase of Presidential function and prerogative which revolutionized the Presidency was the product of congressional legislation, enacted under Roosevelt's extraordinary leadership. It was not a consequence of unilateral action, of the seizure of power.

Roosevelt deployed the tensions and conflicts built into our Constitution to achieve affirmative action within the system. Faced by a catastrophic depression and a World War, he sought and obtained from the Congress great and novel authority for the President to act. But he did not usurp the power of the Congress or invade the rights of the people or the press or even of the opposing political party in order to accomplish the vast programs that he initiated.

III

This has not been the method of the Nixon administration. Like all strong Presidents, President Nixon has sought to have the nation follow his leadership and accept his decisions. But his conception of the Presidency is radically different from that of his predecessors. It represents a sharp break with our history and constitutional tradition. The Nixon administration has challenged our constitutional institutions. It has not merely committed acts in excess of constitutional right and authority. It has boldly confronted us with a new and revolutionary concept of the Presidency.

President Nixon obviously believed that he had authority to impound funds appropriated by the Congress, and he did so. He believed that he could refuse to carry out programs enacted by the Congress, and he did so. He claimed broad and final authority to withhold information from the Congress, and to avoid accountability for his actions. Members of his staff, seeking to accomplish Presidential purposes, have used the powers of the Presidential office to plan or authorize fantastic acts of lawlessness, violating ancient and fundamental rights of the people.

He has presented us with a challenge to our Constitution—to our basic institutions and our way of life. However well-motivated the President may be, or however unaware he may be of the implications of his actions, the net effect of his actions has been an attempted constitutional coup d'état: A fundamental alteration—a subversion—of our basic constitutional structure.

And so, we have been confronted with a constitutional crisis. The significance of this crisis does not stem from the incredible acts of alleged criminal or quasi-criminal conduct that have been the subject of massive investigation. These are merely the ugly manifestations of a conception of Presidential power and status which has no place in our constitutional system.

The alleged criminal acts are, or course, of great national concern. They include charges to which the administration's former Attorney General vividly referred as "horrors": Alleged complicity in burglary, unlawful electronic espionage, concealment of felonies, obstruction of justice, unlawful suppression and withholding of evidence.

I hope that the President's personal involvement in respect of these charges can be disproved. But the fact remains that if and when substantial allegations of misfeasance are made against a President, our system of government requires that the President must respond to the allegations, like any other person so accused.

Our Constitution does not give a President or his staff authority to participate in or to authorize criminal acts. Certainly it would be preposterous to argue that a President or his staff may engage in unlawful conduct in order that he may be reelected. As a candidate for reelection, he has no more rights

than his rivals. But even as to acts related to the conduct of his office, the President and his staff are subject to the law, including the prohibitions of the criminal code. Nor does our Constitution confer immunity upon a President or his staff for the consequences of their acts, or a right to withhold relevant evidence.

A President is accountable for criminal acts, if he has committed them, like any other citizen. He may be removed from office. He may be prosecuted after impeachment and removal from office; and, in theory, nothing in the Constitution itself would bar indictment and prosecution even while he is in office—unwise and infeasible as this may be in practice. There is no constitutional difference in this respect between a President or Vice President, a federal judge or any other civil officer of the United States—despite assertions to the contrary.

But we shall be derelict in our duty if our response to the present crisis is merely punishment of the malefactors—if we neglect the underlying meaning and moral of the traumatic experience which we are enduring. The events of the past few years teach a lesson which we will ignore only at our great peril. They teach us the terrible consequences which can result from the exercise of unbridled power: That power exercised without constitutional restraint can destroy not only our democratic political system, but our personal, individual liberty.

Some of the criminal acts in which the Nixon administration was allegedly implicated involved violations of ancient and fundamental rights, enshrined in our constitutional guarantees: The right to privacy, to security of our homes and offices, to freedom from lawless action under cloak of governmental authority. It is not mere coincidence that these spectacular charges of criminal and unconstitutional invasion of the rights of individuals have been lodged against a White House which is also accused of disregarding the limitations of Presidential authority in governmental affairs: Of disregarding congressional commands with respect to Cambodia and Laos; of unlawfully impounding appropriated funds; and of refusing to implement programs enacted by the Congress.

The same inflated conception of Presidential power and immunity which provided the basis for Watergate and the other "horrors," also led to the exercise by the President of governmental power which our Constitution denies to him. All of these acts and events are the product of a conception and theory of the Presidency as an office with power to disregard the law to achieve Presidential objectives; with power to make law, rather than execute it; and with power to refuse to account for Presidential acts.

The history of political institutions warns us that the destruction of restraints upon political power and the destruction of individual liberty go hand in hand. Regimes that seize political power preserve and expand that power by the ruthless and lawless invasion of personal rights. Let us not delude ourselves into believing that we are immune: that we can tolerate the violation of the political restraints which our Constitution places upon the Presidency, and nevertheless remain complacently secure that we retain our cherished freedoms.

We will not solve our problems merely by punishing those guilty of criminal acts. We will not save our nation merely by rebuffing this administration's attempt to exercise unconstitutional authority. We must ponder the fundamental problem of which we are now so dramatically warned: The problem of the adequacy and effectiveness of our machinery to restrain the Presidency.

We have experienced the incredible. The unprecedented, the unthinkable, have happened. They can happen again; and it is not

inconceivable that if they occur again—if we fail to take measures to prevent their recurrence—the next time they will succeed. If they succeed, virtually unlimited Presidential power may replace our political democracy and undermine our personal liberty and our freedom from arbitrary, lawless governmental action.

We must, therefore, consider the following questions: Are our constitutional institutions adequate to confine the President's actions to the limits necessary for democratic government and to protect each of us against misuse of Presidential power; is our constitutional machinery adequate to make the President properly accountable for his acts; have the changes wrought by time and events, and the evolution of the power of the President, so enfeebled the checks and balances provided by our Constitution that fundamental revisions are essential?

In short, we must address ourselves to an examination of the adequacy of our machinery to protect the rights of the people and their institutions: The Congress, the press and our political system: To protect these against Presidential usurpation and abuse; to establish proper and workable definitions for Presidential authority; and to create effective machinery to ensure Presidential accountability for the President's actions.

IV

I should like, first, to clear away some of the dust that has recently been kicked up, by stating a few elementary principles:

1. The President is not above the law. He is subject to the Constitution and the laws enacted by the Congress—in all respects, not just some.

2. It is the President's constitutional duty to execute, to apply and administer the laws duly enacted by the Congress, whether they are good, bad or indifferent; whether they will balance the budget or break it.

He cannot constitutionally impound funds which Congress has appropriated and directed him to spend, unless and except to the extent that Congress has authorized him to do so. He cannot refuse to carry out programs which Congress has enacted, whether they relate to minority employment opportunities or to the sewage and water systems of our Nation.

3. The President cannot constitutionally, even for a moment of time, authorize lawless programs of domestic surveillance, wiretapping, electronic espionage, or breaking and entering homes or offices, whether in the interests of internal security or otherwise. He can neither do these things, nor authorize or permit them to be done. It is his duty to prevent any such acts, and to see that the perpetrators are prosecuted.

4. The President and the entire executive establishment must account to the Congress for their actions and, with extremely limited exceptions, must respond to authorized congressional, judicial and grand jury demands for relevant material and information, including memoranda and even tape-recordings.

Our system does not recognize a general, royal or Presidential prerogative incident to Presidential tapes or papers or communications, or to the person occupying the Presidency. "Executive privilege" is nothing more or less than the principle that, in limited situations, the courts will permit the President or a principal executive officer to decline to comply with subpoenas or congressional demands for his physical presence or for the disclosure of certain restricted and reasonably well-identifiable types of documents or communications. This is not because of any explicit provision in the Constitution. The Constitution says nothing about executive privilege; but the courts will recognize such a privilege, where and to the extent that it is a necessary incident to the

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performance of official duties, and where the recognition of the privilege is necessary to serve the national interest. In making these judgments, the courts will also take into account the reasons for the demand for disclosure, the purpose which disclosure would serve, and the materiality and importance of disclosure to the issues before Congress or the courts.

Executive privilege will almost always be recognized by the courts where and to the extent that the subpoenaed material contains secret and sensitive defense or foreign affairs information. On the other hand, a claim of privilege by the President will not be sustained if the communication does not directly relate to his official duties, if it is otherwise material to the matter at issue. This is true with respect to verbal as well as written or recorded communications between the President and his staff, or other persons. There is no basis, therefore, for a claim of executive privilege with respect to communications relating to such acts as campaign activities or actions which may violate the criminal laws. Even communications between the President and his personal lawyer are not privileged if they involve a conspiracy to commit a violation of law or to conceal a felony.

Obviously, this doctrine, correctly understood, refutes the claim that the President may, himself, finally decide whether or not he will make the production. The power to decide whether the President must or need not comply is in the courts; the President may claim the right to decline to comply, but only the courts can decide the question. Obviously, the doctrine provides no basis for a claim of privilege by the President with respect to documents or tapes relating to the President's political activities or to any matter except those incident to his lawful, official duties, disclosure of which would be injurious to the Nation or would hamper the President in the performance of his constitutional and lawful functions.

Lawyers will recognize that the doctrine is not essentially different from the principles that govern decisions with respect to private citizens. The basic principles are the same: Disclosure is required only where the communication is material to the issue at hand; but where it is material, claims of privilege must be decided on the basis of the subject matter of the communication—not the status of the participants. The difference between the treatment of the President and a private citizen is merely the consequence of the executive's special constitutional and official duties.

This is fundamental to our democratic, constitutional system. The President of the United States is not above the law. He is subject to the law, like any other person; and he can claim only such immunity, such privilege, as is given to him by express legislation or by the application of universal legal principles to his particular role and responsibilities.

5. Under our constitution, the President has no implied powers which enable him to make or disregard laws, except as specifically authorized by the Congress.

The President has certain emergency powers, derived from his duties as Commander-in-Chief of the Armed Forces, but these powers are extremely limited. They do not authorize him to suspend or disregard laws, or to invade the constitutional rights of citizens, whether or not internal security is involved. The President's powers as Commander-in-Chief are military, not legislative. He is the supreme civilian head of the Armed Forces. He controls their use and deployment, subject, however, like any other commander of military forces, to law and to congressional authorization. Like a field commander, he can take military action to meet an emergency, if such action is limited to the emer-

gency; but it is the right and duty of the Congress, which it has sometimes cravenly avoided performing, to enact legislation, as promptly as possible, to direct that the military action continue or be terminated. The President, whether as Commander-in-Chief or otherwise, has no constitutional authority to use armed forces contrary to law and to congressional direction.

6. With respect to foreign affairs, the drafters of the Constitution understood that the President's role would, of necessity, be primary. The authority to deal with foreign governments had to be vested in an individual, not in the Congress; and they hoped that adequate checks upon Presidential power would be provided by the necessity of obtaining the Senate's advice and consent to treaties and the exclusive power of Congress to declare war. But the tidy, formal world that this arrangement postulated has long vanished. Relations with foreign governments defy the neat constitutional categories. Wars are seldom declared; they develop and exist. International commitments are made without the formality of treaties. These commitments sometimes, in practical effect, inextricably involve the Nation in alliances of vast consequences, even leading to present the Congress and the people with a *fait accompli*. A President can, for example, by diplomatic moves, create a situation of detente with the Soviet Union and China, in which Congress had no participation. Congress can decline to enact the measures to implement Presidential commitments, but often this is a Hobson's choice—more rhetorical than real.

As we saw in the Vietnam and Korean conflicts, a President can even commit the Nation to a course of action that, step by step, leads to major armed conflict far from our shores. Presidents Eisenhower and Kennedy began our Vietnam involvement by assigning "military advisers" to South Vietnam. They could perhaps justify this as part of their diplomatic function, as part of foreign intelligence gathering, or as an adjunct to military aid and the supply of weapons, authorized by the Congress. But as we have experienced, it is a dangerous process—simple to commence, difficult to limit, and hard to terminate.

7. As Chief Executive, the President is the head of the entire executive establishment of the United States. The departments are created by law of the Congress; the Congress defines their jurisdiction, duty, power, and, within constitutional limits, their procedures; and they must render an accounting to the Congress for their administration. But Congress has no power to remove an executive officer from his position, even by the indirect means of using its appropriation power, except by the process of impeachment under exactly the same constitutional provision and procedure that applies to the President and Vice President.

Accordingly, the ultimate responsibility for decisions by the vast federal bureaucracy—except as to the quasi-judicial agencies—is in the President. His power, however, is limited. He may instruct an executive department how to exercise the powers that Congress has given it, but only within the terms of the congressional legislation. If the head of the department does not like his direction, he may attempt to circumvent it, as officials sometimes do; or he may resign. If he refuses, the President may remove him from office, and appoint more cooperative personnel. The President may not, however, himself take over the function or transfer it to another department, or create an agency or group to perform the function, because Congress has authorized the department, and not the President to do so. In short, the President may direct the agency because of his constitutional power, but he can do so only within the terms prescribed by the Con-

gress. He cannot take over the powers of an agency without congressional authorization. An illustration of violation of this principle is presented by the White House's creation of the so-called Plumbers and the attempt to invest them with authority which, if it existed anywhere, was in the FBI—certainly not in the White House. The President has authority and flexibility within the discretionary appropriation to him, to create a White House staff, but the functions of that staff are limited by the limitations of Presidential authority. They are to aid him in performance of his duties. They cannot be authorized to perform functions which the Congress has vested in an agency or department of the government.

As we consider and evaluate the complexities and problems of the Nation today, it seems beyond dispute that we need, we must have, a strong Presidency. We must have a Presidency that has the power and status to lead the Nation; to speak effectively for us in the complex, difficult and dangerous area of relations with other nations; and effectively to oversee the enormous federal establishment. The President must be equipped with adequate powers to discharge these duties. To the extent that he does not have them by specific constitutional grant or existing legislation, Congress should enact new laws, carefully designed so as to subject the President to appropriate congressional controls. We should neither deny to the President the authority that he needs to do his job, nor should we, by failing to give him that authority, tempt him to exceed his constitutional powers.

But the Presidency must be controlled and restrained. We need restraints upon the President commensurate with the greatness of his powers and the potential of his office for expansion and misuse of these powers. The events of the past few years warn us that we cannot rely merely upon the self-restraint of the man who is President, or upon his sensitivity to the meaning and message of our constitutional system.

The controls that the Founding Fathers adopted are no longer adequate. The balance that the Founding Fathers ingeniously devised no longer exists. It has been destroyed by the complexities of modern life; the vast expansion of governmental function; the decline of Congress due to the growth in the number of its members and, principally, to its failure effectively to reorganize its management and procedures; and the enormous increase in Presidential power and prestige. At the same time, we have permitted the erosion and obsolescence of the checks, the restraints, upon the President in which the drafters of the Constitution placed their ultimate reliance.

The primary check upon the President upon which the Founding Fathers relied was the power of the people to elect and reelect him, if they so decided. They believed that Presidents would seek to conduct themselves so as to win the favor of the people in order to assure reelection. If a President should die, resign or be removed from office prior to expiration of his term, the people's second choice for that great office—the Vice President—would succeed him. But both of these features of our constitutional system have been eroded. A President, in his second term, is no longer influenced by the possibility that he may decide or be called upon to stand for reelection. This change came about in 1951, when, in reaction to FDR's long tenure, we adopted the Twenty-Second Amendment to the Constitution, limiting the President to two terms. To some Presidents, this limitation can be an incitement to extreme action. In his second term, a President is admonished that, by law, this is his last chance to reshape the Nation in

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his own image. He sees the end of the road, and to a hard-driving man of vast ambition, the prospect of an incomplete mission may not be endurable. He believes that he knows what should be done; and he is immune from the restraining effect of the possibility that the people may disagree and, if he decides again to submit himself to the electorate, that they may repudiate him at the polls. In our history, every President except Franklin D. Roosevelt, has observed the tradition limiting a President to two terms; but until the adoption of the Twenty-Second Amendment, the possibility, however theoretical, of another term has been a seasoning ingredient in Presidential psychology.

The power of the people has also been diminished by changes in the manner of selecting the Vice President. Initially, the Vice President was the candidate for President who received the second-largest number of electoral votes. In 1804, we adopted the Twelfth Amendment which provided that the Vice President would be separately nominated and elected. Inevitably, this led to the present situation in which Vice Presidents are not, in fact, nominated or elected by the voters, but are designated by the Presidential nominees and elected as an appendage to the successful Presidential candidate. The result is that if a President dies, resigns or is removed from office, he is succeeded by a person who, realistically, is not the selection of the people, but the choice—usually for political or ticket-balancing reasons—of his predecessor. In 1967, we compounded this by ratification of the Twenty-Fifth Amendment which includes a provision authorizing the President to fill a vacancy in the office of Vice President, with the concurrence of a simple majority of each House of the Congress.

Both of these Amendments—the Twenty-Second, limiting the President to two terms in office and those provisions of the Twenty-Fifth providing for Presidential designation of a Vice President to fill a vacancy in that office—have merit. But the fact—the important fact—is that both represent a dilution of a fundamental part of the design of our Constitution: The power of the people, by their vote, to choose their President and the restraint which this reference to the people was designed to exercise upon the behavior of their Chief Executive.

The second and ultimate restraint which the Founding Fathers built into the Constitution was a mechanism for removal of a President prior to the expiration of his term. This mechanism was the theoretically formidable weapon of impeachment. The architects of the Constitution provided that the President, Vice President, and any civil officer of the United States could be removed from office upon impeachment by majority vote of the House of Representatives and conviction by two-thirds of the members of the Senate present. Upon conviction, not only is the President removed from office, but he may not thereafter hold any office of honor, trust or profit under the United States; and he is subject to indictment and prosecution for any criminal offenses he may have committed.

Let me make a preliminary point about the impeachment provisions of the Constitution. A President may be impeached and convicted for treason, bribery, or other high crimes and misdemeanors. The phrase "high misdemeanors" is and was understood to be a term of art, deliberately broad and ambiguous in specific application, but clearly embracing serious violations of public trust by officers of the government, including such acts as failure or refusal faithfully to execute the laws or any type of misconduct in office which constitutes an abuse of its authority or prerogatives.

There is simply no acceptable basis to argue that the impeachment provision of the Constitution restricts impeachment to acts in violation of the criminal laws. There is no support for this contention in the history of English impeachments, the understanding of the makers of the Constitution, or in the precedents in our own history.

In the leisurely days of 1787, when the House of Representatives and the Senate were small bodies with little to do, impeachment may have been a practical procedure for removing a President from office. It is now staggering to contemplate the amount of time that a Senate trial of impeachment charges will require; the inevitable fury that it will provoke; and the divisions, diversions, and hostilities that it will engender. Inescapable as an impeachment trial may be in the present situation, its dimensions—the disruption that it has caused and will cause—are disconcerting; and I submit that we must find a better way to supply the ultimate remedy for removing a President from office.

We must find a method that permits us to terminate a President's tenure which is not so easy and facile that he can be deposed because of political disagreement or policy opposition. We must find a way that preserves our system of conflict, tension, advocacy and consensus between the Congress and the President, and does not destroy it by permitting the Congress to terminate a President's tenure because of disagreement with him. The parliamentary system, in my opinion, is not suitable to our temperamental balance. We seek to restore our constitutional balance: The balance that the Founding Fathers created and which has served us so well.

At the same time, we cannot, we should not have as our only choices the alternatives of enduring for four long years a President who has violated his trust and who threatens essential national values, or subjecting the Nation to the protracted, complex and destructive ordeal of impeachment proceedings.

I believe, then, that we are in need of some fundamental changes to restore the balance in our system, to protect our political democracy, and to safeguard our individual rights and liberties.

First: While we have no present option except to proceed with the pending impeachment proceedings, unless the President decides to resign, we should provide an alternative method. Representative Edith Green of Oregon has proposed a joint resolution to amend the Constitution which seems to me to be well-designed for this purpose. It provides that a special election shall be called for President and Vice President if the House and the Senate, by two-thirds vote of each, shall enact a resolution that the President has failed or refused faithfully to execute the laws; or has willfully exceeded his powers; or has caused or willfully permitted the rights of citizens to be trespassed upon. The special election would be federally financed and would be held within 90 days; and the incumbent President and Vice President would be eligible to be candidates.

This plan has the following virtues: It avoids the procedural difficulties of impeachment. Its implications are not as devastating: It does not bar the President from reelection, nor does it necessarily imply the devastating moral judgment which is implicit in impeachment, that is, the disqualification of the President from any future position of public honor or trust. It does not require a trial of the President on charges; but it limits the House and Senate by requiring that they find specific and limited grounds for calling the special election. It makes possible a complete change in

executive leadership, rather than merely a shift from the President to the Vice President. And finally, it remits the ultimate judgment as to whether the President is to continue in office to the people—which is where it belongs.

The Green resolution does not eliminate the Founding Fathers' idea of a fixed term for the President to assure his independence of the Congress and to carry out the basic constitutional idea that he would act as a check upon the Congress and would balance congressional power. It retains the American principle of fragmented power—of a government by consensus, conflict, advocacy and tension. It does not adopt the unitary parliamentary system. But it would provide a mechanism which would operate in extreme situations; and more importantly, it would provide a constant restraint upon the President, warning him that extreme misconduct may result in his having to submit to a special election.

Second: I believe that we should reconsider the Twenty-second Amendment. It is a good tradition that Presidents should not serve more than two terms; but it is a dubious constitutional prohibition. It is bad psychology; there is a vast difference between the effect upon an incumbent President of a constitutional prohibition and of a voluntary decision that he will not run again. Presidents are people; essentially, they are just people; and the message of the Twenty-second Amendment, that they face the end of the road, and their last chance to achieve their goals, can be an incitement to the extreme and willful use of power.

Third: We should amend the provisions of the Twenty-fifth Amendment relating to filling a vacancy in the office of the Vice President, and we should redefine the office and functions of the Vice President. The twenty-fifth Amendment provides that when the office of Vice President is vacant because of death or resignation, the President nominates his successor who takes office upon approval by a majority of the House of Representatives and the Senate. If a President dies, resigns or is removed early in his term, this means that a person who has not been elected by the people of the Nation becomes President, and it is possible that he may serve as such for more than three years, without having obtained a mandate from the people. It seems obvious to me that this is inconsistent with our basic, democratic principles; and that if the Vice Presidential office becomes vacant, his successor should be elected in a special election.

Fourth: For somewhat the same reasons, I submit that we should revise the provisions of our Constitution with respect to the Vice President. Vice Presidents are not really chosen by the voters. They are selected by the Presidential candidates; and they are elected merely as an appendage to the people's vote for President.

We should amend the Constitution in recognition of this reality, and provide that a Vice President, succeeding to the office of the President, should hold that office only until a President is selected by the voters in a special election to be held within 90 days. This would also go a long way towards reducing the significance of the present, and I think, unavoidable, inadequacies of the methods of the selection of Vice Presidential candidates—which were dramatized so vividly and sadly in the Eagleton incident at the last Democratic Convention.

I would also change the constitutional provisions concerning the duties of the Vice President. He should not preside at the sessions of the Senate, as the Constitution now provides. He should be an executive official, entirely; and he should be available for such full-time executive responsibilities as the

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President may delegate to him, including the responsibility of head of a department such as the Department of State. Hopefully, this would permit the President to delegate some of his excessive duties to the Vice President—and it would also make it possible to give the Vice President some useful work to do.

Fifth and finally: It is somewhat unrealistic to expect that Presidents will not invade the province of Congress unless Congress is effectively doing its job. The Congress simply must face up to its responsibilities and must put its house in order. Public confidence in the Congress is at a low ebb—and with some justification. Congress must redefine its mission so as to make it practical and manageable; it must legislate and appropriate in broad terms; it must delegate responsibility for details; it must meticulously require the executive agencies to account for their administration, but it must not intervene in their specific decisions; and it must reorganize its machinery and its procedures so that it can do its job.

A model, in a very difficult area, of constructive congressional action to preserve its authority but at the same time to permit effective government action, is available in the recently enacted War Powers Resolution.

In November 1973, the Congress enacted the "War Powers Resolution," which had been originated by Senator Javits. It enacted this resolution over President Nixon's veto. The operative part of this resolution requires that, in any instance where armed forces are introduced, the President shall report to Congress within forty-eight hours, and that he shall terminate the use of the United States forces in that situation within 60 days unless Congress otherwise provides.

This resolution is strong medicine. It warns the President that prolonged secrecy of military operations, and studied exclusion of the Congress from participation in military decisions, such as we experienced in Laos and Cambodia, are not permissible. At the same time, it recognizes the reality that the Nation may be faced with situations where armed intervention is essential, and that only the President is in a position to act speedily; and it carefully preserves the ultimate control of the Congress.

Another kind of example of the restructuring that is essential is presented in some of the impoundment bills presently under consideration by the Congress. Congress has and must exercise the appropriation power. The President may not refuse to expend appropriated funds, unless Congress has so authorized. But situations arise after Congress has acted, in which changed conditions or circumstances require reconsideration of appropriations. Present statutory provisions to permit the President to act in these circumstances are inadequate. Obviously, the Congress should enact an appropriate measure to achieve this result, for example, by enabling the President to suspend the expenditure of appropriated funds for a limited period during which he will request the Congress to reconsider.

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In conclusion, I ask you consider my thesis: The fantastic events that we label Watergate have profoundly shocked us. They would have been shocking if they had involved only the President's political party, or only a committee which he authorized to work for his reelection. The participation of the President's White House staff and close associates made them a calamity. And the possibility of the President's personal involvement made the events deeply traumatic—a national disaster.

But Watergate was more than a series of incredible assaults upon our political process; it was more than a series of patently lawless acts of a base, criminal nature. Watergate was the ugly exorcism of a theory of government which asserts the supremacy of the

Presidency over the Congress and the law of the land. It makes little difference whether the theory was the President's or his associates'. It makes little difference whether the theory was conscious or articulated, or whether it is merely the unifying principle from which the various acts emerged.

This is an intolerable theory for a democratic society. Some years ago, Richard Nixon was a leader in combating the alleged subversion of our institutions by those who, he said, advocated a foreign ideology; but foreign ideologies are not the only danger—and not the greatest danger—to our Constitution and our political democracy.

Watergate was the ugly, dreadful face of a theory which embraced the idea of a Presidency overriding congressional laws that conflicted with the President's conclusions as to the national interest; a Presidency inducing or tolerating lawlessness to promote its objectives; a Presidency immune from court processes and congressional inquiry.

We must remember this coupling of Watergate and political theory. We must remember that we can be reasonably confident of avoiding Watergate's criminal assaults upon our basic liberties only if we preserve our political democracy. Freedom is indivisible. If we permit a President to override the political restraints of our Constitution, to overrule the Congress, to ride roughshod over the limits upon his powers to govern which are prescribed by our Constitution, we invite a Presidency which may also ride roughshod over the sanctity of our homes and the privacy of our persons.

By the grace of God and good fortune, we have been saved—this time. If we are to avoid these dangers in the future, we must do more than punish those who participated in the current assaults upon us. We must restore the balance that our Constitution designed; and to do that, we must, I submit, revitalize the machinery of our government.

The CHAIRMAN. There being no further requests for time, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the resolution (H. Res. 1511) confirming Nelson A. Rockefeller as Vice President of the United States, pursuant to House Resolution 1519, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution, House Resolution 1511.

H. Res. 1511

Resolved, That the House of Representatives confirm the nomination of Nelson A. Rockefeller, of the State of New York, to be Vice President of the United States.

Mr. RODINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 287, nays 128, answered "present" 1, not voting 18, as follows:

[Roll No. 716]

YEAS—287

Abdnor	Beard	Breaux
Addabbo	Bell	Breckinridge
Anderson, Ill.	Bevill	Brooks
Andrews, N.C.	Biester	Broomfield
Andrews	Blatnik	Brozman
N. Dak.	Boggs	Brown, Mich.
Annunzio	Boland	Brown, Ohio
Arends	Bolling	Broyhill, N.C.
Armstrong	Brademas	Broyhill, Va.
Ashley	Bray	Buchanan

Burleson, Tex.	Hosmer	Rhodes
Butler	Hudnut	Riegle
Byron	Hungate	Rinaldo
Camp	Hunt	Roberts
Carter	Hutchinson	Robinson, Va.
Casey, Tex.	Johnson, Calif.	Robinson, N.Y.
Cederberg	Johnson, Colo.	Rodino
Chamberlain	Johnson, Pa.	Roe
Chisholm	Jones, Ala.	Rogers
Clark	Jones, Okla.	Roncallo, Wyo.
Clausen	Jordan	Roncallo, N.Y.
Don H.	Kazen	Rooney, N.Y.
Cleveland	Kemp	Rooney, Pa.
Cochran	King	Rostenkowski
Cohen	Kluczynski	Roush
Collins, Tex.	Koch	Ruppe
Conable	Kuykendall	Ruth
Conte	Landrum	St Germain
Cotter	Leggett	Sanford
Coughlin	Lehman	Sarasin
Cronin	Lent	Scherie
Culver	Liton	Schneebeil
Daniel, Robert	Lott	Sebelius
W. Jr.	Lujan	Shoup
Daniels	McClary	Shriver
Dominick V.	McCloskey	Shuster
Davis, S.C.	McCollister	Sikes
Davis, Wis.	McCormack	Slak
Deaney	McDade	Skubitz
Dellenback	McEwen	Slack
Dennis	McFall	Smith, N.Y.
Derwinski	McKay	Staggers
Devine	McKinney	Stanton
Dickinson	McSpadden	Stanton, J. William
Donohue	Madden	Steed
Dorn	Madigan	Steele
Downing	Mahon	Steelman
Dulski	Mallory	Steiger, Wis.
Duncan	Mann	Stevens
du Pont	Maraziti	Stokes
Eckhardt	Martin, Nebr.	Stubblefield
Edwards, Ala.	Martin, N.C.	Stuckey
Esch	Mathias, Calif.	Studds
Evans, Colo.	Matsunaga	Symington
Fascell	Mayne	Talcott
Fendley	Mazzoli	Taylor, Mo.
Fish	Meeds	Taylor, N.C.
Fisher	Michel	Teague
Flood	Minshull, Ohio	Thompson, N.J.
Flores	Minshall, N.Y.	Thomson, Wis.
Foley	Mitchell, N.Y.	Thone
Forsythe	Mizell	Thornton
Fountain	Mollohan	Towell, Nev.
Fraser	Montgomery	Traxler
Frelinghuysen	Moorhead	Treen
Frenzel	Calif.	Udall
Frey	Moorhead, Pa.	Ullman
Froehlich	Morgan	Van Deerlin
Fugua	Mosher	Vander Jagt
Gettys	Murphy, Ill.	Vander Veen
Gillman	Murphy, N.Y.	Vegsey
Goodling	Murtha	Vigorito
Grasso	Myers	Waggonner
Gray	Natcher	Walsh
Green, Oreg.	Nelsen	Warner
Green, Pa.	Nichols	Whalen
Grover	Nix	Whitehurst
Gubser	O'Brien	Whitten
Gude	O'Neill	Widnall
Hamilton	Parris	Wiggins
Hammer-	Patten	Williams
schmidt	Pepper	Wilson, Bob
Hanrahan	Perkins	Wilson,
Hansen, Idaho	Pettis	Charles, Tex.
Harrington	Peyser	Winn
Harsha	Pickle	Wright
Hastings	Preyer	Wyatt
Hawkins	Price, Ill.	Wydler
Hébert	Pritchard	Wylie
Heckler, Mass.	Quile	Yatron
Helms	Quillen	Young, Fla.
Helstoski	Rallsback	Young, Ga.
Henderson	Rangel	Young, Ill.
Hillis	Regula	Young, S.C.
Hinshaw	Reid	Young, Tex.
Hogan	Reuss	Zion
Holifield		
Holt		
Horton		

NAYS—128

Abzug	Biaggi	Chappell
Alexander	Bingham	Clancy
Anderson, Calif.	Blackburn	Clawson, Del
Archer	Bowen	Clay
Ashbrook	Brinkley	Collins, Ill.
Aspin	Brown, Calif.	Conlan
Badillo	Burgener	Conyers
Bafalis	Burke, Calif.	Corman
Baker	Burke, Fla.	Crane
Barrett	Burke, Mass.	Daniel, Dan
Bauman	Burkison, Mo.	Danielson
Bennett	Burton, John	Davis, Ga.
Bergland	Burton, Phillip	de la Garza
	Carney, Ohio	DeLuims

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CONFERENCE REPORT ON H.R. 13296, MARITIME AUTHORIZATIONS FOR FISCAL YEAR 1975

Mrs. SULLIVAN submitted the following conference report and statement on the bill (H.R. 13296), maritime authorizations for fiscal year 1975:

CONFERENCE REPORT (H. REPT. NO. 93-1638)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

That the amendment of the Senate numbered 3 is reported in disagreement.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

LEONOR K. SULLIVAN,

FRANK M. CLARK,

THOMAS L. ASHLEY,

JOHN D. DINGELL,

THOMAS DOWNING,

JAMES R. GROVER,

CHARLES A. MOSHER,

PAUL N. McCLOSKEY, Jr.,

Managers on the Part of the House.

WARREN G. MAGNUSON,

VANCE HARTKE,

EDMUND S. MUSKIE,

TED STEVENS,

J. GLENN BEALL, Jr.,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

AMENDMENT NO. 1

House bill

No comparable provision.

Senate amendment

The Senate adopted an amendment, adding a new section 3 to the House-passed bill, which amended the Shipping Act, 1916 by adding a definition of "citizen of the United States" which would include a State or a political subdivision of a State, thereby making the provisions of the Ship Mortgage Act applicable to State governments as well as to private lenders and mortgagees.

Conference amendment

Although the conferees rejected the Senate amendment, there was no disagreement about the need for the proposal and the Managers on the Part of the House agreed to act expeditiously in the 94th Congress on similar legislation if it should be approved by the Senate.

AMENDMENT NO. 2

House bill

No comparable provision.

Senate amendment

The Senate adopted an amendment, adding a new Section 4 to the House-passed bill, which would create by statute at least one

regional office of the Maritime Administration for each of the four major seacoasts of the United States.

Conference agreement

The conferees agreed to the Senate amendment.

The Merchant Marine Act of 1970 (Public Law 91-469) made comprehensive amendments to the Merchant Marine Act, 1936. One such amendment was to make specific reference to the Great Lakes in section 809 of the Merchant Marine Act, 1936 (46 U.S.C. 1213). This was to give long overdue recognition to the Great Lakes as the fourth major seacoast of the United States. The Maritime Administration of the Department of Commerce implements the Merchant Marine Act, 1936 through its Washington, D.C. office, and a regional office on the Atlantic, Gulf and Pacific coasts of the United States. The conferees agreed to the Senate amendment as it would provide for a Great Lakes regional office as contemplated by the legislative history of the Merchant Marine Act of 1970. It is anticipated that this office will be established and adequately staffed before the end of the current fiscal year.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate amendment

Reported in technical disagreement. The managers on the part of the Senate will offer a motion to recede from its amendment with an amendment changing paragraph (5) of the proposed new subsection (f) to read as follows:

"(5) This subsection shall apply with respect to uncompensated damage to or destruction of any vessel or the gear of such vessel occurring:

"(A) during the period from January 1, 1972, through the date of enactment of this subsection, if an application for a claim for such damage or destruction has been filed with the Federal Government during such period; and

"(B) during the period from the day after the date of enactment of this subsection through March 15, 1976.

Funds authorized under this section shall not be available for compensation under this subsection after March 15, 1976." The managers on the part of the House will move to concur in this amendment.

The Senate adopted an amendment, adding a new section 5 to the House-passed bill, which would establish a special loan program to provide for the payment of compensation to U.S. owners and operators whose vessels or gear are damaged by the actions of foreign vessels on the U.S. Continental Shelf. This amendment would amend section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c; 70 Stat. 1121) which creates a more general loan program for financing or refinancing the cost of purchasing, constructing, and equipping, maintaining, repairing, or operating commercial fishing vessels or gear.

Conference substitute

The conference substitute is identical to the Senate amendment with two changes. First, the Conferees agreed to incorporate an expiration date of March 15, 1976, on this new program. This will allow the Congress to evaluate the success of this program after a year's experience. Second, the Conferees agreed to restrict the retroactive provision (paragraph 5 of the Senate amendment) to only that damage or destruction for which claims for compensation were filed with the Federal Government between January 1, 1972, and the date this amendment would become law. Those who filed such claims would also file applications for compensation, pursuant to this new program. In addition, the program would be available for compensating damage or destruction to U.S. fishing vessels

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or gear occurring between the effective date of this new provision and March 15, 1976. Funds authorized under this section would not be available for compensation after March 15, 1976.

It is the intent of the Conferees that the "fisheries loan fund" provided for in subsection (c) of section 4 of the Fish and Wildlife Act of 1956 be the source of funds for compensation made pursuant to this amendment. Currently, the fund contains approximately \$4,000,000. However, because of past administrative difficulties the Administration has imposed a moratorium on the use of these funds, although these difficulties may soon be resolved. Since the purposes of this amendment do not involve past differences with the general loan program and since it is tied to a compensation program which will keep the fund replenished, this moratorium should not apply to the program created by this amendment. The funds to be used are not expected to exceed \$250,000 per year.

Paragraph (2) of the amendment outlines the procedures and states the basic conditions of the loan/compensation program. These procedures begin with an application by an owner or operator claiming to have had his vessel or gear either damaged or destroyed by the actions of a foreign vessel or its crew. After receiving the application, but not more than 30 days after it is filed, the Secretary of Commerce determines whether there is reason to believe that damage or destruction did, in fact, occur as a result of actions by vessels of a foreign nation. To establish a *prima facie* case, a fisherman should submit the following: (1) a copy of the vessel's log showing the location of the vessel and the location, quantity, and type of gear alleged to be lost, damaged, or destroyed; (2) a statement by an appropriate Government official (e.g., someone from the U.S. Coast Guard) that foreign vessels were known to be in the area at the approximate time the gear was lost, damaged, or destroyed; and (3) an affidavit of the owner or operator of the vessel that, to the best of his knowledge, the damage or destruction of the gear or vessel was not caused by his negligence or intentional acts, natural causes, or other U.S. fishing vessels, and that he was not operating his vessel or employing his gear in violation of any applicable laws or regulations. To knowingly falsify such statements will subject the applicant to the penalties contained in 18 U.S.C. 1001 relating to false statements.

After being satisfied that any owner or operator has a bona fide case according to the above guidelines, the Secretary is to make a non-interest bearing loan to each such owner or operator from the fisheries loan fund. The loan would essentially cover "out-of-pocket" losses of the vessel owner. It would be made in an amount equal to the replacement value of the damaged or destroyed property and the market value of fish proved to be on-board a damaged or destroyed vessel or within lost, damaged or destroyed fishing gear.

The loan is made subject to the following conditions: (1) assignment to the Secretary of Commerce of any right to recover for damages caused by foreign fishing activities; (2) the other requirements of section 4 relating to loans to the extent they are not consistent with the purpose of this amendment; and (3) any other conditions determined by the Secretary to be necessary.

As soon as an application is received, the Secretary must begin a thorough investigation of the incident alleged to have taken place. Although this investigation may be completed before a loan is made (which is unlikely), it must be completed within six months after the loan compensation application is filed. In this time frame, it is believed an adequate investigation can be effi-

ciently completed. If the Secretary finds that the damage or destruction was indeed caused by the actions of foreign vessels, he is required to cancel repayment of the loan made and to seek recovery from the foreign nation involved. If, however, despite the truthful sworn statement of the owner or operator, the Secretary finds that the damage or destruction was caused by natural events (storms, waves, etc.) the non-interest bearing loan is to be converted into one with interest at a rate determined appropriate by the Secretary. In addition, if the owner or operator is at fault because of negligence or intentional actions, the Secretary is to require the immediate repayment of the loan with interest.

Paragraph (4) directs and authorizes the Secretaries of State and Commerce, with the help of the Attorney-General if need be, to seek recovery of damages from the foreign nation whose vessels are found to be at fault.

LEONOR K. SULLIVAN,
FRANK M. CLARK,
THOMAS L. ASHLEY,
JOHN D. DINGELL,
THOMAS DOWNING,
JAMES R. GROVER,
CHARLES A. MOSHER,
PAUL N. MCCLOSKEY, Jr.
Managers on the Part of the House.
WARREN G. MAGNUSON,
VANCE HARTKE,
EDMUND S. MUSKIE,
TED STEVENS,
J. GLENN BEALL, Jr.,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 14449, COMMUNITY SERVICES ACT OF 1974

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 14449), to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs:

CONFERENCE REPORT (H. REPT. NO. 93-1639)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Headstart, Economic Opportunity, and Community Partnership Act of 1974".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to extend programs under the Economic Opportunity Act of 1964, including Headstart, community action, and community economic development programs; and to provide for increased involvement of State and local governments in antipoverty efforts by authorizing a community partnership program.

SHORT TITLE AND DEFINITIONS

Sec. 3. The Economic Opportunity Act of 1964 is amended by adding after Section 2 the following new sections:

"SHORT TITLE"

"Sec. 101. This title and titles II through IX of this Act may be cited as the 'Community Services Act of 1974'."

"DEFINITIONS"

"Sec. 102. As used in this Act—

"(1) the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) the term 'United States' when used in a geographical sense includes all those places named in the previous sentence and all other places, continental or insular, subject to the jurisdiction of the United States;

"(3) the term 'financial assistance' when used in title II, part B of title III, and title VIII includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

"(4) the term 'Secretary' means the Secretary of Health, Education, and Welfare;

"(5) the term 'Administration' means the Community Services Administration; and

"(6) the term 'Director' means the Director of the Community Services Administration."

RESEARCH AND DEMONSTRATION PROGRAMS

Sec. 4. Title I of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE I—RESEARCH AND DEMONSTRATIONS"

"STATEMENT OF PURPOSE"

"Sec. 101. The purpose of the title is to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, including persons of limited English-speaking ability, in rural and urban areas to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient."

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS"

"Sec. 102. (a) The Director may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this title.

"(b) The Director shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this title. Such plan shall set forth specific objectives to be achieved and priorities among such objectives. In formulating the plan, the Director shall consult with other Federal agencies for the purpose of minimizing duplication among similar activities or projects and determining whether the findings resulting from any such projects may be incorporated into one or more programs for which those agencies are responsible.

"(c) No project shall be commenced under this section unless a plan setting forth such proposed project has been submitted to the chief executive officer of the State in which the project is to be located and such plan has not been disapproved by him within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this title.

"(d) In making grants or contracts under this title, the Director shall

under this title in any fiscal year shall be made available for programs or projects receiving financial assistance under section 221 or 235 of this Act.

"CONSULTATION"

"Sec. 103. In carrying out projects under this title, the Director shall, whenever feasible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, AND PILOT PROJECTS"

"Sec. 104. (a) The Director shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency or organization for any research, demonstration, or pilot project under this title; and

"(2) the results, findings, data, or recommendations made or reported as a result of such research, demonstration, or pilot project.

"(b) The public announcements required by subsection (a) of this section shall be made within thirty days of making any such grant or contract, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results, findings, data, or recommendations.

"(c) The Director shall take necessary action to assure that all studies, proposals, and data produced or developed with Federal funds employed under this title shall become the property of the United States.

"(d) The Director shall publish studies of the results of activities carried out pursuant to this title not later than ninety days after the completion thereof. The Director shall submit to the appropriate committees of the Congress copies of all such studies.

"PROHIBITION OF FEDERAL CONTROL"

"Sec. 105. Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system."

COMMUNITY ACTION PROGRAMS

Sec. 5 (a) Section 210 of the Economic Opportunity Act of 1964 is amended—

(1) in subsection (a) thereof, by inserting "or an Indian tribal government," before the word "which" the second place it appears therein; and

(2) by repealing subsection (f) thereof.

(b) Section 210 of such Act is further amended by adding at the end thereof the following new subsection

"(f) In carrying out his responsibilities under this part the Director may delegate functions other than policy-making functions and the final approval of grants and contracts to a State, in accordance with criteria and guidelines established by him, such functions as he deems appropriate, except that no such delegation shall take place unless all the community action agencies within such State formally indicate their approval of such proposed delegation, except that whenever such delegated functions include the authority to approve programs within such State the Director shall make available to the State, in addition to an amount not less than the amount made available to such State for State agency assistance under section 231 in the previous fiscal year, an amount in each fiscal year equal to such State's share (as determined by the formula set forth in the second sentence of section 235(a)) of the aggregate amount made available during the fiscal year ending June 30, 1974, for the operation of regional offices of the Office of Economic Opportunity."

(c) (1) Paragraph (1) of section 222(a) of such Act is repealed.

(2) Paragraph (2) of section 222(a) of such Act is repealed.

(3) Paragraph (6) of section 222(a) of such Act is repealed.

(4) Paragraph (8) of section 222(a) of such Act is repealed.

(5) Paragraph (9) of section 222(a) of such Act is repealed.

(d) (1) Section 222(a) of the Economic Opportunity Act of 1964 is amended by inserting after paragraph (11) the following:

"(12) a program to be known as 'Emergency Energy Conservation Services' designed to enable low-income individuals and families, including the elderly and the near poor, to participate in energy conservation programs designed to lessen the impact of the high cost of energy on such individuals and families and to reduce individual and family energy consumption. The Director is authorized to provide financial and other assistance for programs and activities, including, but not limited to, an energy conservation and education program; winterization of old or substandard dwellings, improved space conditioning, and insulation; emergency loans, grants, and revolving funds to install energy conservation technologies and to deal with increased housing expenses relating to the energy crisis; alternative fuel supplies, special fuel voucher or stamp programs; alternative transportation activities designed to save fuel and assure continued access to training, education, and employment; appropriate outreach efforts; furnishing personnel to act as coordinators, providing legal or technical assistance, or otherwise representing the interests of the poor in efforts relating to the energy crisis; nutrition, health, and other supportive services in emergency cases; and evaluation of programs and activities under this paragraph. Such assistance may be provided as a supplement to any other assistance extended under the provisions of this Act or under other provisions of Federal law. The Director after consultation with the Administrator of the Federal Energy Office and appropriate Federal departments and agencies shall establish procedures and take other appropriate action necessary to insure that the effects of the energy crisis on low-income persons, the elderly, and the near poor are taken into account in the formulation and administration of programs relating to the energy crisis.

"(13) A program to be known as 'Summer Youth Recreation' designed to provide recreational opportunities for low-income children during the summer months. Funds made available for this section shall be allocated by the Director, after consultation with the Secretary of Labor, among prime sponsors and other agencies designated under title I of the Comprehensive Employment and Training Act of 1973 on the basis of (1) the relative number of public assistance recipients in the area served by such prime sponsor or agency, as compared to the Nation; (2) the relative number of unemployed persons in such area as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area, as compared to the Nation. That part of any allotment which the Director determines will not be needed may be reallocated, at such dates during the fiscal year as the Director may fix, to the extent feasible, in proportion to the original allotments. In making allocations under this section, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no prime sponsor or other designated agency shall receive an amount less than the amount received for such program during the fiscal year ending June 30, 1974, whichever is higher."

grams during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, whichever is higher."

(2) Section 226(d) and section 228(c) are each amended by striking out "shall make whatever arrangements are necessary" and inserting in lieu thereof "is authorized to make whatever arrangements are necessary".

(e) (1) Section 225(a) of the Economic Opportunity Act of 1964 is amended by striking out the third sentence thereof and inserting in lieu thereof the following: "The remainder shall be allotted among the States, in accordance with the latest available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, (2) the relative number of unemployed persons in each State as compared to all States, and (3) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States. For purposes of this subsection, the Director shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census. The Director shall insure that for the fiscal year ending June 30, 1975, and for each succeeding fiscal year, no State shall be allotted for programs under section 221 and section 222(a) an amount which is less than the amount received for use within such State for programs described in such sections during the fiscal year ending June 30, 1974."

(2) Section 225(c) of such Act is amended by striking out "shall not exceed 90 per centum of the approved cost of the assisted programs or activities and thereafter shall not exceed 80 per centum of such costs" and inserting in lieu thereof the following: "shall not exceed 80 per centum of the approved cost of the assisted programs or activities with respect to fiscal year 1975, and 70 per centum of such costs with respect to fiscal year 1976, and shall not exceed 60 per centum of such costs with respect to fiscal year 1977, except that in the case of community action agencies receiving such financial assistance annually of \$300,000 or less, such financial assistance shall not exceed 75 per centum of such costs with respect to fiscal year 1976, and shall not exceed 70 per centum of such costs with respect to fiscal year 1977."

(f) The Economic Opportunity Act of 1964 is further amended by inserting after section 234 thereof the following new sections:

"DEMONSTRATION COMMUNITY PARTNERSHIP AGREEMENTS"

"Sec. 235. (a) The Director may provide financial assistance from funds appropriated to carry out this section to community action agencies or public or private nonprofit agencies designated under section 210 for programs authorized under this title, and to State economic opportunity offices for programs and activities authorized under section 231(a). Financial assistance extended to a community action agency or other agency pursuant to this section may be used for new programs or to supplement existing programs and shall not exceed 50 per centum of the cost of such new or supplemental programs.

"(b) Matching local and State funds supplied under this section shall be in cash and shall represent State and local initiatives newly obligated within the previous year to the purposes of the grant-supported activity; and no program shall be approved for assistance under this section unless the Director satisfies himself (1) that the activities to be carried out under such program will be in addition to, and not in substitution for, activities previously carried on without Federal assistance, (2) that funds or other resources devoted to programs designed to meet the

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needs of the poor within the community, area, or State will not be diminished in order to provide the contributions required under this section. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may adopt and promulgate establishing objective criteria for determinations covering situations where a strict application of that requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes sought to be achieved.

"(c) The provisions of section 242 of this Act shall not apply to assistance provided under this section.

"INTERGOVERNMENTAL ADVISORY COUNCIL ON COMMUNITY SERVICES"

"Sec. 236. (a) There shall be established within the Office of Economic Opportunity or successor authority an Intergovernmental Advisory Council on Community Services (referred to in this section as the 'Council').

"(b) The Council shall be composed of nine members who shall be appointed by the President as follows:

"(1) Three members shall be appointed from among representatives of States and county and municipal governments or organizations which represent such governmental units, selected on an equitable political and geographic basis after considering recommendations made by the National Governors' Conference, the National League of Cities-United States Conference of Mayors, the National Association of Counties and similar organizations representative of State and local government.

"(11) Three members shall be appointed from among representatives of community action agencies and other grantees under this Act or organizations which represent such agencies and grantees, selected on an equitable political and geographic basis after considering recommendations previously made by the Director of the Office of Economic Opportunity.

"(111) Three members shall be appointed from among representatives of labor, management, and other sectors which have demonstrated active interest in community action and antipoverty programs.

"(c) The Council shall—

"(1) encourage the formation of community partnership agreements;

"(2) review the substance of such agreements and any regulations, guidelines, or other program criteria with respect thereto and advise the Director thereon prior to final approval thereof;

"(3) evaluate the effectiveness of such agreements in meeting the purposes of this Act;

"(4) conduct a continuing survey throughout the Nation on the extent to which, and terms under which, public and private resources have been and may be available for antipoverty efforts;

"(5) identify and encourage means of increasing resources available for such activities; and

"(6) submit annual reports to the President and to the Congress on or before March 1, 1976, and March 1, 1977, with respect to its activities and findings, together with such recommendations for legislation as it may deem appropriate.

"(d) The Director shall provide the Council with such information as shall be necessary for the Council to discharge its functions under this section and shall furnish the Council with copies of all grant applications within ten days of receipt thereof.

"FUNDS AVAILABLE"

"Sec. 237. There is also authorized to be appropriated not to exceed \$50,000,000 to carry out section 235 during the fiscal year

1975, and such sums as may be necessary during each of the two succeeding fiscal years, except that in no event may more than 12½ per centum of such additional amounts be used in any one State."

ASSISTANCE FOR MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS AND THEIR FAMILIES

Sec. 6. (a) Section 312(b) (3) of the Economic Opportunity Act of 1964 is amended by striking out "and training" and inserting in lieu thereof "and developmental programs".

(b) The Economic Opportunity Act of 1964 is further amended by inserting after section 314 thereof the following new section:

"SPECIAL RESPONSIBILITIES"

"Sec. 315. The Director shall be responsible for coordinating programs under this part with other Federal programs designed to assist or serve migrant and seasonal farmworkers, and for reviewing and monitoring such programs."

(c) In providing financial assistance under the provisions of part B of title III of the Economic Opportunity Act of 1964, the Director shall give special consideration to any public or private nonprofit agency which has previously received financial assistance thereunder for the provision of services for migrant and other seasonally employed farmworkers and their families, taking into account financial assistance provided to any such agency under section 303 of the Comprehensive Employment and Training Act of 1973.

COMPREHENSIVE HEALTH SERVICES

Sec. 7. Title IV of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE IV—COMPREHENSIVE HEALTH SERVICES"

"COMPREHENSIVE HEALTH SERVICES"

"Sec. 401. (a) The Secretary shall establish within the Department of Health, Education, and Welfare a 'Comprehensive Health Services' program which shall include—

"(1) programs to aid in developing and carrying out comprehensive health services projects focused upon the needs of urban and rural areas having high concentrations or proportions of poverty and marked inadequacy of health services for the poor. These projects shall be designed—

"(A) to make possible, with maximum feasible use of existing agencies and resources, the provision of comprehensive health services, such as preventive medical, diagnostic, treatment, rehabilitation, family planning, narcotic addiction and alcoholism prevention and rehabilitation, mental health, dental, and followup services, together with necessary related facilities and services, except in rural areas where the lack of even elemental health services and personnel may require simpler, less comprehensive services to be established first; and

"(B) to assure that these services are made readily accessible to low-income residents of such areas, are furnished in a manner most responsive to their needs and with their participation and wherever possible are combined with, or included within, arrangements for providing employment, education, social, or other assistance needed by the families and individuals served, except that pursuant to such regulations as the Secretary of Health, Education, and Welfare may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance; and

"(2) programs to provide financial assist-

ance to public or private agencies to projects designed to develop knowledge or enhance skills in the field of health services for the poor. Such projects shall encourage both prospective and practicing health professionals to direct their talents and energies toward providing health services for the poor. Funds for financial assistance under paragraph (1) of this subsection shall be allotted according to need, and capacity of applicants to make rapid and effective use of that assistance, and may be used as necessary, to pay the full costs of projects. Before approving any project, the Secretary shall solicit and consider the comments and recommendations of the local medical associations in the area and shall consult with appropriate Federal, State, and local health agencies and take such steps as may be required to assure that the program will be carried on under competent professional supervision and that existing agencies providing related services are furnished all assistance needed to permit them to plan for participation in the program and for the necessary continuation of those related services. In carrying out the provisions of paragraph (2) of this subsection, the Secretary is authorized to provide or arrange for training and study in the field of health services for the poor.

"(c) Pursuant to regulations prescribed by him, the Secretary may arrange for the payment of stipends and allowances (including travel and subsistence expenses) for persons undergoing such training and study and for their dependents.

"(d) The Secretary shall achieve effective coordination of programs and projects authorized under this section with other related activities.

"DRUG REHABILITATION AND ALCOHOLIC COUNSELING AND RECOVERY PROGRAMS"

"Sec. 402. In addition to the authority conferred under section 401 of this title the Secretary is authorized, as part of the Comprehensive Health Services programs, to carry out the following programs:

"(1) An 'Alcoholic Counseling and Recovery' program designed to discover and treat the disease of alcoholism. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual alcoholic, encourage the use of neighborhood facilities and the services of recovered alcoholics as counselors, and emphasize the reentry of the alcoholic into society rather than the institutionalization of the alcoholic.

"(2) A 'Drug Rehabilitation' program designed to discover the causes of drug abuse and addiction, to treat narcotics and drug addiction and the dependence associated with drug abuse, and to rehabilitate the drug abuser and drug addict. Such program should deal with the abuse or addiction resulting from the use of narcotic drugs such as heroin, opium, and cocaine, stimulants such as amphetamines, depressants, marijuana, hallucinogens, and tranquilizers. Such program should be community based, serve the objective of the maintenance of the family structure as well as the recovery of the individual drug abuser or addict, encourage the use of neighborhood facilities and the services of recovered drug abusers and addicts as counselors, and emphasize the reentry of the drug abuser and addict into society rather than his institutionalization. The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among

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formerly hardcore unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process but there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

HEADSTART AND FOLLOW THROUGH

Sec. 8. (a) Title V of the Economic Opportunity Act of 1964 is amended by striking out the heading thereof and all of such title preceding part B thereof (which is hereby redesignated as part D) and inserting in lieu thereof the following:

**"TITLE V—HEADSTART AND FOLLOW THROUGH
SHORT TITLE"**

"Sec. 501. This title may be cited as the 'Headstart-Follow Through Act' (hereinafter in this title referred to as the 'Act').

"STATEMENT OF PURPOSE"

"Sec. 502. In recognition of the role which Project Headstart has played in the effective delivery of comprehensive health, educational, nutritional, social, and other services to economically disadvantaged children and their families, the Act extends the authority for appropriation of funds for that program.

"POLICY WITH RESPECT TO INDIAN AND MIGRANT CHILDREN"

"Sec. 503. In carrying out the purposes of Part A the Secretary shall continue the administrative arrangement responsible for meeting the needs of migrant and Indian children and shall assure that appropriate funding is provided to meet such needs.

"PART A—HEADSTART PROGRAMS"

"FINANCIAL ASSISTANCE FOR HEADSTART PROGRAMS"

"Sec. 511. The Secretary may upon application by an agency which is eligible for designation as a Headstart agency pursuant to section 514, provide financial assistance to such agency for the planning, conduct, administration, and evaluation of a Headstart program focused primarily upon children from low-income families who have not reached the age of compulsory school attendance which (1) will provide such comprehensive health, nutritional, educational, social, and other services as will aid the children to attain their full potential, and (2) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

"AUTHORIZATION OF APPROPRIATIONS"

"Sec. 512. There are authorized to be appropriated for carrying out the purposes of this part such sums as may be necessary for fiscal years 1975 through 1977.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE"

"Sec. 513. (a) Of the sums appropriated pursuant to section 512 for any fiscal year beginning after June 30, 1975, the Secretary shall allot not more than 2 per centum among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs. In addition, the Secretary shall reserve not more than 20 per centum of the sums so appropriated for use in accordance with such criteria and procedures as he may prescribe. The remainder shall be allotted among

the States, in accordance with the latest satisfactory available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, and (2) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States; but there shall be made available, for use by Headstart programs within each State, no less funds for any fiscal year than were obligated for use by Headstart programs within such State with respect to fiscal year 1975. Allocation of such increases within each State shall, to the extent feasible, be made in such manner as to reflect the proportionate increases in program costs incurred by grantees, in accordance with regulations which the Secretary shall prescribe for this purpose. For the purpose of this subsection, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census.

"(b) Financial assistance extended under this part for a Headstart program shall not exceed 80 per centum of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this part.

"(c) No program shall be approved for assistance under this part unless the Secretary is satisfied that the services to be provided under such program will be in addition to, and not in substitution for, comparable services previously provided without Federal assistance. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may prescribe.

"(d) The Secretary shall establish policies and procedures designed to assure that for fiscal year 1975 not less than 10 per centum of the total number of enrollment opportunities in Headstart programs in the Nation shall be available for handicapped children and that for fiscal year 1976 and thereafter not less than 10 per centum of the total number of enrollment opportunities in Headstart programs in each State shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Education of the Handicapped Act) and that services shall be provided to meet their special needs. The Secretary shall report to the Congress at least annually on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

"(e) The Secretary shall adopt appropriate administrative measures to assure that the benefits of this part will be distributed equitably between residents of rural and urban areas.

"DESIGNATION OF HEADSTART AGENCIES"

"Sec. 514. (a) The Secretary is authorized to designate as a Headstart agency any local public or private nonprofit agency which (1) has the power and authority to carry out the purposes of this part and perform the functions set forth in section 515 within a community, and (2) is determined by the Secretary to be capable of planning, conducting, administering, and evaluating, either directly or by other arrangements, a Headstart program.

"(b) For the purposes of this title, a community may be a city, county, multicounty, or multicounty unit within a State, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organization base and possesses the commonality of interest needed to operate a Headstart program.

"(c) In the administration of the provisions of this section, the Secretary shall give priority in the designation of Headstart agencies to any local public or private nonprofit agency which is receiving funds under any Headstart program on the date of the enactment of this Act, except that the Secretary shall, before giving such priority, determine that the agency involved meets program and fiscal requirements established by the Secretary.

"POWERS AND FUNCTIONS OF HEADSTART AGENCIES"

"Sec. 515. (a) In order to be designated as a Headstart agency under this part, an agency must have authority under its charter or applicable law to receive and administer funds under this part, funds and contributions from private or local public sources which may be used in support of a Headstart program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit agency (as the case may be) organized in accordance with this part, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Headstart program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. This power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

"(b) In order to be so designated, a Headstart agency must also (1) establish effective procedures by which parents and area residents concerned will be enabled to influence the character of programs affecting their interests, (2) provide for their regular participation in the implementation of such programs, and (3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

"SUBMISSION OF PLANS TO GOVERNORS"

"Sec. 516. In carrying out the provisions of this part, no contract, agreement, grant, or other assistance shall be made for the purpose of carrying out a Headstart program within a State unless a plan setting forth such proposed contract, agreement, grant, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Secretary and found by him to be fully consistent with the provisions and in furtherance of the purposes of this part. Funds to cover the costs of the proposed contract, agreement, grant, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of enactment of this Act.

"ADMINISTRATIVE REQUIREMENTS AND STANDARDS"

"Sec. 517. (a) Each Headstart agency shall observe standards of organization, manage-

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ment, and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this part and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including but not limited to public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits; to assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness; to guard against personal or financial conflicts of interest; and to define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.

"(b) No financial assistance shall be extended under the Act in any case in which the Secretary determines that the costs of developing and administering a program assisted under the Act exceed 15 per centum of the total costs, including non-Federal contributions to such costs, of such program. The Secretary shall establish by regulation, criteria for determining (1) the costs of developing and administering such program and (2) the total costs of such program. In any case in which the Secretary determines that the cost of administering such program does not exceed 15 per centum and such total costs but is, in his judgment, excessive, he shall forthwith require the recipient of such financial assistance to take such steps prescribed by him as will eliminate such excessive administrative cost, including the sharing by one or more Headstart agencies of a common director and other administrative personnel. The Secretary may waive the limitation prescribed by this paragraph for specific periods of time not to exceed six months whenever he determines that such a waiver is necessary in order to carry out the purposes of the Act.

"(c) The Secretary shall prescribe rules or regulations to supplement subsection (a) of this section, which shall be binding on all agencies carrying on Headstart program activities with financial assistance under this part. He may, where appropriate, establish, special or simplified requirements for smaller agencies or agencies operating in rural areas. Policies and procedures shall be established to insure that indirect costs attributable to the common or joint use of facilities and services by programs assisted under this part and other programs shall be fairly allocated among the various programs which utilize such facilities and services.

"(d) At least thirty days prior to their effective date, all rules, regulations, guidelines, instructions and application forms shall be published in the Federal Register

and shall be sent to each grantee with the notification that each such grantee has the right to submit comments pertaining thereto to the Secretary prior to the final adoption thereof.

"PARTICIPATION IN HEADSTART PROGRAMS

"Sec. 518. (a) The Secretary shall by regulation prescribe eligibility for the participation of persons in Headstart programs assisted under this part. Such criteria may provide (1) that children from low-income families shall be eligible for participation in programs assisted under this part if their families are below the poverty line, or if their families are eligible or in the absence of child care would potentially be eligible for public assistance; and (2) pursuant to such regulations as the Secretary shall prescribe that programs assisted under this part may include, to a reasonable extent, participation of children in the area served who would benefit from such programs but whose families do not meet the low-income criteria prescribed pursuant to clause (1).

"(b) The Secretary shall not prescribe any fee schedule or otherwise provide for the charging of any fees for participation in Headstart programs, unless such fees are authorized by legislation hereafter enacted. Nothing in this subsection shall be construed to prevent the families of children who participate in Headstart programs and who are willing and able to pay the full cost of such participation from doing so.

"APPEALS, NOTICE, AND HEARING

"Sec. 519. The Secretary shall prescribe procedures to assure that—

"(1) special notice of and an opportunity for a timely and expeditious appeal to the Secretary will be provided for an agency or organization which desires to serve as a delegate agency under this part and whose application to the Headstart agency has been wholly or substantially rejected or has not been acted upon within a period of time deemed reasonable by the Secretary, in accordance with regulations which he shall prescribe;

"(2) financial assistance under this part shall not be suspended, except in emergency situations, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(3) financial assistance under this part shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

"RECORDS AND AUDITS

"Sec. 520. (a) Each recipient of financial assistance under this part shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such financial assistance, the total cost of the project or undertaking in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this part.

"TECHNICAL ASSISTANCE AND TRAINING

"Sec. 521. The Secretary may provide, directly or through grants or other arrange-

ments, (1) technical assistance to communities in developing, conducting, and administering programs under this part, and (2) training for specialized or other personnel needed in connection with Headstart programs.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

"Sec. 522. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise in furthering the purposes of this part.

"(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, or pilot projects and the use of all research authority under this part. Such plan shall set forth specific objectives to be achieved and priorities among such objectives.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, AND PILOT PROJECTS CONTRACTS

"Sec. 523. (a) The Secretary shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency or organization for any research, demonstration, or pilot project under this title; and

"(2) the results, findings, data, or recommendations made or reported as a result of such activities.

"(b) The public announcements required by subsection (a) of this section shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results.

"(c) The Director shall take necessary action to assure that all studies, proposals, and data produced or developed with Federal funds employed under this title shall become the property of the United States.

"(d) The Director shall publish studies of the results of activities carried out pursuant to this title not later than ninety days after the completion thereof. The Director shall submit to the appropriate committees of the Congress copies of all such studies.

"EVALUATION

"Sec. 524. (a) The Secretary shall provide, directly or through grants or contracts, for the continuing evaluation of programs under this part, including evaluations that measure and evaluate the impact of programs authorized by this part, in order to determine their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluation.

"(b) Prior to obligating funds for the programs and projects covered by this part with respect to fiscal year 1976, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this part. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this part.

"(c) In carrying out evaluations under this part, the Secretary may require Headstart agencies to provide for independent evaluations.

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"(d) In carrying out evaluations under this part, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this part about such programs and projects.

"(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

"(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this part shall become the property of the United States.

"POVERTY LINE

"Sec. 525. (a) The Secretary shall revise annually (or at any shorter interval he deems feasible and desirable) a poverty line which, except as provided in section 711, shall be used as a criterion of eligibility for participation in Headstart programs.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary Consumer Price Index data becomes available.

"PART B—FOLLOW THROUGH PROGRAMS

"FINANCIAL ASSISTANCE FOR FOLLOW THROUGH PROGRAMS

"Sec. 551. (a) (1) The Secretary is authorized to provide financial assistance in the form of grants to local educational agencies, combinations of such agencies, and, as provided in paragraph (2) of this subsection, any other public or appropriate nonprofit private agencies, organizations, and institutions for the purpose of carrying out Follow Through programs focused primarily on children from low-income families in kindergarten and primary grades, including such children enrolled in private nonprofit elementary schools, who were previously enrolled in Headstart or similar programs.

"(2) Whenever the Secretary determines (A) that a local educational agency receiving assistance under paragraph (1) is unable or unwilling to include in a Follow Through program children enrolled in nonprofit private schools who would otherwise be eligible to participate therein, or (B) that it is otherwise necessary in order to accomplish the purposes of this section, he may provide financial assistance for the purpose of carrying out a Follow Through program to any other public or appropriate nonprofit private agency, organization, or institution.

"(3) Programs to be assisted under this section shall provide such comprehensive services as the Secretary determines will aid in the continued development of children described in paragraph (1) to their full potential. Such projects shall provide for the direct participation of the parents of such children in the development, conduct, and overall direction of the program at the local level. If the Secretary determines that participation in the project of children who are not from low-income families will serve to carry out the purposes of this section, he may provide for the inclusion of such children from non-low-income families, but only to the extent that their participation will not dilute the effectiveness of the services designed for children described in paragraph (1) of this subsection.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 552. (a) There are authorized to be appropriated for carrying out the purposes of this part \$60,000,000 for the fiscal year 1975, and for each of the two succeeding fiscal years. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

"(b) Financial assistance extended under this part for a Follow Through program shall not exceed 80 per centum of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this part.

"(c) No project shall be approved for assistance under this part unless the Secretary is satisfied that the services to be provided under such project will be in addition to, and not in substitution for, services previously provided without Federal assistance. The requirement imposed by the preceding sentence shall be subject to such regulations as the Secretary may adopt.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS; EVALUATION; AND TECHNICAL ASSISTANCE ACTIVITIES

"Sec. 553. (a) In conjunction with other activities authorized by this part, the Secretary may—

"(1) provide financial assistance, by contract or otherwise, for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise in furthering the purposes of this part;

"(2) provide, directly or through grants or contracts, for the continuing evaluation of projects assisted under this part, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects, which evaluations shall be conducted by persons not directly involved in the administration of the project evaluated; and

"(3) provide, directly or through grants or other appropriate arrangements, (A) technical assistance to Follow Through programs in developing, conducting, and administering programs under this part, and (B) training for specialized or other personnel which is needed in connection with Follow Through programs.

"SPECIAL CONDITIONS

"Sec. 554. (a) Recipients of financial assistance under this part shall provide maximum employment opportunities for residents of the area to be served, and to parents of children who are participating in projects assisted under this part.

"(b) Financial assistance under this part shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor shall an application for refunding be denied, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken.

"(c) Financial assistance under this part shall not be terminated for failure to comply

with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

"PART C—GENERAL PROVISIONS

"DEFINITIONS

"Sec. 571. As used in this title, the term—

"(1) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(2) 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; except that when used in section 513 (a) of this title, this term means only a State, Puerto Rico, or the District of Columbia; and

"(3) 'financial assistance' includes assistance provided by grant, agreement, or contract, and payments may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

"LABOR STANDARDS

"Sec. 572. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133-133z-15), and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

"COMPARABILITY OF WAGES

"Sec. 573. (a) The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this title shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher, or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938.

"NONDISCRIMINATION PROVISIONS

"Sec. 574. (a) The Secretary shall not provide financial assistance for any program, project, or activity under this title unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this title. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to dis-

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crimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this title.

"LIMITATION WITH RESPECT TO CERTAIN UNLAWFUL ACTIVITIES"

"Sec. 575. No individual employed or assigned by any Headstart agency or other agency assisted under this title shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this part by such Headstart agency or such other agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

"POLITICAL ACTIVITIES"

"Sec. 576. (a) For purposes of chapter 15 of title 5 of the United States Code any agency which assumes responsibility for planning, developing, any coordinating Headstart programs and receives assistance under this title shall be deemed to be a State or local agency; and for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this part shall be deemed to be a State or local agency.

"(b) Programs assisted under this title shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Secretary, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"ADVANCE FUNDING"

"Sec. 577. For the purpose of affording adequate notice of funding available under this title, appropriations for carrying out this part are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

"(b) The Economic Opportunity Act of 1964 is further amended by striking out "Director" each place it appears in sections 522 and 523 and inserting in lieu thereof "Secretary", by striking out "and the Secretary of Health, Education, and Welfare" in section 522(d), and by striking out "their jurisdictions" in section 522(d) and inserting in lieu thereof "his jurisdiction".

"(c) Sections 521 through 523 of the Economic Opportunity Act of 1964 are redesignated as sections 581 through 583, respectively.

"(d) (1) Section 2 of the Child Abuse Prevention and Treatment Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may carry out his functions under subsection (b) of this section either directly or by way of grant or contract."

"(2) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(e) For the purpose of this section, the term 'State' includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the American Samoa, the Virgin Islands, Guam and the Trust Territories of the Pacific."

ADMINISTRATION

Sec. 9. (a) Section 601 of the Economic Opportunity Act of 1964 is amended to read as follows:

"COMMUNITY SERVICES ADMINISTRATION"

"Sec. 601. (a) Upon the date of enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, there is established within the executive branch an agency known as the 'Community Services Administration' which shall be headed by a Director and which shall be, in all respects and for all purposes, the successor authority to the Office of Economic Opportunity. The Director of the Administration shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated at a rate equal to the rate in effect for the compensation of the Director of the Office of Economic Opportunity on the date of the enactment of such Act.

"(b) There shall also be in the Administration one Deputy Director and Assistant Directors, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director and the Assistant Directors shall perform such functions as the Director may prescribe. The Deputy Director and the Assistant Directors shall be compensated at a rate equal to the rate in effect for the Deputy Director and the Assistant Directors, respectively, of the Office of Economic Opportunity on the date of enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

"(c) Subject to the provisions of subsection (e) of this section, the Administration shall be an independent agency. The Director shall have the responsibility for carrying out titles I, II, III-B, VI, VII, and IX of this Act. The functions of the Director with respect to carrying out titles I, II (except section 232), III-B, VI, VII, and IX of this Act shall not be delegated to any other officer not directly responsible, both with respect to program operation and administration, to the Director. Beginning after June 15, 1975, the policy-making functions, including the final approval of grants and contracts, of the Director, shall not be delegated to any regional office or official.

"(d) (1) All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on the date of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

"(2) All references to the Office of Economic Opportunity, or to the Director of the Office of Economic Opportunity, in any statute, reorganization plan, executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Administration, or to the Director, as the case may be.

"(3) No suit, action, or other proceeding, and no cause of action, by or against the Office of Economic Opportunity, or any action by any officer thereof acting in his official capacity, shall abate by reason of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

"(4) Persons appointed by the President, by and with the advice and consent of the Senate, to positions in the Office of Economic Opportunity, requiring appointment by and with such advice and consent, may, if the President so desires, continue to serve in comparable positions in the Administration;

but the President may submit to the Senate nominations for appointment to any or all positions in the Administration, requiring the advice and consent of the Senate.

"(e) (1) After March 15, 1975, the President may submit to the Congress a reorganization plan which, subject to the provisions of paragraph (2) of this subsection, shall take effect if such reorganization plan is not disapproved by enactment of a joint resolution which shall be considered in Congress in accordance with the provisions of paragraph (3) of this subsection and the procedures established with respect to reorganization plans by chapter 9 of title 5, United States Code, except to the extent otherwise provided in this Act.

"(2) A reorganization plan submitted in accordance with the provisions of paragraph (1) shall provide—

"(A) for establishing in the Department of Health, Education, and Welfare a community . . . Administration

"(i) which shall be headed by a Director, and the Director of which shall be the principal officer, for carrying out titles I, II, III-B, VI, and IX of this Act, and which, with respect to such provisions, shall be the successor authority to the Community Services Administration established by subsection (a) of this section,

"(ii) the Director of which shall be, in the performance of his functions, directly responsible to the Secretary, and

"(iv) in which no policy-making functions, including the final approval of grants or contracts, of the Director shall be delegated to any regional office or official.

"(B) for establishing in the Department of Commerce a Community Economic Development Administration—

"(i) which shall be headed by a Director, and the Director of which shall be the principal officer, for carrying out title VII of this Act, and which, with respect to such provisions, shall be the successor authority to the Community Services Administration established by subsection (a) of this section,

"(iii) the Director of which shall be, in the performance of his functions, directly responsible to the Secretary, and

"(iv) in which no policy-making functions, including the final approval of grants or contracts, of the Director shall be delegated to any regional office or official.

"(3) For the purpose of this subsection and chapter 9, title 5, United States Code, to the extent incorporated by this subsection, the following provisions apply:

"(A) The term 'resolution' means a joint resolution of the matter after the resolving clause of which is: 'That the Congress of the United States disapproves the Community Services Administration Reorganization Plan transmitted to the Congress by the President on _____, 19____.' The blank spaces therein are to be appropriately filled.

"(B) If, prior to the passage by one House of the joint resolution of that House with respect to the reorganization plan, such House receives from the other House a joint resolution with respect to the same plan, then the following procedures apply:

"(i) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 912(a) of title 5, United States Code), be made the subject of a motion to discharge.

"(ii) If a resolution of the first House with respect to such plan has been referred to committee—

"(I) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to

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committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(II) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

"(4) The transfers authorized under subparagraphs (A) and (B) of paragraph (3) of this subsection shall be effective 30 days after the last date on which such reorganization plan could be disapproved under this subsection.

"(f) In the event that the reorganization plan pursuant to subsection (e) takes effect, the Director of the Community Services Administration and the Director of the Community Economic Development Administration shall each be appointed by the President, by and with the advice and consent of the Senate, except that the person serving as Director of the Independent Community Services Administration pursuant to the advice and consent of the Senate may, if the President notifies the Congress accordingly, continue to serve as Director of the Community Services Administration within the Department of Health, Education, and Welfare; but the President may in such event submit to the Senate a nomination for such position.

"(g) In the event that the reorganization plan pursuant to subsection (e) of this section takes effect, on the effective date thereof of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Director of the Independent Community Services Administration, established by subsection (a) of this section, shall be transferred to the Director of the Community Services Administration, within the Department of Health, Education, and Welfare and the Director of the Economic Development Administration within the Department of Commerce, as appropriate. All grants, applications for grants, contracts, and other agreements awarded or entered into by the Director of the Independent Community Services Administration shall continue to be recognized so that there is no disruption of ongoing activities for which there is continuing authority.

"(h) (1) In the event that the reorganization plan pursuant to subsection (e) of this section takes effect, on the effective date thereof all Federal personnel employed by the Independent Community Services Administration under the authorization and appropriations for the Economic Opportunity Act of 1964, transferred to the Community Services Administration within the Department of Health, Education, and Welfare or to the Community Economic Development Administration within the Department of Commerce shall, to the extent feasible, be assigned to related functions and organizational units in the appropriate Administration, without loss of salary, rank, or other benefits, including the right to representation and to the existing basic collective-bargaining agreement.

"(2) In the event that the reorganization plan pursuant to subsection (e) of this section takes effect, on the effective date thereof all official actions taken by the Director of the Independent Community Services Administration, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on such date, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of the Community Services Administration within the Department of Health, Education and Welfare or the Director of the Community Economic Development Administration within the Department of Commerce, as appropriate.

"(3) Striking out "Office of Economic Opportunity" in section 603(c) and inserting in lieu thereof "Community Services Administration";

"(4) Striking out "Office of Economic Opportunity" in section 603(d) and inserting in lieu thereof "Community Services Administration";

"(5) Striking out "of the Office of Economic Opportunity" in section 637(b)(2), and inserting in lieu thereof "of the Community Services Administration"; and

"(6) Repealing section 609 of such Act.

"(7) Section 625 of the Economic Opportunity Act of 1964 is amended to read as follows:

"CRITERIA FOR DETERMINING ELIGIBILITY

"Sec. 625. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

"(e) The Economic Opportunity Act of 1964 is further amended by inserting after section 625 the following new sections:

"CRIMINAL PROVISIONS

"Sec. 626. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving

financial assistance under this Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under this Act induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(c) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under this Act induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(d) In the event that the reorganization plan submitted pursuant to subsection (e) of this section takes effect, on the effective date thereof no suit, action, or other proceeding, and no cause of action, by or against the Independent Community Services Administration, or any action by any officer thereof acting in his official capacity, shall abate by reason of the taking effect of such plan."

"(e) Section 28 of the Economic Opportunity Amendments of 1973 (86 Stat. 705, September 19, 1972) is repealed effective on the date on which a reorganization plan is effective under subsection (c) of this section.

"(f) The Economic Opportunity Act of 1964 is further amended by—

"(1) striking out "Office of Economic Opportunity" and "Office" each time that they appear in section 603(d) and inserting in lieu thereof "Community Services Administration";

"(2) striking out "Office of Economic Opportunity" in section 603(c) and inserting in lieu thereof "Community Services Administration";

"(3) striking out "in the Office" in section 605(a) and inserting in lieu thereof "in the Community Services Administration";

"(4) striking out "Office of Economic Opportunity" in section 632(2) and inserting in lieu thereof "Community Services Administration";

"(5) striking out "of the Office of Economic Opportunity" in section 637(b)(2), and inserting in lieu thereof "of the Community Services Administration"; and

"(6) repealing section 609 of such Act.

"(7) Section 625 of the Economic Opportunity Act of 1964 is amended to read as follows:

"CRITERIA FOR DETERMINING ELIGIBILITY

"Sec. 625. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

"(e) The Economic Opportunity Act of 1964 is further amended by inserting after section 625 the following new sections:

"CRIMINAL PROVISIONS

"Sec. 626. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving

financial assistance under this Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under this Act induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"WITHHOLDING CERTAIN FEDERAL TAXES BY ANTIPOVERTY AGENCIES"

"Sec. 627. Upon notice from the Secretary of the Treasury or his delegate that any person otherwise entitled to receive a payment made pursuant to a grant, contract, agreement, loan or other assistance made or entered into under this Act is delinquent in paying or depositing (1) the taxes imposed on such person under chapters 21 and 23 of the Internal Revenue Code of 1954, or (2) the taxes deducted and withheld by such person under chapters 21 and 24 of such Code, the Director shall suspend such portion of such payment due to such person, which, if possible, is sufficient to satisfy such delinquency, and shall not make or enter into any new grant, contract, agreement, loan or other assistance under this Act with such person until the Secretary of the Treasury or his delegate has notified him that such person is no longer delinquent in paying or depositing such tax or the Director determines that adequate provision has been made for such payment. In order to effectuate the purpose of this section on a reasonable basis the Secretary of the Treasury and the Director shall consult on a quarterly basis."

COMMUNITY ECONOMIC DEVELOPMENT

Sec. 10. (a) Title VII of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT"

"STATEMENT OF PURPOSE"

"Sec. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"DEFINITION"

"Sec. 702. As used in this title the term 'community development corporation' means a nonprofit organization responsible to residents of the area it serves which is receiving financial assistance under part A of this title and any organization more than 50 per centum of which is owned by such an organization, or otherwise controlled by such an organization, or designated by such an organization for the purpose of this title.

"AUTHORIZATION OF APPROPRIATIONS"

"Sec. 703. For the purpose of carrying out this title, there are authorized to be appropriated \$39,000,000 and such additional sums as may be necessary for fiscal year 1975 and such sums as may be necessary for each of the two succeeding fiscal years.

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PART A—URBAN AND RURAL SPECIAL IMPACT PROGRAMS

STATEMENT OF PURPOSE

"Sec. 711. The purpose of this part is to establish special programs of assistance to nonprofit private locally initiated community development corporations which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this part; and (4) provide financial and other assistance to start, expand, or locate enterprises in or near the area to be served so as to provide employment and ownership opportunities for residents of such areas, including those who are disadvantaged in the labor market because of their limited speaking, reading, and writing abilities in the English language.

ESTABLISHMENT AND SCOPE OF PROGRAMS

"Sec. 712. (a) The Director is authorized to provide financial assistance in the form of grants to nonprofit and for profit community development corporations and other affiliated and supportive agencies and organizations associated with qualifying community development corporations for the payment of all or part of the cost of programs which are designed to carry out the purposes of this part. Financial assistance shall be provided so that each community economic development program is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) community economic and business development programs, including but not limited to: (A) programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the area served so as to provide employment and ownership opportunities for residents of such areas, and (B) programs for small businesses located in or owned by residents of such areas;

"(2) community development including industrial parks and housing activities which contribute to an improved environment and which create new training, employment, and ownership opportunities for residents of such area;

"(3) training and public service employment programs and related services for unemployed or low-income persons which support and complement community development programs financed under this part, including, without limitation, activities such as those described in the Comprehensive Employment and Training Act of 1973; and

"(4) social service programs which support and complement community economic development programs financed under this part, including but not limited to child care, educational services, health services, credit counseling, energy conservation, and programs for the maintenance of housing facilities.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

FINANCIAL ASSISTANCE REQUIREMENTS

"Sec. 713. (a) The Director, under such regulations as he may establish, shall not

provide financial assistance for any community economic development program under this part unless he determines that—

"(1) such community development corporation is responsible to residents of the area served (i) through a governing body not less than 50 per centum of the members of which are area residents and (ii) in accordance with such other guidelines as may be established by the Director, except that the composition of the governing bodies of organizations owned or controlled by the community development corporation need not be subject to such residency requirement;

"(2) the program will be appropriately coordinated with local planning under this title, with housing and community development programs, with employment and training programs, and with other relevant planning for physical and human resources in the areas served;

"(3) adequate technical assistance is made available and committed to the programs being supported;

"(4) such financial assistance will materially further the purposes of this part;

"(5) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met;

"(6) all projects and related facilities will, to the maximum feasible extent, be located in the areas served;

"(7) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(8) projects will be planned and carried out with the fullest possible participation of resident or local businessmen and representatives of financial institutions, including participation through contract, joint venture, partnership, stock ownership or membership on the governing boards or advisory councils of such projects consistent with the self-help purposes of this title;

"(9) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(10) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

"(11) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

"(12) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

"(13) preference will be given to low-income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(14) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act, or any other program for Federal financial assistance, to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

FEDERAL SHARE OF PROGRAM COSTS

"Sec. 714. Federal assistance to any program carried out pursuant to this part, including grants used by community development corporations for capital improvements, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that the assistance in excess of such percentage is required in furtherance of the purposes of this part; and (2) be made available for deposit to the order of the grantee, under conditions which the Director deems appropriate, within thirty days following approval of the grant agreement by the Director and such grantee of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this title, and the proceeds from such capital investments, shall not be considered Federal property. Upon investment, title rights vest in the community development corporation. The Federal Government retains the right to direct that on severance of the grant relationship the assets purchased continue to be used for the original purpose for which they were granted.

PART B—SPECIAL RURAL PROGRAMS

STATEMENT OF PURPOSE

"Sec. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence, as a supplement to existing similar programs conducted by other departments and agencies of the Federal Government. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

FINANCIAL ASSISTANCE

"Sec. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than \$3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and

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their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

LIMITATION ON ASSISTANCE

"Sec. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

PART C—DEVELOPMENT LOANS TO COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

DEVELOPMENT LOAN FUND

"Sec. 731. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations, and families and local cooperatives eligible for financial assistance under this title, for business, housing, and community development projects which the Director determines will carry out the purposes of this part. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear the interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date in which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to

such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c) (1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of the remaining funds provided for in part A of title III of this Act and such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this part. The Director shall utilize the services of the Farmers Home Administration in administering the Fund.

"(3) The Community Development Loan Fund shall consist of such amounts as may be deposited in such fund by the Secretary out of funds made available from appropriations for the purpose of carrying out this subchapter. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations under part B of this title not less than \$60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

ESTABLISHMENT OF MODEL COMMUNITY ECONOMIC DEVELOPMENT FINANCE CORPORATION

"Sec. 732. (a) To the extent he deems appropriate, the Director shall utilize funds available under this part to prepare a plan of action for the establishment of a Model Community Economic Development Finance Corporation to provide a user-controlled independent and professionally operated long-term financing vehicle with the principal purpose of providing financial support for community economic development corporations, cooperatives, other affiliated and supportive agencies and organizations associated with community economic development corporations, and other entities eligible for assistance under this title.

"(b) Not later than June 1, 1975, the Director shall submit to the appropriate committees of the Congress the plan required by this section.

PART D—SUPPORTIVE PROGRAMS AND ACTIVITIES

TRAINING AND TECHNICAL ASSISTANCE

"Sec. 741. (a) The Director shall provide, directly or through grants, contracts, or other arrangements, such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural coopera-

tives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this subchapter.

APPLICATIONS OF OTHER FEDERAL RESOURCES—SMALL BUSINESS ADMINISTRATION PROGRAMS

"Sec. 742. (e) (1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company, . . . small business investment company shall be included as 'private paid-in capital and paid-in surplus,' combined paid-in capital and paid-in surplus, and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of this title, the Administrator of the Small Business Administration, after consultation with the Secretary, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) (1) Areas selected for assistance under this title shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, shall qualify for assistance under the provisions of title I and title II of that Act, and shall be deemed to have met the overall economic development program requirements of section 202(b) (10) of such Act.

"(2) Within ninety days of the enactment of this title, the Secretary shall prescribe regulations which will insure that community development corporations and cooperatives shall qualify for assistance and shall be eligible to receive such assistance under all such programs of the Economic Development Administration as shall further the purposes of this title.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS

"Sec. 743. The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps to assist community development corporations and local cooperative associations to qualify for and receive (1) such assistance in connection with technical assistance, counseling to tenants and homeowners, and loans to sponsors of low- and moderate-income housing under section 106 of the Housing and Urban Development Act of 1968 as amended by section 811 of the Housing and Community Development Act of 1974, (2) such land for housing and business location and expansion under title I of the Housing and Community Development Act of 1974, and (3) such funds for comprehensive planning under section 701 of the Housing Act of 1954 as amended by section 401 of the Housing and Community Development Act of 1974, as shall further the purposes of this Act.

DEPARTMENT OF AGRICULTURE AND FARMERS HOME ADMINISTRATION PROGRAMS

"Sec. 744. (a). The Secretary of Agriculture or, where appropriate, the Administrator of the Farmers Home Administration, after consultation with the Director, shall take all necessary steps to insure that community development corporations and local cooperative associations shall qualify for and shall receive (1) such assistance in connection with housing development under the Housing Act of 1949, (2) such assistance in connection with housing, business, industrial, and community development under the Consolidated Farmers Home Administration Act of 1961 and the Rural Development Act of

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1972, and (3) such further assistance under all such programs of the United States Department of Agriculture, as shall further the purposes of this title.

"(b) On or before six months after the enactment of this title, and annually thereafter, the Secretary shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsection (a) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this title.

"COORDINATION AND ELIGIBILITY

"Sec. 745. (a) The Director shall take all necessary and appropriate steps to encourage Federal departments and agencies and State and local governments to make grants, provide technical assistance, enter into contracts, and generally support and cooperate with community development corporations and local cooperative associations.

"(b) Eligibility for assistance under other Federal programs shall not be denied to any applicant on the ground that it is a community development corporation or any other entity assisted under this title.

"EVALUATION AND RESEARCH

"Sec. 746. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director, in consultation with existing grantees familiar with programs carried out under this Act, may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. In evaluating the performance of any community development corporation funded under part A of this title, the criteria for evaluation shall be based upon such program objectives, goals, and priorities as are consistent with the purposes of this title and were set forth by such community development corporation in its proposal for funding as approved and agreed upon by the Director or as subsequently modified from time to time by mutual agreement between the Director and such community development corporation.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents.

"PLANNING GRANTS

"Sec. 747. In order to facilitate the purposes of this title, the Director is authorized to provide financial assistance to any public or private nonprofit agency or organization for planning of community economic development programs and cooperative programs under this title.

"NONDISCRIMINATION PROVISIONS

"Sec. 748. (a) The Director shall not provide financial assistance for any program, project, or activity under this title unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this title. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this title."

NATIVE AMERICAN PROGRAMS

"Sec. 11. The Economic Opportunity Act of 1964 is further amended by inserting after title VII thereof the following new title VIII:

"TITLE VIII—NATIVE AMERICAN PROGRAMS

"SHORT TITLE

"Sec. 801. This title may be cited as the 'Native American Programs Act of 1974'.

"STATEMENT OF PURPOSE

"Sec. 802. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives.

"FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

"Sec. 803. (a) The Secretary is authorized to provide financial assistance to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this title. In determining the projects to be assisted under this title, the Secretary shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible.

"(b) Financial assistance extended to an agency under this title shall not exceed 80 per centum of the approved costs of the assisted project, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plan, equipment, and services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this title.

"(c) No project shall be approved for assistance under this title unless the Secretary is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for, comparable activities previously carried out without Federal assistance, except that the Secretary may waive this requirement in any case in which he determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this title.

"TECHNICAL ASSISTANCE AND TRAINING

"Sec. 804. The Secretary may provide, directly or through other arrangements, (1) technical assistance to public and private

agencies in developing, conducting, and administering projects under this title, and (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this title.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

"Sec. 805. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this title.

"(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this title. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, OR PILOT PROJECTS

"Sec. 806. (a) The Secretary shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency for a research, demonstration, or pilot project; and

"(2) except in cases in which the Secretary determines that it would not be consistent with the purposes of this title, the results, findings, data, or recommendations made or reported as a result of such activities.

"(b) The public announcements required by subsection (a) shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results.

"SUBMISSION OF PLANS TO STATE AND LOCAL OFFICIALS

"Sec. 807. (a) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out on or in an Indian reservation or Alaskan Native village, unless a plan setting forth the project has been submitted to the governing body of that reservation or village and the plan has not been disapproved by the governing body within thirty days of its submission.

"(b) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out in a State other than on or in an Indian reservation or Alaskan Native village or Hawaiian Homestead, unless the Secretary has notified the chief executive officer of the State of his decision to provide that assistance.

"(c) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out in a city, county, or other major political subdivision of a State, other than on or in an Indian reservation or Alaskan Native village, or Hawaiian Homestead, unless the Secretary has notified the local governing officials of the political subdivision of his decision to provide that assistance.

"RECORDS AND AUDITS

"Sec. 808. (a) Each agency which receives financial assistance under this title shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by that agency of such financial assistance; the total cost of the

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project in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any agency which receives financial assistance under this title that are pertinent to the financial assistance received under this title.

"APPEALS, NOTICE, AND HEARING

"Sec. 809. The Secretary shall prescribe procedures to assure that—

"(1) financial assistance under this title shall not be suspended, except in emergency situations, unless the assisted agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance under this title shall not be terminated, and application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the assisted agency has been afforded reasonable notice and opportunity for a full and fair hearing.

"EVALUATION

"Sec. 810. (a) The Secretary shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this title, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

"(b) Prior to obligating funds for the programs and projects covered by this title with respect to fiscal year 1978, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this title. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this title.

"(c) In carrying out evaluations under this title, the Secretary may require agencies which receive assistance under this title to provide for independent evaluations.

"(d) In carrying out evaluations under this title, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this title about such programs and projects.

"(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

"(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this title shall become the property of the United States.

"LABOR STANDARDS

"Sec. 811. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting or decorating, of buildings or other facilities in connection with projects assisted under this title, shall be paid wages at rates not less than those prevailing on

similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have, with regard to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 2 of the Act of June 1, 1934.

"DELEGATION OF AUTHORITY

"Sec. 812. (a) The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government any of his functions, powers, and duties under this title, as he may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this title.

"(c) Funds appropriated for the purpose of carrying out this title may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are authorized and appropriated.

"DEFINITIONS

"Sec. 813. As used in this title, the term—

"(1) 'financial assistance' includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or service;

"(2) 'Indian reservation or Alaskan Native village' includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation in Oklahoma, any community under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaskan Native village or group, including any lands selected by Alaskan Natives or Alaskan Native organizations under the Alaska Native Claims Settlement Act;

"(3) 'Native Hawaiian' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 814. There are authorized to be appropriated for the purpose of carrying out the provisions of this title, such sums as may be necessary for fiscal years 1975 through 1977."

EVALUATION

Sec. 12. Title IX of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE IX—EVALUATION

"PROGRAM AND PROJECT EVALUATION

"Sec. 901. (a) (1) The Director shall, directly or through grants or contracts, measure and evaluate the impact of all programs authorized by this Act and of poverty-related programs authorized by other Acts, in order to determine their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

"(2) In carrying out his responsibilities under this section, the Director, in the case of research, demonstrations, and related activities carried out under title II of this Act, shall, after taking into consideration the views of State agencies and community action agencies designated pursuant to section 210 of this Act, on an annual basis—

"(A) reassess priorities to which such activities should be directed; and

"(B) review present research demonstration, and related activities to determine, in terms of the purpose specified for such activities in section 102(a) of this Act, whether and on what basis such activities should be continued, revised, or terminated.

"(3) The Director shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

"(b) Prior to obligating funds for the programs and projects covered by this Act with respect to fiscal year 1976, the Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under any section of this Act submitted pursuant to section 808 of this Act shall describe the actions taken as a result of these evaluations.

"(c) In carrying out evaluations under this title, the Director shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects, and shall consult, when appropriate, with State agencies and community action agencies designated pursuant to section 210, in order to provide for jointly sponsored objective evaluation studies on a State or areawide basis.

"(d) The Director shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Director shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

"(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

"COOPERATION OF, AND CONSULTATION WITH, OTHER FEDERAL AGENCIES

"Sec. 902. (a) Such information and cooperation as the Director may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

"(b) In carrying out evaluations under this title, the Director shall consult with the heads of other Federal agencies carrying out activities related to the subject matter of those evaluations.

"EVALUATION BY OTHER ADMINISTERING AGENCIES

"Sec. 903. The head of any agency administering a program authorized under this Act may, with respect to such program, conduct evaluations and take other actions authorized under this title to the same extent and in the same manner as the Director under this part. Nothing in this section shall preclude the Director from conducting such evaluations or taking such actions otherwise authorized under this title with respect to such programs."

CONGRESSIONAL REVIEW

Sec. 13. (a) The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall conduct joint study which shall include—

(1) a consideration of an appropriate administrative agency for the conduct of program after July 1, 1975, under title VII of the Economic Opportunity Act,

(2) review the extent to which programs and activities conducted under title VII of

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the Economic Opportunity Act meet the overall need in the Nation for community economic development programs and the resources available from public and private funds in meeting those needs, and

(3) the extent to which there is maximum utilization of the resources of all Federal agencies having responsibilities under title VII of the Economic Opportunity Act, and other public and private agencies and organizations.

(b) The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall submit such reports as they deem appropriate on their findings, together with any recommendations for further legislation, not later than one year after enactment of this title.

EXTENSION OF PROGRAM AUTHORITY

SEC. 14. (a) Sections 245, 321, and 615 of the Economic Opportunity Act of 1964, are each amended by striking out "eight succeeding fiscal years" and inserting in lieu thereof "eleven succeeding fiscal years".

(b) Section 523 of such Act (redesignated as section 583 by section 3(c) of this Act) is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "ten succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. (a) (1) For the purpose of carrying out title I, title II, title III, title IV, title V, title VI, title VII, title VIII, and title IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1975 through 1977.

(2) For the purpose of carrying out the programs authorized under section 221 there is authorized to be appropriated \$330,000,000 for the fiscal year 1975 and such sums as may be necessary for each of the two succeeding fiscal years.

(b) Unless the Congress has passed or formally rejected legislation extending the authorizations of appropriations for carrying out any title of the Economic Opportunity Act of 1964 specified in subsection (a) of this section, or adopts a concurrent resolution providing that the provisions of this subsection shall not apply, the authorizations of appropriations specified in subsection (a) are hereby automatically extended for one additional fiscal year beyond the terminal year specified in the Economic Opportunity Act of 1964 or in this section.

REPEALER

SEC. 16. (a) Section 115 of the Economic Opportunity Amendments of 1969 is repealed.

(b) Section 301 of the Economic Opportunity Amendments of 1967 is repealed.

And the Senate agree to the same.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
ALBERT H. QULE,

Managers on the Part of the House.

GAYLORD NELSON,
HARRISON A. WILLIAMS,
JENNINGS RANDOLPH,
EDWARD KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
W. D. HATHAWAY,
J. JAVITS,

RICHARD S. SCHWEIKER,
ROBERT TAFT, JR.,
J. GLENN BEALL, JR.,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.

14440) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House bill provided new statutory authority for programs formerly under the Economic Opportunity Act of 1964 entitled the "Community Services Act of 1974". The Senate amendment extended the Economic Opportunity Act through the "Headstart, Economic Opportunity and Community Partnership Act of 1974".

The conference agreement amends the Economic Opportunity Act by citing the first nine Titles of the Act as the "Community Services Act of 1974". The conference agreement contains a substantial number of technical and conforming amendments to reflect this decision on the part of the conferees.

The House bill established within the Department of Health, Education, and Welfare the Community Action Administration. The Senate bill retained the Office of Economic Opportunity until October 1, 1975, at which time the Community Services Administration is established as an independent agency in the Executive Branch.

The conference agreement establishes the Community Services Administration as an independent agency in the Executive Branch effective upon the enactment of the conference report and provides that that administration will remain in existence unless and until a reorganization plan submitted by the President pursuant to a prescribed administrative structure takes effect.

SEC. 2. The Senate amendment retained the statement of findings and declaration of purpose in the Economic Opportunity Act of 1964. The House bill deleted this section.

The House recedes.

The House bill designated Indian tribal governments as a political subdivision of a state and therefore eligible to be a Community Action Agency. The Senate amendment repealed this provision and specified the eligibility of Indian tribal governments for designation as a Community Action Agency.

The House recedes.

The House bill permitted the Director to delegate functions directly to a State so long as all Community Action Agencies within the State approve the delegation. The House bill also required that, in the event of such a delegation, the State shall have funds equal to the State's share of the operation of regional offices. There was no comparable Senate provision.

The conference agreement provides that the Director may delegate to a state only the functions that the Director is authorized to delegate to regional offices or officials if all of the Community Action Agencies within such state approve of the delegation. If such delegation is approved, the Director is required to allot to each approved state an amount of funds equal to the state's share of the regional office operation.

The House bill authorized Comprehensive Health Services Program in a new title. The Senate amendment included Comprehensive Health Services under special programs. The House bill established this program within the Department of Health, Education, and Welfare. The Senate amendment administered the program through the Director of the Office of Economic Opportunity/Community Services Administration.

The Senate recedes.

The House bill designated this program as the "Community Food and Nutrition Program"; the Senate amendment named it "The Emergency Food and Medical Services" program.

The Senate recedes.

The Senate amendment authorized the

provision of medical supplies and services. There was no comparable House provision.

The Senate recedes.

The Senate amendment authorized a family planning program. There was no comparable House provision.

The Senate recedes.

The House bill administered the Senior Opportunities and Services program through the Administration on Aging in the Department of Health, Education, and Welfare. The Senate amendment administered the program by the Director of the Office of Economic Opportunity-Community Services Administration.

The House recedes.

The Senate amendment required the Director to utilize the services of the Administration on Aging. There was no comparable House provision.

The House recedes.

The Senate amendment authorized a new grant program to train paraprofessionals in counseling, referral and other services for the elderly. There was no comparable program in the House bill.

The Senate recedes.

The Senate amendment authorized an Alcoholism Counseling and Recovery program and a Drug Rehabilitation program. There were no comparable House provisions.

The conference agreement provides that the Alcoholism Counseling and Recovery program are included in the new title IV and grants the authority to administer these programs to the Secretary of Health, Education, and Welfare.

The Senate amendment established an Emergency Energy Conservation program to lessen the impact of the high cost of energy in low-income individuals and reduce energy consumption. There was no comparable House provision.

The conference agreement retains most of the Senate amendment but requires the Director to consult with the Administrator of the Federal Energy Office and other appropriate departments and agencies prior to establishing procedures to carry out the purposes of this program.

The Senate amendment authorized a Summer Youth Recreation program for low income children to be conducted through prime sponsors and other agencies designated by Title I of the Comprehensive Employment and Training Act of 1973. There was no comparable House provision.

The House recedes.

The Senate amendment authorized an Urban Housing Demonstration program to maintain and upgrade housing in deteriorating neighborhoods. There was no comparable House provision.

The Senate recedes.

The Senate amendment authorized related training research and technical assistance for special programs under Section 221. There was no comparable House provision.

The House recedes.

The House bill provided that no State's share shall be reduced by more than 1/2 percent of the percent of the total allotment to all States for the fiscal year ending June 30, 1974. The Senate amendment insured that no State will receive less than the amount received during the fiscal year ending June 30, 1974.

The conference agreement provides that no state's share shall be less than the amount received for the fiscal year ending June 30, 1974, but does not hold each Community Action Agency to that 1974 level.

The House bill reduced the percentage of federal financial assistance to 70% in fiscal year 1976 and 60% thereafter. The Senate amendment maintained the percentage of financial assistance at the level of 80%. The House bill further provided that the local match may be met on a state-wide basis. There was no comparable Senate provision.

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The conference agreement provides that the Federal share for Community Action Agencies, each of whose total allocation under Sec. 221 and Sec. 222(a) is \$300,000 or less shall not exceed 75% for fiscal year 1976.

For all other Community Action Agencies the Federal share for fiscal year 1976 cannot exceed 70%. For fiscal year 1977 the Federal share for Community Action Agencies each of whose total allocation under Sec. 221 and Sec. 222(a) is \$300,000 or less shall not exceed 70%. All other Community Action Agencies' Federal share shall not exceed 60%. The conference agreement further provides that the Director may approve assistance in excess of these percentages if he determines, in accordance with regulations establishing objective criteria, that such action requires the furtherance of the purposes of this title.

The conference agreement also provides that the local matching share may be met on a statewide basis by allowing the Community Action Agencies within a state to meet the non-Federal share in the aggregate.

The Senate amendment required the Director to continue funding Design and Planning Assistance Programs funded under Section 232 of the Economic Opportunity Act during fiscal year 1971. There was no comparable House provision.

The conference agreement provides that the Director is authorized to make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness that were authorized under Sec. 232 during the fiscal year ending June 30, 1971.

The House bill designated the recreation program for disadvantaged youth the "Youth Recreation and Sports Program". The Senate bill designated the program the "National Summer Youth Sports Program".

The Senate recedes.

The Senate amendment required the Director to continue funding Consumer Action and Cooperative Programs funded under Section 232 of the Economic Opportunity Act during fiscal years 1971 and 1972. There was no comparable House provision.

The conference agreement provides that the Director is authorized to make agreements to carry out consumer action and cooperative programs authorized under Sec. 232 during the fiscal years ending June 30, 1971, or June 30, 1972.

The House bill established a supplemental "incentive grant" program with 50% Federal funding. The Senate amendment established "Demonstration Community Partnership Agreements" between CAA's and State or local public agencies. The Federal share is 80%. Both bills required the non-Federal share to be in cash. The Senate bill allowed the Director's discretion in approving assistance in excess of 80%. There was no comparable discretionary provision in the House bill.

The conference agreement provides for the establishment of "demonstration community partnership agreements" between community action agencies and State or local public agencies. This incentive grant program includes a 50-50 matching provision with all of the non-Federal share required to be in cash.

Both bills required such assistance to be supplemental to previous programs. The Senate amendment allocated funds for this program among the States on the basis of (1) public assistance recipients; (2) unemployment; and (3) children in families below the poverty line. There was no comparable House provision.

The Senate recedes.

The Senate amendment exempted community partnership agreements from the Governor's veto under Section 242. There was no comparable House exemption.

The House recedes.

The Senate amendment established an Intergovernmental Advisory Council on Com-

munity Services with nine members to be appointed by the President. There was no comparable House provision.

The conference agreement provides for the establishment of an Intergovernmental Advisory Council on Community Services but prohibits the Director from providing any funds to support the activities or staff for such council.

The House bill authorized the appropriation of \$50,000,000 for incentive grants for fiscal year 1975 and such sums as may be necessary for the 2 succeeding fiscal years. The Senate amendment authorized the Director to transfer out of funds appropriated under Section 221 50% of the excess of \$330,000,000 under \$450,000,000.

The Senate recedes.

The House bill prohibited financial assistance for medical assistance and supplies in cases of abortion. There was no comparable Senate provision.

The House recedes.

The House bill authorized the migrant programs under this part to be administered by the Department of Labor; the Senate amendment authorized the Director of the Community Services Administration to administer the program.

The House recedes.

The House bill included "training" as an eligible activity; the Senate amendment deleted "training" and substitutes "developmental programs".

The House recedes.

The Senate amendment established a National Office for Migrant and Seasonal Farmworkers within the Community Services Administration for administering migrant programs under this part and for coordinating programs with other Federal migrant programs. There was no comparable House provision.

The conference agreement provides that the Director shall coordinate programs for migrant and seasonal farm workers with other federal programs designed to assist or serve such farm workers.

The Senate amendment required the Director to give priority for funding migrant programs to those agencies which have been previously funded for such programs. There was no comparable House provision.

The conference agreement requires the Director to give special consideration to any public or private nonprofit agency which has previously received assistance for the provision of services for migrant and other seasonally employed farm workers and their families.

The House bill statement of purpose emphasized the extension of authorization of appropriations; the Senate amendment stated the purpose to be to provide the legislative basis for administering the Headstart and Follow Through programs in the Department of Health, Education and Welfare.

The Senate recedes.

The Senate amendment authorized the administration of the Headstart program through the Office of Child Development in HEW. There was no comparable House provision.

The Senate recedes. It is the intention of the conferees that the Headstart Program continue to be operated through the Office of Child Development in the Office of the Secretary of the Department of Health, Education and Welfare.

The Senate amendment established a Division of Migrant Programs and a Division of Indian Programs and authorized annual appropriations of \$10,000,000 for each Division. There was no comparable House provision.

The conference agreement provides that the Secretary in carrying out the provisions of this part shall continue the administrative arrangement responsible for meeting the needs of migrant and Indian children and shall assure that appropriate funding is provided to meet such needs.

The House bill authorized appropriations of \$500,000,000 for fiscal year 1975, \$525,000,000 for fiscal year 1976 and \$550,000,000 for fiscal year 1977. The Senate amendment authorized such sums as may be necessary for fiscal years 1975 through 1977.

The House recedes.

The Senate amendment stipulated that the allocation formula will take effect June 30, 1975. There was no comparable House provision.

The House recedes.

The House bill allotted funds according to the number of children 0-5 living in poverty in each State. The Senate amendment allotted funds on the basis of 1) welfare recipients, 2) unemployment and 3) number of related children in families below the poverty line.

The conference agreement provides for the allotment of funds to each State on the basis of (1) the relative number of public assistance recipients in each State as compared to all States and (2) the relative number of related children living with families with incomes below the poverty line in each State as compared to all States.

The Senate amendment held the States harmless to fiscal year 1975; the House bill held harmless to fiscal 1974.

The House recedes. It is the intention of the conferees that, if the Administration's budget proposal for fiscal year 1975 is enacted, the \$22,000,000 increase for Headstart contained therein will be distributed equally among the States so as to provide a 6 percent cost-of-living increase for each State as the Administration proposed.

The Senate amendment provided for an annual cost-of-living adjustment in the allocation of funds. There was no comparable House provision.

The Senate recedes.

The Senate bill stipulated that the criteria of poverty used by the Census in compiling the 1970 census will apply to the formula allocation.

The House recedes.

The House bill required that not less than 10 percent of the Headstart enrollment opportunities be available in each state for handicapped children; the Senate amendment required that 10 percent of such enrollment opportunities be available in the nation as a whole for handicapped children.

The conference agreement continues for fiscal year 1975 the existing requirement be 10 percent of enrollment opportunities be available for handicapped children in the nation and provides that beginning in fiscal year 1976 not less than 10 percent of the total enrollment opportunities in the Headstart program in each state shall be available for handicapped children. The conferees reaffirm the intention that only handicapped children otherwise eligible for these programs are intended to be enrolled.

The House bill required the Secretary to establish criteria for determining the costs of developing and administering and total costs for programs under Headstart. There was no comparable Senate provision.

The conference agreement provides that the Secretary shall establish by regulation criteria for determining the costs of developing and administering a program and the total cost of such program.

The Senate amendment required regulations to allocate costs among programs where there is joint use of facilities and services. There was no comparable House provision.

The House recedes.

The Senate amendment required that grantees be notified of rules, regulations and guidelines at least thirty days before their effective date. The House bill required publication of such rules, regulations and guidelines, etc., 30 days before effective date, but there was no requirement for notifying grantees.

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The House recedes.

The House bill specified the calculations of the poverty line. There was no comparable specific provision for Headstart or Follow Through in the Senate Amendment, but a comparable provision based on percentage change was contained in title VI and the Senate amendment. The conference agreement requires the revision of the criteria of eligibility for participation to be revised by the percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

The Senate amendment set forth three criteria for eligibility: (1) families below poverty line, eligible for public assistance, or who may be eligible for public assistance in the absence of child care; (2) limited English-speaking ability; or (3) children in area could be served who did not meet low-income criteria. The House bill did not specify eligibility on the basis of public assistance or English-speaking ability.

The conference agreement provides that such criteria may provide that families below the poverty line, eligible for public assistance, or who may be eligible for public assistance in the absence of child care may be permitted to receive services in projects assisted under this Title. Pursuant to regulations prescribed by the Secretary programs may include children able to benefit but who may be ineligible under income limitations. The conferees intend that children who are poor and have limited English-speaking ability shall be given special consideration for participation in Headstart programs.

The Senate bill prohibited the imposition of any fee schedules unless authorized by subsequent legislation. There was no comparable House provision.

The conference agreement prohibits the imposition of any fee schedules unless authorized by subsequent legislation. The conferees wish to make clear, however, that it is their intention that children from families willing and able to pay the full cost of participation in a program should be given every opportunity where feasible to participate in that program if they pay that full cost.

The Senate amendment prohibited termination of funding or denial of refunding for more than 30 days without giving the recipient agency the opportunity for a full and fair hearing. The House bill did not include a time limitation nor did it provide for a hearing if financial assistance had been suspended.

The House recedes.

The Senate amendment provided for bilingual research. The House bill contained no comparable provision.

The Senate recedes. The conferees intend that the Secretary administering the Headstart and Follow Through programs shall take into consideration the special needs of children with limited English-speaking ability in order to enhance the effectiveness of the Headstart and Follow Through programs carried out under this title.

The Senate amendment provided assurances that studies and data would become public property; and required that such studies be published within 30 days of completion and submitted to Congress. The House bill contained no comparable provision.

The House recedes.

The House bill provided that the Secretary could make independent evaluations; the Senate amendment required evaluations to be conducted by persons not directly involved in program evaluation.

The House recedes.

The Senate amendment required the Secretary to publish evaluation standards prior to obligating Headstart funds for FY 1976. The House bill contained no comparable provision.

The House recedes.

The Senate amendment provided for ob-

taining the views of program participants in evaluations; publication of evaluations within 90 days of completion and submission of such evaluations to Congress; and required that such studies and evaluations become public property. The House bill contained no comparable provision.

The House recedes. The Senate amendment authorized to be appropriated such sums as necessary for FY 1975 through 1977. The House bill authorized \$60 million for each fiscal year 1975 through 1977. The House bill also provided that funds remain available in the fiscal year succeeding the year for which they were appropriated. The Senate amendment contained no comparable provision.

The Senate recedes. The Senate amendment stipulated that no more than 20% nonfederal contributions could be required. The House bill contained no comparable provision.

The House recedes. The Senate amendment provided that evaluations be conducted by persons not directly involved in the program. The House bill contained no comparable provision.

The House recedes. The Senate amendment authorized bilingual programs for Headstart and Follow Through. The House bill contained no comparable provision.

The Senate recedes. The House bill provided for administering the day care program through the Director of Community Services Administration. The Senate amendment provided for administering the program through the Secretary of Health, Education, and Welfare.

The House recedes. The Senate Amendment set October 1, 1975, as the effective date for the establishment of the Community Services Administration. The House provision became effective upon enactment.

The conference agreement provides for the establishment of the Community Services Administration upon enactment of this Act.

The Senate amendment established a Community Services Administration as an agency within the Executive Branch; the House bill established a Community Action Administration in the Department of Health, Education, and Welfare.

The House recedes.

The Senate amendment provided for a Director, Deputy Director and Assistant Director to be appointed by the President and confirmed by the Senate. The House bill provided for the Presidential appointment and Senate confirmation of the Director.

The House recedes.

The Senate amendment prohibited the Director of the independent agency from delegating functions relating to local initiative, Community Partnership, migrant programs, administration, Community Economic Development, native Americans, Evaluation and Research and Demonstration. The House bill prohibited the delegation of any functions to any officer not directly responsible to the Director.

The House recedes.

The Senate amendment allowed the President to submit a reorganization plan to Congress after June 30, 1975, and before October 1, 1975, which would take effect unless disapproved by a simple resolution of either House of Congress within 60 days of submission. There is no comparable House provision.

The conference agreement provides that after March 15, 1975, the President may submit a reorganization plan to the Congress which, unless disapproved by enactment of a joint resolution within 60 days, takes effect on the 30th day following the expiration of such 60 day period. If such reorganization plan is disapproved, the independent Community Services Administration will continue in the Executive Branch.

The Senate amendment reorganization

plan provision specified that the basic responsibilities of the Office of Economic Opportunity shall be placed in an independent Community Services Administration within the Department of Health, Education, and Welfare. The House bill contained no comparable provision.

The conference agreement provides that any reorganization plan proposed by the President pursuant to the provisions of the preceding paragraph must establish in the Department of Health, Education, and Welfare an independent Community Services Administration which shall be the principal agency, and the Director of which shall be the principal officer for carrying out the Community Services and Community Partnership Act of 1974. In the performance of his functions the Director shall be directly responsible to the Secretary. The reorganization plan submitted by the President must include a provision prohibiting the Director from delegating any policy-making function (including the approval of any grant or contract) to any Regional Office or official. The conferees intend that the President include in the reorganization plan submitted the Executive Schedule level at which the Director will be compensated.

The Senate amendment specified that the permitted reorganization plan shall provide for the transfer of the Community Economic Development Program to a Community Economic Development Administration within the Department of Commerce to be headed by an Assistant Secretary for Community Economic Development. The House bill transferred the program immediately and directly to the Secretary of Commerce.

The conference agreement provides that any reorganization plan proposed by the President pursuant to the provisions of the preceding paragraph must establish in the Department of Commerce a Community Economic Development Administration headed by a Director for Community Economic Development. The Director shall be the principal officer for carrying out the Community Economic Development program. In the performance of his functions the Director shall be directly responsible to the Secretary. The reorganization plan submitted by the President must include a provision prohibiting the Director from delegating any policy-making function (including the approval of any grant or contract) to any Regional Office or official. The conferees intend that the President include in the reorganization plan submitted the Executive Schedule level at which the Director will be compensated.

The Senate amendment provided that the Director not be subject to the supervision or control of any officer or employer other than the Secretary or Under Secretary of Health, Education, and Welfare. The House bill stipulated that the Director be responsible directly to the Secretary.

The conference agreement provides that the Director shall be in the performance of his duties directly responsible to the Secretary.

The effective date of transfers set forth in the reorganization plan in the Senate amendment would have been 30 days after the 60 days had run to allow Congressional disapproval of the reorganization plan. The House bill contained no comparable provision.

The House recedes.

The Senate amendment provided that regional directors of the Community Services Administration serve on Federal Regional Councils. The House bill contained no comparable provision.

The House recedes.

The Senate amendment transferred all Office of Economic Opportunity employees to the Community Services Administration effective October 1, 1975. The House bill transferred upon enactment those employees necessary to carry out the functions of the Administration.

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The conference agreement provides that in the event a reorganization plan submitted by the President becomes effective on June 15, 1975, or thereafter, all Federal personnel employed by the Office of Economic Opportunity under the authorization and appropriations for the Economic Opportunity Act who are transferred to the Community Services Administration within the Department of Health, Education, and Welfare shall, to the extent feasible, be assigned to related functions and organizational units in the Community Services Administration, without loss of salary, rank, or other benefits, including the right to representation and to the existing basic collective-bargaining agreement.

The House bill required that the Director's annual report include a detailed statement relating to programs administered by other federal agencies. The Senate amendment contained no comparable provision.

The Senate recedes. The House bill authorized a study on the Federal, State and local benefit programs for the elderly. The Senate amendment contained no comparable provision.

The Senate recedes.

The Senate amendment further excluded the income of 18-year-olds and older not heads of family in calculating family income. The House bill contained no comparable provision.

The Senate recedes. In deleting this provision the conferees intend that in applying the poverty line to families as a criterion for eligibility for programs authorized by this Act the family unit shall not be defined so as to include income earned by individuals who are 18 years of age or older other than parents heading the household.

The Senate amendment required those with limited English ability to be included among the disadvantaged to be served by programs under this Act. The House bill contained no comparable provision.

The conferees intend that the Director of the Administration shall include among the disadvantaged those persons who suffer in the labor market because of their limited speaking, reading and writing abilities in the English language.

(4) The Senate amendment listed definitions of terms under the Community Economic Development Program. The House bill contained no comparable provisions.

The Senate amendment authorized the appropriation for Community Economic Development of \$84 million for FY 1975 and such sums as necessary for FY 1976 and FY 1977. The House bill authorized such sums as necessary for each of the three fiscal years.

The conference agreement provides that for fiscal year 1975 there is authorized to be appropriated for the Community Economic Development Program \$39 million plus such additional sums as may be necessary. For fiscal years 1976 and 1977 there is authorized to be appropriated such sums as may be necessary.

The House bill contained a separate statement of purpose and Congressional findings. The Senate amendment contained no comparable provision.

The House recedes.

The House bill authorized a Minority Business Assistance Program in the Department of Commerce to provide grants for technical and management assistance to minority business enterprises. The Senate amendment contained no comparable provision.

The House recedes.

The statement of purpose in the Senate amendment included providing financial assistance to provide employment and ownership opportunities for residents including those with limited English ability. The House bill contained no comparable provision.

The House recedes.

The Senate amendment included "industrial parks" in programs eligible for funding. The House bill contained no comparable provision.

The House recedes. The Senate amendment authorized social service programs in Community Economic Development programs. The House bill contained no comparable provision.

The House recedes. The Senate amendment provided for coordination with local planning and with other programs. The House bill contained no comparable provision.

The House recedes.

The Senate amendment provided that Community Economic Development programs must assure adequate technical assistance and must fulfill a need not presently being met. The House bill contained no comparable provisions.

The House recedes. The House bill prohibited financial assistance to relocate businesses if such relocation resulted in higher unemployment in original location. The Senate amendment contained no comparable provision.

The House recedes.

The House bill provided that the Rural Development Loan Fund consist of amounts deposited in such fund by the Secretary. The Senate amendment provided that remaining title III-A funds also be deposited in the fund. In addition, the Senate amendment provided that the Director utilize the services of the Farmers Home Administration in administering the fund.

The House recedes.

The House bill required a minimum of \$60 million available for grants to Community Development Corporations in order to deposit funds in the Community Development Loan Fund. The Senate amendment contained no comparable provision.

The Senate recedes.

The Senate amendment required the Director to prepare a plan for a Model Community Economic Development Finance Corporation for long-term financing and required the Director to submit to the Congress a plan for such Finance Corporation by July 1, 1975. The House bill provided for a study on the feasibility of establishing development banks.

The conference agreement provides that the Director may prepare a plan of action for the establishment of a Model Community Economic Development Finance Corporation. The agreement deletes the specific statutory requirements that were contained in the Senate amendment. It is the intention of the conferees that the Director in developing such a plan for the establishment of the Corporation take into consideration the requirements that were included in the Senate amendment. Such plan shall be submitted to the appropriate Committees of the Congress not later than June 1, 1975.

The House bill required the administrators of the Small Business Administration within 90 days of enactment to issue regulations on the availability of small business programs to CDCs. The Senate amendment contained no comparable provision.

The Senate recedes with an amendment including limited small business investment companies in the list of entities to be included for the purposes of Sections 302, 303 and 502 of the Small Business Investment Act of 1958.

The House bill required, within 90 days of enactment, regulations insuring availability of assistance to CDCs under the Economic Development Administration. The Senate amendment contained no comparable provision.

The Senate recedes.

The Senate amendment required steps to encourage financial and technical assistance and support by State and local governments. The House bill contained no comparable provision.

The Senate recedes.

The House bill required an annual report on federal programs relevant to Community Economic Development. The Senate amendment contained no comparable provision.

The Senate recedes.

The Senate amendment required coordination with other federal agencies insure placement of federal funds to further purposes of the Community Economic Development Program. The House bill contained no such requirement.

The conference agreement adds the requirement that the Director take all necessary and appropriate steps to encourage federal departments and agencies as well as State and local governments to cooperate with community development corporations and other entities receiving financial assistance under this Title. The conference agreement further provides that eligibility for assistance under other federal programs shall not be denied to any applicant on the ground that it is a community development corporation or other entity funded under this title.

The Senate amendment allowed grants and assets to be considered non-federal for purposes of meeting program requirements for non-federal contributions. The House bill contained no comparable provision.

The Senate recedes.

The Senate amendment authorized planning grants for Community Economic Development programs. The House bill contained no comparable provision.

The House recedes.

The Senate amendment established a Community Economic Development Resources Committee to develop plans and procedures for cooperation between various federal agencies. The House bill contained no comparable provision.

The Senate recedes with an amendment adding to the list of items that shall be included in the joint study the development of methods to assure maximum utilization of the resources of all federal agencies having responsibilities under this title, as well as other public and private agencies and organizations.

The Senate amendment created a National Commission on Community Economic Development including two Members each from the House and Senate plus nine other members familiar with the Community Economic Development programs, to report on the appropriate administrative agency for the Community Economic Development Program. The House bill authorized a joint study by the appropriate House and Senate Committees to determine the appropriate administrative agency.

The Senate recedes.

The Senate amendment required a final report by June 30, 1975; the House bill one year after enactment.

The Senate recedes.

The Senate amendment entitled the Native American Program the "Native American Economic Opportunity Programs Act". The House bill named the program the "Native American Program the 'Native American 1974'".

The conference agreement provides that the title of this program be "Native American Programs Act of 1974".

The Senate amendment provided for administering the program through the Community Services Administration. The House bill administered the program through the Secretary of Health, Education, and Welfare.

The Senate recedes.

The Senate amendment required the Director to develop evaluation standards prior to obligating funds under the program. The House bill contained no comparable requirement.

The House recedes.

The Senate amendment provided for obtaining the views of program participants

for program evaluations. It further required the Director to publish evaluation summaries within 90 days of completion and required assurances that such evaluations become public property. The House bill contained no comparable requirements.

The Senate recedes.
The House bill defined the term State to include the District of Columbia. The Senate amendment did not include this definition.

The Senate recedes.
The Senate amendment defined "Native Hawaiian"; the House bill did not.

The House recedes.
The Senate amendment required the evaluation by persons not directly involved in program evaluated. The House bill contained no comparable requirement.

The House recedes.
The Senate amendment required the Director to reassess priorities and determine the future of research demonstration activities. It also required the Director to report his determination to the appropriate Committees of Congress within twelve months of the date of enactment. The House bill contained no comparable provisions.

The House recedes.
The Senate amendment required publication of standards of evaluation prior to obligating funds for FY 1976. The House bill contained no comparable provision.

The House recedes.

The House bill required publication of evaluations within 60 days of completion. The Senate amendment stipulated 90 days and required submission of such reports to the appropriate Congressional Committees.

The House recedes.
The Senate amendment provided for the evaluation of programs by heads of other agencies in addition to the Director. The Senate amendment contained no comparable provision.

The Senate recedes.
The Senate amendment authorized the administration of the Research and Demonstration Program through the Community Services Administration. The House bill authorized the administration of a Human Services Policy Research Program through the Secretary of Health, Education, and Welfare.

The House recedes.
The Senate amendment required at least 25% of research funds under this title for programs authorized under local incentive and community partnership sections. The House bill contained no comparable provision.

The conference agreement provides that in making grants or contracts under this title the Director shall give due consideration to requests for funds by applicants receiving financial assistance under Section 221 or 235 of the Act.

The House bill required the Secretary to consult with State and other federal agency heads on evaluations under this title. The Senate amendment contained no comparable provision.

The Senate recedes.
The House bill specified that unless expressly limited funds appropriated remain available until expended. The Senate amendment contained no comparable provision.

The Senate recedes.
The Senate amendment extended authorization for appropriations automatically for one additional fiscal year in absence of Congressional action on authorizations of appropriations. The House bill contained no comparable provision.

The House recedes.
The Senate amendment provided that officers of OEO who had been confirmed by the Senate continue to serve in an acting capacity in comparable positions in the Community Services Administration but the President must submit nominations for positions

in the Community Services Administration within 90 days of its establishment. The House bill contained no comparable provision.

The Senate recedes.
The Senate amendment amended the Child Abuse Prevention and Treatment Act to authorize grants or contracts through the National Center on Child Abuse and Neglect. The House bill contained no comparable provision.

The House recedes.
The Senate amendment amended the Child Abuse Prevention and Treatment Act to define the term State. The House bill contained no comparable provision.

The House recedes.
CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
ALBERT H. QUOTE,
Managers on the Part of the House.

GAYLORD NELSON,
HARRISON A. WILLIAMS,
JENNINGS RANDOLPH,
EDWARD KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
W. D. HATHAWAY,
J. JAVITS,
RICHARD S. SCHWEIKER,
ROBERT TAFT, JR.,
J. GLENN BEALL, JR.,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 2994, TO AMEND THE PUBLIC HEALTH SERVICES ACT

Mr. ROGERS filed the following conference report and statement on the bill (S. 2994) to amend the Public Health Services Act:

CONFERENCE REPORT (H. REPT. NO. 93-1640)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE; TABLE OF CONTENTS
SECTION 1. This Act may be cited as the "National Health Planning and Resources Development Act of 1974".

TABLE OF CONTENTS
Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Revision of health planning programs under the Public Health Service Act.

"TITLE XV—NATIONAL HEALTH PLANNING AND DEVELOPMENT

"PART A—NATIONAL GUIDELINES FOR HEALTH PLANNING

"Sec. 1501. National guidelines for health planning.
"Sec. 1502. National health priorities.
"Sec. 1503. National Council on Health Planning and Development.

"PART B—HEALTH SYSTEMS AGENCIES

"Sec. 1511. Health service areas.
"Sec. 1512. Health systems agencies.
"Sec. 1513. Functions of health systems agencies.

"Sec. 1514. Assistance to entities desiring to be designated as health systems agencies.

"Sec. 1515. Designation of health systems agencies.

"Sec. 1516. Planning grants.
"PART C—STATE HEALTH PLANNING AND DEVELOPMENT

"Sec. 1521. Designation of State health planning and development agencies.

"Sec. 1522. State administrative program.
"Sec. 1523. State health planning and development functions.

"Sec. 1524. Statewide Health Coordinating Council.

"Sec. 1525. Grants for State health planning and development.

"Sec. 1526. Grants for rate regulation.
"PART D—GENERAL PROVISIONS

"Sec. 1531. Definitions.

"Sec. 1532. Procedures and criteria for reviews of proposed health system changes.

"Sec. 1533. Technical assistance for health systems agencies and State health planning and development agencies.

"Sec. 1534. Centers for health planning.

"Sec. 1535. Review by the Secretary.

"Sec. 1536. Special provisions for certain States and Territories."

Sec. 4. Revision of health resources development programs under the Public Health Service Act.

"TITLE XVI—HEALTH RESOURCES DEVELOPMENT

"PART A—PURPOSE, STATE PLAN, AND PROJECT APPROVAL

"Sec. 1601. Purpose.

"Sec. 1602. General regulations.

"Sec. 1603. State medical facilities plan.

"Sec. 1604. Approval of projects.
"PART B—ALLOTMENTS

"Sec. 1610. Allotments.

"Sec. 1611. Payments from allotments.

"Sec. 1612. Withholding of payments and other compliance actions.

"Sec. 1613. Authorization of appropriations.
"PART C—LOANS AND LOAN GUARANTEES

"Sec. 1620. Authority for loans and loan guarantees.

"Sec. 1621. Allocation among States.

"Sec. 1622. General provisions relating to loan guarantees and loans.

"PART D—PROJECT GRANTS

"Sec. 1625. Project grants.

"PART E—GENERAL PROVISIONS

"Sec. 1630. Judicial review.

"Sec. 1631. Recovery.

"Sec. 1632. State control of operations.

"Sec. 1633. Definitions.

"Sec. 1634. Financial statements; records and audit.

"Sec. 1635. Technical assistance.
"PART F—AREA HEALTH SERVICES DEVELOPMENT FUNDS

"Sec. 1640. Area health services development funds."

Sec. 5. Miscellaneous and transitional provisions.

Sec. 6. Advisory committees.

Sec. 7. Agency reports.

Sec. 8. Technical amendment

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress makes the following findings:

(1) The achievement of equal access to quality health care at a reasonable cost is a priority of the Federal Government.

(2) The massive infusion of Federal funds into the existing health care system has contributed to inflationary increases in the cost of health care and failed to produce an adequate supply or distribution of health resources, and consequently has not made pos-

sible equal access for everyone to such resources.

(3) The many and increasing responses to these problems by the public sector (Federal, State, and local) and the private sector have not resulted in a comprehensive, rational approach to the present—

(A) lack of uniformly effective methods of delivering health care;

(B) maldistribution of health care facilities and manpower; and

(C) increasing cost of health care.

(4) Increases in the cost of health care, particularly of hospital stays, have been uncontrollable and inflationary, and there are presently inadequate incentives for the use of appropriate alternative levels of health care, and for the substitution of ambulatory and intermediate care for inpatient hospital care.

(5) Since the health care provider is one of the most important participants in any health care delivery system, health policy must address the legitimate needs and concerns of the provider if it is to achieve meaningful results; and, thus, it is imperative that the provider be encouraged to play an active role in developing health policy at all levels.

(6) Large segments of the public are lacking in basic knowledge regarding proper personal health care and methods for effective use of available health services.

(b) In recognition of the magnitude of the problems described in subsection (a) and the urgency placed on their solution, it is the purpose of this Act to facilitate the development of recommendations for a national health planning policy, to augment areawide and State planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy.

REVISION OF HEALTH PLANNING PROGRAMS UNDER THE PUBLIC HEALTH SERVICE ACT

Sec. 3. The Public Health Service Act is amended by adding at the end the following new title:

"TITLE XV—NATIONAL HEALTH PLANNING AND DEVELOPMENT

"PART A—NATIONAL GUIDELINES FOR HEALTH PLANNING

"NATIONAL GUIDELINES FOR HEALTH PLANNING

"Sec. 1501. (a) The Secretary shall, within eighteen months after the date of the enactment of this title, by regulation issue guidelines concerning national health planning policy and shall, as he deems appropriate, by regulation revise such guidelines. Regulations under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code.

(b) The Secretary shall include in the guidelines issued under subsection (a) the following:

(1) Standards respecting the appropriate supply, distribution, and organization of health resources.

(2) A statement of national health planning goals developed after consideration of the priorities, set forth in section 1502, which goals, to the maximum extent practicable, shall be expressed in quantitative terms.

(c) In issuing guidelines under subsection (a) the Secretary shall consult with and solicit recommendations and comments from the health systems agencies designated under part B, the State health planning and development agencies designated under part C, the Statewide Health Coordinating Councils established under part C, associations and specialty societies representing medical and other health care providers, and the National Council on Health Planning and Development established by section 1503.

"NATIONAL HEALTH PRIORITIES

"Sec. 1502. The Congress finds that the following deserve priority consideration in the formulation of national health planning goals

and in the development and operation of Federal, State, and area health planning and resources development programs:

(1) The provision of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas.

(2) The development of multi-institutional systems for coordination or consolidation of institutional health services (including obstetric, pediatric, emergency medical, intensive and coronary care, and radiation therapy services).

(3) The development of medical group practices (especially those whose services are appropriately coordinated or integrated with institutional health services), health maintenance organizations, and other organized systems for the provision of health care.

(4) The training and increased utilization of physician assistants, especially nurse clinicians.

(5) The development of multi-institutional arrangements for the sharing of support services necessary to all health service institutions.

(6) The promotion of activities to achieve needed improvements in the quality of health services, including needs identified by the review activities of Professional Standards Review Organizations under part B of title XI of the Social Security Act.

(7) The development by health service institutions of the capacity to provide various levels of care (including intensive care, acute general care, and extended care) on a geographically integrated basis.

(8) The promotion of activities for the prevention of disease, including studies of nutritional and environmental factors affecting health and the provision of preventive health care services.

(9) The adoption of uniform cost accounting, simplified reimbursement, and utilization reporting systems and improved management procedures for health service institutions.

(10) The development of effective methods of educating the general public concerning proper personal (including preventive health care and methods for effective use of available health services).

"NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

"Sec. 1503. (a) There is established in the Department of Health, Education, and Welfare an advisory council to be known as the National Council on Health Planning and Development (hereinafter in this section referred to as the "Council"). The Council shall advise, consult with, and make recommendations to, the Secretary with respect to (1) the development of national guidelines under section 1501, (2) the implementation and administration of this title and title XVI, and (3) an evaluation of the implications of new medical technology for the organization, delivery, and equitable distribution of health care services.

(b) (1) The Council shall be composed of fifteen members. The Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense, and the Assistant Secretary for Health of the Department of Health, Education, and Welfare shall be nonvoting ex officio members of the Council. The remaining members shall be appointed by the Secretary and shall be persons who, as a result of their training, experience, or attainments, are exceptionally well qualified to assist in carrying out the functions of the Council. Of the voting members, not less than five shall be persons who are not providers of health services, not more than three shall be officers or employees of the Federal Government, not less than three shall be members of governing bodies of health systems agencies designated under part B, and not less than three shall be members of Statewide Health Coordinating

Councils under section 1524. The two major political parties shall have equal representation among the voting members on the Council.

(2) The term of office of voting members of the Council shall be six years, except that—

(A) of the members first appointed to the Council four shall be appointed for terms of two years and four shall be appointed for terms of four years, as designated by the Secretary at the time of appointment; and

(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

A member may serve after the expiration of his term until his successor has taken office.

(3) The chairman of the Council shall be selected by the voting members from among their number. The term of office of the chairman of the Council shall be the lesser of three years or the period remaining in his term of office as a member of the Council.

(c) (1) Except as provided in paragraph (2), the members of the Council shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Council.

(2) Members of the Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Council.

(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(d) The Council may appoint, fix the pay of, and prescribe the functions of such personnel as are necessary to carry out its functions. In addition, the Council may procure the services of experts and consultants as authorized by section 3109 of title 5, United States Code, but without regard to the last sentence of such section.

(e) The provisions of section 14(a) of the Federal Advisory Committee Act shall not apply with respect to the Council.

"PART B—HEALTH SYSTEMS AGENCIES

"HEALTH SERVICE AREAS

"Sec. 1511. (a) There shall be established, in accordance with this section, health service areas throughout the United States with respect to which health systems agencies shall be designated under section 1515. Each health service area shall meet the following requirements:

(1) The area shall be a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources to provide all necessary health services for residents of the area.

(2) To the extent practicable, the area shall include at least one center for the provision of highly specialized health services.

(3) The area, upon its establishment, shall have a population of not less than five hundred thousand or more than three million; except that—

(A) the population of an area may be more than three million if the area includes a standard metropolitan statistical area (as determined by the Office of Management and Budget) with a population of more than three million; and

(B) the population of an area may—

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"(1) be less than five hundred thousand if the area comprises an entire State which has a population of less than five hundred thousand, or

"(2) be less than—

"(I) five hundred thousand (but not less than two hundred thousand) in unusual circumstances (as determined by the Secretary) or

"(II) two hundred thousand in highly unusual circumstances (as determined by the Secretary).

If the Governor of each State in which the area is located determines, with the approval of the Secretary, that the area meets the other requirements of this subsection.

"(4) To the maximum extent feasible, the boundaries of the area shall be appropriately coordinated with the boundaries of areas designated under section 1152 of the Social Security Act for Professional Standards Review Organizations, existing regional planning areas, and State planning and administrative areas.

The boundaries of a health service area shall be established so that, in the planning and development of health services to be offered within the health service area, any economic or geographic barrier to the receipt of such services in nonmetropolitan areas is taken into account. The boundaries of health service areas shall be established so as to recognize the differences in health planning and health services development needs between nonmetropolitan and metropolitan areas. Each standard metropolitan statistical area shall be entirely within the boundaries of one health service area, except that if the Governor of each State in which a standard metropolitan statistical area is located determines, with the approval of the Secretary, that in order to meet the other requirements of this subsection a health service area should contain only part of the standard metropolitan statistical area, then such statistical area shall not be required to be entirely within the boundaries of such health service area.

"(b) (1) Within thirty days following the date of the enactment of this title, the Secretary shall simultaneously give the Governor of each State written notice of the initiation of proceedings to establish health service areas throughout the United States. Each notice shall contain the following:

"(A) A statement of the requirement (in subsection (a)) of the establishment of health service areas throughout the United States.

"(B) A statement of the criteria prescribed by subsection (a) for health service areas and the procedures prescribed by this subsection for the designation of health service area boundaries.

"(C) A request that the Governor receiving the notice (1) designate the boundaries of health service areas within his State, and, where appropriate and in cooperation with the Governors of adjoining States, designate the boundaries within his State of health service areas located both in his State and in adjoining States, and (2) submit (in such form and manner as the Secretary shall specify) to the Secretary within one hundred and twenty days of the date of enactment of this title, such boundary designations together with comments, submitted by the entities referred to in paragraph (2), with respect to such designations.

At the time such notice is given under this paragraph to each Governor, the Secretary shall publish as a notice in the Federal Register a statement of the giving of his notice to the Governor, and the criteria and procedures contained in such notice.

"(2) Each State's Governor shall in the development of boundaries for health service areas consult with and solicit the views

of the chief executive officer or agency of the political subdivisions within the State, the State agency which administers or supervises the administration of the State's health planning functions under a State plan approved under section 314(a), each entity within the State which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and each regional medical program established in the State under title IX.

"(3) (A) Within two hundred and ten days after the date of enactment of this title, the Secretary shall publish as a notice in the Federal Register the health service area boundary designations. The boundaries for health service areas submitted by the Governors shall, except as otherwise provided in subparagraph (B), constitute upon their publication in the Federal Register the boundaries for such health service areas.

"(B) (1) If the Secretary determines that a boundary submitted to him for a health service area does not meet the requirements of subsection (a), he shall, after consultation with the Governor who submitted such boundary, make such revision in the boundary for such area (and as necessary, in the boundaries for adjoining health service areas) as may be necessary to meet such requirements and publish such revised boundary (or boundaries); and the revised boundary (or boundaries) shall upon publication in the Federal Register constitute the boundary (or boundaries) for such health service area (or areas). The Secretary shall notify the Governor of each State in which is located a health service area whose boundary is revised under this clause of the boundary revision and the reasons for such revision.

"(2) In the case of areas of the United States not included within the boundaries for health service areas submitted to the Secretary as requested under the notice under paragraph (1), the Secretary shall establish and publish in the Federal Register health service area boundaries which include such areas. The Secretary shall notify the Governor of each State in which is located a health service area the boundary for which is established under this clause of the boundaries established. In carrying out the requirement of this clause, the Secretary may make such revisions in boundaries submitted under subparagraph (A) as he determines are necessary to meet the requirement of subsection (a) for the establishment of health service areas throughout the United States.

"(4) The Secretary shall review on a continuing basis and at the request of any Governor or designated health systems agency the appropriateness of the boundaries of the health service areas established under paragraph (3) and, if he determines that a boundary for a health service area no longer meets the requirements of subsection (a), he may revise the boundaries in accordance with the procedures prescribed by paragraph (3). (B) (i) for the establishment of boundaries of health service areas which include areas not included in boundaries submitted by the Governors. If the Secretary acts on his own initiative to revise the boundaries of any health service area, he shall consult with the Governor of the appropriate State or States, the entities referred to in paragraph (2), the appropriate health systems agency or agencies designated under part B and the appropriate Statewide Health Coordinating Council established under part C. A request for boundary revision shall be made only after consultation with the Governor of the appropriate State or States, the entities referred to in paragraph (2), the appropriate designated health systems agencies, and the appropriate established Statewide Health Coordinating Council and shall include the

comments concerning the revision made by the entities consulted in requesting the revision.

"(5) Within one year after the date of the enactment of this title the Secretary shall complete the procedures for the initial establishment of the boundaries of health service areas which (except as provided in section 1535) include the geographic area of all the States.

"(c) Notwithstanding any other requirement of this section, an area—

"(1) for which has been developed a comprehensive regional, metropolitan area, or other local area plan referred to in section 314(b), and

"(2) which otherwise meets the requirements of subsection (a), shall be designated by the Secretary as a health service area unless the Governor of any State in which such area is located, upon a finding that another area is a more appropriate region for the effective planning and development of health resources, waives such requirement.

"HEALTH SYSTEMS AGENCIES"

"SEC. 1512. (a) DEFINITION.—For purposes of this title, the term 'health systems agency' means an entity which is organized and operated in the manner described in subsection (b) and which is capable, as determined by the Secretary, of performing each of the functions described in section 1513. The Secretary shall by regulation establish standards and criteria for the requirements of subsection (b) and section 1513.

"(b) (1) Legal Structure.—A health systems agency for a health service area shall be—

"(A) a nonprofit private corporation (or similar legal mechanism such as a public benefit corporation) which is incorporated in the State in which the largest part of the population of the health service area resides, which is not a subsidiary of, or otherwise controlled by, any other private or public corporation or other legal entity, and which only engages in health planning and development functions;

"(B) a public regional planning body if (1) it has a governing board composed of a majority of elected officials of units of general local government or it is authorized by State law (in effect before the date of enactment of this subsection) to carry out health planning and review functions such as those described in section 1513, and (2) its planning area is identical to the health service area; or

"(C) a single unit of general local government if the area of the jurisdiction of that unit is identical to the health service area.

A health systems agency may not be an educational institution or operate such an institution.

"(2) STAFF.—"

"(A) EXPERTISE.—A health systems agency shall have a staff which provides the agency with expertise in at least the following: (i) Administration, (ii) the gathering and analysis of data, (iii) health planning, and (iv) development and use of health resources. The functions of planning and development of health resources shall be conducted by staffs with skills appropriate to each function.

"(B) SIZE AND EMPLOYMENT.—The size of the professional staff of any health systems agency shall be not less than five, except that if the quotient of the population (rounded to the next highest one hundred thousand) of the health service area which the agency serves divided by one hundred thousand is greater than five, the minimum size of the professional staff shall be the lesser of (1) such quotient, or (2) twenty-

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five. The members of the staff shall be selected, paid, promoted, and discharged in accordance with such system as the agency may establish, except that the rate of pay for any position shall not be less than the rate of pay prevailing in the health service area for similar positions in other public or private health service entities.

If necessary for the performance of its functions, a health systems agency may employ consultants and may contract with individuals and entities for the provision of services. Compensation for consultants and for contracted services shall be established in accordance with standards established by regulation by the Secretary.

"(3) GOVERNING BODY.—"

"(A) In general.—A health systems agency which is a public regional planning body or unit of general local government shall, in addition to any other governing body, have a governing body for health planning, which is established in accordance with subparagraph (C), which shall have the responsibilities prescribed by subparagraph (B), and which has exclusive authority to perform for the agency the functions described in section 1513. Any other health systems agency shall have a governing body composed, in accordance with subparagraph (C), of not less than ten members and of not more than thirty members, except that the number of members may exceed thirty if the governing body has established another unit (referred to in this paragraph as an 'executive committee') composed, in accordance with subparagraph (C), of not more than twenty-five members of the governing body and has delegated to that unit the authority to take such action (other than the establishment and revision of the plans referred to in subparagraph (B) (1)) as the governing body is authorized to take.

"(B) RESPONSIBILITIES.—The governing body—

"(i) shall be responsible for the internal affairs of the health systems agency, including matters relating to the staff of the agency, the agency's budget, and procedures and criteria (developed and published pursuant to section 1532) applicable to its functions under subsections (e), (f), and (g) of section 1513;

"(ii) shall be responsible for the establishment of the health systems plan and annual implementation plan required by section 1513(b);

"(iii) shall be responsible for the approval of grants and contracts made and entered into under section 1513(c) (3);

"(iv) shall be responsible for the approval of all actions taken pursuant to subsections (e), (f), (g), and (h), of section 1513;

"(v) shall (I) issue an annual report concerning the activities of the agency, (II) include in that report the health systems plan and annual implementation plan developed by the agency, and a listing of the agency's income, expenditures, assets, and liabilities, and (III) make the report readily available to the residents of the health service area and the various communications media serving such area;

"(vi) shall reimburse its members for their reasonable costs incurred in attending meetings of the governing body;

"(vii) shall meet at least once in each calendar quarter of a year and shall meet at least two additional times in a year unless its executive committee meets at least twice in that year; and

"(viii) shall (I) conduct its business meetings in public, (II) give adequate notice to the public of such meetings, and (III) make its records and data available, upon request, to the public.

The governing body (and executive committee (if any)) of a health systems agency

shall act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all of its members and at which a quorum is in attendance. A quorum for a governing body and executive committee shall be not less than one-half of its members.

"(C) COMPOSITION.—The membership of the governing body and the executive committee (if any) of an agency shall meet the following requirements:

"(i) A majority (but not more than 60 per centum of the members) shall be residents of the health service area served by the entity who are consumers of health care and who are not (nor within the twelve months preceding appointment been) providers of health care and who are broadly representative of the social, economic, linguistic and racial populations, geographic areas of the health service area, and major purchasers of health care.

"(ii) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care and who represent (I) physicians (particularly practicing physicians), dentists, nurses, and other health professionals, (II) health care institutions (particularly hospitals, long-term care facilities, and health maintenance organizations), (III) health care insurers, (IV) health professional schools, and (V) the allied health professions. Not less than one-third of the providers of health care who are members of the governing body or executive committee of a health systems agency shall be direct providers of health care (as described in section 1531(3)).

"(iii) The membership shall—"

"(I) include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public and private agencies in the area concerned with health.

"(II) include a percentage of individuals who reside in nonmetropolitan areas within the health service area which percentage is equal to the percentage of residents of the area who reside in nonmetropolitan areas, and

"(III) if the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated for such purpose, and if the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310), include at least one member who is representative of such organizations.

"(iv) If, in the exercise of its functions, a governing body or executive committee appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to any such subcommittee or group in such a manner as to provide the representation on such subcommittee or group described in this subparagraph.

"(4) INDIVIDUAL LIABILITY.—No individual who, as a member or employee of a health systems agency, shall, by reason of his performance of any duty, function, or activity required of, or authorized to be undertaken by, the agency under this title, be liable for the payment of damages under any law of the United States or any State (or political subdivision thereof) if he has acted within the scope of such duty, function, or activity, has exercised due care, and has acted, with respect to that performance, without malice toward any person affected by it.

"(5) Private Contributions.—No health

systems agency may accept any funds or contributions of services or facilities from any individual or private entity which has a financial fiduciary, or other direct interest in the development, expansion, or support of health resources unless, in the case of an entity, it is an organization described in section 509(a) of the Internal Revenue Code of 1954 and is not directly engaged in the provision of health care in the health service area of the agency. For purposes of this paragraph, an entity shall not be considered to have such an interest solely on the basis of its providing (directly or indirectly) health care for its employees.

"(6) OTHER REQUIREMENTS.—Each health system agency shall—

"(A) make such reports, in such form and containing such information, concerning its structure, operations, performance of functions, and other matters as the Secretary may from time to time require, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports;

"(B) provide for such fiscal control and fund accounting procedures as the Secretary may require to assure proper disbursement of, and accounting for, amounts received from the Secretary under this title and section 1640; and

"(C) permit the Secretary and the Comptroller General of the United States, or their representatives, to have access for the purpose of audit and examination to any books, documents, papers, and records pertinent to the disposition of amounts received from the Secretary under this title and section 1640.

"(c) SUBAREA COUNCILS.—A health systems agency may establish subarea advisory councils representing parts of the agencies' health service area to advise the governing body of the agency on the performance of its functions. The composition of a subarea advisory council shall conform to the requirements of subsection (b) (3) (C).

"FUNCTIONS OF HEALTH SYSTEMS AGENCIES"

"SEC. 1513. (a) For the purpose of—

"(1) improving the health of residents of a health service area,

"(2) increasing the accessibility (including overcoming geographic, architectural, and transportation barriers), acceptability, continuity, and quality of the health services provided them,

"(3) restraining increases in the cost of providing them health services, and

"(4) preventing unnecessary duplication of health resources,

each health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency. To meet its primary responsibility, a health systems agency shall carry out the functions described in subsections (b) through (g) of this section.

"(b) In providing health planning and resources development for its health service area, a health systems agency shall perform the following functions:

"(1) The agency shall assemble and analyze data concerning—

"(A) the status (and its determinants) of the health of the residents of its health service area,

"(B) the status of the health care delivery system in the area and the use of that system by the residents of the area,

"(C) the effect the area's health care delivery system has on the health of the residents of the area,

"(D) the number, type, and location of

the area's health resources, including health services, manpower, and facilities.

"(E) the patterns of utilization of the area's health resources, and

"(F) the environmental and occupational exposure factors affecting immediate and long-term health conditions.

In carrying out this paragraph, the agency shall to the maximum extent practicable use existing data (including data developed under Federal health programs) and coordinate its activities with the cooperative system provided for under section 306(e).

"(2) The agency shall, after appropriate consideration of the recommended national guidelines for health planning policy issued by the Secretary under section 1501, the priorities set forth in section 1502, and the data developed pursuant to paragraph (1), establish, annually review, and amend as necessary a health systems plan (hereinafter in this title referred to as the "HSP") which shall be a detailed statement of goals (A) describing a healthful environment and health systems in the area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; (B) which are responsive to the unique needs and resources of the area; and (C) which take into account and is consistent with the national guidelines for health planning policy issued by the Secretary under section 1501 respecting supply, distribution, and organization of health resources and services. Before establishing an HSP, a health systems agency shall conduct a public hearing on the proposed HSP and shall give interested persons an opportunity to submit their views orally and in writing. Not less than thirty days prior to such hearing, the agency shall publish in at least two newspapers of general circulation throughout its health service area a notice of its consideration of the proposed HSP, the time and place of the hearing, the place at which interested persons may consult the HSP in advance of the hearing, and the place and period during which to submit written comments to the agency on the HSP.

"(3) The agency shall establish, annually review, and amend as necessary an annual implementation plan (hereinafter in this title referred to as the "AIP") which describes objectives which will achieve the goals of the HSP and priorities among the objectives. In establishing the AIP, the agency shall give priority to those objectives which will maximally improve the health of the residents of the area, as determined on the basis of the relation of the cost of attaining such objectives to their benefits, and which are fitted to the special needs of the area.

"(4) The agency shall develop and publish specific plans and projects for achieving the objectives established in the AIP.

"(c) A health system agency shall implement its HSP and AIP, and in implementing the plans it shall perform at least the following functions:

"(1) The agency shall seek, to the extent practicable, to implement its HSP and AIP with the assistance of individuals and public and private entities in its health service area.

"(2) The agency may provide, in accordance with the priorities established in the AIP, technical assistance to individuals and public and private entities for the development of projects and programs which the agency determines are necessary to achieve the health systems described in the HSP, including assistance in meeting the requirements of the agency prescribed under section 1532(b).

"(3) The agency shall, in accordance with the priorities established in the AIP, make

grants to public and nonprofit private entities and enter into contracts with individuals and public and nonprofit private entities to assist them in planning and developing projects and programs which the agency determines are necessary for the achievement of the health systems described in the HSP. Such grants and contracts shall be made from Area Health Services Development Fund of the agency established with funds provided under grants made under section 1640. No grants or contract under this subsection may be used (A) to pay the costs incurred by an entity or individual in the delivery of health services (as defined in regulations of the Secretary), or (B) for the cost of construction or modernization of medical facilities. No single grant or contract made or entered into under this paragraph shall be available for obligation beyond the one year period beginning on the date the grant or contract was made or entered into. If an individual or entity receives a grant or contract under this paragraph for a project or program, such individual or entity may receive only one more such grant or contract for such project or program.

"(d) Each health systems agency shall coordinate its activities with—

"(1) each Professional Standards Review Organization (designated under section 1152 of the Social Security Act),

"(2) entities referred to in paragraphs (1) and (2) of section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 and regional and local entities the views of which are required to be considered under regulations prescribed under section 403 of the Intergovernmental Cooperation Act of 1968 to carry out section 401(b) of such Act,

"(3) other appropriate general or special purpose regional planning or administrative agencies, and

"(4) any other appropriate entity.

In the health system, agency's health service area. The agency shall, as appropriate, secure data from them for use in the agency's planning and development activities, enter into agreements with them which will assure that actions taken by such entities which alter the area's health system will be taken in a manner which is consistent with the HSP and the AIP in effect for the area, and, to the extent practicable, provide technical assistance to such entities.

"(e) (1) (A) Except as provided in subparagraph (B), each health systems agency shall review and approve or disapprove each proposed use within its health service area of Federal funds—

"(i) appropriated under this Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 for grants, contracts, loans, or loan guarantees for the development, expansion, or support of health resources; or

"(ii) made available by the State in which the health service area is located (from an allotment to the State under an Act referred to in clause (1)) for grants or contracts for the development, expansion, or support of health resources.

"(B) A health systems agency shall not review and approve or disapprove the proposed use within its health service area of Federal funds appropriated for grants or contracts under title IV, VII, or VIII of this Act unless the grants or contracts are to be made, entered into, or used to support the development of health resources intended for use in the health service area or the delivery of health services. In the case of a proposed use within the health service area of a health systems agency of Federal funds described in subparagraph (A) by an Indian tribe or intertribal Indian organization for any pro-

gram or project which will be located within or will specifically serve—

"(i) a federally-recognized Indian reservation,

"(ii) any land area in Oklahoma which is held in trust by the United States for Indians or which is a restricted Indian-owned land area, or

"(iii) a Native village in Alaska (as defined in section 3(c) of the Alaska Native Claims Settlement Act),

a health systems agency shall only review and comment on such proposed use.

"(2) Notwithstanding any other provision of this Act or any other Act referred to in paragraph (1), the Secretary shall allow a health systems agency sixty days to make the review required by such paragraph. If an agency disapproves a proposed use in its health service area of Federal funds described in paragraph (1), the Secretary may not make such Federal funds available for such use until he has made, upon request of the entity making such proposal, a review of the agency decision. In making any such review of any agency decision, the Secretary shall give the appropriate State health planning and development agency an opportunity to consider the decision of the health systems agency and to submit to the Secretary its comments on the decision. The Secretary, after taking into consideration such State agency's comments (if any), may make such Federal funds available for such use, notwithstanding the disapproval of the health systems agency. Each such decision by the Secretary to make funds available shall be submitted to the appropriate health systems agency and State health planning and development agency and shall contain a detailed statement of the reasons for the decision.

"(3) Each health systems agency shall provide each Indian tribe or inter-tribal Indian organization which is located within the agency's health service area information respecting the availability of the Federal funds described in the first sentence of this subsection.

"(f) To assist State health planning and development agencies in carrying out their functions under paragraphs (4) and (5) of section 1523(a) each health systems agency shall review and make recommendations to the appropriate State health planning and development agency respecting the need for new institutional health services proposed to be offered or developed in the health service area of such health systems agency.

"(g) (1) Except as provided in paragraph (2), each health systems agency shall review on a periodic basis (but at least every five years) all institutional health services offered in the health service area of the agency and shall make recommendations to the State health planning and development agency designated under section 1521 for each state in which the health systems agency's health service area is located respecting the appropriateness in the area of such services.

"(2) A health systems agency shall complete its initial review of existing institutional health services within three years after the date of the agency's designation under section 1515(c).

"(h) Each health systems agency shall annually recommend to the State health planning and development agency designated for each State in which the health system agency's health service area is located (1) projects for the modernization, construction, and conversion of medical facilities in the agency's health service area which projects will achieve the HSP and AIP of the health systems agency, and (2) priorities among such projects.

"ASSISTANCE TO ENTITIES DESIRING TO BE DESIGNATED AS HEALTH SYSTEMS AGENCIES

"Sec. 1514. The Secretary may provide all necessary technical and other nonfinancial assistance, including the preparation of prototype plans of organization and operation) to nonprofit private entities (including entities presently receiving financial assistance under section 314(b) or title IX or as experimental health service delivery systems under section 304) which—

"(1) express a desire to be designated as health systems agencies, and

"(2) the Secretary determines have a potential to meet the requirements of a health systems agency specified in section 1512 and 1513,

to assist such entities in developing applications to be submitted to the Secretary under section 1515 and otherwise in preparing to meet the requirements of this part for designation as a health systems agency.

"DESIGNATION OF HEALTH SYSTEMS AGENCIES

"Sec. 1515. (a) At the earliest practicable date after the establishment under section 1511 of health service areas (but not later than eighteen months after the date of enactment of this title) the Secretary shall enter into agreements in accordance with this section for the designation of health systems agencies for such areas.

"(b) (1) The Secretary may enter into agreements with entities under which the entities would be designated as the health systems agencies for health service areas on a conditional basis with a view to determining their ability to meet the requirements of section 1512(b), and their capacity to perform the functions prescribed by section 1513.

"(2) During any period of conditional designation (which may not exceed 24 months), the Secretary may require that the entity conditionally designated meet only such of the requirements of section 1512(b) and perform only such of the functions prescribed by section 1513 as he determines such entity to be capable of meeting and performing. The number and type of such requirements and functions shall, during the period of conditional designation, be progressively increased as the entity conditionally designated becomes capable of added responsibility so that, by the end of such period, the agency may be considered for designation under subsection (c).

"(3) Any agreement under which any entity is conditionally designated as a health systems agency may be terminated by such entity upon ninety days notice to the Secretary or by the Secretary upon ninety days notice to such entity.

"(4) The Secretary may not enter into an agreement with any entity under paragraph (1) for conditional designation as a health systems agency for a health service area until—

"(A) the entity has submitted an application for such designation which contains assurances satisfactory to the Secretary that upon completion of the period of conditional designation the applicant will be organized and operated in the manner described in section 1512(b) and will be qualified to perform the functions prescribed by section 1513;

"(B) a plan for the orderly assumption and implementation of the functions of a health systems agency has been received from the applicant and approved by the Secretary; and

"(C) the Secretary has consulted with the Governor of each State in which such health service area is located and with such other State and local officials as he may deem appropriate, with respect to such designation. In considering such applications, the Secretary

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tary shall give priority to an application which has been recommended for approval by each entity which has developed a plan referred to in section 314(b) for all or part of the health service area with respect to which the application was submitted, and each regional medical program established in such area under title IX.

"(c) (1) The Secretary shall enter into an agreement with an entity for its designation as a health systems agency if, on the basis of an application under paragraph (2) (and, in the case of an entity conditionally designated, on the basis of its performance during a period of conditional designation under subsection (b) as a health systems agency for a health service area), the Secretary determines that such entity is capable of fulfilling, in a satisfactory manner, the requirements and functions of a health systems agency. Any such agreement under this subsection with an entity may be renewed in accordance with paragraph (3), shall contain such provisions respecting the requirements of sections 1512(b) and 1513 and such conditions designed to carry out the purpose of this title, as the Secretary may prescribe, and shall be for a term of not to exceed twelve months; except that, prior to the expiration of such term, such agreement may be terminated—

"(A) by the entity at such time and upon such notice to the Secretary as he may by regulation prescribe, or

"(B) by the Secretary, at such time and upon such notice to the entity as the Secretary may by regulation prescribe, if the Secretary determines that the entity is not complying with or effectively carrying out the provisions of such agreement.

"(2) The Secretary may not enter into an agreement with any entity under paragraph (1) for designation as a health system agency for a health service area unless the entity has submitted an application to the Secretary for designation as a health systems agency, and the Governor of each State in which the area is located has been consulted respecting such designation of such entity. Such an application shall contain assurances satisfactory to the Secretary that the applicant meets the requirements of section 1512(b) and is qualified to perform or is performing the functions prescribed by section 1513. In considering such applications, the Secretary shall give priority to an application which has been recommended for approval by (A) each entity which has developed a plan referred to in section 314(b) for all or part of the health service area with respect to which the application was submitted, and (B) each regional medical program established in such area under title IX.

"(3) An agreement under this subsection for the designation of a health systems agency may be renewed by the Secretary for a period not to exceed twelve months if upon review (as provided in section 1535) of the agency's operation and performance of its functions, he determines that it has fulfilled, in a satisfactory manner the functions of a health systems agency prescribed by section 1513 and continues to meet the requirements of section 1512(b).

"(d) If a designation under subsection (b) or (c) of a health systems agency for a health service area is terminated before the date prescribed for its expiration, the Secretary shall, upon application and in accordance with subsection (b) or (c) (as the Secretary determines appropriate), enter into a designation agreement with another entity to be the health systems agency for such area.

"PLANNING GRANTS

"Sec. 1516. (a) The Secretary shall make in each fiscal year a grant to each health systems agency with which there is in effect

a designation agreement under subsection (b) or (c) of section 1515. A grant under this subsection shall be made on such conditions as the Secretary determines is appropriate, shall be used by a health systems agency for compensation of agency personnel, collection of data, planning, and the performance of the functions of the agency, and shall be available for obligation for a period not to exceed the period for which its designation agreement is entered into or renewed (as the case may be). A health systems agency may use funds under a grant under this subsection to make payments under contracts with other entities to assist the health systems agency in the performance of its functions; but it shall not use funds under such a grant to make payments under a grant or contract with another entity for the development or delivery of health services or resources.

"(b) (1) The amount of any grant under subsection (a) to a health system agency designated under section 1515(b) shall be determined by the Secretary. The amount of any grant under subsection (a) to any health systems agency designated under section 1515(c) shall be the lesser of—

"(A) the product of \$0.50 and the population of the health service area for which the agency is designated, or

"(B) \$3,750,000,

unless the agency would receive a greater amount under paragraph (2) or (3).

"(2) (A) If the application of a health systems agency for such a grant contains assurances satisfactory to the Secretary that the agency will expend or obligate in the period in which such grant will be available for obligation non-Federal funds meeting the requirements of subparagraph (B) for the purposes for which such grant may be made, the amount of such grant shall be the sum of—

"(i) the amount determined under paragraph (1), and

"(ii) the lesser of (I) the amount of such non-Federal funds with respect to which the assurances were made, or (II) the product of \$0.25 and the population of the health service area for which the agency is designated.

"(B) The non-Federal funds which an agency may use for the purpose of obtaining a grant under subsection (a) which is computed on the basis of the formula prescribed by subparagraph (A) shall—

"(i) not include any funds contributed to the agency by any individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources, and

"(ii) be funds which are not paid to the agency for the performance of particular services by it and which are otherwise contributed to the agency without conditions as to their use other than the condition that the funds shall be used for the purposes for which a grant made under this section may be used.

"(3) The amount of a grant under subsection (a) to a health systems agency designated under section 1515(c) may not be less than \$175,000.

"(c) (1) For the purpose of making payments pursuant to grants made under subsection (a), there are authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1975, \$90,000,000 for the fiscal year ending June 30, 1976, and \$125,000,000 for the fiscal year ending June 30, 1977.

"(2) Notwithstanding subsection (b), if the total of the grants to be made under this section to health systems agencies for any fiscal year exceeds the total of the amounts appropriated under paragraph (1) for that fiscal year, the amount of the grant

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for that fiscal year to each health systems agency shall be an amount which bears the same ratio to the amount determined for that agency for that fiscal year under subsection (b) as the total of the amounts appropriated under paragraph (1) for that fiscal year bears to the total amount required to make grants to all health systems agencies in accordance with the applicable provision of subsection (b); except that the amount of any grant to a health systems agency for any fiscal year shall not be less than \$175,000, unless the amount appropriated for that fiscal year under paragraph (1) is less than the amount required to make such a grant to each health systems agency.

PART C—STATE HEALTH PLANNING AND DEVELOPMENT
DESIGNATION OF STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES

"Sec. 1521. (a) For the purpose of the performance within each State of the health planning and development functions prescribed by section 1523, the Secretary shall enter into and renew agreements (described in subsection (b)) for the designation of a State health planning and development agency for each State other than a State for which the Secretary may not under subsection (d) enter into, continue in effect, or renew such an agreement.

"(b) (1) A designation agreement under subsection (a) is an agreement with the Governor of a State for the designation of an agency (selected by the Governor) of the government of that State as the State health planning and development agency (hereinafter in this part referred to as the 'State Agency') to administer the State administrative program prescribed by section 1522 and to carry out the State's health planning and development functions prescribed by section 1523. The Secretary may not enter into such an agreement with the Governor of a State unless—

"(A) there has been submitted by the State a State administrative program which has been approved by the Secretary,

"(B) an application has been made to the Secretary for such an agreement and the application contains assurances satisfactory to the Secretary that the agency selected by the Governor for designation as the State Agency has the authority and resources to administer the State administrative program of the State and to carry out the health planning and development functions prescribed by section 1523, and

"(C) in the case of an agreement entered into under paragraph (3), there has been established for the State a Statewide Health Coordinating Council meeting the requirements of section 1524.

"(2) (A) The agreement entered into with a Governor of a State under subsection (a) may provide for the designation of a State Agency on a conditional basis with a view to determining the capacity of the designated State Agency to administer the State administrative program of the State and to carry out the health planning and development functions prescribed by section 1523. The Secretary shall require as a condition to the entering into of such an agreement that the Governor submit on behalf of the agency to be designated a plan for the agency's orderly assumption and implementation of such functions.

"(B) The period of an agreement described in subparagraph (A) may not exceed twenty-four months. During such period the Secretary may require that the designated State Agency perform only such of the functions of a State Agency prescribed by section 1523 as he determines it is capable of performing. The number and type of such functions shall, during such period, be progressively in-

creased as the designated State Agency becomes capable of added responsibility, so that by the end of such period the designated State Agency may be considered for designation under paragraph (3).

"(C) Any agreement with a Governor of a State entered into under subparagraph (A) may be terminated by the Governor upon ninety days' notice to the Secretary or by the Secretary upon ninety days' notice to the Governor.

"(3) If, on the basis of an application for designation as a State Agency (and, in the case of an agency conditionally designated under paragraph (2), on the basis of its performance under an agreement with a Governor of a State entered into under such paragraph), the Secretary determines that the agency is capable of fulfilling, in a satisfactory manner, the responsibilities of a State Agency, he shall enter into an agreement with the Governor of the State designating the agency as the State Agency for the State. No such agreement may be made unless an application therefor is submitted to, and approved by, the Secretary. Any such agreement shall be for a term of not to exceed twelve months, except that, prior to the expiration of such term, such agreement may be terminated—

"(A) by the Governor at such time and upon such notice to the Secretary as he may by regulation prescribe, or

"(B) by the Secretary, at such time and upon such notice to the Governor as the Secretary may by regulation prescribe, if the Secretary determines that the designated State Agency is not complying with or effectively carrying out the provisions of such agreement.

An agreement under this paragraph shall contain such provisions as the Secretary may require to assure that the requirements of this part respecting State Agencies are complied with.

"(4) An agreement entered into under paragraph (3) for the designation of a State Agency may be renewed by the Secretary for a period not to exceed twelve months if he determines that it has fulfilled, in a satisfactory manner, the responsibilities of a State Agency during the period of the agreement to be renewed and if the applicable State administrative program continues to meet the requirements of section 1522.

"(c) If a designation agreement with the Governor of a State entered into under subsection (b) (2) or (b) (3) is terminated before the date prescribed for its expiration, the Secretary shall, upon application and in accordance with subsection (b) (2), or (b) (3) (as the Secretary determines appropriate), enter into another agreement with the Governor for the designation of a State Agency.

"(d) If, upon the expiration of the fourth fiscal year which begins after the calendar year in which the National Health Policy, Planning, and Resources Development Act of 1974 is enacted, an agreement under this section for the designation of a State Agency for a State is not in effect, the Secretary may not make any allotment, grant, loan, or loan guarantee, or enter into any contract, under this Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 for the development, expansion, or support of health resources in such State until such time as such an agreement is in effect.

STATE ADMINISTRATIVE PROGRAM

"Sec. 1522. (a) A State administrative program (hereinafter in this section referred to as the 'State Program') is a program for the performance within the State by its State Agency of the functions prescribed by section 1523. The Secretary may not approve a State Program for a State unless it—

"(1) meets the requirements of subsection (b);

"(2) has been submitted to the Secretary by the Governor of the State at such time and in such detail, and contains or is accompanied by such information, as the Secretary deems necessary; and

"(3) has been submitted to the Secretary only after the Governor of the State has afforded to the general public of the State a reasonable opportunity for a presentation of views on the State Program.

"(b) The State Program of a State must—

"(1) provide for the performance within the State (after the designation of a State Agency and in accordance with the designation agreement) of the functions prescribed by section 1523 and specify the State Agency of the State as the sole agency for the performance of such functions (except as provided in subsection (b) of such section) and for the administration of the State Program;

"(2) contain or be supported by satisfactory evidence that the State Agency has under State law the authority to carry out such functions and the State Program in accordance with this part and contain a current budget for the operation of the State Agency;

"(3) provide for adequate consultation with, and authority for, the Statewide Health Coordinating Council (prescribed by section 1524). In carrying out such functions and the State Program;

"(4) (A) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibilities in the performance of such functions and the State Program, and require the State Agency to have a professional staff for planning and a professional staff for development, which staffs shall be of such size and meet such qualifications as the Secretary may prescribe;

"(B) provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient administration of such functions and the State Program, including methods relating to the establishment and maintenance of personnel standards on a merit basis consistent with such standards as are or may be established by the Civil Service Commission under section 208(a) of the Intergovernmental Personnel Act of 1970 (Public Law 91-648), but the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with the methods relating to personnel standards on a merit basis established and maintained in conformity with this paragraph;

"(5) require the State Agency to perform its functions in accordance with procedures and criteria established and published by it, which procedures and criteria shall conform to the requirements of section 1532;

"(6) require the State Agency to (A) conduct its business meetings in public, (B) give adequate notice to the public of such meetings, and (C) make its records and data available, upon request, to the public;

"(7) (A) provide for the coordination (in accordance with regulations of the Secretary) with the cooperative system provided for under section 306(e) of the activities of the State Agency for the collection, retrieval, analysis, reporting, and publication of statistical and other information related to health and health care, and (B) require providers of health care doing business in the State to make statistical and other reports of such information to the State Agency;

"(8) provide, in accordance with methods and procedures prescribed or approved by the Secretary, for the evaluation, at least annually, of the performance by the State Agency of its functions and of their economic effectiveness;

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"(9) provide that the State Agency will from time to time, and in any event not less often than annually, review the State Program and submit to the Secretary required modifications;

"(10) require the State Agency to make such reports, in such form and containing such information, concerning its structure, operations, performance of functions, and other matters as the Secretary may from time to time require, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports;

"(11) require the State Agency to provide for such fiscal control and fund accounting procedures as the Secretary may require to assure proper disbursement of, and accounting for, amounts received from the Secretary under this title;

"(12) permit the Secretary and the Comptroller General of the United States, or their representatives, to have access for the purpose of audit and examination to any books, documents, papers, and records of the State Agency pertinent to the disposition of amounts received from the Secretary under this title; and

"(13) provide that if the State Agency makes a decision in the performance of a function under paragraph (3), (4), (5), or (6) of section 1523(a) or under title XVI which is inconsistent with a recommendation made under subsection (f), (g), or (h) of section 1513 by a health systems agency within the State—

"(A) such decision (and the record upon which it was made) shall, upon request of the health systems agency, be reviewed, under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies, by an agency of the State (other than the State health planning and development agency) designated by the Governor, and

"(B) the decision of the reviewing agency shall for purposes of this title and title XVI be considered the decision of the State health planning and development agency.

"(c) The Secretary shall approve any State Program and any modification thereof which complies with subsections (a) and (b). The Secretary shall review for compliance with the requirements of this part the specifications of and operations under each State Program approved by him. Such review shall be conducted not less often than once each year.

STATE HEALTH PLANNING AND DEVELOPMENT FUNCTIONS

"Sec. 1523. (a) Each State Agency of a State designated under section 1521(b) (3) shall, except as authorized under subsection (b), perform within the State the following functions:

"(1) Conduct the health planning activities of the State and implement those parts of the State health plan (under section 1524 (c) (2)) and the plans of the health systems agencies within the State which relate to the government of the State.

"(2) Prepare and review and revise as necessary (but at least annually) a preliminary State health plan which shall be made up of the HSP's of the health systems agencies within the State. Such preliminary plan may, as found necessary by the State Agency, contain such revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs. Such preliminary plan shall be submitted to the Statewide Health Coordinating Council of the State for approval or disapproval and for use in developing the State health plan referred to in section 1524(c).

"(3) Assist the Statewide Health Coordinating Council of the State in the review of

the State medical facilities plan required under section 1603, and in the performance of its functions generally.

"(4) (A) Serve as the designated planning agency of the State for the purposes of section 1122 of the Social Security Act if the State has made an agreement pursuant to such section, and (B) administer a State certificate of need program which applies to new institutional health services proposed to be offered or developed within the State and which is satisfactory to the Secretary. Such program shall provide for review and determination of need prior to the time such services, facilities, and organizations are offered or developed or substantial expenditures are undertaken in preparation for such offering or development, and provide that only those services, facilities, and organizations found to be needed shall be offered or developed in the State. In performing its functions under this paragraph the State Agency shall consider recommendations made by health systems agencies under section 1513(f).

"(5) After consideration of recommendations submitted by health systems agencies under section 1413(f) respecting new institutional health services proposed to be offered within the State, make findings as to the need for such services.

"(6) Review on a periodic basis (but not less often than every five years) all institutional health services being offered in the State and, after consideration of recommendations submitted by health systems agencies under section 1513(g) respecting the appropriateness of such services, make public its findings.

"(b) (1) Any function described in subsection (a) may be performed by another agency of the State government upon request of the Governor under an agreement with the State Agency satisfactory to the Secretary.

"(2) The requirement of paragraph (4) (B) of subsection (a) shall not apply to a State Agency of a State until the expiration of the first regular session of the legislature of such State which begins after the date of enactment of this title.

"(3) A State Agency shall complete its findings with respect to the appropriateness of any existing institutional health service within one year after the date a health systems agency has made its recommendation under section 1513(g) with respect to the appropriateness of the service.

"(c) If a State Agency makes a decision in carrying out a function described in paragraph (4), (5), (6), or (7) of subsection (a) which is not consistent with the goals of the applicable HSP or the priorities of the applicable AIP, the State Agency shall submit to the appropriate health systems agency a detailed statement of the reasons for the inconsistency.

STATEWIDE HEALTH COORDINATING COUNCIL

"Sec. 1524. (a) A State health planning and development agency designated under section 1521 shall be advised by a Statewide Health Coordinating Council (hereinafter in this section referred to as the 'SHCC') which (1) is organized in the manner described by subsection (b), and (2) performs the functions listed in subsection (c).

"(b) (1) A SHCC of a State shall be composed in the following manner:

"(A) (i) A SHCC shall have no fewer than sixteen representatives appointed by the Governor of the State from lists of at least five nominees submitted to the Governor by each of the health systems agencies designated for health service areas which fall, in whole or in part, within the State.

"(ii) Each such health systems agency shall be entitled to the same number of representatives on the SHCC.

"(iii) Each such health systems agency shall be entitled to at least two representatives on the SHCC. Of the representatives of a health systems agency, not less than one-half shall be individuals who are consumers of health care and who are not providers of health care.

"(B) In addition to the appointments made under subparagraph (A), the Governor of the State may appoint such persons (including State officials, public elected officials, and other representatives of governmental authorities within the State) to serve on the SHCC as he deems appropriate; except that (1) the number of persons appointed to the SHCC under this subparagraph may not exceed 40 per centum of the total membership of the SHCC.

and (ii) a majority of the persons appointed by the Governor shall be consumers of health care who are not also providers of health care.

"(C) Not less than one-third of the providers of health care who are members of a SHCC shall be direct providers of health care (as described in section 1531(3)).

"(D) Where two or more hospitals or other health care facilities of the Veterans' Administration are located in a State, the SHCC shall, in addition to the appointed members, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated as a representative of such facilities.

"(2) The SHCC shall select from among its members a chairman.

"(3) The SHCC shall conduct all of its business meetings in public, and shall meet at least once in each calendar quarter of a year.

"(c) A SHCC shall perform the following functions:

"(1) Review annually and coordinate the HSP and AIP of each health systems agency within the State and report to the Secretary, for purposes of his review under section 1535(c), its comments on such HSP and AIP.

"(2) (A) Prepare and review and revise as necessary (but at least annually) a State health plan which shall be made up of the HSP's of the health systems agencies within the State. Such plan may, as found necessary by the SHCC, contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide health needs. Each health systems agency which participates in the SHCC shall make available to the SHCC its HSP for each year for integration into the State health plan and shall, as required by the SHCC, revise its HSP to achieve appropriate coordination with the HSP's of the other agencies which participate in the SHCC or to deal more effectively with statewide health needs.

"(B) In the preparation and revision of the State health plan, the SHCC shall review and consider the preliminary State health plan submitted by the State Agency under section 1523(a) (2), and shall conduct a public hearing on the plan as proposed and shall give interested persons an opportunity to submit their views orally and in writing. Not less than thirty days prior to any such hearing, the SHCC shall publish in at least two newspapers of general circulation in the State a notice of its consideration of the proposed plan, the time and place of the hearing, the place at which interested persons may consult the plan in advance of the hearing, and the place and period during which to direct written comment to the SHCC on the plan.

"(3) Review annually the budget of each such health systems agency and report to the Secretary, for purposes of his review under section 1535(a), its comments on such budget.

"(4) Review applications submitted by

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such health systems agencies for grants under sections 1516 and 1640 and report to the Secretary its comments on such applications.

"(5) Advise the State Agency of the State generally on the performance of its functions.

"(6) Review annually and approve or disapprove any State plan and any application (and any revision of a State plan or application) submitted to the Secretary as a condition to the receipt of any funds under allotments made to States under this Act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. Notwithstanding any other provision of this Act or any other Act referred to in the preceding sentence, the Secretary shall allow a SHCC sixty days to make the review required by such sentence. If a SHCC disapproves such a State plan or application, the Secretary may not make Federal funds available under such State plan or application until he has made, upon request of the Governor of the State which submitted such plan or application or another agency of such State, a review of the SHCC decision. If after such review the Secretary decides to make such funds available, the decision by the Secretary to make such funds available shall be submitted to the SHCC and shall contain a detailed statement of the reasons for the decision.

"GRANTS FOR STATE HEALTH PLANNING AND DEVELOPMENT"

"Sec. 1525. (a) The Secretary shall make grants to State health planning and development agencies designated under subsection (b) (2) or (b) (3) of section 1521 to assist them in meeting the costs of their operation. Any grant made under this subsection to a State Agency shall be available for obligation only for a period not to exceed the period for which its designation agreement is entered into or renewed. The amount of any grant made under this subsection shall be determined by the Secretary, except that no grant to a designated State Agency may exceed 75 per centum of its operation costs (as determined under regulations of the Secretary) during the period for which the grant is available for obligation.

"(b) Grants under subsection (a) shall be made on such terms and conditions as the Secretary may prescribe; except that the Secretary may not make a grant to a State Agency unless he receives satisfactory assurances that the State Agency will expend in performing the functions prescribed by section 1523 during the fiscal year for which the grant is sought an amount of funds from non-Federal sources which is at least as great as the average amount of funds expended, in the three years immediately preceding the fiscal year for which such grant is sought, by the State, for which such State Agency has been designated, for the purposes for which funds under such grant may be used (excluding expenditures of a nonrecurring nature).

"(c) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1975, \$30,000,000 for the fiscal year ending June 30, 1976, and \$35,000,000 for the fiscal year ending June 30, 1977.

"GRANTS FOR RATE REGULATION"

"Sec. 1526. (a) For the purpose of demonstrating the effectiveness of State Agencies regulating rates for the provision of health care, the Secretary may make to a State Agency designated, under an agreement entered into under section 1521(b) (3), for a State which (in accordance with regulations prescribed by the Secretary) has indicated an intent to regulate (not later than six

months after the date of the enactment of this title) rates for the provision of health care within the State. Not more than six State Agencies may receive grants under this subsection.

"(b) (1) A State Agency which receives a grant under subsection (a) shall—

"(A) provide the Secretary satisfactory evidence that the State Agency has under State law the authority to carry out rate regulation functions in accordance with this section and provide the Secretary a current budget for the performance of such functions by it;

"(B) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibility in the performance of such functions, and shall have a professional staff for rate regulation, which staff shall be headed by a Director;

"(C) provide for such methods of administration as found by the Secretary to be necessary for the proper and efficient administration of such functions.

"(D) perform its functions in accordance with procedures established and published by it, which procedures shall conform to the requirements of section 1532;

"(E) comply with the requirements prescribed by paragraphs (6) through (12) of section 1522(b) with respect to the functions prescribed by subsection (a);

"(F) provide for the establishment of a procedure under which the State Agency will obtain the recommendation of the appropriate health systems agency prior to conducting a review of the rates charged or proposed to be charged for services; and

"(G) meet such other requirements as the Secretary may prescribe.

"(2) In prescribing requirements under paragraph (1) of this subsection, the Secretary shall consider the manner in which a State Agency shall perform its functions under a grant under subsection (a), including whether the State Agency should—

"(A) permit those engaged in the delivery of health services to retain savings accruing to them from effective management and cost control.

"(B) create incentives at each point in the delivery of health services for utilization of the most economical modes of services feasible.

"(C) document the need for and cost implications of each new service for which a determination of reimbursement rates is sought; and

"(D) employ for each type of class of person engaged in the delivery of health services—

"(i) a unit for determining the reimbursement rates; and

"(ii) a base for determining rates of change in the reimbursement rates, which unit and base are satisfactory to the Secretary.

"(c) Grants under subsection (a) shall be made on such terms and conditions as the Secretary may prescribe, except that (1) such a grant shall be available for obligation only during the one-year period beginning on the date such grant was made, and (2) no State Agency may receive more than three grants under subsection (a).

"(d) Each State Agency which receives a grant under subsection (a) shall report to the Secretary (in such form and manner as he shall prescribe) on the effectiveness of the rate regulation program assisted by such grant. The Secretary shall report annually to the Congress on the effectiveness of the programs assisted by the grants authorized by subsection (a).

"(e) There are authorized to be appropriated to make payments under grants under subsection (a), \$4,000,000 for the fiscal year ending June 30, 1975, \$5,000,000 for

the fiscal year ending June 30, 1976, and \$6,000,000 for the fiscal year ending June 30, 1977.

"PART D—GENERAL PROVISIONS"

"DEFINITIONS"

"Sec. 1531. For purposes of this title:

"(1) The term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico.

"(2) The term 'Governor' means the chief executive officer of a State or his designee.

"(3) The term 'provider of health care' means an individual—

"(A) who is a direct provider of health care including a physician, dentist, nurse, podiatrist, or physician assistant in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration; or

"(B) who is an indirect provider of health care in that the individual—

"(i) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subclause (ii) or (iv) of clause (ii);

"(ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

"(i) Fees or other compensation for research into or instruction in the provision of health care.

"(ii) Entities engaged in the provision of health care or in such research or instruction.

"(iii) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care.

"(iv) Entities engaged in producing drugs or such other articles.

"(ii) is a member of the immediate family of an individual described in subparagraph (A) or in clause (i), (ii), or (iv) of subparagraph (B); or

"(iv) is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

"(4) the term 'health resources' includes health services, health professions personnel, and health facilities, except that such term does not include Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

"(5) The term 'institutional health services' means the health services provided through health care facilities and health maintenance organizations (as such facilities and organizations are defined in regulations prescribed under section 1122 of the Social Security Act) and includes the entities through which such services are provided.

"PROCEDURES AND CRITERIA FOR REVIEWS OF PROPOSED HEALTH SYSTEM CHANGES"

"Sec. 1532. (a) In conducting reviews pursuant to subsections (e), (f), and (g) of section 1513 or in conducting any other reviews of proposed or existing health services, each health systems agency shall (except to the extent approved by the Secretary) follow procedures, and apply criteria, developed and published by the agency in accordance with regulations of the Secretary; and in performing its review functions under section 1523, a State Agency shall (except to the extent approved by the Secretary) follow procedures, and apply criteria, developed and published

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by the State Agency in accordance with regulations of the Secretary. Procedures and criteria for reviews by health systems agencies and States Agencies may vary according to the purpose for which a particular review is being conducted or the type of health services being reviewed.

"(b) Each health systems agency and State Agency shall include in the procedures required by subsection (a) at least the following:

"(1) Written notification to affected persons of the beginning of a review.

"(2) Schedules for reviews which provide that no review shall, to the extent practicable, take longer than ninety days from the date the notification described in paragraph (1) is made.

"(3) Provision for persons subject to a review to submit to the agency or State Agency (in such form and manner as the agency or State Agency shall prescribe and publish) such information as the agency or State Agency may require concerning the subject of such review.

"(4) Submission of applications (subject to review by a health systems agency or a State Agency) made under this Act or other provisions of law for Federal financial assistance for health services to the health systems agency or State Agency at such time and in such manner as it may require.

"(5) Submission of periodic reports by providers of health services and other persons subject to agency or State Agency review respecting the development of proposals subject to review.

"(6) Provision for written findings which state the basis for any final decision or recommendation made by the agency or State Agency.

"(7) Notification of providers of health services and other persons subject to agency or State Agency review of the status of the agency or State Agency review of the health services or proposals subject to review, findings made in the course of such review, and other appropriate information respecting such review.

"(8) Provision for public hearings in the course of agency or State Agency review if requested by persons directly affected by the review; and provision for public hearings, for good cause shown, respecting agency and State Agency decisions.

"(9) Preparation and publication of regular reports by the agency and State Agency of the reviews being conducted (including a statement concerning the status of each such review) and of the reviews completed by the agency and State Agency (including a general statement of the findings and decisions made in the course of such reviews) since the publication of the last such report.

"(10) Access by the general public to all applications reviewed by the agency and State Agency and to all other written materials pertinent to any agency or State Agency review.

"(11) In the case of construction projects, submission to the agency and State Agency by the entities proposing the projects of letters of intent in such detail as may be necessary to inform the agency and State Agency of the scope and nature of the projects at the earliest possible opportunity in the course of planning of such construction projects.

"(c) Criteria required by subsection (a) for health systems agency and State Agency review shall include consideration of at least the following:

"(1) The relationship of the health services being reviewed to the applicable HSP and AIP.

"(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

"(3) The need that the population served or to be served by such services has for such services.

"(4) The availability of alternative, less costly, or more effective methods of providing such services.

"(5) The relationship of services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided.

"(6) In the case of health services proposed to be provided, the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services and the availability of alternative uses of such resources for the provision of other health services.

"(7) The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professions schools, multidisciplinary clinics, specialty centers, and such other entities as the Secretary may by regulation prescribe.

"(8) The special needs and circumstances of health maintenance organizations for which assistance may be provided under title XIII.

"(9) In the case of a construction project—

"(A) the costs and methods of the proposed construction, and

"(B) the probable impact of the construction project reviewed on the costs of providing health services by the person proposing such construction project.

"TECHNICAL ASSISTANCE FOR HEALTH SYSTEMS AGENCIES AND STATE HEALTH PLANNING AND DEVELOPMENT AGENCIES"

"Sec. 1533. (a) The Secretary shall provide (directly or through grants or contracts, or both) to designated health systems agencies and State Agencies (1) assistance in developing their health plans and approaches to planning various types of health services, (2) technical materials, including methodologies, policies, and standards appropriate for use in health planning, and (3) other technical assistance as may be necessary in order that such agencies may properly perform their functions.

"(b) The Secretary shall include in the materials provided under subsection (a) the following:

"(1) (A) Specification of the minimum data needed to determine the health status of the residents of a health service area and the determinants of such status.

"(B) Specification of the minimum data needed to determine the status of the health resources and services of a health service area.

"(C) Specification of the minimum data needed to describe the use of health resources and services within a health service area.

"(2) Planning approaches, methodologies, policies, and standards which shall be consistent with the guidelines established by the Secretary under section 1501 for appropriate planning and development of health resources, and which shall cover the priorities listed in section 1502.

"(3) Guidelines for the organization and operation of health systems agencies and State Agencies including guidelines for—

"(A) the structure of a health systems agency, consistent with section 1512(b), and of a State Agency, consistent with section 1522;

"(B) the conduct of the planning and development processes;

"(C) the performance of health systems agency functions in accordance with section 1513; and

"(D) the performance of State Agency functions in accordance with section 1523.

"(c) In order to facilitate the exchange of information concerning health services, health resources, and health planning and resources development practice and methodology, the Secretary shall establish a national health planning information center to support the health planning and resources development programs of health systems agencies, State Agencies, and other entities concerned with health planning and resources development; to provide access to current information on health planning and resources development; and to provide information for use in the analysis of issues and problems related to health planning and resources development.

"(d) The Secretary shall establish the following within one year of the date of enactment of this title:

"(1) A uniform system for calculating the aggregate cost of operation and the aggregate volume of services provided by health services institutions as defined by the Secretary in regulations. Such system shall provide for the calculation of the aggregate volume to be based on:

"(A) The number of patient days;

"(B) The number of patient admissions;

"(C) The number of out-patient visits; and

"(D) Other relevant factors as determined by the Secretary.

"(2) A uniform system for cost accounting and calculating the volume of services provided by health services institutions. Such system shall:

"(A) include the establishment of specific cost centers and, where appropriate, subcost centers.

"(B) include the designation of an appropriate volume factor for each cost center.

"(C) Provide for an appropriate application of such system in the different types of institutions (including hospitals, nursing homes, and other types of health services institutions), and different sizes of such types of institutions.

"(3) A uniform system for calculating rates to be charged to health insurers and other health institutions payors by health service institutions. Such system shall:

"(A) Be based on an all-inclusive rate for various categories of patients (including, but not limited to individuals receiving medical, surgical, pediatric, obstetric, and psychiatric institutional health services).

"(B) Provide that such rates reflect the true cost of providing services to each such category of patients. The system shall provide that revenues derived from patients in one category shall not be used to support the provision of services to patients in any other category.

"(C) Provide for an appropriate application of such system in the different types of institutions (including hospitals, nursing homes, and other types of health service institutions) and different sizes of such types of institutions.

"(D) Provide that differences in rates to various classes of purchasers (including health insurers, direct service payors, and other health institution payors) be based on justified and documented differences in the costs of operation of health service institutions made possible by the actions of such purchasers.

"(4) A classification system for health services institutions. Such classification system shall quantitatively describe and group health services institutions of the various types. Factors included in such classification system shall include—

"(A) the number of beds operated by an institution;

"(B) the geographic location of an institution;

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"(C) the operation of a postgraduate physician training program by an institution; and

"(D) the complexity of services provided by an institution.

"(5) A uniform system for the reporting by health services institutions of—

"(A) the aggregate cost of operation and the aggregate volume of services, as calculated in accordance with the system established by the Secretary under paragraph (1);

"(B) the costs and volume of services at various cost centers, and subcost centers, as calculated in accordance with the system established by the Secretary under paragraph (2); and

"(C) rates, by category of patient and class of purchaser, as calculated in accordance with the system established by the Secretary under paragraph (3).

Such system shall provide for an appropriate application of such system in the different types of institutions (including hospitals, nursing homes, and other types of health services institutions) and different sizes of such institutions.

"CENTERS FOR HEALTH PLANNING

"Sec. 1534. (a) For the purposes of assisting the Secretary in carrying out this title, providing such technical and consulting assistance as health systems agencies and State Agencies may from time to time require, conducting research, studies and analyses of health planning and resources development, and developing health planning approaches, methodologies, policies, and standards, the Secretary shall by grants or contracts, or both, assist public or private nonprofit entities in meeting the costs of planning and developing new centers, and operating existing and new centers, for multidisciplinary health planning development and assistance. To the extent practicable, the Secretary shall provide assistance under this section so that at least five such centers will be in operation by June 30, 1976.

"(b) (1) No grant or contract may be made under this section for planning or developing a center unless the Secretary determines that when it is operational it will meet the requirements listed in paragraph (2) and no grant or contract may be made under this section for operation of a center unless the center meets such requirements.

"(2) The requirements referred to in paragraph (1) are as follows:

"(A) There shall be a full-time director of the center who possesses a demonstrated capacity for substantial accomplishment and leadership in the field of health planning and resources development, and there shall be such additional professional staff as may be appropriate.

"(B) The staff of the center shall represent a diversity of relevant disciplines.

"(C) Such additional requirements as the Secretary may by regulation prescribe.

"(c) Centers assisted under this section (1) may enter into arrangements with health systems agencies and State Agencies for the provision of such services as may be appropriate and necessary in assisting the agencies and State Agencies in performing their functions under section 1513 or 1523, respectively, and (2) shall use methods (satisfactory to the Secretary) to disseminate to such agencies and State Agencies such planning approaches, methodologies, policies and standards as they develop.

"(d) For the purpose of making payments pursuant to grants and contracts under subsection (a) there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1975, \$8,000,000 for the fiscal year ending June 30, 1976, and \$10,000,000 for the fiscal year ending June 30, 1977.

"REVIEW BY THE SECRETARY

"Sec. 1535. (a) The Secretary shall review and approve or disapprove the annual budget of each designated health systems agency and State Agency. In making such review and approval or disapproval the Secretary shall consider the comments of Statewide Health Coordinating Councils submitted under section 1524(c)(3). Information submitted to the Secretary by a health systems agency or a State Agency in connection with the Secretary's review under this subsection shall be made available by the Secretary, upon request, to the appropriate committees (and their subcommittees) of the Congress.

"(b) The Secretary shall prescribe performance standards covering the structure, operation, and performance of the functions of each designated health systems agency and State Agency, and he shall establish a reporting system based on the performance standards that allows for continuous review of the structure, operation, and performance of the functions of such agencies.

"(c) The Secretary shall review in detail at least every three years the structure, operation, and performance of the functions of each designated health systems agency to determine—

"(1) the adequacy of the HSP of the agency for meeting the needs of the residents of the area for a healthful environment and for accessible, acceptable and continuous quality health care at reasonable costs, and the effectiveness of the AIP in achieving the system described in the HSP;

"(2) if the structure, operation, and performance of the functions of the agency meet the requirements of sections 1512(b) and 1513;

"(3) the extent to which the agency's governing body (and executive committee (if any)) represents the residents of the health service area for which the agency is designated;

"(4) the professional credentials and competence of the staff of the agency;

"(5) the appropriateness of the data assembled pursuant to section 1513(b)(1) and the quality of the analyses of such data;

"(6) the extent to which technical and financial assistance from the agency have been utilized in an effective manner to achieve the goals and objectives of the HSP and the AIP; and

"(7) the extent to which it may be demonstrated that—

"(A) the health of the residents in the agency's health service area has been improved;

"(B) the accessibility, acceptability, continuity, and quality of health care in such area has been improved; and

"(C) increases in costs of the provision of health care have been restrained.

"(d) The Secretary shall review in detail at least every three years the structure, operation, and performance of the functions of each designated State Agency to determine—

"(1) the adequacy of the State health plan of the Statewide Health Coordinating Council prepared under section 1524 (c) (2) in meeting the needs of the residents of the State for a healthful environment and for accessible, acceptable, and continuous quality health care at reasonable costs;

"(2) if the structure, operation, and performance of the functions of the State Agency meet the requirements of sections 1522 and 1523;

"(3) the extent to which the Statewide Health Coordinating Council has a membership meeting, and has performed in a manner consistent with, the requirements of section 1524;

"(4) the professional credentials and competence of the staff of the State Agency;

"(5) the extent to which financial assistance provided under title XVI by the State Agency has been used in an effective manner to achieve the State's health plan under section 1524(c)(2); and

"(6) the extent to which it may be demonstrated that—

"(A) the health of the residents of the State has been improved;

"(B) the accessibility, acceptability, continuity, and quality of health care in the State has been improved; and

"(C) increase in costs of the provision of health care have been restrained.

"SPECIAL PROVISIONS FOR CERTAIN STATES AND TERRITORIES

"Sec. 1536. (a) Any State which—

"(1) has no county or municipal public health institution or department, and

"(2) has, prior to the date of enactment of this title, maintained a health planning system which substantially complies with the purposes of this title,

and the Virgin Islands, Guam, the Trust Territories in the Pacific Islands, and American Samoa shall each be considered in accordance with subsection (b) to be a State for purposes of this title.

"(b) In the case of an entity which under subsection (a) is to be considered a State for purposes of this title—

"(1) no health service area shall be established within it,

"(2) no health systems agency shall be designated for it,

"(3) the State Agency designated for it under section 1521 may, in addition to the functions prescribed by section 1523, perform the functions prescribed by section 1513 and shall be eligible to receive grants authorized by sections 1516 and 1640, and

"(4) the chief executive officer shall appoint the Statewide Health Coordinating Council prescribed by section 1524 in accordance with the regulation of the Secretary."

REVISION OF HEALTH RESOURCES DEVELOPMENT PROGRAMS UNDER THE PUBLIC HEALTH SERVICE ACT

"Sec. 4. The Public Health Service Act, as amended by section 3, is amended by adding after title XV the following new title:

"TITLE XVI—HEALTH RESOURCES DEVELOPMENT

"PART A—PURPOSE, STATE PLAN, AND PROJECT APPROVAL

"PURPOSE

"Sec. 1601. It is the purpose of this title to provide assistance, through allotments under part B and loans and loan guarantees and interest subsidies under part C, for projects for—

"(1) modernization of medical facilities; (2) construction of new outpatient medical facilities;

"(3) construction of new inpatient medical facilities in areas which have experienced (as determined under regulations of the Secretary) recent rapid population growth; and

"(4) conversion of existing medical facilities for the provision of new health services, and to provide assistance, through grants under part D, for construction and modernization projects designed to prevent or eliminate safety hazards in medical facilities or to avoid noncompliance by such facilities with licensure or accreditation standards.

"GENERAL REGULATIONS

"Sec. 1602. The Secretary shall by regulation—

"(1) prescribe the general manner in which the State Agency of each State shall determine for the State medical facilities plan under section 1603 the priority among projects within the State for which assistance is avail-

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able under this title, based on the relative need of different areas within the State for such projects and giving special consideration—

"(A) to projects for medical facilities serving areas with relatively small financial resources and for medical facilities serving rural communities,

"(B) in the case of projects for modernization of medical facilities, to projects for facilities serving densely populated areas,

"(C) in the case of projects for construction of outpatient medical facilities, to projects that will be located in, and provide services for residents of, areas determined by the Secretary to be rural or urban poverty areas,

"(D) to projects designed to (1) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or (2) avoid noncompliance with State or voluntary licensure or accreditation standards, and

"(E) to projects for medical facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

"(2) prescribe for medical facilities projects assisted under this title general standards of construction, modernization, and equipment for medical facilities of different classes and in different types of location;

"(3) prescribe criteria for determining needs for medical facility beds and needs for medical facilities, and for developing plans for the distribution of such beds and facilities;

"(4) prescribe criteria for determining the extent to which existing medical facilities are in need of modernization;

"(5) require each State medical facilities plan under section 1603 to provide for adequate medical facilities for all persons residing in the State and adequate facilities to furnish needed health services for persons unable to pay therefor; and

"(6) prescribe the general manner in which each entity which receives financial assistance under this title or has received financial assistance under this title or title VI shall be required to comply with the assurances required to be made at the time such assistance was received and the means by which such entity shall be required to demonstrate compliance with such assurances.

An entity subject to the requirements prescribed pursuant to paragraph (6) respecting compliance with assurances made in connection with receipt of financial assistance shall submit periodically to the Secretary data and information which reasonably supports the entity's compliance with such assurances. The Secretary may not waive the requirement of the preceding sentence.

"STATE MEDICAL FACILITIES PLAN

"Sec. 1603. (a) Before an application for assistance under this title (other than part D) for a medical facility project described in section 1601 may be approved, the State Agency of the State in which such project is located must have submitted to the Secretary and had approved by him a State medical facilities plan. To be approved by the Secretary a State medical facilities plan for a State must—

"(1) prescribe that the State Agency of the State shall administer or supervise the administration of the plan and contain evidence satisfactory to the Secretary that the State Agency has the authority to carry out the plan in conformity with this title;

"(2) prescribe that the Statewide Health Coordinating Council of the State shall advise and consult with the State Agency in carrying out the plan;

"(3) be approved by the Statewide Health

Coordinating Council as consistent with the State plan developed pursuant to section 1524(c)(2);

"(4) set forth, in accordance with criteria established in regulations prescribed under section 1602(a) and on the basis of a statewide inventory of existing medical facilities, a survey of need, and the plans of health systems agencies within the State—

"(A) the number and type of medical facility beds and medical facilities needed to provide adequate inpatient care to people residing in the State, and a plan for the distribution of such beds and facilities in health service areas throughout the State,

"(B) the number and type of outpatient and other medical facilities needed to provide adequate public health services and outpatient care to people residing in the State, and a plan for the distribution of such facilities in health service areas throughout the State, and

"(C) the extent to which existing medical facilities in the State are in need of modernization or conversion to new uses;

"(5) set forth a program for the State for assistance under this title for projects described in section 1601, which program shall indicate the type of assistance which should be made available to each project and shall conform to the assessment of need set forth pursuant to paragraph (4) and regulations promulgated under section 1602(a);

"(6) set forth (in accordance with regulations promulgated under section 1602(a)) priorities for the provision of assistance under this title for projects in the program set forth pursuant to paragraph (4);

"(7) provide minimum requirements (to be fixed in the discretion of the State agency for the maintenance and operation of facilities which receive assistance under this title, and provide for enforcement of such standards;

"(8) provide for affording to every applicant for assistance for a medical facilities project under this title an opportunity for a hearing before the State Agency; and

"(9) provide that the State Agency will from time to time, but not less often than annually, review the plan and submit to the Secretary any modifications thereof which it considers necessary.

"(b) The Secretary shall approve any State medical facilities plan and any modification thereof which complies with the provisions of subsection (a) if the State Agency, as determined under the review made under section 1535(d), is organized and operated in the manner prescribed by section 1522 and is carrying out its functions under section 1523 in a manner satisfactory to the Secretary. If any such plan or modification thereof shall have been disapproved by the Secretary for failure to comply with subsection (a), the Secretary shall, upon request of the State Agency, afford it an opportunity for hearing.

"APPROVAL OF PROJECTS

"Sec. 1604. (a) For each project described in section 1601 and included within a State's State medical facilities plan approved under section 1603 there shall be submitted to the Secretary, through the State's State Agency, an application. An application for a grant under section 1625 shall be submitted directly to the Secretary. Except as provided in section 1625, the applicant under such an application may be a State, a political subdivision of a State or any other public entity, or a private nonprofit entity. If two or more entities join in a project, an application for such project may be filed by any of such entities or by all of them.

"(b) (1) Except as authorized under paragraph (3), an application for any project shall set forth—

"(A) in the case of a modernization project for a medical facility for continuation of existing health services, a finding by the State Agency of a continued need for such services, and, in the case of any other project for a medical facility, a finding by the State Agency of the need for the new health services to be provided through the medical facility upon completion of the project;

"(B) a description of the site of such project;

"(C) plans and specifications therefor which meet the requirements of the regulations prescribed under section 1602(a);

"(D) reasonable assurance that title to such site is or will be vested in one or more of the entities filing the application or in a public or other nonprofit entity which is to operate the facility on completion of the project;

"(E) reasonable assurance that adequate financial support will be available for the completion of the project and for its maintenance and operation when completed, and, for the purpose of determining if the requirements of this subparagraph are met, Federal assistance provided directly to a medical facility which is located in an area determined by the Secretary to be an urban or rural poverty area or through benefits provided individuals served at such facility shall be considered as financial support;

"(F) the type of assistance being sought under this title for the project;

"(G) except in the case of a project under section 1625, a certification by the State Agency of the Federal share for the project;

"(H) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a-276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(I) in the case of a project for the construction or modernization of an outpatient facility, reasonable assurance that the services of a general hospital will be available to patients at such facility who are in need of hospital care; and

"(J) reasonable assurance that at all times after such application is approved (1) the facility or portion thereof to be constructed, or modernized, or converted will be made available to all persons residing or employed in the area served by the facility, and (2) there will be made available in the facility or portion thereof to be constructed, modernized, or converted a reasonable volume of services to persons unable to pay therefor and the Secretary, in determining the reasonableness of the volume of services provided, shall take into consideration the extent to which compliance is feasible from a financial viewpoint.

"(2) (A) The Secretary may waive—

"(i) the requirements of subparagraph (C) of paragraph (1) for compliance with modernization and equipment standards prescribed pursuant to section 1602(a)(3), and

"(ii) the requirement of subparagraph (D) of paragraph (1) respecting title to a project site,

in the case of an application for a project described in subparagraph (B).

"(B) A project referred to in subparagraph (A) is a project—

"(1) for the modernization of an outpatient medical facility which will provide general purpose health services, which is not part of

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a hospital, and which will serve a medically underserved population as defined in section 1633 or as designated by a health systems agency, and

"(1) for which the applicant seeks (I) not more than \$20,000 from the allotments made under part B to the State in which it is located, or (II) a loan under part C the principal amount of which does not exceed \$20,000.

"(c) The Secretary shall approve an application submitted under subsection (b) (other than an application for a grant under section 1625) if—

"(1) in the case of a project to be assisted from an allotment made under part B, there are sufficient funds in such allotment to pay the Federal share of the project; and

"(2) the Secretary finds that—

"(A) the application (1) is in conformity with the State medical facilities plan approved under section 1603, (II) has been approved and recommended by the State Agency, (III) is for a project which is entitled to priority over other projects within the State as determined in accordance with the approved State medical facilities plan, and (IV) contains the assurances required by subsection (b); and

"(B) the plans and specifications for the project meet the requirements of the regulations prescribed pursuant to section 1602(a).

"(d) No application (other than an application for a grant under section 1625) shall be disapproved until the Secretary has afforded the State Agency an opportunity for a hearing.

"(e) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"(f) Each application shall be reviewed by health systems agencies in accordance with section 1513(e).

"PART B—ALLOTMENTS

"ALLOTMENTS

"Sec. 1610. (a) For each fiscal year, the Secretary shall, in accordance with regulations, make from sums appropriated for such fiscal year under section 1513 allotments among the States on the basis of the population, the financial need, and need for medical facilities projects described in section 1601 of the respective States. The population of the States shall be determined on the basis of the latest figure certified by the Secretary of Commerce.

"(b) (1) The allotment to any State (other than Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands) for any fiscal year shall be not less than \$1,000,000; and the allotment to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands for any fiscal year shall be not less than \$500,000 each.

"(2) Notwithstanding paragraph (1), if the amount appropriated under section 1613 for any fiscal year is less than the amount required to provide allotments in accordance with paragraph (1), the amount of the allotment to any State for such fiscal year shall be an amount which bears the same ratio to the amount prescribed for such State by paragraph (1) as the amount appropriated for such fiscal year bears to the amount of appropriations needed to make allotments to all the States in accordance with paragraph (1).

"(c) Any amount allotted to a State for a fiscal year under subsection (a) and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), in addition to the amounts allotted to such State for such purposes for such next two fiscal years;

except that any such amount which is unobligated at the end of the first of such next two years and which the Secretary determines will remain unobligated at the close of the second of such next two years may be reallocated by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title. Any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

"PAYMENTS FROM ALLOTMENTS

"Sec. 1611. (a) If with respect to any medical facility project approved under section 1604 the State Agency certifies (upon the basis of inspection by it) to the Secretary that, in accordance with approved plans and specifications, work has been performed upon the project or purchases have been made for it and that payment from the applicable allotment of the State in which the project is located is due for the project, the Secretary shall, except as provided in subsection (b), make such payment to the State.

"(b) The Secretary is authorized to not make payments to a State pursuant to subsection (a) in the following circumstances:

"(1) If such State is not authorized by law to make payments for an approved medical facility project from the payment to be made by the Secretary pursuant to subsection (a), or if the State so requests, the Secretary shall make the payment from the State allotment directly to the applicant for such project.

"(2) If the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 1612, payment by the Secretary may, after he has given the State Agency notice and opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing.

In no event may the total of payments made under subsection (a) with respect to any project exceed an amount equal to the Federal share of such project.

"(c) In case an amendment to an approved application is approved as provided in section 1604 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(d) In any fiscal year—

"(1) not more than 20 per centum of the amount of a State's allotment available for obligation in that fiscal year may be obligated for projects in the State for construction of new facilities for the provision of inpatient health care to persons residing in areas of the State which have experienced recent rapid population growth; and

"(2) not less than 25 per centum of the amount of a State's allotment available for obligation in that fiscal year shall be obligated for projects for outpatient facilities which will serve medically underserved populations.

In the administration of this part, the Secretary shall seek to assure that in each fiscal year at least one half of the amount obligated for projects pursuant to paragraph (2) shall be obligated for projects which will serve rural medically underserved populations.

"WITHHOLDING OF PAYMENTS AND OTHER COMPLIANCE ACTIONS

"Sec. 1612. (a) Whenever the Secretary, after reasonable notice and opportunity for

hearing to the State Agency concerned finds—

"(1) that the State Agency is not complying substantially with the provisions required by section 1603 to be included in its State medical facilities plan,

"(2) that any assurance required to be given in an application filed under section 1604 is not being or cannot be carried out,

"(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 1604,

the Secretary shall take the action authorized by subsection (b) unless, in the case of compliance with assurances, the Secretary requires compliance by other means authorized by law.

"(b) (1) Upon a finding described in subsection (a) and after notice to the State Agency concerned, the Secretary may—

"(A) withhold from all projects within the State with respect to which the finding was made further payments from the State's allotment under section 1610, or

"(B) withhold from the specific projects with respect to which the finding was made further payments from the applicable State allotment under section 1610.

"(2) Payments may be withheld, in whole or in part, under paragraph (1)—

"(A) until the basis for the finding upon which the withholding was made no longer exists, or

"(B) if corrective action to make such finding inapplicable cannot be made, until the State concerned repays or arranges for the repayment of Federal funds paid under this part for projects which because of the finding are not entitled to such funds.

"(c) The Secretary shall investigate and ascertain, on a periodic basis, with respect to each entity which is receiving financial assistance under this title or which has received financial assistance under title VI of this title, the extent of compliance by such entity with the assurances required to be made at the time such assistance was received. If the Secretary finds that such an entity has failed to comply with any such assurance, the Secretary shall take the action authorized by subsection (b) or take any other action authorized by law (including an action for specific performance brought by the Attorney General upon request of the Secretary) which will effect compliance by the entity with such assurances. An appropriate action to effectuate compliance with any such assurance may be brought by a person other than the Secretary only if a complaint has been filed by such person with the Secretary and the Secretary has dismissed such complaint or the Attorney General has not brought a civil action for compliance with such assurance within 6 months after the date on which the complaint was filed with the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 1613. Except as provided in section 1625(d), there are authorized to be appropriated for allotments under section 1510, \$125,000,000 for the fiscal year ending June 30, 1975, \$130,000,000 for the fiscal year ending June 30, 1976, and \$135,000,000 for the fiscal year ending June 30, 1977.

"PART C—LOANS AND LOAN GUARANTEES

"AUTHORITY FOR LOANS AND LOAN GUARANTEES

"Sec. 1620. (a) The Secretary, during the period beginning July 1, 1974, and ending June 30, 1977, may, in accordance with this part, make loans from the fund established under section 1622(d) to pay the Federal share of projects approved under section 1604.

"(b) (1) The Secretary, during the period beginning July 1, 1974, and ending June 30, 1977, may, in accordance with this part, guarantee to—

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"(1) non-Federal lenders for their loans to nonprofit private entities for medical facilities projects, and

"(2) the Federal Financing Bank for its loans to nonprofit private entities for such projects,

payment of principal and interest on such loans if applications for assistance for such projects under this title have been approved under section 1604.

"(2) In the case of a guarantee of any loan to a nonprofit private entity under this title, the Secretary shall pay, to the holder of such loan and for and on behalf of the project for which the loan was made amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of such a loan which is guaranteed under this title shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(c) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, may not exceed such limitations as may be specified in appropriation Acts.

"(d) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

"ALLOCATION AMONG THE STATES

"Sec. 1621. (a) For each fiscal year, the total amount of principal of—

"(1) loans to nonprofit private entities which may be guaranteed, or

"(2) loans which may be directly made, under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of the population, financial need, and need for medical facilities projects described in section 1601 of the respective States. The population of the States shall be determined on the basis of the latest figures certified by the Secretary of Commerce.

"(b) Any amount allotted to a State for a fiscal year under subsection (a) and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), in addition to the amounts allotted to such State for such purposes for such next two fiscal years; except that any such amount which is unobligated at the end of the first of such next two years and which the Secretary determines will remain unobligated at the close of the second of such next two years may be reallocated by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title. Any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

"PART D—SPECIAL PROJECT GRANTS

"SPECIAL PROJECT GRANTS

"Sec. 1625. (a) The Secretary may make grants for construction or modernization projects designed to (1) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or (2) avoid noncompliance with State or voluntary licensure or accreditation standards. A grant under this subsection may be made for a project described in the preceding sentence for any medical facility owned and operated by any State or political subdivision of a State, including any city, town, county,

borough, hospital district authority, or public or quasi-public corporation.

"(b) An application for a grant under subsection (a) may not be approved under section 1604 unless it contains assurances with the State Agency has determined that the applicant making the application would not be able to complete the project for which the application is submitted without the grant applied for.

"(c) The amount of any grant under subsection (a) may not exceed 75 per centum of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or poverty level, in which case the grant may cover up to 100 per centum of such costs.

"(d) Of the sums appropriated under section 1613 for a fiscal year, there shall be made available for grants under subsection (a) for such fiscal year 22 per centum of such sums.

"GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS

"Sec. 1622. (a) (1) The Secretary may not approve a loan guarantee for a project under this part unless he determines that (A) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and risks assumed by the United States, and (B) the loan would not be available on reasonable terms and conditions without the guarantee under this part.

"(2) (A) The United States shall be entitled to recover from the applicant for a loan guarantee under this part the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by subparagraph (C), any terms and conditions applicable to a loan guarantee under this part (including terms and conditions imposed under subparagraph (D)) may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(C) Any loan guarantee made by the Secretary under this part shall be incontestable (1) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee, and (II) as to any person (or his successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or his successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

"(D) Guarantees of loans under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purpose of this title will be achieved.

"(b) (1) The Secretary may not approve a loan under this part unless—

"(A) the Secretary is reasonably satisfied that the applicant under the project for which the loan would be made will be able to make payments of principal and interest thereon when due, and

"(B) the applicant provides the Secretary with reasonable assurances that there will be

available to it such additional funds as may be necessary to complete the project or undertaking with respect to which such loan is requested.

"(2) Any loan made under this part shall (A) have such security, (B) have such maturity date, (C) be repayable in such installments, (D) bear interest at a rate comparable to the current rate of interest prevailing, on the date the loan is made, with respect to loans guaranteed under this part, minus 3 per centum per annum, and (E) be subject to such other terms and conditions (including provisions for recovery in case of default), as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(3) The Secretary may, for good cause but with due regard to the financial interests of the United States, waive any right of recovery which he has by reason of the failure of a borrower to make payments of principal of and interest on a loan made under this part, except that if such loan is sold and guaranteed, any such waiver shall have no effect upon the Secretary's guarantee of timely payment of principal and interest.

"(c) (1) The Secretary shall from time to time, but with due regard to the financial interests of the United States, sell loans made under this part either on the private market or to the Federal National Mortgage Association in accordance with section 302 of the Federal National Mortgage Association Charter Act or to the Federal Financing Bank.

"(2) Any loan so sold shall be sold for an amount which is equal (or approximately equal) to the amount of the unpaid principal of such loans as of time of sale.

"(3) (A) The Secretary is authorized to enter into an agreement with the purchaser of any loan sold under this part under which the Secretary agrees—

"(1) to guarantee to such purchaser (and any successor in interest to such purchaser) payments of the principal and interest payable under such loan, and

"(II) to pay as an interest subsidy to such purchaser (and any successor in interest to such purchaser) amounts which, when added to the amount of interest payable on such loan, are equivalent to a reasonable rate of interest on such loan as determined by the Secretary after taking into account the range of prevailing interest rates in the private market on similar loans and the risks assumed by the United States.

"(B) Any agreement under subparagraph (A)—

"(1) may provide that the Secretary shall act as agent of any such purchaser, for the purpose of collecting from the entity to which such loan was made and paying over to such purchaser any payments of principal and interest payable by such entity under such loan;

"(II) may provide for the repurchase by the Secretary of any such loan on such terms and conditions as may be specified in the agreement;

"(III) shall provide that, in the event of any default by the entity to which such loan was made in payment of principal or interest due on such loan, the Secretary shall, upon notification to the purchasers (or to the successor in interest of such purchaser), have the option to close out such loan (and any obligations of the Secretary with respect thereto) by paying to the purchaser (or his successor in interest) the total amount of outstanding principal and interest due thereon at the time of such notification; and

"(IV) shall provide that, in the event such loan is closed out as provided in clause (III), or in the event of any other loss incurred by the Secretary by reason of the failure of such entity to make payments of principal or in-

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terest on such loan, the Secretary shall be subrogated to all rights of such purchaser for recovery of such loss from such entity.

"(4) Amounts received by the Secretary as proceeds from the sale of loans under this subsection shall be deposited in the fund established under subsection (d).

"(d) (1) There is established in the Treasury a loan and loan guarantee fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts—

"(A) to enable him to make loans under this part,

"(B) to enable him to discharge his responsibilities under loan guarantees issued by him under this part,

"(C) for payment of interest under section 1620(b) (2) on loans guaranteed under this part,

"(D) for repurchase of loans under subsection (c) (3) (B), and

"(E) for payment of interest on loans which are sold and guaranteed.

There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall also be deposited in the fund amounts received by the Secretary in connection with loans and loan guarantees under this part and other property or assets derived by him from his operations respecting such loans and loan guarantees, including any money derived from the sale of assets.

"(2) If at any time the sums in the funds are insufficient to enable the Secretary—

"(A) to make payments of interest under section 1620(b) (2),

"(B) to otherwise comply with guarantees under this part of loans to nonprofit private entities,

"(C) in the case of a loan which was made, sold, and guaranteed under this part, to make to the purchaser of such loan payments of principal and interest on such loan after default by the entity to which the loan was made, or

"(D) to repurchase loans under subsection (c) (3) (B), and

"(E) to make payments of interest on loans which are sold and guaranteed,

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued under this paragraph and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as a public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.

"(e) (1) The assets, commitments, obligations, and outstanding balances of the loan guarantee and loan fund established

in the Treasury by section 626 shall be transferred to the fund established by subsection (d) of this section.

"(2) To provide additional capitalization for the fund established under subsection (d) there are authorized to be appropriated to the fund for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977.

"PART D—PROJECT GRANTS

"PROJECT GRANTS

"Sec. 1625. (a) The Secretary may make grants for construction or modernization projects designed to (1) eliminate or prevent imminent safety hazards as defined by Federal, State, or local fire, building, or life safety codes or regulations, or (2) avoid non-compliance with State or voluntary licensure or accreditation standards. A grant under this subsection may only be made to a State or political subdivision of a State, including any city, town, county, borough, hospital district authority, or public or quasi-public corporation, for a project described in the preceding sentence for any medical facility owned or operated by it.

"(b) An application for a grant under subsection (a) may not be approved under section 1604 unless it contains assurances satisfactory to the Secretary that the applicant making the application would not be able to complete the project for which the application is submitted without the grant applied for.

"(c) The amount of any grant under subsection (a) may not exceed 75 per centum of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the grant may cover up to 100 per centum of such costs.

"(d) Of the sums appropriated under section 1613 for a fiscal year, there shall be made available for grants under subsection (a) for such fiscal year 22 per centum of such sums.

"PART E—GENERAL PROVISIONS

"JUDICIAL REVIEW

"Sec. 1630. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 1604, the State Agency through which such application was submitted, or

"(2) any State is dissatisfied with, or any entity will be adversely affected by, the Secretary's action under section 1612, such State or entity, may appeal to the United States court of appeals for the circuit in which such State Agency, State, or entity is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States

Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"Sec. 1631. (a) If any facility constructed, modernized, or converted with funds provided under this title is, at any time within twenty years after the completion of such construction, modernization, or conversion with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 1604, or (B) which is not approved as a transferee by the State Agency of the State in which such facility is located, or its successor; or

"(2) not used as a medical facility, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction, modernization, or conversion of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment.

"(b) The Secretary may waive the recovery rights of the United States under subsection (a) with respect to a facility in any State—

"(1) if (as determined under regulations prescribed by the Secretary) the amount which could be recovered under subsection (a) with respect to such facility is applied to the development, expansion, or support of another medical facility located in such State which has been approved by the Statewide Health Coordinating Council for such State as consistent with the State health plan established pursuant to section 1524(c); or

"(2) if the Secretary determines, in accordance with regulations, that there is good cause for waiving such requirement with respect to such facility.

If the amount which the United States is entitled to recover under subsection (a) exceeds 90 per centum of the total cost of the construction or modernization project for a facility, a waiver under this subsection shall only apply with respect to an amount which is not more than 90 per centum of such total cost. The Secretary may not waive a right of recovery which arose one year before the date of the enactment of this title.

"STATE CONTROL OF OPERATIONS

"Sec. 1632. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility with respect to which any funds have been or may be expended under this title.

"DEFINITIONS

"Sec. 1633. For the purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(2) The term 'Federal share' means the proportion of the cost of a medical facilities project which the State Agency determines the Federal Government will provide under allotment payments of a loan or loan guarantee under this title, except that—

"(A) in the case of a modernization project—

"(i) described in section 1604(b) (2) (B), and

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"(ii) the application for which received a waiver under section 1604(b) (2) (A),

the proportion of the cost of such project to be paid by the Federal Government under allotment payments or a loan may not exceed \$20,000 and may not exceed 100 per centum of the first \$6,000 of the cost of such project and 66½ per centum of the next \$21,000 of such cost,

"(B) in the case of a project (other than a project described in subparagraph (A)) to be assisted from an allotment made under Part B, the proportion of the cost of such project to be paid by the Federal Government may not exceed 66½ unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the proportion of the cost of such project to be paid by the Federal Government may be 100 per centum, and

"(C) in the case of a project (other than a project described in subparagraph (A)) to be assisted with a loan or loan guarantee made under part C, the principal amount of the loan directly made or guaranteed for such project, when added to any other assistance provided the project under this title, may not exceed 90 per centum of the cost of such project unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the principal amount, when added to other assistance under this title, may cover up to 100 per centum of the cost of the project.

"(3) The term 'hospital' includes general, tuberculosis, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, facilities related to programs for home health services, self-care units, and central service facilities, operated in connection with hospitals, and also includes education or training facilities for health professional personnel operated as an integral part of a hospital, but does not include any hospital furnishing primarily domiciliary care.

"(4) The term 'public health center' means a publicly owned facility for the provision of public health services, including related publicly owned facilities such as laboratories, clinics, and administrative offices operated in connection with such a facility.

"(5) The term 'nonprofit' as applied to any facility means a facility which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(6) The term 'outpatient medical facility' means a medical facility (located in or apart from a hospital) for the diagnosis or diagnosis and treatment of ambulatory patients (including ambulatory inpatients)—

"(A) which is operated in connection with a hospital,

"(B) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State; or

"(C) which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services.

"(7) The term 'rehabilitation facility' means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of—

"(A) medical evaluation and services, and

"(B) psychological, social, or vocational evaluation and services.

under competent professional supervision,

and in the case of which the major portion of the required evaluation and services is furnished within the facility; and either the facility is operated in connection with a hospital, or all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

"(8) The term 'facility for long-term care' means a facility (including a skilled nursing or intermediate care facility) providing in-patient care for convalescent or chronic disease patients who require skilled nursing or intermediate care and related medical services—

"(A) which is a hospital (other than a hospital primarily for the care and treatment of mentally ill or tuberculous patients; or is operated in connection with a hospital, or

"(B) in which such care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

"(9) The term 'construction' means construction of new buildings and initial equipment of such buildings and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land.

"(10) The term 'cost' as applied to construction, modernization, or conversion means the amount found by the Secretary to be necessary for construction, modernization or conversion, respectively, under a project, except that, in the case of a modernization project or a project assisted under part D, such term does not include any amount found by the Secretary to be attributable to expansion of the bed capacity of any facility.

"(11) The term 'modernization' includes the alteration, expansion, major repair (to the extent permitted by regulations), remodeling, replacement, and renovation of existing buildings (including initial equipment thereof), and the replacement of obsolete equipment of existing buildings.

"(12) The term 'title,' when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than twenty-five years' undisturbed use and possession for the purposes of construction, modernization, or conversion and operation of the project for a period of not less than (A) twenty years in the case of a project assisted under an allotment or grant under this title, or (B) the term of repayment of a loan made or guaranteed under this title in the case of a project assisted by a loan or loan guarantee.

"(13) The term 'medical facility' means a hospital, public health center, outpatient medical facility, rehabilitation facility, facility for long-term care, or other facility (as may be designated by the Secretary) for the provision of health care to ambulatory patients.

"(14) The term 'State Agency' means the State health planning and development agency of a State designated under title XIV.

"(15) The term 'urban or rural poverty area' means an urban or rural geographical area (as defined by the Secretary) in which a percentage (as defined by the Secretary in accordance with the next sentence) of the residents of the area have incomes below the poverty level (as defined by the Secretary of Commerce). The percentage referred to in the preceding sentence shall be defined so that the percentage of the population of the United States residing in urban and rural poverty areas is—

"(A) not more than the percentage of the total population of the United States with incomes below the poverty level (as so defined) plus five per centum, and

"(B) not less than such percentage minus five per centum.

"(16) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of health facilities or a population group designated by the Secretary as having a shortage of such facilities.

"FINANCIAL STATEMENTS; RECORDS AND AUDIT

"Sec. 1634. (a) In the case of any facility for which an allotment payment, grant, loan, or loan guarantee has been made under this title, the applicant for such payment, grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State Agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed.

"(b) (1) Each entity receiving Federal assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such entity of the proceeds of such assistance, the total cost of the project in connection with which such assistance is given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such entities which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the assistance referred to in paragraph (1).

"(c) Each such entity shall file at least annually with the Secretary a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility constructed or modernized with such assistance, and

"(2) the costs to such facility of providing health services in such facility, and the charges made for such services, during the period with respect to which the statement is filed.

"TECHNICAL ASSISTANCE

"Sec. 1635. The Secretary shall provide (either through the Department of Health, Education, and Welfare or by contract) all necessary technical and other nonfinancial assistance to any public or other nonprofit entity which is eligible to apply for assistance under this title to assist such entity in developing applications to be submitted to the Secretary under section 1604. The Secretary shall make every effort to inform eligible applicants of the availability of assistance under this title.

"PART F—AREA HEALTH SERVICES DEVELOPMENT FUNDS

"DEVELOPMENT GRANTS FOR AREA HEALTH SERVICES DEVELOPMENT FUNDS

"Sec. 1640. (a) The Secretary shall make in each fiscal year a grant to each health system agency—

"(1) with which there is in effect a designation agreement under section 1515(c),

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"(2) which has in effect an HSP and AIP reviewed by the Statewide Health Coordinating Council, and

"(3) which, as determined under the review made under section 1535(c), is organized and operated in the manner prescribed by section 1512(b) and is performing its functions under section 1513 in a manner satisfactory to the Secretary,

to enable the agency to establish and maintain an Area Health Services Development Fund from which it may make grants and enter into contracts in accordance with section 1513(c)(3).

"(b)(1) Except as provided in paragraph (2), the amount of any grant under subsection (a) shall be determined by the Secretary after taking into consideration the population of the health service area for which the health systems agency is designated, the average family income of the area, and the supply of health services in the area.

"(2) The amount of any grant under subsection (a) to a health systems agency for any fiscal year may not exceed the product of \$1 and the population of the health service area for which such agency is designated.

"(c) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may require.

"(d) For the purpose of making payments pursuant to grants under subsection (a), there are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1975, \$75,000,000 for the fiscal year ending June 30, 1976, and \$120,000,000 for the fiscal year ending June 30, 1977."

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Sec. 5. (a) (1) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and the next fiscal year such sums as may be necessary to make grants under section 314(a) of the Public Health Service Act, except that no grant made to a State with funds appropriated under this paragraph shall be available for obligation beyond—

(A) three months after the date on which a State health planning and development agency is designated for such State under section 1421 of such Act, or

(B) June 30, 1976,

whichever is later.

(2) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and the next fiscal year such sums as may be necessary to make grants under section 304 of the Public Health Service Act for experimental health services delivery systems, section 314(b) of such Act, and title IX of such Act, except that no grant made with funds appropriated under this paragraph shall be available for obligation beyond the later of (A) June 30, 1976, or (B) three months after the date on which a health systems agency has been designated under section 1415 of such Act for a health service area which includes the area of the entity for which a grant is made under such section 304, 314(b), or title IX.

(b) Any State which has in the fiscal year ending June 30, 1975, or the next fiscal year funds available for obligation from its allotments under part A of title VI of the Public Health Service Act may in such fiscal year use for the proper and efficient administration during such year of its State plan approved under such part an amount of such funds which does not exceed 4 per centum of such funds or \$100,000, whichever is less.

(c) A reference in any law or regulation— (1) to the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a)

of the Public Health Service Act shall in the case of a State for which a State health planning and development agency has been designated under section 1521 of such Act be considered a reference to the State agency designated under such section 1521;

(2) to an agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act shall if all or part of the area covered by such plan or plans is within a health service area established under section 1511 of the Public Health Service Act be considered a reference to the health systems agency designated under section 1515 of such Act for such health service area; and

(3) to a regional medical program assisted under title IX of the Public Health Service Act shall if the program is located in a State for which a State health planning and development agency has been designated under section 1521 of the Public Health Service Act be considered a reference to such State agency.

(d) Section 316 of the Public Health Service Act is repealed.

ADVISORY COMMITTEES

Sec. 6. (a) An advisory committee established by or pursuant to the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall terminate at such time as may be specifically prescribed by an Act of Congress enacted after the date of the enactment of this Act.

(b) The Secretary of Health, Education, and Welfare shall report, within one year after the date of the enactment of this Act, to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (1) the purpose and use of each advisory committee established by or pursuant to the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and (2) his recommendations respecting the termination of each such advisory committee.

AGENCY REPORTS

Sec. 7. The Secretary of Health, Education, and Welfare shall report, within one year of the date of the enactment of this Act, to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (1) the identity of each report required to be made by the Secretary under the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to the Congress (or any committee thereof), (2) the provision of such Acts which requires each such report, (3) the purpose of each such report, and (4) the due date for each such report. The report of the Secretary under this section may include such recommendations as he considers appropriate for termination or consolidation of any such reporting requirements.

TECHNICAL AMENDMENT

Sec. 8. Section 1305(b)(1) of the Public Health Service Act is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), the aggregate amount of principal of loans made or guaranteed, or both, under this section for a health maintenance organization may not exceed \$2,500,000. In any fiscal year, the amount disbursed under a loan or

loans made or guaranteed under this section for a health maintenance organization may not exceed \$1,000,000,000."

And the House agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER KYROS,
RICHARDSON FREYER,
J. W. SYMINGTON,
WM. ROY,
S. L. DEVINE,
ANCHER NELSEN,
TIM LEE CARTER,
J. F. HASTINGS,
H. JOHN HEINZ, III,
WILLIAM HUGNUT,
Managers of the Part of the House.

EDWARD KENNEDY,
H. WILLIAMS,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
WILLIAM D. HATHAWAY,
DICK SCHWEIKER,
J. JAVITS,
PETER H. DOMINICK,
J. GLENN BEALL, Jr.,
ROBERT TART, Jr.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

HEALTH PLANNING AND DEVELOPMENT Short Title

The Senate bill provides that the Act may be cited as the "National Health Planning and Development and Health Facilities Assistance Act of 1974", (section 1).

The House amendment provides that the Act may be cited as the "National Health Policy, Planning, and Resources Development Act of 1974", (section 1).

The conference substitute provides that the Act may be cited as the "National Health Planning and Resources Development Act of 1974", (section 1).

Findings

The House amendment specifies Congressional findings, for which there are no corresponding findings in the Senate bill, respecting health care costs, the role of providers, the public's knowledge regarding proper personal health care and use of services, and the result of assistance available to date for health care. The House amendment further states a purpose, not included in the

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Senate bill, to the effect that the general purpose of the Act is facilitating the development of recommendations for a national health policy, of State and regional health planning, and of resources which will further the national health policy, (sections 2(a) and 1403).

The conference substitute conforms to the House amendment, (section 2(a)).

National health priorities

Both the Senate bill and House amendment specify Congressional findings respecting national health priorities. These are identical except that:

(1) The third Senate priority refers to the development of medical group practices, health maintenance organizations and other organized systems, while the House amendment refers only to medical group practices.

The conference substitute conforms to the Senate bill.

(2) The fourth priority in the Senate bill refers to the training and increased use of physician extenders, while the corresponding priority in the House amendment refers to physicians' assistants, especially nurse clinicians. The conference substitute conforms to the House amendment.

(3) The eighth priority in the Senate bill referring to the promotion of activities for the prevention of disease is not included in the House amendment. The conference substitute conforms to the Senate bill (Senate section 1402, House section 1403, conference substitute section 1502).

National Guidelines for Health Planning and National Health Policy

Formulation: The Senate bill requires the Secretary, within one year of enactment, to issue guidelines concerning national health planning policy. The guidelines are to include standards respecting the appropriate supply, distribution, and organization of health resources, and a statement of national health planning goals (sections 1401 and 1403).

The House amendment requires the Secretary to establish a National Council for Health Policy which is to develop and recommend a national health policy including a statement of recommended national health goals and recommended guidelines for health resources and services (sections 1401 and 1402).

The conference substitute conforms to the Senate bill except that the Secretary is to issue guidelines within 18 months of enactment and is to revise them periodically as necessary (section 1501).

National Advisory Council on Health Planning and Development and National Council for Health Policy. Establishment of Council: The Senate bill establishes in the Department of Health, Education, and Welfare a National Advisory Council on Health Planning and Development (section 1403(a)).

The House amendment requires the Secretary to establish a National Council for Health Policy (section 1401(a)).

The conference substitute conforms to the Senate bill and establishes a National Council on Health Planning and Development (section 1503(a)).

Composition of Council: The Senate bill requires that the National Advisory Council on Health Planning and Development have:

(1) Twelve members, nine of whom are to be voting members,
(2) Not less than four non providers among the voting members,

(3) Not more than three Federal Government employees among the voting members,
(4) Not more than five of the voting members from the same political party, and

(5) Three non-voting ex-officio members including the Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense, and the Assistant Secretary for Health of the Department of

Health, Education, and Welfare (section 1403(b)(1)).

The House amendment requires that the National Council for Health Policy have:

(1) Fifteen members,
(2) Not less than five non provider members,

(3) Not more than three Federal Government employees, and

(4) Not more than eight members from the same political party (section 1401(b)(1)).

The conference substitute requires the National Council on Health Planning and Development to have:

(1) Fifteen members, twelve of whom are to be voting members,
(2) Not less than five non provider members,

(3) Not more than three Federal Government employees among the voting members,
(4) Equal representation among the twelve voting members from each major political party, and

(5) Three non voting ex-officio members including the Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense, and the Assistant Secretary for Health of the Department of Health, Education, and Welfare (section 1503(b)(1)).

Functions of Council: The Senate bill specifies as the function of the National Advisory Council on Health Planning and Development advising, consulting with, and making recommendations to the Secretary with respect to the development of national guidelines for health planning (section 1403(a)).

The House amendment specifies as the functions of the National Council for Health Policy:

(1) Developing and recommending a national health policy,
(2) Recommending guidelines for appropriate supply, distribution, and organization of health resources and services,

(3) Conducting various studies and analyses,
(4) Assessing health status,

(5) Evaluating the implications of advances in biomedical research, health services research, and medical technology for the delivery system, and
(6) Analyzing factors causing inflation and determining means for cost containment (section 1402(a)).

The conference substitute conforms to the Senate bill except that the Council is also to advise, consult with, and make recommendations to the Secretary with respect to activities under new titles XV and XVI generally (section 1503(6)).

In evaluating the implications of new medical technology, the National Advisory Council is to assess the impact of devoting resources to such technology upon other health care programs, and the potential for the equitable distribution of that technology among all Americans.

Council's Responsibilities for Consulting: The House amendment contains a provision, not included in the Senate bill, which requires the Council to include specialty societies representing medical and other health care providers among the groups and entities with which it consults in carrying out its functions (section 1402(a)).

The conference substitute conforms to the House amendment (section 1301(c)), except that requirement applies to the Secretary rather than the Council.

Reports: The House amendment contains a provision, not included in the Senate bill, which requires the Council to submit annually to the President, the Congress, and the public a comprehensive report specifying the results of its activities, section 1402(b).

The conference substitute conforms to the Senate bill.

Area Planning Agencies

Agency Name: The Senate bill refers to area health planning and development agencies as "health planning agencies".

The House amendment refers to such agencies as "health systems agencies".

The conference substitute conforms to the House amendment.

Designation Criteria: General: The Senate bill requires health service areas to be geographic regions appropriate for the effective planning and development of health services, determined on the basis of population and the availability of resources to provide all necessary health services (section 1411(a)(1)).

The House amendment requires health service areas to be rational geographic regions with a comprehensive range of health services available and of a "character suitable for the effective planning and development of health services" (section 1411(a)(1)).

The conference substitute conforms to the Senate bill, (section 1511(a)(1)).

The Senate bill further contains a provision, not included in the House amendment, which gives the Secretary specific authority to prescribe regulations respecting requirements for health service areas (section 1411(a)).

The conference substitute conforms to the House amendment. Because of the Conferees' desire to select most Health Systems Agencies in 1975, the area designation process in the bill is designed to be self-executing. Therefore, no implementing regulations are necessary and the designation process should begin immediately after enactment.

Geographical Jurisdiction of Agencies: Name: The Senate bill refers to health planning areas as "health areas" (section 1411).

The House amendment refers to such areas as "health service areas" (section 1411).

The conference substitute conforms to the House amendment (section 1511).

Designation Criteria: Population: The House amendment contains requirements for the maximum and minimum populations of health service areas which are not included in the Senate bill. These specify a maximum population of three million people except that the population may exceed three million if the area includes an SMSA with a population of more than 3 million (section 1411(a)(3)(A)), and a minimum population of 500,000 except that the population may go down to 200,000 in "unusual circumstances" and below 200,000 in "highly unusual circumstances" (section 1411(a)(3)(B)).

The conference substitute conforms to the House amendment (section 1511(a)(3)).

Other Designation Criteria: The House amendment contains a provision, not included in the Senate bill, which requires that the boundaries of health service areas be coordinated, if feasible, with the boundaries of PSRO's, existing regional planning areas, and State planning and administrative areas (section 1411(a)(4)).

The conference substitute conforms to the House amendment (section 1511(a)(4)).

The Senate bill contains a provision, not included in the House amendment, which specifies that health service area boundaries may cross a State boundary only if it is determined that such an area is more appropriate for effective planning and development (section 1411(a)(3)).

The conference substitute conforms to the House amendment.

The Senate bill specifies that health service area boundaries may not cross those of an SMSA unless the Secretary waives such requirement (section 1411(a)(4)).

The House amendment specifies that each SMSA is to be entirely contained within the boundaries of one health service area, except

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If the Governor of each State in which an SMSA is located determines, with the Secretary's approval, otherwise (section 1411(a)).

The conference substitute conforms to the House amendment (section 1511(a)).

The Senate bill contains a provision, not included in the House amendment, which specifies that, notwithstanding any other requirement, the boundaries of health service areas are to follow those of existing 314 (b) comprehensive health planning agencies unless the Governor of the appropriate State finds that another area is more appropriate and waives this requirement (section 1411(a) (5)).

The conference substitute conforms to the Senate bill except that existing 314(b) areas are to be designated as health service areas only if they meet all of the other requirements for designation (section 1511 (c)).

The House amendment contains a provision, not included in the Senate bill, which requires the boundaries of a health service area to be established so that, in the planning and development of health services to be offered within the area, any economic or geographic barrier to the receipt of such services in nonmetropolitan areas is taken into account. The boundaries of health service areas are also to be established so as to recognize the differences in health planning and health services development needs between nonmetropolitan and metropolitan areas (section 1411(a)).

The conference substitute conforms to the House amendment (section 1511(a)).

Designation Process: The Senate bill authorizes the Secretary to prescribe regulations for the designation of health service areas and requires that:

(1) Within 120 days of enactment, the Secretary notify the Governors of the States of the initiation of proceedings to establish health service areas,

(2) Within 120 days of the date on which such notice is given, the Secretary publish in the *Federal Register* the boundary designations submitted to him,

(3) Opportunity to be provided by the Secretary for interested persons to comment on submitted boundaries and any boundaries proposed by the Secretary for areas not covered by the boundaries submitted by the Governor, and

(4) Health service areas established within one year of the date of enactment of the Act (section 1411(b)).

The House amendment requires that:

(1) Within 30 days of enactment, the Secretary notify the Governors of the States of the initiation of the area designation process, and

(2) Within 150 days of the date on which such notice is given, the Secretary publish the designations submitted as a notice in the *Federal Register* (section 1411(b)).

The conference substitute requires that:

(1) Within 30 days of enactment, the Secretary notify the Governors of the States of the initiation of the area designation process, (2) Within 210 days of enactment, the Secretary publish the designations submitted as a notice in the *Federal Register*, and (3) Within one year of the date of enactment, health service areas be established (section 1511(b)).

Revision of Boundaries: The Senate bill specifies that boundary revisions can be initiated by the Secretary, Governor, or designated health systems agency; however, boundaries are to be revised only if the Secretary determines that a boundary no longer meets the specified requirements (section 1411(b)).

The House amendment is similar to the provision of the Senate bill except that only the Governor is given authority to initiate boundary revisions (section 1411(b)).

The conference substitute conforms to the Senate bill (section 1511(b)).

Agency Structure: Eligible Entities: The Senate bill specifies that a health system agency may be either a public entity or a non-profit private corporation (section 1412(a)).

The House amendment is similar to the Senate provision except that it specifies that public entities which may be designated as health systems agencies are to be:

(1) Public regional planning bodies which either have a governing board composed of a majority of elected officials of units of general local government or are authorized by State law (in effect before the date of enactment) to carry out health planning and review functions such as those described in section 1413, and which have planning areas identical to the applicable health service areas, or

(2) Single units of general local government if the area of jurisdiction of such units is identical to the applicable health service area (section 1412(b)(1)).

The conference substitute conforms to the House amendment (section 1512(b)(1)).

The Senate bill further specifies that if a health systems agency is a public entity (other than an existing 314(b) agency) it must have a separate governing body for health planning (section 1412(b)(1)(B)).

The House amendment specifies that, if the agency is a public entity, there shall be an advisory health council which shall advise the governing body of the agency. The composition of such council shall conform to the requirements applicable to governing bodies of private agencies. If the governing body of a public health systems agency makes decisions which conflict with the recommendations of its advisory health council, the advisory health council recommendations are to be made public, and as appropriate, reported to the Secretary, the SHCC, or the State agency (section 1412 (b)(5)).

The conference substitute conforms to the Senate bill except that the waiver for existing, public 314(b) agencies is not included (section 1512(b)(3)(A)). The conferees noted their desire that the Secretary consider designating as health systems agencies which have served as 314(b) agencies even if their funding came from sources other than 314(b) such as under the programs authorized by the Appalachian Regional Development Act of 1965.

In addition, the Senate bill contains a provision, not included in the House amendment, which states that a health systems agency may not be an educational institution or operate such an institution (section 1412 (b)(1)(C)).

The conference substitute conforms to the Senate bill (section 1512(b)(1)).

The Senate bill, finally, contains a provision, not included in the House amendment, which states that if a health systems agency is a private entity it may engage only in the activities of health systems agencies listed in the Act (section 1412(b)(1)(A)).

The conference substitute specifies that a private health systems agency may only engage in health planning and development functions without limiting this to only the functions specifically listed (section 1512(b) (1)(A)).

Governing Body: Responsibilities: The Senate bill contains a provision, not included in the House amendment, which requires the governing body to be responsible for the approval of all actions taken respecting proposed uses of Federal funds and the need for new and existing institutional health services and facilities (section 1412(b)(4)(B)).

The conference substitute conforms to the Senate bill (section 1512(b)).

The House amendment contains a provision, not included in the Senate bill, which requires that a health systems agency in making its records and data available to the public conform to confidentiality require-

ments prescribed by the Secretary to protect the confidentiality of matter comparable to matter described in 5 U.S.C. 552(b). A similar requirement is applicable to State Agencies (sections 1412(b)(3)(B) and 1432(b)(9)).

The conference substitute conforms to the Senate bill.

The Senate bill specifies that a quorum of the governing body (or executive committee) shall be not less than one-half of its members; and that the governing body (and executive committee) shall act by vote of a majority of its members present and voting at a meeting called upon adequate notice and at which a quorum is present (section 1412 (b)(4)(B)).

The House amendment specifies that a quorum for a governing body (and executive committee) shall be a majority of the membership (section 1412(b)(3)(B)).

The conference substitute conforms to the Senate bill (section 1512(b)).

Composition: The Senate bill requires a majority of consumers (not to exceed 60 percent) who are not and have not within the twelve months preceding appointment been providers and who are not governmental representatives (section 1412(b)(4)(C)).

The House amendment requires one-half plus one consumers who are not providers (section 1412(b)(3)(C)).

The conference substitute reflects a compromise requiring a majority of consumers (not to exceed 60 percent) with the remainder being providers.

The Senate bill specifies that the remainder of the members are to be governmental representatives and providers including a designated VA representative if a VA facility is located within the health service area and at least one health maintenance organization representative if there is an HMO in the area (section 1412(b)(4)).

The House amendment requires that the remainder of the members be providers and further specifies that the governing body shall include governmental representatives either as consumers or providers (section 1412(b)(3)(C)).

The conference substitute conforms to the Senate bill regarding VA and HMO representatives; however, governmental representatives shall be included as either consumers or providers (section 1512(b)(3) (C)).

The Senate bill contains a provision which requires that executive committees and sub-area councils and subcommittees and advisory groups, to the extent practicable, meet composition requirements (section 1412(b) (4)(C)) and (section 1412(c)).

The House amendment specifies that executive committees and subarea councils must meet composition requirements (section 1412 (b)(3)(C) and section 1412(c)).

The conference substitute conforms to the Senate bill.

The House amendment contains a provision, not included in the Senate bill, which requires that the membership of the governing body and executive committee (if any) of an agency shall include a percentage of individuals who reside in nonmetropolitan areas equal to the percentage of residents of the area who reside in nonmetropolitan areas (section 1412(b)(3)(C)).

The conference substitute conforms to the House amendment (section 1512(b)(3)(C)).

The House amendment also contains a provision, not included in the Senate bill, which requires that not less than one-third of the provider members shall be "direct" providers of health care (section 1412(b) (3)(C)).

The conference substitute conforms to the House amendment (section 1512(b)(3)(C)).

Statement of Liability: The Senate bill contains a provision, not included in the House amendment, which states that a member or employee of a health systems agency

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is not liable for damage under Federal or State law for performance of the functions or duties of the agency authorized or required under the Act (section 1412(5)).

The conference substitute conforms to the Senate bill (section 1412(b)(4)).

Staff: Separation of Functions: The Senate bill contains a provision, not included in the House amendment, which requires separate staffs for planning and development, but only one staff director (section 1412(b)(3)).

The conference substitute conforms to the Senate bill except that the word "separate" and the requirement for only one staff director are dropped (section 1412(b)(2)).

Consultants and Contract Services: The Senate bill contains a provision, not included in the House amendment, which specifically authorizes health systems agencies to employ consultants and contract for the provision of services where necessary to perform its functions (section 1412(b)(3)).

The conference substitute conforms to the Senate bill (section 1412(b)(2)(B)).

Agency Designation Process: Time Requirement: The Senate bill contains a provision, not included in the House amendment, which requires the Secretary to enter into designation agreements (conditional or final) within 18 months of the date of enactment (section 1415(a)).

The conference substitute conforms to the Senate bill (section 1515(a)). The Secretary should make every attempt to secure an approvable application for the designation of a health systems agency for each health service area within 18 months of enactment. To the extent it is impossible to designate an agency, because there is no eligible applicant, the Secretary should make every effort to promote such an application at the earliest time.

Consultation/Approval: The Senate bill specifies that the Secretary must consult with the Governors and other State and local officials in designating health systems agencies (section 1415(b)(4)(C) and section 1415(c)(2)).

The House amendment requires the Governors' approval for the designation of health systems agencies (section 1415(b)(4) (C) and section 1415(c)(2)).

The conference substitute conforms to the Senate bill.

Termination by Secretary of Final Designation: The Senate bill contains a provision, not included in the House amendment, which states that the Secretary must provide an agency with an opportunity for a hearing in accordance with 5 U.S.C. 554 (formal hearing) (section 1415(c)(1)).

The conference substitute conforms to the House amendment. The conferees concluded that a formal hearing prior to terminating an agreement with either a health systems agency or a State Agency is unduly cumbersome. The conferees intend that, in terminating designation of a health systems agency or a State Agency, the Secretary shall by regulation assure that the agency is afforded due process and is provided with notice and opportunity for hearing that it is not complying with or effectively carrying out the provisions of such agreement.

Agency Functions: Names of Plans: The Senate bill specifies that the health planning agencies are to annually establish Long-Range Goal Plans (LGP) and Short-Term Priorities Plans (SPP) (section 1413(b)).

The House amendment specifies that the health systems agencies are to annually establish Health Systems Plans (HSP) and Annual Implementation Plans (AIP) (section 1413(b)).

The conference substitute conforms to the House amendment (section 1513(b)(3)).

Review by Secretary: The Senate bill contains a provision, not included in the House amendment, which authorizes the Secretary

to review plans (must consult with appropriate SHCC) and require modifications if a plan is not consistent with the purposes of this title (section 1413(b)(2)).

The conference substitute conforms to the House amendment.

Procedure for Establishment: The Senate bill contains a provision, not included in the House amendment, which specifies that the agencies are required to hold public hearings on plans (after 30 days' notice) and give interested persons opportunities to comment (section 1432(a)).

The conference substitute conforms to the Senate bill but the requirement applies only to the health systems plan (section 1513(b) (2)). It is anticipated that adequate notice and opportunity for comment will be required prior to the adoption of the annual implementation plan and other planning documents.

Financial Assistance for Implementation of Plans: The Senate bill contains a provision that there be no dollar limit on grants or contracts made from an agency's Development Fund but that assistance for any project or program be limited to three years (section 1413(c)(3)).

The House amendment specifies that no grant or contract may exceed \$75,000 per year. Assistance is to be limited to two years for any one project or program (section 1413(c)(3)).

The conference substitute in the form of a compromise:

(1) requires that there be a two-year limit on the period of assistance, and

(2) specifies that there be no limit on the dollar amount of assistance (section 1513(c) (3)).

The conferees noted their expectation, however, that those instances in which a grant or contract awarded under this provision would exceed \$100,000 would be relatively rare. However, it is hoped that those programs which, in the judgment of the local health systems agency, merit continued support, and conform to the goals of the health systems plan, will be given appropriate priority.

The House amendment contains a provision, not included in the Senate bill, which specifies that no grant or contract may be made for support of established programs or the delivery of health services (section 1413(c)(3)).

The conference substitute as a compromise specifies that no grant or contract may be made for the delivery of health services (as defined in regulations (section 1513(c) (3)).

The House amendment contains a provision, not included in the Senate bill, which specifies that no grant may be made to an agency for its Area Health Services Development Fund unless the agency, as determined under review by the Secretary, is organized and operated as required and is performing its functions in a manner satisfactory to the Secretary (section 1540(a)(3)).

The conference substitute conforms to the House bill.

The Senate bill authorizes to be appropriated for the Agency Development Fund:

	Million
Fiscal year 1975.....	\$25
Fiscal year 1976.....	75
Fiscal year 1977.....	120

(Section 1417(d).)

The House amendment authorizes to be appropriated for the Agency Development Fund:

	Million
Fiscal year 1975.....	\$25
Fiscal year 1976.....	100
Fiscal year 1977.....	150

(Section 1540(d).)

The conference substitute conforms to the Senate bill.

Approval of Proposed Uses of Federal Funds: The Senate bill specifies that the health programs agencies are to review and approve or disapprove proposed uses of Federal funds under the PHS Act, the Community Mental Health Centers Act, and the Alcoholism Act except funds under titles IV, VII, and VIII of the PHS Act for other than support of the delivery of health services (section 1413(e)).

The House amendment is the same except that an agency's review and approval or disapproval does not apply to funds under titles IV, VII, and VIII of the PHS Act except when they support the delivery of health services or to funds under the Development Disabilities Act (section 1413(e)).

The conference substitute conforms to the Senate bill with the added requirement that applications for funds under titles IV, VII, and VIII for the development of health resources intended to be used within the health service area be subject to review (section 1513(e)(1)).

The Senate bill contains a provision, not included in the House amendment, which requires health systems agencies to review and approve or disapprove proposed uses of Federal formula grant funds within the health service area (section 1413(f)).

The conference substitute conforms to the Senate bill.

The Senate bill contains a provision, not included in the House amendment, which specifies that agencies must comment on each application and forward recommendations to the Secretary and the State Agency (section 1413(e)(2)).

The conference substitute conforms to the House amendment.

The Senate bill contains a provision, not included in the House amendment, which specifies that the review function applies to loans and loan guarantees in addition to grants and contracts (section 1413(e)(1)).

The conference substitute conforms to the Senate bill (section 1513(e)(1)).

The House amendment contains a provision, not included in the Senate bill, which specifies that a health systems agency may only review and comment on proposed uses of Federal funds for programs or projects located within certain Indian areas. Health systems agencies are to provide Indian organizations with information respecting the availability of Federal funds (section 1413 (e)).

The conference substitute conforms to the House amendment (section 1513(a)(1)).

The House amendment, unlike the Senate bill, also authorizes the Secretary to make health planning and development grants to Indian tribes.

The conference substitute conforms to the Senate bill.

Review of Existing Services and Facilities: The Senate bill specifies that each health systems agency shall review on a periodic basis all institutional health services offered and health care facilities and health maintenance organizations located in the health service area and shall make recommendations to the State Agency; this review is not required with respect to services or facilities subject to review under section 1122 of the Social Security Act or subject to a certificate-of-need program enacted by a State prior to the enactment of this section which the Secretary determines substantially meets the requirement of such subsection 1122, or subject to a certificate-of-need issued under this title. If the State Agency determines that a service or facility is not needed, the health systems agency shall work with the provider of the service or with the facility, the State Agency, and other appropriate persons for the improvement or elimination (as the State Agency and health systems agency determine appropriate) of such service or facility (section 1413(h)).

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The House amendment specifies that a health systems agency shall review on a periodic basis all institutional health services offered in the health service area and make recommendations to the State Agency respecting the appropriateness in the area of such services (section 1413(g)).

The conference substitute conforms to the House amendment (section 1513(a)).

Formula for Agency Planning Grants: Basic Formula: The Senate bill specifies that each health systems agency is to receive \$.50 per capita with no maximum dollar amount specified (section 1416(b)(1)).

The House amendment specifies that each health systems agency is to receive \$.50 per capita with a maximum grant of \$1.5 million (section 1416(b)(1)).

The conference substitute as a compromise specifies a maximum of \$3.75 million (section 1516(b)(1)).

Conditions Applicable to Non-Federal Matching Monies. Allowable Private Contributions: The Senate bill specifies that a health systems agency may not accept contributions for matching purpose from any individual or private entity having a financial, fiduciary, or other direct interests in the development, expansion, or support of health resources (section 1416(b)(2)(B)).

The House amendment specifies that private contributions shall be limited to five percent of non-Federal funds by any one private contributor (section 1416(b)(2)(B)).

The conference substitute conforms to the Senate bill (section 1516(b)(2)(B)). By including this provision, the conferees hope to preclude, to the greatest extent possible, conflict of interest inherent in accepting funds from providers of health care where interests may in any way be affected by decisions or recommendations made by a health systems agency.

Allowable Public Contributions: The Senate bill places no limitations on public contributions.

The House amendment limits public contributions to one-third of non-Federal funds by any one public contributor (section 1416(b)(2)(B)).

The conference substitute conforms to the Senate bill.

Conditions as to Use of Contributions: The House amendment contains a provision, not included in the Senate bill, which specifies that contributions used for matching purposes cannot have conditions as to their use (section 1416(b)(2)(B)).

The conference substitute conforms to the House amendment (section 1516(b)(3)(B)).

Minimum Grant: The Senate bill specifies a minimum planning grant of \$220,000 (section 1416(b)(3)).

The House amendment specifies a minimum planning grant of \$175,000 (section 1416(b)(3)).

The conference substitute conforms to the House amendment (section 1516(b)(3)).

Receipt of Private Contributions: The Senate bill contains a provision, not included in the House amendment, which specifies that an agency may not receive any contribution from any individual or private entity having direct interest in the development, expansion, or support of health resources (section 1412(b)(6)).

The conference substitute conforms to the Senate bill (section 1512(b)(5)). The conferees noted that this provision would not prohibit agencies from receiving contributions or funds from charitable foundations and organizations or employers offering health benefits plans, unless the activities of those foundations or organizations within the health service area served by the health systems agency would be affected by recommendations or decisions made by the health systems agency.

State Planning and Development

Designation of State Agency: Termination by the Secretary of Final Designation: The Senate bill contains a provision, not in-

cluded in the House amendment, which specifies that the Secretary must provide an agency with an opportunity for a hearing in accordance with 5 U.S.C. 554 (formal hearing) (section 1421(b)(3)).

The conference substitute conforms to the House amendment.

Consequence of No Designation Agreement: The Senate bill contains a provision, not included in the House amendment, that specifies if no agreement is in effect upon expiration of the fourth fiscal year, beginning after the calendar year of enactment, no funds under the PHS Act, the Community Mental Health Centers Act, and the Alcoholism Act may be made available for programs in the States (section 1421(d)).

The conference substitute conforms to the Senate bill (section 1521(d)).

State Administrative Program: Reporting by Providers: The Senate bill contains a provision, not included in the House amendment, which specifies that providers in a State are required by the State administrative program to make statistical and other reports to the State Agency (section 1422(b)(7)).

The conference substitute conforms to the Senate bill (section 1522(b)(7)).

Staff: The House amendment contains a provision, not included in the Senate bill, which specifies that the director of the planning staff of the State Agency be appointed with the advice and consent of the SHCC and that the Secretary may prescribe staff size and qualifications (section 1422(b)).

The conference substitute as a compromise specifies that the Secretary may prescribe staff size and qualifications and drops the requirement that the director of the planning staff of the State Agency be appointed with the advice and consent of the SHCC (section 1522(b)(4)).

Hearing Requirement: The Senate bill contains a provision, not included in the House amendment, requiring hearing procedures to be consistent with State administrative law (section 1422(b)(13)).

The conference substitute conforms to the Senate bill (section 1522(b)(13)). The conferees placed their emphasis on the requirement that the hearing mechanism be independent of the State Agency.

State Agency Functions: Serve as Designated Planning Agency Under Section 1122 of the Social Security Act. The Senate bill specifies that the State Agency performs this function only if the State makes an agreement under section 1122 (section 1423(a)(3)(A)).

The House amendment contains no reference to such an agreement (section 1423(a)(3)(A)).

The conference substitute conforms to the Senate bill (section 1523(a)(4)(A)).

Certificate of Need Program for New Institutional Services: The Senate bill specifies that a certificate-of-need program is required even if the State Agency serves as the designated planning agency under section 1122 (section 1423(a)(3)).

The House amendment provides that such a program is required if the State Agency does not serve as the section 1122 designated planning agency (section 1423(a)(3)).

The conference substitute conforms to the Senate bill (section 1523(a)(4)(B)).

The Senate bill provides that such a program is to require review and determination before services are offered or developed or substantial expenditures are made and is to provide that only services found to be needed may be offered (section 1423(a)(3)).

The House amendment provides that the State Agency is to make findings as to need after consideration of health systems agency recommendations. Such findings are required whether or not the State is serving as the section 1122 designated planning agency or has a certificate-of-need program (section 1423(a)(4)).

The conference substitute includes both provisions (section 1523(a)(4) and (5)).

The Senate bill specifies that a State certificate-of-need program is not required until the expiration of the first regular session of the legislature which begins after the date of enactment (section 1423(b)(2)).

The House amendment specifies that a State certificate of need program is not required until the expiration of the first regular session of the legislature which begins after the date of the first designation of a State Agency (final designation) and at which authorizing legislation may be enacted (section 1423(b)(2)).

The conference substitute conforms to the Senate bill (section 1523(d)).

Review of Existing Services: The Senate bill specifies that a State Agency is to review existing institutional health services and health care facilities and health maintenance organizations and make findings as to continued need; except that review and findings are not to apply to services or facilities subject to review under section 1122 or subject to a certificate of need program enacted by a State prior to the enactment of this section which the Secretary determines substantially meets the requirements of section 1122 or subject to a certificate of need issued under the program required for new services and facilities (section 1423(a)(4)).

The House amendment specifies that a State Agency is to review institutional health services being offered respecting their appropriateness and make public its findings for the purpose of informing the providers of such services what voluntary remedial measures may be advisable (section 1423(a)(5)).

The conference substitute conforms to the House amendment except that the State Agency is simply to make public its findings (section 1523(a)(6)).

The conferees have adopted the substance of the House amendment and wish to stress that the purpose of the findings by the State Agency is to inform the public and providers of health services as to the appropriateness of particular services and what, if any, voluntary remedial actions are advisable.

Preparation, Review, Revision of the Preliminary State Health Plan: The Senate bill requires a State Agency to prepare and submit to the SHCC for its approval a preliminary long-range State health plan made up of the LGP's of the health planning agencies in the State and a preliminary short-term State health plan made up of the SPP's of the health planning agencies in the State. Preliminary plans may contain revisions of LGPs and SPPs as the State Agency may find necessary for coordination or effectiveness (section 1423(a)(1)).

The House amendment contains no corresponding provision respecting a preliminary State health plan but a State Agency is to assist the SHCC in preparation, review, and revision of a State health plan (section 1423(a)(2)).

The conference substitute conforms to the Senate bill except that a State Agency is required to prepare only a single State health plan rather than both a long-range and short-term plan (section 1523(a)(2)).

Rate Review: The Senate bill contains a provision, not included in the House amendment, which specifies that the Secretary may enter into an agreement with a State agency to regulate and establish rates for health services and provide financial assistance for performance of this function. The Senate bill authorizes \$10 million for fiscal 1976, \$15 million for fiscal 1976, and \$20 million for fiscal 1977 for this purpose (section 1424).

The conference substitute provides that the Secretary may make grants for the purpose of demonstrating the effectiveness of rate regulation to a maximum of six States who are regulating, or have indicated their intent to regulate, rates prior to the end of six months after the date of enactment (sec-

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tion 1526). States which are assisted are to meet the various requirements of the Senate provision and are to report annually to the Secretary on the effectiveness of their programs. The Secretary is then to report annually to the Congress on the effectiveness of such rate regulation. Authorization of appropriation for this purpose is given in the amounts of \$4 million for fiscal 1975, \$5 million for fiscal 1976, and \$6 million for fiscal 1977. It is generally anticipated by the conferees that the Secretary will seek to assist a heterogeneous group of States in regulating rates, including large and small States, urban and rural States, and States experiencing high and low medical care costs.

Hill-Burton Agency: The Senate bill specifies that the State Agency is required to serve as the Hill-Burton agency (section 627(12)).

The House amendment specifies that the State Agency may serve as the Hill-Burton agency but another agency of State government may, upon the request of the Governor and under an agreement with the State Agency satisfactory to the Secretary, perform such functions (section 1423(a)(6)(b)(1)).

The conference substitute conforms to the Senate bill (section 1523(b)(1)).

Extension of Section 1122 Policy to Private Health Insurers

The House amendment contains a provision, not included in the Senate bill, which requires States which participate in section 1122 of the Social Security Act, in lieu of having a certificate of need program, to extend 1122 policy to private health insurers operating within the State (section 1421(d)).

The conference substitute conforms to the Senate bill.

Grants to State Agencies: Types: The Senate bill specifies that allotments are required to be made to State Agencies on the basis of population and per capita income except that no State is to receive an allotment for a fiscal year which is less than 1 percent of the appropriation for that year. The Federal share for any State Agency for purposes of this subsection shall not exceed 90 percent of the cost of the performance of such functions as the Secretary may determine. The Secretary may not make payments to a State Agency unless he determines that such payments will not supplant State funds and that the Agency will not reduce non-Federal funds (section 1426).

The House amendment specifies that the Secretary may make grants to State Agencies to assist them in meeting their costs of operation. No grant is to exceed 75 percent of the agency's costs (section 1425).

The conference substitute conforms to the House amendment except that the requirement for maintenance of effort is retained (section 1525(c)).

Authorizations

The Senate bill contains the following authorizations:

[In millions]	
Fiscal year 1975.....	\$25
Fiscal year 1976.....	25
Fiscal year 1977.....	25

The House amendment specifies the following authorizations:

[In millions]	
Fiscal year 1975.....	\$25
Fiscal year 1976.....	35
Fiscal year 1977.....	50

The conference substitute provides for the following compromise:

[In millions]	
Fiscal year 1975.....	\$25
Fiscal year 1976.....	30
Fiscal year 1977.....	35

(section 1525(c))

Statewide Health Coordination Council: General Requirements: The Senate bill contains a provision, not included in the House amendment, which requires that a health systems agency with a health service area that falls within the boundaries of one or more States must participate in the SHCC for each State (section 1425(b)(1)).

The conference substitute conforms to the Senate bill (section 1524(b)(1)(A)).

In addition, the Senate bill contains a provision, not included in the House amendment, that each health systems agency must assume its share of the costs of operation of the SHCC (section 1425(b)(2)(A)).

The conference substitute conforms to the House amendment.

Thirdly, the Senate bill contains a provision, not included in the House amendment, that the State must contribute 40 percent of the costs of operation if the Governor appoints members to the SHCC (section 1425(b)(2)(B)).

The conference substitute conforms to the House amendment.

Lastly, the Senate bill specifies that agencies must make available their plans for integration into the State health plan and make revisions as required (section 1425(b)(3)).

The House amendment has no corresponding provision, but the SHCC in preparing the State health plan may revise HSP's to achieve appropriate coordination or effectiveness (section 1424(c)(2)).

The conference substitute conforms to the Senate bill but adds to the Senate provision the House specification that the SHCC in preparing the State health plan may revise HSP's to achieve appropriate coordination or effectiveness (section 1524, 1524(c)(2)).

Composition: General Requirements: The Senate bill specifies that a majority of the members shall be consumers who are not providers or governmental representatives (section 1425(c)(1)(C)).

The House amendment is the same as the Senate bill except that governmental representatives may also be consumer members (section 1424(b)(1)).

The conference substitute conforms to the House amendment (section 1524(b)(1)).

The Senate bill further contains a provision, not included in the House amendment, that if two or more VA medical facilities are located in a State, the SHCC shall include in addition to the appointed members, a VA representative as an ex officio member (section 1425(c)(1)(A)).

The conference substitute conforms to the Senate amendment (section 1524(b)(1)).

The House amendment, finally, contains a provision, not included in the Senate bill, that not less than one third of the members of a SHCC who are providers of health care shall be "direct providers" of health care (section 1424(b)(1)(C)).

The conference substitute conforms to the House amendment (section 1524(b)(1)).

Local Agency Representation: The Senate bill specifies that at least 60 percent of the membership shall be representatives of health systems agencies (section 1425(c)(1)(B)).

The House amendment specifies that at least two thirds of the membership shall be representatives of health systems agencies (section 1424(b)(1)(B)).

The conference substitute conforms to the Senate bill (section 1524(b)(1)).

The Senate bill, in addition, contains a provision, not included in the House amendment, that the Governor is to appoint agency representatives from nominees submitted by the health systems agencies (section 1425(c)(1)(A)).

The conference substitute conforms to the Senate bill (section 1524(b)(1)).

Further, the House amendment contains a provision, not included in the Senate bill, that of the health systems agency represent-

atives, one half shall be consumers and one half shall be providers (section 1424(b)(1)(A)).

The conference substitute requires that at least one half of each HSA's representatives on the SHCC be consumers (section 1524(b)(1)).

Lastly, the Senate bill contains a provision, not included in the House amendment, that if the governing body of a local agency includes a member representative of health maintenance organizations, the SHCC shall include a member representative of HMO's (section 1425(c)(1)(A)).

The conference substitute conforms to the House amendment.

Governor's Representatives: The Senate bill specifies that the number of members appointed by the Governor (other than members from the health systems agencies) may not exceed 40 percent of the total membership (section 1425(c)(1)(B)).

The House amendment specifies that the number of members appointed by the Governor may not exceed one third of the total membership (section 1424(b)(1)(B)).

The conference substitute conforms to the Senate bill (section 1524(b)(1)).

Functions: State Health Plan: The Senate bill specifies that the SHCC, taking into account the preliminary State health plan, is to prepare, review, and revise as necessary a short-term State health plan which is to be made up of the SPP's of the health systems agencies within the State and a long-range State health plan made up of the LGP's of the health systems agencies within the State (section 1425(e)(1)).

The House amendment specifies that the SHCC is to prepare, review, and revise as necessary a State health plan which shall be made up of the HSP's of the health systems agencies within the State (section 1424(c)(2)).

The conference substitute requires only a single State health plan (section (c)(2)).

Further, the Senate bill contains a provision, not included in the House amendment, which requires the SHCC when preparing and/or revising a State health plan to conduct a public hearing on the plan as proposed, publish a notice of its consideration of the proposed plan, and give people an opportunity to submit comments on the plan (section 1432(a)).

The conference substitute conforms to the Senate bill (section 1524(c)(2)).

Review of Local Agency Plans: The House amendment contains a provision, not included in the Senate bill, that the SHCC is to review annually and coordinate the HSP and AIP of each health systems agency within the State and report to the Secretary its comments on such plans (section 1424(c)(1)).

The conference substitute conforms to the House amendment (section 1524(c)).

Definition of Provider of Health Care

The House amendment contains a provision, not included in the Senate bill, that a distinction be made between a "direct provider" and an "indirect provider" of health care. A direct provider is an individual whose primary current activity is the provision of health care to individual or the administration of health care facilities and who, as required by State law, has received professional training and is licensed or certified. Indirect providers are individuals who have certain fiduciary positions or financial interest, who are members of immediate families, or who are engaged in issuing health insurance (section 1431(c)).

The conference substitute conforms to the House amendment but lists examples of direct providers (section 1531(3)).

Centers for Health Planning

The House amendment contains a provision, not included in the Senate bill, that directs the Secretary to assist (by grant or contract) entities in meeting the costs of

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planning and developing new centers, and operating existing and new centers, for multidisciplinary health planning development and assistance. At least five centers are to be in operation by June 30, 1976. Further, the House amendment authorizes \$5 million for fiscal year 1975, \$8 million for fiscal year 1976, and \$10 million for fiscal year 1977 (section 1434).

The conference substitute conforms to the House amendment (section 1534).

National Health Planning Information Center

The House amendment contains a provision, not included in the Senate bill, that directs the Secretary to establish a national health planning information center to support the health planning and resources development programs of health systems agencies, State Agencies, and other entities, and to provide information (section 1433(c)).

The conference substitute conforms to the House amendment (section 1533(c)).

Certain Uniform Systems

The Senate bill contains a provision, not included in the House amendment, requiring the Secretary to establish within one year of the date of enactment the following: a uniform system for calculating the aggregate cost of operation and the aggregate volume of services provided by health service institutions; a uniform system for cost accounting and calculating the volume of such services; a uniform system for calculating rates to be charged to health insurers and other health institutions payors by health service institutions; a classification system for health service institutions; and a uniform system for the reporting of costs and volume of services and rates by health service institutions (section 1433(c)).

The conference substitute conforms to the Senate bill with minor modifications (section 1533(d)).

Review by the Secretary: Local Agencies: The Senate bill specifies that the Secretary is authorized to review the structure, operation, and performance of the functions of the health systems agencies (section 1434(c)).

The House amendment is the same except that such review is required to be made by the Secretary (section 1435(c)).

The conference substitute conforms to the House amendment (section 1535(c)).

State Agencies: The Senate bill further specifies that the Secretary is authorized to review the structure, operation, and performance of the functions of State Agencies (section 1434(d)).

The House amendment is the same except that such review is required to be made by the Secretary (section 1435(d)).

The conference substitute conforms to the House amendment (section 1535(d)).

Waiver Authority

The Senate bill contains a provision, not included in the House amendment, that at the request of the Governor of a State applying for a waiver, the Secretary shall waive requirements for establishment of health service areas and health systems agencies, if he finds that a State applying for assistance under the planning title or the Hill-Burton title—

- (1) has no county or municipal public health institutions or departments, and
- (2) has, prior to the date of enactment, maintained a health planning system which substantially complies with the purposes of this title.

The Senate bill further has a provision, not included in the House amendment, that a State receiving a waiver and otherwise meeting the requirements of the planning title shall be eligible for assistance authorized by the planning title (section 1436).

The conference substitute conforms to the Senate bill (section 1536).

This section is directed at any state which has successfully operated a statewide health planning system and which continues to maintain a health planning system which substantially complies with the purposes of this Act. It is intended to provide for meaningful participation within the statewide health planning system by providers, consumers, government officials, and private nonprofit planning agencies, and to encourage the continuation of those relationships or procedures where agencies in the private sector are performing satisfactorily.

HILL-BURTON PROGRAM Title Amended

The Senate bill amends title VI of the PHS Act with a new text for the Hill-Burton program (section 201).

The House amendment adds a new title XV to the PHS Act containing a new text for the Hill-Burton program (section 4).

The conference substitute adds a new title XVI to the PHS Act containing a new text for the Hill-Burton program (section 4). The new title number is used because a new title has been added to the PHS Act by another public law since the House amendment was written.

Assistance Authorized

The Senate bill authorizes allotments to States for grants, and project grants and loans and loan guarantees (with interest subsidies) to be made by the Secretary. Grants by the Secretary are to be made to public and non-profit private entities for construction and modernization of outpatient facilities and modernization of health facilities which will serve medically underserved populations. The amount of any such grant is not to exceed 75 percent of the cost of the project unless the project is in an urban or rural poverty area, in which case the grant may cover 100 percent of such costs (sections 600, 610, and 612).

The House amendment authorizes similar allotments to the States and allots to the States the principal of loans and loan guarantees (with interest subsidies), rather than having such loans and loan guarantees administered by the Secretary. In addition the House amendment specifies that not more than one-third of a State's allotment for grants may be used for construction of new facilities for inpatient services (parts B and C).

The conference substitute conforms to the House amendment except that:

- (1) The Secretary is authorized to make grants to public entities for projects which will eliminate or prevent imminent safety hazards or avoid noncompliance with State or voluntary licensure or accreditation standards. The amount of such projects is not to exceed 75 percent of the cost of the project unless it is in an urban or rural poverty area, in which case the amount may cover up to 100 percent of the cost.
- (2) No more than 20 percent of any State's allotment for grants is to be used for new construction of inpatient facilities (section 1611(d)(1)).

Funds for project grants to public entities to accomplish the purposes of part D by the Secretary are to be provided through a 22 percent earmark of any appropriations under authorizations of appropriations for allotments to States.

Projects Authorized

The Senate bill authorizes assistance for: (1) Construction and modernization of public or other non-profit outpatient facilities, and

- (2) Modernization of public or other non-profit health facilities which will serve medically underserved populations or populations which, without the modernization of such facilities, would be designated medically underserved populations, as may be

necessary, in conjunction with existing facilities, to furnish adequate health care service (section 600).

The House amendment authorizes assistance for:

- (1) Modernization of medical facilities;
- (2) Construction of new outpatient medical facilities;
- (3) Construction of new inpatient medical facilities in areas which have experienced rapid recent population growth (as defined in regulations of the Secretary); and
- (4) Conversion of existing medical facilities for the provision of new health services (section 1501).

The conference substitute conforms to the House amendment except that not less than 25 percent of any State's allotment is to be used for the construction of outpatient facilities serving medically underserved populations, and the Secretary is to seek to assure that half of these funds are used in rural areas and half in urban areas (section 1601 and section 1611(d)(2)).

General Regulations

Definition of Medical Facility: The Senate bill defines the term health facility to mean a facility which provides to patients the services of licensed physicians and a reasonably full range of diagnostic and treatment services, or a rehabilitation facility (section 627(3)).

The House amendment defines the term medical facility to mean a hospital, public health center, outpatient medical facility, rehabilitation facility, facility for long-term care, or other facility for the provision of health care to ambulatory patients (section 1534(13)).

The conference substitute conforms to the House amendment.

Priorities: The Senate bill and the House amendment each contain a provision requiring the Secretary to establish priorities among projects to be assisted. The priorities in the two provisions are somewhat different and the conference substitute compromises by combining all of the priorities in both provisions (section 1602(a)(1)).

The Senate bill contains a provision, which is not included in the House amendment, requiring the Secretary by regulation to prescribe the manner in which assisted entities are to comply with required assurances and the means by which they will demonstrate compliance. Reports are required and there is a specific provision barring any waiver from the reporting requirement (section 620(f)).

The conference substitute conforms to the Senate bill (section 1602(a)(6)).

Requirements Respecting Provision of Services: Both the Senate bill and the House amendment provide that the Secretary's regulations are to require the State plan to provide for adequate facilities to furnish needed health services for persons unable to pay (Senate section 620(e) and House section (a)(5)).

In addition, the House amendment specifies that the regulations are to require that the State plan provide adequate facilities for all persons residing in the State. Further, the Secretary may by regulation require that a State Agency secure from an applicant for assistance satisfactory assurances respecting the provision of services to all residents and respecting the provision of a reasonable volume of services to persons unable to pay for those services (section 1502(b)).

The conference substitute conforms to the House amendment (section 1602(b)).

State Plan

Scope of the State Plan: The Senate bill requires approval of a State plan as a condition to the receipt of allotments. In addition, a project to be assisted under an allotment must be included within the State plan and an application therefor must be

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submitted through the State Agency (section 603(a)).

The House amendment requires approval of a State plan as a condition to the receipt of allotments and loans and loan guarantees. Projects to be assisted through allotments or loans or loan guarantees must be included within the State plan and an application therefor must be submitted through the State Agency (section 1504).

The conference substitute conforms to the House amendment (section 1603).

Role of the Statewide Health Coordinating Council: The Senate bill requires that the State plan must be approved by the Statewide Health Coordinating Council as consistent with the State health plan developed under title XIV (section 602(a)(3)).

The House amendment contains no corresponding provision, but requires the State plan to be consistent with the State health plan developed under title XIV (section 1503(a)(3)).

The conference substitute conforms to the Senate bill (section 1603(a)(3)).

Project Approval

Findings as to Need: The Senate bill requires findings as to need as a condition to receipt of assistance through allotments (section 603(b)(2)).

The House amendment requires findings as to need as a condition to receipt of assistance under loans and loan guarantees as well as allotments (section 1504(b)(1)(A)).

The conference substitute conforms to the House amendment (section 1604(b)).

Assurances Respecting Adequate Financial Support for Projects Serving Urban or Rural Poverty Areas: The Senate bill specifies that Federal assistance provided outpatient facilities (or individuals served by such facilities) may be considered as financial support in determining if reasonable assurance can be given that adequate financial support will be available for the projects' maintenance and operation (section 603(b)(5)).

The House amendment contains no corresponding provision.

The conference substitute conforms to the Senate bill (section 1604(b)(1)(E)).

Special Requirement for Outpatient Facility Projects: The Senate bill contains a provision, not included in the House amendment, which provides that reasonable assurance must be given that the services of a general hospital will be available to patients of an outpatient facility who need hospital care, in the case of any project for an outpatient facility (sections 603(b)(8), 613(b)(8)).

The conference substitute conforms to the Senate bill (section 1604(b)(1)(E)).

Special Provisions for Outpatient Facility Projects: The House amendment contains a provision, not included in the Senate bill, which provides that for a modernization project for an outpatient facility which will provide general purpose health services, which is not part of a hospital, which will serve a medically underserved population and for which not more than \$20,000 is sought under allotments or loans:

- (1) The Secretary may waive requirements respecting modernization and equipment standards, and title to the project site, and
- (2) The Federal share may not exceed 100 percent of the first \$6,000 and two-thirds of the next \$21,000 of the project costs (sections 1504(b)(2) and 1534(2)(A)).

The conference substitute conforms to the House amendment (section 1604(b)(2)).

Assurances Respecting Persons to be Served: The Senate bill requires that applications must contain reasonable assurances that project facilities will be made available to all persons residing or employed in the areas served by the facilities (sections 603(b)(10) and 614(b)(9)).

The House amendment is identical except that no assurance is required with respect

to persons employed in an area to be served by a project (section 1504(c)(A)).

The conference substitute conforms to the Senate bill (section 1604(b)(1)(J)).

Allotments

Formula for Allotments: The Senate bill provides that allotments are to be made by the States on the basis of the existing Hill-Burton formula for allotments for construction projects (section 601(a)).

The House amendment provides that allotments are to be made among the States on the basis of the population, the financial need, and the need for medical facilities projects of the respective States (sections 1510(a) and 1521(a)).

The conference substitute conforms to the House amendment (section 1610(a)).

Reallotment: The House amendment contains a provision, not included in the Senate bill, which authorizes the Secretary to reallot unobligated allotments at the end of the second fiscal year after the allotment is made (sections 1510(c) and 1521(b)).

The conference substitute conforms to the House amendment (section 1610(c)).

Loans and Loan Guarantees

Interest Rates: The Senate bill provides that the interest rate on a loan shall be the current prevailing rate of interest minus the lesser of (1) one-half of such rate, or (2) 4½ percent (section 614(a)(1)).

The House amendment provides that the interest rate on a loan shall be the current prevailing rate of interest minus 3 percent (section 1522(b)(2)(D)).

The conference substitute contains a compromise applying the Senate provision in poverty areas and the House provision in other areas.

Interest Subsidies: The Senate bill provides that the Secretary is to pay on behalf of the holder of a guaranteed loan an interest subsidy which will reduce the interest rate payable on the loan to the lesser of (1) one-half the current prevailing rate of interest, or (2) 4½ percent (section 614(b)(2)).

The House amendment provides that the Secretary shall pay on behalf of the holder of the guaranteed loan an interest subsidy which shall reduce by 3 percent the effective rate of interest payable on such loan (section 1520(b)(2)).

The conference substitute contains a compromise applying the Senate provision in poverty areas and the House provision in other areas.

Ceiling on Loans and Loan Guarantee: The Senate bill provides that a loan or a loan guarantee may not exceed 90 percent of the costs of a project unless the project is in an urban or rural poverty area, in which case the loan or loan guarantee may cover 100 percent of such costs (section 611(b)).

The House amendment is the same except that no increase is permitted with respect to projects in urban or rural poverty areas (section 1534(2)(C)).

The conference substitute conforms to the Senate bill.

Withholding of Payments and Other Actions

Special Office: The Senate bill contains a provision, not included in the House amendment, which directs the Secretary to establish a permanent office in HEW to review compliance with the requirements applicable to the receipt of assistance under the Hill-Burton program (section 621(c)(1)).

The conference substitute conforms to the Senate bill but excludes the requirement for the establishment of a permanent office in HEW (section 1612).

Action by the Secretary and Others: The Senate bill contains a provision, not included in the House amendment, which specifies that, if the Secretary finds an entity has failed to comply with assurances, he shall either withhold payments to such entity or

effect compliance by other means authorized by existing law. It further provides that actions to enforce compliance may be brought by a person other than the Secretary, if the Secretary has either dismissed a complaint made to him by such person or has failed to act on such complaint within six months after the date on which it was filed with him (section 621(c)(2)(3)).

The conference substitute conforms to the Senate bill (section 1612).

Judicial Review

The Senate bill contains a provision, not included in the House amendment, which provides that any entity which will be adversely affected by an action taken by the Secretary to enforce the requirements applicable to receipt of assistance may seek review in the U.S. Court of Appeals of such action (section 622).

The conference substitute conforms to the Senate bill.

Waiver of Recovery Requirement

The Senate bill contains a provision, not included in the House amendment, which provides that the Secretary may waive the right of the United States, to recover assistance provided for a project, if:

- (1) The amount which could be recovered is applied to the development, expansion, or support of another health facility and such other health facility has been approved by the Statewide Health Coordinating Council as consistent with the applicable State health plan, or
- (2) The Secretary determines there is good cause for such waiver. Any such waiver may only apply to up to 90 percent of the cost of a project and only with respect to actions occurring either within one year before the date of enactment or after the date of enactment (section 623(b)).

The conference substitute conforms to the Senate bill.

Records, Audits and Financial Statements: The Senate bill provides that entities which receive assistance are to keep records respecting such assistance and that the Secretary and the Comptroller General are authorized to have access to these records for the purpose of audit. Further, the bill requires that assisted entities are to file certain financial statements annually (section 624).

The House amendment provides only that assisted entities are to file certain financial statements annually (section 1535).

The conference substitute conforms to the Senate bill.

Technical Assistance

The Senate bill contains a provision, not included in the House amendment, which directs the Secretary to provide technical and other nonfinancial assistance to entities to assist them in developing applications for assistance. The Secretary is also required to inform eligible entities of the availability of assistance (section 626).

The conference substitute conforms to the Senate bill.

Federal Hospital Council

The House amendment contains a provision, not included in the Senate bill, which continues the existing Federal Hospital Council. The provision specifies that the Council is to approve the Secretary's general regulations under new title XV. The amendment further provides that if the Secretary disapproves a State plan, the Council, upon the request of the State Agency, shall review the decision of the Secretary and may approve the plan (sections 1503(b), 1532).

The conference substitute conforms to the Senate bill but requires that the National Council on Health Planning and Development established in title XIV shall advise the Secretary with respect to programs under new title XVI.

Definitions

Construction: The Senate bill defines the term "construction" so as to include the

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cost of off-site improvements and the cost of the acquisition of land (section 627(1)).

The House amendment defines the term "construction" to exclude the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land (section 1534(9)).

The conference substitute conforms to the House amendment.

Cost: The Senate bill defines the term "cost" to include any amount found by the Secretary to be attributable to expansion of the bed capacity of any facility (section 627(6)).

The House amendment contains no comparable exclusion (section 1534(10)).

The conference substitute conforms to the House amendment with respect to new construction and the Senate bill with respect to modernization.

Title: The Senate bill defines the term "title" to mean an estate or interest which assures use and possession for a period of (1) not less than 20 years in the case of a grant, or (2) in the case of a loan or loan guarantee, the term of repayment of the loan made or guaranteed (section 627(9)).

The House amendment defines the term "title" to mean an estate or interest which assures use and possession for a period of not less than 25 years (section 1534(12)).

The conference substitute conforms to the Senate bill.

Federal Share: The Senate bill provides that, in the case of a project assisted under an allotment, the Federal share should be not more than the lesser of (1) two-thirds or (2) the State allotment percentage (if the percentage is less than 50 percent, the percentage shall be deemed to be 50 percent). The Senate bill also provides that in the case of a project in a rural or urban poverty area the Federal share may be 100 percent (section 627(11)).

The House amendment provides that in the case of a project to be assisted under an allotment the Federal share may not exceed two-thirds (section 1534(2)).

The conference substitute conforms to the House amendment but retains the Senate provision allowing a 100 percent Federal share in poverty areas.

Authorizations of Appropriations

The Senate bill authorizes for allotments and project grants for fiscal year 1975, \$125 million; fiscal year 1976, \$125 million; and fiscal year 1977, \$125 million. The Senate bill further provides that one-half of the sums appropriated are to be used for allotments and one-half are to be used for project grants. The bill further authorizes such sums for loans and interest subsidies as may be necessary for fiscal years 1975, 1976, and 1977 (section 625).

The House amendment authorizes for allotments for fiscal year 1975, \$125 million; fiscal year 1976, \$150 million; and fiscal year 1977, \$175 million. The House amendment also authorizes \$40 million in the aggregate for fiscal years 1975, 1976, and 1977 for capitalization of the loan and loan guarantees fund (sections 1513, 1522(e)(2)).

The conference substitute authorizes for allotments and project grants for fiscal year 1975, \$125 million; fiscal year 1976, \$130 million; and fiscal year 1977, \$125 million. The conference substitute authorizes such sums as may be necessary for capitalization of the loan and loan guarantee fund. Twenty-two percent of any funds appropriated are to be used by the Secretary for project grants (section 1613).

TRANSITIONAL PROVISIONS

The House amendment contains a provision, not included in the Senate bill, which provides that any State which in fiscal year 1975 or the next year has funds available for obligation from its allotments under part A

of title VI of the PHS Act may in such year use for the proper and efficient administration during such year of its State plan approved under such part an amount of such funds which does not exceed 4 per centum of such funds or \$100,000 whichever is less (section 5(b)).

The conference substitute conforms to the House amendment. The bill, as amended, includes authorizations for appropriations under existing sections 314(a), 314(b), 304, and existing title IX so as to insure a smooth transition to the new program. The conferees noted their expectation that the Secretary will impose conditions on grants made under this authority to insure that funds will be used to effect the transition rather than merely to continue the old programs. The conferees have not included an authorization for appropriations for fiscal 1975 under title VI and therefore do not contemplate that appropriations will be made under that authority pursuant to a continuing resolution.

ADVISORY COMMITTEES

The House amendment contains a provision, not included in the Senate bill, concerning advisory committees. Under the House amendment advisory committees established by or pursuant to the PHS Act, Developmental Disabilities Act, Community Mental Health Centers Act, and the Alcoholism Act are to terminate at such time as may be specifically prescribed by an Act of Congress enacted after the date of enactment (this waives application of the Federal Advisory Committee Act). The House amendment further provides that the Secretary of HEW is to report to the committees within one year after the date of enactment on the purpose and use of each such advisory committee and his recommendations respecting the termination of each such advisory committee (section 6).

The conference substitute conforms to the House amendment.

RADIATION HEALTH AND SAFETY

The Senate bill provides that the PHS Act provisions respecting radiation safety are amended to add the following:

(1) A requirement that the Secretary of HEW issue criteria and standards for accreditation of schools with programs for training radiologic technicians, medical and dental practitioners, dental hygienists and dental assistants;

(2) A requirement that the Secretary of HEW issue criteria and standards for licensure of radiologic technologists;

(3) A requirement that the Secretary of HEW review and approve voluntary certification programs and license individuals certified under approved programs;

(4) A requirement that either the State adopt the Secretary's standards for accreditation or the Federal standards become applicable to the State. An adequate State program must be adopted in two years (or pursuant to the Secretary's extension, in four years);

(5) A requirement similar to item 4 for licensure of radiologic technologists;

(6) Authority for (A) grants to States or designated professional organizations to plan, develop or establish programs under this provision (two-thirds in the first year, one-third in the second year), and (B) grants to educational institutions;

(7) A requirement for annual review by HEW of accreditation and licensure programs;

(8) Prohibition on application of "potentially hazardous radiation" by unlicensed personnel effective three (or five) years after date of enactment; and

(9) Authority for district courts to restrain violations and to impose civil penalties of up to \$1,000 per violation (section 403).

The House amendment contains no corresponding provision.

The conference substitute conforms to the House amendment except that conferees noted their intention to examine the subject in hearings during the next year.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER KYROS,
RICHARDSON PREYER,
J. W. SYMINGTON,
WM. ROY,
L. DEVINE,
ANCHER NELSEN,
TIM LEE CARTER,
J. F. HASTINGS,
H. JOHN HEINZ, III,
WILLIAM HUDNUT,

Managers on the Part of the House.

EDWARD KENNEDY,
H. WILLIAMS,
GAYLORD NELSON,
THOMAS EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
WILLIAM D. HATHAWAY,
DICK SCHWEIKER,
J. JAVITS,
PETER H. DOMINICK,
J. GLENN BEALL, JR.,
ROBERT TART, JR.,
ROBERT T. STAFFORD,

Managers on the Part of the Senate.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1975

Mr. MAHON. Mr. Speaker, two appropriation items must be handled before adjournment; one of them is the final action on the continuing resolution and the other item is final action on the conference report on the urgent supplemental.

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1178) making further continuing appropriations for the fiscal year 1975, and for other purposes, with Senate amendments thereto, and concur in the amendments of the Senate.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 3, after line 2, insert: "Assistance to Portugal and Portuguese colonies, \$10,000,000;"

Page 3, line 4, strike out "and".

Page 3, line 6, strike out "and" and insert: "and";

Page 3, after line 6, insert: "Assistance to Palestinian Refugees, \$10,000,000;"

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may we have an explanation of what transpired with respect to this bill.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, I will say to my distinguished friend, the gentleman from Iowa (Mr. Gross) that we passed the continuing resolution, as the gentleman knows, and it went to the other body, and the other body added two amendments. One amendment is assistance to Portugal and Portuguese colonies, \$10

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million. I am sure the gentleman knows that we have an interest in the Azores and overflight rights.

The second amendment adopted by the other body provides \$10 million for Palestinian refugees. This program has been authorized and has been in operation since about 1949. The sum provided in the other body is \$10 million.

Otherwise the bill is in the identical form in which it was when it passed the House of Representatives yesterday.

Mr. GROSS. The \$10 million for Palestinian refugees would be in addition to moneys already appropriated, would it not?

Mr. MAHON. It would, and it would go to a United Nations agency. As the gentleman knows, we have had a program for the Palestinian refugees for many years administered by the United Nations.

Mr. GROSS. The \$10 million for Portugal, when was it discovered along the way that we ought to give \$10 million to Portugal and an additional \$10 million for the Palestinian refugees? Who decided this? Is it another of Secretary of State Kissinger's commitments that has just come to light?

Mr. MAHON. There was an authorization for aid to Portugal in the sum of \$25 million, and the other body did not provide for the \$25 million, but did appropriate \$10 million. The President and the Secretary of State and the administration are very much concerned about the aid for Portugal. As I understand it from conversations with members of the House Committee on Foreign Affairs, it was approved by a majority of the members of that committee.

Mr. GROSS. Was there any discussion in the conference when the \$10 million was added as to the stability of the present Government of Portugal; whether the \$10 million will, in a matter of a few days or a few weeks be handed over to the Communists who are threatening to take over Portugal?

Mr. MAHON. This would be for the period of the authorization and the authorization would extend for the fiscal year 1975.

Mr. GROSS. I wish that some committee other than the conference committee had provided some justification for the additional \$20 million that goes into this bill for the purposes the gentleman has stated.

Mr. MAHON. Will the gentleman yield further?

Mr. GROSS. Of course I will yield to the gentleman.

Mr. MAHON. The matter was considered by the Committee on Foreign Affairs, and the amount was authorized by the House and Senate, and this is an appropriation of a portion of the money, less than half of the portion which was authorized for aid to Portugal. The gentleman knows of the very great significance over the years that Portugal has been to the United States for the planes that fly the Atlantic Ocean and land in the Azores.

Mr. GROSS. Those were the only amendments?

Mr. MAHON. Just the two amendments. The bill is identical otherwise.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that I may revise and extend my own remarks and include certain tables and extraneous matter in regard to the appropriation work of the Congress and in regard to the appropriation matters being considered by the House tonight.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 1180, MAKING URGENT SUPPLEMENTAL APPROPRIATIONS

Mr. MAHON submitted the following conference report and statement on the joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-1641)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to House Joint Resolution 1180, making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, having met, after full and free conference, have been unable to agree.

GEORGE MAHON,
JAMIE L. WHITTEN,
EDWARD P. BOLAND,
DANIEL J. FLOOD,
JOHN M. SLACK,
E. A. CEDERBERG,
ROBERT H. MICHEL,
WENDELL WYATT,

Managers on the Part of the House.

JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
ROBERT C. BYRD,
JOSEPH M. MONTGOMERY,
MILTON R. YOUNG,
ROMAN L. HAUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CHAPTER V.

Department of Commerce
Economic Development Administration
Job opportunities program

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which provides \$125,000,000 to be derived by transfer from funds appropriated in this act for the Department of Labor, Temporary Employment Assistance. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement that further consideration will be given to this matter with the convening of the Ninety-Fourth Congress.

GEORGE MAHON,
JAMIE L. WHITTEN,
EDWARD P. BOLAND,
DANIEL J. FLOOD,
JOHN M. SLACK,
E. A. CEDERBERG,
ROBERT H. MICHEL,
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Managers on the Part of the House.

JOHN L. MCCLELLAN,
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MILTON R. YOUNG,
ROMAN L. HAUSKA,
NORRIS COTTON,
CLIFFORD P. CASE,

Managers on the Part of the Senate.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 1180, MAKING URGENT SUPPLEMENTAL APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement. (For conference report and statement see prior proceedings of today's RECORD.)

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment: on page 5, after line 18, insert:

December 19, 1974

CHAPTER V

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
JOB OPPORTUNITIES PROGRAM

For Job Opportunities Program assistance as authorized by title III of the Emergency Jobs and Unemployment Assistance Act of 1974, \$250,000,000, to remain available until December 31, 1975: *Provided*, That this appropriation shall become available only upon enactment into law of H.R. 16596 or similar legislation by the Ninety-third Congress.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

CHAPTER V

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
JOB OPPORTUNITIES PROGRAM

For Job Opportunities Program assistance as authorized by title III of the Emergency Jobs and Unemployment Assistance Act of 1974, \$125,000,000, to be derived by transfer from funds appropriated in this Act to the Department of Labor under the heading "Temporary Employment Assistance", to remain available until December 31, 1975: *Provided*, That this appropriation shall become available only upon enactment into law of H.R. 16596 or similar legislation by the Ninety-third Congress.

Mr. MAHON. Mr. Speaker, I would like to say to the House that we passed yesterday, as the Members know, the urgent supplemental appropriation bill. It provided \$1 billion for public service jobs and \$3 billion for extended unemployment compensation and coverage. The other body added \$250 million for the job opportunity program of the Economic Development Administration. In the conference it was agreed that we would not increase the overall total of money provided in the bill which was sent to the other body by the House but that we would authorize the transfer of \$125 million from the \$1 billion provided for public service jobs.

The conferees were unanimous in adopting this position. In other words, they made no change in the total appropriated in the bill but there is some change by way of permitting this sum of \$125 million to be transferred in connection with the Economic Development Administration.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, I just want to say the minority concurs in the conference report. It was a unanimous report. I hope we can expedite the proceedings here.

Mr. MAHON. I thank the distinguished ranking minority member of the committee.

CONGRESSIONAL ACTION OF THE FISCAL YEAR 1975 BUDGET

Mr. Speaker, it is customary at adjournment time for the Committee on Appropriations to report to the House

on the appropriations business of the session. I shall not take the time of the House, due to the heavy legislative schedule, and under leave to extend shall insert such a statement.

APPROPRIATION BILLS REDUCED IN EXCESS OF \$6.1 BILLION

Mr. Speaker, Congress, in its actions on 15 appropriation bills has reduced budget requests for fiscal year 1975 in excess of \$6.1 billion.

OVERALL CONGRESSIONAL ACTION REDUCES SPENDING BY ABOUT \$800 MILLION

Completed congressional action at this point in the session has resulted in an overall spending reduction of about \$800 million.

The \$6.1 billion congressional reduction of the budget in appropriation bills excludes the Foreign Assistance Appropriation and includes the effect of Conference action on the Agriculture-Environmental and Consumer Protection, Military Construction, and the 1975 Supplemental Appropriation bills. Through these actions, Congress has reduced the budget through the appropriation process in each of the last 22 years.

HOUSE AND SENATE ACTION ON APPROPRIATIONS BILLS

House-approved appropriation bills for fiscal year 1975 were under the budget by \$4.8 billion. Senate-approved appropriation bills for fiscal 1975 were under the budget by \$6.2 billion. The larger Senate reduction—a reversal of past Senate practice—of \$1.4 billion was primarily in the Defense Appropriation Bill. In final congressional action 12 bills were reduced \$6,576,100,000 and three bills were increased by \$428,229,500 by the Congress. The largest item of increase was \$400.5 million for education programs in the Supplemental Appropriation Bill. In a moment I shall include a table showing certain comparisons by bill.

PRIORITY SETTING IN APPROPRIATION BILLS
The total figures on congressional action on appropriation bills reflect literally thousands of changes in the budget, both increases and decreases. Thus it is easy to see that the Congress did set priorities through the appropriation process.

TOTAL SPENDING FOR FISCAL 1975

The President's February 4 estimate of \$304.4 billion was revised upwards to \$305.4 billion on May 30, and further increased to \$305.8 billion on November 26. The November 26 reestimate was transmitted in a message which also included 6 different types of proposals to reduce spending by \$4.6 billion. In the unlikely event that all the proposals are accepted, 1975 expenditures are estimated to be \$302.2 billion.

The detail of the items revising the above estimates and proposed reductions follow:

[In billions]

1975 budget outlay estimate of February 4, 1974..... \$304.4

Revisions reflected in Mid-session Budget Review of May 30:

Administration program changes:
Unemployment benefits extension..... +0.8

Veterans disability benefits..... +0.4
Foreign military and economic assistance..... +0.3
Unified transportation assistance..... +0.3
Reestimates:
Interest on the debt..... +1.0
Unemployment trust fund..... +0.8
Housing programs..... +0.5
Food stamp and school lunch programs..... +0.3
Offshore oil leases (increase in offsetting receipts)..... -3.0
Farmers Home Administration (sale of assets)..... -0.8
Other (net)..... +0.1
Portion of congressional action included in May 30 revisions..... +0.3

1975 budget outlay estimate of May 30..... 305.4

Revisions reflected in President's message of November 26, 1974:

Administration program changes:
National employment assistance (in addition to unemployment benefits extension previously proposed)..... +0.7

Reestimates:
Interest on the debt..... +1.5
Unemployment benefits..... +1.3
Environmental Protection Agency, construction grants..... -0.8
Social security trust funds (including medicare)..... -1.0
Education programs..... -0.4
Other..... +0.2

Portion of congressional action estimated to be included in November 26 revisions:
Congressional changes..... -0.9
Anticipated inaction on legislative proposals in the 1975 budget..... +0.8

1975 budget outlay estimate as revised November 26, before application of reduction proposals below (current base)..... 306.8

Reduction proposals in President's message of November 26, 1974:

Legislative proposals:
New legislation transmitted..... -1.8
Other legislation previously proposed and pending..... -0.9

Appropriation requests:
Modification of requests covered in pending bills (Labor-HEW, Agriculture, and the 1975 Supplemental)..... -0.3

Revised requests not yet considered in appropriation bills..... -0.1

Executive actions under current law..... -1.0

Rescission of funds previously provided (outlay effect)..... -0.2

Deferral of use of funds previously provided..... -0.3

Subtotal, reduction proposals..... -4.6

1975 budget outlay estimate of November 26, 1974..... 302.2

IMPACT OF CONGRESSIONAL ACTIONS ON SPENDING

Mr. Speaker, the spending reduction that will occur because of the reductions in appropriation bills is \$3.7 billion. This is partially offset by spending increases resulting from legislative action on non-appropriation matters in the amount of \$2.2 billion. The major nonappropriation increases are as follows:

[In millions]

Unemployment benefits extension..... \$667
Veterans educational benefits—extend delimiting period..... 618

December 19, 1974

[In millions]
Veterans educational benefits increase..... \$613
Child nutrition and school lunch..... 120
Civil Service minimum retirement..... 157
Veterans disability benefits increase..... 134.8
Veterans pension increase..... 104.1
Railroad retirement benefits..... 121

Congressional inaction on budgeted legislative proposals would result in additional spending of \$667 million. Thus, the total impact of congressional action on the budget is a reduction of about \$800 million.

REESTIMATE OF UNIFIED BUDGET DEFICIT
As I noted earlier, the spending estimate of \$302.2 billion assumes approval of all the spending reductions proposed

billion, which could bring the unified in the President's message of November 26 (H. Doc. 93-398). The message points out that without approval of these proposals the deficit in the unified budget is projected at \$13.8 billion. Of course, the real debt, when borrowing from surplus trust funds is excluded, would be \$22.6 billion. A table showing this in more detail follows my remarks.

The message also pointed out that if tax proposals, including a 5 percent surtax, are not enacted there will be a loss of \$1 billion. In addition, it was stated in the message that income from offshore oil lease sales may be \$3 billion less than anticipated. These two items would result in reduced receipts totaling about \$4

deficit to almost \$18 billion, or a real or Federal debt of \$26.8 billion.

A WORD OF CAUTION

It is clear from the figures I have cited that the budget is subject to constant, sometimes sharp change, even without considering the actions of Congress. As a result of economic conditions and otherwise, interest payments on the debt and the swing in revenues have caused a much greater change in the budget than the \$800 million net decrease in total spending estimates during the year.

Mr. Speaker, at this time I include the comparative table I referred to earlier together with a table reflecting the budget surplus and deficit situation since fiscal year 1968:

ACTIONS ON REQUESTS FOR NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 93D CONG., 2D SESS.¹

Revised to Dec. 19, 1974

[This table excludes "back-door" spending authority in legislative bills and permanent budget authority (Federal and Trust) available without further action by Congress]

Bill and fiscal year	House				Senate			Congress	
	Budget requests considered	Reported by committee	Approved by House	Compared with budget requests considered by House	Budget requests considered	Approved by Senate	Compared with budget requests considered by Senate	Approved by Congress	Compared with budget request
BILLS FOR FISCAL 1975									
1. Legislative (H.R. 14012).....	\$609,099,265	\$603,221,280	\$603,221,280	-\$5,877,985	\$722,472,385	\$718,439,511	-\$4,032,874	\$708,275,650	-\$14,196,735
2. Energy (H.R. 14434).....	2,203,728,000	2,269,828,000	2,269,828,000	+\$66,100,000	2,203,728,000	2,219,716,000	+\$15,988,000	2,236,089,000	+\$32,361,000
3. Public Works—AEC (H.R. 15155).....	4,412,251,000	4,475,410,000	4,475,410,000	+\$63,159,000	4,526,826,000	4,568,203,000	+\$41,377,000	4,505,472,000	-\$21,354,000
4. State-Justice-Commerce-Judiciary (H.R. 15404).....	5,411,809,600	5,310,372,100	5,311,454,100	-100,355,500	5,452,799,600	5,262,502,000	-190,297,600	5,290,157,100	-162,642,500
5. Interior (H.R. 16027).....	3,134,594,710	3,153,515,310	3,153,515,310	+\$18,920,600	3,154,004,710	3,170,394,310	+\$16,389,600	3,169,162,310	-\$15,157,600
6. Transportation (H.R. 15405).....	3,538,938,552	3,307,239,000	3,182,239,000	-356,699,552	3,545,003,552	3,288,946,775	-256,056,777	3,288,504,000	-256,499,552
7. Agriculture—Environmental and Consumer Protection: (H.R. 15472)—Vetoed bill (H.R. 16901)—New bill.....	(13,432,588,100)	(13,397,406,000)	(13,405,420,000)	-(27,168,100)	(13,432,863,100)	(13,667,397,300)	-(234,534,200)	(13,571,395,000)	-(138,531,900)
8. HUD-Space-Science-Veterans (H.R. 15572).....	13,432,863,100	13,379,183,000	13,379,183,000	-53,680,100	13,448,534,100	13,394,854,000	-53,680,100	13,389,851,000	-58,683,100
9. Treasury-Postal Service-General Government (H.R. 15544).....	5,576,846,000	5,507,497,000	5,503,794,000	-73,052,000	5,618,196,000	5,565,508,000	-52,688,000	5,561,169,000	-57,027,000
10. Labor-HEW (H.R. 15580).....	33,262,997,000	32,876,541,000	33,156,541,000	+\$280,000,000	33,531,095,000	33,111,142,000	-419,953,000	33,045,856,000	-485,239,000
11. District of Columbia (Federal funds) (H.R. 15581).....	406,000,000	389,400,000	389,400,000	-16,600,000	406,000,000	379,400,000	-26,600,000	379,400,000	-26,600,000
12. Defense (H.R. 16243).....	87,057,497,000	83,294,370,000	82,983,570,000	-4,073,927,000	87,057,497,000	81,584,258,000	-5,473,239,000	82,096,297,000	-4,961,200,000
13. Supplemental (H.R. 16900).....	8,128,761,162	8,206,822,162	8,359,751,562	+\$230,990,400	8,278,641,178	8,753,726,678	+\$475,085,500	8,659,352,078	+\$380,710,900
14. Military Construction (H.R. 17468).....	3,383,000,000	3,058,767,000	3,062,108,000	-320,892,000	3,383,000,000	3,082,480,000	-300,520,000	3,072,842,000	-310,158,000
15. Urgent supplemental (H.J. Res. 1180).....	4,576,873,000	4,575,373,000	4,575,373,000	-500,000	4,576,873,000	4,825,373,000	+\$248,500,000	4,575,373,000	-1,500,000
Subtotal, bills approved.....	196,023,109,389	191,253,870,852	191,251,720,252	-\$4,771,389,137	197,341,483,525	191,135,661,694	-\$6,205,821,831	191,193,612,138	-\$6,147,871,387
16. Foreign Assistance.....	(5,215,326,000)				(5,215,326,000)				
Total, bills for fiscal 1975, to date.....	(201,238,435,389)				(202,556,809,525)				
8. BILLS FOR FISCAL 1974									
1. Urgent Supplemental (H.J. Res. 941).....	750,000,000	750,000,000	750,000,000		750,000,000	750,000,000		750,000,000	
2. 2d Supplemental (H.R. 14013).....	10,532,735,943	8,657,162,043	8,811,662,043	-1,721,073,900	11,100,530,077	9,645,935,398	-1,454,594,679	9,301,474,398	-1,799,055,679
3. Further Urgent Supplemental (H.J. Res. 1061).....	179,500,000	179,000,000	179,000,000	-500,000	179,500,000	179,000,000	-500,000	179,000,000	-500,000
Total, bills for fiscal 1974.....	11,462,235,943	9,586,162,043	9,740,662,043	-1,721,573,900	12,030,030,077	10,574,935,398	-1,455,094,679	10,230,474,398	-1,799,555,679
C. CUMULATIVE TOTALS FOR THE SESSION, TO DATE									
1. House.....	207,485,345,332	200,840,032,895	200,992,382,295	-\$6,492,963,037	209,371,513,602	201,710,597,092	-\$7,660,916,510	201,424,086,536	-\$7,947,427,066
2. Senate.....									
3. Enacted.....									

¹ Additionally, the Congress has considered requests to rescind fiscal year 1975 budget authority in the amount of \$672,116,000; of that total, \$131,481,000 has been rescinded (H.R. 17505).

Note: The Budget for 1975, as submitted Feb. 4, 1974, tentatively estimated total new budget authority for 1975 at \$361,684,000,000 gross (\$322,141,000,000 net of some \$39,543,000,000 inter-fund and intergovernmental transactions and certain so-called proprietary receipts handled as

offsets for budget purposes only). Of this total, an estimated \$163,692,000,000 does not require current action by Congress; it involves permanent appropriations such as interest and various trust funds already provided in basic law. Virtually all of the remaining \$197,992,000,000 is for consideration at this Session in the appropriation bills. About \$9,024,000,000 of the \$197,992,000,000 was shown in the January budget as being "for later transmittal" for supplemental requirements under present law, new legislation, and allowances for contingencies and civilian pay raises.

THE BUDGET SURPLUS AND DEFICIT SITUATION, FISCAL YEARS 1968-75

[In millions of dollars, may not add due to rounding]

	Federal funds	Trust funds	Total of the 2	Less intra-governmental transactions that wash out	(Unified budget)
A. The years 1968 and 1969:					
Fiscal 1968:					
Budget receipts.....	\$114,726	\$44,716	\$159,442	—\$5,771	\$153,671
Budget outlays.....	143,105	41,499	184,604	—5,771	178,833
Surplus (+) or deficit (—).....	—28,379	+3,217	—25,162		—25,162
Fiscal 1969:					
Budget receipts.....	143,321	52,009	195,330	—7,547	187,784
Budget outlays.....	148,811	43,284	192,095	—7,547	184,548
Surplus (+) or deficit (—).....	—5,490	+8,725	+3,235		+3,235
B. The years 1970-75:					
Fiscal 1970:					
Budget receipts.....	143,158	59,362	202,520	—8,778	193,743
Budget outlays.....	156,301	49,065	205,366	—8,778	196,588
Surplus (+) or deficit (—).....	—13,143	+10,297	—2,846		—2,846
Fiscal 1971:					
Budget receipts.....	133,785	66,193	199,978	—11,586	188,392
Budget outlays.....	163,651	59,361	223,012	—11,586	211,425
Surplus (+) or deficit (—).....	—29,866	+6,832	—23,034		—23,033
Fiscal 1972:					
Budget receipts.....	148,846	72,959	221,805	—13,156	208,649
Budget outlays.....	177,959	67,073	245,032	—13,156	231,876
Surplus (+) or deficit (—).....	—29,114	+5,886	—23,228		—23,227
Fiscal 1973:					
Budget receipts.....	\$161,357	\$92,193	\$253,550	—\$21,325	\$232,225
Budget outlays.....	186,403	81,447	267,850	—21,325	246,525
Surplus (+) or deficit (—).....	—25,046	+10,746	—14,300		—14,301
Fiscal 1974:					
Budget receipts.....	181,017	105,903	286,920	—22,072	264,847
Budget outlays.....	199,011	91,405	290,416	—22,072	268,343
Surplus (+) or deficit (—).....	—17,994	+14,499	—3,496		—3,495
Fiscal 1975 (Revised estimate, November 1974; Current base):¹					
Budget receipts (est.).....	199,500	118,300	317,800	—24,800	293,000
Budget outlays (est.).....	222,100	109,500	331,600	—24,800	306,800
Surplus (+) or deficit (—).....	—22,600	+18,800	—3,800		—3,800
Fiscal 1975 (Revised estimate, November 1974; Current base with proposed reductions):²					
Budget receipts (est.).....	199,500	118,300	317,800	—24,800	293,000
Budget outlays (est.).....	218,200	108,800	327,000	—24,800	302,200
Surplus (+) or deficit (—).....	—18,700	+19,500	—9,200		—9,200
6 Year Outlook:					
Surplus (+) or deficit (—).....					
1970-75, on above basis ¹	—137,763	+57,060	—80,704		—80,701
Surplus (+) or deficit (—).....					
1970-75, on above basis ²	—133,863	+57,760	—76,104		—76,101

¹ Based on fiscal 1975 current base as estimated in the President's message to the Congress, Nov. 26, 1974; House Document No. 93-398.

² As compared to previous fiscal 1975 estimate, as follows (millions):

	Federal funds deficit	Trust funds surplus	Unified budget deficit
Original estimate, February 1974.....	17,878	8,433	9,445
Revised estimate, May 1974.....	19,891	8,491	11,400

³ Based on fiscal 1975 current base with proposed reductions as estimated in the President's message to the Congress, Nov. 26, 1974; House Document No. 93-398.

Prepared by House Committee on Appropriations, Dec. 16, 1974.

TESTING OF COMPUTER SYSTEMS

Mr. Speaker, I would also like to provide the House with a progress report on the activities of the Appropriations Committee and others in testing computer systems and other procedures. We believe these tools are necessary to meet the very rigorous requirements imposed upon us by the Budget and Impoundment Control Act of 1974 (P.L. 93-344).

Even prior to the passage of that act, Mr. Speaker, we had begun a study in connection with the Legislative Reorganization Act of 1970—the so-called LRA. Title II of that act requires that a budgetary and fiscal information system be constructed for the use of the Congress and other parts of the Federal Government. The General Accounting Office, the Office of Management and Budget, the Department of Treasury were charged under Title II of the LRA to develop and maintain such a budgetary and fiscal information system. As chairman of the Appropriations Committee I felt that it would be helpful to assist these organizations in laying the groundwork for this development. As a matter of fact, Mr. Speaker, the General Accounting Office has issued several reports on their

progress in this task and each and every one speaks to the importance of having available to the Congress budgetary and fiscal data. These reports also allude to the importance of procedures for tracking and keeping status on the appropriations process and other spending authorizations as they proceed through the Congress.

We decided, therefore, to cooperate as closely as we could with the Comptroller General, acting as the agent for the Congress, and his staff as steps were being taken to outline the requirements for this system. One of the first tasks begun was to undertake the development of more useful classifications of Government activities upon which to base budget justifications. Over the years, budget justifications for various programs have grown extremely detailed and specific—as required by members of the Appropriations and other committees in order to properly evaluate these activities and to make the crucial judgments that must be made about funding and other resource requirements. Many Government activities have become quite diverse and some have enlarged in scope. Some programs

with similar objectives or goals are operated in different parts of the Federal bureaucracy: housing, research and development, economic and community development are but a few examples. A more standard classification of these programs may show unnecessary duplication, or cases where programs can be combined to operate more effectively in the public interest. General Accounting Office staff, therefore, have been working with several subcommittees of the Committee on Appropriations to explore possibilities that meaningful groupings of these Government programs and activities might be organized. Thus far, the GAO has been conducting this classification work on appropriation accounts and programs only in limited areas.

During my testimony last year before the Rules Committee concerning the then impending Budget Control legislation that had been recommended by the Joint Study Committee on Budget Control, I announced our intention to begin a study on the running budget. This is an effort, Mr. Speaker, to develop techniques to make long range estimates of outlay expenditures on the so-called mandated earned rights programs such as: Social

security, unemployment insurance compensation, civil service retirement, veterans benefits, and so forth. Since these programs and others similar to them comprise about 40 percent of governmental outlays in any one fiscal year and continue to grow at a rapid pace, I feel it is important to improve our capabilities to estimate the future year effects of these programs on the Budget and the national economy. To conduct this study we have enlisted the aid of the General Accounting Office and the Congressional Research Service. Staff reorganizations and new responsibilities placed upon the General Accounting Office because of the Budget and Impoundment Control Act of 1974 have severely impeded their participation in this study. I am pleased to report, however, that the Congressional Research Service has been successful in developing some long range forecasting techniques that show a great deal of promise. We hope that the GAO, CRS, and Office of Management and Budget will continue to share in the development of the running budget procedure.

Another of our ongoing activities deserves mention here, Mr. Speaker. This past July, Chairman WAYNE HAYS and I agreed to begin experimenting with the use of the computer operated by the Committee on House Administration with assistance provided by the House Information Systems staff. We also enlisted the aid of staff from the General Accounting Office and I asked Mr. Staats, the Comptroller General, to assist us. Thus far, these offices have provided an initial capability of handling, by computer techniques, the Federal budget as it is presented by the President each year. We have also developed a computerized data base of fiscal year 1975 budget data to which we gain access through remote computer terminals. The House Information Systems groups, the GAO and Appropriations Committee staff are currently developing procedures to utilize this computer terminal system for the production of report tables that are placed into the appropriation bill reports that accompany each of our bills each year as they are considered by the House. These reports provide information on the current year enactment of budget authority, the President's request for new funding and actions taken by the House and Senate. Our objective in these efforts is to use the computer to assist us in producing and maintaining these comparative statements of budget authority for each of the 13 appropriation subcommittees and the bills they report each session beginning with the 94th Congress.

Although these efforts require much additional developmental work, we have already begun another parallel activity relating to budget control. We feel, Mr. Speaker, that the computerization of the budget data necessary to produce our report tables will also be useful in keeping track of the targets set by the House and Senate Budget Committees as required under the Budget and Impoundment Control Act of 1974. We have held discussions with staff of the House Budget Committee and others and

hope that our joint efforts will result in further development of these analytical and mechanical capabilities.

Mr. Speaker, I want to commend Chairman HAYS and his staff for the very fine assistance and technical expertise they have contributed to these activities. In addition I want to thank the Comptroller General, for the efforts of his staff in collaborating with those that are working on these projects.

The final task I want to report on, Mr. Speaker, involves the use of computer terminals to assist us in the very complicated process of tracking the various actions under title X of Public Law 93-344. This is the Impoundment Control section of the law, the one that involves proposals from the President for the rescission or deferral of spending. We are using the computers to provide a useful source of information for Members and their offices and others on the status of rescission and deferral actions. Although still in a developmental stage we have begun to use some outputs from this system and have provided examples to interested parties in both the House and Senate.

Mr. Speaker, the task of guardianship of the Federal purse strings is an awesome one. It grows more complicated with each passing day, with each new program that is authorized, with each new problem which is identified and which the Government seeks to apply a solution either through legislation or rearranging on-going programs. In any case, these always lead to new spending requirements. It is in deciding on how the spending will be done that the real task of setting national priorities is carried out. The task will never become easy. We feel that the analytical and computer techniques that I have enumerated will reduce the magnitude of the task.

If computers can help us deal with the increasing complexities of the budget in a timely and orderly manner then their value will be important indeed. I am hopeful the efforts I have outlined here today will bring us closer to achieving those goals. At the very least we have taken a firm first step.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on House Joint Resolution 1180, just agreed to, and that I may insert certain extraneous and tabular material.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

FORMER CONGRESSMAN FRANCIS EUGENE WORLEY

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, on behalf of all my Texas colleagues, I find it my sad duty to report to the House the passing on December 17, this week, of Judge Francis Eugene Worley, formerly a Member of Congress from Texas and chief judge of the U.S. Court of Customs and Patent Appeals. Judge Worley was known to one and all as "Gene." I include the following biographical data in regard to the career of this distinguished west Texan:

Worley, Francis Eugene, a Representative from Texas; born in Lone Wolf, Kiowa County, Okla., October 10, 1908; moved to Shamrock, Tex., in 1922; attended the public schools, the Texas Agricultural and Mechanical College at College Station in 1927 and 1928, and the law school of the University of Texas at Austin 1930-1935; was admitted to the bar in 1935 and commenced practice in Shamrock, Tex.; member of the State house of representatives from 1935 to 1940, when he resigned, having been elected to Congress; served as a lieutenant commander in the United States Navy from December 1941 to August 1942, while a Member of Congress; elected as a Democrat to the Seventy-seventh and to the four succeeding Congresses and served from January 3, 1941, until his resignation, effective April 3, 1950; appointed an associate judge of the United States Court of Customs and Patent Appeals, Washington, D.C., and served from April 4, 1950, to May 4, 1959; appointed chief judge May 4, 1959 and retired June 26, 1972.

Mr. Speaker, Gene Worley was elected to Congress in 1940 and he was reelected for four additional terms. He left Congress to accept appointment as a member of the U.S. Court of Customs and Patent Appeals, being appointed by President Truman on March 9, 1950. He was appointed chief judge by President Dwight D. Eisenhower in 1959 and served on the court until 1972 when he assumed senior judge status.

Mr. Speaker, I have held the Worleys in great esteem and affection throughout the years. Judge Worley and I represented adjoining districts throughout his congressional tenure, and we were warm political and personal friends.

Judge Worley was one of the most delightful and able men I have ever encountered. He was much beloved by his west Texas constituents, and he was much beloved by his innumerable friends in the Washington area.

Mr. Speaker, I join with others in paying tribute to the memory of Gene Worley and expressing deepest sympathy to his lovely wife, Ann, and to all the family.

Mr. YOUNG of Texas. Mr. Speaker, I join my distinguished colleague, the gentleman from Texas (Mr. MAHON), in mourning the passing of our wonderful friend, Judge Francis Eugene Worley, who was a great jurist, a great lawyer, a great legislator, and a fine and wonderful family man.

We all miss him. We will miss him very much and we extend our sympathies and our condolences to his lovely wife, Ann, and to his fine children.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members

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may revise and extend their remarks at this point in the RECORD on the life, character, and public service of the late Judge Francis Eugene Worley.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17597) to provide a program of emergency unemployment compensation, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 11, strike out line 3 and insert: "of" but only with respect to compensation that would not have been payable if the State law's provisions as to the State "on" and "off" indicators omitted the 120 percent factor as provided for by Public Law 93-368 and by section 106 of this Act.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would like to ask the acting chairman whether or not the amendment is germane and to explain the amendment.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman.

Mr. ULLMAN. The extended and emergency unemployment insurance bill, passed by both the House and the Senate, contains a provision permitting State laws to substitute for a 2-year period 4 percent for the current 4.5-percent insured unemployment rate as a national "on" indicator for paying extended benefits. The bill also allows State laws to waive the 120-percent factor in State "on" indicators.

As an inducement for State legislatures to adopt the first of these options—the reduction in the National "on" indicator to 4 percent—the bill also provides that extended benefits payable as a result of choosing this option would be 100 percent reimbursed to the State funds from the Federal trust fund in the same manner as the bill's emergency benefits. As you know, the costs of extended benefits are normally borne 50 percent by the State funds and 50 percent by the Federal trust fund. The intent of the bill is to refrain from imposing upon State funds any unusual or extraordinary costs attributable solely to the expressed will of the Congress with respect to the national "on" indicator for paying extended benefits. It was not intended that the States' obligation to bear 50 percent of the cost of paying extended benefits be shifted to the Federal Government when its extended benefits would have been or could have been payable in any case and without regard to the reduction in the national "on" indicator.

Taken together, however, the provisions open a potential "loophole" in

which a State, by taking the option with respect to the national "on" indicator but not the option to waive the 120-percent factor in the State "on" indicator could shift to the Federal trust fund its normal obligation to finance one-half the cost of extended benefits and nullify Congressional intent in this area. Admittedly, this is extremely unlikely to happen in the first year of the program, but it is a definite possibility in the second year when unemployment can be expected to decline.

The amendment added by the Senate to the otherwise identical version of the bill passed by the House merely closes this potential "loophole" and makes it clear that extended benefits will be reimbursed 100 percent only when attributable solely to the reduction in the national "on" indicator. It assures equity among the States by foreclosing the possibility that one or two States, by manipulation, could obtain an unfair advantage over other States.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SCHNEEBELI. Mr. Speaker, I agree with the statement made by the gentleman from Oregon with respect to H.R. 17597 as amended by the other body.

The amendment simply closes what might be considered a "loophole" and does not alter the intent of our committee in developing this legislation.

As passed by the House, the bill included a provision lowering the national "trigger" permitting States to pay extended unemployment compensation benefits when the insured jobless rate reached 4 percent, instead of 4.5 percent. The measure also permitted States to waive the so-called 120-percent factor in paying extended benefits.

To encourage State legislatures to adapt their laws with respect to the lower national "trigger," the House bill provided that any extended benefits which would be paid because of the change in the "trigger" would be reimbursed 100 percent to State funds from the Federal Unemployment Compensation Trust Fund, in the same way as the emergency benefits' costs provided in the legislation would be reimbursed.

The intent was to avoid imposing on the States any unusual costs resulting from congressional action with respect to the national "trigger" for paying extended benefits. There was no intention to shift to the Federal Government the States' obligation to bear 50 percent of the cost of extended benefits when those benefits would have been payable anyway, regardless of the lowering of the national "trigger."

The provisions would have opened a possible "loophole," however, allowing a State to adopt the new national "trigger," but not to waive the 120-percent factor, and in so doing to shift to the Federal Trust Fund its obligation to finance half the cost of the extended benefits. In the other body, this "loophole" would be closed. The amendment should assure that extended benefits' costs would be reimbursed fully only when they were

attributable solely to lowering of the national "trigger."

In all other respects, Mr. Speaker, H.R. 17597 as passed by the other body is identical to the bill which we passed on December 12, 1974. Therefore, I urge the House to agree to this amendment.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 421, DUTY FREE IMPORTATION OF UPHOLSTERY REGULATORS, NEEDLES AND PINS

Mr. ULLMAN submitted the following conference report and statement on the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty:

CONFERENCE REPORT (H. REPT. NO. 93-1642)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. AMENDMENT OF TARIFF SCHEDULES.

(a) IN GENERAL.—Schedule 6, part 3, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "upholstery regulators, and", and by inserting "and upholstery regulators, upholsterer's regulating needles, and upholsterer's pins," after "other hand needles," in the item description preceding item 651.01;

(2) by striking out "and upholstery regulators" in item 651.04; and

(3) by inserting after item 651.05 the following new item:

" 651.06 Upholstery regulators, upholsterer's regulating needles, and upholsterer's pins. Free Free "

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(c) STATUS OF NEW ITEM.—The duty free treatment applied to upholstery regulators, upholsterer's regulating needles, and upholsterer's pins under item 651.06 of the Tariff Schedules of the United States (as added by subsection (a)) shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

SEC. 2. AMENDMENT OF INTERNAL REVENUE CODE.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

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SEC. 3. EXTENSION BY ONE YEAR OF PERIOD DURING WHICH POLLUTION CONTROL FACILITIES, RAILROAD ROLLING STOCK, REHABILITATION HOUSING, AND COAL MINE SAFETY EQUIPMENT MAY QUALIFY FOR 5-YEAR AMORTIZATION.

(a) POLLUTION CONTROL FACILITIES.—Section 169(d)(4)(B) (defining new identifiable treatment facility) is amended by striking out "January 1, 1975" and inserting in lieu thereof "January 1, 1976".

(b) RAILROAD ROLLING STOCK.—Section 184(c) (relating to amortization of railroad rolling stock) is amended—

(1) by striking out "1975" in paragraph (1) and inserting in lieu thereof "1976", and

(2) by striking out "January 1, 1975" in paragraph (7) and inserting in lieu thereof "January 1, 1976".

(c) REHABILITATION OF LOW-INCOME RENTAL HOUSING.—Section 167(k)(1) (relating to expenditures to rehabilitate low-income rental housing) is amended by striking out "January 1, 1975" and inserting in lieu thereof "January 1, 1976".

(d) COAL MINING SAFETY EQUIPMENT.—Section 187(d)(3) (defining certified coal mine safety equipment) is amended by striking out "January 1, 1975" and inserting in lieu thereof "January 1, 1976".

SEC. 4. ACCRUAL OF VACATION PAY.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by adding at the end thereof the following new section:

"SEC. 463. ACCRUAL OF VACATION PAY.

"(a) ALLOWANCE OF DEDUCTION.—At the election of a taxpayer whose taxable income is computed under an accrual method of accounting, if the conditions of section 162(a) are otherwise satisfied, the deduction allowable under section 162(a) with respect to vacation pay shall be an amount equal to the sum of—

"(1) a reasonable addition to an account representing the taxpayer's liability for vacation pay earned by employees before the close of the taxable year and payable during the taxable year or within 12 months following the close of the taxable year; plus

"(2) the amount (if any) of the reduction at the close of the taxable year in the suspense account provided in subsection (c) (2).

Such liability for vacation pay earned before the close of the taxable year shall include amounts which, because of contingencies, would not (but for this section) be deductible under section 162(a) as an accrued expense. All payments with respect to vacation pay shall be charged to such account.

"(b) OPENING BALANCE.—The opening balance of the account described in subsection (a) (1) for its first taxable year shall, under regulations prescribed by the Secretary or his delegate, be—

"(1) in the case of a taxpayer who maintained a predecessor account for vacation pay under section 97 of the Technical Amendments Act of 1958, as amended, for his last taxable year ending before January 1, 1973, and who makes an election under this section for his first taxable year ending after December 31, 1972, the larger of—

"(A) the balance in such predecessor account at the close of such last taxable year, or

"(B) the amount determined as if the taxpayer had maintained an account described in subsection (a) (1) for such last taxable year, or

"(2) in the case of any taxpayer not described in paragraph (1), an amount equal to the largest closing balance the taxpayer would have had for any of the taxpayer's 3 taxable years immediately preceding such first taxable year if the taxpayer had maintained such account throughout such 3 immediately preceding taxable years.

"(c) SUSPENSE ACCOUNT FOR DEFERRED DEDUCTION.—

"(1) INITIAL SUSPENSE ACCOUNT.—The amount of the suspense account at the beginning of the first taxable year for which the taxpayer maintains under this section an account (described in subsection (a) (1)) shall be the amount of the opening balance described in subsection (b) minus the amount, if any, allowed as deductions for prior taxable years for vacation pay accrued but not paid at the close of the taxable year preceding such first taxable year.

"(2) ADJUSTMENTS IN SUSPENSE ACCOUNT.—At the close of each taxable year the suspense account shall be—

"(A) reduced by the excess, if any, of the amount in the suspense account at the beginning of the taxable year over the amount in the account described in subsection (a) (1) at the close of the taxable year (after making the additions and charges for such taxable year provided in subsection (a)), or

"(B) increased (but not to an amount greater than the initial balance of the suspense account) by the excess, if any, of the amount in the account described in subsection (a) (1) at the close of the taxable year (after making the additions and charges for such taxable year provided in subsection (a)) over the amount in the suspense account at the beginning of the taxable year.

"(3) SECTION 381 ACQUISITIONS.—The application of this subsection to any acquisition to which section 381(a) applies shall be determined under regulations prescribed by the Secretary or his delegate.

"(d) ELECTION.—An election under this section shall be made at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

"(e) CHANGES IN ACCOUNTING METHOD.—

"(1) ESTABLISHMENT OF ACCOUNT NOT CONSIDERED CHANGE.—The establishment of an account described in subsection (a) (1) shall not be considered a change in method of accounting for purposes of section 446(e) (relating to requirement respecting change of accounting method), and no adjustment shall be required under section 481 by reason of the establishment of such account.

"(2) CERTAIN TAXPAYERS TREATED AS HAVING INITIATED CHANGE.—If the taxpayer treated vacation pay under section 97 of the Technical Amendments Act of 1958, as amended, for his last taxable year ending before January 1, 1973, and if such taxpayer fails to make an election under this section for his first taxable year ending after December 31, 1972, then, for purposes of section 481, such taxpayer shall be treated as having initiated a change in method of accounting with respect to vacation pay for his first taxable year ending after December 31, 1972."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart C is amended by adding at the end thereof the following:

"Sec. 463. Accrual of vacation pay."

"Sec. 81. CERTAIN INCREASES IN SUSPENSE ACCOUNT INCLUDED IN GROSS INCOME.—

(1) Section 81 is amended to read as follows:

"SEC. 81. CERTAIN INCREASES IN SUSPENSE ACCOUNTS.

"There shall be included in gross income for the taxable year for which an increase is required—

"(1) CERTAIN DEALERS' RESERVES.—The amount of any increase in the suspense account required by paragraph (4) (B) (ii) of section 166(g) (relating to certain debt obligations guaranteed by dealers).

"(2) VACATION PAY.—The amount of any increase in the suspense account required by paragraph (2) (B) of section 463(c) (relating to accrual of vacation pay)."

(2) The table of sections for part II of subchapter B of chapter 1 is amended by striking out the item relating to section 81 and inserting in lieu thereof the following:

"Sec. 81. Certain increases in suspense accounts."

(d) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1973.

(2) If the taxpayer maintained an account for vacation pay under section 97 of the Technical Amendments Act of 1958, as amended, for his last taxable year ending before January 1, 1973, the amendments made by this section shall apply to taxable years ending after December 31, 1972.

SEC. 5. APPLICATION OF CLASS LIFE SYSTEM TO REAL PROPERTY.

(a) GENERAL RULE.—In the case of buildings and other items of section 1250 property (within the meaning of section 1250(c) of the Internal Revenue Code of 1954) placed in service before the effective date of the class lives first prescribed by the Secretary of the Treasury or his delegate under section 167(m) of such Code for the class in which such property falls, if an election under such section 167(m) applies to the taxpayer for the taxable year in which such property is placed in service, the taxpayer may, in accordance with regulations prescribed by the Secretary of the Treasury or his delegate, elect to determine the useful life of such property—

(1) under Revenue Procedure 62-21 (as amended and supplemented) as in effect on December 31, 1970, or

(2) on the facts and circumstances.

(b) REPEAL OF PRIOR TRANSITIONAL RULE.—Paragraph (1) of section 109(e) of the Revenue Act of 1971 (Public Law 92-178) is hereby repealed.

(c) CONFORMING AMENDMENT.—Section 1250(a)(1)(C)(ii) is amended by striking "January 1, 1975" and in lieu thereof inserting "January 1, 1976".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to property placed in service after December 31, 1973.

SEC. 6. REAL ESTATE INVESTMENT TRUSTS; TREATMENT OF FORECLOSURE PROPERTY.

(a) FORECLOSURE PROPERTY.—Section 856 (defining real estate investment trust) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR FORECLOSURE PROPERTY.—

"(1) FORECLOSURE PROPERTY DEFINED.—For purposes of this part, the term 'foreclosure property' means any real property (including interests in real property), and any personal property incident to such real property, acquired by the real estate investment trust as the result of such trust having bid in such property at foreclosure, or having otherwise reduced such property to ownership or possession by agreement or process of law, after there was default (or default was imminent) on a lease of such property or on an indebtedness which such property secured.

"(2) GRACE PERIOD.—Except as provided in paragraph (3), property shall cease to be foreclosure property with respect to the real estate investment trust on the date which is 2 years after the date such trust acquired such property.

"(3) EXTENSIONS.—If the real estate investment trust establishes to the satisfaction of the Secretary or his delegate that an extension of the grace period is necessary for the orderly liquidation of the trust's interest in such property, the Secretary or his delegate may extend the grace period for such property. Any such extension shall be for a period of not more than 1 year, and not more than 2 extensions shall be granted with respect to any property.

"(4) TERMINATION OF GRACE PERIOD IN CERTAIN CASES.—Any foreclosure property shall cease to be such on the first day (occurring on or after the day on which the real estate

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investment trust acquired the property) on which—

"(A) a lease is entered into with respect to such property which, by its terms, will give rise to income which is not described in subsection (c)(3) (other than subparagraph (F) of such subsection), or any amount is received or accrued, directly or indirectly, pursuant to a lease entered into on or after such day which is not described in such subsection.

"(B) any construction takes place on such property (other than completion of a building, or completion of any other improvement, where more than 10 percent of the construction of such building or other improvement was completed before default became imminent), or

"(C) if such day is more than 90 days after the day on which such property was acquired by the real estate investment trust and the property is used in a trade or business which is conducted by the trust (other than through an independent contractor (within the meaning of section (d)(3)) from whom the trust itself does not derive or receive any income).

"(5) TAXPAYER MUST MAKE ELECTION.—Property shall be treated as foreclosure property for purposes of this part only if the real estate investment trust so elects (in the manner provided in regulations prescribed by the Secretary or his delegate) on or before the due date (including any extensions of time) for filing its return of tax under this chapter for the taxable year in which such trust acquires such property. Any such election shall be irrevocable."

"(b) MODIFICATION OF HOLDING FOR SALE RULE.—Section 856(a)(4) (defining real estate investment trust) is amended by inserting after "property" the following: "(other than foreclosure property, as defined in subsection (e))."

"(c) TAX ON INCOME FROM FORECLOSURE PROPERTY.—Section 857(b) (relating to method of taxation of real estate investment trusts, etc.) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) INCOME FROM FORECLOSURE PROPERTY.—

"(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year on the net income from foreclosure property of every real estate investment trust a tax determined by applying section 11 to such income as if such income constituted the taxable income of a corporation taxable under section 11. For purposes of the preceding sentence, the surtax exemption shall be zero.

"(B) NET INCOME FROM FORECLOSURE PROPERTY.—For purposes of this part, the term 'net income from foreclosure property' means the excess of—

"(1) gain from the sale or other disposition of foreclosure property described in section 1221(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in subparagraph (A), (B), (C), (D), or (E) of section 856(c)(3), over

"(2) the deductions allowed by this chapter which are directly connected with the production of the income referred to in clause (1)."

"(d) TECHNICAL AMENDMENTS.—

"(1) Paragraphs (2) and (3) of section 856(c) (relating to limitations) are each amended by striking out "and" at the end of subparagraph (D), by adding "and" at the end of subparagraph (E), and by adding at the end thereof the following new subparagraph:

"(F) income and gain derived from foreclosure property (as defined in subsection (e))."

"(2) Section 857(a)(1) (relating to requirements applicable to real estate investment trusts) is amended to read as follows:

"(1) the deduction for dividends paid during the taxable year (as defined in section 561, but determined without regard to capital gains dividends) equals or exceeds the sum of—

"(A) 90 percent of the real estate investment trust taxable income for the taxable year (determined without regard to the deduction for dividends paid (as defined in section 561)); and

"(B) 90 percent of the excess of (i) the net income from foreclosure property over (ii) the tax imposed on such income by subsection (b)(4)(A), and"

"(3) Section 857(b)(2) (defining real estate investment trust taxable income) is amended by adding at the end thereof the following new subparagraph:

"(F) There shall be excluded an amount equal to the net income from foreclosure property."

"(4) Section 857(b)(2)(C) is amended by inserting before the period at the end thereof "and shall be computed without regard to that portion of such deduction which is attributable to the amount excluded under subparagraph (F)".

"(e) EFFECTIVE DATE.—The amendments made by this section apply to foreclosure property acquired after December 31, 1973. Notwithstanding the provisions of section 856(e)(5) of the Internal Revenue Code of 1954 (as added by subsection (a) of this section) any taxpayer required to make an election with respect to foreclosure property sooner than 90 days after the date of enactment of this Act, may make that election at any time before the 91st day after the date of enactment of this Act.

SEC. 7. INCREASE IN INTEREST CHARGED AND PAID IN CONNECTION WITH DEFICIENCIES, ETC.

"(a) INCREASE IN INTEREST RATE.—(1) Chapter 67 (relating to interest) is amended by adding at the end thereof the following new subchapter:

"Subchapter C—DETERMINATION OF INTEREST RATE

"Sec. 6621. Determination of rate of interest. "Sec. 6621. DETERMINATION OF RATE OF INTEREST.

"(a) IN GENERAL.—The rate of interest under sections 6601(a), 6602, 6611(a), 6332(c)(1), and 7426(g) of this title, and under section 2411(a) of title 28 is 9 percent per annum, or such adjusted rate as is established by the Secretary or his delegate under subsection (b).

"(b) ADJUSTMENT OF INTEREST RATE.—The Secretary or his delegate shall establish an adjusted rate of interest for the purpose of subsection (a) not later than October 15 of any year if the adjusted prime rate charged by banks during September of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate which is then in effect. Any such adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on February 1 of the immediately succeeding year. An adjustment provided for under this subsection may not be made prior to the expiration of 23 months following the date of any preceding adjustment under this subsection which changes the rate of interest.

"(c) DEFINITION OF PRIME RATE.—For purposes of subsection (b), the term 'adjusted prime rate charged by banks' means 90 percent of the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System."

"(2) The following provisions are each amended by striking out "the rate of 6 percent per annum" and inserting in lieu thereof the following: "an annual rate established under section 6621":

"(A) section 6601(a) (relating to interest on overpayments).

"(B) section 6602 (relating to interest on erroneous refunds recoverable by suit),

"(C) section 6611(a) (relating to interest on overpayments),

"(D) section 6332(c)(1) (relating to interest with respect to failure to surrender property subject to levy), and

"(E) section 7426(g) (relating to interest on judgments with respect to property wrongfully levied upon).

Section 2411(a) of title 28 of the United States Code (relating to interest on judgments for overpayments of tax) is amended by striking out "the rate of 6 percent per annum" and inserting in lieu thereof: "an annual rate established under section 6621 of the Internal Revenue Code of 1954."

(b) TERMINATION OF REDUCED INTEREST RATE IN CERTAIN CASES.—

"(1) CERTAIN EXTENSIONS OF TIME.—Section 6601 is amended by striking out subsection (b) (relating to extensions of time in the case of certain estates) and subsection (j) (relating to extensions of time in the case of certain expropriation losses), and by redesignating subsections (c), (d), (e), (f), (g), (h), (i), (k), and (l) as subsections (b), (c), (d), (e), (f), (g), (h), (i), and (j), respectively.

"(2) DEBT-FINANCED PROPERTY.—Section 514 (b)(3)(D) (relating to interest with respect to certain unrelated debt-financed income) is amended by striking out the last sentence.

"(c) INCREASE IN PENALTY FOR FAILURE TO PAY ESTIMATED INCOME TAX.—Section 6654(a) (relating to failure by individuals to pay estimated income tax) and sections 6655(a) and (g)(1) (relating to failure by corporations to pay estimated income tax) are each amended by striking out "the rate of 6 percent per annum" and inserting in lieu thereof the following: "an annual rate established under section 6621."

"(d) CONFORMING AMENDMENTS.—

"(1) Section 6163(c) is amended to read as follows:

"(c) CROSS REFERENCE.—"For authority of the Secretary or his delegate to require security in the case of an extension under this section, see section 6165."

"(2) Sections 6166(g) and 6167(e) are each amended by striking out the last sentence.

"(3) Sections 6166(k) and 6167(h) are each amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

"(4) Section 6504(15) is amended by striking out "6501(h)" and inserting in lieu thereof "6601(g)".

"(5) The table of subchapters for chapter 67 is amended by adding at the end thereof the following:

"Subchapter C. Determination of Interest Rate."

"(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1975, and apply to amounts outstanding on such date or arising thereafter.

SEC. 8. INTEREST ON CERTAIN DEPOSITS, ETC., IN THE UNITED STATES.

The last sentence of section 861(c) (relating to interest on deposits, etc.) is amended by striking out "December 31, 1975," and inserting in lieu thereof "December 31, 1976."

SEC. 9. EXCLUSION OF INTEREST ON CERTAIN OBLIGATIONS ISSUED PRIOR TO 1971.

"(a) IN GENERAL.—Section 861(a)(1) (relating to income from sources within the United States) is amended—

"(1) by striking out "and" at the end of subparagraph (F),

"(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof a comma and the word "and", and

"(3) by adding at the end thereof the following new subparagraph:

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"(H) interest on a debt obligation which was part of an issue which—

"(i) was part of an issue outstanding on April 1, 1971,

"(ii) was guaranteed by a United States person,

"(iii) was treated under chapter 41 as a debt obligation of a foreign obligor,

"(iv) as of June 30, 1974, had a maturity of not more than 15 years, and

"(v) when issued, was purchased by one or more underwriters for the purpose of distribution through resale."

"(b) CONFORMING AMENDMENT.—The last sentence of section 2104(c) (relating to debt obligations treated as property within the United States) is amended by striking out "or section 861(a)(1)(G)" and inserting in lieu thereof a comma and "section 861(a)(1)(G), or section 861(a)(1)(H)".

"(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies to interest paid after the date of enactment of this Act, and the amendment made by subsection (b) applies with respect to estates of decedents dying after such date.

SEC. 10. TAX ON CERTAIN INCOME OF POLITICAL ORGANIZATIONS.

"(a) GENERAL RULE.—Subchapter F of chapter 1 (relating to exempt organizations) is amended by adding at the end thereof the following new part:

"PART VI—POLITICAL ORGANIZATIONS

"Sec. 527. Political organizations.

"Sec. 527. POLITICAL ORGANIZATIONS.

"(a) GENERAL RULE.—A political organization shall be subject to taxation under this subtitle only to the extent provided in this section. A political organization shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

"(b) TAX IMPOSED.—

"(1) IN GENERAL.—A tax is hereby imposed for each taxable year on the political organization taxable income of every political organization. Such tax shall consist of a normal tax and surtax computed as provided in section 11 as though the political organization were a corporation and as though the political organization taxable income were the taxable income referred to in section 11. For purposes of this subsection, the surtax exemption provided by section 11(d) shall not be allowed.

"(2) ALTERNATIVE TAX IN CASE OF CAPITAL GAINS.—If for any taxable year any political organization has a net section 1201 gain, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such a tax is less than the tax imposed by paragraph (1)) which shall consist of the sum of—

"(A) a partial tax, computed as provided by paragraph (1), on the political organization taxable income determined by reducing such income by the amount of such gain, and

"(B) an amount determined as provided in section 1201(a) on such gain.

"(c) POLITICAL ORGANIZATION TAXABLE INCOME DEFINED.—

"(1) TAXABLE INCOME DEFINED.—For purposes of this section, the political organization taxable income of any organization for any taxable year as an amount equal to the excess (if any) of—

"(A) the gross income for the taxable year (excluding any exempt function income), over

"(B) the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), computed with the modifications provided in paragraph (2).

"(2) MODIFICATIONS.—For purposes of this subsection—

"(A) there shall be allowed a specific deduction of \$100,

"(B) no net operating loss deduction shall be allowed under section 172, and

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"(C) no deduction shall be allowed under part VIII of subchapter B (relating to special deductions for corporations).

"(3) EXEMPT FUNCTION INCOME.—For purposes of this subsection, the term 'exempt function income' means any amount received as—

"(A) a contribution of money or other property,

"(B) membership dues, a membership fee or assessment from a member of the political organization, or

"(C) proceeds from a political fundraising or entertainment event, or proceeds from the sale of political campaign materials, which are not received in the ordinary course of any trade or business, to the extent such amount is segregated for use only for the exempt function of the political organization.

"(d) CERTAIN USES NOT TREATED AS INCOME TO CANDIDATE.—For purposes of this title, if any political organization—

"(1) contributes any amount to or for the use of any political organization which is treated as exempt from tax under subsection (a) of this section,

"(2) contributes any amount to or for the use of any organization described in paragraph (1) or (2) of section 509(a) which is exempt from tax under section 501(a), or

"(3) deposits any amount in the general fund of the Treasury or in the general fund of any State or local government,

such amount shall be treated as an amount not diverted for the personal use of the candidate or any other person. No deduction shall be allowed under this title for the contribution or deposit of any amount described in the preceding sentence.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) POLITICAL ORGANIZATION.—The term 'political organization' means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

"(2) EXEMPT FUNCTION.—The term 'exempt function' means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed.

"(3) CONTRIBUTIONS.—The term 'contributions' has the meaning given to such term by section 271(b)(2).

"(4) EXPENDITURES.—The term 'expenditures' has the meaning given to such term by section 271(b)(3).

"(f) EXEMPT ORGANIZATION WHICH IS NOT POLITICAL ORGANIZATION MUST INCLUDE CERTAIN AMOUNTS IN GROSS INCOME.—

"(1) IN GENERAL.—If an organization described in section 501(c) which is exempt from tax under section 501(a) expends any amount during the taxable year directly (or through another organization) for an exempt function (within the meaning of subsection (e)(2)), then, notwithstanding any other provision of law, there shall be included in the gross income of such organization for the taxable year, and shall be subject to tax under subsection (b) as if it constituted political organization taxable income, an amount equal to the lesser of—

"(A) the net investment income of such organization for the taxable year, or

"(B) the aggregate amount so expended during the taxable year for such an exempt function.

"(2) NET INVESTMENT INCOME.—For purposes of this subsection, the term 'net investment income' means the excess of—

"(A) the gross amount of income from interest, dividends, rents, and royalties, plus

the excess (if any) of gains from the sale or exchange of assets over the losses from the sale or exchange of assets, over

"(B) the deductions allowed by this chapter which are directly connected with the production of the income referred to in subparagraph (A).

For purposes of the preceding sentence, there shall not be taken into account items taken into account for purposes of the tax imposed by section 511 (relating to tax on unrelated business income).

"(3) CERTAIN SEPARATE SEGREGATED FUNDS.—For purposes of this subsection and subsection (e)(1), a separate segregated fund (within the meaning of section 610 of title 18 or of any similar State statute, or within the meaning of any State statute which permits the segregation of dues moneys for exempt functions (within the meaning of subsection (e)(2)) which is maintained by an organization described in section 501(c) which is exempt from tax under section 501(a) shall be treated as a separate organization.

"(g) TREATMENT OF NEWSLETTER FUNDS.—

"(1) IN GENERAL.—For purposes of this section, a fund established and maintained by an individual who holds, has been elected to, or is a candidate (within the meaning of section 41(c)(2)) for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of such individual's newsletter shall, except as provided in paragraph (2), be treated as if such fund constituted a political organization.

"(2) ADDITIONAL MODIFICATIONS.—In the case of any fund described in paragraph (1)—

"(A) the exempt function shall be only the preparation and circulation of the newsletter, and

"(B) the specific deduction provided by subsection (c)(2)(A) shall not be allowed."

"(b) REQUIREMENT OF RETURN.—Section 6012(a) (relating to persons required to make returns of income) is amended by striking out "and" at the end of paragraph (4), by inserting "and" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) Every political organization (within the meaning of section 527(e)(1)), and every fund treated under section 527(g) as if it constituted a political organization, which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year."

Section 6012(a) is amended by striking out the last sentence thereof.

"(c) CONFORMING AMENDMENT.—Section 501(b) (relating to tax on unrelated business income and certain other activities) is amended by striking out "parts II and III" each place it appears and inserting in lieu thereof "parts II, III, and VI".

"(d) CLERICAL AMENDMENT.—The table of parts for subchapter F is amended by adding at the end thereof the following new item: "Part VI. Political Organizations."

"(e) EFFECTIVE DATE.—The amendments made by subsection (a), (b), (c), and (d) shall apply to taxable years beginning after December 31, 1974.

"(f) EXEMPTION FROM FILING REQUIREMENT FOR PRIOR YEARS WHERE INCOME OF POLITICAL PARTY WAS \$100 OR LESS.—In the case of a taxable year beginning after December 31, 1971, and before January 1, 1975, nothing in the Internal Revenue Code of 1954 shall be deemed to require any organization described in section 527(e)(1) of such Code to file a return for the taxable year under such Code if such organization would be exempt from so filing under section 6012(a)(6) of such Code if such section applied to such taxable year.

"(g) TECHNICAL AMENDMENT.—The Act entitled "An Act to amend the Internal Revenue Code of 1954" (Public Law 93-610, 90 Stat. 3125, December 13, 1976) is amended—

nue Code of 1954 with respect to advertising in a convention program of a national political convention", approved June 18, 1968 (82 Stat. 183; Public Law 90-348) is repealed.

SEC. 11. EXTENSION OF EXISTING CREDIT AND DEDUCTION PROVISIONS FOR POLITICAL CONTRIBUTIONS TO CONTRIBUTIONS FOR NEWSLETTERS; TWO-YEAR RULE FOR ANNOUNCING CANDIDACY.

(a) **GENERAL RULE.**—Section 41(a) (relating to contributions to candidates for public office) is amended by inserting "and all newsletter fund contributions" after "all political contributions".

(b) **VERIFICATION.**—Section 41(b)(3) (relating to verification) is amended—

(1) by striking out "political contribution" the first place it appears and inserting in lieu thereof "political contribution or newsletter fund contribution"; and

(2) by striking out "political contribution" the second place it appears and inserting in lieu thereof "contribution".

(c) **DEFINITION.**—Section 41(c) is amended by adding at the end thereof the following new paragraph:

"(5) **NEWSLETTER FUND CONTRIBUTION.**—The term 'newsletter fund contribution' means a contribution or gift of money to a fund established and maintained by an individual who holds, has been elected to, or is a candidate for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of a newsletter."

(d) **CONFORMING AMENDMENTS IN DEDUCTION PROVISION.**—Section 218 (relating to contributions to candidates for public office) is amended—

(1) by inserting "or newsletter fund contribution (as defined in section 41(c)(5))" after "section 41(c)(1)" in subsection (a); and

(2) (A) by striking out "political contribution" the first place it appears in subsection (b)(2) and inserting in lieu thereof "political contribution or newsletter fund contribution"; and

(B) by striking out "political contribution" the second place it appears in subsection (b)(2) and inserting in lieu thereof "contribution".

(e) **TWO-YEAR RULE FOR ANNOUNCING CANDIDACY.**—Section 41(c)(2)(A) (defining candidate) is amended by striking out "has publicly announced" and inserting in lieu thereof "publicly announces before the close of the calendar year following the calendar year in which the contribution or gift is made".

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any contribution payment of which is made after December 31, 1974, in taxable years beginning after such date.

SEC. 12. INCREASE IN POLITICAL CONTRIBUTIONS CREDIT AND DEDUCTION.

(a) **INCREASE IN CREDIT.**—Section 41(b)(1) (relating to maximum credit for contributions to candidates for public office) is amended to read as follows:

"(1) **MAXIMUM CREDIT.**—The credit allowed by subsection (a) for a taxable year shall not exceed \$25 (\$50 in the case of a joint return under section 6013)."

(b) (1) **INCREASE IN DEDUCTION.**—Section 218 (relating to amount of deduction for contributions to candidates for public office) is amended to read as follows:

"(1) **AMOUNT.**—The deduction under subsection (a) shall not exceed \$100 (\$200 in the case of a joint return under section 6013)."

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply with respect to any contribution the payment of which is made after December 31, 1974, in taxable years beginning after such date.

SEC. 13. TRANSFER OF APPRECIATED PROPERTY TO POLITICAL ORGANIZATIONS.

(a) **INCLUSION IN GROSS INCOME OF TRANSFEROR.**—

(1) **IN GENERAL.**—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"Sec. 84. **TRANSFER OF APPRECIATED PROPERTY TO POLITICAL ORGANIZATIONS.**

"(a) **GENERAL RULE.**—If—

"(1) any person transfers property to a political organization, and

"(2) the fair market value of such property exceeds its adjusted basis,

then for purposes of this chapter the transferor shall be treated as having sold such property to the political organization on the date of the transfer, and the transferor shall be treated as having realized an amount equal to the fair market value of such property on such date.

"(b) **BASIS OF PROPERTY.**—In the case of a transfer of property to a political organization to which subsection (a) applies, the basis of such property in the hands of the political organization shall be the same as it would be in the hands of the transferor, increased by the amount of gain recognized to the transferor by reason of such transfer.

"(c) **POLITICAL ORGANIZATION DEFINED.**—For purposes of this section, the term 'political organization' has the meaning given to such term by section 527(c)(1)."

(2) **CLERICAL AMENDMENT.**—The table of sections for such part II is amended by adding at the end thereof the following:

"Sec. 84. **Transfer of Appreciated Property to Political Organizations.**"

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to transfers made after May 7, 1974, in taxable years ending after such date.

(c) **NONRECOGNITION OF GAIN OR LOSS WHERE ORGANIZATION SOLD CONTRIBUTED PROPERTY BEFORE AUGUST 2, 1973.**—In the case of the sale or exchange before August 2, 1973, by an organization described in section 527 (e) (1) of the Internal Revenue Code of 1954 of property which such organization acquired by contribution (within the meaning of section 271(b) (2) of such Code), no gain or loss shall be recognized by such organization.

SEC. 14. GIFT TAX NOT TO APPLY TO CONTRIBUTIONS TO POLITICAL ORGANIZATIONS.

(a) **IN GENERAL.**—Section 2501(a) (relating to taxable transfers for purposes of the gift tax) is amended by adding at the end thereof the following new paragraph:

"(5) **TRANSFERS TO POLITICAL ORGANIZATIONS.**—Paragraph (1) shall not apply to the transfer of money or other property to a political organization (within the meaning of section 527(e)(1)) for the use of such organization."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to transfers made after May 7, 1974.

And the Senate agree to the same.

AL ULLMAN,
JAMES A. BURKE,
DAN ROSTENKOWSKI,
PHIL M. LANDRUM,
H. T. SCHNEIDER,
J. BROTHILL,
BARBER B. CONABLE,
Managers on the Part of the House.

RUSSELL B. LONG,
HERMAN E. TALMADGE,
VANCE HARTKE,
WALLACE F. BENNETT,
CARL T. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstered furniture, upholsterer's regulated needles, and upholsterer's pins free of duty, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 421) to amend the tariff schedules relating to the duty-free importation of upholstered furniture, upholsterer's regulated needles and pins, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate amendment and the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting, clarifying, and other technical changes.

The bill as passed by the House amends the Tariff Schedules relating to the duty-free importation of upholsterer's regulated needles and pins. The Senate amendment and section 1 of the conference substitute make no change in this provision of the House bill.

The House bill contains no provisions corresponding to the following provisions of the Senate amendment.

CLERICAL AMENDMENT

Section 2 of the Senate amendment contains a clerical amendment relating to references to the Internal Revenue Code of 1954.

The conference substitute adopts this provision of the Senate amendment.

ONE-YEAR EXTENSION OF AMORTIZATION PROVISIONS

Section 3 of the Senate amendment extends for one additional year through December 31, 1975, four 5-year amortization provisions. These four provisions are: (1) rehabilitation of low and moderate income housing; (2) pollution control facilities; (3) railroad rolling stock; and (4) certain coal mine safety equipment.

The conference substitute adopts the provisions of section 4 of the Senate amendment.

ACCUMULATED VACATION PAY

Section 4 of the Senate amendment provides for a permanent solution for the treatment of accrued vacation pay. The Congress has been continuing the temporary treatment in this area pending a permanent solution. The last extension expired in 1973. This treatment allows an employer to take a deduction in the case of accrued vacation pay which, except for contingencies (such as termination of employment before vacation time arrives), has already been earned by the employee. However, to prevent a doubling up of deductions in the case of an employer who is newly going on to the accrual pay system, this provision of the bill provides that the employer may not currently take a deduction for contingent amounts

which accrued in years prior to the year in which he elected this treatment. This amount is held in suspense and is available as a deduction in subsequent years only to the extent that the end of the year liability for accrued vacation pay (on the new basis) is less than the beginning amount held in the suspense account.

The conference substitute adopts the provisions of section 4 of the Senate amendment.

EXTENSION OF REAL ESTATE DEPRECIATION RECAPTURE RULES ON FEDERALLY, STATE AND LOCALLY-ASSISTED HOUSING PROJECTS

Section 5 of the Senate amendment repeals the provision of present law (Revenue Act of 1971) requiring the application of the class life system to real property. Present law provides that after 1973 the class life system (sometimes referred to as the asset depreciation range or ADR provision) is to apply to real estate. The Treasury has not as yet devised a satisfactory class life system for real estate. The Senate amendment provides that the ADR system is not to apply to real estate until such time as the Treasury Department develops regulations on a class life system for real estate.

Section 5 of the Senate amendment also extends the real estate recapture rules on certain housing projects. The effect of the recapture rules is to tax the gain from such sales as ordinary income (rather than capital gain) to the extent of the deductions taken under accelerated depreciation in excess of straight-line depreciation. In the case of Federal, State, and locally assisted housing projects (which are limited as to the rate of return on the investment, such as the FHA 221(d)(3) and the FHA 236 programs) where the construction or acquisition occurs before January 1, 1975, there is to be full recapture during the first 20 months of holding and this is decreased by one percent a month thereafter (with no recapture at the end of 10 years). In the case of most housing, there is full recapture during the first 100 months after which there is a decrease of the amount recaptured by one percent a month (with no recapture after 16 2/3 years). These general recapture rules apply to the governmentally assisted housing in the case of construction and acquisitions in 1975 and later years. The Senate amendment extends for one more year, until January 1, 1976, the shorter recapture period for the governmentally assisted housing projects.

The conference substitute adopts section 5 of the Senate amendment.

REAL ESTATE INVESTMENT TRUSTS: TREATMENT OF FORECLOSURE PROPERTY

Section 6 of the Senate amendment deals with some of the tax problems of real estate investment trusts. Under present law, a real estate investment trust (REIT), if it derives most of its income from real estate investments (and meets certain other requirements), is not taxed on its distributed income but instead is allowed "pass through" tax treatment whereby the income is taxed to the shareholders and not the trust. A series of revisions had been proposed for the tax treatment of real estate investment trusts to take account of current practices and economic problems faced by the industry. The Senate amendment deals only with the most pressing current problems of the industry, those relating to the tax treatment of foreclosure property. The Senate amendment, in general, provides that a REIT is not to be denied the "pass through" treatment because of income it receives from foreclosure property. In general, under the Senate amendment the REIT will be taxed as a corporation on the income from the foreclosure property and will have a period of time to sell the foreclosure property or convert it into qualified property.

Section 6 of the Senate amendment also takes into account the difficulty a REIT faces as a result of the provision of present law prohibiting it from holding any property for sale to customers. In this regard, the Senate provision modifies the rule to a limited extent to allow a REIT to hold foreclosure property for sale.

The conference substitute adopts the provisions of section 6 of the Senate amendment.

INCREASE IN INTEREST CHARGED AND PAID IN CONNECTION WITH DEFICIENCIES, ETC.

Section 7 of the Senate amendment increases the interest rate paid by taxpayers on tax deficiencies, and by the government on tax overpayments, from 6 percent to 9 percent per year effective for obligations outstanding on July 1, 1975. In addition to updating the tax interest at this time, the amendment provides a procedure whereby the interest rate in the future will be kept up to date with changes in the money market rates. It provides that the tax interest rate is to be adjusted as the prime rate quoted by commercial banks to large business changes. The government interest rate is to be 90 percent of this prime rate but to be at the nearest whole interest rate and not to be changed more than once every two years.

The conference substitute adopts the provisions of section 7 of the Senate amendment.

INTEREST ON CERTAIN OBLIGATIONS

Section 8 of the Senate amendment deals with the tax treatment of student loan funding programs. Present law exempts interest paid on most State and local governmental obligations from Federal income tax. The provision adds a new category to the list of obligations, the interest from which is exempt from Federal income tax. The category added is qualified scholarship funding bonds where the student loan programs are financed, at the request of governmental authorities even though the bonds do not constitute a State or local government bond. In addition, the provision makes it clear that student loan incentive payments made by the Commissioner of Education under the Emergency Insured Student Loan Act of 1969 are not to result in the treatment of the obligations as arbitrage bonds and in this manner disqualify the financing of these student loan programs for tax-exempt status.

The conference substitute does not include the provisions of section 8 of the Senate amendment. The managers have been advised by the Treasury Department that new regulations under section 103(a) will be promulgated shortly. These regulations will provide for the exemption of interest on obligations issued to finance student loan programs where such obligations are authorized pursuant to State law and are issued by nonprofit higher educational authorities at the request of a State or local governmental unit.

The managers understand that in certain cases even if these obligations qualify under section 103 they nevertheless would not be exempt because they would be treated as arbitrage bonds (under sec. 103(d) of the Code). These obligations are treated as arbitrage bonds if the interest to be paid by students on their loans together with any incentive payments represent a yield that may be materially higher than the yield on the bonds issued to finance the student loan program. Many of these obligations may be treated as arbitrage bonds because certain student loan incentive payments made by the Commissioner of Education (HEW) to cover the expenses of the student loan program are taken into account in computing the yield (and other amounts appropriated

under State law may be so taken into account). The temporary regulations provide that the yield on the proceeds from the acquired program obligations may not exceed the yield produced over the term of the obligations issued to finance student loans by more than 1 1/2 percent or such higher percentage as is shown to be necessary to cover administrative expenses.

The managers further understand that when final Treasury regulations are issued under section 103(d) they will provide that student loan incentive payments made by the Commissioner of Education under the Emergency Insured Student Loan Act of 1969 or amounts appropriated under State law to cover the expenses of the student loan program are not to be taken into account for purposes of determining the yield under section 103(d). However, any incentive payments are to reduce any stated percentage limitation (or any higher allowance for costs) which may otherwise be permitted under Treasury regulations for such programs.

INTEREST ON CERTAIN DEPOSITS, ETC., IN THE UNITED STATES

Section 9 of the Senate amendment deals with the exclusion from gross income of interest on U.S. bank deposits held by nonresident aliens. Under present law, interest received by nonresident aliens from deposits with banks, with savings and loan institutions or other similar associations, and from amounts held by an insurance company under an agreement to pay interest is exempt from the 30-percent withholding tax on income or gain not effectively connected with the conduct of a trade or business within the United States. This provision, however, expires as of December 31, 1975. The Senate amendment extends the termination of this provision for one additional year to December 31, 1976.

The conference substitute adopts the provisions of section 9 of Senate amendment.

EXCLUSION OF INTEREST ON CERTAIN OBLIGATIONS ISSUED PRIOR TO 1971

Section 10 of the Senate amendment provides that (1) where companies had issues of indebtedness outstanding on the date of the enactment of the interest equalization tax, (2) which were guaranteed by U.S. persons, (3) which were treated under that Act as debt obligations of a foreign obligor, (4) the obligation does not have a maturity date exceeding 15 years as of June 30, 1974, and (5) the obligation has been purchased by one or more underwriters with the purpose of distribution through resale, then the interest on the obligations is to be treated as foreign source income and as a result exempt from the 30-percent withholding tax in the case of interest payments to nonresident aliens. In addition, these obligations are to be exempt from U.S. estate tax when held by nonresident aliens. Since the interest equalization tax (under which these obligations were exempted from withholding tax) is no longer in effect, the only way finance subsidiaries can continue to avoid payment of the withholding tax is for their U.S. parent company to assume these obligations. However, this would cause the finance subsidiaries to realize income from the discharge of indebtedness. For this reason, these types of obligations were made exempt from the 30-percent withholding tax.

The conference substitute adopts the provisions of section 10 of the Senate amendment.

TAX ON CERTAIN INCOME OF POLITICAL ORGANIZATIONS

Section 11 of the Senate amendment provides that political parties or committees (and separate campaign funds) are to be taxed on investment income and on income from a trade or business, but not on campaign contributions they receive. In addition,

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tion, a \$100 minimum is to be provided before any tax is payable on investment or business income. Generally, the political parties and committees are to be taxed as corporations but the surtax exemption is not to be allowed and the dividends received deduction is not to be available.

Generally, newsletter committees (and separate funds) are to be treated for tax purposes in the same manner as political campaign committees. That is, contributions received by the newsletter committees are not to be taxable to the individual or committee nor are the funds spent for a newsletter to be deductible. However, to the extent of any investment income or business income in the case of these funds, tax is to be imposed. Should funds be withdrawn from newsletter funds for personal purposes, however, tax is to be imposed at that time.

The conference substitute adopts the provisions of section 11 of the Senate amendment, with an amendment to clarify the provision regarding separate segregated campaign funds established by exempt organizations to conform to State laws. In such a case, where appropriate under the safeguards of the laws of the relevant State, a separate segregated fund is permitted to have dues monies transferred to it by the exempt organization to be used for political campaign purposes, without those funds being treated as expenditures made by that exempt organization.

EXTENSION OF EXISTING CREDIT AND DEDUCTION PROVISIONS FOR POLITICAL CONTRIBUTIONS TO CONTRIBUTIONS FOR NEWSLETTERS; 2-YEAR RULE FOR ANNOUNCING CANDIDACY

Section 12 of the Senate amendment extends the existing credit and deduction provisions for political contributions to contributions to newsletter funds.

Under the provisions of the Senate amendment, the limited credit or deduction allowed under present law for campaign contributions to individual candidates (and parties and committees) would be available only if a person has announced that he is a candidate for office in the year of the contribution. The provisions allow this credit or deduction in the year before a person announces his candidacy.

The conference substitute adopts the provisions of section 12 of the Senate amendment.

INCREASE IN POLITICAL CONTRIBUTIONS CREDIT AND DEDUCTIONS

Section 13 of the Senate amendment increases the maximum credit and deduction for contributions to candidates for public office. The maximum credit is increased from \$12.50 (\$25 in the case of a joint return) to \$25 (\$50 in the case of a joint return). The maximum deduction is increased from \$50 (\$100 in the case of a joint return) to \$100 (\$200 in the case of a joint return).

The conference substitute adopts the provisions of section 13 of the Senate amendment.

TRANSFER OF APPRECIATED PROPERTY TO POLITICAL ORGANIZATIONS

Under section 14 of the Senate amendment, appreciated property transferred by a taxpayer to a political party or committee, if occurring after May 7, 1974, is to be taxed to the donor at the time of the transfer. A ruling already issued by the Internal Revenue Service taxes appreciation in property given before that date to the political party or committee receiving the property. However, this ruling is not to apply before August 2, 1973.

The conference substitute adopts the provisions of section 14 of the Senate amendment.

GIFT TAX NOT TO APPLY TO CONTRIBUTIONS TO POLITICAL ORGANIZATIONS

Section 15 of the Senate amendment provides that gift taxes are not to apply to contributions to political parties or committees.

The conference substitute adopts the provisions of section 15 of the Senate amendment.

EXEMPTION OF INTEREST ON CERTAIN GOVERNMENTAL OBLIGATIONS

Section 16 of the Senate amendment exempts from Federal taxation the interest on obligations issued by the American Falls Reservoir District to finance and construct a dam and related facilities to replace the existing American Falls Dam of the Minidoka project, Idaho-Wyoming, pursuant to a contract with the Secretary of Interior under authority contained in the Act of December 28, 1973 (87 Stat. 904).

The conference substitute does not adopt the provisions of section 16 of the Senate amendment. The conferees were informed that there are several electric power companies and regional power systems that face this type of situation in which tax-exempt bonds may not be issued to finance electric generating facilities for an area that extends beyond two contiguous counties. The conferees believed that they would not be taking a constructive step now to enact this provision when a generalized approach is the proper course of action to follow. Therefore, the conferees have agreed that their respective committees will re-examine the present situation to provide a more general solution.

The action by the conferees should not be construed as a determination of the merits of the project or the issue of the exemption from taxation. However, the mention in the Internal Revenue Code of special situations is not favored. Moreover, the matter was not the subject of hearings in either the Senate or the House of Representatives. On the other hand, we understand the sense of urgency that prompted the offering of an amendment. We are informed that a delay of weeks now could mean a delay of one year in the construction schedule. As a result, whatever position it believes it should take, we urge the Internal Revenue Service to act expeditiously.

AL ULLMAN,
JAMES A. BURKE,
DAN ROSTENKOWSKI,
PHIL M. LANDRUM,
H. T. SCHNEEBELI,
J. BROTHILL,
BARBER B. CONABLE,
Managers on the Part of the House.

RUSSELL B. LONG,
HERMAN E. TALMADGE,
VANCE HARTKE,
WALLACE F. BENNETT,
CARL T. CURTIS,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10710, DEVELOPMENT OF FAIR WORLD ECONOMIC SYSTEM

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17045, SOCIAL SECURITY ACT

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the managers may

have until midnight tonight to file a conference report on the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANNOUNCEMENT BY THE CHAIR

The SPEAKER. The Chair desires to announce that all the Members of the House have been invited to attend the swearing in of Vice President designate Nelson A. Rockefeller, to be held in the Senate Chamber at 10 p.m. tonight.

Members should enter the Senate Chamber through the south door at the end of the corridor leading from this Chamber to the Senate. Due to the limited space available in the Senate Chamber, only persons with privileges of the Senate floor, which includes House Members, will be permitted on the Senate floor.

The Chair desires further to announce that we will continue the business of the House.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, does it make any difference how a Member voted on the nomination?

The SPEAKER. As far as the Chair is concerned, it does not make any difference.

AUTHORIZING ARCHITECT OF THE CAPITOL TO PERMIT CERTAIN TEMPORARY AND PERMANENT CONSTRUCTION WORK ON CAPITOL GROUNDS

Mr. GRAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate Joint Resolution (S.J. Res. 262) authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol Grounds.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, let us have just a brief explanation of where this building is and what this is all about and the cost of the project.

Mr. GRAY. Mr. Speaker, for 7,300 days or for 20 years, I have had the privilege of serving in this great body, and this is the last time I will have the distinct privilege and satisfaction of yielding to my able friend and neighbor from Iowa—Mr. GROSS.

I will be happy to explain this Senate joint resolution. This resolution will not

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cost the Government a penny. It was requested by the Architect of the Capitol to hold the Government free and harmless because the International Brotherhood of Teamsters is building an addition on to their headquarters building just north of the Capitol, and if they should disturb the sidewalk or any Government property in front of the building, the Government would be protected.

This is a resolution our friend from Iowa can support because it calls for no Federal expenditures.

Mr. GROSS. It calls for no Federal expenditures?

Mr. GRAY. None whatsoever.

Mr. GROSS. The gentleman will not be offended if I refer to him as Santa Claus?

Mr. GRAY. I will accept that in the spirit of Christmas.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 262

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Architect of the Capitol is hereby authorized to permit (1) the performance within the United States Capitol Grounds of excavation, temporary construction, or other work, that may be necessary for the construction of an addition to the national headquarters building, and other related facilities, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers on D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest commencing at the westerly end of the existing headquarters building and extending westward to a point approximately thirty-five feet from the intersection of New Jersey Avenue and D Street Northwest, in the District of Columbia; and (2) the use of Capitol Grounds property located north of the street curb on D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest, for purposes of ingress and egress to and from the building site during such construction. No permanent construction shall extend into the United States Capitol Grounds except as otherwise provided in subsection (b) of this section.

(b) The Architect of the Capitol is hereby authorized to permit the following improvements of a permanent nature to be made on Capitol Grounds property located north of the street curb at D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest:

(1) the extension of existing sewers and the building of new manholes under the northern sidewalk of D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest, to accommodate service laterals from the proposed new building addition, and the installation of necessary laterals;

(2) the installation of service laterals from existing water mains under the northern sidewalk of D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest, as may be required for the proposed new building addition;

(3) the removal and replacement of existing sidewalks located on Capitol Grounds property north of the curbline on D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest,

including the removal and replacement of a driveway into an existing parking lot, to serve building facilities after construction of the proposed new building addition;

(4) the planting of additional trees between the street curb and the new sidewalk along D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest, of a number and kind prescribed and selected by the Architect of the Capitol;

(5) the regrading and resodding of the remaining area between the street curb and the new sidewalk north on the curbline on D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest; and

(6) the plugging and filling of any portion of abandoned sewer and the repair and/or alteration of any active sewer which extend into the Capitol Grounds on D Street Northwest between New Jersey Avenue Northwest and Louisiana Avenue Northwest and which are encountered or damaged during excavation for, and construction of, the proposed new building addition.

SEC. 2. The United States shall not incur any expense or liability whatsoever, under or by reason of this joint resolution, or be liable under any claim of any nature or kind that may arise from anything that may be connected with or grow out of this joint resolution.

SEC. 3. No work shall be performed within the Capitol Grounds pursuant to this joint resolution until the Architect of the Capitol shall have been furnished with such assurances as he may deem necessary that all areas within such grounds, disturbed by reason of such construction, shall, except as otherwise provided in this joint resolution, be restored to their original condition without expense to the United States; and all work within the Capitol Grounds herein authorized shall be performed under conditions satisfactory to the Architect of the Capitol.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

FRANK M. SCARLETT FEDERAL BUILDING IN BRUNSWICK, GA.

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2807) to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building."

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building, United States post office, United States courthouse, at 801 Gloucester Street, Brunswick, Georgia, shall hereafter be known and designated as the "Frank M. Scarlett Federal Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Frank M. Scarlett Federal Building."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAKING IN ORDER REPORTS FOR COMMITTEE ON RULES AND AUTHORIZING SPEAKER TO DECLARE RECESSES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1520) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1520

Resolved, That it shall be in order at any time during the balance of this session to consider reports from the Committee on Rules as provided in clause 23, rule XI, except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during that period; and it shall also be in order during the balance of the session for the Speaker to declare recesses subject to the call of the Chair.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTI), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution actually provides that the Speaker may provide a recess at any time during the balance of this session. It also would permit the Committee on Rules to bring a resolution from the committee to the floor immediately and call it up and pass it with a simple majority, simply suspending the requirement for a two-thirds majority, without a 24-hour layover, for the balance of this session.

Those are the two very simple things that are accomplished if this resolution is passed.

Mr. Speaker, I would urge the passage of the resolution.

Mr. LATTI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from California has adequately explained this rule. We are trying to adjourn this Congress. Without this resolution that might be impossible. We have in this resolution the suspension of a two-thirds vote required to take up the rule on the same day it is reported. This would waive that rule and also permit the Speaker to call a recess subject to the call of the chair.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. LATTI. I will be happy to yield to the gentleman from Maryland.

Mr. BAUMAN. Is this not the identical waiver of rules that was turned down on Monday when we voted on the resolution which contained this very same power?

Mr. LATTI. If the gentleman will yield, I will say this is exactly the same resolution that was rejected by the House on Monday. But this happens to be Thursday, and we are nearing adjournment of this Congress.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield further?

Mr. LATTI. Yes, I yield to the gentleman.

Mr. BAUMAN. The gentleman recalls that I and others made reference to last December, when this power was used to block the energy bill. Has the leadership on this side received any sort of assurance that this power will not be abused if we pass this resolution?

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Mr. LATTI. I will say to the gentleman that I would not have voted for this resolution if I thought the power would be abused.

I refuse to yield further, Mr. Speaker. Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution. The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 58, not voting 100, as follows:

[Roll No. 717]

YEAS—276

Abzug	Delaney	Johnson, Pa.
Addabbo	Dellenback	Jones, Ala.
Alexander	Dellums	Jones, Okla.
Anderson	Denholm	Jones, Tenn.
Calif.	Devine	Jordan
Anderson, Ill.	Dickinson	Kastenmeter
Andrews	Dingell	Kazen
N. Dak.	Donohue	Kiluczynski
Annunzio	Downing	Koch
Arendz	Drinan	Kuykendall
Ashley	Dulski	Kyros
Aspin	Duncan	Landgrebe
Badillo	du Pont	Latta
Baker	Eckhardt	Leggett
Barrett	Edwards, Ala.	Lehman
Bell	Esch	Lent
Bennett	Evans, Colo.	Littion
Bergland	Findley	Long, Md.
Bevill	Fish	Lott
Blester	Fisher	Lujan
Boggs	Flood	McClary
Boland	Flowers	McCloskey
Bolling	Flynt	McCormack
Bowen	Foley	McDade
Breaux	Fountain	McEwen
Brockridge	Fraser	McFall
Brinkley	Frelighuysen	McKay
Brooks	Frenzel	Madden
Brotzman	French	Mahon
Brown, Calif.	Fuqua	Mallory
Buchanan	Gaydos	Mann
Burke, Calif.	Gettys	Mathias, Calif.
Burke, Fla.	Gialmo	Mathis, Ga.
Burke, Mass.	Gibbons	Matsunaga
Burleson, Tex.	Gilman	Mazzoli
Burlison, Mo.	Ginn	Meeds
Burton, John	Goodling	Metcalfe
Butler	Gray	Mezvinisky
Byron	Green, Oreg.	Michel
Carney, Ohio	Green, Pa.	Minford
Carter	Gubser	Minish
Casey, Tex.	Gunter	Mink
Cederberg	Guyer	Mitchell, Md.
Chappell	Hamilton	Mizell
Chisholm	Hanley	Moakley
Ciancy	Hanrahan	Molloy
Claussen	Harsha	Montgomery
Don H.	Hastings	Moorhead, Pa.
Cleveland	Heckler, W. Va.	Moss
Cohen	Heckler, Mass.	Murphy, Ill.
Collins, Ill.	Heinz	Murphy, N.Y.
Conable	Helstoski	Natcher
Conte	Henderson	Nedzi
Conyers	Hicks	Nelsen
Corman	Hinshaw	Nichols
Cronin	Hogan	Nix
Daniel, Dan	Hollifield	O'Byrne
Daniel, Robert	Horton	O'Brien
W. J.	Hoster	O'Hara
Daniels	Hungate	O'Neill
Dominick V.	Hutchinson	Passman
Danielson	Ichord	Patman
Davis, Ga.	Johnson, Calif.	Patten
Davis, S.C.	Johnson, Colo.	
de la Garza		

Pepper	Ryan	Udall
Perkins	St. Germain	Ullman
Pettis	Sandman	Van Deen
Peyser	Sarbanes	Vander Jagt
Pike	Schneebeli	Vander Veen
Poage	Sebellus	Vanik
Preyer	Seiberling	Vigorito
Price, Ill.	Shriver	Waggoner
Pritchard	Shuster	Waldie
Quillen	Sikes	Wampler
Rallsback	Sisk	Ware
Randall	Skubitz	Whalen
Rangel	Slack	White
Reid	Smith, Iowa	Whitehurst
Reuss	Smith, N.Y.	Whitten
Rhodes	Stanton	Wiggins
Riegle	J. William	Williams
Rinaldo	Steed	Wilson, Bob
Roberts	Steele	Wilson
Rodino	Steelman	Charles, Tex.
Rogers	Stephens	Wolff
Roncallo, Wyo.	Rogers	Wylder
Rostenkowski	Stanton	Yates
Roush	Stubbins	Tarson
Roy	Stuckey	Young, Ga.
Roybal	Studds	Young, Ill.
Runnels	Symington	Young, Tex.
Ruppe	Taylor, N.C.	Zablocki
Ruth	Teague	
	Thornton	

NAYS—58

Abdnor	Forsythe	Parris
Armstrong	Fry	Price, Tex.
Asbrook	Gonzalez	Regula
Bafalis	Gross	Robinson, Va.
Bauman	Gude	Rooney, Pa.
Blackburn	Hammer-	Roussell
Bray	Schmidt	Sarasin
Brown, Mich.	Hillis	Snyder
Brown, Ohio	Holt	Spence
Brophy, N.C.	Hudnut	Steiger, Ariz.
Burgener	Hunt	Steiger, Wis.
Clawson, Del.	Kemp	Symms
Cochran	Ketchum	Taylor, Mo.
Collins, Tex.	Lacombarino	Thone
Conlan	McCullister	Towell, Nev.
Coughlin	Miller	Treen
Crane	Mitchell, N.Y.	Vessey
Dennis	Moorhead,	Wyllie
Derwinski	Calif.	Young, Alaska
Dorn	Myers	Young, S.C.

NOT VOTING—100

Adams	Haley	Robison, N.Y.
Andrews, N.C.	Hanna	Roncallo, N.Y.
Archer	Hansen, Idaho	Rooney, N.Y.
Beard	Hansen, Wash.	Rose
Blaggi	Harrington	Rosenthal
Bingham	Hawkins	Satterfield
Blatnik	Hays	Scherle
Brademas	Hebert	Schroeder
Brasco	Howard	Shipley
Broomfield	Huber	Shoup
Brophy, Va.	Jarman	Slaggers
Burton, Phillip	Jones, N.C.	Stanton
Camp	King	James V.
Carey, N.Y.	Landrum	Stark
Chamberlain	Long, La.	Sullivan
Clark	Lukens	Talcott
Clay	McKinney	Thompson, N.J.
Collier	McSpadden	Thomson, Wis.
Cotter	Macdonald	Tiernan
Culver	Madigan	Traxler
Davis, Wis.	Maraziti	Walsh
Dent	Martin, Nebr.	Wildall
Diggs	Martin, N.C.	Wilson
Edwards, Calif.	Mayne	Charles H.,
Ellberg	Melcher	Calif.
Erlenborn	Mills	Winn
Eshleman	Minshall, Ohio	Wright
Evins, Tenn.	Morgan	Wyatt
Fascell	Mosher	Wyman
Ford	Owens	Young, Fla.
Fulton	Pickie	Zion
Goldwater	Podell	Zwack
Grasso	Powell, Ohio	
Grimms	Rarick	
Grover	Rees	

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of the clerks.
The message also announced that the

Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) entitled "An act to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14449) entitled "An act to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs."

The message also announced that the Senate agrees to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) entitled "An act to amend the Export-Import Bank Act of 1945, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) entitled "An act to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17085. An act to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training.

The message also announced that the Senate insists upon its amendments to the joint resolution (H. Res. 1178) entitled "A joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes," asks a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. STENNIS, Mr. McGEE, Mr. MONTGOMERY, Mr. INOUYE, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, Mr. CASE, Mr. BROOKE, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes.

S. 2314. An act for the relief of Jiri Emanuel Huebner;

S. 2406. An act for the relief of Dr. Jesus Fernandez Tirao and his wife, Benylin-Lynda Oblena Tirao;

S. 2792. An act to amend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

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S. 3922. An act to amend the Coastal Zone Management Act of 1972 to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes; and

S. 4242. An act to amend the Rail Passenger Service Act.

HOOVER INSTITUTION ON WAR, REVOLUTION, AND PEACE

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17580) to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace.

The Clerk read as follows:

H.R. 17580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to establish an appropriate memorial to the late President Herbert Hoover, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to the Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, California.

(b) No grant may be made under this Act for any fiscal year unless—

(1) the Secretary determines that the total of such grants for that year will not exceed the total amount of gifts, bequests, and devises of money, securities, and other property, made after the date of enactment of this Act, for that year for the benefit of the Hoover Institution on War, Revolution, and Peace; and

(2) the Hoover Institution on War, Revolution, and Peace furnishes to the Secretary such information at such times and in such manner as he may require.

(c) Grants made under this Act may be used for the construction of a new educational building to be used by the Hoover Institution on War, Revolution, and Peace, and for the equipment of such building.

Sec. 2. (a) The Congress finds that, if a facility constructed with the aid of any grant under this Act is used as an educational facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall, therefore, be deemed to be the period of Federal interest in such facility for the purposes of this Act.

(b) If, within twenty years after completion of construction of an educational facility which has been constructed in part with a grant or grants under this Act—

(1) the Hoover Institution on War, Revolution, and Peace (or its successor in title or possession) ceases or fails to be a nonprofit institution; or

(2) the facility ceases to be used as an educational facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such institution (or successor) an amount which bears to the then value of the facility the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility (as deter-

mined by the Secretary) financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this Act shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

Sec. 3. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Hoover Institution on War, Revolution, and Peace that are pertinent to the grant received.

Sec. 4. The Hoover Institution on War, Revolution, and Peace shall, annually, prepare and furnish to the President and the Congress a report on the expenditure of funds received by the Institution in the previous fiscal year during the period for which grants are made under this Act.

Sec. 5. There are authorized to be appropriated to the Secretary for making grants in accordance with this Act amounts not to exceed \$7,000,000. Funds appropriated pursuant to this Act shall be available without fiscal year limitation, for the period beginning on the date of enactment of this Act and ending five years after such date.

Sec. 6. Grants made pursuant to this Act shall be the sole Federal memorial to the late President Herbert Hoover.

The SPEAKER. Is a second demanded? Mr. FRENZEL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.
The SPEAKER. The gentleman from Michigan (Mr. NEDZI) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Herbert Hoover devoted a major portion of his adult life to Government service, philanthropy and humanitarian endeavors. Prior to becoming the 31st President, he was Secretary of Commerce, administered food relief during the Boxer rebellion, organized the Commission for Relief in Belgium, served as World War I Food Administrator and was delegate to the Paris Peace Conference. Following his term as President, he headed an economic commission to Germany and was chairman of two highly successful bipartisan commissions on reorganization of the executive branch of Government.

H.R. 17580 would authorize the Secretary of Treasury to make grants to the Hoover Institution, a part of Stanford University, for the construction of a new memorial building to be used by the institution and for the equipment of such building. These grants would be made over a 5-year period in amounts matching private gifts made to the institution for any purpose in a given year. In no event would the aggregate amount of the Federal grants exceed \$7 million.

The bill contains a recapture provision by which the United States would be entitled to recover from the institution or its successor an amount which bears to the then-value of the facility the same ratio as the amount of Federal grants bore to the total construction cost, if within 20 years after construction either of these two situations occur: if the institution ceases to be a nonprofit enterprise or the facility ceases to be used for educational purposes unless the Secretary determines that there is good cause for releasing the institution from this obligation.

The bill expressly prohibits the use of this facility for religious worship, sectarian activity, or for a department of divinity.

The facility to be constructed with the aid of such grants to be the sole Federal memorial to Herbert Hoover. Since the building would be located on Stanford University land and would be a part of the institution, the Federal Government would have no maintenance responsibility.

The Comptroller General would have access to any papers or records of the institution that are pertinent to any grants made. Further, the institution would be requested to furnish an annual report to the President and the Congress relative to the expenditure of grant funds received.

The Senate bill authorized the grants not to exceed \$5 million for these purposes. The Committee on House Administration has endorsed an amendment to increase this authorization to \$7 million, to reflect inflation since the Senate bill was drafted more than 2 years ago. The institution has advised that construction could not begin before 15 months after enactment and that total construction costs are expected to exceed \$7 million by a substantial amount. Accordingly, the institution has pledged to make up the deficit itself; presumably this can be done with private gifts.

The Hoover Institution was founded by Herbert Hoover in 1919. It has come to be renowned as an educational and research organization.

Favorable reports on the bill have been received from the Department of the Treasury, the Department of Health, Education, and Welfare, and the Office of Management and Budget. The committee agrees that these Federal grants would make possible a fitting memorial to former President Hoover. While the institution is obviously well established and on sound footing, the bill's matching and recapture provisions will insure maximum private participation and the appropriate use of the facility once constructed.

It is altogether appropriate that President Hoover be memorialized by Federal participation in the construction at the institution which he founded over a half century ago and which has become a renowned international study center. Accordingly, I urge favorable consideration of H.R. 17580.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the able gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I am opposed to this bill. I understand it would provide \$7 million for seed money, probably for the construction of a building at

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Stanford University to bear the name of Herbert Hoover. I am convinced that if Herbert Hoover were alive today, the situation being what it is in this country financially, with inflation eating the eyeballs out of this country, that he would say that this could be postponed to a better day. That is what ought to happen.

Mr. Speaker, I yield back the remainder of my time.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. I thank the gentleman for yielding.

Mr. Speaker, this is the third time this week that the House has discussed memorials to former Presidents. Yesterday, the House approved a \$30 million Truman Memorial Scholarship program. Earlier this year another authorization and appropriation was made for Eisenhower College. And today my hope is that we will overwhelmingly approve a memorial for former President Hoover.

Each Member probably has different ideas about what a Presidential memorial should be. Let me briefly share mine:

First, I believe a memorial should ideally represent something unique—a one-of-its-kind—and not something that can be found in any number of places.

Second, I believe a memorial should ideally benefit individuals in some concrete way—and I mean more than something only to be looked at or to take pictures of.

Third, I believe a memorial should ideally contribute to the advancement of our national heritage and culture.

Fourth, I believe a memorial should ideally require only a one-time Federal expenditure—which amount should be reasonable in light of similar memorials—so that the Government is not held responsible for open-ended, recurring financial obligations.

The proposed Hoover memorial qualifies on each of these points. We are proposing to match private funds with Federal dollars to help construction and equip a new educational building at the Hoover Institution on War, Revolution, and Peace.

The Hoover Institution is unique. It was founded in 1919 by Herbert Hoover himself. It has become one of the world's great centers of research on the political, economic, and social problems of man in the 20th century. Over 1¼ million bound volumes, 2,400 journals, and 3,500 archival collections of documents and personal papers are housed in the existing two buildings at the Hoover Institution. Last year, more than 1,100 scholars from 38 States and 27 foreign countries spent a few weeks or months at the institution. It has certainly proven successful in its commitment to carry out Mrs. Hoover's wishes that the work of the institution "promote peace" and "be of benefit to the American people and to mankind." The proposed new structure will allow the Hoover Institution to expand its valuable services to many others.

Mr. Speaker, this proposal has been carefully considered in both Houses. It

passed the Senate last year. It will not cost the Federal Government anything this year and probably nothing next year as well. Once construction is underway, Federal dollars will match private contributions, but in no event will the Federal contribution exceed a total of \$7 million. And that can be appropriated over 5 years. So we are not talking here about a big "budget busting" or "deficit spending" item. It is one of the most reasonable proposals for a Presidential memorial we are likely to see.

In summary, I have heard no substantive argument against this proposal which convinces me that we should either delay or disapprove this proposal. It has the endorsement of the administration and the leadership on both sides of the aisle in the House and in the Senate. It has the full concurrence of the Hoover family. I urge that we give this proposal our overwhelming, bipartisan approval.

Mr. Speaker, I yield back the remainder of my time.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. I thank the gentleman for yielding.

This is the season for rejoicing. Christmas is almost here. Adjournment is with us. We will soon be back with our families, and as much as I have enjoyed hearing my stentorian tones echo through this Chamber the last 22 years, this is the last speech my colleagues are going to hear from me.

I want to thank the Speaker. I want to thank the minority leader. I want to thank everybody, the majority, and all the people who worked so diligently for this House, for being so kind to me for 22 years, and for putting up with me. I only ask one last favor: I hope the Members unanimously support the bill before us.

Mr. FRENZEL. Mr. Speaker, I have no further request for time and I yield back the balance of my time.

Mr. NEDZI. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Speaker, I thank the gentleman for yielding.

Those who were present during the discussion of the Truman memorial bill will recall the support we received from the other side, particularly from the gentleman from Oregon (Mr. DELLENBACK) and, through his leadership many of his colleagues.

I would like to say that while a vote for this modest sum of money for an educational purpose would not necessarily constitute an endorsement of all of the economic policies of President Hoover, it would certainly reflect on my part at least a tremendous respect for his leadership during World War I and shortly following the war in bringing food and clothing to millions of people in Europe—and for that matter, Russia. During my tenure in the food for peace program of the 1960's, I studied his achievement, and it was remarkable.

I believe he actually set the pace for the kind of organized effort the world is

going to have to mount today, given the spectre of hunger that stalks humanity.

I think in recognition of this, as well as of the interest and support demonstrated by so many of our friends on the other side of the aisle for President Truman's memorial we can wholeheartedly reciprocate by voting affirmatively on this bill.

Mr. NEDZI. Mr. Speaker, I have no further request for time.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and pass the bill H.R. 17580.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. If the gentleman from Iowa will look around the room, he will see that a quorum is present.

Mr. GROSS. Mr. Speaker, I am going to do it anyway.

Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order a quorum is not present.

I suggest the Speaker look around.

The SPEAKER. The Chair will count. Two hundred twenty-four Members are present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 1418) to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two commissions of the organization of the executive branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to establish an appropriate memorial to the late President Herbert Hoover, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to the Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, California.

(b) No grant may be made under this Act for any fiscal year unless—

(1) the Secretary determines that the total of such grants for that year will not exceed the total amount of gifts, bequests, and devises of money, securities, and other property, made after the date of enactment of this Act, for that year for the benefit of the

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Hoover Institution on War, Revolution, and Peace; and

(2) the Hoover Institution on War, Revolution, and Peace furnishes to the Secretary such information at such times and in such manner as he may require.

(c) Grants made under this Act may be used for the construction of a new educational building to be used by the Hoover Institution on War, Revolution, and Peace, and for the equipment of such building.

Sec. 2. (a) The Congress finds that, if a facility constructed with the aid of any grant under this Act is used as an educational facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall, therefore, be deemed to be the period of Federal interest in such facility for the purposes of this Act.

(b) If, within twenty years after completion of construction of an educational facility which has been constructed in part with a grant or grants under this Act—

(1) the Hoover Institution on War, Revolution, and Peace (or its successor in title or possession) ceases or fails to be a nonprofit institution, or

(2) the facility ceases to be used as an educational facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such institution (or successor) an amount which bears to the then value of the facility the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility (as determined by the Secretary) financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this Act shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

Sec. 3. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Hoover Institution on War, Revolution, and Peace that are pertinent to the grant received.

Sec. 4. The Hoover Institution on War, Revolution, and Peace shall, annually, prepare and furnish to the President and the Congress a report on the expenditure of funds received by the institution in the previous fiscal year during the period for which grants are made under this Act.

Sec. 5. There are authorized to be appropriated to the Secretary for making grants in accordance with this Act amounts not to exceed \$5,000,000. Funds appropriated pursuant to this Act shall be available without fiscal year limitation, for the period beginning on the date of enactment of this Act and ending five years after such date.

Sec. 6. Grants made pursuant to this Act shall be the sole Federal memorial to the late President Herbert Hoover.

MOTION OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Nedzi moves to strike out all after the enacting clause of S. 1418 and insert in lieu thereof the provisions of H.R. 17580, as passed.

The motion was agreed to.

The Senate bill was ordered to be read

a third time, was read the third time, and passed.

The title was amended so as to read: "To recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 17580) was laid on the table.

AMENDING TITLE 18 OF THE UNITED STATES CODE CONCERNING LOTTERIES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1492 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1492

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6668) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to commit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1492 provides for an open rule with 1 hour of general debate on H.R. 6668, a bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State.

H.R. 6668 permits the broadcasting of advertising, lists of prizes, or information concerning a State-conducted lottery by a radio or television station licensed to operate in a State conducting a lottery under the authority of State law. The bill also permits the mailing of newspapers published in the State containing advertisements, lists of prizes, or information concerning a State-conducted

lottery and permits the transportation or mailing of tickets and other materials concerning a State-conducted lottery within the State to addresses within the State.

Mr. Speaker, I urge the adoption of House Resolution 1492 in order that we may discuss and debate H.R. 6668.

Mr. LATTA. Mr. Speaker, I support this rule.

As previously explained, House Resolution 1492 provides for 1 hour of general debate on H.R. 6668—the State lotteries bill, and that the bill will be open to all germane amendments.

The purpose of H.R. 6668 is to amend existing law to permit the broadcasting of advertising, lists of prizes, or information concerning a State-conducted lottery, by radio or TV station licensed to a location in a State conducting a lottery under State law. The bill would also allow the mailing of newspapers published in the State containing advertisements, lists of prizes, or information concerning a State-conducted lottery. Also permitted is transportation or mailing of tickets and other material concerning a State lottery within the State to addresses within the State.

At present, there are 13 States which have State lotteries. They are Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. Twenty-five States have authorized lotteries conducted by someone other than a State government. They are: Arizona, Colorado, Delaware, Florida, Illinois, Iowa, Louisiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Virginia, Washington, and Wisconsin. At least 11 of these States have a licensing requirement.

The committee report states that it is not possible to predict what impact or change these provisions will have in terms of cost to the Government.

Mr. Speaker, I have no requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 17409, REDUCING CRIME BY SPEEDY TRIALS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1494

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17409) to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for

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other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 17409, the Committee on the Judiciary shall be discharged from the further consideration of the bill S. 754, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 17409 as passed by the House.

THE SPEAKER. The gentleman from Florida is recognized for 1 hour.

MR. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTI), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1494 provides for an open rule with 1 hour of general debate on H.R. 17409, the Speedy Trial Act of 1974.

House Resolution 1494 provides that the bill shall be read for amendment under the 5-minute rule by titles instead of by sections. House Resolution 1494 also provides that after the passage of House Resolution 17409, the Committee on the Judiciary shall be discharged from the further consideration of the bill S. 754, and it shall then be in order in the House to move to strike out all after the enacting clause of S. 754 and insert in lieu thereof the provisions contained in House Resolution 17409 as passed by the House.

House Resolution 17409 provides that all defendants charged with criminal offenses be brought to trial within 100 days of arrest or service of a summons, subject to certain exclusions for necessary delay. The time limits are divided into three segments; the period between arrest and filing of an indictment or information would be 30 days, the period between indictment and arraignment, 10 days, and the period between arraignment and trial, 60 days. These time standards do not become effective until the fifth year after enactment and an intervening 4-year, phase-in period is provided in order to give the courts adequate time to increase their resources and to determine how best to alleviate problems in each district.

H.R. 17409 creates, on a demonstration basis in 10 judicial districts, pretrial service agencies to supervise, control, and provide supportive services for defendants released on bail. The Chief Justice of the United States will choose the 10 districts. At the direction of the court in the 10 districts, the agencies are to collect and verify information pertaining to eligibility of defendants for release, supervision, and control of released persons. All information collected

by the agencies is to be used for the determination of bail.

H.R. 17409 provides that, in the interests of a speedy trial, no continuance shall be granted for reasons of general court congestion, or lack of diligent preparation, or failure to obtain available witnesses on the part of the attorney for the Government.

MR. SPEAKER, passage of this bill will implement and revitalize the sixth amendment right to a speedy trial. I urge the adoption of House Resolution 1494 in order that we may discuss, debate, and pass H.R. 17409.

MR. SPEAKER, this legislation is recommended by the House Select Committee on Crime. After extensive hearings, it was unanimously reported out by the distinguished gentleman from Michigan (Mr. CONYERS) and his subcommittee, and by the Judiciary Committee.

It is very meritorious legislation. I am sure the House would want to adopt it, and I urge adoption of the rule so that the House can debate and, I hope, adopt this speedy trial bill brought out by the Judiciary Committee.

MR. LATTI. Mr. Speaker, I would like to point out to the House the need for a change in our rules. I think we ought to do away with glorified titles of legislation and designate them by numbers only, because once again we not only have a bill mistitled, but I think it is misleading.

I think we ought to take a look at it before we act on it, because instead of calling this the Speedy Trial Act of 1974, it probably should be referred to as the "Let the Criminal Go Act of 1974."

What are we talking about in this legislation? We are talking about letting criminals go who are not brought to trial within a period of 100 days, with prejudice—with prejudice. That means we cannot retry them. I do not think the American people want this type of legislation. They do not want these criminals out in society to redo their crimes. To call this a Speedy Trial Act of 1974, I think, does this House an injustice.

When this legislation comes up, I certainly hope, and I have heard some rumors to the effect that an amendment will be adopted which will provide that if we let these criminals go, they are going to go without prejudice, meaning that they can be retried.

I also hasten to state that the Attorney General of the United States is opposed to this legislation. He submitted a letter dated December 9, 1974, that I am going to submit for the RECORD so that the Members can read it in its entirety. He is the chief legal officer of the United States, and he is opposed to this legislation.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 9, 1974.

HON. RAY J. MADDEN,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to express to you the strenuous and urgent opposition of the Department of Justice to H.R. 17409, the "Speedy Trial Act of 1974." As you

know, the Senate version of this bill (S. 754) passed the Senate on July 29, 1974, and the House Judiciary Committee favorably reported out an amended version, H.R. 17409, on November 27, 1974.

The Department of Justice has supported and will continue to support all meaningful proposals to achieve speedy justice. We have, however, opposed both S. 754 and H.R. 17409 because of this Department's sincere apprehension over the potential adverse impact of this legislation on the criminal justice system. I urge the Rules Committee to consider the following reasons for our opposition to the legislation:

(1) Under Rule 50(b) of the Federal Rules of Criminal Procedure all district courts now have "speedy trial" plans including rules relating to time limits within which procedures prior to trial, the trial itself, and sentencing must take place. According to the Administrative Office of U.S. Courts, Rule 50(b) is working.

(2) Mandatory dismissal of criminal cases not tried within 60 days can only serve to injure the public by releasing persons charged with crime without an adjudication. This injures the public not only because the persons may pose a danger to the public welfare, but also because it undermines the public's confidence in the criminal justice system to see persons charged with crimes released without trial.

(3) There are no provisions in the bill for additional judges, prosecutors or public defenders. No new judgeships have been created in more than four years although the Judicial Conference in September of 1972 recommended the creation of 51 judgeship positions in 32 separate districts.

(4) The bill, because of its complicated structure and vague terminology (e.g., "complex cases," "ends of justice") will result in numerous interpretation hearings and appeals, further clogging the courts.

(5) Short time limits in the bill and the burdens placed upon the Government to justify continuances of the time limits will discourage U.S. Attorneys from bringing complicated cases—white collar criminals may go uncharged and the tendency will be to prosecute only the most serious crimes.

(6) Our system of criminal justice presently depends on the guilty pleas. Under this bill, criminals who would ordinarily plead guilty may insist on jury trial to take advantage of the automatic dismissal after sixty days. The system would be overwhelmed and wholesale dismissals would follow.

Although we continue to oppose this bill, we support the following amendments:

(1) Amendment to delete the provisions making dismissal under the bill a bar to further prosecutions. Deletion of this language would still result in dismissal of cases for failure to meet time limits but would permit charges to be brought under a new information or indictment. Under this amendment a judge could still dismiss with prejudice for denial of Sixth Amendment rights to speedy trial or dismissal with prejudice where he believes circumstances warrant a dismissal.

(2) Amendments adding thirty days to the time permitted between arrest and indictment and between arraignment and the beginning of trial. The shorter time limits now in the bill are unreasonably short and could result in an undue number of dismissals. The longer time limits would still allow less than six months total time for the processing of a case, excluding allowable delays now provided for in the bill.

(3) Amendment establishing a "Readiness Rule" whereby dismissal will occur where undue delay is attributable to the federal prosecutor. The prosecutor would be required

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to be ready for trial within sixty days of arraignment of the defendant; if the government is not ready, a day certain would be set for trial and the case would be dismissed if the government was not ready at that time. This rule is already working in the 2nd Circuit.

The House version differs in material respects from the Senate version. Most notably, H.R. 17409 provides for the dismissal of cases with prejudice for failure to meet the time limits for indictment or for trial of defendants, this sanction to be in effect after the fourth year following enactment. S. 754 has no prejudicial dismissal provision but rather provides for a seven year phase in period, with dismissal without prejudice after the fourth year and a dismissal without prejudice with a special burden on the government for prosecution after the sixth year following enactment. The House version contains a "Judicial Emergency" section (Section 3174) whereby time limits between indictment and trial may be suspended for one year in the event of an emergency, whereas the Senate version has no such provision. The Senate version contains a provision establishing appropriated pilot planning districts which has been deleted in the House version. Other differences between the two bills concern time periods for filing indictments, planning process administration, and pretrial service administration.

The Department of Justice recently invited comments from U.S. Attorneys on S. 754, the Senate-passed version of the Speedy Trial Act of 1974. Responses were received from all 94 districts and the U.S. Attorneys unanimously expressed their opposition to enactment. I am enclosing a copy of their comments.

I believe this matter should be deferred until the next Congress when time and circumstances will permit an orderly resolution of these most important issues. Thank you for your consideration.

Sincerely,

WM. B. SAXBE,
Attorney General.

This just is not another piece of legislation to be hurriedly passed in the closing days of this session. Your wife, your sister, your child, or even you, may be subjected to the horrors which might come about by the passage of this legislation called the Speedy Trial Act of 1974.

MR. GROSS. Mr. Speaker, will the gentleman yield?

MR. LATTI. I will be happy to yield to my friend from Iowa.

MR. GROSS. Mr. Speaker, the gentleman is making an excellent statement.

CALL OF THE HOUSE

MR. GROSS. I make the point of order that a quorum is not present.

THE SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond.

[Roll No. 718]

Adams	Bingham	Burton, Phillip
Alexander	Blackburn	Camp
Andrews, N.C.	Brademas	Carey, N.Y.
Archer	Brasco	Cederberg
Ashley	Broomfield	Chamberlain
Badillo	Brotzman	Chappell
Beard	Brown, Mich.	Clark
Blaggi	Broyhill, Va.	Clay

Collier	Johnson, Colo.	Rees
Collins, Ill.	Johnson, Pa.	Reid
Cotter	Jones, Ala.	Riegle
Crane	Jones, N.C.	Roncallo, N.Y.
Culver	Jones, Okla.	Rooney, N.Y.
Daniels,	Karth	Rose
Dominick V.	Kastenmeyer	Rosenthal
Davis, Ga.	King	Ruppe
Davis, Wis.	Kluczynski	Ruth
Dellums	Kuykendall	Ryan
Dent	Kyros	St Germain
Dervinski	Landgrebe	Sandman
Dickinson	Landrum	Satterfield
Diggs	Lehman	Scherie
Drinan	Lent	Schroeder
Dulski	Long, La.	Shipley
Edwards, Calif.	Lujan	Shoup
Ellenberg	Lukens	Sikes
Erlenborn	McEwen	Smith, N.Y.
Esch	McKinney	Staggers
Eshleman	McSpadden	Stanton
Fasell	Macdonald	James V.
Flowers	Madigan	Stark
Flynt	Marzetti	Steele
Ford	Martin, Nebr.	Steelman
Forsythe	Martin, N.C.	Steiger, Ariz.
Fountain	Mathias, Calif.	Stephens
Frey	Mayne	Stuckey
Fulton	Melcher	Sullivan
Gettys	Mills	Talcott
Goldwater	Minshall, Ohio	Thompson, N.J.
Grass	Moakley	Thomson, Wis.
Griffiths	Montgomery	Tierman
Grover	Moorehead, Pa.	Traxler
Gubser	Morgan	Vessey
Haley	Mosher	Walsh
Hanna	Moss	Whitehurst
Hansen, Idaho	Murphy, N.Y.	Widnall
Hansen, Wash.	Neilsen	Wilson, Bob
Harrington	Nichols	Wilson,
Hastings	Nix	Charles H.,
Hawkins	O'Brien	Calif.
Hays	O'Hara	Wilson,
Hébert	Owens	Charles, Tex.
Heckler, Mass.	Parris	Winn
Hillis	Pickie	Wright
Hollifield	Podell	Wyatt
Horton	Powell, Ohio	Wyder
Howard	Price, Tex.	Wyman
Huber	Railsback	Young, Fla.
Jarman	Rangel	Zwach
	Rarick	

THE SPEAKER. On this rollcall 260 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR THE CONSIDERATION OF H.R. 17409, REDUCING CRIME BY SPEEDY TRIALS

THE SPEAKER. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

MR. PEPPER. Mr. Speaker, I would inquire has the gentleman from Ohio (Mr. LATTI) concluded?

MR. LATTI. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

MR. ANDERSON of Illinois. Mr. Speaker, I merely wish to point out to the Members of the House before they vote on the rule on this very important matter that it is an open rule. With respect to the letter which my friend and colleague, the gentleman from Ohio read from, signed by the Attorney General, Mr. Saxbe, objecting to this legislation, he stated that—

The Department of Justice supports an amendment to Section 3162 of H.R. 17409 deleting the bar to further prosecution following dismissal under that section.

He then went on to say:

Adoption of this amendment by the Congress would resolve the most significant dif-

ficulty in this legislation, and would enable the Department to effectively administer the provisions of H.R. 17409.

I merely wish to advise the Members of the House that the gentleman from Maine, a member of the Committee on the Judiciary, is prepared to offer an amendment that in effect would give the trial judge discretion to dismiss one of these cases either with or without prejudice, thereby, it seems to me, curing the principal objection set forth in the letter by the Attorney General. I think it is important that the House should have that information. I hope the Members will support the adoption of the resolution.

MR. PEPPER. Mr. Speaker, I am told that the committee will accept the amendment, although the gentleman from California or others may wish to comment on that.

MR. DENNIS. Mr. Speaker, will the gentleman yield?

MR. LATTI. I will be glad to yield to the gentleman from Indiana.

MR. DENNIS. Mr. Speaker, it is my understanding from talking to the authors of the bill that the only objection is that on the adoption of the rule that further debate on the bill and opportunity for amendment will be deferred until tomorrow.

Am I correctly advised on that, if the gentleman knows?

MR. LATTI. As far as I know, that is correct.

MR. DENNIS. Mr. Speaker, if the gentleman will yield still further, the reason I am interested in this is I have an amendment also to present to the bill in addition to that discussed by the gentleman from Illinois. My amendment does not go to the principle of the bill, but it would extend the time limit, and it is offered mostly in the interest, in my judgment, of defendants, and people who are trying to act as attorneys for defendants, and who may have several cases in court, and in my judgment under this bill the time pressure will be so severe that they cannot take care of them.

I want to have ample opportunity to present that amendment tomorrow and discuss it. I am not opposed to the rule as long as that happens.

I thank the gentleman.

MR. LATTI. I would like to say in response to what the gentleman just said, I am unalterably opposed to this rule unless we have a statement by the author of this bill—I am prepared to yield to him at this time—as to whether he will accept those amendments.

I yield to the gentleman from Michigan.

MR. CONYERS. I will say to my friend on the Committee on Rules, and more recently on our Committee on the Judiciary, the gentleman from Ohio (Mr. LATTI), that I would hesitate to try to commit myself to an extension of the time period that has been suggested by the gentleman from Indiana. I would like to have, as he indicated, ample time for us to discuss his amendment and examine it. I think it would be improper

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for us to try to dispose of that tonight under consideration of the rule.

Mr. LATTI. Let me ask the gentleman specifically on the matter of discussing these indictments with or without prejudice.

Mr. CONYERS. The matter we have gone through numerous times, as the gentleman knows. The American Bar Association has endorsed dismissal with prejudice since 1967, but this subcommittee, because of the pressures that have been raised by the distinguished gentleman and others, is prepared, with some reluctance I must say, to yield to that amendment. We would like to have ample discussion to make clear to the Members what we are doing and why, because since this bill does not take operational effect until 1980, there may be time during the planning provisions of the Speedy Trial Act for us to consider it.

So my answer is, reluctantly, yes, we will accept the amendment.

Mr. LATTI. I thank the gentleman. Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. LATTI. I yield to the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding.

This bill generated controversy in the committee. It again centered around the dismissal-with-prejudice bit. The bill as reported out with prejudice language requires a dismissal with prejudice if the time limits extended under the bill are not met. If that language remains in the bill, the bill should be defeated, in my opinion. There is agreement on both sides that the dismissal-with-prejudice language will be removed. If that language is in fact removed, as I expect it to be, then perhaps 90 percent of the legitimate objection to the bill will have been resolved and the bill on balance becomes worthy of the Members' support.

In any event, Mr. Speaker, tonight the rule should be adopted, and any reservation in the Members' minds concerning the propriety of a dismissal with or without prejudice should not prevent them from voting affirmatively on the rule. We will resolve that matter tomorrow.

Mr. LATTI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I rise in opposition to the rule on this legislation. The legislation is of such importance that I do not think we should try to get into it during the atmosphere we have when we are trying to wind up the 93d Congress. This is something I think we should have studied consideration on to have proper consideration of amendments.

The Members know the inclination of the courts these days is to become completely preoccupied with the rights of the wrongdoers to the exclusion of the rights of the honest, hard-working, tax-paying citizens of the United States who are the victims of crime. This is another indication of the do-gooders, the bleeding hearts, the hand-wringers, the deep-

breathers, showing their concern for the poor, downtrodden, oppressed criminal.

Let us legislate in an atmosphere of calm and quiet emotions, defeat this rule, and get at it in the 94th Congress.

Mr. LATTI. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, did I hear the gentleman from Michigan say this bill will not take effect until 1980?

Mr. CONYERS. If the gentleman will yield, I thank the gentleman for raising that question. They call this the Speedy Trial Act of 1974. In fact, it is the Speedy Trial Act of 1980.

Mr. DU PONT. Will the gentleman tell me, if it is not going to take effect until 1980, why it is so important to pass this legislation at 10 o'clock on the last night of the last session in 1974?

Mr. CONYERS. Because we have been trying to consider a Speedy Trial Act since 1967. It has been examined for 3 years and we are trying to start it off 1 year, as soon as we can, so we will not be waiting until 1981 or 1982 for the Speedy Trial Act.

Mr. DU PONT. I will say with all the majority the gentleman is going to have on his side in the next Congress he ought to be able to get it through then.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Massachusetts.

(Mr. O'NEILL asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I ask the gentleman to yield and I ask permission to speak out of order so I may announce the legislative program, and later I will ask unanimous consent that when we adjourn tonight, we adjourn to meet at 9 o'clock tomorrow morning.

This is the legislation which we have remaining, and tomorrow we will have:

H.R. 17409, speedy trials, under an open rule, with 1 hour of debate;

H.R. 10710, the trade bill conference report;

H.R. 17045, the social services conference report;

H.R. 421, upholstery needles conference report;

H.R. 6668, State lotteries, under an open rule, with 1 hour of debate;

H.R. 14449, Office of Economic Opportunity conference report;

H.R. 620, additional Assistant Secretary for Indian Affairs conference report;

H.R. 14791, wild and scenic rivers conference report;

S. 2994, health planning conference report;

H.R. 13296, maritime authorization conference report;

Then we will have under suspensions:

S. 3289, Kaniksu National Forest; and H.R. 17346, historic properties.

Actually that is a very small schedule, and of course we must say we had not anticipated this rule would take as much time or we would not have brought it up.

In view of the fact that the Members want to get off to the Senate, we will take no longer with this.

REQUEST FOR ADJOURNMENT TO 9 O'CLOCK ON FRIDAY, DECEMBER 20

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 69, answered "present" 2, not voting 142, as follows:

[Roll No. 719]

YEAS—221

Abzug	Dingell	Latta
Addabbo	Donohue	Leggett
Anderson, Calif.	Dorn	Lent
Anderson, Ill.	Downing	Litton
Andrews	Drinan	Long, Md.
N. Dak.	Ducki	McClary
Annunzio	Duncan	McCloskey
Ashley	du Pont	McCormack
Aspin	Eckhardt	McDade
Badillo	Edwards, Ala.	McEwen
Barrett	Esch	McFall
Bell	Findley	McKay
Bennett	Fish	Madden
Bergland	Flood	Mallory
Bevil	Flowers	Mann
Biester	Foley	Matsunaga
Boggs	Fraser	Mayne
Boland	Frenzel	Mazzoli
Bolling	Frey	McKee
Bowen	Fuqua	Metcalfe
Breaux	Gettys	Mezvinsky
Breckinridge	Gibbons	Michel
Brinkley	Gillman	Miller
Brooks	Ginn	Minish
Brotzman	Gonzalez	Mink
Brown, Calif.	Gray	Mitchell, Md.
Brown, Mich.	Green, Pa.	Mitchell, N.Y.
Broyhill, N.C.	Gubser	Molloy
Buchanan	Gude	Moorhead, Pa.
Burgener	Gunter	Murphy, Ill.
Burke, Calif.	Guy	Murphy, N.Y.
Burke, Mass.	Hamilton	Natcher
Carney, Ohio	Hammer	O'Brien
Carter	Schmidt	O'Neill
Chamberlain	Hanley	Parris
Chappell	Hansen, Idaho	Patten
Chisholm	Harsha	Pepper
Cleveland	Hastings	Perkins
Cochran	Heckler, W. Va.	Pettis
Cohen	Heckler, Mass.	Peyser
Collins, Ill.	Heinz	Preyer
Collins, Tex.	Hick	Price, Ill.
Conable	Hinshaw	Pritchard
Conlan	Hogan	Quie
Conyers	Holtzman	Rallsback
Corman	Hudnut	Randall
Coughlin	Hutchinson	Rangel
Daniel, Dan	Ichord	Regula
Daniels	Johnson, Calif.	Reld
Danielson	Johnson, Colo.	Reuss
Davis, S.C.	Jones, Tenn.	Rhodes
de la Garza	Jordan	Rinaldo
Delaney	Kath	Robison, N.Y.
Dellenback	Kastenmeier	Roe
Denholm	Kemp	Rogers
Dennis	Koch	Roncallo, Wyo.
Derwinski	Kyros	Rooney, Pa.
		Rostenkowski
		Roush

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Roy	Steelman	Wampler
Roybal	Seliger, Wis.	Whalen
St. Germain	Stephens	White
Sandman	Stokes	Whitehurst
Sarasin	Stubbefield	Wiggins
Sarbanes	Stuckey	Wilson, Bob
Schneebeli	Studds	Wolf
Seiberling	Symington	Wyllie
Sikes	Thornton	Yates
Sisk	Towell, Nev.	Yatron
Skubitz	Ullman	Young, Ga.
Slack	Van Deeren	Young, Ill.
Smith, Iowa	Vander Jagt	Young, Tex.
Stanton	Vander Veen	Zablocki
J. William	Vigorito	
Steele	Waldie	

NAYS—69

Abdnor	Froehlich	Roberts
Armstrong	Goldwater	Robinson, Va.
Ashbrook	Goodling	Rousslet
Bafalis	Green, Oreg.	Ruth
Baker	Gross	Satterfield
Bauman	Hanrahan	Sebelius
Blackburn	Henderson	Shriver
Bray	Holt	Shuster
Brown, Ohio	Hosmer	Snyder
Burke, Fla.	Hunt	Spence
Burleson, Tex.	Jones, Okla.	Steed
Burlison, Mo.	Ketchum	Stratton
Butler	Lagomarsino	Symms
Byron	Lott	Taylor, Mo.
Casey, Tex.	McCollister	Taylor, N.C.
Ciancy	Mahon	Teague
Clawson, Del.	Milford	Thone
Crane	Moorhead, Calif.	Treen
Cronin	Passman	Waggonner
Daniel, Robert	Pike	Ware
W. Jr.	Poage	Whitten
Devine	Quillen	Williams
Forsythe		Young, S.C.
Fountain		

ANSWERED "PRESENT"—2

Arends	Obey	Pickle
	NOT VOTING—142	Podeil
Adams	Harrington	Powell, Ohio
Alexander	Hawkins	Price, Tex.
Andrews, N.C.	Hays	Rarick
Archer	Hébert	Rees
Beard	Hill	Riegle
Biaggi	Hollifield	Roncallo, N.Y.
Bingham	Horton	Rooney, N.Y.
Blatnik	Howard	Rose
Brademas	Huber	Rosenthal
Brasco	Hungate	Runnels
Broomfield	Jarman	Ruppe
Broyhill, Va.	Johnson, Pa.	Ryan
Burton, John	Jones, Ala.	Scherle
Burton, Phillip	Jones, N.C.	Schroeder
Camp	Kluczyński	Shipley
Carey, N.Y.	Kuykendall	Shoup
Cederberg	Landgrebe	Smith, N.Y.
Clark	Landrum	Staggers
Clausen	Lehman	Stanton
Don H.	Long, La.	James V.
Clay	Lujan	Stark
Coil	Lukens	Steiger, Ariz.
Cotter	McKinney	Sullivan
Culver	McSpadden	Talcott
Davis, Ga.	Macdonald	Thompson, N.J.
Davis, Wis.	Madigan	Thomson, Wis.
Dellums	Maraziti	Tieman
Dickinson	Martin, Nebr.	Traxler
Diggs	Martin, N.C.	Udall
Edwards, Calif.	Mathias, Calif.	Vanik
Ellenberg	Melcher	Veysey
Erlenborn	Mills	Walsh
Eshleman	Minshall, Ohio	Widnall
Evans, Colo.	Mizell	Wilson
Evins, Tenn.	Moakley	Charles H.
Fascell	Montgomery	Calif.
Fisher	Morgan	Wilson
Flynt	Mosher	Charles, Tex.
Ford	Moss	
Frelinghuysen	Murtha	
Fulton	Myers	
Gaydos	Nedzi	
Grasso	Nelsen	
Griffiths	Nichols	
Grover	Nix	
Haley	O'Hara	
Hanna	Owens	
Hansen, Wash.	Patman	

So the resolution was agreed to. The Clerk announced the following pairs:

Mr. Hays with Mr. Blatnik.
Mr. Hébert with Mr. Carey of New York.
Mr. Shipley with Mr. Culver.
Mr. Howard with Mr. Davis of Georgia.

Mr. Macdonald with Mr. Fisher.
Mr. Thompson of New Jersey with Mrs. Griffiths.

Mr. Cotton with Mr. Hanna.
Mr. Hawkins with Mrs. Grasso.
Mr. Phillip Burton with Mr. Hollifield.
Mr. Kluczyński with Mr. Luken.
Mr. Rooney of New York with Mr. Madigan.
Mr. John L. Burton with Mr. Landgrebe.
Mr. Rees with Mr. King.
Mr. Morgan with Mr. Huber.
Mr. Dent with Mr. Davis of Wisconsin.
Mr. Hungate with Mr. Collier.
Mr. Bingham with Mr. Frelinghuysen.
Mr. Biaggi with Mr. Broomfield.

Mr. Adams with Mr. Grover.
Mr. Dellums with Mr. Clark.
Mr. Clay with Mrs. Hansen of Washington.
Mr. O'Hara with Mr. Hillis.
Mr. Nichols with Mr. Broyhill of Virginia.
Mr. Digs with Mr. Owens.
Mr. Moakley with Mr. Eshleman.
Mr. Alexander with Mr. Camp.
Mr. Nix with Mr. Maraziti.
Mr. Jarman with Mr. Beard.
Mr. Montgomery with Mr. Horton.
Mr. James V. Stanton with Mr. Dickinson.
Mrs. Sullivan with Mr. Cederberg.
Mr. Moss with Mr. Johnson of Pennsylvania.

Mr. Charles H. Wilson of California with Mr. Kuykendall.
Mr. Wright with Mr. Don H. Clausen.
Mr. Traxler with Mr. Lujan.
Mr. Stark with Mr. Erlenborn.
Mr. Runnels with Mr. McKinney.
Mr. Pickle with Mr. Shoup.
Mr. Edwards of California with Mr. Minshall of Ohio.

Mr. Riegle with Mr. Mathias of California.
Mr. Eilberg with Mr. Roncallo of New York.
Mr. Fassel with Mr. Steiger of Arizona.
Mr. Evans of Tennessee with Mr. Wylder.
Mr. Flynt with Mr. Thomson of Wisconsin.
Mr. Ford with Mr. Price of Texas.
Mr. Gaydos with Mr. Nelsen.
Mr. Haley with Mr. Martin of North Carolina.

Mr. Harrington with Mr. Young of Florida.
Mr. Rose with Mr. Scherle.
Mr. Rosenthal with Mr. Mosher.
Mr. Jones of Alabama with Mr. Zwach.
Mr. Ryan with Mr. Veysey.
Mr. Staggers with Mr. Ruppe.
Mr. Jones of North Carolina with Mr. Martin of Nebraska.

Mr. Landrum with Mr. Talcott.
Mr. Udall with Mr. Smith of New York.
Mr. Vanik with Mr. Archer.
Mr. Long of Louisiana with Mr. Myers.
Mr. Lehman with Mr. Mizell.
Mr. Murtha with Mr. Powell of Ohio.
Mr. Charles Wilson of Texas with Mr. Walsh.

Mrs. Schroeder with Mr. Zion.
Mr. Brademas with Mr. Wyatt.
Mr. Evans of Colorado with Mr. McSpadden.
Mr. Fulton with Mr. Patman.
Mr. Melcher with Mr. Mills.
Mr. Nedzi with Mr. Tieman.
Mr. Winn with Mr. Wyman.
Mr. Young of Alaska with Mr. Widnall.

The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17045, SOCIAL SERVICES AMENDMENTS OF 1974

Mr. ULLMAN submitted the following conference report and statement on the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance

to encourage provision of services by the States:

CONFERENCE REPORT (H. REPT. NO. 93-1643)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Social Services Amendments of 1974".

PART A—SOCIAL SERVICES AMENDMENTS

SEC. 2. The Social Security Act is amended by inserting at the end thereof the following new title:

"TITLE XX—GRANTS TO STATES FOR SERVICES

"APPROPRIATION AUTHORIZED

"Sec. 2001. For the purpose of encouraging each State, as far as practicable under the conditions in that State, to furnish services directed at the goal of—

(1) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency,

(2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency,

(3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families,

(4) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care, or

(5) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions,

there is authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States under section 2002.

"PAYMENTS TO STATES

"Sec. 2002. (a) (1) From the sums appropriated therefor, the Secretary shall, subject to the provisions of this section and section 2003, pay to each State, for each quarter, an amount equal to 90 per centum of the total expenditures during that quarter for the provision of family planning services and 75 per centum of the total expenditures during that quarter for the provision of other services directed at the goal of—

(A) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency,

(B) achieving or maintaining self-sufficiency, including reduction or prevention of dependency,

(C) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families,

(D) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care, or

(E) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions,

including expenditures for administration (including planning and evaluation) and

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personnel training and retraining directly related to the provision of those services (including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions). Services that are directed at these goals include, but are not limited to, child care services, protective services for children and adults, services for children and adults in foster care, services related to the management and maintenance of the home, day care services for adults, transportation services, training and related services, employment services, information, referral, and counseling services, the preparation and delivery of meals, health support services, and appropriate combinations of services designed to meet the special needs of children, the aged, the mentally retarded, the blind, the emotionally disturbed, the physically handicapped, and alcoholics and drug addicts.

"(2) (A) No payment with respect to any expenditures other than expenditures for personnel training or retraining directly related to the provision of services may be made under this section to any State for any fiscal year in excess of an amount which bears the same ratio to \$2,500,000,000 as the population of that State bears to the population of the fifty States and the District of Columbia. The Secretary shall promulgate the limitation applicable to each State for each fiscal year under this paragraph prior to the first day of the third month of the preceding fiscal year, as determined on the basis of the most recent satisfactory data available from the Department of Commerce.

"(B) Each State with respect to which a limitation is promulgated under subparagraph (A) for any fiscal year shall, at the earliest practicable date after the commencement of such fiscal year (and in accordance with regulations prescribed by the Secretary), certify to the Secretary whether the amount of its limitation is greater or less than the amount needed by the State, for uses to which the limitation applies, for such fiscal year and, if so, the amount by which the amount of such limitation is greater or less than such need.

"(C) If any State certifies, in accordance with subparagraph (B), that the amount of its limitation for any fiscal year is greater than its need for such year, then the amount of the limitation of such State for such year shall be reduced by the excess of its limitation amount over its need, and the amount of such reduction shall be available for allotment as provided in subparagraph (D).

"(D) Of the amounts made available, pursuant to subparagraph (C), for allotment for any fiscal year, the Secretary (1) shall allot to the jurisdiction of Puerto Rico \$15,000,000, to the jurisdiction of Guam \$500,000, and to the jurisdiction of the Virgin Islands \$500,000, which shall be available to each such jurisdiction in addition to amounts available under section 1108 for purposes of matching the expenditures of such jurisdictions for services pursuant to sections 3(a) (4) and (5), 403(a) (3), 1003(a) (3) and (4), 1403(a) (3) and (4), and 1603(a) (4) and (5): *Provided*, That if the amounts made available, pursuant to subparagraph (C), are insufficient to meet the requirements of this clause, then such amounts as are available shall be allotted to each of the three jurisdictions in proportion to their respective populations.

"(3) No payment may be made under this section to any State with respect to any expenditure for the provision of any service to any individual unless—

"(A) the State's services program planning meets the requirements of section 2004, and

"(B) the final comprehensive annual services plan in effect when the service is pro-

vided to the individual includes the provision of that service to a category of individuals which includes that individual in the descriptions required by section 2004(2) (B) and (C) of the services to be provided under the plan and the categories of individuals to whom the services are to be provided.

The Secretary may not deny payment under this section to any State with respect to any expenditure on the ground that it is not an expenditure for the provision of a service or is not an expenditure for the provision of a service directed at a goal described in paragraph (1) of this subsection.

"(4) So much of the aggregate expenditures with respect to which payment is made under this section to any State for any fiscal year as equals 60 per centum of the payment made under this section to the State for that fiscal year must be expended for the provision of services to individuals—

"(A) who are receiving aid under the plan of the State approved under part A of title IV or who are eligible to receive such aid, or

"(B) whose needs are taken into account in determining the needs of an individual who is receiving aid under the plan of the State approved under part A of title IV, or who are eligible to have their needs taken into account in determining the needs of an individual who is receiving or is eligible to receive such aid, or

"(C) with respect to whom supplemental security income benefits under title XVI or State supplementary payments, as defined in section 2007(1), are being paid, or who are eligible to have such benefits or payments paid with respect to them, or

"(D) whose income and resources are taken into account in determining the amount of supplemental security income benefits or State supplementary payments, as defined in section 2007(1), being paid with respect to an individual, or whose income and resources would be taken into account in determining the amount of such benefits or payments to be paid with respect to an individual who is eligible to have such benefits or payments paid with respect to him, or

"(E) who are eligible for medical assistance under the plan of the State approved under title XIX.

"(5) No payment may be made under this section to any State with respect to any expenditure for the provision of any service to any individual—

"(A) who is receiving, or whose needs are taken into account in determining the needs of an individual who is receiving, aid under the plan of the State approved under part A of title IV, or with respect to whom supplemental security income benefits under title XVI or State supplementary payments, as defined in section 2007(1) are being paid, or

"(B) who is a member of a family the monthly gross income of which is less than the lower of—

"(i) 80 per centum of the median income of a family of four in the State, or

"(ii) the median income of a family of four in the fifty States and the District of Columbia,

adjusted, in accordance with regulations prescribed by the Secretary, to take into account the size of the family,

if any fee or other charge (other than a voluntary contribution) imposed on the individual for the provision of that service is not consistent with such requirements (including requirements prohibiting the imposition of any such fee or charge) as the Secretary shall prescribe.

"(6) No payment may be made under this section to any State with respect to any expenditure for the provision of any service, other than an information or referral service or a service directed at the goal of preventing or remedying neglect, abuse, or

exploitation of children and adults unable to protect their own interests, to any individual who is not an individual described in paragraph (5), and—

"(A) who is a member of a family the monthly gross income of which exceeds 115 per centum of the median income of a family of four in the State, adjusted, in accordance with regulations prescribed by the Secretary, to take into account the size of the family, or

"(B) who is a member of a family the monthly gross income of which—

"(i) exceeds the lower of—

"(I) 80 per centum of the median income of a family of four in the State, or

"(II) the median income of a family of four in the fifty States and the District of Columbia,

adjusted, in accordance with regulations prescribed by the Secretary, to take into account the size of the family, and

"(ii) does not exceed 115 per centum of the median income of a family of four in the State, adjusted, in accordance with regulations prescribed by the Secretary, to take into account the size of the family,

unless a fee or other charge reasonably related to income is imposed on the individual for the provision of the service.

The Secretary shall promulgate the median income of a family of four in each State and the fifty States and the District of Columbia applicable to payments with respect to expenditures in each fiscal year prior to the first day of the third month of the preceding fiscal year.

"(7) No payment may be made under this section to any State with respect to any expenditure—

"(A) for the provision of medical or any other remedial care, other than family planning services, unless it is an integral but subordinate part of a service described in paragraph (1) of this subsection and Federal financial participation with respect to the expenditure is not available under the plan of the State approved under title XIX; or

"(B) for the purchase, construction, or major modification of any land, building or other facility, or fixed equipment; or

"(C) which is in the form of goods or services provided in kind by a private entity; or

"(D) which is made from donated private funds, unless such funds—

"(i) are transferred to the State and are under its administrative control, and

"(ii) are donated to the State without restrictions as to use, other than restrictions as to the services with respect to which the funds are to be used imposed by a donor who is not a sponsor or operator of a program to provide those services, or the geographic area in which the services with respect to which the contribution is used are to be provided, and

"(iii) do not revert to the donor's facility or use if the donor is other than a nonprofit organization; or

"(E) for the provision of room or board (except as provided by paragraph (11)(C)) other than room or board provided for a period of not more than six consecutive months as an integral but subordinate part of a service described in paragraph (1) of this subsection.

"(8) No payment may be made under this section with respect to any expenditure if payment is made with respect to that expenditure under section 408 or 422 of this Act.

"(9) (A) No payment may be made under this section with respect to any expenditure in connection with the provision of any child day care service, unless—

"(i) in the case of care provided in the child's home, the care meets standards established by the State which are reasonably in accord with recommended standards of

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national standard-setting organizations concerned with the home care of children, or

"(ii) in the case of care provided outside the child's home, the care meets the Federal interagency day care requirements as approved by the Department of Health, Education, and Welfare and the Office of Economic Opportunity on September 23, 1968; except that (1) subdivision III of such requirements with respect to educational services shall be recommended to the States and not required, and staffing standards for school-age children in day care centers may be revised by the Secretary, (II) the staffing standards imposed with respect to such care in the case of children under age 3 shall conform to regulations prescribed by the Secretary, and (III) the staffing standards imposed with respect to such care in the case of children aged 10 to 14 shall require at least one adult for each 20 children, and in the case of school-aged children under age 10 shall require at least one adult for each 15 children, except as provided in subparagraph (B).

"(B) The Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives, after December 31, 1976, and prior to July 1, 1977, an evaluation of the appropriateness of the requirements imposed by subparagraph (A), together with any recommendations he may have for modification of those requirements. No earlier than ninety days after the submission of that report, the Secretary may, by regulation, make such modifications in the requirements imposed by subparagraph (A) as he determines are appropriate.

"(C) The requirements imposed by this paragraph are in lieu of any requirements that would otherwise be applicable under section 522(d) of the Economic Opportunity Act of 1964 to child day care services with respect to which payment is made under this section.

"(10) No payment may be made under this section with respect to any expenditure for the provision of any educational service which the State makes generally available to its residents without cost and without regard to their income.

"(11) No payment may be made under this section with respect to any expenditure for the provision of any service to any individual living in any hospital, skilled nursing facility, or intermediate care facility (including any such hospital or facility for mental diseases or for the mentally retarded), any prison, or any foster family home except—

"(A) any expenditure for the provision of a service that (i) is provided by other than the hospital, facility, prison, or foster family home in which the individual is living, and (ii) is provided, under the State's program for the provision of the services described in paragraph (1), to individuals who are not living in a hospital, skilled nursing facility, intermediate care facility, prison, or foster family home,

"(B) any expenditure which is for the cost, in addition to the cost of basic foster care, of the provision, by a foster family home, to an individual living in that home, of a service which meets a special need of that individual, as determined under regulations prescribed by the Secretary, and

"(C) any expenditure for the provision of emergency shelter provided to a child, for not in excess of thirty days, as a protective service.

"(12) No payment may be made under this section with respect to any expenditure for the provision of cash payments as a service.

"(13) No payment may be made under this section with respect to any expenditure for the provision of any service to any individual to the extent that the provider of the service or the individual receiving the service is eligible to receive payment under title

XVIII with respect to the provision of the service.

"(b) (1) Prior to the beginning of each quarter the Secretary shall estimate the amount to which a State will be entitled under this section for that quarter on the basis of a report filed by the State containing its estimate of the amount to be expended during that quarter with respect to which payment must be made under this section, together with an explanation of the bases for that estimate.

"(2) The Secretary shall then pay to the State, in such installments as he may determine, the amount so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to the State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(3) Upon the making of any estimate by the Secretary under this subsection, any appropriations available for payments under this section shall be deemed obligated.

"PROGRAM REPORTING

"Sec. 2003. (a) Each State which participates in the program established by this title shall make such reports concerning its use of Federal social services funds as the Secretary may by regulation provide."

"(b) Each State which participates in the program established by this title shall assure that the aggregate expenditures from appropriated funds from the State and political subdivisions thereof for the provision of services during each services program year (as established under the requirements of section 2002(a) (3)) with respect to which payment is made under section 2002 is not less than the aggregate expenditures from such appropriated funds for the provision of those services during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, with respect to which payment was made under the plan of the State approved under title I, VI, X, XIV, or XVI, or part A of title IV, whichever is less, except that the requirements of this subsection shall not apply to any State for any services program year if the payment to the State under section 2002, for each fiscal year any part of which is included in that services program year, with respect to expenditures other than expenditures for personnel training or retraining directly related to the provision of services, equals the allotment of the State for that fiscal year under section 2002 (a) (2).

"(c) (1) If the Secretary, after reasonable notice and an opportunity for a hearing to the State, finds that there is a substantial failure to comply with any of the requirements imposed by subsections (a) and (b) of this section, he shall, except as provided in paragraph (2), notify the State that further payments will not be made to the State under section 2002 until he is satisfied that there will no longer be any such failure to comply, and until he is so satisfied he shall make no further payments to the State.

"(2) The Secretary may suspend implementation of any termination of payments under paragraph (1) for such period as he determines appropriate and instead reduce the amount otherwise payable to the State under section 2002 for expenditures during that period by 3 per centum for each of subsections (a) and (b) of this section with respect to which there was a finding of substantial noncompliance and with respect to which he is not yet satisfied that there will no longer be any such failure to comply.

"(d) (1) Each State which participates in the program established by this title shall have a plan applicable to its program for the provision of the services described in section 2002(a) (1) which—

"(A) provides that an opportunity for a

fair hearing before the appropriate State agency will be granted to any individual whose claim for any service described in section 2002(a) (1) is denied or is not acted upon with reasonable promptness;

"(B) provides that the use or disclosure of information obtained in connection with administration of the State's program for the provision of the services described in section 2002(a) (1) concerning applicants for and recipients of those services will be restricted to purposes directly connected with the administration of that program, the plan of the State approved under part A of title IV, the plan of the State developed under part B of that title, the supplemental security income program established by title XVI, or the plan of the State approved under title XIX;

"(C) provides for the designation, by the chief executive officer of the State or as otherwise provided by the laws of the State, of an appropriate agency which will administer or supervise the administration of the State's program for the provision of the services described in section 2002(a) (1);

"(D) provides that the State will, in the administration of its program for the provision of the services described in section 2002(a) (1), use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the program, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

"(E) provides that no durational residency or citizenship requirement will be imposed as a condition to participation in the program of the State for the provision of the services described in section 2002(a) (1);

"(F) provides, if the State program for the provision of the services described in section 2002(a) (1) includes services to individuals living in institutions or foster homes, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions or homes which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admissions policies, safety, sanitation, and protection of civil rights;

"(G) provides, if the State program for the provision of the services described in section 2002(a) (1) includes child day care services, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such services which are reasonably in accord with recommended standards of national organizations concerned with standards for such services, including standards related to admission policies for facilities providing such services, safety, sanitation, and protection of civil rights;

"(H) provides that the State's program for the provision of the services described in section 2002(a) (1) will be in effect in all political subdivisions of the State; and

"(I) provides for financial participation by the State in the provision of the services described in section 2002(a) (1).

Notwithstanding clause (C), if on December 1, 1974, the State agency which administered or supervised the administration of the portion of the plan of the State for services to the aged, blind, or disabled approved under title VI of this Act which related to blind individuals was different from the agency which administered or supervised the administration of the rest of that plan, the State agency which administered or super-

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vised the administration of the portion of the plan of the State for services to the aged, blind, or disabled related to blind individuals may be designated to administer or supervise the administration of the portion of the State's program for the provision of the services described in section 2002(a)(1) related to blind individuals and a separate State agency may be designated to administer or supervise the administration of the rest of the program; and in such case the part of the program which each agency administers, or the administration of which each agency supervises, shall be regarded as a separate program for the provision of the services described in section 2002(a)(1) for purposes of this title. The date selected by the State pursuant to section 2004(1) as the beginning of the services program year for each of the separate programs shall be the same.

"(2) The Secretary shall approve any plan which complies with the provisions of paragraph (1).

"(e)(1) No payment may be made under section 2002 to any State which does not have a plan approved under subsection (g).

"(2) In the case of any State plan which has been approved by the Secretary under subsection (d), if the Secretary, after reasonable notice and an opportunity for a hearing to the State, finds—

"(A) that the plan no longer complies with the provisions of subsection (d)(1), or

"(B) that in the administration of the plan there is a substantial failure to comply with any such provision,

the Secretary shall, except as provided in paragraph (3), notify the State that further payments will not be made to the State under section 2002 until he is satisfied that there will no longer be any such failure to comply, and until he is so satisfied he shall make no further payments to the State.

"(3) The Secretary may suspend implementation of any termination of payments under paragraph (2) for such period as he determines appropriate and instead reduce the amount otherwise payable to the State under section 2002 for expenditures during that period by 3 percent for each clause of subsection (d)(1) with respect to which there is a finding of noncompliance and with respect to which he is not yet satisfied that there will no longer be any such failure to comply.

"SERVICES PROGRAM PLANNING

"Sec. 2004. A State's services program planning meets the requirements of this section if, for the purpose of assuring public participation in the development of the program for the provision of the services described in section 2002(a)(1) within the State—

"(1) the beginning of the fiscal year of either the Federal Government or the State government is established as the beginning of the State's services program year; and

"(2) at least ninety days prior to the beginning of the State's services program year, the chief executive officer of the State, or such other official as the laws of the State provide, publishes a final comprehensive annual services program plan prepared by the agency designated pursuant to the requirements of section 2003(d)(1)(C) and, unless the laws of the State provide otherwise, approved by the chief executive officer, which sets forth the State's plan for the provision of the services described in section 2002(a)(1) during that year, including—

"(A) the objectives to be achieved under the program,

"(B) the services to be provided under the program, including at least one service di-

rected at at least one of the goals in each of the five categories of goals set forth in section 2002(a)(1) (as determined by the State) and including at least three types of services (selected by the State) for individuals who are recipients of supplemental security income benefits under title XVI and who are in need of such services, together with a definition of those services and a description of their relationship to the objectives to be achieved under the program and the goals described in section 2002(a)(1),

"(C) the categories of individuals to whom those services are to be provided, including any categories based on the income of individuals or their families,

"(D) the geographic areas in which those services are to be provided, and the nature and amount of the services to be provided in each area,

"(E) a description of the planning, evaluation, and reporting activities to be carried out under the program,

"(F) the sources of the resources to be used to carry out the program,

"(G) a description of the organizational structure through which the program will be administered, including the extent to which public and private agencies and volunteers will be utilized in the provision of services,

"(H) a description of how the provision of services under the program will be coordinated with the plan of the State approved under part A of title IV, the plan of the State developed under part B of that title, the supplemental security income program established by title XVI, the plan of the State approved under title XIX, and other programs for the provision of related human services within the State, including the steps taken to assure maximum feasible utilization of services under these programs to meet the needs of the low income population,

"(I) the estimated expenditures under the program, including estimated expenditures with respect to each of the services to be provided, each of the categories of individuals to whom those services are to be provided, and each of the geographic areas in which those services are to be provided, and a comparison between estimated non-Federal expenditures under the program and non-Federal expenditures for the provision of the services described in section 2002(a)(1) in the State during the preceding services program year, and

"(J) a description of the steps taken, or to be taken, to assure that the needs of all residents of, and all geographic areas in, the State were taken into account in the development of the plan; and

"(3) public comment on the proposed plan is accepted for a period of at least forty-five days; and

"(4) at least forty-five days after publication of the proposed plan and prior to the beginning of the State's services program year, the chief executive officer of the State, or such other official as the laws of the State provide, publishes a final comprehensive annual services program plan prepared by the agency designated pursuant to the requirements of section 2003(d)(1)(C) and, unless the laws of the State provide otherwise, approved by the chief executive officer, which sets forth the same information required to be included in the proposed plan, together with an explanation of the differences between the proposed and final plan and the reasons therefor; and

"(5) any amendment to a final comprehensive services program plan is prepared by the agency designated pursuant to section 2003(d)(1)(C), approved by the chief executive officer of the State unless the laws of the State provide otherwise, and published by the chief executive officer of the State, or such other official as the laws of the State provide, as a proposed amendment on which public comment is accepted for a period of

at least thirty days, and then prepared by the agency designated pursuant to section 2003(d)(1)(C), approved by the chief executive officer of the State unless the laws of the State provide otherwise, and published by the chief executive officer of the State, or such other official as the laws of the State provide, as a final amendment, together with an explanation of the differences between the proposed and final amendment and the reasons therefor.

"EFFECTIVE DATE OF REGULATIONS PUBLISHED BY THE SECRETARY

"Sec. 2005. No final regulation published by the Secretary under this title shall be effective with respect to payments under section 2002 for expenditures during any quarter commencing before the beginning of the first services program year established by the State under the requirements of section 2002(a)(3) which begins at least sixty days after the publication of the final regulation.

"EVALUATION; PROGRAM ASSISTANCE

"Sec. 2006. (a) The Secretary shall provide for the continuing evaluation of State programs for the provision of the services described in section 2002(a)(1).

"(b) The Secretary shall make available to the States assistance with respect to the content of their services program, and their services program planning, reporting, administration, and evaluation.

"(c) Within six months after the close of each fiscal year, the Secretary shall submit to the Congress a report on the operation of the program established by this title during that year, including—

"(1) the evaluations carried out under subsection (a) and the results obtained therefrom, and

"(2) the assistance provided under subsection (b) during that year.

"DEFINITIONS

"Sec. 2007. For purposes of this title—

"(1) the term 'State supplementary payment' means any cash payment made by a State on a regular basis to an individual who is receiving supplemental security income benefits under title XVI or who would but for his income be eligible to receive such benefits, as assistance based on need in supplementation of such benefits, as determined by the Secretary, and

"(2) the term 'State' means the fifty States and the District of Columbia."

TECHNICAL AND CONFORMING AMENDMENTS

Sec. 3. (a)(1) Section 402(a)(5) of the Social Security Act is amended by striking out "(A)" and striking out everything after "proper and efficient operation of the plan" and inserting "; and" in lieu thereof.

(2) Section 402(a) of that Act is further amended by striking out paragraphs (13) and (14).

(3) Section 403(a)(3) of that Act is amended to read as follows:

"(3) In the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision, and

"(B) one-half of the remainder of such expenditures, except that no payment shall be made with respect to amounts expended in connection with the provision of any service described in section 2002(a)(1) of this Act other than services the provision of which is required by section 402(a)(19) to be included in the plan of the State; and"

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(4) Section 403 of that Act is further amended by striking out subsection (e).

(5) Section 406 of that Act is amended by striking out subsection (d).

(6) Section 422(a)(1)(A)(i) of that Act is amended by striking out "the State agency designated pursuant to section 402(a)(3) to administer or supervise the administration of the plan of the State approved under part of this title" and inserting "the individual or agency designated pursuant to section 2003(d)(1)(C) to administer or supervise the administration of the State's services program" in lieu thereof.

(7) Section 422(a)(1)(A)(ii) of that Act is amended by striking out "the organizational unit in such State or local agency established pursuant to section 402(a)(15)" and inserting "a single organizational unit in such State or local agency, as the case may be," in lieu thereof.

(8) Section 402(a)(15) of that Act is amended by inserting "as part of the program of the State for the provision of services under title XX" immediately after "provide".

(b) Title VI of the Social Security Act is repealed.

(c) Section 1115 of the Social Security Act is amended by—

(1) striking out "or XIX" and inserting "XIX, or XX" in lieu thereof,

(2) striking out "or 1902" in clause (a) and inserting "1902, 2002, 2003, or 2004" in lieu thereof,

(3) striking out "or 1903" in clause (b) and inserting "1903, or 2002" in lieu thereof, and

(4) inserting "or expenditures with respect to which payment shall be made under section 2002," immediately after "administration of such State plan or plans," in clause (b).

(d) Section 1116 of the Social Security Act is amended by—

(1) striking out "of XIX" in subsections (a)(1) and (b) and inserting "XIX or XX" in lieu thereof,

(2) striking out "or 1904" and inserting "1904, or 2003" in lieu thereof in subsection (a)(3), and

(3) inserting "XX," immediately after "XIX," in subsection (d).

(e) (1) Section 1130 of the Social Security Act is repealed.

(2) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of that Act (relating to payments to States with approved State plans) are each amended by striking out "(subject to section 1130)".

(f) Any child day care service provided under any plan of a State approved under part A, or developed under part B, of title IV of the Social Security Act must meet the requirements applicable, under subsection (a)(9) of section 2002 of the Social Security Act, as amended by this Act, to child day care services with respect to which payment is made under that section. The requirements imposed by this subsection are in lieu of any requirements that would otherwise be applicable under section 522(d) of the Economic Opportunity Act of 1964 to child day care services provided under any plan of a State approved under part A, or developed under part B, of title IV of the Social Security Act.

(g) Section 12(a) of Public Law 93-233 is amended by striking out "January 1, 1975" and inserting "October 1, 1975" in lieu thereof. Notwithstanding the provisions of section 12(a) of Public Law 93-233, the Secretary may make any modification in any regulation described in that section if the modification is necessary to implement the provisions of this part.

(h) Section 422 of the Social Security Act is amended by inserting at the end thereof the following new subsection:

"(c) If on December 1, 1974, the agency

of a State administering its plan under this part was not the agency designated pursuant to section 402(a)(3), subsection (a)(1)(A) of this section shall not apply with respect to such agency but only so long as such agency is not the agency designated under section 2003(1)(1)(C), and if on December 1, 1974, the local agency administering the plan of a State under this part in a subdivision of the State is not the local agency in such subdivision administering the plan of such State under part A of this title, subsection (a)(1)(A) of this section shall not apply with respect to such local agency but only so long as such local agency is not the local agency administering the program of the State for the provision of services under title XX."

(i) Section 1108(a) of the Social Security Act is amended by striking out "The total amount" and inserting in lieu thereof "Except as provided in 2002(a)(2)(D), the total amount".

(j) Notwithstanding the provisions of paragraph (2) of section 2002(a) of the Social Security Act, as amended by this Act, the limitation imposed by such paragraph (2) for the fiscal year beginning July 1, 1975, with respect to any State shall be the allotment of the State for that fiscal year as determined under section 1130 of the Social Security Act. In determining, for the purposes of that limitation, the total amount of the payments made to any State with respect to expenditures during the fiscal year beginning July 1, 1975, there shall be included the amount of any payments made to the State that are chargeable against the allotment of the State for the fiscal year beginning July 1, 1975, under such section 1130.

REPORT BY THE SECRETARY

Sec. 4. Prior to July 1, 1977, the Secretary shall submit to the Congress a report on the effectiveness of the program established by title XX of the Social Security Act, as amended by this Act, during calendar years 1975 and 1976, together with recommendations, if any, for improvements in that program.

PAYMENTS TO STATES FOR EDUCATIONAL PURPOSES

Sec. 5. (a) Section 3(a)(4)(A)(iv) of the Social Security Act (as applicable to Puerto Rico, the Virgin Islands, and Guam) is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(b) Section 403(a)(3)(A)(iii) of the Social Security Act is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(c) Section 1003(a)(3)(A)(iv) of the Social Security Act (as applicable to Puerto Rico, the Virgin Islands, and Guam) is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(d) Section 1403(a)(3)(A)(iv) of the Social Security Act (as applicable to Puerto Rico, the Virgin Islands, and Guam) is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" following "training".

(e) Section 1603(a)(4)(A)(iv) of the Social Security Act (as applicable to Puerto Rico,

the Virgin Islands, and Guam) is amended by inserting "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled at such institutions)" following "training".

DEFINITION OF SECRETARY

Sec. 6. As used in this Part and the amendments made by this Part, the term "Secretary" means, unless the context otherwise requires, the Secretary of Health, Education, and Welfare.

EFFECTIVE DATES

Sec. 7. (a)(1) The amendments made by sections 2 and 5 of this Act shall be effective with respect to payments for quarters commencing after September 30, 1975.

(2) Notwithstanding the provisions of section 2004 of the Social Security Act, as amended by this Act, the first services program year of each State shall begin on October 1, 1975, and end with the close of, at the option of the State—

(A) the day in the twelve-month period beginning October 1, 1975, or

(B) the day in the twelve-month period beginning October 1, 1976, which is the last day of the twelve-month period established by the State as its services program year under that section. Notwithstanding the provisions of subsection (b) of section 2003 of the Social Security Act, as amended by this Act, the aggregate expenditures required by that subsection with respect to the first services program year of each State shall be the amount which bears the same ratio to the amount that would otherwise be required under that subsection as the number of months in the State's first services program year bears to twelve.

(b) The amendments made by section 3 of this Act shall be effective with respect to payments under sections 403 and 603 of the Social Security Act for quarters commencing after September 30, 1975, except that the amendments made by section 3(a) shall not be effective with respect to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

PART B—CHILD SUPPORT PROGRAMS

CHILD SUPPORT AND ESTABLISHMENT OF

PATERNITY

In General

Sec. 101. (a) Title IV of the Social Security Act is amended by adding after part C the following new part:

"PART D—CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

"APPROPRIATION

"Sec. 451. For the purpose of enforcing the support obligations owed by absent parents to their children, locating absent parents, establishing paternity, and obtaining child support, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this part.

"DUTIES OF THE SECRETARY

"Sec. 452. (a) The Secretary shall establish, within the Department of Health, Education, and Welfare a separate organizational unit, under the direction of a designee of the Secretary, who shall report directly to the Secretary and who shall—

"(1) establish such standards for State programs for locating absent parents, establishing paternity, and obtaining child support as he determines to be necessary to assure that such programs will be effective;

"(2) establish minimum organizational and staffing requirements for State units engaged in carrying out such programs under plans approved under this part;

"(3) review and approve State plans for such programs;

"(4) evaluate the implementation of State

programs established pursuant to such plan, conduct such audits of State programs established under the plan approved under this part as may be necessary to assure their conformity with the requirements of this part, and, not less often than annually, conduct a complete audit of the programs established under such plan in each State and determine for the purposes of the penalty provision of section 403(h) whether the actual operation of such programs in each State conforms to the requirements of this part;

"(5) assist States in establishing adequate reporting procedures and maintain records of the operations of programs established pursuant to this part in each State;

"(6) maintain records of all amounts collected and disbursed under programs established pursuant to the provisions of this part and of the costs incurred in collecting such amounts;

"(7) provide technical assistance to the States to help them establish effective systems for collecting child support and establishing paternity;

"(8) receive applications from States for permission to utilize the courts of the United States to enforce court orders for support against absent parents and, upon a finding that (A) another State has not undertaken to enforce the court order of the originating State against the absent parent within a reasonable time, and (B) that utilization of the Federal courts is the only reasonable method of enforcing such order, approve such applications;

"(9) operate the Parent Locator Service established by section 453; and

"(10) not later than June 30 of each year beginning after December 31, 1975, submit to the Congress a report on all activities undertaken pursuant to the provisions of this part.

"(b) The Secretary shall, upon the request of any State having in effect a State plan approved under this part, certify the amount of any child support obligation assigned to such State to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. No amount may be certified for collection under this subsection except the amount of the delinquency under a court order for support and upon a showing by the State that such State has made diligent and reasonable efforts to collect such amounts utilizing its own collection mechanisms, and upon an agreement that the State will reimburse the United States for any costs involved in making the collection. The Secretary after consultation with the Secretary of the Treasury may, by regulation, establish criteria for accepting amounts for collection and for making certification under this subsection including imposing such limitations on the frequency of making such certifications under this subsection.

"(c) (1) There is hereby established in the Treasury a revolving fund which shall be available to the Secretary without fiscal year limitation, to enable him to pay to the States for distribution in accordance with the provisions of section 457 such amounts as may be collected and paid (subject to paragraph (2)) into such fund under section 6305 of the Internal Revenue Code of 1954.

"(2) There is hereby appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, amounts equal to the amounts collected under section 6305 of the Internal Revenue Code of 1954, reduced by the amounts credited or refunded as overpayments of the amounts so collected. The amounts appropriated by the preceding section shall be transferred at least quarterly from the general fund of the Treasury to the fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were

in excess of or less than the amounts required to be transferred.

"PARENT LOCATOR SERVICE"

"Sec. 453. (a) The Secretary shall establish and conduct a Parent Locator Service, under the direction of the designee of the Secretary referred to in section 452(a), which shall be used to obtain and transmit to any authorized person (as defined in subsection (c)) information as to the whereabouts of any absent parent when such information is to be used to locate such parent for the purpose of enforcing support obligations against such parent.

"(b) Upon request, filed in accordance with subsection (d) of any authorized person (as defined in subsection (c)) for the most recent address and place of employment of any absent parent, the Secretary shall, notwithstanding any other provision of law, provide through the Parent Locator Service such information to such person, if such information—

"(1) is contained in any files or records maintained by the Secretary or by the Department of Health, Education, and Welfare; or

"(2) is not contained in such files or records, but can be obtained by the Secretary, under the authority conferred by subsection (e), from any other department, agency, or instrumentality, or the United States or of any State.

No information shall be disclosed to any person if the disclosure of such information would contravene the national policy or security interests of the United States or the confidentiality of census data. The Secretary shall give priority to requests made by any authorized person described in subsection (c) (1).

"(c) As used in subsection (a), the term 'authorized person' means—

"(1) any agent or attorney of any State having in effect a plan approved under this part, who has the duty or authority under such plans to seek to recover any amounts owed as child support (including, when authorized under the State plan, any official of a political subdivision);

"(2) the court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agent of such court; and

"(3) the resident parent, legal guardian, attorney, or agent of a child (other than a child receiving aid under part A of this title) (as determined by regulations prescribed by the Secretary) without regard to the existence of a court order against an absent parent who has a duty to support and maintain any such child.

"(d) A request for information under this section shall be filed in such manner and form as the Secretary shall by regulation prescribe and shall be accompanied or supported by such documents as the Secretary may determine to be necessary.

"(e) (1) Whenever the Secretary receives a request submitted under subsection (b) which he is reasonably satisfied meets the criteria established by subsections (a), (b), and (c), he shall promptly undertake to provide the information requested from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States or of any State.

"(2) Notwithstanding any other provision of law, whenever the individual who is the head of any department, agency, or instrumentality of the United States receives a request from the Secretary for information authorized to be provided by the Secretary under this section, such individual shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality with a view to determining whether the information requested is contained in any such files or records. If such search discloses the informa-

tion requested, such individual shall immediately transmit such information to the Secretary, except that if any information is obtained the disclosure of which would contravene national policy or security interests of the United States or the confidentiality of census data, such information shall not be transmitted and such individual shall immediately notify the Secretary. If such search fails to disclose the information requested, such individual shall immediately so notify the Secretary. The costs incurred by any such department, agency, or instrumentality of the United States or of any State in providing such information to the Secretary shall be reimbursed by him. Whenever such services are furnished to an individual specified in subsection (c) (3), a fee shall be charged such individual. The fee so charged shall be used to reimburse the Secretary or his delegate for the expense of providing such services.

"(f) The Secretary, in carrying out his duties and functions under this section, shall enter into arrangements with State agencies administering State plans approved under this part for such State agencies to accept from resident parents, legal guardians, or agents of a child described in subsection (c) (3) and, after determining that the absent parent cannot be located through the procedures under the control of such State agencies, to transmit to the Secretary requests for information with regard to the whereabouts of absent parents and otherwise to cooperate with the Secretary in carrying out the purposes of this section.

"STATE PLAN FOR CHILD SUPPORT"

"Sec. 454. A State plan for child support must—

"(1) provide that it shall be in effect in all political subdivisions of the State;

"(2) provide for financial participation by the State;

"(3) provide for the establishment or designation of a single and separate organizational unit, which meets such staffing and organizational requirements as the Secretary may by regulation prescribe, within the State to administer the plan;

"(4) provide that such State will undertake—

"(A) in the case of a child born out of wedlock with respect to whom an assignment under section 402(a) (26) of this title is effective, to establish the paternity of such child, and

"(B) in the case of any child with respect to whom such assignment is effective, to secure support for such child from his parent (or from any other person legally liable for such support), utilizing any reciprocal arrangements adopted with other States, except that when such arrangements and other means have proven ineffective, the State may utilize the Federal courts to obtain or enforce court orders for support;

"(5) provide that, in any case in which child support payments are collected for a child with respect to whom an assignment under section 402(a) (26) is effective, such payments shall be made to the State for distribution pursuant to section 457 and shall not be paid directly to the family except that this paragraph shall not apply to such payments (except as provided in section 457 (c)) for any month in which the amount collected is sufficient to make such family ineligible for assistance under the State plan approved under part A;

"(6) provide that (A) the child support collection or paternity determination services established under the plan shall be made available to any individual not otherwise eligible for such services upon application filed by such individual with the State, (B) an application fee for furnishing such services may be imposed, except that the amount of any such application fee shall be reasonable, as determined under regulations of the Secretary, and (C) any costs in excess of the

fee so imposed may be collected from such individual by deducting such costs from the amount of any recovery made;

"(7) provide for entering into cooperative arrangements with appropriate courts and law enforcement officials (A) to assist the agency administering the plan, including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and (B) with respect to any other matters of common concern to such courts or officials and the agency administering the plan;

"(8) provide that the agency administering the plan will establish a service to locate absent parents utilizing—

"(A) all sources of information and available records, and

"(B) the Parent Locator Service in the Department of Health, Education, and Welfare;

"(9) provide that the State will, in accordance with standards prescribed by the Secretary, cooperate with any other State—

"(A) in establishing paternity, if neces-

sary.

"(B) in locating an absent parent residing in the State (whether or not permanently) against whom any action is being taken under a program established under a plan approved under this part in another State.

"(C) in securing compliance by an absent parent residing in such State (whether or not permanently) with an order issued by a court of competent jurisdiction against such parent for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan of such other State, and

"(D) in carrying out other functions required under a plan approved under this part;

"(10) provide that the State will maintain a full record of collections and disbursements made under the plan and have an adequate reporting system;

"(11) provide that amounts collected as child support shall be distributed as provided in section 457;

"(12) provide that any payment required to be made under section 456 or 457 to a family shall be made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children; and

"(13) provide that the State will comply with such other requirements and standards as the Secretary determines to be necessary to the establishment of an effective program for locating absent parents, establishing paternity, obtaining support orders, and collecting support payments.

"PAYMENTS TO STATES"

"Sec. 455. From the sums appropriated therefor, the Secretary shall pay to each State for each quarter, beginning with the quarter commencing July 1, 1975, an amount equal to 75 percent of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454 except that no amount shall be paid to any State on account of furnishing collection services (other than parent locator services) to individuals under section 454(6) during any period beginning after June 30, 1976.

"SUPPORT OBLIGATIONS"

"Sec. 456. (a) The support rights assigned to the State under section 402(a) (26) shall constitute an obligation owed to such State by the individual responsible for providing such support. Such obligation shall be collectible under all applicable State and local processes.

"(1) The amount of such obligation shall be—

"(A) the amount specified in a court order which covers the assigned support rights, or

"(B) if there is no court order, an amount

determined by the State in accordance with a formula approved by the Secretary, and

"(2) Any amounts collected from an absent parent under the plan shall reduce, dollar for dollar, the amount of his obligation under paragraphs (1) (A) and (B).

"(b) A debt which is a child support obligation assigned to a State under section 402(a) (26) is not released by a discharge in bankruptcy under the Bankruptcy Act.

"DISTRIBUTION OF PROCEEDS"

"Sec. 457. (a) The amounts collected as child support by a State pursuant to a plan approved under this part during the 15 months beginning July 1, 1975, shall be distributed as follows:

"(1) 40 percent of the first \$50 of such amounts as are collected periodically which represent monthly support payments shall be paid to the family without any decrease in the amount paid as assistance to such family during such month;

"(2) such amounts as are collected periodically which are in excess of any amount paid to the family under paragraph (1) which represent monthly support payments shall be retained by the State to reimburse it for assistance payments to the family during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(3) such amounts as are in excess of amounts retained by the State under paragraph (2) and are not in excess of the amount required to be paid during such period to the family by a court order shall be paid to the family; and

"(4) such amounts as are in excess of amounts required to be distributed under paragraphs (1), (2), and (3) shall be (A) retained by the State (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing) as reimbursement for any past assistance payments made to the family for which the State has not been reimbursed or (B) if no assistance payments have been made by the State which have not been repaid, such amounts shall be paid to the family.

"(b) The amounts collected as child support by a State pursuant to a plan approved under this part during any fiscal year beginning after September 30, 1976, shall be distributed as follows:

"(1) such amounts as are collected periodically which represent monthly support payments shall be retained by the State to reimburse it for assistance payments to the family during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) such amounts as are in excess of amounts retained by the State under paragraph (1) and are not in excess of the amount required to be paid during such period to the family by a court order shall be paid to the family; and

"(3) such amounts as are in excess of amounts required to be distributed under paragraphs (1) and (2) shall be (A) retained by the State (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing) as reimbursement for any past assistance payments made to the family for which the State has not been reimbursed or (B) if no assistance payments have been made by the State which have not been repaid, such amounts shall be paid to the family.

"(c) Whenever a family for whom child support payments have been collected and distributed under the plan ceases to receive assistance under part A of this title, the State may—

"(1) continue to collect such support payments from the absent parent for a period of not to exceed three months from the month following the month in which such family ceased to receive assistance under part A of

this title, and pay all amounts so collected to the family; and

"(2) at the end of such three-month period, if the State is authorized to do so by the individual on whose behalf the collection will be made, continue to collect such support payments from the absent parent and pay the net amount of any amount so collected to the family after deducting any costs incurred in making the collection from the amount of any recovery made.

"INCENTIVE PAYMENT TO LOCALITIES"

"Sec. 458. (a) When a political subdivision of a State makes, for the State of which it is a political subdivision, or one State makes, for another State, the enforcement and collection of the support rights assigned under section 402(a) (26) (either within or outside of such State), there shall be paid to such political subdivision or such other State from amounts which would otherwise represent the Federal share of assistance to the family of the absent parent—

"(1) an amount equal to 25 percent of any amount collected (and required to be distributed as provided in section 457 to reduce or repay assistance payments) which is attributable to the support obligation owed for 12 months; and

"(2) an amount equal to 10 percent of any amount collected (and required to be distributed as provided in section 457 to reduce or repay assistance payments) which is attributable to the support obligation owed for any month after the first twelve months for which such collections are made.

"(b) Where more than one jurisdiction is involved in such enforcement or collection, the amount of the incentive payment determined under paragraphs (1) and (2) of subsection (a) shall be allocated among the jurisdictions in a manner to be prescribed by the Secretary.

"CONSENT BY THE UNITED STATES TO GARNISHMENT AND SIMILAR PROCEEDINGS FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS"

"Sec. 459. Notwithstanding any other provision of law, effective January 1, 1975, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States (including any agency or instrumentality thereof and any wholly owned Federal corporation) to any individual, including members of the armed services, shall be subject, in like manner and to the same extent as if the United States were a private person, to legal process brought for the enforcement, against such individual, of his legal obligations to provide child support or make alimony payments.

"CIVIL ACTIONS TO ENFORCE CHILD SUPPORT OBLIGATIONS"

"Sec. 460. The district courts of the United States shall have jurisdiction, without regard to any amount in controversy, to hear and determine any civil action certified by the Secretary of Health, Education, and Welfare under section 452(a) (8) of this Act. A civil action under this section may be brought in any judicial district in which the claim arose, the plaintiff resides, or the defendant resides."

"Collection of Child Support Obligations"

"(b) (1) Subchapter A of chapter 64 of the Internal Revenue Code of 1954 (relating to collection of taxes) is amended by adding at the end thereof the following new section:

"SEC. 6305. COLLECTION OF CERTAIN LIABILITY."

"(a) IN GENERAL.—Upon receiving a certification from the Secretary of Health, Education, and Welfare, under section 452(b) of the Social Security Act with respect to any individual, the Secretary or his delegate shall assess and collect the amount certified by the Secretary of Health, Education, and Welfare, in the same manner, with the same powers, and (except as provided in this section) sub-

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ject to the same limitations as if such amount were a tax imposed by subtitle C the collection of which would be jeopardized by delay, except that—

"(1) no interest or penalties shall be assessed or collected,

"(2) for such purposes, paragraphs (4), (6), and (8) of section 6334(a) (relating to property exempt from levy) shall not apply,

"(3) there shall be exempt from levy so much of the salary, wages, or other income of an individual as is being withheld therefrom in garnishment pursuant to a judgment entered by a court of competent jurisdiction for the support of his minor children, and

"(4) in the case of the first assessment against an individual or delinquency under a court order against such individual for a particular person or persons, the collection shall be stayed for a period of 60 days immediately following notice and demand as described in section 6303.

"(b) REVIEW OF ASSESSMENTS AND COLLECTIONS.—No court of the United States, whether established under article I or article III of the Constitution, shall have jurisdiction of any action, whether legal or equitable, brought to restrain or review the assessment and collection of amounts by the Secretary or his delegate under subsection (a), nor shall any such assessment and collection be subject to review by the Secretary or his delegate in any proceeding. This subsection does not preclude any legal, equitable, or administrative action against the State by an individual in any State court or before any State agency to determine his liability for any amount assessed against him and collected, or to recover any such amount collected from him, under this section."

(2) The table of sections for such chapter is amended by adding at the end thereof the following new item:

"Sec. 6305. Collection of certain liability."

Amendments to Part A of Title IV

(c) (1) Notwithstanding the provisions of section 402(a) of the Social Security Act, in addition to the amounts required to be disregarded under clause (8) (A) of such section, there is imposed the requirement (and the State plan shall be deemed to include the requirement) that for the 15 months beginning July 1, 1975, in making the determination under clause (7), the State agency shall with respect to any month in such year and in addition to the amounts required to be disregarded under clause (8) (A), disregard amounts payable under section 457(a) (1).

(2) Section 402(a) (9) is amended to read as follows:

"(9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only to (A) public officials who require such information in connection with their official duties, or (B) other persons for purposes directly connected with the administration of aid to families with dependent children."

(3) Section 402(a) (10) is amended by inserting immediately before "be furnished" the following: ", subject to paragraphs (25) and (26)."

(4) Section 402(a) (11) is amended to read as follows:

"(11) provide for prompt notice (including the transmittal of all relevant information) to the State child support collection agency (established pursuant to part D of this title) of the furnishing of aid to families with dependent children with respect to a child who has been deserted or abandoned by a parent (including a child born out of wedlock without regard to whether the paternity of such child has been established);"

(5) Section 402(a) is further amended—

(A) by striking out "and" at the end of paragraph (23);

(B) by inserting immediately before the

first word in paragraph (24) the following: "provide that"; and

(C) by striking out the period at the end of paragraph (24) and inserting in lieu thereof a semicolon and the following:

"(25) provide (A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the State agency his social security account number (or numbers, if he has more than one such number), and (B) that such State agency shall utilize such account numbers, in addition to any other means of identification it may determine to employ in the administration of such plan;

"(26) provide that, as a condition of eligibility for aid, each applicant or recipient will be required—

"(A) to assign the State any rights to support from any other person such applicant may have (i) in his own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid, and (ii) which have accrued at the time such assignment is executed,

"(B) to cooperate with the State (i) in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and (ii) in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child and that, if the relative with whom a child is living is found to be ineligible because of failure to comply with the requirements of subparagraphs (A) and (B) of this paragraph, any aid for which such child is eligible will be provided in the form of protective payments as described in section 406(b) (2) (without regard to subparagraphs (A) through (E) of such section); and

"(27) provide, that the States have in effect a plan approved under part D and operate a child support program in conformity with such plan."

(6) (A) Section 403 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding any other provision of this Act, the amount payable to any State under this part for quarters beginning after December 31, 1976, be reduced by 5 per centum of such amount if such State is found by the Secretary as the result of the annual audit to have failed to have an effective program meeting the requirements of section 402(a) (27) in any fiscal year beginning after September 30, 1976 (but, in the case of the fiscal year beginning October 1, 1976, only considering the second, third, and fourth quarters thereof)."

(B) Section 404 of such Act is amended by adding at the end thereof the following new subsections:

"(c) No State shall be found, prior to January 1, 1977, to have failed substantially to comply with the requirements of section 402(a) (27) if, in the judgment of the Secretary, such State is making a good faith effort to implement the program required by such section.

"(d) After December 31, 1976, in the case of any State which is found to have failed substantially to comply with the requirements of section 402(a) (27), the reduction in any amount payable to such State required to be imposed under section 403(h) shall be imposed in lieu of any reduction, with respect to such failure, which would otherwise be required to be imposed under this section."

(7) Section 406 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding the provisions of subsection (b), the term 'aid to families with dependent children' does not mean payments with respect to a parent (or other individual whose needs such State determines should be

considered in determining the need of the child or relative claiming aid under the plan of such State approved under this part) of a child who fails to cooperate with any agency or official of the State in obtaining such support payments for such child. Nothing in this subsection shall be construed to make an otherwise eligible child for protective payments because of the failure of such parent (or such other individual) to so cooperate."

(8) Section 402(a) (17), (18), (21), and (22), and section 410 of such Act are repealed.

Conforming Amendments to Title XI

(d) Section 1106 of such Act is amended—

(1) by striking out the period at the end of the first sentence of subsection (a) and inserting in lieu thereof the following: "and except as provided in Part D of title IV of this Act,";

(2) by adding at the end of subsection (b) the following new sentence: "Notwithstanding the preceding provisions of this subsection, requests for information made pursuant to the provisions of part D of title IV of this Act for the purpose of using Federal records for locating parents shall be complied with and the cost incurred in providing such information shall be paid for as provided in such part D of title IV,"; and

(3) by striking out subsection (c).

Authorization of Appropriations

(e) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to plan and prepare for the implementation of the program established by this section.

Effective Date

(f) The amendments made by this section shall become effective on July 1, 1975, except that section 459 of the Social Security Act, as added by subsection (a) of this section shall become effective on January 1, 1975, and subsection (e) of this section shall become effective upon the date of enactment of this Act.

And the Senate agree to the same.

AL ULLMAN,

JAMES A. BURKE,

Mrs. GRIFFITHS,

DAN ROSTENKOWSKI,

H. T. SCHNEEBELI,

BARBER CONABLE,

JERRY L. PETTIS,

Managers on the Part of the House.

RUSSELL B. LONG,

VANCE HARTKE,

ABE RIMKOFF,

W. F. MONDALE,

PAUL FANNIN,

CLIFFORD P. HANSEN,

ROBERT DOLE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for

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clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The social services provisions generally follow the House bill, which provides the conditions for State entitlement to social services funds under a new title XX of the Social Security Act with the following exceptions:

The Senate provisions requiring that three types of services be available to recipients of supplemental security income and that family planning services be offered to each appropriate person receiving aid to families with dependent children were accepted.

The House provision for fees for services for families and individuals with incomes between 80 and 115 percent of the State's median family income was retained with a provision that the Secretary of Health, Education, and Welfare is to issue regulations relating to fees for those with incomes below this level and for welfare recipients.

The conferees agreed to the Senate provisions regarding standards for child care with respect to the ratio of adults to children of various ages and making the educational component of child care recommended rather than mandatory. In the case of children under three, the ratio is left to regulations of the Secretary of Health, Education, and Welfare.

The Senate bill included provision for Puerto Rico, the Virgin Islands, and Guam to share in the \$2.5 billion ceiling for Federal expenditures for social services on the basis of their populations in relation to that of the States. Money would be available for them only if it remained unused in the amount available for allotment to the States. There was no comparable provision in the House bill. The conference agreement provides that Puerto Rico may receive up to \$15 million for social services (if it is available after the States have received their allotments) and Guam and the Virgin Islands may each receive up to \$500,000 under the same circumstances.

The conferees agreed to that part of the Senate amendment which would retain provisions of existing law with respect to separate agencies which have been authorized to administer services to the blind and child welfare services. The House bill contained no explicit provision on this subject.

The conference agreement eliminates many of the requirements in the House bill regarding program reporting, evaluation and audit, permitting the Secretary to require reports concerning the uses of service funds which shall be the basis of his annual report to the Congress. The House provision for a hearing to the State on the issue of failure to comply under the requirements is retained, and the Secretary is given the alternative of terminating payments to the State or imposing a reduction of three percent for each area of activity in which there is substantial non-compliance.

The provisions of the House bill regarding maintenance of effort were retained but clarified so that they applied only to appropriated funds and not to donated funds.

The effective date was advanced from July 1, 1975, to October 1, 1975, with the existing moratorium on regulations remaining in effect until that time.

A Senate provision regarding the funding of social work training made existing law explicit by specifying that States might make such grants to persons in educational institutions and to the institutions.

The Senate amendment providing a tax credit for low-income workers and families was dropped by the conferees.

The conference agreement generally accepts the Senate provisions on child support with the following modifications. It does not require appointment of an Assistant Secretary for child support but does require the Secretary of Health, Education, and Welfare

to designate a person in charge of an organizational unit responsible for child support activities. It provides that the Internal Revenue Service shall be used for collection of child support obligations only based on non-compliance with a court order and only after a one-time 60-day notice to a parent of the intent to enforce payments under this procedure. The procedures for child support apply equally to absent fathers and absent mothers. A provision in the Senate amendment for the establishment of regional laboratories to perform the blood-typing work necessary for the purposes of establishing paternity was deleted.

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CONFERENCE REPORT ON H.R. 10710, TRADE REFORM ACT OF 1973

Mr. ULLMAN submitted the following conference report and statement on the bill H.R. 10710, to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 1644)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 34, 36, 66, 67, 135, 170, 180, 181, 201, 235, 251, 273, 292, 346, 348, 351, 397, 398, and 399.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 11, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160, 162, 163, 164, 165, 166, 167, 168, 169, 171, 173, 175, 176, 177, 178, 179, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 200, 202, 203, 204, 205, 206, 208, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 290, 291, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 321, 323, 327, 328, 329, 330, 331,

332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 344, 345, 349, 350, 353, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 371, 372, 373, 374, 375, 376, 377, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 390, 391, 392, 395, 403, 404, 405, 406, 408, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 432, 433, and 434, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with the following amendments:

On page 5 of the Senate engrossed amendments, in the table of contents for title IV, strike out all beginning with "Sec. 409" and insert the following:

Sec. 409. Freedom to emigrate to join a very close relative in the United States.

Sec. 410. East-West Trade Statistics Monitoring System.

Sec. 411. East-West Foreign Trade Board.

On page 5 of the Senate engrossed amendments, at the end of the table of contents for title VI, insert the following:

Sec. 613. Limitation on credit to Russia.

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

The purposes of this Act are, through trade agreements affording mutual benefits,—

(1) to foster the economic growth of and full employment in the United States and to strengthen economic relations between the United States and foreign countries through open and nondiscriminatory world trade;

(2) to harmonize, reduce, and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States;

(3) to establish fairness and equity in international trading relations, including reform of the General Agreement on Tariffs and Trade;

(4) to provide adequate procedures to safeguard American industry and labor against unfair or injurious import competition, and to assist industries, firms, workers, and communities to adjust to changes in international trade flows;

(5) to open up market opportunities for United States commerce in nonmarket economies; and

(6) to provide fair and reasonable access to products of less developed countries in the United States market; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with the following amendments:

On page 9, line 4, of the Senate engrossed amendments, strike out "50 percent" and insert the following: 40 percent.

On page 9, line 8, of the Senate engrossed amendments, strike out "10 percent" and insert the following: 5 percent.

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with the following amendments:

On page 10, line 5, of the Senate engrossed amendments, strike out "(1)".

On page 10 of the Senate engrossed amendments, beginning with line 19, strike out all through line 13 on page 11.

On page 12 of the Senate engrossed amendments, strike out lines 9 through 21 and insert the following: with a draft of an implementing bill (described in section 151(b))

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and a statement of any administrative action proposed to implement such agreement, to the Congress as provided in subsection (e), and such agreement shall enter into force with respect to the United States only if the provisions of subsection (e) are complied with and the implementing bill submitted by the President is enacted into law.

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

On page 15, lines 22 and 23, of the Senate engrossed amendments, strike out "and consistent with the provisions of section 103"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

On page 16, line 20, of the Senate engrossed amendments, strike out "principal"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

On page 17, line 3, of the Senate engrossed amendments, strike out "principal"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(1) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed pursuant to section 101(a) (2) to carry out such agreement with respect to such article, and

(2) a reduction equal to the amount applicable under paragraph (1) had taken effect at 1 year intervals after the effective date of such first reduction.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with the following amendments:

On page 22, line 10, of the Senate engrossed amendments, strike out "(12)" and insert the following: (11).

On page 22, line 14, of the Senate engrossed amendments, after the comma insert the following: and.

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(12) consistent with the provisions of section 107, any revisions necessary to establish within the GATT an international agreement on articles (including footwear), including the creation of regular and institutionalized mechanisms for the settlement of disputes, and of a surveillance body to monitor all international shipments in such articles.

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

On page 24, line 21, of the Senate engrossed amendments, strike out "180" and insert the following: 150; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) Before entering into any trade agreement under this section with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the action of the United States or by such country or instrumentality.

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

On page 32, line 12, of the Senate engrossed amendments, strike out "July" and insert the following: January; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

On page 32, line 21, of the Senate engrossed amendments, strike out "shall" and insert the following: may; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

On page 34, line 13, of the Senate engrossed amendments, after "agreements" insert the following: entered into under this Act.

On page 34, line 17, of the Senate engrossed amendments, after "agreements" insert the following: entered into under this Act.

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(c) If the President determines under subsection (b) that a major industrial country has not made concessions under trade agreements entered into under this Act which provide substantially equivalent competitive opportunities for the commerce of the United States, he shall, either generally with respect to such country or by article produced by such country, in order to restore equivalence of competitive opportunities, recommend to the Congress—

(1) legislation providing for the termination or denial of the benefits of concessions of trade agreements entered into under this Act made with respect to rates of duty or other import restrictions by the United States; and

(2) that any legislation necessary to carry out any trade agreement under section 102 shall not apply to such country.

And the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

Restore the matter proposed to be stricken out, and on page 37, line 13 of the House engrossed bill, strike out "(j)" and insert the following: (k); and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with the following amendments:

On page 48 of the Senate engrossed amendments, beginning with "negotiation" in line 16, strike out all through "(b) (5)," in line 18.

On page 50 of the Senate engrossed amendments, beginning with line 10, strike out all through line 6 on page 51.

On page 53 of the Senate engrossed amendments, beginning with line 2, strike out all through line 22 on page 54.

On page 54 of the Senate engrossed amendments, strike out lines 24 and 25 and insert the following: implementing bill or approval resolution shall be in order.

On page 55 of the Senate engrossed amendments, beginning with "bill" in line 11, strike out all through "disapproval" in line 12 and insert the following: bill or approval.

On page 55 of the Senate engrossed amendments, beginning with "bill" in line 24, strike out all through line 13 on page 56 and insert the following: bill or approval resolution of that House, that House receives the same implementing bill or approval resolution from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill or approval resolution had been received from the other House; but

(B) the vote on final passage shall be on the implementing bill or approval resolution of the other House.

On page 57 of the Senate engrossed amendments, beginning with line 10, strike out all through line 8 on page 60 and insert the following:

(1) FLOOR CONSIDERATION IN THE HOUSE.—

(1) A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to reconsider the vote by which an implementing bill or approval resolution is agreed to, or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill or approval resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) Floor Consideration in the Senate.—

(1) A motion in the Senate to proceed to the consideration of an implementing bill or approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on an implementing bill or approval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority

leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with an implementing bill or approval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill or approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill or approval resolution is not in order.

And the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with the following amendments:

On page 61, line 13, of the Senate engrossed amendments, after "by" insert the following: , or the determination of.

On page 62, line 12, of the Senate engrossed amendments, strike out "(b)", "403 (b)", "409 (b)", or "411(b)" and insert the following: (b) or "409(b)".

And the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

On page 72 of the Senate engrossed amendments, beginning with "Such" in line 1 strike out all through line 9; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows:

On page 73 of the Senate engrossed amendments, beginning with line 4, strike out all through line 5 on page 75 and insert the following:

(a) MEMBERSHIP.—The United States International Trade Commission (referred to in this title as the "Commission") shall be composed of six commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of international trade problems and efficiency in administering the duties and functions of the Commission. A person who has served as a commissioner for more than 5 years (excluding service as a commissioner before the date of the enactment of the Trade Act of 1974) shall not be eligible for reappointment as a commissioner. Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable.

(b) TERMS OF OFFICE.—The terms of office of the commissioners holding office on the date of the enactment of the Trade Act of 1974 which (but for this sentence) would expire on June 16, 1975, June 16, 1976, June 16, 1977, June 16, 1978, June 16, 1979, and June 16, 1980, shall expire on December 16, 1976, June 16, 1978, December 16, 1979, June 16, 1981, December 16, 1982, and June 16, 1984, respectively. The term of office of each commissioner appointed after

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such date shall expire 9 years from the date of the expiration of the term for which his predecessor was appointed, except that any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term."

(b) Subsection (c) of such section is amended—

(1) by striking out "The" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Effective on and after June 17, 1975, the commissioner whose term is first to expire and who has at least 18 months remaining in his term shall serve as chairman during the last 18 months of his term (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of his term), and the commissioner whose term is second to expire and who has at least 36 months remaining in his term shall serve as vice chairman during the same 18-month period (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of such 18-month period)."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States, and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

And the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with the following amendments:

On page 80, line 15 of the Senate engrossed amendments, immediately after "section 203," insert the following: unless he determines that provision of such relief is not in the national economic interest of the United States.

On page 81, line 7, of the Senate engrossed amendments, immediately after "60 days", insert the following: (30 days in the case of a supplemental report under subsection (d)).

On page 81, line 11, of the Senate engrossed amendments, immediately after "60-day", insert the following: (or 30-day).

On page 81, line 14, of the Senate engrossed amendments, immediately after "provide", insert the following: or determine that the provision of such relief is not in the national economic interest of the United States.

And the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: whether to provide import relief and what method and amount of import relief he will provide; and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with the following amendment:

On page 82, line 16, of the Senate engrossed amendments, strike out "is required" and insert in lieu thereof the following: determines; and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with the following amendments:

On page 83, beginning with line 3, of the Senate engrossed amendments, after "(b)" insert the following: (1).

Page 83, after line 10, of the Senate engrossed amendment, insert the following:

(2) On the day on which the President determines that the provision of import relief is not in the national economic interest of the United States, the President shall transmit to Congress a document setting forth such determination and the reasons why, in terms of the national economic interest, he is not providing import relief and also what other steps he is taking, beyond adjustment assistance programs immediately available to help the industry to overcome serious injury and the workers to find productive employment.

Amendment numbered 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with the following amendments:

On page 83, line 14, of the Senate engrossed amendments, immediately after the comma, insert the following: or that he will not provide import relief.

On page 83, line 22, of the Senate engrossed amendments, immediately before "under", insert the following: or his determination not to provide import relief.

And the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment, as follows:

On page 85, line 10, of the Senate engrossed amendments, beginning with "as to", strike out through the period on line 11 and insert in lieu thereof a period; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment, as follows:

Restore the matter proposed to be stricken out and on page 63, line 3, of the House engrossed bill, strike out "Tariff", and strike out "(j) (2)" and insert the following: (1) (2); and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with the following amendments:

On page 88, line 16, of the Senate engrossed amendments, immediately after "8K)", insert the following: (1).

On page 88, after line 20, of the Senate engrossed amendments, insert the following:

(2) If the Commission treats as the domestic industry production located in a major geographic area of the United States under section 201(b) (3) (C), then the President shall take into account the geographic concentration of domestic production and of imports in that area in providing import relief, if any, which may include actions authorized under paragraph (1).

And the Senate agree to the same.

Amendment numbered 262: That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment, as follows:

On page 90, line 6, of the Senate engrossed amendments, strike out "75" and insert the following: 70; and the Senate agree to the same.

Amendment numbered 281: That the

House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment, as follows:

On page 93, beginning with line 21, of the Senate engrossed amendments, strike out through line 3 on page 94 and insert in lieu thereof the following:

(2) There are authorized to be appropriated to the Trust Fund, for purposes of training (including administrative costs) under section 236 such sums as may be necessary; and the Senate agree to the same.

Amendment numbered 289: That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment, as follows:

On page 95, line 14, of the Senate engrossed amendments, strike out "or group of workers," and insert in lieu thereof a comma and the following: group of workers, certified or recognized union; and the Senate agree to the same.

Amendment numbered 320: That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with the following amendments:

On page 101, line 20, of the Senate engrossed amendments, strike out "absolute".

On page 106, beginning with line 5 of the Senate engrossed amendments, strike out through line 9.

On page 106, line 10, of the Senate engrossed amendments, strike out "(3)" and insert in lieu thereof the following: (1).

On page 106, line 11, strike out "1980," and insert in lieu thereof the following: 1982.

On page 106, line 12, of the Senate engrossed amendments, strike out "(4)" and insert in lieu thereof the following: (2).

On page 106, line 15, of the Senate engrossed amendments, strike out "(5)" and insert in lieu thereof the following: (3).

On page 106, line 18, of the Senate engrossed amendments, immediately after "subsection" insert the following: by the United States.

On page 106, beginning with line 18, of the Senate engrossed amendments, strike out through line 24 on page 111 and insert in lieu thereof the following:

(e) The Governor of the State, the authorized representative of the community, or the Governor of the State and the authorized representative of the community, in which an applicant for a loan guarantee under subsection (b) is located may enter into an agreement with the Secretary which provides that such State or such community, or that such State and such community, will pay not to exceed one-half of the amount of any liability which arises on a loan guarantee made under subsection (d) if the State in which the applicant for such guarantee is located has established by law a program approved by the Secretary for the purposes of this section.

On page 111, beginning with line 25, of the Senate engrossed amendments, strike out through line 2 on page 112 and insert in lieu thereof the following:

(f) (1) When considering whether to guarantee a loan to a corporation which is otherwise qualified for the purposes of subsection (d), the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

On page 112, line 15, of the Senate engrossed amendments, strike out "section" and insert in lieu thereof the following: subsection.

On page 113, line 6, of the Senate engrossed amendments, strike out "section" and insert in lieu thereof the following: subsection.

On page 116, line 7, of the Senate engrossed amendments, strike out "(1)".

On page 116, line 7, of the Senate engrossed amendments, strike out "Federal

Government" and insert in lieu thereof: United States.

On page 116, beginning with line 10, of the Senate engrossed amendments, strike out through line 12.

On page 117, line 8, of the Senate engrossed amendments, strike out "5" and insert in lieu thereof the following: 7.

And the Senate agree to the same.

Amendment numbered 322: That the House recede from its disagreement to the amendment of the Senate numbered 322, and agree to the same with an amendment, as follows:

On page 117, line 21, of the Senate engrossed amendments, strike out "January 30, 1979" and insert the following: January 31, 1980; and the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 282. TRADE MONITORING SYSTEM.

The Secretary of Commerce and the Secretary of Labor shall establish and maintain a program to monitor imports of articles into the United States which will reflect changes in the volume of such imports, the relation of such imports to changes in domestic production, changes in employment within domestic industries producing articles like or directly competitive with such imports, and the extent to which such changes in production and employment are concentrated in specific geographic regions of the United States. A summary of the information gathered under this section shall be published regularly and provided to the Adjustment Assistance Coordinating Committee, the International Trade Commission, and to the Congress.

And the Senate agree to the same.

Amendment numbered 325: That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 283. FIRMS RELOCATING IN FOREIGN COUNTRIES.

Before moving productive facilities from the United States to a foreign country, every firm should—

(1) provide notice of the move to its employees who are likely to be totally or partially separated as a result of the move at least 60 days before the date of such move, and

(2) provide notice of the move to the Secretary of Labor and the Secretary of Commerce on the same day it notifies employees under paragraph (1).

(b) It is the sense of the Congress that every such firm should—

(1) apply for and use all adjustment assistance for which it is eligible under this title.

(2) offer employment opportunities in the United States, if any exist, to its employees who are totally or partially separated workers as a result of the move, and

(3) assist in relocating employees to other locations in the United States where employment opportunities exist.

And the Senate agree to the same.

Amendment numbered 328: That the House recede from its disagreement to the amendment of the Senate numbered 328, and agree to the same with the following amendment:

On page 122, line 2, of the Senate engrossed amendments, strike out "1980," and insert in lieu thereof the following: 1982; and the Senate agree to the same.

Amendment numbered 343: That the House recede from its disagreement to the

amendment of the Senate numbered 343, and agree to the same with an amendment, as follows:

On page 131, line 23, of the Senate engrossed amendments, strike out "may" and insert the following: shall; and the Senate agree to the same.

Amendment numbered 347: That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment, as follows:

On page 133, line 24, of the Senate engrossed amendments, strike out "(g)" and insert the following: (f); and the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with the following amendments:

On page 137, line 12, of the Senate engrossed amendments, strike out "(4)" and insert the following: (3).

On page 137, line 12, of the Senate engrossed amendments, strike out "(g)" and insert the following: (f).

And the Senate agree to the same.

Amendment numbered 354: That the House recede from its disagreement to the amendment of the Senate numbered 354, and agree to the same with the following amendments:

On page 141, line 22, of the Senate engrossed amendments, strike out "two-year" and insert the following: four-year.

On page 142 of the Senate engrossed amendments, strike out lines 17 through 20 and insert the following: during the remainder of such four-year period. This paragraph shall not apply with respect to any case involving non-rubber footwear pending on the date of the enactment of the Trade Act of 1974 until and unless agreements which temporize imports of non-rubber footwear become effective.

And the Senate agree to the same.

Amendment numbered 359: That the House recede from its disagreement to the amendment of the Senate numbered 359, and agree to the same with an amendment, as follows:

On page 146 of the Senate engrossed amendments, beginning with "The" in line 4 strike out all through line 6; and the Senate agree to the same.

Amendment numbered 370: That the House recede from its disagreement to the amendment of the Senate numbered 370, and agree to the same with an amendment, as follows:

On page 148 of the Senate engrossed amendments, beginning with "presented" in line 14, strike out all through "presented" in line 16 and insert the following: presented in all cases; and the Senate agree to the same.

Amendment numbered 378: That the House recede from its disagreement to the amendment of the Senate numbered 378, and agree to the same with the following amendments:

On page 162 of the Senate engrossed amendments beginning with line 19, strike out all through line 11 on page 164 and insert the following:

(a) Notwithstanding any other provision of law, if the President determines that a nonmarket economy country is not cooperating with the United States—

(1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia,

(2) to repatriate such personnel who are alive, and

(3) to return the remains of such personnel who are dead to the United States, then, during the period beginning with the date of such determination and ending on the date on which the President determines such country is cooperating with the United States, he may provide that—

(A) the products of such country may not receive nondiscriminatory treatment,

(B) such country may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees, and

(C) no commercial agreement entered into under this title between such country and the United States will take effect.

On page 164, line 12, of the Senate engrossed amendment strike out "(c)" and insert the following: (b)

And the Senate agree to the same.

Amendment numbered 389: That the House recede from its disagreement to the amendment of the Senate numbered 389, and agree to the same with the following amendments:

On page 170, lines 12 and 13 of the Senate engrossed amendments, strike out "Special Representative for Trade Negotiations" and insert the following: President

On page 170, line 14, of the Senate engrossed amendments, strike out "Special Representative" and insert the following: President

On page 170, line 19, of the Senate engrossed amendments, strike out "Special Representative" and insert: President

On page 171 of the Senate engrossed amendments, strike out lines 3 through 7 and insert the following:

(2) Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

And the Senate agree to the same.

Amendment numbered 393: That the House recede from its disagreement to the amendment of the Senate numbered 393, and agree to the same with the following amendments:

On page 171, lines 19 and 20 of the Senate engrossed amendments, strike out "402 (b), 403 (b), 409 (b), or 411 (b)" and insert the following: 402 (b) or 409 (b).

On page 171, line 23, of the Senate engrossed amendments, strike out the comma.

On page 172, line 1, of the Senate engrossed amendments, strike out "403 (b), 409 (b), or 411 (b)" and insert the following: or 409 (b).

And the Senate agree to the same.

Amendment numbered 394: That the House recede from its disagreement to the amendment of the Senate numbered 394, and agree to the same with the following amendments:

On page 173, line 9, of the Senate engrossed amendments, strike out "402 (b), 403 (b), 409 (b), or 411 (b)" and insert the following: 402 (b) or 409 (b).

On page 174 of the Senate engrossed amendments, beginning with "Clause" in line 4, strike out all through line 8.

And the Senate agree to the same.

Amendment numbered 396: That the House recede from its disagreement to the amendment of the Senate numbered 396, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 403. PAYMENT BY CZECHOSLOVAKIA OF AMOUNTS OWED UNITED STATES CITIZENS AND NATIONALS.

(a) The arrangement initiated on July 5, 1974, with respect to the settlement of the claims of citizens and nationals of the United States against the Government of Czechoslovakia shall be renegotiated and shall be submitted to the Congress as part of any agreement entered into under this title with Czechoslovakia.

(b) The United States shall not release any gold belonging to Czechoslovakia and controlled directly or indirectly by the United

States pursuant to the provisions of the Paris Reparations Agreement of January 24, 1946, or otherwise, until such agreement has been approved by the Congress.

And the Senate agree to the same.

Amendment numbered 400: That the House recede from its disagreement to the amendment of the Senate numbered 400, and agree to the same with the following amendments:

On page 178, line 6, of the Senate engrossed amendments, strike out "411" and insert the following: 409

On page 180 of the Senate engrossed amendments, after line 2 insert the following:

(c) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on the date of enactment of this Act.

(d) During any period that a waiver is in effect with respect to any nonmarket economy country under section 402(c), the provisions of subsections (a) and (b) shall not apply with respect to such country.

And the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment, as follows:

On page 180, line 3, of the Senate engrossed amendments, strike out "412" and insert the following: 410; and the Senate agree to the same.

Amendment numbered 402: That the House recede from its disagreement to the amendment of the Senate numbered 402, and agree to the same with an amendment, as follows:

On page 181, beginning with line 4, of the Senate engrossed amendments, strike out through line 17 on page 185 and insert in lieu thereof the following:

SEC. 411. EAST-WEST FOREIGN TRADE BOARD.

(a) The President shall establish an East-West Foreign Trade Board (hereinafter referred to as the "Board") to monitor trade between persons and agencies of the United States Government and nonmarket economy countries or instrumentalities of such countries to insure that such trade will be in the national interest of the United States.

(b) (1) Any person who exports technology vital to the national interest of the United States to a nonmarket economy country or an instrumentality of such country, and any agency of the United States which provides credits, guarantees or insurance to such country or such instrumentality in an amount in excess of \$5,000,000 during any calendar year, shall file a report with the Board in such form and manner as the Board requires which describes the nature and terms of such export or such provision.

(2) For purposes of paragraph (1), if the total amount of credits, guarantees and insurance which an agency of the United States provides to all nonmarket economy countries and the instrumentalities of such countries exceeds \$5,000,000 during a calendar year, then all subsequent provisions of credits, guarantees or insurance in any amount, during such year shall be reported to the Board under the provisions of paragraph (1).

(c) The Board shall submit to Congress a quarterly report on trade between the United States and nonmarket economy countries and instrumentalities of such countries. Such report shall include a review of the status of negotiations of bilateral trade agreements between the United States and such countries under this title, the activities of joint trade commissions created pursuant to such agreements, the resolution of commercial disputes between the United States and such countries, any exports from such countries which have caused disruption of United States markets, and recommendations for the promotion of east-west

trade in the national interest of the United States.

And the Senate agree to the same.

Amendment numbered 407: That the House recede from its disagreement to the amendment of the Senate numbered 407, and agree to the same with amendments:

On page 186, beginning with line 21, of the Senate engrossed amendments, strike out through line 4 on page 187 and insert in lieu thereof the following:

(2) If such country is a member of the Organization of Petroleum Exporting Countries, or a party to any other arrangement of foreign countries, and such country participates in any action pursuant to such arrangement the effect of which is to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level and to cause serious disruption of the world economy;

On page 187, line 5, strike out "(4)" and insert in lieu thereof the following: (3).

On page 187, line 15, of the Senate engrossed amendments, strike out "(5)" and insert in lieu thereof the following: (4).

On page 189, line 7, of the Senate engrossed amendments, strike out "(6)" and insert in lieu thereof the following: (5).

On page 189, line 7, of the Senate engrossed amendments, immediately after "to," insert the following: cooperate with the United States to.

On page 189, line 14, strike out "(7)" and insert in lieu thereof the following: (6).

On page 189, after line 21 on the Senate engrossed amendments, insert the following: Paragraphs (4), (5), and (6) shall not prevent the designation of any country as a beneficiary developing country under this section if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with his reasons therefor.

And the Senate agree to the same.

Amendment numbered 409: That the House recede from its disagreement to the amendment of the Senate numbered 409, and agree to the same with an amendment, as follows:

On page 190, line 10, of the Senate engrossed amendments, strike out "Reform"; and the Senate agree to the same.

Amendment numbered 410: That the House recede from its disagreement to the amendment of the Senate numbered 410, and agree to the same with an amendment, as follows:

On page 190, line 19, of the Senate engrossed amendments, strike out "paragraphs (2) and (3)" and insert in lieu thereof the following: paragraph (2) and the Senate agree to the same.

Amendment numbered 411: That the House recede from its disagreement to the amendment of the Senate numbered 411, and agree to the same with amendments, as follows:

On page 193, line 6, of the Senate engrossed amendments, strike out "footwear" and insert the following: footwear.

On page 193, line 10, of the Senate engrossed amendments, immediately after "(F)", insert the following: import-sensitive.

And the Senate agree to the same.

Amendment numbered 412: That the House recede from its disagreement to the amendment of the Senate numbered 412, and agree to the same with an amendment, as follows:

On page 195, line 24, of the Senate engrossed amendments, immediately after "produced", insert the following: on the date of enactment of this Act; and the Senate agree to the same.

Amendment numbered 430: That the House recede from its disagreement to the amendment of the Senate numbered 430, and agree to the same with an amendment, as follows:

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On page 199, beginning with line 23, of the Senate engrossed amendments, strike out through line 25 and insert in lieu thereof the following:

(b) In carrying out the responsibilities under section 484(e), Tariff Act of 1930 and other pertinent statutes, the Secretary of Commerce and the United States International Trade Commission shall conduct jointly a study of existing commodity classification systems with a view to identifying the appropriate principles and concepts which should guide the organization and development of an enumeration of articles which would result in comparability of United States import, production, and export data. The Secretary and the United States International Trade Commission shall submit a report to both Houses of Congress and to the President with respect to such study no later than August 1, 1975.

(c) In further connection with its responsibilities pursuant to subsections (a) and (b), the United States International Trade Commission shall undertake an investigation under section 332(g) of the Tariff Act of 1930 which would provide the basis for—

(1) a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, taking into account how such a code could meet the needs of sound customs and trade reporting practices reflecting the interests of United States and other countries, such report to be submitted to both Houses of Congress and to the President as soon as feasible, but in any event, no later than June 1, 1975; and

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices, and, in carrying out such responsibilities, the Commission shall report to both Houses of Congress and to the President, as it deems appropriate.

(d) The President is requested to direct the appropriate agencies to cooperate fully with the Secretary of Commerce and the United States International Trade Commission in carrying out their responsibilities under subsections (a), (b), and (c).

(e) The amendment made by subsection (a) insofar as it relates to export declarations shall take effect on January 1, 1976, and the Senate agree to the same.

Amendment numbered 431: That the House recede from its disagreement to the amendment of the Senate Numbered 431, and agree to the same with an amendment, as follows:

On page 200, line 12, of the Senate engrossed amendments, strike out "current monthly" and insert in lieu thereof the following: quarterly; and the Senate agree to the same.

Amendment numbered 435: That the House recede from its disagreement to the amendment of the Senate Numbered 435, and agree to the same with amendments, as follows:

On page 203, line 21, of the Senate engrossed amendments, strike out "Reform".

On page 203, line 22, of the Senate engrossed amendments, immediately after "United States", insert the following: , other than the Commodity Credit Corporation.

On page 204, line 2, of the Senate engrossed amendments, after "approval" insert the following: as provided by law.

And the Senate agree to the same.

AL ULLMAN,
JAMES A. BURKE,
MRS. GRIFFITHS,
DAN ROSTENKOWSKI,
H. T. SCHNEEBELI,
BARBER B. CONABLE,
JERRY L. PETTIS,
Managers on the part of the House.

RUSSELL B. LONG,
HERMAN TALMADGE,
ABE RIBICOFF,
W. F. MONDALE,
WALLACE F. BENNETT,
PAUL FANNIN,
CLIFFORD P. HANSEN,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system to stimulate the economic growth of the United States, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 1, 2, 4, 6, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 38, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 107, 108, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 137, 138, 140, 141, 142, 143, 144, 146, 147, 148, 149, 151, 152, 154, 155, 156, 157, 158, 163, 164, 165, 166, 168, 169, 171, 173, 175, 176, 177, 178, 179, 182, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 199, 200, 201, 203, 204, 205, 206, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 255, 256, 257, 258, 259, 260, 261, 263, 269, 277, 278, 279, 280, 282, 283, 285, 286, 287, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 321, 327, 328, 333, 339, 340, 341, 342, 344, 345, 348, 349, 350, 351, 352, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 371, 372, 373, 374, 376, 377, 379, 381, 382, 383, 384, 386, 388, 390, 391, 392, 395, 403, 404, 405, 409, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 434. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

Amendment No. 3: Section 2 of the House bill states that the purposes of the bill are to (1) stimulate the economic growth of the United States and to maintain and enlarge foreign markets for the products of United States agriculture, industry, mining, and commerce; and (2) strengthen economic relations with foreign countries through the development of fair and equitable market opportunities and through open and nondiscriminatory world trade. The Senate amendment substitutes for the general purposes stated in the House bill 15 specific purposes which essentially summarize the

major provisions of the bill as amended by the Senate. The House recedes, with the following amendment:

The purposes of this Act are, through trade agreements affording mutual benefits,

(1) to foster the economic growth of and full employment in the United States and to strengthen economic relations between the United States and foreign countries through open and nondiscriminatory world trade;

(2) to harmonize, reduce and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States;

(3) to establish fairness and equity in international trading relations, including reform of the General Agreement on Tariffs and Trade;

(4) To provide adequate procedures to safeguard American industry and labor against unfair or injurious import competition, and to assist industries, firms, workers, and communities to adjust to changes in international trade flows;

(5) to open up market opportunities for United States commerce in nonmarket economies; and

(6) to provide fair and reasonable access to products of less developed countries in the United States market;

And the Senate agree to the same.

Amendment No. 5: The House bill authorized the President, in exercising his trade agreement authority, to proclaim tariff reductions but no such proclamation may reduce any rate of duty (1) by more than 60 percent of the rate existing on July 1, 1973, if such rate is 25 percent ad valorem or less; or (2) by more than 75 percent of the rate existing on July 1, 1973, or to a rate of 10 percent ad valorem, whichever results in a higher rate of duty, if the rate existing on July 1, 1973, is more than 25 percent ad valorem. No rate reduction limitation would apply in the case of any rate of duty of 5 percent ad valorem or less. Senate amendment No. 5 authorizes duty reductions of up to 50 percent of the rate existing on January 1, 1975, if that rate is over 10 percent ad valorem, and no limitations are placed on duty reductions if the existing rate on January 1, 1975, is 10 percent ad valorem or less. Under the conference agreement, no reduction limitations are placed on rates which are 5 percent ad valorem or less on January 1, 1975, and duty reductions of up to 60 percent of the rate existing on January 1, 1975, if that rate is over 5 percent ad valorem, are authorized.

Amendments Nos. 7, 8, and 9: Section 102(a) of the House bill (1) set forth the Congressional finding that barriers to (and other distortions of) international trade (nontariff barriers) are reducing the growth of foreign markets for the products of the United States, diminishing intended mutual benefits of reciprocal trade concessions, and preventing the development of open and nondiscriminatory trade among nations; and (2) urged the President to take all steps to limit or reduce such barriers. Senate amendment No. 7 would add additional findings to the House provisions to the effect that nontariff barriers are adversely affecting the United States economy and are preventing fair and equitable access to supplies, and Senate amendments Nos. 8 and 9 urge the President to take action to harmonize, as well as to eliminate or reduce, such barriers. The House recedes.

Amendment No. 10: Section 102(b) of the House bill authorized the President during the five-year period beginning on the date of the enactment of the bill to enter into trade agreements to eliminate or reduce nontariff barriers if he finds that such bar-

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riers of any foreign country or the United States are unduly burdening or restraining the foreign trade of the United States. The Senate amendment retains the provisions of section 102(b) of the House bill but further authorizes the President to enter into agreements if he finds that nontariff barriers are adversely affecting the United States economy, and to enter agreements to harmonize (as well as to reduce or eliminate) such barriers or to provide for the prohibition or limitation on the imposition of such barriers. Section 102(c) of the House bill provided that a principal negotiating objective in entering into trade agreements under section 102 is to obtain with respect to each product sector of manufacturing and to the agricultural sector competitive opportunities for United States exports to the developed countries which are equivalent to the opportunities afforded similar foreign products in United States markets, and also required the Special Representative for Trade Negotiations, together with the Secretaries of Agriculture and Commerce and after consultation with the Advisory Committees established by section 135 of the House bill, to define appropriate sectors of manufacturing.

The Senate amendment deleted the statement of negotiation objectives and the matter relating to the definition of manufacturing sectors from section 102 of the bill and included related provisions in a separate new section (section 104) of the bill. Subsections (d), (e), and (f) of section 102 of the House bill required the President to consult with the Ways and Means and Finance Committees before entering into any trade agreement regarding nontariff barriers and provided that no such agreement, if entered into by the President, which changes domestic law shall enter into force and effect unless (1) the procedure specified in the bill relating to the notification to Congress of his intention to enter into such agreement and the delivery to Congress of a copy of the agreement, proposed implementing actions, if any, and other information, are complied with; and (2) neither House of Congress by resolution disapproves of such agreement before the close of the 90-day period after such delivery. The Senate amendment provided that before the President enters into any negotiations for a trade agreement under section 102, he must report separately to Congress each subject matter area of United States law and administrative practice which he intends to affect under such agreement, and such negotiations may be undertaken with respect to each subject matter area only if negotiation of such area is approved by Congress by resolution pursuant to section 151(b) of the bill. The Senate amendment further requires the President to consult with all appropriate committees of Congress before entering into any such agreement and provides that no agreement (whether or not it would result in any change to domestic law) shall enter into force and effect unless the President appropriately notifies the Congress of his intention to enter into such an agreement, transmits to Congress a copy of the agreement, a draft bill to implement the agreement, and other relevant information, and the implementing bill is enacted into law.

The Senate amendment also authorizes the President to recommend to Congress in any such implementing bill that the benefits and obligations of the nontariff barrier agreement be limited to the signatories to the agreement and that the agreement distinguish between the benefits and obligations applicable to different classes of signatories. Section 102 of the House bill set forth certain restrictions on converting, pursuant to a trade agreement entered into under section 102, nontariff barriers of the United States to tariff rates which afford sub-

stantially equivalent protection (such restrictions were considered necessary because of the one House disapproval procedures regarding nontariff barrier agreements contained in the House bill). The Senate amendment deleted these restrictions. Section 102 (g) of the House bill included the American selling price basis of customs evaluation within the definition of barrier for purposes of the section. The Senate amendment included the House definition and defines "distortion" as including any subsidy and defines "international trade" as including trade in both goods and services. The House recedes with respect to Senate amendment No. 10 with amendments which (1) delete the provision under which the President, in addition to the general consultations required with respect to the effect of proposed amendments, must report to Congress with respect to each subject matter area of United States law affected by negotiations and must have further specific approval prior to entering into negotiations which affect specified areas (consumer protection, employee health and safety, labor standards, or environmental standards); and (2) deletes the requirement that an employment impact statement be submitted with each implementing bill.

Amendment No. 11: This Senate amendment adds to the bill a new section 103 which provides that the overall United States negotiating objective under sections 101 (basic trade agreement authority) and 102 (trade agreement authority regarding nontariff barriers) shall be to obtain more open and equitable market access and the harmonization, reduction, or elimination of devices which distort trade or commerce and further provides that, to the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of international trade barriers and distortions. The House bill did not contain a similar provision. The House recedes.

Amendment No. 12: Senate amendment No. 12 adds a new section 104 to the bill which sets forth a sector negotiation objective for trade agreements entered into under sections 101 and 102 of the bill. Section 104 contains essentially the same provisions as section 102(c) of the House bill except that it applies the sector negotiating objective to agreements entered into under section 101 (basic trade agreement authority) as well as to nontariff barrier agreements, requires negotiations to be conducted on the basis of appropriate product sectors to the extent consistent with maximizing the overall economic benefit to the United States, and requires the President, if he determines that competitive opportunities in any product sector will be significantly affected by a trade agreement, to submit to Congress an analysis of the extent to which the agreement achieves the objective with respect to that sector. The requirement for such an analysis is in lieu of the provisions in section 102(c) of the House bill which requires the President to include, when submitted a nontariff trade barrier agreement to Congress, a sector-by-sector analysis of the extent to which the negotiating objective has been achieved. The House recedes with an amendment, striking the phrase "and consistent with the provisions of section 103," (the overall negotiating objective).

Amendment No. 13: This amendment added a new section 105 to the bill which provides that if the President determines that bilateral trade agreements will effectively promote the economic growth of the United States, then a principal negotiating objective under sections 101 and 102 of the bill shall be to enter into bilateral trade agreements providing for mutually ad-

vantageous economic benefits. No similar provision was contained in the House bill. The House recedes with a clarifying amendment, deleting the word "principal" qualifying negotiating objective.

Amendment No. 14: This amendment sets forth as a principal United States negotiating objective under sections 101 and 102 the entering into of trade agreements which promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities. No similar provision was contained in the House bill. The House recedes with an amendment, deleting the word "principal" qualifying negotiating objective.

Amendment No. 15: This amendment provides that a principal negotiating objective under section 102 (trade agreement authority regarding nontariff barriers) shall be to obtain internationally-agreed-upon rules and procedures which shall permit the use of temporary measures to ease adjustments to changes occurring in competitive conditions in the domestic market of parties to an agreement which could result from the expansion of international trade. The amendment provides that any agreement entered into under section 102 may include "safeguard" provisions establishing procedures for:

- (1) notification of affected exporting countries;
- (2) international consultations;
- (3) international review of changes in trade flows;
- (4) such adjustments in trade flows which may be necessary to avoid injury;
- (5) international mediation of disputes;
- (6) appropriate hearings and other public procedures in which interested parties would have the right to participate; and
- (7) exclusion of parties from compensation, obligations, and retaliation under specified conditions. The House bill did not contain similar provisions. The House recedes on the understanding that the criteria pursuant to which any import restrictions may be imposed under a safeguard arrangement must be submitted to the Congress for affirmative approval.

Amendment No. 16: This amendment adds a new section 108 to the House bill which provides that a principal United States negotiating objective under section 102 of the bill shall be to enter into trade agreements with foreign countries and instrumentalities to assure the United States of fair and equitable access at reasonable prices to supplies of articles of commerce which are important to the economic requirements of the United States and for which the United States does not have, or cannot easily develop, the necessary domestic productive capacity to supply its own requirements. The House bill did not contain a similar provision. The House recedes.

Amendments Nos. 18 and 19: The House bill provided that tariff reductions proclaimed pursuant to a trade agreement could not be staged in less than 15 annual installments or by annual reductions of a maximum of 3 percent ad valorem, or one-fifteenth, whichever is greater; and that such staging limitations do not apply in cases where the total reduction of duty is 10 percent or less of the rate before reduction. Senate amendments Nos. 18 and 19 require that duty reductions be staged in equal installments over a period of ten years and in cases where duty reductions are less than 20 percent ad valorem, the duty may be reduced by a maximum of 2 percent ad valorem per year. Under the conference agreement, the 10-year staging limitation contained in the Senate amendment is adopted, but annual reductions of up to 3 percent ad valorem or one-tenth of the total, whichever is greater are authorized.

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Amendments Nos. 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, and 41: Section 121 of the House bill directed the President to take such action as may be necessary to bring trade agreements into conformity with principles of promoting the development of open, nondiscriminatory, and fair world economic systems, including the revision of decisionmaking procedures in the General Agreement on Tariffs and Trade (GATT); the revision of article XIX of GATT into a truly international safeguard mechanism; the extension of GATT articles to conditions of trade not presently covered; the adoption of international fair labor standards and of public petition and confrontation procedures in the GATT; the revision of GATT articles with respect to the treatment of border adjustments for internal taxes; and the revision of balance-of-payments provisions in the GATT. Senate amendments Nos. 30, 31, 32, 33, 34, 35, 36, and 37 added to the principles specified in the House provision the following additional trade principles:

- (1) access to supplies, including rules governing export controls, denial of supplies and consultations on supply shortages;
- (2) the extension of GATT to deal with countries which deny goods and thereby injure the international community;
- (3) any revisions necessary to establish regular consultations;
- (4) elimination of special reverse preferences;
- (5) flexible monetary mechanisms;
- (6) code on subsidies and foreign investment incentives;
- (7) agreements on extraterritorial application of national laws; and
- (8) revisions to establish within GATT an international agreement on footwear.

Senate amendment No. 39 added to section 121a provision requiring the President, to the extent feasible, to enter into agreements with foreign countries to establish the principles set forth above with respect to international trade between the United States and such countries. Senate amendment 40 provided that no agreements to implement the principles of section 121 shall take effect unless legislation implementing those principles is enacted by Congress. Senate amendment 41 added to the provision in the House bill authorizing appropriations for payment by the United States of its share of expenses to GATT a proviso that such authorization does not imply approval or disapproval by Congress of all articles of the GATT. The House recedes with respect to all the Senate amendments (with conforming and clarifying amendments in some cases) except amendments Nos. 34 (relating to flexible monetary mechanisms) and 36 (relating to the extraterritorial application of national laws), from which the Senate recedes. Under the conference agreement the phrase "such as" was added before "footwear" in Senate amendment 37.

Amendments Nos. 42 and 43: Section 122 (a) of the House bill provides authority for the President to take certain import restraining actions in order to deal with large and serious United States balance-of-payments deficits, to prevent depreciation of the dollar in foreign exchange markets, and to cooperate in correcting international balance-of-payments disequilibrium. Senate amendment No. 42 amended the House provision to require the President to take such action in order to deal with such deficit and extends the effective period of any presidential action to 180 days (150 days under the House bill) unless such period is extended by Act of Congress. Senate amendment No. 43 permits the President to refrain from taking action under section 122(a) if such action would be contrary to the national interest. The House recedes with an amendment providing for the 150-day effective period contained in the House bill.

Amendments Nos. 45 and 51: Section 122 (b) of the House bill (redesignated as section 122(c) by the Senate) provides authority for the President to take certain action to increase imports in order to deal with a large or persistent United States balance-of-payments surpluses or to prevent significant appreciation of the dollar in foreign exchange markets. Senate amendment No. 45 would change the House version of section 122(b) to authorize the President to deal with large and persistent balance-of-trade surpluses determined on the basis of cost-insurance-freight value of imports and Senate amendment No. 51 requires import liberalizing actions taken under section 122(b) to be of broad and uniform application with respect to product coverage. The House recedes.

Amendment No. 69: Section 123 of the House bill provided authority for the President to promulgate temporary reductions in duty and temporary increases in quantities of articles permitted to be imported for purposes of restraining inflation. Senate amendment No. 69 deleted this section from the bill. The House recedes.

Amendment No. 80: This amendment amends section 124 of the House bill (section 123 as redesignated by the Senate), which gives the President authority to compensate foreign countries for increases in United States tariffs or other import restrictions when the United States is obligated to pay such compensation for trade restrictions imposed pursuant to an import relief finding under section 203 of this bill. The Senate amendment prohibits the entering into any agreement under section 123 with any foreign country if such country has violated trade concessions of benefit to the United States and such violation has not been adequately offset by action of the United States or by such country. The House recedes with an amendment making the application of the Senate amendment effective at the discretion of the President, rather than mandatory.

Amendment No. 91: This amendment adds to section 126 of the House bill (section 125 as redesignated by the Senate), which sets forth termination and withdrawal authority of the United States with respect to trade agreements, a new subsection (d) which requires the President to withdraw, suspend, or modify trade agreement concessions whenever a foreign country withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation. The House recedes with an amendment which makes action by the President under the Senate amendment discretionary rather than mandatory.

Amendments Nos. 104, 105, and 106: Senate amendment No. 104 amends section 127 of the House bill (section 126 as redesignated by the Senate), which applies the principle of nondiscriminatory treatment (most-favored nation principle) to all products of foreign countries to require the President to determine after conclusion of all negotiations entered into under the bill, or at the close of the 5-year period after its effective date (whichever is earlier) whether any major industrial country (defined by Senate amendment No. 106 to mean Canada, the European Economic Community, each nation in such Community, Japan, and any other country designated by the President) has failed to make concessions under trade agreements providing competitive opportunities for United States commerce in that country which are substantially equivalent to competitive opportunities provided by the United States under trade agreements for the commerce of such country in the United States. Senate amendment No. 105 provides that if the President determines that any major industrial country has not made such concessions, he shall (1) proclaim the termination

of United States concessions, or refrain from proclaiming such concessions, with respect to that country or articles thereof; and (2) recommend to Congress that any legislation necessary to carry out a trade agreement relating to nontariff barriers shall not apply to such country. The House recedes with respect to Senate amendment No. 104 with an amendment restricting the President's determination of whether a major industrialized country has made concessions providing substantially equivalent competitive opportunities for the commerce of the U.S. to trade agreements entered into under this Act.

The House recedes with respect to Senate amendment No. 105 with an amendment which deletes the President's authority to proclaim the termination of, or to refrain from proclaiming, trade agreement benefits to foreign countries failing to make reciprocal concessions and provides that the President shall recommend to the Congress any legislation necessary to restore the balance of competitive opportunities; and recedes with respect to Senate amendment No. 106.

Amendment No. 109: This amendment amends section 232 of the Trade Expansion Act of 1962 to transfer to the Secretary of the Treasury functions relating to investigations and determinations regarding whether articles are being imported in such quantities and under such circumstances so as to threaten to impair the national security. The amendment requires the Secretary of the Treasury to consult with the Secretaries of Defense and Commerce and other appropriate officers of the United States when making any such investigation. The Senate amendment further provides a procedure for holding public hearings incident to any such investigations (which must be completed within one year). The Secretary of the Treasury is required under the amendment to report his findings and recommendations resulting from any investigation to the President who may (unless he finds that the imports in question are not threatening the national security) take such action, and for such time, as he deems necessary to adjust imports so as to prevent impairment of the national security. The House recedes.

Amendment No. 113: This amendment requires the Tariff Commission (redesignated as the International Trade Commission by the Senate) to provide the President with advice with respect to articles proposed to be included in any trade agreement proposed to be entered into under section 123 (124) of the bill (compensation authority) within 90 days after the date of receipt of the list of such articles by the Commission. Under the House bill, such advice is required to be submitted within 6 months after date of receipt. The House recedes.

Amendment number 126: This amendment provides for the inclusion of representatives of small business, service industries and retailers on the Advisory Committee for Trade Negotiation.

The House recedes.

Amendment No. 128: This amendment authorizes the President, on his own initiative or at the request of interested persons, to establish general policy advisory committees for industry, labor, and agriculture to provide general policy advice on any trade agreement proposed to be entered into under section 101 or 102 of the bill. The amendment requires such committees to be representative of all industry, labor, or agricultural interests (including small business interests and to be organized by the President acting through the Special Representative for Trade Negotiations, and the Secretaries of Commerce, Labor, and Agriculture, as appropriate. The House recedes.

Amendment No. 135: This amendment provides that representatives from each committee established under section 135(c) of the bill (general policy advisory committees

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and industry, labor, and agricultural sector advisory committees) shall participate directly in any negotiation of any trade agreement under section 101 or 102 to the same extent as any representative of a comparable committee or sector participates in such negotiations on behalf of any foreign country. The Senate recedes, on the understanding that the negotiators shall inform the advisory committees of all relevant information during the negotiations. The conferees believe strongly that, to the extent consistent with the domestic laws, the private sector should fully contribute to the negotiation process.

Amendment number 145: This amendment deleted a provision of the House bill stating that nothing in section 135 is intended to authorize direct participation by individuals in trade agreement negotiations. The Senate recedes.

Amendment No. 136: This amendment requires the Advisory Committee for Trade Negotiations (established under section 135 (b) of the bill) and each appropriate policy advisory committee and sector advisory committee to meet at the conclusion of each trade agreement entered into under this Act and to provide to the President, the Congress, and to the Special Representative for Trade Negotiations a report on the agreement. Each such report is required to include an advisory opinion as to whether and to what extent the agreement promotes the economic interests of the United States and each report by a sector advisory committee is required to include an advisory opinion as to whether the agreement provides for equity and reciprocity within the sector.

The amendment further provides that the Advisory Committee and each policy advisory committee shall, as soon as practical after the close of the 5-year period after the effective date of the bill, submit to Congress a report including an advisory opinion as to whether and to what extent the trade agreements entered into under this Act, taken as a whole, serve the economic interests of the United States. Each sector advisory committee is required to submit to Congress, within the same time limitation, a report including an advisory opinion on the degree to which trade agreements entered into under this Act which affect the sector, taken as a whole, provide for equity and reciprocity within that sector. The House recedes.

Amendment No. 139: This amendment is a substitute for section 135(f) of the House bill which provided that information received in confidence by the Advisory Committee for Trade Negotiations or any advisory committee shall not be disclosed to other than Federal officers or employees designated by the Special Representative for Trade Negotiations or the Committees on Ways and Means and Finance to receive such information for use in connection with the negotiation of trade agreements. The Senate amendment provides that trade secrets and commercial or financial information submitted in confidence in connection with trade negotiations may not be disclosed for use in connection with such negotiations to other than Federal officers designated by the Special Representatives for Trade Negotiations, members of the Ways and Means and Finance Committees accredited as advisors under section 161(a) of the bill or designated by the chairman of either such committee under section 161(b), and staff members of either such committee designated by such chairman under section 161 (b)(2). The Senate amendment further provides that (1) other private information submitted in confidence to Federal officers, the Advisory Committee for Trade Negotiations, policy advisory committees, and sector advisory committees may not be disclosed except to individuals authorized to receive trade secrets and commercial or financial information and to such Advisory Committee or committees, and (2) information sub-

mitted in confidence by Federal officers to such Advisory Committee or committees shall not be disclosed except in accordance with rules issued by the Special Representatives for Trade Negotiations and the Secretaries of Commerce, Labor, and Agriculture, as appropriate. The House recedes.

Amendment No. 150: This amendment provides that the Special Representative for Trade Negotiations shall be compensated at the rate provided for at Level I of the Executive Schedule, and that the two Deputy Special Representatives for Trade Negotiations be compensated at the rate provided for at Level III of the Executive Schedule. Under the House bill, the Special Representative would receive the same compensation as a chief of mission. The House recedes.

Amendment No. 153: This amendment amends section 141 of the House bill (which establishes the Office of the Special Representatives for Trade Negotiations) to authorize the appropriation to such Office of such funds as may be necessary for the purpose of carrying out its functions for fiscal year 1976 and each fiscal year thereafter any part of which is within the 5-year period beginning on the date of the enactment of the bill. The House bill did not provide an authorization for the Office. The House recedes.

Amendments Nos. 159, 160, 161, and 162: Section 151 of the bill as passed by the House contained a procedure for congressional disapproval with respect to nontariff barrier trade agreements submitted to Congress, to escape clause actions to retaliation against unfair trade practices, and to extension or continuation of nondiscriminatory tariff treatment. Under this procedure, the President was to transmit a proclamation or agreement to the Congress, after 7 days it was in order to discharge the committee to which a resolution or disapproval had been referred, and, if either House approved the resolution of disapproval within a 90-day period, the agreement or proclamation was not to take effect.

The Senate amendments strike out section 151 of the House bill and insert new sections 151, 152, and 153. Under these amendments, a congressional approval procedure applies to all nontariff barrier trade agreements, to agreements establishing certain principles in international trade (including GATT revisions) which change federal law (including a material change in an administrative rule), and to bilateral trade agreements with non-market countries entered into after the date of the enactment of the bill. Under this procedure, an implementing bill or approval resolution is submitted by the President and introduced in each House (with no amendments permitted), time limits are established for committee consideration, and floor votes. If the bill is not enacted or the resolution is not approved as the case may be, the agreement or revision cannot enter into force.

Under the Senate amendments, provision is also made for two-House disapproval for Presidential import relief which differs from the Commission's recommendation, and for Presidential retaliation on an MFN basis against unjustifiable or unreasonable restrictions. Under these procedures, if both Houses do not adopt a concurrent resolution within the applicable time period, the Presidential action enters into force.

Finally, under the Senate amendments, a one-House disapproval procedure is established (1) for the determination of the Secretary of the Treasury not to apply countervailing duties during a 2-year discretionary period, (2) for extension of benefits under bilateral trade agreements with non-market countries entered into before the date of the enactment of the bill, (3) to all annual reviews of MFN treatment and government credits and guarantees to countries receiving benefits negotiated under title IV of the bill, and (4) to U.S. Government credits and investment guarantees extended

after the date of the enactment of the bill. This one-House disapproval procedure is the same as the two-House procedure provided by the Senate amendments except that adoption by majority vote of those present and voting in either House is sufficient to prevent action. The House recedes with clarifying and conforming amendments.

Amendment No. 167: Section 161 of the bill as passed by the House provided for congressional delegates to international conferences, meetings, and negotiation sessions with respect to trade agreements. Five members were to be appointed by the Speaker from the Ways and Means Committee of the House, and five members of the Senate Finance Committee were to be appointed by the President pro tempore of the Senate.

Under the Senate amendment, the appointment of the House delegates by the Speaker is to be upon the recommendation of the chairman of the Ways and Means Committee, and the appointment of the Senate delegates is to be upon the recommendation of the chairman of the Senate Finance Committee.

In addition, the Senate amendment provides that the Special Representative for Trade Negotiations is to keep each official adviser currently informed, and that the chairmen of the Ways and Means and Finance Committees can designate additional members of their committees and staff members who will have access to the current information provided the official advisers. The House recedes.

Amendment No. 170: The bill as passed by the House contained a requirement (in section 162(a)) that, as soon as practicable after a trade agreement entered into under chapter 1 or under the compensation authority or the authority to renegotiate duties has entered into force with respect to the United States, the President is to transmit to each House a statement of his reasons for entering into the agreement. This amendment provides that this statement is to include an employment impact statement setting forth in detail job losses and gains which may be expected as a result of the trade agreement. The Senate recedes.

Amendment No. 172: The bill as passed by the House contained a requirement (in section 163(a)) that the President submit to the Congress an annual report on the trade agreements program and on import relief and adjustment assistance. Under this amendment, the annual report is to include additional specified information. The House recedes with an amendment which deletes from such additional specified information with respect to the estimated effect under the program on employment and consumers.

Amendment No. 174: This amendment adds a new chapter 7 (consisting of sections 171 through 175) to title I of the bill. Under this amendment:

- (1) the United States Tariff Commission is renamed as the "United States International Trade Commission";
- (2) the membership is increased from 6 to 7 commissioners (no more than 4 from the same political party);
- (3) the term of office of commissioner is increased from 6 to 14 years, with one term expiring every other year;
- (4) an individual who has served for more than 7 years after the date of the enactment of the bill will be ineligible for reappointment;
- (5) the chairman and vice chairman positions are to rotate, with assignment as such normally determined by seniority;
- (6) the pay of the commissioners is upgraded;
- (7) the voting record of the commissioners is to be published;
- (8) the Commission is to be represented in court by its own attorneys or, at the request of the Commission, by the Attorney General of the United States, and

(9) the Commission is given an independent budget, and appropriations for the Commission for each fiscal year are authorized.

The House recedes with the following amendments:

(1) the Commission membership remains at six with an understanding that the commissioner shall, to the maximum extent feasible, avoid tie votes; (2) each Commissioner will serve for one nine-year term (rather than fourteen years). The House recedes from the Senate amendment with a modification to require the Commission Chairmanship to rotate every eighteen months, beginning June, 1975.

The House recedes from the Senate amendment to upgrade Commissioners' pay and to require voting records to be published. The Conference agreement permits the Commission to represent itself in judicial proceedings relative to its own functions, whereas the Attorney General would represent the Commission in judicial proceedings involving matters of Presidential decision. The House recedes from the Senate amendment requiring the Commission's budget to be submitted directly to Congress, rather than through OMB, beginning in 1976, with approval of both the Senate Finance and House Committee on Ways and Means.

Amendments Nos. 180 and 181: Under section 201 of the House bill, the Tariff Commission, when investigating petitions for eligibility for import relief, must take into account all economic factors which it considers relevant, including, with respect to substantial cause of serious injury to domestic injury caused by imports, an increase in imports (either actual or relative to domestic production). Senate amendments Nos. 180 and 181 provide that with respect to substantial injury, the Commission shall take into account only an absolute increase in imports. The Senate recedes.

Amendment No. 185: Section 201(b)(3) of the House bill provides that in determining the domestic industry producing an article like or directly competitive with an imported article, the Tariff Commission may (1) in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production, and (2) in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article. The Senate amendment adds to the House language a third standard under which the Commission may, in the case of a domestic producer located in a major geographic area of the U.S. and serving a market in that area, treat as part of such domestic industry only that segment of the producer which is located in the area. The House recedes with an amendment authorizing the Tariff Commission to treat as a domestic industry only the segment of the national production that is produced in a major geographic area if

(1) the production in such area constitute a substantial portion of the national industry, (2) such producers serve primarily the market of such major geographic area and (3) imports are concentrated in such geographic area.

Amendment No. 191: This amendment amends the House provision which requires the Tariff Commission, if it finds serious injury or threat thereof to a domestic injury caused by an imported article, to include in its report thereon to the President its finding as to the amount of increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury. The Senate amendment further requires that if the Commission finds that adjustment assistance under chapters 2, 3, and 4 of title II of the bill can

effectively remedy such injury, the Commission shall recommend the provision of such assistance in its report to the President. The House recedes.

Amendment No. 198: Section 202 of the House bill provided that the President, after receiving an affirmative finding of import injury from the Tariff Commission, shall evaluate the extent to which adjustment assistance has, or can be, made available to workers and firms in the injured domestic injury and may direct the Secretaries of Labor and Commerce to give expeditious consideration to petitions for adjustment assistance, and may provide import relief to the industry pursuant to section 203 of the bill.

The House provision required the President to make a determination whether to provide such import relief within 60 days after receipt of the Commission's affirmative finding, and to notify Congress immediately if he determined not to provide such relief. The Senate amendment changes the House provision in that (1) if an affirmative injury finding is made by the Commission, the President is required to provide import relief, and (2) if the Commission recommends the provision of adjustment assistance along with its finding, the President is to direct the Secretaries of Commerce and Labor to give expeditious consideration to assistance petitions. The Senate amendment further requires the President, within 60 days after receiving an affirmative finding of injury (1) to determine what method and amount of import relief he will provide and whether he will direct expeditious consideration of adjustment assistance petitions (and publish in the Federal Register that he has made such determination); and (2) publish his order to the Secretaries of Labor and Commerce directing them to give such expeditious consideration, if the Tariff Commission recommends the provision of adjustment assistance.

The House recedes with an amendment under which, after receiving an affirmative determination of injury (or threat thereof) the President shall (in addition to recommending whatever adjustment assistance that he deems advisable):

(1) provide import relief as recommended by the Commission;

(2) provide such other import relief as he deems appropriate; *Provided, however, if he determines it is not in the national economic interest, he may provide no import relief.*

However, if the President does not provide any import relief (because he determines it is not in the national economic interest) or if he provides relief other than recommended by the Commission, he must report his reasons to the Congress, and the Congress by an approval of a concurrent resolution under the procedures established by section 151 may provide import relief, as recommended by the Commission, or otherwise.

Amendments Nos. 202 and 208: The House bill permits the President, within 45 days after receiving an affirmative finding of injury by the Tariff Commission, to request additional information from the Commission. The Commission in not less than 30 days after such request (60 days in the case extensive additional information is requested) is required to furnish such information. Senate amendment No. 202 requires the President to request additional information within 15 days after receiving the finding and Senate amendment No. 208 deletes the additional 30 day period allowed under the House provision for Tariff Commission report in the case of extensive information. The House recedes with respect to amendment No. 202, the Senate recedes with respect to amendment No. 208.

Amendment No. 207: This amendment deletes from section 203 of the House bill the provision stating that, for purposes of providing import relief, the following methods shall be preferred to the methods listed below it:

- (1) Increases in, or imposition of, duties,
- (2) tariff rate quotas,
- (3) quantitative restrictions,
- (4) orderly marketing agreements.

This amendment further requires the President, if required under section 202(a) (1) to provide import relief, to take one or more of the relief actions set forth in section 203 of the House bill (redesignated section 203(a) by the Senate). The House recedes with an amendment.

Amendment No. 209: This amendment deletes section 203(c) of the House bill, which requires the President to report to Congress when he selects a method or methods of providing import relief (including a statement as to why he selected a method of relief over methods ranking higher in preference under section 203(a) of the House bill and over the provision of adjustment assistance), and provides instead that on the day the President proclaims import relief or announces his intention to negotiate orderly marketing agreements, he shall transmit to Congress a document setting forth the kind of action taken by him, and if such action differs from that recommended by the Tariff Commission in its affirmative finding, the reason for such difference.

Amendment No. 251: Under section 222 of the House bill, the Secretary of Labor shall certify groups of workers as eligible to apply for adjustment assistance if he determines, among other things, that increases of imports of articles like or directly competitive with articles produced by the workers' firm contributed importantly to the total or partial separation of the workers from employment, or to an absolute decrease in sales or production of the firm. The Senate amendment requires the Secretary to find an absolute increase in such imports. The Senate recedes.

Amendment No. 252: This amendment, which adds a new paragraph to section 222 of the House bill, defines "contributed importantly" (as such term applies to the effect of imports on worker's employment or their firm's production and sales) as meaning a cause which is important but not necessarily more important than any other cause. This definition was not included in the House bill, but was set forth in the House report. The House recedes.

Amendments Nos. 253 and 254: Section 223(c) and (d) of the House bill requires the Secretary of Labor to promptly publish in the Federal Register (1) a summary of his determination made with respect to any petition for worker adjustment assistance, and (2) notice of his determination to terminate any certification of eligibility for assistance by workers. The Senate amendments require the Secretary to also publish at the same time his reasons for each such determination. The House recedes.

Amendment No. 262: Under section 232(a) of the House bill, the trade adjustment allowance payable to an adversely affected worker for a week of unemployment shall be (1) for any week in the first 26 weeks of such allowance 75 percent of his average weekly wage, and (2) any subsequent week of such allowance 65 percent of his average weekly wage. The Senate amendment provides that for any week of allowance, the allowance shall be 75 percent of his average weekly wage. Under both House and Senate versions, no weekly allowance may exceed the average weekly manufacturing wage and each weekly allowance is reduced by 50 percent of the amount of the remuneration for services performed

by him during such week. The House recedes with an amendment providing that the allowance shall be 70 percent of the worker's average weekly wage for the entire 52 weeks of entitlement.

Amendment No. 264: Under section 232(e) of the House bill, whenever in any week of unemployment, the total amount payable to a worker as remuneration, unemployment compensation, training allowance, and trade readjustment exceeds (1) in the case of any week in the first 26 weeks of such allowance, 80 percent of his average weekly wage; or (2) in the case of any subsequent week, 75 percent of his average weekly wage, then the workers' trade readjustment allowance must be reduced by the amount of such excess. The Senate amendment eliminates the distinction between the first 26 weeks and subsequent weeks and provides that if the specified amounts payable to the worker exceed 80 percent of his average weekly wage for any week, the readjustment allowance for that week is reduced by the amount of the excess. Under both House and Senate versions, 130 percent of the average weekly manufacturing wage, if less than the percentage of the workers' average weekly wage which otherwise applies, is used for purposes of computing the reduction. The House recedes.

Amendment No. 265: This amendment eliminates the provision in the House bill which provides for Federal reimbursement to the States for any unemployment insurance provided under State programs to workers who are eligible for adjustment assistance under the bill. Under the bill as amended by the Senate, Federal funding is provided only for that portion of a worker's adjustment benefits which exceed his entitlement under the State unemployment program. The House recedes.

Senate amendments Nos. 268 and 267: Section 233 of the House bill provides that payments of trade readjustment allowances may not be made to any worker for more than 52 weeks, except that payments may be made (1) for an additional 26 weeks to a worker to assist him to complete training, and (2) for an additional 13 weeks to a worker who attained age 60 on or before the date of his total or partial separation from employment. Senate amendment No. 266 would provide for payments for an additional 26 weeks in the case of workers age 60 and over; and Senate amendment No. 267 imposes a maximum limitation of 78 weeks of trade readjustment allowances for any worker. The House recedes.

Amendment No. 268: This amendment provides that no trade adjustment allowance may be paid to a worker for an additional week to assist him in completing training unless the worker makes application for a training program approved by the Secretary within the later of (1) 180 days after the end of the week of his most recent total or partial separation (as the case may be), or (2) the date of his first certification of eligibility to apply for adjustment assistance. The House recedes.

Senate amendments Nos. 270 and 271: Section 236 of the House bill authorized the Secretary of Labor to defray subsistence and transportation expenses for workers undergoing training at facilities not within commuting distance of the worker's residence. The House bill provided subsistence payments not exceeding \$5 per day, and transportation expense payments not exceeding 10 cents per mile. Senate amendment No. 270 provides for subsistence payments not exceeding \$15 per day and Senate amendment No. 271 provides for transportation payments not exceeding 12 cents per mile. The House recedes.

Amendment No. 272: The House bill allows a displaced worker to apply for a job search allowance for up to one year after he becomes

unemployed. The Senate amendment allows a worker who has been referred to training to apply for a job search allowance within a reasonable period of time after the conclusion of such training. The House recedes.

Amendment No. 273: The House bill requires workers seeking relocation allowances to apply for these allowances before the time in which the relocation move is made. The amendment permits applications for such allowances to be made within a reasonable time after the move has been completed. The Senate recedes.

Amendment No. 274: The House bill contains a provision which states that any determination by a cooperating State agency with respect to entitlement to payments of adjustment assistance allowances is subject to review in the same manner as are determinations under the State unemployment insurance law. The Senate amendment applies State review standards to all adjustment assistance program benefits. The House recedes.

Amendment No. 275: This amendment amends the Internal Revenue Code of 1954 in order to reduce by 15 percent the credits for State unemployment taxes which employers are allowed against their liability for Federal Unemployment Tax if the Secretary of Labor finds that the State has not entered into before July 1, 1975, or fulfilled its commitments under, a cooperative agreement with the Secretary for the administration of adjustment assistance benefits within such State. The House bill did not contain a similar provision. The House recedes.

Amendment No. 276: This amendment provides that final determinations as to entitlement to all adjustment assistance benefits (rather than to only allowance payments as in the House bill) made by the Secretary of Labor absent an agreement under section 239 with a State shall be judicially reviewable as provided in section 205(g) of the Social Security Act. The House recedes.

Amendment No. 281: This amendment authorizes the appropriation (for purposes of training under section 236 of the bill) \$50,000,000 for fiscal year 1975 and such sums as are necessary for the 5 succeeding fiscal years. No separate authorization for training was contained in the House bill. The House recedes with an amendment eliminating the specified \$50,000,000 limitation on appropriations for fiscal year 1975, and an amendment authorizing necessary appropriations for the 7 succeeding fiscal years after fiscal year 1975, thereby conforming the appropriation authorization to the conference agreement on the date of termination of all adjustment assistance programs.

Amendment No. 284: This amendment provides that weeks of unemployment beginning after the effective date of the worker's adjustment assistance chapter for which trade adjustment allowances were payable under the Trade Expansion Act of 1962 shall be deducted from the total number of weeks of unemployment for which the worker is eligible for allowances under such chapter. The House recedes.

Amendment No. 288: The amendment adds a new section to the bill which authorizes the Secretary of Labor to require by subpoena the attendance of witnesses and the production of evidence necessary for him to make determinations under the worker adjustment assistance chapter. U.S. district courts are authorized to issue orders requiring compliance with such subpoenas. The House recedes.

Amendment No. 289: This amendment adds a new section to the bill under which any worker or group of workers may receive judicial review in United States circuit courts of appeals of any final determination by the Secretary of Labor on the eligibility of work-

ers to apply for adjustment assistance. The findings of the Secretary shall be conclusive if supported by substantial evidence. The House recedes with a clarifying amendment.

Amendment No. 320: This Senate amendment creates a new program of adjustment assistance for communities adversely affected by imports. A community, group of communities, or Governor of a State on behalf of a community or communities may file a petition with the Secretary of Commerce for certification of eligibility to apply for community adjustment assistance. The Secretary must certify a community eligible to apply if he determines: (a) a significant number or proportion of workers in the trade impacted area where the community is located are or are threatened to become totally or partially unemployed; (b) sales and/or production of firms in the trade impacted area have decreased absolutely; and (c) increased import of articles like or directly competitive with those produced by the firms or the transfer of firms from the trade impacted area to foreign countries have contributed importantly to (a) and (b).

Benefits can be extended only if the Secretary approves the adjustment assistance plan. Adjustment assistance for qualified communities consists of:

All forms of assistance other than loan guarantees, as provided a redevelopment area under the Public Works and Economic Development Act of 1965 ("PWEDA") and loan guarantees with a termination date September 30, 1982 as expressly provided in the Trade Act. Under the PWEDA the Secretary of Commerce is authorized to provide assistance to attract new investment and to create additional long term employment opportunities in the area in the form of:

- (1) direct grants for acquisition and development of land and improvements for public works, public service, or development facilities, including authority for additional grants to areas of substantial unemployment;
- (2) loans to purchase land and facilities for such purposes as constructing, modernizing and expanding plant facilities; and
- (3) technical assistance which would be useful in alleviating or preventing excessive unemployment or underemployment.

Loan guarantees for working capital and for the acquisition or improvement of plant facilities may be made to private borrowers by private lending institutions are subject to the same terms and conditions as under the Public Works and Economic Development Act of 1965.

The Senate amendment imposed two major conditions upon applicants for loan guarantees: first that officials of the state or locality or both pledge such portion of a future revenue sharing entitlement as necessary to cover fifty percent of any deficiency arising from a default, and second, in the case of corporations, that an amount of stock equal to twenty-five percent of the amount guaranteed be paid by the lender into a trust which is part of an employee stock ownership plan established and maintained solely by the corporation. The House bill contained no such provisions. The House recedes with the following amendments:

First, delete the word "absolute" so as to permit the Secretary to issue certifications whenever he determines that increases of imports, whether absolute or relative, have contributed importantly to the total or partial separation of workers and to the decline in sales or production, of firms, or threat thereof, in the affected area.

Second, extend the expiration on date of the community program from September 30, 1980, to September 30, 1982.

Third, in place of the Senate bill's provisions on joint liability for loan guarantees provide that the Governor of the State, the

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authorized representative of the community, or both, in which an applicant for a loan guarantee is located may enter into an agreement providing that such State or community or both will pay one half of the amount of any liability arising from the loan guarantee, if the State in which the applicant has established by law a program approved by the Secretary for such purpose. It is the understanding of the managers that an amendment to the State and Local Fiscal Assistance Act of 1972 to include such a use of funds among the enumerated purposes for which funds may be applied under that Act will be considered in 1977 when that legislation is considered for renewal.

Fourth, provide that when considering loan guarantees for qualified corporations, the Secretary shall give preference to corporations which have or undertake to establish a qualified employee stock ownership plan established and maintained solely by the corporation.

Amendment No. 322: This Senate amendment requires the Comptroller General to conduct a study, assisted by the Departments of Labor and Commerce, of the worker, firm and community adjustment assistance programs. The study by the General Accounting Office, among other things, will evaluate: (1) the effectiveness of the programs in aiding adjustment to import competition and; (2) the coordination of the administration of the programs with other government programs providing unemployment compensation and relief to depressed areas. The report is to be submitted to the Congress by January 30, 1979. The House bill contained no similar provision. The House recedes with an amendment requiring that the report be submitted to the Congress no later than January 31, 1980 instead of January 30, 1979.

Amendment No. 323: This Senate amendment replaces a comparable provision contained in the House bill. An Adjustment Assistance Coordinating Committee is created to consist of a Deputy Special Trade Representative, as Chairman, and officials charged with adjustment assistance responsibilities of the Departments of Labor and Commerce and the Small Business Administration. The Committee is charged with the coordination of the adjustment assistance policies, studies, and programs of the various agencies involved and to promote the efficient and effective delivery of adjustment assistance benefits. The House recedes.

Amendment No. 324: This Senate amendment directs the Secretaries of Commerce and Labor to establish and maintain a program to monitor imports of articles which will reflect changes in the volume of such imports, the relation of such imports to changes in relevant domestic production and employment, and the extent to which such changes in production and employment are concentrated in specific geographic regions of the country. A second provision added by the Senate required the Secretaries to gather additional information concerning the international operations of multinational corporations doing business in the United States. The information would cover direct investment by any such corporation in each foreign affiliate, gross sales, employment data, etc. The information gathered under this provision is to be published regularly. The House bill contained no such provisions. The House recedes with an amendment deleting the provision relating to information concerning the international operations of multinational corporations. It is the understanding of the managers that nothing in the remaining provision will be construed to require the tracing of articles imported into the United States to their points of sale in specific regions or areas of the country.

Amendment No. 325: This Senate amend-

ment required that every firm, prior to moving production facilities abroad, should: (1) give at least 60 days advance notice to its employees who are likely to become totally or partially unemployed; (2) at the same time give the Secretaries of Labor and Commerce notice of the move; (3) apply for and use all adjustment assistance for which it is eligible; (4) offer employment opportunities, if any exist, to its affected employees; and (5) assist in relocating employees where employment opportunities exist. The House bill contained no such provision. The House recedes with an amendment requiring that items 3, 4, and 5, above, be stated as being the sense of the Congress.

Amendment No. 326: This Senate amendment provides that the worker, firm, and community adjustment assistance provisions of title II of the Senate bill will become effective on the 90th day after the date of enactment of this Act. Such provisions are to terminate on September 30, 1982.

Amendment No. 329: Section 301(a) (4) of the Senate bill adds a provision to bases for retaliation, explicitly applying the discretionary retaliation authority to unjustifiable or unreasonable restrictions on access to supplies which burden or restrict U.S. commerce. The House bill did not contain a similar provision. The House recedes.

Amendment No. 330: The Senate bill extends retaliatory measures to include imposition of fees or restrictions on foreign services, as well as imposition of duties or other import restrictions on foreign goods. The House bill did not contain a similar provision. The House recedes.

Amendment No. 331: Section 301(a) of the Senate bill explicitly defines "commerce" to include services for purposes of the retaliation authority. The House bill did not contain a similar provision. The House recedes.

Amendment No. 332: Section 301(b) of the House bill required the President to consider U.S. international obligations when determining what actions to take under section 301. The Senate bill deleted this requirement. The House bill permitted actions against unjustifiable foreign practices to be taken on an MFN or selective basis. Actions against unreasonable foreign practices were to be on a selective basis. The Senate bill removes the distinction between unreasonable and unjustifiable practices, and authorized action on an MFN or selective basis in all cases. However, actions by the President would be subject to Congressional veto by a concurrent resolution of disapproval under Section 302 if the action is MFN rather than only against the country involved. The House recedes.

Amendment No. 334: The Senate bill adds a requirement, in addition to the provision in the House bill providing an opportunity for interested parties to present views, that the Special Trade Representative review complaints, publish them in the *Federal Register*, and hold public hearings upon request of the complainant on the alleged foreign restrictions. Also, the Special Trade Representative must submit a semiannual report to the Congress summarizing the reviews and hearings it has conducted during the preceding 6-month period. The House recedes.

Amendment No. 335: Section 301(e) of the House bill contained a provision requiring the President to provide an opportunity for the presentation of views and public hearings prior to the taking of action under Section 301. The Senate bill would also permit such presentation of views and hearings to take place promptly after the action, if the President determines that holding them prior to taking action would be contrary to the national interest because expeditious action is needed. The House recedes.

Amendment Nos. 336-337: The House bill provided for a one-House veto of any action

under 301. The Senate bill provides for a two-House veto of any action taken by the President on an MFN basis. Following the adoption of such a two-House resolution of disapproval, such action would remain in effect only with respect to the country(ies) whose practice was the cause for taking action under Section 301. The House recedes.

Amendment No. 338: Section 321(a) of the House bill required that a preliminary dumping determination be made by the Secretary of the Treasury within six months after the question of dumping was presented to him. In more complicated investigations such determinations could have been made within nine months after such question was presented. The Senate bill permits the period for the preliminary determination to be extended to nine months only after the Secretary of the Treasury concludes that such determination can not be reasonably made in six months and publishes a notice in the *Federal Register* with a statement of his reasons for such determination.

The Senate bill requires the Secretary to make a final dumping determination within three months after a preliminary determination, whether such preliminary determination was affirmative or negative. The House bill contained no similar provision.

The Senate bill requires the Secretary to determine whether or not to initiate an investigation within thirty days of the receipt of information alleging dumping. The Secretary would publish an affirmative determination to initiate an investigation in the *Federal Register*, and the time limits in the Senate bill would proceed from the date of such publication. The time limits in the House bill proceeded from the date on which the question of dumping was deemed to be presented to the Secretary.

Section 321(a) of the Senate bill provides that if, during the thirty day period of his determination whether or not to initiate an investigation, the Secretary of the Treasury concludes there is substantial doubt as to whether a domestic industry is being or is likely to be injured, he must give his reasons for such determination and any preliminary information available to him to the Tariff Commission. If the Commission determines within thirty days of receipt of the reasons and information that there is no reasonable indication of injury to an industry, it will advise the Secretary and any investigation will terminate. Otherwise, the investigation of the Secretary would continue. The House bill did not contain a similar provision.

Under the House bill, foreign manufacturers, exporters, and domestic importers had an automatic right to appear at hearings required to be conducted by the Secretary and the Commission. The Senate bill would amend Section 201(d) (1) of the Antidumping Act to extend the automatic hearing rights to include U.S. manufacturers, producers, or wholesalers of merchandise of the same class or kind, as well as foreign manufacturers, exporters and domestic importers of such merchandise. Under the Senate bill hearings would be held only at the request of one of the above interested parties.

The Senate bill adds the explicit qualification to the determination procedure that preserves any confidential treatment granted by the Secretary or the Commission during the course of the determination. The House bill did not contain a similar provision.

The House recedes with the understanding that the Secretary of the Treasury is not precluded from issuing an affirmative preliminary determination and withholding appraisalment, following the issuance of a preliminary negative determination. However, the Secretary must issue his final determination within three months of his first preliminary determination under the Antidumping Act.

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Amendment No. 343: The Senate bill adds a new subsection 205(d) to the Antidumping Act which authorizes the Secretary of the Treasury to impose dumping duties when a multinational corporation operating in several foreign countries supports low-priced exports to the United States through high-priced sales by other subsidiaries located in protected markets. More specifically, when the Secretary determines that:

(1) merchandise exported to the United States is produced in facilities owned or controlled by person, firm or corporation which also owns or controls facilities producing similar merchandise in other countries;

(2) sales in the home market of the country exporting to the U.S. are nonexistent or inadequate as a basis for comparison with sales of such or similar merchandise in the United States; and

(3) sales of like or similar merchandise made in one or more of the other countries are at prices substantially higher than the prices charged for goods produced in the exporting country;

the Secretary may determine the foreign market value by looking at the higher prices (adjusted for differences in cost of production and costs incident to packing) at which such like or similar goods are sold in substantial quantities by one or more of such other foreign facilities located outside the exporting country. The dumping duty could then be assessed in the amount equal to the difference between the purchase price in the United States (or the exporter's sale price) and the higher foreign market value of the goods not actually exported to the United States. The House bill did not contain a similar provision. The House recedes with an amendment making the Senate provision mandatory. Thus, the "may" in italics above is changed to *shall*.

Amendment No. 346: The Senate bill added an amendment to Section 481 of the Tariff Act to direct the Secretary of the Treasury to require that certified import invoices, other than for special transactions, include data on: (1) all rebates, drawbacks, and bounties and grants on the merchandise; and (2) the unit price of the same or similar merchandise in the home market of the country of export. The information would not be required if the customs officer determined it is currently available. The provision would apply to goods imported on or after the 90th day after enactment of the Act. The House bill did not contain a similar provision. The House recedes.

Amendment No. 347: The Senate bill adds a new section 516(d) to the Tariff Act to provide domestic manufacturers, producers, or wholesalers the right of judicial review in the U.S. Customs Court of negative dumping and countervailing duty determinations. The written notice of desire to contest must be filed with the Secretary of the Treasury within 30 days after the determination. This provision will apply to dumping and countervailing duty complaints made on or after enactment of the Trade Act. Under existing law importers and foreign producers are entitled to judicial review. Further, with respect to an antidumping proceeding or countervailing duty proceeding, upon summons, the Secretary is required to furnish the Customs Court with certified copies of the transcript of all hearings, and all notices, determinations or other matters published in the *Federal Register* in connection with a particular antidumping or countervailing duty proceeding. The House bill did not contain a similar provision. The House recedes.

Amendment No. 353-4: Section 331 of the Senate bill contains a provision for a countervailing duty investigation to be initiated by the filing of a petition by any

person setting forth his reasons for believing a bounty or grant exists, as well as at the initiative of the Secretary, which was required in the House bill. In both bills, there must be a Federal Register notice of the initiation of the investigation.

The Senate bill adds a 6-month time limit for a preliminary determination and retains the House 12-month limit for a final determination. In the Senate bill, the time limit begins on the date the petition is filed or the initiation notice is published, rather than from the date the question is presented to the Secretary, as under the House bill. The Senate bill requires that countervailing duties be imposed as of the publication date of the final determination. The House bill provided that such orders would apply 30 days after publication in the *Federal Register*.

The Senate bill adds to the House bill's extension of the injury test to duty-free imports a change in the suspension of liquidation provision, i.e., provides for suspension in the event the Secretary determines a bounty or grant exists with respect to nondutiable imports so as to require the same effective date for imposition of countervailing duties regardless of whether the merchandise in question is dutiable. Liquidation would be suspended immediately under the Senate bill, rather than 30 days after publication of the determination, as under the House bill.

The Senate bill deletes the provision in the House bill that the imposition of a countervailing duty shall not be required on any article subject to quantitative limitations where such limitations are determined to be an adequate substitute for a countervailing duty.

The Senate bill replaces the temporary waiver provision in the House bill, applicable while negotiations are in progress, with a new discretionary provision adding an explicit Congressional mandate for the President to negotiate internationally-agreed rules and procedures governing the use of subsidies and other export incentives, and the application of countervailing duties. The Senate bill deletes the one-year carve-out in the House bill for cases where an article is produced in facilities owned or controlled by a developed country, which are subsidized. Discretion under the Senate bill in the imposition of countervailing duties is permitted during the two year, rather than the four year period, following enactment under the House bill if the Secretary determines, after seeking advice from appropriate agencies that:

(1) adequate steps have been taken to eliminate or substantially reduce the adverse effect of the bounty or grant;

(2) there is a reasonable prospect that successful trade agreements under Section 102 will be entered into; and

(3) the imposition of countervailing duties would be likely to seriously jeopardize negotiations.

The Senate bill prohibits the waiver of otherwise mandated countervailing duties in cases involving import-sensitive items such as footwear. The House bill did not contain a similar provision.

The House bill requires only that the third condition exist for the Secretary to be able to exercise the waiver, whereas the Senate version permits the waiver only if all of the three conditions exist. Under the Senate, the Secretary may revoke his determination at any time, and must revoke it if a basis supporting such waiver no longer exists.

The Senate bill requires the Secretary of the Treasury to promptly report his determination not to impose duties and reasons therefor to both Houses of Congress. Counter-

vailing duties will be imposed if a majority of those present and voting of either House adopts at any time a disapproval resolution under Section 152 procedures. The House bill did not contain a similar provision.

The House recedes with amendments. The discretion of the Secretary of the Treasury to waive countervailing duties under the conditions specified in the Senate provision are to be effective for a four year period following date of enactment. The prohibition against the application of the waiver will apply only with respect to nonrubber footwear imports. It is the understanding of the conferees that the requirement concerning the elimination or reduction of adverse effects in the waiver provision is not to be construed as the intent of Congress that this language inject an injury concept into countervailing duty cases regarding dutiable goods, nor that the President negotiate, in every case, orderly marketing agreements with countries who are subsidizing exports to the United States in order to avoid the imposition of countervailing duties through use of such waiver.

Amendment No. 368: This Senate amendment amends section 515(d) of the Tariff Act of 1930 by inserting before the period at the end thereof the phrase "or the imposition of countervailing duties under Section 303." The House did not contain a similar provision. The House recedes.

Amendment No. 369: Section 321(d) of the Senate bill provides that for purposes of applying the provisions of Section 303(a) (4) (time limits on preliminary and final determinations) with respect to any countervailing duty investigation initiated before the date of enactment, such investigation shall be considered initiated on the day after such date of enactment. The amendment further provided that the Secretary's final determination on all countervailing complaints filed more than six months before enactment will be reached within six months after enactment. The House recedes with respect to the first provision relating to Section 303(a) (4) of the Tariff Act of 1930 (as amended). The Senate recedes with respect to the second provision relating to complaints filed more than six months before enactment, with the understanding that Section 321(d) of the Senate bill is adequate to subject pending complaints to the time limits of the countervailing duty statutes, as now amended.

Amendment No. 370: This Senate amendment extensively revises Section 337 of the Tariff Act of 1930, relating to unfair import practices, so as to vest solely in the International Trade Commission (subject to Presidential intervention for policy reasons only) final authority to exclude articles concerned in all unfair methods of import competition under Section 337, and to make other changes relating to the disposition of such cases. The House recedes with one amendment, striking the Senate provision requiring the International Trade Commission to consider in cases based upon claims of U.S. letters patent, defenses of price gouging.

Amendment No. 375: This amendment adds to section 402 of the House bill (relating to freedom of emigration in East-West trade) a new subsection (c) which authorizes the President to waive the freedom of emigration requirements in such section for a period of 18 months after the date of the enactment of the bill for any nonmarket country if he reports to Congress that the waiver will substantially promote the freedom of emigration objectives of the section and that he has received assurances that the emigration practices of that country will substantially lead to the achievement of the objectives of such section. The amendment further authorizes the President to extend the waiver at the end of the 18-month period.

and every year thereafter, subject to an affirmative approval, and thereafter congressional veto requirement. The House recedes.

Amendment No. 378: This amendment adds a new section 403 to the bill which provides that no nonmarket economy country may receive nondiscriminatory treatment or participate in a program under which the U.S. extends credit, credit guarantees, or investment guarantees, and no commercial agreement between the U.S. and any such country may enter into effect, during any period in which the President determines that such country is not cooperating with the U.S. to account for all U.S. personnel missing in action in Southeast Asia, to repatriate such personnel who are alive, and to return the remains of such personnel who are dead. The amendment further provides that any such country may receive such treatment and participate in such program, and that any such agreement shall enter into effect, if the President submits a report to Congress indicating that such country is so cooperating. Such report must include information on the nature of the cooperating and semiannual reports on the degree of cooperation by that country is required for so long as the nondiscriminatory treatment and credit or guarantees, or any such agreement, is in effect. The amendment does not apply to countries eligible for column 1 tariff treatment. The House recedes with an amendment which authorizes the President to deny the extension of most favored nation treatment, credits, guarantees, to countries which he determines are not cooperating with the United States in achieving the objectives of the Senate amendment. The President's reports to Congress would relate generally to compliance of countries involved in the MIA problem.

Amendment No. 380: Subsection (a) of section 403 of the House bill (section 404 as redesignated by the Senate) stated that the President may by proclamation extend nondiscriminatory treatment to products of a foreign country which has entered into a bilateral commercial agreement or is party to an appropriate multilateral trade agreement to which the U.S. is a party. The Senate amendment replaces the House provision with language stating that the President may only extend nondiscriminatory treatment to a country which has entered into a bilateral agreement with the U.S. The House recedes.

Amendment No. 385: This amendment provides that any bilateral commercial agreement entered into by the President may be renewed if during the life of the agreement a satisfactory balance of concessions in trade and services (balance of trade concessions under the House version) was maintained. The House recedes.

Amendment No. 387: This amendment amends section 405 of the House bill (relating to the authority of the President to enter into bilateral commercial agreements providing nondiscriminatory treatment to products of countries heretofore denied such treatment) to require that any such agreement—

- (1) include safeguard arrangements providing for prompt consultations when actual or prospective imports cause, threaten, or significantly contribute to market disruption, and the imposition of import restrictions appropriate to prevent such disruption (a more detailed statement of such arrangements than provided for in the House bill);
- (2) if the party to the agreement is not a party to such Convention, provides rights for United States nationals with respect to patents and trade marks not less than the rights specified under the Paris Convention for the Protection of Industrial Property;
- (3) if the party to the agreement is not a party to such Convention, provide rights for United States nationals with respect to copy-

rights not less than the rights specified under the Universal Copyright Convention;

- (4) contain arrangements to protect industrial rights and processes (and such arrangements shall apply only to agreements entered into and renewed after the date of enactment of the bill);

- (5) contain arrangements for trade promotion; and

- (6) contain other commercial arrangements necessary to promote the purposes of the bill.

The rights and arrangements required under paragraphs (2), (3), (4), (5), and (6) were discretionary under the House bill. The Senate amendment further requires that no bilateral commercial agreement, nor any proclamation extending nondiscriminatory treatment, shall be effective unless approved by Congress by concurrent resolution under the procedures in section 151 of the bill and provided that any such agreement entered into before the date of enactment of the bill, and any proclamation implementing any such agreement, may enter into effect subject to the disapproval of either House of Congress under the procedure contained in section 152. The House recedes.

Amendment No. 389: This amendment substantially revises section 405 of the House bill (section 406 as redesignated by the Senate) under which petitions may be filed with the International Trade Commission regarding products of countries receiving nondiscriminatory treatment under title IV of the bill to determine whether such products are causing market disruption and material injury to U.S. industries producing like or directly competitive articles. Under the Senate amendment—

- (1) the Commission must determine whether market disruption exists with respect to an article produced by a domestic industry;

- (2) market disruption is found to exist within a domestic industry whenever an article is being or is likely to be imported into the United States in such increased quantities as to be a significant cause of material injury or threat thereof to such industry (under the House language disruption exists whenever imports of a like or directly competitive article are substantial, are increasing rapidly both absolutely and relative to total domestic consumption, and are offered at prices substantially below those of comparable domestic articles);

- (3) disruption determinations are made with respect to the products of any country dominated or controlled by Communism rather than, as under the House version, only countries to which nondiscriminatory treatment has been extended under title IV;

- (4) certain procedural and hearing requirements applicable to import relief determination under title II are made applicable;

- (5) reduces the time limit for market disruption investigations from six months to three months;

- (6) prohibits the Commission from recommending adjustment assistance in such cases;

- (7) requires the President to impose import relief after an affirmative finding of market disruption;

- (8) prohibits the President from applying import relief measures to imports other than those from the particular country involved in the affirmative determination;

- (9) requires the President to initiate an investigation if he finds reasonable grounds that market disruption exists;

- (10) authorizes the President to take emergency relief action under section 201 and 203; and

- (11) provides that petitions may be filed with the Special Representative for Trade Negotiations requesting that consultations provided for under safeguard arrangements

contained in bilateral agreements with Communist countries be initiated.

The House recedes with amendments which (1) provide that petitions requesting consultations under safeguard arrangements be submitted to the President rather than to the Special Trade Representative, and (2) to redefine market disruption to exist whenever imports of a like or directly competitive article are increasing rapidly both absolutely and as a proportion of total domestic consumption, and such imports are causing or are likely to cause material injury to a domestic industry. The conferees understand that foreign entities would not be eligible to petition for relief under either section 201 or section 406.

Amendments Nos. 393 and 394: These amendments revise the procedures relating to the submission of required documents for, and the effect of, Congressional action on the approval or disapproval of extension of nondiscriminatory treatment to nonmarket economy countries. Under the House bill, Congress could disapprove the extension of nondiscriminatory treatment to a nonmarket economy country. The Senate bill revised the House provisions (1) to require affirmative Congressional approval of any bilateral agreement extending MFN treatment if the agreement was entered into after enactment of this Act; (2) to provide for Congressional disapproval of the agreement and implementing proclamation with a nonmarket economy country if the agreement was entered into before enactment of this Act; and (3) to provide for Congressional disapproval of reports submitted under title IV, which disapproval would deny continuation of MFN treatment, deny further participation in United States credit, or guarantee programs and preclude conclusion of a bilateral agreement under section 406.

Amendments Nos. 396 and 397: Amendment No. 396 adds a new section 408 to the bill which provides that (1) Czechoslovakia may not receive nondiscriminatory treatment or participate in any Federal programs extending credit or credit guarantees or investment guarantees, and (2) the United States may not consent to the release to Czechoslovakia of any gold belonging to that country and controlled by the United States pursuant to the Paris Reparations Agreement of January 24, 1946; until the government of Czechoslovakia pays a principal amount it owes to United States citizens under awards rendered against that country by the Foreign Claims Settlement Commission. Amendment No. 397 provides that if Czechoslovakia continues to fail to pay such awards, the United States District Court for the District of Columbia shall have jurisdiction to determine whether Czechoslovakia owns the gold which is controlled by the United States and, upon such finding, issue orders and judgments resulting in the payment of the claims of United States citizens against Czechoslovakia, with any balance remaining to be paid to that country. Under the conference agreement, any bilateral agreement with Czechoslovakia extending most favored nation treatment must include a renegotiation of the claims settlement. However, a more equitable claims settlement may be renegotiated prior to submission of a commercial agreement. The conferees intend that there be a speedy renegotiation of a claims settlement by individuals other than those who negotiated the unreasonable first tentative agreement. No further government credits may be extended to Czechoslovakia until the claims settlement is renegotiated and approved by Congress.

Also, the United States shall not release any gold to Czechoslovakia until the claims settlement is approved.

Amendment No. 398: This amendment adds a new section 409 to the bill which provides that no nonmarket economy country may receive nondiscriminatory treatment or participate in a program under which the U.S. extends credit, credit guarantees, or investment guarantees, and no commercial agreement between the U.S. and any such country may be concluded, during any period in which the President determines that such country has failed to enter into an agreement with the U.S. providing for a mutual exchange of information on production, consumption, and demand of major agricultural commodities, or after entering into such an agreement fails to fulfill it. The amendment further provides that any such country may receive such treatment and participate in such program, and that any such agreement shall enter into effect, if the President submits a report to Congress indicating that such country has entered into, and is fulfilling, such an agreement. The amendment does not apply to countries currently eligible for column 1 tariff treatment. The House recedes with an amendment which makes the application of the prohibition in this section discretionary on the part of the President. The Senate recedes, but it is the intent of the Conferees that the President must determine that there has been compliance with the intent of the Senate amendment on the part of any foreign country before any bilateral commercial agreement entered into under the authority of section 405 of the bill including the extension of most favored nation treatment with that country is renewed. Under the bill, all bilateral commercial agreements must be renewed every three years.

Amendments Nos. 399 and 400: Amendment No. 399 added a new section 411 to the bill to prohibit the extension of nondiscriminatory treatment and credits, and the concluding of any commercial agreement, with any nonmarket economy country during any period in which the President finds that such country denies its citizens freedom to emigrate to join any close relative living in the United States, or takes other action to dissuade such emigration. Amendment No. 399 added a new section 410 to the bill the intent of which was to provide that during any period in which a waiver is in effect for any country under section 402(c) of the bill (waiver of prohibition against nonmarket countries which restrict emigration in East-West trade) such waiver shall also apply to that country for purposes of section 411. The House recedes with amendments (1) making conforming amendments necessary to apply the waiver provisions of section 410 to 411, and (2) exempting countries entitled to column 1 tariff treatment on the date of the enactment of the bill from the application of section 411. By including section 411, as amended, in the bill, the Conferees intend to underscore the high importance attached to the right and opportunity to emigrate for the purpose of reuniting close relatives with their families in the United States. The Conferees, however, do not intend to change or affect in any way the provisions of the "Jackson-Vanik amendment," which also deals with freedom of emigration, or to imply that any additional requirements are inserted. Indeed, the purpose of the Conferees' modifications is to bring the coverage of this amendment into complete harmony with the "Jackson-Vanik amendment." The amendment, as amended, accordingly will not substantively go beyond the coverage of the Jackson-Vanik amendment, but the Conferees recommend its inclusion as a means of emphasizing this particular aspect of the general area covered by the Jackson-Vanik amendment.

Amendment No. 401: This amendment adds a new section 412 to the bill requiring the International Trade Commission to establish and maintain a program to monitor imports and exports between the U.S. and nonmarket economy countries. The Commission is required to publish a summary of data collected under the program not less than once each calendar quarter and transmit such publication to Congress. The House recedes with a conforming amendment.

Amendment No. 402: This amendment adds a new section 413 to the bill which establishes within the Executive Branch an East-West Foreign Trade Board to coordinate and oversee the orderly development of trade with nonmarket countries. The Board would be empowered to review East-West transactions involving U.S. Government credits or investment guarantees in excess of \$5 million or involving the transfer of technology deemed vital to the U.S. national interest and persons contemplating such transactions would be required to file reports with the Board not less than 90 days before entering into the agreement. The amendment requires the Board to make a determination that any such transaction is in the national interest. Transactions involving more than \$50 million which are determined by the Board to be in the national interest would be made subject to Congressional veto under section 152. The Board generally would be charged with oversight and review of U.S. relations with Communist countries. The House recedes with the following amendment:

SEC. 411. EAST-WEST FOREIGN TRADE BOARD.

(a) The President shall establish an East-West Foreign Trade Board (hereinafter referred to as the "Board") to monitor trade between persons and agencies of the United States Government and nonmarket economy countries or instrumentalities of such countries to insure that such trade will be in the national interest of the United States.

(b) (1) Any person who exports technology vital to the national interest of the United States to a nonmarket economy country or an instrumentality of such country, and any agency of the United States which provides credits, guarantees or insurance to such country or such instrumentality in an amount in excess of \$5,000,000 during any calendar year, shall file a report with the Board in such form and manner as the Board requires which describes the nature and terms of such export or such provision.

(2) For purposes of paragraph (1), if the total amount of credits, guarantees and insurance which an agency of the United States provides to all nonmarket economy countries and instrumentalities of such countries exceeds \$5,000,000 during a calendar year, then all subsequent provisions of credits, guarantees or insurance in any amount, during such year shall be reported to the Board under the provisions of paragraph (1).

(c) The Board shall submit to Congress a quarterly report on trade between the United States and nonmarket economy countries and instrumentalities of such countries. Such report shall include a review of the status of negotiations of bilateral trade agreements between the United States and such countries under this title, the activities of joint trade commissions created pursuant to such agreements, the resolution of commercial disputes between the United States and such countries, any exports from such countries which have caused disruption of United States markets, and recommendations for the promotion of East-West trade in the national interest of the United States.

And the Senate agrees to the same.

Amendment No. 406: This Senate amendment provides that, for purposes of generalized preferences, those members of an association of countries which constitute a free trade or customs union and which are not otherwise ineligible for designation as beneficiary developing countries may be treated as one country. "Country" is defined to also include any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. The comparable provision of the House bill provides that any association of countries for trade purposes, no member of which is otherwise barred from designation as a beneficiary developing country, could be treated as one country for purposes of GSP. The House provision also includes within the definition of country any insular possession of the United States. Senate amendment numbered 406 assures insular possessions no less favorable treatment than that afforded articles imported from beneficiary countries.

The House recedes.

Amendment No. 407. Section 502(b) of the House bill lists 26 countries which were expressly ineligible for designation as beneficiary developing countries, and in addition, expressly excluded countries which do not receive most-favored-nation treatment and countries which afford other developed countries reverse preferences, unless the President was assured to his satisfaction that such preferences would be eliminated before January 1, 1976. The Senate bill retained the list of 26 excluded countries, but added the following categories of countries which also are ineligible for preferential treatment:

- (1) communist countries, except those which receive MFN treatment, are contracting parties to the GATT and members of the IMF, and are not "dominated or controlled by international communism". This exception is intended to apply only to Yugoslavia and Romania;

- (2) members of OPEC or other arrangements the effect of which is to withhold supplies of vital resources from international trade or to raise prices unreasonably causing disruption of the world economy;

- (3) countries affording reverse preferences to other developed countries, which have a significant adverse effect on United States commerce, unless the President receives assurances satisfactory to him that such reverse preferences or the adverse effect will be eliminated before January 1, 1976;

- (4) countries which have nationalized US-owned property without compensation, negotiation, or arbitration;

- (5) countries failing to take adequate steps to prevent drugs from entering the United States from such country illegally; and

- (6) countries failing to recognize or enforce arbitral awards not favored of United States citizens or businesses preferentially owned by United States citizens. The House recedes with the following amendment:

- (1) A country which is a member of OPEC or another cartel-type arrangement will be denied preferential treatment if it takes any action to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level. The purpose of this provision is to deny tariff preferences to OPEC members or other cartel countries which cause serious disruption of the world economy.

- (2) The mandatory exclusions for nationalization, drug traffic, and failure to recognize arbitral awards are subject to a waiver by the President for reasons of national economic interest. The President must report to the Congress the reasons for not excluding such countries.

Amendment No. 408. Section 502(c) of the

House bill provided several discretionary criteria which the President was required to consider in designating beneficiary developing countries, including whether a country had nationalized United States-owned property without payment of prompt, adequate, and effective compensation. The Senate bill deleted this nationalization criterion from the discretionary considerations (and added it to the mandatory exclusions), and added a discretionary criterion based on the extent to which a country has assured the United States of equitable and reasonable access to its markets and basic commodity resources. The House recedes.

Amendment No. 410: This amendment exempts from the exclusion of countries party to arrangements to withhold vital supplies of commodities or to raise the price of vital commodities to an unreasonable level, thereby causing serious disruption of the world economy, countries which enter into agreements contemplated under section 108, and are not in violation of such agreements. The House recedes.

Amendment No. 411: This amendment modifies the provisions of the House bill with respect to articles eligible for preferential tariff treatment. The House bill provides that value added in a beneficiary country from which the article is directly imported by not less than 35 percent and not more than 50 percent, as prescribed by the Secretary of the Treasury; this is modified to require that, in the case of a single beneficiary country, at least 35 percent of the value of the article be added in such country and in the case of an association of countries treated as one beneficiary country, at least 50 percent of the value of the article be added in countries that are members of the association. The amendment also excludes imports of textile and apparel articles subject to textile agreements, watches, import-sensitive electric articles and import-sensitive steel articles, specified footwear articles, semimanufactured and manufactured glass products and other articles determined by the President to be import sensitive in the context of generalized preferences from eligibility for preferential tariff treatment.

The House recedes, with the amendment to add the words "import-sensitive" before "semimanufactured" and "manufactured glass" to be excluded from eligibility for preferential treatment.

Amendment No. 412: The House bill terminates preferential treatment for a particular article from a particular country (1) whenever the value of United States imports of such article from such country exceed \$25 million in any calendar year, or (2) whenever imports of such article from such country exceed 50 percent of the value of total United States imports of the article for any calendar year. The House bill provided that these limitations could be waived by the President for reasons of national interest.

The Senate bill amends these limitation provisions by inserting a formula by which the \$25 million ceiling changes annually in proportion to annual changes in United States GNP compared with 1974 GNP, and by exempting from the 50 percent limit articles for which no like or directly competitive articles is being produced in the United States on the date of enactment. The Senate bill also restricts the President's authority to waive the \$25 million and 50 percent ceilings to countries with respect to which the following conditions exist: (1) There has been an historical preferential trade relationship between the United States and such country, (2) there is a treating or trade agreement in force covering economic relations between the United States and such country, and (3) such country does not dis-

criminate against, or impose unjustifiable or unreasonable barriers to, United States commerce. The Senate amendment also adds clarifying provisions with respect to the termination of a country's beneficiary status, and the redesignation of beneficiary countries whose status has been terminated.

The House recedes and accepts the Senate amendments.

Amendment No. 428: Section 606 of the House bill states that it is the sense of Congress that effective international cooperation is required to end illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation the President is required to embargo trade and investment with any nation when the President determines that such nation has failed to take adequate steps to prevent narcotics and other controlled substances produced or processed in, or transported through, such nation from entering the United States unlawfully. This section also requires that such suspension shall continue until the President determines that the Government of such nation has taken adequate steps to carry out the purposes of this section. The Senate amendment substitutes for the House language the requirement that the President shall submit a report to Congress each year listing those foreign countries in which narcotic drugs and controlled substances are produced, processed, or transported for unlawful entry into the United States and states that such report shall include a description of the measures such countries are taking to prevent such production, processing, or transport. The House recedes.

Amendment No. 429: This Senate amendment adds a new section 607 to the House bill stating that no person shall be liable for damages, penalties, or other sanctions under the Federal Trade Commission Act or the Antitrust Acts (or any similar State law) on account of his negotiating, entering into, participating in, or implementing an arrangement (or modification or renewal thereof) providing for the voluntary limitation on exports of steel and steel products to the United States, if such arrangement was undertaken before the date of enactment of this Act at the request of the Secretary of State and ceases to be effective not later than January 1, 1975. The House recedes.

Amendment No. 430: This Senate amendment amends section 484(e) of the Tariff Act of 1930 to require the Secretaries of the Treasury and Commerce and the International Trade Commission to establish a single enumeration of articles for import and export purposes, and to seek to provide comparability of statistics on domestic production with such enumeration. All import entries and export declarations are to be in terms of such enumeration.

The House recedes with an amendment which would require the Secretary of Commerce and the International Trade Commission to conduct a joint study of existing commodity classification systems with a view to identifying appropriate principles and concepts to guide the organization and development of an enumeration of articles which would permit comparability of United States import, production, and export data. A report with respect to such study is to be submitted to Congress and to the President no later than August 1, 1975. Further, the International Trade Commission is to conduct an investigation under section 332(g) of the Tariff Act of 1930 to provide the basis for a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and

international trade; such report is to be submitted no later than June 1, 1975. Also, the International Trade Commission is to begin full and immediate participation in the United States contribution to technical work on the Harmonized Systems Committee under the Customs Cooperation Council.

Amendment No. 431: This Senate amendment adds a new section 609 to the House bill which requires the Secretary of Commerce to submit to the Ways and Means and Finance Committees, on monthly and cumulative basis, statistics on U.S. imports for consumption and U.S. exports by country and product. The amendment sets forth detailed statistical categories and requires that the value of goods and agricultural commodities exported under agricultural and foreign assistance laws, and the total amount of U.S. subsidies paid with respect to agricultural commodities, be separately reported. The Secretaries of Agriculture and State are required to furnish the Secretary of Commerce certain information related to the reporting required under this section. The House recedes with an amendment that requires quarterly and cumulative basis submission of statistics, rather than monthly and cumulative.

Amendment No. 432: This Senate amendment amends section 321 of the Tariff Act of 1930 to increase the duty-free tourist exemption for mail gift items to the United States from American Samoa, Guam, or the Virgin Islands from \$10 to \$20 retail value. The House recedes.

Amendment No. 433: This Senate amendment adds a new section 611 to the bill which provides that in the case of any protest under section 514 of the Tariff Act of 1930 involving the imposition of an import surcharge in the form of a supplementary duty pursuant to Presidential action on August 17, 1971, the time for review and allowing or denying the protest shall not expire until 5 years after the date the protest was filed in accordance with such section 514. The House recedes.

Amendment No. 434: This Senate amendment added a new section 612 to the bill stating that it is the sense of Congress that the United States should enter into a trade agreement with Canada guaranteeing continued stability to the economies of the United States and Canada and that in order to promote such stability the President is authorized to initiate negotiations for a trade agreement with Canada to establish a free trade area covering the United States and Canada. Any agreement entered into must be reciprocal. It is required that nothing in this section shall be construed as prior approval of any legislation which may be necessary to implement such an agreement. The House recedes.

Amendment No. 435: This amendment added a new section 613 to the bill to provide that after the date of enactment of the bill, no Federal agency may approve any loans, guarantees, insurance, or any combination thereof in connection with exports to the Soviet Union in an aggregate amount which exceeds \$300,000,000 without prior Congressional approval.

The House recedes, with an amendment exempting the Commodity Credit Corporation from the provisions of this section, and specifying that the Congressional approval of any loan, guaranty, insurance, or any combination thereof in excess of \$300,000,000 must be approved as provided by law.

Approval, under the provisions of the Export-Import Bank Amendments of 1974, of any increase in the \$300,000,000 limit contained in such Act on loans, guarantees, insurance, or any combination thereof shall be deemed approval of loans, guarantees, insurance, or any combination thereof in ex-

cess of \$300,000,000 "as provided by law" under this Act.

AL ULLMAN,
JAMES A. BURKE,
MRS. GRIFFITHS,
DAN ROSTENKOWSKI,
H. T. SCHNEEBELI,
BARBER B. CONABLE,
JERRY L. PETTIS,
Managers on the Part of the House.

RUSSELL B. LONG,
HERMAN TALMADGE,
ABE RIBICOFF,
W. F. MONDALE,
WALLACE F. BENNETT,
PAUL FANNIN,
CLIFFORD P. HANSEN,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 3022, AMENDING THE WILD AND SCENIC RIVERS ACT

Mr. JOHNSON of California submitted the following conference report and statement on the Senate bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes.

CONFERENCE REPORT (H. REPT. NO. 93-1645)
The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That the Wild and Scenic Rivers Act (82 Stat. 906), as amended, is further amended as follows:

(a) In subsection (a) of section 5 after paragraph (27) insert the following new paragraphs:

"(28) American, California: The North Fork from the Cedars to the Auburn Reservoir.

"(29) Au Sable, Michigan: The segment downstream from Foot Dam to Oscoda, and upstream from Loud Reservoir to its source, including its principal tributaries and excluding Mio and Bamfield Reservoirs.

"(30) Big Thompson, Colorado: The segment from its source to the boundary of Rocky Mountain National Park.

"(31) Cache la Poudre, Colorado: Both forks from their sources to their confluence, thence the Cache la Poudre to the eastern boundary of Roosevelt National Forest.

"(32) Cahaba, Alabama: The segment from its junction with United States Highway 31 south of Birmingham downstream to its junction with United States Highway 80 west of Selma.

"(33) Clark's Fork, Wyoming: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

"(34) Colorado, Colorado and Utah: The segment from its confluence with the Dolores

River, Utah, upstream to a point 19.5 miles from the Utah-Colorado border in Colorado.

"(35) Conejos, Colorado: The three forks from their sources to their confluence, thence the Conejos to its first junction with State Highway 17, excluding Platoro Reservoir. ✓

"(36) Elk, Colorado: The segment from its source to Clark.

"(37) Encampment, Colorado: The Main Fork and West Fork to their confluence, thence the Encampment to the Colorado-Wyoming border, including the tributaries and headwaters.

"(38) Green, Colorado: The entire segment within the State of Colorado.

"(39) Gunnison, Colorado: The segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to its confluence with the North Fork.

"(40) Illinois, Oklahoma: The segment from Tenkiller Ferry Reservoir upstream to the Arkansas-Oklahoma border, including the Flint and Barren Fork Creeks.

"(41) John Day, Oregon: The main stem from Service Creek Bridge (at river mile 157) downstream to Tumwater Falls (at river mile 10).

"(42) Kettle, Minnesota: The entire segment within the State of Minnesota.

"(43) Los Pinos, Colorado: The segment from its source, including the tributaries and headwaters within the San Juan Primitive Area, to the northern boundary of the Granite Peak Ranch.

"(44) Manistee, Michigan: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Hadenpyl Reservoirs.

"(45) Nolichucky, Tennessee and North Carolina: The entire main stem.

"(46) Owyhee, South Fork, Oregon: The main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir.

"(47) Piedra, Colorado: The Middle Fork and East Fork from their sources to their confluence, thence the Piedra to its junction with Colorado Highway 160, including the tributaries and headwaters on national forest lands.

"(48) Shepaug, Connecticut: The entire river.

"(49) Sipsey Fork, West Fork, Alabama: The segment including its tributaries, from the impoundment formed by the Lewis M. Smith Dam upstream to its source in the William B. Bankhead National Forest.

"(50) Snake, Wyoming: The segment from the southern boundaries of Teton National Park to the entrance to Palisades Reservoir.

"(51) Sweetwater, Wyoming: The segment from Wilson Bar downstream to Spring Creek.

"(52) Tuolumne, California: The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir.

"(53) Upper Mississippi, Minnesota: The segment from its source at the outlet of Itasca Lake to its junction with the northwestern boundary of the city of Anoka.

"(54) Wisconsin, Wisconsin: The segment from Prairie du Sac to its confluence with the Mississippi River at Prairie du Chien.

"(55) Yampa, Colorado: The segment within the boundaries of the Dinosaur National Monument.

"(56) Dolores, Colorado: The segment of the main stem from Rico upstream to its source, including its headwaters; the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem; and the segment from the west boundary, section 2, township 38 north, range 16 west, NMPM, below the proposed McPhee Dam, downstream to the Colorado-Utah border, excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River."

(b) In section 5 re-letter subsections (b) and (c) as (c) and (d), respectively, and insert a new subsection (b), as follows: ✓

"(b) (1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: *Provided*, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (1) the State legislature has acted with respect to such rivers or (11) one year from the date of enactment of this Act, whichever is earlier.

"(2) The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report thereon submitted by not later than January 3, 1976.

"(3) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than \$2,175,000."

(c) In clause (1) of subsection (b) of section 7 strike the final comma and the following word "and" and insert in lieu thereof a colon and the following proviso: "*Provided*, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (1); and."

(d) In the fourth sentence of subsection (a) of section 4:

(1) between "rivers" and "with" insert "(1)", and

(2) strike "system," and insert in lieu thereof "system, and (11) which possess the greatest proportion of private lands within their areas."

SEC. 2. Subsection (a) of section 6 of the Lower Saint Croix River Act of 1972 (86 Stat. 1174) is amended by deleting "\$2,275,000" and inserting in lieu thereof "\$19,000,000".

And the House agree to the same.

ROY A. TAYLOR,
HAROLD T. JOHNSON,
TENO RONCALIO,
JOE SKUBITZ,
SAM STEIGER,

Managers on the Part of the House.

HENRY M. JACKSON,
FLOYD K. HASKELL,
HOWARD M. METZENBAUM,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174); and for other purposes, submit the following joint statement to the Senate and to the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the

December 19, 1974

Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference, except for minor drafting changes of a purely technical nature, are noted below.

STUDY OF POTENTIAL COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM

The first section of both the Senate bill and the House amendment would amend the Wild and Scenic Rivers Act (82 Stat. 906) to designate certain rivers or segments thereof for study to determine whether they should be added, by subsequent legislation, to the national wild and scenic rivers system established by that Act. The Senate bill would designate twenty-five rivers in eleven States and the House amendment thirteen rivers in ten States. The conference report designates twenty-nine rivers in thirteen States.

Included in subsection (a) of section 1 of the conference report are all nine of the rivers which would be designated by both the Senate bill and the House amendment. These rivers are the American, California; Au Sable, Michigan; Cahaba, Alabama; Colorado, Colorado and Utah; Kettle, Minnesota; Manistee, Michigan; West Fork of the Sipsy Fork, Alabama; Tuolumne, California; and Wisconsin, Wisconsin. The Senate bill provided for somewhat longer segments in the case of two of these rivers—the American (from Cedars to Mountain Meadow Lake and the lower 7.5 miles of the North Fork of the North Fork) and the Colorado (the thirty-six mile stretch in Utah from the Colorado-Utah border downstream to its confluence with the Dolores River)—than did the House amendment. The conferees agreed to the Colorado segment as designated in the Senate bill and the American segment as designated in the House amendment.

Second, the conferees agreed to include in subsection (a) of section 1 sixteen rivers contained in the Senate bill, but omitted from the House amendment: the Illinois, Oklahoma; John Day and South Fork Owyhee, Oregon; Shepaug, Connecticut; Upper Mississippi, Minnesota; and eleven rivers in Colorado—the Big Thompson, Cache la Poudre, Conejos, Elk, Encampment, Green, Gunnison, Los Pinos, Piedra, Yampa and Dolores. The conferees did, however, agree to limit the Illinois River segment to that portion within Oklahoma and to delete that portion in Arkansas which would be designated for study under the Senate bill.

Third, subsection (a) of section 1 of the conference report includes four rivers designated in the House amendment but absent from the Senate bill: the Nolichucky in Tennessee and North Carolina and three rivers in Wyoming: Clark's Fork, Snake, and Sweetwater. In the case of the three Wyoming rivers, however, the conferees agreed to provide the State legislature with the opportunity to act upon the recent recommendations of the Wyoming Stream Preservation Feasibility Study Committee. In particular, the conferees added a proviso stating that "with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act, whichever is earlier."

TIME PERIOD AND AUTHORIZATIONS FOR THE RIVER STUDIES

Clause (1) of subsection (b) of the Senate bill concerns the time period in which the twenty-six river studies are to be conducted. This clause would amend section 4(a) of the Wild and Scenic Rivers Act to provide that twenty-five of the studies are to be completed by October 2, 1979. The twenty-sixth study—that of the Dolores—would be required to be completed by October 2, 1975.

The reasons for the early date on this river study are set forth in full on pages 27, 28 and 31 of Report No. 93-1207 accompanying the Senate bill.

The House amendment provided for a one year shorter study, concluding on October 2, 1978. The conferees agreed that although the four year study period in the House amendment might be sufficient to complete the thirteen river studies provided for in that amendment, the longer five year period would be necessary for the twenty-nine studies required by the conference report.

The conferees, therefore, agreed to adopt as clauses (b) (1) and (2) of section 1 of the conference report language amending section 5 of the Wild and Scenic Rivers Act to provide for a study period ending on October 2, 1978, for twenty-eight of the rivers and ending on January 3, 1974, for the Dolores. (The Dolores study was moved from October 7, 1975, to January 3, 1976, to insure a full year's study period.)

Section 2 of the House amendment provided for a \$975,000 authorization for the study of the thirteen rivers designated in that amendment. The Senate bill had no specific authorization for the study of the twenty-five rivers it designated for study. The conferees agreed to the principle in the House amendment of an authorization ceiling, adjusted for the sixteen more rivers to be studied under the conference report than under the House amendment. Therefore, the conferees agreed to provide in clause (3) of subsection (b) of section 1 of the conference report an authorization ceiling of \$2,175,000.

The decision to adopt a longer study period than the automatic three fiscal year period provided in section 7(b) of the Wild and Scenic Rivers Act necessitated the inclusion in subsection (c) of section 1 of the conference report the Senate bill's subsection 1(c). This subsection would amend subsection 7(b) of the Wild and Scenic Rivers Act by adding a proviso that where any Act which designates additional study rivers also establishes a different study time period than the three fiscal year period required by section 7(b) the different period prevails. This would eliminate any conflict between the conference report's provisions calling for a five year study period and the Wild and Scenic Rivers Act's provisions establishing three fiscal year study periods. It would also remove any ambiguity which may result from any future Acts establishing different study periods for study rivers which those Acts designate.

PRIORITY OF RIVERS STUDIED

Subsection (d) of section 1 of the conference report is identical to section 1(b) (2) of the Senate bill. The purpose of subsection (d) is to shorten the period of uncertainty landowners would experience when the rivers along which they live or work are designated for study under the Wild and Scenic Rivers Act.

Subsection (4) (a) of the Wild and Scenic Rivers Act, as amended by the Act of May 10, 1974 (88 Stat. 122), establishes a basis for determining the order in which rivers are to be studied. The fourth sentence of the subsection provides that "In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments, which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system."

Subsection (d) would amend that sentence by providing a second basis for determining priority: early consideration is also to be given those rivers "which possess the greatest proportion of private lands within their areas". This basis for establishing priority would insure that those studies involving river segments which have a great number

of private landowners along their borders will be completed quickly. This will serve to reduce the period of uncertainty landowners would otherwise experience while the study is being conducted and the President's recommendations determined.

AMENDING THE LOWER ST. CROIX RIVER ACT OF 1972

Section 2 of the conference report amends section 6 of the Lower Saint Croix River Act of 1972 (86 Stat. 1174) by increasing from \$7,275,000 to \$19,000,000 the authorization for the acquisition and development of land and interests therein along the 27 mile segment of the Lower Saint Croix River to be administered by the Secretary of the Interior. This authorization increase will permit the National Park Service to acquire the necessary land and interests in land to provide the degree of protection to the Federal segment of the wild and scenic river which was intended in the Wild and Scenic Rivers Act and the Lower Saint Croix River Act of 1972.

This section 2 is identical to section 2 of the Senate bill and has the identical result of increasing the authorization by \$11,725,000 as that of H.R. 12960 which has been reported by the House Committee on Interior and Insular Affairs.

ROY A. TAYLOR,
HAROLD T. JOHNSON,
TENO RONCALLO,
JOE SKUBERTZ,
SAM STEIGER,
Managers on the Part of the House.

HENRY M. JACKSON,
FLOYD K. HASKELL,
HOWARD M. METZENBAUM,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

RECESS

The SPEAKER. Pursuant to a previous order of the House, the House stands in recess until 9 o'clock a.m. tomorrow, Friday, December 20, 1974.

Accordingly (at 10 o'clock p.m.) the House stood in recess until tomorrow, Friday, December 20, 1974, at 9 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3102. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for Readjustment Benefits for fiscal year 1975 has been apportioned on a basis which indicates the necessity for a further supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes [31 U.S.C. 665(e) (2)]; to the Committee on Appropriations.

3103. A letter from the Acting Director, National Institute of Education, Department of Health, Education, and Welfare, transmitting a research plan for the study of compensatory education programs, pursuant to section 821(e) of Public Law 93-380; to the Committee on Education and Labor.

3104. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a corrected copy of his report on major items of excess military equipment programed during the month of August for delivery on a grant basis, submitted pursuant to section 8(d) of the Foreign Military Sales Act Amendments, as amended [22 U.S.C. 2321(b)(d)]; to the Committee on Foreign Affairs.

December 20, 1974

3105. A letter from the Administrator, Federal Energy Administration, transmitting a quarterly report on private grievances and redress for the period ended September 30, 1974, pursuant to section 21(c) of Public Law 93-275; to the Committee on Government Operations.

3106. A letter from the Chairman, Administrative Conference of the United States, transmitting the annual report of the organization for fiscal year 1974, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

3107. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use during fiscal year 1975 of "Research and Development" funds appropriated to NASA for fiscal year 1975, and the use of funds appropriated for fiscal years 1972 and 1973 for Space Shuttle facility projects, to undertake to meet additional facility requirements in the Space Shuttle program, pursuant to section 3 of Public Law 93-316; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4880. A bill to designate certain lands in the Isle Royale National Park, Mich., as wilderness; with amendment (Rept. No. 93-1636). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOWERS: Committee on the Judiciary. H.R. 5005. A bill for the relief of Robert DiFranco; with amendment (Rept. No. 93-1637). Referred to the Committee of the Whole House.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee of conference. Conference report on H.R. 13298 (Rept. No. 93-1638). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference report on H.R. 14449; with

amendment (Rept. No. 93-1639). Ordered to be printed.

Mr. ROGERS: Committee of conference. Conference report on S. 2994 (Rept. No. 93-1640). Ordered to be printed.

Mr. MAHON: Committee of conference. Conference report on House Joint Resolution 1180 (Rept. 93-1641). Ordered to be printed.

Mr. ULLMAN: Committee of conference. Conference report on H.R. 421 (Rept. No. 93-1642). Ordered to be printed.

Mr. ULLMAN: Committee of conference. Conference report on H.R. 17045; with amendment (Rept. No. 93-1643). Ordered to be printed.

Mr. ULLMAN: Committee of conference. Conference report on H.R. 10710 (Rept. No. 93-1644). Ordered to be printed.

Mr. TAYLOR of North Carolina: Committee of conference. Conference report on S. 3022 (Rept. No. 93-1645). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:
H.R. 17668. A bill to amend title 39, United States Code, to require a separate appropriation by the Congress each fiscal year for necessary expenses for the operation of the U.S. Postal Service, to provide for certain consultations and hearings with respect to the construction of Postal Service facilities, to establish certain rules with respect to employment and personnel policies of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLARK:
H.R. 17669. A bill to require that all insurance on subsidized vessels be placed in the American market; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:
H.R. 17670. A bill to amend certain provisions of the District of Columbia Code in order to eliminate their sex discriminatory aspects; to the Committee on the District of Columbia.

By Mrs. GRIFFITHS (for herself, Mr. BENNETT, Mr. BROWN of California, Mr. DENHOLM, Mr. HARRINGTON, Ms. JORDAN, Mr. LENT, Mr. REEGLE, Mr. SEIBERLING, and Mr. SYMINGTON):

H.R. 17671. A bill to amend the Internal Revenue Code of 1954, the Social Security Act, and other laws to provide effective welfare reform by replacing public assistance and food stamps with a system of allowances and refundable credits, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:
H.R. 17672. A bill to require federally related health care facilities to test infants for certain diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. MEZVINSKY (for himself, Mr. ASPIN, and Ms. SCHROEDER):

H.R. 17673. A bill to make more chemical fertilizer available throughout the world for the production of food during 1975 by substantially reducing the amount of such fertilizer used in the United States for nonfood growing purposes; to the Committee on Agriculture.

By Mr. PATMAN (for himself, Mr. MOSS, Mrs. SULLIVAN, Mr. ST. GERMAIN, Mr. MINISH, Mr. ANNUNZIO, Mr. REES, Mr. HANLEY, Mr. KOCH, Mr. MITCHELL of Maryland, Mr. FAUNTROY, Mr. YOUNG of Georgia, Mr. MOAKLEY, Mr. STARK, Mr. LEGGETT, Mr. ELBERG, and Mr. FRASER):

H.R. 17674. A bill to amend the Economic Stabilization Act of 1970 to establish an Economic Stabilization Board, to stabilize prices, wages, rents, and interest rates at levels prevailing on December 1, 1974, and for other purposes; to the Committee on Banking and Currency.

By Mr. RONCALLO of New York:
H.R. 17675. A bill to amend title 37 of the United States Code in order to prohibit findings of death with respect to certain servicemen in missing status unless hearings thereon are afforded to the next-of-kin and the next-of-kin consents to such finding; to the Committee on Armed Services.

By Mr. WOLFF:
H.R. 17676. A bill to amend the Outer Continental Shelf Lands Act to insure that leases of the Outer Continental Shelf for the recovery of oil and gas are issued only to citizens of the United States; to the Committee on Interior and Insular Affairs.

By Mr. FREEHICHT:
H.R. 17677. A bill to amend the Land and Water Conservation Fund Act of 1965 to require payments by States to local jurisdictions in lieu of taxes, to increase the authorization of appropriation for the Land and Water Conservation Fund, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST. GERMAIN:
H.R. 17678. A bill to impose a moratorium on the receipt of deposits or the making of loans by financial institutions at places of business, other than those of financial institutions through the means of electronic methods of fund transfers; to the Committee on Banking and Currency.

By Mr. ROBISON of New York:
H.J. Res. 1182. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of Office of President and Vice President of the United States; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,
598. The SPEAKER presented a petition of the city council, New York, N.Y., relative to the Palestine Liberation Organization and the cost of maintaining security at the United Nations; to the Committee on Foreign Affairs.

SENATE—Friday, December 20, 1974

The Senate met at 9 a.m. and was called to order by Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire.

PRAYER

Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, offered the following prayer:

Heavenly Father, we meet here today at the threshold of a winter of hard

choices for humankind throughout the world. Once again, we pray to You on behalf of the Congress and the people of this beloved country. We ask not for bounty or good fortune but simply for the strength and wisdom to meet our problems as you would have us meet them.

In the selfless image of the humble Nazarene, we commit ourselves to turn aside the temptations of pomp and self-aggrandizement and to walk the path

of righteousness and compassion. We ask for Your divine guidance to enable us to feel deeply the pain of the afflicted, the persecuted, and the deprived, for we know that even the least of these are our brothers and Your children. Holy Father, we ask Your blessing for the Members of this great governing body who will be continuing the Nation's work in the years ahead. And we ask Your blessing for those colleagues who are departing to do Your bidding in other fields

December 20, 1974

or to find well-deserved rest from years of faithful service. Wherever we go, whatever we do, help us in doing Your will by doing everything within our mortal power to heal the sick, reconcile the alienated, and to forgive, in your Holy Name, those who have trespassed against us.

Holy Father, our transgressions are many. Help us to be a devout people. We believe You helped us in founding this Nation on faith in You as well as love of liberty. May it ever be that way. Bless and keep this melting pot, this United States of America, and all other peoples on this troubled planet.

Give us Your divine guidance, to never cease our work for peace and justice and brotherhood.

We ask all things according to His will, and on His name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 20, 1974.
To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MCINTYRE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 19, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

There being no objection, the nominations in the judiciary and the Department of Justice were considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that in accordance with the requirements of rule V of the Standing Rules of the U.S. Senate, the distinguished junior Senator from Washington (Mr. JACKSON) be granted a leave of absence for the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUIDELINES FOR THE 94TH CONGRESS

Mr. HUGH SCOTT. Mr. President, we come near the end of the session. Certain things occur to me. One is that yesterday we enacted and sent to the President a great landmark bill, dealing with the right of privacy. It was Justice Brandeis who said:

Sunlight is the most powerful disinfectant. So I am very hopeful that this will reassure our people that their right to know once again has been preserved by an alert and watchful Congress.

As we review what we have done, I recall a British saying:

The glass is falling
Hour by hour
If you break
The bloody glass
It won't hold up
The weather.

That is very true. We tend to blame the glass through which the sands fall for our failure to do those things which should be done as time passes.

We should remember that we are human, that the problems are to be solved by humans and can be solved only by humans, and that it will do no good for us to "break the bloody glass"—that is, to indulge in recrimination—because in so doing, we are not going to hold up the weather.

We are going to establish a climate in the new Congress as in the one which is expiring, only by performance. I hope we will remember an ancient Latin maxim as we enact legislation: "Graviora Quaedam sunt remedia periculis."

Some remedies are worse than the disease. I sincerely hope that we will not over-legislate. It was the late Bruce Barton who proposed that we repeal a bill for every bill we passed. It was not a bad idea. We now have so many bills among our public laws that many of them are unenforceable. The Department of Justice has told me that, in this Congress, alone, we have created so many new crimes and established so many new penalties and broadened the scope of the

criminal justice situation so much that it would be totally impossible adequately to enforce all the laws that are on the books.

So, I hope that in the future we will give some thought to repealing laws, as our special committee under the chairmanship of the Senator from Idaho (Mr. CHURCH) and the cochairmanship of the Senator from Maryland (Mr. MATHIAS) did in bringing out their recommendation for the repeal of certain emergency legislation.

I hope, too, that in the next Congress we—all of us in the Senate—will restrain our tendency toward cacophony loquendi—or, the itch to speak. The only thing worse than the itch to speak in this body is the itch to demand a vote on everything under the sun. It is not really necessary to have a yea and nay vote on whether to authorize a small sum of money for Criss Cross Creek, which nobody ever heard of.

We have heard of vanity books, which are written to perpetuate an individual's interest in his own name and his own interests. These votes, I think, are often vanity votes.

We have had approximately 550 votes this year. At least 200 of them were as unnecessary as a pearl collar on a poodle. Yet, we have taken the time of the Members 550 times, on an average of 15 minutes each, and this amount of time could have been devoted in many cases to legislation, to inquiry, to service, to constituents, or—to that rarest of opportunities—a chance to think.

I would rather dedicate 200 of the next potential 550 votes in the next Congress to the opportunity for thinking. I wish we had in Congress a thinking rug, to which Members might retire, not to sleep, not simply to gossip, not even to read the lugubriousness of their favorite columnist, but just to think. I suppose it is asking too much.

But I repeat, as I began: If you do not like the weather, you do not solve it by breaking the bloody glass.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia is recognized.

THE 93D CONGRESS

Mr. ROBERT C. BYRD. Mr. President, I share the sentiments of the distinguished Republican leader, when he speaks about a multiplicity of laws.

Voltaire said that a multitude of laws in any country is like a great number of physicians—a sign of weakness and malady.

We do, I think sometimes, enact too many laws. Also, I share the sentiments of the distinguished Republican leader when he states that we should not have so many rollcall votes. There have been 543 rollcall votes during this session. If only 10 minutes were consumed on each rollcall vote, that would be 5,430 minutes, but as a usual thing, 15 minutes are consumed on each rollcall vote. The

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Senators may compute for themselves the time consumed by these 543 rollcall votes.

As to Congress itself, I believe that the 93d Congress has been an historic Congress in many ways. One of the great responsibilities of the Federal legislative branch is to conduct oversight of the various agencies and departments of Government.

This Congress has been an outstanding one in this respect. It conducted the Watergate hearings—and I speak especially of the Senate in regard to this oversight function. The Senate Judiciary Committee conducted thorough hearings on the nomination of L. Patrick Gray, to be Director of the Federal Bureau of Investigation. The result of that hearing had an impact on history, because the strands that ran from the hearings on that nomination were woven into the overall fabric of that sad story that was called Watergate.

The Committee on the Judiciary of the Senate conducted thorough hearings on the nominations of Professor Cox and his successor, Mr. Jaworski. It conducted thorough hearings on Attorney General Elliot Richardson and his deputy, Mr. Ruckelshaus, and Mr. Richardson's successor, Mr. Saxbe.

The Committee on the Judiciary helped to formulate guidelines by which the investigation of the so-called Watergate matters was conducted. But for those guidelines that were hammered out during those Committee on the Judiciary sessions, there never would have been a case titled "United States versus Nixon." The results of that case, sad though they were but cleansing as they were, would never have been a matter of the history of this country.

The Committee on Rules of the U.S. Senate conducted hearings on a Vice President, the first Vice President to be selected under the 25th amendment, Mr. Gerald Ford, who is now President of the United States.

The Committee on Rules of the U.S. Senate conducted hearings on the nomination of Mr. Nelson Rockefeller, who is now Vice President of the United States, and who now presides over this august body.

In doing so, I think that the Committee on Rules of this body conducted itself in a very commendable way.

So many good things can be said about the historical oversight functions that have been so capably performed by this Congress. The House Judiciary Committee acted with dignity and proficiency in developing and reporting the Articles of Impeachment. In the areas of legislation, I think that this Congress has written landmark legislation. It has enacted campaign reform, election reform, pension reform, minimum wage legislation. It has increased social security payments. It soon will have enacted a landmark trade bill. There are many other measures of great importance to the people of this country that have been enacted by the 93d Congress.

I am proud of this Congress. Especially am I proud of the Senate of the United States as it has conducted its

business in this troublesome era, which, happily, is fading now into the past.

I think it was Aaron Burr who, when Vice President of the United States, referred to this body as a citadel of law, of order, and of liberty. That was a long, long time ago. Through the decades that have since followed, I believe that this body has lived up to the statement of Aaron Burr: It is a citadel of law, of order, and of liberty.

Sometimes, those who watch it from the galleries may not feel that it is a citadel of order, and those of us who sit in this body contribute to the disorder. But when all is said and done—when all is said and done—it is the great citadel, perhaps the greatest pillar in the constitutional system created by our forebears when they wrote the Constitution of the United States. It is a check against the House, it is a check against the executive branch, it is a check against the judiciary.

I wish to compliment the Members of this body for their services during this 93d Congress, because I believe that it has lived up to what our forebears would have expected.

Mr. President, I personally wish to express my appreciation to the distinguished Republican leader and to the assistant Republican leader on behalf of the distinguished majority leader and on my own behalf, and on behalf of my colleagues on this side of the aisle for the cooperation, the courtesy, the rapport, and the friendship which they consistently exhibit toward those of us just across the aisle from them. I thank the distinguished majority leader for his warm friendship which I have been privileged to enjoy for another year.

I want also to thank all of the Members who sit on the other side of the aisle. They have been very cooperative and very considerate—especially during these past 2 weeks—with me.

And to my own colleagues, may I say that I am most proud of the diligence and the dedication to their duty that they have unfailingly shown throughout these 2 years of the 93d Congress.

Mr. President, the people of this country can take new heart in this great constitutional system of ours. It has never failed us. And in the dark days of the past 2 years, this constitutional system has shown that it has deep roots, and that it is enduring. I shall never cease to have faith in the wisdom of those forebears who gathered at the Constitutional Convention in 1787, believing that they somehow had in their midst a Divine Presence, because were it not so, I cannot believe that they could have given to us this priceless gift, the greatest document of its kind that was ever written, the Constitution of the United States.

Mr. President, I close by attempting to recall, if I may, the words of the great English poet, Rudyard Kipling:

Our fathers in a wondrous age,
Ere yet the Earth was small,
Ensured to us an heritage,
And doubted not at all

That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity.

Then fretful murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labour while we sleep.

Dear-bought and clear, a thousand year
Our fathers' title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

Mr. HUGH SCOTT. Mr. President, if the distinguished acting majority leader has time, will he yield to me?

Mr. ROBERT C. BYRD. Yes.
Mr. HUGH SCOTT. I thank the distinguished acting majority leader for his kindness and consideration throughout the session—and I have the same feeling, of course, for our distinguished majority leader—for all of our colleagues on both sides of the aisle. It is very thoughtful of him to make note of this.

I would like to say publicly what I have said to him privately this morning, that he has done a remarkable and extraordinarily commendable job throughout the session, and particularly at this period when he has had the full responsibility, under great pressure, of acting as the majority leader. I marvel at his ability to provide us with an apt quotation of considerable length, which has a definite meaning for us at this turning point of the year. I wish that it had been possible for him and for myself to speak after breakfast so that we could have had some more of our colleagues here. I solicit their reading of what the distinguished acting majority leader has said.

It seems to me that Plutarch put it very well, and might well have spoken of the pressures upon Senators, when he said:

To be turned from one's course by men's opinions, by blame, and by misrepresentation shows a man unfit to hold an office.

I think this applies to Members of Congress, to the President, and to the distinguished occupant of the Chair, the President of the Senate.

It is not too well understood that we do resist and must resist the current pressures of the day, the efforts to force us to suspend our judgment in response to the current clamor or the emotional wrath of groups or individuals who would ask us to substitute for our judgment their opinion. Edmund Burke cautioned us against doing that in his famous letter to the Electors of Bristol at about the time of our Revolution.

So I think we must continue to do what we think is best: to consult and consider our constituents' wishes, to recognize that we are here to represent them, and not simply to echo them; that we are here as men and women, and enfranchised by their will, but enfranchised to do those things which we believe will be in their interests, and therefore in the interest of the Republic. Otherwise, as Plutarch says, we would not be fit to hold these offices.

Therefore, I do thank the distinguished acting majority leader again.

One final observation: I know this is the first time in the history of the Union that we have had a President and a Vice President who are parthenogenetic, both of them having sprung full blown from the brow of the 25th amendment.

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I thank the distinguished acting majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader. Mr. President, I also want at this time to express appreciation to the officers of the Senate, and to the Parliamentarian, who will be departing as Parliamentarian but who will shortly be our Parliamentarian Emeritus. I also express appreciation to all the members of the policy staff on both sides of the aisle, and to the fine young men and women who serve as our pages.

Also, I think I should express appreciation to all who had a part in the arrangements of last evening. I have heard only the very kindest words expressed about the televising of the historic swearing in of our new Vice President, and so I think a word of appreciation, on behalf of the people of this country to the fourth estate and to the electronic media, would be appropriate at this time.

Mr. HUGH SCOTT. Let me say that the distinguished acting majority leader speaks for me and for our side of the aisle as well. I have already had something to say about our friend the retiring Parliamentarian, to wish him well, and I would like all of those who have been mentioned to feel that our remarks are not simply the remarks of the Christmas season. We are not making gifts here. We are making our commitment of respect and appreciation.

Yesterday's first and record-shattering session before television and radio was, I think, a successful thing. It was conducted with dignity and with appropriate consideration for the proprietors. I am glad we were able to do this. Now perhaps on other great occasions the same sort of thing can be made again. The adoption of resolutions in front of television will, I hope, be used by schoolteachers for the benefit of their students, to let them see that the Senate in action is a place where they will gain something from their observations.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum on that time.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER VACATING ALLOTTED TIME

Mr. GRIFFIN. Mr. President, I ask that the order allotted to me be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time under the order also.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 5 minutes.

Is there any morning business?

MESSAGES FROM THE HOUSE

At 12:30 p.m., during the recess of the Senate, a message from the House of Representatives by Mr. Hackney, one of its reading clerks, stated that the House has passed the bill (S. 754) to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes, with amendments in which it requests the concurrence of the Senate.

At 2:15 p.m., a message from the House of Representatives by Mr. Hackney announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 696. A concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 10710;

H. Con. Res. 675. A concurrent resolution providing for the printing as a House document of the Constitution of the United States (pocket-size edition);

H. Con. Res. 679. A concurrent resolution to provide for the printing as a House document of the Constitution and the Declaration of Independence.

At 2:40 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has agreed to the concurrent resolution (H. Con. Res. 697), providing for the sine die adjournment of the second session of the 93d Congress, in which it requests the concurrence of the Senate.

At 2:47 p.m., a message from the House of Representatives by Mr. Hackney announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) to amend the

Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty.

At 4:49 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has passed the bill (S. 544) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

At 5:20 p.m., a message from the House of Representatives by Mr. Hackney announced that the House has passed the bill (H.R. 7584) to extend the term of design patent numbered 41053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 17085) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 16045) to amend the Solid Waste Disposal Act to authorize appropriations for fiscal years 1975 and 1976, and to make certain technical and conforming changes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce; that the House recedes from its disagreement to the Senate amendment numbered 3 and concurs therein with an amendment in which it requests the concurrence of the Senate; and that the House recedes from its disagreement to the amendment of the Senate to the title of the bill.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake" (Rept. No. 93-1425).

By Mr. INOUE, from the Committee on Commerce, with amendments:

S. 2576. A bill to provide for minimum rate provisions by nonnational carriers in the foreign commerce of the United States, and for other purposes (Rept. No. 93-1426).

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ANTITRUST AND MONOPOLY ACTIVITIES, 1973—REPORT OF A COMMITTEE (REPT. NO. 93-1427)

Mr. HART, from the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, submitted a report entitled "Antitrust and Monopoly Activities, 1973," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

David C. Mebane, of Wisconsin, to be U.S. attorney for the western district of Wisconsin.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HRUSKA, from the Committee on the Judiciary:

Henry Bramwell, of New York, to be U.S. district judge for the eastern district of New York.

By Mr. ROBERT C. BYRD (for Mr. Magnuson), from the Committee on Commerce: Charles B. Shuman, of Illinois, to be a member of the Board of Directors of the U.S. Railway Association.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLURE (for himself, Mr. TOWER, Mr. CURTIS, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, Mr. BARTLETT, Mr. DOMINICK, Mr. THURMOND, Mr. HELMS, and Mr. COTTON):

S.J. Res. 264. A joint resolution to alert the Nation to the pending national emergency resulting from the shortage of available domestic energy and to call for immediate legislative action to relieve the serious consequences on the Nation's consumers resulting from these shortages. Referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 451

Mr. ABOUREZK. Mr. President, I ask unanimous consent that I be made a cosponsor of Senate Resolution 451, disapproving the proposed deferral of budget authority to carry out the comprehensive planning grants program under section 701 of the Housing Act of 1954 (No. D75-107).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A BILL

S. 4039

At the request of Mr. ROBERT C. BYRD (for Mr. MANSFIELD), the Senator from Maine (Mr. HATHAWAY) was added

as a cosponsor of the bill (S. 4039) to establish a Reconstruction Finance Corporation to make loan guarantees to business concerns which would otherwise be unable to obtain needed financing.

RECESS SUBJECT TO CALL

Mr. MOSS. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 9:33 a.m. the Senate recessed until 9:35 a.m.; whereupon the Senate reassembled when called to order by the Vice President.

The VICE PRESIDENT. The Senator from Utah.

RECESS UNTIL 10:30 A.M.

Mr. MOSS. Mr. President, upon my motion the Senate went into recess earlier subject to the call of the Chair.

Because it has been determined that there will not be any business before the Senate at least until 10:30, I think it more appropriate to recess to a time certain, and thus all the attaches will not need to remain on the floor constantly.

I therefore move that the Senate stand in recess until the hour of 10:30 a.m.

The motion was agreed to, and at 9:36 a.m., the Senate recessed until 10:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from West Virginia.

RECESS UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 11 o'clock a.m. today.

The motion was agreed to, and at 10:31 a.m. the Senate recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR.

Mr. MOSS. Mr. President, I ask unanimous consent that the Senator from Virginia be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SOVIET UNION AND THE EXIMBANK

Mr. HARRY F. BYRD, JR. Mr. President, I note from the news reports of

this morning that the Department of State has expressed strong displeasure at action taken by the Senate and by the House, for that matter, to put a ceiling of \$300 million on Export-Import Bank loans and guarantees to the Soviet Union.

State Department sources, according to the news report, said that the Soviet Ambassador expressed his anger during a meeting he had Wednesday with Secretary of State Henry Kissinger.

Well, Mr. President, I might say that the Soviet Ambassador does not run the Senate of the United States. We are dealing with U.S. money, U.S. credit.

The U.S. Congress has the right to put whatever restrictions it deems best on long-term, taxpayer-subsidized, low-interest rate loans to the Soviet Union.

Mr. President, this fight for a ceiling on loans to Russia goes back a long time. I first spoke in support of a ceiling on June 25, 1974, 6 months ago. I made clear then that I would do all that I could to hold up the extension of the Export-Import Bank unless a ceiling was put on such loans.

That fight has been going on, now, for 6 months.

The Senate has written a firm ceiling. The House of Representatives has concurred in that ceiling. The legislation extending the life of the Export-Import Bank with this ceiling has now gone to the White House.

The reports are prevalent that Secretary of State Kissinger has recommended a veto of the Export-Import Bank legislation.

Well, that is his privilege, and it is the President's decision whether or not to veto such legislation. But I point out that vetoing the Export-Import Bank legislation is not going to eliminate the ceiling on loans to Russia. The Senate anticipated that something like this might happen, so the Senate wrote in a ceiling on loans to Russia in the trade bill.

I introduced the amendment to the trade bill, which amendment was cosponsored by my dear friend from West Virginia (Mr. ROBERT C. BYRD).

This amendment had the approval and support of the able chairman of the Finance Committee, Mr. RUSSELL B. LONG.

It was approved by the Senate.

It has been approved by the conferees. It will be a part of the trade bill conference report when it comes back to the Senate for action.

So, if the Department of State wants to get rid of this ceiling, then it must have the President not only veto the Export-Import Bank extension legislation, which has the Byrd amendment, but it must also have the President veto the trade bill, which likewise carries the Byrd amendment.

So there is a ceiling on loans to Russia in two separate pieces of legislation.

Naturally, all of us would like the Soviet Ambassador to be as happy as he can be in the city of Washington, D.C., but the fact that he expresses anger at what the Senate has done, I must say, does not particularly bother the Senator from Virginia.

The more funds the Export-Import

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Bank borrows, the more it goes into the money markets, the more it adds to the upward pressure on interest rates.

I point out that the Soviet Government has been borrowing money from the U.S. Export-Import Bank, a Government agency, at approximately one-half the interest rate which is paid by American companies which go out in the banking system to borrow funds.

I point out, also, that the Russian Government is borrowing funds from the American Government at an interest rate of approximately one-half the interest rate paid by the individual citizen, when the American citizen goes to borrow money for a home, or to buy an automobile, or for any other purpose.

I think Congress has acted wisely in not giving the Department of State a blank check. I do not favor blank checks.

Mr. President, I ask unanimous consent to have printed in the Record at this point statements which I made in regard to this matter at various times between June 25, 1974, and the current date.

There being no objection, the statements were ordered to be printed in the Record, as follows:

[From the CONGRESSIONAL RECORD, June 25, 1974]

EXPORT-IMPORT BANK

Mr. President, I understand that in the next day or so a resolution will be presented to the Senate to extend the Export-Import Bank for 30 days. The authorization expires on June 30, and the proposal will be to extend it for 30 days. At the end of that time, as I understand it, a new Export-Import Bank Act will be presented to the Senate.

In order to expedite the consideration of the 30-day resolution, I hope that whoever manages this matter will bring to the Senate a letter from the Export-Import Bank stating that no additional loans will be made to the Soviet Union during that 30-day period. Many of us have been concerned about the large numbers of loans, the tremendous amounts of tax funds, that have been made available to the Soviet Union.

This has been done in defiance of legislation which already has passed the House of Representatives and is now before the Committee on Finance.

Mr. President, it seems to me that if the Senate is being asked and if Congress is being asked to extend for 30 days the life of the Export-Import Bank so that the new legislation can be considered at the end of that time, then the Bank should be willing to give a letter to Congress stating that no additional funds will be made available to the Soviet Union until Congress has an opportunity to consider the full extension of the Bank Act.

In the interest of time I hope that whoever is handling this legislation will contact the Export-Import Bank and arrange for such a communication to be sent to the manager of the bill who, in turn, could read it on the floor of the Senate.

I thank the Senator from Louisiana for yielding.

[From the CONGRESSIONAL RECORD, June 26, 1974]

STATEMENT BY MR. HARRY F. BYRD, JR.

Mr. President, I had planned to do whatever one Senator could do to hold up this joint resolution.

I have been concerned for some time about the vast sums of American tax dollars

that have been made available to the Soviet Union—hundreds of millions of dollars, and at subsidized interest rates.

I felt that this action by the Export-Import Bank was contrary to the clear intent of the House of Representatives, which has passed legislation putting certain restrictions on loans to the Soviet Union. It is true that the Senate has not yet passed such legislation, but the House has clearly acted.

The U.S. Government has been borrowing money at 9 percent and loaning it to Russia at 6 to 7 percent. No American or American company can borrow money at that interest rate; mostly it is 11 percent.

Yesterday I had a very satisfactory talk with the President and Chairman of the Export-Import Bank of the United States, the Honorable William J. Casey. That discussion was followed up by a letter to me from Mr. Casey, of which I shall read the last paragraph, and then, when I conclude my remarks, I shall ask that the entire letter be printed in the Record.

The last paragraph of the letter is as follows:

I want to assure you that the Bank will not act on this commitment or extend any other financing to the Soviet Union until such time as Congress has determined what policies the Bank should follow in this regard and has enacted the legislation presently before the Banking, Housing and Urban Affairs Committee.

That is the end of the quotation from the letter to me signed by William J. Casey, President and Chairman, Export-Import Bank of the United States. I commend Mr. Casey for his assurance and his attitude.

Mr. President, that letter takes care fully, clearly, and explicitly of the problem which I previously had with this joint resolution extending the life of the Export-Import Bank. As a result of this letter and as a result of my conversation yesterday with Mr. Casey, I am pleased to support the joint resolution offered by the distinguished senior Senator from Alabama.

I ask unanimous consent that the letter to me dated June 25, 1974, signed by Mr. William J. Casey, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES, Washington, D.C., June 25, 1974.

Hon. HARRY F. BYRD, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The Senate has before it a Joint Resolution which would extend the life of the Bank from June 30, 1974 to July 31, 1974. Certain questions have arisen regarding new transactions with the U.S.S.R.

Since I became Chairman of the Export-Import Bank on March 14, of this year, the Bank has refrained from issuing any new commitments for transactions in the U.S.S.R. until such time as the Congress has determined the policy guidelines for the Bank to follow. During this period we have done nothing beyond honoring commitments previously made. Only one such commitment is now outstanding. We have not heard anything about it for some time and don't know if the deal, which relates to a transfer line to produce crankshaft half bearings, is still alive.

I want to assure you that the Bank will not act on this commitment or extend any other financing to the Soviet Union until such time as Congress has determined what policies the Bank should follow in this regard and has enacted the legislation presently before the Banking, Housing and Urban Affairs Committee.

Sincerely,

WILLIAM J. CASEY.

[From the CONGRESSIONAL RECORD, Oct. 9, 1974]

EXPORT-IMPORT BANK CONFERENCE REPORT

Mr. President, the conferees on the Export-Import Bank legislation have concluded their deliberations. The conference report, I understand, will be brought before the Senate tomorrow. The conference agreement eliminated a very important part of the Senate proposal.

Under the legislation as it passed the Senate, authority for new commitments to the Soviet Union is limited to \$300 million. Now, the conferees have added a proviso to that, the proviso being that such a limit may be exceeded if the President determines that it is in the national interest to do so.

Well, Mr. President, that is no ceiling at all.

The Export-Import Bank already has granted credits of \$469 million to Communist Russia.

The legislation which passed the Senate would permit an additional \$300 million in credits and guarantees. It would put a ceiling of another \$300 million in credits and guarantees. The conferees eliminate that ceiling by granting the President the right to exceed it whenever he feels it is desirable to do so.

I understand that the State Department has been lobbying night and day, to have the Senate ceiling of \$300 million in additional credits to Russia eliminated.

Why is it that we are not satisfied with already giving Soviet Russia \$469 million in credits and not satisfied with making it possible to extend another \$300 million in credits, but the State Department and the conferees want a blank check?

Well, Mr. President, I plan to oppose that conference report tomorrow and I may even oppose a continuing resolution. I think the time has come to call a halt to the giving away of tax funds.

I do not quite understand this love affair with the Soviet Union. The American taxpayers have granted the Soviet Union \$469 million in subsidized credit and the Senate has approved an additional \$300 million in credits and guarantees.

I was willing to go along with that additional \$300 million in order to get a firm ceiling on the amount of money that can be channeled into loans to Communist Russia. I am not willing to go along with legislation that would give a blank check. I wish I could understand just why it is that there is such a keen interest in making available to Russia unlimited credit.

Now, that gets back to the Jackson amendment to the trade bill which put restrictions on additional loans to Russia.

I support that proposal. But tremendous pressure is being used to eliminate that. Then it ties in with this legislation where the conferees have agreed to eliminate the ceiling on the amount of additional loans. I do not know what our Government is up to. There is something fishy. There is something fishy about this, when the State Department spends most of its time, day and night, lobbying Congress to take the ceiling off the amount of money that the Export-Import Bank may make available to the Soviet Union.

Bear in mind, this is a loan directly to the Central Bank of Russia, namely, the Government of Russia. I am persuaded to the view that I am taking also because of the shell-lacking that the American negotiators—they are drawn from the State Department—got when they settled the amount of money which the Soviet Union owes the United States.

That debt was settled at 3 cents on the dollar, plus another 24 cents, provided the United States grants Russia most-favored-nation treatment and provided we extend Export-Import Bank credits to her.

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I think that is no deal at all. It is a disgraceful deal.

We all know what that great grain deal was, the \$300 million grain deal, where the United States came out second best—\$300 million is a low figure because the consumers were badly hurt by it also.

I am not persuaded that we did not come out second best on the SALT agreements.

Those other measures that I mentioned are water under the bridge, but this conference report is not water under the bridge. I contend there must be a ceiling on the amount of credit that the Export-Import Bank will be permitted to extend to Russia. I shall oppose the conference report.

I would ask that the leadership advise the Senator from Virginia when any legislation affecting the Export-Import Bank is brought before the Senate.

[From the CONGRESSIONAL RECORD, Oct. 10, 1974]

EXPORT-IMPORT BANK ACT AMENDMENT— CONFERENCE REPORT

Mr. President, the conference report on the Export-Import Bank legislation presumably will come before the Senate today. I want to state that I shall oppose this conference report. I ask that the leadership protect the Senator from Virginia if he is not in the Chamber in regard to any unanimous-consent request dealing with any aspect of Export-Import Bank legislation. I am disturbed that the conferees eliminated the ceiling on the amount of credit that may be extended to the Soviet Union. Already credits in the amount of \$469 million have been extended to Russia. Senate legislation would put a ceiling on additional credit and guarantees of \$300 million.

The conferees eliminated that ceiling by adding a proviso that the President, if he deems it in the national interest, can lead to any extent beyond that \$300 million figure that he sees fit.

Mr. President, I frankly just cannot understand why the State Department is determined that there be no ceiling on subsidized credit given to the Soviet Union. My understanding is that the State Department is lobbying day and night in an effort to eliminate the Senate ceiling, and it succeeded with the conferees. I think this is a matter to which the Senate must give careful attention.

We know that the United States has come out second best on its dealings with Russia. The so-called detente, with just cause, has been immensely popular with the Communist leaders in Russia, and well it should be. Russia bought American wheat in 1972 with American money. Russia borrowed the money at subsidized interest rates to purchase the wheat from the United States. We know that that cost the taxpayers hundreds of millions of dollars and we know it cost the consumers many more hundreds of millions of dollars.

I studied the settlement made by the State Department of the Russian lend-lease debt, which was \$2.1 billion, the total debt. The State Department negotiators settled that debt at 3 cents on the dollar, plus another 24 cents provided Russia was given most-favored-nation treatment, and provided—Russia is given additional Export-Import Bank taxpayer-subsidized credits.

It is my intention when the conference report is called up today to speak at some length on this subject. I shall object to any unanimous-consent agreement in regard to it.

I think the time has come to give consideration to the American taxpayer.

I think the time has come to call a halt to the use of the huge borrowings of the Federal Government. The more the Federal Government goes into the money market, the higher the interest rates inevitably will become. The Export-Import Bank has to go out and borrow this money. It has been borrow-

ing the money at a higher percentage, and then it turns that money over to Russia at a relatively low interest rate. We know what the wage earner has to pay for interest today. The wage earner, if he or she wants to borrow money for a home, an automobile, or what have you, pays an interest rate of 12 or 14 percent, or perhaps higher. Yet this money is turned over to Russia at an interest rate of around 6 or 7 percent.

I shall resist this legislation. I expect to talk at some length when it is called up today. I again ask the leadership to protect me if the Senator from Virginia happens not to be in the Chamber at the time the legislation is called up. I shall make every effort to be in the Chamber throughout the day, but if I am not here I hope my rights will be protected.

Mr. President, I yield back the remainder of my time.

[From the CONGRESSIONAL RECORD, Oct. 10, 1974]

SENATE JOINT RESOLUTION 251—EXTENSION OF AUTHORITY FOR THE EXPORT-IMPORT BANK

The Senate continued with the consideration of the joint resolution—Senate Joint Resolution 251—to extend the authority of the Export-Import Bank of the United States.

Mr. HARRY F. BYRD, JR. Mr. President, if we may have order, I can get this through quickly.

THE PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and refrain from conversation, so that we can hear the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President the Export-Import Bank conference report nullifies every major Senate action restricting Bank authority, and paves the way for an immediate multi-billion dollar U.S. investment in Soviet energy development.

The Senate adopted an amendment prohibiting Exim support of Soviet fossil fuel projects without prior congressional approval—the conference committee deleted it.

The Senate adopted an amendment to put the Eximbank back in the Federal budget so its inflationary impact on the deficit will be disclosed—the conference committee deleted it.

The Senate adopted an amendment to put the Eximbank back in the Federal budget so its inflationary impact on the deficit will be disclosed—the conference committee deleted it.

The Senate required prenotification to Congress of any Eximbank credit extension to the Soviet Union over \$50 million—the conference committee excluded Eximbank loan guarantees from this provision, effectively nullifying it.

The Senate put an overall ceiling of \$300 million on Eximbank Soviet Union loans. The conference committee eliminated this ceiling, saying the President could set any limit he chooses.

[From the CONGRESSIONAL RECORD, Nov. 26, 1974]

AMENDMENT OF THE EXPORT-IMPORT BANK ACT—CONFERENCE REPORT

Mr. President, I, of course, have no objection to a cloture motion being filed.

I would point out for the record that the conference report on the extension of the Export-Import Bank was made the pending business just today at the hour of approximately 12:30. Within a matter of minutes it was superseded by the Navajo-Hopi Indian bill. After much discussion on that, it was then again made the pending business at something around 1:15, as I recall. Then the Senator from Virginia entered into or rather addressed a series of questions to the distinguished Senator from Illinois.

Those questions dealt with a complex part of the bill, the bill itself is complex as are all the operations of the Export-Import Bank.

The Senator from Virginia had the opportunity to query the Senator from Illinois for something like 40 or 45 minutes, estimating the time. Then the distinguished senior Senator from Washington requested that the Export-Import Bank legislation be set aside and that the conference report on HEW be taken up.

The Senate then proceeded to consider the conference report on HEW, several other conference reports, and has just this moment at the time the cloture petition was filed gotten back to consideration of the Export-Import Bank conference report.

It is somewhat strange, it seems to me, to file a cloture petition so soon after a piece of legislation is laid before the Senate and when there has been virtually no discussion of that legislation other than maybe something approaching an hour or slightly over an hour.

As I say, I have no objection, of course, to the petition being filed, but I did think the Record should show how little discussion there has been in the Senate on it.

As a matter of fact, I was prepared, and it is too late now, but I was prepared to vote today on a motion to table, but several of my colleagues who could not be here today urged I not do it.

So it think we could have disposed of it today.

Mr. PACKWOOD. Mr. President, in response to the Senator from Virginia, it is fair to say the issues we have talked about for an hour or two or three today, however long it might have been, have been talked and retalked and retalked about on this floor. The same issues have been talked about for many, many hours this summer and fall.

We have extended the Export-Import Bank's termination date twice. The issues that we are debating today are quite familiar to all of us, and I do not see any point in going on with extended debate on a topic we have had extensive debate on over the past 4 or 5 months.

Mr. HARRY F. BYRD, JR. As mentioned earlier, a vote should come very quickly next week on a motion to table, but aside from that, the Senator from Oregon said that all of this is familiar ground.

Well, just in the first question that I put today to the Senator from Illinois, a brand new point was developed, brand new information was developed, which the Senate never before had had available to it.

I say that a bill of this magnitude, and I might point out that there are \$25 billion involved in this legislation, \$25 billion of U.S. tax funds, and if Congress is going to consider legislation of that magnitude we better take just a little bit of time to understand just what it is doing.

Mr. PACKWOOD. Mr. President, to keep the record straight, it is not \$25 billion of tax funds.

This is not an income tax. This is not a sales tax. These are bonds that are being sold and this Bank breaks even.

I do not want to leave the impression that we are dealing with taxes, \$25 billion.

Mr. HARRY F. BYRD, JR. I am glad the Senator developed that point because the Export-Import Bank, the way it gets its money, goes into the money market and sells bonds backed by the full faith and credit of the people of the United States.

The more that Bank goes into the money market, the more it forces an upward pressure on interest rates.

The Federal Government today borrows 62 percent of all the lendable funds—62 percent of all the lendable funds. So, I say that the Government itself, by this smashing amount of borrowing, represents a major reason for these tremendous interest rates.

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It is obvious when the Federal Government goes into the money markets for such vast sums that the upward pressure on interest rates is very severe.

I think it is very easy to understand why the young couple trying to buy a home, obtain funds to buy a home, finds it very difficult to do that and can only do it at very high interest rates, why businessmen seeking to go into the private money markets to develop their business find it very difficult to do.

So on the Export-Import Bank—and I have been a supporter of that Bank and I am now a supporter of that Bank; I do not propose that the Bank should not continue to operate—I do contend that there must be some limit on it.

As a businessman, in my own business I do not give blank checks and in handling the tax funds of the American people I do not think Congress should give blank checks, and I think that this legislation should require and should place a ceiling. That is what the major fight is about.

[From the CONGRESSIONAL RECORD
Dec. 13, 1974]

MR. HARRY F. BYRD, JR.'S STATEMENT

Mr. President, I congratulate the able Senator from Washington for the tremendous amount of work and time and effort which he has put into this extremely important matter. I congratulate, along with him, the able Senator from Connecticut (Mr. Kucinski) and the able Senator from New York (Mr. Javits) for their hard work and their skill. I am pleased to have been a cosponsor of the original Jackson amendment. I have a deep sympathy for the plight of those of Jewish faith in the Soviet Union. I likewise have a deep sympathy for those others in the Soviet Union of other nationalities and other religious beliefs who, likewise, are being harassed and oppressed.

I was very much encouraged by the statements made on the floor today, first by the Senator from Connecticut and then by the Senator from Washington and the Senator from New York, all pointing out that this proposal before the Senate today applies not just to individuals of one particular faith, but to all citizens of the Soviet Union who are undergoing harassment and oppression.

Mr. President, as I understand the parliamentary situation, the original Jackson-Vanik proposal is a part of the bill as reported by the Committee on Finance. It was approved by the House of Representatives and then by the Committee on Finance, and now is a part of the bill. The Senator from Washington has offered an amendment to the original Jackson proposal.

My only concern about the pending amendment offered by the Senator from Washington is that it does not provide a ceiling on credits that can be extended to the Soviet Union. As the Senator from Washington pointed out earlier, I think this matter is being taken care of. In the conference report on the Export-Import Bank bill, the conferees agreed to the Senate proposal that a \$300 million ceiling be placed on loans and guarantees to the Soviet Union.

Also, the Senate earlier adopted amendment No. 2026 to this trade bill which likewise provides that, after the date of enactment of the Trade Reform Act of 1974, no agency of the Government of the United States shall approve any loans, guarantees, insurance or any combination thereof, in connection with exports to the Union of Soviet Socialist Republics in an aggregate amount in excess of \$300 million without prior congressional approval.

I yield to the Senator from Washington.

Mr. JACKSON. I commend the Senator from Virginia for his diligence, and I supported him in connection with the Export-Import Bank restriction.

Mr. HARRY F. BYRD, JR. The Senator certainly did.

Mr. JACKSON. I think he has rendered a great service in doing that, and now again in connection with this amendment.

I should like to make the legislative record clear that the amendment that we have up, previously adopted by the Committee on Finance, does not authorize any credit. We are merely allowing a prohibition to be waived.

The control on those credits has been properly safeguarded by the Byrd amendment, both in connection with the Export-Import Bank conference report and, again, in this specific bill.

Mr. HARRY F. BYRD, JR. That is correct, except that the Committee on Finance did not adopt the compromise proposal. That is the one that is before us today.

Mr. JACKSON. That is right. This amendment that is before us today is an amendment that gives the President specific latitude, with the safeguards to waive, under the conditions outlined in this amendment, restrictions relating to MFN and credits. But it does not authorize affirmatively—credit or anything of that kind.

The Senator has dealt with the credit problem very efficiently with his amendment to this bill, which has already been adopted by the Senate, and, of course, in the Export-Import Bank conference report. So it is double-barreled, and I hope that the Byrd amendment will stay in conference when the conferees meet.

Mr. HARRY F. BYRD, JR. I thank the Senator from Washington.

Mr. JACKSON. Mr. President, I wish to say again that the distinguished senior Senator from Virginia was one of the original cosponsors of the amendment on the issue of emigration, and no one has been more faithful, more dedicated and more effective in advocating the effort that we are seeing culminated here, in this action on the floor today. I praise him for all that he has done, and for the fine way in which he has courageously spoken out.

Mr. HARRY F. BYRD, JR. I am very grateful to my friend from Washington. It was easy to do, because I believe very strongly that this is a humanitarian approach. I think, as many persons have charged, it is very unusual for one country to attempt to interfere in a purely domestic policy of another country. But the way I look at it is as follows: that other country—in this case Russia—wants something from the United States.

They want special concessions from the United States.

They want us to grant most-favored-nation tariff treatment to Russia.

They want access to long-term, taxpayer-subsidized, low-interest rates.

If we are going to give all of that, I submit that we have a right to ask for something in return. What is being asked in return is a humanitarian and compassionate nature. I am glad to have supported the original amendment, and I shall support the approach now suggested by the Senator from Washington, the Senator from Connecticut, and the Senator from New York.

Before taking my seat, I wish to comment on the trip to the Soviet Union taken by the junior Senator from New York, (Mr. Buckley). I was very much impressed with the way Senator Buckley handled that trip. He did not spend his time with the leaders of government. Rather, he spent his time among the citizenry, among the Jewish people who had been oppressed and harassed, among the minority nationalities within the Soviet Union. He got, as a result, a firsthand insight into the problems facing them.

I think the Senator from New York (Mr. Buckley) has rendered his fellow citizens a very important service.

Mr. President, I reserve the remainder of my time.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12 o'clock noon.

There being no objection, the Senate, at 11:19 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CLARK).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS—CONFERENCE REPORT

Mr. HASKELL. Mr. President, I submit a report of the committee of conference on H.R. 620, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CLARK). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. HASKELL. Mr. President, I am satisfied that the agreement by the conference committee on H.R. 620 is a reasonable compromise. For that reason, I move the adoption of the conference report.

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Mr. STEVENS. Mr. President, through the courtesy and graciousness of the chairman of Committee on Interior and Insular Affairs, I was a conferee on this bill, H.R. 620.

I have not signed the conference report, because of the vigorous opposition of the regional corporations representing Alaskan Natives who are residents of Alaska and because of the opposition of the vast majority of Alaskan Natives who reside in Alaska to the concept of the mandatory creation of a 13th regional corporation to represent those Alaskan Natives who left their homes and live "outside," as we call it.

We have supported the other amendments in the bill, such as a provision to raise the Commissioner of the Bureau of Indian Affairs to an assistant secretary level. The other amendments in this bill are good ones. But I could not in good conscience sign this report under the circumstances that exist; because, instead of having an election to determine whether or not there should be a 13th regional corporation, this bill, in effect, creates a 13th regional corporation and permits any nonresident Alaskan Native who is eligible for benefits under the Alaskan Natives Land Claims Settlement Act to elect to receive his or her benefits under the 13th regional corporation, rather than as part of the 12 regional corporations that represent all Alaskan Natives within the State.

To me, it is a mistake to mandate the creation of a 13th regional corporation. There was an election; and although it was a narrow election, the nonresident Alaskan Natives voted against the creation of the 13th regional corporation. Litigation is pending over the adequacy of the election procedures. I feel that the Federal judge in Seattle will adequately review those procedures and determine whether there was a fair election. If there was not, there could be another election.

The original bill called for a new election, and I would support that as a way to shorten the process of litigation. But, to me, to mandate the creation of a 13th regional corporation is improper, as not reflecting the desires of those who did vote and not properly expressing the viewpoint of the Alaskan Natives who reside in Alaska. Six-sevenths of those who are beneficiaries actually reside in the State. This bill really pertains to the one-seventh who do not reside in our State, and I think it is unfair to give them a mandatorily created corporation.

I also would like to make certain of one aspect, and I am sure my good friend, the Senator from Colorado, who is managing the bill, understands my position. I think it is unfair to create mandatorily a 13th regional corporation, because in doing so, it raises again the question of the fairness of the concept that is involved in the bill. The basic bill, the Alaskan Natives Land Claims Settlement Act, provided that if the people who reside outside of Alaska want a 13th regional corporation to manage their money, they can have one. But that was to be a conscious decision, knowing that if these beneficiaries chose

to create a 13th regional corporation, they would deny themselves an interest in land, because only the 12 regional corporations under the Alaskan Natives Land Claims Settlement Act will have land.

I think there should be a new election, if there is to be any reconsideration of the creation of the 13th regional corporation.

Despite the kindness and cooperation of the Committee on Interior and Insular Affairs in permitting me to be a member of this conference, I cannot endorse the conference report.

Mr. HASKELL. Mr. President, I understand the position of the distinguished Senator from Alaska. I merely reiterate my opinion that the compromise is reasonable, and I move the adoption of the conference report.

The motion was agreed to.

AMENDMENT OF THE WILD AND SCENIC RIVERS ACT—CONFERENCE REPORT

Mr. HASKELL. Mr. President, I submit a report of the committee of conference on S. 3022, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CLARK). The report will be stated by title.

The legislative clerk read as follows: The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 960), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. HASKELL. Mr. President, I am satisfied that the agreement reached by the conference committee was a reasonable compromise, and I now move the adoption of the conference report.

The motion was agreed to.

QUORUM CALL

Mr. HASKELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE

Mr. ROBERT C. BYRD. Mr. President, I shall shortly propose a recess for the Senate, but I ask unanimous consent first that the Secretary of the Senate be authorized to receive messages from the other body.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:16 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NELSON).

SPEEDY TRIAL ACT OF 1974

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 754.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 754) to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes, as follows: Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Speedy Trial Act of 1974".

TITLE I—SPEEDY TRIAL

SEC. 101. Title 18, United States Code, is amended by adding immediately after chapter 207, a new chapter 208, as follows:

Chapter 208.—SPEEDY TRIAL

- "Sec.
- "3161. Time limits and exclusions.
- "3162. Sanctions.
- "3163. Effective dates.
- "3164. Interim limits.
- "3165. District plans—generally.
- "3166. District plans—contents.
- "3167. Reports to Congress.
- "3168. Planning process.
- "3169. Federal Judicial Center.
- "3170. Speedy trial data.
- "3171. Planning appropriations.
- "3172. Definitions.
- "3173. Sixth amendment rights.
- "3174. Judicial emergency.

"§ 3161. Time limits and exclusions.
"(a) In any case involving a defendant charged with an offense, the appropriate judicial officer; at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.
"(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session dur-

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ing such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

"(c) The arraignment of a defendant charged in an information or indictment with the commission of an offense shall be held within ten days from the filing date (and making public) of the information or indictment, or from the date a defendant has been ordered held to answer and has appeared before a judicial officer of the court in which such charge is pending whichever date last occurs. Thereafter, where a plea of not guilty is entered, the trial of the defendant shall commence within sixty days from arraignment on the information or indictment at such place, within the district, as fixed by the appropriate judicial officer.

"(d) If any indictment or information is dismissed upon motion of the defendant, or any charge contained in a complaint filed against an individual is dismissed or otherwise dropped, and thereafter a complaint is filed against such defendant or individual charging him with the same offense or an offense based on the same conduct or arising from the same criminal episode, or an information or indictment is filed charging such defendant with the same offense or an offense based on the same conduct or arising from the same criminal episode, the provisions of subsections (b) and (c) of this section shall be applicable with respect to such subsequent complaint, indictment, or information, as the case may be.

"(e) If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final. If the defendant is to be tried again following an appeal or a collateral attack, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date the action occasioning the retrial becomes final if unavailability of witnesses or other factors resulting from passage of time shall make trial within sixty days impractical.

"(f) Notwithstanding the provisions of subsection (b) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(a) of this chapter the time limit imposed with respect to the period between arrest and indictment by subsection (b) of this section shall be sixty days, for the second such twelve-month period such time limit shall be forty-five days and for the third such period such time limit shall be thirty-five days.

"(g) Notwithstanding the provisions of subsection (c) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(b) of this chapter, the time limit with respect to the period between arraignment and trial imposed by subsection (c) of this section shall be one hundred and eighty days, for the second such twelve-month period such time limit shall be one hundred and twenty days, and for the third such period such time limit with respect to the period between arraignment and trial shall be eighty days.

"(h) The following periods of delay shall be excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence:

"(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

"(A) delay resulting from an examination of the defendant, and hearing on, his mental competency, or physical incapacity;

"(B) delay resulting from an examination of the defendant pursuant to section 2902 of title 28, United States Code;

"(C) delay resulting from trials with respect to other charges against the defendant;

"(D) delay resulting from interlocutory appeals;

"(E) delay resulting from hearings on pretrial motions;

"(F) delay resulting from proceedings relating to transfer from other districts under the Federal Rules of Criminal Procedure; and

"(G) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement.

"(2) Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

"(3)(A) Any period of delay resulting from the absence or unavailability of the defendant or an essential witness.

"(B) For purposes of subparagraph (A) of this paragraph, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subparagraph, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence or he resists appearing at or being returned for trial.

"(4) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial.

"(5) Any period of delay resulting from the treatment of the defendant pursuant to section 2902 of title 28, United States Code.

"(6) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense, or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(7) A reasonable period of delay when the defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted.

"(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

"(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

"(1) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

"(2) Whether the case taken as a whole is so unusual and so complex, due to the

number of defendants or the nature of the prosecution or otherwise, that it is unreasonable to expect adequate preparation within the periods of time established by this section.

"(3) Whether delay after the grand jury proceedings have commenced, in a case where arrest precedes indictment, is caused by the unusual complexity of the factual determination to be made by the grand jury or by events beyond the control of the court or the Government.

"(C) No continuance under paragraph (8)(A) of this subsection shall be granted because of general congestion of the court's calendar, or lack of diligent preparation or failure to obtain available witnesses on the part of the attorney for the Government.

"(1) If trial did not commence within the time limitation specified in section 3161 because the defendant had entered a plea of guilty or nolo contendere subsequently withdrawn to any or all charges in an indictment or information, the defendant shall be deemed indicted with respect to all charges therein contained within the meaning of section 3161, on the day the order permitting withdrawal of the plea becomes final.

"(j) (1) If the attorney for the Government knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly—

"(A) undertake to obtain the presence of the prisoner for trial; or

"(B) cause a detainer to be filed with the person having custody of the prisoner and request him to so advise the prisoner and to advise the prisoner of his right to demand trial.

"(2) If the person having custody of such prisoner receives a detainer, he shall promptly advise the prisoner of the charge and of the prisoner's right to demand trial. If at any time thereafter the prisoner informs the person having custody that he does demand trial, such person shall cause notice to that effect to be sent promptly to the attorney for the Government who caused the detainer to be filed.

"(3) Upon receipt of such notice, the attorney for the Government shall promptly seek to obtain the presence of the prisoner for trial.

"(4) When the person having custody of the prisoner receives from the attorney for the Government a properly supported request for temporary custody of such prisoner for trial, the prisoner shall be made available to that attorney for the Government (subject, in cases of interjurisdictional transfer, to any right of the prisoner to contest the legality of his delivery).

"§ 3162. Sanctions.

"(a) (1) If, in the case of any individual against whom a complaint is filed charging such individual with an offense, no indictment or information is filed within the time limit required by section 3161(b) as extended by section 3161(h) of this chapter, such charge against that individual contained in such complaint shall be dismissed or otherwise dropped. In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this chapter and on the administration of justice.

"(2) If a defendant is not brought to trial within the time limit required by section 3161(c) as extended by section 3161(h), the information or indictment shall be dismissed on motion of the defendant. The defendant shall have the burden of proof of supporting such motion but the Government shall have the burden of going forward with the evidence in connection with any exclusion of time under subparagraph 3161(h)(3). In determining whether to dismiss the case with

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or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of this chapter and on the administration of justice. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section.

"(b) In any case in which counsel for the defendant or the attorney for the Government (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial; (2) files a motion solely for the purpose of delay which he knows is totally frivolous and without merit; (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of a continuance; or (4) otherwise willfully fails to proceed to trial without justification consistent with section 3161 of this chapter, the court may punish any such counsel or attorney, as follows:

"(A) in the case of an appointed defense counsel, by reducing the amount of compensation that otherwise would have been paid to such counsel pursuant to section 3006A of this title in an amount not to exceed 25 per centum thereof;

"(B) in the case of a counsel retained in connection with the defense of a defendant, by imposing on such counsel a fine of not to exceed 25 per centum of the compensation to which he is entitled in connection with his defense of such defendant;

"(C) by imposing on any attorney for the Government a fine of not to exceed \$250;

"(D) by denying any such counsel or attorney for the Government the right to practice before the court considering such case for a period of not to exceed ninety days; or

"(E) by filing a report with an appropriate disciplinary committee.

The authority to punish provided for by this subsection shall be in addition to any other authority or power available to such court.

"(c) The court shall follow procedures established in the Federal Rules of Criminal Procedure in punishing any counsel or attorney for the Government pursuant to this section.

"§ 3163. Effective dates.

"(a) The time limitation in section 3161(b) of this chapter—

"(1) shall apply to all individuals who are arrested or served with a summons on or after the date of expiration of the twelve-calendar-month period following July 1, 1975; and

"(2) shall commence to run on such date of expiration to all individuals who are arrested or served with a summons prior to the date of expiration of such twelve-calendar-month period, in connection with the commission of an offense, and with respect to which offense no information or indictment has been filed prior to such date of expiration.

"(b) The time limitation in section 3161(c) of this chapter—

"(1) shall apply to all offenses charged in informations or indictments filed on or after the date of expiration of the twelve-calendar-month period following July 1, 1975; and

"(2) shall commence to run on such date of expiration as to all offenses charged in informations or indictments filed prior to that date.

"(c) Section 3162 of this chapter shall become effective after the date of expiration of the fourth twelve-calendar-month period following July 1, 1975.

"§ 3164. Interim limits.

"(a) During an interim period commencing ninety days following July 1, 1975 and ending on the date immediately preceding the date on which the time limits provided for under section 3161(b) and section 3161(c) of this chapter become effective, each district shall place into operation an interim plan to assure priority in the trial or other disposition of cases involving—

"(1) detained persons who are being held in detention solely because they are awaiting trial; and

"(2) released persons who are awaiting trial and have been designated by the attorney for the Government as being of high risk.

"(b) During the period such plan is in effect, the trial of any person who falls within subsection (a) (1) or (a) (2) of this section shall commence no later than ninety days following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The trial of any person so detained or designated as being of high risk on or before the first day of the interim period shall commence no later than ninety days following the first day of the interim period.

"(c) Failure to commence trial of a detainee as specified in subsection (b), through no fault of the accused or his counsel, or failure to commence trial of a designated releasee as specified in subsection (b), through no fault of the attorney for the Government, shall result in the automatic review by the court of the conditions of release. No detainee, as defined in subsection (a), shall be held in custody pending trial after the expiration of such ninety-day period required for the commencement of his trial. A designated releasee, as defined in subsection (a), who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under this title to insure that he shall appear at trial as required.

"§ 3165. District plans—generally.

"(a) Each district court shall conduct a continuing study of the administration of criminal justice in the district court and before United States magistrates of the district and shall prepare plans for the disposition of criminal cases in accordance with this chapter. Each such plan shall be formulated after consultation with, and after considering the recommendations of, the Federal Judicial Center and the planning group established for that district pursuant to section 3168. The plans shall be prepared in accordance with the schedule set forth in subsection (e) of this section.

"(b) The planning and implementation process shall seek to accelerate the disposition of criminal cases in the district consistent with the time standards of this chapter and the objectives of effective law enforcement, fairness to accused persons, efficient judicial administration, and increased knowledge concerning the proper functioning of the criminal law. The process shall seek to avoid underenforcement, overenforcement and discriminatory enforcement of the law, prejudice to the prompt disposition of civil litigation, and undue pressure as well as undue delay in the trial of criminal cases.

"(c) The plans prepared by each district court shall be submitted for approval to a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district court whose plan is being reviewed or such other active judge of that court as the chief judge of that district court may designate. If approved by the reviewing panel, the plan shall be forwarded to the Administrative Office of the United States Courts, which office shall report annually on the operation of such plans to the Judicial Conference of the United States.

"(d) The district court may modify the plan at any time with the approval of the reviewing panel. It shall modify the plan when directed to do so by the reviewing panel or the Judicial Conference of the United States. Modifications shall be reported to the Administrative Office of the United States Courts.

"(e) (1) Prior to the expiration of the twelve calendar-month period following July 1, 1975, each United States district court shall prepare and submit a plan in accordance with subsections (a) through (d) above to govern the trial or other disposition of offenses within the jurisdiction of such court during the second and third twelve-calendar-month periods following the effective date of subsection 3161(b) and subsection 3161(c).

"(2) Prior to the expiration of the thirty-six calendar-month period following July 1, 1975, each United States district court shall prepare and submit a plan in accordance with subsections (a) through (d) above to govern the trial or other disposition of offenses within the jurisdiction of such court during the fourth and subsequent twelve calendar-month periods following the effective date of subsection 3161(b) and subsection 3161(c).

"(f) Plans adopted pursuant to this section shall, upon adoption, and recommendations of the district planning group shall, upon completion, become public documents.

"§ 3166. District plans—contents.

"(a) Each plan shall include a description of the time limits, procedural techniques, innovations, systems and other methods, including the development of reliable methods for gathering and monitoring information and statistics, by which the district court, the United States attorney, the Federal public defender, if any, and private attorneys experienced in the defense of criminal cases, have expedited or intend to expedite the trial or other disposition of criminal cases, consistent with the time limits and other objectives of this chapter.

"(b) Each plan shall include information concerning the implementation of the time limits and other objectives of this chapter, including:

"(1) the incidence of, and reasons for, requests or allowances of extensions of time beyond statutory or district standards;

"(2) the incidence of, and reasons for, periods of delay under section 3161(h) of this title;

"(3) the incidence of, and reasons for, the invocation of sanctions for noncompliance with time standards, or the failure to invoke such sanctions, and the nature of the sanction, if any invoked for noncompliance;

"(4) the new timetable set, or requested to be set, for an extension;

"(5) the effect on criminal justice administration of the prevailing time limits and sanctions, including the effects on the prosecution, the defense, the courts, the correctional process, costs, transfers and appeals;

"(6) the incidence and length of, reasons for, and remedies for detention prior to trial, and information required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial;

"(7) the identity of cases which, because of their special characteristics, deserve separate or different time limits as a matter of statutory classifications; and

"(8) the incidence of, and reasons for each thirty-day extension under section 3161(b) with respect to an indictment in that district.

"(c) Each district plan required by section 3165 shall include information and statistics concerning the administration of criminal justice within the district, including, but not limited to:

"(1) the time span between arrest and indictment, indictment and trial, and conviction and sentencing;

"(2) the number of matters presented to the United States Attorney for prosecution, and the numbers of such matters prosecuted and not prosecuted;

"(3) the number of matters transferred to other districts or to States for prosecution;

"(4) the number of cases disposed of by trial and by plea;

"(5) the rates of nolle prosequi, dismissal, acquittal, conviction, diversion, or other disposition; and

"(6) the extent of preadjudication detention and release, by numbers of defendants and days in custody or at liberty prior to disposition.

"(d) Each plan shall further specify the rule changes, statutory amendments, and appropriations needed to effectuate further improvements in the administration of justice in the district which cannot be accomplished without such amendments or funds.

"(e) Each plan shall include recommendations to the Administrative Office of the United States Courts for reporting forms, procedures, and time requirements. The Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States, shall prescribe such forms and procedures and time requirements consistent with section 3170 after consideration of the recommendations contained in the district plan and the need to reflect both unique local conditions and uniform national reporting standards.

"§ 3167. Reports to Congress.

"(a) The Administrative Office of the United States Courts, with the approval of the Judicial Conference, shall submit periodic reports to Congress detailing the plans submitted pursuant to section 3165. The reports shall be submitted within three months following the final dates for the submission of plans under section 3165(e) of this title.

"(b) Such reports shall include recommendations for legislative changes or additional appropriations to achieve the time limits and objectives of this chapter. The report shall also contain pertinent information such as the state of the criminal docket at the time of the adoption of the plan; the extent of pretrial detention and release; and a description of the time limits, procedural techniques, innovations, systems, and other methods by which the trial or other disposition of criminal cases have been expedited or may be expedited in the districts.

"§ 3168. Planning process.

"(a) Within sixty days after July 1, 1975, each United States district court shall convene a planning group consisting at minimum of the Chief Judge, a United States magistrate, if any designated by the Chief Judge, the United States Attorney, the Clerk of the district court, the Federal Public Defender, if any, a private attorney experienced in the defense of criminal cases in the district, the Chief United States Probation Officer for the district, and a person skilled in criminal justice research who shall act as reporter for the group. The group shall advise the district court with respect to the formulation of all district plans and shall submit its recommendations to the district court for each of the district plans required by section 3165. The group shall be responsible for the initial formulation of all district plans and of the reports required by this chapter and in aid thereof, it shall be entitled to the planning funds specified in section 3171.

"(b) The planning group shall address itself to the need for reforms in the criminal justice system, including but not limited to changes in the grand jury system, the finality of criminal judgments, habeas corpus and collateral attacks, pretrial diversion, pretrial detention, excessive reach of Federal criminal law, simplification and improvement of pre-

trial and sentencing procedures, and appellate delay.

"(c) Members of the planning group with the exception of the reporter shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the advisory group in accordance with the provisions of title 5, United States Code, chapter 57. The reporter shall be compensated in accordance with section 3109 of title 5, United States Code, and notwithstanding other provisions of law he may be employed for any period of time during which his services are needed.

"§ 3169. Federal Judicial Center.

"The Federal Judicial Center shall advise and consult with the planning groups and the district courts in connection with their duties under this chapter.

"§ 3170. Speedy trial data.

"(a) To facilitate the planning process and the implementation of the time limits and objectives of this chapter, the clerk of each district court shall assemble the information and compile the statistics required by sections 3166 (b) and (c) of this title. The clerk of each district court shall assemble such information and compile such statistics on such forms and under such regulations as the Administrative Office of the United States Courts shall prescribe with the approval of the Judicial Conference and after consultation with the Attorney General.

"(b) The clerk of each district court is authorized to obtain the information required by sections 3166 (b) and (c) from all relevant sources including the United States Attorney, Federal Public Defender, private defense counsel appearing in criminal cases in the district, United States district court judges, and the chief Federal Probation Officer for the district. This subsection shall not be construed to require the release of any confidential or privileged information.

"(c) The information and statistics compiled by the clerk pursuant to this section shall be made available to the district court, the planning group, the circuit council, and the Administrative Office of the United States Courts.

"§ 3171. Planning appropriations.

"(a) There is authorized to be appropriated for the fiscal year ending June 30, 1975, to the Federal Judiciary the sum of \$2,500,000 to be allocated by the Administrative Office of the United States Courts to Federal judicial districts to carry out the initial phases of planning and implementation of speedy trial plans under this chapter. The funds so appropriated shall remain available until expended.

"(b) No funds appropriated under this section may be expended in any district except by two-thirds vote of the planning group. Funds to the extent available may be expended for personnel, facilities, and any other purpose permitted by law.

"§ 3172. Definitions.

"As used in this chapter—

"(1) the terms 'judge' or 'judicial officer' mean, unless otherwise indicated, any United States magistrate, Federal district judge, and

"(2) the term 'offense' means any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a petty offense as defined in section 1(3) of this title, or an offense triable by court-martial, military commission, provost court, or other military tribunal).

"§ 3173. Sixth amendment rights.

"No provision of this chapter shall be interpreted as a bar to any claim of denial of speedy trial as required by amendment VI of the Constitution.

"§ 3174. Judicial emergency.

"(a) In the event that any district court is unable to comply with the time limits set forth in section 3161(c) due to the status of its court calendars, the chief judge, where the existing resources are being efficiently utilized, may, after seeking the recommendations of the planning group, apply to the judicial council of the circuit for a suspension of such time limits. The judicial council of the circuit shall evaluate the capabilities of the district, the availability of visiting judges from within and without the circuit, and make any recommendations it deems appropriate to alleviate calendar congestion resulting from the lack of resources.

"(b) If the judicial council of the circuit shall find that no remedy for such congestion is reasonably available, such council may apply to the Judicial Conference of the United States for a suspension of time limits set forth in section 3161(c). The Judicial Conference, if it finds that such calendar congestion cannot be reasonably alleviated, may grant a suspension of the time limits in section 3161(c) for a period of time not to exceed one year for the trial of cases for which indictments are filed during such period. During such period of suspension, the time limits from arrest to indictment, set forth in section 3161(b), shall not be reduced, nor shall the sanctions set forth in section 3162 be suspended; but such time limits from arraignment to trial shall not be increased to exceed one hundred and eighty days. The time limits for the trial of cases of detained persons who are being detained solely because they are awaiting trial shall not be affected by the provisions of this section.

"(c) Any suspension of time limits granted by the Judicial Conference shall be reported to the Congress within ten days of approval by the Director of the Administrative Office of the United States Courts, together with a copy of the application for such suspension, a written report setting forth detailed reasons for granting such approval and a proposal for increasing the resources of such district. In the event an additional period of suspension of time limits is necessary, the Director of the Administrative Office of the United States Courts shall so indicate in his report to the Congress, which report shall contain such application for such additional period of suspension together with any other pertinent information. The Judicial Conference shall not grant a suspension to any district within six months following the expiration of a prior suspension without the consent of the Congress. Such consent may be requested by the Judicial Conference by reporting to the Congress the facts supporting the need for a suspension within such six-month period. Should the Congress fail to act on any application for a suspension of time limits within six months, the Judicial Conference may grant such a suspension for an additional period not to exceed one year."

Sec. 102. The tables of chapters for title 18 of the United States Code and for part II of title 18 of the United States Code are each amended by inserting immediately after the item relating to chapter 207 the following new item:

"208. Speedy trial. . . . 3161".

TITLE II—PRETRIAL SERVICES AGENCIES

Sec. 201. Chapter 207 of title 18, United States Code, is amended by striking out section 3152 and inserting in lieu thereof the following new sections:

"§ 3152. Establishment of pretrial services agencies.

"The Director of the Administrative Office of the United States Courts shall establish, on a demonstration basis, in each of ten representative judicial districts (other than the District of Columbia), a pretrial services agency authorized to maintain effective

supervision and control over, and to provide supportive services to, defendants released under this chapter. The districts in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this chapter, and the availability of community resources to implement the conditions of release which may be imposed under this chapter.

"§ 3153. Organization of pretrial services agencies.

"(a) The powers of five pretrial services agencies shall be vested in the Division of Probation of the Administrative Office of the United States Courts. Such Division shall establish general policy for such agencies.

"(b) (1) The powers of each of the remaining five pretrial services agencies shall be vested in a Board of Trustees which shall consist of seven members. The Board of Trustees shall establish general policy for the agency.

"(2) Members of the Board of Trustees shall be appointed by the chief judge of the United States district court for the district in which such agency is established as follows:

"(A) one member, who shall be a United States district court judge;

"(B) one member, who shall be the United States attorney;

"(C) two members, who shall be members of the local bar active in the defense of criminal cases, and one of whom shall be a Federal public defender, if any;

"(D) one member, who shall be the chief probation officer; and

"(E) two members, who shall be representatives of community organizations.

"(c) The term of office of a member of the Board of Trustees appointed pursuant to clauses (C) (other than a public defender) and (E) of subsection (b) (2) shall be three years. A vacancy in the Board shall be filled in the same manner as the original appointment. Any member appointed pursuant to clause (C) (other than a public defender) or (E) of subsection (b) (2) to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(d) (1) In each of the five demonstration districts in which pretrial service agencies are established pursuant to subsection (a) of this section, the pretrial service officer shall be a Federal probation officer of the district designated for this purpose by the Chief of the Division of Probation and shall be compensated at a rate not in excess of the rate prescribed for GS-16 by section 5332 of title 5, United States Code.

"(2) In each of the five remaining demonstration districts in which pretrial service agencies are established pursuant to subsection (b) (1) of this section, after reviewing the recommendations of the judges of the district court to be served by the agency, each such Board of Trustees shall appoint a chief pretrial service officer, who shall be compensated at a rate to be established by the chief judge of the court, but not in excess of the rate prescribed for GS-15 by section 5332 of title 5, United States Code.

"(3) The designated probation officer or the chief pretrial service officer, subject to the general policy established by the Division of Probation or the Board of Trustees, respectively, shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation of such other personnel as may be necessary to staff such agency, and may appoint such experts and consultants as may be necessary, pursu-

ant to section 3109 of title 5, United States Code. The compensation of such personnel so appointed shall be comparable to levels of compensation established under chapter 53 of title 5, United States Code.

"§ 3154. Functions and powers of pretrial services agencies.

"Each pretrial services agency shall perform such of the following functions as the district court to be served may specify:

"(1) Collect, verify, and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person, but such information as may be contained in the agency's files or presented in its report or which shall be divulged during the course of any hearing shall be used only for the purpose of a bail determination and shall otherwise be confidential. In their respective districts, the Division of Probation or the Board of Trustees shall issue regulations establishing policy on the release of agency files. Such regulations shall create an exception to the confidentiality requirement so that such information shall be available to members of the agency's staff and to qualified persons for purposes of research related to the administration of criminal justice. Such regulations may create an exception to the confidentiality requirement so that access to agency files will be permitted by agencies under contract pursuant to paragraph (4) of this section; to probation officers for the purpose of compiling a presentence report and in certain limited cases to law enforcement agencies for law enforcement purposes. In no case shall such information be admissible on the issue of guilt in any judicial proceeding, and in their respective districts, the Division of Probation or the Board of Trustees may permit such information to be used on the issue of guilt for a crime committed in the course of obtaining pretrial release.

"(2) Review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147.

"(3) Supervise persons released into its custody under this chapter.

"(4) With the cooperation of the Administrative Office of the United States Courts and with the approval of the Attorney General, operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services.

"(5) Inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions.

"(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.

"(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

"(8) Prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial.

"(9) Perform such other functions as the court may, from time to time, assign.

"§ 3155. Report to Congress.

"(a) The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost

of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts. Such report shall also compare the accomplishments of the pretrial services agencies operated by the Division of Probation with those operated by Boards of Trustees and with monetary bail or any other program generally used in State and Federal courts to guarantee presence at trial.

"(b) On or before the expiration of the forty-eighth-month period following July 1, 1975, the Director of the Administrative Office of the United States Courts shall file a comprehensive report with the Congress concerning the administration and operation of the amendments made by the Speedy Trial Act of 1974, including his views and recommendations with respect thereto.

"§ 3156. Definitions.

"(a) As used in sections 3146-3150 of this chapter—

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court of the District of Columbia; and

"(2) The term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable in any court established by Act of Congress.

"(b) As used in sections 3152-3155 of this chapter—

"(1) the term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States.

"(2) the term 'offense' means any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a petty offense as defined in section 1(3) of this title, or an offense triable by court-martial, military commission, provost court, or other military tribunal).

Sec. 202. The analysis of chapter 207 of title 18, United States Code, is amended by striking out the last item and inserting in lieu thereof the following:

"3152. Establishment of Pretrial Services Agencies.

"3153. Organization of Pretrial Services Agencies.

"3154. Functions and Powers of Pretrial Services Agencies.

"3155. Report to Congress.

"3156. Definitions."

Sec. 203. For the purpose of carrying out the provisions of this title and the amendments made by this title there is hereby authorized to be appropriated for the fiscal year ending June 30, 1975, to remain available until expended, the sum of \$10,000,000.

Sec. 204. Section 604 of title 28, United States Code, is amended by striking out paragraphs (9) through (12) of subsection (a) and inserting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3152 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the

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courts, the Federal Judicial Center, the pre-trial service agencies, and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pre-trial service agencies and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States."

Amend the title so as to read: "An Act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes."

Mr. ERVIN. Mr. President, the House has passed S. 754, the Speedy Trial Act of 1974. This legislation, represents over 4 years of study and refinement by the Senate and House Judiciary Committees. S. 754 has been the responsibility of the Senate Subcommittee on Constitutional Rights which I have had the honor to chair, and the House Subcommittee on Crime under the very capable leadership of Representative JOHN CONYERS.

Throughout its development the speedy trial legislation has been a subject of much controversy in the Federal criminal justice community. For example, the Justice Department has until very recently opposed enactment of any such legislation. However, the Subcommittee on Constitutional Rights spent 3 years attempting to accommodate the Justice Department, Federal judges and the attorneys active in the defense of criminal cases. In the Senate subcommittee we adopted over 25 of the amendments proposed by the Justice Department. Although the bill was reported favorably from the Senate Judiciary Committee without a dissenting vote and passed the Senate on a voice vote the Justice Department remained in opposition to the bill when it was considered on the House side. However, thanks to the work of Representative CONYERS, Chairman RODINO, Representatives WILLIAM COHEN and CHARLES WIGGINS the House was able to reach an accommodation with the Justice Department and at the same time to preserve the basic thrust of the legislation. Indeed I believe that the House has substantially improved the Senate bill and therefore I call upon the Senate to concur in the House amendments to S. 754.

I ask unanimous consent that a letter written by the Attorney General to Mr. RODINO, chairman of the House Judiciary Committee withdrawing the Justice Department's opposition to the speedy trial legislation be printed in the RECORD at the conclusion of my remarks and that the section-by-section analysis contained in the Senate report on S. 754, indicating all the changes which the Senate made at the behest of the Justice Department also be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibits 1 and 2.)

Mr. ERVIN. Mr. President, although the proponents of speedy trial have differed on how it might be achieved, for example whether by Federal legislation or court rule, there has never been disa-

greement in Congress or in the Federal criminal justice system over the need for speedy trials. The members of the Subcommittee on Constitutional Rights were shocked when they learned in 1971, as they were first considering this legislation, of the inordinate delay commencing trials in Federal criminal cases. Information made available to the subcommittee by the Federal Judicial Center indicated that the average delay between arrest and indictment in the busier Federal courts was over 100 days and between indictment and trial over 250 days. This suggests that delay between arrest and trial may be as long as 350 days in some of the busier Federal districts.

A 1-year delay in the trial of many Federal criminal cases is simply unacceptable. It takes no great insight into the crime problem to know that when suspects are arrested, but not tried for months or years, there is no deterrent to continued criminal activity. A study by the National Bureau of Standards in 1970 found that most defendants commit crime on bail after they have been on pretrial release more than 60 days. Furthermore, when those defendants are finally brought to justice they know that the overworked prosecutor and court will have to accept their offer to bargain for a lesser sentence. This kind of plea bargaining is known as "giving away the courthouse for the sake of the calendar." The criminal always wins and society always loses in this bargain. The speedy trial crisis has made a mockery of the criminal laws enacted by Congress and of the Justice Department's attempt to enforce those laws.

This recognition of the importance of speedy justice is not new. It can be traced back through literature of western civilization to the Old Testament. The stern morality of Ecclesiastes recognized that the only effective deterrent to crime was swift and sure punishment for criminal activity:

Because sentence against an evil deed is not executed speedily, the heart of the sons of men is fully set to do evil.

However, in enacting this bill Congress is not only concerned about crime control but also with elementary justice. It is inconsistent with both the Constitution and our sense of fairness to hold a man in jail for months or years without a trial. Proponents of the speedy trial legislation know of the degradation of life in America's jails. We are determined to limit to the extent feasible the exposure of our fellow citizens to the conditions Oscar Wilde described with such eloquence in his "Ballade of Reading Gaol" and which unfortunately are as apt today in the United States as they were in Reading, Berkshire, England 75 years ago:

The vilest deeds like poison weeds
Bloom well in prison air;
It is only what is good in man
That wastes and withers there.
Pale Anguish keeps the heavy gate,
And the Warder is Despair.

Those of us in the Congress who have been working on this problem realize that speedy trial will never be a reality in the Federal courts until Congress makes clear to all that it will no longer

tolerate delay. Unfortunately, while it is in the public interest to have speedy trials, the parties involved in the criminal process do not feel any pressure to go to trial. The court, defendant, his attorney, and the prosecutor may have different reasons not to push for trial, but they all have some reason. The overworked courts, prosecutors, and defense attorneys depend on delay in order to cope with their heavy caseloads. The end of one trial only means the start of another. To them, there is little incentive to move quickly in what they see as an unending series of cases. The defendant, of course, is in no hurry for trial, because he wishes to delay his day of reckoning as long as possible.

I believe, after years of studying this problem, that S. 754 can begin to end this seemingly hopeless morass. The bill is based upon the premise that the courts, undermanned, starved for funds, and utilizing 18th century management techniques, simply cannot cope with burgeoning caseloads. The consequence is delay and plea bargaining. The solution is to create initiative within the system to utilize modern management techniques and to provide additional resources to the courts where careful planning so indicates.

S. 754, as amended in the House, would create that initiative within the federal system by enacting time limit requirements for the initial stages in the criminal process. The time limits would be enforced by judges empowered to sanction prosecutors for delay by dismissing the indictment if trial does not occur within the limits and empowered to sanction prosecutors for delay by dismissing liberal dilatory tactics. The time limits plus sanctions system is related to the appropriations process in the Congress so that each court could count on sufficient resources to achieve the goals set out in the time limits by Congress.

The bill requires each Federal district court, in cooperation with the U.S. attorney and attorneys active in the defense of criminal cases in that district, to establish a plan for trying criminal cases within 100 days of arrest or receipt of summons. The bill takes effect over a 5-year period so that the goals of a 30-day limit on the period between arrest and indictment and a 70-day limit on the period between indictment and commencement of trial will not be in force until the fifth year after enactment.

Starting the 5th year after enactment the 30-day arrest to indictment and 70-day indictment to trial time limits will be enforced by mandatory dismissal. In the first 4 years after enactment, the time limits are phased in beginning with a 60-day arrest to indictment and 180 days indictment to trial limit in the second year after enactment. Every few years the time limits are shortened and the sanctions for failure to meet the time limits increase. During these intervening years a planning process for the district courts will be established to enable the districts to determine what additional resources, personnel, and facilities will be required to comply with the progressive time limitations. District plans which will detail these needs will

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be required at specified times during the 7-year phasing in of time limits. This, in turn, will enable Congress to consider the needs of each individual district, and of the whole Federal criminal justice system.

Along with its provision for speedy trials, S. 754 also authorizes the creation of demonstration "pretrial services agencies" in 10 Federal districts, excluding the District of Columbia which is already served by the District of Columbia Bail Agency, performing many of the same functions. These agencies will make bail recommendations, supervise persons on bail, and assist them with employment, medical, and other services designed to reduce crime on bail. This provision will greatly enhance the operations of the Bail Reform Act of 1966.

The House amendments to S. 754 change the bill in eight important respects. As I stated earlier, I view all of these changes as important refinements in the bill because they provide greater flexibility in the legislation. The changes are as follows:

First. Judicial emergency.—In the House hearings a number of witnesses, particularly the Justice Department and the Administrative Office of the U.S. courts, contended that if the Congress fails to provide the necessary funds to make speedy trial a reality or if a particular district is beset by an unforeseeable occurrence which would make compliance with the time limits impossible, the unwarranted dismissal of cases could result. The House adopted an amendment to authorize the Judicial Conference of the United States to suspend the time limits between indictment and trial for up to a period of 1 year in the event of a judicial emergency.

Two. Phase-in.—The House bill provides that both the sanctions and the ultimate time limits of the bill become effective in the 5th year after enactment; S. 754 as it passed the Senate provides that they become effective in the 7th year. Because of the adoption of the judicial emergency provision, the House felt that the phase-in period could be reduced without endangering the objectives of the bill.

Three. Sanctions.—The House version provides that the failure to meet the speedy trial limits will result in the dismissal of the complaint, information, or indictment. It would be up to the trial judge to determine whether the dismissal would forever bar prosecution of the defendant for any offenses which were known or reasonably should have been known at the time of the granting of the dismissal. This sanction becomes effective in the 5th year after enactment. S. 754 provides for the dismissal of cases in the 7th year for failure to meet the time limits, but only permits re prosecution if the Government can demonstrate exceptional circumstances.

Fourth. Time limits to trial.—S. 754 as passed the Senate computes the time limits between the periods of arrest to indictment and indictment to trial. At the suggestion of the Department of Justice, the House adopted an amendment to begin the running of the time limits to trial from arraignment. An additional 10 days

were added between indictment to arraignment.

Fifth. Filing indictments.—At the request of both the Department of Justice and the Administrative Office of the U.S. Courts, the House adopted an amendment which would permit up to 30 additional days for the filing of an indictment in those districts where grand juries meet infrequently. This amendment is intended to give more flexibility to rural districts, where criminal case filings do not warrant the continuous operation of the grand jury.

Sixth. Pilot planning.—The House adopted an amendment to do away with pilot planning districts. Instead, each district planning group is entitled to receive an appropriation for the initial phases of planning.

Seventh. Planning process.—The House also adopted an amendment which essentially had the effect of reorganizing the planning provisions of S. 754. Very few substantive changes were made with the exception of granting the Judicial Conference of the United States, through the Administrative Office of the U.S. Courts, greater influence over the administrative aspects of the planning process.

Eighth. Pretrial services.—Finally, the House adopted an amendment to permit the probation service of the Administrative Office of the U.S. Courts to administer 5 of the 10 pretrial services agencies. The Administrative Office had urged the subcommittee to vest all 10 pretrial services agencies in the division of probation, but the committee believes that a dual approach would provide greater flexibility and opportunity for experimentation.

In conclusion, 4 years of work by the Congress on this question has resulted in a workable scheme for the achievement of speedy trial in Federal criminal cases. This process of refinement has developed a bill which carefully balances the rights of the individual and society in a speedy trial. I believe we have responded to all of the legitimate concerns of all interested parties, the Department of Justice, and the Judicial Conference included. I hope that the Senate will join with the House by concurring in the House amendments.

Mr. President, I would like to take this opportunity to acknowledge those Members of the House and Senate who have helped in the development of this landmark legislation. First, this bill would never have gotten out of the Senate Judiciary Committee without the help and cooperation of my friends and colleagues, the senior Senators from Nebraska and Arkansas. Both of these senior members of the Judiciary Committee provided me and the rest of the Judiciary Committee with helpful criticism and they are responsible for a number of the important improvements on the bill.

On the House side, this legislation was the responsibility of Representative JOHN CONYERS, Jr., chairman of the House Subcommittee on Crime. Without his leadership and creativity, this legislation would probably still be on the House Judiciary Calendar. Chairman CONYERS

skillfully shepherded this bill through the lengthy debate in the House Judiciary Committee and the Rules Committee, and helped to develop additional flexibility in the legislation necessary for passage in the House. Mr. CONYERS was joined in his efforts by the chairman of the Judiciary Committee, PETER RODINO, as well as the ranking minority member of the subcommittee, Representative WILLIAM COHEN, and Representative CHARLES WIGGINS, also a member of the House Judiciary Committee. In addition, I would like to acknowledge the help the bill received from Representative CLAUDE PEPPER, who has been a leading proponent of speedy trial legislation for several years.

I believe Congress also owes a debt of gratitude to the staff of the Subcommittee on Constitutional Rights in the Senate where this legislation was originally developed, and to the staff of the Subcommittee on Crime in the House where the bill was refined and prepared for final House action.

In closing, I wish to state that it would not have been possible to achieve enactment of the speedy trial legislation had it not been for the untiring labors and profound wisdom of Mark Gitenstein, our present chief counsel of one Senate Subcommittee on Constitutional Rights, and his predecessor in this post, Larry Baskin, and a former member of the legal staff of the subcommittee, Glenn Ketner.

Mr. President, this bill was passed by the Senate by an overwhelming vote. I have studied the House amendments. I have consulted the Senator from Nebraska (Mr. HRUSKA), who is very interested in this bill, about these House amendments. He and I are perfectly satisfied with these amendments. They were worked out to a large extent with the aid of the Department of Justice; and the Department of Justice, after opposing this bill for several years, has endorsed the bill.

Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 13, 1974.
Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington,
D.C.

DEAR MR. CHAIRMAN: It is my understanding that proponents of H.R. 17409, the Speedy Trial Act of 1974, are determined to enact such legislation prior to the termination of the 93rd Congress.

As you know, the Department of Justice has consistently pointed out a number of significant problems with H.R. 17409. Our most serious objection to this legislation is the mandatory dismissal with prejudice provision contained in section 3162. This feature if enacted into law would ultimately provide that if a defendant is not indicted within 30 days following arrest or service of summons, or if the defendant's trial does not commence within 60 days following arraignment, the charge is dismissed with prejudice against prosecution for that offense or any offense based on the same indictment.

The Senate version of the bill, S. 754, although purporting to provide for dismissal without prejudice, contains a restrictive provision with respect to a new prosecution that

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for all practical purposes constitutes a dismissal with prejudice. If either the present House version or Senate version is retained the Department of Justice would be compelled to continue our strong opposition to this legislation.

Mandatory prejudicial dismissal of criminal cases not tried within arbitrary time limits can only serve to injure the public and our system of justice by releasing persons charged with crime without an adjudication. Not only may the untied defendant pose a danger to the public's welfare but the public confidence in a criminal justice system which releases persons without trial is certainly undermined.

The Department of Justice supports an amendment to section 3162 of H.R. 17409 deleting the bar to further prosecution following dismissal under that section. Deletion of this language would still result in dismissal of cases for failure to meet the time limits of section 3161 but would permit charges to be brought under a new information or indictment consistent with existing law. If this amendment is adopted a federal judge may dismiss with prejudice for denial of Sixth Amendment right to speedy trial or dismissal with prejudice where he believes circumstances warrant such dismissal.

Adoption of this amendment by the Congress would resolve the most significant difficulty in this legislation and would enable the Department to effectively administer the provisions of H.R. 17409.

I would hope that you and members of your Judiciary Committee and members of the House will support this amendment. Copy of which is enclosed.

Sincerely,

WILLIAM B. SAXBE,
Attorney General.

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS

TITLE I—SPEEDY TRIAL

Significant changes have been made in the language of S. 754 to accommodate suggestions of Committee members, the Justice Department, Federal judges, and defense counsel who will have to carry out the provisions of the bill if it is enacted.

What follows is a section-by-section analysis of the bill as reported by Committee with a brief explanation of each provision including the Committee amendments. Also the analysis notes the more significant differences between S. 754 and its predecessor in the last Congress, S. 895.

Section 3161 time limits and exclusions

Subsection 3161(a) requires the judge at the earliest practicable point in the process to set a date certain for trial. The date is set upon consultation with the prosecutor and defense counsel.

This provision requires that all parties must be on notice of the trial date as early in the proceeding as possible. Setting a trial date early in the process permits the parties, the witness, and especially the courts, to plan out the trial schedule and to integrate the schedule with their obligations. This eliminates difficulties with subsequent scheduling conflicts of the attorneys, especially those defense counsel who may have a civil practice. Any conflict existing at this time can be resolved and no future conflicts can be permitted to defer the trial date, since the attorney is already on notice as to his primary obligation to prepare and try this particular case.

S. 895 required that the date certain be set at initial appearance rather than at the earliest practicable point. The Justice Department and several other witnesses suggested that setting a date certain at initial appearance was unworkable because United States magistrates, who conduct initial appearance procedures in many districts, would

be setting the date for a trial to be conducted by a district court judge. Based upon Judge Albert Stephen's suggestion, the requirement has been eliminated so that the Federal district judges can retain control over their own calendars. S. 754 would still provide that the court set a date certain for trial at the earliest possible point in the process. Thus, the courts would be free to adopt rules on this subject consistent with their own peculiar needs and capabilities.

Subsection 3161(b) sets a 30-day limit on the period between the filing of a complaint or an arrest and the filing of an information or indictment based on the complaint. If cases are not brought within this period they must be dismissed. The time limit imposed by this subsection is subject to the allowable delays as set forth in Subsection 3161(h).

Subsection 3161(c) requires that trial must commence within 60 days of the date of the filing of an indictment or information. Combined with the 30-day arrest to indictment time limit imposed by subsection 3161(b), the total period between arrest and trial allowed by S. 754 would be 90 days.

The Committee is convinced that the goal of trial within three months of arrest in the typical Federal criminal case is a reasonable one. The Subcommittee on Constitutional Rights heard considerable testimony from prominent members of the bench and bar on the reasonableness of such a time limit.

Such time limits are absolutely essential to effective crime control. Speedy trial seems to decrease crime by defendants on pretrial release and to increase the rate at which defendants plead guilty. A study by the National Bureau of Standards found that defendants who are released prior to trial are more likely to commit a subsequent crime before they are tried for the first if they are not brought to trial within two to three months of arrest. When a 60-day speedy trial program was established in the United States Attorney's Office in the Southern District of New York the proportion of defendants pleading guilty increased from 90 percent to 95 percent.

However, the Justice Department objected to the original provisions of S. 754 which provided a single time limit of 60 days between arrest and commencement of trial. According to the Department the grand jury process should not be covered in the speedy trial time limits. The Department is worried that in complicated cases, such as conspiracies in which arrest precedes indictment, prosecution cannot be adequately prepared in a two-month period. Furthermore, in approximately 40 percent of the Federal criminal cases, arrests are made before indictment for the purpose of halting on-going criminal activity. Thus, the Department of Justice proposed commencing the speedy trial time limits with arraignment.

However, a study by the Federal Judicial Center found that over one-half of the delay in an average Federal case occurs between arrest and indictment and that delays of approximately 100 days during this period are typical. In light of these findings it seemed inadvisable to adopt the Department's proposal, commencing the time limits with arraignment and thus excluding the period between arrest and indictment from the legislation.

Senator McClellan suggested a workable compromise on this question. He proposed that there be two different time limits, one between arrest and indictment where arrest precedes indictment and one between indictment and trial in all cases. The Committee has adopted the McClellan proposal in Subsections 3161(b) and (c)—a 30-day limit from arrest to indictment and a 60-day period between indictment and trial.

In 1967 the President's Crime Commission suggested that in the average case the delay between arrest and indictment should only be approximately 15 days and a recent survey

conducted by the Administrative Office of the United States Courts for the Constitutional Rights Subcommittee found that several District courts were able to indict defendants within 30 days. The Committee arrived at the 30-day time limit for the period between arrest and indictment based on this data.

While the Committee has concluded that it is necessary to minimize the delays currently experienced during the arrest to indictment period, it recognizes that complexity of the grand jury process sometimes leads to unavoidable delays. For this reason, the time limits imposed by this subsection are subject to special tolling provisions as provided in subsection 3161(h). For example subsection 3161(h)(8) specifically provides that grand jury proceedings which are sufficiently complex are to be exempt from the arrest to indictment time limits.

Section 3161(h) provides other enumerated exclusions from both the arrest to indictment and the indictment to trial time limits. Most of the exclusions apply to pretrial proceedings which take place after indictment. However any exclusion of time or tolling of time limits permitted by 3161(h) would be permitted whether it occurred before or after indictment.

In further response to the Department's concern about the imposition of time limits the Committee has amended S. 754 to allow for a gradual phase-in of the time limits over a seven year period in conjunction with a gradual phase-in of the sanctions for non-compliance. Judges could begin to impose dismissal in the fifth year after enactment but would not have to dismiss with restrictions on re prosecution for violation of the time limits until the seventh year. (See Calendar of Implementation, Chart 1, p. 55.) This gradual phasing-in of the time limits should allow the districts to identify and solve any problems that might arise in complying with the time limits.

Subsection 3161(d) allows the time limits imposed by subsections 3161(b) and (c) to begin to run afresh should an indictment or information be dismissed upon defendant's motion on grounds other than non-conformance with speedy trial time limits, and a subsequent complaint charging the defendant with the same offense or with an offense based on the same criminal conduct or episode is filed.

This subsection allows latitude to the prosecutor to re-institute prosecution of a criminal defendant whose case has previously been dismissed on non-speedy trial grounds without having to comply with the time limits imposed by the filing of the earlier complaint. To require a prosecutor to conform to indictment and trial time limits which were set by the filing of the original complaint in order to reopen a case on the basis of new evidence would be an insurmountable burden. Thus, when subsequent complaints are brought, the time limits will begin to run from the date of the filing of the subsequent complaint.

The Committee is concerned that this provision not be used to evade the speedy trial time limits set out in this Act. The prosecutor should not be able to avoid the speedy trial time limitations when his carelessness in preparing the original complaint or indictment has resulted in a dismissal under this section. Therefore, when a judge dismisses an original information or indictment on other than speedy trial grounds he should, nevertheless, take into consideration the defendant's right to speedy trial under the statute and under the Constitution. For example, the judge might want to order that the original dismissal be with prejudice so that the prosecutor could not reindict several months after a carelessly drawn indictment has been dismissed.

Subsection 3161(e) provides for time limits where there is a mistrial or where the defendant succeeds in collateral attack or ap-

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peal. As a general matter the provision requires that if the Government decides to retry the defendant in any of these situations the time limits begin to run on the date that the order occasioning the retrial becomes final.

Although there was little disagreement among witnesses appearing before the Subcommittee on Constitutional Rights as to the wisdom of commencing time limits with the date of the order giving rise to the retrial, there was controversy over whether 60 days, as provided in S. 895, was a sufficient amount of time. The Justice Department contended that 60 days was insufficient time to prepare for a retrial after successful collateral attack, which could come years after the original trial. The section as it appears in S. 754 draws a distinction between cases of retrial following declaration by a trial judge of a mistrial or an order by the trial judge for a new trial; and cases where there is a retrial following a collateral attack or appeal. In the former case the speedy trial period is 60 days while in the latter case the period is also 60 days, except that the period may be extended if unavailability of witnesses or other factors resulting from the passage of time make trial within 60 days impractical. This dichotomy recognizes the difficulty of preparing a new case after successful collateral attack but would not allow inordinate delay where retrial is contemporaneous with the original trial as in a declaration of mistrial by the trial judge.

Subsection 3161(f) provides that the 30-day arrest to indictment time limit required by Subsection 3161(b) will not take effect immediately upon enactment. Instead, it will be phased in, along with the sanctions for failure to comply with the time limits, over a seven year period. During the second year after enactment, the arrest to indictment time limit will be 60 days. During the third and fourth years after enactment, the time limit will be 45 days. Thereafter, the 30-day time limit specified in Subsection 3161(b) will be in effect. (See Calendar of Implementation, Chart 1, p. 55.)

During the phase-in, provided by this subsection, the time limit which will apply in any particular case will depend upon the time limits in effect when the arrest takes place. If the arrest takes place when the 60-day time limit is in effect then the 60-day limits will apply regardless of whether new limits go into effect for other cases in the interim.

Subsection 3161(g) provides that the 60-day indictment to trial time limit required by Subsection 3161(c) will not take effect immediately upon enactment. The 60-day indictment to trial time limit will also be phased in over a seven year period. For the second year following enactment, the time limit will be 180 days. For the third and fourth years the time limit will be 120 days. For the fifth year and thereafter the time limit will be the 60 days. However, the accompanying phase-in of sanctions will not make the dismissal sanction plus limitation on re prosecution mandatory until the seventh year. (See Calendar of Implementation, Chart 1, p. 55.)

Subsection 3161(f) and (g) are the result of much discussion and compromise concerning the time necessary for achieving compliance with the mandatory speedy trial time limits contemplated by S. 754.

In testimony before the Subcommittee on Constitutional Rights, Senator Percy expressed concern about imposing an unrealistically short time limit too quickly. He suggested a 180-day period with a plan requiring the cases not tried in 160 days be automatically placed upon special calendars for expedited disposition. Once a case got on a judge's special calendar it would have priority and could go to trial as soon as he completed the case before him. Senator

Percy also expressed support for an alternative that would provide an initial 180-day period with phased reductions to the ultimate goal. These suggestions formed the basis for a phase-in period of three years which was incorporated in S. 895 as adopted by the Constitutional Rights Subcommittee in October of 1972 and which was also incorporated in S. 754 as introduced in February of 1973.

S. 754 has been amended to extend the phase-in period to now cover seven years. This is accomplished by imposing progressively shorter time limits coupled with progressively stricter sanctions for non-compliance. (The phasing-in of the dismissal sanction is discussed in more detail in Section 3162 at p. 42. See also the Calendar of Implementation, Chart 1, p. 55.) The end result will be a mandatory 30-day arrest to indictment time limit and a mandatory 60-day indictment to trial time limit enforced by a mandatory dismissal sanction during the seventh year after enactment. This lengthening of the phase-in period grows, out of suggestions by the Justice Department and Professor Freed of Yale Law School that the Federal criminal justice system could not comply with a three-year phase-in period. Imposing the required time limits in graduated stages over a seven year period accompanied by the gradual introduction of more severe sanctions for non-compliance plus a division of the time limits into an arrest-to-indictment period and an indictment-to-trial period should alleviate the burden that compliance with these speedy trial standards will place on the courts and the Justice Department.

During the phase-in provided by this subsection, the time limits which will apply to any particular case will depend upon the time limits in effect at the time the indictment or information is filed against the defendant. If the indictment or information is filed when the 180-day limits are in effect then the 180-day limits will apply regardless of whether new limits go into effect for other cases in the interim.

Subsection 3161(h) excepts from the time limits imposed in Subsections 3161(b) and (c) the following periods of delay:

- (1) Delays caused by proceedings relating to the defendant such as hearings on competency to stand trial, hearings on pretrial motions, trials on other charges, and interlocutory appeals;
- (2) Delays caused by deferred prosecution upon agreement of defense counsel, prosecutor, and the court for the purpose of demonstrating the defendant's good conduct;
- (3) Delays caused by absence or unavailability of the defendant;
- (4) Delays resulting from the fact that the defendant is incompetent to stand trial;
- (5) Delays resulting from the treatment of the defendant pursuant to the Narcotic Addict Rehabilitation Act;
- (6) Delays between the dropping of a charge and the filing of a new charge for the same or related offense;
- (7) Reasonable periods of delay when the defendant is joined for trial with a co-defendant, and neither defendant has shown good cause to grant a severance; and
- (8) Any other delay resulting from a continuance granted at the request of defense or prosecution upon a finding of the judge that the ends of justice cannot be met unless the continuance is granted. The judge must balance the right of the defendant and the interest of the public in speedy trial against the "ends of justice", and set forth in the record his reasons for granting the continuance.

Proceedings Concerning the Defendant

Subparagraph 3161(h)(1) allows the court to exempt from the time limits, time consumed by "proceedings concerning the defendant." This provision, when considered with all the enumerated exclusions from the

time limits contained in 3161(h), assures that the time limits do not fall too harshly upon either the defendant or the Government. Subparagraph 3161(h)(1) allows the defendant to take advantage of certain procedures on his own motion such as mental competency hearings on motions to suppress evidence without penalizing the Government for the resulting delay.

At the suggestion of the Justice Department, the committee has enumerated in the text of the bill examples of what is meant by "proceedings concerning the defendant." The list is not intended to be exhaustive. It is representative of procedures of which a defendant might legitimately seek to take advantage for the purpose of pursuing his defense.

Also at the suggestion of the Justice Department, new language was added by the subcommittee to subparagraph 3161(h)(1) to resolve an ambiguity in the original language of S. 895. Subparagraph 3161(h)(1) of S. 895 as introduced did not clarify whether an exclusion for a "proceeding concerning the defendant" includes just the period consumed by the hearing or also includes the period during which it is under advisement. Under that provision a pretrial motion which only consumes a few hours in hearing could exclude days or even weeks from the time limits while the motion is under advisement. To meet this problem, the latter half of the section as amended, 3161(h)(1)(B), would have excluded only "court days" actually consumed in a proceeding covered by the subparagraph. It was intended however, that a unique question of law or unusually complex pretrial hearing could be the basis for an "ends of justice" continuance (see discussion of 3161(h)(8), p. 38ff).

However, the committee dropped the subcommittee's language on "court days." Under the committee amendment delays "reasonably attributable to delays during which a matter is actually under advisement" may toll the time limits. It was not the intent of the committee in adopting this amendment to give a blanket exception to matters under advisement for the time excluded must be "reasonably attributable" and the matter must be "actually under advisement." Therefore the judge must be actually considering the question, for example, conducting the research on a novel legal question.

It is intended that an examination of mental competency or for narcotics addiction pursuant to the Narcotics Addict Rehabilitation Act (NARA), section 2902 of title 28 of the United States Code, should be treated the same as the hearing on these issues. Therefore, a reasonable amount of time actually consumed while the defendant is under physical or mental examination shall also be excluded in computing time. Of course, it would still be inappropriate to exclude time spent at a hospital after the examination is complete or as a result of unreasonable delays at the hospital awaiting examination.

Deferral of Prosecution

Subparagraph 3161(h)(2) is designed to encourage the current trend among the United States attorneys to allow for deferral of prosecution on the condition of good behavior. A number of Federal and State courts have been experimenting with pretrial diversion or intervention programs in which prosecution of a certain category of defendant is held in abeyance on the condition that the defendant participate in a social rehabilitation program. If the defendant succeeds in the program, charges are dropped. Such diversion programs have been quite successful with first offenders in Washington, D.C. (Project Crossroads) and in New York City (Manhattan Court Employment Project). Some success has also

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been noted in programs where the defendant's alleged criminality is related to a specific social problem such as prostitution or heroin addiction. Of course, in the absence of a provision allowing the tolling of the speedy trial time limits, prosecutors would never agree to such diversion programs. Without such a provision the defendant could automatically obtain a dismissal of charges if prosecution were held in abeyance for a period of time in excess of the time limits set out in section 3161 (b) and (c). This section of S. 754 differs from its counterpart in S. 895. It now requires that exclusion for diversion only be allowed where deferral of prosecution is conducted "with approval of the court."

This assures that the court will be involved in the decision to divert and that the procedure will not be used by prosecutors and defense counsel to avoid the speedy trial time limits.

Absence or Unavailability

Subparagraph 3161(h)(3) provides for exclusion of time during which the defendant or an essential witness is absent or unavailable. Therefore, a fugitive defendant with an outstanding indictment cannot deduct from his 60 days the time during which he avoids prosecution. At the suggestion of Senator Thurmond and Mr. Reznick, S. 754 was drafted so that it follows the language of the American Bar Association Speedy Trial Standards in defining the terms "absence" and "unavailability." Furthermore, the term "unavailable" means that if the defendant is located in another jurisdiction and is not resisting extradition and the attorney for the Government has exercised due diligence, the reasonable delay related to the administrative operation of the extradition system would also be excluded.

This subsection has been amended by the Committee to include the absence of an essential witness, as well as the absence of the defendant, as one of the periods of delay which are exempted from the time limits. The necessity of including essential witnesses in this exclusion was pointed out by testimony of the Justice Department before the Subcommittee on Constitutional Rights. The subsection as now constructed would remedy the situation in which an essential government witness becomes unavailable on the 59th day after indictment. Under the provisions contained in S. 754 as introduced, the case would be dismissed on the 60th day. This problem is especially acute when expert witnesses are involved because their presence is often required in different courts on the same day.

This problem is resolved by the subsection in that an "absent" or "unavailable" witness is treated in the same manner as an "absent" or "unavailable" defendant. By an "essential witness" the Committee means a witness so essential to the proceeding that continuation without the witness would either be impossible or would likely result in a miscarriage of justice. For example, a chemist who has identified narcotics in the defendant's possession would be an "essential witness" within the meaning of this subsection.

Mental Incompetence Hearings

Subparagraph 3161(h)(4) of the bill as reported deals with the exclusion of periods of time during which the defendant is mentally incompetent to stand trial. Reference is made to the exclusion of periods of time relating to examination for mental incompetency in subparagraph 3161(h)(1)(A) as a "proceeding concerning the defendant." That provision provides for the exclusion of time consumed in competency hearings and a reasonable number of hospital days actually consumed by physicians in mental examination. However, once the defendant is determined incompetent the only consideration is his return to competency. The length of time

required for him to do so obviously should not be the basis of a speedy trial claim under the bill. Therefore, a separate exclusion has been added to subsection 3161(h).

Narcotic Addict Rehabilitation Act Proceedings

Subparagraph 3161(h)(5) of S. 754 deals with the exclusion of periods of time during which the defendant is under examination or treatment pending trial pursuant to the Narcotic Addict Rehabilitation Act of 1966 (NARA). Reference is made to the exclusion of periods of time relating to examination for addiction pursuant to NARA in subparagraph 3161(h)(1)(A) as a "proceeding concerning the defendant." That provision provides for the exclusion of time actually consumed in hearings on the issue of addiction and a reasonable number of hospital days actually consumed by physicians in physical examination. However, once the defendant is determined to be an addict and falls within the eligibility provision of NARA, he is covered by that act and speedy trial is much less relevant. Therefore a separate exclusion has been added to subsection 3161(h).

Reindictment After Dismissal

Subparagraph 3161(h)(6) provides for the case where the Government decides for one reason or another to dismiss charges on its own motion and to then recommence prosecution. Under this provision only the period of time during which the prosecution has actually been halted is excluded from the 60-day time limits. Therefore, under 3161(h)(6) when the Government dismisses charges only the time between when the Government dismisses charges to when it reindicts is excluded from the 60-day time limits. For example, if the Government decides 50 days after indictment to dismiss charges against the defendant then waits six months and reindicts the defendant for the same offense the Government only has 10 days in which to be ready for trial.

Joinder of Codefendants

Subparagraph 3161(h)(7) provides for the exclusion of time from the time limits where the defendant is joined for trial with a codefendant who was arrested or indicted after the defendant. The purpose of the provision is to make sure that S. 754 does not alter the present rules on severance of codefendants by forcing the Government to prosecute the first defendant separately or to be subject to a speedy trial dismissal motion under section 3162.

The committee amended this provision, which appeared as 3161(c)(5) in the bill as introduced, to make it absolutely clear that Congress did not intend to alter the traditional rules of severance. According to the Justice Department, the original provision would have required the Government to show good cause for not granting a severance. This is contrary to present law which places the burden on the defendant who seeks the severance. The new provision deletes any reference to burdens of proof or "good cause" and simply refers to codefendants as to whom "no motion for severance has been granted."

"Ends of Justice" Continuance

Subparagraph 3161(h)(8) is the heart of the speedy trial scheme created by S. 754. It allows for the necessary flexibility to make 90 day trials a realistic goal within seven years of enactment.

The provision represents considerable revision by the committee. The original provisions of S. 895 dealing with general continuances, set a dual standard for continuances—in some cases continuances would have been permitted for "good cause" and in some cases to meet the "ends of justice." The original provisions also only allowed seven day continuances for "good cause." The Department of Justice as well as many other commentators and witnesses found the provisions unnecessarily complicated and

confusing. Therefore the committee consolidated all of the continuance provisions into one provision, 3161(h)(8) of the bill as reported.

The new provision eliminates the words "good cause" and simply adopts the stiffer "ends of justice" standard—a standard which was used in the original bill for those situations which could not fall within the "good cause" continuance provisions. "Ends of justice" is the standard found in section 3651 of title 18 of the United States Code in reference to suspension of sentence and the granting of probation. In essence, the new provision allows a judge to grant a continuance only where he finds the "ends of justice" outweigh the best interest of the public and the best interest of the defendant in speedy trial. This means that in each case where a continuance is requested, and the factual situation does not fall within 3161(h)(1) through (7), the judge must determine before granting the continuance that society's interest in meeting the "ends of justice" outweighs the interest of the defendant and of society in achieving speedy trial. Furthermore the judge must set out in writing his reasons for believing that in granting the continuance he strikes the proper balance between these two societal interests.

Although it is intended that continuances under 3161(h)(8) should be given only in unusual cases, it is anticipated that the provision will be necessary in many protracted and complicated Federal prosecutions, that is antitrust cases, and complicated organized crime conspiracy cases. However, the Committee has rejected a blanket exception for these cases and opted for a case-by-case approach (see p. 44). Each time such a continuance is granted in a complicated case the judge will still have to weigh the right of society and the defendant to a speedy trial against the "ends of justice." For example, although a case like the alleged conspiracy involving the so-called "Watergate case" might normally be subject to a continuance under this provision because of its complexity, society's interest in a speedy trial in light of the then upcoming election might have outweighed that consideration. Of course, another option open to the judge in that case, were S. 754 the law, would have been to sever the burglary charges from the conspiracy case, and of course a continuance would not have been appropriate in the simple burglary case.

The original "ends of justice" provision contained in S. 754 was vague even when construed in light of the accompanying legislative history. Therefore, upon the suggestion of Senators Hruska and McClellan and the Justice Department, subsection 3161(h)(8) has been redrafted to reflect the Committee's clear intention that the determination of whether or not to grant an exclusion is to be via a balancing test. Before establishing a special, more lenient set of limits, a court would have to determine that the "ends of justice" outweigh the defendant's and society's interest in speedy trial. Also, the section as amended by the Committee sets out, in the statutory language, the specific factors which a judge should consider when weighing these interests. This is designed to give the courts the maximum degree of guidance in interpreting this critical provision.

The new provision suggests three factors which a judge may consider in determining whether to grant a request for a special set of limits. First, it would be appropriate if the judge determines that failure to do so would make "continuation of such proceeding impossible, or result in a miscarriage of justice." For example, the following circumstances would be sufficient to warrant the granting of an "ends of justice" extension: where the judge trying the case, the attorney for the Government, defense counsel, the defendant or an essential witness is ill or unable to continue, or the defense counsel has been permitted by the court to resign from

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the case, or the court has removed counsel from the case.

A second factor which the amended section would permit the judge to consider is the overall complexity of the case. The court would rely on its own experience but also upon objective indicators of complexity when granting an "ends of justice" extension.

There are several fairly objective factors that a judge might consider in determining whether to grant a continuance under this provision because of the complicated nature of the case. None of these factors alone should be sufficient to grant a continuance. A judge might attempt to determine through conferences with defense and government counsel the number of days of trial which will be required to present the evidence in the case. For example, in the Southern District of New York, the United States attorney is ready for trial within 60 days of arrest for all "short trial" cases—cases which will take less than three days to try. This rule of thumb might be used under section 3161(h)(8). Therefore a continuance would be more appropriate in a case which is likely to take more than three days to try than in one which will take less than three days.

Another objective indicator of case complexity is the weighted caseload. This is a formula which has been used by the Federal judiciary to measure the complexity of cases for the purpose of determining the true workload for each district so that Congress can know when a new judgeship should be created. The formula is based on a periodic time study by the Federal Judicial Center which analyzes the actual amount of time spent on different kinds of cases. A new index was completed in May of 1971.¹ It would be very appropriate to grant continuances under section 3161(h)(8) for a bribery case which has a weighted caseload index of 5.94, while in the typical auto theft case where the index is only .63 a continuance based on complexity would not be appropriate.

The third factor to be used by the judge in determining whether to grant a continuance under this subsection is related to the second. It would permit an exclusion where proceedings become stalled in grand jury because of the "unusual complexity of the factual determination to be made by the grand jury or by events beyond the control of the court or the government." This provision is specifically designed to deal with the situation where arrest precedes indictment thus commencing the time limits but grand jury proceedings become stalled. It is not designed to cover every situation where grand jury proceedings are delayed—only where the delay was caused when an unusual amount of new or complex evidence is elicited in those proceedings. The more complicated the evidence presented, the more appropriate it would be for a judge to allow a continuance.

A grand jury continuance might be appropriate in a case involving continuing criminal activity, such as an organized crime or internal security conspiracy in which the prosecution has no real choice in commencing prosecution because the police have decided to arrest the defendant for the purpose of stopping the criminal activity. In most other cases, the continuance provision should not be used to give the prosecution time to gather evidence because the Government should not initiate prosecution until it is ready to move fairly rapidly to trial.

¹For a discussion of the weighted caseload formula and the new index, see *The Annual Report of the Director of the Administration Office of the United States Courts, 1971*. Administrative Office of the U.S. Courts, Washington, D.C., p. 167 ff; and for a discussion as to how the formula was derived, see *The 1969-70 Federal District Court Time Study, June 1971*, Federal Judicial Center, Washington, D.C.

However, as a general matter the Committee intends that, except for the above situations, this provision should be rarely used. Furthermore, even the above situations should be handled on a case-by-case basis with the court stating in writing the reasons why it believes that granting the continuance strikes the proper balance between the ends of justice on the one hand and the interest of society in a speedy trial and the interest of the defendant in a speedy trial on the other.

It is assumed that the denial of a continuance under this subsection or any part of 3161(h) would not be appealable as an interlocutory matter. However, the question of the improper granting or denial of a continuance would be a proper question for review on the granting of a motion to dismiss under section 3162 of the act or on review of a conviction after such motion was denied. This provision is, however, not intended to give the prosecution any right to appeal that it does not already enjoy under the Criminal Appeals Act.

Subsection 3161(i) provides that where a defendant pleads guilty and then withdraws his plea that the time limits commence again on the date the plea is withdrawn.

This provision added at the suggestion of the Justice Department, takes into account the relative ease with which pleas of guilty may be withdrawn prior to sentence. Under S. 895, without such a provision, it was possible for a defendant to enter a plea of guilty on the 59th day to one of several charges and wait several weeks, and then withdraw his plea before sentencing, thereby frustrating any prosecution on the other counts which might not yet have been dismissed. It was even possible under the original language that the Government would have been unable to prosecute the defendant with respect to the charge to which he pleaded guilty but subsequently withdrew the plea.

The Committee followed the Justice Department's proposed solution to this problem in providing that the time limits start all over again on the day that a withdrawal of a plea becomes final. Therefore the day on which the defendant withdraws the plea is treated as the initiation of a legitimate subsequent prosecution. If a defendant pleads guilty to a charge on the 59th day after arrest and then withdraws his plea, the withdrawal of plea is treated as the first day of a new prosecution with 60 days remaining in which to try the defendant.

Section 3162 sanctions

Section 3162 declares that if the case is not brought to trial within the prescribed period the charges shall be dropped and that the defendant cannot be re-prosecuted except in "exceptional circumstances." Dismissal with limitations on prosecution would only be imposed beginning seven years after enactment but dismissal without limitation on prosecution would be imposed during the fifth and sixth years after enactment. If either prosecutor or defense counsel is responsible for intentional delay, he may be subject to sanctions including fines, penalties and a withdrawal of the right to practice for as long as three months.

Title I of S. 754, when considered as a whole, represents a direction by Congress on behalf of the American people, to the Federal criminal justice system to achieve the goal of 90-day trials within seven years of enactment. Section 3162 assures that the other provisions of title I which set out this laudable goal do not remain an unfulfilled promise. This provision establishes an evenhanded scheme of sanctions for violating the speedy trial time limits against two of the critical actors in the Federal criminal justice system, defense attorneys and United States attorneys.

The sanction against the United States attorney and the court for failure to comply with the speedy trial time limits is dismissal of the prosecution. For a discussion of

similar provisions being used in State speedy trial schemes and the Committee's reasoning in adopting the dismissal sanctions, see pages 15-17.

The mandatory dismissal section is the most controversial provision in S. 754. The Department originally endorsed mandatory dismissal with prejudice when Assistant Attorney General Rehnquist appeared before the Subcommittee on behalf of the Department but for the past two years the Department has opposed this aspect of the bill. The issue of mandatory dismissal was discussed at some length during the April 17, 1973 hearings conducted by the Subcommittee. Both the Department and Carol Vance of the National District Attorneys Association were attracted by Professor Dailin Oaks' suggestion that a dismissal without prejudice provision might be an acceptable alternative.

Professor Oaks suggests that the Subcommittee look to the California speedy trial statute which provides dismissal without prejudice for failure to comply with the time limits. According to both Professor Oaks and Justice Winslow Christian, then Director of the National Center for State Courts, once a case is dismissed for failure to meet the speedy trial time limits in California it is rarely recommenced. That is because California judges impose a heavy burden upon the prosecution to justify its failure to meet the time limits on the first attempt. Therefore, this burden to justify reprosecution serves as a sufficient deterrent to failure to comply with the time limits while at the same time permitting reprosecution in extreme cases. According to Justice Christian, the metropolitan District Attorneys Offices in California very rarely fail to comply with the time limits. For example, in San Diego in an average year there were only three or four speedy trial dismissals out of 17,000 prosecutions.

The Committee has adopted Oaks' suggestion because of the California experience. S. 754, as amended by Committee, provides that charges be dismissed in cases where the defendant is not brought to trial within the time limits. However, the government can reinstitute charges if it presents compelling evidence that failure to meet the time limits in the first prosecution was caused by "exceptional circumstances" which the government and the court could not have foreseen or avoided. This is intended to be an even higher standard than that provided in section 3161(h)(8), "ends of justice." Indeed, in order for the government to reprosecute there would have to exist circumstances which the government could not and did not know about before the original dismissal. For example, "exceptional circumstances" might apply where a defendant or his counsel perjured himself in alleging circumstances which led a judge to dismiss charges for failure to meet the speedy trial time limits. It might be impossible to reinstate the charges were it not for such a provision.

S. 754, as amended, would impose a dismissal without limitation on prosecution during the fifth and sixth years after enactment. Beginning seven years after enactment dismissal would be with a limitation on subsequent prosecutions. Yet during the second, third and fourth years the only sanction for failure to meet the time limits would be the requirement that each such failure be reported to the District criminal justice planning group and to the Administrative Office of the United States Courts (see sec. 3168). The effect of this part of the Committee amendment plus the elongation of the phase-in (see discussion p. 34) is to increase the severity of the sanction as the length of the speedy trial time limits are shortened. (See Calendar of Implementation, Chart 1, p. 55.)

At the suggestion of the Justice Department, S. 754 adds language which places the burden of proof upon the defendant when he makes a speedy trial dismissal motion. The

Government would still have the burden of going forward with the evidence in connection with an exclusion under subparagraph 3161(h)(3). Also at the suggestion of the Department, S. 754 would eliminate the requirement, contained in S. 895, that to succeed on the dismissal motion the defendant must show lack of fault for the delay. S. 754 also adds "nolo contendere" to the last sentence so that a plea of nolo contendere, like a plea of guilty, would constitute a waiver of the right to dismissal under the section. The Committee assumes that any waiver of a defendant's right to speedy trial is an intelligent waiver and that a defendant has been informed by the judge of his rights under the statute prior to taking any action which would constitute a waiver to the right to dismissal under section 3162.

The sanction for the failure of defense counsel to comply with the time limits is a scheme of penalties for dilatory tactics. The latter half of section 3162 is based upon an amendment to S. 895 proposed in the last Congress by Senator Thurmond. It sets out four situations when sanctions against counsel would be appropriate: (1) where counsel agrees to a trial date when he knows one of his witnesses will be absent; (2) where counsel files a motion which he knows is frivolous and without merit solely for the purpose of delay; (3) where counsel makes a false statement for the purpose of obtaining a continuance; and (4) where counsel otherwise fails to proceed to trial without justification consistent with section 3161. It sets out a range of penalties including the decreasing of compensation of appointed defense counsel, fines, the denial of the right to practice in that court for as long as three months, and the filing of a report with the appropriate disciplinary committee. The new provision also requires the court to follow rule 42 of the Federal Rules of Criminal Procedure in conducting procedures which lead to such penalties.

Section 3163 effective dates

Section 3163, when read with subsections 3161(b) and (c) and subsections 3161(f) and (g) implements the phasing-in of the time limits. The result is a seven year graduated phase-in of the time limits during which the time limits between arrest and trial are shortened and the sanction for failure to meet the time limits become more severe. (See Calendar of Implementation, Chart 1, p. 55.)

Along with implementing the phase-in of the time limits, this section also specifies which kinds of pending cases will fall under the time limits after enactment. The arrest to indictment time limit would apply to all cases brought on or following the effective date of the Act and also to all summons issued or arrests conducted prior to the effective date but for which no indictment or information has yet been filed. The indictment to trial time limit would apply to all cases brought on or following the effective date and to all indictments or informations filed prior to the effective date.

The effective date of the Act will be one year after enactment. During the year between the date of enactment and the effective date, the interim time limits discussed in Section 3164 will apply.

An important difference between the original section 3163 contained in S. 895 and the new version is that the latter would eliminate the exclusion of antitrust, securities, and tax cases from the act. As Mr. Reznick suggested, it is these very cases that are responsible for the egregious delays in the Federal courts. In Reznick's words:

"In almost all such cases, the bringing of a criminal charge follows a long government investigation, involving extensive grand jury proceedings. The defendant also is well aware of the possibility of prosecution and has substantial time to prepare his case even before

the formal institution of prosecution. No doubt more time for trial preparation may be required for some of the cases because of their complexity, but the continuance provisions of the Act can make allowance for such cases on an appropriate showing of good cause. A case-by-case approach to such problems is preferable to a blanket exemption for any class of cases."

This is essentially the approach taken by the Committee in its amendment to section 3163 and the "ends of justice" continuance provision, 3161(h)(8) where complex cases would be subject to a case-by-case continuance (see pp. 38-41).

Section 3164 interim plans

Section 3164 would require jurisdictions to implement interim plans within three months of enactment to remain in effect until the effective date of the 90-day time limits of subsection 3161(b) and (c). (See Calendar of Implementation, Chart 1, p. 55.) These interim plans must provide that all detained defendants and all released defendants considered to be "high risk" by the United States attorney be tried within 90 days.

Section 3164 has been added to title I of the legislation as a result of the suggestion by Professor Freed that certain minimal speedy trial requirements be placed into operation soon after enactment and until the courts are prepared to implement the mandatory time limits. These interim plans would be similar to the plan adopted by the United States Court of Appeals for the Second Circuit. (See Section IV. Discussion, pp. 17-20.) The section would require trials within 90 days for pretrial detainees or "high risk" defendants who are on pretrial release, pending the full effectiveness of sections 3161 and 3162. The sanctions for failure to adhere to the limits would not be dismissal, as in section 3162, but pretrial release in the case of detainees and review of release conditions in the case of high risk releasees. The provision would not apply to detainees who have already been convicted of another offense because independent grounds for their detention exist.

Planning process sections

The overall function of S. 754 is to encourage the Federal criminal justice system to engage in comprehensive planning and budgeting toward the goal of achieving speedy trial. The most widely known section of the bill is the first section which imposes the time limits. However, the most important sections of the bill are the planning process sections (sections 3165-69) which provide a planning process whereby each district court formulates a plan for the implementation of speedy trial and sets out the additional resources necessary to meet the limits of section 3161.

The planning process sections are critical to the bill's success because they provide the vital link between the Federal criminal justice system and the appropriations process. In summary they provide the courts and the United States Attorneys with a mechanism to plan for the implementation of 90-day trials in a systematic manner, to try innovative techniques on a pilot basis, to itemize the additional resources necessary to achieve the 90-day trial goal, and to communicate with Congress concerning its plans and the additional budget requests.

S. 754 as introduced had only one section on the planning process which simply required the courts to formulate a plan for the implementation of speedy trial. The Committee agrees with representatives of the Justice Department and the Federal Judicial Center as well as Professor Freed that section 3165 of S. 754, as introduced, is inadequate. The provision did not set out with sufficient precision the goals of the planning and implementation process, the contents of the district plans or the types of studies and analysis which should precede each plan. Nor did the bill provide for a reporting or in-

formation-gathering process which would provide a data base for those preparing the district plans.

Judging from a recent study of the experience in the Federal Judiciary under Rule 50(b), this concern about the planning process of S. 754 is warranted. That study found that most courts responded to the new Supreme Court rule by merely adopting the model speedy trial plan circulated by the Administrative Office of the United States Courts or a plan which was only "slightly different". None of the district courts conducted in-depth analysis of the speedy trial situation within their jurisdictions other than to determine the actual processing times between various stages so that the time limits selected under the plans did not threaten the status quo. The result was that the plans did not require the adoption of new management technology, nor did they isolate causes of delay in the district and attempt to eliminate them. Consequently, the plans simply set norms for processing cases without attempting to shorten the actual case processing time and therefore Rule 50(b) is not having a major impact on the speedy trial crisis in the Federal courts.

The planning process contemplated by S. 754 demands much more of the district courts. The plans cannot simply restate the norms set out in section 3161 of the act as the courts have done with the model plan under Rule 50(b). Under S. 754 comprehensive criminal justice analysis must be undertaken in each district to isolate the causes of delay which keep the district from meeting those norms. The plan will explain those causes of delay and will set out a realistic strategy for attacking them. This amendment will make it absolutely clear what is expected of each district in the planning process and thereby avoid the pitfalls of Rule 50(b).

Some critics of S. 754 have asserted that even if the planning process works perfectly, speedy trial will not be forthcoming. They contend that basic changes in criminal law must precede any effort to achieve speedy trial or that the management techniques necessary to utilize criminal justice resources more efficiently cannot be implemented within the time frame contemplated by the bill or finally that Congress will not appropriate the necessary additional resources to help the system meet the time limits. Therefore, they suggest that the time limits approach be attempted on a pilot basis in several districts with appropriations for additional resources made available in advance.

The revision of section 3165 by the Committee is part of a comprehensive rewrite of the whole planning process. The Committee has (1) revised and clarified the planning process by requiring the establishment of special criminal justice planning groups in each district court (Section 3165); (2) described in greater detail the purpose of the planning process by explaining exactly what must be contained in each district plan (Section 3167); (3) created a reporting system requiring participants in the criminal justice system to report violations of the time limits (Section 3168); and finally (4) authorized five Federal districts to be chosen to plan for speedy trials as pilot districts with the knowledge that funds are to be available from the outset (Section 3169).

Section 3165 planning process

Section 3165 specifically requires that each United States judicial district form a planning group within 60 days of the effective date of this Act, for the purposes of the initial formulation of the District plans required by Sections 3166 and 3167 and the continued study of the criminal justice system in the district.

Section 3165 is designed to broaden the

*E.g. repeal of habeas corpus, and modification of the exclusionary rule.

base of participants in the planning process. Courts alone do not cause delay, and courts alone or solely in consultation with others cannot cure delay. The district planning group would consist of the Chief Judge, the United States Attorney, the Federal Public Defender, if any, a private attorney experienced in the defense of criminal cases in the District, the Chief Federal Probation Officer and a person skilled in criminal justice research. This group would be charged with gathering the necessary information and undertaking the appropriate studies and analysis and formulating a plan which would be submitted to the district court for adoption. Although purely advisory, the planning group would have a broad jurisdiction and could make recommendations ranging from suggested statutory changes to recommendations as to how many new typewriters the clerk's office will need.

Section 3166 district plans—Generally

Section 3166 is based on section 3165 of S. 754, as introduced. The original provision has been revised to comport with the Committee's elongation of the phase-in of the time limits to seven years. Under the new provision, district plans are prepared one year before each new set of time limits are placed into operation and before the dismissal sanctions go into effect. (See discussion p. 42, and Calendar of Implementation, Chart 1, p. 55.) The section retains the requirement that the reports be transmitted to the Administrative Office of the United States Courts which in turn must summarize the reports within three months and transmit a nationwide report to the Congress.

Subsection 3166(a) requires each district court, upon approval of the judicial council of the circuit, to submit three plans for the trial of cases in accordance with section 3161 to the Administrative Office of the United States Courts. The first plan is to be submitted one year after enactment and would plan for the courts' compliance with the time limits required for the third and fourth years following enactment during which the 45 day arrest to indictment and 120 day indictment to trial time limits are in effect.² The second plan is to be submitted three years after enactment and would plan for compliance with the time limits required for the fifth and sixth years following enactment during which the 30 day arrest to indictment and 60 day indictment to trial time limits are in effect. The final plan is to be submitted five years after enactment and would plan for compliance with the combined dismissal sanction with limited reprosecution and the time limits required for the seventh and following years. (See Calendar of Implementation, Chart 1, p. 55.)

Subsection 3166(b) requires the Chief Judge of the Superior Court of the District of Columbia, upon approval of the Joint Committee on Judicial Administration to submit three plans for the trial of cases in accordance with section 3161 of the Act. These plans would be submitted to the Administrative Office of the United States Courts at the same time as the plans required by Subsection 3166(a) and would be formulated after consultation with the Joint Committee and the criminal justice planning group established for the District of Columbia pursuant to section 3169.

Subsection 3166(c) requires that the Ad-

²Because section 3161 does not become effective until one year after enactment, S. 754 refers to the second year after enactment as the "first twelve calendar month period after the effective date", the third year after enactment as the "second twelve calendar month period after the effective date", etc. For the purposes of discussion this report refers to the years in terms of years after enactment, not years after the effective date.

ministrative Office of the United States Courts with the approval of the Judicial Conference submit three reports to the Congress summarizing the reports to the Administrative Office by the various districts. (See Calendar of Implementation, Chart 1, p. 55.)

Subsection 3166(d) requires that the district plans required by this section will become public documents.

Subsection 3166(e) authorizes the appropriation of such sums as Congress might find necessary for the purpose of carrying out this section.

Section 3167 district plans—Contents

Section 3167 prescribes minimum requirements for the information which must be included in the district plans required by section 3166. The required information includes a description of the conditions present in the district which may affect implementation of the time limits set forth in the Act, the manner in which the district will implement the Act, and a description of procedures and techniques for gathering statistics dealing with implementation of the Act.

In clarifying exactly what must be contained in the district plans, Section 3167 should facilitate compliance with Section 3166. Furthermore, it recognizes many of the problems which the courts had in complying with Rule 50(b) as indicated in the study mentioned earlier. The new section 3167 sets out exactly what statistical information the planning group must place in the plan and requires each district to adopt procedures which will facilitate the reporting process set out in a new section 3168 described below, thereby providing the planning group and the district court with the information it needs to draft a plan.

Section 3168 speedy trial reports

Section 3168 requires the submission of periodic reports by the various participants in the criminal justice system for the purpose of compiling statistics concerning implementation of the speedy trial time limits, the complexity of various types of cases, and the needs of the individual participants in the criminal justice system.

Under the provisions of this section, all participants in the criminal justice process, the prosecutor, the defense attorney, the judge, the district planning groups, the Administrative Office of the United States Courts, the Department of Justice, and the General Accounting Office, will participate in the filing of reports. The reports filed with list problems encountered in meeting the time limits, each extension of time limits and the circumstances under which extensions are granted. Ultimately the reports or summaries will be relayed to the Judiciary Committees and the Appropriations Committee of the House and Senate.

These reports should be invaluable to criminal justice planners in the years before any sanctions are imposed. It will help the planners to anticipate the problems the district will face when sanctions and shorter time limits are phased in. This reporting process continues even after the dismissal limited reprosecution sanction goes into effect in order to provide the planners with information on performance under the time limits so that they can anticipate the rate at which dismissals might occur when that sanction is imposed.

Section 3169 pilot districts

Section 3169 authorizes the appropriation of \$5,000,000.00 to be used in conducting the initial phases of planning and implementation of speedy trial plans in five pilot Federal judicial districts. The pilot districts will be selected by the Chief Justice and the Attorney General from applications submitted by the planning groups of the various districts. Funds given to these pilot districts can be used only by a two-thirds vote of the

planning groups in the districts selected as pilot districts.

This section grows out of a suggestion by Charles R. Work, former chief prosecutor in the Superior Court in Washington, D.C. (and now Deputy Administrator of LEAA), and Professor Daniel Freed. Its purpose is to test the hypothesis that additional resources can help the system meet the time limits and to experiment with different management techniques and innovations which will help other districts comply with the time limits. Pilot districts will be funded in the first few years so that other districts and the Congress can gain from the experience of the pilot districts before imposition of the shorter time limits and stiffer sanctions in the rest of the nation.

Professor Freed has set out several of the questions which he feels the pilot districts could answer:

"How should money be used to accomplish the intended results? How can Congress ensure that planners will accommodate the availability of funds wisely to situations where inefficiency or tradition or excess proceduralism rather than shortages of personnel or facilities, are the major factors producing delay? Will the knowledge that funds are forthcoming promote unnecessary requests for added manpower and higher salaries, or for research and innovative reforms? What restraints should be imposed on these expenditures? Without funds available to at least some jurisdictions from the outset, how can a district's criminal justice system, or Congress, know, or learn, whether—and how much—money should be appropriated?"

Section 3170 definitions

Section 3170 contains the definitions of terms used in Title I of the Act. The term "offense" is defined in such a manner as to exclude defendants charged with petty offenses from the speedy trial provisions. The terms "judge" and "judicial officer" are defined so that the title applies to the Superior Court of the District of Columbia.

Section 3171 sixth amendment rights

Section 3171 provides that nothing in the speedy trial bill shall be interpreted as a bar to a claim by a defendant that his rights to speedy trial under the Sixth Amendment of the Constitution had been violated.

At the suggestion of Senator Fong a provision has been added to title III of the bill clarifying the intent of the Committee that no provision of this bill is to act as a bar to a defendant's claim of denial of speedy trial under the Sixth Amendment of the Constitution. Therefore, while this bill would be an exercise of Congress' power to implement the Sixth Amendment, it is not intended to be, and obviously could not be, a conclusive interpretation precluding the courts from going beyond Congress if they found the Sixth Amendment's speedy trial provision so required. Similarly, the courts, in interpreting the Sixth Amendment, could not strike down a provision of this Act because, in its view, the Sixth Amendment did not require it. Conceivably a court may determine that the Sixth Amendment requires trials within 100 days. If so, the provisions of this bill permitting trials within 240 days in the second year and within 165 days in the third and fourth years would be in conflict with the Sixth Amendment, and would fail. But the fact that the bill requires trials within 90 days beginning in the fifth year would be unaffected by such a decision. Congress may not do less than the Constitution requires, but it may do more.

TITLE II—PRETRIAL SERVICES AGENCIES

Section 3152 establishment of pretrial services agencies

Section 3152 creates on a demonstration basis in 10 judicial districts, other than the District of Columbia, pretrial services agencies to supervise and control defendants re-

leased on bail. The districts are to be selected by the Chief Justice, upon consultation with the Attorney General, on the basis of the number of criminal cases in the district, the percentage of defendants detained before trial, the incidence of crime charged to persons released prior to trial, and the resources available.

Section 3153 organization of pretrial services agencies

Section 3153 creates a board of trustees for the pretrial services agencies in the designated districts. The board shall be composed of the Chief Judge of the Federal District Court, the United States Attorney, the Public Defender, if there is one in the district, a member of the local defense bar, the chief probation officer, and representatives of community organizations appointed by the Chief Judge. The board appoints a Chief Pretrial Services Officer who is responsible for the operation of the agency and who may appoint other personnel to the staff of the agency.

Section 3154 functions and powers of pretrial services agencies

Section 3154 provides that each agency is to perform various functions, as the court shall direct, including: collection and verification of information pertaining to eligibility of defendants for release; recommendation of conditions of release; supervision and control of released persons; operation or contraction of operating facilities for custody or care of released persons, such as halfway houses, narcotics, and alcohol treatment centers, and counseling centers; coordination of other agencies to serve as custodians of released persons; and assistance in securing medical, legal, social and employment assistance to released persons. Information collected by the agencies is to be used only for the determination of bail and is otherwise confidential. The Board of trustees may create exceptions to this confidentiality requirement.

Although the primary function of the pretrial services agencies will be supervision of pretrial release, the Committee does not intend that these responsibilities be restricted to bail proceedings. The agencies could perform any service, as set out in section 3154, for any defendant prior to or even in lieu of trial. For example, the Committee sees no reason why the agencies could not provide services for defendants who are in pretrial intervention programs such as the programs contemplated by S. 798 (93d Cong., 1st Sess.) which was enacted by the Senate on October 3, 1973. Indeed, the pretrial services agencies could even administer a pretrial intervention program so long as such administration would not be in violation of any other statute and so long as such administration would not interfere with the agencies' primary responsibility under this title.

The whole second title, like the first, is designed to improve the efficiency and deterrent of the Federal criminal justice system. The second title is directed at the problem of defendants who are released pretrial pursuant to the Bail Reform Act of 1966 and either commit a subsequent crime before trial commences or who flee the jurisdiction to avoid prosecution. The title is based on the theory that more careful selection of defendants for pretrial release and closer supervision of released defendants, like trial within 90 days, would reduce pretrial crime. (For a more detailed discussion of the Committee's reasons for title II see pp. 24-25.)

This approach is based upon the experience in the District of Columbia Circuit. The District of Columbia Bail Agency has enhanced the operation of the Bail Reform Act in the District of Columbia because of the reliability of its recommendation for release and the quality of its supervision of released de-

fendants. Title II would improve the operation of the Bail Reform Act by providing 10 Federal districts on a demonstration basis with sufficient resources to both conduct bail interviews and supervise conditions of release. A Pretrial Services Agency similar to the District of Columbia Bail Agency would be established in each of these districts.

There are only minor differences between Title II of S. 895 and Title II of S. 754. The number of pretrial services agencies which could be established have been increased from five to 10. This is based on the advice of criminal justice experts that there were at least 10 Federal district courts which could benefit from such a demonstration project.

S. 754 would also explicitly place the responsibility for establishing the pretrial services agencies upon the Director of Administrative Office of the United States Courts although the Chief Justice would still select the districts. Also the provision would no longer mention the District of Columbia as one of the jurisdictions in which a pretrial services agency must be established since the District of Columbia Bail Agency already serves that purpose.

Section 3153 on the organization and operation of pretrial services agencies has been rewritten so that the pretrial services agencies would be governed by a policy board or coordinating council. Based upon recommendations by Professor Freed and the Department of Justice, the new draft would establish a board of trustees, to be appointed by the Chief Judge of the district court and to be composed of one district judge, the United States attorney, the public defender, a member of the local defense bar, the chief probation officer and two representatives of community organizations.

Section 3154 has been amended to create a limited confidentiality for agency files. The confidentiality provision is designed to promote candor and truthfulness by the defendants would be reluctant to speak to interviewers if the information in the files could be used against the defendant on the issue of guilt. However, the provision does not create blanket confidentiality for the files; it leaves some discretion to the Board of Trustees to develop its own policy on the release of agency files. The Board's regulations must, of course, comport with the general policy set out in the section. As a general rule the agencies' files should only be used in initial bail hearings and in subsequent hearings where there is an apparent violation of release conditions. Exceptions shall be created to permit access by the agency's own personnel and by qualified persons for research purposes. The regulations on release of information for research purposes should require the preservation of the anonymity of the individual to whom such information relates; the completion of nondisclosure agreements by qualified persons and such additional requirements and conditions as the Board of Trustees finds to be necessary to assure the protection of privacy and security interests.

The section also would allow the Board of Trustees to permit dissemination of agency files to probation officers for presentence reports; to third party custodian agencies and in certain limited situations to law enforcement agencies for law enforcement purposes. The Committee has attempted to adopt a compromise between the language contained in the original confidentiality provision for the District of Columbia Bail Agency and the revision of that provision in 1970. The original provision (D.C. Code 23-903) provided a blanket confidentiality of the files, while the only limitation on the use of the information in the 1970 amendments (D.C. Code 23-1303) is that such information could not be used on the question of the defend-

ant's guilt. The 1970 amendments permit the use of the information gained in bail interviews for the purpose of a perjury prosecution or for the purpose of impeaching the defendant's credibility. The Committee's language permits each Board of Trustees to make its own judgment on this question. Finally, the Committee assumes that each pretrial services agency will report annually to the Director of the Administrative Office of the United States Courts and that the Director will in turn make a summary of the agencies' experience available in his annual report to the Congress required by Section 3155.

Section 3155 report to Congress

Section 3155 requires that the Director of the Administrative Office of the United States Courts shall make an annual report on the operation of the pretrial services agencies, with special attention to their effectiveness in reducing pretrial crime and the volume and cost of pretrial detention. In this fourth annual report, the Director shall include recommendations for modifications of this chapter or for its expansion to other districts. This report shall also compare the effectiveness of these pretrial services agencies to traditional monetary bail programs. The Director shall also submit to Congress a report on the administration and operation of the whole Speedy Trial Act six years after enactment.

The purpose of this section is to keep Congress informed on the operation of both titles of S. 754. The first subsection of 3155 is specifically concerned with the effectiveness of the 10 pretrial services agencies. The Committee intends that an objective evaluation of each of the 10 pretrial services agencies be conducted. At the suggestion of Senator Bayh this provision was rewritten to assure that the final report on these pretrial services agencies would compare the effectiveness of these agencies to traditional monetary bail programs.

Professor Freed in his testimony before the Subcommittee on Constitutional Rights, pointed out that title II would empower a pretrial services agency to take over responsibility for filing bi-weekly detention reports which the United States attorneys are required to file pursuant to rule 46(g) of the Federal Rules of Criminal Procedure. The reports filed by the Administrative Office of the United States Courts pursuant to subsection (a) should contain summaries of these bi-weekly reports from the 10 demonstration districts. Professor Freed set out an outline of data which might be compiled in this regard in appendix B to his testimony, appearing at pages 148 of the hearings conducted by the Subcommittee in 1971. The reports required by subsection (a) should, at a minimum, contain this information on pretrial detention in the 10 pretrial services districts.

The report required by subsection (b) of this provision is directed more toward the operation of title I of S. 754, although summaries of the findings in the other reports might be mentioned. The Committee intends that a report be prepared similar to Professor Dallin Oak's report to Congress on the operation and effectiveness of the Criminal Justice Act. The Oaks study led to amendments to the Criminal Justice Act and hopefully the report contemplated by subsection (b) would be of sufficient caliber to lead to improvements in the Act.

Section 3156 definitions

Section 3156 contains the definitions for title II.

Section 302 amends the analysis of chapter 207 of title 18, to reflect the amendments made by title II of the bill.

Section 303 authorizes the appropriations

of \$10,000,000 for the fiscal year ending June 30, 1974, and such sums as Congress might find necessary in subsequent years.

The Committee arrived at the \$10,000,000 authorization by considering the budget of the District of Columbia Bail Agency and the expense of conducting the sophisticated evaluations required by section 3155. Of course,

this is only an authorization and the Appropriations Committees of both Houses of Congress would have to conduct hearings to determine whether \$1,000,000 need be spent on each of the pretrial services agencies. Some districts where pretrial services agencies will be established will have a caseload considerably less than the District of Columbia Bail

Agency, and presumably the appropriation would reflect that difference.

Section 304 amends section 604, title 28 of the United States Code, relating to the functions of the Director of the Administrative Office of the United States Courts, to reflect the new duties imposed by the creation of pretrial services under this title.

CHART 1

	Year 1 ¹	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and thereafter
Interim limits. Time limits.....		Arrest to indictment, 60 days; indictment to trial, 180 days.	Arrest to indictment, 45 days; indictment to trial, 120 days.	Arrest to indictment, 45 days; indictment to trial, 120 days.	Arrest to indictment, 30 days; indictment to trial, 60 days.		
Sanction.....		Report failure to meet all time limits.			Dismissal for failure to meet arrest-indictment and indictment-trial time limits.		Dismissal without prejudice for failure to meet arrest-indictment and indictment-trial time limits with a burden on the Government for re-prosecution.
Planning process.....	60 days after enactment: District planning groups established. 1 year after enactment: District plan for years 3 and 4 filed with Administrative Office.	15 months after enactment: Years 3 and 4 District plans summarized and sent to Congress.	3 years after enactment: District plans for years 5 and 6 filed with Administrative Office.	39 months after enactment: Years 5 and 6 District plans summarized and sent to Congress.	5 years after enactment: District plans for year 7 and thereafter filed with Administrative Office.	63 months after enactment: District plans for year 7 and thereafter summarized and sent to Congress.	

¹Because sec. 3161 does not become effective until 1 year after enactment, S. 754 refers to the 2d year after enactment as the "1st 12 calendar month period after the effective date", the 3d year after enactment as the "2d 12 calendar month period after the effective date", etc. For the purposes

of discussion this report refers to the years in terms of years after enactment, not years after the effective date.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk preceded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate stand in recess until 1:30 p.m. today.

The motion was agreed to; and at 1:05 p.m. the Senate took a recess until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NUNN).

The PRESIDING OFFICER (Mr. NUNN). The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Are there any conference reports at the desk?

The PRESIDING OFFICER. The Chair does not have any conference reports.

Mr. ROBERT C. BYRD. I understand that the conference report on the trade measure is on its way to this body.

UNANIMOUS-CONSENT AGREEMENT—S. 425

Mr. METCALF. Would the distinguished acting majority leader allow me to make a unanimous-consent request?

Mr. ROBERT C. BYRD. Yes.

CXX—2624—Part 31

Mr. METCALF. Mr. President, I had a great deal of activity with respect to the surface mining bill, S. 425. I still do not know whether the President is going to veto the bill or whether he is going to sign the bill.

I ask unanimous consent that in a succeeding issue of the CONGRESSIONAL RECORD I be permitted to make comments about the bill after the President has indicated his action on the legislation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. I thank the Senator.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEAL ON THE TRADE BILL

Mr. LONG. Mr. President, there appeared in the Washington Post this morning what I regard as a rather intemperate and poorly informed editorial which I felt should be the subject of at least some modest comment.

Let me just read the first sentence: The squalid deal the Senate Democrats have forced on President Ford, as the price of passing the trade bill, evidently cannot be undone.

Mr. President, I am not aware of any deal that President Ford has made on

the trade bill or made on the cargo preference bill or any other bill. I think I had some impression of what the President's reaction was to the trade bill as it stood about 4 or 5 months ago.

At that time I inquired of the President what his reaction to that bill was, and the impression I gained was that he was somewhat favorably disposed to it, but he felt that he ought to have more flexibility, so if he thought it was not working out very well he could suspend it.

After hearing the President's views on the matter, I undertook to see that that measure would be amended in such a fashion that the President would have the kind of flexibility that he seemed to think he should have if that bill became law.

Now, since that time there have been a lot of editorials and, I think, a lot of them were promoted by either the Exxon Corp., or this organization that calls itself the American Controlled Shipping Corp., the old foreign flags of convenience group, promoted in a lot of newspapers giving this shipping bill a very bad press.

It may be that after all the editorials have just taken a view if this little bill becomes law it will bring the country to an end, that the President might be intimidated into vetoing the bill and, for that matter, I was never confident he was going to sign it anyway.

All I can say is that in my discussion with the President, which was several months ago, I merely gained the impression as of that date if the bill were drawn in a fashion so that it had sufficient flexibility that he would consider signing it. I have seen the President several times since that moment, and the matter was not even discussed. So where these people get their information is news to me.

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I would think that in an editorial of that sort someone would bother to undertake to check some of his facts because there is no deal with anybody of any sort whatsoever. I assume the President will do what he thinks is right with regard to the matter just as I have done with what I thought was right as my Maker gives me the light to see it.

Now, some of the language, Mr. President, is really pretty irate and intemperate. Let me read this:

The real blame for this reprehensible deal lies with Senator Long, the Senate Democrats who supported him, the insatiable maritime unions and the shipyards—in that order.

Well now, I am glad to know that, I did not know that I had anything to do with a deal of any sort in connection with this matter.

I would say, Mr. President, that I was trying to do just the way this great newspaper was suggesting in an editorial a week ago. They said that the trade bill ought to be passed and that it should not be loaded down with amendments that were not strictly germane to the bill. That is what we did. They did not want the cargo bill added on the trade bill. I did not add that; I left it off.

Then, I see here that I am supposed to have made some kind of deal to make the Senate pass a bill.

Mr. President, we called the bill up; it was a privileged matter.

When I was told that some Senators might decide to use dilatory tactics, which were certainly their right, to see that the bill did not become law, I brought the conference report up while we were considering the trade bill because I knew that at that point the President's official family, the Secretary of Commerce, the Special Trade Representative, and others, if need be, would do what they could to see that both measures came to a vote, so that the bills would go to the President's desk and the President would work his will.

For example, the Secretary of Commerce, Mr. Dent, is strongly opposed to the cargo bill, and yet he did all he could to see that both bills were voted on so that they would go to the President's desk and the President could do what he wanted to do about those measures.

Mr. President, I wrote a letter in response to the matter, to be delivered by hand to the great Washington Post. I hope that they might find sufficient intellectual tolerance to print a point of view at variance with their own.

Ordinarily, of course, our RECORD of today will not be fully available until Senators have had a chance to make their insertions, so it will be some time before it appears in the CONGRESSIONAL RECORD, generally available, I suppose.

Mr. President, I ask unanimous consent that the letter I wrote about this matter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: If your editorial, "The Deal on the Trade Bill," was intended to be amusing, you will be pleased to know that it afforded me several good laughs. It has been my experience as a legislator that the light by which one's conduct is judged tends to depend on whose ox is being gored.

Surely, you must have agreed with my efforts to pass the Trade Bill, the Social Services Bill, and as much of the tax-reform proposals as I could persuade the Senate to agree upon.

Your previous editorials have led me to believe that you will commend the President profusely for signing the Trade Bill. That bill contains literally hundreds of provisions which provide protection in one respect or another for various segments of American labor and industry. Some have even described the bill as a "protectionist" measure. I might point out that there is no fundamental difference between protecting American jobs here and on the high seas.

You also assume that I have a "deal" with President Ford on the Cargo Preference Bill. I have been asked about that matter many times and I have told everyone, including one of your very able reporters, that there is no deal of any sort. To be exact, I gained the impression from talking to the President that he was favorably inclined toward the Cargo Preference Bill. This impression I gained from a conversation several months ago. I have seen the President several times since then and the subject has not even been discussed.

The President might be impressed by your editorial, as well as others that have been promoted by the major oil companies who oppose the Cargo Preference Bill. Frankly, if the purpose of your editorial was to intimidate the President into vetoing the bill, I suspect it will be counterproductive when he finds himself accused of deals he did not make and reads such language as "squalid, notorious, reprehensible" and other language implying highly improper conduct of which he is completely innocent.

The late Richard Newberger is remembered fondly for a story he used to tell us, stressing the need for intellectual and religious tolerance. He laid great stress on the fact that you must always keep in mind that the other fellow might be right. I am strongly convinced that my side of the argument over this issue has more logic to support it than your side, but I would be the first to agree that history might prove me to be in error. I would commend this sort of intellectual fairness to you. It is my theory that this world is a sort of testing place, and I suspect that it will be a much later date and perhaps in a different world that we will know for sure who was right about some of these controversial issues.

Sincerely,

RUSSEL B. LONG.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. ROBERT C. BYRD. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 471) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable James O. Eastland, President pro tempore of the Senate, for the courteous, dignified, and im-

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partial manner in which he has presided over its deliberations during the second session of the Ninety-third Congress.

AUTHORITY TO MAKE CERTAIN APPOINTMENTS AFTER THE SINE DIE ADJOURNMENT OF THE PRESENT SESSION

Mr. GRIFFIN. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 472) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That, notwithstanding the final adjournment of the present session of the Congress, the President of the Senate or the President pro tempore of the Senate is hereby authorized to make appointments to commissions or committees as authorized by law, by concurrent action of the two Houses, or by order of the Senate.

THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE

Mr. MOSS. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 473) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Lee Metcalf, Acting President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over the deliberations during the second session of the Ninety-third Congress.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

THE U.S. RAILWAY ASSOCIATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), from the Committee on Commerce, I send to the desk a report and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Charles B. Shuman of Illinois to be a member of the Board of Directors of the U.S. Railway Association.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

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LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE SINE DIE ADJOURNMENT OF THE SENATE

Mr. MOSS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the sine die adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1328.

CONVEYANCE TO JASPER COUNTY BOARD OF EDUCATION, GA.

The bill (H.R. 510) to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senate is waiting on conference reports from the other body. I am doing everything I can to expedite the transmittal of the conference reports to this body so we can complete our work and adjourn sine die.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. HUGH SCOTT. Mr. President, I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 474) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Nelson A. Rockefeller, Vice President of the United States and President of the Senate, for the courteous, dignified and impartial manner in which he has presided over its deliberations during the second session of the Ninety-third Congress.

Mr. HUGH SCOTT. I thank the Chair.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRESIDENT OF THE SENATE TO SIGN ENROLLED BILLS AND RESOLUTIONS

Mr. HUGH SCOTT. Mr. President, I introduce a resolution and ask for its immediate consideration.

The resolution (S. Res. 475) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That, notwithstanding the sine die adjournment of the two Houses, the President of the Senate, the President pro tempore, the Acting President pro tempore be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed and found truly enrolled.

QUORUM CALL

Mr. HUGH SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the pending business? What is the will of the Senate?

HENSLEY LAKE, CALIF.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the bill, H.R. 12044, reported earlier today from the Committee on Public Works, be laid before the Senate for our immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 12044, an act designating the lake created by the Hidden Reservoir Project, Fresno River, California, as "Hensley Lake."

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

TRADE REFORM ACT OF 1974—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 10710, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. HELMS. Mr. President, I am highly disturbed at what has happened to my amendment to the trade bill, not because it is an amendment which I offered and persuaded the Senate to pass, but because it was an amendment which I thought would bring new hope to American families whose loved ones are separated from them in Communist countries, and who are harassed and prevented in their attempts at unification. We are coming very close now to the

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Season of Peace, when men of all faiths and persuasions stop and reflect upon the inner meaning of life, and the value of love and dignity. It is uniquely a time for families, for family celebrations, and family reunions. But we know there are many families in this country who will have no reunions, whose loved ones are separated by cruel barriers erected by totalitarian political systems.

We all have heard the stories. Each one is an individual case, yet each one contributes to the curtain of misery which shuts out the light of humanity and toleration. To many of us, the stories may sound alike—the tramping through miles of snow and ice on winter nights, the merciless strands of barbed wire separating families from freedom, the menacing lines of Communist troops, all on the ready to shoot at the slightest suspicion. But to the individuals these memories remain. And for the close relatives who had to be left behind in the exigencies of haste and danger, those nights of terror were a traumatic experience, one of life's watersheds after which nothing was ever the same.

We are proposing now to extend credits and credit guarantees to those same countries so that they can enjoy the benefits of our trade. Now, Mr. President, I realize that trade is supposed to be a two-way street, that profits both sides. But, in fact, the transactions with non-market economy countries will not be merely economic transactions. They will represent an infusion of technology and capital into countries whose creativity and development have been restrained by the heavy hand of tyranny. Western technology is absolutely essential to their future economic development. Naturally, they will pretend that they do not need Western technology; but we know that the facts are otherwise. The technology we supply will have an impact entirely out of proportion to the economic value of such trade. It will help these nonmarket countries build an economic infrastructure that they cannot build otherwise. The leverage on their development is crucial to their future.

This leverage can be exerted exactly in the same proportion in our dealings with nonmarket countries. Since the economic exchange is secondary, we must demand some other quid-pro-quo. The amendment offered by the distinguished Senator from Washington (Mr. JACKSON) and by Congressman VANIK in the House, was intended to exercise this leverage, and it was admirably designed to do so. It was intended to bring about the release of victims of oppression.

As we know, the Soviets are hard bargainers. They insisted that they did not need our trade so badly that they would give up the victims of oppression. It is very strange that the administration did not insist upon this point. Trade with nonmarket countries is worthless to us unless we get some definite lifting of restraints. It is even stranger that the administration held the trade bill hostage in order to bring about this increased trade with nonmarket countries. It is my judgment that if nonmarket countries had been excluded from consideration in broadening our trade policies, we would have had a trade bill months ago, and the improved impact upon our bal-

ance of payments would already be noticeable. If economic interests were what were uppermost in the mind of the administration, they would have dropped this insistence upon increasing trade with nonmarket countries. Or, if the administration had allowed the original Jackson-Vanik language to go through, as demanded by an overwhelming majority of this body, we could have had a trade bill long ago. In my judgment, the economic benefits to be gained from increased trading with nonmarket countries are far too few to justify the price we have already paid.

The Senate is familiar with the October exchange of letters between Secretary of State Kissinger and Senator JACKSON. That exchange of letters is full of lofty language on the Secretary's part, and hopeful expressions on the part of the Senator from Washington. I might add that the Senator's hope was justified by the Secretary's statements available to the Senator at that time.

But we also know that the Secretary subsequently came before the Senate Finance Committee on December 3, and described a much flimsier arrangement with the Soviet Union, a sort of personal commitment, with no agreement whatsoever on a government-to-government basis. I put those statements in the Record on December 13. Moreover, the Secretary admitted that the principal concern of his talks with the Soviet Union had been increased Jewish emigration, whereas the understanding of the committee in its report of November 26 had been that any assurances from the Soviet Union or any other nonmarket country would apply to all ethnic and religious groups.

It was because of Secretary Kissinger's plain testimony that I offered my amendment to the trade bill. I was fearful that the administration would interpret section 402 loosely. When I first offered the amendment on December 10, I said:

As a result of Secretary Kissinger's candid testimony before the Senate Finance Committee on December 3, 1974, however, it is now clear that we must reexamine title IV of the Trade Reform Act and its accompanying amendments. The understanding that now emerges is wholly contrary to that which was presented to us earlier. In response to probing questions by members of the Senate Finance Committee, Secretary Kissinger has given us a clearer, if not a new, picture of the negotiations that have taken place between American and Soviet officials regarding the issue of immigration. Now we are told that no real agreement has been reached between American and Soviet officials after all. In his statement to the committee, Secretary Kissinger frankly admitted that he would not give "any assurances concerning the precise emigration rate that may result, assuming that the trade bill is passed and MFN is extended to the USSR."

And then I went on to say:

This testimony of Secretary Kissinger thus shows beyond all reasonable doubt, Mr. President, that we even lack assurances that Jewish emigration will be increased in the Soviet Union, let alone emigration of all other citizens of Communist countries. At best, Secretary Kissinger has offered us, as an article of faith, a vague hope that if we grant trade concessions to the Soviet Union, that the Soviet Union might be willing to increase Jewish immigration.

Because it was obvious that the Soviets

were not about to agree to the spirit of the Jackson-Vanik proposal, even with the 18-month Presidential waiver, I felt that something had to be done, if only for the very close relatives of American citizens living in nonmarket countries. I thought that it was asking too much of the American people to give up valuable economic advantages and get so little—if anything at all—in return. I thought that the American people themselves should get something. I realized that we could not expect a wholesale reform of the Soviet system, not even as it pertains to emigration. But we could settle for direct benefits to American families who have relatives in nonmarket countries. My amendment was therefore drafted to constitute a new section of title IV, completely separate from section 402 with its waiver provisions. I felt that the waiver allowed the administration too much leeway for interpretation on such an important and humanitarian concern as reuniting families.

It was on this basis that my amendment was offered on December 13. As it was originally offered, it contained not only provisions to encourage emigration, but also the right to visit. The point of including visits was to lessen the burden on would-be emigres in nonmarket countries. An application for a visit would create less of a problem for them, and less suspicion. The right to visit could lead directly to increased emigration. I engaged in a colloquy with the distinguished Senator from New York (Mr. JAVITS) and agreed, out of senatorial courtesy, to lay my amendment aside while further discussions could take place, so as not to hold up the Senate. Further discussions were held off the floor, with the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Connecticut (Mr. RUSSELL), and the distinguished Senator from New York (Mr. JAVITS). When my amendment was taken up again, I agreed to the modification suggested by the distinguished Senators, namely, to remove references to the right to visit. The original amendment, I should emphasize, had been previously cleared with the managers of the bill, the distinguished Senators from Louisiana and Utah, Senators LONG and BENNETT. Thus it became part of the Senate bill.

Mr. President, when the Senate approved my amendment, not even the distinguished Members of this body knew how important it was to the cause of increased immigration. For it was only 2 days ago that word came that the Soviet Minister of Foreign Affairs, Mr. Gromyko, had written to Secretary Kissinger on October 25 completely repudiating the exchange of letters between the Secretary and Senator JACKSON. Not only was there no agreement, not even on Jewish emigration, but the Foreign Minister stated that even Jewish emigration was declining.

Mr. President, it is plain that Secretary Kissinger was correct when he said that there was no agreement on emigration, as I had pointed out on December 10; but it also appears that Secretary Kissinger misled the Members of this distinguished body when he implied that there would be an increase in emigration.

Mr. President, I ask unanimous con-

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sent that an article that appeared in the New York Times yesterday about the Gromyko-Kissinger exchange of letters be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I also ask unanimous consent that the entire record of the Kissinger-Jackson letters, the Gromyko letter, and the Kissinger testimony, as it appeared in the Times yesterday, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, when such a lack of candor is so evident even during the preliminary negotiations, what can we expect when the authority is given to apply an 18-month waiver to nonmarket countries? The lofty goal of increased immigration can be given such a flexible and deliberate period of time for continuing assurances, but we should not put the very close relatives of American families to such a leisurely test. If we are going to trade with nonmarket countries, we want these very close relatives out, and out now.

Let me give you an example. I have in my hand a letter that was received a few days ago from Poland. It was mailed on November 29. I will not give any names, for obvious reasons, but the letter reads as follows:

I am asking you, Honorable Sir, and I am asking you, from all my heart, if you can do this for me, please. I am asking you if, by some miracle, you could send me an invitation. I would like to go to the United States of America even if only for one hour. I am willing to work at any place in any type of work. I could work as a mechanic, or as a smith, or I would accept work as a simple laborer on a farm, because I like to work and I am not a drinker. If you could do this, I would repay you with my gratitude. Please answer my letter.

Thank you very much.

This is typical of the heart-rending appeals that relatives receive constantly. And there is nothing that they can do about it, because of the totalitarian nature of the countries they live in, and because of the insensitive bureaucracy of our own country. I received yesterday morning a letter from Assistant Secretary of State Linwood Holton, with reference to my amendment. As was made clear on the floor, my amendment was intended to cover Poland, as section 402 did not. Governor Holton writes:

Among the Warsaw Pact nations, Poland has long been among the most liberal (with regard to emigration policies).

And further:

We have been assured that the Polish government will continue to accelerate its handling of divided families' applications.

Yet this is contrasted with the letter I have just read, and with the reports I receive of the difficulties which Poles have who seek to emigrate, particularly those in the younger age groups. I realize that Governor Holton functions as a legislative liaison, and is not responsible for Department policies in this matter. His letter is simply expressive of Department

policy, and it expresses that policy more accurately than I could.

Mr. President, I ask unanimous consent that Governor Holton's letter be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HELMS. It is clear from such correspondence, and from Secretary Kissinger's correspondence, that a procedure is necessary that is exempt from the waiver provisions of section 402. That was the intention of my amendment. That intention was clear from the drafting of it as a separate section. I thought that intention was clear to everyone. Indeed, no one ever mentioned the waiver aspect of 402 with regard to my amendment, since it was clear that it did not apply. The understanding that was reached with the managers of the bill, and with the managers of the Jackson amendment never even touched upon the question of a waiver. In none of the discussions held on the floor, or off the floor, with regard to my amendment, was the issue of the waiver ever raised. For, plainly, the waiver would render my amendment superfluous.

The Senator from North Carolina was therefore astonished to learn that later in the day, the distinguished Senator from Wisconsin (Mr. NELSON) offered an amendment that was described as a technical amendment, whose intent was to apply the waiver of section 402 to my amendment. The distinguished Senator spoke as follows:

Mr. NELSON. Mr. President, the legislative counsel advises that the waiver provision of the Jackson amendment does not, in fact, apply to the amendment offered by the distinguished Senator from North Carolina (Mr. HELMS).

Well, of course, Mr. President, the distinguished Senator was correct. The legislative counsel could not have advised in any other way, since it was perfectly plain that the Helms amendment was completely independent of the Jackson amendment, and was clearly intended to be. That was obvious to one and all from the start. My amendment was offered on December 10. A full explanation was available in the Record. It was a printed amendment which was on everybody's desk.

However, the distinguished Senator continued as follows:

It was everybody's intent, I am sure, that the same waiver amendment that applies to the Jackson amendment apply to the Helms amendment.

He then moved the adoption of his own amendment, and it was accepted.

Mr. President, in this statement, the distinguished Senator was misled. It was certainly never my intent that the Jackson waiver should apply to my amendment, nor did the distinguished Senator consult me, nor did he notify me so that I could appear on the floor for interrogatories if needed. Had he done so, I am sure that the matter of intent could have been cleared up. For I think that it is manifest that the distinguished Senator's amendment is not a technical amendment at all, but an amendment

that exactly reverses my intent and the intent of the Senate in passing my amendment. Indeed, it negates the benefits of my amendment.

Now since the distinguished Senator from Wisconsin did not participate in the colloquies on the floor with regard to my amendment, and did not participate in any of the discussions off the floor, it is easy to understand why he may not have been fully aware of the consequences of his amendment, and why he was apparently unacquainted with the agreement which had been reached with the distinguished managers of the bill and the distinguished managers of the Jackson amendment. It is also easy to understand why the Senate itself may not have realized that it was, in fact, reversing its opinion in a few brief seconds after only two sentences of debate.

Ironically, the so-called technical amendment of the distinguished Senator was technically at fault itself, since it applied only to "section 409." While I brought up my amendment as a proposed "section 409," another amendment was passed when I laid my amendments to one side out of Senatorial courtesy, and the other was given the number "section 409." In the engrossed bill, my amendment became "section 411." I therefore urged the conference to delete the Nelson amendment entirely, since it was technically futile and contrary to the intention of the Senate in passing my amendment.

Unfortunately, it may be that the conference did not fully appreciate the extraordinary circumstances surrounding the passage of the Nelson amendment. In any case, the legislative history had been made. I therefore strongly object to the retention of the Nelson amendment in the conference report. The Senate should have an opportunity to clarify the record on this point. For if we pass the conference report as it stands, we will destroy the hopes of many hundreds of American families to be reunited with their close relatives. At Christmas time, a time of hope and peace, we will be sowing despair and gloom. Every Senator in this body will be held responsible for the actions of the conference. We should at least make it clear that the Senate had no part in dashing the expectations of American families to be reunited with the loved ones—and almost on Christmas Eve.

It is also ironic that the conference also deleted Poland and Yugoslavia from my amendment, a point I had emphasized on the floor. For section 402 deals with both the MFN and credits, while mine deals only with credits and guarantees. It has nothing to do with MFN.

After all, we know that MFN is hardly more than an honorary status. It is the credits and guarantees that count. Yet the conference excepted from my amendment nonmarket countries which already had MFN status. Certainly, my amendment could not have taken MFN away from Poland, but it could have blocked expansion of trade unless we had a quid-pro-quo on emigration. Whether it was the influence of the State Department, with their tortured acceptance of Polish emigration practices, or some other influence, I cannot say. I regret,

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and I am sure that most Polish-Americans regret, the deletion of this leverage over the Communist government in Poland, and I am sure that Senators will be hearing soon from their Polish constituencies if Poland is exempted from the benefits of increased emigration of relatives. It is especially difficult to explain this deletion in view of the fact that the State Department has already given assurances of satisfaction with Polish emigration practices, as indicated in the letter I have just quoted from Governor Holton. If Polish emigration practices are satisfactory, then my amendment would be no obstacle to increased trade. I should think that we would want to keep the leverage in the background.

But in any case, even if my amendment were applied to Poland, its effect will be diminished, or even wiped out, if the waiver in section 402 is applied to my amendment. Everybody loses if the waiver is kept. I do not think that we can do business, for mere monetary gain and profit, at the expense of American families who are separated from their close relatives by tyranny.

As I conclude, Mr. President, I want to emphasize that I am not resentful of the way my amendment was treated, either in the Senate or by the conferees. I understand the give-and-take of the legislative process, and I respect it. And I can assure Senators that I submitted my amendment as a matter of conscience.

I was blessed, Mr. President, to have been born in the United States. I have no parents or children, or other relatives, living in subjugation in other lands. But I have been in contact in recent weeks, Mr. President, with people who do. I have seen the tears in their eyes. I have heard their pleas for help. And though I am a freshman Senator, with little seniority and no power, I resolved to try to help them if I could. That, Mr. President, was the genesis of my amendment. That is the only reason I submitted it.

I now recognize the odds against my being successful. But with the Christmas season approaching, I simply could not dismiss these pleas for help in order to expedite my trip home to be with my children and grandchildren around the Christmas tree.

I mean not to be pious, Mr. President, but I simply felt that I could not enjoy the approaching Christmas Day unless I made the effort to put this Congress, and this Government, on record that America does have the courage to stand up for the oppressed.

I intend no rancor, Mr. President, when I suggest that it is not the Senator from North Carolina who was harmed by the gutting of my amendment. If it was to be rejected, of course, that it could have been done on the floor of this Senate, in a frank and open way. I hope it can be said that I presented my case frankly and openly, and that I extended every courtesy to Senators who questioned the advisability of my amendment. I agreed to a modification which, as I said on the floor of this Senate, I did not desire. But I wanted to be accommodating, and I did not, and I shall

never, want to deny any Senator any courtesy, nor circumvent his rights.

It is with reluctance that, in a moment, I shall move to table this conference report—not to kill it, and not even with any supposition that my motion to table will prevail. I will do so simply to give Senators one last opportunity, which will require only a little while, to insist that the conferees be called together again for the purpose of removing the waiver provision from my amendment. The conferees can do it in less than 5 minutes, and in doing so, they can say to U.S. citizens who have relatives living in oppression in other countries of the world: Yes, we will help you.

That is the issue, Mr. President—the issue of whether we will walk away from this opportunity, this duty, to oppose the continued oppression with our every means.

If my motion to table is rejected, Mr. President, I shall accept the verdict of the Senate cheerfully, in the knowledge that I did the best I could.

I thank the Senator.

EXHIBIT 1

[From the New York Times, Dec. 19, 1974]
SOVIET DENIES ANY PLEDGE TO EASE EMIGRATION CURB TO WIN U.S. TRADE BENEFIT

(By Bernard Gwertzman)

WASHINGTON, December 18.—A House-Senate conference committee agreed tonight on the final version of the trade reform bill despite a last-minute disavowal by Moscow of any deal linking trade concessions to easier emigration from the Soviet Union.

The trade concessions, in the form of lower American tariffs on Soviet products were approved for 18 months and may then be withdrawn if Soviet emigration practices are not liberalized. Both the Ford Administration and key members of Congress said earlier today that, despite today's Soviet statements, they still expected Moscow to ease its restrictions.

The Soviet statements were the latest complication in the drawn-out negotiations involving the Kremlin, the Administration and the Congress over the trade and emigration link.

The statements highlighted Secretary of State Kissinger's crucial role as a mediator seeking informal understanding from the Russians to meet Congressional demands, and formal agreements from Congress to allow the Administration to carry out a promise to give Moscow the same trade benefits as other countries received.

Left unclear was an apparent discrepancy between earlier statements by Mr. Kissinger that he had been "assured" of easier exit procedures and therefore assumed a rise in emigration, and an assertion by Foreign Minister Andrei A. Gromyko, in a letter made public today, that no "assurances" relating to emigration had been given and that the number of persons leaving the Soviet Union was officially declining.

By the end of the day, after close examination of what the Soviet Union had said, the initial concern that the trade compromise might be endangered had passed.

On Capitol Hill, where the trade bill containing provisions to liberalize trade with the Russians was making progress in a Senate-House conference committee, the mood was surprisingly relaxed. Most legislators said they regarded the statements as "face-saving" or issued for internal Soviet reasons.

"We should keep our cool," said Senator Henry M. Jackson, the author of the amendment giving the Russians trade concessions in return for liberalized emigration.

He told newsmen that he would press for approval of the trade bill by both houses this week and he noted that if the Russians did not liberalize emigration, they would lose the trade benefits, which include nondiscriminatory tariffs and continued Export-Import Bank credits.

The State Department, initially surprised by the Moscow statements, later said that Secretary of State Kissinger stood by the letter he had sent to Senator Jackson on Oct. 18 outlining expected Soviet measures on emigration in response to trade benefits.

Tass, the Soviet news agency published this afternoon an Oct. 26 letter from Foreign Minister Andrei A. Gromyko to Mr. Kissinger that denied that any specific assurances had been given on emigration.

"The private communication from Foreign Minister Gromyko to the Secretary of State, Oct. 26, which was published by Tass today, does not in our view change the understandings referred to in the Secretary's letter to Senator Jackson of Oct. 18," the department said.

But it added that the Administration "has always made clear" that it had no agreement on the number of emigrants who might leave the Soviet Union.

The number of emigrants has been a controversial part of the three-way discussions held by the Soviet Union, the Administration and Congress.

Last year, the Soviet Union allowed 35,000 citizens to depart, mostly Jews for Israel. This year the number has dropped to about 25,000.

Mr. Kissinger, in an exchange of letters with Mr. Jackson, Democrat of Washington, on Oct. 18, said that because Soviet officials had assured the United States that harassment would end, "it will be our assumption" that "the rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants."

60,000 a "Benchmark"

Mr. Jackson responded that the Congress would regard a rise to 60,000 as a "benchmark" to test Soviet compliance with the admittedly unofficial understanding. Mr. Kissinger said the Administration would include that figure "among the consideration" to be applied when deciding to seek renewal of the trade benefits when the original authorization expired after 18 months.

As Mr. Gromyko made clear in his letter given to Mr. Kissinger while he was in Moscow in October, the Soviet officials were incensed by the impression conveyed that the Soviet Union had agreed to allow 60,000 to leave.

He said in the letter that in fact, he had told Mr. Kissinger there was a "tendency toward a decrease in the number of persons wishing to leave the U.S.S.R."

Mr. Kissinger did not make the Gromyko letter known at the time, although he did inform newsmen that the Soviet leaders were angered over the publicity given the Jackson-Kissinger understandings.

When he testified before the Senate Finance Committee on Dec. 3, Mr. Kissinger took note of Soviet sensibilities and said that Moscow had told the Administration "repeatedly that the Soviet Union considered the issue of emigration a matter of its own domestic legislation and practices not subject to international negotiation."

"With this as a background," Mr. Kissinger said, "I must state flatly that if I were to assert here that a formal agreement on emigration from the U.S.S.R. exists between our two governments, that statement would immediately be repudiated by the Soviet Government."

But under questioning from Senators, Mr. Kissinger said that as the result of conversations with Leonid I. Brezhnev, the Soviet leader, and Mr. Gromyko, the Administration expected the number of emigrants to rise if the number of applicants rises also.

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Senator Jackson and Mr. Kissinger both assumed that the applicants would increase once the trade law went into effect. There is an assumption that about 130,000 Jews want to leave.

The negotiations surrounding the trade bill compromise have been among the most complicated ever conducted by Mr. Kissinger since he had to act in effect as a mediator between the Soviet Government and the majority of Congress that supported the Jackson amendment.

The issue goes back to October, 1972, when the Nixon Administration signed a trade agreement with the Russians by which Moscow pledged to repay its lend-lease debts of World War II and the Administration promised to seek Congressional approval to give them nondiscriminatory tariff treatment, known as most-favored-nation status.

Because of widely publicized problems encountered by Soviet Jews in seeking to emigrate, amendments were offered in both houses of Congress, proposing to hold up any trade benefits until emigration was made freer.

When the House of Representatives passed the Trade Reform Act last year, it contained an amendment linking tariffs and credits to the emigration question. The adoption of the bill in the Senate was also dependent on the emigration issue.

Mr. Kissinger earlier this year agreed to see whether a negotiated formula could be achieved. Working with Senators Jackson, Jacob K. Javits, Republican of New York, and Abraham D. Ribicoff, Democrat of Connecticut, the Secretary of State tried out different formulas.

He resisted the Senators' efforts to get the Russians to agree to an emigration quota, contending that this was unacceptable to Moscow. But Mr. Jackson persisted in the formula that produced the "benchmark" of 60,000.

Last week, the Senate finally adopted the trade bill with the so-called Jackson amendment, giving the Russians nondiscriminatory tariffs and government credits for 18 months.

Early this evening a Senate-House conference committee completed work on the first four "titles" of the five-title trade bill. Title IV is the section containing the Jackson amendment and it was approved without difficulty, underscoring the determination of the Congress to go ahead with the provisions despite the Soviet disavowals.

Senator Russell Long, chairman of the conference committee said, "I don't pay attention to what the Russians say anyway."

Mr. Jackson and Mr. Javits both said the Soviet statements were "face-saving" and did not mean the arrangement was falling apart.

Talking with newsmen, Mr. Jackson said he had been assured by President Ford that if the Russians failed to live up to the clear intent of the trade bill, the President would not hesitate to withdraw the trade benefits.

[From the New York Times, Dec. 19, 1974]
LETTER PUBLISHED: IN IT, GROMYKO TELLS KISSINGER A LINKAGE IS RULED OUT

(By Christopher S. Wren)

Moscow, December 18.—The Soviet Union denied today that it had given any specific assurances that the conditions for emigration of Soviet citizens would be eased in return for American trade concessions and credits.

The official press agency Tass asserted that "leading circles" in the Soviet Union "flatly reject as unacceptable" any attempts to attach conditions to the reduction of tariffs on imports from the Soviet Union or to otherwise "interfere in internal affairs" of the Soviet Union.

To support its contention that no understanding had been reached, Tass circulated a letter by Foreign Minister Andrei A. Gro-

myko that the agency said had been handed to Secretary of State Kissinger on Oct. 26. This was during the Secretary's last visit to Moscow on Oct. 23 to 27.

GROMYKO PREDICTED DECLINE

In that letter, which was dated eight days after the purported agreement had been announced in Washington by Senator Henry M. Jackson, Mr. Gromyko not only rejected the interpretation that emigration would increase, but said he had told Mr. Kissinger "quite the contrary," namely that the number of emigrants was actually declining.

The Tass statement and the letter bearing Mr. Gromyko's name caused confusion among American diplomats, who were uncertain whether the publication constituted a face-saving device or an actual declaration that Moscow would not make concessions on emigration.

While the Soviet Union has never acknowledged any understanding on emigration, American diplomats have said that its existence had not been denied by high-ranking Soviet officials in private conversation.

Tonight, one American diplomat said that the Soviet language of the denial did not entirely rule out some sort of informal understanding and that the response might be intended generally for domestic consumption. This interpretation was not shared by several more pessimistic observers.

The announcement did appear keyed to the pending Congressional vote to grant the Russians nondiscriminatory tariff treatment and government credits in return for freer Soviet emigration.

The denial may also have resulted from this week's session of the party's Central Committee, at which the emigration issue is now believed to have been discussed.

The Soviet leadership may have resolved to take the tougher line rather than let the Congressional assumptions about a compromise pass unchallenged. The move may have been spurred either by conservative pressure from within the Kremlin or by official anger at the publicity the purported emigration agreement has received in the United States.

It was also possible that Moscow was moved to act by Arab criticism of the emigration of Soviet Jews and particularly Egypt's proposal earlier this week that Israel restrict further immigration.

The first official acknowledgement here that the United States presumed an understanding existed appeared tonight when both the Tass statement and Mr. Gromyko's letter were read over the popular evening news program on Soviet television. This may have been done in part to dampen hopes among Jews and others that were raised by listening to reports on the trade bill over the Voice of America.

BREZHNEV REPORTED ANGRY

When Mr. Kissinger was in Moscow in late October, Leonid I. Brezhnev, the Soviet leader, was reported to have expressed anger to the Secretary of State over publicity in the United States surrounding a purported understanding about the emigration issue.

There was no public indication at that time or during President Ford's meeting with Mr. Brezhnev in Vladivostok on Nov. 23-24 that Moscow was denying the existence of an understanding or complaining that Mr. Kissinger had misread the Soviet position, as is asserted in Mr. Gromyko's letter.

In today's denial, the Soviet Government did not explain why it had waited two months to dispute the belief that there was an arrangement, particularly since it would have to be aware of the awkward situation that the denial would force on Mr. Kissinger, a familiar negotiating partner with the Soviet leadership.

In his letter, Mr. Gromyko said the announcement of an emigration compromise created "a distorted picture of our position as well as of what we told the American

side of that matter" and underscored the Kremlin's conviction that "no ambiguities should remain."

The Foreign Minister conceded in his letter that discussions of the emigration issue had taken place but said that Moscow had "underlined that the question as such as entirely within the internal competence of our state."

Mr. Gromyko went on to deny the existence of any emigration quota and of any expectation that emigration would increase over previous years. The Foreign Minister said that "when we did mention figures," the point was to illustrate "the present tendency toward a decrease in the number of persons wishing to leave the U.S.S.R."

Mr. Kissinger, in his exchange of letters with Senator Jackson on Oct. 18, said "it will be our assumption that the rate of emigration would begin to rise promptly from the 1973 level" of 35,000 and "would continue to rise to correspond to the number of applicants," Senator Jackson, in a Senate speech last Friday, put the current backlog of applicants "in excess of 130,000."

In testimony before the Senate Finance Committee on Dec. 3, Mr. Kissinger said "we have every right to expect that the emigration rate will correspond to the number of applicants," and he added, "if some of the current estimates about potential applicants are correct, this should lead to an increase in emigration."

The Tass statement said the extension of trade benefits to Moscow had been expected under the summit agreement made in 1972.

OPPOSITION RECALLED

"However," Tass said, "the opponents of normalizing Soviet-American trade, and of improving Soviet-American relations in general, from the very outset began actively hampering this process" by making the extension of trade concessions "dependent on all kinds of qualifications and demands that were nothing but gross interference in the Soviet Union's internal affairs."

"This is the only way to qualify the attempts to include in the bills provisions concerning, for instance, the departure of Soviet citizens for other countries" and for "making available economic information of a purely domestic nature to American institutions," Tass said.

The latter reference seemed to be a criticism of American efforts to obtain fuller disclosures of Soviet financial assets before any large credits are extended by the Export-Import Bank.

"There is only one basis on which the Soviet-American relations in general, and commercial and economic relations in particular, can be built successfully," Tass said. "This is a full equality of the sides and non-interference in each other's internal affairs."

Aside from throwing the brightening prospects for Soviet-American trade into doubt, the official denial of any understanding on emigration was likely to be a disappointment to would-be Jewish emigrants who had built up hopes that they would be allowed to leave the Soviet Union.

EXHIBIT 2

[From the New York Times, Dec. 19, 1974]
TEXT OF LETTERS AND TESTIMONY ON THE QUESTION OF SOVIET POLICY ON EMIGRATION

Following are the texts of an exchange of letters between Secretary of State Kissinger and Senator Henry M. Jackson on Soviet trade benefits and emigration policy made public Oct. 18; a letter on the subject presented to Mr. Kissinger by Foreign Minister Andrei A. Gromyko in Moscow on Oct. 26, and excerpts from testimony on the issue by Mr. Kissinger before the Senate Finance Committee on Dec. 5:

KISSINGER'S LETTER

Dear Senator Jackson: I am writing to you, as the sponsor of the Jackson amend-

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ment, in regard to the trade bill (H.R. 10710) which is currently before the Senate and in whose early passage the Administration is deeply interested. As you know, Title IV of that bill, as it emerged from the House, is not acceptable to the Administration. At the same time, the Administration respects the objectives with regard to emigration from the U.S.S.R. that are sought by means of the stipulations in Title IV, even if it cannot accept the means employed. It respects in particular your own leadership in this field.

To advance the purposes we share both with regard to passage of the trade bill and to emigration from the U.S.S.R. and on the basis of discussions that have been conducted with Soviet representatives, I should like on behalf of the Administration to inform you that we have been assured that the following criteria and practices will henceforth govern emigration from the U.S.S.R.

First, punitive actions against individuals seeking to emigrate from the U.S.S.R. would be violations of Soviet law and regulations and will therefore not be permitted by the Government of the U.S.S.R. In particular, this applies to various kinds of intimidation or reprisal, such as, for example, the firing of a person from his job, his demotion to tasks beneath his professional qualifications and his subjection to public or other kinds of recrimination.

No unlawful impediments

Second, no unreasonable or unlawful impediments will be placed in the way of persons desiring to make application for emigration, such as interference with travel or communications necessary to complete an application, the withholding of necessary documentation and other obstacles including kinds frequently employed in the past.

Third, applications for emigration will be processed in order of receipt, including those previously filed, and on a nondiscriminatory basis as regards the place of residence, race, religion, national origin and professional status of the applicant. Concerning professional status, we are informed that there are limitations on emigration under Soviet law in the case of individuals holding certain security clearances, but that such individuals who desire to emigrate will be informed of the date on which they may expect to become eligible for emigration.

Fourth, hardship cases will be processed sympathetically and expeditiously; persons imprisoned who, prior to imprisonment, expressed an interest in emigrating, will be given prompt consideration for emigration upon their release; and sympathetic consideration may be given to the early release of such persons.

Fifth, the collection of the so-called emigration tax on emigrants which was suspended last year will remain suspended.

Sixth, with respect to all the foregoing points, we will be in a position to bring to the attention of the Soviet leadership indications that we may have that these criteria and practices are not being applied. Our representations, which would include but not necessarily be limited to the precise matters enumerated in the foregoing points, will receive sympathetic consideration and response.

Prompt rise foreseen

Finally, it will be our assumption that with the application of the criteria, practices and procedures set forth in this letter, the rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants.

I understand that you and your associates have, in addition, certain understandings incorporated in a letter dated today respecting the foregoing criteria and practices which will henceforth govern emigration from the U.S.S.R. which you wish the President to

accept as appropriate guidelines to determine whether the purposes sought through Title IV of the trade bill and further specified in our exchange of correspondence, in regard to the emigration practices of non-market economy countries are being fulfilled. You have submitted this letter to me, and I wish to advise you on behalf of the President that the understandings in your letter will be among the considerations to be applied by the President in exercising the authority provided for in Sec. 4 of Title IV of the trade bill.

I believe that the contents of this letter represent a good basis, consistent with our shared purposes, for proceeding with an acceptable formulation of Title IV of the trade bill, including procedures for periodic review, so that normal trading relations may go forward for the mutual benefit of the U.S. and the U.S.S.R.

Best regards,

HENRY A. KISSINGER.

JACKSON'S REPLY

DEAR MR. SECRETARY: Thank you for your letter of October 18 which I have now had an opportunity to review. Subject to the further understanding and interpretations outlined in this letter, I agree that we have achieved a suitable basis upon which to modify Title IV by incorporating within it a provision that would enable the President to waive subsections designated (A) and (B) in Sec. 402 of Title IV as passed by the House in circumstances that would substantially promote the objectives of Title IV.

It is our understanding that the punitive actions, intimidation or reprisals that will not be permitted by the Government of the U.S.S.R. include the use of punitive conscription against persons seeking to emigrate, or members of their families; and the bringing of criminal actions against persons in circumstances that suggest a relationship between their desire to emigrate and the criminal persecution against them.

Second, we understand that among the unreasonable impediments that will no longer be placed in the way of persons seeking to emigrate is the requirement that adult applicants receive the permission of their parents or other relatives.

Third, we understand that the special regulations to be applied to persons who have had access to genuinely sensitive classified information will not constitute an unreasonable impediment to emigration. In this connection we would expect such persons to become eligible for emigration within three years of the date on which they last were exposed to sensitive and classified information.

60,000 as 'benchmark'

Fourth, we understand that the actual number of emigrants would rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants, and may therefore exceed 60,000 per annum. We would consider a benchmark—a minimum standard of initial compliance—to be the issuance of visas at the rate of 60,000 per annum; and we understand that the President proposes to use the same benchmark as the minimum standard of initial compliance. Until such time as the actual number of emigrants corresponds to the number of applicants, the benchmark figure will not include categories of persons whose emigration has been the subject of discussion between Soviet officials and other European governments.

In agreeing to provide discretionary authority to waive the provisions of subsection

* Statutory language authorizing the President to waive the restrictions in Title IV of the trade bill under certain conditions will be added as a new (and as yet undesignated) subsection.

tions designated (A) and (B) in Sec. 402 of Title IV as passed by the House, we share your anticipation of good faith in the implementation of the assurances contained in your letter of October 18 and the understandings conveyed by this letter. In particular, with respect to paragraphs three and four of your letter we wish it to be understood that the enumeration of types of punitive action and unreasonable impediments is not and cannot be considered comprehensive or complete, and that nothing in this exchange of correspondence shall be construed as permitting types of punitive action or unreasonable impediments not enumerated therein.

Finally, in order adequately to verify compliance with the standard set forth in these letters, we understand that communication by telephone, telegraph and post will be permitted.

Sincerely yours,

HENRY M. JACKSON,
U.S.S.

GROMYKO'S LETTER

DEAR MR. SECRETARY OF STATE: I believe it necessary to draw your attention to the question concerning the publication in the United States of materials of which you are aware and which touch upon the departure from the Soviet Union of a certain category of Soviet citizens.

I must say straightforwardly that the above-mentioned materials, including the correspondence between you and Senator Jackson, create a distorted picture of our position as well as of what we told the American side on that matter.

When clarifying the actual state of affairs in response to your requests we underlined that the question as such is entirely within the internal competence of our state. We warned at the time that in this matter we had acted and shall act in strict conformity with our present legislation on that score.

But now silence is being kept precisely about this. At the same time, attempts are being made to ascribe to the elucidations that were furnished by us the nature of some assurances and, nearly, obligations on our part regarding the procedure of the departure of Soviet citizens from the U.S.S.R., and even some figures are being quoted as to the supposed number of such citizens, and there is talk about an anticipated increase of that number as compared with previous years.

We resolutely decline such an interpretation. What we said, and you, Mr. Secretary of State, know this well, concerned only and exclusively the real situation in the given question. And when we did mention figures—to inform you of the real situation—the point was quite the contrary, namely about the present tendency toward a decrease in the number of persons wishing to leave the U.S.S.R. and seek permanent residence in other countries.

We believe it important that in this entire matter, considering its principled significance, no ambiguities should remain as regards the position of the Soviet Union.

A. GROMYKO,
Minister of Foreign Affairs
of the U.S.S.R.

KISSINGER'S TESTIMONY

We recognized that if our Government was to be equipped with the necessary means for conducting an effective foreign policy, it would be necessary to deal with the emigration issue in the trade bill. As I stated in my previous testimony before the committee, we regard mutually beneficial economic contact with the U.S.S.R. as an important element in our over-all effort to develop incentives for responsible and restrained international conduct.

I, therefore, remained in close contact with leaders of the Congress in an effort to find a means of reconciling the different points of view. I remember that I was urged to do so

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by several members of the committee when I testified before you on March 7 of this year. Shortly afterwards I began meeting regularly with Senators Jackson, Ribicoff and Javits to see whether a compromise was possible on the basis of assurances that did not reflect formal governmental commitments but nevertheless met widespread humanitarian concerns.

We had, as you know, been told repeatedly that the Soviet Union considered the issue of emigration a matter of its own domestic legislation and practices not subject to international negotiation. With this as a background, I must state flatly that if I were to assert here that a formal agreement on emigration from the U.S.S.R. exists between our Governments, that statement would immediately be repudiated by the Soviet Government.

In early April the three Senators agreed to an approach in which I would attempt to obtain clarifications of Soviet domestic practices from Soviet leaders. These explanations could then be transmitted to them in the form of a letter behind which our Government would stand.

My point of departure was statements by General Secretary Brezhnev during his visit to the United States in 1973 to both our executive and members of Congress to the effect that Soviet domestic law and practice placed no obstacles in the way of emigration. In conversations with Foreign Minister Gromyko in Geneva in April, in Cyprus in May and in Moscow in July, we sought to clarify Soviet emigration practices and Soviet intentions with respect to them. It was in these discussions that information was obtained which subsequently formed the basis of the correspondence with Senator Jackson, with which you are familiar.

In particular, we were assured that Soviet law and practice placed no unreasonable impediments in the way of persons wishing to apply for emigration; that all who wished to emigrate would be permitted to do so except for those holding security clearances; that there would be no harassment or punishment of those who applied for emigration; that there would be no discriminatory criteria applied to applicants for emigration and that the so-called emigration tax, which was suspended in 1973, would remain suspended.

It was consistently made clear to us that Soviet explanations applied to the definition of criteria and did not represent a commitment as to numbers. If any number was used in regard to Soviet emigration, this would be wholly our responsibility. That is, the Soviet Government could not be held accountable for or bound by any such figure. This point has been consistently made clear to members of Congress with whom we have dealt.

Finally, the discussions with Soviet leaders indicated that we would have an opportunity to raise informally with Soviet authorities any indication we might have that emigration was in fact being interfered with or that applicants for emigration were being subjected to harassment or punitive action.

The points I have just cited have always been the basis for my contacts with Senators Jackson, Javits and Ribicoff. I may add that these points have been reiterated to us by Soviet leaders on several occasions, including in President Ford's initial contacts with Soviet representatives and most recently at Vladivostok.

All these clarifications were conveyed to the three Senators and eventually led to the drafting of the exchange of correspondence published by Senator Jackson on Oct. 18. The process took much time, however, because of the Administration's concern that there be no misleading inference—specifically that there be no claim to commitments either in form or substance, which in fact had not been made.

Within a week of being sworn in President Ford took a direct and personal interest in settling the issues yet outstanding. He met or had direct contact with the three Senators—as well as with you, Mr. Chairman—on several occasions. He discussed the subject with leading Soviet officials. These contacts and conversations eventually resulted in the drafting of two letters: one from me to Senator Jackson and one from the Senator to me. The first of these letters contains the sum total of the assurances which the Administration felt in a position to make on the basis of discussions with Soviet representatives. The second letter contained certain interpretations and elaborations by Senator Jackson which were never stated to us by Soviet officials. They will, however, as my letter to Senator Jackson indicated, be among the considerations which the President will apply in judging Soviet performance when he makes his determination on whether to continue the measures provided for in the trade bill, i.e., extension of governmental credit facilities and of most-favored-nation treatment. We recognize of course that these same points may be applied by the Congress in reaching its own decisions under the procedures to be provided in the trade bill.

A SET OF PROCEDURES

With the exchange of correspondence agreed, it became possible to work out a set of procedures—which, I understand, has now been offered as Senate amendment 2000—whereby the President will be authorized to waive the provisions of the original Jackson-Vanik amendment and to proceed with the granting of M.F.N. and Eximbank facilities for at least an initial period of 18 months. These procedures will also provide for means whereby the initial grants can be continued for additional one-year periods.

Thus, Mr. Chairman, I believe a satisfactory compromise was achieved on an unprecedented and extraordinarily sensitive set of issues. I cannot give you any assurance concerning the precise emigration rate that may result, assuming that the trade bill is passed and M.F.N. is extended to the U.S.S.R. As I noted earlier, it is difficult to know fully the causes of past changes in Soviet emigration rates. However, I do believe that we have every right to expect, as my letter to Senator Jackson said, that the emigration rate will correspond to the number of applicants and that there will be no interference with applications. If some of the current estimates about potential applicants are correct, this should lead to an increase in emigration.

I believe it is now essential to let the provisions and understandings of the compromise proceed in practice. I am convinced that additional public commentary, or continued claims that this or that protagonist has won, can only jeopardize the results we all seek. We should not delude ourselves that the commercial measures to be authorized by the trade bill will lead a powerful state like the Soviet Union to be indifferent to constant and demonstrative efforts to picture it as yielding in the face of external pressures; nor can we expect extended debates of domestic Soviet practices by responsible U.S. public figures and officials to remain indefinitely without reaction. We should keep in mind that the ultimate victims of such claims will be those whom all of us are trying to help.

Therefore, I respectfully ask that your questions take account of the sensitivity of the issues. There will be ample opportunity to test in practice what has been set down on paper and to debate these matters again when the time for stock-taking foreseen in the legislation has come.

[Translation of letter, written by K. A. in Szczecyn, Poland, on November 29, 1974]

DEAR —: I am asking you, Honorable Sir, and I am asking you, from all my heart,

if you can do this for me, please. I am asking you, if by some miracle, you could send me an invitation. I would like to go the United States of America, even if only for one hour. I am willing to work at any place in any type of work. I could work as a mechanic, or as a smith, or I would accept work as a simple laborer on a farm, because I like to work and I am not a drinker. If you could do this, I would repay you with my gratitude. Please answer to my letter.

Thank you very much.

EXHIBIT 3

ASSISTANT SECRETARY OF STATE,
Washington, December 19, 1974.

HON. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: I am writing to you about your amendment to the trade bill which would encourage the reunification of divided families. We were pleased to know of your concern for this problem and I want to assure you that the Department shares your interest. We have worked very hard on this question for several years and I believe we have had significant results.

We have been concerned, though, that provisions of your amendment might complicate prospects for rapid early reunification of divided families. The Jackson-Vanik amendment, as you know, also covers this aspect of emigration, and the Secretary, in his exchange of letters with Senator Jackson, stated that we have been "assured that emigration applications will be processed on a non-discriminatory basis as regards the place of birth, religion, national origin, and professional status. The Secretary noted, too, that hardship cases will be processed with particular sympathy."

As you know, the specific question of reunification of divided families has been one of the main points of negotiation at the European Security Conference. While the Conference has not yet concluded its work, important concessions have been made on this question and we are confident that the final agreement will include these concessions and represent marked progress in this humanitarian cause.

As you pointed out on the Senate floor, your amendment, in contrast to the Jackson-Vanik amendment, applies to Poland and could even apply to Yugoslavia. We do not believe this addition is necessary. There are few countries in the world with freer emigration policies than Yugoslavia and among the Warsaw Pact nations, Poland has long been among the most liberal. While we have not always been pleased with the dispatch with which divided family cases have been handled, the Polish government has consistently permitted emigration and our relations with them on this subject have been satisfactory. The question of divided families was discussed during the recent visit to the United States of Polish First Secretary Gierek, and we were assured that his government will continue to give high priority to this sensitive subject.

As a result of your special concern for Poland, as expressed in your amendment, the Department again reviewed this question and discussed emigration policies with Polish officials. We have been reassured that the Polish government will continue to accelerate its handling of divided families applications. And, in view of your interest in this question, I have assured that your staff will be kept advised on developments in this matter. At the moment, there are less than 250 cases in process and the average elapsed time between application for an exit visa and actual emigration is six months.

I feel that the objective both you and the Department seek, the reunification of divided families, is best served by what we understand to be a slightly modified version of

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your amendment which the conferees have adopted. I want to reemphasize to you our appreciation of your sincere interest in this question and the contribution your revised amendment will provide to focusing attention on this humanitarian objective.

Cordially,

LINWOOD HOLTON.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HELMS. I am glad to yield.

Mr. CURTIS. Mr. President, I commend the distinguished Senator from North Carolina for the fight he has made in presenting an amendment to this trade bill and getting it through the Senate in the first instance. I regret that the conferees did not choose to leave it totally intact.

The Senator from North Carolina has spoken out for the cause of human liberty and the rights of individuals to be in touch and visit and communicate and travel, to meet their loved ones, members of their family. This is one of the basic freedoms of man.

It occurs to me that, as a Nation, we cannot right every wrong in the world; we cannot go to war every time a wrong is committed. But there is one thing we can do: We can make sure that all the positions we take, all the pronouncements, all the resolutions, and all the enactments of our legislative bodies are true to the fundamental principle of human liberty. We should never, in the interests of trade or any other cause, deviate from standing foursquare for human rights and human liberty.

I commend the Senator for what he has done. I know something about the particular circumstances that brought about the filing of the amendment by the distinguished Senator from North Carolina. It is just one of perhaps many cases.

Presented before the Committee on Finance was the story of a family, all of whom had escaped from the tyranny of communism except one small boy who is now, I think, about 16 years of age.

I regret that the Senator's amendment was not agreed to and preserved just as he offered it. But I do hope that those in charge of our foreign affairs see to it that this case is solved, not with pious reports but with the actual performance of getting that family together.

I regret that, in the interest of trade or anything else, we have deviated from a firm, foursquare position in favor of human liberty and individual rights.

I commend the Senator.

Mr. HELMS. Mr. President, I thank the distinguished Senator for his comments.

The truth of the matter is that the distinguished Senator from Nebraska (Mr. CURTIS) was responsible for my attention being drawn to the precise case that led to this amendment. I am grateful to him for that and for his comments.

Mr. LONG. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield.

Mr. LONG. Mr. President, I suppose that in the conferences on the trade bill and the social services bill, although the overall settlement was more favorable to the Senate position than almost any conference in which I have participated in

my 26 years here, the amendments offered by the Senator from Louisiana and agreed to by the Senate suffered the worst fate. Those that I was most interested in were disagreed to, even though I nevertheless feel that they were some of the best amendments, coming from some of the finest minds, ever generated by the Senate, and only the Almighty could convince me otherwise. Yet some of my favorite amendments were not agreed to.

I know how one can be disappointed that one is not able to prevail upon the other body to accept the full intent of what the Senator is seeking to accomplish. I believe that the Senator will find that his amendment will do a lot of good that he sought to legislate. It is going to put pressure on the Eastern European countries, with the exception of Poland and Yugoslavia, to let the children and relatives of those Americans join their families in this country.

In addition to that, we would have liked to be able to achieve the same thing for Poland and Yugoslavia. We were informed, Mr. President, that if we succeeded in keeping Poland and Yugoslavia in, there just was not going to be a trade bill, because some House Members of Polish or Yugoslavian descent felt that to do so, those nations would not receive most-favored-nation treatment and would not be trading with us, and, under the circumstances, they would not want the trade bill.

We did the best we could, and I am sure that the Senator will agree that we did the best we could. For example, the Senator has told us of a case, I believe involving the son of one of the Hungarian freedom fighters. That man, I am confident, as a result of the Helms amendment, will be united with his family in this country. I have personally written to Secretary Kissinger about this case and I ask that my letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 5, 1974.

HON. HENRY A. KISSINGER,
Secretary of State, Department of State,
Washington, D.C.

DEAR Mr. SECRETARY: On April 5, Mr. Szabolcs Mesterhazy, appeared before the Committee on Finance and presented us with a courageous and stirring statement concerning his efforts to be reunited with his son currently living in Hungary. Mr. Mesterhazy and his family, except for his then 12 year old son, escaped from Hungary in 1958. Since that time, the Government of Hungary has refused to permit the remaining son to emigrate from Hungary in order that he may be reunited with his family here in the United States.

Mr. Mesterhazy has apparently asked the State Department to intercede with the Hungarian Government on the behalf of his son. Such efforts have as yet been unsuccessful. I am writing you today on behalf of the Senate Finance Committee to ask you to take any steps feasible to intercede with the Government of Hungary in an attempt to obtain the right to emigrate for his son. Any efforts that you can undertake on behalf of Mr. Mesterhazy's son would be greatly appreciated.

I would like to be informed on the attitude of the Hungarian Government on this mat-

ter before we go into executive session on the Trade Reform Act legislation.

With very good wish, I am

Sincerely,

RUSSELL B. LONG,
Chairman.

Mr. LONG. I think, with regard to nations like Romania, Bulgaria, Hungary, Czechoslovakia, and a number of others, the amendment will achieve most of what the Senator hopes for it. I would sincerely hope the State Department would make it very clear to the Hungarian Government of the concern we all have about this case.

So while I know he is disappointed that we were not able to achieve everything he sought to do, I believe he will find that we achieved most of it, and that is all we ever expect to do around this body. And the Senator knows that under the conference agreement the bilateral trade agreements negotiated with Communist countries must be submitted to Congress for approval. So we will have an opportunity to see what progress has been made on meeting these common concerns before extending most-favored-nation treatment to those countries.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Louisiana. I hasten to say that he has been most cooperative. He will recall that as manager of the bill, he agreed to accept my amendment as originally proposed. I have no criticism whatsoever of the distinguished Senator from Louisiana. As a matter of fact, I am entirely grateful to him and I owe him great admiration for his understanding of the legislative process.

Mr. ROBERT BYRD. Mr. President, I am told by a Senator that he will request the yeas and nays on the passage of this conference report. The distinguished Senator from North Carolina has stated that he will move to table the conference report. Consequently, there may be at least, I assume—is the Senator going to ask for the yeas and nays on his motion?

Mr. HELMS. I will say to the distinguished Senator if there were not going to be a yeas-and-nays vote on final passage, I would probably be helpful to the Senate by accepting a voice vote. But if he is going to have a yeas-and-nays vote anyway, I would like to have the yeas and nays on my motion to table.

Mr. ROBERT C. BYRD. There is at least one, possibly there are two rollcall votes. Several Senators need to catch planes because of reservations they have made anticipating, on the basis of our statements last evening, that we would try to adjourn sine die by 3 o'clock today. It might be possible for us to get a time agreement on this conference report. The distinguished manager of the conference report has indicated his willingness to enter into such an agreement and the distinguished Senator from New York has indicated his willingness to enter into such an agreement.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this conference report be limited to 5 minutes for Mr. LONG, 5 minutes for Mr. JAVITS—Senator HARTKE, does the Senator need some time?

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Mr. HARTKE. I will probably not need more than 10 minutes.

Mr. ROBERT C. BYRD. All right, not to exceed 10 minutes for Mr. HARTKE.

Mr. JAVITS. Mr. President, I would suggest that we have a few minutes for whoever shows up.

Mr. ROBERT C. BYRD. An additional 10 minutes to be equally divided between Mr. LONG and Mr. BENNETT, if we could have that ordered?

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent if there is going to be a tabling motion—and I think there will be, and it will be a rollcall vote—the two votes be back to back, first the vote on the motion to table, and then the vote on final passage, and both rollcall votes be 10-minute calls because the respective cloakrooms have ample time to inform the Senators.

Mr. BENNETT. Mr. President, reserving the right to object, I wonder if the agreement could be restated because it became a little complicated.

Mr. ROBERT C. BYRD. The unanimous-consent agreement is as follows: Mr. LONG, the manager of the conference report, have 10 minutes—I first said 5 and added 5—10 minutes; the distinguished Senator from Utah, 5 minutes; the distinguished Senator from Indiana not to exceed 10 minutes; the distinguished Senator from New York, 5 minutes.

I ask unanimous consent, Mr. President, that Mr. MONDALE have 5 minutes; Mr. CHILES have 5 minutes; and Mr. DOLE, 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. May we get going.

Two minutes to Mr. GRAVEL. I hope no Senator misses his plane.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. Mr. President, I ask unanimous consent that Dr. Jim Lucier be accorded the privileges of the floor during the vote.

The PRESIDING OFFICER (Mr. McCURE). Without objection, it is so ordered. The Senator from North Carolina.

Mr. HELMS. Mr. President, I will advise the distinguished majority whip that since he has had additional requests for time, I will not ask for the yeas and nays on my motion to table. I will accept a voice vote. That will give him more time to play with.

Mr. ROBERT C. BYRD. The distinguished Senator is most generous, and always most cooperative and in the future I hope some of us will remember this. In some future time, I will myself.

Mr. LONG. Mr. President, I yield myself.

Mr. President, I will submit most of the statement that I have prepared on this subject, the Senators are, by now, I believe, aware of what is in this conference report.

Mr. President, from the point of view of the Senate, this was an extremely successful conference.

The House accepted many of the Senate amendments in whole or in part, most of them in whole. It is a tribute to their fairness. If they thought we were right they were willing to accept the amendments without trying to bargain.

Mr. President, in my judgment, it would be a mistake to ask for further conference on this matter because I do not think there has been a case in the consideration of a major piece of legislation when the House has been as considerate of the Senate position as it has on this bill. They accepted our amendments because they had merit.

So that I hope very much, Mr. President, this conference report will be agreed to.

I wish to thank my fellow conferees for the very diligent work they did in this conference. We worked many long hours and they were most cooperative—Messrs. TALMADGE, RUBINOFF, MONDALE, BENNETT, FANNIN, and HANSEN.

I am also very appreciative, Mr. President, to Mr. ULLMAN, Mr. BURKE, Mrs. GRIFFITHS, Messrs. ROSTENKOWSKI, SCHNEEBELI, CONABLE, and PETTIS, for the thoughtful consideration and cooperation that they gave in meeting on this matter.

Mr. President, I am particularly grateful to Mr. Robert Best, of our staff, our chief economist for the Committee on Finance, as well as Richard Rivers, Mark Sandstrom, and Michael Rowny, for the very fine work they did in helping the Senate committee and the Senate to put together its proposals.

Also Mr. Little and Bob Cassidy for their fine work, as the key legal minds who have to translate the decisions into legislative language.

Mr. President, the House and Senate conferees met for two long days on this bill, and I am proud to say that they held substantially to the Senate version of the bill.

With regard to tariff authority, the compromise provides that on rates of duty of 5 percent ad valorem or less, the President has the authority to eliminate the duty; on rates over 5 percent he has authority to cut duties by 60 percent. This formula is very similar to the one contained in the Senate bill.

On the question of nontariff barriers, the Senate maintained its position that all trade agreements must be approved by both Houses of Congress—we have Senator TALMADGE of Georgia to thank for being the author of this amendment and for being its proponent in conference.

The basic negotiating objectives of forging new nondiscriminatory trading relationships were retained.

The McIntyre-Kennedy amendment authorizing the President to enter into international agreements within the GATT was retained.

The Senate maintained its position on requiring reciprocal nondiscriminatory trade in the future; this will insure that the United States receives fair compensation on trade concessions from all of our trading partners.

The procedures outlined in the Senate bill with regard to approval or disapproval of trade agreements were retained.

I am happy to say that the amendments offered by Senator TART on including small business interests and Senator RUBINOFF's amendment on including retailers in the advisory boards were adopted.

However, the House was adamant about deleting the Taft amendment requiring the reporting of the effects on employment and the consumer of import relief. Likewise, the House objected to the Church amendment involving employment impact and information on the operations of multinational corporations. Other Senate conferees will attest that we discussed this amendment in length, but the House was unanimous in refusing to yield on the matter.

The conferees agreed to the Senate provision elevating the Office of the Special Trade Representative. I might say at this point that Mr. Eberle never sought the provision in this section which would bestow prestige upon his office and those of his deputies, but it has been my idea that this office will be so important in these trade negotiations that the job ought to be given the stature it deserves. Mr. Eberle vigorously opposed it because the administration has taken a position against it. I would be very sorry to see internal bickering within the administration on this matter, because the Congress has expressed its will without pressure or suggestion by the Executive.

The conferees maintained the thrust of the Senate bill with respect to insuring the independence of the U.S. Tariff Commission. We compromised upon a six-member Commission with 9-year terms and maintained every other Senate provision in this section.

The conferees agreed with the basics of the Senate provision providing adjustment assistance to workers and firms. The basic thrust of the community adjustment assistance was agreed to by the House with certain changes in the revenue sharing and loan guarantee aspects of the program.

The Senate amendments strengthening the U.S. statutes dealing with unfair trade practices in title III were kept virtually in their entirety. With respect to the escape clause, the President must provide import relief in cases of injury, and the Congress maintains an override if he does not. Together with strong countervailing and antidumping procedures, the conferees retained the comprehensive Senate measures on unfair import practices.

I was gratified that the conferees maintained the Senate provisions in title IV on free emigration and on trading relationships with the nonmarket countries in the face of a critical news release from the Kremlin. The conferees were unanimous in reasserting their position that freer emigration must precede freer trade. Although the House conferees objected to the Domenici floor amendment on agricultural commodities and the Helms amendment on emigration, we fought to maintain the basic purposes of these amendments either in the bill or strong language in the statement of managers. We did not succeed in allowing our claimants their day in court on the subject of the Czechoslova-

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kian gold that we hold, but we have ordered the State Department to go out and negotiate a better agreement, before this country will grant most-favored-nation treatment or further credits to Czechoslovakia. And the gold will stay here under our control until such agreement is negotiated.

The conferees also substantially adopted the Senate floor amendment calling for a body within the executive branch to oversee trade with Communist countries. This body will review all large transactions involving the transfer of technology and the granting of credits, and report to the Congress on how those transactions will affect the national security.

In the generalized system of preferences, the conferees retained the Senate's goal of requiring those who get preferential treatment in our markets to conduct their trade policies in a fair and equitable manner. This will prevent the United States from exposing our markets to countries who act to hurt us and the rest of the world in international trade by forming cartels, by drastically raising prices, or by denying us access to supplies. The conferees also accepted the Pastore-Humphrey floor amendment protecting our import-sensitive products from injury.

Finally, the House accepted all of the Senate's general provisions in title VI, including Senator Byrd's floor amendment limiting credits to Communist countries to \$300 million without congressional approval.

I would again like to take this opportunity to extend the thanks of the Senate Finance Committee to those members of the staff without whom this trade bill would have been a very difficult task. Mr. Robert A. Best, chief economist, of the committee, worked ardently for many months, devoting his energies and talents to this long and often complex legislation. He and the other able trade staff members, Richard Rivers, Mark Sandstrom, and Michael Rowny, spent the better part of a year putting together extensive hearings, a long well-written report, and a bill which meets with the Senate's hearty approval. Harry L. Hill and Bob Cassidy did yeoman work on drafting the legislative language. I speak for all the members of the committee in thanking them for their steadfast and diligent efforts. Tom Vail, the late former chief counsel of the committee, is ultimately responsible for developing this fine staff. In a real sense this bill is a legacy to Tom.

Mr. President, I believe the conferees have approved a bill which is very close to the bill the Senate approved with such a large majority. I hope we will be able to act on it without delay.

Mr. JAVITS. Mr. President, I yield myself the time allocated.

Mr. President, I think that in this body we do so many critically important things that we often fail to note really historic landmarks, and this is one.

We have struggled with trade for many reasons, including basic economic policy of the United States, a major change of policy by the great trade unions of the country, which will certainly have to be

listened to, and whose views represent millions of working people, the great feeling of vexation in foreign policy of which trade and foreign economic policy are a part, the great damage to the international monetary system, strains of most unbelievable kind over oil and energy and the shortages which have been generated, and the dangers of bankrupting the world through increased prices.

In the face of all this, for such a great historic achievement to have been recorded is really a triumph of our society and a triumph of constitutional Government. I hope very much, Mr. President, it will be noted and will be noted throughout the world.

We are lucky that only around 8 percent of our gross national product hinges on international trade, but there are nations to whom it is life or death, like Great Britain, which is going through terrible travail, and Japan, also going through a very anxious economic period, along with Germany and others.

When Chancellor Helmut Schmitt was here the other day, he told the Foreign Relations Committee that the single most important thing to help this dangerously situated world would be for the United States to enact the trade bill—the single most important thing—and here it is on the very last day of our session.

I think it is really a day for feeling very good about our country and, as I say, the triumph of our constitutional system.

In the name of my constituents, 18.5 million of them, I would like to thank Senator LONG and his colleagues, and Senator BENNETT and his colleagues, for having brought the matter to the present state.

One last thing, I am deeply sympathetic with what Senator HELMS said, I think quite unwittingly, in his original amendment, that he might have caught a lot more than he had any intention of catching.

But his intentions were very honorable, considering Poland and the problems of people there who also wish to emigrate. I for one will do my utmost as a member of the Foreign Relations Committee, and otherwise, to see if his fundamental objectives can be met. Whatever may have happened to his amendment in the trade bill for reasons which Senator LONG has said.

Also, Mr. President, I feel that the explanations made respecting why we have not been dismayed by the statement of Mr. Gromyko, the Foreign Minister of the Soviet Union, respecting the agreement entered into by Senator JACKSON, Senator RIBICOFF, and myself with Dr. Kissinger and the President, is also a tribute to the stability and intelligence of the U.S. Senate and the U.S. House of Representatives.

There is no reason for changing our course and we have not been dismayed.

Finally, Mr. President, I would like to ask the following question of Senator LONG.

Senator LONG, is it correct that actions taken under the provisions of section 204 of the Agricultural Assistance Act of 1956

are in no way affected by the provisions of the bill currently under consideration, the trade bill?

Mr. LONG. That is correct, absolutely correct.

Mr. JAVITS. I thank my colleague very much.

Mr. LONG. Mr. President, I would like to make one additional point.

The PRESIDING OFFICER. The Senator from Louisiana is recognized on his own time.

Mr. LONG. Yes, sir.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. LONG. Mr. President, I yield myself a minute.

Mr. President, in the conference we found it necessary to yield with regard to an amendment authorizing a suit to be filed in the court of the District of Columbia with regard to the Czechoslovakian gold.

I believe it should be made clear that the fact that that amendment was not included neither confers jurisdiction upon some court nor denies jurisdiction to some court. It leaves the law exactly where we found it.

The conference's deletion of the Gravel amendment which sought to confirm that the U.S. District Court in Washington has jurisdiction to determine what actions the U.S. Government may take to utilize the Czechoslovakian gold it physically holds or controls to pay the outstanding awards against Czechoslovakia in the event that country continues to fail to make a fair settlement, was not intended to deprive the court of any jurisdiction it already possesses to make such determinations.

The district court has full jurisdiction over the Federal officials and agencies which hold or control the gold, particularly that portion physically located here in the United States, and it certainly has the power to direct those officials or agencies to take whatever actions are available at law to protect our citizens' valid interests if Czechoslovakia simply continues to refuse fairly to compensate them for their expropriation losses.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. LONG. Mr. President, I yield myself time.

If these claimants had a right to go to court, they still do. If they did not have it, then nothing in this bill gives it to them.

Mr. GRAVEL. Mr. President, I would like to take my 2 minutes.

I want to thank the chairman for that clarification since it might have cast a cloud upon the rights of the individuals in question.

I would also like to ask the chairman and at the same time voice my views for the benefit of the State Department, which I know is in attendance, and that is, when they go back and negotiate for a fair settlement, that they observe the definition of what a fair settlement is, and that is going to be \$64 million, which is the principal amount that is due the Americans that have had that property taken, and as long as I am on the committee and Member of this body, any agreement that comes back—they can

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dicker over the interest, which they should, and we should get some interest, but if the State Department does not come back with the minimum of the principal when we have this gold, then I, for one, and I am sure others will join me, intend to make a major point of this issue of granting any rights to Czechoslovakia until this matter is attended.

I would hope that I could hear an expression from the chairman in that regard.

Mr. LONG. Mr. President, I stand with the Senator on that. He can be sure that as far as the Senator from Louisiana is concerned, if they try to get back that gold before settlement has been made on the claims of Americans who lost their property in Czechoslovakia, if I may use an expression that I have used before, we will fight them until hell freezes over, and then we will fight them on the ice, if they try to get that money, that gold, when they owe that money to American citizens.

When the State Department proceeds to renegotiate a new claims settlement agreement with Czechoslovakia, it should bear in mind that a "good agreement" or a "fair agreement" should provide at least payment of the principal amount Czechoslovakia has owned our citizens for almost 30 years—\$64 million. The gold our Government holds as security for the payment of these awards is valued at approximately \$125 million on today's market, so it alone provides ample means for the kind of settlement Congress would readily approve.

Mr. GRAVEL. I think this should suffice to some degree on instructions to the State Department.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. HARTKE. Mr. President, I want to talk about the Unemployment Act of 1974. My views are well known by this time. I will not occupy the time of this body with a lengthy restatement of those views. But, I would feel remiss if I did not take this opportunity to at least briefly reiterate my position.

First, I would like to congratulate Senator LONG and the Senate Finance Committee on their handling of the trade bill. The fact that the trade bill has reached this point in the legislative process and that it has been greatly expedited at a late hour in this session is strong testimony to the dedication and professionalism of its proponents who have worked so hard.

I would like to pay special tribute to Bob Best, who has done such an outstanding job on this measure. He has been extremely fair to every individual without regard to their position on any matter in this bill.

However, I believe the Finance Committee has unintentionally led us astray.

This bill began as the Trade Reform Act of 1973. It later became the Trade Reform Act of 1974. Just last week the title of the bill was amended to merely the "Trade Act of 1974" because the floor manager of the bill did not wish the title of the bill to imply the measure was "necessarily good" or "a change for the better." While I wholeheartedly share with Senator LONG his concern for the

quality of the bill, I would offer an even more appropriate title, "The Unemployment Act of 1974." This is a more appropriate title, because unemployment is exactly what the effect of this bill will be. The report of the Finance Committee on the trade bill estimates the unemployment which will result from the bill at 100,000 persons. In fact, this may prove extremely conservative. It will surely prove extremely foolish at a time when our unemployment rate is 6½ percent and rising.

Mr. President, 6 million people are unemployed in the United States. My good friend Leonard Woodcock, president of the United Auto Workers, has predicted that unemployment in the auto industry alone will reach 1 million workers by next March. The unemployment compensation roles increased by 550,000 last month to 3 million. Most economists now predict U.S. unemployment will rise to 7½ percent. There is only one other time since World War II, during the depths of the 1957-58 recession, that our unemployment rate has been so high. This trade bill will only make the problem worse. How can the Congress pass an emergency \$6.5 billion measure to create jobs and extend unemployment compensation on one day, and on the next day pass a trade bill which its sponsors admit will cause the unemployment of an additional 100,000 working men and women?

This is not a trade bill for the 1970's but a warmed-over version of our give-away trade policies of the 1960's. Such trade policies will no longer work in a world which is simultaneously experiencing severe inflation and crippling recession. Such trade policies no longer are prudent for the United States which is experiencing a sizable balance-of-trade deficit and considerable trade-related unemployment.

Mr. President, it is time we base our trade policies on the realities of the present rather than the fictions of the past. The rest of the world has grown up and our trading partners have now assumed the role of equal partners and equal competitors. Our failure to recognize this fact has led to deteriorating U.S. performance in the world market, a declining U.S. trade balance, and an outflow of American capital and American jobs.

The U.S. balance-of-payments deficit was \$1.1 billion for the 3 months ending in September. This is the second largest quarterly deficit in our history. Our deficit for the first three quarters of 1974 now stands at \$4.26 billion. The U.S. deficit for a similar period in 1973 was only \$300 million, and yet we ended the year with a deficit of over \$1 billion. It is time we awaken to these stark realities and tailor our trading policies to the economics of the 1970's, rather than the altruism of the 1960's.

The new direction needed in the field of foreign trade is most remarkably demonstrated by the recent balance of payments problem—with record deficits. One contributing factor, new to the crisis scenery, is the soaring cost of imported oil. Yet the bill before us fails

totally, to even consider the short-term or long-term implications of the cost of this foreign source, domestically owned, resource material. The new giant multinational oil companies continue to bring the economies of the industrialized world to the very brink of bankruptcy. The threats of oil producers is being answered by the threats of oil consumers.

The inflation is fueled by the increase in fuel prices. Consideration of elimination of tax subsidies to the multinational oil companies was denied by the procedure adopted by the Senate. But even beyond the tax subsidy question, is the failure of this bill to recognize that it is a whole new ball game in this area alone.

The trade bill should do justice to the promotion of new and better ideas of trade.

The Senate has a responsibility to state clearly what this country stands for—not what it has been. We should state where we are going as a Nation—how we plan to get there and why we should get there. The trade bill should have called for a nation that sees the portent of time and the will of the people. The trade bill should face the economic, social, political and moral issues of our time, and not worship at the altar of worn out slogans—like "free trade."

The trade bill should have been a clear alternative to the failure policy which we have followed since 1962. We should not give our country more of the dismal sameness which leads to greater unemployment, failing businesses and exploitation of people in other countries.

The tide of imports and tax subsidy to multinational corporations must be stemmed. We must restate our goals and aspirations which make this melting pot the location of the highest standard of living in the world and at the same time the best sanctuary of the downtrodden, neglected and depressed.

Yet, we see our Nation losing its spirit and its jobs—its pride and its factories—its humility and its confidence.

The trade bill is—at best—a surrender of America and her people.

It is not my intention by these remarks to seek consensus or compliance. I seek to challenge the Senate to meet the issues of today and tomorrow so as to enrich the world by recreating a strong America. This trade bill continues to destroy America and the destruction of America means destruction of our way of life and the freedom it gives and promises to all people of the world.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FANNIN. Mr. President, I wish to first of all commend the distinguished leader, the chairman of our committee, for his fine work in bringing this bill through a very difficult situation, and to the distinguished minority leader for the work that he did in cooperation with our colleagues.

I feel very keenly that we have accomplished much more than has even been discussed here today. The countervailing

duty and antidumping provisions of this legislation are far reaching and will be of great benefit to the work of this country.

Mr. President, at this time I do have a very serious matter that I want to discuss in the bill of the distinguished chairman of the committee regarding the situation with the contract to supply raw cotton to textile manufacturers in less-developed countries.

I would like to address this to the chairman of the committee.

We had sales of cotton last year where the price had gone from a very low price, when it was contracted to these countries, to a very high price, and we fulfilled those contracts. But now the price of cotton on the world market has declined and the manufacturers, in some instances, have repudiated these agreements.

Mr. President, it would seem to me that if a developing nation had contracted for the purchase of a product and then cancelled the contract, such country would not be providing equitable and reasonable access to its markets. Is it the understanding of the chairman that section 502(c) (4) of the bill would apply to cancellation or abrogation of contracts as previously discussed?

Mr. LONG. Yes.

Mr. President, I believe that if they break contracts, this provision should apply. We did not want to give the preference to countries.

Mr. FANNIN. I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

Mr. MONDALE. Mr. President, I wish to commend the chairman of the Committee on Finance, Mr. LONG, for his gifted and inspired work in the development of the trade bill.

I also commend Mr. Best, the committee's chief economist, who worked patiently and with great understanding, with all of us, in the development of this measure; my staff assistant, Gail Harrison, who showed genius in the development of some of the measures which I sought to press; and my colleagues on the Committee on Finance and in the conference.

I think this trade measure is a good one. It is the result of nearly 2 years of very hard work by the Committee on Finance, by the Ways and Means Committee, and by the respective bodies of the Congress. I believe it continues the longstanding American policy of seeking a civilized and rational approach to trade and commerce in this world.

Now that the job passes to our negotiators at the upcoming multilateral trade talks, we think this bill gives them the tools they need to protect this Nation's interests, to protect jobs, but also to seek the broader objective of expanded commercial trade and understanding with the nations of the world.

I am proud to have been a part of this effort. I believe that this is the beginning of a very important new step forward in international affairs.

Mr. President, I yield the remainder of my time to the distinguished Senator from Maine.

Mr. HATHAWAY. I thank the Senator from Minnesota for yielding me this time.

First, Mr. President, I commend the members of the Committee on Finance and the conferees for the excellent job they have done with respect to the trade bill. Also, I should like to have a clarification of one provision.

Section 303(d) (2) (a) of the Tariff Act of 1930 as amended by this bill pertaining to countervailing duties, provides, in part, that otherwise required countervailing duties can be waived if adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or a grant that is made by an exporting country.

I presume that with respect to non-rubber footwear, this means an actual agreement must have been entered into or voluntary understandings must have been undertaken by the exporting country or exporters within the country which would have the same effect as an agreement. I understand, further, that with respect to nonrubber footwear, the only type of agreement or understanding that would fulfill this requirement would be one of export restraints.

I ask the chairman of the committee if my interpretation of that section is correct.

Mr. LONG. That is exactly the way I understand it.

Mr. HATHAWAY. I thank the chairman very much.

I want to add that I understand that a letter from the Special Trade Representatives' Office will be sent to my office which does clarify this provision and, in effect, substantiates what the chairman has just agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield myself such time as I may need.

I should like to ask the distinguished chairman of the Committee on Finance to answer a couple of questions with regard to the bill, especially as it affects citrus.

I understand that the bill, as it left the Senate provided that an existing tariff of more than 10 percent could be reduced by only 50 percent. Can the Senator tell me what the conference committee came out with on that particular feature?

Mr. LONG. If the duty is 5 percent or less, it can be eliminated completely. If the duty is more than 5 percent, it can be reduced by as much as 60 percent.

Of course, it would have to go through prenegotiation procedures and it is expected that they not reduce those duties by a significant amount if it was anticipated that such reductions would seriously injure the domestic industry involved.

Mr. CHILES. If the tariff was more than 5 percent, it could be reduced by as much as 60 percent or 40 percent?

Mr. LONG. If the tariff was more than 5 percent, the rate of duty under the act could be negotiated downward by as much as 60 percent. Under the House bill, it would have been 75 percent.

Mr. CHILES. Mr. President, I voted against cloture on the trade bill because

I thought there ought to be more debate and discussion of this important legislation in the Senate before passing the bill. Unfortunately, cloture was invoked on Friday morning and the bill passed Friday night. I believe a bill of this significance should have received more open debate in the public eye after long closed-door sessions of the Finance Committee and before going into long closed-door conferences with the House of Representatives.

There are some very real concerns that our people have with this bill which should be heard and should be considered as we pass this legislation. Amendments are not necessarily the best form to express these concerns so the issue is not just whether there will be amendments or not but whether the vital concerns of our people have been heard.

I want to take this opportunity on the Senate floor to say that I have heard the call of the citrus industry in Florida from the small grower to the large processor. And the call I hear is that they are hurting. The prices that Florida citrus producers are getting for their products have increased in recent years much more slowly than their costs. This has placed the whole industry in a position where the margins they are operating on are extremely tight. The slightest disruption in the market for citrus can send a jolt through the citrus growing industry in Florida. The citrus people do not want their fate determined by some complicated trade negotiation in some far off place with other governments. They are having trouble enough coping with the forces at work in our own economy.

I want the people in the citrus industry in my State to know that I have heard their call. I pledge myself to stand watch on trade negotiations as they go forward to insure that there are no surprises for our citrus people, to insure that the trade negotiators for our Government give the problems and positions of the Florida citrus industry serious consideration, and to insure that our people get a fair shake in future trade negotiations. Ambassador William Eberle and Ambassador Harald Malmgren, our top trade negotiators, have assured me that they will make every effort to see that the citrus industry fully participates in the negotiations as prescribed by law and that we are kept informed of developments as they unfold. I want them to know of the public pledge I make today and to be fully aware of the feelings and problems facing the people in the citrus industry in Florida.

I voted for the trade bill in the Senate. I did so because I believe that the authorities contained in it, if used properly, could make a real contribution to solving our current economic problems—inflation, recession, and unemployment. A major cause of our problems today result from supply and price changes in international trade, principally in food and fuel. The trade bill will help us work on these problems.

I voted for the trade bill also because it protects the prerogatives of the Congress in trade, and it requires close consultation between our negotiators and our people in the private sector. This is not a bill which makes a wholesale

transfer of authority from the Congress to the Executive without retention of a role for the Congress and the private sector as trade policy and trade negotiations go forward.

I would point out to my friends in the citrus industry in Florida that the Senate version of the trade bill was very much more to their advantage than the House version in several respects. First, the tariff reduction authority in the Senate version was more restrictive for citrus than the House version. In the House bill an existing tariff over 25 percent could be reduced by 75 percent whereas in the Senate version a tariff over 10 percent could be reduced by 50 percent. In the conference the House and Senate agreed that tariffs over 5 percent can be reduced by 60 percent.

Second, the section of the bill dealing with the participation of private sector advisory groups—section 135—is very strong. In the Senate version it stated that "the President shall, on his own initiative or at the request of organizations in a particular sector, establish such industry, labor, or agriculture sector advisory committees." This was retained. These committees shall work with the trade negotiators before and during any trade negotiations. Once an agreement is reached they shall make a report which shall include "an advisory opinion as to whether the agreement provides for equity and reciprocity within the sector." This provision was retained by the conference.

Additionally, there is a requirement that the trade negotiators inform the advisory committees when the negotiators do not accept the advice or recommendations of the committees and the President shall include in his report to Congress the reasons for not accepting the advice and recommendations of the advisory committees. This will be law.

The Senate version of the trade bill also required that our private sector groups participate in the negotiations to the full extent that equivalent groups from other countries participate. There is a commitment to carry this out to the extent that existing U.S. law permits. All nontariff barrier agreements entered into with foreign countries are subject to congressional review and approval.

Finally, one of the real strengths of this legislation is that it is not a giveaway—it does not give away the power of the Congress to the Executive, it does not give away the interests of our farmers, workers, and businesses to the interests of others abroad; and it does not give away our market. In fact this legislation has new authority in it to raise trade barriers and to protect our market from actions taken by other nations which disrupt our market. The Unfair Trade Practices section of the bill—title III, section 301—has new authorities which do not exist currently to deal with export subsidies and preferential arrangements which affect our market.

This section and others give some bite to our purposes and give us some means to deal with excessively cheap imports into the United States. It gives our negotiators some added force to get

a fair shake in trade negotiations and trade practices.

A fair shake is what the citrus industry of Florida wants and deserves. I think it is possible to get it from this trade bill.

The Senate version also stated that the President should, on his own initiative or at the request of the organizations in a particular sector, establish such industry level or agriculture level advisory committee, and these committees would work on trade negotiations. Does that feature stay in the bill?

Mr. LONG. Yes; that stayed.

Mr. CHILES. The Senate bill also provided that once an agreement is reached, they should make a report which should include an advisory opinion as to whether the agreement provided for equity and reciprocity within the sector. Did that provision stay in the bill?

Mr. LONG. That, also, was retained.

Mr. CHILES. In addition, there was a requirement that the trade negotiators inform the advisory committee when the negotiators did not accept the advice or recommendations of the committee, and the President would include in his report to Congress the reason for not accepting the advice and recommendation of the advisory committee. Is that still in the bill? I am not sure whether that provision was a subject of the conference or not.

Mr. LONG. I do not think that what the Senator is asking about was in the conference.

Mr. CHILES. I see. Then, it would be in the bill.

The Senate's version of the trade bill also required that all tariff and nontariff barriers entered into with foreign countries would be subjected to congressional review and approval. Is that a part of the bill?

Mr. LONG. All nontariff barrier agreements would have to be approved by both Houses of Congress.

Mr. CHILES. All tariff barriers?

Mr. LONG. All nontariff barriers have to be approved by both Houses of Congress.

Mr. CHILES. How about tariff barriers?

Mr. LONG. They have the authority to reduce by 60 percent if the tariff is more than 5 percent. Below that, they have authority to go to zero.

Mr. CHILES. But if it is more than 5 percent, they could reduce to 60 percent without coming back to Congress?

Mr. LONG. That does not come back to Congress. It never has, and it would not, under the act.

Mr. CHILES. The Senate version of the trade bill required that our private sector groups could participate in the negotiations to the full extent that equivalent groups from other countries could participate. Did that remain in the bill?

Mr. LONG. To the extent that that is consistent with the domestic law of the United States, that would be the case.

Mr. CHILES. As the Senator from Louisiana knows, the American shrimp industry is an important segment of our entire economy and at the same time, the No. 1 dollar-producing segment of

our fishing industry and by far one of the most important segments of the Gulf Coast economy.

As we both know, that industry in recent months has undergone some extraordinary hardships. One of the severest hardships which they have been faced with has been a heavy influx of foreign shrimp which have literally flooded our market. Statistics compiled by the National Marine Fisheries Service exhibit that in some months the amount of shrimp imported into this country from countries—such as India, Iran, Brazil, Mexico, Indonesia—have been in excess of the entire public consumption of shrimp for the same period. In other words, when the importation level of foreign shrimp is 100-107 percent of the consumer purchase of shrimp for the same period, it is obvious that the American shrimp producer is under a heavy burden when he attempts to market his product.

I have read H.R. 10710 and I note that section 201, beginning on page 49, provides for:

A petition for eligibility for import relief for the purpose of facilitating orderly adjustment to import competition.

It further provides, under Section 201 (b) (1) beginning on page 49 line 24 that:

Upon a motion by the Senate Committee on Finance, the Tariff Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

As the Senator is aware, there are many of us who have for some time felt that large quantities of foreign shrimp brought into this country spasmodically without any form of warning or regulation have created such a serious injury to our domestic shrimp industry. My question is in two parts:

First, is it the committee's purpose, intent, and belief that the language under section 201, making reference to "substantial cause of serious injury, a decline in sales, a higher and growing inventory and a decline in the proportion of the domestic market supplied by domestic producers" is intended to protect our domestic shrimp industry and aimed at combating the specific problem which they are presently facing from foreign imports.

Second, will the Senate Committee on Finance make the proper motion, immediately upon enactment of this legislation, requesting the Tariff Commission to make a prompt, in-depth investigation, and to undertake in every way possible within the statutory provision enacted to render quick, meaningful relief to our domestic shrimp industry?

Mr. LONG. The Senator's question is well taken and is absolutely on point.

Our domestic shrimp industry has been faced with serious adversities in recent months. Every item essential to their operation has gone up severely in price. Their fuel has gone up, their nets have gone up, their boats have gone up, their labor has gone up, their groceries

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have gone up, their ice has increased in price—everything they use in their everyday work has increased substantially in price. In some cases it has tripled in price since early fall of 1973. In less than 14 months, this industry has been substantially turned around, turning from one of the highest income-producing segments of the American fishing industry to an operating loss industry.

What is most troublesome about this is, that at the same time all of their costs have increased substantially, the price they are receiving for their products has dropped drastically. They are receiving substantially less today than what they were receiving in the early fall of 1973 for a pound of the same size of shrimp. While the fuel embargo which came into effect at that time caused the traveling public to cut back in eating out in restaurants, where incidentally most of the shrimp is sold in the United States, one of the biggest impacts on shrimp prices was the heavy influx of foreign produced shrimp.

I would like to cite for example that according to the National Marine Fisheries Service's statistics in June of 1973, the ratio of shrimp imports to U.S. consumption of shrimp was about one-half. Imports at that time were equal to 57.5 percent of the total shrimp consumed for the month of June. In July, imports were equal to 59.9 percent of all the shrimp consumed in the United States. In August, the shrimp imports were equivalent to 59.8 percent of all the shrimp consumed in the United States. In September, when our domestic shrimp industry first began feeling the impact of increased prices, oil embargos and all the other problems, shrimp imports were equal to 86.3 percent of all the shrimp consumed in the United States. In October, these imports had increased to 96.6 percent of all the shrimp consumed for that month. By November, foreign imports were 104.7 percent of all the shrimp consumed and by December, imports had gone as high as 106.7 percent ratio of imports to the amount consumed. Can you believe that—they were dumping more foreign shrimp into this country than the American public was consuming. In January 1974, they dropped back to 90 percent and started to decline. The reason they started to decline at that point: they had so glutted the U.S. shrimp market that shrimp sales had come to a complete stand-still. Shrimp dealers in my area lost thousands, and in some cases, millions of dollars because of these foreign countries dumping their shrimp on our market, at any price they could get for them, just to unload the shrimp they could not sell in other parts of the world.

The shrimp industry in the past has been a healthy industry but no industry, no matter how healthy, can stand up under the import practices that have taken place during various months in the past. This industry needs the type of protection which we have undertaken to provide in this bill. The Senator is exactly right in believing this language was directed at providing relief from the

type of problem I have cited for the U.S. shrimp industry.

Furthermore, not only will the Senate Committee on Finance undertake on its own motion to have the Tariff Commission properly make an investigation into these imports and provide immediate and adequate relief to the domestic shrimp industry, but also, if the Tariff Commission response to our motion does not adequately protect the industry, we will attempt to go further than we have gone in this legislation. In fact, we may come in with legislation that will put an absolute import quota on shrimp and, furthermore, put a duty on all foreign shrimp coming into this country. The money that the import duty provides could be properly used to market and promote our domestically produced good American shrimp, along the same lines that the S-K funds are presently used by our Government to market and promote the sale of all seafood in general.

Furthermore, while it is not in this bill—but it is somewhat related—we passed a bill here on the floor the other day—S. 1988—that will provide 200-mile protective limit around the United States for our close-in-shore domestic fishermen. The bill stated that it would recognize the traditional fishing rights of other countries who come into our waters and fish. If other countries fail to recognize our fishing rights where we have fished for years and years, we will pass the appropriate laws or amendments to see to it that countries that do not recognize those traditional fishing rights that the Americans have acquired over long years of effort and expenditures of money and what-have-you in the fishing business, we will just see to it that those countries do not import any seafood into this country. I am tired of seeing our American businesses—shrimp industry, fishing industry, American industry in general—taken advantage of as they have been in the past.

The Senator can rest assured that the language he has made reference to is intended for adequate protection for the shrimp industry. We are going to undertake to see that the language is fully recognized and carried out for the benefit of the industry.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mr. BENNETT. Mr. President, I yield to the Senator from Nebraska 2 minutes.

Mr. CURTIS. Mr. President, as one who spent several months as a member of the Committee on Finance on this legislation, I wish to express my gratitude to our chairman (Mr. Long) and to the distinguished ranking minority member (Mr. BENNETT), and all the other members, for their courtesy, assistance, and cooperation throughout this entire legislative process.

I shall support this trade legislation. I think it is good for our economy generally. Speaking as a representative of an agricultural State and as a member of the Committee on Agriculture, I wish to state that agriculture, in general, has much to gain from our foreign trade. Organized agriculture, for the most part,

supported this legislation, and I am happy that it did.

We need foreign markets for agriculture. As a matter of fact, the one bright spot in our whole balance of trade and balance of payments picture has been our export of agricultural products.

I shall, however, vote for the motion to table offered by the distinguished Senator from North Carolina (Mr. HELMS). I do that as a protest to a compromise that I believe tampers with our basic principles of human freedom.

I think he is aware that it is not going to carry, but I shall vote for it because I believe the Helms amendment, as introduced, should have been accepted and remain in the bill. Nevertheless, I think this trade program is a good one. In many respects, the details are very much to my liking.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

NEGOTIATING OBJECTIVES UNDER THE TRADE ACT

Mr. DOLE. Mr. President, there appears to be an inconsistency between section 103 and section 104 of the Trade Act. Section 103 sets forth the overall negotiating objective and section 104 sets forth the sector negotiating objective. I would like to clarify with the managers of this bill and establish legislative history that any actions taken under the authority provided in section 104 will be carried out in a manner consistent with the provisions of section 103.

The Senate earlier adopted my amendment to the Trade Act which would have specified that the provisions of section 104 are to be carried out in a manner consistent with section 103. It is my understanding that the conferees dropped the language of my amendment on the grounds that its intent is already inherently incorporated into the act. However, I believe it would be beneficial to clarify the relationship between sections 103 and 104 in this discussion. In view of the earlier action by the Senate and the conferees, I believe the sponsors of the Trade Act will agree with this clarification.

Section 103, overall negotiating objective, states:

The overall United States negotiating objective under sections 101 and 102 shall be to obtain more open and equitable market access and the harmonization, reduction, or elimination of devices which distort trade or commerce. To the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of industrial trade barriers and distortions.

It is logical and reasonable that negotiating objectives for individual sectors should be subordinate to the overall negotiating objective. Since section 104 sets forth sector negotiating objectives, it follows that actions taken under the authority provided in section 104 must be carried out in a manner consistent with the provisions of section 103. I believe the managers of this bill will agree with me in this matter.

It is my conviction that the clarification provided in this legislative history is

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especially important to trade negotiations on farm commodities and to the trade balance of the entire Nation. Exports of farm commodities have been one of the few bright spots in our foreign trade picture. Exports of farm commodities have made a very substantial contribution to keeping a relatively positive balance of trade which is so important for reducing the rate of inflation we are experiencing. Farm exports are vitally related to the well-being of our national economy. The clarification provided in this colloquy should facilitate negotiating in a manner to keep farm exports at a high level beneficial to the health and strength of our economy.

OFFSET OIL IMPORTS

In fiscal year 1974, agriculture exports reached a record level of over \$21 billion. That meant a surplus in agriculture trade of about \$12 billion. The cost of oil imported into this country exceeded \$20 billion in the first 10 months of 1974. That cost has been a major impetus to inflation in this country. Our national oil bill has increased by over \$12 billion this year over last, and had it not been for this increase, the \$21 billion in farm exports would have more than offset our oil imports by a healthy margin.

In fiscal year 1973, our agricultural trade had a surplus of \$9.3 billion. That surplus exactly offset the \$9.3 billion in oil imports into this country. Because farm exports offset oil imports in fiscal year 1973, we enjoyed a trade surplus of \$1.7 billion overall.

Clearly, we need to maintain a high level of agricultural exports in order to reduce the deficit in our balance of trade resulting from oil imports. Although we are making every effort to reduce oil imports, every estimate I have seen shows a continuing dependence on foreign oil for some time to come. The high level of farm exports this year has kept our trade deficit from becoming even greater. We must make every effort to keep our agricultural exports at a high level and that is the purpose for establishing the legislative history in this colloquy today.

ADVANTAGE OF FREER TRADE

The basic objectives of the Trade Act are set forth in section 2, the statement of purposes in the bill. These objectives can be attained only if the nations participating in the upcoming round of multinational trade negotiations are convinced that an international trading system based on comparative advantage offers maximum opportunities for obtaining economic benefits for the peoples of all nations. Under such a system, each country will export those industrial and agricultural commodities which it can produce efficiently and in volume and will receive from other countries those commodities which other countries have a comparative advantage in.

Adherence to this basic economic principle can result in an expansion of international trade that will be mutually advantageous to all nations.

SECTOR NEGOTIATIONS LIMITED

Expansion of agricultural exports offers our country its greatest opportunity to improve our balances of trade and

payments and to meet the increased cost of imports of petroleum and other essential raw materials now in short supply. It is essential to our national interests that agricultural not be separated from industry during the upcoming negotiations.

There are few opportunities for gaining trade concessions on our agricultural exports by granting comparable concessions on our agricultural imports. There are several reasons for this.

First, we have already reduced most restrictions on our imports of foreign agricultural commodities. Because we have already lifted these restrictions, we have few opportunities to make concessions to other nations by further reducing restrictions on foreign imports. We have in effect given away most of our bargaining chips in this area already. Because we have few concessions left to give, negotiations limited strictly to the agricultural sector will hardly offer much promise of gaining expansion of agricultural exports that we so greatly need.

Second, we have no direct subsidies or rigid quantitative controls on exports of agricultural commodities. While export subsidies might be beneficial to our farm commodity export position, all subsidies were phased out when farm exports increased last year. That means we have no trade distortions of these kinds to place on the negotiating table.

If our negotiators are restricted to a sector-by-sector negotiating basis, they will not be able to achieve market expansion for U.S. farm exports.

Commercial exports of our agricultural commodities are confronted by foreign import barriers of great multiplicity and magnitude. The Trade Act contains authority for the President to reduce these tariff and nontariff barriers. However, by negotiating on a sector-by-sector basis, our negotiators will be deprived of the bargaining leverage and negotiating flexibility needed to achieve the overall negotiating objective of section 103.

Finally, our domestic agriculture possesses tremendous competitive strength in terms of ability to supply large quantities of many of the commodities in world trade. For our country, this is a national asset, but some countries, for political or other reasons, wish to remain largely self-sufficient in food production. This further increases the difficulty of expanding our agricultural exports, if the negotiations are restricted to a sector-by-sector approach.

The bill we reported out of the Senate Finance Committee provided many substantial improvements over the language in the House-passed bill. The Senate Finance Committee report further improved the intent of this language. However, ambiguity remains. There is concern that the law could be interpreted to permit practically any manufacturing industry to be isolated for negotiations on a sector basis if the industry so desired. Such an interpretation of the law could result in negotiations on agriculture commodities being restricted to that sector alone. This would be disastrous for expansion of our agri-

cultural exports and ultimately for the economy as a whole and that interpretation, when it would conflict with the overall negotiating objective, is what this legislative history is intended to prevent.

Section 103 provides flexibility for negotiation in order to expand agricultural trade in a meaningful manner. Yet section 104, immediately following, seems to contradict the previous section by requiring that negotiations be conducted to the extent feasible on a sector-by-sector basis. The legislative history established in this colloquy should resolve any contradiction between sections 103 and 104 by clarifying that the provisions of section 104 will be carried out in a manner consistent with section 103.

I ask the Senator from Louisiana (Mr. Long) if he is in agreement that the provisions of section 104 should be carried in a manner consistent with section 103?

Mr. LONG. Mr. President, our bill aims at increasing both agricultural and industrial exports and to achieve equivalent competitive opportunities within appropriate sectors. There is flexibility in both section 103 and 104 to achieve these objectives. We do not want to sacrifice agriculture for industry, or vice versa. The conference agreement, the statement of managers, the legislative history in the committee reports—all try to strike the necessary balance to maximize our national economic interests. Certainly, this history indicates that agriculture must be a vital part of this negotiation.

There are many segments of industry which do not feel that we should trade jobs in manufacturing for the sake of agricultural exports. I am sympathetic to that point of view. On the other hand, I can fully appreciate that the Senator from Kansas and the Senator from Nebraska do not wish to see agriculture left out of these negotiations. I applaud their efforts and I believe the conference agreement will protect their interests as well as the interest of those who represent industrial States.

Mr. HUMPHREY. Mr. President, I would like to add my support to Senator DOLE's remarks relating to section 103 and 104 of the Trade Reform Act.

Certainly, if agriculture is to benefit from the coming round of trade negotiations, our negotiator will require a reasonable degree of flexibility in the structure of the negotiations and negotiating techniques. I believe that we are in general agreement that the requirement of section 104, which provides that negotiations should take place on a sectoral basis where feasible, should not be pursued to a degree which is inconsistent with section 103.

I would hope that the encouragement of a sectoral approach to the negotiations will not be pursued to the extent that we play into the hands of some of our trading partners who would like to isolate agriculture from the rest of the negotiations so as to avoid having to deal with this sector at all.

During the consideration of the Trade Reform Act on the Senate floor, I stated that the objective of sectoral negotiations will not achieve our goals of either

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liberalized trade or equivalent access to foreign markets. In other cases, this approach may be useful if it involves concessions undertaken across sectors as well as concessions within each sector.

I would also like to congratulate Senator Long and the other members of the Senate Finance Committee for their fine work to produce this major new piece of trade legislation. It is a timely response to the need to provide for new authority to enter into another round of trade negotiations, and to amend existing legislation to provide better protection for the American consumer and worker from the adverse effects of unfair trade practices and import competition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President. Mr. BENNETT. Mr. President, as far as I know there is only 1 minute of time left, and that is mine. I hope that the Senator will allow me to use it.

Mr. DOMENICI. I understand that the distinguished acting majority leader had agreed to yield 2 minutes of Senator HARTKE's time to me.

The PRESIDING OFFICER. Does the Senator from West Virginia yield time to the Senator from New Mexico?

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator wish?

Mr. DOMENICI. Two minutes, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 2 remaining minutes allotted to Mr. HARTKE be yielded to the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Will the distinguished manager of the bill discuss one matter with me briefly? As he knows, in behalf of Senator BARTLETT and Senator HUMPHREY, I introduced an amendment that would have used our international trade bill to require that non-market-economy countries provide us with agricultural statistics before they would be entitled to most-favored-nation treatment.

That amendment was accepted by the Senate. As I recall, we clearly intended to let the world know that we wanted our agricultural exports to be predicated upon solid agricultural facts with reference to crop availability, production, and the like.

The amendment was accepted here in the Senate but was left out in the actual legislation.

Am I correct in saying that the final report will clearly indicate that before most-favored-nation treatment is extended to any nation, the executive department will extract from them, to the maximum extent possible, an agreement on agricultural facts and statistics so that we in the world will know exactly how we are dealing in terms of sale of food products in the international marketplace?

Mr. President, I too want to emphasize today the importance of this trade bill. It is especially important because it would make possible U.S. participation in a major round of international trade negotiations scheduled for next year. If this bill were to fail to pass,

there almost certainly would be no significant negotiations because of the importance of the United States in world trade.

I also want to thank the distinguished Senator from Louisiana for including the language in the conference report which instructs the President to take into consideration the wording in my amendment before renewing most-favored-nation treatment to any non-market-economy country.

I will point out that the majority of the countries participating in the World Food Conference agreed that if we are to solve the many problems involved in food production and distribution, it is essential to create a world food information and early warning system to provide facts on the types and quantities of crops planted, exports and imports of agricultural commodities, changes in the weather and expected crop yields. If all nations would cooperate in this system, approaching shortages can be identified early and food-relief missions could avoid the delay which have led to thousands of deaths in previous situations of this type. I will also point out that Secretary Kissinger, in his major address at the World Food Conference, stressed the need for this type of information as an important part of any international food security program.

Mr. LONG. The Senator is correct, and that is contained in a very strong statement by the managers of both the House and the Senate.

Mr. DOMENICI. I thank the Senator. Mr. HANSEN. Mr. President, as a member of the Senate Finance Committee I want to compliment the distinguished chairman, Senator Long, for his skill and diligence in achieving the passage of the Trade Act of 1974.

Many thought that it would be impossible to accomplish this near Herculean feat. But the Senator from Louisiana displayed those abilities well-known to members of the Finance Committee in a most persuasive manner and the most improbable was accomplished. The Ways and Means Committee's and the Senate's versions were at variance in many ways. These differences were reconciled and the country is the beneficiary of Chairman Long's tact and diplomacy.

Mr. President, it is with sadness that I note the departure of Senator BENNETT from the committee. Our ranking member has earned our admiration and love.

His record is one most worthy of emulation. His industry and knowledge will be sorely missed. We wish him well.

Mr. BUCKLEY. Mr. President, as we vote on the final version of the trade bill as reported out of Congress, a bill that records this country's continuing concern for the state of freedom behind the Iron Curtain, I believe it appropriate that today's Record reflect the cruel conditions that the Jackson amendment seeks to alleviate. I therefore ask unanimous consent that there be printed at this point of the Record an open letter to scientists in the West by a distinguished Soviet biochemist, Alexandre Goldfarb, which speaks for itself.

There being no objection, the letter was ordered to be printed in the Record, as follows:

APRIL 30, 1974.

DEAR FRIENDS: I am writing you this in order to describe the situation I am presently in and to justify my request for help, because, I think, it would be difficult for a man not accustomed to the "Soviet reality" to understand all the implications of recent events in my life.

As many of you may know, at the end of 1973 I applied to the Soviet authorities for a permission to emigrate to Israel. Shortly before the application, I had to quit my job at the Kurchatov Institute because I knew I would be fired anyway, and I wanted to spare my boss, whom I deeply respect, the necessity of firing me under the pressure of the Institute's management and the accusation of a bad political education in his lab.

Yesterday a police lieutenant colonel announced to me in a toneless voice that the authorities "consider my departure undesirable because I possess information which is important for the security of our state". No explanations, no arguments.

Those of you who have visited our laboratory can easily understand the complete absurdity of considering my work on RNA polymerase of E. coli and the general research on transcription carried out in the lab to any extent related to warfare and military secrets. Not only have I never participated in any kind of classified research, or seen a classified document, but I have never met a person in my department who has. All the results of our laboratory were always published in open press and mostly abroad. I am sure that any expert when asked about the possible military significance of my work would laugh at the question.

But it is not scientific institutions or the police who have made the crucial decision. The real decision-maker is the KGB, hidden behind the official cover of OVIR, a department of the regular police which formally deals with visas. Incidentally a KGB officer in plain clothes was present at the ceremony of announcing the refusal to me, but he was silently sitting in the corner while the policeman was reading the verdict and answering my questions. And although my pocket tape recorder was putting on record everything which was said in the room, the tape misrepresents the atmosphere leaving the impression that there were only two of us talking, me and the policeman, while, in reality, the dominating figure was the man in plain clothes, well-dressed and intelligent-looking, smiling quietly at me from his corner, and it was he and me who were actually the two parties in the game, each equipped in his own way—me with the hidden tape recorder to reveal him and he with the police officer to hide himself. The old Jews sitting in the queue in the corridor who spend days in the OVIR and know everything there, had noticed the man entering the room, and when I went out, asked me whether it was me whom the KGB man has specially come to talk to—and I felt a kind of respect.

Why didn't they let me go? I doubt that there are specific reasons for keeping me here because I am of some special value to this country. Anyway they are not going to use me as a specialist anymore, for it would be impossible for me to find a job as a school-teacher to say nothing about a university or a research institute. The real reason is high politics and this refusal is not a punishment for my specific characteristics—I am simply a victim of the authorities' attitude to a certain problem at a certain time.

The problem is the growing amount of Jewish scientists wishing to go to Israel because of many difficulties they have in their work, because for membership in the academic community in this country they have to pay the price of alienation from their people, because of the fierce anti-Israeli campaign in the press, because of the choices they are often offered: either you sign a letter against Israeli policy or Sakharov or God-knows-

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what or they'll make life for you difficult, etc. Naturally the authorities want to contain the brain drain. What is less natural, an application for a visa is considered at all levels an open challenge to the regime, the very existence of which was for decades based, among other things, on closed borders. And what is most unnatural, these emotions are augmented by a mentality of a feudal lord of the last century who, all of good intentions, created relatively tolerable conditions for his serf intellectuals and who, instead of praise and admiration, is rewarded with demand for freedom. His natural response would be to have the ungrateful serf taken to the horse-yard and whipped to make others know better.

This master-to-serf attitude of the authorities toward emigrating scientists was openly described in an article in Literaturnaya Gazeta in November 1973. A well-known party ideologist Academician Mintz declared that a scientist has a special responsibility towards the state which has given him education, invested in him and the state expects him to work for the society and not go away for good. An emigrating scientist, we are told, betrays not only his society but his Motherland itself so it is not surprising that such people are surrounded by general hostility.

So, to teach others a lesson, the policy was adopted to turn down applications of certain scientists and to make their lives unenviable. The list of refusniks must cover all categories of people which, according to the authorities' estimates, are going to apply, so that everyone will have a deterring example. Among the refusniks we already have physicists, mathematicians, chemists, engineers, and I am the first molecular biologist. And instead of saying that my release contradicts "interests of the state", it would be more proper to say that keeping me here is in the interests of the state.

So the state's objective is to make my life miserable in order to show others what may happen to them if they follow my route. I have already had opportunity to notice the interest of the KGB in my person. Once I was arrested in the street and kept in a police station for an hour without explanations. Now and again I am followed by two cars with 8 plainclothesmen; my friends who are in the same position for years say that this is their way of making acquaintance with me. All my mail is opened and half of my letters abroad do not reach their destination.

From the examples of other refusniks I see that things may even get worse. I know that I will never return to research, but I may even be fired from any job and then accused of "parasitism", as it happened recently to a college professor in Sverdlovsk. Or I may face a "hooliganism" charge after being beaten up in the street by police agents—as it happened recently to a refusnik in Kiev.

So there is no way back for me and as a human being and scientist I have no alternative to going where I want to, to Israel. And I ask you to help me, for support from my friends and colleagues is the only hope for me—if not of getting my visa, then at least of being in a way protected from persecution for active efforts to obtain it.

My foreign colleagues are the only people who are in a position to say that research on modifications of E. coli RNA polymerase induced by T-even phages cannot be a military secret. None of my Soviet colleagues will dare to do so—and this is one of the reasons why I wish to leave this country. Only you can say that a scientist should not have less personal freedom than other people simply because he is considered a more valuable serf of the state. And your voice will be considered seriously by the "lord master" of the serfs because to have Western scientific cooperation is as important for the Soviets as foreign investments and credits.

I apologize for bothering you but this is the only way to do anything not only for me and a few dozen of outcast scientists but also for many of their silent colleagues who are still in their labs and who will not answer many of your worried questions you ask them while visiting the USSR on a program of scientific cooperation.

Yours sincerely,
ALEXANDER GOLDFARB.

Mr. MCINTYRE. Mr. President, I would like to commend once more the chairman of the Finance Committee and its members, as well as the members of the conference committee for their efforts on this bill.

I am pleased to note that the conference committee retained most of the amendments passed in the Senate to provide much-needed protection for the footwear industry.

I am most gratified that the pleas made here in this Chamber on behalf of the footwear industry and its workers and have been heard, and that steps have been taken to assure that the unique problems of this industry will be addressed under this new legislation. I thank my colleagues for their cooperation and understanding.

It is my sincere hope that as this bill is implemented that past experiences with foot dragging by the executive branch with regard to import relief and difficulties in obtaining adjustment assistance will not be repeated. I will continue to watch this situation with the closest attention.

Mr. ROBERT C. BYRD. Mr. President, I know that Senator JACKSON wishes he could be here today to vote for passage of this conference report. However, he had to leave yesterday for Tacoma, Wash., for an operation for the surgical removal of a kidney stone. The operation had been scheduled in advance to occur after the expected adjournment of Congress.

Mr. HATFIELD. Mr. President, I am pleased that final action now is being taken on the trade bill. I commend the chairman of the Committee on Finance, Mr. LONG, for the yeoman's work he has done in moving this bill along in these final days and hours of this Congress.

As a supporter of the concept of liberal trade policies, I am pleased the bill will be enacted into law. If we had not acted on the bill, the dynamics of getting another bill passed in the next Congress would have prevented serious trade negotiations from beginning in 1975. I recall reading somewhere that 1975 was a crucial year because there probably would be no national elections in the major countries. If that is so, I hope progress in negotiating some of the needed agreements can proceed.

I doubt that any of us like every crossed "t" and dotted "i" in the bill, but its scope is one that will be good for the country. It is, as are so many of our bills, the product of compromise, both within this Chamber and with the other body.

Mr. President, we have heard from opponents of the bill about the cost in jobs to the workers of this country. Let me take one example in my State to rebut this claim. Tektronix is the largest sin-

gle-site employer in Oregon—I repeat, the largest employer in one place of people—and supplied me with some material on the foreign trade aspect of their operations. I should note they are a company manufacturing sophisticated electronic equipment. I ask unanimous consent that a letter from Earl Wantland, president of Tektronix, describing their international efforts and the impact on jobs, appear at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

TEKTRONIX, INC.,

Beaverton, Oreg., December 6, 1974.

Senator MARK O. HATFIELD,
Russell Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: It is my understanding that the Senate will be debating the Trade Reform Act during the week of December 8. You and I have discussed the international nature of Tektronix' business on past occasions, but an update at this time may be useful. Three closely related variables are examined here: exports, balance of payments and employment.

Tektronix sales in the United States during our last fiscal year (ending May 1974) were \$156 million. Our foreign sales for the same period were \$115 million. Thus, foreign sales are an important part (42%) of our total business. \$74 million of our foreign sales were exports from the U.S. Since our imports are historically under \$2 million per year, nearly all our international business contributes to a positive U.S. trade balance.

During our last fiscal year our net contribution to the U.S. payments balance was \$68 million. This is nearly twice as much as our net increase in foreign investment during the past ten years. Our net contribution to the U.S. payments balance during the past ten years totaled \$364 million. This may not look like much compared to the huge deficits caused by high oil prices, but we are proud of our contribution.

Tektronix employs about 13,300 people worldwide; 10,800 of these are in the U.S. (9,500 in Oregon). Of our U.S. employees, we estimate that 3,000 are employed as a direct result of our international business. Since most of these are in Oregon, we are to the point where nearly one-third of our Oregon employment is attributable to our overseas business. This accounts for approximately \$29 million annually of our total Oregon payroll.

I am pleased that we are able to report favorably to you on these aspects of our business. Our continuing ability to do so depends to a large extent on open world trade. We appreciate your past efforts on behalf of free trade and ask for your continued support as the future of the Trade Reform Act is decided in the U.S. Senate.

Very truly yours,

EARL WANTLAND,
President.

Mr. HATFIELD. Mr. President, one reason it is important that this bill be passed is that it will help create a framework for broad negotiations in numerous, trade-related areas. The United States must establish credibility in this area, and passage of this bill will help greatly in this effort. Perhaps it would be more accurate to say that failure to pass it would have been a fatal blow toward meaningful negotiations.

Earlier this year, several of us who felt the need for a trade bill spoke on the floor in a colloquy about trade issues. In my remarks, I stressed the tie between the trade bill and hunger. Because this

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tie still exists, and the issue of world hunger needs all the attention we can provide, I ask unanimous consent that my earlier comments appear at this point in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

TRADE REFORM ACT

THE NEED FOR TRADE LEGISLATION AND THE GLOBAL FOOD SHORTAGE

Mr. HATFIELD. Mr. President, I am pleased to join in this colloquy this morning to discuss the need for trade legislation. Because of its ramifications, it is a topic that Congress could be tempted to just ignore, hoping the current problems would disappear. Today's problems are immense in international trade, with runaway inflation and floating exchange rates creating great uncertainty on all fronts.

Ambassador William Eberle worked for a long time to convince the Europeans to lower some tariffs to compensate the United States for the enlargement of the common market. Suppose, however, Arab oil-producing nations were to invest a huge amount of oil-moneys in New York banks, and the price of the dollar goes up. Does this not wipe out the concessions the Europeans made? It is a tough question, and there are those who say we are better off with no bill, and that we should wait to see how things "shake out" in the international arena. As appealing as this may appear, it is the wrong position. A trade bill should be considered and approved.

If all the trade bill offered was the possibility of adjusting tariff rates, then the desire by some to postpone its review would have more merit. Some day, when the monetary system settles down, a modest change in the tariff on a product will be more important than today, when changes in currency values can have a greater impact on trade than tariffs. We hope such a day is coming. The long period of fixed exchange rates that occurred following World War II would have been much more difficult to maintain if adjustments in the tariff rates had not been available to keep the international balance system better tuned. Certainly, successful trade negotiations can make a contribution to other negotiations, and would be justified on that count alone.

We should keep in mind, though, the proposed trade legislation deals with far more than changes in tariffs. An important provision concerns nontariff barriers to trade. These troublesome measures, often embodied in domestic law, can be used to curtail trade regardless of what currencies are worth.

Of the five titles in the bill, only the first deals with negotiating authority on tariff and nontariff barriers to trade. Title II is just as important in providing a workable system of helping domestic producers adversely affected by foreign competition. Without such a system, the only place where those faced with injury can come is to Congress. Years ago, we decided that special interest legislation on trade matters was not desirable. Our job is to frame a good system to administer solutions to this problem. The bill also provides means in title III for dealing with unfair competition, and in title IV for East-West trade. Title V offers an opportunity to strengthen our ties with the poor countries of the world by offering them a better break in the American market. They need this break, and we need to maintain the kind of relationship with them that will avoid ugly disputes over the price and availability of the commodities we buy from them.

The question of commodities brings up what I think is the central reason for con-

sidering the trade bill: we must negotiate solutions to the "commodity crunch," and the trade bill, while not solving the question, helps create the framework for such negotiations. Entwined with the question of commodities is the issue of food.

GLOBAL FOOD SHORTAGES

Meeting the food needs of the world is a critical issue whose magnitude has not been grasped by most people in this country. While the terms of the trade bill do not relate directly to the question of food shortages, I think the interrelationship of trade, commodities, and food is clear. Only through the kind of international agreements that the trade bill will help begin can the proper framework, the trust, and the working relationships, be established in a manner that will lead to workable solutions to the world food crisis.

In a broader sense, we must exercise moral leadership to help ease the food shortages that are growing around the world. Because I believe it is such a critical matter, I would like to add some further comments about the world food situation.

Let me be candid. There is no problem faced by this world more likely to breed instability and conflict, and increase the magnitude of mankind's suffering in the years directly ahead of us, than the shortage of food.

International politics, relationships between the "superpowers" and the poor countries, the durability of political regimes, and the political character of nations, including our own, will be shaped by the growing scarcity of the world's basic resources, and especially food, more than by any of the other factors that have monopolized our attention.

Here is the picture that we are facing. Before World War II, most all countries of the world had all the grain they needed, and frequently some to spare. Only Western Europe was dependent upon buying grain from other nations. Today, much of the world needs grain, but only North America and Australia have substantial surpluses to export.

The United States produces half of the world's corn and two-thirds of the world's soybeans. Out of 1.2 billion tons of grain produced by the world, 90 million tons is traded between countries, and the United States provides 70 million tons of that amount.

Yet, what is our situation? Two-thirds of the world's population fights for one-third of the world's total protein.

Recently we have put idle land into production, and depleted our reserves. But the world demand has increased. Our long standing surpluses are no longer present to provide a cushion against outright famine.

The shortage of energy worsens the shortage of food. With the increasing mechanization of farming, both here and abroad, it takes about 80 gallons of gas to raise an acre of corn. Far more is required to produce fertilizer, which is essential to the hoped for green revolution. Thus, while Americans waited in line a few hours for gas for their cars, Indian farmers waited in line for 5 days for gas to run their irrigation pumps or other machines for growing and harvesting their crops.

More troubling is the report of some scientists who study the climate. They have ascertained that the world's temperature has dropped by 2.7 degrees since 1945, and that this apparent cooling trend will cause desert areas to advance toward the equator, expanding the region of drought. We have already seen the effects of this in the Sahel region of Africa, where the Sahara Desert has expanded southward 30 miles each year of the current drought. For the first time in the memory, the Niger River can be crossed by

foot. And at least 250,000 people have died from starvation. Continuing changes in climate such as this would affect India, South Asia, China, and Central America.

Changes in climate can also affect our own capacity for food production. Many of us have memories of the last major drought in the United States, which created the Dust Bowl. Scientists sense that dry periods come in cycles, and may be mild—such as in the 1950's—or far more severe. But what many predict is that the next drought period is due just about now, and could last for 5 to 6 years. Even a slight reduction in harvests of grain from North America could have a devastating effect on a world trying to fight against famine.

Because of the way you and I have become accustomed to eating, it takes five times the limited resources of land, water, and fertilizer to support our diet than to support the diet of a Nigerian, or Colombian, or Indian, or Chinese.

The amount of food and protein consumed by the diets of you and me and all 210 million Americans could feed 1.5 billion Africans and Indians on a stable, though vastly different diet.

Our vast consumption of world energy resources is also related directly to the way we produce food. In a poor nation, or primitive culture, each calorie or unit of energy invested produces anywhere from 5 to 50 food calories. But in the rich nations it takes between 5 to 10 calories of energy to get just one food calorie.

Apply that to just one country such as India. If all of India's 550 million people were to be fed at our level of 3,000 calories each day, it is estimated that this would require the expenditure of more energy than India currently uses for all other purposes. On a larger scale, to feed the entire world on our diet would require 80 percent of the world's total energy.

So what does all this mean? We can no longer suppose that our extra abundance can feed the hungry of the world. Rather, the world will be fed only by the sharing of resources which the rich of the world have assumed to be their unquestioned possession, and through the changing of values and patterns of life which the affluent have barely even questioned.

Some have already warned that with the fertilizer shortage alone, Asia may be faced this year with the largest food deficit of any region in recent history. The failure of the monsoons and a resulting poor harvest would almost insure famine. But even now, without those developments, over half of India's population, more than the total population of the United States, lives below the subsistence level, eating only one meager meal a day. Thus, just the slightest deterioration from the status quo would mean starvation for hundreds of thousands, and even millions.

At least 60 percent of all those 2.5 billion people living in the poorer, developing world are malnourished. We have not even touched on how malnutrition leads to death through disease for millions of people. One can have enough food to keep himself alive, but malnourished, making him far more susceptible to disease and death. Even more tragic is the evidence that malnutrition during a mother's pregnancy and the first months of an infant's life can cause permanent damage to the mental abilities of the child.

Famine cannot be averted by simply thinking we can increase the "size of the pie," so those who have little may have a little more. What we are discovering is that the pie itself has limits. Most all arable land around the globe is in use. Increased protein production once hoped for from the sea has not materialized, and now most scientists fear the seas are being overfished, which would deplete this resource. The simple

December 20, 1974

truth, then, is that the pie must be shared more equitably.

The world produces enough food to feed all its inhabitants. But when one-third of the world's population—all those who are comparatively the rich—consume two-thirds of the world's protein resources, then millions of the other two-thirds of the world suffer, starve, and die.

Gandhi put it cogently and well: "The earth provides enough for everyman's need, but not for everyman's greed."

I am reminded of the Bible story of Joseph and the 7 years of plenty that were followed by 7 years of famine. Let us hope we have not entered into the era of the symbolic 7 years of famine. Our past policies of paying farmers not to grow crops, and allowing grain to rot in silos, has helped leave us unprepared to meet the future food needs in time of global food shortages.

Two other areas exist where the trade bill would improve our relations with the less-developed countries. The first is the generalized system of preferences included in title I of the bill. The other area is access to supply.

Mr. President, most other developed countries already have introduced generalized system of preferences—GSP—in favor of the less developed countries. The basic objective of the United States in this area is to help developing countries build self-reliant productive economies in order to become more stable members of the world community. The preference system envisioned by the bill would accomplish this in a number of ways.

It would enable the less-developed countries LDC's—to expand their foreign earnings and, with them, acquire more capital and consumer goods from other countries. It would enable them to share in the economic growth that the industrial countries have experienced over the past decade.

Enactment of the GSP would help narrow the widening gap between the Northern "have nations" and the "have-not nations" of the Southern Hemisphere. Lastly, it will help decrease the defensive needs these countries now feel for high duties, strict exchange controls, and, in some cases, producer cartels.

The bill's GSP scheme would decrease the discriminatory effect of the preferential trading arrangements which have proliferated in recent years. Countries having such agreements which discriminated against U.S. exports would not be eligible to benefit from this program. On the other hand, the benefits of the program would be extended to the Latin American countries which now do not discriminate against U.S. exports in favor of those from other industrial countries. The key here is that we are trying to develop a trading system in which the industrial countries extend preferences to all or most developing countries and not just to those who are willing to grant discriminatory preferences in return. It is a step toward a more open trading system between the industrial and the developing countries.

The cost of this program would not be great. It is designed to benefit developing country exports of manufactured goods. While this is very important to the LDC's, it is estimated that imports to the United States due to this system would amount to only about 1 percent of our total imports of manufactured goods. Even then, there is an escape clause available to cover unforeseen circumstances.

The other area where the trade bill touches directly our relations with the LDC's is in the area of access to supply. In past trade negotiations, our emphasis has been on gaining access to markets for American goods. Since the oil embargo, we have become much more aware of access to raw material supplies. As we look at oil first, we then see a host of other commodities, especially minerals and certain tropical food products. The "commodity crunch" has created a new era for trade negotiations.

The United States is in the rather unique position of being both a raw material importer and a raw material exporter. As such, we can understand the position of the importers, most of which are industrialized countries, as well as the position of the raw material exporters, most of which are the LDC's.

The multilateral trade negotiations are coming at an opportune time. The raw material exporters have just realized their strength, and are beginning to flex their new muscles. Many at least are considering producer cartels for some of their raw material exports. Such cartels are not in our interest or, in the long run, in the best interests of the LDC's. The multilateral trade negotiations will offer the LDC's a forum where they can bargain on the basis of their advantages with the industrial countries, who will bargain on the basis of theirs. In the long run, both will benefit. Both groups of countries can bargain for the removal of each others trade barriers and for access to the supplies which are vital to them. The key here is that this bargaining is done in the context of an orderly negotiation, and not in the context of threats, ultimatums, or embargos.

I think it can be seen therefore, that one of the principal benefits from approval of the trade bill will be to bring the less developed countries into the world trading system as full participating and responsible members.

Lastly, I would be remiss in discussing the bill if I did not mention that the citizens of Oregon have a great stake in foreign trade. They recognize the need for meaningful trade legislation. We have many trade contacts from our State, principally with the Pacific rim countries. Japan's ties with Oregon are numerous in the trade area. Oregon businessmen who are knowledgeable in trade matters tell me and my staff that foreign businessmen and government officials all want to know when the United States will enact the trade bill. We in Oregon want to implement further international ties, in trade and in related areas. Until the trade bill passes, and the United States evidences leadership in the trade area, expansion of Oregon trade is more difficult. In the past, I have spoken in detail about Oregon's trade ties, and trade's impact in our State, and I will not do so again today. I will note, however, that this is not just a cerebral or intellectual issue. It is a "people issue," and it concerns jobs, and a host of other factors in Oregon.

In closing, let me repeat that the picture painted by the food statistics is grim. We must ease the shortage. Acting on a trade bill will create a framework that should help generate increased international attention to global food needs. A trade framework, with meaningful negotiations, mutual understanding, trust, and a willingness to try and meet the common goal, should stimulate accelerated international efforts to ease the world food shortages.

Mr. President, I ask unanimous consent that some recent newspaper articles on the world food situation, including one from yesterday's Washington Post, appear at this point in the Record.

There being no objection, the newspaper articles were ordered to be printed in the Record, as follows:

[From the Washington Post, July 15, 1974]
POOR NATIONS FACE STARVATION AS RICH ONES
DELAY AID
(By Dan Morgan)

In India, the rains that fell on this spring's wheat crop were lighter than hoped, and in places there was drought.

But heavier rains would not have mattered; they fell on a crop already doomed not to fulfill its early promise because of unparalleled changes in the world's economy.

India's oil-import bill is up a billion dollars this year, and fuel shortages idled irrigation pumps in some parts of the country.

Worse than that, India suddenly found itself priced out of the world fertilizer market, so a million tons less than planned was applied to the land.

While the rich countries of the world bought up the high-priced fertilizer, or cancelled export contracts, India revised its early crop estimates downward. Instead of 30 million tons of wheat, India harvested only 24 million.

Then, when the country went into the international grain markets to make up some of the difference, it paid twice as much for a bushel of wheat as it had a year earlier.

The significance of this food, fuel and fertilizer price squeeze on India—as the world's other poor nations—is basic. More may die of hunger this year. Around the world, the United Nations says, 20 million people may starve to death in 1974.

India's food reserves are down to almost nothing. If the summer rice crop is poor, it may have to import still more to head off even worse malnutrition in the world's second most populous country.

But India does not have the money to buy much food on the commercial market. Its money reserves, now about \$1 billion, are enough to last only three months.

The rising costs of basic commodities means that there will be much less left to buy the technology and techniques that are essential to economic growth.

This is also serious, because experts say the only sure way to control the population spread which brings on hunger is to build such growth. Some pessimists predict that India's economy will not grow at all between 1974 and 1980.

Thus, the price hikes threaten to undermine the gains of the "Green Revolution."

That revolution was promoted by rich countries. Those same countries are now embroiled in political maneuvering to see which if any, will take the first step to help.

Almost every expert agrees that massive loans on easy terms are needed. But the newly rich oil countries are wary that they might lose control of their funds if they join in any Western rescue effort; the United States is worried about the domestic impact of increased food aid, and the Europeans have their own problems with severe inflation.

While the oil-producing nations are raking in some \$60 billion more in revenues this year, and the United States and other grain producers are profiting from the higher world prices for food, low-income countries have moved a step closer to economic ruin.

According to updated studies by the U.S. government and the World Bank, more expensive fuel, food and fertilizer will cause a net drain of at least \$1 billion this year from the poor nations' foreign exchange reserves.

And officials in Washington concede that the United States, the European Common Market and the newly wealthy oil-producing countries are still months away from adopting a plan for a concerted rescue operation.

The rich countries, said one official, are engaged in a "fast-moving shell game," each waiting to see who will chip in first, and how much.

The Nixon administration, under increasing international pressure to take the lead, had not decided whether to expand its food aid sharply as its contribution to the relief effort.

Last Thursday Secretary of State Henry A. Kissinger's top adviser on the world food problem told senators he could not yet give an assurance the United States will undertake such a "major food initiative."

Such an initiative is essential leverage in getting the Europeans and the oil producers to follow suit, according to diplomats who

see a close link between the politics of oil and the politics of food.

Kissinger told the United Nations in April, "A global economy under stress cannot allow the poorest nations to be overwhelmed."

But fears of higher domestic food prices, and pressure to hold down this year's budget deficit have produced political caution. "We don't want another grain deal," said one official.

On June 28, the nine-nation Common Market cabled U.N. Secretary General Kurt Waldheim that it was prepared to give aid—provided "other industrialized countries," and the oil exporters, gave five-sixths of the total assistance, and the European share didn't exceed \$500 million.

The European offer was "written like an insurance contract," said one U.S. official.

Other officials say the main thrust of the American effort on behalf of the hardest-hit countries should be to get the oil producers to lower prices. By removing its old restrictions on grain production in hopes of pushing food prices down, they say the United States has set an example which the oil exporters should now follow, with or without expanded American food aid.

American officials also want the oil exporters to come through with massive loans at easy terms for the stricken countries. So far, no oil producer has made a concrete commitment.

The once highly touted conference of oil producing and consuming countries, which was to have dealt in part with the problem, has been shoved far into the future, perhaps never to take place because neither the United States nor the exporting countries are anxious for a "confrontation."

Instead, attention is now focused on the Sept. 30 annual meeting of the finance ministers of the World Bank and the International Monetary Fund. The joint directorate, which includes oil countries, is expected to formally establish a "Joint Committee on the Transfer of Real Resources" to work on the problem.

The committee will deal with what World Bank officials call the "biggest and fastest shift of wealth in the history of the world."

The shift has struck at the world's poor countries in many ways.

The benefits of foreign development assistance have been eroded by the global inflation. Political support for increased foreign aid has sunk to a low point in Western countries hit by inflation.

To deal with their severe internal problems, industrial countries such as Italy are cutting back on their imports from the less developed countries.

According to still unpublished findings circulating in Washington, the possibility of some affected countries' offsetting the damage by forming cartels to market their minerals is limited.

That finding is challenged by some economists who predict mineral cartels like the oil producers' powerful price-setting organization will soon be a reality.

But according to World Bank experts, the benefits still will be small compared with the world oil bill.

In many cases, substitutes are available for the minerals, or other sources can be tapped.

Chile and Zaire can now take advantage of higher copper prices; Brazil can cash in on higher coffee, and iron ore revenues and Bolivia can get more for its tin.

World Bank experts contend that "even if they get together politically, the prices of those minerals will be eroded much faster than oil."

The shift of wealth has caused an erratic reordering of the world's money flow which is still not fully understood.

Not all poor countries have been seriously affected. Some, such as Afghanistan, have been only marginally set back because their

predominantly rural economies don't yet depend heavily on energy from oil. Some rich countries, such as Britain and Italy, have been hurt badly.

Some modestly well-off nations, such as Costa Rica have been jolted unexpectedly, because of their heavy dependence on imported oil, while others whose economies were not far ahead, such as Venezuela, will triple their revenues from oil exports alone in 1974.

Officials in Washington say most rich countries can blunt the blow by exporting more technology and commodities, digging into reserves, or turning to commercial banking sources and international money markets.

Medium-income countries such as South Korea, Brazil and the Philippines—with per capita annual income of between \$300 and \$700—can weather the storm by scaling down their high rates of growth, tightening their belts, taking loans at commercial rates and seeking to increase exports.

However, those alternatives are not open to a number of other countries, now facing economic stagnation or even ruin, officials say. The most affected countries include South Vietnam, Cambodia, India, Bangladesh, eight central African countries including Kenya, and some in Latin America, including Chile, Uruguay, Honduras and possibly Costa Rica.

The price impact is less disastrous than feared in January, government studies have concluded. But the impact will get steadily worse as the decade progresses, the same detailed studies show.

James P. Grant, president of the private Overseas Development Council, told a Senate panel Thursday that "barring major international action, the combination of quadrupling food and energy prices and the cut-back on fertilizer exports dooms millions in these countries to premature death from increased malnutrition and even outright starvation."

He said the 40 poorest countries will have to pay some \$3 billion more for essential imports than was foreseen a year ago.

"The lives of millions are threatened by the inability of the developing countries to purchase essential quantities of fertilizers—even as Americans are continuing to use scarce fertilizer for such clearly nonpriority purpose as lawns, golf courses and cemeteries in ever increasing amounts," Grant said.

A preliminary World Bank study issued in March shows low income countries will need additional capital of \$2.5 billion to \$3 billion a year between 1976 and 1980 "at highly concessional terms" to offset the higher costs of essentials.

The bank estimated that these same countries will experience an additional net drain of \$1.4 billion this year and \$1.9 billion next year—only a small part of which could be financed from reserves or loans.

Experts say countries with dwindling reserves are least able to take advantage of the various pools of capital which have been set up to cope with the wealth transfer.

The International Monetary Fund has established a special "oil" fund with a value of about \$3.6 billion supported by a number of oil-producing countries. However, officials say the interest rates and payment terms would be beyond the means of many poor countries.

Last week, William J. Casey, chairman of the Export-Import Bank, said the deteriorating credit position of the underdeveloped countries could be a "factor that will reduce our loans" to them.

South Asian countries such as India and Bangladesh, with bleak possibilities of increasing their immediate export revenues, may be the hardest hit of all.

Several weeks ago, the Department of Agriculture's food intelligence service picked up reports that representatives of Bangladesh were shopping for 300,000 tons of wheat on the international grain market.

As of today, the sale has not taken place. "They don't have any money," explained an American diplomat.

Indian monetary reserves are down to about \$1 billion—an estimated three months' supply.

India has not yet officially sought a resumption of U.S. food sales on easy terms, which ended in 1971. As a result of India's explosion of a nuclear device May 18, congressional enthusiasm for increased aid to India is lukewarm.

Congress is considering an amendment to block Americans approval of "soft" loans through the International Development Association to countries which explode nuclear devices outside the controls of the nuclear non-proliferation treaty.

At a recent meeting of the World Bank's Aid to India Consortium, \$1.4 billion in help was approved. The United States is offering \$200 million through IDA, \$75 million in bilateral foreign aid, \$45 million in food giveaways and \$20 million in debt refinancing.

[From the New York Times]
1974 WORLD FOOD PROSPECT SHAKY DESPITE U.S. HOPES

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., June 20.—The new report to Senate committee that the needy in the United States are angrier and poorer than they were four years ago has raised doubts that a bountiful American harvest may forestall the threatened world food shortage.

In effect the report by a group of experts to the Senate Select Committee on Nutrition and Human Needs, published yesterday, makes it clear that neither increased spending nor raising agricultural output is sufficient answer, domestically or internationally, to an increasingly critical food problem.

Agriculture Department policy-makers had estimated a harvest of 2.1 billion bushels of wheat, which they insisted should be ample for domestic needs, put at 750 million bushels, and for a billion-bushel provision for profitable sales abroad—leaving a carryover of 350 million bushels for emergency foreign assistance.

However, economic analysts outside government and some members of Congress object that such calculations are perilously dependent not only on American harvests as good as forecast but on the absence of major crop failures in other grain-producing regions. World food stocks have fallen to their lowest levels in 20 years, it is emphasized.

And with population growing at 2 per cent a year and with rising pressure for richer diets, demand is increasingly outrunning productive capacity.

The immediate outlook abroad is not reassuring. Poorer countries such as India have had to cut back on fertilizer imports because of quadrupled prices and scarcities. The same is true for diesel fuel for tractors and for irrigation pumps. Capricious weather has damaged Soviet winter wheat, hit Ukrainian fields with dust storms and slowed spring sowing in Canada.

"The world situation in 1974 remains more difficult and uncertain than at any time since the years following the devastation of the Second World War," the Food and Agriculture Organization concludes in a report for the World Food Conference to be held in Rome in November.

The difficulties and uncertainties cited by the United Nations specialized agency are reflected in a survey by The New York Times, which also suggests that sketchy and frequently contradictory information is being provided by many governments because of pride or politics or simply inadequate data.

INDIA SEEKS WHEAT
According to New Delhi officials, India will be able to meet food requirements without

much difficulty; they assert that there is no dearth of fertilizer and no danger of famine. At the same time an Indian supply mission has been sent to Washington to buy as much wheat as possible to offset deficits expected to reach 10 million tons.

The food agency warns that the drought-ravaged countries extending in a wide belt across Africa south of the Sahara are experiencing acute shortages and that drought is spreading east and south and can be expected to reduce harvests in Dahomey, Egypt, Guinea, Kenya, Nigeria, Somalia, Tanzania and Zaire. However, some qualified authorities returning from the area south of the Sahara say original estimates that 10 million people were threatened by famine were grossly inflated.

"Photographs of bleaching animal carcasses in the desert, which are offered around as current evidence, are no longer valid and the situation has improved radically," according to Dr. Pascal J. Imperato, First Deputy Commissioner of the New York City Health Department, who recently revisited the area, where he had spent five years.

He and others acknowledge that foreign assistance will be needed for years. A new United States report said it would take decades after the emergency relief phase to carry out rehabilitation and irrigation projects to halt the desert's advance.

SUPPRESSION CHARGED

Some relief experts here note that the full dimensions of the famine last year in Ethiopia were suppressed by the Cabinet in Addis Ababa—since ousted—and maintain that United States officials were lax in reporting the disaster because they were unwilling to antagonize the Ethiopian Government.

Concern for the Indian subcontinent and the sub-Saharan area in Africa prompted recent warnings by the director of the United Nations Children's Fund, Henry R. Labouisse, that 400 million to 500 million children were threatened by severe malnutrition. For the first time in many years there are reports of severe malnutrition in Central America.

Theoretically, according to the experts, global grain production of 1.2 billion tons should be enough to meet minimum needs if supplies were spread evenly, which, of course they are not. To attain bare minimums for the 30 to 40 poorest countries would require radical cuts in consumption in affluent countries, which consume a ton of grain per capita a year, mainly as feed grain to build costly protein in meat, milk and eggs. The prospect of such redistribution is slim.

The first signal that the world was once again veering toward a food crisis came in 1972, when disastrous weather cut production in the Soviet Union, China, India, Australia, Southeast Asia and the sub-Saharan region.

The Soviet Union, which in previous shortages had tightened its belt, chose to go to the world market, largely for feed grains for expanded livestock production. It was principally its purchase of 20 million tons from the United States that pulled down American reserves and pushed prices up.

SOVIET SETBACK REPORTED

Any assessment of this year's food outlook is complicated by the Soviet practice of withholding forecasts and China's refusal to disclose output. Recent reports have said winter wheat was hard hit by bad weather in the Soviet Union and spring planting delayed. So far there has been no indication, according to American agricultural experts, that Moscow will again be buying on the world market.

Although 1973 was a good year and the United States put idle cropland back under the plow, reserves have not been rebuilt. The experts, maintaining that the shortages are not the result of temporary conditions such as the poor 1972 weather, point to long-term trends that are not yet fully understood.

They suggest that the world food economy, after decades of abundance—albeit maldistributed, so that many were hungry while some had surpluses—is moving into an era of chronically tight supplies.

Scarcities are developing because the global system is overloaded, according to the Overseas Development Council, a private group. As growing populations and improved diets raise demand, it notes, prices soar and competition for scarce energy and fertilizer intensifies.

The United States has had an agreement with the fertilizer industry since October barring new export sales, which is having damaging effects, particularly on developing countries.

While Agriculture Department spokesmen tend to belittle gloomy forecasts on world output, the F.A.O. report supports the gloom to the extent of estimating that by 1985 the poorer countries will face grain shortages they will be unable to meet with imports. Assuming that increases in population and demand will continue, the agency estimates that by then the majority of developing countries will be left with a big cereals gap.

Senator Hubert H. Humphrey recently proposed a food action program that has bipartisan support. Formulated after consultation with Secretary of State Kissinger, it could be a basis for American policy at the Rome conference.

BIG RISE IN AID URGED

The program, elements of which will stir domestic opposition, urges substantial increase in assistance to needy countries, which has been scaled down as American surpluses disappeared, calls for helping the poorer countries increase production and provides for participation in a global system of food reserves.

Many proposals are being offered to ease the food shortage, ranging from the advice of the economist Barbara Ward that the more affluent forgo a hamburger a week, to the urgings of Dr. Jean Mayer, the nutritionist that a worldwide campaign restore breastfeeding. Another proposal is that the family pet be fed with scraps from the table instead of commercial food, a \$1.5-billion item in the American budget. Senator Humphrey is appealing to Americans to change their rich diet and affluent life-style to save grain and asking that the three million tons of fertilizer spread on lawns and golf courses be sent abroad.

Some of the suggestions evoke from specialists the reaction that they would be merely symbolic. Among farm interests there is fear that the principal effect of big crops and reduced domestic consumption would be a sag in prices. "It's tough to make the bread and gravy come out even," a farm spokesman remarked.

[From the New York Times]

EXPERT FINDS APATHY IN FERTILIZER CRISIS
UNITED NATIONS, N.Y., June 20.—Dr. Norman E. Borlaug, the noted developer of high-yield grains, said here last week that during a recent tour of Asia and Africa he found few governments concerned about the need to accelerate fertilizer production.

During an interview after his four-and-a-half-month tour, he explored this apathy, saying that action could mean staying off famine for millions.

He said that the Chinese were an exception, building more fertilizer plants than any other country. The Chinese he said, have put leading Japanese and American concerns under contract to help.

\$7 BILLION NEEDED

Dr. Borlaug, often called the father of the green revolution, a rice development, which brought him the Nobel Peace Prize in 1970, estimated that it would take an annual investment of \$7-billion to \$8-billion to meet

increased demands for fertilizers. The estimate covers the costs of additional nitrogen-producing factories, the operation of potash and phosphate mines and the costs of distribution.

A major problem, the agronomist said, is that there is a shortage of chemical engineers trained for this kind of technology.

"Governments willing to spend \$220-billion yearly for destructive armaments should be willing to invest in securing more food for their people," he declared.

Dr. Borlaug said the green revolution was never expected to solve the food problems for an expanding population but to "buy time" while governments acted to stabilize what he called this "monstrous population growth."

Instead, he complained, governments have frittered away the time. He said he looked on the possibility of increasing fertilizer production as a chance to "buy more time."

The vastness of food needs in terms of population increases is not something people grasp easily, he said. He likened global grain needs to a highway of grain stretching around the world at the Equator, 55 feet wide and 6 feet deep. Each year, the population grows by 76 million and that means annually adding a 625-mile link for a second highway.

A FIGHT ALL THE WAY

He said he believed that with technology progress could be made in feeding the world and averting famine but "it's a fight every step of the way."

Dr. Borlaug noted that the world was lulled into a false complacency about its food stocks because it had abundant supplies at its disposal for decades before 1972, and the United States, Canada, Australia, France and Argentina were warehouses, brokers and bankers. A sudden need such as that in 1967 caused by India's drought, could be handled by such reserves.

He said that in 1971 the United States, under domestic pressure to reduce the cost of carrying big surpluses, had cut back on acreage.

Mr. HATFIELD. Mr. President, before ending these remarks, I want to note publicly the fine work done in marshalling support for the bill by William Eberle and his able staff. While there is credit to be passed around on this matter, I know that Bill Eberle has lived and breathed this bill for these past months.

DIRECT INVESTMENT

One aspect of trade concerns the issue of direct investment in the United States. Recently, a speech on this topic was given by Mr. William Givens, president of Twain Associates. Mr. Givens has had an active career in international business matters, and was a key participant in the recent study by the Boston Consulting Group on the Prospect for Japanese Direct Investment in the United States. It is this subject area that was the topic of Mr. Givens' speech in New York before the Japan Society. He addressed his comments to the subject of "A Perspective on Japanese Investment in the United States: Through a (Recession) Glass, Darkly." Mr. Givens raises some important points in his speech, and one need not agree with every point to recognize the importance of thinking about this issue. Since during debate on the trade bill is a proper time to reflect on the issue of direct investment, I ask unanimous consent that Mr. Givens' speech appear at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A PERSPECTIVE ON JAPANESE INVESTMENT IN THE UNITED STATES: THROUGH A (RECESSION) GLASS, DARKLY

(Remarks by William L. Givens)

My purpose today is to look briefly with you at the phenomenon of Japanese direct investment in the United States, not only as it appears under current conditions, but also as it might appear after the recession. Perhaps I am being premature in trying to see beyond the recession, when our Administration in Washington has so recently discovered that we have one. However, I happen to be a firm believer in the longer view, and I feel such a perspective will be particularly valuable in the development of Japanese investment here.

I want to make three principal points in these remarks:

That Japanese direct investment is potentially a major factor in the U.S.-Japan relationship;

That the prospect for such investment has not been destroyed by the developments of the past year;

That, despite their great potential, the long-range success and viability of these investments, taken as a group, is still in some doubt.

Let us first set a broad context. The United States and Japan are the two largest capitalist economies in the world. The relationship between them, however hard we may have tried to make it a military alliance, is essentially and irrevocably an economic one, and is symbiotic in some very important respects. One does not have to agree entirely with Herman Kahn to expect that Japan's relative position, even at reduced rates of growth, is still more likely to be enhanced than to diminish with the further passage of time. It seems entirely possible that, as we approach the end of this century, the United States and Japan will be in a class to themselves in economic scale, sophistication, and influence. For better or worse, further expansion of the already massive economic intercourse between them is inevitable.

Clearly, a collaborative relationship between these two economic giants can generate enormous benefits to the peoples of both countries. Conversely, an antagonistic or adversarial relationship will be extremely costly to both sides. The true body of this relationship will be at the private, not the Governmental, level, and will be the composite of its individual corporate relationships. Its strengths and weaknesses will be their strengths and weaknesses: its quality will be their quality, no better and no worse.

I would also contend that Japan's foreign investment, in the United States and elsewhere, represents far more than simply an *ad hoc* expedient to work off a temporary foreign exchange surplus. It is, rather, the next logical step in the long-range development of a dynamic economy which has grown too large for the narrow confines of the Japanese islands. Through the 1960's, the Japanese homeland functioned essentially as a huge factory, importing raw materials and exporting a broadening array of increasingly sophisticated manufactured goods. Japan's external economic activity was confined largely to that import-export trade and the purchase of foreign technology; its main preoccupation was internal—in raising living standards and improving the productivity of the "factory".

The remarkable success of this approach needs no elaboration. However, by the early 1970's, industrial pollution, energy and material shortages, labor developments, and chronic protectionism and frictions in Japan's major overseas markets had introduced some rather insistent limitations on the continued successful growth of "Japan-

as-a-factory". For both individual corporations, and the economy as a whole, it has become apparent that an increasing proportion of Japanese business and industrial activity must be based outside of Japan if the full potential of Japanese economic development is to be achieved. What I think we may be seeing, then, with the recent rise of Japanese investment overseas, is the beginning of a new phase in which Japan itself will function less exclusively as a factory and increasingly as the headquarters of a more broadly-based international business and industrial system. The principal vehicle for this shift, of course, will be direct investment abroad.

This strikes me as a critically important transition for Japan, since the alternatives to it are either seriously curtailed growth on the one hand, or the continued exacerbation of the "Japan-as-a-factory" syndrome of energy, pollution, and protectionist problems on the other. To the extent that it is accomplished skillfully—that is, that Japanese corporations manage to shift a portion of their activities successfully into other economies—they can alleviate many of their chronic difficulties while continuing to grow and prosper. In the United States, Japanese direct investment can accomplish a number of useful purposes:

It can transfer a portion of Japan's production into one of its principal export markets, relieving protectionist pressures in the U.S., and energy, pollution, and labor constraints in Japan.

It can give Japanese interests an influential role in the development and processing of those American natural resources which are major imports for Japan.

It can provide Japanese industry with earlier access to U.S. technology, as well as an opportunity to contribute to and influence the development of this technology, and to participate more fully in its commercial application.

It can open a wide variety of profitable outlets for the diversification of Japanese industry, and for the expansion and development of Japanese entrepreneurial resources in both industrial and service activities.

At the same time, these investments can benefit the United States very substantially, contributing jobs, taxes, technology, productivity, entrepreneurial skills, and competitive impetus to our economy. Joint activities between Japanese and American companies can produce valuable combinations of resources, technologies, and managerial talent.

What has the recession done to the prospect for these investments? To the long-term outlook, very little, I should think. Certainly the developments of the past year have not removed any of the underlying pressures which have motivated Japanese business and industry to move abroad, and, in some instances, have intensified them. As to the short range, we simply don't have enough current, hard data to judge with much precision, at least with respect to the gross volume of these investments, although considerable activity is still apparent.

Some points, however, do seem obvious. The recession will not, for example, affect all prospective investors alike. Generally speaking it will tend to intensify and accelerate the natural competitive trends and forces, and will be much harder on the weaker competitors than on the stronger. It will reduce the number of competitors, both American and Japanese, who can or will move aggressively to enlarge or diversify their activities, and will thus create unusual opportunities for the expansion and consolidation of positions by those who can.

Marginal Japanese competitors during this period of stress will, of course, be preoccupied with survival, and will not be a factor in the U.S. investment scene. Others will have the resources to invest here, but will lack the

interest or the initiative. Others, however, will have both the means and the will, and these should emerge from the recession in a most favorable position. For these stronger competitors, then, the recession can be a period of opportunity and expansion and the long-term pattern of Japanese investment here will depend to a considerable extent on how aggressively and how wisely they act.

How successful will Japanese corporations be in integrating their investments into the United States economy? In approaching this question, it is important that we acknowledge realistically that there is a political dimension to any foreign investment activity, anywhere, which sets it apart from otherwise similar domestic activities, and that that political dimension is particularly strong with respect to Japanese investments in the United States. American attitudes toward Japanese business activity are a complex mixture of positive and negative factors, with the mix and balance constantly subject to change. Some persistent negative factors—residual wartime animosities, racial and nationalistic biases, and chronic trade frictions—have begun to be offset in recent years by a growing recognition of and respect for Japan's economic accomplishments and their potential value to the United States.

My own view, based on rather extensive research and observation, is that the climate for Japanese investment in the United States has reached a point where such investments will be received more or less pragmatically, on the basis of their perceived value to the communities where they locate and to the American economy as a whole. But beneath this surface pragmatism there still remains an undercurrent of negative bias, a predisposition to see Japanese business as nationalistic, overly aggressive, and insensitive to American interests.

This underlying bias will tend to aggravate and magnify the routine frictions inherent in operating any business and will render Japanese investments considerably more vulnerable to adverse popular, competitive, and even legislative reaction than U.S.-owned enterprises would be in similar circumstances. There have already been enough instances of such reaction to suggest to the prospective Japanese investor that successful business planning will not suffice; political risk, also, must be accounted for and steps must be taken to minimize it.

This means that the most careful attention must be given to the longer-range political viability, not only of individual investment activities, but, in the case of the larger investor, of the firm's overall posture in the United States. Certain kinds of investments involve a high degree of political risk. In particular, the following kinds of investments will tend to be inherently friction-prone and unstable:

Those activities which exploit, or appear to exploit, American natural resources, markets, or technology without contributing some adequate (in the popular perception) compensating benefit to the U.S. economy or sharing in the risk and expense of development;

Those which involve a large and obtrusive Japanese presence in either a community or a U.S. industry;

Those which tend to be economically disruptive in some way, artificially inflating real estate prices, for example, or aggravating local commodity or labor shortages;

Those which involve outright, large-scale purchases of U.S. lands, conveying the impression that foreign interests are "buying America".

I would emphasize strongly here that I am not suggesting that investments with these characteristics should be categorically avoided. Some element of risk or friction will be involved in even the strongest investment; the only way to avoid risk altogether is not to invest at all. What I am suggesting

is that the Japanese investor should be particularly cautious in these sensitive areas, and that too high a degree of political risk is unwise and unnecessary.

It is possible, in my view, for a Japanese firm to develop an investment, or pattern of investments, in the United States which is competitively strong and financially profitable, yet is basically unstable and unsound owing to excessive involvement in activities of high political risk. Similarly, I believe it is possible for the overall pattern of Japanese investment in the United States to evolve, through inadequate planning at the corporate level, into a condition of generalized instability, and ultimately to become a political liability.

Conversely, I believe that both individual Japanese investments and the overall body of Japanese investment, as well, can be established in a very solid position in the United States, even to the extent of becoming an acknowledged asset, provided only that the selection and planning of these investments is done with care and a reasonable degree of sophistication. The political risks which I have referred to are usually predictable in advance. In many cases, they can be minimized or eliminated altogether by careful planning—by altering the location or form of the investment, by skillful public information activities, or by a judicious choice of U.S. associates. In others, they can be offset by positive economic benefits which the investments bring to the communities where they locate.

Overt negative reaction to Japanese investments in the U.S. has thus far been limited, and that is a good sign. It means, if nothing else, that most Japanese-managed activities have so far integrated well at the local and personal levels. However, the adverse reaction which we have seen has occurred largely in those areas where Japanese investments have developed in greater concentrations, and that may be a bad sign, for it suggests similar problems may occur elsewhere, as well as the volume of activity continues to increase.

It is too soon to predict how the overall pattern of these investments may develop; it is still small, inchoate, and growing quite rapidly. As noted earlier, it is the product of many individual transactions, and thus is constantly changing as new investments are made. However, the rate of change will slow with growth, and the quality, character, and viability of the pattern will simultaneously become increasingly important and more difficult to influence as it grows in size, visibility, and impact.

With this in mind, some observations may be in order on what I feel may prove to be vulnerabilities in the Japanese investment pattern as it has developed in the U.S. thus far. First, with the notable exception of the large Japanese manufacturers shifting production capacity into the United States, much of the activity appears to be random, with individual investments having been made more or less as opportunities have presented themselves. Few Japanese companies appear to have developed a central plan or focus for their investment activities here, or to have considered seriously how their various investments may grow and combine to shape their strategic postures in the United States, over time. One large and successful Japanese industrial firm of which I am aware has made three investments in the United States: a hotel, a cattle-feeding operation, and a Japanese restaurant. Individually, all of them are currently profitable, and all appeared to be "bargains" at the time the investments were made. However, taken together, they have placed the investor into a series of widely dispersed, small businesses in which it has no particular background or expertise, and is unlikely to attain a leading U.S. position in the future. Thus, a large Japanese manufacturer has assumed the posture in the

United States of a small-scale venture capitalist.

Second, many Japanese investors, particularly those who are diversifying into the United States, seem to be attracted to business activities in which entry barriers are low—that is, where capital, personnel and technological requirements are modest—apparently in the belief that these conditions make for easy competition. Similarly, they tend to enter businesses and locate in areas where Japanese investments already exist, in the belief that these activities have been proven "safe." Restaurants, hotels, and real estate development, particularly in New York, Hawaii, and California are popular investment targets in this category. They represent obvious and "easy" channels for the inexperienced Japanese investor to enter the U.S. economy. In practice, of course, the "easy" businesses and "safe" locations are the most likely to be overcrowded, leading to intense competition, greater local frictions, and higher risks. Investments planned with originality and initiative in business activities where entry barriers are somewhat higher will offer much greater potential at far lower risk in the longer range.

Finally, sensitivity to the political dimension I referred to earlier has been spotty, at best. Corporate investment decisions, large and small, are made on the basis of purely business criteria, without regard to any but the most obvious and immediate political risks. Long-term and cumulative risks—potentially the most ominous—appear to be virtually ignored. To the extent that political or public relations implications are considered, the thrust is essentially defensive—that is, toward avoiding frictions—rather than positive, toward building a solid position in the United States.

These impressions raise some uneasy thoughts in my mind. One is a sense of uncertainty as to the real strength and stability of the current pattern of Japanese investments here, and its suitability as a foundation for future growth. I suspect, without knowing, that it is politically vulnerable, at least in the sense that it has developed no significant reservoir of positive support which would tend to offset opposing interests in a confrontation.

To borrow a Japanese term, it seems to me that if Japanese investment is to realize its true potential here, it must build a *jiban* in the United States, a constituency of U.S. interests at the local, industry, and national levels which will identify with and support these activities out of a pragmatic regard for their contributions to American interests. Without this *jiban*, Japanese investment in the U.S. will remain perpetually in a tenuous state, its growth potential limited and its future unsure.

I further suspect that the random nature of this activity, combined with the tendency to cluster in a few familiar locations and businesses is resulting in a long-term opportunity loss which is enormous.

I would hope that the more aggressive and far-sighted Japanese competitors would see both the potential risks in the current pattern and the opportunity to build a major position in this economy through a more sophisticated approach.

I would like to see more Japanese investors emerge who will not simply scramble in the pit for finite supplies of scarce American natural resources, but rather will invest in production and processing capacity addition to help alleviate the shortages.

I would like to see more Japanese investors emerge who will not shop for proven U.S. technology to buy or license, but rather will invest at the developmental stage, sharing in both the risks and the rewards.

I would like to see more Japanese investors emerge who will forego the hotel in Los Angeles and the restaurant in New York

for a manufacturing, processing, or R&D activity in Atlanta, Hartford, or St. Paul.

In short, I would like to see the emergence of an effective leadership segment among Japanese investors here which, as we proceed through and beyond the recession, will make basic, long-term commitments to a U.S. position and implement cohesive investment strategies with initiative and sophistication.

That is the way the *jiban* will be built. I believe it can benefit us all.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana has 4 minutes remaining.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HELMS. Mr. President, I move to table.

The PRESIDING OFFICER. The question is on the motion to table the conference report.

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. GRIFFIN. Mr. President, was the time for this rollcall limited to 10 minutes?

Mr. ROBERT C. BYRD. Mr. President, it was. I ask unanimous consent that the time on this single rollcall be limited to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENNEN), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL),

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the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Nevada (Mr. LAXALT) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. FONG) and the Senator from Maryland (Mr. BEALL) would each vote "yea."

The result was announced—yeas 72, nays 4, as follows:

[No. 578 Leg.]

YEAS—72

Aiken	Griffin	Nunn
Allen	Hansen	Packwood
Bartlett	Hart	Pearson
Bayh	Haskell	Pell
Bennett	Hatfield	Proxmire
Biden	Hathaway	Randolph
Brooke	Helms	Roth
Buckley	Hollings	Schweiker
Burdick	Hruska	Scott, Hugh
Byrd	Huddleston	Scott
Harry F. Jr.	Humphrey	William L.
Byrd, Robert C.	Inouye	Sparkman
Cannon	Javits	Stafford
Chiles	Kennedy	Stennis
Clark	Long	Stevens
Cotton	Magnuson	Stevenson
Cranston	Mathias	Symington
Curtis	McClellan	Taft
Dole	McGee	Thurmond
Domenici	Metzenbaum	Tower
Domlnick	Mondale	Tunney
Eagleton	Montoya	Weicker
Fannin	Moss	Williams
Fulbright	Muskie	Young
Gravel	Nelson	

NAYS—4

Abourezk	McClure	Metcalfe
Hartke		

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hughes, against

NOT VOTING—23

Baker	Eastland	Mansfield
Beall	Ervin	McGovern
Bellmon	Fong	McIntyre
Bentsen	Goldwater	Pastore
Brock	Gurney	Percy
Case	Jackson	Ribicoff
Church	Johnston	Talmadge
Cook	Laxalt	

So the conference report was agreed to.

Mr. PELL. Mr. President, during the debate on the trade reform bill (H.R. 10710), I expressed strong opposition to section 408 placing restrictions on Czechoslovakia and urged that it be deleted. Consequently, I am most disappointed that restrictions remain in the bill after Senate passage even though in modified form.

I think it is unfortunate for the bill to discriminate as it does against the Czechoslovak people, with whom Americans have always had such close and friendly ties despite the governments or administrations that come and go.

Between the great wars, the Czechoslovaks made their country a showpiece for the democratic process as providing maximum material benefits with minimum restrictions on individual freedom. We sorrowed with them when Munich destroyed their nationhood. We admired their struggle against Nazi occupation and rejoiced when after World War II, national independence seemed to have

been restored. Our regret was great when Czechoslovakia fell behind the Iron Curtain. We shared the hopes and brightening prospects in 1968 of the Prague Spring soon blighted, however, by a Moscow winter despite heroic Czech resistance.

The point I wish to make is that while I am all for getting the most favorable settlement possible for American claimants, the beneficiaries of section 408, I do not think that the trade bill, dealing as it does with much broader national interests between peoples, is the place to do it.

Twice now Czechoslovakia has negotiated in good faith to reach a claims settlement, to which we have attached a really irrelevant condition, the return of gold originally seized by the Nazis and belonging to the Czechoslovak people. We now ask that a third attempt be made.

In the light of this background, I urge a generous interpretation of section 408 and that progress toward a new settlement not be held up by negotiations involved in the implementation of the trade bill itself. I think we owe as much to our national reputation for fair dealing and out of consideration for the legitimate rights of our friends, the Czechoslovak people.

THANK YOU FROM SENATOR BENNETT

Mr. BENNETT. Mr. President, I have 1 minute. I simply wish to use it to express my appreciation to my colleagues for the kind things they said yesterday about my service to the Senate, which will end this afternoon when the Senate adjourns sine die.

I am happy that my last activity has been on this monumental trade bill, which I hope the Senate will accept.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the social services conference report there be a 10-minute time limitation to be equally divided between Mr. Long and Mr. CURTIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

APPOINTMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER (Mr. McCLELLAN). The Chair, on behalf of the Vice President, in accordance with Public Law 85-474, appoints the following Senators to attend the Interparliamentary Union Meeting on European Cooperation and Security, to be held in Belgrade, Yugoslavia, January 31-February 7, 1975: The Senator from Louisiana (Mr. LONG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Indiana (Mr. HARTKE), the Senator from Montana (Mr. METCALFE), the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Vermont (Mr. STAFFORD).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we proceed with the conference report? The Senators are waiting.

SOCIAL SERVICES AMENDMENTS—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 17045, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. LONG. Mr. President, generally speaking, we succeeded in getting the House to accept major items in the social services bill pretty much in line with the way the Senate recommended it. The conference report is a compromise but, I think, a good compromise from the Senate's point of view.

The enactment of this social services measure, Mr. President, is the culmination of a great deal of work by the Senator from Minnesota (Mr. MONDALE). Early in 1973, when social services first became an issue, Senator MONDALE showed his leadership in proposing legislative solutions to the problems. The fact that we are today sending a bill to the President is largely due to his efforts, and I think that all persons receiving social services, as well as all States, localities, and organizations providing those social services should be well aware of his responsibility for our reaching a legislative solution. He is a valuable member of the Committee on Finance, and was a valuable Senate conferee.

Mr. President, the Senate amendment to H.R. 17045 had three parts. The first part represented a substitute for the House bill dealing with social services under the Social Security Act. The second part provided a tax credit for low-income workers with families. The third part contained provisions for a strengthened Federal and State role in child support collections.

So far as social services are concerned, the conferees examined the issues in detail and reached what seems to me to be a fair, reasonable, and workable compromise. Basically, we agreed to follow the lines of the House bill, but we made some important changes which strengthen that bill considerably.

For example, the House bill had no provision for mandatory services to the

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aged, blind, and disabled. We wanted to be sure that these people were assured of a fair share of social services money, so the conference bill includes the Senate provision requiring the State to provide at least three types of services for persons receiving supplemental security income benefits.

Another Senate provision agreed to by the conference is for maintaining the provision in present law which requires the States to offer family planning services to AFDC recipients.

With regard to child care, the provisions in the House bill would have resulted in making the cost of care prohibitively high. If care were provided for children under 3, there would have to be one caretaker for every two children. That kind of requirement is totally unrealistic and, if enforced, would result in serious hardship for a lot of people.

The conference agreed to have the Secretary of Health, Education, and Welfare work out regulations for staff ratios for out-of-home care for children under 3, which we would expect to be more reasonable than those in H.R. 17045, as passed by the House. Otherwise, for children age 3 and above, the conference agreed to a compromise we worked out here in the Senate which provides for care meeting the 1968 Federal Interagency Day Care Requirements, but with some modifications. These modifications ease somewhat the staffing ratios prescribed by those requirements, and provide that the educational content of day care programs is to be recommended rather than mandatory.

The conference agreement also would require the Secretary to issue regulations relating to fees for services for families with incomes below 80 percent of the State's median income. These regulations are to be written in such a way that they will treat families fairly and equally, regardless of their welfare status.

The Senate version also prevailed with regard to certain requirements on the States for reporting and evaluation procedures. We will require the States to report on the use of their social services funds, but they will not be burdened with excessively detailed reporting requirements.

The Senate amendment providing for new social services funding for Puerto Rico, Guam, and the Virgin Islands also was accepted in principle, although specific limits are included in the bill.

The effective date for the new social services program is delayed 3 months to October 1975 with the HEW regulations suspended accordingly until that time.

I am pleased that the House conferees were able to accept virtually the entire part of the Senate bill dealing with child support. The House insisted on the deletion of the authority granted to HEW to establish regional blood laboratories which would have supplied expert evidence of blood typing in the determination of paternity. Also, the House did not accept the specific designation of a new Assistant Secretary for Child Support in HEW, but did retain the concept of a separate organizational unit, reporting directly to the Secretary, to administer

the Federal aspects of the program. The final change in the Senate bill authorizes the use of the Internal Revenue Service collection mechanism for delinquent child support payments only in the situation where there is a court order involved.

The program adopted by the conference is a major step in the elimination of a national disgrace in the nonenforcement of child support responsibilities. This situation has greatly increased welfare costs by forcing families of runaway fathers on AFDC. The conference bill builds on the Social Security Act Amendments of 1967 which required State programs of child support and determinations of paternity. HEW administration of these provisions has been half-hearted with the result that only a handful of States have established effective programs.

The conference bill will require State implementation of child support programs upon penalty of a reduced Federal matching for AFDC. At the Federal level there will be established in HEW a Parent Locator Service. The use of Federal courts and IRS collection mechanisms where State action has failed is also authorized. At the local level the AFDC recipient assigns his support obligation to the State for collection. This is the procedure that has been used in the States with the most effective child support programs. The Federal matching for these programs has been increased from 50 percent to 75 percent and a special incentive bonus will go to the localities making the actual support collections.

Also of great significance are the provisions in the conference bill which authorize access to support collection services for families not on welfare who have been deserted.

Mr. President, I am extremely disappointed that the House conferees proved so adamant that we were forced to drop the provision of the bill for a tax credit for low-income workers with families. In my opinion, Mr. President, this is an idea whose time has long since come. The Senate has passed that provision three times now, with the thought in mind that we should do what we could to help the working poor. Our bill would have helped an estimated 3½ million families with children by giving them up to \$400 a year on the basis of their earnings under social security.

I believe it is important that the Congress take action to help those poor people who are working hard to help themselves, and I believe the Senate bill represents the best action that anyone has proposed up to now. However, there was just no budging the House conferees on this matter and in the interest of legislating this year in these two other highly important areas of social services and child support, the Senate conferees reluctantly agreed to send the bill on to the President without the tax credit provision.

Mr. President, I urge the Senate to adopt the conference report.

Mr. MONDALE. Mr. President, I thank the Senator for his very gracious comments. I was grateful to work with the distinguished chairman in the develop-

ment and final resolution after several years of this knotty and difficult question of social services regulation. I think we have come up with a very sound proposal, one which I believe is strongly supported by the Governors, the Commissioners of Welfare, the Department of Health, Education, and Welfare. But it could not have happened without the leadership, the commitment, and the concern of the distinguished Senator from Louisiana.

I was very pleased to work with him on this proposal, and pleased to have had the opportunity to work with him in the committee and on the conference.

Mr. President, I am pleased to report that the social services provisions of the pending conference report reflect the basic principles of S. 4082, the Social Services Amendments of 1974—which I introduced in the Senate with Senators BENTSEN, PACKWOOD, and JAVITS—and which passed the House as H.R. 17045. I wish to thank the distinguished chairman of the Senate conferees, the Senator from Louisiana (Mr. LONG), for his generous cooperation in securing adoption of these provisions.

These provisions—a new title XX to the Social Security Act—were the result of months of hard work and compromise among the National Governors' Conference, the American Public Welfare Association, the AFL-CIO and UAW, and others. The final bill received the full support of the administration.

I hope and believe this new legislation will establish sound ground rules for this program, which is the largest source of federally assisted day care for children, and which also provides special help for the elderly and disabled, alcoholism and drug rehabilitation, and a host of other services directed toward preventing welfare dependency, avoiding unnecessary institutionalization, and strengthening family life.

Basic responsibility for program administration will rest at the State level, as in the past—with strong new provisions to assure both public accountability and accountability to the Federal Government for the use of funds.

I am particularly pleased with the new eligibility requirements, which will open participation in child care and other services to moderate-income families on a reduced-fee basis, while assuring that a substantial share of services must be directed toward the poor. Too often programs for the poor alone suffer from poverty themselves at budget time. And too often we have ignored the crying needs of hard-working, tax-paying families, who struggle to make ends meet and who deserve a helping hand.

And while I regret that the day care standards contained in S. 4082 have been eased with respect to adult/child ratios, I am pleased that for the first time Federal standards for day care—including requirements for parent involvement, health and safety standards, staffing, and the provision of social services to children—now have the force of statutory law. These standards now can and must be enforced.

Mr. President, I ask unanimous consent that a list of the cosponsors of S.

4082 may appear at this point in the RECORD, together with a history of the social services controversy prepared by the Senate Finance Committee staff, and the text of the new title XX reported from conference.

There being no objection, the list of cosponsors, the history of the social services controversy, and the text of new title XX were ordered to be printed in the RECORD, as follows:

COSPONSORS OF S. 4082, THE SOCIAL SERVICES AMENDMENTS OF 1974

Senators Packwood, Bentsen, Javits, Brock, Burdick, Case, Clark, Hatfield, Hathaway, Hughes, Humphrey, Mathias, Metcalfe, Ribicoff, Schweiker, Scott (Pa.), Tunney, Williams, Beall, Abourezk, Brooke, Eagleton, Kennedy, Moss, Montoya, Pell, Percy, Church, Hart, Muskie, and McGovern.

**SOCIAL SERVICES
LEGISLATION IN 1972**

Rapid rise in Federal funds for social services.—Like Federal matching for welfare payments, Federal matching for social services prior to fiscal year 1973 was mandatory and open-ended. Every dollar a State spent for social services was matched by three Federal dollars. In 1971 and 1972 particularly, States made use of the Social Security Act's open-ended 75 percent matching to increase at a rapid rate the amount of Federal money going into social services programs.

The Federal share of social services was about three-quarters of a billion dollars in fiscal year 1971, about \$1.7 billion in 1972, and was projected to reach an estimated \$4.7 billion for fiscal year 1973. Faced with this projection, the Congress enacted a limitation on Federal funding, as a provision of the State and Local Fiscal Assistance Act of 1972.

Federal funds for social services limited in 1972.—Under the provision in the 1972 legislation, Federal matching for social services to the aged, blind and disabled, and for services provided under Aid to Families with Dependent Children was subjected to a State-by-State dollar limitation, effective beginning fiscal year 1973. Each State is limited to its share of \$2,500,000,000 based on its proportion of population in the United States. Child care services, family planning services, services provided to a mentally retarded individual, services related to the treatment of drug addicts and alcoholics, services provided a child in foster care, and (under a provision adopted last year as part of Public Law 93-66) any services to the aged, blind, or disabled can be provided to persons formerly on welfare or likely to become dependent on welfare as well as to present recipients of welfare. At least 90 percent of expenditures for all other social services, however, have to be provided to individuals receiving Aid to Families with Dependent Children. Until a State reaches the limitation on Federal matching, 75 percent Federal matching continues to be applicable for social services as under prior law. Family planning services provided under the medic-aid program are not subject to the Federal matching limitation.

Services necessary to enable AFDC recipients to participate in the Work Incentive Program are not subject to the limitation described above; they continue as under prior law, with 90 percent Federal matching and with funding of these services limited to the amounts appropriated. Federal matching for emergency aid (including social services) is at a 50 percent rate.

REGULATORY CHANGES BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

On May 1, 1973, the Department of Health, Education, and Welfare issued sweeping re-

visions in the Federal regulations under which social services programs are operated by State welfare agencies. These regulations, which were to have become effective on July 1, were strongly opposed by many groups and individuals who felt that they were in many respects contrary to the purposes which social services programs were intended by Congress to serve.

Eligibility for services.—Under the May 1 regulations, social services could have continued to be provided to cash assistance recipients and to former and potential recipients; however, the definition of former and potential recipients was considerably narrower than under the prior regulations. Services provided to former recipients would have had to have been provided within three months after assistance was terminated (compared with two years under the former regulations). Persons could have qualified for services as potential recipients only if they were likely to become recipients within six months and only if they had incomes no larger than 150 percent of the State's cash assistance payment standard. In the case of child care services, potential recipients with incomes above that limit but not more than 233 1/3 percent of the cash assistance payment standard could have qualified for partially subsidized child care. Under the former regulations services could be made available to individuals, likely to become recipients within five years and without any specific income tests. The former regulations also permitted eligibility to be established for some services on a group basis (for example, services could be provided to all residents of a low-income neighborhood). The new regulations would have not permitted group eligibility but would have required the welfare agency to make an individualized eligibility determination for each recipient of services.

Scope of services.—The May regulations would have limited the type of services which may be provided to 18 specifically defined services and would have limited to just a few services those which the States are required to provide. By contrast, the former regulations had a fairly extensive list of mandatory services, specifically mentioned a number of optional services, and allowed States to receive Federal matching for other types of services not spelled out in the regulations.

Procedural provisions.—The May 1 regulations would have changed a number of the administrative requirements imposed upon the States in connection with services; for example, the requirement of an AFDC advisory committee would have been dropped and the requirement of recipient participation in the advisory committee on day care services would have been eliminated. Similarly, a fair hearing procedure (as applicable to services) would no longer have been mandated. The regulations would have required more frequent review (every 6 months rather than each year) of the effectiveness of services being provided and would have required that agreements for purchase of services from sources other than the welfare agency would be reduced to writing and be subject to HEW approval.

Refinancing of services.—The May 1 regulations would have denied Federal matching for services purchased from a public agency other than the welfare agency under an agreement entered into after February 15, 1973 to the extent that the services in question were being provided without Federal matching as of fiscal year 1972. This limitation on refinancing of previously non-Federal services programs would have been relaxed under the new regulations over a period of time and would have ceased to apply starting July 1, 1976.

CONGRESSIONAL ACTION TO POSTPONE NEW REGULATIONS

Because of the extensive nature of the changes which would have been made by the new regulations and the issues raised by those changes, the Congress did not have sufficient time to develop a legislative resolution of the policy issues before the new regulations were to go into effect on July 1, 1973. Instead, the Congress simply provided that no new social services regulations (other than those needed for technical compliance with the law) could become effective prior to November 1, 1973. This legislation did allow the possibility of implementing new social services regulations prior to the November 1, 1973 date, if the Administration obtained approval for any such regulations from the Senate Committee on Finance and the House Committee on Ways and Means. Though revisions in the regulations were proposed in the Federal Register in September, no attempt was made to obtain approval of new regulations from the two committees.

REVISED REGULATIONS

On September 10, 1973, the Department of Health, Education, and Welfare published in the Federal Register a number of revisions in its earlier proposed regulations. Additional changes were made on October 31, 1973, when the Department published in the Federal Register the final set of regulations, which went into effect on November 1, 1973. These changes did, to a certain extent, attempt to meet several of the specific statutory conflicts which were pointed out in connection with the earlier regulations. In particular, those related to legal services, family planning services, services for the mentally retarded, and treatment of alcoholics and drug addicts were brought more in line with statutory provisions. However, the more basic questions raised by the new regulations remained unresolved under the November 1 regulations.

H.R. 3153 AND FURTHER POSTPONEMENT OF REGULATIONS

H.R. 3153.—In the fall of 1973, the Committee on Finance agreed to an amendment to the House-passed bill H.R. 3153 which was designed to resolve the issues raised by the HEW social services regulations. In general, the social services provisions added to H.R. 3153 by the Committee would have retained the provisions of present law requiring States to provide welfare recipients certain types of services (for example family planning services), but would otherwise have given the States wide discretion in the use of available social services funds. The Committee recommendations were approved by the Senate in passing H.R. 3153, on November 30, 1973. The House conferees, however, were not willing to give immediate consideration to the Senate amendments to H.R. 3153. Legislation was agreed to at the end of 1973 invalidating the HEW regulations which had gone into effect on November 1, and prohibiting those or any other new social services regulations from becoming effective prior to January 1, 1975. Since that time the House conferees have not agreed to resume the conference on H.R. 3153.

H.R. 17045.—On December 9, 1974, the House of Representatives passed a new social services bill, H.R. 17045, which would amend the Social Security Act by adding a new title XX, dealing with social services.

The House bill creates a new title XX of the Social Security Act which establishes a new administrative framework for social services involving the development of annual State plans for services which must meet a number of requirements. HEW would monitor the compliance of these plans with the requirements of law and the compliance of the services program with the provisions incorporated by the States in their annual plans.

COMPARISON OF SOCIAL SERVICES PROVISIONS: PRESENT LAW, COMMITTEE AMENDMENT, HOUSE BILL

Present law	Committee amendment	House bill
1. AUTHORIZATION		
Provides for Federal matching for State expenditures for social services up to an annual ceiling of \$2,500,000,000.	Same as present law.	Same as present law.
Services for families are authorized as a part of the public assistance AFDC program under title IV-A of the Social Security Act; services for aged, blind, and disabled are authorized under title VI.	do	Eliminates services authorization in titles IV-A and VI and substitutes an authorization under new title XX.
2. ALLOTMENT TO STATES		
Provides for allocation of funds (within \$2,500,000,000 ceiling) among the States on the basis of State population.	Same as present law, except also provides for reallocation of unused funds among States which can use them.	Same as present law.

LIMITS ON ELIGIBILITY FOR SOCIAL SERVICES FOR NON-RECIPIENTS OF WELFARE

(For 4-person families)

State	Social Services May Be Provided to Families With Incomes up to: 1	Without fee 2	If fee is charged
Alabama.....	\$9,530	\$13,699	
Alaska.....	12,908	18,555	
Arizona.....	10,904	15,675	
Arkansas.....	8,830	12,694	
California.....	12,004	17,256	
Colorado.....	10,959	15,754	
Connecticut.....	12,604	18,118	
Delaware.....	11,402	16,391	
District of Columbia.....	10,711	15,397	
Florida.....	10,462	15,039	
Georgia.....	10,190	14,648	
Hawaii.....	12,358	17,823	
Idaho.....	9,928	14,272	
Illinois.....	11,999	17,249	
Indiana.....	11,222	16,132	
Iowa.....	10,608	15,249	
Kansas.....	10,422	14,982	
Kentucky.....	9,349	13,569	
Louisiana.....	9,569	13,765	
Maine.....	9,641	13,869	
Maryland.....	12,060	17,336	
Massachusetts.....	11,816	16,985	
Michigan.....	12,034	17,298	
Minnesota.....	11,293	16,233	
Mississippi.....	8,730	12,549	
Missouri.....	10,691	15,369	
Montana.....	9,939	14,288	
Nebraska.....	10,190	14,649	
Nevada.....	11,722	16,850	
New Hampshire.....	10,967	15,794	
New Jersey.....	12,434	17,974	
New Mexico.....	9,616	13,824	
New York.....	11,792	16,952	
North Carolina.....	9,752	14,019	
North Dakota.....	9,458	13,596	
Ohio.....	11,417	16,412	
Oklahoma.....	9,844	14,151	
Oregon.....	10,980	15,783	
Pennsylvania.....	11,429	16,430	
Rhode Island.....	11,046	15,879	
South Carolina.....	9,620	13,829	
South Dakota.....	9,335	13,419	
Tennessee.....	9,494	13,646	
Texas.....	10,468	15,047	
Utah.....	10,397	14,946	
Vermont.....	10,266	14,757	
Virginia.....	10,674	15,344	
Washington.....	11,583	16,650	
West Virginia.....	9,280	13,341	
Wisconsin.....	11,289	16,228	
Wyoming.....	10,442	15,010	

¹Source: House Report on H.R. 17045. According to the House Report: "This is illustrative only, as there are a number of statistical mechanisms which should be explored." The limits specified in the bill (80 percent and 115 percent of State median income) are not available on a year-by-year basis. Accordingly, the amounts would have to be projected from 1970 census data. The bill does not specify the method of projection or the year to which they are to be projected. The figures in this table were developed by the Department of Health, Education, and Welfare by adding to the 1970 census data for each State the dollar amount of the increase in national median income between 1969 and 1973. Another illustrative table issued by the Department uses the procedure of increasing 1970 census data by the percentage increase in national median income between 1970 and 1973.

²Limited to 100 percent of national median income, which for 1973 was \$13,710.

Mr. LONG. Mr. President, before acting on the conference report, I believe the RECORD should show that the Senator from Georgia (Mr. NUNN) made a very fine contribution in sponsoring the initial child support legislation which resulted in large measure in what we have before the Senate now. I believe we will make great progress in child support thanks to the efforts of the Senator from Georgia (Mr. NUNN).

Mr. CURTIS. Mr. President, I yield 2 minutes to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. I thank my colleague. I have a question of Senator LONG. I join with Senator MONDALE in the approval of what was basically done, that is No. 1.

Second, I think the reallocation provision is very constructive. We fought for that for a year. We could not get it, and so much money needs to be allocated, about \$1 billion a year, but it really is a measure of justice which has finally been consummated.

Mr. President, I shall vote for adoption of the conference report on H.R. 17045, the Social Services Amendments of 1974, notwithstanding certain reservations, so as to provide a new legislative framework for social services programs, rather than to start all over again next year, introducing new elements of uncertainty into a situation which has been "up in the air" for too long.

The conference agreement is basically a sound proposal in terms of social services deriving a number of provisions from the House bill, which in turn meet the objectives of S. 4082, the Social Services Amendments of 1974, which Senator MONDALE and I introduced with a number of other Senators on October 3.

These provisions include increased flexibility on the part of the States in the choice of services, relaxed eligibility requirements, and a number of other provisions designed to make it more possible to reduce welfare dependency, without sticking so strictly to welfare eligibility standards as the administration's proposed regulations had proposed as to be counterproductive.

Similarly, I am pleased that the conference report retains the provisions in the Senate passed bill providing for reallocation of funds from States which do not use allocations to States, like my State of New York, that have great needs,

have been put in a straightjacket under the very prejudicial allocation formula imposed under the \$2.5 billion social services ceiling; since 1972, New York State has been held to \$220 million per year—against needs of approximately \$800 million—while unused funds have ranged from \$700 million to \$1 billion nationally over each of the last 2 years; this conference bill would correct that through reallocation provisions similar to those I have fought for over these years, expressed most recently in S. 4119, the Emergency Social Services Amendments of 1974, which I introduced on October 10.

I am, however, deeply concerned about the provisions of this legislation that relate to child care standards. Most deeply troublesome are the provisions that would raise the ratio of adults to children from the current 1 to 10 ratio contained in the Federal interagency day care requirements, to a ratio of 1 to 15 for children age 9 or younger, and to a ratio of 1 to 20 for children aged 10 to 14. The implications of this ratio increase are quite severe given the experience we already have with non-Federal programs that have not been subject to standards.

So I would like to ask the Senator whether there is anything in the report which would prevent a city, a State or some other political subdivision or an individual or other charitable contribution from trying to add and supplement for the lack of care which may result from the application of this new standard which, by the way, is a minimum standard, and I just want to be sure that there could be fed into it improvement from governmental or private sources.

Mr. LONG. Yes, they can do that.

I might mention that the one-fifteenth staff-to-children ratio applies only for children ages 6 to 9. For children under age 6, the staffing requirements are higher. Furthermore the way it stands now, though we have higher staffing requirements for children 6 and over than in this bill, they are not being enforced.

This bill provides a standard that we believe is going to require upgrading of child care staffing around the country, which we hope will be enforced.

So we are trading off an impractical standard, not observed in practice around the country, for what we think is one more feasible, which we hope will be observed.

December 20, 1974

Mr. JAVITS. Nonetheless, if an individual entity or individuals who wish to contribute, cooperate, or whatever, wish to help out, they may, there is nothing to inhibit them under the law?

Mr. LONG. Nothing whatever.

Mr. JAVITS. I am also concerned about the section of this provision that would eliminate the requirement that the States provide educational services under the Federal interagency day care requirements. Under this legislation, those formerly mandated services would now be merely recommended to the States.

I hope that the Senate will be most diligent in exercising its oversight responsibilities in this area and that we will most carefully monitor the effects of these changes on the quality of services provided to young children under this legislation.

I would further emphasize that this increase in the ratio of adults to children and relaxation of the requirements for the offering of educational services, applies only to those programs which function under this specific social security legislation. The Federal interagency day care standards are not themselves in question here. The standards will continue to apply completely to the Head Start program and child care provided under ESEA.

Despite my strong reservations about certain provisions of this bill, I believe on balance that it is a sound measure and I would urge each of my colleagues to support its enactment.

Mr. CURTIS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. NUNN. Will the Senator yield?

Mr. LONG. Yes, I will yield to the Senator.

Mr. NUNN. I would like to thank Senator Long, chairman of the Finance Committee and the committee staff, for their excellent work which has culminated in this legislation on "runaway" parents in the AFDC programs.

This bill represents a humane approach and one that will be extremely beneficial.

It could not have been passed without the superb effort of Senator Long and the Finance Committee staff, particularly Mike Stern. Although I introduced the legislation, it passed on the efforts of the committee and the leadership.

I believe this bill will make a very positive correction to a problem that continues to plague our country.

Mr. DOLE. Mr. President, as one of the Senate conferees on this important social services legislation, I want to express my satisfaction over its having been brought before us for final action. I know there was some question as to whether H.R. 17045 would "make it through" before adjournment, all of which were characterized by a true spirit of compromise and cooperation—making it possible.

While there are many among us who do not necessarily champion every cause which will be aided through enactment of this bill, I think we have all maintained an awareness of the necessity for constructive and timely improvements in

the current system. I consider it very significant, too, that all who have been involved in the development of these proposed program changes are uniformly in support of the new approach being offered.

These include the relevant congressional committees who have been studying the existing problems; the Department of Health, Education, and Welfare, which has been charged with supervisory authority; the National Governors' Conference, which represents the State commissions implementing the affected programs; and a coalition of key organizations concerned with services for children, families, the aged, and the disabled.

We have been witnessing a virtual impasse during the last 2 years over the regulation of Federal social services grants. But now, finally, we will have the legislative guidelines necessary to bring efficiency and effectiveness into the respective State administrations.

As a strong believer in the concept of local decisionmaking, I am confident that we will soon witness a new responsiveness on the part of the States in addressing the needs of their citizens. At the same time, I feel certain we will see an improved public reaction to the types of programs covered by the \$2.5 billion in annual grants provided in the measure.

In that regard, I would urge every State to take full advantage of the matching funds opportunity presented here to further expand and enhance their own projects. During the last year, for example, my own State of Kansas made use of only about \$10 million of the \$27 million available to them for those purposes.

I am aware of numerous other States which experienced similar substantial "losses"—just through the inability to raise their required one-fourth share. That should no longer be the case, however, with the new incentives being created by H.R. 17045 in the form of broad operational discretion.

Mr. President, while this conference report will be among the last items we consider in this Congress, it is by no means a product of anything other than thorough and careful study of the entire problem area. For that reason, we can take great pride in adding it to our list of legislative achievements for 1974.

We have a worthwhile, and indeed essential, proposal here which deserves our unanimous endorsement. It will provide the vehicle we need to bring both flexibility and accountability into a troubled social services system, and I am hopeful that we can send it to the White House by an overwhelming margin.

Mr. CRANSTON. Mr. President, in the conference report on H.R. 17045, the Social Services Amendments of 1974, the conferees, unfortunately, acted to eliminate the Federal requirement for an educational component in child care programs. Although most of the other social services provisions of the conference report represent a step forward, elimination of the required educational component is a troublesome one to me.

I would strongly urge that, when the Congress reconvenes, we give immediate

consideration to reinstituting all provisions of the Federal interagency day care requirements—including the mandate for an educational component—to be required of all States operating child care programs with Federal funds.

In 1972, the California Legislature and the Governor assigned the responsibility for all child care programs to the California Department of Education. Under the leadership of our very able State superintendent of public instruction, Wilson Riles, the department has carried out its mandate of providing child care programs with a strong and very valuable educational component for more than 50,000 children. California's child care programs have become a model for similar efforts across the country, as evidenced by what I understand are hundreds of inquiries which come in each month from individuals and groups in other States. In California, there is broad-based support from thousands of parents and numerous organized parent groups for a strong educational base in child care programs.

It is apparent that California's efforts in education-based child care can show the way for a national movement in child care aimed at insuring high-quality developmental child care programs that go well beyond simple custodial supervision or babysitting services. This positive movement must go forward and be promoted by restoring a Federal requirement for an educational component in child care in the social services program.

These developmental experiences for young children are critical, and I plan to urge reconsideration early in the 94th Congress of the Federal mandate for all provisions of the Federal interagency day care requirements.

Mr. President, I do want to thank the distinguished Finance Committee chairman (Mr. Long), the Senator from Minnesota (Mr. Mondale), and the other conferees for accepting the reallocation which I added as a floor amendment on H.R. 3153 a year ago and which will be of substantial benefit to the people of California.

Mr. LONG. I believe, Mr. President, that this measure will increase the income of the poor with children to support.

I yield back the remainder of my time. Mr. CURTIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

The conference report was agreed to.

HOUSE CONCURRENT RESOLUTION 696—PROVIDING FOR CORRECTIONS IN ENROLLMENT OF H.R. 10710

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message on House Concurrent Resolution 696.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 10710.

December 20, 1974

Mr. LONG. Mr. President, given the very short time the legislative draftsmen had to put together the conference report on the trade bill, it is not surprising that several drafting errors occurred.

This resolution would correct these drafting errors.

The PRESIDING OFFICER. The question is on agreeing to the House Concurrent Resolution No. 696.

The House concurrent resolution was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from New Hampshire (Mr. Cotton) be recognized at this time for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR SERVICE TO NORTHERN NEW ENGLAND

Mr. COTTON. Mr. President, we have an old saying in New Hampshire, when someone has found his efforts futile, "He came out the same hole he went in."

Mr. President, I know that my friend from Nevada (Mr. Cannon) will be amused when he hears this. But from the date I first came to Congress, I have been fighting for adequate and reliable air service to northern New England.

I thought I had finally succeeded when, on July 17, 1974, the CAB got around to deciding to certify a new air carrier—Air New England, Inc.—for New Hampshire and Vermont, and northern New England. This decision meant that Air New England could have some subsidy and get some decent planes. We, in northern New England, hoped the situation was solved.

But, Mr. President, as I rise here for the last time in this body before I go home, I have discovered a trend which alarms me. I think it could mean the death of air service to northern New England if it is allowed to continue. But it is squarely up in the lap of the Civil Aeronautics Board—CAB.

Therefore, I ask unanimous consent—my final swan song—to have inserted in the Record at this point a letter which I have just written and mailed to the Chairman of the CAB, which is self-explanatory.

There being no objection, the letter was ordered to be printed in the Record, as follows:

COMMITTEE ON COMMERCE,
Washington, D.C., December 20, 1974.
Hon. ROBERT D. TYM, Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to my attention that on December 2, 1974 Air New England, Inc. filed a petition with the Civil Aeronautics Board "for an exemption from whatever provisions of Part 298 and other Parts of the Economic Regulations and the Act as are necessary to permit it to continue to operate beginning January 1, 1975 under Part 298, even though it is a holder of a certificate of public convenience and necessity for Route 172."

Although I presently do not intend to take any position on this application by Air New

England, Inc., I do intend to raise with you two very important issues.

First, you will recall that on July 17, 1974, following more than 3½ years of consideration the Board finally handed down its decision in the *New England Service Investigation* (Docket 22973) in which the Board awarded to Air New England, Inc., a new certificate for Route 172 to be effective on October 15, 1974. In the majority opinion in this decision the following was noted:

"We find that Air New England is fit, willing, and able properly to perform the transportation authorized herein and to conform to the provisions of the Act—a conclusion not challenged by any party." (Emphasis supplied)

Mr. Chairman, it may not have been challenged by any party at that time. But, I, acting on behalf of the interests of my constituents in the State of New Hampshire and its sister northern New England States, now believe that such a finding could be challenged.

In support of this contention, Mr. Chairman, I call your attention to Order 74-10-69 of October 11, 1974, by which the Board delayed the effectiveness of Air New England's new certificated route authority until January 1, 1975. Now, less than 2 months after that order of the Board, Air New England has filed an application for an exemption in which it notes the following:

"... Absent some regulatory action, therefore, Air New England will be unable to operate at all beginning January 1, 1975, because it cannot obtain and operate under an FAA Part 121 certificate due to the physical impossibility of obtaining FAA clearances by that date."

In this connection, Mr. Chairman, I invite your attention to the majority opinion in the *New England Service Investigation* (Docket 22973) in which the following is noted:

"Because New England passengers, after a long history of disappointing service, deserve to have their transportation needs carefully and sympathetically considered, the heart of this proceeding is the question of what shape New England regional air service is to take in the future."

If the Board's action, or perhaps more appropriately inaction, since its July 17th decision is any indication, then I fear that once more a cruel hoax is being perpetrated upon my constituents. The promise of improved air service has been held out to them by the Board, but it continues to be denied to them. And, I would also invite your attention to the majority opinion in the *Delta-Northeast Merger Case* (Docket 23315) decided on April 24, 1972, and specifically the following portion cited by Members Minetti and West in their concurring and dissenting opinion filed in the subsequent decision in the *New England Service Investigation*:

"... Delta's management must be aware of the importance to the economy of Northern New England, to the traveling public and to the carrier itself of providing the kind and quality of service the area truly needs. The Board has ample power to insure the provisions of such service, and we are prepared if necessary to initiate adequacy-of-service investigations if there is any indication of shirking responsibilities or of bad faith." (Emphasis supplied)

Mr. Chairman, referring again to the Board's earlier decision in the *Delta-Northeast Merger Case*, the majority opinion noted the following:

"... We are not disposed to approve this merger merely to award Delta further North-South routes."

Yet, Mr. Chairman, there is every reason to believe, based upon the apparent failure of the Board to see that its decisions in these proceedings are implemented in a timely and proper fashion, that inexorably this will be

the result. And, my constituents will be denied what was promised to them by you and your fellow members on the Civil Aeronautics Board, namely, adequate and reliable air service. I therefore must conclude that, if there be any "shirking of responsibilities" or "bad faith", it resides in large measure with the Board for allowing this situation to develop!

It was for this reason, Mr. Chairman, that when Member O'Mella appeared before our Committee on Commerce on July 18, 1974—the day after the Board's decision in the *New England Service Investigation*—on his renomination for a new term that, although hailing the Board's decision as a victory, I concluded on the following cautionary note:

"... I only hope that the proposed effective date of the new certificate for Air New England of October 15, 1974, can and will be met, and that this new regional air carrier will fully discharge its responsibilities to my constituents. Otherwise, I fear that the sweet taste of victory today may in the autumn constitute a Pyrrhic victory and turn that sweet taste to ashes!" (Emphasis supplied)

Mr. Chairman, that unfortunately is precisely my sentiment today as I near the completion of more than a quarter century of service in the Congress of the United States.

The second issue that I wish to raise, Mr. Chairman, is whether the expenses to be incurred by Air New England in complying with the Federal Aviation Regulations referred to in its pending application (e.g., security arrangements, et. al.) are expenses which are subsidy-eligible as a result of the Board's decision to certificate Air New England, and if so, whether this information has been communicated by the Board to Air New England? In this connection, I am furnishing a copy of this letter to the Administrator of the Federal Aviation Administration.

In conclusion, Mr. Chairman, it is ironic and yet sad, indeed, that I end my many years of service in the Congress of the United States in much the same manner as I began. Throughout my career I have had an ongoing battle with the Civil Aeronautics Board to obtain meaningful deeds rather than hollow promises so that my constituents, like other citizens throughout this great Nation, may receive adequate and reliable air service. I believe that the time is long overdue for you and your fellow members on the Board to demonstrate that you have the necessary "backbone" to bring your promises to fruition by bringing the Board's "ample power" to bear on either Air New England, or, if need be, the air carrier retaining the underlying responsibility for providing such air service, Delta Air Lines, Inc.

Sincerely,
NORRIS COTTON,
U.S. Senator.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations that have been reported earlier today from the Committee on the Judiciary.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Henry Bramwell, of New York, to

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be U.S. district judge for the eastern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ATTORNEY

The legislative clerk read the nomination of David C. Mebane, of Wisconsin, to be U.S. attorney for the western district of Wisconsin.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MOSS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any other conference reports at the desk?

The PRESIDING OFFICER. The Chair is advised that there are none.

Mr. ROBERT C. BYRD. Mr. President, I believe the Senate is waiting on the other body to send another conference report over.

As I understand it, the conference report is on its way over, and the Senate is attempting to expedite the transmittal. I have offered to go over to the House and act as a runner and bring the paper over. So has the Senator who is now presiding.

So, I ask unanimous consent—

Mr. LONG. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. LONG. I am told the House has completed their action and that the papers are supposed to be on their way over here so that perhaps we should send someone to see if we can find what happened to the message on the way over.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask if we might get a unanimous-consent agreement on this remaining conference report. Would Senator Long suggest a time limitation?

Mr. LONG. Five minutes on both sides.

Mr. ROBERT C. BYRD. Five minutes to the Senator from Louisiana, 5 minutes to the Senator from Utah (Mr. BENNETT).

Mr. JAVITS. What is the report?

Mr. LONG. Perhaps I can make a statement while we are waiting for the papers to get here from the House.

Mr. ROBERT C. BYRD. Is the time limitation agreed to?

The PRESIDING OFFICER. Without objection, the time limitation is agreed to.

IMPORTATION OF UPHOLSTERY REGULATORS FREE OF DUTY—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on H.R. 421, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McCURE). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. LONG. Mr. President, the Senate previously passed and sent to conference H.R. 421 amending the Tariff Schedules of the United States to make duty-free imports of upholstery regulators and upholsterers' regulated needles and pins. In acting on this bill the Senate added several tax amendments. These amendments generally deal with emergency problems on which immediate action is needed this year rather than having them held over until next year for consideration in connection with tax reform legislation. The tax matters acted on by the Senate are needed now either to take into account serious problems with existing tax provisions or to deal with provisions having expiration dates in 1975 which the Senate believed should be extended through next year in order to allow the Congress to properly examine next year the problems involved in these areas.

The House has receded to all but two of the amendments added by the Senate. This is a significant accomplishment by the Senate. Under this action, several substantial problems will have resolved and Congress will have gained sufficient time to properly deal with several other complex problems.

The House receded to the Senate amendments which extended for 1 additional year, through December 31, 1975, the 5-year amortization provisions for rehabilitation of low and moderate income housing, pollution control facilities, railroad rolling stock, and certain coal mine safety equipment. The House also receded to the Senate amendment which extends for 1 year the present rules dealing with the recapture of gain on the sale of certain Government subsidized housing projects.

The House receded to the Senate amendment that allows an employer generally to take a deduction in the case of accrued vacation pay which has already been earned by the employees. Also, the House receded to the amendments made

by the Senate that provide that the class life depreciation system is not to apply to real property until the Treasury develops regulations on a class life system for real estate.

The Senate added an amendment dealing with the tax treatment of foreclosure property acquired by real estate investment trusts, so REIT's would not be disqualified when they acquire property on foreclosure. The House receded to the Senate amendment in this case also.

The conferees wish to correct an unintended inference which is included in the Finance Committee report with respect to real estate investment trusts. The Finance Committee report states that if a REIT completes a partially constructed building which it acquired on foreclosure, the construction is to take place through an independent contractor "as under present law." The bill requires that construction on foreclosure property is to take place through an independent contractor. However, the conferees intend that no inference is to be drawn with respect to whether present law generally requires construction through an independent contractor on property which is not foreclosure property.

The Senate added a provision to the bill increasing the interest rate paid by taxpayers on tax deficiencies and the Government on tax overpayments from 6 to 9 percent per year, and also providing a procedure to update this interest rate in the future. The House receded to this amendment.

The House receded to the Senate amendment extending for 1 year the exemption from the withholding tax for interest received by foreign persons from deposits in bank accounts. In addition, the House receded to the amendment added by the Senate dealing with a problem involving debt obligations which arose under the interest equalization tax.

The Senate amendments include several provisions modifying the tax treatment of political organizations, of contributions to political organizations, and of newsletter funds. The House receded to all of these Senate amendments, including the Senate amendment which increased the maximum tax credit and maximum deduction for contributions to candidates for public office.

A problem in this connection which has come to my attention involves organizations, such as the League of Women Voters, which frequently prepare analyses of legislators' voting records on issues that the organization is interested in. I understand there is concern that because of a recent court opinion the Internal Revenue Service might regard the distribution of such a voting analysis as being electioneering even though this distribution is made only after an election and not in the context of any campaign for public office. In cases of this type where such an analysis is not designed to affect an election, or an appointment, or a nomination, where the distribution of this analysis is just intended to inform people about the attitude of members of the next legislature, and this is done outside of the public office or party campaign context, then this type of activity is not intended to be the sort

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of political activity that the political organization provisions of the bill are designed to affect. In other words, this would not be treated as an expenditure for an "exempt function" and would not become taxable to the organization involved.

The Senate receded with respect to two amendments added by the Senate. The first provision with respect to which the Senate receded deals with the tax treatment of student loan funding programs.

Present law exempts interest paid on most State and local governmental obligations from Federal income tax. The Senate amendment would have added a new category to the list of obligations which are exempt from tax. The category which would have been added is qualified scholarship funding bonds issued to finance student loan programs where the bonds are issued by nonprofit higher education authorities which are requested to do so by governmental units. In this case, the bonds issued do not constitute State or local government bonds. Your conferees understand, however, that within approximately 1 month regulations will be issued by the Treasury Department which will provide that if nonprofit higher education authorities issue bonds on behalf of a governmental unit, the bonds generally will constitute State or local government bonds so the interest on the bonds will be tax exempt. Your conferees also understand that it is contemplated that State laws may be changed to allow this approach to be taken. For these reasons, and because this is not an emergency provision, the Senate receded with respect to this amendment.

The second amendment on which the Senate receded would have exempted from taxation the interest on obligations issued to finance the construction of a dam and related facilities in Idaho. This amendment would have made tax exempt the interest on obligations issued by the American Falls Reservoir District to finance and construct the dam and related facilities to replace the American Falls Dam in the Mindoka project in Idaho-Wyoming. This provision would have established an exception to the general rule providing tax-exempt financing through industrial revenue bonds for local projects only, since the project in question is not merely local.

Because a special exemption of this type generally is not favored, the Senate receded with respect to this amendment. However, your conferees believe that the general rule should be examined to determine whether this type of financing should be available for regional as well as local projects, and it is intended that the Finance Committee and the House Ways and Means Committee will examine this problem in the next Congress.

This action by the conferees should not be construed as a determination of the merits of the project or the issue of the exemption from taxation. However, as I noted before, the mention in the tax law of special situations is generally not favored. In addition, the matter had not been the subject of hearings in either the Senate or the House of Representatives. On the other hand, the conferees

understand the sense of urgency that prompted the amendment. The conferees are informed that a delay of weeks now could mean a delay of 1 year in the construction schedules. As a result, whatever position it believes it should take, the conferees urge the Internal Revenue Service to act expeditiously.

Mr. KENNEDY. Mr. President, I commend the Senate and House conferees for their action on H.R. 421 in approving the amendment I offered in the Senate to double the existing tax credit and tax deduction for small political contributions. I especially commend them for the prompt action that has enabled this bill to be cleared for President Ford's signature in the closing hours of this Congress.

Under current law enacted in 1971, a tax credit is available for one-half of the political contributions by an individual, with a maximum credit of \$12.50 per individual, or \$25 for a couple filing a joint return. Alternatively, a tax deduction may be taken for one-half of the contribution, with a maximum deduction of \$50 per individual—\$100 on a joint return.

Under the amendment, the maximum credit would be increased to \$25—\$50 on a joint return—and the maximum deduction would be increased to \$100—\$200 on a joint return. The estimated revenue loss from these changes would be \$26 million—\$11 million from the increase in the credit, and \$15 million from the increase in the deduction.

Although the revenue loss is comparatively small, I believe the amendment will have a number of significant effects, because it raises the tax incentives to meaningful levels.

Most important, the amendment will provide an increased incentive for new participation in the political process by a larger proportion of the electorate.

The incentives will be available to candidates for all political office—Federal, State, and local—and for all elections—primaries as well as general elections.

The tax incentives will be available for contributions to political parties as well. They can therefore be used to enhance the role of the parties and to offset the distressing current trend toward reduction of party influence in public life.

And the incentives will help to insure the success of the public financing law enacted last October, which provides matching grants of public funds for contributions up to \$250 to candidates in Presidential primaries.

Tax incentives for small contributions must go hand in hand with public financing as the twin pillars of comprehensive election reform. I see the measure now approved as an effective new antidote to Watergate, another important step by Congress on the road to our goal of ending, once and for all, the nefarious abuses of big money in American political life.

Mr. President, I again commend the conferees for their action, and I urge the Senate to approve the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

The conference report was agreed to.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE 2D SESSION OF THE 93D CONGRESS.

Mr. ROBERT C. BYRD. Mr. President, I send House Concurrent Resolution 697 to the desk with the understanding that after it has been adopted, it will remain at the desk for such time as is necessary.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 697, which was read, as follows:

H. CON. RES. 697

Resolved by the House of Representatives (the Senate concurring). That when the two Houses adjourn on Friday, December 20, 1974, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

Sec. 2. The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Passed the House of Representatives December 20 (legislative day, December 19), 1974.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 697) was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there is only one remaining matter, and the House has it under discussion at this time.

The PRESIDING OFFICER. Will the Senators please cease their conversations?

Mr. ROBERT C. BYRD. Mr. President, there is only one remaining matter for the Senate to transact before we adjourn sine die. I will attempt to expedite that action as soon as the House has completed its action. Senators will be notified on the hot lines as to whether or not any rollcall vote is anticipated. It should not take long.

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RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 3:54 p.m., the Senate recessed until 3:55 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. McCURE).

NOTIFICATION TO THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. MOSS. Mr. President, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McCURE). The resolution will be stated. The legislative clerk read as follows:

S. RES. 476

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The PRESIDING OFFICER. The Chair appoints the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Pennsylvania (Mr. HUGH SCOTT) as the two Senators to notify the President.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MOSS. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 3:55 p.m., the Senate recessed until 4:37 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. McGEE).

AUTHORIZATION UNTIL THE END OF DECEMBER FOR THE SECRETARY OF THE SENATE TO RECEIVE A REPORT FROM THE DEPARTMENT OF HUD ON HOUSING GOALS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that until the end of December the Secretary of the Senate be authorized to receive a report from the Department of HUD on housing goals.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPOUNDMENT OF SECTION 235 FUNDS

Mr. MUSKIE. Mr. President, the Congressional Budget and Impoundment Control Act of 1974 became law on July 12 of this year. That act contains, in title X, a new system for congressional review of Presidential impoundments and rejection of those it deems unwise.

It was my privilege to be a participant in the drafting of that act, a member of the committee which originally reported it, manager of the conference report, and subsequently, chairman of the Budget Committee it created. I thus have had a special interest in the impoundment question and a special responsibility to report to the Senate on the use of impoundment by the administration to frustrate congressional will.

The Budget Committee completed hearings yesterday during which we inquired deeply into the President's use of the impoundment power. Our witnesses included the Director of the Office of Management and Budget and the Comptroller General of the United States, the two principal agencies outside the Congress which have special responsibilities under the Budget Act regarding impoundments. We anticipate making a report to the Senate on all of the complex questions which have so far arisen under title X of the Budget Act.

On the Senate Calendar now, however, is an impoundment resolution which requires immediate comment. Senate Resolution 446, introduced by Senator SPARKMAN on December 11, is intended to overturn impoundment D75-48, which was reported to the Congress by the President on October 4, 1974.

I favor overturn of this impoundment, which involves more than one-quarter of a billion dollars in so-called section 235 homeowner assistance funds under section 235 of the 1968 Housing and Urban Development Act.

But I believe it would be a mistake for the Senate to pass Senate Resolution 446 at this time for the following reasons:

First, the Attorney General has ruled that this impoundment is not subject to the Budget Act. The President has so far agreed with his Attorney General, and, in the message which reported this impoundment to the Congress, stated that he was reporting information on the impoundment only "because I believe that it is appropriate to keep the Congress informed on the status of all funds withheld from obligation."

I do not agree with the administration's position that these funds are not subject to the Budget Act. I believe this impoundment is subject to the provisions of the Budget Act. I am informed, however, that the Department of Housing and Urban Development is urging the administration to stand by the Attorney General's position and to refuse to honor this Senate Resolution 446, if it is enacted. Thus, a likely result of the Senate passing this deferral resolution at this time will be to assure that another lawsuit will be required to release these housing funds.

For reasons I will explain later in these remarks, I believe such a lawsuit is both unnecessary and uncertain of result, so that a very possible consequence of the Senate acting on Senate Resolution 446 at this time is that the administration will succeed in impounding this important housing assistance until the authority expires next August 22.

The second reason I oppose acting on Senate Resolution 446 at this time is that the Comptroller General of the United States ruled, on November 6,

1974, that this impoundment is not a deferral subject to overturn by a resolution of the kind contemplated in Senate Resolution 446, but, in fact, should have been submitted by the President as a rescission request requiring the concurrence of both Houses of Congress. If such concurrence is not obtained within 45 days, then the money will have to be spent. Under the act, the 45-day period begins anew on the first day of our return in January and will expire early in March. The act further requires the Comptroller General to sue the administration if, after the elapse of those 45 days, it still refuses to spend the money. The act further provides that the Federal district court of the District of Columbia is required to give precedence to such actions, and to appeals and writs from decisions in such actions, over all other civil cases.

In the Budget Committee's just-concluded hearings on these impoundments, we obtained an assurance from the Comptroller General that he does intend to sue for the release of these funds at the end of the 45-day period if the President does not release them at that time. Should, however, the Senate choose to treat this rescission as a deferral by the passage of Senate Resolution 446, the standing of the Comptroller General to go into court to force the release of these impoundments will be called into question. Thus, a possible result of the passage of Senate Resolution 446 at this time is to preclude the Comptroller General from effectively suing the President to force a release of these funds if the President refuses to release them after the elapse of the applicable 45-day period.

The Senate is therefore confronted with this situation. If we pass Senate Resolution 446 today, treating this Housing Act impoundment as a deferral, it is the administration's position that our action is a nullity and without effect, because the funds are not subject to the act. Since the Comptroller General has already ruled that this impoundment is not a deferral subject to Senate Resolution 446 but is, in fact, a rescission request, the Comptroller may very well be disqualified from bringing suit if the administration refuses to honor Senate Resolution 446.

At the same time, in treating the impoundment as a deferral, Congress impairs the Comptroller General's opinion that the impoundment is actually a rescission. This gives the administration grounds to assert that the Comptroller General has no standing to attempt to force release of the funds by legal action after the elapse of the 45 days applicable to rescissions.

Thus, should the Senate pass Senate Resolution 446, the Comptroller General probably cannot bring suit when the administration refuses to spend the funds. Private plaintiffs will have to go into court. The administration has already suggested that such private plaintiffs do not have standing to sue after the enactment of the Budget Act. Moreover, such plaintiffs are not entitled to expedite a consideration of their case in the district court, and many months may elapse before there is ever a hearing on

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the question of whether they have standing to sue.

It seems clear to me that the passage of Senate Resolution 446 would raise far more questions than it answers. It is the least likely alternative available to the Congress to force the release of those funds. It would, under the circumstances, be a serious mistake. As an alternative, I have suggested that the Senate postpone action on the resolution until its return 3 weeks from now in January and that, during the intervening time, we attempt to answer these questions so we can be sure that we understand all the possible consequences in the enactment of this resolution and alternatives to it.

The funds in question have been impounded for almost 2 years. The message reporting them to the Congress was sent more than 2 months ago. The procedures for disposing of that impoundment are very clearly stated in the act and have already begun to be executed by the Comptroller General. Senate Resolution 446, introduced only last week in the closing hours of this session, represents an untimely, ill-advised, and most unlikely method for disposing of this question. Rather than assuring an end to the impoundment, it makes it most likely that the impoundment will continue until these funds expire.

I believe this impoundment was wrong at the start. I think it is wrong now, and I want those funds released. Because I want those funds released, I am opposed to the hasty enactment of this resolution without a thorough understanding of its consequences. I advocate that we follow the procedures Congress spelled out in the Budget Act only 5 months ago for handling this issue, and that we not violate them by the enactment of Senate Resolution 446 at this time.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:37 p.m., recessed subject to the call of the Chair; whereupon, at 4:52 p.m. the Senate reassembled when called to order by the Presiding Officer (Mr. HART).

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1974

Mr. STENNIS. Mr. President, once more, as the end of a session of Congress approaches, it becomes my privilege to make a report to the people of Mississippi. My purpose is to tell them of some of the matters on which I have been working this year, and which I think may be of particular interest to them. This is my report for 1974, to my constituents, as an accounting of my stewardship of the responsibilities they have vested in me.

I want to thank all of the citizens of Mississippi for the trust placed in me as Senator, and for the gratifying way in which they have given me their assistance, encouragement, and support. I also thank the other Members of the Missis-

issippi delegation for their unfailing cooperation and for their helpful assistance. In my opinion the spirit of teamwork among the delegation, who of course come from both of the major political parties, is outstanding. My office staff has worked hard to assist me in efforts on your behalf, and I appreciate their diligence and loyalty. The committee staffs with whom I work are also due my thanks. Finally, my effectiveness as a Senator depends in part upon the support I receive from my colleagues in the Senate on behalf of legislation that is important to our State of Mississippi, and I extend to them my warm thanks for their many courtesies.

I have much for which I am grateful, as this year closes, especially, of course to my family and friends for their strong support and understanding.

This has been a momentous year in the history of our country. We have a new President and Vice President who have been appointed rather than elected. In world affairs we are seeing adjustments in international relationships that have major implications for the years to come. We have seen an easing of some crises between nations, and the growth of new ones. In the field of worked economics we have had an oil crisis that made our people apprehensive but united in our efforts to cope with it, and for all raw materials, generally, the world market appears to be changing from one of plenty, with moderate prices, to one of scarcity and high prices. There is world-wide inflation. The flow of international payments has been so greatly altered as to threaten the financial stability of some European nations, and the outlook for underdeveloped countries is grim. The world is becoming aware that the finite limits of food production are being approached by tremendous population increases in underdeveloped nations that cannot now adequately feed themselves, and time must change one factor or the other. There are many great problems to be dealt with, and the United States must live up to its responsibilities in world leadership, without being profligate with our own resources. There are solutions to large problems, also, and this year has seen our Nation working constructively toward reaching them. Of the occurrences of the year, and of the work of the Congress that I consider of most interest to you as Mississippians, I submit this report, under several headings.

NEW PRESIDENT AND VICE-PRESIDENT DESIGNATE

On August 9 of this year, Richard M. Nixon, the Nation's 37th President resigned that office and Gerald R. Ford became President.

President Ford, from Michigan, became the first man in our country to succeed to the Presidency without having been popularly elected as Vice President. However, before he became Vice President, he was subjected to a most extensive investigation by the appropriate committees of the Congress.

The new President has an appropriate background qualifying him for this high office. He served for 25 years in the House of Representatives and several months as Vice President.

Mr. Ford, when he spoke to a joint session of the Congress, talked about cooperation, conciliation, and compromise. All of these things are commendable and necessary, but I believe that he will find that to be the head of this Government is going to require a strong and firm hand at the top. And that is not always peaceful or cooperative.

For any man to effectively serve as President, he must have a lot of help. He must have many strong men around him serving as his aides who are clean, dedicated and knowledgeable.

President Ford has already shown that he is not afraid of making tough and unpopular decisions. While I do not agree with all of his decisions, I do respect his willingness to take a firm stand.

I am going to try to do my part in backing the new administration and making it effective for a strong, safe, and honorable country.

President Ford, pursuant to authority given him by the Constitution, nominated NELSON ROCKEFELLER, former Governor of New York, to be Vice President.

As evidence of my concern about this office, I accepted President Ford's invitation to make recommendations and called him up. I strongly recommended former Congressman and former Secretary of Defense, the Honorable Melvin Laird for the position, and then called Mr. Laird and urged him to accept, should President Ford select him. You know, of course, that this did not work out, but I mention it to show my expression of interest.

Mr. ROCKEFELLER underwent very close scrutiny by the Senate Rules Committee. Every phase of his life was gone into. He was investigated most thoroughly by the House Judiciary Committee also.

The Senate Rules Committee voted unanimously for Mr. ROCKEFELLER.

While I do not agree with every action Mr. ROCKEFELLER has taken in his public life, I believe him to be an able man, capable and qualified to render great service to our Nation.

I followed the hearings on his nomination before the Rules Committee very carefully and only after all the facts were in, did I decide to vote for confirmation.

I think the country needs a Vice President, and Mr. Ford had the right, under the 25th amendment to the Constitution, to nominate some qualified person to serve in that capacity.

The Senate's responsibility was to investigate the nominee and determine whether he was qualified to do the job.

As I said, Mr. ROCKEFELLER was not my choice, but I do believe him to be a most capable person.

I hope he will soon be confirmed by the House and take office so that he may get right to work on the economic problems facing our country today. He is experienced in this area and should do a fine job.

WATERGATE

The series of events that have become known as "Watergate" has been and is a political upheaval felt throughout the Nation, and in fact, throughout the world to a degree.

One of the great lessons of Watergate must inevitably be that there is too much danger of the abuse of power when so much of it is concentrated in the hands of those who are not responsible to the Congress and to the American people. If we are to learn anything from this experience, certainly it is that the Congress should require that those who are placed in positions of power and responsibility, close to the President, must be persons of mature judgment, sufficient experience, and with the necessary character and integrity. Their appointment to the office must be subject to confirmation by the Senate.

We have already had some success in legislative reform to correct this abuse. This year we passed a bill in the Congress which the President signed, requiring that the Director and Deputy Director of the Office of Management and Budget be confirmed by the Senate.

Last year the Senate passed a bill which would require Senate confirmation for the appointments to fill the offices within the White House of the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy. The House has yet to take action on this bill. However, the Congress did recently pass a bill, now law making the latter officer subject to Senate confirmation.

Until Congress can judge the qualifications of those selected by the President to serve in policymaking positions within the White House and question them before its committees, Congress cannot properly perform its legislative responsibilities.

Certainly, Watergate could not have occurred without the availability of large sums of money, and the coverup of Watergate would have gotten virtually nowhere except for the steady stream of money available to finance it.

The amounts of money spent in Presidential election campaigns, as well as in other campaigns for public office is just astronomical. The Comptroller General estimates that over \$115 million was spent in the 1972 Presidential election alone just by the two major political parties. This does not include, of course, the amounts spent by the various contenders in both parties prior to the Convention. The possibility of abuse is overwhelming.

Recently, the Congress passed a bill which limits the amount of money which a candidate can spend in his campaign for Federal office. It limits the amount of money which a person can donate to a candidate. It provides that expenditures must be by check. It also limits the amount of money which a candidate can use from his personal funds.

But passing tough laws is not the only answer. It is just as important to have honest people—people with integrity working in these campaigns and for the Government.

Hopefully, we have had our last Watergate. It has had a demoralizing effect on many of our people—but it should not.

It is necessary that people become even more involved in the affairs of our Gov-

ernment. Only through support and interest by the public in our Government can our Nation continue to remain strong and great.

IMPEACHMENT PROCEEDINGS

For only the second time in our Nation's history, the Congress of the United States formally considered impeaching a sitting President.

After months of hearings, the Judiciary Committee of the House of Representatives voted articles of impeachment against Richard M. Nixon. Shortly thereafter, of course, Mr. Nixon resigned from office making further proceedings unnecessary.

The Senate, of course, has no role in an impeachment proceeding until the House impeaches—charges—some official with misconduct in office. The Senate then becomes a court and hears testimony and receives other evidence and determines guilt or innocence.

Being a lawyer, former prosecutor, and judge, I realized the need for a fair trial and to refrain from prejudging the case while the House considered impeachment. For as I saw it, I was, as were all other Senators, potential jurors or judges. We could rule on the law and determine guilt or innocence. So our power under the Constitution is awesome and not to be regarded lightly.

I, therefore, urged my colleagues in the Senate to refrain from speaking out on the matter, other than procedurally, in the interest of fairness and justice until the sworn testimony was presented in a Senate trial.

As a whole, Members of the Senate were very responsible, I think, in discharging our duties in this regard.

I hope the Congress never has to consider impeachment again, but that possibility is always with us. It is a cumbersome tool, but very powerful. It should be used sparingly to avoid weakening the Presidency and only when the facts so justify.

CAMPAIGN REFORM

Because of Watergate much impetus was provided to pass an Election Campaign Act for Federal candidates.

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Congress responded with a bill which set campaign spending limits on races involving the President, Vice President, Senators, and Congressmen.

The bill also sets a limit on the amount a person or organization may contribute to a candidate or his political committee. Detailed reporting of contributions,

loans and expenditures must be filed several times each year. I strongly support those provisions of the bill.

The final major feature of the law provides for public financing of Presidential campaigns. To qualify, however, for Federal matching funds a candidate would first need to raise \$5,000 from each of 20 States to show that he was a bona fide candidate.

The matching funds would come from the tax checkoff on a taxpayer's income tax return.

I was unable to support the public financing provision of the bill. I just do not believe that this is a proper use of the taxpayer's money. Tight controls on contributions and expenditures and better enforcement of our campaign laws would be better in my opinion.

It is almost certain that before long the Congress will be appropriating your tax money from the general revenues to support the checkoff which would not have enough money in it.

It is also likely that Senate and House candidates will also be included and the amount of appropriated money needed to finance the program will be enormous. Thus this part of the bill was a case of "getting a foot in the door."

THE ECONOMY AND INFLATION

After 30 years of unparalleled prosperity, our Nation finds itself in severe economic trouble, faced by inflation and recession at the same time. Our Nation and our people have had to face many serious problems in our history, and we will face this one and cope with it, as we have in the past, but there will be some basic adjustments to make to meet this situation.

We are beginning to experience some profound changes in the American way of life.

The days of cheap energy—fuel, gas, oil, gasoline—are gone. Many of the factors that are driving prices up are beyond our immediate and direct control. Our dependence on foreign oil cannot be greatly reduced in a short period of time, and we are fortunate that we are less dependent on it than other industrial nations. The prices we pay for oil and products made from oil are not set by supply and demand, but by politics—foreign politics. We all remember the effects of last winter's oil embargo. The most immediate question now is will there be another embargo this winter? On the present facts perhaps not. But the facts can radically and quickly change.

To summarize the national program on the oil problem, it has three parts:

Conserve, and switch to other fuels as much as possible.

Develop our domestic oil production.

By negotiation with the Arab nations, try to improve the situation with respect to the price of Arab oil.

As to the domestic production, we are of course progressing with the pipeline to bring oil from the north coast of Alaska, and higher prices have stimulated new production in the oil producing States, including our own. The President has indicated his intent to make use of the naval petroleum reserves. Most important of all, there is renewed vigor in

the effort to develop the oil from our continental shelf. This effort will be expensive and it may be necessary to subsidize some of the offshore drilling; this remains to be seen. In any case the offshore oil must be developed.

As to foreign oil, we are in a position, I think, to accomplish much to reduce the price through negotiations with the major oil producing nations. In these negotiations, we are in a position of being one of the largest importers of oil, but then we are the largest exporter of food.

Our Nation is blessed with the capability of a large surplus of food production. Most of our good farm acreage is already in production, but by continuing to improve the crop yield we can increase production in the years ahead.

Export sales of food open the possibility of a new era of opportunity. Adjustments must and can be made to avoid upsets and conflicts with other elements of our economy, but the opportunity will be there.

There is another factor in the international oil negotiations that is becoming increasingly important. That factor is the enormous amounts of money flowing into the hands of the oil exporting countries that make up the oil cartel. Many of these countries have small populations and are relatively undeveloped. They have more money than they know what to do with, and if it is to do them any good it has to be invested abroad.

So far, these countries have not shown that they have any consistent investment policies to handle their sudden wealth. They have tended to place it with the larger banks in Europe and the United States as deposits which are subject to withdrawal on short notice. Banks that make large loans do so as long-term loans for capital investment, and it is risky to do that when the money they loan is from short-term deposits. So far about a quarter of this oil money has come to the United States and most of the rest to European banks, and the oil producers are beginning to find some of the large banks reluctant to accept these deposits.

Another way the oil money could be invested would be to buy industries and property in the industrial nations. There has been some of this, but not a lot, possibly because of the fear of future expropriation.

The third and best way for the oil nations to invest their money is to buy the technical assistance to develop industries in their own countries, so that when their oil is gone they will have balanced economies of their own.

The United States is at an advantage in these very large financial transactions. We can export our industrial technology to the oil nations at a profit, and are beginning to do so.

So the international guidelines have three aspects—oil, food, and money, and in the latter two the United States is at an advantage.

We have to recognize, though, that the worst part of the price rises in the economy come from a "one-time" inflation, resulting from recent and sudden worldwide price increases in basic commodities—fuel, food, and raw materials such

as metal ores. In my opinion, our economy will have to adjust to at least a major part of this one-time inflation, for although we may be able to moderate it some, it will not go away. In other words, we can certainly hope and believe that oil will drop from \$11 to \$8 a barrel, but we will not see \$3 oil again.

The Soviet Union is an oil exporter, so far in a rather modest way, shipping abroad about one-fourth of Soviet production.

The main Soviet internal problem for a long time has been to try to raise the standard of living. An example of this is the large grain purchases in recent years, aimed at increased meat production and better diets for the people.

If oil remains at the present world price, it would not be surprising to see the Soviet Union increase its exports. A relatively small increase could mean several billion dollars in their balance of trade, which could then be used to increase production of consumer goods to avoid discontent among the people of the U.S.S.R.

The situation with respect to oil makes even more explosive the possibility of war between the combined Arab nations and Israel.

Now, what can we do about inflation and the economy?

I urged that Congress reconvene after the elections in an all-out effort to put together a program to help compete with this problem. The people will respond when the need is made clear. One of my recommendations to Congress when it reconvened is discussed in the next following section of this report, but there are other steps that should be taken.

Three months ago I advocated a four-step program that I believe must be taken to cope with the economic problems.

Subsequently, in October, President Ford outlined his proposed program to a joint session of Congress.

The four steps I previously advocated are fully in keeping with what the President announced. They are:

First, interest rates must come down. The little fellow, the middle so-called, cannot pay 10 to 12 percent interest. These high interest rates were deliberately caused by the tight money policy of the Federal Reserve Board, and they can be deliberately lowered. This step seems to be in progress now.

Second, a homebuilding program must start, to avoid unemployment as well as to fill the need for homes. There are too many industries that are dependent, at least in part, upon a steady growth in the number of dwellings, such as furniture manufacturing.

Third, exempt from taxes up to \$1,000 of earnings each year on savings accounts. This encourages and rewards thrift, and makes money available through our building and loan associations for sound loans.

Fourth, if jobs are going to have to be created by the Government, they should not be "make-work" jobs, like the old WPA program. I advocated 4 years ago the establishment of a standby program of local public works projects, to be used in times of high unemployment. Every community has such projects

that can be used to better community health conditions by improving water supply or sanitation; to develop parks, lakes, and campsites; and to provide essential public facilities at the local level that will stimulate prosperity as well as take care of environmental and health problems.

It seems to me that if large sums are to be put in this program, there should be something constructive to point to when it is over, as a part of the Nation's capital investment, for prosperity in the future.

I was pleased that the President's message asked for the creation of a Community Improvement Corps, to carry out the objectives I have just outlined. However, the Employment Assistance Act passed by Congress does not emphasize these objectives, although it permits them.

The worst inflationary pressures are being applied to the great middle group of our country who are being crushed by high taxes and the continual rises in the cost of living.

For this reason I have grave reservations about a surtax that puts an added burden on the middle group, beginning as low as an annual income of \$7,500.

There is widespread agreement that the Federal budget in Washington must be put in balance or near in balance, and this can and must be done.

You rightly ask the question: Is there going to be a recession? Yes. The Nation is already in a recession.

A depression? I believe not. Perhaps we are waking up in time. We have enough fuel and food to get along, and we should be thankful, for we are the only major nation that can say this. The entire situation in our Nation was different in the great Depression of the 1930's. The rate rose to 24.9 percent in 1933. It is 6 percent now, and the most pessimistic forecasts do not predict that it will rise beyond 8 percent.

We have many Government policies now to protect our people, that we did not have then. For example, bank deposits are insured, the Federal Reserve Board has closer controls on money, as does the Securities and Exchange Commission on securities. There is social security, unemployment insurance, health insurance, Medicare, and so on. There are many protections against hardship and a full depression, although of course they are not guarantees against a depression.

The chief threat, as I see it, is the possibility of a world depression caused by the world price of oil. The "take-out" of capital from the economy is so great, due to increased oil prices, that nations may not be able to stand it. In the United States our fuel bill increased \$34.4 in the last year, and other Western nations had similar experience. France's fuel bill, for example, increased \$10.1 billion, and virtually all that went outside its country.

In spite of all our economic woes, the people of this Nation are justified in having confidence in the future. Having confidence is a part of the cure for some of the problems. Having confidence means that people do not hoard, in the expectation of shortages, and do not take

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their money out of savings and spend it, in the expectation that it will buy more now than it will later. These actions contribute to inflation.

Our people and our Nation can and will overcome recession and inflation. I believe that when the American people know what must be done, they have the moral strength to do it. They are willing to make sacrifices if they are sure they are necessary, and above all, if the sacrifices are borne equitably among the people. Federal policies should not ask of some of the people more than they can do, and of others less than they should do.

We must continue to look to the future, looking with confidence past the temporary hard times that may well be the cost of halting inflation. Our national resources, especially the strength and abilities of our people, are the greatest on Earth. Used with wisdom, they hold the promise of a magnificent future for our Nation?

GETTING THE FACTS ON ECONOMY

The American people are deeply worried, as am I, about the inflation that has taken place in the economy. They are perplexed as to what has happened and why it occurred. They want very much to know the facts, and they are entitled to know them, to the very best extent that the facts can be established.

In my judgment, the people have the right to expect that Congress will find out the facts and see that the people are informed. If this is not done, I believe that the people will lose confidence in the Congress.

Accordingly, on November 21, I proposed that Congress make an in-depth evaluation of major aspects of the present state of the economy, hold subsequent hearings on the facts, and that the executive branch be invited to participate in the evaluations and hearings on a cooperative basis.

What I proposed in this resolution, which was unanimously approved by the Democratic caucus, is an all-out, vigorous investigation and development of the facts as to what has happened in the economy, with special emphasis on inflation and on the real reasons for the spread between the raw materials and the retail prices paid by consumers. This large disparity in prices is the least understood and most disturbing and exasperating aspect of inflation, so far as the American household is concerned.

This will have to be a very thorough investigation, if it is to serve its purpose. I proposed that Congress undertake it through a Joint Committee of the House and Senate, with a very able and outstanding staff of people that are well versed in many fields of our economy, with the avowed purpose that no stone will be left unturned. The intent would not be to punish, nor to spare from blame, but to get the facts—all the facts.

I strongly suggested that the executive branch be invited to participate on a cooperative basis in this endeavor. Then the legislative branch and the executive branch each would be armed with the facts, and I believe that there can be substantial agreement as to those facts. This would establish a sound basis for

both branches to share in the legislative and administrative remedies that would follow the investigation.

On October 9, President Ford said in his economic message to Congress that he would seek vigorous enforcement of antitrust laws, and the Attorney General has subsequently confirmed that this is an objective of the Justice Department.

I think a part of the investigation that I am proposing should be to look carefully into whether conspiracy has played any part in the tremendous escalation of prices of some common items in the marketplace. I do not charge that such conspiracies have existed. I say only that this is a question that exists in the public mind, to which Congress should respond with the facts, whatever they may prove to be.

I think that another aspect of the economy about which there is common public question, suspicion, or misunderstanding is in matters of foreign trade. The investigation I proposed should give a thorough airing to such matters as the effects of import and export policies on domestic prices, commodity trading and the effects of foreign participation therein, the international grain market, and the operations of multinational corporations. This is not to charge that there are unconscionable windfall profits; it is simply to cite the need for public knowledge of the facts.

The first and foremost reason, however, for a thorough congressional probe of the economy should be to track down the real reasons for the great disparity between the cost of the raw product and the final retail price paid by the housewife. I do not single out nor omit any particular item, as the facts should be established across the board.

However, beef is a good example. All are familiar with the fact that recently some farmers have gone so far as to destroy numbers of calves as a means of drawing attention to the trouble cattle producers are facing. Last month a Mississippi cattleman with a relatively small operation told me that he has on hand \$10,000 worth of feed, some of which he raised and some he purchased. This will feed his young cattle until April 1.

At the present price of beef on the hoof, he will be unable on that date to recover the full \$10,000 if he sells the cattle. His dilemma is apparent.

The Department of Agriculture definition of the farm-retail spread compares the farm value of the poundage the farmer's cattle will produce, less the value of byproducts, with the retail price. In the last few months that spread has been as high as 56 cents a pound. If the farmer does not start getting a part of that spread, he is going to be out of business, and the public is going to be out of beef. Both the farmer and the public want to know what causes this untenable economic situation.

The farmer will tell you that this is just part of his problem. Last year nitrogen fertilizer was \$103 a ton. Now it is \$247. Baling wire was \$14 a hundred-pound box last year, and it is \$37 now. Baling twine went from \$9 to \$31 for a 40-pound bale, and barbed wire went from \$14.70 to \$25.70 for a quarter-mile spool.

Sugar, like beef, is another item drawing public attention. A 5-pound sack of sugar went from 90 cents to over \$3 in a year, and the public wants to know why.

Another source of public discontent is the repricing of items already on the retail shelves. I am told of housewives peeling off as many as five or six successive stickers with progressively increasing prices. Various explanations are heard as to the averaging of stocks on hand with new shipments in setting new prices, but there is no doubt that the subject is a source of public contention and the facts need airing.

Our economy is in a recession, unemployment is rising rapidly, and inflation is decimating the take-home pay of American families. People come to me and say, "What are the facts?" If I cannot tell them the facts they look at me in disbelief, and I do not blame them, for they are undergoing personal hardships.

For these reasons I urge very strongly the prompt initiation of a vigorous, in-depth fact-finding investigation of the economy by a joint committee, with special initial priority to the disparity between production and retail prices. I consider it absolutely essential that Congress lead the way in establishing the facts so that remedies can be established.

It is appropriate that this be a joint and cooperative venture, for there must be agreement on the facts. Neither branch of the Federal Government can cope with these economic problems by acting alone. The President and the Congress must join in their efforts at some point if these problems are to be met.

Should President Ford for any reason not see fit to join the Congress in this joint venture, then Congress should nevertheless move, and move promptly. Time is running out. Policies and laws can be adopted to first stop, and then perhaps reduce this runaway inflation that is destroying our values, especially the buying power of those who work at a trade or at a job or a profession for a living.

For an illustration, I believe that more can be done as to our complex energy problems. I believe that more can be done to make it less likely that we slip into a depression. It seems to me that his can be avoided, but if we sit by without getting the full facts and attempting to apply remedies, we may thus let our country slip into a depression.

Also, before we are flooded with further unemployment, we should probe the depths as to the causes of this unemployment, and expectations of what is thought to be developments in the future in this field, as well as to what choice we have as to remedies.

ENERGY CRISIS

We are still experiencing an energy crisis in this Nation. Though the long gasoline lines are no longer with us, and we are getting all the imported oil we need, we are still having many energy problems.

Imported oil is selling for four times what it was just over a year ago. These high prices are affecting our economy in many ways, as well as the economy of many other nations.

We are experiencing shortages of na-

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tural gas and coal, and the price of the latter has increased tremendously in the past year.

Over 90 percent of our energy needs come from these energy sources.

Our supply of imported oil has proven to be unreliable. The high prices seriously affect our citizens individually and our national economy. Our country must begin to conserve its energy. It will also be necessary for us to explore for and produce even greater quantities of those fuels than ever before.

We must, in addition to producing more fuels, develop the potential of other energy sources. There are many other sources of energy available to us and each must be developed to the fullest extent possible.

Our Government has proclaimed that we should be self-sufficient in energy by the 1980's. This will require much work and money, however. But no matter what the cost is, I am convinced that never again should we be placed in a position such as that we were in last year and this year. We can no longer depend upon foreign nations to supply such a large amount of our oil and energy needs.

Although we do not want to deplete all our reserves, we certainly must import less oil and produce more here at home.

Briefly, I will discuss the status of various types of energy our Nation uses and needs.

OIL

Proven reserves are less than 46 billion barrels. For this reason, I favor development of the offshore areas. Much oil should be discovered here, but heretofore, environmental considerations have hampered drilling.

We should also encourage greater production from "stripper" wells, that is, those producing fewer than ten barrels per day.

We should take steps which will encourage producers to seek more domestic production of oil gas.

For many years, foreign oil was very inexpensive and this encouraged expansion by our oil companies into foreign lands to provide us much of our oil. Recent experiences, however, have taught us that this was not a wise course.

We should also conserve more. We waste too much oil. Business and individuals should be encouraged to conserve. A permanent 55-mile-per-hour limit on our highways is an example of what we can do and have done to conserve energy. I strongly supported this legislation.

Efforts are now being made to require large users of oil to switch to coal where feasible.

Oil shale development in our Western States should be pursued if it is determined that the costs of producing it are not prohibitive.

There is much we can and should do to become self-sufficient for our oil needs. But sacrifices will have to be made. It is everyone's job to cooperate.

I look for our country to make great strides in 1975 toward accomplishing our goal. I will certainly do my part to help.

NATURAL GAS

Natural gas represents about one-third of our total energy needs.

In the last 4 years, we have experienced a natural gas shortage. It gets worse each year and next year's forecast is for more of the same.

Since 1954, when the Federal Power Commission began regulating the price of interstate natural gas, our supplies have been dwindling.

Today, there is such a shortage that many pipeline companies have curtailed deliveries to customers and denied service to new customers. In addition, the FPC has set priorities on natural gas usage.

Much gas discovered today is purchased within the State where discovered because the price is much higher for unregulated intrastate gas.

There is little doubt that price regulation by the FPC has had much to do with our present shortage. Of course, demand greatly increased when price regulations went into effect. The fuel was clean, abundant and cheap.

However, over the years drilling and exploratory costs increased considerably while the price allowed producers did not keep pace.

This year there has been much talk in Congress and elsewhere about deregulating the price of natural gas at the wellhead. Proponents argue that the only way to increase supplies is to allow gas to seek a price in the free market based on a demand-supply basis.

Opponents argue that the FPC has, from time to time, increased the price of natural gas without there being a corresponding rise in supplies. They further argue that producers, for the most part, will reap windfall profits and that at a time when the cost of living is so high, it would be unconscionable to do this.

They further argue that the market is not competitive and that therefore deregulation would have no effect on supplies.

One thing is certain—we must reduce our demand for natural gas and produce more. The necessary incentives to produce more gas must be available.

I have studied the proposals for deregulation very carefully, but I do believe that additional hearings should be held by the appropriate congressional committees to get all of the facts and to take into account the recent price increases for natural gas authorized by the Federal Trade Commission. We produce natural gas—Mississippi, but only about 40 percent of our needs.

COAL

Our Nation is blessed with an abundance of coal deposits. However, we presently are faced with a shortage of coal available for use. Demand has increased enormously as a result of natural gas curtailments, high oil prices, and the Arab oil embargo. Consequently, coal prices have escalated to over \$30 per ton.

It costs a lot of money to open coal mines and produce coal. Producers must be offered the necessary incentives to increase production.

Presently, we are still feeling the effects of a recent nationwide coal strike. Utility companies have curtailed power to customers because of dwindling supplies of coal. This coal strike will, though

now settled, continue to plague us for quite some time.

If we can overcome the barriers preventing greater production of this coal, we may have solved our energy needs because of our huge reserves of this fuel.

NUCLEAR FUELS

While nuclear power only represents about 4 percent of our total energy needs, it is growing in importance.

Just this year, Mississippi River & Light received final authority to construct a nuclear power generating plant near Port Gibson. The plant will not, however, be finally completed until 1981.

Uranium ore, of course, is the source of nuclear electric generating plant fuel. The Atomic Energy Commission estimates that we have over a half million tons of uranium reserves.

I believe that we need to increase our use of nuclear power. It can play a major role in our Nation becoming self-sufficient for our energy needs.

Development and research on the breeder reactor is also coming along. The nuclear "wastes" are reused. It is almost a perpetual motion machine. Much research is being done on this and if we are successful in developing it, it will be one of man's greatest accomplishments and could provide us with an enormous amount of energy.

SOLAR ENERGY

Congress this year passed legislation providing for a large number of research and development projects relating to solar energy.

Solar energy is, of course, clean and infinite. In the future, many of our schools, hospitals, homes and businesses could be heated and cooled by solar energy.

There are some buildings in our country that are now heated and cooled by solar energy. New and better technology could make its use more acceptable.

One day solar energy will play a significant role in our lives and we must develop its potential for the good of us all.

GEOTHERMAL ENERGY

Congress also recognized the need to do research and development in the area of geothermal energy and this year passed legislation providing for research and development projects.

Geothermal energy can be used for heating and cooling buildings as well as for generating electricity.

This is a very long-range program, but it must be explored and developed.

CONCLUSION

There is no doubt that much money will need to be spent over the next few years to develop the full potential of the various sources of energy.

This will be a major task, but it is vital to us all that it be undertaken.

Our Nation's dependence on energy will increase. To depend on any one fuel or one source would not be wise. We must develop several sources of energy and make any combination of them capable of sustaining our needs at reasonable prices.

Congress has responded to the energy crisis by passing many laws which should help us become self-sufficient. Next year, we will consider additional legislation to

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encourage the development and production of additional energy and energy sources.

I want to assure you that I fully appreciate the problems of this program and I have taken a great interest in this matter over the years, especially as it relates to nuclear energy. I am chairman of the Senate Appropriations Subcommittee which considers all programs of the Atomic Energy Commission. This includes our huge and exclusive research programs—all of these fields. I especially encourage and support programs designed to assure adequate supplies of energy to meet our needs.

I pledge to continue to do what I can to make certain we conserve our energy and develop and produce more oil, gas and coal, as well as developing additional energy sources.

WINTER DAYLIGHT SAVING TIME

I was opposed to the imposition of year-round daylight saving time at the time that legislation was passed, last winter. I was not persuaded that the possible savings in energy would outweigh the adverse effects on the public. The requirement for winter daylight saving time was prescribed in an emergency energy measure, in December 1973, in the hope that some electricity could be saved, to ease to some degree the impact of the oil embargo. The time change went into effect on the fourth Sunday thereafter, on January 6, 1974.

Within a month it was apparent to me that the drawbacks to winter daylight saving time were in fact far exceeding the very negligible benefits, and in remarks on the floor on February 4, I advocated a return to the time system to which people were accustomed—6 months of daylight time and 6 months of standard time. I was particularly concerned about young children having to be out before dawn, walking to school in the darkness or waiting in the cold for schoolbuses. It was my view, and I said so in my radio and TV broadcasts to Mississippi that week, that if Congress could not agree on 6 months of each time, then I would advocate a compromise of using 4 months of standard time, during the heart of the winter. Conditions in March and April are not as difficult for schoolchildren, and daylight saving could be tolerable in those 2 months if necessary.

By summer, Congress had not acted to repeal year-round daylight saving time, and we were approaching a new school year. School districts and families needed to know what kind of a schedule they would be following. So, on July 22 I introduced a new bill, to return to 6 months of standard and 6 months of daylight time, and I asked for early hearings and prompt consideration by the Senate.

I pointed out that there were three good reasons why this should be done. First, the report by the Secretary of Transportation on the results of the first winter of daylight saving time did not show savings of energy. Second, it was clear that schoolchildren were facing difficult and even hazardous conditions in trying to get to school in the dark mornings. Third, there was disruption and hardship in families, particularly

where both parents worked, because some school districts were changing the opening hour of school in order to protect the children.

In August both Houses of Congress agreed on the compromise of 8 months of daylight saving and 4 of standard time—the House in a separate bill and the Senate in an amendment to the Energy Reorganization Act. Agreement was reached on a single bill early in September, and it was later signed into law by the President.

I supported the bill and spoke on the floor urging its prompt passage. It was as good a compromise as could be reached. Some areas of the country did not take strong objections to the year-round daylight saving time. Some would have preferred 9 months, and 3 of standard time; I would have preferred 6 and 6, but the 8 and 4 solution does give the people standard time in the heart of winter—November through February—and that is the critical period.

GOVERNMENT INTERFERENCE IN BUSINESS

During this session of Congress I have spoken on the Senate floor against Government interference in private enterprise. This is a subject I hear about frequently when I am home in Mississippi, and I am sure it is an issue of importance anywhere in the Nation.

I always look forward with pleasure to the opportunity to get home and visit around the State to chat with friends. The enjoyment that I get from a chance to talk at length with a businessman that I have known for years is frequently tempered by the fact that he will ultimately make known the strong feelings that he has about the interference of the Federal Government in his business. He is frustrated by the requirements, the constraints, and the paperwork that the Government places upon him. He is puzzled at the necessity for much of this, and angered by the number of things that the Government requires him to do, or forbids him to do, under penalty of law. He feels that a lot of these rules are quite arbitrary, that many of them do not fit his situation, and he is resentful of them.

It is very hard for me, as a Senator, to try to explain how all this red tape came into being, and why it should exist at all. In fact, it is impossible to explain. There is no sensible way to rationalize the degree to which the Federal bureaucrats have entered into the management of free enterprise.

Take the matter of paperwork alone. The hearings last year of the Senate Select Committee on Small Business showed that there were about 5,300 different types of approved public use forms that came under the supervision of the Office of Management and Budget, which has responsibility under the Federal Reports Act of 1942. And this number does not include all the tax forms of the Internal Revenue Service or banking forms, neither of which come under OMB.

Counting all kinds of forms, the paper that flows into Federal agencies each year fills 4½ million cubic feet of space, and costs \$8 billion a year to process and administer. There are 10 pieces of paper each, per year, for every man, woman,

and child in the United States—more than 2 billion forms a year.

According to the Budget Bureau, for the business community alone, in 1973, there were 2,547 different reports. There were 122,000 responses to these required reports, and it took the business community 72 million man-hours to prepare them. If it cost only \$5 an hour to fill them out, that is a cost of businessmen of \$362 million—and that is a nonproductive cost—a loss to businessmen. The National Small Business Association estimates that adding just one Federal form that all businesses have to fill out costs small businesses \$19 million.

The paperwork, though demanding and expensive, is just a symptom, only a manifestation of the degree that Federal regulation of business procedures has infiltrated the entire structure of American enterprise. One is given good cause to wonder whether we are justified in calling it a free enterprise system.

Think of the scope of businesses that are subject to formal Government regulation. We have become so used to it that we hardly notice it anymore, but almost every business that directly affects our daily lives is Government regulated. You are dealing with a federally regulated industry when you turn on your light switch or radio, or buy an airline ticket or a prescription drug; if you cash a check, or call your broker. You name the business and the chances are it is regulated—railroads, truckers, and barge lines; farmers or meatpackers—the list is endless. In the U.S. Government Manual, under the executive branch, are listed the independent agencies. It takes 195 pages to list them and brief their functions, and a large part of them are in the business of telling citizens what they can and cannot do in the pursuit of their occupations.

All of this excessive Government control of business is of course based on laws passed by Congress. And I must say that the experience of recent years indicates an increased tendency on the part of Congress to resort to Government intervention by legislation to try to solve any kind of social or environmental problem that is thought to grow out of business practices.

To note a few examples of such bills, from the recent past, we have seen the Occupational Health and Safety Act; the Consumer Product Safety Commission; controls on automobiles to cover safety, damageability, and exhaust emissions; controls on agricultural pesticides; clean water and clean air standards; Federal Trade Commission injunctive relief or certain trade practices; the Consumer Food Safety Act and the Consumer Warranty Act; the credit card bill; new minimum wages; and others. We have seen prices and wages controlled and then decontrolled, and oil allocated between companies. Various controls on imports or exports are advocated monthly. The proposed Consumer Protection Agency bill has been debated at great length, and fortunately it was defeated, for in its ultimate effects it would not have been good either for the public as a whole or for the business community.

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Government regulation of business is obviously a very complex matter, and it does not lend itself well to legislative solutions that set forth the law in detail, and present it to the executive branch to enforce and the courts to arbitrate. Consequently the tendency is for Congress to establish a new independent agency, define its mission, give it a broad charter with enforcement powers, and tell it to write its own regulations.

These regulatory agencies proceed forthwith to do just that. They write their regulations and enforce them, and within a few years it is absolutely amazing to examine what has grown in the way of bureaucratic controls, reports, constraints and expensive harassments of businessmen. Sometimes the law as written even permits an agency to issue citations and then impose their own penalties.

I think it is a reasonable assertion to say that the average businessman can no longer hire and fire and set wages according to merit and performance. Discrimination suits are common, and now there are "reverse discrimination" suits. It is not worth the trouble and expense to try to hire part time help. A plant is closed by a strike and the strikers draw food stamps and welfare.

To add to his other woes, the businessman is a tax collector, on a large scale, and the recordkeeping and reporting procedures that he must follow are prescribed for him. He withholds income tax and social security tax. In many States he withholds State income tax, and sales or use taxes, usually without being compensated for the expense. A firm that does business in interstate commerce has a multiple problems, to allocate income and employee taxes among several jurisdictions. Also, to complicate the problem, there is insufficient correlation of forms between Federal and State jurisdictions, so the accounting has to be done twice. If a small firm's bookkeeper gets sick and the firm is late in completing the paperwork to turn in the withheld taxes, the penalty is automatic and substantial. The businessman is kept busy being a tax collector, and he has to do it at his own expense.

You will recall that in September President Ford convened a series of conferences, in preparation for the so-called summit conference on inflation. At the first of these he convened a large group of economists, of various political and economic persuasions. It was interesting to me to note that among the relatively few matters on which there was general agreement among the economists was that there are many inflationary factors that are built into the economy by law, in the forms of Federal controls that in fact restrain competition and result in higher prices. One economist submitted a list of 45 such economic stumbling blocks, from past laws, that he proposed should be done away with.

Federal interference in private enterprise exists throughout the structure of the business community. Its effects are onerous, and if allowed to increase will threaten the effectiveness of the free enterprise system. It will not take very

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much more government harassment of small business to make it so difficult that some businesses will not be able to survive. I have consistently opposed unreasonable Federal interference in private enterprise, and I intend to continue to oppose it, for it results in excessive costs that are passed on to the consumers.

FORESTRY

In Mississippi, our forests are of course one of our very best assets, and forest products are among our leading industries. Consequently, over the years, I have taken a very strong interest in forestry matters, such as the Forestry Incentives Act of 1973.

The demand for wood in the United States is expected to double in the next 30 years, and most of it is going to have to be grown on small, privately owned nonindustrial tracts. To accomplish this end, a Federal program of incentives was essential.

In 1972, I introduced the Forestry Incentives Act, and it was signed into law in August 1973. It provides cost sharing of 75 percent by the Federal Government for planting seedlings and for timber stand improvement. The first money became available in February 1974, and the program is continuing at the rate of about a million dollars a year in Mississippi.

I am glad to say that this year the State Legislature passed the "State Forest Resource Development Program," which is financed from timber severance tax. The two programs complement each other very well. At the present level of funding of the two programs, over a million acres of our forest land will be planted, or the timber stand improved, over the next 10 years.

A second matter I will mention is the McIntire-Stennis program of cooperative forestry research. It was established by law in 1962, and I was the coauthor of that legislation, with then Congressman Clifford McIntire of Maine.

Under this program research in forestry-connected endeavors is carried out at 63 State universities and land-grant colleges throughout the Nation. The research is carried out by graduate students, working under professionally qualified supervision. It is financed on a 50-50 cost-sharing basis, half by the Federal funds, which are running about \$6 million a year now, and half from State or industry funding. This has been an extremely successful program. It has the enthusiastic support of the universities, industry, and the Department of Agriculture, which administers the program. I am confident that it will continue to grow and prosper, and as one of its founders I am proud of its success.

A third endeavor in forestry work in which I take satisfaction concerns the laboratories of the Forest Service, in which they carry out the research essential to their work on Federal lands, and which has great value to industry and private lands also.

In 1960 there were authorizations from Congress for the construction of a number of Forest Service laboratories, but the program had been standing still because the administration had not been budget-

ing any money for construction of the laboratories.

I took up this cause because I knew that research was essential for future progress. I recognized that the laboratories would have to be widely distributed—from the Douglas-fir country in the Northwest to the pine belt in the South, so I pushed the program on a national basis. Fortunately, I was in a good position to do so, as a member of the Senate Appropriations Committee.

In the 4 years, from fiscal 1961 through 1964, appropriations were provided for 23 laboratories. I do not want to take credit for all of them, or sole individual credit for any of them, but I was instrumental in 14 of the 23, and I strongly supported the others. Of course each member of our Mississippi delegation supported and helped in all these efforts.

In the first year of the program we got the Southern Hardwoods Laboratory at Stoneville, and an expansion of it in the third year. And in the second year we got the Institute of Forest Genetics at Gulfport. These forest laboratories are distributed over 21 States, and I am proud of the work they are doing today, especially at the laboratories in Mississippi.

WATER RESOURCES PROJECTS

Investment of Federal funds in water resources projects is a sound investment for the benefit of economic progress in present and future generations, and in the preservation and cleanliness of the vast water resources with which our State is so richly endowed. The money that is spent to prevent floods, and to improve waterways and harbors, is returned with interest over the years, often many times over. For such projects to be authorized, it must be demonstrated to Congress by documented engineering studies and economic analyses that the benefits will exceed the costs. Further, such studies must include an analysis of the environmental effects of the project, and the design must conform to standards that will preserve and enhance the environment to the maximum extent.

As the chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I preside at the very lengthy hearings and committee deliberations which allocate money each year to these water resources projects and I naturally take a very strong interest in studies of all potential projects in Mississippi, and in the progress of projects that Congress has authorized to be constructed in our State.

Studies which I had advocated and helped to fund resulted in the authorization of several new Mississippi projects in the Water Resources Authorization Act of 1973. This year then became the first opportunity to provide money to begin the design of these projects, and I am glad to say that most of them received funds in the appropriations bill passed in August 1974. In some cases the money was added by Congress even though the projects had not been included in the budget. Where this occurred, there will be deferrals of half the money that Congress added, so that half the expenditures do not occur until early next fiscal

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year, but in any case, a start is being made in the current year.

These new projects for which money has been provided include Edinburg Dam, on the Pearl River, in northern Neshoba County, for flood control and recreation; and addition to Greenville Harbor, to provide an additional harbor channel in undeveloped lands adjacent to the existing port area; the Vicksburg port area, to provide a new leveed area for industrial expansion near the port area; and the Natchez port area, where a new leveed area is also to be provided near the port.

There are additional studies underway, which probably will eventually result in new authorized projects. These include studies in the Yazoo Basin and in the Pascagoula River Basin, seeking means to prevent damages such as were suffered in the floods of 1973 and 1974, and a study to see what can be done to improve the channel of the lower East Pearl River and to provide navigation to Picaune.

The appropriation bill this year also provided the final-year funds for other studies at Pascagoula, Vicksburg, and on the tributaries of the Tombigbee River. A study of navigation depths from Baton Rouge to Natchez is just getting started this year.

For projects under construction, the full amount of the money the Army Engineers needed for the year was appropriated for all Mississippi projects. Where these amounts exceeded the budget request, the administration has asked a slowdown in spending half of the amounts added, until next fiscal year, but the projects are proceeding at a good pace. Tallahala Creek Lake has money for land acquisition, and actual construction will begin next year. All the work in the Yazoo Basin is being pressed forward, so as to provide additional flood protection, particularly against backwater flooding from the Mississippi River.

I want to share with you, very briefly, my enthusiasm for a great water resources project that is going to change and enhance the economic future of east Mississippi and the whole multi-State region that surrounds it. I refer, of course, to the Tennessee Tombigbee Waterway.

This concept of connecting the Tennessee River with the gulf coast via a navigable waterway, using the Tombigbee River dates back to the early 1800's. The project has been studied formally since 1870. It was first authorized by Congress in 1946, and its favorable benefit to cost ratio reconfirmed in several reanalyses since, showing that \$1.50 in benefits will be returned for each dollar spent.

The first construction money for the waterway was appropriated in fiscal year 1971, and a total of \$30 million appropriated and spent on construction through fiscal year 1974. For this year, Congress received a budget request of \$30 million, and appropriated \$37.9 million, the full capability of the Corps of Engineers for the year. The President is asking that a part of the added \$7.9 million be deferred until fiscal year 1976, but this should not have a major effect on construction progress during the year. The waterway is scheduled for comple-

tion in June of 1981, and I am hopeful that this schedule can be maintained, in spite of the variations in funding that will occur from year to year.

Work is underway on Gainesville lock and dam, will begin soon on Aliceville lock and dam, and will start next year on Columbus lock and dam. Dredging has begun on the north end of the project at Yellow Creek, and the work will progress from both ends.

The project is going to cause a tremendous economic boom in east Mississippi. The only modern parallel from which we can judge its magnitude is what has occurred, along the McClellan-Kerr project, the Arkansas River Waterway. In the 3-plus years since its completion there has been \$3 billion worth of new industrial development along that waterway—much more than expected, almost \$1 billion a year. The industrial expansion in all of our State of Mississippi last year was about \$1 billion, so you can see what kind of a boom can be expected in east Mississippi as a result of the Tennessee Tombigbee Waterway.

The important thing to do is to plan ahead, to see that it is not an uncontrolled boom, but an orderly and planned regional effort, with land-use planning, and development of community facilities to meet needs as they occur.

I was pleased that in May, in Meridian, the East Mississippi Council and the Tennessee-Tombigbee Waterway held a joint meeting to explore and evaluate what is going to happen and how to plan for it. This is a great challenge, and a great opportunity for east Mississippi.

THE NATCHEZ TRACE PARKWAY

It has been quite a struggle, over the years, to try to get the money appropriated to keep the construction moving along on the Natchez Trace Parkway. I certainly have devoted a lot of time and effort toward that goal, as have others in the congressional delegation.

Part of the problem has been that the National Park Service, which is of course the agency which budgets for parkway construction, has a relatively modest part of the budget of the Department of Interior. In turn, the Department of Interior has one of the relatively small budgets among the cabinet departments. Consequently, when the Office of Management and Budget is making up the annual budget request, and allocates amounts to departments, not much gets to the Park Service, and what they do get has to support all their other functions as well as parkway construction.

Nevertheless, during the last 15 years we have been able to get over \$45 million for the Natchez Trace. From 1960 through 1974, the total for all parkways in the United States was \$118 million, and the Natchez Trace got the most—\$45 million, as I said—with the Blue Ridge Parkway second at \$40 million and the George Washington Parkway third at \$16 million. So comparatively, at least, we have done well. I do not claim all credit for all this money, but I was certainly deeply involved in the effort as a member of the Senate Appropriations Committee.

This year in the appropriations bill for fiscal year 1975, Congress added enough money for construction—\$3.3 million in cash and contract authority for \$2.1 million in fiscal year 1976—to finance the next 5 miles of section 3-C, northeast of Tupelo. Another \$850,000 was provided for planning on other sections of the parkway, in Mississippi and Alabama.

As has been reported in the newspapers, President Ford asked Congress to rescind or defer a number of past and current appropriations, involving very large amounts. I was concerned that this money for fiscal year 1975 for the Natchez Trace might be caught in the deferrals, so I took the matter up on a personal basis with the Secretary of the Interior. I am glad to say that he has confirmed that the money will not be withheld, but will be spent as planned.

Also, Senator EASTLAND and I launched a second effort to speed up the construction of the Natchez Trace. He introduced a bill, which I cosponsored, that would make the parkway eligible for money from the Highway Trust Fund, without it being necessary for it to become a part of the Federal-aid-highway system. The bill would authorize \$210 million over 3 years, to be divided among several parkways and it provides that parkways built under this authorization will be for "scenic and recreational use and passenger car travel." The bill passed the Senate but was not approved in the House, and we will have to try again in the next Congress. After it is finally enacted into law, then it will be necessary to try to get some money into the budget and approved in an appropriation bill.

I have consistently taken the position, in supporting this beautiful parkway, that it will be a sound investment for the Government to complete it in a timely way and thereby make the full benefits available to the citizens of a 3-State region and to the many other citizens who, as tourists, visit this area in increasing numbers each year.

NATIONAL SPACE TECHNOLOGY LABORATORIES

Since 1961 a huge National Aeronautics and Space Administration facility has been located at Pearl River and Hancock Counties in Mississippi. During our intensive efforts to explore space and land men on the Moon this facility's primary mission was the testing of huge rocket engines and propulsion systems.

This installation consists of a 13,248-acre test site owned in fee simple surrounded by a 125,328-acre buffer zone under a perpetual restrictive easement which prohibits human habitation or occupancy.

As we all know our space program has phased down considerably from its level during the sixties. With this phase-down of the space program the facility shifted its emphasis to include environmental and Earth resources research. Under this new direction components of 16 Federal and State agencies with related activities have established operations at the NASA facility. Employment presently exceeds 1,100 people.

Throughout the years I have been very active in efforts to maintain this multimillion dollar facility and increase the use of it by NASA and other Federal agencies.

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In recognition of its expanded role in environmental and Earth resources research on June 14, 1974, I announced a NASA decision to establish the Mississippi test facility as an independent field installation reporting directly to NASA headquarters in Washington. With this institutional change the installation became a full partner in the NASA organization rather than remaining a component of the National Space Flight Center in Huntsville, Ala. To more accurately define its expanded role, the name of the Mississippi test facility was changed at that time to National Space Technology Laboratories.

At my request the Office of Management and Budget urged NASA to conduct a survey of other Federal agencies to further encourage them to make greater use of the installation. This activity is continuing.

Slightly less than 1 month later on July 10, 1974, I announced that this installation had been selected by the Department of the Army as the site for the construction of a new 155-millimeter artillery ammunition facility. Necessary preliminary engineering and environmental studies are underway at this time. With favorable study results, a decision can be made to start construction.

The Army expects permanent employment and production at the facility to begin in approximately 3 years after the engineering and environmental studies are completed and a final decision made to proceed. Production and employment are expected to reach their normal levels in 5 years.

Although the emphasis and activities at NSTL have been expanded, testing of rocket engines continues to be an important activity at the Mississippi installation.

On June 23, 1974, the decision was made by NASA to move a space shuttle testing program from California to the NSTL site. Testing of the space shuttle main engine integrated subsystem test bed was moved forward by some 4 months which brought about a personnel buildup of 94 people in Mississippi at an earlier time than had been originally planned for the space shuttle main engines. This buildup will continue to a level of approximately 400 people through 1978.

I remain convinced that the National Aeronautics and Space Administration, and moreover the Federal Government, have an obligation to the people of this area to fulfill their commitments and insure that this installation is used in every way possible in the years ahead.

In this regard, I have personally contacted a number of Federal agencies and departments including the Navy, Air Force, Army, Environmental Protection Agency, National Oceanographic and Atmospheric Administration, Department of the Interior, Atomic Energy Commission, and many others to encourage them to fully explore the cost-savings and scientific advantages available by locating some of their operations at the National Space Technology Laboratories. I have been encouraged by their response so far, and I am hopeful that additional agencies will locate at NSTL in the near future.

RURAL WATER SYSTEMS

Over the years I have been a strong supporter of the Farmers Home Administration program to assist rural areas to develop their own water systems. Under this program grants and loans are made to nonprofit organizations representing their communities, which can be as large as 10,000 in population. Loans are made at interest rates of not more than 5 percent, and for terms not to exceed 40 years.

Beginning 2 years ago, the administration declined to make any further grants under this program, in spite of the fact that they were being carried out under authorization and funding from Congress.

It was not until the end of December 1973, that the administration released \$30 million in grant funds, of which Mississippi received \$756,000 for such grants. In May of this year congressional pressure resulted in the release of \$120 million more, of which Mississippi received \$3,304,000. Even so, there are still many rural water systems in Mississippi that are eligible for these grants, and would receive them if money were available.

In the appropriations bill this year, for fiscal year 1975, I joined with the other members of the Agriculture Subcommittee of the Senate Appropriations Committee in urging the transfer of \$225 million from unused funds from another program, to be used for rural water systems. This bill was eventually vetoed, so the transfer of the money did not take place.

In the subsequent new agriculture appropriations bill, we provided \$30 million for rural water system grants, as well as substantial amounts for loans, and I am glad to say that the President has approved this bill and signed it into law. This money will be most welcome to the groups of citizens in Mississippi who have water system applications pending with the Farmers Home Administration.

This grant program is the way these communities get their systems started, reinforced by loans which they undertake to repay from their revenues. These little towns and their outlying rural fringes are often in a depressed economic condition, which is of course why they need revitalization. They cannot start by themselves on a loan basis entirely, so the grant program is the key to the problem.

My goal is to push this program to the limit, so that every rural community will be covered, as the dew covers the hills and the valleys.

APPALACHIAN PROGRAMS

Under the Appalachian Regional Development Act of 1965, programs are sponsored by the Appalachian Commission to further economic development, and educational improvement, and health care within the 13 State Appalachian Region. As originally passed, this act did not include any part of Mississippi, but an amendment I sponsored in 1967 resulted in the inclusion of the 20 northeast counties of our State in the area eligible to participate in projects sponsored by the Appalachian Commission.

Since my amendment was signed into

law, very significant progress has been made in these programs, all aimed at health, education, and job development. We are in the seventh fiscal year of that period, and projects have been completed or approved that now have a dollar total of well over a hundred million dollars. Of this money about half came from grants from the Appalachian Regional Commission and other Federal programs, and half from matching funds of State and local money.

I take particular satisfaction in the projects that are completed under the Appalachian program. As the chairman of the Public Works Subcommittee of the Senate Appropriations Committee, it is my duty to conduct the hearings that examine into the budget requests for this work, and to recommend the amounts that shall be appropriated. Typical projects that are built under this program are access roads, water systems, expansion of hospitals, medical centers, sewer improvements, and facilities for vocational and technical training.

The Appalachian Regional Development Act of 1965 established authority for a system of so-called corridor highways—major multiple-lane highways through the Appalachian States linking population centers and connecting with the interstate highway system. Because Mississippi was not included in Appalachia until 1967, we did not receive an allocation of corridor highway, as was the case with Alabama and South Carolina.

I am glad to say that a resolution of the problem was reached last year, and Mississippi and Alabama are to have a corridor highway which will run from Huntsville through Tupelo for a junction with I-55, west of Oxford.

I am pleased that our State has taken full advantage of the Appalachian programs, within the 20 counties that are eligible, and I intend to press for continuation of adequate authorizations and funding for this work. It is important to our State.

SCHOOL BUSING AND DESEGREGATION

The busing of schoolchildren to overcome racial imbalance in our public schools gained much attention this year in the Congress and to a lesser extent in the courts.

In August, the President signed an education bill which contained antibusing provisions. Unfortunately, the provisions are weak. The House had passed the bill with strong antibusing language. The Senate, however, watered it down to the point where it was almost meaningless, and the Senate provision ultimately became law.

This month, however, the House passed an appropriations bill which contained a provision that education funds could not be used for the purpose of compelling a school system, as a condition for receiving such funds, "to classify teachers or students by race, religion, or national origin; or to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin. This was subsequently modified in the Senate and rendered meaningless. I regret that my efforts and those of others to get this amendment written into the law failed. Much work went into

this, but the votes unfortunately were not with us at the end.

Now Boston is involved in massive busing of schoolchildren from one part of the city to another.

To a large degree, I fault the U.S. Supreme Court for not making a definitive rule on busing. The Brown decision of 1954 ordered an end to discrimination maintained through dual school systems. Now the schools have been desegregated, but HEW and some of the Federal courts want a precise ratio in all schools of black and white students in the entire area. And since such ratio of students differ from one neighborhood to another, students are forced to be bused miles and miles away from their homes to another school.

In effect, today students are denied the right to attend a particular school on account of their race. This is just what the Brown decision outlawed.

Secretary Weinberger of HEW said recently that the Northern States opposed desegregation of their schools and that HEW was, therefore, having difficulty in desegregating northern schools. This, of course, was not the position HEW took against the South.

Funds were cut off from southern schools in quick order and desegregation plans were often dictated by HEW to our school districts. To date, only one school district in the North has had funds cut off.

This double standard is in clear violation of the Stennis amendment which became law in 1969 and provided that the law must be applied uniformly in all areas of the United States in matters of school desegregation.

I have reminded Mr. Weinberger of this provision of the law and urged him to enforce it.

I do not believe that the North is willing to live under the same conditions which were imposed on the South for so long, and for that reason I see a small bit of relief in the future.

People are sick of busing and it is up to Congress to stop it. We have made some headway, but the job is not over.

I intend to again work in the next session of Congress for meaningful legislation that will prohibit busing just to achieve a racial balance in our public schools. Also, I will push for the adoption of a resolution submitting a proposed amendment to the Constitution of the United States, to be adopted by the States, which will prohibit this senseless busing to achieve racial balance in our public schools.

I believe that widespread opposition to forced busing has created a climate in the Nation where we now have a real chance to accomplish this goal.

I will continue to press for these points during the next session of Congress. Perhaps soon, this senseless activity of busing schoolchildren will cease.

APPRECIATION TO THE NEWS MEDIA

Each of us in this Chamber today knows of our responsibility to make every effort possible to keep our constituents, the people back home, informed of the actions taken and the operations of their Government.

I have long believed that the American people, when given all the facts, will consistently reach logical conclusions about the actions of their elected officials. No matter how diligently one tries to answer his mail, return telephone calls, or visit by home, every Senator in this Chamber knows the value of his home State news media.

In recognition of their contributions to the betterment of our Nation I would like to sincerely say to my colleagues that I hope they are as fortunate as we in Mississippi to have such a vast and responsible group of newsmen and women. This is in no way intended to discredit the news media of other States, but a sincere expression of my appreciation of the excellent work done in Mississippi.

As I said earlier, I have always felt a duty to let the people back home in Mississippi know what I am doing in Washington and to express my opinions on issues and topics of concern. Due to the excellent coverage by the Mississippi news media, this has developed a continuing two-way communication.

For several years now, I have produced weekly radio and television reports to the people of Mississippi in addition to regular written news releases. Throughout the years, use of these reports has increased greatly. I would like to recognize those radio and television stations in Mississippi who make these reports available to their audiences:

Television stations receiving weekly reports:

Biloxi, Miss.—WLOX-TV.
Hattiesburg, Miss.—WDAM-TV.
Jackson, Miss.—WJTV-TV, WLBT-TV, Capital Cablevision, Inc.
Memphis, Tenn.—WMCT-TV.
Meridian, Miss.—WTOK-TV.
Mobile, Ala.—WKRQ-TV.
Tupelo, Miss.—WTWV-TV.

Radio stations receiving weekly reports:

Aberdeen—WMPA.
Amory—WAMY.
Canton—WMGO.
Cleveland—WOLD.
Columbia—WFFF.
Columbus—WCBI, WMBC.
Corinth—WCMA.
Greenville—WDDT.
Greenwood—WGRM.
Grenada—WRIL.
Gulfport—WGCM, WROA.
Hattiesburg—WFOR, WHSY.
Houston—WCPC.
Indianola—WNLA.
Iuka—WVOM.
Jackson—Mississippi Radio News, WRBC, WWUN.
Kosciusko—WKOZ.
Laurel—WAML, WNSL.
Lexington—WXTN.
Magee—WSJC.
McComb—WAPF/AM; WCCA/FM.
Meridian—WOKK.
Natchez—WNAT.
Pascagoula—WCIS, WPMP.
Picayune—WRJW.
Pontotoc—WSEL.
Poplarville—WRPM.
Quitman—WBFN.
Starkville—WSSO.
Tupelo—WELQ, WJLJ.
Vicksburg—WQBC, WVIM.
West Point—WROB.
Winona—WONA.

Of course, all newspapers in Mississippi continually report events in Washington.

I would like to recognize their contributions at this time.

Daily newspapers in Mississippi.
Biloxi—Daily Herald, South Mississippi Sun.
Brookhaven—Daily Leader.
Clarksdale—Press Register.
Cleveland—Bollivar Commercial.
Columbus—Commercial Dispatch.
Corinth—Daily Corinthian.
Greenville—Delta Democrat Times.
Greenwood—The Commonwealth.
Grenada—Daily Sentinel Star.
Hattiesburg—The American.
Jackson—Clarion-Ledger, Jackson Daily News.

Laurel—Leader-Call.
McComb—Enterprise-Journal.
Meridian—Meridian Star.
Natchez—Natchez Democrat.
Oxford—Oxford Eagle.
Pascagoula—Mississippi Press Register.
Starkville—The Daily News.
Tupelo—Daily Journal.
Vicksburg—Vicksburg Evening Post.
West Point—Daily Times Leader.
Aberdeen—News Herald.
Ackerman—Choctaw Plaindealer.
Amory—Advertiser.
Ashland—Southern Advocate.
Baldwin—News.
Batesville—Panollan.
Bay St. Louis—Sea Coast Echo.
Bay Springs—Jasper County News.
Belmont—Belmont-Tishomingo Journal.
Belzoni—Banner.
Booneville—Banner-Independent.
Brandon—Rankin County News, Rankin County Press.
Bruce—Calhoun County Journal.
Calhoun City—Monitor-Herald.
Canton—Madison County Herald.
Carrollton—The Conservative.
Carthage—Carthaginian.
Charleston—Mississippi Sun.
Clarksdale—Delta Farm Press.
Clinton—News.
Coffeeville—Courier.
Collins—News-Commercial.
Columbia—Columbian Progress.
Crystal Springs—Meteor.
DeKalb—Kemper County Messenger.
Drew—Sunflower County News.
Durant—News Plaindealer.
Ellisville—Progress Item.
Eupora—Webster Progress-Times.
Fayette—Chronicle.
Forest—Scott County Times.
Fulton—Itawamba County Times.
Gautier—Gautier Independent.
Gloster—Wilk-Amite Record.
Grenada—Grenada County Weekly.
Gulfport—Examiner Times, Keesler News, Pictorial Review.

Hazlehurst—Copiah County Courier.
Hernando—DeSoto Times.
Holly Springs—South Reporter.
Houston—Times-Post.
Indianola—Enterprise-Tocsin.
Iuka—Tishomingo County News.
Jackson—Mississippi Enterprise, Reporter, Northside Sun, South-West Guide.
Kosciusko—Star-Herald.
Leakesville—Greene County Herald.
Leland—Progress.
Lexington—Advertiser, Holmes County Herald.
Liberty—Southern Herald.
Long Beach—Gulf Coast Weekly.
Louisville—Winston County Journal.
Lucedale—George County Times.
Lumberton—The Head Block.
Maben—The News-Press.
Macon—Beacon.
Magee—Courier.
Magnolia—Gazette.
Marks—Quitman County Democrat.
Meadville—Franklin Advocate.
Meridian—Lauderdale Ledger, Meridian Record.

Mendenhall—Simpson County News.
Mize—Messenger.
Monticello—Lawrence County Press.
Morton—Morton-Pelabatchie Advertiser.
Mount Olive—Tribune.
New Albany—Gazette.
Newton—Record.
Ocean Springs—Ocean Springs Record.
Okolona—The Messenger.
Pass Christian—Super Bird, Tarpon Beach.
Philadelphia—Neshoba Democrat.
Picayune—Item.
Pontotoc—Progress.
Poplarville—Weekly Democrat.
Port Gibson—Reveille.
Prentiss—Prentiss Headlight.
Purvis—Lamar County News.
Quitman—Clarke County Tribune.
Raleigh—Smith County Reformer.
Raymond—Hinds County Gazette.
Richton—Dispatch.
Ripley—Southern Sentinel.
Rolling Fork—Deer Creek Pilot.
Sardis—Southern Reporter.
Senatobia—Tate County Democrat.
Summit—Summit Sun.
Summer—Sentinel.
Taylorsville—Signal.
Terry—Headlight.
Tunica—Times Democrat.
Tupelo—Shoppers News.
Tyertown—Times.
Union—Appeal.
Utica—Advertiser.
Water Valley—North Mississippi Herald.
Waynesboro—Wayne County News.
Wiggins—Stone County Enterprise.
Winona—Times.
Woodville—Republican.
Yazoo City—Herald Peoples Press.

the appropriate agencies of the executive branch. The facts are established, and in committee deliberations the final form of the legislation is worked out, with differences of opinion being decided by majority vote of the committee members. When the bill is sent to the full Senate for debate and vote on passage, it is normally accompanied by a committee report that explains the committee reasoning involved in the bill. In the debate on the bill, the committee chairman serves as the floor manager, and when the bill goes to conference to reconcile differences between the Senate bill and the comparable bill passed by the House, the committee chairman is the leader of the Senate delegation on the conference committee.

Each Senator is assigned to a limited number of committees, and becomes especially knowledgeable of the subject matter handled by those particular committees. I welcome my committee work as an opportunity to participate in formulating legislation that by serving our Nation well also serves the State of Mississippi. I believe that I am fortunate in my own committee assignments, in that many matters of direct interest to our State, as well as to the Nation, come under their jurisdiction.

A Senator is permitted to be chairman of only one major committee, and of course to be a chairman at all, he must be quite senior in terms of length of service in the Senate and must be a member of the majority party. I am privileged to serve as chairman of the Armed Services Committee, a major committee of the Senate, which deals with all military matters involving preparedness, the protection of the American people, and the security of the free world. As chairman, a position I have held since 1969, I am involved in many national policy matters because the subjects with which my committee is concerned are so broad and are so vital to our Nation. Scores of pieces of legislation are referred to the committee every year. This year, the committee considered and reported to the Senate 65 bills as well as thousands of nominations of military officers and civilian officials.

The major work of the committee this year, as in past years, was the annual defense authorization bill. The bill, though just about one quarter of the total defense budget in dollar terms, involves authorization of funding for procurement of weapon systems and research and development and authorization of manpower strengths for the active force, Reserves, civilians working for the Defense Department, and military student training loads.

Examination of the \$23.1 billion request took the form of hearings over a period of 2½ months by the full committee and two of its subcommittees. The printed Record is 5,000 pages. The committee then met seven times to mark up the bill. The result was a recommended authorization which was \$1.2 billion or 5.5 percent less than the administration request. After 8 days of intensive debate in the Senate, including debate and voting on 37 amendments, the Senate passed the bill 84 to 6. It was my job, very much an honor, to serve as floor manager.

Subsequent action by a joint conference of the Senate and House to iron out the differences between the bill passed by each body resulted in a good, sound authorization—\$22.2 billion—which became law in August.

With the economic situation as serious as it is and the demands on every tax dollar so severe, the committee's task of examining the defense budget was of particular significance this year.

The deliberations and recommendations of the Senate Armed Services Committee were grounded in a belief that this country can ill afford to allow its defenses to slip, but at the same time, that we can ill afford to spend any money not really necessary to the defense effort or to waste any of the dollars being spent.

The challenge of balancing the economic concerns of our people and our country with the necessity of maintaining a strong national defense, even if the cost of that defense seems ever higher because of inflation, is a real challenge. I can assure you that striking this balance and working on all the attendant problems will continue to be a high priority of mine.

Besides purely military matters, the committee deals with conservation of strategic and critical materials, and petroleum reserves; with aeronautical and space activities of military application; and with the operation and administration of the Panama Canal and Canal Zone. I also chair the Preparedness Investigating Subcommittee of the Armed Services Committee.

Since the committee was first organized in 1965, and through part of this year, I have served as chairman of the Select Committee on Standards and Conduct of the Senate. During this session I asked that this chairmanship be assigned to another Senator, so that the time that responsibility might take could be devoted to the constantly increasing and very welcome work devoted to individual problems of my constituents. I continue to serve as a member of the committee.

I am also a member of the Aeronautical and Space Committee, which is a major committee. This assignment affords me a special opportunity to review the space programs that have application in the work at the NASA installation in Hancock County. Elsewhere in this report I have indicated the effort that I have devoted, over several years, to insure that this installation will remain a very active Federal enterprise.

The Senate Appropriations Committee is the third major committee on which I serve. I value this assignment particularly, for it affords special opportunity to participate in the very early stages of allocating funds to specific programs and projects, many of which are particularly important to Mississippians. I chair the Public Works Subcommittee of the Appropriations Committee, as I mentioned previously, and I am a member of five other subcommittees. Only one other Senator serves on as many subcommittees. Those on which I serve deal with the money for funding the programs for agriculture, environmental, and consumer protection matters; defense; hous-

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ing space, science, and veterans; labor, health, education, and welfare; and transportation. Membership on these subcommittees also permits me to serve on the conference committees which resolve appropriation differences between House and Senate bills, and which have much to do with the substance of these bills as they are signed into law. Committee work is demanding, but in my judgment the time is well spent. All of my committee assignments, especially the work of the Appropriations Committee, give me a chance to look out for the interests of Mississippians in the formulation of national programs. I am pleased to have the opportunity to serve on these committees.

CONCLUSION

The year 1974 has been one of crisis—in our national domestic affairs, in the economic situation of our Nation and of the world, and in certain international tensions between various nations. We can be proud, however, at the way the United States has responded. Our constitutional processes stood up under what has perhaps been the most severe test in our history. Our people and our Government have joined in a realistic appraisal of the Nation's economic situation and the actions and sacrifices that are going to be necessary to stabilize the economy and slow inflation. Our problems are not as great as those of most industrial nations of the world, but they are going to require unity and determination to overcome them. I believe we can rise to this crisis, as we have to so many over the 200 years of our history. We must be grateful for what we have—that we are a strong nation, that we are unified, and that we are at peace.

There is much work ahead in 1975. I dedicate myself to it, strengthened by the trust and confidence extended to me by the people of Mississippi. I am grateful to you for your loyalty. I look forward to receiving your suggestions and constructive criticism, and to doing my utmost on your behalf.

THE SPECIAL TRADE REPRESENTATIVE

Mr. LONG. Mr. President, I heard some views which I hope is not true. If so, it dismays me very much. I believe it my duty to report it, because the reports I hear seem to be sufficiently accurate that it would be worth discussing. It seems that the Special Trade Representative, Mr. William Eberle, who worked diligently and zealously to pass the trade bill, has been given notice that he is fired as of next week.

Mr. President, apparently the reason this happened was that the senior Senator from Louisiana (Mr. Long) offered an amendment to the trade bill to provide that the Special Trade Representative should have the pay of the cabinet level. The amendment was entirely my idea, and I believe it 100 percent, that position, being very important and more significant than some of the cabinet positions, in my judgment.

Mr. President, I think I know something about what the pay of a job should be. When we established the pay for all

those jobs about 26 years ago I was the manager of the top pay bill. I recall all the jealousies and the various quarrels about who should be paid more than who because it might affect the dignity of their jobs. I suppose that the Senator from Louisiana, as well as each legislator, could understand the problems involved in saying whether someone should receive cabinet level pay or someone should receive lower level pay.

It was also my feeling that the people who would be working the next level below the Special Trade Representative ought to be at the ambassadorial level because they would be dealing with ambassadors from other nations in negotiating the trade agreements.

Mr. President, I was aware that Mr. Roy Ash, the director of OMB, did not like this. Mr. Bill Simon, the Secretary of the Treasury, did not like this. But I did what I thought was right, and the Committee on Finance thought I was right, and the House conferees thought I was right. That is why that is in the law.

Mr. Eberle followed the orders of his bosses repeatedly, stating to us that he was not for the amendment, he was not asking for it, he did not seek it, he did not want it, but at the same time, as a good soldier seeking to pass a piece of legislation for this administration, Mr. Eberle expected to live with a number of amendments that he was not advocating in order to get for this administration what it was seeking.

It may be that President Ford, Mr. Simon, Mr. Ash, Mr. Dent, and Mr. Kissinger might feel that Mr. Eberle was campaigning for a raise. He was not. That man is serving at a financial sacrifice even if he does receive Cabinet level pay. But, Mr. President, the Special Trade Representative is working for Congress as much as he is working for the President. It is different from the average Cabinet officer. The Special Trade Representative is serving in a somewhat unusual capacity.

The power to regulate foreign trade, to fix tariffs and quotas, and to deal with unfair trade practices is in the Congress. This function is not in the executive branch. The only way that the executive branch gets into it is that the President has appointing authority and we usually call upon the President to make the appointment. Under the Constitution the appointing authority is not in the Congress and the question would then be: Who makes the appointment unless the Congress is to make the appointment? We have 100 Senators and 435 Congressmen.

That is really all the President has to do with the job of Special Trade Representative. He is not supposed to be a flunky for the President. This Senator more or less resented the idea that a White House aide, like Mr. Flanigan, or a Director of OMB, or a second or third level echelon administration person, would feel that he could order around, and give commands to, someone who, in the last analysis, was an agent of the Congress. All the President did was to appoint him. At least, that is how I looked upon it under my theory of this organization.

I will be disappointed, Mr. President, if Mr. Eberle is to be dismissed because he is suspected of failing to do everything he could to keep his job from having the dignity which the Congress thought it should have. The fact is he did, in my judgment, exactly what he should have done. He said he was not supporting it, he was not asking for it, he did not expect it, and he wanted it known that the administration was opposed to the elevation of the position.

If that is to be done, Mr. President, we expect to take a very good look at whoever the President sends down here to replace Mr. Eberle.

We expect to look at his credentials very carefully, very thoroughly, and we may want to amend that law before we confirm that man as special trade representative, to make it clear that man is not working for the President; he is working for the Congress.

This is an authority and a power that is put in the Congress under the Constitution. We have delegated that to the President, but not so somebody in the State Department could command the man around, especially some second or third-level functionary over there, and not so somebody in the Treasury Department could command the man around, and not so someone in the White House—a Mr. Flanigan or a Mr. Ash, or whoever it might be, some of them unknown to me and unknown to the Congress in general—could command a man who, in the last analysis, was supposed to be representing us.

As I say, Mr. President, if that is how it is to be it is a very grave disappointment to this Senator, and I believe it will be to the Congress.

I regret to say I fear it would put the President's negotiations off on a very poor start if, when the Senate and the House felt the job should have that dignity, a man who served in a very fine fashion, and for whom we came to complete respect, confidence, and admiration, were to be fired for the reason that we thought enough of the position and not enough of the man that we thought the job commanded the higher pay.

I have seen many things happen in Government about which I have been disappointed, sometimes things that caused me to think less of some people. But I must say, Mr. President, that this would be an extreme case in that regard.

The President can do what he wants to do about the matter. I should like to remind the President, Mr. Simon, Mr. Ash, and that group that not all the power exists in the executive branch. Some of it exists here.

TRANSPORTATION OF LOTTERY INFORMATION

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 544.

The PRESIDING OFFICER (Mr. HART) laid before the Senate the amendment of the House of Representatives to the bill (S. 544) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and ma-

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terials concerning lotteries authorized by law and conducted by a State, and for other purposes, as follows:

Strike out all after the enacting clause, and insert:

That chapter 61 of title 78 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new section:

"§ 1307. State-conducted lotteries
 "(a) The provisions of sections 1301, 1302, 1303, and 1304 shall not apply to an advertisement, list of prizes, or information concerning a lottery conducted by a State acting under the authority of State law—
 "(1) contained in a newspaper published in that State, or
 "(2) broadcast by a radio or television station licensed to a location in that State or an adjacent State which conducts such a lottery.

"(b) The provisions of sections 1301, 1302, and 1303 shall not apply to the transportation or mailing to addresses within a State of tickets and other material concerning a lottery conducted by that State acting under authority of State law.
 "(c) For the purposes of this section 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.
 "(d) For the purposes of this section 'lottery' means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests."

Sec. 2. The sectional analysis for chapter 61 is amended by adding the following item: "1307. State-conducted lotteries."

Sec. 3. Section 1953(b) of title 18 of the United States Code is amended by changing the period to a comma and adding: "or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law."

Sec. 4. Section 3005 of title 39 of the United States Code is amended by adding at the end thereof the following subsection: "(d) Nothing in this section shall prohibit the mailing of (1) a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law, or (2) tickets or other materials concerning such a lottery within that State to addresses within that State. For the purposes of this subsection, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States."

It is my belief that he has, as always, acted with fairness to all the Members of the Senate regardless of the sides of the aisle on which we sat.

Senator ROBERT C. BYRD has continued to grow in stature and attainment. He has also added a certain stature to the Senate, because of the discipline which he has imposed on us, not with any strait-jacketing, as it were, but with the example he has provided.

Yes, in the last 3 or 4 days we have not had the whiplash of his telling us what we must do, but his efforts, as he has tolled here, among these desks and at his post of duty, have caused us again to take stock of his constructive career and to realize that in every sense of the word he is a manly man, he is a capable legislator, and he is an exemplary leader.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.
 Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that request?
 Mr. GRIFFIN. Yes.

TWO-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

There being no objection, at 5 p.m., the Senate took a 2-minute recess.

The Senate reassembled at 5:02 p.m., when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

Mr. HART. Mr. President, I have discussed this amendment with the Senator from Nebraska (Mr. Hruska), and we are in agreement that it represents a desirable resolution of a very narrow area, nonetheless a hotly contested issue.

I move that the Senate concur in the House amendment.
 The motion was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. GRIFFIN. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 5:03 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:31 p.m., when called to order by the Presiding Officer (Mr. ALLEN).

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Republican leader and myself, I report from the committee appointed to notify the President of the United States that the Congress has concluded its business and is ready to adjourn unless he has further communications to make to them, and that the President has informed the committee that he has no further communications to make to the Congress at this session.
 The PRESIDING OFFICER (Mr. ALLEN). What is the will of the Senate?

TRIBUTE TO MR. ROBERT C. BYRD

Mr. RANDOLPH. Mr. President, feel it is not only appropriate but these words are spoken in a personal and official way, to express for myself and the Members of the Senate, our appreciation to Senator ROBERT C. BYRD. The service in full measure that he has given to the work of the Senate during the past approximately 10 days has been of a high order. As the acting majority leader in this body in the long hours, as we labored to finish the 93d Congress, he kept constantly at his task.

It is my belief that he has, as always, acted with fairness to all the Members of the Senate regardless of the sides of the aisle on which we sat.

Senator ROBERT C. BYRD has continued to grow in stature and attainment. He has also added a certain stature to the Senate, because of the discipline which he has imposed on us, not with any strait-jacketing, as it were, but with the example he has provided.

Yes, in the last 3 or 4 days we have not had the whiplash of his telling us what we must do, but his efforts, as he has tolled here, among these desks and at his post of duty, have caused us again to take stock of his constructive career and to realize that in every sense of the word he is a manly man, he is a capable legislator, and he is an exemplary leader.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN MARITIME PROGRAMS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 13296, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ALLEN). The report will be stated by title. The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment to Senate amendment numbered 3.

The PRESIDING OFFICER. The clerk will state the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows:

Page 5 of the Senate engrossed amendments, strike out all after line 13, and insert:

"(5) This subsection shall apply with respect to uncompensated damage to or destruction of any vessel or the gear of such vessel occurring:

"(A) during the period from January 1, 1972, through the date of enactment of this subsection, if an application for a claim for such damage of destruction has been filed with the Federal Government during such period; and

"(B) during the period from the day after the date of enactment of this subsection through March 15, 1976."

Funds authorized under this section shall not be available for compensation under this subsection after March 15, 1976."

Resolved, That the House recede from its disagreement to the amendment of the Senate to the title of the bill.

Mr. ROBERT C. BYRD. Reserving the right to object, has the distinguished Senator cleared this with the appropriate parties on this side of the aisle?

Mr. STEVEN. Yes, this is Senator MUSKIE's amendment, I have conferred with him. I have no alternative but to accept the amendment at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alaska.

The motion was agreed to.

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ADDITIONAL STATEMENTS

REGULATION OF FOREIGN BANKING

Mr. MCINTYRE. Mr. President, before the 93d Congress adjourns, I would like to call to my colleagues' attention S. 4205, the "Foreign Bank Act of 1974." The bill, introduced on December 4, 1974, by request of the Board of Governors of the Federal Reserve System, calls for Federal regulation and supervision of foreign banking operations in the United States.

This legislation is the outgrowth of proposals made to the Federal Reserve Board by the Fed's Steering Committee on International Banking Regulation. Its principal provisions are outlined in a summary submitted by the Federal Reserve Board to accompany the text of the legislation.

I ask unanimous consent that the text of this summary be printed in the RECORD, at this point.

There being no objection, the summary was ordered to be printed in the RECORD as follows:

SUMMARY OF PRINCIPAL FEATURES

The proposed legislation, entitled the Foreign Bank Act of 1974, would establish a national policy on foreign banks operating in the United States and a system of Federal regulation and supervision of those operations.

Foreign banks have in recent years been coming to the United States in increasing numbers and operating through branches, agencies, and subsidiary banks. The scale and nature of foreign bank activities through these facilities is now significant in terms of competition within the banking industry and of the functioning of money and credit markets. This movement by foreign banks into the United States is part of the broader development of multinational banking in which United States banks are deeply involved through their extensive operations overseas. The multinational banking system that has evolved as a result of the establishment by the world's leading commercial banks of banking and financing facilities on a global basis is now a key element in the world's financial system. Its functioning has far-reaching ramifications for international financial policy and for the economic and financial policies of individual nations.

At the present time, foreign banks entering and operating in this country do so on terms and conditions almost exclusively determined by the laws and regulations of the various States. The uneven incidence of these laws and regulations has the result that in some States foreign banks are precluded from entry; in others, the form of organization and the nature of their activities are restricted in various ways. On the other hand, by careful choice of organizational form, foreign banks are able to engage in deposit banking activities in several States, an opportunity presently not available to domestic banks. Also, in contrast to the large United States banks, a number of foreign banks conducting sizable banking operations through branches and agencies are not subject to the constraints imposed by the Bank Holding Company Act on nonbank activities. Few foreign banks are members of the Federal Reserve System; as a consequence, a growing and increasingly important sector of money market and credit operations is not directly subject to the monetary disciplines of the central bank. Finally, existing arrange-

ments provide only a limited role for the Federal Government despite the fact that foreign bank operations in this country and their treatment here have important implications for our external financial policy and for our relations with foreign governments.

The proposed legislation seeks to regularize the status of foreign banks in the United States on the basis of the principle of national treatment, or nondiscrimination. Its provisions are aimed at providing foreign banks with the same opportunities to conduct activities in this country as are available to domestic banking institutions and subjecting them to the same rules. In this way, equitable treatment would be afforded to comparable institutions competing in the same national market. The legislation also provides for a Federal Government role in licensing and supervising foreign bank operations because of the national policy considerations involved and would bring most of those operations directly within the purview of the Federal Reserve as the nation's central bank. The ways in which legislation seeks to implement these general objectives are described in the following sections.

COVERAGE

At the present time, foreign banks operating in the United States exclusively through branches and agencies are not subject to the Bank Holding Company Act. Moreover, the branches and agencies of foreign banks that are subject to that Act because of their ownership of a subsidiary bank are not considered as additional "banks" for purposes of the Act. This situation is remedied by Section 2 of the bill which amends the Bank Holding Company Act to redefine "bank" to include branches and agencies of foreign banks established or operating under the laws of the United States, any State of the United States, or the District of Columbia. As a result, the Bank Holding Company Act would apply to virtually all foreign banks conducting depository and bank lending functions in the United States.

These amendments to the Bank Holding Company Act would not extend to New York State Investment Companies nor to banking organizations that are joint ventures of foreign banks. New York State Investment Companies are organized under Article XII of the New York banking law and are empowered to transact all the usual activities of a commercial bank, except that they may not engage in the general business of accepting deposits. Instead, they are limited to accepting credit balances from their customers that are incident to or arise from the exercise of their lawful powers. There are currently three of these Companies that are foreign-owned and conduct the essence of a commercial banking business in this manner. Two of these Companies are wholly-owned subsidiaries of foreign banking organizations, the other being a joint-venture formed by six foreign banks. At the same time, there are about nine domestically-owned Investment Companies that are active but which conduct essentially a domestic finance company business. The foreign-owned Investment Companies are excluded from coverage under these amendments because of the limited number involved and because of the difficulty of distinguishing those Companies on a nondiscriminatory basis from the domestically-owned companies that are not essentially engaged in a commercial banking function.

Banking organizations that are joint ventures of foreign banks are excluded from coverage by retaining the existing standards of control in the Bank Holding Company Act. Under those standards, a company must become a bank holding company if it controls 25 or more per cent of the voting stock

of a bank. Thus, a bank owned by several companies, none of which owns 25 per cent of the bank, is excluded. Currently, there is only one institution of significance that falls in this category, the European-American Bank and Trust Company. That institution, which is owned by six European banks, recently became a member of the Federal Reserve System. The singularity of such joint ventures to date, together with the potential domestic repercussions of changing the existing control standards of the Bank Holding Company Act, are the principal reasons for excluding joint-ventures from coverage of the Act.

EQUALITY OF TREATMENT

This objective is achieved by subjecting all foreign banks to the Bank Holding Company Act through the redefinition of "bank" (Section 2 of the bill as just described), by enlarging every alternative through facilitating ownership of national banks (Section 12) and enabling the establishment of a Federally-licensed branch (Section 18), by permitting foreign banks to own Edge Corporations (Section 10), by requiring Federal Reserve membership in most instances (Sections 3 and 5-8), and through enabling FDIC insurance on deposits in branches and agencies (Section 17).

ENTRY ALTERNATIVES

The provisions of Sections 12 and 18 would provide an alternative to State chartering and licensing, comparable to that available to domestic banks. At present, foreign ownership of national banks is inhibited by the requirement that all directors of national banks shall be citizens of the United States. The proposed amendment to the National Bank Act would allow the Comptroller of the Currency to permit not more than one-half of the directors of a national bank to be non-citizens of the United States.

The Comptroller is also authorized to license branches of a foreign bank in any State to conduct a banking business on the same basis as a national bank. This would enable foreign banks to establish branches in States where such branches are prohibited or not permitted by State law. Establishment of such branches would, however, be subject to the provisions of the Bank Holding Company Act with respect to multi-State banking operations.

EDGE CORPORATIONS

Domestic banks are presently authorized to own Edge Corporations at various locations in the United States to conduct international lending and deposit activities. Under Section 25(a) of the Federal Reserve Act, however, a majority of the shares of an Edge Corporation must be owned or controlled by citizens of the United States. Moreover, all of the directors of an Edge Corporation must be citizens of the United States. The proposed amendments to this Section would give the Board of Governors the authority to waive these provisions and, consequently, to allow foreign banks to conduct international business throughout the country on the same basis as domestic banks.

FEDERAL RESERVE MEMBERSHIP

The foreign banks operating in the United States are with few exceptions very large banks when their activities are viewed on a world-wide basis. As such, they are direct competitors, both in this country and abroad, of the large U.S. money market banks, all of which are members of the Federal Reserve System. The legislation would require Reserve membership for all foreign banking operations in the United States where the foreign bank involved had world-wide assets in excess of \$500 million. Such foreign banks would have to maintain reserve requirements and conform to other provisions of the Federal Reserve Act with respect to their operations in the United States, and would have access

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to the discount and lending facilities of the Federal Reserve. The exception made for foreign banks with less than \$500 million in world-wide assets is on the grounds that banks of that size are likely to come to the United States for specialized purposes and that such treatment is comparable to that given domestic banks. Only a handful of domestic banks with assets larger than \$500 million are nonmember banks.

FDIC INSURANCE

Subsidiary banks of foreign banks are now required by the Bank Holding Company Act to carry Federal Deposit Insurance. The legislation would extend that requirement to branches and agencies of foreign banks, thus assuring that depositors in virtually all banking institutions in the United States are covered by insurance. Because of the possible technical problems in implementing this requirement with respect to institutions that are not incorporated in the United States, the bill directs the Federal Deposit Insurance Corporation to submit within 90 days of its enactment proposals to extend insurance coverage to deposits in branches and agencies.

FEDERAL GOVERNMENT PRESENCE

To assure a consistent national policy toward foreign banks and to enable consideration of international financial relations in the entry of foreign banks, the legislation provides in section 25 that a Federal banking license shall be obtained for all banking facilities of foreign banks, whether organized or operating under State or Federal law. The Comptroller of the Currency is designated as the Federal licensing agent for this purpose. However, the Secretary of the Treasury must approve the issuance of any such license and before granting approval he is required to consult with the Secretary of State and the Board of Governors of the Federal Reserve System. Similarly, the Board of Governors is required to consult with the Secretary of State before chartering an Edge Corporation to be owned by a foreign bank.

To facilitate discussions and agreements with foreign authorities on multinational banking issues, section 24 of the bill authorizes the Federal supervisory authorities—the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation—to enter into mutual arrangements with foreign bank supervisory authorities for the interchange of information on banking institutions. At present, the Federal supervisory agencies are strictly limited by law on the disclosure of information arising from bank examinations or other sources in the course of exercise of their supervisory functions.

GRANDFATHERING PROVISIONS

Foreign banks presently conducting banking operations in the United States have in a number of instances banking facilities in more than one State. In a few cases, they have ownership interests in companies engaged in a securities business in the United States and in other nonbanking activities that are not permissible to domestic banks. Under the provisions of the bill, future multi-State banking operations and ownership interests in securities and other nonbanking companies would be limited to the same extent as domestic banks.

The proposed legislation in section 3 gives permanent grandfather status to existing nonconforming activities. Such a grant recognizes the vested interest of foreign banks in these facilities, conforms broadly to this country's obligations under its treaties of foreign commerce and navigation, and is generally consistent with past Congressional precedent. The grandfathering date is set at the date of introduction of the legislation.

Nonconforming banking facilities established after the grandfathering date would have to be divested within two years, unless extended for up to an additional three years by the Board of Governors. Nonconforming nonbanking interests acquired after the grandfathering date would have to be divested within a period of 10 years.

The grandfathering provisions with respect to multi-State banking operations would work as follows: foreign banks would be allowed to retain banking facilities in the States in which presently located. The State in which the foreign bank's operations are the largest, as determined by a total assets test, would be defined as the principal State of its operations in this country. In that principal State, a foreign bank would be able to expand its operations through any forms of organization as permitted by State law: additional branching, mergers, and acquisitions. Outside the principal State of operations, a foreign bank would be able to expand through the form in which its present operations in that State are conducted—i.e., additional branches if it had branches, or if it had a subsidiary bank, by branching if permitted by State law or by mergers, but not acquisitions. However, the foreign bank would be able to convert its operations in that secondary State to another form of organization provided that all of its operations in that State were so converted. In essence, a foreign bank would be able to retain its operations in the States in which it is located and to expand within those States in accordance with State law.

The securities affiliates of foreign banks are few in number and small in size with little competitive impact within the securities or banking industries. For the most part, these securities affiliates engage in brokerage activities for the foreign customers of the foreign bank and in corporate financial services such as advice on mergers and acquisitions. These activities are very similar to those provided by U.S. banks through their trust departments. The underwriting and dealing activities of these securities affiliates are small. The permanent grandfathering of these affiliates reflects the Board's judgment that no public purpose would be served by requiring divestiture. However, to guard against excessive expansion of securities business conducted by foreign banks, the foreign banks with grandfathered securities affiliates would not be allowed to acquire or to establish *de novo* additional securities affiliates.

The other nonbanking affiliates of foreign banks that are of a nonconforming nature are limited in number and significance. Providing permanent grandfather status to these activities again reflects a judgment that no public purpose would be served by forcing divestiture of these interests or providing a limited grandfathering period.

Mr. MCINTYRE. Mr. President, as chairman of the Subcommittee on Financial Institutions, I wish to point out certain considerations which call for prompt consideration of the legislation in the next Congress.

Mr. President, there is presently no specific national policy relating to foreign bank activity in the United States. There is an imminent need for Congress to address this policy vacuum.

The United States is unique in that it is the only country in which the Central Government, or the central bank, does not license or regulate foreign banks exclusively. In the United States, the entry and activity of foreign banks are almost exclusively under the jurisdiction of the

separate States and, consequently, are subject to the variations of State laws and regulations.

Presently, 10 States permit some type of foreign banking activity within their borders. These States are Alaska, California, Georgia, Hawaii, Illinois, Massachusetts, Missouri, New York, Oregon, and Washington.

Eight States prohibit foreign bank entry altogether. These States include Maine, Maryland, Minnesota, New Jersey, Ohio, Rhode Island, Texas, Virginia, and West Virginia.

The laws of the remaining States are altogether silent on the subject of foreign banking activity.

For a number of reasons, rapid growth of foreign banking is calling into question the way in which foreign banks enter and operate in this country. As the Fed summary points out, however, there are various considerations which must be taken into account in developing an appropriate legislative approach in this area. These include entry alternatives, question of Federal Reserve membership, an overall determination of the appropriate posture which Federal regulatory agencies should assume in this area, multi-State operations and the dual banking system, and the status of existing foreign bank activities and locations, the so-called grandfathering problem.

To the extent that the issue of Federal financial regulatory reform is addressed next year, the regulatory issues raised here should be an integral part of that evaluation.

Also, Mr. President, the increasing awareness of the importance of international financial flows, and particularly oil money flows, highlights the relationship of international banking activity to international finance and investment, in general. In this regard, I am aware of the interest of my distinguished colleague from Illinois (Mr. STEVENSON) who as chairman of the Subcommittee on International Finance, he will be assessing the impact this legislation will have on matters of interest to his subcommittee.

To the extent that foreign bank operations are now determined by local interests, with no necessary connection to national policies, reciprocity is a basic issue. Should foreign banks be treated just like domestic banks or should they be permitted to do here what U.S. banks are permitted to do in foreign countries?

While U.S. attitudes toward foreign banks have been traditionally liberal, the future is not at all clear. Last year, for example, several bills were introduced in California which would have severely restricted foreign bank operations in the State and which would have had national repercussions as well.

These bills were defeated by virtue of vigorous opposition by several banks in California and by the Federal Reserve itself.

At the Federal level, Representatives PATMAN and REES introduced bills last year which adopted a highly restric-

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tive attitude toward foreign banks in this country.

The Federal Reserve's efforts in S. 4205 represent a worthy attempt to bring the regulation of the foreign banking issue to a head and to resolve it in a sensible fashion. Their proposals merit prompt consideration when Congress returns.

LIMITATION OF LENDING TO U.S.S.R BY THE EXIMBANK

Mr. PACKWOOD. Mr. President, I would like to clarify certain statements made during the discussion of the conference report on H.R. 15977 to amend the Export-Import Bank Act of 1945, on this floor on December 19, 1974. That legislation put a ceiling of \$40 million on Eximbank financing which can be used for research or exploration for fossil fuel energy resources in the U.S.S.R. Up to \$40 million can be used on any research or exploratory project in the U.S.S.R. This could include the exploration on the much publicized Yakutsk project.

The implication in the statement of the Senator from Illinois on page 41060 of the Record for December 19, 1974 that the Bank could not legally finance the sale of equipment for exploratory work on the Yakutsk project is inaccurate. Any sale of equipment meeting this statutory limitation is clearly legal and proper.

During the debate on the bill and during the conference, the committee and the conferees did not specify or prohibit use of this \$40 million for any specific project or projects. The \$40 million could be used in one or in several projects.

THE KENNEDY CENTER

Mr. FULBRIGHT. Mr. President, as I leave the Senate, I wish to pay a final tribute to the Kennedy Center for the Performing Arts. I am thinking, of course, of the people who have made that great center possible, such as Roger Stevens, the chairman of the board of trustees, and the exceedingly able associates and staff which he has assembled to direct and operate this great artistic complex. They are able and dedicated people, who have worked tirelessly to create a magnificent institution in our Capital City.

I also wish to pay tribute to the architect, Edward Durrell Stone, who designed this unique building. The center has been severely condemned by some critics, but its acceptance by the people who patronize it has been unprecedented. It is functional, and, as it matures—it has only been a little over 3 years since its completion—it becomes more beautiful, and the site is now recognized to be superb. Mr. Stone deserves great credit for his contribution.

It would take too much time to pay tribute to all the people who have made some contribution to the creation of this center, ranging from the early sponsors and supporters of the legislation in 1958, the early fundraisers, and the many friends of the Center who give of their time and effort.

I look forward to the time when all Americans will be respected by the peoples of the world for our cultural achievements, rather than feared as the foremost producer of nuclear weapons and other instruments of destruction.

The Kennedy Center is a symbol of the aspirations of the American people to attract the respect and allegiance of other people by virtue of our exemplary society and the quality of life afforded our citizens.

Mr. President, I am very proud to have been associated with the center since its inception in 1958. Since its opening in September 1971, the center has brought outstanding and diverse cultural attractions to our Nation's Capital. The center's success has been widely acclaimed. Further, as a memorial to the late President John F. Kennedy, the center has become one of the most popular sites in Washington for visitors from throughout the United States and the world, with more than 10 million people having visited the center.

Last year more than 1.7 million people attended performances at the Kennedy Center. The opera house was in operation for 50 weeks and both the Eisenhower Theater and the concert hall for a full 52 weeks.

The season included 125 performances of dance by distinguished companies from around the world; 160 symphony concerts, including 129 by the resident National Symphony Orchestra; 42 performances of 15 operas; 30 chamber concerts; 44 concerts of popular music, folk, jazz, and rock; and 671 performances of drama and musical comedy.

I believe that the expenditure of public funds on the Kennedy Center is proving to have been a very wise investment. Of course, only about one-third of the total construction cost of the center has come from direct congressional appropriations. Congress allocated \$23 million for construction of the center. In addition, the center was authorized to borrow \$20.4 million from the Treasury Department. Total construction cost is about \$75 million, the remainder coming from private contributions and donations.

In general, the Kennedy Center's theater operations have more than paid their own way. In fiscal year 1974, there was income of \$2.65 million from theater and related operations, and expenses of \$2.87 million, with contributions of \$330,000, resulting in a budget surplus of \$108,238. In this time of rising costs, that is a good financial record.

I can only add that proud as I am—and as all Americans should be—of the Kennedy Center, the amount of money being spent by this Government on cultural and artistic endeavors remains relatively meager in contrast with other nations.

There have been continuing increases in funding for the National Endowment for the Arts, with the appropriation having more than doubled in recent years to \$72 million in fiscal year 1975. The success of the Kennedy Center and the progress of the National Endowment are encouraging developments.

However, in contrast with the huge

sums we expend on dubious military projects and overseas ventures, the amounts spent on cultural affairs are still minimal. For example, the cost of the new B-1 nuclear bomber is now estimated at \$76 million per plane. This is only the cost of one plane—and the Air Force eventually wants to buy 244 of them. Just one of the planes costs more than the Kennedy Center did and exceeds the entire amount appropriate for the National Endowment this year.

We have many unmet needs in this country and in the time of serious economic difficulty, I would be the first to recognize that funding for cultural and artistic programs cannot be given top priority. But when you consider the cost of the B-1 or the Trident submarine it becomes clear that we are not allocating the resources we do have in a product manner or in the best interest of the American people.

Last year, military aid to Chile amounted to some \$15 million. We consistently channel more money and equipment to foreign governments—many of them like Chile, repressive and military-controlled—than we spend on worthwhile projects like the Kennedy Center or the National Endowment.

The truth is that in comparison with almost any other developed nation, we are spending only a very small amount of public funds in support of the arts. I have previously spoken at great length on this subject and pointed out how our spending compares with other nations. As Robert Brustein noted in a recent New York Times article, if the increase in funding for the arts continues at its present rate, "the contribution of the United States may soon be equal to that of the city of Vienna."

The governments of such countries as Austria, Britain, Canada, Israel, West Germany, and Sweden are spending 20 times as much on the arts as we are on a per capita basis. Most of these countries—and many major cities—subsidize their major cultural centers and facilities.

Mr. President, I hope that in the months ahead even more Americans will have the opportunity to visit the Kennedy Center and to enjoy some of the many outstanding cultural attractions which are scheduled. Likewise I hope we will move toward making creative rather than destructive activities the hallmark of our society.

Due in large measure to the efforts of men like Roger Stevens and Edward Durrell Stone we now have in the Kennedy Center a focal point which should serve as an inspiration for this country and our cultural activity.

On July 28 and September 10, 1971, there was published in the CONGRESSIONAL RECORD data about the origin and development of the Center for those who desire further information.

TOO MANY RIDERS, TOO FEW PULLERS

Mr. HELMS. Mr. President, some rather startling figures have come to my

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attention, and I wanted to share them with my colleagues in the Senate.

I am advised reliably that there are now 72.5 million Americans supported by some kind of Government program. That is more than one-third of the people in this country, Mr. President. And who ends up footing the bill for all of this? The obvious answer: The 71.9 million Americans who are currently employed by the private sector.

In other words, 71.9 million Americans in the private sector must pull a wagon loaded with 72.5 million Americans living in one form or another, off the Government. More people are riding the wagon than pulling it. Pretty soon, a wagon of this kind has just got to break down. And I think that is just what we are seeing happen today, with an economy characterized not only by runaway inflation, but also by one of the worst periods of economic stagnation that we have faced in many years. Generally, these two characteristics are inimical to one another. But the rarified economic situation that we find ourselves in today, fueled by excessive Government spending, allows—indeed, encourages—this very condition to exist.

And it is going to get worse, Mr. President, as long as we in the Congress continue to vote for more programs that cost more tax dollars and make more Americans beholden to the Federal Government, and not their own initiative, for their livelihood.

We have got to put a stop to this imprudence somewhere, and I can think of no better place than in the area of Federal employment. I have long felt that it is time to stop adding so many people to the Federal payroll.

A look at Federal civilian employment figures tells the story. Twenty years ago, in 1954, the Federal civilian employment stood at 2,407,290, and the cost to the American taxpayer was \$9.8 billion per year. According to the latest figures available from the Joint Committee on the Reduction of Federal Expenditures, in August of this year Federal civilian employment stood at 2,900,975, and cost the overburdened taxpayer an estimated \$36 billion. And so, in 20 years, overall civilian employment has increased by one-half million bureaucrats; but at a nearly fourfold increase in cost.

I might add that this is only Federal civilian employment that I am talking about. No account is taken here of military personnel; or of the growth of State and local governmental personnel, which is also expanding rapidly. But the State and local government personnel problems are a matter for State and local governmental bodies to evaluate.

During the last year alone, more than 90,000 new civilian employees have been hired by the Federal Government, at an estimated cost to the American taxpayer of more than \$2 billion.

This year alone, in a period of just 1 month, Federal expenditures for new employees rose by an additional \$279 million, according to the latest figures available. No wonder we have inflation and stagnation at the same time.

Mr. President, we in the Congress are doing little to help the hard-pressed

American taxpayer. Instead, we continue to increase and expand Government employment and Federal spending. What we need to do, what the American people want us to do, indeed, what we must do to curb inflation is to cut out wasteful Federal spending. We must balance the Federal budget.

Only then will inflation cease, only then will the economy be stimulated. Only then will the taxpayer get relief.

By making available each month current figures on Federal employment, I intend to continue to keep my colleagues informed about this increasingly costly Federal outlay. Since the American taxpayer, our constituents, are footing the bill for Federal employment, I also want my colleagues to be aware of the ever-increasing financial burden being placed on the people.

Mr. President, I ask unanimous consent that the article "Pay of Private Workers Going Further Than You Might Think," which appeared in the Washington Report of the U.S. Chamber of Commerce, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAY OF PRIVATE WORKERS GOING FURTHER THAN YOU MIGHT THINK

If you are a worker in the private sector you may be wondering why your pay isn't going as far as it used to. The truth is that it's going further than you think.

The way our public programs are set up today one worker in the private sector must be taxed to support one other person who is living off some government program which you have to pay a part of your earnings to support.

Here is a list of most of the programs.

Also, there are almost 15 million persons getting food stamps, 24 million students receiving subsidized lunches in school cafeterias and over two million persons living in Federally subsidized housing.

This doesn't exhaust the plethora of government programs. There are literally hundreds more.

The only problem is with more people getting something for nothing, the Federal Government will have to increase the supply of money, leading to more inflation as less people engage in productive enterprise and more dollars chase fewer goods.

Millions of persons

Programs:	Millions of persons
Federal civilian and military employees	5.1
State and local government	11.6
Social Security	30.2
Railroad Retirement Fund	1.0
Federal employees Retirement Fund	1.3
Veterans Benefits	5.5
Unemployment Compensation	2.1
Federal Black Lung	0.5
AFDC	10.9
General assistance	.7
Supplemental Security	8.6
Total	72.5

Persons employed in the private sector 71.9

EFTS GROWTH POLICY

Mr. MCINTYRE. Mr. President, on December 12, the Comptroller of the Currency issued an interpretive ruling

that electronic banking terminals are not branches within the meaning of the National Bank Act. While the final resolution of that issue likely will rest with the courts, there are many implications of the Comptroller's action affecting the ongoing development of automated banking terminal systems.

For example, the Comptroller issued virtually no guidelines to pertain to such development. For one thing, no geographic limitation was imposed on the installation of such terminals by any financial institution.

This and other types of electronic fund transfer development are to be studied over a 2-year period by the newly established National Commission on Electronic Fund Transfers.

In light of the specific congressional mandate to this Commission, in light of the fact that there was no public hearing prior to the Comptroller's announcement of such a broad-based policy, and in light of the fact that the Congress and the regulatory agencies should proceed deliberately in this area until the Commission has defined all the issues presented by EFTS development, I am of the opinion that the Comptroller's action at this time is both inappropriate and premature.

Mr. President, I ask unanimous consent that an exchange of correspondence between the Comptroller and myself on this matter be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, Washington, D.C., December 19, 1974.

HON. JAMES E. SMITH, Comptroller of the Currency, Washington, D.C.

DEAR MR. COMPTROLLER: I have noted with interest and concern the interpretive ruling you announced on December 12, 1974, concerning customer bank communication terminals.

As you know, Congress by P.L. 93-495 established a National Commission on Electronic Fund Transfers. The Commission is to "conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic funds transfer systems." Among the issues to be studied by the Commission are the impact of EFTS systems upon privacy, competition, the dual banking system, and the availability of credit.

I am concerned that the effect of your ruling may be to preempt much of the work of the Commission.

It is appropriate, of course, for you to express an opinion concerning whether the statute which you administer defines these terminals as branches. The correctness of your decision presumably will be tested in the courts.

I am disturbed, however, that your ruling goes on to establish a policy regarding the actual implementation of automatic terminals and point-of-sale systems. I feel that the public interest would be substantially better served by a public hearing on the merits of such a policy so that appropriate guidelines and restrictions be identified to which all EFTS developments of this type must adhere. The mere labelling of your ruling as an "interpretation" does not absolve your agency from having its proposals subject to public scrutiny.

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In this regard, it seems to me that the Federal Home Loan Bank Board in setting forth, by temporary regulation, specific criteria for pilot project applications in this area has adopted a superior approach.

Of particular concern to me is that, under your approach, undesirable systems or practices may develop which could have been prevented by appropriate regulation but which, having been established, will be extremely difficult to undo at a later time. For the above reasons, I am of the opinion that your extremely broad-based ruling is both inappropriate and premature.

The Congress and the regulatory agencies should proceed deliberately in this area until the Commission has defined all the issues presented by EFTS development. While legislation was not contemplated pending the Commission's report of its findings, action by the Congress may very well become appropriate if interim developments so require.

I would appreciate an expression of your views as to what impact your December 12 ruling and accompanying statement may have on the work of the National Commission on Electronic Fund Transfers and the concerns expressed in this letter.

Thank you for the courtesies extended to my staff during your discussions on this matter.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

THE ADMINISTRATOR OF NATIONAL BANKS,
Washington, D.C., December 19, 1974.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Financial Institutions,
Committee on Banking,
Housing and Urban Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter referring to my ruling of December 12, 1974, concerning customer-bank communication terminals, and inquiring about the impact of this ruling on the work of the National Commission for Electronic Funds Transfers. A copy of my December 12 ruling is enclosed for convenient reference.

I am as concerned as you that the regulatory agencies proceed deliberately in developing sensible electronic funds transfer systems. Thus my December 12 ruling took only one first step in this area: it declared CBCT's not to be branches. I would have been acting in a most undeliberate fashion by attempting to go beyond this first step and formulate an entire regulatory scheme based upon my own limited notion of what might be "good" or "bad."

The statement accompanying my December 12 ruling set forth my views on this subject:

Even though a CBCT is not a branch, the Comptroller possesses regulatory authority which can be exercised to limit CBCT's to insure the sound development of the banking system. This regulatory authority should be used sparingly, however, because regulation has too often resulted in protection of the status quo. . . . Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition. Annual Report of the Council of Economic Advisors, 106-107 (1970). Particularly in this new area where technology and consumer response are changing rapidly, the Comptroller believes that sellers and users of these services should be given the widest latitude in determining how, when, and where CBCT's can be used efficiently.

The conference committee report accompanying the bill which became P.L. 93-495 noted that "potential payment mechanisms are in an experimental stage with a number

of significant public policy questions unresolved, and hence all such efforts are subject to change and modification." Because of the experimental nature of these EFTS developments, I am most hesitant for the Comptroller's Office to attempt to fabricate rules which might prevent all of us from learning the various ways in which a CBCT might be employed to improve banking services and to benefit the public. Thus the regulatory requirements, cautions, and urgings of our ruling are limited to issues which already can be perceived with some definition.

First, it is obvious that no regulatory steps can be undertaken without adequate information. Thus the ruling requires each national bank wishing to establish a CBCT to give the Comptroller's Office 30 days prior notice containing information such as the location of the device, the distance from the nearest offices of both the reporting and competing banks, and the arrangements, if any, for sharing the device. I think the Comptroller's Office has the present capability to monitor through these notifications the development of CBCT's and to take appropriate action if warranted. Thus the biggest difference between our monitoring procedures and those of the Federal Home Loan Bank Board, to which you refer in your letter, is one of timing: we have given ourselves a 30-day limit to review these problems, whereas the Bank Board may take longer.

Neither agency holds public hearings in connection with processing such applications. Second, we worked for a period of three months with the Conference of State Bank Supervisors in an effort to minimize to the extent possible the competitive imbalances which this ruling might foster. As you know, the ruling contains the following sentence: National banks are urged prior to July 1, 1975, not to establish a CBCT in any state in which state law would prohibit a state chartered bank from establishing a similar facility.

The Conference of State Bank Supervisors requested us to delete from the ruling any specific list of states in which this delay should be imposed, and also to delete a provision which would have limited CBCT's to a bank's home state, or 50 miles from its main office, or 5 miles from its nearest branch—whichever was farthest. The result of our discussions with the Conference of State Bank Supervisors, like many compromises, may be less than perfect. Nevertheless, it represents what I can assure you is a bona fide concern on my part for the type of competitive issues which the National Commission on Electronic Funds Transfers will study.

Third, the sharing of CBCT's by two or more competing financial institutions is an issue which has received wide attention. It appeared to my staff and me, after discussion with the Antitrust Division of the Department of Justice, that the antitrust laws might permit, require, or prohibit sharing of a CBCT depending upon the particular circumstances. The questions involved are complex, and we did not believe that we now should attempt to prescribe regulations on sharing based upon our own speculation as to problems which might develop. Our ruling, however, clearly puts the banking industry on notice that sharing is a competitive problem which may be regulated by the antitrust laws.

I do not believe that the development of national bank operated CBCT's will be so dramatic and widespread as to outrun the ability of the Commission to study the problems involved or of the Comptroller's Office to take appropriate enforcement steps. Indeed, the Commission would have difficulty formulating policy on the basis of the skimpy experience in this area now available. From

the standpoint of accumulating experience, I think that my December 12 ruling will help rather than hinder the work of the Commission. On the other hand, if I had imposed my own uninformed view of desirable policy upon the development of CBCT's, I might have precluded the development of systems which the Commission will wish to study and may find to be desirable.

Finally, I would suggest that the issue confronting the national banking system is not whether the development of CBCT's will be delayed for two years pending receipt of the Commission's study, but whether national banks will be able to participate in such developments. Such terminals already are authorized to state banks in some states, to credit unions, and to federally chartered savings and loan associations.

Additionally, there is no limit on the establishing of various point of sales terminals by unregulated industries, such as retail department or food stores, and these unregulated terminals might be able to engage in transactions similar to those performed by a bank operated CBCT. I thus am particularly concerned that national banks not be forced into a competitive disadvantage.

In summary, I am looking forward to working with the Commission, of which I or my designee will be a member. I hope the Commission will be able to formulate on the basis of its study recommended policies which will be much wiser than those which I now could formulate. If public hearings are desirable, I'm sure the Commission will hold them and will be better able than the Comptroller's Office to weigh the broad public policy issues which are raised. Far from preempting the Commission, I will be looking to it for enlightenment and guidance.

I hope this is responsive to your inquiry, and I can assure you of my continuing concern for the questions raised in your letter.

Very truly yours,

JAMES E. SMITH,
Comptroller of the Currency.

SEATON NATIONAL WILDLIFE SANCTUARY

Mr. STEVENS, Mr. President, the editor of the Fairbanks Daily News-Miner once again has voiced the concern of many Alaskans that there has been no proper recognition for the role that former Secretary of the Interior, Fred A. Seaton, played in guiding Alaska to statehood. The publisher of the Daily News-Miner, my good friend, C. W. Snedden, has suggested that the Arctic National Wildlife Range be officially designated the Seaton National Wildlife Sanctuary. I believe that this suggestion has merit and deserves consideration by the Congress.

I ask unanimous consent that the editorial, published on December 13, 1974, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SEATON WILDLIFE SANCTUARY

The extreme Northeast corner of our state contains millions of acres known as the "Arctic National Wildlife Range." This massive area is the result of the vision of the late Fred A. Seaton.

We respectfully suggest to our state and national governments that this wild and beautiful area be renamed "Seaton National Wildlife Sanctuary."

Almost two decades ago Mr. Seaton, then Secretary of the Interior, modified Public

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Land Order No. 82 to "unfreeze" a vast area of the arctic slope, which was later proven to contain the Prudhoe Bay petroleum fields.

Simultaneously, Secretary Seaton foresaw the desirability of creating the Arctic Wildlife Range to assure future generations an opportunity of enjoying nature's wonders in a most scenic section of our state.

Over the years numerous private citizens and public officials have acknowledged the wisdom shown in Mr. Seaton's action. Presently, in fact, there is a proposal that an additional 3.76 million acres be withdrawn for the purpose of adding to the range.

Mr. Seaton urged that the Arctic Wildlife Range be established by Congress, but Congress neglected to do so. Subsequently, Mr. Seaton established the Arctic Wildlife Range himself by executive order. That bold action will pay dividends for Alaskans in generations to come.

Long an advocate of the "multiple use concept" for our lands, Mr. Seaton preferred that the wildlife range be established under a law enacted by the Congress so that relocation could not be subject to the whim of any future Secretary of the Interior.

His proposed legislation provided future protection for arctic wildlife, while at the same time making provisions for sensible utilization of natural resources that may in the future be found in the area.

It is our understanding that presently the Arctic National Wildlife Range is included in land tentatively suggested to be set aside permanently by the federal government, possibly being termed something like "Arctic Wildlife Game Refuge."

It seems to us that "sanctuary" should replace refuge in any proposed change in status for this great area. The term "sanctuary" should be used particularly because it exemplifies the beliefs and philosophy of Mr. Seaton, who created the present area, and also because the "sanctuary" classification makes it possible to extract resources which may be there, while at the same time protecting wildlife and preserving the environment.

Mr. Seaton, often regarded as "The Godfather of the 49th State," worked long, effectively and unceasingly for Alaska during his tenure as Secretary of the Interior under the Eisenhower Administration. Among his many favors for Alaska was the key leadership role he played in creating the State of Alaska from the former territory.

Most leaders who were active in making Alaska a state have been suitably honored. It seems to us that it is high time that Alaskans show our collective respect to Fred A. Seaton, whose contributions to Alaska and Alaskans will benefit all Americans for generations to come.

It seems most fitting that official designation be made for the "Seaton National Wildlife Sanctuary."

THE PEOPLE SHOULD SELECT THEIR LEADERS

Mr. HATHAWAY, Mr. President, NELSON A. ROCKEFELLER is now Vice President, and I welcome his presence. This has been a turbulent 2 years, and I am now confident that with the executive branch of our Government fully staffed, this Nation can get on with its business. And there is plenty of work to be done.

Although I do have every confidence in the two men recently appointed to the most powerful executive offices on the globe, I am still troubled as to the means by which they were placed in office. For

none of the voters in Maine cast their ballots for either of these two men, nor did any voters in any State cast their votes.

This Nation was established as a democratic Republic; an organization of individual States with individual rights, who collectively elect their representatives to each office. It has been an effective form of government, with each official responsible to those who put him or her in office. This is not the case today. The Senate and the House of Representatives have placed in office two honest men, in whose integrity I have the utmost confidence.

The problem is that the authority and responsibility for the President and Vice President of this Union rightfully belongs to the American people, not to either of the Houses of Congress.

The 25th amendment to the Constitution clarifies earlier problems we had with succession, and under normal circumstances, will serve this Nation well. But the circumstances which the Nation and the Congress have faced in recent times were far from normal.

A Vice President had resigned, and the President was under threat of impeachment. A new Vice President had been nominated by the President, and Congress knew that the man they would confirm as Vice President stood a better than likely chance of becoming President.

Under the terms of the 25th amendment, there was no flexibility in the choices Congress had to make. Either confirm the Vice-Presidential appointee, with the knowledge that he has a greater than normal chance of being elevated to the Presidency after impeaching the President, or not confirm and face the possibility that the Speaker of the House of Representatives—in this case a Member of the opposite party—could be elevated to the White House after impeachment.

The options were painful. Fortunately, the men who have been elevated via appointment to the two highest offices in the land are men of honesty, and will, in good faith, attempt to faithfully discharge the powers and duties of their offices.

So the decision, although painful, should not be harmful. But more flexibility is certainly called for in this area should similar circumstances arise again. The nub of it, Mr. President, is that we should not be appointing and confirming likely Presidents; in that situation, some alternative to the 25th amendment should be available.

During the 93d Congress, I offered two bills designed to correct what I consider this lack of flexibility. The first would provide for a special election when both the offices of President and Vice President were vacant. It stipulates that the highest ranking officer in the House of Representatives of the same party as the previously elected President and Vice President would serve as acting President until the election was held.

This approach is identical in principle to the Succession Act of 1972. Some of the men who drafted that legislation

were also involved in drafting the Constitution; it was enacted in the 2d Congress and remained in force for 94 years.

The special election would be held within 90 days of the vacancies, with individual States maintaining their responsibilities with regard to the selection of candidates. The term of office would be for the unexpired term of the previous officeholders, maintaining the traditional rhythm of our quadrennial elections.

In this way, Congress could better afford to wait until any question about the President's continuation in office is resolved before rushing through a confirmation, no matter how well qualified the nominee.

The second bill I introduced during the 93d Congress on this subject is a constitutional amendment, which provides for a special election in the event the President has failed or refused faithfully to execute the laws enacted by Congress; or that he has willfully exceeded the powers vested in him by this Constitution and the laws of the United States; or that he has caused or willfully permitted the rights of citizens of the United States to be trespassed upon in violation of this Constitution, or treaties made, or which shall be made under their authority; or that he has so lost the confidence of the people to so great an extent that he can no longer effectively discharge the powers and duties of his office.

In order for this special election to be held, any of the former reasons shall be cause for the House and Senate to enact a joint resolution calling for the election. A two-thirds majority is required by each House.

The three fundamental principles of our Constitution, as I understand them, are the diffusion of power, the accountability of power and the establishment of power. By spreading governmental power through its three major branches, the framers of the Constitution were confident that the system of checks and balances and multilevel government would provide a maximum accountability.

And the ultimate check in our complicated system of checks and balances is vesting in the people the final accountability—their right to vote.

My remarks should not be taken as disrespect toward the present holders of these offices. I have mentioned before, and will again, that I consider President Ford and Vice President ROCKEFELLER honest men who carry within them the best interests of the American people and their Government.

But the basic principle of a democratic republic is the right of the people to select those whom they wish to exercise the tremendous powers vested in the Government. I wish that right restored to the people. And although the 93d Congress will adjourn without having taken action on these two bills, I serve notice now that I intend to reintroduce both bills shortly after the 94th Congress convenes, and press for their adoption.

Self-determination is the most important facet of our Constitution and the form of government it provides us. It was

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a New Englander who said: "Here, sir, the people govern," and it would be a disservice to my constituents in Maine and to Daniel Webster were I not to continue my work on these two important bills.

JUDGE EDWIN O. LEWIS— IN MEMORIAM

Mr. HUGH SCOTT. Mr. President, recently there passed away in the city of Philadelphia a man full of years, of service and of wisdom.

Judge Edwin O. Lewis died on September 19 last, in his 95th year. Thirty-three years a judge, he will be remembered for his courage and his unpredictability when his sense of justice demanded that he cut through all obstructions to further the public good.

As a young lawyer in 1905, he participated effectively in the overthrow of a corrupt city administration. Waging constant war against civic corruption, he forcefully directed grand jury investigations in 1928 and in 1951 to cleanse the rolls of the corrupters.

In 1947, he conceived the idea of restoring Independence Hall and its environs to its original 18th century appearance. He secured the enactment of Federal legislation establishing the Independence Hall National Memorial Park. I was pleased, together with former Congressman Hardie Scott of Philadelphia, to introduce that bill and to support subsequent appropriations for the expansion of the project.

He also persuaded the Commonwealth of Pennsylvania to develop a handsome mall at right angles to Independence Hall, which removed unsightly structures and greatly beautified the park.

Although he did not live to see the approaching Bicentennial celebration of 1976, he was able to say:

Now God has let me live to see a great part of that dream come true.

Named in his honor are the quadrangle of Independence Mall from Market to Arch Streets, 5th to 6th, and the handsome decorative fountain within it.

Although a native Virginian, moving to Philadelphia in 1899, he became, through dedication and a lifetime of service to his adopted city, its most distinguished citizen.

He was so recognized when in 1962 he was honored with the Philadelphia award, the highest tribute a Philadelphian can receive.

Six feet three inches tall, bearing himself with great dignity, he looked every inch a judge. With his children and grandchildren, he was indulgent and his delightful sense of humor warmed family gatherings.

At a celebration of his 94th birthday in July he told amusing stories of his youth in Richmond. One such story involved a mischievous escapade for which he was sternly warned by Judge Crutchfield, the same "Virginia Judge" celebrated in a play by the late George Kelly.

All of us who knew him well learned much of life from him. He was my mother's brother, who brought me into his law office upon my graduation from the University of Virginia. In important

ways, he molded my outlook and through his guidance, he molded my life.

He truly believed in the words of Aristotle:

The good of man must be the end of the science of politics.

He was the most unforgettable person I ever knew.

I ask unanimous consent to have printed in the RECORD an editorial from the Philadelphia Inquirer of September 20, 1974.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDGE LEWIS MADE HISTORY LIVE

Independence Hall and Independence National Historical Park are living memorials to Judge Edwin O. Lewis that will endure through the centuries as monuments to his foresight and persistence in achieving proper recognition and respect for America's birthplace.

His death at 95 deprives the city of a civic giant and the nation of a devoted son. He was a man who dared to dream great dreams—impossible dreams, many skeptics thought—and to fight tenaciously to bring them to reality.

Judge Lewis—he continued to be affectionately and respectfully known by that title when he retired in 1957 after 34 years on the Common Pleas bench—was the guiding inspiration and driving force in a heroic campaign to rescue Independence Hall and the country's most historic square mile from decades of neglect.

He, more than any other individual, was responsible for making Philadelphia the shrine of America's heritage that it is today.

The present site of Independence Hall was an unsightly jumble of deteriorating buildings in the 1940s. Not only Independence Hall itself but other historic treasures in the area were blighted by surrounding slums. Judge Lewis found this desecration intolerable and resolved to remedy the situation. As founder and first president of the Independence Hall Association, he proceeded to do so.

Instrumental in creation of the National Historical Park, he then became the first chairman of its Advisory Commission and the prime mover in early development of the park and the Mall.

While these distinguished achievements tended to overshadow earlier ones, Edwin Lewis devoted a lifetime to the administration of fair and equal justice and to the advancement of civic good works. He pioneered a successful campaign to grant defendants the option of trials by judges without juries. He directed grand juries in the investigation of organized crime and police corruption. His many civic and cultural interests included nearly three decades of volunteer service as president of the Philadelphia School of Design for Women, forerunner of the Moore College of Art.

Sadly, Judge Lewis did not live to see the Bicentennial celebration of 1976. It should include appropriately prominent recognition of his work in behalf of historic Philadelphia. It was a labor of love well done.

HERALD STRINGER, A VETERAN'S FRIEND

Mr. HANSEN. Mr. President, we have learned today that Herald Stringer is retiring as national legislative director of the American Legion. Many of us who have known him and his devoted work on behalf of the veteran will feel this impact.

Herald has, since his military days, devoted a great amount of his time, or to be exact, most of it, to the veterans. He served his State of Alaska as department commander, executive committeeman, as well as other important national committees in the American Legion before coming to Washington as its legislative director.

The American Legion is the largest, and for many years, has been a major spokesman for veterans. Herald, in his capacity as director of legislation of this over 2½-million-member organization, has performed a most commendable service, complying with the mandates and resolutions that were forthcoming and satisfying the many people with varying opinions on veterans problems.

Even as we are informed of his leaving this important job, we also know that he will continue in veteran-related interests, and lend his support to that end.

I want to express my personal thanks for all he has done, and for the complete cooperation he has given my office and staff.

SOUTHERN GOVERNOR'S CONFERENCE VOTES SUPPORT FOR OPPORTUNITIES INDUSTRIALIZATION CENTERS

Mr. HOLLINGS. Mr. President, at the Southern Governor's Conference which met in September in Austin, Tex., the assembled chief executives of the Southern States passed a resolution concerning the work being done by Opportunities Industrialization Centers of America. In a unanimous vote, the motion was passed calling for congressional support, and for State support, for the kind of self-help programs exemplified by OIC.

The conference was privileged to hear an address by the Reverend Leon Sullivan, chairman of the board of Opportunities Industrialization Centers. He spoke forcefully of the success and the potential of manpower training as a large part of the answer to some of our major social problems. During the next 10 years, OIC would like to train 3 million people, many of them in the Southern States. By turning these people into productive, breadwinning, taxpaying citizens, OIC will be making an outstanding contribution to our Nation.

Mr. President, I ask unanimous consent that a release describing the meeting, Reverend Sullivan's speech, and giving the text of the resolution as passed by the Southern Governors' Conference, be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNOR'S CONFERENCE VOTES SUPPORT FOR O.I.C.—LEON SULLIVAN CALLS FOR MASSIVE OPPORTUNITIES INDUSTRIALIZATION

Governor John C. West of South Carolina made the motion that put the 18 Southern Governors (meeting in Austin, Texas, on Wednesday, September 11) on record in support of the O.I.C. Self-help program headed by the Rev. Leon Sullivan of Philadelphia.

In a unanimous vote, the motion seconded by Governor Briscoe of Texas and Governor Dunn of Tennessee, was passed stating:

Whereas the Conference has heard a most informative and stimulating address at its

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40th annual meeting by the Rev. Leon Sullivan, Chairman of the Board, Opportunities Industrialization Centers; and

Whereas manpower training as exemplified by the success of O.I.C. training programs in many of our states may be the ultimate answer to the major social problems of our nation;

Now therefore the Southern Governors' Conference urges support in the Congress and in the States for self-help type programs as exemplified by O.I.C.

Governors of Mississippi, Florida, Georgia, North Carolina, South Carolina, Arkansas, Tennessee, Virginia, West Virginia, Oklahoma, Louisiana, Maryland, Kentucky, Missouri, and Alabama, gave an extraordinary enthusiastic response to Dr. Sullivan's plans for a massive Operation Ruralization based on the ten year experience of Opportunities Industrialization Centers in the predominantly Urban centers and pilot projects in Central Alabama with rural poor blacks and whites as well as in California migrant farming areas with predominantly Mexican-American poor.

The first Black Governor in the 50 states and possessions, Dr. Melvin Evans, of the Virgin Islands, was presiding at the 40th Session of the Southern Governors' Conference, completing his term of Chairman, after having succeeded George Wallace, who was last year's Chairman.

Dr. Sullivan, commending the Governors for their contribution to the development of a "New South" said:

"Though we are all aware that much remains to be done, still the advance shown by the Southern States in changed attitudes, and improved relations among the races, in all areas of endeavor, have confounded the sociologists, disarmed the skeptics, and proven to the doubters what can be done when there is determination among community leaders, Black and White, to make the rights written in the Constitution, available to everyone, and the benefits of the American system a possible reality for all our citizens."

"The South will never be the same again," he said. "Today hate and segregation can't win elections anymore. Today, you need more than an axe handle to get elected Governor in a Southern State, you need justice, integrity, and understanding."

Expressing confidence in the leadership of President Ford to "pull the nation out of its economic nosedive before we hit the ground", he went on to say: "I have faith in America, I have faith in our President, and I have faith that together we will find a way to bring our prices and wages into some reasonable line, but we must get down under the problems of poverty. We have to find ways to not only reach into the ghettos of the large cities, but also into the barren, depressed, rural sections of the country."

"We must realize that of some 75 million poor, one third are pay day to pay day poverty, one third are hand to mouth poverty, and one third are deep poverty with incomes below \$9,000, \$6,000, and \$3,000, in that order. Of that 75 million, 50 million are white and, therefore, poverty is an American problem, not a Black problem. Blacks and Whites are all in the same poverty bag together and we will all stay down together or we will all get up together," Sullivan said.

Commenting on President Ford's 85,000 Public Service Jobs, he challenged Government, business, and labor to cooperate to push for more than "a mole hill on a mountain". A few public service jobs is insufficient, we need massive TVA type developments in rural America and a Marshall Plan • • • scope economic development in urban America."

"OIC will undertake a major push for Opportunities Ruralization in the South to give people a chance to stay on the land and have economic income, a job, a decent home,

and quality of life in the country rather than to continue to migrate to the metropolitan cities in the South and create new slums and bigger welfare roles. If the Governors will, at the same time push for a massive Operation Ruralization with Federal and State cooperation, as demonstrated by the Appalachian Commission . . . together we can try to alleviate and eliminate poverty and unemployment. Together we can help the President and the Congress put plans in operation that will build not only a better South, but a better Nation."

"During the next ten years, OIC wants to train 3 million. Of these, 50% or 1½ million will be in your Southern region. We see a contribution in wages earned, taxes paid, and money saved in relief checks, as much as \$40 billion. We see combining Black power and White power to make American power that will build America."

PROF. ALEXANDER M. BICKEL—EXPERT ON CONSTITUTIONAL LAW

Mr. ROTH. Mr. President, last month our country lost one of its most outstanding experts on constitutional law, Prof. Alexander M. Bickel. I first became acquainted with Professor Bickel when we were both students at Harvard Law School. Our careers went their separate ways until we became reacquainted last year when Professor Bickel served as a consultant to three Senate subcommittees inquiring into the scope of the doctrine of executive privilege. I was a member of one of these committees, the Subcommittee on Intergovernmental Relations.

Professor Bickel was a devoted American, who gave freely of his time and knowledge to serve his country. Last year I sent him a copy of an early draft of S. 2432, the Congressional Right to Information Act, together with my reservations about the bill and ideas for an amendment. I received in reply a comprehensive 6-page commentary which Professor Bickel himself typed at home on a Sunday. His ideas were influential in the development of my amendment which was ultimately accepted by the Government Operations Committee and the Senate.

What I most admired about Professor Bickel was his ability to put current problems in proper historical perspective, to insure that in the passion of the moment we did not make grave mistakes which would put in jeopardy the strength of our traditional institutions and procedures. A native-born Rumanian who immigrated to the United States at age 14, Professor Bickel was an admirer and advocate of the American doctrine of separation of powers. He recognized the importance of maintaining a balance among the three branches of government to protect individual American liberties and the integrity of our constitutional rights.

CONSUMER PRICES AND THE CONGRESSIONAL ECONOMIC PROGRAM

Mr. HUMPHREY. Mr. President, the bad news in our economy continues to come in at an accelerating rate. This fall, unemployment has risen from 5.4 percent

in August to 6.5 percent in November—the sharpest 4-month rise since the 1930's. Last spring, real weekly earnings were down 2 percent from the year earlier. Now we see they are down 5.6 percent in November from a year earlier. As a result, the average weekly paycheck adjusted for inflation is only 2.05 percent above what it was in 1967—7 long years ago.

Prices continue to soar. Earlier this year, we saw double digit inflation for the first time in recent memory—and we did not like what we saw. We saw prices rising 10 percent or 10.5 percent at annual rates each month. This fall, things got worse: prices paid by consumers continued to rise to the extent that they were 10 or 11 percent higher than price levels a year earlier. In October, consumer prices were 12 percent above last October. Now we have the November Consumer Price Index from the Department of Labor. It shows, for the first time, that prices are over 12 percent higher than last year. Led by food prices, but with price hikes along a broad front in the economy, the index rose 0.9 percent on a seasonally adjusted basis in November.

Of great concern to me is the fact that food continues to lead the inflation parade. Its annual rate of increase this fall has been around 12 percent; yet, in November, the food component of the Consumer Price Index spurred to an annual rate of 19.9 percent.

We know that the low- and moderate-income family must pay a larger portion of its family income for food than do the well-to-do. They pay anywhere from 25 to 40 percent of their budget for food, while others pay only 15 to 20 percent for the same or essentially the same quantity of food. As a result, with food prices rising close to 20 percent now, the low- and moderate-income families are taking it on the chin—they are bearing perhaps double the burden from inflation that other more affluent families bear.

They are literally drafted into the front trenches in the fight against inflation. They do not want to be there; they would gladly trade places with the more affluent who are able to cut back on other expenditures and more easily pay soaring food bills. But they cannot. The large portion of the household budget which must go to food traps them. This is perhaps the worst feature of our inflation today—that it falls most severely on those least able to adjust to it, to duck out of its way.

And the final tragic fact is that the low and moderate income families are now being forced into the streets as layoffs ripple throughout the economy. First, their food bills soared, pressing their budgets into the red; and then they become unemployed. They do not know which way to turn. But, Mr. President, one thing they do know is that whichever way it is, something else will happen to them. They are not going to stand still for much more of soaring prices and unemployment approaching 7 or 8 million men and women. They are going to demand some solutions, some strong medicine and answers, to both inflation and recession.

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The Congress has been making a great effort this fall to warn the administration of the dangers approaching, urged for 6 months that a tax cut for low- and moderate-income families is an absolute necessity, to offset inflation. Again and again, I repeated this call as recession grew, until it now looks like and acts like the early stages of a depression. Congress has passed a \$7.75 billion housing assistance bill and a massive public jobs and unemployment compensation bill. These are important first steps but very small and inadequate ones.

The Congress must deal with recession and inflation we have with a broad ranging program reaching into every sector of our economy. The Joint Economic Committee has been spending a good portion of its time this past 6 months on drawing up such a specific program. It will be released this Sunday. Originally, this study was to focus solely on inflation, but as the dangers of recession and now depression increased sharply, the focus became two-fold; it deals, therefore, with both recession and inflation.

I urge my colleagues to devote the necessary time to examine and take to heart the many sound recommendations for action contained in the study.

I made some specific comments on the economy and on this Joint Economic Committee program this morning at a press briefing on the study.

Mr. President, I ask unanimous consent that these comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HUBERT H. HUMPHREY ON JOINT ECONOMIC COMMITTEE INFLATION REPORT, DECEMBER 20, 1974

I support the basic thrust of the Committee's Report and congratulate the Members and staff for a job well done. I am pleased that the Committee is recommending a national economic policy that moves in an entirely different direction than the Administration's current policies. I reject the 19th century philosophy of relying primarily on high interest rates, tax increases, and budget cuts to halt inflation. This approach did not work in 1970, it will not work today, and it is creating the worst recession since the great depression. At the same time, the Administration's economic policies have destroyed consumer confidence in the economy and government, with only 7 percent of the Nation's consumers believing the government is doing a good job on the economy.

I believe we must get the economy moving again if we are to restore the Nation's economic health. It is not well understood in Washington, even among Presidential economic advisers, that the recession actually contributes to the current cost-push inflation by reducing productivity and raising labor, material, and overhead costs. In other words, at the present time there is little if any trade-off between inflation and recession. We have got to get the economy moving again, productivity increasing, and people back to work, if we are to make progress on both fronts.

Nor is it well understood how costly the current recession is and how long it will take to restore economic growth. I note that the staff of the Joint Economic Committee has made an analysis that it may take 5 years to return to full employment, and that the Nation will lose \$500 billion in production in the meantime. This is truly shocking—and it means we must act now.

How can we restore consumer confidence and get the economy moving again? First, I don't think we can afford to wait for President Ford to reverse his economic policies—now is the time for Democrats to pull together a comprehensive economic package that is effective, clearly understood, and targeted on our real problems.

I therefore believe that House Speaker Carl Albert should call together Democratic Congressional leaders for the purpose of agreeing on an agenda of economic policies to be enacted early next year. There will be different opinions among the Democrats about what should be done, but I believe these can be resolved. My own view is that such an economic package should include at least the following actions.

First, I think we are going to have to cut taxes about \$10 billion in 1975. While endorsing such a \$10 billion tax cut for 1975, I wish to advocate that we achieve such a cut in a somewhat different way than that recommended by the Joint Economic Committee. Because we must enact a tax cut as promptly as possible, it is my view that we should modify existing provisions of the tax law, rather than to try to change the tax law in the process of cutting taxes. I will, therefore, introduce legislation in the next session to cut taxes primarily for low and moderate income consumers by: (a) increasing the low income allowance from \$1,300 to \$1,800; (b) by increasing the standard deduction, now at 15 percent, to 17 percent; and (c) raising the personal exemption from \$750 to \$850 or \$900.

Second, I believe that the Federal Government must do a better job of guaranteeing jobs. We must launch intensive programs toward achieving full employment. Instead of a WIN button to symbolize our economic policies, my policy is WORK—that is what we need to get this economy straight.

I am heartened by the leadership shown by Congress in enacting legislation to increase the number of public service jobs. But we need to go much further. As our Report recommends, the public service job program should have an automatic trigger to add 250,000 jobs for each additional ½ percentage point rise in the unemployment rate.

Third, we need a tough and selective program to short-circuit the current wage-price spiral. The current Council on Wage and Price Stability is a toothless tiger. We need an agency with subpoena power, the resources to hold extensive hearings, the authority to delay price increases up to 90 days, and, in extreme cases, the authority to impose controls on a selective basis. This should be complemented with a vigorous anti-trust effort to increase competition in the American economy.

In addition to these three general actions to restore economic growth and fight inflation, there are three specific areas of the economy where we must develop comprehensive national policies: food, energy, and housing. Until we stop dealing with these problems in a piecemeal fashion, we will not solve the problem of inflation.

Food. It is not possible or appropriate for me to cover all that we must do to develop a national food policy at this time. Basically we must:

(1) expand production here at home so that we can maintain open markets to the world;

(2) establish a food export monitoring and management system to deal with food shortages;

(3) establish a grain reserve system to stabilize supplies; and

(4) increase competition and efficiency in the processing and distribution sectors of the food industry.

Housing. In the area of housing, I believe we must reduce high interest rates and make credit more available—using a credit allocation scheme if necessary. In addition, I again call on the Administration to reverse its im-

poundment of Section 235 and 236 funds—we need such programs to directly stimulate the housing industry.

Energy. I am prepared to consider all alternatives for reducing energy consumption. I believe that is essential to our economic health. At the present time, however, I do not support a gasoline tax because I do not believe other alternatives have been adequately explored. In particular, greater efforts should be made to conserve energy, and I intend to introduce comprehensive legislation to accomplish that in the next session of Congress. Among the conservation actions I will urge are the following:

(a) Mandatory fuel economy standards for autos beginning in 1978;

(b) Expanded research on new engine types that are economical and non-polluting;

(c) Mandatory conversion by refineries and utilities to coal and away from heavy dependence on imported oil;

(d) Extensive research and standards requiring development and sale of more energy-efficient appliances, lights and space heating systems; and

(e) Federal subsidies for the development and use of solar and geothermal energy.

I strongly urge that the 94th Congress undertake work on this vitally important agenda without delay.

FEDERAL TRADE COMMISSION—LINE OF BUSINESS REPORTING

Mr. HRUSKA. Mr. President, last July I offered an amendment to the Agriculture appropriations bill that would limit the Federal Trade Commission's line of business reporting program to the collection of "sales" or revenue data only in the first year.

My concern was that to proceed with all the categories simultaneously, such as direct costs, transfer costs, shared overhead, and so forth, would be potentially disastrous, not only for the program itself, but also for the reputation of the Federal Trade Commission. There was no doubt in my mind or that of the General Accounting Office that this data was replete with technical problems of overall comparability because of varying accounting and reporting methods being employed, for which there were no agreed upon standards.

Unfortunately, the Federal Trade Commission did not heed either my advice or that of the GAO to proceed cautiously and adopt a "learning by doing" strategy. The result of this hurried approach appears to be an unqualified disaster for all concerned.

I ask unanimous consent that a New York Times article of December 15, detailing these difficulties be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGHTING THE FTC DOWN TO THE BOTTOM
(By David Burnham)

WASHINGTON—A fierce battle between big business and the Federal Trade Commission is continuing right down to the wire.

At issue is the F.T.C. requirement that, starting Jan. 1, several hundred designated companies, all of them big, must submit detailed "line-of-business" reports on how they make their profits and how they spend their money on research and advertising.

The commission's original proposal has already been watered down under withering

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pressure from the business community, and a dozen of the companies involved are raising the ironic argument that the data will be "utterly meaningless" precisely because the F.T.C. did give in to the pressure.

Ever since the commission first proposed it, more than three years ago, the program has been the subject of a determined industry lobbying effort.

More than 200 of the 345 subject companies have formally requested the F.T.C. to abandon it. Their arguments: It will be too costly for individual business, it will not help the Government and it will give competitors confidential information.

Supporters of the program, however, argue that the profits and expenses of individual lines of business have been increasingly obscured in recent years as many companies have moved to diversify their product lines. They argue that this injures the economy by making it more difficult for investors to know where to invest their money, and for the Government to know if and where windfall profits are being realized.

In addition to helping trust busters pinpoint the best possible targets, the program also could affect legislation. If the line-of-business data showed, for example, that the average pharmaceutical company was spending far more money on sales and promotion than on research and development, remedial regulations might be proposed.

The names of the companies that must report have not been made public by this commission on grounds that the object of the program is to develop aggregate figures, not individual company data.

The New York Times has compiled a list of almost three-quarters of them, partly based on names gathered by an industry organization involved in the campaign to kill the program, and partly on the names of the 216 companies who asked the commission to abandon the program. The latter list was made available to Consumers Union, but only after it threatened to bring suit against the commission under the Freedom of Information Act.

Most of the known companies are on Fortune Magazine's list of the 500 largest industrial outfits in the country. From the F.T.C.'s point of view, they provide a representative selection of companies—some giant, some medium-sized—in major industry groups, such as oil, chemicals, publishing, automobiles, trucking, railroads and aircraft.

Since the F.T.C. sent the forms out to the 345 companies last summer, the brunt of the legal counter offensive on the program has been borne by 12 companies: the Aluminum Company of America, Arco Steel, Coca Cola, duPont, General Electric, General Motors, Goodrich, International Harvester, International Paper, Kraftco, Owens-Illinois and Union Carbide.

The central architect of the corporate argument has been Ira M. Millstein, a partner in the New York law firm of Weil, Gotshal and Manges.

Mr. Millstein wrote in a Nov. 15 memorandum that once the companies demonstrated that it was "impossible" to directly compare information derived from different companies, the F.T.C. "staff—instead of continuing to strive for comparability—totally abandoned the notion."

"The commission staff," Mr. Millstein continued, "in an effort to get something, anything, on segments, told each company, virtually, 'Do what you can—anything you can.'"

By adopting this strategy, Mr. Millstein said, "it is true that the commission may now get numbers dealing with segments—but, those numbers will be so totally different in concept, origin and quality that to talk about aggregating and comparing them is utterly senseless, if not simply disingenuous."

While arguing that the information could

not be averaged or aggregated for any useful purpose by the Government, however, the memorandum said potential business competitors would be able to take the averages and gain secret information about individual companies through sophisticated statistical studies.

Mark Silbergeld, an attorney in the Washington office of Consumers Union, said the argument of the corporations was inconsistent. "They can't have it both ways," he said. "They say the information is so good that it will let potential competitors get confidential information, but that on the other hand it will be useless to the Government."

Mr. Silbergeld added, however, that in his view Mr. Millstein's analysis was partly correct.

"The commission has given in to business too much and the data is not as good as it should be. His memorandum will provide the F.T.C. and Congress an excellent blueprint on how to improve the program," Mr. Silbergeld said.

The Consumers Union Lawyer noted that, judging from the names of the companies which have received the line-of-business form, it would seem that the commission had decided not to survey just the largest manufacturers in the major industries. "We only have about two-thirds of those who have been asked to respond, but this sample suggests that the commission has decided to survey such areas as publishing, textiles, clothing, food and drugs and hospital supplies," he said.

In the publishing area, for example, the incomplete sample showed that those requested to file a line-of-business form included The New York Times, the Times Mirror, Times Inc., the Tribune Company, Gannett, Macmillan and Western Publishing.

Under the F.T.C. program, the companies are scheduled to begin filing their completed forms within the next month. The first reports due are those which cover a company's fiscal year which ended last June 30 or during the preceding 12 months.

The commission is expected to issue its final reply to motions to kill the program within the next few weeks.

The legal battle, however, probably will not end with the F.T.C.'s decision. One way or another, the question of whether the commission has the authority to require corporations to file line-of-business information will go before the Federal courts.

A courtroom ending would be fitting with the whole history of the reporting program. It has been a tremendous tangle from the start.

It began as a commission proposal in late 1970 to canvass all of the Fortune 500. This idea was squelched by the Office of Management and Budget, which has the final power of review over all Federal reporting requirements. That led, in turn, to the O.M.B. being stripped of its authority.

Senate liberals tacked an amendment onto the Alaska pipeline bill transferring the O.M.B.'s review power to the General Accounting Office. The Administration opposed the transfer but wanted the pipeline, so President Nixon signed the bill.

The G.A.O. subsequently approved the F.T.C. program, but said that the problem of definition concerning such matters as transfer costs "will make the initial responses unreliable, at best, in our judgment." It also estimated that the reporting paperwork would cost businesses substantially more than the F.T.C. had said.

The final tangle—before the present one—was over the F.T.C.'s budget. The Senate voted funds for a survey of 500 companies. The House version allowed for only 250. The end was a compromise which, ironically, wound up as President Nixon's last veto, be-

cause it was attached to a farm bill that he opposed.

A BETTER WAY

Mr. FULBRIGHT. Mr. President, a recent meeting of senior statesmen from many countries and cultures concluded that "a new spirit of active solidarity and cooperation" among all peoples and nations is indispensable for mankind to face the challenge of our time. This, too, is my conclusion—after 30 years in the U.S. Senate, 15 years as chairman of the Foreign Relations Committee, and a fair opportunity to move around at home and abroad listening to people engaged in trying to hold the world together.

I most definitely believe that my association with endeavors to promote mutual understanding internationally is the most significant and important activity I have been privileged to engage in during my years with the Senate. I am convinced that more and improved programs for exchange of persons and intellectual interchange around the world offer the best prospect that we may be fortunate enough to find the understanding and rationality necessary to avoid annihilating ourselves in a burst of nuclear missilery. I am persuaded of the inadequacy and peril of the traditional competitive, beggar and even destroy thy neighbor, methods and beliefs which remain too deeply embedded in our country and elsewhere. In my opinion the hydrogen bomb puts us on notice to find a new and better way to deal with human relations in the international field.

The question, of course, is if we can or will, as Secretary Kissinger has said,

muster the vision and resolution which the conduct of foreign policy requires.

I believe we can; I am less sanguine that we will. For we have yet to accept and act upon the reality of interdependence for what it is: the challenge and opportunity of our time. One exception, a most significant exception, is the sustained effort of the United States to promote mutual understanding internationally. This objective motivated legislation introduced almost 30 years ago for a Government supported exchange of persons. Operating largely under this legislation, the Department of State's exchange programs have produced some 150,000 alumni, including over 20 who are now chiefs of state, currently more than 250 cabinet ministers and tens of thousands of legislators, educators, journalists and other key individuals in America and abroad.

I think of these alumni scattered throughout the world, acting as knowledgeable interpreters of their own and other societies; as persons equipped and willing to deal with conflict or conflict-producing situations on the basis of an informed determination to solve them peacefully; and as opinion leaders communicating their appreciation of the societies which they visited to others in their own society. In my view such exchange of person programs are among the most significant activity now going on in the world, and I am pleased that other countries are beginning to estab-

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lish similar programs suited to their conditions. That is a very hopeful development. If and as these efforts succeed in establishing an international base of mutually comprehending leadership groups capable of facilitating international cooperation, then we can hope to supplant the traditional methods of solving differences of opinion according to the standards of feuding and dueling. Therein lies my principal long-term hope for the human race. But there is not much time left, and we and others still are not doing nearly enough, not giving this hopeful endeavor nearly the attention it deserves.

We simply can no longer afford to consider this basic human dimension as a low priority add-on to the serious content of our international relations. The Department of State's well administered programs in this field are currently grossly underfunded at levels approximately only equivalent to that of 1967. Whereas we readily spend billions for the military and hundreds of millions for propaganda abroad, it is incredibly difficult to get the administration and the Congress to invest the few score millions necessary to sustain this most important activity to the future of this country and to the peace of the world. When one reflects on the accomplishments, it is indeed disturbing that lack of funding remains such an impediment to the future potential of these programs.

Fortunately, we have a Secretary of State who fully understands and also feels strongly about the importance of personal and institutional intellectual relations among nations. As he said to the Board of Foreign Scholarships on December 16, we must deal with what Walter Lippmann called the pictures in people's heads—the manmade environment in which ideas become realities.

The Secretary referred to our "age when the technologies of communication are improving faster than man's ability to assimilate their consequences, and—when the multiplication of differing perspectives and predispositions complicate the achievement of global consensus." He recognized that the dramatically accelerating pace of interaction among peoples and institutions would not necessarily lead to increased understanding or cooperation. He noted:

That interaction, unguided by intelligent and humane direction and concern, had the potential to bring increased tension and hostility rather than less.

Speaking of the exchange-of-persons program with which I am honored to have been associated, he observed that: It has grown to meet new realities . . . promoted the solidarity of the West (and) now sustains exchanges between the United States and 122 countries around the globe. If expressed, it helps us to master, the growing interdependence of the world.

More than any Secretary since I have been here, the present holder of that office appreciates that this type of activity is a real alternative to the traditional methods and that it is imperative to support these new ways of dealing with international human relations. I am, of course, pleased that people in the State

Department, the Board of Foreign Scholarships, and the Binational Commission have made the exchange program so successful. Their dedication and efficiency have been so obvious throughout, that while people occasionally have questioned the program, never has anyone, including the late Senator McCarthy in the 1950's, succeeded in discovering anything discreditable in it.

The question remains whether we can sufficiently civilize and humanize international relations, not merely by improving our traditional way of doing things but by devising new techniques and inculcating new attitudes within our capacity and adequate to our needs. What we can do through the power of creative human interaction in scholarly and other fields, is to expand the boundaries of human wisdom, sympathy and perception. The process is slow moving but powerful; it may not be enough, but it is the best available, and its proper place is at the center of our international relations concerns. Perhaps the greatest power of such intellectual exchange is to convert nations into peoples and to translate ideologies into human aspirations. I do not think such exchange is certain to produce affection between peoples, nor indeed is that one of its essential purposes; it is enough if it contributes to the feeling of a common humanity, to an emotional awareness that other countries are populated not by doctrines that we fear but by individuals—people with the same capacity for pleasure and pain, for cruelty and kindness, as the people we were brought up with in our own country.

If intercultural exchange is to advance these aims—of perception and perspective, of empathy and the humanizing of international relations—it cannot be treated as a conventional instrument of a nation's foreign policy. Most emphatically, it cannot be treated as a propaganda program designed to "improve the image" of a country or to cast its current policies in a favorable light. Such exchanges can be regarded as an instrument of foreign policy only in the sense that the cultivation of international perception and perspective is—or ought to be—an important long-term objective of the foreign policy of any country aware of its true national interests as inescapably encompassing regional and international self-interest.

The Secretary in his remarks before the Board of Foreign Scholarships quoted Pericles on the lasting effect of inspiration in terms which could well summarize all intercultural exchanges: The effect "lives on far away, without visible symbol woven into the stuff of other men's lives."

POLISH AMERICANS

Mr. ROTH. Mr. President, on December 8 I had the opportunity of attending the second annual dinner-meeting of the Captain Stanislaus Motkowski Memorial Brigade Society at the Hotel Dupont in Wilmington. The Captain Stanislaus Motkowski Memorial Brigade Society is a unique organization of Delaware Polish-Americans dedicated to fos-

tering an awareness of the contributions of Polish-Americans to the history of the United States and Delaware.

Capt. Stanislaus Motkowski was an officer in the Union garrison at Fort Delaware on Pea Patch Island. Among the Confederate prisoners in the fort was Leon Jastremski, a Polish-American who later became very prominent in Louisiana. Descendants of the Jastremski family visited Delaware for the dinner-meeting, and the program included period music of the Civil War era, the unveiling of a portrait of Captain Jastremski, and an illustrated talk on the Jastremski family.

I believe that this was a very appropriate way for Delaware Polish-Americans to initiate their celebration of the American Bicentennial era because it reminded us that the War Between the States was a time of great tension and stress for all American communities, including Polish-Americans, and also symbolized our unity and strength as the country approaches its 200th anniversary.

Wilmington Morning News columnist Bill Frank wrote an excellent column describing the history and work of the Captain Stanislaus Memorial Brigade Society and hailing the vitality of the Polish-American community. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLISH ROLE IN AMERICA IS NO JOKE

Give a Polish-American an inch, and believe you me, he'll take a mile.

And more power to Polish-Americans. Other ethnic groups can learn a lesson or two from them.

There'll always be Polish-American culture in our country because of this.

I saw evidence of this trait Sunday night at a dinner meeting in the Hotel du Pont of the Capt. Stanislaus Motkowski Memorial Brigade Society.

And the posthumous hero of the dinner meeting was Gen. Leon Jastremski of Louisiana.

Join me in my admiration and applause for the Polish-Americans in Wilmington who have latched on to what is seemingly the slightest straw in history that will give them an American history identity.

But at the same time, the Polish-Americans have not forsaken their mother land. Unashamedly, they display the American flag and the red-white banner of Poland.

They have proven beyond any doubt that it is possible for immigrants and children of immigrants to remember the source of their national heritage and at the same time love their present country.

About 25 years ago, a group of Wilmington newspapermen rediscovered old Fort Delaware, the Civil War bastion on Pea Patch Island off Delaware City. Out of that came the Fort Delaware Society, fostered, promoted and encouraged by W. Emerson Wilson, formerly city editor of The Morning News.

In the course of the research of the history of this fort, which was really a prisoner-of-war Bastille, it was discovered that among the garrison was Capt. Stanislaus Motkowski, a native of a Polish province near Galicia, born in 1829.

He was a partisan who fought the Russian czar in the old country and finally worked his way to Philadelphia where he joined the Union Army during the Civil War. Also, research revealed that another officer

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at Fort Delaware was Gen. Albin Francis Schoepf, who was born near Cracow in 1822. He, too, fought for Poland's freedom and then migrated to America.

So much for that. In the late 1950s, the Fort Delaware Society sent overtures to the Polish Council in Wilmington, suggesting that Polish-Americans in Wilmington become interested in Fort Delaware.

With their innate love for history and their zeal for identification with American history, Polish-American leaders went to town on the project.

Vincent J. Kowalewski, John Babiarz, and particularly Charles Kilczewski generated action. One of the results was the formation of the Captain Stanislaus Motkowski Memorial Brigade.

The Polish-Americans took the responsibility for fixing up one of the rooms in the fort as a memorial so that as of now, this is one of the great bright spots in the fort.

And then came the discovery that among the thousands of Confederate prisoners in the fort during the Civil War was Leon Jastremski.

He survived the rigors of life in the fort and the war itself. He became a leading citizen of Baton Rouge and in the politics, journalism and culture of Louisiana.

A biography of Jastremski has been written by Edward Pinkowski and it was on sale at Sunday's dinner. I recommend it to Delaware book collectors because it tells a great deal about life and conditions in Fort Delaware during the Civil War.

Descendants of Jastremski came up from Louisiana Sunday to attend the dinner meeting here. One of them admitted that the Polish-Americans of Wilmington and Pinkowski had revealed to them more than they ever knew about their ancestors.

As one of the speakers said at the dinner meeting, the Poles have captured Fort Delaware—and that's for sure.

Sitting through the dinner and listening to the speakers and music, I was greatly impressed with the devotion to the American heritage which, thank heavens, is no longer considered "a melting pot" but rather a union of diverse national backgrounds and cultures.

Ordinarily, one, two or possibly three foreign born persons involved in a chapter of American history wouldn't seem important enough for a whole segment of our population to get excited about.

But not with the Polish-Americans in Wilmington. Pulaski and Kosciuszko are nationally recognized for their contributions in the Revolutionary War.

Here were at least three men of Polish origin who had rather small roles in some phase of history in Delaware. But they were enough to get the Polish-American community excited.

A REPORT OF THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Mr. ERVIN. Mr. President, any Senator who has been a Member of this body for as long as I have is bound to have mixed feelings upon his departure. On the one hand, there is a sense of accomplishment and, on the other, a sense that more could have been done.

I have been fortunate during my tenure, however, to have chaired several energetic and productive committees and subcommittees.

Today, Mr. President, I wish to single out the accomplishments of one of these, the Judiciary Subcommittee on Constitutional Rights, which I joined in 1957 and it has been my privilege to chair since 1961. This was the first standing

committee or subcommittee which I came to chair, and in many respects it has been the one closest to my heart. Certainly, the subject matter of its jurisdiction is among the most important—if not the most important—of any Senate subcommittee. It deals with our greatest heritage—that of justice and the rights of individuals—and that is the highest purpose for which governments are instituted among men.

In these past 13 years I have worked with many Senators and I am pleased to say that I have been fortunate in having colleagues whose dedication was of the highest degree. Our differences—and rarely did they reach a point where reason and understanding could not be called upon for rescue—were over principle and ends. Never have I felt that any Senator acted out of selfish motive or an interest other than what was best for the country and for the Bill of Rights which is the special charter of this subcommittee.

Over time I believe the Constitutional Rights Subcommittee has become the best-known and the hardest-working of any subcommittee in the Congress. And this is no little accomplishment, since the glare of public attention rarely falls on the subcommittees of Congress.

I have been fortunate in having had a staff of unequaled talent and ability and devotion. Over this baker's dozen of years, the number probably is greater than even I might realize. I believe that staff members have stayed longer, on an average, than probably elsewhere. Many came as law students or young professionals and rose to be senior counsel, subcommittee and full committee chief counsels. Some have run for public office, or been advanced to high positions in the executive branch. Some came as interns, and went on to become nationally known experts in their field. The secretaries and administrative people have served long, and faithfully, and well, and to them I and the professional staffs owe our success, for without their devotion, nothing could have been done.

While my gratitude and debt extends to all the people who worked on the staff, I want to say a few words about the subcommittee employees who are working now. I want to commend them, professional and secretarial, to the Senator who will become chairman. The reputation of this staff is among the highest of any in the Senate. They have a wealth of knowledge and experience and legislative savvy which should be the envy of any chairman. They are the life-blood of the Constitutional Rights Subcommittee. Without them, the subcommittee is only a name.

The roster of accomplishments, in bills, investigations and public education cannot be tallied. Let me mention just a few—the Criminal Justice Act, the Bail Reform Act, the Military Justice Act, the Indian bill of rights, the speedy trial bill, the employee bill of rights, privacy, army surveillance, preventive detention and no-knock, FEDNET, computers, lie-detectors, the right to travel, wiretapping, right to counsel, the Rights of the Mentally III Act, free press, news-

men's privilege, and many others. In addition, there are countless small amendments, and instances where help or advice or learned argument resulted in better legislation or, in some instances I must confess, a little less bad legislation.

I would like to take a few minutes and highlight some of the subcommittee's activities over the past 13 years, and indicate as well some of the matters that the subcommittee still should address.

THE ADMINISTRATION OF CRIMINAL JUSTICE

Over the last 13 years, the subcommittee had a considerable role in shaping most of the major pieces of legislation enacted guaranteeing due process in the administration of criminal justice. One of the first things the subcommittee did in 1961 was to survey professors of law and other experts in criminal justice, asking what they saw as pressing matters that the subcommittee should address by legislation. This was before the so-called revolution in criminal justice that so many credit or blame the Supreme Court for. From this survey came a list of new and at that time radical proposals. In 1974, we would not imagine a criminal justice system without them.

RIGHT TO COUNSEL

Its study of legal counsel for indigent defendants, undertaken in 1961, became the basis for the Criminal Justice Act of 1964, a milestone in the administration of criminal justice. Basically, the law provides paid counsel for indigent defendants in criminal proceedings. In 1968, the subcommittee held hearings on the operation of the 1964 act and out of these grew new proposals further expanding the coverage of the act. These proposals were enacted as amendments to the Criminal Justice Act in 1970. Counsel, however, is not always expert. More should be done to expand the system of public and community defenders.

RAIL REFORM

In 1963, the subcommittee began a study of Federal bail procedures. Hearings were held in 1965, and a year later the Bail Reform Act of 1966 was enacted. This, too, was landmark legislation, which in general provided that pretrial bail in Federal cases was the right of any accused, provided no greater restriction was necessary to insure his presence at trial. In 1969 and 1970, the subcommittee held hearings on the continuing operation of the Bail Reform Act. More is needed, however, to make the right to bail effective. We have yet to eliminate wealth as a precondition of pretrial release.

PREVENTIVE DETENTION

As part of its study of Federal bail procedures, the subcommittee has also studied the related matter of preventive detention. Although this problem is intimately related to bail procedures, the subcommittee separated this sensitive constitutional issue for further study. Consequently, no preventive detention provision was contained in the Bail Reform Act. However, in 1970, provisions for preventive detention were incorporated in crime legislation for the District of Columbia proposed by the admin-

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istration. Despite vigorous opposition, the D.C. crime bill was enacted with the preventive detention provision. Concern over the implications of this measure, in light of the fifth, sixth, and eighth amendment guarantees prompted the subcommittee to devote continuing attention to preventive detention and its effect on the rights of citizens. It is one of my regrets that the law, discredited in practice as well as in concept, has not been repealed.

"NO-KNOCK"

The subcommittee also focused its attention on the "no-knock" statutes contained in the D.C. crime bill. Because of the constitutional implications of such a practice, the subcommittee explored various proposals to modify the "no-knock" statutes. This work culminated in October of this year, when Congress enacted Public Law 93-481, repealing the "no-knock" legislation.

SPEEDY TRIAL

The subcommittee has worked diligently on the question of speedy trials in the Federal court system. Speedy trial legislation designed to reform the backlogged Federal criminal process and confront the issue of pretrial crime has been favorably considered by the subcommittee and Judiciary Committee this session, and the bill has passed the Senate and is now pending on the House floor. Passage of this bill would also be a landmark, insuring that the sixth amendment guarantee of a speedy trial could, in fact, become a reality. Once the bill is enacted, much will be required to insure that it is well and effectively implemented. The problems of speedy justice will not be cured by one law.

HABEAS CORPUS

Well back in the early and mid 1960's bills were considered by the subcommittee to give finality to the criminal trial process without infringing on the constitutional right of habeas corpus. This legislation was defeated on the Senate floor in 1968, but the problem did not disappear.

During the subcommittee's consideration of the Bail Reform Act, the issue of habeas corpus reform was again raised, prompting the subcommittee to undertake a renewed study of the issue. Then at the hearings on the speedy trial bill, the Justice Department presented a proposed revision of the Federal habeas corpus statute as an amendment to the bill. Inasmuch as the Justice Department's proposal would have substantially changed the present habeas corpus law and the subcommittee was already engaged in a separate study of habeas corpus, the provision was not included in the bill. The subcommittee's study was expanded and a survey of legal authorities across the country was conducted to solicit their views on the advisability and constitutionality of making changes in habeas corpus practices as proposed by the Justice Department. The subcommittee's work in this area continues.

CRIMINAL JUSTICE DATA BANKS

The subcommittee has long been interested in the collection and exchange of criminal information. As far back as the mid-1960's, our efforts were directed

at the release of incomplete arrest records, particularly in employment situations. However, when in 1969 it became evident that plans to computerize criminal records were quickly becoming operational, the subcommittee began one of the most ambitious of its projects in the administration of criminal justice. In 1970, the subcommittee held initial hearings on these proposals as part of its survey of privacy and computers. Following that, the investigation continued and led to the development of model legislation on the subject. In February of this year, Senator Hruska, the ranking minority member of the subcommittee, and I introduced S. 2963 and S. 2964, bills designed to regulate the collection and exchange of criminal justice records and criminal justice intelligence and investigative files. The subcommittee held hearings on the legislation and spent the greater part of this year attempting to develop a consensus on the legislation.

In committing a large amount of its time and resources to this project, the subcommittee recognized that basic criminal justice reform ranging from speedy trial to effective administration of the bail system depends upon efficient exchange of information between criminal justice agencies. At the same time, balancing the privacy rights of data subjects against the countervailing interests of law enforcement, the press, and the public is no easy task. However, as I end my tenure, I am pleased to note that Senator Hruska and I are nearing agreement on legislation. Although the subcommittee did not report a bill this Congress, the prospects for action are good next year and I have reason to believe this legislation will receive a high priority in the next Congress. It is clearly the most pressing piece of unfinished business on the subcommittee calendar.

RIGHTS OF PRISONERS

In 1972, the subcommittee instituted a study of restrictions placed on the civil rights of prisoners. This investigation continued and expanded in response to the growing volume of prisoner mail alleging violations of rights, increasing interest of lawyers and legal commentators, and rising public awareness of the complaints of prisoners. The general overview of prisoners' rights included emphasis on access to attorneys, correspondence rights, parole proceedings, and the use of behavior modification programs in Federal prisons. This last inquiry led to a broader study of the role of the Federal Government in behavior modification programs. And as yet, no clear delineation has been made of prisoners' rights and no legislation safeguards them.

PRIVACY AND THE BILL OF RIGHTS

The subcommittee has been at the forefront of the evolution of a legally enforceable right to privacy. For a decade, subcommittee investigations into invasions of privacy have resulted in legislation or in corrective actions within the executive branch. Throughout our work, we have sought to implement the guarantees of privacy protected by the first, fourth, and fifth amendments to the Constitution, as well as others.

WIRETAPPING AND EAVESDROPPING

In 1961, the subcommittee held extensive hearings on wiretapping and eavesdropping and their effect on guarantees in the Bill of Rights. While no legislation considered at these hearings passed, the hearings and research served as a basis for several subsequent inquiries by this and other Judiciary subcommittees. Indeed, the first formulations for the present wiretap statutes imposing controls on the practices were developed during those early hearings. More recently, during this past session of Congress, the subcommittee together with the Administrative Practice and Procedure Subcommittee of the Judiciary Committee, and the Surveillance Subcommittee of the Foreign Relations Committee began a joint inquiry into warrantless wiretapping and other electronic surveillances to examine the legality of this activity. Then in October, the subcommittee joined with the Criminal Laws and Procedures Subcommittee of the Judiciary Committee in holding hearings on several legislative proposals to amend the wiretap statute to provide procedures for conducting national security wiretaps. Quite clearly, the matter of warrantless taps, which pose the most severe issues for constitutional rights of free speech and political expression, should be a first priority for the subcommittee next year.

EMPLOYEE RIGHTS STUDY

In 1965, the subcommittee began an extensive study of the constitutional rights of citizens who work for or apply to work for the executive branch. The subcommittee's investigation was aimed at unwarranted governmental intrusions on the rights and privacy of these individuals. Of particular concern were threats to the first amendment rights and due process rights posed by coerced participation in personality and psychological tests, dissemination of personnel and medical records, coerced participation in bond drives and political activities, and mandatory reporting of non-job-related activities. Hearings on these subjects held in 1965, 1966, and 1967 formed the basis for legislation the subcommittee developed to halt these practices and set reasonable standards to insure the protection of personal privacy. The subcommittee bill has been passed by the Senate in each successive Congress since 1967, but as yet no action has been taken by the House. The latest version of the bill, S. 1688, will also die in the House Post Office and Civil Service Committee when this session ends.

Yet I am pleased to report that the subcommittee's continuing investigation and public interest in this legislation have prompted Federal agencies to undertake major procedural reforms in their personnel systems. Additionally, the abundant casework done by the subcommittee in response to complaints from citizens has also had a substantial impact in promoting corrective steps by the Government. I note with pride, also, that the subcommittee's study prompted similar concern and reform in State and local governments as well as private industry. Some States and municipalities have adopted the bill as model legisla-

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tion. Furthermore, a number of judicial decisions have relied on the subcommittee's hearings and reports in this area.

DATA BANK SURVEY

So unconscionable have been some of the practices and programs occurring under the aegis of the many Federal data drives and so complete was our ignorance of Government practices that in 1969 the subcommittee undertook a Government-wide investigation of the extent to which Federal data banks are consistent with constitutional rights. As part of our right-to-privacy study, inquiries were sent to the heads of every Federal department and agency to learn just what data banks containing personal information were in existence or being developed and how they would operate. The results of this survey were published last spring in a mammoth six-volume report. The most significant finding of the study is that there are immense numbers of government data banks littered with diverse information on just about every citizen in the country. Of the 54 agencies surveyed, the subcommittee found 858 data banks in operation containing over 1 1/4 billion records on individuals. There are, without a doubt, a great many more Federal data banks which the subcommittee, despite more than 4 years of patient effort, was unable to uncover. The subcommittee's analysis of the agency submissions indicate that with regard to the rights of the file subjects:

The great majority of the surveyed data banks lack a specific statutory mandate;

Over 40 percent of the data banks do not tell citizens that records are kept on them;

About half of the data banks do not allow subjects to review or correct their files. Some of those which do allow file review do not inform citizens that files are kept on them; and

More than 60 percent of the data banks regularly share their files, or the information in them, with other agencies.

While the new study commission of S. 3418 will do much to keep track of developments, Congress and the subcommittee have a continuing responsibility to oversee this area for themselves.

COMPUTER-DATA BANK HEARINGS

The subcommittee's investigation into the extent to which the development of large interlinking information systems and the creation of Federal data banks may affect the individual right to privacy, due process of law, and the enjoyment of constitutional freedoms, led to hearings in 1971 on Federal data banks, computers, and the Bill of Rights. The scope and purpose of that inquiry was to learn what governmental data banks had been developed; how far they were already computerized or automated; what constitutional rights are affected by them; and what overall legislative and administrative controls may be required to protect the privacy and constitutional rights of citizens.

The hearings examined constitutional and legal issues, as well as practical problems raised by computer technology. I must admit, however, that the important work of the subcommittee during these

hearings pertaining to Federal data systems was overshadowed at the time because of the explosive disclosures that the Army had engaged in a widespread domestic surveillance program. But the subcommittee returned to the problem in 1972 and its legislative spadework was the intellectual and political foundation of S. 3418, the general privacy bill enacted just this week.

MILITARY SURVEILLANCE

During the subcommittee's data bank hearings in 1971, reports of the Department of the Army's surveillance program first came to light. It was disclosed that the military had investigated individuals engaged in the exercise of first amendment rights, especially in protesting governmental policies individually or by associating with others. Also involved were reports of the development of computerized information systems and microfilm data banks containing the products of these surveillance techniques and investigations. The information uncovered in the course of the subcommittee's hearings and in the process of developing its subsequent reports stands today as the only comprehensive record of the surveillance activities of the military during the late 1960's. And while I regret that the Congress has enacted no legislation to put an end to these practices in the future, it is clear that the subcommittee's work has had a significant impact on the military's operation since 1971. The bill still is needed, and should be at the top of the subcommittee's agenda. It is especially necessary because of the refusal of the Supreme Court to meet its responsibilities in the Tatum case. The Court improperly left a judgment on constitutionality to Congress, and passage of prohibitory legislation is necessary if we are finally to put an end to a recurring excess on the part of military intelligence.

SECRET SERVICE

In 1969, the subcommittee conducted an inquiry into the so-called guidelines distributed throughout the executive branch by the Secret Service to encourage reports of information to assist the Secret Service in its function of protecting the President. While the subcommittee was mindful that all reasonable steps should be taken to insure the safety of the President, these efforts should be taken in full awareness of the actual and potential dangers. The guidelines issued by the Secret Service raised serious due process problems as they threatened a mass surveillance system unprecedented in American history. To date these problems have not been adequately resolved.

SPECIAL SERVICE STAFF

One of the most significant investigations to date in the gradually unraveling story of political misuse of the tax collecting power was conducted by the subcommittee into the activities of the now defunct Special Service Staff of the Internal Revenue Service. That unit was created in 1970 to identify individuals and organizations for possible tax action solely on the basis of their political activities, and it was abolished in August 1973 only after its existence had been widely publicized. The subcommittee's

staff report of its investigation, published just last week, is the only inquiry thus far based upon an examination of actual Special Service Staff files.

PRIVACY LEGISLATION

This past summer the subcommittee held joint hearings with an Ad Hoc Privacy Subcommittee of the Government Operations Committee to consider legislative proposals dealing with the issues of privacy, computer banks, and Government information systems. S. 3418 emerged from these hearings as a design to protect citizens' privacy and incorporate a strengthened respect for individual rights into functions of the Federal Government. The bill, a culmination of much of the subcommittee's efforts to secure the privacy right, was enacted this week.

BUREAU OF CENSUS QUESTIONNAIRES

As a result of many thousands of complaints about burdensome or privacy-invasive questionnaires, the subcommittee in 1968 devoted considerable attention to the information-gathering techniques of the Census Bureau. Of particular concern to the subcommittee were the Bureau's practices in obtaining compliance with survey inquiries for the decennial census forms or other census questionnaires, or questionnaires distributed by the Census Bureau on behalf of another Federal agency or department. The subcommittee conducted investigations into charges of unwarranted privacy invasions and arbitrary denials of due process caused by implied or actual coercion, including the use of Federal criminal law sanctions, to obtain replies. The subcommittee held hearings on legislation I introduced to make certain questions on various statistical questionnaires voluntary and to require that recipients be accorded certain basic due-process rights. In addition to analysis of the issues and revision of the bill based on testimony and other recommendations, the subcommittee monitored the conduct of the 1970 census and other Federal surveys to determine the extent to which survey techniques and questions affected the constitutional rights of citizens.

SURVEY OF FEDERAL PERSONAL STATISTICAL INQUIRIES

To assist the subcommittee and other congressional offices to answer complaints about Federal questionnaires and to determine the need for remedial legislation, in 1969 the subcommittee began a survey of every Federal agency to find out what kind of statistical questionnaires they are sending to the public. The subcommittee requested copies of personal statistical questionnaires sent by the agency to individuals over the previous 5 years; the purpose and the statutory and administrative authority for each; whether it was voluntary or mandatory; and what followup techniques were used to obtain responses from citizens. In addition, the Census Bureau was asked to develop a report providing the same information for the statistical questionnaires it distributed and processed under its own authority as well as those done for other Government agen-

cies. Responses provided the basis for hearings and for analysis and comments by scholars and others assisting in the investigation.

HEW "BLACKLIST"

In connection with the subcommittee's continuing study of investigations into first amendment activities, in 1969 special attention was devoted to the practice within the Department of Health, Education, and Welfare of identifying and listing persons who were not considered "suitable" for appointment to advisory committees. The Department was maintaining the equivalent of a "blacklist" of scientists and other professional people in the private sector on the basis of their participation in community events or their attitudes and expressions of views on political questions. As a result of the subcommittee's inquiry, the Secretary appointed an investigative committee which exposed substantial personnel abuses and recommended major reforms in policies and regulations. Unfortunately, similar procedures have not been instituted in all departments.

LIE DETECTORS

During our investigation into arbitrary governmental investigations and privacy which was initiated in the mid-1960's, the subcommittee began receiving complaints from citizens through the country showing that basic rights of many people were being threatened by the use of lie detectors. These machines, lacking validity and reliability, and tossed out of our courts as any indicators of truth, were being used to coerce people into revealing their thoughts, attitudes, and beliefs, and to relinquish their rights under the principles of the fifth amendment to the Constitution.

I introduced legislation in two Congresses designed to halt these trends and remedy these complaints about lie detectors to no avail. Time has prevented the hearings and investigation of these devices and others equally threatening to liberties. The staff has analyzed the problems and complaints in a subcommittee report recently published. I hope this report and the extensive research materials compiled by the staff will justify continued legislative attention to this problem.

RIGHTS OF PEOPLE IN FEDERAL EXPERIMENTS AND MEDICAL PROGRAMS

The subcommittee conducted an investigation of federally funded programs to study, control and eliminate undesirable human behavior through psychological and technological modification techniques. The study published in October of 1974 drew a considerable amount of public attention. It is the most complete compilation of information on the federal role in behavior modification and related fields; taking in the activities of agencies as diverse as HEW, the Veterans' Administration, LEAA, and the Bureau of Prisons. The study is being used as a basis for a behavior study by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. This report is only a beginning. More monitoring and strict controls are still needed.

RIGHTS OF THE MENTALLY ILL

In 1961, the subcommittee examined another long-neglected area of the law when it undertook the first nationwide congressional hearings on the Constitutional Rights of the Mentally Ill. The legislative recommendations which evolved from these formed the basis for the District of Columbia Act for the Hospitalization of the Mentally Ill. This was taken for a model law as States undertook reforms of antiquated laws and regulations and as courts began, for the first time, to examine the meaning of substantive due process for the mentally ill. This law was based on the theory that no one forcibly institutionalized for mental illness should suffer loss of liberty without treatment for such illness, and was based on the theory that hospitalization and judicial commitment should be separated so that people should not be stigmatized by loss of rights simply because they seek hospitalization. Enactment of this law constituted, for the first time, congressional recognition of a moral right to treatment for those admitted to a hospital for mental illness. It revised existing procedures for hospitalization of the mentally ill in the District of Columbia, and provided a bill of rights for patients once they were hospitalized. Since that time, the subcommittee has monitored the implementation of the act, conducted inquiries into cases which illustrate problem areas in the law, and provided research information to many private and State legislative groups working on this issue.

In 1969 and 1970, subcommittee hearings were conducted to provide a "decade review" of the operation of the act and developments regarding the rights of the mentally ill across the Nation. We found that the "right to treatment" was fast becoming recognized as a necessary ingredient of involuntary hospitalization. Thus far, however, the Federal law does not mandate the treatment that involuntary commitment presumes.

RIGHTS OF INDIANS

The subcommittee conducted the first nationwide congressional hearings into the constitutional rights of the American Indian.

In 1961, 1962, 1963, and 1965 it conducted comprehensive field studies and investigative and legislative hearings to examine the state of the law affecting the rights and liberties of the Indians. As a direct result of these studies, the "Indian Bill of Rights" was enacted in 1968. This act guarantees to members of Indian tribes many of the same rights that other Americans enjoy with respect to their dealings with the tribal governments, the Federal Government, and the courts. It further encouraged the training of Indian lawyers as well as educating citizens in Indian law by mandating the publication of certain legal documents which were out of print. In the course of this study, the subcommittee has continued to monitor the implementation of this act. It has received and investigated thousands of complaints and inquiries. No one would say that the application of these rights to Indians has been easy or without difficulty.

It remains for the subcommittee to complete the oversight study began this year, and to consider whether more steps are required.

RIGHTS OF SERVICEMEN

Another neglected area of the law examined by the subcommittee is the constitutional rights of military personnel. Initial hearings were held in 1962, followed in 1966 by comprehensive hearings on the military justice system. As a direct result of these inquiries, the Military Justice Act of 1968 was drafted. A landmark in the history of military process, servicemen facing court-martial were for the first time guaranteed the same rights accorded civilian defendants.

The subcommittee also investigated the administrative discharge procedures employed by each of the services to eliminate substandard personnel from military service. A great deal of the 1966 hearings was devoted to this subject, and while legislation did evolve as a result, none was ever passed by the Senate. Still, the subcommittee's work represents the only treatment of this area ever undertaken by the Senate, and it is my own opinion that the subcommittee study contributed in part to the reform of these procedures which has taken place to some degree within the services. Nonetheless, the administrative system remains a hidden flaw in military justice causing injury and hardship to thousands of servicemen. It should be reformed by legislation if we are to make a success of a volunteer armed forces system.

FREE PRESS—FAIR TRIAL

In 1965 a rash of controversial trials were held in which publicity was seen as an interference with the right of a fair trial. Bills were introduced and the subcommittee held extensive hearings into the conflict posed by the first amendment's guarantee of a free press and the sixth amendment's guarantee of a fair impartial trial. I am pleased that these hearings showed the fallacy of trying to legislate a compromise between two equally important rights. The hearings helped educate the public to recognize that legislation would be in error, and also helped educate both the legal and journalistic professions on the need to recognize the importance of the other's responsibilities.

FREEDOM OF THE PRESS

The subcommittee has had jurisdiction over bills which affected the rights and prerogatives of the press under the first amendment.

In 1971 and 1972, in the midst of a nationwide controversy over governmental pressures allegedly being applied to the press, the subcommittee held extensive hearings on the subject, covering the gamut of complaints from the press. The hearings focused on the government/press conflict which grew out of the publication of the so-called Pentagon papers by the New York Times and the Washington Post.

Then in early 1973, we investigated a particular feature of the freedom of the press controversy—the subpena of newsmen. Again, several weeks of hearings were held on this problem, and, while no newsmen's privilege bill was ever re-

ported, I think the subcommittee hearings played an important role in the national debate. Because of the nature of this problem, it is rare that legislation is the proper remedy. But continued oversight and hearings are necessary if we are to protect this precious right from diminution.

FREE SPEECH IN THE SENATE

The Pentagon papers controversy also led me and several other members of the subcommittee into another first amendment question—freedom of speech of Members of Congress. Not only had the Nixon administration threatened legal action against reporters who released portions of these documents but also against Members of Congress, namely, Senator MIKE GRAVEL. The Senate viewed that action as repugnant to article I, section 6 of the Constitution and authorized Senator SAXBE and me to appear as amicus curiae before the Supreme Court in Senator GRAVEL's case. In response to the Court's decision, the subcommittee staff drafted legislation to reassert the legislative free speech clause of the Constitution. That legislation is pending in the subcommittee and hopefully will be reintroduced next Congress. It should be passed quickly.

SEPARATION OF CHURCH AND STATE

The subcommittee has also carried on a continuing inquiry into the separation of Church and State, as it is mandated in the first amendment. This inquiry included an exhaustive review of the case law relevant to the religious clauses of the first amendment as well as commentaries on the historical and philosophical development of the principle of separation. The subcommittee has also been studying the constitutional problems created by federal appropriations with respect to their application, either directly or indirectly, to nonsecular agencies and institutions.

In 1966 and 1967, we conducted a series of hearings on bills to allow taxpayers to bring civil actions to enjoin Federal loans or grants to church-related institutions. While such a bill was passed by the Senate on several occasions, no action was forthcoming in the House.

On the basis of the subcommittee's study, I entered an amicus curiae brief in the case of *Flast* against *Garner*. It was in that case that the Supreme Court held that a taxpayer could bring a suit to challenge Federal expenditures under the establishment of religion clause of the first amendment. Thus, the decision accomplished in effect what the bills themselves had sought.

FREEDOM OF EXPRESSION AND CONTROL OF PORNOGRAPHY

During 1969 the subcommittee received an increasing number of complaints about the abundance of pornographic material being disseminated across the country. Manifested was a deep concern about the potential adverse effects this material may have on minors and the invasions of privacy which occur when unsolicited salacious material reaches into the home through the mails. Still others sought assurances that a legislative solution to the pornography problem would not violate constitutional guaran-

tees of freedom of expression. Although legislation was enacted in 1971, the difficult problem of pornography control remains. The subcommittee is continuing its examination of the problem, focusing its attention on the practical adequacy and constitutional sufficiency of the law as well as pending legislative proposals.

CIVIL RIGHTS

The subcommittee also conducted hearings and processed all so-called civil rights bills during my tenure as chairman.

While I opposed these bills on the ground of their lack of constitutionality, or necessity, or wisdom. I took steps to see that all persons interested in them had full opportunity to express their views and to have them reported to the full Judiciary Committee with promptness.

These, then, Mr. President, have been the primary fields of the subcommittee's legislative endeavors since I assumed the chairmanship in 1961. They are by no means, however, the sum total of the subcommittee's work. They do not include the thousands of inquiries made on behalf of those whose constitutional rights had appeared to be violated. Nor do they include the many substantive inquiries made by the subcommittee which never reached the stage of hearings. And they do not include the myriad bills which were referred to other committees and subcommittees which nonetheless had an impact on the subcommittee's work and, thus, required its attention.

In short, Mr. President, the members and staff of the Subcommittee on Constitutional Rights have worked hard and performed admirably. Its record stands as credit not only to the Senators who have served upon it but to those staff personnel who daily attend to its business. It is my hope that the subcommittee under its future leadership will continue to be the first legislative bulwark in the protection of the rights of the citizens we represent.

Permit me now to take this opportunity to give recognition to the members of the subcommittee I have been privileged to work with and the chief counsels who have served the subcommittee so faithfully during my tenure as chairman.

Current members: JOHN L. MCCLELLAN, EDWARD M. KENNEDY, BIRCH BAYH, ROBERT C. BYRD, JOHN V. TUNNEY, EDWARD J. GURNEY, ROMAN L. HRUSKA, HIRAM L. FONG, STROM THURMOND.

Former members: HUGH SCOTT, JACOB K. JAVITS, GEORGE A. SMATHERS, KENNETH B. KEATING, ALEXANDER WILEY, WILLIAM A. BLAKLEY, EDWARD V. LONG, JOHN A. CARROLL, J. BENNETT JOHNSTON.

Chief counsels and staff directors: MARK H. GITENSTEIN, the present chief counsel; LAWRENCE M. BASKIN, PAUL L. WOODARD, GEORGE B. AUTRY, WILLIAM A. CREECH.

THE WORLD FOOD PROBLEM

Mr. PEARSON. Mr. President, once again the production and distribution of food has become the subject of great glo-

bal concern. It is a most serious and complex problem and one which deserves and requires priority attention.

I recently had the opportunity to address the Kansas Fertilizer & Chemical Institute in Topeka, Kans. At that time, I discussed the present world food situation and identified some of the factors which led to the present shortages. I also outlined some of the steps we should consider taking in the months and years ahead in dealing with this problem.

Mr. President, I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FOOD ON THE GLOBAL SCENE

These are exciting and challenging times for American agriculture, for our farmers, and the agribusiness complex which serves them.

These are also frustrating perilous times for American agriculture. These are prosperous times. These are depressing times.

Grain producers are selling their products at prices never dreamed of three years ago, and they are making money. But dairymen and cattlemen who buy their grain to feed their herds are losing money.

Most farmers are expanding production; but as they have sought to do so, most have encountered frustrating shortages at one time or another in fuels, fertilizer, baling wire, parts, and machinery.

All have experienced dramatically higher costs. And they know that the profits of today could be wiped out tomorrow if their prices fall and their costs stay up.

And the middleman who supplies the farmer has been quite literally "caught in the middle" between the demanding farmer on the one hand and the hard-pressed manufacturer on the other.

In ordinary times, the drama of food production and distribution is little noticed. But these are not ordinary times.

Never has American agriculture been subjected to such close national and international attention.

The American housewife, who for so long took the American farmer for granted, now anxiously watches the TV weather map to better know what growing conditions are like in Kansas and Iowa.

High officials in foreign governments carefully follow American agriculture production trends to better know how next year's international commodity prices will impact on their economy.

Officials in other governments worry not only about U.S. production trends but, also, about what American political trends might mean to their chances of getting food aid for their starving countrymen.

And the list goes on. But the point is that food has become a subject of extraordinary concern. Why is it that this has come to pass?

I don't propose to know all the answers. But I think it useful to review some of the key factors which have brought us to this present state of affairs so that we can begin to know how better to react to the present and plan for the future.

The best place to start is the summer of 1972, when Soviet grain buyers began to move quietly into the American market. Before anyone came to realize what was happening, they had pulled off one of the greatest grain purchases in history and virtually cornered the world grain market. And they did it at bargain basement prices.

They moved into the American market in a big way because of their own crop failures. And unlike previous times, the Soviet lead-

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ership decided not to put the Russian consumer through the wringer of a reduced diet.

But unfavorable weather conditions also existed in other parts of the world in 1972, particularly in Africa, Australia, China, and South Asia. As a result, for the first time in 20 years, total world grain production actually declined and by a large amount: 33 million tons. For the past two decades, it had been increasing by about 25 million tons a year.

With the significant drop in production against a growing demand, the grain surpluses of the U.S., Canada, and Australia disappeared. Worldwide carry-over stocks dropped toward the dangerously low 100 million ton level. A worldwide scramble to buy grain got underway and prices skyrocketed.

Against this backdrop there was growing evidence that the so-called Green Revolution that had earlier resulted in a surge of good grain production in developing nations of Asia and Latin America was losing some of its momentum. Added to all this, the long lasting drought in the Sahelian region of Africa, where thousands have already died, shows no signs of abating. And this year's floods in Bangladesh have meant the death sentence for many more thousands.

So it is out of the confluence of these events, and other factors such as the decline in the fish meal production in 1972 and 1973, that the global concern for food emerged.

What does all this mean? What can we expect for the future?

There have been two common types of responses to these questions, both of which I believe are somewhat off base and which have contributed to considerable misunderstanding about the world food situation.

First, there are those who look at the large and growing world population against the backdrop of the present grain situation and conclude that the old Malthusian equation has finally hit the globe full force and that we are on the brink of world food disaster of unimaginable magnitude. Some of the more pessimistic predictions suggest that millions upon untold millions will soon be starving to death.

Although many in this group believe that such a catastrophe cannot be wholly prevented, we must at least make an attempt to reduce its severity. Therefore, there must be a massive commitment by American farmers to produce more, by American consumers to eat less, and by American taxpayers to spend more. In short, they would have us change our whole life style.

The second type of response comes from those who look at the same situation and conclude with great confidence that the millennium for American agriculture has arrived. They argue that the future world demand for food will be so great that American farmers will be assured high prices and perpetual prosperity.

This particular line is given another twist by those who say "look, the heavy hand of government has been removed from agriculture and see what we have: high prices and rising incomes." And they resolve that never again should the government intervene in the free market for agriculture.

For the purposes of illustration, I have exaggerated these two points of view. But the general thrust of these two approaches does dominate much of the discussion about the food situation today. I believe that both are flawed.

On the one hand, it was not the working of the free market which produced the presently high grain prices. Rather, it was an act of God in the form of unfavorable weather conditions to several parts of the world in 1972 and to a lesser extent in 1974. Except

for this, grain prices would not likely be greatly different today than in 1971.

We heard the same proclamations about a new Golden Age for American agriculture a few years ago when bad weather conditions in India in 1965 and 1966 resulted in such a demand for American grain that our surplus stocks were cleared out. But as soon as the crop-nourishing monsoon rains came again to India that demand disappeared and our price-depressing surpluses were restored.

On the other hand, it was also during 1965 and 1966 that we heard of many of today's arguments to the effect that the world was about to be overwhelmed by an unmitigated food shortage disaster. But these prophecies also proved to be wrong.

Now, I hasten to stress, that I am in no way suggesting that the world does not have a food problem—it has a massive problem. Millions of people in the developing countries are so undernourished that their lives are shortened and their productivity stunted. Moreover, when extremely adverse weather conditions strike, we still do not have sufficient capacity to prevent the horror of considerable starvation.

But we have to place the present situation in perspective. The trend lines on food production and consumption are up, not down. Over the past twenty years, despite a staggering growth in world population, per capita food production has increased by a significant 22 percent.

Over the long run, say the next 25 to 75 years, the pessimists may well be right. The world's population growth may outstrip our food producing capacity. That is why eventually curbing world population growth is so essential.

But I do not believe the long predicted, overwhelming world food cataclysm is upon us today. World grain production is on the rise again. Carry-over stocks have not yet been replenished. But with two good weather years in the major grain producing parts of the world, given the full blast production efforts now underway by farmers, those carry-over stocks can be replenished. And, indeed, the reemergence of grain surpluses is not at all unlikely.

The great imponderable here is the weather. Just as two good years could refill the world's granaries, two bad years could bring unmitigated disaster. But the odds are that we will not have an extended period of successive bad weather years.

Now in light of the present world food situation, what is it that we should do in preparing for the future? I don't suggest that I have all the answers, but I want to make some recommendations.

First, on our priority list, it seems to me, is the need to get our food planning house in order. We have got to assign a much higher priority to food planning both for the short run and the long run. We have got to develop a much better understanding of where we are, where we want to go, and how we want to get there.

We have entered a new global era in respect to food. It has many promises, but also many pitfalls. I do not believe we are properly prepared to capitalize on the promises and to avoid the pitfalls. We must substantially improve our information base regarding world food conditions. It is particularly imperative that we begin to develop new policy alternatives for domestic farm programs and for foreign food programs as well.

Therefore, I recommend that the President establish within his Administration a high-level Food Planning Office.

This Office would gather and evaluate all relevant intelligence data about the worldwide food conditions and periodically report this information to the Congress and to the American people.

The Food Planning Office would also make

short and long range projections on worldwide supply and demand conditions and how these conditions might impact on U.S. agriculture, particularly in regards to exports and domestic prices, thus giving American farmers a better basis for planning their own food production schedules.

In addition, the Office would periodically report to the Congress new policy options for foreign food initiatives and domestic farm programs for consideration in responding to changing world food conditions.

Aside from the longer range goal of strengthening our planning policy evaluation capacity there are a number of steps that should be taken as soon as possible.

Therefore, my second recommendation is that we increase our food aid commitments through our P.L. 480 program. We must do it as our contribution to dealing with the immediate starvation problem. Beyond an increase in P.L. 480 commitments, we need to restructure the program to eliminate political abuses and to assure that the food is given in a way that maximizes its usefulness.

Third, we need to move ahead, in concert with the other grain producing nations, to develop an international emergency grain reserve. The reserve should be isolated from the commercial markets and used only under truly emergency conditions.

A food reserve, if properly designed, can be of benefit to the American farmer. The stocking of such a reserve could not occur until worldwide supplies have increased substantially. When supplies are rebuilt, as certainly they will be, there will be a heavy downward pressure on prices. The movement of surplus grain into the reserve at that time could, therefore, help prevent a precipitous decline in domestic farm prices.

Fourth, we need to strengthen our food production assistance programs. The developing nations must substantially improve their own food production capacities. We have done a great deal to help them. We should do more. In this connection, we need to be more insistent that the countries receiving our assistance demonstrate a stronger commitment to population planning. There is little possibility that the developing nations can erase their food deficits unless their rate of population growth is slowed.

Fifth, I believe that the U.S. Government should apply diplomatic pressure to the Arab oil producing nations to use their enormous monetary reserves to provide major financial assistance to the developing nations in meeting their food problems. The Arab nations now have the means to provide significant assistance. I believe that they have an obligation to do so.

Finally, we must move ahead to bring inflation under control. For the last two years, the farmer has seen his costs of production skyrocket. Given the instability in the prices he receives, a prolonged period of double-digit inflation will almost certainly mean serious economic problems in the future.

In conclusion, let me say that as we consider these and other food policy recommendations, we need to keep two objectives in mind. First, for both humanitarian and political reasons, we should strive to further strengthen America's already commanding leadership role in helping to solve the world food problem.

Second, we must strive to assure stable economic conditions for American agriculture and also avoid excessive demands on the American taxpayers.

These objectives are not inherently at cross purposes, but they are not always complementary. We can realize both objectives but only if we make hard-nosed assessments of actual conditions and only if we continue to bring fresh, new thinking into the policy making process.

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THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, on November 29 the new African nation of Lesotho joined the ranks of those nations that have ratified the Genocide Convention. This group now numbers 84.

It has always seemed a cruel irony that the United States, which took the leadership in drafting this convention has yet to take a vote on ratification while most of our NATO and SEATO allies have wholeheartedly supported it.

Our failure to support such a basic human rights document has been a diplomatic embarrassment to our representatives abroad and a hindrance to the development of international standards of decency.

During our final days this week, there has been much talk about the need for recognition of the right of emigration—a principle which I strongly support. But what about the right to survival? Is this not of equal importance?

Mr. President, today the 93d Congress will close and we have let the chance for action slip through our hands once more. It is important that we remedy this situation early in the next Congress with prompt ratification.

We must not let the Genocide Convention suffer the fate of the Geneva Protocol on Chemical and Biological Warfare that was ratified this week after 49 years.

The time to reassert U.S. leadership in the field of human rights is now.

OPPOSITION TO PROPOSED PRESIDENTIAL IMPOUNDMENT REPORTS

Mr. ABOUREZK. Mr. President, earlier this week, I received a resolution of the county commissioners of Aurora County, S. Dak., opposing three proposed Presidential Impoundment reports pursuant to the Impoundment Control Act of 1974. I support the views of the Aurora County Commissioners.

Mr. President, I ask unanimous consent that the resolution of the Aurora County Commissioners of December 4, 1974, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas the President of the United States has proposed the following:

1. A reduction in the HUD 701 program from \$100 million already appropriated by Congress to \$50 million.
2. A cut of \$2 million in EDA Title III, Section 302 Technical Assistance.
3. A reduction in the Department of Agriculture's appropriation, deleting \$3.5 million in rural fire protection and reducing rural development business and industrial grants from \$13.75 million to \$10 million.

and;

Whereas this would have an adverse and serious long-range effect on Aurora County.

Now, therefore be it resolved that Aurora County opposes the above proposed cuts and urges that the South Dakota Congressional delegation support an impoundment resolution to restore 701 and Agriculture funds to the full level appropriated and oppose legislation that would authorize a rescission of EDA Technical Assistance funds.

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Approved this 4th day of December, 1974, by the Aurora County Commissioners meeting in regular session.

MYRON HAWINS,
JOSEPH THOMAS,
HENRY BREUKELMAN,
LEX WELLS,
SENA HORSTMAYER,
Aurora County Auditor.

NOMINATION OF JUDGE HENRY BRAMWELL

Mr. BUCKLEY. Mr. President, I am well aware that opposition exists to Judge Henry Bramwell's appointment to the district court. When I first learned of the specific charges being made, I double checked my own sources of information. I also asked practicing lawyers in New York City whose judgment I trust to talk to people who had appeared before him, and who had a basis for making educated judgments as to his competence and qualifications for the highly demanding position of a U.S. district judge.

Neither I nor those on whose advice I heavily depend found any reason to reverse our original judgment as to Judge Bramwell's fitness for the post to which he has been nominated. He is a hard-working man of demonstrated competence. If his patience has on occasion been sorely tested, it must be understood that he often has had to preside at trials under conditions that would have sorely tried the patience of any man. That he has insisted on the maintenance of professional decorum is not, in my judgment, a cardinal sin. Rather, I consider it a virtue.

I might note, Mr. President, that the American Bar Association shares my conclusion as to his fitness. The ABA was fully apprised of the charges made against him, and nevertheless found him fully qualified by a unanimous vote.

We all recognize the absolute need for a judicial temperament in any judge presiding over trials. I believe that Judge Bramwell has amply demonstrated both fairness and a necessary firmness in the conduct of trials. A few isolated cases cited out of the context of the actual courtroom situation ought not to be allowed to cloud the record of this man. I urge the Senate to confirm his nomination without further delay.

BUDGET-CUTTING DEFINITIONS

Mr. HART. Mr. President, looking ahead to the problem of combatting an inflated economy in recession, we can expect renewed debates on spending priorities and on controlling Federal expenditures.

As in most debates, the options on how and where to control Federal spending are limited by the definitions accepted by the debaters.

Two examples come quickly to mind.

First, the debate on reducing Federal spending is often tied to the need to cut the Federal deficit. However, that deficit also can be reduced by increasing

tax revenues, perhaps through the closing of tax loopholes.

Second, the choice of what programs to cut is narrowed because the debaters agree that there are two kinds of Federal expenditures—controllable and uncontrollable, and only the former can be cut. Depending on how one defines uncontrollable, you can come up with as little as \$15 billion out of a \$305 billion budget which are cuttable.

These two examples suggest that the quality of the debate and of the resulting answers might be improved if the discussion began when programs which create uncontrollable expenditures are considered, and if the discussion focused first on how large or small a deficit is wise and then on what mix of increase in tax revenues and of budget cutting is best to meet that figure.

A recent article entitled "The Art of Budget Cutting," printed recently in the New York Times, discusses these questions in more detail. I ask unanimous consent that the article, written by Robert W. Hartman, a senior fellow at the Brookings Institution in Washington, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ART OF BUDGET CUTTING: A PROPOSAL FOR BETTER CONTROL IN THE FUTURE
(By Robert W. Hartman)

The obsession with cutting the Federal budget, whatever its value in fighting inflation, has the virtue of directing public attention to the insides of a \$305-billion black box. Unfortunately, the lessons so far drawn from this closer inspection give little hope that future budgetary decisions will be better than those in the past.

The Office of Management and Budget started the current debate by attempting to demonstrate that short-term fiscal stringency requires that budget cutting be concentrated on the \$15-billion portion of the budget that the O.M.B. labels "discretionary nondefense outlays." This conclusion, with which I sharply disagree, is reached by eliminating as uncuttable and uncontrollable the following spending categories:

Over \$140-billion in expenditures for entitlement programs, such as Social Security, which are viewed as uncontrollable because Congress would have to vote to rescind benefits which recipients have come to expect.

Over \$80-billion in spending for which the Government has already obligated the funds (as in payments on past defense contracts when the work is completed) or for which there is no way to avoid current payments (such as paying interest on the Federal debt).

These "uncontrollable" payments therefore represent about 70 percent of spending in the current fiscal year, leaving 30 percent, about \$90-billion, as "discretionary."

The O.M.B. estimates that \$57-billion of the discretionary budget is spent on personnel costs (over half for defense) and asserts that these are very hard to pare in the short term. This process of elimination leaves \$20-billion in defense outlays and \$15-billion in domestic discretionary spending as targets for budget-cutters.

Discretionary defense spending cutbacks, the argument goes, would necessitate either reducing the readiness of American forces (by limiting purchases of fuel, supplies and spare parts) or the modernity of future defense forces (by cutting back on new initia-

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tives). Neither the Administration nor Congress have shown much interest in such reductions and even the most pacific observer might agree that once we have the tanks, we might as well fuel and repair them.

This leaves the \$1.5-billion in nondefense discretionary programs on the O.M.B.'s cut-eligible list. About one-third of these outlays are for grants-in-aid to state and local governments for education, manpower, community development and child nutrition programs. Another third goes primarily for research and training in health, space and energy. The remainder is an assortment of public works and sacred-cow programs.

Two lessons have been drawn from this exercise of stripping the budget down. First, it is maintained that the fight against inflation requires that the social grant-in-aid and research programs be cut. Second, it is contended that in order for the Government to regain control over the budget, entitlement programs, which constitute the largest uncontrollable items, be re-examined and, presumably, reduced.

But there is no sense, it seems to me, in letting the controllability of various items in the Federal budget determine what is expendable when it's time to cut back. For one thing, an ordering of programs in terms of national priorities need not at all correspond to an ordering based on budget controllability. For example, just because grants to states for education do not constitute a mandatory claim on Federal expenditures is no reason to make education bear a disproportionate share of Federal restraint.

Indeed a good case can be made that these benefits should be automatically adjusted for inflation—as we have done for Social Security, but not for all entitlement programs. Thus, the most inveterate budget controller will only be able to get control over the extent to which real improvements are added to the entitlement programs. The benefit base should remain intact.

But this should not be done for the rest of the budget. When we take a longer than one year view, virtually all the items that look uncontrollable in the short-run become controllable. While in fiscal year 1975, it is correct to view progress payments on an Air Force bomber as uncontrollable, it is equally true that if Congress refuses to vote further funds for bombers, there will be no future overhang of unsatisfied obligations.

Similarly, cutting back on Federal payrolls in a single fiscal year may be nearly impossible, but reductions over a longer period are certainly feasible.

On the tax side, while it is certainly true that loophole-closing to meet short-run fiscal goals is to invite Christmas tree tax bills, in the long-run major sources of erosion in the tax base can and should be plugged up.

Thus, a pertinent lesson to be learned from opening the black box is that by anticipating future federal budgets, we can well afford to maintain the real level of existing entitlement programs—well under half current budgets—and devote attention to economizing on the remaining programs as well as looking for new tax sources to finance new programs and high priority improvements in existing ones.

Because Federal spending and taxing is so critical to the nature and quality of our society, they should not be reduced to a mechanical exercise. Planning over long periods and adjusting the budget in a foresighted and evenhanded way can turn arithmetic into a socially productive art form.

ADDRESS BY ANNE ARMSTRONG AT THE BUSINESS COUNCIL

Mr. PERCY. Mr. President, the Business Council has in its membership some

of the most successful, creative, dynamic industrialists and businessmen in America, if not in the world.

Every American President, Vice President and virtually all Cabinet officials have appeared before the Business Council since its inception.

At the Business Council meeting on December 12, 1974, the Honorable Anne Armstrong, Counselor to the President, spoke. It was her last speech before retiring, at least at this time, from public life. It was one of the most meaningful and moving messages I have heard in a decade and a half of attending Business Council meetings and the reception given to her was as enthusiastic as any I have ever heard. She delivered her address in a sincere and convincing manner because it came not only from her mind but from her heart as well.

I ask unanimous consent that the remarks made by the Honorable Anne Armstrong be printed in the Record, and I wish to pay personal tribute to her distinguished service to her country, to her State, and to the political process in America.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

ADDRESS BY THE HONORABLE ANNE ARMSTRONG,
COUNSELOR TO THE PRESIDENT, TO THE
BUSINESS COUNCIL, WASHINGTON, D.C.

I'm very pleased to be with you this morning, and I want to thank all of you, especially my good friend Dave Packard, for the kind invitation. I would be hard-pressed to find a better forum than the Business Council for my final speech as Counselor to President Ford and as a member of his Cabinet.

This morning I want to share with you some of my observations after being in Washington for nearly four years, first as Co-Chairman of the Republican National Committee and now at the White House. I would like to begin by reflecting on one of my most recent special assignments—serving as one of the three United States Representatives to the World Food Conference in Rome last month.

As a member of both the President's Council on Wage and Price Stability and the Murphy Foreign Policy Commission, I have for some time been very interested in the economic and foreign policy implications of U.S. food aid. And, of course, I went to Rome with a sense of deep concern for the hunger crisis that currently grips certain parts of the world. Not only is it a serious economic problem, but it is a heart-rending humanitarian problem as well.

Yet I went to Rome with no illusions that the Food Conference itself could solve the current crisis. If that had been its goal, we could have done more good by just staying home, cancelling the conference, and sending the money saved directly to the needy countries.

In my view, however, the Conference did do something very important. It succeeded in taking the first big step toward the eventual elimination of widespread hunger in the world. The implementation of the agreements reached in Rome is yet to come, and you can well appreciate some of the hurdles, booby-traps, and ambushes ahead. But I feel a good foundation has been laid, and I believe the emphasis on increased production and improved distribution was correct. We can't go on sharing shortages. We can't continue to lurch from crisis to crisis.

I feel that the World Food Conference had the right concept: a long-term, shared approach, one in which all nations of the world would do their part, rather than rely-

ing on just a handful of nations to carry the burden.

And I stress that last point because, although the United States will continue to respond in generous and humanitarian terms, no nation can share more than it has. You know as well as I that the days of overflowing grain elevators are behind us.

As you know, the Conference approved the establishment of a World Food Council, a coordinating and advisory group under the auspices of the United Nations. It will serve as an umbrella organization for the efforts on increased food production and improved distribution, food aid, grain reserves, and an early warning and information system.

United States leadership was important to the success of the World Food Conference, which, as you know, was first called for by Secretary Kissinger. On the opening day of the Conference last month, he outlined President Ford's policies in a brilliant speech, which was extremely well-received by the great majority of the 130 nations present and also by most of the voluntary organizations. The American non-government organizations present sent a warm telegram to the President, commending him on the United States approach to the global hunger problem. And the Secretary-General of the Conference, Mr. Marel of Egypt, called the U.S. leadership positive and very strong.

There were some disappointments in Rome, however. For one thing, I saw that in international political settings—just as is too often true here at home—there is a powerful tendency to look to governments and bureaucracies for solutions while ignoring the potential contribution of private groups. It was very discouraging that so little attention was given to the role of free enterprise and the necessary economic incentives for increased food production and improved distribution and financing. The technical expertise and practical experience of food-related businesses in this country are invaluable, yet when I met with businessmen at the Conference, I learned that little effort was being made to tap those resources.

Another disappointment had less to do with substance than with the climate of the World Food Conference. The public statements of a few United States elected officials had the effect—in an international forum—of making the United States appear unresponsive to the immediate hunger crisis. Nothing could be further from the truth. In fact, that very week, the United States announced that an additional 100,000 tons of wheat were being sent to Bangladesh.

Fortunately, however, those public comments only temporarily diverted attention from the main agenda of the Conference, which, as I said, was to make a long-term investment in the future so that crises could be avoided down the road. In the short run, of course, the United States will continue to be the most generous nation in the world, as the last 20 years of food aid programs demonstrates. In the recent eight-year span from 1965 through 1972, the United States provides 84 percent of all food assistance from developed countries.

The nature of the world hunger problem is characteristic of a trend that has become unmistakably clear during my four years in Washington, and that is the increasingly global nature of what we used to consider just "domestic" issues.

The growing "interdependence" of nations has become a trite expression, but that should not detract from its reality. What is becoming clearer each day—and perhaps it's not yet trite to highlight it—is the growing interdependence of issues, of policies, and of programs. "Foreign affairs" and "domestic affairs" can no longer divide themselves neatly into two isolated boxes on a government organization chart.

Besides the hunger problem, other ob-

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vious examples of burning issues that lack national boundaries are energy, inflation, recession, and—more and more—individual personal security, because of terrorist bombings and hijackings.

President Ford has a firm grasp of this reality of interdependence. I am disturbed, however, that some of his critics apparently either haven't grasped it or choose to ignore it for political motives. For example, there were some who charged the President with ignoring grave domestic problems by making his recent visit to Asia. Those critics have themselves apparently ignored the items on the President's agenda during his first foreign travels. Certainly, they included discussions of war and peace—and there is always need to keep that dialogue going—but they also included serious negotiations on trade matters, including food, energy, and the inflationary aspects of wasteful arms races. And just last week, the President met with Prime Minister Trudeau and Chancellor Schmidt to discuss, among other things, oil, cattle, and the general health of the world economy.

This intertwining of issues, and the increasingly fuzzy borders that in the past have contained national problems, have far-reaching implications for us as a nation, our direction, and the kind of leaders we will need in the future.

For one thing, it is obvious that isolationism is no longer a viable foreign policy alternative. Secondly, our national leaders will need to be well-grounded in both domestic and foreign affairs. Thirdly, the pressures for international cooperation will produce very hard choices for us as a people as we seek to strike the right balance between national sovereignty and international responsibility.

Hard choices, of course, are what this town is all about. And I don't think it's a narrow, parochial view on my part to suggest that the toughest decisions are made at 1600 Pennsylvania Avenue. That's not to demean the important role of the Congress, but merely to assert that the Constitution puts the primary burden of making trade-offs in the lap of the Chief Executive.

President Ford has accepted that responsibility with courage and with the determination to serve the interests of all Americans and not just a special few. He has vowed that he will not play politics with America's future. What we need now is an identical commitment from the Congress.

Let's take economic policy as a case in point. We continue to hear criticism that "the President's programs are not working." I wonder which "programs" the critics are talking about? Do they mean the President's legislative proposal for an increase in the investment tax credit? Do they mean the President's legislative proposals for more public service jobs and expanded unemployment insurance? Do they mean the President's legislative proposal for removing supply limitations on certain crops?

These were the President's proposals to the Congress over two months ago on October 8. They are not operating programs yet because Congress has not acted on them. Until Congress acts, there can be no new programs.

The unemployment rate has jumped to 6.5%, and I am pleased that the Congress is finally going to do something about it. However, if the Congress had acted on the President's call two months ago for a Community Improvement Corps, that new public service jobs proposal could have been a program by now, and it would have been triggered by the latest unemployment figures. But, unfortunately, until now, Congress has chosen not to act, and valuable time has been lost.

I can understand, of course, if the Congress decides to come up with its own programs instead of enacting the President's proposals. But as of yet we have seen no com-

prehensive Congressional alternatives for whipping either inflation or recession. All we get is warmed-over talk about schemes—such as wage and price controls—which treat only the symptoms and not the problems themselves.

My aversion to mandatory controls is based on both my strong belief in a free market economy and my personal experience which has proved to me that controls are counterproductive. As a member of the old Cost of Living Council, I had an insider's view of the distortions and inherent inequities of wage and price controls. And I hope we have learned that controls never prevent inflation, they only postpone it. I have been heartened that both business leaders and leaders of organized labor continue to oppose a return to mandatory controls.

As I look ahead to the pressures already building in the incoming Congress, however, I am very concerned. I urge you to continue to stand firm against wage and price controls. I encourage you to join with leaders of organized labor and set as your number one priority the reminding of the American people and their representatives that controls do more harm than good.

I said earlier that the toughest decisions have to be made at the White House. I'm cautiously hopeful, however, that a vocal public, coupled with institutional changes such as those envisioned by the new Budget Act, will enable the Congress to take a broader look at the consequences of various policies and programs. But to be honest, I'm not holding my breath.

Certainly, our experience thus far with budget cuts has not been encouraging. I've heard it said that people hate inflation but love its causes. Unfortunately, that has probably been close to the truth in the past, but we can no longer afford that paradox. We must do a better job of educating our citizens on two essential points: first, that excessive government spending—and especially deficit spending—is inflationary; and second, that a big budget doesn't necessarily mean good government.

As you know only too well, the traditional measure of a government program's effectiveness has been the size of its budget. And yet imagine how foolish it would be to evaluate a private business according to how much money is poured into the production process!

Despite my preference for a more limited role for the Federal Government in our society, I would be among the first to admit that many government programs are extremely important and provide great benefits to our citizens. And it is for that very reason that we must do a better job of belt-tightening in these inflationary times. We must strive to spend our taxpayers' dollars in the most effective way possible.

When I think of effectiveness in government, I also think of getting power out of Washington and back to the people. I came to Washington with a strong bias that Government effectiveness could be improved through greater decentralization of the programs, and I have been encouraged by the progress of the New Federalism and, in particular, general revenue sharing.

My commitment to getting Government closer to the people has another dimension besides efficiency, however. I believe that the close proximity of citizens to their governmental leaders fosters a healthy political climate for the Nation. In a period when the public faith in all institutions, including Government, is at a low ebb, we must redouble our efforts to increase Government responsiveness and accountability.

There's no way, of course, to pass over lightly the trauma this Nation experienced for nearly two years. I don't intend to dwell on that this morning, but I believe it is important to point out that the fundamental

strength of our Nation's political system and its people has been put to a severe test—and it has withstood the challenge.

However, the aftermath of Watergate, coupled with the lingering public cynicism over the conduct of the Vietnam War, have brought public confidence in politics and politicians to an all-time low. The tendencies of those in government to promise more than their programs can deliver, and to fail to acknowledge their own human weaknesses have intensified this crisis of credibility.

I leave Washington, therefore, with an even deeper appreciation of the responsibility of our leaders not only to protect the public interest, but also to safeguard the public trust.

I do not leave as a cynic, however, nor as a prophet of gloom and doom. I have confidence in my country, in my President, and in the future of the American people.

I do not subscribe to theories of irreversible trends toward economic self-destruction, despite the problems we now face and despite the re-emerging popularity of Thomas Malthus in the wake of the hunger crisis. It's easy to extrapolate trends on a chalkboard or in a computer. But it's also easy to underestimate the human factors that made the trends in the first place and that can always change the course in the future.

You know, Mark Twain once observed that in a period of 30 years, the Mississippi River had shortened itself from 1,200 miles to 1,000 miles by erosion rounding off bends in the river. He then deduced in his best tongue-in-cheek manner that by the year 2000, the Mississippi River would only be 4½ miles long!

As we might expect from Mark Twain, there's a lot of wisdom in that story. Let's not allow our confidence to ebb or our hands to become tied by statistical history and projections. We are not on an escapable, predestined track. I believe in free will, and I believe in exercising it responsibly.

We certainly have opportunities now. To cite an example, OMB has calculated that if present trends in government spending continue until the year 2000, government will account for two-thirds of the economic activity in this country.

That is astounding, but the proper response to that projection is not to resign ourselves to it. Instead, we must decide as a Nation if that's the route we want to take for the rest of this century. If it's not—and I don't believe it is—we have the opportunity and the responsibility to act now to chart a different course.

Let me conclude by underscoring the confidence in America's future that was expressed so well by the President last night. I share that outlook, and I also want to challenge you to help make it a reality.

I must say that I have mixed emotions about leaving Government service at this time. However, I believe in setting priorities, and right now my priorities must be personal for my family.

It's time to go home now, for a while anyway.

Thank you.

PROPOSED CLOSURE OF UNDERGROUND COPPER MINES

Mr. METCALF. Mr. President, on Monday, November 25, 1974, the Subcommittee on Minerals, Materials and Fuels held a hearing on the proposed closure of the underground copper mines at Butte, Mont. Testimony was presented by officials of the Anaconda Co., Members of Congress, Montana Governor Tom Judge, the U.S. Bureau of Mines and the Montana State AFL-CIO. The following is a summary of the hearing

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and the concerns expressed by other members of the subcommittee and me.

The basic position of the Anaconda Co. is that continued mining of the higher grade underground vein deposits beneath Butte Hill by traditional mining methods is neither economically nor technically feasible. The obligation of the Anaconda Co. is, therefore, to its stockholders first, and requires a new assessment of whether a different mining method might ultimately be implemented to recover the enormous quantity of copper still left in the rocks. This assessment will take a year or two, will reduce the need for underground miners to 165 jobs from its current level, and does not guarantee that underground mining will ever return to Butte Hill.

The Anaconda Co. states that since 1968 the underground workings have been marginal, at best. The company seems to have provided only a make-shift underground mining research and management program during these years. A program aimed at maintaining long-term vein mining viability through increasing worker productivity and efficient ore handling systems was not implemented at Butte. It appears, then, that the slow contraction through the years of the underground operations, culminating in the imminent closedown of the mines, is part of a slowly developing designed program to shift underground mining, if possible, to a large-scale bulk mining method.

A team of consultants, hired by Anaconda, originally suggested that it may be possible to save vein mining at Butte. By August of 1974, however, the consultants recommended that Anaconda close the mines and embark on a bulk mining assessment program. There was, without question, confusion in the minds of workers about the intention of the Anaconda Co. First came the public statements of consultants about the rosy future of underground vein mining; then the closed door corporate decision, taken in August of 1974, to eliminate the underground mines; then the public announcement of closure in the fall of this year; and finally the uncertainty that underground mining will ever return to Butte.

This lack of consistent statements and failure of the company to inform governmental officials of developing corporate plans has left Butte and the State of Montana unprepared for the serious adjustments necessitated by the shutdown. One may not be able to quarrel with the corporate need to profit maximize their operations, but when corporate actions have such a profound social and human impact, corporate responsibility, which Anaconda Co. owes to Butte, perhaps more than any other operational site, demands candor and cooperative future planning.

There are still a number of unanswered questions regarding the background material supplied to the subcommittee and future plans to the Anaconda Co. Specifically, the subcommittee has inquired of the Anaconda Co. for answers to the following:

First. What is the average assay value per ton of ore for the underground pro-

duction—including all recoverable metals?

Second. Under existing contracts, what is the current shift labor rate and associated fringes in underground mining?

Third. What is the productivity—tons/man-shift—of those miners in the underground cut-and-fill operations?

Fourth. What is the labor cost as a percentage of direct operating cost—per ton—in underground mining?

Fifth. What percentage of the total mining cost is the "direct operating cost" per ton of ore received in the underground operation?

Sixth. On a per-year basis, what capital expenditures have been made in improving underground haulage, stoping, hoisting and general materials handling in the last 5 years?

Seventh. Please provide the monthly cost data associated with the underground mines at Butte over the past 12 months.

Eighth. Would Anaconda be receptive to offers of leasing current underground mining areas to responsible mining contractors? If not, why not?

Ninth. In the first 9 months of 1974 the production costs per pound of copper increased an average 1 cent per pound over 1973 costs while the price of copper increased almost 12 cents per pound over the 1973 price. In view of this relationship:

First. Why are the underground operations at Butte still unprofitable?

Second. What are the direct costs associated with milling, smelting and refining of this underground ore?

Answers to these questions are necessary to determine the validity of the statements made that present underground mining at Butte as economically infeasible.

The long-term plans of the Anaconda Co. will become clear with answers to the following:

First. What are the company plans for the extension of the Berkeley Pit further west from its present boundary?

Second. Please supply the estimated time frame for reaching the "hopeful" underground bulk mining production at Butte. Please include the breakdown of time needed for exploration, feasibility studies, construction and development period in a phased schedule to reach the production level.

Third. In the event that the feasibility study for underground bulk mining proves negative, how much ore—tonnage—reserves would be lost; and could the company recover the ore in the minable vein system by underground methods, after abandonment and flooding to the 3,900 level of the Kelley.

Fourth. Should all types of underground mining prove negative in the three exploration blocks, will the Anaconda consider mining these blocks by the open pit method? Would this necessitate expanding the Berkeley Pit into or closer to the downtown Butte area?

Fifth. Will the proposed 1975 geological budget for Butte—Miller testimony—of \$3.11 million be funded and used to explore the Kelley, Steward-Beimont and Raves-Minnie Healy blocks for underground mining potential?

Sixth. Large underground bulk mining techniques normally result in surface subsidence. Would mining of the type suggested in the three exploration blocks result in surface subsidence in the downtown Butte area? If so, do you plan to purchase the area of surface disruption?

The subcommittee plans to hold further hearings during the next session of Congress. We should determine whether Anaconda's action is a forerunner for the rest of the underground mining industry, or uniquely peculiar to the Butte operations. It is important to note that underground bulk mining techniques can be utilized only for a small class of mineral occurrences. Some types of ore deposits must be mined, with current technology, by the traditional underground techniques or some variation thereof. Therefore, it is important to maintain research development and hardrock miner capabilities in the traditional techniques in order to utilize a large share of our mineral wealth, while at the same time developing new underground mining systems.

The human part of our concerns must direct our attention to insuring cooperative action between Government and industry when technical and economic conditions dictate major social change. Failure to view those social responsibilities with deep concern may afflict other long stable mining communities with the same uncertain future as now awaits Butte, Mont.

AN EXPRESSION OF THANKS

Mr. TAFT. Mr. President, I would like to take this opportunity to express my sincere thanks to those persons, departments, organizations and governments which most generously provided assistance to my staff aide, Mr. William S. Lind, during his recent fact-finding trip to the Federal Republic of Germany and to Great Britain.

I would firstly like to thank the distinguished chairman of the Armed Services Committee, Senator STENNIS, and the Secretary of Defense, Mr. Schlesinger, for their assistance in arranging the inspection of U.S. military facilities in the Federal Republic of Germany. I would further like to express my appreciation for the efforts of the Department of the Army; the U.S. Army, Europe; the V and VII Corps; and particularly to Lieutenant Colonel Hutton, who escorted Mr. Lind on this trip, and to Major Henry Gole, of the attaché office in the U.S. Embassy in Bonn. These efforts contributed greatly to a further appreciation on my part of the excellent work being done by the officers and men of the U.S. Army, Europe, to whom I believe we all owe our thanks. I additionally extend my thanks to the Federal Ministry of Defense, the Bundeswehr, and the 5th Panzer Division, for their efforts in relation to Mr. Lind's work.

My appreciation is also great for the efforts of the Government of the Federal Republic of Germany, the German Embassy in Washington, the Deutsche Bundesbahn, the New York office of the Bundesbahn, and the Munich regional transportation authority, the MVV, for

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their very valuable assistance to Mr. Lind during his investigations, on my behalf, of the German transportation system. I am certain that the lessons learned from these investigations will prove valuable to me in my work on transportation matters in the forthcoming Congress.

Finally, I greatly value the efforts of the Embassy of Great Britain, the British Overseas Trade Board, British Rail, and London Transport to assist Mr. Lind, and thus to assist me, in further work in the transportation area. Again, I am certain the knowledge gained from these efforts will be of immense use to me in my continuing work on transportation legislation.

Mr. President, I am deeply appreciative of the assistance given my staff aide by all these persons, organizations, and countries. Their efforts have been of material assistance to me, and I am truly grateful.

COMMUNITY RESOURCES AND THE ELDERLY

Mr. MAGNUSON. Mr. President, on December 13, 1974, Mayor Wes Uhlman of the city of Seattle addressed a national forum on aging for local officials, sponsored by the National Retired Teachers' Association, and the American Association of Retired Persons. His remarks point out that though a great deal more needs to be done to address the needs of our Nation's urban elderly, we are making some progress at both the Federal and local levels.

Mayor Uhlman of Seattle has been appointed the chairman of a task force of the U.S. Conference of Mayors which will be studying the role cities can play in addressing the needs of the elderly. I know that many of us will be looking to groups such as the Conference of Mayors for guidance as to how we can best address the needs of older Americans.

Mr. Speaker, for the information of my colleagues, I ask unanimous consent to have printed in the Record the remarks of Mayor Uhlman.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

COMMUNITY RESOURCES AND THE ELDERLY
America has become a throw-away society. We buy our beer in bottles and cans, throw them in the garbage, and truck them away to the dump.

We buy a car, drive it for two or three years, sell it to somebody else who drives it for a couple more years, and then we junk it, with half its life still left. Not because it's no longer functional, but often because it's not stylish or "convenient" anymore.

We do the same thing to our cities. Instead of redeveloping our urban areas for housing and industry, we abandon them, throw them away, build freeways out to the far reaches of suburbia where there is new land to use and throw-away.

And the greatest waste and tragedy of all is that we throw away people. When a man or woman reaches the age of sixty-five, we give them a gold watch and a retirement party and ship them off to somewhere else, anywhere but here. I've been to retirement homes, and worse yet, nursing homes, which sometimes are little more than junk yards for discarded people. We give these places pleasant sounding names like "Sunset

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House," but in fact, the sun has already set for many of those entering such institutions. They receive about as much care, attention, or love as an abandoned automobile.

Some of the more affluent can afford to live in retirement communities in distant places like Florida and Arizona, where they may truly enjoy their older years.

Most, however, are not so fortunate. Over twenty percent of the elderly in this nation—nearly five million people—live below the Federal poverty level. That means couples living on less than \$185 a month. Think about that for a minute! That permits about seventy-five dollars a month for rent, three dollars a day for food—for two people—and very little else.

Another twenty percent of our older citizens live just above the poverty level. Only about a third of our elderly receive more than 7,000 dollars a year, which puts them into the upper income bracket for senior citizens.

This situation is the direct result of our scandalous pension and retirement systems, together with the unwillingness of the Federal Government to assure a decent income to elderly citizens. In fact, the latest Federal insult to our low income elderly comes in the form of a proposal to make them pay more for Medicare and food stamps. So those older Americans already hurt the most by inflation are now being asked by this administration to make major new sacrifices to help the economy. In the jargon of bureaucratic newspeak, WIN means lose for millions and millions of older Americans.

Why do we allow this to happen? Why do we subject our elderly people to the humiliation and degradation of poverty, while robbing ourselves of the wisdom and experience and talents and skills they have learned over the years? Other societies honor and venerate their elderly. Why do we throw ours away?

The simple fact is that we are a youth-oriented culture. We worship that which is young—what is not young is not fashionable. Look at the most basic common denominator of our civilization—the television commercial. When was the last time you saw an older man or woman selling a car, or a soft drink—for those who think young—or even chewing gum?

So, we watch older people selling denture adhesives and laxatives and Geritol to other people, and that's about it. Magazine ads, movies, T.V. shows, it's all the same. There's just no place for the elderly. We even sing to each other—and to ourselves—such comforting popular songs as the one that says, "May you stay forever young."

Local governments cannot expect to erase the attitudes that are ingrained by our entire culture. Nor do we have the money or the resources to solve the complex and extensive economic problems of our elderly. But that doesn't mean that we should not try to do as much as we can, recognizing our own limitations. In fact, the U.S. Conference of Mayors last year asked me to chair a National Task Force on Aging, to examine what the mayors of this country can do about the problems of aging. That not only means looking at National legislation to help, but also exploring local programs within our own cities. I think that many people will be surprised by just how much a city can do with relatively little manpower and money. But with some commitment!

There are 78,000 older men and women living in Seattle, and in 1971 we made our first real commitment to help them. In June of that year, we established a Division on Aging, one of the very first city agencies anywhere in the country to handle the problems of older people.

We staffed that agency with both young people and old people. And we found a very

energetic retired businessman to head up the whole operation. Under direction of Mort Scoowabacher, the Division on Aging has grown into a highly dedicated and professional organization. In fact, they have recently been designated our Area Agency on Aging—to plan and implement federally funded programs county-wide, in addition to continuing to oversee our own city program.

The progress our Division on Aging has made in cataloging and then dealing with the needs of older people has been fairly remarkable, especially in light of the devastating reductions which have been made in the Federal Government's allocations for social programs. But there has been nothing magical about what we have done. Our efforts can be duplicated by any other city that is willing to make a serious commitment to assist its older residents.

One of the most important needs of older people is transportation. Many senior citizens are unable, or cannot afford, own and operate their own automobile. They are reluctant to impose on family and friends, yet the need to travel does not decrease with age. The trip to the doctor, to the store, to social and recreational activities—these are extremely important elements in the lives of older Americans.

Therefore, as any mayor knows, older people rely heavily on public transportation to meet their most basic needs. However, sixty or eighty cents each day for bus fare can be a tremendous burden to a person living on less than two hundred dollars a month. One of the very first battles that we fought—and won—was to get a ten cent fare on our city transit system for senior citizens. When Seattle Transit was later incorporated into a new county-wide transit system, we insisted that Metro continue the ten cent fare as a part of their regular fare structure.

Just as important as the bus in breaking the isolation of senior citizens is the telephone. It provides a direct link to friends and relatives, to consumer information, to the doctor, to police and fire assistance, and even emergency medical care. It is more than a luxury—it can literally mean the difference between life and death. Yet again, a cost of eight or ten dollars a month can be a tremendous expense to people on very limited incomes. Recently I appeared before our state Transportation and Utilities Commission to request them to order our local telephone company to provide special rates for elderly persons. An experimental program was ordered; we expect a more extensive program next.

My appearance alone would have meant very little, but I was accompanied by representatives of our Elder Citizens Coalition, diverse groups of senior citizens which have joined together to lobby for needed legislation on the state and local level. It was our Division on Aging which provided the staff support to found the Elder Citizens Coalition of Washington. Older people must band together if they ever expect to exercise the political and economic clout needed to prompt legislators in the right direction. That's the plain hard truth about the way our system works. I was a legislator for ten years, and I know. It's no different in the Congress.

Telephone rates are only one element in the rising cost of maintaining a household. Many millions of this country's older residents remain in substandard apartments or in homes which they cannot really afford to maintain.

Last year, I visited the home of an elderly woman in Seattle, who had no hot water in her house for three weeks. She explained to me that her water heater had broken, and she did not have the money—18 dollars—to have it fixed. I am frankly outraged that this sort of thing is allowed to happen in this

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country. It's not happening in Seattle anymore. Seattle City Light, our city-owned electric utility, now provides free parts and labor to repair major electrical appliances for senior citizens. That includes stoves, water heaters, and electric heating systems. Recently I requested our City Council to extend to our low income elderly a special scale of reduced rates for all our city utilities—not only electricity, but water, sewage, and garbage collection as well.

When shared by the rest of the general population, the cost of these special considerations is small indeed. But to the older person struggling to make it on a fixed income—\$92.50 per month—such benefits can make a very great difference indeed. Countless other things, all relatively inexpensive, add up to real assistance for older Seattle residents. Some of these include:

- Reduced fees for pet licenses;
- Crime prevention workshops aimed at the crimes specifically preying on older people;
- Two senior centers, with a third now funded for opening next year;
- A weekly radio program with news for older persons;
- Special concerts, tours, fairs, dances, and other programs;
- Theater and restaurant discounts;
- Employment counseling, training, and placement services; and
- Federally funded nutrition and outreach programs.

The list goes on and on, with older people themselves coming up with many of the ideas for additional programs. Even the public schools have recently joined the effort. Just this fall, we inaugurated a program called SPICE—an acronym for School Program Involving the City's Elderly. SPICE provides low cost lunches for senior citizens in twelve elementary schools around our city. But in addition to the meal, there is also the chance to socialize, tutor, learn a craft or skill, help with the children, and in general, break down the age barriers that have become so firmly established in our society.

The SPICE program particularly recognizes that older people have very special talents and skills which are still useful. They can and should be passed on to younger generations. In fact, when we talk about community resources and older Americans, we should remember that older people are themselves a unique and valuable resource. The knowledge and experience which they have accumulated over the years is irreplaceable; to throw them away at an arbitrary age is not only inhumane, but wasteful and foolish.

We must break our habits of throw-away culture. I suggest that we start immediately by conserving and utilizing our elderly as a national resource. As more and more people live for more and more years; as higher and higher concentrations of elderly people congregate in our urban areas; as senior citizens become more organized and more vocal in demanding a fair share of the amenities our nation has to offer; as all these things happen, the challenge facing local elected leaders will become more and more urgent. Our response to that challenge, on the national, state and city level, will largely determine whether the promise of a long life is in actuality a blessing, or a curse.

POLITICAL REPRESSION IN CUBA

Mr. GURNEY. Mr. President, there is an old Spanish saying that "behind a storm comes the calm." In my part of the country, where tropical storms are all too prevalent, we know what this phrase means, and it takes on particular significance when viewed in respect to any discussion of Communist Cuba. Swirling

out of the Caribbean, tropical storms often hit with a destructive blow only to be followed by the deceiving calm of the eye of the storm. Then, for those who venture innocently away from shelter, the storm strikes again with savage fury once that deceptive calm has passed.

Mr. President, in spite of the wise action taken in Quito, I caution my colleagues and those in the administration who are responsible for the implementation of our foreign policy not to be lulled into the ill-founded belief that Cuba is now ready to change her ways and be our friend. While it may seem that the storm has passed, it has not; at best, we are only standing in the eye of the problem.

While I was most encouraged to see that the Organization of American States refused last month to lift the diplomatic and economic sanctions against Fidel Castro, I am still concerned by the prospect that this decision might soon be reversed. After all, 12 nations, only 2 short of the number required, voted to lift those sanctions while only 3 opposed the move and the U.S. decision to abstain, while effective this time, weakens our bargaining position in the long run. Like it or not we seem to have moved, as a result of Quito, one step closer to the day when Castro will be recognized and the trade embargo against him lifted.

From the time that the Castro regime came to power on January 1, 1959, it has deliberately tried to undermine the established governments in Latin America and to destroy the entire Inter-American system. In that process it has closely aligned itself with the Soviet Union in an active, aggressive partnership predicated upon those totalitarian policies and techniques necessary to insure Castro's dictatorial control over the Cuban people. This situation now confronts every nation of this hemisphere with a grave and pressing challenge to the continued survival of the free world as we know it.

The challenge I speak of is not related to the fact that the Castro regime sprang full born from revolution on the promise of sweeping social and economic reform. At its inception, the world welcomed the advent of a new government, with free elections, a free press, freedom of religion and social justice for the Cuban people in addition to respect for Cuba's international obligations.

The challenge I speak of grows from the fact that the Castro regime has betrayed the very revolution that brought it to power. Castro has betrayed his trust by delivering Cuba into the hands of powers alien to this hemisphere and by transforming his revolution into an insidious instrument deliberately intended to suppress the Cuban people while subverting the duly established governments of other American republics.

Since August 1960, when Castro's delegation walked out of a duly constituted OAS foreign ministers' meeting prior to the approval of the declaration of San Jose, which condemned Sino-Soviet intervention in the Americas, this pattern of disregard has crystallized with alarming rapidity and unmistakable clarity. As I have indicated in earlier

statements to this body, the Castro regime frankly admits and publicly proclaims that its revolutionary dogma is to be exported throughout the hemisphere. The activities of so-called Cuban diplomats and other subversives, the training of foreigners in Cuba in sabotage and subversive techniques, and the intense propaganda campaigns throughout the Americas clearly demonstrates the manner in which other countries are being attacked by Fidelista movements.

Since its inception, the Castro dictatorship has established such extensive and interdependent political, military, economic, and cultural bonds with the Soviet Union and other Communist nations that Cuba has become no more than a Soviet satellite in the Caribbean. Far from rejecting Soviet attempts to extend their influence within this hemisphere, the current Cuban regime is a complicit coconspirator in the effort to advance it.

Not only is the Castro regime a personal tragedy for the millions of Cubans unable to escape it, but I shudder to think of what recognizing it, or appearing to condone it, would mean for the cause of freedom elsewhere in this hemisphere. It certainly would not augur well for the future of democracy in the less stable countries. Here in this country we have always followed the classic Greek notion that "nothing impresses men more about power than restraint in its use." Unfortunately, Castro has distorted this concept and now believes that there is no use for restraint in his exercise of power.

Indeed, Castro, the liberal reformer who promised social justice and free elections while a rebel in the mountains of Sierra Maestra, has regressed to Castro, the dictator of more than 8 million Cubans. Political opposition is suppressed, those critical of the regime have been jailed or executed and the possibility of a progressive democracy has degenerated into a Communist cell in the Caribbean. In the book, "The Intelligence Service of Communist Cuba," Pepita Riera states that Castro has executed 10,000 persons and imprisoned some 100,000 in 23 concentration camps, 56 prisons, and 9 work camps scattered throughout the entire nation. Fidel himself admits to having 20,000 political prisoners.

In addition to those executed and those incarcerated, there is right here in our Nation a dramatic indication of the severity of political repression in Cuba. As I pointed out in a floor statement October 10, that indicator is the great mass of refugees who have fled the brutal Castro dictatorship: some three-quarters of a million refugees at last count. The flow increased to a human flood as Castro clamped down on free enterprise, free press, free speech, freedom of religion, and freedom of action. It accelerated even further with the airlift, and it continued even after the airlift was ended. For 15 years now, the flow of refugees to the United States and elsewhere has continued. So offensive has this regime been to Cubans that many refugees risked life and limb to leave Cuba, to say nothing of giving up all their worldly possessions.

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One estimate has it that over 11,000 Cubans have fled to this country by boat or raft—often traversing the 90 miles in imminent danger of drowning, or capture by Castro's vessels, or both.

Those who have been fortunate enough to flee have told us that those early excesses of autocratic rule, the executions, were only the harbinger of a brutal dictatorship dedicated to stamping out, wherever possible, personal freedom and human dignity.

It is an accepted fact today that Cuba is a highly militarized society, dominated by three forces: the army, the Communist Party, and the committees for defense of the revolution, the CDR's. The CDR's constitute a local revolutionary control force. Organized on a neighborhood level they are responsible for rounding up counterrevolutionaries, running seminars and other revolutionary propaganda sessions, policing workers on the job, and checking the quality of public services. We all remember that, while it was the army that Castro used to take over the farms for nationalization, it was the CDR's that he turned to in order to nationalize small business enterprises in 1968.

While there are only some 200,000 members of the Communist Party currently in Cuba, it is estimated by the U.S. Department of State that perhaps as many as 3.8 million, or almost half the population of that nation, are members of the CDR's. Castro has established as his first goal of the revolution, the creation of the "new Socialist man" and assigned this task to his CDR's. He has left to them the task of eliminating what remains of religious influence, inculcating the citizenry with unselfish patriotism and revolutionary zeal, doing away with the Latin American self-image of machism, and promoting attitudes of Communist self-discipline and sacrifice.

Mr. President, Castro's new nationalism can be defined largely as hatred of the United States. And I suggest that any rapprochement is bound to be interpreted throughout Latin America as a victory for Castro over the United States.

As an attorney and member of the Judiciary Committee, I am acutely aware that, whereas some discretion is the lifeblood of a legal system, abuse of discretion is the wellspring of tyranny. Therefore, when I read a recent report by Frank McDonald, a former prisoner in Castro's island, I was reminded once again of how bad things are there.

Mr. McDonald stated that those persons simply accused of being a threat to Cuban security are picked up and held incommunicado without right to counsel until just 15 fifteen minutes before their trial. In total isolation and completely dependent upon the whims of the interrogator—who, as supreme authority under revolutionary law, acts as prosecutor, defense lawyer, judge, and jury in one—a prisoner's chance of being found innocent based on objectively presented evidence is minimal—the interrogator's final decision about a case is, in effect, the final word. To wit, Mr. McDonald remembers his inquisitor telling him, "The revolution has placed me in charge

of this problem and what I decide will be the critical factor in the end."

In practice, there is no limit to how long a detainee may be held incommunicado even though, in theory, the legal code prohibits the police from isolating a prisoner for more than 45 days. This is only symptomatic of the Cuban declaration that "we respect the law. Our law. The revolutionary law."

Mr. President, we in this Chamber have recently spent many long hours discussing freedom in Russia. More than 70 of my colleagues and I have joined in attaching an amendment to the foreign trade bill calling for free emigration of all peoples. Yet, there are those who would repudiate their support for this measure by advocating recognition of Castro, the same Castro who, on April 6, 1973, ended the airlift, discontinuing Cuban freedom flights and thereby making his remaining 8 million subjects prisoners of his tyrannical island nation.

In this Chamber, we have also expressed our outrage at the disgraceful treatment accorded the Nobel Laureate Alexander Solzhenitsyn and indicated our shock at the revelations in his book, "Gulag Archipelago," and yet we have not indicated corresponding emotions about Castro's repressive regime. Castro has stifled the press. His ministry of interior's censorship section, one of his largest secret operations, has a monopoly on postal, radio, and telephone communication. In addition, all press and translations are state controlled. His division of public operations openly conducts security investigations and engages in acts of political repression against all those who will not reform and are therefore guilty of "counterrevolutionary" activities. His secret operations division comprises a national internal intelligence corps responsible for the covert collection of counterintelligence information, through foreign embassies and alleged subversion by spies, infiltrators, and undercover operatives.

In addition, Castro maintains a department of state security for the purpose of counterintelligence and political repression. A committee of this body has information indicating that this ministry is charged with providing direction and overall guidance to the nation's voluntary security forces such as the CDR's and the militia. The prime purpose of this unit is to collect and disseminate the appropriate minions' intelligence on the regime's detractors.

Through all this it should be obvious that Castro has succeeded in producing a repressive state before which even Mao's Red guard must pale by comparison. Even the Catholic Church in Cuba, an integral part of the Cuban heritage, has been stifled and religion has been reduced to a level at least as insignificant as it is in the Soviet Union.

Mr. President, if we are to change our stand, and I for one sincerely hope and urge that we do not, the very least I can do is to take no action until he loosens his iron stranglehold on the freedom-loving people of Cuba. And I call to mind the words of the great Cuban patriot Domingo Golcuria who, standing at the foot of the scaffold upon which he was

to be hung said, "A man dies and a nation is born." I would hope that Castro might profit from his example.

RECOMMENDATIONS ON HANDLING OF CLASSIFIED MATERIALS

Mr. MUSKIE. Mr. President, during the next session of Congress, we expect to consider legislation which could reform the Federal espionage laws.

Mr. William G. Florence, a consultant on security classification matters and a former director of security for the Department of the Air Force, has provided the insights of many years experience in the handling of classified materials in a letter to the chairman of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, Senator McCLELLAN.

Mr. Florence sent a copy of this letter to me and I believe that his analysis merits careful consideration.

I ask unanimous consent that his letter be printed in the Record. There being no objection, the letter was ordered to be printed in the Record, as follows:

WASHINGTON, D.C.,
November 27, 1974.

Hon. JOHN L. McCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR McCLELLAN: I deeply appreciate the letter of October 15, 1974 that you and Senator Hruska sent me in transmitting a copy of the revised draft bill on reform of the Federal Criminal Code.

This reply to your letter was delayed until Congress completed action on H.R. 12471 to amend 5 USC 552, commonly known as the Freedom of Information Act. One of the changes to that Act nullified a proposal in the draft bill to criminalize the disclosure of what is termed "classified information." Sections 1111, 1121-1125, and 1128 of the draft bill regarding sabotage, espionage, and related offenses require extensive revision in order (a) to serve national defense requirements and (b) to support the First Amendment right of free speech. Those provisions are substantially the same as the comparable sections of the existing S. 1400, except for improvement in section 1122 on disclosing "national defense information." That is the bill that was written by the Department of Justice for introduction in 1973.

The objections to S. 1400 and my recommendations for changes that could have made it acceptable to all freedom loving Americans were given to your Subcommittee when I testified May 9, 1974. My prepared statement regarding S. 1400 applies equally to the proposals which have been carried forward in this new draft bill. The statement begins on page 6910 of Part X of your Subcommittee's report of hearings on S. 1 and S. 1400. The following comments update that statement.

Section 1111.—Sabotage—Erroneously numbered 1011 in the draft:

Delete the item "classified military projects" in 1111 (a) (1) (C) (1). The word "classified" has no practical meaning in the draft statute.

The fact that someone inserted this item in the proposed bill shows how completely many people can be deceived into believing that the mere existence of a so-called security classification designation on a project automatically proves the project to be of such great importance that nobody should ask about its identity or its value to the defense of this nation.

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It would seem that any intent of your Subcommittee to provide the death penalty for sabotage, according to section 2401, would be coupled with firm insistence that the offense could be publicly explained in plain English as an evil warranting that punishment.

Additional comments about the outmoded military security classification system currently promulgated in Executive Order 11652 appear under section 1124.

Section 1121.—Espionage:

This section would replace 18 USC 793 (a)-(c) and 794 (a)-(b). But it would substitute some confusing language for clear provisions of law which have been interpreted by the Supreme Court and which have served the defense needs of this nation since 1917.

The proposed replacement of an intent or reason to believe that some information "is to be used" for an evil purpose with "knowing that . . . information may be used" for an evil purpose would change the thrust of existing law. A "may be" type of offense could not justify the death penalty that would be provided by section 2401 and is now provided in 18 USC 794 (a) and (b).

The proposed replacement of "injury of the United States" with "prejudice of the safety or interest of the United States" as the basis for prosecuting an accused would extend existing law beyond Constitutional limits.

My statement of 9 May 1974 contains recommendations for revising section 1121, including (a) continuation of the current court-tested and understandable term "information relating to the national defense" instead of the proposed new short-hand term "national defense information," (b) deletion of the proposal in (b) (1) (B) to define certain information rather than evil intent as being a basis for the death penalty or life imprisonment, and (c) continuation of law in 18 USC 794 (b) for an intent to communicate information to an enemy in time of war.

Section 1122.—Disclosing National Defense Information:

This section would replace the disclosure offenses of 18 USC 793 (d) and (e), which apply to persons lawfully having possession of specified things and information and persons having unauthorized possession of such specified things and information.

To assure continuation of effective law and keep it within Constitutional limits, 1122 (a) should be changed to read substantially as follows:

(a) Offense. A person is guilty of an offense if, knowing that information relating to the national defense may be used to the injury of the United States, or to the advantage of a foreign power, he communicates such information to a person who he knows is not entitled to receive it.

Comments under section 1121 above and those in my statement of 9 May 1974 regarding the proposed use of (a) "prejudice of the safety or interest of the United States" instead of "injury of the United States," (b) the shorthand term "national defense information" instead of the court-tested and understandable term "information relating to the national defense," and (c) the word "authorized" instead of "entitled" apply here.

Section 1123.—Misconducting National Defense Information:

This section is intended to combine (a) the offenses in 18 USC (d) and (e) regarding willful retention of information, (b) the offenses in 18 USC 793 (f) involving negligence, and (c) a new proposal to make it a criminal offense for a person, being in "authorized" possession or "authorized control" of so-called national defense information, to recklessly violate a duty imposed upon him by some statute, order, regulation or

rule designed to safeguard such information.

To assure continuation of effective law and keep it within Constitutional limits, extensive revision of section 1123 substantially as recommended in my 9 May 1974 statement would be required.

It is emphasized that, among other essential changes, 1123 (a) (1) (D) should be eliminated entirely. Bureaucrats would be given authority to allege criminality on the part of millions of people who might handle an item of information in a manner different from some order, regulation or even a rule. This would include people working for civilian contractors as well as all other individuals in or out of the government who become subject to such order, regulation or rule.

It is of special importance to note that 1123 (a) (1) (D) and other subsections would criminalize individuals without any requirement whatsoever to show that an alleged violation of a procedural matter of other alleged offense could affect the national defense, or even prejudice the safety or interest of the United States.

Section 1124.—Disclosing Classified Information:

This section and section 1124 of S. 1400 are substantially the same. The Department of Justice indicated to your Subcommittee that, as part of S. 1400, this section would simply combine the provisions of the following existing statutes regarding the disclosure of so-called classified information to any person "not authorized" to receive it: 18 USC 798, 50 USC 783 (b), and 42 USC 2274 and 2277.

However, that is not entirely factual. The truth about the relationship of those statutes to classified information and the difference between them and section 1124 is explained in my 1974 statement.

I suggest that for the reasons given in my previous statement:

(1) The existing provisions of 18 USC 798 regarding the unlawful disclosure of cryptographic information and communications intelligence "specifically designated by a United States Government agency for limited or restricted dissemination or distribution" should be continued as a separate section of the criminal code.

(2) The provisions of 50 USC 783(b) regarding disclosures by federal personnel to foreign agents and Communists of information designated by the President or an agency head for protection is no longer necessary to serve national defense needs. Under the new Freedom of Information Act amendments, the previous unchallengeable status of a "classified" designation ceased to exist. The offense involved actually is included in section 1122 on disclosing information relating to the national defense.

(3) The provisions of 42 USC 2274 and 2277 should remain unaffected as currently applicable to atomic energy "restricted data." If your Subcommittee determines that offenses involving disclosures of "restricted data" should be taken from the Atomic Energy Act and put in the espionage provisions of the criminal code, the definitions and related text in its entirety should be moved.

The fatal flaw of section 1124 is the assumption of its authors that the administrative placement and retention of a Top Secret, Secret or Confidential security classification marking on an item of information under procedures provided in Executive Order 11652 automatically gives that information a degree of importance that overrides our Constitutional right of free speech. That is a hoax, which was exposed in my statement of 9 May 1974.

The newly developed language in the October draft of section 1124 about (a) some government agency insuring that other gov-

ernment agencies "lawfully" classify information, and (b) some people in the Executive branch certifying that an item of information was "lawfully subject to classification" when it was disclosed as just so much rhetoric.

Under Executive Order 11652 there now exists the Interagency Classification Review Committee. It is represented by the Executive branch as having responsibility for insuring adherence to the classification procedures and restrictions in the Executive order. The committee's members are drawn from agencies of the Executive branch. They cannot possibly stop or change classification actions specified by heads of agencies.

As an indication of the false philosophy of secrecy that could be expected of Executive branch agencies in certifying an item of information "was lawfully subject to classification at the time of the offense," I submit the attached response of 29 August 1974 by the Department of Defense to a query from the House of Representatives Freedom of Information Committee as to whether the Confidential classification on some non-classified information was really authorized under Executive order 11652. (Attachment 1) You will note that DoD retained the classification marking on the information even though it is actually identified as being non-classified.

Of special significance to your Subcommittee is the response in Attachment 1 that was made to the query whether the Department of Defense could establish policy and procedures of such effectiveness as to limit the assignment of a security classification to information the disclosure of which should subject an individual to prosecution. The answer, in effect, was "no."

I also submit the following partial results of a study I am making of the application of the Executive Order 11652 security classification system to industry and academic institutions. Based on interviews and inquiries of numerous organizations with about 2500 Government classified contracts totaling over \$1.2 billion:

(1) Most contractual information now being classified could not qualify for secrecy under the "damage to national security" classification criteria of Executive Order 11652.

(2) Government people do not understand how unrealistic their classification requirements are for technical information.

(3) Exemption of classified documents from the Executive order's declassification schedule of 10-8-6 years results in perpetuating classifications. About 85% of classified contract information is exempted from declassification for 15 to 30 years.

Your Subcommittee should cease the effort to use a security classification marking system as a means of specifying an offense under law, especially since every classification marking assigned by the Executive branch has now become subject to legal challenge and judicial examination as to its validity in relation to requirements of national defense.

Section 1125.—Unlawfully Obtaining Classified Information:

This section is intended to carry forward the purpose of 50 USC 783(c). That statute now makes criminal an action by a foreign agent or a Communist to obtain or receive so-called classified information which federal personnel are prohibited from disclosing to them under 50 USC 783 (b).

The offense really is espionage, which is covered in section 1121. The purpose of providing for prosecution without challenge to the validity of the security classification marking on an item of information has now been overtaken by the new amendments to the Freedom of Information Act.

Therefore, section 1125 should be eliminated.

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Section 1128.—Definitions for Subchapter C:

My statement of 9 May 1974 about the objectionable definitions proposed in S. 1400 applies to the proposed definitions in this draft bill. Specifically, the suggested definition of "authorized," "classified information," "national defense information," "communicate," and "restricted area" should be deleted.

If the term "information" must be defined, I urge that the following, which reflects the dictionary definition plus many years of usage by the Department of Defense, would be most appropriate:

Information means knowledge which can be communicated by any means, including knowledge which can be obtained from a document or other thing.

The proposal to say that "information" includes "property" should be deleted.

Section 2401.—Death Sentence:

My final comment on this October 1974 draft of a new Federal Criminal Code is that:

(1) The phrase "danger to the national defense" should replace "danger to national security" in section 2401 (a) (1) (B), and (2) The phrase "protection of the national defense" should replace "protection of the national security" in section 2402 (b).

If the death sentence is to be imposed for an offense under sections involving treason, sabotage, or espionage, let us make clear that the defense of this nation is what would justify such punishment.

Sincerely,

WILLIAM G. FLORENCE.

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., August 29, 1974.

Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations
and Government Information,
Committee on Government Operations,
House of Representatives, Washington,
D.C.

DEAR MR. CHAIRMAN: By letter, dated August 12, 1974, I was requested by the Subcommittee staff to furnish responses to 13 questions for inclusion in the hearing record for the hearings on H.R. 12004.

I am pleased to furnish herewith the information requested.

Please let me know if I can be of further assistance in this matter.

Sincerely,

D. O. COOKE,

Deputy Assistant Secretary of Defense.

Enclosure: Questions 5 and 12 are appended to this copy of the DOD response.

QUESTION NO. 5 AND DOD RESPONSE TO HOUSE OF REPRESENTATIVES FREEDOM OF INFORMATION COMMITTEE

Question 5: With reference to instructions in paragraph 2-314, DOD 5200.1-R, for classifying compilations of information:

A. May documents containing only non-classified information be marked with a classification?

B. If it is intended that a document must contain some information bearing a classification if the document is to be given a classification, why does the Department of Defense distribute under a Confidential marking the non-classified information in the "Technical Abstract Bulletin Indexes" that is published by the Defense Documentation Center, Defense Supply Agency?

[COPY APPENDED TO THIS DOD RESPONSE]

C. Why encumber DoD 5200.1-R with a paragraph that could be used as a basis for putting a classification marking on non-classified information such as is contained in the Defense Documentation Center Bulletin Number 74-15, 19 July 1974.

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D. What is the basis in Executive Order 11652 for the Classification Notice on page 1 of DDC Bulletin 74-15 to authorize individuals, including those outside the Executive Branch, to judge whether a compilation of two or more items of non-classified information merits a security classification?

Answer: A. It is the general policy of the Department, as spelled out in paragraph 2-314, DoD Regulation 5200.1-R, that a compilation of unclassified items should not be classified. However, as indicated in the answer to Question 4, there are rare and unusual circumstances in which the necessary added factor is introduced which would warrant classification. In no case, however, may a compilation of official public releases be classified. Moreover, paragraph 4-203 requires that in those cases where classification is required to protect a compilation of information, an explanation of the basis for such classification will be included on the document or in its text.

B. As stated on page 1 of Defense Documentation Center Bulletin Number 74-15, 19 July 1974, " . . . TAB is also classified because it has been determined that an aggregation of otherwise unclassified items of RDT&E information as presented in TAB would provide a foreign nation with an insight into the war potential or the war or defense plans or posture of the United States." Therefore, the unlimited distribution of total unclassified DOD RDT&E efforts would greatly facilitate the intelligence collection efforts of nations whose interests are inimical to those of the United States. Moreover, while some of the reports contained in the TAB are not classified, many of these are marked to show that distribution is controlled.

C. The answer to this question is contained in answers provided previously in Question 4 and Question 5A, above.

D. The classification of a compilation of unclassified information is a rare and unusual occurrence and can only be accomplished by an authorized classifying official.

In the case of the TAB, classification principles must be applied on a "common sense" basis and those persons without classification authority are bound by the provisions of paragraph 2-600, "Tentative Classification." See also response to Question 8. Section 10, Executive Order 11652, specifies that, "in an exceptional case when a person or Department not authorized to classify information originates information which is believed to require classification, such person or Department shall protect that information in the manner prescribed by this order. Such persons or Departments shall transmit the information forthwith, under appropriate safeguards, to the Department having primary interest in the subject matter with a request that a determination be made as to classification." The Regulations of this Department are consistent therewith.

TECHNICAL ABSTRACT BULLETIN INDEXES CLASSIFICATION NOTICE

Although individual entries in TAB Indexes are unclassified, this bulletin in its entirety is classified confidential primarily because it has been determined that an organized aggregation of a large body of research and development information warrants protection in the interest of national security. Although individual entries may be extracted from it on an unclassified basis, the same classification principle should be applied on a "common sense" basis to accumulations of individual extracts prepared and/or published by users of TAB Indexes. (See Note below)

Two factors supported the decision to publish TAB Indexes in classified form:

a. Its comprehensiveness, considering the very large number of DoD RDT&E docu-

ments indexed and/or listed in it and the detailed information provided with respect to these documents.

b. Its wide dissemination which makes it difficult to assure that, in unclassified form, it would not fall into unfriendly hands.

Note: The same factors must be considered in judging whether compilations of extracts from TAB Indexes merit a security classification: the number of unclassified entries in a single compilation, and the extent to which the compilation is to be disseminated. If either or both is so limited as to provide assurance to the compiler that the total does not warrant classification, then such compilations need not normally be classified, particularly if the extracts are considered to be individually of a low order of security sensitivity.

QUESTION NO. 12 AND DOD RESPONSE TO HOUSE OF REPRESENTATIVES FREEDOM OF INFORMATION COMMITTEE

Question 12: In the course of the Department of Defense testimony, the view was expressed that the existence of a classification marking on an item of information was not enough to show that unauthorized disclosure of such information should be made a crime. The question arises whether the Department of Defense could establish policy and procedures of such effectiveness as to limit the assignment of classification to information the unauthorized disclosure of which should subject an individual to criminal prosecution? If so, what would be the general nature of the departmental directive?

Answer: Under the criminal statutes, as they now read, the Government must establish that the unauthorized disclosure could endanger the national security. Under the terms of 18 U.S.C. 793 the Government must show that such a disclosure was done under the circumstances in which the individual has reason to believe that the information could be used to the injury of the United States or to the advantage of a foreign power. The security classification marking is only one piece of evidence tending to show an administrative determination that the information, if disclosed in an unauthorized manner, would endanger the national security. But there is no way a departmental directive could predetermine that the unauthorized disclosure should subject an individual to criminal prosecution. While a court might give some weight to the security classification marking, it still would require the Government to prove beyond a reasonable doubt that all of the elements of the criminal statute have been satisfied.

TRIBUTES TO WALLACE F. BENNETT

Mr. STENNIS. Mr. President, as the Senator from Utah (Mr. BENNETT) retires from the Senate, he goes with the esteem and great respect of the membership of this body.

A review of his fine work here has already been made by a fellow Member and I shall not repeat this.

In addition to his broad and extensive official achievement here, Senator BENNETT has been a leader and a strong influence in the spiritual affairs of Washington and of the Nation. Moreover, he has been a most helpful influence in the spiritual life and experiences of his fellow Members, including his leadership in the affairs and programs of the Senate breakfast group, of which he served as chairman and leader for a considerable time.

More importantly, he has lived up to his teachings in all respect and has been

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an example of honor and honorable conduct in official and in private affairs. These things will add up to strength and leadership—and that is exactly what WALLACE BENNETT has been—a strong leader in high spiritual things and in sound Government policies.

It was my privilege to serve for some 14 years with Senator BENNETT on what is known as the Senate Ethics Committee. There, over many years and in many, many ways I saw his fairness, his honest approach, and his sound conclusions in operation, much to the benefit of the Senate and the Nation. He took an active part in the writing of the first written code of ethics ever adopted by the U.S. Senate.

Our Nation is stronger, our people are happier and more secure, and our economy is sounder because WALLACE BENNETT saw fit to have a public and official career.

In all of this, Mrs. Bennett has contributed and helped in a substantial way. We bid them godspeed and pray that the God they so faithfully serve will bless and sustain them now and in the years ahead.

Mr. CURTIS. Mr. President, it has been my privilege to sit next to Senator WALLACE BENNETT of Utah during the deliberations of the Committee on Finance for a number of years. This has been a privilege indeed. WALLACE BENNETT is one of God's noblemen.

Associating with WALLACE BENNETT gives one an opportunity to learn a great deal. Senator BENNETT has a long record of success in the field of business. This involves several types of businesses. He could share experiences with his fellow committee members that often illustrated an important point in reference to our tax structure. WALLACE BENNETT is a man of great breadth and he is always able to grasp not only the details of legislation, but the significance of the broad principles involved. He has truly made an outstanding contribution to the cause of good government.

Senator BENNETT is very knowledgeable in all fields, but he has special expertise in several. The entire Senate looked to him for guidance in reference to sugar legislation, housing legislation, and banking legislation. I am sure that those who served with him on the Committee on Banking, Housing and Urban Affairs have had a rewarding experience, such as I have had.

WALLACE BENNETT is highly respected by all individuals in government and our national leaders outside of government. He and his wife, Frances, are indeed superior people.

Senator BENNETT has chosen to retire. We will miss him personally, but in addition to that, the country will miss the unusual service that he has rendered over the years. We extend to him and Mrs. Bennett every good wish for their retirement years. We hope that all of their surprises will be pleasant ones.

Mr. McCLELLAN. Mr. President, with the retirement of Senator WALLACE F. BENNETT, the people of Utah lose a strong voice in the Senate and the people of the United States are deprived of a dedicated and diligent public servant.

During 24 years of service, Senator BENNETT has played an important role in legislative policymaking in the fields of taxes and finance. His has been a voice for fiscal conservatism—and the current fiscal disarray is clear evidence that his voice should have been heeded more often.

Senator BENNETT has not only achieved an enviable record in fiscal matters, but has played a leading role in obtaining approval of irrigation and water storage projects that have been of vital importance to Utah and the West. While it has not been my opportunity to serve with him on a committee, we have had the pleasure of delightful associations in fulfilling other secretarial duties, and I am proud indeed to have his friendship.

Mrs. McClellan joins me in wishing Senator and Mrs. Bennett peace and contentment in their retirement. May they know many long years of good health and boundless happiness.

Mr. MONTROYA. Mr. President, this year many dedicated and devoted public servants are leaving the Senate. Among those is Senator WALLACE BENNETT of Utah.

Senator BENNETT has served with me on the Joint Committee on Atomic Energy, and I have been privileged to observe his hard work and expertise in many difficult areas of Government. We will all miss his help in the difficult months ahead.

I know that his 24 years of service in the U.S. Senate will assure him the honor and place in history which he deserves.

As he returns to the beautiful State of Utah, I wish him many years of happiness.

Mr. HELMS. Mr. President, on this last day of the 93d Congress, I am more mindful than ever that this Senate is losing one of its greatest members, the distinguished Senator from Utah (Mr. BENNETT).

WALLACE BENNETT has been an inspiration to me since the day I arrived here almost 2 years ago. In every way, he has been a credit to this body. His every action, his every word, has a motivation of decency, responsibility, integrity, and courage.

One evening last year, I attended a dinner here at which many tributes were paid to Senator BENNETT. He listened with appreciation—and I wondered how he would respond to the testimonials.

He arose quietly, looked around, and said:

I thank you, all of you, very much. I noted that one of my friends, who just spoke, mentioned that good men are scarce. With that in mind, I expect I'd better sit down, and try to make myself scarce.

Good men, Mr. President, are indeed scarce. And with the departure of WALLACE BENNETT from the Senate, they will be even scarcer here. But he carries with him, as does his lovely wife, the respect, affection and admiration of every member of the Senate—and especially of Mrs. Helms and me. We wish these two wonderful people, WALLACE and Frances Bennett, good health and happiness.

Mr. JAVITS. Mr. President, for the past 24 years, WALLACE BENNETT has graced this Chamber with his quiet, ef-

fective, and deeply thoughtful leadership. We have come to expect WALLACE BENNETT's leadership in many areas, but none more so than the crucial realms of banking and finance.

Few men have played so large a role in determining tax, trade, social security and financial legislation of this country.

One of the most innovative and imaginative pieces of legislation in recent memory, revenue sharing, could not have achieved the success it has without the enlightened imprint of WALLACE BENNETT. We are all immeasurably richer by virtue of his dedicated public service to this new federalism.

The people of Utah are fortunate because he has worked exceptionally hard to improve all aspects of their life. For example, a critical water shortage has been alleviated because of measures WALLACE BENNETT has steered through Congress. And thanks to his efforts, the spectacular Canyon National Park was preserved in Utah.

I am proud to have worked with my friend WALLACE BENNETT during our years in the Senate. It is indeed gratifying to note all the richly deserved tributes being paid to the great senior Senator from Utah and I wish for him, Mrs. Bennett and his family all happiness.

THE MIDDLE EAST CONFLICT

Mr. GURNEY. Mr. President, the issue of the status of the Palestinian population whose nascent state—Palestine—was absorbed by Egypt, Jordan, and Israel after the Arab invasion in 1948, may be central to the resolution of the Middle East conflict. Palestinian nationalism has historically been inchoate; it has found expression since 1920 primarily through terrorism, and has been characterized by terrorist acts since 1967 directed against Israel, allies of Israel, and even certain Arab States. This study surveys the Palestinian organizations which employ terrorism, and the methods they use. It includes a concise chronological account of terrorist attacks of international significance since the 1967 Arab-Israeli war. It also deals briefly with the U.S. response to terrorism.

In the context of this paper, terrorism is defined as a deliberate political strategy employed by nongovernmental or revolutionary organizations. Acts of terrorism usually involve extraordinary, often spectacular, violence against civilians. Publicity intensifies and spreads the effect of terrorism. Through the creation of emotional reactions such as terror, fear, shock, or insecurity, terrorists intend to influence the actions of the governments whose citizens are victims or potential victims. Terrorism is distinct from guerrilla warfare, which is basically a form of military combat.

Until the late 1960's revolutionary movements generally restricted terrorism to the territory of the state which they intended to overthrow. The adoption of tactics such as aircraft hijackings or attacks on diplomats and other official representatives abroad, within the territory of countries not directly involved in the conflict, has made terrorism a global phenomenon.

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PALESTINIAN ORGANIZATIONS USING TERRORISM

The most radical Palestinian organizations responsible for exporting terrorism to countries outside the Middle East are small, unstable, and shifting minorities within the overall Palestinian resistance. The Palestine Liberation Organization, PLO, formed in 1964 and sponsored by the Arab League, is accepted by most Arab regimes as the representative of Palestinian opinion. Since 1969 the executive committee of the PLO has been chaired by Yassir Arafat, leading spokesman for the movement for the liberation of Palestine, popularly known as Al Fatah, the largest of the guerrilla movements. Also on the executive committee of the PLO are the Syrian-sponsored organization, AS-SAIQA, the popular front for the liberation of Palestine, PFLP, the popular democratic front for the liberation of Palestine, PDFLP, the Iraqi-sponsored Arab liberation front, and three other independent groups. As the PLO has sought international legitimacy, it has recently condemned terrorist attacks against non-Israeli targets and against nonmilitary Israeli targets outside of Israel. However, strong evidence that the Black September organization is closely affiliated with Al Fatah has compromised Arafat's stance on terrorism abroad. The PLO and Al Fatah do not disapprove of terrorism against Israeli civilians on Israeli territory. The PFLP is a major rival to Al Fatah for support among the 3 million Palestinians of the Middle East. The PLO and Al Fatah have little control over the activities of the most extreme resistance groups, which tend to be much smaller groups in about 1967. The PFLP, which has a Marxist-Maoist ideological orientation, advocates the overthrow not only of Israel but also of the conservative Middle Eastern Governments, such as Jordan and Lebanon, through a general war of liberation against what are considered the forces of imperialism and reaction. The PFLP doctrine has been stated thus: "The route to Tel Aviv lies through Amman and Beirut." The aim of the PFLP is the creation of a socialist state of Palestine.

In 1968 or 1969, a dissident group within the PFLP split off to form the Popular Democratic Front for the Liberation of Palestine, PDFLP, under Nayif Hawatmeh. The PDFLP is ideologically further left than the PFLP, but is the only radical movement thus far in 1974 to support the PLO and Al Fatah in the acceptance of what in Palestinian terms is a moderate solution to the Palestinian question, that is, less than the complete destruction of the State of Israel. Hawatmeh urges a protracted people's war to turn the struggle into another Vietnam.² In 1974 he publicly called for the creation of a democratic secular state shared by Arabs and Jews.

At about the same time that the PDFLP broke away from the PFLP, another PFLP member, Ahmad Jabril, split off to form the popular front for the liberation of Palestine-general command. The PFLP-general command is said to be less ideological and more action-

oriented than either the PFLP or the PDFLP.³ It is not a member of the PLO.

In 1971 there was reported to be a split within the PFLP between a leftist faction, which thought hijackings counterproductive, and a seemingly rightwing faction under Dr. Wadi Haddad, who wished to continue the strategy. The latter faction is sometimes known as the popular revolutionary front for the liberation of Palestine, but it does not operate openly under that name.⁴ Apparently, in 1973, the group began to act independently.

Another major terrorist organization, not connected with the PFLP and its offshoots, is the Black September group. This organization is suspected of being an undercover branch of Al Fatah. Black September takes its name from the September 1970 defeat of the Palestinian forces by the Jordanian Army; it was created to avenge that defeat. According to European and Israeli intelligence sources, Black September has from 400 to 600 members; U.S. estimates are even lower. It is said to be divided into four operating groups responsible for Europe, the Middle East, Africa, and the Americas. It is the most conspiratorial of the terrorist organizations, with a cellular organizational structure.⁵ According to one account:

Operationally, each particular portion of a Black September cell is assigned a specific task and often the general objective of a particular operation is not revealed to anyone but the leader. The entire cell never meets and so the members cannot identify each other.⁶

According to another source, Black September began as a group of Al Fatah militants opposed to Yassir Arafat but has expanded to include recruits from other resistance organizations. Many members of the operating or "action groups" are Arabs who have lived abroad for years. The organization has a collegial direction; there is no single leader.⁷ Black September appears to have very little substantive political doctrine other than opposition to Israel and Jordan.

There are also rumors that another dissident Al Fatah member independently organized a group which carried out several attacks in 1973. This group, said to be centered in Baghdad, may have been responsible for the August 1973 attack at the Athens airport and the seizure of the Saudi Embassy in Paris in September. Possibly there was cooperation with PFLP faction under Dr. Wadi Haddad.⁸

The Palestinian terrorist groups have prospered during the last decades because legitimate Arab governments have afforded them political support, headquarters, finances, bases, training, weapons, communications and clandestine facilities.

Some information is available on the financial resources of the guerrilla groups. The oil sheikhdoms—Saudi Arabia, Kuwait, Abu Dhabi, Qatar, Bahrain, and Dubai—as well as Libya and Algeria—all give millions of dollars to the various groups.

Fatah leader Mohammed Daoud Odeh, Abu Daoud, substantiated this over Jordan radio, March 26, 1973, as did the

London Times of January 4, 1974, which reported that Libya paid \$108 million to Black September and \$48 million to other guerrilla groups.

Arab States encouraged the Palestinian groups to be the striking arm against Israel after 1967—when the Arab armies were in disrepute. Indirect aid, such as allowing operations on their territory, has been willingly provided by almost all Arab States. Kuwait, Libya, and the People's Democratic Republic of Yemen—South Yemen—Aden—are the non-Arab states most often mentioned as possible benefactors of the Palestinian groups.

CHRONOLOGICAL SURVEY

The failure of conventional warfare against Israel in 1967 seemed to encourage the Palestinian resistance movement to consider independent means of combat against Israel. Terrorism against Israeli territory appeared to be the preferred tactic of some groups. However, the efficiency of Israeli security measures and the lack of support from Palestinians living in the Israeli-occupied territories made it necessary for Palestinians to resort mainly to sporadic hit-and-run attacks from bases in Jordan and Lebanon. As the use of bases in the border areas was restricted, and as Israeli border protection and retaliation increased, the extremist organizations mounted attacks against Israelis and Israeli interests abroad, particularly against El Al, the Israeli airline, which was nominally considered a military target. Again, as Israel improved security for Israelis and as the publicity value of such attacks was recognized abroad, terrorist attacks spread to airlines en route to or from Israel and then to foreign targets in general. The pattern of terrorism also changed from aircraft hijackings, which resulted in very few casualties, to the more selective seizure of small groups of people, often leading to the deaths of hostages, and armed attacks on airline passengers.

The first serious incident of terrorism which was related to the Arab-Israeli conflict but which occurred outside the geographical confines of the Middle East was in July 1968. The responsibility for the incident is attributed by some authors to the PFLP general command.⁹ Others blame Dr. Wadi Haddad and the PFLP.¹⁰ A group of three men seized an El Al plane in Rome. They are said to have thought, mistakenly, that an Israeli general was on board. The PFLP announced publicly that the purpose of the hijacking was to remind the world of the Palestinians imprisoned in Israel. The plane was hijacked to Algiers, and the non-Israeli passengers were released immediately. The Israeli passengers and the aircraft were released a month later. On September 17, the Israeli Government initiated the release of 16 Arab prisoners as a reciprocal gesture.¹¹

Attacks on El Al planes continued for several months. In December 1968, two PFLP teams attacked an El Al jet in Athens, en route to New York. One Israeli passenger was killed and two were wounded. Israel immediately retaliated with an attack on the Beirut airport which resulted in the destruction of 13 civilian planes. There were no deaths.¹²

Footnotes at end of article.

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The Israeli action was subsequently condemned by the U.N. Security Council.

In February 1969, the PFLP attacked an El Al airliner in Zurich. The pilot and copilot were wounded—the pilot fatally—but an Israeli security guard killed one of the attackers. The other three were arrested by the Swiss police, tried, and sentenced to prison terms.

In the fall of 1968 and spring of 1969, the PFLP was also responsible for two serious bombing attacks against civilians in Jerusalem. In November 1968, a bomb exploded in a marketplace killing 12 people and wounding 52. In February 1969, a bomb exploded in a supermarket and killed two, wounding eight. There was also an explosion in the cafeteria at Hebrew University. The last two attacks were, according to a statement by George Habash, a response to the Israeli killing of a Palestinian would-be hijacker at the Zurich airport.¹²

The first Palestinian hijacking of a non-Israeli plane was in August 1969. A TWA airliner en route to Tel Aviv from Athens was hijacked by the PFLP to Damascus. The Syrian Government held two Israeli passengers for 6 weeks until they were exchanged for Syrian prisoners held by Israel. The hijackers were not punished.

A short time later, grenades were thrown at Israeli embassies in the Hague and Bonn and at an El Al office in Brussels.

In November 1969 another Palestinian organization, the Popular Struggle Front, was responsible for an act of terrorism. Little is known about this organization, but it was supposedly linked to the Egyptian intelligence services. The group claimed responsibility for throwing grenades into an El Al office in Athens. A Greek child was killed and another wounded.¹⁴

In February 1970 the PFLP attacked a bus carrying El Al passengers at the Munich airport. One passenger was killed and 11 wounded.¹⁵

Almost 2 weeks later a bomb exploded in midair on a Swissair flight to Israel; all 47 passengers and crew were killed. The PFLP-general command at first claimed responsibility but then retracted the statement. Al Fatah took the position that the explosion was an Israeli provocation. The PFLP announced that it would continue strikes against El Al but would protect innocent persons.¹⁶

In late May, the PFLP-general command fired on an Israeli schoolbus near the Lebanese border; 12 persons, including eight children, were killed, and 20 wounded.

In July 1970, the Popular Struggle Front again appeared on the scene. An Olympic Airways plane was hijacked to gain the release of the Arabs held for the December 1968 Athens Airport attack and the November 1969 bombing. The Greek Government agreed to these demands.¹⁷

During the period from 1968 to 1970, the Palestinian resistance movement, in particular Al Fatah, had been establishing positions in Jordan from which guerrilla raids were made across the border into Israel. Israel retaliated with attacks

usually air raids, on Al Fatah camps. In March 1968 the Israeli Army directly attacked the Jordanian village of Karamah. For the first time, the Jordanian Army cooperated with the resistance against Israel. However, dissension between King Hussein and Al Fatah developed immediately. There were brief skirmishes between the Palestinians and Jordanian troops in November 1968 and in February and June 1970.

Palestinian relations with the Lebanese Government were also tense. At least 200,000 Palestinians live in Lebanon, most in refugee camps, over which the resistance organizations exercise de facto control. The Israeli raid on the Beirut airport in December 1968 brought the issue of the Fedayeen presence in Southern Lebanon into the open. There were clashes between the Fedayeen and the Lebanese army. In November 1969 an agreement was arranged by Egyptian President Nasser. Known as the Cairo agreement, it provided that the resistance organizations stay away from border villages, suspend rocket attacks into Israel, and keep heavy weapons inside their camps for defense purposes only. This was mainly for good public relations with world and Lebanese opinion. The Cairo agreement guaranteed the right of the Palestinian terrorist organizations to launch raids into Israel from within Lebanese territory. Thus, with the Cairo agreement, Lebanon agreed to surrender part of its sovereignty to an irregular guerrilla force. Such an agreement, Lebanon officially, rather than unofficially, sanctioned terrorist attacks launched from her territory.

In 1970, the Fedayeen had reached a height of popularity and prestige in the Arab world. In June, Al Fatah conducted a serious raid on Israeli territory. This led to an Al Fatah confrontation with the Jordanian army. At the same time the PFLP seized 90 foreigners and held them hostage in an Amman hotel. King Hussein was forced to appoint an army chief of staff acceptable to the Palestinians. During the summer of 1970 it seemed that the PFLP and the PDFLP were gaining in strength relative to Al Fatah, especially since Al Fatah forces had suffered the most losses in the conflict with the Jordanian army. Arafat wanted to maintain bases on Jordanian territory and feared that Hussein would make a separate peace with Israel, but he apparently did not want to be pushed into an open confrontation with the Jordanian government. Hussein, on the other hand, was sensitive to the development of a Palestinian "state within a state" and the danger of the estimated 12,000 to 15,000 Palestinian forces operating in Jordan.¹⁸

In the fall of 1970, the PFLP appeared to use international terrorism to aggravate an already tense relationship between the resistance forces and Jordan. On September 6, the PFLP hijacked TWA and Swiss Air flights to Dawson's Field in Jordan. Three days later a BOAC flight was also hijacked to the same place. An attempt to seize an El Al plane in London failed, and one hijacker was killed. A Pan Am plane en route from Brussels to New York via

Amsterdam was hijacked to Beirut, where it was loaded with explosives. Then it was flown to Cairo and blown up shortly after the passengers were allowed to leave.

Arafat and the Al Fatah organization were apparently taken off guard by the multiple hijackings. On September 12, when the PFLP destroyed the three planes, while holding the passengers as hostages in Amman, the PFLP was excluded from the central committee of the PLO. On September 16, Hussein attacked the guerrillas in force. The PFLP was invited to rejoin the PLO central committee.¹⁹

By October, a compromise agreement with Jordan was reached, but the Fedayeen position was severely eroded and sporadic fighting continued. Serious conflict broke out in April 1971, and in July the Jordanian Army attacked again in force.

The PFLP hijacking policy may have contributed to a halt in aid from the People's Republic of China. China criticized the PFLP for provoking international disfavor through hijackings and for the policy of attacking conservative Arab regimes.²⁰

The PFLP evidently understood that the consequences of the hijacking strategy were counterproductive because in November 1970 a PFLP conference condemned its use. However, Dr. Habash refused to state categorically that no attempts would be made.²¹

The conflict with Jordan left the Palestinian resistance in disarray, and no major acts of international terrorism occurred for about a year. There were two unsuccessful attempts to blow up El Al planes—July and September 1971, respectively. In November 1970, the first Arab terrorist attack in a major Israeli urban area for a year occurred when two bombs were exploded in the Tel Aviv bus station. Al Fatah claimed credit for the attack, which left 2 dead and 24 wounded. In July 1971, a rocket attack on a Tel Aviv suburb left 4 dead and 30 wounded. Again Al Fatah claimed responsibility.²²

In November 1971, the Black September terrorist organization was created to avenge the defeat of the Fedayeen by the Jordanian Army in September 1970. Its first act was the assassination of Jordanian Prime Minister Wasfi Tal in Cairo.

Next, Black September operations moved to Europe. In December 1971, there was an attempt to assassinate the Jordanian Ambassador in London. In February 1972 Black September was responsible for the explosion of a natural gas plant connected with Israeli interests in Holland and of an electronics firm in Hamburg, West Germany. Five Jordanian workers were also killed in Germany.

In February 1972, the rightist faction of the PFLP, calling itself the "Organization for Resistance to Zionist Oppression," hijacked a Lufthansa plane en route from New Delhi to Athens. It was diverted to Southern Yemen. The West German Government paid \$5 million in ransom for the release of the plane, crew, and passengers. The left-wing faction of the PFLP, under Habash, denounced the action.²³

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Israel followed a policy of retaliating against Lebanon for raids conducted from her territory, and in February 1972 carried out extensive raids on Palestinian bases in Southern Lebanon. The Arkoub Region was occupied for several days. The U.N. Security Council condemned the action.

In May 1972, Black September carried out its first hijacking. A Belgian Sabena Airlines plane enroute to Tel Aviv from Vienna was diverted back to LOD International Airport. The hijackers demanded the release of a large number of Arab prisoners held in Israel. An Israeli commando troop stormed the plane and killed two hijackers. The attack also fatally wounded a passenger. The two other hijackers, both women, were sentenced to life imprisonment.

Rival Palestinian organizations seemed to be trying to outdo each other in a spiral of increasing violence. Later in May 1972 three members of the Japanese United Red Army, who had boarded an Air France plane at Rome, opened fire with machineguns and threw grenades at passengers at Tel Aviv's LOD International Airport. Twenty-five persons, 16 of them Puerto Ricans, were killed and 76 wounded. Two terrorists were killed and the other captured.

The United Red Army, a radical leftist organization, was formed in September 1969 and numbered approximately 300 adherents. The three Japanese had been recruited by the PFLP and had probably been among a group of Red Army members being trained in the Middle East by the Palestinian resistance. The LOD Airport attack was the first overt proof of collaboration among terrorist movements in different regions.

In June 1972, Israeli Intelligence Services apparently mounted a series of clandestine attacks against PFLP officials living in Beirut. A PFLP spokesman and his niece were killed in a car bomb explosion; other PFLP members were injured by package bombs. According to one observer, such attacks were part of a global and "long-term policy of continuous warfare against the terrorist movement, independent of provocations."²⁴

The PFLP LOD Airport attack seemed to have reached a peak of horror, but on September 5, 1972, the Black September attack on the Israeli Olympic team in Munich became "perhaps the most shocking, well-planned and politically far-reaching act of urban guerrillas in history."²⁵ During the final week of the Olympic games, eight Arabs broke into the Israeli pavilion and killed two Israelis, holding nine others hostages. They demanded the release of Arab prisoners in Israel and safe passage out of Germany for themselves. Israel refused to comply with this demand. The Arabs then demanded that they be flown to Cairo with their hostages, and German police ambushed them at the airport. All the hostages and five Arabs were killed. The remaining three terrorists were captured.²⁶

Israel retaliated with attacks on guerrilla bases within Palestinian camps in Syria and Lebanon and 300 persons were reported killed.²⁷ Black September, in

turn, responded with letter bombs mailed to Israeli personnel in Western countries. In London, Israel's counselor for agriculture was killed.

The Munich attack led to U.N. Secretary General Kurt Waldheim's request that the General Assembly include terrorism on its agenda. The result of the debate on terrorism was the creation of a special ad hoc committee on terrorism, which met in the summer of 1973 but failed to reach agreement even on a definition of the phenomenon.

In last October 1972, Black September hijackers seized a Lufthansa plane and diverted it to Libya. They demanded the release of the three prisoners held in Germany for the Munich attack, and the West German Government complied.

In December, a Black September team seized the Israeli embassy in Bangkok, Thailand, but released the hostages unharmed in exchange for safe passage out of the country.

The March 1973 killing of three Western diplomats at the Saudi Arabian Embassy in Khartoum, Sudan, was perhaps either an attempt to regain credibility after the failure in Thailand, revenge for the Israeli shooting down of a Libyan airliner over the Sinai, killing 107, in February, or a protest against a developing Arab rapprochement with the United States—the Sudan had recently reestablished diplomatic relations. An eight-man Black September team seized the Saudi Embassy in Khartoum and held the Saudi Ambassador, the U.S. Ambassador and outgoing charge d'affaires, and a Belgian diplomat. The terrorists' demands included the release of Palestinian prisoners in Jordan, Sirhan Sirhan, convicted assassin of Robert Kennedy, and members of a German terrorist group. When these demands were not met, U.S. Ambassador Cleo Noel, his deputy George Moore, and the Belgian were killed. After trial and conviction, in June 1974, the Sudanese Government released the Palestinians to the PLO in Cairo.

Whereas the Munich attacks gained Black September global attention and some sympathy in the Arab world, the Khartoum killings seemed to provoke a "backlash of anti-Palestinian feeling in the Sudan and uneasiness in the Arab world."²⁸ It did not prevent the development of a trend toward increasing moderation by the Arab States, particularly Egypt. Other radical Palestinian organizations denounced the operation. The PDFLP, for example, condemned it because the organization supported only actions on "enemy territory," Israel.²⁹

In April 1973, there were two unsuccessful Palestinian attempts to attack aircraft in Rome and Cyprus. An Italian employee of El Al in Rome was killed. The home of the Israeli Ambassador to Cyprus was bombed.

On April 10, Israel conducted a commando raid against Palestinian leaders in and near Beirut and Sidon. Israeli authorities said the raid was a response to "the intensification of terrorist acts in Europe and other places in the last months."³⁰ There were over 30 casualties, including two prominent PLO spokesmen and an Al Fatah leader. The Lebanese Premier resigned as a result. In May,

there were serious battles between the Lebanese Army and Palestinian Forces.

In July, a JAL plane en route from Amsterdam to Tokyo was hijacked to Libya and destroyed. One hijacker was killed accidentally; no passengers were harmed. Most Palestinian organizations, except the PFLP, denounced the operation. The hijackers claimed to belong to a group called the "Sons of the Occupied Territories," but there was suspicion that Dr. Wadi Haddad's right-wing PFLP faction was responsible.

Yet the Arab world's apparently growing disapproval of "external operations" did not halt violence. Libya, in particular, encouraged and underwrote more terrorist spectacles. In August 1973, two Arab terrorists opened fire on passengers in the transit lounge at the Athens airport, killing five and wounding 55. The men claimed to be members of Black September. They also claimed that the attack was meant for passengers awaiting a Tel Aviv departure, rather than New York-bound travelers. The PLO denounced the attack.

On August 10, Israel intercepted an Iraqi airliner en route from Beirut to Baghdad and forced it to land in Israel. The purpose of the diversion was to capture four Palestinian leaders, including the head of the PFLP, but they were not on board. The U.N. Security Council unanimously condemned the Israeli violation of Lebanese sovereignty.

In September 1973, coinciding with a conference of nonaligned nations in Algiers, five Palestinians seized the Saudi Arabian Embassy in Paris. The terrorists, who claimed to represent the "punishment organization," took four Saudi hostages and flew to Kuwait. There they demanded the release of Palestinian prisoners in Jordan. However, both Saudi Arabia and Jordan refused to accede to this demand, and eventually the group surrendered to Kuwaiti authorities. The PLO condemned the incident and asked that Kuwait release the offenders to them. The October war intervened, and reportedly the Palestinians volunteered for the Syrian front and have not been heard from again.³¹

In November 1973, while an Arab summit meeting was in progress in Algiers, Palestinians hijacked a KLM jet en route from Beirut and ordered it flown to Syria, Cyprus, Libya, and Malta, where the passengers were freed. The hijackers claimed to be members of the "Arab Youth Organization for the Liberation of Palestine." They demanded that the Dutch Government cease allowing arms destined for Israel to be transhipped through its ports and aiding Soviet Jews emigrating to Israel. The Dutch Government officially agreed. After the passengers were released, the hijackers accepted a KLM official and other employees as substitute hostages and flew to Dubai. Most Arab countries had refused to allow them to land. Eventually the hijackers surrendered in exchange for safe passage out of the country.

Immediately before the planned opening of Arab-Israeli talks in Geneva, in December 1973, five Palestinians, reportedly from the Haddad faction of the PFLP, committed the most murderous

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attack against non-Israeli victims in the history of Palestinian terrorism.²² The group machinegunned, firebombed, and threw grenades at a Pan Am plane on the runway at Rome's Leonardo da Vinci International Airport leaving 31 persons dead. The Palestinians then hijacked a West German airliner to Athens, after Beirut refused to allow them to land. In Athens, one hostage was apparently killed during the flight, bringing the number killed to 32. The hijackers demanded the release of the Arabs held by the Greek Government for the August 1973 attack at the Athens airport. After being turned down the terrorists then flew to Kuwait, after briefly stopping in Damascus. Twelve hostages were released and the terrorists gave themselves up to Kuwaiti authorities. The PLO, the PFLP, and the Egyptian Government condemned the assault. The PLO requested that the Palestinians be turned over to them, which Kuwait apparently did several months later.

In late December, the PFLP claimed responsibility for wounding industrialist Edward Sleaf, a leading British Zionist, in London.

In February 1974, a group of Palestinians and Japanese attempted to sabotage a Shell oil refinery in Singapore. When the attack failed, they seized a ferryboat with three hostages in Singapore harbor. The situation remained at an impasse for a week, when, on February 6, another group, identifying themselves as members of the PFLP and including both Japanese and Palestinians, seized the Japanese Embassy in Kuwait and demanded the freedom of the would-be saboteurs trapped in Singapore. Kuwait and Japan eventually agreed to this demand. The combined group of terrorists then flew to southern Yemen, where they were freed.

Almost simultaneously, a group of masked gunmen seized a Greek freighter in the harbor of Karachi, Pakistan. In exchange for two Greek hostages and the ship, they demanded the release of the two Arabs recently condemned to death in Greece for the August 1973 airport attack. The new group identified themselves as the "Moslem International Guerrillas," formed to defend the rights of Moslems all over the world. The Greek Government apparently agreed to the demand, the hostages were released and the attackers were given safe passage to Egypt. In May 1974, Greece pardoned the two condemned terrorists and expelled them to Libya.

In March 1974, a group calling itself the "Arab Nationalist Youth for the Liberation of Palestine" hijacked a British airliner from Beirut to Amsterdam, where after releasing the hostages they destroyed the aircraft. The hijackers were sentenced to 5 years in prison.

In April 1974, Palestinian terrorism shifted from attacks abroad on non-Israeli targets to a series of spectacular and suicidal raids on Israeli civilians in border villages near Lebanon. Possible reasons for this change might include terrorist reactions to the growing disapproval among Arab states and the

prominent Palestinian organizations of international terrorism, especially after the relative success of the October war, and the fact that several terrorist attacks had directly affected Arab States. A developing rapprochement with the United States, Secretary of State Kissinger's progress in arranging an Israeli-Arab settlement, the publicized, though completely unsubstantiated, possibility that Yasir Arafat and the PLO might accept a moderate solution to the Palestinian question, or the fear of exclusion from a settlement, may have contributed also to a resurgence of violent radicalism among the smaller organizations.

In April, three members of the PFLP-general command attacked an apartment building in the village of Qiryat Shemona; 18 people, mostly women and children, were killed. Although communiques issued by the PFLP-General Command referred to hostages and a demand for the release of the Japanese Red army member held in Israel for the May 1972 LOD airport killings, apparently the mission was completely destructive and suicidal. The terrorists reportedly died in explosions they set off.²³

Israel retaliated with raids on six villages in southern Lebanon. Israeli Defense Minister Moshe Dayan warned the Lebanese Government that if Lebanon did not control the Palestinians, the raids would continue until all of southern Lebanon was desolate.²⁴ The U.N. Security Council passed a resolution condemning the Israeli raids without mentioning Qiryat Shemona.

In May, the PFLP was responsible for another suicidal attack on the village of Maalot. Twenty-five Israeli civilians were killed and at least 60 were wounded, most of them teenage schoolchildren who had been held hostage by three terrorists. After seizing the school, the terrorists demanded the release of specific prisoners held by Israel. Apparently Israel, in a significant policy shift, agreed to the demand, but negotiations with the terrorists broke down. When the deadline for fulfillment for the demands expired, Israeli troops stormed the school and all three terrorists were killed.

Israel immediately retaliated with heavy air raids on guerrilla bases within Palestinian refugee camps in Lebanon. Lebanon protested to the U.N. Security Council that more than 40 people were killed. However, the issue was not pressed in order to avoid jeopardizing the delicate Middle East peace negotiations.

In June there were two more serious incidents. On June 13, during President Nixon's visit to the Middle East, terrorists of the PFLP-general command attacked a kibbutz in northern Israel and killed three women. On June 25, Al Fatah claimed responsibility when three Arab terrorists seized hostages in an apartment building in Nahariyya, on the Israeli coast 7 miles south of the Lebanese border. Three Israeli civilians and one soldier were killed. This attack brought to 53 the number of Israelis killed in terrorist attacks since April 1974. At least 100 have been wounded. Thirteen Arab terrorists have been killed in these four attacks; 15 others have been killed by

Israeli troops while attempting to fulfill other terrorist missions. Israel, on the other hand, has consistently retaliated by bombing Palestinian refugee camps in Lebanon.

U.S. POLICY

The policy of the United States toward the problem of terrorism in the Middle East has been consistently firm. The United States refuses to pay ransoms or to surrender to the demands of terrorists, as evidenced in the Khartoum incident.

In September 1972, after the Munich Olympics tragedy, President Nixon created a Cabinet Committee To Combat Terrorism. The chairman of the committee is the Secretary of State, and its members are the Secretaries of the Treasury, Defense, and Transportation, the Attorney General, the U.S. Ambassador to the United Nations, the Directors of the FBI and the CIA, and the President's assistants for National Security and Domestic Affairs. The Cabinet Committee has apparently met only once, but a working group composed of representatives of the agencies involved meets regularly. Ambassador Lewis Hoffacker, special assistant to the Secretary and coordinator for combating terrorism, chairs the working group. When a terrorist incident occurs, a special task force is established to monitor events on a continuous basis. The working group attempts to find ways to prevent terrorism and to respond to emergencies effectively when they do occur.²⁵

Substantively the United States has tried unilateral—domestic and foreign—bilateral, and multilateral policies to cope with terrorism. The prevention of terrorism within the United States has proved easier than the prevention of violence against U.S. citizens and diplomats abroad. Visa, immigration, and customs controls have been tightened, and airport security has been increased to include searches of passengers and baggage. Abroad, the United States has improved protective measures at embassies and other installations, and given advice to businessmen and other travelers.

The United States cooperates fully with foreign governments in improving airport security and when U.S. nationals are kidnapped or held hostage on their territory. Officially, host governments are responsible for the safety of foreigners. The United States disapproves of the policy of paying ransom, providing sanctuary, or failing to punish terrorists. In June 1974 the U.S. Ambassador to the Sudan was recalled to Washington in protest against the Sudanese Government's releasing the Black September terrorists responsible for the death of the former Ambassador. However, the United States generally does not apply unilateral sanctions, such as cutting off foreign aid. U.S. aid to countries which have most often aided terrorists has been limited.

In January 1974, the Federal Aviation Administration proposed a rule which would, in effect, provide for unilateral sanctions by denying landing rights in the United States to foreign airlines which do not implement appropriate se-

curity measures on all their flights.²⁶ Such a provision is also included in S. 39, legislation proposed to implement the Hague Antihijacking Convention of 1970, and which is now in conference. A similar bill failed to pass the 92d Congress.

It should be noted that the U.S. commitment to the rule of law in international affairs excludes illegal responses to terrorism such as direct intervention against terrorist movements abroad. The United States officially disapproves of the Israeli policy of retaliation against Lebanon.

In 1973, the United States and Cuba concluded a "memorandum of understanding" providing for the extradition or punishment of hijacking offenders. The combination of this agreement, and U.S. domestic airport security measures, has had a dramatic effect in reducing the number of hijackings from the United States. As the United States renegotiates extradition treaties with other states, hijacking is specifically mentioned as an extraditable offense. However, no agreements are foreseen with other major sanctuary states, such as Kuwait or Libya.

On a multilateral basis, the United States urges that all states ratify the existing antiterrorist conventions. Three treaties deal with the protection of international Civil Aviation:

First, The 1963 Tokyo Convention on offenses and certain other acts committed on board aircraft;

Second, The 1970 Hague Convention for the suppression of unlawful seizure of aircraft; and

Third, The 1971 Montreal Convention for the suppression of unlawful acts against the safety of civil aircraft.

Attempts to make these agreements more effective by providing for sanctions against nations that harbor hijackers have failed. U.S. attempts to negotiate a treaty prohibiting all international terrorism also failed. As indicated earlier in this paper, in 1973, a United Nations Ad Hoc Committee on Terrorism selected to study the problem could not agree on a definition of the phenomenon. A more specific treaty, the convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents, was approved by the General Assembly in December 1973. It establishes legal mechanisms requiring prosecution or extradition of persons alleged to have committed serious crimes against diplomats.

At the present time, U.S. policy toward the issue of Palestinian terrorism is closely tied to efforts to maintain peace in the Middle East. It is possible that the improvement of relations with the Arab States of Saudi Arabia, Egypt, and Syria may give the United States additional influence with their policies. However, the major problem remains the inability or unwillingness of the leadership of the PLO to abandon terrorist acts and to recognize the right of Israel to exist. The PLO's adherence to the 1968 Palestine covenant and the 1974 10-point program commit that organization to continued terrorist war and the eventual destruction of Israel and the Jordanian

monarchy.²⁷ The PLO has never represented the majority of Palestinians. Unless a new leadership assumes responsibility and ends all terrorist acts and recognizes Israel, then it appears that Palestinian terrorism will bar the fulfillment of Palestinian national interests. Jordan and Israel rightfully refuse to establish a terrorist base at their door, and the world must recognize that mindless terrorism, like poison gas, should be outlawed and barred; no one can win.

FOOTNOTES

¹ John K. Cooley, Green March, Black September. London, Frank Cass [1973]. P. 139. Mr. Cooley, is a correspondent for the Christian Science Monitor.

² Ibid., p. 142.

³ Ibid., p. 140.

⁴ Ibid., pp. 151-52.

⁵ John B. Wolf, A Mideast Profile: The Cycle of Terror and Counter-Terror. International Perspectives, November/December 1973: 29-30.

⁶ Ibid., p. 30.

⁷ Cooley, op. cit., pp. 123-24.

⁸ Le Monde/Manchester Guardian Weekly, Sept. 22, 1973:6; Christian Science Monitor, Sept. 19, 1973:6.

⁹ William H. Quandt, Fuad Jabbar, and Ann Mosely Lesch, The Politics of Palestinian Nationalism. Berkeley, University of California Press, 1973, p. 62.

¹⁰ Cooley, op. cit., p. 145.

¹¹ Ibid., pp. 146-47.

¹² Ibid., p. 147-48. A brief list of pre-1970 Palestinian terrorism is found on p. 147-51.

¹³ Ibid., p. 148. See also the Washington Post, May 16, 1974: A25.

¹⁴ Ibid., p. 149.

¹⁵ Ibid., p. 150.

¹⁶ Cooley, op. cit., p. 150.

¹⁷ Ibid., p. 110-12.

¹⁸ Ibid., p. 111-13.

¹⁹ Ibid., p. 143.

²⁰ Ibid., p. 152.

²¹ Cooley, p. 163, cit., p. 152.

²² Ibid., p. 153, 30-31.

²³ Wolf, op. cit., 30-31.

²⁴ Cooley, op. cit., p. 125.

²⁵ Ibid., p. 125-29. They later released after a Lufthansa plane was hijacked.

²⁶ Ibid., p. 129.

²⁷ Ibid., p. 130.

²⁸ Le Monde, April 1-2, 1973:24.

²⁹ New York Times, April 11, 1973:1.

³⁰ Washington Post, December 19, 1973: A22.

³¹ Christian Science Monitor, December 19, 1973: 1.

³² New York Times, April 12, 1974: 3.

³³ Ibid., April 14, 1974: 1.

³⁴ Lewis Hoffacker, The U.S. Government Response to Terrorism: A Global Approach. Department of State bulletin, March 18, 1974: 274-78.

³⁵ 39 Fr. 3294, 6619.

³⁶ Cairo Voice of Palestine, June 8, 1974: 1635 GMT.

POSTAL SERVICE: FAIRNESS DOCTRINE

Mr. HUMPHREY. Mr. President, a useful editorial by Mr. Cormac A. Suel, postmaster at Shakopee, Minn., and editor of the Postmasters' Gazette, recently appeared in that publication.

Mr. Suel expresses what I believe to be understandable frustration over unfair comparisons in criticisms of the Postal Service.

It is no secret that postal operations need improvement. The Senate Post Office and Civil Service Committee, under

the able leadership of my friend and colleague, GALE MCGEE, completed a year-long investigation of postal operations earlier in the 93d Congress. The committee concluded that while there are snags in the system, the Postal Service is moving in the right direction. He indicated that some corrective legislative action might be necessary, and I have pledged my support in this effort. The citizens of this country deserve a postal delivery system they can rely on, and hopefully this will receive the attention required early in the 94th Congress.

But in our efforts to provide the necessary legislative correction, let us not overlook the positive aspects of postal operations, and the people who do their jobs as best they can under a variety of handicaps. Toward that end, and for the edification of the Senate, I ask unanimous consent that this article, entitled "More Horses and Rabbits," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MORE HORSES AND RABBITS (By Cormac A. Suel)

It has become almost a public fad, recently, to make the United States Postal Service a national whipping boy and to use a comparison with the service as an excuse for almost any outrageous rip-off that may be perpetrated in the private sector.

The latest firm to take this route is the Mobil Oil Corporation which published large advertisements in national magazines and daily newspapers from coast to coast in a thinly disguised lobbying pressure against Congressmen considering a Federal Oil and Gas Corporation. The advertisement was headed: "8¢ to mail a penny postcard. How much for federal gasoline?"

The huge oil corporation then wrote, "A postcard cost a penny back in 1951 and usually was delivered the next day. Today, it costs eight times as much and delivery time has provoked public consternation and several official investigations. Back in 1951, a gallon of regular gasoline cost an average of 27.2 cents. Today, it costs a little more than twice as much."

We thus find ourselves faced with the old fallacy of matching horses and rabbits.

Now it is true that a post card cost a penny in 1951 (the rate was raised to two cents in 1952). It is also true that a post card cost a penny in 1941, in 1931 and in 1921. In fact the price was cut in half in 1920 from the two cent rate established in 1918.

Without evidence to the contrary, we will accept the oil cartel's contention that gasoline cost 27.2 cents a gallon in 1951. However, can you still remember, just a few years earlier when it was possible to get seven gallons of gas for a dollar or a price of around 14 cents a gallon. In that same period, the price of the post card was still a penny. Now it is unnecessary to remind postmasters that the cost of fuel has risen enormously. In fact, in Postmaster General Klassen's article in this issue, he points out that just the added cost of fuel is adding one hundred and forty-five million dollars to the cost of postal operations this year.

The average American family does not buy many postal cards in the course of a year. It is probable that the total expenditure for postal cards by the average family—even at a cost of 8 cents each—does not exceed a dollar annually. Today a gas station attendant can barely get the nozzle of the hose into the tank before that dollar is eaten up under the artificially inflated cost of gas and the bottom of the tank is barely

Footnotes at end of article.

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wet. It is safe to hazard that if given a choice between one cent postal cards and 27 cent gasoline, the American buying public would opt to return to the 27 cent gas price.

It is pleasant to dwell, with nostalgia, on the good old days and how much better the postal service was in those good old days. The plain fact of the matter is that service wasn't that good. Back in 1951, the contention is made that the postal card was usually delivered the next day. That was true if the card was destined to an address in the same or nearby city. That is still true today under the same circumstances. However, if that post card went a considerable distance, to a distant state for instance, it was not delivered the next day but the time of delivery depended upon available railroad schedules and often required many handlings at numerous transfer points. Today that same card probably travels quicker to distant points because it moves on a space available basis via air.

Not even tongue and cheek, as the oppressed consumer might lament, in the light of the most outrageous profit taking since the turn of the century robber barons, nobody could suggest that the solution of a logistics problem can be done by bearing down on the people that can solve the problem.

In its attempt to head off a government energy corporation, Mobil charges that the American consumer "would have to pay for government imposed inefficiency" and that "consumers would get the petroleum version of the Postal Service".

This is a gratuitous insult to not only the nearly 700,000 loyal postal workers but also to the American people who generate nearly 90 billion pieces of mail per year, the overwhelming majority of which is handled speedily and with a high degree of efficiency in the process. The huge petroleum corporation, in rushing their ill-advised advertisement into print, undoubtedly overlooked the fact that most postmasters administering the operation of their postal fleets enjoy considerable discretion in purchasing gasoline for these trucks. It is odd and irritating that the cost of a gallon of gasoline is often the same at every station in town and prices are raised at these stations, seemingly by accident, simultaneously. When prices are identical, unfortunately it is impossible to select a low bidder and thus the discretionary factor comes into play.

Strange things, it seems, continue to occur in the oil industry these days but it does seem that the shortage of gasoline quickly evaporated as soon as the price was jacked up to a high level. For an industry posting unprecedented profit increases of fantastic margins, it is in ill-taste to ridicule and disparage a great public institution such as the postal service.

Seven cents increase on an occasional post card purchase. Twenty-seven cents increase on frequent purchases of gallons and gallons of gas.

Horses and Rabbits. Indeed!

ENERGY PROBLEMS OF OLDER AMERICANS

Mr. CHILES. Mr. President, in September I conducted hearings for the Special Committee on Aging on the "impact of rising energy costs on older Americans." These hearings asked whether action was being taken by the Federal Government to assure that the elderly were not asked to carry an unfair share of high energy costs.

Since this inquiry, there has been little response by the administration. We are now in the winter months that many

of the witnesses at our hearing warned would be extremely difficult for older Americans.

Those warnings were sound, and in my opinion they should have been heeded.

Now, in December, another warning has been issued, this time by a group of well-informed persons who serve as the Consumer Affairs and Special Impact Advisory Committee to the Federal Energy Administration.

That committee, meeting on December 19, passed a resolution which declared:

We believe that no American, regardless of income, should be allowed to suffer physically as a result of energy shortages or soaring inflation.

Urging the FEA to take action, the advisory group also offered specific recommendations.

Mr. President, I believe that the Advisory Committee's action is timely and significant. Their resolution should be considered by the executive branch and by Congress, and I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

EMERGENCY RESOLUTION

We believe that no American regardless of income should be allowed to suffer physically as a result of energy shortages or soaring inflation. Already, however, that is what is happening. Poor people in Appalachia, Indians on reservations, America's urban poor and all the rest of our disadvantaged citizens—our elderly and our handicapped—are bearing the brunt of energy shortages and the burden of higher fuel prices. FEA's own reports substantiate this.

Project Independence will not solve these immediate urgent problems. It will instead only make them worse. FEA's approach to alleviate the social impacts of American energy policy has been and continues to be a band-aid over a cancer: too little, too late, and no solution to the real problem.

What is needed to help the disadvantaged people who are suffering the most is immediate effective direct action by government. Presently proposed solutions will not meet the current urgency of our dilemma: Project Retrofit, Lifeline, and contingency planning are all just ideas for the future, not action for present emergencies.

Therefore we propose that FEA and Administrator of FEA immediately act to implement the following emergency measures:

1. Prohibit utility service cutoffs to all Americans in inclement weather or enact legislation to provide government assistance to those unable to pay utility bills, modeled after the New Mexico plan.

2. Implement a large-scale program to meet the electric utility and heating needs of our elderly and handicapped citizens. This program should include rate exemptions for all utility bills for citizens on fixed and low incomes or governmental assistance.

3. Make fuel available to disadvantaged citizens unable to obtain it. This should include providing chain saws, coal, firewood, and other necessary items to people in need.

4. Provide additional appropriation to OEO for purposes of providing financial assistance to the people this winter.

5. Recommend to the President emergency or discretionary funds to be available to him for those purposes.

6. Urge continuation of OEO.

America's disadvantaged citizens need long-term actions as well, such as an excess profits tax, tax reform, and so on, but NOW we need immediate action.

WEATHER AND WORLD FOOD PRODUCTION

Mr. HUMPHREY. Mr. President, I have been concerned for some time about the weather of our Nation and the world as they relate to food production.

I observed first-hand the serious crop losses during the 1930's in South Dakota which resulted from the drought. This cycle surfaced again in the 1950's, and again in this decade.

There has been a great deal of work and research in this area in recent years. Reid Bryson, of the University of Wisconsin, and others have been looking at the world weather trends and the impact which these trends will have on worldwide food production.

I held hearings over a year ago, and the testimony of the experts was that we have experienced generally favorable weather for crop production during the early part of this century. It appears that the world's weather has been changing in recent years, and it may well be more erratic in the years ahead.

The December issue of the Bulletin, The American Academy of Arts and Sciences included an informative article, "A New World Climate Norm? Implications for Future World Needs."

This article supports the earlier testimony that the world's weather appears to be changing, and this carries serious implications for food production.

I warned earlier this year that our Department of Agriculture was being far too optimistic in assuming good weather as well as the availability of all of the needed fertilizer, pesticides, and credit.

Our sharply reduced crops this year should convince even the Department of Agriculture that we will now have to pay serious attention to the weather and not assume the most favorable of growing conditions.

Mr. President, I ask unanimous consent that this article by Stephen Schneider be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A NEW WORLD CLIMATE NORM? IMPLICATIONS FOR FUTURE WORLD NEEDS (By Stephen H. Schneider)

Stephen Schneider is Deputy Head of the Climate Project at the National Center for Atmospheric Research in Boulder, Colorado; the Center is sponsored by the National Science Foundation. His research has centered on the development of climate models and their application to the potential influence of human activities on climate. Mr. Schneider served as delegate to the Global Atmospheric Research Program's International Planning Conference on Climate Modeling and Climate Change held in Stockholm in August 1974; he is currently a panel chairman of the United States Department of Transportation's Climate Impact Assessment Program. The following talk, illustrated with photographs and charts, was presented by Mr. Schneider at the State Meeting held in Woods Hole, Massachusetts, in October 1974.

In recent years, theories of climatic change and their implications for world food production have become a major concern of political leaders and scientists alike. Commenting on the scientific response to public debate about the atmosphere, Harvey Brooks has observed, "Scientists can no longer afford to be naive about the political effects of publicly stated scientific opinions. The effect

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of their scientific views is politically potent. They have an obligation to declare their political or value assumptions and to try to be honest with themselves, their colleagues, and their audience about the degree to which these assumptions have affected their selection and interpretation of scientific evidence. Once scientific opinion enters into the public domain the possibility of political neutrality disappears. This does not mean that objectivity should be thrown to the winds."

In the area of climatic change, the problem of objectivity is complicated by the wide divergence of opinion surrounding the validity of various scientific opinions. For example, Reid Bryson, Director of the Institute for Environmental Studies at the University of Wisconsin, believes that we are in the midst of a serious climatic change which could result in the starvation of half a billion people; he maintains that the unusually benign climate of the mid-twentieth century is being replaced by cooler temperatures and by greater climatic variability that is less favorable for agriculture. On the other hand, U.S. Secretary of Agriculture Earl Butz argues that such claims are at best without scientific basis and at worst apocalyptic nonsense. In order to place this debate in proper perspective, I shall first review the evidence for climatic change together with the various theories relating to causal factors which may be affecting climate patterns and then to call attention to some of the social and political problems relating to this change.

Past records are the primary source of evidence for climatic variation. Temperature reconstructions going back 700,000 years indicate a good deal of activity with long-period oscillations between ice ages and warm intervals. A reconstruction of temperatures at Iceland from the year 900 to the present, developed by Pall Bergthorsson from sea ice records, indicates a long period known as the "little ice age" which prevailed from the sixteenth to the nineteenth centuries. In the 1890's, a slow warming trend began, increasing sharply until about 1945 when temperatures again dropped.

It is interesting that meteorologists, by international agreement, have defined the warm thirty-year period from 1930 to 1960 as "climate normal." Reid Bryson points out, however, that this warm interval seems to represent the most abnormal climate in a thousand years. But it is fair to ask how significant a reconstructed record at one place is in terms of global conditions. While such data often coincide with reconstructions in other places, there are important differences in magnitudes and sometimes in direction, and it is difficult to determine the statistical significance of a few individual records for global climatic changes.

A graph of Eastern European temperatures for the same time period as the Iceland reconstruction shows the same general features and has a range of about a degree and a half Celsius. Instrumental records compiled by Murray Mitchell show about a half-degree rise in the average surface temperature of the Northern Hemisphere during the warm interval early in this century and a sharp drop since 1945. An important question is the meaning of a half-degree hemispheric temperature change. If our house thermostats were altered by half a degree we would hardly notice it. But a world-wide reduction of that magnitude could mean difficulties in marginal areas—near glaciers and snowfields, and in regions of aridity and monsoon lands. Also, it is reported by Hubert Lamb that in the last few years the growing season in England and several other places has been short-

ened on the order of a week, a condition which may be correlated with this kind of temperature change. Similar findings for Japan have been reported by Asakura. Although the findings are not statistically complete or wholly convincing, there is some indication that the probability of climate variability—the occurrence of droughts, floods, temperature extremes, and other events which are departures from the average—is higher in cooler periods.

Using the same Iceland reconstruction, Reid Bryson has analyzed its peaks and valleys in order to calculate the anticipated date of the next major change. He found that eighty-year intervals were about average between temperature drops and subsequent rises, the shortest rise following a drop being on the order of about forty years. It is his view that since the peak representing the most recent warm period occurred in the mid-1940's, the cooler temperatures we are now experiencing should not end before 1985. This kind of analysis from past records is a viable "actuarial" approach—provided the physical factors that cause the climate to change are the same now as they were when the indicated fluctuations occurred. However, the constancy of these factors over the long term cannot easily be determined; in addition, human activities have recently been complicating the system. Therefore, the extent to which one can infer the climatic future from past records alone remains open to question.

Other evidence of climate change is derived from studies of the albedo (or reflectivity) of the earth. The albedo is significantly modified by the amount of snow cover on earth, and data indicates a sharp increase in snow cover in 1972. The year 1972 was something of an anomaly around the world: there was a several-week delay in the onset of the Indian monsoon, a severe drought in the Soviet Union that led to the celebrated U.S. and Canada-Soviet wheat deal and a continuation of the devastating drought in parts of Central Africa known as the "Sahel." A change occurred in the currents offshore Peru and the cold upwelling waters vital to fishing disappeared. There were floods in Pakistan and other manifestations of higher climate variability than have been evident in the recent past. Are these events related or not? By way of objectivity one must take into account the fact that the data on snow cover were derived from an examination of the minimum albedo of various grid points seen from space. Since clouds are very bright, their presence will certainly alter the information about snow cover when one looks at minimum brightness as a measure of snow cover. While this may be a good method, it is possible that instead of snow cover, one is really looking at an increase in sub-grid-scale clouds, that is, clouds that are smaller than the resolution of a satellite scanner. Moreover, it is essential that this kind of observational information be verified with ground truth.

There have also been attempts to draw a causal connection between hemispheric temperature and monsoonal rainfall. A study was made of the percentage of weather stations in parts of India having less than 50 per cent normal rainfall from 1900 through 1970. In cooler periods around the turn of the century, a fairly high percentage of stations reported low rainfall; that number decreased considerably during the warmer period in the 1920's through 1950's and then rose again in recent years. There were in fact severe droughts in India in 1966 and in 1972, and there is a rather serious situation in India again this year. A casual connection is certainly suggestive. But establishing statistical significance from such data is another matter; while a cooling trend in the Northern Hemisphere appears to be evident, its casual connection to other events is difficult to verify.

Before describing some of the theories of climate change, let me first review how climate works. Weather in our latitudes is directly related to conditions elsewhere on the earth. Sunlight hits the earth with more of it intercepted in the tropics than in the poles. Some of that sunlight is reflected from air molecules, the earth's surface, dust, and clouds, and thus cannot be absorbed to warm the planet. At the same time, the remaining 70 per cent of the energy which is absorbed causes the temperature of the planet to increase. Like any object, the earth gives off infrared radiation proportional to its temperature. Warm air rises in the equatorial regions, which are heated in excess of their outgoing infrared radiation, and travels toward either pole. As the earth rotates, the equator is spinning around faster than the poles; consequently, when the warm air moves outward it takes with it this momentum, this speed of equator, forming westerly winds in our latitudes.

The amount of air that moves toward the poles from the heated equator depends on the differences in temperature between the equator and the poles. If the poles are cold relative to the tropics, then the vigor of the circulation system is stronger; as a result in winter we experience more storm systems and the jetstream is very fast. As many of us are aware, in the winter, the flight from the East to the West Coast takes much longer than the return trip, whereas in the summer the flight time is almost the same.

To some extent one can say that virtually everything in the climate system is coupled to everything else; any large-scale push in one place causes a bulge somewhere else, but these are not all equal in magnitude. It is the task of climate theory to determine what those magnitudes are.

Since the sun is our major energy source, an obvious theory of climate change concerns fluctuations in the output of the sun. At the present time, fluctuation at very low and very high wavelengths has been determined but we do not know to better than about half of one per cent what the total output of energy from the sun is and how it varies. Therefore, it is very difficult to determine if previously observed planet warmings and coolings are directly caused by changes in solar output. Some attention is now being directed to efforts to develop methods which will yield more accurate measurement, this task requires difficult calculations but it surely can be done if given impetus comparable to its importance.

Another theory is related to the fact that the earth's orbit varies slightly with respect to the sun; for example, the relative location of the poles changes from summer to winter over periods of 10,000 to 100,000 years. This theory has been used to explain long-term ice ages, but it certainly cannot account for climatic fluctuations like this "little ice age" and the short-term variations which wreak havoc with our crops. In addition, changes in atmospheric dust and carbon dioxide as well as changes in the land have been postulated; the continents have drifted around for millions of years, clearly causing a climate change, but that factor is not very important for climatic changes over less than a million years.

The oceans are a critical component of climate. They have vast capacity for energy storage and they can release their energy on time scales of days to hundreds of years. This process may very well be responsible for short-term fluctuations. Internal oscillations in the climate system (consisting of the atmosphere, oceans, land, and glaciers) have also been postulated; whereas one might perceive short-term climate changes as being forced by external causes, they could, in fact, represent redistributions of energy among glaciers, oceans, and atmosphere.

¹ Harvey Brooks, "Scientific Response to Public Concerns about the Atmosphere," W. R. D. Sewell, ed. *Modifying the Weather* (1973).

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In addition to natural causes, the effects of human activity must be considered in relation to recent climate changes. Carbon dioxide affects the transfer of radiation in the air; the greater the amount of carbon dioxide in the air the warmer the surface of the planet—the so-called "greenhouse effect." Carbon dioxide is a by-product of the burning of fossil fuels and this activity has already increased the atmospheric concentration of carbon dioxide from a pre-industrial revolution value of about 295 parts per million to about 320 ppm. Based on current growth curves, this figure could be as high as 400 ppm by the turn of the century. While the present increase in carbon dioxide would cause only a slight increase in the warming of the climate, on the order of a few tenths of a degree, the projected one would certainly exert a decided impact on the system. It would, according to our best estimates, bring about a temperature change on the order of half a degree Celsius—which is as large as any global change observed in the recent past.

At the same time, the pollution of the air by particles created by human activity is another popular theory of how humans may have contributed to the cooling trend of recent years. We know that in the continental regions the air is hazier than it was fifty years ago. This evidence has been obtained by looking at astronomical records; atmospheric dust has long been a nuisance to astronomers and they have kept good records of it over time. Various kinds of dust interfere with the transfer of radiation reaching the surface. Whether the dust warms or cools the climate depends upon whether it is relatively lighter or darker than the medium it overlies. This, in turn, is determined by its chemical composition; the dust now surrounding the earth is highly nonuniform.

To ascertain the climatic effect of dust generated by both primitive agricultural practices (e.g., slash and burn) and industrialization will require much greater study. The consensus at the present time is that this kind of pollution does cause a cooling of the climate by preventing sunlight from reaching the earth; indeed there are those who have already proposed it as an explanation of the cooling since 1945. But consensus is a poor way to do science. I would not rule out this possibility but it is hard to establish a global trend by looking at pollution in areas that cover only about 20 per cent of the earth's surface. In my view, we do not now have adequate understanding of the climate system to determine cause and effect with any certainty. However, if current trends persist through the year 2000, the magnitude of the forcing function—the interaction between increasing carbon dioxide and increasing dust pollution—would be sufficient to provide a clearer indication of the relative impact of each factor on climatic change.

Another element to be considered is the heat generated by the electricity used to turn our wheels and heat our homes. The total use of energy around the world is currently about one ten-thousandth of the energy emanating from the sun that reaches the earth. However, unless the no-growth philosophy prevails or some intervening catastrophes prevent it, we will be planning (by 2020) for a world with ten billion people, each consuming about ten kilowatts per person, the current U.S. standard. Should that situation occur, the total energy released around the world would average on the order of a few tenths of one per cent of the solar input, resulting, if our models are correct, in a climate change on the order of several tenths of a degree Centigrade. (This effect would be added to the warming from increased carbon dioxide.) Moreover, most of that energy would be concentrated on conti-

nents which might then have energy densities many times the global value, and regional and other kinds of anomalies would very likely occur.

In cities, this process is already apparent in the urban heat-island effect. Temperatures in the city center, particularly at night, are considerably warmer than those in the surrounding countryside. This occurrence stems from a variety of factors: one is that the heat is generated directly in the city; another is that large masses of stone tend to hold the heat built up in the afternoon. It is quite clear that when heat is concentrated in certain areas this kind of effect can spread out and cause downward anomalies. There is also good statistical evidence that rainfall up to fifty miles downwind of industrial areas has been increased by as much as 15 per cent as a result of the heat that is released in the city and the dust that accumulates in the clouds. If the scale of our industrial centers continues to increase, the outcome may be a significant change in our regional climates over the long term.

Finally, grazing animals and the use of land for agriculture or cities affect the brightness of the earth's surface, the amount of solar energy that is absorbed, and the rate at which water evaporates from the surface. Some climatologists claim that the Roman goats created the desert which was once the Fertile Crescent in the Middle East. There is no doubt that such factors might cause local climatic changes; the question is whether the scale is sufficient to cause large changes. One may say that this activity has been going on for many years and the system has already accounted for any changes in climate that have occurred. However, an exponential growth in our land-use practices, particularly if it entails food-population pressures, will mean that such changes will undoubtedly take place at a much faster rate in the future than in the past. If such growth causes a significant change in climatic conditions, more serious consideration may have to be given to adjustments in agricultural practices. In the past, when climate shifts caused hardships, people often moved. Now large populations are, for the most part, constrained by political boundaries.

How does one judge the relative effect of these factors on climatic change? It is a difficult task to separate out quantitatively the cause-and-effect linkages from the many factors of comparable magnitude tending in opposite directions. As with any science, the process of developing a quantitative theory of climate begins with observations from which hypotheses are generated. The next step is to design experiments. Only a limited number of experiments can be carried out in the atmosphere. Moreover, it would be nearly impossible to devise a laboratory simulation of the complex, nonlinear interactions which produce the earth's climate. One can learn a good deal about individual processes from studying other planets which obey the same laws of physics as the earth. Without a twin earth, however, the only way to simulate the earth's atmosphere and oceans effectively is by means of mathematical models. Since the complexity of the climate system is larger than our best computers, the model has to break the system up into a finite number of places or points. Everything that happens on a scale smaller than the points on which we have information cannot be resolved explicitly in the model. For example, knowledge of the wind, temperature, humidity, and pressure at Denver and at Salt Lake City does not provide us with sufficient data to predict how the clouds change between those places because the size of the clouds is on the order of a mile and our data are on a scale of a few hundred miles.

Whenever the clouds, or whatever element or process we are trying to "parameterize," occur on a scale smaller than the available information, we have to make the statistical assumption that these can be related to numbers derived on a larger scale. This is the canon of faith upon which modeling now operates; to determine the validity of these approximations one has to test models of different complexity against each other and against the real world.

There are many different kinds of models ranging from simple one-dimensional forms that focus solely on the vertical part of the atmosphere to highly sophisticated representations of the atmosphere and oceans. Any analysis of long-term climate variations requires coupling of models of the atmosphere, the oceans, and even the cryosphere. In addition, while many processes are included in such models, there is no certainty that we can define which processes are represented correctly; these models might have some utility for climate studies in the near future.

All sorts of processes have a place in climate modeling and many of them feed back on each other. The problem is that while we may know the effect of individual processes, to say, 5 percent, these processes may operate in opposite directions; thus when we attempt to average the effects of all of them, the total impact is difficult to determine.

Despite the limitations implicit in present-day climate modeling, the predictions have important implications for policy-makers. To cite one example, we understand that increases in carbon dioxide affect the transfer of infrared radiation so as to warm the climate, and we can compute the magnitude of increases in carbon dioxide on the global radiation balance with a fair degree of certainty. Under certain assumptions we can relate this to a change in the earth's temperature. How then do we respond politically to a predicted change of one degree from the doubling of carbon dioxide? Do we ignore this forecast in the belief that other feedback processes may cancel it out? It is just as possible that the other processes could amplify this prediction. Unknown feedback processes operate in either direction: clouds might reduce the change to two-tenths of a degree or alternatively they might increase it to two degrees. My view is that if we know a good deal about one process, the next step is to determine whether the changes induced by a human activity are large enough to be felt in present models that still omit some feedbacks; if they are, then we must decide whether we as a society are willing to risk expansion or even continuation of that activity, recognizing that its effects may be both global and irreversible.

The processes at work in determining climatic change are not fully understood. Yet despite the uncertainty in measurements and in theory, estimates must be given and difficult decisions made on the basis of available knowledge. The interaction between climate and food production in particular has commanded widespread public attention in recent months. Grain represents about 70 per cent of the world's food consumption; in 1930 all continents except Western Europe were net exporters of grain; by 1973, only two continents, North America and Australia, exports more grain than they consumed and the size of the Australian exports was small. As Lester Brown points out, the United States and Canada control a considerably larger share of the world's exportable grain than the Middle East does of the world's exportable oil. Thus, decisions made in North America may well determine the fate of millions of people throughout the world. If weather fluctuations cause serious shortfalls in our harvest and we continue to export, prices will rise at home; if we choose not to export, countless people in already-

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hungry nations will die—unless non-North American food productivity rises immediately.

Adequate food production is dependent on a combination of factors. Corn yields, for example, have increased dramatically over the last twenty years. This improvement can be traced in part to technological advances—irrigation, the application of fertilizer and pesticides, and the introduction of new strains. However, technology has not been the sole influence. An important reason for continuously high U.S. yields in the past ten years is good weather. A simulated weighted average of corn yields over a period of years, based on 1973 technology, indicates a definite correlation between recent favorable weather conditions and higher corn yields. Records of summer rainfall and summer temperatures for America's major wheat states in the period 1900 to 1970 confirm a long run of slightly above-normal summer rainfall and below-normal summer temperatures—conditions ideal for growing—in the past 15 years.

The climate of 1972, however, seems to presage a return to higher climatic variability. In the wake of droughts in India and the Soviet Union and floods in the United States and elsewhere, total world food production fell 1 per cent, the first reduction since World War II. Lester Brown estimates that since 1972 grain reserves alone dropped from a 66-day supply to the present level of less than a month's supply. Several developments have combined to make 1974 a poor food-growing year in the United States: a wet period during the spring delayed planting in the corn belt; a three-week hot spell retarded growth in the summer; fertilizer was scarce and more expensive because of the energy crisis; and finally, extremely early frosts were experienced in Nebraska, Wisconsin, and Iowa. Since the historical record shows eight-year runs of unfavorable growing conditions, a food reserve strategy, taking into account the probability of historical climate variability, must be devised.

The issue is simply stated: the margin between world food supply and food demand is so close that a reduction in yields of even 1 per cent could have serious ramifications in terms of higher prices and potential famine in certain areas. Population growth and rising world-wide affluence have contributed to the inability to generate adequate food reserves. Each year the world's population increases by about seventy million people. Under present technology, a world average of about one acre is required to feed a person; therefore, one way to meet current demands is the annual cultivation of an additional seventy million acres. Given the FAO estimate of roughly a thousand dollars to clear one acre, an investment on the order of seventy billion dollars a year represents a cost to clear land; that amount is comparable to the American defense budget. In my view, the real crisis is not so much a climate crisis but a lack of world leadership capable of devising and agreeing on a world food security plan. Leaders often choose to dicker and blame each other rather than work toward long-term solutions to the problems, as the headlines from the November 1974 World Food Conference in Rome bear out.

What can be done? Forecasts of adverse weather and widespread food shortages have led to proposals for numerous climate modification and control schemes. These are tempting propositions which have been voiced by people of all nationalities and professions. There are in fact a number of conceivable ways in which the climate could be modified, but my fear is that our knowledge is inadequate to control or even predict the eventual outcome. It has been proposed, for example, that the Arctic Sea ice pack be eliminated

by spreading black soot on the ice in the spring and summer to absorb solar energy and induce melting. The same effect may be achieved by diverting the rivers that normally flow into the Arctic Sea from the Soviet Union or Canada to the grainlands, thereby eliminating fresh water which has a greater tendency to freeze; an increase in the salinity of the Arctic Sea might then, in itself, be sufficient to remove the ice pack over a number of years. A climate modification of this magnitude would change the equator-to-pole temperature gradient and almost certainly lead to major climatic changes in other areas of the globe on a scale that is now uncertain.

Given such possibilities, it is clear that international conflicts of a serious nature could arise. The atmosphere is a highly interactive resource common to all, yet a nation capable of launching a major climate modification program could do so without considering the effect on a neighboring country. The situation is further complicated by the fact that until theorists develop a better understanding of climatic change and cause-and-effect linkages, it will be impossible to foresee the outcome of larger-scale weather modifications with assurance. Under such circumstances, if the Soviet Union, for example, decided to divert its rivers to the grainlands, would other nations be justified in objecting because of the possibility that such a move would eliminate the Arctic Sea ice cover and alter climatic patterns in other parts of the world? At present there are no treaty or other mechanisms sufficient for dealing with these kinds of questions.

In the future, however, it may be possible to predict the climate. A major thrust to enhance our ability to forecast seasonal climatic change months in advance will undoubtedly be felt in the next five to ten years. Little serious consideration has as yet been given to the question of how such knowledge would be utilized, but its effect on international economics and politics can scarcely be underestimated.

For the present, what courses of action might we adopt? First, we should take the actuarial approach: look at past records and try to estimate the probabilities for temperature extremes, droughts and floods in various regions. The prospect of drought in one area being correlated with plentiful rain and good crops in another can help us determine the amount of world food reserves that might be needed. Of course, development of a world food security plan is a political problem that is global by definition. We may have to reorient the present basis of international relations if we are to achieve optimal global resource strategies; but the risk of indefinite maintenance of our present course is chronic resource catastrophes and their political overtones (e.g., embargoes, trade barriers and even terrorism). Secondly, we would do well to consider various potential conflict scenarios with a view toward developing an international agreement prohibiting any form of unilateral climate modification or control scheme until it can be determined, with agreed levels of certainty, that any such action would not cause other, more serious problems. Even then, compensation to the losers should be a precondition, should the scheme backfire. Third, we can intensify study of the question of human effects on climate; although our models are not complete, we can ask order-of-magnitude questions, particularly relating to the consequences of planned or anticipated growth patterns. This is a responsibility we have to our children, since the climatic consequences of our generation's growth mistakes would be visited primarily on posterity. Finally, we must strive to reduce the uncertainties and improve our understanding of the very complex processes involved in the world climatic system.

THE GREAT LEADER FROM WEST VIRGINIA

Mr. MCINTYRE. Mr. President, as the 93d Congress approaches its final hours, I want to make a few brief remarks about its accomplishments and its leaders.

Certainly, this has been one of the most difficult sessions in congressional history. I will not recount Watergate, resignations in high office, appointments under the 25th amendment, inflation, unemployment, recession, midterm elections, and so many other things. These are now history. But I think every Member of the 93d Congress can take pride in the fact that we faced up to these problems and many more. Moreover, we achieved some significant goals and laid the groundwork for accomplishing much more.

Mr. President, none of these accomplishments could have been possible without the dedicated, responsible, and able leadership we have in the Senate.

Our distinguished majority leader, Senator MIKE MANSFIELD, has been a tower of strength. When it seemed that many of us about to flail out in all directions, he kept a cool and determined eye on our goals.

And, I would say a special word for his deputy, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), who gave us cohesion and purpose.

The Senator is a rare combination of unflapability, tenaciousness, and an incredible capacity to keep a dozen balls in the air at once without dropping any. I refuse to believe we could have achieved what we did without the great leadership provided by my friend and distinguished colleague from West Virginia. I could not let this moment go by without expressing my thoughts.

What I have said, Mr. President, particularly applies to the so-called lame-duck session following the elections. Some solemnly predicted that this session would be a calamity. It has not been. Some of our finest hours have occurred since November 7. And the credit must go to our leadership.

THE HISTORIC 93D CONGRESS

Mr. INOUE. Mr. President, the 93d Congress is about to become history. During the past 2 years, each Member of this Congress has received his or her share of criticism and praise.

The most historic task we have undertaken has been to utilize the 25th amendment to the Constitution, twice in tragic circumstances. As a result, we now have both a President and Vice President who were not elected by the public at large. We, of course, wish them well. But we hope that we may never again find ourselves in a similar situation.

There are many Members of both Houses of Congress who will not be returning. They can be rightfully proud of their accomplishments. Those of us who will take our seats in the 94th Congress can build on an impressive record.

I ask unanimous consent to have printed in the Record today's lead editorial of the Christian Science Monitor.

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Each of us who has had the good fortune to serve in the 93d Congress can take pleasure in reading it.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE ADMIRABLE 93D

Americans are not in the habit of patting Congress on the back. More often than not, it is the target of criticism and the butt of "do-nothing" jokes. And so, as this historic Congress draws to a close, it warrants observing that the American legislature, when tested to the extreme, can perform vigorously, responsibly, and even with a measure of greatness.

Foremost, the 93rd Congress will be remembered for surmounting one of the two greatest constitutional challenges in the nation's history. The Senate Watergate committee took up the crimes of the Nixon administration, and the House of Representatives, with reluctance but with strong conscience, inexorably moved toward impeachment. No one who watched the televised hearings of the House Judiciary Committee could have remained unmoved by the sense of justice and integrity that characterized the proceedings.

That probe forced the resignation of Richard Nixon and led to an unprecedented peaceful transfer of power. It also spawned needed reforms. Congress moved quickly to adopt a new system of financing political campaigns and voted to make Nixon's tapes and documents public property.

Significantly for the workings of political democracy, the 93rd Congress reasserted the authority of the legislative branch vis-a-vis the executive, restoring a balance of power. It did so by curbing the presidential war-making ability and setting up a budget mechanism to improve control over federal spending.

Even apart from Watergate this two-year Congress chalked up some admirable legislation. Countless Americans will benefit by the new minimum standards for private pension plans, the extension of federal aid to public elementary and secondary schools, and the authorization of funds to develop new sources of energy. And citizens of the District of Columbia can now elect their local officials.

Further, at this writing Congress was moving unflinchingly to enact the crucial foreign trade bill, despite Moscow's last-minute disavowal of any pledge on Jewish emigration. This basic legislation will give the President the power he needs to press for freer world trade.

Accolades are also due the House leadership, which got behind the reforms pushed through by the newly constituted Democratic Caucus. The impending reorganization, including that of the powerful House Ways and Means Committee, is the most significant in recent decades.

The overall record is not without flaws of course. The 93rd Congress failed to come to grips with such overriding problems as the economy, energy conservation, and tax reform. How the new 94th Congress—more Democratic, more reform-minded and a little more youthful—will tackle these and other issues remains to be seen.

But as the men and women of the 93rd speed homeward for the holidays, they deserve a "well done" from their constituents.

RETIREMENT OF GORDON A. NEASE

Mr. STENNIS. Mr. President, with regret, I advise the Senate that Gordon A. Nease, a member of the professional staff of the Senate Armed Services Committee, is retiring with the end of this congressional session.

I know many Senators are well acquainted with Gordon Nease, who has been on our committee staff for a number of years and for some years has handled the annual Military Construction Authorization bill. In that capacity he has in recent years monitored the real estate of the armed services—the military installations—here in the United States and abroad.

Many Senators do not know, I am sure, that with his retirement Mr. Nease is completing a career of nearly 40 years in Government service. Before joining the Armed Services Committee in 1959, he had had a distinguished career with the FBI—in Washington and in the field—and had served for a 3-year interval on the staff of the Senate Appropriation Committee.

Gordon is, in fact, a fine example of the sort of truly excellent public servants whom the public seldom hears about. He was first employed as a clerk-typist by the FBI, in Little Rock in 1935. I would like to claim him as a Mississippi boy, but he was born in Fayetteville and grew up in Arkansas.

In 1938 he was transferred to FBI headquarters here in Washington. That enabled him to complete a college education in night school and, after graduation, he was appointed as a special agent in the FBI.

He spent some time in field offices but was returned, rather quickly, to the main headquarters here and spent 11 years as confidential assistant to Director J. Edgar Hoover, attaining the FBI rank of inspector.

As a member of our committee staff, his advice has been invaluable to me and to the members of our committee. He has worked with me, traveled with me, counseled me, and he is my good friend.

He has given his Government 40 years of talented, conscientious service. We are all greatly indebted to him, and I am sure that Members of the Senate join me in wishing Gordon Nease many happy and fruitful retirement years.

INTERGOVERNMENTAL PERSONNEL ACT IN MAINE: THE SECOND YEAR

Mr. MUSKIE. Mr. President, Gov. Kenneth M. Curtis of Maine recently released the second year report of the State of Maine's fiscal year 1973 grant award under the Intergovernmental Personnel Act. This report details an impressive list of activities in three major programs: Career development for State and local government conducted by the Bureau of Public Administration at the University of Maine at Orono; improving personnel management in municipalities conducted by the Maine Municipal Association; and improving the implementation of the code of fair practices in Maine State government conducted by the Maine Human Rights Commission.

I ask unanimous consent that the summary of this second year report be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

STATE OF MAINE,
Augusta, Maine, October 1974.
Re 73ME06
Mr. L. F. CRONIN, Regional Director,
U.S. Civil Service Commission, John W. McCormack Post Office and Court House,
Boston, Mass.

DEAR MR. CRONIN: I am pleased to forward to you the "Second Year Report" of the State of Maine's FY 73 Grant Award under the Intergovernmental Personnel Act of 1970.

In addition to increasing and supporting the capacity of the Bureau of Public Administration, University of Maine at Orono, to provide a comprehensive and statewide general management education program for Maine state and local government administrators, the IPA FY 73 Grant also supported the efforts of the Maine Municipal Association to improve personnel systems among Maine communities, and provided funds for the Maine Human Rights Commission to study state government relative to compliance with state and federal equal employment opportunity laws.

The second-year support of IPA has enabled Maine to continue to improve the quality of public service at all levels of government. This is an ongoing process that requires continuous commitment and support.

We sincerely appreciate the staff assistance provided by your Intergovernmental Personnel Programs Division.

Sincerely,

KENNETH M. CURTIS,
Governor.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970, STATE OF MAINE (73ME06), SECOND YEAR REPORT

I. CAREER DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT, CONDUCTED BY THE BUREAU OF PUBLIC ADMINISTRATION, UNIVERSITY OF MAINE AT ORONO (UMO)

Bureau of Public Administration

The Bureau of Public Administration (BPA) was created by the 102nd Maine Legislature in 1965 and administratively is an integral part of UMO's Research and Public Services Division and maintains close liaison with the UMO Department of Political Science. BPA's mission is: (1) research on Maine governmental problems; (2) career development for Maine governmental employees through greater educational opportunities for public employees; and (3) publications on governmental subjects.

The BPA has been active in providing varied education and training programs for Maine governments during the past five years. It has developed as a recognized provider of career development courses aimed at upgrading the skills and abilities of Maine government personnel and thereby improving the quality of Maine public services.

Program plan

The second year IPA plan represented a continuing attempt to meet some of the basic education and training needs of state and local government administrative, professional and technical personnel. These needs were identified through the Personnel—Training Needs Assessment study conducted by BPA under the IPA grant in 1972. The goal was to offer 55 general management programs to an estimated 1,000 key Maine public officials.

During the first six months of 1973 the Bureau continued to offer a variety of workshops and seminars under provisions of the Intergovernmental Personnel Act of 1970. These training programs were offered to Maine public administrators on a statewide basis.

Revisions to the initial scheduling plan were necessitated by shifts in interest and through follow-up interviews that (1) some of the public officials were reaching a "saturation level," having attended most of the general offerings of the Bureau since its in-

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ception in 1965. This "overkill" was having a negative impact on participation; (2) little change was being effected back on the job; when only one or two persons from a given organization had attended an open enrollment training program, they were likely to report that their ideas were difficult to "sell" to unprepared, uninformed, or unresponsive co-workers.

The consensus was evolving, by late fall, that "an organization should have its training 'in-house' so that more employees can participate in a realistic, job-related experience."

In spite of the reduced attendance, the open enrollment courses did have the effect of creating an awareness of the importance of training. The Bureau began to receive increasing requests for in-house, organizational development type training projects, particularly from those who had attended the various open enrollment workshops and seminars.

The Maine State Department of Personnel expressed the desire to cooperate in a new approach; namely, developing in-house training programs for interested state agencies, in cooperation with the Bureau. Similarly, the Maine Municipal Association, through its training officer, pledged its cooperation in helping towns and cities to act either on their own or in consortia with neighboring communities, to implement an organization-centered approach to training.

Finally, because the University of Maine at Orono provided an increase in its funding of the Bureau of Public Administration, IPA funds formerly slated for the salary of the Staff Associate—Training were allocated (again, by grant amendment) to the purpose of establishing an Augusta office with a full-time BPA representative to work with the Maine Municipal Association and with officials in state government.

It was anticipated that BPA's proximity to

PROGRAM ACTIVITIES

Course and location	Participants	Men	Women	State	Local	Federal
Supervision in the public service:						
Bangor.....	10	5	5	10		
Dover-Foxcroft.....	11	6	5		11	
Augusta.....	26	9	17	26		
Portland.....	10	8	2		9	
Rumford.....	7	7		1	5	
Kennebunkport.....	9	2	7	6	2	1
Waterville.....	9	8	1	3	4	2
Bangor.....	18	15	3	6	12	
Portland.....	12	12		7	5	
Augusta.....	13	6	7	13		
Developing communication skills:						
Bangor.....	19	16	3	16	3	
Portland.....	28	18	10	11	16	1
Auburn.....	27	13	14	23	4	
Augusta.....	13	8	5	11	2	
Dover-Foxcroft.....	12	12		12		
Waterville.....	12	6	6	7	4	1
Portland.....	22	16	6		22	
Creative problem solving:						
Portland.....	10	7	3	4	2	2
Augusta.....	17	6	11	13	4	
Thomaston.....	27	27		27		
Speaking for results:						
Portland.....	9	7	2	1	7	1
Rockland.....	7	6	1	6	1	
Orono.....	16	10	6	12	4	2
Effective writing:						
Augusta.....	24	16	8	23	1	
Bangor.....	20	17	3	19	1	
Auburn.....	40			40		
Train the trainer: Auburn.....	22	19	3	12	10	
Employee orientation and development:						
Augusta.....	10	7	3	8		
Effective personnel practices: Augusta.....	27	21	6	27		
Techniques of employee motivation:						
Portland.....	22	18	4	8	14	
Augusta.....	12	8	4	10		2
Bangor.....	15	9	6	10	4	1
Basic labor relations:						
Augusta.....	17	15	2	13	4	
Portland.....	15	13	2	4	10	1
Advanced labor relations:						
Augusta.....	11	9	2	9	2	
Portland.....	10	10		4	6	
Management for State administrators:						
Augusta.....	12	9	3	12		
Management for municipal administrators:						
Augusta.....	5	5			5	
Management at Maine State Prison:						
Thomaston.....	11	11		11		
Public relations in government:						
Orono.....	11	8	3	6	5	
Portland.....	20	16	4	10	7	3
Total.....	648	481	167	431	200	17

Program results

Training for state and local government supervisory/managerial personnel during 1973 was fundamentally sponsored by the University of Maine at Orono's Bureau of Public Administration, instructed by staff personnel, University faculty and adjunct faculty. One course in Effective Writing was offered through Arthur Little Company personnel.

The evaluation questionnaire was revised to include only the following three questions:

- (1) What were the strengths of the program?
- (2) What were the weaknesses of the program?
- (3) How do you plan to use this information back on the job?

The purposes of evaluation are to assess learner reaction to improve the teaching/learning process, and to appraise changes in behavior in terms of results. The main difficulty with all of these is in controlling the number of variables inherent in each purpose in a credible way—a way that will allow the evaluator to demonstrate that it was the training that was mainly responsible for the change. As Les Tis, a recent BPA guest trainer from Gordon Lippitt Associates, stated: "The best evaluation is that 'gut feeling' that things have gone well." Mr. Tis also indicated that in his opinion an excellent barometer of excellence is reflected in the number of participants "who come back for more." On this measure, BPA has a good

record. Seminars and workshops continue to attract people who had been satisfied with previous BPA offerings. In addition, we have found that our follow-up visits to people on the job bring expressions of satisfaction relative to personal growth and development by both the participants and their supervisors.

Representative statements taken from a sampling of evaluations provide an idea of feelings expressed by a cross section of participants.

"I have used what I learned in communication skills to improve our staff meetings. They are much better organized and we get more done now than we did before."

"Two problems, one involving a superior and one involving a subordinate have been easily dealt with using the basic concepts of communications learned."

"Two painters who were not producing have been 'turned on' by the principles of development adopted from the course (on Motivation)."

"This course (SPS) has increased my confidence that supervisory positions are not beyond my capability." (Supervision in the Public Service)

"I have imparted the knowledge gained (in Labor Relations) to the two other members of our negotiating team."

"The course (Effective Writing for Tax Examiners) has revitalized my curiosity and thinking processes."

"Time needed to prepare and write my reports has been reduced substantially."

"I am working more with the employees in

the capital would increase opportunities to meet with state administrators and increase the understanding of their problems and needs. Another goal of this effort was to facilitate the building of a stronger liaison relationship between the University and the public sector.

A further consideration in establishing this office was the desire to formalize the mutually supportive but informal relation between the BPA and the Maine Municipal Association (MMA).

An early look at the Augusta office (after two months) clearly indicates the expectations and objectives are being met. BPA service to state administrators has increased; cooperation and support for the Department of Personnel in developing specific programs for identified needs has begun. A closer cooperation between BPA and MMA has manifested itself in several research and training projects with joint applications.

BPA staff members were able to expand

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their background of public management knowledge by funded attendance at educational seminars, workshops and professional meetings. Especially helpful was the American Society for Training and Development's regional conference in Moodus, Connecticut; the National Training and Development Service's Organizational Development Conference in Boston; and the American Society of Public Administration's regional conference in Portland, Maine.

The Maine Department of Personnel was able to add some meaningful personnel and labor relations books and materials to their professional library and to send the Assistant Director to meetings in Burlington, Vermont, and New York City.

Perhaps the most productive use of the specialized training funds was the grant to the Maine Municipal Association. IPA funds were provided to send their Public Training Director to the National Training and Development Service month-long workshop in Airlie, Virginia, on action research and training. As a result of the experience, the Director returned to Maine and instituted the concept of regional training councils. These councils have been very effective in helping to determine training needs of municipalities in Maine and in ensuring enrollments in educational and training offerings to local managers, supervisory personnel and other municipal trainees.

II. IMPROVING PERSONNEL MANAGEMENT IN MUNICIPALITIES, CONDUCTED BY THE MAINE MUNICIPAL ASSOCIATION

Maine Municipal Association

The Maine Municipal Association was formed in 1937 and continued by the cities and towns of Maine as an instrumentality of such political subdivisions of the state for the purpose of making available to cities and towns, through an agency organized and financed by them, (1) a central clearinghouse of information and research to assist their officials in the solution of technical problems in the field of municipal government; (2) an education medium for municipal officers by means of annual meetings, regional conferences, and specialized training institutes; (3) a fact-finding agency for the purpose of giving to the Legislature information with reference to the subject matter of proposed or anticipated legislation affecting cities and towns; and (4) an organization through which, in the interest of the general welfare, a greater civic consciousness of local government could be developed leading to a general improvement in governmental operation and administration.

The activities of the Maine Association are many and varied and include: (1) information services, (2) research and publications, (3) educational activities and (4) legislative service.

Program Plan

The Personnel—Training Needs Assessment study completed by BPA in 1972 clearly substantiated the need for personnel advisory services and technical assistance services among Maine communities. In addition, two other pieces of legislation which had decided personnel overtones pointed to a need for uniform and consistent guidance to Maine communities, the Federal Occupational Safety and Health Act, and the Equal Employment Opportunity Act.

The thrust of this grant activity was aimed at service delivery in three major areas of activity through on-site and telephone advisory services:

- (1) Personnel Systems
- (2) Affirmative Action Plans
- (3) Occupational Safety and Health Act

Program Results

The area of activity receiving the majority of attention during the year was that of improving personnel systems. Under this cate-

gory of activity, several major accomplishments are notable.

Old Orchard Beach.—A comprehensive revision of the Town personnel policy was undertaken as a grant activity. The policy was reviewed, amended and written to conform to the 1973 standards of Town policy and in accordance with various laws and regulations. On April 9, 1973, the Old Orchard Beach Town Council voted unanimously to adopt the revised Personnel Policy. A copy of the letter of appreciation is attached as Exhibit A.

Portland.—Upon request of the Personnel Department in the City of Portland, a comprehensive review of the non-union personnel policy was undertaken as an IPA project. The accompanying letter to Portland (Appendix B, p. 32) was prepared and the ordinance was officially amended, incorporating many of the amendments, on November 5, 1973.

Orono.—University of Maine.—At the request of a professor teaching a seminar on public administration, a session on personnel administration was scheduled for April 30, 1973. The general municipal personnel field was covered during the class in hopes that an awareness of the importance of personnel and personnel-related activities would be developed among public management trainees. Feedback from the class indicated that a feeling for the scope, magnitude and, more importantly, the vital importance of personnel matters to town and city managers, resulted from the class.

Lincoln.—Under the IPA grant, MMA undertook an analysis of the Town of Lincoln Personnel Regulations and Administrative Code. The main purpose of the analysis was to determine that the regulations and code were in conformance with the Town Charter and other pertinent state and federal laws. Recommendations of the analysis were included in the final version of the Regulations and Administrative Code.

Wells.—The Town of Wells appointed a Personnel Committee to formulate a Civil Service Commission and Personnel Ordinance for presentation to a special 1974 Town Meeting. Two field visits and several office days were spent on technical assistance to the community under the IPA grant. As a result, the Committee has a final draft for presentation to the November, 1974 Special Town Meeting.

Mexico.—The focus of a field visitation to Mexico, Maine, was the development and review of job descriptions. Based upon the preliminary drafting of job duties, the specifications were prepared and adopted administratively. This experience pointed out that communities are able to prepare their own job descriptions. However, there is some hesitancy, possibly based upon a fear of omitting some duties, in committing duties to paper.

The Equal Employment Opportunity Act technical assistance phase of the grant activity consisted primarily of activity in aiding communities with EEO Form 4. One major workshop was held in Augusta on September 14, 1973. As a spin-off to the EEO Form 4 workshop, some 62 telephone requests of guidance in preparing the form were entertained at MMA.

In July of 1973, the City of Portland requested IPA aid in researching and resolving an equal pay problem. The school system in Portland was paying female custodial employees less than male employees. Based upon research and analysis, the MMA staff person recommended that the School Department voluntarily pay back wages to the female employees. The City paid back wages and rectified the classification differences between male and female employees.

OSHA activities under the IPA grant were limited due to the State of Maine plan failing to receive necessary legislation in the

106th Legislature. Yet, three OSHA workshops were attended by MMA staff members. In addition, the subject of OSHA was covered in a workshop at the MMA Annual Convention.

III. IMPROVING THE IMPLEMENTATION OF THE CODE OF FAIR PRACTICES IN MAINE STATE GOVERNMENT, CONDUCTED BY THE MAINE HUMAN RIGHTS COMMISSION

Maine Human Rights Commission

The Maine Human Rights Act was created by the 105th Maine Legislature in 1971, and the Maine Human Rights Commission was established as of July 1, 1972. The Commission's purpose is to prevent discrimination in: (1) employment; (2) housing; (3) gaining access to public accommodations because of race, color, religion, ancestry, national origin; and (4) employment because of age discrimination. The 106th Maine Legislature amended the original act by adding "sex" as a form of discrimination prohibited under the Maine Human Rights Act.

Program plan

Provision was made in 1973 to amend the state's original grant (career development for state and local officials; training grant for State Department of Personnel; and technical assistance funds administered by the Maine Municipal Association) to include a grant of \$4,000 to the Maine Human Rights Commission to conduct a study of state government relative to compliance with state and federal equal employment opportunity laws.

The State of Maine has historically striven to dedicate itself to the firm and humane policy of rooting out the evils of discrimination where they exist with regard to race, color, religion, ancestry, national origin, sex or age. Governor Kenneth M. Curtis issued an Executive Order dated July 1, 1972, under the Title of "Code of Fair Practices" Executive Order No. 11. The Order's purpose was to establish a code of fair practices to be followed throughout the executive branch of state government. It ordered all state agencies to act in accordance with the provisions and intent of the state's constitution and state laws against discrimination. It further ordered all state agencies to cooperate fully with the Maine Human Rights Commission and duly comply with its requests and recommendations for effectuating state policy against discrimination.

On February 7-8, 1973, the Maine State Advisory Committee to the U.S. Commission on Civil Rights met and submitted the following initial recommendation: "That the government should direct the Maine Commission on Human Rights to conduct a full review of the effectiveness of the Executive Order No. 11, and the Equal Employment Opportunity Act of 1972 and to recommend means by which the implementation of these measures may be strengthened."

The objective of this project was to provide an initial exploration and review of fair practices, equal employment opportunity, principles, and affirmative action in Maine state government. In a letter dated June 21, 1973, to the Regional Director of the U.S. Civil Service Commission, Governor Curtis indicated that this research and its findings had the utmost priority, and indicated his interest in soliciting federal assistance in organizing an effective action program for minorities and women in Maine state government. The Human Rights Commission staff will draw upon its experiences in reviewing and improving the Maine state EEO effort to prepare a report for the Governor. The report will indicate what is being done, what can be done with existing laws and resources, and what other laws, regulations and resources are necessary to achieve a fully effective EEO program.

The project began on September 15, 1973, and a request for additional funds will be

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Incorporated into the State of Maine's FY 1974 Grant proposal to complete the project by September, 1974.

Program Activities

The Maine Human Rights Commission met with the following state agency heads or their designees and conducted interviews which discussed personnel practices including recruitment, selection, orientation, evaluation, promotion, and exit interviews, and services to the public:

- Department of Personnel.
- Department of Public Safety.
- Department of Agriculture.
- Department of Business Regulations.
- Department of Commerce and Industry.
- Department of Conservation.
- Department of Environmental Protection.
- Department of Manpower Affairs.
- Department of Marine Resources.
- Department of Transportation.
- Department of Health and Welfare.
- Department of Mental Health and Corrections.
- Department of Indian Affairs.
- Department of Finance and Administration.

State Planning office.

The Maine Human Rights Commission met with federal government officials who have responsibility of reviewing Maine agencies for compliance with existing laws.

Program Results

Since this project was not begun until the latter part of 1973, there were only minimal results by the end of the year. However, it is expected that several changes will result from the activities outlined for 1973 and these include:

- (1) Appointment of Equal Employment Opportunities Officers in all state agencies.
- (2) Development of Affirmative Action Plans by state agencies.
- (3) Initiation of a program to recruit women and minorities by the Department of Public Safety.

As a direct result of the activities undertaken during 1973, the following results were seen:

- (1) Recommendations for strengthening EEO within their agencies were sent to the Commissioners of the Departments of Agriculture, Business Regulations, Commerce and Industry, and Public Safety. These recommendations included appointment of an EEO officer in each department, institution of a formal orientation program, and in-service training for supervisory personnel.
- (2) Recommendations for changes in the employee evaluation forms were sent to the Commissioner of the Department of Business Regulations.
- (3) Comments on oral examination were sent to the Department of Personnel.
- (4) Recommendation for implementation of an Affirmative Action Plan which had been prepared for the Department of Commerce and Industry. Although written in June 1973, it had not been implemented at the time of the recommendation.
- (5) Provided literature and information to state agency personnel on affirmative action.

Although cooperation with the activities undertaken during the project has been excellent, it was found that most of the recommendations were not instituted and that perhaps a new approach will need to be sought during 1974 in order to achieve more compliance. However, the Department of Commerce and Industry did respond by appointing an Affirmative Action Officer for the agency.

It is anticipated that early in 1974 Governor Kenneth M. Curtis will issue an executive order setting up an affirmative action program for the hiring of minorities and women in all state departments and agencies.

THE FUTURE OF U.S. FOREIGN RELATIONS

Mr. MATHIAS. Mr. President, last month, the Senator from Massachusetts (Mr. KENNEDY) traveled to Western Europe and the Middle East, meeting with the leaders of eight countries. He also attended the North Atlantic Assembly in London, of which he is vice chairman of the Military Committee. While on this trip, he delivered a series of speeches, giving his views on some of the most pressing issues before the world today: the military strength of NATO, the future of détente, medical care, peace in the Middle East, and the future of democracy in Portugal. Upon his return, he presented at the University of Connecticut, at Storrs, his views on the future of U.S. relations with other nations.

I ask unanimous consent that Senator KENNEDY's five addresses be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE MILITARY COMMITTEE OF THE NORTH ATLANTIC ASSEMBLY, LONDON, NOVEMBER 12, 1974

It is a pleasure once again to take part in these deliberations. The North Atlantic Assembly is a unique forum; it enables elected political leaders from all the Allied States to exchange views and to grapple with the problems and possibilities facing each of our nations, singly and together.

We meet today at a difficult time in the history of NATO—and for all the nations of the West. At few times in the past quarter-century has there been more uncertainty about the future, and more anxiety about finding ways to bring constructive and cooperative efforts out of threatened chaos.

Yet the problem does not lie primarily with NATO itself—or with its military organs, which we in this Committee are charged to survey. Indeed, on the military front—and in political affairs related to it—the Alliance can record several real achievements; First, we are fulfilling the remarkable task of joint agreement on allied positions for negotiating mutual and balanced force reductions. We have shown that consultations can and do work when each allied state is firmly committed to the process and its goals.

Second, we have placed greater emphasis on the need to rationalize the NATO defense structure, and gain added flexibility.

Third, West Germany has concluded an offset agreement with the United States that goes far to meeting requirements of the amendment sponsored by my distinguished colleagues, Senators Jackson and Nunn. Last April, I had the opportunity to visit an American Kaserne near Frankfurt, and was impressed by the practical effects of the German contribution. Other Allies are also cooperating in helping to meet the overall goal.

Fourth, the Alliance is gradually moving towards a policy of standardization in the purchase of major weapons systems. The European commitment is particularly impressive in the method of selecting a successor for the F-104 fighter aircraft. Hopefully all countries in the Alliance will come to understand the value of standard procurement, in reducing costs and in achieving overall a more rational use of defense resources.

Finally, in another important area, the United States is beginning to streamline its forces in Europe. Specifically, Congress has mandated that headquarters and non-combatant units in U.S.-European forces be

reduced by 6,000 people in the coming year, and by 18,000 within two years. These forces can and should be replaced by fighting troops, and I welcome Secretary Schlesinger's commitment to this end.

This streamlining—hopefully only the first of a continuing effort—has long been an objective for all Allied countries, with the firm support of this Military Committee.

In September 1971, at Ottawa, the Assembly adopted a recommendation of this Military Committee, calling for a more efficient use of military manpower. Specifically, we recommend to the Defense Planning Committee that it:

"Undertake a review of the organizational structure of the . . . forces assigned to NATO, paying particular attention to the ratio of combat to support troops and to the numbers and roles of headquarters units in relation to the forces they command."

Because the response of the North Atlantic Council was "disturbingly vague", we reaffirmed our position in a recommendation adopted at the 1972 Assembly meeting in Bonn.

Partly in response to this action, which was communicated by Senator Symington and me to the Senate Armed Services Committee, a major inquiry into this aspect of the U.S. force structure was begun.

This record of accomplishment in military cohesion is not without its difficulties. These include, in particular, the need constantly to seek ways of reducing NATO's effective fighting strength. But the first requirement is to look at the problem, together, and decide what is best for the future of the Alliance as a whole.

The MBFR talks themselves pose particular difficulties. Despite the high degree of Allied consultation, the talks have not progressed very far. There are many real and valid reasons for this delay, including the vast complexities involved, and the slow progress towards arms control in general. Yet time is still not on the side of an indefinite maintenance of force at current levels. Inflation affects decisions in defense as it does in every other area. In the United States, for example, the defeat again this year of the Mansfield Amendment, on U.S. overseas deployments, does not mean its indefinite postponement. Nor does it mean a blank check on future U.S. force commitments.

During the past two years I have voted against the Mansfield Amendments, as they would apply to U.S. troop levels in Europe. I have done so in the belief that the MBFR talks should be given a chance to succeed. And I will continue to adopt this position, provide that we in the West do all that we can to see these talks move forward.

It is also clear that only by pressing for substantial progress in MBFR can we have a high degree of confidence that pressures to reduce forces will not become too great to contain. This will require a commitment by the highest officials of Western governments, and a challenge to the Warsaw Pact nations to make a matching effort.

Many observers believe that the Warsaw Pact has no incentive to move forward. It may, indeed, act on the premise that delay will weaken Western defense or political will. I do not agree that delay will prove to be in the interests of the Communist powers—provided, that we continually show that the defense of NATO is, and will continue to be, our most basic commitment.

The best way to do this is to move forward in rationalizing NATO forces—seeking to reduce support overhead and other waste. In this way, combat strength can be maintained with a level of defense effort that is politically realistic for the long haul. In thus enhancing our evident staying power, we would also enhance incentives for the Warsaw Pact countries to negotiate realistically for force reductions.

The Strategic Arms Limitation and MBFR

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talks are, of course, related to one another. They are not formally linked, except to the extent that issues vitally affecting Europe must not be negotiated over the heads of the Europeans, themselves. Yet it is also clear that real progress at SALT will promote agreement on other fronts of arms control—including agreements principally by and for the European states, themselves. In fact, the pursuit of détente—and of an era going beyond détente—will gain strength by the gradual building of discrete parts of the total structure. But, again, there can be no substitute for political leadership in every aspect of this process.

By what we say and do here, we can help to create and support that political leadership, both in the North Atlantic Council and in our individual governments. This, I propose, should be a central theme of the message that we take back to our own capitals: that both rationalizing Allied defense and pursuing arms control are as critical as ever; that progress on one front can facilitate progress on others; and that controlling strategic arms and MBFR should proceed in tandem.

It would be remiss of me at this point if I did not note that there are deep misgivings in many nations of the Alliance about the future of détente, itself.

But I believe we can find a way to advance relations with the Soviet Union—and to reduce the risks of war—provided we are realistic about both the prospects and the limits of détente. We can seek an end to confrontation, and real agreements in our mutual interests. But we cannot forget the many and pervasive conflicts of interest that will continue to divide East from West.

Earlier this fall, I wrote an article for Foreign Policy magazine, entitled "Beyond Détente". In this article, I have tried to set forth a set of principles and practices that can give us a solid foundation in the Alliance for approaching the East. Perhaps most important for this Committee, I believe there are five essential steps towards arriving at firm, realistic agreements on strategic arms control—thus advancing the security of the United States and its Allies.

First, we must promote full public disclosure of arms programs in both the United States and the Soviet Union. Otherwise, there is a danger that selective release of information about competing arms programs will stimulate unjustified fears. And we must impress on the Soviet Union the need to reduce their outdated and self-defeating attitudes of secrecy about their own weapons and doctrines.

Second, it is important for both sides to end the building of weapons systems they do not need, and then justifying them as "bargaining chips". I believe the record shows that this approach merely leads a higher level of arms. It helps military leaders on both sides to press for more strategic weapons that are not needed, and that—in the United States, at least—take money from conventional military strength.

Third, both superpowers must not build weapons systems that could appear to call into question the doctrine of mutual assured destruction. These include Soviet large missiles and American so-called "hard-targeting programs."

Fourth, I believe it is important to separate the process of strategic arms control as much as possible from the cycle of summit meetings. With the pressures for agreement in a dramatic setting, some observers believe there is temptation to settle for agreements that are less than we might otherwise accept. I do not agree with this view. But there is danger that such agreements would be viewed in this light. It would be far better, I believe, to use the established SALT forum for the orderly negotiating of agreements, backed by top-level and committed political leadership.

Finally, arms limitations must be negotiated in terms of a clear picture of the relative balance of nuclear forces. The United States and the Soviet Union are now in a position of substantial overall equality—a "zone of perceived parity". Provided that all elements of the strategic balance are taken into consideration—both qualitative and quantitative—the United States is certainly not second to the Soviet Union; and many observers argue that we are actually somewhat in the lead. American bombers are superior in both quality and quantity; our submarines are more effective; our warheads are more accurate. And the United States will continue to maintain the technological lead.

Even more, arguing about relatively small differences in nuclear power—at a time of massive overkill on both sides—is ultimately self-defeating for arms control and, hence, for our overall security in the West. While being certain at every step that we do have all the security we need, we must also recognize the dangers of not stopping the arms race.

I believe that this approach to strategic arms control will also meet the demands of Allied security. Only by emphasizing areas of Soviet nuclear superiority—while ignoring areas in which the United States is superior could there be any legitimate fears about U.S. will and determination. We must avoid that self-fulfilling prophecy, and a tragic and needless erosion of West European confidence in America's essential commitment.

So far I have been speaking mainly about the military side of the Alliance, and about political factors related to it. Despite the impact of inflation and uncertainty, the record of NATO in the past year has been good. Many efforts have been started in the right direction.

Yet there are new developments, directly affecting NATO, that have led to new uncertainties. First, last April the repressive government in Portugal fell, and was replaced by one committed to policies of decolonizing and restoring of democracy. We should applaud the act of true statesmanship on the part of the Portuguese Government that is producing rapid independence for its colonies.

We are also now hopeful for the restoration of full democracy to Portugal. The Government in Lisbon has declared its commitment to principles in common with those enshrined in the Preamble to the North Atlantic Treaty: that the member states, . . . are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

It will not be easy for a nation to forge a democratic spirit, practices, and institutions after nearly 40 years of dictatorial rule. The other nations of the Alliance are watching to see what will happen in Portugal. I plan myself to visit there within the next week, to stress Allied concern and support for this experiment. And all of us should support every effort which that nation makes in rediscovering democracy, and in shaping a truly free and pluralistic society. At the same time, it is our earnest hope that Portugal will remain a full and active member of NATO, and that Portuguese military facilities will remain available for Allied use.

Farther east, this year also saw major changes in Greece, where seven years of repressive rule came to an end in July. The country that gave the word "democracy" to the people of the world has now brought this fundamental ideal home to its birthplace. Next Sunday, Greece will hold its first elections in 10 years—a remarkable testimony to the spirit of this free people. Greece, too, deserves our strong support during this time of restoring the processes of elected government to its people.

We in the Alliance should be encouraged that, for the first time in NATO's history, no

Allied nation has an autocratic government. This is a clear demonstration that we are more than a military Alliance—but rather an Alliance gaining strength from the strength of democracy.

Other events in the Eastern Mediterranean are cause for deep concern. Not only is there the troubling matter of Greece's future relationship with its NATO Allies, but there are also the unresolved questions of the future of Cyprus, and of Greek-Turkish relations.

Elsewhere, I have expressed my own views about the events that have taken place on Cyprus, and about the role of my own government. But whatever has transpired in the past, it is now time to look to the future—and to the resolution of the differences that still face Cyprus with the threat of war; that still cause untold human suffering; and that still mean deep estrangement between Ankara and Athens.

Because NATO is affected by what has happened, NATO has a responsibility to do what it can to promote the process of negotiations, to aid the refugees, and to seek answers to the basic, underlying issues that promoted this conflict and those in the past. I therefore call upon the countries of NATO, singly and together, to provide good offices in this dispute and increased aid for the nearly 300,000 Cypriot refugees. As an Alliance, we must not—we cannot—turn a blind eye to strife involving our members, nor ignore the costs in human suffering. This is in keeping with our commitments under the North Atlantic Treaty.

Beyond developments in Portugal and the Eastern Mediterranean, there is a broader and more pervasive concern. Its short name is inflation, with the continuing threat of deep recession; its causes are many—not limited to the rise in the price of oil; its implications are serious for the ability of Western nations to work together; and its solutions are not simple ones.

We in the Military Committee are charged with reviewing only a portion of Alliance concerns. Yet we cannot properly do our work—nor can the military institutions of NATO guarantee the fundamental security of our people—if we do not at the same time also meet and master the growing economic crisis. For if we do not do so, the continued military strength of the Alliance could become a Maginot Line, protecting us against threats from one direction, but not providing security against the more imminent danger.

I have no magic formula for resolving this economic crisis—although I have made, and will continue to make, specific suggestions on particular problems. But I do advance a fundamental principle: that we must not let our individual difficulties lead to policies of beggar-thy-neighbor; to unilateral actions that make worse the problems of other nations; and to an unravelling of the cooperation on so many fronts that has been basic to all that we have done together in the past quarter-century.

Despite efforts made so far, there is still danger that one or more of these risks will be realized. With every passing month, the malaise deepens, spreading from country to country. The rate of inflation varies from seven percent to nearly twenty-five; but no country in the Western world can take shelter from its effects.

We face a choice: will we sink into the divisive economic nationalism of the 1930s that brought on the most destructive war in man's history? Or will we make this a creative period? Can we match the early years following the War, when people of vision built the great institutions of the Western world out of the chaos of war and destruction? They had the will and the wisdom, then; we must not fail to have them now in equal measure.

The task is made even more difficult, today, by the need to share leadership among nations. There is no dominant power in the West, undamaged by crisis, that could pro-

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vide the bulk of the resources needed to underpin the new institutions. This itself is a welcome change. But in sharing this responsibility—as we share distress—today we have the opportunity to reach a new level of maturity in our relations with one another.

I wish to end my talk today on a note of optimism. I have been impressed with how far we have come in one short year. Then the fabric of cooperation within the Alliance was damaged by the Middle East War, and by the different demands placed on individual Allies by the oil embargo and the rise in the oil price. So far, we have not yet found all the answers; but at least we now know the questions. And we realize increasingly that the basis of our original Alliance during the 1940s is still a sound one. The nature of that Alliance must now change in profound ways. Yet it is impressive that—with the growing interdependence of nations, and with the growing significance of economic problems—our nations in Alliance are still concerned to find a basis for common action. I believe that this concern justifies a note of optimism, which we in this Military Committee can share.

ADDRESS DELIVERED BY SENATOR EDWARD M. KENNEDY—BEYOND DÉTENTE, AN AMERICAN VIEW, DELIVERED BEFORE THE RENNER INSTITUTE, VIENNA, AUSTRIA, NOVEMBER 15, 1974

Chancellor Kreisky: I am honored to meet with you in this historic city—as a guest of the Institute named for the great leader of your Nation, Karl Renner. He was truly the father of modern Austria—as you have written, remaining "unswervingly loyal to the lodestars of his youth."

There is deep symbolism in a visit to Vienna. Two decades ago, the Austrian State Treaty was the first bold step towards ending the Cold War. Since then, Vienna has stood at the crossroads of Europe, bringing together ideas and people from far and wide in historic efforts to reunite a divided continent. Limits on strategic arms were negotiated here. And now the first attempt to reduce European forces on both sides. Vienna has become the third city of the United Nations. And it is now the site of the only worldwide agency for turning the power of the atom to the purposes of peace.

This city—this country—also inspire us abroad for your achievements in democracy; for your strong economy; for promoting the social welfare of your people. Here, too, as President Kennedy once said, other nations "will be able to follow in the footsteps of Austria."

Tonight, I come to Vienna from a country that has also faced great tests in world politics, and in building a just and compassionate nation. And I am happy to report to you tonight that America is—again—truly a nation at peace with itself.

Our system of government, begun two centuries ago and nurtured by each generation since, has weathered the latest crisis of Watergate. It has emerged with new strengths and renewed commitment to the democratic process.

When the executive branch of government overstepped the bounds of law that protect our freedom, both the Congress and the Courts responded with strength and resolve. And for our free press, the Watergate period was truly its finest hour.

In race relations, we still have far to go towards true social justice. My own city of Boston is now facing difficulty, violence and strife. But I believe that as a nation we are gradually creating a society in which the divisive issue of race will no longer kindle hatred. I am hopeful that we will once again draw forth from every man what Lincoln called "the better angels of his nature."

Today, the United States is turning its attention towards the new demands of

economic change and of America's role in the world economy. We share the worldwide crisis of inflation, reflecting both the rise in oil prices, and the deeper problems of a modern economy. Because of the size of the U.S. economy, it is important for us and for every Western nation that we bring our inflation firmly under control, without a deep and prolonged recession.

Yet neither the United States nor any other industrial nation can meet and master today's economic threat on its own. Your economy and mine—and the health and development of our societies—are bound together as never before. No nation can afford to export its inflation to others, like the destructive competition of the 1930s which brought suffering and grief to so many—and ended in war. No nation can now go it alone, taking unilateral decisions that affect both its own people and millions abroad. No nation can ignore the need for a common fight against inflation. Instead, we must act together to answer economic problems that threaten all that we have done for our people's well-being.

During the late 1940s, the continent of Europe faced uncertainty and even despair. Yet in the gathering darkness, people of vision in many lands joined together for the first time to create institutions to rebuild economies that were in ruins. And they saw that only together could they promote economic well-being among nations that for so long had stood apart from one another in economic and political struggle.

If those leaders of the 1940s had the vision and the commitment then, dare we have any less, today? I believe that at no time in the past quarter-century have we had more need to act together in reforming old institutions and in creating new ones. Nor have we had a better opportunity for a new burst of creative spirit.

We need a trading system that can ensure not only access to markets, but also access to food, fuel, and raw materials;

We need a monetary system that can promote the growth of trade, despite inflation and the shocks caused by massive flows of oil money from country to country;

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others;

And we need to broaden the basis of cooperation even beyond the Western industrial states. We must work with nations that have new-found wealth and power; aid those developing nations left out of the world's prosperity; and reach out towards nations of the Socialist world, as well.

The means of achieving these tasks are important; but even more important is the will—and the knowledge that only a new burst of thought and action by us all will meet our duties to our people and to the future of mankind.

In recent years, America's friends abroad have wondered about our ability to look beyond our domestic problems. Will the American people play their part in this effort? I believe they will. To be sure, some Americans are weary from the burdens of the post-war years, and would rather retreat from the outside world, to seek the illusion of isolationist ease.

But a growing number of Americans are now fully aware that we must meet both the continuing demands of security and the new economic demands of increasing involvement in the outside world. Today, there can no more be a fortress America economically than there could have been one militarily a quarter-century ago. Isolationism would not be just a luxury for the American people; it would also spell the end of our hopes for prosperity and social progress.

Inflation is only one factor that requires all of us to take an outward-looking and responsible view of the world. In America,

we also find daily evidence—as workers, businessmen, and consumers—of the economic power of Europe and Japan. We have learned that the dollar is no longer almighty, but has a strength that depends on prosperity in other nations, as well. We are now challenged to join with others to manage the resources of the seas, to protect the global environment, and to conserve the resources on which the world's future depends.

Flows of investment, of raw materials, of technology—all these too show an American interdependence with the rest of the world of which we could not even conceive a few short years ago. And it is clear that no nation can any longer shelter from human pressures the poorer regions of the world—pressures from rising population, shortages of foods and fertilizer, and the scourges of poverty, itself. The storms of economic difficulty may still be less severe in the United States than elsewhere, but they no longer pass us by.

Before the energy crisis began last year, some people said that the United States could begin laying down a major share of the burdens of leadership, and devote the burdens increasingly upon the industrial centers of Europe and Japan. Today, as the United States is relatively less hard hit than many other nations by problems of energy, it is clear that we must continue to share responsibilities, we must continue to play a major role in leading the world economy to new strengths and prosperity. I believe the American people can—and will—respond to this need.

These new economic issues now command the world's attention, but they do not eclipse our older concerns. Together, we are preoccupied with problems of economic adjustment, in part because of what has been done to reduce dangers of war involving the major industrial powers. The loosening of alliances, the rise of economic challenges from newly-rich nations, the demands of interdependence—these all followed the relaxing of global tensions; which we call détente. And we must preserve the strength to keep those tensions relaxed—to let us move onward: to an era beyond détente.

Here in Vienna, you have often seen more clearly than people in either East or West the dangers of continuing strife and discord. You have challenged both East and West to see opportunities open to all. Together, they can reduce confrontation and take differences to the conference table. And together they can help resolve the global problems which go beyond ideology or national interest.

What has been done in recent years? The superpowers have reached a real agreement on defensive strategic arms, and are seeking further limits on offensive arms. Negotiations are underway on troop reductions and European security. Trade relations are expanding between East and West—especially here in Europe. And closer ties are developing between individual nations on both sides of what was long ago an "iron curtain."

The nations of Europe deserve much of the credit. West German Ostpolitik helped bridge the gulf of interests and understanding between the two halves of Europe.

And the European neutrals—especially Austria—have shown by the policies of two decades that there is a spirit that goes beyond East and West.

Austria is seeking association with the European community—a grouping of great achievement and greater promise—in pursuit of a vision of Karl Renner:

"We always have been ready, and we shall in the future be ready, to join any genuine international community which rests on a groundwork of equal rights. And what we would best like would be an international community composed of a union between the democracies of Europe."

But you are also reaching out to trade and other ties with the Socialist world, in an extension of efforts that a decade ago, Chancellor Kreisky, earned you the praise of Pres-

ident Kennedy: as a man who has "labored under burdens which would stagger a lesser man."

This is a spirit of Europe, whose people share and can build upon a heritage and culture that should know no boundaries.

This, then, should be the goal of the era that stretches beyond detente: to negotiate differences where this can be done; to moderate differences that cannot now be resolved; and to direct the creative energies of people in all parts of Europe toward constructive and common ends.

In the United States, our task must still begin with an effort to end the nuclear arms race. The figures are almost beyond our ability to comprehend. The United States and the Soviet Union now have nuclear weapons with an explosive force greater than 700,000 Hiroshimas; greater than 4,500 times the total forces expended in World War II. Yet even more important, the two superpowers have developed weapons systems and doctrines which ensure that neither side could launch a nuclear war without being destroyed in return. Only a madman could now think of starting a nuclear war.

But will the nuclear arms race still go on? I believe it must not; it must be stopped, before the march of technology makes the task far more difficult than ever before.

In stopping the arms race, there is no substitute for political leadership—leadership that goes beyond focusing on a sterile debate about relative levels of overkill; leadership that recognizes the fact of overall parity in weapons between the two superpowers; leadership that understands the need to act now.

Last April, I visited the Soviet Union, and talked there with top officials of its government about the prospects of halting the nuclear arms race. I returned convinced that firm and decisive leadership, exercised by both our nations, could break the nuclear spiral, and bring real agreements that will be in the mutual interest of both nations—of all the world's people, as well.

I believe there are five critical steps in ending the arms race:

First, both superpowers must begin the full public disclosure of their nuclear doctrines and program. Today, the Soviet Union continues to act behind a veil of secrecy. Meanwhile in my country, we are too often given only a partial record of our own and Soviet capabilities, and their significance is shielded from public view. This secrecy raises fears that are often unfounded; it fuels the arms race on both sides; it helps to defeat the control of arms. Secrecy must end; and with it a great obstacle to effective arms control.

Second, both sides must end the practice of justifying unneeded new weapons systems, to be built at staggering cost, as poker chips in a bargaining game. Too often, deployment of these weapons is not traded away, but is used to push the level of nuclear arms to greater and more terrifying heights. We in the United States must use far greater restraint in our programs of arms, and we must insist that the Soviet Union do the same.

Third, both sides must avoid building weapons systems that could erode their common understanding that a nuclear war means sure destruction for them both. For if the fact of mutual assured destruction is brought into doubt, the world could be lunged back into a state of nuclear uncertainty, with increased risks of war. Neither side can justify this course, nor ignore the terrible destruction of any nuclear war, no matter how "limited" it may be.

Fourth, the superpowers should separate arms control from the cycle of summit meetings. These meetings contain too many pressures to reach agreements for signing in a formal setting, as evidence of concrete acts. Instead we should emphasize the regular SALT talks, but with high-level political support. Arms control is too important to be

episodic. It must be built slowly and carefully, contributing to a world secure from mankind's final war.

Finally, we must take a different view of the role of the SALT talks. Because of other developments in detente—including the efforts of European states—these talks no longer must bear the full weight of developing understandings between East and West. We must continue to press for positive controls on nuclear arms. But this one task no longer has to serve other purposes as much as before.

If there is real political leadership in both Moscow and Washington, I believe these five steps could produce further controls on nuclear arms. They could avoid the self-defeating competition in bargaining chips. They could help reduce incentives for other nations to join the nuclear club. And they could help carry us beyond detente—towards a more mature and constructive relationship with the Soviet Union.

In seeking arms control and detente, we have learned many lessons that may help guide the efforts of other Western nations. We have learned that developing detente must not depend on particular leaders in power. It must not be limited to governments, alone. Instead, this historic process requires the wide and deep involvement of other groups in society—on business, labor, and the people themselves. Changing relations between peoples must reflect a deeply-felt sense of basic interests that goes beyond political party. It must have wide popular support.

Pursuing detente and beyond must also be done in the open, and not in secret diplomacy. In the United States, there has been some misunderstanding about relations with the Soviet Union, in part because there has been no full and open debate about great issues. We can advance relations between East and West only if they are subject to public sight and sanction—only if they gather real strength from the free play of forces in our democratic societies. I welcome Secretary of State Kissinger's call for a national debate on detente—and urge that it involve European nations, as well.

All peoples seeking to resolve differences between East and West must also increase their understanding of one another's societies. Our hopes for continued progress will require people in both East and West to be more sophisticated about the ways in which the policies and actions of the one will affect the other. We in the West must also lend support to constructive forces in the Socialist countries, and seek a positive response.

Here, Austria can continue playing a critical role. No other country in Europe is better placed to stimulate the flow of ideas and understanding between nations. No other country can better interpret the attitudes and actions of many nations and peoples to one another.

For the countries in the two European Alliances, a principal concern now is the mutual and balanced reduction of forces deployed on the continent. This has long been a goal of the West. In seeking these reductions, we believe we can gain the same security at lower cost; reduce even further the risks of a European war; and promote the resolution of political differences.

Can we reach this goal through the MBFR talks? I believe we can—even though the talks have achieved less so far than we hoped. The nations of the West are working closely together on common positions. But neither side has yet made a top-level political commitment to give life to the talks.

The challenge is there; it must be met. For the future of Europe, what happens here in Vienna can be as important as the SALT talks, as promising for the overall future of East-West relations, and more valuable in involving European states deeply and directly in the future of their own security.

Many European countries—including Austria—are not directly involved in the MBFR talks. But all Europeans are involved in the Conference on Security and Cooperation in Europe; all European peoples can gain from the results of that conference; and all can gain from taking part in any continuing forum that it creates.

For Europe, this will be the true test of detente—and beyond. Some nations want most to ratify the results of the Second World War. But others are more concerned to promote the widest possible contacts between East and West. They want a greater flow of people, of goods and ideas.

In the words of Count Coudenhove-Kalergi: "In a Europe of free trade, not only the circulation of goods will have to be free, but also the free circulation of men."

In the long run, I believe his letter goal is most critical of all. For at least, detente is about people—about the way they live; about the ideas and experiences they can share; about the hopes and fears they have in common.

As Chancellor Kretsky has written, detente "alone cannot be satisfactory as long as many millions of people live in conditions which are not compatible with what I understand by democracy and freedom." And here in Austria—especially in the last year—your country has shown by its deeds that it is committed to your words.

There is no contradiction between strengthened security for all nations in Europe and a steadily-expanding range of contacts between them.

These contacts do not deny any nation's right to shape its destiny and to join other countries for its defense: each country will choose for itself the role it will play in this new era—but in which human progress, creativity, and expression should be the most cherished goals.

Hopefully, confidence and experience gained from expanding East-West relations will strengthen this belief throughout Europe, and end fears that detente could itself pose dangers for any nation or people.

At the same time, differences will remain between East and West—on issues, economic systems, and methods of government. Different views about society will not likely give way to a consensus that can span the continent.

We must therefore be cautious in planning and executing the way forward; we must meet the demands of security at every step; and we must understand the limits of progress—the differences that will endure.

Yet the prospect of widening contacts is real and exciting. Gradually, East and West will find greater scope for coming together to meet enduring human and political problems that go beyond ideology, beyond national boundaries, beyond the traditions and rivalries of the past.

Energy, raw materials, trade, pollution, sharing the sea's resources—and the myriad needs of the world's poor nations—in all these areas there will be ways in which East and West could work together. We in the West should increasingly seek to involve the Socialist countries in old institutions—like the GATT and the IMF—and in those new ones that man's genius will build for the future.

The continent today is not the one of 1939, or even of 1948 or 1955. Images and memories from those days must not dominate the future. The future must be allowed to speak for itself, shaping perspectives according to mankind's new difficulties and demands.

This must be the touchstone of the era that stretches beyond detente. For as old issues are managed or muted or settled—we will all be tested by our ability to reach beyond the discord of nations to a concern of peoples. Nations in both East and West must develop a global perspective on world-

wide problems, even to hearing the cries of the poorest of the world's poor. Only then can we truly know that we have gone beyond the cold war, and even beyond detente, itself.

Our hope was expressed by a great Austrian, winner of the Nobel Prize for Peace. Writing in 1900, on the dawn of a new century, Baroness Von Suttner said:

"If I have one desire, it is to see all countries rise superior to sentiments of rivalry and jealousy, and live always in good understanding; this would ensure them a lasting peace."

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE DEDICATION OF THE CENTER FOR HEALTH SCIENCES, AND MEDICAL SCHOOL OF BEN GURION UNIVERSITY OF THE NEGEV, BEER-SHEVA, ISRAEL, NOVEMBER 17, 1974

I am pleased and privileged to join with you, today, to commemorate another new beginning for the Ben Gurion University of the Negev—and for the State of Israel.

I want to thank your President, Dr. Moshe Prywes, and the other leaders of this University for the honor of being present at today's dedication ceremony.

For me, it is a return to a community where the underlying themes of this nation intertwine. It is a return to pay homage to the memory of a man of courage, a man of greatness, a man of faith—David Ben Gurion, whose name now graces this University. It is a return to renew the bond of friendship and respect that my family and I have long had for the people of Israel.

Several years ago, I visited the Weizmann Institute and was deeply moved by the memorial to President Kennedy. The Memorial Menorah stands as a beacon of hope and life, the burning bush a symbol of everlasting faith—faith in God and faith in man. My family is proud that there is a John F. Kennedy Fellowship Program at the Institute, that carries forward his belief in youth and his passion for excellence.

I have come to this great place of learning today, to help dedicate a center devoted to the health of your people. Yet even in doing so, none of us can ignore a more fundamental condition for the health of your people, and for the health of the lands and nations throughout this part of the world. That condition is the gaining and preserving of a just and lasting peace.

Four times in the past quarter century, the land has bled in the Middle East. Four times, you have been called upon to defend the independence of your nation. Four times young men and women—both Jew and Arab—have seen their futures cut short by a senseless war.

For a nation so young, a nation which already has given the world so much, the list of dead is far too long. There have been too many loved-ones called; too many sacrifices demanded; too many mourners' kaddishes recited.

A year ago, many of you were once again at the front lines. And many of your friends, relations and colleagues did not return from the battle. I join with you in sorrow at the tragedy that cost this University, this nation, and the world the lives of these students, teachers, and workers. "May their memory be a blessing."

And elsewhere in the Middle East, the tragic sounds of battle have left other mourners, other families to pay the terrible price exacted by war. For all peoples in this conflict, the failure to make peace—and to accept the opportunities for a region that is freed from war—has been measured in needless human suffering. In these wars—as in all wars—there are no winners. There are only survivors.

Today, the pace of changing events gives little confidence to anyone, particularly a foreign observer. Hopes were kindled at the beginning of this year. Difficult efforts were made to take the first, tentative steps that

could lead in the direction of peace. Now these hopes are muted, as events seem to push the goal of peace farther out of reach, and raise again the dangers of war.

Yet many have not despaired, even as the difficulties mount. And I pledge my support—firmly backed by the American people—for the efforts of those people here and elsewhere who continue seeking the next small step—and the next—on the hard road to peace.

With you, the United States stands for negotiations that will settle this conflict once and for all; that will give you the peace you have so earnestly sought since the moment of your nation's birth; that will provide secure and recognized boundaries; that will end the state of belligerency; and that will lift the yoke of war forever from the shoulders of Jew and Arab alike.

There will be no easy solutions in negotiating the peace. But as the way unfolds, I can assure you of this: the United States must and will continue to provide the assistance that Israel needs to defend itself. We will not be deterred by the economics of oil—but will continue in our attitudes and actions to keep this separate problem apart from the process of peace. Our commitment to Israel's independent future will endure—as will our commitment and our efforts to help find an end to the conflict. And we will seek to persuade all outside powers—including the Soviet Union—to move in the direction of peace. For no nation can profit in the Middle East when the dogs of war are unleashed.

Yet peace will not come simply because we in the United States want it to happen. That peace—and the relations among peoples that could lead beyond—will be largely made here in the Middle East, and by its peoples. Not all are equal in their commitment to preventing war and resolving conflict. Not all see the need to recognize the new realities that have emerged from the past twenty-five years. But as we have seen so many times in the past, and in so many places, people who ignore the opportunities for peace—who would resort to more war—suffer with those who are committed to the imperative of a just and lasting peace.

The voices of peace and reason can and must prevail—wherever they are found. And they will merit our support in the United States, and throughout the world. For the future is about the lives of individual people—in the Delta of the Nile and the Kibbutzim of Israel. These are individual people, who must live together not only for achieving peace, but also for forging a new era of cooperation and development in the Middle East. Their past has too often been scarred by a needless conflict that benefits no one; their presence is filled with rising anxiety for their livelihood and their lives; and the vision of their future is marred by fear and uncertainty—save for the chances there now are for peace, and for turning again to the pursuit of human goals. For Jew and Arab, moving toward that goal—a future of rising hope—must begin now. And this hope will not be fulfilled on the battlefield, but on the foundation of mutual respect and good faith in negotiations.

No American can travel an hour through this land of Israel without reacting from deep within to the stirring of ancient memories, the reawakening of one's own faith, the awareness that some long-proclaimed yet long-delayed frame is unfolding before your eyes.

The promise of this land is being fulfilled—amid plan, amid suffering, amid personal anguish. But overriding these emotions is a great sense of hope, an underlying confidence and assurance that there is new life surging up from the land itself.

The buildings on this campus, that rise suddenly out of the desert are part of the promise. The students and scholars and

scientists at this great University are part of the promise, as well. It is a promise not just for Israel, but also for the Middle East, and for the world.

David Ben Gurion said, "In Israel, in order to be a realist, you must believe in miracles." I cannot help but believe that this dedication ceremony is part of that miracle at work in Eretz Israel.

I recall talking with university leaders and government officials three years ago. They spoke then of plans that they had for this new health center—dreams of combining together the resources of this Center with the government and the people, and creating a new form of integrated health care for the people of the Negev, stressing primary care.

We are dedicating more than the physical facilities here today that will house the new School of Medicine and the Center which will link the Kupat Holim, the Ministry of Health, and this University. We are dedicating the concept that health research, health education, and health care services are to be integrated in order that society's investment in medicine might be fully returned.

Americans and Israelis share many of the same problems in bringing adequate medical care to their people. We suffer from an over-abundance of highly trained specialists, and a shortage of primary care physicians, we suffer from geographic maldistribution of health professionals, leaving many of our rural areas devoid of adequate medical care, while physicians cluster around our major urban medical centers. We suffer from the problems physicians encounter in maintaining current knowledge and competence in a field where rapid change is the rule. We suffer from inefficiency in the organization of health services.

In many ways, as I learned during my last visit to Israel, you are ahead of us in meeting these problems and in bringing the benefits of modern medicine to all of your people—whether they are rich or poor, old or young, Arab or Jew.

You have made great strides in insuring that quality medical care is a right for all—not a privilege reserved to those people who can afford to pay the bill. In my country, we still are struggling to reach that goal.

Yet in the United States we are making slow progress towards solving many of the problems we share with you.

I expect that by the end of this year, we will pass a law establishing a framework for setting forth national health goals, and for planning health services at the local, regional, and national levels. This law will be an important part of our efforts to organize and make more efficient the delivery of health care services to the American people.

Last year, a law was passed providing federal assistance in creating prepaid group practices as a competitive alternative to fee-for-service medicine. That program is just now being implemented, and I have great hopes that it will substantially alter the patterns of medical practice in my country.

And when the Congress returns we will resume work on comprehensive health manpower which for the first time will begin to overcome the problems of geographic and specialty maldistribution.

We are engaged as well in seeking to increase our ability to train people in the health professions. We should be a major exporter of medical expertise and knowledge to the developing world. Instead, the opposite is unfortunately true. More physicians from developing countries throughout the world are emigrating to the United States each year than are graduating from our own medical schools. The result is that the nations which can least afford it are losing valuable human resources. We must reverse that process, and help bring to the poorest people in the world the medical services we cherish in our own country.

December 20, 1974

Next year, I expect that the U.S. debate on national health insurance will reach a conclusion. Hopefully, we will enact an equitable, universal national health insurance program, that will cover the costs of all medical care, for all the American people.

But as we in the United States can learn from your experience in Israel, national health insurance alone will not solve problems of organizing and delivering health care services, or of disseminating the latest in medical knowledge to the benefit of the people, themselves.

For that reason, the future work of this Center and the Medical School will be watched by public health specialists and health policy makers, not only in the United States, but also throughout the world. I am pleased that the U.S. National Institute on health has joined the international health institutions which have supported this plan.

Your experimentation with health services here, as in so many other fields, is at the frontier of mankind's effort to harness knowledge and modern resources for the benefit of individual people.

This is not a new concern for your people, for the heritage of the Jew is a heritage of learning. As Maimonides wrote eight hundred years ago, "The advancement of learning is the highest commandment."

It might have seemed strange in another land to find the first President of a new nation—then under siege and fighting for survival—to be equally concerned with developing an institute of science, a center of learning.

But at Rehovot, at Sde Boker, and here at Beersheba, there stand the immortal legacy of Chaim Weizmann and David Ben Gurion. It is a legacy that "the ultimate test for Israel in our generation is not in the struggle with external hostile forces—but in harnessing the forces of science and pioneering to conquer the deserts of the land in the wastes of the Negev...."

Already we see incredible change. Since 1948, Beersheba has grown from a village of 4,000 to a bustling city of 70,000. Stretching across the Negev, an industrial base is beginning to appear, aided by the resources of this University.

It is a challenge of historical magnitude, an attempt to reclaim land that had lain barren and unproductive through the centuries.

It is a challenge in liberty, in the ability of a democratic society to harness the human resources of immigrant and sabra in a common task against overwhelming odds.

Yet it is a challenge that is being won.

A leader of American Judaism from my native Boston later became one of our greatest Supreme Court Justices. And Louis Brandeis once wrote: "The great quality of the Jews is that they have been able to dream through all the long and dreary centuries; and mankind has credited them with another quality, the power to realize their dreams."

We Americans usually think in terms of what we have to offer Israel. But all too rarely do we think of what Israel has offered us in return.

The modern miracles of biblical dimensions, giving all of us constant proof of the power of faith and courage and determination;

The amazing models of accelerated economic and social development, that await only our will to be carried throughout the world.

A shining example of preserving human values and human priorities, despite the most severe trials;

And, finally, evidence that dreams, even the most distant and difficult dreams, can come true, if we do not lose sight of why we want them, and what we ourselves must do to make them come true.

You who are about to embark on the first year of your medical studies are part of the

dreams and part of the prophecy. For you embody more than personal hopes and dreams. You also carry the burden and challenge of fulfilling the hopes and dreams of those who did not survive the pogroms and the persecution of the past, of those who are prevented from coming to Israel, of those who gave their lives at Suez, at Golan, at Maalot.

That is your burden, and that is your challenge. But I have no doubt that you will help achieve a day when all the world can witness the final fulfillment of Isaiah's prophecy, "Zion shall be redeemed through justice."

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE GULBENKIAN FOUNDATION, LISBON, PORTUGAL, NOVEMBER 20, 1974

Mr. Chairman, I am honored to meet with you in this historic city—at this great foundation devoted to culture and learning. For me, coming to Portugal is a pilgrimage: A man of the new world coming to the old, to a country that did so much to give my continent birth. The names of Prince Henry the Navigator, Vasco de Gama, Cabral, and Magellan recall the courage and high adventure of men who set forth from Portugal into uncharted seas, to enlarge the horizons of man's understanding.

I come to Portugal at another time of courage and high adventure in your nation's history, and I recall the words of President Kennedy about your nation:

"Portugal is a traditional maritime power, a country with which we have had long and intimate relations, a faithful and courageous ally in NATO, a country of great importance in this year, and in years to come."

Today, we in the United States value your country's importance even more, and we are determined to preserve and build upon our relations with you.

Two weeks ago, before leaving for Europe, I met with a group of sons and daughters of Portugal in my native state of Massachusetts. Theirs is a contribution to the life and culture of the United States that has enriched my nation—a contribution of which you too can be proud. By what they are doing for America, these Americans of Portuguese descent are strengthening the bonds of mutual concern between our two peoples.

More than a century before the ship Mayflower brought the pilgrims to Plymouth Rock in Massachusetts, the Portuguese explorer Miguel Corte-Real was shipwrecked in Narragansett Bay and reached the shore of what is now Massachusetts.

In the early nineteenth century, brave crewmen from Portugal came to New England and built the great whaling fleet of Massachusetts.

Countless others came from Portugal to Massachusetts to work as fishermen and farmers and textile workers. Even today, we have a saying in Massachusetts:

"A potato will not grow unless you speak to it in Portuguese."

Those who came to America as immigrants from Portugal—and from so many other nations—were poor in everything but hope and human spirit. They came to seek a newer world. They stayed, and built America and made us strong.

It is a deeply moving experience for an American to come to Portugal, America stands today at the pinnacle of its national might and power. Yet Portugal occupied that same role of pre-eminence long before the idea of America was even born.

In coming here today, I have an abiding faith that what happens here is of enduring importance for the future of the world we share. For what happens here will be a renewed test of free men and women to face the challenge of democracy—the challenge of living up to the God-given potential of mankind.

In meeting this challenge, we do not pray for easy lives. We pray only to be stronger men and women.

There is no secret formula waiting to be discovered to guide us to the future or to save us from ourselves. The ancient virtues that built our nations and made us great before, are the same virtues that keep us great today—courage and hope, work and duty, faith and sacrifice, truth and justice, and above all, the integrity and spirit of our two peoples.

One of our greatest Portuguese Americans was Benjamin Cardozo, a man who rose to become a Justice of our Supreme Court, and one of our finest lawyers. As he said:

"The inn that shelters for the night is not the journey's end. We must be ready for tomorrow."

For Portugal, tomorrow is now. A few months ago, brave people of this nation risked their lives and those of their loved ones. They sought a chance to end divisive conflict. They sought a chance to restore the historic possibilities of Portugal in the individual lives of your people.

We in the United States understand and admire what you have done to end nearly five decades of dictatorship and five centuries of colonialism.

You overthrew a repressive regime and its works without bloodshed, without human suffering, without compromising the future. And you have turned back threats to your new experiment without panic or violence.

But we understand above all the challenge you now face in building a new democracy in Portugal. For two hundred years, each American generation has had to learn the lessons of democracy anew, and to preserve a free society. Each generation has had to provide its own guarantees of a free press, a free government, and the right to vote. None of these can we ever take for granted. Each of these we have had to earn continually as our nation changes and grows.

Today, we in the United States prepare to celebrate our bicentennial—our two hundred years—as the oldest Republic. At the same time we are excited by what you are doing as the youngest Republic. You are gathering together what is best in a nation and culture that are far older than ours. As we struggle to renew democracy in America—you struggle to create a democracy in Portugal that will be equal to your heritage and your promise as a nation.

Many of us in the United States long awaited the end of repression in your country and the first step toward ending colonialism. Now we are equally hopeful that you will build successfully on this fresh beginning; that you will create vital forms of government; and that you will secure and preserve your rightful place in the ranks of free and independent nations.

We hope that you will reject extremism, of either right or left, that has doomed so many other experiments in human choice and human effort.

We are hopeful that your elections next year will be a full and fair expression of the will of the Portuguese people—that they will give you a constitution and a government that can meet the needs and demands of the Portuguese nation.

I have been in your country only a short time. But already I have a sense of the creative moment at the birth of our own American Republic. In 1776 the United States was not the thriving democratic nation we know today. We were engaged in war; the thirteen independent states were nearly bankrupt; faction, disagreement and discord threatened to end the experiment almost before it began. Yet a few people of vision saw beyond these difficulties, and kindled a creative, vital spirit—a spirit I feel in Portugal today.

I have no doubts that Portugal can and will succeed.

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In the United States, one of our most difficult tasks in building a pluralistic society has been to accept differences among people—in thought, in politics, in way of life. In my own State of Massachusetts, this very day we are struggling to gain that acceptance—that basic equality of right and opportunity—regardless of a person's color or race.

But in the end, it is accepting difference, accepting diversity, that sustains democracy—the means of governing which has proved far superior to any other yet devised.

Pluralism means a wide range of free expression. Whether it has two parties or ten, a political system gains strength from the free play of forces, seeking in diverse ways to meet the needs of a nation and its people. And that political system gains strength from commitment to the rights of man—free speech and press, peaceful assembly, and association for work and worship . . . for learning, commerce, and trade.

No small part of creating a democratic society is the development and strength of a free press. As we found in our most recent and painful experience of Watergate, a free press can itself lead the way in preserving liberties and strengthening support for popular institutions of government.

Your historic universities—like the universities in my own land—will carry an equal burden. For schools and universities bear a special charge to preserve, develop, and hand on the values of a nation to each new generation. It is there that great numbers of future leaders will be trained in methods and ideals that will help you develop institutions of a free people, and bring forth a great new age of Portuguese culture.

More than ever, at times like this, we need the inspiration and energy of our youth. In the United States, in the recent past, the record of our youth has been outstanding.

The finest chapter in the tragic history of America's involvement in Vietnam was written by millions of university students little different from Portuguese students—young men and women who first saw the truth about the war in Indochina and persuaded America to turn back.

The finest chapter in the recent history of race relations in the United States was written by young Americans in the freedom rides of the early 1960's, at the lunch counters of our southern States.

The finest chapter in America's concern for the impoverished peoples of the world was written in the hope the Peace Corps brought to nations overseas.

And the finest chapter in the preservation of the environment in America today is being written now by young citizens working to save our landscape and to preserve the magnificent natural resources that our ancestors handed on to us.

Through achievements like these, young people—the product of a free society—have helped to fire the imagination of the American people in the past. They are people no different from young Portuguese, young men and women whose names you may never know, whose pictures you may never see.

Young doctors are bringing health care to villages that never had a doctor. Young lawyers are bringing legal services to citizens who never knew their rights. Young teachers are bringing knowledge to children who never had a school.

Too often, we fail to see results like these that are quietly taking place. Too often, we see only the darker side, as villains make the headlines and heroes go unsung. Too often, the constant atmosphere of crisis obscures the things that are right about our nations, the things that offer real hope and promise for the future.

If the times seem difficult today or the burdens heavy, all of us can draw comfort from the fact that the challenges our two nations now face are no more difficult than

those we have met and overcome at our greatest moments in the past.

Long ago, in ancient Athens, the land where the idea of democracy was born. Pericles, the great statesman and military commander of the ancient world, paid tribute to the citizens of Athens who had fallen in the first year of the terrible war with Sparta. In the immortal words of his funeral oration, honoring those fallen heroes, Pericles said:

"The secret of happiness is liberty, and the secret of liberty is courage."

Let those same words be the guide to the actions of Portugal and the United States. If we have the courage to meet our challenges squarely, we can deal with all of our long-neglected problems. We can strengthen our freedom and keep our liberty safe.

As Antonio Sergio said of the discoveries of the fifteenth century, we can say of the new Portuguese adventure. It will be won by—

"People who combine habits of investigation with gifts of clear vision and cool political foresight, which are so necessary for success in such a vast undertaking."

From what I have seen here in Portugal, I have no doubt that your nation has such men and women . . . that you can and will succeed.

And you are not alone. The people of the United States must and will support your efforts to forge a modern, democratic society in the coming months and years. We too know what it is to be a young Republic. We, too, know from so long ago the first difficult steps—the uncertainties—the doubts.

We, too, recognize that the task is easier when a nation's economy is strong and growing, when there is hope of a better life, when there is a firm commitment to social justice. We must and will work with you in meeting your own economic problems, and those which we both share. And we must do so now, while the Portuguese experiment hangs in the balance.

In America, we have also been encouraged by your country's prompt and statesmanlike acts in turning away from your colonial past. For many years, this vestige of colonialism in Africa had been cause for anguish and concern in my country—as it was among many of your people; it led to estrangement among allies and friends; and it sharply divided your nation, as well.

Now you are well on the way to resolving this issue—for which you merit the right praise for courage and determination, at a time of difficult change, both here and in Africa. You have shown a real capacity for working with African nations in achieving this radical break with the past. Guinea-Bissau is now independent, and the newest member of the United Nations; Mozambique will follow next year; and the process of independence is under way for Angola, as well.

Last month in his address to the United Nations, President Costa Gomes, declared:

"We are fully determined . . . to initiate the irreversible and definite process of decolonization in the territories under Portuguese administration. We shall not consent any longer to bartering the freedom of our collective conscience for grandiose dreams of sterile imperialism."

People in nations all over the world will share in this commitment by Portugal to seek human and social justice for the newly liberated peoples of Africa. And in this effort, Portugal will have the firm support of the American people and their government.

We, too, are a nation that was once a colony, a nation that won its independence after a bitter and protracted war. As the second century of our nationhood draws to a close, we feel a special responsibility to work with the youngest republics, as they struggle to create their own separate worth and identity.

We understand the importance of building a society that reflects the needs and interests of the people, themselves.

We in the United States must join with other nations in aid of these new countries. As new nations, Guinea-Bissau, and Mozambique must be ranked among the poorest of the poor. Even Angola, with its riches, will be in need of support from the outside world. And for the Cape Verde Islands—whatever their future course—there must be a special effort. After seven long years of drought, these islands share the same tragic fate of their eastern neighbors in the Sahel. For them, too, the richer countries must show compassion, and help to meet the age-old scourge of poverty.

Today, we in the United States look forward to a new basis for productive relations with Portugal, and with the new states of Africa. For our part, it is time for a new focus on the Iberian Peninsula, and especially on the promise found here. The interests and needs of Portugal must be heard in my country. And the ties of friendship between our two peoples must be renewed and strengthened.

Portugal is also an important part of the Western World. Your steadfastness in NATO deserves special praise, particularly during the difficult days for Western unity in last year's Middle East War. And your role as a position remain vital in the quest to preserve genuine security for all the nations and peoples of Europe.

We are prepared to work closely with you as you decide the future of your relations with the Western Alliance, and as you seek to define your changing role in the outside world. But your greatest contribution to the security of Western Europe, and of free peoples everywhere, lies in your democratic experiment. For the first time in the history of the Western Alliance, no member state is ruled by a dictator; and all are seeking to live up to the democratic ideal that is the rock of our strength.

Equally important, Portugal now has a chance to build upon its traditional arts of commerce, and to enter fully into the European system.

For nearly fifty years, you were denied the chance to develop the real potential of your economy, and to share in the fruits of Western progress. One of the oldest countries of Europe was led to the lowest standard of living.

But today you have a chance—a new challenge—to develop your economy within the framework of new political life—to revolutionize agriculture, to move fully into the industrial world, to bring the benefits of education to all your children, to bring health to the sick.

In working with the European Community—sharing in its continuing promise of rising prosperity—you can assume a new and productive role on the continent.

Even as you reach out to new relations with other states, your importance and opportunities in Western Europe's political and economic development are becoming increasingly vital. You can now assume your rightful place in Europe.

As a member of the world economy, Portugal also shares the hardships and the problems that now trouble nations around the world. None of us is isolated; none of us can meet today's twin threats of inflation and recession on our own. It is only by recognizing that we are truly interdependent—whether we succeed or fail—that we can begin to create the will and determination to build new attitudes of international life, and new economic institutions to serve us all.

We need a trading system that can ensure not only access to markets, but also access to food, fuel and raw materials;

We need a monetary system that can promote the growth of trade despite inflation

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and the shocks caused by massive flows of oil money from country to country.

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others.

And we need to broaden the basis of cooperation, even beyond the traditional grouping of Western industrial States. We must work with nations that have new-found wealth and power; aid those developing nations left out of the world's prosperity; and in time reach out towards nations of the Socialist world, as well.

The means of achieving these tasks are important; but even more so is the will to do so—and the knowledge that only a new burst of thought and action by us all will fulfill our duties to our people and to the future of the world.

In all this, Portugal is increasingly involved. You too are concerned about the price and the just sharing of the world's resources—of food, of fuel, and raw materials. You have a special concern in looking outward to the seas of the world, and to the sharing of their abundance. You too will be affected by the strength of Western economies, by the rate of economic growth in your neighboring states, and by the willingness of your commercial partners to seek genuine cooperation with you.

All these problems—plus the challenge of building a new society here at home—present you with a series of tasks faced by few nations in the world, today. Yet in a very real sense you are not alone. You will have the support of friends and allies, who also look to you for a real and deep contribution to international economic life, to the political future of the Iberian Peninsula, and to the growth and development of Europe, itself. We in America join you in facing the future with hope, knowing that you can and will be equal to the goals you have set for the Portuguese nation.

In the words of Luis de Camoes, writing 400 years ago:

"If your vast desires one would can bound, quiet your hearts, you have what you explore."

ADDRESS OF SENATOR EDWARD M. KENNEDY, JAMES O'BRIEN McMAHON LECTURE SERIES, UNIVERSITY OF CONNECTICUT, STORAS, DECEMBER 2, 1974

It is an honor and pleasure to meet with you this evening, and to speak at this forum named for a great son and Senator of Connecticut, Brian McMahon.

Over the years, the University of Connecticut has compiled an outstanding record. Thanks to your fine faculty and student body, you have earned a record of excellence in education that is a tribute to the nation. You can be proud of your growth and reputation within the academic world.

In coming here, today, I have an abiding faith that what happens here and on campuses like this throughout America is of enduring importance for the future of the world we share.

There is no secret formula waiting to be discovered to guide us to the future. The ancient virtues that built this university—that built our nation and made us great before—are the same virtues that keep us great, today—courage and hope, work and duty, faith and sacrifice, truth and justice, and above all the integrity and spirit of young men and women like you.

A stream can rise no higher than its source. And the source of America's strength and greatness has always been the spirit of our people, and especially young Americans.

Now it is our turn to serve as keepers of the American spirit. The torch has been handed on to us. The success or failure of our generations in the years ahead will be measured by our own efforts, by yours and

mine and others like us, to keep the flame alive and burning brightly.

Oliver Wendell Holmes put it best when he said:

"As life is passion and action, it is required of a man that he should share the passion and action of his time, at peril of being judged not to have lived."

As students at this university, you did not make the world you live in. But you have the chance to change it, to leave it better than you found it.

But the only way such change will ever come is for each of you to get involved, to set a goal, to work for change, to try to make a difference.

You don't have to be a Congressman or Senator to make things change. You don't even have to be in public service, although I hope that each of you will consider public service at some point in your careers—following the outstanding example of President Ferguson.

Today, we are challenged in many ways, both at home and abroad. But nowhere is change so rapid, the emergence of new problems so striking, and the answers so few than in our relations with the outside world.

We have truly entered a new era in our foreign policy. This is an era whose outlines are only gradually becoming clear. But there can be no doubt about the magnitude of change.

Within the past two years, we have become starkly aware of our dependence upon imports of high-priced energy to sustain our prosperity and economic strength.

We have become concerned about the ability of the earth to produce enough food to feed its people.

We have seen galloping inflation spread from country to country, in a rising spiral that has defied efforts to break it.

We have seen our growing interdependence with others in managing the resources of the seas, in protecting the purity of the air we breathe, in sharing with others a growing list of precious raw materials.

And for the first time in man's history, we now realize that the world's resources and ability to absorb waste products are limited, both in time and in space.

These changes in our day-to-day concerns about the world's future are in stark contrast to another event.

Last week in Vladivostok, President Ford and General Secretary Brezhnev signed an important agreement on nuclear arms control—an event which symbolizes the close of the old era in world politics.

This was a moment for which we had long hoped—when for the first time it appeared that we could begin a final halt to the dangers, risks, and wastes of the nuclear arms race. Whether this agreement will prove to be all that has been promised can be told only by time, by the extent of Soviet and American political commitment, and by the skill of our negotiators.

Yet even as the President and General Secretary were meeting in Vladivostok, seemingly advancing the arms control efforts of so many people over so many years, the basic economic changes in the world were imposing new demands on all of us.

These changes are calling into question not only American strength, purpose, and resolve. They are also challenging the very capacity of men and nations to cope with the future. For despite the hoped-for value of the nuclear agreement—despite the critical need to halt the arms race—equally difficult problems and times now lie ahead.

Two weeks ago, I visited Western Europe and the Middle East, and met with the top leaders of eight nations. I return from the visit with a more sober concern about the malaise of the world economy—a more sober concern about our ability in the West to be equal to new dangers and opportunities.

SIX AREAS OF CHALLENGE

In those countries which I visited, the following facts were painfully clear:

First, for the first time in a quarter-century, since the birth of the great international economic systems that underpin the strength and prosperity of the West, it is no longer clear that nations are willing to work together to solve problems we face in common.

Second, the European Community, the hope of moving the Continent beyond a tradition of division and discord, is now struggling for its survival. One of the great men of Europe, Willy Brandt, has even called for dividing those Community countries relatively well off from Britain and Italy—two countries now facing their most staggering economic crisis since the war.

Third, the quadrupling of the world price of oil last year is now threatening the hopes both of the world's poor nations and of the economic giants of Western Europe, Japan, and the United States, itself. A handful of countries in Europe this year will spend more than ninety billion dollars on oil. Along with Japan and the poor nations, they face massive and continuing deficits in their balance of trade. And we all face a flood of petrodollars into the Western economic system far greater than we have ever had to manage before. This is truly the greatest shift in wealth and resources in history, where fully half the world's liquidity may soon be in the hands of a few oil-producing states, some of whose names we hardly know.

Fourth, at the recent World Food Conference in Rome, the nations assembled fell short in meeting the most demands, also saw the acute embarrassment of the American Delegation to that Conference, as our government refused to meet a modest request for added food aid, made by nations desiring only enough food to sustain life among their people. It is now clear that we must choose between real leadership in world food production and distribution, and the sight of starving people on the nightly TV news.

Fifth, in the Middle East, there is again the danger of war, as progress towards a lasting peace has slowed almost to a halt.

Even as I arrived there from Europe, the military forces of Israel and Syria were being put on partial alert. There was threat of a new clash of arms that could bring untold human suffering to the people of the area, and the danger once again that a miscalculation will draw the United States and the Soviet Union into mortal conflict.

The international economic crisis is striking particularly hard at Israel, which is seeing the cost of its imports go up, and its financial support from outside go down. This is intensifying Israel's sense of isolation and, with it, the risks of war.

Meanwhile, America's preoccupation with other problems at home and abroad, coupled with European concerns for oil, is reducing the chances that outside mediation will prevent further conflict and turn the parties towards peace.

Finally, in Portugal, democratic forces have thrown off 48 years of tyranny and repression, and are ending 500 years of colonial rule. Portugal is now struggling with a new experiment to try building the free institutions that we here enjoy as our birthright. Yet with our nation's concerns elsewhere—with our limited willingness to share wealth with poorer nations—the United States has done nothing to help sustain that democratic experiment in Portugal.

We have done nothing to help people there prevent a possible drift to new repression, to new extremes of political life.

These stark facts of international life are not a moment's aberration from the last few years' progress towards a more peaceful world. They reflect basic changes in economic and political relations among states

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and peoples that are changing the face of the globe.

Can democratic institutions survive, under the pressures of double-digit inflation and growing recession? Some European leaders doubt that they can. And throughout the countries I visited, there are new doubts about the ability and willingness of the United States to continue playing an active role in meeting the common problems of mankind.

Yet the United States is less hard-hit by problems of food and fuel. We are generally less hard hit by the scourge of inflation that is dashing the hopes of millions of people throughout the world. These facts are imposing upon us a new burden of leadership, at the very moment we had hoped we could increasingly share leadership with others. They are imposing upon us a demand for clear thought and decisive action, equal to our best efforts in the past.

This is not action that will take from other nations the opportunity and the need to decide their future for themselves. This is not action that interferes in their internal affairs—as the CIA did in Chile, in a tragic action that is raising doubts about American intentions in several of the countries I visited.

Rather it is action that reflects a genuine capacity to work with others, in solving problems that nations will meet together or not at all.

Most important, I return from Europe and the Middle East with one inescapable conclusion about the future of the Western World: that the United States must first regain the economic and political ability to play an effective, cooperative role in the outside world. We must regain the economic strength and balance on which so many other nations rely. We must have thoughtful, courageous leadership that will recognize the insistent demands of our time—and that will act upon that knowledge.

This is no time for passiveness or mediocrity in America. This is a time for inspiration and commitment—by people from all parts of the country, from all walks of life, from all generations.

For it is now clear that there can no more be a Fortress America economically than there could have been one militarily a quarter-century ago. Isolationism would not be just a luxury for the American people. It would also spell the end of our hopes for prosperity and social progress. It would end the hopes that other nations—rich and poor—have invested in the noble experiment begun here nearly two centuries ago.

We all urgently pray that the youth of America will never again be called upon to fight in foreign wars. If we learned anything from Vietnam, it is that we cannot police the world, that we cannot impose military solutions upon others. Yet we must not use these facts also to deny our interdependence with the outside world. All Americans are now being called upon to live more fully as citizens of the international community. All of us are being called upon to be sensitive to the world's changing currents and demands.

THE ECONOMY AT HOME

We must begin with firm steps to put our own economic house in order, to give us the strength for meeting responsibilities to ourselves and to others.

We have talked far too long about energy, food, and inflation—and done far too little about them.

We must begin a massive and major effort to conserve precious energy resources—and do it now.

We must begin a massive and major effort to find alternative sources of energy—and do it now.

We must increase our output of food and

our willingness to share it with others—and do it now.

And we must begin making the hard and difficult choices that will bring inflation under control while avoiding a deep recession—and do it now.

Our economic life and that of others depends upon what we do now. We can no longer indulge ourselves in half-way measures and in decisions postponed until next year. We can no longer deny that real sacrifices will be required. For millions of Americans whose savings are being wiped out by inflation—who are already sacrificing—next year will be too late. And for the international economy as a whole, there are ominous signs that "next year" may also be too late.

Too late to begin real Western cooperation or an attempt to work with the oil-producing states;

Too late to damp down conflict in the Middle East.

Perhaps even too late to support democracy in places like Italy and Portugal.

If we fail to put our own economic house in order, there is little we can do for other nations—rich and poor—at this perilous time in mankind's history. We must continue to provide essential military strength—we must continue to work for an end to the threat of nuclear war. But unless we act on the economic front, as well, our efforts for military security could become a Maginot Line, protecting us against threats from one direction, but failing to meet the more imminent danger.

THE WORLD ECONOMY

But if we do act—if we do accept our economic responsibilities to the American people and to the outside world—then we can begin the arduous work of helping to rebuild the world economy. We can begin to restore the credibility of the United States as a nation of vision and purpose, as a people of compassion and concern for the future of mankind.

This must be a time like the late 1940s. Then, in the chaos that followed history's most destructive war, people of vision built the great economic institutions of the Western world. They had the will and the wisdom, then; we must not fail to have them now in equal measure. We must join with others in a new burst of creative activity that can truly build a newer world.

We in the United States must join with others to merge our individual difficulties in the larger, global concern. Neither the United States nor any other industrial nation can meet and master today's economic threat on its own. Each nation's economy—and the health and development of its society—is bound together as never before. No nation can afford to export its inflation to others, like the destructive competition of the 1930s which brought suffering and grief to so many—and ended in war.

No nation can now go it alone, taking unilateral decisions that affect both its own people and millions abroad. No nation can ignore the need for a common fight against inflation. Instead, we must act with others to answer economic problems that threaten all that we and other nations have done for our people's well-being.

On the basis of my recent travels, I believe that at no time in the past quarter-century have we had more need to act together in reforming old institutions and in creating new ones. Nor have we had a greater opportunity for shaping the future to serve the needs of all nations and peoples.

There are many concrete steps:

We need a trading system that can ensure not only access to markets, but also access to food, fuel, and raw materials. This will only be possible if the Congress promptly passes the Trade Reform Act of 1973—and I promise my best efforts to see it is done.

We need a monetary system that can pro-

mote the growth of trade, despite inflation and the shocks caused by massive flows of petrodollars from country to country. Here America must regain the lead, and promote action on behalf of all nations.

We need a means of waging together the fight against inflation, that will reduce the likelihood that each nation will try to solve its problems at the expense of others.

And we must broaden the basis of cooperation, even beyond the Western industrial states. We must work with nations that have new-found wealth and power; aid those developing nations left out of the world's prosperity; and reach out towards nations of the Socialist world, as well.

There are many ways to accomplish these tasks. But even more important is the will—and the knowledge that only a new burst of thought and action by us all will meet our duties to our people and to the future of mankind.

My travels also took me to the Middle East. This region is tied to the United States because of our long-standing concern for Israel; the area's strategic and political importance; and the new role of oil in the world economy.

We can and must keep the economics of oil separate from the Middle East conflict. We can and must support the efforts of men and women of peace, wherever they are found.

Of course peace in that region will be largely made by its people, themselves. But in helping to prevent war and move the conflict to the conference table, the United States can play a vital role. But we cannot do so unless we ensure American economic strength and capacity to lead. Here, too, we need to restore the credibility of the United States as an economic and political power.

We must be prepared to look beyond parochial concerns;

Prepared to fulfill our commitment to the search for peace;

Prepared to provide resources that will reduce the chances of war, and promote the development of all peoples in that troubled region.

PORTUGAL

At the end of my trip, I went to Portugal. And I return convinced that we bear a special responsibility to its people, consistent with our new, emerging role in the world.

For many years, concerned Americans urged the self-same steps that have now been taken by the new government in Lisbon. We opposed the repressive policies of the Salazar and Caetano governments; we opposed continued Portuguese colonial rule. Yet the American government continued to give its support to the tyrants in Lisbon; and it indirectly helped to perpetuate the bloody stain of colonialism.

Today, at a time of hope both for Portuguese democracy and for a final end to colonialism in Africa, the United States has a moral and practical duty to help. I therefore propose that we clearly indicate our support for the Portuguese experiment in democracy, and for the first halting steps of the new African states.

When the foreign aid bill comes to the Senate floor I will introduce an amendment to provide practical assistance to back up American concerns. I will propose a special loan fund of \$50 million, half to be made available to Portugal; half to be made available to Guinea-Bissau, Mozambique, Angola, the Cape Verde Islands, and Sao Tome. And I will propose the authorization of \$5 million in grants for technical assistance, to be divided equally between Portugal and the nations now being born in Africa.

Beyond that, the United States should make available both standby credit authority and export-import bank financing. This would be further, positive demonstration of American commitment to the ideals and ac-

tions now being expressed in Lisbon, and in the nations emerging from Portuguese Africa.

Some of this aid can go to assist the youth of Portugal. The Universities are still formally closed; but education continues in informal classes and in the homes of professors. 15,000 Portuguese students lack proper classrooms; and countless more lack the books and libraries they need for liberal education. After nearly half-a-century of repressive rule, these students must have the tools of education. These are the tools that can bring the ideas of Western education and democracy to a population starved of free thought and free expression for more than three generations.

Let it not be said that Portugal's experiment was jeopardized because the United States did not support efforts by Portuguese democrats to follow the ideals we have expressed for more than two centuries. Here, too, we must understand new forces in the outside world, and new commitments that go beyond the politics and preoccupations of the past.

HUMAN RIGHTS

Our responsibilities towards Portugal reflect our need to reassert traditional American concern for human rights—so often neglected in recent years. This means limiting the power of the CIA, so that never again will we bear the strain of thwarting the will of a people, or of helping to bring down an elected government.

Professor Plank has been particularly courageous in opposing what we did in Chile—and his inspiration must light the way for American actions.

Concern for human rights means a vigorous American effort in Cyprus, to help the refugees and move the parties towards agreement and the restoration of the sovereignty and integrity of that troubled island.

Concern for human rights means meeting our shared responsibilities for feeding mankind, for aiding efforts to limit population growth, to further education and human development, and to save lives wasted by disease.

But most important, concern for human rights means recognizing the enduring, basic importance of each man and woman. It means tempering the demands of power with compassion. And it means accepting that the worth of the United States in the world will finally be measured by our willingness to hear and heed the cries of the oppressed, the weak, and the poor.

RELATING FOREIGN AND DOMESTIC POLITICS

There is one further lesson about America's relations with the outside world that I bring home from my trip to Europe and the Middle East. It is that the demands of foreign policy and those of domestic policy are now intertwined as never before. We can no longer talk of foreign policy as an arena subject far removed from the lives of individual Americans—far removed from this university campus.

There is now growing conflict between many demands of our domestic economy, and the demands of international economic life—conflicts that we face every day on Capitol Hill.

What are these conflicts?

Many Americans want to limit exports of food in order to keep prices down—but we must also export food to pay for oil imports, and to meet commitments to nations that must import food to live.

We want to protect American workers against unfair foreign competition—but we must also beware of setting off a wave of retaliation that could bring on worldwide depression.

We want to help solve inflation by importing more goods from abroad—but we must also pay our way in the world, and beware of exporting our inflation.

We want to encourage some oil-country investments in the United States—but we must also be concerned with the impact these

investments will have on our domestic economy, and on the needs of other nations.

The Congress—against my opposition—voted to require that a major share of our oil imports are carried in U.S. ships—but we must also face potential retaliation from other countries, and a loss of confidence in U.S. leadership.

And some Americans want to reduce our role in helping the world's developing countries—but if we do so, we must also face the rise of human tragedy in those same countries, and the defeat of efforts to secure their cooperation on oil and other raw materials.

These and other daily conflicts between foreign and domestic policy must be resolved. But that cannot be done by a Secretary of State, or Commerce, or the Treasury—however able, experienced, and wise these people may be. None of them has the scope in his responsibilities for fitting all the pieces of the international puzzle together. More important, none of them can combine factors of domestic and international life, and make the hard decisions about competing demands.

As I have learned from my years in Washington, these choices cannot be made without effective, committed leadership from the President—working with Congress and with the American people, themselves. Within the Administration, only he has the purview and the political mandate to weave together the strands of domestic and foreign economic policy. Only he can bring to the American people the tough choices that we must face, and seek our participation in the difficult process.

We can and must take part, making our constructive suggestions and understanding the impact of the outside world on our daily lives.

For this is the final and most critical lesson that I bring home from Europe and the Middle East: that the basic decisions about America's future in the outside world must be made right here, in the cities and towns of America. You, too, as university students, are vitally involved. This is your nation—your future—your responsibility. I have no doubt that you and other young Americans will be equal to this challenge—to this opportunity for helping to build America and a more peaceful, just and humane world for all mankind.

POLL: MAJORITY AGAINST CPA-ACA BILL

Mr. ALLEN. Mr. President, an interesting article from the New York City Enquirer of October 17, has just come to my attention.

This publication evidently set forth the pro and con arguments on the now moribund Agency for Consumer Advocacy—alias Consumer Protection Agency—bill, by two very able advocates, the distinguished Senators from Connecticut (Mr. RIBICOFF) and New York (Mr. BUCKLEY). A poll of its readership was apparently then taken on the subject.

The result vindicates what was said about this bill, S. 707, in our minority views. Namely, that the ACA is a bad idea whose time has come and gone. A majority of this publication's readership is opposed to this concept.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESULTS OF ENQUIRER READER POLL—FIFTY-THREE PERCENT AGAINST FEDERAL CONSUMER AGENCY

A federal Consumer Protection Agency is not needed, say a narrow majority of readers responding to an Enquirer opinion poll.

Latest results of the poll, which appeared in our Sept. 15 issue, show that of 957 ballots cast, 513, or 53.6 percent, were "no" votes to the question: "Does the U.S. need a consumer Protection Agency?" The remaining 444 ballots, or 46.4 percent, were "yes" votes. The Enquirer takes no sides in its opinion polls. But we do present the opposing viewpoints of authorities.

U.S. Sen. Abraham Ribicoff (D-Conn.) wrote: "(It) would provide a single government agency to which a consumer could take a complaint—and know that it would be listened to by the right people."

U.S. Sen. James L. Buckley, (R-N.Y.) argued: "... the bill will create a 'consumer czar' who can't be fired and whose decisions can't be reviewed by a court."

OCCUPATIONAL SAFETY HAZARDS

Mr. WILLIAMS. Mr. President, I have read with interest the recent speech by Congressman DAVID R. OBEY before the Society for Occupational and Environmental Health. Congressman OBEY, in his role as a member of the House Labor-HEW Appropriations Subcommittee, is a knowledgeable and active supporter of worker rights to an occupational environment free from hazardous exposure to toxic or pathogenic chemicals. The administration has never adequately funded or staffed the Government's programs for research on occupational carcinogens or other potentially hazardous industrially used substances, and yet seemingly every week we hear that another chemical is causing illness or death among our working men and women.

It is going to fall to the Congress again to insist, through its oversight and legislative functions, that the workers, entitlement to a safe and healthful workplace be upheld. I recommend this speech for the reading of the Members of this body, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF CONGRESSMAN DAVID R. OBEY BEFORE THE SOCIETY FOR OCCUPATIONAL & ENVIRONMENTAL HEALTH, WASHINGTON, D.C.

Thank you for inviting me here today. I wanted to come because you are an important group of people and you are dealing with an important problem. What bothers me very much is that not many people know it.

You are dealing with—and investigating—many facets of one simple fact: That the human organism is being silently and subtly bombarded with an exploding variety of environmental changes—most of them synthetic and largely untested, which may have serious long-term physical consequences for all of us.

Oh, I know that many Americans are vaguely aware that smog causes health problems, that there may be some health problem with asbestos. Some of them have just last month noticed reports about potential carcinogens being found in some communities' water supply. More have probably heard about some vague problem being associated with vinyl chloride. But mostly these bits of information are—to most Americans—a series of unrelated messages, of uncertain importance.

The problem is that you know, but most of them don't.

That the mortality rate for men in this country has actually been increasing for over ten years now.

That a steadily increasing portion of Americans of all ages, of both sexes—those

who don't smoke as well as those who do—are dying of lung, liver and bladder cancer;

That perhaps 80 to 90% of those cancers are induced by environmental factors;

That certain non-malignant diseases of human organs most directly affected by environmental impurities are killing more Americans each year;

That certain groups of workers are contacting some of those diseases at a rate many times that of the population at large;

That the production of many of the chemicals which you gentlemen are most concerned about is growing almost geometrically (petrochemical production, for instance, has increased by more than 2000% since 1945);

That the long latency period of 20 to 30 years between the first exposure to a dangerous chemical and the occurrence of irreversible disease means that it may be several decades before we have a true understanding of what those chemicals have done to the nation's health;

That something as innocuous as freon—supposedly inert—appears to gather in the upper atmosphere, break down ozone and allow increased penetration of ultraviolet rays which could cause thousands of additional cases of skin cancer each year by the 1990's.

None of us really knows for certain what it all means. But you know more than most what some of it could mean. And we owe it to ourselves, and the people I represent, to try to find out—if we can, before it is too late to do anything significant about it.

You know, individual citizens—if they are suspicious or concerned—can take individual action to minimize potential consequences. They can stop smoking. They can cut down on their drinking. They can wear respirators if they work with asbestos, and if they know it is important. They can close their windows when the summer air is dirty in a big city.

But by and large, they have to take what comes. They really have a limited range of choices in determining what risks they will take because thanks to modern technology and 20th century American affluence, so many chemical agents are "just there"—asbestos fibers from brake linings in city air or their drinking water (courtesy of Reserve Mining; arsenic from neighboring chemical plants; and on, and on, and on).

You know, one job of government is to respond collectively to problems which cannot be responded to individually. In this case, by funding significant, comprehensive medical and scientific research to at least determine the magnitude and nature of the problem. But even as new revelations have made the hazards more apparent in the scientific community, the reaction of the U.S. government has in some cases actually diminished. For instance: In 1973, 738 people in E.P.A. with a budget of \$50 million were researching chemical contaminants in our water supply. Since then, concern over the danger posed by asbestos in drinking water has mounted. Preliminary studies suggest the possibility that in some communities the chlorine used to purify drinking water may be reacting with pollutants in the water to form carcinogens which may explain excess cancer rates as high as 20% in some of those same communities.

But today funding for that research in E.P.A. is \$2 million less. Instead of 736 people working on the problem, there are 636.

The National Institute for Environmental Health Sciences (NIEHS) has a budget of \$31 million in FY '73 with an authorized staff of 248. NIEHS researchers working in a wide range of areas have found serious potential hazards in such industrial chemicals as halo ethers and in chemicals found in everyday consumer products such as, for instance, the hundreds of toxic substances being poured into common plastics.

And, despite the increasingly clear warn-

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ing which such discoveries present to concerned scientists, the response at OMB—which has learned to determine price much more easily than value—has been to cut NIEHS funding by \$2 million and to reduce the authorized staff by 15.

But the best example of the government's failure to respond to the chemicals question is the National Institute for Occupational Safety and Health (NIOSH). Initially, a staff of over 1100 people and a budget in the neighborhood of \$70 million was planned for NIOSH. By January of 1973, a total staff of 660 had been built.

The last two years have brought us terrifying revelations concerning vinyl chloride, operating room anesthetics and inorganic arsenic. But NIOSH's staff stands today at 565—down 14% in less than two years.

The budget for NIOSH submitted by the Administration this year called for the organization of 14 criteria packages by NIOSH on occupationally dangerous chemicals. Our committee reminded the Administration that just two years ago Secretary of H.E.W. Elliot Richardson had suggested a minimum of 55 to 60 criteria packages each year be prepared by NIOSH, and we increased funds for NIOSH and NIEHS by 25% in the Labor-HEW Appropriation bill. The President has said he will sign the bill.

I hope that will mean that each of these agencies will have sufficient additional resources to greatly expand the scope of their operations and begin looking at chemicals which thus far have escaped critical examination.

But if you think that this means we have turned the corner, you're dead wrong. In an era when strict fiscal restraint is a matter of overriding national concern, there is no assurance that these gains can be sustained either in terms of the Administration's willingness to allow the appropriated money to be spent or the Congress' willingness to provide increases for these agencies in coming years while other federal programs are being cut back.

Now, as part of its inflation-fighting package, the President's budget analysts are preparing to ask the Congress to accept a \$7 million cut in NIEHS which would prevent the agency from getting any of the increases contained in the Labor-HEW appropriation and, in fact, would cut that Institute's budget \$1 million below the terribly inadequate amount which the Administration had initially requested.

At NIOSH the Administration agreed to only \$2 million of the \$6 million increase and will ask the Congress to give them authority to impound the other \$4 million.

I am hopeful that if we can communicate this problem to enough members of the House and Senate when Congress reconvenes in January, that the Congress will reject that ill-conceived impoundment request. But even if the funds eventually reach the right agencies, there are endless opportunities for an unsympathetic Administration—guided by an insensitive OMB to frustrate, delay and prevent an energetic and unbiased research effort.

NIOSH, for instance, has been placed so far down on the bureaucratic totem pole that routine administrative problems have often become greater roadblocks to productive research than inadequate funds and is constantly harassed and squeezed by C.D.C. The agency is not permitted to operate its own personnel operation, so the already difficult chore of recruiting qualified scientists is complicated by unnecessary red tape and many good applicants are lost after months of bureaucratic hassles.

The heart of the NIOSH research effort is located in Cincinnati in a building so antiquated and inadequate that the whole operation might well be shut down if federal employees were protected by the Occupational Safety and Health Act. And, although

Congress has repeatedly stressed the importance of increasing the agency's in-house research capacity, it is clear that little can be done until that agency has a house. And that too, is another problem stalled in the higher echelons of the Department of Health, Education and Welfare.

H.E.W. has also imposed upon NIOSH a senselessly tight restriction on the average civil service grade point which in plain English means that no matter how much money Congress appropriated, NIOSH may not be able to pay sufficient salaries to attract qualified personnel.

Even with the National Cancer Institute, chemical research has been down-played. The carcinogenesis area, under the very able leadership of Dr. Saffioti, does not even rate the status of a full division within the Institute, and receives only 6 percent of the total funds spent by N.C.I. despite an impressive case that the great number of cancers are the result of some type of chemical exposure.

So why the hassle? Why the lack of government response to an important social, scientific and medical problem? Why hasn't the information which you gentlemen have worked so hard to produce made a greater impact on the policy planners in government?

One reason, I think, is simply that not enough high-level government officials understand the importance of the problem (not many are scientists or environmentalists). Another is simply because the chemicals question has not become a sexy political issue. Nothing generates a politician's awareness of a question quite so much as an indication that the public is interested in it. And the problem is that today the American public is simply not aware of the potential seriousness of the problem. As someone who has spent much of this fall meeting and talking with a wide spectrum of people in Northern Wisconsin—including many who get their drinking water from Lake Superior—I can tell you the word is simply not getting through.

Many of the people I represent have probably seen front-page headlines tentatively linking hazard "X" or chemical "Y" with cancer, but they see them as isolated incidences not part of a whole. The public does not see the potential over-all meaning of the chemical problem. And the press is only beginning to. And many people, after the initial sensational headlines have ebbed in their memory, have quit taking these reports seriously. A few conclude that virtually everything causes cancer and that it is simply a problem we will have to live with until we can find a cure.

Most have no sense that their chemical environment has radically changed in the last quarter of a century in terms of the kinds of substances they are exposed to in their daily lives and that while many of these substances are harmless, some could be deadly. And the only way we can differentiate is through research. They are not aware that cancers are but a few of a host of largely environmentally induced diseases that are very likely to present a much greater problem to their generation than they did to their parents or their grandparents' generation. If they understood that, and the chilling impact of that understanding set in, you may be certain that OMB and the high-level bureaucrats within HEW would become far more sensitive to the problem, regardless of a tight budget or industry representatives who don't want the government looking into their plants and products.

Once printers become fully aware of the cancer and respiratory disease hazards posed by benzene and polychlorinated biphenyls; once machinists understand the possible link between cancer of the scrotum and various cutting oils; and once beauticians begin to realize that the unusual incidence of malign-

nances in their profession may be linked to their unusually heavy exposure to a number of potentially dangerous untested chemicals; and once Americans begin to understand the pattern of it all, there would be no budget problem for EPA, NIOSH, and NIEHS.

There would not be any hesitancy to enforce the health provisions of the Occupational Safety and Health Act, and Congress would not dare to permit industry lobbying and differences between the two houses to almost kill a toxic substances act guaranteeing pretesting of most potentially dangerous chemicals.

And most important—tactically speaking—the common interest that really unites the occupationally exposed worker and the environmentalist will be made clearer to both. And that can be the key in building the political pressure that will be necessary if the problem is to receive the attention it simply must have.

And so your job is as much political as scientific. You must make a special effort to explain to the press in general, and the scientific press in particular, the political importance of your studies. You must make a special effort to make officials and rank and file of the labor movement aware of their interest in expanded research and the potential consequences of neglect. You must make a special effort to alert the medical community to any potential pattern to be watched for.

And most of all, you must make an even greater effort to provide accurate interpretation of your research. One false scare, one overdramatized episode, one rashly interpreted study, unbuttressed by hard evidence, can fuel public and business skepticism and make our job even more difficult. And you and I both know we just cannot afford that.

TRIBUTES TO SENATOR ALAN BIBLE

Mr. ROBERT C. BYRD. Mr. President, Christmas is the season of peace, goodwill, and joyousness, but this Christmas is also tinged with sadness, in that we will say farewell to a most esteemed Member of this body.

ALAN BIBLE, senior Senator from the silver State of Nevada, will not be with us when we reconvene in January 1975, and I am sure that I voice the sentiments of my colleagues on both sides of the aisle when I express sincere regret that this will be so.

Senator Bible's 20 years of service to his country, to his State, and to the U.S. Senate have been marked by a high level of legislative skill, performed quietly and without fanfare, but always with notable effectiveness. Satisfaction with a job well done has at all times been more important to ALAN BIBLE than public praise.

It has been my privilege to enjoy ALAN BIBLE's friendship and counsel since I was elected to the Senate early in his second term, and I will always be grateful. Many times, over the years, I have found cause to be grateful for his unfailing cooperation and understanding in his capacity as chairman of the Subcommittee on Interior of the Committee on Appropriations. Problems in my own State of West Virginia, and wider national problems, have many times been solved to the benefit of my constituents, as well as to the benefit of citizens throughout the Nation, by ALAN BIBLE's acute grasp of people's needs, and his compassion for their well-

being. While he served the interests of the people of Nevada conscientiously and faithfully, he never forgot his duty and his responsibility as a U.S. Senator to the country as a whole.

Senator Bible's decision to retire represents a deep loss to the Senate, and a deep, personal loss to me. I wish him, in the words of the 18th century poet, James Thomson:

An elegant sufficiency, content,
Retirement, rural quiet, friendship,
books. . . .

A SENATE'S LOSS, A UNIVERSITY'S GAIN

Mr. NELSON. Mr. President, some students at the University of Nevada at Reno have a treat in store. They are the students who will be enrolled in the political science courses to be taught by Prof. ALAN BIBLE. Our colleague, the senior Senator from Nevada, will be commencing his new career as a university classroom teacher this winter, as I understand. The Senate's loss is the university's gain.

Those Reno students will find in their professor a man of learning, wisdom, wit, and charm. We in the Senate have been the beneficiaries of those fine qualities, which ALAN BIBLE has now decided to transfer from the Capitol's corridors and cloakrooms to the halls of higher education.

But more than the Senate has profited from the public service of ALAN BIBLE. The country is better for that service.

It has been my privilege to serve and to work closely with the Senator from Nevada on two committees, the Committee on Interior and Insular Affairs and the Committee on Small Business.

Every American who loves the great outdoors and shares a concern for the environment is in ALAN BIBLE's debt for his work as chairman of the Interior Subcommittee on Parks and Recreation. Our national environment can have no better friend than a strong, healthy National Park System, and our national parks could have no better friend than ALAN BIBLE.

Every citizen who has shared the American dream of individual enterprise is in ALAN BIBLE's debt for his long work as a member and since 1969 as chairman of the Select Committee on Small Business. His efforts to lighten the burden on small business of crime in general and cargo theft in particular, the burden of unfair and unreasonable taxation, and the burden of governmental paperwork will be remembered with special gratitude.

With admiration, affection, and respect, I join my colleagues in thanking the Senator from Nevada for his many contributions to this body and to the country, and in wishing him great happiness and satisfaction in the new career he has elected to pursue.

Mr. TUNNEY. Mr. President, I join my colleagues to bid farewell to Senator ALAN BIBLE, who is retiring after 20 years of service to his country in the U.S. Senate.

Senator Bible has served ably on the Appropriations Committee, Interior and Insular Affairs Committee, the Select Committee on Small Business, Special Committee on Aging, the Joint Study

Committee on the Budget, and the Joint Committee on Atomic Energy.

As chairman of both the Appropriations Subcommittee on the Interior and the Interior and Insular Affairs Subcommittee on Parks and Recreation he has had major responsibilities touching all areas of land and water use.

In addition he has guided the development of our national parks and recreation areas, a lasting monument for future generations to enjoy.

I have had the opportunity to work with Senator Bible in his capacity as chairman of the Subcommittee on Parks and Recreation and he has always demonstrated a real knowledge and concern for the orderly implementation of a comprehensive park and recreation plan.

So it is not just this present generation, and those of us here in this Chamber today who owe Senator Bible a great debt of thanks but also those future generations who will benefit from the work he has done here in the Senate.

I know we all wish Mr. Bible well on the retirement he has so honorably earned.

Mr. BAYH. Mr. President, the retirement this week of the senior Senator from Nevada, ALAN BIBLE, not only marks the end of the Senate career of a man who has earned the lasting respect and admiration of his colleagues, this retirement also leaves a void in a specific area of public concern.

For while ALAN BIBLE has always been a good, hard-working Senator for his State and for our country, he worked especially hard and deserves special recognition for his outstanding leadership in the expansion and development of our National Park System.

As chairman of the Subcommittee on Parks and Recreation of the Interior Committee, and as chairman of the Interior Subcommittee of the Committee on Appropriations, ALAN BIBLE achieved many of his lofty objectives for our National Park System. Generations still unborn will benefit from Senator Bible's success in preserving many of the most scenic parts of our country, including areas of unmatched ecological significance and still other areas of vast potential for recreation.

I have had the good fortune to witness first-hand the dedication and concern of our retired colleague. He was instrumental during the past decade in the creation and development of the Indiana Dunes National Lakeshore, the first lakeshore in the National Park System.

Our efforts to preserve the Indiana Dunes, an area of remarkable scenic beauty and unlimited recreational opportunity, were aided at every step of the process by the interest, hard work, and personal commitment of ALAN BIBLE. And, of course, our experience in Indiana with Senator Bible's excellence was repeated throughout the country during his years of service in the Senate. As I noted in a letter which I had occasion to send to Senator Bible just this past September:

As you look forward to a long and healthy retirement, the Dunes Lakeshore is but one part of a much improved National Park System which will be your lasting legacy.

As substantial as were Senator Bible's achievements in this area, I would not want to leave the impression that his contributions during a 20-year Senate career were in any way limited. As a member of the Appropriations and Interior Committees, and as chairman of the Select Committee on Small Business, Senator Bible worked long and hard for the people of Nevada and the United States. His voice was listened to in Committee and in this Chamber with great care, for he always commanded the respect of his colleagues.

ALAN BIBLE's retirement leaves a void in this body; a void that no person, but only time can fill.

A TRIBUTE TO SENATOR ALAN BIBLE

Mr. MUSKIE. Mr. President, it is a great pleasure for me to join in paying tribute to ALAN BIBLE, a man I have always counted as an able and effective Senator, and as a friend.

Our committee assignments have brought us together on many issues, and I have always enjoyed our contacts, both because of his abilities as a legislator and for his grace, warmth, and informality.

Among the projects which interested us both was the Roosevelt Campobello Island International Park, and I was able to persuade him earlier this year to attend a recent meeting of the Park Commission on the Island.

The park was established to promote goodwill between the United States and Canada, and ALAN BIBLE proved to be a superior goodwill ambassador. I thank him again for his efforts.

Mr. President, ALAN BIBLE has been a consistent and dedicated leader in the field of conservation. He has effected major improvements and expansion of our National Park System, and has for years been active in forestry programs and resource conservation and development. His leadership in this field has earned him several awards, including the National Distinguished Service in Conservation Award from the National Wildlife Federation.

In his 20 years of Senate service he has also been active in such varied issues as crime control, the 18-year-old vote, education and health research, Indian affairs, small business legislation, and the problems of older Americans.

On many of these issues we shared the same point of view. When we did, I found ALAN BIBLE an able and tireless ally. On some issues we held opposite points of view. On those occasions, I found ALAN BIBLE a tenacious and formidable opponent.

But whether we agreed or disagreed, I always found ALAN BIBLE fair, understanding, approachable, and genuinely friendly.

His warmth and his wit will be missed. Jane joins me in wishing ALAN and Louise a happy and healthy retirement.

Mr. CANNON. Mr. President, I ask unanimous consent that a statement by the Senator from Texas (Mr. BENTSEN) in tribute to Senator Bible be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR BENTSEN: IN TRIBUTE TO SENATOR ALAN BIBLE

I want to join those who are today honoring our colleague and good friend, Senator Alan Bible. Since his election in 1954, Senator Bible has provided invaluable service to his State and Nation, and I want to congratulate and thank him for it. I would like to take this opportunity to note just a few of his accomplishments with which I am personally familiar.

Through his membership on the Interior Committee and his chairmanship of the Appropriations Subcommittee for the Interior Department, Senator Bible has acquired a special appreciation for the need to preserve the natural beauty and resources of our Nation.

Senator Bible will long be remembered by the people of Texas. For nearly a decade, an effort has been made to protect the extraordinary wonders of the Big Thicket region of southeast Texas. That effort has been of particular interest to me and was, in fact, the subject of the first measure I introduced as a Senator. Described as a true biological crossroads in which flora and fauna of the Appalachians, the tropics, and even the desert mingle; the Big Thicket's very existence was threatened by development along the fast-growing Gulf Coast. As one delay followed another, acre after acre was lost.

Approval for establishment of a Big Thicket Biological Preserve was finally won this year, and I believe that Senator Bible played a most instrumental role in making that success possible. He guided the measure through a difficult conference and helped ensure that present and future generations will have access to the wild beauty and wonder of the Big Thicket. He will, indeed, be long remembered by the many Texans who have seen their dream at least become a reality.

I also want to commend Senator Bible for his continuing concern for the needs of small business in this country. The contribution of the small businessman has, I believe, for too long been overlooked and underestimated. In many instances, he has been responsible for the innovations and technological breakthroughs which have resulted in productivity increases and a rising standard of living. And his continued viability has ensured the effectiveness of our competitive market system.

The American people have, I believe, recently acquired a new appreciation of the importance of small business. The hundreds of thousands of our people who own concerns or are employed in that sector of our economy have, however, long known that they had a friend in Senator Bible, who, as Chairman of the Select Committee on Small Business, has been tireless in voicing their concerns, publicizing their needs, and ensuring their continued viability.

During consideration of the landmark pension reform legislation this session, Senator Bible observed that a great many of our small businesses did not participate in pension plans. He urged that the new law not discourage these small businesses from establishing their own plans, and I believe he made a lasting impact on all of us who were involved in drafting the legislation.

I wish my good friend, his wife, and family every success and happiness. I have valued his friendship and will miss working with him here in the Senate.

Mr. KENNEDY. Mr. President, it is with a sense of deep personal sadness that I say goodbye to ALAN BIBLE, who is retiring after 20 years in the U.S. Senate.

Senator Bible has been a good friend to me and to the people of Massachusetts. He came with me on a trip down the Connecticut River to see firsthand the problems and the potential of pre-

serving green space and recreational areas in a densely populated section of Massachusetts. He came with me to the Cape Cod Islands to hear the residents of those beautiful islands express their views on an innovative approach to protecting their unique natural resources. He came with me to Boston to visit Faneuil Hall and the Old North Church and Bunker Hill and to find out how we could preserve these treasures for all Americans for generations to come.

And this same personal concern he has shown for all the best in Massachusetts, he has shown the length and breadth of this country. As my distinguished colleagues will testify, Senator Bible has visited every corner of the United States to listen to the people and then to find ways to conserve our finest and most fragile natural, cultural, and historic resources.

Anyone who has seen ALAN BIBLE conduct a hearing as Chairman of the Senate Interior Subcommittee on Parks and Recreation knows that there is no one who can get to the heart of the matter quicker. There is no one who can conduct a more equitable, orderly hearing on the most controversial issues arousing the deepest passions in citizens with divergent views. There is no one who has a deeper, more abiding interest in the preservation of the unique natural and historic landmarks of this Nation than ALAN BIBLE.

He cannot be replaced in this Chamber—but the example he leaves us in the Senate will serve us well. He has taught us how to care deeply and turn that caring into effective action. He has taught us the value of preserving our heritage and protecting the land and the water. And most of all he has taught us that concern about these resources is really caring for the people of this Nation and their future.

With ALAN BIBLE's retirement, we have lost a good friend and a great Senator. We will have always with us a reminder that a gentle voice and inquisitive mind and good heart are the attributes of our finest statesmen. And in ALAN BIBLE we had it all.

Mr. MCCLURE. Mr. President, it is typical of ALAN BIBLE that he would put the interests of his constituents above his personal pride by resigning early in order to give his successor seniority over other newly elected Senators.

There are many ways of paying tribute to Senator Bible. He is a kind, decent man. He is a great legislator. He is a great patriot. But more than any man I know, he is without partisanship. I learned this in my work on the Senate Interior Committee. No man could have been more helpful to me in those first difficult weeks around here than ALAN BIBLE. I will always be grateful to him for it.

Senator Bible more than represents Nevada. He somehow symbolizes the West, and all of us from that part of the country wish him much happiness in his retirement.

Mr. MONTROYA. Mr. President, I wish to add my tribute to that of other Members of the Senate who have spoken in recent days about the accomplishments

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and great dedication of Senator ALAN BIBLE.

I feel that I share much in common with ALAN BIBLE. We are alumni of many of the same institutions. He and I are both graduates of Georgetown University, to cite one example. More recently, we have both served together on the Joint Committee on Atomic Energy and the Appropriations Committee Subcommittee on Interior and Related Agencies. His efforts to provide for better use of our natural resources and greater and more intelligent conservation of our natural wealth are well known. I have been privileged to see them work at close hand.

I think it is also important to note his hard work on behalf of the Indian people. He has spent many hours working to assure self-determination and equality of opportunity to these native Americans, and he has been, for all of us, a fine example of the best kind of responsible and good government.

I will greatly miss his guidance and help here in the Senate. I wish him great happiness in the years ahead, and hope he will continue to advise us about the need to protect our wilderness and our land.

Mr. LONG. Mr. President, December brings with it both the ending of another Congress and the retirement of an outstanding Senator. Senator ALAN BIBLE is leaving us, to return to his State of Nevada where he will be teaching at the University. He will be missed by his colleagues both for his legislative contributions and his personal friendship.

Senator BIBLE has completed 19 years in this body. Not many of us were here when he first came to Washington but all of us are aware of his diligence and devotion to duty. His career has been not only long, but very productive, passing legislation that benefits both his constituents in Nevada and Americans all over the country.

His service on the Interior and Appropriations Committees has enabled him to influence many of the laws in the field of conservation.

His record in expanding and improving the National Park System is unequalled. He has received national recognition in this field; his awards include the National Distinguished Service Award from the National Wildlife Federation and honors from the National Trust for Historic Preservation and the American Scenic and Historical Preservation Society.

Mr. President, Senator BIBLE's contributions are not only in the area of conservation. He has served on and chaired many committees in the Senate. He is presently chairman of the Small Business Committee and holds membership on the Joint Congressional Committee on Atomic Energy and the Special Committee on Aging. He formerly held membership on the District of Columbia Committee, which he chaired for 12 years. Within the Appropriations Committee, Senator BIBLE is chairman of the Interior and Related Agencies Subcommittee, a member of the Defense Subcommittee and serves on the Labor;

Health, Education, and Welfare; Transportation; and Public Works Subcommittees. And these are only a few of his assignments. The list is a very long one, indeed.

Senator BIBLE is a quiet man but, as we all know, a quiet man can be an effective one. He is a man who gets things done. I am reminded of something President Kennedy once said:

Nevada has every reason to be proud of ALAN BIBLE. He has always preferred headway to headlines. His many solid accomplishments for his State and Nation add to his stature as one of America's outstanding lawmakers.

He is an outstanding lawmaker and he will be much missed by this body. I join with my colleagues in expressing how much he will be missed.

I want him to know as he leaves Washington for his State of Nevada, he takes with him our friendship and leaves with us—and to all Americans—a better country due, in large part, to him.

Mr. HART. Mr. President, I would like to borrow some words on retirement from Thomas Jefferson which I believe apply with particular grace to Senator ALAN BIBLE.

Mr. Jefferson wrote:

If, in my retirement to the humble station of private citizen, I am accompanied with esteem and approbation of my fellow citizens, trophies obtained by the blood-stained steel, or the tattered flags of the tented field, will never be envied. The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.

Senator BIBLE never need envy those who may take with them trophies of war, for the trophies which mark his career in the Senate—if future generations protect and continue what he started—will live long after time has turned tattered flags to dust.

Because of his efforts, countless children and their children will be able to enjoy wild areas and parks and open space which otherwise might have been lost to development.

In a very real sense, Senator BIBLE dedicated his efforts here to "the first and only legitimate object of good government."

We in Michigan are particularly fortunate that two of his most important "trophies" are in our State—Sleeping Bear Dunes National Park and the Pictured Rocks National Lakeshore.

The preservation of these priceless natural terrains speaks to Senator BIBLE's contributions to the Nation far more eloquently than any word I can speak.

So indeed, Senator BIBLE, you are accompanied by the esteem and appropriation of your fellow citizens, not only of present generations, for future ones as well.

Mr. MCCLELLAN. Mr. President, it has been my distinct privilege to have served on the Committee on Appropriations with Senator ALAN BIBLE for nearly 16 years—since January 14, 1959. Few men have made a greater contribution to its work and accomplishments during that time.

I know of no one who commands

greater respect and affection from their fellow Members than Senator BIBLE. Despite his own heavy burden as chairman of the Interior Subcommittee, he has cheerfully and willingly stepped into the breach when other Members, either through illness or the press of legislative business, have had to temporarily relinquish their subcommittee work.

Senator BIBLE is a man of outstanding integrity and has evidenced the highest level of dedication and diligence in the entire work of the Senate. Since January 21, 1971, he has been an extremely valuable member of the Appropriations Defense Subcommittee where he made a lasting contribution to the defense of our country.

The record of achievement that he leaves behind him will long endure as a reminder his accomplishments in the area of national parks, wilderness preservation, recreation, natural resource conservation and in assuring that our Nation will have adequate supplies of energy in the future.

The citizens of Nevada and all Americans can be grateful for his independence of mind and for his accomplishments. Senator BIBLE has served in the best traditions of the Senate. He has brought honor to himself, his family and to our Nation.

Mrs. McClellan joins me in extending our best wishes to Senator and Mrs. Bible for many future years of happiness.

TRIBUTES TO SENATOR NORRIS COTTON

Mr. ROBERT C. BYRD. Mr. President, among those colleagues to whom we are saying a reluctant and regretful farewell as this session of the 93d Congress ends, the senior Senator from New Hampshire occupies an honored place.

Since his election to the U.S. House of Representatives from the Second District of New Hampshire in 1946, NORRIS COTTON has had a distinguished legislative career. He was elected four times to the U.S. Senate by the people of his State, and he has amply repaid their trust and their confidence by the high level of representation that he has given to New Hampshire in the many years that he has graced this Chamber.

NORRIS COTTON, like his colleague and friend, GEORGE AIKEN, personifies all the fine qualities that have made New England the proud, independent, yet compassionate and conscientious bastion of our democracy that it has been since the earliest days of the Republic.

I am proud to have known NORRIS COTTON as a colleague and as a friend. I wish him well in what I hope will be a long and peaceful retirement, and I express the wish that we will have the privilege and the pleasure of seeing him back in Washington, and in the Senate, as often as he feels the desire to visit with us.

Mr. FONG. Mr. President, I rise today to pay tribute to our senior colleague from New Hampshire (Mr. COTTON) who is retiring with the close of this 93d Congress.

December 20, 1974

Upon retirement, our distinguished colleague will have completed more than 50 years of continuous public service in his home State and in the Nation's Capital. This is a record of which he can be very, very proud.

NORRIS COTTON came to this body after he was elected in 1954 to fill the 2-year unexpired term of the late Charles W. Tobey. Before his election to the Senate, he had served 8 years in the U.S. House of Representatives. An attorney, he had an excellent apprenticeship for service in Congress in the New Hampshire Legislature, where he became majority leader and speaker.

Only 5 years after he came to the Senate, he performed an act for which we in Hawaii shall be eternally grateful. He voted for the bill to grant statehood to Hawaii. Without his vote and those of like-minded colleagues, I would not be here today to thank him.

During his 20 years in the Senate, NORRIS COTTON gained respect and confidence for being straightforward with his constituents and with his colleagues on both sides of the aisles.

He spoke his mind. Everyone knew where he stood on an issue. He worked hard for what he stood for. He did his "homework" and was well informed on legislation.

In recognition of his dedication, his wisdom and expertise in legislation, NORRIS COTTON has held important positions. As chairman of the Republican conference, he is a member of the leadership team that confers with the President. He has been the top ranking Republican member of the Senate Commerce Committee, third ranking Republican member on the Appropriations Committee and member of the Subcommittees on Defense; on Health, Education, and Welfare; State, Justice, Commerce, and the Judiciary; Transportation; and Legislative Branch.

Our distinguished colleague worked for legislation establishing the present Interstate Highway System and the Federal aid for airports program.

On the Appropriations Committee on which we both served, NORRIS COTTON was a veritable "watchdog" as he fought against wasteful Federal spending.

As a member of the Appropriations Subcommittee on Labor, Health, Education, and Welfare, he has worked diligently and compassionately to help all Americans, the schoolchildren, their teachers and school administrators; the working men and women of America; the sick, the poor, and the aging.

His commitment to better health and education has resulted in a legacy of legislation that has improved the well-being of countless Americans. A symbol of hope for cancer victims in northern New England is the facility appropriately named "the Norris Cotton Cancer Center," at the Mary Hitchcock Memorial Hospital. He had secured the necessary funds for the center, which later was named in his honor.

For years NORRIS COTTON has kept in touch with his constituents by sending

them regular reports. Now, in retirement he will have more time to spend among the people he has loved and served over the years.

Ever willing to encourage new Senators starting their careers, NORRIS COTTON was helpful to me when I first came to this body 15 years ago. I value his friendship, and I know you all do too.

I extend every good wish to NORRIS COTTON in his retirement and hope the years ahead will be meaningful and rich in new experiences.

Mr. METZENBAUM. Mr. President, I rise today to pay tribute to the senior Senator from New Hampshire, NORRIS COTTON, who is departing Congress after so many years of illustrious service. It has been my pleasure to have served along side such an experienced and well respected man. Throughout his career, Senator COTTON has displayed a sense of dedication to his Nation and his State that should serve as a guiding light to all public officials.

During my brief tenure in the Senate, I have been able to observe Senator COTTON's expertise as ranking minority member on the Commerce Committee. I know that his presence will be sorely missed by that Committee and by the entire Senate as well.

I sincerely wish NORRIS and his lovely wife, Ruth, a most enjoyable and well deserved retirement.

Mr. CURTIS. Mr. President, Senator NORRIS COTTON, the distinguished and genial statesman from the State of New Hampshire, is a tall man. Not only is he tall physically, but also NORRIS COTTON is a man who towers over his peers.

NORRIS COTTON will be long remembered. He has a great sense of humor and is a superb story teller. He is a master of the English language, and his newsletters are quoted throughout the length and breadth of this land.

Senator COTTON is a tall man any way you view him. We live in days when constitutional government is under attack. NORRIS COTTON is a good constitutional lawyer, but what is more important, he is devoted to the Constitution and does not deviate from it.

NORRIS COTTON has a concern for the solvency of the U.S. Government. He has cast hundreds of votes that took great courage, and he did so because he did not want to see his Government go bankrupt.

The marvel of our great republic can be summarized as the "history of private enterprise." Here in America we have a society where the individual is of great importance and the law protects him in his right to think, to dream, to plan, to invent, to take risks, to acquire property and to dispose of his property. This system has brought more good things to more people over a longer period of time than any other economic system in the history of mankind. NORRIS COTTON firmly believes in our private enterprise economy.

We wish Senator COTTON many years of health and happiness, and we hope that his retirement will hold many challenges

for him. May I also say that I hope he comes back to see us often.

SENATOR NORRIS COTTON

Mr. PERCY. Mr. President, it has been a privilege for me to have served in the Senate for the past 8 years with NORRIS COTTON. I have found him to be a man of deep conviction who argues his position with forcefulness.

I know him best for his work on the Appropriations Committee and there I found him to be a man who worked hard and put the interests of the whole country first. All States, certainly including my own, have benefited from his counsel and decisions. His devotion to the just causes of the elderly, the disabled and handicapped and others in need are well known.

When NORRIS COTTON spoke on the floor, everyone listened, for if NORRIS COTTON felt impelled to speak, then he had something worth listening to.

It has been my privilege and pleasure to know NORRIS COTTON and I wish him well.

Mr. MUSKIE. Mr. President, I am delighted to have this opportunity to pay tribute to Senator NORRIS COTTON, the senior Senator from my neighboring State of New Hampshire.

In 20 years of distinguished service in the Senate, NORRIS COTTON has built a record of achievement through hard work, dedication and close association with his people of New Hampshire—which deserves great respect.

Since beginning his career in public service in the New Hampshire Legislature in 1923—more than 50 years ago—NORRIS COTTON has championed causes ranging from improvements in the quality of medical services to transportation, social security benefits, consumer protection and energy.

He has been a strong force in shaping programs of Federal aid to education, and a wide range of other programs dealing with the needs of the people.

His concern has won him the confidence and support of people beyond the boundaries of his native New Hampshire, including many in my home State of Maine.

NORRIS COTTON will be missed in the Senate. Although he and I often found ourselves on opposite sides of many votes, when it came to matters concerning New England, I found him to be a most valued and dedicated ally.

I know the people of Maine and throughout New England join me in offering thanks for his tireless efforts on their behalf.

Jane and I extend our very best wishes to NORRIS and Ruth Cotton for a happy and active retirement.

Mr. HARTKE. Mr. President, I have had the pleasure of working with Senator NORRIS COTTON on the Commerce Committee and in the Senate since I came to the Senate. His representation of New Hampshire has been consistent and direct.

During his 20 years in the Senate, NORRIS COTTON has been a champion of the rights of the individual and the

smaller States. His tremendous zeal for life and his dedication to the causes of our country are shining lights that shall be beacons to all Senators who shall represent New Hampshire.

His leadership on the Commerce Committee as the ranking Republican was always congenial, forthright, direct, and honest. This is a man who never compromised his principles, but was always willing to work out differences for the betterment of mankind.

I join with the entire membership of the Senate in paying tribute to him, and in wishing him many years of health and happiness. May NORRIS and Ruth find the pleasures of life fuller during their days of retirement.

Mr. DOMINICK. Mr. President, I hold it a great honor to join with my colleagues today in saluting the notable achievements of our friend, NORRIS COTTON, the senior Senator from New Hampshire. For almost 30 years now, his selfless and untiring spirit have been the admiration of all who have known and worked with him in Congress.

Senator COTTON has consistently devoted much of his own time and the time of his staff to the solution of the personal problems of his constituents. The warm and enthusiastic manner in which he has worked with his fellow Members of Congress on both sides of the aisle is typical of the fairminded generosity of his character.

Heaped upon all of that is NORRIS' wonderful sense of humor which has enlivened many a trip and many otherwise disheartening situations. The Senate and the country will lose this great asset during the next few years and we as his friends will miss it terribly.

Each of you, I know, join me in wishing NORRIS and his wife, Ruth, the very best of all good things in the years of their retirement among the green fields, rocky hills, and dark forests of the fair State of New Hampshire.

Mr. HOLLINGS. Mr. President, I would like to rise today to commend my respected colleague, NORRIS COTTON, and to wish him well as he prepares to take leave of the Senate.

Retiring after half a century of public life, serving in municipal, county, and State government in New Hampshire, the U.S. House of Representatives, and 20 years in the Senate, the distinguished Senator has presented a model for others to follow.

Improvements in social security, the Interstate Highway System, and numerous advances in the fields of health and education are achievements long to be remembered as credits to NORRIS COTTON. "The NORRIS COTTON Cancer Center" in New Hampshire, a living memorial to Senator COTTON, is but a token representing the significance of his contributions through public service.

I have had the pleasure of serving with NORRIS COTTON on both the Commerce and Appropriations Committees in the Senate. And I have found working with the senior Senator from New Hampshire one of the most rewarding experiences of my years in the Senate. The

distinguished Senator's integrity, foresight, diligence, and patience are to be remembered by us all. So is the good judgment of his counsel. His strengths to do what he thinks is right, while preserving and honoring the rights of others, struck me as soon as I came to the Senate and I have seen my good friend from New Hampshire adhere to these principles day in and day out as he goes about the business of the people.

NORRIS COTTON achieved a commanding stature in this body—he did it by good judgment, rare ability, hard work, and by being a man of his word. Out of all this came a record of positive achievement on behalf of his State and Nation in which he can take tremendous pride. I will miss seeing him in the daily business of the Senate, but I hope he will favor us by frequent visits and by continuing to share with us his outlook on the great issues of the day. We wish for him the happiest of retirement years, and we congratulate him on his eminent public service.

AES SALUTES SENATOR COTTON

Mr. STEVENSON. Mr. President, I have had the honor of serving in the Senate for only 4 years, and have been a member of the Commerce Committee for only the last 2 years. But in that short time I have come to know and appreciate the integrity and personal warmth of NORRIS COTTON, the ranking senior Senator from New Hampshire and ranking minority member of the Senate Commerce Committee.

I admire the way Senator COTTON has been "on top" of legislation. I have not always agreed with him, but I have always respected his high motives. Senator COTTON has served his country and the people of New Hampshire well. The memories are many, but my fondest recollections will be of the warmth, good humor, and courtesy that Senator COTTON always brought to his work.

It has been a pleasure working with him—albeit for too briefly a time. The Commerce Committee, the Senate, and the Nation will miss Senator COTTON in the Senate.

Mr. GRIFFIN. Mr. President, I rise to add my voice to the chorus of acclaim for our distinguished colleague from New Hampshire (Mr. COTTON) who prepares to retire from the Senate after 50 years of public service.

Throughout the period of my service in the Senate, I have been privileged to work very closely with NORRIS COTTON. He has been my leader on the Commerce Committee. We have served together as members of the Republican leadership team in the Senate.

Words are inadequate to describe the esteem and affection I hold for NORRIS COTTON. Occupying as he does the desk on the Senate floor once used by Daniel Webster, he has given the Senate and the Nation the kind of leadership we have come to expect from the best of New England.

Like Webster, NORRIS COTTON has been one of the Senate's most eloquent and effective speakers.

And, as we who have served with him know so well, he has left his imprint on much of the legislation that has passed through this Chamber. In particular, he has been effective in advancing the cause of education and health. Accordingly, it was most appropriate when the cancer center at Mary Hitchcock Hospital, associated with Dartmouth College in Hanover, was named "the Norris Cotton Cancer Center."

After a long stretch of public service in New Hampshire, and after 28 years in Congress—8 in the House and 20 in the Senate—NORRIS COTTON decided last year that he would retire at the end of this session.

Characteristically, he announced his decision in a newsletter to his constituents—the personal report he has been writing to "the folks back home" for more than 25 years.

I should like to read from that particular newsletter because it reveals something of the humanness of NORRIS COTTON.

He wrote:

Because these reports have been my closest contact with you, I think it is fitting that I should make use of this one to tell you that next year when my present term expires I shall not be a candidate for reelection.

After reviewing a number of factors which entered into his decision, including his own age and the state of his wife's health, he continued:

The people of New Hampshire have been mighty good to me. The people of New Hampshire are entitled to young, active, dynamic representation.

Then he wrote:

I hate to go. I can think of no greater privilege than the one you have granted me of serving in the U.S. Senate. Its associations deepen and mellow as the years go by, and the greatest days are the latter days.

All of us hate to see NORRIS COTTON go. But it is good to know that our loss will be a gain for young people at Dartmouth College where he will be teaching a seminar beginning with the spring term next year. I know he will be an inspiration to Dartmouth students just as he has been an inspiration to all his colleagues here in the Senate.

Mr. KENNEDY. Mr. President, I rise in tribute to NORRIS COTTON who is about to leave this body after more than 40 years of distinguished leadership and service to his State and to his country.

As a Senator from a neighboring State, I have been involved with Senator COTTON on a variety of regional issues. We have stood side by side in the battle of New England to obtain nondiscriminatory treatment on energy matters.

For more than a decade, Senator COTTON's leadership and direction were essential to the effort to alleviate and finally to end the oil import quota system.

From the time NORRIS COTTON entered public life as a 22-year-old member of the New Hampshire Legislature, he has been a force for the betterment of the condition of man.

In the years since his election to the

Senate in 1954, after four terms of impressive service in the House of Representatives, he has been selected by his peers to positions of leadership.

As the ranking minority member of the Senate Commerce Committee, his presence has been essential to the development of modern policies and programs affecting consumer protection, transportation, aviation and communication. I particularly recall his work in support of the Northeast Corridor rail service, a project which hopefully will bring high-speed rail service between Washington and New England within the next few years.

Perhaps even more important to the people of New Hampshire and the people of America, Senator COTTON has been the ranking minority member of the Senate Appropriations Committee. His work, particularly on matters dealing with labor, health, education, and welfare, has meant major new programs in all these areas. Guiding him throughout has been a sense of compassion and understanding for the common man that has been reflected in the improvements in a host of Federal social programs.

It is most fitting that there stands in New Hampshire, a few miles from his home in Lebanon, the Norris Cotton Cancer Research Center, as a monument to his concern for improving the health of our Nation and the world. That monument could rest anywhere in America, for Senator COTTON's work on the Labor-HEW Subcommittee has helped insure the progress of critical health programs that affect the lives of all Americans.

I knew him first through my brother, who regarded him as a friend during the years they served together here in the Senate. Then and now, I respect him for his willingness to speak out forthrightly and passionately on what he believes to be right. It has been an honor to serve with him. I regret that he has decided to retire but that feeling is mixed with one of envy for the distinguished record of public service that he leaves behind.

Mr. McCLURE. Mr. President, nothing is easier—or come to think of it, harder—than talking about NORRIS COTTON. It is easy because it gives me a chance to put into words my admiration for his work. Senator COTTON is a man whose principles and integrity have always led him. This in turn has enabled him to provide the more junior members of his party with the leadership and assistance we needed upon entering this body. It is saying goodbye that is the hard part. I know what great pride the Senator, his family, friends, and constituents have in recalling his many contributions to the Senate and the Nation as a whole. Mr. COTTON is a "Senator's Senator" and will be greatly missed by us all.

I sincerely hope that his retirement years are happy ones and that we in the Senate will still have the benefit of his great wisdom from time to time.

Mr. HART. Mr. President, tributes to retiring Senators too often have a way of taking too long to say too little.

For example, in speaking of NORRIS COTTON, the temptation is to recount his leadership, his cooperation, his wisdom on various questions before the Senate Appropriations and Commerce Committees.

But he more than most knows how fleeting are the legislative triumphs of yesterday.

And it is just that sense of history, and his sense of humor, directness, and fairness that will be missed in the Senate.

So at the risk that some may misinterpret the brevity of my remarks, but confident that he will appreciate the absence of verbosity, let me say that NORRIS COTTON carries with him the good wishes of his fellow Senators on both sides of the aisle.

Mr. MONTOYA. Mr. President, it is with sorrow that I join my colleagues in saying goodbye to NORRIS COTTON, with whom I have served on the Appropriations Committee during these last difficult years.

Senator COTTON has always approached his job with a true humanitarian feeling. He has never allowed politics to stand in the way of his belief in good education, good and effective medical research, or compassionate help to the needy. His hard work and effort have meant a great deal to all of us, and he will be greatly missed.

Like me, Senator COTTON served in his State government, in the House of Representatives, and in the Senate. He has devoted his life to the people of his State and this Nation.

I know that he will return to New Hampshire to be honored as a great and good public servant, and will long be remembered as a national leader and honorable member of his party. I wish him great happiness in the years ahead.

Mr. MATHIAS. Mr. President, in every institution there ought to be some strong character who has the courage and the concern to say exactly what he thinks without regard to the personal consequences of doing so. In the Senate this role has been filled with distinction by the Senator from New Hampshire, Mr. COTTON. His association with the Senate preceded his election as a Member, and his devotion to the Senate is not surpassed by any other Senator. Such service is unique, and will be sorely missed on his retirement.

Mr. WILLIAMS. Mr. President, I join my colleagues today in bidding farewell to Senator NORRIS COTTON as he brings to a close an exemplary career of distinguished public service.

The record of public service that NORRIS COTTON has compiled is truly awesome. His first elected office was as a member of the New Hampshire Legislature beginning in 1923. He went on to serve as county attorney, municipal judge, and as majority leader and Speaker of the New Hampshire House of Representatives. He was elected to the Congress from New Hampshire's Second District in 1946 and was reelected to the House three times.

NORRIS COTTON entered the Senate in 1954 when he was elected to fill the unexpired term left by the death of Senator Charles Tobey. Since then, he has been reelected three times.

As chairman of the Republican Conference, Senator COTTON has played an important role in shaping his party's legislative efforts and in coordinating those efforts with the White House. In addition, he has long been the ranking minority member of the Commerce Committee, where his outstanding work is well known. Through his service on the Appropriations Subcommittees for Defense and for Labor, Health, Education, and Welfare, NORRIS COTTON has been influential in determining how our Federal Government would spend some 70 percent of the budget.

Senator COTTON's work in helping to establish the Interstate Highway System and the Federal aid for airports program is well known. I know he and I have shared a personal interest in a number of areas, particularly the ongoing effort to improve the social security program and increase benefits.

Mr. President, it has truly been both a privilege and a pleasure to serve in the Senate with NORRIS COTTON. I know we will all miss him, and I want to join today in wishing him and his wife Ruth every happiness in the years ahead.

Mr. McCLELLAN. Mr. President, it is with considerable sadness and regret that I note the retirement of Senator NORRIS COTTON after 20 years of valuable service to the people of New Hampshire and to the Nation.

During his nearly 13 years of service on the Committee on Appropriations—since February 16, 1962—I have gotten to know NORRIS COTTON not only as a fellow legislator but also as a friend. He has been a working Senator, paying close attention to the business of this great body.

While others may have actively sought the headlines, he has served the people of his State and the country as a whole with a quiet distinction that has been translated into a record of high achievement.

During the past 3 years in which we have served together on the Defense Subcommittee, I have had the opportunity to observe him closely. Without reservation, I can say that he has been dedicated to the work of the subcommittee and to insuring that the United States would have an effective deterrent and defense capability in a world of international tension and uncertainty.

Senator COTTON has brought to the work of the Defense Subcommittee, the Appropriations Committee and the Senate as a whole, a sustained passion for hard work and Yankee frugality that have been of considerable value to this body in its deliberations.

Mrs. McClellan joins me in expressing the hope that you and Mrs. Cotton will enjoy the richest blessings of life in your retirement. May you have peace and contentment always.

December 20, 1974

THE RETIREMENT OF DR. FLOYD M. RIDDICK AS PARLIAMENTARIAN OF THE SENATE

Mr. EASTLAND. Mr. President, I want to join with my cosponsors of Senate Resolution 443 in paying tribute to our Senate Parliamentarian who is retiring and who will become Parliamentarian Emeritus.

As President pro tempore of the Senate, I have reason to know more intimately than most the enormous service that Floyd Riddick renders to the Senate day after day.

Just as the position of President pro tempore is unique to the Senate and is a post unknown to the House, so many of the rules and precedents of the Senate are unique to this body. In his enormous knowledge of these, in the scholarship which he has brought to his writing on them, and in the fairness and impartiality and conscientiousness which he has brought to the interpretation of them in practice in the heat of Senate debate, he has earned over the years the respect of all Senators and all students of the Senate.

I am sad that he is retiring as Parliamentarian. I hope that as Parliamentarian Emeritus his advice and counsel will continue to be available to us. I know that his writings will long guide us.

Mr. FANNIN. Mr. President, Dr. Floyd M. Riddick is the professor who has educated many of us as to how to keep the U.S. Senate running smoothly. He has been the tutor standing close by to give us instant instruction on how to keep out of parliamentary snarls.

Earlier this week, Senator GRIFFIN recounted the impressive career of Dr. Riddick and his almost three decades of service to the Senate. It is indeed an amazing story of achievement.

Dr. Riddick's appointment as Chief Parliamentarian came just 2 days before the start of my service in the Senate. Mine was the first freshman class Dr. Riddick had to suffer as Parliamentarian.

He has a well-deserved reputation for fairness and he is a gentleman of tremendous ability and great integrity. I am deeply grateful for the help and guidance he has provided over the years.

I join my colleagues in wishing him the best of everything in his retirement.

Mr. TAFT. Mr. President, the retirement of Dr. Floyd M. Riddick at the end of this session is deeply regretted by all of us. He has been an outstanding public servant and always fair and perceptive. His approach toward parliamentary problems of the Senate has made a major contribution to the effectiveness of this body. We wish him well in his retirement and will miss him.

Mr. PELL. Mr. President, I join my fellow Senators today in paying tribute to the brilliant Parliamentarian of the Senate, Dr. Floyd M. Riddick.

It is no more than simple truth to say that Dr. Riddick knows better than any person the rules, procedures, and precedents established by the Senate of the United States in the course of 186 years. The knowledge in itself is encyclopedic and awesome.

But the real genius of Dr. Riddick lies in his wisdom in the application of the rules, procedures, and precedents. And that wisdom in applying the rules and procedures of the Senate has its roots in a deep understanding of the purpose of procedural rules, an understanding that those rules have been established and refined through the years, not to obstruct action, but to assist the Senate in working its will in an orderly way.

In following that philosophy, Dr. Riddick has always approached the rules of the Senate with a positive outlook. To a Senator seeking advice, his response has been, not to tell him how the rules forbid an action, but to advise him how an action can be pursued in accordance with the rules. He has always sought to be helpful.

As chairman of the Senate Subcommittee on Education, I have a particularly keen appreciation of Dr. Riddick's parliamentary abilities. Because they involved issues on which opinions were strongly held and sharply divided, education legislation during the past several years has been involved in extremely complex and difficult parliamentary situations. Without the wise counsel of Dr. Riddick, it would have been difficult if not impossible to move this legislation forward so that the will of the majority of the Senate could be expressed in law.

And I would add, finally, that even in the most difficult and heated situations, Dr. Riddick maintained a calm and courteous and objective manner.

And this year, when the Senate faced the ominous prospect of the first trial of an impeachment of a President of the United States in a century, Dr. Riddick provided invaluable advice and assistance as the Committee on Rules and Administration prepared proposals for Senate rules of procedure in the event of a trial.

Dr. Riddick's talents and knowledge will be missed here in the Senate, but we are fortunate that in his usual, thorough, and competent way, he has served the Senate well in preparing an able, knowledgeable, and gifted successor, Mr. Murray Zweben. I look forward with pleasure and confidence to working with Murray in the years ahead.

To Dr. Riddick, I extend my personal thanks for his many courtesies and services in the past and my best wishes for the future.

Mr. TALMADGE. Mr. President, after 27 years of untiring and distinguished service to the U.S. Senate, Dr. Floyd M. Riddick will retire at the end of the 93d Congress.

Dr. Riddick has always been impartial, objective, and nonpartisan. He has been levelheaded and evenhanded during tumultuous debates and intricate procedural maneuvers. He is the unchallenged master of the rules and procedures of the Senate, as evidenced by his work on the 1958 and 1964 editions of "Senate Procedure" and his work in preparing an updated and revised edition for publication this past summer.

I am pleased that my friend, Doc Riddick, will continue to be with us as a consultant and as Parliamentarian

Emeritus. I join my colleagues in thanking him for his outstanding service to the Senate and the people of the United States and I wish him well in the future.

Mr. BELLMON. Mr. President, if the Senate ever speaks with one voice, it is likely to do so in expressing gratitude for the services rendered to this body and its Members by Dr. Floyd M. Riddick.

As the Parliamentarian of the Senate, Dr. Riddick has been of great assistance to those of us who have sat in the chair of the Presiding Officer. His many years of experience have helped us avoid parliamentary pitfalls, and his guidance and counsel have proved invaluable on many occasions.

May I join my colleagues in congratulating Dr. Riddick for his distinguished record of service to the Senate and wish him well in his retirement.

ON THE RETIREMENT OF DR. FLOYD M. RIDDICK

Mr. MUSKIE. Mr. President, as we all know, Dr. Floyd Riddick has retired as Parliamentarian of the Senate. His encyclopedic memory and prodigious knowledge of Senate rules and precedents have been of enormous help to me throughout our association, and I am sure each of my colleagues joins me in formally offering thanks for his efforts over the years.

We are fortunate that we will not lose the services of Dr. Riddick, since I understand he will continue to serve with the Rules Committee in an advisory capacity in the coming year. He has always been accommodating, fair, and helpful to each of us in this body, and I am sure we will all have occasion to seek his guidance in the years ahead.

A much more significant, and more substantial, tribute to Dr. Riddick than any I could offer was delivered to each of us last May. His work "Senate Procedure," which revises and updates the previous edition of 1964, carries on a tradition begun by Thomas Jefferson. In his manual, Jefferson expressed the hope that it would be updated and improved by his successors into a code of rules to provide "accuracy in business, economy of time, order, uniformity, and impartiality."

Dr. Riddick has fulfilled Jefferson's hope, and his document will be a constant source of help to us all.

We owe him our thanks, and wish Dr. Riddick and his wife Margot many years of happiness in retirement.

TRIBUTE TO DR. FLOYD M. RIDDICK ON HIS RETIREMENT AS PARLIAMENTARIAN OF THE U.S. SENATE TO BECOME PARLIAMENTARIAN EMERITUS OF THE U.S. SENATE

Mr. ALLEN. Mr. President, the U.S. Senate closes an era when Dr. Floyd M. Riddick, at the end of this Congress, retires as Parliamentarian of the U.S. Senate. Happily, the Senate by resolution sponsored by all Senators has named Dr. Riddick as Parliamentarian Emeritus of the U.S. Senate in recognition of his outstanding work as Parliamentarian.

Earlier this year Senators received a copy of Dr. Riddick's great work "Senate Procedure—Precedents and Practices," updated to 1974. This work is a com-

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plation by our distinguished Parliamentarian of the rules of the Senate, portions of laws affecting Senate procedure, rulings by the Presiding Officer, and established practices of the Senate.

The Nation, the Congress, and, in particular, the Senate are indeed fortunate to have had Dr. Riddick as Parliamentarian of the Senate. He ranks with John Hatsel, Parliamentarian of the House of Commons in the 18th century, and with Thomas Jefferson, second Vice President and third President of the United States, as one of the greatest of parliamentarians.

Jefferson's manual quoting Hatsel points out that rules of legislative bodies operate as a check and control on the actions of the majority, and that they are in many instances a shelter and protection to the minority against the attempts of power; and that whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is, so that there may be a uniformity of proceeding in business not subject to the caprice of the Presiding Officer or capriciousness of the Members.

"Senate Procedure" goes back more than 90 years in assembling Presiding Officers' rulings and the practices of the Senate that have grown up around the application of the Senate rules in actual Senate procedure.

How valuable it is to a Senator or to the President of the Senate, after reading a Senate Rule, to refer to "Senate Procedure" to see how this rule works in practice or in actual Senate procedure.

Through the specific examples given in the book of how the rules have been applied during the last 90 years we get a pretty clear picture of the Senate as a living, continuing body with references to many Senators and legislative issues now a part of the history of the U.S. Senate.

What a boon this book is to Senators because, strange to say, all of the rules of procedure are not in the Senate rules.

Many result in practice from how Presiding Officers may have construed a rule in the past or how the rule has been applied in similar circumstances long ago. Without such a book as "Senate Procedure," Senators would be without a guide and without precedents or reference to past practices so necessary to orderly and uniform procedure.

Historians studying the U.S. Senate will find this book invaluable to them in learning how the Senate works and what procedures it follows.

Sometimes the Senate must be something of a puzzle or enigma to visitors to the Senate galleries but underneath the seeming confusion, and near chaos the Senate is proceeding as set forth in "Senate Procedure."

Every Member of the Senate and everyone who works with the Senate is indebted to Dr. Riddick for his monumental work. Dr. Riddick, we salute you and offer you our sincerest congratulations, and I express my personal appreciation to you and your fine staff of Assistant Parliamentarians.

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Dr. Riddick has performed outstanding service as Parliamentarian of this body. He has acted in a nonpartisan, impartial manner. He has been of great assistance to every Member of the Senate.

I am hopeful that even though he is retiring as Parliamentarian and taking on the honorary title of Parliamentarian Emeritus, he will be available for consultation with Members of the Senate who may wish to confer with him, and I am sure that many Senators will.

I think it is sad that Dr. Riddick is retiring. He wants to travel, study, write, enjoy more time with his family, and certainly that is understandable.

To say that the Senate Parliamentarian is the 101st Member of the Senate would be to minimize his role. While he has no vote in the Senate his parliamentary advice to the Presiding Officer of the Senate keeps the Senate on course as an orderly, deliberative body. Without the uniformity of the rulings of the Chair based on the Parliamentarian's advice, the Senate would quickly become a madhouse. So the Senate Parliamentarian performs one of the most important roles in the entire machinery of legislation.

Mrs. Allen and I wish for Dr. and Mrs. Riddick many years of happiness and contentment and rewarding use of the many years they have to look forward to in the future.

Mr. SYMINGTON. Mr. President, let me express to Dr. Floyd M. Riddick my deep appreciation for the great contributions he has made to the U.S. Senate.

Through his writings, also in the superb assistance he has given Senators and their staffs in interpreting the Senate rules, Floyd has brought about a keener understanding and a greater willingness to observe the rules of the Senate.

While regretting Dr. Riddick will retire at the end of this session, I wish him well in the opportunity he will have in his leisure to travel and to study, and am glad that he may also be available as a consultant to Senate committees.

At the same time, I am confident Mr. Murray Zweben, the Assistant Parliamentarian, will carry forward in this same fine manner that has come to be associated with the Office of Parliamentarian; for me first under Charley Watson, then under Floyd Riddick.

We are all grateful for the objective manner in which Dr. Riddick has served all Members of the Senate these last 9 years; and congratulate him for the distinction he will enjoy as the Parliamentarian Emeritus of the Senate.

Mr. HARTKE. Mr. President, after 27 years of invaluable and able service to the Senate, Dr. Floyd M. Riddick is retiring. His presence will be sorely missed; his wisdom, expertise, and fairness will be irreplaceable.

The position of Senate Parliamentarian symbolizes the quintessential nature of democracy. Although often inefficient and frustrating, the Senate steadily moves ahead working within the context of its rules. These rules—the ones that Doc Riddick has been helping us inter-

pret for almost three decades—insure our commitment to the democratic process and to the supremacy of law.

I am happy to congratulate Floyd Riddick as he takes formal leave of this Chamber; but I am happier still that he has decided to accept the position of Parliamentarian Emeritus and thus will not abandon us entirely.

Thank you, Doc Riddick, for a job well done. I know that you have the appreciation of each and every man and woman who has been part of this body during your tenure. Be proud that you have made a lasting contribution to your Nation.

Mr. CHURCH. Mr. President, I commend the joint leadership for introducing Senate Resolution 443, naming Dr. Floyd M. Riddick as Parliamentarian Emeritus.

For 27 years Dr. Riddick has served the Senate with honor and distinction as:

Editor of the Daily Digest from 1947 to 1951;

Assistant Parliamentarian from 1951 to 1964; and

Parliamentarian from 1965 to the present.

He has always performed his duties in an impartial and thoroughly professional manner.

Over the years Dr. Riddick has been of enormous help to me and my office. When a parliamentary question was posed to him, he answered it objectively and with consummate knowledge.

Quite clearly, the duties of a Parliamentarian are difficult and demanding. There are many stresses and strains, but Dr. Riddick has always maintained his composure in discharging his crucial responsibilities.

As a Senator who has relied upon Dr. Riddick's wise counsel on several occasions, I regret that he shall retire at the end of the year.

However, I am delighted that the Senate recently bestowed upon him the extraordinary honor of being designated as Parliamentarian Emeritus, only the second time in the history of the Senate that such an honor has been awarded.

My wife, Bethine, and I want to extend our best wishes to Dr. Riddick and his family.

Mr. SPARKMAN. Mr. President, Dr. Floyd M. Riddick, who has served as Senate Parliamentarian for so long and so well, is retiring at the end of this Session of Congress. By his service, he has well earned retirement even though we regret to see him leave us. I know all of us will be wishing for him great happiness throughout many years of retirement. I certainly join in that wish.

Mr. BUCKLEY. Mr. President, I would like to take this opportunity to pay tribute to Dr. Floyd Riddick, the Senate Parliamentarian who will retire at the end of this session of Congress.

Like so many newcomers to this body, I found myself in 1971 somewhat puzzled and often bewildered by the intricacies of parliamentary procedure. Alas, I cannot say that 4 years of experience have made me a master of the parliamentary technique. But I have had the oppor-

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tunity to watch Floyd Riddick guide us through the parliamentary thickets with infinite patience and, it would seem, infinite knowledge of the Senate's rules. He is a virtuoso of the rules governing cloture, a master of the quiddities of the perfecting amendment and a veritable encyclopedia of little known facts concerning points of order, amendments in the second degree and other such esoteria that make this such a consistently interesting place in which to work.

In conclusion, may I simply say that I wish Floyd Riddick a happy and fulfilling retirement and that it is my personal wish that future perfecting amendments to his happiness are always germane.

Mr. HASKELL. Mr. President, I have a profound respect for my colleagues in the Senate who have mastered the intricacies of our rules and procedures. Above all I admire Dr. Floyd Riddick's mastery of those intricacies and his ability to iron out the difficulties involved in even the most complicated parliamentary situations.

His unfailing courtesy, complete fairness, and evenhanded application of the Senate procedures has often calmed this body during even the most heated debate. His tremendous wealth of information and knowledge of Senate precedents will be sorely missed.

He has authored several volumes about the structure and organization of Congress. His most recent contribution, the 1974 edition of "Senate Procedure," updated the compilation of procedures and precedents upon which the daily work of the Senate is based. For this we owe him a lasting debt.

His presence will be missed but I certainly do not begrudge his retirement and want to thank him for his patience with those of us who have much to learn about our procedures and wish him well.

DR. FLOYD M. RIDDICK, SENATE PARLIAMENTARIAN

Mr. SCHWEIKER. Mr. President, I would like to associate myself with the remarks of my colleagues who pay tribute to Dr. Floyd M. Riddick, who will retire as Senate Parliamentarian at the conclusion of the 93d Congress.

"Doc" Riddick, as he is known to all, has diligently served the Senate as its parliamentarian since 1965. From 1951 to 1964 he served as Assistant Parliamentarian and prior to that he was Senate editor of the Daily Digest.

Certainly "Doc" Riddick is one of the Nation's leading experts on the nuances of the legislative process—particularly with respect to the Standing Rules of the Senate. Not only to freshman Senators, but to those who consider themselves artful in the ways of the Senate, "Doc" Riddick has been a constant source of helpful information and advice.

I know "Doc" Riddick will bring invaluable experience and expertise to his new position as consultant to the Senate Rules Committee on the codifying of the Senate rules, and I wish him well with this and all other endeavors.

Mr. FONG. Mr. President, I rise to pay tribute to the Parliamentarian of the Senate, Dr. Floyd M. Riddick, who is re-

tiring this year, after nearly 30 years of dedicated and distinguished service in this body.

The general public is not aware of how important are the services of our Parliamentarian in the day-to-day operation of the Senate of the United States. It is a very demanding and very challenging assignment, one requiring exceptional memory, patience, attention to detail, and accuracy. It is a pressure cooker job, very often requiring split-second advice. The Parliamentarian serves in countless ways, including assisting the Presiding Officer during sessions of the Senate, acting as timekeeper during periods of limited debate, advising the leadership and other Senators in the Chamber, in their offices, and in his office.

As Parliamentarian, Dr. Riddick has been superb. He is unusual in that he combines a capacity for precision and detail with a capacity for viewing and analyzing the total picture. On top of that, he has the temperament and attributes of character that enable him, with unfailing courtesy and cheerfulness, to serve 100 Senators of varying philosophy and disposition. Dr. Riddick is a true gentleman, ever kind and ever able to maintain a confidence.

Although perhaps not well known to the general public, Floyd Riddick is indeed well known in academic and parliamentary circles nationally and internationally as a man of stature.

Dr. Riddick came to the Senate post of Parliamentarian exceptionally well qualified. A longtime student of government, he earned his doctor of philosophy degree in political science at Duke University. On an international fellowship, he pursued a year's study at the University of Berlin. For several years in private enterprise, he held positions dealing with the workings of the Congress, both the Senate and the House of Representatives.

In 1947, he entered the employ of the U.S. Senate, where he served as the first editor of the Daily Digest of Senate proceedings. From that position, he was promoted to the post of Assistant Parliamentarian, where he served under the late Parliamentarian Charles L. Watkins. He and Mr. Watkins coauthored the first edition of the valuable reference work, "Senate Procedure," in 1958 and the revised edition in 1964.

Floyd Riddick is indeed a walking encyclopedia of Senate rules, procedures, and precedents. We are very fortunate that he has imparted a great deal of his knowledge in his latest edition of "Senate Procedure," published earlier this year.

He has set such a high standard of excellence and integrity that it is fitting that the Senate has recognized his value by designating Floyd Riddick as our Parliamentarian Emeritus.

I well remember Dr. Riddick in the early years of my own tenure here, when I first came to the Senate as one of the two Senators elected by the people to represent Hawaii after we became the

50th State. Dr. Riddick was most kind and helpful to me, a greenhorn in Senate procedure although I had had 14 years of experience in the Hawaii Territorial Legislature. For his assistance then as well as since then, I remember Floyd Riddick with special gratitude.

I would add one small footnote. When Floyd Riddick first came to the Senate in 1947, he recommended for a research position in the Senate a young lady recently employed under him who, 13 years later, was hired by me and who now serves as my administrative assistant. So I have another special reason to thank him.

To Floyd Riddick, I extend my very best wishes and warm aloha for a happy and fulfilling retirement.

Mr. KENNEDY. Mr. President, the retirement of Dr. Floyd M. Riddick as Senate Parliamentarian leaves each of us with a genuine sense of regret and loss to the Senate.

Dr. Riddick first came to the Senate in 1947, as the editor of the Senate section of the Daily Digest of the CONGRESSIONAL RECORD. He became Assistant Parliamentarian in 1951 and he became Parliamentarian in 1965. During the 28 years he has graced the Senate, he has been an outstanding public servant. We feel his loss all the more, because to his brilliant and dedicated intellectual work on our behalf he has always brought the warmth and kindness and good humor that is the mark of real greatness.

In many respects, Dr. Riddick is the Senate's truly indispensable man. Without his daily wisdom and guidance and constant reassurance, the Senate could not function effectively as a legislative institution. Just as it has been said that in our Nation laws are the wise restraints that make men free, so our own Senate rules are the wise restraints that guide us in our service to our country.

Dr. Riddick's period of service as our Parliamentarian has coincided with an era involving some of the most vigorous and passionate issues that the Senate has ever encountered in its long history. Especially in areas like the debates over the Vietnam war and civil rights, to name but two, the Senate's rules have been under severe and continuing pressure, and Dr. Riddick's job has not been easy.

Members on both sides of an issue have often found that they are only halfway armed for debate if they are prepared only on the merits of an issue. We also must be armed with knowledge of the procedures of the Senate and the opportunities the rules allow. In order that our various positions may be presented with maximum efficiency and maximum prospect for enactment.

That is why, although the Parliamentarian's office seems a quiet one, it is the quiet at the center of the storm. Dr. Riddick is always at the center of every major Senate debate. Over the years, his knowledge and experience have provided a vast reservoir of opportunity for every Member. Much that any of us have accomplished is a tribute to his counsel—counsel that has always been wise, read-

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ily offered to each who seeks him out, and scrupulously fair and impartial for the benefit of all and for the greater good of our institution.

Perhaps the most tangible landmark of Dr. Riddick's skill is his new edition of "Senate Procedure," published last spring. Its publication was not only an important new milestone in our body's distinguished parliamentary history, but also an outstanding example of the skill, scholarship, and intelligence of our able, respected, and well-loved Parliamentarian.

"Senate Procedure" is the Senate's common law, because it is the compilation of the rules and precedents by which the Senate lives and functions. As Oliver Wendell Holmes wrote in his famous essay, "The Path of the Law," the life of the law has not been logic, it has been experience. And so it is with the procedures of the Senate, which are the life and experience of our Chamber, often called the greatest deliberative body in the world.

Through his work and counsel, Dr. Riddick has always held up a mirror to the Senate at its best, functioning under the rule of law, applying his parliamentary knowledge to the experience of debate and the necessities of modern legislation.

"Senate Procedure" is also a distinguished companion to the distinguished parliamentary guides of our past. One of our earlier compilations was the work of Thomas Jefferson, prepared during his service as Vice President of the United States and President of the Senate from 1797 to 1801. As he put it in the preface to the work we now call Jefferson's Manual:

I have begun a sketch which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity and impartiality.

Dr. Riddick's service to us have been Jeffersonian in its faithfulness to each of these great ideals. I congratulate our Parliamentarian for his ability. I wish him many productive years in retirement. I shall miss him as a friend and colleague, but I also know that our loss is a well-deserved gain for his wife Marguerite, his son John, and his daughters Johanne and Dianne, and their families.

Recently, in Senate Resolution 443, the Senate expressed its collective appreciation to Dr. Riddick for his long and faithful service, by designating him as "Parliamentarian Emeritus of the U.S. Senate." By unanimous consent, every Member of the Senate was added as a cosponsor of the resolution. Mr. President, I ask unanimous consent that the full text of the resolution may be printed at this point in the RECORD, including the cosponsors. I also ask unanimous consent that an article on Dr. Riddick from the Duke University Alumni magazine at the time of his appointment as Parliamentarian may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the resolution and article

were ordered to be printed in the RECORD, as follows:

LIST OF SPONSORS

Mr. Mansfield (for himself, Mr. Robert C. Byrd, Mr. Hugh Scott, Mr. Griffin, Mr. Allen, Mr. Abourezk, Mr. Alken, Mr. Baker, Mr. Bartlett, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Buckley, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cook, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Fong, Mr. Fulbright, Mr. Goldwater, Mr. Gravel, Mr. Gurney, Mr. Hansen, Mr. Hart, Mr. Hartke, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Helms, Mr. Hollings, Mr. Hruska, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Johnston, Mr. Kennedy, Mr. Long, Mr. McClellan, Mr. McClure, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Metzenbaum, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. William L. Scott, Mr. Sparkman, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Welcker, Mr. Williams, and Mr. Young) submitted the following resolution; which was considered and agreed to; preamble agreed to.

RESOLUTION RELATING TO THE RETIREMENT OF FLOYD M. RIDDICK, PARLIAMENTARIAN OF THE UNITED STATES SENATE

Whereas the Senate has been advised of the retirement of its Parliamentarian, Floyd M. Riddick, at the end of this session: Therefore be it

Resolved, That, effective at the sine die adjournment of this session, as a token of the appreciation of the Senate for his long and faithful service, Floyd M. Riddick is hereby designated as Parliamentarian Emeritus of the United States Senate.

[From the Duke Alumni Register, April 1965] ALUMNI PROFILE—FLOYD RIDDICK: SENATE PARLIAMENTARIAN

What is it like to be Parliamentarian of the U.S. Senate? "It's like keeping store—it may be quiet for a long time, then all hell breaks loose," says the new Senate Parliamentarian Floyd M. Riddick, 1932, Ph. D. 1935.

Sitting in his quiet office on the ground floor of the Capitol's Senate wing, Dr. Riddick talked easily about his new position. And there was every reason that he should. He had served a 13-year apprenticeship as assistant to Charles L. Watkins, the Senate's first Parliamentarian, before talking over the job with the opening of the new session of Congress in January. Mr. Watkins, a Senate employee for more than half a century and Parliamentarian since 1937 when the post was created, had retired at the last session of the Senate.

Explaining in his mild, soft-spoken way the job of the Parliamentarian, Dr. Riddick pointed out that the Senate has its own standing rules which differ in many respects from conventional parliamentary procedure. In addition, numerous amendments and revisions have been made over the years. The result is a complex body of rules which require a great deal of time to become thoroughly familiar with. Since the Presiding Officer of the Senate has many other duties, it isn't practical for him to spend all his time with rules.

In his official capacity, the Parliamentarian

is the servant of the Senate. When the Senate is in session, he sits on the dais in front of the Presiding Officer. He must be ready whenever he is called upon to advise the Presiding Officer. The Parliamentarian, Dr. Riddick emphasized, does not make decisions. He simply advises the Presiding Officer as to what the rule is. All decisions are made by the Presiding Officer.

The Parliamentarian also advises the Senate leaders and the individual Senators whenever they have questions about procedure. This often eliminates controversies on the floor and expedites the business of the Senate. The Parliamentarian also indicates the references to committees of all bills and resolutions introduced as well as those passed by the House and transmitted to the Senate.

It is obviously a tough and demanding job, and one that allows not the slightest hint of partisan preference. During the heat of debate the Parliamentarian must have his wits about him every minute, and he must immediately produce the right answer at the right time.

But in addition to a wealth of scholarly knowledge, the job requires stamina. During a filibuster in 1954, Dr. Riddick remembers putting in 86 hours in the Senate Chamber. Mr. Watkins was ill and he had to remain by the Presiding Officer straight through, never able to leave for more than a few minutes at a time. "I would doze in my chair," Dr. Riddick recalls, "but I never got a chance to lie down."

It is obvious that this is one of the toughest jobs on Capitol Hill. But how does one get to be Senate Parliamentarian?

"When I started out," says Dr. Riddick, "I had no idea in the world of becoming Parliamentarian of the U.S. Senate."

Born in Trotville, N.C., he grew up on the family farm in Gates County. He didn't care much for farmwork which he considered too hard, but became interested in the law by observing the district solicitor perform in Gates County Superior Court. So he decided to become an attorney, and with this objective he entered Duke.

At Duke, however, he became a student of Dr. Robert S. Ranklin's and soon changed his mind in favor of an academic career. After receiving his bachelor's degree in 1932, he went on to Vanderbilt where he earned a master's degree in political science before returning to Duke to work on his doctorate.

In 1935 he received his Ph. D. His dissertation was almost a forecast of the future. It dealt with parliamentary procedures in the House of Representatives.

After graduation he worked as a statistical analyst for the Government, and spent a year at the University of Berlin on an international fellowship. His research paper on local institutions in Germany was later used by the U.S. occupation forces after World War II.

After his return from Germany, Dr. Riddick did some teaching at American University and, for a summer session, at Duke. Then he took a job as legislative analyst for a private research organization known as Congressional Intelligence, Inc. He edited their publications for several years, and published articles in scholarly journals. As a result he came to the attention of scholars in the field and his reputation as an expert in congressional procedures began to grow.

He is the author of "Congressional Procedure" (1941) and "The U.S. Congress: Organization and Procedure" (1949), and the coauthor of "Congress in Action" (1948) and "Senate Procedure" (1958).

In 1947 he went to the Senate to inaugurate the publication of the CONGRESSIONAL RECORD's Digest. This publication is now recognized as an indispensable tool for readers of the RECORD.

As he relaxes in his spacious office, which he shares with his assistant and his secretary, Dr. Riddick is obviously a proud and happy man. He is proud of the Senate, the world's greatest deliberative body, and he is proud of his association with it.

Upon his appointment to the post, he was praised by a number of Senators as a worthy successor to the esteemed Charles Watkins. Senator RUSSELL, of Georgia, whose own deep knowledge of the rules is outstanding, said he was confident Floyd Riddick "will live up to every respect to the kind of service demanded of a successor to Charles Watkins."

Senator MIKE MONROE, of Oklahoma, pointed out that Dr. Riddick knew the history and traditions of the Senate well, and observed:

"He is also well aware that the Parliamentarian, like Caesar's wife, must be above suspicion on all accounts, because in the Senate many parliamentary decisions are more important than votes."

Mr. BIDEN. Mr. President, I wish to add my respects to the deserved tributes being paid Dr. Riddick upon his retirement as Parliamentarian of the Senate.

During my 2 years in the Senate, Dr. Riddick always treated my questions respectfully and fairly—a treatment I needed because obviously in this area my lack of knowledge, unlike that of my senior colleagues, was profound. When I presided during my first few months in the Senate, Dr. Riddick was particularly solicitous.

And, finally, as Parliamentarian, he had a certain artistry about him, if I may say so, as talented men and women do who deal with technical matters. He was master of the rules of the Senate in a constructive fashion, as I have observed him. In my opinion, Dr. Riddick worked with the rules of the Senate as if they were stepping-stones, not stumbling blocks.

I give my unanimous consent, Mr. President, to many long and fruitful years for Dr. Riddick and I move that rule 22, (cloture), of the Senate never be applied to these years.

Mr. McCLELLAN. Mr. President, I wish to join my colleagues in paying deserved tribute to Dr. Floyd M. Riddick, who is retiring as Senate Parliamentarian after 30 years of dedicated service to this body.

During his long and distinguished career, Dr. Riddick has provided counsel and guidance that have been of inestimable value in helping us to make our way through the maze of thorny procedural questions that arise daily in this Chamber. He has been an excellent Parliamentarian and we all have benefited from his advice and instruction.

I wish Dr. Riddick health, happiness, and prosperity in future years, and hope he will be available from time to time for consultation as our Parliamentarian Emeritus.

Mr. HOLLINGS. Mr. President, this session will be the last one for Dr. Floyd M. Riddick, the Parliamentarian of the Senate, before he retires. Dr. Riddick's service in this Chamber can only be described as distinguished, and it is fitting, indeed, that we have set aside time today to pay tribute to this fine and dedicated public servant.

I know that every member of the U.S. Senate has had innumerable occasions to be thankful for "Doc" Riddick's presence. His guidance and counsel have helped steer the Senate through some very rough passages. His mastery of parliamentary procedure is unmatched.

One of the best helping hands available to a Senator is the latest edition of "Senate Procedure," the absolutely indispensable guide through the thicket of Senate procedure. I know and appreciate the tremendous work which Doc Riddick put into this manual, and every time I have reference to it, I appreciate it all the more.

Dr. Riddick is retiring from a most impressive career. As scholar, teacher, author, and Parliamentarian, he has made an indelible mark. Today it is a real privilege for me to join with his many friends in wishing him well. We hope he will be back to see us often, and I am certain he can count on being asked for occasional assistance in the months ahead.

Mr. WILLIAMS. Mr. President, I am honored to join with my colleagues in paying tribute to Dr. Floyd M. Riddick, our Senate Parliamentarian who will retire this month.

His long and distinguished career in the Senate began in 1947 when he arrived to publish the Daily Digest section of the CONGRESSIONAL RECORD, and 4 years later he became the Assistant Parliamentarian to Charles L. Watkins, the Senate's first Parliamentarian. Dr. Riddick became Parliamentarian on January 1, 1965.

For the past decade he has worked diligently, impartially, and patiently with us. He has been an educator and a wise counselor to us on a daily basis. His remarkable knowledge about Senate procedure resulted in his coauthorship with Mr. Watkins of "Senate Procedure" which he has updated this year.

I believe that our action in passing a resolution naming Dr. Riddick as the Senate's Parliamentarian Emeritus accurately expresses our very high regard for him. I wish him great happiness in retirement, and I hope that he will return to visit and counsel us often.

Mr. HUMPHREY. Mr. President, our distinguished Parliamentarian, Dr. Floyd M. Riddick, will be retiring at the end of the 93d Congress. I know all of my colleagues will share with me a deep sense of loss. For many years we have all leaned on the expertise of this wise man who consistently and tirelessly provided guidance to us in the conduct of Senate business.

We should be especially grateful to Dr. Riddick for his work on the revised edition of the Senate manual. The high standards and level of competence with which he has always approached any task truly serve as a fine example for all public servants to follow.

I wish Dr. Riddick a fond farewell. I understand that he will continue to serve the Senate on a consulting basis and as Parliamentarian Emeritus, and I look forward to future association with him.

Mr. HATFIELD. Mr. President, today marks the last day of service to the Senate of Dr. Floyd Riddick. His service as Senate Parliamentarian has been marked by a professionalism topped by no one who works in this Chamber. As the author of texts on parliamentary procedures, he has had ready answers to every difficult question that has arisen.

I think it appropriate that last evening, less than a day before Dr. Riddick retires, people watching the swearing-in ceremonies of Vice President Rockefeller got the opportunity to see Dr. Riddick in action. While he was not called on to make any parliamentary decisions on complicated questions, it was a reminder of his contribution to the Senate.

We will miss the wise counsel of Dr. Riddick, and I think it is in recognition of his many skills that he has been named as Parliamentarian Emeritus. I know his successor, Mr. Zweben, will do a fine job as Parliamentarian just as he has while serving as Dr. Riddick's deputy.

Mr. MAGNUSON. Mr. President, I am pleased to join with my Senate colleagues in paying tribute to Dr. Floyd M. Riddick for his long and devoted service as Parliamentarian of the Senate.

Dr. Riddick first came to this body in 1951, where he served as Assistant Parliamentarian until the close of 1964. In addition, he organized and was the first editor of the Senate section of the Daily Digest—a most important and helpful guide for all who use the CONGRESSIONAL RECORD.

In 1965, upon the retirement of Parliamentarian Charles Watkins, Dr. Riddick rose to the position of Senate Parliamentarian. It has been a privilege for me to work with Dr. Riddick, who has always exhibited an unquestioned integrity and sense of fairness to all of us in the Senate.

Dr. Riddick has just recently completed a revision of "Senate Procedure," a volume with which we in the Senate are all familiar.

Mr. President, the Senate is losing a great Parliamentarian and a good friend. I wish Dr. Riddick every success for the future, full of health and happiness.

Mr. PEARSON. Mr. President, at the end of this Congress, we will lose the services of Dr. Floyd M. Riddick, who for the past 23 years has devoted his time and services to the U.S. Senate as the Parliamentarian.

Few individuals mean more to the orderly transaction of business on the Senate floor than the Parliamentarian. Although most of the bills which come before the Senate are routinely approved, there are measures which demand much attention, provoke highly emotional debate, and require intricate parliamentary maneuvering. At such times, all turn to the individual whose experience, knowledge, and objectivity can be invaluable in expertly guiding the Senate through the tangled thicket of rules, procedures, and precedents. Time after time, Dr. Riddick has provided immediate and cogent responses to the requests for rulings made of him. That

such rulings have never been rejected by the Senate, a course of action available under its procedures, is ample testimony to the knowledge which Dr. Riddick brings to his office.

Among Dr. Riddick's numerous achievements is the publication of his book, "Senate Procedure." This work, the only one of its kind, should provide Senators and interested observers with ample information on the workings of the Senate long after Dr. Riddick's departure. This volume will serve as a reminder of the dedication and sacrifice which this man has made for the Senate and for the Nation.

Mr. President, I shall miss Dr. Riddick's presence in this Chamber. However, I offer him every wish for a successful and well deserved retirement in the years ahead.

Mr. DOLE. Mr. President, my colleagues know that through retirement we are losing one of this body's great friends, one of its most loyal servants, a man little known by the public but essential to the work of the Senate for the past 27 years.

His associates call him "Doc," a term of affection that conveys at the same time their great respect for his learning and his talents.

Dr. Floyd M. Riddick of Trotville, N.C., an employee of the Senate since 1947 and its Parliamentarian since 1965, has been more than a loyal, hard-working employee during all these years.

He has been a student of the Senate. No one knows more about the systems and structures of the Congress. And especially, no one knows more about Senate procedure, than does Dr. Riddick. And on the most authoritative volumes now in print on the subject, there is his name as author.

For these works, students, scholars, and certainly Senators and their staffs are in his debt; as we are in his debt for his conscientious work as Parliamentarian and as Assistant Parliamentarian before that.

After these almost 30 years in the Senate's employ—and over the same period he has spent countless hours in local university classrooms sharing his knowledge of and appreciation for our Senate practice and procedure—he has made the understandable decision to retire.

He will be missed in this body.

As one who has been called upon repeatedly to perform the duties of the Chair, for myself and for all who have done the same, I thank him for his always valuable and often desperately needed expert guidance and assistance.

To Dr. Riddick whose gracious wife and lovely family I wish many years of health and happiness in retirement.

Mr. BROOKE. Mr. President, the U.S. Senate is about to lose one of its most able counselors. Dr. Floyd Riddick is retiring after 27 years of service. He will be sorely missed.

Dr. Riddick has been of immeasurable help to me during my 8 years of service in the Senate. I am sure he has served each and every Member as well.

Dr. Riddick is an extraordinary Parliamentarian and a wise guide through

Senate procedure. He has worked diligently to update Senate procedures and let us keep pace with the times.

We are fortunate that "Doc" Riddick will continue to serve as a consultant to the Senate and as the Parliamentarian Emeritus.

But I shall miss "Doc" Riddick on a day-to-day basis. I shall miss his Parliamentarian sagacity and eagerness to help.

Yet, I cannot begrudge "Doc" Riddick his retirement and I wish him health, happiness, and joy.

TRIBUTES TO SENATOR SAM J. ERVIN, JR.

Mr. SPARKMAN. Mr. President, I know that every Senator will miss Senator SAM ERVIN when he retires from office at the end of this term. SAM has been recognized from the first as our leading authority on constitutional matters. He has been sound and firm in his views.

I had the privilege of serving in the House of Representatives with SAM ERVIN and in the Senate throughout his time there. His beloved State of North Carolina and the Nation as a whole appreciate the service of this stalwart, and we shall all regret to lose him.

Mrs. Sparkman and I have valued the friendship of Senator and Mrs. ERVIN. We extend to SAM and Mrs. Ervin, as they leave us, our very best wishes for great happiness throughout the years of their retirement.

And, of course, we wish for SAM much opportunity to fish, and great success in such undertaking.

Mr. NUNN. Mr. President, although I have known for a long time that the day was approaching, I find it difficult to convince myself that Senator SAM ERVIN will not be in his seat when the 94th Congress convenes in January.

When SAM ERVIN came to the Senate in 1954, I was 16 years old and a sophomore in high school. At a time when I was probably reading the Constitution for the first time, Senator ERVIN was already demonstrating to his colleagues his exceptional understanding of the intricacies of this great political document.

In the 20 years that have transpired since then, SAM ERVIN has distinguished himself as the leading constitutional authority in the U.S. Senate. He is never far from a copy of the Constitution, and his career in politics has always reflected those basic tenets set forth therein.

SAM ERVIN has shown by his example, an abhorrence of injustice, an adherence to freedom and individual liberties, believing that the goal of government must be equal justice under the law. He has stood steadfastly for the principles of limited government embodied in the Constitution.

I consider myself particularly fortunate to have been a SAM ERVIN pupil the past 2 years during my close association with him on the Government Operations and Armed Services Committees.

As chairman of the Government Operations Committee, he has shepherded much extremely important legislation

through Congress. None, however, is of greater significance than the Congressional Budget and Impoundment Control Act. This landmark legislation revising the congressional budgetary procedure, became a reality primarily due to SAM ERVIN's belief that after 50 years, it was time for Congress to revamp its antiquated procedures for determining how the taxpayers' money is spent and to exercise the role ordained for it under the Constitution.

His relentless pursuit of this legislative goal has resulted in a law which we all hope will make Congress more prudent and responsible in the preparation of future budgets. I certainly can think of no more significant or more enduring legacy that he could leave this body.

It has been my great privilege to serve with my good friend from North Carolina in the 93d Congress. It has been an extraordinary experience for me, an enriching experience for all of us, and I shall always cherish my service in the Senate with SAM ERVIN.

Although SAM ERVIN is leaving the Senate at the conclusion of this Congress, I know that he is a long way from "retirement" in the traditional sense of that word. There is no doubt in my mind but that SAM ERVIN will continue to contribute to the people of this Nation for years to come. It would be totally out of character for him to do otherwise.

I wish for SAM ERVIN and his delightful wife, "Miss Margaret," many, many years of health and happiness back in the foothills of North Carolina that they know and love so well.

Mr. METZENBAUM. Mr. President, the Constitution of the United States is recognized by all mankind as the model for democratic societies. Its greatness lives not only in the principles which those who drafted the original document delineated but also in the fact that it is a living and growing charter, adjusted through the years to meet the ever-changing needs of the people. Yet the preservation of the original concepts remains unchanged.

That this is true is in no small part due to the dedication of the solons who have served in the Congress through the last nearly 200 years.

No Senator in the history of our Nation deserves more credit for the preservation of the letter and spirit of the Constitution than Senator SAM ERVIN. Further historians will list his name with honor along with the Founding Fathers, for no man in history has been so dedicated to the implementation of their interest than our colleague from North Carolina.

Current history may make more note of his skill in presiding over the Watergate hearings. I share in the admiration of the American people for the great service he performed in this capacity. But it is his inspiring dedication to the principles of our Constitution that will stand the test of time.

I am grateful for the opportunity I had to serve in the U.S. Senate with this man. I join my colleagues in the hope that he will continue after his formal retirement to give us and the Nation the benefit of his counsel.

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EDITORIAL COMMENTS CONCERNING SENATOR ERVIN'S RETIREMENT FROM NEWSPAPERS OUTSIDE NORTH CAROLINA

Mr. HUDDLESTON. Mr. President, when he announced last December his decision not to seek reelection to the U.S. Senate, many newspapers outside of North Carolina made editorial comments upon Senator ERVIN's service. I ask unanimous consent that a few of these editorial comments be inserted at this point in the body of the RECORD.

The PRESIDING OFFICER. There being no objection, the editorial comments were ordered printed as follows:

[From the Anniston (Ala.) Star, Dec. 23, 1973]

SAM ERVIN RETIRES—A MAN WHO IS WHAT HE SEEMS

The hills around Morganton are a little higher and the town in the valley is a little smaller but the western North Carolina city is not unlike Anniston. It is set in beautiful country but is little known to the nation—except as the hometown of a famous son who is returning, for good.

"Here we hope to dwell for a time among the people who have known us best and loved us most and to watch the sun set in indescribable glory," said Sen. Sam Ervin on announcing he would retire from the Senate next year and go home.

Of course, the senior senator from North Carolina was not always famous. Ten years ago, when civil rights was the nation's number one concern, there were many who thought he was out of touch with the times. He was no hero to the youth of that generation. There were no fan clubs, no "Chairman Sam" T-shirts, and nobody was assembling or repeating what has now come to be accepted as his "authentic folk wit and wisdom."

He was a plodding country lawyer when Washington was being dazzled by the computerized wizardry of Robert McNamara's cost-effectiveness system. He was everybody's obsolete uncle, whose earthy stories were to be tolerated by a town under the spell of the grace and elegance of "the Kennedy Style."

Yet, even then, people who opposed him on the central issue of the time found him puzzling. For instance, in 1963 he was against renewal of the six-year-old Civil Rights Commission. His opposition was not animated by personal prejudice; no grandstanding declarations of "segregation forever" ever passed his lips.

He thought the commission was a useless body because every one of the 40 cases sent to the Justice Department by the commission from North Carolina was returned by civil rights lawyers who could find no grounds for prosecution.

Despite his objections, he held hearings on the bill in his Constitutional Rights Subcommittee soon after it was introduced. Even though he knew he would not win on that issue he did not try to subvert the system by all the sly maneuvers that many committee chairmen use. He was no obstructionist; he believed in the system even when he thought the results might be wrong.

Perhaps this is what most of the nation saw in him when he was finally discovered through the televised Watergate hearings.

But not even the days and weeks of constant exposure on national television have totally explained the mystery of the man. What formed this curious man who could be so wrong on some issues but so right on so many fundamental questions?

There are clues in his background but no final answers. He was born in a small town, the son of a lawyer. He studied law himself at Harvard, and served 23 years on the bench in North Carolina—the last six as a justice of

the state Supreme Court. He came to the U.S. Senate in 1954 where he steadily gained a reputation for fairness and as a constitutional authority.

Clues, but no final answer. Perhaps there is no answer because there is really no riddle. Perhaps the man is simply what he seems to be, perhaps he is no more and no less than what his own words reveal about him.

He talks about his state, his hometown, about good friends and sunsets; he most often quotes from the Bible, the Constitution and Shakespeare.

If that is what he is about, then it is a very good thing to be in a time when expediency has seemed to be a virtue. He is a man rooted in principle and place. Through temporary fame and passing public excitements, he has cared for—been fixed by—permanent values: home, friends, the law and nature.

Such a man is not likely in retirement to be troubled by regrets or ambitions unachieved. He can take full pleasure from his friends and his sunsets.

[From the Boston (Mass.) Globe, Dec. 21, 1973]

WHAT SAM ERVIN KNOWS

Sen. Sam J. Ervin Jr., (D-N.C.), whose double chin and twitching eyebrows jumped like a pogo stick into the national consciousness when the Senate Watergate hearings began last May, has announced he will retire after the end of next year, and surely this calls for some comment beyond saying we are sorry to see him go.

Senator Sam gave his age of 77 as the only reason, but there has to be more to it than that. "It is simply not reasonable," he said, "for me to assume that my eye will remain undimmed and my natural force stay unabated" during what might have been a fourth six-year term in the Senate. Some cynics have suggested that he would have faced formidable opponents next year.

Perhaps so. But we prefer to believe that Senator Sam could go on forever, quoting Shakespeare and the Bible and occasionally even misquoting them, if he wanted to.

Let us fault him for opposing civil rights legislation because of his belief in states' rights. But in what will be two decades in the Senate, he has and will have probably done more than any other member of that exclusive club to protect individual Americans from invasion of their constitutional rights by government agencies. That, most of all, is why we shall miss him there. The Senate has too few like him.

He and his wife hope "to dwell for a time among the people who have known us best and loved us most and to watch the sun set in indescribable glory behind Table Rock and Hawk's Bill Mountain," down in the "Brushies" below the Blue Ridge range and some 50 miles east of Thomas Wolfe's Asheville.

May they dwell there long. Senator Sam knows something that some of us don't know, something he did not acquire at Harvard Law School or as a self-styled "country lawyer" or as a judge or senator. He knows the meaning of humility. And he also knows, unlike some others whose homes have even finer views, when to depart.

[From the Chicago (Ill.) Tribune, Dec. 22, 1973]

FAREWELL TO SENATOR SAM

Sen. Sam Ervin, the septuagenarian superstar of the televised Watergate hearings, has announced that he will retire at the end of his term and not seek reelection next year.

Mr. Ervin, who brought color, wit, Southern charm, and not a little wisdom to the stodgy Senate chambers, said he was moved to his decision by an obvious reality. He is now 77

years old, and if he ran again and won he would be serving North Carolina as a senator until after his 84th birthday.

"Since time takes a constantly accelerating toll of those of us who have lived many years," he said with typical Ervinian profundity, "it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time."

Mr. Ervin is displaying a degree of common sense which many an aging member of Congress might do well to emulate. Indeed it is symbolic of his long and successful career in the Senate. He was considered by many as the leading Constitutional expert in that body, and followed a straight and true course in defense of that document.

Liberal Democrats angry at his positions on civil rights found themselves applauding his stands for individual liberties. Conservative Republicans who agreed with him that the Equal Rights Amendment for women was redundant and unnecessary found themselves not so pleased with his conduct as chairman of the Watergate investigating committee.

Thru it all Mr. Ervin has been still the same old Senator Sam, plodding along in pursuit of principle wherever it took him. If there is a little of the ham in Sam, it is a benign idiosyncrasy.

Those who claimed he was using Watergate to further his reelection bid are now proved wrong. But in stepping down, Mr. Ervin said he hadn't "the slightest doubt in my mind" that he could win.

He is probably right.

[From WEWS-TV, Cleveland, Ohio, Dec. 19, 1973]

ON LOSING SENATOR SAM

It's too bad that Sam Ervin is not going to run again. First of all, he's the only United States senator who knows how to tell a story and more important who has some stories to tell. In a political landscape that is almost totally devoid of interesting people, the nation can hardly afford to have a man like him retire to private life. But Senator Sam says 20 years in the Senate is enough and at 77 it's time for him to go back to North Carolina and sit on the porch.

It's amazing that it took so long for his personality to get imprinted onto the public mind. But the situation and the timing were important, too. All of the Watergate exposure did it, of course, probably because of the way he talks with an unvarnished, unrefined southern hill country brogue. It would have been impossible for him to have ever made some headway on the national political scene—until now.

Lyndon Johnson learned that no matter how brilliant the mind or how great the political skills a man might have, if he doesn't talk like an easterner, he really can't aspire to high national office. And Johnson became the President as a result of first, the political accident of being chosen because John Kennedy needed Texas, and because of the murder of the President in Dallas. If he had not been selected by John Kennedy in 1960, it is very unlikely that he could ever have won the presidency on his own even though his congressional colleagues considered him to be the best qualified man for the job in the nation.

So it was with Ervin, one of the strong men of the Senate. Until now he just couldn't have had the credibility but he may have single-handedly changed a strong bias of the electorate. His speech pattern played on TV against the polished, unaccented speech of Nixon's glossy aides, did hillbillies, southerners, and Texans a great service. It now may be possible for a person with a thick, regional country accent to aspire to the presidency. In fact, compared to what

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we've been hearing from a lot of our lost Watergate stained leaders, such an accent just might stand as a badge of honesty and honor.

So, for John and me, at least, Senator Sam, thanks a lot.

[From the Arkansas Gazette, Dec. 22, 1973]

SENATE LOSES AGAIN: VALE, SENATOR SAM!

The Senate, and therefore the country, would be a great deal poorer for the absence of Sam J. Ervin Jr., even if there had never been a Watergate investigation, which fact is some kind of measure of his contribution.

We have often disagreed with him, mostly on facets of the desegregation issue, but, more than most Southern members of Congress and their new-found joiners in certain areas of the North, his position was based more on his view of what the Constitution does or does not permit or prohibit than on the prejudices of his constituency.

The prejudices of his constituency are great and, if anything, growing deeper, and we are not talking about race alone. While an increasingly large number of North Carolinians have had it with the Watergate Gang, there are still plenty of blind supporters of "the President" who, whether they realize it or not, have moved (or been moved by events) from a position not just of condoning the behaviour revealed by the Ervin Committee's investigation into an active approval of it; that is, approval of burglary, illegal electronic eavesdropping, bribery, soliciting of bribes, perjury, subornation of perjury, blackmail, invitation to blackmail, the art of the procurer, pretty much the whole criminal catalogue short of child molestation.

We do not know whether Senator Sam was "in trouble" with the voters of North Carolina or not. People, especially in the South tend to hang on their seniority-rich senators even when they disagree with them, usually finding, at lull time, that they also have things on which to agree with them.

So we are inclined to take the Senator's word for the underlying reason for his retirement at the end of his present term, which, quite simply is that he now is 77 and would be 84 at the expiration of another term if he had chosen to stand for it and had won. This is pretty badly stated prels of Senator Ervin's reason, which, naturally, he was able to put a great deal better:

"Since time takes a constantly accelerating toll of those of us who live for many years, it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time [seven more years]."

And besides, he and "Miss Margaret" now are ready to go back to the small town of Morganton, N.C., where they started, where they "hope to dwell for a time among the people who have known us best and loved us most [and whom they know best and love the most] and watch the sun set in indescribable glory." (Our superfluous italics.)

On the matter of age, the fact that Senator Ervin has been in the Senate long enough to pile up all that committee preferment and prestige is pretty unsettling to someone who is thus reminded that the seat he will be giving up was inherited from Clyde Hoey and who remembers thinking when Hoey died that the Senate would never be quite the same then, either, though for rather less substantial reasons than why it will never be the same without Sam Ervin. Hoey was a fairly florid rhetorician, too, but his principal distinction was that he was the last Member of the U.S. Senate to wear a frock coat.

Things are never the same, of course. Things are not the same in North Carolina, certainly, not even with Ervin still representing it in the Senate for another year, and not, equally certainly, in the country. The only rule is that while things can get better,

the odds increasingly seem to be that they are going to get worse. Or maybe it is only the gloom that attaches to Senator Sam's coming departure.

[From the Miami (Fla.) Herald, Dec. 26, 1973]

SENATOR SAM'S STYLISH EXIT

Politics is a dreary, humorless drag most of the time and so we shall miss Sen. Sam Ervin of North Carolina, a venerable 77, who has announced he is going to retire.

Some who serve as latter-day Solons—so they think—hang on and on even if enfeebled in body and mind, and younger men dare not risk popular sympathy to challenge them. But not Sam.

"Since time takes a constantly accelerating toll of those of us who have lived many years, it is simply not reasonable for me to assume that my eyes will remain undimmed and my natural force stay unabated," he explains with customary eloquence.

A sort of folk hero in his own time, Sen. Ervin brought to the Senate a brimful larder of lore, juicy but always tasteful. Watergate spun him to national prominence. His wealth of backwoods stories appeared in book form. Youngsters sported "Uncle Sam" T-shirts. The Carolinian curmudgeon and jester by turn, is an institution.

He exits with a sense of timing found in few politicians, for most try to live (as indeed we do all) beyond their era. Sam Ervin is very much of this one and ready to yield the floor to the next one. Largely unknown to the public before daily television exposure, he had entertained and influenced the Senate for years with his wit. One of his "Uncle Ephraim" stories, deadly in its twist as the rapier of a D'Artagnan, brought down the late Sen. Joseph McCarthy of Wisconsin in the disgrace of Senate censure during the mid 1950s.

Yet if Sam Ervin has been consistently and even deadly serious about one thing, it is the strict construction of the Constitution. No man in forum or on bench in Washington knows it better.

Most of us will bid a reluctant farewell to the leonine Tar Heel who made a nation laugh. Better, still, he made it think.

[From the Tennessean, Dec. 24, 1973]

"SENATOR SAM" WILL BOW OUT

Many will find some measure of regret in Sen. Sam Ervin's announcement that he will retire at the end of his term, but few can question the logic of his reasons.

Senator Ervin is 77. In making his announcement, he said: "Intellectual honesty compels me to confront this inescapable reality: If I should seek re-election in 1974, I would be asking North Carolinians to return me to the Senate for a term which would extend beyond the eighty-fourth anniversary of my birth."

Age is a reality that few can ignore and Senator Ervin is right in concluding that he should not try to stay on.

But the man that many know as the Senate's foremost constitutional lawyer will have left his mark on the laws and, perhaps, the politics of this country. Senator Ervin used the constitution to oppose some of the civil rights legislation. But he also used the constitution to fight for the rights of privacy, against unwarranted search and seizure, wiretapping and government spying on its citizens.

Senator Ervin has more than another year left in his term, and the singular opportunity to help see that the wellsprings of the political process are protected by law from any future predators who would ignore the Constitution in the name of security or victory.

[From the Portland (Maine) Press Herald, Dec. 26, 1973]

SENATOR SAM

It may take a psychiatrist to explain it, but it makes a lot of difference to a lot of folk that a United States senator from North Carolina has decided not to run again for that seat.

Sen. Sam J. Ervin Jr., has qualities that recommend him to those who do not understand the intricacies of government—and that includes a vast cross-section of us. Ervin "has an honest face", "speaks plainly", has a "folksy way about him," is a "next door neighbor sort of guy."

If there is one thing that Ervin did, he created credibility among the young folk. In an era of estrangement, the 77-year-old southern leader, drawl, Bible-quoting, phrase making, and all, was able to tap the confidence of the young at heart.

Sen. Sam won't run for re-election in 1974. With the stately verbal cadences of the past he explained:

"Since time takes a constantly accelerating toll of those of us who live many years, it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time" as to complete another six years in the Senate.

The man who became something of a national folk hero as chairman of the Senate's nationally televised Watergate investigation can still intrigue his listeners with his cadenced sentences. And then he can light the eye of any country man with his expectancies for the future: "Upon retirement the first thing I'm going to do is go fishing."

Watergate hasn't been all bad. It gave us Sam Ervin. There is something of Santa Claus in the living legend that is Sam Ervin. The honorable gentleman from North Carolina has a way of renewing faith within people who feel they have been so shabbily betrayed by some of their leaders.

Senator Sam is not guiding the Ship of State, but he gives the assurance of a top-notch harbor pilot who won't let it go aground while he's around.

[From the Sacramento (Calif.) Bee, Dec. 26, 1973]

IT WON'T BE THE SAME WITHOUT SENATOR SAM

Sen. Sam J. Ervin, D-N.C., came along at the right time, to steer the nation through the dark and tricky maze of Watergate, and there are many people who feel he will be retiring from the Senate prematurely in 1975, even though he will be 79 then.

The gravelly-voiced country lawyer with the jiggly eyebrows has done a masterful job of chairing the Senate select committee in its investigation into the crimes and excesses behind the 1972 re-election campaign for President Richard Nixon.

The televised hearings easily could have turned into a Roman circus, as they did in the infamous witch hunt by the late Sen. Joseph McCarthy. Ervin, courteous but firm, quick and scholarly, saw to it his committee conducted itself judiciously and skillfully brought out the most sordid episode in American political history.

Ervin made a name for himself as the Senate's leading authority on constitutional law and as a delightful storyteller long before television viewers began to consider him something of a folk hero. Only his consistent votes against civil rights legislation has marred his image.

He was visibly shaken at one point when former White House aide John D. Ehrlichman claimed Nixon had a right to authorize burglary for "national security." Ervin cited the Fourth Amendment guarantee against unreasonable search and seizure and declared,

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"I can understand the English language. It's my mother's tongue."

At another turn, the Southern senator said, "I love my country. I venerate the office of the president." But, he said, Nixon had failed to provide moral leadership to the nation and the President had a special obligation to hand over any information in the form of tapes or records that would shed light on Watergate.

Senator Sam says he wants to spend more time in retirement fishing, catching up on his reading and listening to good music. He has earned it.

[From the Arizona Daily Star, Dec. 22, 1973]

SAM WON'T PLAY IT AGAIN

Sam Ervin is playing his last act in the U.S. Senate. The 77-year-old North Carolina Democrat—he of the bushy eyebrows and the bucolic wit—has announced that he will not seek another term in Congress.

And he did so in characteristic Ervin manner:

"If I should seek re-election in 1974 I would be asking North Carolinians to return me to the Senate for a term which would extend the 84th anniversary of my birth," Ervin crooned. "Since time takes a constantly accelerating toll of those of us who live many years, it is simply not reasonable for me to assume that my eye will remain undimmed and my natural force stay unabated for so long a time."

Among the many things about Sam that will be missed in the Senate, is elegance of phrase such as demonstrated by the immediately preceding passage. Such graceful prose can only cause one to curse the typewriter for being so pitifully unequal to the task of transmission—for its incapability to impart the honeyed tones of Sen. Ervin's southern-comfortable accent.

But more than this the Senate and the nation will lose that wealth of information, that command of biblical and literary reference, that incisive grasp of the U.S. Constitution which is Sam Ervin's command. The Senator distinguished himself as a champion of personal liberties and public illumination and as a constitutionalist, long before his chairmanship of the Senate Watergate Committee brought him to national stardom.

Sam Ervin is the physical embodiment of the U.S. senator. His silver-grey hair, ponderous visage, and those legendary and hyper-active eyebrows could serve as a model for a Norman Rockwell portrait. Ervin's style has delivered all that his senatorial appearance promises.

But Sam stepped out of character when he announced his impending retirement. The archetypal U.S. senator lingers in Washington long past his effective lifespan. Unlike the archetype, Sam Ervin knows enough to quit while he is ahead.

[From the Washington Star, Jan. 5, 1974]

TIME TO GO FISHING

Southern politicians talk more about going fishing, and probably do less of it, than any other class of citizens. This is because talking about it is good politics in the South, but the politics takes up so much time that little fishing is possible. We expect, though, that Senator Sam Ervin really means it when he says "the first thing I'm going to do is go fishing" when he gets back to North Carolina, after retirement at the end of his current term.

For though Ervin may be a great senator, he really is not a great politician in the sense of tireless cultivation of the voters back home. He has, in fact, gone fishing when some of his friends thought he should be politicking, and consequently some zealous younger men might have run him a hard race for re-

election next year. It is difficult to believe he would have failed to win, institutionalized as he is in his chairmanship of the Watergate hearings. Also, his humorous storytelling is captured in a new book which surely will have brisk sales in North Carolina. But even there, alas, change has been swift, and for many of his neighbors he talks in the accents of another age. There, as here, many see him as an anachronism.

We suppose this is a correct observation. But when Senator Sam retires to his modest home town of Morganton, "to watch the sun set in indescribable glory behind Table Rock and Hawk's Bill Mountain," something will pass from Washington for which the modern age has found no good substitute. Long ago the classical men of gentle eloquence began to disappear from the ranks of Southern politicians, and now Ervin is the last of his kind in the Senate, probably for all time. Who else will be lecturing us with Shakespeare and Tennyson, in homespun dialect, while ever worrying about constitutional rights more than pork barrel for the home-folks? And who will blink in a disarming way and offer the King James Bible as higher law, recounting "Fay-re-oh's" mistakes, reminding sharp Watergate lawyers in all seriousness, "God is not mocked. Whatsoever a man soweth, that shall he also reap?"

We can do without it if we must, of course, but the homely civility he exemplifies will be lost at our own peril. It serves a purpose which keen-edged people do not understand—to hold society together, with consensus of courtesy. That is the South's best gift, and Sam Ervin transmits it with a special warmth. He will be sorely missed, when he finally says farewell.

Mr. TUNNEY. Mr. President, I take great pleasure joining my colleagues to record my farewell remarks for a great and unique colleague, Senator Sam J. Ervin of North Carolina. I have no doubt that SAM ERVIN will go down in history as one of the giants of the Senate, and I consider it a distinct honor to have been able to serve for 4 years with him in this body.

Senator ERVIN came to the Senate 20 years ago having already made a great contribution to public life and to the law in his native State of South Carolina. He had served as a State legislator at the age of 27, and later became a judge, rising through the trial and appellate ranks to become an Associate Justice of the North Carolina Supreme Court. Such a career would have been ample for most men, but in 1954, at the age of 58, SAM ERVIN embarked on a new adventure, and a new career, in the U.S. Senate.

SAM ERVIN's love of the law, and his commitment to wise lawmaking have been the hallmarks of his service in the Senate. He is universally admired as a dogged champion of the underdog, and a ferocious protector of the Constitution, that precious document which he has cherished above all things in his public life. And over the years he gained a reputation for complete integrity and fairness in all his work, a reputation which shone brilliantly in these last 2 years of constant publicity and pressure.

More than anything else, SAM ERVIN has been a constant fighter for the rights of the individual, those fundamental protections of our society which were embodied in the Bill of Rights of our Constitution. His leadership over many

years of the Constitutional Rights Subcommittee made a forum for exposure of wrongdoing, and for development of important legislation to protect individual rights and individual privacy.

But SAM ERVIN's constant fight for the individual came against government overreaching and wrongdoing came to its height in his chairmanship of the Select Committee on Presidential Campaign Activities. His wise, deliberate, but determined leadership of that committee was instrumental in uncovering the massive crimes of the Nixon administration. It was not dislike of the man, Richard Nixon, or of any of his associates which made SAM ERVIN so ferocious in his quest for the truth, but his horror and revulsion that the law, and the Constitution, could be subverted by men holding a public trust. These past 2 years have been SAM ERVIN's greatest glory, a true matching of a need for a leader at a time in history, with the perfect man to carry out the task. Our Nation will long be in his debt for his work.

Turning to a more personal note, it has been my privilege and pleasure to work with SAM ERVIN for 4 years on the Committee on the Judiciary. In that time we agreed on many issues, and disagreed on some others. But always SAM was courteous, and fair. His command of the Constitution and of many other aspects of the law was awesome, and often carried the day in our committee. But he never overpowered his colleagues; his tool was that of sweet reason, and well-timed wit.

I will miss SAM ERVIN greatly, and I know every Senator will also miss his presence in the Congress. But as he returns to his beloved Morganton, we know that he has contributed enormously to the law that he loves, and the Nation he loves. We shall be the poorer for losing him, but the richer for having the benefit of his wisdom and his character. I know that his example and his memory will remain for a long while to guide all of us.

A TRIBUTE TO THE HONORABLE SAM J. ERVIN, ON THE OCCASION OF HIS RETIREMENT FROM THE U.S. SENATE

Mr. BROCK. Mr. President, in the waning hours of this memorable session of Congress, in which so much has transpired of National and historical consequence—we would do well, I believe, to pay our respects to the author of a major part of our accomplishment, the Honorable SAM J. ERVIN, Senator from North Carolina.

SAM ERVIN is a conservative. He has always said so and he has had the right to say so. He is a constitutionalist, who knows his Constitution like he knows the back of his hand.

On certain issues—notably civil liberties as they apply in opposition to the police power—he may not hold to the official conservative position, or the one that most conservatives are intent upon defending, but that is because, in his opinion, the Constitution reads in a liberal direction on that particular matter, and he has no choice but to follow where it leads.

He is a man of conscience, all the way.

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and there is no point in bringing other factors to his attention, such as financial or political advantage. He is a member of that special breed of Senators that have managed to avoid getting rich throughout the course of their service in the Nation's Capitol, and he is not ashamed to say so. His business in politics, as he has seen it, has been to locate the shortcomings in our form of government, and to direct his energies against them, full force, and with enthusiasm.

He is a patriot, and one of the finest, seeing World War I service with the 1st Division in France where he was twice wounded in battle, twice cited for gallantry in action, and highly decorated by the Governments of France and the United States. Back home as a civilian, he consistently supported the American military cause, in World War II, the Korean conflict, and the war in Vietnam. He has always been a consistent supporter of military spending, a heavy nuclear deterrent, and the draft.

In the manner of all conservatives in Congress, SAM ERVIN has given priority to the older virtues: self-reliance, industry, and economy in Government. He has opposed a great deal of Federal spending on principle, believing that the Government—the same as the individual—should find a way to live within its means. In all his years on Capitol Hill he has sought, against the interests of pressure groups of monumental influence and extraordinary force, a balanced budget and a retiring national debt.

As a senior member of the Antitrust Subcommittee, SAM ERVIN has served as a strong supporter of the free enterprise system and a strong critic of abuses perpetrated against the national interest by influential and unscrupulous labor unions.

Yet, for all his sympathy for the problems of American industry, he has aligned himself to the cause of the environmentalists in the matter of establishing Federal standards, whether or not they have industrial approval.

As the longstanding defender of the underdog's right to be heard, SAM ERVIN has opposed, from the moment of his arrival in this Chamber, all attempts at curbing the filibuster power, and in so doing has won a score of major battles on the Senate floor.

Nor is his record less brilliant in committee work. As a member of four committees—Armed Services, Select Committee on Equal Educational Opportunity, Government Operations, and Judiciary—he has developed an experience rendering him a giant among the lawmakers.

As chairman of the Subcommittees on Constitutional Rights and Separation of Powers, he has emerged in recent years as an important National figure in controversies over the invasion of privacy and Army surveillance. In defending the individual's right to be left alone by government, excepting only when engaged in criminal activity, he has criticized the Army, the Bureau of the Census, HEW, the State Department, the Passport Office, the Secret Service, and the

Justice Department, for investigating the behavior of American citizens beyond what, in Senator ERVIN's opinion, can be properly regarded as the point of reason.

His major legislative accomplishments include the Criminal Justice Act of 1964, providing legal counsel for indigent defendants; the Bail Reform Act of 1966; the Military Justice Act of 1968; protecting the rights of military personnel; the 1964 District of Columbia Hospitalization of the Mentally Ill Act; and the Congressional Budget and Impoundment Control Act of 1974 on which it was my great pleasure to work with him.

In my brief period of service in the Senate, I have come to admire SAM ERVIN as a man of honor, ability, hard work, sagacity, and the highest principle. He has been, beyond question, one of the most distinguished Members of this body over the past 20 years, and shall be so remembered by posterity.

I ask unanimous consent that a recent article about SAM ERVIN, George F. Will's "Let Us Praise This Rare Man," be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Washington Post, Dec. 17, 1974]

LET US PRAISE THIS RARE MAN

(By George F. Will)

In 1925 the North Carolina legislature considered and rejected a bill to forbid teaching Darwinism or "any other evolutionary hypothesis that links man in blood relationship with any lower form of life." An opponent of the bill, a 29-year-old state legislator, just country lawyer, said: "I don't see but one good feature in this thing, and that is that it will gratify the monkeys to know they are absolved from all responsibility for the conduct of the human race."

Half a century later, Sam J. Ervin Jr., looking back on 20 years in the U.S. Senate, could be forgiven if he concluded that there is no form of life lower than man. Although his entire Senate career, which is in its final hours, has been lustrous, it has been bracketed by, and is symbolized by, his service on two select committees which had to deal with some of the basest men ever coughed up by the American political process.

In 1954 Ervin was appointed to replace a senator who had died. On June 11 he was sworn in by Vice President Richard Nixon. On June 17 Sen. Joe McCarthy ended his hearings about whether the U.S. Army was soft on communism.

On Aug. 2 the Senate established a select committee to report on Resolution 301: "Resolved, that the conduct of the senator from Wisconsin, Mr. McCarthy, is unbecoming a member of the United States, is contrary to senatorial traditions, and tends to bring the Senate into disrepute."

Vice President Nixon appointed seven senators to the committee, including the newest senator, the former associate justice of the North Carolina Supreme Court. On Oct. 3 McCarthy attacked Ervin and the two other committee Democrats as "unwitting hand-maidens" of the Communists. On Nov. 15 Sam Ervin said in the Senate:

"The issue before the American people transcends in importance the issue before the Senate. The issue before the American people is simply this: Does the Senate of the United States have enough manhood to stand up to Sen. McCarthy? . . . The honor of the Senate is in our keeping. I pray that senators will not soil it by permitting Sen. McCarthy to go unwhipped of senatorial justice."

On Dec. 2, 1954, the Senate censured McCarthy.

Nineteen years later, as chairman of another select committee, Ervin's manliness made the Senate seem more manly than it was. In his role as chairman of that Watergate Committee, he may have been the last man born in the last century to become a hero in this century.

Nixon and McCarthy were impostor conservatives. Both had the true radical's disdain for due process and other limits. But most conservatives unlike Ervin, did not acknowledge their special duty to break the impostors.

Late in his career, because of Watergate and because of his astringent opposition to government invasion of citizen privacy, Mr. Sam became a hero to American liberals. But modern liberalism, both in theory and in practice, is diametrically opposed to his constitutional conservatism.

Liberals have tried to suggest that there is an incongruity, if not a contradiction, between Ervin's gritty opposition to McCarthy and Nixon, on the one hand, and his equally gritty opposition to federal civil rights legislation, on the other. In fact, a constitutional conservative frequently must be an "opposing man." And the consistent theme of Ervin's great "oppositions" was this: Our government is—or, at any rate, once was and should be again—a government of precisely enumerated, carefully delegated and strictly limited powers.

Ervin's constitutional conservatism, a doctrine of unblinking hostility toward unchecked power, led him to oppose well-intended civil rights policies, as well as mean-minded men, when they involved putting federal power to uses not explicitly sanctioned by the Constitution, strictly construed.

Thus Sam Ervin, who always has been better than the Senate he ennobled, is a living rebuke to liberals, who have consistently opposed his conception of government, and to lesser conservatives, who failed to stand with him against impostors.

So now, as he takes leave of us, let us praise this rare man whose fame, though great, does not match his great virtues, a man every bit as fine as his nation affectionately thinks he is.

Washington will be diminished by his departure. But the bittersweet sense of loss we feel is the price we pay for having had for so long, but not nearly long enough, the pleasure of his enlarging company.

Mr. BAYH. Mr. President, when the 93d Congress adjourns there will be a note of sadness for all of us here in the Senate, knowing that our distinguished colleague from North Carolina, Senator SAM ERVIN, will retire and will not be with us in January when the 94th Congress convenes.

SAM ERVIN has built a record of legislative accomplishment that few have ever equaled. For the past 20 years, he has been the Senate's recognized expert on the Constitution. While he has never slackened his dedication to the public well-being, Senator ERVIN's wit and wisdom have always made our deliberations more enjoyable, and quite importantly, more fruitful. Through the recent Watergate hearings, the world has learned what those of us in the Senate have always known—no man could more deserve respect and praise than SAM ERVIN.

It has been my great privilege to serve as a member of the Senate Judiciary Committee with Senator ERVIN. I have witnessed at close hand his courage, wis-

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dom, and dedication to the fundamental law of the land and the rights that law guarantees all Americans.

Senator ERVIN, as much as any person who has served in this body throughout our history, truly reverses the Constitution of the United States and the ideals upon which that document is based. But what is more, SAM ERVIN understands the Constitution. Through this reverence and understanding of the Constitution and through the force of his personality, Senator ERVIN has made a contribution to this body and the Nation of historical proportion.

Senator ERVIN and I have not seen eye to eye on every issue. But I have never run up against a more formidable opponent. Nor has there ever been a time when I did not appreciate hearing the views of my distinguished colleague from North Carolina. The respect he so deservedly maintained required that we always give thoughtful consideration to Senator ERVIN's views.

I would like to conclude these remarks with a quotation from Senator ERVIN, one which I believe expresses the man, and my feelings about him, far better than anything I myself could say:

The Founding Fathers left us with a delicate government which if maintained in its proper balance will ensure freedom for generations to come. The vigilance that freedom demands must be provided by each and every citizen—and especially by those of us who love the law.

SAM ERVIN is one of those special men who truly love the law. There is a special place of honor and respect reserved for him in the history of our Nation.

THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS SAYS GOODBYE TO ITS CHAIRMAN, SENATOR SAM J. ERVIN, JR.

Mr. ALLEN. Mr. President, yesterday the staff of the Senate Subcommittee on Constitutional Rights of the Senate Judiciary Committee, said goodbye to its longtime chairman, Senator SAM J. ERVIN, Jr., in a letter signed by all members of the subcommittee staff. I ask unanimous consent that a copy of such letter be printed at this point in the body of the RECORD.

The PRESIDING OFFICER. There being no objection, the copy of the letter was ordered printed in the RECORD as follows:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
Washington, D.C., December 18, 1974.
Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR Mr. CHAIRMAN: At the risk of being overly sentimental and decidedly unobjective we, the staff of the Senate Subcommittee on Constitutional Rights, want to take this opportunity on the eve of your departure from the Senate to pay you our tribute and respect.

There is not one of us who will not cherish his experience working on your behalf. We found you a singular man—a man of charm and wit, a man of integrity and dedication. Your steadfast commitment to the Constitution was inspiring—simply knowing that you genuinely and deeply felt that our constitutional guarantees were in-

violate and, indeed, were the basis of our freedom, gave to each of us a sense of purpose and reward. And, if you felt our freedoms worth saving, you had unwavering faith in our constitutional system of government as well. You never shied from questioning what you took as departures from the constitutional scheme of things. You never failed to act on those judgments either, whatever the political popularity of your actions may have been. We, on the staff, were ourselves bolstered by your courage and conviction.

And, if not all the bills we worked on were passed, nor attracted the attention we thought they deserved, we are proud of what we did accomplish and the record we have made together. We would recall that the Criminal Justice Act of 1964, the Criminal Justice Act Amendments of 1970, the Ball Reform Act of 1966, the Military Justice Act of 1968, the Indian Bill of Rights of 1968, and the Hospitalization of the Mentally Ill Act of 1965, all had their beginnings in the Subcommittee on Constitutional Rights. The subcommittee also provided the forum for your investigations of military surveillance, invasions of privacy, federal employee rights, encroachments upon freedom of the press, the separation of church and state, and the right to speedy trials. More recently, our efforts have led to repeal of the "no-knock" laws and the development of legislation to govern federal data banks and computers in general, and the dissemination of criminal justice information in particular.

These are momentous issues—at times they seemed too momentous for ordinary folks to handle. But we were not working for any ordinary man. When James J. Kilpatrick called you "the last of the Founding Fathers," he put into words our own heartfelt regard for your stature.

We take this opportunity, then, on behalf of all those who have worked on the staff of the Subcommittee on Constitutional Rights during your tenure as Chairman, to wish you and Mrs. Ervin the best for the future. While others will undoubtedly convey their own regrets at your departure, there are few that will feel your absence more profoundly than we do.

Sincerely,
Lawrence Baskir, Adeline Bigelow, Ben Dixon, George Downs, Sr., Martha Freeman, Mark Gitenstein, Mary Gowen, Lydia Grieg, Merriellou Howser, Helen Lyles, Irene Margolis, Sylvia Muszalski, L. Britt Snider, Gordon Thomas, Marcia MacNaughton, Victor Creech III.

Mr. PERCY. Mr. President, I would imagine that most Americans, if they were asked to name a Senator, would probably think of SAM ERVIN first. To many, he is the personification of the Senate, due mainly to his chairmanship of the Select Committee on 1972 Presidential Campaign Practices. However, much more than that he is known to us in the Senate as a man who has been the personification of many of the values of our Founding Fathers.

SAM ERVIN has a love of country, a love of the law, a respect for our history, and very personal relationship with every one with whom he has come into contact.

In many ways, they don't make 'em like SAM ERVIN anymore. He learned law in the old tradition, reading Blackstone, and learning from his father. As with everything he has done, he went back to the roots of the law to learn what was there to be learned. Of course, now he is widely known and respected as one of the Nation's leading constitutional au-

thorities, notwithstanding his typically modest claim of being "only a country lawyer."

His service to his beloved State of North Carolina and to his country has been varied and extensive. He was wounded twice in World War I, served in the North Carolina State Legislature, and as an Associate Justice on the North Carolina Supreme Court. In 1954, he came to the U.S. Senate, and immediately became one of this body's most beloved and most respected Members. One of the first tasks which he had upon his arrival was dealing with the volatile and distasteful disease which had spread through this Nation, commonly known as McCarthyism. It is ironic that one of the last tasks which he performed as a Senator involved another political hot potato, Watergate. Both represented dark moments in our Nation's history and both were fundamental threats to our constitutional form of government. Both were overcome largely due to SAM ERVIN's leadership.

The marks which SAM leaves on this body and on this country are many and indelible. His service as chairman of the Constitutional Rights Subcommittee has helped to highlight many threats to our constitutional rights, including spying on civilians by the military. He has guided through many legislative landmarks, such as the Speedy Trial Act which for the first time gives some substance and meaning to the constitutional guarantee of a speedy trial.

The reason I feel that I know SAM ERVIN so well is because of these last 2 years when he has served as chairman, and I as the ranking Republican member, of Government Operations. We have had a unique and a very close relationship on this committee. Our cooperation has been bipartisan and our service together has been one of the most rewarding experiences of my life.

I have learned a great deal from this wise man. His sense of humor, his sense of decency, his sense of fair play, and his sense of history, have contributed to making the Government Operations Committee one of the best committees in the Congress. As an example, I would cite two bills which are now law largely due to SAM ERVIN's efforts. The Budget Reform Act makes the Congress a full-fledged partner with the executive in determining this Nation's budgetary priorities. The privacy bill gives each American the right to learn what information has been secretly collected and stored by agencies and organizations of every type. These two bills, though perhaps not widely known, certainly are as important as any which this Congress has passed in recent years.

I will miss my friend from North Carolina in the coming months and years. I will miss his advice, his wisdom, and his friendship. But what is our loss is indeed North Carolina's gain. He will return to that land that he loves, and which has nurtured him all of his life. No doubt, you will be able to find him with a fishing pole in his hand. But just as often, I trust that you will be able to find him back here with his friends, giving

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us the benefit of his counsel even though he will then be a private citizen.

For what he has done for me, for what he has done for the Senate, and for what he has done for this Nation, I simply say, thank you, SAM.

Mr. MUSKIE. Mr. President, hundreds of Americans have served their country in the U.S. Senate. Most of them served their country well. A few served it superbly. But rarely has our country been served with the same selfless dedication as the Senator from North Carolina, SAMUEL JAMES ERVIN, Jr., who soon will leave us on his final recess.

SAM ERVIN is a rare man, who has served the cause of civil liberties under our Constitution. He has no multibillion-dollar programs named after him. He has no monuments of brick and mortar named after him. Rather, he has served a quiet stewardship of our constitutional rights as no other Senator has in this century.

Appropriately, he leaves at a time similar to when he arrived—when willful men sought power at the expense of individual rights. That was in 1954, when Senator Joseph McCarthy had pilloried honest public servants with dishonest accusations. It was a time when both the strong and the weak feared to speak honestly.

When SAM ERVIN spoke against this and urged censure of Senator McCarthy, he reached our conscience with this call:

Mr. President, the honor of the Senate is in our keeping. I pray that Senators will not soil it by permitting Senator McCarthy to go unwhipped of senatorial justice.

The Senator from Wisconsin did not go unwhipped, and our rights were preserved, thanks, in no small part, to the freshman Senator from North Carolina.

Even though others shrank or ran for cover, SAM ERVIN stood his ground because of his strict adherence to constitutional principles—principles that he believed unchangeable.

As he stood his ground for 20 years in this Chamber, he fought against transient expediency that traded hard-fought rights and principles for the fool's gold of temporary benefit. In doing this, he lived the true conservatism of someone ready to fight Jacobins of the left and right. It was conservatism dedicated to truth and dignity.

SAM ERVIN explained his basic philosophy this way:

The Founding Fathers rightly believed that truth alone makes men free. They desired most of all that the people for whom they were creating a government should be politically, intellectually, and spiritually free.

In the nature of things, they could not guarantee that Americans would have the right to know the truth, and make that right effective by conferring upon the people and denying to the government the power to determine what truth is.

In talking about freedom, he often quoted his fellow collegian, Thomas Wolfe, who said:

I do not believe that the ideas represented by "freedom of thought," "freedom of speech," "freedom of press," and "free assembly" are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and

that if they are destroyed men will again fight to have them.

SAM ERVIN was always ready to put these words into action—especially when Government sought to take powers away from the people with the pretext that the people were not capable of exercising these powers themselves.

But SAM ERVIN's defense of our rights was done quietly, without the drama we as politicians have come to expect. It was waged not on campaign platforms, not on whirlwind jet-propelled tours, nor on television screens.

Rather he maintained his vigil in the quiet world of books, of reasoned debate with others, and in secluded reflection with himself.

It was only recently that Americans came to know of his lonely vigil. They came to know of it when a so-called third-rate burlary brought an administration of dishonest men to the stand.

They came to know him as a voice of sanity and clarity. He symbolized the simple dedication to principle that has been a bedrock of our form of government.

Without fanfare, without bitterness, SAM ERVIN conducted televised hearings that exposed the "team players" who would make inoperative the rights and principles established two centuries ago.

He spoke out with the clarity of Thomas Jefferson in contrast to the Orwellian logic and rhetoric we have heard so much recently. His common sense and faith in people compelled him to expose—then let people judge—the wiretapping, the impounding, the bugging, the covering up and the surreptitious devices of an irresponsible administration.

He observed dispassionately:

The evidence thus far introduced or presented before this Committee tends to show that men upon whom fortune had smiled benevolently and who possessed great financial power, great political power, and great governmental power undertook to nullify the laws of man and the laws of God for the purpose of gaining what history will call a very temporary political advantage.

His words were like his life—simple, forthright, and powerful. And they expressed a philosophy of life and government that practiced faith in people and restraint of power. These words lectured us on our duties under the Constitution.

I came to appreciate fully SAM ERVIN's wisdom in the past few years as we worked together for curbs on executive privilege, impoundment of funds, budget reform, freedom of information, privacy, and other legislation involving basic constitutional issues. The Senate could not have accomplished these reforms without his sage leadership.

In our years together, SAM ERVIN and I have disagreed as often as we agreed. We have opposed each other especially on the issue of civil rights. I still disagree with his idea that civil rights legislation confers special privileges on people, instead of enforcing and protecting their rights.

But I also know that his stands did not spring from malice or meanness. They came from a principled opposition to activist government, in all forms.

It is no revelation to say that SAM

ERVIN is imperfect, in my eyes and in his own eyes. As we know, he revels in his imperfection and in his knowledge of man's imperfection.

But, as he departs for the mountains of western North Carolina, let us remember him for his demonstration that our rights are fragile, and need our constant care and defense. Let us remember him for his lessons that man, being imperfect, cannot hold unchecked power over others without eventually abusing them.

Let us remember him for his long, patient, and courageous stewardship of our rights. Let us remember him simply—he looked after the Constitution.

Mr. HATHAWAY. Mr. President, I rise today to pay tribute to SAM ERVIN, distinguished senior Senator from North Carolina for his illustrious service here in this Chamber knowing full well that he was distinguished in the field of law long before he came on the national scene.

Before he was 26 years old, our colleague had graduated from Harvard Law School, taking enough time off before graduation to earn himself a Distinguished Service Cross, the French Fourragere, the Purple Heart with Oak Leaf Cluster and the Silver Star during his service with the 1st Division in France during World War I.

It is fortunate for America that his first love was for the law, as it is clear that he could have had a successful career as a soldier. And how we would have missed him over the past 20 years here. But his thirst for justice was stronger than the thirst for victory, and instead of applying his tenacity toward battle, he applied it to the law.

Senator ERVIN was well trained for the work he has done here. At 27 he was writing laws as a member of the North Carolina State Assembly, where he served three terms before accepting a judgeship in the Burke County Criminal Court. Two years later, he became judge of the North Carolina Superior Court, a position he held until 1943. When his younger brother, a Member of the House of Representatives died in 1946, Mr. ERVIN was elected to fill that vacancy, and served in the lower house until January 1947. He did not seek reelection, choosing instead to return to his law practice. In 1948, SAM ERVIN was appointed associate justice of the North Carolina Supreme Court, a position he held until appointed to the U.S. Senate in 1954. The residents of North Carolina have reelected him three times since his appointment, and he has been a highly visible person here ever since.

Destiny is an unusual word in this Chamber, for here we deal with laws and issues. But it must seem as unique to my colleagues as it does to me that the antics of a few arrogant public servants occurred at a time in history when the acknowledged expert on constitutional law was available to chair the Select Committee on Presidential Campaign Activities.

The legal skills he brought to that investigation made public a fact that the citizens of North Carolina and Members of Congress knew all along; no one reveres the law more than SAM ERVIN.

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and few are as dedicated as he in preserving our Constitution.

Although the primary purpose of that committee's investigation was to ferret out the truth of the so-called Watergate scandal, its activities set in motion a series of events which helped restore the people's confidence in their government, a perfect accomplishment for a man whose life's work has been dedicated toward that goal.

Ours is a government of faith, and faith without credibility becomes cynicism. SAM ERVIN helped restore that faith, and while he has had many successes throughout his life in his battle to protect that faith in government, this event has special meaning. As we approach our 200th birthday as a democratic Government, the significance of SAM ERVIN's tenacious pursuit of truth becomes more and more relevant. The Constitution forged those many years ago has time and time again withstood the shocks of wars and scandals. And it has done so because each time in history that it has been under attack, a man of SAM ERVIN's caliber has been in a position to right the wrong.

While it is right to call this a major accomplishment, we cannot refer to it as a finale.

The battle for freedom is fought in the mind of man, not with his hand. As a citizen, a judge, a State legislator, an associate justice of his State's supreme court, and as a Member of Congress, SAM ERVIN has distinguished himself in that battle.

We will miss his presence here, Mr. President, but I have every confidence that SAM ERVIN will continue to distinguish himself, for he has aptly demonstrated that he is willing to utilize his life to protect the liberty and freedoms guaranteed by our Constitution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Texas (Mr. BENTSEN) in tribute to Senator ERVIN.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BENTSEN IN TRIBUTE TO SENATOR SAM ERVIN

Our emotions must certainly be mixed as we enter the closing days of the 93rd Congress. We have had a most productive year, we have dealt responsibly and conclusively with several outstanding matters of grave importance during this post-election session, and we view the coming Congress as a new opportunity to continue our efforts to restore the nation's prosperity and the people's trust in their institutions.

However, we are also saddened by the thought that these will also be the last days that we will be privileged to serve alongside a number of our colleagues who have enhanced the reputation of this body and served their nation so well. Among those who will complete their Senate careers is the distinguished senior Senator from North Carolina, the honorable Sam J. Ervin.

Senator Ervin has become, quite rightly, a legend in his own time. His decency, graciousness, humor, leadership, and wise counsel have for so long been part of this Senate, and I believe we will each be diminished by his departure.

Senator Ervin will be best remembered for the role he played during the Watergate

affair. The nation scarcely anticipated the horrors that would eventually be revealed when it entrusted Senator Ervin with chairing the Select Committee on Presidential Campaign Activities. As he has done throughout his Senate career and his entire life, Senator Ervin accepted that challenge and proceeded to lead the nation in unearthing the abuses and unraveling the many efforts to prevent their disclosure. His careful prodding and attention to detail set the example for the entire Committee, and their combined works provided the real basis for the subsequent labors of the House Judiciary Committee and the courts. Senator Ervin helped guide the nation through a most unsettling time, and our people shall be eternally grateful.

Those efforts, however, only culminated a career marked by a dedication to preserving the liberties granted by the Constitution and reversing the growing imbalance of powers among the branches of our government. Throughout that career, Senator Ervin has been driven by an unflinching belief in what James Madison best expressed nearly 200 years ago:

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Senator Ervin has had the ability to relate the events of today to the basic rights guaranteed by our Constitution, and I believe he has helped to move the nation to a greater commitment to preserve them. He bequeaths as part of his legacy to the American people a list of legislative recommendations proposed by his Watergate Committee, and I know that few things will please him more than their subsequent enactment.

These few words do not pay full tribute to the Senator from North Carolina. He has served his nation so well, and our people shall long be indebted to him. I wish him and his wife lasting happiness. We shall miss them both.

Mr. DOLE. Mr. President, as the 93rd Congress comes to a close, so also does the senatorial career of one of this country's most distinguished Senators, most noted constitutional guardians, and most famous "country lawyer."

The senior Senator from North Carolina, Senator SAM ERVIN—now known to millions as Senator SAM—has served in this body 20 years as its most outspoken defender of constitutional integrity.

Before he became known as Senator SAM he was referred to by his associates as "the judge", a title that both referred back to his tenure in the Supreme Court of his State of North Carolina, and referred as well to his wisdom and judicious state of mind, experience and characteristics which made him a figure sure to take a prominent place in the history of the U.S. Senate.

To the people of his State he has been an able representative serving them and their interests at the same time he guarded watchfully the needs of the Nation as a whole.

His has been a voice, over 20 years of the most sweeping changes in this country, for moderation and perspective. He has been a voice for calm in the midst of a near chaotic rush of events. He has been a voice for reason and deliberation. He has on numerous occasions cautioned this body against haste. And he has always been a voice in defense of tradition, not blindly so, but by way of re-

mindings us that tradition is the counsel of wise men who have gone before us.

Those of us who will remain in the Senate and those new Members we will welcome into the 94th Congress will be better because SAM ERVIN has gone before us, has in effect reinforced by his service many of those traditions which are best about the Senate.

I wish to add by voice to those of my colleagues in wishing Senator SAM ERVIN all of the best in his coming years of retirement. I ask of him only—and I am sure my colleagues join in this request—that he will continue to share with us and the Nation his thoughts about and his prescription for the problems facing this country.

Mr. HUMPHREY. Mr. President, I want to join my colleagues in the Senate and the American people in thanking Senator ERVIN for his outstanding service to our country. No one in Congress knows the Constitution better. No one in the country has done so much to educate us on its meaning, to preserve its fundamental principles, and prove that it must remain the foundation of our Government. His contributions in protecting the rights of the individual, preserving the checks and balances between the branches of government, and to investigating abuses of power will have a lasting impact on this Nation.

We will miss this statesman who for 20 years has enhanced the Senate by his presence. His integrity, his courage, his fairness, his commitment to a government of laws not men, his deep sense of justice have done much to shape the American people's expectations of their representatives. We will all continue to be judged by this standard for years to come.

We owe a special debt of gratitude to Senator ERVIN for the central role he played in turning a major failure of government into a triumph of constitutional principles. Due in great part to his wisdom and guidance, the American people have survived a crisis of confidence in government and emerged with a new faith in the strength of the principles on which this country was founded.

As an advocate, Senator ERVIN was without peer—a man of integrity and courage, a hard worker, an articulate, deeply committed and sometimes humorous spokesman for what he believed to be right, a patriot in the truest sense, and a conservative in the best sense. Such a man always improves the quality of debate on both sides of any issue.

I join my colleagues in wishing Senator ERVIN the best of health and much happiness as he returns to the beautiful State he has served so well for so many years.

AES SALUTE TO SAM ERVIN

Mr. STEVENSON. Mr. President, with the end of this Congress the Senate loses one of its greatest members, SAM ERVIN of North Carolina.

"Senator SAM" first became widely known to the American public outside of North Carolina as Chairman of the Senate Watergate Committee. But his tireless effort there on behalf of the Constitution was not a new found interest. In the Senate that effort began when he

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first arrived in 1954 and was appointed to the Select Committee considering a resolution of censure on Sen. Joe McCarthy. In the 20 years since then he has led the fight in the Senate for Constitutional Rights and Constitutional Government. He was investigating Army surveillance of civilians before the Watergate Committee existed, led the fight against the repressive "No Knock" law, and was in the thick of battle over Presidential usurpation of Congressional authority through illegal impoundment of funds. Just this week the Senate passed the Federal Privacy Act, a final tribute to Senator ERVIN's life-long persistence in defense of the citizen against Government encroachment of his civil liberties.

I cannot imagine that the Senate will ever have a more dedicated and effective Chairman of the Subcommittee on Constitutional Rights. The people of North Carolina can be justly proud of their senior Senator, and all of the American people owe him thanks for the 20 years he has spent here in defense of their liberties. We shall all miss him.

Mr. SCHWEIKER. Mr. President, I would like to join in paying tribute to our colleague, Senator SAM ERVIN.

The Senate and the Nation owe a debt to SAM ERVIN which can never be repaid. Everyone knows the key role which Senator ERVIN played on the Watergate Committee, and his tremendous contribution to the preservation of our form of Government will certainly be a matter of historical record, and an inspiration to American citizens for decades to come.

We in the Senate, however, have also been privileged to know SAM ERVIN as a friend and a colleague, and we know how valuable his wisdom and his insight have been in the day-to-day work of the Senate. We know his numerous accomplishments on the Senate Judiciary Committee, and we know that his knowledge of, and commitment to, the U.S. Constitution has set a standard which should be a model for every U.S. Senator.

We will miss SAM ERVIN. But the Senate's loss is North Carolina's gain, and I know SAM's many friends and admirers in North Carolina will be glad to have him home on a year-around basis. I am sure my colleagues all join me in wishing Senator ERVIN a happy and productive retirement.

Mr. KENNEDY. Mr. President, the Senate is on the eve of losing one of its most distinguished Members, Senator SAM J. ERVIN, Jr. of North Carolina. The esteemed presence of SAM ERVIN will be greatly missed by all of us.

Appointed to the Senate in 1954, SAM brought to the Congress a unique scholarship and temperament acquired from 14 years as a North Carolina judge. He has devoted his efforts to preserving and strengthening the personal liberties guaranteed by the Constitution. As a champion of the Constitution, SAM ERVIN has been our conscience and watchdog by pointing out the dangers of governmental intrusion into the private lives of citizens. His efforts have been responsible for many major pieces of legislation including the legislative overhaul of the Code of Military Justice which has in-

jected a measure of fairness into the military justice system; The Bail Reform Act of 1966 to remedy a situation where the rich, but not the poor, enjoyed the full benefits of our constitutional presumption of innocence; his amendment to the 1968 Civil Rights Bill which helped guarantee to native Americans the same rights guaranteed to all citizens.

Most recently, his greatest contribution to our Nation and its future has been his distinguished performance as chairman of the Select Committee on Presidential Campaign Activities. Through his efforts he has once again renewed our faith in the integrity of our political process. Future generations will indeed benefit from the ideals and examples he has set for us.

It is not only SAM's legislative work that will be missed, Mr. President. SAM's intangible qualities—the humility and wisdom nurtured in North Carolina's Burke County have helped us all retain a true sense of reality in our efforts and feelings for the American people. There have been many times this legislative body has been bogged down in the intricacies and labyrinth of technical debate, but SAM ERVIN's legendary anecdotes have always illustrated a central point and restored our focus to the important issues. His fundamental wisdom will truly be irreplaceable.

Mr. President, I want to join with my colleagues and the American people in thanking SAM ERVIN for his dedicated service to the Nation, and wish him every good fortune upon his retirement.

Mr. STENNIS. Mr. President, when we meet again in January, the Senate, and the Committee on Armed Services, will be without one of their most respected and valued Members—I can really say one of their shining lights. I refer to my good friend the senior Senator from North Carolina, Senator SAM ERVIN. I shall now speak of him primarily—connected with his services as a member of the Committee on Armed Services.

Senator ERVIN joined our committee early in January 1955. For 20 years he has given us his wise advice—clearly and carefully expressed—and always richly seasoned with good humor in his own style.

Long before his other recent activities pushed him into the spotlight and alerted the public to his great capacity, we on the Armed Services Committee were fully aware of his great ability and of his dedication to the public interest. It just does not say enough to say that he will be missed.

As a lawyer, I think I have been especially aware of the fine legal talent which Senator ERVIN possesses. Our committee will be the poorer, in many ways, for his retirement.

Of course, in that connection, we certainly wish him all the best as he moves with his good wife from a career of public service back to North Carolina where he was born and raised.

The record should show that Senator ERVIN compiled a distinguished record for gallantry in action in World War I, that he served in the North Carolina Legislature and in the House of Representa-

tives, and that he was a Superior Court Judge in North Carolina—all before he ever came to the Senate.

Here in the Senate he has, of course, done distinguished service as chairman of the Committee on Government Operations and—in recent months—as chairman of the Senate Select Committee on Presidential Campaign Activities. The latter assignment has of course made him personally known and admired across the Nation.

His contributions to the work of the Judiciary Committee, as one of the country's best legal scholars, are well known to Members of the Senate, the members of the press, and the whole country at large.

I predict that SAM ERVIN will be long and favorably remembered in this Chamber and that his work will live for many decades to come.

To him and his family we extend very best wishes for a happy and fruitful retirement.

Mr. McCLELLAN. Mr. President, in recent years, the American people have discovered what we in the Senate have known for many years—that Senator SAM J. ERVIN, Jr., is one of the most outstanding legislators to grace this body in many decades.

As a result of years of friendship and service together on the Judiciary and Government Operations Committees, I have had the opportunity to develop a respect for the wide-ranging intelligence and deep learning of the senior Senator from North Carolina.

So, it was no surprise to me—as it was to no Member of the Senate—that when the time came for him to perform what must have been a distasteful but necessary task in conducting the Watergate investigation, he met those responsibilities in keeping with the highest traditions of the Senate.

Through his conduct of these hearings, he succeeded in transforming what could have been a bleak experience for most Americans into a renaissance of faith in the strength of our democratic institutions and in the viability of our system.

SAM ERVIN has, in his 20 years of service in the Senate, well deserved his reputation as an authority on constitutional law, but he has also achieved an outstanding record of accomplishment in a wide range of governmental activities.

He has proposed and helped enact reforms in the congressional budget process, in the establishment of ethical standards for Government officials, in the protection of first amendment rights and in the methods of financing election campaigns.

During his career, Senator ERVIN has come to represent all that is good in the United States and its traditions. His scholarship, his ready wit, his great love for this country—all have combined to make him a southern statesman who has contributed immeasurably to the progress and welfare of our country.

Mrs. McClellan and I hope that you and Mrs. Ervin, after the long and active years of service that you have given this country, will find much pleasure and contentment in your retirement. May the

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richest blessings of life abide with you always.

Mr. HARRY F. BYRD, JR. Mr. President, the joy of this holiday season will be less bright for all Members of the Senate because of the knowledge that when we reconvene in January, the voice of SAM ERVIN will no longer be heard in the Chamber.

Senator ERVIN is justly renowned as the Senate's foremost constitutionalist.

Ever since his admission to the bar in 1919, SAM ERVIN has made the law his life. As an attorney, as a judge of the North Carolina Superior Court, as a Member of the House of Representatives, as associate justice of the North Carolina Supreme Court, and lastly—for the last 20 years—as a U.S. Senator, he has above all been a man of the law.

His celebrated eloquence has most often been heard in defense of the rule of law, and of his beloved Constitution. I say "his beloved Constitution" advisedly; not because any American owns the Constitution more than another, but because Senator ERVIN has made it his mission to defend it against all attackers.

We in the Senate may be forgiven, I think, if we sometimes think of SAM ERVIN as one of the framers of the Constitution. Since he is a mere, strapping 78, he couldn't have been present at Philadelphia in 1787, but I know how often his spirit has visited the halls in which our organic law was forged.

Senator ERVIN's dedication to the Constitution is not just to its letter, but to its spirit. It was to preserve the spirit of the Constitution, I am sure, that he waged relentless battle against invasion of privacy, distortion of justice in military law, twisting of constitutional structures in the name of expediency and momentarily popular causes, and wrongdoing and corruption in high office.

But Senator ERVIN is far more than a great lawyer and constitutionalist. His enormous skill as an advocate has been employed in good causes convening the whole spectrum of legislation. Indeed, he sometimes seems to be the Renaissance man of the Senate.

And beyond all this, SAM ERVIN is a man of immense warmth. I know of no colleague to whom I have more often turned for counsel, nor any who has more willingly and honestly given it. We shall miss his friendship fully as much as his vast legislative skills.

We in the Senate are occasionally chided for our frequent use of the word "distinguished." Perhaps at times we overdo it a bit. But in the case of Senator ERVIN, no word could be more truly fitting.

Farewell, then, to a distinguished servant of the people—and a distinguished human being.

Mr. WILLIAMS. Mr. President, it is with a feeling of melancholy that I join today in paying tribute, on the eve of his departure from this body, to the senior Senator from North Carolina, SAM ERVIN.

During the course of my own service in the Senate I have counted it a privilege to serve with many fine Americans whom I shall always remember with fondness and great respect. But among

them have been a few who, even in this outstanding company, have stood head and shoulder above the crowd. Without question, SAM ERVIN has been one of these.

Even before he came to Washington, SAM ERVIN had compiled a record of which anyone could be proud were it, in fact, the sum of a lifetime. He served three terms in the North Carolina legislature and then began a career on the State bench, first as a Judge of the Burke County Criminal Court, then as a Judge of the North Carolina Superior Court, and finally as an associate justice of the North Carolina Supreme Court.

SAM ERVIN served one term in the House of Representatives in 1946 and 1947, was elected to the Senate in 1954, and has been here since. In that time he has earned the gratitude of his constituents, the respect of his colleagues, and, at the end of his career, the admiration of a nation.

To those of us privileged to serve with him, SAM ERVIN has been best known through his work as chairman of the Committee on Government Operations, and through his service on the Committee on the Judiciary. He has long been recognized as the Senate's leading constitutional expert and has often been the person the rest of us have relied upon when questions involving the Constitution have arisen. Among his memorable legislative accomplishments can be ranked the Law Enforcement Assistance Act of 1965, the Omnibus Crime Control and Safe Streets Act of 1968, and the historic legislation that curtails the ability of the President to usurp congressional prerogatives through impoundment of appropriated funds.

Within the Congress, and among informed observers of the Washington scene, SAM ERVIN has long been known as the leading defender of the Constitution, and particularly of first amendment rights. His has been a respected voice in committee councils and floor debate. He has long been considered a powerful ally or a most formidable opponent. But it was not until he assumed the chairmanship of the Select Committee on Presidential Campaign Activities that SAM ERVIN became known to the Nation at large.

Because of the truly outstanding manner in which he discharged one of the most momentous tasks ever to fall to a Member of the Senate, SAM ERVIN has become a national hero. His relentless pursuit of the truth about the Watergate scandal, tempered by his gracious good humor and guided by his ingrained sense of justice and fair play, has won him the admiration of millions of his countrymen. The ramifications of the investigation he directed are well known and need not be repeated here. Suffice to say that SAM ERVIN's name has been indelibly printed on the history of our time. I am quite confident that history will judge him with as much respect as do we, his contemporaries.

Mr. President, the Senate will not be quite the same when SAM ERVIN is gone, but it will be infinitely better for him having served here. I join my colleagues today in wishing SAM "good fishing," and

in wishing him and his charming wife Margaret every happiness in the years ahead.

Mr. MAGNUSON. Mr. President, at the conclusion of this 93d Congress, we will bid farewell to a man who epitomizes the very essence of the American spirit, the senior Senator from the State of North Carolina, SAM ERVIN.

The Senate has had the benefit of his wit and experience since 1954, and in that time Senator ERVIN has established a reputation for honesty that has made him one of the most highly respected Members of this body.

His handling of the most delicate position as chairman of the Senate Watergate Committee will long be remembered for the fairness and courtesy shown to all who testified.

Senator ERVIN is essentially a simple man, truly a man of the people, and I know that the people of his State, who revere his integrity and his great personal warmth, will miss his presence in the Senate as much as I.

Mr. MATHIAS. Mr. President, it does not take much experience in life to learn that one of the chief objects of any civilized society must be the guarantee of individual liberty for every citizen. This is the only way in which men and women can exercise the talents with which they are endowed for their own benefit and for the benefit of the society to which they belong. But the recognition of this need and the fulfillment of it are two different things.

Liberty has survived, however, because in every generation there have been champions who were not only willing to fight for liberty, but who had the strength, courage and skill to be successful in that struggle.

The Senator from North Carolina, Mr. ERVIN, has been such a champion in our time. His defense of liberty will live in the legends of the Senate. His devotion to the ideal of personal freedom should inspire judges and lawyers as well as legislators and public officials for years to come.

This is a role that comes naturally to Senator ERVIN. As a member of the Society of the Cincinnati, Senator ERVIN has the privilege of representing in his time a distinguished forbear who was a leader in the American Revolution. He has honored the responsibility that accompanies this privilege. His depth of understanding of the true character of the American Revolution has certainly helped him to lead the Senate so effectively in so many critical issues.

And now, like Cincinnatus who was chosen as a hero to be emulated by the veterans of the American Revolution, Senator ERVIN returns from the scene of his battles to retirement in his own countryside, by the side of his own hearth. I hope that his years there will be many and happy.

Mr. MONTROYA. Mr. President, it has been my great privilege to work closely with Senator SAM ERVIN in this past 2 years. I have learned to deeply admire the "simple country lawyer" who has been the constitutional conscience of this Nation for so long.

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I doubt that we will ever be able to replace Senator ERVIN here in Washington, D.C. He leaves us with a great responsibility—the defense of the Constitution and the Bill of Rights will now fall on the shoulders of those of us who are left behind.

Senator ERVIN has stood for many years as the single most "revolutionary" man in the U.S. Senate: A man who fought with every tool at his hands to defend the rights of the people and the freedom of mankind, here under this Government. He has protected our privacy, fought for our right to make up our own minds, and insisted on our need for good commonsense in the Congress of the United States.

He will be greatly missed. I wish him the very finest and happiest of years ahead as he returns to the beautiful State of North Carolina with his lovely wife Miss Margaret. They will carry with them the gratitude of many plain Americans for their years of service protecting our liberty and civil rights. Most especially they will have the thanks of a "barefoot boy from Pena Blanca"—Joe MONTROYA.

Mr. HATFIELD. Mr. President, I have not had the pleasure of working closely with SAM ERVIN during our years together in the Senate, so I will let others speak in detail of his great accomplishments in this body. For my part, I simply want to thank him for being who he was.

SAM ERVIN has roused in me a new sensitivity for our constitutional roots, the peril of untrammelled Government power, and the dignity of each individual citizen. He has amazed me with his energies and the power of his intellect, and been an inspiration for me to work harder. He has deeply impressed me with his humility, particularly at a time when all around us there are those who are impressed mainly with themselves. And he has enriched the language with the wit and wisdom so characteristic of his State, when so many resort to the colorless, meaningless language of the advertising age.

The litany of accomplishments is long and familiar to us now. I wish we had known them better before. There were the Watergate hearings, of course, valuable not so much because they led to the resignation of a President, but because they alerted the people to the necessity of vigilance and adherence to the Constitution. And there were the battles fought for Indians, for the mentally ill, for civilian control of the military, freedom of the press, rules of evidence consistent with justice, congressional control of the budget, congressional review of Executive agreements, and most precious of all, individual privacy.

And there were some which, from my point of view, were battles against: Against civil rights legislation, against the equal rights amendments. On those issues the difference between Senator ERVIN and myself was, as he would put it, "as vast as the gulf between Lazarus in the bosom of Abraham and Dives in the pit of hell." But no matter. The man has been true to his vision, as I wish we all would be.

I will miss him, and those expressions, greatly. He has made this a better place and ours a better country. But I know how he wants to get back to those North Carolina mountains, and I wish for him and Margaret many happy days watching the Sun set over Table Rock and Hawk's Bill Mountain.

Mr. ROBERT C. BYRD. Mr. President, it is with the greatest regret, both in a personal sense, and in a sense of deep loss to this body, that we bid farewell to the senior Senator from North Carolina as the 93d Congress draws to a close.

In his two decades of service to his country and to his State, in the Senate of the United States, SAM ERVIN has built a reputation that any one of us might envy. The United States of America, and its constitutional system and way of life, have never had a more staunch advocate or a more knowledgeable spokesman.

Those of us who have been privileged to know SAM ERVIN, and to work with him in this Chamber and in committee, have long been aware of his outstanding qualities as a legislator and as a man.

His conduct and demeanor as a Senator are ennobling to himself and to this body he has served so skillfully and so faithfully. And in serving this body and the people of North Carolina, SAM ERVIN has never forgotten his duty as a U.S. Senator to serve with equal fervor the wider interests of the people of this Nation.

There have been times in the history of this Republic when our precious freedoms and liberties have been threatened. At each of those times of danger, there have emerged among us men and women whose dedication to the cause of freedom and liberty has ensured that they would not perish. SAM ERVIN is in that honorable company.

We will sorely miss SAM ERVIN's erudition, his eloquence, and his presence. We will miss the counsel and the friendship of a man who has always stood up and been counted for the Rule of Law and the Bill of Rights.

SAM ERVIN is of those men who were, in Stephen Spender's words:

Born of the sun, and traveled a short while while toward the sun,
And left the vivid air signed with their honor.

Mr. RANDOLPH. Mr. President, in 1925, when young SAM ERVIN was a legislator in the North Carolina General Assembly, he helped defeat a bill that would have banned the teaching of evolution in the State's public schools.

If the bill had passed, the famous Scopes "monkey trial" in Tennessee could have easily happened in North Carolina. But SAM ERVIN saw a threat to free speech, and he fought against it. He said at that time:

Such a resolution serves no good purpose except to absolve monkeys of the jungle from all responsibility for the follies of the human race.

SAM ERVIN is known to his friends and colleagues as a devastating wit, a folksy charmer and raconteur—and as a great constitutional lawyer. It is in this latter role that he has served his country so well. He has, in recent years, become the

scourge of Government spies, of invaders of privacy and abusers of public privilege. Throughout his long and distinguished career, he has fought those who would diminish or repeal outright the constitutional guarantees of the first amendment.

I suspect that if some of his constituents knew he received his law degree from Harvard Law School, he might not have received such overwhelming voter support over the past 20 years he has served in the U.S. Senate. Prior to his arrival on Capitol Hill, he was Associate Justice of the North Carolina Supreme Court, a State legislator and a member of the House of Representatives from the 10th District.

I count SAM ERVIN as a friend and co-worker, and I'll miss him in the Senate. He brought to this body an image of respect, and captured the hearts of America at a time when the name "politician" was blackened by the ravages of Watergate. He is a politician in the finest sense of the word, and he leaves a legacy of high purpose.

Mary and I have enjoyed having Margaret and SAM with us in West Virginia, and the members of the Press Association in our State continue to recall his brilliant address to them in 1972.

TRIBUTES TO SENATOR J. W. FULBRIGHT

Mr. WILLIAMS. Mr. President, I want to join my colleagues today in paying tribute, and bidding farewell, to a man who has truly been an institution in this body, Senator J. W. FULBRIGHT.

I would venture to say that in the history of our country few Members of Congress have achieved the singular importance in formulation of national policy that Senator FULBRIGHT has. When he leaves the Senate at the end of this term, he will have served 30 years in this Chamber, and half of that time he has been Chairman of the Committee on Foreign Relations. He has, in fact, chaired this committee longer than anyone else.

Under his leadership, the committee has been an important and powerful influence of our Nation's foreign affairs. Senator FULBRIGHT's voice has been respected and heeded, and indeed his counsel has regularly been sought by the highest officials of our government in the field of foreign affairs. Certainly his voice was one of the most influential in finally turning our national course away from the tragic and disastrous war in Southeast Asia.

Widely recognized as one of the keenest intellects in the Congress, J. W. FULBRIGHT served on the faculty of the University of Arkansas Law School before entering politics. In 1939, at the age of 34, he was named president of the university, and served in the post for 2 years.

In 1942, J. W. FULBRIGHT was elected to the House of Representatives, where he immediately sought membership on the Foreign Affairs Committee. He introduced what became known as the Fulbright resolution which called for the participation of the United States in an international organization to maintain

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the peace and helped lead to our role in establishing the United Nations.

Elected to the Senate in 1944, Senator Fulbright from the outset continued his interest in foreign affairs and authored the student exchange program initiated in 1946, and which has done so much to further international understanding. Always independent and committed to following the course he believed was right, Senator Fulbright was the only Member of the Senate to vote, in 1954, against additional funds for the Special Investigating Subcommittee headed by Senator Joseph McCarthy. He also was a sponsor of the resolution to censure Senator McCarthy.

Mr. President, the absence of Senator Fulbright from this chamber will undoubtedly be felt strongly in the highest councils of our government, and the unique role he has played will be long remembered. I join in wishing him and his wife Elizabeth every happiness in the years ahead.

Mr. MONTGOMERY. Mr. President, when the Founding Fathers were discussing the composition of the U.S. Senate in the Federalist Papers No. LXII, they restated a fine and simple definition of good government. Good government, they said, implies two things:

First, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained.

It was their belief, and the belief of those who wrote the Constitution, that by searching for men who held that fidelity and who had that knowledge and by electing them to sit in the Senate, the best interests of the people would be served.

Not every Senator has successfully filled those shoes. But Senator WILLIAM FULBRIGHT certainly has.

For 30 years Senator Fulbright has provided the kind of government leadership which means good government in the highest sense. He has never been afraid of public opinion. He has always had the intellectual integrity to hold firm to what he believed was right. He has had the kind of wisdom and knowledge which was needed to steer a safe course through controversial years, through times of emotional misunderstanding or confusion. In the end he usually proved to have been correct in his analysis and in his decisions.

I wish him well in the years ahead, and I know that his scholarly career will continue to provide understanding and clarity of vision to those who study under him. Students everywhere will be richer for having learned from him—as we all are here in the Senate.

Mr. HUMPHREY. Mr. President, today I wish to pay tribute to a great man who soon will end his many years of Senate service to his State, and Nation. I speak of my friend and colleague from Arkansas, BILL FULBRIGHT.

Senator FULBRIGHT's career in the Congress has been marked by numerous legislative achievements. The Fulbright scholarship program forever will be a tribute to his dedication to a humane and

enlightened foreign policy for our Nation. On issues as diverse as arms control and foreign assistance his contributions have been sound, sensible, and lasting.

It was a fitting final tribute to BILL FULBRIGHT when the Senate last week ratified the Geneva Protocol of 1925 and the Biological Warfare Treaty. These two vitally important measures will do much to advance the cause of peace and disarmament. And the fact that the Senate gave its advice and consent to their ratification is a result of BILL FULBRIGHT's leadership and dedication to disarmament.

No discussion of Senator FULBRIGHT's career is complete without a mention of one of his most important contributions to American Government. Without a doubt, BILL FULBRIGHT can take credit for playing a major and critical role in redressing the grievous imbalance between the executive and legislative branches of Government. It was BILL FULBRIGHT who constantly reminded his colleagues and the American people that the Congress should play a greater role in the creation of foreign policy.

The tragic war in Vietnam was the vehicle by which Senator FULBRIGHT determinedly made his point that the people's representatives in Congress must share in the responsibility of the foreign policy process. I was a member of the Johnson administration when BILL FULBRIGHT first became critical of the Vietnam war. I did not totally agree with his position. But it is a fitting tribute to his good sense and judgment that in the final analysis I came to share his basic views about our involvement in this war.

Today, the fundamental relationship between the legislative and executive branch is much improved as a result of BILL FULBRIGHT's persistent efforts. It is my hope that we can continue his work. I have been greatly affected by his persistent efforts to alter the relationship between the two branches of Government and thus influence the process of foreign policy.

I shall miss BILL FULBRIGHT, and his leadership as chairman of a great committee will be missed by his colleagues. His friendship has meant a great deal to all of us. Mrs. Humphrey and I want to wish BILL and his dear wife Betty all the best in the days and years ahead.

Senator FULBRIGHT still has much to contribute to his Nation. I hope he will continue to speak his mind and provide us with new and fertile ideas. He is a man respected for his intellect not only in this Capital City of Washington but in the many capitals of the world. I wish him well and thank him for his friendship. His decency as an outstanding Senator, his reputation as a man unwilling to accept the conventional wisdom, and his desire that the Senate fulfill its constitutional mandate long will be remembered.

Mr. BROOKE. Mr. President, today marks the end of a Senate career for one of the most brilliant men ever to serve in this body—J. WILLIAM FULBRIGHT. It is extremely unfortunate that at this time of extreme crisis for ourselves and

for the world, the Senate will not have the benefit of his continuous counsel. I, for one, will deeply miss his presence.

I have not always agreed with the conclusions reached by Senator FULBRIGHT from his intensive and well-grounded analysis of world events. But even in disagreement I have had complete confidence that he spoke not from a cursory knowledge of events but rather from deep reflection on the complexities of international relations and how a specific instance relates to the general ebb and flow of those relations. BILL FULBRIGHT's views never had a shallow foundation.

The Senator from Arkansas leaves his country a great legacy as he retires from public service, a retirement that I hope will be short in duration. He enabled thousands of young Americans to gain a deeper understanding of the world in which they live by initiating the overseas scholarship program that bears his name. The ultimate worth of that program will evidence itself in the events that occur many years after all of us have passed from the public scene.

He was instrumental in recognizing, then mobilizing, efforts to correct the imbalance of power between the Executive and the Congress that evolved in the decades both before and after the Second World War.

He was among the first to recognize the tragedies that would result from our overinvolvement in Indochina. Through the dark years of the mid- and late 1960's he was indefatigable in seeking to reverse the policies that intensified the tragedy. The Senate hearings he chaired on the Indochina question will be viewed by historians as an initiative of major historical significance. That our involvement in Indochina has significantly decreased is due, in great part, to the perseverance of BILL FULBRIGHT in following a course of action he believed conformed to the true interests of the United States.

In the past months the distinguished retiring chairman of the Senate Foreign Relations Committee has been instrumental in maintaining positive support for our Government's efforts to reduce potential or actual tension between ourselves and the Soviet Union. His support of the concept of détente stems not from any misconception as to intentions on either side but rather from a realization that in a world of nuclear superpowers, continued strident animosity between such powers may result in a conflagration that will destroy civilization as we know it. Efforts to alleviate such animosity are acts of supreme statesmanship. That BILL FULBRIGHT should be engaged in such a cause is no surprise to those who know him well.

The Senator from Arkansas will, hopefully, in the months ahead provide us with his thoughts on evolving conditions in the world. I will eagerly await both his verbal and written advice that I know will be forthcoming. Those who have had the opportunity to read his published works—"Old Myths and New Realities" and "The Arrogance of Power," know full well the benefits one can anticipate from his future endeavors.

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Mr. President, I bid a public farewell to BILL FULBRIGHT. I cherish the association I have had with him these past years and want him to know that I am one of those who have benefited greatly from his presence in this body. I fully intend to continue to benefit from his wisdom in the coming years.

Mr. PEARSON. Mr. President, from time to time our Nation has been endowed with leaders of extraordinary depth and ability, leaders who have helped us meet the great national challenges of their time. Senator J. WILLIAM FULBRIGHT is such a leader. For three decades he helped shape the history of this Nation—and made some history of his own.

It is difficult to single out Senator FULBRIGHT's most notable accomplishment. His name is synonymous with education. Generations of students and their countries have benefited immeasurably from Fulbright Fellowships. Members of the United Nations recognize his leadership in the establishment of that world organization at a time when it was desperately needed. Members of this body will remember his persistent efforts to restore the Senate to its proper constitutional role in the formulation and conduct of foreign policy.

These achievements notwithstanding, Mr. President, J. WILLIAM FULBRIGHT will be remembered for his intellectual and political courage. He was a Senator with the courage to tell the President of the United States and a substantial majority of his colleagues in the Senate that he believed them mistaken. More than that, he was ready to provide thoughtful, carefully constructed alternative proposals. FULBRIGHT the dissenter was also FULBRIGHT the educator and leader.

Mr. President, the Senate and its Committee on Foreign Relations will miss BILL FULBRIGHT. But I have a feeling that he will continue to offer his counsel for years to come, and we will welcome it. I also have a feeling that he will continue to exhibit the intellectual toughness and courage which have marked his three decades in Congress. Our Nation will welcome that.

Mr. President, I know that the people of Kansas join me in wishing BILL and Betty Fulbright all the best in the years to come.

Mr. MAGNUSON. Mr. President, I rise today to join with my colleagues in the Senate in paying a richly deserved tribute to my distinguished colleague, the Senator from the State of Arkansas, WILLIAM FULBRIGHT.

Senator FULBRIGHT was first elected to this body in 1944 and has served his constituency and his Nation with unfailing principle and devotion to the ideals of our democratic system.

As chairman of the prestigious Senate Foreign Relations Committee, Senator FULBRIGHT has emerged as one of the most knowledgeable and highly respected voices of American foreign policy. His genuine concern for America's place in the world, coupled with superb legislative skills, have resulted in his far-reaching approach to our Nation's foreign policy.

Mr. President, we will long remember

the courage and integrity that are BILL FULBRIGHT's trademarks, and we will miss his presence in this body.

I wish, for BILL and for his lovely and understanding wife, Betty, the best of all things. May their futures be filled with a deep and lasting happiness.

Mr. JAVITS. Mr. President, during my colleagues' tribute yesterday to the most distinguished Senator from Arkansas and chairman of the Senate Foreign Relations Committee—and my friend—WILLIAM FULBRIGHT, I was unavoidably required to be elsewhere, and I wanted to take this opportunity to express my regret that Chairman FULBRIGHT is retiring from the Senate and my admiration for him. He will be sorely missed not only by his good friends in the Senate but by the Nation and by the hundreds of millions of the world who thirst for freedom and economic and social justice.

Throughout his 30 years of service in the Senate—15 of which have been as chairman of the Senate Committee on Foreign Relations—and in a period of remarkable, if not revolutionary, change in American society and especially in the conduct of the affairs of the United States in the world, Senator FULBRIGHT has offered rare and intelligent leadership and wise counsel to his colleagues and numerous Presidents. From his introduction of the Fulbright resolution in 1943—which is generally regarded as a forerunner of the establishment of the United Nations—when he was a Member of the House of Representatives—to the fractious and vexing Vietnam era, culminating in the enactment of the War Powers Resolution in 1973 in which he took a most active and decisive role—Chairman FULBRIGHT's independence of mind, intelligence and high patriotism have been manifest.

Chairman FULBRIGHT and I have not always agreed, especially on the Middle East, but we have also agreed and collaborated on great issues of foreign policy and our differences have always been those of men having the highest respect for each other. I will sorely miss BILL FULBRIGHT both personally and as a colleague, and I sincerely hope that we all shall continue to hear much more of and from him, Mrs. Javits and I bespeak for Betty and BILL FULBRIGHT a lifetime of happiness and dignity and continued achievement.

Mr. MATHIAS. Mr. President, the achievement of Senator J. WILLIAM FULBRIGHT marks him as one of the great Senators of this century. His place in American history is assured. BILL FULBRIGHT's greatest accomplishment as chairman of the Foreign Relations Committee, under the most difficult of circumstances was to help lead the United States out of the disastrous entanglements of the Vietnam war and to lay the foundations for a new foreign policy required by the end of the cold war.

Through great intellectual and personal courage and depth of historical understanding, he provided the leadership to this country required to reverse the slide toward authoritarian rule, so much a part of the Vietnam-Watergate era. It was a difficult burden to assume

the role of "the great dissenter" and there is no question that the intellectual and moral energies required to sustain the long and complex legislative efforts to correct our disastrous national policies was at the cost of great personal sacrifice.

As a colleague and a friend I have always enjoyed his warm fellowship, wit, and good humor. As a man of ideas with a deep reflective turn of mind, we all owe him a great debt. As a national leader of courage and insight in a time of serious national danger, the country owes its respect and gratitude.

It is with great regret that the Senate must accept the end of BILL FULBRIGHT's 30-year career as a Member of this body, but he leaves with our heartfelt admiration because he has ennobled this body and through his distinguished service in the Senate, has brought honor to this country.

TRIBUTES TO SENATOR GEORGE D. AIKEN

Mr. FULBRIGHT. Mr. President, a few days ago the distinguished senior Senator from Vermont addressed the Senate with his usual candor and frankness. He described his remarks as a confession rather than a valedictory statement, and explained very simply:

During the 34 years of my tenure as U.S. Senator, I have committed many sins.

Mr. President, if confession is good for the soul, then all of us can find renewed inspiration in the Senator's remarks. These remarks, as with many of his earlier senatorial pronouncements, should be made required reading for every Member of the legislative branch.

I say this not because I agree with all of his findings and observations. As the Senator knows, I frequently do not. But his remarks, whether of today or yesterday, deserve the attention, the consideration and the respect of all of us. They are in a phrase "pure Aiken" and for that we must all be thankful.

Unlike so many in public life, the Senator from Vermont—to his great credit—has withstood the onslaught of the age of advertising, gimmickery and image making. Any man who can do that in this day and age not only deserves respect and admiration but commands them. GEORGE AIKEN is such a man.

He is the kind of man who Rudyard Kipling immortalized when he penned the memorable lines of "If." Very few men come as close to the standards laid down by Kipling as does the senior Senator from Vermont.

Mr. President, as a tribute to the former Governor of Vermont, I insert the Kipling classic in the RECORD at this point:

If
If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt
you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated don't give way to hating,
And yet don't look too good, nor talk too
wise:

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If you can dream—and not make dreams
your master;
If you can think—and not make thoughts
your aim,
If you can meet with Triumph and Disaster
And treat those two imposters just the
same;
If you can bear to hear the truth you've
spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to,
broken,
And stoop and build 'em up with worn-out
tools:
If you can make one heap of all your
winnings;
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and
sineu
To serve your turn long after they are
gone,
And so hold on when there is nothing in you
Except the Will which says to them: "Hold
on!"

If you can talk with crowds and keep your
virtue,
Or walk with Kings—nor lose the common
touch,
If neither foes nor loving friends can hurt
you,
If all men count with you, but none too
much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my
son!

Mr. METZENBAUM. Mr. President, the career of the distinguished senior Senator from Vermont, GEORGE AIKEN, is a hallmark in the history of the Senate. Few men have served in this Chamber for as long or with as much wisdom.

As ranking minority member of the Foreign Relations Committee, Senator AIKEN was a vital part of the nonpartisan approach to America's foreign affairs taken by that committee during many troubled times. I well remember his sensible statements concerning our involvement in Vietnam. His was a voice of wisdom and humanity in a difficult and confusing era.

Although I have served with him during only a brief part of his distinguished career, I have come to understand why the people of Vermont returned GEORGE AIKEN to the Senate for 34 years. It is a measure of his service to Vermont that GEORGE received both parties' nomination when he last ran for the Senate. I am honored to have served with GEORGE AIKEN.

But my remarks about him would be incomplete if I didn't also comment about his wonderful wife, Lola. Both she and the Senator have become wonderfully good friends of the METZENBAUMS. The country will miss his leadership in the Senate. Shirley and I will miss the warmth and grace of two of the finest and warmest human beings we have ever met.

Mr. CURTIS. Mr. President, any one of our colleagues could make a long and truthful speech lauding the accomplishments of our friend Senator GEORGE AIKEN of Vermont, who is about to retire. Those who have a better command than I of the English language can do a better job, so I will be content to make a few observations.

GEORGE AIKEN is an example for all young Americans to follow. He is forthright. He is honest. He has never been involved in anything that was not honorable. He is loyal to the State that has honored him by electing him Governor and U.S. Senator. He is dedicated to the interests of agriculture and to rural America.

The farmers of America, along with people of all other walks of life, respect and revere GEORGE AIKEN and they, like his colleagues, wish him the very best in his years of retirement.

ON THE RETIREMENT OF SENATOR GEORGE AIKEN

Mr. MUSKIE. Mr. President, I rise to thank GEORGE AIKEN. I would feel uncomfortable offering tribute to this honest man, or praise to this modest man. But GEORGE AIKEN, a Vermonter by birth, and temperament, has earned the thanks of every American, and uncounted millions of men, women, and children around the globe.

As a practicing politician from a line of politicians stretching back to the 18th century, GEORGE AIKEN has proved by his actions, and not his words, that politics can be an honorable profession.

Since beginning his career in public service in the Vermont legislature in 1931, his name has become associated with such diverse projects and accomplishments as rural electrification, the St. Lawrence Seaway, the rural water and sewer program, Food for Peace, food stamps, school lunch and peaceful uses of the atom.

It is a measure of the high regard in which his fellow Vermonters hold him that in 1968 he was the nominee for the Senate of both the Republican and Democratic parties.

Two themes seem to run through the public life of GEORGE AIKEN, themes which I imagine were first set in his mind as a young man growing up in southeastern Vermont. GEORGE AIKEN has a respect for the land—its bounty, its resources and its beauty. And he carries with him the conscience of the people.

Because of his concern for the land and those who till the land he has been a leader in shaping our Nation's farm, milk and egg programs, rural conservation and development programs, fire and forest protection, recreation and wilderness preservation programs.

His concern for people led him to introduce a food stamp program as early as 1943, and caused him to use his considerable legislative skill to aid passage of such other people programs as school lunch, and a variety of measures aimed at improving the lives of rural Americans at a time of increasing urbanization.

This concern went beyond the borders of his home State, and beyond our national boundaries. While his name is most closely associated with the St. Lawrence Seaway and power development and Food for Peace, he has been an active member of the Foreign Relations Committee for two decades.

I will always regard it as a privilege to have served with him for 4 years on that committee.

And through his work on the Joint Committee on Atomic Energy, our distinguished colleague consistently supported efforts to increase the peaceful uses of the atom to meet the people's needs for energy.

Mr. President, the Senate will miss his red ties, his forthrightness, his honesty, and his style of oratory.

There is a feeling common to many in New England that we should only speak when it will improve on silence. It was a maxim that GEORGE AIKEN has followed throughout his long career, and it is too little heeded today.

Jane and I extend our warmest wishes to GEORGE and his gracious wife, Lola, for many, many happy, healthy, and active years in retirement. He has been a good friend, and Washington will miss him.

GEORGE D. AIKEN—A PIONEER SPIRIT RETIRES

Mr. HARTKE. Mr. President, today this august body comes together to pay tribute to a man, or more appropriately, he should be characterized as an institution. Senator GEORGE AIKEN has ably served his State of Vermont in the U.S. Senate since 1940. He is the dean among us. Those of us who had the pleasure of serving with him shall never forget his spirit and devotion to the causes he felt and believed to be the best and ablest directions for our country.

The lasting impression left upon the Senate during his 34 years of service will not soon be forgotten. He has arduously worked on the Committees for Agriculture and Forestry and Foreign Relations.

Born in Dummerston, Vt., on August 20, 1892, he served the people of Vermont first as speaker of the house of representatives and then as both Lieutenant Governor and Governor. His illustrious career as a public servant of the people continued to the Senate.

Senator AIKEN, a pioneer spirit in the true tradition of America, shall soon retire from the Senate, but he shall long be remembered with respect and fondness.

GEORGE AIKEN—A SENATOR'S SENATOR

Mr. SYMINGTON. Mr. President, when I first came to the Senate, a trusted friend observed that one of the great statesmen of our time was the present Dean of the Senate, the senior Senator from Vermont.

How right he was. There never has been, there never could be a more able statesman than GEORGE AIKEN.

I will miss him. The Nation will miss him; all of us will miss his character, his wise counsel and advice.

Not liberal nor conservative, but realistic and constructive, he leaves a record as a Senator few have equaled and none have surpassed.

Not the least of the reasons for his unprecedented popularity among his colleagues on both sides of the aisle is due to the affection and respect all of us have for his gracious and charming wife.

To GEORGE and Lola, let us send every good wish for happiness and prosperity in the years to come.

Mr. HOLLINGS. Mr. President, in 1940 a farmer from Putney, Vt., came to Washington. After 34 years of serving the

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interests of his people in Vermont, as well as those of all Americans, GEORGE AIKEN, the distinguished senior Senator from Vermont is retiring.

GEORGE AIKEN's name is imprinted on practically every page of agricultural law passed in the past 30 years. His support for rural electrification, the Rural Water and Sewer Act, farm credit, the National Forest Wild Areas Act, the Food Stamp and National School Lunch Acts, the Rural Development Act, and the Eastern Wilderness Act are but a few of the living memorials to GEORGE AIKEN.

GEORGE AIKEN looked beyond the interests of farmers. He had the foresight and good judgment to insist on the relationship between agricultural policies and foreign policies as reflected in the Food for Peace Program.

Appointed by three Presidents to represent our Nation abroad, Senator AIKEN has traveled extensively on behalf of better international relations. In 1960 President Eisenhower appointed him as a delegate to the 15th Session of the UN General Assembly. In 1963, President Kennedy sent him to Moscow to participate in the signing of the Nuclear Test Ban Treaty. In 1965, President Johnson sent him to the capitals of Europe and Asia.

GEORGE AIKEN, the distinguished Senior Senator from Vermont will soon be taking leave. Behind, however, he leaves a record of solid achievement. And he leaves a reputation for honesty, sagacity, and personal integrity seldom matched in our legislative annals. We will miss him as a legislator. We will miss him daily as a friend. Today we wish him well in retirement, and we hope he will come back to see us often.

Mr. CANNON. Mr. President, I ask unanimous consent that a statement by the Senator from Texas (Mr. BENTSEN) in tribute to Senator AIKEN printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BENTSEN, IN TRIBUTE TO SENATOR GEORGE D. AIKEN

The Congress and the Nation are about to lose an outstanding Senator, not only because of his many years of experience and hard work, his dedication to the Senate and the people of Vermont, and his well-known sense of fair play. The Senate is losing an outstanding Senator also because of his compassion, his humor and his ability to strip away the rhetoric which all too often surrounds policy debates.

We shall miss his dedication, his talent, his intelligence—but most of all we shall miss the man. To those of us who have more recently reached the Senate, GEORGE AIKEN has long been a source of inspiration, with a record for fairness and hard work to inspire all of us. Vermont's Senior Senator may be physically leaving the Senate but his legacy will remain. I am reminded of an old French adage: "Many make an impression; few leave an imprint." GEORGE AIKEN is leaving an imprint, not only on the Senate but also on the Nation.

Mr. GRIFFIN. Mr. President, there is an old saying that "not by years but by disposition is wisdom acquired."

That surely applies to the distinguished dean of the Senate from Vermont (Mr. AIKEN) who is retiring at the end of this session after 34 years of continuous service as a Senator.

When he returns to Putney, Vt., around the first of the year, GEORGE AIKEN will have completed approximately six decades of public service.

He came to the Senate in 1941, the year I graduated from high school. Before that he had served as Governor of Vermont, as Lieutenant Governor, and for many years as a member of the Vermont House of Representatives where he was the Speaker in 1933-35.

In all these positions GEORGE AIKEN demonstrated the capacity—and the disposition—to say and do the right thing. As a result, he has become a living symbol of political responsibility and integrity.

Shortly after he took his seat in the Senate, GEORGE AIKEN became a member of the Committee on Agriculture and Forestry. He is still a member of that committee and he still believes that agriculture is the most important industry of all.

He took a leading role in the enactment of many important agriculture bills, including the National School Lunch Act, the special milk program, the Food Stamp Act and the Rural Water and Sewer Act. As chairman of the Agriculture Committee at the time, he was a principal sponsor of Public Law 480 which has helped alleviate hunger throughout the world.

He has been a leading supporter of the rural electrification program, and as a member of the Joint Committee on Atomic Energy he has been in the forefront of the development of atomic power to supply the Nation's energy needs.

In 1954, GEORGE AIKEN became a member of the Senate Foreign Relations Committee, reflecting a long-standing interest in foreign affairs.

In his first major speech in the Senate in 1941, GEORGE AIKEN registered concern about U.S. involvement in war:

The farm and village folds of my State do not want war. Their sympathies are with Great Britain. They would go all the way, down to the last dollar and the last man, to protect Canada. But they do not see why American boys should give their lives to define the boundaries of African colonies, or to protect American promoters and exploiters in Indochina or New Guinea. Neither do I.

During the height of the tragic Vietnam War he put forth a proposal which attracted the support of many Americans. In effect, he said it's time to "declare victory" and bring our boys home from Southeast Asia.

We have come to look upon GEORGE AIKEN as the voice of moderation—as the voice of down to earth common sense in national and international affairs. He will be sorely missed in the years ahead.

Marge and I extend to GEORGE AIKEN and his gracious wife, Lola, our warmest wishes for many happy and rewarding years in retirement.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues in honoring one of the truly great men of the Senate, in this decade or any other. Senator GEORGE AIKEN, son of Vermont—and of the Nation—for 34 years in the Senate has been one of America's guiding lights. Particularly in foreign affairs, he has brought wisdom and commitment

to understanding the issues that move the world, and that shape our destiny in relations with other states and peoples.

As a Republican in a Democratic-controlled Senate, Senator AIKEN was never chairman of the Foreign Relations Committee. But his influence and impact on the conduct of U.S. foreign relations was not less for that. He could always be relied upon for leadership; for constructive effort; and for courage and determination that took him far beyond party or faction into that rare realm of true statesmen.

On a more personal note, those of us in the Senate who have not been members of committees on which he has served will still remember him with deep affection. He has always been a man to whom we could turn for counsel, advice, and support. I for one, a near neighbor to this distinguished gentleman from Vermont, have valued my association with him, and have valued him highly. I will think of Senator AIKEN always with deep respect—and personal affection.

Mr. McCURE. Mr. President, the Senator from Vermont (Mr. AIKEN) has so many friends on both sides of the aisle that I will be very brief in my remarks about him for fear that someone will have to file for cloture simply to get back to business. The Senate will be a poorer place without that repository of Yankee wisdom and commonsense which is Senator AIKEN. I know that Senator AIKEN has said that this return to his beautiful State is not so much a retirement as a change of occupation. Anyone who is aware of the range and scope of the Senator's interests will realize that is an understatement. Nevertheless, I congratulate the Senator for having such a beautiful State to return to and I congratulate the State of Vermont for wooing the Senator back.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Commonsense seems to have become raw material which this Nation has nearly exhausted. Senator GEORGE AIKEN seems to have exclusive rights to what little we see around us. With the departure of GEORGE AIKEN, the Senate will be a little less wise, a little less down to earth.

Many words have been said about GEORGE AIKEN, and many more will be written. For his place in history will be more than a mere footnote. His service to his beloved State of Vermont and to his Nation has been untiring and unselfish. His contribution to debates in this Chamber has always been knowledgeable, deeply felt, and based on the bedrock of commonsense.

Each of us is proud of the State which we represent in the Senate. But I know of no Senator who loves his State more than GEORGE AIKEN loves Vermont. He wears that love and that pride like a shining badge. He has always yearned to return to the Green Mountains, Lake Champlain and the apple orchards of Vermont. The air is clearer up there than it is in Washington. Perhaps that

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makes it easier to think more clearly up there. I have a feeling that the air will be even clearer once GEORGE AIKEN returns home.

GEORGE AIKEN has given us many words of wisdom which have served us well in the past, and which can guide us in the future. But his farewell address in the Senate provided us with even more thoughts which we should seriously consider.

The thought that I want to mention here concerns the role of those of us who have been elected to represent our States. He said:

Members of Congress are frequently accused of being tools of special interests. They should be, but the special interests should be the people of the States they represent. The special interests of a State, however, are made up of many groups of people, each having a purpose or objective of its own. When a Member of Congress becomes subservient to or packaged, as they say—to a single group, his value to the overall special interests becomes seriously impaired.

Once again, in eloquent simplicity, GEORGE AIKEN has stated a fundamental proposition with clarity and insight. GEORGE AIKEN has always been the tool of special interests. In his case, though, the special interests have been his State and his country.

The Senate is often referred to as an exclusive club, and in a way it is. But like any small group, unique relationships between the Members often grow. GEORGE AIKEN has had a unique relationship with all of the many, many Senators he has served with since 1941, and indeed, he has had a unique relationship with the Senate itself. I count myself as indeed fortunate and blessed to have served with GEORGE AIKEN in the Senate. It is with a great deal of pride that I can say that GEORGE AIKEN is my friend. For me, that friendship has been instructive, constructive, close and endearing. In a sense, our friendship, and the friendships he enjoys with so many of the Members of the Senate, is but a mirror of the friendship he has with the people of this Nation. He has helped move this Nation along through some very difficult times, and he has served as a constant reminder of what this country is all about—the people.

One can never help but feel that words are a poor vehicle to express the respect and feeling which one person has for another. Many more words will be said about GEORGE AIKEN. But no words will be spoken with more sincerity or more respect than these.

GEORGE AIKEN is going home to Vermont. The people of that State are very fortunate. Because as much as the Green Mountains, as much as the waters of Lake Champlain, and as much as the apple orchards, GEORGE AIKEN is Vermont. With him back in the State, it will be whole once again.

Mr. MATHIAS. Mr. President, since I had the good fortune to have married a girl from New England, I claim a special ability to appreciate the qualities of the New England character. I have, therefore, keenly enjoyed my years of association with the Senator from Vermont (Mr. AIKEN).

He is as economical with his words as he is in his personal habits. He regards the world of nature with the same respect that he accords the world of men. He knows that dignity is severable from solemnity and that wisdom need not be severed from mirth. But best of all he knows that integrity is the essential quality of public service and that friendship and good will are important ingredients to the successful conduct of public affairs.

Mrs. Mathias and I join in wishing Senator and Mrs. AIKEN a happy return to New England and the pleasure of witnessing the spectacular changing seasons in Vermont for many years to come.

Mr. MONTROYA. Mr. President, I have served with Senator GEORGE AIKEN on the Joint Committee on Atomic Energy during the developing crisis and energy shortage. It has been most revealing to discover that the wisdom and plain commonsense of this gentleman from New England is continually being vindicated today as it has been over and over again in the U.S. Senate for 34 years.

I can well remember when Senator AIKEN told us about a windmill in Vermont which had blown down and been destroyed because of lack of care. That seemed a shameful waste of energy to him—and as it turns out, he was right. It was a waste of energy which we now wish we had.

His work in developing new plants and new ways of farming was once seen as a rather esoteric hobby—but today, with the world food famine worrying every one of us, Senator AIKEN's wisdom in developing and recognizing the need for innovative and careful farming techniques is like a beacon of wisdom and inspiration for us all. Young people in his part of New England have always known how right he was to fight for the land and for a return to the simple, saving virtues of his heritage. Now, every day, we are learning that he was ahead of us all.

We will miss him here in the Senate. I hope he will continue to advise us and remind us of the real needs of America in the years ahead. I wish him a continually busy and rewarding retirement in his beautiful Vermont.

Mr. LONG. Mr. President, I would like to join with my colleagues and express my regret that a very valued friend is leaving us, to return to his home State of Vermont. That State is very lucky, indeed.

GEORGE AIKEN, the dean of the Senate, has been here for so many years that it is hard to conceive of this body without him. His absence will be felt personally by every Member here today.

Although we have always sat on opposite sides of the aisle, I have learned much from him. He is a quiet man, but his few words say more than many of the lengthy speeches I have listened to in my years here.

During his 34 years in the Senate, Senator AIKEN did much to shape the direction of our great country, especially through his work on the Senate Agriculture Committee.

He joined the Agriculture Committee

in 1941 and has served on it since. And, during the Republican-controlled 83d Congress in 1954, he served as its Chairman. His imprint is evident on every major agriculture law enacted in the last 30 years.

He came to Washington with love and respect for the soil. He had been a farmer back in Vermont and during the 1920's he cultivated wildflowers and ferns. He now hopes to experiment with growing a disease-free raspberry plant. Even during his "retirement"—and I put that word in quotation marks—he will be aiding American agriculture.

Just a few of his legislative achievements would include the Aiken Rural Water and Sewer Act, the National School Lunch Act, the Special Milk program, the Rural Water and Sewer Act, the Rural Development Act, the Eastern Wilderness Areas Act, and the important Public Law 480, the Food for Peace program. I would list all his achievements but the leadership has requested that the Senate try to adjourn sometime before Christmas.

Senator AIKEN's contributions are not limited to agriculture. His expertise in the field of international relations is well known, as well. He joined the Senate Foreign Relations Committee in 1954 but his study of international relations did not begin there. His first Senate address in 1941 was on the lend-lease bill.

He served as a foreign policy advisor to Presidents of both parties over the years. In 1958 he inaugurated the Canada-United States Interparliamentary Group to establish on a continuing basis an exchange of ideas and a forum for discussion of mutual problems. And he led the Senate delegation at the interparliamentary meetings until 1969.

In 1960 President Eisenhower appointed Senator AIKEN as delegate to the 15th General Assembly. President Kennedy personally requested he visit Moscow in 1963 to participate in the signing of the Nuclear Test Ban Treaty. Two years later President Johnson asked him to visit the capitals of Asia and Europe for his personal assessment. And, in 1970, President Nixon named him to a Presidential commission to recommend ways U.S. participation in the U.N. could be improved.

He once stated his philosophy in foreign affairs this way:

People are people the world over. Some are good, some bad, some greedy and some generous. Nations are like people and act the same way.

Mr. President, I would like to mention what is another one of Senator AIKEN's virtues—and one which many Members of this body, myself included, should look to—and that is his thriftiness. In one reelection campaign he spent less than \$20. And, in his last primary, his expenses totalled about \$35. The increase, of course, was due to inflation.

In an even better economy move—and one which I would say was inspired—he managed to obtain his top staff aide without pay. He married her. Of all his achievements, this was his greatest.

Lola is not only one of the most

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knowledgeable persons on Capitol Hill, but is a warm and generous woman. I know she will be missed as much as he will. In fact, I was sort of hoping that when GEORGE returned to Vermont, he would leave Lola with us to help run the country.

Mr. McCLELLAN. Mr. President, the Senator from Vermont (Mr. AIKEN), is the dean of the Senate not only in years but in terms of service in this great body. Nevertheless, no Member of the Senate has a livelier zest for life, a more luminous intellect or has evidenced a greater tenacity in the pursuit of his ideals.

We in the Senate, the people of Vermont, and the citizens of our Nation as a whole have all benefited from the 34 years of service that this good man has given us.

It is indeed sad that he has decided to retire to his beloved Vermont at the end of this year for I know that all Members will miss his wisdom, his insight, his dry Yankee humor and his calm and balanced views on the myriad problems confronting our country in these dark days.

On most any issue which can be cited—both in the field of foreign and domestic policy—GEORGE D. AIKEN has been one of our clearest voices for rationality. At a time when skepticism and cynicism are in fashion, he has maintained an abiding faith in the institutions of republican government.

Throughout his long career, Senator AIKEN has shown a grasp of the complexity of international affairs, a sense of moderation in the formulation and execution of national policy, a devotion to the constitutional limits on the exercise of power and the need for economy in government.

Mrs. McClellan and I hope that you and Miss Lola, after the many years of dedicated service you have given our country, will enjoy many years of happy retirement. Godspeed and may the richest blessings of life abide with you always.

Mr. PROXMIER. Mr. President, for the last 34 years Senator GEORGE AIKEN has represented the best of Vermont in this body. His voluntary retirement this month will be a great loss for the people of Vermont as well as those of us who had the good fortune to serve with him.

Over the years he has demonstrated a healthy dose of commonsense, a commodity that is in rare supply these days.

When I first came to the Senate, I had the pleasure of working with him on the Agriculture Committee. Both of us represent dairy States and as we considered issues before the committee I soon came to appreciate the best New England traits that he brought to every debate—a healthy skepticism, a fierce intellectual independence, tenacity, a concern for fiscal economy, and a sensitivity to the impact of government upon its citizen's lives.

This sensitivity has also been apparent in his efforts to humanize our foreign policy through his work on the Foreign Relations Committee. His concern for underdeveloped nations and human rights will be sorely missed.

His efforts to reduce the growing costs of Government are well known. In

his office, his wife Lola has served as his administrative assistant for years without pay. During his 1968 reelection campaign, he spent less than \$20, because he believed that Vermont deserved a full-time Senator.

This lack of pretentiousness has characterized all of his actions, including his farewell address to the Senate last Wednesday. Not a valedictory, it was characteristic straight talk on problems facing the Congress.

More than anything else, this address demonstrated that GEORGE AIKEN never lost sight of the fact that he was the people's servant.

As he leaves, he takes with him the knowledge that he has served them well and that is the highest accolade of all.

TRIBUTES TO SENATOR PETER H. DOMINICK

Mr. FANNIN. Mr. President, Colorado is a beautiful State and it has sent some great men to the Congress. One of them is the senior Senator from that State, PETER H. DOMINICK.

For the past 14 years—2 years in the House of Representatives and 12 years in the Senate—Senator DOMINICK has performed a marvelous service in representing the people of Colorado and in working for the betterment of our Nation.

Through his work on the Senate Armed Services Committee he has helped provide a strong national defense for our country.

Through his service on the Labor and Public Welfare Committee, he has sought to provide protection for the rank and file working man against the abuses of big labor. He has fought for improvements in education and he has worked diligently for much-needed reforms in the welfare system.

Senator DOMINICK is a man of deep conviction who is not afraid to speak out forcefully on the controversial issues. His keen mind and strong voice will be missed, and I join my colleagues in wishing him all the best in the future.

Mr. BARTLETT. Mr. President, on the last night of Senator PETER DOMINICK's tenure as a Member of this body, I want to express my gratitude to him for the guidance, leadership, and assistance he has afforded me during my freshman session. As a matter of fact he was instrumental in my even being here because he was the keynote speaker at my campaign kickoff in 1972.

Senator DOMINICK has been a senator's Senator. He has unselfishly worked night and day for his beloved Colorado and for his country.

I have long admired his intelligence, his wit, his eloquence, and his dedication. As a conservative Republican, he has been a dynamic leader of the "loyal opposition," providing alternative proposals for consideration by all Senators. "PETE," as he is known by his colleagues, will be missed in this Chamber.

I do hope he chooses to continue his public service. His experience and ability are invaluable assets which should not go unused.

Most of all, I want to say, "thank you."

PETE," and I hope to see you often in the future.

Mr. HELMS. Mr. President, there is nothing perfunctory about the many expressions of regret that are being voiced, publicly and privately, about the departure of PETER DOMINICK from this Senate. The regrets are absolutely sincere.

PETER DOMINICK has been a great Senator, because he has had the courage of his convictions. Indeed, the fact that he has on countless occasions cast unpopular votes—votes based on his honest principles—may well be one reason for his departure. It is so difficult, in many instances, for the public to avoid confusion amidst the babble of false prophets.

In the long run, PETER DOMINICK will be remembered as a man who always leveled with the people, who always did his best to show them that they cannot expect to preserve their freedoms while simultaneously inviting more federal intervention in their lives and private affairs.

So, to PETER DOMINICK, I say: You have been a good and faithful servant of the people. And on a personal note, he has been, and will continue to be, a treasured friend of mine. Dorothy and I extend our affectionate best wishes to him and Nancy.

Mr. McCLELLAN. Mr. President, words can never really express the true worth of a good man. But when we are saying goodbye to old friends, we at least have to try.

I became acquainted with the Senator from Colorado (Mr. DOMINICK) early in my first term in the House of Representatives. His State and mine have many mutual interests, so we often worked together on finding solutions to some of the problems that came up. I saw first hand what he could accomplish—the Eisenhower dollar and gold ownership are just two examples.

Along the way, we became good friends, as well. One of the first things I learned upon entering the Senate was that all of his colleagues in this body feel much the same way.

Those who envision Senator DOMINICK skiing down the Alps sometime in the near future may well wonder who really won the Colorado election. For me, I know who lost. The people of Colorado lost one of its most dedicated public servants. And the Senate has lost one of its most respected members.

Few men have had so many opportunities to serve their country as has Senator DOMINICK. And few have acquitted themselves with such distinction.

Mr. STENNIS. Mr. President, for 8 years the Senate Committee on Armed Services, has profited from the wise counsel of the senior Senator from Colorado, Senator DOMINICK. Now he is leaving the Senate, and I want to say that he and his valuable services will be missed.

Senator DOMINICK has been a strong, solid, and highly valuable member of our committee. In the committee—and in its subcommittees, including a position as ranking minority member of the important Research and Development Subcommittee—he has dealt with some of the Nation's most difficult and complex

problems, and has dealt with them to good effect.

Senator DOMINICK came to the Senate in 1963 after serving in his State legislature for 4 years and in the House of Representatives for one term. Including distinguished service as a pilot in World War II he has spent much of his life in public service. I esteem him highly and respect him greatly.

Recently, I have seen published reports that President Ford will make further use of his talents, and I hope these reports are true. I would be very glad to see him continue his career in Government.

In any event, I certainly wish him the very best in the future and commend him on the good work he has done here in the Senate.

Mr. HUGH SCOTT. Mr. President, on this last day of the 93d Congress, I want to note that two Senators on my side of the aisle are leaving the Senate and will not be here with us next year—Senator DOMINICK from Colorado and Senator Cook from Kentucky.

PETER DOMINICK's service in the Senate has been distinguished by his aggressive work on the Senate floor on behalf of the two major committees on which he has served—Labor and Public Welfare and Armed Services. On the former committee especially, PETER DOMINICK assumed a key role in the development of education legislation over the past several years.

In addition, he has taken an active role and interest in international affairs, recently making a remarkable speech on the Senate floor about U.S. participation in the United Nations. I ask unanimous consent that this speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SENATOR PETER H. DOMINICK SPEECH ON SENATE FLOOR CONCERNING THE UNITED NATIONS

As my friends and colleagues in the Senate well know, during my fourteen years in the Congress I have criticized many of the actions of the United Nations. I disapproved of the application of sanctions against Rhodesia, I opposed the entry of Communist China, and I have worked to reduce what I believe to be our disproportionate share of the U.N. budget.

Despite such specific disagreements, however, I have continued to support the U.N., believing, as did we all who participated in World War II, in the need for such a force for world peace on the international scene. As I wrote those who urged me to work for our withdrawal, I have believed that the U.N., imperfect though it may be, still served a useful and necessary function in world affairs and that it would not be in the best interests of world peace for us to take away our support.

It is with considerable regret that I must say in this, my last major speech in this body, that I have now reached the conclusion that the United States should cease its active participation in the United Nations' General Assembly.

I, like so many others, have looked to the United Nations for leadership in furthering the search for peace.

The time has come now, however, when we must frankly face the fact that the U.N., dominated by the General Assembly, no longer offers any hope or promise of furthering peace. The General Assembly now more often than not works against it.

Let us look at some history.

In the U.N.'s first major test, the North Korean invasion of South Korea in 1950, the U.N. took an important step toward becoming a force for world peace by organizing a force under its aegis to come to the aid of the victim.

Even here, however, we should not delude ourselves by thinking that the U.N. made a significant contribution above that of providing an umbrella for action on the part of the U.S. The U.S. bore the brunt of the fighting and lost 33,000 men. General Mark Clark, who served in Korea as U.N. Commander, termed the contribution of other U.N. members to the war as "piddling". At no time did the troops of other U.N. members in Korea amount to even 10% of the American force of 450,000.

However, this partial step forward by the U.N. effectively proved to be its last.

Since Korea we have witnessed an accelerating series of United Nations' failures which I believe have now reached the point at which continued American participation in, and cooperation with, the General Assembly is not only useless but carries the danger of jeopardizing the very peace the U.N. was founded to pursue.

A brief review of recent actions should suffice to illustrate its degradation.

In 1965 and 1968 the Security Council voted economic sanctions against the breakaway regime in Rhodesia. Regardless of how one feels about Rhodesia's internal policies, such an action exceeded the U.N.'s mandate. In no way did Rhodesia represent a threat to international peace. The U.N.'s action constituted simple political discrimination to repress an independence movement and to interfere in the internal affairs of another state in violation of the U.N. Charter.

In 1967 at the unilateral request of the Egyptians the U.N. Secretary General withdrew the U.N. security force then standing between the Egyptians and the Israelis, thus precipitating the 1967 "Seven Day War" in the Middle East and helping to lay the groundwork for the 1973 hostilities and the imbroglio we find ourselves in today.

In 1971 the General Assembly voted to recognize the Peking regime as the only lawful representative of China and to "expel forthwith" the Republic of China delegation. In so doing, the U.N. threw out of the U.N. a charter member directly representing more than 14 million people, whose record in respecting its duties and responsibilities as a U.N. member was far better than those which voted to expel it, in order to accept a regime whose record of aggression and repression exceeds that of any other nation in the world today.

While taking such procedural retaliations, the U.N., in contrast, has remained tragically inert when faced with such issues as the Soviet invasion of Czechoslovakia, the Biafran-Nigerian confrontation, the Indian forcible annexation of Goa and assimilation of Sikkim, the racist repression of Uganda's Idi Amin, the genocide committed by the Burundi regime against the Hutus, the restrictions on emigration by the Soviet Union, and the continued French atomic tests in the Pacific.

This year's General Assembly session, by reaching new heights of irresponsibility and hypocrisy and setting new records for ignoring its own rules, has made it crystal clear that, far from representing a hope for peace, it is in fact an obstacle to it.

First, the General Assembly voted to reject the credentials of the representatives of South Africa and then to suspend the South African delegation from participation in the current session of the General Assembly. At the very time the combination of dialogue and economic, political and athletic realities had begun to persuade the South African government to move to relax its apartheid policies, the General Assembly chose to rebuff such progress and to strengthen the hand

of South African extremists on both sides. By virtually expelling the South African government and thus isolating and ostracizing it, the U.N. has given it less reason and less opportunity to reform and has hastened the possibility of violence as the only avenue of change in South Africa.

The General Assembly then continued on to invite the Palestinian Liberation Front, the bloodstained perpetrator of such tragedies as Munich and the Lod Airport massacre, to participate in the deliberations of the Assembly on the question of Palestine. After the Assembly gave the PLO spokesman, Yezir Arafat, the formal reception customarily reserved for heads of state, it enthusiastically applauded Arafat, a holster on his hip and bearing "an olive branch and a freedom fighter's gun", while he delivered his demand—a Palestine state under PLO control—and his warning "do not let the olive branch fall from my hand".

Following the debate, in which Israel's right to reply was effectively muzzled by restricting each nation in the debate to one ten minute speech for the first time in history, the General Assembly docilely recognized the Palestinian people's right to independence and sovereignty "in Palestine". To the resolution's sponsors, Palestine meant "what has at this moment been replaced by Israel and by the Israeli occupation of the West Bank and Gaza Strip", thus effectively erasing Israel—a U.N. member—from the map. The resolution also affirmed Palestinian rights "to return to their homes and property from which they have been displaced and uprooted" and recognized that they may regain these rights "by all means in accordance with the U.N. Charter". As the Arabs have presumed to interpret the Charter to give people the right to use violence to achieve self-determination, the General Assembly thus formally endorsed the PLO terrorism.

A second resolution granted the PLO permanent observer status and the right to attend all conferences under U.N. auspices. Recognizing a terrorist organization which has no government and no territory as a legitimate permanent observer would be ridiculous if it were not such a tragic example of the delegation of the principles of the U.N.

At the same time we also had the example of UNESCO, where once again the Afro-Arab-Asian-Communist Bloc had its way, with a large majority voting to condemn and exclude Israel, to cut off aid to Israel, and to supply funds instead to the PLO and African liberation movements. The cutoff of aid to Israel, amounting to only one-tenth of Israel's own contribution to UNESCO, hardly represents a calamity. But the mentality that move illuminates, exemplified further by the Lebanese spokesman's comment that Israel is "a state which belongs nowhere", typifies the irresponsibility which currently dominates the U.N.

Such irresponsibility cannot occur in a vacuum, and two threads stem from these actions.

First, the most likely current flashpoint of world conflict is the Middle East. One of the keys to a peaceful solution is a carefully worked-out resolution to the Palestinian problem. Following the lead and instructions of Arab extremists, the General Assembly has deliberately chosen to throw a monkey wrench into these delicate diplomatic negotiations by presuming to prejudge their outcome—an outcome requiring suicide by the state of Israel.

This irresponsible act itself, with the complications and dangers it has introduced into the Middle East, I believe justifies my contention that the General Assembly now represents an obstacle to the pursuit of peace in the world.

Second, there is the question of explicit authorization of terrorism. This is the same General Assembly which has consistently refused to consider even the most gentle condemnation of terrorism and hijacking. By

its recognition of the PLO, however, it provided concrete evidence that terrorism pays off, and it specifically sanctioned terrorism as a legitimate means of action in the future.

Thus it should have been no surprise that even during the Palestinian debate PLO guerrillas attacked the Israeli town of Beit Shean, killing four Israeli civilians. The day following the General Assembly vote, PLO terrorists hijacked a British VC-10, demanded the release of thirteen imprisoned terrorists, including the eight assassins of our Ambassador and his deputy in Khartoum, and executed a German businessman to demonstrate their seriousness. In light of the PLO's statements and record and the current diplomatic fuzziness, I have no confidence that the current camouflage of PLO "disciplining" of extremists represents anything more than propaganda.

The Assembly's failure to insist on the right of Israel to exist, a right the U.N. recognized twenty-seven years ago in voting to establish separate independent Arab and Jewish states, and the Assembly's surrender to, and endorsement of, a group which has organized uncounted acts of terrorism, made these—and future such acts—foreordained. I do not believe that the United States needs to or should stand, sit, vote, or listen to those whose hands are so bloody.

Before withdrawing, however, one should ask why such unreason has come about. Is it only temporary aberration? We should not withdraw if there is hope that reform is possible and that sanity might return.

Unfortunately I see no grounds for hope. One has only to look at the makeup of the General Assembly to understand why unreason, hatred of the United States, and irresponsibility now have the upper hand.

When the General Assembly met for the first time in January 1946, its membership consisted of 51 nations, all of them World War II participants on the side of the allies. By this September, however, the General Assembly counted 138 members, the increase coming largely from former colonies which won political independence. A U.S. proposal that would have established requirements for U.N. membership in terms of size and viability never made it to first base.

Thus, in the General Assembly, with an equal vote to ours, now sit a number of diminutive states with such limited human and material resources as to fail to fulfill the requirement of any definition of statehood—effective government, defined territory, permanent population, genuine political and economic independence and the ability to fulfill international obligations. As examples, look at Equatorial Guinea, with its population of 290,000 split between an island and an enclave, and at the Maldives Islands with 101,000 people on 116 square miles. Other giants include the Bahamas, Bahrain, Barbados, the Gambia, Bhutan, Oman, Qatar, the United Arab Emirates, Mali, and Upper Volta.

The result of the admission of a large number of such states, each with a voice equal to that of ours but with a vision dominated by selfish and narrow concerns, has been an increasing tendency to use the United Nations as a propaganda forum at which to score rhetorical victories at the expense of concrete achievements, to interfere increasingly in the internal affairs of U.N. members, and to issue hypocritical moral judgments on others.

All observers recognize that a coalition of Third World countries from Asia and Africa, enjoying Communist support which bridges the so-called Sino-Soviet split, can now push through just about any resolution they want without recognizing any need for responsibility and self-restraint. Thus the Arabs and the Communists joined the Africans in suspending South Africa and the Africans and Communists joined the Arabs in recognizing the PLO.

The countries of this bloc, ranging from absolute despotisms such as China to the comparatively benign autocracies such as Kenya, are generally characterized by collectivism, one-party presidential or military dictatorships, a virulent national socialism, and hatred of the U.S. The bloc includes such sterling examples of democracy and commitment to peace and freedom as Uganda, governed by Idi Amin who professes admiration of Adolf Hitler for his murderous treatment of the Jews and implements his own racism against Asians and whites. As C. S. Sulzberger has noted in the New York Times:

"Uganda is involved in one of the weirdest, most cruel patterns of government brutality. Chopping up opponents and feeding them to crocodiles is not a lesser sin than South African segregation. And Chad sometimes buries Christians alive in anthills."

The bloc's sense of priorities are perhaps best illustrated by India, which after initiating wars with China and Pakistan and forcibly annexing her neighbors' territory while preaching her own moral superiority, now spends millions on developing nuclear weapons while continuing to insist on the duty of the U.S. to provide her with food.

On other recent specific issues, General Assembly actions have followed the same pattern and given little reason for hope. It was only a 56-54 vote, with 24 abstentions, which kept the General Assembly from unseating the legitimate government of Cambodia in favor of an insurgency whose chief sits in a foreign country. In a world rife with actual and potential insurgencies, it would have been the height of irresponsibility to have supported such a move, but 54 countries chose to do so and 24 others sat on their hands. It is perhaps symbolic that the December 9 vote in the General Assembly Political Committee on a resolution calling for the withdrawal of American troops in South Korea was a tie 48-48, indicating how far we have come from the hopeful days when the U.N. stood up against aggression in Korea. The bloc again showed its power and its sense of priorities by using its dominance to force the General Assembly's Legal Committee on December 10 to recommend that consideration of proposals the U.N. action against terrorism be postponed for another year.

Finally, let us not forget also the Assembly's utter disregard for financial reality. If all countries speak with the same voice and vote in the General Assembly, all do not share the same financial burden of supporting U.N. activities. The U.S. leads all nations in both assessed and voluntary contributions, paying, for example, 25% of the U.N. regular budget and 90% of the U.N. Fund for Drug Abuse Control; overall we pay over 30% of U.N. expenditures. By contrast, in 1974 the Soviets are paying only 12.97% of the U.N. regular budget, Communist China 5.5%, Castro's Cuba 11%, and Panama, which has succeeded in having the Security Council hold one of its sessions in Panama to dramatize its attempt to wrest control of the Panama Canal from us, is expected to contribute .02%. Of the wealthy oil-exporting nations, Kuwait is paying .09%, Libya .11%, Iran .20%, and Saudi Arabia .06%.

The General Assembly has repeatedly violated its own rules and precedents. It has refused to take action on such key issues as international terrorism and hijacking, yet has consistently interfered in the internal affairs of its members. It has set back the search for a peaceful resolution of issues in both South Africa and the Middle East. It has rewarded and authorized terrorism as a legitimate policy.

In short, it has forfeited the confidence and hope of the civilized world.

While continuing to participate in the Security Council in order better to protect our interests and to work with many of the

U.N. specialized agencies, the U.S. should now withdraw from active participation in the General Assembly. Instead of continuing the search for peace in such a hypocritical and immoral framework, the U.S. should instead pursue it through bilateral channels, as we have been doing with the Soviets and Chinese, through "regional" negotiations as Secretary Kissinger has been doing in the Middle East, or in other international forums, such as the Law of the Sea Conference. The General Assembly's irresponsibility has now made it irrelevant and increasingly harmful. We should let it go its way without us, not only without our participation, but, with any luck, in some other locale than New York.

I have chosen to speak today with the aim of launching a last parting salvo at a target shortly to pass out of my range.

I have spoken in hope—in the hope that by now publicly questioning our continued participation in the General Assembly, my colleagues and other observers might begin seriously and openly to consider the issues involved.

Then when the next Congress considers the U.N., the Senate will choose to reflect carefully on the wisdom of continuing to fund and endorse activities which run counter not only to our national interests and morality, but also to international justice and peace.

TRIBUTE TO SENATORS DOMINICK, BENNETT, AND COOK

Mr. GOLDWATER. Mr. President, offering eulogies to Members of this body who will not be returning is not something I enjoy doing, because it is not something that I can do easily. Sitting in the quiet of my apartment at night after a long, rather strenuous day on the floor, I am thinking of my friendship for three of these delightful people. And I did like to just comment on that feeling briefly.

There is PETER DOMINICK, whom I have known for many years and with whom I served in the U.S. Air Force in the same theater in China. Flying over the same pile of rocks, I've known him and his family and delightful wife for many years and I think I cherish the friendship of our social relationship as much or more than I cherish our relationship in politics, but they are very equal. He is a man who has dedicated almost a lifetime to serving his Nation and his State. He has left an indelible mark on this body and on all of us. He is a very reasoned man who can put forth his arguments with great eloquence. He has been a valued associate on the Committee of the Armed Services, where his vast experience in aviation has been of such value. I am going to miss PETER, miss sitting behind him in the Senate, miss talking with him and visiting with his family. So as he goes back to the delightful climate and the beautiful mountains of his State I wish him only the very happiest of days.

When I got to thinking about WALLACE BENNETT who comes from a State just north of mine, Utah. He is of the religion of the Mormon whose people are so dominant in his State and my State also. WALLACE is a very religious man whose deep convictions carry over into his political thoughts and have guided him throughout the years that he has been in our body and guided him throughout the years that I have known him as a businessman in Utah. His ad-

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vice is always solid and it has been sought. Frankly, had this body listened more to men of his philosophy, this country would not be in the financial trouble it is today. In his quiet gentle way WALLACE is a giant amongst men. It is a perfect example to me of the reasoning that one can grow greater through a spiritual life than one ever can through a material life. He is returning to a wonderful State, people, and to some of the greatest friends I have known—among these friends will always be my friend and colleagues of so many years, WALLACE BENNETT.

Then my thoughts wandered to MARLOW Cook, the man from Kentucky from whom I learned for the first time the beauties and joys of his State. I was privileged to have been elected in the same class that brought him to the Senate, the class of 1968. Our relationship, while not having been close socially, or too close politically, nevertheless has been close in a friendship way—which I think to all of us means the most of anything that we get out of our stay here. His integrity is known by all of us, his drive, his intelligence, and his ability, to bring all of this to the floor for our benefit is something that we have all been privileged to share—so as it gets about time to turn off the lights and go to bed, I think of a saying that we southwesterners have long used when we think of friends we are saying goodbye to because goodbye just is not a word we use lightly, so let me say to all three of these wonderful people "via condios."

Mr. JAVITS, Mr. President, Colorado's PETER DOMINICK has served his State and his country with great distinction in the Senate for the past 12 years.

During our years together in the Senate, I have been privileged to work with him on the Labor and Public Welfare Committee. I have come to admire his devotion to ideas and fidelity to principle. By virtue of our committee service, I am in a unique position to testify his deep commitment to a better education for all Americans. All of the major education legislation of the last decade has borne the firm and distinguished imprint of PETER DOMINICK. For his efforts, educators, parents and students, young and old, owe to him a debt of gratitude. Not only has he served his country well, he has also been a leader of our Republican Party. PETER DOMINICK knows that the surest guarantee of our freedom is a strong and vigorous two-party system. As a past chairman of the Republican Campaign Senatorial Committee, he devoted his every skill to assuring that the party put forth candidates who represented the best qualities of these United States. As a Senator, a Republican, and a friend, I thank him for the great contributions he has made to his State, his party, and his country. I wish him and his family all success and happiness in his future endeavors.

TRIBUTES TO SENATOR EDWARD J. GURNEY

Mr. FONG. Mr. President, I rise to pay tribute to a friend and colleague, EDWARD J. GURNEY.

Senator GURNEY, as you know, has tendered his resignation effective December 31.

It has been my privilege and pleasure to have served with ED GURNEY on the Judiciary Committee and the Special Committee on Aging and on several subcommittees.

I know him to be a very modest man, but a man who will pursue relentlessly those goals which he feels are in the national interest or for national security.

Throughout my acquaintance with ED GURNEY, I have known him as a man with special compassion for those in need. I have been most impressed with his genuine and lasting concern for America's senior citizens and veterans of our wars overseas.

ED GURNEY himself knows of the rigors of war, for he bears permanent injuries sustained in military service for his country. He entered the U.S. Army's 101st Cavalry Regiment as a private in 1941 and saw action overseas with the 8th Armored Division as a tank commander. He left the Army as a lieutenant colonel after advancing through the ranks.

A Purple Heart and a Silver Star attest to his valor and devotion to duty.

After leaving the Army and gaining an additional law degree at Duke University Law School, ED GURNEY has spent most of his years in public service.

He was city commissioner in Winter Park, Fla., from 1952 to 1958; mayor of Winter Park from 1961 to 1962; and served in the 88th, 89th and 90th Congresses as a U.S. Representative.

In 1968, when ED GURNEY was elected as a U.S. Senator, he won his seat by the largest number of votes in Florida's history. Some 1,131,499 cast their votes for him. His was the first time in the State's history when the count for any single candidate went above the 1 million mark.

ED GURNEY has served his State and his Nation faithfully and well.

My best wishes go out to him in all of his future endeavors. May he find peace and tranquility.

Mr. ALLEN, Mr. President, the distinguished senior Senator from Florida (Mr. GURNEY) and I took the oath as Members of the Senate at the beginning of the 91st Congress. I have noted that Members of the Senate of the same class or starting Congress have a certain closeness and a certain esprit de corps and this feeling has indeed existed between me and Senator GURNEY.

Senator GURNEY had the distinction of being the first U.S. Senator from the State of Florida since Reconstruction Days. He has been an outstanding Member of the Senate, hard working, dedicated and able. He and I have worked together in efforts to seek to see that Florida and Alabama and other Southern States receive treatment at the hands of the Federal Government uniform with that of other States of the Union, and that effort continues and will continue in the future.

I have confidence in him as a man of honor and integrity. He has stood for a strong national defense, for fiscal responsibility, and against escalation in the Federal bureaucracy and I strongly support these same positions.

He has represented the thinking of the people of Florida and the Nation and his people have every reason to be proud of his work in the Senate.

Mrs. Allen joins me in best wishes to Senator and Mrs. Gurney as he returns to private life.

Mr. BARTLETT, Mr. President, tonight, as the Senate adjourns, I am particularly sorry to have to say goodbye to our good friend, ED GURNEY.

ED GURNEY has been a real friend of the American taxpayer. He is a fiscal conservative who believes, as do I, that government spending has gotten out of hand. If we had 100 ED GURNEYS in this body, we would not be worrying about mounting Federal deficits.

I wish ED GURNEY the best of luck in the future, and I hope he will pay frequent visits to this Chamber.

Mr. THURMOND, Mr. President, in these last days of the 93d Congress, Senator EDWARD GURNEY is nearing the end of a dozen years of service to his State of Florida and the Nation in the Congress.

From 1963 to 1969, ED GURNEY served as a Member of the U.S. House of Representatives from Florida after a successful career as a practicing attorney. In November 1968, Senator GURNEY was elected to the U.S. Senate.

After earning a bachelor of science degree from Colby College, Senator GURNEY later obtained an LL.B. from the Harvard Law School and an LL.M. from Duke Law School.

In January 1941, ED GURNEY enlisted in the U.S. Army as a private and rose rapidly through the ranks until he received his discharge as a lieutenant colonel in 1946. Senator GURNEY saw action in the European theater. He was wounded in Germany in 1945 and thereafter was awarded the Purple Heart and the Silver Star.

Senator GURNEY has served the Senate well on the Government Operations and Judiciary Committees. In my personal association with ED GURNEY on the Judiciary Committee and in the Senate, I have been particularly impressed with his outstanding legal abilities and sound judgment.

In the same way that he fought for his country in World War II ED GURNEY has continued to fight for his country within the Halls of Congress. Senator GURNEY is a man of strong belief who has always worked to enact legislation which is in the best interest of our entire Nation.

ED GURNEY has been a strong advocate of the preservation of the constitutional principles upon which our country was built. Through his work on the Senate Judiciary Committee, Senator GURNEY has been instrumental in formulating legislation to preserve our basic constitutional liberties.

Since he believes that the United States should always maintain a strong military posture, Senator GURNEY has long been a supporter of the Armed Forces and the national defense.

Mr. President, ED GURNEY has been an asset to the U.S. Senate. He is a hard-working, patriotic individual for whom I have a great deal of respect.

Mrs. Thurmond and I extend to Senator GURNEY and his lovely wife, Nata-

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lie, our best wishes for good health and happiness in the years ahead.

Mr. MCCLURE, Mr. President, I want to thank publicly the senior Senator from Florida (Mr. GURNEY) for the privilege of having served with him in this body.

A man who has known many personal tragedies, Senator GURNEY learned early that courage comes from adversity. He has developed a philosophy of life that has served him well in the Senate.

His legal ability won him a coveted spot on the Senate Judiciary Committee in his first year in this body, and it is the tribute of tributes that Senator GURNEY quickly became one of its most influential and most admired members.

I want him to know that he will be missed by many of us in the Senate. It is my sincere hope that the future brings him the happiness and contentment he so richly deserves.

Mr. CURTIS, Mr. President, I am very disappointed that our colleague, Senator EDWARD GURNEY of Florida, will not be with us when the new Congress convenes in January. I say this not only because everyone enjoys him as a friend, but because he has established a record as a good, solid, dependable legislator.

There are many issues that come before the U.S. Senate. All matters to be considered take time. Some of them are of little passing importance. Other measures involve important issues that deal with the standing, solvency, and perpetuity of our Government. I like to measure a man on how he applies himself to those latter issues, which are so important to the welfare of our Republic. On these matters Senator ED GURNEY merits a very high grade.

Senator GURNEY is a good lawyer. The Senate obtained the benefit of his keen legal mind and his expertise in questioning witnesses. He is devoted to our Constitution. He is a man who has the courage of his convictions. He stood up against the trend for the ever enlarging of our Government. These actions merit for him the gratitude of all thoughtful Americans.

It is our hope that this is not the end in public service for Senator GURNEY. He will be able to render outstanding service in any capacity in which he serves. We extend to him every good wish for the future.

Mr. STENNIS, Mr. President, It has been both a privilege and a pleasure to serve in the Senate with the Senator from Florida (Mr. GURNEY).

Even though I have not had a chance to serve on a committee with him, I have learned to know him well and to respect him.

He has been a hard worker and has carried his part of the load both on and off the Senate floor. I regret that he is leaving the Senate and wish him well in every way.

Mr. HELMS, Mr. President, I want to join my colleagues in paying my respects to the distinguished Senator from Florida (Mr. GURNEY) as he prepares to depart from our midst. As I have told him privately, he will be missed.

Not long ago, I was looking at the voting records of Senators, and it was not

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surprising to me to note that ED GURNEY had consistently voted to reduce Federal spending, for a balanced Federal budget, against forced busing of schoolchildren, and against the tidal wave of Federal controls which today threaten to inundate the lives and liberties of the American people.

If this Senate as a whole had voted as ED GURNEY has voted, this country would not today be in the economic distress that now plagues us. ED GURNEY has stood forthrightly for limiting the power of the Federal Government to intrude in the lives of the American people.

As he concludes his service in the Senate, I wish his well. We shall miss his good nature, his affable and gentlemanly demeanor, and his constant willingness to cooperate. Best wishes always, ED.

TRIBUTES TO SENATOR HOWARD M. METZENBAUM

Mr. FONG, Mr. President, I rise to pay tribute to our distinguished colleague, the gentleman from Ohio (Mr. METZENBAUM) who leaves the Senate next week.

Though the fine Senator has been with us only a short time, while here he has been known as a very friendly and personable individual and one of our hardest workers. His courageousness and conscientiousness, which were his forte from his early days in the Ohio State Legislature, were very evident during his tenure as a U.S. Senator.

In Ohio, HOWARD fought for 16 years and eventually had passed by the State legislature legislation prohibiting discrimination by race, creed, or national origin by employers and unions. Though a businessman, he also fought to defeat antilabor legislation.

The Metzenbaum Foundation, in conjunction with the U.S. Department of Justice, pioneered a model legal services program for prisoners at Leavenworth Penitentiary.

He fought for civil rights and marched with the late Dr. Martin Luther King in Selma, Ala.

With his vitality and perseverance, I am confident HOWARD METZENBAUM will continue to be active in many endeavors in the years to come.

My best wishes go with HOWARD and his gracious wife, Shirley.

TRIBUTE TO THE DISTINGUISHED JUNIOR SENATOR FROM OHIO, MR. METZENBAUM, ON HIS RETIREMENT FROM THE U.S. SENATE

Mr. ALLEN, Mr. President, as this session of the Congress draws to a close, I would like to pay tribute to one of our colleagues who will not be here next year, HOWARD M. METZENBAUM, the distinguished junior Senator from Ohio, whose absence will be keenly felt by the Members of the Senate.

Senator METZENBAUM took office at an uncertain time in the history of his country. He leaves it stronger in the resolve to match challenge with achievement. His record of maximum accomplishment in a minimum length of service has won him the respect and esteem of his fellow citizens and his Senate colleagues on both sides of the aisle.

He has served his Nation with dis-

tingtion, and he deserves his Nation's gratitude.

Senator METZENBAUM has never been content to take a passive role in the affairs of this body. He has been a doer and an achiever from his maiden speech to this day.

It was he who first called for an economic summit conference in his Economic Preparedness Act last April. He felt the economy was so torn by inflation and unemployment that it was time to reappraise the country's economic policymaking machinery. Three months later the President convened just such a conference. The result has been a renewed emphasis on the vital partnership of business and Government upon which the American people increasingly depend for both economic prosperity and social progress.

It was he who authored the Foreign Investment Review Act, designed to create an early-warning system to detect the identities of foreign interests who are investing substantial amounts in American industry.

He has concerned himself with the energy problems facing this country, particularly in the area of petroleum production, control and sale, both in the United States and abroad.

He has made important and far-reaching contributions in the field of national and international food production and consumer protection.

He has worked diligently in the cause of improved health care and for the conservation of natural resources.

He has worked in the best interest of the Nation as a whole, and at the same time was never diverted from a conscientious and careful concern for the people of Ohio.

These are merely a few of HOWARD METZENBAUM's achievements, but they are the ones which will last. The imprint of his devotion to duty, his diligence of heart and mind will go beyond the present day. His capacity to meet the challenge of changing times with vigor, strength, and enthusiasm will inspire his countrymen for many decades to come.

For me it has been a signal honor to serve with HOWARD METZENBAUM, and I am certain this country has benefited greatly from "The Metzenbaum Year."

Fortunately for America, his departure from the Senate does not mean withdrawal from public service. I know he will continue to respond to the calls which will be made on him to furnish continued inspiration and guidance.

Nothing has been more important to him than the work he undertook so willingly and which he has so well advanced.

As he takes leave he will be accompanied by the affection and admiration of his colleagues in the Senate. My wife, Maryon, and I wish for him and his wife, Shirley, and all his family, good health and happiness in the years ahead.

Mr. CHURCH, Dear Mr. President, I would like to take a few minutes to say thank you to a man who has become a valued friend in the few brief months he has served in the Senate, and who will be missed when he leaves our midst.

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HOWARD METZENBAUM quickly distinguished himself when he entered the Senate. Not only was he willing to work hard, he soon became known as a man whose judgment was sound, and whose discretion could be relied upon. I appreciate also the compliment he paid me in soliciting my own views on legislation originating in committees on which I serve.

Although his time in the Senate has been brief, I am thankful for the friendship it made possible, and for the opportunity I have had to work with him. I join my colleagues in wishing HOWARD METZENBAUM only the best in his future endeavors.

Mr. HASKELL. Mr. President, I have never been especially adept at saying goodbye or paying tribute to those whom I admire the most. Admiration and respect for another individual are very personal feelings and are difficult to share in public.

But as my good friend and colleague from Ohio, Senator HOWARD METZENBAUM, prepares to resign his seat on December 23, I feel compelled to comment for I shall miss him a great deal.

When HOWARD was appointed to the Senate by Governor Gilligan to fill the vacancy created by Senator William Saxbe's resignation most of us knew him only as the Cleveland industrialist with an unpronounceable name who had lost a very close election for the Senate in 1970. Since then I have come to know him as both a friend and a colleague whose qualities and abilities I admire.

He and I have both served on the Committee on Interior and Insular Affairs and the Committee on Aeronautical and Space Sciences. Throughout his all-too-brief tenure in the Senate HOWARD has been willing to spend countless hours on the nitty-gritty items which are so essential to our performing our duties properly. This desire to do his homework well continued even during a very rigorous primary election campaign.

The creation of the Cuyahoga Valley National Recreation Area in Ohio is a monument to his efforts. He was also successful in exposing a scandal in the National Park Reservation System which was supposed to provide overnight reservations for people who wanted to be assured of a place to stay in our national parks. The Director of the National Park Service, who was involved in the awarding of the reservation system contract, resigned shortly after the situation came to light.

I shall miss HOWARD METZENBAUM as a colleague. I shall continue to value his friendship and hope that we all will have his advice and counsel in the months and years to come.

Mr. KENNEDY. Mr. President, I rise in tribute to HOWARD METZENBAUM, a colleague and friend whose presence the Senate and the Nation will surely miss.

Senator METZENBAUM has served in the Senate this past year and compiled an admirable record of leadership in a variety of areas. Untiring in his work, he has been on the floor of the Senate for long hours daily.

He conducted a vital investigation into the activities of the National Park Serv-

ice which were largely responsible for the departure of the former director. Senator METZENBAUM's legislation now requires Senate confirmation of the National Park Service director. His efforts have immeasurably improved this agency so important to the protection of the Nation's natural resources and the recreation of its citizens.

Senator METZENBAUM also achieved the goal of many past Ohio Senators, the creation of the first national park in that State, the Cuyahoga National Park. This park will insure the protection of this resource for generations to come.

In his Interior Committee role, Senator METZENBAUM has maintained a vigilant review over the operations of the major oil companies. He called for and supported legislation to restrict the profits of the major oil companies and to place stiff price controls on all petroleum products.

In this effort, his leadership helped achieve Senate passage of those provisions.

Senator METZENBAUM has been an active and thoughtful participant throughout the Interior Committee's inquiry into the energy crisis and the reasons for it.

He has brought to the Senate his knowledge of the business world and he has used that knowledge in defense of consumers and of the public at large.

It was that knowledge and experience that resulted in legislation which I am sure will be enacted into law soon, S. 3955, to provide more adequate reporting and controls on foreign investment abroad.

He has been a liberal spokesman on the major issues facing the Senate and the Nation, and while I regret his departure, I am sure that he will continue to serve the people of his State and the Nation in the future.

Mr. McGEE. Mr. President, I would like to take this opportunity to pay tribute to the junior Senator from Ohio (Mr. METZENBAUM) who, although he has been with us for only a short period of time, has established himself as a conscientious and effective Member of this body.

Although HOWARD METZENBAUM will not be a Member of this body when we convene in January, I want to extend my heartfelt congratulations and sincere appreciation for the exceptional job he performed after being appointed earlier this year to the Senate seat vacated by former Senator William Saxbe who assumed the post of Attorney General of the United States.

His presence will be particularly missed since he demonstrated a very strong and positive concern for the manner in which the United States was assuming its responsibility for meeting the needs of the less developed countries of the world. This sense of internationalism and commitment to those less fortunate are attributes this body sorely needs.

In closing, I want HOWARD METZENBAUM to know of the respect and admiration I have for him as an individual and his capabilities as a legislator in this body.

Mr. STENNIS. Mr. President, I have enjoyed my association with the distinguished Senator from Ohio, HOWARD M.

METZENBAUM, although the period of time we have served together in the Senate has been comparatively brief.

Senator METZENBAUM has had a distinguished career in business, and here in the Senate he demonstrated very early his quick intelligence and fine grasp of economic matters. He made many fine contributions in many phases of governmental problems as well as the economy, and represented the people of Ohio in an outstanding manner.

He applied himself in the Senate, and he made friends very quickly. We will miss him here; and I certainly wish him well.

Mr. JAVITS. Mr. President, HOWARD METZENBAUM's term in the Senate has been short, but I am certain that my colleagues join me in wishing him success in whatever he may undertake.

He is to be commended especially for his efforts in the area of energy conservation.

I also note that during his career, HOWARD METZENBAUM has shown courage and a pioneering spirit. In 1960 he had the foresight to speak out against the Vietnam war, a stand which at the time was considered unpopular.

It is also important to mention that in 1949 as a member of Ohio's State Legislature, HOWARD METZENBAUM—also a businessman—authored one of the Nation's first consumer protection laws.

I wish him every success and for him and his family much happiness in the years ahead.

TRIBUTES TO SENATOR WALLACE F. BENNETT

Mr. FONG. Mr. President, I rise to pay tribute to our distinguished senior colleague from Utah (Mr. BENNETT) who is retiring at the end of this year.

During his 24 years as a U.S. Senator, WALLACE BENNETT has served the people of his State and our entire Nation with distinction and fidelity.

A businessman and former president of the National Association of Manufacturers, WALLACE BENNETT was first elected to the Senate in 1950. This is the only elective public office he has ever sought or held. He performed his duties so well that the people of Utah reelected him three times.

In his long tenure, he has been witness to momentous events in our history, and he has served during the administrations of six U.S. Presidents: Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and now Gerald R. Ford.

I share with my constituents in Hawaii a warm feeling for WALLACE BENNETT for his support of statehood for the islands. Such friendship will never be forgotten by the people of my State.

Here in the Senate, WALLACE BENNETT assumed ever-increasing responsibilities over the years. He is the ranking Republican member on the Senate Finance Committee. He is senior Republican on the Senate Banking, Housing and Urban Affairs Committee. He is third-ranking Republican in overall Senate seniority.

In addition, our respected senior col-

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league from Utah has found time to serve as secretary of the Senate Republican Conference, vice-chairman of the Senate Ethics Committee and member of the Joint Committees on Atomic Energy, Defense Production, and Internal Revenue Taxation.

WALLACE BENNETT is the first popularly elected Utah senator to retire voluntarily from office. He can look back with pride on a record which includes legislation that created the Colorado River storage project, provided for credit union insurance, and professional standards review organizations. He has been a leading advocate of Federal revenue sharing.

In all his undertakings, WALLACE BENNETT has been a credit to his pioneer family who settled in the Salt Lake Valley in 1968.

His retirement will give him more time for work with his church. He is a devout member of the Church of Jesus Christ of the Latter-Day Saints, Mormon, and has written two books: "Why I Am a Mormon" and "Faith and Freedom."

WALLACE BENNETT has carried out his responsibilities with ability, integrity, and dedication, and with reverence for our constitutional form of government and our private enterprise system.

I cherish my associations with him and I wish him every happiness and good health in his retirement. Aloha, my friend.

Mr. FANNIN. Mr. President, the great State of Utah has a pioneer heritage of industry, fierce independence and deep religious conviction. No man better represents these people and this heritage than the senior Senator from Utah, WALLACE BENNETT.

His life is a chronology of achievement and service to his State, Nation, Church and fellowman.

He was a successful businessman and the president of several important national trade organizations, including the National Association of Manufacturers.

He was a leader in a number of civic groups and charity drives in Utah.

He has been extremely active in the Latter Day Saints Church, serving in a number of capacities. He has written books about his faith.

For the past 24 years, Senator BENNETT has represented his State in this Chamber. His knowledge and his faith have enriched the Senate.

Senator BENNETT has fought to keep the American economy strong so that all our people will have the opportunity for a better life. He has worked to preserve free enterprise, to provide an equitable tax system, and to reform the welfare system.

As ranking minority member on the Finance Committee, Senator BENNETT has provided strong leadership and I feel privileged to have had the opportunity to work with him.

Mrs. Fannin and I join in wishing my colleague and his charming wife, Frances, happy years of retirement in Utah.

Mr. ALLEN. Mr. President, it has indeed been a privilege for me to serve in the U.S. Senate during 6 years of the 24-year period of service of the distin-

guished senior Senator from Utah (Mr. BENNETT).

His retirement from the Senate causes me deep sadness because of our pleasant associations on and off the Senate floor and in the Senate Prayer Breakfast group, and because of the loss to the Senate and the Nation occasioned by his departure.

I have been deeply impressed with his ability, his integrity, his dedication and his political philosophy. Because of him and Senators of his fine character and statesmanship, the U.S. Senate has been called the greatest deliberative body in the world, but with his departure from the Senate the Senate will lose much of its luster.

I have told Senator BENNETT on more than one occasion that I have always been greatly impressed with the members of the Mormon Church—their dedication and sincerity, their good works and self-reliance, their good citizenship and missionary work, their dedication to family and reliance upon the family as a unit, both in one's natural family and as members of the church.

Paul in writing to the Corinthians tells us that we are apostles of Christ known and read of all men. What an exemplary apostle Senator BENNETT makes for Christ, for his faith, his Christian stewardship, his way of life and his love of God and his fellowman. His example has inspired and sustained many more than he knows.

Mayron joins me in extending our sincerest best wishes to him and to "Miss Frances," his loyal and gracious wife, whom we both dearly love.

Mr. McGEE. Mr. President, the Senate loses another champion of the West with the retirement of our distinguished colleague, the senior Senator from Utah (Mr. BENNETT).

WALLACE BENNETT was particularly sensitive to the concerns of his State of Utah, whose concerns coincide on so many occasions with those of my own State of Wyoming. Thus, as is often the case, we were the direct beneficiaries of his efforts on behalf of Utah.

His service on the Senate Finance Committee and Senate Banking and Currency Committee was distinguished and effective. His input was invaluable as those committees put many significant and much-needed legislation on the law books.

WALLACE BENNETT will be missed.

Mr. YOUNG. Mr. President, our friend Senator WALLACE BENNETT's retiring will leave a void in the Senate that will be very difficult to fill.

WALLY BENNETT has set very high standards of conduct and effectiveness. He is not only a devout Christian, but he lives a Christian life from day to day, whether it be in the Senate or in any other facet of his life. If he ever was really angry he never showed it. I cannot help but believe there were times when he must have been disturbed—he could hardly help but be.

WALLY is the soul of honesty and integrity. WALLY BENNETT has been a very able and effective Senator, especially in the difficult, highly complex field of taxation. He is the truest and most honest

conservative I have ever known and he has adhered to the conservative principle he believed in, not just part of the time, but all of the time. Not only is the U.S. Senate better for the years that he spent in this body, but the entire Nation is as well.

He has left a wholesome imprint on all of the legislation he has dealt with. His is a record that not only his beloved State of Utah can be proud of, but the U.S. Senate, and the entire Nation.

Pat and I express the fond hope that WALLY and his equally respected wife, Frances, will have many years of good health and happiness in their retirement.

Mr. KENNEDY. Mr. President, it is an honor for me to take this occasion to pay tribute to Senator WALLACE F. BENNETT on his retirement.

During my own decade in the Senate, I have always had great respect for Senator BENNETT's outstanding ability, especially his mastery of the details of the complex tax and economic legislation that he so often handled so well on the Senate floor. Although we occasionally disagreed on particular issues, he has always been an able, fair, and effective advocate, and I shall miss his presence here.

On the issue of health, which is one of the important subjects of our overlapping interests, Senator BENNETT has been an outstanding innovator in the area of the quality of health care available to the American people. Senator BENNETT is the father of the PSRO legislation enacted in 1972 and now becoming operational in many parts of the country—the professional standards review organization concept of peer review of medical care.

The quality of care is one of the most important but least understood aspects of the Nation's health care crisis. I view Senator BENNETT's pioneering leadership in this area as an outstanding example of the very real difference that can be made by a single Senator who sees the need for change and who works to bring reform. Because of Senator BENNETT's remarkable contribution, we have made an excellent beginning on this complex problem, and it is up to us to carry on the legacy he leaves.

I would also single out a few of the many other areas in which Senator BENNETT has been an effective Member of the Senate. His continuing leadership and sponsorship of the Upper Colorado River Storage Project has been of great value to the people of Utah and the other Western and Pacific States in achieving a wise and responsible allocation of the region's precious water resources.

Senator BENNETT was also extremely influential in shaping the truth in lending bill. He played a major role in the enactment of the legislation providing insurance for members of credit unions. And, his service as vice chairman of the Senate Ethics Committee has been a continuing testament to his integrity and respect, and to the admiration in which the Senate holds him.

I know that Senator BENNETT is also proud of his role as a teacher in the Senate, proud of the people of Utah who have served on his staff and gone on to distinguished public or private service. By

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his service, he has touched and helped to shape the lives of many others, and his example will be missed.

Mr. THURMOND. Mr. President, when the 93d Congress comes to a close, the U.S. Senate will lose one of its most outstanding Members, the senior Senator from Utah, WALLACE F. BENNETT. WALLACE has served this body in a most able fashion during his four terms as a U.S. Senator from Utah.

He was first elected to the Senate in 1950, after distinguishing himself in the business world as president of Bennett Glass and Paint Co. and Bennett Motor Co. I understand that he still gives leadership to these two family groups as chairman of their boards of directors. Before coming to the Senate, WALLACE also served as vice president of the National Paint, Varnish, and Lacquer Association and also as president of the National Association of Manufacturers, a very high honor, indeed.

WALLACE BENNETT came into this body in 1951 as a conservative Republican, and I am pleased to say that he has maintained a strong conservative philosophy throughout his four terms in the Senate. In so doing, he has served the people of Utah and the Nation well.

As a Member of the Senate, WALLACE is the ranking Republican on the Finance Committee and second ranking minority member of the Banking, Housing, and Urban Affairs Committee. His expertise in these two vitally important economic areas has been of tremendous benefit to all of us over the years and will be greatly missed in the 94th Congress.

Additionally, Senator BENNETT has worked diligently as a member of the Senate Select Committee on Standards and Conduct, of which he is vice chairman, and he has served effectively on the Joint Committee on Atomic Energy.

I have admired and respected Senator BENNETT ever since I joined him as a colleague in the Senate. His pattern of leadership has been consistently excellent, his character commendable, and, in every endeavor, he has shown himself to be an outstanding American. I will surely miss his presence on the Republican side of the aisle in the new Congress, and I wish him the very best as he returns to the fine State of Utah.

Mrs. Thurmond joins with me in wishing WALLACE and his charming wife Frances good health and happiness in the years ahead, and we sincerely hope they will live long enough to see each of their 27 grandchildren achieve great success.

Mr. McCLURE. Mr. President, Idaho has the unique distinction of having three Senators. There is the senior Senator (Mr. CHURCH) and myself, and then there is WALLACE BENNETT. Oh, I know, he is officially recorded as a Senator from Utah. But Senator BENNETT's good works are so well known throughout my State that you will find a great many Idahoans who think of him as one of their own. And with good reason.

I am somewhat tempted to allude to the fact that he has been the leading advocate of causes and proposals essential to our part of the country. But that would obscure something even more im-

portant—the fact that he has always placed the Nation's welfare above everything else. Few men have had the impact upon legislation that he has, simply because few of them could match the statesman-like manner in which he viewed his job as public servant.

I suspect the reason for this has a great deal to do with his association with the Church of Jesus Christ of the Latter Day Saints. Deeply held religious conviction inevitably leads a man into serving others. And so it has been for WALLACE BENNETT.

It is unlikely that I could match the eloquence of others who have paid tribute to WALLACE BENNETT in recent days. So, I will simply say that speaking for the people of Idaho as well as myself, I wish him the very best in the days that lie ahead.

Mr. GRIFFIN. Mr. President, I wish to join with my colleagues in honoring the distinguished Senator from Utah (Mr. BENNETT) who is retiring after 24 years of service in the Senate.

As he returns home to Salt Lake City the Senate and the Nation lose a highly articulate champion of economic responsibility. Along with other Members of this body, I lose a close counselor.

As the senior Republican on the Finance Committee, and the Senate Banking, Housing, and Urban Affairs Committee, WALLACE BENNETT has had a lasting impact on the tax and financial policies of this country.

He has also served as a member of the Joint Committee on Atomic Energy, where he has worked tirelessly to achieve a sensible balance between military and peaceful uses of atomic energy. He has been a strong supporter of international cooperation in the development of atomic energy.

A tireless and dedicated Senator, WALLACE BENNETT has served also on Joint Committees on Defense Production and Internal Revenue Taxation.

In addition, he has been secretary of our Republican Conference, and in that capacity he has been tremendously helpful as a member of the leadership team.

Seeking the first elective office he ever sought or held, WALLACE BENNETT ran for the U.S. Senate in 1950. His 24-year term of service is the second longest in the history of Utah, and he is the first popularly elected Utah Senator to retire from office voluntarily.

Characteristically, WALLACE BENNETT planned to step down early so that his successor, Senator-elect JAKE GARN and the State he loves so much will have the benefit of some seniority.

In his retirement years we are sure Senator BENNETT will find plenty to occupy his time. We hope he will do some more writing. He is already the author of two books: "Why I Am a Mormon" and "Faith and Freedom."

Marge and I wish for him and Frances many happy and rewarding retirement years.

Mr. HANSEN. Mr. President, many tributes have been paid to Senator WALLACE F. BENNETT extolling his contributions to this body and our Nation. None is more fitting than a letter which his staff

prepared to show their appreciation for his years of dedicated service.

I ask unanimous consent that the Bennett staff tribute be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 20, 1974.
To whom this letter may come:

This shall witness the character and attributes of WALLACE F. BENNETT which fit him for the highest of offices and qualify him for the greatest honors which society may bestow.

Although perhaps not of the greatest importance in your estimation, we list first his ability to inspire in his staff great devotion and love, both to him and to the country, values and principles to which he himself is devoted. This has made our responsibilities a challenge, not drudgery; our work a joy, not a chore; our office a haven, not just a place to work; and him a leader, not just a boss.

Next we extol his greatness as a representative of Utahans. We know firsthand how he has taken their cause and solved their problems, whether it be aiding an immigrant or building a dam.

Furthermore, we are witness to his concern for our country, a concern which exceeds his concern for himself. This is reflected in his consistent dedication to responsibility, his devotion to truth in his work and his attention to substance and detail as contrasted with form, public whim or general appearances. During a career in public life spanning 24 years, his character remains unblemished, the complete respect of his colleagues undimmed. In him we see the ideal public servant.

Finally, leaving much still unsaid, we praise him the thoughtful husband, the family man, the warm and unforgetful friend, the part-time chaplain of the Senate, the kind boss . . . in a word, Senator BENNETT, the man.

Without reservation we vouch for him as an uncommon man and uncommon statesman.

Let this be taken as epitaph, we urge that you put him on your staff.

And tho it be merely a eulogy, we urge that it be done immediately.

Sincerely,

THE BENNETT STAFF.

Mr. MATHIAS. Mr. President, it is seldom in the course of life that we meet with a person whose every motivation seems founded, not on personal gain, but on what is right and what is good. While he and I may have disagreed on issues, I have never for a moment questioned the basis of his judgments. This in turn has led to a personal confidence in him that has been a great comfort to me as we have discussed many thorny issues. This association may be more difficult to maintain as he retires, but I hope it will continue intact for many years.

TRIBUTES TO SENATOR MARLOW W. COOK

Mr. PELL. Mr. President, I welcome the opportunity to join today with my colleagues in paying tribute to the senior Senator from Kentucky, MARLOW COOK, who is leaving this body with the end of the 93d Congress.

It has been my pleasure for the past 2 years to serve with Senator Cook as a

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member of the Committee on Rules and Administration. During that time, Senator Cook has been the ranking minority member and has served in that capacity with distinction during a period of unprecedented responsibilities for our committee. In those 2 years, the committee has conducted investigations and hearings on the nominations of two persons, Gerald Ford and NELSON ROCKEFELLER, to be Vice President and laid the groundwork for the conduct in the Senate of an impeachment trial. In addition, the committee also developed legislation which has led to a major reform of our Nation's election laws.

In all of these challenging assignments, the committee has benefited from the good counsel, the courtesy, and the good humor of MARLOW COOK.

I would also mention, Mr. President, that I have been glad to have Senator Cook as the minority member of the Subcommittee on the Smithsonian Institution, which I chair, and there, as in all of his responsibilities in the Senate, he has been diligent and judicious.

Mr. President, I wish MARLOW COOK well in his retirement from the Senate and success in all of his future endeavors.

Mr. FONG. Mr. President, I rise to pay tribute to our distinguished colleague from Kentucky (Mr. Cook) who leaves the Senate at the end of the 93d Congress in January.

Since coming to the Congress in 1969, MARLOW exhibited the same independence and clear thinking which distinguished him in the Kentucky House of Representatives and later as Jefferson County judge.

I have watched him with admiration as he led discussions on the Senate floor. A man of strong conviction, he would oppose or support a bill or a cause based on his own knowledge, conscience, and what he sincerely believed was for the good of our country, regardless of the political consequences.

During the 91st Congress he was rightly cited as one of the three outstanding "freshman" Senators, though he was a freshman only in terms of his tenure in office and not in terms of experience, ability, and sound judgment.

While in the Senate, MARLOW COOK left his mark through three key committee assignments.

He served as ranking Republican on the Commerce Committee's Subcommittees on Consumer and Environment. Laws on consumer protection, automobile insurance reform, the establishment of the National Railroad Passenger Corporation—Amtrak, and on many other vital issues contain the results of his close scrutiny and expertise.

As ranking minority member on the Committee on Rules and Administration, he played an important role in the confirmation, first of Gerald Ford as Vice President of the United States, and then again of NELSON ROCKEFELLER to the same position as the 25th amendment to the Constitution was implemented twice in succession.

On the Judiciary Committee, the able Senator was the ranking Republican on the subcommittees dealing with juvenile

delinquency, national penitentiaries, and citizen interests. He also served on the same committee's Subcommittees on Constitutional Amendments, Criminal Laws and Procedures, Immigration and Naturalization, and Internal Security.

I could go on and cite many more activities of the Senator here in the Nation's Capital and in Kentucky, but the accomplishments of his hard work and farsightedness speak for themselves.

We will, I am sure, hear further of MARLOW COOK's accomplishments in the future. A man of his vitality and dedication cannot help but continue to make significant contributions to America and its people.

To MARLOW, his gracious wife, Nancy, and their fine children, I extend my very best wishes and fondest aloha.

Mr. FANNIN. Mr. President, I wish to join in the tributes being paid to the senior Senator from Kentucky for the outstanding service he has rendered the past 6 years.

He has most capably represented the people of his State. His distinguished background in law, education, and commerce made him an extremely knowledgeable Senator who contributed a great deal to the legislative process. We will miss his expert counsel in these areas.

Senator Cook also assumed a heavy burden of work in the nonlegislative aspects of the Senate. We are grateful for his service on the Rules Committee, for his devotion to the Senate youth program, and his labor on the Joint Congressional Committee on the Inaugural.

From service on submarines in World War II to the U.S. Senate these past 6 years, MARLOW COOK has served his country with great dedication. I know that retirement from the Senate does not spell the end of this service, and I wish my friend from Kentucky well in his future undertakings both as a private citizen and a public servant.

Mr. BAKER. Mr. President, in the Cumberland region of our Nation good neighbors are greatly valued. In this vein, I wish to pay tribute to a respected neighbor, my distinguished colleague from Kentucky, Senator MARLOW COOK, who hails from a neighboring State and who has occupied the seat adjacent to mine on the Senate floor.

From my service on the Commerce Committee, of which he is a member, I know MARLOW COOK to be a significant force in committee deliberations, a capable ally, and a formidable opponent. Because we shared many legislative interests, I especially shall miss his leadership and support and, of course, the quality and vigor of floor debate will be lessened by the absence of MARLOW COOK's colorful oration.

Although I particularly have been gratified by the opportunity to serve with him on the Committee on Commerce, MARLOW COOK also has served with distinction as ranking Republican member of the Committee on Rules and Administration, which has made history in reporting the nominations of two Vice Presidents under the 25th amendment, and as a member of the Judiciary Committee, the Select Committee on Nutri-

tion and Human Needs, and the Joint Library Committee.

Mr. President, good friends like good neighbors are hard to find. MARLOW COOK is both a neighbor and a friend, and I, as well as the Nation and the Senate, have benefited greatly from his service in this Chamber.

Mr. MCINTYRE. Mr. President, I want to take this opportunity to say farewell and good luck to our departing colleague from Kentucky, the Honorable MARLOW W. COOK.

In the 6 years that Senator Cook has been with us, I have come to respect his independence and his refusal to fit into any preordained political pattern.

A proud conservative he is, but the good Senator's early recognition of the validity of many of the complaints and protests voiced by today's young people and his wariness of the military-industrial complex mark a distinct and refreshing departure from the stereotyped norm for conservatives.

Though my working relationship with the senior Senator from Kentucky has been limited, I have admired his refusal to grant "sacred cow" status to defense spending, and I think his "Security With Solvency" motto is one we could well follow.

As he leaves this Chamber for the final time, I want him to know I will miss his presence and wish only the best for him in the years ahead.

Mr. BELLMON. Mr. President, I am pleased to join with other Members of the Senate in recognizing the accomplishments of the senior Senator from Kentucky, MARLOW COOK, during the past 6 years.

Having served with him on the Select Committee on Nutrition and Human Needs and having observed his service on other committees and on the floor of the Senate, I have developed a high regard for his devotion to duty and his dedication to the principles in which he believes.

His prior experience in State government in Kentucky has been highly beneficial to the workings of the Senate, and his talents and abilities will be missed. I join with my colleagues in wishing him well in his future endeavors.

Mr. CURTIS. Mr. President, Senator MARLOW COOK, of Kentucky, served in the Senate only one term, but he has made his mark. He is a very able man and an excellent debater. He has a keen mind and quickly grasps the issues that come before this body. He served his State well as a U.S. Senator. He was faithful in attendance here and in the committees to which he was assigned. He was active on the floor of the Senate. His speeches were always listened to.

We regret that his service in this body was terminated, and we hope that it will not be the end of his public service. I wish to extend to him and to his family every good wish for the future.

Mr. ALLEN. Mr. President, when MARLOW W. COOK leaves the Senate a few days from now, it will mark the end of 17 consecutive years of public service by the State of Kentucky's distinguished senior Senator.

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I should like to acknowledge the pride I feel in being privileged to have served in the Senate with MARLOW COOK. We were elected to the Senate at the same time and for the past 6 years MARLOW and I have served together on either the Senate Committee on Agriculture and Forestry, or the Senate Committee on Rules and Administration. Our committee service together and my firsthand observation of him in action here on the floor of the Senate have made me deeply aware of MARLOW's exceptional qualities and capabilities.

The people of Kentucky have been most fortunate to have been represented by a man of the character, the ability, and the dedication of MARLOW COOK. This gifted legislator has indeed been indefatigable in his work in the Senate and in his devotion to the people of his State and the Nation.

As a member of the Senate Commerce Committee, Senator Cook has been in the forefront of many of the great economic programs which have emerged from that committee in recent years. Although Senator Cook has been deeply involved in legislation regarding automobile insurance reform, product safety standards, consumer protection, and a myriad of major transportation issues of national and international import, he maintained the roots of his Kentucky upbringing. Ample evidence of this was Senator Cook's opposition to the year-round daylight savings time bill and his successful fight this year to gain a partial repeal of this ill-advised statute which was hastily enacted during the energy shortage panic last year.

Yes, Mr. President, MARLOW COOK has been a doer and a mover since the first day he entered professional life. No one has been more kind to me than MARLOW COOK during the past 6 years. For this and other reasons, I have an especially warm and personal friendship for him.

I am sure that MARLOW leaves the Senate with the gratitude and affection of his colleagues. MARLOW, I salute you and thank you, and Maryon and I wish for you and Nancy and your family all the best and many, many years of good health and happiness.

Mr. PERCY. Mr. President, every Member of the Senate owes a special debt of gratitude to MARLOW COOK, the senior Senator from Kentucky, for his outstanding contribution to the work of the Senate over the past 6 years.

We will always be indebted to Senator Cook for his work on the Federal Election Campaign Act Amendments of 1974. This landmark legislation will help restore public confidence in the political process and will help make elections more equitable, open, and honest. MARLOW COOK played a major role in helping to bring these reforms to reality.

Perhaps MARLOW COOK's major contribution has been his work on the Senate Rules Committee in making the provisions of the 25th amendment to the Constitution operative twice in the last year. Twice the committee has had to conduct extensive reviews of nominees for Vice President and twice the committee has done a thorough and fair job.

Tonight both the President and the Vice President of the United States will be in office through the workings of the committee and Senator Cook has made a major contribution to this outcome.

We will all seek Senator Cook's advice and counsel in the future and we all wish him well.

Mr. HARTKE. Mr. President, my State of Indiana shares many miles of border with Kentucky, the Bluegrass State, represented here by Senator MARLOW COOK. We are neighbors—separated only by the Ohio River—and the people we represent have a great deal in common.

Today I join my colleagues in saluting MARLOW COOK as he concludes 6 active, distinguished years in the Senate. I have had the great pleasure of serving with Senator Cook on the Veterans' Affairs Committee and the Commerce Committee. As chairman of the Veterans' Committee, let me say that MARLOW has been a capable and constant advocate of the rights, needs, and concerns of our American veterans. He has done his homework and worked very hard for the veterans and Kentucky and all of the country.

At a time in the world's history when we are daily reminded of the curses of hunger and starvation, Senator Cook can take special pride in his work on the Senate Select Committee on Nutrition and Human Needs. As a member of that committee, he has done much to make the people of America aware of the extent of hunger and malnutrition within our own borders.

Before coming to the Senate in 1968, Senator Cook distinguished himself as a State legislator and county chief executive. He has served the people of Kentucky well in the past—I know he will continue to do so.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Virginia would not want adjournment of the 93d Congress to pass without having the opportunity to pay tribute to his colleague from the neighboring State of Kentucky, Senator MARLOW COOK, as he leaves the Senate.

His public career is impressive—a member of the Navy's submarine service during World War II, 4 years in the Kentucky House of Representatives, and 8 years as judge-administrator of Kentucky's largest county—Jefferson County—before coming to the Senate.

MARLOW COOK's State, and the Nation, have been served well during the senior Senator from Kentucky's 6 years in this body. He has been a hardworking and effective member of the Commerce, Judiciary, and Rules Committees. The Senate will miss his eloquent advocacy of his positions during debates in this Chamber.

It has been a pleasure to serve with Senator Cook, and I wish him and his family the very best as he leaves the Senate. I trust that the citizens of his State and the country will in some way continue to benefit from MARLOW COOK's proven leadership and ability.

Mr. HOLLINGS. Mr. President, today, I am rising to bid farewell to one of my most distinguished colleagues and

friends, the Senator from Kentucky, MARLOW COOK.

Behind him, Senator Cook will be leaving a number of accomplishments from his tenure in the Senate. At the top of the list are revised product safety standards, consumer protection actions, Amtrak, and automobile insurance.

Named by a national magazine as one of three "outstanding freshman Senators in 1971," MARLOW COOK has presented himself as a model of forthrightness and integrity for all of us to remember. Serving with MARLOW COOK on the Commerce Committee, I have had the pleasure of working closely with the Senator. And I am continually impressed with his judgment and personal commitment to do what is right for the people of Kentucky and our Nation.

Senator Cook has also served on the Judiciary Committee and the Committee on Rules and Regulations where he was the ranking minority member. It is also to the Senator's credit that he was appointed to the Committee on Nutrition and Human Needs, the Select Committee to Study Questions Related to Secret and Confidential Documents, the Joint Committee on the Library of Congress, the Special Committee on Equal Education Opportunity, and the Select Committee on Small Business Subcommittees on Monopolies, Science and Technology and Urban and Rural Economic Development.

We will truly miss MARLOW COOK as a colleague. I hope we will never miss the benefit of his continued friendship.

Mr. HATFIELD. Mr. President, as the Senate ends this legislative session, I would like to say a few words regarding the service that Senator MARLOW COOK provided this legislative body.

I had the privilege of serving with Senator Cook on the Senate Committee on Rules and Administration. Senator Cook served as the ranking minority member and in this capacity he provided excellent leadership when the committee handled legislation on election reform, budget reform, and the confirmation of both Gerald Ford and NELSON ROCKEFELLER as our country's 40th and 41st Vice Presidents.

Senator Cook's eloquence on the Senate floor is well known. His participation in Senate debates was meaningful and useful and we all are going to miss having the opportunity to debate with the senior Senator from Kentucky. I must add that he worked just as diligently in committee sessions.

Mr. President, Senator Cook deserves a word of thanks from his colleagues for the service he has provided this institution, this country, and his State. While he will be missed here in the Senate, we know that he will continue to make a valuable contribution to our country.

Mr. DOLE. Mr. President, I came to this body in the 91st Congress which assembled in 1969. In that same "class" with me was a man whom I think it appropriate to single out for a special tribute today.

MARLOW COOK, the retiring senior Senator from Kentucky, has been for me in these past 6 years often a legislative

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partner, a fellow member on the Select Committee on Nutrition and Human Needs and always, a friend.

MARLOW COOK has throughout his career, here in the Senate and in public life before that, developed an expertise in the law which distinguished him in his service here and in the Judiciary Committee of the Senate where he served so long.

The people of Kentucky have been well served by this native son, and the people of the United States, too, owe him a debt of gratitude for his conscientious attention to detail as a member of the Committee on Rules and Administration which has been called upon twice in the last 2 years to perform the weighty tasks assigned under the 25th amendment.

He has been a conscientious legislator and a most energetic Representative of Kentucky.

In my years in the Congress, there has been no man more suited by talent, energy, disposition, and experience, to bear the responsibility of representation. No man more carefully sensitive to the needs of the Nation at large.

I join with my colleagues in wishing him well for the future and in the hopeful expectation that he will continue, in years to come, to put his talents in the service of the public.

Mr. CANNON. Mr. President, Senator MARLOW COOK will complete his Senate service to his State and the Nation on January 2, 1975.

For almost 3 years, since February 23, 1972, he has served as the ranking minority member of the Committee on Rules and Administration, of which it is my privilege to be chairman. I believe that history will reflect that this period will rank among the most active and demanding ever experienced by this committee. MARLOW has been a worthy advocate and supporter and I will miss him very much.

We served together as cochairman of the Joint Congressional Committee on the Inaugural Ceremonies of 1973.

We worked together to forge the campaign election reforms which the President has now signed into law, and held extensive hearings which led to the adoption of much needed budget reforms.

For the first time in our history, our Nation has a President who was not elected by the people, and Senator Cook played a major role in the conduct of the committee hearings which led to the confirmation of President Ford to be the Vice President of the United States.

For the second time in just a little over a year, the committee was called upon to determine the fitness and qualifications of a Presidential nominee to fill the Office of the Vice President. I am very proud of the manner in which these hearings were conducted and by his performance, Senator Cook brought credit to the committee and the U.S. Senate.

It is difficult to know just what the committee will do for an encore, but whatever fate decrees, I know that we will be equal to the task—but we will miss MARLOW COOK.

I do not know what road he intends to follow in the years ahead, but he is in politics or private industry, I am sure

that he will continue to be most successful.

As a final tribute to MARLOW COOK, the members of the committee have joined with me in signing this resolution, which I ask be placed in the RECORD:

RESOLUTION

Whereas, When MARLOW WEBSTER COOK completes his Senate service on January 2, 1975, he will have faithfully and competently served his Nation and his native State of Kentucky as a United States Senator since December 17, 1968;

Whereas, In addition to having served the United States Senate in various other important capacities, he will have served as a valued and loyal member of the Committee on Rules and Administration during the period February 23, 1972 through January 2, 1975;

Whereas, During his Senate and Committee service he has earned the esteem and affection of the members for the commendable way in which he discharged his official responsibilities which included assignment as co-chairman, Joint Congressional Committee on the Inaugural Ceremonies of 1973 as well as ranking minority member of the Committee on Rules and Administration when the Committee unanimously approved the nomination of both Gerald R. Ford and Nelson A. Rockefeller to serve as Vice President of the United States: Now therefore, be it

Resolved, That we, the other members of the Committee on Rules and Administration assembled, register our gratitude for having had the privilege to know and to work with MARLOW WEBSTER COOK, and express to him our sincere wishes for his continued health and happiness after he completes his Senate service on January 2, 1975.

Mr. TUNNEY. Mr. President, I am pleased to pay tribute to our colleague, Senator MARLOW COOK, of Kentucky, who will retire at the end of this Congress.

During his years in the Senate, he showed a keen interest in a range of issues, including consumer protection. It was my pleasure to serve with him on the Commerce Subcommittee for Consumers, and to work with him in his capacity as ranking minority member of the Judiciary Subcommittee on Representation of Citizen Interests, which I chair. We worked together on a number of legislative matters, and I found him always to be knowledgeable, hard working, and dedicated to the best interests of his State of Kentucky and the Nation.

We jointly planned 6 days of hearings on legal fees, of which 1 day concerned the scandal of exorbitant fees paid to a few Kentucky lawyers pursuant to the Black Lung Benefit Act of 1972, and related State legislation. Senator Cook and I also worked together on S. 2928, Consumer Controversies Resolution Act, which was favorably reported by the Judiciary subcommittee and unanimously reported by the Senate Commerce Committee. The bill is an important consumer measure, to which Senator Cook made major contributions. I intend to follow through on this important piece of legislation.

Senator Cook will be missed by all who have had the privilege of serving with him.

Mr. SCHWEIKER. Mr. President, I would like to take this opportunity to pay tribute to my colleague from Kentucky, MARLOW COOK.

MARLOW and I came to the Senate together in 1968. He demonstrated his courage early, by refusing to change his stand on the Carswell and Haynsworth appointments, despite tremendous pressure. It was my privilege to stand with MARLOW in several early fights including the ABM, and I can assure my colleagues today that you could not have a stronger ally than the senior Senator from Kentucky.

The Senate will miss MARLOW COOK, but I know he will be successful in his chosen endeavors in the years to come. It has been a privilege to serve in this body with MARLOW, and I wish him the very best for the future.

Mr. BARTLETT. Mr. President, I am extremely sorry to have to say goodbye to our distinguished colleague, MARLOW COOK, tonight.

MARLOW COOK has served with distinction as Senator from Kentucky. His commonsense, objectivity, and forthrightness have distinguished him in this Chamber.

He did his homework so thoroughly that those in opposition to his position, would pay close attention to his remarks. I hope Senator Cook decides to return to public service in the future. His contributions will be sorely missed in this body.

I enjoyed his participation in the discussion at the Wednesday prayer breakfasts.

MARLOW COOK has been a good friend, and I hope and trust that friendship will continue in the future.

Mr. KENNEDY. Mr. President, as the 93d Congress draws to a close, we mark the departure of our distinguished friend and colleague, the senior Senator from Kentucky, Senator MARLOW COOK.

Senator Cook has made a valuable and lasting contribution to the work of the Senate, and particularly to the work of the Judiciary Committee, where I have been privileged to work with him as a member. We have worked together on a wide variety of issues. On all matters that came before the committee—whether involving criminal justice or constitutional law, judicial nominations or administrative law—his judgment and counsel were highly valued by all members of the committee. His presence has helped bring about the passage of significant legislation.

The Senator brought to the Senate a long and distinguished career of public service in Kentucky. After serving in the Navy, he served with distinction as a member of the Kentucky House of Representatives, and then as Jefferson County judge, a post with major administrative as well as judicial responsibilities. His judicial experience and temperament have been a particular asset to the Judiciary Committee. The committee will suffer a deep loss from his departure.

Senator Cook has distinguished himself by his thoughtful and knowledgeable views on a wide range of issues. He has also been known for his strong qualities of independence. He has worked for what he believed was right. While we have sometimes disagreed, I have always valued and respected his judgment and his wide knowledge. His views were al-

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ways carefully thought out and the product of long deliberation.

Perhaps what we in the Senate will miss most is his continuing warmth and sense of humor. Kentucky can be proud of his record of achievement.

Mr. THURMOND. Mr. President, as the 93d Congress draws to a close, I wish to recognize Senator MARLOW Cook as he culminates 6 years of fine service to his State of Kentucky and to his Nation.

Actually MARLOW Cook has been serving his State and Nation for many years. At the age of 17, Senator Cook enlisted in the U.S. Navy and served in the submarine service in the Atlantic and Pacific during World War II.

To prepare for his work in the Senate, MARLOW Cook earned an L.L.B. from the University of Louisville Law School, and thereafter, he was elected to two terms in the Kentucky House of Representatives from 1957 to 1961. Senator Cook was then elected as county judge in Kentucky in 1961 and was reelected to a second term 4 years later.

In November 1968, MARLOW Cook was chosen by his fellow Kentuckians to be a U.S. Senator. Upon Senator Thurston B. Morton's resignation in December 1968, Mr. Cook was appointed to the remainder of the term. In January 1969, Senator Cook assumed his full term in the Senate.

During his 6 years as Senator, MARLOW Cook has served as a member of the Commerce, Judiciary, and Rules Committees. I have had the personal pleasure of serving with him on the Senate Judiciary Committee. I regard MARLOW Cook as an able lawyer and an effective advocate. Furthermore, he is an individual who possesses the character and ability which is necessary to accomplish the demanding duties of a U.S. Senator.

Mr. President, Mrs. Thurmond joins me in extending our best wishes for success in the future to Senator Cook and his lovely wife, Nancy.

Mr. HATHAWAY. Mr. President, our colleague MARLOW Cook, the Senator from Kentucky, will be leaving this Chamber soon, and with him goes a tremendous source of energy and activity that has left an enduring mark here.

Through his many and varied committees, Senator Cook has authored many bills and amendments that are now law, a notable achievement. His own personal drive, coupled with keen perceptions of where improvements were needed to upgrade the quality of life for all Americans, made him an effective force here that will be difficult to replace. Few men could keep pace with this active man. He serves on the Commerce and Judiciary Committees, the Rules and Administration Committee, the Joint Committee on the Library, the Select Committee on Equal Opportunity and the Select Committee on Nutrition and Human Needs.

In addition to his invaluable input in those committees, Senator Cook has been active in floor debate, and has proven to be a capable, articulate spokesman, and debater on the issues in which he was involved. And perhaps that is the quality we will miss most; his ability to sift through rhetoric and fallible argument and strike directly at the heart of those issues which he felt were valid not only

for his home State of Kentucky, but for the Nation.

Senator Cook's roots are in Kentucky, a source of pride, I am sure, for Kentuckians, but his heart and soul belong to America, and he has devoted 6 hard-working years of his life to improve and enhance all of our citizens' opportunities for a full and rich life. I wish him and his family the best of success in the years ahead, for they deserve the very best that Kentucky and America can offer.

Mr. WEICKER. Mr. President, I would like at this time to state what a pleasure and honor it has been to have served with MARLOW Cook, of Kentucky, during the past 4 years in the Senate.

MARLOW has been an outstanding public servant, both with respect to his legislative deeds and his attention to the needs and desires of his constituents. I have also been lucky enough to be a "neighbor" of MARLOW's, as my office is across the hall from his. I have come to know him personally. He is a man of warmth. He is a man of principle. That is, with the single exception of the time he unscrupulously imported four "ringers" in order to defeat my staff softball team.

Perhaps the most concrete evidence of the warm personal relationship I have enjoyed with MARLOW, is that he has even shared his secret recipe for wild goose with me. Many Members of this body have been all too willing to tell me that my goose was cooked. MARLOW was the only one who ever told me how to go about it.

Senator Cook has always distinguished himself by his hard work, his open mind, and his ready wit. The Senate will miss this fine gentleman, and I will miss a friend.

Mr. STEVENS. Mr. President, I join with my colleagues in paying tribute to my good friend the senior Senator from Kentucky, MARLOW Cook. MARLOW has been an outstanding Representative of the State of Kentucky during his service in the Senate, and I have always been impressed with his constant concern for the welfare of his State and his constituents while serving as a Member of the Senate. He has worked hard to meet his goals of establishing new priorities for America, and he can take a great deal of pride in his interests and efforts in revenue sharing, rewriting of the bankruptcy laws, sponsoring the equal rights amendment, and his involvement with solutions to the national energy crisis.

MARLOW has had a special, continuing interest in the youth of America, and was a sponsor of both the Juvenile Delinquency Act and the Runaway Youth Act.

It has been a pleasure for me to work with MARLOW on the Senate Commerce Committee on matters of mutual concern, and I have always been impressed with MARLOW's ability to grasp the substance of complex issues before the Senate and make substantial, important suggestions for resolution. He has made important contributions to committee work and he has always been willing to stand up for his convictions on issues before him for consideration.

MARLOW Cook has had a brilliant past and he has an even more brilliant future. I sincerely hope that his intelligence, dedication, independence, and

good counsel will be available not only to me, as a personal friend, but to all of us in government. I have enjoyed the personal relationship between our respective families, and I wish MARLOW and his wife, Nancy, the best of the continuing success which they so richly deserve.

Mr. MCGEE. Mr. President, I want to take this opportunity to pay tribute to a colleague and "hall-mate" of mine, the distinguished senior Senator from Kentucky (Mr. Cook).

I say "hall-mate," because MARLOW Cook's offices are directly across from mine in the Russell Senate Office Building.

MARLOW Cook has performed a valuable public service over the past 6 years as senior Senator from his State. This service is reflected in the work and major role he played as a member of the Commerce, Judiciary, and Rules Committees. The work has brought significant benefits to his own State and the Nation as well.

I want to wish MARLOW the best and to assure him his 6 years in the Senate have been productive ones.

Mr. PEARSON. Mr. President, I want to associate myself with the remarks of my colleagues in tribute to our colleague, Senator MARLOW Cook, of Kentucky. Senator Cook has been an effective and able advocate as a member of our Committee on Commerce. I have valued this association, and have appreciated the opportunities we have had to work together on various measures before the committee.

Mr. President, MARLOW Cook has been much in the public eye as the senior member of our party on the Rules Committee. Under the provisions of the 25th amendment to our Constitution, the Rules Committee of the Senate has been called upon to review the qualifications of Gerald Ford and NELSON ROCKEFELLER to be Vice President of the United States. The committee discharged its duty on each occasion with dignity, in an even-handed and fair manner. Senator Cook was a leader in this process of confirmation. Along with his colleagues on the committee, MARLOW Cook undertook a responsibility vested in all the people under normal circumstances. The Rules Committee has arisen to the challenge on each occasion—and America is a more stable and united country today, because of it.

Mr. President, the concern of America in these difficult times has been the need for reform of our electoral processes. As the ranking Republican on the Rules Committee, Senator Cook has been a constructive force in behalf of meaningful reform of Federal elections. The landmark legislation of this Congress will eliminate, hopefully, most of the abuse of the public trust which has characterized Presidential electoral politics in past years.

I commend our colleague, MARLOW Cook, as he leaves this body, for his leadership and positive contributions in dealing with the most sensitive issues of our time. Along with his many friends in the Senate, I wish him well in the years ahead.

Mr. MATHIAS. Mr. President, it is manifestly impossible to recount all the

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accomplishments of a Senator during a legislative session, let alone during an entire term in the Senate. But there are sometimes incidents in the career of a Senator that characterize his service to the Nation.

One such incident that comes to mind is the moving account that the Senator from Kentucky (Mr. Cook) gave of the way in which he made his decision on the question of the confirmation of Judge Carswell to be a justice of the Supreme Court. Senator Cook recalled that while he was pondering this difficult question, he was invited to attend a ceremony at the White House at which the Medal of Honor was to be awarded to a soldier who had served in Vietnam. As he watched that young man, scarred by battle, receive the highest military award, because he had risked his life for his country, Senator Cook got a clear vision of his own duty in making the decision confronting him. As Senator Cook tells it, he recognized that the great sacrifices made for America in the past required that none of us offer America less than the best of which we are capable.

And this is the standard that MARLOW Cook has set for himself. He has given the best of himself, and the Senate is better for it.

Mr. WILLIAMS. Mr. President, I join my colleagues today in bidding farewell to Senator MARLOW Cook.

During the 6 years that MARLOW Cook has served in the Senate he has made many friends here, and I am proud to count myself among them. He has developed a fine reputation for being hard working, straightforward, and plain spoken, and I am sure my colleagues would agree he has earned the respect of the Members of this body.

Before coming to the Senate, MARLOW Cook served two terms in the Kentucky House of Representatives, and was twice elected judge in Jefferson County, Ky. Elected to the Senate in 1968, he has served with distinction as a member of the Committees on Commerce and Judiciary, and as a member of the Committee on Rules and Administration, where I have often been privileged to work with him.

Mr. President, I know that MARLOW Cook will be missed in the Senate, and I want to join in wishing him and his wife, Nancy, success and happiness in the future.

Mr. HUGH SCOTT. Mr. President, MARLOW Cook will be remembered by many of us, and the public, for his important role in the Rules Committee deliberations on the nominations of Gerald Ford and NELSON ROCKEFELLER, both to be Vice President of the United States. Senator Cook is one of the few people in this country who knows more about these two men than they know about themselves, and that knowledge helped the Senate and the Nation to accept them at a critical point in history. The Senator's service on two other committees, Judiciary and Commerce, was enormously important for his State of Kentucky.

On behalf of the Republican leadership, I want to wish PETER DOMINICK and MARLOW Cook all the very best as they leave the Senate. Hopefully, the Ameri-

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can people will be able to receive the benefits of their future service.

Mr. McCLELLAN. Mr. President, for the past 6 years, I have had the pleasure of serving with Senator MARLOW W. Cook, of Kentucky, on the Judiciary Committee. During this period, I have had the opportunity to observe him as he worked effectively for the welfare of the people of his State and the Nation.

Although Senator Cook's term of service has been short, he has left an indelible record in the annals of the Senate. He has made significant contributions in reforming our juvenile delinquency laws and in assuring that our country will have adequate supplies of energy in future years.

I am convinced that Senator Cook will continue to play a vital role in helping resolve our Nation's problems and I am certain we shall be hearing more from him.

Mrs. McClellan joins me in wishing Senator and Mrs. Cook future happiness and pleasures that bring fulfillment and contentment.

Mr. RANDOLPH. Mr. President, it is with genuine regret that I join my colleagues in marking the departure of the distinguished Senator from Kentucky (Mr. Cook). We knew him for only 6 years, but he earned our admiration and respect in that short time.

Senator Cook, as he retires to private life, can look ahead, yet we know that during his service in this body, he made a lasting contribution to the remarkable progress which has brought the people of his State to their present vibrant prosperity.

He will be missed for his strength and decency among us where he was truly representative of merited trust. We know he will devote this same strength and decency to whatever career he undertakes as he continues, as he must, to participate in public affairs.

It has been a privilege and a joy to work with MARLOW, I found his most striking attribute to be one of evident conviction that the viability of our American democracy is intact and ongoing, and his best efforts were in its preservation. I wish for him a fine future.

Mr. STENNIS. Mr. President, it is hard to realize that the distinguished Senator from Kentucky, MARLOW W. Cook, will not be with us when we reconvene in January.

He came to the Senate with a fine knowledge of government, gained from serving in a number of important capacities in his own State. He quickly showed himself to be an apt learner in governmental affairs at the national level, and has rendered distinguished service in the Senate.

Senator Cook is one of the best debaters in the Senate. He marshals his facts, presents his points with logic, and argues with persuasion. He is an extremely hard worker and he has been very diligent in committee work, making many very constructive legislative contributions.

I know that MARLOW Cook has many useful years ahead of him, and I certainly wish him well in his future endeavors.

Mr. JAVITS. Mr. President, I am particularly sorry to witness the departure of the distinguished Senator from Kentucky, MARLOW Cook. I have always admired his progressive views as a fellow Republican and, in my judgment, he has contributed much toward invigorating the spirit of our party.

In many areas we worked together toward achievement of the same goals. As ranking minority member of the Commerce Committee's Consumer Subcommittee, he relentlessly urged passage of legislation vital to our consumers: product safety, consumer protection, and reform of automobile insurance programs. I, too, share his deep concern for the consumers of our country.

An enlightened thinker, MARLOW Cook sought to establish "new priorities for America." His most fervent hope was that America might some day establish a better balance between its domestic and defense spending; that we might see improved facilities in all areas for all our people.

Today, no problem has a more devastating effect on the well-being of our country and the revival of its economy than energy. In 1970, MARLOW Cook was one of the first to pioneer legislation to solve the challenges of the energy crisis which were to lie ahead.

Mr. President, Kentucky is losing a dedicated Senator. Along with many others in this body, I will miss MARLOW Cook. However, I am certain that he will continue to devote himself to furthering the best interest of our Nation. I wish him and his family all happiness.

TRIBUTES TO SENATOR HAROLD EVERETT HUGHES

Mr. MONTOYA. Mr. President, I am certain that my colleagues on both sides of the aisle join me in a feeling of great loss at the retirement of Senator HAROLD EVERETT HUGHES.

Sometimes a man comes among us who is such an outstanding leader and such a compassionate and understanding human being that all of us whose lives are touched by his feel lucky to have known him. That is the kind of man HAROLD HUGHES is.

Throughout his public career he has kept his faith bright and has been an inspiration to others. He has given great dignity to the Senate and has led us all toward a more understanding and considerate use of government to help those who are ill or handicapped.

His door has never been closed to those who needed or wanted his help. His great strength has provided a hand up to those among us who had lost their way and wanted to return to a more worthwhile and thoughtful life.

The Senate is indeed losing a bright and courageous Member. I know that Senator HUGHES will continue to be an inspiration and a guide to all of us as he goes forward in the new career he has chosen for himself—a new and even more demanding form of public service.

I hope that the years ahead will continue to be what he wants them to be—a chance to serve his fellow man.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in

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the RECORD a statement by the distinguished Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. PERCY

At the end of the 93d Congress, the Senate will be saying goodbye to a giant of a man. By the example he has set in both his public and private life, HAROLD HUGHES has touched all of us to a degree we are not likely to experience again.

He leaves the Senate by his own choice to answer a call higher and more demanding than any issued by an earthly political constituency. We admire and respect him for this decision, we wish him well, but we shall be diminished by his absence.

Mr. President, HAROLD HUGHES is still a young man. There is still so much he is capable of giving to this country and our people; there is still so much that we need from him—the strength of his conscience, the depth of his thoughts, the compassion of his spirit, and the boundless generosity of his heart. I know that we can count on him for all of this, for his prayers and for his advice and counsel.

Earlier this year, as the Senate debated the difficult issue of capital punishment, the Senator from Iowa was a source of strength to me. I was moved by his eloquent statements against the restoration of the death penalty which made my own decision to oppose capital punishment a little bit easier. I am grateful to him for this and for all that he has given of himself to me and to the entire Senate.

In conclusion, I would like to leave with my colleagues some words said by Senator HUGHES himself, "I have long believed that government will change for the better only when people change for the better in their hearts." I myself, Mr. President, believe that many hearts will be changed because of the work the Senator from Iowa is setting out to do.

Mr. WILLIAMS. Mr. President, before the Senate adjourns sine die today, I want to express a few sentiments about one of our colleagues who will not be with us in the next session, Senator HAROLD HUGHES.

It is almost superfluous for me to say what a great pleasure it has been to work with HAROLD HUGHES, and what a distinct privilege it has been to serve with him in the Senate. But beyond that, I look back with feelings of much warmth and deep gratitude on a close personal friendship which I have valued very highly.

The story of HAROLD HUGHES' career is a singular one in modern American politics. He first sought elected office as a member of the Iowa Commerce Commission, because his firsthand experience had convinced him that the State's trucking laws were not being adequately enforced. That decision, in 1958, launched him on a career that was to see him become a three-term Governor, and finally a member of this body.

HAROLD first was elected Governor in 1962 and was reelected 2 years later by the largest plurality the voters of Iowa have ever given a candidate for statewide office. In 1966, he became the first Democrat ever elected to a third term as Governor. Under his stewardship, Iowa's State government made historic advances. Support for public schools was quadrupled; a statewide system of vocational and technical schools was es-

tablished; programs for the mentally ill, the retarded, and the physically handicapped were improved; tax relief for the elderly was enacted; and laws guaranteeing fair employment practices and nondiscrimination in housing were passed. HAROLD HUGHES also personally provided the leadership for establishment of a State alcoholism prevention and treatment program.

Elected to the Senate in 1968, HAROLD enthusiastically continued his interest in progressive social programs through his work on the Committee on Labor and Public Welfare. He also has served with distinction, and been a leader, on the important Armed Services and Veterans' Affairs Committees. But it was on Labor and Public Welfare, which I have the honor to be chairman of, that I have been privileged to work most closely with Senator HUGHES.

His support of education, health, anti-poverty, and worker protection measures has been unwavering, as has his enthusiasm for legislation to help the elderly and the handicapped. As chairman of the Subcommittee on Alcoholism and Narcotics, HAROLD's leadership has been exemplary. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and the omnibus drug abuse prevention and rehabilitation legislation enacted in 1972, are both landmark measures which stand as a monument to Senator HUGHES' commitment, energy, and perseverance.

Mr. President, it was with a feeling of deep personal regret that I learned of HAROLD HUGHES' decision not to seek reelection to the Senate. However, we all know that he is a man of the deepest convictions who felt compelled to pursue other goals. I know that I speak for all Senators when I express the hope that HAROLD will continue to make available to the Nation his wise counsel and leadership, and when I express to him and his wife, Eva, my most sincere wishes for every success and happiness in the years ahead.

Mr. ROBERT C. BYRD. Mr. President, when the 94th Congress convenes in January 1975, the senior Senator from Iowa will not be among our number. This is a matter of sincere personal regret to me, as I count HAROLD HUGHES as a valued friend and as a colleague of high degree.

Senator HUGHES' sojourn in this body has been relatively brief, but in the 6 years that we have known him, he has made all of us conscious of his outstanding qualities as a legislator and as a man.

His chairmanship of the Subcommittee on Alcoholism and Narcotics has been marked by the passage of the Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act in this Congress. It was largely due to HAROLD HUGHES' hard work and enthusiasm for the legislation that this important measure has become public law.

Though he has resigned his seat in the U.S. Senate, it is comforting to his friends to know that he will continue to devote his considerable energies to the service of his fellowmen, through his deep and abiding faith in God.

All of us who know and respect HAROLD

HUGHES are confident that he will bring to his work in the church the same sincerity and integrity that have characterized his achievements as Senator of the United States.

Our admiration and affection are with him as he goes to serve a higher Master.

Mr. STENNIS. Mr. President, more than a year ago the Senator from Iowa, Mr. HUGHES, announced that he would leave the Senate at the end of this session and begin a new career in public service of a different sort. He is giving up his seat in the Senate after a single term, and at a very productive time of his life, to do something that he feels he ought to do. There, too, he will render an outstanding and fruitful service in administering to the spiritual needs of the people.

For the last 4 years Senator HUGHES has been a member of the Senate Armed Services Committee. I commend him on his fine service. I have implicit confidence in this fine man and esteem him highly, as do all Members of the Senate.

There have been occasions, in our committee work, when Senator HUGHES and I have differed on policies and programs. This is, of course, not unusual in any legislative body and I mention it only so I can stress the good personal relationship which we have had, on the committee and in all other phases of our life here in the Senate.

As Members of the Senate know, Senator HUGHES had served three terms as Governor of Iowa before he came to the Senate in 1969. He fought as a rifleman in World War II, was a member of his State's commerce commission, and has spent much of his life in public service. I am sorry, of course, to see him leave Government now.

But I must add that I honor and respect his determination to meet a new challenge in a new way—as a religious lay worker. I am sure he will work in that capacity with the same energy and dedication which he has shown in our committee work and, generally, here in the Senate.

I believe that he will be successful in his new endeavors, and I am sure that he will take great satisfaction from them.

In my time, no man has exceeded the high esteem and great respect earned and deserved by HAROLD HUGHES. Our fondest good wishes go with him.

Mr. JAVITS. Mr. President, HAROLD HUGHES during his 6 years as a U.S. Senator and three terms as Governor of Iowa has displayed a unique blend of conscience and compassion.

HAROLD HUGHES is a man who has great courage buttressed by his deep convictions. He leaves the Senate by his own choice, firm in his belief that he has a more important call on his dedication to life.

Although he is leaving the Senate after one term, HAROLD HUGHES has performed a lifetime of work in the fields of alcoholism and drug abuse. In 1969 he was named chairman of the Special Subcommittee on Alcoholism and Narcotics and proceeded to educate Members of Congress and the American people on these tragically ignored problems.

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As a result of his work and leadership, landmark legislation was passed to aid the victims of these dreaded afflictions. Under his guidance we in 1970 passed the Comprehensive Alcohol Abuse Act and in 1972 an omnibus drug abuse law. For those great efforts alone, millions of Americans are indebted to him. I would like to convey my deep thanks and admiration to the senior Senator from Iowa and hope that his future endeavors be as successful as his Senate career and to wish him and his family all happiness.

RETIREMENT OF HON. WILLIAM E. TIMMONS AND HON. TOM KOROLOGOS FROM WHITE HOUSE LIAISON OFFICE

Mr. ALLEN. Mr. President, with the retirement from public service of Bill Timmons and Tom Korologos, the Nation loses the dedicated services of two men who enjoy the high respect and trust of every Member of the Senate.

For 6 years they have done an outstanding job of representing the administration in pushing its legislative program and maintaining effective liaison between the Members of the Senate and the administration.

I have never doubted these gentlemen and have always felt that I was getting the straight story and the absolute truth in any representations they made to me regarding executive-legislative relationships.

They have done a good job—one that I and other Members of the Senate appreciate. They have always been courteous and accommodating and anxious to assist me in giving effective service to the people of Alabama.

I hate to see them leave Government service, but wish them the very best of success and happiness in their new work. They have the faith and confidence of the Members of the Senate as they leave their present posts.

Mr. TALMADGE. Mr. President, after the first of the year Bill Timmons and Tom Korologos will leave the White House Legislative Liaison Office, and I join my colleagues in the Senate in saluting these men for the outstanding service they have rendered at the White House for the past 6 years and, prior to that, on Capitol Hill in senatorial offices.

As chairman of the Committee on Agriculture and Forestry and vice chairman of the Finance Committee, I have had many occasions to work with Bill Timmons and Tom Korologos on various legislative matters. They always did a splendid job in keeping me and my staff informed, which was of immense help to my committee work and in dealing with my constituents. Both these men had had previous senatorial staff experience, Tom Korologos with Senator BENNETT and Bill Timmons with Senator BROCK, before going to the White House, and this experience enhanced their legislative liaison service for the President. We have of course very often found ourselves on different sides of an issue but there always existed a spirit of mutual respect and understanding. I wish both Bill and Tom every success and happiness in

whatever they undertake in private business.

Mr. HANSEN. Mr. President, two of the top assistants in the White House are leaving to go into business for themselves. They are Bill Timmons and Tom Korologos. Bill is an assistant to the President who was earlier an assistant to our good colleague, the junior Senator from Tennessee (Mr. Brock) when BILL BROCK was a member of the other body.

Tom was Administrative Assistant to Senator BENNETT of Utah and is from Utah himself.

Both of them have been of inestimable help to members on both sides of the aisle and their presence both here on the Hill and in the White House will be sorely missed.

Bill worked in the 1968 campaign and came to the White House with President Nixon. Tom left the Senate to join the White House staff in 1971.

Anytime any Senator needed some help or information in a hurry, either Bill or Tom was always available.

I wondered sometimes when they slept after calling at some weird hours of the night and finding one or the other still at work.

And when Tom gave a Senator his word or made a commitment, that is the way it would be and we all knew it.

Both have been real workhorses and certainly deserve a little rest. I hope they are able to enjoy a little relaxation after doing fire alarm duty for the Senate and the other body these last several hectic years.

They have not been easy ones for any Republican especially top-level White House assistants to the President. I would like to add my compliments for performance above and beyond the call of duty and wish the best to both of them as they begin new careers.

Mr. BROCK. Mr. President, today marks the departure of two outstanding men from the White House, William Timmons and Tom Korologos. Thus I rise to express my enormous gratitude to each for their substantial contribution to this country and for their friendship.

These have been difficult years. Our Nation and, in particular our Government have undergone a trauma of enormous magnitude. In such a situation those whose responsibility is to act as a bridge between the executive and legislative branch are placed in the most difficult of all circumstances.

I believe we were fortunate to have had Bill Timmons in charge of the congressional liaison responsibility during these times. He met his responsibility with a remarkable combination of impeccable integrity and intelligence, constant good humor and tact. The fact that he now leaves office with the respect and affection of Democrat and Republican alike is testimony to the quality of his efforts.

Tom Korologos, in equal degree, has earned the confidence of every Senator in this body. He has been both candid and forthright. He has demonstrated great ability and total dedication to the highest measure of performance.

These two men have set a standard which will challenge those who succeed them to superior effort. It is difficult to see them leave the service of our Nation, for we will miss them. Even so, the bonds of friendship which have been established will remain, and I know we will all wish them well in their chosen careers.

Mr. MAGNUSON. Mr. President, I would like to join with my Senate colleagues in paying tribute to two fine public servants: Tom C. Korologos and William E. Timmons, of the White House Legislative Liaison Office.

It has been my privilege to work closely with these men we honor here today, for the past 6 years on vital matters of legislation affecting our Nation.

Throughout the turmoil of the past few months, Mr. Korologos and Mr. Timmons have shown a genuine concern for the problems of America and complete dedication to the high principles of democracy and freedom for which this Nation stands.

They are men of tremendous vitality and deep conviction, committed to the public interest, and we, as Members of Congress, will miss their cooperation and assistance in the formulation of the laws of the land.

It was my good fortune to have Mr. Korologos as part of the staff when I visited mainland China in 1973. He did an excellent job for us and was an immense help to all the delegation members.

Mr. President, I wish for Messrs. Korologos and Timmons every success in their new endeavors.

TOM C. KOROLOGOS

Mr. ROBERT C. BYRD. Mr. President, as we get ready to close the 93d Congress, I would be remiss if I did not take a moment to express my sincere personal regret at the pending resignation of a man whom all of us have come to know and respect, Tom C. Korologos, the Deputy Assistant to the President for Senate Legislative Affairs.

I had known of Mr. Korologos and his good works long before he went to the White House. As a member of the staff of the distinguished Senator from Utah, Mr. BENNETT, from 1962 until 1971, Mr. Korologos' accomplishments were noted by the President and the White House, and he was asked to join the congressional relations team almost 4 years ago. In that capacity, he was assigned specific duties in the Senate.

As a member of the Senate leadership, I can state without fear of contradiction, Mr. President, that Mr. Korologos was perhaps one of the finest of all of the congressional relations representatives we have ever had in the Senate, and we have had some excellent ones. His easy, friendly style, his long-standing friendships, his perseverance, his virtually instant response to our many requests, his readiness to assist any and all Senators and staffers, and his wit and personality all helped make him a major part of the Senate scene.

Seldom has an outside individual gained such respect and confidence of all Senators from both sides of the aisle

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and from all parts of the political spectrum. The Senate came to trust and to rely on Tom Korologos in its daily deliberations. His contributions and steadfastness under the most trying of circumstances—walking a thin line from which lesser men would have wavered—Tom's strong character served him in good stead.

A man of many talents, I always marveled at his ability to grasp and simplify even the most complicated of issues and get to the nub of a problem. I say this in regard to highly visible international and domestic issues down to the smallest but important issues affecting my State of West Virginia.

Tom's relationships with all Senators and with both Presidents Nixon and Ford were always good.

His successes in the Senate are too numerous to mention. But in his losses as in his victories, he never changed, he never sulked, and he never gloated. I recall him saying to a Senator once who had voted against the administration on a particular issue:

There's nothing deadlier than yesterday's vote. I will be around to see you again tomorrow.

I am sure that all of us in our own offices can list projects, personnel matters, legislative questions, and a myriad of other things that we have referred to Mr. Korologos and who has handled them all with dispatch. I always appreciated knowing if something could or could not be done, and I could rely on Tom to tell me so.

Mr. President, the Senate is going to miss this fine man whom all of us came to trust, respect, and rely upon. To him I say thank you, good luck, and best wishes.

I ask that I might insert in the Record at this point an exchange of letters between the President and Mr. Korologos.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[The White House]

EXCHANGE OF LETTERS BETWEEN THE PRESIDENT AND TOM C. KOROLOGOS, DEPUTY ASSISTANT TO THE PRESIDENT

DECEMBER 18, 1974.

DEAR TOM: It is not only with the deepest regret but also with a personal sense of loss that I accept your resignation as Deputy Assistant to the President, effective December 31, 1974, as you requested.

For more than three years, you have served as the President's representative in the Senate with brilliance, loyalty and the kind of political acumen that is the hallmark of the true Washington professional. I know from my own long experience in the Congress that your understanding of the complexities of our legislative system and your ability to work with and within that system is unsurpassed. On numerous occasions in recent months I have greatly valued your sound counsel and assistance on the difficult legislative issues which have come before us. You have given me your full, unhesitating support throughout the period of transition. For this and for your many, many contributions to my Administration and to our Nation you have my unqualified admiration and heartfelt gratitude.

I deeply appreciate your kind comments and expression of confidence as you prepare to depart the White House staff. I know that in the months and years ahead you too will

be devoting your skills and energies to the future strength and prosperity of our nation. Betty joins me in extending to your family and to you our very best wishes for every future success and happiness.

Sincerely,

JERRY FORD.

DECEMBER 12, 1974.

DEAR MR. PRESIDENT: After almost four years in the Congressional Relations office in the White House, personal considerations require that I submit my resignation as your Deputy Assistant for Legislative Affairs effective December 31, 1974.

I will always be grateful for your asking me to continue in my position the same day you were sworn in as President of the United States.

To serve as the President's representative in the Senate has been an incomparable experience which I shall always cherish; likewise, it has been a distinct privilege to serve on your White House staff. I shall remember fondly our personal relationship through the years when you were Minority Leader, Vice President and now as President. I also thank you for your many kindnesses, professionally and personally to me and my family.

I regret that I will not be able to share the many accomplishments that are ahead for you both domestically and internationally. I leave the White House, however, with the fullest confidence that you will achieve the goals you have set for our Nation. And, in your efforts, I wish you every success.

Warm best wishes to you and the First Lady.

Sincerely,

TOM C. KOROLOGOS.

Mr. CURTIS. Mr. President, information has come to me that Mr. Tom Korologos and Mr. William Timmons are leaving Government service at the end of this month. These two gentlemen have served loyally as liaison officers between the White House and the Congress. I regret to see them go because both of them have done an outstanding job.

Tom Korologos and William Timmons have worked long hours every day of the week, yet they were always patient and courteous and anxious to be just as helpful as possible. The task for which they were assigned was usually involved and difficult.

Legislation involves controversy. Views of individual legislators and the view of the Chief Executive often have to be reconciled. Information has to be exchanged and the lines of communication kept open. Messrs. Korologos and Timmons are skillful, conscientious and successful. They accomplished many things that were very important in the public good.

I am amazed at the grasp these two men have of the works of Government and of public issues and public affairs. They know who's who in Government. Their knowledge and skill plus their honest and forthright application caused them to be most helpful to all of those who worked with them.

I want to express my gratitude to each of them for the fine service that they have rendered and to extend to them every good wish for their future.

TOM KOROLOGOS

Mr. EASTLAND. Mr. President, a man who has served well both the executive and legislative branches will soon be

leaving the service of Government. Tom Korologos, the Deputy Assistant to the President for Legislative Affairs has traveled Pennsylvania Avenue many, many times to serve as a hard working and invaluable liaison between the Senate and the executive branch. He has successfully bridged the separation of powers.

I would like to take a moment to voice a personal thank you for his thorough, efficient, and always patient work. Tom has gained the respect of every Senator on both sides of the aisle. He has sought to accommodate and balance all of the conflicting views that emanate from a body composed of 100 men while at the same time serving as an effective advocate for the position he represented. He has responded to the requests of every Senator so that each of us could serve our constituents more effectively.

But, perhaps, one quality that arises above the others is his wit. This quality has served him well and has contributed along with his hard work and ability to make him an extremely effective advocate.

We shall miss Tom Korologos. Tom is one individual who the Senate will miss as much as the executive branch will. I wish him well in his future career, and I want him to know that there are many of us on both sides of the aisle who hold him in the highest regard.

TOM KOROLOGOS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by the distinguished majority leader (Mr. MANSFIELD) in reference to the retirement of Thomas Korologos be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR MANSFIELD

Because I am absent from the Senate on official business, I have asked the distinguished Acting Majority Leader, Mr. Byrd, to place these remarks in the Record for me. They concern the pending departure from the White House, the Senate scene, and government service of my friend and fellow westerner, Tom C. Korologos, the Deputy Assistant to the President for Senate Legislative Affairs.

As Majority Leader, I have seen many Administration representatives come our way. However, one of the finest and most talented of them all has been Tom Korologos. His relationships with all Members of the Senate, on both sides of the aisle, have been outstanding. I have never heard a derogatory comment about him or his important work.

My relationship with him goes back a good many years when I came to know him as the Assistant to the distinguished Senator from Utah, Mr. Bennett. He performed extremely well in that capacity. His talent and accomplishments were appropriately noticed, and he was called to the White House nearly four years ago.

In his capacity as the President's liaison with the Senate, Mr. Korologos called on me very frequently. From this there developed a warm association and one which I shall long remember. I can say with admiration that we all came to trust and respect Tom Korologos. His efforts during the passage of the President's legislative program were truly outstanding. He was loyal to two Presidents; yet he performed in a most bipartisan manner.

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Senators turned to him for advice and counsel. His ready wit, personality, plus his professional approach and perseverance became his hallmarks.

Tom Korologos is the type of man Elbert Hubbard referred to when he wrote:

"If . . . you work for a man, in Heaven's name work for him!"

"Speak well of him and stand by the institution he represents."

"Remember . . . an ounce of loyalty is worth a pound of cleverness."

Tom has demonstrated unquestioned loyalty and is a dedicated public servant.

I join with my distinguished colleagues to press appreciation, affection, and respect for a man who served his Senator well, who served his Presidents well, and who served the Senator well. Tom has left his mark on this body. He was one of the best!

Mr. SPARKMAN. Mr. President, I am glad to join with my colleagues in expressing great satisfaction with the wonderful service that has been rendered to us by two members of the White House staff—Bill Timmons and Tom Korologos. Certainly, no Senator ever lacked for help from these two outstanding public servants.

Both of them have told me that they were leaving Government service to engage in other endeavors. As they leave, I want to express my thanks and the thanks of my office staff for the ready, willing, and wonderful service given us.

Mr. MOSS. Mr. President, I have known Tom Korologos for a good long time. I remember him as a young newspaperman back in Salt Lake City, Utah, where both of us were born. Tom came to Washington to serve on the staff of Senator WALLACE BENNETT, my senior colleague, and from there he went to the White House to work as legislative liaison between the executive and the legislative branches.

In my opinion, no one has filled the job better than Tom. He is an able thoughtful man with a friendly and spontaneous manner. He is courteous and thoughtful and he is a man whose word is good every time. I believe he served the President extremely well and I appreciate the services that he performed for Members of Congress. His background of having worked for a Senator enabled him to understand our particular problems and to help keep things on track.

We shall miss having his service, but I am sure that all of my colleagues, as do I, wish him well in his future endeavors.

TRIBUTE TO BILL TIMMONS AND TOM KOROLOGOS

Mr. DOLE. Mr. President, for the past 6 years, the White House has been fortunate to have two men of outstanding ability to fill the demanding, if not at times impossible, role of liaison with the Congress.

It has been their job to try to accommodate our needs, meet our demands, answer our questions, soothe our anger, laugh at our jokes, and in almost superhuman fashion, Bill Timmons and Tom Korologos have done it all.

Both will be leaving their present position with the end of the 93d Congress. They will be missed. I am sure, not just by the minority in this body, but by our colleagues across the aisle. Though we

differ in our politics, we agree in our evaluation of Bill and Tom as professionals of extraordinary skill.

It is my understanding that they plan to stay together after they leave Government service, joining in a private concern in Washington. I join with my colleagues in wishing them all the best of luck and good fortune and am confident that the same skills and talents which they have put to our service and the service of the administration—indeed which they have put in service to their country—will see them well through whatever future challenges they may set for themselves.

Given the separation of powers doctrine, and the natural rivalries and disagreements that emerge between the White House and the Congress, and given further, the fact that it was Mr. Timmons and Mr. Korologos—Bill and Tom—who had the job of bringing the news of administration activities to the "Hill", that old story about "killing the messenger" was not just an old story to them. It was an ever-present threat.

They rose above it every time, however, and functioned always as a most professional team. They have been good-humored, quick-witted, and sure-footed in their daily climbs up Capitol Hill.

Mr. BENNETT. Mr. President, as my service in the Senate comes to an end, the service to the Senate of another man whom I brought to Washington is also ending, and before we both leave, I want to express my pride and satisfaction for his success. Twelve years ago this month, Tom Korologos joined my staff as my press secretary, and in those years, my respect, admiration and affection for him steadily increased. Four years later, I made him my administrative assistant, and for the next 5 years, he helped me carry my responsibilities as Senator in the manner that only a good administrative assistant can do.

In 1971, recognizing his character and ability, the White House offered him the opportunity to serve as its liaison man with the Members of the Senate, and as his area of activity has increased, the respect we in the Senate have for him has also expanded. Senators on both sides of the aisle have reminded me of what I knew already—that Tom Korologos is a man of high character who keeps his word, a man who accepts and carries out responsibilities, a man of imagination and great personal drive. No President has ever had a better representative to the Senate than Tom Korologos.

I think it is interesting and maybe symbolic that we are both leaving at the same time—I to go into retirement and Tom to move into private life where he will have an opportunity to expand the numbers of those whom he can serve as their representative to the Senate.

During these years at the White House, Tom has worked with another fine liaison man, Bill Timmons, for whom I also have the greatest of respect. The two of them will make a powerful team, and I am sure that in the years ahead, as they continue their relationships with their friends in the Senate, they will continue to earn and merit the respect and

trust they have built up. I am sure all of my colleagues join me in wishing them success in their new venture.

Mr. PELL. Mr. President, it is inevitable, in our system of government, that strains and stresses develop between the executive and legislative branches. This is particularly true when the two branches are controlled by different political parties as has been the case during the past several years.

Seldom in our history, however, have there been greater strains between the two branches than during the past 2 years. Even, and perhaps especially in these circumstances, communications between the White House and the Congress are particularly important.

The fact that communications were maintained, permitting the necessary business of government to go forward, is due in large part to the work of two members of the White House staff, William E. Timmons, in charge of congressional relations, and Tom C. Korologos, who handled Senate affairs for the White House.

In these difficult times, Bill Timmons and Tom Korologos have fulfilled their responsibilities with tact, courtesy, and efficiency. Both will be leaving the White House staff and Government service at the end of this year. I commend them for their dedicated service to the White House, to the Congress, and to the American people, and I wish them well in their future endeavors.

Mr. STENNIS. Mr. President, my remarks will be brief, but I want to publicly express my appreciation for the fine services to the Senate by the Honorable Tom C. Korologos during the 4 years that he has been legislative liaison representative of the White House to the Senate.

Based on my experiences with him, Mr. Korologos represents the very best type of public service, especially as a liaison officer to the legislative branch of the Government.

First, he has those basic and essential qualities of character that serve as a basis for the trust and the high confidence in him that I believe is shared by every Member of this body.

Next, he had valuable years of previous public experience on Capitol Hill as a valuable staff member to Senator WALLACE BENNETT of Utah. He knows intimately the problems of a Senator in all of its practical and public relations aspects.

Next, he has excellent judgment with reference to legislation and with reference to the practical side of handling legislation in the Congress.

Further, he has the utmost respect for the duties as well as the problems and prerogatives of a Senator and never attempted to "get over the line" with any Senator on any subject.

Frankly, I regret to see him leave us. Certainly, I wish him well, and believe that all Senators do, in all of his future endeavors. I am confident that, because of the qualities I have already mentioned, he will be successful in any worthy undertaking that he sees fit to undertake. May God bless and sustain him now and in the years ahead.

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TOM KOROLOGOS

Mr. HRUSKA. Mr. President, it has been my good fortune in the past several years to work closely with Tom Korologos, a man who has diligently toiled to bridge the gap between the legislative and executive branches of our Government. It is with much regret that I note that he will shortly be leaving his position as Deputy Assistant to the President for Legislative Affairs.

Tom, one of the few men who truly understands the legislative process, received a thorough education in the ways of the Senate under the tutelage of the distinguished senior Senator from Utah (Mr. BENNETT), for whom he had previously served as administrative assistant. Tom's feel for the sentiment of the Senate and his ability to count votes prior to the rollcall, are of legendary proportions.

A man of boundless energy, ability and intellectual insight, Tom is respected and valued as a friend and counselor on both sides of the aisle. Because of these qualities and the vigor which he has devoted to his tasks, he has provided great service to the administration, the Congress, and his Nation.

Earlier this year, there appeared a news story in the Washington Post which very aptly describes Tom and his relationship with the Congress. Mr. President, I ask unanimous consent that this news story be placed in the Record at the conclusion of my remarks.

I join the many who wish Tom continued success and happiness in his future endeavors. It is my hope that, although he is leaving Government service, he will still be able to find time to give us the benefit of his wisdom from time to time.

There being no objection, the material was ordered to be printed in the Record, as follows:

WHITE HOUSE, AGENCIES LOBBY HEAVILY ON HILL

(By Spencer Rich)

At 9:30 each morning the Senate is in session, a huge black chauffeured limousine rolls up to the Capitol.

Out steps a beefy, barrel-chested man with thick glasses, wiry salt-and-pepper hair and a black briefcase. Striding rapidly, he heads for the office of Vice President Gerald R. Ford, just off the Senate chamber, or of Senate Minority Leader Hugh Scott of Pennsylvania.

His name is Tom Korologos, and he is the White House's chief lobbyist in the U.S. Senate. His business, as he puts it, is "passing the President's program."

If an impeachment trial reaches the Senate and the vote is close, his powers of persuasion, his ability to count votes and his tactical sense could have an impact on whether President Nixon is removed from office or not.

Korologos is just one of the battery of lobbyists every President maintains, at public expense, to help pressure Congress to pass his program. Although few people outside Congress realize it, the White House and federal-agency lobbying operation is one of the most powerful and expensive in the capital.

The White House operation, headed by William E. Timmons, numbers only seven persons including Korologos, but every federal agency has at least one "legislative liaison" or "congressional relations" officer who spends much or all of his time lobbying Congress for passage of administration proposals.

All told, there may be as many as 75 agency lobbyists, virtually all of them political appointees whose work is coordinated by Timmons.

Timmons is the best-paid administration lobbyist, at a reported \$42,500. Korologos and his House counterpart, Max Friedersdorf, get about \$37,500 each. Assistant Secretaries for Legislation who head up the lobbying operations in the departments, like Fred Webber at Treasury, Steve Kurzman at HEW, and ex-Rep. John Kyl at Interior get \$38,000, their chief deputies \$36,000.

Counting salaries, office expenses and clerical and second-line aides, the Executive Branch's lobbying operations probably cost the taxpayer well over \$1 million a year, possibly as much as \$2 million. In normal times, this apparatus has terrific clout.

"The foremost lobbying organization in this country is not the National Association of Manufacturers, the AFL-CIO, the Chamber of Commerce or the veterans' lobby," said Senate Democratic Whip Robert C. Byrd, of West Virginia. "It is the White House and federal executive branch, hands down."

They are the most potent, influential, active lobby.

This power derives from two things. One is the President's prestige and his power to do favors for a friendly member of Congress. In normal times, the White House has favors to dispense, such as appointments, approval of projects or grants, rulings on matters that affect a district or state.

Knowledgeable insiders say there is virtually no direct vote-buying—almost no time when a flat deal is made to trade a project for a vote. And they say there aren't as many favors for the faithful as most people think. There are rules and regulations that it is hard to break.

The lobbyists "have little flexibility and they often can't deliver anyhow," said one GOP aide. But they can look into legitimate problems at the request of a member, and push a grant or a project his way when his state or district is just as qualified as other applicants.

There are rumors that one senator cast his vote on a weapons issue with the White House a few years ago in return for approval of an irrigation project, but an ex-lobbyist from one of the executive agencies said the project "probably would have been okayed anyhow, it had Reclamation Bureau approval, and the senator was inclined to vote that way anyhow."

What many members of Congress respond to best, however, is simply the feeling that they are somehow getting in good with the President, without hope of specific immediate reward. Since President Nixon's prestige has dropped substantially as a result of the Watergate scandal, this leverage is far less.

The White House lobbyists' clout "depends on the President's clout to a great degree, and there's virtually none in the White House now," said Byrd.

Still, what little clout is left is reinforced by what may be an even more important function of White House and departmental lobbying—providing leadership, staffing and tactical expertise for administration supporters on the Hill. This second form of influence has been impaired little if at all.

In bodies as diverse and disorganized as the House and the Senate, doing simple things is crucial—things like taking vote counts, developing strong position papers, making sure everyone knows what the White House position is, finding senators and congressmen to offer amendments in committee or the floor for the White House at the right time or stall when necessary, reminding people when their vote is crucial and they shouldn't be absent, maintaining liaison between different members backing the White House position, helping draft legislation.

The White House and the agencies have formidable weapons for this kind of battle.

To rush a senator to a vote from out of town, they can get an Air Force plane, as when Treasury's Fred J. Webber, then an aide to Korologos, summoned a plane to bring Oklahoma Republican Sens. Dewey Bartlett and Henry Bellmon back from a quail hunt to vote against cloture on campaign financing last year.

The White House regularly writes speeches for members of Congress, usually praising the President and his program, and offers them around for someone to read into the record as his own.

Most important, perhaps, is the staffing the White House and agencies can provide to develop arguments, statistics and position papers.

The 25 top liaison men, one for each department or agency, are backed up by lower-level liaison people and virtually numberless federal bureaucrats. In the White House, Timmons can turn to the OMB and aides at the Domestic Council and other White House offices for all sorts of aid in presenting the administration position.

Timmons, chief of the White House's seven-man liaison operation, is 43, a graduate of Georgetown who worked six years for former Sen. Alexander Wiley (R-Wis.) and six years for then-Rep. Bill Brock (R-Tenn.) before joining the President's staff 5½ years ago.

Korologos, a 41-year-old former newspaperman, is a graduate of the University of Utah and former Pulitzer journalism fellow who worked as administrative assistant and press secretary to Sen. Wallace F. Bennett (R-Utah) from the early 1960s until joining the White House staff in 1971.

Patrick O'Donnell, 37, son of famed World War II Air Force hero Rosie O'Donnell, has worked for the D.C. Corporation Counsel and was with Dean Burch at the Federal Communications Commission; he recently joined the staff as second man in the Senate.

In the House Timmons has Max Friedersdorf, in his early 40s, from Indiana, a former newspaperman who worked at one time for ex-Rep. Richard L. Roudebush (R-Ind.). Roudebush is now congressional lobbyist for the Veterans Administration.

Vern Loen, one-time assistant to Rep. Albert Quile (R-Minn.), and Gene Ainsworth, a former administrative assistant to Rep. Gillespie V. (Sonny) Montgomery (D-Miss.), complete the House staff.

Powell Moore, 36, a newspaperman from Georgia who was press secretary for the late Sen. Richard B. Russell (D-Ga.) from 1966 to 1971, then worked for Justice and the 1972 Nixon campaign, is an inside aide to Timmons.

In January, 1973, the President agreed to a Timmons request to upgrade each of the departmental lobbyist top slots to assistant secretary rank. Many of those holding the jobs now are Timmons' choices, and he must coordinate their work with that of his own staff at the White House.

The days start early for Korologos, Friedersdorf and other White House lobbyists: At 7:30 they meet with OMB and Domestic Council aides to get a fix on the day's problems and get policy positions set. Timmons usually doesn't attend this meeting, but the whole White House lobbying group meet with him at 8. Half an hour later, the senior staff of the White House meets to review the day's problems and prospects—Alexander Haig, perhaps Budget Director Roy Ash, Ron Ziegler, Peter Flanigan, possibly even the peripatetic Henry Kissinger or other top officials. Of the lobbying staff, only Timmons attends this meeting.

White House legislative positions are developed in the departments and refined or

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altered in the Domestic Council and OMB; when Timmons needs guidance he talks to the Domestic Council's Kenneth Cole, Kissinger, Ash or even the President.

His office is right down the hall from the President's, and he sees him or talks to him by phone several times a week—sometimes several times a day. Tactics are worked out between Timmons and the other lobbying staffers in the field.

Timmons says he gets up to the Hill only a few times a week—his real function is to stay downtown and coordinate the activities of his troops, while channeling up to the President the things he needs to know about the mood on Capitol Hill.

Korologos is widely liked and respected in the Senate. He has close contacts with GOP conservatives, naturally, but also quite good relations with such Democrats as John Pastore of Rhode Island, Majority Leader Mike Mansfield of Montana, Armed Services Committee Chairman John Stennis of Mississippi, Henry M. Jackson of Washington and Russell B. Long of Louisiana.

Every Tuesday afternoon, he goes to Sen. Scott's leadership office off the Senate chamber, where he is available to any Republican senator who has problems that he wants the White House to know about.

"I like him, he's conscientious, honest, does a job for the White House," said Mansfield. "Korologos does a very good job," said Senate GOP Whip Robert P. Griffin of Michigan.

While the Timmons crew works on big issues and big floor fights, liaison men from the departments are usually evident mainly at the committee level, working on the details of legislation. "They don't come up here enough. They just aren't around enough to have real influence," said one GOP aide.

"But Tom is terrific. On the veto-override vote on the energy bill, it never would have happened without Tom beating up and down the halls" rounding up votes, he continued.

Another victory for the White House lobbying staff was on the Senate's vote last year to slash NATO forces. At noon the administration looked beaten and lost the first key vote. Then, going all out, and using some high-level extra manpower, the White House reversed defeat by two votes within four hours.

They lose some, too—as in the Senate's recent vote, despite all-out White House lobbying, to kill added funds for aid to Vietnam. Even good lobbying can't substitute for having a popular position.

Will the White House lobby heavily on impeachment? "Sure, but I don't think it will be effective," said Rep. John B. Anderson (R-Ill.). "I think it'll be resisted."

Byrd made the same assessment. Timmons refused to discuss the matter, except to say, "Information will be made available to member if needed."

Korologos also refused to discuss impeachment, but veteran Senate insiders say it's clear that the White House will try to lobby, though in a discreet, careful way, and that it will seek to concentrate its efforts on moderate-to-conservative Republicans and Southern Democrats, who together make up half the Senate and have cooperated with the White House in the past. The President needs only 34 votes to beat an impeachment conviction.

"Korologos is about the finest thing Nixon has going for him up here right now," said one veteran Democrat. "But the real defense of the President will have to be made by [Presidential lawyer James D.] St. Clair."

Mr. DOMINICK. Mr. President, good-byes are difficult, especially when they involve good friends. It is difficult to say good-bye to Tom Korologos, who has given dedicated service as Deputy As-

sistant to the President for Legislative Affairs.

Tom must have tracked a thousand miles between the White House and Capitol Hill. He has kept his good humor through it all—and helped us with a myriad of requests, always efficiently and courteously handled.

Many of the good debates on the floor have been buttressed by his background and knowledge of the subject and if we did not win them all it was certainly not for lack of effort. Good luck to Tom, and may his new life be most rewarding.

WILLIAM E. TIMMONS

Mr. President, I join with many in wishing Bill Timmons "Godspeed" as he retires from the position of Assistant to the President for Legislative Affairs.

I send him sincere thanks for his many years of consistent and dedicated service to the office of the President—he served faithfully through dark as well as sunny times. A liaison job is a tough one—it is hard to please "all of the people all of the time." Bill did yeoman service in keeping the President pleased and we on the Hill happy.

All success to him in his new endeavor.

Mr. LONG. Mr. President, as the 93d Congress comes to an end, I would like to take just a moment to join with my colleagues from both sides of the aisle in expressing regret that two very able men are leaving the service of our Government.

William E. Timmons, Assistant to the President, and Tom C. Korologos, Deputy Assistant to the President, have worked with us under two Presidents. And I do not know of anyone who has worked harder, put in longer hours or been more helpful to us in guiding important legislation from conception to the law books than Tom and Bill.

They are both brilliant and dedicated men. I would like to think, of course, that they acquired these attributes from the years they worked in this branch of Government.

As we in this chamber are aware, Tom was administrative assistant for 8 years to the distinguished Senator from Utah, Mr. BENNETT, who is ranking minority member of the Senate Committee on Finance. Tom has a grasp of the often intricate measures that come under the consideration of this committee. His assistance to us has been invaluable.

Mr. President, oftentimes a good working relationship develops into a personal friendship. It has with Tom. I know that as he begins a new career our friendship will continue. And I, as well as my colleagues in the Senate, hope to see much of him in the future.

Mr. President, I would like to extend to both Bill and Tom my best wishes for much success in their new endeavors.

ADJOURNMENT SINE DIE

Mr. ROBERT C. BYRD. Mr. President, with the best wishes on behalf of the majority leader and myself to everyone for a very pleasant Christmas and a good and prosperous and Happy New Year, I move, in accordance with the

provisions of House Concurrent Resolution 697, that the Senate adjourn sine die.

The motion was agreed to, and at 5:40 p.m., the Senate adjourned sine die.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 20, 1974:

DEPARTMENT OF JUSTICE

Edward B. McDonough, Jr., of Texas, to be U.S. attorney for the southern district of Texas for the term of 4 years.

David C. Mebane, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

Benjamin F. Butler, of New York, to be U.S. marshal for the eastern district of New York for the year of 4 years.

U.S. RAILWAY ASSOCIATION

Charles B. Shuman, of Illinois, to be a Member of the Board of Directors of the United States Railway Association for a term of two years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

THE JUDICIARY

Ellsworth A. VanGraafeiland, of New York, to be U.S. circuit judge for the second circuit. John T. Elvin, of New York, to be U.S. district judge for the western district of New York.

Henry Bramwell, of New York, to be U.S. district judge for the eastern district of New York.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 24, 1974, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal;

S. 356. An act to provide minimum disclosure standards for written consumer product warranties; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes;

S. 521. An act to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma;

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes;

S. 663. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission and for other purposes;

S. 754. An act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes;

S. 1017. An act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the

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full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes;

S. 1083. An act to amend certain provisions of Federal law relating to explosives;

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two commissions of the organization of the executive branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace;

S. 2149. An act to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes;

S. 2446. An act for the relief of Charles William Thomas, deceased;

S. 2807. An act to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building";

S. 2854. An act to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis;

S. 2888. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 2994. An act to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes;

S. 3022. An act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes;

S. 3289. An act to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes;

S. 3358. An act to authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma;

S. 3359. An act to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians;

S. 3394. An act to amend the Foreign Assistance Act of 1961, and for other purposes;

S. 3433. An act to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the national wilderness preservation system, to provide for study of certain additional lands for such inclusion, and for other purposes;

S. 3481. An act to amend the Federal Aviation Act of 1958 to deal with discriminatory and unfair competitive practices in international air transportation, and for other purposes;

S. 3548. An act to establish the Harry S. Truman memorial scholarships, and for other purposes;

S. 3934. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 3943. An act to extend the time for using funds appropriated to carry out the 1973 rural environmental assistance program and the 1974 rural environmental conservation program;

S. 3976. An act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyright Works, and for other purposes;

S. 4073. An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended, and for other purposes;

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes;

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes;

S.J. Res. 133. A joint resolution to provide for the establishment of the American Indian Policy Review Commission; and

S.J. Res. 262. A joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol Grounds.

MESSAGES FROM THE HOUSE RECEIVED AFTER ADJOURNMENT

Under authority of the order of Friday, December 20, 1974, a message from the House of Representatives received on December 20, 1974, after sine die adjournment, stated that the House had passed without amendment the following Senate bills:

S. 3289. An act to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes; and

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes.

The message also stated that the House agreed to the amendment of the Senate to the bill (H.R. 12860) to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered.

The message further announced that the House agreed to the amendments of the Senate to the bill (H.R. 16925) to make technical amendments to the act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 17450) to provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes.

The message further announced that the House agreed to the report of the

committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2994) to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes.

The message further announced that the House agreed to the concurrent resolution (H. Con. Res. 698) to authorize certain corrections in the enrollment of H.R. 14449, in which it requested the concurrence of the Senate.

The message also stated that the Speaker had signed the following enrolled bills and joint resolutions:

S. 356. An act to provide minimum disclosure standards for written consumer product warranties; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes;

S. 521. An act to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma;

S. 1083. An act to amend certain provisions of Federal law relating to explosives;

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes;

S. 2446. An act for the relief of Charles William Thomas, deceased;

S. 2807. An act to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building";

S. 2888. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 3358. An act to authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma;

S. 3359. An act to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians;

S. 3394. An act to amend the Foreign Assistance Act of 1961, and for other purposes;

S. 3481. An act to amend the Federal Aviation Act of 1958 to deal with discriminatory and unfair competitive practices in international air transportation, and for other purposes;

S. 3548. An act to establish the Harry S. Truman memorial scholarships, and for other purposes;

S. 3943. An act to extend the time for using funds appropriated to carry out the 1973 rural environmental assistance program and the 1974 rural environmental conservation program;

S. 3976. An act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound record-

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ings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyright Works, and for other purposes;

S. 4073. An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended, and for other purposes;

H.R. 620. An act to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes;

H.R. 1715. An act for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve;

H.R. 2208. An act for the relief of Raymond W. Suchy, second lieutenant, U.S. Army, retired;

H.R. 2933. An act to improve the quality of unshelled filberts and shelled filberts for marketing in the United States;

H.R. 3203. An act for the relief of Nepty Masauo Jones;

H.R. 3339. An act for the relief of Deomira DeBow;

H.R. 5264. An act to amend section 2(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 7767. An act for the relief of Samuel Cabildo Jose;

H.R. 8322. An act for the relief of William L. Cameron, Jr.;

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers;

H.R. 9182. An act for the relief of Fernando Labrador del Rosario;

H.R. 9199. An act to amend title 35, United States Code, "Patents," and for other purposes;

H.R. 9654. An act for the relief of Mr. Aldo Massara;

H.R. 10827. An act for the relief of Kiyomasa Okami;

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material;

H.R. 11796. An act to provide for the duty-free entry of a 3.60-meter telescope and associated articles for the use of the Canada-France-Hawaii telescope project at Mauna Kea, Hawaii;

H.R. 11802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake";

H.R. 11897. An act to name the U.S. Courthouse and Federal Office Building at 110 Michigan Street NW, Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building";

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 12884. An act to designate certain lands as wilderness;

H.R. 13022. An act to amend the act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations;

H.R. 14461. An act for the relief of Judith E. Sterling;

H.R. 14600. An act to increase the borrowing authority of the Panama Canal Company and revise the method of computing interest thereon;

H.R. 14718. An act to discontinue or modify certain reporting requirements of law;

H.R. 15229. An act to expand the author-

ity of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act;

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake";

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes;

H.R. 16215. An act to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes;

H.R. 16596. An act to provide assistance for unemployed persons;

H.R. 17010. An act to establish a working capital fund in the Department of Justice;

H.R. 17468. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes;

H.R. 17558. An act to amend the act of May 13, 1954, relating to the Saint Lawrence Seaway Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes;

H.R. 17597. An act to provide a program of emergency unemployment compensation;

H.R. 17655. An act to extend for 2 years the authorizations for the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe, and for other purposes;

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes;

S.J. Res. 133. A joint resolution to provide for the establishment of the American Indian Policy Review Commission;

H.J. Res. 1178. A joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes; and

H.J. Res. 1180. A joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The enrolled bills and joint resolutions were signed by the Acting President pro tempore (Mr. METCALF) on December 23, 1974, under authority of Senate Resolution 475, agreed to on December 20, 1974.

Under authority of the order of Friday, December 20, 1974, a message from the House of Representatives received on December 23, 1974, stated that the Speaker had signed the following enrolled bills and joint resolution:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brockhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal;

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes;

S. 663. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of the Interstate Commerce Commission and for other purposes;

S. 754. An act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the su-

pervision over persons released pending trial, and for other purposes;

S. 1017. An act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two commissions of the organization of the executive branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace;

S. 2149. An act to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes;

S. 2854. An act to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis;

S. 2994. An act to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes;

S. 3022. An act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes;

S. 3289. An act to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes;

S. 3433. An act to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the national wilderness preservation system, to provide for study of certain additional lands for such inclusion, and for other purposes;

S. 3934. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes;

H.R. 421. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needle and upholsterer's pins free of duty;

H.R. 1820. An act to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes;

H.R. 7684. An act for the relief of Nicola Lomuscio;

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes;

H.R. 10710. An act to promote the development of an open, nondiscriminatory, and fair and free competition between the United States and foreign nations, to foster the economic growth of, and full employment in, the United States, and for other purposes;

H.R. 11273. An act for the control and eradication of noxious weeds, and the regulation of the movement in interstate or for-

elign commerce of noxious weeds and potential carriers thereof, and for other purposes;

H.R. 11847. An act for the relief of certain fire districts and departments in the State of Missouri to compensate them for expenses relating to a fire on Federal property;

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake";

H.R. 12113. An act to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes;

H.R. 13296. An act to authorize appropriations for the fiscal year 1975 for maritime programs of the Department of Commerce, and for other purposes;

H.R. 14449. An act to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs;

H.R. 16045. An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal year 1975;

H.R. 16925. An act to make technical amendments to the act of September 3, 1974, relating to salary increases for District of

Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes;

H.R. 17045. An act to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States;

H.R. 17085. An act to amend title VII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training;

H.R. 17628. An act to designate a national laboratory as the "Hollfeld National Laboratory"; and

S.J. Res. 262. A joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol grounds.

The enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. METCALF) on December 24, 1974, under authority of Senate Resolution 475.

Under authority of the order of Friday, December 20, 1974, a message from the House of Representatives received on December 26, 1974, stated that the Speaker had signed the following enrolled bills:

H.R. 510. An act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education;

H.R. 12860. An act to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered;

H.R. 17450. An act to provide a people's counsel for the Public Service Commission in the District of Columbia, and for other purposes; and

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes.

The enrolled bills were signed by the Vice President on December 27, 1974.

HOUSE OF REPRESENTATIVES—Friday, December 20, 1974

(Legislative day of Thursday, December 19, 1974)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock a.m., Friday, December 20, 1974.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Glory to God in the highest and on Earth peace, good will toward men.— Luke 2: 14.

O God, to whom glory is sung in the highest, while on Earth peace is proclaimed to men of good will, grant that good will to us that we may make a worthy contribution to the life of our day.

May Thy Spirit be born anew in all our hearts teaching us to love one another, to forgive one another, to help one another, and to be just to one another. Thus may Thy glory shine in our world and Thy children begin to live for the well-being of all.

As we face a new year may we keep our faith alive, our hope alert, and our love awake working always for the highest good of our beloved land. Whatever the future has, may we be sustained by Thy presence and strengthened by Thy power.

Bless our President, our Vice President, our Speaker, and every Member of Congress.

May the Lord preserve our going out and our coming in from this time forth and even for evermore. Amen.

PROVIDING FOR PRINTING AS A HOUSE DOCUMENT OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 5, 1971, AND PRINTING OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 1, 1971, TOGETHER WITH DECLARATION OF INDEPENDENCE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the concurrent resolution (H. Con. Res. 675) providing for the printing as a House document of the Constitution of the United States (pocket-size edition), and of the concurrent resolution (H. Con. Res. 679) to provide for the printing as a House document of the Constitution and the Declaration of Independence, with a Senate amendment thereto and concur in the Senate amendment.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

(Roll No. 720)

Adams	Clausen	Fish
Anderson, Calif.	Don H.	Flowers
Andrews, N.C.	Clawson, Del.	Flynt
Archer	Clay	Foley
Ashley	Collier	Ford
Badillo	Collins, Ill.	Fountain
Blaggi	Conlan	Fraser
Bingham	Conte	Frelinghuysen
Blackburn	Corman	Froehlich
Blatnik	Cotter	Fulton
Boggs	Coughlin	Gettys
Brasco	Crane	Glavin
Breaux	Culver	Goldwater
Brotzman	Davis, Ga.	Grasso
Brown, Calif.	Delaney	Gray
Broyhill, Va.	Dellums	Grover
Buchanan	Dent	Gude
Burke, Calif.	Derwinski	Haley
Burke, Fla.	Dickinson	Hanna
Burleson, Tex.	Dingell	Hanrahan
Burton, John	Donohue	Hansen, Idaho
Butler	Drinan	Hansen, Wash.
Byron	Edwards, Ala.	Harrington
Camp	Edwards, Calif.	Harsha
Carey, N.Y.	Erlenborn	Hastings
Cederberg	Esch	Hays
Chappell	Eshleman	Hebert
Chisholm	Evans, Colo.	Heckler, Mass.
Clark	Evins, Tenn.	Hogan

The SPEAKER. On this rollcall 254 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR PRINTING AS HOUSE DOCUMENT OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 5, 1971, AND FOR PRINTING OF CONSTITUTION OF THE UNITED STATES AS AMENDED THROUGH JULY 1, 1971, TOGETHER WITH DECLARATION OF INDEPENDENCE

The SPEAKER. The Clerk will read the concurrent resolutions:

The Clerk read the concurrent resolutions as follows:

H. Con. Res. 675

Resolved by the House of Representatives (the Senate concurring), That there shall

be printed as a House document the Constitution of the United States (pocket-size edition), as amended through July 5, 1971, and that two hundred and twenty-one thousand shall be for the use of the House of Representatives.

H. CON. RES. 679

Resolved by the House of Representatives (the Senate concurring), That the Constitution of the United States, as amended to July 1, 1971, together with the Declaration of Independence, be printed as a House document, with an index, in such form and style as may be directed by the Joint Committee on Printing, and that two hundred and twenty-one thousand additional copies be printed for the use of the House of Representatives.

With the following Senate amendments to House Concurrent Resolution 675:

Page 1, line 4, strike out all after "that" down to and including line 6 and insert: "there be printed two hundred seventy-two thousand five hundred additional copies of such document, of which two hundred twenty-one thousand shall be for the use of the House of Representatives and fifty-one thousand five hundred shall be for the use of the Senate."

And the following Senate amendments to House Concurrent Resolution 679:

Page 1, line 6, strike out all after "that" down to and including line 8 and insert: "there be printed two hundred and seventy-two thousand five hundred additional copies of such document, of which two hundred and twenty-one thousand shall be for the use of the House of Representatives and fifty-one thousand five hundred shall be for the use of the Senate."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SPEEDY TRIAL ACT OF 1974

Mr. CONYERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17409) to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17409) with Mr. BRADEMAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. CONYERS) will be recognized for 30 minutes, and the gentleman from Maine (Mr. COHEN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, the Speedy Trial Act of 1974 (H.R. 17409) is the major piece of anticrime legislation that the Committee on the Judiciary hopes will be enacted into positive law before the end of the 93d Congress.

I would like to advise the Members of this body that the Senate has considered this legislation for over 5 years.

The distinguished Senator from North Carolina, Senator ERVIN, has worked on this bill in conjunction with a great number of lawyers, judges, members of the public, and the academic community in an effort to forge a solution to what has been a serious problem for a great number of years; that is, how to give life to the sixth amendment of the Constitution in which all those accused of crimes will be entitled to a speedy trial. What has been the product of the other body and the Committee on the Judiciary in this connection has been this bill, H.R. 17409.

I would like to explain this bill's provisions for just a few moments in this general debate. The bill is divided into two titles. The first title sets up a timetable for speedy trials and how it will become effective. The second part of that title establishes the planning groups that will be examining and working with the various Federal districts in connection with the final effectuation of this legislation. Title II provides for the establishment of, in 10 Federal judicial districts on a demonstration basis, pretrial services agencies that would provide badly needed supervision over, and supportive services to, defendants who are released prior to trial under the Bail Reform Act. Such persons, it has been found, are responsible for over half of all serious crimes committed, largely because substantial delay before trial and restrictive conditions upon their release which dim prospects for continued employment force some such accused persons to turn to crime for support. Others, like habitual criminals and narcotics addicts, continue their lawless activities because of insufficient supervision or adequate treatment. The second title of this bill would attempt to deal with this problem of recidivism by creating agencies, modeled after the D.C. Bail Agency, to supervise and support criminally accused persons in a meaningful way.

In addition, let me say that this problem has plagued the courts for some time. Finally, the Supreme Court has come out and stated without any equivocation that the only way that it can be established that there will be time limits in which an accused will be required to be brought to trial is through the legislative process. That is, it is incumbent upon the Congress to establish such limits.

In cooperation with the Administrative Office of the U.S. Court, the Justice Department, lawyers experienced in criminal defense matters and others, we have worked out a scheme that would gradually bring this bill into effect so that it would give all of the courts in the Federal system an opportunity to get their houses in order to coordinate with all of the necessary groups that would be fundamental to this operation.

I would like to spend just a few minutes explaining how it would take effect. The first year after enactment, there would be absolutely no changes whatsoever. There are no requirements that would apply, other than the convening of each district's planning groups. In the second year of operation, the procedure would follow as I will indicate. From arrest to indictment, there would be a 60-day limit. From the indictment to arraignment, where the defendant would be required to enter a plea, there would be a 10-day limitation. From the time of arraignment, the accused must be brought to trial within 180 days. In summary, there would be a 60-day period from arrest to indictment, 10 days from indictment to arraignment, and 180 days from arraignment to trial.

Those total numbers of days would be operative in the second year. There would be no applicable penalties or sanctions, if for any reason those time limits were not met. In other words, in the first year there are no time limits to which the courts are required to adhere. In the second year, then, the above time limits that are set, for which there are no penalties if more time is required than is set forth in this bill.

The reason for such provision is that this is essentially a planning piece of legislation that is designed to give the courts, prosecutors, and criminal defense lawyers time to report the difficulty each district may have in meeting the prescribed limit, so that we might be able to accommodate them realistically in terms of resources they may need.

In the third year and the fourth year, there are graduated, or reduced, time requirements, but in those years as well, there are no penalties and no sanctions.

I emphasize to my colleagues, for those who have thought that this might in some way disrupt the process of the procedure for disposition of criminal cases in the Federal courts, that the reason that the speedy trial time limits will not go into effect until after the fifth year—that is, until 1980—is because we must allow a reasonable time for planning and implementation in which the courts will be able to examine the multiplicity of problems that have resulted from a backlog in their criminal dockets, including the incidence of rearrest of defendants released on bail, who have committed additional crimes because of delay in bringing them to trial. This problem of recidivism has, in fact, contributed to the increased rate of crime that is now, according to the FBI uniform crime reports, in the first quarter of fiscal year 1974 as opposed to the last quarter of fiscal year 1973, 16 percent greater, and showed a general overall increase of 6 percent in fiscal 1973.

Let me move quickly to the fifth year after enactment. The Members will observe in this legislation that, in the fifth year, the arrest to indictment period is 30 days, that is, within 30 days after arrest the prosecutor will be required to issue an indictment or information; then the 10-day period for indictment to arraignment, in which the accused will be required to enter a plea, shall intervene. In the fifth year, and for all years thereafter, there will be an arraignment to trial time span of 60 days.

This final 100-day period is the heart of this legislation. It is the recommendation of all of the experts who have testified before both Houses of the Congress that such a limitation is what we, in our legislative wisdom, ought to establish as that period of time during which a person accused of crime in the Federal system should prepare to stand trial.

Some courts will move swifter than this. Other courts, for good reason, may not be able to move that fast, even with 4 years in which to prepare themselves.

It is my purpose now to explain to the Members the section of the bill that takes into account those instances where, even by 1980, there is insufficient time for the courts or for the U.S. attorney, or indeed, for defense counsel himself, to prepare for trial by the prescribed date because of necessary pretrial delay. The committee has very carefully structured into the bill nearly every conceivable type of unavoidable pretrial delay and excepted the periods at such delay from the running of the 100-day period.

I would like to enumerate for my colleagues a few of those. First of all, in any case where there is an examination or a trial pending in another court involving the accused, the time limits are excluded and the period does not begin until such proceedings are concluded. If there are any interlocutory appeals taken, the time they conserve is automatically excluded. For that period of time in which there are actual hearings on pretrial motions, the time period is again tolled. If there are any transfer contests involving other districts' problems, the time is suspended. If the court takes a motion under advisement, that time is subject to an exception, not, it is stated, to exceed 30 days.

The most important reason for granting a tolling of the time limit, which every judge will have in his power to do, is when there is a complex criminal case.

Some defense attorneys had indicated that some criminal matters are of such complexity that there may be a joinder or severance of defendants, in which case it would be extremely difficult to have the pretrial motions disposed of within 30 days. In those instances we have specifically made complex cases grounds for extension of the running of the time limits on a motion to continue the proceedings, made either by the court, prosecutor, or defense attorney.

But the most important ground for extension of all—and this is also available to the judge—is when the continuation of the proceeding uninterrupted would be impossible or would result in a miscarriage of justice for failure to grant a continuance. Whenever there may be such a miscarriage or other injustice, he has the responsibility, indeed the obligation, to suspend the running of the time limits by motion to continue.

In conclusion, I think the Members can easily appreciate that the Speedy Trial Act is a bill that is eminently needed. We have given the courts these 4 years prior to having any kind of sanction become operative to allow for the planning and implementation portions of the bill to clarify the problems and needs of the Federal judiciary. In short, besides

giving life to the sixth amendment guarantee by imposing definite time standards upon the Federal judiciary as called for by the Supreme Court in *Barker against Wingo*, H.R. 17409 sets down in writing the positive commitment of the Congress to carry the burden of meeting its share of the responsibility all three branches have to reduce crime and improve the quality of the criminal justice system by providing the resources necessary to do so, after careful study.

Mr. Chairman, that, I will say to my colleagues, is a brief explanation of H.R. 17409, and I urge the Members to consider these very thoughtful provisions as favorably and carefully as they can.

Mr. COHEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 17409, the Speedy Trial Act of 1974. The old adage that justice delayed is justice denied may be a bit timeworn, but nonetheless its truth is enduring and unfaded, especially with regard to the legislation before us today, the Speedy Trial Act of 1974.

When a criminal trial is delayed, justice is denied to the individual who is charged with having committed the offense because of the impact of the allegations upon his job if he is employed, his family and his future. If the charge is without foundation or merit then fundamental fairness requires that his innocence be vindicated as swiftly as possible. And if the charge is in fact true, fairness also requires that his guilt be established in accordance with due process so that he may discharge his debt to society as quickly as possible.

Inordinate delay also denies justice to the public in a number of ways. Essential for the successful prosecution or defense of the case may move or die, and even if available the passage of time often dims the clarity of a witness' memory. Delay serves to clog the court's docket and calendar, greatly exacerbating existing problems and frequently resulting in the creation of staggering backlogs. Delay encourages plea bargaining on the part of prosecutors who would rather settle for "something" rather than risk losing everything. A major crime may thereby be reduced to a minor offense through the force of circumstance rather than merit or equity.

Trial delays also contribute to the alarming rate of recidivism—the commission of new criminal acts by previous offenders. Statistics reveal that the longer the time period between arrest and prosecution the higher the rate of criminal misconduct on the part of the person on bail or recognizance.

Finally, and by no means of least importance, is the corrosive and debilitating effect that an overloaded and inefficient criminal justice system has upon the civil cases in our judicial system. If civil litigants cannot have their cases tried in court for 2, 3 or even 4 years because the court dockets are clogged and overcrowded with criminal cases, then an inevitable consequence will be a general decline in respect for the rule of law in civil as well as criminal matters. The court system is both the symbol and substance of the rule of law and respect for the rule of law is the thin line that holds

back the jungle of individual response and retribution. The rule of law is indeed the cement of our civilization.

Mr. Chairman, today we are seeing that cement starting to chip and crack. In our busier Federal district courts, we are finding that the average time for disposing of criminal cases stretches from 6 to 10 months. This, of course, does not even take into account the period between arrest and indictment, and because it is a median figure, it is clear that there are numerous cases which extend far longer than that time limit. Unless we take prompt action to reinforce the strength of our criminal justice system, we knowingly run the risk that it will become so structurally weak that it will be unserviceable.

The bill before us today is designed to reinforce our overall system of justice and to preserve that which we profess to cherish most—liberty and the rule of law. After a 5-year phase-in period, the bill establishes clear time limits for the disposition of criminal cases. Excluding time for certain necessary pretrial motion and proceedings, there will be a 30-day limit on the period between arrest and indictment and a 60-day limit on the period between indictment and trial. Just as important, the bill requires each Federal district court, in cooperation with other members of the criminal justice process to establish an ongoing planning mechanism for determining the causes of delay and the means of overcoming them to reach the required time limitations. Finally, the legislation provides for the submission of a report to Congress detailing the resources needed to implement the prepared plans.

H.R. 17409, the Speedy Trial Act of 1974 is the product of much thorough and detailed consideration by the Subcommittee on Crime, chaired by the Honorable JOHN CONYERS of Michigan. The bill is based in large part on S. 754 which was passed by the Senate on July 29 of this year after more than 4 years of study and consideration. However, based on the testimony which the Subcommittee on Crime received, several important modifications were made to the Senate bill which the House Committee on the Judiciary considers essential for the effective and successful implementation of the speedy trial standards established for the act. The most important difference has to do with the sanctions to be applied to the courts when there is a failure to meet the speedy trial time limits.

In the Senate version criminal cases were to be dismissed and reprosecution was permitted when the Government could present compelling evidence that unforeseeable or unavoidable "exceptional circumstances" existed which caused the original dismissal. The Subcommittee on Crime altered this version to require dismissal with prejudice of indictments when the speedy trial time limits were not met. This is, of course, the most controversial portion of the bill and I will offer an amendment that will temper the effect of the strict dismissal sanction by permitting the judge to determine in his own discretion whether or not such dismissal shall be with or without prejudice.

As I stated before the bill is based in

large part on S. 754 which was passed by the Senate on July 29 of this year after more than 4 years of study and consideration. The Senate bill provided the starting point for the House version, but based on the testimony which the Subcommittee on Crime received, there are substantial differences between the two. The general outline of H.R. 17409 follows that of the Senate bill in that time limits are established for the trial of criminal cases, sanctions are provided for the failure to meet those time limits, a detailed planning process is established whereby the courts can effectively study the problems of pretrial delay, and pre-trial services agencies are created.

However, the Senate bill did not contain several important provisions which the Committee on the Judiciary considers essential for the effective and successful implementation of the speedy trial standards established for the act. The most important difference has to do with the sanctions to be applied to the courts when there is a failure to meet the speedy trial time limits. In the Senate version, criminal cases were to be dismissed and reprosecution was permitted when the Government could present compelling evidence that unforeseeable or unavoidable "exceptional circumstances" existed which caused the original dismissal. The Subcommittee on Crime altered this version to require dismissal with prejudice of indictments when the speedy trial time limits were not met. This is, of course, the most controversial portion of the bill and I will offer an amendment that will temper the effect of the strict dismissal sanction by permitting the judge to determine in his own discretion whether or not such dismissal shall be with or without prejudice.

The second basic difference between the Senate and House bills is the presence in H.R. 17409 of the "judicial emergency" section. During the hearings a number of witnesses expressed the fear that if Congress failed to appropriate the necessary resources to effectively implement the standards of this act, the wholesale dismissals would result, not by reason of the courts' inefficiency, but because of congressional inaction. Fears were also expressed that unforeseen circumstances such as a riot or the death of one or more district judges, could cause an unmanageable backlog in the criminal docket of a particular district. To provide relief for such situations, the Subcommittee on Crime included a provision in the bill which would allow the Judicial Conference of the United States to suspend the operation of this act for periods up to one year in the event of a "judicial emergency."

The third major change, made at my instance, is the total reorganization of the planning provisions of the bill. It must be remembered by all Members of the House that the most important provisions of this bill concern the process by which the district courts shall study the problems of pretrial delay and plan for the implementation of the act's time limits. The Senate bill took an interesting and novel approach by creating within the Federal judiciary study groups composed of the primary participants in the Fed-

eral criminal justice system—including the prosecutor, defense counsel, the chief judge, and a criminal justice "expert." This study group was charged with the primary responsibility in the promulgation of district plans geared to each district to provide for the application of this act to that court as follows: The study group recommends and proposes plans to the district court; the district court adopts these plans with whatever modifications deemed necessary; the plans are submitted to a circuitwide review panel for approval; and finally the plans are submitted to the Administrative Office of the U.S. Courts. The Administrative Office is then charged with reporting on these plans to the Judicial Conference. The basic structure of this process is retained in the House bill, but some important improvements have been made by the committee.

The Members will note in the bill before them that sections 3165 through 3172, as passed by the Senate and amended by the subcommittee are eliminated and entirely new sections are substituted in their place. This is the amendment which I offered in the full committee and is entirely organizational in nature. It was my view, concurred in by the full committee, that since the most important part of the Act was the planning sections, that these planning sections should be carefully organized and easily understandable. My amendment accomplishes just that.

The new section 3165 is entitled "District Plans Generally," and requires the district courts to conduct a continuing study in their districts and to prepare plans for the disposition of criminal cases in accordance with the Speedy Trial Act. Section 3165(b) sets forth the objectives of the plans; for example, the objectives of effective law enforcement, efficient judicial administration, and increased knowledge of the proper functioning of the criminal law.

Section 3166, entitled "District Plans—Contents," sets forth in some detail the information to be included within each district plan. This information is crucial to the successful operation of this act because it will, for the first time, require the district courts to compile information concerning the causes of pretrial delay. This information would be submitted through the channels of the judiciary to the Judicial Conference of the United States and through the Judicial Conference to the Congress of the United States. Thus, the Congress will finally receive in a detailed and comprehensive form sufficient information for it to make a reasoned judgment on the necessary steps to eliminate pretrial delay in the Federal court system.

The information to be included in the plans is set forth in section 3166 (b) and (c). Section 3166(b) requires information concerning the implementation of the time limits and other objectives of the Speedy Trial Act such as extensions of time, periods of delay under 3161(h), invocation of sanctions and the effect on the criminal justice administration of the time limits.

Section 3166(c) requires information and statistics concerning the administration of criminal justice within the dis-

trict. This subsection (c) information is to be of a more general nature, reflecting all the relevant characteristics pertaining to the handling and disposition of criminal cases. A number of factors are listed; such as, the number of cases presented to the U.S. attorney for prosecution and the number of cases actually prosecuted. An example of information not specifically listed, but intended to be included within each plan under subsection 3166(c) would be the status of the civil docket within a particular district as effected by the disposition of criminal cases.

Section 3166(d) requires recommendations by the district courts and the planning groups as to rule changes or statutory amendments required to improve the administration of justice within a district. For example, if a district has suffered from an onslaught of habeas corpus petitions, the participants in that district may have some well-informed opinions as to how habeas corpus procedures can best be reformed. Another district may suffer from unnecessary proliferation of pretrial motions; the district plan might, therefore, contain recommendations as to necessary rule changes to eliminate such problems.

Section 3166(e) contains requirements for the establishment of forms and reporting procedures.

Section 3167 is entitled "Reports to Congress." It is this section that is the ultimate tool contained within the bill for the improvement of the administration of criminal justice. The section simply requires that the Administrative Office of the U.S. Courts, with the approval of the Judicial Conference, submit reports to Congress detailing the district plans and setting forth recommendations for legislative changes or additional appropriations to achieve the time limits and objectives of the act. In the final analysis, only the Congress can make the appropriate changes in the court system to insure the efficient administration of justice. It is uniquely the legislature's responsibility to evaluate alternate policy considerations and to formulate the necessary legislative programs to deal with continuing problems in the judicial system. Although the Federal courts may seek to effect changes through their rule-making powers, only the elected representatives of the people in the form of a national legislature can properly choose which course to take.

That ultimate result is contemplated by the Speedy Trial Act, and is particularly set forth in section 3167. After detailed study by the planning groups within each district, and after thorough consideration by circuit panels and by the Judicial Conference, the Congress shall receive the basic information, statistics, and recommendations as developed by the persons most knowledgeable as to the operation of the court system. Thus, as legislators, we shall have the best information available from the best sources. Thus, we can make our determinations as to the needs of the court system with the greatest amount of knowledge possible.

Section 3168 establishes the planning groups within each district. The planning groups shall consist of the chief

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judge, the U.S. magistrate, the U.S. attorney, the clerk, the public defender, private defense counsel, the probation officer, and a person skilled in criminal justice research. It is this planning group that constitutes the greatest innovation of the Speedy Trial Act. For the first time the Congress requires the participants in the criminal justice system to sit down and together study the problems of pretrial delay. One of the most salient facts established by the hearings on this bill was that there is no effective dialog between these participants. Rather than working together, the participants accuse each other as being the primary causes of delay; the judges accuse prosecutors of delay by reason of "indictment overkill"; prosecutors accuse defense counsel because of their "dilatatory pretrial motions"; and defense counsel accuse everybody. Section 3168 requires these people to sit down and work together for it is in the interest of all to have a criminal justice system administered efficiently and fairly. Although the planning group concept involves merging into one group functions uniquely distributed to each of the branches of government, because the problem of pretrial delay is such a grievous one, the unique approach seems well warranted. Section 3168(b) provides the broad scope of the duties of the planning group by providing that the group "shall address itself to the need for reforms in the criminal justice system." With the rising crime rate and the serious problem of the administration of criminal justice in the Federal courts, reforms are most certainly needed.

I would like to address myself briefly to some of the problems that may arise in the administration of this novel provision. Naturally, since the act is addressed to the operation of the Federal courts, the ultimate power to promulgate these district plans must necessarily reside in the district court itself. However, it is contemplated under section 3168 that the planning group shall exercise great authority in the development of these plans. Section 3168(a) provides that—

The group shall advise the district court with respect to the formulation of all district plans and shall submit recommendations to the district court for each of the district plans required by section 3165. The group shall be responsible for the initial formulation of all district plans and of the reports required by the Act and in aid thereof, it shall be entitled to the planning funds specified in section 3169.

As the committee's report makes clear on pages 40 and 41, the district court may wish to invest the planning group with the responsibility of preparing the final district plan under the supervision of the chief judge. If, however, by reason of disagreement between the members of the group, the district court chooses not to follow the planning group's district plan, the reasons for the variance should be set forth clearly in the orders adopting the final plan. Indeed, additional and dissenting views of any district judge should be also included. It is also contemplated that when the district plan is submitted for ap-

proval to the reviewing panel, members of the group may wish to appear to contest the propriety of the plan actually adopted by the district court. It is to be noted that the reviewing panel and the Judicial Conference retain the power to modify the plans.

It is important to put the Judiciary Conference, the Administrative Office of the U.S. Courts, and each district court on notice here and now that the Congress shall not countenance irresponsible or unnecessarily rigid attempts to overlook the recommendations of the planning groups. I understand it is the intention of Mr. CONYERS to conduct oversight hearings throughout the phase-in period of this act and I will strongly recommend to him that early next year we hold the first such hearings to determine how the Judicial Conference and the Administrative Office is handling the initial phases of the act.

I would also like to clarify some questions that have been raised by the Administrative Office of the U.S. Courts concerning the employment of the criminal justice expert. It is our intention that this person will be employed not by the Administrative Office, but rather will be hired by the chief judge of the district in consultation with the members of the planning group. It is much better that the members of the planning group select a criminal justice expert with whom they are acquainted than to allow the Administrative Office in Washington to attempt to hire persons in the 94 different districts.

It is also important to stress that the phrase "a person skilled in criminal justice research" is intended to be broad. It is not limited to practicing criminal lawyers who are members of the bar of a particular district. The planning group may hire a law professor, a person trained in court management, or a practicing attorney, as it sees fit. Nor is there any requirement that the expert be a resident of a particular district.

Section 3169 provides that the Federal Judicial Center shall advise and consult with the planning groups. The Federal Judicial Center was created by Congress to provide an innovative and research tool to the Federal judiciary. Over the past few years, the Judicial Center has provided invaluable support for the judiciary in a number of areas. It was our feeling that this valuable resource should be brought into the planning process since there can be no doubt that the Federal judiciary is in need of the most enlightened views available. Again, we must caution that it is the contemplation of this legislation that the Judicial Center shall play a real and effective part in assisting the district courts and the planning groups in the development of their plans. Again, unnecessary interference with the Judicial Center's role shall not be countenanced.

Section 3170 is based entirely on the Senate provision requiring the collection of statistical information from the various participants in criminal cases. The Subcommittee thought the concept a good one, but the mechanism established by the Senate to be clumsy. Thus, 3170, entitled "Speedy Trial Data" reorga-

nizes and simplifies the procedure by which the information is to be collected. It was the view of the committee that the authority to collect statistics should reside in the one official responsible for the handling of court documents. Thus, under 3170 the clerk of each district court is empowered to collect data concerning the various provisions of the Speedy Trial Act. Quite simply, each district clerk could promulgate forms and other procedures by which defense counsel and the prosecutor would be required to supply various information.

Thus, Mr. Chairman, the planning provisions as amended by the full committee provide the critical link between the investigation of the problem of pretrial delay and the solution to that problem.

Mr. Chairman, it is my firm belief that the prompt enactment of H.R. 17409 is essential if we are to assure the defendant's sixth amendment right to a speedy trial, if we are to serve the public interest in reducing and deterring crime, and if we are to protect and preserve our criminal justice system and the rule of law under which we live. Although I have the highest respect for our Federal judiciary, it is clear from the evidence that we have received that it cannot solve the critical problem of trial delays by itself. Those who operate in our criminal justice system must be put on notice that the Nation and the Congress will no longer countenance inordinate delays in the disposition of criminal cases. And they also need to know that Congress can and will provide the assistance needed in planning and resources in order to achieve compliance with the established time limits.

Mr. Chairman, the hour grows late, not only for us but for our system of justice. H.R. 17409 provides the means of solving one of our most critical judicial problems and I strongly urge my colleagues to support it.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I am interested in knowing how the legislation covers one aspect of a speedy trial. In the event the defendant does not go to trial within 100 days then the reviewing board that the gentleman from Maine has described makes a recommendation that the case be dismissed; is that correct?

Mr. COHEN. No; it is not correct. The planning process really is designed to say: What kind of cases have we got? How long are they taking to go to trial? Do we need more judges? Do we need more courtrooms? What do we need to dispose of the cases within 100 days? The planning program then is submitted to the judicial conference and periodic reports made to Congress. But the court will determine whether or not the case will be dismissed. Under this bill, if the 100 days expires there is provision that the court can continue the case on its own motion, if the interests of justice would be served.

Mr. PERKINS. In other words, the gentleman is saying that it is the court

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that makes the final determination as to whether the case will be dismissed?

Mr. COHEN. That is correct.

Mr. PERKINS. I thank the gentleman. Mr. COHEN. Mr. Chairman, for the foregoing reasons, I think this bill really is an effective means of combating the problem we have now in our judicial system.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I have asked the gentleman to yield in order to answer several questions that I shall now pose to the gentleman.

Section 3154(7) provides that one of the functions of the pretrial service agency under title II of the bill, states:

Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

Am I correct that it is not the intention of the bill that the pretrial agency will extend payment or spend money for the purposes of providing such employment, medical, legal or social services?

Mr. COHEN. The gentleman is correct.

Mr. WIGGINS. Mr. Chairman, the second question I shall pose to the gentleman from Maine is this:

If a defendant is in fact prejudiced prior to the running of the time period specified in this bill may he nevertheless move for a dismissal on that ground?

Mr. COHEN. I would say to the gentleman from California that the defendant always will have opportunity to move for dismissal on the ground he has not received a speedy trial within the purview of the sixth amendment, which this act does not seek to in any way supersede. It is highly unlikely that any court would grant such a motion, but it is still possible.

Mr. WIGGINS. But he is not barred from making that motion even though the time limits have not expired.

Mr. COHEN. That is correct.

Mr. WIGGINS. Mr. Chairman, the final question is this:

Are there provisions for extending the rigid time limits? Is it absolutely clear that if such a defendant or his counsel should deliberately stall the proceedings that that period of delay occasioned by such efforts would not be counted in computing time?

Mr. COHEN. The gentleman from California is correct in that regard. Any action taken by defendants to deliberately stall a case, and as I indicated before, in 90 percent or perhaps an even higher percentage of cases, the delay works to the advantage of the defendant, and the gentleman from California, as an outstanding defense counsel, I am sure knows that that is the case.

The purpose, intent, and thrust of this act is to put pressure not only on the court and prosecutor, but on the defense counsel to eliminate delay. My understanding is that any delay that is caused by defense counsel would not be included as part of that. He could not take advantage of deliberately stalling, and then seek a dismissal under that rule. I believe the gentleman from Michigan would agree with that.

Mr. WIGGINS. Does the gentleman from Michigan agree with that observation?

Mr. CONYERS. I thank the gentleman for yielding. I would point out that under 3162 there is a legislative sanction imposing penalties upon attorneys who would act in the way the gentleman from California suggests. So, we are very definitely trying to make certain that the defendant or his counsel will not, through the method that the gentleman suggests—through deliberately stalling—take advantage of the exclusions. The court still has available to it all of its usual procedures for punishment of the counsel, but they have additional sanctions within the legislation itself.

Mr. WIGGINS. I am comforted by the gentleman's answer.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I believe there are provisions in the bill, are there not, which toll or suspend the time limits in the event that the delay is made on the defendant's motion or is otherwise caused by him.

Mr. COHEN. Yes.

Mr. DENNIS. What are those provisions, briefly, and where are they?

Mr. COHEN. I will direct the gentleman's attention to pages 5, 6, 7, and 8 of this particular bill which contain a series of situations which the court would exclude the time period, including "any period of delay resulting from the absence or unavailability of the defendant."

On page 8, (8) (A) —

Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel. . . .

I assume that would take into account a request by defense counsel to file a motion requesting continuances. The court would consider in tolling that time page 8, subsection (8) (A).

Mr. DENNIS. If the gentleman will yield further, as the gentleman knows, in the committee I offered an amendment as to the time limits, an amendment that does not go to the thrust of the bill, but the effect of which is simply that at the end of 5 years, instead of a 30-day period between arrest and indictment, we would have a 60-day period. The period of 10 days between indictment and arraignment would remain at 10 as in the bill, but the period between arraignment and trial would be raised from 60 to 90 days. The total days would be raised 60 days to 160 instead of 100 days.

I intend to offer that again, and the only reason I am offering it is simply for what I regard as realistic reasons. It is just to have a speedy trial; it is not just to have a too speedy trial. One of the things that is unjust is making people get ready too fast, and defendants cannot get ready themselves; it is only their lawyers who can really get ready for trial.

I suggest to the gentleman that any busy lawyer who is defending a number of people in a number of courts is going to have a pretty tough time getting

around to doing it within these time limits, and that is not going to help justice in the end. I just suggest that perhaps a little more realism, a little more realization of what really happens in the outside world, is the thrust of my amendment.

Mr. COHEN. If I might respond to the gentleman now—I will when he offers his amendment—we have provision for the complex case. The Watergate trials might be an example of it, for, clearly, that case would not be tried and cleared within the 90- or 100-day period of time. There is provision to exclude the operation of this 100-day limitation in such cases of a complex nature.

In addition to that, I think, realistically speaking, it will take into account the exclusion of the time period of this particular act to file other pretrial motions by defense counsel.

I would suggest to the gentleman from Indiana that realistically speaking there is not a defense counsel who is worth his salt who would not file every available motion, motions for discovery, and other pretrial motions in order to properly represent his client. Those periods would be excluded. So for all practical purposes we are not talking about simply 100 days. That is a minimum. In all cases I think it would go much longer because of the discovery motions, pretrial motions, and the interlocutory motions, and so on. There are some exceptional circumstances which will extend that.

In all likelihood it would exceed the 100-day period. In any event, if we have such a defense counsel as the gentleman talks about, one who could not get ready for trial in 3 months, section 8(a) provides an exemption for that, so that the court would continue to allow him more time, or any other cases in court, and the court would take into account whether a continuance would serve the ends of justice. Clearly, I think it would consider that if there is a conflicting schedule.

Mr. DENNIS. I suppose that is discretionary with the court?

Mr. COHEN. It is.

Mr. DENNIS. So it is still somewhat of a bind for a man who is trying to persuade some judge, and some judges think what is going on in their courts is more important than what is going on in heaven. It is not always easy to get a motion granted.

Mr. COHEN. The court in all likelihood would accede to the legitimate request for a continuance, because it would be able to take into account legitimate reasons as opposed to someone engaged in dilatory tactics. That is the reason for giving that discretion to the court.

The amendment I intend to offer later this morning will, I believe, remove any serious objection to this act by leaving dismissal with or without prejudice up to the court, again taking into account the case where justice might not be served by the strict 100-day limitation.

If the gentleman will refer to pages 5 and 6 and 7 and 8 of the bill, I think he will see that can be taken into account where justice will be served.

Mr. DENNIS. As I understand the

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thrust of that argument, rather than making the dismissal, when the time limits are exceeded, with prejudice so that no prosecution can be brought up again, this will make that question discretionary also with the court, as to whether he dismisses with or without prejudice.

Mr. COHEN. That is correct.

Mr. DENNIS. And then in that event, it lists certain factors here which the courts may consider as to whether they may dismiss.

Mr. COHEN. They will consider the gravity or seriousness of the offense, the reason why the case could not be prosecuted within the time limitation, and third, whether the ends of justice are, in fact, being served by dismissing with prejudice. These are factors normally the court would take into account anyway.

Mr. DENNIS. But then we feel the court normally does take into account those things at the present time, and normally would do that, and we think there ought to be written in here, as an additional factor, that the court should consider the degree of prejudice to the defendant's ability to prepare his case. In other words, if the court should feel there is no real prejudice to the defendant under the facts in his case in dismissing without prejudice, that is a proper factor to consider and that ought to be written in, too—not that the court could not consider it anyway, but why should that not be added?

Mr. COHEN. I have to disagree with the Department of Justice in that regard. They simply would confirm the existing practice—that he would have the normal time granted and then there would be dismissal, whether this was due to the laziness of the prosecutor or whatever, then they would start all over again. That frustrates the purpose of this act. We are trying to put some sanctions in to try to discipline our judicial system, the court, the prosecutor, and the defense counsel, and there are reasonable exclusions that take into account a variety of factors and give the courts some flexibility.

But simply to say that we can start all over again if the defendant has not been prejudiced is not adequate because we are trying to move, to insure that the delay does not work to the advantage of the defendant.

We want him off the streets if he is guilty, and we want him to be able to have his innocence vindicated if he is innocent just as swiftly as possible.

Mr. DENNIS. I am not sure that if nobody is really, in fact, hurt, that the court should have to be bound by an inflexible rule.

Mr. COHEN. The public is the only one being hurt. Under our present system, society is being injured. That is who we are trying to protect.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

I want to compliment him on what I

think has been a very comprehensive discussion of the bill now before us. The gentleman from Maine certainly has demonstrated his thorough familiarity with the provisions of this legislation.

It seems to me, particularly after the discussion that occurred last night under the rule, that the fear might have been left in the minds of some people that this was, indeed, the kind of bill that would turn criminals loose. It seems to me the gentleman from Maine has amply made the point this morning that it is important to assure the rights of criminal defendants to the guarantee for a speedy trial provided by the sixth amendment. However, he has also made it clear that society has an interest in seeing that individuals charged with a crime receive a speedy trial. There is a societal interest in achieving that objective because delays in prosecution can result in increased crime and recidivism. I am happy to support this bill and I congratulate the gentleman from Maine for the excellent statement he has made and his leadership in bringing it to the floor today.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Maine (Mr. COHEN) in his final response in the colloquy with the gentleman from Indiana (Mr. DENNIS).

Now, as I understand the legislation, dilatory tactics on the part of defense counsel results in tolling the statutory time period set out. I am not so sure that that really changes much from what the law is now. My question, is there anything in this legislation to put any restrictions on dilatory tactics of defense counsel?

Mr. COHEN. Mr. Chairman, I appreciate the inquiry of the gentleman. I refer the gentleman to page 13 of the bill whereby a court can impose a fine on counsel who engage in dilatory tactics not to exceed \$250. They can also refer them to the ethics committee of the Bar Association, which is designed to discourage that.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I would like to associate myself with the gentleman's comments also, and certainly from what he has said it is clear and obvious that this legislation is in the interest of the defendant as well as in the interest of society.

Mr. WIGGINS. Mr. Chairman, the proposed Speedy Trial Act of 1974 consists of two titles.

Title I establishes time limits between arrest and indictment, between indictment and arraignment, and between arraignment and trial. The time limits thus established and phased in over a period of years.

A mechanical adherence to time limits in the processing of criminal cases would not, of course, serve the public interest. Accordingly, certain delays are excluded

in computing the times prescribed. These exclusions, contained in section 3161(h) of the bill, are reasonable and comprehensive. However, the Members should understand that court congestion is not a basis for extending the time limits contained in the bill. The committee has balanced the interests of defendants and society and has concluded, as a matter of policy, that defendants should not pay a penalty because of society's failure to take such steps as may be necessary to correct congested court calendars.

Sanctions are imposed for failure to meet the time limits, or extensions thereof, prescribed in the bill. The principal sanction is that the information or indictment against the defendant shall be dismissed.

As reported by the committee, the bill requires a dismissal with prejudice, and grants the defendant immunity from further prosecution for all other offenses then reasonably known to the prosecution.

I understand that an amendment will be offered by the committee to remove the mandatory dismissal with prejudice and immunity language, and providing for a dismissal with or without prejudice as the court finds to be appropriate. This amendment must be adopted if the bill is to pass. I strongly recommend to the committee the support of this amendment, and failing its adoption, that the bill be defeated on final passage.

Title I, as it finally evolved, does not work to change existing law in any far-reaching way. Defendants may still move for dismissal at any time, alleging a denial of the sixth amendment guarantees to a speedy trial. Such motions remain proper where prejudice is established even though the time limits of the bill have not run their course. However, after the time has run, a dismissal is mandated by the bill. Whether such a dismissal is to be with or without prejudice will turn on the circumstances of each case, and will reflect the sound judicial discretion of the court, if the suggested amendment is adopted. The amendment requires consideration of several factors by the court in arriving at a judgment.

No factor, nor combination of factors, requires, however, a particular form of dismissal. In most cases it is to be expected that no dismissal with prejudice will be ordered unless actual prejudice to the defendant can be shown occasioned by the further delay implicit in a refile in the case against him, and that the actual prejudice to the defendant outweighs societal interests in prosecuting the alleged offender.

Title I also requires the adoption of interim plans to insure the speedy trial of those held in custody and certain high risk persons on bail awaiting trial. It is contemplated that the interim plans will provide for the trial of such persons within 90 days. The only sanction imposed for failure to commence the trial within the 90-day period is the release of the detainee, under appropriate conditions, pending his actual trial date; or a review of the conditions of release of a defendant already on bail. The running of the 90-day period, without more, does not require a dismissal of the case.

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In addition, the title requires district courts to formulate plans for the expeditious handling of criminal cases. The responsibilities imposed upon the court system under this title are considerable and will doubtless tax the personnel and financial resources of the system. Funds are authorized, but Congress must expect requests for supplemental appropriations if the requirements of the title are to be met.

Title II creates on a demonstration basis in 10 representative districts a pretrial service agency authorized to maintain effective services and control over persons released pending their trials. Responsibility for administration is vested in the division of probation, as to five such demonstration projects, and in a board of trustees, as to the other demonstrations. The cost of the program is estimated to be \$10 million per year.

Among the responsibilities of the agency will be the assistance of the defendants in securing, "necessary employment, medical, legal, and social services." The scope of this responsibility should not be misunderstood. The agency is to advise defendants only. It is not intended that the agency should pay from its resources the cost of obtaining medical or legal services, for instance.

The bill, if amended as suggested above, should be adopted. The imposition of time limits has been a controversial subject, but the significance of these limits should not be overstated. The time benchmarks will have the effects of forcing prosecutors to process cases expeditiously upon penalties of dismissal of the case if they fail to do so; and will have the additional effect of providing a goal which district court plans should seek to obtain. The limits will not, as alleged, result in a flood of criminal suspects escaping responsibility for their misdeeds.

Title II attempts to improve pretrial services, an objective which has been advocated for years. The demonstration approach is sensible. Further legislation calling upon the lessons of the demonstration programs will of course be necessary.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. THORNTON).

Mr. THORNTON. Mr. Chairman, I would like to take this opportunity to commend the subcommittee chairman, the gentleman from Michigan (Mr. CONYERS), for his fine and diligent work in bringing this bill to the attention of the House.

Mr. Chairman, as has just been demonstrated by the colloquy that has occurred, the bill before us is beneficial to the innocent accused and to society itself.

I think it is also beneficial to those who are guilty of criminal offenses and who are brought to a speedy trial under these provisions.

In our society today, we rely upon public condemnation and punishment by fines and imprisonment to discourage criminal misconduct. There are those who disagree with the effectiveness of punishment as a deterrent, but if it is to have any effect at all, it must flow from the

sureness, the certainty and the speed with which the punishment follows the offense. Too often today punishment is so separated from the act of which the offender is accused, that it allows him to believe that his punishment results from wrongful acts of the judicial process or of his lawyer, or society in general; serving his sentence reinforces his idea that society is unfair and unjust. Consequently, upon his return to society he is often guilty of continued criminal acts and the rate of recidivism increases.

I think this bill is important to society, and to those who have been apprehended for criminal acts. Accused persons certainly have the right to have the charges against them disposed of promptly.

As to those found guilty, a speedy trial should have the effect of increasing the rehabilitative effect of punishment itself.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I rise in strong support of this legislation. I think it is a very important step forward in the due administration of criminal justice in this country. It, of course, will impact directly only upon the Federal system, but I believe it will set a very important example to be followed by State court systems across the country, and therefore I think the potential benefit from this legislation could be enormous.

It is important to point out two very essential features of the bill. One is the planning process that is involved. This is legislation that will establish procedures in the district court system across the country. It will require the cooperation between the court, prosecutors and defense attorneys to develop procedures which will contribute for the fair and speedy administration of justice.

The other point that it is most important to recognize concerns the contribution which this legislation will make to increased respect for the law, a most important consideration if we are to take forward steps to strengthen the criminal justice system in this country. I believe that one of the main factors that currently helps to discredit respect for the law is the extraordinary and unreasonable delays which take place in bringing criminal defendants to trial and, if convicted, punishing them promptly.

I suggest to the Members that they compare what takes place in so many courts in this country with the English judicial procedures, in which a criminal defendant is speedily brought to trial, in which punishment is meted out, if deserved, promptly, and in which the community therefore obtains an appreciation for the operation and application of the law to someone who has violated it.

One of the very troublesome situations that occurs in this country is that criminal defendants remain out on bail or incarcerated in jail for long periods of time after having being charged with an offense but without a trial to determine their guilt. In my view, hardly anything can have a stronger impact on the community than for people to realize that someone who has committed an offense and is apprehended is going to be brought

before the bar of justice within a very short and reasonable period of time and made to account for the charge that has been placed against him.

To allow this long period of time to intervene, discredits the whole application of the rule of law, and—of course, there are many other arguments to be made for this legislation, and they have been made—but this legislation is extremely important in terms of the contribution it will make to a perception and an understanding of the community that our criminal justice system works—works with proper speed. I think that society will benefit greatly from that perception.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. METCALFE).

Mr. METCALFE. Mr. Chairman, I rise in support of H.R. 17409, the speedy trials bill, and urge its immediate passage.

The sixth amendment to the Constitution was ratified in 1791. That amendment states:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.

Now, 183 years later, we have an opportunity to take the words of that amendment seriously. We have the opportunity to define, and to truly guarantee, "the right to a speedy and public trial."

The situation in our criminal justice system today makes mockery of those words.

According to the National Advisory Commission on Criminal Justice Standards and Goals, in a report issued last year, "many courts in large cities have experienced delays of 300 to 1,000 days from arrest to trial and final disposition." Further, the report stated that "the Law Enforcement Assistance Administration Jail Census in 1970 revealed that 52 percent of the jail inmates were awaiting trial."

This situation is a disgrace.

Defendants suffer grave harm when justice is delayed for months on end. These defendants must often await these delays in a jail cell, unable to make bail.

The criminal justice system itself suffers from these prolonged and often unnecessary delays.

Jails are dangerously overcrowded, police officers and other prospective witnesses must spend hours or days on end waiting to testify at trials which suffer postponement after postponement.

The Supreme Court has consistently reaffirmed the right to a speedy trial for criminal defendants.

In *Klopfer* against North Carolina, Chief Justice Warren wrote:

We hold here that the right to a speedy trial is as fundamental as any of the rights secured by the Sixth Amendment. That right has as its roots at the very foundation of our English law heritage. The history of the right to a speedy trial and its reception in this country clearly establish that it is one of the most basic rights preserved by our Constitution.

It is up to the Congress, however, to define exactly the parameters of "the right to a speedy trial."

That is what the bill which is before us here today will do.

It will set those necessary parameters which will insure speedy trials.

It will provide a strong incentive for prosecutors to conform to these standards by providing for dismissal of charges, and an absolute bar to re prosecution upon denial of a defendant's rights to a speedy trial.

It provides a sufficient amount of time, 5 years, before these standards become effective, thereby allowing attorneys and judges time to institute needed reforms before prosecutions are lost due to non-compliance.

H.R. 17409 would, although it is itself applicable only to those charged with Federal crimes, serve as a prototype for State and local legislation. Further, its addition would be mandated by the Congress for the granting of Federal funds to local units of government. This would be perfectly consistent with legislation which established the Law Enforcement Assistance Administration and would be an effective way of implementing the recommendations of the National Advisory Commission that—

Each State should enact legislation, and each criminal justice jurisdiction should develop policies and procedures to expedite criminal trials and thus minimize pretrial detention.

This bill is long overdue. It is past time that we begin to reform our criminal justice system so that we can get innocent men out of jail as soon as humanly possible, so that we can convict those who are found guilty without delay and so that we can guarantee all Americans the right to a speedy trial that the Constitution mandated nearly 200 years ago.

I would like to thank Chairman CONYERS of the Crime Subcommittee, Chairman RODINO of the full committee, and the members of those committees for their excellent work on this legislation. I was especially gratified to see that the Committee saw fit to revise some sections which I believe have strengthened the bill, especially those concerning a time-frame for implementation.

I would especially like to thank my colleague, Congressman Abe Mikva, who is not with us this Congress, but who will return in the 94th Congress, who introduced this legislation in previous Congresses.

Mr. Chairman, I most strongly urge adoption of H.R. 17409.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. I thank the gentleman for yielding and I commend the subcommittee for this very important legislation. This is really a monument to Senator ERVIN and his devotion to the sixth amendment, and I hope, Mr. Chairman, it can pass in an unamended form and be sent to the President.

Mr. Chairman, there should be little opposition to enactment of the Speedy Trial Act of 1974, H.R. 17409. It has been under consideration by committees of the Congress for 4 years. The whole range of organizations having any interest in the criminal justice system has had ample

opportunity to comment on it. The views of opponents, including the Justice Department, have been incorporated in the numerous revisions through which the bill has gone. And the guidance given it by Congressman CONYERS and Senator ERVIN has been patient, deliberate, and fair. I wish to address particularly warm words of appreciation to my colleague from Michigan (Mr. CONYERS) for his tireless efforts in bringing this bill before us for final consideration. Without his dedication, this measure would undoubtedly still be languishing in committee. I extend my hand of gratitude to him.

Students of penology are in great disagreement over the causes of crime and the appropriate response. But all agree that steps must be taken immediately to improve the operation of the system which seeks to deal with those who have committed offenses. The Speedy Trial Act is one attempt to ameliorate the workings of the Federal criminal justice system. It has the unique virtue of simultaneously protecting the public interest and the rights of defendants by expediting criminal proceedings. Through swift and just conviction and sentencing of the guilty, the public interest is vindicated. Through the expeditious disposition of unfounded charges, the innocent are released from custody.

It is thus with great enthusiasm that I speak in favor of the Speedy Trial Act. In the words of the committee report:

The purpose of this bill is to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial.

It seeks to effectuate that purpose by setting time limits on the various stages of a criminal proceeding. Over the course of the next 5 years, those time periods would grow progressively shorter. Ultimately, the act would require that a defendant be indicted within 30 days of arrest, be arraigned within 10 days of indictment, and be tried within 60 days of arraignment.

During the fifth year of operation, the act would also impose the sanction of dismissal with prejudice, upon motion of the defendant, for the Government's failure to comply with the time provisions. Opponents, such as the Justice Department, take vigorous exception to this provision. That opposition is without foundation. First, the Department and indeed all the components of the criminal justice system are given 4 years to adjust to this sanction. It is not imposed until the fifth year of operation.

Second, in my judgment, dismissal is the only real incentive to comply with the act. Without it the system will plod on as before. Former Assistant Attorney General William Rehnquist noted well the catalytic effect this sanction would have on the criminal justice system:

For it may well be, Mr. Chairman, that the whole system of Federal justice needs to be shaken by the scruff of its neck and brought up short with a relatively peremptory instruction to prosecutors, defense counsel and judges alike that criminal cases must be tried within a particular period of time. That is certainly the import of the mandatory dismissal provisions of your bill.

That kind of shot in the arm is precisely what the system needs to get it off

dead center. The sanction of dismissal will provide that hypodermic.

One of the most important provisions in the Speedy Trial Act is the establishment of 10 demonstration pretrial services agencies. Five would be operated under the Federal Division of Probation, and five under a newly created Board of Trustees. All 10 would ultimately be responsible to the Administrative Office of the U.S. Courts. By building in diversity among the 10 agencies, these demonstration projects will serve as "a laboratory for later comparison in evaluating their success" (committee report at 27).

The pretrial services agency is a relatively new development in the administration of the criminal laws. Since June 1973, New York City, under the auspices of the Vera Institute of Justice, has operated such an organization in Brooklyn. The initial results are sufficiently satisfactory to justify our experimenting with it at the Federal level. Such agencies hold great promise for revolutionizing the manner in which defendants are released and supervised in the pretrial period. In conjunction with other innovative concepts, such as pretrial diversion, the pretrial services agency could provide the ultimate solution to the gnawing problems of crime.

Finally, it should be noted that the act in no way infringes on the right to a speedy trial given by the sixth amendment to the U.S. Constitution. We make that perfectly plain in section 3173 which incorporates the constitutional disability of Congress to modify constitutional rights by statute. In this connection, it is somewhat dismaying to hear Attorney General Saxbe argue against the bill because "criminals who would ordinarily plead guilty may insist on jury trial to take advantage of the automatic dismissal after 60 days." In effect, he urges the perpetuation of a system which encourages, and may even force, defendants to forego their constitutional right to trial by jury. Opposing a measure which seeks to advance a constitutional right is indeed a strange and foreign proposition.

For these reasons, I urge my colleagues to vote in favor of the Speedy Trial Act of 1974. Its time is surely here. With all the rhetoric we have heard in recent years about America's crime problem, it is time to take positive steps to deal with it. This measure is calculated to accomplish that goal.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding. I take this time to ask the gentleman a question.

My concern is based upon the provisions of the bill that require that an information or indictment must be filed within 30 days after arrest or that charges against the defendant may not later be brought, and the further provision that the trial must be held within 60 days after arraignment or indictment or the defendant must be released.

I am familiar with Federal courts where there is only one judge, and extraordinary time requirements ensue as a result of unusual cases, like the

bakery conspiracy cases in 1960's, or a protracted patent or copyright case that might require weeks for trial or, as we have seen recently, the Dakota trials of the Indian insurrection, or a Watergate type trial.

My question is, are there exceptions to these time limits which take into consideration the extraordinary time required for litigation of cases that require protracted trials in one-judge courts?

Mr. CONYERS. The gentleman raises a very pertinent point, and this legislation was amended in subcommittee by the gentleman from Maine (Mr. COHEN) to recognize the special problems that exist in rural districts. For those jurisdictions where grand juries sit in frequently because of the small number of criminal case filings as the case may be in rural areas, we added a provision that would extend the time period for filing an indictment up to 30 days where no grand jury has been in session following the arrest of a defendant to the running of the time limit between indictment and trial. Additionally, a provision was included to allow the court to schedule trial at any place within the judicial district to insure that the defendant receives a speedy trial in large geographic districts in which judges are required to travel from division to division.

Mr. ALEXANDER. I thank the gentleman, but I am still concerned that additional consideration of this point is needed.

Mr. CONYERS. Mr. Chairman, we have no further requests for time.

Mr. COHEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. I thank the gentleman for yielding. I rise in strong support of this necessary legislation.

Mr. Chairman, tied to the problem of protracted pretrial incarceration and delay is an equally serious one—the problem of increasing rates of serious crime committed by accused persons released and awaiting trial.

I say this problem is bound up with interminable delay between arrest and trial because the mere passage of time has a devastating effect upon releasees. Over half of all serious Federal crimes committed are perpetrated by persons not in jail and awaiting trial. A detailed study completed 4 years ago by the Department of Commerce on crime in the District of Columbia shows that such a person is likely to commit a crime after 60 days if he has not come to trial by then, and the likelihood is better than twice as great after 120 days. No less than four national commissions have studied this problem with similar conclusions, isolating detainees awaiting trial as a major source of serious crime.

What is the solution? The experience of recent years has taught us valuable if sobering lessons. Legislative efforts to deter such crimes by other means, such as preventive detention and no-knock laws, have largely been failures. Passing large sums of Federal tax money into law enforcement manpower and hard-

ware has failed to halt the steady climb of the crime rate. Only now are we beginning to realize that stopgap efforts to isolate the criminal pay devastating long-range dividends, unless equal attention is paid to balancing the short term interests of temporary isolation against the long-term interests of the society to which the convicted criminal must eventually return and in which he will play a future role.

Today we have an opportunity to act positively on that realization. The second title of the Speedy Trial Act, like the first, is designed to improve the efficiency and deterrence factors that inhere in our Federal criminal justice system. The bill provides for the establishment of pretrial service agencies, similar in operation to the District of Columbia Bail Agency, on a demonstration basis in 10 districts, chosen by the chief justice.

Federal defendants are released under the provisions of the Bail Reform Act of 1966, chapter 207, title XVIII of the United States Code. As a matter of common experience, many Federal judges are reluctant to release defendants pursuant to these provisions, because their courts are not possessed of sufficient personnel and resources to gather data on defendants from which to make informed decisions on whether or not to release them and, in such case, what conditions to impose. Furthermore, where defendants are released, they are unsupervised and are not channeled into any sort of monitoring program, with the consequence that they become fugitives or recidivists before trial. Where not released, they will likely become appellants, since the court, faced with a Hobson's choice of either virtually ignoring the requirements of Federal law governing release or preventing crime, must opt for the latter. Moreover, the financial burdens are enormous; a single defendant detained before trial for 6 months may cost the taxpayer as much as \$1,200. According to statistics compiled by the Administrative Office of the U.S. Courts in criminal cases pending more than 1 year as of June 30, 1974, those involving fugitive defendants account for 59 percent of the total.

The bill acts to combine the expert resources already present in model districts to bring maximum force to bear on this problem, under the supervision of the Administrative Office of the U.S. Courts. The Senate bill provides for 10 agencies governed by independent boards of trustees following a suggestion made by the Administrative Office, the subcommittee modified this approach, placing 5 of the 10 under the direct supervision of the Division of Probation of the Administrative Office. In the latter case, the agencies will be headed by career probation officers selected from within the district by the chief judge. These agencies will be charged with assembling and administering programs aimed at maintaining effective supervision and control over, and providing supportive services to, defendants released under the terms of the Bail Reform Act. They are similarly charged with providing evaluation data as they progress, which will be compiled and interpreted on a comparative basis by the Director of the Administra-

tive Office, who will report on the relative success of these experimental agencies in reducing the rate of flight from prosecution and recidivism in annual and a final comprehensive report to the Congress.

I firmly believe that this type of affirmative action, which exhibits flexibility and combines mandate with a commitment to joint responsibilities in clearing our Federal criminal dockets, is the way of the future in coming to terms with the age-old enemy of crime. Let us not squander this opportunity.

Mr. MATSUNAGA. Mr. Chairman, as the sponsor of a very similar bill, I rise in support of H.R. 17409, to give effect to the sixth amendment which guarantees the right to a speedy trial to persons charged with criminal offenses against the United States.

The first 10 amendments to our Federal Constitution were designed to protect individual citizens against possible abuse of the awesome power of a strong central Government. The sixth of these amendments guarantees the right of anyone accused of a crime against the United States to a "speedy" trial. As long as 185 years ago our Nation's leaders understood that a strong Government can ruin an individual citizen by failure to act promptly, as well as by affirmative action, and that a criminal permitted to go unpunished too long is likely to commit more crimes. Our forefathers understood this so well, in fact, that they demanded its inclusion in our basic law as a condition for ratification.

The major cause of long delays in our criminal justice process today does not appear to be abuse of governmental power—but can we be sure? Delays have been attributed to "overloading," lack of resources, dilatory moves by the defendant, antiquated administrative procedures, and a variety of other reasons. I submit that a refusal of the Government to use its great power to remedy these causes of delay is as much an abuse of power as its taking affirmative steps to defeat justice.

H.R. 17409 would for the first time provide a statutory definition of the term "speedy trial," thereby introducing a measure of uniformity. Although such uniformity will prevail only in Federal courts and affect a mere fraction of the total criminal cases tried, it is expected that courts in those States which do not already have similar statutes may use the Federal time limit as a guideline.

The proposed sanction for failure of the Federal courts to meet time limits, except for certain enumerated reasons, would be dismissal of charges against the defendant. This does not overlook the interest of public justice. The time limits are reasonable, and appropriate exceptions are provided. It should be pointed out that the public interest in speedy justice is often even greater than that of the defendant. Speedier trials will reduce recidivism by relating punishment more closely to crimes. By allowing less time for key witnesses to forget and evidence to be lost, there should be greater chance of conviction in many cases. Speedier trials will mean that those defendants on pretrial release will have less time to

skip bail or to commit other crimes prior to a trial which they believe, often with good reason, will never be held.

Such circumstances as a scheduled trial which the defendant believes will never take place cannot possibly lend any greater respect for our system of justice than will our demand that he be dealt with in a reasonable time or not at all. The former is a mockery of justice. The latter is a realization that the only real justice is speedy justice and that it is our duty under the Constitution to make our system of justice follow that principle.

H.R. 17409 is a start toward that goal. It does not merely set time limits. It also requires that plans be established and implemented to remedy causes of delays over the next 5 years. Other legislation may be needed, and this bill offers a means of finding out. The planning process would provide Congress with a means of monitoring the ability of the courts to meet time limits, and of supplying Congress with information concerning the need for rule changes, additional resources, and other statutes which would operate to make speedy trials a reality.

Mr. Chairman, I strongly urge the passage of this bill.

Mr. FRENZEL. Mr. Chairman, I rise today in support of H.R. 17409, the Speedy Trial Act of 1974. This is a controversial, but badly needed piece of legislation.

Over the last decade, the administrative problems of our justice system have become monumental. Any trial lawyer or judge can list at length cases that he has seen delayed beyond all reasonable limits. If delayed justice is really justice denied, then our system is denying a lot of justice. This bill will not solve all these problems, because it only relates to Federal jurisdictions, but it will be a good start.

The bill provides for trial of criminal cases in Federal courts to occur within 100 days of the arrest or issuance of a summons to a defendant. In reaching this goal, each U.S. district court is required to formulate plans, subject to congressional approval and funding, which will phase in the necessary steps within 5 years. To assist the courts, we are also establishing 10 pretrial services agencies to supervise, control, and provide support service to defendants released pending trial.

Our purpose here is to make it possible for the courts to do the job for which they were designed. Until now, we have never given them the tools to accomplish it.

Some of the key features of the bill should be mentioned here:

First, The bill establishes time limits of 30 days between arrest and indictment, and 60 days between arraignment and the commencement of trial. A permanent 10-day limit is set between indictment and arraignment. These limits will be phased in on a schedule of 60 and 180 days the second year, 45 and 120 days during the third year, and 35 and 80 days the fourth.

Second, Specific exclusion from the time limits are provided for motions concerning the defendant, unavailability

of an essential witness or the defendant himself, continuances granted in the interest of justice and others.

Third, Those defendants, detained prior to trial or on pretrial release, designated as high risk or unlikely to appear, will be required to face trial within 90 days.

Fourth, After the phase-in period, failure to bring the indictment or file for information or begin the trial itself, will result in dismissal with prejudice of the charges.

Fifth, In case of judicial emergency or unavailability of the necessary resources the Judicial Conference of the United States is authorized to suspend the time limits.

Sixth, Each district will be empowered to establish a planning group consisting of the chief judge, the U.S. attorney, the chief public defender, and other appropriate members of the criminal justice process.

This bill is not without some problems. I will be supporting amendments to require mandatory dismissal with prejudice only in those cases where there has been extreme Government delay in prosecution and to increase the 30 days to 60 in the arrest indictment period, and to 90—instead of 60—in the arraignment trial period.

Despite these problems, I believe, on balance, that H.R. 17409 is the major piece of legislation dealing with criminal justice to come out of the 93d Congress. This legislation may help to slow the upward trend of crimes committed by accused persons on trial. Since these crimes now number over half of all serious Federal offenses committed, it is important that we take action now. I hope H.R. 17409 is passed.

Mr. COHEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Speedy Trial Act of 1974".

TITLE I—SPEEDY TRIAL

Sec. 101. Title 18, United States Code, is amended by adding immediately after chapter 207, a new chapter 208, as follows:

"Chapter 208—SPEEDY TRIAL

"Sec.

"3161. Time limits and exclusions.

"3162. Sanctions.

"3163. Effective dates.

"3164. Interim limits.

"3165. Planning process.

"3166. District plans generally.

"3167. District plans contents.

"3168. Speedy trial reports.

"3169. Planning appropriations.

"3170. Definitions.

"3171. Sixth amendment rights.

"3172. Judicial emergency.

"§ 3161. Time limits and exclusions.

"(a) In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.

"(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days, but in no such case shall an individual awaiting indictment be detained in excess of thirty days from the date of arrest.

"(c) The arraignment of a defendant charged in an information or indictment with the commission of an offense shall be held within ten days from the filing date (and making public) of the information or indictment, or from the date a defendant has been ordered held to answer and has appeared before a judicial officer of the court in which such charge is pending whichever date last occurs. Thereafter, where a plea of not guilty is entered, a defendant shall be tried within sixty days from arraignment on the information or indictment at such place, within the district, as fixed by the appropriate judicial officer.

"(d) If any indictment or information is dismissed upon motion of the defendant, or any charge contained in a complaint filed against an individual is dismissed or otherwise dropped, for reasons other than those provided in section 3162(a), and thereafter a complaint is filed against such defendant or individual charging him with the same offense or an offense based on the same conduct or arising from the same criminal episode, or an information or indictment is filed charging such defendant with the same offense or arising from the same criminal episode, the provisions of subsections (b) and (c) of this section shall be applicable with respect to such subsequent complaint, indictment, or information, as the case may be.

"(e) If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final. If the defendant is to be tried again following an appeal or a collateral attack, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date the action occasioning the retrial becomes final if unavailability of witnesses or other factors resulting from passage of time shall make trial within sixty days impractical.

"(f) Notwithstanding the provisions of subsection (b) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(b) of this chapter the time limit imposed with respect to the period between arrest and indictment by subsection (b) of this section shall be sixty days, for the second such twelve-month period such time limit shall be forty-five days and for the third such period such time limit shall be thirty-five days.

"(g) Notwithstanding the provisions of subsection (c) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(c) of this chapter, the time limit with respect to the period between indictment and trial imposed by subsection (c) of this section shall be one hundred and eighty days, for the second such twelve-month period such time limit shall be one hundred and twenty days, and for the third such period such time limit with respect to the period between indictment and trial shall be eighty days.

"(h) The following periods of delay shall be excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence:

"(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

"(A) delay resulting from an examination of the defendant, and hearing on, his mental competency, or physical incapacity;

"(B) delay resulting from an examination of the defendant pursuant to section 2902 of title 28, United States Code;

"(C) delay resulting from trials with respect to other charges against the defendant;

"(D) delay resulting from interlocutory appeals;

"(E) delay resulting from hearings on pretrial motions;

"(F) delay resulting from proceedings under Rule 20 of the Federal Rules of Criminal Procedure; and

"(G) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement;

"(2) Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

"(3) (A) Any period of delay resulting from the absence of unavailability of the defendant or an essential witness.

"(B) For purposes of subparagraph (A) of this paragraph, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subparagraph, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence or he resists appearing at or being returned for trial.

"(4) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial.

"(5) Any period of delay resulting from the treatment of the defendant pursuant to section 2902 of title 28, United States Code.

"(6) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense, or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

"(7) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.

"(8) (A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

"(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

"(1) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuance of such proceeding impossible, or result in a miscarriage of justice.

"(2) Whether the case taken as a whole is so unusual and so complex, due to the number of defendants or the nature of the prosecution or otherwise, that is unreasonable to expect adequate preparation within the periods of time established by this section.

"(3) Whether delay after the grand jury proceedings have commenced, in a case where arrest precedes indictment, is caused by the unusual complexity of the factual determination to be made by the grand jury or by events beyond the control of the court or the Government.

"(C) No such continuance under paragraph (8) (A) of this subsection shall be granted because of general congestion of the court's calendar, or lack of diligent preparation, or failure to obtain available witnesses.

"(1) If trial did not commence within the time limitation specified in section 3161 because the defendant had entered a plea of guilty or nolo contendere subsequently withdrawn to any or all charges in an indictment or information, the defendant shall be deemed indicted with respect to all charges therein contained within the meaning of section 3161, on the day the order permitting withdrawal of the plea becomes final.

"(2) If the attorney for the Government knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly—

"(A) undertake to obtain the presence of the prisoner for trial; or

"(B) cause a detainer to be filed with the person having custody of the prisoner and request him to so advise the prisoner and to advise the prisoner of his right to demand trial.

"(3) If the person having custody of such prisoner receives a detainer, he shall promptly advise the prisoner of the charge and of the prisoner's right to demand trial. If at any time thereafter the prisoner informs the person having custody that he does demand trial, such person shall cause notice to that effect to be sent promptly to the attorney for the Government who caused the detainer to be filed.

"(4) Upon receipt of such notice, the attorney for the Government shall promptly seek to obtain the presence of the prisoner for trial.

"(5) When the person having custody of the prisoner receives from the attorney for the Government a properly supported request for temporary custody of such prisoner for trial, the prisoner shall be made available to that attorney for the Government (subject, in cases of interjurisdictional transfer, to any right of the prisoner to contest the legality of his delivery).

"§ 3162. Sanctions.

"(a) (1) If, in the case of any individual against whom a complaint is filed charging such individual with an offense, no indictment or information is filed as required by section 3161(b) of this chapter, such charge against that individual contained in such complaint shall be dismissed or otherwise dropped. The dismissing or dropping of such charge shall forever bar prosecution of the individual for that offense or any offense based on the same conduct or arising from the same criminal episode.

"(2) If the defendant is not brought to trial as required by section 3161(c), the information or indictment shall be dismissed on motion of the defendant. The defendant shall have the burden of proof of supporting

such motion but the Government shall have the burden of going forward with the evidence in connection with any exclusion of time under subparagraph 3161(h)(3). Such dismissal shall forever bar prosecution of the individual for that offense or any offense based on the same conduct or arising from the same criminal episode. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section.

"(b) In any case in which counsel for the defendant or the attorney for the Government (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial; (2) files a motion solely for the purpose of delay which he knows is totally frivolous and without merit; (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of a continuance; or (4) otherwise willfully fails to proceed to trial without justification consistent with section 3161 of this chapter, the court may punish any such counsel or attorney, as follows:

"(A) in the case of an appointed defense counsel, by reducing the amount of compensation that otherwise would have been paid to such counsel pursuant to section 3006A of this title in an amount not to exceed 25 per centum thereof;

"(B) in the case of a counsel retained in connection with the defense of a defendant, by imposing on such counsel a fine of not to exceed 25 per centum of the compensation to which he is entitled in connection with his defense of such defendant;

"(C) by imposing on any attorney for the Government a fine of not to exceed \$250.

"(D) by denying any such counsel or attorney for the Government the right to practice before the court considering such case for a period of not to exceed ninety days; or

"(E) by filing a report with an appropriate disciplinary committee.

The authority to punish provided for by this subsection shall be in addition to any other authority or power available to such court.

"(c) The court shall follow Rule 42 of the Federal Rules of Criminal Procedure in punishing any counsel or attorney for the Government pursuant to this section.

"§ 3163. Effective dates.

"(a) The time limitation in section 3161 (b) of this chapter—

"(1) shall apply to all individuals who are arrested or served with a summons on or after the date of expiration of the twelve-calendar-month period following the date of the enactment of the Speedy Trial Act of 1974; and

"(2) shall commence to run on such date of expiration to all individuals who are arrested or served with a summons prior to the date of expiration of such twelve-calendar-month period, in connection with the commission of an offense, and with respect to which offense no information or indictment has been filed prior to such date of expiration.

"(b) The time limitation in section 3161(c) of this chapter—

"(1) shall apply to all offenses charged in informations or indictments filed on or after the date of expiration of the twelve-calendar-month period following the date of the enactment of the Speedy Trial Act of 1974; and

"(2) shall commence to run on such date of expiration as to all offenses charged in informations or indictments filed prior to that date.

"(c) Section 3162 of this chapter shall become effective after the date of expiration of the fourth twelve-calendar-month period following the enactment of the Speedy Trial Act of 1974.

"§ 3164. Interim limits.

"(a) During an interim period commencing ninety days following the date of the enactment of the Speedy Trial Act of 1974 and ending on the date immediately preceding the date on which the time limits provided for under section 3161(b) and section 3161(c) of this chapter become effective, each district (and the Superior Court for the District of Columbia) shall place into operation an interim plan to assure priority in the trial or other disposition of cases involving—

"(1) detained persons who are being held in detention solely because they are awaiting trial, and

"(2) released persons who are awaiting trial and have been designated by the attorney for the Government as being of high risk.

"(b) During the period such plan is in effect, the trial of any person who falls within subsection (a)(1) or (a)(2) of this section shall commence no later than ninety days following the beginning of such continuous detention or designation of high risk by the attorney for the Government. The trial of any person so detained or designated as being of high risk on or before the first day of the interim period shall commence no later than ninety days following the first day of the interim period.

"(c) Failure to commence trial of a detainee as specified in subsection (b), through no fault of the accused or his counsel, or failure to commence trial of a designated release as specified in subsection (b), through no fault of the attorney for the Government, shall result in the automatic review by the court of the conditions of release. No detainee, as defined in subsection (a), shall be held in custody pending trial after the expiration of such ninety-day period required for the commencement of his trial. A designated release, as defined in subsection (a), who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under this title to insure that he shall appear at trial as required.

"§ 3165. Planning process.

"(a) Within sixty days of enactment of this Act, each United States district court and the Superior Court for the District of Columbia shall convene a planning group consisting at minimum of the Chief Judge, a United States Magistrate, if any, designated by the Chief Judge, the clerk of the district court, the United States Attorney, the Federal Public Defender, if any, a private attorney experienced in the defense of criminal cases in the district, the Chief United States Probation Officer for the district, and a person skilled in criminal justice research and planning to act as reporter for the group. The group shall be responsible for the initial formulation of all district plans and of the reports required by the Act and in aid thereof, it shall be entitled to the planning funds specified in section 3169.

"(b) The planning and implementation process shall seek to accelerate the disposition of criminal cases in the district consistent with the time standards of the Act and the objectives of effective law enforcement, fairness to accused persons, efficient judicial administration, and increased knowledge concerning the proper functioning of the criminal law. The process shall seek to avoid underenforcement, overenforcement and discriminatory enforcement of the law, prejudice to the prompt disposition of civil litigation, and undue pressure as well as undue delay in the trial of criminal cases.

"(c) The planning group shall address itself to the need for reforms in the criminal justice system, including but not limited to changes in the grand jury system, the finality of criminal judgments, habeas corpus and collateral attacks, pretrial diversion,

pretrial detention, excessive reach of Federal criminal law, simplification and improvement of pretrial and sentencing procedures, and appellate delay.

"(d) The planning group shall submit recommendations to the district court for each of the district plans it must adopt pursuant to section 3166.

"§ 3166. District plans—generally.

"(a)(1) The plans prepared by each district court shall be submitted for approval to a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district court whose plan is being reviewed or such other active judge of that court as the chief judge of that district court may designate.

"(2) Prior to the expiration of the twelve-calendar month period following the date of the enactment of the Speedy Trial Act of 1974, each United States district court, with the approval of the reviewing panel, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offenses under this chapter (within the jurisdiction of such court) during the second and third twelve-calendar-month periods following the effective date of section 3161(b) and section 3161(c). Prior to the expiration of the thirty-six-calendar-month period following such date of enactment, each such court, with the approval of such panel, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offenses under this chapter (within the jurisdiction of such court) during the fourth twelve-calendar-month period following the effective date of section 3161(b) and section 3161(c).

"(3) Each such plan shall be formulated after consultation with, and after considering the recommendations of, the Federal Judicial Center and the criminal justice planning group established for that district pursuant to section 3165. The district court may modify such plan at any time with the approval of the reviewing panel and shall modify the plan when directed by such panel or by the Judicial Conference of the United States. The district court shall notify the Administrative Office of the United States Courts of any modification of such plan.

"(b)(1) Prior to the expiration of the twelve-calendar-month period following the date of the enactment of the Speedy Trial Act of 1974, the chief judge for the Superior Court of the District of Columbia, with the approval of the Joint Committee on Judicial Administration in the District of Columbia, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offenses under this chapter within the jurisdiction of the Superior Court during the second and third twelve-calendar-month periods following the effective date of section 3161(b) and section 3161(c). Prior to the expiration of the thirty-six-calendar-month period following such date of enactment, the chief judge of such court, with the approval of such Joint Committee, shall prepare and submit to the Administrative Office of the United States Courts a plan for the trial or other disposition of offenses under this chapter within the jurisdiction of such court during the fourth twelve-calendar-month period following the effective date of section 3161(b) and section 3161(c).

"(2) Such plan shall be formulated after consultation with, and after considering the recommendations of, the Joint Committee and the criminal justice planning group established pursuant to section 3165. The chief judge may modify such plan at any time with the approval of the Joint Committee and shall modify the plan when directed by such Committee. The chief judge shall notify the Administrative Office of the United States Courts of any modification of such plan.

"(c) Within fifteen calendar months after the date of the enactment of the Speedy Trial Act of 1974, the Administrative Office of the United States Courts, with the approval of the Judicial Conference, shall submit a report to the Congress detailing the plans submitted to it pursuant to the first sentence of subsection (a)(2) and the first sentence of subsection (b)(1) of this section, including any legislative proposals and appropriations necessary to achieve compliance with the time limitations provided in section 3161. Within thirty-nine calendar months following such date of enactment, the Administrative Office of the United States Courts, with such approval, shall submit such a report to the Congress covering plans submitted to such Office pursuant to the second sentence of subsection (a)(1) and the first sentence of subsection (b)(1) of this section.

"(d) District plans adopted pursuant to this section shall, upon adoption, and recommendations of the district planning group shall, upon completion, become public documents. They shall be available (1) to the bar and the press in each district, (2) to the Department of Justice, (3) to the General Accounting Office, (4) to the Judiciary Committees and Appropriations Committees of the Senate and House of Representatives, and (5) at reasonable cost, to others who request them.

"(e) The Federal Judicial Center shall advise and consult with the criminal justice advisory planning groups and the district court in connection with their duties under this chapter.

"§ 3167. District plans—contents.

"(a) Each District plan required by section 3166 shall include a description of the norms prevailing at the time of its submission as to characteristics of criminal justice administration in the district, including but not limited to: the time span between arrest and indictment, and indictment and trial; the number of matters presented to the United States attorney for prosecution; acceptance and rejection rates of prosecutions; and transfers to other districts and to State prosecution; the comparative number of cases disposed of by trial and by plea; the rates of conviction, dismissal, acquittal, nolle prosequi, diversion and other types of disposition; and the extent of preadjudication detention and release, by numbers of defendants and days in custody or at liberty prior to disposition.

"(b) Each plan shall include a description of the time limits, procedural techniques, innovations, systems and other methods, including the development of reliable methods for gathering and monitoring information and statistics, by which the district court, the United States attorney, the Federal public defender, if any, and private attorneys experienced in the defense of criminal cases, have expedited or intend to expedite the trial or other disposition of criminal cases, consistent with the time limits and other objectives set forth in section 3165(b) and section 3165(c).

"(c) Each plan shall include recommendations to the Administrative Office of the United States Courts for reporting forms, procedures, and time requirements, consistent with section 3168, for assembling information concerning (1) the incidence of and reasons for extensions of time beyond the statutory or district standards, (2) the invocation of sanctions for noncompliance with time standards, and (3) the incidence and length of, reasons for, and remedies for, detention prior to trial. These forms shall include the pretrial custody information required by rule 46(g) of the Federal Rule of Criminal Procedure. The Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States, shall prescribe such forms and procedures and time

requirements consistent with section 3168 after consideration of the recommendations contained in the district plan and the need to reflect both unique local conditions and uniform national reporting standards.

"(d) Each plan shall further specify the rule changes, statutory amendments, and appropriations needed to effectuate further improvements in the administration of justice in the district which cannot be accomplished without such amendments or funds.

"§ 3168. Speedy trial reports.

"(a) Reports shall be filed for purposes defined in this section by—

"(1) each prosecutor and defense attorney who seeks in an individual case an extension of time, or to avoid a sanction for non-compliance, in respect to a time limit prescribed in this chapter or in a district plan,

"(2) each judge who grants or denies such a request in a case,

"(3) each planning group, district court, United States attorney, and Federal public defender in a district, on an annual basis at the end of each twelve calendar month period beginning two years after the date of enactment, and

"(4) the Administrative Office of the United States Courts, the United States Department of Justice, and the General Accounting Office, on an annual basis beginning six months after the first reporting date referred to in subsection (a)(3) of this section.

The reports referred to under (1) and (2) shall be filed with the clerk of each district court and may consist of the memorandums and briefs of parties, and the written or transcribed opinions of judges. The clerk shall make such reports available to each organization designated in subsection (a)(3).

"(3) A planning group or district court report referred to under subsection (a)(3) may be satisfied by a recommendation submitted for the same year under section 3165 or a plan submitted for the same year under section 3166 and shall be transmitted to the judicial council of the circuit and each organization designated in subsection (a)(4) of this section.

"(b) The contents of a report shall, to the extent applicable to a person or agency designated in subsections (a)(1), (2), and (3) of this section, include in individual cases or in cumulative profiles—

"(1) reasons for requesting or granting an extension of statutory limits, or for invoking or failing to invoke an applicable sanction,

"(2) the new timetable set, or requested to be set, for an extension, and the nature of the sanction, if any, invoked for non-compliance,

"(3) the effect on criminal justice administration of the prevailing time limits and sanctions, including effects on prosecution, defense, the judicial function, corrections, costs, transfers, appeals.

"(4) the identity of cases which, because of their special characteristics, deserve separate or different time limits as a matter of statutory classification, and

"(5) other information pertinent to the operation and implications of the district's plan.

"(c) Reports filed pursuant to subsection (a)(1) and (a)(2) of this section shall be made to the planning group. District reports filed under subsection (a)(3) of this section shall be received, compiled, and analyzed by the national agencies designated in subsection (a)(4) of this section for the purpose of distilling national summaries, and recommendations as to changes in rules, statutes, institutions, appropriations, reporting procedures, or other ingredients of the criminal process. All such reports shall be filed with the Judiciary and Appropriations Committee of the Senate and the House.

"(d) In the case of each indictment with respect to which there has been a thirty-day

extension under section 3161(b) of this chapter, the attorney for the Government shall, not later than five days after the filing of such indictment, report the fact of such extension together with the reasons for not being able to hold a session of a grand jury during the period before that extension, to the appropriate district court and the appropriate planning group.

"§ 3169. Planning appropriations.

"(a) There is hereby authorized to be appropriated to the Federal judiciary \$2,500,000 of which sum \$25,000 shall be allocated by the Administrative Office of the United States Courts to each Federal judicial district, and to the Superior Court of the District of Columbia, to carry out the initial phases of planning and implementation of speedy trial plans under this chapter. The funds shall remain available until expended.

"(b) No funds appropriated under this section may be expended in any district except by two-thirds vote of the planning group. Funds to the extent available may be expended for personnel, facilities, and any other purpose permitted by law.

"§ 3170. Definitions.

"As used in this chapter—

"(1) the term 'judge' or 'judicial officer' means, unless otherwise indicated, any United States magistrate, Federal district judge, or judge of the Superior Court of the District of Columbia, and

"(2) the term 'offense' means any criminal offense, other than a petty offense (as defined in section 1(3) of this title) or an offense triable by court martial, military commission, provost court, or other military tribunal, which is in violation of any Act of Congress and is triable by an court established by Act of Congress.

"§ 3171. Sixth amendments rights.

"No provision of this chapter shall be interpreted as a bar to a claim of denial of speedy trial as required by amendment VI of the Constitution.

"§ 3172. Judicial emergency.

"(a) In the event that any district court is unable to comply with the time limits set forth in section 3161(c) due to the status of its court calendars, the Chief Judge, where the existing resources are being efficiently utilized, may, after seeking the recommendations of the planning group, apply to the judicial council of the circuit for a suspension of such time limits. The judicial council of the circuit shall evaluate the capabilities of the district, the availability of visiting judges from within and without the circuit, and make any recommendations it deems appropriate to alleviate calendar congestion resulting from the lack of resources.

"(b) If the judicial council of the circuit shall find that no remedy for such congestion is reasonably available, such council may apply to the Judicial Conference of the United States for a suspension of time limits set forth in section 3161(c). The Judicial Conference, if it finds that such calendar congestion cannot be reasonably alleviated, may grant a suspension of the time limits in section 3161(c) for a period of time not to exceed one year for the trial of cases for which indictments are filed during such period. During such period of suspension, the time limits from arrest to indictment, set forth in section 3161(b), shall not be reduced, nor shall the sanctions set forth in section 3162 be suspended; but such time limits from indictment to trial shall not be increased to exceed one hundred and eighty days. The time limits for the trial cases of detained persons who are being detained solely because they are awaiting trial shall not be affected by the provisions of this section.

"(c) Any suspension of time limits granted by the Judicial Conference shall be reported to the Congress within ten days

of approval by the Director of the Administrative Office of the United States Courts, together with a copy of the application for such suspension, a written report setting forth detailed reasons for granting such approval and a proposal for increasing the resources of such district. In the event an additional period of suspension of time limits is necessary, the Director of the Administrative Office of the United States Court shall so indicate in his report to the Congress, which report shall contain such application for such additional period of suspension together with any other pertinent information. The Judicial Conference shall not grant a suspension to any district within six months following the expiration of a prior suspension without the consent of the Congress. Such consent may be requested by the Judicial Conference by reporting to the Congress the facts supporting the need for a suspension within such six month period. Should the Congress fail to act on any application for a suspension of time limits within six months, the Judicial Conference may grant such a suspension for an additional period not to exceed one year."

TITLE II—PRETRIAL SERVICES AGENCIES

Sec. 201. Chapter 207 of title 18, United States Code, is amended by striking out section 3152 and adding the following new sections:

"§ 3152. Establishment of pretrial services agencies.

"The Director of the Administrative Office of the United States Courts shall establish, on a demonstration basis, in each of ten representative judicial districts (other than the District of Columbia), a pretrial services agency authorized to maintain effective supervision and control over, and to provide supportive services to, defendants released under this chapter. The districts in which such agencies are to be established shall be designated by the Chief Justice of the United States after consultation with the Attorney General, on the basis of such considerations as the number of criminal cases prosecuted annually in the district, the percentage of defendants in the district presently detained prior to trial, the incidence of crime charged against persons released pending trial under this chapter, and the availability of community resources to implement the conditions of release which may be imposed under this chapter.

"§ 3153. Organization of pretrial services agencies.

"(a) The powers of five pretrial services agencies shall be vested in the Division of Probation of the Administrative Office of the United States Courts. Such Division shall establish general policy for such agencies.

"(b)(1) The powers of each of the remaining five pretrial services agencies shall be vested in a Board of Trustees which shall consist of seven members. The Board of Trustees shall establish general policy for the agency.

"(2) Members of the Board of Trustees shall be appointed by the chief judge of the United States district court for the district in which such agency is established as follows:

- "(A) one member, who shall be a United States district court judge;
- "(B) one member, who shall be the United States attorney;
- "(C) two members, who shall be members of the local bar active in the defense of criminal cases, and one of whom shall be a Federal public defender, if any;
- "(D) one member, who shall be the chief probation officer; and
- "(E) two members, who shall be representatives of community organizations.

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"(c) The term of office of a member of the Board of Trustees appointed pursuant to clauses (C) (other than a public defender) and (E) of subsection (b) (2) shall be three years. A vacancy in the Board shall be filled in the same manner as the original appointment. Any member appointed pursuant to clause (C) (other than a public defender) or (E) of subsection (b) (2) to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(d) (1) In each of the five demonstration districts in which pretrial service agencies are established pursuant to subsection (a) of this section, the pretrial service officer shall be a Federal probation officer of the district designated for this purpose by the Chief of the Division of Probation and shall be compensated at a rate not in excess of the rate prescribed for GS-15 by section 5332 of title 5, United States Code.

"(2) In each of the five remaining demonstration districts in which pretrial service agencies are established pursuant to subsection (b) (1) of this section, after reviewing the recommendations of the judges of the district court to be served by the agency, each such Board of Trustees shall appoint a chief pretrial service officer, who shall be compensated at a rate to be established by the chief judge of the court, but not in excess of the rate prescribed for GS-15 by section 5332 of title 5, United States Code.

"(3) The designated probation officer or the chief pretrial service officer, subject to the general policy established by the Division of Probation or the Board of Trustees, respectively, shall be responsible for the direction and supervision of the agency and may appoint and fix the compensation of such other personnel as may be necessary to staff such agency, and may appoint such experts and consultants as may be necessary, pursuant to section 3109 of title 5, United States Code. The compensation of such personnel so appointed shall be comparable to levels of compensation established under chapter 53 of title 5, United States Code.

"§ 3154. Functions and powers of pretrial services agencies.

"Each pretrial services agency shall perform such of the following functions as the district court to be served may specify:

"(1) Collect, verify, and report promptly to the judicial officer information pertaining to the pretrial release of each person charged with an offense, and recommend appropriate release conditions for each such person, but such information as may be contained in the agency's files or presented in its report or which shall be divulged during the course of any hearing shall be used only for the purpose of a bail determination and shall otherwise be confidential. In their respective districts, the Division of Probation or the Board of Trustees shall issue regulations establishing policy on the release of agency files. Such regulations shall create an exception to the confidentiality requirement so that such information shall be available to members of the agency's staff and to qualified persons for purposes of research related to the administration of criminal justice. Such regulations may create an exception to the confidentiality requirement so that access to agency files will be permitted by agencies under contract pursuant to paragraph (4) of this section; to probation officers for the purpose of compiling a presentence report and in certain limited cases to law enforcement agencies for law enforcement purposes. In no case shall such information be admissible on the issue of guilt in any judicial proceeding, and in their respective districts, the Division of Probation or the Board of Trustees may permit such information to be used on the issue of guilt for a crime com-

mitted in the course of obtaining pretrial release.

"(2) Review and modify the reports and recommendations specified in paragraph (1) for persons seeking release pursuant to section 3146(e) or section 3147.

"(3) Supervise persons released into its custody under this chapter.

"(4) With the cooperation of the Administrative Office of the United States Courts, operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including, but not limited to, residential halfway houses, addict and alcoholic treatment centers, and counseling services.

"(5) Inform the court of all apparent violations of pretrial release conditions or arrests of persons released to its custody or under its supervision and recommend appropriate modifications of release conditions.

"(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.

"(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

"(8) Prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by rule 46(g) of the Federal Rules of Criminal Procedure.

"(9) Perform such other functions as the court may, from time to time, assign.

"§ 3155. Report to Congress.

"(a) The Director of the Administrative Office of the United States Courts shall annually report to Congress on the accomplishments of the pretrial services agencies, with particular attention to (1) their effectiveness in reducing crime committed by persons released under this chapter; (2) their effectiveness in reducing the volume and cost of unnecessary pretrial detention; and (3) their effectiveness in improving the operation of this chapter. The Director shall include in his fourth annual report recommendations for any necessary modification of this chapter or expansion to other districts. Such report shall also compare the accomplishments of the pretrial services agencies operated by the Division of Probation with those operated by Boards of Trustees and with monetary bail or any other program generally used in State and Federal courts to guarantee presence at trial.

"(b) On or before the expiration of the forty-eighth-month period following the date of the enactment of the Speedy Trial Act of 1974, the Director of the Administrative Office of the United States Courts shall file a comprehensive report with the Congress concerning the administration and operation of the amendments made by the Speedy Trial Act of 1974, including his views and recommendations with respect thereto.

"§ 3156. Definitions.

"As used in sections 3146 through 3155 of this chapter—

"(1) the term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court for the District of Columbia, and

"(2) the term 'offense' means any criminal offense, other than an offense triable by court martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable by any court established by Act of Congress."

Sec. 302. The analysis of chapter 207 of

title 13, United States Code, is amended by striking out the last item and inserting in lieu thereof the following:

"3152. Establishment of Pretrial Services Agencies.

"3153. Organization of Pretrial Services Agencies.

"3154. Functions and Powers of Pretrial Services Agencies.

"3155. Report to Congress.

"3156. Definitions."

Sec. 303. For the purpose of carrying out the provisions of this title and the amendments made by this title there is hereby authorized to be appropriated for the fiscal year ending June 30, 1975, the sum of \$10,000,000, and for each fiscal year thereafter, such sum as Congress may appropriate.

Sec. 304. Section 604 of title 28, United States Code, is amended by striking out paragraphs (9) through (12) of subsection (a) and inserting in lieu thereof:

"(9) Establish pretrial services agencies pursuant to section 3152 of title 18, United States Code;

"(10) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, and supplies needed for the maintenance and operation of the courts, the Federal Judicial Center, the offices of the United States magistrates and commissioners, and the offices of pretrial services agencies;

"(11) Audit vouchers and accounts of the courts, the Federal Judicial Center, the pretrial services agencies, and their clerical and administrative personnel;

"(12) Provide accommodations for the courts, the Federal Judicial Center, the pretrial services agencies and their clerical and administrative personnel;

"(13) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference of the United States."

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan.

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, immediately before line 2, strike out the following:

"3165. Planning process.

"3166. District plans—generally.

"3167. District plans—contents.

"3168. Speedy trial reports.

"3169. Planning appropriations.

"3170. Definitions.

"3171. Sixth amendment rights.

"3172. Judicial emergency.

and insert in lieu thereof the following:

"3165. District plans—generally.

"3166. District plans—contents.

"3167. Reports to Congress.

"3168. Planning process.

"3169. Federal Judicial Center.

"3170. Speedy trial data.

"3171. Planning appropriations.

"3172. Definitions.

"3173. Sixth Amendment Rights.

"3174. Judicial Emergency.

Page 2, line 17, and page 3, lines 1 and 2, strike out the following: "days, but in no such case shall an individual awaiting indictment be detained in excess of 30 days from the date of arrest," and insert in lieu thereof the following: "days."

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Page 3, line 3, immediately before "The arraignment" insert the following:

"(c)

Page 3, line 10, strike out "a defendant shall be tried" and insert in lieu thereof "the trial of the defendant shall commence."

Page 4, line 20, strike out "(b)" and insert in lieu thereof "(a)".

Page 5, line 4, strike out "(c)" and insert in lieu thereof "(b)".

Page 5, line 5, strike out "indictment" and insert in lieu thereof "arraignment".

On page 5, line 10, strike out "indictment" and insert in lieu thereof "arraignment".

Page 6, line 5 and 6, strike out "under Rule 20 of" and insert in lieu thereof "relating to transfer from other districts under".

Page 9, line 9, strike out "such".

Page 9, line 11, immediately after "calendar" strike out the comma and insert "or" in lieu thereof.

Page 9, line 12, immediately after "preparation" strike out the comma.

Page 9, line 12, immediately following "witnesses" strike out the period and insert in lieu thereof the following: "on the part of the attorney for the Government."

Page 11, line 5, immediately after "dropped" insert the following: "Dismissal with prejudice shall only apply to those offenses which were known or reasonably should have been known at the time of dismissal."

Page 11, lines 7 and 8, strike out the following: "or arising from the same criminal episode".

Page 11, lines 17, and 18, strike out the following: "or arising from the same criminal episode".

Page 11, line 18, immediately before "Failure of the defendant" insert the following: "Dismissal with prejudice shall not apply to those offenses which were known or reasonably should have been known at the time of dismissal."

Page 13, line 6, strike out "Rule 42 of" and insert in lieu thereof "procedures established in".

Page 14, lines 21 and 22, strike out the following: "(and the Superior Court for the District of Columbia)".

Pages 16 through 29, strike out sections 3165 through 3172, and insert in lieu thereof the following:

§ 3165. District plans—generally

(a) Each district court shall conduct a continuing study of the administration of criminal justice in the district court and before United States magistrates of the district and shall prepare plans for the disposition of criminal cases in accordance with this Act. Each such plan shall be formulated after consultation with, and after considering the recommendations of, the Federal Judicial Center and the criminal justice advisory planning group established for that district pursuant to section 3168. The plans shall be prepared in accordance with the schedule set forth in subsection (e) of this section.

(b) The planning and implementation process shall seek to accelerate the disposition of criminal cases in the district consistent with the time standards of the Act and the objectives of effective law enforcement, fairness to accused persons, efficient judicial administration, and increased knowledge concerning the proper functioning of the criminal law. The process shall seek to avoid underenforcement, overenforcement and discriminatory enforcement of the law, prejudice to the prompt disposition of civil litigation, and undue pressure as well as undue delay in the trial of criminal cases.

(c) The plans prepared by each district court shall be submitted for approval to a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district court

whose plan is being reviewed or such other active judge of that court as the chief judge of that district court may designate. If approved by the reviewing panel, the plan shall be forwarded to the Administrative Office of the United States Court, which office shall report annually on the operation of such plans to the Judicial Conference of the United States.

(d) The district court may modify the plan at any time with the approval of the reviewing panel. It shall modify the plan when directed to do so by the reviewing panel or the Judicial Conference of the United States. Modifications shall be reported to the Administrative Office of the United States Courts.

(e) (1) Prior to the expiration of the twelve calendar month period following the date of the enactment of this Act, each United States district court shall prepare and submit a plan in accordance with subsections (a) through (d) above to govern the trial of other disposition of offenses within the jurisdiction of such court during the second and third twelve-calendar-month periods following the effective date of subsection 3161(b) and subsection 3161(c).

(2) Prior to the expiration of the thirty-six calendar month period following the date of enactment of this Act, each United States district court shall prepare and submit a plan in accordance with subsections (a) through (d) above to govern the trial or other disposition of offenses with the jurisdiction of such court during the fourth twelve-calendar-month period following the effective date of subsection 3161(b) and subsection 3161(c).

§ 3166. District plans—contents

(a) Each plan shall include a description of the time limits, procedural techniques, innovations, systems and other methods, including the development of reliable methods for gathering information and statistics, by which the trial or other disposition of criminal cases have been expedited or may be expedited in the districts, consistent with the time limits and other objectives of this Act.

(b) Each plan shall include information concerning the implementation of the time limits and other objectives of this Act, including:

"(1) the incidence of, and reasons for, request or allowance of extensions of time beyond statutory or district standards;

"(2) the incidence of, and reasons for, periods of delay under § 3161(h) of this title;

"(3) the incidence of, and reasons for, the invocation of sanctions for noncompliance with time standards, or the failure to invoke such sanctions, and the nature of the sanction, if any invoked for noncompliance;

"(4) the new timetable set, or requested to be set, for an extension;

"(5) the effect on criminal justice administration of the prevailing time limits and sanctions, including the effects on the prosecution, the defense, the courts, the correctional process, costs, transfers and appeals;

"(6) the incidence and length of, reasons for, and remedies for detention prior to trial, and information required by Rule 46(g) of the Federal Rules of Criminal Procedure; and

"(7) the identity of cases which, because of their special characteristics, deserve separate or different time limits as a matter of statutory classification.

(c) Each district plan required by section 3165 shall include information and statistics concerning the administration of criminal justice within the district, including, but not limited to:

"(1) the time span between arrest and indictment, indictment and trial, and conviction and sentencing;

"(2) the number of matters presented to the United States Attorney for prosecution, and the numbers of such matters prosecuted and not prosecuted;

"(3) the number of matters transferred to other districts or to States for prosecution;

"(4) the number of cases disposed of by trial and by plea;

"(5) the rates of nolle prosequi, dismissal, acquittal, conviction, diversion or other disposition; and

"(6) the extent of preadjudication detention and release, by numbers of defendants and days in custody or at liberty prior to disposition.

(d) Each plan shall further specify the rule changes, statutory amendments, and appropriations needed to effectuate further improvements in the administration of justice in the district which cannot be accomplished without such amendments or funds.

(e) Each plan shall include recommendations to the Administrative Office of the United States Courts for reporting forms, procedures, and time requirements. The Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States, shall prescribe such forms and procedures and time requirements consistent with section 3168 after consideration of the recommendations contained in the district plan and the need to reflect both unique local conditions and uniform national reporting standards.

§ 3167. Reports to Congress

(a) The Administrative Office of the United States Courts, with the approval of the Judicial Conference, shall submit periodic reports to Congress detailing the plans submitted pursuant to section 3165. The reports shall be submitted within three months following the final dates for the submission of plans under section 3165(e) of this title.

(b) Such reports shall include recommendations for legislative changes or additional appropriations to achieve the time limits and objectives of this Act. The report shall also contain pertinent information such as the state of the criminal docket at the time of the adoption of the plan; the extent of pretrial detention and release; and a description of the time limits, procedural techniques, innovations, systems, and other methods by which the trial or other disposition of criminal cases have been expedited or may be expedited in the districts.

§ 3168. Planning process

(a) Within sixty days of enactment of this Act, each United States district court shall convene a planning group consisting at minimum of the Chief Judge, a United States magistrate, if any designated by the Chief Judge, the United States Attorney, the Clerk of the district court, the Federal Public Defender, if any, a private attorney experienced in the defense of criminal cases in the district, the Chief United States Probation Officer for the district, and a person skilled in criminal justice research who shall act as reporter for the group. The group shall advise the district court with respect to the formulation of all district plans and shall submit its recommendations to the district court for each of the district plans required by section 3165. The group shall be responsible for the initial formulation of all district plans and of the reports required by the Act and in aid thereof, it shall be entitled to the planning funds specified in section 3169.

(b) The planning group shall address itself to the need for reforms in the criminal justice system, including but not limited to changes in the grand jury system, the finality of criminal judgments, habeas corpus and collateral attacks, pretrial diversion, pretrial detention, excessive reach of Federal criminal law, simplification and improvement of pretrial and sentencing procedures, and appellate delay.

(c) Members of the planning group with the exception of the reporter shall receive no additional compensation for their services, but shall be reimbursed for travel, subsist-

ence and other necessary expenses incurred by them in carrying out the duties of the advisory group in accordance with the provisions of title 5, United States Code, chapter 57. The reporter shall be compensated in accordance with section 3109 of title 5, United States Code, and notwithstanding other provisions of law he may be employed for any period of time during which his services are needed.

§ 3169. Federal judicial center

The Federal Judicial Center shall advise and consult with the criminal justice advisory planning groups and the district courts in connection with their duties under this Act.

§ 3170. Speedy trial data

(a) To facilitate the planning process and the implementation of the time limits and objectives of this Act, the Clerk of each district court shall assemble the information and compile the statistics required by section 3166(b) and (c) of this title. The Clerk of each district court shall assemble such information and compile such statistics on such forms and under such regulations as the Administrative Office of the United States Courts shall prescribe with the approval of the Judicial Conference and after consultation with the Attorney General.

(b) The Clerk of each district court is authorized to obtain the information required by section 3166(b) and (c) from all relevant sources including the United States Attorney, Federal Public Defender, private defense counsel appearing in criminal cases in the district, United States district court judges, and the chief Federal Probation Officer for the district. This subsection shall not be construed to require the release of any confidential or privileged information.

(c) The information and statistics compiled by the Clerk pursuant to this section shall be made available to the district court, the criminal justice advisory planning group, the circuit council, and the Administrative Office of the United States Courts.

§ 3171. Planning appropriations

(a) There is authorized to be appropriated for the fiscal year ending June 30, 1975, to the Federal judiciary the sum of \$2,500,000 of which sum up to \$25,000 shall be allocated by the Administrative Office of the United States Courts to each Federal judicial district, and to the Superior Court of the District of Columbia, to carry out the initial phases of planning and implementation of speedy trial plans under this chapter. The funds so appropriated shall remain available until expended.

(b) No funds appropriated under this section may be expended in any district except by two-thirds vote of the planning group. Funds to the extent available may be expended for personnel, facilities, and any other purpose permitted by law.

§ 3172. Definitions

"(a) As used in this chapter—

"(1) the terms 'judge' or 'judicial officer' means, unless otherwise indicated, any United States magistrate, Federal district judge, or judge of the Superior Court for the District of Columbia, and

"(2) the term 'offense' means any criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a petty offense as defined in section 1(3) of this title, or an offense triable by court-martial, military commission, provost court, or other military tribunal).

§ 3173. Sixth amendment rights

No provision of this title shall be interpreted as a bar to any claim of denial of speedy trial as required by amendment VI of the Constitution.

§ 3174. Judicial emergency

(a) In the event that any district court is unable to comply with the time limits set

forth in section 3161(c) due to the status of its court calendars, the Chief Judge, where the existing resources are being efficiently utilized, may, after seeking the recommendations of the planning group, apply to the judicial council of the circuit for a suspension of such time limits. The judicial council of the circuit shall evaluate the capabilities of the district, the availability of visiting judges from within and without the circuit, and make any recommendations it deems appropriate to alleviate calendar congestion resulting from the lack of resources.

(b) If the judicial council of the circuit shall find that no remedy for such congestion is reasonably available, such council may apply to the Judicial Conference of the United States for a suspension of time limits set forth in section 3161(c). The Judicial Conference, if it finds that such calendar congestion cannot be reasonably alleviated, may grant a suspension of the time limits in section 3161(c) for a period of time not to exceed one year for the trial of cases for which indictments are filed during such period. During such period of suspension, the time limits from arrest to indictment, set forth in section 3161(b), shall not be reduced, nor shall the sanctions set forth in section 3162 be suspended; but such time limits from indictment to trial shall not be increased to exceed one hundred and eighty days. The time limits for the trial of cases of detained persons who are being detained solely because they are awaiting trial shall not be affected by the provisions of this section.

(c) Any suspension of time limits granted by the Judicial Conference shall be reported to the Congress within ten days of approval by the Director of the Administrative Office of the United States Courts, together with a copy of the application for such suspension, a written report setting forth detailed reasons for granting such approval and a proposal for increasing the resources of such district. In the event an additional period of suspension of time limits is necessary, the Director of the Administrative Office of the United States Courts shall so indicate in his report to the Congress, which report shall contain such application for such additional period of suspension together with any other pertinent information.

The Judicial Conference shall not grant a suspension to any district within six months following the expiration of a prior suspension without the consent of the Congress. Such consent may be requested by the Judicial Conference by reporting to the Congress the facts supporting the need for a suspension within such six-month period. Should the Congress fail to act on any application for a suspension of time limits within six months, the Judicial Conference may grant such a suspension for an additional period not to exceed one year.

Page 29, immediately after line 8, insert the following:

Sec. 102. The tables of chapters for title 18 of the United States Code and for part II of title 18 of the United States Code are amended by inserting immediately after the item relating to chapter 207 the following new item:

208. Speedy trial..... 3161.

Page 29, line 11, strike out "adding" and insert in lieu thereof "inserting in lieu thereof".

Page 34, line 23, strike out "rule 46(g) of the Federal Rules of Criminal Procedure." and insert in lieu thereof "the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial."

Page 36, lines 11 and 12, strike out "and any judge of the Superior Court for the District of Columbia."

Page 36, strike out lines 13 through 17 and insert in lieu thereof the following:

(2) the term "offense" means any crim-

inal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress (other than a petty offense as defined in section 1(3) of this title, or an offense triable by court-martial, military commission, provost court, or other military tribunal).

Page 37, beginning with "and for each" on line 2, strike out all down through line 3, and insert in lieu thereof a period.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments may be considered en bloc, considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TECHNICAL AMENDMENTS TO THE COMMITTEE AMENDMENTS OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I offer a series of technical and conforming amendments to the committee amendments, and I ask unanimous consent that they may be considered en bloc, considered as read, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The technical amendments to the committee amendments are as follows:

Technical amendments to the committee amendments offered by Mr. COHEN: Page 29, line 14; page 31, lines 21 and 24; page 34, line 14; page 36, lines 9 and 12; strike out "Act" each time it appears and insert "chapter" in lieu thereof.

Page 29, line 23; and page 35, line 12, strike out "the Act" each time it appears and insert "this chapter" in lieu thereof.

Page 31, line 25, strike out "request" and insert "requests" in lieu thereof, and on page 32, line 1, strike out "allowance" and insert "allowances" in lieu thereof.

Page 37, line 12, strike out "of which sum up to \$25,000 shall" and insert "to" in lieu thereof.

Page 37, line 14, strike out "each Federal judicial district" and insert "Federal judicial districts" in lieu thereof.

Page 38, line 12, strike out "title" and insert "chapter" in lieu thereof.

Page 39, line 15, strike out "indictment" and insert "arraignment" in lieu thereof.

Page 34, line 1, strike out "3168" and insert "3170" in lieu thereof.

Page 35, line 13, strike out "3169" and insert "3171" in lieu thereof.

Page 37, line 8, strike out "criminal justice advisory".

Page 36, line 8, strike out "criminal justice advisory".

Page 29, line 17, strike out "criminal justice advisory".

Page 32, beginning on line 17 and ending on line 18, strike out "rule 46(g) of the Federal Rules of Criminal Procedure" and insert "the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial" in lieu thereof.

Page 37, beginning on line 14 and ending on line 15, strike out "and to the Superior Court of the District of Columbia."

Page 38, line 5, insert "Federal" immediately before "criminal offense".

Page 38, beginning on line 3 and ending on line 4, strike out "or judge of the Superior Court for the District of Columbia."

Page 48, line 9, insert "Federal" immediately before "criminal offense".

Page 31, strike out lines 18 through 20 and insert in lieu thereof the following: "gathering and monitoring information and statistics, by which the district court, the

United States attorney, the Federal public defender, if any, and private attorneys experienced in the defense of criminal cases, have expedited or intend to expedite the trial or other disposition of criminal cases, consistent with the time limits."

Page 31, immediately after line 13, insert the following new subsection:

"(f) Plans adopted pursuant to this section shall, upon adoption, and recommendations of the district planning group shall, upon completion, become public documents."

Page 31, beginning on line 11 and ending on line 12, strike out "twelve-calendar month period" and insert in lieu thereof "and subsequent twelve-calendar month periods".

Page 32, line 21, strike out the period immediately after "classifications" and insert "and" in lieu thereof.

Page 32, immediately after line 21, insert the following new paragraph:

"(8) The incidence of, and reasons for each thirty-day extension under section 3161(b) with respect to an indictment in that district.

Page 32, line 18, strike out "and".

Page 9, line 15, reinstate the comma immediately after "calendar".

Mr. COHEN. Mr. Chairman, by way of a brief explanation, these amendments deal with technical references. In certain instances we referred to the singular case where it should be plural and we referred to "Act" where it should be "chapter", and we have made these changes upon the advice of legislative counsel. We have also added commas in various places.

There is very little in the way of any substantive change, a substantive change, for example, might be found on page 37, line 12, which strikes the language "of which sum up to \$25,000 shall" and inserts "to" in lieu thereof.

This, very simply, is to allow the Judicial Conference to allot dollars according to the needs of the district; \$25,000 might be needed in the District of New York but not in the District of Maine.

Basically these amendments are technical in nature, and they are conforming amendments.

The CHAIRMAN. The question is on the technical amendments offered by the gentleman from Maine (Mr. COHEN) to the committee amendments.

The technical amendments to the committee amendments were agreed to.

AMENDMENTS TO THE COMMITTEE AMENDMENTS OFFERED BY MR. THORNTON

Mr. THORNTON. Mr. Chairman, I offer a series of amendments to the committee amendments, and I ask unanimous consent that the amendments be considered en bloc, considered as read, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The amendments to the committee amendments are as follows:

Amendments offered by Mr. THORNTON to the committee amendments: Page 30, line 24, strike out "the date of the enactment of this Act" and insert "July 1, 1975" in lieu thereof.

Page 31, line 7, strike out "the date of the enactment of this Act" and insert "July 1, 1975" in lieu thereof.

Page 34, line 23, strike out "of enactment of this Act" and insert in lieu thereof the following: "after July 1, 1975".

Mr. THORNTON. Mr. Chairman, should these amendments to the committee amendments be adopted, it will also be necessary to adopt a series of conforming amendments to the bill as reported. The purpose of all of these proposed amendments is to substitute the effective date of July 1, 1975 for the date of the enactment of the act.

This change is proposed in order to tie the effective date of the act to the necessary appropriations to implement the act.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. THORNTON. I yield to the chairman of the subcommittee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

I just want to make it clear that this is an amendment, is it not, that would have the effect of delaying the effective date of the entire bill until July 1, 1975, rather than providing for immediate enactment?

Mr. THORNTON. Mr. Chairman, that is my understanding.

Mr. CONYERS. Mr. Chairman, I understand there is no opposition from the committee on these amendments. I am very pleased to support the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arkansas (Mr. THORNTON) to the committee amendments.

The amendments to the committee amendments were agreed to.

The CHAIRMAN. The question is on the committee amendments, as amended.

The committee amendments, as amended, were agreed to.

TECHNICAL AMENDMENTS OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I offer several technical, conforming, and perfecting amendments, and I ask unanimous consent that they may be considered en bloc, considered as read, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The amendments are as follows:

Technical amendments offered by Mr. COHEN: Page 43, line 9, strike out "GS-15" and insert "GS-16" in lieu thereof.

Page 45, line 20, insert "and with the approval of the Attorney General" immediately after "Courts".

Page 47, strike out line 21 and insert in lieu thereof the following:

"(a) As used in sections 3146-3150 of this chapter—

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court of the District of Columbia; and

"(2) The term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable in any court established by Act of Congress.

"(b) As used in sections 3152-3155 of this chapter—

Page 48, line 15, strike out "Sec. 302." and insert "Sec. 202." in lieu thereof.

Page 48, line 18, strike out "Sec. 303." and insert "Sec. 203." in lieu thereof.

Page 49, line 3, strike out "Sec. 304." and insert "Sec. 204." in lieu thereof.

Page 6, line 23, strike out "absence of" and insert "absence or" in lieu thereof.

Mr. GROSS. Mr. Chairman, reserving the right to object, I should like to ask someone knowledgeable with respect to this bill whether there are any penalties upon judges with respect to failure to timely proceed with a case. There are penalties upon attorneys to be found on page 12, for failure to proceed with the prosecution of the case.

What about the judges?

Mr. COHEN. If the gentleman will yield, I thank the gentleman for his question.

I would point out that part of this bill, as far as the planning process is concerned, is that there is the system of submitting reports to the Judicial Conference. They come also to this Congress. Periodic reports have to be filed by the court as to why a case was dismissed, with or without prejudice, for example, why it was granted a continuance and why there has been a failure, if there has been a failure, to meet the standards set up by this act. This has been set up to occur periodically under this bill. Therefore, we will be in a position to learn what judges are, in fact, carrying out their responsibilities.

Mr. GROSS. What action will be taken then if there are no specific penalties for judges who for one reason or another engage in foot-dragging?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman from Michigan.

Mr. CONYERS. In addition to my colleague's response, I might point out that there are no penalties levied against the judge in this legislation. We do not attempt to penalize the judge in the same manner because, it seems to me, the most severe sanction a judge could suffer would be the embarrassment involved in dismissing a case for not doing his job.

Rather, what we are trying to do in this legislation is, in this instance, to learn what the nature of the problems are which are in fact causing the delays in the criminal cases coming to trial. Therefore, there are no penalties against the judge.

Mr. GROSS. Does the gentleman not think that there should be penalties upon the courts for failure to proceed timely with a case, if that is the purpose of this legislation?

Mr. CONYERS. If the gentleman will yield, at this point no one has contemplated penalizing the court itself because we have not yet had the opportunity to assess the operation of the Speedy Trial Act. We are going to have 4 years in which to find out, perhaps for the first time in American jurisprudence, what the real problems are, and we did not visualize penalties running to the court itself as being appropriate in the enactment of this legislation, without first knowing how culpable the courts are in causing unreasonable delay.

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Mr. GROSS. Is it not true that in season at least some courtrooms of the country are dark in the afternoons, with the judges playing golf?

Mr. CONYERS. If the gentleman will yield further, the Judicial Conference, which is the statutory governing body of the Federal judiciary, would be the appropriate body to mete out any penalty against an individual court.

We did not feel, conceding the gentleman's observation in some few instances, that it would be appropriate for us to attempt to write legislation that would try to understand these problems and then at the same time levy some penalties on the court itself, without such understanding.

We felt that it would not be appropriate to start off on that basis.

Mr. GROSS. I do not care to prolong this discussion under a reservation of objection, but it seems to me that this has been going on a long time.

I have never been able to reconcile the 2- or 3-month vacation the Supreme Court takes each year, resulting delays, but giving the Justices an opportunity to junket abroad and carry on various other activities.

It seems to me that any legislation dealing with this subject of speedy disposition and disposal of justice ought to include, in some manner, a responsibility upon the courts themselves, the judges and the courts, and there is nothing like that in this bill.

We are perfectly willing, it appears, to put penalties upon attorneys, but not upon the courts.

Mr. CONYERS. If the gentleman will yield again, I might point out that there is one ultimate remedy, and that is, of course, impeachment of the judge himself.

Mr. GROSS. Do what to the judge? Mr. CONYERS. One can impeach. The judge himself can be impeached if his negligence is gross and continuing.

Mr. GROSS. How many times in the history of American jurisprudence have judges been impeached for spending too much time on the golf course or engaging in various other activities unrelated to the courts?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, I cannot answer that question. I do not think that there are too many cases along that line.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, I would like to ask a question of the handlers of the bill.

This seems like an unusual number of technical corrections and amendments to the committee amendments, and so forth. Is there the presence of too much haste in trying to put this legislation together, and possibly speeding up what we are trying to do? I certainly am in favor of speedy trials, but if we are going to speed up to the point that we are turning criminals loose and will not charge each individual with responsibilities where they lie, then it is a matter of concern to me.

Is this an inordinate number of technical changes and corrections that need to be made?

Mr. GROSS. Mr. Chairman, I will yield to the gentleman from Maine, and then I must withdraw my reservation of objection.

Mr. COHEN. Mr. Chairman, I do not consider it an inordinate amount of technical changes. Some of them are simply a comma that is misplaced, changing a singular to a plural, or a reference to a chapter. This is a matter that has been under consideration for 4 years in the Senate, and most of this year by the Committee on the Judiciary. There are minor changes, for example, there is one I was about to explain to the Chair of changing a GS-15, on page 43, line 9, to a GS-16. There are simply changes of a minor nature, as pointed out by the legislative counsel.

Mr. BAKER. I thank the gentleman. Mr. GROSS. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maine (Mr. COHEN).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. THORNTON

Mr. THORNTON. Mr. Chairman, I have a series of amendments, and I ask unanimous consent that they may be considered en bloc. They relate to the changing of the date from the date of passage to July 1, 1975.

These amendments have previously been discussed.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. THORNTON: Page 13, beginning on line 23, and ending on line 24, strike out "the date of the enactment of the Speedy Trial Act of 1974" and insert in lieu thereof "July 1, 1975".

Page 14, beginning on line 12 and ending on line 13, strike out "the date of the enactment of the Speedy Trial Act of 1974" and insert in lieu thereof "July 1, 1975".

Page 14, beginning on line 20 and ending on line 21, strike out "the date of the enactment of the Speedy Trial Act of 1974" and insert in lieu thereof "July 1, 1975".

Page 14, beginning on line 24 and ending on line 25, strike out "the date of the enactment of the Speedy Trial Act of 1974" and insert in lieu thereof "July 1, 1975".

Page 47, beginning on line 13 and ending on line 14, strike out "the date of the enactment of the Speedy Trial Act of 1974" and insert "July 1, 1975" in lieu thereof.

Page 48, line 21, immediately after "1975," insert "to remain available until expended".

Mr. THORNTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. DENNIS. Mr. Chairman, reserving the right to object—and I have no objection to the request of the gentleman—but I have an amendment that I

referred to a moment ago, and I would like to know whether the effect of the gentleman's amendments, changing the pages and line references, will conflict with the amendments I am about to offer.

If they do, then I would like to offer mine first, but if they do not then I would have no objection to his proceeding.

Mr. THORNTON. Mr. Chairman, if the gentleman will yield, they would not have that effect.

Mr. DENNIS. In that event, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arkansas (Mr. THORNTON).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer a series of amendments and ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. DENNIS: Page 2, line 12, strike out "thirty" and insert in lieu thereof "sixty".

Page 3, line 2, strike out "thirty-day" and insert in lieu thereof "sixty-day".

Page 3, line 3, strike out "thirty" and insert in lieu thereof "ninety".

Page 3, line 15, strike out "sixty" and insert in lieu thereof "ninety".

Page 5, line 1, strike out "sixty" and insert in lieu thereof "one hundred twenty".

Page 5, line 3, strike out "forty-five" and insert in lieu thereof "ninety".

Page 5, line 4, strike out "thirty-five" and insert in lieu thereof "ninety".

Page 5, line 12, strike out "twenty" and insert in lieu thereof "fifty".

Page 5, line 15, strike out "eighty" and insert in lieu thereof "one hundred twenty".

Mr. DENNIS. Mr. Chairman, these are simple amendments in one way. They do not go to the thrust of the bill. I should like to make of record the fact that I am in favor of the basic purpose of the bill to have reasonably speedy trials, but the amendments are important, I think, because I believe they are realistic amendments which consider life as it is in the courts and which will make for justice.

Speedy trials are only a part of justice. A drumhead courtmartial is a speedy trial, but it is not justice. We have got to have time to get ready for a trial—not to delay it but to get ready, to prepare to defend it, and if we do not, we do not have any justice.

The thing that worries me about this bill is that in an effort to move things along and grant sixth amendment rights, we are going to forget a few other rights if we are not careful, such as due process of law and things of that kind.

All these particular amendments do is this: Under the bill at the end of the 5-year phase-in period. It cannot be longer between arrest and indictment than 30 days; this is at the end of the 5-year period. Under my bill it could be 60 days.

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The 10 days between indictment and arraignment are not changed, but under the bill there cannot be more than 60 days between the arraignment, when the man pleads, and the trial. Under my bill there can be 90 days.

The net total effect is that while under the bill we can only have, except in exceptional circumstances and at least in theory, 100 days elapse between arrest and trial, and under my bill we could have 160. Anybody who knows anything about how courts really operate and how trials really work ought to know that to really get a case of any magnitude tried within 160 days, if we could pass a bill here that would assure that, we would really be doing something.

So all I am suggesting is that we shoot at a little bit more realistic goal.

I know there are exceptions in the bill, and sometimes we can get continuances, and so forth, but this is the floor from where we start. I am saying the floor is too high.

While we do not count in the time delay that the defendant causes under this bill, it says under this bill that if a defense counsel makes a motion for extra time, for what we call a continuance, and it is granted. We do not count the time caused by that, but such a motion cannot be granted unless the court makes a finding in writing that it is in the interests of justice that it be granted. It is going to be very hard to persuade some judges to do that. Besides, the additional judges and prosecutors that we are going to need under this bill, which is all right, in my opinion, we are going to need a lot more defense counsel I am afraid, because a busy man has got cases maybe in 10 courts, and he is trying to take care of these people.

Remember, they cannot try their own cases. We do not get any justice unless a man has got a lawyer in there fighting for him.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DENNIS was allowed to proceed for 1 additional minute.)

Mr. DENNIS. It is not going to be realistically possible for that lawyer to get around and take proper and necessary care of his business. All I am saying is, let us do something which is just. Do not have a great "throw them in jail" bill, rather than a "turn them loose" bill, as somebody said last night. We have got an amendment to take care of that, but let us not have a bill which is going to deny people due process of law simply because they are being rushed into trial too fast and their lawyers cannot get around to taking care of their cases.

I know the gentleman from Michigan is the last man who wants to do that. But I am just afraid that that is what we are going to do, and I am saying, let us adopt these amendments and make this bill a little bit more realistic. We have got to live with this thing.

This is not academic. I am going to have to live with it a little sooner than some of the rest of the Members are because I am going to have to go out and make a living next month, but it will

come up with all of those who are practicing law, and I am suggesting we be a little more realistic and adopt a realistic justice-making amendment.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, I should like to start off with a question to the author of this amendment, if I may have the attention of the gentleman from Indiana. Is it not true that his proposal of 160 days would become operative, like the provisions in our law, at the beginning of the 5th year?

Mr. DENNIS. Mr. Chairman, if the gentleman will yield, the gentleman is quite right. What I have done is take his schedule and make the necessary changes throughout the schedule. There are some intermediate changes also in my amendment. The final result is that where he ends up with 100 days from arrest to trial at the end of 5 years, I wind up with 160 days at that time.

Mr. CONYERS. So what we are doing essentially, then, is granting 60 more days that would become operative at the beginning of the 5th year.

I would like to make the point with my colleague, who has given some great attention to this matter, that during the 4-year phase-in period before we reach the 5th year, we would make ample time available during the planning process that would be going on to ascertain the validity of the gentleman's contention as embodied in this amendment.

What I am saying is that, in all of the testimony before our committee from judges and from defense counsel alike, none objected to the time limits as being unreasonable. As a matter of fact, the chairman of the Administration of Criminal Law Committee of the Judicial Conference, Judge Alfonso J. Zirpoli, made a statement that I think is extremely pertinent to this question.

On page 14 in our report, the committee noted that he points out that he feels the courts would be able to meet the eventual time limits of the bill, perhaps without additional resources, given the fact that there is no unforeseen increase in criminal case filings. I might add that such filings were down this year for the first time in 10.

Now, my final point, that I think is controlling here, is that the median time in the courts for disposition of criminal cases is 5.5 months and, under the gentleman's time period here of 160 days, we would still be over 5 months, 5 years from now.

What I am trying to suggest is that with that median, that means half the courts are now moving faster than that, so that we would have many courts who are now already making those time limits that the gentleman would extend, and it would ultimately defeat the purpose of the legislation. That is the basic reason I must oppose this amendment.

Mr. DENNIS. If my friend will yield further, there is nothing in my amendment any more than in his bill to keep any court from moving as fast as it reasonably can do. What we are doing here is saying they must move within a certain period of time or the case will be

dismissed, and it is all as a judgmental matter as to what those limits should be.

I am merely suggesting before we bring about such a drastic result, even though the dismissal may be under prejudice under an amendment I think to be offered yet, we get, it seems to me, a more realistic time frame. If we have some judge who can do it in 2 days and be fair, all right.

Mr. CONYERS. I would like to ask, does the gentleman know about section 3172 which gives the Judicial Conference, in addition to the district judge, additional reasons and the authority to suspend the future arraignment-to-trial time period for entire districts on a district-by-district basis?

For the benefit of all of our colleagues, it is not fair or accurate to say that, at the end of either my time limit or that of the gentleman, the judge is absolutely bound to dismiss the charge without taking account of unavoidable delays. I oppose the amendment for those reasons I have stated.

Mr. COHEN. Mr. Chairman, I rise to oppose this amendment because, as the gentleman from Indiana (Mr. DENNIS) has stated, he would like to have this legislation reflect life as it is in the courts. Well, that is exactly the point we are trying to make. We want this legislation to make life as it should be in our courts and not simply affirm existing practice.

The gentleman from Indiana wants 60 more days in order to prepare for trial. Realistically speaking, that 60 days will add to the time inevitably to be added because of pretrial motions, pretrial discovery, so it is 60 days on top of those days, which is extending it 120 days, rather than 60. We are trying to put some discipline into our system. When an attorney comes before the court and says that he has a legitimate case, another case or two that are up for trial and that in justice his client deserves to be represented and he asks for a continuance, I cannot conceive in a case like that a court would say that a defendant is being adequately represented and deny the motion.

What we are trying to do is eliminate that situation in which counsel engages in dilatory tactics. I can say from my own experience that defense counsel will delay and delay, knowing the prosecutors have 80 or 90 cases to try, and the only way to combat that is to tell defense counsel to either plead them, or try them, but no more stalling.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Indiana.

Mr. DENNIS. One of the problems with this bill is that we are trying to guess off ahead of time by legislative fiat something which, in my opinion, probably ought to be left to the courts and defense counsel and the prosecuting attorneys. They should be somewhat flexible. We cannot foresee all the situations that arise in cases and we cannot lay down rules like we were Jove on the mountaintop ahead of time. If we are going to do it, at least let us be a little

liberal in the rules we are laying down, otherwise we will be lack amending this thing every 2 years.

Mr. COHEN. Mr. Chairman, I agree with the gentleman that we should be flexible. I refer again to the language on page 8 of the bill:

Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

So I think there is adequate flexibility here. I hope, therefore, the amendment would be defeated.

Mr. PEPPER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members of the Committee, this bill is intended to curb crime in this country. All the evidence indicates that a great deal of the crime committed in the Nation is committed by people who are out on bail. In many of the jurisdictions of the country a man arrested for a crime does not come to trial until almost a year. In some areas, it is more than a year. The record shows that such persons ordinarily commit several crimes during the time they are free on bail.

Now, the provisions of the Constitution and the laws of the land entitle people in most cases where crime has been committed to the right of bail, so that means that all over this country there are thousands of people who have been indicted or informed against for the commission of serious crimes who are out perpetrating more crime before they are ever brought to trial. Now, the average time in Federal courts is about 5 months. This bill is intended to reduce that time.

I regret that the able gentleman from Indiana would extend the time to 150 days, instead of 100 days. What I would like the legislative history of this debate to show is the strong desire, the strong admonition of the Congress to the courts and the prosecuting officials really to go to work with determination that the public right to a speedy trial for the charged criminal and the right of the defendant himself to a speedy trial, whether he wants it or not, shall be exercised; and that crime will be curbed by at least a relative certainty that a person charged with crime is going to be at least promptly tried and possibly convicted.

I had thought I would offer another amendment which would give the judicial council or the courts of appeal authority to speed up the application of the effective date of this bill, if enacted. This law does not go into effect for 5 years to require trial within 100 days of arrest.

That time was intended to give the Congress time to provide the necessary

additional judges, if they are required, the necessary facilities and prosecuting officials, but I tell the Members—and I agree with the gentleman from Iowa in what he has said—a lot of the judges could speed up the trial of cases more than they are doing if they worked harder to do it.

A Federal judge in my State was here the other day. We had a meeting, and he told me he invariably tried criminal cases in his court—one of the busiest districts in the United States—in 30 days of the time of charge of the defendant.

I would like this record to indicate the determination and the strong admonition of this Congress to the judiciary and prosecuting officials to get busy and try their criminal cases and if they absolutely cannot do it, to come back to the Congress and make their request to us, and then it will be our responsibility whether we respond favorably to those requests or not.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I am sure the distinguished gentleman from Florida did not mean to give the impression that this bill has no effect for 5 years, because while it is perfectly true that the final schedule comes into effect at the end of 5 years, it begins to phase in during the second year when it comes down to 180 days, and in the third year it comes down to 120 days, and we do not get down to 60 days until the end of 5 years.

The gentleman does not mean to suggest that the bill does not have any effect for 5 years.

Mr. PEPPER. Mr. Chairman, I will admit it does have some effect, but it does not become totally effective for 5 years—that is to require trial within 100 days of the charge of the defendant and to require any sanctions.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I would like to associate myself with the gentleman's remarks and point out that, while it may be phased in, there are no sanctions involved during the 5 years.

Mr. PEPPER. Now we have put in this bill an amendment, perhaps salutary, that the judge shall have discretion as to whether the case will be dismissed with prejudice or without prejudice if it is not tried during the required time. It would seem to me that the judicial council and the courts of appeals should exercise supervision over trial courts to see to it that criminal cases are promptly tried. I am advised that under section 332, title 28, U.S. Code, the judicial council composed of the chief judge and the circuit judges of the circuit do have that power now.

Certainly the judicial councils or the courts of appeal ought to have jurisdiction to direct the district courts to speed up the disposition of criminal cases when they have ascertained it can reasonably be done. The Congress should constantly monitor the records of the trial courts and take the necessary steps

to see that prompt trial of criminal cases is afforded.

Mr. COHEN. Mr. Chairman, if the gentleman will yield further, I would simply point out that through this planning process, which I think is so vital to this legislation, periodic reports have to be filed with this Congress showing why it is not done.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 18; noes 30.

Mr. DENNIS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused. So the amendments were rejected.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the attention of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Maine (Mr. COHEN).

Under section 3161(h)(8) the time limits may be extended by continuing the case if the ends of justice would be served thereby.

Mr. CONYERS. That is correct. Mr. WIGGINS. Under this section, however, general court congestion may not be the basis for such continuance.

Assume a one-judge district court is engaged in a protracted, complex criminal trial; assume further that there are noncomplex criminal cases trailing the difficult one. Under those unusual circumstances, may the court continue the noncomplex cases in the interest of justice, under section 3161(h)(8), and that the single complex case would not be considered general court congestion so as to prohibit that action?

Mr. CONYERS. If I understand the gentleman's hypothetical, we are talking about all criminal matters, are we not? Mr. WIGGINS. Yes.

Mr. CONYERS. It would seem to me that whether or not the less complex matter would be suspended so that a more complex matter could move forward would depend upon whether an ends of justice continuance could be granted on the grounds that a miscarriage of justice might possibly result? Is that the thrust of the hypothetical question?

Mr. WIGGINS. I am trying to pose the problem of a district court which is involved in protracted litigation in a complex criminal case and trailing that case are several relatively routine cases. The question is: What is the court going to do with these trailing cases which must be brought to trial within a certain period of time?

My question is whether or not, under those unusual circumstances, the court might invoke the provision of 3161(h)(8) to continue the noncomplex cases in the interest of justice, if in fact justice would be served thereby, and would not be prohibited from doing so on the basis of general court congestion.

It is my contention there is no general court congestion under those circumstances but, rather, an unusual situation occasioned by a single protracted

trial. The congestion is not "general" in nature.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Maine.

Mr. COHEN. I thank the gentleman for yielding, and I would point out that if there is a complex case and a series of minor cases to be tried following it, if the court cannot secure the attendance and the help of additional judges or additional courtroom facilities or staff, I think the gentleman is right, he would be able to continue it under this section in the interest of justice, as long as we make clear this is an exceptional circumstance and not make a loophole to continue it under the escape provided here.

With exceptional cases, I think the gentleman is correct. In the interest of justice it would not be a matter of court congestion, but an exceptional, complex case which ought to be provided for under this section.

Mr. WIGGINS. That is my understanding, as well. Normally, such a problem is resolved by the assignment of additional personnel and judges, but it may not be possible to reassign judicial manpower in time to meet the time limitations of the bill. It is also possible to invoke the judicial emergency section, but that is a complicated procedure. It is my belief that the court has the authority to grant a continuance in the interest of justice under (b)(8) in order to obtain sufficient time to get personnel to handle the trailing cases.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. Yes, I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I would like to concur in the thrust of this colloquy.

However, it must be clear that no court will be permitted to grant an ends of justice continuance based upon the reasons cited by the gentleman from California (Mr. WIGGINS) unless it first attempts to reassign the less complex matter to another judge, or the judicial council of the circuit is asked and refuses to provide a visiting judge to try the case.

As the gentleman knows, the purpose of H.R. 17409 is to undertake a comprehensive planning process for the purpose of increasing the management capabilities of the courts to deal with these kinds of occurrences. The courts must be prepared in advance for such foreseeable conflicts caused by the trial of long and complicated cases. It is my view that a judge who knows that a complicated case has been assigned to him has adequate opportunity, months in advance of the trial date, to make arrangements for the disposition of other criminal matters on his docket.

Since the trial judge is required by the bill to enter in the record the reasons for granting an ends of justice continuance, the circumstances which cause him to do so must meet the test laid down by this provision to the letter. The consequences of not doing so would provide the basis for the reversal of a denial to dis-

miss a case on the grounds that the judge improperly excluded time for a continuance in computing whether the speedy trial time limits have been breached.

PARLIAMENTARY INQUIRY

Mr. DENNIS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DENNIS. Mr. Chairman, when I asked for a division on my amendment a short time ago, the Chair announced a vote of 30 to 18, for a total of 48.

I then asked for a recorded vote, and the Chair announced that 12 Members rose, which, I believe, would be more than one-fifth of the total of 48.

My question is whether it is not true that a sufficient number rose to require a recorded vote.

The CHAIRMAN. The Chair will advise the gentleman that the rule provides that one-fifth of a quorum is required to obtain a recorded vote, namely, 20 Members in Committee of the Whole. There were not 20 Members who rose. Therefore, no recorded vote was ordered.

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that, pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred and three Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

Mr. BELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Speedy Trial Act of 1974.

In recent years, the old adage to the effect that "justice delayed is justice denied" has become more than a cliché—it has become standard operating procedure in too many courts of this Nation.

H.R. 17409 is a reasonable, well-thought-out measure to alleviate this problem by requiring that defendants be tried within 100 days of their arrest.

But the bill gives the Nation 5 years leadtime to achieve this objective.

This orderly procedure for evolution toward the speedy trial goal can hardly be characterized as precipitate.

And even after the 5-year timetable is completed, there is an escape hatch for courts which are genuinely unable to meet the schedules contained in the bill.

Mr. Chairman, this legislation has been developed over a period of several years and has benefited from the contributions of the Justice Department, the American Bar Association, the Judicial Conference and many other experts in the field of criminal justice.

It will not only implement the constitutional right of defendants to a speedy trial; it will also protect society

from the rising rate of crimes perpetrated by individuals awaiting trial for other offenses.

The bill will also reduce the effect of delays on witness availability, thereby increasing the ability of prosecutors to obtain convictions.

This is a good bill, Mr. Chairman, and I urge my colleagues to support it.

AMENDMENTS OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. COHEN: Page 11, beginning with line 3, strike out everything down through page 12, line 5, and insert in lieu thereof the following: "§ 3162. Sanctions.

"(a)(1) If, in the case of any individual against whom a complaint is filed charging such individual with an offense, no indictment or information is filed within the time limit required by section 3161(b) as extended by section 3161(h) of this chapter, such charge against that individual contained in such complaint shall be dismissed or otherwise dropped. In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of justice.

"(2) If a defendant is not brought to trial within the time limit required by section 3161(c) as extended by section 3161(h), the information or indictment shall be dismissed on motion of the defendant. The defendant shall have the burden of proof of supporting such motion but the Government shall have the burden of going forward with the evidence in connection with any exclusion of time under subparagraph 3161(h)(3). In determining whether to dismiss the case with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case which led to the dismissal; and the impact of a reprosecution on the administration of justice. Failure of the defendant to move for dismissal prior to trial or entry of a plea of guilty or nolo contendere shall constitute a waiver of the right to dismissal under this section.

Page 3, beginning on line 22, and ending on line 23, strike out "for reasons other than those provided in section 3162(a)."

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendments be dispensed with, and that they be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. DENNIS. Mr. Chairman, reserving the right to object, I assume the gentleman from Maine will explain his amendment, or his amendments?

I did not realize the gentleman had two amendments.

Mr. COHEN. I will explain the amendments.

Mr. DENNIS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. COHEN. Mr. Chairman, this is the most controversial section of the bill. I should point out that the committee's bill differs with the Senate version in that this requires a dismissal with prejudice at the end of the 5-year phase-in period, if the 100-day limitation period were not met, which raised considerable opposition on the part of the Department of Justice notwithstanding the fact that the American Bar Association had recommended a dismissal with prejudice.

Judge Zirpoll, who testified before our committee, although he did not favor the particular measure, did support the dismissal with prejudice. U.S. District Judge Felkens from Michigan supported it. And as I look back through the report filed with the House, I would refer the attention of the Members to page 20, where Justice Rehnquist, then Assistant Attorney General, said the following:

Therefore, we are unwilling to categorically oppose the mandatory dismissal provision. For it may well be, Mr. Chairman, that the whole system of Federal justice needs to be shaken by the scruff of its neck, and brought up short with a relatively peremptory instruction to prosecutors, defense counsel and judges alike that criminal cases must be tried within a particular period of time. That is certainly the import of the mandatory dismissal provisions of your bill.

Notwithstanding the position of the American Bar Association, the judges I have mentioned, and even Justice Rehnquist's statement on this matter, in the interest of seeing that this measure be passed, approved, and signed into law, I offer an amendment which would allow the court in its discretion to dismiss a case with or without prejudice. In determining whether it be with or without prejudice, the court may consider the following factors: The seriousness of the offense charged, the facts and circumstances of the case which led to dismissal, and the impact of prosecution on the administration of this act, on the administration of justice. Therefore, the court in its discretion can allow a prosecution if the ends of justice would be served, and they clearly outweigh the interests of the defendant to a speedy trial.

I believe this eliminates, in substance, the objection by the Department of Justice.

I refer to a letter submitted by the gentleman from Illinois (Mr. ANDERSON) last evening, a letter from William Saxbe, Attorney General, dated December 13, 1974. I quote from page 2:

Adoption of this amendment—

Meaning a dismissal with or without prejudice—

would resolve the most significant difficulty in this legislation and would enable the Department to effectively administer the provisions of H.R. 17409.

So for those factors I urge this Congress to adopt the amendment. In addition to that, the second amendment, Mr. DENNIS, simply provides that wherever a case is dismissed, the time limit shall start over again upon prosecution.

Now that we allow prosecution under this amendment, if it is adopted, any dismissal would start the time period running from the very inception once again, so it is only technical in nature.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

May I commend my colleague, the gentleman from Maine, on his explanation of the rationale that led the Committee to accept these two amendments. It was with a certain degree of reluctance. We know that with the American Bar Association standards and many within the ranks of the judiciary have made clear that they could live with "dismissal with prejudice," as that vehicle provides we could exert the will of the Congress on the courts in attempting to mandate speedy trials. But, in the interest of time, because of the lateness of the calendar year in which this measure comes up, and because of the Committee on the Judiciary's other activities, it is felt that because the Senate is awaiting this legislation, it would be far more prudent for all of us, regardless of our feelings about this amendment, to accede to it in the interests of enacting speedy trial legislation. I completely concur with both of the amendments and urge the Members to support them.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

When we were talking before about the gentleman's amendment, I referred to the fact that certain matters were listed in his amendment that the court shall consider in determining whether to dismiss with or without prejudice. They shall consider these, among others.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. DENNIS, Mr. COHEN was allowed to proceed for 2 additional minutes.)

Mr. DENNIS. If the gentleman will yield further, the seriousness of the case, the facts and circumstances of the case which led to the dismissal, and the impact of the prosecution on the administration of justice—and it was suggested that there should be added in there the degree of prejudice to the defendant's ability to prepare his case.

Frankly, I will say to the gentleman I am of two minds whether to offer that as an amendment to the gentleman's amendment or not, but at least I would like to make some legislative history. Is it the gentleman's understanding—certainly it would be mine—whether the language "the degree of prejudice to the defendant's ability to prepare his case" is or is not written into the statute, that that would certainly be not only a proper but a very important factor which the court both could and should consider in determining whether the dismissal, if any, would be with or without prejudice.

Mr. COHEN. Let me say to my friend, and that is the reason I oppose the con-

cept of that additional particular factor as part of the mandatory language, is the very fear I expressed earlier, that it simply would conform future conduct to present conduct, and it would allow a perpetuation of the system we have now. I certainly do not think it is necessary. I would agree with the gentleman that the court in determining whether or not to dismiss should consider whether or not the ends of justice might be served and would take this into account.

Mr. DENNIS. If the gentleman will yield to me further, I am sure the gentleman will agree with me that is one of the main factors in making this very determination.

Mr. COHEN. The fact that we do not exclude it would certainly permit it on a permissible basis.

Mr. DENNIS. Does the gentleman agree with me that it is one of the main facts the court does now take into consideration and would he further agree there is no intention in this bill to exclude it from inclusion in the future?

Mr. COHEN. The reason for dismissing it would be on technical reasons rather than a time limitation, for instance, defective indictments. If it is done for that reason, prosecution is allowed under present practice.

The CHAIRMAN. The time of the gentleman from Maine has expired.

(On request of Mr. SMITH of New York and by unanimous consent, Mr. COHEN was allowed to proceed for 4 additional minutes.)

Mr. DENNIS. Mr. Chairman, I thank the gentleman from New York, and if the gentleman from Maine will yield further, I am not quite sure whether or not I got the answer I expected from my friend. What I am trying to get at is, I realize that in this bill we now have time limits and they require a dismissal, barring certain exceptions, with or without prejudice. Under this amendment the court has discretion and under this amendment certain factors are listed which the courts must consider. It does not list the degree of the prejudice to the defendant if they dismiss his case, which I would suggest is certainly an important factor, because if the defendant is not prejudiced there is certainly less reason for a dismissal without prejudice.

All I am asking the gentleman is, although it is not written into his amendment, is it still appropriate and proper and in the gentleman's opinion the thing the court should do to give consideration to that principle or are we passing a bill where we exclude that and indicate we do not want it any more?

Mr. COHEN. I think I indicated to the gentleman that what I am concerned about is by listing this as a separate and independent factor, that the Justice Department will come in and say there is no prejudice to the defendant in this case. I think implicit on the court is the necessity to determine whether or not the ends of justice are being served and the impact upon prosecution and he might well consider the prejudice to the defendant, if any, and he might take this into consideration. I think I am answering the gentleman's question.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, would that not logically accrue?

Mr. COHEN. The question the gentleman is raising is implicit. I think the answer is "Yes."

Mr. DENNIS. If I understand both the gentleman from Michigan and the gentleman from Maine, they are saying that among the circumstances of the case, which is the language in their amendment, the prejudice or lack of the prejudice to the defendant is one of those proposed circumstances to consider. Am I right?

Mr. COHEN. Yes.

Mr. DENNIS. Is that correct, I ask the gentleman from Maine?

Mr. COHEN. I believe that is essentially correct. What I am indicating is that we not consider it as a separate independent ground for the prosecution and open up to the Justice Department and the prosecutor to say we have not met the time limit and we did not take advantage of all the other time exemptions, but there is no prejudice to the defendant. I do not think that would be a sufficient basis in the consideration of the other factors to determine if justice would be done.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman.

With these two amendments, I rise in strong support for this bill. I want to commend both the chairmen, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Maine (Mr. COHEN) for bringing out this good bill.

I do want to speak one word of defense for Federal judges. The judges I have known have been hard-working men; some of them perhaps in other districts may not be, but I would say this, that if, indeed, the whole criminal justice system needs to be taken by the scruff of the neck and shaken up, this may be so; but it is also the duty of this Congress to provide the necessary judges, the necessary prosecutors and the necessary public defenders and the necessary courtroom facilities in order to make this speedy trial dream come true.

Mr. COHEN. Mr. Chairman, I thank the gentleman for his comments. That is exactly the purpose of the bill.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Michigan (Mr. CONYERS) a question along the lines which have been discussed with the gentleman from Maine.

I have an amendment here in my hand which could be offered, but if we can make up some legislative history which would do the same thing, I am willing to do it.

Now, the amendment of the gentleman from Maine lists among the things the court will consider the seriousness of the offense and the fact of the circumstances of the case which led to the dismissal.

Now, in the judgment of the gentleman from Michigan, who is the author of the bill, is the phrase, "the facts and

circumstances of the case which led to the dismissal" broad enough to include the degree of prejudice to the defendant's ability to prepare his case?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield—

Mr. DENNIS. I am happy to yield.

Mr. CONYERS. I append these remarks on to the perfectly articulated resolution to this problem made by the gentleman from Maine. The answer is that that could and can be a factor that would be considered.

Therefore, I would urge that the gentleman find that satisfactory and not move his amendment, as he may be contemplating. The facts and circumstances of the case could include the degree to which the defendant might have been prejudiced. This does not alter, I say to my friend, the gentleman from Indiana (Mr. DENNIS) the fact that the expiration of the time limits subject to these conditions are a condition in and of themselves for a dismissal.

The point of the gentleman from Indiana is includable for consideration within the second condition of the amendment of the gentleman from Maine (Mr. COHEN).

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maine (Mr. COHEN).

The amendments were agreed to.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to address my remarks to those among us who identify with the cause of law and order. If you do identify and are more concerned about the victims of crime than you are the criminals, then I especially ask for your attention. If you do not want criminals on the street to prey upon women and children, but rather want them behind bars where they belong, then I especially ask for your attention.

In other words, if you are not a deep breather, as was stated by the gentleman from Ohio on yesterday, please lend me your ears.

This bill is a genuine law and order bill. If you support law and order, then vote aye. If you do not and if you are satisfied with perpetuating the status quo, go ahead, vote no and you will be recorded and remembered for that vote.

Let me describe what the status quo is. The status quo is delay. That is the name of the game. Of course, defendants have a right to a speedy trial, but in my experience defendants are not the least bit interested in a speedy trial. Their interest is in no trial at all. We have all repeated the old saw about justice delayed being justice denied; but in my experience, my former clients often did not want any justice at all. Their interest was better served by delaying the proceedings in the hope that ultimately they would not be held to answer for their alleged crimes.

Of course, attorneys themselves are perpetuating and are instrumental in this delay.

The Members understand that it is not always possible to get one's full fee upon the first meeting with the client, but I assure the Members that the fee

had better be paid in toto before you go to trial, because collection thereafter is impossible or difficult, at best. Attorneys, accordingly, are interested in delay, at least until their fees are paid. I see attorneys among us nodding their heads, and they know it is true.

Courts, of course, go along with this procedure because they have problems of their own. They have crowded and congested calendars, and they will go along with this charade of a speedy trial in the hope that in some way or other cases will be disposed of, either by negotiated plea bargaining or the witnesses will simply disappear as a result of the passage of time, and the prosecutor will elect not to proceed with the case. In the view of most defendants, that is perfect justice—the avoidance of trial—and that is what they seek.

Now, ladies and gentlemen, if the Members are satisfied with the picture which I have presented, then go ahead and vote no on this bill, because the bill, if defeated, would perpetuate that sorry story. If, on the other hand, the Members really believe in law and order, as I do, then cast a law and order vote and support this bill.

I hope that this message comes through loud and clear. I mean it. This is a law and order bill, and it is deserving of the support of the Members as it has been amended.

Mr. WAGGONER. Mr. Chairman, I move to strike the requisite number of words.

Mr. WAGGONER. Mr. Chairman, I think it needs to be said, in view of the remarks made by the distinguished gentleman from California (Mr. WIGGINS) just a moment ago, that it does not make much difference whether or not we are for law and order; in the final analysis, it depends upon what the judges who sit on these benches are for.

It has been my experience, as I have observed their actions across the land in recent years, that a number of these soft-headed judges are not interested in meting out penalties commensurate with some of the crimes which have been committed in this country, so then we can have some doubts about whether or not this bill, if enacted as proposed, will provide for law and order and safe streets in this country again.

I have a number of problems with this proposal. First of all, I am a devout believer in our system of separation of powers, and I have some question, even though I know we establish the courts and do certain things to regulate them, as to whether or not what we are doing here should not more properly be handled as rules of procedure by the courts themselves.

I doubt that there is a Member of this House of Representatives, no matter what his philosophy might be, who would not take offense at an effort on the part of the courts to tell us, for example, "You are going to meet 5 days a week for a change and you are going to go in session at 8 o'clock in the morning and meet 52 weeks a year."

I think some of us would feel, if not all of us, that the court was infringing

upon our authority, and I think of course that would be the case.

Now, I think we have found out why we have not been getting speedy trials in this country if you have been listening to the debate here today. The debate here today has been among the Members of the legal profession who sit as members of the Committee on the Judiciary. It has been my experience that lawyers cannot agree on anything, and the disagreement among lawyers has provided for more delay than anything else. As a nonlawyer Member of this House of Representatives, if we are interested in speedy trials, if we are interested in deadlines, if we are interested in meeting out justice where justice is due and penalties commensurate with the crimes, I would like for somebody to tell me why this is only to apply to the trial courts.

The gentleman from Florida (Mr. PEPPER) made an eloquent appeal in opposition to the amendment proposed by the gentleman from Indiana (Mr. DENNIS) to extend the deadline time in the overall from 100 days to 160 days, saying that the aim of this legislation was to get people off the streets who were there under bail and committing other crimes.

These people out on bail, committing other crimes, in many instances, find something quite similar, wherein the due process is being exercised and there is an appeal to some decision handed down by some court somewhere. More often than not, appeals courts take 1 year, 2 years, 3 years, and longer to make a decision, and these people are still out on the streets.

I just wonder why, if we are going to go to this extent, imposing deadlines on trial courts, we do not impose deadlines on courts of appeals. Trial courts already have operating plans to expedite trials as required by rule 50(b) of the Federal Rules of Criminal Procedure. The courts of appeals are a bigger problem in this respect than are the trial courts.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONER. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding. May I point out the complexities involved in merely bringing about a speedy trial in the trial courts, sir, are of such a nature that we did not dare, within the same piece of legislation, to begin to inquire into the reasons for delay of the appeal process. But I would like to say to the gentleman that it is a proper legislative function. It is the responsibility of the Committee on the Judiciary, and it is a possible area of investigation. We wanted to start at the crux of the problem, I say to the gentleman, and the crux of the problem is the trial courts themselves.

Mr. WAGGONER. It just seems to me that it would be quite easy to impose deadlines on the courts of appeal, because the only thing they base an appeal decision on is the record passed up from the lower court. They hear no additional evidence, they take no testimony. They base their decision when the appeal is made only on the record from the lower court.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BRADENAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17409) to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes, pursuant to House Resolution 1494, had reported the bill back to the House, with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1494, the Committee on the Judiciary is discharged from the further consideration of the bill S. 754 to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONYERS moves to strike out all after the enacting clause of the bill S. 754, and to insert in lieu thereof the provisions of H.R. 17409, as passed, as follows:

[The engrossed amendment will appear hereafter in the RECORD.]

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "To assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes."

A motion to reconsider was laid on the table.

A similar house bill (H.R. 17409) was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 10710, TRADE ACT OF 1974

Mr. ULLMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House today.)

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the end of the road, I would say, on a very important, significant, monumental piece of legislation, one which affects not only the economy of the United States but of the whole world, the free world, the developing countries, and the Communist world.

This will hopefully set a pattern of trade relationships that will see the world through the next decade and, hopefully, encourage trade developments in all the nations of the world.

The conference report, Mr. Speaker, that we bring back to the House is essentially a victory for the House and the Congress. It follows the basic patterns of the bill that we passed in the House last year.

I hope not to take too much time this morning, but let me run very quickly through the different titles of the bill in order to refresh the memory of the Members as to what is contained in the bill.

Title I involves the trade agreement provision and provides the President with authority to negotiate trade agreements and other authorities needed by the President to carry out the responsibilities of the United States in the world economy. We have looked at this very carefully. We have confined and defined the limits very carefully in order to protect the economy of this Nation.

Title II involves import relief provisions. It involves also an adjacent assistance program for those industries and workers and communities which are adversely affected by trade with other nations.

The third title involves fair trade guarantees dealing particularly with countervailing duties and antidumping provisions.

Title IV deals with trade with Communist countries. This has been the subject of a great deal of discussion, and this has caused delay. An arrangement has been worked out that I believe meets the needs of this Nation at this time.

Title V contains preferences for developing countries. This involved some very basic considerations with respect to the OPEC countries and other countries which are dealing unfairly with U.S. citizens and U.S. interests. And so we were able to work out in our conference some provisions that we think very adequately meet that problem.

Let me then go back to title I, and the basic tariff authority, and specifically relate the limitations that we have placed upon the President in his authority to reduce rates.

What we have said in the conference agreement is that the President is authorized in negotiations to eliminate rates of duty 5 percent ad valorem or ad valorem equivalent and below, and in those brackets above that, to reduce the rates of duty by 60 percent.

Other parts of title I are of great significance. With respect to the new provisions on nontariff barrier authority, we have given the President the authority to negotiate nontariff barrier provisions which, of course, are very basic in world trade and are being used more and more by the nations of the world.

This authority is absolutely essential if we are going to establish a good flow of trade between the nations. However, here we have set very careful limitations on that authority by providing that they cannot be implemented except by full congressional action.

As agreed by the conferees, the President is directed to take all steps to harmonize as well as reduce or eliminate nontariff barriers. Authority is provided to negotiate nontariff barriers, including subsidies, agreements to prohibit or limit imposition of nontariff barriers where they do not now exist. The President is required to notify and consult with the Congress prior to submission of agreements to the Congress for approval. Finally, the provision requires a positive two-House approval procedure for all agreements and necessary implementing legislation prior to implementation.

We have renamed the Tariff Commission the U.S. International Trade Commission.

We have adopted some rather far-reaching reforms which we think in some respects might very well be a model for the independent agencies.

Generally, we have provided that the chairmanship and vice-chairmanship of the Commission are to rotate every 18 months rather than being an annual appointment by the President. We have said that there shall continue to be six Commissioners who shall serve only one 9-year term. The voting records of the Commissioners are to be published in the annual report of the Commission. The budget of the Commission will not be subject to review by the Office of Man-

agement and Budget but merely submitted through OMB to the Congress. In addition, the conferees agreed that the International Trade Commission should represent itself in judicial proceedings involving actions under its own statutory authority. We think that this will produce a truly independent agency, one that is immune from pressures from the President or anyone else.

With respect to import relief under title II, the most important agreement reached in conference is a provision which would require the President to provide import relief if it is recommended by the Tariff Commission after a finding of serious injury. However, the President could determine not to provide import relief if he determined that such action was not in the national economic interest. In addition, the President would have to inform the Congress of his decision and to tell the Congress what other action in addition to adjustment assistance he was taking to assist the injured industry and the disadvantaged workers. Such a determination not to provide relief would be subject to disapproval by the two Houses disapproving the President's determination and requiring the President to impose the recommendation of the International Trade Commission.

Turning a little more specifically to adjustment assistance programs, we tried to make them effective, and we think now we have a program that will indeed go to work to protect those workers and industries that have been adversely affected by trade.

Adjustment assistance for workers will equal 70 percent of workers' average weekly wage for the 52 weeks of entitlement. An additional 26 weeks is allowed workers to complete training and for workers over age 60.

We have provided for a community assistance program also, which we think will be helpful in those communities, particularly smaller communities, that are being hurt by industries that are failing because of trade with foreign nations.

Title III of this bill provides authority to deal with unfair trade practices. While maintaining the general thrust of the House bill, the conferees were able to agree on a number of Senate amendments and some compromises that represent important improvements in the bill. For example, retaliatory measures against unfair foreign practices are to be extended to include imposition of fees or restrictions on foreign services, as well as imposition of duties or other import restrictions on foreign goods. As was indicated in the report in the bill by the Committee on Ways and Means, another important addition is the explicit application of the discretionary retaliation authority on a selective basis to unjustifiable or unreasonable restrictions on access to supplies which burden or restrict U.S. commerce.

In our antidumping and countervailing duty provisions relating to free trade, we have significantly, I think, improved these processes through a speedup mechanism. We have very clearly laid out

the time limitations on the agency, so that preliminary determinations must be made in 6 or at most in 9 months, and final determinations are to be made within 3 months after publication of the affirmative determination.

The bill provides much improved opportunities to afford interested parties—now to include domestic producers or wholesalers, as well as foreign exporters and U.S. importers—the opportunity to file complaints, to be heard and to obtain judicial review of antidumping, countervailing duty and other unfair import practice determinations.

In the antidumping area, an important provision was agreed to by the conferees that directs the Secretary of the Treasury to impose dumping duties when a multinational corporation operating in several foreign countries supports low-priced exports to the United States through high-priced sales by other subsidiaries located in protected markets.

In recognition of the effects that countervailing duty cases can have on trade negotiations in the subsidies area, the conferees have agreed on a temporary provision to operate while negotiations are in process allowing the Secretary of the Treasury to suspend the imposition of countervailing duties for 4 years if he determines that adequate steps have been taken to reduce the impact of foreign measures and that negotiations have a good chance to succeed as long as countervailing duties are suspended. As indicated in the statement of managers on the part of the House, this criteria in no way expresses the intent of Congress that countervailing duty cases be subject to injury findings before such duties are imposed in dutiable imports.

This we think will take care of the problem that has been growing in recent years where these cases have been left without action month after month, and in many instances year after year.

Turning now to title IV, which of course has received a great deal of attention dealing with the nondiscriminatory tariff treatment to imports from Communist countries, here we have provided a basic new procedure, as we did in the House bill, for approving of this treatment under very carefully defined provisions.

The item in most controversy has been the so-called Vanik amendment, which we adopted overwhelmingly in the House and, after months of negotiations on the other side, and with the Secretary of State, the other body came up with a compromise agreement which the conference agreed to. The provision permits the President to waive the freedom of emigration provision in the House bill for 18 months subject to congressional renewal if the President is assured that the waiver for the particular country will substantially promote the freedom of emigration objectives and the President has received assurances that emigration practices of the country will lead substantially to this objective.

Nondiscriminatory treatment and U.S. Government credits and guarantees could be extended to particular Communist countries meeting the conditions

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in the waiver, subject to the other provisions of the title.

The conferees agreed to an additional provision not in the House bill which authorizes the President to withhold non-discriminatory treatment and credit and guarantees from countries which do not cooperate with the United States in locating and returning missing in action in Southeast Asia.

Most-favored-nations treatment will not be given to Czechoslovakia until the outstanding claims of U.S. citizens are renegotiated satisfactorily.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I am happy to yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding. I have been very hopeful that the Congress would see fit to extend to the President's authority to negotiate the most-favored-nations status for the Soviet Union and the Soviet Union bloc nations. As I understand the conference report, as it is now before us, there is no such authority for Czechoslovakia. That is the one nation excluded from the Warsaw Pact under the MFN provision; am I correct?

Mr. ULLMAN. The gentleman is correct that there are special conditions applying to Czechoslovakia.

Mr. FINDLEY. Mr. Speaker, this does seem strange indeed to me that the nation which was invaded by the Soviet Union not too long ago would be denied this authority, and that yet the Soviet Union would have it.

I understand the background of this, but I am wondering if the distinguished chairman, the gentleman from Oregon (Mr. ULLMAN) could give any assessment of how rapidly the Committee on Ways and Means and the Congress might react once the settlement of the claims involving Czechoslovakia does occur? Can we expect high priority consideration of such a measure to extend MFN treatment to Czechoslovakia as well as other nations?

Mr. ULLMAN. The problem of Czechoslovakia is a unique one because of the confiscation of so much property held by U.S. citizens after the war. It also is further complicated by the fact that the United States had captured significant blocks of gold being held then by the three nations, France, England, and the United States, but much of it now held under the control of the United States.

All we are saying here is that Czechoslovakia cannot receive this MFN treatment unless an agreement on the settlement of the claims of U.S. citizens on Czechoslovakia is part of the bilateral agreement which must be approved by Congress.

This is a limitation that we think is something that they can live with. All we are saying is that at the time the President comes back with an MFN agreement, he bring with it an agreement on the settlement of claims.

Mr. FINDLEY. So additional legislation would not be necessary; am I correct?

Mr. ULLMAN. No.

Mr. FINDLEY. The Committee on Ways and Means would be consulted as

to its judgment on the quality of that agreement?

Mr. ULLMAN. That is right. In other words, even prior to an MFN agreement, if there were a satisfactory settlement of claims, special legislation could go through the committee which approves the new settlement of claims and the Congress could concur. This action would enable the gold to be returned to Czechoslovakia.

Mr. FINDLEY. Let us assume the gentleman is chairman of the Committee on Ways and Means at that time. Would he expect to give this high priority consideration?

Mr. ULLMAN. Certainly. At any time that there is another settlement and agreement drawn, it would be my purpose, and we will have a trade subcommittee, to have the subcommittee go into it just as quickly as possible to make a determination and, if valid, to bring legislation to the floor.

Mr. FINDLEY. I thank the gentleman for that assurance, and I am sure Czechoslovakia will appreciate it.

I have one further question. I have had a longstanding interest in seeing that Romania is extended the opportunity for MFN status. Romania is one of the countries which is included in this bill?

Mr. ULLMAN. It certainly is, and a lot of us have been interested in seeing to it that Romania is accorded MFN status.

Mr. FINDLEY. I thank the gentleman. Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

In regard to the Vanik amendments, there was a very interesting letter sent from the Soviet Union to Secretary of State Kissinger which said that they do not have any intention whatever of fulfilling the emigration requirements that we have asked them to carry out.

Could the chairman explain to us what the procedure will be in this conference report in the face of this Soviet denial even before the conference report is passed?

Mr. ULLMAN. I think all of these months of negotiations that took place over in the other body on this point were certainly not without the full attention of the Soviet Union, but we think that their statement in no way would affect our action here. We are telling the Soviet Union that they can come in under conditions and get most-favored-nation treatment, and we are laying down the conditions in the compromise agreement. We are allowing for a waiver that is, of course, much short of the test provisions that we have passed in the House, but we think this is a satisfactory arrangement that the Soviet Union certainly could very easily comply with, regarding these requirements, and that it should not impose any undue burden on the Soviet Union and should not stand in the way of progress toward most-favored-nation treatment.

Mr. BAUMAN. If the gentleman will yield further, he has expressed the wish that I have, and that I think most Mem-

bers have, but my question is, will the President still be able to grant most-favored-nation treatment to the Soviet Union if they refuse to carry out the Vanik amendments.

Mr. ULLMAN. In the compromise agreement the President has the authority to waive the provisions subject to a finding of satisfactory progress being made. We think that this certainly will enable the President to go forward with negotiating with the Soviet Union for most-favored-nation treatment.

Mr. BAUMAN. If the gentleman will yield further, is the answer: "Yes; the President does have the power to waive the Vanik amendment requirements and grant MFN, even though the Soviets do not comply with the Vanik amendments."?

Mr. ULLMAN. What we are saying here is that there must be some determination that there are understandings in that regard being worked out, and that they are making satisfactory progress. Then and only then could he extend MFN.

In other words, if they totally refuse even to talk about it, then we think the President does not have the authority to waive, but if they are in the process of negotiation and are working out understandings then the President can make such a finding and he can waive it. Mr. BAUMAN. And then he is required to make that finding?

Mr. ULLMAN. That is right. Under those circumstances he can waive the Vanik amendment.

Mr. Speaker, in considering the agreement to the conference report and the amendments thereto, I find there is a discrepancy between the language of amendment No. 396 as adopted and the explanation in the managers' report with respect to the extension of U.S. Government credits or guarantees to Czechoslovakia. The language in the managers' report should be interpreted as meaning that no further Government credits could be extended to Czechoslovakia unless it complied with the provisions of section 402 on freedom of emigration which makes such credits subject to the congressional veto procedures under section 407.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, will there be some time available for the opposition?

Mr. ULLMAN. If the gentleman from Pennsylvania wants some time, I will be happy to yield to him such time as I have, hopefully 5 minutes during this debate, yes. I know the gentleman is in opposition and we want him to be heard.

Let me turn finally now to title V which has been the subject of a great deal of controversy. This has to do with preferential treatment for the developing nations. The reason that it has of course been under attack is because there are so many developing nations that have treated our nationals unfairly or that are imposing their undue price increases on us in petroleum or in other natural resources. So the conferees

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agreed not to give preferential treatment or to exclude members of OPEC or other cartel-type arrangements which exclude members of OPEC or other cartel-type arrangements which take actions to withhold supplies of vital commodity resources from international trade or raise prices of such resources to unreasonable levels. Countries expropriating U.S. property without providing for adequate compensation, countries failing to take adequate steps to cooperate with the United States to prevent unlawful entry of narcotics, and countries which fail to recognize or enforce arbitral awards would also be excluded, subject to waiver by the President in the national economic interest reported to the Congress. Certain articles regarded as "import sensitive" would also be excluded from duty-free preferential treatment.

CALL OF THE HOUSE

Mr. SYMMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

Adams	Ford	Mathias, Calif.
Addabbo	Frey	Mathis, Ga.
Alexander	Froehlich	Mayne
Anderson	Fulton	Mills
Calif.	Glaimo	Morgan
Andrews, N.C.	Grasso	Nelsen
Armstrong	Gray	O'Hara
Badillo	Griffiths	Owens
Baker	Grover	Podell
Blagel	Hanna	Powell, Ohio
Blackburn	Hansen, Idaho	Price, Tex.
Blatnik	Hansen, Wash.	Railsback
Brasco	Harrington	Rarick
Byron	Harsha	Reid
Camp	Hastings	Roncallo, Wyo.
Carey, N.Y.	Hays	Roncallo, N.Y.
Cederberg	Holifield	Rooney, N.Y.
Chappell	Howard	Ruppe
Clark	Huber	Ruth
Clay	Ichord	Sandman
Cochran	Jarman	Scherle
Collier	Johnson, Colo.	Shipley
Conte	Jones, Ala.	Shoup
Cotter	Jones, N.C.	Smith, N.Y.
Davis, Ga.	Kemp	Stark
Deaney	Kyros	Steele
Dellums	Landgrebe	Stephens
Derwinski	Landrum	Thompson, N.J.
Devine	Lent	Thomson, Wis.
Dickinson	Litjan	Traxler
Diggs	Luken	Wiggins
Dulski	McCloskey	Winn
Edwards, Calif.	McEwen	Wyatt
Erlenborn	McKinney	Wylder
Esch	McSpadden	Wyman
Eshleman	Macdonald	Yates
Evans, Colo.	Madden	Young, Ga.
Evins, Tenn.	Maraziti	Zion
Fish	Martin, Nebr.	Zwach
Foley	Martin, N.C.	

The SPEAKER. On this rollcall 316 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 620) entitled "An act to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Joint Resolution (H.J. Res. 1180) entitled "a joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes."

The message also announced that the Senate agrees to the House amendment to the Senate amendment to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3022) entitled "An act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 12884. "An act to designate certain lands as wilderness".

The message also announced that the Senate recedes from its amendment to the title of the foregoing bill.

The message also announced that the Senate tables the conference report on the bill of the following title:

S. 1728. An act to increase benefits provided to American civilian internees in Southeast Asia.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1045. An act for the relief of Dino Mendoza Pascua;

S. 2298. An act for the relief of Robert M. Johnston;

S. 2532. An act to promote conservation, reduce wastage, and attain greater efficiency in the generation, transmission, and distribution of electrical energy and natural gas, encourage improved financial stability of public utilities and natural gas companies, and for other purposes;

S. 2644. An act for the relief of Mr. Josellito S. Arca and Dr. Corazon I. Arca;

S. 3103. An act for the relief of Abram Aguirre-Gonzalez and Hilario Aguirre-Martinez;

S. 3248. An act for the relief of Miss Rosario Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano;

S. 3280. An act for the relief of Dr. Gustavo Soloville;

S. 3735. An act for the relief of Dr. Benedicto Principe and his wife, Erlinda Madula Principe;

S. 3839. An act to amend the Land and Water Conservation Fund Act of 1965, as

amended, to establish the National Historic Preservation Fund, and for other purposes;

S. 3940. An act for the relief of Nestor Manuel Lara-Otoya;

S. 3977. An act for the relief of Patrick Andre Tassel and his wife, Fabienne Francoise Tassel;

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes;

S. Con. Res. 125. Concurrent resolution favoring the suspension of deportation of Carlos Marquez de la Plata-Montalvo; and

S. Con. Res. 127. Concurrent resolution authorizing the Secretary of the Senate to make technical corrections in the enrollment of the bill, S. 2854.

CONFERENCE REPORT ON H.R. 10710, TRADE ACT OF 1974

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, it is too bad that this legislation comes up at this point in time. This is the most important bill to come before this Congress this year dealing with the economy of this Nation and the economies of all the nations in the world, those nations that trade with us and those that do not trade with us.

This is one bill that no one wants to hear anything about, because they might hear something that is in opposition to their views. The trade bill is just like someone who starts taking dope. People who take dope know it is wrong, they know it is unhealthy, they know that in the end it will kill them, but they keep on taking it.

Everything I have said to this Congress in the last 20 years has come true. I told this body many times that no high-cost nation could survive in a free-trade world with low-cost producers. If we think we are surviving, then we had better start taking a look at this Nation's present position. After all these years of hearing it said that each trade bill was going to increase exports from the United States and that what we were passing was legislation that would create more jobs in the United States, we have today fewer jobs on a population basis than we have ever had in our lifetime, including the time of the Great Depression.

Those of us who have watched this situation and worked in this particular area of legislation and who have had the opportunity to visit almost every producing country in the world have seen the growth of production facilities all over the world, financed in the main by American taxpayers' money. What seems to have not been considered by most of the Members of Congress in the last 20 years is that public funds are building production facilities which later become the property of or for the use of American businessmen and production facility owners who ship the foreign-made product back into the United States.

Mr. Speaker, I would say that if every man and woman in this Chamber were to take his or her shoes off, we would find that not more than 30 percent of those shoes would have been made in America.

I would say that if every one of us were to take a look at the cloth inside our suits and shirts, we would find that the greater proportion would have been made outside the United States. The greater proportion of the textiles used in this country are made outside the United States.

We cannot have an economy based upon jobs unless we have the production facilities. I have said many times—and the answer to this is so plain that it can be seen every day of our lives right now in America—that when we give up our marketplace to cheaply made products, eventually we will dry that marketplace up, not only for our own product but for the products of the rest of the world. That is why the whole world today is on the brink of a great disaster.

Free trade is the most wonderful dream that the world has ever had, but it has never been free and it never will be free, because once we allow competitive goods to flow into the marketplace at a noncompetitive price, we dry up that marketplace. For years and years we have been lapping up the luxury of buying cheaply made goods from overseas.

We now find that our friends overseas are losing their market here.

Mr. Speaker, I regret that this bill comes up at this time under these conditions.

Mr. CONABLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 10710 is on the verge of becoming the first major foreign trade law to be enacted in this country in a dozen years. It is urgently needed. It would be one of the finest Christmas presents the United States could give itself this year.

I realize that trade is a controversial subject. Most of the opponents of this bill seem to deplore the state of world trade, the status quo, and feel the United States is not getting a fair shake. Yet, they resist any effort to improve the state of world trade through the type of negotiation this bill would permit.

It is obvious that enactment of this legislation will not resolve all the economic problems facing the industrialized Western World. It is equally clear that failure to enact will handicap severely any efforts to reach resolution and will diminish the economic leadership role of the United States.

Unless we maintain a leadership role in this area, I want to tell the Members quite frankly, nothing is going to be done. We are such a dominant economic force in the world that others depend on our leadership, and nobody else is going to bail us out.

It is impossible for us to assume a leadership role unless our negotiators, under our President, are authorized to do the things that are necessary to reach a resolution of our common problems.

Failure to enact will adversely affect relationships with our major trading partners and with adversary power centers, such as the Soviet Union. I rather suspect that nothing would give our foes more satisfaction than the demise of the legislation before us. As a matter of fact, there is a serious question whether the statement by the Soviet Union 2 days ago did not reflect an assessment, a cold-blooded assessment, that they had

more to gain from frustrating this bill than they had from possible so-called normalization of trade relations with the United States.

As it emerged from the conference, this trade bill represents a viable amalgam of the House and Senate versions. It is a document with which our negotiators can work effectively.

Let me just review the various titles of the bill briefly. Title I provides the President with authority, which he has lacked for 7 years, to adjust tariffs in pursuit of a trade agreement.

The House version of the measure, which we passed a little over a year ago, would have permitted reductions of 100 percent on tariffs of 5 percent ad valorem or less; 60 percent on tariffs between 6 percent and 25 percent ad valorem; and 75 percent on tariffs above 25 percent ad valorem, with a 10 percent ad valorem floor.

The Senate changed the formula to permit reductions of 100 percent on duties of 10 percent ad valorem or less, and 50 percent on others.

The conference formula would allow reductions of 100 percent on tariffs of 5 percent or less and 60 percent reductions on tariffs over 5 percent.

From the standpoint of the conferees and the Administration, this should be a workable compromise.

Let me say that our greatest hope in negotiation lies with respect to those tariffs for which there is a high ad valorem rate, and that is why 60 percent was considered more desirable as a reduction in the final version than the 50 percent in the Senate formula.

Title I also gives the President authority to negotiate agreements on non-tariff barriers to trade.

With the proliferation of these so-called NTB's in recent years, their importance in the international exchange of goods and services has soared, surpassing that of tariffs. The novel NTB negotiating authority provided in this bill therefore assumes landmark proportions.

The House version of the bill required that NTB agreements calling for a change in the U.S. law be referred to the Congress, where they could be vetoed by a majority vote of either House within 90 days.

The Senate version required that all NTB agreements be submitted to the Congress where affirmative action by both Houses would be necessary before they could go into effect. The Senate also enlarged upon the House bill provisions requiring consultation with the Congress before entering into agreements.

I will tell the Members that there is some concern about this provision, but the Senate version requires that the Houses must act, provides that the matter simply cannot be filibustered to death, and gives assurance that affirmative action will be taken.

Mr. SCHNEEBELI. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, as one of the conferees I strongly endorse and ask for the approval of this legislation.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

I wonder if the gentleman could explain to us what the 70 percent compensation for laid-off workers amounts to?

Mr. CONABLE. Mr. Speaker, I will get to that matter in just a minute, if the gentleman will wait, and then I will be glad to yield to the gentleman later.

Mr. SYMMS. I thank the gentleman.

Mr. CONABLE. The conferees decided to adopt these Senate changes providing for a "fast track" positive approval system, including time limits on consideration, prohibition of amendments, and automatic discharge of committees from consideration.

It might be emphasized at this point that under either version, the legislative branch would have been given a much greater voice in the development of trade agreements. Thus the conference compromise calls for congressional action not only with respect to NTB agreements, but with respect to numerous other provisions of authority as well.

As a matter of fact, there are some of us who feel that Congressional involvement in this process is going to become quite burdensome, and I think that at some time in the future we are going to want to review this aspect.

There is no doubt about this bill putting Congress in the negotiating process to a major degree.

The House bill authorized the President to impose a temporary import surcharge, up to 15 percent ad valorem, or other import restrictions, in large and serious balance-of-payments deficit situations.

The Senate version which the conferees adopted makes Presidential action mandatory in such cases, but I would emphasize that the President must first make a determination with regard to balance-of-payments deficits which also includes a consideration of the Nation's best interests. So that the President does have some leeway in this respect.

The Senate deleted from the House bill provisions giving the President authority to suspend import barriers in periods of high inflation on the grounds that the Congress can deal with short supply situations by passing duty suspension bills and that the tariff suspension authority granted under these provisions could have made all but 15 percent of U.S. imports duty free.

The House conferees agreed to this deletion.

Title I also makes a number of important changes involving the Tariff Commission. The name of the organization would be changed to the U.S. International Trade Commission. Its six commissioners would serve 9-year terms without reappointment, instead of their present 6-year terms; the Commission chairmanship would rotate every 18 months; the pay of the commissioners would be upgraded; their voting records would be published; and the Commission would be given an independent budget.

These changes were approved in large part because we were trying to remove the Tariff Commission from possible influence by the State Department, which it was felt had failed to fully represent American consumer interests in the past.

Title II of the House bill provided easier access to relief from injurious import competition for domestic firms and workers. The old "escape clause" provisions were liberalized, and the Senate did not alter the thrust of these improvements. There were changes, however, with respect to Presidential action following affirmative injury determinations by the former Tariff Commission.

The conferees agreed on compromise language which would require the President to provide the import relief recommended by the Commission, or other relief as he might find appropriate, except in such cases where he felt it would be in the national economic interest not to do so.

In other words, everything could not be put off on the security side; a finding of national economic interest would be required. If the President decided against following the Commission's recommendations, he would have to explain his decision to Congress, which then could provide whatever relief it wished.

Title II of the House bill also provided a program of adjustment assistance for workers displaced by import competition. The workers would have been entitled to trade adjustment allowances up to 70 percent of their average weekly wages for 26 weeks and 65 percent of their average weekly wages for another 26-week period.

The Senate bill would have provided payments of 75 percent of weekly wages for the entire 52 weeks. The conferees settled on 70 percent for the full period. Both versions of the bill included an assistance program for firms also, and no changes of great magnitude were made by the Senate in the House provisions.

The Senate did add an entire chapter to the bill in order to establish an adjustment assistance program for communities, and the House conferees adopted this after insisting on a few modifications. Essentially the program would offer import-impacted communities the same kind of help given redevelopment adjustment areas under the Public Works and Economic Development Act of 1965, plus loan guarantees specified in the bill.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

What are the guidelines? In other words, we have automobile workers being laid off by the hundreds at the present time. Can they qualify now?

Mr. CONABLE. There has to be a definite import relationship demonstrated for the purposes of this bill.

Mr. SYMMS. Are there any estimates on how much the cost would be in the coming 2 years?

Mr. CONABLE. I think we have some estimates. Of course, it is dependent on the level of unemployment related to imports, and that is something that is very difficult to predict.

Mr. SCHNEEBELI. If the gentlemen will yield, first I should like to say that under the adjustment assistance provisions of the Trade Expansion Act of 1962, for 5 years the cost was low. The Senate Finance Committee estimated that, under this bill, if 100,000 people were put out of work because of imports, the approximate cost would be \$335 million a year, but this sum probably would be reduced because of recent congressional action expanding unemployment compensation benefits.

Mr. CONABLE. If I could interject at this point, the reason it is not a more substantial figure is that if these people are unemployed, they would be covered by unemployment insurance anyway, regardless of import impact. This does provide a somewhat flexible, supplemental program for those whose unemployment is related to imports.

Mr. SYMMS. I thank the gentleman. Mr. CONABLE. Title III of the bill, which provides domestic interests with relief from unfair trade practices, was tightened somewhat in the other body, and the House conferees agreed to most of the changes.

Mr. CARNEY of Ohio. I appreciate the findings the gentleman in the well is stating, but it has come to my attention there is no printing of this report. On a matter of a nature as serious as this is, while I respect the conferees, I, for one, would like to have something in writing so I can see what I am doing. Absent that, I have no alternative but to vote no on this.

I would like to see if we can get some printed copies in here. They were delivered to the Government Printing Office at 11 o'clock last night. It looks as though they do not want us to see them.

The SPEAKER. The gentleman did not make a point of order; he just made a speech.

Mr. CARNEY. The point of order is, let us get some copies up here.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Oregon.

Mr. ULLMAN. I thank the gentleman for yielding.

The fact of the matter is that the papers were sent down to the Printing Office last night at 11 o'clock. In the old days we used to have a Printing Office that got things up here. We have done everything that we could possibly do to get the Printing Office to move. I do not know what the problem is down there, but I hope that the gentleman will reconsider. I feel worse about it than he does, because I think it is extremely bad that we are put in this kind of a situation.

I had hoped this Congress would do something about it.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield, will a quorum call give us some time to get it up here printed?

Mr. ULLMAN. I hope the gentleman will not do that. We are under great pressure of time and the Senate is waiting for us to get this paper over to them.

Mr. ASHBROOK. I think we do a great disservice to the legislative process to allow this monumental piece of work that has been worked on for 2 years to be con-

sidered in this way and to squeeze consideration of it into the last hour or so and then come up with the excuse that we do not have a printed record. I think that is an atrocious example of legislation at its worst. I think we ought to be ashamed of it.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. May I ask a question totally unrelated as to whether or not there are copies available in print?

Mr. CONABLE. Yes.

Mr. STEIGER of Wisconsin. My understanding is that the conferees agreed to the provision of the other body which would say that even if there are quantitative limitations on products brought into the United States that the countervailing duty can continue and can be imposed?

Mr. CONABLE. Yes; I can assure the gentleman there could be countervailing duties in addition to any quantitative limitations. I know the gentleman's great interest in this and I am sure his interest stimulated the conferees to try to accept the Senate version on this.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, I am sure this would apply to other products than dairy products.

Mr. CONABLE. It does.

Mr. STEIGER of Wisconsin. But I do want to pay tribute to the conferees for the fact that I think this provision in the conference report is a significant step forward. I must say I am pleased it was contained in the report and I am grateful to the leadership and all on this side and to the other body for having gone to this disposition.

Mr. BROTZMAN. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the distinguished gentleman from Colorado, a member of the committee.

Mr. BROTZMAN. Mr. Speaker, as I recall we started working on this legislation almost 2 years ago.

Mr. CONABLE. We passed it in the House a year ago.

Mr. BROTZMAN. That is right. We were confronted with serious trade balance difficulties. Is that not correct?

Mr. CONABLE. Yes.

Mr. BROTZMAN. We had a bad balance-of-payments problem?

Mr. CONABLE. Yes; and also it has been greatly compounded by the oil situation since that time.

Mr. BROTZMAN. This is what I was going to ask the gentleman to point out. There is a major urgency about getting this piece of legislation passed and while it is not perfect in every respect I think there is something to recommend it to every Member of this House and more particularly to every Member's constituents, because the problem is getting worse and not better, and this legislation is going to enable our negotiators to really do something constructive for our country. Is that not what the gentleman is trying to tell us?

Mr. CONABLE. The gentleman makes a very good point and it should be underscored. If Members voted for this a year ago when it was passed in the House, in-

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tervening events make it even more necessary and important to pass it. The gentleman makes a very good point and I welcome it.

Mr. BURLISON of Missouri. Mr. Speaker, if the gentleman will yield, the gentleman makes the point we passed this a year ago and the Senate also considered it at that time or before then, I presume. Is that correct?

Mr. CONABLE. That is correct.

Mr. BURLISON of Missouri. Is there anything in writing for study by Members with respect to this conference report?

Mr. CONABLE. We already have had a discussion of that, I will say to the gentleman. There is nothing in print available at this point on the conference report because of the problems at the Printing Office.

Mr. BURLISON of Missouri. I was not on the floor at that time and I am not sure at this point now I will hold on this issue, but it seems to me that the but-tressing argument for voting against it is the fact that we have been dealing with this legislation for so long and yet we get it at the last moment without any time to give it serious consideration and study.

Mr. CONABLE. I think it would be most regrettable if people voted against this legislation for this reason, when most of the issues have been very well understood and debated in both bodies. It seems to me this kind of problem at this stage in our deliberations is almost inevitable.

I regret that the other body did not act more promptly on this matter so we could avoid this situation.

Mr. CONABLE. Mr. Speaker, I will move quickly through my remaining remarks.

Both Houses had made it clear they felt that administrative action in antidumping and countervailing duty cases should be expedited and that enforcement of these venerable statutes should be strengthened. There were, therefore, no outsized differences to be ironed out in these areas.

Title IV of the bill has been, without question, the most controversial portion. It would, among other things, permit the President to extend to nonmarket countries the same tariff treatment given our major trading partners, providing these countries could meet certain criteria, primarily concerning their emigration policies. Public discussion of these provisions, and the finer points of U.S. negotiations with the Soviet Union on the matter, have been so thoroughly aired in the press and the electronic media that virtually anything I might say at this point would run the risk of being superfluous. I would merely make two comments, one with respect to a particularly well publicized Senate addition and one in general.

The Senate added, as a condition to the extension of nondiscriminatory tariff treatment, a requirement that a non-market country cooperate with the United States in its effort to account for all of our personnel missing in action in Southeast Asia. The House conferees agreed to the thrust of this amendment

and the conference report makes it clear that the President may, indeed, deny normalized tariff treatment as well as the extension of Government-backed credits to any nation which does not so cooperate.

Generally speaking, Mr. Speaker, I regret that the attention which has been given to the provisions relating to trade with Communist countries has overshadowed—and unfortunately so—the bulk of this legislation, which is concerned with our dealings with traditional trading partners in the free world.

I have believed from the beginning that we should not allow our relationships with Russia to dictate our relationship with the European community and Japan.

It seems to me our dealings with Russia are going to be less significant economically, although they may be important politically, than our relationship with the rest of the developed and developing countries.

Title V was designed by the House to permit the President to grant generalized tariff preferences to the developing countries, with the thought this would work to the ultimate advantage both of the United States and the beneficiary states. The Senate amendments generally would have the effect of narrowing this authority.

However, it should be noted that at the time the House developed the Trade Act of 1974, we had not encountered such problems as the oil embargo. Therefore, the House conferees were amenable to Senate amendments to title V limiting the extension of generalized tariff preferences to countries which might be classified as less developed, but which are members of cartels withholding supplies of, or disruptively pricing, vital commodities.

In summary, Mr. Speaker, I would have preferred to see the Trade Act of 1974 returned to the House virtually intact. But I think it is fair to say that the product of the conference is a very meritorious piece of legislation. Our country needs it, the world needs it, and I urge the House to support it now.

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding me this time.

Here you are today paying the penalty, those of you who voted yesterday for a procedure by which a committee chairman can walk through a door to this Chamber and throw a conference report at you, without a printed report by way of an explanation and you take it and you like it.

The gentleman from Pennsylvania (Mr. Dent) told it to you straight a few minutes ago when he said that if you put this country, a high-cost-producing country, on free trade, you can expect to do one thing and that is to lower the standard of living in this country. That will be the inevitable result.

Instead of the sugar-coated title that adorns the bill it might well be called the American worker unemployment promotion bill, or if you would like another title, the "Democrat Presidential candidate promotion bill."

I understand that the AFL-CIO says this bill does nothing, or almost nothing, to prevent U.S. firms, especially multinational firms, from moving their plants overseas.

Instead of always giving aid and comfort to the Communists, never giving them an opportunity to fold when they get in trouble, what do we do? We rush to their aid with easy credit purchases of our products and give them our technology. We never give the Communist world a chance to demonstrate its weaknesses. We go to its rescue every time by building factories for them and now they, too, are shipping us their tractors and taking the jobs of American workers.

And why should we now interfere in Russia's internal affairs and say, in effect, "You have got to double the emigration of Jews in order to get most-favored-nation trade treatment from the United States"?

What business have we meddling in their internal affairs and on the other hand, going to their rescue? This bill provides, as I understand it—and please correct me if I am wrong—a 70-percent-of-wage compensation for American workers who are forced into unemployment by virtue of the competition of foreign-made products coming into this country. Does anyone care to suggest what this provision of the bill is going to cost? I wish somebody would give us some of the intimate details, some estimate of the cost that is going to flow from the enactment of this bill.

I have been here a few years, and all I have seen the Trade Agreements Act and its extensions accomplish is to further put the American worker and the American consumer in a deeper and a deeper bind and call for more money by way of subsidies, compensation, and indemnities from the U.S. Treasury. When are we going to return in this country to some hardnosed bargaining and trade with foreign countries? When are we going to stop the movement of American industry abroad?

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise in strong support of this conference report on the Trade Reform Act of 1974. After 2 years of waiting, and the threat of constant delays and political hazards, this essential piece of legislation finally appears about to be passed. And more importantly, our postelection labors have been vindicated.

The "lameduck" at last has laid a golden egg.

I offer my congratulations to the members who served on the conference committee. Their speedy and effective work has salvaged what could have been one more last-minute calamity.

A close scrutiny of the conference report itself indicates that the bill has been improved substantially in many areas over the version that the House passed last December. Both Senate and conference committee actions contributed to this added strength.

As the news keeps rolling in that our 1974 balance of payments will go deeper into deficit, this bill takes on greater sig-

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nificance than even some of the domestic economic proposals that are pending. The passage of this bill will hopefully set in motion a series of events designed to tackle the world's and the U.S. economic problems. I for one think it is one of the high points of the 93d Congress; one which should carry great significance at this time of the year when hope traditionally springs eternal.

The bill has flaws. One which bothers me is the Long amendment which sets up a mechanism to audit East-West trade transactions. Trade restrictions, or inhibitions, defeat trade expansion, limit growth of export-created jobs, and destroy the goals of détente.

The bill also carries with it the foul stench of the Emergency Energy Transportation Act. According to press reports, the President was obliged to sign that anticongress boondoggle as the price of getting the trade bill out of the Senate. This problem dramatizes our inability to deal with the other body because it allows any of its members to do anything he wishes. Any Senator can make almost any amendment become law, no matter what the House wants, or what the Executive wants.

The adoption of the Vanik and Jackson amendments are milestone statements in behalf of human rights. We can only hope that the Russians will take advantage of the most-favored-nation status offered by opening up free emigration for all their citizens.

Without this bill U.S. traders will continue to labor under unreasonable burdens in international trade. The bill allows us to expect equal access to the markets of our trading partners when we allow them access to ours. The bill allows us, in addition, to negotiate more effectively for equal treatment in third markets.

A vote for this bill is a vote for American jobs, for a better balance of trade, and for a better U.S. and world economy.

Mr. ASHBROOK. Mr. Speaker, it is certainly amazing how little attention is given to one of the most crucial issues in this bill, that of Soviet trade. I am one of those who would oppose giving the Soviet Union trade concessions or credits under any circumstance, but to consider the deceitful way in which this so-called compromise is brought to us today does little to add any luster to the already diminished reputation of this body.

Two days ago this House passed an export-import bill which authorized \$300,000,000 worth of credits—think of that—credits—to our enemies in the Soviet Union. It also authorized credit to Arab nations whose history of hostility to us does not merit any favorable trade and credit concessions. Today this body is setting our course on giving the Soviet Union most-favored-nation treatment, which is deplorable and a serious error. I think this week will replace December 7 as the time that lives in infamy. Those who vote for this bill will live to regret it, not just for the pro-Soviet Union aspects of the bill but the damaging effect it will have on American business interests and American workingmen. It will hurry us on our path of losing Ameri-

can jobs and becoming a nation of shopkeepers.

First, consider the so-called compromise made with the Soviet Union over the matter of Jewish emigration. In the first place, it is ridiculous to trigger trade concessions to their actions of this type. They know how to hold us up and in past dealings have taken us to the cleaners.

Mr. Speaker, can we believe Secretary Kissinger or the Soviet Union?

Secretary Kissinger has told us that a compromise has been worked out with the Soviet Union under which freer emigration will be allowed—even though the number of minority groups involved seemed to have been restricted.

The Soviet Union, through its news agency Tass, has "flatly rejected" any connection between trade and emigration. The Soviet Union has made public a letter handed to Kissinger October 26—almost 2 months ago. This letter was given to Kissinger very shortly after Senator JACKSON announced his "compromise." The letter denied any agreement on stepped-up emigration—thus in so many words denying the existence of any compromise at all.

What is the reaction of those who have supposedly been supporters of the concept of freer Soviet emigration? Senator JACKSON has said that the Soviet letter and position is "facesaving." Senator RUBINOFF has said:

If there's a problem, let Kissinger straighten it out with the Soviets.

If I remember correctly, one of the main reasons for the original freer emigration language was the need for definite provisions where the Congress was the arbiter. Now the Soviets say that there is no "compromise." And very few here today seem to accept that fact.

We know that Secretary Kissinger desires most-favored-nation treatment for the Soviets without freer emigration. Are we now to rely on his efforts to get that freer emigration? It seems to me that we are letting down once again millions of people in the Soviet Union and other nonmarket states.

I also think it important to discuss the issue of reciprocity in international trade. The United States has long been a supporter of reciprocal lowering of trade barriers. Other countries must learn that the United States will not continue to allow favorable trade treatment to them if they do not offer the same benefits to this country. Be it Canada, Japan, or the Common Market countries, trade must be a two-way street in agricultural and industrial commodities. The United States must not be expected to continue giving trade benefits to countries which refuse to reciprocate.

This bill does not place our self-interest in a priority position. Previous trade bills have been hailed as improving American exports and creating jobs. In each case, they have done the exact opposite. Our trade balance is now running against us worse than ever. The impact of cheap imports is obvious.

This bill will encourage runaway American industry, multinational corporations, and cheap imports. Already

the Soviet Union is dumping shiploads of tractors in the United States to compete with our companies—at the same time we bail them out with cheap wheat, loans, and credits. How dumb can we get.

More important, we must recognize that we are a high cost-producing nation. We have carried the world on our backs for years and have built-in obligations in military, agricultural, foreign aid, and international bank funding. To go down the path we have with more free trade at a time there is no free trade in the world is nothing short of disastrous. This will be a week that lives in infamy.

Mr. CONABLE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CARNEY).

Mr. CARNEY of Ohio. The gentleman from Ohio has alluded to the question I want to ask.

I understand the so-called Vanik-Jackson type of amendments required Russia to ease up on her emigration policies. Hurriedly reading the press, I see Russia says there is no agreement whatever. Will you please comment?

Mr. CONABLE. The onus is on them. If they do not wish to proceed as they have outlined to us, then of course they will not receive the benefits which this bill would provide.

Mr. CARNEY of Ohio. Senator JACKSON indicated there was a written understanding. Does the gentleman know of a written understanding on this subject?

Mr. CONABLE. There was an exchange of letters in which this information was set up.

Mr. CARNEY of Ohio. Are the letters before us? Have people seen them?

Mr. CONABLE. They are included in the Senate committee report to the act, Calendar No. 1231 in the Senate.

Mr. CARNEY of Ohio. Is there any agreement in here with Russia that is written down, as to emigration?

Mr. CONABLE. I do not believe it is in the form of an agreement. For that reason, I believe it is up to the Russians as to whether they want the benefits of this bill or not.

Mr. ULLMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I am going to vote for this bill, but with deep reservations because the trade bill's passage will make possible the continued extension of generous Export-Import Bank credit to the Soviet Union. These Export-Import Bank credits, even under the \$300 million per year limitation under the Export-Import Bank authorization will, in combination with other credits and trade concessions, enable the Soviet Union to continue the arms buildup and aggressive actions that for 25 years have kept the world in an uproar.

The Soviet Union has instigated wars in Korea and Vietnam. It has subsidized wars in the Middle East. The Soviets are challenging us on the high seas. Through their arms buildup and their arms exports, the Soviets have precipitated a world armaments race, very welcome, I might say, to our military, who use this arms race as a very convenient reason for enlarging our Military Establishment

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and encouraging increased military spending around the world.

But just at a time when this tremendous worldwide armaments buildup was beginning to outrun even the Soviet Union's ability to require sacrifice from their people, we came to their help.

Beginning in 1972 and to date, we have provided the Soviets with \$750 million in grain credits through the Commodity Credit Corporation at 6½ to 9½ percent interest, and \$469 million in Export-Import Bank credits, almost all of which have been at 6 percent interest.

Of the \$750 million in Commodity Credit Corporation grain credits, \$550 million have been utilized.

The \$469 million in low-interest Export-Import Bank credits has been associated with an equal amount of private commercial credits at higher interest rates. The total amount of U.S. exports made possible by the Eximbank and private credits has been \$1.04 billion. If we add the \$750 million in grain credits, we have supplied the Soviets with a total of about \$1.8 billion in cheap capital goods and critical grain supplies.

Further, four more Eximbank loans for the Soviet Union are pending for \$95 million—to be paired with private lending to enable the export of \$211 million of U.S. goods.

Most of these 16 Eximbank loans already made to the Soviets and the four pending loans are for basic heavy industry—such as the \$154 million loan for the Kama River Truck Plant and loans for piston assembly lines, valve making machinery, and so forth. Such projects and products could obviously aid munitions industries as well as civilian industry.

A \$50 million proposed loan for Siberian energy exploration will help the Soviets, who encouraged the Arabs to maintain their oil embargo of the United States, to develop their energy resources.

Without the trade bill, this massive export of U.S. capital to the Soviet Union could not continue because the Export-Import Bank authorization bans further loans to the Soviet Union until Congress acts on the trade bill.

It is hard to swallow our constant subsidy of the Soviet Union's economic development while the Soviets are carrying out their massive arms buildup that threatens us and that threatens our interests around the world.

The Soviets have accelerated their attempts to attain superiority over the United States in strategic missiles and naval forces. Our \$1.8 billion in economic resources has subsidized this military buildup by enabling the Soviets to avoid shifting domestic resources away from military expenditures to their crying needs in agriculture and industrial development.

In addition, the Soviets supplied massive amounts of sophisticated weapons to Arab countries which made possible the 1973 Yom Kippur war. Since that war the Soviets have completely resupplied the Arab armies, so that they are more powerful than in October 1973. Our economic aid to the Soviets has enabled them to provide more arms and economic aid to the Arabs than they otherwise

would have been able to do. Further, were it not for the Soviets arms supplies to Iraq, our military would have no excuse to propose massive arms sales to Iran and multi-billion-dollar arms sales to other countries in the Persian Gulf, where an arms race is madness.

Therefore, I have grave reservations in supporting this legislation.

Mr. ULLMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I have no reservations about this bill at all. This is a good piece of legislation. It is a constructive piece of legislation. It has been fought over and hardly fought over. The participants on that side, on both sides, agree that the bill is good, and should be passed.

If we have to measure the most-favored-nations treatment or nondiscriminatory treatment in this bill as a percent of the whole weight of the bill, the effect of the bill, it is not 1 percent of the bill. This bill is essentially the groundwork for a compact between the free nations of the world to extend their economies and to strengthen themselves. That is what this bill is. It is too bad we get off on the red herring that sometimes gets thrown up about it, and this matter that President Nixon wanted to include as favored-nations treatment, or nondiscriminatory treatment, is not worth the argument, but it is worth the argument now that a deal has been struck over immigration. To fail to pass this bill now, after the deal has been struck over immigration, would be a sad mistake.

All of those who have participated in the negotiations, the President, the Secretary of State, Mr. JACKSON, Mr. VANIK, and all of the outside interests, realize that this bill must pass now or the very delicate arrangement about negotiations will fail. It will tragically fail.

If it should fail, then the Russians get no benefit out of this. But I would urge my colleagues to get their eyes back on the real ball, what is really in this bill. This is the groundwork for the strengthening of the economic systems of the free nations of the world.

That is what we are talking about. That is 99 percent of this bill, whether we measure it by volume or by quality or anything else.

If we fail on this date to vote for this conference report, then history will record that we failed here on December 20, 1974, to make one positive move that was within our power.

Mr. Speaker, I urge the Members to vote for the conference report.

Mr. SCHNEEBELI. Mr. Speaker, I support the conference report on the Trade Act of 1974.

The House sent to the Senate, about a year ago, an excellent bill. After much delay, the measure was returned to us, with 435 amendments. The managers on the part of the House accepted a number of these, but we rejected many which we felt were not in the best interests of the country and which would not enable our negotiators to do an effective job of reaching mutually beneficial trade agreements.

The legislation as produced by the

conference still would achieve the primary objectives of the measure which was produced by the House. It would provide the President with basic negotiating authority, on both tariffs and nontariff barriers to trade. It would enable our domestic enterprises and their employees to obtain relief much more easily from injurious imports. It would strengthen the United States hand in dealing with unfair trade practices by other countries. It would permit the President to extend nondiscriminatory tariff treatment to nonmarket countries if they can meet certain criteria, mainly, concerning emigration. And it would authorize the extension of generalized tariff preferences to developing countries under conditions designed to protect U.S. interests.

In all, Mr. Speaker, it is a bill which is tailored for our times. We might live without it, but we would not live as easily or as well.

I urge my colleagues to approve it overwhelmingly.

Mr. PREYER. Mr. Speaker, I rise in support of the Trade Reform Act of 1974 as reported by the conference committee. I believe it is worthy of note that this legislation has received the support not only of major American exporting industries but of all who understand the dangers of a retreat into self-defeating protectionism. It would be easy to cut off foreign competition in the hope of maximizing employment in the United States. Today however even the leaders of industries which would benefit most from high tariff barriers remember the disastrous results of the Tariff Act of 1930. We learned that even then the world had become so interdependent that no country could isolate itself from the Great Depression.

We will, of course, have to make certain that our American worker is protected in any trade policy we pursue. We must have necessary safeguards against import injury to industries, and adequate assistance to groups of workers and firms adversely affected by imports. We must have strengthened U.S. measures against unfair trade practices to assure more equitable trading rules or conditions under which U.S. producers and traders must compete. In short, negotiations to expand trade by reducing trade restrictions must include a call for sound bargaining based on the principle of enlightened self-interest.

Within the framework of these basic principles, we must recognize that today the United States is totally enmeshed in the web of world trade. Not only do the "Fortune 500" buy and sell around the globe, but thousands of small shops and farms produce for foreign markets. To preserve and expand our foreign markets we must welcome competition from abroad in a spirit of fair play. It is not only a healthy stimulant to American industry but also insures the best possible prices for American consumers.

Our fervent hopes for peace and improved living standards in the underdeveloped nations would be doomed if we strangled them with barriers to their exports. It would be particularly foolish to inhibit growth of those whom we have

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been assisting with our foreign aid programs over the past 25 years.

Mr. Speaker, I note with special pleasure the declaration of our textile industry in a resolution adopted by the American Textile Manufacturers Institute on December 3, 1974. The enlightened leaders of this industry, who face stiff competition from foreign imports have declared their support of this act. Within this context of existing marketing arrangements rational growth has been permitted in textile and apparel imports. The administration has confirmed that these arrangements will not be discontinued under the Trade Reform Act inasmuch as they are perceived as a valuable instrument of international trade policy. The 2½ million Americans working in the textile and apparel industry will continue to receive a reasonable modicum of protection while foreign imports are given a fair chance consistent with the spirit of the Trade Reform Act.

Mr. Speaker, the security of the Free World ultimately depends on our economic strength and our ability to coexist with the nations of the East whose ideologies are contrary to every belief that we hold dear. The recent thaw in East-West relations does not mean that the Communists have given up their determination to see the destruction of capitalism, but increased economic interdependence is inevitable for both the East and the West. The insistent demands for improved standards of living in the Communist world can only be met through trade with the West. Vested interests in peaceful commerce will develop rapidly on both sides after passage of this bill. Let us therefore dedicate ourselves to ever vigilant but peaceful coexistence as we open another small door in the walls that stand between us.

Mr. Speaker, I urge passage of the Trade Reform Act of 1974.

Mr. ROBINSON of Virginia. Mr. Speaker, in its consideration of this trade legislation, the Congress has had a special concern for reiterating objection to the restrictive emigration policies of the Soviet Union in the matter of Jewish Soviet nationals who have desired to emigrate to Israel.

While I have great compassion for these situations, I do believe that it is important to make a record here today in behalf of the several dozen spouses of U.S. nationals who have been denied emigration.

One of these is the wife of Prof. Woodford McClellan of the University of Virginia.

Even though Professor McClellan has visited the Soviet Union on several occasions under exchange scholar programs, he has been denied a visa to visit his wife at this Christmas season.

Let us have in mind the Soviet Jews who want to emigrate to Israel, but let us have more particularly in mind the spouse of U.S. nationals who simply want to join their husbands or wives here in our own country.

Mr. VANIK. Mr. Speaker, although I expect to vote for the Trade Reform Act of 1974, there are grave problems with this bill.

In the area of East-West trade, I want to thank the conferees for standing by the objectives of the freedom of emigration amendment—the so-called Jackson-Vanik amendment. The modification of the amendment which has worked out provides a system of "trial trade" with the Soviet Union. During this 18-month trial period, we can test the degree with which the Soviet Union is taking a compassionate attitude toward those minorities in the Soviet Union who seek to emigrate. We can measure the compassion shown by the Soviet Union in permitting the reunification of families.

In the economic sections of the bill, there are imperfections in the authorities granted to the President. However, both the House and the Senate have engineered safety valves and controls to prevent abuses. I am hopeful that these controls will stimulate freer trade with due regard to the problems facing our domestic economy. I am hopeful that the trade negotiations permitted under this act will be carried on in such a way as to minimize adverse impacts on our domestic employment and industries.

The overriding need for this bill stems from the need to establish détente with the Soviet Union and others who may be willing to negotiate and establish trade relationships. Only through a broad interchange of our talents, resources, skills, and cultures can we expect the development of the kind of understanding out of which peace, security, and mutual prosperity can be achieved.

The current economic problems of the Western World and the United States stem from the energy crisis and the extortion prices which are currently being demanded for oil. There can be no real hope of success in our negotiations and discussions with the oil producing states if our negotiations are burdened with the harassment and interference of the Soviet Union. The settlement of our problems in the Middle East can be more readily achieved if we can develop the cooperation of the Soviet Union as a friendly trading partner with some interest in our domestic success and prosperity.

Finally, Mr. Speaker, the trade bill is unprecedented in the annals of American economic legislation since it requires for the first time some humane considerations, some regard for the liberty and happiness of people, while it seeks to achieve the goals of economic interchange. The freedom of emigration amendment is a good precedent. It is my hope that every American law will include some similar type of hallmark as we legislate for business and industry. There is wisdom in also legislating for human decency and for the respect of the individual. Nearly 200 years ago, our Nation began its independence, based on the principles of liberty and human dignity. I hope that these principles may more frequently become the identifying trademark of our legislative efforts.

Mr. PEPPER. Mr. Speaker, now that the trade bill has passed despite deep and loudly expressed misgivings of the

American people as to whether under it they may be taken advantage of by others, I think it is time to speak frankly to the rest of the world as the Senator who sponsored the lend-lease bill which was the beginning of U.S. acceptance for the responsibility for peace of others.

At the end of the last war the United States alone with the power of the atom bomb could have ruthlessly dominated the Earth. But it showed the world for the first time a nation with overwhelming power that did not choose to dominate others. Rather without parallel in history it showed a sense of responsibility for the well-being of all nations of the world.

To friend and foe alike, all of them, Russia included, it offered not only freedom from abuse of U.S. power but a generous sense of responsibility for their affirmative well-being—the Marshall plan, foreign aid, protection from aggression, unrequited efforts to make the United Nations an effective instrument. U.S. power and generosity alone has created the longest period of comparative peace after a major war the world has ever enjoyed.

With the additional risks of being taken advantage of in this latest gesture of the trade bill, it is high time to serve on friend and foe alike the same kind of warning that was sounded last week in the United Nations by our Ambassador Scali. That warning is that we who do not choose to abuse our power are completely conscious of our ability to resist abuse of power by others if under whatever guise they choose to engage in scarcely concealed economic war doubting our moral and political capacity to organize an internal unity to resist them.

We are fully as aware as others that during our period of aid to the rest of the world we have drawn down some of our higher grade native raw materials. Correspondingly we are fully aware that for the moment we have become seemingly dependent in an increasingly degree on raw materials from other countries—materials ironically largely developed by the hard-earned capital savings of the American people and the American technology developed by the unparalleled American investment of hard-earned tax dollars in education.

We know that if it were not for the American developmental contribution the valuable resources now possessed by others would only be mountain, swamp and desert wasteland and that the economic colonialism they loudly bewail is the only reason they have anything to sell at all. They remind me of the old story of the contest between the birds who could fly highest. After the eagle alone had attained a height far above the others a little wren who had hid in the eagle's feathers jumped an inch higher and squeaked: "See me—I am the highest."

We have lately had indications that despite this fact that their resources in usable marketable form are in truth owed to development through American technology and capital development, some nations in their possession enjoy the illusion that they can now indefinitely deny the use of these materials to the U.S. economy in a customary form.

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In extending through the trade bill the boon of our cooperation both to the Soviet Union and the possible expectations of mainland China in particular we are not unmindful of their energizing in and out of the United Nations those who have used the unilateral power to injure the maintenance of our own economy by their unilateral withdrawal, without notice or consultation, of materials which have been the basis of a multilateral trade between them and us on which our economy has become accustomed to rely.

May I say to all of these for the American people whether they like to hear it or not. In the last generation the United States has had a brain drain on the entire world of the best of the world's technological competence. Further we have shown as no other nation has ever shown that when we want what we want hard enough we can mobilize our technological competence to produce substitutes for any industrial raw material at a rate of acceleration the rest of the world cannot dream of.

When during the last war we were cut off from natural rubber we invented because we had to, a synthetic rubber which has had the unintended effect of substantially cutting down the demand value of natural rubber. When similarly we were cut off from sources for natural fertilizers we invented because we were forced to new synthetic fertilizers which have since the war dominated the world market. Even before the war when we found ourselves short of natural textile fibers we led the world in the invention and production of synthetic fibers with lasting consequence to the value of natural fibers.

When we had to beat Hitler's long headstart to the atomic bomb we mobilized to beat the German schedule. In space we beat the Russian schedule. The first footsteps on the Moon despite the early start of the Russian Sputnik were American footsteps, and the lessons of basic science learned thereby are only beginning to come into application. What we have done before we can do again and do it better. And there will be no spur to the determination of the American people to do it more than the feeling that by such mobilization of our technology and spirit they are avenging generosity abused.

I say to the world for the American people that this trade bill is our last doubtfully tendered gesture of generosity.

I say to the world, as one long in the business of feeling the sentiment of grass-roots America, that the American people have reached a unified sentiment of feeling abused by the irresponsibility of the illusionary ambitions of others.

I say to the world that if the present situation continues Project Independence will become a reality faster than the world dreams—just as we beat Hitler's long headstart to the atom bomb and just as we beat Japan's headstart with the infamy of Pearl Harbor. And the consequences will be that our goals will be met in a shorter time than is conceived by those who fancy they hold us in economic hostage. They will end up sooner than they dream with their prec-

ious raw materials, in competition with new American technological substitutes, a drug on the international market and a disaster to their undeveloped domestic expectations.

I am not like Brennus to the Romans offering the rest of the world either economic peace or economic war. If others choose to interpret our position thus it is their interpretation, not ours, and they can make the most of it.

What I am saying is an honest warning. The American people are reaching that point of being sick and tired of the pretentious attempts at their abuse by those whom they have benefited. If it comes to an economic competition for basic materials this once a generous, patient Nation will roll over as it did after Pearl Harbor and find a new fierce unity in resisting that newest kind of aggression upon us.

Later investigation of the insane decision of the Japanese to attack Pearl Harbor showed how others can miscalculate the spirit of an aroused America. With the America-first sentiment in the United States and the passage of the draft bill by only one vote, the Japanese miscalculated that if they frightened the American people with a successful strike on Pearl Harbor and the prospects of a long war the American people would not have the stomach and determination to face up to a long war. The incredible organization of the conquest of the Pacific and the bomb on Hiroshima showed how deeply the Japanese miscalculated the morale of the American people and their unified determination whatever their minor divisions to avenge abuse.

I say to the world today that they had better not make the same calculation the Japanese made with Pearl Harbor. There are divisions in America today. But only one thing is necessary to dissolve these divisions in immediate and passionate unity. And that is a conviction that we are being taken for a sucker.

With the Trade Bill we offer and welcome a true détente to all nations. But we are suspicious. The mutually advantageous to trade of a true détente must be reciprocal—not a one-way street. And if it proves not to be reciprocal—we are ready to make it a one-way street—our way.

About all things world, one simple unvarnished warning—America will not long be taken for a sucker.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to strongly commend my colleagues who served as conferees on the Trade Act of 1974. The conferees from both Houses worked diligently to bring back a bill which could be approved by both Houses in this late hour of the 93d Congress.

I would like to say that I feel that the bill is much improved over the House bill which passed last December. Unfortunately, the bill does not go far enough in bringing about the reforms in our trade laws and in our tax laws that are needed to assure that our workers will have jobs in the future. As a conferee, I would have liked to have had the opportunity to include in this bill many of the provisions that were in the Burke-Hartke bill which

I sponsored in the House. Unfortunately, those provisions on trade and taxes which would encourage industry to stay in the United States and provide employment to Americans were not in conference. Had they been, you may be assured that, as a conferee, I would have seen to it that they were included in the bill brought back from conference.

Again, I want to commend our acting chairman, the Honorable AL ULLMAN, and the ranking minority member, the Honorable HERMAN SCHNEEBELI, who worked so diligently and to my mind successfully.

Again, I say that the bill, while greatly improved over the measure passed by the House, does not go far enough in assuring the employment opportunities that will be needed in the years ahead. Therefore, reluctantly, I must vote against this bill.

I would suggest that the negotiators note my vote against this bill. They may take it as a sign that I will be watching very closely the agreements that will be negotiated under it.

Mr. SKUBITZ. Mr. Speaker, I supported the trade bill when it was before this body for consideration. I believe in trade but trade must be a two-way operation. It should not be made a vehicle to interfere with the internal affairs of another country—nor should it serve as a Presidential promotional vehicle. The trade bill as passed by the Senate does exactly that. Unfortunately our conferees succumbed to the demands of the other body. Furthermore, the history of trade negotiations under past bills have worked to the detriment of small business. In turn large business because of high production costs keep establishing new plants in other countries where labor costs are much lower. It is unfortunate, that this body is called to act on this bill on the last day of the session, a bill which in my opinion will have a greater impact upon our economic posture than any other proposal that I can think of. Realizing full well that the bill will pass by a lopsided vote. I must, in good conscience, vote against the report—a vote that is not against trade but in protest.

Mr. ULLMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, on the Soviet issue, just for one final clarification, the President cannot exercise his 18-month waiver unless he reports to the Congress that he has determined the waiver will substantially promote the objectives of freedom of emigration and that he has received assurances that the emigration practices of the country will substantially lead to the achievement of those objectives. At the end of 18 months, that waiver expires unless the President recommends an extension and submits his reasons; this would require another determination. It requires an act of Congress in order to extend that authority for another 12 months. This is an airtight procedure.

Insofar as bargaining is concerned, in reply to the comment by the gentleman from Iowa that we should have tough bargaining, this bill contains all the ingredients for the kind of tough bargaining that this Nation must have if we are

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to enter into a new trade era. This is a solid piece of legislation. This is a cornerstone in the program of world reconstruction that is going to have to take place in the years immediately ahead.

Mr. Speaker, I urge the Members to support what I consider to be one of the most important pieces of legislation this Congress has considered.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ULLMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 36, not voting 75, as follows:

[Roll No. 722]

YEAS—323

Abdnor	Daniel, Robert	Holtzman
Abzug	W., Jr.	Horton
Addabbo	Daniels	Hosmer
Alexander	Domlick V.	Huber
Anderson, Ill.	Danielson	Hudnut
Andrews, N.C.	Davis, S.C.	Hungate
Andrews	Dellenback	Hunt
N. Dak.	Denholm	Hutchinson
Annunzio	Dennis	Johnson, Calif.
Archer	Derwinski	Johnson, Pa.
Arends	Devine	Jones, Okla.
Armstrong	Dickinson	Jones, Tenn.
Ashley	Diggs	Jordan
Aspin	Dingell	Karh
Badillo	Donohue	Kastenmeier
Bafalis	Dorn	Kazem
Baker	Downing	Kemp
Barrett	Drinan	Ketchum
Bauman	Dulski	King
Beard	du Pont	Kluczynski
Bell	Eckhardt	Koch
Bennett	Edwards, Ala.	Kyro
Bergland	Ellberg	Lagomarsino
Bevill	Erlenborn	Latta
Blester	Esch	Leggett
Bingham	Facelli	Lehman
Boggs	Findley	Lent
Boland	Fish	Littion
Bolling	Fisher	Long, La.
Bowen	Flood	Long, Md.
Brademas	Flowers	Lott
Bray	Foley	McClary
Breaux	Forsythe	McCollister
Breckinridge	Fountain	McCormack
Brinkley	Fraser	McDade
Brooks	Frelinghuysen	McDewen
Broomfield	Frenzel	McFall
Brotzman	Frey	McKay
Brown, Calif.	Fuqua	McKinney
Brown, Mich.	Gettys	McSpadden
Brown, Ohio	Giallmo	Madden
Broyhill, N.C.	Gibbons	Madigan
Buchanan	Gilman	Mahon
Burgener	Ginn	Mallory
Burke, Calif.	Goldwater	Mann
Burke, Fla.	Goodling	Martin, N.C.
Burleson, Tex.	Green, Oreg.	Matsunaga
Burton, John	Green, Pa.	Mayne
Burton, Phillip	Griffiths	Mazzoli
Butler	Gubser	Meeds
Byron	Gude	Metcalfe
Carter	Gunter	Mezvisinsky
Casey, Tex.	Guyer	Michel
Cederberg	Haley	Miller
Chamberlain	Hamilton	Minish
Chisholm	Hammer	Mink
Clancy	Schmidt	Minshall, Ohio
Clausen	Hanley	Mitchell, Md.
Don H.	Hanrahan	Mitchell, N.Y.
Clawson, Del.	Hansen, Idaho	Mizell
Cleveland	Harsha	Mollohan
Cochran	Hastings	Montgomery
Cohen	Hawkins	Moorhead
Collins, Ill.	Hechler, W. Va.	Calif.
Collins, Tex.	Heinz	Moorhead, Pa.
Conable	Holstoshi	Mosher
Conyers	Henderson	Murphy, Ill.
Corman	Hillis	Murphy, N.Y.
Coughlin	Hinshaw	Myers
Cronin	Hogan	Natcher
Culver	Hollifield	Nedzi
Daniel, Dan	Holt	Nichols

Nix	Rostenkowski	Taylor, N.C.
Obey	Roush	Thompson, N.J.
O'Brien	Rousselot	Thompson, Wis.
O'Neill	Roy	Thone
Parris	Roybal	Thornton
Passman	Ruppe	Towell, Nev.
Patman	Ryan	Treen
Pepper	St Germain	Udall
Perkins	Sandman	Ullman
Pettis	Sarasin	Van Deenlin
Peyser	Sarbanes	Vander Jagt
Pickle	Schneebeli	Vander Veen
Pike	Schroeder	Vanik
Poage	Sebelius	Veysey
Preyer	Seiberling	Vigorito
Price, Ill.	Shriver	Waggonner
Price, Tex.	Shuster	Waldie
Fritchard	Sisk	Walsh
Quile	Slack	Wampler
Quillen	Smith, Iowa	Ware
Randall	Smith, N.Y.	Whalen
Rangel	Snyder	White
Rees	Spence	Whitehurst
Regula	Staggers	Whitten
Reld	Stanton	Widnall
Reuss	J. William	Wiggins
Rhodes	Stanton	Williams
Riegle	James V.	Wilson, Bob
Rinaldo	Steed	Wilson
Robinson, Va.	Steele	Charles, Tex.
Robison, N.Y.	Steelman	Wright
Rodino	Steiger, Wis.	Wylye
Roe	Stokes	Yatron
Rogers	Stubbelfield	Young, Ga.
Roncallo, Wyo.	Studds	Young, Ill.
Rooney, Pa.	Symington	Young, S.C.
Rose	Talcott	Zablocki
Rosenthal	Taylor, Mo.	Zion

NAYS—36

Ashbrook	Heckler, Mass.	Steiger, Ariz.
Burke, Mass.	Hicks	Stratton
Burlinson, Mo.	Ichord	Sullivan
Carney, Ohio	Mathis, Ga.	Symms
Conlan	Meicher	Teague
Crane	Millard	Tierman
de la Garza	Moakley	Wilson
Dorn	Murtha	Charles H., Calif.
Duncan	O'Hara	Young, Alaska
Flynt	Roberts	Young, Fla.
Gaydos	Runnels	Young, Tex.
Gonzalez	Satterfield	
Gross	Skubitz	

NOT VOTING—75

Adams	Fulton	Moss
Anderson, Calif.	Grasso	Nelsen
Biaggi	Gray	Owens
Blackburn	Grover	Fodell
Blatnik	Hanna	Powell, Ohio
Brasco	Hansen, Wash.	Railsback
Broyhill, Va.	Harrington	Rarick
Camp	Hays	Roncallo, N.Y.
Carey, N.Y.	Hébert	Rooney, N.Y.
Chappell	Howard	Ruth
Clark	Jarman	Scherle
Clay	Johnson, Colo.	Shipley
Collier	Jones, Ala.	Shoup
Conte	Jones, N.C.	Stark
Cotter	Kuykendall	Stephens
Davis, Ga.	Landgrebe	Stuckey
Davis, Wis.	Landrum	Traxler
Delaney	Lujan	Winn
Dellums	Lukens	Wolf
Edwards, Calif.	McCloskey	Wyatt
Ehlers	Macdonald	Wyder
Evans, Colo.	Maraziti	Wyman
Evins, Tenn.	Martin, Nebr.	Yates
Ford	Mathias, Calif.	Zwach
Froehlich	Mills	
	Morgan	

So the conference report was agreed to. The Clerk announced the following pairs:

Mr. Hays with Mr. Biatnik.
Mr. Hébert with Mr. Gray.
Mr. Shipley with Mr. Mills.
Mr. Edwards of California with Mrs. Hansen of Washington.
Mr. Harrington with Mrs. Grasso.
Mr. Cotter with Mr. Rarick.
Mr. Biaggi with Mr. Powell of Ohio.
Mr. Chappell with Mr. Froehlich.
Mr. Fulton with Mr. Hanna.
Mr. Howard with Mr. Owens.
Mr. Jarman with Mr. Collier.
Mr. Rooney of New York with Mr. Kuykendall.
Mr. Morgan with Mr. Grover.
Mr. Moss with Mr. Luken.

Mr. Stark with Mr. Landgrebe.
Mr. Stephens with Mr. Zwach.
Mr. Wolf with Mr. Conte.
Mr. Yates with Mr. Camp.
Mr. Macdonald with Mr. McCloskey.
Mr. Landrum with Mr. Lujan.
Mr. Stuckey with Mr. Blackburn.
Mr. Jones of Alabama with Mr. Nelsen.
Mr. Delaney with Mr. Davis of Wisconsin.
Mr. Dellums with Mr. Clark.
Mr. Evins of Tennessee with Mr. Maraziti.
Mr. Jones of North Carolina with Mr. Wyman.
Mr. Clay with Mr. Davis of Georgia.
Mr. Ford with Mr. Martin of Nebraska.
Mr. Evans of Colorado with Mr. Eshleman.
Mr. Adams with Mr. Broyhill of Virginia.
Mr. Anderson of California with Mr. Wyder.
Mr. Carey of New York with Mr. Mathias of California.
Mr. Traxler with Mr. Railsback.
Mr. Winn with Mr. Roncallo of New York.
Mr. Shoup with Mr. Wyatt.
Mr. Ruth with Mr. Scherle.

The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DIRECTING CLERK TO MAKE CORRECTIONS IN ENROLLMENT, H.R. 10710

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 696) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 10710.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 696

Resolved by the House of Representatives (the Senate concurring). That in the enrollment of the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, the Clerk of the House of Representatives is authorized and directed to make the following corrections:

- (1) On page 103, lines 16 and 17, of the House engrossed bill, strike out "date of the enactment of this Act" and insert "effective date of this chapter".
- (2) On page 103, line 23, of the House engrossed bill, strike out "date of the enactment of this Act" and insert "effective date of this chapter".
- (3) On page 104, line 6, of the House engrossed bill, strike out "date of the enactment of this Act" and insert "effective date of this chapter".
- (4) On page 104, line 9, of the House engrossed bill, strike out "date of the enactment of this Act" and insert "effective date of this chapter".
- (5) On page 104, line 14, of the House engrossed bill, strike out "date of the enactment of this Act" and insert "effective date of this chapter".

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(6) On page 148, lines 15 and 16, of the House engrossed bill, strike out "311 through 315, 317(a)."

(7) On page 148, line 19, of the House engrossed bill, strike out "(c) (2) and (3)" and insert "(c)".

(8) On page 148, line 20, of the House engrossed bill, strike out "302(b) (2), (d), and (e)" and insert "302(b) (1) and (2), (c), (d), and (e), 311 through 315, 317(a)."

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING SOCIAL SECURITY ACT

Mr. ULLMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House today.)

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ULLMAN. Mr. Speaker, on December 9 the House passed H.R. 17045 providing for a new arrangement for funding of social services and defining Federal and State responsibilities. That bill was a result of many months of effort on the part of the Health, Education, and Welfare Department and the National Governors Conference, a coalition of about 40 agencies.

The House passed the bill. The other body subsequently passed a different version of that bill and added two amendments. The House rejected the one amendment dealing with low-income allowances and amended the other one extensively, and we bring this conference report back to the House in that manner.

The social services provisions generally follow the House bill with the following exceptions.

The conference agreement retains the requirement that three types of services be available to recipients of supplemental security income and that family planning services be offered to each appropriate person receiving aid to families with dependent children.

The House provision regarding the upper income limit for free services was retained with the provision that the Sec-

retary of Health, Education, and Welfare could by regulation establish the extent to which fees might be charged below this level. The provisions of the House bill regarding fees for services to families with incomes between 80 percent of the median family income in the State—or the national median if lower—and 115 percent of State median income was retained.

The Senate provisions regarding standards for child care in the ratio of adults to children of various ages were accepted. In the case of children under 3, the ratio is left to regulations of the Secretary of Health, Education, and Welfare.

The conference agreement makes more general the requirements in the House bill regarding program reporting, evaluation, and audit, permitting the Secretary to require reports concerning the uses of service funds which shall be the basis of his annual report to the Congress. The House provision for a hearing to the State on the basis of failure to comply under the requirements is retained and the Secretary is given the alternative of terminating payments to the State or imposing a reduction of 3 percent for each area of activity in which there is substantial noncompliance.

The provisions of the House bill regarding maintenance of effort were retained but clarified so that they apply only to appropriated funds and not to donated funds.

The effective date was advanced from July 1, 1975 to October 1, 1975, with the existing moratorium on regulations remaining in effect until that time.

The Senate bill included provisions for Puerto Rico, the Virgin Islands, and Guam to share in the \$2.5 billion ceiling for Federal expenditures for social services on the basis of their populations in relation to that of the States. Money would be available after the States have received their allotments, and Guam and the Virgin Islands may each receive up to \$500,000 under the same circumstances. If State expenditures reach the \$2.5 billion figure, then this amount would not be allowed.

The Senate bill would retain provisions of existing law with respect to separate agencies which have been authorized to administer services to the blind and services to children. The House bill contained no explicit provision on this subject. In this case the Senate version was adopted.

The Senate provision regarding the funding of social work training made existing law explicit by explaining States might make such grants to persons in educational institutions and to the institutions.

I believe this agreement reaches a reasonable compromise and retains the best provisions of both bills and I urge its support by the House.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Ms. ABZUG. Could the gentleman tell

me if there is a copy of the conference report available for us to see as yet?

Mr. ULLMAN. We have a copy here.

Ms. ABZUG. One copy?

Mr. ULLMAN. There is one for the gentleman, which I think she has seen.

Ms. ABZUG. I have looked at it briefly just a minute ago.

Mr. ULLMAN. We gave it to the printers last evening, but unfortunately, the Government Printing Office has not completed any printed copies yet.

Ms. ABZUG. I really feel we have to stop this kind of procedure in the House. I did not object to this matter coming up, because this is a matter of grave concern. What is involved are social service and child support provisions which are, of course, very essential to the people. But I must on the record object to not being able to examine a conference report, particularly when the conferees on the House side have accepted certain provisions from the Senate, which I think negate what we have fought for in the House for a long time certainly as far as child support provisions are concerned.

I would like the chairman to explain how he permitted more onerous inter-agency child care support provisions to be accepted and more onerous provisions placed on a mother, which will only have the effect of depriving the child—insisting, for example, that the mother take certain steps to ascertain where the father is and obliging her to bring him into court, when it is probably very difficult for her to do so, is onerous. Why should those support provisions be accepted in the conference when they were not at all discussed in this House?

Mr. ULLMAN. Of course, there is a child support provision in the law and the Senate included a tightening provision. Their argument to the conference was that the existing provision is not enforced, that there is probably at least \$1 billion at stake in here in amounts that cannot be collected.

We argued at great length and were able to get this matter toned down, so we think it is responsible. We think it is reasonable and we think it will do a lot toward correcting a basic deficiency in the enforcement of that provision.

Ms. ABZUG. Just let me ask another question. Is there a requirement that will cause a woman to lose her rights to payment if it is determined that she has not "cooperated" in finding the runaway father? After all, the ADC is supposed to protect the child. Will this deprive children of support they desperately need and have no place to get it? Why did the conference adopt such a provision?

Mr. ULLMAN. I would advise the gentleman that the children get the payments anyway. We are not depriving the child at all of the payments under this provision. I hope that the gentleman will be able to study this matter.

Ms. ABZUG. Well, if the gentleman had some copies of the conference re-

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port, I might have been able to study it as well as the gentleman did.

Mr. ULLMAN. We have complied with all the requirements in this regard.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, is there a provision in here that would permit the garnishment of social security checks? Would the gentleman explain that?

Mr. ULLMAN. Only for child support purposes.

Mr. McFALL. Social security checks for child support purposes? There would not be very many recipients of social security that would have child support; disability insurance, perhaps.

Mr. ULLMAN. This only applies to a runaway father circumstance and only where there is a court order involved for child support. That is the only circumstance in which that is determined.

Mr. McFALL. What kind of checks, what is the definition that is applicable to this?

Mr. ULLMAN. The regular social security benefit checks, any Federal payment based on employment is involved here.

Mr. McFALL. On employment insurance benefits?

Mr. ULLMAN. Only a Federal payment based upon employment is involved here.

Mr. McFALL. This is a rather broad departure from present law, is it not?

Mr. ULLMAN. This does not include unemployment compensation, however; but it does include social security. It does include Federal employment, but only where there is a court order.

Mr. McFALL. If one works for the Federal Government, he can have his check attached.

Mr. ULLMAN. But it is only in instances where there is a court order for child support involved which is not being obeyed.

Mr. McFALL. This is a very drastic departure from the present law which I am sure the chairman would agree with me has been subject to great controversy in the past, has it not? I think that the Members of the House would appreciate an explanation of just how broad this is and what this is so that in this conference report we do not get the opportunity—as other Members have said—the opportunity to discuss these things.

So, I certainly would appreciate the chairman's describing this to us, since we really have to rely upon the chairman's explanation. In the past this has been sufficient for all of us, I think, and the Ways and Means Committee has been very responsible in the way it brings these bills up, and I know they know how to do their business and I do not have any criticism of it. But, I would think in this particular instance that perhaps we could use a little broader explanation of what is happening here.

Mr. ULLMAN. Mr. Speaker, let me advise the gentleman that there have been very serious deficiencies in the law with respect to runaway fathers which have cost the Government a great deal of

money. These are instances where the Government is paying out money in child support. This, remember, does not go into effect unless there is an outstanding court order involving situations of child support or alimony and failure of a father to live up to his obligations, or the failure of a mother.

Mr. McFALL. Would the gentleman yield further so that I might further explore this? There seem to be two provisions; civil actions which force child support, which the gentleman has described, and then there is this section:

Sec. 459. Notwithstanding any other provision of law, effective January 1, 1975, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States (including any agency or instrumentality thereof and any wholly owned Federal corporation) to any individual, including members of the armed services, shall be subject, in like manner and to the same extent as if the United States were a private person, to legal process brought for the enforcement, against such individual, of his legal obligations to provide child support or make alimony payments.

So that it is broader than child support; it is also alimony payments; so that any member of the armed services now may have his check attached for alimony payments. Anybody who works for the United States as a civil servant or anything else may have his check attached for child support or alimony payments. Child support I can understand. Alimony payments is a rather drastic addition.

Mr. ULLMAN. I think this Congress is going to have to face up to a very serious deteriorating situation where the Government is paying out money to individuals who are not living up to their family responsibilities, and this is certainly true in many cases in the Armed Forces. A lot of the Members of this Congress have had experience in that regard. There certainly is at least a billion dollars involved in this whole area, and unless we are willing to bite the bullet and face up to the real problem here, it is only going to further get out of hand.

Mr. WAGGONER. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONER. Mr. Speaker, I think it needs to be certain that wherein this would be allowed, it would be primarily in the instances of those cases wherein the Federal Government is paying out tax dollars for such support, and the man is not living up to it. He is misusing those dollars and misrepresenting the use of those dollars.

Mr. ULLMAN. The gentleman has stated it much better than I can. He is exactly right.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, may I ask the gentleman a question following the question he has just answered? How is the Federal Government paying child support when a man only actually gets

a check for working? It is a salary check. Wherein does the alimony or child support come in? I cannot understand what the gentleman just said.

Mr. ULLMAN. We are talking about the situation where the United States is paying out money for child support because the man has deserted his family and has refused to live up to his responsibility under an outstanding court order to support that family.

This is a case which the gentleman referred to as runaway fathers. It seems to me that we in this Congress should begin to face up to our responsibilities.

Mr. KAZEN. Mr. Speaker, I agree with the gentleman that we should begin to do it. But I think we ought to explore this. There are many unanswered questions on procedures. Many, many times there are ex parte applications for support and the court grants it without the defendant even being in court.

Is the Federal Government going to be subject to State court orders? How is it going to be enforced? Or is that mother of the children going to have to go into Federal court?

Mr. ULLMAN. It is based on the State court order for child support. We have provided that the Secretary can allow entry into the Federal courts in some instances only when it cannot be properly taken care of under the State court order.

Mr. KAZEN. In other words, what the gentleman is saying is the Federal Government going to be subject to State court orders, so far as garnishment is concerned?

Mr. ULLMAN. We just simply have found no better way to do it. If a father has run away from his family and his obligations, there is the problem that we have been trying to face up to for a long time but have not, as to how we can get to that father to make him live up to his obligations.

Mr. KAZEN. I agree with the ultimate results that the gentleman wants to accomplish by the provisions of this bill. My argument is with the procedure and the inequities that are going to be coming up unless we very definitely follow a very definite type of legal procedure, which cannot be done by the enactment of this provision.

Mr. ULLMAN. The father can go back to the court, he has access to the court in a legal procedure, in order to take care of such circumstances. But this is the only provision we have been able to work out that would in any way be effective.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, the member of the Committee on Ways and Means just mentioned the figure of \$2 billion that it is now costing for child support as a result of runaway fathers and we must return runaway fathers because alimony is included. There is no provision here which requires garnishment then has to be proven that that child is being supported by some other fund, is there?

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Mr. ULLMAN. The fact of the matter is—

Mr. ST GERMAIN. No. I think that statement was erroneous. Mr. Chairman, Mr. ULLMAN. The fact of the matter is, of course, that this is a fact in almost every instance. There is nothing in the bill that says that that has to be done.

Mr. ST GERMAIN. Essentially, the mother or the wife goes into the State court and gets a judgment, and then proceeds on the judgment, on the execution of same, and proceeds with the garnishment; is that not correct?

Mr. ULLMAN. The gentleman is correct.

Mr. ST GERMAIN. And there are no other conditions precedent?

Mr. ULLMAN. The garnishment is on the basis of the court order or decision. It is on the basis of the court order or by trial by the court in the case of a father or mother failing to live up to his or her obligations.

Mr. ST GERMAIN. That is right. Or with alimony?

Mr. ULLMAN. That is right, with alimony.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I wish to pursue briefly the question which the gentleman from Texas (Mr. KAZEN) raised.

In Texas, we do not have garnishment of wages, so this would be ingraining the Federal law on existing State law. Under circumstances like that I would think the case would be removable to the Federal court as a matter of right.

Is that what the gentleman feels would result? Can these cases all be removed to Federal courts?

Mr. ULLMAN. No. The garnishment provision places the U.S. Government in the same position as a private employer. Nonsupport cases can be certified to the Federal courts only by the Secretary of HEW who must find that use of the Federal courts is the only reasonable way to enforce a court order. In the situation the gentleman cites, there would be no court order on which to base such a finding.

Mr. ECKHARDT. But ordinarily, of course, the State court retains jurisdiction of a divorce question. I just wonder what happens if we remove that case to Federal court on Federal court jurisdiction bases.

Mr. Speaker, it seems to me we have a lot of very thorny conflict-in-law questions here.

Mr. ULLMAN. Mr. Speaker, as a matter of Federal law, this in no way changes that situation at all. The existing law remains. They have the right now and they would continue to have the right.

Mr. ECKHARDT. Then that would negate the provisions for removal in this act?

Mr. ULLMAN. No, we do not affect that one way or the other.

Mr. ECKHARDT. Then we would not remove a divorce case to Federal court with respect to this issue?

Mr. ULLMAN. We do not affect existing law in that regard at all.

Mr. ECKHARDT. Mr. Speaker, I really do not understand the answer.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I assume the gentleman is familiar with our reciprocal nonsupport statutes which are in effect in practically all the States in the Union.

Mr. ULLMAN. Reciprocal nonsupport statutes, yes.

Mr. TAYLOR of North Carolina. Under these statutes, the wife can go into the domestic relations court in her home jurisdiction; she files her complaint and she can present her testimony. Papers are then served on the husband in the domestic relations court in the jurisdiction where he resides. It is necessary to know where he is. It is not useful at all if he cannot be located.

Mr. ULLMAN. Right.

Mr. TAYLOR of North Carolina. The court there in the husband's jurisdiction hears his testimony and then enters a judgment directing payment of certain sums to be made to the clerk of courts in the wife's jurisdiction.

Mr. ULLMAN. Right.

Mr. TAYLOR of North Carolina. Then she can go into the court there and collect her money each week.

This legislation does not in any way change that law, does it?

Mr. ULLMAN. No, it does not.

Mr. Speaker, the difficulty involved is that prosecutors will not always pursue these cases since they have more important things to do. We have situations here where the runaway father crosses State lines and it is impossible to trace him down.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield further?

Mr. ULLMAN. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, the purpose of that procedure, of course, is to permit the husband to make payments and retain the job which he might have in another State. The weakness of this is that sometimes they cannot find the husband.

Mr. ULLMAN. Mr. Speaker, our biggest problem in this whole area is that prosecutors fail to prosecute because they have more important things to do. We just simply have not even gotten a start on prosecuting these cases.

Mr. WAGGONER. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONER. Mr. Speaker, I thank the gentleman for yielding.

I think it needs to be said, for the benefit of those who are concerned about the prospect of the garnishment of Federal employees' checks or others, that this situation with regard to the private sector and those who are employed by the private sector already exists in almost all

if, in fact, not all the States at the present time.

So it could be said that we are simply placing these people on a par to receive the same treatment and to assume the same responsibilities that those who are employed in the private sector now have to assume.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I am very concerned about the points in the bill with regard to the child day care provisions. I understand this amends the Act and it no longer requires educational facilities in a day care establishment.

The gentleman said it only "recommends"; is that correct?

Mr. ULLMAN. Mr. Speaker, this somewhat reduces the requirements that we had in the House bill. However, we are trying to hold down the costs. We have a situation where it is costing up to \$3,000 or more per year to take care of a child, and there were requirements in the House bill that in some circumstances we would have to provide one adult for every two children in certain age brackets.

We loosened up a little bit on those requirements, simply because this Nation cannot afford anything like \$3,000 for each individual.

We need the day care and to get the program under way. We have to first start to think in terms of day care. If we are pricing ourselves out of the market, that is bad. All we are trying to do here is to accommodate the law to the reality of the situation so that we can go forward and develop day care facilities.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I will be happy to yield to the gentleman from Colorado.

Mrs. SCHROEDER. I am just very concerned about whether we would be turning it around. I think that some of the things that Congress has said about day care in here, including talking about sheer custodial care, and not emphasizing the very important matter of education, cause concern.

I am also very concerned about the change in the ratios, in the child-staff ratios, because my understanding is that many, many States have higher requirements or lower requirements than the Federal Government will have if this bill passes.

For example, I know that in Louisiana the State changed the child-staff ratios for school age children, for preschool age children, and for early age children. It was changed all across the board, as I understand it.

Mr. ULLMAN. If the gentleman will yield, the States can have higher requirements. This is only a minimum requirement.

Let me also say that the present standards are being almost totally ignored in practice by the States.

If we enforce the Federal standards, we will put all the State programs out of business. Therefore, one can go to State after State and they are not being en-

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forced in this respect, with respect to the adult-child ratio.

This is certainly a tightening of what the figure really is in most of the States, with maybe a couple of exceptions.

We feel that these are standards that we can enforce and that we should get to these standards before we go on to the kind of ultimate standards that perhaps we want somewhere down the road.

Mrs. SCHROEDER. If the gentleman will yield further, I disagree with the statement, but I thank the gentleman for yielding.

Mr. PETTIS. Mr. Speaker, the Senate added several major amendments to the House-passed version of H.R. 17045.

First. The Senate added a new provision to the tax laws which provides that a low income worker maintaining a household in the United States with one or more dependent children would receive a credit equal to 10 percent of earnings subject to social security up to \$4,000. Those above the \$4,000 level would have the credit reduced by 25 percent so that no tax credit would have been available when the total income exceeded \$5,600. The conferees decided not to accept this so-called work bonus since it represented a radical departure from existing welfare programs and would have cost about \$700,000,000 per year.

Second. The Senate added an amendment providing for a rather extensive program to assure child support and the establishment of paternity. This program is designed to deal with the current problem arising when parents desert their children and are able to contribute to their support but fail to do so. The result has been an unnecessary burden on the Nation's welfare system. The conferees accepted parts of the Senate amendment, including provisions which would:

First. Give the Secretary much stronger responsibilities for leadership and direction in the area of child support and the establishment of paternity;

Second. Provide the intensified effort of States insofar as possible, and Federal agencies in the location of absent parents;

Third. Require States as a condition of having an AFDC program to have a detailed child support plan. This plan would cover not only welfare recipients but any other person needing assistance in obtaining child support or establishing paternity;

Fourth. Require the assignment of child support obligations in the case of a welfare recipient to the State agency and provide for the distribution of funds received, including a percentage to States and localities and a percentage to families;

Fifth. Provide consent by the United States to garnishment for enforcement;

Sixth. Permit action in the Federal courts to enforce child support obligations.

The conferees decided against the provision in the Senate amendment requiring the Secretary to establish or designate regional blood typing laboratories for the purposes of determining patern-

ity and the provision which would have created an Assistant Secretary of HEW for child support. In addition, the conferees restricted the use of the Internal Revenue Service as a collection agency for child support funds by requiring that a court order be obtained and adequate notice be given to the parent determined to be delinquent. Additionally, the conferees changed the effective date of the beginning of this program from July 1, 1975 to October 1, 1975.

Third. The social services provisions agreed to by the conferees were essentially those contained in the House-passed version of H.R. 17045. The \$2.5 billion limit on Federal funds for social services was retained. Certain adjustments, however, were made to increase the available funding for social services for Puerto Rico, Guam, and the Virgin Islands.

The House bill provided that States may offer family planning services as part of a social services program and receive 90 percent Federal matching for such services. The Senate provision in part required that these services be offered. The House conferees decided to accept the mandatory provisions of the Senate version since it was felt that the family planning services are a very necessary adjunct to any successful social services program. A meaningful compromise was reached on the child care provisions under which for children under the age of three the Secretary of HEW would be given the discretion to determine the number of care givers that would be necessary for each child. Under the House version, one care giver would have been required for each two children. The conferees felt such a provision was extravagant and decided to leave this issue to the Secretary who could then determine the rational basis for dealing with this question.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from California.

Mr. JOHN L. BURTON. As I understand it, this conference report—I have not seen it, but I heard somebody who saw it say it has 75 pages—is voluminous. The conversations that have been engaged in heretofore address themselves to about three paragraphs.

I am wondering what would befall the Republic if this document was acted upon early next year so that Members might have a chance to know what they are voting on and what effect it will have on the lives of the human beings whom we represent and who are covered by the programs in this bill.

Mr. ULLMAN. If the gentleman will yield, let me say that the States are all extremely concerned about getting this worked out to make it at least an approach to a permanent social services formula.

Most of this legislation has been worked out very extensively by agreement among the Governors of the States. I think every one of the States is concerned about getting a permanent formula.

We are on a temporary program, with the extension of some old standards that are totally inadequate, and this is basically the result of negotiations at all levels that have been very extensive.

I think the Members can go back to their States and under the social services formula, they will find that they are in accord, almost unanimously so.

This is what we want. This is what we have worked on, and we have to get a formula enacted into law if we are to go forward with the kind of program in social services that the States need.

Mr. JOHN L. BURTON. Do I understand that we have been extending the so-called status quo for many months?

Mr. ULLMAN. Right.

Mr. JOHN L. BURTON. Maybe into a year?

Mr. ULLMAN. Right.

Mr. JOHN L. BURTON. Now, at this moment, everybody is rushing. Nobody has a copy of the document. There are other things in there, in addition to the social services agreements, that could or could not cause some problems in our State.

But there have been some questions raised, and I wonder what would happen if this was passed 30 days from now, rather than at this moment, that this matter would be brought before the House later?

Mr. ULLMAN. If the gentleman will yield further, first of all, we have been working all year trying to get some agreement on all of the segments involved, and we have finally arrived at some agreement, and we think this conference report basically encompasses those agreements that have been worked out. I certainly do not believe that we should have to wait until next year to handle this, because if we did it would be, I am sure, more than 30 days before we could take it up. It could be well along in the year before we could get legislative action.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. First, Mr. Speaker, I would like to make this observation. I agree 100 percent with our chairman, the gentleman from Oregon (Mr. ULLMAN). This is an excellent piece of legislation. The conferees discussed this matter for a long period of time, and it was settled in the minds of the conferees that all of the legal problems had been ironed out.

Also, we have, I think done one other thing which is beneficial; we have enabled the States to plan for the future of their social services arrangements. We have placed a ceiling of \$2.5 billion on the amount of money that may be appropriated in this area.

I think it is desirable that we finish this bill today and pass it into law.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker. I urge the support of this conference report.

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There are some very important provisions in the report that have to do with the definition of who may be beneficiaries of social services that are offered by the States.

Last year HEW wrote some very restrictive regulations, claiming that they were interpreting the law as it was written. For the past 18 months we have been engaged in an effort to draft a compromise set of regulations that would allow the States to use their full share of the \$2.5 billion, and would encourage them to provide social services to those who need them the most. That is the heart of this bill.

I have some very serious reservations about the desirability and effectiveness of the child support provisions that have been added to our social service bill by the Senate.

But the fact of the matter is that unless we pass this bill today, on January 1, of next year some very restrictive social service regulations will go into effect. These regulations will make it impossible for many children of low-income families to remain in the day-care centers, and will deprive others of mental health social service benefits they are currently receiving.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Speaker, I just want to see if I can get further clarification with reference to the child support obligations. I have before me what appears to be a rough draft of the conference report. I am not sure, but I was privileged to be given a look at it from the staff, and as I read the section dealing with child support obligation it says that chapter 64 of the Internal Revenue Code relating to collection of taxes, the amendment being added there being the following new section that says, "Collection of certain liabilities," and then it proceeds to say that upon the receipt of a certificate from the Department of Health, Education, and Welfare, under section 452(b) of the Social Security Act, with regard to individuals, and I would like to first ask as to what is that certificate under section 452(b)? Can the gentleman from California answer that, or can the chairman of the subcommittee answer that?

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield, there is a provision in here that after a 60-day notice and after the certification by the Secretary of HEW of the court order, of the court of jurisdiction, that the Internal Revenue Service will be the enforcement agency on the collection procedures that we have referred to.

Mr. BUTLER. I thank the gentleman. Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Mr. Speaker, will the gentleman yield further?

Mr. PETTIS. I yield to the gentleman from Virginia.

Mr. BUTLER. I thank the gentleman for yielding.

I judge by the response, that the chair-

man of the committee is not very familiar with this section, so I would further enlighten the membership, if I may.

After receiving this certification from the Secretary, the Secretary or his delegate shall assess the amount certified by the Secretary in the same manner with the same powers, subject to the same limitations as if such amount were a tax imposed by whatever the section is under title C, the collection of which would be jeopardized by delay, and so forth. In other words, am I correct in saying that now the IRS will have all of the powers for the collection of support money that it now has for the collection of taxes—jeopardy assessments? This includes all alien assertions; this includes all rights to collect taxes, and now we are moving the IRS into the collection of support money; is that a fair statement?

Mr. PETTIS. It is a problem, and I agree with the gentleman. The conference discussed this at great length, and this is a new procedure for the IRS, but I certainly do not believe that we have done violence to the Federal law in any way in taking this forward. Furthermore, we hope to save the taxpayer the money that he is now paying unnecessarily for welfare, because these runaway fathers are escaping the responsibility of supporting their children. I see no violence to Federal law in having the IRS, wherever it may be, carry out the wishes of the Secretary of HEW or carry out the order of HEW in collecting the payments that are owed by these fathers.

Mr. BUTLER. Will the gentleman yield further?

Mr. PETTIS. I yield to the gentleman. Mr. BUTLER. Would the gentleman enlighten us as to how much time the Committee and Ways and Means spent in investigating this section and considering it, how many additional IRS employees it will require, how much it would cost to collect these, and what it does to the credibility of the IRS when we move them into another area? How much time did our committee—not the Senate committee or the conferees—spend on this vital question?

Mr. PETTIS. The Committee on Ways and Means did not spend any time in discussing this particular matter. This is a Senate amendment that was added to the legislation. Does that answer the gentleman's question?

Mr. BUTLER. That answers my question. I might say, if the gentleman will yield further, that I share the view that there are many fine things in this legislation, but I think this very big step in putting this on the IRS will possibly jeopardize the possibility that we could clear this matter up in the next session of Congress.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from New York.

Ms. ABZUG. I thank the gentleman for yielding.

Let me see if we can understand each other and this conference report. I agree that the provisions, insofar as I could scan them, on social services appear to

be good in some areas, but that is only insofar as I have been able to scan it without a printed copy of the report.

I have particular concern over the lowering of standards for day care as done in this conference report. H.R. 17045, as passed by this House, made a real commitment to quality service for our children. The House, by insisting that the 1968 interagency day-care standards be continued, had the best interests of the children in mind. But the conference report before us changes the staff-child ratio for school age children and lets the Secretary set standards of staff-child ratio for infant care. I have real concern that these provisions will mean custodial care in the day care done under this bill. We have protected the quality of day care in Head Start and now we are giving up those quality standards in this bill.

I am also distressed over the language in the conference report: that says educational components of services are only recommended. This provision requires a clear interpretation. If it means that there could be no educational component in day care, for example, or in home management-consumer education service, as another example, because of the existence of public schools, or other public courses, or that such educational components must be obtained through the public school system, a significant service element would be endangered.

Second, I know the problem of trying to get information on those who have parental responsibilities. That is not what disturbs me. What I would like to see is some legislation without a punitive requirement on the mother of the child receiving AFDC to locate the runaway father. I am concerned because the history has been in those States which have sought to utilize these type of arrangements, that they have been utilized punitively to deprive the people, mothers and children, of the money that they need to exist, and they do not have the capacity to locate runaway fathers. The State can very well declare that they have not been cooperating. Is that how the gentleman reads that provision?

Mr. PETTIS. That is not the intent. In fact, this legislation will do more for mothers than is being done now, because the mothers are not going to be denied under this legislation anything to which they have been entitled up to now. We hope that if this legislation is passed, many of these mothers will get far more money under the provisions of this act than they are now getting under the Social Services Act.

Ms. ABZUG. If the gentleman will yield further, I disagree with him on that, because the woman can be deprived of the money if she does not cooperate. That is how weak that section is.

I want to ask one other question, if I may. I think the gentleman is perfectly clear. These are very poor provisions in terms of the new support regulations.

But I want to know what the effect of this would be if we defeat this conference report? What in the gentleman's opinion would take place? Why can we

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not take this up at the beginning of January?

Mr. PETTIS. Well, first of all, we would be back to the old regulations, which causes great trouble in the State of New York and in the State of California. This would improve, at least in my State of California, the situation immeasurably if we have this conference report, and my colleague on the committee, the gentleman from California (Mr. CORMAN), said a moment ago that if we do not pass this he thinks the States will be harmed a great deal.

Ms. ABZUG. Mr. Speaker, if the gentleman will yield further, is it not so that the proposed regulations would not go into effect because they were forestalled pending further legislation? I would also hope that if we do adopt their report and we discover that any of its provisions will harm beneficiaries that early in the 94th Congress we could correct the problems.

Mr. PETTIS. I did not hear the question, but I think the chairman of the committee did and I yield to him.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Those regulations have been postponed by statute several times. The most recent extension expires on December 31 of this year. The Ways and Means Committee, rather than passing another extension, wanted to settle the issue and establish regulations that would prevent low-income families from losing eligibility for needed social services.

The social service bill, as it left this House, was a good bill. It is regrettable the Senate added controversial and questionable amendments. I must say, however, that the conferees did eliminate some of the most objectionable Senate amendments.

I do not know what will happen if no action is taken here on this bill. There is no further statutory extension.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, my question is if they have not gone into effect in January and they have been proposed, do you not have to publish notice in the Federal Register before they take effect? My understanding is they have not been published and notice has not been given before they can go into effect.

Granted that they were prevented from doing it by our forestalling the action by extension three separate times, so I question whether they can go into effect January 1 without replacing them in the Register and giving so many days notice. I cannot remember whether it is 60 days or 90 days notice, but I do know there is such a notice. And it seems to me we will have to have the old regulations which were postponed three times, but can we do it instantly, can they take effect without the proper notice on this new provision? Does anybody know whether that would be the case?

Mr. PETTIS. It is my understanding this is not the fault of this legislation.

Mrs. SCHROEDER. My question is how critical this legislation is to have it pass today, because it seems to me if this must be published in the Federal Register and so many days notice has to be given, we will be back in session and we will be able to determine what we want to do before the old regulations which were delayed a year and a half ago can be put into effect.

Mr. ULLMAN. Mr. Speaker, it is my understanding the new regulations were put into effect and Congress took action to postpone the effect of them and that postponement expires as of January 1. They were published and notice given before their postponement. It seems to me we are automatically back under a situation where the regulations go into effect because they were in effect at the time we postponed them and due notice had been given and they had been published and it had been all done legally and they were in effect at the time but they were never implemented. They were in the process of being implemented. They were in effect 2 months and in process of being implemented when Congress acted to defer the regulations.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from California (Mr. CORMAN), a member of the committee.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding. If I may I would like to address my remarks to the gentleman concerned because it concerns me too. However, next year we will have still to deal with the Senate and I believe this is at least as good as what we will be able to get from them next year.

I believe so far as the social services are concerned, that we will not do any better next year than we are doing in this bill. I also believe that unless we pass the bill there will be between a half-billion and 1 billion social service dollars that will not be expended by the States next year because of the uncertainty of the regulations. In other words, inaction on our part will keep some families from receiving needed services.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, may I ask, we were talking about a garnishee, can anyone garnishee social security, unemployment compensation, and veterans' checks?

Mr. PETTIS. I would like to advise the distinguished majority leader that that question was answered in the earlier colloquy with the gentleman from California (Mr. McFALL).

Mr. O'NEILL. I am sorry. I was not here at that time. What was the answer?

Mr. PETTIS. If there are other Federal payments, it is not unemployment compensation that is garnished.

Mr. O'NEILL. Can we garnishee social security checks and veterans' benefits checks?

Mr. PETTIS. Yes, under some circumstances, they could be.

Mr. O'NEILL. What about unemployment compensation checks?

Mr. PETTIS. No, they cannot be garnished.

Mr. O'NEILL. The reason I am making this inquiry, I had just received a telephone call from one of the legislative directors of an organization downtown and I am sure that he mentioned those three things. But the gentleman says it is true as far as social security and as far as veterans benefits?

Mr. PETTIS. Yes.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Texas.

Mr. WHITE. In the State of Texas we do not have paternity suits, unless the law has been changed, or any garnishee suits.

Mr. PETTIS. I did not hear the gentleman.

Mr. WHITE. Let me repeat. We do not have paternity suits, principally based on the fact that would open the door to fraudulent actions.

As I read the conference report, a paternity suit could be brought in another State, a judgment rendered in that State, and then the judgment brought back into Texas where there is no paternity suit action line and brought into a U.S. Federal court and file a garnishment against social security and veterans' benefits, is this true?

Mr. PETTIS. I understand that is correct.

Mr. WHITE. My observation is that this also would lead to a rash of possible fraudulent actions in other States that will produce some dire results and unexpected results to the committee. I thank the gentleman.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Florida.

Mr. FASCELL. I have not read the conference report, but I am curious about what triggers the IRS collection process.

Mr. PETTIS. First of all, there has to be a certified court order. Without that, it cannot operate.

Mr. FASCELL. In other words, the IRS process starts only on the presentation of a court order?

Mr. PETTIS. Yes.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Oregon.

Mr. ULLMAN. And certification by the Secretary of Health, Education, and Welfare, and there must have been a 60-day waiting period.

Mr. FASCELL. In other words, a plaintiff only by court order can go to the Secretary of HEW and get a certification by the Secretary of HEW before the matter can go to the IRS for collection, which is ordinarily an intragovernmental process, without regard to the rights of the plaintiff?

Mr. ULLMAN. If the gentleman would yield further, it does require a specific

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certification, an action by the Secretary of Health, Education, and Welfare. He must certify there is a court order and there must be a 60-day waiting period after notice to the delinquent party.

Mr. FASCELL. That raises this question. This is what confused me a little to start with. Just in the improbable situation, but say there is one, there might be a plaintiff with a court order who then goes to the Secretary of Health, Education, and Welfare, who then does not see fit to approve it, so IRS cannot begin the collection service; the question is, what happens to the money due the beneficiary under the bill?

Mr. PETTIS. It is just like under the present law.

Mr. FASCELL. Sir?

Mr. PETTIS. She will continue on welfare.

Mr. FASCELL. In other words, his benefits are not denied, notwithstanding the fact that the Secretary of Health, Education, and Welfare orders it; so the condition is strictly within the discretion of the Secretary.

Let me pursue this one step further. What requirement is placed on the beneficiary in order to become a beneficiary under the bill?

Mr. PETTIS. Cooperation.

Mr. FASCELL. Is that defined or spelled out? Is there any language in the regulations or the report, or is it a state of the art with respect to cooperation?

Mr. PETTIS. I would have to answer the gentleman that as I understood it as a conferee, we hoped that these beneficiaries would cooperate.

Mr. FASCELL. I mean, there is no state of the art, there is no precedent, there is no procedure spelled out in this legislation or in the report.

Mr. PETTIS. If she does not cooperate, she maintains her present status on welfare.

Mr. FASCELL. That is the reason I am having the colloquy with the gentleman, and I appreciate the gentleman being patient enough to do it. The question is, Who decides whether or not the beneficiary has cooperated?

Mr. PETTIS. Mr. Speaker, I will yield to the chairman of the committee to answer that question.

Mr. ULLMAN. I think there is a misunderstanding. This is merely a collecting mechanism and there is no intent to deprive anyone of any benefits. This is a system where it—

Mr. FASCELL. I understand, Mr. Chairman.

Mr. ULLMAN. Let me read:

"(b) The Secretary shall, upon the request of any State having in effect a State plan approved under this part, certify the amount of any child support obligation assigned to such State to the Secretary of the Treasury for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. No amount may be certified for collection under this subsection except the amount of the delinquency under a court order for support and upon a showing by the State that such State has made diligent and reasonable efforts to collect such amounts utilizing its own collection mechanisms, and upon an agreement that the State will reimburse the United States for any costs involved in

making the collection. The Secretary after consultation with the Secretary of the Treasury may, by regulation, establish criteria for accepting amounts for collection and for making certification under this subsection including imposing such limitations on the frequency of making such certifications under this subsection.

Mr. FASCELL. Mr. Speaker, I appreciate that explanation. I understand now about the collection process. What I am trying to find out is, what is the burden on the beneficiary to receive child support money under this bill? The gentleman from California says it is cooperation, and then tells me it is his understanding that cooperation is not spelled out in the regulations, not spelled out in the report and not spelled out in the legislation. Somebody has the discretion of determining whether or not the beneficiary has cooperated. I am trying to find out who that is and what we mean by cooperation.

Mr. PETTIS. Mr. Speaker, I think it is the same cooperation she gives them today, and we try to get cooperation with mothers today. That exists under our present law.

Mr. ULLMAN. That means, obviously, giving information that is required in order to locate the missing father in order to make a collection.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. PETTIS. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, does the recipient beneficiary have to be a legal resident or a citizen of this country under the conference report?

Mr. PETTIS. She is subjected to the same rules and regulations and laws as pertain today.

Mr. WHITE. In other words, a citizen of Vietnam or a citizen of Germany or any other place in the world could come to the United States, establish a judgment in the courts of the United States, and collect under this law, if passed and signed, and receive garnishment against the social security or veterans benefits?

Mr. PETTIS. If she could qualify for welfare today, she could under this act.

Mr. WHITE. Does she have to necessarily qualify for welfare before receiving garnishment?

Mr. PETTIS. She would have to qualify. This is the point. She would have to qualify for welfare.

Mr. WHITE. I thank the gentleman very much.

Mrs. SCHROEDER. Mr. Speaker, nearly 2 years ago, the Nixon administration promulgated proposed social services regulations that in effect would have changed a focused program into social services revenue sharing. In the process, the largest social service, day care, would have been changed from a quality program into a custodial program where only the health and safety of those received for care was required.

After substantial press notice and a huge outpouring of letters—mostly from persons providing decent day care—HEW's action was frozen while prolonged negotiations took place.

Despite the misgivings by those who

distrusted the architects of general and special revenue sharing—as well as the chief beneficiaries of revenue sharing—State, county, and local officials looking for a way to ease their tax burdens—a broad coalition formed around social services.

Over the months, a carefully designed compromise proposal was developed—all sides moderated their demands. And, a few days ago, the entire House passed the compromise measure unchanged.

At this point, certain members of the Senate began an elaborate legislative charade. They said they would not take up social services; and then, just last Saturday, without warning—one Senator—the ranking minority member next year—got 15 minutes' notice—a very careful package was pushed through the Senate Finance Committee. That package contained the so-called work bonus provisions—nothing more than a "strawman" for trading purposes in conference—which all of us know would earn any legislation a veto. It also contained a child support program shot through with inequities. And it contained a mish-mash of provisions from the Senate's 1973-passed social services bill.

This brew was served to the Senate along with a cloture motion—signed by some Senators who apparently thought the legislation contained very different provisions. Meanwhile, the Coalition that had worked together crumbled in disagreement and dismay at what the Senate had done—some shrugging it off as "the only solution" and others saying they would fight cloture.

As it happened, almost no one fought cloture and the Senate passed the package.

Yesterday, conferees met and guess what happened?

The "straw man" work bonus plan was dropped. The misguided and flawed child support provision passed essentially unchanged. The Senate day care provisions—which turn day care into custodial care and increase child staff ratios for school age children—were adopted.

Although I am sure they did not intend it, the initial effect of the conferees was to say that the Federal Government does not think some poor children in day care need anything more than what we give dogs—kennel care.

As we, who have studied children and their care know, children are unlike dogs. It is not enough to store them safely in a warehouse with keepers. Children need educational services or they tune out—they become irreparably damaged—they end up, in the main, precisely incapable of function so that when they are adults they must be on welfare, unemployment, or institutionalized.

Yes, inadvertently the Congress is approving a social disaster—institutionalized child abuse now and adult dependency later.

For these reasons, I am voting against this conference report—the worst Christmas joke ever delivered to the Nation's children—and ultimately to the Nation's taxpayers.

We ought to amend or defeat this bill

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and let the HEW regulations go into effect January 1 rather than discard the future of literally millions of children in our rush to adjourn.

I am, of course, struck by the irony of a Congress making one small step for children when they approved the child abuse bill earlier in this Congress—and now legislating a \$2½-billion program that assuredly will damage children.

In our rush to adjourn, let us not approve this incompetent scroogish approach. Let us do it right and go home with a clear conscience—we will all enjoy our holiday more.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PROVIDING FOR ADJOURNMENT SINE DIE

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 697) and ask for its immediate consideration. The Clerk read the concurrent resolution, as follows:

H. CON. RES. 697

Resolved by the House of Representatives (the Senate concurring). That when the two Houses adjourn on Friday, December 20, 1974, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

Sec. 2. The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

The SPEAKER. The question is on the concurrent resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. ASHBROOK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I take this opportunity of asking the distinguished majority leader what all that means. It was read rather rapidly. It seemed to have quite a few clauses. I did not quite catch all of it.

Mr. O'NEILL. Mr. Speaker, I feel certain the gentleman from Ohio is aware of the fact that this is a sine die resolution, which gives the right to the Speaker of the House and the Presiding Officer of the Senate, the majority leader of the House, the minority leader of the Senate, and the President of the United States, would have the right, to call the Members back into session before January 3 if they thought there was an emergency, and the Congress should be called back.

After the date of January 3 we will extend it to January 14.

Mr. ASHBROOK. I appreciate the gentleman's explanation. I did not remember the date of January 14 being mentioned.

Mr. O'NEILL. It was not mentioned. The third was mentioned.

Mr. ASHBROOK. Yes.

Mr. O'NEILL. Under the Constitution, January 3 is the date the House would normally come back into session. We have passed a resolution that we would come back on the 14th, but between the period of the 3d and the 14th, the President of the United States has the right. I am sure the gentleman is aware of everything in this resolution.

But between the period of January 3 and January 14, 1975, the President of the United States has the right, and I assume the gentleman knows only the President has that right.

Mr. ASHBROOK. Mr. Speaker, I had thought it was the responsibility of the majority leadership to set that date. I wondered why there was no date set in the resolution.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield further, the date is January 3, and we do not have the right between January 3 and January 14 to call the House back in session. These are matters taken up by the leadership of each side, cooperating with the leadership on the other side.

We do not have the right under the Constitution to call the House back in session during the period between January 3 and January 14, because we will not have been sworn into office, but during that particular time the President of the United States has that right.

Mr. ASHBROOK. Mr. Speaker, if I understand the gentleman, the leadership has set the date of January 14 for the resumption of Congress if no intervening emergency exists?

The SPEAKER. The House agreed to that resolution last week.

Mr. O'NEILL. That resolution was agreed to by the House.

Mr. ASHBROOK. I thank the Speaker. So the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 421, DUTY FREE IMPORTATION OF UPHOLSTERY REGULATORS, NEEDLES, AND PINS

Mr. ULLMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 421) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, and ask unanimous consent that the statement of the manager be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object, may I ask whether the distinguished gentleman from Oregon (Mr. ULLMAN) is going to give us some history concerning what I think it would be fair to say is the "Christmas Tree" bill for the year, so that we may have some understanding of the provisions?

Mr. ULLMAN. Mr. Speaker, if the gentleman will yield, we certainly intend to go into detail concerning this conference report. This is not a "Christmas Tree" bill. This is a revenue raising bill.

Most of these provisions were amendments which were taken out of the bill reported out by the Committee on Ways and Means. There are numerous matters of procedures and tax law, and there are other matters involved. I will be happy to explain the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, there are in sections 11, 12, 13 and, as I recall, section 14, a number of provisions that relate to political organizations and newsletter funds and the time for handling the deductibility on the tax credits for contributions to campaigns.

All of those provisions were not in the bill reported by the Committee on Ways and Means, as I recall.

Mr. ULLMAN. Mr. Speaker, all but one of these provisions relating to political organizations were in the bill reported by the Ways and Means Committee. That one concerns the doubling of the political contributions for which either deductions or credits may be taken by individuals on their tax returns.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman from Oregon. I appreciate the fact he is willing to explain this conference report in some detail. It needs it.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, will the gentleman from Oregon tell us whether or not this conference report still contains the so-called Long amendment pertaining to minimum income payments? Is that particular "ornament" still on this "Christmas Tree"?

Mr. ULLMAN. No; it is not in the conference report.

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Mr. BAUMAN. That is very reassuring. I withdraw my reservation.

Mr. Speaker, I withdraw my reservation to objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. ANDERSON of Illinois. Mr. Speaker, further reserving the right to object, I should like to ask the distinguished acting chairman of the committee, the gentleman from Oregon (Mr. ULLMAN), a question.

I have been contacted today by one national organization that claims under one of the nongermane amendments that have been adopted to this legislation that in effect it would mean that if such an organization were to distribute the voting records of Members of Congress, to cite one example, that would put them under the definition of the bill in the business of conducting lobbying activities, which would mean that their funds and their assets would be subject to taxation.

I would hope that the gentleman, in the course of his explanation of the conference report, could address himself to that point and either disabuse me of that notion or otherwise clarify the situation.

Mr. ULLMAN. If the gentleman will yield, I will explain it.

If it is done after the election—and this is normally the way the League of Women Voters and others do it—it would not apply in this instance. It would not constitute political activity as far as this law is concerned.

Mr. ANDERSON of Illinois. Mr. Speaker, further reserving the right to object, do I understand, then, that what the gentleman is saying is that the word "distribution" of material of that kind prior to an election could be considered political activity and the organization would thereby be subject to taxation?

Mr. ULLMAN. It depends upon the facts and circumstances. But let me go into a little more detail.

There are some organizations, such as the League of Women Voters, which frequently prepare analyses of legislators' voting records on issues that the organization is interested in. There is concern because of a recent court opinion that the Internal Revenue Service might regard the distribution of such a voting analysis as being electioneering even though this distribution is made only after an election and not in the context of any campaign for public office where such an analysis is not designed to affect an election, or an appointment, or a nomination, where the distribution of this analysis is just intended to inform people about the attitude of members of the next legislature, and this is done outside of the public office or party office campaign context, then this type of activity would not be the sort of political activity that the political organization provisions of the bill are designed to affect.

In other words, this would not be treated as an expenditure for an "exempt

function" and would not be taxable to that organization.

Mr. ANDERSON of Illinois. Further reserving the right to object, Mr. Speaker, the same source to which I referred earlier said that there had specifically been written into this particular conference report or this legislation an exemption for organized labor so that they could engage in activities of the kind that I described a moment ago, and it would not subject them to taxation of otherwise exempt funds.

I wonder if the gentleman would care to comment on that.

Mr. ULLMAN. This is not correct.

If the gentleman wants me to pursue it at the present time, I will; but I would rather pursue that whole matter in the discussion of the conference report.

Mr. ANDERSON of Illinois. If I have the gentleman's assurance that we can have a discussion of this whole question, of course, that is satisfactory.

Mr. Speaker, I withdraw my reservation of objection.

Mr. ECKHARDT. Mr. Speaker, reserving the right to object, will the distinguished acting chairman tell me how one determines when the date is before an election and when it is after? It is always after some election and before another one.

Mr. ULLMAN. If the gentleman will yield, I think it is quite clear that there are times when one is in the midst of a political campaign and times when he is not.

Certainly, until such time as a man is actively running for election in a campaign, it would not apply. It may not always apply even under those circumstances, depending on the context in which the expenditures are made.

Mr. ECKHARDT. Then is the gentleman saying that between the filing date and the date of the election is before an election and all other times after?

Mr. ULLMAN. It is likely to be a shorter period than that.

Mr. ECKHARDT. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House today.)

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ULLMAN. Mr. Speaker, as I previously stated, this bill, H.R. 421, to amend the tariff schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles and upholsterer's pins free of duty, was passed by the House.

In the Senate, several amendments were added to this bill by the Senate Committee on Finance. These tax matters deal with emergency problems on which immediate action is needed this year rather than having them held over until next year for consideration in connection with tax reform legislation. These amendments are needed now either to take into account serious problems with existing tax provisions or to deal with provisions having expiration dates in 1975 which should be extended through next year in order to allow examination next year of the problems involved affecting these areas. I believe that these amendments are not controversial and do require action this year. They are, however, not germane to the House-passed bill but if there are any of these provisions which are a matter of concern to Members of the House, a separate vote can be had on them.

The first tax amendment made by the Senate to which the House recedes extends for 1 additional year, through December 31, 1975, four 5-year amortization provisions. These four provisions are: First, rehabilitation of low- and moderate-income housing; second, pollution control facilities; third, railroad rolling stock; and fourth, certain coal mine safety equipment.

Your conferees believe it is important to extend these four amortization provisions through next year in order to give the Congress time to examine the question as to how much longer each provision should be continued. The provisions for extending the 5-year amortization rules are identical to provisions which were included in the Energy Tax and Individual Relief Act by the Ways and Means Committee.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I would ask the gentleman from Oregon, would the gentleman suggest to us some reason—and I have read the report—as to why these four categories were selected by the Senate, and not by the House, so that this special benefit was extended to these four categories?

And also will the gentleman give us an estimate of what the tax loss would be that might result?

Mr. ULLMAN. In reply to the gentleman from Massachusetts, let me say that these were included in the bill from the Committee on Ways and Means that was reported to the Committee on Rules. The reason that they were included is that we felt that since they are in the existing law, they should not be allowed to expire without consideration by the committee and the Congress. The other body merely took the provisions from our bill that was pending before the Committee on Rules, and included them in this legislation.

Mr. DRINAN. Mr. Speaker, if the gentleman will yield further, would the gentleman answer the second part of my questions to what estimate the gentleman might make as to the loss in revenue

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because of the inclusion of these four categories, and that we really have not studied?

Mr. ULLMAN. In 1975 the revenue loss would be about \$5 million, in 1976, \$4 million, and in 1977, about \$3 million.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I would like to ask the gentleman from Oregon—and this is intended only to clarify the record with respect to rehabilitation of low-income housing.

Clarification is needed as to the circumstances in which expenditures made to rehabilitate housing to be occupied by low-income families may qualify for the rapid amortization benefits of the Internal Revenue Code, section 167(k). This is because section 4 of Public Law 93-482 and section 3(c) of the pending legislation extend the expiration of that provision in somewhat different ways.

Is my understanding correct that moneys expended after January 1, 1976, for rehabilitation of low-income housing may qualify as eligible rehabilitation expenditures under 167(k) even though such expenditures are not made pursuant to a binding contract with respect to eligible low-income housing which was entered into prior to December 31, 1974, provided that liability to make expenditures accrued prior to January 1, 1976?

I have been asked for some clarification of this specific technical question.

Mr. ULLMAN. Let me explain the matter to the gentleman.

Expenditures on low-income housing may qualify under section 167(k) in two ways.

The first way for expenditures to qualify is for the expenditures to be made pursuant to a binding contract entered into before December 31, 1974. This is provided for in section 4 of Public Law 93-482. Under this law, if a person enters into a binding contract before December 31, 1974, to rehabilitate low-income rental housing, expenditures which he makes pursuant to that contract will qualify for section 167(k) treatment if the expenditures are incurred before January 1, 1978.

The second way that expenditures may qualify is under section 3(c) of the bill, H.R. 421. In this case, if expenditures are incurred with respect to low income rental housing before January 1, 1976, the expenditures will qualify for section 167(k) treatment. This provision will apply even though there is no binding contract in effect before December 31, 1974.

It is intended that, following the present regulations governing section 167(k) expenditures, such expenditures will be considered as "incurred" under both these provisions if they are accrued under the accrual method of accounting before that date.

Mr. CONABLE. I thank the gentleman for that necessary explanation of legislative intent.

Mr. ULLMAN. Second, the Senate amendment also extends for 1 year the

present rules dealing with recapture of gain on the sale of certain Government subsidized housing projects. Under present law there is full recapture on projects such as FHA section 236 programs in the first 20 months of holding the property. The amount of recapture for these projects decreases ratably after the first 20 months and there is no recapture after the end of 10 years. This recapture period is shorter than the general recapture period which applies to other types of property. This special rule for Government subsidized projects applies to property which is constructed or acquired before January 1, 1975. The amendment extends this rule for 1 year to property constructed or acquired before January 1, 1976. Your conferees believe that this provision also should be extended for 1 year to allow the Congress to properly examine the question as to how long these rules should be continued.

The second tax amendment made by the Senate, to which the House recedes, deals with the tax treatment of accrued vacation pay. The Congress has been continuing the temporary treatment in this area pending a permanent solution. Since the last extension expired in 1973 and a permanent solution has been worked out, your conferees believe it is appropriate to provide this permanent treatment now rather than just continue the temporary treatment. The new rules allow an employer to take a deduction in the case of accrued vacation pay which, except for contingencies such as termination of employment before vacation time arrives, has already been earned by the employees. Special rules are provided to prevent a doubling up of deductions in certain cases because of the rules in the past. The provision dealing with the tax treatment of accrued vacation pay is identical to the accrued vacation pay rules included by the Ways and Means Committee in the Energy Tax Act.

The third tax amendment made by the Senate, to which the House recedes, relates to the application of the class life system to real property. Present law provides that after 1973 the class life system, sometimes referred to as the asset depreciation range or ADR provision, is to apply to real estate. Since the Treasury has not as yet devised a satisfactory class life system for real estate, the ADR system for it would be unworkable. As a result, the bill provides that the ADR system is not to apply to real estate until such time as the Treasury Department develops regulations on a class life system for real estate. The provision relating to the application of the class life system to real property is the same as the equivalent provision included by the Ways and Means Committee in the Energy Tax and Individual Relief Act previously reported to the House.

The fourth amendment added by the Senate, to which the House recedes, deals with the tax treatment of real estate investment trusts. A series of revisions have been proposed for the tax treatment of real estate investment trusts to take into account the current practices and economic problems of the

industry. However, this provision deals only with the most pressing current problems of the industry, those relating to the treatment of foreclosure property. The provision in general provides that a trust is not to be denied REIT status because it receives income from foreclosure property. The provision dealing with foreclosure property acquired by real estate investment trusts is essentially the same as a limited portion of the REIT provisions previously reported by the Ways and Means Committee to the House in the Energy Tax and Individual Relief Act.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Massachusetts.

Mr. DRINAN. I thank the gentleman for yielding.

Would the gentleman be able to give us some estimate of the loss of revenue of section 5? The second question is, Is the real estate lobby in favor of this? Is this something that they requested? And is the consumer lobby contrary to what is incorporated here concerning this very specialized extension of real estate depreciation recaptured?

Mr. ULLMAN. The revenue effect from the real estate investment trust provision is negligible. I personally have had no contacts by anybody in the real estate business with respect to this provision. There are some real estate investment trusts which are in serious difficulty because of foreclosures, but I have not been contacted by anybody on this matter.

The fifth tax provision added by the Senate to the bill, and to which the House recedes, increases the interest rate paid by taxpayers on tax deficiencies and by the Government on tax overpayments from 6 to 9 percent per year. In addition, the provision includes a procedure to update this interest rate in the future to keep it in line with changes in money market rates. The part of this provision increasing the interest rate to 9 percent is the same as a portion of the Energy Tax and Individual Relief Act previously reported to the House by the Ways and Means Committee. The portion of the provision which includes a procedure keeping the provision in the future up to date with changes in money market rates was added by the Senate Finance Committee, and your conferees believe it is a substantial improvement to this provision.

There is some \$300 million of revenue gain which is involved in this provision.

The sixth tax provision added by the Senate, to which the House recedes, deals with the exclusion from gross income of interest on U.S. bank deposits held by foreign persons. The present exemption from the 30-percent withholding tax for interest received by foreign persons from certain deposits in banks or other accounts, such as with savings and loan institutions, expires as of December 31, 1975. This provision extends this rule for one additional year to December 31, 1976, to prevent during 1975 an outflow of funds held as certificates of deposit with U.S. savings institutions. This provision

is part of a provision added by the Ways and Means Committee to the Energy Tax and Individual Relief Act. We believe it is necessary for the reasons I have stated to put it into effect now. The Ways and Means Committee intends to review next year U.S. tax policies affecting all such types of investments.

The seventh tax provision added by the Senate, to which the House recedes, deals with a problem which arose under the interest equalization tax. Under those provisions companies could issue debt obligations and not have the interest on them subject to the 30-percent withholding tax. In order to obtain these benefits for debt obligations existing at the time of enactment of this provision, the companies were required to assume the obligations of their financing subsidiaries. However, this would cause the financing subsidiary to realize income from the discharge of indebtedness. The action taken, with respect to these obligations, exempts the interest income on these obligations from tax and excludes them for estate tax purposes if they are held by foreigners. This problem was also dealt with, in a larger context, by the Energy Tax and Individual Relief Act previously reported by the Ways and Means Committee in the House. This was taken into account to some extent by the bill passed by the Ways and Means Committee.

The eighth tax provision added by the Senate, to which the House recedes, modifies the tax treatment of political organizations in several major respects. The provisions have the effect of generally making political parties or committees and separate campaign funds tax-exempt on any contributions they receive, but taxing them on investment and business income. At the same time, it prevents avoidance of tax by individuals by taxing them on any unrealized appreciation attributable to their contributions. It also makes clear that campaign contributions in reality are not a gift but rather constitute contributions to further the general political or good government objectives of the donor.

In addition, these provisions allow the present law credit or deduction for campaign contributions in a year before a person announces his candidacy as well as in the year that he has announced that he is a candidate for the office. Also, the changes deal with existing problems in connection with newsletter funds and technical difficulties arising in the case of the presently deductible or creditable political contributions. These provisions are the same as the provision included in the Energy Tax and Individual Relief Act, to which I referred, and reported by the Ways and Means Committee to the House.

The provisions added by the Senate also increase the maximum credit and deduction for contributions to candidates for public office.

This is an important provision added by the other body that I think we should be aware of.

Mr. ANDERSON of Illinois. Mr.

Speaker, will the gentleman from Oregon yield?

Mr. ULLMAN. I would be happy to yield to the gentleman.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. I interrupt him only because it seems that the question I had to ask is appropriate at this particular point.

I have before me what is the type-script of the committee report. On this legislation it states that section 11 of the Senate amendment provides that political parties or committees—in separate funds—are to be taxed on investment income and on income from a trade or business, but not on campaign contributions they received.

Frankly, I would have no objection to a provision of that kind. What becomes material at this point to find out is what is the definition of political parties and committees? I do not find any description of that here in the report, or is there any in the report, and if so, what is it?

Mr. ULLMAN. Would the gentleman give us an opportunity to come back to the matter in due course?

Again, this provision that I was referring to increases the maximum credit. The maximum credit is increased from \$12.50 in the existing law to \$25, or in the case of a joint return, from \$25 to \$50. The maximum deduction—remember, the present law allows both a credit and a deduction—the maximum deduction of income goes from \$50 to \$100—in the case of a joint return, from \$100 to \$200.

The conferees believe this will encourage more widespread financing of political campaigns through small contributions. We think that is a desirable objective. This will broaden political financing and help reduce the dependence of candidates on large contributions by special interests.

To turn now to the question of the gentleman from Illinois on page 28 of the bill there is a definition of political organization which is as follows:

"The term 'political organization' means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

Then we define exempt function:

"The term 'exempt function' means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Then it defines contributions.

Mr. ANDERSON of Illinois. Well, I thank the gentleman very much for directing me to that section of the Senate amendment that does define a political organization.

I wonder for the purpose of making legislative history on this legislation at this point whether there was any discussion of what we mean by the function of influencing or attempting to influence

the selection, nomination, election, or appointment, of individuals to Federal, State, or local public office, or office in a political organization. Was it intended that that would extend to a nonpartisan organization that, for the sake of voter education, was merely trying to familiarize individuals with the voting record of a particular person in public office?

Mr. ULLMAN. The general answer is no; it would not. This definition is similar to one in existing law, in the body of law dealing with campaign contributions.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Texas.

Mr. KAZEN. Would a situation that would arise out of holding a fund-raising event to pay off a political debt after a campaign, would that situation be covered by any provision of this conference report? It would not be furthering the candidacy of anyone. It is just helping an already elected candidate or defeated candidate after the last election to pay his deficit.

Mr. ULLMAN. Obviously, under the definition it would be a political activity. However, it would not be the kind of income that would be taxed. That is not income for this purpose.

Mr. KAZEN. I thank the gentleman.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Ms. HOLTZMAN. Mr. Speaker, perhaps I am incorrect, but I wonder if the gentleman can clarify this. Is he saying in the definitional terms that we are not changing existing law? Am I correct in the definitional terms with respect to political organizations, an organization which is exempt under other provisions of the tax code—let us say a nonprofit organization concerned with consumer or environmental matters—we are not making it subject to the tax code by this definitional provision or by this provision here that is otherwise exempt?

Mr. ULLMAN. If they carry on political activity as defined here, they would be taxed on their investment and operating income.

Ms. HOLTZMAN. Only investment income would then become subject to taxation?

Mr. ULLMAN. Only if they carried on political activities as we have defined them here, by attempting to influence the election of a candidate.

Ms. HOLTZMAN. Perhaps I have not clarified my question sufficiently. Let us say there is an environmental group—

Mr. ULLMAN. Let me answer the gentleman's question a little more specifically. She wanted to know how much of their investment income would be taxed in the case of an organization which is partly political and partly not.

Ms. HOLTZMAN. That is correct.

Mr. ULLMAN. It would be only to the extent of their investment income or the funds which are spent for a political activity, whichever is smaller. In this case it need not be their total investment income.

Ms. HOLTZMAN. I see. But the gentleman has no definition here of the terms "influencing the selection of a candidate"; is that correct. Under section 2, the term "influencing the selection of a candidate" is not defined. Is it possible under this legislation that if a tax exempt organization were to publish some information about a certain bill that had been introduced by a particular person, could that be interpreted as tending to influence an election?

Mr. ULLMAN. That is clearly not under the definition of influencing the election of an individual.

Ms. HOLTZMAN. That has to be a purpose of attempting to influence?

Mr. ULLMAN. That is right, it has to be for the purpose of influencing an election or appointment. I think this is consistent with the body of existing law. It does not include the type of organization the gentleman mentions.

The term "exempt function" is defined to mean the "function of influencing or attempting to influence the selection, nomination, election or appointment of any individual."

Ms. HOLTZMAN. I thank the gentleman for his assurance. I still am slightly troubled by this.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from California.

Mr. BELL. Mr. Speaker, there seems to be a little difficulty in understanding the gray area of when a person is in a campaign and when a person is not. For example, the activity of a person who is not an announced candidate in making speeches or meeting in certain areas that cost money, and so forth, is that money vulnerable which he may receive in a situation like that? Is that vulnerable under this law?

Mr. ULLMAN. In reply to the gentleman, whatever difficulties there are, are already in existing law. This provision does basically attempt to clarify existing law in this respect.

Mr. BELL. In other words, unless the candidate is announced, it does not apply.

Mr. ULLMAN. That depends on the nature of the activity and the context in which it occurs.

Mr. TOWELL of Nevada. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Nevada.

Mr. TOWELL of Nevada. Mr. Speaker, I do not want to needle the gentleman, but some people have been coming up to the desk, and I am sure this is a very important discussion we are having, and I am sure some people are wondering if we are going to talk about needles.

Is that in the conference report at any point?

Mr. ULLMAN. That is obviously a subject matter of the legislation. The provision on needles passed in the other body and is the same provision we passed in this House some time ago.

If the gentleman wants to know about the legislation I will be happy to explain it.

Mr. TOWELL of Nevada. No, I just wanted to know if it is in there.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. May I figure out what that section means on the announcement of candidacy? As I read the provision, in section 11 of the law, the present situation, as I understand it—the gentleman can correct me if I am wrong—is that we have to announce prior to December 31, 1975, in order that the contributions given to political organizations during 1975 would be tax deductible.

Is the new section saying if we announce prior to December 31, 1976, any contributions given in 1975 are to be deductible?

Mr. ULLMAN. This has to do with the credit or deduction for the individual making the contribution. Already it applies prior to announcement to the beginning of the year. But this provides that it goes to the beginning of the year prior to announcement. So that in an off year, for instance, before the Member announced, if he begins collecting campaign funds, a deduction for a tax credit or deduction can be allowed for contributions in the year prior to the year in which he runs.

Mr. STEIGER of Wisconsin. That means it is not necessary—in 1973 it was—to announce as a candidate in order for the funds to be credited?

Mr. ULLMAN. This eliminates the need to do that.

Mr. STEIGER of Wisconsin. I thank the gentleman.

Mr. ULLMAN. Let me now complete my statement.

The Senate added two additional tax provisions which were not emergency provisions and to which your conferees did not agree. The Senate receded on both of these provisions.

The first provision added by the Senate, to which the Senate recedes, deals with the tax treatment of student loan funding programs. Present law exempts interest paid on most State and local governmental obligations from Federal income tax. The Senate provision would have added a new category to the list of obligations which are exempt from tax. The category which would have been added is qualified scholarship funding bonds issued to finance student loan programs where the bonds are issued by nonprofit higher educational authorities which are requested to do so by governmental units. In this case the bonds issued do not constitute a State or local government bond.

Your conferees understand, however, that within approximately 1 month regulations will be issued by the Treasury Department which will provide that if nonprofit higher education authorities issue bonds on behalf of a governmental unit, the bonds generally will constitute a State or local government bond, so the interest on the bonds will be tax-exempt. Your conferees also understand that it is contemplated that State

laws may be changed where necessary to allow this approach to be taken. For these reasons, and because this is not an emergency provision, the Senate receded with respect to this amendment.

In addition, the Senate provision dealt with the treatment of these obligations as arbitrage bonds. Your conferees understand that these problems also will be taken care of by regulations.

The final tax provision added by the Senate would exempt from taxation the interest on obligations issued to finance the construction of a dam and related facilities in Idaho. Specifically, the amendment would make tax-exempt the interest on obligations issued by the American Falls Reservoir District to finance and construct the dam and related facilities to replace the American Falls Dam of the Minidoka project, Idaho-Wyoming. This provision would establish an exception to the general rule providing tax-exempt financing through industrial revenue bonds for financing of local projects only, since the project in question is not merely local.

Your conferees believe that a special exemption of this type should not be provided, and consequently, the Senate receded with respect to this amendment. However, your conferees believe that the general rule should be examined to determine whether this type of financing should be available for regional as well as local projects and it is intended that the Ways and Means Committee and the Senate Finance Committee will look at this problem in the next Congress.

Mr. SCHNEEBELI. Mr. Speaker, I rise in support of the conference report on H.R. 421, a bill passed by the House to amend tariff schedules of the House to make duty-free importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins. The Senate accepted the House provisions relating to the above and they are not in question.

In addition, the Senate adopted a number of amendments which basically were taken from the House reported version of H.R. 17488, the Energy Tax and Individual Relief Act of 1974. Thus, in most cases, the amendments accepted by the House conferees had already been considered and favorably reported by the Committee on Ways and Means and represent basically noncontroversial items which need to be handled now in order to take care of expiring authorities and other pressing problems.

The provisions deal with certain tax problems relating to: amortization provisions, accrued vacation pay, real estate investment trusts, and the taxation of political parties and other items.

I will not attempt to describe in detail these provisions except to indicate that they are all necessary at this time and in my view should be accepted by the House as part of this conference report.

One item that I think is worth mentioning relates to the taxation of political organizations. Until recently the tax status of political organizations has been somewhat uncertain. Historically, the

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Internal Revenue Service has not required the filing of income tax returns by political organizations, but in August of 1973, it was announced that political parties and committees would be taxable organizations and would have to pay tax on interest and dividends from investments, income from certain commercial activities and gains from sales of appreciated property. Also, the Service has ruled that campaign contributions are not includable in gross income and that expenditures for political purposes and expenses incurred for fund-raising activities are not deductible. Other problems have arisen regarding the whole area of tax treatment of political organizations, and in an effort to clarify the law on this important issue, the Committee on Ways and Means made an in-depth review of the entire problem and included in H.R. 17488 several provisions which I believe satisfactorily deal with the problems involved. These were adopted by the Senate and accepted by the conferees.

First, the conference bill treats political parties and committees generally as tax-exempt organizations. Contributions to these committees or parties would not be considered as income; however, they would be subject to tax on unrelated business income, capital gains and investment income in excess of \$100. Any political party or committee with such income less than \$100 would not be required to file a return.

Second, the limited income tax credit to deduction for individual contributions to candidates for public office would be changed to allow the credit or deduction for contributions in the calendar year prior to the year the candidates announces his candidacy. Under existing law, the deduction or credit is allowed only for the year in which the individual has publicly announced that he is a candidate for election. This change is an important one and should encourage individuals to consider running for office.

Third, the conference deals with an important problem that has arisen with regard to the tax treatment of newsletter committees and newsletter funds. Under existing law, if an elected official receives contributions to a fund established to pay for his newsletter, the IRS treats the contributions as his income in the year received. Also, the amounts he spends in printing, addressing, et cetera, the newsletter are deductible as ordinary and necessary business expenses so long as the elected official itemizes his deductions. The conferees felt that this treatment was wrong and the bill provides that newsletter committees and/or funds would not be taxed on the individual contributions they receive. They would be taxed on unrelated trade or business income, net capital gains and investment income in excess of \$100. Another change of importance would make individual contributions to candidates for public office which are used for newsletters to be eligible for the above-mentioned income tax credit for deductions.

Fourth, the conference bill provides that the gift tax would not be applied to contributions to political parties or committees. A district court in the District of Columbia had so held and the committee felt that this was wrong. However,

the committee decided that the donors of appreciated property transferred to a political party or committee would be subject to tax on the difference between the value of the property at the time of the contribution and donors' cost or other basis in the property. This change was also important to clarify the law and should serve as an adequate rule for the future.

In addition, the conferees accepted an amendment offered on the Senate floor which would increase the maximum credit and deductions for contributions to candidates for public office. The maximum credit is increased from \$12.50, or \$25 in the case of a joint return, to \$25 for an individual and \$50 in the case of a joint return. For those who find it advantageous to take a deduction rather than a credit, that is increased to \$100 and \$200 in the case of a joint return.

The conferees also agreed to a Senate amendment similar to a provision which was contained in H.R. 17488 to increase the interest charged and paid in connection with tax deficiencies. In light of recent inflation, the existing 6 percent rate on interest paid by taxpayers on tax deficiencies and by the Government on tax overpayments is really outmoded.

The Senate amendment accepted by the conferees increases both of these rates to 9 percent and also provides that they are to be adjusted as the prime rate changes. The Government interest rate is to be 90 percent of the prime rate rounded to the nearest whole interest rate and would be subject to change every 2 years. It is interesting to note that this change is estimated to raise \$130 million in 1975, \$300 million in 1976 and \$330 million in 1977 and thereafter. I believe the agreement reached by the conferees is fair, equitable and important and should be accepted by the House.

Mr. SCHNEEBELI. Mr. Speaker, I do not plan to repeat what the acting chairman of the Committee on Ways and Means stated. I want to make two or three points.

First of all, nearly all of the Senate amendments accepted by the conferees were previously approved by the Committee on Ways and Means, in the energy tax bill. So this is not new legislation, so far as the committee is concerned. Primarily two basic things were dealt with. One was in the area of campaign contributions. In August 1973, the IRS stepped into this area and created a lot of misunderstanding and fuzziness. We have tried to clarify these rules in a national fashion.

The second general important item in this legislation is the raising of revenue, which ordinarily is not the product of Senate amendments. One Senate amendment we accepted would raise the present interest rates on delinquent accounts from the present 6 percent to a more realistic 9 percent.

At the present time a good many taxpayers are not paying their taxes because it costs them 10 percent to go to a bank to borrow the money in order to pay the taxes. So they are delinquent, and when they do collect the money and pay the taxes, they only have to pay a 6-percent deficiency. This 6 percent has been raised to 9 percent.

After the second year of application, the Federal Government will collect \$300 million more in tax penalties than it does at the present time and these funds will go into the Treasury.

So, Mr. Speaker, the amendments cover two main areas: One, the campaign contribution elucidation; and, second, raising the interest rates on deficiencies.

Mr. Speaker, they are good amendments. They are amendments that the Committee on Ways and Means has acted upon, and I suggest that we support the conference report.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

Is there anything in the amendments that says if a taxpayer has funds to be returned to him, the Government should pay him interest?

Mr. SCHNEEBELI. That is right. It works both ways.

Of course, the Government receives a lot more money in tax deficiencies than it does in paying back money on overpayments.

Mr. SYMMS. But if the recipient has money owed to him, he will also get 9 percent?

Mr. SCHNEEBELI. The gentleman is correct. It works both ways.

Mr. SYMMS. Mr. Speaker, I thank the gentleman very much.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, if I may, I would like to pose a question to the chairman of the committee or to the gentleman from Pennsylvania relative to the use of the funds and what provisions, if any, are made in the conference report in that respect.

Mr. SCHNEEBELI. Mr. Speaker, I yield to the acting chairman of the committee for that purpose.

Mr. ULLMAN. Mr. Speaker these provisions place in the law the procedures outlining how we can use funds we have collected for political purposes, for newsletter purposes. We think this avoids the necessity for having a separate newsletter fund for Members who have a continuing campaign fund.

Mr. MATSUNAGA. Mr. Speaker, does this require a committee to be organized, or can the Member himself collect a fund separately for purposes of publishing newsletters and mailing newsletters?

Mr. ULLMAN. As long as a separate account is kept, the bill does not require a committee.

Mr. MATSUNAGA. So that the Member himself can be the "committee" as well?

Mr. ULLMAN. If he has a separate account.

Mr. MATSUNAGA. I understand. These funds will be nontaxable, just as political contributions are nontaxable?

Mr. ULLMAN. Except insofar as they give rise to investment income. That would be taxable.

Mr. MATSUNAGA. And likewise with contributions?

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Mr. ULLMAN. Contributions would not be taxable if held separately for political purposes.

Mr. MATSUNAGA. Supposing that the Member has a balance at the end of the year and assuming that he was unable to spend all that he collected and yet has the balance in a separate account, will this be taxable to the Member?

Mr. ULLMAN. No, it will not if it is kept separately for political purposes.

However, I assume he may want to invest it. If he invests it and gets some interest or dividends, those amounts will be taxable.

Mr. MATSUNAGA. Just the interest and dividends on the fund itself?

Mr. ULLMAN. Yes, if the fund is kept in a separate account. This is normally handled by a committee, but it does not have to be as long as it is in a separate account. This really is present law. There is no change in this regard as a result of this bill. The new part is the clear statement that investment income is taxed.

Mr. MATSUNAGA. Mr. Speaker, if the gentleman from Pennsylvania will yield further, in the event he should withdraw such funds for any reason other than the publication of a newsletter, will that become taxable?

Mr. ULLMAN. Yes. Any time an amount is withdrawn from a campaign fund for personal purposes, it immediately becomes taxable. This is present law.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I missed a part of the preceding colloquy.

If a Member does not collect anything for a newsletter and pays for it out of his own pocket, may he deduct that expenditure?

Mr. ULLMAN. The Member certainly can, according to my interpretation of the code, as a business expense.

Mr. PEPPER. If he spends his own money for political purposes or for the operation of his office, that is also tax deductible to the Member?

Mr. ULLMAN. No deductions can be taken for political purposes.

Mr. PEPPER. Mr. Speaker, I thank the gentleman.

Mr. VANIK. Mr. Speaker, I oppose the passage of this legislation and I want to comment on the process by which this tax bill was written.

The House Ways and Means Committee reported an extremely minor bill dealing with the suspension of duties on upholstering needles. The full House of Representatives passed the bill on April 10. The Senate Finance Committee did not report the bill until December 16.

When the bill was reported it was unrecognizable—having been enlarged from one section to 14 widely different provisions. The bill was further amended on the Senate floor—and was sent to conference as a combination of sweet-and-sour, good-and-bad provisions.

I support many of the provisions in the final bill. The proposal to increase in-

terest assessed on delinquent taxes from 6 to 9 percent is long overdue. However I must oppose the practice of legislating by appendage, without hearings and through consideration. It is particularly important that new tax provisions be soundly and carefully drafted—because once enacted they are almost never repealed.

The conference committee has softened some of the worst "tax favors" of the Senate bill. However, I must vote against this proposal, because I do not consider this a proper way to legislate on the tax code. There is no way for legislators to determine what is in the final version of the bill. The House went into session at 9 a.m. today. As of noon, copies of the conference report were not available from the document room and yesterday's CONGRESSIONAL RECORD, which should contain the report, had not been delivered to congressional offices. As of this moment, I have not seen a copy of the final conference decision.

The legislator can never be certain as to the content of a bill which is contrived behind closed doors by a few Members of the House, and the other body. At this stage of the proceedings, no real opportunity is offered to the legislator to make any real judgment. For these reasons, I must oppose this legislation.

Mr. SKUBITZ. Mr. Speaker, I have been sitting here for 45 minutes listening to the conference report on H.R. 421. According to the calendar the bill is referred to as "Upholstery Needles Conference Report." There is not a copy of the report available, and only a few copies of the bill. During the discussion, not a single word has been said about upholstery needles. I now find that the Senate added a number of amendments dealing with campaign expenditures, taxes, and real estate transaction, and so forth. It is quite apparent that the bill has served as a Christmas tree with a score of goodies attached to it. Frankly, I do not have the information upon which to make a judgment. Therefore, I shall vote present.

Mr. KOCH. Mr. Speaker, I am voting against the Upholstery Needle bill Conference Report on the premise that any alleged tax bill brought up an hour before adjournment without conference reports being readily available cannot be all good. If we are to have changes in our tax laws to cure inequities they should be brought up in a comprehensive bill addressing itself to the problems of the average taxpayer and not primarily to special interests. This bill is the Christmas tree bill for everyone other than the people and I vote no.

Mr. SCHNEEBELI. Mr. Speaker, I have no further requests for time.

Mr. ULLMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question is ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

Mr. SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 71, answered "present" 8, not voting 98, as follows:

[Roll No. 723]

YEAS—257

Abdnor	Gettys	Pepper
Addabbo	Ginn	Perkins
Alexander	Goldwater	Pettis
Andrews, N.C.	Goodling	Peyser
Andrews, N. Dak.	Green, Oreg.	Pickle
Annuzio	Guyer	Pike
Archer	Haley	Poage
Arends	Hamilton	Preyer
Ashbrook	Hammer-	Price, Ill.
Ashley	schmidt	Price, Tex.
Bauman	Hanley	Pritchard
Beard	Hanahan	Quile
Bennett	Hansen, Idaho	Rangel
Bergland	Harsha	Rees
Bevill	Hastings	Regula
Bingham	Hawkins	Reuss
Blackburn	Heckler, Mass.	Rhodes
Boggs	Helstoski	Riegle
Bolling	Henderson	Rinaldo
Bowen	Hicks	Roberts
Brademas	Hinsaw	Robinson, Va.
Bray	Hogan	Rodino
Breaux	Holifield	Roe
Breckinridge	Holt	Rogers
Brooks	Horton	Roncallo, Wyo.
Brown, Calif.	Hosmer	Rooney, Pa.
Brown, Mich.	Huber	Rose
Broyhill, N.C.	Hunt	Rosenthal
Broyhill, Va.	Hutchinson	Roush
Burke	Ichord	Roy
Burke, Calif.	Johnson, Calif.	Roybal
Burke, Fla.	Jones, Tenn.	Runnels
Burke, Mass.	Jordan	Ruppe
Burleson, Tex.	Karh	Ruth
Burlison, Mo.	Kastenmeier	Ryan
Burton, Phila.	Kazen	S. Germain
Byron	Ketchum	Satterfield
Carter	King	Schneebeli
Casady, Tex.	Kyros	Sebellus
Cederberg	Lagomarsino	Shriver
Chisholm	Latta	Shuster
Clauser	Leggett	Sisk
Don H.	Lehman	Smith, Iowa
Clawson, Del.	Litton	Smith, N.Y.
Cleveland	Long, La.	Snyder
Cochran	Long, Md.	Spence
Collins, Ill.	Lott	Staggers
Collins, Tex.	McClary	Stark
Conable	McCollister	Steele
Corman	McCormack	Stelger, Ariz.
Crane	McFall	Stokes
Cronin	McKay	Stratton
Culver	Madden	Stubblefield
Daniel, Dan	Mahon	Studds
Daniel, Robert	Mann	Sullivan
W. Jr.	Mathis, Ga.	Symington
Danielson	Matsunaga	Symms
Davis, S.C.	Mayne	Talcott
De la Garza	Mazzoli	Taylor, Mo.
Dellenback	Meeds	Taylor, N.C.
Denholm	Meicher	Teague
Devine	Metcalfe	Thompson, N.J.
Dickinson	Mezvisky	Thomson, Wis.
Diggs	Michel	Thorne
Donohue	Minford	Thornton
Dorn	Minish	Tierman
Downing	Mink	Treen
Drinan	Minshall, Ohio	Udall
Dulski	Mitchell, Md.	Ullman
Duncan	Mitchell, N.Y.	Vander Jagt
Eckhardt	Mizell	Vander Veen
Edwards, Ala.	Moakley	Vigorito
Ellberg	Mollohan	Waggoner
Findley	Montgomery	Ware
Fisher	Moorhead, Pa.	Whitehurst
Flood	Murtha	Whitten
Flowers	Myers	Williams
Flynt	Natcher	Wilson
Foley	Nedzi	Charles, Tex.
Ford	Nichols	Wolf
Forsythe	Nix	Wylie
Fountain	Obey	Young, Alaska
Freaser	O'Brien	Young, S.C.
Frigua	O'Neill	Zablocki
Gaydos	Parris	Zion
	Patman	
	Patten	

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NAYS—71

Abzug
Anderson, Ill.
Armstrong
Aspin
Badillo
Baflis
Bell
Biester
Boiland
Brinkley
Burton, John
Butler
Carney, Ohio
Cohen
Conyers
Coughlin
Davis, Wis.
Dellums
Derwinski
Dingell
du Pont
Esch
Fascell
Frelinghuysen
Frenzel

Frey
Gialmo
Gillman
Green, Pa.
Gross
Gubser
Gude
Gunter
Hechler, W. Va.
Helm
Hillis
Holtzman
Jones, Okla.
Koch
McSpadden
Mallory
Martin, N.C.
Miller
Moorhead,
Calif.
Mosher
O'Hara
Owens
Sarasin
Sarbanes

Seiberling
Sikes
Slack
Stanton
J. William
Stanton
James V.
Steed
Steelman
Steiger, Wis.
Stuckey
Towell, Nev.
Van Deerlin
Vanik
Veysey
Wampler
Whalen
White
Wilson, Bob
Wright
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.

ANSWERED "PRESENT"—8

Baker
Brown, Ohio
Dennis

Fish
Gonzalez
Madigan

NOT VOTING—98

Adams
Anderson,
Calif.
Barrett
Blaggy
Blatnik
Brasco
Broomfield
Brotzman
Camp
Carey, N.Y.
Chamberlain
Chappell
Clancy
Clark
Clay
Collier
Conte
Cotter
Daniels
Dominick V.
Davis, Ga.
Delaney
Dent
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Froehlich
Fulton
Gibbons
Grasso
Gray

Griffiths
Grover
Hanna
Hansen, Wash.
Harrington
Hays
Hebert
Howard
Hudnut
Hungate
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kemp
Kluczynski
Kuykendall
Landgrebe
Landrum
Lent
Lujan
Luken
McCloskey
McDade
McKinney
Macdonald
Maraziti
Martin, Nebr.
Mathias, Calif.
Mills
Morgan
Moss
Murphy, Ill.

Murphy, N.Y.
Nelsen
Passman
Podell
Powell, Ohio
Quillen
Rallsback
Randall
Rarick
Reid
Robison, N.Y.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Sandman
Scherle
Schroeder
Shipley
Shoup
Stephens
Traxler
Waldie
Widnall
Wiggins
Wilson
Charles H.
Winn
Wyatt
Wylder
Wyman
Yates
Yatron
Zwach

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZATION FOR CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments numbered 1, 2, and 3, and concur in the Senate amendment numbered 4 with an amendment.

The Clerk read the title of the bill. The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 20 to 24, inclusive. Page 2, line 25, strike out "(4)" and insert:

"(3)".

Page 3, line 23, strike out "(5)" and insert:

"(4)".

Page 4, strike out all after line 13 over to and including line 3 on page 5 and insert:

"(5) Section 10 is amended by deleting the language therein and inserting in lieu thereof the following: 'There is hereby authorized to be appropriated for fiscal year 1974 \$1,000,000 and for fiscal year 1975 \$1,000,000.'"

Mr. HOLIFIELD (during the reading).

Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, there is an objection. I object not to the reading but to the consideration.

The SPEAKER. The Chair will state to the gentleman that the Chair has not yet put that request for unanimous consent. This request is for the dispensing with the further reading of the Senate amendments.

Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The Clerk will report the House amendment to the Senate amendment numbered 4.

The Clerk read as follows:

In lieu of the matter in Senate amendment number 4, insert the following:

"(6) Section 10 is amended by deleting the language therein and inserting in lieu thereof the following: 'Such sums as may be necessary are hereby authorized to be appropriated. At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia.'"

"(7) Section 12 of the Act is amended by deleting the language therein and inserting in lieu thereof the following:

"Sec. 12. (a) The Cabinet Committee shall submit to the Congress and the President by March 1, 1975, its legislative and administrative recommendations to enable the Federal Government to meet the needs of Spanish-speaking and Spanish-surnamed people. The President shall transmit to the Congress such recommendations as he deems necessary by April 1, 1975."

(b) This Act shall expire on June 30, 1975."

The SPEAKER pro tempore (Mr. McCALL). Is there objection to the request of the gentleman from California?

Mr. HORTON. Mr. Speaker, I reserve the right to object.

Mr. GROSS. Mr. Speaker, I object. The SPEAKER pro tempore. Objection is heard.

AMENDING TITLE 18 OF THE UNITED STATES CODE TO PERMIT THE TRANSPORTATION, MAILING, AND BROADCASTING OF ADVERTISING, INFORMATION, AND MATERIALS CONCERNING LOTTERIES AUTHORIZED BY LAW AND CONDUCTED BY A STATE, AND FOR OTHER PURPOSES

Mr. DONOHUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the

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State of the Union for the consideration of the bill (H.R. 6668) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes.

The SPEAKER pro tempore (Mr. McCALL). The question is on the motion offered by the gentleman from Massachusetts (Mr. DONOHUE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6668) with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill. By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. DONOHUE) will be recognized for 30 minutes, and the gentleman from New York (Mr. SMITH) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I yield myself such time as I may consume, pending which I yield 30 minutes to the gentleman from New York (Mr. SMITH).

Mr. Chairman, the purpose of this bill is to provide specific exceptions to the existing law to make it possible for certain functions of State-conducted lotteries to be carried out, while at the same time providing reasonable limits to such activities so that it does not unduly affect States which do not have authorized State lotteries. In effect, the bill is intended to strike a balance in the Federal law as to State policies in this area. This is done by permitting radio and television broadcasts from a lottery State concerning such lotteries. Newspapers published in the lottery State and containing information concerning that lottery can be placed in the mails.

In a separate provision, mailing lottery materials such as tickets within a lottery State to addressees within the State would be permitted. All of this is affected by the addition of a new section to title 18 and a parallel amendment to title 39, the postal title of the code.

Now, in summary, Mr. Chairman, the bill would add a new section 1307 to title 18 and the necessary parallel language to title 39 to provide limited exceptions to certain provisions of law concerning State-conducted lotteries.

Subsection (a) of the new section 1307 would permit the broadcasting of advertising, list of prizes, or information concerning a State conducted lottery by a radio or television station licensed to a location in the State conducting a lottery under the authority of State law.

The bill would similarly permit the unrestricted mailing of newspapers published in the State containing advertisements, list of prizes, or information concerning the State conducted lottery.

Under a separate subsection (b) of section 1307, the transportation or mail-

ing of tickets and other materials concerning the State-conducted lottery within the State to addressees within the State would be permitted.

As has been noted, those changes would be accomplished by adding a new section 1307 to chapter 61 captioned "State-conducted lotteries," title 18, United States Code. Also, by adding a new subsection (d) to section 3005 of title 39 of the code.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. DONOHUE. I am pleased to yield to our able and distinguished chairman, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I would like to commend the chairman of the subcommittee for bringing this bill up. I would like to point out that this is a bill that is particularly necessary at this time. I would like to point out that unless we do pass this bill, a number of States that have State-operated lotteries, are going to be prejudiced. The Attorney General in a letter to the committee and to me on November 26 pointed out, and this is pertinent:

As you are well aware, this bill is of particular interest to the Department because enactment of legislation in this area is necessary to alleviate existing problems and questions concerning application of Federal lottery and gambling laws to the operation of State conducted lotteries.

I would like to point out that the revenue being derived from State authorized lotteries is being used for the purposes of education in many States. In some States it is being used to fund programs designed to serve the interests of the elderly. Unless this legislation is adopted to remove some of the prohibitions in Federal law, the Attorney General may be compelled to move against them and the revenues derived are going to be held up.

Accordingly, I would urge that we recognize the importance of passing this legislation at this time. At the appropriate time, I have a simple amendment which I know the Senate is interested in, which I am sure will do no substantial harm to the bill, but which will bring about the desired result. I would urge support for this legislation at this time.

Mr. SMITH of New York. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise to express support for H.R. 6668, which would permit those lotteries now conducted by State agencies to operate without being unduly hampered by the Federal Criminal Code.

Specifically, this legislation would permit the radio or television broadcasting of advertising, lists of prizes or information concerning a State-conducted lottery. The bill requires that such advertising or information be limited to those radio or television stations licensed to a location in a lottery State. H.R. 6668 would also permit the mailing of newspapers, published in a lottery State, containing advertisements, list of prizes or information concerning that State's lottery. This measure would also allow lottery tickets to be mailed to addressees within a State conducting a lottery.

Mr. Chairman, in 1963, the State of New Hampshire commenced the first State-operated lottery of modern times. Since that time, it has been joined by my own State of New York, as well as Delaware, New Jersey, Massachusetts, Maryland, Maine, Illinois, Michigan, Connecticut, Rhode Island, Pennsylvania, and Ohio. Under the New York law, the funds produced by the State-run lottery are devoted exclusively to improving the quality of education in our State. Other States have designated such worthwhile causes as senior citizens programs or reduction of their overall State debt for lottery proceeds.

As the Members of this House know, these State-operated lotteries have recently been warned by the Department of Justice that they intend to seek a permanent injunction against their continued operation, unless this remedial legislation is enacted. The provisions in title 18, which we seek to amend today were adopted in the late 19th century as a reaction to the abuses of the notorious Louisiana lottery. The law never anticipated the current situation. Mr. Chairman, if there ever was genuine emergency legislation, this is it.

This bill is carefully drafted so as not to impinge on those States whose legislatures have chosen not to adopt the lottery mechanism for raising revenue for public purposes. At the same time, it permits those States now operating lotteries to fully promote them without fear of violating Federal law.

This measure is almost identical to a bill which was approved by the Committee on the Judiciary at the very end of the 92d Congress. As the ranking Republican on the Subcommittee on Claims and Governmental Relations at that time, I was deeply involved in the formulation of this legislation and remain strongly committed to its passage.

It seems to me that those States conducting lotteries should be free to operate within their own borders without being unnecessarily restricted by Federal law. Enactment of this bill is supported fully by the Justice Department and all 13 States now operating lotteries.

I strongly urge favorable action by the House.

Mr. McCALL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. Yes, I yield to the gentleman.

Mr. McCALL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I join my colleagues on the Judiciary Committee in recommending support of these important amendments which will relieve the uncertainty and confusion that have occurred in the administration of State-run lotteries because of restrictive laws.

It is important that we understand that, by enacting H.R. 6668, we are merely repealing Federal laws which have lost their efficacy and become obsolete. We all know that the original Federal ban on interstate services for transmitting information and materials related to lotteries was prompted by the widespread corruption that infected most lottery systems. The committee's re-

search has shown that these bans should yield to the requirements of State-run lotteries. In my own State of Illinois, our lottery system was conceived and implemented to be in compliance with the myriad Federal laws that bear on this subject. Policing and disclosure policies have been built into the system with the expectation of making impossible the kind of graft and corruption which existed in 19th century lottery systems.

Mr. Chairman, while I do not support the amendments which apparently will be offered to this legislation, the bill itself appears to be necessary in order to remove Federal restrictions on the State-run lotteries. To be completely candid on this, I should point out that I have not personally supported the creation of a State-run lottery system. I have felt that the benefits of a State lottery, both financial and otherwise, have been greatly overrated. However, the people of Illinois have expressed their strong support for such a system. If, as public opinion surveys have shown, approximately 80 percent of the citizens of Illinois approve of the lottery, then it ought to be allowed to function without unwarranted Federal restrictions, even my personal objections to the contrary notwithstanding.

Mr. Chairman, I hope that all the Members will realize that it is fundamentally unfair to deny those States which have democratically opted to run lotteries, the opportunity to use the most important advertising resources in modern society—radio and television broadcasting—to promote the sale of tickets. This bill would permit such broadcasting for the first time. It will also remove the archaic mailing restrictions which banned lottery advertisements in newspapers which travel in interstate commerce.

What this bill recognizes, Mr. Chairman, is that State-run lotteries in the 1970's that comply with all applicable Federal regulations ought not to be penalized in their ability to compete because of 19th century excesses. H.R. 6668 is a reasonable and necessary piece of legislation, and I urge its passage to all of my colleagues.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I rise in support of H.R. 6668, to permit the intrastate transportation, mailing and broadcasting of advertising information and materials concerning State-authorized and conducted lotteries.

The State of Maine, which I represent, has only recently joined the ranks of those States with lotteries. In November of 1973, the lottery was approved by public referendum in a vote of 159,911 to 90,433, and the lottery itself actually got underway only this June. Very promptly, however, Maine became embroiled in a controversy involving the restrictions which we are today considering in H.R. 6668.

Representatives of the small local papers in Maine have complained that under present Federal regulations, they

are effectively prohibited from carrying advertising and other announcements for the lottery. Unlike large metropolitan newspapers, the small weeklies of the rural areas of Maine simply do not have the capability of running different editions for papers to be delivered by the Postal Service versus an independent carrier.

Thus, they are denied the right to carry news of interest to their readers as well as to receive the income available from the advertisements. Similarly, the local radio stations are unable to broadcast information on the lottery. Lottery officials have protested that the inability to use the regular means of communication was resulting in increased administrative costs and decreased citizen participation, which resulted in reduced revenues available for State programs.

In addition to these problems, Federal officials in Maine, maintaining that the existing regulations require very strict interpretation, have called into question lottery-related activities which had been permitted in other States in the past. This has placed the entire Justice Department in a very difficult position for in considering strict enforcement of the regulations, it has come face to face with the problem of whether the Federal Government should interfere with the revenue-raising activities of a State. Because of this situation the Justice Department has expressed strong support for the legislation before us and has urged prompt action by the Congress.

It should be emphasized that the question before us today is not whether we should approve or disapprove State lotteries. Whatever our personal feelings about lotteries, the fact remains that they are games the citizens of numerous States have duly authorized their State officials to conduct for the support of needed State services.

Since there is no overriding Federal interest in prohibiting State controlled lotteries, the Federal Government should not interfere with the sovereignty of the individual States or in their selection of revenue-raising measures. On that basis, I fully support H.R. 6668 and urge its adoption by my colleagues.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I will be happy to yield to the distinguished majority leader.

Mr. O'NEILL. I am for this legislation. I understand in Massachusetts there would be a loss of \$33 million a year without it. The tax gain from what we call the lottery has proven to be a tremendous success in Massachusetts.

But I rise for more than that. I rise for the purpose of making a comment on the fact that this is the last piece of legislation that will be handled by our eminent colleague from the State of Massachusetts, the city of Worcester, HAROLD DONOHUE, who has served this Congress for the last 28 years, and one of the most talented, and able, and beloved men in this Congress. I have had the privilege of serving with HAROLD DONOHUE for the last 22 years, and I have grown to love and respect him. He is truly one of the

great Members of Congress. He is a great person, a great student of Government, a great lawyer on his own, and I want to wish HAROLD all happiness and success as he leaves the Congress.

He can say to himself, "A job well done."

Mr. SMITH of New York. Mr. Chairman, I thank the majority leader, and I want to echo his sentiments on my good friend HAROLD DONOHUE. We might call this the Harold Donohue memorial bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I would like to associate myself with the remarks of the gentlemen and also say to the distinguished gentleman that we will miss him very much.

I am particularly anxious that this bill pass, because it means in excess of \$30 million to the State of New Jersey, the receipts of whose lottery goes solely to the purposes of educating the State's children. I do hope the bill is passed.

Mr. Chairman, I thank the gentleman for yielding.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation. I would also like to add my words of thanks and appreciation to those which have been expressed on behalf of the gentleman from Massachusetts (Mr. DONOHUE). It is very kind of him to have held hearings on this legislation, and I appreciate the fact that he has brought it to the floor, although it is regrettable that it comes this late.

But the bill has come up, and better late than never. I think we are all aware of the fact that the Committee on the Judiciary was unusually preoccupied this year with other matters.

Mr. TOWELL of Nevada. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Nevada.

Mr. TOWELL of Nevada. Mr. Chairman, as the only representative on the floor who represents a State which has had organized and legalized State-controlled gambling for the past 40 years, I welcome the 13 States that are now joining Nevada.

I will ask one question of the gentleman in my role as representing the State of Nevada. Is there anything in this bill that that will adversely affect our State-controlled gambling which we already have?

Mr. SMITH of New York. Mr. Chairman, as I have said to the gentleman, there is nothing in the bill that would adversely affect the State of Nevada, unless it means that it makes our lotteries in our own States better and keeps some of our money away from Nevada.

Mr. TOWELL of Nevada. Well, at this late hour, I am still urging all the Members to visit Nevada.

I will urge the adoption of the bill this afternoon to help out the new States

which have started their State lotteries. I still hope that the Members take time out to visit us.

Perhaps I should mention we have a problem in some of the advertising aspects concerned with some of our privately owned hotels, but I trust that that matter can be brought up in the 94th Congress, because I strongly believe privately owned businesses should be able to advertise in the same manner we are today helping State owned lotteries.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman. Perhaps we will accept his invitation to visit the Golden Sands in Nevada.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Connecticut.

Mr. SARASIN. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of H.R. 6668, a bill to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State.

As many of us here, who are from the 13 States which use lotteries as a valuable source of revenue, I wish to urge the support of my colleagues, from the other States, for this piece of legislation which will correct a situation that was never intended to exist.

Presently, Federal law requires that no information concerning a lottery may be mailed or broadcast. This law was intended to correct the abuses of a privately run illegal lottery and was never meant to be applied to the situation which exists today, where the States use lotteries to fund such worthwhile programs as education, environmental research, programs to aid the elderly, and for maintenance of open spaces and recreation areas.

Presently, the Justice Department is preparing to prosecute those States which are using the lottery system as a source of revenues as is shown by the two enclosed letters which I am inserting in the RECORD at this point:

U.S. DEPARTMENT OF JUSTICE,
New Haven, Conn., October 25, 1974.
COMMISSION ON SPECIAL REVENUE,
State of Connecticut,
Wethersfield, Conn.

GENTLEMEN: The apparent and potential conflicts between Federal statutes and State Special Revenue Projects flags to this office the obligation to enforce the Federal law, notwithstanding an awareness that the Special Revenue Projects of the State of Connecticut intended in the enactment of the statutes. In some respects, however, they are at least arguably if not actually within the language of the statutes.

It continues to be the policy of this office that prosecutions are not intended as Congress will presumably avail itself of the opportunity to determine whether the Federal laws should be enforced against the State. Unfortunately inaction on the part of Congress when the issue has clearly been presented to it in the form of proposed remedial legislation suggests that the laws as they are or may be applicable in their present form do in fact state the will of Congress.

This inference becomes stronger with the passage of time, particularly when threats of prosecution have been made publicly. At the same time the position of this office becomes less tenable as the assumption that Congress will clearly exempt the state fades.

It is not yet known what position will be taken by the Justice Department if Congress has not acted within the ninety-day period announced by Attorney General Saxbe.

The present Congressional recess suggests that no action is likely within that period. It will be the policy of this office that prosecutions will be undertaken if, after expiration of the ninety-day period, there seems to be little likelihood of Congressional remedial action. This is particularly pressing in view of the most recent increased use of the mail in relation to the "Player's Choice" phase of the lottery operation. It is not the wish of this office to precipitate a confrontation with the State, but our obligation to uphold the law as it is written is paramount.

Thus I would urge that the State of Connecticut press its Congressional delegation to obtain legislative clarification so as to avoid prosecutions. This should be pressed as to all areas of potential conflict with Federal laws from all present and contemplated programs of your Commission.

If at any time this office can be of assistance in these matters, please advise.

Very truly yours,

PETER C. DORSEY,
U.S. Attorney.

U.S. DEPARTMENT OF JUSTICE,
New Haven, Conn., November 25, 1974.

Re State of Connecticut, Gambling Activities.
Hon. LOWELL P. WEICKER,
U.S. Senator, Bridgeport, Conn.

Hon. ABRAHAM A. RIBICOFF,
U.S. Senator, Hartford, Conn.

Hon. ROBERT H. STEELE,
U.S. Representative, Willimantic, Conn.

Hon. ROBERT N. GAIAMO,
U.S. Representative, New Haven, Conn.

Hon. STEWART B. MCKINNEY,
U.S. Representative, Bridgeport, Conn.

Hon. RONALD A. SARASIN,
U.S. Representative, Waterbury, Conn.

Hon. ELLA T. GRASSO,
U.S. Representative, New Britain, Conn.

Hon. WILLIAM R. COTTER,
U.S. Representative, Hartford, Conn.

DEAR MRS. GRASSO AND GENTLEMEN: I trust that you will not regard this as an intrusion by the executive branch into matters under consideration by the legislative branch. However, this office is in a dilemma in that prosecution in accordance with the letter of the law may well require action to be taken against the State of Connecticut or one or more of its officials with respect to some of the gambling activities of the state, including specifically the state lottery. I am sure that you are all familiar with the problem and the legislation that is apparently pending in Congress to deal with it.

At the present time there is a moratorium on prosecutions as there seems to be agreement that the present state gambling operations are not really within the intended prohibition of federal law. However, the longer Congress goes without removing all doubts in this regard, the more thrust there is to the counter proposition that perhaps it is the Congress' intention to prosecute in these cases notwithstanding the interruption of a state activity to raise general revenues. In order that the situation be clarified and this office be relieved of the present dilemma, I would strongly urge that action be taken in that passage clearly exempting the state lottery or refusal to pass the bills would clearly indicate the Congress' intention.

Very truly yours,

PETER C. DORSEY,
U.S. Attorney.

Mr. Chairman, at a time of diminishing State revenues and of general economic displacement; we, in Congress should not further aggravate the prob-

lems faced by our States and, therefore, must and should enact this legislation.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 6668 relating to State-conducted lotteries. I join, too, Mr. Chairman in the tribute paid to our colleagues from Massachusetts, the Honorable HAROLD DONOHUE, by the distinguished majority leader, Mr. O'NEILL and other Members of the House.

The low-keyed and elegant manner in which Congressman DONOHUE has conducted himself during his service as a Member of Congress has won the respect and high regard of all who have served with him in this Chamber. His is the kind of personality that has endeared him to all who have come to know him, in and outside of the Congress, during the long, effective and honorable service he has rendered not only to his own beloved district but to Massachusetts and the Nation as well. I join with all in extending my best wishes for long years, good health and happiness as he leaves this body.

Mr. Chairman, this legislation would permit the interstate communication of information having to do with authorized State lotteries, either by broadcasting or through the mails.

Eight States out of 50 currently operate statewide, State controlled lotteries. Under provisions of the law as it now stands, it is illegal for any radio or television station, either within those States or not, to broadcast information or advertising concerning any aspect of the lotteries. It is also illegal to mail information, application forms, or prize winnings across State borders.

Despite the explicit nature of the law, however, its enforcement is, at most, spotty. Although broadcasting stations do not announce winning lottery numbers or other information, many newspapers published in States that have lotteries are frequently shipped through the mails to other States, even though they contain advertisements for lotteries, winning lottery numbers and prizes. Those newspapers that comply with the law and do not carry lottery ads lose revenue accordingly. In addition, some State lottery organizations will willingly mail lottery information to potential out-of-State subscribers.

Mr. Chairman, this situation is one which cries out for some resolution. I believe it is the obligation of the Congress to move in the direction that will protect the right of those States which presently operate or contemplate operating legal lotteries to obtain the full benefit of those enterprises as well as the rights of those States who do not have lotteries and who do not wish to have them. I think this can be done while at the same time doing away with a particularly anomalous legal situation—by permitting newspapers and broadcasting stations to carry lottery information by the State lottery agencies.

If this approach were taken, the uncertain state of the law would be resolved. Further, the ambiguous situation in the

enforcement of the law would be resolved by a much more workable and realistic statute. Yet no State's decision not to allow a lottery would be impaired. No State would somehow be forced to open a lottery. At the same time, the Federal Government would no longer be impeding the decisions of those States with lotteries to raise additional revenues, or restricting the possible advertising income of newspapers or broadcasting stations.

One of the principal arguments for State lotteries is that they offer an honest, publicly run operation which will put organized crime out of the business of gambling. At the same time they produce needed State revenues. I applaud both of these objectives. I feel that H.R. 1991 and other bills before this committee would advance these goals while at the same time recognizing the futility of attempting to enforce the present law. Admittedly, it might expand the possibilities that citizens from States which do not have lotteries will be encouraged to participate in another State's lottery, but the impossibility of preventing such occurrences is apparent, given the state of our interstate transportation and communications system. It is still true, however, that only those who wish to gamble will do so. In no way either are other States or individuals coerced into doing so.

Mr. Chairman, in recognition of an impossible situation and of the legitimate interests of all the concerned States, I urge the passage of this bill.

Mr. DONOHUE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I rise in support of the bill.

For the comfort and peace of mind of any of those Members who are opposed to lotteries, I will state that I, too, am opposed to lotteries, but I believe that it would be unreasonable not to accept these amendments and not to pass the bill, because through their own procedures 13 States have adopted State-conducted lotteries as part of their State policy.

This will simply make it possible for those States to carry out their work within a reasonable framework and without unnecessary interference from the Federal Government.

Mr. Chairman, I urge an aye vote for the bill.

Mr. SMITH of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am as fond of my good friend, the gentleman from Massachusetts (Mr. DONOHUE), and also my good friend, the gentleman from New York (Mr. SMITH), as is any other Member here, but I do submit that my fondness for these gentlemen or the fondness of other Members for them has very little to do with the merits or demerits of this particular measure.

I remember another gentleman, the late distinguished chairman of our committee, the Honorable Emanuel Celler,

of whom I was, and am, also very fond. He was very much opposed to this bill coming before our committee. He managed to kill it off when he was chairman of the committee. I agree with him in that particular.

Mr. Chairman, I am still opposed to the bill. I happen to come from a State, as a great many other Members do, where it is not only illegal to conduct lotteries, but it is even written into the constitution that it is illegal.

Under this bill, of course, if something is broadcast in the lottery State about lotteries, there is nothing we can do about that; they can send newspapers into our State advertising lotteries, and there is nothing we can do about that.

Many of our people out there still think that we ought to work hard and pay our taxes and perform in a more difficult and responsible way instead of spending money like we do around here and then think we can have a lottery scheme and after that everything will be easy. A lot of people still think that is wrong. Also a lot of people think this type of bill is another blow at federalism.

I happen to have those ideas myself on these points. I am against this bill. I am sorry to disagree at this late hour, but it does not seem to me, with all the problems this country has, that during the last waning hours of this Congress we should consider legislation such as this. There ought to be something more important we could do with our time than to part way legalize these lotteries by amending the Federal code for the benefit of the States which want to use lotteries. I urge my colleagues to vote against this bill.

It does seem to me to be a bad bill to bring up in the last days of this Congress, and I just have to go on record as protesting it and regretting it.

I think that it is a mighty good bill to save for the 94th Congress, which, by all accounts, will be far more liberal and will probably like this bill even better than the present Congress.

Mr. SMITH of New York. Mr. Chairman, I say to the gentleman that this bill does in many respects respect State rights, because it prohibits the transportation of lottery tickets and so forth into those States that do not have lotteries.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. WYLLIE).

Mr. WYLLIE. Mr. Chairman, I thank the gentleman from New York very much for yielding me this time, and I apologize for imposing on the time of the Members of the House at this late hour.

However, I just cannot, in good conscience, sit here and listen to the debate on this lottery bill without speaking my own mind.

I suppose I should be for this bill, because Ohio has changed its constitution, has voted itself a lottery, and maybe the passage of this bill will give us an opportunity to get our hands on some of that good Indiana money.

In any event, I would like to associate myself with the remarks of the gentleman from Indiana (Mr. DENNIS). I think he made an excellent statement, but I think the gentleman from Nevada (Mr.

TOWELL) set the tone when he said that Nevada welcomes the other 13 States to the gambling arena. That is what we are talking about here today.

When I was city attorney of Columbus almost 20 years ago, I spoke in opposition to changes in the State constitution of Ohio which would have allowed the lottery. Then as a member of the State legislature, I spoke out against State-operated lotteries.

In my first term in Congress, I spoke in favor of a bill which would prohibit national banks from selling New York State lottery tickets at their windows in the banks.

My basic, fundamental moral objection to lotteries is deepseated. Historically, lotteries have not worked. In early Colonial times lotteries were used to raise money for a variety of laudable purposes, but by the early part of the 18th century scandals and corruption in the administration of lotteries had become so widespread that the Federal Government stepped in and passed laws which, in effect, abolished existing lotteries, and many States enacted constitutional amendments against lotteries.

The Library of Congress supplied me with a Legislative Reference Service report in which it cited the infamous Louisiana lottery as an example of the evils of this form of raising revenues for otherwise laudable purposes.

I do not feel that Congress should, by any slight suggestion, endorse a lottery as a means of raising public money. If we pass this bill today, which we are about to do, I feel we are endorsing the practice of State lotteries as a means of raising money.

I think that I just want to speak up and say that I do not believe that we should additionally relax our moral principles, which could lead to a further erosion of our moral fibers.

I am opposed to the State lottery for Ohio. I voted against it, and I want everybody to know that I will not do anything to assist in its operation.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. WYLLIE. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

I would like to associate myself with his remarks.

One of the significant aspects, I think, of the Government's getting into raising revenues through lotteries is that sooner or later, after the initial excitement over the prospect of a windfall or the expectation of someone's ship coming in because of buying lottery tickets has subsided, States have invariably gotten into the business of using taxpayer money to advertise and encourage participation in the lotteries.

One may disagree as to the morality of a State's getting into the question of approving gambling, and it may be a debatable point, but I think it is a giant step when one goes beyond that by saying the State can engage in gambling itself as a means of raising revenue.

I think everyone is acutely aware of the fact that lotteries appeal to a certain

degree of irresponsibility and immaturity. The primary source of lottery tax moneys are derived from those who can least afford to pay them. I think this bill further promotes a practice both immoral and unjust.

Mr. WYLLIE. Mr. Chairman, I thank the gentleman from Illinois for his support and for his eloquent statement. The gentleman made a very significant point when he said that the reason most of the States that have lotteries want this bill is because their lotteries are in trouble. The lottery in Ohio is in trouble. Historically lotteries have been a poor man's tax. They have not worked. I think they inevitably, as history well shows, lead to corruption in their operation.

For all of these reasons, Mr. Chairman, I do not think we should pass this bill today.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of New York. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. WYLLIE. Mr. Chairman, I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I listened to a program the other night on television that depicted the activities of "Gamblers Anonymous," which is very similar to Alcoholics Anonymous, only in this case gamblers who cannot stay away from gambling, and the racetrack, or shooting dice, playing bingo games, or wherever an opportunity to gamble is afforded them.

Mr. Chairman, I would question strongly using our airwaves to further complicate the lives of these individuals beyond the actual moral issue which is involved.

Mr. WYLLIE. Mr. Chairman, I thank the gentleman.

I do not feel that this Congress should go on record as endorsing or encouraging State lotteries, and I would urge a "no" vote on this bill.

Mr. TOWELL of Nevada. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield 1 minute to the gentleman from Nevada.

Mr. TOWELL of Nevada. Mr. Chairman, I would like to state that there are some 530,000 very moral people in the State of Nevada who happen to have lived with gambling, as I stated a few minutes ago, for 40 years under very tight State control. We feel that we have eliminated, I will not say 100 percent of the abuse, but 99 percent of the abuses. I think that record is a whole lot better than this rhetoric we have heard in the past few minutes.

I urge the passage of this bill.

Mr. SMITH of New York. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, as a former publisher of a newspaper and a partner in a newspaper enterprise in downstate Illinois, I have had perhaps closer understanding of the complica-

tions faced by some of the media as a result of State-operated lotteries than some of the Members may have had. This impelled me earlier this year to introduce a bill similar to the bill that is now before us.

Mr. Chairman, I want to express my appreciation to the gentleman from Massachusetts (Mr. DONOHUE) for holding hearings on this subject and for advancing the consideration of this bill. I think, even though it is not what we should be considering at this moment, and I think it is substantially imperfect, nevertheless it is a step in the right direction, and I support it.

I do think it should be improved, late though the hour is, and that is the reason I take this time to call the attention of the Members to some very unusual characteristics in this bill. I invite the attention of the Members to the top of page 2, to the language in the first seven lines. I will point out to the Members that as a result of this language in the State of New Jersey where a State lottery operates, a radio or television station there can carry advertising about not only the New Jersey lottery, but any other State lottery in the Nation, but a newspaper published in New Jersey does not have that privilege. A newspaper there can publish only information about the New Jersey lottery.

For some reason, this extra opportunity for carrying information about lotteries is restricted to the electronic media. This may be an oversight, but I think it should be corrected in the language.

I would also like to point out to the Members the problem confronted by newspapers across the State line from political entities where lotteries are authorized. The District of Columbia is an example. Long before the Attorney General in an announcement temporarily sanctified the violation of postal laws and other lottery laws by media, to give the Congress a chance to pass corrective legislation, I observed early this year, that the Washington Post and the Washington Star-News both carried advertising on the Maryland lottery, and these advertisements were distributed by mail to their subscribers in violation of postal law, and I am sure the publication of this was also in violation of other Federal statutes.

I say in passing that it is interesting that the Post, which is quite often very self-righteous about the rule of law calls upon others to abide by every letter of the law, saw fit to close its eyes to its own violation, and so far as I know, it still does.

But even if this bill passes, the Washington Post and the Washington Star-News cannot legally publish in their editions which are issued from the District of Columbia the winning lottery numbers, nor can they carry advertising. The language of this act would make that just as illegal once this law is passed as it was before.

In my home area of Illinois, the St. Louis Globe-Democrat and the St. Louis Post-Dispatch, published in Missouri, of course, are on the border of Illinois.

They are situated so they would naturally expected to be a source of information about the Illinois lottery. Yet under this language in the bill they would not be permitted to publish any advertising or information as to winning numbers of the Illinois lottery.

I think this is gravely defective. The very least the House ought to do to correct one glaring inequity by extending to newspapers the same additional privilege that is extended to the radio and television stations in the first seven lines of page 2.

I would like to see the language of the bill also amended more broadly to permit any newspaper and any radio and television station in the country to carry information about any lottery that is deemed to be legal within a State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman.

Why should we discriminate in favor of a lottery conducted by an entity of Government and against lotteries that might be conducted by the Lions Club or the local woman's club? Is there something less moral about a lottery conducted by a private organization as contrasted with one sponsored by an entity of Government? I feel we should authorize the dissemination nationally of information about a lottery that is considered to be legal by any State government.

I recognize the fact that an amendment of this sort is not going to be accepted, but I do hope the Members of this body will support the amendment to correct the very glaring inequity to newspapers set forth in the first seven lines of page 2.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

I recognize what the gentleman is attempting to do. As the gentleman knows, the bill provides for publication in the newspapers published in that particular State. I think the gentleman has a valid and worthy suggestion but, frankly, the committee did concern itself only with trying to do that which was necessary to be done in order to remove immediate prohibitions under an emergency situation and deal with just those particular State-authorized lotteries, and not to transgress on any other State. I think at this time it would be unwise to adopt the amendment, because I think it would prejudice the adoption of the entire bill.

Mr. FINDLEY. If the gentleman will permit me, though, the bill before us does go beyond the State in that the language on top of page 2 permits any radio or television station licensed to a State where a lottery is conducted by the State to carry information about any other State lottery in the Nation.

Mr. RODINO. Mr. Chairman, will the gentleman yield further?

December 20, 1974

Mr. FINDLEY. Of course, I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I intend to offer an amendment, which amendment I understand will be acceptable as well to the Senate, which will restrict this coverage. The amendment would permit that the publication would be within any State or adjacent State which conducts such a lottery, so this would be restricted to States adjacent to the States that authorize the lottery.

Mr. FINDLEY. Would it apply equally to the newspapers as well as the electronic media?

Mr. RODINO. They are talking about broadcast in this particular instance.

Mr. SMITH of New York. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. McCleary).

Mr. McCleary. Mr. Chairman, I thank the gentleman for yielding.

I want to comment on the statements made by the gentleman from Illinois (Mr. FINDLEY).

It seems to me this amendment he proposes to offer would make this legislation quite offensive to all the other States except the 13 States that are seeking this legislation. It is the intention, I assume, that the amendment to be offered by the chairman of the committee, the gentleman from New Jersey (Mr. Rodino), will be to try to confine this advertising, this informational source, within the States in which lotteries are located and would not permit an interstate operation. We do not want that.

So I think the amendment suggested by my colleague from Illinois (Mr. FINDLEY) would be offensive in that respect.

Furthermore, let me say with respect to the other proposed amendment that it is the intention to apply this legislation only to State-operated lotteries and not to private or charitable lotteries. For this reason why the gentleman's other amendment would be bad. I have a communication from the Department of Revenue of the State of Illinois opposing these amendments, and I would hope that both of these amendments will be defeated, if the gentleman offers them.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of H.R. 6668 to eliminate the prohibition against State conducted lotteries.

Thirteen States now conduct State lotteries under the full protection of State law and regulation. During the several years of experience there have been none of the scandals that had been forecast and the lotteries have brought in millions of dollars in revenue for education and other needs.

Whatever the emotional objections many of my colleagues may have to this form of raising revenue it has proven to be worthwhile to those States which have chosen to utilize it. The lottery goes back to biblical times historically and recognizes a natural urge in people to participate. It is a painless means of raising much needed revenue and certainly provides more enjoyment to participants than increasing the property tax, the sales tax, or the income tax. Whatever objections many of my colleagues may have on emotional grounds, the fact is

the lottery seems to work for many States and will probably increase with popularity with the passage of this bill.

Mrs. HOLT. Mr. Chairman, H.R. 6668 is critically needed by many States, including Maryland, to prevent the Federal Government from closing down lotteries on which the States depend for revenues.

Although I personally have grave doubts about the wisdom of using gambling as a source of government revenues, the fact remains that various States have established lotteries to help them meet the needs of their citizens.

Mr. Speaker, we have no right to sit in moral judgment of the States which have opted for lotteries as a source of funds. The question is whether Federal authority should be allowed to abolish lotteries which popularly elected State legislatures have established.

We forget too often the language of our U.S. Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Last August, Attorney General William B. Saxbe notified 13 States that he was planning to seek a court order ending their lotteries. He cited a Federal law banning advertisement or transmission of lottery information.

The legislation before us provides that this Federal statute shall not apply to State-operated lotteries. I urge the House to support this legislation as an expression of the right of the States to govern themselves. This is a right as old as our Constitution, and it needs to be reaffirmed time and time again.

Mr. RODINO. Mr. Chairman, the bill H.R. 6668 amends existing provisions of law to permit the radio and television stations licensed to locations in States conducting State lotteries to broadcast advertising, lists of prizes, or information concerning State lotteries. The bill would permit the mailing of newspapers published in the State containing advertisements, lists of prizes, or information concerning State lotteries.

A separate provision permits the transportation or mailing of tickets and other materials concerning a State conducted lottery to addresses within the State. These changes would be accomplished by adding a new section 1307 to chapter 61, lotteries, of title 28, United States Code, and by adding a new subsection (d) to section 3005 of title 39 of the Code.

In the 92d Congress, I sponsored the bill H.R. 2374 and the committee reported the bill. The language approved by the committee in that Congress was, with one modification, incorporated in the bill H.R. 6668, which I introduced in the current Congress. The provisions of the bill are intended to deal with specific problems now faced by 13 States which now conduct lotteries.

The provisions of present section 1304 of title 18 have the effect of barring any radio or television station from broadcasting information concerning a State lottery or any advertisement concerning the lottery. As a result, no such information about such a lottery can be carried by local stations within the State. Similarly, present section 1302 bars the mail-

ing of any newspaper containing a list of prizes awarded or drawn in connection with a State lottery or containing an advertisement concerning the lottery. Subsection (a) of new section 1307 as added by the bill deals with these subjects by providing that the restrictions could not apply to an advertisement, list of prizes or information concerning a State lottery contained in a newspaper published in that State or broadcast by a radio or television station licensed to a location in a State conducting a lottery under the authority of State law.

The bill makes a similar amendment as to newspapers in section 3005 of title 39, which now bars as nonmailable, mail relating to a lottery. Under the bill, a newspaper of general circulation published in a State conducting a lottery would be mailable without restriction when it contained advertisements, or contained lists of prizes or information concerning that lottery. The exceptions provided in the bill also refer to section 1301 of title 18, referring to transportation of advertisements or lists of prizes of a lottery, and section 1303 of title 18, referring to handling of lottery material by Postal Service employees. The reference to these two sections in defining the exceptions are necessary because their provisions would apply to newspapers containing information about its State lottery, or list of prizes or advertisements concerning that lottery. The bill would therefore permit the interstate mailing or transportation of such newspapers.

The bill H.R. 6668 is intended to deal with the impact of certain provisions of Federal law on the conduct of State-conducted lotteries in those instances where the law of that particular State authorizes such a lottery. It was asserted in testimony at the hearing on April 24, 1974, on this and similar bills that without the amendments proposed in this bill, the policy determinations of some States in authorizing a lottery are inhibited by provisions of Federal law even though the lottery functions only within that State. Thus in considering this legislation, the committee was faced with the task of making a reasonable balance between Federal and State interests in this area. Of course, this includes the consideration and protection of the policies and the interests of the States which do not provide for such lotteries.

At the hearing on April 24, 1974, the witness representing the Department of Justice stated that the Department supports the bill. This support for the bill was repeated in a letter from the Attorney General on September 6, 1974. The bill would not dilute the ability of the Federal Government to move strongly against illegal lotteries with interstate ramifications. Also, it should be emphasized that this bill applies only to State-conducted lotteries and not to any other gambling activities even though conducted by the State.

The Committee amendment substituting the words "licensed to a location" for the word "located" in subsection (a) of new section 1307 was recommended in the report of the Federal Communications Commission on the bill. This is a change recommended by that Commis-

December 20, 1974

sion to clarify the meaning of the provision, and brings the language of the bill into conformity with Commission practice which is to license a station to serve a particular city, town, or political subdivision.

The need for this legislation has been clearly demonstrated by the facts presented to the Committee and the Congress. It is urged that the bill, with the committee amendments, be considered favorably.

Mr. DONOHUE. Mr. Chairman, this is a bill to amend existing provisions of law so as to permit the radio and television stations licensed to locations in States conducting State lotteries to broadcast advertising, lists of prizes, or information concerning State lotteries. The bill would similarly permit the mailing of newspapers published in the State containing advertisements, lists of prizes, or information concerning States lotteries.

Under a separate subsection, the transportation or mailing of tickets and other materials concerning a State-conducted lottery within the State to address within the State would be permitted. These changes would be accomplished by adding a new section 1307 to chapter 61, lotteries, of title 18, United States Code, and by adding a new subsection (d) to section 3005 of title 39 of the Code.

In the 92d Congress the committee reported the bill H.R. 2374. The amendments to that bill approved by the committee in 1972 were the result of consideration in the subcommittee and before the full committee. The language approved by the committee in that Congress was, with one modification, incorporated in the bill H.R. 6668 in the current Congress.

The provisions of H.R. 6668 are intended to deal with specific problems now faced by States which conduct lotteries. It should be stated that there are some 13 States which have provided for State lotteries. The provisions of present section 1304 of title 18 have the effect of barring any radio or television station from broadcasting information concerning a State lottery or any advertisement concerning such a lottery. As a result, no such information about such a lottery can be carried by local stations within the State. Similarly, present section 1302 bars the mailing of any newspaper containing a list of prizes awarded or drawn in connection with a State lottery or containing an advertisement concerning the lottery. Subsection (a) of new section 1307 as added by the bill deals with these subjects by providing that the restrictions could not apply to an advertisement, list of prizes, or information concerning a State lottery contained in a newspaper published in that State or broadcast by a radio or television station licensed to a location in a State conducting a lottery under the authority of State law.

The bill makes a similar amendment as to newspapers in section 3005 of title 39, which now bars as nonmailable, mail relating to a lottery. Under the bill, a newspaper of general circulation published in a State conducting a lottery

would be mailable without restriction when it contained advertisements, or contained lists of prizes or information concerning that lottery. The exceptions provided in the bill also refer to section 1301 of title 18, referring to transportation of advertisements or lists of prizes of a lottery, and section 1303 of title 18, referring to handling of lottery material by Postal Service employees. The reference to these two sections in defining the exceptions are necessary because their provisions would apply to newspapers containing information about its State lottery, or list of prizes or advertisements concerning that lottery. The bill would therefore permit the interstate mailing or transportation of such newspapers.

Present sections 1301, 1302, and 1303 of title 18, as well as section 3005 of title 39, now bar any State conducting a lottery authorized by its laws from mailing any material concerning its lottery or any tickets. The bill in subsection (b) of new section 1307 and new subsection (d) of section 3005 would permit the mailing of tickets and other material relating to a State lottery within the State conducting the lottery to addresses within that State.

The transportation of tickets and materials relating to a State lottery are now subject to the prohibitions contained in section 1301 of title 18 and in section 1953 of that title.

The bill, as amended, provides in subsection (b) of new section 1307 and by the amendment of 1953(b) in section 3 that the transportation of equipment, tickets, or materials used or designed for use within a State conducting such a lottery under the authority of its State law to addresses within that State would be permitted.

In a report to the committee on the bill in the 92d Congress, the U.S. Postal Service took no position on the bill, but noted the relevance of section 3005 of title 39 to the subject matter of the bill. As has been noted, H.R. 6668 provides for parallel amendments to that section.

At a hearing conducted on the bill H.R. 2374 and companion bills on October 13, 1971, the witness representing the Department of Justice stated that the Department would have no objection to an amended bill and outlined the basic principles for that amendment. As has been noted, a committee amendment was drafted to the 92d Congress bill on the basis of those principles. The ultimate form of that language was the result of further discussion and refinement in subcommittee and before the full committee.

The bill H.R. 6668 is intended to deal with the impact of certain provisions of Federal law on the conduct of State conducted lotteries in those instances where the law of that particular State authorizes such a lottery. It was asserted in testimony at the hearing on April 24, 1974, on this and similar bills that without the amendments proposed in this bill, the policy determinations of some States in authorizing a lottery are inhibited by provisions of Federal law even though the lottery functions only within that State. Thus in considering this leg-

islation, the committee was faced with the task of making a reasonable balance between Federal and State interests in this area. Of course, this includes the consideration and protection of the policies and the interests of the States which do not provide for such lotteries.

At the hearing on April 24, 1974, the witness representing the Department of Justice stated that the Department supports the bill. This support for the bill was repeated in a letter from the Attorney General on September 6, 1974.

The committee desires to emphasize that the bill would not dilute the ability of the Federal Government to move strongly against illegal lotteries with interstate ramifications. Also, it should be emphasized that this bill applies only to State-conducted lotteries and not to any other gambling activities even though conducted by the State. In this connection it can be noted that the language of the committee amendment is drafted so as to retain the present restrictions of titles 18 and 39 on all lotteries except for the exceptions provided in the amendment concerning lotteries conducted by a State acting under the authority of State law.

It should be noted that the substitution of words "licensed to a location" for the word "located" in subsection (a) of new section 1307 was recommended in the report of the Federal Communications Commission on the bill. This is a change recommended by that Commission to clarify the meaning of the provision, and brings the language of the bill into conformity with Commission practice which is to license a station to serve a particular city, town, or political subdivision.

The committee has concluded that the facts presented to the committee in connection with this legislation provide the basis for the approval of the amended bill. It is recommended that the amended bill be considered favorably.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 6668, a bill to permit the transportation, mailing, and broadcasting of State lottery information. As a longtime cosponsor of this legislation, I am pleased that it has at last reached the floor of the House.

Under present law, radio and television stations are prohibited from broadcasting information concerning a State lottery or any advertisement about the lottery. Similarly, it is prohibited to mail any newspaper containing a list of prizes awarded or drawn in connection with a State lottery or containing an advertisement concerning the lottery.

The legislation before us today simply amends the present law to permit the broadcasting of advertising, lists of prizes, or information on a lottery by a radio or television station, and to permit the mailing of newspapers containing similar information. In addition, the bill also permits the transporting and mailing of tickets and other lottery materials to addresses within the State conducting the lottery.

Mr. Chairman, there are presently 13 States conducting lotteries. It is time that our national statutes caught up with the realities of State government today. I urge adoption of H.R. 6668.

Mr. SMITH of New York. Mr. Chairman, I have no further request for time.

Mr. DONOHUE. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 61 of title 18 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new section:

"§ 1307. State-conducted lotteries

"(a) The provisions of sections 1301, 1302, 1303, and 1304 shall not apply to an advertisement, list of prizes, or information concerning a lottery conducted by a State acting under the authority of State law—

(1) contained in a newspaper published in that State, or

(2) broadcast by a radio or television station located in a State conducting such a lottery.

"(b) The provisions of sections 1301, 1302, and 1303 shall not apply to the transportation or mailing to addresses within a State of tickets and other material concerning a lottery conducted by that State acting under authority of State law.

"(c) For the purposes of this section 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(d) For the purposes of this section, 'lottery' means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests."

Sec. 2. The sectional analysis for chapter 61 is amended by adding the following item: "1307. State-conducted lotteries."

Sec. 3. Section 1953(b) of title 18 of the United States Code is amended by changing the period to a comma and adding: "or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law."

Sec. 4. Section 3005 of title 39 of the United States Code is amended by adding at the end thereof the following subsection:

"(d) Nothing in this section shall prohibit the mailing of (1) a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law, or (2) tickets or other materials concerning such a lottery within that State to addresses within that State. For the purposes of this subsection, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

Mr. DONOHUE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, lines 5 and 6: Strike "located" and insert "licensed to a location".

Page 3, line 14: Strike "addresses" and insert "addresses".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Page 2, lines 6 and 7, strike out "a State conducting such a Lottery" and insert "that State or an adjacent State which conducts such a Lottery".

Mr. RODINO. Mr. Chairman, this is a simple amendment. It is being offered in order that we are able to have this measure agreed to by the Senate and then become law. We recognize we are dealing with an emergency situation. The amendment would simply allow advertising and information concerning a lottery conducted by a State to be broadcast by stations in that State or in any adjacent State which operates a State lottery.

That is the sole purpose of the amendment. As a matter of fact, it is restrictive in nature, and because it is acceptable I know to those who are considering it in the Senate I would hope that this amendment is adopted.

Mr. DENNIS. Mr. Chairman will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. I do not quite understand the gentleman's amendment. I am asking for information at the present time. The bill allows broadcasts by radio and television stations licensed to a location in a State which conducts a lottery. Now, the amendment of the gentleman from New Jersey allows such advertising where else, in a State adjacent to such a State?

In other words, if my State is a non-lottery State, but it is adjacent to a lottery State, is a television or radio station in my State now entitled to broadcast under the amendment of the gentleman from New Jersey?

Mr. RODINO. No; the advertising and information would be broadcast by stations in that State or in any adjacent State which conducts those lotteries; so it has got to be a State that has already authorized lotteries and is adjacent.

Mr. DENNIS. What is the meat of the amendment, if it already authorizes a lottery, because the bill here says any State or lottery State can broadcast.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. SMITH of New York. I just wanted to answer the question of the gentleman from Indiana. It is my understanding there are some States, for instance, New Hampshire, that do not have any particular delegated broadcasting stations, but they rely particularly on the television stations in Boston, Mass., which is an adjoining State, and most of the advertising, most of the big television programs come we think from Boston, rather than New Hampshire.

I understand New Jersey is in a similar predicament, being near New York City which has so many big radio and television stations.

As I understand, this is the reason for allowing such advertising in an adjacent State which also has a State lottery.

Mr. RODINO. That is correct. The key is that it has to be a State that already authorizes lotteries; otherwise, they cannot broadcast, cannot advertise, no matter whether they are adjacent; so it is a limiting amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman from Indiana.

Mr. DENNIS. I do not see that it is limiting, but it permits a lottery State, such as New Jersey, or a lottery State, such as New Hampshire, which now does not broadcast and which could not broadcast as it is licensed to broadcast now, but it would permit them to go ahead and do so.

Mr. RODINO. That is correct.

Mr. DENNIS. In other words, not only would New York broadcast its lottery into New Jersey, but New Jersey could broadcast its lottery into New York.

Mr. RODINO. Providing those States do broadcast lotteries.

Mr. DENNIS. So it is not fair to Indiana, but it makes more lottery broadcasting in a limited State.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman from New Jersey yield?

Mr. RODINO. I yield to the gentleman from Kentucky.

Mr. CARTER. It seems to me just in utmost candor that this amendment cannot possibly succeed in its purpose, because even though we do pass this legislation to limit the advertising to a certain State, no legislation can keep radio beams from going from one State to another or television signals, either.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the distinguished majority leader.

Mr. O'NEILL. Many, many times did we hear the Kentucky Derby being broadcast when we had no radio station in New England.

Mr. RODINO. I hope that will continue.

Mr. SMITH of New York. Mr. Chairman, I rise in support of the amendment. I think it is a good one. It restricts the broadcasting more than the original committee bill did.

Mr. DONOHUE. Mr. Chairman, I rise in support of the amendment of the gentleman from New Jersey.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman and members of the committee, I just want us to understand that this language will not change the inequity which is now written in the bill as respects newspapers. The New York Daily News, for example, could not carry the winning numbers of the New Jersey lottery, although a New York radio station and New York TV station could, and vice versa as applies to New Jersey media.

I had intended to offer an amendment

to correct that inequity, but I believe that even a small portion of a loaf is better than none and I believe that the interests of newspapers and other media are so urgent on this matter and will be at least partially served by prompt enactment of this bill, that I have decided not to offer my amendment.

I do so on the assurance of our distinguished chairman of the Judiciary Committee that he will use his influence in the next Congress to seek to advance a bill to correct the discrimination against newspapers which exists in this bill.

Mr. RODINO. Mr. Chairman, I gave the gentleman that assurance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARNEY OF OHIO

Mr. CARNEY of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARNEY of Ohio: Page 2, line 4, after the word "or" add "any adjacent State, or".

Mr. CARNEY of Ohio. Mr. Chairman, members of the committee, I happened to be one in the State legislature who opposed State lotteries. However, my State, the State of Ohio, is one of the States requesting Attorney General Saxbe to do something about this problem. People of the State of Ohio in their wisdom, by a statewide vote, overwhelmingly voted to conduct a lottery by the State of Ohio.

The State of Ohio is a State which is prohibited by law publishing in newspapers lottery results. In our State, the city of Toledo is near the State of Michigan. Toledo newspapers go to Michigan, which has a lottery.

Southern Ohio and along the Ohio River, in that area the big paper in the district of the gentleman from Ohio (Mr. Hays) is in Wheeling, W. Va., which covers most of southeastern Ohio.

Over in Youngstown, the Youngstown papers cover the Newcastle, Pa., area, which is in the State of Pennsylvania and which has a lottery.

What happened was that the newspapers found out that they were violating the law by publishing lottery results of any State. If we are going to correct the law, we should do it right. The way this amendment is written, it would give the State of Ohio the right to publish lottery results not only in the State of Ohio, but in Pennsylvania and Michigan, which also have lotteries.

It just makes commonsense that if we are going to do the job, I think a couple of words should be added so that we can do the job right or leave it and not do it at all.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. CARNEY of Ohio. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I tried to follow the gentleman's logic. Let me ask this question: Will a newspaper in a non-lottery State be able to carry the returns of a lottery State?

Mr. CARNEY of Ohio. The way this is written—

Mr. KAZEN. Just answer the question yes or no.

Mr. CARNEY of Ohio. Yes, under certain conditions.

Mr. KAZEN. Then I am opposed to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY).

The amendment was rejected.

Mr. O'NEILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I am sitting here, I take note of the fact that the gentleman who is in the chair (Mr. HOLIFIELD) has presided over that chair so many times and for so many years with great excellency.

We are at the twilight of the 93d Congress, and he is about to leave the Chamber today for the last time.

So, I say to him, congratulations for the great job he has done so well.

[Applause, the Members rising].

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wish to rise in support of this legislation and to say a few words in commendation for this giant of a man sitting over here, the gentleman from Massachusetts (Mr. DONOHUE).

When I first came here to Congress, I looked around the House and I said, "I am going to follow the type of leadership of dedicated men who have been here for years," and I watched Mr. DONOHUE, and he has been one of the great ones. He is handling this bill today in the same objective style.

We love this man, all of us from Massachusetts, and I am sure I am speaking for all the Members of the House in saying that we are going to miss him, Mr. DONOHUE. We all wish you the best years ahead, and let us hope you will be visiting here in Washington, D.C., to talk with us once in a while and give us advice and counsel.

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McFALL) having assumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill H.R. 6668 to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes, pursuant to House Resolution 1492, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

Abdnor
Andrews,
N. Dak.
Archer

Bafalis
Baker
Bennett
Bergland

Bevill
Blackburn
Bowen
Bray

Abzug
Anderson, Ill.
Annunzio
Arend
Ashley
Aspin
Badillo
Bauman
Bell
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Breaux
Breckinridge
Brooks
Brown, Mich.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Byron

Carney, Ohio
Cederberg
Chamberlain
Chisholm
Cleveland
Cohen
Collins, Ill.
Conable
Conyers
Coughlin
Crosby
Culver
Daniels
Dominick V.
Danielson
de la Garza
DeLoach
Denholm
Derwinski
Dickinson
Diggs
Donohue
Drihan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Ellberg
Esch
Findley
Fish
Flood
Foley
Ford
Forsythe
Frelinghuysen
Frenzel
Frey

Gaydos
Gialmo
Gillman
Gray
Green, Pa.
Gubser
Hamilton
Hansb
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hogan
Holtzman
Holtzman
Horton
Hosmer
Hutchinson
Johnson, Pa.
Jordan
Kastenmeier
Kazem
King
Koc
Kyros
Legett
Lehman
Littton
Long, Md.
McClary
McCloskey
McDade
McEwen
McFall
McKinney
Madden
Mallory
Mathis, Ga.
Matsunaga
Mazzoli
Meicher
Metcalfe
Mezvisky
Mink
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Mosher
Murtha
Myers
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Patten
Pepper

Pike
Price, Ill.
Rangel
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roybal
Rupke
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Seiberling
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton
J. William
Stanton
James V.
Steed
Steele
Stokes
Stratton
Studds
Sullivan
Symington
Teague
Thompson, N.J.
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Ware
Whalen
White
Wiggins
Williams
Wolf
Wright
Young, Ill.
Young, Tex.
Zablocki

[Roll No. 724]
YEAS—185

to correct that inequity, but I believe that even a small portion of a loaf is better than none and I believe that the interests of newspapers and other media are so urgent on this matter and will be at least partially served by prompt enactment of this bill, that I have decided not to offer my amendment.

I do so on the assurance of our distinguished chairman of the Judiciary Committee that he will use his influence in the next Congress to seek to advance a bill to correct the discrimination against newspapers which exists in this bill.

Mr. RODINO. Mr. Chairman, I gave the gentleman that assurance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARNEY OF OHIO

Mr. CARNEY of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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Mr. KAZEN. Mr. Chairman, will the gentleman yield?

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Mr. KAZEN. Mr. Chairman, I tried to follow the gentleman's logic. Let me ask this question: Will a newspaper in a non-lottery State be able to carry the returns of a lottery State?

Mr. CARNEY of Ohio. The way this is written—

Mr. KAZEN. Just answer the question yes or no.

Mr. CARNEY of Ohio. Yes, under certain conditions.

Mr. KAZEN. Then I am opposed to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY).

The amendment was rejected.

Mr. O'NEILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I am sitting here, I take note of the fact that the gentleman who is in the chair (Mr. HOLIFIELD) has presided over that chair so many times and for so many years with great excellency.

We are at the twilight of the 93d Congress, and he is about to leave the Chamber today for the last time.

So, I say to him, congratulations for the great job he has done so well.

[Applause, the Members rising].

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Mr. Chairman, I just wish to rise in support of this legislation and to say a few words in commendation for this giant of a man sitting over here, the gentleman from Massachusetts (Mr. DONOHUE).

When I first came here to Congress, I looked around the House and I said, "I am going to follow the type of leadership of dedicated men who have been here for years," and I watched Mr. DONOHUE, and he has been one of the great ones. He is handling this bill today in the same objective style.

We love this man, all of us from Massachusetts, and I am sure I am speaking for all the Members of the House in saying that we are going to miss him, Mr. DONOHUE. We all wish you the best years ahead, and let us hope you will be visiting here in Washington, D.C., to talk with us once in a while and give us advice and counsel.

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McFALL) having assumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill H.R. 6668 to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes, pursuant to House Resolution 1492, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

Abdnor
Andrews,
N. Dak.
Archer

Bafalis
Baker
Bennett
Bergland

Bevill
Blackburn
Bowen
Bray

Abzug
Anderson, Ill.
Annunzio
Arend
Ashley
Aspin
Badillo
Bauman
Bell
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Breaux
Breckinridge
Brooks
Brown, Mich.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Byron

Carney, Ohio
Cederberg
Chamberlain
Chisholm
Cleveland
Cohen
Collins, Ill.
Conable
Conyers
Coughlin
Crosby
Culver
Daniels
Dominick V.
Danielson
de la Garza
DeLoach
Denholm
Derwinski
Dickinson
Diggs
Donohue
Drihan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Ellberg
Esch
Findley
Fish
Flood
Foley
Ford
Forsythe
Frelinghuysen
Frenzel
Frey

Gaydos
Gialmo
Gillman
Gray
Green, Pa.
Gubser
Hamilton
Hansb
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hogan
Holtzman
Holtzman
Horton
Hosmer
Hutchinson
Johnson, Pa.
Jordan
Kastenmeier
Kazem
King
Koc
Kyros
Legett
Lehman
Littton
Long, Md.
McClary
McCloskey
McDade
McEwen
McFall
McKinney
Madden
Mallory
Mathis, Ga.
Matsunaga
Mazzoli
Meicher
Metcalfe
Mezvisky
Mink
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Mosher
Murtha
Myers
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Patten
Pepper

Pike
Price, Ill.
Rangel
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roybal
Rupke
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Seiberling
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton
J. William
Stanton
James V.
Steed
Steele
Stokes
Stratton
Studds
Sullivan
Symington
Teague
Thompson, N.J.
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Ware
Whalen
White
Wiggins
Williams
Wolf
Wright
Young, Ill.
Young, Tex.
Zablocki

[Roll No. 724]
YEAS—185

Brinkley, Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Carter
Casey, Tex.
Chappell
Clausen
Don H.
Clawson, Del.
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan.
Daniel, Robert
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Dorn
Downing
Duncan
Fasell
Fountain
Fraser
Gettys
Ginn
Gonzalez
Green, Oreg.
Gross
Gunter
Guyer

NOT VOTING—123

Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Armstrong
Ashbrook
Barrett
Beard
Biaggi
Blatnik
Brasco
Broomfield
Brotzman
Burke, Calif.
Camp
Carey, N.Y.
Ciancy
Clark
Clay
Collier
Conte
Corman
Cotter
Davis, Ga.
Delaney
Dent
Dine
Dingell
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Evans, Tenn.
Flynt
Froehlich
Fulton
Fuqua
Gibbons
Goldwater

So the bill was passed.
The Clerk announced the following pairs:
Mr. Hébert with Mr. Blatnik.
Mr. Hays with Mr. Carey of New York.
Mr. Barrett with Mr. Clark.
Mr. Addabbo with Mr. Davis of Georgia.
Mr. Corman with Mrs. Grasso.
Mr. Delaney with Mrs. Griffiths.
Mr. Dent with Mr. Hanna.
Mr. Macdonald with Mrs. Hansen of Washington.
Mr. Howard with Mr. Luken.
Mr. Rostenkowski with Mr. Mills.
Mr. Shipley with Mr. Martin of Nebraska.
Mr. Charles H. Wilson of California with Mr. Collier.

Mr. Kluczynski with Mr. Andrews of North Carolina.
Mr. Landrum with Mr. Maraziti.
Mr. Fulton with Mr. Grover.
Mr. Randall with Mr. Goodling.
Mr. Stephens with Mr. Ashbrook.
Mr. Clay with Mr. Brotzman.
Mr. Dingell with Mr. Hunt.
Mr. Edwards of California with Mr. Eshleman.
Mr. Evans of Tennessee with Mr. Hudnut.
Mr. Flynt with Mr. Beard.
Mr. Mollohan with Mr. Gude.
Mr. Hanley with Mr. Erlenborn.
Mr. Blaggi with Mr. Madigan.
Mr. Adams with Mr. Clancy.
Mr. Evans of Colorado with Mr. Johnson of California.
Mr. Stuckey with Mr. Broomfield.
Mr. Traxler with Mr. Kemp.
Mr. Yates with Mr. Lent.
Mr. Yatron with Mr. Martin of North Carolina.
Mr. Morgan with Mr. Devine.
Mr. Moss with Mr. Mathias of California.
Mr. Murphy of Illinois with Mr. Conte.
Mr. Alexander with Mr. Goldwater.
Mr. Anderson of California with Mr. Lujan.
Mr. Rooney of New York with Mr. Cotter.
Mr. Flowers with Mr. Harrington.
Mr. Gibbons with Mr. Karth.
Mr. Jarman with Mr. Fuqua.
Mr. McCormack with Mr. Rarick.
Mr. Milford with Mr. Reid.
Mrs. Schroeder with Mr. Minshall of Ohio.
Mr. Passman with Mr. Neisen.
Mr. Pettis with Mr. Parris.
Mr. Peyser with Mr. Powell of Ohio.
Mr. Pickle with Mr. Price of Texas.
Mr. Pritchard with Mr. Quillen.
Mr. Rallsback with Mr. Roncallo of New York.
Mr. Jones of Alabama with Mr. Sandman.
Mr. Jones of North Carolina with Mr. Scherle.
Mr. Schneebell with Mr. Sebelius.
Mr. Widnall with Mr. Shoup.
Mr. Wyder with Mr. Winn.
Mr. Wyman with Mr. Wyatt.
Mr. Camp with Mr. Zwach.

The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.
GENERAL LEAVE
Mr. DONOHUE, Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks on the bill just passed, and that all Members may have 3 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 6668.
The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Massachusetts?
There was no objection.
Mr. DONOHUE, Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 544) to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes, and ask for its immediate consideration.
The Clerk read the title of the Senate bill.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?
There was no objection.
The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 61, of title 18 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new section:

"§ 1307. State-conducted lotteries
(a) The provisions of sections 1301, 1302, 1303, and 1304 shall not apply to an advertisement, list of prizes, or information concerning a lottery conducted by a State acting under the authority of State law—
(1) contained in a newspaper published in that State, or
(2) broadcast by a radio or television station licensed to a location in that State.
(b) The provisions of sections 1301, 1302, and 1303 shall not apply to the transportation or mailing to addresses within a State of tickets and other material concerning a lottery conducted by that State acting under authority of State law.
(c) For the purposes of this section 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.
(d) For the purposes of this section 'lottery' means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests.
Sec. 2. The sectional analysis for chapter 61 is amended by adding the following item: "1307. State-conducted lotteries."
Sec. 3. Section 1953(b) of title 18 of the United States Code is amended by changing the period to a comma and adding: "or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law."
Sec. 4. Section 3005 of title 39 of the United States Code is amended by adding at the end thereof the following subsection:
(d) Nothing in this section shall prohibit the mailing of (1) a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law, or (2) tickets or other materials concerning such a lottery within that State to addresses within that State. For the purposes of this subsection, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

MOTION OFFERED BY MR. DONOHUE
Mr. DONOHUE, Mr. Speaker, I offer a motion.
The Clerk read as follows:
Mr. DONOHUE moves to strike out all after the enacting clause of the Senate bill S. 544, and insert in lieu thereof the provisions of H.R. 6668, as passed, as follows:
[The engrossed amendment will appear hereafter in the Record.]
The motion was agreed to.
The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
A similar House bill (H.R. 6668) was laid on the table.

FOR THE RELIEF OF MARLIN TOY PRODUCTS, INC.

Mr. DONOHUE, Mr. Speaker, I ask unanimous consent for the immediate

consideration of the resolution, House Resolution 1181.
The Clerk read the resolution, as follows:

H. RES. 1181

Resolved, That amendment H.R. 15403 entitled "A bill for the relief of Marlin Toy Products, Incorporated", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WYLIE, Mr. Speaker, reserving the right to object, I would like to ask the author of the bill what change was made to H.R. 15403 and if a change has not been made, if the gentleman intends to offer an amendment to change the bill.

The reason I ask the question is this bill was on the Private Calendar last Tuesday. I ask unanimous consent that the bill be passed over because the Consumer Product Safety Commission opposed the bill on the theory that we did not want to establish a precedent wherein if it was established that the Consumer Product Safety Commission erroneously listed Marlin Toy Products, Inc., on the Banned Products List which caused it damages that such finding would be dispositive of future similar cases. The Consumer Product Safety Commission did not want this claim to establish such a precedent.

Does your amendment meet the objection of the Consumer Product Safety Commission?
Mr. KASTENMEIER, Mr. Speaker, will the gentleman yield?
Mr. WYLIE, I yield to the gentleman from Wisconsin.
Mr. KASTENMEIER, I thank the gentleman for yielding.
In response to the question of the gentleman from Ohio, there is an amendment at the Speaker's desk which I propose, with the agreement of the gentleman from Massachusetts, to offer which would strike the reference to H.R. 15403 and insert in lieu thereof H.R. 17652. The effect of that, Mr. Speaker, is to incorporate by reference a bill introduced subsequent to Tuesday, which responds to the gentleman's reservation of last Tuesday; namely, that the bill did not conform to the recommendation of the Commission.

The bill H.R. 17652, in response, may I say to the gentleman from Ohio's recommendation, contains precisely the language of the Commission as recommended at the bottom of page 3, the last 5 lines of the report on this bill, and will have the effect of limiting the bill as the Commission desired in terms of setting a precedent.

Mr. WYLIE, I thank the gentleman. If this bill is passed with the amendment which the gentleman from Wisconsin intends to offer, the matter will go to the Court of Claims for adjudication, and it is understood, then, that this particular matter would set no precedent and would only apply to the facts in this case.

Mr. KASTENMEIER, The gentleman is precisely correct. This bill does not ap-

prove a claim; it merely transmits a claim to the Court of Claims for adjudication, and pursuant to the provisions in this resolution.

Mr. WYLIE, I thank the gentleman. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER, Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: Page 1, line 1, strike H.R. 15403 and insert H.R. 17652.

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DOWNING, Mr. Speaker, the Record for Wednesday, December 18, indicates I was paired with the gentleman from Illinois (Mr. ANDERSON) on rollcall No. 712, the scenic rivers bill. I was present and voted against that bill. I ask that the Record reflect this.
The SPEAKER pro tempore. The gentleman's statement will appear in the Record.

EXTENDING TERM OF DESIGN PATENT ASSIGNED TO DAUGHTERS OF AMERICAN REVOLUTION

Mr. KASTENMEIER, Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 7584) to extend the term of design patent numbered 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution, and I ask for immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. WYLIE, Mr. Speaker, reserving the right to object, did the gentleman from Wisconsin suggest the committee be discharged from further consideration of this bill?

Mr. KASTENMEIER, Yes. This has been cleared with the gentleman's side of the aisle.

Mr. WYLIE, Is this a private calendar bill?

Mr. KASTENMEIER, This is in the nature of a private bill which would not normally go to the Objectors. It is a patent bill. It is extending a patent design for the Daughters of the American Revolution.

Mr. WYLIE, I see. And the ranking minority member on the Committee on the Judiciary, the gentleman from Michigan (Mr. HUTCHINSON), had approved the bill?

Mr. KASTENMEIER, I talked to the gentleman from New York (Mr. SMITH), who I assumed would be present on the

floor at this time. There was no objection in the full committee on the part of the minority.

Mr. WYLIE, Would the gentleman mind explaining the bill?

Mr. KASTENMEIER, Not at all.

This is a design patent, called an insignia by the Daughters of the American Revolution which was assigned to them in 1891. That patent, as all patents, expired. It was renewed by the Congress in 1916 and again in 1930 and again in 1946 and again in 1960. It expires again this year and as a simple accommodation, and it has no other significance, this Congress is again asked to extend that patent design.

Mr. WYLIE, I thank the gentleman for his explanation and with draw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the bill as follows:

H.R. 7584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office, dated September 22, 1891, being patent numbered 21,053, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as the badge of the Daughters of the American Revolution.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: On line 5, strike out "21,053" and insert in lieu thereof "21,053."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING THE SOLID WASTE DISPOSAL ACT AUTHORIZATION

Mr. ROGERS, Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16045) to amend the Solid Waste Disposal Act to authorize appropriations for fiscal years 1975 and 1976, and to make certain technical and conforming changes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert: That paragraph (2) of subsection (a) of section 216 of the Solid Waste Disposal Act, as amended (87 Stat. 11), is amended by striking "and not to exceed \$76,000,000 for the fiscal year ending June 30, 1974," and inserting in lieu thereof "not to exceed \$76,000,000 for the fiscal year ending June 30, 1974, and not to exceed \$76,000,000 for the fiscal year ending June 30, 1975."

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with and that it be printed in the Record.

The SPEAKER pro tempore. (Mr. McFALL). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS. Mr. Speaker, on August 5, 1974, the House passed H.R. 16045, the Solid Waste Disposal Act extension by voice vote. The bill would have extended authorizations for fiscal years 1975 and 1976 at the same level as for fiscal years 1973 and 1974.

On Wednesday, December 18, 1974, the Senate passed the House bill with an amendment. The amendment limited the extension to 6 months, until June 30, 1975. Authorization levels were kept the same as the House bill, except no authorizations for demonstration grants were provided.

I urge the House to pass H.R. 16045, as amended by the Senate, so that the research and technical assistance programs to aid local communities with their garbage problems may be continued.

The Senate amendment was concurred in.

The title was amended so as to read: "An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal year 1975."

A motion to reconsider was laid on the table.

AMENDING TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17085) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE; REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the "Nurse Training Act of 1974."

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—CONSTRUCTION ASSISTANCE

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 101. (a) (1) Section 801 is amended by striking out "and" after "1973," and by inserting before the period a comma and the following: "\$25,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$25,000,000 for the fiscal year ending June 30, 1977."

(2) Section 802(c)(1)(A) is amended (A) by inserting "(1)" after "proposed facilities", and (B) by inserting before the semicolon ", or (1) in expanding the capacity of the school to provide graduate training".

(b) (1) (A) Subsections (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1977".

(B) (1) The last sentence of subsection (a) of section 809 is amended (i) by striking out "(1)" and (ii) by striking out all after "the project" and inserting in lieu thereof a period.

(1) The amendment made by clause (1) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Public Health Service Act after the date of the enactment of this Act.

(2) Subsection (e) of such section is amended by striking out "and" after "1973," and by inserting after "1974" a comma and the following: "\$2,000,000 for the fiscal year ending June 30, 1975, \$3,000,000 for the fiscal year ending June 30, 1976, and \$4,000,000 for the fiscal year ending June 30, 1977", and by inserting a period after "Treasury" the second time it appears in the fourth sentence and by striking out the remainder of that sentence.

(c) (1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal financing bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 102. (a) (1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance

(2) The heading for part A is amended by striking out "GRANTS" and inserting in lieu thereof "ASSISTANCE".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

TITLE II—CAPITATION GRANTS

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 201. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive \$400 for each student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive \$275 for each student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive \$250 for each full-time student enrolled in such school in such year."

(b) (1) Subsections (c), (d), and (f) of section 806 are repealed and subsections (e), (g), (h), and (i) are redesignated as subsections (c), (d), (e), and (f), respectively.

(2) Section 806(f)(1) (as so redesignated by paragraph (1) of this subsection) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: "\$45,000,000 for the fiscal year ending June 30, 1975, \$50,000,000 for the fiscal year ending June 30, 1976, and \$55,000,000 for the fiscal year ending June 30, 1977."

(c) For the fiscal year ending June 30, 1975, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Public Health Service Act (as in effect before the date of the enactment of this Act) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of such Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1974.

TECHNICAL AMENDMENT

SEC. 202. Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

TITLE III—FINANCIAL DISTRESS GRANTS

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 301. Title VIII is amended by inserting after subpart II of part A (as provided by title II of this Act), the following:

"Subpart III—Financial Distress Grants

"FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b) (1) No grant may be made under subsection (a) unless an application there- of is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1975, \$5,000,000 for the fiscal year ending June 30, 1976, and \$5,000,000 for the fiscal year ending June 30, 1977."

"Subpart III—Financial Distress Grants

"FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b) (1) No grant may be made under subsection (a) unless an application there- of is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1975, \$5,000,000 for the fiscal year ending June 30, 1976, and \$5,000,000 for the fiscal year ending June 30, 1977."

TECHNICAL AMENDMENT

SEC. 302. Section 805 and 808 (as in effect on the date before the date of the enactment of this Act) are repealed.

TITLE IV—SPECIAL PROJECT ASSISTANCE

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 401. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 301(a) of this Act) the following:

"Subpart IV—Special Projects

"SPECIAL PROJECT GRANTS AND CONTRACTS

"SEC. 820. (a) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse

training programs or programs of research in nursing education, significantly improve curricula of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) provide continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"(e) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse

training programs or programs of research in nursing education, significantly improve curricula of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) provide continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"(e) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse

training programs or programs of research in nursing education, significantly improve curricula of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) provide continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"(e) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse

"ADVANCED NURSE TRAINING PROGRAMS

"SEC. 821. (a) (1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977.

"NURSE PRACTITIONER PROGRAMS

"SEC. 822. (a) (1) the Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners.

"(2) (A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such a program, be qualified to effectively provide primary health care.

"(B) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum, require—

"(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;

"(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and

"(iii) a minimum level of enrollment in each year of not less than eight students.

"(b) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a)(2)(B); and no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a)(2)(B).

"(d) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977.

(b) Sections 810 and 868 are repealed.

TITLE V—ASSISTANCE TO NURSING STUDENTS

EXTENSION OF TRAINEESHIPS

SEC. 501. (a) Subsection (a) of section 821 (as in effect on the day before the date of the enactment of this Act) is amended to read as follows:

"(a) There are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1975, \$25,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal year ending June 30, 1977, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

(1) by striking out "1972" in subsection (b) and in subsection (c) (1) (A) and inserting in lieu thereof "1975";

(2) by striking out "1975" in the second sentence of subsection (b) and in subsection (c) (1) and inserting in lieu thereof "1978"; and

(3) by striking out "1974" in the second sentence of subsection (b) and in subsection (c) (1) (B) and inserting in lieu thereof "1977".

TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 601. (a) (1) Section 802 is amended—
(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

(B) by striking out "subsection 806(e) of this Act" in subsection (b) (2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurances that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council') in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out "subsection (e) of section 806" in the second sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(F) by striking out "section 806(e)" in the last sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(G) by striking out in such last sentence "806(a)" and inserting in lieu thereof "810(a)"; and

(H) by striking out "paragraph (A)" in subsection (c) (1) (B) and inserting in lieu thereof "subparagraph (A)".

(b) (1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the device of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school,
"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment.

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction,

as so determined, of the project with respect to which the grant is made."

(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

(d) Section 805 (as redesignated by section 102(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810.

(f) Section 807 is redesignated as section 811 and is amended—

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting in lieu thereof "this subpart"; and

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing";

(g) (1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships".

(2) Section 821 (as amended by section 501) is redesignated as section 830.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Section 822, 823, 825, 826, 828, and 830 (as in effect before the date of the enactment of this Act) are amended as follows:

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" and inserting in lieu thereof "this subpart";

(2) Section 822(a), 823(b), 823(c), 825(b) (2), and 826(a) (1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 822(b) (2) (A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4) (A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827," in subsection (b) (1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans".

(5) Section 830 is—

(A) transferred to section 823 and inserted after subsection (1) of such section; and

(B) is amended by striking out "Sec. 830. (a)" and inserting in lieu thereof "(j)".

(1) (1) Sections 822, 823, 824, 825, 826, 828, and 829 (as in effect on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by

striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j) (1) Part D of title VIII is inserted after subpart II of part B of such title and redesignated as subpart III; and sections 860 and 861 are redesignated as sections 845 and 846, respectively.

(2) Section 845(a) (as so redesignated) is amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 860 is repealed.

(k) (1) Sections 841, 842, 843, 844, and 845 (as in effect on the day before the date of enactment of this Act) are redesignated as sections 851, 852, 853, 854, and 855, respectively.

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a) (2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a) (1)" and inserting in lieu thereof "(a)"; and (D) by striking out "(2)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (1) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10) respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated), as clauses (A), (B), and (C), respectively.

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (1) and (11), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so designated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices."

TITLE VII—MISCELLANEOUS

INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF AND REQUIREMENTS FOR NURSES

SEC. 701. (a) (1) Using procedures developed in accordance with paragraph (3), the

Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis—

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, nurse's aides, registered nurses with advanced training or graduate degrees, and nurse practitioners;

(B) the distribution, within the United States and within each State, of such nurses so as to determine those areas of the United States which are oversupplied, undersupplied, or which have an adequate supply of such nurses in relation to the population of the area and the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average of rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1976, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a) (1) and the data gathered under subsection (a) (2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under this section before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

TECHNICAL AMENDMENTS

SEC. 702. (a) The Health Revenue Sharing and Health Services Act of 1974 is amended by striking out section 305 and by redesignating section 306 as section 305.

(b) Section 401(a) of such Act is amended by striking out "310" and inserting in lieu thereof "319"; and the section amended by such section 401(a) is amended by striking out "310" and inserting in lieu thereof "319".

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate

amendment be dispensed with and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS. Mr. Speaker, briefly, the Senate amendment would do three things: First, it would revise the section of the bill which authorizes grants and contracts with collegiate schools of nursing to establish and maintain nurse practitioner programs. The amendment would increase the range of eligible applicants to include all schools of nursing, schools of medicine, public health, and public or nonprofit private hospitals, and broaden the scope of the program to include pediatric and geriatric nurse practitioner programs. Additionally, it would lower the minimum number of students which must be enrolled in an approved program from 25 to 8 and require that the minimum course of study be 1 academic year of which at least 4 months must be classroom instruction. Finally, it would broaden the group with which the Secretary of Health, Education, and Welfare must consult prior to developing guidelines for the program to include appropriate educational and medical organizations.

Second, it would revise the special projects authority contained in the bill to provide support for programs to upgrade nursing skills, to emphasize increasing the supply of bilingual nursing personnel, and to earmark not less than 10 percent of the funds appropriated for programs to encourage the full utilization of educational talent in the nursing profession. This earmark would insure the continuation of programs to identify, recruit, and retain students from disadvantaged backgrounds which are currently being funded under separate authority in the act.

Finally, the amendment proposes two technical and conforming changes in the Health Revenue Sharing and Health Services Act of 1974, H.R. 14214, which is presently awaiting the President's signature.

These amendments to the bill include no increase in funding over the original measure which this body passed by voice vote last Thursday, December 12, 1974. The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 13296, MARITIME AUTHORIZATION

Mrs. SULLIVAN. Mr. Speaker, I call up the conference report on the bill (H.R. 13296) to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman describe what this is all about?

Mrs. SULLIVAN. Yes, I will be happy to.

Mr. ROUSSELOT. In the meantime, could we have some kind of résumé of this, so we can understand it?

Mrs. SULLIVAN. The report was printed in the Record yesterday, but I will be glad to make my statement if this is the time to do so.

Mr. ROUSSELOT. Could the gentleman just give us a summary, some idea of what it is?

Mrs. SULLIVAN. Mr. Speaker, last June 4 we passed the maritime authorization bill. It just came back from the Senate last Friday with amendments added to it.

Mr. ROUSSELOT. How many amendments are we talking about?

Mrs. SULLIVAN. Three amendments.

Mr. ROUSSELOT. Are the amendments germane?

Mrs. SULLIVAN. One amendment we refused to take. Another amendment could be germane, and it really is.

The third amendment was not germane.

Mr. ROUSSELOT. One of the amendments we are considering is not germane?

Mrs. SULLIVAN. That is correct.

Mr. ROUSSELOT. Could the gentleman describe how it is not germane?

Mrs. SULLIVAN. Yes, it is a bill that will—

Mr. ROUSSELOT. No. I mean the amendment that is not germane.

Mrs. SULLIVAN. The amendment has to do with damage to American fishing vessels of small fishermen that fish off the various coasts.

The reason the amendment is not germane is because it was attached to a maritime authorization bill.

Mr. ROUSSELOT. It has to do with damage to fishing vessels?

Mrs. SULLIVAN. Yes, fishing vessels and gear damaged by foreign vessels.

Mr. ROUSSELOT. Is there a dollar amount? Is there any money involved?

Mrs. SULLIVAN. Yes there is money involved in the form of loans that will be made to fishing vessel owners from the fisheries loan fund which is already existing under present law. Once a vessel owner or operator is compensated his claim is assigned to the Secretary of Commerce, who, in conjunction with the Secretary of State will proceed to collect such claims from the offending foreign country.

Mr. ROUSSELOT. Then there are some differences between what passed the House. Is there a substantial amount of money involved in the nongermane amendments?

Mrs. SULLIVAN. No, only replenishment of funds. It is estimated that payments on loans will not exceed \$250,000 per year. And it is to be noted that this program expires March 15, 1976.

Mr. ROUSSELOT. What kind of damage are we talking about?

Mrs. SULLIVAN. To the fishing vessel and its fishing gear that is dragged along the bottom. When the foreign trawlers come in to do their fishing, very often these small fishermen have their fishing gear damaged, and they naturally are complaining.

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Mr. ROUSSELOT. The Russian fishing vessels come in and do damage to our vessels, and the Federal Government will now reimburse them?

Mrs. SULLIVAN. No; the Federal Government will make a loan to the American fishing vessel owner or operator and then the Federal Government is obliged to get this money in return from the foreign country if the foreign vessel caused the damage. If the American owner or operator is at fault, then such owner or operator would be required to repay such loan.

Mr. ROUSSELOT. Is that the only nongermane portion?

Mrs. SULLIVAN. That is the only one. Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 19, 1974.)

Mrs. SULLIVAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. MOSHER. Mr. Speaker, I fully support the conference report on H.R. 13296. This legislation was passed by the House on June 4 of this year, and as passed authorized funds for ship construction, operating subsidies, maritime training, and other related activities for fiscal year 1975.

The legislation was amended in the other body by the adoption of three provisions which had not been considered in the House, and it was because of the addition of these items in the bill that a conference was requested.

The authorization levels for maritime programs were not changed in the Senate.

The Senate receded on the first of its amendments, which would have amended the definition of citizens of the United States as set forth in the Shipping Act of 1916. The purpose of this amendment was to facilitate the efforts of certain States, particularly Alaska, to engage in providing financial assistance to operators of fishing vessels and other ships. By enlarging the definition of citizen to include States, the States would be able to hold preferred ship mortgages as security for their loan guarantees.

While the members of the conference committee on the part of the House had no substantive objection to this provision, it has not been the subject of hearings in the House, and therefore it was felt that this provision should be stricken from the bill. Our colleague from Alaska (Mr. Young) has introduced similar legislation in this Congress, and it is my expectation that the Committee on Merchant Marine and Fisheries surely will

consider his bill very early in the next Congress. As indicated in the conference report, should the Senate send us such a bill, we are prepared to give it our prompt consideration also.

The members of the conference committee on the part of the House have agreed and recommend that the House recede on the second Senate amendment dealing with the establishment of regional offices of the Maritime Administration.

At the present time, the Maritime Administration maintains a regional office for each of the ocean seacoasts of the United States. These offices are situated in New York, New Orleans, and San Francisco for the purpose of facilitating contact with the Government on the part of shipping interests.

Our fourth seacoast, the Great Lakes, does not have a regional office, although after lengthy contacts with the Assistant Secretary of Commerce for Maritime Affairs, he has indicated an intention to establish an office which will deal with the unique problems of Great Lakes shipping.

The establishment of such an office, whether by administrative directive or by statute, does not of course guarantee a higher level of consideration for the problems of Great Lakes shipping. Indeed, the Great Lakes have no quarrel with the consideration they have received from the present Assistant Secretary for Maritime Affairs, Mr. Blackwell. The establishment of such an office, however, will insure that at the staff level of the Maritime Administration, where so many critical decisions are made on a day-to-day basis, there will be personnel who are knowledgeable with regard to the many unique aspects of Great Lakes transportation.

At the present time, virtually every issue must be escalated to the highest levels of the Maritime Administration to receive sympathetic consideration. The staff simply is not attuned to Great Lakes shipping problems. The Merchant Marine Act 1970, raised the Great Lakes to the level of our fourth seacoast for the purpose of all maritime programs of the Federal Government. There has been, however, a gap between the statutory recognition of the Great Lakes and the practical attention given the Great Lakes on a day-to-day basis vis-a-vis the ocean transportation industries of our other sea coasts. The establishment of a Great Lakes region will help substantially to narrow this gap.

With respect to the third Senate amendment dealing with the compensation of fishermen for gear lost as a result of activities of foreign fishing vessels, the members of the conference committee on the part of the House have recommended that the House recede but with an amendment. This provision is reported in technical disagreement.

The question of compensation for fishing vessel operators has been the subject of extensive hearings in the context of legislation dealing with the establishment of a 200-mile fisheries conservation zone.

The United States, at this time, officially recognizes a 3-mile territorial sea

and a 9-mile contiguous fisheries zone, or a total jurisdictional area of 12 miles within which foreign fishing is prohibited. Beyond the 12-mile prohibited zone, all nations are free to fish, subject only to existing bilateral and multilateral agreements dealing with particular fisheries.

Since the United States, for national policy reasons, opposes unilateral extensions of jurisdiction beyond 12 miles pending the adoption of a new Law of the Sea Treaty, it is felt that when foreign fishing activities near our shores but beyond 12 miles result in losses to American fishermen, the fishermen should not bear the brunt of such catastrophic losses which are the direct result of a national policy encouraging foreign fishing activity over our Continental Shelf. The lobster fishermen whose gear is swept away as a result of foreign trawling activities are quite literally put out of business. In most cases, they are heavily mortgaged, and there is no way they can raise the capital to replace such lost gear.

The amendment authorizes the Secretary of Commerce to utilize the existing Fishermen's Loan Fund to initially extend loans to fishermen whose gear apparently has been damaged or destroyed by foreign vessel activity. If within 6 months after the filing of an application for a loan the Secretary determines that the loss was caused by foreign vessels, he will cancel repayment of the loan. If, however, the Secretary finds that the loss was the result of natural events, the loan will be converted into an interest-bearing loan, and if the Secretary finds that the loss was the result of the fisherman's own fault, the Secretary shall require immediate repayment with interest.

The conference committee has recommended that the Senate language be amended so that the program will terminate on March 15, 1976, and will cover claims for damage arising after the date of enactment.

With respect to losses that have occurred prior to the date of enactment, only those cases where the fisherman has already filed a claim may be considered. This is to insure that individuals will not come forward following enactment of this legislation with fictitious claims of loss allegedly occurring in the past but previously unreported.

We hope that before the termination of this legislation in 1976 a new Law of the Sea Treaty will have been agreed to along the lines recommended by the United States, which would grant each nation jurisdiction over a fisheries conservation zone extending 200 miles seaward. The adoption of such a provision in international law would largely obviate the need for a program such as this.

Mr. Speaker, I urge the adoption of the conference report on H.R. 13296.

Mr. ASHLEY. Mr. Speaker, I rise to join the distinguished chairman of the Merchant Marine and Fisheries Committee, and Members on both sides of the aisle to urge the passage of the conference report on H.R. 13296.

Sections 1 and 2 of H.R. 13296 are the so-called maritime authorization bill that passed the House of Representa-

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tives on June 4, 1974. The Senate added certain amendments to this bill, and I would like to comment briefly on amendment No. 2. This amendment was agreed to by the conferees, and I strongly support it.

Senate amendment No. 2 would amend section 809 of the Merchant Marine Act, 1936, to generally provide that the Maritime Administration establish and maintain regional offices on the Atlantic, Gulf, Pacific, and Great Lakes coasts of the United States. As that agency now maintains regional offices on the Atlantic, Gulf, and Pacific coasts, the practical effect of this amendment is to require a regional office on the Great Lakes. The statement of the managers makes it very clear that such a regional office should be established and adequately staffed before the end of the current fiscal year.

Mr. Speaker, amendment No. 2 would amend section 809 of the Merchant Marine Act, 1936, in order to accomplish what we thought we had accomplished with the Merchant Marine Act of 1970—Public Law 91-469. That act amended section 809 to officially designate the Great Lakes as the fourth major seacoast of the United States. The Merchant Marine Act also extended the resources of the Maritime Administration with respect to research and development, promotion, financial aspects such as the title XI guarantee program and the capital construction fund, in addition to the possibility of construction and operating subsidies.

In the 4 years since the enactment of the Merchant Marine Act of 1970, the Maritime Administration has done very little with respect to our unique situation on the Great Lakes. Indeed, that Agency would appear to be continuing their longstanding policy of treating the Great Lakes as the step-child of our Maritime Industry.

The Great Lakes is a vital national asset that requires the services of a regional office. The Great Lakes serves a hinterland area of 14 States that contain: First, over 35 percent of our population; second, over 42 percent of our industrial activity; third, over 50 percent of our agricultural output; and fourth, over 25 percent of our mineral production.

The hinterland of the Great Lakes develops a high percentage of our foreign trade. With respect to exports, it generates about 40 percent of manufactured goods, 50 percent of agricultural products, and over 20 percent of mineral exports. With respect to imports, the figures would appear to be about 35 percent for general cargo, over 40 percent for capital imports to be used in manufacturing, and almost 50 percent of agricultural imports.

For a variety of reasons, most of this cargo is not moving through Great Lakes ports. For example, during the past 4 years, there has been a drastic decline in shipments of general cargo in the ocean trades of the Great Lakes. Trade to Continental Europe has decreased 21 percent. During that same period, U.S. commerce from the Great Lakes area has increased 18 percent but U.S. trade

to the Mediterranean through Great Lakes ports has decreased 61 percent. During the same period, U.S. commerce from that area has increased 10 percent. Additionally, six liner services have been lost in the Continental European and Mediterranean trade routes, and no U.S.-flag ships have served the Great Lakes in the overseas trade.

The Great Lakes do appear to have unique problems. We can possibly overcome some of these problems with a little help. At least a regional office would insure that our situation is no longer ignored, and that our problems can be considered. We have waited 4 years since the enactment of the Merchant Marine Act of 1970. Amendment No. 2 would now provide for this regional office.

As I mentioned in the beginning, Mr. Speaker, the basic maritime authorization bill is meritorious. The House already passed it on June 4, of this year. The Great Lakes regional office and fishing gear amendments are proper and needed.

I strongly urge the House to support the conference report on H.R. 13296.

Mrs. SULLIVAN. Mr. Speaker, I urge approval of the conference report on H.R. 13296.

On June 4, 1974, the House passed H.R. 13296, to authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce. The bill has long since been approved by the House of Representatives and these maritime authorization items are meritorious, so I will not attempt to justify them again now.

Mr. Speaker, I would like to raise one very important point concerning this whole process which I think at least needs comment. The House sent H.R. 13296 to the Senate on June 4, 1974. For whatever reasons, the Senate did not act on this until last week, when it was then sent back to us on Friday last. This simple authorization of appropriations bill was festooned with three amendments by the Senate—two were clearly nongermane and the third was at least arguably germane. This latter amendment also was valid on its merits. The other two amendments raised many questions in our minds with respect to their substance—and mind you, Mr. Speaker, there was no hearing record to support any of these three amendments.

As a consequence, I was forced to ask for a conference with the Senate—so we found ourselves the last several days of the Congress sitting down trying to puzzle out the substantive merits of several of these amendments with no hearing record to aid us.

Naturally, the Senators resented our questioning their amendments, and we resented being faced with these issues at the very end of the Congress—and being faced with the further embarrassment of probably being called to task on the House floor when we presented the conference report with nongermane amendments.

In conference, the Senate finally agreed to recede from one nongermane amendment; we agreed with their

amendment which we considered to be germane; and we modified the substance of the other amendment.

I would only say, Mr. Speaker, that I consider this whole procedure a very poor way to legislate. This whole authorization process should have been completed and enacted at least by July. Hopefully, under the new budget procedures, this will be so. The House was in ferment for almost the entire 93d Congress with respect to House reform, and never once did any of the reformers, or the House itself, address itself to such important matters as this. This whole business of holding bills and draping them with nongermane amendments which create problems over here, is in crying need of reform. I would hope that we can address ourselves to this very poor procedural process in hopes of improving it.

As I just mentioned, the authorization bill itself is meritorious and the amendment to establish a Great Lakes regional office, and the amendment to provide loans for recompensing fishing gear damaged by foreign vessels is meritorious. Thus, I strongly urge the House to support the conference report on H.R. 13296.

Mr. COHEN. Mr. Speaker, I urge my colleagues to support the MARAD authorization conference report. Acceptance of this report will not guarantee that certain crucial maritime programs within the Department of Commerce are continued and expanded, but will also strengthen our national system of maritime education and training, and will provide our beleaguered fishing industry with some protection from the foreign fishing fleets operating off our shores.

I would like to draw the attention of my colleagues to that portion of this conference report which establishes a loan program for those fishing vessel owners and operators whose boats or gear have been damaged or destroyed by the actions of foreign fishing vessels operating in the water adjacent to the continental shelf. The provision creating this mechanism was introduced by Senator MUSKIE in the Senate. I introduced a similar piece of legislation in the House.

At the present time, fishermen whose nets have been destroyed by foreign trawlers must go to court to recover their losses. Such court cases are usually long and complex. It is difficult—if not impossible—for an independent fisherman to financially survive the rigors of such a proceeding. Without the vital equipment which has been damaged, most fishermen cannot earn enough money to support their families, let alone the legal fees which a protracted international litigation requires.

With little or no additional expense to the American taxpayer, this conference report remedies this difficult problem. If enacted into law, this legislation would permit the Secretary of Commerce to immediately make a loan to the fisherman whose vessel or equipment has been damaged by the actions of a foreign vessel or vessels. If, after an investigation conducted by National Marine Fisheries

Service on behalf of the Secretary of Commerce, the claim is determined to be wholly valid, then the Secretary changes the loan to a grant. It then becomes the responsibility of the Federal Government to collect the amount owed for damages by the foreign nation.

If, however, the American fisherman is determined to be partially or wholly at fault for the damages incurred, then the loan stays in effect at an appropriate interest rate determined by the Secretary.

I have noted that this program will require no new revenues. This is because it is established by an amendment to the Fish and Wildlife Act of 1956, and will utilize moneys available in Fisheries Loan Fund.

Mr. Speaker, the fishermen of the United States need our help. I urge my colleagues to support this conference report which will provide our fishermen with protection from the carelessness, indifference, and aggressiveness frequently exhibited by the masters of foreign fishing vessels off our shores.

The conference report was agreed to. A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: on Page 2, after line 19, insert:

Sec. 5. Section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c; 70 Stat. 1121), as amended, is further amended by adding the following new subsection:

"(f) (1) The Secretary of Commerce is authorized, under such terms and conditions as he may prescribe by regulation to use funds appropriated under this section to compensate owners and operators whose fishing vessels or gear have been destroyed or damaged by the actions of foreign fishing vessels operating in waters superjacent to the Continental Shelf of the United States as defined in the Convention on the Continental Shelf.

"(2) Upon receipt of an application filed by an owner or operator pursuant to this subsection after the effective date of this subsection by the owner or operator of any vessel documented or certificated under the laws of the United States as a commercial fishing vessel and after determination by the Secretary that there is reason to believe that such vessel or its gear was destroyed or damaged while under the control of such owner or operator in waters superjacent to the Continental Shelf of the United States by the actions of a vessel (including crew) of a foreign nation, the Secretary shall, as soon as practicable but not later than thirty days after receipt of an application, make a non-interest-bearing loan to such owner or operator from the fisheries loan fund created under subsection (c) of this section. Any such loan, as determined by the Secretary, shall be in an amount equal to the replacement value of the damaged or destroyed property and the market value of fish, if any, onboard such vessel and within such gear which are lost or spoiled as the result of such damage or destruction. Any such loan shall—

"(A) be conditional upon the owner or operator of such damaged or destroyed property assigning to the Secretary of Commerce any such rights of such owner or operator to recover for such damages;

"(B) be subject to other requirements of

this section with respect to loans which are not inconsistent with this subsection; and

"(C) be subject to other terms and conditions which the Secretary determines necessary for the purposes of this subsection.

"(3) The Secretary of Commerce shall, within one hundred and eighty days of receipt of a loan application, investigate each incident as a result of which a loan is made pursuant to this subsection and—

"(A) if he determines in any such case that the destruction or damage was caused solely by a vessel (including crew) of a foreign nation, he shall cancel repayment of such loan and refund any principal paid thereon prior to such cancellation and seek recovery from such foreign nation;

"(B) if he determines that the damage or destruction was not caused solely by a vessel (including crew) of a foreign nation or solely by the negligence or intentional actions of the owner or operator of the vessel, he shall require such owner or operator to repay such loan at a rate of interest determined by him, pursuant to subsection (b) of this section, which rate shall be retroactive to the date the loan was originally made; or

"(C) if he determines that the damage or destruction was caused solely by the negligence or intentional actions of the owner or operator, he shall require the immediate repayment of such loan at a rate of interest determined by him, pursuant to subsection (b) of this section, which rate shall be retroactive to the date the loan was originally made.

"(4) The Secretary of Commerce and the Secretary of State shall, with the assistance of the Attorney General, take steps to collect any claim assigned to him under this subsection from any foreign nation involved. Amounts collected on any such claim shall be deposited in the fisheries loan fund.

"(5) This subsection shall apply with respect to damages or destruction of vessels or gear occurring on or after January 1, 1972."

MOTION OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. SULLIVAN moves that the House recede from its disagreement to Senate amendment numbered 3 and concur therein with an amendment as follows: Amend paragraph (5) of the proposed new subsection (f) to read as follows:

"(5) This subsection shall apply with respect to uncompensated damage to or destruction of any vessel or the gear of such vessel occurring:

"(A) during the period from January 1, 1972, through the date of enactment of this subsection, if an application for a claim for such damage or destruction has been filed with the Federal Government during such period; and

"(B) during the period from the day after the date of enactment of this subsection through March 15, 1976.

Funds authorized under this section shall not be available for compensation under this subsection after March 15, 1976."

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to insert their remarks on the subject of the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERENCE REPORT ON H.R. 14449, COMMUNITY SERVICES ACT OF 1974

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education and Welfare to administer such programs, and ask unanimous consent that the statement of the managers to be read in lieu of the report.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

(For conference report and statement see proceedings of the House today.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report that we have before us represents the culmination of a 2-year bi-partisan effort to reach an agreement that all parties can be satisfied with to adopt legislation to continue community action programs.

We are all familiar with the history involved with the community action-economic opportunity programs.

The conference report that I present today is a product of many hours of hard work by the gentleman from California (Mr. HAWKINS), the chairman of the Equal Opportunities Subcommittee, as well as the diligent efforts and cooperation of the gentleman from Minnesota (Mr. QUINN), without whose efforts this conference report could not be presented to the House during the 93d Congress.

The House passed the Office of Economic Opportunity legislation last May by a vote of 331 to 15. The Senate passed the legislation earlier this month by a vote of 75 to 13. The conference agreement retains a substantial portion of the House bill.

A most important provision of the conference report relates to the structure and location of the Office of Economic Opportunity. Under the conference agreement the Office of Economic Opportunity is abolished upon the adoption of this legislation. In its place the conferees recommend the creation of the Community Services Administration, which would be an independent agency within the Federal Government.

It would be the responsibility of the Community Services Administration to carry out the community action program, the community food and nutrition program, the senior opportunities and services program, the rural housing, development, and rehabilitation program, as well as many other programs formerly

run under the Office of Economic Opportunity.

In order to guarantee the President the right to decide the fate of this agency, if he is unhappy with the action of the Congress, we have created a mechanism whereby the President, after March 15, 1975, may submit a reorganization plan to place this new Community Services Administration within the Department of Health, Education, and Welfare. Let me note at this point, that it is not mandatory that the President submit such a plan, but if he does submit a reorganization plan it would have to include the basic structure of the House-passed provision that created an independent Community Services Administration within the Department of Health, Education, and Welfare.

Upon receipt of such reorganization plan the Congress has 60 days to reject it. If the Congress chooses to reject this plan it must be done through a joint resolution. This process, in effect, requires the Congress to override a Presidential veto to prohibit the President from transferring this independent agency to the Department of Health, Education, and Welfare if he so decides.

The conference agreement retains the principal of the House bill and reduces the Federal share for each community action over a period of 3 years.

The conference agreement includes the House provision for an incentive grant program called "Demonstration Community Partnership Agreements" which will encourage States and local communities to provide new dollars for community action programs.

The conference agreement authorizes the Secretary of Health, Education and Welfare to operate the Headstart and Follow Through programs. The only substantial change made in the Headstart program relates to the formula for the allocation of funds. The conference agreement provides that funds will be allocated on the basis of in the relative number of public assistance recipients in each State as compared to all States, and the relative number of children living in families below the poverty level in each State as compared to all States.

Rather than go into detail, I am attaching a list of programs and their disposition under the conference agreement.

First. Community health services—transferred to the Department of Health, Education and Welfare;

Second. Community food and nutrition program—retained in the Community Services Administration.

Third. Family planning authority—deleted;

Fourth. Senior opportunities and services program—retained in the Community Services Administration;

Fifth. Alcohol counseling and recovery program—combined with comprehensive health title and transferred to the Department of Health, Education and Welfare;

Sixth. Drug Rehabilitation program—combined with comprehensive health title and transferred to the Department of Health, Education and Welfare;

Seventh. Emergency energy conservation program—new in the Community Services Administration;

Eighth. Summer youth recreation program—tied to title I of the Comprehensive Employment and Training Act and run by the Department of Labor;

Ninth. Urban housing demonstration programs—deleted;

Tenth. Design and planning assistance programs—retained as permissive and not mandatory as in existing law;

Eleventh. Youth recreation and sports program—extended through the Community Services Administration;

Twelfth. Consumer action and cooperative programs—retained as permissive and not mandatory as in existing law;

Thirteenth. Intergovernmental Advisory Council on Community Services—accepted but with the stipulation that no money may be provided for any staff, travel, or per diem expenses;

Fourteenth. Migrant programs administered by the Department of Labor—transferred to the Community Services Administration;

Fifteenth. Establishment of a National Office for Migrant and Seasonal Farmworkers—deleted; and

Sixteenth. Follow Through—transferred to the Department of Health, Education, and Welfare and extended for 3 years.

Mr. Speaker, I yield now to the distinguished gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, the conferees of the joint House-Senate conference on H.R. 14449 have unanimously agreed to a compromise bill to extend the programs of the Economic Opportunity Act through fiscal year 1977. This compromise bill, entitled the Headstart, Economic Opportunity and Community Partnership Act of 1974, provides continuing authority for community action, community economic development, Headstart, Follow Through, Native Americans and other programs previously authorized under the Economic Opportunity Act.

This bill is the product of careful consideration and extended debate by both bodies, primarily on the most effective method of administering the Federal poverty program.

On May 29, the House overwhelmingly affirmed the need to continue this vital program by a vote of 331 to 53. The House bill provided for the immediate transfer of programs now under the Office of Economic Opportunity to a new administration in the Department of Health, Education, and Welfare. The Senate bill, passed on December 13, by a vote of 75 to 13, would have kept the programs under the Office of Economic Opportunity unless the President submitted a reorganization plan transferring the program to HEW after June 30, 1975. In the Senate bill, the reorganization plan could have been disapproved by a majority of either House.

The compromise developed by the conference committee provides for the establishment upon enactment of the Community Services Administration, an

independent agency within the executive branch. The compromise retains the option of the President to submit a reorganization plan after March 15 transferring the OEO programs to HEW but would require congressional rejection by joint resolution. Congress would have 60 days in which to act. The President could veto such a resolution, which would then require a two-thirds vote by both Houses of Congress.

Another key element of the compromise bill concerns the level of Federal support for community action agencies over the 3-year authorization of the legislation. The House bill had reduced the Federal share from 80 percent in fiscal 1975 to 70 percent in fiscal 1976 and 60 percent in fiscal 1977. The Senate version retained the present 80 percent level of support for the full 3 years. The conference bill keeps the reduction proposed by the House bill, but protects those community action agencies receiving less than \$300,000 in Federal funds. These agencies, generally in rural communities, would receive 80 percent Federal funding in fiscal 1975, 75 percent Federal funding in fiscal year 1976, and 70 percent in fiscal 1977. The conferees believed that it was essential to provide this additional assistance to smaller communities which simply do not have the resources to contribute to community action efforts. It is estimated that about three-fourths of the community action agencies would be assisted by this additional support, while less than a third of the total grant funds would be affected.

The compromise bill authorizes the continuation of the community economic development program in the new Community Services Administration. As in the case of other programs previously administered by the Office of Economic Opportunity, the Community Economic Development program could be transferred, in this instance to the Department of Commerce, by a Presidential reorganization plan. The transfer to Commerce could be rejected by a joint resolution. In the event of a transfer, the community economic development program is to be administered in a separate administration within the Department of Commerce.

As requested by the administration, this legislation includes statutory authority for the administration of the Head Start, and Follow Through programs, and for the Native American program in the Department of Health, Education, and Welfare.

In transferring the Head Start program to HEW, the conferees are simply recognizing the delegation of authority from the Director of OEO to the Secretary of Health, Education and Welfare which took effect in 1969. It is expected that Headstart will continue to be administered by the Office of Child Development in HEW and that it will continue to be a local community-based child development program with maximum parental involvement.

For the first time, Headstart funds will be distributed on the basis of a formula reflecting the number of welfare recipi-

ents and the number of children under the poverty level in a State. In order to protect those programs which might otherwise face a program reduction, the conferees agreed that no State shall receive less than its allocation in fiscal 1975. The Senate provision for a cost-of-living increase was rejected by the conferees.

The Follow Through program has been administered since its inception by the Office of Education. In providing statutory authority for administering the program in the Department of Health, Education and Welfare, it is anticipated that the program will continue to be administered by the Office of Education. The conferees adopted the House provision authorizing the appropriation of \$60,000,000 for each fiscal year 1975 through 1977 for the Follow Through program.

The compromise bill adopted by the House-Senate conference retained the administration of the senior opportunities and services program, SOS, within the new Community Services Administration. The conferees believed that by including SOS with the other poverty programs, the poverty focus and flexibility of the SOS program could best be maintained.

At the request of the administration, the conference bill authorizes the Native Americans program in the Department of Health, Education and Welfare. This program was delegated to HEW in fiscal 1974. The basic purpose of the Native Americans program is to increase the economic and social service self-sufficiency of the Indian people. Because of the relationship of programs funded under the Native American program with other human service programs under HEW, the conferees placed the administration of this program under the Secretary of HEW.

The conference bill continues to authorize funds for migrant and seasonal farmworker programs with respect to nonmanpower activities. The Department of Labor retains manpower programs for migrants, while the compromise bill places the authority for the nonmanpower activities such as basic education, consumer training, nutrition and health courses, child care, and other supportive services as well as "developmental" programs aiming at the total needs of farmworkers and their families will be administered by the Community Services Administration.

The conference bill authorizes two new special emphasis programs. The emergency energy conservation program is designed to enable low-income individuals to reduce energy consumption to lessen the impact of the high cost of fuel and other energy resources on such low-income individuals. This program developed out of the successful program operated in the State of Maine during the energy crisis last winter.

The second program, the summer youth recreation program, will provide recreation opportunities for low-income children during the summer months. This program continues a similar program generally authorized by the Man-

power Development and Training Act of 1962 as well as the Economic Opportunity Act.

Under the new authority, the Director of the Community Services Administration may provide financial assistance for programs and activities conducted by community action agencies supplementary to existing programs and activities. Such assistance would be available when CAPs enter into agreements with local or State agencies to provide 50 percent of the program costs. The other 50 percent would be in Federal funds. The compromise bill authorizes appropriations of \$50,000,000 for fiscal 1975 and such sums may be necessary for the remaining 2 years of the legislation.

The conference bill provides expanded research and demonstration authority for the Director of the Community Services Administration. It is anticipated that under this authority, the Community Services Administration will encourage innovative programs to reduce poverty and to improve the living conditions of low-income individuals.

Mr. Speaker, the Federal poverty program extended by this legislation, was once highly controversial. However, it now enjoys wide acceptance and support from State and city officials and civic leaders from all sections of the country and reflecting the full spectrum of political persuasion. In addition to serving the needs of the 25 million poor persons in this country, the program, particularly through community action agencies, has provided a significant opportunity for employment and leadership development for low-income individuals in communities served by these agencies. Over 185,000 persons are presently employed by community action agencies and their delegate agencies. Approximately half of these persons were on welfare before their employment with CAP agencies. Further, many of these individuals have gone on to leadership positions including elective office in their communities.

Mr. Speaker, over and over again in the past months as the economic crisis worsened, we have heard that the poor are those hit hardest. We cannot fail to give the poor the assurance that we care and that we are trying to help.

The bill before us today is a compromise necessitated by the reality that there are those who would put an end to the Federal antipoverty effort. It is a modest proposal in the face of the overwhelming needs created by our disastrous economic conditions. I believe that it will provide us with the means to continue to serve many millions of low-income individuals, and that the compromise which has been developed will assure the independence and integrity of the poverty program. I urge, at this very late hour in the 93d Congress, that we approve this conference report.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I support this conference report. I think it is a good conference report, representing a good compromise of the differences. I hope that the President will sign this bill.

The conference report which we considered today in my view represents the

best possible compromise that the House and Senate could have developed given the two bills that we started off with. I believe the final provisions which pertain to the placement of the new Community Services Administration provide the most latitude and flexibility for the President as he determines where best to place it.

The bill that will go to the President will establish the Community Services Administration as an independent Agency within the executive branch. This action removes the Agency from the Executive Office of the President where OEO—the old Agency—is now placed. The President has the total and complete discretion to keep the new Agency exactly where it is or, if he so chooses, may submit a reorganization plan transferring the program to HEW. If he does submit such a plan, he will only have to meet the following requirements:

(A) for establishing in the Department of Health, Education, and Welfare a Community Services Administration—

- (i) which shall be headed by a Director,
- (ii) which shall be the principal agency, and the Director of which shall be the principal officer, for carrying out titles I, II, III-B, VI, and IX of this Act, and which, with respect to such provisions, shall be the successor authority to the Community Services Administration established by subsection (a) of this section,
- (iii) the Director of which shall be, in the performance of his functions, directly responsible to the Secretary, and
- (iv) in which no policy-making functions, including the final approval of grants or contracts, of the Director shall be delegated to any regional office or official.

From my point of view this compromise which was developed in conference is far more beneficial to the President in making a final determination than either the provisions of the original House-passed bill or the provisions of the Senate bill. If the President chooses to submit a reorganization plan to the Congress, there are several items with which he will not have to contend which would have been required had either the House or Senate bill been adopted by the conference. First and foremost, only the Director of the Agency will have to be confirmed by the Senate and not the Deputy and Assistant Directors as now required for the independent Community Services Administration.

The conference report requires Director will only be responsible specifically to the Secretary. But language in the Senate bill was dropped so that if the President transfers the CSA to HEW the Director will be able to use other parts of the Department to do jobs which are currently centralized in other agencies within the Department. When we considered the transfer of the Rehabilitation Services Administration from one part of HEW to another and made the Commissioner directly responsible to the Secretary or Under Secretary, the Secretary of HEW expressed the concern that the Congress action could conceivably result in the total isolation of the RSA and would require that duplicative services and functions be established.

To counteract this concern and directly address the possible problem, we in-

cluded in our conference report language at that time specific provisions to make clear that routine administrative services could be centralized. I think that the language that I just described in this Conference report before us today should eliminate any similar concerns that HEW might raise if the CSA transfer becomes final.

Under the Senate bill there was requirement that the regional directors of that agency serve on federal regional councils. That provision was dropped.

Finally, and possibly one of the most important items is that if the original language of the House and Senate bills was adopted the President would have been required to keep in effect for all employees transferred to the new agency the basic bargaining agreement and all subsequent agreements made to it. Under the Conference report employees will be mandated to be covered only by the basic bargaining agreement. Supplements to it are not mandated by law. Employees transferred will not have any advantage over any HEW employees and will simply be treated as equals.

So that my colleagues can see what each bill would have required had either been adopted, I am inserting at this point in the record the original provisions of each:

TITLE VI—ADMINISTRATION AND COORDINATION

PART A—ADMINISTRATION

ESTABLISHMENT OF THE ADMINISTRATION FOR COMMUNITY SERVICES

SEC. 601. (a) There is established in the Department of Health, Education, and Welfare a Community Action Administration (hereinafter in this Act referred to as the "Administration") which shall be headed by a Director (hereinafter in this Act referred to as the "Director"). The Administration shall be the principal agency for carrying out this Act. In the performance of his functions, the Director shall be directly responsible to the Secretary. The Secretary shall not approve any delegation of the functions of the Director to any other officer not directly responsible to the Director.

(b) The Director shall be appointed by the President by and with the advice and consent of the Senate.

AUTHORITY OF THE DIRECTOR

SEC. 602. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

- (1) appoint in accordance with the civil service laws such personnel as may be necessary to enable the Administration to carry out its functions, and, except as otherwise provided herein, fix the compensation of such personnel in accordance with chapter 51 of title 5, United States Code: *Provided*, That all Federal personnel, employed on the effective date of this Act under authorization and appropriation of the Economic Opportunity Act of 1964, as amended, shall be transferred to, and to the extent feasible, assigned to related functions and organizational units in the Administration without loss of salary, rank, or other benefits, including the right to representation and to existing collective bargaining agreements;
- (2) (A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than one hundred days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS-18

employee under section 5332 of such title, including traveltime; (c) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently, while so employed; and (D) annually renew contracts for such employment under this clause;

(3) appoint, without regard to the civil service laws, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act; and members of such committees (including the National Advisory Council established in section 606), other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as provided in subsection (b) with respect to experts and consultants;

(4) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

(5) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(6) accept in the name of the Administration, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(7) accept voluntary and uncompensated services;

(8) allocate and expend funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code), expenditure for construction, repairs, and capital improvements;

(9) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as he shall deem appropriate to public agencies, private organizations, and the general public;

(10) adopt an official seal, which shall be judicially noticed;

(11) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations in accordance with Federal Claims Collection Act of 1966 (31 U.S.C. 951-53);

(12) notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real or personal property by the United States, deal with, complete, rent, renovate, modernize, or sell for cash or credit at his discretion any properties acquired by him in connection with loans, participations, and guarantees made by him pursuant to title II and title III of this Act;

(13) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulations; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

- (1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or

quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(14) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority;

(15) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out the provisions of this Act; and

(16) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he deems necessary or appropriate to carry out the provisions of this Act.

ESTABLISHMENT OF COMMUNITY SERVICES ADMINISTRATION

SEC. 12. (a) Effective October 1, 1975, section 601 of the Economic Opportunity Act of 1964 is amended to read as follows:

"COMMUNITY SERVICES ADMINISTRATION"

"SEC. 601. There is established within the executive branch an agency known as the 'Community Services Administration' (referred to in this Act as the 'Administration') which shall be headed by a Director (referred to in this Act as the 'Director'), which shall be the successor authority to the Office of Economic Opportunity. The Director, Deputy Director, and Assistant Directors of the Administration shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated at a rate not less than that of level IV of the Executive Schedule specified in section 5316 of title V, United States Code."

(b) Unless a reorganization plan pursuant to subsection (c) of this section is effective on October 1, 1975, the Community Services Administration shall be an independent agency; and such Administration shall have the responsibility for carrying out titles II, III-B, VI, VII, VIII, IX, and XI of the Economic Opportunity Act of 1964. The functions of the Director with respect to carrying out sections 221 and 235 and titles III-B, VI, VII, IX and XI of such Act shall not be delegated to any other officer not directly responsible, both with respect to program operation and administration, to the Director.

(c) (1) After June 30, 1975, the President may submit to the Congress a reorganization plan which, subject to the provisions of paragraph (2) of this subsection and the other provisions of this Act, shall take effect if such reorganization plan is not disapproved by resolution of either House of Congress, in accordance with the procedures established with respect to reorganization plans by chapter 9 of title 5, United States Code, except to the extent otherwise provided in this Act.

(2) A reorganization plan submitted in accordance with the provisions of paragraph (1) shall provide—

- (A) (1) for establishing, within the Department of Health, Education, and Welfare, the Community Services Administration provided for in section 601 of the Economic Opportunity Act of 1964 (as amended by this Act) and for transferring thereto the Office

of Economic Opportunity (or successor authority under subsection (c) of this section); (ii) for delegating to the Community Services Administration any other functions, including carrying out other provisions of this Act for which the Secretary of Health, Education, and Welfare is responsible, as may be assigned to such Administration by the Secretary; (iii) that the Director of the Community Services Administration shall, in the performance of his functions, be directly responsible to the Secretary of Health, Education, and Welfare, and shall not be subject to the supervision or control of any officer or employee, other than the Secretary or Under Secretary of Health, Education, and Welfare; and (iv) that the Community Services Administration shall be the principal agency, and the Director thereof shall be the principal officer, for carrying out titles II, III-B, VI, VIII, IX, and XI of the Economic Opportunity Act of 1964, and that the functions of the Director thereof with respect to carrying out sections 221 and 235 and titles III-B, VI, IX, and XI of such Act shall not be delegated to any other officer not directly responsible, both with respect to program operation and administration, to the Director;

(B) for the transfer to the Secretary of Commerce of the responsibility for administering title VII of the Economic Opportunity Act of 1964; but such transfer may be made only if there is established within the Department of Commerce a separate Community Economic Development Administration for the purpose of carrying out title VII of such Act, which Administration shall be headed by an Assistant Secretary for Community Economic Development, appointed by the President by and with the advice and consent of the Senate, who shall serve as Director of such Administration and who shall, in the performance of his functions, be directly responsible to the Secretary of Commerce, and shall not be subject to the supervision or control of any officer or employee, other than the Secretary or Under Secretary of Commerce; and

(C) for an effective date for the transfers authorized under subparagraphs (A) and (B), which shall not be earlier than the expiration of 30 days after the last date on which such reorganization plan could be disapproved by either House of Congress.

(d) Section 28 of the Economic Opportunity Amendments of 1972 (86 Stat. 705, September 19, 1972) is repealed, effective October 1, 1975.

(e) To further the purposes of this Act and the Economic Opportunity Act as amended by this Act, the regional directors of the Community Services Administration shall serve on the ten Federal Regional Councils with rights equal to those of regional directors for other Federal agencies.

(f) Effective October 1, 1975, the Economic Opportunity Act of 1964 is further amended by—

(1) striking out "Office of Economic Opportunity" and "Office" each time that they appear in section 602 (d) and inserting in lieu thereof "Community Services Administration";

(2) striking out "Office of Economic Opportunity" and inserting in lieu thereof "Community Services Administration";

(3) striking out "in the Office" in section 605(a) and inserting in lieu thereof "in the Community Services Administration";

(4) striking out "Office of Economic Opportunity" in section 632(2) and inserting in lieu thereof "Community Services Administration"; and

(5) striking out "of the Office of Economic Opportunity" in section 637(b)(2), and inserting in lieu thereof "of the Community Services Administration".

TRANSFER OF FUNCTIONS OF OFFICE OF ECONOMIC OPPORTUNITY

SEC. 13. (a) Paragraphs (1) and (2) of section 222(a) of the Economic Opportunity Act of 1964 are repealed, effective July 1, 1975.

(b) Effective October 1, 1975, the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Director of the Office of Economic Opportunity shall be transferred to the Director of the Community Services Administration. All grants, applications for grants, contracts, and other agreements awarded or entered into by the Director of the Office of Economic Opportunity under the authority of the Economic Opportunity Act of 1964 shall continue to be recognized so that there is no disruption of ongoing activities for which there is continuing authority.

(c) Effective October 1, 1975, all Federal personnel, employed by the Office of Economic Opportunity under the authorization and appropriations for the Economic Opportunity Act of 1964 shall be transferred to, and, to the extent feasible, assigned to related functions and organizational units in the Community Services Administration, without loss of salary, rank, or other benefits, including the right to representation and to existing collective bargaining agreements.

(d) All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on September 30, 1975, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of the Community Services Administration.

(e) All references to the Office of Economic Opportunity, or to the Director of the Office of Economic Opportunity, in any statute, reorganization plan, executive order, regulation, or other official document or proceeding shall, on and after October 1, 1975, be deemed to refer to the Community Services Administration, or to the Director thereof, as the case may be.

(f) No suit, action, or other proceeding, and no cause of action, by or against the agency known as the Office of Economic Opportunity, or any action by any officer thereof acting in his official capacity, shall abate by reason of the enactment of this Act.

(g) Persons appointed by the President, by and with the advice and consent of the Senate, to positions in the Office of Economic Opportunity, requiring appointment by and with such advice and consent, may continue to serve in comparable positions in an acting capacity in the Community Services Administration; but the President shall submit names for appointment to positions in the Community Services Administration, requiring the advice and consent of the Senate, within ninety days of continuous session of Congress after the establishment of such Administration.

Mr. Speaker, going further into the provisions of the conference report. The Congress will have 60 days in which it can reject the President's reorganization plan. If the Congress chooses to reject it, it must do so through a joint resolution. The net effect would be that if the Congress rejects the plan, the President may veto the resolution and would, therefore, require a two-thirds vote in both Houses to override it.

In the House bill the Federal-local

matching provisions were 80 percent Federal and 20 percent local for the first year, 70-30 for the second year, and 60-40 for the third year. The Senate bill kept the 80-20 match for all 3 years.

The conferees adopted the following provisions:

First. Fiscal 1975: The match will be 80-20.

Second. Fiscal 1976: The match will be 70-30 except for those community action agencies which have total funding below the \$300,000 level. For those agencies the match will be 75-25.

Third. Fiscal 1977: The match will be 60-40 except, for those agencies with funding up to \$300,000, the matching requirement will be 70-30.

The conference retained the provision which allows the Director to waive the lower matching requirements if it can be determined that it would be impossible to raise the additional required local share.

For the purposes of determining a State's total match, as provided in the House bill, it will be possible for a State to average its total matching share requirement to comply with the percentages required in the law. This means that if one community action agency in a particular State is putting up a 50 percent matching share and another in the same State can only match 30 percent, the average between the two would be 40 percent, or the required matching share for the third year.

The conferees adopted the House incentive grant program and used the Senate name "demonstration community partnership agreements," which will encourage States to find new local dollars for local programs. For every dollar provided in cash—in kind will not be allowed—the Federal Government will match \$1.

The conferees extended the Head Start program and officially transferred it to HEW.

The Head Start program has never allocated funds on the basis of a formula; and, therefore, this year both Houses developed one. The final conference formula for allocating Head Start funds will be determined on the basis of the relative number of public assistance recipients in each State as compared to all States and the relative number of related children living in families below the poverty line in each State as compared to all States.

Because many States presently receive funding in excess of any amount they would receive under any formula, each State receiving an amount in excess of its entitlement will be held harmless at its fiscal 1975 funding level. This means that all States will receive some additional funding for this fiscal year but those States in excess will not receive any additional funds after this fiscal year until all other States are at comparable levels in their entitlement under the new formula.

The existing Head Start legislation requires that not less than 10 percent of the total enrollment opportunities in Head Start throughout the Nation be available for handicapped children. The

Senate retained this language, but the House required that the word "Nation" be changed to "State." The conferees agreed that the word "Nation" would be retained through fiscal 1975, but beginning in fiscal 1976 at least 10 percent of each State's Head Start enrollment would have to be handicapped children.

The House bill transferred the existing title VII community economic development programs to the Department of Commerce. The Senate bill established an independent Economic Development Administration within the CSA.

The conferees adopted a compromise on this provision which was identical to the requirement for the main Agency which allows that if the President submits a reorganization plan for the transfer of CSA he must also do the same for the economic development program. The President will be required to transfer the program to the Department of Commerce with the same restrictions which were placed on CSA, described in item No. 1 above. If the President does not choose to submit a reorganization plan, this program would remain in the CSA.

There were many other programs authorized, transferred, or repealed in both House and Senate bills. The following is a list of those programs and their disposition:

a. Community Action Agencies and Programs—continued in CSA.

b. Community Health Services—transferred to HEW.

c. Community Food and Nutrition Program—retained in CSA.

d. Family Planning—deleted.

e. Senior Opportunities and Service Program—retained in CSA.

f. Alcohol Counseling and Recovery Program—combined with Comprehensive Health title and transferred to HEW.

g. Drug Rehabilitation Program—combined with Comprehensive Health title and transferred to HEW.

h. Emergency Energy Conservation Program—new in CSA.

i. Summer Youth Recreation Program—tied to title I of CETA and run by DOL—continued.

j. Urban Housing Demonstration Programs—deleted.

k. Design and Planning Assistance Programs—retained as permissive, not mandatory as in existing law.

l. Youth Recreation and Sports Program—extended through CSA.

m. Consumer Action and Cooperative Program—retained as permissive, not mandatory in existing law.

n. Intergovernmental Advisory Council on Community Services—accepted but with the stipulation that no money may be provided for any staff, travel, or per diem expenses.

o. Migrant Programs delegated to DOL—continued in CSA.

p. Establishment of a National Office for Migrant and Seasonal Farm Workers—deleted.

q. Follow-Through—transferred to HEW and extended for three years.

r. Native American Programs—transferred to HEW.

s. Research and Demonstration—conference established new research authority within CSA which will become effective if and when a transfer to HEW ever occurs. At that time the existing 232 research and demonstration programs presently delegated to HEW will be assumed by the CSA under the new authority.

The bill is a 3-year authorization. Most programs are authorized at "such sums as may be necessary."

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 43, not voting 147, as follows:

[Roll No. 725]

YEAS—244

Abdnor	Elberg	Madden
Abzug	Esch	Madigan
Anderson, Ill.	Fascell	Mahon
Andrews	Findley	Mallory
N. Dak.	Fish	Mann
Annunzio	Flood	Mathis, Ga.
Arends	Foley	Matsunaga
Armstrong	Ford	Mayne
Ashley	Forsythe	Mazzoli
Aspin	Fountain	Meeds
Badillo	Fraser	Melcher
Bell	Frelinghuysen	Mezvisky
Bennett	Frenzel	Miller
Bergland	Gaydos	Mink
Bevill	Gettys	Minshall, Ohio
Blester	Gilman	Mitchell, Md.
Boggs	Ginn	Mitchell, N.Y.
Boland	Goldwater	Moakley
Bolling	Gonzalez	Moorhead, Pa.
Bowen	Green, Ore.	Mosher
Brademas	Gren, Pa.	Murphy, N.Y.
Breaux	Gulser	Murtha
Breckinridge	Gude	Natcher
Brinkley	Gunter	Nedzi
Brooks	Guyer	Nichols
Brown, Calif.	Hamilton	O'Byrne
Brown, Mich.	Hammer	O'Brien
Brown, Ohio	schmidt	O'Hara
Broyhill, N.C.	Hanrahan	O'Neill
Buchanan	Hansen, Idaho	Owens
Burke, Fla.	Hastings	Pepper
Burke, Mass.	Hawkins	Perkins
Burton, Mo.	Heckler, W. Va.	Pike
Burton, John	Heckler, Mass.	Preyer
Byron	Helms	Price, Ill.
Carney, Ohio	Hill	Quie
Carter	Hogan	Rangel
Casey, Tex.	Holt	Rees
Cederberg	Horton	Regula
Chamberlain	Holzman	Rhodes
Chisholm	Ichord	Riegle
Cochran	Johnson, Pa.	Rinaldo
Cohen	Jones, Tenn.	Robison, N.Y.
Conable	Jordan	Rodino
Conyers	Karsh	Rogers
Coughlin	Kastenmeier	Roncallo, Wyo.
Cronin	Kazen	Rooney, Pa.
Culver	Kyros	Rose
Danielson	Lagomarsino	Rosenthal
Davis, S.C.	Leggett	Roy
de la Garza	Lehman	Roybal
Dellenback	Litton	Runnels
Dellums	Long, La.	Ruppe
Denholm	Long, Md.	Ryan
Dickinson	McClory	St Germain
Diggs	McCloskey	Sarasin
Dingell	McCollister	Sarbanes
Dorn	McCormack	Shriver
Downing	McDade	Slates
Drinan	McEwen	Slask
Duncan	McFall	Skubitz
du Pont	McKay	Slack
Eckhardt	McKinney	Smith, Iowa
Edwards, Ala.	McSpadden	

Smith, N.Y.
Staggers
Stanton,
J. William
Stanton,
James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stubbsfield
Stuckey
Studds
Symington
Talcott

Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thompson, Wis.
Thone
Thornton
Towell, Nev.
Udall
Ulman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler

NOT VOTING—147

Archer	Dennis	Robinson, Va.
Bafalis	Derwinski	Rousselot
Baker	Fisher	Ruth
Bauman	Frey	Satterfield
Blackburn	Gross	Shuster
Bray	Henderson	Snyder
Broyhill, Va.	Hinschaw	Spence
Burleson, Tex.	Huber	Symms
Clawson, Del.	Hutchinson	Tren
Collins, Tex.	Latta	Waggonner
Crane	Lott	Whitten
Daniel, Dan	Montgomery	Young, Fla.
Daniel, Robert	Myers	Young, S.C.
W. Jr.	Parris	Zion
Davis, Wis.	Roberts	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Carey of New York.
Mr. Hébert with Mr. Clark.
Mr. Nix with Mr. Davis of Georgia.
Mr. Howard with Mr. Donohue.
Mr. Macdonald with Mr. Dulski.
Mr. Fulton with Mr. Blatnik.
Mr. Gialmo with Mrs. Grasso.
Mr. Edwards of California with Mr. Gray.

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Mr. Cotter with Mrs. Griffiths.
Mr. Corman with Mr. Hanna.
Mr. Chappell with Mrs. Hansen of Washington.
Mrs. Burke of California with Mr. Kuykendall.
Mr. Bingham with Mr. Goodling.
Mr. Barrett with Mr. Froehlich.
Mr. Biaggi with Mr. Andrews of North Carolina.
Mr. Addabbo with Mr. Grover.
Mr. Alexander with Mr. Devine.
Mr. Hanley with Mr. Erlenborn.
Mr. Harrington with Mr. Collier.
Mr. Hicks with Mr. Hunt.
Mr. Jones of Oklahoma with Mr. Camp.
Mr. Kluczynski with Mr. Ashbrook.
Mr. Koch with Mr. Hudnut.
Mr. Landrum with Mr. Conlan.
Mr. Metcalfe with Mr. Hollifield.
Mr. Minish with Mr. Don H. Clausen.
Mr. Dominick V. Daniels with Mr. Beard.
Mr. Delaney with Mr. Johnson of California.
Mr. Dent with Mr. Eshleman.
Mr. Ewins of Tennessee with Mr. Clancy.
Mr. Pickle with Mr. Broomfield.
Mr. Murphy of Illinois with Mr. Conte.
Mr. Morgan with Mr. Kemp.
Mr. Moss with Mr. Butler.
Mr. Randall with Mr. King.
Mr. Rostenkowski with Mr. Cleveland.
Mr. Adams with Mr. Anderson of California.
Mr. Gibbons with Mr. Landgrebe.
Mr. Alexander with Mr. Haley.
Mr. Jarman with Mr. Lent.
Mr. Hungate with Mr. Mathias of California.
Mr. Clay with Mr. Pettis.
Mr. Jones of Alabama with Mr. Lujan.
Mrs. Collins of Illinois with Mr. Price of Texas.
Mr. Evans of Colorado with Mr. Nelsen.
Mr. Jones of North Carolina with Mr. Quillen.
Mr. Flowers with Mr. Mills.
Mr. Helstoski with Mr. Powell of Ohio.
Mr. Shipley with Mr. Lukens.
Mrs. Sullivan with Mr. Rarick.
Mr. Teague with Mr. Mizell.
Mr. Wolf with Mr. Peyser.
Mr. Roe with Mr. Maraziti.
Mr. Flynt with Mr. Reid.
Mr. Fuqua with Mr. Roncallo of New York.
Mr. Milford with Mr. Martin of Nebraska.
Mr. Mollohan with Mr. Rallsback.
Mr. Passman with Mr. Moorhead of California.
Mr. Patten with Mr. Pritchard.
Mr. Patman with Mr. Martin of North Carolina.
Mr. Rooney of New York with Mr. Sandman.
Mr. Schneebeli with Mr. Scherle.
Mrs. Schroeder with Mr. Selberling.
Mr. Sebellus with Mr. Shoup.
Mr. Stelger of Arizona with Mr. Tiernan.
Mr. Stephens with Mr. Widnall.
Mr. Traxler with Mr. Wiggins.
Mr. Winn with Mr. Wright.
Mr. Wydler with Mr. Wyman.

The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

PERSONAL STATEMENT

Mr. FOUNTAIN. Mr. Speaker, on December 12 on rollcall 675 on the conference report on Agricultural and Environmental Consumer Protection, I am recorded as not voting.

Mr. Speaker, I placed my voting card in the electronic device and voted just as I did on all other votes on that day which were recorded. Apparently my aye vote was not recorded. I ask that the

RECORD show that on this conference report I attempted to vote aye, and had my vote been recorded, it would have been aye.

TO AUTHORIZE CORRECTIONS IN THE ENROLLMENT OF H.R. 14449

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 698) to authorize certain corrections in the enrollment of H.R. 14449.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 698
Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 14449 the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of said bill, to make the following corrections: Namely, in section 3 strike out "Sec. 101" and insert in lieu thereof "Sec. 3" and strike out "Sec. 102"; and insert in lieu thereof "Sec. 4"; and in section 5 (d) (2) after "section 282 (c)" insert "of such Act"; and in section 5 (e) (2) strike out the period at the end thereof and insert a semicolon and the following: "and by inserting after the first sentence thereof the following: 'The Director shall not require non-Federal contributions in excess of 20 per centum with respect to fiscal year 1975, 30 per centum with respect to fiscal year 1976, and 40 per centum with respect to fiscal year 1977, of the approved cost of programs or activities assisted pursuant to sections 221 and 222 (a), except that in the case of community action agencies receiving such financial assistance annually of \$300,000 or less, such non-Federal contributions shall not be required in excess of 25 per centum with respect to fiscal year 1976, or 30 per centum with respect to fiscal year 1977. In addition, with respect to fiscal years 1976 and 1977, the Director may approve assistance in excess of such percentages upon evidence that the aggregate of all non-Federal contributions by agencies within a State for financial assistance pursuant to sections 221 and 222 (a) as a percentage of the aggregate of all such financial assistance to such agencies in such State pursuant to such sections meets the percentage requirements of this subsection.'"; and at the end of section 5 (e) (2) add the following: "(3) Section 225(c) of such Act is further amended by striking the last two sentences."'

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the concurrent resolution be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Reserving the right to object, Mr. Speaker, are these substantive errors?

Mr. PERKINS. None of these are substantive errors. They are technical errors. They are technical changes where the Clerk made an error.

Mr. GROSS. What is the bill?

Mr. PERKINS. The conference report that was just agreed to on the Community Services Act.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING PRICE SUPPORTS FOR MILK

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 4206) to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINDLEY. What is the request pending?

The SPEAKER. For the immediate consideration of the Senate bill S. 4206.

Mr. FINDLEY. Under the unanimous-consent procedure, or suspension of the rules?

The SPEAKER. Under unanimous consent.

Mr. FINDLEY. Mr. Speaker, reserving the right to object, am I correct that the gentleman seeks unanimous consent to pass the Senate bill which would establish dairy supports at 85 percent of parity?

Mr. JONES of Tennessee. That is correct.

Mr. FINDLEY. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AMENDING AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2792) to amend the Agricultural Trade Development and Assistance Act of 1954 to provide the United States with the flexibility with which to participate in efforts to alleviate the suffering and human misery of hunger and malnutrition.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Ms. HOLTZMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AMENDING THE MISSING PERSONS ACT

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12880) to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

December 20, 1974

Page 1, line 10, strike out "United States Code (The Missing Persons Act)."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York whether the amendment is germane.

Mr. STRATTON. This is strictly a technical amendment deleting a period which got into the bill by mistake and deleting some language which was repetitive. It is all completely germane.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, in explanation, H.R. 12880 is a House-passed bill which merely extends the time when claims may be presented for reimbursement of memorial-service expenses in cases of members of the Armed Forces whose remains are not recovered. The Senate amendment is a technical amendment which removes unnecessary language from the bill. It does not substantively change the legislation. Therefore, the House can accept the amendment and allow the bill to go to the President.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

TECHNICAL AMENDMENTS TO ACT OF SEPTEMBER 3, 1974, RELATING TO SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICE, FIREMEN AND TEACHERS AND DISTRICT OF COLUMBIA REAL PROPERTY TAX REVISION ACT OF 1974

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16925) to make technical amendments to the act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 7, strike out lines 17, 18, and 19, and insert:

(g) Section 426(l) of that Act is amended by deleting "sections 3 and 14 of title IX of the Act of August 17, 1937 (D.C. Code, sec. 47-2404, 47-24143)" and inserting in lieu thereof "sections 3 and 4 of title IX of the Act of August 17, 1937 (D.C. Code, secs. 47-2403, 47-2404)."

Page 9, line 20, strike out "47-2061.14(a) (8)" and insert: "47-2601.14(a) (8)".

Page 9, strike out line 23 and insert: "(D.C. Code, secs. 47-301, 47-601)".

Page 10, line 3, strike "5(a)" and insert: "of title IX".

Page 10, line 4, strike out "(D.C. Code, sec. 47-709)" and insert: "(D.C. Code, secs. 47-708, 47-709)".

Page 10, after line 20, insert:

Sec. 12. The second sentence of section 301(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act is amended to read as follows: "The Commissioner of the District of Columbia shall appoint, by and with the advice and consent of the Senate, the Director, except that on and after January 2, 1975, appointments to the Office of Director, including vacancies therein, shall be made by the Mayor, with the advice and consent of the Council. The Director shall serve for a term of four years, subject to removal for cause by the Commissioner or the Mayor, as the case may be, and may be reappointed for a like term or terms, with the advice and consent of the Council, except that in the case of the Director serving as such on January 1, 1975, such Director's term shall terminate upon the expiration of June 1, 1979, unless sooner so removed for cause. Any appointment to fill a vacancy in the Office of Director shall be for the unexpired portion of the term."

Page 10, after line 20, insert:

Sec. 13. (a) Section 5(e) of the District of Columbia Election Act (D.C. Code, sec. 1-1105) is amended by adding at the end thereof of the following new sentences: "The Board, at the request of the Director of Campaign Finance, shall provide such employees, subject to the compensation provisions of this subsection, as requested to carry out the powers and duties of the Director. Employees so assigned to the Director shall, while so assigned, be under the direction and control of the Director."

(b) Section 5 of such Act is further amended by adding at the end thereof the following new subsection:

"(g) The Board shall prescribe such regulations as may be necessary to insure that all persons responsible for the proper administration of this Act maintain a position of strict impartiality and refrain from any activity which would imply support of or opposition to (1) a candidate or group of candidates for office in the District of Columbia, or (2) any political party or political committee. As used in this subsection, the terms 'office', 'political party', and 'political committee' shall have the same meaning as that prescribed in section 102 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act."

Page 100, after line 20, insert:

Sec. 14. (a) Section 308(b) (2) of the Act of August 14, 1974, is amended by deleting "chapter 5 of title 5, United States Code" and inserting "the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.)."

(b) Section 601(c) of the Act of August 14, 1974, is amended by inserting immediately before the period at the end thereof a comma and the following: "except for political contributions publicly reported pursuant to section 206 of this Act and transactions made in the ordinary course of business of the person offering or giving the thing of value."

Page 10, after line 20, insert:

Sec. 15. (a) Section 431(a) of the District of Columbia Real Property Tax Revision Act of 1974 is amended by deleting "historic property" and inserting in lieu thereof "historic buildings".

(b) Section 431(b) of such Act is amended by deleting "historic property" and inserting "historic buildings".

(c) Section 432 of such Act is amended by deleting "property" wherever it appears therein and inserting in lieu thereof "buildings".

(d) Section 433 of such Act is amended to read as follows:

"Sec. 433. To be eligible for historic property tax relief, real property must be a historic building designated by the Joint Committee on Landmarks of the National Cap-

ital and, in addition, must be approved by the Commissioner under section 434."

(e) Section 434 of such Act is amended to read as follows:

"Sec. 434. The Council may provide that the owners of historic buildings which have been so designated by the Joint Committee on Landmarks of the National Capital may enter into agreements with the government of the District of Columbia for periods of at least twenty years which will assure the continued maintenance of historic buildings in return for property tax relief. Such a provision shall, as a condition for tax relief, require reasonable assurance that such buildings will be used and properly maintained and such other conditions as the Council finds to be necessary to encourage the preservation of historic buildings. The Council shall also provide for the recovery of back taxes, with interest, which would have been due and payable in the absence of the exemption, if the conditions for such exemption are not fulfilled."

Page 10, after line 20, insert:

Sec. 16. Section 4(a) of the Act entitled "An Act to amend the Controlled Substances Act to extend for three fiscal years the authorization of appropriations for the administration and enforcement of that Act", approved October 26, 1974 (Public Law 93-481), is amended by striking out "chapter 6" and inserting in lieu thereof "chapter 5".

Page 10, after line 20, insert:

Sec. 17. Section 493(b) of the Act of December 24, 1973, is amended to read as follows:

"(b) Paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43-201), is amended as follows:

"(1) The first sentence of such paragraph is amended to read as follows: 'The Public Service Commission of the District of Columbia shall be composed of three commissioners appointed by the Mayor, by and with the advice and consent of the Council, except that the members (other than the Commissioner of the District of Columbia) serving as commissioners of such Commission on January 1, 1975, by virtue of their appointment by the President, by and with the advice and consent of the Senate, shall continue to serve until the expiration of the terms for which they were so appointed. The member first appointed by the Mayor, by and with the advice and consent of the Council, on or after January 2, 1975, shall serve until June 30, 1978.'

"(2) The third sentence of such paragraph is repealed.

"(3) The sixth sentence of such paragraph is amended to read as follows: 'No Commissioner shall, during his term of office, hold any other public office.'

"(4) The seventh sentence of such paragraph is amended by deleting 'The Commissioners of the District of Columbia' and inserting in lieu thereof 'The Mayor'.

"(5) The eighth sentence of such paragraph is amended to read as follows: 'No person shall be eligible to the office of Commissioner of the Public Service Commission of the District of Columbia who has not been a bona fide resident of the District of Columbia for a period of at least three years next preceding his appointment or who has voted or claimed residence elsewhere during such period.'

Page 10, after line 20, insert:

Sec. 18. (a) Section 103(a) of the Act of September 3, 1974 (77 Stat. 1036), relating to police and firemen's compensation, is amended by deleting "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)".

(b) Section 103(a) of such Act is further amended by adding at the end thereof the following:

"(d) The amendment made by paragraph (4) of section 101 shall take effect on and after the first day of the first pay period beginning on or after June 1, 1974."

Page 10, after line 20, insert:

SEC. 19. Section 122 of the Act of September 3, 1974 (relating to police and firemen's compensation), is amended by adding at the end thereof the following new subsection:

"(d) In addition to the members and alternates of the Board designated by subsection (a) of this section, in all cases of retirement, disability, or other relief involving a member of the Executive Protective Service or a member of the United States Secret Service, who contribute to the Police and Firemen's Relief Fund of the District of Columbia, a member and alternate of the Executive Protective Service or a member and alternate of the United States Secret Service, as designated by the Director, United States Secret Service, as appropriate shall sit as a member of the Police and Firemen's Retirement and Relief Board."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, are the amendments germane to the bill?

Mr. DIGGS. Mr. Speaker, there are some amendments that are not germane. I will say to the gentleman from Iowa, Section 12 of the Senate amendments affects the Campaign Reform and Conflict of Interest Act, but these amendments set the term of office for the Director of the Office of Campaign Finance at 4 years. It further goes on to set forth and provide for employees necessary to carry out the powers and duties of the Director, and these employees will be under the discretion and control of the Director and all of this as in the original Act will be paid out of local funds. The Senate felt that there should be some definition of the term of office of the Director, and that is all these non-germane amendments pertain to.

Mr. GROSS. No funds from the Federal Treasury will be needed to implement the bill or any of the amendments?

Mr. DIGGS. The gentleman is correct. No Federal funds are required.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, the bill, as it passed the House, was intended to correct multiple technical errors in several instances in the printing and reporting of the police and firemen's pay bill. The amendments are necessary and were passed by the House so that the law will correctly reflect the salary increases in each class for police, firemen and teachers, and approval of various items in real property tax revisions.

The other body has added amendments to the bill. The amendments in section 6(g), 8(b), 8(c), and 9(c) are merely technical changes to correct errors.

Section 12 of the Senate amendments affects the Campaign Reform and Conflict of Interest Act. The amendment sets the term for the Director of the Office of Campaign Finance at 4 years. The first Director will serve until 6 months after the 1978 elections and subsequent direc-

tors will have the same 6-month post-election incumbency.

Section 13 of the Senate amendments requires the board to, at the request of the Director, provide employees necessary to carry out the powers and duties of the Director. Such employees will be under the sole discretion and control of the director. Section 13 also requires the board to prescribe regulations to insure that persons working for the board or the Director are not engaged in partisan political activities and are strictly impartial in carrying out their duties.

Section 14 conforms the act to the District of Columbia Administrative Procedures Act. Section 14 also clarifies the conflict-of-interest section allowing individuals in public office to receive political contributions in the amounts authorized under the act. The amendment is intended to make it clear that public officials should not be prohibited from obtaining normal consumer credit loans for houses and automobiles.

Section 15 modifies the terminology in the real property tax revision act to substitute more specific terminology.

Section 16 is merely a technical change in the controlled substances act.

Section 17 makes some amendments in the Public Service Commission to emphasize and clarify the continuing nature of the Commission and provides that the third Public Service Commissioner will have a 3-year term of office.

Section 18 makes technical corrections in the Firemen's and Police Salary Act.

Section 19 makes a technical change to include the Executive Protective Service in the activities of the police and firemen's retirement and relief board since the Executive Protective Service is under the authority of that Board.

I urge the House to concur in the Senate amendments.

Mr. GUDE. Mr. Speaker, I concur in the chairman's motion that the House concur in the Senate's amendments to H.R. 16925 numbered 1 through 12 and the unnumbered amendment appearing on page 2 of the Senate engrossed copy of the amendments between amendments numbered 5 and 6.

We are all aware that this may be the last day that the House will be in session. Were it not for that, I would concur in most of the Senate's amendments with some further amendment here in the House. However, time is of the essence and those amendments which I might otherwise make are not of sufficient importance to stall the enactment of this bill into law during this Congress.

I would point out certain items which may require further amendment in the 94th Congress. For instance, there is an improper citation on page 10, line 14, of the Senate amended bill, which reads "521" and should read "526." Amendment No. 12, as it appears in the Senate engrossed amendments refers to contributions to the "police and firemen's relief fund of the District of Columbia." There is no such fund, and I would suggest that in the 94th Congress the following amendment to section 122 of the act, of September 3, 1974—relating to police and firemen's compensation—be

amended by adding to the end thereof the following new subsection:

(d) In addition to the members and alternates of the Board designated by subsection (a) of this section, in all cases of retirement, disability, or other relief involving a member of the Executive Protective Service or a member of the U.S. Secret Service, who is subject to the Police and Firemen's Retirement and Disability Act, a member and alternate of the Executive Protective Service or a member and alternate of the U.S. Secret Service, as designated by the Director, U.S. Secret Service, as appropriate shall sit as a member of the Police and Firemen's Retirement and Relief Board.

The foregoing amendment would correct the Senate amendment as it now appears. However, none of these amendments are of such importance at this time that they should delay the enactment of this legislation in the 93d Congress.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PEOPLE'S COUNSEL FOR THE PUBLIC SERVICE COMMISSION

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17450) to provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill. The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert: That (a) there is hereby established within the Public Service Commission of the District of Columbia, established by section 8 of the Act of March 4, 1913, as amended (D.C. Code, sec. 43-201), an office to be known as the "Office of the People's Counsel".

(b) There shall be at the head of such office the People's Counsel who shall be appointed by the Commissioner of the District of Columbia, by and with the advice and consent of the District of Columbia Council, and who shall serve for a term of three years. Appointments to the position of People's Counsel shall be made without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive service. The People's Counsel shall be entitled to receive compensation at the maximum rate as may be established from time to time for GS-16 of the General Schedule under section 5332 of title 5 of the United States Code. No person shall be appointed to the position of People's Counsel unless that person is admitted to practice before the District of Columbia Court of Appeals. Before entering upon the duties of such office, the People's Counsel shall take and subscribe the same oaths as that required by the Commissioners of the Commission, including an oath or affirmation before the Clerk of the Superior Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any public utility in the District of Columbia.

(c) The People's Counsel is authorized to employ and fix the compensation of such employees, including attorneys, as are necessary to perform the functions vested in him by this Act, and prescribe their authority and duties.

(d) The People's Counsel—

(1) shall represent and appeal for the people of the District of Columbia at hearings of the Commission and in judicial proceedings involving the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;

(2) may represent and appear for petitioners appearing before the Commission for the purpose of complaining in matters of rates or services;

(3) may investigate the services given by, the rates charged by, and the valuation of the properties of, the public utilities under the jurisdiction of the Commission; and

(4) is authorized to develop means to otherwise assure that the interest of users of the products of or services furnished by public utilities under the jurisdiction of the Commission are adequately represented in the course of proceedings before the Commission, including public information dissemination, consultative services, and technical assistance.

Sec. 2. Paragraph 42 of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43-412), is amended as follows:

(a) The first sentence of such paragraph 42 is amended to read as follows: "The expenses, including the expenses of the Office of the People's Counsel, of any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission or of concerning any public utility operating in the District of Columbia, and all expenses of any litigation, including appeals, arising from any such investigation, valuation, revaluation, or proceeding, or from any order or action of the Commission, shall be borne by the public utility investigated, valued, revalued, or otherwise affected as a special franchise tax in addition to all other taxes imposed by law, and such expenses with interest at 6 per centum per annum may be charged to operating expenses and amortized over such period as the Commission shall deem proper and be allowed for in the rates to be charged by such utility."

(b) The second sentence of such paragraph 42 is amended by inserting "or certified by the People's Counsel with respect to his expenses" immediately before the period at the end of that sentence.

(c) The third sentence of such paragraph 42 is amended by inserting "and the People's Counsel, combined" immediately after "Commission".

Sec. 3. For the fiscal year ending June 30, 1975, there is authorized to be appropriated such sum, not to exceed \$50,000, as may be necessary to carry out the purposes of this Act. For the fiscal year ending June 30, 1976, and each fiscal year thereafter, there are authorized to be appropriated such sums, not to exceed \$100,000 in any one fiscal year, as may be necessary to carry out the purposes of this Act.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may I address the same question to the gentleman about nongermane amendments.

Mr. DIGGS. There are no nongermane amendments.

Mr. BAUMAN. And the Federal contracts that the gentleman from Iowa (Mr. Gross) referred to?

Mr. DIGGS. There are no funds in here that are from the Federal Treasury. It is strictly local funds.

Mr. BAUMAN. I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. McCLODY. Mr. Speaker, I reserve the right to object.

Would the gentleman tell us what the amendment does?

Mr. DIGGS. Mr. Speaker, it is similar in its intent to the amendment submitted that I just described.

The bill, as it passed the House, amended the statute of the District of Columbia to establish a People's Counsel within the Public Service Commission of the District of Columbia. The Counsel would be responsive for representing the people of the District of Columbia at hearings of the Commission and in judicial proceedings involving the interest of consumers regarding public utility services. The People's Counsel is also given the authority to represent consumer complaints before the Commission and to investigate the service rates and operations of the public utilities. The Senate amendment in the nature of a substitute establishes a 3-year term for the People's Counsel and a maximum salary level of GS-16.

The amendment authorizes the counsel to employ and fix compensation of employees necessary to perform the functions vested in him. The amendment authorizes the People's Counsel to provide technical assistance and information dissemination. The substitute establishes an authorization level of \$50,000 for the first 6 months of 1975 and a \$100,000 limitation for subsequent fiscal years of local funds. The necessity for this legislation is underscored by the recent announcements of local utilities that they have filed or will be filing for major rate increases. Accordingly, because of the immediate nature of these rate increases and their substantial potential impact on local residents, it is advisable and imperative that the People's Counsel be established immediately to provide appropriate consumer representation.

Mr. McCLODY. Further reserving the right to object, is it limited as far as who the People's Counsel can employ or is it unlimited as far as additional staff?

Mr. DIGGS. A limitation is imposed by the authorization level for the operation of this office.

Mr. McCLODY. How much is that?

Mr. DIGGS. For the first months of 1975, it is \$50,000 and there is \$100,000 limitation for subsequent fiscal years.

Mr. McCLODY. That has not been changed by this amendment?

Mr. DIGGS. No; the substitute establishes an authorization to limit because under the words not in the substitute, that limitation was denied.

Mr. McCLODY. I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GUDE. Mr. Speaker, I concur in the chairman's motion that the House concur in the Senate amendment to H.R. 17450.

The principal thrust of the Senate amendment is to establish an Office of the People's Counsel, rather than an additional counsel to be known as the People's Counsel within the Public Service Commission—as provided in the House version.

Some may be concerned about the wording of section 3 of the bill authorizing a \$50,000 appropriation for fiscal year 1975 and not to exceed \$100,000 for fiscal year 1976. This language did not appear in the House version of the bill, inasmuch as the funding for the People's Counsel over and above that which would be borne by the public utilities investigated, valued, revalued, or otherwise effected as a special franchise tax would have been included in the budget of the Public Service Commission. The Senate version of section 3, presumably because it establishes an Office of the People's Counsel, sets a limitation for the expenses to be appropriated for that office. Certainly it is the intent of Congress that these funds authorized to be appropriated are not to be Federal funds, but rather they are authorized to be appropriated out of money in the Treasury credited to the District of Columbia.

Given the fact that this will be the last day that Congress will be in session, we do not have time for the House to amend the Senate amendment to this bill and send it back to the Senate. Accordingly, my statement should reassure those who have any questions about whether these funds will be Federal or District funds.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ESTABLISHING WITHIN THE DEPARTMENT OF THE INTERIOR AN ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

Mr. MEEDS. Mr. Speaker, I call up the conference report on the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Speaker, I make a point of order that section 5(e) of the conference report introduces language presenting a specific topic or question that was not committed to the conference committee by either House and is not a germane modification of the matters in disagreement. The insertion of section 5(e) is a violation of clause 3 of rule XXVIII of the rules of the House.

The SPEAKER. Does the gentleman from Washington wish to be heard on the point of order?

Mr. MEEDS. I do, Mr. Speaker.

Mr. Speaker, both the conference report and the Senate bill give authority for the distribution of certain funds and provides that the 13th region, which would be created or provided by the conference bill, would be payable to these people as though the 13th region had been created in December of 1973.

Now, while the Senate bill did not mention the question of stock, that if the Senate bill had been passed it would have been necessary to do precisely what we have done in the conference report.

Therefore, the intended power of the Senate bill is covered in the language of the conference report and the conference reported bill. It is clearly within the scope, because it would absolutely be necessary to do this to carry out the Senate bill as it was enacted and it was in conference.

The SPEAKER. The Chair is prepared to rule.

The Chair has examined the Senate amendment and finds that there was absolutely no reference in the Senate amendment that the Chair finds to a cancellation of stock previously issued by Native corporations to Natives who are enrolled in the 13th region. Therefore the conference report is in violation of clause 3, rule XXVIII.

The Chair, therefore, sustains the point of order.

Mr. MEEDS. Mr. Speaker, could I be heard?

The SPEAKER. The gentleman may be heard, but will the gentleman indicate that there is new language in the conference report not contained in the Senate amendment.

Mr. MEEDS. Mr. Speaker, I agree there is not language in the Senate bill which does this, but if the Senate bill were carried out after it were passed, what is set forth in the conference report would have to be done. It is a mechanical thing that would necessarily follow.

When the 13th region was not created, certain stock was issued to individuals who would have been members of that 13th region in other corporations. When the 13th region is created, as it is by the Senate bill and by conference, it would then be necessary to redistribute and refund that fund, so it is a necessary concomitant of either bill that this procedure be carried out, and it is simply set out in the conference reported bill.

The SPEAKER. The Chair will read clause 3, rule XXVIII:

Whenever a disagreement to an amendment in the nature of a substitute has been committed to a conference committee it shall be in order for the Managers on the part of the House to propose a substitute which is a germane modification of the matter in disagreement, but the introduction of any language in that substitute presenting a specific additional topic, question, issue, or proposition not committed to the conference committee by either House shall not constitute a germane modification of the matter in disagreement.

If what the gentleman says is true, the addition of this language in the conference report would have been redundant. To have put it in the conference report would have been unnecessary; the Chair must conclude that a new issue has been

injected which was not contained in the Senate amendment.

The Chair, much as he dislikes to do so, must sustain the point of order.

CONFERENCE REPORT ON S. 3022, WILD AND SCENIC RIVERS ACT

Mr. TAYLOR of North Carolina. Mr. Speaker, I call up the conference report on the Senate bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the National Wild and Scenic Rivers System; to amend the Lower St. Croix River Act of 1972 (86 Stat. 1174), and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

Mr. SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House of today.)

Mr. TAYLOR of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. CARNEY of Ohio. Mr. Speaker, reserving the right to object, does this have anything to do with the river in North Carolina we debated yesterday?

Mr. TAYLOR of North Carolina. Mr. Speaker, if the gentleman will yield, I will say that I thought this would be asked rather early in the discussion. I can state frankly that I wanted to add that river in, but we only placed in here rivers which we thought were noncontroversial, and I could not conscientiously agree that the river fitted that definition so that I can say that there is nothing in this conference report that affects the New River.

Mr. CARNEY of Ohio. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. SKUBITZ. Mr. Speaker, I reserve the right to object, and I ask the gentleman to explain what happened in the conference committee.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman.

Mr. TAYLOR of North Carolina. Mr. Speaker, this conference report is the product of considerable committee work over the past 2 years. It includes every river included in the original House bill (H.R. 14791), as well as those included in the Senate bill. So far as I know, none of the additions are controversial.

In addition, the Senate bill included a provision increasing the authorization ceiling for land acquisition for the lower St. Croix River in Wisconsin and Minnesota. This provision is substantively

identical with the bill (H.R. 12690) introduced by our colleagues from Wisconsin and Minnesota (Mr. THOMSON, Mr. QUIE, and Mr. BLATNIK) which was favorably reported by the Committee on Interior and Insular Affairs and which is on the list of bills ready for consideration under the suspension of the rules.

In light of the anticipated favorable action on this noncontroversial measure, the managers on the part of the House agreed to this provision in the Senate bill.

Mr. Speaker, all provisions in this bill are germane.

While the costs involved in the House bill are modest, the additions of the additional study rivers and the additional authorization for the St. Croix result in an increased authorization requirement.

For the 13 studies in the House bill the appropriation of \$975,000 was authorized. The conference report includes 29 rivers and would increase this authorization to \$2,175,000. The House conferees insisted that a limitation be retained on this overall authorization in order to assure proper oversight over the study program.

The additional cost attributable to this bill which was not included in the original House version involves the authorization increase totaling \$11,725,000 for the lower St. Croix land acquisition program.

Mr. Speaker, that very briefly explains the conference report and I urge its adoption by the House.

Mr. SKUBITZ. I thank the gentleman.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, among other things S. 3022 includes provisions which increase the authorization for the addition of the lower St. Croix River to the Wild and Scenic Rivers System.

The lower St. Croix River, extending from Taylors Falls, Wis., to the confluence with the Mississippi River at Prescott, Wis., some 52 miles, is truly one of America's most beautiful rivers. Just below Taylors Falls, there are some very unique geological formations. Potholes have been carved into the rocks by the rushing waters over eons of time. The Dalles of the St. Croix is another unique and very beautiful area. As you go southward, the river broadens between bluffs of spectacular beauty.

It is somewhat of a miracle that many miles of this river exist today, virgin in nature. Protection of this natural beauty has been provided by citizen interest through various organizations which have been successful in warding off developments which would have destroyed its scenic character. Such citizen action cannot stand up today under the pressures exerted by developers who would construct high-rise apartments and subdivide land into homesites. To the credit of this Congress, it recognized in 1972 that the Federal Government should protect this natural wonder of generations to come and passed the Lower St. Croix River Act, Public Law 92-560. This law authorized a plan of protection in cooperation between the Federal and State Governments.

It called for the Federal Government to protect the upper 27 miles through fee acquisition and scenic easements with the States of Minnesota and Wisconsin to jointly administer and protect the lower 25 miles. This law authorized the expenditure of \$7,275,000 for the Federal portion. This authorization was based upon a Bureau of Outdoor Recreation estimate and the Congress, in good faith, accepted this estimate and wrote it into law.

Subsequently, it was discovered that the estimate was based upon the purchase of land on an average cost per acre sold in the Lower St. Croix River Valley, not the cost-per-front foot, which is the basis for selling waterfront property.

Faced with the discovery of the erroneous estimate, the Department then proposed changing the intent of Public Law 92-560 by developing a master plan which would have spent \$7,275,000 in buying land and easements only on the first 10 miles of the 27-mile Federal sector and recommending that the local governments protect the river by zoning. The proposed master plan admits that zoning is the poorest form of river protection since it is subject to change by future local governmental authorities.

Mr. Speaker, the situation at the moment is extremely critical and necessitates prompt action. There are at least 17 known plans for development along the river, 9 of which are in the Federal sector. Unless the Federal Government acts promptly to indicate that it will provide the full measure of protection envisioned 2 years ago by authorizing fee acquisition and purchase of scenic easements along the entire 27-mile Federal segment, other proposed developments will spring up overnight.

It appears the current position of the Department of the Interior is that the \$7,275,000 authorized in Public Law 92-560 should be used to buy out these so-called hot spots, provide what measure of protection can be purchased with the balance of the money, and then come back to Congress, if necessary. Such a course would dilute even the protection proposed in the master plan and is grossly inadequate.

The master plan is now in the final stages of development and Congress should act now so that the plan can be formulated on the basis of the protection needed to preserve the beauty of the St. Croix River Valley for posterity.

Congress has an opportunity to act in the public interest to preserve the beauty of this area for the approximately 2 million Americans living in the Twin Cities area who can enjoy this river by taking a drive of 2 hours or less and many more millions in surrounding States as well as untold future generations. With population pressures bearing down upon the few remaining virgin areas in this country, it is incumbent upon us to act with the same foresight that has been displayed on a number of other occasions by the Congress in establishing the National Park System, the National Wilderness Preservation System, and most recently, the Wild and Scenic River System. By increasing the authorization to \$19 million, the master plan can be adjusted promptly to carry out the original intent of Congress.

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I urge favorable action on this bill.

Mr. THOMSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Wisconsin.

Mr. THOMSON of Wisconsin. Mr. Speaker, I thank the gentleman for yielding. I rise in support of the conference report and express my very sincere and genuine appreciation for the work which the committee has done, the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Kansas (Mr. SKUBITZ), and the staff that worked so long on this, and I know the people of Wisconsin and Minnesota will be very grateful to them for what they have done.

Mr. Speaker, an increase in the authorization from \$7,275 million to \$19 million is necessary to provide the level of protection envisioned when the Congress placed the lower St. Croix River into the Wild and Scenic Rivers System 2 years ago. A Department witness bluntly stated during subcommittee hearings that—

The original authorization is not sufficient to afford the level of protection that has been agreed upon by the joint planning teams of the States of Wisconsin and Minnesota, and the Park Service, after they reviewed it in the field.

The original plan called for fee acquisition of 2,730 acres of uplands, shoreland, and river islands with an additional 4,000 acres protected by scenic easements. It is important to note that H.R. 12690 does not change the scope of this plan. If anything, the purchases have been scaled back from 2,730 acres to 1,880 acres with easement acquisitions remaining the same.

It is also imperative that the authorization be increased immediately and not at some later date. Three reasons justify prompt action. Delay could lead to increased costs should development occur; the area could be irreparably damaged in the interim; and, local governing bodies would sustain severe difficulties in attempting to assess the Federal impact on local jurisdictions.

Without an increase in the authorization, the Park Service can legally make acquisitions only on a master plan which restricts total purchases to \$7,275 million. This master plan and the environmental impact statement contemplate full protection for the upper 10 miles of the 27-mile Federal segment. Threatened developments within the lower 17 miles could only be prevented by local zoning. With this increased authorization the master plan would revert to the original concept of full protection without any need to resubmit either the master plan or environmental impact statement.

There are developers and areas along the river just waiting for this Congress to act or not to act.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield for a comment?

Mr. SKUBITZ. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker without taking anything away from the fine work that has been done by the Members of Congress who are interested in this river, I would like to state

that the people who love the St. Croix River should appreciate the gentleman from Wisconsin, VERNON THOMSON, who will soon be leaving the Congress. No Member could be more diligent in supporting any project in which he believes than VERNON THOMSON has been in supporting this legislation for this river.

This scenic river should be somewhat of a monument to VERNON THOMSON.

Mr. SKUBITZ. Mr. Speaker, I concur in the gentleman's remarks, and I appreciate what he has said.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BLATNIK. Mr. Speaker, I rise in support of S. 3022.

Earlier this year I joined with my colleagues, Congressmen THOMSON, QUIE, FRASER, and KARTH in introducing legislation to amend the Lower St. Croix Act of 1972. The Interior and Insular Affairs Committee favorably reported this bill on November 27 and I wish to extend my thanks to the distinguished chairman of that committee, Mr. HALEY, and the distinguished chairman of the National Parks and Recreation Subcommittee, Mr. TAYLOR, for the generous reception their Committee afforded this legislation.

Language identical to that which the committee has reported was included in the original Senate version of this omnibus bill and has been accepted as a part of this conference report. While I most enthusiastically support this entire bill, I wish to speak for just a moment about the amendment to the Lower St. Croix Act which is a part of this legislation.

When Congress passed the Lower St. Croix Act it was with the clear understanding that the Federal Government would accept responsibility for administering and protecting the upper 27 miles of the river; \$7.25 million was authorized to ensure full and perpetual protection of the Federal portion of the river and its wild and scenic qualities. Only later did we find that the original cost estimate was seriously in error and that, according to the Park Service, closer to \$19 million would be required to fulfill the intent of the law.

The Department of the Interior justifies its opposition to H.R. 12690 by saying that the \$7.25 million in the original act is adequate to provide full and perpetual protection for the river, while at the same time publishing a management plan that reveals that the \$7.25 million would purchase title and easement rights for only the first 10 miles of the Federal sector, leaving the remaining 17 miles, according to their plan, protected by local and State zoning laws.

Mr. Speaker, I do not need to review for this distinguished body the dismal success of zoning as a means for protecting valuable natural and scenic resources. I am very hard pressed to see how local zoning can be equated with the full and perpetual protection the Lower St. Croix Act calls for. In my judgment, it is impossible to adopt a management plan that meets the requirements of

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the original act with only the \$7.25 million presently available to the Department.

The Lower St. Croix is a unique part of the Wild and Scenic River System in that it lies only 18 miles from a major metropolitan area. This close proximity has led to immense pressure from developers who want to build houses, parks, and apartments along the river. The passage of this bill would be a clear signal to the developers and bankers that the Federal Government intends to follow through on its commitment to protect the Lower St. Croix.

It is essential that this bill be passed, and the additional funds authorized to forestall private development along the river which now threatens the very qualities which the Congress sought to preserve when we passed the Lower St. Croix Act in 1972.

I urge the passage of H.R. 12690.

Mr. FRASER. Mr. Speaker, as an author of similar legislation, I wish to indicate my strong support for title II of the conference report to accompany H.R. 14791. Title II would increase the authorization level for Federal protection of the Lower St. Croix River.

Title II would increase the authorization from \$7.275 million to \$19 million in order to protect the 27-mile federally administered segment of the Lower St. Croix River from Taylors Falls, Wis., to Stillwater, Minn. This additional appropriation would allow for the purchase of scenic easements and fee title where necessary to secure the protection mandated by Congress under Public Law 92-560.

In 1968, the National Wild and Scenic Rivers Act made the Upper St. Croix River, a component of the National Wild and Scenic Rivers System. The act called for a study of the 52-mile stretch of river running south from the dam near Taylors Falls to the junction with the Mississippi River at Prescott, Wis., as a "potential addition" to the system.

Public Law 92-560 was the compromise reached in Congress under which "the upper 27 miles shall be administered by the Secretary of the Interior and the lower 25 miles shall be administered by the Governors of the States of Minnesota and Wisconsin."

Under the master plan developed by the Department of the Interior the intent and extent of Federal responsibility as outlined in the act is clearly violated. The master plan as proposed calls for full protection of the upper 10 miles of the federally administered sector, while leaving the remaining 17 miles in the grips of local zoning. The legislation before us would appropriate the additional funds necessary to fulfill the scope and intent of Congress in protecting the Lower St. Croix.

Local zoning cannot be relied upon as a sound management plan for a riverway. It is an unworkable approach. Villages and municipalities along the river will not be able to withstand the intense pressures upon them by developers and builders who have already announced their intentions to construct high-rise and

townhouse developments along the river's edge. This 17-mile segment of federally administered land would be highly vulnerable if protection were limited to local zoning ordinances.

We are familiar with cost overruns and honest mistakes in estimates of appropriations necessary to cover a job of protection that Congress mandates. This is clearly a case of the latter. The Bureau of Outdoor Recreation of the Department of the Interior completed and reported a land appraisal survey of the area in October 1971. As it turns out, the money authorized in Public Law 92-560, based on the original BOR survey, is totally inadequate. The BOR had used a cost-per-acre basis for its evaluation of riverfront land markets rather than the most customary cost-per-foot on shoreline frontage.

The Lower St. Croix is unique in the Nation. It is an unspoiled, scenic, recreational river practically adjacent to the Minneapolis-St. Paul metropolitan area. The river offers a wide variety of activities, among them, swimming, boating, canoeing, fishing, camping, hiking.

When Congress approved the Lower St. Croix River Act, it established a funding level of \$7.275 based on the BOR's original estimate which more detailed appraisals have shown is grossly inadequate. On the basis of the faulty estimate, the National Park Service has submitted a master plan which it admits is insufficient to provide the protection mandated by Congress.

In order to resist escalating development pressures, possible water degradation, and increasing recreational use, an additional \$11.725 million is necessary to preserve the St. Croix in its present condition. Therefore, I strongly urge the House to approve an additional authorization to purchase necessary land and easements within the entire 27-mile Federal sector of the Lower St. Croix. With the threat of development at the doorstep of the St. Croix, time is of the essence.

Mr. TAYLOR of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

KANIKSU NATIONAL FOREST LAND TRANSFER

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3289) to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes.

The Clerk read as follows:

S. 3289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 10, 1939 (53 Stat. 1350) is hereby amended to read as follows:

"Sec. 2. Any of the non-Federal lands described in the first section of this Act may be accepted in exchange under the provisions of the Act entitled 'An Act to consolidate national forest lands,' approved March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090). All of such lands so accepted in exchange shall thereupon be added to and made a part of the national forest in which they are located and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States."

Sec. 2. All exchanges made prior to the date of this Act involving any non-Federal lands within the area described in section 1 of the Act of August 10, 1939 (53 Stat. 1347) are hereby approved and confirmed.

The SPEAKER. Is a second demanded?

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Speaker, could some Member tell us what the nature of the bill is?

Mr. FOLEY. Mr. Speaker, I will be glad to explain it.

The SPEAKER. The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, S. 3289—Kaniksu National Forest Land Transfer—amends the act of August 10, 1939 (53 Stat. 1347) to provide that "any of the non-Federal lands" within the area described in the act may be accepted in exchange under the provisions of the act entitled "An Act to Consolidate National Forest Lands," approved March 20, 1922.

There is a basic inconsistency between the 1922 and 1939 acts. The 1922 act provides that any lands "may be exchanged, the 1939 act provides that only private lands may be exchanged.

The amendment makes possible the exchange of State lands and confirms any exchanges in Pond Oreille County inadvertently completed under the provisions of the 1922 act.

The appropriate State officials and agencies support the measure and the Forest Service has endorsed it.

In a letter to the Committee on Agriculture Deputy Under Secretary Ashworth indicated that the lands the State of Washington wishes to exchange were highly suitable for National Forest purposes and would facilitate the administration of the adjacent National Forest lands and other publicly owned lands.

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In addition, he pointed out that the enactment of S. 3289 would not result in any new budget authority or outlays.

Pursuant to clause 7 of rule XII of the Rules of the House, the Committee on Agriculture estimates the cost to be incurred by the Federal Government during the current and next 5 years as a result of this legislation would be zero. Minor expenditures in the administration of the exchanges would be offset by savings in land management costs as a result of the consolidations.

The SPEAKER. Is a second demanded?

The Chair hears none.

The question is on the motion offered by the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass the Senate bill, S. 3289.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2994, NATIONAL HEALTH PLANNING AND RESOURCES DEVELOPMENT ACT OF 1974

Mr. ROGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2994) to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House.)

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, as the Members know this is legislation which the House passed last week providing for a revision and 3-year extension of the existing CHP, RMP, and Hill-Burton programs. The House and Senate bills were very similar in their broad outlines and contained numerous differences in their specific provisions. We have met in full and free conference and succeeded in resolving the differences between the two bills and I am happy to be able to report to my fellow Members that we have a good conference report which conforms substantially to the House-passed bill. The money was reduced from

the original House total of \$1,173 million to a new total of \$1,013 million, which is only \$23 million above the Senate total of \$990 million.

As the Members know we had a variety of floor amendments in the House and I wish to assure them that all of these amendments are substantially retained including those by the gentleman from California (Mr. Moss), the gentleman from North Carolina (Mr. PREYER), and the gentleman from Virginia (Mr. SARTERFIELD). I am attaching to my remarks a summary of the major provisions of the conference substitute and in addition the conference report will be printed in the RECORD.

This is, therefore, an excellent conference report which will provide needed legislation and be a pride to this Congress. I, therefore, respectively urge its adoption by the Members.

SUMMARY OF THE PRINCIPAL PROVISIONS OF THE CONFERENCE AGREEMENT ON S. 2994

(1) The Senate bill authorized over a three-year period, 1975-77, a total appropriation of \$990 million. The House amendment authorized \$1,173 million. The conference agreement authorizes \$1,013 million.

(2) The Act will be cited as the National Health Planning and Resources Development Act of 1974.

(3) The Senate bill called for the establishment of a National Advisory Council on Health Planning and Development, and the House amendment for a National Council for Health Policy. The two Councils had somewhat different membership requirements and substantially different responsibilities. The conference substitute conforms substantially to the Senate provision except that the Council is to be called the National Council on Health Planning and Development.

(4) The Senate bill and House amendment had somewhat different requirements for the designation of health planning areas. The conference substitute conforms substantially to the House amendment except that existing areas for 314(b) agencies are to be used as the new health service areas if they meet the other requirements of the law.

(5) Both the Senate bill and the House amendment allowed the use of public utilities as areawide health systems agencies. They differed in that the Senate bill had a stronger requirement for an independent health council, and waived some requirements of the law for existing public 314(b) agencies. The conference substitute conforms to the Senate bill in the first respect and the House amendment in the second respect.

(6) The House amendment contains a provision added as a floor amendment requiring that one-third of the providers on the governing board of health systems agencies be direct providers of health care. The conference substitute retains this provision.

(7) Both the Senate bill and the House amendment were amended during their passage with respect to the requirement that state and areawide health planning agencies periodically review existing services. The House amendment, which was retained in the conference substitute, provides that this review shall be done with respect to the appropriateness of such services.

(8) The Senate bill and House amendment each require the development of a statewide health coordinating council. However, the requirements for the appointing of members of this council are substantially different in the two bills and the conference substitute conforms primarily to the Senate bill.

(9) The Senate bill contains a provision, not included in the House amendment, authorizing the Secretary to make grants to states to assist them in the costs of regulating health care rates. The conference substitute contains a compromise which authorizes the Secretary to assist a maximum of six states who are performing, or intend to engage in, rate regulation with the costs of such regulations for the purpose of demonstrating the efficacy of such regulation.

(10) Each bill contains a revision and extension of the existing Hill-Burton program. The two provisions differ in that in the Senate provision half of all funds appropriated are to be available to the Secretary for project grants rather than to the States for formula grants and all loans and loan guarantees are to be administered by the Secretary rather than the States. The conference substitute contains a compromise providing that loans and loan guarantees shall be administered by the States and that only 22 percent of appropriated funds shall be available to the Secretary for project grants for public hospitals in need of modernization to meet the requirements of accreditation standards or the Life Safety Code.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I will be glad to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, how much is the saving?

Mr. ROGERS. Some \$60 million.

Mr. ROUSSELOT. \$60 million. Does the gentleman say then we are saving the taxpayers money?

Mr. ROGERS. I am sorry. The amount is \$160 million.

Mr. ROUSSELOT. A real Christmas present.

Mr. ROGERS. That is correct.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. KAZEN. What is the effect of the Senate amendments?

Mr. ROGERS. The Senate amendments were basically as to this: They had a different council than we had, so we have combined the two into one council. That was one.

They had an independent council under the governing body, which we have resolved to the satisfaction of the gentleman from California (Mr. Moss), and this will be made clear in the colloquy with the gentleman from Hawaii. It is in concurrence with the position of the gentleman from California (Mr. Moss).

Basically, those were about the main things that were done. Most of the House provisions were kept. There were some trivial or small things, but it is the basic House bill.

Mr. KAZEN. Can I still vote against it?

Mr. ROGERS. Yes, sir.

I yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank the gentleman for yielding.

Actually, the Senate acceded, in most cases, to the House position.

I think it is a good bill, and I support it. The administration supports it, and I feel that it should pass.

Mr. ROGERS. Mr. Speaker, I yield

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such time as he may consume to the gentleman from New York (Mr. HASTINGS).

Mr. HASTINGS. Mr. Speaker, this bill indeed reflects the will of the House as the measure passed this body last week.

The Senate acceded in almost every case.

As the gentleman from Florida pointed out, it is \$160 million less than the bill was when it left the House.

I strongly urge support for the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes, I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

I have two questions: One is, Will the nominations to the health service agencies that are proposed under the conference report be considered at public meetings, and will persons representing groups, providers, and Government officials be eligible to submit nominations?

Mr. ROGERS. If the gentleman would yield, yes, that is correct.

I was going to say that the gentleman will be pleased to know that the author of the amendment had recommended the public hearings, which were not in the bill. The Senate has that provision, although the provisions were not accepted here on the floor, and public hearings are provided for in the conference report.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, I am grateful for that. I thank the gentleman and the staff and members of the conference committee.

Secondly, once the nominations to the agencies have been made, is there any provision in the report of the managers or in the language of the conference report itself as to whether or not, let us say, a Government official or providers or consumers would be able to challenge any of the nominations before the State agency, for example or HEW, or wherever one might go?

Mr. ROGERS. I do not think there is, specifically, but there is always a mechanism for that.

Mr. STEIGER of Wisconsin. So that an appeal could be lodged with the State council, if necessary?

Mr. ROGERS. Yes.

Mr. STEIGER of Wisconsin. I thank the gentleman for his explanation.

Mr. Speaker, last week, I offered two amendments to H.R. 16204, the National Health Policy, Planning, and Resources Development Act of 1974, during the debate in the House of Representatives. The intent of my amendments was to provide for greater accountability to the public on the part of the area-wide health systems agencies. I was concerned that the structure of the agencies as private organizations would insulate them from the need to be responsible to the public for their planning and development activities. Unfortunately, my amendments were rejected.

I feel that the public should have a more active role in the activities of the

area-wide agencies than is provided by H.R. 16204. This would include not only the development of plans and the consideration of specific projects, but also the selection of members to the health systems agencies. The legislation does not go as far as I would prefer in designating providers, local government representatives and consumers as members of the agencies. However, the bill is an improvement over the present system in that it requires consumer representatives to truly reflect a region. Section 1412(b)(3)(C)(i) states that consumers must represent social, economic, linguistic and racial populations as well as geographic areas.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes, I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

Several of the States had very grave concerns about this bill as it came out of the House.

Were some of those concerns resolved in additions made by the Senate?

Mr. ROGERS. Yes. We took the Senate State-coordinating plan.

Also, as the gentleman may recall, we had cured those objections in the House amendment which has been retained in the conference report. Therefore, those concerns have already been handled.

Mr. ROUSSELOT. Several mayors were concerned.

Mr. ROGERS. And their concerns, too; the concerns of all of the mayors and county governments were handled in the Moss amendment which has been retained.

We plan to have a colloquy on that.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

Mr. MCCLORY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. MCCLORY. Local medical societies in my congressional district and some very highly respected medical practitioners with whom I am acquainted expressed concern about local control or the autonomy which they feel should be maintained in order to develop the high standards of their profession.

What is the effect of this with respect to that?

Mr. ROGERS. The local control is maintained. I think what the gentleman was getting to is that the amendment offered by the gentleman from North Carolina (Mr. PREYER) which was adopted on the floor, is contained in the conference report.

Mr. MCCLORY. That remains in the legislation?

Mr. ROGERS. Yes, which said that one-third shall be direct providers, I think is what the gentleman is asking.

Mr. MCCLORY. I thank the gentleman.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I am happy to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, in behalf of the gentleman from California (Mr. Moss) and myself, I would like to ask a series of questions which I will direct to the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS).

Under section 1512(b)(3) of the report, a health systems agency, which is a public regional planning body, or unit of general local government, shall in addition to its governing body have a separate governing body for health planning. Am I correct in my understanding that the governing body for health planning of such a public body or unit of local government would be appointed and be subject to removal by the governing body of the Health Systems Agency?

Mr. ROGERS. That would be correct, that is exactly as the situation would exist.

Mr. MATSUNAGA. Further, Mr. Speaker, I would ask the gentleman, am I correct in my understanding that the governing body for health planning would be subject to the laws and regulations of the public body, or unit of Government acting as the Health Systems Agency?

Mr. ROGERS. Yes, that would be correct.

Mr. MATSUNAGA. If the gentleman will yield further?

Mr. ROGERS. Certainly.

Mr. MATSUNAGA. Mr. Speaker, I would ask the gentleman am I correct in my understanding that in carrying out the responsibilities prescribed in subparagraph (b)(3)(B) of section 1512, the governing body for health planning would be subject to the rules and rulings of the public body or unit of government acting as the Health Systems Agency, and that the health system plans developed pursuant to section 1513 and the annual implementation plan would be submitted to the Health Systems Agency for approval?

Mr. ROGERS. That is correct.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for his responses, and for yielding. I take this opportunity to wish my colleagues a "Mele Kalikimaka A Me Makahiki Hou," meaning in Hawaiian, "A Merry Christmas and a Happy New Year."

Mr. GOLDWATER. Mr. Speaker, would the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, perhaps the gentleman from Hawaii (Mr. MATSUNAGA) has clarified the points, but I want to be absolutely sure, because the State of California had great reservations over the so-called dictatorial imposition of new regional organizations preempting the organizations they already have.

It is my understanding that in the conference report and, I presume, the Moss amendment, that these reservations were taken care of?

Mr. ROGERS. These are taken care of. This colloquy simply confirms that as carrying out the wishes of the gentleman from California (Mr. Moss).

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Mr. GOLDWATER. I thank the gentleman.

Mr. ROGERS. I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that there are two more suspensions to be considered if the gentleman from Washington (Mr. MEEDS) wishes to bring his up, and that of the gentleman from Tennessee.

LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, before I offer the next resolution I would like to state that it is my understanding that there remain two more suspensions.

The SPEAKER. The gentleman is correct; there are two more suspensions pending, in addition to which we have the usual closing matters.

COMMITTEE TO NOTIFY THE PRESIDENT OF COMPLETION OF BUSINESS

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 1522), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1522

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Massachusetts (Mr. O'NEILL), and the gentleman from Arizona (Mr. RHODES).

RESIGNATION AS DOORKEEPER

The SPEAKER laid before the House the following communication from the Doorkeeper:

WASHINGTON, D.C.
December 18, 1974.

HON. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to tender my resignation as Doorkeeper, U.S. House of Representatives at the close of business December 31, 1974.

It has been my pleasure over the years to be of service to you and the other illustrious and distinguished Members of Congress.

With kind regards, I remain
Faithfully yours,

WILLIAM M. MILLER,
Doorkeeper,
U.S. House of Representatives.

APPOINTMENT AS DOORKEEPER

Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 USC 75a-1(a)), the Chair appoints, effective at the close of business on December 31, 1974, James T. Molloy, of New York, to act as and to exercise temporarily the duties of Doorkeeper of the House of Representatives.

TO PROVIDE PRICE SUPPORT FOR MILK

Mr. JONES of Tennessee. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4206) to provide price support for milk at not less than 85 percent of the parity price therefor, and for other purposes.

The Clerk read as follows:

S. 4206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended, is further amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning with the date of enactment of this subsection and ending on March 31, 1976 the support price of milk shall be established at not less than 85 per centum of the parity price therefor on the date of enactment, and the support price shall be adjusted thereafter by the Secretary at the beginning of each quarter, beginning with the second quarter of the calendar year 1975, to reflect any change during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and wage rates."

SEC. 2. (a) It is the sense of the Congress that the President shall take appropriate action to limit the quantity of meat imports to an amount equal to the adjusted base quantity estimate for the current calendar year pursuant to section 2(b) of the Act of August 22, 1964.

(b) It is further the sense of the Congress that the President, with the concurrence of the Secretary of Agriculture, issue a proclamation stating that import quotas on butter, butter oil, cheddar cheese, and nonfat dry milk, as authorized under section 22 of the Agricultural Adjustment Act of 1933, not be increased above the levels prevailing as of June 1, 1971.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Tennessee will be recognized for 20 minutes, and the gentleman from Illinois will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill provides for the establishment of dairy price support levels at 85 percent of parity. Not only is this action urgently needed, it is totally justified. Because of the short time remaining in this session, it is essential that the House act with dispatch to approve this bill today.

In late September and again last month, the Dairy and Poultry Subcommittee of the Agriculture Committee held hearings on the dairy price situation. Out of these hearings we developed House Resolution 1414 which calls for an immediate increase in the dairy price support level to 90 percent of parity. The present bill would require the setting of the support level at a lower level, but it would hold them at least at that level through March 31, 1976, and would provide for a quarterly adjustment in the support level so that it would be maintained at this minimum level throughout the year.

During our hearings, we heard testimony from dairy farmers from every part of the Nation. They uniformly told us one thing. They are today losing money in producing milk. The inflation that has plagued the economy has sharply increased their costs. At the same time, milk prices last spring and summer skidded sharply, largely due to expanded imports of dairy products ordered by the administration.

In November 1973, farmers received \$7.76 per hundredweight for manufacturing milk. Last month, the price was \$7.11. In November 1973, the index of prices paid by farmers for commodities and services, interest, taxes, and wage rates stood at 519. Last month it was 610. The comparison of this data tells the story of the economic squeeze in the industry very clearly.

Using the data available in November, 85 percent of parity would be \$7.68—less than the price for manufacturing milk a year ago.

The dairy price support law requires the establishment of a level of price support that will assure the production of an adequate supply of milk today and in the future. Today, the adequacy of our milk supply is threatened. Milk production has declined in each of the last 2 years. USDA now predicts a further decline in production for next year. At a time when there is growing concern over the price of food and the availability of an adequate supply of major food items, we would indeed be derelict if we permitted the productive capacity of a major segment of agriculture to be so eroded as to create market shortages.

This can be prevented very simply. The provisions of S. 4206 provide a means to prevent this loss of productive

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capacity by giving dairy farmers an increased assurance that they will be able to recover their costs.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of S. 4206, providing an increase in the floor price of milk to 85 percent of parity.

Dairy farmers throughout our Nation are in dire financial straits. In my own region, the number of dairy farms has dropped from 667 in 1968 to only about 300 this year, and threatens to go even lower as more and more small farms are driven out of business.

The rise in all of the costs of operation has far outstripped the rise in the cost of milk. Feed grains, labor, taxes, equipment—all have gone up drastically in price and threaten to go even higher. Yet our farmers have gone without relief, still struggling along on the same, woefully inadequate revenues they have been subsisting on for years.

I was among those who urged the President to increase the floor price of milk to \$7.50 per hundredweight, and who protested his decision not to do so.

We cannot sit idly by and watch while hundreds of vital family dairy farms close up. This bill is one thing we can do to help, and I urge my colleagues to join in support of this measure.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of S. 4206. This bill represents the last best effort to provide needed assistance to America's dairy farmers. Only if we can pass the bill tonight can we help to alleviate the cost-price squeeze which so presses the dairy farmers.

Mr. Speaker, the numerous times I have pleaded, urged and coaxed the Department of Agriculture, the President and anyone else I could find have to a large extent fallen on deaf ears. This House has the chance tonight to correct a series of wrongs to assure an adequate supply of quality products and a return to the farmer.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Speaker, I rise in support of this bill. I commend the gentleman for calling it up.

I compliment the gentleman for bringing this bill to the floor. I do not know of any more urgently needed bill for both our dairymen and the consumers, because, Mr. Speaker, it is not very far down the road when we will not have dairy products in this country unless action is taken such as contemplated in this bill.

Mr. DENHOLM. Mr. Speaker, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from South Dakota.

Mr. DENHOLM. Mr. Speaker, I concur with the statements of my colleagues.

I compliment the chairman for bringing this bill to the floor.

The agricultural sector is suffering deeply and it is important for the national interest that this legislation be enacted.

Mr. JONES of Tennessee. I thank the gentleman from South Dakota.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I certainly urge support of this legislation. Just recently we passed an authorizing bill for \$6.5 billion to help the unemployed and we already had appropriated \$4 billion to help them. Now we have a segment of our economy in dire straits, the dairy farmers of this Nation, and that will affect the consumers of this Nation who are dependent on the dairy farmers, who cannot stay in business and survive unless they get this help.

I urge support of this bill for the farmers and the consumers of this Nation.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from Illinois.

Mr. FINDLEY. This bill would establish Government price support for dairy products at 85 percent of parity. This would be the highest level of support for any commodity, controlled or uncontrolled.

The support for dairy by law is for unlimited, uncontrolled production. USDA experts estimate that this bill could lead to such a substantial Government takeover of dairy products that the resultant Government losses would be as high as \$400 million for the 1975-76 year. This relates only to losses sustained by the American people as taxpayers. The bill would also increase costs to the American people as consumers, because it undoubtedly would have the effect of forcing up retail prices of milk and other dairy products.

No other commodity is supported higher than 75 percent of parity, and only peanuts, a commodity that is produced under strict Government controls, is supported as high as 75 percent.

Dairymen are in financial difficulty, but this bill is the wrong remedy.

The Congress should not pass judgment on a measure important to the American people under these circumstances. A similar measure was considered but not even reported by a subcommittee of the Agriculture Committee.

The unanimous consent procedure precludes debate as well as amendments. A bill that could cost taxpayers as much as \$400 million should not be permitted to slip by without debate in the last few minutes of the Congress.

Production plans by dairy interests should respond to the market, not Gov-

ernment prices assurances. To the extent that Government supports influence the plans of farmers, they carry the grave risk of stimulating uneconomic production.

Retail fluid milk prices have been increasing rapidly this year. In comparison to year-earlier figures, they have increased: 24 percent in July, 19.8 percent in August, 16.6 percent in September, and 10.2 percent in October.

USDA estimates that the average support payment under the terms of this bill for the 1975-76 year will be \$8.30. This would cost taxpayers up to \$400 million dollars according to USDA estimates.

USDA reports that production is falling off sharply—which means that supply-demand disciplines are having effect. This will mean higher returns for the producers as the result of market, rather than Government price-fixing. This is as it should be.

Government data already shows that per capita milk consumption is steadily going down. Much of that decrease can be laid at the feet of high retail prices for milk. If the support level is increased, the resulting jump in the retail price would likely further decrease consumption and at the same time could cause surplus production.

That would further harm the dairy industry. A vital dairy industry needs more consumption, not less, and if the Government tampers with that market it tampers unwisely with the future of thousands of producers.

I sympathize in the plight of dairymen. Many are going out of business. No doubt others will follow.

I have heard from a number of constituents who want me to support, not oppose, this bill.

Some of them will be upset at my action against this bill. However, I strongly believe this bill is a costly mistake, and in the long term will weaken the economic base of American dairymen.

We will get less consumption. We will get higher Government costs.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. STRATTON. I might say to the gentleman from Illinois that at one time I represented more dairy farmers than any other Member of the House from the State of New York. My district was the third largest dairy district in the country, so I think I know something about the dairy farmers.

I think the one thing the gentleman from Illinois is not aware of is that when we use the parity formula for computing the return to the dairymen, the gentleman is overlooking the fact that the dairymen's costs come from items which are not adequately reflected in the standard Consumer Price Index. Therefore, we have in New York State—and I am sure it applies to other States, although I cannot comment about them—that the actual costs of producing milk today with the grain prices as they are, are greater

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than what the dairymen receive for their products; so when we talk about giving them 85 percent of parity, it sounds as if we are talking about 85 percent of their costs; but the fact is that we are not taking care of 85 percent of their costs. That is the reason for the crisis that has confronted the dairy farmer in New York State and in other States as well.

At some time—and it should be soon—we ought to change the formula, but until we can do that, this emergency legislation is the only way we can keep these people in business and keep supplying the milk we need, not only for ourselves, but for the starving millions in other countries as well.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for his contribution. It has a familiar ring. I have heard exactly the same argument presented against the parity formula in other things.

(By unanimous consent, Mr. O'NEILL was allowed to speak out of order.)

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. O'NEILL. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.

The President further says that he is extremely grateful to the Congress of the United States, and particularly for the election today, and more particularly for the actions of the last 2 days in the confirmation of Mr. NELSON ROCKEFELLER and for the fact that we have sent to him the trade bill.

The President has no further requests at this time. The President wants to inform the House that he has plenty of action awaiting the 94th Congress, and with that the President said that Betty joins him in wishing to the Congress of the United States a Merry Christmas and a Happy New Year.

The SPEAKER. The gentleman from Illinois (Mr. FINDLEY) has the floor.

(By unanimous consent Mr. McFALL was allowed to speak out of order.)

WILLIAM "FISHBAIT" MILLER

Mr. McFALL. Mr. Speaker, the Doorkeeper of the House, Mr. William "Fishbait" Miller, just announced to the delegation of the committee as the last act of his career of 43 years serving this House.

Mr. Speaker, I wish to commend my friend, "Fishbait," and wish him well in his retirement.

Mr. FINDLEY. Mr. Speaker, I would like to comment very briefly on the objection made by the gentleman from New York (Mr. STRATTON). The parity formula is an imperfect formula established in the early part of this century, but what is curious is that I have heard the very same charge of imperfection which the gentleman from New York makes against the parity formula as ap-

plied to wheat, corn, or almost every other commodity.

I do think we can well spend some time to correct the formula today to make it more applicable to current needs, but I do not see anything about the formula which would tend to set dairies apart from the rest of the commodities.

Mr. BERGLAND. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Speaker, the gentleman from Illinois is one of our most prized members of the Committee on Agriculture, and a source of great excitement, as we consider what otherwise might be mundane matters.

Mr. FINDLEY. I hope the gentleman will put that in the printed Record.

Mr. BERGLAND. I certainly will. I am sure the gentleman from Illinois was listening to the expert testimony presented in the subcommittee and is aware of the fact that the cost of feed is now about equal to the cost of milk. Few dairymen are paying their feed bill, let alone paying other expenses.

I am sure the gentleman from Illinois knows that it is important to maintain an adequate supply now and in the future, and I believe the best way to assure adequate supplies to consumers in the United States is by providing a very modest increase in income so that the farmers can stay in business and work their way through this tide of high expenses.

Mr. FINDLEY. I recognize that dairy farmers have pressing and national problems, but this bill is not the answer.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I have great respect for my colleague from Illinois, but I disagree with him as does my colleague from New York State, on the merits of this bill.

The hour is late and I have no desire to prolong this debate, but the hour is late for the American dairy farmer also. He is being driven from the land. We are in a period of critical economic times and this factor, I say to my friend from Illinois, speaks more than anyone as to why this bill will be passed.

I regret that I must disagree with my friend, but I could not let the record stand without making a few remarks.

Mr. FINDLEY. I understand, but milk consumption is going down and it certainly serves no good purpose for the interests of the dairymen to raise price supports and thus make the matter worse.

Mr. McDADE. There is unseasonable variance at all times. The important thing to remember is that the production of milk is going down because farmers are being driven off the land.

Mr. FINDLEY. Consumption is going down, too.

Mr. McDADE. At this time, I can take the gentleman to Pennsylvania, New York State, Vermont, and he can see the farmers being led to the auction block.

Once they leave the land, they are not going back. You will find them in the cities of America swelling the ranks of the unemployed, and find the consumers of this Nation are not aware that what they pay for milk, as less milk is produced, demand stays the same and prices continue to rise. That will happen unless we give them some help.

Mr. FINDLEY. That is the way the marketplace ought to function. That is why I oppose this bill, because the dairymen increased income from the market.

Mr. McDADE. I think we need it, and need it now.

Mr. McCORMACK. Mr. Speaker, I rise in support of S. 4206 to increase the parity for milk to 85 percent.

In spite of theoretical arguments to the effect that this bill should not be necessary, or that we should correct the problem by future modification of the parity formula, the basic fact facing this country today is that dairy farmers from all over the country, including my own State of Washington, are going bankrupt, and are being forced out of business.

The result is more unemployment—the result is a shortage of dairy products for our children—and the result is that the dairy products on the supermarket shelves are more and more expensive.

With this bill—S. 4206—we have an opportunity to do two worthwhile things at once. We can protect some of our dairy farmers from bankruptcy, and we can help stabilize the supply and price of dairy products.

My dairy farmers from Washington State need this bill, and so do those from all across the Nation.

I only wish the bill called for 90 percent of parity, but this bill should be enacted now.

Mr. ICHORD. Mr. Speaker, as a Member of one of the largest dairy producing areas in the Nation, I rise in support of S. 4206 and urge the Members to give the bill the necessary two-thirds support as S. 4206 is definitely an emergency measure for the dairy farmers of America. I shall be very brief in view of the lateness of the hour. Many of my dairy farmers have already gone out of business and I fear that if this bill is not passed more than one half of my dairy farmers will disappear during the next six months. They cannot survive with the present prices of feed and grain, which high prices have in great part been brought about by the action of the Federal Government.

Mr. MURTHA. Mr. Speaker, the 12th District of Pennsylvania has over 4,400 dairy farmers which have been seriously damaged by the rampant inflation in this country.

All the prices of the goods that the farmer uses in the production of milk have increased as much as 120 percent yet the price of their products to the farmer has actually decreased and the farmers are being forced off the farms in droves.

I urge the passage of this bill immediately.

Mr. DE LA GARZA. Mr. Speaker I sup-

port the gentleman from Tennessee (Mr. JONES), in his effort to assist the dairy farmers of America. They deserve our assistance and this matter is but a small measure of justice. I urge all my colleagues to join us by voting for this measure.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. JONES), that the House suspend the rules and pass the Senate bill S. 4206.

The question was taken.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 58, answered "present" 1, not voting 170, as follows:

[Roll No. 726]

YEAS—205

Abdnor Alexander Anderson, Ill. Annunzio Armstrong Aspin Badillo Bafalls Baker Bauman Bergland Biester Boggs Bowen Brademas Bray Breaux Breckinridge Brooks Brown, Calif. Brown, Mich. Brown, Ohio Broyhill, Va. Burke, Fla. Burke, Mass. Burlison, Tex. Burlison, Mo. Burton, John Burton, Phillip Byron Casey, Tex. Cederberg Chamberlain Chisholm Clausen Don H. Cochran Cohen Conable Coughlin Cronin Culver Daniel, Dan Davis, S.C. Davis, Wis. de la Garza Dellenback Dellums Denholm Dickinson Dingell Dorn Downing Duncan du Pont Eckhardt Fish Fisher Flood Foley Ford Forsythe Fountain Fraser Freilingerhuysen Frenzel Frey Gaydos Gettys Gilman

Ginn Gonzalez Gray Green, Oreg. Gross Gubser Guyer Hamilton Hammer Schmidt Hansen, Idaho Harsha Hastings Heinz Henderson Holt Horton Johnson, Pa. Jones, Tenn. Jordan Karth Kastenmeier Kazez Kyros Lagomarsino Leggett Lehman Snyder Long, La. Casey, Md. Lott Lott McClary McCloskey McCollister McCormack McDade McEwen McFall Symington Symms Talcott Taylor, Mo. Taylor, N.C. Teague Thomson, Wis. Thone Thornton Treen Udall Ullman Vander Jagt Vander Veen Veysey Vigorito Waggonner Wampler Ware White Whitten Wilson, Charles, Tex. Wright Wyllie Young, Fla. Young, Ga. Young, S.C. Young, Tex. Zablocki

NAYS—58

Abzug Arends Ashley Bennett Broyhill, N.C. Buchanan Clawson, Del. Conyers Crane Danielson Dennis Derwinski Drinan Edwards, Ala. Fawcett Findley Gialmo Goldwater Green, Pa. Gude

ANSWERED "PRESENT"—1

Daniel, Robert W., Jr.

NOT VOTING—170

Adams Addabbo Anderson, Calif. Andrews, N.C. Andrews, N. Dak. Archer Ashbrook Barrett Beard Bell Beville Blaggi Bingham Blackburn Blatnik Boland Bolling Brasco Brinkley Broomfield Brozman Burgener Burke, Calif. Butler Camp Carey, N.Y. Carney, Ohio Carter Chappell Clancy Clark Clay Cleveland Collier Collins, Ill. Collins, Tex. Conlan Conte Corman Cotter Daniels, Dominick V. Davis, Ga. Delaney Dent Devine Diggs Donohue Dulski Edwards, Calif. Ellberg Erlenborn Esch Eshleman Evans, Colo. Evans, Tenn. Flowers Flynt

Gunter Hanrahan Hechler, W. Va. Heckler, Mass. Hillis Illinshaw Holtzman Hosmer Huber Hutchinson Mazzoli Michel Mookley Moorhead, Pa. Parris Pike Rangel Rhodes Rinaldo Rodino

Rogers Rosenthal Roybal St Germain Sarasin Steiger, Ariz. Studds Thompson, N.J. Towell, Nev. Van Deerlin Vanik Walde Whalen Whitehurst Wiggins Williams Young, Alaska Young, Ill.

Mr. Wolff with Mrs. Collins of Illinois. Mr. Hanley with Mr. Gibbons. Mrs. Sullivan with Mrs. Burke of California.

Mr. Howard with Mrs. Grasso. Mr. Jarman with Mr. Goodling. Mr. Corman with Mr. Cleveland. Mr. Cotter with Mr. Archer. Mr. Biaggi with Mr. Eshleman. Mr. Barrett with Mr. Camp. Mr. Nix with Mr. Dulski. Mr. Morgan with Mr. Erlenborn. Mr. Dominick V. Daniels with Mr. Broomfield.

Mr. Dent with Mr. Chappell. Mr. Delaney with Mr. Froehlich. Mr. Kluczynski with Mr. Ashbrook. Mr. Rostenkowski with Mr. Collier. Mr. Pickle with Mr. Carter.

Mr. Murphy of Illinois with Mr. Blackburn. Mr. Mitchell of Maryland with Mr. Blatnik. Mr. Molohan with Mr. Collins of Texas. Mr. Minish with Mr. Beard.

Mr. Madden with Mr. Conte. Mr. Macdonald with Mr. Butler. Mr. Evin with Tennessee with Mr. Devine. Mr. Flowers with Mr. Bell.

Mr. Adams with Mr. Conlan. Mr. Landrum with Mr. Clancy. Mr. Diggs with Mr. Donohue. Mr. Koch with Mr. Brinkley. Mr. Anderson of California with Mr. Grover.

Mr. Bingham with Mr. Landgrebe. Mr. Chappell with Mr. Hudnut. Mr. Edwards of California with Mr. Luken. Mr. Ellberg with Mr. King.

Mr. Clay with Mr. Hanna. Mr. Evans of Colorado with Mr. Maraziti. Mr. Flynt with Mr. Haley. Mr. Fuqua with Mr. Latta.

Mr. Harrington with Mr. Lujan. Mr. Hawkins with Mrs. Griffiths. Mr. Helstoski with Mr. McKinney. Mr. Jones of Alabama with Mr. Milford.

Mr. Metcalfe with Mrs. Hansen of Washington. Mr. Moss with Mr. Kuykendall. Mr. Patten with Mr. Lent.

Mr. Jones of North Carolina with Mr. Hungate. Mr. Randall with Mr. Martin of Nebraska. Mr. Rooney of New York with Mr. Hogan.

Mrs. Schroeder with Mr. Mathias of California. Mr. Stark with Mr. Kemp. Mr. Traxler with Mr. Martin of North Carolina.

Mr. Yates with Mr. Mills. Mr. Hicks with Mr. Hollifield. Mr. Yatron with Mr. Minshall of Ohio. Mr. Johnson of California with Mr. O'Brien.

Mr. Jones of Oklahoma with Mr. Moorhead of California. Mr. Patman with Mr. Pettis. Mr. Peyser with Mr. Quillen.

Mr. Rallsback with Mr. Powell of Ohio. Mr. Rarick with Mr. Pritchard. Mr. Reid with Mr. Robinson of New York.

Mr. Roe with Mr. Roncallo of New York. Mr. Sebellius with Mr. Sandman. Mr. Shoup with Mr. Scherle.

Mr. Skubitz with Mr. Schneebell. Mr. Steele with Mr. Stephens. Mr. Stokes with Mr. Tiernan. Mr. Walsh with Mr. Bob Wilson.

Mr. Wyatt with Mr. Widnall. Mr. Wyatt with Mr. Wylder. Mr. Wyman with Mr. Zion. Mr. Rostenkowski with Mr. James V. Stanton.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. ARRINGTON, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 510. An act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Georgia, to the Jasper County Board of Education.

H.R. 1715. An act for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve.

H.R. 1820. An act to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes.

H.R. 2208. An act for the relief of Raymond W. Suchy, second lieutenant, U.S. Army (retired).

H.R. 2933. An act to improve the quality of unshelled filberts and shelled filberts for marketing in the United States.

H.R. 3203. An act for the relief of Nepty Masauo Jones.

H.R. 3339. An act for the relief of Delmira DeBow.

H.R. 5264. An act to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands.

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office."

H.R. 7684. An act for the relief of Nicola Lomuscio.

H.R. 7767. An act for the relief of Samuel Cabildo Jose.

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes.

H.R. 8322. An act for the relief of William L. Cameron, Jr.

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers.

H.R. 9182. An act for the relief of Fernando Labrador del Rosario.

H.R. 9654. An act for the relief of Mr. Aldo Massara.

H.R. 10827. An act for the relief of Kiyonao Okami.

H.R. 17802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake".

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material.

H.R. 11796. An act to provide for the duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii.

H.R. 11847. An act for the relief of certain fire districts and departments in the State of Missouri to compensate them for expenses relating to a fire on Federal property.

H.R. 11897. An act to name the United CXX—2639—Part 31

States Courthouse and Federal Office Building at 110 Michigan Street, N.W., Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building".

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake".

H.R. 13022. An act to amend the Act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations.

H.R. 14461. An act for the relief of Judith E. Sterling.

H.R. 14600. An act to increase the borrowing authority of the Panama Canal Company and revise the method of computing interest thereon.

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake".

H.R. 16215. An act to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes.

H.R. 17558. An act to amend the Act of May 13, 1954, relating to the Saint Lawrence Seaway Development Corporation to provide for a seven-year term of office for the Administrator, and for other purposes.

H.R. 17628. An act to designate a national laboratory as the "Hollifield National Laboratory".

H. Con. Res. 693. Concurrent resolution providing for the printing of the prayers of the House Chaplain.

H. Con. Res. 694. Concurrent resolution authorizing a correction in the enrollment of H.R. 14689.

H. Con. Res. 696. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 10710; and

H. Con. Res. 697. Concurrent resolution providing for the sine die adjournment of the second session of the 93d Congress.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following title:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson.

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes.

(S. 663). "An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission and for other purposes."

S. 754. An act to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes.

S. 1017. An act to promote maximum Indian participation in the government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; to train professionals in Indian education; to establish an Indian youth intern program; and for other purposes.

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship

of two Commissions of the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the one hundredth anniversary of his birth on August 10, 1874, by providing grants to the Hoover Institution on War, Revolution, and Peace.

S. 2149. An act to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes.

S. 2854. An act to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis.

S. 3433. An act to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; and

S. 3976. An act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Use of Copyrighted Works, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) entitled "An act to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17045) entitled "An act to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the State."

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The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF REPORTS OF COMPTROLLER GENERAL

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 1524).

The Clerk read the resolution as follows:

H. RES. 1524

Resolved, That, notwithstanding the sine die adjournment of the House, reports of the Comptroller General of the United States made to the Congress pursuant to the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be printed during such adjournment as House documents of the second session of the Ninety-third Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the 2d session of the 94th Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE CLERK TO HAVE COMMITTEE INVESTIGATION REPORTS PRINTED

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the sine die adjournment by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 93d Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING MEMBERS TO REVISE AND EXTEND THEIR REMARKS IN THE RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own

remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR CHAIRMEN AND RANKING MINORITY MEMBERS TO EXTEND REMARKS UP TO AND INCLUDING PUBLICATION OF THE LAST RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the chairmen of all the standing committees and the subcommittees of the House may extend their remarks up to and including the publication of the last Record and to include a summary of the work of their committees; also that the ranking minority members of such standing committee or any subcommittee may have the same permission to extend their remarks and to include a summary, if they desire, from their point of view, separately from that of the chairman.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TO ESTABLISH WITHIN THE DEPARTMENT OF THE INTERIOR AN ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(For conference report and statement, see proceedings of the House of December 7, 1974.)

The SPEAKER. The gentleman from Washington (Mr. MEEDS) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Washington (Mr. MEEDS).

(Mr. MEEDS asked and was given permission to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, first of all I apologize for taking the time of the Members at this late hour, but this bill was knocked out just a little while ago as a conference report on a very technical

little matter, and I think the House should have the opportunity to consider it on its merits. The purpose of this legislation is to provide for an Assistant Secretary of the Interior for Indian Affairs to create a 13th region composed of non-resident native Alaskans and to provide for a method under which they can manifest their desire to join that 13th region. It requires distribution of funds.

The background of this controversy, Mr. Speaker—and I do not intend to go into the entire background—briefly is that the Alaska Native Claims Settlement Act created automatically 12 regions for native Alaskans and provided a system, a method under which the nonresident native Alaskans could make a choice for a 13th region.

I will not bore the House with all of the details, but it is sufficient to say that because of the way the election was conducted and the way the BIA conducted it, the forms that were made, the lack of information that was given in it, and a number of other things, approximately 2,500 people, nonresident native Alaskans, were either denied the right to make amendments to their petitions and become residents of the 13th district or region or have votes counted against them when they wanted them counted in another way. That action was lost by a mere 200 votes.

Mr. Speaker, any one of the coincidences which all combined against them would have, had they redounded in their favor, allowed the creation of the 13th region. The members of this 13th region are constituents of all of ours. They are nonresident native Alaskans who live in Washington, Oregon, California, Texas, Florida, New York, and other places in the United States, and they have differing desires. They would like to be considered in a different way than those who still reside in Alaska, and they ought to have the opportunity to decide their own fate.

This bill as passed by the Senate and as accepted by the conferees would create that 13th district and give them a chance to vote as to whether they want to join that 13th region and allow them to distribute their per capita share of the funds as they wish, rather than having that dictated to them from the other 12 regions in Alaska.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Will the gentleman describe briefly what the nongermane amendment was?

Mr. MEEDS. Yes; the nongermane amendment was an amendment put on in the conference which required the Secretary to give back to corporations and individuals and distribute the funds they would have received had a 13th regional district been created. It is a function which he would have had to do in any event if the Senate bill was passed. It was not germane, because it was automatic.

Mr. ROUSSELOT. I heard the gentleman's point, and it was made when the

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Speaker overruled him. My point is this: Did the House ever consider this non-germane amendment?

Mr. MEEDS. No.

Mr. ROUSSELOT. So we have never really discussed it or debated it?

Mr. MEEDS. We have debated it.

Mr. ROUSSELOT. What is the great crisis that confronts us that we have to have this Assistant Secretary of a bureaucracy that will not keep until we get back?

Mr. MEEDS. It is a matter which has been pending before this body for over a year.

Mr. ROUSSELOT. Yes, but that non-germane amendment was never considered by the committee. The gentleman said that himself. It is just another addition to the bureaucracy. What is the big rush?

Mr. MEEDS. We will have an opportunity to consider it now when they vote.

Mr. ROUSSELOT. Yes, but they will not totally know what they are voting for. That is why the Speaker overruled the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, this matter has been before the body for a year or in the committee for a year. It is a matter that passed the House unanimously for the under secretaryship within the Department of the Interior and it is strongly supported by the administration, but somewhere along the line, against my objection and against the objection of the constituents in my State, the 12 regional corporations, we are now denied and we are trying here to overturn a bona fide sanctioned election. It is true they voted against the 13th region by 267 votes. The argument was made and they took it to court. The judge is going to rule in 21 days whether the election was bona fide. I say to you tonight we are trying to set a precedent that is wrong, the overturning of an election held by people in the democratic process we have today.

I wanted the under secretaryship myself within the Department of the Interior, because I think it was the right way to go, but the 13th region was created to satisfy his actions and it is against every principle of democracy. It is wrong. I urge the Members to vote "No" on this. I urge the Members to consider carefully what they are doing.

Although my colleague, as he says, represents his people in Washington, I represent the majority of the Alaskans, the Natives affected by this bill passed by the Congress. The election was held. It was a legal election. We must consider this when we vote for this tonight. I urge the Members to vote "No." Do not accept this compromise. It was just ruled out of order by the Speaker of the House. I used the laws I had to use to try to vote down this bill. It is wrong. It is contrary to the democratic process.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) to suspend the rules and agree to the conference report on the bill H.R. 620.

The question was taken.

Mr. MEEDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken by electronic device, and there were—yeas 109, nays 132, not voting 193, as follows:

(Roll No. 727)

YEAS—109

Abdnor	Hechler, W. Va.	Rodino
Alexander	Henderson	Roncallo, Wyo.
Aspin	Holtzman	Rooney, Pa.
Badillo	Jordan	Rose
Bergland	Karsh	Rosenthal
Boggs	Kastenmeier	Roush
Brademas	Kazen	Roy
Brooks	Kyros	Roybal
Brown, Calif.	Lehman	Runnels
Burke, Mass.	Long, La.	Ruth
Burleson, Tex.	Long, Md.	St Germain
Burton, John	McCormack	Sarbanes
Burton, Phillip	McDade	Seiberling
Casey, Tex.	McFall	Sisk
Clausen	McKay	Slack
Don H.	McSpadden	Smith, Iowa
Culver	Mahon	Staggers
Danielson	Matsunaga	Stanton
Davis, S.C.	Meeks	Stanton
de la Garza	Meeker	J. William
Dellums	Mezvisky	Stanton
Denholm	Mink	James V.
Dickinson	Moakley	Steed
Dorn	Moorhead, Pa.	Steiger, Ariz.
Drinan	Murphy, N.Y.	Studds
Eckhardt	Nedzi	Symington
Esch	O'Hara	Taylor, N.C.
Fascell	O'Neill	Udall
Fisher	Owens	Van Deeren
Flood	Passman	Vander Veen
Foley	Perkins	Vigorito
Ford	Price, Ill.	Waldie
Fraser	Rangel	White
Gaydos	Rees	Wright
Gettys	Reuss	Young, Ga.
Gonzalez	Riegle	Young, Tex.
Gray	Roberts	Zablocki
Hamilton		

NAYS—132

Anderson, Ill.	Frenzel	Myers
Arends	Freym	Natcher
Armstrong	Glaimo	Parris
Ashley	Ginn	Pepper
Bailes	Goldwater	Pike
Baker	Green, Oreg.	Preyer
Bauman	Gross	Price, Tex.
Bennett	Gubser	Quie
Blester	Gude	Regula
Bowen	Gunter	Rhodes
Bray	Guyer	Rinaldo
Breaux	Hammer-	Robinson, Va.
Brockinridge	schmidt	Rogers
Brotzman	Hanrahan	Roussellot
Brown, Mich.	Hansen, Idaho	Ruppe
Brown, Ohio	Harsha	Sarasin
Broyhill, N.C.	Hastings	Satterfield
Buchanan	Heckler, Mass.	Shriver
Burleson, Mo.	Helms	Shuster
Byron	Hill	Smith, N.Y.
Cederberg	Hinschaw	Spence
Chamberlain	Horton	Steelman
Chawson, Del	Hosmer	Steiger, Wis.
Cochran	Huber	Stratton
Cohen	Hutchinson	Stubbiefield
Conable	Ichord	Symms
Coughlin	Johnson, Pa.	Talcott
Crane	Jones, Tenn.	Thone
Cronin	Lagonarino	Thornton
Daniel, Dan	Litton	Towell, Nev.
Daniel, Robert	Lott	Treen
W., Jr.	McClary	Vander Jagt
Davis, Wis.	McCloskey	Vanik
Dellenback	McCollister	Veysey
Dennis	McEwen	Waggonner
Derwinski	Madigan	Wampler
Dingell	Mallary	Ware
Downing	Mathis, Ga.	Whalen
Duncan	Mayne	Whitten
du Pont	Mazzoli	Williams
Edwards, Ala.	Michel	Wylie
Findley	Miller	Young, Alaska
Forsythe	Mitchell, N.Y.	Young, Fla.
Fountain	Mizell	Young, Ill.
Frelinghuysen	Montgomery	

NOT VOTING—193

Abzug	Ashbrook	Bolling
Adams	Barrett	Brasco
Addabbo	Beard	Brinkley
Anderson	Bell	Broomfield
Calif.	Bevill	Broyhill, Va.
Andrews, N.C.	Blaggi	Burgener
Andrews	Bingham	Burke, Calif.
N. Dak.	Blackburn	Burke, Fla.
Annunzio	Blatnik	Butler
Archer	Boland	Camp

Carey, N.Y.	Holt	Powell, Ohio
Carney, Ohio	Howard	Pritchard
Carter	Hudnut	Quillen
Chappell	Hungate	Railsback
Chisholm	Hunt	Randall
Clancy	Jarman	Rarick
Clark	Johnson, Calif.	Reid
Cleaveland	Johnson, Colo.	Robison, N.Y.
Collier	Jones, Ala.	Roe
Collins, Ill.	Jones, N.C.	Roncallo, N.Y.
Collins, Tex.	Jones, Okla.	Rooney, N.Y.
Conlan	Kemp	Rostenkowski
Conte	Ketchum	Ryan
Conyers	King	Sandman
Corman	Kluczynski	Scherle
Cotter	Koch	Schneebell
Daniels	Kuykendall	Schroeder
Dominick V.	Landgrebe	Sebelius
Davis, Ga.	Landrum	Shipley
Delaney	Latta	Shoup
Dent	Leggett	Sikes
Devine	Lent	Skubitz
Diggs	Lujan	Snyder
Donohue	Lukens	Stark
Dulski	McKinney	Steele
Edwards, Calif.	Macdonald	Stephens
Ellberg	Madden	Stokes
Erlenborn	Mann	Stuckey
Eshleman	Maraziti	Sullivan
Evans, Colo.	Martin, Nebr.	Taylor, Mo.
Evins, Tenn.	Martin, N.C.	Teague
Fish	Mathias, Calif.	Thompson, N.J.
Flowers	Metcalfe	Thomson, Wis.
Flynt	Milford	Tierman
Froehlich	Minish	Traxler
Fulton	Minshall, Ohio	Ullman
Fuqua	Mitchell, Md.	Walsh
Gibbons	Mollohan	Whitehurst
Gilman	Moorhead, Calif.	Widnall
Goodling	Morgan	Wiggins
Grasso	Mosher	Wilson, Bob
Green, Pa.	Moss	Wilson
Griffiths	Murphy, Ill.	Charles H., Calif.
Grover	Murtha	Wilson, Charles, Tex.
Haley	Nelsen	Winn
Hanna	Nichols	Wolf
Hansen, Wash.	Nix	Wyatt
Harrington	O'Brien	Wyder
Hawkins	Patman	Wyman
Hays	Patten	Yates
Hebert	Pettis	Yatron
Helstoski	Peyser	Young, S.C.
Hicks	Pickie	Zion
Hogan	Poage	Zwach
Hollifield	Podell	

So (two-thirds not having voted in favor thereof) the motion was rejected. The Clerk announced the following pairs:

Mr. Anderson of California with Mr. Grover.
Mr. Bingham with Mr. Landgrebe.
Mr. Chappell with Mr. Hudnut.
Mr. Edwards of California with Mr. Luken.
Mr. Ellberg with Mr. King.
Mr. Clay with Mr. Hanna.
Mr. Evans of Colorado with Mr. Maraziti.
Mr. Flynt with Mr. Haley.
Mr. Fuqua with Mr. Latta.
Mr. Harrington with Mr. Lujan.
Mr. Hawkins with Mrs. Griffiths.
Mr. Helstoski with Mr. McKinney.
Mr. Jones of Alabama with Mr. Milford.
Mr. Metcalfe with Mrs. Hansen of Washington.
Mr. Moss with Mr. Kuykendall.
Mr. Patten with Mr. Lent.
Mr. Jones of North Carolina with Mr. Hungate.
Mr. Randall with Mr. Martin of Nebraska.
Mr. Rooney of New York with Mr. Hogan.
Mrs. Schroeder with Mr. Mathias of California.
Mr. Stark with Mr. Kemp.
Mr. Traxler with Mr. Martin of North Carolina.
Mr. Yates with Mr. Mills.
Mr. Hicks with Mr. Hollifield.
Mr. Yatron with Mr. Minshall of Ohio.
Mr. Johnson of California with Mr. O'Brien.
Mr. Jones of Oklahoma with Mr. Moorhead of California.
Mr. Patman with Mr. Pettis.
Mr. Peyser with Mr. Quillen.
Mr. Railsback with Mr. Powell of Ohio.

Mr. Rarick with Mr. Pritchard.
 Mr. Reid with Mr. Robinson of New York.
 Mr. Roe with Mr. Roncallo of New York.
 Mr. Sebellus with Mr. Sandman.
 Mr. Shoup with Mr. Scherle.
 Mr. Skubitz with Mr. Schneebell.
 Mr. Hays with Mr. Andrews of North Carolina.
 Mr. Hébert with Mr. Bevil.
 Ms. Abzug with Mr. Clark.
 Mr. Addabbo with Mr. Boland.
 Mr. Shipley with Mr. Cary of New York.
 Mr. Charles H. Wilson of California with Mr. Davis of Georgia.
 Mr. Fulton with Mr. Carney of Ohio.
 Mr. Wolf with Mrs. Collins of Illinois.
 Mr. Hanley with Mr. Gibbons.
 Mrs. Sullivan with Mrs. Burke of California.
 Mr. Howard with Mrs. Grasso.
 Mr. Jarman with Mr. Goodling.
 Mr. Corman with Mr. Cleveland.
 Mr. Cotter with Mr. Archer.
 Mr. Blaggi with Mr. Eshleman.
 Mr. Barrett with Mr. Camp.
 Mr. Nix with Mr. Dulski.
 Mr. Morgan with Mr. Erlenborn.
 Mr. Domlnick V. Daniels with Mr. Broomfield.
 Mr. Dent with Mr. Chappell.
 Mr. Delaney with Mr. Froehlich.
 Mr. Kluczynski with Mr. Ashbrook.
 Mr. Rostenkowski with Mr. Collier.
 Mr. Pickle with Mr. Carter.
 Mr. Murphy of Illinois with Mr. Blackburn.
 Mr. Mitchell of Maryland with Mr. Blatnik.
 Mr. Mollohan with Mr. Collins of Texas.
 Mr. Minish with Mr. Bernd.
 Mr. Madden with Mr. Conte.
 Mr. Macdonald with Mr. Butler.
 Mr. Evans of Tennessee with Mr. Devine.
 Mr. Flowers with Mr. Bell.
 Mr. Adams with Mr. Conlan.
 Mr. Landrum with Mr. Clancy.
 Mr. Diggs with Mr. Donohue.
 Mr. Koch with Mr. Brinkley.
 Mr. Steele with Mr. Stephens.
 Mr. Stokes with Mr. Tiernan.
 Mr. Walsh with Mr. Bob Wilson.
 Mr. Winn with Mr. Widnall.
 Mr. Wyatt with Mr. Wylder.
 Mr. Wyman with Mr. Zion.
 Mrs. Chisholm with Mr. Leggett.
 Mr. Green of Pennsylvania with Mr. Burke of Florida.
 Mr. Conyers with Mr. Murtha.
 Mr. Thompson of New Jersey with Mr. Fish.
 Mr. Nichols with Mr. Hunt.
 Mr. Nelsen with Mr. Gillman.
 Mr. Sikes with Mrs. Holt.
 Mr. Ryan with Mr. Taylor of Missouri.
 Mr. Ullman with Mr. Thomson of Wisconsin.
 Mr. Stuckey with Mr. Whitehurst.
 Mr. Teague with Mr. Wiggins.
 Mr. Charles Wilson of Texas with Mr. Young of South Carolina.

The result of the vote was announced as above recorded.

The SPEAKER. Will the gentleman from Illinois (Mr. ARENDs) take the chair?

The SPEAKER pro tempore (Mr. ARENDs). The Chair recognizes the gentleman from Arizona, the minority leader (Mr. RHODEs).

THANKS OF THE HOUSE TO THE HONORABLE CARL ALBERT, SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. RHODEs. Mr. Speaker, I offer a resolution (H. Res. 1525) and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 1525

Resolved, That the thanks of the House are presented to the Honorable CARL ALBERT, Speaker of the House of Representatives, for the able, impartial, and dignified manner in

which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Mr. RHODEs. Mr. Speaker, I am sure it will take nothing from my great respect for the Speaker of the House that the present occupant of the chair has improved the looks of the Chamber rather considerably.

Seriously, it is a real pleasure to see the great gentleman from Illinois (Mr. ARENDs) in the chair which many of us feel he should have occupied many, many years ago.

We will all miss him. We are all pleased that he will be in this area and we will see him often.

The Speaker of the House, my good friend, the distinguished gentleman from Oklahoma (Mr. ALBERT), is one of the great Members of this body. He is one of the great Speakers of the House of Representatives, and it with great honor that I sponsor this resolution to express to him in words which are completely inadequate the feeling that all of us have for him as an individual and as a Speaker.

He is a fair man. He is an honest man. He is a capable man. And he, in the best traditions of the House, has upheld the traditions of that House as well as any man ever has or ever could. He is a person who, when he sits in the chair, is not a member of a political party; he is the Speaker of all the Members of the House, which is certainly the way that all the Speakers under whom I have had the privilege to serve have regarded the great office which they hold.

So, Mr. Speaker, may I, on behalf of the Members certainly, and also on my own behalf, thank you for all that you have done to expedite the business of this Chamber in the last 2 years, and also for the great consideration which you have shown all of us in general and me in particular.

The Speaker and I have been friends for years, and certainly nothing has happened in this last year during which I have had the privilege of serving as minority leader to do anything but enhance that friendship.

It is with that, Mr. Speaker, that I wish you many, many more years as a Member of this House, perhaps as majority leader or something like that—or perhaps as minority leader.

But seriously, I hope that both of us will be spared, and that the voters of our various districts will be kind enough to allow us to serve together for many more years in the greatest deliberating body ever known to man.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. RHODEs. I yield to the majority whip.

Mr. McFALL. Mr. Speaker, the Members on this side are overjoyed in joining in this resolution honoring our friend and colleague and leader, the Speaker, CARL ALBERT. We wish to express our appreciation to the minority leader for his bringing this resolution before this body.

All of us have great admiration and respect for the Speaker.

I wish to add these words: that this has been a magnificent Congress under the leadership of CARL ALBERT. We have done a remarkable job on both sides of the aisle. Those of us on this side of the aisle wish to express our appreciation to you, the minority leader, and all the Members on the Republican side for their cooperation and assistance in compiling this magnificent record. We express to you our thanks for presenting this resolution honoring our leader, the leader of all of us, CARL ALBERT, who has done such a great job in compiling this record.

At the same time, we wish all of you a very merry Christmas.

Mr. RHODEs. Mr. Speaker, I thank my good friend, the majority whip. May I also wish all of you a very Merry Christmas and a Happy New Year.

The SPEAKER pro tempore (Mr. ARENDs). Before we ask for action on the resolution, I would like to say how pleased I have been to serve during these many years with various Speakers, and particularly with our good and loyal friend, CARL ALBERT, who has been a friend of mine ever since the first day he came to Congress.

CARL, I, too, appreciate your friendship, the warmth of friendship we have shared, and the opportunity we have had to work together with the leadership so many times, and always in the spirit of cooperation and in the spirit of thinking about what is good for our country. I deeply appreciate that friendship, and I am glad I have had an opportunity to express my feelings before I leave here.

Before I do put the question, I would like to make one more remark. Now that I will be leaving here after 40 years, I leave with some mixed emotions, of course.

But I would like to make one statement for the benefit of the Members of the House: Now that I am about to become one of the so-called oft-downtrodden taxpayers, as they have been referred to in this body, I hope you will be very considerate in the forthcoming Congresses by being very efficient and very economical, and I hope you cut down on the expenditures for the benefit of those of us who will be your taxpayers now and in the future.

If anybody wants to hire me as a lobbyist for raising, shall we say, the pension rate for retirees, please look me up.

Now I put the previous question on the motion by the gentleman from Arizona (Mr. RHODEs).

Without objection, the previous question is on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

(The Speaker resumed the Chair).

The SPEAKER. Thank you, my good friend. There have been highly commendatory speeches, and I will not try to refute any of them.

I do appreciate the friendships that I have made in this House, the friendships with the Republican leaders and with all the wonderful colleagues who have supported me, and I cannot leave the

Chair for the last time this year without wishing you all Godspeed, good health, Merry Christmas, and a Happy New Year. Have a good rest and come back feeling fine, ready to take on another job for our great Nation.

Will the gentleman from California (Mr. McFALL) take the Chair.

PERMISSION TO INSERT RESOLUTION IN RECORD

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent to place a resolution in the Record at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution referred to follows:

H. Res. —

Whereas Congressman Harold Royce Gross of Iowa is retiring from Congress after twenty-six years; and

Whereas the bill numbered H.R. 144, a bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic deduction of the public debt, has been introduced by Mr. Gross for many Congresses; and

Whereas this legislation is symbolic of his efforts to restore fiscal responsibility at the Federal level; and

Whereas Mr. Gross has distinguished his career in Congress by being the foremost advocate for the American taxpayer: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that as a tribute to this outstanding legislator, the bill numbered H.R. 144 to be retired from use in future Congresses.

RECEPTION FOR RETIRING MEMBERS OF CONGRESS

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New York. I would like to call to the attention of the House that past or former Members of Congress are having a reception for the retiring Members of Congress in room EF100. They would like to see the Members there.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

STATEMENT CONCERNING VARIOUS ORDERS TO SHOW CAUSE SERVED UPON HOUSE EMPLOYEES

The SPEAKER. The Chair desires to announce that the Chair has been advised by various Members and officers of the House that certain employees under their direction and supervision have been served with applications for orders to show cause in the case of Common Cause, et al. against E. T. Klassen, et al., which is now pending in the U.S. District Court for the District of Columbia.

These applications are directed to the production of files, papers, and testimony which is within the possession and

control of the House of Representatives and which cannot be released without the permission of the House. On December 18, 1974, the House adopted a resolution in relation to this case, following the receipt of subpoenas by various employees of the House, which resolution asserted the privileges of the House in relation to such subpoenas.

Without objection, the letters notifying the Chair of these matters, together with copies of the applications to show cause recently served on the various House employees, will be inserted in the Record at this point for the information of the House.

OFFICE OF THE MAJORITY LEADER, Washington, D.C., December 19, 1974.

Hon. CARL ALBERT,
 The Speaker, U.S. House of Representatives,
 Washington, D.C.

DEAR MR. SPEAKER: The attached Application for Order to Show Cause was hand delivered on this date to Mr. David Ramage, Majority Clerk, House Majority Room, U.S. House of Representatives, and was filed by Mr. Kenneth J. Guido, Jr., Common Cause, 2030 M Street, Washington, D.C. 20036 on this date in the case of Common Cause, et al., in Civil Action No. 1887-73.

The application in question is forwarded herewith and the matter presented for such action as the House in its wisdom wishes to take.

Sincerely,

THOMAS P. O'NEILL, JR.

[In the U.S. District Court for the District of Columbia, Civil Action 1887-73]

COMMON CAUSE, ET AL., PLAINTIFFS, AGAINST
 E. T. KLASSEN, ET AL., DEFENDANTS
 ORDER TO SHOW CAUSE

This matter came before this Court on the application of plaintiffs for the issuance of an Order to show cause why the deponent, David Ramage, should not be ordered to show cause why he should not be ordered to testify and produce documents subpoenaed from him or be held in contempt. The application to show cause is based upon the motion to compel testimony and to produce documents, and memorandum in support thereof, filed with the Court.

After having considered the papers filed in support thereof, and it appearing that plaintiffs' application for an order to show cause should be granted, it is by the Court this day of , 1974,

Ordered that the deponent, David Ramage, be, and appear in his own proper person before this Court on the day of , 1974, at , of said day, or soon thereafter as counsel can be heard, to show cause, if any he has, why he should not be ordered to testify and produce documents subpoenaed of him in the above entitled action or be held in contempt.

APPLICATION FOR ORDER TO SHOW CAUSE
 Plaintiffs, acting through their attorney, respectfully move the Court for the issuance of an Order to Show Cause why the deponent, David Ramage, Majority Clerk, House Majority Room, Rayburn House Office Building, New Garage WA-29, Washington, D.C., should not be required to testify in the above entitled action and produce documents or be held in contempt of court.

For the reasons in support of this application, the Court is respectfully referred to the motion to compel the deponent to answer questions and produce documents or be held in contempt, and the memorandum in support thereof, filed with the Court on November 25, 1974, and incorporated herein by reference.

ORDERED
 that the deponent, Victor C. Smiroldo, be, and appear in his own proper person before this Court on the day of , 1974, at , of said day, or soon thereafter as counsel can be heard, to show cause, if any he has, why he should not be ordered

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Application for Order to Show Cause to be served upon deponent and defendants by hand delivery to deponent and defendants' attorney at the addresses listed below, this 19th day of December, 1974.

KENNETH J. GUIDO, JR.

COMMISSION ON CONGRESSIONAL MAILING STANDARDS

Washington, D.C., December 20, 1974.

Hon. CARL ALBERT,
 The Speaker, U.S. House of Representatives,
 Washington, D.C.

DEAR MR. SPEAKER: This letter is in further reference to my correspondence to you dated December 5, 1974 and September 16, 1974 regarding a subpoena duces tecum, in the matter of Common Cause v. E. T. Klassen (Civil Action No. 1887-73), issued by the United States District Court for the District of Columbia naming Mr. Victor C. Smiroldo, Staff Director and Counsel for the Commission.

To date no affirmative action has been taken by the House which would authorize Mr. Smiroldo to appear in answer to the subpoena.

Mr. Smiroldo has now been served with an Application for Order to Show Cause why he should not be required to testify in the above entitled action and produce documents or be held in contempt of court.

A copy of the Application and related material are forwarded herewith and the matter presented for such action as the House in its wisdom wishes to take.

Sincerely,

MORRIS K. UDALL,
 Chairman.

[In the U.S. District Court for the District of Columbia, Civil Action No. 1887-73]

COMMON CAUSE, ET AL., PLAINTIFFS AGAINST
 E. T. KLASSEN, ET AL., DEFENDANTS

APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs, acting through their attorney, respectfully move the Court for the issuance of an Order to Show Cause why the deponent, Victor C. Smiroldo, House Commission on Congressional Mailing Standards, 207 Cannon House Office Building, Washington, D.C. 20515, should not be required to testify in the above entitled action and produce documents or be held in contempt of court.

For the reasons in support of this application, the Court is respectfully referred to the motion to compel the deponent to answer questions and produce documents or be held in contempt, and the memorandum in support thereof, filed with the Court on November 25, 1974, and incorporated herein by reference.

ORDER TO SHOW CAUSE

This matter came before this Court on the application of plaintiffs for the issuance of an Order to show cause why the deponent, Victor C. Smiroldo, should not be ordered to show cause why he should not be ordered to testify and produce documents subpoenaed from him or be held in contempt. The application to show cause is based upon the motion to compel testimony and to produce documents, and memorandum in support thereof filed with the Court.

After having considered the papers filed in support thereof, and it appearing that plaintiffs' application for an order to show cause should be granted, it is by the Court this day of , 1974,

ORDERED
 that the deponent, Victor C. Smiroldo, be, and appear in his own proper person before this Court on the day of , 1974, at , of said day, or soon thereafter as counsel can be heard, to show cause, if any he has, why he should not be ordered

December 20, 1974

to testify and produce documents subpoenaed of him in the above entitled action or be held in contempt.

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Application for Order to Show Cause to be served upon deponent and defendants by hand delivery to deponent and defendants' attorney at the addresses listed below, this 19th day of December, 1974.

KENNETH J. GUIDO, Jr.

OFFICE OF DOORKEEPER,

Washington, D.C., December 19, 1974.
Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: The attached Application for Order to Show Cause was hand delivered on this date to Mr. Eli S. Bjellos, Chief, House Publications Distribution Service, an employee of the Office of the Doorkeeper of the U.S. House of Representatives, and was filed by Mr. Kenneth J. Guido, Jr., Common Cause, 2030 M Street, Washington, D.C. 20038 on this date in the case of Common Cause, et al., in Civil Action No. 1887-73.

The Application in question is forwarded herewith and the matter presented for such action as the House in its wisdom wishes to take.

Sincerely,

WILLIAM M. MILLER,
Doorkeeper, U.S. House of Representatives.
Attachment

[In the U.S. District Court for the District of Columbia, Civil Action No. 1887-73]
COMMON CAUSE, et al., Plaintiffs
against

E. T. KLASSEN, et al., Defendant

APPLICATION FOR ORDER TO SHOW CAUSE
Plaintiffs, acting through their attorney, respectfully move the court for the issuance of an Order to Show Cause why the deponent, John M. Swanner, Staff Director, House Committee on Standards of Official Conduct, 2360 Rayburn House Office Building, Washington, D.C., should not be ordered to testify and produce documents subpoenaed from him in the above entitled action.

For the reasons in support of this application, the Court is respectfully referred to the motion to compel the deponent to answer questions and produce documents, and memorandum in support thereof, filed with the Court on October 11, 1974, and incorporated herein by reference.

ORDER TO SHOW CAUSE

This matter came before this Court on the application of plaintiffs for the issuance of an Order to Show Cause why the deponent, Eli S. Bjellos, should not be ordered to testify and produce documents subpoenaed from him. The application to show cause is based upon the motion to compel testimony and to produce documents, and memorandum in support thereof.

After having considered the papers filed in support thereof, and it appearing that plaintiffs' application for an order to show cause should be granted, it is by the Court this — day of —, 1974.

Ordered that the deponent, Eli S. Bjellos, be, and appear in his own proper person before this Court on the — day of —, 1974, at —, of said day, or soon thereafter as counsel can be heard, to show cause, if any he has, why he should not be ordered to testify and produce documents subpoenaed of him in the above entitled action.

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Application for Order to Show Cause to be served upon deponent and defendants by hand delivery to deponent and defendants' attorney at the addresses listed below, this 19th day of December, 1974.

KENNETH J. GUIDO, Jr.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, Washington, D.C., December 19, 1974.

Hon. CARL ALBERT,

The Speaker,

U.S. House of Representatives.

DEAR MR. SPEAKER: The attached Application for Order to Show Cause was hand delivered on this date to Mr. John M. Swanner, Staff Director, Committee on Standards of Official Conduct, an employee of this Committee, and of the U.S. House of Representatives, and was filed by Mr. Kenneth J. Guido, Jr., Common Cause, 2030 M Street, Washington, D.C. 20038 on this date in the case of Common Cause, et al., in Civil Action No. 1887-73.

The Application in question is forwarded herewith and the matter presented for such action as the House in its wisdom wishes to take.

Sincerely,

MELVIN PRICE,
Chairman.

[In the U.S. District Court for the District of Columbia, Civil Action No. 1887-73]

COMMON CAUSE, et al., PLAINTIFFS AGAINST
E. T. KLASSEN, et al., DEFENDANTS

APPLICATION FOR ORDER TO SHOW CAUSE
Plaintiffs, acting through their attorney, respectfully move the court for the issuance of an Order to Show Cause why the deponent, John M. Swanner, Staff Director, House Committee on Standards of Official Conduct, 2360 Rayburn House Office Building, Washington, D.C. 20515, should not be ordered to testify and produce documents subpoenaed from him in the above entitled action.

For the reasons in support of this application, the Court is respectfully referred to the motion to compel the deponent to answer questions and produce documents, and memorandum in support thereof, filed with the Court on October 18, 1974, and incorporated herein by reference.

ORDER TO SHOW CAUSE

This matter came before this Court on the application of plaintiffs for the issuance of an Order to Show Cause why the deponent, John M. Swanner, should not be ordered to show cause why he should not be ordered to testify and produce documents subpoenaed from him. The application to show cause is based upon the motion to compel testimony and to produce documents, and memorandum in support thereof.

After having considered the papers filed in support thereof, and it appearing that plaintiffs' application for an order to show cause should be granted, it is by the Court this day of 1974.

ORDERED that the deponent, John M. Swanner, be, and appear in his own proper person before this Court on the — day of —, 1974, at —, of said day, or soon thereafter as counsel can be heard, to show cause, if any he has, why he should not be ordered to testify and produce documents subpoenaed of him in the above entitled action.

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Application for Order to Show Cause to be served upon deponent and defendants by hand delivery to deponent and defendants' attorney at the addresses listed below, this 19 day of December, 1974.

KENNETH J. GUIDO, Jr.

OFFICE OF THE MINORITY LEADER,
Washington, D.C., December 19, 1974.

Hon. CARL ALBERT,

Speaker, U.S. House of Representatives,

Washington, D.C.

DEAR MR. SPEAKER: The attached Application for Order to Show Cause was hand delivered on this date to Mr. John M. Swanner, Staff Director, Committee on Standards of Official Conduct, an employee of this Committee, and of the U.S. House of Representatives, and was filed by Mr. Kenneth J. Guido, Jr., Common Cause, 2030 M Street, Washington, D.C. 20038 on this date in the case of Common Cause, et al., in Civil Action No. 1887-73.

livered on this date to Tom Lankford, House Minority Room Clerk, an employee of the U.S. House of Representatives, and was filed by Mr. Kenneth J. Guido, Jr., Common Cause, 2030 M Street, Washington, D.C. 20038 on this date in the case of Common Cause, et al., in Civil Action No. 1887-73.

The Application in question is forwarded herewith and the matter presented for such action as the House in its wisdom wishes to take.

Sincerely,

JOHN J. RHODES, M.C.,
Minority Leader.

In the U.S. District Court for the District of Columbia
COMMON CAUSE, et al., PLAINTIFFS, AGAINST
E. T. KLASSEN, et al., DEFENDANTS
Civil Action No. 1887-73

CERTIFICATE OF SERVICE
I hereby certify that I have caused copies of the foregoing Application for Order to Show Cause to be served upon deponent and defendants by hand delivery to deponent and defendants' attorney at the address listed below, this 19th day of December, 1974.

ORDER TO SHOW CAUSE

This matter came before this Court on the application of plaintiffs for the issuance of an Order to show cause why the deponent, Thomas J. Lankford, should not be ordered to show cause why he should not be ordered to testify and produce documents subpoenaed from him or be held in contempt. The application to show cause is based upon the motion to compel testimony and to produce documents, and memorandum in support thereof, filed with the Court.

After having considered the papers filed in support thereof, and it appearing that plaintiffs' application for an order to show cause should be granted, it is by the Court this — day of —, 1974.

ORDERED that the deponent, Thomas J. Lankford, be, and appear in his own proper person before this Court on the — day of —, 1974, at —, of said day, or soon thereafter as counsel can be heard, to show cause, if any he has, why he should not be ordered to testify and produce documents subpoenaed of him in the above entitled action or held in contempt.

APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs, acting through their attorney, respectfully move the Court for the issuance of an Order to Show Cause why the deponent, Thomas J. Lankford, Majority Clerk, House Majority Room, Rayburn House Office Building, New Garage WA-29, Washington, D.C., should not be required to testify in the above entitled action and produce documents or be held in contempt of court.

For the reasons in support of this application, the Court is respectfully referred to the motion to compel the deponent to answer questions and produce documents or be held in contempt, and the memorandum in support thereof, filed with the Court on November 25, 1974, and incorporated herein by reference.

Respectfully submitted,
KENNETH J. GUIDO, Jr.,
Attorney for Plaintiffs.

FREE BOOZE TO FLY

(Mr. QUIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, I have just read an article where Floyd D. Hall, board chairman of Eastern Airlines, deplored as "unconscionable" the recent decision of National Airlines to provide free cocktails to its coach passengers.

December 20, 1974

While it would be expected that a competing airline might find it difficult for them in competition to have another airline provide services or benefits beyond that of competing airlines, I find his explanation of great merit. Mr. Hall warned that if all U.S. airlines offered free drinks, the total cost would approach \$100 million a year, but what is more, Hall said:

This is definitely unfair to the nondrinking passengers since the cost of this free liquor will be figured into future fare computations.

It should be noted, however, that Eastern now also provides free cocktails. Looking at the need of hungry people throughout the world, this \$100 million, if spent for grain which would be saved if it were not processed into cocktails, would be enough to provide the total annual grain intake for 2,800,000 people.

With world famine a severe crisis, it seems to me that these two segments of our economy must have their priorities straight.

THE ADMIRABLE 93D

(Mr. BRADEMAs asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAs. Mr. Speaker, as the 93d Congress draws to a close, I am sure that Members of the House and Senate will read with some gratification the following editorial in the December 20, 1974, issue of the Christian Science Monitor, entitled "The Admirable 93d."

The editorial follows:

THE ADMIRABLE 93D

Americans are not in the habit of patting Congress on the back. More often than not, it is the target of criticism and the butt of "do-nothing" jokes. And so, as this historic Congress draws to a close, it warrants observing that the American legislature, when tested to the extreme, can perform vigorously, responsibly, and even with a measure of greatness.

Foremost, the 93rd Congress will be remembered for surmounting one of the two greatest constitutional challenges in the nation's history. The Senate Watergate committee took up the crimes of the Nixon administration, and the House of Representatives, with reluctance but with strong conscience, inexorably moved toward impeachment. No one who watched the televised hearings of the House Judiciary Committee could have remained unmoved by the sense of justice and integrity that characterized the proceedings.

That probe forced the resignation of Richard Nixon and led to an unprecedented peaceful transfer of power. It also spawned needed reforms. Congress moved quickly to adopt a new system of financing political campaigns and voted to make Nixon's tapes and documents public property.

Significantly for the workings of political democracy, the 93rd Congress reasserted the authority of the legislative branch vis-a-vis the executive, restoring a balance of power. It did so by curbing the presidential war-making ability and setting up a budget mechanism to improve control over federal spending.

Even apart from Watergate, this two-year Congress chalked up some admirable legislation. Countless Americans will benefit by the new minimum standards for private pension plans, the extension of federal aid to public elementary and secondary schools, and the authorization of funds to develop

new sources of energy. And citizens of the District of Columbia can now elect their local officials.

Further, at this writing Congress was moving unflappably to enact the crucial foreign trade bill, despite Moscow's last-minute disavowal of any pledge on Jewish emigration. This basic legislation will give the President the power he needs to press for freer world trade.

Accolades are also due the House leadership, which got behind the reforms pushed through by the newly constituted Democratic Caucus. The impending reorganization, including that of the powerful House Ways and Means Committee, is the most significant in recent decades.

The overall record is not without flaws of course. The 93rd Congress failed to come to grips with such overriding problems as the economy, energy conservation, and tax reform. How the new 94th Congress—more Democratic, more reform-minded and a little more youthful—will tackle these and other issues remains to be seen.

But as the men and women of the 93rd speed homeward for the holidays, they deserve a "well done" from their constituents.

CONSIDERATION BY SENATE OF CONFERENCE REPORT ON EX- PORT-IMPORT BANK

(Mr. FRENZEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, yesterday during consideration in the Senate of the conference report on the Export-Import Bank, the junior Senator from Illinois made some remarks which, to the best of my recollection, did not accurately represent the deliberations of the conference committee. I did not sign the conference report, but I did participate actively in all of the three conferences which we have endured on this bill, including the one on Wednesday. I heard plenty of weird statements, but none that would corroborate the Senator's flight of fancy.

The Senator said in his speech, which can be found on page 41060 of the CONGRESSIONAL RECORD of December 19, that it was the intention of the conferees that the \$40 million subceiling for energy project financing in the U.S.S.R. would not permit the transaction for the \$49.9 million Yakutsk project. He further states that it was the intent of the conferees that any "attempts to break up the Yakutsk project or any other large project into smaller parts" would be a violation of the law.

Mr. Speaker, in my judgment, there is nothing in the law, nor was there any agreement among the conferees, which would prevent any project under \$40 million from going ahead, if it met all the other qualifications, including being limited to only research and exploration.* The Senator also quoted from the original report of the Senate Banking Committee and indicated that that language holds true under the compromise reached in conference the other day. The conference made no agreement on any Senate committee report. Later in the

*I know the Senator does want Yakutsk to proceed. It was successful in messing up the bill pretty well, but there is no language, and no conference agreement sustaining his statement on Yakutsk.

debate, the Senator responded to a question from the junior Senator from Pennsylvania regarding the Yakutsk project. His response was contrary to my understanding of the conference agreement. It is true that the Yakutsk project could not go forward at its present cost. However, if the project were reduced in size, or more importantly, if the Eximbank's exposure on the project were trimmed to below the \$40 million subceiling for energy transactions, then Yakutsk in much different composition could go forward.

What the conferees agreed to on Wednesday was not that Yakutsk, or the North Star project, or any of the other fabled undertakings could not go forward. The agreement was on limiting the amount of the Soviet loan/guarantee ceiling that could be employed by the Bank for transactions involving research and exploration equipment. I did not agree with such an arbitrary limitation then, and I do not now, but that is all the conference agreed to. Attempts to convert wishful thinking into legislative intent should be so described. The law is what the law says—not what some protectionist Senator says it is.

THE NOMINATION OF NELSON ROCKEFELLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 45 minutes.

Mr. PATMAN. Mr. Speaker, Ralph Nader, in a recent letter to the chairman of the House Judiciary Committee, the Honorable PETER W. RODINO, Jr., had some very interesting and important observations to make concerning the proposed nomination of NELSON ROCKEFELLER to be Vice President of the United States.

In my opinion these observations made by Mr. Nader deserve widespread dissemination. They are clearly and incisively set forth in the document submitted to the House Judiciary Committee.

The remarks are as follows:

MEMORANDUM TO MEMBERS OF CONGRESS

As you consider your vote on the nomination of Nelson Rockefeller to be Vice President, you may find the two attachments to be of interest. One is a letter from Ralph Nader to Chairman Peter Rodino which outlines some serious structural deficiencies in the Judiciary Committee's handling of the Rockefeller nomination. The other is a memorandum which summarizes many of the issues left unresolved by the incomplete work of the Committee.

DECEMBER 12, 1974.

Hon. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN RODINO: Numerous issues concerning the Rockefeller nomination remain unsettled. These are issues of substance which have been raised by staff, by members of the Committee, by witnesses, by media reports, and citizen inquiries. There is no need to repeat them here as they are well known to both the Committee and staff. The question is why they are allowed to remain unresolved.

It appears that the dominant forces of the House and the Committee are determined to rush to a precipitous judgment before the

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close of the session for reasons that are separate from the seriousness of the responsibility that is being so lightly assumed. The Rockefeller confirmation process is a political act which could have serious consequential impact for the nation's future. At least the Committee must proceed on that level of expectation. Yet, knowing the complexity of the area to be examined and the derivative nature of the abundant political and economic power deployed by the nominee over the years, the Committee majority, under your chairmanship, did not authorize a single subpoena, did not call a number of highly material witnesses, did not require that staff depositions be conducted under oath where needed, did not provide expeditious and full access to background materials (having nothing to do with statutory bars or legitimate privacy) to the media and interested citizens, and did not permit a decent interval for the members of the Committee, their staff, House members and the public to review the transcripts and background material. The Committee relied totally on voluntary disclosure that was grossly incomplete and substantially unverified.

In short, there has been a massive and hardly subdued prejudgment of the needed scope and intensity of the Committee's inquiry and that is as deplorable as a prejudgment of the question of the confirmation itself whose direction it helps make inevitable. Since a reported majority of the Committee members do not believe that what has been already disclosed in both Houses is sufficient to deny the nomination, a remarkable assessment in itself, this self-restricted inquiry is doubly deplorable.

The least the Committee should do before adjournment is to establish a clear information policy on public access to background materials which do not appear in the published Committee hearings and report. Hopefully, the published record will reflect a desire to include as much supplementary material as possible since that will be the only set of documents available to most Americans throughout the country. And hopefully there will be an adequate print run of these hearings and reports. But the basic policy should relate to the information collected by the staff, members and by other means which are now not public due to the Committee's Rule 3 concerning non-disclosure. Apart from statutory restrictions, there is much information, such as contributions to the nominee's campaigns or agency by agency reports requested by the Committee, which are now secret. It is such information to which an explicit Committee information policy should be addressed.

The following guidelines are suggested for such a policy. Information should be specifically categorized and generally described that is to remain secret with reasons given for such confidentiality. All other information which is within the discretion of a majority Committee vote to release, under the rules of the House, should be publicly available from the Archives or Committee files. Such information should be indexed and the index printed in the Committee's report for easy reference by interested citizens.

It would be helpful for public evaluation of the Committee's work to have the Committee report set forth the scope and methodology of the Committee's inquiry, including the extent to which staff requests for subpoena authority and other lawful powers were denied. It is expected that the Committee which helped air the Watergate cover-up will be eager to open up to public review the materials which the public has the right to know. For it is, among other reasons, of the utmost importance that citizens be able to evaluate specifically how the Committee displayed its will, used its resources and

authority, and interpreted the 25th Amendment to fulfill its responsibilities.

Sincerely,

RALPH NADER.

UNANSWERED ISSUES ON ROCKEFELLER INTRODUCTION

Hearings held by the Senate Rules Committee and the House Judiciary Committee have left unanswered a number of questions about Nelson Rockefeller's qualifications to be Vice President. The following summaries illustrate—but by no means exhaust—those issues. Some, such as the gifts to public officials, entail possible legal liability which could jeopardize the nominee's tenure in office should he be confirmed. Others point to the dangers inherent in the unique merger of private wealth and public power which should make Congress pause before it acts in lieu of the electorate to install Mr. Rockefeller as Vice President. All are probative matters requiring further and fuller investigation. Cumulatively, these issues raise one overriding question: whether, on the basis of an incomplete and troubling record, a lame-duck Congress should confirm Nelson Rockefeller.

STRUCTURE OF THE HEARINGS

The manner in which the House Judiciary Committee went about its investigation of Nelson Rockefeller raises serious questions as to whether the House possesses sufficient information to discharge its constitutional duties. Not one subpoena was issued during the course of the investigations, and sworn statements were not required except in committee room testimony and responses to letters to Rep. Holtzman. The Committee had neither the time nor the staff expertise to digest and analyze the financial information which was disclosed. Each member of the Committee was limited to five minutes of questioning which barely allowed the member to ask a question and receive a general answer; it precluded the members from following, probing and piercing Rockefeller's necessarily short and often general responses. The Committee failed to call numerous key witnesses. For example, David Rockefeller, head of the Chase Manhattan Bank, was never called. James Stillman Rockefeller, Chairman of the Board of First National City Bank while Nelson Rockefeller was Governor, was never called and asked about his role in the Long Island Railroad. No witnesses, except the Governor, testified on the Morhouse scandal. Stuart Saunders, who was the head of Penn Central and concurrently on the Board of Directors at Chase, was not called though he could have explained the strange acquisition of L.I.R.R. With the exception of William Ronan, none of the recipients of Rockefeller gifts and loans were called.

VIOLATIONS OF CRIMINAL LAW

Early in November, a group of law professors wrote to the Senate Rules Committee suggesting that Rockefeller had violated New York statutes relating to unlawful gratuities, by virtue of gifts to public officials. When questioned by the Senate Rules Committee concerning the New York anti-tipping statute, Rockefeller submitted an exculpatory legal memorandum. (Hearings, Sen. Rules Comm. 674-687). Later, the exculpatory effort was rebutted by legal memoranda submitted for the record by Representative Abzug (Hearings, Hs. Jud. Comm. 1179-89). The Committees have not resolved the legal controversy and potential legal liability still looms over the nominee.

INATTENTION TO RECIPIENTS OF GIFTS AND LOANS

Between 1957 and 1974 Nelson A. Rockefeller gave over \$1,700,000 in cash gifts or cancelled loans to personal and political associates and to state employees. Rockefeller

loaned another \$650,000, of which almost \$250,000 is still outstanding. Neither the House nor Senate committees have acquired complete information on the gifts or loans of other members of the Rockefeller family even though the record clearly shows that their resources were mustered on behalf of Nelson's political aims. Nor did the committees explore in kind gifts such as air transportation, accommodations, entertainment and the like.

These gifts and loans raise three crucial questions. Did they give Nelson Rockefeller an influence over the recipients, spoken or unspoken, which he would not otherwise have had? Did the gifts and loans violate sections of the New York State laws dealing with gifts to public officials? Did the recipients use the loans and gifts or the income derived from investments made with loans and gifts, for other than personal purposes?

At least forty-four individuals received gifts and/or loans from Nelson Rockefeller, but the Senate Rules Committee called only five of these to testify or present statements. The House Judiciary Committee called only one recipient. The staff of the House Judiciary Committee interviewed all recipients of more than \$3,000, but did not take sworn depositions nor require production of financial records beyond those which the recipients voluntarily disclosed.

William Ronan

Dr. William Ronan is the official associate upon whom Nelson Rockefeller has bestowed the greatest largesse—over one-half million dollars. Until 1966 Dr. Ronan was the Governor's Secretary, receiving in addition to his salary over \$300,000 in interest free loans. Ronan helped Rockefeller plan a take over of transportation in the New York City metropolitan area, entailing a merger of the Metropolitan Commuter Transportation Authority and the Triborough Bridge and Tunnel Authority. This plan squeezed out Robert Moses, who had built the Triborough and other authorities into power bases from which he could defy even the Governor. The merger was greatly facilitated when David Rockefeller and the Chase Manhattan Bank compromised as trustees certain covenants protecting holders of the Triborough's bonds. In 1968 Rockefeller made Ronan head of the resulting Metropolitan Transit Authority, potentially a position of enormous independence and power. The next year Rockefeller loaned Ronan another \$150,000 (again, interest-free) making his total debt to the Governor over one-half million dollars. (In 1967 he had loaned Ronan another \$50,000.) On May 1, 1974, Ronan resigned this MTA post and two days later Rockefeller completely forgave the one-half million debt on which Ronan had paid back nothing. Ronan is now a \$100,000/yr. Senior Advisor of Rockefeller Family and Associates and holds other positions including one as Commissioner of the New York-New Jersey Port Authority, to which Rockefeller appointed him.

Robert Anderson

In the fall of 1957, the International Basic Economy Corporation (IBEC), of which Nelson Rockefeller was President, agreed to buy a one-half interest in Dalada, Inc., which owed then Treasury Secretary Robert B. Anderson to \$900,000. There is evidence that Dalada's \$900,000 debt to Anderson was part of a complex arrangement to encourage Anderson to leave private life and accept the Treasury post. As Treasury Secretary, Anderson played a key role in developing the system of oil import quota which has protected the domestic price of oil and has provided windfall profits to inland-based refiners, in which the Rockefellers have substantial interests. In early 1957 Rockefeller had loaned Anderson \$84,000 to purchase shares in IBEC. A month or less before the Senate confirmed Anderson for the Treasury post—July 2,

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1957—Rockefeller purchased back from him the IBEC stock.

Fred Young

When Fred Young stepped down from the New York Court of Claims to replace Judson Morhouse as Republican State Chairman, he received a \$15,000 gift from Rockefeller. Within a year, the Governor re-appointed him to the Court of Claims. The Court handles matters of great interest to the State and the Governor. Rockefeller described the Court as being behind in its business because of the State's active program of highway takings, parks, recreation facilities and institutions.

William E. Miller

Laurance Rockefeller belatedly disclosed that in 1961, at Nelson's request, he loaned \$30,000 to William E. Miller, Chairman of the Republican National Committee. The Committee did not probe the reason behind the gift to a party official who in 1964 reported his net worth at \$250,730.

MORHOUSE TAPES

After Republican State Chairman Judson Morhouse had been convicted of involvement in a bribe and graft scheme for sale and renewal of state liquor licenses, Governor Rockefeller continued his involvement with Morhouse. Rockefeller's Secretary, William Ronan, wrote to Judge Gellinoff asking for leniency for Morhouse. Rockefeller loaned a sum of money to Morhouse after his conviction while he was free on bail. Later Rockefeller commuted Morhouse's sentence. These incidents demonstrate an unusual interest in helping out a felon in need: Rockefeller's strange interest could perhaps be explained by tapes in New York City District Attorney Kuh's office. Taped conversations between Morhouse, the party's Secretary, Walter Bligh, and a business associate of Morhouse named Aler Court are in the possession of the New York District Attorney and have not been subpoenaed by the Committee. Indeed, the Committee staff has not even read the portions of the transcripts which are publicly available, but has relied on hearsay assurances that the recorded conversations are irrelevant to Nelson Rockefeller. However, the publicly available transcripts do contain references to Rockefeller and to Morhouse's hopes that the Governor would come to his aid.

EPSTEIN AND CREWS DEAL

In the 1966 campaign, Franklin Roosevelt said Rockefeller made a deal with Brooklyn leader John Crews which would give Crews the power to appoint the Chairman of the State Liquor Authority in exchange for Crews' support of the nomination of Rockefeller for Governor. The charge was chronicled in the New York Times, Oct. 16, 1966. Rockefeller was asked about the deal six times by reporters but did not deny the story; instead, he refused to "dignify that with a comment." Publicly available transcripts of the Morhouse tapes contain statements by Walter Bligh, Secretary of the State Republican Committee under Morhouse, secretly acknowledging the deal.

THE PEROT AFFAIR

In early 1973, Nelson Rockefeller intervened in the normal state contracting procedure and awarded a preliminary consulting contract to Electronic Data Systems, Inc., the firm headed by H. Ross Perot. Rockefeller's intervention, expected at the time to lead to a \$15 million contract for EDS to administer the state's welfare and medical programs, overturned the judgment of a panel of six experts, none of whom had ranked EDS among the top six bidders. The firm's questionable practices had been well publicized in investigations by the House Subcommittee on Intergovernmental Relations, the General Ac-

counting Office, and the State of California. But at the time of the Rockefeller intervention, Perot was deeply in debt to a consortium of New York banks, led by David Rockefeller's Chase Manhattan, which in 1970 had financed Perot's bail-out of the duPont, Gloré Forgan brokerage firm, Wall Street's third largest. In an unusual move, the consortium had accepted EDS stock as collateral for the loan, and this stock had dipped greatly in value. Nelson Rockefeller had this episode "investigated" by a Rockefeller appointee who with his wife contributed over \$10,000 to the Governor's campaigns, and who found no evidence of impropriety or wrongdoing.

THE LONG ISLAND RAILROAD TAKEOVER

In 1964, Governor Rockefeller appointed Dr. Ronan Chairman of a Special Committee to investigate the Long Island Railroad, and the Ronan committee soon recommended that New York state purchase the railroad from Penn Central. Although the New York State Controller, Arthur Levitt, questioned whether the Long Island Railroad had any market value because of its inability to make a profit, Dr. Ronan and William Shea negotiated a purchase for 65 million dollars. While Long Island undoubtedly requires rail service, this particular solution operated as a bail-out of the Governor's relatives and friends. The Long Island Railroad was a subsidiary of the Penn Central—headed by Stuart Sanders, also a director of Chase—which was heavily indebted to First National City Bank, headed by James Stillman Rockefeller. The Penn Central wanted to unload the L.I.R.R. because it was losing money and little hope existed that it could repay its 76 million dollar debt to parent Penn Central. So the state bought Penn Central's problem child and everyone was happy. Penn Central recovered 60 million of a 76 million dollar bad debt. That shored up the ailing Penn Central while benefitting both Citibank, which had loaned millions to the L.I.R.R., and the Chase bank, which had invested in Penn Central securities. It was a cozy deal: David Rockefeller headed Chase, James Rockefeller headed Citibank—New York's largest banks—Stuart Sanders headed Penn Central and was a director at Chase, and Nelson Rockefeller headed New York.

THE HUDSON RIVER EXPRESSWAY

During the middle and late 1960's, Governor Rockefeller fought vigorously for a 47-mile, 6-lane Hudson River Expressway, which would have scarred the scenic Hudson River Bank and displaced the low income communities, mainly black and Puerto Rican, in Tarrytown and Ossining. A special spur would route traffic away from Rt. 117, which bisects the Rockefeller's 3000-plus acre estate at Pocantico Hills, and onto a new road on the estate's perimeter, along which the Rockefellers had been acquiring rezonings for commercial and industrial use. The Rockefeller family had sought such rezoning of 117 since 1932, and the bills authorizing these projects were now slipped through the state legislature at the tail end of the 1965 session. Rockefeller lined up a high-credentialed cast of supporters, including William Ronan, transportation expert and future recipient of the Governor's largest gifts, and the Hudson River Valley Commission, the prior Chairman of which had been Laurance Rockefeller and whose Executive Director, Alexander Aldrich, was the Governor's cousin and a staff assistant. The expressway was opposed by 75 national and regional conservation groups, the NAACP, and local officials.

The project seemed to hinge on then-Interior Secretary Stewart Udall, who had openly opposed it for three years. In early 1968 Nelson called Udall to a meeting at the Governor's Manhattan office, where he and his brother Laurance, who had known Udall

for some time, prevailed upon the Interior Secretary together. "The whole thing was a matter of Laurance laying all his influence on the line," Udall said afterwards. Later that year Udall reversed his earlier opposition and declined to oppose the project. Litigation blocked the main expressway, but the special spur was built, along which the Rockefellers sold a large tract of land to IBM (in which the Rockefellers have substantial interests) for \$2.5 million, according to the tax stamps on the deeds.

THE GOVERNOR'S CLUB

Rockefeller often entertained a group of business and governmental leaders known as the "Governor's Club" at the Pocantico Hills Estate. According to press reports, the club is composed of large contributors to Rockefeller campaigns. The Committees' inquiry overlooked the subject, failing to determine the club's membership, its scope of influence and whether its members received preferential treatment from the state administration.

GAINING A SALES TAX INCREASE

On March 28, 1969, two Democratic State Assemblymen, Charles F. Stockmeister of Rochester and Albert J. Hausbeck of Buffalo, joined New York Republicans in voting a 1% increase in the state's sales tax, which Governor Rockefeller had strongly advocated. In 1965 Stockmeister had introduced a bill to repeal the sales tax and in 1969, both he and Hausbeck had agreed with the Democratic caucus in opposing the increase. At the time the two were widely accused in the press and in political circles of having sold their votes to Rockefeller for political plums—for Stockmeister a position on the state Civil Service Commission and for Hausbeck one on the state Harness Racing Commission. Rockefeller denied the charge but said "What they did . . . doesn't make me feel punitive towards these individuals in their consideration for these positions." (New York Times, April 16, 1969.) On July 3rd of that year, while Rockefeller and the press corps covering him were in South America, the Governor's office announced the appointment of Stockmeister to the Civil Service Commission.

WORLD TRADE CENTER

The State of New York under Governor Rockefeller committed itself in 1965 to rent 60 floors in the World Trade Center at inflated prices when space was readily available in rent-free buildings and in commercial buildings for substantially lower rates. Public Employee Press (12-28-73) reports that the inflated rental cost for New York taxpayers amounts to 4 million dollars per year. David Rockefeller had organized the financing and construction of the World Trade Center in his capacity as chairman of the Downtown Lower Manhattan Association. This move was connected with the Chase Manhattan Bank's designs to prevent the decline of Lower Manhattan, in which it has substantial interests. The state commitment was a boon to the Trade Center which was experiencing great difficulty in arranging necessary financing, in part because of its inability to attract tenants. (Hearings, Hs. Jud. Comm. 381, 433, 434)

THE ALBANY MALL

Soon after becoming New York State Governor in January, 1959, Nelson Rockefeller resolved to turn Albany, N.Y. into "the most spectacularly beautiful seat of government in the world," modeled after the "new-city" capitol of Brazil, Brasilia. The original cost estimate of \$400 million has since risen to over \$850 million (\$1.5 billion including interest) and the completion date has constantly retreated from the late '60's. State Controller Arthur Levitt estimates the cost of usable space in the structure at three times

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that of comparable space built privately. To finance the Mall, Rockefeller adopted a unique scheme that sidestepped the state constitutional requirement of voter approval of state debt. Instead of floating state bonds, Rockefeller arranged for the county to borrow the funds, which N.Y. counties can do without voter approval. The state agreed to manage the building of the project, and through a long-term lease Rockefeller in effect pledged the state's taxpayers to pay off, through current revenues, the principal and interest on the bonds. The interest charges were higher, moreover, than they would have been on voter-approved bonds. Rockefeller said of this financing scheme, "This was a magnificent concept. I mean, this was new. It was fresh. I went for it right away."

THE GOLDBERG BIOGRAPHY

During the 1970 New York gubernatorial campaign, Laurence Rockefeller, at the suggestion of his brother Nelson financed a biography critical of Nelson's Democratic opponent, Arthur Goldberg. The book was researched and written in a matter of weeks by Victor Lasky. Laurence camouflaged his interest through a dummy Delaware corporation held in the name of a Pennsylvania nominee. 100,000 copies were printed, many of which were used by Republican campaign workers for distribution during the campaign. Nelson at first denied any advance knowledge of the endeavor, then admitted having referred it to Laurence for financing. At Congressional hearings Laurence has insisted he saw the project mainly as a money-making business venture even though: 1) He had no prior experience in publishing, 2) the contract guaranteeing the Arlington House publishers a definite return was typical for campaign publications and extra-ordinary for genuine literary investments, 3) the book was given away during the campaign, and 4) Laurence did not take a deduction on his tax returns for losses he sustained through the book.

ATTICA

The effort to quell the Attica prison uprising resulted in 43 deaths due largely to an inflexible, hard-line stance taken by the Governor. In refusing to come to Attica physically, he passed up the opportunity to make a symbolic effort of concern and possibly to thereby maintain the status quo for a day or two and to break the impasse in negotiations. In overreaction to prisoner demands, he called in state troopers from all over the state, truncated further negotiations, and imprudently resorted to the use of firearms. When hostages were placed up front with knives at their throats, police were allowed to open fire resulting in deaths of prisoners and a number of hostages by gunfire—not by knife slashes. Rockefeller admitted before the Senate that the matter was handled improperly and that the established state procedure (precluding the use of weapons) should have been followed. (Hearings, Sen. Rules Comm. 125-128). As the ultimate derivative man, whose decisions are carried out by a stream of derivative representatives, Attica was one decision he could not make derivatively and obscurely. Attica provides a rare public glimpse into Rockefeller deciding directly under stress.

TWENTY-FIFTH AMENDMENT

The Twenty-fifth Amendment's provision for selecting a Vice President is the child of compromise. Alternate proposals were introduced in 1964; Senator Ervin favored permitting Congress to choose the Vice President and Senator Bayh favored permitting the President to make the choice. The resultant compromise was designed to give the President a person with whom he could work and still guarantee the people at least an indirect voice in the decision by designating

Congress as the surrogate of the electorate. The President has performed his Constitutional duty but Congress has not; it has not acted as a surrogate for the people but has treated the hearings like advise and consent hearings exercised for judges and agency chairmen. Congress has not even confronted the question whether the vote should be postponed until after the lame ducks leave so that the people will have a more direct voice in their standby president. No consideration has been given to the inability of the new Congress to work with a Vice President it did not choose.

SHOULD MEMBERS OF CONGRESS BENEFITTING FROM ROCKEFELLER CAMPAIGN CONTRIBUTIONS VOTE ON CONFIRMATION

In the past eighteen years Nelson Rockefeller personally has influenced hundreds of campaigns for the Presidency and the Vice Presidency, the House and the Senate, through campaign contributions totaling at least \$3,265,374. This does not include contributions of his family and associates which have not been totaled. These sums have gone almost exclusively to Republicans, who can hardly be unkindful of the nominee's generosity. Over 13 current members of the House and Senate have received a total of over \$60,000 in direct contributions from Rockefeller since 1957, while untold hundreds have received funds from national, state and local Republican committees which the nominee has supported generously. Current Congressmen who have received direct contributions include Senator Jacob Javits (R-N.Y.), Peter Peyser (R-N.Y.), Rep. Ogden Reid (D-N.Y.), Senator Hugh Scott (R-Pa.), and Rep. William Cohen (who returned a small Rockefeller contribution to his 1974 campaign). There are in addition, of course, to those who have received direct and indirect contributions from Rockefeller family members.

Should members of Congress who have benefitted from the nominee's largess disqualify themselves from voting on their benefactor or at least acknowledge such contributions in the House debate?

CONCLUSION

The hearings and the attendant public attention have strengthened through concrete examples the apprehensions borne by many concerning the nominee. The Roman case shows how Rockefeller money can give rise to a civil service indentured to the nominee personally. Family members using their private resources and standing to advance the nominee's political aims appear when brother Laurence intervened with high federal officials to win approval for Nelson's planned Hudson River Expressway, and when David, as head of the Chase Manhattan Bank, greatly facilitated Governor Nelson's takeover of transportation in the New York metropolitan area. The Albany Mall case shows how a strong and wealthy individual accustomed to getting his way will sidestep the constitutionally protected rights of taxpayers in order to pursue his pet projects. The relation between the Hudson River Expressway and the Rockefeller estate at Pocantico Hills, and between the World Trade Center and the designs of the Chase Manhattan Bank for Lower Manhattan, illustrate the opportunities of Rockefeller using public office to advance private family interests. The generous campaign contributions and support of related campaign activities raise the spectre of Congressional opponents of the administration confronted in coming elections by Rockefeller-financed challenges.

The hearing records are punctuated continually by the question "Should private wealth disqualify one for public office?" The question is a red herring. It is apparent to all that vast wealth did not prevent Nelson Rockefeller from seeking national office in

1960, in 1964, in 1968, and even in 1972. Nor does his wealth handicap him in relation to most Americans in seeking office in 1976, 1980, and even after if he so chooses. The present situation is unique: Congress substituting its judgement for that of the voters in choosing their Vice President. Should Congress choose one in whom the potential for abuse is both so extraordinary and so awesome? As perceived by the Harris poll, conducted November 1-5, the American people disapprove of the Rockefeller nomination by a margin of 43% to 39%. By margin of 47% to 34% they believe that the nominee's wealth will create a conflict of interests.

If the voters were being asked to elect Mr. Rockefeller that would be another matter. In earlier years they have not been receptive to his advances, even though the information recently adduced was not widely known. Weak as the safeguards of the political process may sometimes be, they have made the Presidency and the Vice Presidency one of the few things in the world, literally, which Rockefeller's money has not been able to buy.

Will Congress now give him this prize as he gained his wealth—for free?

HON. CHET HOLIFIELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, I am privileged to join with the distinguished gentleman from California (Mr. Moss) in honoring an individual who, in my opinion, will be recorded in the history of this Nation as being one of the greatest men ever to serve in the House of Representatives. CHET HOLIFIELD epitomizes the very best in just about every quality and characteristic that is desirable in a public servant and in a man.

During 32 years of service to his constituents and to America and mankind, he has shown himself to be fair, compassionate, objective, hard-working, and brilliant. He, more than any man I know, has lived his principles each day of his life. He is true to his family, to his country and to his ideals.

The following excerpts from a friend's letter to CHET sum up the reaction many of us have to his retirement:

Your retirement is, God knows, well earned. . . . It's the public in general, and your constituents and friends especially who are going to suffer the loss. Your work on the Atomic Energy Committee is historic. Your stature as a national leader is unassailable.

But it's your humaneness, your care and concern for those in trouble—the unfortunate ones—that mark your greatness.

Mr. Speaker, there are few combinations of people in human experience who get to know each other better than the chairman and ranking minority member of a committee—who must work day-in-day-out to solve problems on issues, and to forge compromises on bills in the heat of pressure and controversy.

For all my 12 years in the House, it has been my privilege to serve with CHET on the Government Operations Committee. Ten of those years have been spent serving opposite each other as leaders of our parties in subcommittee,

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and 2 of those years, during this Congress, we led the full committee together.

It would be impossible to sum up what this experience has meant to me, or to describe my respect for the man. Let me only say that I have never worked with any person who approached the needs of the public more objectively or keenly, or who was so devoid of selfishness or of either partisan or other prejudice. CHET HOLIFIELD, the legislator, comes as close as any man to the ideals Americans look to in a Congressman. He understands what the public interest is, and he puts it first—always. All other considerations, however worthy or tempting, however much easier they may be to serve, come second.

Last July, Mr. Speaker, CHET HOLIFIELD was honored at a testimonial gathering by the National Contract Management Association. A beautiful booklet, entitled "Holifield of California" was assembled and printed for that occasion. Parts of this book say better than can I, what CHET HOLIFIELD and his lovely wife and partner, Cam, have contributed to the people of this Nation.

One title CHET has earned is that of "Mr. Atomic Energy." Let me read to you the brief description of his achievements in this vital field from the booklet:

Congressman Holifield is one of the world's leading authorities on atomic energy—and that informal title still only skims the surface of his monumental contributions to the field.

He campaigned vigorously for civilian control of the atom, and then pressed successfully for a nuclear policy that served national well-being as well as national strength.

Because of his foresight and leadership, the nation now benefits from more than 1,500 peaceful applications of nuclear energy, from power generation to medicine, from industry to scientific research.

He was a charter member of the Joint Congressional Committee on Atomic Energy when it was formed in 1946, and served ten years as its chairman and vice chairman.

While committed to peaceful uses of the atom, he also anguished over its military implications and worked at length to shape a proper policy for the Nation's Defense.

His dedication to this field has made CHET one of the experts and prophets in the field of energy. Probably the deepest concern he will carry with him as he leaves Capitol Hill will be his concern about the course this Nation will take to meet the severe energy dilemma we face today. I want to say here and now that I have urged both President Ford and Vice President ROCKEFELLER to turn to CHET for consultation and advice on energy matters in the coming months and years. As you know, it was CHET who urged and succeeded in creating the new Energy Research and Development Administration, and who led the way in drafting and enacting the bill creating the Federal Energy Administration.

It is most fitting that this week, the Congress sent to the White House legislation renaming the Oak Ridge National Laboratory as the Holifield National Laboratory. There is no other man who has done more than CHET for the peacetime

uses of atomic energy to which this facility is devoted.

I, of course, am more acquainted with CHET's accomplishments as an organizer and reorganizer of government, through his leadership on the Government Operations Committee. Let me read some passages from "Holifield of California" about his accomplishments in this field:

While internationally famed for his work in atomic energy, Congressman Holifield's years of investigating efficiency in government, of making it more effective and responsive, has had a profound impact on our national life.

As chairman of the Committee on Government Operations since 1970—a committee on which he has served since its creation in 1949—he has been instrumental in shaping the very structure of the national government.

While with the Committee, he has managed some seventy reorganization bills and plans to consolidate and streamline the functions of the federal government.

He conducted the hearings, then wrote and managed the legislation that created the Departments of Transportation and Housing and Urban Development during a single Congress—the first time two Cabinet level departments have been created in a single Congress since its beginning in 1790.

He also authored the Federal Property Act which created the General Services Administration, and he and the Committee did the initial work that led to creation of the Department of Defense.

He authored legislation that established a blue-ribbon commission to investigate and overhaul federal procurement practices.

Admired by his colleagues as expert in many fields, Congressman Holifield is also recognized as the Congressional authority on federal procurement.

Mr. Speaker, as this is the final week of the 93d Congress, from which many fine public servants are retiring, there have been and will be many sincere words of high praise spoken in this Chamber. I believe that in CHET HOLIFIELD, America is losing the services of a great man, a man who has given the most productive years of his life to his first love—the people of this country.

I feel that the most appropriate way to close my own tribute to CHET HOLIFIELD is with the words of CHET himself. At the close of a very moving ceremony held in the Government Operations Committee room last May, at which CHET's portrait was hung, CHET took the rostrum and spoke extemporaneously to the gathering of 400 friends. His emotion-filled words say better than anyone else could what CHET HOLIFIELD means to America, and what America means to him and Cam:

"What do you say after 32 years of hard work in the vineyard of the Lord? I can say the 32 years have been the most interesting and, I believe, the most productive years of our life, and we've shared them together. Now we have made this decision, and we made it jointly. Both of us made it reluctantly because it's mighty hard to lay down the axe and the hoe and the scythe when you've been farming a piece of land for 32 years. We feel that God has been good to us. He's given us three score and ten—and a little more. We hope He will continue to be good to us."

"I do want to say that I believe very deeply in our institutions of Government. I believe they're going to be the salvation of this Na-

tion. Whatever blessings we have, whatever freedoms we have, we owe to that form of Government. Members will come and Members will go, but the important thing is that the institutions are preserved."

"I thank all of you and I think it's now time for me to retire."

Mr. SIKES. Mr. Speaker, the Honorable CHET HOLIFIELD has enjoyed long and distinguished service in the Congress. His is one of the most notable records of any who serve in this body. I have known him and admired him from the time that his service began here in 1943, and I have been proud to enjoy his friendship and that of his family. We shall miss CHET HOLIFIELD in the halls of Congress.

Here he has filled many important assignments rising in recent years to a position of power as chairman of the Committee on Government Operations. In this and in other positions, he is a man who has placed country above self and Nation above politics.

This is not the only assignment of importance he has filled. CHET HOLIFIELD has played an important role by virtue of his membership on the Committee on Official Conduct and I have always considered him an ideal selection for membership on that committee. He is a man whom other Members of Congress emulate, because CHET HOLIFIELD does not run afoul of the standards of conduct which have been set by his committee.

As a member of the Joint Committee on Atomic Energy, CHET HOLIFIELD played a key role in the development of the weapons systems and the power systems and nuclear developments which today play a vital part in the defense, safety, and health of the people of the United States and the free world.

I know he is looking forward to returning to his beloved State of California but we shall miss CHET and Mrs. HOLIFIELD and the members of their family. We want him to know that his accomplishments in the Congress over these years have earned him a host of friends and admirers both in and out of Government.

To say he will be missed is to understate the matter. He leaves a void which will be difficult, if not impossible, to fill.

From a personal viewpoint, CHET HOLIFIELD knows how much I respect him and his judgment. One does not sever a friendship of 32 years duration without sincere regret. As CHET HOLIFIELD leaves this hall, I know that I shall still have his friendship, but I shall miss his good work and his sound advice. I join in wishing CHET and Pam and all their family well in the years ahead.

Mr. PETTIS. Mr. Speaker, it is with a heavy heart that I join my colleagues in paying tribute to the dean of the California congressional delegation, Congressman CHET HOLIFIELD. Though I know that CHET and his wonderful wife, Cam, are looking forward to a more relaxed life than they have known these past 32 years, I am sad that the House is losing the aid and wisdom of this outstanding legislator.

As the chairman of the Committee on

Government Operations, CHET HOLIFIELD has worked diligently to prevent the taxpayers' money being squandered on useless Government programs. In the field of energy resources development, he was far ahead of us all in his concern over the depletion of our resources and the need to expand the use of atomic power in this Nation. His work on the Joint Committee on Atomic Energy since 1946 is well known to Members of this body. Under his leadership the committee has compiled the most sophisticated data on the effects of radiation and the production of electrical power on man and his environment.

Those of us in the California delegation are particularly indebted to CHET HOLIFIELD for his tenacious efforts to win approval of legislation allowing California to set stricter air pollution standards than the Federal guidelines implemented in the 90th and 91st Congress. I hope the day is not far off when citizens of southern California will breathe the pollution free air which was the goal of CHET HOLIFIELD's work.

I hope my friend, CHET HOLIFIELD, will return to us now and then. There will always be a place in our hearts for him, a man who served in these times as an example of what a Representative should be—concerned, dedicated, and an honest and capable leader.

Mr. MINSHALL of Ohio. Mr. Speaker, my colleague, the Honorable CHET HOLIFIELD, has brought honor to his office, to the Nation, and to mankind the world over by his dedication to good government, and to the wise and good use of scientific knowledge, the reverse of which could be so explosively detrimental to human freedom and progress.

It has been a great privilege to serve with such a true gentleman and scholar. May this able prophet find basking with us in the significant benefit he has accrued for all men as profitably rewarding as he richly deserves.

Mr. ADDABO. Mr. Speaker, I join in honoring one of the truly outstanding Members of this body, the Honorable CHET HOLIFIELD, who is retiring from the House after 32 years of service.

The full record of Chairman HOLIFIELD's career in Congress is to lengthy to recite here, but his special efforts in the areas of atomic energy and Government operations are known to us all.

History will reserve many pages to reveal the story of CHET HOLIFIELD's leadership in Congress. We who remain will miss him and take this opportunity to wish him well.

Mr. GUBSER. Mr. Speaker, it is with a mixed feeling of pleasure and sorrow that I join with my colleagues in saying goodbye and paying tribute to the dean of our California delegation, the Honorable CHET HOLIFIELD and his good wife, Cam. They have both worked so hard that they truly deserve the pleasures which will come with leisure and a chance to be with their wonderful family.

But it is also sad that the remarkable capabilities of CHET who has handled so many major pieces of legislation dealing

with Government reorganization and atomic energy will be missing from the legislative scene. He will be sorely missed and Washington social affairs will never be the same without likable smiling Cam.

Californians are proud of this wonderful couple and I am proud to join with them and others across the Nation in wishing CHET and Cam a happy and joyous retirement.

Mr. McFALL. Mr. Speaker, it is a deep personal loss to me that CHET HOLIFIELD is leaving the House after 32 years of service here. I cannot count the many kindnesses and assistance that the distinguished dean of the California delegation has rendered to me since I came to this body 18 years ago. He and his dear wife, Cam, seem always to bring our California sunshine to Washington with them. For years they have been among my closest friends. I will always appreciate their warmth and love.

Little more than a week ago I had the privilege of visiting CHET's home district to pay tribute to him and to Cam, who have been such an effective and inseparable team for more than 50 years. It is well nigh impossible to do full justice to their contributions to the State of California and to the people of this Nation. The best that you can hope to do is give a glimpse of their achievements and great service to their country so that you can begin to appreciate their loss.

My very best wishes and affection go with my friends the Holifields. I include the text of my remarks at the Holifield appreciation dinner in their home district:

REMARKS BY HON. JOHN J. McFALL

I am very happy to be with you tonight and greatly honored to be invited to speak at this testimonial dinner.

It is a testimonial dinner for a high and noble purpose: To salute Chet and Cam Holifield.

I have served in the Congress of the United States with Chet Holifield for 18 years. You good people in the 19th Congressional District elected Chet in 1942—14 years before I came on the congressional scene.

Incidentally, Chet has broken all records for service as a United States Representative from the State of California: Thirty-two years of continuous service. What a record! Since California was admitted to the Union in 1850, no Congressional Representative has served a longer term than Chet Holifield.

For a third of a century, Chet has been working at his legislative tasks for the public good. Chet is dean of the California Congressional Delegation. The dean is the senior member of the State's elected representatives in Congress. He brings the members together on matters of mutual interest to the State of California.

We look to Chet for wise counsel, for true guidance, for inspired leadership, in dealing with the complex problems of our time.

As dean of the delegation, Chet has fought many battles for the State of California, and he can point with pride to his many solid achievements.

Chet is not only a good representative of his constituency in the State; he is cast in the larger mold of national statesmanship. You have before you a print in two parts, which highlights Chet's legislative career and enduring accomplishments in the Congress of the United States.

The first part was placed in the Congress-

sional Record by the Honorable Carl Albert, the Speaker of the U.S. House of Representatives, on March 7, 1972.

The second part, which I placed in the Congressional Record on November 26, 1974, brings this account up-to-date—unless, of course, Chet manages to get some more bills passed between now and the end of the year, when the Congress adjourns.

Let me say at this point that I am representing the Democratic leadership here tonight. The Democratic leadership in the House of Representatives consists of the Speaker, Carl Albert, and the Majority Leader, Thomas P. (Tip) O'Neill, Jr., and myself.

I have the position of Democratic (Majority) Whip, and you can tell by the title that my job is to whip our members into line and make sure that they are on the House floor to cast their votes and to vote the Democratic position as much as possible.

The Congress, as you know, is based on the two party system, but we try not to be partisan in the narrow, selfish sense. Certainly Chet Holifield is highly regarded by the Republicans as well as the Democrats.

Members of both parties know that Chet is fair. He is considerate; he is well-balanced; he is responsible—and he does his homework.

One of Chet's important responsibilities in the Congress is to preside as Chairman of the great Committee on Government Operations. This is the committee that really works for the taxpayers. Its watchwords are economy and efficiency. It conducts many investigations and legislates in a broad field.

Chet has been a member of the Committee on Government Operations since 1946, serving, in recent years, as Chairman. He has been responsible for legislation which created major building blocks in our Government—laws to unify the armed forces, to give central direction to Federal procurement and constellations of agencies into such great departments of Government as HUD and DOT. HUD stands for Housing and Urban Development; DOT for Department of Transportation.

No one in the Congress of the United States knows more about atomic energy than Chet Holifield. He is a charter member of the Joint Committee on Atomic Energy, established in 1946, and has served as alternating Chairman and Vice Chairman of the Joint Committee for many years. I should explain that because this is a joint committee of the House and Senate, the chairmanship rotates between the two branches of the Congress.

Our children and their children will be grateful that men like Chet Holifield pressed forward in the early days, against great odds, to lay down a policy of nuclear power for the national strength and the national well-being.

Atomic energy was born in anger—as a weapon of war—the most devastating, destructive device known to mankind. The atomic bombs which laid waste the Japanese cities of Hiroshima and Nagasaki were small and primitive compared to what we have now. There is no greater task of statesmanship in the world than to insure that nuclear bomb are never used again, against anyone, anywhere.

For almost three decades now, the world has been safe from the horrors of nuclear war, and Chet Holifield has participated in those demanding tasks of statesmanship.

The first great task in the aftermath of World War II was to get atomic energy under civilian control. This was accomplished in 1946, when the Atomic Energy Commission was created; with a Joint Committee in the Congress to keep constant watch of atomic energy developments.

As I said, Chet was a charter member of that committee. It was from that observation post and that platform that Chet Holifield,

and others like-minded, helped to discipline the military atom and shape the course of nuclear energy development.

The second great task, in that context, was to put the atom to work in kindness rather than in anger—to harness nuclear energy for peaceful and beneficial purposes.

Today, there are more than 1500 peacetime applications of nuclear energy in medicine, agriculture, industry and general scientific research.

After watching over atomic energy development for more years than some of you in this audience have lived, Chet Holifield decided that the whole operation ought to be reorganized.

The oil embargo in the Middle East last year served as a grim reminder that this nation is heavily dependent on unstable foreign sources of oil supplies, and that we had better pay more careful heed to future requirements if this nation is to grow and prosper.

It was Chet's idea that the great national laboratories and industrial facilities of the Atomic Energy Commission should be put to work to develop all promising forms and sources of energy.

And so he drew up a legislative plan which transformed the Atomic Energy Commission into two separate organizations: One, called the Energy Research and Development Administration, would work at developing energy resources on a broad front to meet future national needs and to minimize our dependence on foreign oil sources.

The other, called the Nuclear Regulatory Commission, would concentrate on regulatory matters, which includes the licensing of nuclear power plants. Nuclear energy can make a large contribution to the fulfillment of national energy needs. At the same time, we must be sure that rigorous safety standards are maintained in the design, construction, and operation of nuclear plants—for the protection of the people who work in these plants, and for the public at large.

These new organizations now have been established by law and are preparing to go to work—thanks to Chet Holifield's initiative and foresight.

In dealing with vast, impersonal organizations of Government, Chet Holifield has never forgotten that the ends of Government are to serve people—people is what this Government is all about.

And, therefore, Chet has always been concerned about individual rights and about the less-privileged in our society. His legislative efforts through the years have been pointed toward broadening opportunities for education, jobs, housing, medical care, consumer protection, and the dignity and privacy of the individual.

No successful man in Congress works alone, and Chet has had the help of a very able staff and, above all, the irreplaceable support of a wonderful wife and family.

The Holifields are family people in the good old-fashioned sense. They love each other. They help each other. And Cam Holifield has been an important part of Chet's congressional career.

You know, Chet has had a most unusual life. He was born in Kentucky after the turn of the century—on December 3, 1903, to be exact. Five days ago he had his 71st birthday.

From Kentucky, Chet moved with his family to Arkansas, and then he left the Ozark hills of that State when he was 15½ years old. Settling in Montebello about 1920, he met a very pretty dark-haired, vivacious young lady of the Canear family—Vernice Canear. They were married before Chet was 19.

Let me hasten to assure you that Vernice and Cam are one and the same. She has been called Cam these many years.

By the time he was 24, Chet had his own

business, and he still has it. It returns him a modest profit each year. His devoted employees continue to manage Chet Holifield's Store for Men long after he put aside business concerns to serve in the Congress.

In reviewing the experiences of one's life, it is curious to reflect on those incidents or unplanned events which can influence a person's whole career for better or worse. In Chet's case, it was a hunting accident which brought him into politics.

It happened in Catalina Island, early in 1931. Chet was shot in the leg and laid up for three years during the worst years of the depression, from March 1931 to March 1934.

Cam helped to run the store, while managing the home and taking care of the children. Chet, in the meantime, started to do some serious reading—there was not much else he could do. He read deeply in economics and the workings of Government, and became interested in national policies and problems.

Finally, Chet got back on his feet. He and his family worked hard, and often "went without," during the depression, as many of you here well known from shared experiences in that greatest economic disaster of the 20th Century.

Well, during those years, and especially when he was bedridden, Chet had a lot of time to think about things and develop new interests, which drew him into the political arena.

And, thus, it came about that a painful and costly personal accident had a beneficial result, not only for Chet but for the United States of America.

Some months ago, the members and staff of the Committee on Government Operations in the House of Representatives decided that they wanted to do something special for Chet Holifield, both in appreciation for his great service and in commemoration of his retirement.

They arranged to have his portrait painted and hung in the committee hearing room. If you have occasion to visit the Rayburn House Office Building, Room 2154, you will see that very fine portrait.

When the portrait was painted, the committee passed a resolution and transmitted a copy of the resolution to the Speaker of the House of Representatives.

The committee said, in its resolution, that the portrait would "be hung on the wall of the main hearing room of the committee, both as a tribute to, and a reminder of, Chet Holifield's lifetime of dedicated service to his committee, his Congress, and his country."

That resolution had some more words to say, and I would like to close my remarks by reading a few of them.

The resolution had several "whereas" clauses, saying that Chet was to retire from the House of Representatives at the end of the 93rd Congress, after 32 years of continuous service.

It said that he will have completed 28 years of distinguished service on the committee, serving four years as chairman.

It said that as chairman of the committee, he presided and administered "with intelligence, skill and fairness."

Then the resolution said that Chet Holifield's "greatness combines many things," and here I will quote the exact words of the resolution:

A man of high purpose, integrity, and unstinting devotion to duty.

A gentleman of dignity, courtesy, and candor.

A pioneer with the vision to see great governmental goals and the knowledge and resolve to attain them.

A courageous fighter for his party and his principles,

A statesman who understands the uses and limitations of politics and power, and

An exemplar of legislative achievement through leadership and accommodation.

A man who loves his country and its people. No member of Congress, so far as I know, has ever received a more eloquent tribute than that. It is a tribute fully deserved and, as I said in the conclusion of the statement about Chet that I placed in the Congressional Record, "Thanks, Chet, for a job well done."

Let the people in this district and elsewhere take inspiration from the record of Chet Holifield's career. Let their young people have renewed confidence in the purposes of Government, and let more of them train and prepare themselves for public service.

Mrs. MINK. Mr. Speaker, it is my great pleasure to join with my colleagues in honoring CHET HOLIFIELD today as he prepares to leave the House after a distinguished record of 32 years of service in this Chamber.

In those 32 years CHET HOLIFIELD has consistently distinguished himself as a skilled legislator and an outstanding leader. The legislation resulting from his chairmanships of the Joint Atomic Energy and Government Operations Committees has always reflected the care and dedication with which he worked.

As legislator and participant in national and international conferences, CHET HOLIFIELD has been a guiding force in the development and productive use of atomic energy. While I could never accurately recount all of his remarkable contributions, I believe the Nation owes a special debt to CHET HOLIFIELD for his work in atomic energy. His career has spanned a precarious, difficult time in the development of atomic energy policy. His contributions have played a major role in insuring that atomic energy would be a constructive, creative source of energy.

CHET HOLIFIELD leaves the House and takes with him a wealth of personal knowledge and expertise. But he has left behind a legislative legacy that will influence this body and the course of the Nation for years to come.

Mr. BENNETT. Mr. Speaker, the retirement of Congressman CHET HOLIFIELD is something no one here welcomes. He has been an outstanding legislator and committee chairman. He is a Congressman's Congressman; and by that I mean that all of us go to him for advice on the many areas of great expertise that he has developed. He is a friend whom we will greatly miss not only for his great knowledge and ability but also for the warm and kindly friendship which he manifests at all times. Truly we will miss not only him but also his lovely and able wife, Vernice.

Mr. ANNUNZIO. Mr. Speaker, as a colleague, close friend, and long-time admirer of Hon. CHET HOLIFIELD of the California 19th District, I would like to express, on the eve of his retirement, my admiration for his years of service to his country and the people of his district.

Throughout his tenure in this Chamber—indeed, throughout his entire political career—CHET HOLIFIELD has done the job as it ought to be done, and for so doing is respected by everyone famil-

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lar with the facts of his accomplishments.

As a senior Member of the House, he served throughout the 1960's as chairman of the Joint Committee on Atomic Energy, before assuming the position he holds today as chairman of the Government Operations Committee. In his current capacity he monitors Federal expenditures with the object of insuring their compliance with congressional intent; and no one, to my knowledge, could handle that supreme authority with greater skill nor greater certainty than he.

In his former position with the Joint Committee on Atomic Energy, CHET HOLIFIELD was required to deal with awesome national security problems, which he did with great skill and expertise. Also concerned for the public health, as well as for the national security, he was responsible in 1957 for investigations into the hazardous effects of radiation on human life, with the object of imposing stronger safety standards in the production of nuclear devices.

He has been in the forefront on every piece of legislation affecting the well-being of every American for the past 30 years. He has been a devoted and dedicated public servant contributing his talents in drafting some of the finest legislation ever enacted in the area of consumer protection.

The record of CHET HOLIFIELD is one of outstanding performance and outstanding recognition. On all problems of importance he has responded with the alacrity of a man who is the willing servant of public duty, and always with that same resourcefulness which never seems to fail him.

He has served his district and his country with equal intensity and devotion, and his record is one of hard work and deep concern.

Mrs. Annunzio joins me in extending our sincerest best wishes to CHET and to his lovely wife, and we wish for them continued good health and many, many more fruitful years during their retirement. I am sorry to see him leave and he will be missed in his House—the House of Representatives.

Mr. VEYSEY. Mr. Speaker, before I came to the Congress in 1970, I had learned to know and respect CHET HOLIFIELD as one of California's most capable Congressmen. During my tenure in the State assembly, we found numerous occasions to seek his assistance, and he graciously and willingly responded to our requests.

Now after 32 years CHET HOLIFIELD has decided to step aside. During his tenure in the House of Representatives, many Federal programs have been shaped by his extensive activities to improve Government and make it more responsive to the people. As chairman of the Joint Committee on Atomic Energy he has played an active role in developing energy legislation. His position on Government procurement is well documented. He served as chairman of a blue ribbon panel in 1969 seeking ways to improve Federal procurement procedures. His efforts to eliminate waste and duplication are seemingly endless.

As chairman of the Committee on Government Operations, he has fought a continuing war against the evergrowing burden of paperwork in Federal agencies. In fact, he sponsored a bill to require an authoritative study to identify means to reduce the volume of paperwork. The House has already enacted the measure, and it has been referred to a Senate committee.

He was one of the first to champion environmental legislation, and during his entire career, he has supported more than 200 environmental and conservation laws. As dean of the California delegation he was in a unique position to guide significant legislation through guidance, the laws to combat California's air and water pollution problems likely would not have been approved by the Congress during the late 1960's.

The outstanding characteristics of Congressman HOLIFIELD's career are hard work, dedication, integrity, and leadership. His absence will leave a void in the ranks of the California delegation as well as in the House. His unflagging interest and dedication to public service will be sorely missed in the coming years. We commend him for an outstanding job, and we trust that he will enjoy the same degree of success in retirement as he pursues personal goals. In addition, our best wishes go to Cam, the lovable and dedicated wife of CHET HOLIFIELD. She has served so capably as the "first lady" of the California delegation, and we all love and respect her.

Mr. BROOKS. Mr. Speaker, for the past 22 years I have had the very great and distinct pleasure of serving on the Government Operations Committee with our distinguished chairman, CHET HOLIFIELD. Although many Members of Congress have served long and outstanding careers, few have risen to such a high position of respect and esteem among fellow Members as CHET HOLIFIELD.

Chairman HOLIFIELD's congressional career spans one of the most exciting periods in our history—in which our Nation moved into the atomic age. Without question, CHET HOLIFIELD will be remembered as the Congressman who did more for the peaceful use of nuclear energy than any of his contemporaries.

As a member of the Government Operations Committee since its creation in 1949, Chairman HOLIFIELD has had a profound impact on the structure of our National Government. The establishment of three of our major Departments of Government—HEW, HUD, and DOT—reflect his creative leadership. His work as chairman of the Government Operations Committee has greatly enriched our national history and will continue to be felt throughout the Federal Government for years to come.

In his 32 years of service in the U.S. House of Representatives, CHET HOLIFIELD has set a high standard of achievement and excellence for our country. He has worked hard at building a moral environment in which man's full potential can be realized in dignity and honor. He is recognized throughout our Nation for his compassion and understanding. His public and private acts always reflect good government, good citizenship and human brotherhood.

I can understand why, after 32 years, he now chooses to take a little time for himself and his family. He has earned it. So has his lovely wife, Cam, who has been so helpful to him throughout his distinguished career.

When CHET HOLIFIELD retires at the end of this session, I will greatly miss his presence in the Congress and on the Government Operations Committee. He is a great American and I deeply value his warm friendship, his wise counsel, and his intense dedication to better government.

Mr. ANDERSON of California. Mr. Speaker, a giant of the Congress, indeed the Nation, has decided to leave public service and enter a well-deserved retirement.

Congressman CHET HOLIFIELD, the chairman of the Government Operations Committee, the chairman of the Joint Committee on Atomic Energy, and the dean of the California delegation, is stepping down after 32 years of dedicated and devoted service to this Nation. And over those years, the list of achievements is virtually endless—but at the top of the list, one would have to place his efforts toward the peaceful use of nuclear energy, and his leadership in modernizing the Government.

Not only has CHET HOLIFIELD been a national leader, he has been an international leader, recognized around the world as an expert on nuclear energy. Since 1955, he has served on the U.S. Delegation to the International Conference on the Peaceful Uses of Atomic Energy. At international conferences held from 1957 through 1970, he has been instrumental in efforts to use nuclear power in a safe, efficient method for the good of mankind.

In the Congress, his leadership on the Joint Committee on Atomic Energy has led to many advances in the field of energy derived from atomic power. And these advances could effectively serve the energy needs of future generations.

In addition, as the chairman of the Government Operations Committee, CHET has worked for an efficient, responsive Government that meets the needs of the people it serves. As a businessman, engaged in the manufacture and selling of men's apparel, CHET has used these commonsense business techniques to bring economy to the Government.

Mr. Speaker, this Congress will not be the same without CHET HOLIFIELD, and the kind of caliber he brought to the Nation will be missed.

Mrs. Anderson joins me in wishing CHET and his lovely wife Cam the very best in their retirement, and we hope that they will continue to be active in the community, sharing their years of experience with a grateful Nation.

Mr. CEDERBERG. Mr. Speaker, it is difficult to imagine a session of Congress without our friend and colleague, CHET HOLIFIELD. In this political arena where new faces and names are a way of life every 2 years, CHET HOLIFIELD's familiar face had become a welcomed and accepted fixture.

The examples of his distinguished service are so numerous that it is impossible to do justice to his outstanding 32-year congressional career. He has made enor-

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mous contributions in the areas of atomic energy, Government organization, and Government procurement and his achievements will remain as a living legend to the fruits of his labors. His tireless attention to detail and his insuperable dedication to public service has sparked the conscience of his peers, both friend and foe, to follow in his footsteps.

CHET HOLIFIELD filled an indispensable role in the House and he leaves giant's shoes to be filled. It is indeed a tribute to this man that his colleagues from both sides of the aisle of every ideological stripe and geographical region should acclaim him with their most laudatory respects.

Mr. Speaker, I think that all will agree with me that CHET HOLIFIELD will be sorely missed. He takes with him over three decades of legislative experience—experience that can be acquired in no other way than the day-to-day routine of legislative exposure.

In these days of shifting moralistic values and subjective judgments of right and wrong, CHET HOLIFIELD stands as a shining example of those ideals considered by our founding fathers to be the bastions of our Government. His exemplary conduct both in private and public life are a credit to himself and to this Congress.

Mrs. Cederberg and I both wish CHET and his lovely wife, Cam, many years of good health and happiness and hope that they will enjoy their well-deserved retirement.

Mr. BURGNER. Mr. Speaker, the end of this Congress marks the end of a distinguished career as a Representative for the dean of the California State congressional delegation, CHET HOLIFIELD.

After more than 30 years of good and faithful service in this body, CHET has made the decision to retire. He will be sorely missed.

CHET has contributed greatly to the legislative process on behalf of his constituents, his fellow Californians and all Americans. His willingness to moderate partisan considerations in bringing the California delegation together on crucial issues has left a legacy of accomplishment unique among today's membership.

As a recognized expert on atomic energy as well as a superlative parliamentarian, CHET has again and again been the catalyst around which real legislative success has been built.

We will miss CHET in the months and years ahead and the people he served so well will miss his continued contributions. But we have all been especially privileged to have his skill, his intelligence, and his statesmanship for the more than three decades he has served a Member of the House of Representatives.

Mr. WAGGONER. Mr. Speaker, I take great pride in joining with my colleagues in paying tribute today to one of the House's most dedicated Members and my good friend, CHET HOLIFIELD.

I have known and respected the gentleman from California for 13 of his 32 years of service to our great constitutional Republic. He has been an out-

standing patriot, and never has the district he so ably represents had more devoted service. CHET epitomizes the prestigious statesman who has placed love of country above all else.

That the voters of the State have seen fit to elect him to 16 consecutive terms is testament to his untiring energy and devotion to what is best for America and the values we hold so dearly. His skill in all facets of legislative process will be sorely missed by fellow Members, and the respect he has earned through the years, built on a solid foundation of constituent service, will be a tough act to follow.

I want to give my personal best wishes to CHET HOLIFIELD for the future. His example will long be remembered. His retirement is a loss not only to me, but to the entire Nation. My regards, CHET, and may our friendship be a part of the long list of fond memories and wonderful relationships which will be your legacy in this body.

Mr. NIX. Mr. Speaker, I rise to pay tribute to a great man, CHET HOLIFIELD of California, who has decided to retire after 32 years of service in this House. He has earned his retirement, and I wish him well as he leaves us. Yet, all of us, I am sure, regret that he will no longer serve with us. For CHET HOLIFIELD is truly a pillar of the House, and he will be sorely missed.

It would be nearly impossible to list all the achievements that he will leave behind him. His legacy to us is large. As chairman of the Committee on Government Operations, he has worked diligently to reorganize, reform, and improve the workings of the Federal Government. He has brought into being important new agencies, such as the Departments of Transportation and of Housing and Urban Development and the General Services Administration. He has sought to simplify paperwork requirements and to improve procurement procedures.

Since his days on the Hoover Commission he has striven to make Government more efficient and more accountable. He has sponsored the Cabinet Committee on Opportunities for the Spanish Speaking People. He worked to improve the Freedom of Information Act to make the workings of Government more open. He has labored to preserve and defend the right of privacy of individuals. In short, he has never forgotten that Government must be the servant of the people, not the master.

We shall never forget CHET HOLIFIELD's contributions in the field of nuclear energy. As an original member of the Joint Committee on Atomic Energy, he has helped to tame the enormous power of the atom, to make it the servant of mankind. Recently he has sponsored the reorganization of Federal agencies in the energy field, to step up our efforts to find new sources of energy.

He has been in the forefront of the effort to protect the consumer and to protect the environment. He has represented the Congress of the United States in many international conferences on disarmament, the peaceful uses of atomic energy, and water desalinization.

Mr. Speaker, I will not go into any

greater detail in attempting to describe the vast legislative accomplishments of CHET HOLIFIELD. I am sure that other Members here are better qualified for that difficult task. Let me say simply that I have known no other Member of the House who has contributed more to our country or who has been held in higher esteem than CHET.

His colleagues have honored his character and integrity with a seat on the Committee on Standards of Official Conduct. The American Political Science Association has awarded him with their Congressional Distinguished Service Award. As dean of the California Congressional Delegation, he has been an exemplary servant of his State and of his constituents.

Although CHET HOLIFIELD will not be here with us in the next Congress, he has left behind him a legacy that will stand the test of time. His legislative achievements are a record that may never be matched. Throughout his career, he has reflected great credit on the House and has enriched its history permanently. I shall miss CHET HOLIFIELD as a colleague and as a friend. I wish him the best of luck in his retirement.

Mr. O'NEILL. Mr. Speaker, there are always mixed feelings at the end of any Congress: Satisfaction and disappointment at the record of the last 2 years, anticipation of the next 2, and above all, deep feelings of loss as old friends and colleagues decide to step down. Few have earned their retirement as much as the gentleman from California (Mr. HOLIFIELD). Few will be as sorely missed.

Congressman HOLIFIELD's legislative accomplishments are legion. Frankly I do not have the patience to recount all the landmark bills he has steered through the House. CHET's range of interest and expertise is truly extraordinary. He is a real master in the areas of Government organization, atomic power and Government procurement. His experience and knowledge in these fields are irreplaceable.

The people of the 19th Congressional District in California have never had another Representative. They have been well served and they have shown their appreciation with their votes. Time and again he has been honored with large majorities.

It will be strange indeed to be part of a Congress without CHET HOLIFIELD. There are very few of us who have had that experience. Still, we will all be for better able to cope with the future because of the many things he has done for the House and for the Nation. My very best wishes go to CHET and his wife Cam as they look forward to a retirement which I am sure will be as interesting and rewarding as his long period of public service.

Mr. CORMAN. Mr. Speaker, I am privileged today to pay tribute to my good friend and dean of my delegation, the Honorable CHET HOLIFIELD. But, I am obligated to add a note of deep, personal regret because of his retirement from the House with the adjournment of the 93d Congress. I shall miss him very much.

CHET is completing 32 years of an outstanding congressional career. He has

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served with superb distinction as chairman of the House Committee on Government Operations in the 92d and 93d Congresses. As a member of the House Committee on Standards of Official Conduct, CHET served with the sensitivity and impartiality that this very important committee assignment demanded.

Many years ago—back in 1959—when a handful of House Democrats, recognizing the need for a show of organized strength in support of liberal legislation, formed the Democratic Study Group, it was predictable that CHET HOLIFIELD would be among the founders of this effective group. His chairmanship of DSG in its formative years and his continued influence as a member have been an important force in DSG's growth, both in membership and in effort.

There are many other ways one can pay tribute to CHET HOLIFIELD, but I believe the most important is to speak of his service on the Joint Committee of Atomic Energy of the Congress. The responsibilities of the Joint Committee are great. The very nature of the legislation it produces has a tremendous impact not only on our own citizenry, but on the whole world's population and upon generations yet unborn. One cannot speak of the importance of civilian control of atomic energy nor of the abiding need to find peaceful purposes of atomic energy without recognizing CHET HOLIFIELD as a pioneer in this field.

Appointed to the Joint Committee when it was organized on August 2, 1946, serving through the years as chairman, vice chairman, subcommittee chairman, CHET has always been a vital force in all its operations, particularly in its "watchdog" function with regard to problems relating to the development, use, and control of atomic energy. A strong advocate of the principle that atomic energy should be retained under civilian control, he made this one of his major responsibilities. His commitment to the protection of the public interest against the private interest in the growth and development of the industry in the United States became his signature. One needs only to look at the vast list worldwide commissions, committees, delegations, symposiums and conferences in which he has been involved over the years to know that he has served this country well in immeasurable ways.

While the accomplishments in the continuing search for more peaceful uses of atomic energy cannot be laid to one man or to one woman, nor to one committee nor to one governmental department, we in the House of Representatives can—and I am sure we do—take great pride in knowing that CHET HOLIFIELD played a very important role in this undertaking. Since 1946, the House has been content with the knowledge of his extraordinary service on the Joint Committee. Those who follow him will gain a great deal from the standard of performance he now leaves behind him.

Mr. Speaker, it has been a rare privilege and honor to have served here with this distinguished Californian. I wish for him and his lovely wife, Cam, who has been so devotedly at this side in all his endeavors, the best of everything

yet to come—years of happiness, contentment and good health.

Mr. BROWN of California. Mr. Speaker, I rise to add my voice to the many others praising our outstanding colleague, the dean of the California delegation, Mr. CHET HOLIFIELD.

From the very beginning, Mr. HOLIFIELD's career is a subject for admiration. Even before running for office himself in 1942, he was instrumental in electing Jerry Voorhis to Congress in 1936, serving as Mr. Voorhis' campaign manager. Mr. Voorhis is known for his own outstanding career and his correct judgments on so many subjects. When the 19th District was carved out of Jerry Voorhis' district, it was at Mr. Voorhis' wise suggestion that Congressman HOLIFIELD first ran for office. He has been returned to Congress every time since by the voters of his district.

Congressman HOLIFIELD has distinguished himself in so many respects that it would take more time than I am allowed in which to cite them all. Touching on only a few of the highlights, I must not fail to mention his role in fighting Government waste, his responsibility for developing atomic energy under civilian control, and his support for measures important to consumers.

As a watchdog for the public in guarding against waste, for several years Mr. HOLIFIELD led the Subcommittee on Military Operations in investigations of waste and inefficiency in the Department of Defense. As a result of these investigations, he introduced legislation to establish a blue ribbon commission to study all Federal procurement practices and procedures. Upon the bill's passage, he was appointed by the Speaker as one of the two House Members to serve on the commission. In addition, because of his continuing concern about this problem, he authored the Federal Property and Administrative Services Act, otherwise known as the Holifield act, which established the General Services Administration.

Our very Government structure can lend itself to efficiency or inefficiency. Because of Congressman HOLIFIELD's reputation for reform in this area, he was appointed by the President to membership on the Second Commission on Organization of the Executive Branch of the Government, one of the famous Hoover Commissions. In his role in Congress, he also served as chairman of the Subcommittee on Executive and Legislative Reorganization in which capacity he passed on 45 Presidential Reorganization Plans, 35 of which were approved by Congress. In addition, he was instrumental in passage of the legislation to create the two Cabinet-level Departments of Transportation and of Housing and Urban Development.

Only because of his keen eye for the implications of seemingly routine legislation was the Nation spared from a dangerous increase in power by the military. In 1945, Mr. HOLIFIELD spotted a bill in the Military Affairs Committee which would have given control of atomic energy to the Pentagon. He and Representatives Voorhis, Helen Gahagan Douglas, George E. Outland, and Andrew

J. Biemiller publicly appealed to all the Nation's scientists to come to the Capitol and present their case for civilian control of atomic energy. This they did by the hundreds and it was the start of a successful legislative effort to insure responsible control for this awesome power. In recognition for his responsibility for this, Congressman HOLIFIELD was appointed by Speaker Sam Rayburn to membership on the Joint Committee on Atomic Energy in 1946. Since then, Mr. HOLIFIELD has become identified as the Member of Congress most responsible for the shaping of our program of peaceful use of the atom.

The third point which I particularly believe should be made is Congressman HOLIFIELD's concern for the consumer. In 1943, he was fighting for grade labeling of food. Since then, he has voted and worked for some 90 consumer protection laws dealing with product safety, truth in packaging, truth in lending, low interest rates, housing, and many other matters. Most recently, Mr. HOLIFIELD was instrumental in passage of the Consumer Protection Act.

On this occasion I wish to say that all the Members of the House of Representatives wish our distinguished colleague a rewarding retirement with his family and friends. After so many years of honorable service to his district and the Nation, he deserves an opportunity to relax and enjoy it.

Mr. FOUNTAIN. Mr. Speaker, I am pleased to have this opportunity to pay tribute to one of the most remarkable men to serve in the Congress.

When I began my congressional service in 1953, CHET HOLIFIELD had already distinguished himself through 10 years of able and effective service in the House. During the succeeding 22 years, it has been my privilege to work with CHET HOLIFIELD on an almost daily basis, first as fellow members of the Committee on Government Operations and later under his leadership as chairman of that committee.

I know CHET HOLIFIELD well and admire him greatly. CHET HOLIFIELD—through demonstrated ability, hard work and sincere dedication to public service—has become an outstanding leader in not just one but in several vitally important fields. He has lived the true meaning of those words "public office is a public trust."

As a member and chairman of the Joint Committee on Atomic Energy, CHET HOLIFIELD is universally recognized as one of the world's leading authorities on the peacetime use of atomic energy.

Through his work on the Hoover Commission and as chairman of the Committee on Government Operations and its Reorganization Subcommittee, CHET HOLIFIELD has had more impact on the restructuring of government activities during the last generation than any other Member of Congress.

Through his committee work and his service as vice-chairman of the Commission on Government Procurement, CHET HOLIFIELD has made a major contribution to improving the procedures under which the Federal Government spends billions of dollars annually for goods and services.

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No ordinary man could have done this—and CHET HOLIFIELD is no ordinary man.

Although he has never had legal training, CHET HOLIFIELD's quick grasp of complicated subjects and his penetrating questions at committee hearings would do credit to a highly skilled trial lawyer.

The country has been fortunate to have the dedicated service of CHET HOLIFIELD as a Member of Congress for the past 32 years. We are losing CHET as a Member of Congress, but I am confident that the Nation will continue to have the benefit of his wise counsel in other capacities for many years to come.

I am also proud to join with many in expressing my very best wishes to both CHET and his able helpmeet, Cam, and the sincere hope that they will enjoy together during the remainder of their lives an abundance of the blessings of life wherever they are and in whatever they may undertake.

Mr. FUGUA. Mr. Speaker, CHET HOLIFIELD is a man I admired and respected as a colleague even before I really got to know him.

I served in the House for 8 years before being named to the Government Operations Committee 4 years ago, as a second committee. That was when I found that the respect and regard I held for Congressman HOLIFIELD was well founded.

I was named to his Subcommittee on Legislative and Military Operations and have admired the fairness with which he has conducted our deliberations. It is easy to say that about a man with whom you agree all the time, but he and I have had very honest and sincere differences about certain provisions of major legislation.

That is the real measure of the man. He never tried to take advantage of his position. Rather, he bent over backwards to see that my rights were protected.

One of our colleagues aptly described CHET the other day when he said he was a tireless worker in a coalition, and an honorable and avid foe in disagreement. Those sentiments are expressed with respect and regard on both sides of the aisle here today.

He will be leaving us after 32 years of distinguished service. He has served with seven of the Presidents of the United States, five of whom came from the Congress. He has known the great and the near great. No man in the history of the Nation has had more to do with streamlining and reorganizing Federal agencies than has this distinguished Californian. I feel I will be losing a warm friend when he leaves our midst.

Yet, I know that he and his lovely wife, Cam, are richly deserving of some years out of the hustle and bustle of congressional life to spend with their family and friends.

He leaves us with a record in which the Holifields can take pride. He leaves many warm friends and I am proud to consider myself in that number. He leaves a distinguished record of service to his State and Nation which those coming behind would do well to emulate.

Mr. FISHER. Mr. Speaker, CHET HOLIFIELD, who came to Congress when I did 32 years ago, has been one of the

most valuable Members of this body. He is very knowledgeable, and he has made valuable contributions to important legislation on many occasions. A man of stature and influence, his retirement will leave a mark on many important enactments during these years.

I join with my colleagues in wishing CHET and his family good health, happiness and prosperity after he leaves the House of Representatives.

Mrs. COLLINS of Illinois. Mr. Speaker, it is with great pleasure that I take this opportunity to praise and say farewell to our most distinguished colleague, CHET HOLIFIELD.

Chairman HOLIFIELD's 32 year career in this House has been marked by dedicated and outstanding service to our country.

In the short time that I have been a Member of this great body, I have been fortunate enough to work with this fine gentleman who is chairman of the Government Operations Committee to which I am assigned. As a member of that committee, I have been able to observe his work at close hand; and am proud of the record of important legislation that has emanated from this committee during his tenure as chairman. This record graphically illustrates his legislative and leadership abilities.

There is no doubt that we will all miss Chairman HOLIFIELD.

I wish him and Mrs. Holifield happiness and the best of health.

Mr. REES. Mr. Speaker, the distinguished dean of our California delegation, Congressman CHET HOLIFIELD, has made a decision not to run for reelection to the Congress. It is a decision that saddens all of us who have long admired CHET and his dedicated service as a leader of Congress. I know that we will all miss him and his lovely wife, Cam.

I would like to include for the RECORD part of an article from the Los Angeles Times, written by reporter Paul Huston:

[From the Los Angeles Times]

HOLIFIELD'S 32-YEAR FLASHBACK ON HIS CONGRESS-CAREER
(By Paul Huston)

WASHINGTON.—Several decades before he became a congressional kingpin on atomic energy and other weighty matters, Chet Holifield dropped out of high school in Springdale, Ark., and drifted West on an upraised thumb.

He eventually landed in California. "I'd read of the romance of the forty-niners," he said later, "and California was a kind of golden legend to young people in the Middle West. So I went there."

Holifield married at 19, started a cleaning business in Montebello and a men's clothing store in Norwalk, got interested in Democratic reform politics and won election to the House of Representatives, in 1942.

He was reelected 15 times. By the time he retires at the end of this year—he officially announced his retirement Tuesday—he will have served longer in Congress than any other Californian—32 years.

As he reminisced in his memento filed office last week, Holifield was asked how he was able to become one of the country's leading experts on a complex technical subject like atomic energy without obtaining even a high school diploma.

"I tried to make up for my lack of knowledge in this field, as in many other fields,

with hundreds of hours of intensive study," he said, tilting forward in his swivel chair. "When I first came to Congress, I had done a lot of hunting, fishing and golfing. I gave that up because I did not have the time for it. I've never played a round of golf in Washington."

Holifield, a Santa Claus-like figure with white hair, white bushy eyebrows, white mustache and a considerable midsection, looks back with enormous pride on a career as chairman of the Joint Atomic Energy Committee, chairman of the House Government Operations Committee and dean of the California congressional delegation.

He has been centrally involved in some of the country's most monumental achievements, including creation of the Atomic Energy Commission and development of nuclear power plants, the hydrogen bomb and nuclear-propelled warships.

He has been instrumental in setting up some of Washington's best-known bureaucracies: the departments of Defense, Transportation, and Housing and Urban Development, the Central Intelligence Agency, the Environmental Protection Agency and the General Services Administration.

He and his wife, Cam, say they look forward more than anything else to being close to their four daughters, 15 grandchildren and two great-granddaughters.

"I plan to do a great deal of reading and studying and hope to be able to write a book recounting some of the important accomplishments I believe I have made," Holifield said.

In the interview, Holifield flipped through a well-worn House committee report of 1945—"the only copy I know of." He showed where he and Rep. Melvin Price (D-Ill.) began a lonely, uphill struggle to have the post-Hiroshima atomic energy program placed under civilian, not military, control.

Holifield organized a 1946 conference on the subject and "we rallied universities and scientists throughout the country to fight for civilian control." Eventually, Congress set up the Atomic Energy Commission.

Holifield considers the development of nuclear-powered electrical generating plants "probably the most important and long-lasting event in which I have had a leading part in bringing to reality."

His pet project is the still-experimental nuclear fast breeder reactor, which in using uranium breeds another fuel, plutonium—"sort of like perpetual motion," Holifield said.

"We've lost about three years as a result of the government not plunging in and taking over the whole expense of the thing," Holifield fumed. "We've spent over \$50 billion to put a man on the moon, and I was only asking for \$3 billion over the next 15 years to give us a reactor that will furnish mankind an inexhaustible supply of energy for the decades to come."

Holifield is credited with contributing to development of two mighty deterrents against Soviet attack—the hydrogen bomb and the nuclear-powered submarine.

After the Russians exploded an atomic bomb in 1949, Holifield was appointed chairman of a special congressional committee to study the feasibility of building a U.S. H-bomb.

"We visited all the labs and were briefed by the top scientists," Holifield recalled.

He and Sen. Brien McMahon (D-Conn.), then chairman of the Joint Atomic Energy Committee, gave President Harry S. Truman a 5,000-word report and spent 45 minutes urging him to approve H-bomb development.

"Our information wasn't too complete, but I just had a gut feeling that the Soviets were working on this themselves," Holifield said.

A month later, Mr. Truman gave the green light: within 18 months the United States exploded a hydrogen device. Nine months after that, the Russians exploded their hydrogen weapon.

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"So we beat the Soviets by nine months to the most powerful weapon in the world," Holifield related. "I've often asked myself, What if they had done it first? With their openly stated desire to conquer the world, would they have then called on the rest of us to surrender?"

Holifield takes pride that Adm. Hyman G. Rickover once hailed him as the "congressional father" of the nuclear Navy.

In the early 50s, Rickover sailed around his superiors' opposition to proposals for nuclear-powered submarines and went to the Joint Atomic Energy Committee for support.

Holifield, Price, Sen. Henry M. Jackson (D-Wash.) and others on the committee got behind Rickover and funded reactors for the first two nuclear subs, the Nautilus and the Sea Wolf. The Navy now has more than 100 nuclear submarines and a number of nuclear surface ships.

Mr. CONTE. Mr. Speaker, I rise to join in recognizing the accomplishments of the dean of the California delegation, Congressman CHET HOLIFIELD.

I thank my good friends, the gentlemen from California and New York, (Mr. Moss and Mr. Horton), for arranging for this time.

There are so many things that can be said in admiration on behalf of the gentleman, that I am going to direct my remarks to only two areas. That of atomic energy and Government procurement.

When the gavel closes the 93d Congress in the latter part of this week, we will lose one of our foremost experts on nuclear energy. Indeed, CHET HOLIFIELD is noted throughout the world for his knowledge in this area. He has served as an active member of the Joint Committee on Atomic Energy since its establishment in 1946. An example of the gentleman's fairmindedness was brought home to me just this summer. When he brought the Price-Anderson Nuclear Indemnity Act extension bill to the floor, I was successful in tacking on an amendment concerning the Rasmussen study that would have delayed the effective date by at least a year.

My distinguished colleague opposed this amendment. But once it had passed, he adopted the will of the House as his own, saw this amendment through the conference committee and insured that it was part of the final bill passed by the Congress. Ironically, this particular provision was the sole reason President Ford subsequently vetoed the bill. I make this point not to pour salt in an old wound, but to underscore the essential humane, trustworthy quality of this very distinguished colleague.

As the ranking minority member of the Select Committee on Small Business, I am aware of the paperwork burden faced by small businessmen who deal with the Federal Government. I am grateful for all the gentleman's efforts, in his capacity as vice chairman of the Commission on Government Procurement, to reduce the amount of paperwork and simplify procedures in small purchases by the Federal Government. I also want to mention his efforts to see that small businessmen get their fair share of Government business.

I am pleased, at this time, to salute CHET for these and all of his efforts during his outstanding career and to wish

CHET and his delightful wife, Cam, all the best that the coming days can bring.

Mr. CASEY of Texas. Mr. Speaker, the retirement of CHET HOLIFIELD will bring to an end one of the most distinguished careers in the history of the House of Representatives.

His foresight into the problems of government and his adherence to the rights of Americans are monumental in themselves.

CHET HOLIFIELD has never been afraid to lead and he has been a most worthy leader, as the development of our peaceful uses of atomic energy will prove for years to come. At the same time, he has never been afraid to stand alone on an issue when he knew he was right, even though his personal stand may not have been either popular or politically advantageous.

Many of us will recall his opposition to the massive incarceration of Japanese-Americans in California after the outbreak of World War II. His stand was not popular at the time, but history has been on his side and that wholesale destruction of civil rights is now viewed as one of the blackest acts in American history.

I think we can already see how history will regard his leadership as chairman of the Joint Committee on Atomic Energy. His efforts have been a moving force toward bringing safe, inexpensive sources of nuclear power that in the future hold great promise for overcoming the Nation's energy shortage. When his efforts began, few of us could envision the importance that we now place on this power source.

Also, we must recognize his efforts to strengthen and economize in our Government as the able chairman of the Committee on Governmental Operations. I know that our taxpayers have been saved billions of dollars through his work on this committee.

Mr. Speaker, the citizens of California have proved time and time again their good judgments in keeping CHET HOLIFIELD in the Congress for 32 years. And all Americans have been the beneficiaries.

I am proud to call CHET HOLIFIELD my warm friend and a colleague whose counsel I will always value and respect.

I join today in wishing him a successful and fulfilling retirement.

Mr. WHITE. Mr. Speaker, after more than three decades of singularly productive service to his country as a Member of the U.S. House of Representatives, CHET HOLIFIELD's decision to retire and enjoy the southern California sunshine cannot be reasonably challenged. However, since his expertise and knowledge of the field of atomic energy is without peer, I am hopeful that he will continue to lend this body his counsel on this subject as we continue the search for energy sources. I salute Mr. HOLIFIELD with the observation that when it comes time for my retirement from Congress I may exit with a fraction of the respect and recognition that he enjoys.

Mr. VANIK. Mr. Speaker, I am pleased to join with my colleagues in saluting one of the really great legislators in the history of the House of Representatives.

CHET HOLIFIELD, the dean of the California delegation, has served in the House for 32 years. They have been years marked by consistent excellence and high courage. They were years in which he advanced new and progressive ideas. They were years in which he stood almost alone on many issues—and was proven right in the end. They were years of creativity which will leave their constructive mark on American Government and society for the centuries ahead.

There have been repeated "Hoover Commissions" on how best to run and organize our Government. But CHET HOLIFIELD, through his own work and knowledge, has done more to provide for modernization of our Federal Government than any other single man since President Washington appointed his first Cabinet. The GSA, the AEC, consumer agencies, and energy agencies, all owe their creation to the work and legislative genius of Chairman HOLIFIELD.

The House of Representatives will miss this master legislative craftsman. My wife and I will miss one of the most wonderful, warm, husband-and-wife teams ever to come to Washington. To Cam and CHET, we extend our best wishes for good health and happiness.

Mr. MONTGOMERY. Mr. Speaker, because I know a large number of my colleagues will want to join in this special order of tribute to CHET HOLIFIELD, I will be brief in my remarks this afternoon.

During the 8 years I have had the privilege of serving with CHET, I can say without reservation or qualification that he is the hardest working Member of Congress I have ever known. He knows from top to bottom the duties and responsibilities of being a good lawmaker. More importantly, CHET has always done his homework on legislation under consideration, especially those bills for which he had direct responsibility. Even though I might not always agree with every provision of a bill CHET was handling on the floor, I always knew that he had thoroughly researched the subject and had considered every possible alternative. For this dedication to the job I commend and thank him. He has certainly made our job easier.

Mr. Speaker, I will miss CHET when the 94th Congress convenes, but I wish him and his lovely wife, Cam, much happiness on his well-deserved retirement.

Mr. REUSS. Mr. Speaker, I am pleased to join my colleagues in this tribute to the 32 years of dedicated service of Congressman CHET HOLIFIELD, of California, who has announced that he will retire at the end of this session of Congress.

In his years of service in the House, which have spanned the terms of seven Presidents CHET has ably served his constituents in the 19th District of California. During those years, he has shown persistence and vigor in fighting for the public good. As a member of the Government Operations Committee, of which he is chairman, I know that his leadership has earned the respect of colleagues on both sides of the aisle.

Of CHET's many accomplishments, I think in particular of his proposals to modernize and reorganize the executive

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branch of Government, and of his continued efforts to advance the safe and peaceful uses of nuclear energy. His tireless service fulfills the highest meaning of the word "Representative," and the example he has set will continue to influence legislators for years to come.

I know I speak for us all when I say that we will miss CHET. But I also know that his dedication will continue on his retirement from the House, and that he and Cam take with them our warmest wishes for the future.

Mr. VANDER JAGT. Mr. Speaker, adjournment of the 93d Congress will mark the retirement of Congressman CHET HOLIFIELD, who has served in this Chamber with extraordinary distinction since 1943. Representative HOLIFIELD played a major role in the development of nuclear energy for peaceful applications. His influence in this field as chairman and vice chairman of the Joint Committee on Atomic Energy will long be reflected in our Nation's energy policies.

As chairman of the Committee on Government Operations, a committee on which I have been privileged to serve, Congressman HOLIFIELD has provided knowledgeable leadership to deliberations on major legislative issues and to the committee's central oversight responsibilities.

Our colleague has received many honors during his long and distinguished congressional career. I can only add this testament of my deep respect for him, together with my sincere wishes for a satisfying and rewarding retirement.

Mr. UDALL. Mr. Speaker, the CHET Holifield years have spanned an incredible period for our country. Those years include World War II, the dawn of the nuclear age, the jet age, the race to the Moon, cold war, and détente.

Playing a key role in all of these, CHET HOLIFIELD has demonstrated judgments and actions that have been keen and always in the best interest of the Nation.

Mr. Speaker, CHET HOLIFIELD has been in this fishbowl called Washington, D.C., for all this time without the slightest breath of scandal or any discredit. With his wife, Cam, one of my favorite people on Capitol Hill, they have been a great team.

Together they have displayed love for their country, family, and the House.

In my early years here, CHET HOLIFIELD was a courageous leader in the early efforts to make the House more democratic and responsible.

Mr. Speaker, I hold great personal affection and fondness for CHET HOLIFIELD and I hope his and Cam's years of retirement are filled with the content and happiness that comes from knowing a job well done.

Mr. POAGE. Mr. Speaker, in 1944, I went to Europe with our colleague, Hon. O. C. FISHER. We met a freshman Member while we were in England—CHET HOLIFIELD from California. We visited Normandy beaches together and later returned to the United States on a troopship. Ever since that time I have felt an especial interest in and friendship for CHET HOLIFIELD. He has worked conscientiously and without stopping; and has proven himself a leader. His wife,

Cam, has carried much of the load of his office while he devoted himself to problems of legislation.

More than 20 years ago, Mrs. Poage and I bought a home about two blocks from the Capitol and the Holifields remodeled the place across the street from us. Later they moved to an apartment in Prospect House in Arlington. Shortly afterward, we moved to the same building and for some years have lived as their neighbors on the 11th floor. They have been good friends and good neighbors, just as they have both been good public servants.

CHET is a man with whom I have disagreed on many occasions because he is one who does not cover up his disagreement but brings it into the open. I have, however, often realized that he was not trying to disagree with me but trying to sustain his own position, just as I have done under similar circumstances. He has served his State and Nation well. His place in this House is not going to be easily filled; but I join with their many friends in wishing both CHET and Cam every good fortune as they go back to their home State.

Mr. McCLOREY. Mr. Speaker, it is a privilege to take part in this tribute to our colleague, CHET HOLIFIELD of California, who is retiring voluntarily from the Congress after 32 years of distinguished service.

After my election to the Congress in 1962, CHET HOLIFIELD and his wife, Cam, were among the first congressional personalities with whom I became acquainted. We occupied the same apartment building in Southwest Washington, and Congressman CHET HOLIFIELD and I became fast friends as well as colleagues.

Mr. Speaker, my first assignment in this House was as a member of the Committee on Government Operations on which CHET HOLIFIELD served as a ranking member. Although not on the same subcommittee, I followed closely his work and the particular interests of CHET Holifield and his fellow committee members relative to our military operations. Later, I became aware of CHET HOLIFIELD's expertise in the area of atomic energy—particularly in the development of the peaceful uses of nuclear power.

Mr. Speaker, all of us who have given attention to the work of this Congress have been impressed by the hard work and application to the job which CHET HOLIFIELD has demonstrated. He has held out tenaciously in behalf of his convictions—frequently setting aside partisan interests in order to advance those principles which coincided with his individual beliefs.

Mr. Speaker, we are all aware of CHET HOLIFIELD's effective and influential services on the important committees upon which he has served. In addition, we recall many instances where his spirited and convincing debate has persuaded the Members of this House to support the positions and causes which he has espoused. Mr. Speaker, throughout CHET HOLIFIELD's dramatic and illustrious years in Washington, he has had the steadfast support of his capable and charming wife, Cam. It does not detract

from CHET HOLIFIELD's own talents to suggest that Cam Holifield has, indeed, contributed substantially to the effectiveness of his work. CHET and Cam Holifield have been an attractive and popular team on Capitol Hill. My wife, Doris, and I join in extending to CHET and Cam our affection and good wishes for many healthful and happy years together.

Mr. ROYBAL. Mr. Speaker, I am honored to take part today in this special order in recognition of the long and dedicated service of my good friend, the Honorable CHET HOLIFIELD. It has been a true pleasure to know CHET and his lovely wife, Cam.

When I came to Congress 12 years ago, CHET had already been here 20 years and established himself as a hard-working leader, a man of commitment and principle. His service in Congress has been outstanding and CHET can retire proudly, knowing he has done his job well.

To extol the numerous and historic contributions which this man has made during his distinguished career in the House of Representatives could fill a book—and hopefully someday it will. It is sometimes difficult to imagine that one man could have such a major impact on shaping our Government's development and our Nation's history.

CHET is one of the original members of the Joint Committee on Atomic Energy and was chairman at the time extensive hearings were held on nature of radioactive fallout and its effect on man. He was instrumental in placing atomic energy under civilian rather than military control and in the development of nuclear-powered electrical generating plants, the hydrogen bomb and nuclear propelled warships. He has been a constant proponent of a strong program of research to develop peaceful uses of atomic energy and considers the still-experimental nuclear fast breeder reactor able to provide an inexhaustible source of energy for decades to come.

As chairman of the Government Operations Committee, CHET managed legislation to establish two Cabinet-level departments, the Housing and Urban Development and the Department of Transportation. Further, it was through his leadership and assistance that my bill, to establish the Cabinet Committee on Opportunities for the Spanish-Speaking People, was able to become a reality. It was CHET who authored legislation establishing the General Services Administration, which has custody over Federal buildings and property and serves as the purchasing agent for civil departments of the Government. He has, also, represented the United States at several critical international conferences, including the SALT talks. And the list goes on.

But even more important to CHET, has been his work at home for the 19th Congressional District of California. He has secured unused and surplus Government land for public parks and recreation areas and has worked hard to obtain Federal funds for flood control, bilingual educational programs and other special projects. Individual constituent problems have also been given high priority.

CHET will certainly be missed in the 94th Congress. I know he and Cam are

looking forward to retiring from public life and having more time to spend with friends and family, so I will only add my sincere best wishes for their continued health and happiness in the years ahead.

Mr. CHARLES H. WILSON of California. Mr. Speaker, when I was a wet-behind-the-ears, first-term Congressman in 1963, CHET HOLIFIELD was always available to give me the benefit of his 20 years of congressional experience. And over the next 11 years he has continued to guide and inspire me and many others by his example of hard work, loyalty, and probing intelligence. Now he is retiring from this Chamber, and I know all my colleagues in the House will miss this man of great character and unimpeachable integrity.

CHET HOLIFIELD's 32-year congressional career began when he was first elected to the 78th Congress in 1942 as the first Representative from the newly reapportioned 19th Congressional District in California. And, during his service in Congress, CHET has compiled an amazing record. He is chairman of the House Committee on Government Operations, a member of the House Committee on Standards of Official Conduct, and, most significantly, has on many occasions served as chairman of the Joint Committee on Atomic Energy.

It is particularly for his contributions to the field of atomic energy for which CHET will be remembered. As an articulate spokesman for our atomic energy problems, he has traveled around the world to virtually every major atomic energy conference to present the U.S. viewpoint on how to use this awesome power for peaceful means.

My late wife, Betty, and I were close personal friends of CHET and his devoted Cam—two remarkable people who share a wonderful marriage. I know all Members of Congress join me in this tribute to a fine gentleman and a great legislator and wish him and his wife a retirement rich in the joys of home and family.

Mr. MATSUNAGA. Mr. Speaker, our retiring colleague, the Honorable CHET HOLIFIELD, has been commended many times today for his achievements in the fields of atomic energy, Government organization, and Government procurement. And indeed, the people of California and the Nation can be grateful for his enlightened leadership in these complex and important fields.

But it is CHET HOLIFIELD, the man of courage and conviction, dedicated to the principles of individual liberty and equal justice for all that I wish to praise today. There are many examples, during the past 32 years, of CHET's devotion to these principles, but the one which stands out in my mind and in the minds of all Americans of Japanese ancestry is his long and often lonely fight against the Emergency Detention Act of 1950 which was finally repealed in 1971.

While serving his first term in the House in 1942, Congressman HOLIFIELD saw many of his Japanese American neighbors in California "summarily rounded up and placed in detention camps where they remained until the end of World War II." Vigorously protesting the action, which was carried

out under Executive order, Congressman HOLIFIELD recalled years later that he "really laid his career—in public service—on the line."

Nevertheless, in 1950, CHET and a small handful of his House colleagues, again stood up for justice when Congress moved to enact over President Truman's veto the Emergency Detention Act, a measure described as "A concentration camp measure, pure and simple," during the 1950 congressional debate. Of that debate, he later recalled—

Good men went down to defeat at the polls for defending civil liberties. Others were able to gain high public office by catering to the public hysteria.

Never one to cater to the public hysteria, CHET voted against the bill, voted to sustain the President's veto, and, even after the measure was enacted, continued to speak out against it. His perseverance was rewarded in 1971 when the repeal measure, which he cosponsored with me, was overwhelmingly passed by Congress.

CHET's unwavering loyalty to the principles upon which our Nation was founded inspired me in 1950 when I was a young law student at Harvard and has continued to inspire me during my own career in public service. I am sure all CHET's colleagues share this feeling and join me in wishing him and his lovely wife, Cam, continued success and happiness in retirement.

To CHET and Cam, all Americans say, "Thank you and God bless you."

Mr. FRASER. Mr. Speaker, a wise man said of our political system that this Nation wrote controversy into its Constitution. Our legislative bodies are set up on the theory of controversy, our free press is based on the belief that controversy is vital and the heart and soul of our judicial system are controversy.

In view of this, it cannot be thought strange that CHET HOLIFIELD, whom I respect as a colleague, and I have sometimes faced each other over a divide of controversy. This is the nature of our legislative system.

And, as any casual reader of Chairman HOLIFIELD's Congressional Directory biography can discover, here is a man who has dedicated his life to the legislative process. His service on the Joint Committee on Atomic Energy and the House Committee on Government Operations has been distinguished by hard work both as the chairman of these committees and as a rank and file member. During his career he, more than any other House Member, has understood the complexities of atomic energy. He has served his district, his State and his Nation long and well.

And he has served this body well, too. I feel an especial respect for him because he was one of the original organizers of the Democratic Study Group. While in his later years he may have momentarily felt a certain understanding of Dr. Frankenstein's situation, on reflection, I am certain he does not regret what his progeny has become and has accomplished.

Mr. Speaker, Chairman CHET HOLIFIELD earlier this month celebrated the 71st anniversary of his birth. Thirty-two

of his years have been spent laboring in these vineyards. He has harvested an impressive legislative crop. He has earned a respite from the controversy of this House. But he will be missed.

Mr. ANDERSON of Illinois. Mr. Speaker, it is with pleasure that I join with my colleagues in adding a few words to the written record in tribute to a genuinely heroic figure in this House, the Honorable CHET HOLIFIELD, of California. I can only partially convey in words the deep respect that I have for CHET HOLIFIELD, whom I have come to know well as a member of the Joint Committee on Atomic Energy. As a charter member, and longtime Chairman of this unique committee, he has displayed a special brand of courageous leadership, and has offered a particularly astute sense of the role that the atom can play in the lives of Americans. Many members have come and gone on the Joint Committee, but the consistent and unswerving leadership of the gentleman from California will be shown in the future to have been an important factor in the widespread development of this remarkable technology.

Twenty-seven years ago, security concerns threatened to tear apart the very core of the fledgling field of atomic energy. Key atomic scientists were accused of behavior detrimental to the welfare of the country. The courage and dignity of the gentleman from California was evident in this successful defense of the constitutional rights of the scientists against those who were trying to discredit them. It was a difficult time and it took a strong sense of justice to stand and be counted for individual rights.

As scientists came to understand the properties of the atom better, Mr. Speaker, CHET HOLIFIELD again was among the leaders of this body who diligently sought the financial support for basic research that has made possible the current developments in nuclear energy. Considerable public concern has arisen over the years about atomic energy. We are seeing his ideas of safe and clean power and the general usefulness of the technology very clearly being verified. We will benefit for generations from the efforts that he has invested on behalf of basic research and atomic energy.

In working with CHET HOLIFIELD on the Joint Committee, I have appreciated the level of expertise that he has achieved in a highly complex and technical area. He has worked consistently to bring atomic energy to a place where it would be useful and acceptable to the American people. He has been, over the years, an ideal example of effective public representation. The literally thousands of hours he has invested in coming to understand the complicated problems of the Joint Committee have earned him the respect of the scientific community and the industry representatives who interact with the Joint Committee. The Joint Committee on Atomic Energy will clearly be different when he leaves.

With many thanks for what I have learned from CHET and for what his leadership and talents have meant to the people of his district, this Congress and

the people of this country, I personally wish him and his lovely wife, Cam, much happiness and fulfillment in the coming years.

Mr. ERLÉNBOEN. Mr. Speaker, one of the giants of the House of Representatives will retire to private life on January 3 next. He is CHET HOLIFIELD, dean of the California delegation to this body, in which he has served for 32 years.

It has been my privilege to serve with him on the Government Operations Committee, of which he has been chairman for the past 4 years. His grasp of the issues which come before the committee, and before its seven subcommittees, indicates a keen mind and a willingness to work hard.

I have come to know him in another capacity. Two major laboratories of the Atomic Energy Commission are in the district which I represent, and he has been chairman, vice chairman and member of the Joint Committee on Atomic Energy for a number of years. Again, his detailed knowledge and his remarkable understanding of that committee's work is noteworthy.

Mr. Speaker, CHET HOLIFIELD has been one of the great men in this House, and we shall not soon find anybody to take his place. My wish for him is a long and fruitful retirement.

Mr. MURPHY of Illinois. Mr. Speaker, I am honored to be able to pay tribute to a man who has served the 19th Congressional District of California for 32 years. During that time he has distinguished himself as one of the outstanding legislative leaders in the House.

He has served his constituents with distinction. He has been an able Representative of his district, his State and the Nation, serving all with the dedication and devotion so characteristic of CHET HOLIFIELD.

One cannot pay homage to this man without mentioning his outstanding work on the Joint Committee on Atomic Energy. As a member of the Joint Committee, and in his capacity as chairman, CHET HOLIFIELD has been in the forefront in promoting atomic energy as an alternate source of power. His expertise in this field is an accomplishment few men can match. His stewardship of the committee will seldom be equalled.

It has been a privilege working with CHET HOLIFIELD. It is always sad to see a good man leave the House but I wish him well in his retirement.

Mr. BELL. Mr. Speaker, I should like to add my own best wishes to those others which Congressman CHET HOLIFIELD has received upon the occasion of his retirement from Congress.

Because of my own involvement with energy legislation, in the Science and Astronautics Committee, I certainly recognize the importance of Mr. HOLIFIELD's achievements in the field of atomic energy. The Congress owes him a special debt of gratitude for his dedicated service in developing policies of atomic energy research, regulation, and application.

I regret that CHET HOLIFIELD will not be returning to work with us during the coming session of Congress. His direction and leadership will be missed.

Mr. MORGAN. Mr. Speaker, CHET HOLIFIELD's retirement after an outstanding 32-year career leaves a large void in the House of Representatives. As chairman of the House Committee on Government Operations, CHET presided over the development of literally hundreds of important bills, and his well-known ability to facilitate compromises was most important in reconciling the many viewpoints which members of any committee have. In addition to his time-consuming duties as chairman of the Government Operations Committee, he served on the Standards of Official Conduct and Joint Atomic Energy Committees, lending his wise counsel to the deliberations there.

CHET's expertise in nuclear energy affairs will be sorely missed in the 94th Congress. We all know of CHET's overriding concern that atomic energy be used for peaceful purposes, and he labored hard to develop international understandings and limit the unwarranted dissemination of atomic fuels. At the same time, however, he recognized that nuclear sources could play a key role in providing the energy needed to operate our factories, heat our homes, and improve the living standards of people everywhere. I believe that one of CHET's greatest achievements is his astute recognition of the benefits, as well as the dangers, of nuclear power and the development of legislation which equitably balanced all competing factors.

Mr. Speaker, CHET HOLIFIELD has earned the respect of all of us here on Capitol Hill, and I know that his wise judgments will be missed in the House of Representatives. Mrs. Morgan and I extend our very best wishes to CHET on his retirement.

Mr. ROSENTHAL. Mr. Speaker, comparatively few Americans know who CHET HOLIFIELD is. But the lives of the vast majority of Americans have benefited from his 32 pioneering years in the Congress of the United States.

I am delighted to join with my colleagues in paying tribute to a distinguished American. I believe it is fair to say that CHET's extensive accomplishments in the fields of congressional and executive branch organization, Government procurement, military operations and energy, have made him one of this Nation's most influential public servants.

His numerous achievements are far too many to chart or catalog. But it is a mark of CHET's distinguished career, that those achievements resulted not so much from his House seniority as from his creative energies.

He obviously came to Congress in 1942 with strong convictions about the need to make our governmental institutions more responsive to the people and with equally strong ideas on how to accomplish that goal. As one of the original founders of the House Democratic Study Group and as the architect of dozens of major bills, CHET HOLIFIELD has succeeded to an amazing extent in placing his personal imprimatur on the future face of our Nation.

CHET and I have disagreed, from time to time, on certain public policy issues. But I know that his public positions were

formulated with only one test in mind: Will the public interest benefit? Perhaps the greatest tribute I can pay him is that I will always remember him as a "doer," an "innovator" and a "builder."

I want to wish CHET and his lovely wife, Cam, and their entire family the very best of everything in the coming years.

Mr. HELSTOSKI. Mr. Speaker, one of the most experienced and dedicated Members of Congress, CHET HOLIFIELD of California, will retire at the end of this session. Today, I would like to take a few moments to thank Congressman HOLIFIELD for the many fine contributions he made to our Nation, and to extend to him my best wishes on the occasion of his retirement.

Congressman HOLIFIELD has served in the House for 32 years. During this time, he has provided the people of California's 19th Congressional District with excellent representation and has been a forceful and dynamic leader on the floor of the House.

As chairman of the House Government Operations Committee, Mr. HOLIFIELD made many important contributions in the area of governmental relations, organization and activities. Furthermore, through his work as a member of the Committee on Standards of Official Conduct and the Joint Committee on Atomic Energy, Congressman HOLIFIELD earned the respect and admiration of Members of the House and Senate.

Mr. Speaker, though Congressman HOLIFIELD no longer will represent the people of the 19th District, I am confident that he will continue to play a vital role in that community and that the people of California will continue to benefit from his dedication, experience and leadership.

Mr. LEGGETT. Mr. Speaker, this week the congressional delegation will lose its most distinguished dean of all time, the House will lose not only a part-time haberdasher, but one of its brightest lights of this generation.

The story of CHET HOLIFIELD and his wife, Cam, is a possible story, but not altogether probable. A kid from Kentucky gets through grade school in Arkansas and without elaborate collegiate degrees builds a small haberdashery of note in southern California. No great veteran he, too young for the first war and too senior for the second, determines to save his community in the usual pre bono public positions and is finally elected chief of the Los Angeles Democratic Party before World War II.

The bombs drop on Pearl Harbor and in 1943 the young haberdasher breaks the bank and is elected to the 78th Congress as one of 24 Californians in Washington. CHET served for 32 years and has seen the California delegation almost double in size.

Like Harry Truman, another great Democrat haberdasher, CHET HOLIFIELD in those 32 years proved that a well-intentioned, aggressive, creative American obtaining continuous support every 2 years from an alert California constituency and with his wife Cam's loving support could rise step by step to become clearly the most valuable articulate

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Member in the most secret and complicated subject matter in the U.S. Congress that of nuclear power and atomic energy. Whether as chairman of the Joint Committee on Atomic Energy or as chairman of the Committee on Government Operations, HOLIFIELD performed as an expert. He helped reorganize the Congress before many of us got here, he unified the California delegation. With his wife, Cam, he unified both the Republican and Democratic California delegations.

He had his enemies, but show me a public servant who has no enemies, and I will show you a person who does not do much.

But CHET and Cam got their friends—hardly a room in the Capitol will hold them all, we have tried.

CHET has left his mark around Washington on dozens of major bills, set standards in his personal and public life we will all be trying to match for years. The history books may not mention much HOLIFIELD, but for those of us who have been privy to his zeal and personality we know well the place of CHET HOLIFIELD, a haberdasher of distinction in the 20th century history of America.

Mr. JOHNSON of California. Mr. Speaker, with the close of business this week, I anticipate final adjournment of the 93d Congress. As we leave town for the Christmas holidays, we leave behind one of the finest, most effective, and efficient legislators I have ever known, for our colleague CHET HOLIFIELD is bringing a distinguished career to an end with the end of the 93d Congress.

CHET came to Washington in 1942 as a young freshman Member of Congress. He will retire at the end of this year following 32 years of continuous service in the House of Representatives. Since the Golden State of California was admitted to the Union in 1850, no other individual has served the State in Congress anywhere near as long as the record achieved by the chairman of our delegation.

In looking back over his career in this House, and especially during those 16 years which I have been privileged to serve with him, there are many things which come to mind. Some of them are well known, such as his dedicated efforts to bring some sort of order to the administration of our Federal Government's management and housekeeping services, plus the major efforts he has undertaken in cutting down of paperwork and other administrative details.

Others will recall his efforts and leadership in the field of atomic energy for the environment, and for consumers.

I, personally, commend him for his farsighted efforts in the field of energy. We all know that under his direction and leadership, the Federal Energy Administration was established in this Congress, and we created the Energy Research and Development Administration and the Energy Resources Council.

I recall many years ago his many warnings that the Nation was facing an energy crisis. These warnings go back 10 or more years ago when CHET HOLIFIELD did so much to insure that the Pacific Northwest-Southwest Intertie was

established as the start of a nationwide electrical power grid which is so helpful in this day and age.

His accomplishments have been enumerated by the Speaker, by our distinguished whip, JOHN McFALL, and others. On my part I want to express, on behalf of the people of the Second District of California, on behalf of the people of the State of California, and personally, my deep appreciation for the efforts and my admiration for his leadership, assistance, tenacity, and dedication.

Albra joins me in saying we are going to miss you and your fine wife. We hope that retirement brings all that you deserve for many years ahead and wish you and your family lots of happiness.

Mr. DANIELSON. Mr. Speaker, I wish to join with my many colleagues in paying tribute to one of the grand Members of the House of Representatives, the dean of my delegation, CHET HOLIFIELD, who is retiring at the end of this Congress.

As we all know, CHET has served those whom we all have served, the people of the United States, for 32 years. This has been a long and also a fruitful service, and he has lived up to the finest traditions and the finest ideals of our great Republic. Those who have already spoken and who are yet to speak have, and will, catalog many of the highlights of CHET's career, as a Member of the people's House, I fully agree with all of their comments and adopt them as my own. However, I would like to talk about another aspect of CHET HOLIFIELD. I would like to talk a while about his personal life, to illustrate what a wonderful human being he is. Because I believe that it is only through an understanding of CHET the man that we can understand how he has compiled such an outstanding record as a Member of Congress.

It is most fitting that I touch upon this subject, because I have enjoyed a close personal relationship with CHET during the past few years. As you all know, to some extent I am the successor to CHET in the new 30th Congressional District. True, the district is made up of parts of several old districts, one of which was my own, but the unfortunate result of the last reapportionment was that CHET and I found ourselves in the same district. The fact that I was successful in being reelected, is due in large part to the fact CHET HOLIFIELD chose not to seek reelection and gave me his unstinted support.

I wish to add that ever since I first ran for the Congress in 1970, CHET has given me invaluable support and has favored me with his wise counsel, good advice, and unquestioned support at every turn in the road. When CHET HOLIFIELD decides to help someone, he puts his whole heart into it. That is simply his nature and the pattern of his whole life.

Born on December 3, 1903, in Mayfield, Ky., CHET comes from pioneer stock, a family which crossed the Appalachian Mountains into Daniel Boone's Kentucky, shortly after the Revolutionary War. The Holifields were successful pioneers and farmers and later were in-

involved in politics in Kentucky at both the county and State levels, from the very first days of Kentucky. One of CHET HOLIFIELD's ancestors was General Holifield whose story is one of the legends of Kentucky.

When CHET was but a small child, his immediate family moved from Kentucky to eastern Arkansas to establish a new home. A short time later his mother contracted what was then known as consumption and the family then moved further west to Springfield, Ark., sharing the common belief, and hoping, that the higher altitude would remedy her affliction and improve her condition. That was not to be, unfortunately, and CHET lost his mother when he was but 9 years of age.

CHET HOLIFIELD has never been a stranger to hard work. As a young boy in grade school and high school, he worked after school and on weekends and vacations in his father's cleaning and tailor shop. There he learned to press pants, a trade which eventually became most valuable to him and played an important part in a remarkable life.

When CHET was only 14 he felt that it was time for him to strike out on his own and he left school and "rode the rods" to Springfield, Mo., where he obtained work pressing pants in a factory manufacturing uniforms for the U.S. Marine Corps. At about the same time, while CHET was on his own, he also followed the work, finding employment in the oilfields of Oklahoma and the wheatfields of Kansas. Those were 10- and 12-hour days, 6 and 7 days each week. His money went home to his father to help out with family expenses. His travel between jobs was "on the rods" or in boxcars. His bed was usually straw.

At age 14, CHET journeyed to California to seek a better life "out West." He worked hard, saved his money, and with a small amount of borrowed money, he began a small cleaning and haberdashery shop in what became his hometown—Montebello, Calif.—in 1920, at the ripe age of 16. In the course of time, that store grew into CHET HOLIFIELD's store for men, which is still in operation in the neighboring city of Norwalk.

While working in his small shop one day, pressing pants, CHET was visited by two high school girls, who were selling tickets to the senior class play. One of these lovely girls was Vernice Caneer. CHET was smitten, apparently Vernice was also, for this began a romance which is still going strong today, having lasted for more than 52 years. For CHET and Vernice, known as Cam to their thousands of friends, were soon married. Neither was yet 19 years of age.

CHET and Cam Holifield have worked as a team for more than 52 years. They worked together in CHET's business enterprise, in their home, and for the last 32 years in the Congress. They have supported each other in good times and times of great adversity, especially during the long illness and ultimate loss of their daughter, Willa, earlier this year. They are also blessed with three other daughters, Lois Anita, Betty Lee, and Jo Ann.

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I will never forget attending the Holifield's golden wedding anniversary party 2 years ago, where my wife and I passed through a receiving line of Holifields, including in addition to Cam and CHET, 4 lovely daughters, 4 sons-in-law, 15 grandchildren, and 1 great-granddaughter—another great-granddaughter has been added since that time.

Cam and CHET are very close to their family and all family members are close to each other—an exceptional thing to see these days. All of the members of their family have inherited and share in common the traits of courage, industry, integrity and affection, which characterize Cam and CHET HOLIFIELD.

When we understand this firm base of honor, decency and family devotion, it is not hard to understand and appreciate the exemplary record which CHET and Cam have established in representing their district and the people of our land here in the Congress. They have set a standard for all of us. I am sure that all who know them join in wishing them many happy years of retirement.

Mr. RODINO. Mr. Speaker, as the remaining days of the 93d Congress draw to a close, and as the rush of House business intensifies, I would like to pause a moment and pay tribute to my good friends, CHET and Cam Holifield.

Our offices, as you may know, are directly across the hall from one another. Seldom does a day pass when we have not shared a special hello. Cam, in particular, has endeared herself to each member of my staff. Her smile, her warmth, her compassion have certainly brightened our days.

CHET and Cam Holifield are indeed fortunate. They possess a rare quality of life and communication which all who know them deeply respect and admire. They have worked hard together over a long and distinguished career.

In looking back over CHET's extensive legislative achievements these 32 years, we recognized immediately how Chairman HOLIFIELD's skill, sensitivity, insight, and leadership have helped our country respond to her challenges, pressures, and changing needs. Since his election to the 78th Congress in 1942, CHET has been reelected by overwhelming majorities to each succeeding Congress. His influence, his wisdom, his ability to fight for that in which he believes, and his understanding of the collegial nature of this body have earned him our deep respect and staunch praise.

CHET's record on behalf of civil liberties for all citizens is unsurpassed. It was Chairman HOLIFIELD who authored and obtained passage of this measure which established the Cabinet Committee on Opportunities for the Spanish Speaking. It was Chairman HOLIFIELD whose committee reported out Public Law 93-502, amending the Freedom of Information Act, designed to make Government information more accessible to our citizenry. It was Chairman HOLIFIELD whose committee passed H.R. 16373, insuring protection of individual rights of privacy in the handling of Government records.

During the 89th Congress, CHET became the only Representative in our his-

tory to manage legislation creating two Cabinet-level departments—the Department of Transportation and the Department of Housing and Urban Development—in a single Congress. In 1967, he managed the President's reorganization plan for the District of Columbia. CHET HOLIFIELD has personally handled over 45 reorganization plans for the Federal Government, including establishment of the General Services Administration, the Environmental Protection Agency, and the Consumer Protection Agency.

Often, it was through Chairman HOLIFIELD's leadership that the American public became sensitized to such problems as the need to combat air and water pollution or the importance of adequate consumer protection. During the 90th and 91st Congresses, CHET was extremely instrumental in winning a major victory in the battle against air pollution. His work in consumer protection extends back to 1943 when he led the fight for grade labeling of food. Since that time, Chairman HOLIFIELD has voted and worked for more than 90 consumer protection laws.

Perhaps CHET's most outstanding contributions have been in the field of energy. He served for 10 years as chairman and vice chairman of the Joint Congressional Committee on Atomic Energy. Through the hearings he conducted, CHET developed far-reaching information on the effects of radiation on man, the environmental impact of producing electrical power, and the problems of civil defense in case of atomic war. He has been a vigorous proponent of research to develop the peaceful uses of atomic energy. And, since 1946, when the Joint Committee on Atomic Energy commenced, his wise counsel has guided and influenced the scientific uses of energy in each decade.

It was indeed fitting that H.R. 17628, designating Oak Ridge National Laboratory at Oak Ridge, Tenn., as the Holifield National Laboratory, passed the House Wednesday. For CHET's devotion to our energy needs deserves the highest recognition.

In 1972, he served as chairman of the Subcommittee on Agreements on Cooperation between the United States and other countries in nuclear development. And, over the past 3 years he has been appointed a congressional adviser to the Official U.S. Delegation of the International Atomic Energy Agency. In this 93d Congress alone, Chairman HOLIFIELD directed legislation which created the Federal Energy Administration, the Nuclear Regulatory Commission, and the Energy Resources Council. His skillful guidance of the Energy Research and Development Act to final approval will no doubt stand out as one of his landmark achievements. The insight of this able chairman will affect the lives of all America's people for decades to come.

All of us in the House today, all of us who have labored alongside CHET over these many years, will remember him for his sensitivity to our Nation's needs and for his continuous service to his constituents. As CHET and Cam return to their native California, I want them to

both know that may staff and I will dearly miss them. Their enthusiasm, their love for people, and their strong belief in our constitutional system of Government have made a lasting imprint on the history of our great Nation.

Mrs. GREEN of Oregon. Mr. Speaker, one of the recurrent nightmares of 20th century man is that he will become the slave or victim of the technology he, himself, has created. The conception of the mechanical nonperson, for example—the computerized robot—which finally takes control of his human master, is common in modern literature, anecdote, and cartoons. It is the symbol of a fear which I believe to be justified: that man's discovery of the secrets which control his physical universe may well outpace his capacity to employ that knowledge for humanity's best benefit.

If we are to control, rather than be controlled by the explosion of scientific knowledge and development, then we must have in public policymaking positions men and women of extraordinary vision, courage, and devotion to the public welfare. I can think of no one who matches that description better than our colleague, CHET HOLIFIELD. His congressional career began in the atomic age. He has ever since, with enormous poise, rationality, and intelligence, sought to sensibly regulate this fearsome power.

Mr. Speaker, as Congressman HOLIFIELD knows full well, we are not going to "undiscover" the splitting of the atom until or unless civilization itself fails; we are not going to "undiscover" the pleasures and comforts of central heating or electric lights or television or automobiles or any of the other conveniences of modern living.

But neither do we possess unlimited resources for limitless consumption and technology. Some must stand between: balancing-moderating the tug-of-war between those who view virtually all technology as inimical and those who believe it to be a virtue in itself. No one has done this more superbly or more skillfully than CHET HOLIFIELD. In a dangerous and endangered world, his knowledge, his commonsense, and his moderation have been of magnificent service to us all.

To CHET and Cam—my wishes are for many, many happy years when they can not only continue to serve their State and the Nation, but years when they can enjoy some leisure time to spend with their children and their grandchildren.

Mr. SISK. Mr. Speaker, it is most difficult to add to that which has been said about our distinguished colleague from California, CHET HOLIFIELD. It is a privilege for me to pay tribute to this fine man as he retires after 32 years of service to California, the Nation, and the Democratic Party.

CHET and his lovely wife, Cam, have been very close personal friends to me and my wife, Reta, during our 20 years in Washington, and gave us helpful assistance when we arrived here, inexperienced, in 1955. It has been a pleasure to associate with them, both socially, and in concert with our duties in the Congress.

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CHET has always taken the time to discuss and counsel junior Members, such as I was then, on legislation and legislative procedures, and I well remember the many times his guidance has benefited me in serving my constituents.

He has had the respect and admiration of Members on both sides of the aisle regardless of political philosophy.

CHET, throughout his long and industrious service in the Congress, has contributed immeasurably to the well-being and strength of this country. His pioneering in the field of atomic energy legislation is legendary. His creation and guidance of the Government Operations Committee has been the leading factor in seeing that the executive departments carry out the legislative mandates of the Congress. And, within the party structure and caucus he has been a beacon of progress, leadership, and reform.

As the long time dean of the California delegation the Golden State owes him a great debt for his farsightedness in guiding legislation through Congress which makes it the greatest State in the Nation.

I hope the years ahead will hold much happiness and contentment for CHET and Cam and that their retirement will be the most fulfilling and best years of their lives.

Mr. GIAIMO. Mr. Speaker, CHET HOLIFIELD has ably served his country and his constituents in the House of Representatives since he was first elected to the 78th Congress in 1942.

As chairman of the Committee on Government Operations and its Subcommittee on Legislation and Military Operations, as chairman and vice chairman of the Joint Committee on Atomic Energy, and as an adviser or member on numerous international conferences, CHET HOLIFIELD has indelibly inscribed his imprint on the pages of history. He never shirked the responsibilities that fell on his shoulders during these eventful years, and never made a decision that he felt was not in the best interests of the Nation.

In Geneva, he served as congressional adviser to the U.S. delegations to a series of disarmament conferences, to International Conferences on the Peaceful Uses of Atomic Energy, and to Conferences on the Discontinuance of Nuclear Weapons.

In Tokyo, he served as congressional adviser to the U.S. delegation to the ninth general conference of the International Atomic Energy Agency.

In Vienna, he was the representative of the Joint Committee on Atomic Energy at the first organizational meeting of the International Atomic Energy Agency, and congressional adviser to the U.S. delegation to the 3d, 7th, and 12th general conferences of the International Atomic Energy Agency.

For over three decades, both at home and abroad, CHET HOLIFIELD has tirelessly served his country—and served it with distinction. It is a pleasure for me to join my colleagues today to salute him.

Mr. ICHORD. Mr. Speaker, it is with a deep sense of personal regret that I note the forthcoming retirement of Representative CHET HOLIFIELD, long one of the most sage and respected Members of this House. As a charter member and

later as alternating chairman of the Joint Atomic Energy Committee, CHET played a pivotal role in the development of sound and positive nuclear energy programs in this country which benefit us all today. When the committee was founded in 1946, atomic energy was a new and frightening power, but during CHET's tenure on the committee atomic energy has been brought into its maturity as peaceful applications have been discovered and developed, and safeguards applied to military uses. His leadership as chairman of the Government Operations Committee witnessed during the 93d Congress the passage of a measure to create an Energy Research and Development Administration, the capstone of a long and productive career.

Like Harry S. Truman from my own State of Missouri, CHET rose from a modest background to a position of great influence and power. Like President Truman, he made his living in the clothing business for many years; and though he lacked—like Mr. Truman—a college education, CHET HOLIFIELD was able to grasp and master the many complexities of the atomic energy field. Like the late President from Missouri, CHET is a man of few pretenses: a plain-talking individual who has never hesitated to speak out in behalf of an unpopular issue if he felt that it was right. I am reminded, in this connection, of his courageous and unqualified opposition during the 1940's to the forced removal of Japanese-Americans from the Pacific coast to detention camps in the interior. During the dark days of World War II this was not a popular position nor an easy position; and it is a tribute to the man that he rejected the hysteria that gripped the Nation at that time and defended those principles that have always been dear to him.

Mr. Speaker, there will be a great void in the 94th Congress without CHET; and most of all I regret that the many new Members who will enter this Chamber for the first time in January will not have the benefit of his leadership and wisdom. No higher tribute can be paid to CHET than to observe that he has won the esteem of his fellow Members of Congress and of Americans everywhere. Those of us who have known him will always remember CHET HOLIFIELD.

Mr. MAHON. Mr. Speaker, I want to join other friends in taking note of the retirement from Congress of the gentleman from California, CHET HOLIFIELD.

I have watched his performance in the House of Representatives through the years in behalf of his beloved West and in behalf of the American people. He has made a distinguished record of which his State and the country can be proud. I make reference to his pioneer leadership as former chairman of the Joint Committee on Atomic Energy and his present distinguished work as chairman of the House Committee on Government Operations.

Others have spoken in more detail about the record of this great American and I shall not extend my remarks. I do wish to salute him and his lovely wife, Cam, and wish them a great abundance of health and happiness in the coming years. Their friendship has meant much

to Mrs. Mahon and me throughout the years.

Mr. PRICE of Illinois. Mr. Speaker, for me this is a sad day, because one of my closest friends, CHET HOLIFIELD, is retiring from the Congress after 32 years of distinguished leadership and dedicated service.

I am pleased, however, to have this opportunity to pay tribute to CHET HOLIFIELD. Few men who have served in the House have contributed as much to this Nation as CHET HOLIFIELD. His work in the fields of atomic energy, Government organization, and Government procurement has earned CHET HOLIFIELD a special place in the history of Congress.

CHET HOLIFIELD is a national legislator in the truest sense of the word. His leadership in the atomic energy field alone has established his preeminence in this Chamber.

It has been my privilege to serve with CHET HOLIFIELD on the Joint Committee on Atomic Energy since its creation in 1946. No man who has served on the committee has been a more forceful and dedicated advocate of the tremendous uses of nuclear energy to our national well-being than CHET HOLIFIELD. While CHET HOLIFIELD may not be a nuclear scientist he has done more to advance the development of atomic power than any man I know.

In the field of Government organization, CHET HOLIFIELD has earned the title—the father of the modern Cabinet. As chairman of the Committee on Government Operations he has been responsible for establishing both the Department of Housing and Urban Development and the Department of Transportation. He has fought for a Consumer Protection Agency, and as a result of his effort Congress next year will approve legislation establishing such an agency. No man has done more to modernize Government so that it works for the benefit of the American public.

With Government procurement, CHET HOLIFIELD has sought to streamline and rationalize Federal procurement policies so that the American taxpayer receives full value for his tax dollar. CHET HOLIFIELD has made this multibillion dollar Government enterprise more manageable and more accountable.

For 30 years I have sat side by side with CHET HOLIFIELD, first on the old Military Affairs Committee and then on the Joint Committee on Atomic Energy. It will not be easy for me to get accustomed to work in committee without CHET at my side.

In closing, Mr. Speaker, I want to say thank you to CHET HOLIFIELD for a job well done. This House will be the less for his departure. I am confident, however, that his legacy of leadership and service will guide our future deliberations.

Mr. VAN DEERLIN. Mr. Speaker, congressional oratory traditionally has run to hyperbole, and I confess I am as prone as any of our colleagues to engage in this kind of exaggeration. A person or idea that is merely good easily becomes "great."

There is, however, in our midst a man who can truly be described as a giant of our times, a figure of historic consequence. Despite his myriad of accom-

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plishments during 32 years of distinguished service in this body, he has never been what you would call a media superstar. His trademark is productive work.

Our colleague, PHIL BURTON, may have said it best about CHET HOLIFIELD, when he told CHET a few years ago:

You may not be a lawyer, but you're the best damn legislator around.

We Californians have the largest, but not necessarily the most cohesive, State delegation.

We have been most fortunate to have a man of CHET's consummate abilities and parliamentary skills to serve as our dean and chairman.

There have been many occasions on which CHET has demonstrated his encyclopedic knowledge of the House, its Members, and procedures. Our laws concerning the peaceful uses of atomic energy, and the very structure of Government itself, are in large measure the result of his efforts.

Late in 1967, California was engaged in what seemed a losing struggle to rescue a provision proposed for the Clean Air Act to permit the State to set and enforce its own standards for controlling automotive emissions so long as they were more stringent than the national code.

Needless to say, the auto manufacturers were not happy at the prospect of having to fit special emission control equipment in cars destined for sale in California. The auto builders were not unduly concerned over the fact that smog problem was far more critical in California than elsewhere, particularly in the sprawling Los Angeles basin.

The auto people went to work with a vengeance on the Hill, and almost succeeded in killing the California exception. I say almost, because the lobbyists failed to reckon on the skill and determination of Congressman HOLIFIELD, who took it upon himself to save the provision.

CHET's first job was to pull together the then 37-Member California House delegation, a task for which he was uniquely suited, because of the respect he commands from Members of all political persuasions. Then he oversaw a massive communications effort aimed at persuading other Members of the rightness of the California cause. And finally, he took charge of mapping strategy for the floor fight to get the California language back in the clean air bill.

The Los Angeles Times was so impressed by CHET's leadership that Publisher Otis Chandler arranged with him for the printing and air-shipping to all House Members of a special edition with page 1 photos showing Los Angeles under thick clouds of smog. The papers were delivered to Members' offices as they hit doorsteps in Los Angeles, on the morning before the critical debate.

Will all the careful groundwork, largely laid by CHET, no one was really surprised when the California amendment prevailed on a 3-to-1 teller vote. At the end, CHET's main problem was dissuading other delegations from weakening California's case by proposing special waivers for their own States.

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CHET's other legislative achievements are legion. He managed the bills setting up the Departments of Housing and Urban Development, and Transportation—and in the process became the only Member in history to preside over the creation of more than one Cabinet-level department. He was author of the Federal Property and Administrative Services Act, setting up the General Services Administration. As a Member of the Joint Committee on Atomic Energy since its beginning in 1946, he has had a hand in virtually every major piece of atomic energy legislation.

His work on AEC matters carried over to his service as chairman of the Committee on Government Operations, where he has been involved in reconstituting the AEC as a broad-based energy agency. He also helped set up the Federal Energy Administration and twice has guided legislation for a consumer protection agency through the House.

His accomplishments go on and on. But if I may intrude a personal note—let me tell my first and fondest recollection of CHET HOLIFIELD. He and Mrs. Holifield once gave up an evening and drove many miles to appear on behalf of a young Democratic nominee in a year and in a congressional district in which they must have known he had no chance of winning.

I was that candidate. And CHET carried off the occasion in a way that could not have been improved upon if I had been the odds-on favorite. I shall never forget his kindness.

Mr. Speaker, this man leaves Congress and the Nation—and me—much in his debt.

Mr. BOB WILSON. Mr. Speaker, I am pleased to join in this tribute to one of our most distinguished retiring colleagues, CHET HOLIFIELD, who has served his constituency and country so well during his long tenure in the House. CHET has in recent years been the stalwart of our California delegation. He has always been nonpartisan in working with Members from both sides in the delegation on issues and projects of significant importance to our great State.

He leaves behind a tremendous record of legislative achievements including his work on the Joint Atomic Energy Committee on which he has served since its formation. He became a leading advocate of the development of nuclear propulsion for shipping, atomic energy for production of electricity, and the use of the atom in medical science. All of this was achieved while he served with distinction as a ranking member and in the past few years as chairman of the important Government Operations Committee. All of us who have worked with and known him will miss him greatly and wish him and his lovely wife, Cam, many more years of happiness together.

Mr. WINN. Mr. Speaker, it is a pleasure for me to join our many colleagues in paying tribute today to CHET HOLIFIELD, as he retires after 32 years of service to the residents of the 19th District of Columbia. He has been the sole representative from the 19th District since it was reapportioned in 1942.

He is admired and respected by his

colleagues on both sides of the aisle as a result of his work in the fields of atomic energy, Government reorganization and procurement. His contributions have been landmark during his long career of public service. His leadership ability has meant much to the Nation and the State of California.

After a career of service to his fellows, we all wish for CHET HOLIFIELD, good health, happiness and the best of everything in his retirement.

Mr. HOSMER. Unique and extraordinary is the only phrase I know that properly characterizes our departing colleague CHET HOLIFIELD. He is a most special and most precious person. One cut out of no mold, but individually fashioned and endowed with inimitable style, extraordinary wisdom, inexhaustible energy, great physical stamina, and total perseverance of purpose.

For these reasons CHET HOLIFIELD has been able to make a deep and lasting imprint upon his times and all the people he has shared them with. This is an imprint for good. Because of him men's lives are better in our country than otherwise they would have been. His accomplishments in the area of peaceful nuclear power alone guaranteed that. But also in the area of government organization CHET HOLIFIELD's leadership has fashioned a structure for this Government which enables it to better serve the people.

In the area of men's individual lives CHET also has left marks on habits, character traits, enlightened outlook, compassion, dedication, foresight and patriotism of great value. Everyone with whom he associated has been enriched by his example and inspiration. I am deeply grateful for the privilege of serving closely with CHET for many years during our work together in atomic power and nuclear strategy. I know my life has been greatly enriched in many, many ways because of it.

With CHET HOLIFIELD's departure from the Congress those who remain will have a great responsibility and challenge to match his accomplishments and contributions to our beloved country.

The April 1974 issue of Power Engineering magazine in its "Washington Energy Report" section written by Lilwell King commented on CHET's departure, including some over generous statements regarding my own leaving, as follows:

WASHINGTON ENERGY REPORT
(By Lilwell King)

HOLIFIELD AND HOSMER CLOSE A UNIQUE ERA
Whether this November's elections produce a Democratic landslide or not, one thing is certain: the venerable Joint Committee on Atomic Energy will never be the same again. Reps Chet Holifield and Craig Hosmer are retiring this session and with them closes an era unique in the history of science and of Congress. Between them, Holifield and Hosmer have dominated the JCAE and through it the entire civilian and military nuclear programs of the United States for the best part of 25 years.

It was an odd partnership between two disparate but dedicated men. Holifield, the undisputed leader—tough, frugal, implacable—a man who would choose a battering ram over a foil. He aimed to do what he believed to be in the interest of the public,

and he classed those he met along the way simply as friend or enemy on the basis of where they stood in relationship to what he wanted. Holifield, now 70, has been a Democratic member of Congress since 1942 and in that time has never hesitated to make an enemy or coerce a friend in the service of the atom.

Hosmer, a Republican, and now the minority leader of both the Joint Committee and the House Interior Committee, at 58, is milder and more approachable, although he has an acerbic tongue. He provides humorous counterpoint to Holifield's relentless advocacy for the atom.

THE ATOM: LAST FRONTIER FOR MANKIND

There is little doubt that both Hosmer and Holifield could have had careers of much greater public recognition in Congress if they had not spent so much of their effort and talent on the Joint Committee on Atomic Energy. Both men see in the atom the last frontier for mankind and his best hope for the future. As public opposition to nuclear power has mounted, they have been forced into positions of seemingly less and less sensitivity to the genuine concerns that nuclear power raises. In reality both men, and particularly Holifield, have had years of soul-searching on many of the nuclear issues that have recently been discovered and exploited by the environmental groups.

It was, after all, the Joint Committee that drafted and approved the legislation providing for public participation in the hearing process. At that time Holifield was Chairman of the Joint Committee and the fact that there is more for the public to comment on nuclear power than any other major industrial undertaking is evidence, not that he conspired to promote the atom at the cost of the people, but of his basic egalitarianism. "I AM PLANNING TO LIVE ANOTHER TEN YEARS"

Holifield is leaving Congress embittered that the Liquid Metal Fast Breeder Demonstration Reactor, his last great ambition, is not very far along. He said rather sadly at a recent hearing: "We can't get off the ground. We can't even break ground and pour some foundations down in the territory that Senator Baker represents (Tennessee). I say this much: I said about three years ago that if I could get the Liquid Metal Fast Breeder Reactor set up as a project and approved by the Administration that I would be willing to hang up my gloves. That was about three years ago. One of the reasons I am hanging up my gloves is the inexcusable and unconscionable delay and other factors that are involved in this project.

"I doubt very much if I will live long enough to see it finished. I am sincere about that. I doubt that I will live long enough. I am planning to live about another 10 years."

TAKE OVER ENRICHMENT PLANTS UNTIL INDUSTRY GETS INTO THE ARENA

Hosmer, a younger man, is deeply concerned with the future of uranium enrichment and is the most aggressive proponent anywhere of the creation of an United States enrichment corporation. It would provide new enrichment capacity and take over the existing United States enrichment plants as an interim measure until, and if, private industry gets into the arena. Whereas Holifield will retire, Hosmer intends to be around for a long time, and no doubt would very much like to be the first president of the enrichment corporation that he dreams of creating.

Holifield is leaving the Congress for a variety of reasons—his age, a drastic reapportionment of his district and a general sense of having done as much as he can do. Hosmer, however, does not face such severe problems in his district and has reached a point in life where he quite simply feels he

would like a change. He said: "I have had a magnificent privilege in being in on the genesis of nuclear energy. We have established procedures which will be in effect for centuries after I am dead. That part of the job is done. I find I am at an age when I am no longer in touch with young people. It is a time when there ought to be some movement and some new faces. Also Congress has changed. It is more difficult and demanding though not more effective."

The departure of these two great figure produces questions about the future of the Joint Committee itself.

PASTORE: A DEVOTED FRIEND HAS LESS TIME

Next year the Chairmanship passes from Melvin Price, the mild-mannered Illinois Congressman who has been Chairman or Vice Chairman since Holifield relinquished the spot three years ago (to take the Chairmanship of the House Government Operations Committee) to Sen. John O. Pastore of Rhode Island. Pastore is a devoted friend of atomic energy, but he has less time for the Committee as an institution than Holifield and is not given to presiding at contract hearings or to leading the Atomic Energy Commission around by the nose, both hallmarks of the Holifield-Hosmer axis. Pastore's way is not to set the pace and the policy, but to oversee it. Essentially he sees the job of the Joint Committee as giving the Atomic Energy Commission the money and the legislation that it needs to do the job. By contrast, Holifield and Hosmer were part of the old guard at the JCAE that decided what had to be done and presided, sometimes overbearingly, over its getting done. Hosmer, Holifield and others, such as former Sen. Clinton Anderson, who gave birth to the Atomic Energy Commission and the nuclear power programs of the last quarter century, were possessive parents. That certainly is gone forever.

But maybe the Joint Committee itself will disappear. Rep. Richard Bolling is preparing recommendations for reorganization of the Congress that will dissolve the Joint Committee, and there are many members of both Houses who believe a legislative joint committee (the JCAE is the only joint committee with the authority to introduce legislation) is a parliamentary aberration and should be abolished.

DO NOT EXPECT THE FIRE, THE WIT, THE AUTOCRACY, THE GENIUS OF THE PAST

If the considerations were purely organizational and parliamentary, then the JCAE itself would no doubt be on its way to retirement. However, with the AEC budget running \$3.9 billion this year, it is hard to see how the 18 members of the Joint Committee on Atomic Energy will bring themselves to condone its demise, and there is a better than even chance that it will be around next year. But don't expect from it the fire, the wit, the autocracy or the genius of the past.

Mr. NATCHER. Mr. Speaker, it has been a distinct honor and privilege to serve in the Congress with my friend, CHET HOLIFIELD of California.

My friend, CHET HOLIFIELD, is a fine gentleman in every sense of the word and during his tenure as a Member of Congress tenaciously adopted a code early in his tenure of simple, unpretentious demeanor, plain direct expression and the courage and intelligence to face every issue placed before him with assurance and confidence. As a Member of Congress, he has shown generous understanding and sympathetic consideration.

The House of Representatives and the Nation will miss CHET HOLIFIELD. He has established a record that will go down in history.

Few men in any walk of life have attracted so large a share of public attention and attained such honored distinction.

As a Member of Congress, he has never lost the common touch.

It has been a privilege for me to know and to work with CHET HOLIFIELD and I want to wish for him and for the members of his family, the best of everything in the future.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of the special order by the gentleman from New York (Mr. HORTON) and to include therein extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

TRIBUTE TO THE HON. THOMAS S. GETTYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I rise to honor a dear colleague and a true friend, the Honorable THOMAS S. GETTYS, of the Fifth District of South Carolina.

All too soon this able legislator will return to his home in South Carolina and leave these halls. He is not departing because of voter dissatisfaction. In fact, if you were to take a poll of the people he has served so well for the last 11 years, I am sure they would say, "Keep Mr. Tom in Congress." It is his own decision to return to South Carolina and—as he puts it—"fish and eat watermelon."

In many ways, Tom GETTYS is a "returnee" to Congress. He worked here shortly before World War II as a secretary to Congressman James P. Richards. When that war broke out, he was one of the first to offer his services to his country. He returned from the war and served his native State as the postmaster of Rock Hill, S. C. until 1954. Always ambitious, he studied law in night school and was admitted to the South Carolina Bar in 1953. Shortly thereafter he began to practice law with two partners as a trial attorney.

Somewhere along the line he learned to tell stories and develop a strong sense of humor. He is acknowledged to be one of the finest "wits" in the entire House of Representatives. This talent in no way hindered his ability as a legislator. As a member of the House Banking and Currency Committee, Tom GETTYS was known as a diligent worker and a conscientious voter.

He has taught school, coached sports, and was a principal in the Rock Hill school system. He has helped the United Fund, the YMCA, and the Chamber of Commerce. He has been a member of the VFW, the Rotary Club, and the American

Bar Association to name a few. There is little he has not done or seen.

His leaving will create a void on the South Carolina delegation which will be hard to fill. I will miss his wise counsel and sound advice. I think one of the most descriptive assessments of Tom GETTYS was given by Joseph McCaffery of WMAL in his "Meet the Member" series. He said:

THOMAS GETTYS of South Carolina is a bubbly man, who meets people with gusto, makes friends easily, and keeps them forever.

Such truer words were never spoken. I am glad I got to meet Tom GETTYS, and I look forward to being his friend forever.

Mr. FLOWERS. Mr. Speaker, I wish to join my colleagues in recognizing the outstanding service of my friend Tom GETTYS, who is retiring from the House of Representatives after 10 years of continuous service.

I understand he is going back to South Carolina to fish and eat watermelon. In other words, he is moving from Capitol Hill to Rock Hill.

As for fishing, I know he will find it a welcome change to sit on the water's edge rather than tread water as he has done for many years.

As for watermelon eating, I am sure he will find that infinitely preferable to eating words.

As he leaves these premises, we need to remind him that it is never too late to develop a sense of humor, even at the age of 62.

We will miss him in this chamber and we will eagerly await his first batch of fish stories or his first batch of fish, whichever comes first.

My family and I want to extend every good wish for his future health and happiness.

Mr. Speaker, I wish to join my colleagues in recognizing the long and outstanding service of WILLIAM JENNINGS BRYAN DORN, who is retiring from the House of Representatives after 26 years of service.

He ably represented the people of the Third District of South Carolina and served with distinction as chairman of the Veterans' Affairs Committee.

We will miss him in this chamber, and I want to extend every good wish for his future health and happiness.

Mr. SIKES. Mr. Speaker, the Honorable Tom GETTYS of South Carolina truly is one of those good work will be missed in the halls of Congress. He has been a hard worker and a constant friend and these have been his hallmarks ever since he came to Congress in 1964. Now, 10 years later, he can look back on a distinguished career as an important member of the Banking and Currency Committee and the Committee on House Administration and take pride in his accomplishments. Prior to this time he had good training as a staff member on the hill.

Tom GETTYS took his share of the load when he came here and he has never shirked his duty or his conscience. When his friends needed help on legislation or in developing sound positions on the is-

ues, we knew we could call on Tom. He has been a leader in every sense of the word and his service has earned him the respect and admiration of hundreds of Members of Congress who have come, and gone, during his time with us.

Tom GETTYS has been one of those careful and conscientious workers who has gained widespread influence because his friends have known they could trust him and rely upon his guidance. In this way he has exerted unusual influence in legislative matters. I have enjoyed his friendship and I have noted time and again through the years, Tom GETTYS has never hesitated to take a proper and courageous course in support of national defense, a strong and free America, and an economically sound fiscal policy.

He leaves behind a legacy of service which will not soon be surpassed. He carries with him and his family our best wishes in all the years ahead.

Mr. UDALL. Mr. Speaker, Tom GETTYS is leaving the House, and it makes me very sad.

I have rarely met a more genuine, fair, perfectly delightful human being than our South Carolina colleague.

His great strength and his enormous influence in this body flowed from many great traits, and I would only mention two: a great fund of commonsense, and a gentle manner which made it easy to reconcile differences.

Mr. Speaker, Tom has had a most distinguished public career. I am proud to be his friend, and to have had the great privilege of being with him among his friends, and in his own home in the South Carolina he loves so much.

Tom GETTYS deserves the grateful thanks of his country, and I wish him and his family all the very best the future has to offer.

Mr. BURGNER. Mr. Speaker, it is a rare privilege to join with his legion of friends in honoring Tom GETTYS as he voluntarily retires after a distinguished career in the U.S. House of Representatives.

The good people of the Fifth District of South Carolina have demonstrated their good judgment by returning Tom GETTYS to Congress, year after year, for six terms. He has served them wisely and well.

I had the privilege of serving with Tom GETTYS on the House Committee on Banking and Currency. Although I was a freshman member from the minority party, and Tom a senior member from the majority party, he took the extra time necessary to help smooth the path for a newcomer. I shall always be grateful for the guidance counsel, and hand of friendship extended by this distinguished public servant. I join with all my colleagues in wishing him and his wonderful family only the best as he again takes up his private pursuits.

This House and this country is better for Tom GETTYS tenure here.

Mr. YOUNG of South Carolina. Mr. Speaker, South Carolinians have always been proud of our history, our State's natural beauty, and our people. I have, of course, shared that pride all of life.

Nothing in my life has done more to justify, and increase, that pride than my

coming to Washington and serving with this State's fine congressional delegation. Tom GETTYS stands out as one of the most delightful and effective Members of this body. He is popular with his colleagues because he has that quality most respected here—he speaks his mind. Tom GETTYS does not leave us wondering where he stands. We do not wonder if Tom GETTYS is going to do what he says he is going to do. Tom GETTYS speaks his mind.

I am proud to have served with Tom GETTYS. I am proud that he and Mary Phillips will be returning to South Carolina with their heads held high. Washington will miss them both.

Mr. DE LA GARZA. Mr. Speaker, former President Lyndon Johnson, who honored me with his friendship as he did many other Members of this body used to say about a man of whom he approved "he'll do to go to the well with." Tom GETTYS who is leaving us after this session to return to his beloved South Carolina is preeminently such a man.

Tom and I came to the House at the same time 10 years ago next month. I have come to know him well. He is a man with a gift of friendship. As my colleagues know, he also has proved himself a legislator of no mean ability—a Member who always did his homework and never neglected to look out for the interests of the people who sent him to Congress.

He is now going back to where he came from and nobody can doubt that he will be welcomed by the citizens of Rock Hill, S.C. Their gain is our loss. Tom GETTYS will be missed in this Chamber where he has served with distinction and honor always with a sense of perspective.

Mrs. HOLT. Mr. Speaker, THOMAS S. GETTYS is leaving the Congress at the conclusion of this session, and I believe his service to his State and the Nation should be recognized.

He made a legion of friends on Capitol Hill, and we will miss his personal warmth and his talents as a legislator. Tom GETTYS has served 10 years in the Congress and previously served as a congressional assistant. Although he is on the other side of the aisle from me, I learned that I could rely on this veteran for expert advice.

Not only are we losing a good friend. Mr. Speaker, but the people of South Carolina are losing a most able Representative in the Congress.

We wish him well.

Mr. BURLESON of Texas. Mr. Speaker, it is with regret we must bid our colleague Tom GETTYS farewell as he retires from the House of Representatives. He will be remembered with fondness by those of us who have served with him here in the Congress and his contributions to our Nation and the people he represents have been many.

Not the least of his contributions has been his good humor and not only will there be a void in the House Chamber when Tom leaves, but we will be in short supply of good stories to take back home and share with our constituents.

I wish Tom the best as he returns to

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South Carolina to "fish and eat watermelon," but I know he will continue his contributions to this Nation in many other ways.

Mr. O'NEILL. Mr. Speaker, I am sad to see a youngster like TOM GETTYS step down, but he has crowded an extraordinary variety of achievements into his 62 years, and he has contributed more than many able and public-spirited people who are far his senior.

TOM GETTYS has managed to reach the top in three separate fields: education, law, and politics. He has established a reputation for excellence which has followed him from specialty to specialty. His diverse interests have led to frequent new directions, and his loss has been felt by his school system, his law firm, and now it will be felt by us. As always, it will be someone else's gain, in this case his family and friends. They will share a very bright future together.

Mr. Speaker, TOM's decade in the House has seemed a very brief time. The House will be losing a fine Representative and a valuable committee member. He has served his constituents and his country well, and he has been a pleasure to work with. My very best wishes go with TOM for many more years of happiness. They will be well deserved.

Mr. WOLFF. Mr. Speaker, I would like to take this time to join with my colleagues in paying tribute to TOM GETTYS.

TOM has been unselfishly dedicated to serving the public. During his days as a teacher, coach, principal, Congressional Secretary, Postmaster and legislator, he has devoted himself to improving the quality of life of all Americans.

During his tenure in the Congress, TOM has had a profound impact on the important legislation that will shape our Nation for years to come. Though we may have disagreed at times, I have always respected TOM's actions as I knew that he always acted in ways true to his conscience.

I would also like to pay tribute to the citizens of South Carolina who have shown their good judgment in sending to Washington a man of TOM GETTYS's caliber. I can assure them that they have been well represented over the past 10 years.

I wish TOM all the best fortune as he returns to his home to, as he says, "fish and eat watermelon."

Mr. PICKLE. Mr. Speaker, recently the House resolved into a Committee of the Whole and TOM GETTYS was handed the gavel. Even before he took his seat in the Speaker's chair, the House rose and gave him a standing ovation. With a friendly gesture, Chairman GETTYS acknowledged the acclaim and turned to the business at hand—but not until after Member after Member had nudged one another to say, "Look at TOM. He's our chairman."

That ovation is a measure of the love the Members of this body, Democrat and Republican alike, have for TOM GETTYS.

For years TOM GETTYS has moved quietly about the floor, exchanging greetings, swapping stories and humorously looking at himself and others in critical yet friendly analysis. He has the

ready quip, the pertinent retort, the happy remark about any given situation. Always the gentleman, he debates the issues and casts his votes for his district and the country and tends to the business at hand.

If we had a popularity contest, he would be the leader; and he is a southerner who is highly respected across the board.

It has been my privilege to work with this man here in the House, to attend many functions together, and to learn to love him and his wife Mary. The GETTYS lived next door to us in this city and thus our paths have crossed many times.

Last year I had the privilege to be asked to his district to speak to a radio broadcasters meeting. I did not get to go but our colleague LIONEL VAN DEERLIN did go—and tells me he never had a better time in his life. It was a wonder to behold how much the people of TOM GETTYS's district hold him in high esteem. I do too. He is fine folks. We shall miss him greatly.

Mr. BAKER. Mr. Speaker, as the gentleman from South Carolina, Hon. TOM GETTYS, closes his career of dedicated service in the House of Representatives, I am happy to join with those who want to take special note of his contributions to this body.

TOM GETTYS and I have served together for 4 of the dozen or so years that he has been here. We have been on opposite sides of the aisle as far as our party labels are concerned, but our stand on legislation and issues has been close and I have always considered him as one of the "solid" Members in thought and deed.

It is an understatement to say that he will be missed. He had the knack of not taking himself so seriously that he could not see a bright side to almost every situation. To this approach he added a delightful sense of humor. The proceedings of this Chamber can stand the lighter touch as supplied by TOM GETTYS from time to time.

The cloakrooms abound with TOM GETTYS's stories. Many of them will be repeated in this tribute to him today and this special order could be reprinted as a thesaurus of TOM GETTYS's humor. This is just one more area where he has made a contribution, and these stories will be told and retold as long as people reminisce about the gentleman from South Carolina.

TOM has told his close friends that he is determined to return to his native State to "fish and eat watermelon." He has earned this right and that carefree estate of relaxation and enjoyment is one to which many of us aspire. I am pleased that TOM has made it. I wish him many enjoyable days to compensate for the years, months, and weeks he spent in the service of his district, State, and Nation.

Mr. FULTON. Mr. Speaker, TOM GETTYS leaves his numerous friends in the Congress countless stories that have often replaced frowns with smiles, laughter, and joy.

He also leaves us with the privilege of having observed a friend who possibly without knowing it, lived the scripture that follows:

But I say unto you which hear, Love your enemies, do good to them which hate you, Bless them that curse you, and pray for them which despitefully use you.

And unto him that smiteth thee on the one cheek offer also the other; and him that taketh away thy cloke forbid not to take thy coat also.

Give to every man that asketh of thee; and of him that taketh away thy goods ask them not again.

And as ye would that men should do to you, do ye also to them likewise.

For if ye love them which love you, what thank have ye? for sinners also love those that love them.

And if ye do good to them which do good to you, what thank have ye? for sinners also do even the same.

And if ye lend to them of whom ye hope to receive, what thank have ye? for sinners also lend to sinners, to receive as much again.

But love ye your enemies, and do good, and lend, hoping for nothing again; and your reward shall be great, and ye shall be the children of the Highest; for he is kind unto the unthankful and to the evil.

Be ye therefore merciful, as your Father also is merciful.

Judge not, and ye shall not be judged; condemn not, and ye shall not be condemned; forgive, and ye shall be forgiven: Give, and it shall be given unto you; good measure, pressed down, and shaken together, and running over, shall men give into your bosom. For with the same measure that ye mete withal it shall be measured to you again.—St. Luke 6: 27-38.

My friend, TOM, I will miss you and so will George.

Mr. JOHNSON of California. Mr. Speaker, as we complete the work of the 93d Congress, I am reminded that our friend and colleague, TOM GETTYS, will be leaving this body and returning to his home in Rock Hill, S.C. He leaves behind a distinguished record of public service and a long list of accomplishments.

Public service has come naturally to TOM and his long and successful career are evidence to that fact. TOM is a personable fellow and found early success as a teacher, coach, and principal in his local school district.

His first taste of congressional life came as a clerk for former Congressman James P. Richards. He learned the ins and outs of Capitol Hill which were to become valuable to him in later life.

He returned to his hometown where he served as Postmaster and participated in numerous civic organizations, working with his fellow citizens in many areas of community development and improvement.

During this time, TOM, again demonstrated his devotion to his goals and his determination of effort by reading law textbooks and essays. With a keen understanding of the law and a self-learned knowledge, he was able to take the South Carolina bar examination and pass it without setting foot in a law classroom.

This drive for excellence has been TOM's mark throughout his congressional career which began in 1964. Through his service on the Banking and Currency

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and House Administration Committees, he has had an important influence on fiscal and monetary policies of the Nation. It has been through his unceasing efforts that restraint has become a recognized need in our Government today.

We are going to miss TOM GETTYS in the future, but his contributions to his district, the State of South Carolina, and the Nation will not soon be forgotten. Albra and I want to wish him and his family every success as they return to their home, and hope that retirement from Congress will not end their contributions to the betterment of mankind, which already have been plentiful.

Mr. PRICE of Illinois. Mr. Speaker, our colleague TOM GETTYS whose days on Capitol Hill go back to 1942 when he served as secretary to former Congressman James P. Richards retires at the end of the session.

I am going to miss TOM GETTYS, not only because of the affinity of our coming up through the ranks as congressional secretaries before being elected to the House but because of the contributions he has made during his 12 years of service at the House.

Serving on the House Banking and Currency Committee, TOM GETTYS has been an effective spokesman for small business. Serving on the Subcommittee on Domestic Finance, TOM GETTYS has been one of the most well-informed members on economic policy. His counsel and advice during these critical times will be missed.

TOM GETTYS has been serving as chairman of the Subcommittee on Contracts of the House Committee on House Administration. In this capacity, TOM GETTYS has been mindful of the efforts to maintain the efficiency and to improve the operations of the House. His leadership in this area will be missed.

In closing, Mr. Speaker, I want to express my best wishes to TOM GETTYS as he plans to return to his beloved South Carolina.

Mr. GIAIMO. Mr. Speaker, TOM GETTYS has led a fascinating career as a teacher, coach, principal, congressional secretary, postmaster and, since 1965, a Member of the House of Representatives from the Fifth Congressional District of South Carolina.

In the House he has served with distinction on the Banking and Currency and House Administration Committees. More than a fine legislator, however, TOM is a remarkably gracious individual. Those of us who have the pleasure to know him as a friend only share in a richer sense this conviction that he is a genuinely warm and sincerely dedicated human being.

We all carry in our own mind's eye our personal reminiscences of TOM GETTYS. His charm and hospitality go far beyond courtesy. He is a true southern gentleman of genuine wit and good temper, of gentleness and decency, of integrity and honesty.

It is his human quality that produced this great sense of friendship and regard that we all have for TOM GETTYS. Now that he is retiring, South Carolina is

fortunate indeed to have him permanently back home; and the House of Representatives is a sadder place for his leaving. I wish him my very best on his retirement.

Mr. STUBBLEFIELD. Mr. Speaker, I am pleased to have this opportunity to pay tribute to my good friend, TOM GETTYS, whom I have appreciated and enjoyed over the years we have served together in the House. I am certain many of you will agree that TOM's sense of humor, his clean jokes and stories have pulled us through many a hectic day in this body.

TOM GETTYS's dedicated service to his country and to the people of his congressional district is unsurpassed and while he will be greatly missed by Members on both sides of the aisle, he will, I am confident, continue to be alert to the needs of the people of South Carolina and to his country as a whole.

My sincere good wishes go with this friend as he returns to Rock Hill to engage in the practice of law.

Mr. HELSTOSKI. Mr. Speaker, I would like to take this opportunity to extend my best wishes to Congressman TOM GETTYS who will be returning to South Carolina at the close of this session. Since his election to Congress in 1964, Congressman GETTYS has provided the people of South Carolina's Fifth District with outstanding representation and service.

Through his work as a member of the House Banking and Currency Committee and the House Administration Committee, Congressman GETTYS played a key role in drafting some of the most important bills to come before the House during the past few years.

Widely respected throughout his State for his intelligence and resourcefulness, Congressman GETTYS brought a great deal of wit and warmth to these Chambers. Not only has he been a good friend to the people of his community, but he has been a good friend to many Members of Congress as well.

Mr. Speaker, though TOM GETTYS will no longer represent the people of his community in Congress, I am certain that he will continue to play an important role in the fifth district and that his constituency will continue to benefit from his leadership.

Mr. HELSTOSKI. Mr. Speaker, though Congressman WILLIAM JENNINGS BRYAN DORN is only one of many Members who will retire from Congress at the end of this session, he will be among those most sorely missed. For 26 years, Congressman DORN has represented the people of South Carolina's Third Congressional District with dignity and dedication.

As chairman of the Committee on Veterans' Affairs, Congressman DORN has played a dynamic role in creating and enacting legislation which has helped thousands of veterans throughout the Nation. In addition, he made many important legislative contributions through his work as a member of the Committee on Public Works.

As a member of the Veterans' Affairs

Committee, it has been a privilege to work with Chairman DORN on many pieces of legislation, and through working with him I have developed a tremendous amount of respect for his knowledge and expertise.

Mr. Speaker, as you know BRYAN DORN is respected throughout the Nation for the leadership and legislative skill he has demonstrated during his distinguished career of public service. Though he will no longer represent the third district, I am confident that his constituency will continue to benefit from his leadership and experience.

Mr. NATCHER. Mr. Speaker, the gentleman from South Carolina, our good friend, TOM GETTYS, will be leaving us at the end of this 93d Congress to return to his native State. I know I speak for every Member on this floor when I say that THOMAS SMITHWICK GETTYS will be sorely missed.

To me, TOM is a timeless man. I have known him for 10 years—I have known him forever. A warm-hearted sympathetic man, he has served his country and his people with rare ability and understanding. He has been a fine Member of Congress.

Early in his time with us TOM established an easy rapport with Members on both sides of this center aisle. TOM GETTYS stories abound. They are legion and I have the feeling that the tall tales, the yarns spun by this man from Rock Hill will be told and retold for many a year to come.

A man like TOM GETTYS will be remembered with respect and affection. It has been my privilege and my pleasure to work with TOM and I wish for him and for his family the best of everything in the future.

Mr. BEVILL. Mr. Speaker, during my service in the House many Members have come and gone. We have lost the services of many valuable Members through death, the turn of the political wheel of fortune, by promotions to higher office, and by retirement. It has been my pleasure to know many outstanding Members of this body, but I have never known a Member for whom I have higher regard than my good friend, TOM GETTYS, of South Carolina.

During his lifetime TOM has been a teacher, coach, public school principal, secretary to Congressman James P. Richards, of South Carolina, and he also served for a time as the Rock Hill, S.C., postmaster. During this time he studied law at night and was admitted to the South Carolina bar in 1953.

TOM GETTYS is a hard worker. He has been an outstanding Member of Congress. His absence will leave a real void in this body.

I will always remember TOM for his fine character, sincerity of purpose, loyalty and devotion to duty, as well as the personal friendship I have enjoyed. Industry, integrity, and ability have marked his record of public service.

In his departure from public life, the Nation, the State of South Carolina, and his own district will lose a valuable public servant. May good fortune and happi-

ness go with him as he returns to South Carolina and may the fishing always be good and the watermelons plentiful.

Mr. COTTER. Mr. Speaker, I want to add my voice to those of my colleagues who are lamenting the departure of Tom GETTYS.

For the last 4 years in Congress I have enjoyed my friend from South Carolina who has never failed to enliven the legislative process with his sense of humor.

I will miss the distinctive aroma of Tom's "3 for a nickel" cigars which he smoked continuously as he presided as chairman of the "lower row" on the House Banking Committee.

I can only hope that Tom will take time from his beloved South Carolina to visit us in the years ahead. We will all miss him, but wish him well as he returns home.

Mr. HENDERSON. Mr. Speaker, our colleague MENDEL DAVIS invited those of us who have known and loved Tom GETTYS over the years to participate in this tribute and to "bring along your favorite Tom GETTYS story."

Maybe I have known Tom too long and too closely to do that. If he and I do not start telling everything we know on each other, I have a feeling we will both be better off.

Tom was smart enough to quit a job on Capitol Hill in 1951 about the time I took one here. He went home to become the Postmaster of Rock Hill.

I think that this time he has found a job even more suitable to his disposition than Postmaster and that what he really plans to do after a decent interval is to take on a short rural route.

He jumped from the Postmastership to the House of Representatives. Who knows? he might jump from a rural route to the Senate or even the Vice Presidency.

At the rate we are picking Vice Presidents lately, under the 25th amendment, that might be the best option. I am assuring him in advance of my support for that position. I will vote to confirm him in spite of his great wealth and the expetives he has found it necessary to delete from time to time.

Mr. FISHER. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to my good friend and colleague, Tom GETTYS of South Carolina. During his tenure in the House, he has distinguished himself as a public servant and will be remembered for his valuable contribution to legislation which has maintained the strength of this nation and at the same time applied brakes on excessive Federal spending. As Tom leaves the Congress, I extend to him and his family my very best wishes.

Mr. NEDZI. Mr. Speaker, the legislative process, as we all know, has its moments of drama and is generally one of the most interesting of activities. But it can have its periods of drabness and tedium, too.

Every legislative body can use men of wit and humor, men who have the gift for composing differences and bridging regional and ideological gaps.

What I am trying to say is that we in the House of Representatives have been lucky this past decade to have had with

us Congressman Tom GETTYS, one of the most enjoyable figures on Capitol Hill, a man of wit, folksiness, and all-around good humor.

While we were often on different sides on political issues I liked and respected Tom GETTYS as a human being. Tom brightened our days time and again and he will be missed. I join his many friends in wishing him fine fishing and good eating and all the good things of life.

Mr. HORTON. Mr. Speaker, as the 93d Congress draws to a close, we have the unhappy task of bidding farewell to many of our colleagues. One I will miss is my good friend, Tom GETTYS.

Tom and I both began serving in the 88th Congress and my admiration of him has grown with each succeeding Congress. Through service on two of our important committees, Banking and Currency and House Administration, Tom's influence has been felt on numerous and varied proposals that have emerged from this Chamber. Even though Tom and I sat on different sides of the aisle, I sought and valued his counsel. And I found him to be not only wise but fair in his views.

Much has been made today of Tom's determination to go home to South Carolina and "fish and eat watermelon". Knowing Tom as we do, we can rest assured that those goals will be pursued with great vigor. I can only hope that Tom will find the time in his busy schedule to return to this hall occasionally. He will find that we have not forgotten his friendship nor his contributions to our Nation.

Mr. FUQUA. Mr. Speaker, Tom GETTYS likes to refer to a trio of House Members as the DSG—not the Democratic Study Group, but rather DAVIS, STEPHENS, and GETTYS.

Now the D and G are leaving and we must listen to Bob STEPHENS of Georgia tell us that the brains of the outfit remain. JOHN DAVIS of Georgia, Bob STEPHENS of Georgia and Tom GETTYS of South Carolina, three close friends and three of the nicest guys ever to serve in the Congress.

My remarks today will be limited to a very sincere tribute to my friend Tom GETTYS. There are few persons with whom I have come in contact whose friendship I have enjoyed as much. He is ready with a quip or joke and he makes telling points on critical details of legislation with an anecdote or story.

In short, Tom GETTYS has that natural wit that few are fortunate to possess. He is also, as we say back home, "a smart cookie."

Tom has seen both sides of office life on the Hill. He served as administrative assistant to Congressman James P. Richards of South Carolina.

Later, he was to be elected to fill a vacancy to the 88th Congress and he has been elected five times since. He would have easily won reelection this year had he not decided to take a well-deserved rest.

He tells us that he is going home to South Carolina to "fish and eat watermelon." Tom is like a farmer in my district who told me he was "gonna put soil in the soil bank, his blood in the blood

bank and his posterior on the river bank."

Tom will surely be missed. In his years here, he has made many, many friends, their number in all walks of life on the Hill. I consider it an honor to be among that number.

Mr. DAN DANIEL. Mr. Speaker, for some reason our colleague, Tom GETTYS, has decided to leave us. I find this hard to understand, and cannot imagine why anyone would abandon, voluntarily, the serenity of these marbled halls.

I suppose Tom has given this some thought, although it does appear he has been something of a job-hopper. Teacher, coach, secretary to Congressman Richards, attorney—at one point he even ran away to sea before settling down to join the bureaucrats as postmaster of Rock Hill, S.C.

Tom is such a soft touch that he permitted his favorite golf putter to be pilfered by a colleague and to date has not hailed him into court.

Levity aside, the breadth of his experience has added an extra dimension to Tom GETTYS' character, and his efforts in this body reflect a knowledge and awareness of what it means to function as something other than legislator.

It is my understanding Congressman GETTYS plans to go back to Rock Hill, where he says he will fish and eat watermelon. I have known Tom for many years, and admit to some surprise at learning of his strange eating habits, for I happen to have it on good authority that another item—cheese balls—has been added to the menu. If he has the constitution for this combination, I would not be in the least surprised to learn 6 months from now that he has embarked on some new career.

Tom, we shall miss you greatly. You and your family have our very best wishes.

Mr. ANNUNZIO. Mr. Speaker, today I rise to join my colleagues in paying tribute to my good friend, Tom GETTYS of South Carolina, who is retiring at the conclusion of the 93d Congress.

During my 10 years in the Congress, Tom served as what is affectionately called the "chairmanship of the lower row" on the House Banking and Currency Committee, and I was his whip.

During the 10 years that we served together, Tom has been a conscientious, effective, and dedicated Member of the House Banking and Currency Committee of the Committee on House Administration, where we also served together, and of the House of Representatives itself.

We not only served on the same committees, but we lived in the same apartment building for 6 out of 10 years. He, his wife, and his daughters, and I, my wife, and daughter, Susan, all got to know each other well and became good friends.

We enjoyed the type of relationship that is developed by people who live away from home.

Tom is a great American, dedicated to the principles that have made America a strong Nation. We shall miss him very, very much—especially his warm personality and hospitable friendliness that immediately puts people at ease, and

makes friends and strangers alike feel welcome.

My wife, Angie, joins me in extending to Tom and his devoted wife, Mary Phillips, our sincerest best wishes for an abundance of good health and good fortune in the years ahead.

Mr. NICHOLS. Mr. Speaker, I would wish to commend my close friend and colleague on the House Committee on Armed Services, the distinguished gentleman from South Carolina (Mr. DAVIS) for arranging this special order in behalf of our friend, Tom GETTYS, who will be retiring at the end of this Congress.

I know there will be many Members of this body who will wish to say a few kind words in behalf of our friend, Tom, and I will not speak at length. I would wish to note, however, that we are losing a valuable Member of this body. Tom GETTYS was a friend of us all and I shall remember him for his good humor and the many stories which he related to his colleagues from time to time, many of which we were able to use in our presentations in our own districts.

Congressman GETTYS, of course, leaves an illustrious record in the Congress. His dedication and his service on behalf of all that is good and great and wonderful has greatly benefited this great country. He has served with dignity and honor for many years on the Banking and Currency and House Administration Committees, and he is certainly beloved by all of us and particularly those of us from the Deep South.

Certainly I would wish to join with his many friends and colleagues in wishing for him and Mary many years of pleasant retirement as he returns to his native State of South Carolina, which in his heart he never left. We will miss him at the Thursday morning prayer breakfast where he was a faithful attendant and we shall miss him in the cloakrooms. If Tom GETTYS had an enemy in the Congress I never knew of it and it is for this reason that I know that he will be welcomed back home by his many friends whom he had served with such dedication over the years.

Mr. BROOKS. Mr. Speaker, for more than 10 years the people of northern South Carolina have been represented in this body by a distinguished gentleman, Thomas SMITHWICK GETTYS.

He has been an eloquent and effective spokesman for them, and it has been a privilege and a pleasure to serve with him.

He has been a hard working and dedicated member of both the Banking and Currency and House Administration Committees. His efforts on these two important committees have earned him the respect and admiration of all of us here in Congress.

It is with sincere personal affection and professional respect that I join in honoring him today. Although he is retiring from Congress, I hope we will continue to receive the benefit of his wise counsel on the important issues which the Congress and the Nation must face.

Mr. SPENCE. Mr. Speaker, I arise with mixed emotions to honor my good friend

and colleague from South Carolina, the Honorable THOMAS SMITHWICK GETTYS. It is very sad on the one hand to realize that the distinguished congressional career of Tom GETTYS will expire with the 93d Congress; but on the other hand, one is pleased to see his friends happy, and I know how much Tom is looking forward to going back home.

Undoubtedly, during this hour others will discuss how popular and highly respected Tom GETTYS is among his colleagues, this is very important, of course. But there is another aspect to his popularity which I think is very revealing; that is, Tom is a favorite among staff assistants and administrative personnel on Capitol Hill. To me, this says a great deal about the man whom we honor today—a gentle man whose warm and witty manner creates an appeal which spans political and ideological spectra.

During his five terms in Congress, Tom GETTYS has served the Nation with distinction, and he has reflected great credit upon the people of South Carolina. As for that special group of people to whom the Honorable Congressman THOMAS SMITHWICK GETTYS is merely "Tom"—citizens of the Fifth Congressional District of South Carolina—he is an object of pride and deep affection.

Tom GETTYS has been a personal friend of mine, and a counselor whose opinion I value highly. He has been, in the words of Shakespeare, "A gentleman on whom I built an absolute trust." I shall miss Tom, as we all will, and I can only assume that the next Congress will be a slightly less cheerful and friendly place for his leaving.

Mr. VANIK. Mr. Speaker, I join with my colleagues in saluting the gentleman from South Carolina, Tom GETTYS. Like everyone who has known and worked with Tom, I admire his integrity and devotion to the House. He has always been a gentleman, and his contribution to the legislative process will be missed.

TOM GETTYS is a man of good cheer, good will and high purpose.

I hope that he will enjoy good health and pledge to keep us in his counsel.

Mr. ADDABBO. Mr. Speaker, I rise to join my colleagues in honoring my distinguished friend and colleague, the Honorable Tom GETTYS, upon his retirement from Congress. As he has often expressed I wish him success and long life in his retirement upon his return to South Carolina to quote him to "fish and eat watermelon."

The record of service compiled by Congressman GETTYS has been a distinguished one.

I have always been an admirer of his ability and energetic approach to his legislative duties. It has been my privilege to serve with him in this Chamber and we shall miss his most valuable participation in our daily deliberations and his sense of joy and humor following the close of this session of Congress.

I join with my colleagues in wishing him a healthy, and enjoyable life in his retirement from Congress.

Mr. MORGAN. Mr. Speaker, as Tom GETTYS leaves the House of Representa-

tives for his beloved South Carolina, all of us in the Chamber feel a deep sense of loss. Tom can count many people in Washington as his friends, and the personal qualities which endeared him to all of us will be surely missed.

In his younger days, Tom served as the secretary to Congressman Jim Richards. Jim was a close friend and often spoke of Tom's leadership abilities, and Tom has indeed fulfilled the promise which he displayed while "learning the ropes" from Jim Richards.

Tom distinguished himself with his effective work on the Banking and Currency and House Administration Committees, and he was always an articulate advocate on important national issues. I know that Tom will continue to speak out in his beloved South Carolina and that his retirement will be productive and enjoyable. Mrs. Morgan and I extend our best wishes to Tom.

Mr. MONTGOMERY. Mr. Speaker, one of the friendliest and most cordial Members of this body whom we shall all miss when he retires is TOM GETTYS of South Carolina. He is the one person who could always brighten your day and offer a word of encouragement.

While mentioning his attributes as a warm and personal friend, I certainly do not intend to overlook his outstanding accomplishments as a lawmaker. TOM is a colleague to whom I always looked for advice on legislation because I knew he had done his homework. I appreciate him freely sharing his knowledge with me and offering very wise and sage counsel.

Mr. Speaker, Tom claims he is going home to South Carolina to do a little fishing and watermelon eating. I do not doubt that he will, but I also have a feeling he will remain active in politics and his community because that is the type person he is. I feel sure he will continue to have an active interest in programs to benefit his fellow South Carolinians and his fellow Americans.

We all wish Tom much happiness and rest in retirement as we bid him a fond farewell.

Mr. COLLINS of Texas. Mr. Speaker, it is a privilege to join in honoring Tom GETTYS, our lovable neighbor from South Carolina. Everyone likes Tom, but even more than that, we all respect him because he tells it just as it is.

I have heard many colleagues take an hour and say nothing. I know exactly where Tom stands in 10 seconds.

South Carolina has given this country many of its finest leaders. Tom GETTYS follows the great South Carolina tradition. It reflects honor on the South to have Tom in Washington. Considering the attitude that the general public has about Congress, it will be an enlightening experience when they have Tom back down in South Carolina. Folks can see for themselves that we have had some of the greatest citizens in America serving in Congress. TOM GETTYS is a good man here, in South Carolina, or wherever he hangs his hat.

Mr. POAGE. Mr. Speaker, one of the most delightful individuals it has been my pleasure to work with in recent years

has been the Honorable TOM GETTYS of South Carolina. Tom was always cooperative, always intelligent, always serving the people and his country.

Now he has decided to quit the field of politics, go home and enjoy life. The people are the losers; but we wish him well and hope for him more pleasant years.

Mr. REUSS. Mr. Speaker, I am pleased to join my colleagues in this tribute to my friend, Congressman THOMAS GETTYS of South Carolina.

Tom will be retiring from the House at the end of this session, after serving more than 10 years. In those years he has earned the respect and warm affection of all those who have known him as a friend and colleague. He and I have worked together closely on many matters which came before us on the Banking and Currency Committee. He has also served ably on the House Administration Committee, where he has rightly earned the reputation as a watchdog against wasteful spending of our tax dollars.

We will miss Tom here, but he says he wants to go back to South Carolina to "fish and eat watermelon." It will be a well-deserved rest for one who has tirelessly served the needs and interests of his constituents. I know I speak for us all when I extend to Tom and MARY PHILLIPS my warmest wishes on his retirement.

Mr. MANN. Mr. Speaker, the South Carolina delegation is losing one of its most popular members this year with the retirement of TOM GETTYS, who has befriended most of Capitol Hill—colleagues and staffers alike—with his ready wit and charm.

Tom has brought a rare combination of talents to the Congress—the wisdom and patience of a teacher, the tenacity of a coach, the administrative skills of principal, postmaster and congressional secretary, the prudence of a banker and the legal expertise of a lawyer. He is a man of many dimensions all of which will be missed as he leaves us for a well-earned rest from the demands of public office.

During my past 6 years in Congress, it has always been a pleasure and an honor to work together with such a cooperative, intelligent and gracious statesman. Tom is one of the few people I have met who possesses the unique quality to make each person feel special whether it be the elevator boy or the President of the United States. We are losing a loyal and effective Member of the House, one who always placed service above self, who represented the Fifth District of South Carolina with tenacity and honor, and one who put the best interest of his country above partisan or parochial interests. Now that he has decided to leave the House, and as we consider his going, we realize how much we will miss him and what a profound influence he has had upon us all.

I join my other colleagues in the House of Representatives in wishing him well and much luck for the future.

Mr. WAGGONER. Mr. Speaker, it

gives me great pleasure to pay tribute today to one of the House's most distinguished Members, my good friend, TOM GETTYS.

As a fellow countryman and southerner, Tom typifies the best America has to offer, both as an elected official and as a warm human being. He knows instinctively what his country needs, and has never been afraid to speak up for what is right in the midst of troubled times. He is truly a fair- and foul-weather friend to his country.

How does one follow up such a distinguished career? It just is not possible, as evidenced by his avowed desire to fish and eat watermelon. If anyone has ever deserved some leisure, Tom should take a double helping.

Tom, all my best to you and your fine family for the future. You have left a string of accomplishments to be mighty proud of, and I am sure our colleagues would agree that it just will not be the same around here without you. God bless you and may you have the best of everything.

Mr. PERKINS. Mr. Speaker, I am sure the coming 94th Congress will be a distinguished one, but its Members will, in a sense, be among the underprivileged.

That is to say, they will not have the privilege of TOM GETTYS' company. To those of us who have served with this stalwart son of York County, S.C., for the past decade, that is indeed deprivation.

They say misery loves company, and that may be true. But misery cannot hold a candle to optimism and high good humor when it comes to attracting companions. THOMAS SMITHWICK GETTYS is living proof of that. Wherever he is, whether on the floor of the House or at some reception of state, or even in a small gathering, TOM GETTYS will always be found in the center of a clutch of friends—telling his stories and making the day a little brighter.

The friend we salute today is like the sundial—he counts but the sunny hours. I was truly sorry to learn earlier this year that TOM GETTYS had decided not to stand for reelection, but had opted instead to go home and "fish and eat watermelon."

Now that he is really going to do it, I can only say that all of the 434 House Members who belong to the TOM GETTYS fan club wish him well.

Mr. BENNETT. Mr. Speaker, no man leaving this Congress will ever leave behind him a greater well of friendship among the Members than the gentleman from South Carolina (TOM GETTYS). It is always a pleasure to be with him. He has the world in perspective. He never loses his cool and never loses his sense of brotherhood. Perhaps these are the reasons he has been such a fine legislator for his district and for the country. We will certainly miss him here next year and the years that follow.

Mr. CEDERBERG. Mr. Speaker, the departure of our dear friend and colleague TOM GETTYS, will end a truly colorful chapter in the annals of this legislative body. His familiar face has

always been a welcomed addition to any gathering on either side of the aisle.

The mention of TOM GETTYS will forever spark recollections of a personality, unique, fascinating, and constantly exhibiting enjoyable, new facets. The TOM GETTYS stories are many—all a tribute to a man who in 10 short years has enriched the lives and enliven the conservations of many.

TOM GETTYS was around Capitol Hill long before most of us even thought about running for Congress. His tenure as the Secretary to the former Congressman James P. Richards from the district which he now represents, prepared him well for the job. His contributions while a member of the Banking and Currency Committee compare favorably with the achievements of Members many years his senior in service.

His assiduous attention to his job and to his position will be remembered by his constituents as well as his colleagues. Never one to shirk responsibility, TOM GETTYS was a whirlwind of activity. If you needed someone who you were confident would get the job done, you asked TOM GETTYS to shoulder the position. Willingly he took on a myriad of tasks, chairing and administering activities on a wide spectrum from the legislative arena to social philanthropy to religious service.

His impeccable character is reflected in the high standards by which he lived. TOM GETTYS is indeed a credit to his family, to this Congress, and most importantly, to himself.

I join with my colleagues in wishing TOM GETTYS many years of health and happiness to enjoy the famous southern hospitality of South Carolina.

Mrs. MINK. Mr. Speaker, I have not decided who shall miss TOM GETTYS more—us here in the House or constituents whom he has served so ably these past 10 years.

TOM GETTYS is a member of that distinguished class of freshmen who entered in the Johnson "coattail" election of 1964. As a classmate of the famous 89th, he will now have time to write his chapter covering his 10 years of service as the Congressman from the Fifth Congressional District of South Carolina in our book which I hope someday to edit. All 67 of us on the Democratic side who joined the 89th club will always remember TOM as one of the greatest. We wish him well and look forward to his presence at one of our gala reunions in the future.

Mr. MCCLORY. Mr. Speaker, it is with a sense of some personal emotion that I rise to pay final tribute to our colleague, Representative TOM GETTYS who has elected voluntarily to retire at the end of this Congress.

During my service here on Capitol Hill, I do not recall any Member whom I hold in greater respect or honor than TOM GETTYS. TOM and MARY GETTYS are a highly honored and honorable pair who have brought their warm personalities and outstanding talents and their high idealism to our Nation's Capital. Both have been active participants in their respective prayer breakfast groups. My

wife, Doris, shares these warm feelings of affection and respect.

Mr. Speaker, we are pleased to join today in extending to Congressman TOM GETTYS and his wife, MARY GETTYS, our good wishes for a long and enjoyable and healthful life together.

TRIBUTE TO THE HON. WILLIAM JENNINGS BRYAN DORN

Mr. UDALL. Mr. Speaker, it will be difficult for those of us present at the convening of the 94th Congress to accept the fact that our colleague WILLIAM JENNINGS BRYAN DORN will not be among those taking the oath again. He is an exceptional public servant, a fair, perceptive, decent, and humane man.

I have often envied his gift of eloquence, and I think it fair to say that he is one of the best half-dozen speakers to serve in the House in modern times.

Mr. Speaker, it was right and proper that his service in this Congress was capped by his being chairman of the Veterans' Affairs Committee of the House. His longtime expertise in affairs involving veterans, and his compassion for their problems will continue to benefit millions of his fellow Americans.

May I also express my strong personal regret that he was denied, by an unusual set of circumstances, the honor of serving as Governor of his beloved South Carolina. He would have been a great Governor.

Representative DORN's 26 years among us in this House have been years of achievement, distinction, honor, and warm friendships. We will all miss this exceptional colleague. I wish him and his family the very best.

Mr. DE LA GARZA. Mr. Speaker, when WILLIAM JENNINGS BRYAN DORN retires as a Member of the House at the end of the 93d Congress, it will not mark the close of a career of public service that he began at the age of 23 as the youngest member of the South Carolina Legislature. He leaves us to become Governor of his native State.

This is a man who has dedicated his life to the service of his State and his country. He served in both the House and the Senate in South Carolina, resigning from the latter body to volunteer for the Army Air Force in World War II. He was first elected to Congress immediately after the war and since 1950 has served consecutive terms in the House. He knows everybody here, and everybody here knows WILLIAM JENNINGS BRYAN DORN as a friend, as an effective legislator, as chairman of the Veterans' Affairs Committee and hardworking member of the Public Works Committee.

He has made his mark in this body. All of us who know him have full confidence that he will continue to be an achiever as Governor of his home State. In leaving us, he takes with him the best wishes of all with whom he has served here.

Mr. YOUNG of South Carolina. Mr. Speaker, the dean of South Carolina's congressional delegation is leaving you, but he is leaving a proud record of service to the people of his State and the veterans of this Nation behind him.

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It is hard to look back at a record as distinguished as BRYAN DORN's and pick out only one or two accomplishments from the many available.

I believe, however, that what I shall remember most about BRYAN is his eloquence. I recall being on the floor of the House and feeling a hush come over the Chamber when BRYAN DORN began to speak. The cloakrooms would empty. The press galleries would fill. And we would all listen.

BRYAN DORN has that rare faculty of eloquence. His words have deeply moved each of us on more than one occasion, and they have changed the course of events. This is BRYAN DORN's leadership. This is our loss.

Mr. SIKES. Mr. Speaker, for over a quarter of a century the name of WILLIAM JENNINGS BRYAN DORN has been associated with causes which were for the good of America. He has been one of the most outspoken champions of freedom and opportunity and the principles of America in the history of Congress. His voice probably has been heard in more cities and towns than that of any other Member now serving in the House. I have truly enjoyed my association with BRYAN DORN, and it is with great regret that I note his departure from the Halls of Congress.

Few who have served in Congress have established a more outstanding record than this sincere and dedicated Member of the House. He has been honest in his work, diligent in his efforts, and devoted to his constituents and his State. He has placed the interests of his Nation above all others. In these aspects of public life, anyone would be well advised to follow his lead and example. I have enjoyed BRYAN DORN's friendship. I first came to know him in 1947 when he became a Member of Congress. He left the House in 1948 to seek a Senate seat, but returned to the House in 1951. Since that time he has worked hard particularly in the area of veterans affairs, serving as chairman of the committee, and as a key member of the Public Works Committee. In both fields of interests, he has left his mark. Much of the progressive legislation which has gone to benefit veterans in our time bears the stamp of WILLIAM JENNINGS BRYAN DORN. Numerous public works projects properly could be named in his honor.

But it was not honor which he has sought. Instead, he has striven to do only what is right and he has succeeded. As a result, he has gathered unto himself honors he did not seek, power which he did not abuse, and friends too numerous to count.

Those of us who have relied on him for guidance and help will miss the voice, the services, and the friendship of BRYAN DORN. We can proudly remember all that has been accomplished by this outstanding public servant and our prayers and good wishes go with him and his family to South Carolina.

Mr. JOHNSON of California. Mr. Speaker, WILLIAM JENNINGS BRYAN DORN, our good friend and colleague will be retiring from Congress at the close of this session. I want to take just a few

minutes to wish him well and to call to the attention of this body his outstanding accomplishments as a Member of Congress.

BRYAN has had a long and distinguished career in public service, one of which he can be justifiably proud. That career has touched the lives of many Americans and has made their world a little better because of his dedicated devotion to serving the country he so fiercely loves.

His 26-year contribution to the people of South Carolina began when he was elected in 1938 as the youngest member ever to serve in the South Carolina legislature. Two years later he expanded his service as the youngest man to be elected to the State Senate. After dedicated and demanding service with our armed services in World War II, BRYAN returned to public service as a Congressman, beginning what would become 26 years of unfailing dedication to the service of the people of his district.

I have had the pleasure to work with him as a member of the Committee on Public Works. I have come to respect his knowledge, thoroughness, and skill in working with the legislative process. His contributions to the effectiveness of the committee and his assistance in the drafting of major legislation has been invaluable.

Perhaps his greatest achievements have come through his service on the House Veterans' Affairs Committee. In the 93d Congress he has had the privilege to serve as chairman of that important committee. Through his work on this committee, he has helped to prepare legislation effecting this Nation's vast population of veterans. A decorated veteran himself, he has understood the problems faced by our veterans and has authored legislation designed to improve the benefits available to those men and women who have so honorably served their country.

He has capped his distinguished career in veterans affairs with two major pieces of legislation which came before the House during this session. I refer to the Veterans' Education and Rehabilitation Act amendments and the Veterans' Survivors Pension Adjustment Act.

I cannot conclude my praise for this salutary Representative without expressing my deep appreciation for his friendship and understanding throughout the years we have served together. I am confident that his leadership, his devotedness, and his oration will be sorely missed, for indeed they rank as highly as those of his namesake.

Mr. O'NEILL. Mr. Speaker, all of us know that the House is about to lose many of its finest Members. One of the biggest losses will be the gentleman from South Carolina (Mr. DORN). I have never experienced a Congress without BRYAN DORN and I have never wanted to. To say he will be missed seems too obvious and understated. He is a first-class Congressman and a first-class person, and his absence will be felt deeply.

As his parents must have sensed when selecting a name, WILLIAM JENNINGS BRYAN DORN is a public servant. That is

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a simple way to describe him, but it is hardly a simple thing to be. For year after year BRYAN DORN has maintained his energy, his compassion, and his commitment to the highest principles of public service. Very few can make that claim.

BRYAN DORN's accomplishments as chairman of the Veterans' Affairs Committee are well known to this body. His ability and dedication have paid off in a much fairer shake for our Nation's veterans. Countless bills have been passed to update and expand benefits to every sort of veteran. Numerous inequities have been eliminated. Time and again Chairman DORN's bills have been honored with overwhelming majorities in the House and support from all parts of the American public. He has compiled a record that will shine for many years to come.

My very best wishes go with BRYAN as he returns to his beloved South Carolina to enjoy its many pleasures full time. He has never lost touch with the land and people of his native State, and it should be a very happy reunion indeed.

Mr. TEAGUE. Mr. Speaker, a few days ago I had occasion to observe that the U.S. House of Representatives is a stern judge of character. It has been my observation that prolonged service in the House will reveal a man for what he is. My colleague, WILLIAM JENNINGS BRYAN DORN, chairman of the House Veterans' Affairs Committee, came to the Congress when I did and is now retiring. He has spent all of his adult life in public service and most of it in the House of Representatives. It is here that he has stood the test and demonstrated the traits of character and personality that have endeared him to us. He is a true southern gentleman, unfailingly friendly and courteous and dedicated to the Congress and the Nation.

He supports and speaks of a strong national defense in plain unequivocal terms. He has been a champion of the veterans throughout his congressional career and has participated in scores of important bills which have been enacted. He has participated in all of the landmark legislation—the Korea G.I. bill, the war orphan scholarship program, the revised pension program, the Vietnam veterans' education bill, the National Cemetery Act, the Veterans' Health Care Expansion Act of 1973, and many, many more. His efforts have been recognized by every major veteran organization who have granted him their highest awards.

There are several kinds of Members. There are those that enjoy the technicalities of legislation. There are those that participate in the intrigues of leadership. And there are those who are tuned to their constituents, and BRYAN DORN is one of those. He draws his strength from his native State and its people. He thrives on contact with his constituents and is thoroughly human in his approach to the office. The new Veterans Administration Hospital being constructed in Columbia, S.C., and the new medical school which will operate in conjunction with it, will stand as tribute to his energy and devotion to his people.

He is the last of the great school of orators and there are none in the House that surpass him. We will miss him and his voice and his leadership.

Mr. WOLFF. Mr. Speaker, I am proud to join with my colleague from South Carolina in paying tribute to Mr. DORN. I have had the pleasure of serving with Mr. DORN on the Veterans' Affairs Committee. I have great respect for Chairman DORN and I will always remember his patience and fairness in dealing with the members of his committee. Under his leadership the Veterans' Committee has worked on some of the most important veterans legislation that the Congress has ever conceived. It was my pleasure to work with the chairman on numerous constructive measures, including the GI bill of rights for Vietnam veterans and the veterans' pension improvements which he guided through the Congress so skillfully. His attention to the needs of the veteran in the fields of education, medicine, and other benefits will be long remembered by the veterans of this country. I have special and fond memories of working with Mr. DORN to convert St. Albans Naval Hospital to the new St. Albans Veterans Hospital which will service the needs of veterans in my district in New York.

Congressman DORN has not restricted his work to improving the lives of our veterans but has worked on a number of constructive programs in several fields. As the ranking member of the important Public Works Committee he has been involved with legislation which positively affected our highways, rivers, harbors, watersheds, public buildings, and environment. He has also been very concerned with our energy needs and the energy needs of this country in the future. He has been a leader in the drive to construct the Alaska Pipeline and to construct a series of deepwater ports which will be capable of handling the supertankers which will carry the oil which is being transported to this country for use in the years to come. Mr. DORN has been a leader in Congress for many years. I will always remember Mr. DORN for the sound advice he has given me on many issues of mutual concern and also for the guidance he has given the Congress on the pressing issues I have mentioned which were of special concern to him. I wish him the best of everything as he leaves Washington and returns to South Carolina.

Mr. PICKLE. Mr. Speaker, some of those who have served in the House with Congressman BRYAN DORN for a few years know what a wonderful fellow and outstanding legislator he is. Some of the new Members, however, have never seen WILLIAM JENNINGS BRYAN DORN in the well of the House delivering one of his spirited orations. He can debate with the best of them, making forceful points, quoting from Scripture as well as the Muses, and, at the right moment, he can pierce his rapier finger upward at his target and drive home a point as clearly as a tarheel shipbuilder. He is our courtly gentleman.

Moreover, he has been the heir apparent to the King of the Cloakroom since the demise of our late and dear friend George Andrews.

Sometime people have been led to believe that BRYAN DORN is not always following the debate in detail. But ask him a question on any bill and he will amaze you with his accurate knowledge and timely diagnosis.

BRYAN DORN has been an outstanding Representative and a forerunner of the New South. He votes from facts, from his heart, and with compassion. He has shown courage on many votes. In the finest sense, he is a great American. It has been my deep privilege to serve with him for these past several years.

Mr. BAKER. Mr. Speaker, I appreciate this opportunity to participate in this farewell salute to our distinguished colleague from South Carolina, the Honorable WILLIAM JENNINGS BRYAN DORN.

Although I have only been here for 4 of the 26 years he has served in the House of Representatives, I have come to know the gentleman well. We have labored on the House Public Works Committee together. I know him for his understanding of the legislative process and the role of the committee in this process. He is knowledgeable and competent and those of us with less experience learned from him in the day to day business of the House and the work of its committees.

As effective as Congressman DORN was on the Public Works Committee, he is better known for his leadership on the Committee on Veterans' Affairs. There are millions of veterans and their dependents who are more secure and more appreciated today because of the attention he has given their needs and their special problems.

WILLIAM JENNINGS BRYAN DORN will be long remembered for his years as a legislator in the House of Representatives but the heartfelt thanks of these veterans and their families for his monumental role in veterans legislation will echo down the corridors of time.

I wish the gentleman well in whatever manner he chooses to continue his career of public service. I hope our paths cross again. It is an honor to have known him and to have served with him. He is one of the chosen people.

Mr. FULTON. Mr. Speaker, I welcome this opportunity to join with my colleagues in paying deserved tribute to our retiring friend from South Carolina, WILLIAM JENNINGS BRYAN DORN.

During his career in this body which spans almost three decades he has been a diligent, conscientious and effective legislator. In particular he has been the friend and advocate of those Americans who have been called upon to offer the ultimate for America, our veterans. He is a true southern patriot in the finest and most honorable sense; a man for whom love of and service to country is instinctive, yet who demonstrates this trait as a gentleman, carrying his patriotism in his heart and not on his sleeve.

When I was first elected to this body BRYAN DORN was a man upon whom I

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looked with great respect. This respect has continued to grow. Certainly any man who carries a name as distinguished as WILLIAM JENNINGS BRYAN DORN is immediately burdened with a responsibility. This is a name to live up to. And this he has done until there is no doubt today that the name is associated with the man, not the man with the name.

Mr. Speaker, there is much, much more that could and should be said of BRYAN DORN but if we are to get home by Christmas time will not permit. I would add only that he is a true son of the South and has been an outstanding member of this body. He will be missed and I wish him health, happiness, and success.

Mr. BURLINSON of Texas. Mr. Speaker, I rise to join my colleagues in honoring our friend WILLIAM JENNINGS BRYAN DORN, who is retiring from the House of Representatives after 26 years of distinguished service.

Those of us who have served with BRYAN over the years will miss him a great deal and his great contributions, particularly in the area of veterans affairs, in his capacity of chairman of the Veterans' Affairs Committee.

BRYAN will have other pursuits, I know, but I hope he will also have a measure of quiet, calm retirement, which he so well deserves.

Mr. PRICE of Illinois. Mr. Speaker, I join my colleagues in taking this opportunity to pay tribute to a good friend and a great legislator, WILLIAM JENNINGS BRYAN DORN, who is retiring after 26 years of distinguished service in the House.

As his namesake, WILLIAM JENNINGS BRYAN DORN has been a servant of the people, a public official who believes that the business of Government is to serve the people. The veterans of this country can attest to this statement. Because of his leadership as chairman of the House Veterans' Affairs Committee, the veterans have a new education bill and pension bill.

BRYAN DORN's service on the Public Works Committee has been of great benefit to the people of South Carolina and the Nation. Serving on the Subcommittee on Economic Development, the Subcommittee on Transportation and the Subcommittee on Water Resources, BRYAN DORN has developed legislative expertise in three vital policy areas which are important to this Nation's future. His departure is a loss to all of us who have counted on him for counsel and leadership.

It is my hope that BRYAN DORN will not retire from the political scene. While he and I have not agreed upon every issue which has been before the House, I can state that he has been a Member whose service in the House has made a difference. He has helped fashion into law many of the important measures which have benefitted the people of this Nation.

Mr. GIAIMO. Mr. Speaker, very few men have devoted their lives so completely to the service of their country as has WILLIAM JENNINGS BRYAN DORN.

At the age of 23 he became the youngest member elected to the South Carolina State House of Representatives. At 24 he was the youngest State senator ever elected in South Carolina. In 1942 he resigned from his Senate seat to volunteer in the Army Air Force and join his six brothers who were serving in World War II. He was first elected to the House of Representatives in 1946. Two years later he was the runner-up in a field of five for the U.S. Senate. In 1950 he returned to the House where he has continuously served the people of the Third Congressional District, and the Nation, for nearly a quarter of a century.

As chairman of the Veterans' Affairs Committee he has skillfully managed legislation to benefit those Americans who, like BRYAN DORN himself, have unselfishly given so much to their country. I am pleased to join my colleagues in wishing him the very best in his retirement. Perhaps the finest tribute that can be paid to BRYAN DORN is to note that he is admired even by those who frequently disagree with him on philosophical or ideological grounds. As he takes our fondest well wishes with him, he leaves behind accomplishments that will be with us for generations.

Mr. NATCHER. Mr. Speaker, our esteemed colleague, BRYAN DORN, has served in this Chamber for 26 years. For 20 of those years it has been my privilege to know and to work with him. I have been given an opportunity to observe a man of unique ability.

WILLIAM JENNINGS BRYAN DORN has been an outstanding Member of Congress. He possesses qualities to which we all aspire; those of judgment, patience, and leadership. I have never known him to equivocate. It has been his mark to face every issue with a courage that could only come from an inner belief that what was to be done should only be done if it were in the best interests of our Nation and our people. BRYAN DORN has never failed in this respect and his record will so state.

A man who has given so much, a man who has served so well, will be missed in Washington. He leaves with us a standard not easily matched and I wish for him and for his family all the good things they deserve.

Mr. BEVILL. Mr. Speaker, I welcome this opportunity to join with my colleagues in the U.S. House of Representatives in paying the highest respects to Congressman WILLIAM JENNINGS BRYAN DORN, who is retiring after 26 years of distinguished service. I know you all join me in extending good will to BRYAN and in expressing appreciation for the many contributions he has made in the U.S. Congress.

As chairman of the Veterans' Affairs Committee, he has long been a dedicated worker and an eloquent spokesman for the veterans of America. BRYAN has distinguished himself not only as a Congressman, but as a loyal public servant contributing immeasurably to the well-being of the entire Nation.

A veteran with distinguished service

in World War II, BRYAN has devoted his time and effort to making life better for our veterans. In this endeavor he has been most successful.

I wish to express to Congressman DORN my personal gratitude for his kindness and helpfulness. Each time I have sought his counsel and advice, he has extended to me every courtesy and consideration. No finer gentleman, no more courageous man has ever served in this body.

I know that BRYAN will be sorely missed because of his ability and because of the good work that he has done on behalf of America's veterans.

I wish for my colleague and good friend, BRYAN DORN, the very best of everything that life can bring.

Mr. GUYER. Mr. Speaker, personifying his eminent namesake, WILLIAM JENNINGS BRYAN DORN has become a legend in his own time.

A living tapestry of statesman, legislator, countryman, and patriot, BRYAN DORN brings nobility and true manhood into a new living enrichment.

Although knowing him but briefly, I soon knew that Congressman DORN was one of the rarest jewels in our Nation's Capitol. His southern charm, rich voice, prolific mind, and compassionate heart found true ennoblement in the sincerity of his dedication, and his caring for people.

The more than 29 million veterans esteem him as champion of their cause. Like Lincoln, he made it a work of labor, to remember those who had served, their loved ones, and their progeny.

Congress will be the poorer when this fine gentleman steps down and removes the mantle of office that he has magnified so well. His oratory will move to other halls, and his compelling messages will be directed to other ears. I personally hope he chooses to cross the country and share his golden words with a generation that hungers for this kind of truth and thrills for his kind of brilliance.

BRYAN DORN knows and believes what is right about our country. He adores its beauty, loves its people, and honors its legacies. He has been showered with honors, hailed with plaudits, and cited in verse and prose. Perhaps the rest of America may now be able to receive what he has so generously given us—counsel and wisdom, affection and compassion. May he live beyond measure and receive beyond treasure. We salute this Demosthenes with a tender heart.

Mr. HENDERSON. Mr. Speaker, I welcome this opportunity to pay tribute to BRYAN DORN.

Not only has he distinguished himself by his service as a member of this body, but he has been a personal friend to me.

His wife, Mille, is a native of Harnett County, N.C. in my congressional district where some of her family still live; and BRYAN has made it his business to be personally helpful to me in many ways, not the least of which has been to speak in North Carolina on my behalf.

Bryan has a lot of good years ahead of him, and I hope they will be pleasant ones. If he gets tired of a life of ease in

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South Carolina, Millie can always bring him back home to North Carolina. They will always find the latchstring out there.

Mr. HORTON. Mr. Speaker, it is a privilege to join with my colleagues in paying tribute to one of our most eminent members, WILLIAM JENNINGS BRYAN DORN.

I deeply regret that BRYAN decided not to seek reelection because his presence in this Chamber will be sorely missed. We shall miss him not only as a friend but as a skilled legislator who has faithfully served his constituents and the Nation for 26 years.

BRYAN's accomplishments are numerous and far-reaching but I will remember him best for all that he has done in behalf of our Nation's veterans. Several years ago, I had the honor of jointly sponsoring with BRYAN the Disabled American Veterans Day here at the Capitol. I recall his sensitivity to the needs of our veterans and his determination to see that we in Congress responded to those needs. BRYAN was deeply committed to honoring our debt to the men and women who served our country. In turn, millions of Americans are indebted to BRYAN DORN.

Mr. Speaker, a long and distinguished congressional career is nearing an end. I join with BRYAN's many friends in wishing him well in the coming years.

Mr. FUQUA. Mr. Speaker, WILLIAM JENNINGS BRYAN DORN got his name from one of the greatest orators of all time. That name has special significance for those of us serving in the House from Florida, for the daughter of WILLIAM JENNINGS BRYAN is the only woman to have served in the Congress from our great State.

I don't know when I first heard of BRYAN DORN, but I know it was before I was privileged to be elected to Congress. I remember that I had a high regard for him by his reputation and since I have had an opportunity to serve with him, that regard has continued to grow.

After 13 terms in the Congress, he is to leave our midst, but I predict that he will not be leaving public life. There is just too much ability and energy in this Carolinian for that to happen.

All of us who have known him and enjoyed his friendship are going to miss him in these Chambers.

It is fitting to recount what a distinguished record of public service he has amassed. He was elected to the South Carolina House at the age of 22 and seated by special vote in the State senate at 24. Little wonder that he would seek and be elected to Congress at 30.

Yet, if there were one aspect of service that sticks out in my mind about BRYAN DORN, it is the fact that he was one of seven brothers to serve this Nation in its armed services in World War II.

Everything that BRYAN DORN has attempted to do, he has done well. He is a master legislator, keen of mind and brilliant in his understanding of the intricacies of the House floor.

All of us who have been privileged to serve with him consider it a rare privilege.

Mr. ANNUNZIO. Mr. Speaker, "Biennial elections," wrote Fisher Ames in 1788, are "a security that the sober, second thought of the people shall be law." So it has been for over two decades of service in this House by the Honorable WILLIAM JENNINGS BRYAN DORN, chosen by the people of the Third District in his home State of South Carolina to represent them—a choice confirmed by the voters time and again. He has enjoyed the confidence and support of his constituents, and the trust and respect of his colleagues in the Congress.

Political life has been his chosen vocation from the beginning, as befits one who bears the proud name of one of America's great orators and political leaders. Born in Greenwood, S.C., in 1916, he was elected at 23 to the State house of representatives—1939–1940—and to the State senate in 1940—at 25. He answered his Nation's call in World War II, serving in the Army Air Force.

In 1946, at the age of 30, he was elected to Congress. Defeated in his Senate bid in 1948, he returned to the House in 1950, and has served with distinction ever since.

As chairman of the Veterans' Affairs Committee, he has played a major role in providing vital services for millions of our fellow citizens whose rightful claims upon the Nation he has consistently championed. As a member of the Public Works Committee, he has been active in the subcommittees concerned with Economic Development, Energy, Transportation, and Water Resources: areas of crucial concern in these troubled times.

Mr. Speaker, I join my colleagues in paying tribute to a distinguished American, the chairman of the Veterans Affairs Committee, Honorable WILLIAM JENNINGS BRYAN DORN. How fast my 10 years of service in the Congress have passed. I remember when I first came to Congress, WILLIAM JENNINGS BRYAN DORN, in a special order, welcomed me to the Congress of the United States.

Those of us in the Congress know that there is no finer orator in the House than Chairman DORN. He has been a dedicated American, working long and hard in the best interests of our veterans, and as I have said, as chairman of the Veterans Affairs Committee, he has been a champion of all of those who have served in the armed forces at home and abroad. He has championed their cause, and because of his great stewardship on this committee, our veterans enjoy generous benefits—pensions, hospital care, education, VA mortgage-insured homes, and domiciliary care—that no other country is able to provide to its veterans.

I have had occasion to go to Chairman DORN on matters affecting my constituents, such as the situation confronting the men who fought in the armies of France and Britain on the side of the Allies—men of Polish and Czech extraction who were driven from their homelands by Hitler's armies and who joined in the cause of freedom.

Chairman DORN's encouragement, his

suggestions, and his valuable advice were responsible for H.R. 13377, which passed the House of Representatives by a vote of 341–40. This legislation is now pending in the Senate Veterans Affairs Committee.

I know that thousands of these freedom fighters will always cherish and remember the spirit of WILLIAM JENNINGS BRYAN DORN, who said in committee hearings that these great freedom fighters are not looking for a handout, but want to be recognized by the greatest free Nation in the world, America, for their contribution in the fight for freedom so that people can live as brothers with dignity in a free society.

All Americans owe a debt of gratitude to the patriotism and to the love of country that WILLIAM JENNINGS BRYAN DORN has always displayed, has fought for, and has worked hard to preserve.

Mrs. Annunzio joins me in extending to his wife and to his five daughters our sincerest best wishes for an abundance of good health and happiness in the years ahead. We are sorry to see him go, but I also want to say to Chairman DORN—if you get too lonesome in retirement, come back to the People's House—the House of Representatives—where you will always be welcome.

Mr. DAN DANIEL. Mr. Speaker, very soon now we will say goodbye to WILLIAM JENNINGS BRYAN DORN. No man with whom I have served will be any more missed by his colleagues.

BRYAN's parents displayed a degree of clairvoyance in selection of a name, for he rivals "The Great Commoner" in his powers of oratory. It was a high favor to me in an earlier campaign that he came to the fifth district to speak on my behalf, and gratifying that he allowed me to return the favor.

He has served the people of South Carolina's Third District for 26 years here in the Congress, but his record of public service is longer than that. He was the youngest man elected to South Carolina's house in 1939, and was seated in that State's senate by special vote at the age of 24. When the final bells are rung for the 93d Congress, WILLIAM JENNINGS BRYAN DORN will have devoted half a Biblical life span to public service, and that service has been illustrious.

Our colleague has served on the Committee on Veterans Affairs during his entire congressional tenure, and has labored diligently and tirelessly in the best interests of those who are veterans of our Nation's wars.

His efforts did not stop there, for he has worked without ceasing on behalf of The American Legion's Boys' State.

It is our great good fortune that BRYAN has exerted his prodigious powers of persuasion in such worthwhile causes, and we are grateful, indeed.

WILLIAM JENNINGS BRYAN DORN's leaving is a great loss.

Mr. NICHOLS. Mr. Speaker, I would like to commend my colleague and friend, JIM MANN, for arranging this Special Order to pay tribute to one of our most distinguished Members, the Honorable WILLIAM JENNINGS BRYAN

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DORN, who is retiring from the Congress after 26 years of dedicated and effective service to the people in his State.

Each Member of the Congress in his own special way makes his contribution and in my time in public service I have never known a more able or a more eloquent, or a more persuasive Member. Congressman DORN is in many ways a chip off the old block for he inherited the ability of his illustrious namesake to speak effectively and forcefully and in such a persuasive and entertaining manner that on the rare occasions that he took the microphone the cloakrooms on both sides of the aisle emptied to hear what this distinguished South Carolinian had to say.

His service to the veterans of America is well known to those of us in this body and to the service organizations, and of course he most ably chaired the Veterans Affairs Committee of this Congress and it was through his untiring efforts that bill after bill benefiting the veterans of all wars was passed in the Congress.

As I sat next to him this morning at the Thursday morning Prayer Breakfast I thought of his deep devotion to his church, and I recalled his service to our prayer group and the very able manner in which he presided as the President of this group several years back.

We will miss this distinguished son from the Palmetto State and I shall especially miss his friendship and the many pleasant associations we had together in the House Chamber over the years. Certainly I would wish to join with my colleagues in wishing him every success as he and his lovely wife, Mildred, return to South Carolina, and I know whatever endeavor he elects to pursue in the years ahead that he will be equally successful in these pursuits as he has been in the U.S. Congress.

Mr. SPENCE. Mr. Speaker, although I have not had the privilege of serving with our departing friend, BRYAN DORN, as long as many Members of this body, I have had the pleasure of working very closely with him during the past 4 years. I have also been fortunate in knowing and working with my fellow South Carolinian for many years before that. BRYAN has done an outstanding job in representing the third congressional district for 26 years.

His record of public service began in the South Carolina House of Representatives in 1939. He was the youngest member of that body. Two years later he became our youngest state senator, being seated by special vote because he had not quite reached the required age of 25. He resigned his seat to enter the Army Air Corps, serving for 3½ years during World War II.

BRYAN DORN has demonstrated his patriotism both by eloquent words and affirmative deeds throughout his entire life. For this he has received honors and awards too numerous to mention from patriotic, civic, and service organizations and veterans groups. These have been richly deserved.

It is fitting that our colleague should have served on the Committee on Veterans Affairs and become its chairman. His service has been characterized by a deep concern for the welfare of those men and women who have worn the uniform of our country. In turn, our veterans have demonstrated their understanding and appreciation for his efforts by recognizing his accomplishments many times and in many ways.

This is an occasion of mixed emotions—pleasure that a friend will now have a well-deserved opportunity to take things easy for awhile and sadness that we will be losing one who has rendered long and outstanding service as a Member of this body. At the same time I am sure that we will still find BRYAN willing to give us the benefit of his counsel and advice and to share the wisdom which he has acquired during his years of public life.

We will all miss BRYAN DORN. We will miss his lovely wife, Millie, and their children. I know that my colleagues on both sides of the aisle join me in wishing them many years of happiness and good health.

Mr. ADDABBO. Mr. Speaker, I rise to join my colleagues on both sides of the aisle in honoring our distinguished friend and colleague the Honorable WILLIAM JENNINGS BRYAN DORN, the chairman of the Veterans Committee, upon his retirement from Congress. The record of service compiled by Congressman BRYAN DORN has been 26 years of distinguished service in the U.S. Congress.

I have always been a true admirer of his ability and his energetic approach to his legislative duties. It has been my privilege to serve with Congressman BRYAN DORN in this Chamber and we shall miss his participation in our daily deliberations following the close of this session of Congress. We lose a great statesman and dedicated public servant who has been of great aid to many.

I join with my colleagues in wishing him a healthy, enjoyable and long life in his retirement from Congress.

Mr. MORGAN. Mr. Speaker, it is my great pleasure to honor BRYAN DORN as he leaves the House of Representatives at the end of the 93d Congress.

For 26 years he has served his South Carolina constituents well, and their affection for him is matched by the affection of the Members in this Chamber. BRYAN's career is distinguished by his devotion to the people of South Carolina and his concern for people all across our great Nation.

I would like to focus on his contributions to our servicemen as chairman of the House Committee on Veterans Affairs. This committee has the task of insuring that veterans receive their fair share of America's resources, and BRYAN DORN has played an important role in the development of the effective legislation which has been reported by that committee. He has earned the respect of those who served in the Armed Services, their families, his colleagues in the House, and all Americans who realize the sacrifices

made by veterans. I know that BRYAN has been most concerned about providing adequate health care in VA hospitals, and he has always been receptive to my suggestion in this regard.

Mr. Speaker, Mrs. Morgan and I extend our best wishes to BRYAN on his retirement. His hard work and dedicated service to America will remain an inspiration to all of us.

Mr. HAMMERSCHMIDT. Mr. Speaker, I am delighted to have this opportunity to publicly express my deep appreciation to the gentleman from South Carolina, Mr. DORN, for his many contributions to the national welfare during more than a quarter of a century of public service.

As the ranking minority member of the Committee on Veterans' Affairs, I have witnessed at first hand his outstanding leadership as chairman of this committee having legislative jurisdiction over benefits totalling more than \$12 billion annually. BRYAN DORN has co-authored every important piece of veterans legislation that has been enacted into law in recent years. I am happy to say that the gentleman has always placed the welfare of the Nation's veterans above any partisan considerations.

It has also been my privilege to serve with the gentleman on the Committee on Public Works. As a member of the Economic Development Subcommittee, I observed the skillful manner in which he chaired the lengthy hearings on this subject.

I have travelled with my distinguished chairman and I have listened in awe to his brilliant oratory. No Member, I am sure my colleagues will agree, has a greater capacity for communicating than does the dear, old South Carolina congressional delegation, WILLIAM JENNINGS BRYAN DORN. He is appropriately named after the Greater Orator of the Plains. On one occasion at a State veterans convention on the campus at Arkansas State University, the gentleman concluded his remarks not to a standing ovation, but to a "standing on their chairs" ovation.

A true gentleman of the Old South, BILLY DORN, as he is affectionately known by his colleagues, will be sorely missed. I have been enriched by my association with him. I am grateful for his friendship—for his nonpartisan leadership of the Committee on Veterans' Affairs—for his fair and considerate treatment of the minority side of the committee—in short, for wearing the mantle of authority with wisdom, dignity and good taste.

As BRYAN DORN nears the end of a distinguished career of public service which includes 26 years as a Member of this House of Representatives, I can only say, "Thank you, Mr. Chairman, for a job well done. Your leadership and wise counsel will be missed."

Mr. BIAGGI. Mr. Speaker, the departure of WILLIAM J. B. DORN represents one of the most significant overall losses to the House. He served in this body for more than a quarter century and was one of our most respected Members.

Congressman DORN has had a remarkable career in public service beginning with his being elected to the South Carolina house at the age of 24. He then became a member of the State Senate the youngest man to do so. In 1950 at the age of 34 he was first elected to the House of Representatives and was re-elected on 13 straight occasions.

His career in the House was an outstanding one highlighted by his chairmanship of the important Veterans Affairs Committee which under his leadership in the 93d Congress has enacted legislation to benefit virtually all veterans as well as their survivors. Included among these was the recently passed Veterans Education and Training Act of 1974 which provides some seven million Vietnam era veterans with a 23-percent increase in educational benefits.

The people of South Carolina have lost one of their finest public servants and we in the House have lost an outstanding public servant and good friend. I hope the Veterans Committee will continue to be as receptive to the needs of the veterans of this Nation as it was under the leadership of WILLIAM DORN. No finer tribute could be given to this man.

Mr. ALBERT. Mr. Speaker, as the 93d Congress ends, many Members of the House are retiring to private life and I wish all of them success and happiness in whatever they undertake.

Among them will be my personal friend, WILLIAM JENNINGS BRYAN DORN of South Carolina. Because it is painful to sever the ties that bind colleagues and friends sharing years of fund association, as BRYAN and I do, I recommend that he follow his own example, set when he left us during the 81st Congress and returned in the 82d. There are certainly many citizens of his congressional district who would like to have him back here in the House in the 95th Congress, just as would we who know and admire him here.

Of course we deeply regret that in the 94th Congress this House will be without his ever-welcome presence, his brilliant and penetrating mind, his understanding of the problems facing the American people, his skill in analysis, and his gift of articulate, interesting and persuasive expression.

We came to the House together in the 80th Congress in those years just after the war, during which BRYAN had served in the Air Force for more than 3 years, 19 months of them in the ETO. He was one of seven brothers, all of them on active duty at the same time.

Before joining up to serve his country in wartime, he had served his State in both its house of representatives and senate, where he was the youngest senator, at the age of 24, in his State's history.

He thus brought to the Congress, in addition to his personal attributes of character, integrity, courage, and intelligence, the experience of an elected State legislative official and that of a veteran of extended active duty during the war.

He applied that experience to his work

on the Veterans' Affairs Committee of which he now is chairman. During his long and distinguished service on that committee, he displayed utter dedication to its work and its purposes, and he has been effective and well-informed chairman who knows how to get his bills passed after assiduous preparatory work in committee.

He has adhered to the same tradition of excellence and given the same meticulous attention to detail in his efforts as a thoroughly productive member of the Public Works Committee.

He has led his delegation. He has led the fight for one-price cotton and rational limits on those imports that put American workers on the unemployment rolls. He has sought an adequate defense capability and has done this so effectively that he was called a No. 1 enemy of communism by the late Soviet Foreign Minister, Andrei Vishinsky.

He is a southern gentleman, deeply read in history, especially that of the War Between the States; he is a gifted orator; and he has long been an effective and devoted representative of his district, a patriot in the cause of his country, and an extraordinarily able national legislator. He will be greatly missed in this House which he served so long and so well.

Mr. ANDERSON of California. Mr. Speaker, I rise to join in honoring one of our most distinguished colleagues, WILLIAM JENNINGS BRYAN DORN.

During the past 6 years, I have had the pleasure of serving with BRYAN on the Public Works Committee. His interest and expertise will be deeply missed by all of us.

BRYAN DORN will be best remembered, however, for the great time and effort he put into his job as chairman of the Veterans' Affairs Committee. Indeed, it has been more than just a job—it has been a deep personal commitment to provide equity and dignity for the millions of American veterans, and their dependents and survivors.

Mr. Speaker, I want to add my name to the long list of persons who thank WILLIAM JENNINGS BRYAN DORN for his hard work and wish him the very best in the future.

Mr. MONTGOMERY. Mr. Speaker, I am glad to have this opportunity to speak out in tribute to the long and distinguished career of our retiring colleague WILLIAM JENNINGS BRYAN DORN. I might add that his list of achievements during his 26 years of service is as long as his name.

It has been my pleasure to serve with him on the Veterans' Affairs Committee and the last 2 years to have him as chairman. BRYAN knows the needs of our veterans and he always worked to improve the benefits of our former servicemen.

Mr. Speaker, BRYAN is a close, personal friend whom I shall miss very much when the 94th Congress convenes. I wish him and Mildred much happiness and relaxation in retirement and extend a very sincere invitation to BRYAN to come back and visit with us often. We shall

continue to seek his wise advice and counsel.

Mr. ICHORD. Mr. Speaker, it is with a distinct feeling of regret that I note the retirement of Congressman WILLIAM JENNINGS BRYAN DORN at the end of this session. BRYAN is not only a good personal friend but also for 26 years has endowed this body with outstanding leadership and wisdom which will be sorely missed. As a member and later chairman of the Veterans' Affairs Committee and as a long-time and devoted supporter of the veterans of this Nation, BRYAN DORN has left a lasting contribution to all veterans having played an instrumental role in enacting many of the benefits enjoyed by veterans today, including medical and educational benefits and veterans' compensation and pensions. Also an active legislator in other areas, BRYAN has long been known for introducing innovative and necessary legislation particularly related to rural development, water resources, and vitally needed public works projects. I know that all of us will miss the distinguished gentleman from South Carolina. Dressed in a white suit and armed with integrity and a profound sense of what was right for America, WILLIAM JENNINGS BRYAN DORN became a respected leader in the House, esteemed by his colleagues, his Third Congressional District in South Carolina, and the American people. It was a great and distinct privilege to have had the opportunity to serve in the U.S. House of Representatives with BRYAN, and while I am pleased to be able to pay tribute to him today, I am truly sorry that this body will not benefit from his presence in the 94th Congress.

Mr. ICHORD. Mr. Speaker, I wish to join today in this tribute to Congressman TOM GETTYS who has announced his retirement after six terms of distinguished service in this body. I know that I speak for many of my colleagues here in the House in expressing regret that Tom is not seeking another term from the Fifth Congressional District of South Carolina but can certainly understand his desire for some much deserved relaxation after many years of hard work. Nevertheless, his well-known compassion, goodwill and foresight will be sorely missed by all of us in Congress and by the fine people of his State of South Carolina.

As all of you know, Tom was a down-to-earth statesman, a plain-talking individual and a man of few pretenses who shunned the limelight for the less public but more effective and vital behind-the-scenes work which is so much the key to the legislative process. Both the Banking and Currency and the House Administration Committees will miss his skill and dedication. Tom was a knowledgeable and hard-working legislator and the combination of these qualities as well as his proven leadership and legislative talents made Tom a respected and effective member of this body. It was an honor to have had the opportunity to serve with Tom in Congress, Mr. Speaker, and while he is down in South Carolina "fishing and eating watermel-

on," his presence will be sorely missed during the 94th session of Congress.

Mr. POAGE. Mr. Speaker, for a great many years, WILLIAM JENNINGS BRYAN DORN has served the people of South Carolina in an outstanding manner; but always with the welfare of his Nation in the background.

BRYAN has been a statesman in the true sense. At the same time, he has been a good friend of the Members here. He will not be replaced and I trust the people of South Carolina will recognize that even that great State cannot have too many men of his caliber to serve them and that they will avail themselves of his great abilities in some other field in the near future.

I join with my colleagues in wishing for BRYAN, and his lovely wife, every happiness as they enter into a new phase of life.

Mr. MANN. Mr. Speaker, it is with no small amount of regret that I rise today to bid farewell to one who has been more than a colleague to me. He has been a friend in every sense of that word. He, more than anyone else, made this House feel like home to me when I first arrived here 6 years ago. Through him, I have acquired an appreciation for the greatness of this institution—not only its traditions but its tremendous capacity for growth to meet the increasingly complex problems of modern-day society.

I refer, of course, to no other than WILLIAM JENNINGS BRYAN DORN who is leaving us this year with the same humility and purity of spirit that he brought with him from South Carolina almost three decades ago.

During his lengthy career in the service of first his State and then his country, BRYAN has brought honor and integrity to the art of politics. It is always sad to lose a seasoned leader. It is especially so in BRYAN's case where his wisdom, skillfulness and effectiveness have contributed so much to our greatness as a legislative institution.

Mr. Speaker, to catalog the public service of BRYAN DORN would be a lengthy task indeed. To review his achievements in many areas of life would take more time than is available to us today. All of those within the sound of my voice have been exposed to his sincerity, his intelligence, his discernment, and people all across this country have been impressed and uplifted by the power of his oratory. He will be missed in this Chamber. He will be missed by the veterans of this Nation, who he has served so well. However, I am certain that the remainder of his life will be devoted to service to his fellow man, and with that certainty we bid him farewell, knowing that he will take up the torch in other places, and at other times, always seeking to make our country and our world a better place.

Mr. DRINAN. Mr. Speaker, there is not a single Member of the House of Representatives who will not miss a great deal during the next Congress the presence of WILLIAM JENNINGS BRYAN DORN.

The unique and stentorian eloquence of Congressman DORN is not heard often

in the House, but when it is, the entire Membership remembers it for a long time.

My one consolation in seeing Congressman DORN return to his beloved South Carolina is the fact that I know that he will continue to serve, in a capacity as yet unknown, all of those objectives for which he has struggled in the legislature of South Carolina and in the Congress of the United States.

BILL DORN was the youngest member ever elected to the South Carolina house. He was once again the youngest State senator in his native State when he was seated by a special vote at the age of 24 in the Senate in 1941. He resigned from the Senate to volunteer for the Army Air Force where he served for 3½ years, 18 months of which were in the European theater. He was, incidentally, one of the seven brothers who served during World War II.

BILL DORN came to Congress at the age of 30 in 1946. He resigned from the Congress to run for the U.S. Senate where he was the runner-up in a field of five in the primary. He returned to the House of Representatives in 1950 and has given devoted and dedicated service to the Public Works Committee and to the Veterans Committee since that time.

BILL's countless friends in the House were very anxious that he should become Governor of his native State in 1974. A combination of unique circumstances frustrated Congressman DORN's quest for this high office.

During the 13 terms which WILLIAM JENNINGS BRYAN DORN has had in the House of Representatives, he has been beloved by every single Member of the House. He departs from the House with the admiration and affection of everyone.

Mr. REUSS. Mr. Speaker, I am proud to join in this tribute to one of our ablest colleagues, Congressman WILLIAM JENNINGS BRYAN DORN of South Carolina. BRYAN is retiring at the end of this session, after 28 years of distinguished service in the House.

BRYAN first came to Congress at the age of 30, and he has ably represented the needs and interests of his constituents in the Third District of South Carolina. In those years, he has risen to the position of chairman of the House Veterans' Affairs Committee, where he has fought hard for legislation to provide much-deserved benefits for those who have served to defend this Nation. He has also served with distinction on the Public Works Committee, where he has worked particularly hard on problems of water resources and economic development.

We will miss BRYAN here, but I know that we all join in extending our warmest wishes to him and his wife, Millie, for many more happy years.

Mr. BRINKLEY. Mr. Speaker, I rise to join my colleagues from throughout the Nation, and particularly the members of the South Carolina congressional delegation, in paying tribute to WILLIAM JENNINGS BRYAN DORN, who has served with uncommon distinction for 26 years in this House.

Some 2 years ago, at the beginning of the 93d Congress, I saw fit to seek membership on the House Committee on Veterans' Affairs. I had always known the outstanding leadership which Congressman DORN provided that committee, as a member and ultimately as its chairman, but it was not until I actually became a member that I realized what a truly valuable service he performed to the veterans of this country.

Particularly impressive to me has been Congressman DORN's allegiance to the proposition that veterans deserve a special place in our society, and his fair-handedness in advocating programs to benefit this special group of citizens.

Moreover, Mr. Speaker, I have observed the high esteem in which he is held by his colleagues from my neighbor State of South Carolina, and the frequency with which his guidance and counsel, enriched in a way which can be attained only through long and diligent service in the Congress, are sought by virtually all Members of this body from time to time.

In short, Congressman DORN has earned and gained the kind of reputation for service and leadership that will be missed when the 94th Congress convenes and he is no longer here. It is a high honor for me to join in paying tribute to him, and to wish him the very best that the future has to offer.

Mr. BROOKS. Mr. Speaker, for more than 20 years it has been a privilege and a pleasure to serve in this body with the distinguished gentleman from South Carolina, WILLIAM JENNINGS BRYAN DORN.

The people of this district are deservedly proud of his many accomplishments. He has represented them in the South Carolina Legislature, in both the House and Senate. Since coming to the House, BRYAN DORN has been an eloquent and effective Representative of the citizens of his western South Carolina district.

He has been a diligent and dedicated member of the Public Works Committee, and as chairman of the Veterans' Affairs Committee, he has earned the respect and admiration of all of us here in Congress.

I will greatly miss his presence in the Congress. He is a great American and I deeply value his warm friendship, his wise counsel, and his intense dedication to our Nation and its people.

Mrs. GRASSO. Mr. Speaker, I would like to join my colleagues in paying tribute to a dear friend, WILLIAM JENNINGS BRYAN DORN, upon his retirement from the Congress.

During the past 4 years, I have had the privilege of serving with BRYAN on the Veterans' Affairs Committee. First as ranking majority member and, during the 93d Congress, as chairman, BRYAN has shown his deep personal commitment to the welfare of all our veterans.

For instance, many of us remember an attempt in early 1973 to amend the disability rating schedule, an action which would have reduced disability payments to Vietnam veterans. BRYAN's leadership

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within the Congress and his reputation as the veterans' friend were instrumental in having the proposal rescinded.

On many other occasions, our chairman has guided vital legislation through the House. His efforts have led to updated education benefits, increased pensions, better medical care, and many more improvements in veterans' benefits.

America's veterans are losing a loyal and forceful advocate in the House, and the people of South Carolina's Third District are losing a fine Representative.

His presence will be missed in this Chamber and in the Committee on Veterans' Affairs.

Mr. MAHON. Mr. Speaker, I wish to join in a special salute to the gentleman from South Carolina, WILLIAM JENNINGS BRYAN DORN, upon the occasion of his retirement from Congress. He is retiring from Congress, but he will not retire from service to his fellow man.

I have watched the career of this distinguished South Carolinian since he came to Congress. He has wrought well for the people of his State and for the Nation as a whole.

BRYAN DORN is one of the most eloquent men I have served with in the House of Representatives. He has been a pillar of strength for decency and good government. He has reflected credit upon the Congress.

We are going to miss him as a man, as a friend, and as chairman of the vitally important House Committee on Veterans' Affairs. Mrs. Mahon joins me in best wishes to BRYAN DORN and his lovely wife, Millie.

Mr. WAGGONER. Mr. Speaker, I am highly gratified to have the chance to rise in tribute today to my good friend, WILLIAM JENNINGS BRYAN DORN, an uncommon patriot.

A veteran of 13 terms in this great body and chairman of the Veterans' Affairs Committee, BRYAN has been a source of inspiration to his colleagues and an unselfish countryman to his constituency.

His legacy records an extraordinary career: youngest member of the South Carolina House and Senate; valiant service in the Army Air Force in World War II; election to the U.S. Congress at the age of 30, ad infinitum. And, it is mighty pleasing to me that a fellow southerner has "done his home proud."

BRYAN's record speaks for itself. After 26 years of public service in the highest tradition, I can only wish him continued happiness and success coupled with some well-deserved relaxation. Going on here without him will seem a little strange, but I am sure our colleagues all feel as I do: privileged to have known and worked with him.

Good luck, BRYAN, and may you always enjoy life's richest blessings.

Mr. PERKINS. Mr. Speaker, for a long time, it was my privilege to occupy a suite of offices immediately adjoining those of my friend, BRYAN DORN. But I really did not need proximity to tell me what everybody in this House knows: BRYAN DORN is a good neighbor.

He has been a good neighbor to the Nation's veterans, and his services as chairman of the House Committee on Veterans' Affairs, although brief, has stimulated even greater awareness of the problems of those who have fought America's wars and manned America's defenses.

He has been a good neighbor to those who view the conservation of our natural resources as one of the prime necessities of our time.

He has been a good neighbor to education. And I can tell you, as chairman of the Education and Labor Committee, that BRYAN DORN's untiring support and assistance has often made the difference in whether we got a bill passed or not. All of those on the Education and Labor Committee know of his tremendous support and influence in behalf of the country's young people, and we shall sorely miss him in coming Congresses.

Today, I think it is a safe prediction to say that our neighbor is not retiring in the usual sense of the word. He will not hibernate, and he will not rusticate.

He is going to be a very busy and productive man for many years to come, and I am sure that South Carolinians will feel his presence in their midst.

I certainly hope he does not get so involved in his many activities that he is unable to come back to Washington often to see us.

Good luck and good health to our neighbor, BRYAN DORN.

Mr. DANIELSON. Mr. Speaker, I appreciate this opportunity to join my colleagues in tribute to our distinguished friend and colleague, WILLIAM JENNINGS BRYAN DORN.

It could have not been more appropriate that the chairman of the Veterans' Affairs Committee was himself a veteran and one of seven brothers all of whom served in World War II. Under his leadership during the past 2 years, the Veterans' Affairs Committee has passed major legislation providing much deserved benefits for the men and women who served our country.

It has been a pleasure serving with Chairman DORN, who has given 26 years of distinguished service in the U.S. Congress. He will be missed during the coming session of Congress. I wish him the best in his retirement.

Mr. ANDREWS of North Carolina. Mr. Speaker, I would like to share with our colleagues an experience I had several months ago with the distinguished gentleman from South Carolina, BRYAN DORN. It is, I think, typical of his unselfish attitude and conduct with respect to his colleagues.

Sometime in the late summer or early fall, BRYAN DORN accepted my invitation to speak at a rally in Durham, N.C., in my congressional district. He had just completed an arduous and unsuccessful campaign for the governorship of his great State. The outcome of that race was in doubt, because of the failure of the victor to meet the State's residency requirements.

BRYAN DORN was scheduled to speak at this rally at about 7 p.m. on September

23. At about 4 p.m. I heard on the radio that the South Carolina Supreme Court had determined that the Democratic nominee for Governor, Mr. Ravenel, was disqualified. The immediate speculation was that the State's Democratic Executive Committee would choose a successor nominee, and it was obvious that BRYAN DORN would receive most serious consideration for that appointment.

I proceeded on to the meeting in Durham assuming that surely the gentleman from South Carolina would have to cancel his appearance that night in order to answer the hundreds of inquiries of newsmen throughout South Carolina and the Nation and in furtherance of his candidacy to begin a campaign of contacting members of the Democratic Executive Committee who would be making the decision about a new nominee.

By the time that I arrived at the appointed place in Durham, many others were already there. They, too, had heard the news about the evening's keynote speaker, and all assumed that BRYAN DORN would not be able to appear.

We were considering what to do about a substitute speaker when BRYAN DORN walked into the auditorium with his lovely wife, Millie. He made an outstanding address that evening—and he never mentioned anything of his personal predicament or future. He stayed for the entire meeting and did not get back to the furtherance of his own welfare in South Carolina until the following day.

BRYAN DORN is not only a political friend but a generous compassionate, unselfish, and extremely able gentleman. Without him the House of Representatives will be the poorer.

Mr. BENNETT. Mr. Speaker, the gentleman from South Carolina, Congressman BRYAN DORN, leaves here with a host of friends behind him, and with no enemies. His chairmanships have always been handled with distinction; and his leadership always has been on a broad basis of concern, reflecting always a love for humankind and a never-failing courage in behalf of the underprivileged, and all others needing national legislative solutions. We will, all of us, greatly miss Congressman DORN; and we all wish for him every happiness in whatever pursuits he may now undertake. Certainly we know those pursuits will make him active in behalf of those who need his help. To have it otherwise would be contrary to his very nature.

Mr. CEDERBERG. Mr. Speaker, I salute a very special friend and colleague, WILLIAM JENNINGS BRYAN DORN, on his departure from public service after a distinguished 26-year congressional career. A Southern gentleman in every sense of the word, he has added a distinctive sense of dignity to the proceedings of this Chamber.

Although he has remained a man of simple tastes, his accomplishments have been truly monumental. Ambitious and hard working, he has set some sort of record for early political recognition and rapid achievement in his esteemed State of South Carolina. Indeed "Guinness"

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Book of Records" should be informed of this man's notable record.

His dedication to the betterment of his fellow man and his adamant stand against the insidious elements of our society have earned him the endorsement of his constituents who have consistently reelected him by overwhelming margins. WILLIAM JENNINGS BRYAN DORN will be truly missed by his constituents and by this Congress.

I cannot begin to do justice to the contributions made by this man during his illustrious tenure on the Public Works Committee. His assiduous attention to detail, his informed questions, and his enlightened comments were instrumental in writing and enacting legislation which has benefited millions. I thank him, the Congress thanks him, and the rest of America thanks him for a job well done.

A stalwart advocate of unrepachable conduct and an unswerving man of integrity, he has earned the ultimate compliment—the total respect of his peers. A credit to himself and to this Congress, WILLIAM JENNINGS BRYAN DORN deserves the years of health and happiness which I wish him.

Mr. McCLODY. Mr. Speaker, in the departure from our halls of Congress of WILLIAM JENNINGS BRYAN DORN, the Congress is bidding farewell to one of our most colorful and distinguished Members. Congressman DORN, although still young in years, seems like a carryover from another era—an era of great orators and lawmakers who not only assume a prominent role in our society, but also provide the distinguished appearance and carriage of a Congressman.

Mr. Speaker, I know from my personal contacts with Congressman DORN of his love for our Nation, of his high ideals, and his underlying Christian faith. BRYAN DORN is a man of many talents, a man of great distinction in our times, and one whom I assume will find opportunities for future public service. I am pleased to join today with our other colleagues in extending to WILLIAM JENNINGS BRYAN DORN every good wish for continued good health and happiness.

Mr. ROBERTS. Mr. Speaker, earlier in the week you joined us in the ceremony in which we presented a portrait of our beloved chairman, the Honorable WILLIAM JENNINGS BRYAN DORN, to be hung permanently in the Veterans' Affairs committee room. On that occasion, I said that the life of our chairman exemplifies public service. He was elected to the South Carolina House of Representatives at the tender age of 22 and became the youngest State senator at the age of 24. He resigned from the State senate to enter the Air Force and served 3½ years in the European theater. He was one of seven brothers who served during World War II. He was elected to Congress in 1946 and with the exception of one 2-year term, he has served until the present time. During that entire period of service, he has been a member of the Veterans' Affairs Committee.

Before becoming chairman, BRYAN DORN for many years was chairman of our most important subcommittee, the Subcommittee on Pension and Compensation. His subcommittee originated dozens of pieces of legislation which raised, expanded, and improved pensions and compensation for veterans and survivors. BRYAN DORN has been directly associated with almost every pension and compensation increase for veterans for the last 15 years. When he became chairman of the full committee, he had left over from the previous Congress two major bills which had been vetoed by President Nixon. One of these bills, the Veterans' Health Care Expansion Act of 1973, was the most important piece of medical legislation considered by the committee in many years. It expanded and improved outpatient service to veterans. It improved the nursing program in Veterans' Administration hospitals and contained dozens of other important provisions. For the first time, this piece of legislation made survivors of service-connected veterans eligible for medical care through a new program called CHAMPVA. Upon becoming chairman, BRYAN DORN immediately undertook negotiations with the administration and achieved an agreement without losing the major benefits of the legislation and was able to reenact the legislation and gain its approval by the President.

BRYAN DORN also inherited a vetoed national cemetery bill. He was able to negotiate the differences on that legislation and secured approval by the President. More recently he has made a significant contribution to the Vietnam veterans of this country by gaining passage and ultimately overriding a veto on the Vietnam veterans education bill. This bill will provide a 22-percent increase in allowances for Vietnam veterans in school, and there are more than 1,500,000. Mr. Speaker, these are not the only pieces of legislation with which our chairman has been associated. There are many others. We have an important housing bill at the White House now for signature. There is also a bill down there that will improve automobile allowances and special adaptive equipment for seriously disabled veterans. There is also before the President a bill which would raise nonservice-connected benefits and alleviate the impact of social security.

BRYAN DORN is known as one of the most eloquent spokesmen and advocates for a strong national defense. He has been a great chairman, a great Congressman, and he is a great American. We all will miss him.

Mr. ABONOR. Mr. Speaker, for the past 2 years it has been my privilege to serve on the House Veterans' Affairs Committee. One of the things that has impressed me most has been the complete impartiality and spirit of fairness in which its distinguished chairman, Honorable WILLIAM JENNINGS BRYAN DORN, has directed the committee proceedings.

Most certainly the concerns of our veterans should know no political bounds, and it is to the distinct credit of Chairman DORN that this is the man-

ner in which veterans legislation is handled in our committee. He has provided a fine example for all of us.

With his retirement from the Congress, Chairman DORN leaves behind a distinguished record of dedicated service both for his constituents and for the veterans of this Nation. I wish him well in all of his future endeavors.

POSTAL REFORM: A NEW YEAR'S RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, for the last 6 months I have been actively engaged in a study of the U.S. Postal Service, concentrating particularly on the effects of its policies on nonmetropolitan areas. Since coming to Congress, no other subject has evoked a more steady flow of complaints or a larger volume than the postal service. Since the announcement of these investigations and hearings which were held jointly by my Subcommittee on Rural Development and the Subcommittee on Postal Service, these complaints have escalated and now come from all parts of the country.

As a result of my studies, hearings, in the First Congressional District of Arkansas and in Washington, and the recommendations from a citizens advisory committee on the Postal Service which I appointed in Arkansas, I am introducing legislation today aimed at making the Postal Service more responsible to the people whom it was designed to serve.

These hearings and the statements from people across the country have convinced me more than ever that the U.S. Postal Service is practicing gross discrimination against the people in rural areas in the formulation of policies at the national level. And it is these people in nonmetropolitan areas who depend more heavily on the mails as a form of communication and news than any other group of people. The daily operation of American free enterprise is dependent upon an efficient handling of mail.

The main thrust of the bill I introduce today is to return the power of the purse strings of the U.S. Postal Service to the Congress—the representatives of the people. The revenues of the Postal Service will go into the General Treasury and the U.S. Congress will have the responsibility of annual appropriations that it deems necessary for the operations of the Postal Service. This will, in effect, afford us control of postal policies without once again getting the Congress into the business of hiring and firing postmasters.

The bill also includes a section which I believe most important in that it requires that State and local agencies be consulted before new facilities are constructed and provides for a system of hearings to give other interested parties a chance to state their opinions.

Mr. Speaker, this section of the bill was included because of an experience which just came to light in one of my own communities and one which I under-

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stand also occurred in a Maine community which point to the need for consideration of citizen advice in such matters.

The city of Oxford, Ark., has under 300 residents, most of whom are elderly. For years they have been served by a post office which sits in the middle of town, within walking distance of most homes and other businesses. Without consulting the community, the Postal Service decided to build a brand new structure on a busy highway outside the town. Not only will many of the older citizens not be able to walk to the post office any more, but the location on the busy highway constitutes a severe hazard to those who do walk.

Mr. Speaker, I spent an afternoon with the citizens of Oxford, Ark. They do not oppose change. They are reasonable people. But they simply do not understand why they cannot have a say in how their tax dollars are being spent in their own community. I do not understand this either.

Several sections of the bill are devoted to changes in present employment practices. One of the most common complaints I heard from citizens, postal employees, and retired and present postmasters concerned personnel practices. I might add at this point, however, that most of the statements from present employees were made to me in confidence since these employees still feel bound by the old gag rule and are hesitant to talk even to their elected Representative about postal problems.

Some of these people told me that there is so much dead weight in their offices that they could actually do a better job by eliminating some employees. This is an incredible set of circumstances when small offices whose budgets have been severely cut back because of national policy dictates are crying for help while other offices say they have too much.

Others have complained of the system which encourages promotion solely on the basis of seniority, overlooking more qualified people. Most of the people with whom I talked also stated their belief that the civil service exam is irrelevant to a person's ability to carry or dispatch the mail.

The people also complain of the appointment of postmasters who live outside the area they serve. This is not only a slap in the face of people who live in the town, but it also overlooks the vast amount one who knows a town and cares about it can contribute to the efficiency of a post office.

In instances where the only employees are a postmaster and part-time clerk, it is often financially impossible for an otherwise qualified citizen to sacrifice a full-time job in order to take the position of part-time clerk merely to work his way up to postmaster.

Several sections of the bill offer possible remedies for each of these situations. However, perhaps one of the most important sections is that which grants more authority to the postmaster of each post office in the realm of hiring, firing, and disciplining employees. Since the

postmaster is judged to a large extent on the work done by those serving under him, when charged with this responsibility, I believe he will be most discretionary in the use of these powers. He is the one who can best observe the actions of those who work under him, and the needs of his particular post office. The fact that the Postal Service has not made more use of the knowledge of the people at this level is a ridiculous waste of talent.

The final problem dealt with in this bill is that of routing and sorting of mail. This was also the most difficult problem to deal with since sensitivity and commonsense in postal officials cannot be legislated.

To cite an example from a statement presented in our field hearings in West Memphis, Ark.:

It makes no sense to those of us who live in eastern Arkansas that mail from Brinkley to Wheatley (a distance of five miles) has to go to Little Rock, a distance of 70 miles, from Little Rock back through Brinkley to Memphis, another 70 miles, and then to Wheatley from Memphis.

The above is fairly representative of the sorting system employed by our postal service. Mail from community to community in the First Congressional District either goes to Little Rock, Memphis, or both for sorting before delivery to its destination.

Such a system has caused the loss of a day or more in delivery time and has hurt some businesses. Newspaper editors have testified to the fact that many subscriptions have been lost since old news is valuable to no one.

My citizens advisory committee on the Postal Service has recommended that we return to the sectional center concept of mail delivery and routing that was in effect prior to USPS as a more logical and efficient method of operation than the regional concept being utilized at present. They recommend the reestablishment of a sectional center, preferably at the trade center, in each county for sorting and distribution of mail. That concept is incorporated in my legislation.

Mr. Speaker, I am a reasonable man. However, I have talked about this subject until I am blue in the face and am even getting tired of hearing my own words. Yet I see no improvement.

I realize the Postal Service has a little budget with which to work, that economy must be emphasized, and that the Postal Service like all Federal budgets will be subject to even more belt-tightening in the future. Yet it appears that when these cutbacks are ordered, they always begin in rural America and I question the budget priorities now employed by USPS.

I question budget priorities which one year will allocate thousands of dollars for use in advertising the airmail service, even though there are no competitors in the market, and the next year announce discontinuance of airmail completely, since first class gets there in the same length of time.

I question priorities which allocate almost \$1 million for the creation of a coloring book for elementary students at the same time stamp prices are increased.

I question investments of millions of dollars in complex machinery and new buildings constructed at great cost overruns while eliminating postal jobs in rural America.

I do not argue that mechanization is unnecessary to efficient service. However, a recent General Accounting Office survey shows that at three offices tested, machine operators keyed 9.1 percent of the mail incorrectly, resulting of course in duplication of work when the mail had to be resorted and a delay of an average of 3 days per letter.

Thus, the value of reducing help in rural areas while putting in more machinery in urban areas has not been proven to me.

Neither do I object to Government subsidy of USPS if that is what it takes to provide service to the people. However, with such a subsidy must come the guarantee that the Postal Service is using their funds to the best advantage of all the people.

When we gave birth to this new quasi-independent agency 4 years ago, I, like many of the rest of you, was hopeful that we were solving a problem. Instead it appears that we created one. After 4 years, it is time for papa to start giving a little more guidance to his recalcitrant child.

We must assure that the citizens of our hinterlands do not once again become separated from the other parts of our Nation by the deterioration of our communications network to the extent that it is either too unreliable or expensive to use.

It is true that we are at the end of a session and some might question the introduction of such a piece of legislation on the last day. However, I want my colleagues to be familiar with the purpose and intent of this bill so that when January 14 comes and I reintroduce it, you will be ready to join me in this resolution for the new year.

TRIBUTE TO O. C. FISHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, my colleague O. C. FISHER retires at the end of this Congress. He has served in the House since the 78th Congress. CLARK was in Congress long before I ever gave any thought to entering politics, much less entertained any ambitions of coming to Washington myself.

CLARK FISHER has seen many changes in his time; he has been through any number of crises; and yet he has retained those same basic values that he always had—values that reflect his heritage as the son of a pioneering Texas family. For he was born in the big ranch country of Texas, and still is engaged in the ranching business; and he has never lost touch with his home country, its people, or its ways.

My colleague is one who has a rich understanding of his own past. He has researched carefully and written a good

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many excellent works about west Texas in general, and his own family in particular. His best known work is about King Fisher, and stands among the better books in that specialized field of Texana, which fortunately for all of us, is a field of literature that has a wider appeal than its name implies—and a wider meaning and deeper importance, too. CLARK FISHER knows himself better and appreciates the past, and for that reason I think he knows himself better than most of us. He has been a steady hand in the House, and a staunch, effective member of his committee.

CLARK's district historically has always been a big place, because the population in the Texas ranch country is not very heavy. In fact, nearly half his constituents today reside in that fraction of Bexar County which borders on my own 20th Congressional District. It is a tribute to CLARK's ability and appeal that he has been well recognized and accepted by his big-city constituents.

I came here as a freshman in January 1962. CLARK FISHER was a veteran then. I have often turned to him for guidance and assistance. He has never been anything other than gracious and generous to me. He has never hesitated to help when asked, and never failed to do his best for his constituents and colleagues alike.

I know that I will miss CLARK. All of us Texans will.

Mr. POAGE. Mr. Speaker, CLARK FISHER came to Congress a few years after I did. We lived in the same apartment development. We rode to and from work together. We traveled abroad together. I think that I had the opportunity to know CLARK FISHER as I have known few Members and I have known him always as an able, honorable, conscientious, and helpful colleague. He has probably represented the 21st District of Texas better than any other man could represent it. He has always had the courage of his convictions and has served his Nation fairly and honorably.

CLARK FISHER saved this country billions of dollars and yet he has always supported an adequate defense. As a member of the Armed Services Committee, he has helped maintain that defense. He is one of the few Members who recognizes that the Government has no money except that which it takes from the people. He has always been willing to make provisions for the needy; but he has never agreed to waste the public resources.

We all regret to see CLARK go. We all realize he has made a wise choice from a personal standpoint and we wish him well; but we know that his place cannot be filled and that the country is the loser.

Mr. WHITE. Mr. Speaker, it is my great pleasure to join my colleagues in honoring O. C. FISHER on his retirement from Congress. Throughout my 10 years as a Member of the House of Representatives, Mr. FISHER's district immediately adjoined mine. I therefore had the opportunity to talk to people who were

his constituents on many occasions, and I know how highly they regard his integrity and his responsiveness to their viewpoints and interests. He has been an influential advocate of their needs and desires before the agencies of Government and in the Halls of Congress. When I attained a seat on the Armed Services Committee, I learned how knowledgeable he was in the intricate matters that came before the committee and how well he could cut through the maze of technology and organizational matters. He was a strong defender of some of the very vital programs that helped make this Nation strong in defense.

To leave his characterization at that alone would fail to describe his humanity, for he is a most interesting person to talk to and to be with as the committee has plied its duties of investigating matters in its jurisdiction. Only by talking at length with him would one discover that he is an author and has written several books of the West. He is presently engaged in writing a book on that great American, John Nance Garner, former Speaker of the House of Representatives and Vice President of the United States under Franklin D. Roosevelt. Now he tells us he is returning to his native area to do the things he likes best, and that of course includes ranching. So, he is not really retiring, but is only leaving Congress to follow a different full time line of activity.

We look for him to return many times to renew his staunch friendships here.

A TRIBUTE TO REPRESENTATIVE FRANK A. STUBBLEFIELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, the late Irvin S. Cobb used to say that the map of Kentucky is the silhouette of a camel lying down.

Well, in that part where the camel's head nuzzles up against the waters of the Mississippi River is an area called the Jackson Purchase. It is also called, because of its staunch political leaning, "the Gibraltar of democracy."

Over the years, that district has developed a tradition of electing outstanding Members of the House of Representatives: the great Linn Boyd, who was Speaker of the House in the Andrew Jackson years; James Andrew "Quinine Jim" McKenzie; Ollie M. James; and Alben W. Barkley, the beloved Vice President of the United States during the Truman years.

Sixteen years ago, the Kentucky First District elected a worthy successor to these in our friend and colleague, FRANK ALBERT STUBBLEFIELD.

Unless there is an extraordinary session, today's session is FRANK's last as a Member, and I have taken this special order to pay tribute to his outstanding service.

FRANK and I come from different parts of Kentucky—I from the mountains,

he from the rich, flat alluvial plains of the west. But it has been a pleasure to work with him on projects for the benefit of all of Kentucky—and for the Nation.

FRANK ALBERT STUBBLEFIELD has served with great distinction on the Committee on Agriculture, and most recently on the Tobacco Subcommittee. He is intimately acquainted with the problems that beset the farmers of the country, and has worked diligently over the years to help solve them.

I do not know of any Member who has been more dedicated to the interests of his people, and the First Kentucky District has been served well in this body during the past 16 years.

I know that all of my colleagues join me in wishing for him many, many more years of continued happiness, health, and prosperity.

It is a privilege to have served with this outstanding and useful Kentuckian.

Mr. SLACK. Mr. Speaker, I am very proud to join with the many Members of the House who have recognized the fine work of my good friend Congressman FRANK STUBBLEFIELD. We entered the House of Representatives together in January 1959, and I have had many occasions to work with him toward the accomplishment of desirable public objectives. I also count him to be my personal friend. He is well known for his highly effective work with the Committee on Agriculture but no less important is the fact he has earned a reputation for giving everyone, no matter what his point of view, a gentlemanly reception in all cases.

I have always enjoyed my association with him because of his willingness to share thoughts and to extend his pleasant and unfailing courtesy to include the viewpoints of all interested persons no matter how heated the controversy.

It is our loss that he must leave the House, and I wish him well in the future in all of his endeavors, secure in the knowledge that he leaves behind a vast pool of friendship well-earned.

Mr. MAZZOLI. Mr. Speaker, in my 4 years as a member of the Kentucky delegation representing a largely urban district, I have come to respect the judgment of my retiring colleague, Congressman FRANK ALBERT STUBBLEFIELD—particularly in matters involving agriculture.

FRANK ALBERT has been more than just a friend and a fellow Kentuckian. He has long been a quiet, unassuming—but highly effective—spokesman for the rural interests of our Commonwealth and our country.

His distinguished career on the House Committee on Agriculture has earned the respect of his colleagues, and of the staff, who honor him for his diligence and hard work over the years.

As FRANK ALBERT and Odessa Stubblefield return to Kentucky, they can take great pride in the satisfaction in a job well done. They have my warm best wishes for many more happy, healthy, and successful years.

Mr. DE LA GARZA. Mr. Speaker, the

retirement of FRANK STUBBLEFIELD from Congress represents a special personal loss to me. I have had the great privilege of serving with him on two committees, Agriculture and Merchant Marine and Fisheries, and I have seen close up how assiduously he applied himself to the work of those two important panels.

He has been constantly helpful to me from the time I entered the House as a Member in January 1965, when he already had been here 6 years. I appreciate the friendship of this true son of Kentucky, I admire his ability and steadfastness, and I respect his keen knowledge of the legislative process.

FRANK STUBBLEFIELD will be missed in this House. He will be missed by me, and I join all his other friends here in the wish that the future holds nothing but good for him.

Mr. CASEY of Texas. Mr. Speaker, tonight we share the final hours of the 93d Congress with FRANK A. STUBBLEFIELD, a Kentucky gentleman in every sense of the word.

Since we are of the same congressional vintage, FRANK STUBBLEFIELD and I have shared many memorable experiences over the past 16 years. He is a man of the highest integrity and dedication. It has been a personal pleasure to work with him and to call him my warm friend.

I join our colleagues tonight in expressing our sincere gratitude for sharing his talents and energy and I know that we all miss his presence among our ranks.

FRANK STUBBLEFIELD's efforts to improve the Nation's agricultural industry have made significant contributions to the efficiency of our farming and ranching interests, which are second to none in the world.

His service to his home Bluegrass State have certainly made him immortal on the pages of Kentucky history books.

I know that all our lives have been made brighter by the presence of FRANK STUBBLEFIELD and his lovely wife, Odessa, and we wish them continued success and happiness in the years ahead.

Mr. BROOKS. Mr. Speaker, for the past 16 years it has been a privilege and a pleasure to serve in this body with the distinguished gentleman from Kentucky, FRANK A. STUBBLEFIELD.

For over 30 years FRANK STUBBLEFIELD has served in public office. He was a member of the city council of Murray, Ky., and the Kentucky Railroad Commission. In the Congress, he has been a vigorous and dedicated member of both the Agriculture and Merchant Marine and Fisheries Committees. His efforts on both of these committees have earned him the respect and admiration of all of us here in Congress.

It is with sincere personal affection and professional respect that I join in honoring him today. I deeply value his friendship and his wise counsel. He has been an eloquent and effective spokesman for the citizens of his district. His presence here in Congress will be missed.

Mr. SHRIVER. Mr. Speaker, when I first came to the House in 1961 one of my good neighbors down the hall in

the Longworth Building was FRANK STUBBLEFIELD of Kentucky. You learn a lot about your neighbors with whom you work in the House of Representatives. I found FRANK STUBBLEFIELD to be a hard-working Congressman, serious about serving his constituents in the First District of Kentucky. He took his responsibilities on the Committee on Agriculture seriously and was a respected voice for agriculture on that committee and in this House.

Now on what may be the final day of this 93d Congress we say farewell to FRANK as he ends his career of 16 years service in behalf of his district, State, and Nation. He has served faithfully and well, and we will miss him. I join with my other colleagues who know and respect FRANK STUBBLEFIELD in wishing for him good health, contentment, and happiness in the years ahead.

Mr. SIKES. Mr. Speaker, in the 15 years since FRANK STUBBLEFIELD first came to Congress, he has compiled a record of service of which any Member could be proud.

Now that he is returning to his native Kentucky, FRANK's accomplishments appropriately are being mentioned here today in fitting tribute to this outstanding public servant.

I have come to know him well and I have appreciated his friendship through our years of service together. I have been particularly impressed with his contributions to the Merchant Marine and Fisheries Committee and the Committee on Agriculture, both of which are of vital interest to my constituents.

I have never known FRANK STUBBLEFIELD to turn a deaf ear on those who sought to consult with him on legislation. I have never known him to be anything but courteous and thoughtful. His positions on legislation were arrived at only after careful and thoughtful consideration of all factors and those of us who have leaned on him for leadership and guidance have known that FRANK's position on legislative programs were the result of careful and conscientious preparation.

I am sorry to see FRANK leave us. His warm humor, sound mind, eloquent voice, and unbounding energy have meant a great deal to the House. I wish him and his family the very best in the years ahead.

Mr. NICHOLS. Mr. Speaker, I appreciate our friend, CARL D. PERKINS, arranging this special order so that the many friends of FRANK STUBBLEFIELD may have the opportunity of saying some fine things about this very fine Kentuckian.

It was my good fortune to have the privilege of serving on the House Committee on Agriculture with FRANK STUBBLEFIELD during the first term I was in Congress. I watched this fine gentleman as he spoke up for his tobacco farmers and for farm people throughout the country. He will be sorely missed by his many friends and particularly those of us who were privileged to know him.

The back rail in the House Chamber will not be the same without his cheery

smile and familiar greeting to his many friends.

Although we shall miss FRANK in the 94th Congress, I know that Kentucky will be better for his return, and I take this occasion to wish for FRANK and his lovely wife, Odessa, who was so helpful to him as a Congressman, all of the happiness to which he is certainly entitled as he returns to his native State of Kentucky.

Mr. JOHNSON of California. Mr. Speaker, a longtime personal friend of mine, FRANK A. STUBBLEFIELD, will be retiring at the end of this Congress. His leadership and experience will be greatly missed. Albra and I want to wish both FRANK and his lovely wife, Odessa, the very best in the years ahead as they return home to the rolling, green Kentucky countryside.

FRANK and I came to Congress together in January 1959, and have remained close friends since that time. His Lincoln-esque stature and easy wit early singled him out as a leader in Congress. Although he is quiet spoken, FRANK has always been highly respected by his colleagues in the House of Representatives.

During his career in Washington, FRANK has always kept a careful eye on the needs of his constituents. Because tobacco is the principal crop of his Kentucky district, he has concentrated his legislative interests in this area. Through his service as a member of the House Agriculture Committee, he has had a special opportunity to work for the benefit of the American farmer. In recent years he has had the privilege of serving as chairman of the Subcommittee on Tobacco. Through this service he has been able to author and participate in the drafting of several pieces of legislation affecting production and marketing of this important crop. Among the most significant pieces were measures guaranteeing reasonable price supports for tobacco farmers.

Our colleague has also maintained a special interest in transportation issues which come before the Congress. This interest stems from his service as railroad commissioner for the State of Kentucky.

As the gentleman from the Bluegrass State concludes his distinguished and illustrious career, he can leave knowing that he has made a significant contribution to the House of Representatives and to his Nation. That career began several years ago when FRANK served as county manager for the campaign of his father's classmate, Alben Barkley. He has maintained an interest in politics ever since.

As he returns home to Murray to undertake some serious fishing with his three children and five grandchildren, and returns to the family drugstore, we salute his outstanding accomplishments and wish him every success for the future. FRANK has served his district, his State, and his Nation well.

Mr. NATCHER. Mr. Speaker, it has been a distinct honor for me to have served in the Congress with my friend FRANK ALBERT STUBBLEFIELD.

It has been Mr. STUBBLEFIELD's priv-

ilege to represent the First Congressional District of Kentucky and he has made an excellent Representative.

I have known FRANK ALBERT STUBBLEFIELD for many years. I have known him well and I hope, yet doubt, that I have let him know how much I admire and respect him. I am not alone in this regard for a man so imbued with his sense of responsibility cannot but command admiration and respect. Long before he was elected to the Congress, FRANK STUBBLEFIELD had an established record of public service. A veteran of World War II, a druggist by profession, he sat as a member of the city council in his home town, Murray, Ky., and on the State level as a member of the Kentucky Railroad Commission.

Elected to the 86th Congress he was sworn in on January 3, 1959, and in a short time FRANK A. STUBBLEFIELD was recognized by the leaders of the House as one of the more promising junior Members. Mr. STUBBLEFIELD fulfilled their expectations. He worked hard for his country, his district, and his people and by virtue of his ability and his grasp of the problems confronting the American farmer he became the ranking Democratic member on the Committee on Agriculture and chairman of its Subcommittee on Tobacco. To see FRANK A. STUBBLEFIELD as a Member of Congress was to see a man with but a single purpose in mind and that was to serve—and to serve well.

Mr. Speaker, he is a man who grows on you. He is a man who wears well. He is a man of good stripe. He is a man.

If I know FRANK A. STUBBLEFIELD, and I do, there is no doubt in my mind that he will continue to give of himself. For FRANK A. STUBBLEFIELD, the gentleman from Kentucky, there could be no other way of life. I wish for him and for the members of his family the best of everything in the future.

Mr. POAGE. Mr. Speaker, for some 15 years, I was vice chairman of the Agriculture Committee under the chairmanship of my friend, Hon. Harold Cooley, who had inaugurated the practice of naming a vice chairman of the committee while Hon. Steve Pace was still a Member of Congress. Steve served only one more term and then I succeeded him as vice chairman. I invited Mr. Cooley to Fort Worth to speak to the cattle raisers. I introduced him in what I thought was a generous manner. He took the floor and said:

I am delighted to have my Vice Chairman introduce me. Bob is one of the most outstanding, one of the finest, one of the greatest Vice Chairmen our Committee ever had—it never had but two.

The committee has had a number of vice chairmen since that time; but I can still say that FRANK STUBBLEFIELD is one of the greatest we have ever had. He is not only one of the finest vice chairmen of our committee, he is one of the finest men who has ever served in this Congress. He has done a great deal for Kentucky and a great deal for his Nation. He has been a friend of all of his col-

leagues and, if he has an enemy in this House, I do not know him.

We are all going to lose when FRANK leaves us; but I am going to suffer an especial sense of loss when I realize that I no longer have this fine man working at my side.

His wife, Odessa, has been just as helpful as FRANK has and I want to join with their Kentucky friends in extending the very warmest good wishes to them both.

Mr. REUSS. Mr. Speaker, it is a pleasure for me to join my colleagues in this tribute to an able colleague, Congressman FRANK STUBBLEFIELD of Kentucky, who will be leaving the House at the end of this session.

FRANK has served with distinction in Congress since 1959, and ably represented the needs and interests of his constituents in the First District of Kentucky. As vice chairman of the Agriculture Committee, and chairman of its Tobacco Subcommittee, he has worked tirelessly for legislation to meet the special needs of America's farmers. He has also distinguished himself on the Merchant Marine and Fisheries Committee, particularly in the development of legislation to promote the use of navigable waterways such as those for which the first district is noted.

We will miss FRANK here. I know that we all extend our best wishes to him and to his wife, Odessa, and their family on his retirement from the House.

Mr. HORTON. Mr. Speaker, it is an honor for me to join with my colleagues in paying tribute to one of our most distinguished Members, FRANK STUBBLEFIELD.

I deeply regret that FRANK will not be here with us in the next Congress. I value his friendship and I respect him as a fine legislator. Though we sat on different sides of the aisle, I always found FRANK to be both forceful and fair in his views. He has contributed much to the Congress and the Nation and we are losing one of our most valuable Members.

All of us will miss FRANK as a friend and colleague for whom we have the greatest admiration. His dedication and hard work have been an example for us all.

Mr. Speaker, it has been a privilege to serve with FRANK and I wish him well in the coming years.

Mr. GIALMO. Mr. Speaker, I rise to join with so many of my colleagues in the Congress to pay tribute to FRANK STUBBLEFIELD of Kentucky who retires from the House of Representatives at the end of the 93d Congress.

FRANK and I were both elected to Congress in 1958. As I look back over these years I cannot help but admire his enthusiasm for his work, his energy in doing that work, and his dedication to what he believed.

As second ranking Democrat on the Agriculture Committee and as chairman of its Subcommittee on Tobacco, FRANK STUBBLEFIELD has devoted his life to the benefit of rural America. He has contributed much to the betterment of the farmer who, like FRANK himself, is both hardworking and industrious.

I will often recall the wonderful years we have shared together in public life. His dignity, his perseverance in the things he thought to be right, and his devotion to making this a better country for all of us to live in will long be remembered after he leaves this Chamber. I am pleased to join my colleagues to wish Congressman FRANK STUBBLEFIELD the very best in his retirement.

Mr. JONES of Tennessee. Mr. Speaker, at the end of this Congress the House of Representatives will be losing many Members of long standing. One of these Members that will be leaving Capitol Hill is FRANK ALBERT STUBBLEFIELD who has represented Kentucky's First District for 16 years.

FRANK is Kentucky born, raised, and educated and has served his district with integrity and competence.

He has been a good friend to me since my election to Congress in 1969. FRANK has been a senior member on the House Agriculture Committee as well as being chairman of the Tobacco Subcommittee and a former chairman of the Dairy and Poultry Subcommittee.

FRANK's friendship and guidance have meant a great deal to me since my first days in the Congress and I will certainly miss him.

I am sure that all of you, as FRANK's colleagues, will join me in wishing FRANK and his lovely wife, Odessa, our very best for their future.

Mr. SNYDER. Mr. Speaker, I feel genuine sadness at the departure from Congress of my esteemed friend and colleague from Kentucky, FRANK ALBERT STUBBLEFIELD.

It is certain that in the months ahead the people he faithfully represented so well for so long will begin to realize what the cost to them actually is when they no longer have him to call upon in Washington.

FRANK ALBERT STUBBLEFIELD served the entire Nation, not just his district in Kentucky, in an exemplary manner. As vice chairman of the Committee on Agriculture, he was perhaps best known to the farmers of America. As chairman of the Subcommittee on Tobacco he was able to render outstanding service to the growers of Kentucky's best known product, burley tobacco, as well as to the tobacco farmers in other States.

It has been a privilege to serve with FRANK STUBBLEFIELD on the Merchant Marine and Fisheries Committee, where he has been, among other things, a stalwart ally of mine in opposing the proposed giveaway of one of our Nation's greatest assets, the Panama Canal. The American people need more men like him here. He has had his feet on the ground always. He has never allowed himself to be misled by the rosy fantasies of too many so-called leaders whose feet as well as their heads are in the clouds.

We will miss FRANK STUBBLEFIELD and his lovely wife Odessa.

His district and the Nation will miss his service here. God be with him in all his future endeavors.

Mr. BURLISON of Missouri. Mr. Speaker, we honor a man today who will

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live long in the minds and hearts of the people of Kentucky's First Congressional District. We have all felt his kindness and his friendship. It is rare to see these qualities possessed in such abundance by one who is also an able legislator. FRANK's district is a neighbor, looking across the Mississippi River from the upper boot-heel of Missouri's 10th Congressional District.

FRANK STUBBLEFIELD is the first incumbent Congressman that I had the pleasure of meeting after my first election. I shall always cherish the thoughtfulness and courtesies that he has extended to me during our 6 years of service together. We wish him well for the future as we express our appreciation for his great accomplishments of the past in serving his people of western Kentucky and this Nation.

Mr. PRICE of Illinois. Mr. Speaker, our good friend FRANK STUBBLEFIELD of Kentucky retires after 16 years of dedicated service.

At this time I want to take the opportunity to express my appreciation to FRANK STUBBLEFIELD for having had the privilege of serving with him. FRANK STUBBLEFIELD as a Member of the House has worked quietly and diligently for his district and Nation.

FRANK STUBBLEFIELD has not sought the limelight. He has been a solid Congressman who has contributed a great deal to the betterment of the Nation.

A member of the House Committee on Agriculture, FRANK STUBBLEFIELD has been serving as chairman of the Subcommittee on Tobacco, an important assignment for the economy of his beloved State of Kentucky.

FRANK STUBBLEFIELD has also served on the Committee on Merchant Marine and Fisheries. A member of the Subcommittee on Merchant Marine, FRANK STUBBLEFIELD, although coming from an inland State, has recognized the importance of having an adequate merchant marine fleet to promote the American economy. FRANK STUBBLEFIELD's vision of a better America has not stopped at the water's edge.

I am proud to have served in the Congress with FRANK STUBBLEFIELD.

Mr. WAGGONER. I am honored today to pay tribute to one of my good friends, FRANK STUBBLEFIELD, a gentleman of the highest order.

FRANK has been around here for a long time, attesting to the wisdom of the people of Kentucky. He is a solid worker, as both his colleagues and constituents recognize. We are all going to miss his spirit of cooperation and zest for the job, as it has always made us feel a little better to be here.

While the country can ill afford a loss of such a dedicated patriot, I know that FRANK is most deserving of a rest from an outstanding public service career. And what a beautiful State he has to enjoy retirement in.

I am proud to have worked these past 13 years with a man like FRANK. He has exerted a great deal of positive influence on the affairs of this great Nation in a way that makes us fortunate indeed to have had his services for so long.

My highest personal regards and esteem for you, FRANK, are the best I

have to offer. May you have the best there is in life always, for I know of no man more deserving.

Mr. FUQUA. Mr. Speaker, a distinguished record of public service will come to a close when Congressman FRANK STUBBLEFIELD leaves these Chambers.

This genial Kentuckian has served for 16 years from the Bluegrass State, and I might add that he has served well.

FRANK is best known for his work and interest in agriculture. Much of the legislation which has been reported out of that committee bears the imprint of his work. Particularly have I been appreciative of his work in behalf of tobacco, one of the largest crops grown in my district in Florida. Every time I have asked for his assistance, he has been more than willing to help.

It is interesting to note that he is a druggist by profession, a statesman by service.

We will miss his good works, but as he leaves, he can be proud that he has been able to serve so well and to leave such an imprint on the future.

Mr. PICKLE. Mr. Speaker, a few years ago I was privileged to make a trip to Fulton, Ky. This quaint, delightful community on the border between Kentucky and Tennessee was celebrating its annual banana festival.

I will agree that it is hard to believe there is a banana festival right in the heart of Appalachia. But Fulton is a railroad town and the terminal of the L&N—Louisville & Nashville—Railroad. More bananas are shipped into and out of Fulton probably than any other place in the world.

Congressman FRANK STUBBLEFIELD and our late beloved Congressman Robert "Fats" Everett of Tennessee were our hosts, and I learned that the people of that region loved them very much.

My own forebears came from this part of the country. Those who remained behind told me of the service FRANK STUBBLEFIELD had delivered over the years and of their respect for him.

He has helped me with agricultural matters here. FRANK STUBBLEFIELD is a quiet and unassuming man, but like Reelfoot Lake, near his home, FRANK STUBBLEFIELD runs deep. I consider him one of the most sincere and honorable and qualified men in this House.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, many fine men and women achieve election to the Congress of the United States and serve with distinction. Such a person is FRANK STUBBLEFIELD.

We were all very disappointed and shocked when we learned that the Democratic voters of his district had chosen another person for their 1974 candidate. Often, the voters back home are not informed as to the excellent jobs their Congressman is doing for them. This certainly was true of Congressman STUBBLEFIELD. He was second-ranking member of the powerful Agriculture Committee, and was in a position to be of great assistance to the farmer. He could well have been the chairman of that committee in a few years, and he was a man who voted for measures that he felt were in the best interest of the Nation and his district, and fought those

which were fiscally irresponsible and inflationary.

At this time in our history with the national debt rising astronomically and the welfare state coming closer all the time, we certainly must have men like FRANK in the Congress to keep an even balance. However, he is now leaving these Halls, and will return to private life. I want to extend to him and his dear wife much happiness in their retirement and continued good health.

Mr. BEVILL. Mr. Speaker, I have come to know and admire Congressman FRANK STUBBLEFIELD during my service with him here in the House. I have found him to be one of the most conscientious and one of the hardest working Members of Congress. I know that he will be missed as he leaves the House at the end of this Congress.

Congressman STUBBLEFIELD has served with distinction. He leaves to the Nation a legacy of outstanding accomplishments. The loss of his ability and leadership can only leave a void in this body.

I am proud to take this opportunity to publicly acknowledge the assistance FRANK has given me and to pay tribute to him for his work and dedication to programs which have helped our Nation prosper.

My most sincere good wishes go with Congressman STUBBLEFIELD in all his future endeavors.

Mr. BURLISON of Texas. Mr. Speaker, FRANK STUBBLEFIELD has left his mark in this Congress well visible to all of us who have so long observed his quiet and effective leadership.

As all of us know, he has served long and faithfully on the Committee on Agriculture and is considered an expert in all areas of agriculture. His concern for people and his dedication to the welfare of this Nation has been and will continue to be an inspiration to those of us who have the privilege of his association.

Mr. CARTER. Mr. Speaker, I want to take this opportunity to join my colleagues in paying tribute to the distinguished service of FRANK STUBBLEFIELD.

FRANK has always maintained a deep desire and willingness to assist the citizens of his district and the Commonwealth of Kentucky. His efforts have resulted in much progress in our State during his years of service in this House, and he has been quite helpful to me in working for improvements in my own district. I know that his constituents and all of us who have worked closely with him will miss his fine example of dedication to duty and principle.

FRANK STUBBLEFIELD is my good friend, and I know that he will continue to contribute his knowledge and wisdom for the benefit of our people. He has my very best wishes always.

Mr. MCCLORY. Mr. Speaker, the departure of our distinguished colleague, FRANK STUBBLEFIELD, marks an event which should cause all of us to pause and reflect on his career of hard work and dedicated service. Mr. Speaker, I have had occasion to know FRANK STUBBLEFIELD both on a personal basis and by reason of joint legislative interests in which we have participated actively and effectively.

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Mr. Speaker, I know of the devotion of FRANK STUBBLEFIELD to the people whom he served, as well as citizens throughout the Nation. I am confident that he is retiring to a life of honor and respect, which he has earned in these halls. I join my other colleagues in paying this tribute of farewell and affection to Congressman FRANK STUBBLEFIELD.

Mr. ALBERT. Mr. Speaker, my heartfelt best wishes are extended to FRANK STUBBLEFIELD as he returns to Kentucky after a distinguished congressional career of 16 years' able and dedicated House service.

As the Representative of the Kentucky First Congressional District, FRANK STUBBLEFIELD has devoted his great abilities to the concerns of his district, a largely agricultural one, and at the same time has been active in encouraging and promoting advances in American international trade and the spread of American technology.

As a member of the Committee on Agriculture, he was constantly at work on the American farmer's behalf; while, as a member of the Committee on Merchant Marine and Fisheries, he was vitally involved in seeking the improvement of American trade abroad. In both endeavors he excelled to a remarkable extent.

His primary interest in college and in the early years of his professional life was in the field of pharmacy, in which he was busily and successfully engaged for several years preceding his entry into politics and government.

He early had wide-ranging interests in everything about him and became thoroughly knowledgeable in the matter of rail transportation; in 1951 was appointed to the Kentucky Railroad Commission, of which he is still a member. It was in this capacity that he first attracted wide attention among the people of his district—enough so, that in 1958 he was persuaded to enter the Democratic primary against a popular and well-established incumbent, over whom he scored a stunning upset victory.

As a Member of the House, FRANK STUBBLEFIELD has always "called them as he saw them," issue by issue, one at a time, and with persuasive effect.

He has generally opposed legislative attempts to strengthen organized labor, which he believes to be strong enough already. Yet he never supported the enemies of organized labor in their periodic assaults upon it.

His has been a balanced viewpoint, sometimes sharing the positions taken by the U.S. Chamber of Commerce and sometimes opposing them, by supporting economic reforms championed by the AFL-CIO and other friends of labor.

On civil rights and civil liberties, he has opposed those measures with which he disagreed on specific counts—the Civil Rights Act of 1964, for example—while agreeing to similar measures lacking the aspects he disagreed with—such as the voting rights of 1965.

As fifth-ranking majority member of the Committee on Agriculture, FRANK STUBBLEFIELD has well served his constituency and the farm community with a

diligence that richly merited his 16 years in public office.

Having known him as a friend and colleague over that full span of time, I extend my congratulations to him on this occasion for a job well done, and I join his many friends here in wishing him well in endeavors yet to be undertaken.

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Kentucky (Mr. PERKINS) and others in commending and congratulating our friend and colleague, the gentleman from Kentucky (Mr. STUBBLEFIELD) for his outstanding record of service in the Congress.

FRANK STUBBLEFIELD has served in the Congress 16 years with distinction and effectiveness. He has been a champion of rural America and has contributed much to the legislative history of the Congress by promoting and developing legislative programs which have benefited the people of rural America. He has worked tirelessly on the Committee on Agriculture and is now the second ranking member.

FRANK is a fine, genial gentleman, a gallant gentleman and a skilled legislator—a true Kentucky colonel.

FRANK STUBBLEFIELD has served his district, State, and Nation faithfully and well, devoted to the public interest and to the best interests of the people of Kentucky and this Nation.

FRANK STUBBLEFIELD has been a diligent, hardworking Congressman, and he will be missed as he enters retirement, and his friends wish him the very best of good luck and success, good health and much happiness in the years ahead.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on the subject of my special order on FRANK STUBBLEFIELD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

GLENN JACOBS—A TRUE INFLATION-FIGHTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. CONLAN) is recognized for 5 minutes.

Mr. CONLAN. Mr. Speaker, I have here two uncashed U.S. Treasury checks for veterans benefits totaling \$420. These checks were issued in November and December to my constituent Glenn Jacobs, a decorated Vietnam veteran currently teaching math to elementary school children in Eagar, Ariz.

Mr. Jacobs is one of the most unusual people I have encountered since my election to the Congress. He is 33 years old, the father of two children, and he tells me that his family can manage comfortably on his modest teaching salary.

Deeply concerned by our rampant inflation and economic trouble in our Nation, he wants to help reduce Government spending by giving up these two checks.

His battle injuries in Vietnam entitle him to these benefits, but he has asked me to help him return them to the Treasury.

Certainly this gesture comes from the heart of a genuinely sincere patriot. This is a man who selflessly gave of himself in the defense of freedom overseas, and who now wants to sacrifice again for the economic well-being of our Nation.

I wish that Mr. Jacobs' quite basic and straightforward view was shared by more officials in Government. He feels very strongly that Congress and the Federal Government are spending too much of the people's hard-earned money.

He says the bureaucracy is controlled by a "Pig Brother" mentality which believes that problems will go away if you throw enough money at them.

Mr. Jacobs charges that Government profligacy has caused the rampant inflation now destroying the earnings and savings of working Americans like himself, and he refuses to spend Government benefits he does not need to provide his family with a comfortable living.

I wish there were more Glenn Jacobses. This math teacher from a small Arizona community knows more about basic economics than most so-called experts and pundits advising our Government.

He realizes that for many decades the Federal Government has spent more than the people could afford, and through larger and larger deficits has spent more than they were willing to pay for.

He believes that some good old-fashioned belt-tightening is needed, and like all good citizens is pulling his own belt in first.

We have only to look at the history of the Federal budget over the past 20 years to know that what Mr. Jacobs says is true. The Federal budget doubled from \$134 billion in 1966 to \$268 billion in 1974. While the Federal budget was only \$100 billion in 1961, this year it is over \$300 billion.

From 1955 to 1965 when we had non-inflationary growth in our economy, Federal spending increased at the rate of about 6 percent a year. But when the Federal budget runs a deficit year after year, it becomes a major source of economic instability.

The huge Government deficits we experienced in the sixties and so far in the seventies have added enormously to artificial demand for goods and services. They have thus been directly responsible for upward price pressures.

Heavy borrowing by Government—now taking 62 percent of all available lendable money in the country—has also been a major factor in the persistent rise in interest rates and the enormous shortage of mortgage and construction money in our local banks and savings institutions, which could be used to create jobs and lower prices in the private sector.

Mr. Speaker, if Congress is the least bit serious about fighting inflation and avoiding another economic depression, it has to stop spending the people's money so irresponsibly. Like Glenn Jacobs, the Federal Government has to exert some leadership by tightening its own belt and displaying some fiscal sanity.

I am very proud of Glenn Jacobs, and I am pleased to hold him up as an example for others to emulate. By refusing to cash Government checks he does not need, even though he is legally entitled to them, he has exercised the best kind of citizenship and responsibility.

So long as we have men and women like him throughout America, there is hope left that our Nation will overcome the rampant inflation and economic troubles we now face with so many people trying to get their hands into the empty Federal trough.

AN ANACHRONISM IN THE PACIFIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, a referendum was held in American Samoa on June 18, 1974, on the issue of electing a Governor and Lieutenant Governor by popular vote. It failed. Although proposals such as this toward self-government are commendable, they fall far short of granting the American Samoans political freedom as envisaged by our Founding Fathers.

American Samoa has been a U.S. possession since 1900. U.S. administration of the islands has been paternalistic. The growth of democratic political institutions has languished, with power still largely resting in the hands of an appointed Governor.

Originally acquired as a U.S. naval coaling station, military interest in American Samoa rapidly waned with modern ship construction. With the termination of World War II, America found itself with a military anachronism in the South Pacific, resulting subsequently in the transfer of administrative authority over the American Samoa from the Department of the Navy to the Department of the Interior.

Tucked underneath the Equator 2,300 miles from Hawaii and lulled by somnolent trade winds, political reality of the 20th century, which has swept colonialism from the rest of the world, has gone unheeded in this tropical paradise. After all these years of American rule, Samoans are still classified as U.S. nationals, having not yet attained the status of full U.S. citizens.

Although this aberration in individual rights is attributable, many say, to the Samoans' own desires, it is odd that three generations, schooled in the American tradition of representative government, have not achieved greater political voice. Economically and socially, American Samoa has made great strides; the question remains, however, how long can progress continue without the development of corresponding political maturity.

About a year ago, I had the opportunity to visit both American Samoa and nearby Western Samoa, a politically independent state guided from U.N. trusteeship by New Zealand. Although the population of both groups of islands is ethnically the same, the contrast was remarkable. On the one hand, Western Samoa, a small, poor nation, is making

its own way, proud of its accomplishment in creating a social milieu and political apparatus reflective of its cultural heritage. On the other hand, American Samoa, economically rich in comparison, lies politically dormant, stifled by a bureaucratic system spawned by an alien society 8,000 miles to the east.

Accordingly, I have come to the conclusion that it is now time for American Samoans to stand on their own political feet. It is now time for them to choose their political destiny, whether it be independence from, or through integration into, the American political family. I therefore urge the administration to study my proposal, to formulate alternatives paving the way either toward full citizenship or complete independence and let Congress place the issue squarely before the Samoan populace to decide.

LET'S CUT TAXES IN ORDER TO INCREASE CAPITAL INVESTMENT; CONGRESSMAN JACK KEMP SETS FORTH A FOUR-PART PROGRAM FOR ECONOMIC RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

Mr. KEMP. Mr. Speaker, I am today setting forth a four-part program for an effective, and enduring economic recovery, one attacking both inflation and recession.

I am calling for a tax cut—in the area of 10 percent—in both corporate and personal income taxes as well as budget cuts and stable, restrained monetary policy.

I am calling for a reduction in expenditures, down to the level of revenue, and for establishing a maximum level of revenue—in relation to aggregate national income—for each fiscal year for the Federal Government.

I am calling for innovative capital formation measures, designed to produce a rapid amalgamation of the capital needed to aid industries to build and to expand, creating countless jobs in the process.

I am calling for the removal of those anticompetitive regulatory practices of the Federal Government which, in the name of increasing competition, actually lessen it, all the time adding to the price of goods and services to the tune of tens of billions of dollars.

WHY IS THIS PROGRAM NECESSARY?

It is almost with a sense of regret that I offer to the Congress and the Nation this program today.

I feel confident as to the viability of each of these measures, and I feel they ought to be enacted as soon as possible.

Yet, I feel this sense of regret because one would think that such a proposal would have come from the leadership in the Congress, or from the administration, or from the voices of business or labor. There have been some voices, but they have been few and far between.

This country needs and wants leadership on this economic crisis. The people know what the leadership of our country ought to be saying—return economic decisionmaking to free people.

It is indeed a world turned upside down

in which we find ourselves today. And, just because we see confusion in the economic patterns manifesting themselves during the current crisis, it is no reason to answer with more of the same—confusion.

We need a consistent economic program which will get us out of this economic slowdown. We need one which will get people back to work; one which will provide industry with the capital it needs; one which will hold down inflation; one which will increase real earning power; one which will limit the growth of government; one which will restore the laws of supply and demand instead of the dictates of central planners.

I have no panacea, but I do have an answer, at least it can start a dialogue.

WHY ARE WE IN A RECESSION TODAY?

We are in a recession today. That cannot be debated. And, there were some of us who saw it coming, not by intuition and not by gazing into a crystal ball, but rather from comparing what the Federal Government has been doing in recent years to the prior experiences of our Nation and those of others.

While some of our economists seem to have trouble in doing it these days, any economic historian—one examining the prior experiences of other peoples and other times—could have forecast where we were going. When Government continually spends more than it takes in, when it inflates the money supply and thereby devalues the currency, when it tries to substitute centralized economic decisionmaking for the free choice of millions of consumers, and when it draws capital away from the productive capacity of the private sector, then economic chaos is virtually inevitable. Yet, these clear facts do not appear to be factors within the answers being weighed by the majority in Congress and by the White House for getting us out of this turmoil.

There is too little discussion about why we are in a recession. If we are not aware of why recessions occur, especially this one, how are we to really know if we are solving the problem or simply making it worse? Does it not seem, as a matter of logic, that we should know first what caused this recession before we try to devise solutions for recovery from it?

Knee-jerk economic recovery programs will not get us out of this recession. Only several years ago, we were told—almost arrogantly—by the Keynesian economists—in the colleges and in the Government—that there could never again be a severe depression, for Government action could and would preclude it. Those voices have been stilled by the turmoil of the past months, and for good reason. Historically, and our own Great Depression of the thirties is but one example, it is government which leads nations into recessions and depressions.

Lying at the core of this debate about economy recovery is the question as to which premise future action is to be based: Which is the best force on which to rely—government or the marketplace? The collectivists, the statist, the regulators—no matter under what party or what label—choose to side with government. They prefer government solu-

tions. The individualists, the economic libertarians, the advocates of human initiative, choice, and ability choose to side with the marketplace. They prefer solutions arrived at, without coercion, through the laws of supply and demand as determined millions of times every day through the interaction of marketers, and producers.

THE FALLACY OF RELYING ON INCREASED FEDERAL SPENDING

Last week the House considered a so-called emergency jobs program. The price tag in the House bill was \$2 billion. That's a lot of money, it is 2,000 times \$1 million. Since no budget request had been made for this expenditure, we all knew that every dollar would be a deficit one. On that and other bases, some Members, including myself, voted against the bill, not because we were opposed to jobs. To the contrary, we voted against it because we felt jobs could be more quickly brought back by keeping that money in the private sector.

Federal spending has soared during recent years—at a rate unparalleled in our peacetime history. It has soared in relation to gross national product, aggregate national income, or any other index one wishes to use. It took this country 185 years to get to an annual Federal spending level of \$100 billion, but it took only 9 more years to double that to the \$200 billion level, and then only 4 more years to reach the \$300 billion annual level.

Why are the questions about the effectiveness and level of Federal spending of such importance? First, because they are the premises on which massive, new Federal programs are being proposed; in other words, proponents of additional spending feel the way out of the recession is to spend more Federal dollars. Second, because it is argued by the same people that the more Federal dollars you spend, the more you drive down the unemployment rate? Third, because increased Federal spending forces the Nation into a decision as to how to pay for it—either by allowing deficits to accumulate which are then covered by additional borrowing of capital from the private markets or by increases in the money stock on one hand, or by increasing taxes on the other. One can see easily all the economic questions now facing us rolled up into this basic question of the role of Federal dollars in resolving our economic ills.

In the bipartisan spirit which ought to pervade the discussion on this matter, let me recount the words of the prominent Wisconsin Democrat, Senator WILLIAM PROXMIRE, on the fallacy of Federal spending, made during the Senate proceedings of August 22:

One of the most persistent myths held by almost everyone in and out of the Congress is that if we cut the mammoth increases in Federal spending, then automatically and without question unemployment will increase.

This myth—and it is just that, a myth; it is not true—has probably been as responsible as anything else for the skyrocketing growth of government over the past few years. The idea has been that every time the Federal Government spends another \$10,000 or \$20,000 it creates another job.

The fact that that is not true should be apparent to anyone who can add. In the past 5 years the Federal budget has exploded from \$184 billion to more than \$305 billion. That colossal increase in spending should have resulted in a corresponding expansion in jobs and a reduction in unemployment. Did it?

It is true the work force increased and employment in the economy grew. But far less than it should have. Unemployment grew much more in proportion than jobs did. Indeed after a break-neck expansion of Government spending we find unemployment which was 3.4 percent 5 years ago, now at 5.3 percent.

This year the Government will run a \$10 billion deficit. It will borrow \$10 billion and in doing so put more pressure on high interest rates to stay high or go higher.

If we cut spending by \$10 billion and balance the budget, the Federal Government will not borrow that additional sum, and interest rates will begin to move down.

The Senator is absolutely right. Since the money with which we must pay for these programs must come directly from the people, then every dollar spent is one taken out of the economy. And, when you continue to divert massive sums out of the private sector and into Government, unemployment is the inevitable result.

When businesses cannot borrow sufficient funds to build or to expand because Government drained money out of the capital markets to cover deficits, no additional jobs are created.

When funds are not available to replace inventory or equipment, existing jobs are lost.

When demand is down because purchasing power has been cut by inflation, then inventories build up, and people are laid off work.

When wage and price controls create distortions in the laws of supply and demand, then shortages are created, and again jobs are lost.

When Government-mandated accessory equipment adds to the costs of vehicles, when Government-created inflation adds to those costs, and when fuel shortages created by misdirected Government policies force the price of oil and gasoline up and up, then jobs in the automobile and related industries are lost; and, one out of every five workers today is in one way or the other associated with those industries.

In summary, Government's involvement in—and interference with—our economy has contributed mightily to the unemployment rate we are now experiencing. More Government involvement, intervention, excessive spending, and draining of capital funds away from the private sector is not the answer. Those who are now without jobs ought to know that it is reliance upon government—and those who advocate continued reliance—which has brought about the decline in the job market.

WHAT IS NEEDED?

A consistent, articulated program of economic recovery is now called for.

First, we need to reduce the tax burden now upon the people—the tax burden

upon our economy. We need a tax cut in the 10-percent range.

Second, we need a reduction in Federal expenditures at such an amount to assure no further deficits and a limitation on the level of revenue taken in the form of taxes by the Federal Government.

Third, we need innovative capital formation efforts, designed to produce the fastest cohesion of capital from which industry can expand and build, all the time creating jobs.

Fourth, we must remove the anticompetitive regulatory practices of the Federal Government—those policies which in the name of increasing competition actually lessen it—for these practices inevitably force up the prices of goods and services and often diminish their quality.

WE NEED A TAX REDUCTION

We need a tax reduction—both as to personal and corporate income taxes. And, I propose the consideration of that—in the area of a 10-percent reduction of both. If we are to effectively revitalize our economy, the economic activity which would result from a tax cut is an effective way to do it.

A tax cut will not only increase demand, but will also increase the incentive to produce. We must realize that productivity will increase most effectively through increased efficiency of production. Goods are sold faster through decreases in cost resulting from improved efficiency—production techniques—than by putting more dollars alone in the hands of the consumers. A tax cut would have the effect of stimulating such efficiency. In addition, recreating the incentive to produce—an incentive arising from an awareness that there are consumers for one's products and that government will take less of what one makes from those sales—reinforces this growth pattern.

A tax cut would produce sufficient additional business activity to attract foreign money, and the more foreign money which comes into the country, the more it helps to balance our trade deficit. This would lead to another beneficial change in the economy: the dollar would then appreciate against foreign currencies, meaning the United States would then be able to buy a greater share of the world's goods and services with the same number of dollars.

Prof. Robert Mundell, a Canadian economist now at Columbia University, recently summarized the need for a tax cut in the United States, one modeled after the recent Canadian cut. Arguing that unemployment and inflation are inseparable, Professor Mundell asserts that we can correct inflation through tight money, while fighting unemployment through a major tax cut.

What we could expect from these actions was recounted in a news article last week:

To deal with the immediate crisis of simultaneous inflation and recession, Professor Mundell departs from the traditional belief that monetary and fiscal policies should always be working in the same direction. He believes that inflation and unemployment are separable problems and that to combat them distinct policy instruments are required. He believes that tight money should be used to

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combat the inflation, while expansive fiscal policies—preferably through lower taxes—can be used to combat the recession in a way that also works against inflation.

He argues that monetary expansion no longer works as a means of stimulating production; it simply causes inflation. To some degree and for short periods it may have been a reasonably good anti-cyclical weapon during the best years of the Bretton Woods system. But now, in the regime of floating exchange rates, monetary stimulation by the Fed not only increases wage demands, but is immediately perceived by the foreign-exchange markets, causing depreciation of the dollar and an automatic increase in the price of imports. This raises costs and aggravates inflation directly. It also raises wages and thus quickly shows up in the Cost of Living Index.

To eliminate at least this cause of inflation, he says the Fed should temporarily halt open-market purchases of government securities, the traditional means through which it increases the basic money supply. The thrust of demand expansion must come from fiscal stimuli, and when the U.S. economy responds to that stimulus, growth in the real money supply can come about through a resumption in open-market purchases. At the same time, the reviving U.S. economy would draw money from Europe and the Middle East and thus protect the U.S. balance of payments. Something else would occur as the economy's growth responds to fiscal stimulus while monetary growth is checked. The dollar would appreciate against foreign currencies, which means the U.S. would then be able to buy a greater share of the world's goods and services with the same number of dollars.

Real economic growth would be stimulated by the big tax cut on both personal and corporate incomes. He would adjust income-tax brackets across the board and index them to correct for future inflation, as is now the practice in Canada, and he would get the corporate tax bite down closer to Canada's 40%.

"The level of U.S. taxes has become a drag on economic growth in the United States," he says. "The national economy is being choked by taxes—suffocated. Taxes have increased even while output has fallen, because of the inflation. The unemployment has created vast segments of excess capacity greater than the size of the entire Belgian economy. If you could put that sub-economy to work, you would not only eliminate the social and economic costs of unemployment, you would increase aggregate supply sufficiently to reduce inflation. It is simply absurd to argue that increasing unemployment will stop inflation. To stop inflation you need more goods, not less."

A tax cut not only increases demand, but increases the incentive to produce. "The government budget recycles tax dollars into the spending stream through expenditures, but in so doing it reduces the incentive to produce and lowers total production. After all, if total taxes and expenditures become confiscatory, all economic activity would cease and the government tax bite would be 100% of nothing." With lower taxes, it is more attractive to invest and more attractive to work; demand is increased but so is supply.

So too with the "crowding-out" effect, an argument against tax cuts that was popular in the 1920s. The government sale of bonds to finance a tax cut indeed crowds private borrowers out of the capital market. This is only one effect, he says. Four other things occur. Because capital and labor are the main recipients of the proceeds of the government bond sale that finances the tax cut, they are in effect receiving as a gift \$30

billion they would otherwise have to borrow. In this sense, they are happily crowded out of the credit market.

Secondly, the finance required for the tax cut would be less than what would be needed if the recession is allowed to deepen. Third, Professor Mundell believes the size of the credit pool would automatically expand as the prospect of real economic growth engendered by the tax cut allows a recovery of real savings. That is, dollar holders will have a higher incentive to invest in capital goods the larger and more rapid is the recovery from the recession. The fourth effect is that the bond-sale method of financing the tax cut will draw money from abroad.

The international effects of a tax cut are particularly important, he asserts. With announcement of a major tax cut, the capital market would instantly perceive that it is more profitable to do business in the United States than the rest of the world. Capital that is now flowing out would remain; foreign capital going elsewhere would come in. The increased real economic growth would mean the U.S. would run a sizable trade deficit as the U.S. would keep more of what it produces and buy more goods from abroad. Offsetting this in the short run would be an inventory effect caused by tighter monetary conditions; the expectation of slower inflation would cause a reduction in optimal inventory levels.

There would be balance-of-payments equilibrium, he says, because the capital flows would cover any residual trade deficit until market opportunities were arbitrated worldwide. The U.S. tax cut would help to pull the whole industrial world out of its slump, he maintains.

In a real sense, he sees the \$30 billion tax cut as a future public's investment in the current private, productive sector of the economy that is now unutilized. He argues that the unemployed sub-economy would respond not only by producing goods and services sufficient to repay the bonds, but would meanwhile sustain itself with output and would not have to be carried by the government dole. Six months from now, perhaps \$30 billion of that potential output will have been irretrievably lost and the economy will be in much worse shape than it is right now.

As he sees it, there is not now any self-corrective economic force acting to pull the economy out of its inflationary nosedive. At present there is no control of international reserves and even the value of gold gets indexed with inflation. "Inflation itself breeds even more money which in turn breeds more inflation." There was self-correction to an economic slump during the days of the gold-exchange standard, when deflation raised the purchasing power of gold, and self-correction to inflation when inflation reduced gold's purchasing power. There is none of this today in a world of floating exchange rates, he says. The nation's economic problems feed on themselves.

"They feed on themselves through the effects of inflation on the progressive income-tax schedules and through the negative multiplier effects thus generated," says Professor Mundell. "They feed on themselves through the ever-increasing percentage increases in wages needed to maintain workers' purchasing power. And they feed on themselves through the international escalation of world money supplies that has taken place since the breakdown of the gold-exchange standard. The \$30 billion tax cut is needed immediately to arrest the world slump, and if it is delayed by even one month, the figure required will be higher."

The importance of these observations and conclusions is that they are borne out by the facts associated with the recent Canadian experience.

CANADA HAS CUT ITS CORPORATE TAXES AND UNEMPLOYMENT IS WAY DOWN

Two years ago, Prime Minister Pierre Trudeau succeeded in obtaining a reduction in corporate income tax from 49 percent to 40 percent. This was no easy task. The Socialist-inclined Liberal Party strongly resisted the proposal at first, the New Democratic Party declared the proposal a "rip-off," and the Conservatives grumbled about its potentially-inflationary effects.

Advocating and pushing through the proposal required strong leadership.

What happened once the proposal was enacted?

Canada became a magnet for outside capital, even as it generated it internally. Successive surveys of capital spending plans showed jumps from 9 percent to 13 percent, then to 20 percent.

Unemployment is at 5.6 percent, notably less than ours.

The tax reduction was coupled with an innovation which allowed the progressive tax brackets, major deductions, and exemptions each year to be adjusted to hold down dollar-level increases in government revenue which would result solely from inflation. This is important, because here in the United States, if inflation amounts to 10 percent in a year and one gets a 10-percent wage increase to offset it, one's real purchasing power is still reduced because the taxpayer will through his wage increase move into a higher tax bracket solely because of inflation.

On January 1 of this year, because inflation averaged 6.6 percent in 1973, the Canadian tax brackets were adjusted upward by 6.6 percent, in effect denying the Government a \$400 million inflation reward. This indexing device destroys one of the incentives for Government leaders to continue to allow inflation. On January 1, 1975, the brackets will move up to 10.1 percent, saving the taxpayers \$750 million. If one believes—and I certainly do—that government's threat to individual liberty can be measured in terms of the growing percentage of the people's livelihood which is taken in the form of taxes, I think one can see the importance of restraining the growth of government in this manner.

I think this proposal ought also to be incorporated in a major tax revision.

Did all of this add up to a staggering deficit—because of reductions in revenues associated with the tax cuts? Not at all. This is one of the most remarkable aspects of the Canadian tax cut. A year ago, the Finance Minister projected a deficit of \$450 million in the current years as a result of these tax cuts, but there has been so much real economic growth that revenue increases are adding up to a \$250 million surplus. Those figures may be small to us, but remember their entire budget is much smaller than ours, too.

This is indeed an impressive record, and it answers many, if not most, of the questions—criticisms—which we might hear about the tax proposal which I have here today advocated for us.

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COMMENSURATE REDUCTIONS IN EXPENDITURES

In that Government attempts to compensate for deficits through increases in the money stock is the principal factor in fueling inflation, we must have a reduction in expenditures, down to the level of income. Eliminating deficits takes the pressure off the Federal Reserve System to increase the money stock.

In my opinion, we must enact a means of holding expenditures to the level of revenue, and holding revenue to a predetermined level, one established in relation to aggregate national income. There is such a measure available to us. It is title I of the proposed Fiscal Integrity Act, which I first introduced on July 24, and which now has 43 House cosponsors.

Why is this necessary? Government spending—and the raising of revenue requisite to that spending—has a historical ceiling beyond which it invites either or both the collapse of the economic strength of a nation or the loss of freedom.

Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families.

The Congress has tried for nearly 200 years to control total spending by controlling the overall level of appropriations as each individual appropriations bill came to the floor. These efforts—commendable though they may be and successful though some may have been on occasion—simply have not worked sufficiently.

The reason these efforts have not worked is that the intentions which underlay them are not directed at the one point where more effective control really could be exercised: at the level of revenue, of income.

We have for too long tried to control spending only where the money flows from the Treasury. In other words, we are trying to plug holes in the Treasury's dike or to lighten that dike, when, instead, we should be trying to control the level of water behind it.

It is always easier to control a problem at its source. The source here is the level of revenue raised by the Government from which programs are then funded. To deal with the question of expenditures alone is to work only with the result of our problem, spending, instead of its cause—too much being taken from the taxpayers with which to do that spending.

When an institution knows that it will have a known amount of dollars with which to work, it typically devises means of spending those dollars. It is human nature. Parkinson's law, thus, states that spending rises to meet income. That is a truth demonstrated by our national experience as a government. There is a more modern corollary to Parkinson's law which, however, more accurately describes the tendencies of Congress: present spending rises to slightly exceed present income in expectation that future increases in income will cover that spending. When an institution operates from those premises—

and the Congress has operated from those premises for years—it means an ever-increasing amount of dollars being taken from the taxpayers.

Federal, State, and local tax collections have risen markedly, as percentages of national income, during the past half century. In 1929, such tax collections constituted only 13 percent of total national income; by 1950, it had risen to 26 percent; and by 1972 it had risen to 34 percent. The increase is even more dramatic when compared to total national personal income: 1930, 15 percent; 1950, 30 percent; and 1972, 43 percent. If present trends continue, by 1985, total Government's share of national personal income will have increased to 54 percent—54 cents out of every \$1—more than half the people's earnings.

We cannot, of course, as the legislative branch of the Federal Government—and without an elaborate amendment to the Constitution of the United States—establish revenue and budget outlays ceilings binding on all governments—Federal, State, and local.

We can, however, establish such ceilings with respect to the Federal Government. That is what title I of the Fiscal Integrity Act is all about.

It would establish for each fiscal year a revenue and budget outlays limit for the Government. No appropriation could be made for any fiscal year by the Congress in excess of the revenue and budget outlays limit for that fiscal year.

How would the limit work? The revenue and budget outlays limit for each fiscal year shall be the amount derived by multiplying the estimated aggregate national income for such fiscal year by a "Federal revenue factor."

Thus, from the first year of the operation of this provision, a ceiling in relation to national income is established on Government revenue and spending. As the economy grows, new dollars would be available for existing or new programs, but a greater percentage of the people's income would not be available.

One should note that a cut in outlays is accompanied by a cut in revenue—and vice versa—so that cutting revenue will not result in creating more of a deficit—as is now a danger—and cutting outlays should result in a cut in taxes.

The bill specifically requires that, if during any fiscal year the revenue of the Government exceeds the established limit for that year, the amount in excess shall be used for the payment of the public debt of the Government. It cannot be carried over to be spent on programs during a subsequent fiscal year.

What if an emergency arises—such as a large-scale war or severe economic crisis—which absolutely requires spending beyond the revenue level?

In that case—that emergency—a resolution passed by no less than two-thirds of each House of Congress may suspend the limitation, but only to the extent necessary to meet that particular emergency and only for that fiscal year within which the resolution was passed. If the suspension is to be continued beyond that fiscal year, the Congress must pass a new resolution allowing it. A vague, general,

"times are tough" emergency resolution would not be allowable. The provisions of the bill guard against that happening.

It should also be made clear that the power of the House Committee on Ways and Means and the Senate Committee on Finance with respect to tax reform is not impaired by this bill. Within the overall revenue limitation, those committees can carry out any degree of tax reform—increasing certain taxes, reducing others—eliminating old taxes, imposing new ones—deemed necessary. The limitation is that the total revenue collection not exceed that percentage established in relation to aggregate national income for that period.

ADDITIONAL CAPITAL FORMATION ESSENTIAL
Inadequate funds for capital investment is one of the principal causes of our present economic problems.

When there are not enough funds available—after meeting expenses and paying taxes—with which to expand—or even maintain present levels of—production, jobs are jeopardized.

When families cannot borrow funds with which to build and purchase new homes—or have to pay too high an interest rate because the money market is too tight—then jobs in the building trades are jeopardized.

And, there is a multiplier effect which jeopardizes additional jobs, for when industrial production is down, there is less for shippers to transport and less for merchants to sell. When home construction is down, there is, for example, less work in related public utility and service industries—road and sewer construction, for example.

Prosperity rests—more than on any other determinant—on the amount of capital invested per person within an economy. In other words, the more capital invested per person, the greater the economic growth and the better the standard of living—in real, not inflated, dollars. Our laws have ignored this cardinal rule of economics, favoring instead those policies which have led to a decline in the rate of capital investment.

Our present Federal tax structure encourages over consumption and discourages investment, because the tax laws place a significantly heavier burden on savings and investment than on consumption. Taxwise, it is now preferable for the taxpayer to consume and spend instead of producing and saving. The tax policy which underlies this present tax structure has resulted in laws which have stifled needed capital formation and economic growth. It should be reversed.

We should adopt a tax policy—and enact legislation reflecting it—that will assist the economy in providing the goods necessary to meet domestic needs and, in so doing, combat inflation; in providing the additional jobs and equipment needed for an expanding work force; in providing wage increases based on increased productivity without inducing price increases; and, in meeting the competition for world markets so that we may resolve our balance-of-payments problem, a problem which contributes also to inflation through excessive illiquidity in the world's money markets.

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That the economy of the United States needs vast increases in capital outlays is demonstrable.

In a recent editorial, entitled "Productivity: The Rest of the World Is Catching Up," The Washington Post depicted our situation this way:

America's position in the world has changed radically in the past several years: We are no longer the only extremely productive, extremely rich country. As a result, neither the nation's economy nor the world's is working the way it used to or the way that we expect it to.

Productivity is rising everywhere. But it is rising much more slowly in North America than in Europe or Japan. Economists used to brush these disparities aside by observing that, after all, wages in North America were still vastly higher than anywhere else. But, that too is less true today than several years ago.

Since 1960 productivity increases in this country have been the lowest of any of the major industrial countries, and our rate has hardly been better than the average for all the other industrial countries together.

The editorial concluded with a dim observation:

Sometimes profound changes come over countries silently, without making any news. Eventually it begins to dawn on people that something basic has changed, but only by slow gradations that nobody noticed at the time. There were no shots fired, no alarms run, no documents signed. News is made mainly by governments, but there are large areas of nation's lives that their governments don't pay much attention to. The long waves of history often pass without much public notice. Accustomed to great and unique national wealth, most Americans still have no idea how fast the rest of the world is drawing even with us in the accumulation of economic power.

This principal measure of prosperity—capital investment—gives much credence to the editorial. According to an extensive study of the Joint Economic Committee, gross private domestic investment in the United States last year was only 15.7 percent of gross national product. By contrast, Germany invested 26 percent, France 28 percent, and Japan 37 percent.

Minimally—to curb inflation and to maintain a "socially acceptable level of unemployment"—the United States should raise its investment rate to 18 to 20 percent. To stop inflation and to send unemployment back down to the lowest rate in the past 10 years, a much greater investment rate would be required.

Yet, even to maintain the 15.7, 1973 rate, the United States will have to invest over \$4.5 trillion—\$4,500 billions—in capital over the next 12 years. Under our present tax policy and laws, it will be difficult for this amount to be raised. To the degree that it is not raised, our prosperity will be further threatened.

Why does this huge capital need far exceed those of any previous decade?

Our industrial plants are relatively old while those of our overseas competitors are modern—with almost all the plants in western Europe and Japan dating from the period after the Second World War. If industry in the United States is to be competitive with foreign industry,

it is important that outmoded, inefficient plants and equipments be replaced with the latest in design technology.

The inflated costs of construction and equipment purchases means American industry will have to pay more for that construction and equipment. Its ordinary operating expenses—purchases of inventory, labor costs, et cetera—have risen too. The funds needed for construction and equipment will have to come from additional capital investment.

And, unless there is an adequate expansion of capital investment, we will not have the new plants—creating new jobs—with which to absorb the estimated 1.6 million people coming into the workforce each and every year. That's how many new jobs we have to create, and it cannot be done without expansion of the businesses which provide those jobs.

I have introduced measures designed to stimulate this crucially needed capital formation, the principal one of which is the Savings and Investment Act, sponsored on the Senate side by Senator PAUL J. FANNIN of Arizona.

Considering the significant rises in employment—and drop in unemployment—which accompany capital formation, this is certainly a direction in which the Nation ought to be moving.

REMOVING GOVERNMENT REGULATIONS WHICH ARE IMPEDIMENTS TO COMPETITION

The fourth component of this legislative program is the removal of countless Federal regulations which—usually in the name of promoting and preserving competition—actually hamper or lessen it as well as costing consumers tens of billions of dollars a year.

There are many examples. There are the Interstate Commerce Commission regulations which require truckers to drive thousands of miles each and every year with empty trailers, returning after delivering a full load to a destination.

There are the agricultural support programs which ask the consumers to pay with their tax dollars—through subsidies—that which they do not want, cannot use, and would never eat.

There are the agricultural export programs which ask the consumer to pay the farmer to sell his product to some foreign buyer at a price lower than that at which the consumer himself can get it.

There are the FPC regulations which keep the price of natural gas at the well-heads so artificially low as to make it next to impossible for the companies to have the funds with which to explore, recover, and deliver new cases, thus creating shortages and driving up the ultimate cost.

There are the CAB controls over rates and routes which force airline to fly economically unfeasible routes, with those living along more heavily traveled areas having to subsidize those routes.

There are the laws which prohibit private carriers from competing with the postal service in the delivery of first class mail, an absolute absurdity when one compares the efficiency of the private carriers with the postal service.

As I indicated, there are many other examples. All ought to be made the subject of careful examination, with a view toward removing them and thereby freeing up competition.

SUPPORT FOR PROGRAM SOUGHT

Mr. Speaker, I believe very strongly in these measures—the four enumerated and those which emerge from them. I believe they are in the best interests of the country.

It is in this vein, that I serve notice that I intend to do everything within my power to work for their enactment and adoption during the 94th Congress. I intend to solicit the support of my colleagues, and take our case to the American people, to all their representatives in the Congress, and to the administration. In appearances, through addresses, in news articles, we—those of us who advocate these policies—intend to take our alternative economic program from the level of proposal to that of national policy. Nothing less can be tolerated for freedom is at stake.

TRIBUTE TO WENDELL WYATT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 10 minutes.

Mr. RAILSBACK. Mr. Speaker, the ending of another Congress is always bittersweet. It is especially so because many of our colleagues will not be returning the next year. Naturally, we are happy for what lies ahead for them, but we also will miss their friendships.

One of our colleagues whom I will especially miss is WENDELL WYATT. WENDELL has been one of my closest friends for many years. He is also one of the most well-liked and respected Members of the House.

His background is impressive. He served in the Marine Corps, practiced law, assisted in many political campaigns, and has served in the House of Representatives since he was first elected to the 88th Congress in November of 1964 to fill the unexpired term caused by the death of Walter Norblad. He has been an active member of the House Committee on Appropriations, and gained recognition for his realization that, while we need fiscal responsibility, we must also insure necessary funds for vital programs.

Mr. Speaker, words alone cannot describe the loss I am sure we will all feel when WENDELL does not return in January. However, I know all of us hope the future years bring much happiness to WENDELL and his lovely wife, Faye, in Oregon.

MERCY SHIPMENTS TO VIETNAM CURBED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, in this Christmas season, as we share the fellowship and good feeling

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that is so much a part of our holidays, it is easy to forget that others throughout the world are not as fortunate as we. Among those who are facing the most difficult circumstances are the hundreds of thousands of orphans in Vietnam, many of whom are illegitimate offspring of U.S. servicemen and nearly all of whom are badly in need of assistance.

As a result of congressional action a year ago, a program has been established, working through voluntary agencies, to help these children in need. Under the aegis of the Agency for International Development, it has been of immeasurable benefit to the orphans. U.S. funds have helped pay for personnel, supplies, training, and facilitation of adoptions, and we can be pleased with what has been accomplished.

We cannot, however, be pleased about the disturbing report of Columnist Jack Anderson in the December 16 Washington Post. He said that needed supplies are not getting to Vietnam, because Air Force planes are not permitted to haul them there. When children are dying because supplies, which are available, are not getting to them, we must feel deep sadness. I intend to prepare legislation which I hope will be taken up early in the 94th Congress to enable these shipments to be made on military planes.

All who are concerned for the welfare of these children will, I hope, read the Anderson column carefully:

MERCY SHIPMENTS TO VIETNAM CURBED
(By Jack Anderson)

Molra was a little orphan in Vietnam who died a month before Christmas. She died of the measles, because there was no vaccine. The vaccine that could have saved her young life never got out of the warehouse, where it is still stored in faraway America. An estimated 25,000 pounds of life-saving material is waiting in U.S. storehouses to be shipped.

Air Force planes, which have plenty of available space on their Vietnam flights, aren't permitted to haul the supplies. The national defense transportation policy restricts the government from competing with commercial airlines, except in specific emergencies.

Many orphans have died in Vietnam since the U.S. government stopped shipping vital food, clothing and medical supplies free.

The supplies have been donated by charitable Americans, but they haven't been able to raise enough additional money to pay the huge shipping charges.

Some airlines have helped. So has the Canadian Air Force, but the Pentagon has routinely denied almost every request for a Vietnam orphan airlift, citing the official policy.

This was imposed upon the Pentagon by a Congress which is more interested in boosting airline profits than in saving dying orphans. An Air Force official blamed the airline lobby.

No exceptions are made to the shipping ban. Explains a memo, meant for Pentagon eyes only, from Defense Secretary James R. Schlesinger's office: "We are then placed in an untenable position, particularly as far as some of our congressmen are concerned, of appearing to show favoritism when other requests are denied."

Air Force planes fly to Vietnam loaded with military equipment and economic aid for President Thieu. President Ford has requested a whopping amount of money to

bolster the Thieu regime next year. But there isn't room in the planes for a few supplies to help the most innocent victims of the Vietnam war.

There are about 700,000 orphans in the ravaged little nation. Between 100,000 and 200,000 are half American, the illegitimate progeny of U.S. servicemen.

Yet Vietnam has only 113 orphanages, which house a total of no more than 20,000 children. The rest fend for themselves, or stay with relatives.

In the few orphan homes, the vital supplies are needed not to provide for the children's comfort but simply to keep them alive. The ratio between staff volunteers and children is an agonizing 100 to 1. Little more than the necessities of life are provided.

With inflation soaring out of control in Vietnam, these orphanages must rely on U.S. aid for the necessities.

Sen. James Abourezk (D-S.D.) is now searching for ways to loosen the insensitive regulations so food and medicine can be shipped to the orphans. The Air Force itself would like to see something done.

Meanwhile, many Vietnam war orphans may not live to see another Christmas.

Footnote: Until Dec. 1, packages for orphans could be sent to Vietnam with the military mail. Now even that has been discontinued.

The Agency for International Development gave one group, Friends of Children, \$5,000 to defray shipping costs. But the money ran out before many children could be supplied.

Mrs. MINK. Mr. Speaker, I rise to join my distinguished colleague from Wisconsin in his remarks on current deplorable restrictions on the use of military aircraft to transport directly needed humanitarian supplies to Vietnamese orphanages.

For over 3 years now I have been actively sponsoring and supporting legislation which would facilitate adoptions and provide greater American assistance to Vietnamese orphanages and child welfare programs.

I have been consistently impressed by the great compassion and generosity evidenced by the American people toward these children. Private humanitarian groups have worked extremely hard to collect funds and supplies for Vietnamese orphanages that are struggling to cope with tragically large numbers of orphaned and abandoned children.

It is unconscionable that these children continue to suffer while contributed goods stockpile here in the United States and military planes fly half-empty to Vietnam.

In those special instances where basic humanitarian supplies are desperately needed, where these goods have been collected by private, nonprofit groups and where space is available on military flights, provision should be made for their transport.

I intend to offer legislation in the next Congress to this effect. I know my colleague from Wisconsin (Mr. STEIGER) is similarly interested in such a bill. I look forward to working with him on this.

This proposal entails no additional expenditure of funds; it does, however, encourage a fuller, more compassionate utilization of our resources. I believe Congress and the American people, in their deep concern for the health and welfare of these children, will support this legislation.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have until the close of the 93d Congress to revise and extend their remarks on the subject of my special order for tonight.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE PROMISED LAND—A TRAGEDY IN TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, the biblically promised land of today, Israel, is thanks to man, a land which promises only an ever deepening bitter despair and disillusionment to those who cherish it. It has become a laboratory for terrorist experimentation. The small parcel of acreage by the beautifully blue Mediterranean, which embraces the Holy City held sacred by the world's major religions and which symbolizes love of fellowman, is polluted by a manmade, suffocating smog of hate and revenge that reaps an increasing carnage of flesh and fortune from terrorists—in the name of patriotic nationalism.

Never in the history of mankind has a geographical area of the globe, roughly the size of New Jersey, been so fought-over, for so long, or so viciously as has Israel, formerly Palestine, named after the ancient Philistines.

Following their exodus from Egypt about 1200 B.C. the Jews settled in Palestine where for some 1,300 years they enjoyed self-government or at least some autonomy. In 586 B.C., the Babylonians conquered Palestine and drove out the Jews, who would however, return in 50 years to reestablish their settlements.

Subsequently, ancient Palestine was ruled successfully by Persians, Greeks, Maccabees, Romans, Byzantines, Arabs—637-1071 A.D., Egyptians, Crusaders, Mongols, and the Mamelukes. From 1517 until World War I, Palestine was part of the Ottoman Turk empire which was destroyed by the allied forces.

To secure Jewish support in that war the Cabinet of Great Britain issued the Balfour Declaration in 1917 which supported the Zionist dream of creating a Jewish homeland in Palestine. Under the League of Nations Mandate for Palestine, administered by Britain beginning in 1921, about four-fifths of historic Palestine was detached in 1922, an action subsequently formalized in 1946, to form Trans-Jordan, now the Kingdom of Jordan.

As a result, the mix of population and land ownership in the remaining portion of Palestine shifted in favor of the Jews whose numbers were also increasing as the result of new Jewish immigrants. The Jews pursued a reclamation program on the sparsely populated and desolate land and they also introduced modern living and working conditions, the success of

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which attracted Arabs from Syria, Iraq, and Egypt.

But, as in other areas of the globe following World War II, Great Britain under its mandated responsibility had its hands full umpiring the thorny Palestinian problem. Arab guerrilla fought Jewish guerrilla and both fought the English who would, by 1947 be content to relinquish their policemen's role to the United Nations which, with the support of the Western powers, proposed the partition of Palestine into two independent states effective May 1948.

Israel as a nation state had finally fulfilled the dream for which the Zionist movement had striven since 1881. Prior to 1948, however, the Palestinian Jew and the Palestinian Arab both claimed Palestine as their rightful homeland—and theirs alone. In their frustration both struck at the authority close at hand, the English. In 1936, the Arabs concerned over the increasing influx of Jewish immigrants, broke out with a full-scale riot against the British. This was the formative period for the creation of the Mujahin, meaning "freedom fighters"—the forerunners of today's Fedayeen. Fedayeen is a general term for guerrilla and translated means "men of sacrifice."

Of the two militant Jewish guerrilla groups which operated in the 1930's and 1940's, who when they were not striking at the Palestinian Arabs were harassing the English, one was the Irgun Zvai Leumi, popularly called Irgun—National Military Organization—which was led by Menachem Begin. "Our enemies call us terrorist, our friends patriots" once wrote Begin, a statement which today could as aptly be attributed to Yasser Arafat, leader of the Palestine Liberation Organization—PLO—and also of the Al Fatah, the leading Palestinian terrorist group.

The second Jewish guerrilla group was the Lohamel Herut Israel—Fighters for the Freedom of Israel—commonly called the Stern Gang, after its first leader, Avraham Stern.

Irgun and the Stern Gang operated independently of the Jewish Agency, quasi-official form of government for the future Jewish state. The agency sanctioned the David Ben-Gurion-led Haganah; that is, Defense—a more conventional military body which would at independence, become the Israel Defense Force—IDF. On occasion it collaborated with the two Jewish guerrilla groups. Its function was to defend Jewish positions and to repulse Arab attacks on Jewish settlements. It would, following the later dissolution of the Irgun and the Stern Gang, absorb many of their guerrillas.

From a Westerner's viewpoint the vicious indiscriminate slaughter perpetrated by Arab terrorists met its match in similar groups fielded by the Jews. Neither side adhered to any Geneva code or Queensberry rule. The grim, no-holds-barred terrorist strikes by both sides within the territory of Palestine seemed more in keeping with the harsh retaliatory exhortation expressed in a passage of the Bible that is:

Thou shall give a life for a life, an eye for an eye, . . .

And the Koran:

Prescribed for you is retaliation touching the slain: freedom for freedom, slave for slave, female for female.

Both sides hit and hit hard. Both played for keeps, whether one called them terrorists and gangster, or freedom fighters and liberators.

Understandably the British wanted out. The Jewish guerrillas blasted the British with bombs and assassinated their officials. Lord Moyne, the English Administrator for the Middle East, was slain in Cairo by the Stern Gang in 1944. In July 1946, retaliating against the British for arresting some of their Jewish leaders, Irgun blew up a wing of the King David Hotel in Jerusalem, which was being used as headquarters for the British army. Ninety-one persons were killed and 45 wounded. In 1948, the Stern Gang assassinated the U.N. mediator in Palestine, Swiss Count Folke Bernadotte.

In the same year, the Irgun and the Stern Gang liquidated 250 Arabs in the village of Deir Yassin. Two leaders of the Irgun subsequently served in the Knesset, one as Deputy Speaker; and a leader of the Stern Gang won a seat in the Israeli Parliament shortly after Count Bernadotte's murder.

ARAB TERRORIST TRADITIONS

Arab guerrilla tactics developed historically after the seventh century A.D. from traditions created by the quick strikes of mounted raiding bands or what might be characterized today as the "hit and run" tactic. Islam converts used such tactics in their conquests in the Middle East, North Africa, parts of South Asia, and on occasion, in their raids into Europe.

Second, warfare in the Middle East, which was militarily innovative and adaptive concerning skills, weapons, and tactics, saw the coordinated and simultaneous use of blending orthodox warfare with the unorthodox. A case in point was Lawrence's Arab guerrillas who teamed with Allenby's British armies to fight against the German-modeled Turkish armies.

Today's conflicts in the Middle East reflect to some degree these past traditions. The Israeli, as did the Arabs, had guerrilla-type units fighting in conjunction with their military regulars in the first Arab-Israeli war of 1948-49 as they did, on a larger scale, in their subsequent clashes.

The 1948 war began only a few hours after Israel proclaimed her independence on May 14 when the armies of Egypt, Syria, Jordan, Lebanon, and Iraq, aided by military elements from Saudi Arabia crossed her frontiers but were defeated. Jordan, however, seized the west bank and subsequently annexed it. On occasion, the Israeli will use her conventional army in unconventional ways using guerrilla type raids against Arab guerrilla bases while at the same time conducting a conventional war against the regular Arab armies.

EARLY FEDAYEEN ACTIONS

Arab guerrilla developments prior to Israel's independence in 1948 were less well organized and more haphazard than

that of the Jewish guerrilla. The Palestinian tribal chief or village elder usually called up the young men to defend the settlements but such efforts proved ineffective against the better led, organized, and disciplined Jewish forces. A second line of Arab irregulars created by the Arab League was the Arab Liberation Army composed of Palestinians and volunteers from Egypt and Syria. However, it was not until 1948 with the entry of regular Arab armies into the war that the Arabs were able to offer any serious challenge to Israel.

While Arab Palestinians were numerically superior to the Jews several factors worked against them: Failure to grasp the strength of Jewish resolve and motivation; the sapping divisiveness of constant bickering among and within Arab terrorist groups; and the lack, until recently, of genuine, quantitative assistance from Arab League member nations.

Although Israel's political goal was defense, pure and simple, and the maintenance of her geographical integrity and sovereignty, her military mission was offensive, that is, quick knockout punches directed at the Arabs' most vulnerable spots using her maximum military resources.

Following several swift victories whereby the Israelis gained momentum the cavalier attitude of the humiliated Arabs soon began to change. In 1955, Egypt decided to support Palestinian raider groups for hit and run strikes into Israel conducted from jump-off points along the Sinai—which was the Egyptian-Israeli armistice line created by the 1949 truce following their first war—and also from the Gaza Strip. Egyptian military intelligence units directed these incursions. Syria also conducted such sorties. Fedayeen elements were also employed by Egypt on occasion against other Arab governments including Jordan and Lebanon. Arab strikes into Israel were one of the major contributing factors leading to the second Arab-Israeli war of October 1956, the so-called Suez War, when Israel invaded Egypt's Sinai aided briefly by military contingents from Britain and France.

As a result of this war—as well as the two yet to be fought—Palestinian refugees fled from their homes and settlements in Israel swelling thereby the numbers of those living in the "shantytown" refugee camps who had previously left Israel following the creation of the state in 1948. As the refugees grew in number so also did their resentment and the urge for revenge.

A United Nations cease-fire became effective November 1956 and an uneasy truce—excepting for Arab terrorist raids—prevailed under military supervision until May 1967. It was during the interim period between the first and second conflict that Arab terrorist groups began to sprout.

In May 1967, Egypt's President Gamal Abdel Nasser requested that the United Nations withdraw its troops thus paving the way for the third Arab-Israeli war popularly called the Six-Day War. When the U.N. pulled its forces out Egypt rapidly reoccupied the Gaza Strip and closed

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the Gulf of Aqaba to Israeli shipping. On June 5, 1967, Israeli military forces struck quickly and decisively defeated the Arab armies and captured the Sinai Peninsula, Old Jerusalem, Syria's Golan Heights, Jordan's West Bank, and the Gaza Strip, areas still occupied by Israel today.

THE ISSUE—PALESTINIAN ARAB NATIONALISM

The problem from the viewpoint of the Palestinian Arabs which, if solved to their satisfaction, would also settle the Middle East problem in general, is the creation of a new independent secular nation where Jew, Arab, and Christian would coexist. However, Israeli authorities and the extreme radical wing of the Palestinian movement reject this proposal, the latter opting for a Middle East Dunkirkian solution whereby the Jews would be driven into the Mediterranean waters. Palestinian paramilitary ambitions could not be realized however without the support, the serious support, from the entire Arab League, support of a political, military, and financial nature. The token Arab League support of past years it now appears is being reinforced by substantial financial commitments from League members today especially the oil-rich countries. As in the case of the tail wagging the dog it would appear that the Palestinians themselves have provided much of the spark which ignited Arab feelings throughout the entire Middle East resulting in a bitter hatred of Israel.

Compared to other Arabs the Palestinians are a very proud, ambitious, and industrial people. Scores of thousands hold university degrees. Considering themselves to be the elite among the Arabs, Palestinians may be found in high positions in business and professional circles throughout the Arab world. In Yemen, Saudi Arabia, and the Sheikdoms of the Persian Gulf they dominate the civil service, diplomatic corps, and educational systems. Their disbursement among the nations of the Middle East, particularly those states which border Israel is such as to have maximum influence on those governments whose territories contain the refugee camps which provide the ready-made recruiting pools for future terrorists. Of the over 3 million Palestinians, 470,000 live in Israel—which has a population of 3,400,000; 1½ million in Jordan including the West Bank; 200,000 in Syria; 320,000 in Lebanon; 400,000 in Egypt's Gaza Strip and Northern Sinai; and 250,000 in Saudi Arabia, the Arab Emirates, and Kuwait.

The largest number of Palestinians live under Israeli rule either in Israel proper or in the occupied areas of the West Bank or Gaza. The 470,000 Arabs in Israel are the most prosperous but reportedly the least content of all Palestinians. Israeli authorities, however, refute this contention. Arabs are routinely stopped and searched and they claim that they enjoy only second-class citizenship in Israel.

About 600,000 Palestinians refugees live in makeshift camps on a hand to mouth existence. Israel asserts that the pitiful refugee camp situation was of the Arab states own making because it was they who ordered the Palestinians to

abandon, initially, their thriving farms, and settlements in Israel in order to facilitate the invasion by Arab armies in 1948.

Palestinians on the other hand respond that they were driven off their land by the Jews and by Jewish guerrillas. For this reason they claim, they want a Palestinian state which would protect their property and families from encroachment in the future.

In such a climate of bitter hatred, disillusionment, and despair piled upon centuries-old animosities, were the Palestinians terrorist groups conceived.

THE PALESTINIAN LIBERATION ORGANIZATION

The Palestinian Liberation Organization—(PLO)—was established in January 1964, at the first Arab summit meeting held in Cairo. Eventually it would become the coordinating parent body for six major Arab guerrilla groups—and and there minor "independents"—some of whom originally were, militarily speaking, a motley collection of unstable rivals who differed over both the ways and the means to do in Israel. Part of the erratic behaviour of the Arab terrorist groups is also attributable to the contrasting policies of certain Arab states, the personalities of their leaders, and the on-again-off-again support rendered to the Palestinians which, however, is not the subject of this review.

To understand Palestinian paramilitary operations it is crucial to grasp the political vacillation of the Arab states. In short, PLO became a vehicle of inter-Arab politics rivalries and influences. For example, following the first Arab meeting in Cairo when PLO was created in January, a second was held in September 1964 at which Egypt allocated 6 million Egyptian pounds for the establishment of a Palestinian Liberation Army—PLA. But Syria objected shortly thereafter to the predominant Egyptian influence over the PLO. Hence, Syria became the patron of a small hitherto unknown group called Al Fatah, which would later drift over to Egypt's orbit.

The creation of the PLO and the PLA were apparently attempts by the more moderate Arab governments to appease those Palestinians who felt that the Arab states were moving much too slowly toward the goal of an independent Palestinian state whose boundaries they hoped would conform to those of pre-1967 Israel. However, Yasser Arafat the current PLO spokesman and chairman of its executive committee, stated in 1970 that—

The goal of our struggle is the end of Israel, and there can be no compromise. . . .

And again in 1974 he boasted that—

I will push the revolution on to its land and that will determine the future of its boundaries.

Today such radical sentiments are played down in behalf of a tactically more moderate image concerning negotiations with Israel for a Palestinian state.

PLO'S MAJOR COMPONENTS

The sixth major terrorist organizations comprising PLO are:

First, Al Fatah—The Movement for the Liberation of Palestine.

Second, The Popular Front for the Liberation of Palestine—PFLP.

Third, The Popular Democratic Front for the Liberation of Palestine—PDFLP.

Fourth, The Popular Front for the Liberation of Palestine-General Command—PFLP-GC.

Fifth, Al Saiqa.

Sixth, The Arab Liberation Front—ALF.

The PLO was headed by Ahmad Al-Shuquyri until December 1968 when he was replaced by Yahya Hammudi whom Yasser Arafat would relieve when the new Executive Committee was elected in January 1969. The Executive Committee which was recently expanded from 9 to 13 members is dominated by Fatah personnel including Arafat whose leadership was approved at the 51st session at the Arab League Council.

The PLO has a semiformal army called the Palestine Liberation Army. An estimate of the strength of PLA's commando-like units in 1970 was about 7,000 men of which 3,000 were stationed along the Suez front with the Egyptian army, another 3,000 with the Syrian forces, and the remainder with the Iraq. Other, current estimates, placed PLA strength at 12,000 to 17,000 full time combatants.

As PLO Chieftain, Arafat, a shrewd and clever manipulator of people and causes, was partially successful in disentangling PLA's problems which had resulted from the inactivity created by a parasitic, self-seeking officer clique. He was also successful in cleaning out PLO's top bureaucracy and also in bringing some degree of harmony to the PLO caused by its divisive elements.

That most of the leaders of the Arab world are satisfied with Arafat's leadership of PLO was confirmed recently at their meeting in Morocco when they endorsed Arafat as spokesman for all Palestinians including those living in Israel. Moreover, the 18 Kings, Presidents, Emirs, et cetera, present at the Rabat Summit meeting in Morocco agreed on an annual military subsidy for the "Arab confrontation countries" and the PLO. The funds would come from Saudi Arabia and other oil-rich nations. Syria and Egypt would reportedly receive \$1 billion each year, Jordan \$300 million, and the PLO \$50 million. For Israel, of course, this spells serious trouble in upper case.

PLO leaders have shown a distinct partiality toward the heads of state of Communist countries. In 1965, PLO's first Chieftain, Al-Shuquyri, visited Peking where reportedly he arranged for a supply of small arms and for the training of PLA units by the Red Chinese and by the Vietcong. In 1970, Arafat also visited Peking as well as Hanoi. The head of PLO's Unified Information Council, Majid Abu Sharar, stated in May 1974 before PLO's Executive Council that PLO should establish very close and firm "daily relations" between the Soviet Union and the Palestinian Resistance Movement.

AL FATAH

Al Fatah, or the Movement for the Liberation of Palestine, is a nationalistic extremist organization founded in 1956 during the Suez war. Fatah, an Arabic word for conquest, is the oldest, the larg-

est, and among the Arabs, the most popular of PLO's member groups. Initially, it sputtered along conducting sporadic raids here or there into Israel during the time of the United Nations enforced armistice but mainly it provided for re-establishing communication links disrupted when the Israeli invaded the Sinai. Fatah appealed to the embarrassed frustrated Palestinians and it filled the gap created by the defeat of the Arab armies during the Six-Day War.

As previously noted, Fatah's leader is Yasser Arafat, a civil engineer who was born in Jerusalem in 1929, moved to Gaza where he fought in the first Arab-Israeli war of 1948 and then later became a demolitions expert in the Egyptian army after graduating from officers school in 1955. The following year he fought against the French and the British in the Suez war.

Fatah's headquarters are located in Beirut, Lebanon, where it enjoys the status of a state within a state as the result of an agreement reached between the government and Arafat in Cairo in 1969. It maintains camps and bases in Lebanon as well as hospitals and schools and even employs its own tax collectors. It also has offices and training facilities within the other "confrontation Arab nations"; that is, those which border Israel.

Estimates of Fatah's military strength vary widely as do those of all covert Arab terrorist groups. Calculations run from 2,000 to 7,000 and up to a figure of 15,000 support and administrative personnel. Guerrilla training is conducted at refugee camps—which are administered by the United Nations and heavily funded through it by the United States where courses in firearms, urban warfare tactics, and political education are given. In spite of the latter, Fatah does not appear to have a very clearly defined ideological position. Some camps can handle up to 150 recruits at a time. Military instructors have been provided by former officers from Algeria, Syria, Egypt, Jordan, and Iraq.

Weapons are primarily of Soviet origin some of which are secreted through Syria, Egypt, and Iraq or directly bought from the Communist nations of Eastern Europe.

FATAH'S BLACK SEPTEMBER ORGANIZATION

While Fatah's paramilitary operations against Israel proper are conducted by its own regular units, its more brutal, spectacular terrorist assignments are reserved for the Middle East version of Murder, Inc., the infamous Black September Organization—BSO—which was created in 1971. This wantonly vicious organ of mayhem, founded by Munzer Salman Khalifah, adopted its name from the September 1970 beating given to the Fedayeen forces by King Hussein of Jordan who resented the encroachment made by the terrorist in his domain.

Black September was organized to avenge that defeat in which at least 2,000 Arab guerrillas and Palestinians civilians were slain by the King's military forces. As the result, there appears to be a standing death contract out on Hussein's life

by the Fatah and, according to Abu Iyad, PLO's Executive Committee member:

There is a decision by (Al Fatah) revolutionary council to topple the Jordanian regime, and everyone in Al Fatah is bound by the decision.

Fatah/BSO chief exploits include the Munich massacre of 1972 in which eleven Israeli athletes attending the Olympic games were killed and it also engineered the killing of one Belgian and two American diplomats in March 1973 in the Sudan, at Khartoum.

Other activities of BSO, many of which are too numerous to mention, include the attempted assassination of the Jordanian Queen Mother in August 1971; the murder of the Jordanian Prime Minister, Wasfi Tal, in Cairo; and an unsuccessful attempt in Pakistan on the life of the Jordanian Crown Prince.

According to a recent staff study on terrorism prepared by the House Committee on Internal Security, the Libyan Government of Col. Muammar el-Qaddafi appears to have adopted the radical wing of Black September. The Libyan leader reportedly gave Arafat \$5 million as a bonus for the BSO massacre of the Israeli athletes in Munich. When the PLO was founded in 1964 the oil-rich Qaddafi reportedly promised to contribute 25 percent of PLO's \$40 million annual budget.

Cellular in structure, BSO's estimated strength runs from 100 to 600 members most of whom have lived abroad for many years. Because its terrorist activities are conducted in foreign countries BSO for operational purposes, is divided into four territorial regions: Europe, South America, the Middle East, and North America where it seeks recruits from among the 12,000 Arab students residing there.

THE POPULAR FRONT FOR THE LIBERATION OF PALESTINE

The Popular Front for the Liberation of Palestine—PFLP—second largest of the Palestinian organizations, was founded by Dr. George Habash, a native of Lydda, now Lod, Israel. Born in 1925, PFLP's leader, a Greek Orthodox is a graduate of the American University of Beirut and a licensed medical doctor. In 1948, he organized a group called "Vengeance" which fought as guerrillas against Israel in 1948. Because of his Marxist outlook and his uncompromising attitude toward both Israel and those Arab governments which were inclined to negotiate on the Palestinian problem, Habash was forced to operate underground for some 20 years.

PFLP was created in November 1967 by the merger of several small groups. Heroes of the Return; the Youth for Revenge; the Palestine Liberation Front; and the Arab Nationalist Movement led by Habash, which was a Pan-Arab Marxist-Leninist Revolutionary Group, banned at various times by most of the Arab governments.

The Marxist maverick, PFLP, despises the "reactionaries," Hussein of Jordan and Faisal of Saudi Arabia, almost as much as it hates Israel and "Western Imperialism"—meaning the U.S.A. in particular.

Habash's violent factionalism, which has led to his alienation by other terrorist

groups, has reportedly rejected cash offers from Kuwait and Saudi Arabia on ideological grounds. Habash, who heads PFLP's five-man politburo, has received his main support in weapons and training from Syria, Iraq, Algeria, and the People's Republic of Yemen. PFLP has also received aid from Moscow and Peking.

PFLP, Al Fatah's major rival for Palestinian support—Habash contending that Arafat is going soft on Zionism—reportedly has between 3,500 to 7,000 members. It has had relationships or associations with almost every major extremist or revolutionary organization on the globe, including: The Japanese United Red Army, the Tupamaros of Uruguay, the Irish Republican Army, West Germany's Baader-Meinhof Gang, the Turkish People's Liberation Front, the Red Brigade of Italy, and the Ethiopian Eritrean Liberation Front. It also asserts to have trained members of the U.S. Black Panther Party.

Clearly rivaling BSO in spectacular and wanton mass murder, PFLP was the first Arab terrorist group to successfully hijack an aircraft in 1969, although some suspect that PFLP was responsible for the July 1968 hijack of an Israeli El Al plane in Rome.

In December 1968 two PFLP teams attacked an El Al jet in Athens, enroute to New York, killing one passenger and wounding two. In February 1969, PFLP attacked another El Al airliner in Zurich, killing the pilot and wounding the copilot. The first non-Israeli plane to be hijacked, a TWA airliner, by Palestinians was in August 1969 and resulted in an exchange of passengers for Palestinian prisoners.

In a hijacking bonanza on September 6, 1970, PFLP diverted simultaneously two American airliners—TWA, Pan Am—and a Swissair plane to Egypt and Jordan, eventually blowing up all of them.

PFLP diverted a Lufthansa aircraft in February 1972 from Athens to Yemen where the terrorist received \$5,000,000 in ransom from West Germany for the release of its crew and passengers.

Among the numerous hijackings, or aircraft-related incidents, by PFLP, perhaps the most notorious was that at Tel Aviv's Lod Airport. Three PFLP recruits from the Japanese United Red Army who had flown in from Rome opened fire indiscriminately with machine guns and grenades on innocent passengers, killing 25 and wounding 76.

During 1973, PFLP and covert Israeli operatives engaged in a grisly private war across Europe.

Habash has apparently pulled out of PLO's executive committee, which he had previously threatened to do, if the Arabs capitulated to Israel and to the United States on the Palestinian issue. Iraq supports Marxist Habash's hard no-compromise line, and it is likely that Libya does also, although Colonel Qaddafi despises Marxism and has often arrested homegrown Libyan Communists.

POPULAR DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE

The Popular Democratic Front for the Liberation of Palestine—PDFLP—is an

independent, pro-Mao, Marxist-Leninist group, which spun off from the PFLP in 1969 on the grounds that the latter was not vigorous enough in combating conservative Arab governments like Jordan on the question of Israel. Habash, on the other hand, a Marxist who opposed Soviet policies in the Middle East and Communist liberation movements in general, supposedly welcomed the defection of his former lieutenant, Nayif Hawatmeh, leader of dissident PDFLP faction, because of the latter's fondness for the Asian Communist brand of revolutionary methods. Hawatmeh is pro-Peking, pro-Hanoi, and also pro-Havana. He presses for a protracted "people's war" in the Middle East, hopefully one which would become another Vietnam.

Hawatmeh, 40, an avid Marxist-Leninist of Arab-Christian descent, was born in the town of Salt on the East bank of the Jordan, and like his former Chief Habash, attended the American University in Beirut and then joined the revolutionary Marxist-Leninist Arab National Movement.

PDFLP whose members number between 500 and 1,000 terrorists operates in Lebanon, Syria, and Jordan and like PFLP considers any Israeli or Israeli-related enterprise fair game for attack. In practice, however, PDFLP participated in no significant terrorist action for several years following its inception. Generally speaking, PDFLP engages in grenade-tossing, and hit and run raids on Israeli markets and buses.

As the result of smarting criticism from fellow Palestinians that his bark was worse than his bite, Hawatmeh engineered a brutal PDFLP kamikaze-like attack on the village of Maalet where a school was seized in May 1974. Twenty-five Israeli civilians were killed and at least 60 were wounded, most of them teenage schoolchildren. According to Hawatmeh, the purpose of the slaughter of these youngsters and villagers was, ironically, to assure a role for the Arab terrorists at the forthcoming peace talks in Geneva.

POPULAR FRONT FOR THE LIBERATION OF PALESTINE—GENERAL COMMAND

The Popular Front for the Liberation of Palestine—General Command—(PFLP-GC)—was another dissident group to defect from PFLP, in 1968, after the latter lost its fight with Fatah over who would dominate the Palestinian guerrilla movement.

The General Command is a small ultra-militant organization said to be less ideological but more action-orientated than either PFLP or PDFLP.

With a paramilitary strength estimated between 200 and 1,000 men the General Command is considered extremely dangerous because of its leader's reputation for violence. Major Ahmad Jabril, 45, former Syrian Army demolitions officer, who has reportedly received training in the U.S.S.R. was, at the time, considered too pro-Nasser to suit Habash.

Jabril maintains close association with the Syrian High Command and launches numerous raids into Israel from Syria. As

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a former faction of PFLP the General Command reportedly refused to abide with the 1970 agreement between the PLO and the Lebanese Government to cease launching raids from Lebanese territory.

The General Command specializes in letter and package-bomb attacks. It claimed credit—and then retracted—for the midair bomb explosion in February 1970 of a Swissair flight enroute to Israel in which all 47 passengers and crew were killed.

In May 1970, the General Command attacked an Israeli school bus near the Lebanese border killing 12 persons, including 8 children, and wounding 20.

In another major suicide attack, the Command stormed an apartment building the village of Qiryat Shemona killing 18 persons, mostly women and children. The attack was made in order to secure the release of a member of the Japanese Red Army. In characteristic fashion Israel quickly retaliated by hitting the Palestinian raid-launching bases in southern Lebanon.

Abu Abbas, a spokesman for the General Command, stated at a press conference on June 13, 1974, immediately following the killing of three women at the Shamir kibbutz, that PFLP-GC rejected U.N. Security Council resolutions on the basis of the General Command's belief that Palestine—from the sea to the River—Jordan—was Arab territory.

AL SAJQA

Al Sajqa, or "Thunderbolt" as it is called, is the commando organization spawned by the Syrian Baath Party, and controlled as an "unofficial auxiliary" by the Syrian Army. Reportedly its officers are drawn from regular Syrian Army units. Established in 1967 it represents Syria's voice in the PLO.

Largely funded by Damascus, it is led by Zuheir Mohsen, 45, and consists of about 2,000 to 3,000 men, including 1,000 guerrillas most of whom are Palestinian refugees. Operating out of Syria and Jordan, its strikes are directed, on occasion in unison with Fatah, against installations in northern Israel.

Reportedly Sajqa has fought against both the Lebanese and the Jordanian armed forces.

THE ARAB LIBERATION FRONT

The Arab Liberation Front—ALF—was founded in 1969 to accommodate Palestinians sympathetic to the radical Iraqi Baath Party, and to coordinate its guerrilla activities against Israel which are relatively infrequent compared with the other major PLO members. ALF, led by Abdel Wahab Kayyali, 37, is in effect Iraq's mouthpiece in the PLO.

ALF guerrillas which number from about 100 to 500, operated from bases in Iraq, Jordan, and Syria until the latter split with Iraq, because of political differences. Iraqi military units train, arm, and fund the ALF.

PALESTINIAN FACTIONALISM

The six major groups which compose PLO, according to the HISC staff study on terrorism previously mentioned, are divided basically into two factions of

three each regarding their respective end-objectives vis-a-vis Israel.

The minority faction, composed of the Marxist-Leninist PFLP, the well-armed extremist PFLP-GC, and Iraq's ALF believe that Israeli's annihilation is the first priority of all Palestinians; that negotiations for the creation of a Palestine nation composed of the West Bank and Gaza is ill-advised, because it assumes the continuance of Israel as a nation; and finally that a new Palestine nation should be founded where Israel now exists.

The majority faction in PLO led by Arafat's Fatah, the Syrian-controlled Sajqa, and the Maoist PDFLP support, at least at this time, the creation of a PLO-controlled nation in those areas which Israel captured from Jordan during the 1967 "Six-Day War."

Soviet policy also supports this view which may appear ironical to some in light of her long, avowed goal of world domination—détente and coexistence tactics notwithstanding. It behooves the U.S.S.R. to support the more moderate of the options—at this time. Soviet policy has always been founded fundamentally on tension and plenty of it. If it does not exist in its natural state, create it. Pit person against person—especially leaders—group against group, country against country—and then stand by to pick up the pieces resulting from what essentially is a "let's you and him fight" philosophy.

Were Israel to be destroyed the Kremlin would lose the tension-creating issue in the Middle East and thus pave the way for the eventual smoothing over of the current estrangement existing between Washington and certain pro-United States, Mideast countries. For Moscow this would never do, because two of her immediate strategies would, therefore, be seriously jeopardized: the waning of Soviet subversion and influence in that crucial area; and equally important, the aborting of her policy of denying raw materials and waterways to the United States, and to her NATO allies.

To the Politburo in Moscow, Israel as a live issue is vastly more important, strategically, than Israel would be as a dead state, tactically.

In my extension of remarks on October 15, 1974, I stated:

I agree that the greatest threat to the freedom of all mankind continues to be the Soviet Union, and this is not an issue of being conservative or liberal . . . but a fact of international life.

I then concluded in those remarks on the Middle East situation that—

Most of all, it is in the interest of the free world that the differences between Israel and the Arab world be settled on the principles of genuine freedom and mutual understanding which, of course, requires the survival of Israel as well as the security of the Arab nations.

THE HONORABLE H. R. GROSS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

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man from New Hampshire (Mr. CLEVELAND), is recognized for 10 minutes.

Mr. CLEVELAND. Mr. Speaker, as we wrap up the 93d Congress, I can think of no more fitting subject for a final comment from this Member than a word of fond farewell to our departing colleague, H. R. Gross.

For 26 years in this body, H. R. has become a legend for his meticulous and painstaking scrutiny of the doings of the executive agencies downtown as well as some of the follies perpetrated by the legislative process here on the Hill.

If he has been unique in his war on waste over the years, it is to his credit and to the discredit of others to the extent that they have left it to his one-man operation.

In my view, H. R. has been truly representative of far more than his own Iowa constituents in championing economy in government. Take inflation. The public at large recognizes that much of the blame rests with government. Or this business of responsiveness of government. H. R. has struck a responsive chord with vast numbers of Americans in exposing the cavalier attitude with which the Congress and administrative agencies throw around the public's money while the taxpayer is driven to the wall—or up the wall.

No member has fulfilled his obligation to know what he is voting on more than H. R., who has taken the time and effort to scrutinize the bills coming to the floor and the performance of the agencies of the Federal Government under those which we enact. When one Member undertakes to do this, it comes off too frequently as nitpicking, negative, obstructionist. But when a committee does it, it is called legislative oversight.

Since this happens to be one of the greatest failings of this body, I think that we have to say that H. R. Gross has not only done his job and done it well, but he has been doing our job for us. For this, he will be missed by the country and his colleagues.

In the Washington Star-News for December 16 there appeared a Rambler column devoted to H. R.'s career. I insert it in the RECORD at this point:

PLEASE MR. GROSS, DON'T LEAVE US NOW!
(By John McKelway)

At extraordinary cost to the American taxpayer, pouring money for heat, electricity and printing costs down the drain, the House spent its time the other evening honoring an obscure congressman named H. R. Gross. The oratory filled some 17 pages of the Congressional Record.

The man is completely negative. He has tried to stop government spending.

He has failed in 26 long years, serving as a Republican representative from Iowa. Today, as we face a recession or depression, the one he's warned of for all these years, what does he do but decide, at 75, to cop out.

And even in these last days of the 93rd Congress, Gross fumbled what could have been his finest hour: He failed miserably to use his bag of parliamentary tricks to shut off needless discussion of his House career. He was ruled out of order by the speaker.

So they talked about H.R. . . . Few taxpayers, one congressman said, realize how many millions of dollars this one man has saved them. His mere presence in the House has forced many a committee

chairman to study a bill closely to make sure he can answer the knotty questions that he knows the gentleman from Iowa will raise. And it is not unusual for an item to be dropped from a bill merely because of him, before it ever reaches the floor.

In this session alone, Gross has attended all but six of the 482 votes held and all but one of 171 quorum calls.

Gross has two signs in his office. One reads: "Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody." The other: "There is always free cheese in a mouse trap."

From time to time, Gross has been called: A pillar of parsimony. The abominable noman of the House. The watchdog of the Treasury. A principled loner. The conscience of the House. The scourge of the spender. A reactionary nitpicker. The antidote for boondoggling.

Gross does not own a tuxedo.

Gross is a soft-hearted tiger. He is not churchy. He has no vendettas. He is not pompous.

He once described a bill introduced to reimburse owners of eucalyptus trees that had suffered damage during aubfreezing weather in California as the "U-Clipped-Us Bill." It was defeated.

Gross is a man of American Gothic virtues: thriftiness, attention to detail and orneriness. He has never admired the foreign aid program. "I swear," he once said, "I think that what we ought to do is pass a bill to remove the torch from the hand of the Statue of Liberty and insert a tin cup."

Gross never took a junket.

What his colleagues were saying, I gather, is that Gross will be missed and remembered. Goodbye, Mr. Gross.

THE PRICE TAG FOR REJECTION OF RHODESIAN CHROME OVER \$300 MILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 20 minutes.

Mr. BLACKBURN. Mr. Speaker, despite the agonizing effects of the oil embargo which the United States suffered in the past year, we will shortly be considering in this body a proposal to impose a similarly costly embargo against ourselves. A recent study indicates that the reimposition of a chrome embargo could cost American consumers of stainless steel products over \$300 million per year.

The effort being made to repeal the Byrd amendment, which allows us to purchase chrome, and more importantly ferrochrome, from Rhodesia would essentially create for the Soviet Union a price monopoly on chromite ore just as OPEC now has on oil. Although the United States currently purchases substantial quantities of chromite ore from the Soviet Union, the price has remained reasonable only because of the existing competition provided by the alternative source available in Rhodesia. Once before, in the 3-year period when we granted the Soviets a monopoly on chrome sales, we found that the price of chromite ore dramatically increased from \$39.87 per short ton in 1968 to \$68.49 per short ton in 1970. When the embargo ended with the passage of the Byrd amendment the price subsequently fell to \$51.73.

The effect of a renewal of economic sanctions against Rhodesia has been analyzed in a study released this month by the Center for Advanced International Studies at the University of Miami. Dr. Roger LeRoy Miller, who is a professor of economics at the University of Miami, has carefully calculated that:

The estimated cost of new sanctions would lead to a price rise of \$250 per ton of finished stainless steel products; hence, conceivably consumers of stainless steel products would face higher costs in the neighborhood of 1.242 million tons times \$250, or \$310,500,000.

Moreover, Professor Miller notes that due to our limited production capacity we would only be able to satisfy about 60 percent of our present needs for ferrochrome production. Currently we import 45.4 percent of our high carbon ferrochrome from Rhodesia and none from the Soviet Union. Miller figures that at current use levels our stockpile of strategically vital ferrochrome would be exhausted in about 18 months. Thus stainless steel production, for which ferrochrome is essential, would suffer dramatically with a renewal of sanctions.

Professor Miller also deals with other aspects of the proposed chrome embargo, such as employment effects in our stainless steel industry and changes in effects due to various elasticities of demand.

In order to bring to the attention of my colleagues the costly consequences of renewing the embargo against Rhodesia, I include the final section of Professor Miller's excellent study to be placed in the RECORD at this point.

THE FINAL SECTION OF THE STUDY FOLLOWS: IV. THE ECONOMIC IMPACT OF RENEWED TRADE RESTRICTIONS WITH RHODESIA

While at this time it will be impossible to indicate firm predictions on the economic impact of renewed trade restrictions with Rhodesia, we can indicate the direction of change that would occur and figures on prices and employment that will be accurate within an order of magnitude. Before any discussion of the possible economic impact is feasible, it will be necessary to discuss the use and availability of U.S. strategic stockpiles of chromite and ferrochrome.

U.S. Strategic Stockpiles

In 1939 the U.S. government declared chrome to be a critical material. It was the first of four such critical materials that were to be stockpiled by the government as we entered into World War II. Presumably, it was the first critical material because it had the least number of substitutes. As of June 3, 1974, the United States stockpile of metallurgical grade chromite and ferrochrome was:

Metallurgical grade chromite—3.405 million net tons.
Ferrochrome, high carbon—403 million net tons.

Ferrochrome, low carbon—319 million net tons.
These figures, however, are misleading. Concerning metallurgical grade chromite, first of all the government has declared that it will require 400,000 net tons in its stockpile at all times for strategic purposes. Secondly, there have been approximately 900,000 to 1,000,000 net tons of metallurgical chromite available for sale out of the government stockpile in Nye, Montana, for the past fifteen years. However, none of it has been sold because it is economically infeasible to use it, unless heavy subsidization from the government is provided. This leaves approxi-

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mately two million net tons of metallurgical grade chromite for sale out of the government stockpile. However, these two million tons could not be readily converted into ferrochrome for the specialty steel industry, given the current and possible short-run capacity of the U.S. ferrochrome industry.

What might happen, if in fact sanctions against Rhodesia were reinstated, would be that Airco would continue to receive Soviet metallurgical grade chromite in sufficient quantities to continue production of ferrochrome at current rates (130,000 net tons per year). Globe would continue to receive sufficient metallurgical grade chromite to continue producing 35,000 tons of ferrochrome per year. Union Carbide has indicated it will cease producing ferrochrome if the sanctions are imposed. That leaves essentially Chromium Mining, which has been dependent on Rhodesian metallurgical grade chromite. Chromium Mining produces around 35,000 tons of ferrochrome per year. Given the ratio of 3:1 for chromite to ferrochrome production, that would mean that Chromium Mining would require, to continue its present production rates, 100,000 tons of metallurgical grade chromite per year out of the world market. If available, or from the U.S. stockpile. That, indeed, would allow what would be left of U.S. ferrochrome industry to continue production at reduced rates for, say, twenty years. However, this is an inappropriate datum to cite, for the U.S. ferrochrome industry does not provide 100% of the ferrochrome used in stainless steel at current world prices; rather it would allow for the continuation of ferrochrome production that would satisfy less than 60% of U.S. consumption.

The government could also open up its stockpile of high- and low-carbon ferrochrome. It is generally believed that only about one-third of the low-carbon ferrochrome in the government stockpile is usable, but that all of the high-carbon ferrochrome is indeed a possible source for the specialty steel industry. Looking at the preceding table, we see that that would give us about 500,000 net tons of high- and low-carbon ferrochrome available for the specialty steel industry. At current rates of ferrochrome consumption, which are determined by current relative prices, production processes, etc., this stockpile would make up the deficit between demand and domestic supply, plus supplies from other countries, but only for a period of about eighteen months or perhaps slightly longer.

Note that this prediction is based on the following assumptions and facts: the relative prices of all goods in question do not change; the demand for none of the goods in question shifts abruptly; and the supply of everything except Rhodesian chrome products does not change. Additionally, the calculation is based on the prediction that the existing U.S. ferrochrome companies, with the exception of Union Carbide, continue to produce at current rates because Soviet and Turkish metallurgical grade chromite will continue to flow into this country, and Chromium Mining will obtain sufficient metallurgical grade chromite from the U.S. stockpile of that ore. This would mean, then, that the U.S. ferrochrome production rate would be 200,000 tons per year. Further, it would be predicted that consumption demand at current relative prices of low- and high-carbon ferrochrome in the U.S. would be between 500,000 and 550,000 net tons in 1975. (In particular, this figure includes the demand for 12% chromium stainless steel used for emission control catalytic converters.) Moreover, given that ferrochrome which contains Rhodesian chromite cannot be imported into the U.S., then at least 50% of the imports from South Africa must be curtailed as well as imports from any country producing ferrochrome using Rhodesian ore. That means imports in the U.S.

would suffer a 50% reduction equal to a decrease of 65,000 tons based on the current situation. That leaves a deficit to be made up by the U.S. stockpile of ferrochrome of some 200,000 to 300,000 net tons per year. Given that the stockpile available for use measures some 500,000 net tons, this gives us a flow that would last as stated before for eighteen months or perhaps slightly longer.

In what follows, we will first make the assumption that a bill is passed in the Congress to allow the U.S. stockpile of both metallurgical grade chromite and high- and low-carbon ferrochrome to be released at market prices to specialty steel companies. Hence, we will be engaged in a relatively short-run impact study of reinstated sanctions against Rhodesian imports and, for the basis of discussion, we will assume that, if this occurs, it will occur on January 1, 1975.

Economic Impact of New Sanctions, Assuming U.S. Stockpiles Are Released for Sale

Without going into full econometric model of the chrome and stainless steel industry in the United States, we cannot readily project price and employment changes except for direction and order of magnitude. However, in this preliminary study that is what we will consider our goal.

As an exercise to get some order of magnitude change in the cost to the consumer of stainless steel products if the U.S. chrome industry were to experience the same kind of relative price change during the second period of sanctions as during the first, we calculate a prospective price change of ferrochrome in the following manner. First, the data on low-carbon ferrochrome prices from the U.S. Department of Labor, Bureau of Labor Statistics, is examined. The price rise from a period before to a period during the sanctions of low-carbon ferrochrome was slightly in excess of 50%. Using a 50% price rise as our basis in this calculation, we first must pass through the increase in ferrochrome prices that are occurring in the United States during 1974 as domestic prices move in line with world prices. As an example, we look at stainless sheet 304 and stainless strip 430—the most important tonnage items. The July 25, 1974, issue of *American Metal Market* indicates that the average selling prices of these items are \$1,305 and \$1,120 per ton, respectively. The projected price for January 1, 1975 is calculated by first computing what the pounds of chrome consumed on a weight-contained basis per ton is of finished steel. This was computed to be 515 pounds on average.¹

The projected price increase in stainless due to the U.S. price of ferrochrome rising to world price by January 1, 1975 will then be 515 pounds times approximately 60 cents per pound for both 304 and 430, or a price increase of \$258 per ton. The projection, then, is that a price per ton of 304 will be \$1,563 and a price of 430 will be \$1,378, or price increases of 20% and 23% respectively.

1. Effect of the Embargo

Assuming now a further 50% increase in the price of both low-carbon and high-carbon ferrochrome, we would get an average price increase of 49.0 cents per pound of chrome contained in the production of 304 and 430. Given that there is an average of 515 pounds of chrome required per ton of finished product, this would lead to a \$252 increase in 304 and 430, raising their prices to \$1,815 per ton and \$1,630 per ton, respectively. This, in effect, would be an average per ton price increase of 17%.²

2. Cost of Stainless to the Consumer

In order to determine the cost of stainless steel to the consumer, it is necessary to project the shipments of stainless in 1975. The

Footnotes at end of article.

way this was accomplished was by estimating the average compound rate of growth from 1963 to 1973 in U.S. shipments of stainless steel. This compound rate of growth was 2.9%. The predicted shipments in 1975, from this equation, are 1.092 million tons. To this we add an estimated 150,000 tons of stainless steel for emission control equipment.³

An average price rise, based on the assumptions of the previous chapter, might be in the neighborhood of \$250 per ton of finished steel product; hence, conceivably consumers of stainless steel products would face higher costs in the neighborhood of 1.242 million tons times \$250, or \$310,500,000.

Note that this computation is based on the following assumptions:

- A price rise of 50% in ferrochrome occurs immediately on January 1, 1975.
- The elasticity of demand for stainless steel is essentially zero, and therefore consumers would buy the same quantities at the higher relative price than they would at the lower relative price, without the embargo, with a consequent price rise in ferrochrome and hence in stainless.

3. Employment Effects

Still assuming that the U.S. stockpile would be available to ferrochrome and stainless producers, the price rise in ferrochrome that might occur with a resumption of sanctions against Rhodesia will elicit an employment effect in the stainless or specialty steel industry, depending on the elasticity of demand for the product in question. We can assume that there will be little, if any, alteration in employment in the ferrochrome industry (as opposed to the specialty steel industry) because their sources of chromite ore will be continued.

However, the higher price of specialty steel products, based on the pass-through of higher ferrochrome costs, might reduce the quantity demanded of stainless steel and hence reduce the amount of employment in that industry. It is difficult to obtain an accurate estimate of the number of workers involved in the specialty steel industry, since some employers produce both specialty and other types of steel. However, the maximum figure is probably 70,000 employees directly involved with stainless steels. Without having to involve ourselves in the number of workers, we can directly calculate the maximum number of manhours used in the production of stainless steel in the United States.

A survey, compiled by Price Waterhouse and presented by the American Iron and Steel Institute on July 16, 1969, entitled "Institute 26-Company Survey on 1967 Output in Manhours," yields the following information: Total tonnage of stainless steel mill products was 416,596, and total manhours were 25,084,384, or a 1967 manhour per ton of stainless steel was 60.2127.

Now, to make an estimate of what the total number of manhours to be required in 1975 might be, we calculate the annual productivity changes in the steel industry from the Bureau of Labor Statistics over the last decade, which is 2.8% per year. Projected manhour requirements per ton of stainless steel produced in 1975 is therefore 48 manhours. Hence, to produce the projected 1.242 million tons of stainless in 1975 would require 59.616 million manhours in that industry.

Now, if the short-run price elasticity of demand for stainless steel is as great as —.2 for example, this would imply, based on our assumptions, that the average projected 17.0% increase in the price of stainless would elicit a drop in the quantity demanded of 3.4%, or a reduction in total output of 42,228 tons of stainless, thus eliciting a reduction in manhours work of 2,027,000 manhours. The average work week that can be used is 38.5 hours (from the American Iron and Steel Institute data); thus indicating that a reduction of 52,648 manweeks in the stainless steel industry would occur.

Note that the above calculations are purely demonstrative. One could plug in any assumption of price responsiveness (price elasticity) for stainless steel and come out with a different set of answers. At one extreme, the short-run elasticity of demand for stainless steel is zero (an unlikely assumption), and therefore the employment effect of any price rise would be zero. On the other extreme would be higher price elasticities of demand and consequently higher employment reduction effects.

Since it is almost certain that price elasticity of demand for stainless steel products is not zero, we can predict some unemployment effects due to a price rise in stainless steel products based on a price rise in ferrochrome products, based on price rises of chromite and imported ferrochrome, due to the renewed sanctions against Rhodesia. Hence, from a public policy point of view, the unemployment created by such sanctions could, in the short run, make any particular Administration anti-inflation policy more costly from a social point of view, and we note that these costs would become higher after 18 months when the ferrochrome stockpile would be depleted.

Economic Impact of Renewed Sanctions Against Rhodesia, Assuming No Stockpile Is Available

Here the analysis remains essentially the same as the preceding analysis; however, in the immediate run, there would presumably be relatively larger price rises in the chrome industry due to the reduction in supplies of chromite and ferrochrome, both high- and low-carbon. The ferrochrome industry would continue to produce, except that Chromium Mining would have to buy in a restricted world market. And as stated before, Union Carbide would probably cease production. Hence, output would fall from, say, 240,000 tons per year to 200,000 tons or lower. The deficit would be met partially by imports, but as outlined in the previous section those imports would be restricted due to the sanctions. Thus, all Rhodesian ferrochrome, one-half or more of South African ferrochrome, and other ferrochrome based on Rhodesian ore would be prohibited from entering the U.S. Given no access to U.S. stockpiles of ferrochrome (and chromite for Chromium Mining Company), the specialty steel industry companies would be out on a now restricted world market, competing against each other for ferrochrome. If we assume a relatively small elasticity of supply of ferrochrome in the short run from the remaining sources of ferrochrome, both domestic and international, the production of specialty steels would have to be curtailed dramatically. For how long this curtailment would last is a moot point. It would depend on the responsiveness of supply to what would definitely be a rising price in the ferrochrome market. In this particular situation, there would be a reduction of employment in the ferrochrome industry (but not of a significant nature, since only Chromium Mining would be forced to shut down), and also a reduction in the specialty steel industry because of an unavailability of ferrochrome supplies at current relative prices. It is impossible to estimate, or even project, what the reduction in employment in specialty steel industry might be. If you assume that it would be equal to, in percentage terms, the reduction in ferrochrome available, then our estimate would be 28 percent, or a total of 16,700.00 man-hours or 434,000 man-weeks.

Possible Substitutes That Industry Would Turn To if the Relative Price of Stainless Steel Rose and/or the Quantity Available Diminished.

Machinery, industrial equipment and tool industries could turn to substitute material such as titanium, copper and nickel-based alloys, as well as fibre glass reinforced plastics. However, it is clear that some substitu-

tion would increase the relative cost of industrial finished products.

The automotive industry could look to aluminum, coated carbon steels or alloy steels. It is possible, though, that durability might decrease and maintenance costs could rise.

The construction and contractors' products industry could turn to aluminum, plastics, carbon and alloy steel, but with a loss in strength and long-term durability.

Other domestic and commercial equipment manufacturers would have a difficult time finding any material that could be directly substituted for stainless. If disposables were used in place of stainless in such application as institutional food service, a waste treatment problem would arise.

In the appliances, utensils and cutlery industry, aluminum and plastics could be substituted with a reduction in durability.

In other markets, such as industrial fasteners, aircraft, forgings, etc., aluminum might be a usable substitute, as well as some titanium and nickel-based alloys. However, when assessing the short-run impact of an increase in the price of stainless steel and/or a reduction in supply, it is not clear how fast these industries could effect such a substitution.

It would be a major undertaking to try to estimate the impact on substitute industries of a change in the relative price of chrome and chrome-related products, as well as a change in the availability of those products. Suffice it to say at this time that it appears that immediate substitutes for stainless steel would not exist in large quantities; however, with a sufficiently high economic incentive, in the long run substitutes would be found, albeit at relatively higher costs to consumers.

Economic Impact of A Renewed Embargo on Rhodesian Chrome As well as An Embargo on All Products Using Rhodesian Chrome

What happened during the first embargo on Rhodesian products was quite obvious. Only the U.S. and, to a lesser extent, Great Britain actually abided by the U.N. declaration of economic sanctions. Other countries did not abide by that declaration and, in fact, produced stainless steel products using chrome that was from Rhodesian mines. If, in fact, the sanctions against Rhodesia by the U.N. were reinstituted in the U.S. as well as an effective program requiring foreign governments to certify that stainless steel and other products using chromium produced in their country for sale in the U.S. contained no Rhodesian ore or ferrochrome in such products, then we would effectively eliminate a large portion of stainless steel imports as well as the chromite ore and ferrochrome from Rhodesia. The projected economic impact on the United States would in fact be, relatively speaking, great. We estimate that the availability of stainless steel would decrease by approximately two thirds as compared to what is available today. If such a program were indeed instituted, a reduction of two-thirds in the supply of stainless steel for use in industry and consumer products would have, to be sure, dramatic effects on prices of products using stainless steel, employment in the stainless steel industry, employment in industries making products using stainless steel, and so on. It goes without saying that, since relative prices of stainless steel products would rise dramatically, so too would world prices and so too would the incentive for foreign governments to certify stainless steel products, even though such products did indeed contain Rhodesian chrome or ferrochrome. Nonetheless, in the interim, the economic impact would be substantial on the United States in myriad ways, too myriad in fact for enumeration.

V. TENTATIVE CONCLUSIONS

In this preliminary study, we have outlined the nature of the metallurgical grade chrome and chrome-related industries in the United States and the world. We have then at-

tempted to discuss the economic impact on the U.S. due to economic sanctions during the period 1967 through 1971 which prevented the United States from engaging in economic activities with Rhodesia. A discussion of what might happen if those economic sanctions were again imposed was presented, starting off with an initial examination of the U.S. strategic stockpile of chromite and ferrochrome. It was estimated that the stockpile of metallurgical grade chromite ore could indeed last twenty years, only because the U.S. ferrochrome industry could not be expanded in any appreciable way in the short run to use the chromite ore made available. Additionally, the consumption of ferrochrome out of domestic production and imports, plus the available reserves from the U.S. strategic stockpile could last, without interruption, at current rates for approximately eighteen months, or perhaps slightly longer.

In order to estimate some of the economic impacts of a resumption of the embargo on Rhodesian chrome products, we first assumed that the stockpile would be opened up. Later it was assumed that the stockpile was not opened up. In the first case, projections of price increases of ferrochrome similar to those that were experienced during the sanction period from 1967 to 1971 yielded an estimate of finished stainless steel price increases of over 17%. This would translate into about a three hundred million dollar increase to the consumers of stainless steel, on a yearly basis, in 1975. However, that calculation was based on the assumption that the price elasticity of demand for stainless was effectively zero. If we do not continue with that assumption, then we must talk about a reduction in the quantity of stainless demanded as the relative price rises. Then we must talk about a reduction of employment in the stainless steel industry. Making an assumption, for example, of a price elasticity of demand of -.2 in the short run, this would lead to a reduction of manhours worked in the stainless steel industry in 1975 of some 2.0 million manhours. The point to be made here, in terms of public policy-making, is that for any given anti-inflation policy, this increased unemployment would make that anti-inflation policy more costly.

If we go to a situation in which the U.S. stockpile is not opened up by Congressional law, then the economic impact of a renewed ban on Rhodesian chrome products would be much greater, of course. No numerical examples were given, but the orders of magnitude would certainly be larger than in the previous case, and additionally, there would be decreased employment in a small sector of the ferrochrome industry, namely at Chromium Mining Company. Of course, if we truly eliminated imports of all steel products produced elsewhere with Rhodesian chromite or ferrochrome, the economic impact would be much more substantial.

A complete study of the economic impact of trade restrictions with Rhodesia would require econometric studies attempting to estimate the price elasticity of demand for metallurgical grade chromite, ferrochrome and stainless steel. Moreover, the elasticities of substitution between stainless and other metals would have to be estimated, as well as the extent to which displaced workers in the specialty steel industry could be absorbed in other capacities within the steel community.

FOOTNOTES

¹² See Appendix VI.
¹³ See Appendix VIII for this computation.
¹⁴ This calculation merely represents a 100% pass-through on a 50% increase in the price of ferrochrome on a weight-contained basis in the production of stainless.

¹⁵ Note that the 1.092 is definitely an underestimate given that shipments in 1973 were 1.163 million tons of stainless steel products.

A TIME FOR DECISION: CONGRESS AT THE CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 20 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, since the dawn of man, the survival of our species has depended upon man's ability to outwit natural enemies, adapt to a changing and often hostile environment, and to construct techniques and tools that facilitated his progress from the cave to the computer age.

Today, our natural enemies are few, and vanishing rapidly before the scythe of "progress."

We have learned to manipulate the environment to suit our needs and wants—and in doing so have reaped the bitter-sweet fruits of ecological domination—progress and peril.

We have become, for better or for worse, the architects of our own destiny. And yet, despite our progress, three age-old adversaries continue to confront and confound mankind—disease, famine and war. The threat of a potential ecological disaster has now joined the cruel triad in a treacherous union that threatens the continued survival of our species. These hydra-like challenges are overlaid with additional problems of economic upheaval, resource and food shortages, energy gaps, explosive population growth and a growing political divisiveness between the "haves" and "have nots" of this troubled world—divisiveness that could be explosively lethal in the era of nuclear weapons.

Will man, as we know him today, survive? Will we make it to the twenty-first century—and beyond?

The apocalyptic school of thought has serious doubts that man can surmount these difficulties through collective foresight and self-denying adjustments to new realities that would lead to an improved world order.

On the other hand, disciples of technology argue that all of these problems, complicated though they be, are inherently solvable—given world enough and time.

However, there is little contention of the realization that unless this formidable array of challenges is successfully resolved by enlightened action, Nature will intervene in a cruelly efficient counter-assault. In all likelihood, before nature itself revolts against man's overload of fragile ecosystems and limited carrying capacities, seething nationalistic passions, aroused by increasing competition for finite resources and food, will ignite, spreading the flames of war throughout the world.

Will the ascent of man end in a dismal scenario of starvation, confrontation and annihilation?

Will a decimated world be the final monument to man's inherent folly?

The answer to these somber questions lies veiled in the mists of the future. But that final answer will be wrought by the political and economic actions taken by the world community in the next few years.

My esteemed colleagues, those of you who will be returning to the Congress

next year, and those new Members who will be joining you in your efforts, will bear heavy burdens of responsibility. You and your contemporaries in legislative bodies around the world will be charged with trying to resolve frustrating domestic problems, and at the same time, trying to develop a cohesive strategy to confront international problems that threaten to undermine world economic and political stability.

The steps that you will take to face these enormous challenges will set us on the path of the future. Your collective wisdom and judgment will chart the trajectory of this Nation's future course. There are two paths that can be taken—and you are standing at the junction in the road. One path appears to be wide and smooth; it is paved with layers of expedient political promises designed to placate the American people. What you cannot see from here is that over the next hill, it becomes narrow and rocky and leads only to a dead end—perhaps for all mankind.

The other path appears much rougher at the outset. There are hard choices blocking the way; these will have to be resolved before we can progress any further. But this path becomes smoother just over the edge of the horizon, and it leads to the very summit of human achievement—triumph over narrow vision and self-interest for the common good of all mankind.

I am sure that in the months and years ahead you will be lulled by the siren song of neosolationism. Beset by our own pressing domestic problems in the economy, struggling to develop a system of social and economic priorities, and offended by the assaults on our national ego by the developing world, it would be easy to succumb to protectionist temptations. After all, do we really owe the world a living? Must we not first look to the needs of our own people? Again, these are complex questions not to be asked lightly. But we can learn much from the lessons of history. That siren song of the isolationists has twice before lured us upon the shoals of international conflagration. By evading our responsibilities and trying to erect walls to keep out the rest of the world, we automatically forfeit our opportunities to shape the future course of our country. Choices that we do not make ourselves will be made for us by others—and we will have no one to blame but ourselves and no recourse but to follow the path that has been charted by destiny.

We do have an important stake in what happens to the rest of the world. We cannot isolate or insulate ourselves from the upheaval that will accompany a breakdown in the world order. To be sure, we might survive longer than most, but that survival would depend upon a diminution of our quality of life and a drastic reduction of the personal freedoms we now take so much for granted. And, human nature being what it is, there is every likelihood that these adjustments in the American lifestyle will result in widespread public disenchantment with our existing political system. The atomization of American society into

self-interest groups clamoring for "power to our crowd" and special privileges would render democracy impotent. In the ensuing power vacuum, those charged with the preservation of political and economic order in our society would be compelled to institute measures bordering on authoritarianism.

Political myopia that encourages neglect—benign or otherwise—of our international responsibilities can thus lead to a breakdown in our own political system. Self-interest motivated by political ambition can have no place in this Congress; it is a luxury we can no longer afford, and we indulge it only at our own peril. This statement springs not from any political naivete on my part—for I know as well as you the frailty of human nature. Instead, it is prompted by my profound belief that the fate of this Nation—and indeed, that of the world as we know it today—may well hinge upon the actions you will take in the coming months and years.

In the history of mankind, there has never been a more compelling need for statesmanship. This Nation and the world must have leadership of an unparalleled dimension to overcome the torrent of complex problems that threaten to engulf humanity.

Must we wait until some international catastrophe welds our collective energy and intellect into a single determination—a will to survive?

Is it not possible to come to terms with the hard choices that must be made, regardless of the personal political consequences?

Is it so difficult to talk frankly to the American people—and indeed, people all over the world—explaining what the problems are in simple language that can be understood by the common man? After all, they also have a stake in the survival of civilization.

Can we not rise above the sinkhole of political expediency to make the choices that must be made in the area of population control, technology transfer, resource sharing, food production and distribution, energy consumption, industrial adjustment, and nuclear arms control?

The answer to these questions, and so many others, lies within each of you.

I do not pretend to know what the answers will be, or what course of action will be charted by the 94th Congress. But I do know that each and every one of you will have a key part to play in shaping the future direction of our country.

If you decide to take the path less traveled by—the rougher road of truth and hard choices—one of your first tasks will be to restore the confidence of the American people in their system of government. Of course, making the decision to walk on that path from the outset will do much to convince the public that Congress does not intend to shirk its responsibilities or evade its obligations to the future. The American people need and deserve nothing less than the highest standards of leadership in their elected officials. If you can stand united in your resolve to meet the challenges facing American society and the world in a spirit of honest inquiry, adherence to the truth, and a concern for equity,

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you will have taken the quantum leap from politics to statesmanship.

We cannot expect you to resolve all the problems and develop all the right answers. This is beyond the realm of human possibility and political reality. However, it is important to try, as honestly, as fairly and as courageously as you can, to face up to these problems and take the first, faltering steps toward their resolution. You will make mistakes, and you will stumble and fall on occasion. We are, after all, an imperfect species prone to occasional errors in political judgment. But as long as you are guided by the principles of truth and honesty, and a higher concern for the common human interest, you cannot be faulted, and history will reserve a special place for you in her chronicle of honors.

It is with a sense of sadness that I leave my colleagues just as they are about to embark on this important mission. While I am not able to share the burdens that I know will descend upon the shoulders of Congress I will do what I can—in whatever way I can—to encourage a greater public understanding and appreciation for the special responsibilities that you face and a respect for the decisions that you will have to make in the public interest. Those colleagues who leave this body with me must be similarly charged to support you when those hard choices must be made. Their wealth of experience and wisdom nurtured in their public service must continue to be applied for the common good.

These challenging times are filled with both promise and peril. The future destiny of mankind hangs in a tenuous balance, and political wisdom is the fulcrum that will determine whether the scale swings toward oblivion or toward the achievement of a stable world order.

Mr. friends and colleagues, America looks to you for the courage and the leadership to swing that balance in favor of mankind.

UNCOVERING NURSING HOME ABUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 60 minutes.

Mr. KOCH. Mr. Speaker, in recent weeks I have made a number of statements in the House on the nursing home scandal in which nursing home operators are drawing millions of dollars from Medicaid and Medicare through fraudulent practices. It is appropriate in this special order, Mr. Speaker, to acknowledge that this scandal would not have been uncovered had not John Hess of the New York Times undertaken enormous investigatory work required to ascertain the facts now laid bare. Over the past several months John Hess has relentlessly pursued the tiring and often frustrating ground work that is fundamental to effective investigative reporting. He now has uncovered a sufficient portion of the "iceberg" so that various levels of governmental bodies have been prompted to act.

On the basis of information secured to

date, 17 members of the New York delegation joined me in requesting our colleague, Governor-elect HUGH CAREY, to set up a Moreland Commission to investigate the Medicaid/Medicare scandal. In response, Governor-elect CAREY has asked Mario Cuomo, a close adviser, to make a preliminary investigation of alleged fraud for review when he takes office on January 1.

I know Mario Cuomo. He is not only a superbly talented individual but one whose orientation is such as to require him to pursue this matter wherever it leads. I say that because there is a growing acceptance of the fact that there is too cosy a relationship among the nursing home proprietors, the directors, State public officeholders, and the State law enforcement agencies. I do believe that his report to Governor-elect CAREY should be expeditiously prepared. The report of Mario Cuomo or anyone else not having the power of subpoena or the power to initiate proceedings before a grand jury cannot suffice for a full-scale investigation leading to criminal indictments where the facts warrant it. The Cuomo report can only be an interim one between now and the time Governor-elect CAREY takes office when he will have the power to appoint a Moreland Commission.

Furthermore, I have been advised that Senator FRANK MOSS, chairman of the Long Term Care Subcommittee of the Special Committee on Aging is going to commence a nationwide investigation of nursing home abuses linked with the Medicaid/Medicare program. The first hearing will take place in New York City on January 21. In preparation for this hearing he has issued 40 subpoenas and requested that the Internal Revenue Service and General Accounting Office commence their investigation into these areas as well.

I hope Mr. Speaker, that our own Government Operations Committee under the direction of its new chairman, JACK BROOKS—when he is elected, as I am sure he will be to that position in the next Congress—will undertake to exercise the House's responsibility to pursue this matter relentlessly.

I am also pleased to report that at long last, the attorney general of New York, Louis Lefkowitz, has entered the matter with an announcement that he will undertake an investigation and convene a grand jury for that purpose.

I want to reiterate, Mr. Speaker, that this is not simply a New York scandal, it is one which undoubtedly can be duplicated in the other States as well and involves Federal funds running into the billions of dollars. We have waited too long to examine into these fraudulent practices which are not only costly in dollars but even more costly in the impact that they have on the lives of the elderly citizens in this country. In some cases effectively condemned to die in squalid nursing homes, friendless with a feeling that their Government has deserted them.

Mr. Hess has served the public and Congress interests by giving attention to the investigations conducted over the past 3½ years by the State Welfare

Inspector General's office of the State Department of administration of the Medicaid program and the operation of proprietary nursing homes receiving large portions of Federal and State funds.

And, the Temporary State Commission on Living Costs, chaired by Assemblyman Andrew Stein, has been aided by the material uncovered by Times reporter Hess in its investigation of the scandal.

The story of the nursing home scandal will continue to develop. At this point, I think it would be helpful to reprint in chronological order several of the major stories written by John Hess on this subject. I hope this compilation will give our colleagues a comprehensive view of what has happened to date so that we might better prepare for the congressional investigation next year.

The articles follow:

[From the New York Times, Sept. 6, 1974]

STATE AUDIT FINDS WIDE OVERBILLING BY NURSING HOMES

(By John L. Hess)

State auditors going over a sampling of nursing-home accounts have reported \$4,623,288 in unwarranted claims to Medicaid. These ran the gamut from the debatable to the apparently fraudulent, and from the petty to the exorbitant.

Medicaid had been billed for, among other things, a yacht, personal servants, family cars, vacation trips, jewelry, department store charge accounts and tuition for owners' children at college and even in nursery school.

Responding to nationwide complaints about abuses in the Medicaid and Medicare programs, the United States Department of Health, Education and Welfare announced yesterday the establishment of a new unit to enforce standards in the metropolitan area.

The state audits covered only the 1969 and 1970 billings of 58 nursing homes, about one out of 10 in the state. This was all that a small staff of auditors in the State Department of Health had time for over the last year.

WHAT INSPECTIONS SHOWED

The effort cost the state \$168,000 and recovered almost 25 times that. Assemblyman Andrew Stein, Manhattan Democrat who is chairman of the State Commission on Living Costs and the Economy, said last week that Medicaid would recover \$24-million if the state expanded its auditing force.

Federal and private authorities on medical care for the aged agree that New York State's system of standards and controls are among the best in the country. But the same authorities find here the same abuses that have dogged the nursing-home industry everywhere: neglect of patients and padding of costs to the taxpayer.

Operators reply that they perform a necessary function at minimal cost and little profit—even at a loss, sometimes—and in return are the targets of malevolent propaganda. Social workers, agency investigators and government inspectors view these claims with varying degrees of skepticism.

Late last year, a crash program of inspection of 104 proprietary nursing homes in the city by the State Department of Health found "serious operating deficiencies"—meaning neglect of care ranging to utter abandon—in nearly two-thirds of the homes and structural deficiencies—mainly fire hazards—in three-quarters.

Under the Medicaid program for aid to the elderly poor, New York State paid \$560-million last year to 600 nursing homes, nearly two-thirds of them privately owned. (The

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Federal Government puts up half the money and the states and localities each pay one-quarter.) Homes in the city get nearly half the total.

30,000 PATIENTS IN CITY

Medicaid this year is paying from \$22.19 to \$69.80 a day for the nearly 30,000 nursing-home patients in the city. The average is \$37.84. The cost is far lower in privately owned homes (\$33.83) than in nonprofit ones (\$48.19), but state inspectors and social workers say that nonprofit homes tend to accept sicker patients, to give better care and to offer better facilities.

The rates given above are subject to substantial retroactive increases for rising food, fuel and labor costs.

"The state is bleeding," an economist in Albany said.

The wide range in rates reflects a policy decision. When Medicaid began in 1967, most states—but not New York—paid a flat per diem to all nursing homes. Industry leaders here insist that this is the most fair and economical system. But scandals in many areas led authorities to conclude that this method of payment encouraged operators to economize at the expense of patients. So many switched to the system used here.

New York sets a minimum standard of care and pays all an operator's costs, including debt interest, taxes and depreciation, plus a return on investment that is based on market interest rates. The allowable yield now is about 10 per cent. But operators acknowledge that, at least in the past, they have earned more, from salaries paid themselves, from rate incentives for holding down costs, from depreciation and from real-estate transactions.

40 PERCENT ESTIMATED

No reliable figures on profits exist, but the building and stock-market boom inspired by Medicaid a few years ago has lent credibility to published estimates of annual returns of 40 per cent and higher.

As for the level of care, a recent study in the Bulletin of the New York Academy of Medicine referred to it as a "melancholy situation." Another, by the American Jewish Congress here, found "shameful neglect." Its investigators said many old people who entered nursing homes in relatively good health—many of the residents are put in the homes only because means of support are not available—begin to decline and turn senile in the absence of attention and activity.

That was the picture that met the eye recently in a random tour of half a dozen homes along West End Avenue by a reporter who said he was seeking a place for his mother-in-law. Medicaid inspectors, as a matter of policy, never always give nursing homes a month's notice before their annual visit. Other investigators have not been generally welcome, although an industry spokesman said this policy would be changed.

Owners are "gun-shy" because of bad publicity, it was explained by Stanley Lowell, former Deputy Mayor and chairman of the city's Human Rights Commission, who is lawyer for the Metropolitan New York Nursing Homes Association. He estimated that 90 per cent of members' income came from Medicaid.

A VISIT TO HOMES

The West Side homes visited were former hotels and apartment houses, all with narrow halls and doorways and creaky elevators—one too small for a wheel chair. None seemed to comply with the Federal safety code for nursing homes and hospitals.

Several had remarkably similar bulletin boards showing programs of activity, but no social life was visible on the weekend—no conversation among patients, no games, no reading, only television. In one large home,

a therapy room seemed unused, and the bathroom plumbing leaked.

In the lobby, half of the patients sat and waited silently for visitors who never seemed to come. Nobody talked, nobody read. In a crowded corridor above, impregnated with the stale smell of cooked food, the wheel chair patients sat in clumps facing the television screen. A tennis match was on. Nobody seemed interested. Nobody moved to change the channel.

Many of these old-style homes have been condemned for years, but continue to operate pending their replacement by new ones, at Medicaid's expense. A total of 27 have staved off closure by court appeals.

59 PERCENT FAIL TO MEET CODES

In announcing the establishment of a new unit to enforce Federal standards in nursing homes here, Mrs. Bernice L. Bernstein, regional director of H. E. W., said 59 per cent of Medicare and Medicaid facilities "did not fully comply with the Life Safety Code, the fire and safety standards that all nursing homes must meet."

Alan J. Saperstein, a 34-year-old Social Security aide, was named manager of the new unit. Under his supervision, a team of eight specialists has begun a series of unannounced inspections of nursing homes as part of a nationwide program. The homes will not be identified, however, but the results of the inspections will be used to check the enforcement of Federal standards.

[From the New York Times, Oct. 7, 1974]

CARE OF AGED POOR A GROWING SCANDAL

(By John L. Hess)

Since Medicaid opened the Treasury spigot in 1967, growing numbers of Americans have placed their aged parents in nursing homes. The result has been a national scandal.

The British writer Anthony West has recounted that on a recent visit to a home near Kansas City, he had remarked that there were only spoons on the tables. The director replied, "You wouldn't want them fighting, would you?" Mr. West asked also about an iron grill dividing the women's quarters from the men's. The reply: "You wouldn't want them breeding, would you?"

Other writers have described the American system as "Out of sight, out of mind" and "No deposit, no return."

Over the years, such criticism has resulted in adoption of high legal standards for care, at a huge increase in cost. This has improved physical facilities visibly for many patients. But a two-month investigation of nursing homes here by the New York Times turned up many complaints of bad food, inadequate staffing, kickbacks and a wide variety of cheating.

Medicaid is now spending about \$10-billion a year for the care of the elderly poor. More than a million of them are now in nursing homes, and their number is expected to double by the end of the century. The states administer the program, the Federal Government paying half the bill and the states and localities splitting the rest.

The average cost to Medicaid for the care of a nursing-home patient in New York State, which has nearly 70,000 of them, is approaching \$10,000 a year. New York also is reputed to have the best regulatory standards in the country. Yet many investigators believe that here, as elsewhere, fraud and neglect are built into the system.

Before 1967, the New York City Welfare Department paid nursing homes flat per diem rates, and scandals were rife. Under Medicaid, New York adopted a cost-plus system. And scandals have been rife.

In either system, purveyors of medical care find that the less they do for the patient, the more they earn for themselves. Under the flat rate preferred by most operators of nurs-

ing homes, this is straight forward, subject to an occasional admonishment for failure to meet standards. Under cost-plus, which legally allows only about 10 percent on investment, the techniques for maximizing profit are more complicated.

Actual profits are generally conceded to be far higher than the legal rate. During the recent Medicaid building boom, Wall Street analysts talked of Government-backed earnings up to 40 percent.

Over the years, city, state and Federal investigators have detected scores of methods used by nursing-home operators to achieve such results. The investigation by The Times confirmed that these techniques are still in vogue here.

The inquiry centered on the private sector, whose 111 homes and 19,000 beds account for two-thirds of the city's capacity—more than 90 percent financed by Medicaid. Most of the people interviewed asked not to be identified for fear of reprisals, but their accounts corresponded to earlier citations from official dossiers.

KICKBACK OFFERED

The owner of one of the most highly regarded nursing homes in the city says he was approached recently by a housekeeping company, which offered to take over that chore at his present cost or more, and kick back to him whatever portion of that he chose—"in cash or check."

The owner, a maverick in the industry, refused. But many operators do contract for housekeeping, nursing and food services from companies often owned by themselves, their relatives and friends.

How this affects patients was described by a dietitian recently employed at a modern nursing home in Brooklyn, which obtains food from its own purchasing company. She presented to the owner what she called a "nice" program of menus, but never saw it again.

As for the food actually served, she said, "a cat could not eat it"—no fresh vegetables, hardly any fruit, servings of ground meat no larger than a tablespoonful, 10 pounds of cheese in the macaroni-and-cheese for 500 meals, powdered milk reconstituted, at less than a pint a day.

"The patients were starved," she said. "They grabbed things. Disposable plastic spoons and forks were reused. Forty patients got diarrhea one day."

Soon after she protested a delivery of dented canned goods, she said, she was dismissed. Her next job, she went on, lasted just one week—long enough for the nursing home to meet the state's staffing requirement. Another dietitian would presumably be hired before the next annual inspection.

STAFF PROBLEMS

The failure to maintain adequate staff is one of the commonest deficiencies reported by state inspectors. Two years ago, a registered nurse was found to be listed as working at two homes at the same time. The operators received a warning.

American Red Cross here has a free training program for nurses and aides in nursing homes. Most of the private operators have declined to participate, apparently because they do not want to pay their employees for time outside the home.

As a result of shortages in staff and of low morale—labor relations in the industry have been stormy—the level of care has suffered. A "crash survey" by the state late last year found that two-thirds of nursing homes here had serious operating deficiencies.

This applies not only to old and overcrowded buildings but also to new, expensive ones. The daughter of a patient who died in one of the latter, operated by a leading spokesman for the industry, said her father had been in a coma for hours before his physician was summoned. She confessed that she

had paid a bribe to get her father admitted to the place.

The daughter of a patient in another highly regarded home said she had had to hire a private nurse for special care. She had complained about the shortage of help, she said, and had been told, "If you don't like it here, take him out."

FICTITIOUS CHARGES

In most privately operated nursing homes, drugs and medical services are provided from outside and billed separately for Medicaid patients. In January, 1972, a New York County grand jury reported that this was administered "in an incredibly chaotic manner" and just two years later, the then State Welfare Inspector General, George F. Berlinger, charged that more than \$1-billion had been paid to such purveyors with virtually no verification. He estimated that 30 percent of such bills were overcharges or fictitious charges for services not rendered.

Many inspectors say that some of the loot filters back to operators of nursing homes. Two medical technicians who asked not to be identified said they had been told by one Brooklyn owner that they did not actually have to perform the tests for which they would bill Medicaid. A kickback was implied.

A state inspector reported that one lot of X-rays taken in a nursing home by a thriving radiology firm turned out to be illegible. Another recalled such phenomena as 244 bills for foot treatments at a home with 245 patients.

Complaints to the authorities frequently allege that patients do not receive the \$28.50 a month of personal spending money allowed them by Social Security.

Especially with the senile, it is common for nursing-home administrators to cash Social Security checks for patients.

The Liberty House Nursing Home in Brooklyn, which was closed last year after being described as "a shocking horror," was alleged to have withheld \$46,750 in such funds.

Illegal extra charges for laundry and other services paid for by Medicaid are reported to be common, and in many homes the patients are expected to tip for help in the bath.

Nepotism is a traditional and often legal way of improving earnings. Families are employed throughout the business, often in one another's homes, and the salaries add up. An official cited one home on Staten Island, where one partner gets \$26,000 as administrator and another \$32,000 as purchasing agent, with no visible qualification for the job.

The maverick operator said administrators sometimes bought their jobs, and recovered the purchase price from illegal charges for services, tips from concerned relatives of patients, and moonlighting.

A problem for inspectors is that administrators and other key employees are often not around when they call. This is in fact given as an explanation for the long-standing policy of giving operators several weeks' notice of inspections.

A employee active in a union of nursing-home workers said a clean-up usually was ordered the day before inspection. A state official agreed and added that often staff would be expanded then to meet requirements. But he added that the inspections nevertheless did improve conditions, at least for the time being.

LENGTHY LITIGATION

"We go on the assumption that nursing homes have rights, as well as individuals," said Alan Saperstein, a Federal overseer for Medicaid in this region. "We give the institutions a fair chance to correct their deficiencies. Further, nursing homes have very good counsel."

A state official said it would take three to five of litigation to close down a home that was a flagrant violator. This has seldom happened, even where criminal fraud was alleged,

as in the King Manor chain still operating in Western New York.

One reason, officials say, is that until recently there was no place to send the patients. Following the Medicaid building boom, there are now some empty beds, and the state is no longer granting licenses for new projects in this area. But it has been blocked for two years by court injunctions in its effort to close some of the scores of nonconforming homes.

The courts have ruled that a license to run a nursing home, once granted, is a property right that may not be removed without due process. Due process sometimes seems interminable in nursing home cases.

In most legal proceedings, each side must pay its own costs, although the winner may, in certain cases, recover from the loser. It does not work that way for the nursing-home industry.

Medicaid pays the legal and auditing expenses of nursing homes, and while no overall figures were available, a state auditor said that it would be reasonable to estimate that the industry here paid its lawyers and accounts \$1-million a year.

STATE HAS FEW AUDITORS

Officials last year proposed to post a ceiling on such expenditures and argued that when a nursing home was found at fault, the operator should pay his own legal bills. But counsel for the State Department of Health held that this would be found a denial of due process.

By contrast, the department's staff is limited by a budget set by legislators, some of whom double as lay lawyers for the nursing-home industry. Like other trade associations and labor unions, the industry also contributes to political campaign funds through political action committees and private donations.

In a spot check of 58 nursing homes, state auditors recently found \$4.6-million in overcharges, ranging from phony bills to family cars, tuition fees, vacation travel and even a yacht. But there are only 16 auditors and one full-time lawyer to cover reimbursement claims of 1,600 medical facilities in the staff.

Their problem is aggravated by the incredible complexity of ownership patterns in the industry. According to a state official who has been studying the problem, the most sophisticated real-estate transactions and subcontracting deals are used to increase depreciation, conceal profits and avoid taxes. An effort to narrow these loopholes may be made at the next session of Legislature.

PLACEMENT OF PATIENTS

A patient and acknowledged inequity in the cost-plus system is the wide range of care provided. Theoretically, all Medicaid patients are equal. They are paupers, defined as having no more than \$1,600 in savings. But some go to \$26-a-day hovels and some to relatively grand quarters at up to \$75 a day.

Operators said candidly that welfare officials send the dispossessed to the cheapest homes available. Costlier homes have waiting lists of more fortunate clients. In some cases, children, who are no longer legally obliged to support their parents, pay bribes to get them in. Often, such clients enter as private patients at premium rates and switch to Medicaid when their savings are exhausted.

In the city, blacks occupy only 15 per cent of the beds, although they represent a much larger proportion of the poor. Among homes visited during this investigation, it appeared that the proportion of blacks declined as conditions improved, and two of the best-equipped places seemed to have only one or two blacks each.

But even the new and costly nursing homes arouse complaints of neglect. At one \$46-a-day home in Manhattan, a nurse said, "They come in a little sick, and they go down, down."

Neighborhood volunteers have brightened

life for many patients, with handicraft and social programs. Under state regulation, most have therapy programs. Television and tranquilizers, however, appear to be the most used forms of care.

A Queens physician, defending the quality of nursing homes, said that many patients are senile and not at all subjects for social programs. Many, however, are alert when they enter the homes and do respond to the climate of the institution, according to other observers.

"Nursing homes are not primarily a place for rehabilitation," the physician said, "but rather storage bins for our old and infirm. The patients are not there because unscrupulous nursing homes are out soliciting, but because we as people are only too willing to relieve ourselves of any burden, be they mother, father or uncle."

[From the New York Times, Oct. 8, 1974]

NURSING HOMES USE A VARIETY OF FISCAL RUSES TO LIFT PROFITS ABOVE THE 10 PERCENT ALLOWED BY LAW

(By John L. Hess)

For more than 20 years, local, state and Federal authorities have sought to limit the profits of nursing homes and to keep them in the hands of small and presumably dedicated owners. Government agencies have had no more success in this than in eliminating the perennial scandals of neglect and fraud that the authorities say have stained the industry.

New York State bars corporations from operating nursing homes, but nearly all are owned by corporations and leased to operators, at least nominally—which makes the arrangement technically legal. More than 90 per cent of their income comes from Medicaid, which, under law, allows them only about 10 per cent return on investment.

According to officials who monitor the operation of the homes, blue-chip stocks go begging at earnings of 20 per cent and more, but a lively buyers' market exists in ownerships of nursing homes. This market, and other data, tend to confirm published estimates that the true earnings may run from 20 to 40 per cent.

INVESTORS EAGER

The administrator of an independent nursing home in suburban New Jersey says he gets half a dozen letters a week from New York specialist brokers, importuning him to sell the place to one of their investors. But shares may also be marketed in small partnerships, denoted in beds.

During a two-month investigation by The New York Times, interviews with scores of witnesses and the records of a dozen government agencies revealed how the extra profits are made: by sales, leases and subleases to obtain higher rents and depreciation; by nepotism and payroll padding; by kickbacks from suppliers; by falsification of costs, and by the withholding from patients of services paid for by Medicaid.

None of this is new. Only the numbers have changed, as support for the indigent aged patient passed in 1967 from local welfare departments to Medicaid. It paid \$559-million to nursing homes in New York State alone last year.

Two-thirds of this went to proprietary, or privately operated, homes and most of the rest to voluntary, or philanthropic institutions. The Federal government pays half the bill, and the state and localities each pay one-quarter.

A perusal of files going back 20 years produces a dreary litany of scandals, denunciations and allegations, nearly all of which eventually faded with little result.

ONE MAJOR INQUIRY

In the late nineteen-fifties, for example, night raids by the City Department of Investigations revealed that a number of homes had left their patients virtually abandoned:

their staff records had been falsified to meet code requirements.

An audit found that the Welfare Department had thereby been overcharged \$3.7-million for the fiscal years 1957 and 1958. The industry, which had tried to block the audit by a suit, eventually settled for about \$600,000. The loss, which was then offset by an increase in rates, was the chief result of the investigation.

A decade later, audits of 58 homes—about half the proprietary homes here—found \$4.6-million in overcharges to Medicaid for 1968 and 1969. And in 1972, State Controller Arthur Levitt reported that \$475,646 in Medicaid had been paid to nine nursing homes here after they had closed. Little had apparently changed.

An inquiry in 1958 and 1959 by City Investigation Commissioner Louis I. Kaplan was the only thorough study of the industry here ever made. He reported to Mayor Wagner in 1960 that "proprietary nursing homes in New York City have been inadequately staffed and are not qualified to carry out their responsibilities; that the bulk of the industry has been dominated by investors, syndicates and undisclosed promoters . . . that neither the Department of Hospitals nor the Department of Welfare has satisfactorily carried out their respective responsibilities."

ONE RECOMMENDATION ADOPTED

Mr. Kaplan declared that most of the 88 homes then receiving welfare patients had "admitted failure to comply with the Hospital Code" and had "admitted understaffing of nursing personnel and submitting attendance records that were deliberately falsified to show compliance."

"I am against the practice of rewarding homes for violating the law," Mr. Kaplan said.

He recommended that the rates then paid for three levels of nursing care be scrapped in favor of a single, much higher rate of \$250 a month. (Present rates average about five times that.)

This recommendation was eventually approved; others were not. A bill to give the Hospitals Department stronger controls was defeated by opposition led by the then president of the Metropolitan New York Nursing Home Association, Eugene Hollander, and its counsel, former Federal Judge Simon H. Rifkin and former Deputy Mayor Stanley Lowell who is still the leading lawyer for the industry.

Two Hollander nursing homes on the Lower East Side, the Gramercy Park and the Riverview, had long been and remain special targets of official concern. They accounted for \$237,000 of the overcharges alleged in the 1957-58 audit, and many violations had been reported there by Mr. Kaplan's raiders.

A similar investigation by the Investigations Department in 1967 reported "substandard and hazardous conditions" and "a long history of complaints" to a Department of Hospitals hearing, which gave Mr. Hollander a warning and a conditional extension of his license.

The city's enforcement, diluted among four agencies, was generally recognized as slack. One former investigator recalled, "We had four old lady inspectors, just strong enough to go to the office, get their \$20 and leave." The Legislature finally assigned the chore to the State Department of Health last year.

This reporter and a photographer were barred from the Gramercy Park and the Riverview recently, but city as well as state inspections since 1967 have reported serious deficiencies there. Audits of their Medicaid accounts for 1968 and 1969 found \$179,463 in alleged overcharges.

In a recent interview, Mr. Hollander said the two homes, structurally incapable of meeting the Federal Life Safety Code, would be closed and replaced by new homes early next year. He added that since his nursing

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homes provide basic custodial care and leave medical care to outside hospitals and physicians, any deficiencies were the fault of those providers and the administration. For the rest, he said, his four homes were "the cleanest operation in town."

His rates are lower than average, Mr. Hollander added, and he held that this saved taxpayers millions of dollars a year. His operation nevertheless appears to have been profitable.

In a lawsuit by the widow of a former partner, it was alleged that the two homes in which the partner held an interest, the Riverview and the Park Lane, were clearing \$400,000 a year at the time of his death in 1961.

CASE HISTORY OF PROFIT

Another clue to the profitability of the industry is provided by a contract signed by Mr. and Mrs. Hollander, as sole owners, transferring the four homes to Touro College at the end of 1972. Mr. Hollander is chairman of the board of trustees of Touro, a new institution occupying a building at 30 West 44th Street, which was donated by the Federal Government in 1971.

Under the contract, the four homes were sold to Touro at a tentative price of \$29,255,254, subject to audit, and were leased back to the Hollanders at initial rentals totaling \$1,411,390 a year, with an escalator provision pegged to the cost-of-living index.

Since Touro had virtually no capital funds, the Hollanders accepted 20-year notes for two-thirds of the price, with the remainder left for adjustment. The notes bore 6.6 per cent interest. Mr. Hollander estimated that this would leave Touro with a net income of a bit more than \$100,000 a year, free and clear.

After the closing, Mr. Hollander applied for a substantial increase in his Medicaid rates, to meet his rent payments to Touro. But the State Department of Health ruled that while the sale and leaseback was perfectly legal, there was no reason why Medicaid should contribute to Mr. Hollander's favorite charity.

In an interview in early September, Mr. Hollander recalled the sale price as having been \$16-million and said the deal had been dropped because it had been disapproved by the state. When state officials were asked about this, they voiced surprise and said their books still showed Touro as the owner of the properties.

Last week, Mr. Hollander insisted, after consulting his lawyers, that the deal was inoperative. A spokesman for Touro said he knew of no business properties owned by the college, although Dr. Bernard Lander, its president, had signed the contract.

Inoperative or not, the deal casts light on the regulation of nursing homes. Although, under the law, owners and licensees of Medicaid establishments are supposed to be registered, Federal and state officials acknowledge that they have only the sketchiest data on their true ownership. (Licensees must be "of good character," but the burden of proof to the contrary rests on the state.)

Similarly honored in the breach is the requirement that a nursing home that is presented with a list of deficiencies—failure to meet basic Federal standards of care—reply in 10 days with a plan of correction. There is no penalty for delay; months often go by before a plan is approved, and the same deficiencies turn up in the next annual inspection.

A crash survey of the city's 111 proprietary homes late last year found serious deficiencies at two out of three. All continued to receive Medicaid payments.

The value of \$29,255,254 set on four nursing homes with a total of 1,055 beds is instructive. It suggests that, at the end of 1972, a single bed in New York City was worth nearly \$29,000 to an investor, and the city's 19,000 privately owned beds were worth roughly \$550-million.

\$20,000-A-BED COST

Since new nursing homes are being built here today at a state-approved cost of \$20,000 a bed—reflecting sharp cost increases over the last two years—the market price clearly reflects an added value for Medicaid certification. In fact, it guarantees income—and profit—from the government in perpetuity.

Court rulings have held that certification is a property right, not to be infringed without due process of law. The industry's skilled lawyers and accountants, their fees included in Medicaid's cost-plus payments, have defended this right with remarkable success.

[From the New York Times, Dec. 18, 1974]
EIGHTEEN STATE CONGRESSMEN ASK CAREY TO START A NURSING-HOME INQUIRY

(By John L. Hess)

Eighteen New York Representatives and Representatives-elect yesterday called on Governor-elect Hugh L. Carey to name a special commission to investigate the nursing-home industry. In response, Mr. Carey named Mario M. Cuomo, a close adviser, as a fact-finder to study the situation immediately and report after the inauguration on Jan. 1.

Meanwhile, Bernard Bergman and his wife failed to respond to a subpoena to testify at a public hearing of the Temporary State Commission on Living Costs, where witnesses told of abuses alleged to have occurred at two Bergman nursing homes.

In an angry exchange, a lawyer for the Bergmans said the hearings violated his clients' civil rights and questioned the intelligence and character of the commission chairman, Assemblyman Andrew Stein, East Side Democrat. The commission promptly began proceedings aimed at compelling the Bergmans, under penalty of contempt, to appear.

Representative Edward I. Koch, East Side Democrat who announced in Washington the appeal to Mr. Carey, said it came in response to recent disclosures by the press and to "allegations that the nursing-home industry has been infiltrated by organized crime for purposes of washing illegally obtained money."

"Furthermore," he said, "a limited audit by the New York State Inspector General's office indicates that the State Department of Health's supervision of nursing home expenditures and Medicaid and Medicare receipts has been inadequate."

Signing the letter with Mr. Koch were Representatives Bella S. Abzug, Joseph P. Addabbo, Herman Badillo, Mario Biaggi, Jonathan B. Bingham, Shirley Chisholm, Elizabeth Holtzman, Charles B. Rangel, Benjamin S. Rosenthal and Lester L. Wolff, all Democrats, and Benjamin A. Gilman, Jack F. Kemp and Peter A. Peyser, Republicans. Also signing were four newly elected Democrats: Thomas J. Downey, Edward W. Pattison, James H. Scheuer and Stephen J. Solarz.

Calling also for House and Senate investigations, Mr. Koch cited findings of financial irregularities involving millions of dollars at the Towers Nursing Home, one of more than 100 linked to the Bergman syndicate.

Anastasia Hopper, a retired supervisor of inspectors in the City Health Department, told the Stein Commission of a visit to the Towers in February 1971. She said a boiler had broken down a week earlier, leaving part of the building without heat and the kitchen without hot water.

Rather than move some of the 347 patients to another home during repairs, she said, the administrator, Mark Loren, had shifted many to corridors of partly heated wings, three deep. "You could hardly walk," she said. She recounted that there was dirt on the floors, filth in the toilets and kitchen, and "the floor was too wet to walk across."

"It was the worst I've seen," she said.

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"What concerned me was the indifference of the administration and staff to the welfare of the patients," Miss Hopper said in a soft, trembling voice.

Some of the patients were partly dressed, each under a thin blanket, she said. At her demand, she went on, Mr. Loren provided a few more blankets and Mr. Bergman promised to send 100 more, but they never arrived. Mr. Loren also promised, she recalled, to use paper dishes because dishes were being washed in cold water. But the evening meal—a cold one—was served on cold-rinsed plates, Miss Hopper reported.

She said in reply to a question that she had reported the situation to her superiors but nothing had been done and when she returned to the Towers, five days later, "the heat was on." At this point, she was interrupted by a loud laugh from Irving P. Seidman, lawyer for the Bergmans.

Miss Hopper, who said "I can think of 14 Bergman homes without trying," recalled a long career of encounters with the group. "Years ago," she said, "we found that they were putting down [on staff charts] nurses who weren't there. They would get equipment in to meet the annual license, and then it would disappear."

She was asked whether she had recommended action to her superiors.

"No," she replied. "The person in charge was not interested. . . . They would say, 'We've got to get along with them.' I recommended closings, and she said she would not."

Miss Hopper said she thought Mrs. Anne Weiss Bergman, nominal operator of the Towers, was "just a figurehead," never seen at the nursing homes. Mrs. Bergman has drawn an average salary of \$50,000 a year from three homes in New York State, and is nominal operator or owner of others in New Jersey.

STORY OF 88-YEAR-OLD TOLD

Another witness, Mrs. Betty Forman, described the brief stay of her mother at the Bergmans' Park Crescent Nursing Home. She said her mother, 88 years old but in good health, walked into the home last Oct. 13 and a week later mysteriously fell out of a bed with sidebars.

Mrs. Forman said her mother began to fall, was kept heavily tranquilized for four days "to keep her quiet," got little attention and suffered diarrhea without change of linen or even a rubber bed sheet. A house doctor asked Mrs. Forman to administer fluids all day because the patient was dehydrated, but refused to transfer her to a hospital, the witness said. Her mother died five days later, in a hospital.

"Our next witness," Assemblyman Stein said, "is Mr. Bergman."

Mr. Seidman, a red-haired young man in spectacles, advanced with a lawbook under his arm and asked to make a statement. Advised that he could not do so except as a sworn witness, he declared: "If this hearing were conducted in a proper manner within the civil-rights law, Dr. Bergman and his family are ready to cooperate."

"I am not a lawyer," Assemblyman Stein began.

"You may not have either the ability or the character to become one," Mr. Seidman interrupted. "You are violating Section 8 of the Civil Rights Law."

The chairman, after conferring with other members, announced that a court order would be sought to force Dr. Bergman to testify. He then called Mrs. Bergman, who also did not appear.

A show-cause order was signed later by New York Supreme Court Justice Harold Baer, returnable next Monday.

The final witness, Dr. Martin Hochbaum of the American Jewish Congress, read from a 1960 study of the industry by Commissioner of Investigations Louis I. Kaplan, describing massive frauds and declaring that

Mr. Bergman held a "stranglehold" on the city's nursing homes through interlocking investments.

In an impromptu news conference in the corridor, Mr. Seidman said Mr. Bergman operated only one nursing home in the state and his wife only two. Asked where his clients were, he retorted, alluding to a recent series in The New York Times on nursing homes: "Why don't you get The Times to send you to Europe?" Then he added that they might be there, or in Israel or in the United States.

Telephone calls to the Bergman residence on Riverside Drive were not answered. An acquaintance of the Bergmans who asked not to be identified said that they were in Vienna.

THE OPPRESSION OF A UKRAINIAN HISTORIAN IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HOLTZMAN) is recognized for 20 minutes.

Ms. HOLTZMAN. Mr. Speaker, on the eve of the passage of the trade bill we should remember that basic human rights are denied in the Soviet Union, not only to Jews, but to others as well.

I would like to bring to your attention the case of Valentin Moroz, who at 29, is an internationally known and respected Ukrainian historian. For the "crimes" of caring about and trying to preserve the history and culture of his people, he was sentenced in 1970 to a 14-year term—6 years in prison, 4 in a labor camp, and 4 in exile. In prison he has been beaten, tortured, and held in solitary confinement. His life is now in jeopardy as the result of a 20-week hunger strike which he undertook out of despair over the conditions of his imprisonment.

It is important to understand what exactly Valentin Moroz did to merit this treatment. According to press reports, his crime was writing history books and essays on Ukrainian nationhood and KGB secret police methods. The reports note that the Soviet authorities were particularly incensed by evidence Moroz had collected which showed the mysterious destruction, by fire, of historic treasures and national libraries in the Ukraine. Thus, for showing his concern about Ukrainian culture and criticizing Soviet efforts to suppress that culture, Valentin Moroz was imprisoned under concentration camp conditions.

The case of Valentin Moroz is not yet well known to the American people, but I hope that it will become so, so the public will see that, even in the era of détente, the iron fist of repression rests heavily on all dissenters—Ukrainians, Jews, and others alike—in the Soviet Union. I, therefore, strongly recommend that you read the following excerpts, from the New York Times of November 9, 1974 and the New York Review of Books of December 12, 1974, which describe the unjust reasons for and inhuman conditions of Moroz's imprisonment.

[From the New York Times, Nov. 7, 1974] THE "WIRE SKELETON" OF VLADIMIR PRISON (By Jeri Laber)

A former Soviet political prisoner recently emigrated to Israel. He brought this message: "Tell them only this—I am kept with the insane. They are creating a constant hell for

me. They are trying to drive me to the insanity of those with whom they locked me up. I cannot breathe!"

These are the words of Valentin Moroz, a young Ukrainian nationalist and historian who is near death in prison in Vladimir, near Moscow.

The man who carried Mr. Moroz's message gave this description:

"I, who had been witness to a great deal in my ten years in prison, found it difficult to imagine that a person could be brought to such a state. This was Valentin Moroz. Every Ukrainian is surely familiar with his name. No doubt Ukrainians abroad have seen his portrait. But do not believe those portraits now. Russian gendarmes have seen it to it that this person with the thin face and intelligent eyes will never again resemble his former self."

"The gaunt figure in the striped uniform of a repeater, sick and ghastly, reminded one of the frightful photographs of the surviving victims of Auschwitz. The prison rags hung on him as if on a wire skeleton. Short, stubby hair on his dried scalp, and greenish, parchment-like skin, terrifying as that of a mummy, covered his high forehead and prominent cheekbones. And the eyes—no, I cannot convey what I saw in his eyes during this short encounter."

Mr. Moroz is in the fourth year of a fourteen-year term, his second prison sentence since 1965 when, at the age of 29, he was first arrested on charges of anti-Soviet propaganda. His "crime" was that he criticized the Soviet state.

His punishment has been years of unending nightmare: He was attacked and stabbed by criminal inmates, starved and beaten by guards, confined with the insane, isolated for two years in solitary confinement.

He is suffering from blood and liver disorders and has been given drugs that he fears are damaging his brain. On July 1, he began a hunger strike, declaring that he preferred death to insanity.

Mr. Moroz's message was delivered to a world he has never known—a world beyond the reach of the secret police where people are free to believe in their own humanity and to express outrage at the torture to which Mr. Moroz and thousands like him, not only in the Soviet Union but in many countries, are being subjected for questioning their governments' policies.

Publicity is a major weapon in their fight for survival. Governments, even totalitarian ones, do respond, often if not always, to concerted protests from the outside world.

"We have survived," said the exiled Pavel Litvinov when he arrived in the West, "because the West exists and in it a Western press. I ask of you: Write more about us, think about us, and remember that we suffer for ideals we share with you—ideals of freedom and civil rights."

Mr. Moroz's situation is desperate. Articles and editorials throughout the world might generate a deluge of telephone calls, telegrams and letters—to Moscow, to Washington, to Vladimir Prison. The press has the power to promote, reveal, destroy. It might be able to save the life of Mr. Moroz, who symbolizes the agonies of countless others—and then save those others as well.

[From the New York Review of Books, Dec. 12, 1974]

THE RESISTANCE IN RUSSIA

(By Peter Reddaway)

Jewish nationalism is a different creature from Ukrainian nationalism, but the passions and intelligence which fuel the latter can be equally formidable. Most formidable, beyond doubt, of the articulate Ukrainians is Valentin Moroz, whose writings have been collected in two volumes (the one edited by Yaroslav Bihun being somewhat fuller) which have now appeared in English.

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In his combination of elegance, precision, and power of thought Moroz surpasses all other Soviet dissenters. His defiant views are roughly summed up in what he told the authorities at his trial in 1970:

"The awakening of national consciousness is the deepest of all spiritual processes. . . . Your dams are strong, but now they stand on dry land, by-passed by the spring streams, which have found other channels. Your draw-gates are closed, but they stop no one. . . . You stubbornly insist that all those you place behind bars are dangerous criminals. . . . You can pursue this absurd policy for, let us say, ten more years. But then what? These movements in the Ukraine and in the whole country are only beginning."

His trial—for circulating his essays on Ukrainian nationhood and KGB methods—was closed, and took place as if in an occupied country. Extraordinary KGB measures in various cities prevented many of his friends from gathering outside the cordoned-off courthouse, and those who overcame these obstacles and got there were closely watched by some 200 troops and KGB agents. He was sentenced to fourteen years of imprisonment and exile.

One reason for this severity was probably that Moroz collected evidence of what can only be called cultural genocide. He noted in an essay, for example, the mysterious destruction, by fire, of national libraries and other national treasures in the Ukraine and elsewhere, and analyzed the activities in the Ukraine of the Society for the Preservation of Historic and Cultural Monuments. He wrote: "What a strange Society. . . . It is not clear whether it protects historic treasures from pyromaniacs, or pyromaniacs from public wrath. . . . [Its leaders] are not concerned about drawing up lists of national monuments, yet lists of the people interested in these cultural monuments were drawn up long ago."

In 1972 the poet Anstoly Radygin, now in the United States, had a chance meeting with Moroz in Vladimir Prison, where Moroz is still imprisoned, reportedly near death. Radygin's account appears in both collections of Moroz's writings. "He brought to mind . . ." he writes, "photographs of the not-yet-dead victims of Auschwitz. His prisoner's garb hung loosely on the body of this tall man as if on a thin wire skeleton. His hair stood in sparse tufts of bristle on his dry, sawed skin, and the skin itself, horribly greenish like a mummy's, was drawn over his high forehead and raw-boned jaws."

SUMMARY OF MAJOR ACTIVITIES OF 93D CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 30 minutes.

Mr. SMITH of Iowa. Mr. Speaker, yesterday I summarized some of the major activities of the 93d Congress. Today, I wish to include some additional material on the same subject.

Public Law 93-373 provides assistance to the International Development Association and also repeals the law banning private ownership of gold.

Public Law 93-288 includes additional provisions for Federal assistance to States in dealing with natural disasters.

VETOED BILLS

Major bills which failed to become law because of a veto by former President Nixon are:

S. 7 would have continued and expanded Federal programs for the handicapped.

H.R. 3298 would have restored the rural water and sewer program. This program was terminated by the Nixon administration, but later restored administratively.

S. 518 would have required the Senate confirmation of present—as well as future—Directors of the Office of Management and Budget.

H.R. 7447 included a provision for an immediate end to U.S. military action in Cambodia.

S. 504 would have set up emergency health care service programs and kept open Public Health Service hospitals.

H.R. 7935 would have increased the minimum wage for most nonfarmer-workers to \$2 an hour effective November, 1973. Another minimum wage bill passed later.

S. 1672 would have provided increased Federal aid to small business firms in cases of natural disasters.

S. 1317 included a provision requiring the U.S. Information Agency to provide information to Congress when requested.

H.R. 10511 would have provided for the purchase of buses by public transportation agencies with Federal funds and allowed the buses to be used for charter service.

S. 2589 would have given the President emergency powers to deal with the energy crisis and would have rolled back prices on domestically produced crude oil.

H.R. 15472 would have appropriated about \$38.5 million more than requested by the administration for agriculture, consumer protection and environmental protection.

TRADE REFORM

H.R. 10710, cleared by Congress shortly before adjournment, provides the President with authority to enter into new world tariff and trade negotiations. The talks are expected to start in 1975.

The bill includes the so-called Jackson amendment, which stipulates that the Soviet Union shall not receive most-favored-nation—or tariff equality—treatment and credits unless it does not discriminate against Soviet citizens who want to leave for another country such as Israel.

Earlier, it had appeared that the Soviet Union had agreed to the principle of the Jackson amendment. However, just as Congress was completing final action on the bill, the Soviet Union rejected this amendment as interference in its internal affairs. So this aspect of the bill remains clouded.

EMERGENCY JOBS

H.R. 16596 an antirecession measure sent to the White House just before adjournment, would provide 330,000 public service jobs in target areas of high unemployment, and also contains provisions for expanded unemployment compensation benefits.

From all indications, just before adjournment, President Ford does not plan to veto the bill.

OTHER

Other bills have passed Congress, or are in the final stages of passage, and these are listed below.

S. 3481 would amend the Federal Aviation Act in an effort to correct discriminatory and unfair competitive

practices in international air transportation.

Senate Joint Resolution 133 would set up an American Indian Policy Review Commission.

S. 3934 would authorize appropriations for certain highway projects, including emphasis on improving transportation in rural areas; would continue Federal assistance for demonstration programs on car pooling; and would permit States to allow heavier—but not longer—trucks on the Interstate Highway System.

H.R. 15173 would extend the authority of the National Commission for the Review and Study of Federal and State Laws on Wiretapping and Electronic Surveillance.

S. 3418 would provide protection to individuals in the Federal Government's gathering, use, and disclosure of information, much of it stored in computers, and also would set up a Privacy Protection Study Commission to determine whether new legislation might be needed.

H.R. 16982 would authorize U.S. payments to the United Nations to help maintain the U.N. peacekeeping force in the Middle East.

H.R. 14600 would increase the borrowing authority from the U.S. Treasury of the Panama Canal Company.

S. 1296 would enlarge the Grand Canyon National Park, which includes the Grand Canyon itself.

H.R. 5463 would establish new rules of evidence for proceedings in Federal courts. This is the result of 13 years of study by distinguished jurists.

H.R. 15223 would require new precautions in the shipment of hazardous substances, including a ban on shipping radioactive materials by air—unless for research or medical purposes—and would set up an independent National Transportation Safety Board.

S. 425 would establish Federal standards and provide Federal assistance in restoring land used for strip mining for coal.

S. 3394 would authorize about \$555 million less than the administration requested for foreign aid, and includes a provision allowing resumption of military aid to Turkey until February 5, 1975, at which time it would be cut off again if no progress is reported on the Greek-Turkish talks over Cyprus.

H.R. 15912 would increase Federal Government home loan guarantees for veterans from \$15,000 to \$17,500 and would remove the limit of one loan per veteran, provided the previous loans have been paid off.

S. 1283 would provide the new Energy Research and Development Administration with the authority needed for research and development in all types of nonnuclear energy and includes provisions for close congressional oversight on the program.

TREASURY OFFICIAL'S "NEGATIVE INCOME SURCHARGE" A DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, we have heard a lot of misguided tax policy suggestions from the Ford administration.

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First, there was the 5-percent income tax surcharge, coupled with tax breaks for rich investors. Congress rightly threw that idea out the window, and although Treasury Secretary William Simon assures us that the administration is still considering the surcharge, there is little chance that that ill-advised proposal will be advanced formally again.

But we may get something just as bad.

Most economists are agreed that we desperately need a tax cut for low- and middle-income taxpayers, both out of fairness to these citizens and to revive a flagging economy. There are several excellent ways to do this. One is the time-honored method of increasing the low-income allowance and the standard deduction. Another is reducing payroll taxes on moderate-income workers. A third is converting the \$750 personal income tax exemption into a \$225 tax credit. Each of these methods gives a tax relief where it is most needed, with minimal waste of Treasury revenues and maximum stimulus to demand.

So what does Treasury official Sidney L. Jones suggest? A "negative income surcharge"—as he formulated it yesterday to the Exchequer Club. It is about the most regressive measure you could dream up.

Here is how it works: Everyone would have his or her tax bill reduced by a fixed percent. If the reduction were 10 percent, for instance, an average taxpayer, with \$1,500 due, would get a tax cut of \$150. A wealthier taxpayer, with a liability of \$15,000, would get the much princelier benefit of \$1,500. In other words, the tax relief provided is in directly inverse proportion to need.

This negative income surcharge was proposed earlier by Mr. Maurice Mann, formerly Assistant Budget Director under Mr. Nixon, and now president of the San Francisco Home Loan Bank Board.

As the suggestion of a private citizen, the concept could receive the neglect it so richly deserves. As the suggestion of a high Treasury official, it becomes a matter of grave concern.

I hope that we will hear no more of this shameless proposal. If the Treasury Department should come to the new Congress with such a proposal, they might well be thrown out on their ears, with briefcases flying after.

NATIONAL DEFENSE DEMANDS WAGE, PROFIT, INTEREST, AND PROFIT CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 5 minutes.

Mr. LEGGETT. Mr. Speaker, I have spoken frequently on the grave economic problems that our Nation faces. The fact that we have been experiencing a disastrously high, 12-percent level of inflation is all too well known. What may be less well known is the deleterious effects that the "savage bite of inflation," as Time magazine called it in a recent article, is having on Government purchases.

Defense procurement has been particularly hard hit. Many companies are

turning down military contracts in favor of sales to other companies, because commercial orders bring less paperwork and more profit.

Some defense contractors are even backing out of existing commitments, because their profits on fixed-price contracts have been wiped out by inflation, although they risk being sued for default. According to Adm. Isaac Kidd, Chief of the Naval Material Command, "subcontractors tell us that it is simply cheaper for them to renege on the order with the prime contractor. Litigation for default will cost them \$3 to \$5 million, but at least they will keep the company," which might go broke if they sell at the originally agreed price. Moreover, some defense contractors increasingly concerned about inflation will accept only cost-plus contracts which establish the price when the item is actually delivered.

Inflation is having crippling effects on our naval shipbuilding program, according to Secretary of the Navy, J. William Middendorf. In a recent speech in San Francisco, Secretary Middendorf said that the price of scrap steel had nearly doubled in less than a year, and overall cost escalation will probably reach 20 percent. Moreover, he says the shipbuilding program is now \$2 billion in debt, primarily as a result of inflation. And when we look at the results, we see that the Soviets have built almost 100 more major surface combatants than we have in the 1962-73 period.

I must admit that I take a somewhat different view of the current United States-Soviet naval balance than Secretary Middendorf. I still believe we have the finest Navy in the world. Despite the decline in the size of the fleet, I believe it is more than a match for any other, including the Soviet Navy. Secretary Middendorf is, however, certainly right to be concerned about the effects of inflation, and we ought to be doing something about it.

The impact of inflation on Government procurement, and its broader effects throughout the economy, can only be alleviated, in my judgment, if we recognize that the normal free-market forces are no longer working and a comprehensive program of controls is needed. We need fuel rationing and a reduction in domestic oil prices. We need wage and price controls now to halt their continuous upward slides. And we also need controls on interest rates and profits. In sum, I don't believe we will really get a handle on inflation, whether it be in defense procurement or other sectors, until we abandon the administration's reliance on voluntarism and laissez faire, interest, and profit controls now. I would like to include excerpts from Secretary Middendorf's remarks that relate to the problem in the RECORD at this point:

EXCERPTS FROM SECRETARY MIDDENDORF'S REMARKS

In the last six years although we were forced to reduce the numbers of aging ships in the active fleet, the Navy received authority to build 13 ships per year. This rate of shipbuilding—13 ships per year means that the U.S. Navy will never recover the strength of 900 ships but also will not even

be able to sustain a fleet of 500 ships unless increases are made in the number of ships being built each year.

We have, in effect, undertaken a course of action which if allowed to go uncorrected would amount to an unilateral naval disarmament.

There are a number of solutions to this critical problem.

In our 1975 shipbuilding program, we initiated two programs which will contribute to the fleet's numerical strength because we are buying and building in numbers.

The first ship is the Missile Patrol Hydrofoil (PHM). Capable of operating at high speeds in heavy sea conditions, the PHM will provide the Navy a potent punch in many different operational environments. And ships of this class can readily assume the patrol and surveillance functions formerly assigned to our larger ships, thereby relieving our SPRUANCE and KNOX class combatants for other duties such as carrier task force operations and anti-submarine warfare. We hope to build 30 missile patrol hydrofoils.

The second ship is the Patrol Frigate (PF). We envision this ship to be a low-cost workhorse for the fleet, designed to carry out the very important escort mission. We hope to build 50 of these ships.

Additionally we are continuing to build SPRUANCE class destroyers, LOS ANGELES class nuclear-powered attack submarines, and three nuclear-powered aircraft carriers.

An even more advanced concept is the Surface Effect Ship, which is capable of speeds in excess of 80 knots. Once the research and development is completed, we could build and deploy these ships over the oceans of the world. Their high speed capability and sophisticated weapons systems would make them a potent and nearly invulnerable ship of the future.

Congress is very much aware of the Navy's need for more ships and the problems in our shipbuilding programs. Congress approved the construction of 22 ships in the budget for this year.

However, this ghastly inflation, with which you and I are struggling, is crippling our shipbuilding effort.

For example, the price of scrap steel has nearly doubled in less than a year. And overall cost escalations will probably reach 20%. Therefore, due principally to inflation, our Navy shipbuilding programs are now \$2 billion in debt.

I can assure you that people in all levels of government, are aware of these critical problems and are working to resolve them. I feel everyone in the Executive and Legislative Branches recognizes the need. It is ultimately a question of accomplishing the task of rebuilding the fleet in the context of the greater issues facing us.

A TRIBUTE TO EDITH GREEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN) is recognized for 60 minutes.

Mr. ULLMAN. Mr. Speaker, among the many men and women who have dedicated their lives to the public service of this nation, only a select few have served with the diligence and distinction of my colleague from Oregon, EDITH GREEN. This is the last Congress in which Mrs. GREEN will be a Member. She will be sorely missed, not only by those she has so patiently served in Oregon, but by all of us in the Congress.

Yet she is leaving behind her a legacy of accomplishment and purpose that will endure through the years. On Christopher Wren's tomb in England there is a simple saying: "If you require a monu-

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ment, simply look around you." For those who might seek to know the greatness of EDITH GREEN's accomplishments, they need only look around them at the small schools and great universities of America. Education has been both the common denominator and principal pillar of our democracy. And it is in American education that Mrs. GREEN's accomplishments are so evident.

When Mrs. GREEN came to the Congress in 1955, she brought with her the conviction that the Federal Government must begin to make a major commitment to the quality and the equality of education. She very quickly set to work to achieve the force of her convictions.

In the early 1960's, she authored and led to congressional approval the first major piece of legislation concerned with higher education. It was the Education Facilities Act, and through it colleges and universities were able to undertake the expansion they needed in order to meet the growing tide of young Americans seeking a higher education.

She followed that in short order by authoring the Higher Education Act of 1965. The underlying principle was that Federal student aid for those pursuing a higher education would be an investment with national dividends for years into the future. Her foresight and knowledge in this area were without equal in the Congress. Literally thousands upon thousands of students, who would otherwise have never had the opportunity have been able to gain college training and degrees as a result of Mrs. GREEN's determination.

In the years since then, Congresswoman GREEN turned her considerable expertise on the problems of elementary and secondary education, and has continued to assist and promote strong vocational education as a basic and necessary element in our society.

The United Nations has declared 1975 the "year of woman," and I hope Mrs. GREEN is given the credit due her in this area. More than 10 years ago she wrote and promoted the concept of "equal pay for equal work," now embodied in Federal law. About that same time, she sponsored the Juvenile Delinquency Act, a creative piece of legislation that broke new ground and set standards in an area of the law that had become a wilderness of conflicting and confusing practice.

Mr. Speaker, as you know, this is but a brief sketch of Mrs. GREEN's accomplishments. Her concern for the elderly, her political courage in matters of mental health, her original sponsorship of medicare—all these would be for most people significant in themselves. They are for Mrs. GREEN only a small part of the record. Those of us who have come to know EDITH well are still constantly amazed at the breadth of her knowledge and interests. I will miss her in the Congress. But I am confident she will continue her record of public service, and I wish her the very best.

Mr. CASEY of Texas. Mr. Speaker, the retirement from Congress of EDITH GREEN will leave a void in Congress and to me personally will mean a personal loss.

Having shared two subcommittee assignments with her on the Appropriations Committee, I can personally vouch not only for her integrity and dedication, but for her ability and effectiveness.

Her early years as a teacher have served her well in the Congress and she has certainly more than earned her title as "Mrs. Education of America."

While always seeking progressive improvements in our system of education, she has been a stabilizing force during trying times of rapid change.

EDITH GREEN probably has more honorary degrees from colleges and universities than any member in the history of Congress. And she has earned every one of them.

I would also like to note that having worked closely with her on the Legislative Appropriations Subcommittee, she can be equally effective as an ally or an adversary. Fortunately we have found ourselves allies in most cases. The other times, I have usually lost.

I know that not only her colleagues, but her fellow Oregonians she has served so well, and all Americans join us today in expressing our gratitude to EDITH GREEN for her 20 years of unselfish services in Congress, and wishing her a fulfilling and rewarding future.

Mr. BENNETT. Mr. Speaker, I have never known a more competent legislator than the lady from Oregon, Mrs. GREEN. We are all going to miss her able leadership in the next Congress; but as she leaves here she can do so with the knowledge that she has left behind her some of the most thoughtful and constructive legislation now on our statute books. We wish for her every happiness in her retirement from this body and we know that wherever she may be, she will be busy doing good. She does not know how to do otherwise.

Mr. DAN DANIEL. Mr. Speaker, today Congresswoman EDITH GREEN will answer her last rollcall in this body. I wish it were not so.

In the 20 years she has represented Oregon's Third District, she has served a far, far broader constituency. Mrs. GREEN is, beyond question, brilliant. This, coupled with mental organization and facility few can claim, and a knowledge especially in the entire field of education which most of us can only aspire to, has enabled her to serve the best interests of every school child now in America and those to come for decades. She has done a magnificent job.

Mrs. GREEN is that happy combination of inspiring leader and persuasive speaker. Yet she is one of the most practical of people. Aside from the special talents and capabilities which have made her such a positive force on the floor of the House, she is one of the most charming and delightful people it has ever been my privilege to know. Even those who are her opponents in this Hall are quick to tell of their admiration and respect for her, and to comment on her likeableness.

Of all those who are retiring today, none will be more missed.

Mr. BROOKS. Mr. Speaker, for the past 20 years I have had the very great and distinct pleasure of serving in this

body with the distinguished Congresswoman from Oregon, EDITH GREEN.

She has been an eloquent and effective spokesman for the citizens of her northern Oregon district. She has been a dedicated and diligent member of the Appropriations Committee, and her efforts on the Education and Labor Committee, where she served for 18 years, has won her the respect and admiration of all of us here in Congress.

I can understand why, after such distinguished service, she has decided to take a little time for her family and herself. She has earned it.

It is with sincere personal affection and professional respect that I join in honoring her today. I deeply value her friendship and her wise counsel. Her presence here in the Congress will be missed.

Mr. VEYSEY. Mr. Speaker, the exodus of retiring Members from the House at the end of this session is going to deprive the next Congress of a number of outstanding leaders. One of the greatest of these is the gentlewoman from Oregon, Representative EDITH GREEN.

I have had the distinct privilege of serving with EDITH on both the Education and Labor Committee and the Appropriations Committee, and I must say the dedicated and enthusiastic way that she approaches her duties identify her as one of the distinguished leaders of the House of Representatives. As a spokeswoman for education she has no peer. Her enthusiasm for Federal improvement of education has not been diminished by the mediocre success of many federally funded programs. On the contrary, she has spoken out to challenge the myths of Federal funding and stressed the improved performance that we all desire from our public school system.

Her concern and compassionate nature are reflected in the range of legislation that she has authored in recent years. These include five major education bills, vocational rehabilitation and manpower training acts, higher education legislation and other bills that affect retirement income, social security, equal employment opportunity, sex discrimination, juvenile delinquency, and the environment and conservation.

During the 20 years that she has represented the Third District of Oregon, she has won the respect and admiration of her constituents as well as her colleagues in the Congress. We are saddened to see her depart Capitol Hill, but we know she longs to return to the green hills of Oregon. We know that anyone with her talent and determination will not long remain idle. So as you depart, EDITH, we extend our heartiest wishes for continued success in whatever endeavors you may choose.

Mr. POAGE. Mr. Speaker, EDITH GREEN comes from a distant part of the country. Most of her service here has been on a committee where my section has not been represented. I would normally have had little occasion to pass upon the services of such a Representative but Mrs. GREEN has been concerned with some of the most vital problems affecting our people; particularly the education of our children.

She has felt that the Federal Govern-

ment should play a larger part in education than seemed wise to me. I still think that education should be the responsibility of the States. I have felt that there was too much willingness to make educational programs and welfare programs mere political payoffs. It has seemed to me that too many of our people have assumed that there was no limit to the ability of the Federal Government to provide money—generally without any controls or supervision—for any program where we could print the name "education" or "welfare." I have feared this irresponsible attitude and I still fear it.

Over the years, I have learned that Mrs. GREEN has had a firm grasp on all of our education and welfare involvements. She, probably more than any Member of this House, understood what was happening and sought to meet the needs of education and welfare in a responsible and enduring manner.

Because she demanded responsibility and because she sought stability, she has been bitterly criticized; but it has been my observation that she was always willing to analyze new programs and to give the House a sound and thoughtful appraisal. I have not always agreed with her conclusions, but I have always been compelled to recognize the logic of her analyses.

EDITH GREEN is a person of great ability and great dedication. She has rendered a great service to the whole Nation. We are not only going to miss her, we are going to find our work to be less productive because of her absence.

I join with the host of friends and admirers who wish for her many years of pleasant retirement.

Mr. ROSTENKOWSKI. Mr. Speaker, on this, the final day of the 93d Congress, we are witnessing the end of the congressional careers of many of our leaders. Much has been said during the past week of all that these distinguished individuals have contributed. Unfortunately, in the midst of these eloquent salutations, there is a tendency to lose one's sense of perspective.

This will hardly be the case today as we gather to pay tribute to the gentle lady from Oregon. Of the record number of Members who have chosen to retire, none will be missed more than EDITH GREEN.

Behind that often stern exterior, stood a brilliant mind and a heart that was generous and warm. Her record of legislative achievement has been well documented by my colleagues here today. In my mind, her most important contributions to this House are not contained in any one bill or act. The strength of her personality, the willingness to say what many felt and the conviction to do the tough things that had to be done—these are her qualities that will be forever gone from the House of Representatives.

Representing a district which knew her well and appreciated her talents, she could have—and would have—been returned to the House of Representatives for as many terms as she chose to serve. Her decision not to do so is not only the loss of the Third District of Oregon, it is a loss for the country she served so well.

Without continuing further, a type of

tribute that I am sure she herself is finding uncomfortable, I would just like to say that I will miss her—we all shall miss her—and we all wish her well.

Mr. GLAIMO. Mr. Speaker, I am extremely proud to have Congresswoman EDITH GREEN as a friend.

It has been my good fortune to serve with her on the Education and Labor Committee and the Appropriations Committee, to work with her in the House of Representatives, and to witness her steady and remarkable stature as a skilled and dynamic legislative leader.

A hard-working, intelligent, and independent woman, EDITH GREEN has established a national reputation in many areas but especially in the field of education. As author of the Higher Education Act, 1963, the Vocational Rehabilitation Act, 1965, the Higher Education Act, 1965 and 1968, and the Omnibus Higher Education Act, 1972, EDITH has led the way in fighting for large-scale Federal aid to education.

When she fought for Federal aid to education, she fought for it not as a matter of right but of need, and opposed channeling Federal money into the "educational-industrial complex" at the expense of needy schools and academically motivated students.

When she fought waste in Government she attacked both worthless projects and those seemingly worthwhile programs which never proved their worth.

When she fought against sex discrimination, she spoke for all of us who believe that all Americans deserve an equal voice in Government and an equal chance in society.

Her legislative record is a monument to constructive thinking, farsightedness, and legislative acumen. When EDITH GREEN spoke, the House of Representatives was so attentive you could hear a pin drop. This is the true measure of respect for a Member of Congress by her colleagues.

Since 1954 EDITH has represented Oregon's Third Congressional District in the House of Representatives. After 20 years in service to her constituents and her country, she is retiring.

I will miss her. The House of Representatives will miss her. Her experience, her wisdom, and her humor will be missed by all who have been fortunate enough to have her as a friend. I salute EDITH GREEN and wish her the very best in the years ahead.

Mr. SHRIVER. Mr. Speaker, I am honored to join in paying tribute to our distinguished colleague, EDITH GREEN of Oregon, who is retiring after a brilliant legislative career in this House. It has been my privilege to serve with her during this 93d Congress on the Appropriations Committee. It was her decision 2 years ago to leave her senior position on the authorizing committee of Education and Labor in favor of the appropriating subcommittee for the Departments of Health, Education, and Welfare and Labor. She has made an important contribution to the work of our subcommittee because of her vast knowledge of the legislative history of the major education bills. EDITH GREEN has made a last-

ing mark on education legislation during her 20 years of service in the Congress.

We are proud to salute her on this occasion and to extend best wishes to her for good health and happiness in the years ahead.

Mr. DE LA GARZA. Mr. Speaker, there are a million things one could say about EDITH GREEN and still not cover all her accomplishments. I mention only one. The children and young people of the United States of America and the educational institutions are the beneficiaries of her greatest endeavor—quality education.

God bless EDITH GREEN.

Mr. ZABLOCKI. Mr. Speaker, it has been a privilege to serve with EDITH GREEN in the House of Representatives for the past 20 years. Her retirement means the loss of a colleague of great conviction and dedication.

The people of the Third District of Oregon are losing an able legislator who has distinguished herself because she has understood the problems of the people and at all times represented their interests.

Her counsel and leadership in the House Committee on Education and Labor has been valuable in the formation of important legislation affecting our education community and its students, showing deep concern for our schools at all levels. I sincerely wish Mrs. GREEN all the best in her well-deserved retirement.

Mr. FLOOD. Mr. Speaker, like many others in this body I am sincerely sorry to see our distinguished and honored colleague from Portland, Ore. retire.

Her service in the Congress for the past 20 years has been truly outstanding. She has been a member of the HEW-Labor Subcommittee on Appropriations of which I have the honor of serving as chairman. Her contributions on that subcommittee have been great and she has always been of great assistance to me and the others on that subcommittee.

She was always a very hard worker and a doer. She did not duck controversial issues and she fought with courage on the issues of our times in which she fervently believed.

She is without doubt one of our most honored Members having received during the course of her career some 29 honorary doctorate degrees including doctor of humanities, doctor of humane letters, doctor of public affairs, doctor of public administration, and doctor of laws. As a teacher, she was, of course, greatly interested and tremendously active in the field of education and her input and influence on education bills before the Congress was great. She will always be remembered with admiration and gratitude for her accomplishments in the vital field of education.

It is always a good and satisfying feeling to leave any field of endeavor with the highest respect of your colleagues and EDITH GREEN is certainly experiencing that feeling at this time and in the days that lie ahead.

I join with all my colleagues in wishing her and her family the very best in the years before us.

I am sorry that she will not be here

when the next Congress gets underway in January and we shall remember her with kindness and affection for a job very well done.

Mr. SIKES. Mr. Speaker, today EDITH GREEN closes out a career in Congress which began 20 years ago. It has truly been one of the distinguished careers in public service of current history.

I do not know what her thought might have been on her first day here and certainly I cannot imagine her thoughts on her last day here.

But I know what my thoughts of her are today. They are of a gentle and outstandingly capable lady who probably has done more for education than any other Member of Congress. Her contributions have not been restricted to the field of education. She has been outstanding in many fields of congressional endeavor. My thoughts are of a hard-working, remarkable lady who I sincerely believe, has never had a selfish thought during her career in her public life. They are of the countless meetings in which we both have participated and of the insight she brought to each of them.

Those of us who have been fortunate enough to have served with EDITH over these years have come to know, respect, and admire her for her work here. She has served the Congress, her State and constituents, and the Nation, with dignity, honor, and grace. Her record of accomplishments will long stand high in the annals of Congress, and her record as a public servant is unblemished.

EDITH GREEN's place in Congress is a big one. There are many, many members on both sides of the political aisle who have come to rely on her for guidance and leadership. Legislation bearing her name or influence will have an impact on the youth of America for generations to come. I am happy that the fine hand of EDITH GREEN will continue to help shape the future of educational processes and that tomorrow's leaders will be better qualified because EDITH GREEN served so capably in Congress.

No member of this body can fail to recognize the importance of the work done by the gentle lady from Oregon. No Member can fail to admire her as a human being, as a woman, as a legislator, and as a public servant of the people.

To say that EDITH GREEN will be missed is to understate the case. To say she is irreplaceable is to come closer to the facts. To say that I, personally, will miss her wise counsel and sage advice is the truth. I am proud to have been her friend through the years we have served together.

Mr. REUSS. Mr. Speaker, it is with sincere regret that I join in bidding farewell to our retiring colleague Representative EDITH GREEN. Her abilities, hard work, and many accomplishments have been so great a gift to the House that she will be missed by all.

I have enjoyed knowing and working with EDITH since the day we entered Congress together in 1955. Her good work on the Appropriations Committee, and her authorship of laws such as the Higher Education Acts of 1965, 1967, and 1972, made her one of the leading Democratic legislators in the House.

Now, after her long years of public service, I wish her and her family rest, peace, and happiness.

Mr. BIAGGI. Mr. Speaker, as we wind down toward the end of the 93d Congress it is with a great deal of regret and sorrow that we must partake in the bi-annual ritual of bidding farewell to good friends and distinguished colleagues who will not be returning for the opening gavel of the next Congress. I wish to take this opportunity to pay tribute to a person who fits both categories, the Honorable EDITH GREEN, Representative of the Third Congressional District of the State of Oregon.

EDITH GREEN in her 20 years of service in the House is perhaps the most remarkable woman ever to grace the Halls of Congress. During these two decades of service, she emerged as one of the real powers of both the House and the Nation largely as a result of her work on the House Education and Labor Committee.

It is difficult to choose one single accomplishment of EDITH GREEN which rates above the many others, so I will cite the one accomplishment for which she is personally the most proud, her authorship of the famous Equal Pay for Equal Work Act of 1963, which represented one of the most significant pieces of legislation to emerge from this Congress in the past quarter century. This bill represented the fulfillment of a lifelong commitment which EDITH had to promote equality among the sexes in the fields of work and education. She has been a leader in the cause for women's rights in its early formative years, and her accomplishments have translated a concept into a viable force on the American scene. Her most recent achievement in this area was her authorship of title VIII of the Higher Education Act of 1972 which outlaws discrimination in education by virtue of sex.

There are numerous other major accomplishments which this remarkable woman has to her credit including her authorship of the Higher Education Acts of 1965 and 1967 which gave her reason to be considered the foremost legislative architect for improving the quality of higher education in this Nation.

Her commitments and causes were numerous but were always marked by her intense and total involvement in them. Examples are her efforts in establishing meaningful manpower training and vocational rehabilitation programs, two areas of prime concern to many Americans.

EDITH GREEN was not only a recognized power in the House but on the national scene as well. Her national career was highlighted by her outstanding seconding speeches for Adlai Stevenson and John Kennedy in their quests for the Presidency.

EDITH GREEN's illustrious two decades in the House have earned her numerous high honors and awards. The most significant of these came earlier this year when she received the highest honor bestowed by the President's Commission on the Handicapped. She is also the proud holder of 29 honorary doctorate degrees as well as doctorate of law degrees from such renowned institutions

of higher learning as Yale and Georgetown Universities. She was the recipient of the E. B. McNaughton Award from the American Civil Liberties Union and in 1967 she was awarded the prestigious Distinguished Service Award from the Council of State School Officers. Her list of honors and awards could fill many pages of the Record, and all one has to do is have a small understanding of the tremendous work which EDITH GREEN has done on behalf of education to know why these awards came so easily and in such quantity to her.

My personal remembrances of EDITH GREEN are only the fondest. She is a woman of immense charm and intelligence tastefully blended to make her one of the finest people I have had the pleasure to know. I have had the unique privilege of working with her on the Education and Labor Committee and I remain in awe over her knowledge of the education process and her unyielding commitment for its improvement and its expansion of opportunity so that all who wish to can pursue an education. Her achievements on behalf of education will likely rewrite the history of the Education and Labor Committee. The effect of her absence on the committee will be impossible to calculate, but I assure you that it will be a sizable loss, felt deeply by each of my colleagues on the committee.

We are closing out a historic session of Congress, one which has passed legislation benefiting virtually every American. We must now look to the future and the 94th Congress, but not before we pay proper respect to those who have contributed so much to the successes of the past.

EDITH GREEN leaves this body as a giant, but an unassuming one. She has endeared herself to the hearts of all of us who have worked with her over the years. She has gained the respect and perhaps even the envy of many women in this Nation who realize that they owe a great deal of their recent advancements in education and labor to the efforts of EDITH GREEN.

Of course we cannot forget the people of the Third Congressional District. They were provided with the highest caliber of representation in the U.S. Congress, and the fact that they returned EDITH GREEN on 10 different occasions makes it apparent that they too recognized the value of this woman.

The tributes and accolades for EDITH GREEN will come from many sources. I am pleased to add my voice to the effort for I feel the 93d Congress would not have been complete for me without taking time to pay tribute to EDITH GREEN and her extraordinary career. I mourn her departure but solace myself in the fact that she leaves with the deep respect and affection of not only myself, but the entire House of Representatives. I extend my best wishes to her and hope that the coming years are happy and productive.

Mr. HELSTOSKI. Mr. Speaker, when Congresswoman EDITH GREEN retires at the end of this session, the House will lose one of its most valuable and dedicated Members. Elected to the 84th Congress

in 1954, Congresswoman GREEN has served her constituency with dignity and dedication for 20 years.

During her congressional career, Mrs. GREEN was one of the most active and most well-respected Members of the Committee on Education and Labor. She worked endlessly to improve the American education system and played a vital role in upgrading the quality of schools throughout the Nation.

Though she moved to the Appropriations Committee at the beginning of the 93d Congress, Congresswoman GREEN continued her fine work in the area of education. As one of the most knowledgeable Members of the Appropriations Committee, she provided her colleagues with additional insight into legislation dealing with education which came before the committee.

Mr. Speaker, I want to take this opportunity to thank Mrs. GREEN for the many fine contributions she made to education in America. Though she no longer will represent the people of Oregon's Third District, I am confident that her constituency will continue to benefit from her leadership and experience.

Mr. JOHNSON of California. Mr. Speaker, with the close of the 93d Congress, the House of Representatives loses one of its greatest leaders in the fields of education, government, and economy. Mr. Speaker, I am referring to the gentlewoman from Oregon, my good friend and colleague, EDITH GREEN.

Her charm and graciousness have been exceeded only by her extreme competence and knowledge. She has been an exemplary Member of this House, and Albra and I wish her the best in her new endeavors. The House of Representatives will miss her presence and leadership.

Mrs. GREEN came to Congress as a teacher. This was prophetic, for her assignment to the Education and Labor Committee allowed her to use her experience to benefit several generations of American schoolchildren. Through her personal guidance, major reforms have been accomplished in the field of education. Her interests and energies have been channeled into all aspects of education—from pre-school to post-graduate, from the highest levels of academic training to the wide variety of vocational training, and from the gifted students to the mentally handicapped.

Education is one of our most important programs, for it serves to train the people of this Nation for the future. EDITH GREEN has worked diligently to insure that the Federal participation in this most important task is not only adequate for our future needs, but also capable of the flexibility that might be required.

For many years Mrs. GREEN worked with her colleagues on the House Education and Labor Committee to help formulate effective programs. Such milestones as the Elementary and Secondary Education Act and the Higher Education Act are outstanding examples. There are countless others, too many to name.

In the 93d Congress, our dear colleague accepted membership on the Appropriations Committee where she easily used

her long experience in the field of education to assure adequate funding for the Nation's educational programs, many of which she had helped to author earlier in her illustrious career.

Mr. Speaker, our praise for Mrs. GREEN should not be limited to the field of education, although enough praise could never be given. She has also served in a leadership capacity in a variety of other ways.

There will be a noticeable absence when the 94th Congress convenes in January, but we will all know that the House of Representatives, the State of Oregon, and the Nation as a whole will be significantly better for EDITH GREEN's service to this country.

Mr. NICHOLS. Mr. Speaker, I appreciate the opportunity to participate in a Special Order arranged by our colleague, Congressman AL ULLMAN, in order that the many friends of our retiring Member, Mrs. EDITH GREEN, might have the opportunity to extend our best wishes to her on her retirement.

In my years in the Congress I have never known a finer Member of this body than EDITH GREEN. I have marveled at the very able way in which she explains her position on a given piece of legislation and her expertise in the field of education in my judgment is without equal.

Time after time I have seen the cloak-rooms empty when EDITH GREEN took the microphone, and I have joined in the standing ovations given this pleasant Congresswoman from the State of Oregon by both opponents and proponents of a given piece of legislation.

Most of all I suppose I appreciate the frankness with which EDITH expressed her views. I have heard it said time and time again that few votes are ever changed on the floor of Congress, but the reverse is true when EDITH GREEN took the microphone. In the busiest controversy I have seen this outstanding Congresswoman portray the evils of busing school children from one community to another for the sake of creating numerical quotas and I have seen votes change time after time by this most capable and dedicated and surely one of the most effective speakers in the Congress.

But there is another side to EDITH GREEN and those of us who attended the Thursday morning Prayer Breakfast yesterday morning were privileged to share some of the deep convictions that this dedicated lady holds in relation to her religion. I shall miss EDITH GREEN. She is the epitome of sincerity, integrity, decency, and honesty on the floor of this Congress, and I know that the Congress will be the poorer because of her retirement. EDITH shared with the prayer group yesterday some of the endeavors which she expects to pursue on her return to Oregon, and I take this occasion to wish for her all of the success and joy to which she is so deserving of finding in her retirement as she goes back home to her native State of Oregon.

Mr. QUIE. Mr. Speaker, it has been my good fortune to have served with Mrs. GREEN for the entire 17 years I have been in Congress and 14 of the 16 years I have been a member of the Education and Labor Committee.

The next Congress is going to miss her input. All of my colleagues have well noted the thoroughness with which she champions a cause. Who else has been more effective in debate? To have been involved in controversy means that she has been willing to take a stand and whether one voted with her or against her on any particular measure, the respect and admiration was always there.

I would like to add my thanks for her diligent service to her district, State, and Nation and to wish Mrs. GREEN the best for all she undertakes in the years to come.

Mrs. HOLT. Mr. Speaker, during 20 years in the House of Representatives, EDITH GREEN of Oregon has provided us with practical wisdom on many matters, but she has earned a national reputation for her expertise and great good sense in the field of education.

In an age in which the education establishment increasingly devotes itself to the practice of an esoteric cultism, EDITH GREEN has been a demanding voice reminding it of its mission.

She has had the courage to insist that the schools must return to the business of producing students who can read, write and do arithmetic, and she has often challenged the bureaucratic foolishness of HEW.

Mr. Speaker, I have the highest admiration for EDITH GREEN, and I hope that her talents will not be lost to government when this session of Congress ends today. She is retiring from the Congress, to be sure, but there are those of us who hope to see her in Washington in the months ahead. She still has much to contribute, and I hope the administration will recognize the talents of this truly great Member of Congress.

Mr. PICKLE. Mr. Speaker, EDITH GREEN is not so much a conservative or a liberal as she is a sound and strong proponent of commonsense. As such she has embodied in herself a cross-section of this House.

She gained a reputation over the years as a tough debater, and whether one agreed with her every time or not, the House always felt compelled to listen to her point of view. She is independent, outspoken, and has always done her homework and then some. She has led and the House has followed.

EDITH GREEN will be missed in many ways. Her strong purpose and close attention to detail have made her a formidable and respected power among her colleagues. Her fearless debates have clarified many issues placed before us to decide. Her free thinking has interjected a refreshing or new point of view time and again.

It has been my privilege to serve in the Congress with her and I join my colleagues in wishing her our very best.

Mr. BRINKLEY. Mr. Speaker, slightly more than 2 years ago, the media in my home State of Georgia carried a news account of my filing as a delegate to the Democratic National Convention. May I quote from some of those accounts as part of the RECORD:

Rep. BRINKLEY has given his personal endorsement for the vice presidential nomination to U.S. Congresswoman EDITH GREEN of Oregon, who is Chairman of the Special Sub-

committee on Education of the House Education and Labor Committee.

Rep. BRINKLEY pointed out that Mrs. GREEN, now serving her ninth term in the U.S. House, is the acknowledged authority in the field of education and is one of the leading congressional opponents of forced school-busing. The Columbus lawmaker emphasized:

"Congresswoman GREEN has such a national perspective—she sees this as one undivided Nation. I think it offends her deeply to see sectional abuse, whether it be in education, voting rights, housing or taxation. In my opinion, Mrs. GREEN is one of the finest legislators to ever serve in the United States Congress."

Mr. Speaker, needless to say, I still hold those thoughts about this courageous and wise Member of this House, and will always believe that she would have been a worthy addition to anyone's national ticket.

During my tenure as a Member of the House, Congresswoman GREEN has been a frequent source of inspiration and strength. To me, she embodies the full purpose our predecessors had in mind when they wisely made it possible for women to vote, participate in government and be elected to high public office. Their thesis, of course, was that the nation would benefit best by looking to all quarters for leadership.

I join my colleagues in wishing Congresswoman GREEN well as she takes leave of this Chamber for the last time but I also have strong doubts that we have seen or heard the last of her wise counsel.

Mrs. BURKE of California. Mr. Speaker, I wish to take this opportunity to join with many of my colleagues in paying tribute to the leadership of Congresswoman EDITH GREEN on the occasion of her retirement from this House.

While I am sorry that I only had the opportunity of serving one term with Mrs. GREEN I am grateful for the privilege of witnessing first hand her diligent efforts. Our continued efforts in the Congress will insure that her efforts were not in vain. Though her physical presence will be sorely missed we may all take comfort in the knowledge that her spirit will remain in the House in the form of her many contributions and legislative achievements.

Mr. McCLODY. Mr. Speaker, I rise to pay tribute to a woman who has compiled a record of achievement during her congressional career which is second to none—the gentlelady from Oregon (Mrs. GREEN).

During my time in the Congress, I have known very few speakers who could rivet the attention of this House with the respect that Mrs. GREEN commanded every time she went to the well to eloquently express her concerns. It has been obvious to every observer of this body that Mrs. GREEN has ranked among the brightest and most influential of our number, and her well-earned retirement will indeed be a mightily felt loss as we convene the 94th Congress next month.

Mr. Speaker, the 89th Congress has gone down in history as the "Education Congress." Tremendous strides were made in almost all areas of educational endeavor—and the intellectual environment has been enriched in this country for all Americans as a result. The legisla-

tion which was passed during that time will greatly enhance the American heritage during the rest of this century—and I want my colleagues and the American people to know that Mrs. GREEN deserves a lion's share of the credit for the renaissance in the Federal educational effort which took place during her tenure on the Committee on Education and Labor.

Mr. Speaker, EDITH GREEN will also be fondly remembered as one of the most effective advocates of equal rights for women. Through her own responsible example as well as her eloquent appeals, this body came to realize the harm which sex discrimination causes to our entire society, and the result was much good legislation in this regard culminating in congressional passage of the 27th amendment to the Constitution, the so-called Equal Rights Amendment.

Mr. Speaker, nothing bespeaks more prominently Mrs. GREEN's wise influence on this House's deliberations than the looks of disaster which would cross floor managers' faces when they learned that she would speak in opposition to their bill, and conversely, the looks of delight which illuminated their faces when they found out that she was prepared to speak in their favor. The gentlelady's legislative brilliance both in committee and on the floor has been a wonder to behold during my 12 years here. Her colleagues no less than her constituents in Portland will miss her valuable contributions in attempting to deal with the difficult and persistent problems that confront our society.

My wife, Doris, joins me in wishing EDITH our fondest adieu as she prepares to leave our midst.

Mr. PRICE of Illinois. Mr. Speaker, this Congress loses one of its most talented members when the Honorable EDITH GREEN of Oregon retires this year after 20 years of distinguished service.

EDITH GREEN's name is synonymous with education. No member has contributed more to the development of the American educational system than EDITH GREEN.

EDITH GREEN has authored the most important legislation on higher education to come out of the Congress during the last decade. The Higher Education Acts of 1965, 1967 and 1972 were products of her work. Among numerous other legislative efforts, she has formulated the Higher Education Facilities Act, the National Quality Education Act of 1972, and amendments to end sex discrimination in education.

My colleague has received 30 honorary degrees and numerous awards, including distinguished service awards from the National Education Association, the National Association of Trade and Technical Schools, and many other associations and universities—all of which are well deserved.

As a member of the House Appropriations Subcommittee on Health, Education, and Welfare, this distinguished Congresswoman has guided the Nation's higher education policy on a path which has given it unprecedented vitality and made equal opportunity in education a reality.

We can be grateful that a person of integrity and dedication has been avail-

able to perform this role. I know of no one who has contributed more to higher education than the Honorable EDITH GREEN. The Nation, the Congress, and the citizens of this country will be the less when she retires at the end of this year. But she has bequeathed to all of us a rich legacy that we must nurture. We are deeply indebted to her.

I am particularly grateful to EDITH GREEN. Earlier this year she was kind enough to deliver the McKendree College commencement address. Located in Lebanon, Ill., EDITH GREEN's visit to the campus brought the school national prominence.

Mr. ADDABBO. Mr. Speaker, I am happy to join in this well-deserved salute to EDITH GREEN of Oregon, on her retirement from Congress.

Without question, Mrs. GREEN is one of the hardest working and highly respected Members of Congress. Her contributions in the legislative field as a member of the Committee on Education and Labor are many. For 18 years she served on that committee and Mrs. GREEN authored many bills which have had a tremendous impact on the educational system of this country.

Mrs. GREEN authored the Higher Education Act of 1965 and 1967; the Higher Education Facilities Act; the Equal Pay Act of 1963; title 9 of the Education Amendments of 1972; and amendments to end sex discrimination in the Manpower Training Act. These are just a few of her accomplishments as a member of that committee.

For the past 2 years, I have had the privilege of serving with Mrs. GREEN on the Appropriations Committee. Her expertise in the field of education was of great benefit to the Labor-Health, Education and Welfare and the Legislative Subcommittees on which she served.

The lady from Oregon has served her constituency and her Nation well for the past 20 years. She will be missed in this great Chamber.

I regret to see her leave and hope she will enjoy her retirement in good health. God bless.

Mr. WAGGONER. Mr. Speaker, this body has not known a more distinguished Member, an abler legislator, or a finer person than the gentlewoman we are paying tribute to today, Mrs. EDITH GREEN. She is a lady in the truest sense of the word.

The accomplishments of this dear friend of mine are too many to enumerate here, but her impact in the field of education particularly has affected more people in the public school system than perhaps any other person I know of.

There is no one who can replace this wonderful and warm human being; you cannot replace this kind of person. Her untiring efforts on behalf of her district, her people, and her country mark her as an outstanding and dedicated public servant. She is without question, in my mind, an unequalled and exceptional individual. It is my firm conviction that if the Congress were made up of a majority of EDITH GREENS we would not have many of the problems that we are faced with today.

It was my fervent hope that Mrs.

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GREEN, whom I consider to be one of my dearest friends, could have been dissuaded from retiring from the Hill. Unquestionably, we in the Congress and the Nation as a whole can ill afford to lose the abilities, the wisdom, and the example of this gracious lady at this crisis time in our Nation's history. Inasmuch as she has chosen to retire from the Hill, I pray that whatever she chooses to do will bring her the pleasure and happiness which she so rightly deserves.

This House and this Nation owe this good and great American a debt of gratitude that can never be repaid. Personally, though mere words are not adequate, let me thank you, honorable lady, for your untiring efforts in behalf of our beloved country. You will certainly be missed.

Mr. ARENDS. Mr. Speaker, there is only one word to describe EDITH GREEN—outstanding. No one in this Congress has received more citations and accolades than our colleague from Oregon—and she deserved every one of them, and more.

It has been my privilege to serve with EDITH throughout her entire 20 years in the Congress, and my admiration for her integrity and ability has continued to grow. Certainly her name will long be remembered in the field of education. Her work as a member of the Committee on Education and Labor has benefited millions of Americans. No one can match her record. She is one of the outstanding authorities in the Nation. No one can take her place. I know that her sound advice and wise counsel will continue to be sought even in retirement.

Not being of the same party, there have been times when EDITH and I have been on opposing sides of an issue. In such situations, no adversary could be more effective, yet more gracious. There have been many times, too, when we have joined together in the same legislative effort—and like most of my colleagues, I was always glad to have EDITH GREEN as an ally.

I join with all my colleagues on both sides of the aisle in saying, "Thank you, EDITH, for the dedicated service you have given to the Congress, your country, and your State. It has been a pleasure to work with you in these Halls, and I wish you good health and abundant happiness in your well-deserved retirement."

Mr. NATCHER. Mr. Speaker, one of the privileges I most appreciate is the privilege given me to serve with EDITH GREEN, the very able Congresswoman from Oregon. One of my greatest sources of pride is the fact that this lovely lady considers me her friend.

Over the years there have been those who are recognized immediately as persons of exceptional ability. From the moment EDITH GREEN was sworn in as a freshman Member her potential was apparent to all. EDITH GREEN's record of achievement is so well known that it needs no retelling. My purpose today, Mr. Speaker, is simply to thank this fine lady for the many, many kindnesses she has shown me. It has been a distinct honor for me to serve with her in the Congress.

In her retirement, I wish for her good times, good health, and good fortune.

Mr. ANDERSON of California. Mr. Speaker, these last hectic days of the 93d Congress have indeed been exciting and historic, but they are also sad as we bid farewell to some of our friends and colleagues upon their retirement from Congress. One such person is the gentle lady from Oregon, EDITH GREEN, to whom I now rise to pay tribute for her many years of distinguished public service.

EDITH GREEN's 20-year tenure in the House of Representatives has earned her respect and admiration from her colleagues which allow this small-statured woman to be regarded as one of the truly great giants of Congress.

She has achieved a reputation for her diligence and leadership in having numerous landmark legislative efforts enacted into law. These include equal rights for women, assisting minorities, and increasing benefits for workers. But, especially, I am confident that her efforts to help improve the quality of our Nation's education will remain her legacy.

Mr. Speaker, there is little I can add in praise of this remarkable lady for she has already earned countless honors throughout the years in recognition of her outstanding service to her State and to her Nation.

My wife, Lee, joins me in wishing her and her family the very best in their retirement and future undertakings. She shall greatly be missed by all for her warmth, her leadership, and her dedication to help assist the people of our Nation.

Mr. FUQUA. Mr. Speaker, two decades of distinguished service will come to a close with the conclusion of this Congress when EDITH GREEN makes her final roll call. But what a record it has been.

While many people talk a great deal about equal rights for women, Mrs. GREEN has for 20 years proven that she was more than equal to any person or challenge. In that, she has done more for this just cause than anyone I know.

Her lasting imprint has been made in the field of education. It would be impossible to denote all of her contributions. Suffice it to say that she is recognized by her colleagues and this Nation as one of the prime leaders of all time in our search for quality education for all our children.

I had the privilege of serving with Mrs. GREEN for 12 of her 20 years in the Congress. I respect and admire her for her ability, her fairness and, above all, her dedication to principle.

This Nation is richer because of her service.

Mr. ASHBROOK. Mr. Speaker, Congress will miss the gentlewoman from Oregon, the Honorable EDITH GREEN.

I have had the privilege of serving in this body with Mrs. GREEN since I was first elected to Congress in 1960. I know that her efforts in the Education and Labor Committee have helped to bring responsibility to the proceedings there. I am sure that the same can be said for her later service in the Appropriations Committee.

Mrs. GREEN has done highly commendable work in her critique of Federal aid to education and her constant investigation of irregularities in the Department of Health, Education, and Welfare.

I wish Mrs. GREEN a fruitful and happy retirement and know that her counsel and efforts will be missed in the House.

Mr. ANNUNZIO. Mr. Speaker, "Education," wrote Henry Brougham, "makes a people easy to lead, but difficult to drive; easy to govern, but impossible to enslave." No finer sentiment could be found to describe the ideals which have been championed by Congresswoman EDITH GREEN, whose retirement after some two decades of public service in this House takes from our ranks one of our ablest and most dedicated colleagues. It has been my privilege to count Mrs. GREEN as a friend as well as a fellow Member of Congress, and I can speak from personal experience regarding the character of her life and the quality of the representation she has provided.

Her concern for education and its betterment in American life is legendary, and she has always understood the ties which exist between the educational process and a democratic society. Born in South Dakota some 64 years ago, her early years were spent in Oregon, where she was raised in an atmosphere deeply influenced by her two great and lifelong concerns: Politics and education. She herself taught school for a dozen years, learning at firsthand the problems and challenges of public education.

She was first elected to Congress in 1954, and has won reelection nine times since—a tribute to the confidence she has inspired in her constituents, the people of the Third District of Oregon, which includes a good part of the city of Portland. Her decision to retire reflects a personal commitment to step down at what she felt would be the right time, and while it is accepted and respected by all it also leaves an ineradicable sense of loss.

It has been a genuine pleasure to have served with Mrs. GREEN for the past 10 years in the Congress. She has won the gratitude of countless students and teachers, indeed—of all Americans, by her distinguished leadership in the cause of educational progress. To her and to her family, Mrs. Annunzio and I extend every good wish for abundant good health and continuing achievement in the years ahead.

Mrs. SULLIVAN. Mr. Speaker, the retirement of Congresswoman EDITH GREEN of Oregon deprives the House of Representatives, and the people of the United States, of one of our best minds and most effective legislators. Since coming to the House in 1955, she has demonstrated a grasp of educational issues which has made her, in my opinion—and in the opinions, too, of many, many other Members—our foremost authority in this field, and one to whom we quickly learned to listen with attention and respect.

She has an eloquence which all of us envy, and a clarity of presentation which tends to make most of us sound wordy in comparison. I do not recall a single

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instance when EDITH GREEN took the floor to debate a bill that she did not sway votes—and that is perhaps the highest compliment one can pay a Member of this House.

Mrs. GREEN's decision to retire is one which we can understand and sympathize with, because we know how hard and diligently she has worked for 20 years as an extremely conscientious Member of Congress. Only those who have served in the House can fully appreciate the dedication and energy which EDITH GREEN has devoted to her responsibilities.

The people of the Third District of Oregon have been served so well and so faithfully for these past 20 years that Mrs. GREEN's successor in the 94th Congress is going to have to work harder than any other new Member of the House to provide the residents of that district with the kind of service they have become used to.

It has been a pleasure to serve with EDITH GREEN these past two decades. I sincerely hope that when the new Congress convenes, she will find ways and time to keep us informed of her ideas on legislation, for EDITH GREEN's sharp mind is one of America's great human resources.

Mr. BEVILL. Mr. Speaker, it is a real personal honor for me to join with my colleagues today in saluting Congresswoman EDITH GREEN, who will be retiring at the end of this session of the 93d Congress.

Her contributions to education as chairman of the Special Subcommittee on Education of the Education and Labor Committee are well documented. EDITH has consistently and eloquently spoken out for legislative programs which will assure excellence in the country's educational pursuits. No person, in my memory, has done so much to insure that America's young people will have every opportunity for a quality education.

Unlike many successful people, Congresswoman GREEN has refused to be satisfied with past accomplishments, though for her these were many, but has insisted on looking to the future and planning for future challenges.

To list the accomplishments of EDITH GREEN now would take far more time than is available to me. However, these accomplishments have been noted publicly on numerous occasions and I want to take this opportunity to express my appreciation for all that she has done.

Since becoming a Member of Congress, I have admired EDITH GREEN's ability to get things done. Her sound judgment and effectiveness in communicating important proposals have long been the trademark of Congresswoman GREEN. In my judgment, she is one of the most valuable Members of this body and will be greatly missed.

I have often benefited from the counsel and advice of EDITH and it has been a real personal privilege to serve with her in the U.S. House of Representatives.

It is my hope that the coming years of retirement for EDITH will be filled with good fortune and happiness.

Mr. BURLESON of Texas. Mr. Speaker, our colleague, Congresswoman EDITH GREEN, leaves a real legacy as she retires from this House of Representatives. No one has shaped more fundamental legislation, and especially in the field of education, than has EDITH GREEN. Her keen mind, her energy, her dedication, are examples for all of us and her leadership and quiet influence in this body will long be remembered by all of us.

I hope that her retirement to quieter pursuits will bring her deep satisfaction and I am sure she shall continue to have the deep concern for the welfare of our Nation and people that she has so long exhibited in Congress.

Mr. COLLINS of Texas. Mr. Speaker, I am proud to join in with my colleagues in expressing our appreciation to EDITH GREEN for her many years of constructive service. In my first two terms in Congress, I had the opportunity of serving with EDITH on the Education and Labor Committee. It was always refreshing to hear her discuss education. As many witnesses would go into theory, EDITH would always stay with common sense and reality. She believes in the fundamentals of a good sound education and in the priorities of America. There are very few things that could be considered more important than education.

I will never forget the day 3 years ago when I was standing in the back of the House floor next to Alvin O'Konski of Wisconsin. Al had been here 15 terms but in all of that time he had hardly ever said a word. That particular day EDITH GREEN was engaged in a strong floor debate. When she finished her statement, Al turned to me and said:

I have heard many people in my day talk on this House floor; some of them have little to say, some have nothing to add, but that good lady from Oregon has the best mind and speaks with more clarity than anyone I have ever heard in the Halls of Congress.

Al O'Konski never said much in his 15 terms, but I think he summed up EDITH GREEN very well in that one sentence.

I always enjoyed hearing the message from EDITH GREEN. She spoke from experience. She spoke from a strong well read, depth of knowledge. She spoke from many years of intensive committee and congressional work. But always when she spoke she took a sound position and put her message on the line in plain language.

When I think of busing in the schools today, I am always discouraged. But I am more discouraged when I realize that EDITH GREEN will not be with us next year to lead the fight. She has done more than any Member on the floor of Congress to try to stop busing.

EDITH GREEN is a nice person. She is delightful, polite, highly intelligent, and has a most pleasant smile. She is a wonderful friend. It will be our loss in Washington when she leaves Congress.

Mr. PIKE. Mr. Speaker, through the years, this House has been graced with a number of truly distinguished women Members but none with more superlative

qualities than the gentle lady from Oregon, EDITH GREEN. I will leave it to others to enumerate her astonishing legislative triumphs and pioneering breakthroughs, especially in the field of education. There will be others capable of picking up the formidable array of legislative tasks which she shouldered, often quite alone. Unfortunately there will be none who can lend her unique style and grace which, for all the years I have been here, have been one of the true glories of this House.

Her special presence, her very special voice, will be sorely missed in this Chamber and perhaps sometimes, when the debate is tedious and dull, we can all look with envious eyes westward to her beloved Oregon, from whence came the gift that proved beyond any further shadow of a doubt that the best things in life often come in small packages.

Mr. DOMINICK V. DANIELS. Mr. Speaker, at the end of this 93d Congress one of the most useful, tenacious, and informed Members of this House will be calling it quits. The Congress and the Nation will be the worse for it.

I have known EDITH GREEN for 16 years and in that period I learned to respect her for her keen mind, the knowledge of legislative intricacies, and her courage under fire. There is no Member of this House whom I respect more and whose friendship I esteem more than that of EDITH GREEN. A great legislator, a great human being, EDITH in a very literal sense is one in a million.

Just recently I was in Portland, Ore. Surely there is no part of the Nation more beautiful than the great Northwest. Thus, for many reasons I envy EDITH and I wish her well as she returns to her beloved Oregon. I am sure next summer when you can fry eggs on the sidewalks of the Nation's Capital that everyone in this House will realize that EDITH GREEN made the right decision. Like all who served with her I wish her good health, long life, and the best of everything. Speaking personally I shall miss EDITH. I shall miss her good sense, her willingness to be helpful and her sense of loyalty to her friends. I hope she will come back often to the Chambers.

THE PRESENT SITUATION IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, the last negotiated agreement in the Middle East was in May of this year when Israel and Syria signed a disengagement agreement. Since then, a great deal has happened both in the Middle East and abroad.

In the Middle East, one of the more encouraging signs of the last several months has been the relative absence of gunfire and bloodshed. The zones patrolled by the UNEF and UNOF forces along the Israeli-Syrian fronts have remained calm and violations of the terms of the disengagement accords have been few and minor in nature. Since the

horrifying terrorist episodes of Qiryat Shemona and Maalot and the hostilities engendered by those attacks, there has been a diminution of the cycle of violence that has in the recent past and can again threaten the whole fabric of relationships we have sought so hard to develop over the last year.

THE RABAT DECISION

Perhaps the most significant new development occurred at the recent Arab summit conference in Rabat, Morocco, where the Arab States recognized the Palestine Liberation Organization—PLO—as the legitimate representative of the Palestinian people living in the Occupied Territories of the West Bank and of Gaza. This Rabat decision and the subsequent public appearance at the United Nations of the PLO Chairman, Yasir Arafat, have added an important, new factor to the Middle East equation.

The relevance of this Rabat decision, however, to the present diplomatic situation in the Middle East is less clear. At this time, it would appear that the PLO decision is crucial less for the substantive issue involved than for the timing problem it creates for the immediate future of any peace negotiations.

The negotiating process and the step-by-step approach being pursued by Secretary of State Kissinger has not yet reached a point where the Palestinian issue is a focal point of peace talks.

However, if peace talks in the near-term future produce further agreements between Israel and Egypt and between Israel and Syria, the West Bank and Gaza issues and the format available for Palestinians living in these areas to express their self-determination cannot be far behind.

The substantive issue involved here is not the PLO per se. It is the right of Palestinians to be involved directly in negotiations. No reasonable position on the part of any party to the conflict can deny that right. Any settlement to the Arab-Israeli conflict must focus on the Palestinian issue.

WHO REPRESENTS PALESTINIANS

The question is: Who represents the Palestinians? On that issue, only the Palestinians can decide. And no matter which individual or group we may wish or not wish to have negotiate for the Palestinians in areas subject to negotiations, we cannot decide that issue for them.

The Palestinians in many of the refugee camps in Lebanon and Syria and many Palestinians living outside camps in various parts of the Arab world and Europe and the Americas have spoken in support of the Palestinian Liberation Organization. Some leaders in the occupied territories of the West Bank and Gaza have done likewise.

But many Palestinian voices on the West Bank, in Gaza and elsewhere have not been heard. These voices may have reservations about King Hussein of Jordan representing them but they may also feel similarly about the PLO.

Finally, there is a large group of Palestinians living in Jordan who may prefer to have the Jordanian Government represent their interests in any negotiations.

It is difficult, in short, to determine who speaks for the majority of the Palestinians. But two facts seem clear at this point. First, the PLO speaks for many Palestinians and second, what the PLO might have gained through the barrel of a gun gives that organization some political power, though not necessarily political rights.

Mr. Speaker, the time is long overdue for an internationally sponsored plebiscite to be held in the occupied territories to determine the wishes of Palestinians living there. The Near East and South Asia Subcommittee first made such a recommendation in 1971. In the absence of a referendum to decide who speaks for the Palestinians on the West Bank and in Gaza, the world is faced with the undesirable choice of dealing with the Palestine Liberation Organization or not dealing with any Palestinians. Israel and the United States cannot, on the one hand, refuse to deal with the PLO, and, on the other hand, discourage serious political debate and try to prevent voices of self-determination in the occupied territories from articulating their views.

SITUATION TODAY

The issue of how the Palestinians are brought into future negotiations in the Middle East must be addressed in the near future, not necessarily immediately. We must now press on with further Israel-Egyptian and Israel-Syrian talks. We owe that much to the three parties involved: They want further talks now and they want to preserve the limited gains of the initial disengagement talks.

In this present situation, I am most worried about the prevailing mood in the region. Positions of parties seem to be hardening at the very time flexibility is so necessary.

The Arabs, with their new-found power, in terms of their improved military performance in the 1973 war and the oil weapon, appear confident and, at time, cocky and uncompromising. As of today, most of their leaders have failed to give Israel adequate and convincing evidence that if Israel were to withdraw from a vast majority of the territories occupied in 1967 they would recognize Israel as a state in the Middle East and publicly acknowledge its permanence in the region.

Israel, well armed but clearly troubled by its smallness in a large area, its international isolation and the large and sophisticated Soviet arms deliveries to its neighbors, appears to remain convinced that territory is an important form of security and that holding on to occupied territories by force promotes a more secure environment for Israel in the region. Many Israelis fail to perceive just how unstable and insecure the present situation is: I seriously doubt the Middle East will ever revert to the pre-October 1973 situation which offered many Israelis a greater sense of security.

This same lack of flexibility appears lacking on the Palestinian issue. Israel states that it will never negotiate with the PLO, because it is nothing more than a band of terrorists, which lives by incidents similar to the Maalot, Qiryat

Shemona and Beit Shean horrors and because that organization is dedicated to the destruction of Israel.

The PLO, for its part, retains the uncompromising and inflexible position that a democratic secular state in Palestine, presumably run by the PLO, remains and will continue to be its goal and that nothing, ultimately, can stand in the way of that goal. The PLO also stubbornly insists that terrorism is an acceptable form of political warfare and within the stated principles of the United Nations Charter.

U.S. POLICY AND HOPES FOR THE FUTURE

Mr. Speaker, it should be the policy of the United States and this Congress to encourage flexibility and compromise on the part of all parties to the Arab-Israel conflict in the important weeks and months ahead. We should be looking for and seeking out that flexibility. We should be refraining from "do's", "don'ts", "musts", "nevers".

From the Arabs, we might hope for an agreement to a phased implementation of any general agreement and for a clearer and unequivocal demonstration of its recognition of the existence of the state of Israel and Israel's right to remain in the Middle East and live in peace.

From the Palestinians, we might hope for a public and explicit denunciation of all terrorist activities for now and in the future and an explicit recognition of the right of Israelis to self-determination and statehood in the Middle East.

From Israel, we might hope for a willingness to permit greater political self-expression in the occupied territories, to negotiate with elected representatives of the Palestinians and to recognize that its future in the Middle East depends, in part, on its ability to demonstrate to its neighbors that it seeks, not military domination, but political accommodation, not territory but true peace.

And from the United States and the Soviet Union, we might hope for restraint in arms deliveries and a better dialog on peace talks. There are indications that the Soviet Union is considerably uptight about the manner in which it has been excluded by the United States from most diplomacy in the Middle East.

Soviet actions, arms deliveries, and seeming refusal to want the Middle East to become part of the widening areas of East-West détente may be good reasons for worrying about what the Soviet Union might do to frustrate negotiations.

But the United States should persist and insist on arms limitation talks with the Soviet Union on the Middle East and on bringing genuine big power responsibility to the Middle East. We should consult more often and in franker and more substantive ways with the Soviet Union on any peace talks to be held outside Geneva. We need Soviet cooperation and help to achieve peace in the Middle East.

CONCLUSION

These hopes may be tall orders, but I believe that with statesmanship and a will on all sides, such changes in attitude are possible.

The drive for peace in the Middle East will face serious challenges in the weeks ahead. In fact, we have arrived at an important juncture. New momentum can be given to peace talks by the successful completion of further talks among the parties. Or what impetus the peace drive now has may dissipate and we may be headed for a detour on the long road toward peace. If such a detour were to include hostilities, the losses for the United States and for all parties in the region could be enormous.

I think we would all agree that such a prospect should be avoided. To do so, however, will involve more flexibility on all sides, including our own, than has been shown in recent weeks.

A TRIBUTE TO THE HONORABLE WAYNE OWENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 15 minutes.

Mr. MEZVINSKY. Mr. Speaker, as the 93d Congress draws to a close, I would like to say a few words about my good friend WAYNE OWENS.

WAYNE and I have shared many experiences during the past 2 years, probably the most notable of which was serving on the Judiciary Committee during the impeachment inquiry. As with all of his responsibilities, WAYNE approached that trying task with the time-demanding dedication to do it thoroughly and well.

In the Judiciary Committee, the Interior Committee, the Democratic Steering and Policy Committee and here on the floor of the House, WAYNE proved himself an intelligent and able legislator. He speaks with forthrightness and conviction and his activities as a Member of the House have been marked with the sensitivity and decency so essential to great leadership.

The Congress as a whole, and myself personally, will miss WAYNE next year. I want to wish him well in all that he does and hope that he continues to serve the public in the future as well as he has during the last 2 years. I am confident that he will.

Mrs. BURKE of California. Mr. Speaker, I rise to join my colleagues in paying special tribute to our colleague from Utah the Honorable WAYNE OWENS. While I am saddened that he will not be returning to serve in the 94th Congress, I am grateful for the opportunity to have served with him during the past 2 years.

As a member of the House Committee on Interior and Insular Affairs, WAYNE consistently demonstrated his commitment to improving the quality of the environment in which we live. His leadership and direction contributed greatly to both the dignity and speedy conclusion of the Judiciary Committee impeachment inquiry. But, I will not here recount WAYNE's many contributions for they will seem minuscule, I am sure, when measured against the great achievements which lie before him.

Ms. HOLTZMAN. Mr. Speaker, I would like to pay tribute to my good friend and able colleague, WAYNE OWENS.

WAYNE has been one of the most active and effective members of the freshman class. In the Democratic Policy and Steering Committee, in the caucus and on the House floor he has been a persistent advocate of congressional reform. He has made significant contributions to efforts to control strip mining, develop new energy sources and establish standards for land use. He has played a major part in stopping Department of Defense research into nerve gas and in securing congressional adoption of the Geneva Protocol of 1925 banning the use of nerve gas.

It was through his persistent efforts that the impeachment proceedings were before the Judiciary Committee were televised. The country as a whole owes him an enormous debt for this achievement.

As a member of the House Judiciary Committee during a period of unprecedented historical significance, Wayne Owens demonstrated his courage, thoughtfulness and dedication. At the beginning of the 93d Congress, we worked together to open committee meetings to the public. Later on I found it a privilege and a pleasure to serve the many long and difficult months of impeachment and Vice-Presidential confirmation hearings with him.

I shall miss WAYNE's thoughtful and able contributions to Judiciary Committee deliberations. I am hopeful that he will remain active in public affairs and will continue to contribute significantly to social reform efforts.

Mr. UDALL. Mr. Speaker, I have never served with a more honest and decent man than WAYNE OWENS. His retirement from this House and from public service is a great loss to his State and his country. I trust his absence from participation in Government will be short-lived.

In his short service here, WAYNE demonstrated that he combines the best of the practical and the idealistic impulses in all of us. He was diligent, unyielding on basic principles, but always ready with the sensible compromise which made progress possible.

Beyond this, he is a gentle, likable human being. In a time when Americans, especially the young, are cynical about many of our leaders, WAYNE was such a genuine, concerned human being, that he energized young people and old both in his own State and in Washington.

I shall miss him and I wish him and his family all the very best.

ACHIEVEMENTS OF THE POST-ELECTION SESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, the session of 22 legislative days that began November 18 and concluded today has been one of the most active and productive post-election sessions since the adoption of the 20th amendment. The post-election

session capped a 2-year legislative record that the Speaker alluded to today as marking the 93d as a "historic Congress."

House confirmation of NELSON A. ROCKEFELLER yesterday made him the second Vice President ever to be appointed under the 25th amendment. The 93d Congress confirmed both.

The House adjourns today sine die after sending to the President a Trade Reform Act, proving for general trade negotiating authority and expanded trade with the Soviet Union contingent upon that nation's emigration policy.

Perhaps the most important congressional initiative of the post-election session was the Democratic economic recovery effort contemplated by the emergency jobs and unemployment benefits bills. The legislation would establish a \$2.5-billion emergency public employment program, would provide special unemployment benefits for persons not covered by the program, and would extend the unemployment benefits of covered workers who have exhausted their benefits. Emergency appropriations were voted to fund these programs.

Energy actions included final passage of the deepwater ports bill to license the construction of off-shore ports that could receive the largest oil tankers, the extension of the Emergency Petroleum Allocation Act and a bill establishing policy and guidance for nonnuclear energy research.

Mass transit was given a major boost by a new law providing \$11.8 billion for construction and operating assistance, including aid to rural areas.

A strip mining bill providing for the environmentally acceptable mining of coal and for reclamation of mined-out areas was cleared for the President—but a veto is expected.

Health legislation approved by the post-election session included a Safe Drinking Water Act and a \$1 billion health planning bill.

A \$2.69 billion foreign aid bill, cleared for the President, would set ceilings on aid to Vietnam, South Korea, and Chile, and cut off aid to Turkey but would provide that the President may delay the Turkish aid cutoff until February 5, 1975, if he determines that it would further efforts toward a peaceful solution on Cyprus.

Two important consumer bills were cleared for the President: A consumer product warranties and Federal Trade Commission improvements act, and a bill regulating real estate settlement practices.

The Congress overrode vetoes of three important bills: A 23-percent increase in veterans education benefits, Freedom of Information Act Amendments, and vocational rehabilitation amendments.

Other important legislation of the post-election session includes a Community Services Act to extend many Office of Economic Opportunity programs, a speedy trials bill, a State lotteries bill, preservation of the Nixon tapes, antitrust penalties and procedures, a privacy act, improvements in the social welfare program and some tax revisions.

LEGISLATIVE CHECKLIST OF THE POST-ELECTION SESSION

The post-election session was a productive and rewarding one for the American people. Following is a checklist of major House actions:

VICE PRESIDENTIAL NOMINATION

The House by a vote of 287-128-1 on December 19 confirmed Nelson A. Rockefeller to be Vice President. He was sworn in in the Senate Chamber where he had been approved 90-7 on December 10.

THE ECONOMY

Emergency jobs and unemployment assistance.—Authorizes \$2.5 billion for 330,000 public service jobs; provides special unemployment compensation—estimated to cost \$2.5 billion—for those not covered by the program; authorizes \$500 million more for labor-intensive public works programs as approved by the Secretaries of Commerce and Labor.

Emergency unemployment compensation.—Up to 13 additional weeks of benefits for covered workers who have exhausted regular or extended benefits.

Supplemental.—Appropriates \$1 billion for the jobs program (including \$125 million for public works in depressed areas), \$2.75 billion for unemployment compensation and \$812 million for increased veterans education benefits.

Trade Reform Act.—Provides for general trade negotiating authority and expanded trade with the Soviet Union contingent upon its emigration policies.

Tax bill.—Increases from six to nine percent the interest charged on federal tax deficiencies, provides for tax treatment of political parties and committees; doubles tax credit on deduction for small contributors.

Social services amendments.—Continues the \$2.5 billion ceiling; requires that federal funds supplement and not replace state funds; provides new child support rules. This program provides such services as day care for children, feeding of indigent elderly, and family planning guidance.

ENERGY AND ENVIRONMENT

Deepwater ports.—Establishes procedures for licensing and regulating deepwater ports off the coasts of the United States.

Strip mining.—Sets mining and reclamation standards; provides for reclamation of abandoned mines. (Expected to be vetoed.)

Non-nuclear energy.—Provides Congressional policy guidance in non-nuclear energy research by the new Energy Research and Development Administration.

HEALTH, CONSUMER, CONSTITUTIONAL/JUDICIAL, INTERNATIONAL

Health measures include the Safe Drinking Water Act, now law, that provides for state primary enforcement of national drinking water standards; a Health Planning and Policy bill that establishes a health planning system, extends Hill-Burton, and authorizes \$1.2 billion over three years; Nurse Training Bill, authorizing \$639 million over three years; and a Health Services Bill extending five existing health programs for two years at \$1.8 billion. Consumer bills include Consumer Product Warranties/FTC Improvements that would enforce claims made in warranties and otherwise improve FTC consumer protection; and a Real Estate Settlement bill that provides for disclosure of closing costs and prohibits kickbacks and provides other protection for homebuyers. Constitutional/Judicial measures include Antitrust Penalties and Procedures bill which increases penalties. Preservation of the Nixon tapes and other presidential material, Privacy Act strengthening rights of

citizens in regard to federal records; and Rules of Evidence revision for federal courts. International measures include a \$2.7-billion foreign aid bill that permits the President to suspend the Turkish aid cutoff until February 5, 1975, and sets ceilings for aid to Vietnam, North Korea and Chile.

RETIREMENT OF MEMBERS

Mr. GRAY. Mr. Speaker, when JOHN BLATNIK announced his retirement from Congress, he said:

I want to express my heartfelt gratitude to the wonderful people of the Eighth District for this privilege of serving in the United States Congress.

What an unselfish statement. But that clearly typifies JOHN. Even though his steady, conscientious, and dependable service is reflected in the political, economic, social, and personal well-being of his constituents and our country, he does not wish to accept any credit for his 28 years in the House of Representatives but pays tribute to the people of his district.

I personally believe it is a two way street and I want to express the gratitude of the people of our country, if I may be so bold, to JOHN BLATNIK for 35 years of public service.

Mr. Speaker, JOHN BLATNIK's accomplishments have been many and great—he has been called "Mr. Water Quality" for his efforts to clean up water pollution. President Johnson called him the "Fighting General" in the war on pollution. I nominate him as the man of our generation.

In this generation of ours, he holds a solid record of achievement. As chairman of the Committee on Public Works, he has been an action oriented individual, orchestrating with a fine hand the meetings of the committee which authorizes projects of over \$20 billion every year.

I know him best for his gentleness, his kindness, and the many courtesies he has extended to all of us, whether Congressman, constituent or friend. He never says no and this desire to please has taken its toll—forcing his retirement.

His record of constituent and others seeking assistance files are great to behold. If we called them all together we would need the RFK stadium to contain them. But JOHN would be petrified if I even mentioned the idea. He is a very humble man which only God will be able to reward.

We shall miss him immensely and with him go our best wishes for a more leisureable world and to paraphrase our colleague BOB JONES of Alabama, we thank JOHN for allowing us to be his friend.

Mr. VEYSEY. Mr. Speaker, it is with a great sense of awe and admiration that I join my colleagues in paying respects to LESLIE ARENDS as he voluntarily retires from the House of Representatives. It is a rare occasion when we pay tribute to a man who has dedicated more than 40 years in service to the people of his State and Nation.

Personally, I have had the privilege of knowing and serving with LES ARENDS

only in the twilight of his career. During this time he has been both an inspiration and a guide. The effectiveness of his leadership is demonstrated by the strong positions he has maintained on partisan and controversial issues while continuing to enjoy a harmonious working relationship with the majority party. For example, even though the Pentagon has been a favored target for many, LES ARENDS, as the ranking Republican on the House Armed Services Committee, has consistently supported expenditures to insure a strong and competitive military posture for the United States.

His position as minority whip was a potential source of friction, but masterfully, he performed his duties, lining up votes and organizing support or opposition for major bills without alienating the friendship of his Republican colleagues.

The friendship that LES ARENDS has developed on the golf course and in the Halls of Congress will continue, and we hope and trust that his retirement will bring many years of peace and fulfillment.

Mr. TEAGUE. Mr. Speaker, it is with a note of sadness that I rise to speak a few words in behalf of our colleague, CLARK FISHER. I remember well when I came to the Congress in 1946 and established my first acquaintanceship with him. His knowledge of the Congress and the legislative system and his willingness to help will always be remembered by me.

There are few people in the Congress who will ever know of the contributions of CLARK FISHER to not only the Congress, but the State of Texas and to the Nation. His long years of service on the Armed Services Committee which spanned a world wide conflict that pitted the United States and her allies against the Axis powers; the subsequent Korean War and more recently our operations in Southeast Asia; placed him in a position of tremendous import to our country. He met this challenge well, and has been a pillar of strength within that committee and in the Congress.

I know that whatever CLARK FISHER elects to do in his retirement will be fulfilling to him and for sure the people of Texas have benefited from the long years of public service rendered by this man.

Mr. COLLINS of Texas. Mr. Speaker, it is a real loss to Texas when we see CLARK FISHER finishing his last term in the Congress. For 16 consecutive terms, CLARK FISHER represented the broad west Texas area. This great conservative has always spoken out with the friendly voice of the ranch people that he represented.

CLARK FISHER believes in a government of the people and by the people. You could always count on CLARK for voting with the Constitution, for States rights, for less taxes, and for more individual freedom back home.

In all of Texas, CLARK FISHER is an institution. When he tells you where he stands, you can depend on it. When there was a tough issue that involved Texas,

you could always count on CLARK to be in there fighting hard for the progress of our great State.

Although CLARK was a Democrat, those of us on the Republican side had the strongest of admiration for him. He was a hard worker. He was a man that knew government. He was a man with courage on all of the tough votes.

After 31 years in Congress, Texas is going to miss the representation of CLARK FISHER. But he has a record of achievement of which all of Texas will be proud of in all the years to come.

Mr. O'NEILL. Mr. Speaker, the 94th Congress will be without many familiar faces, and I suppose the biennial departures are part of a pattern that we should all learn to live with. Still it always effects me to see old friends and fine public servants retire. JULIA BUTLER HANSEN is completing a truly remarkable 35-year career in politics. It is hard to imagine all that she has done during that long period of service in Olympia and the Nation's Capitol. She has pioneered in many areas long considered off limits to women, and she has consistently won the highest respect for her ability and dedication. The one thing JULIA has not experienced is mediocrity.

JULIA HANSEN's 7-term tenure in the House has been a model of the very best of our profession. She has been known for her thorough and productive committee work, especially on the vital Appropriations Committee. She has never put herself above those she serves, and she has never given the people of her district less than the best.

Mr. Speaker, it is always inspiring to look back over a career such as JULIA HANSEN's. It is a reminder of what we are all here for, which is service. Mr. Speaker, I shall always consider myself fortunate to have spent 14 years working with JULIA, and my very best wishes go with her for a long and happy retirement. The people tell me that on the average American women live 7 years longer than American men, and I can only say that knowing JULIA she will make good use of those extra 7 years. The rest of us will certainly miss her.

Mrs. COLLINS of Illinois. Mr. Speaker, I take this opportunity to bid farewell to a most distinguished colleague who has befriended me since my first day in Congress. Although I am saddened by the thought that she will not be returning in January, I am pleased to have this opportunity to sing praises to her for the superb job she has done over these past 20 years.

As a member of the Ways and Means Committee and the Joint Economic Committee, MARTHA has made many valuable contributions to our country; and she will be especially missed on these important committees that face the task of solving our serious economic problems.

I sincerely hope that 1975 will bring with it the adoption of the equal rights amendment which will be a fitting tribute to her leadership quality and legislative ability—for it was she, MARTHA GRIFITHS, who was a staunch proponent of this amendment.

I wish her and her family happiness and good health over the coming years.

Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to a dear friend and colleague of mine from California, the Honorable VICTOR V. VEYSEY, for his many years of distinguished public service to his State and Nation.

For it has indeed been my pleasure to have worked with this "gentleman farmer" for many years since our early days in California when he served in the State assembly at a time when I was Lieutenant Governor.

During these years Vic quickly earned respect not only for his concern and leadership to improve the quality of education and to assist the farmer, but also for the willingness and friendliness by which he performed his tasks.

His rich background in the field of education as a university professor, and as an administrator on State and local levels, made him well suited to serve on the Education and Labor Committee when he was first elected to the 92d Congress.

I am confident that he will best be remembered not only for his efforts to improve education, an effort which earlier earned him the Phi Delta Kappa "Man of the Year in Education" award; but also his efforts to bring about more fiscal responsibility without Federal budget, and for his efforts to help alleviate some of our energy shortages through the development of geothermal and solar energy.

My wife, Lee, joins me in extending to Vic and his lovely wife, Janet, our sincere best wishes on their future endeavors.

Mr. WOLFF. Mr. Speaker, I rise to join in this special order to pay tribute to our distinguished colleague, the Honorable HUGH CAREY.

I have known HUGH for a good many years, and I can say without reservation that the House of Representatives is losing a most valuable and respected Member. I have worked with Mr. CAREY on several major pieces of legislation, most notably the first Federal aid to education bill and the innovative Federal revenue sharing program. These major legislative accomplishments attest to HUGH's ability to get the job done in a way that benefits, not only his own constituency, but the Nation as a whole.

HUGH has also thrown his energies and talents into securing needed improvements on behalf of our elderly and the handicapped, insuring that the rights of these individuals are not forgotten by the Congress. It has been my privilege, too, to work with HUGH in exploring means to alleviate the tragic situation in Northern Ireland and the denial of rights to Soviet Jews. The honors which HUGH CAREY has received for his work on Northern Ireland and Soviet Jewry support the reputation he has earned as one who cares deeply about the quality of life among all peoples.

The 15th Congressional District, and indeed all of New York, has been well served by HUGH CAREY. Often, he has led the New York congressional delegation

in pursuing better housing, more school aid, and job opportunities for our constituency.

HUGH CAREY is now preparing to assume the awesome responsibilities of Governor of the State of New York. I know that the list of accomplishments in Mr. CAREY's career in public service will continue to grow in the years ahead. I look forward to continuing to work with him.

Mr. STEIGER of Wisconsin. Mr. Speaker, during his 11 terms of office, our distinguished colleague from New Jersey, PETER H. B. FRELINGHUYSEN, has lent stature to the House of Representatives. His accomplishments have been lasting ones, and he has set a standard of service for all of us to attempt to attain.

PETER FRELINGHUYSEN has displayed a level of expertise in the field of foreign affairs that has enabled his stamp to be clearly reflected in legislative initiatives in that area. Beyond that, he has shown himself to be an individual committed to making the House function more responsibly and effectively. This was shown by his selection to the Bolling Committee and by the input he made as a member of that committee. He can take pride in what he has done and in the impact he has had on junior Members over the years.

Mr. Speaker, of all the departures from Congress at the close of this session, there is one about which I am sure many of us feel the strongest and the saddest. In his nine terms in the House of Representatives, HOWARD ROBISON has gained universal respect. He is one of the most sensitive, perceptive, patient, understanding and thoughtful individuals I have ever met, in Congress or anywhere else.

HOWARD ROBISON has typified the quality of service and the commitment to the public's good that our forefathers envisioned when they created the House of Representatives. He will be sorely missed by all who care about the House as an institution and all who care about this country.

Mr. O'NEILL. Mr. Speaker, we all know that uncertainty is in the nature of politics, but the biennial changes in the House membership are always difficult to adjust to. One of the real losses for the 94th Congress will be my good friend from Rhode Island, ROBERT TIERNAN.

BOB is completing 8 years of outstanding service in the House. During that time he has built a reputation as a first-class public servant. He has always chosen the path of solid achievement over that of flashy publicity. His many contributions include his work on the Appropriations Committee, where some of the most vital congressional decisions are made. It is an assignment that BOB earned from the people who know him best.

Those of us who are familiar with BOB's career are looking forward to his bright future. Few people have the determination and ability of BOB TIERNAN, and he has never been known to let them be wasted. My very best wishes go with BOB; he will be badly missed.

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Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to RICHARD T. HANNA, a dedicated and hard-working colleague and a fellow southern Californian.

DICK HANNA and I have been working together for almost 20 years for the good of our constituents, for the State of California, and for the Nation. Dick served in the California State Assembly from 1957 to 1962—while I was Lieutenant Governor—prior to his election to the 88th Congress. Our congressional districts are very close geographically, and share many common needs and problems, such as employment, air pollution, and transportation.

During his 12 years in the House DICK HANNA has developed an expertise in international affairs which will be missed. He presently serves as chairman of the Science and Astronautics Subcommittee on International Cooperation in Science and Space. In addition, he is on both the International Finance and International Trade Subcommittees of Banking and Currency. His advice on these important, but often highly technical issues has been of real assistance.

Dick will be putting this expertise to good use as he begins a new career—which sounds very exciting—as an international trade consultant. I understand he will have offices in Washington and California, but will be spending much of his time traveling abroad.

Mrs. Anderson joins me in wishing Dick, his lovely wife Doris, and their family a happy and rewarding future.

Mr. WYDLER. Mr. Speaker, as this session of Congress draws to a close, my good friend, JAMES R. GROVER, JR., will be ending his service of 12 years in the Congress of the United States. He is such a close and good friend that it is hard for me to pay him tribute in the fashion he deserves.

We were both elected to the Congress in 1962 and, since we both commuted back to our districts each weekend, we lived together during those 12 years while in Washington. This close association has let me see, firsthand, a first-class legislator of sterling character and an outstanding Member of the Congress. JIM GROVER is well liked by all his colleagues, both Democrats and Republicans. He was chosen to serve as president of our Congressional Class, and rose in the Merchant Marine and Fisheries Committee to become ranking member of the committee. In the Public Works Committee he became the second ranking member of that committee. In both capacities, he worked hard for the people of his district, Long Island, and the country, and performed for them outstanding services which will make his district a better place in which to live for years to come. He is the kind of legislator our country really needs—that is, level-headed, thoughtful, and effective.

It is obvious that I will miss JIM here in Congress, but it is clear to me that his district and country will miss him as well. I wish him every good thing in the years ahead and know his invaluable abilities will continue to contribute much to the future well-being of our Nation. Mr. Speaker, I just hate to see him leave.

Mr. PICKLE. Mr. Speaker, Congressman O. C. FISHER has cast his ballots in this House for 32 years, and each one of them has been his own individual conviction and represented what he believed was the best thought in his own district. Not once in all these years could anyone question the sincerity of the man.

My family was privileged to know CLARK FISHER when he represented our county in the Texas State Legislature. Our contacts have covered many years and every one of them has always been pleasant.

Some of us would not always cast the same votes as he, and vice versa, but O. C. FISHER never disagreed with you or engaged in personalities. He simply voted his convictions and his district. Many of us describe CLARK's voting record with this summation: He votes on every bill just like he was not going to run again. The people of his district must have liked his independence and sincerity as they sent him back over a dozen times to represent them.

CLARK FISHER is my friend, and I hate to see him go. With him goes all our love and respect and very warmest good wishes.

Mr. BURLESON of Texas. Mr. Speaker, it is with regret we see THAD DULSKI leave the House of Representatives and we will miss his leadership here in the House, particularly in his capacity as chairman of the Post Office and Civil Service Committee.

Having held this post since 1967, THAD has become one of the most knowledgeable people in the country on matters dealing with the structure of the Federal Government involving civil service and postal matters.

I join his many friends and colleagues in wishing him a most enjoyable retirement, which he richly deserves.

Mr. O'NEILL. Mr. Speaker, I note with regret the impending departure of my friend and colleague from Connecticut, ELLA GRASSO. ELLA has contributed much during her all-too-brief tenure here, and she will be badly missed. Her particular expertise and commitment in the field of education will be as hard to replace as her youthful energy and optimistic attitude. The House and the country are both better off for ELLA's 4 years here.

To those who know ELLA, her decision to return to full-time service in Connecticut comes as no surprise. For two decades she has known and loved Connecticut politics. The Connecticut voters have repeatedly shown their overwhelming support of Ms. GRASSO. After 20 years they know what they are getting and they certainly will not be disappointed.

It is exciting to see the enthusiasm and anticipation ELLA has for the job that lies ahead. I am confident that she will continue her love affair with the people of Connecticut and will prove one of the Nation's truly outstanding Governors. My very best wishes go with her.

Mr. SHRIVER. Mr. Speaker, it is difficult to comprehend the U.S. House of Representatives without our able colleague, H. R. GROSS of Iowa, sitting in this Chamber as the "watchdog for the American taxpayer." I have known and respected H. R. during the 14 years I have

served in the House. I really do not know how he has managed to keep up with every bill, every report, and be prepared to articulate his views so effectively. He has been the conscience of this body, and served all of us well. He has saved the taxpayers of this Nation countless dollars. H. R. GROSS has worked for what he believed to be right for America.

We shall miss him very much when the first quorum is called in the 94th Congress. However, it is time to wish him well and to congratulate him on his 24 years of loyal service to the people of Iowa and to the Nation. I personally extend best wishes to you, H. R., and hope you enjoy good health, happiness, and contentment in the years ahead.

Mr. CORMAN. Mr. Speaker, I wish to pay tribute to my good friend and colleague, KEN GRAY, from the 24th District of Illinois.

KEN is retiring from the House with adjournment of this Congress, having served here since the beginning of the 84th Congress. In the 20 years he has spent here, KEN has worked very hard, serving his Nation, his home State and his constituents ably and with distinction.

As a member of the House Administration Committee, KEN served with a keen sense of responsibility that membership there demanded. He has been an able and energetic member of the Public Works Committee, with a deep awareness of that committee's particular responsibilities. The people of my own congressional district and of the entire Los Angeles area are indeed grateful to him for his enthusiastic support and endeavor in the Public Works Committee to give us a much-needed new Federal building, which is now nearing completion. I am personally grateful to him for this effort, for it will mean that I can better serve my constituents.

Mr. Speaker, KEN GRAY's retirement will create a void in the House. This fine gentleman will be missed by all of us for many years to come. But, since retirement is his wish, we can only accept it, and I join with his many friends in this Chamber to wish him many years of happiness, good health, and contentment.

Mr. CARTER. Mr. Speaker, I want to take this opportunity to say that I share with my colleagues the feeling that the distinguished gentleman from Illinois (Mr. ARENDS) will be greatly missed when this House convenes in January for the 94th Congress.

LES ARENDS has served his people with distinction, and he has always had the interests of our Nation at heart. His fine record of service will long be remembered by those of us who have had the privilege of serving with him.

I am grateful for his counsel over the years, and I wish for him the very best. I know that he will always be welcome in this Chamber.

Mr. BIAGGI. Mr. Speaker, I am honored to pay tribute to my good friend and distinguished colleagues from Connecticut, Hon. ELLA GRASSO who will be retiring in January to inherit the Governorship of the State of Connecticut.

Reading ELLA GRASSO's biography is a

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unique experience. It reads like some book of records. First in her class at Mount Holyoke College, graduating magna cum laude; first woman to serve as floor leader of the Connecticut House of Representatives; first woman chairman of the Democratic State platform committee, and now the first woman Governor to be elected in her own right. In 22 years, she has never lost an election.

But there is much more to the woman than that which can be printed in a biography. There is the genuine, intelligent, warm person whom I have had the pleasure of associating with on the Education and Labor Committee and in the Congress for the past 4 years. I do not think that I am alone in my high esteem of the kind of person ELLA GRASSO is. She has offered to the people of Connecticut, the people of the country and to all of us here in the House her knowledge and the benefit of her vast experience.

Connecticut has known about ELLA's abilities for a long while. That is why they sent her to the State house of representatives, they sent her to Washington, and that is why they now want her back to do a job that needs doing. I know that she will be a success as Governor. The record will allow no other estimation.

Mr. ANDERSON of California. Mr. Speaker, one of the real pleasures of serving in the Congress has been the privilege of working with JOHN BLATNIK, a gentleman, an idealist, a visionary, and a statesman.

After 28 years of dedicated service, my friend, JOHN BLATNIK is retiring from the Congress and the void that he will leave cannot be filled.

As a member of the Public Works Committee, of which he is the chairman, I had the honor and the good fortune to learn and to observe a master at formulating policy, guiding progressive programs through the legislative process, and developing cures for the Nation's ills. JOHN has a degree of expertise, perhaps unsurpassed by any Member of Congress, in the Nation's highway program, which he helped formulate in 1956; in the clean water program, which he began; and in the economic development program, which he started.

But, in addition to his foresight and his progressive legislative measures, JOHN BLATNIK is a gentleman who conducts his committee business in a thoroughly open, fair method, in which each member is given an opportunity to contribute. Because of the great admiration and respect that he commands, JOHN's advice and wise counsel are sought by members of both parties. And his advocacy of a position is usually tantamount to success for that position.

As an example of his kindness and willingness to help junior Members, I will recall his generous consent to my offer to visit the area of California that I represent. JOHN took time out of his busy schedule and came to California to speak in San Pedro, an area with a large number of Americans of Yugoslav descent. Being of Slavic extraction, JOHN had an instant rapport with the people of my

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area and they thoroughly enjoyed the evening spent with JOHN BLATNIK.

Mr. Speaker, JOHN BLATNIK will be missed by all who knew him and all who knew of him. His lifetime of good works will stand as monuments to his years of dedicated service in this body.

Mrs. Anderson joins me in wishing JOHN and his wife Gisela the very best in their future years.

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the most important House committees in these past years of rising environmental consciousness in America has been the Committee on Interior and Insular Affairs. We have thus been fortunate that the committee has had as one of its senior members our distinguished colleague from California, CRAIG HOSMER. His knowledge of the issues, his grasp of our environmental needs and his deep concern for establishing policies that gave full consideration to both short- and long-term national needs have distinguished his performance and that of the committee.

His conscientiousness and his thoughtfulness have brought him wide respect both in Congress and among those on all sides of the energy issue. He has made a sizable contribution in his 11 terms and will be remembered for it for a long time.

Mr. BIAGGI. Mr. Speaker, I wish to take this opportunity to pay tribute to a good friend and colleague, JOHN DELLENBACK who unfortunately will not be returning for the opening gavel of the 94th Congress.

JOHN has ably served the people of the Fourth Congressional District in Oregon for the past 8 years. He came to Congress after a successful local career in politics and law highlighted by his years as a professor of business law and a highly respected 6-year career in the Oregon State Legislature where he was selected "Most Promising Freshmen Legislator."

The people who gave JOHN that award indeed were prophets for once JOHN was elected to Congress he demonstrated the same competence and excellence which earned him the award. Most of my dealings with JOHN have come from our serving together on the House Education and Labor Committee, and although we were on opposite sides of the aisle, I gained an enormous respect for JOHN and his knowledge of the education system. His opinions were highly valued by the committee and his absence will most certainly be felt.

As JOHN prepares to leave the Congress I hope he can look back on these past 8 years with pleasure. I have enjoyed my association with him and I extend to him and his wife Mary Jane success in all future endeavors.

Mr. QUIE. Mr. Speaker, as we conclude the business of this long and difficult 93d Congress, I would like to take just a moment to express a personal word of thanks and deep appreciation to one of my colleagues from Minnesota who is retiring this year, Congressman ANCHER NELSEN of the Second District.

ANCHER is surely one of the best liked Members of this body on both sides of

the political aisle. His great friendliness and cooperative spirit have enabled him to engineer many a compromise on legislation where others had thought compromise impossible. His works on the Rural Electrification Administration financing program legislation over a year ago is one good example of his talents in this regard.

But certainly, as ranking Republican on the Health and Environment Subcommittee and as ranking Republican on the House District of Columbia Committee, ANCHER has made other particularly important contributions to our country. He authored or coauthored measures establishing the National Attack on Cancer, for example, and others to improve our health manpower and delivery systems. He played a role in the establishment of health maintenance organizations, and helped encourage the creation of emergency medical services around the country.

On the District Committee, his goal has always been to make our Nation's Capital a model city for the United States and for the people of the world. He authored bills that led to the creation of a locally elected school board for the residents of Washington, D.C., as well as to the position of District delegate in the House of Representatives. He has played an important part in extending full self-government to the people of Washington.

ANCHER led the move to create a Little Hoover Commission to study the District of Columbia and later was appointed to chair its studies and hearings that have paved the way for the adoption of many modernizations and governmental improvements in the District. It is a great credit to ANCHER that the Commission quickly and properly came to be known as the Nelsen Commission.

Of course, ANCHER's pride and joy in the legislative arena may well be the bill he authored that established the Washington Technical Institute, a vocational-technical school that is teaching useful skills to many disadvantaged young people living in the District of Columbia.

ANCHER's career in public service extends back about 40 years over a long and productive period in our history. The son of Danish immigrant parents, ANCHER began with local service on school and township boards and by helping to establish his local REA unit. For nearly a decade and a half, he served as State senator from McLeod County in our Minnesota Legislature. He was elected Lieutenant Governor of Minnesota in 1952, a position he later resigned to take President Eisenhower's appointment as administrator of the National Rural Electrification Administration. ANCHER served very capably for about 3 years in that job before returning to Minnesota to run as the Republican candidate for the Governorship of our State.

He has faithfully served his beloved Second District in Congress since 1959, and is this year completing his 16th straight year of congressional service.

I know that I speak for the other Members of our Minnesota delegation and for many others as well in wishing ANCHER, and his good wife, Elvern, much joy and

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happiness as they return to their farm home near Hutchinson. They will be missed by their many, many friends here.

Mr. BIAGGI. Mr. Speaker, the Iowa congressional delegation will be losing three of her finest representatives at the close of this session of Congress. I wish to take this time to pay tributes to these outstanding public servants.

For JOHN CULVER the occasion of his retirement from the House is anything but a sad occasion for on January 1 he will become the junior Senator from the State of Iowa. JOHN CULVER amassed an outstanding record of service to the people of the Second District in Iowa during the past 10 years. He was an active legislator serving with distinction on the Foreign Affairs, Select Committee on Committees, and Government Operations Committees of the House. I have had the pleasure of knowing JOHN during my 6 years in Congress and am confident that the people of Iowa have made a wise choice in selecting JOHN CULVER as their next Senator. I wish him only the best for the coming 6 years.

BILL SCHERLE has served with distinction as the Congressman from the Fifth Congressional District in Iowa. During his 8 years in the House he was noted for his aversion and resistance to excessive Federal spending. This commitment earned him the coveted Watchdog of the Treasury Award from the National Association Businessman.

I extend to BILL and his wife Jane my sincerest wishes for the best in the years to come. We in the House have benefited from BILL SCHERLE, and he will be missed by his colleagues.

WILEY MAYNE leaves the House after 8 years in service to the Sixth Congressional District in Iowa. During this time he too served as a member of the Judiciary Committee during this past summer impeachment inquiry. He gained the respect of his colleagues for his objectivity during the hearings. He like so many of my other colleagues came to Congress after a distinguished legal career in his home State. He served as the President of the Iowa State Bar Association, and has been the recipient of numerous awards and honors from legal associations, and once in the House he was chosen to serve as a congressional representative for several key international conferences on food and European migration. The State of Iowa has lost one of her finest public servants and the House one of our finest friends and colleagues. I extend to him my best wishes for success in any future endeavor.

Mr. KAZEN. Mr. Speaker, we who are his colleagues and his friends say farewell to CLARK FISHER today as he completes 32 distinguished years of service in this House. Some of the terms we use by habit have special meaning here—terms such as "my colleagues in the Texas delegation," "the gentleman from Texas," and certainly "The Honorable O. C. FISHER."

He was no stranger to public service when he came to the Congress. He had been county attorney, State representative, and district attorney. He served in the Texas House of Representatives long

before I did but in my years in the State legislature, I learned that he had left his mark in Austin. I do not need to remind Members of his tremendous contribution here, both in the interests of his district adjoining the one I represent, but his diligence and competence on our Armed Services Committee. As third-ranking majority member and subcommittee chairman, the effort he invested in military matters produced rich returns for the Nation.

He has maintained his interests in ranching, but he has also had a high regard for the history of his kin and the land he loves. He carried on in the service tradition of John Nance Garner, whose home county he represented for many years until redistricting gave that welcome responsibility to me.

We say "farewell" to CLARK and Marian, his wife, because we hope that his retirement can be enjoyed with pride and satisfaction. To use a military phrase, I say, "Well done." But we do not say "Good-bye" because all of us who know him hope we can continue to benefit from his mind, his integrity and his spirit.

Mr. BIAGGI. I am pleased to have this opportunity to pay tribute to my distinguished colleague from Indiana, DAVID DENNIS who will be retiring from the House at the close of this session.

DAVID DENNIS has ably served the people of the 10th District in Indiana for the past 6 years. He will perhaps be best remembered for his service on the Judiciary Committee which considered and drew up the bill of impeachment against former President Richard Nixon. DENNIS distinguished himself in the eyes of the Nation for his incisiveness questioning of witnesses displaying a scholarly objectivity which gained him the respect of many Americans.

DAVID DENNIS before being elected to Congress had distinguished himself in the legal profession as a graduate of the renowned Harvard Law School and later as a prosecuting attorney in Wayne County, Ind. His legal expertise was often utilized by the Judiciary Committee in their many complex hearings of complicated legal issues.

As DAVID DENNIS prepares to return to private life, I wish to extend to him and his wife Tresa my best wishes for a happy and prosperous future.

Mr. NATCHER. Mr. Speaker, it is my distinct honor and privilege to have served in the House of Representatives with my friend, HAROLD D. DONOHUE of Massachusetts.

HAROLD D. DONOHUE is a fine gentleman in every sense of the word and during his tenure as a Member of Congress adopted a code, early in his service, of plain, direct expression and the courage to face every issue placed before him with assurance and confidence.

The House of Representatives, the Nation and the people of Massachusetts will surely miss HAROLD DONOHUE. He has established a record that will go down in history.

As a Member of Congress, he has never lost the common touch.

It has been a pleasure knowing and

working with HAROLD DONOHUE and I want to wish for him and his family the best of everything.

Mr. MYERS. Mr. Speaker. I take this occasion to pay tribute to my colleague from Indiana, BILL HUDNUT, who has earned great affection, admiration, and respect of Members on both sides of the aisle.

As a freshman member, BILL HUDNUT achieved a solid reputation as one of the hardest working and most effective legislators in the House. When he first came here 2 years ago, Members of the Indiana delegation were proud that he was the first Member from our State in many years to be appointed to the Committee on Interstate and Foreign Commerce. In that committee he has been particularly active in legislation covering transportation, health care, and energy. The National Association of Mental Health recently recognized him for his leadership on the Public Health and Environment Subcommittee. BILL HUDNUT's name appears on 15 bills which are now public law. He fulfilled his promise made in his first campaign to keep in close contact with his constituents by returning to his district almost every weekend, making himself accessible by holding neighborhood office hours, and by reporting his votes and activities through the usual means of newsletters, questionnaires, and press conferences. At the same time he has maintained an attendance record of over 90 percent. In other areas, BILL HUDNUT, who served for 10 years as the senior minister of the Second Presbyterian Church in Indianapolis, has worked hard to bring a high integrity to the House of Representatives and to restore public confidence in Government. Those of us who heard his talks at the prayer breakfast or his sermon at the White House worship service came away with a new and great inspiration.

BILL HUDNUT's presence will be missed greatly in the 94th Congress, but his strength and courage will be remembered by those of us who have benefited by his leadership and wisdom. My heartfelt personal regards go out to him and Mrs. Hudnut and I wish him great success in all his future endeavors.

BILL has accepted a position as assistant director of continuing education at Indiana Central College in Indianapolis.

Mr. ANDERSON of California. Mr. Speaker, it is with deep regret that I say goodbye to one of the most outstanding members of the House of Representatives, MARTHA W. GRIFFITHS.

She will be remembered by all who believe firmly in equality for all American citizens for her many years of hard work for passage of the equal rights amendment.

But MARTHA GRIFFITHS was certainly not a "one-issue" legislator. She drew one of the toughest assignments in the Congress, the Ways and Means Committee, where she has served with great distinction. She was in the forefront of the development of national health insurance legislation, and I was honored to join the many cosponsors of her National Health Security Act.

As chairman of the Fiscal Policy Sub-

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committee of the Joint Economic Committee, Mrs. GRIFFITHS has produced an extensive and well-documented study of our welfare system, culminating in specific recommendations for improving the way we deal with welfare problems. As a lasting tribute to MARTHA GRIFFITHS, we should make a commitment to consider effective welfare reform early in the 94th Congress.

Mr. Speaker, I join my colleagues in thanking MARTHA GRIFFITHS for her outstanding contributions to the Congress and the Nation, and in wishing her the very best in the future.

Mr. MAYNE. Mr. Speaker, it was my pleasure and privilege to serve on the House Agriculture Committee with my good friend and neighbor, Congressman JOHN ZWACH, "Mr. Parity," to all who knew him.

JOHN ZWACH's voice was loud and clear in seeking fair economic returns for the producers of our food.

"Our farmers are our least appreciated people," he liked to say. "They supply us with the highest quality and lowest priced food in the world."

JOHN ZWACH was an outstanding member of the Committee on Agriculture for 8 years, during which time he earned the highest respect from his colleagues for his honesty, integrity, fairness, and ability.

He has contributed immeasurably to the well-being of American agriculture and other national interests during his many years of public service.

But he did not devote his efforts exclusively to Agriculture. He was a valued and respected leader on the Committee on Veterans' Affairs where his special interests were veterans' education and pension benefits.

The fact that he was named a watch dog of the Treasury attests to his constant fight for economy in Government spending.

For 40 years JOHN ZWACH has been serving the people of his State as a valued and respected public servant. Now as he leaves for a well deserved retirement in Minnesota, I join my colleagues in wishing him and his wife, Agnes, all peace and comfort.

Mr. KEMP. Mr. Speaker, when the Congress reconvenes next month, our distinguished colleagues and friend, HENRY P. SMITH III, will not be with us. I believe I speak not only for my colleagues in western New York who have had the privilege of working closely with HENRY over the years but for most of us on both sides of the aisle, when I say we have been honored and well-served by his presence and the example of his integrity.

His distinguished service for his district and on the Judiciary Committee, his able leadership as the ranking minority member of the Criminal Justice Subcommittee, his contributions as an active member of the United States-Canadian Interparliamentary Group and his effective work as an environmentalist, which won him the coveted Great Lakes Commission Conservation Award, are enduring legacies.

During his four terms as the Representative of New York State's 36th Con-

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gressional District, his hard and skillful work have served the people of western New York and his country well.

Such outstanding performance was to be expected from this native of North Tonawanda, N.Y.

Schooled at Dartmouth and Cornell, where he won his law degree in 1936, Henry had acquired impressive credentials as a practicing attorney, as a mayor and a county judge before taking his seat in this Chamber at the beginning of the 89th Congress.

In 1964—when President Johnson carried every county in the State of New York—HENRY SMITH survived a seven-man primary to go on and win the general election, one of only 140 Republicans elected to the House of Representatives in the 89th Congress.

Thus, as a tough fighter, he began his second career, that as a U.S. legislator. As he came to this Congress, he leaves us, a man of high and noble ideals, of outstanding moral fiber and an uncommon devotion to the people of our country whom he served so unselfishly.

With his "retirement" from our midst, HENRY embarks on his third career. I wish him and his wonderful wife, Helen, his lovely daughters and his grandchildren the very best.

HENRY, we shall miss you in this Chamber. Personally, I am thankful for your warm friendship, indebted for your unfailing assistance and looking forward to your continuing counsel.

Mr. CASEY of Texas. Mr. Speaker, it can only be with a certain amount of sadness that today we pay a farewell tribute to a man such as O. CLARK FISHER, who is not only an esteemed fellow Texan, but a dear personal friend.

CLARK FISHER, during 32 years of service in the Congress, has made more contributions to our Nation and to his native State than we have time to enumerate here today.

Probably no Member of the Congress has been a stronger voice for a strong national defense as the best means to preserve world peace. Besides his untiring work on the Armed Services Committee, CLARK FISHER has been the architect of many laws to conserve our water resources and to prevent flood disasters.

Outside his career in public service, CLARK has found the time to become an expert on Western lore, and especially that which pertains to Texas. He is the author of a number of books on the subject and is unparalleled in his ability as a spinner of Western yarns.

I would like to express before this body my personal gratitude for the help and guidance that CLARK FISHER has given me on many occasions over the last 16 years. His presence in Washington will be sorely missed, although I know his retirement has been earned many times over.

I join our colleagues today in wishing CLARK FISHER a rewarding and prosperous retirement in his beloved hill country of Texas.

Mr. QUIE. Mr. Speaker, all of us in the Minnesota delegation regret the retirement of JOHN ZWACH—Mr. Parity to all who know him—of our Sixth Congressional District.

It was a pleasure for me to have served with JOHN not only for 8 years in Congress, but in the Minnesota legislature where he served another 32 years.

There is no man in Minnesota history who can equal JOHN ZWACH's record of 40 years in political office without ever once suffering a defeat.

As he enters into a well-deserved retirement, he can look back on a job well done. He has always been the champion of those people who provide food so cheaply for our tables and for the hungry peoples of the world. He likes to point out that the producers are not the recipients of high food prices, but rather the victims whose income lags 25 percent behind that of the rest of our economy.

But JOHN ZWACH has not devoted his efforts solely to agriculture where he has such expertise. He has been an effective and highly respected member of the Committee on Veterans' Affairs where his main concerns have been veterans' education and pension reforms.

I will miss my good friend, JOHN ZWACH, as I am sure all of you will miss him, but you can be sure that where ever he is, his voice still will be raised on behalf of 100 percent parity for our food producers.

Mr. MYERS. Mr. Speaker, another of our colleagues from Indiana who will be retiring with this Congress is EARL LANDGREBE, Representative of the Second District in northwest Indiana. EARL is a relative newcomer to Congress, having been here only 6 years, but he is not now, nor ever has been, in my opinion, green. He understands very well the course this Nation is taking, and he has been articulate and dedicated in his efforts to change that course.

His work here in Congress has earned him the respect of his colleagues and his constituents. He has consistently voted his principles, not his party's line. He does not hunger nor thirst after power, as so many modern politicians seem to do, for his goal has been the dissipation of governmental power, and the enhancement of personal freedom. Nor is the obsequiousness characteristic of so many officials a part of EARL's character. If EARL disagrees with you, he will tell you so. He is frank, open, and honest. He does not try to please everybody, for he well knows that that is an impossible and unrewarding task. His adherence to principles has led him to cast many solitary negative votes on the floor of this House, votes against measures that EARL knew would probably pass by an overwhelming margin, votes that he could easily have avoided, but chose not to.

He voted that way simply because he sincerely believes in freedom. Everyone knows, I am sure, that EARL is a self-made man. Through his own hard work, his own intelligence and his own stamina, he has risen from poverty in the depression to the positions of being a prosperous businessman, an elected State Senator, and now a Member of the U.S. Congress. It was the opportunities afforded him to use his own talents that he wants to preserve for his children and ours. His energies in Congress have been directed solely toward the preservation of personal freedom and against the ominous growth of Government.

I have enjoyed working with EARL here in Congress, though we have often found ourselves on opposing sides of an issue. I will miss him—so will we all. No longer will the Indiana gadfly be around to sting us into action.

What we have lost here in Congress, the people of Indiana have gained. EARL may be retiring soon, but he is the type of man who never quits work. I am sure that the coming years will be active ones for EARL, even though he may not be here in Congress.

His voice is one that deserves to be heard and will be heard in Indiana in the coming years.

Mr. CONABLE. Mr. Speaker, the institution we all love, the House of Representatives, is going to be diminished by the untimely departure of another institution we love, LESLIE ARENDS, of Illinois. No matter how long he stayed here, LES' departure would be untimely. A much admired and respected part of the traditions of the House, this fine man has served us longer than any other contemporary Republican, but his friends are measured without regard to the location of the aisle, just as his vitality has been measured without regard to the length of his service. We wish him joy, we wish him prosperity, we wish him a happy retirement in the bosom of his family, friendships as good as his memories and as intense as that we all feel for him. LES, we salute you, and thank you for your many services to our country.

Mr. PERKINS. Mr. Speaker, these normally happy days of Christmas are marred somewhat by the necessity of saying goodbye to many old friends. Retirements from the House this year have bitten deeply into old acquaintances and long associations.

For the past several days, the Record has fairly bloomed with the going-away tributes to departing Members. When one is pushing on toward three decades of service in this Chamber, retirements are always occasions for nostalgia and fond recollection. The one we mark today has special significance for me.

So, now it is time to say an official bon voyage to the gentlelady from Oregon.

For 18 years we served together on the Committee on Education and Labor, and I believe our chairs were adjacent to each other most of the time.

I feel good about the fact that EDITH GREEN and I were allies during most of those years—I would say about 90 percent of the time. I have been proud to fight many a legislative battle, side by side with her.

But there comes a time when the best of friends must disagree—and the gentlelady and I have had our share of those moments, too. And as every Member of this House knows, when you must do battle with the gentlelady from Oregon, you know you have been in a fight. For a long time thereafter, you have to keep checking to see if you are structurally intact. You do not have any doubt that you are up against an opponent of towering stature and sweeping ability.

Fortunately, these occasions have not been frequent in my experience. And when the time comes to look back and

remember her, I shall think of her as a friend and an ally.

Mr. Speaker, EDITH GREEN epitomizes for me the word "legislator." She has been a legislator in the truest sense since she arrived and took her oath on January 3, 1955.

She came here with a commitment to education. She brought her experience as a teacher and a mother, and a legislative representative. She was seeking improvement and change in the educational systems of the country. She believed, as I do, that the Federal Government had to assume its rightful share in financing the education of the young—the cost of which was strangling the States and local governments.

In those critical days of the late 1950's and early 1960's, the presence of EDITH GREEN in this House made a difference. And she must be given credit for major strides that have been taken in the subsequent decade.

She became chairman of the Higher Education Subcommittee at a time when our colleges were reeling and buckling under heavy enrollments and aging plant facilities. She recognized that without some Federal support our colleges and universities could not possibly accommodate the greatly increasing enrollments. And, she was determined that a whole generation of college students not be sacrificed while society tried to build up again from the ground up. It was a time, also, when there was limited congressional interest in addressing higher education problems, particularly the financial problems of students from low and middle income families, through Federal legislation.

In 1962, with great determination and legislative skill, Mrs. GREEN moved a higher education bill providing grants to colleges and universities for classrooms and aid for students almost to the point of enactment. But even though the final bill called for a "nonreimbursable loan," a term invented to save the philosophies of those who did not want any Federal student grants, it failed in the rush of the closing days of the session.

1963 brought a new Congress and a new day. Mrs. GREEN was not deterred by her 1962 defeat, nor by the feeling of so many—including the administration—that only a loan program for colleges was politically feasible. To the contrary, she was instrumental in having the Congress face up to its responsibility in higher education, and she was determined that grants, as well as loans, be authorized.

With yeoman service from EDITH GREEN, we passed the Higher Education Facilities Act of 1963, containing both a grant and loan program.

After that we could turn more of our attention to the students in those colleges and to the many, many young men and women who were unable to go to college because of financial reasons.

Some would have skirted the issue and some would have done nothing. But I remember EDITH GREEN's hardheaded and absolutely correct insistence that the issue be faced squarely. We simply could not rely on student loans alone if we were to realistically reach the objective

of eliminating financial barriers to higher education.

In 1964 we approved the college work-study program and we finally approved—after so many years of trying—a student grant program in 1965. Thousands upon thousands of Americans who have benefited from these programs have EDITH GREEN to thank.

Members frequently ask me about the Green amendment. And I always have to respond—"Which Green amendment?"

The gentlelady from Oregon has had so many interests, and has been so extraordinarily creative in her approach to educational and social problems, that she has literally left her marks upon them. I venture to say that few indeed are the major pieces of social legislation during the past 20 years that have not been the subject of a Green amendment.

In the departure of Mrs. GREEN from our daily midst, we lose an unusually constructive Member and a gallant and able person. Mr. Speaker, may I become partisan for a moment, for we are losing also a great Democrat. We are a party of the people and there are few who I can think of who have been more in tune with what the people are thinking than Mrs. GREEN.

Mr. Speaker, before closing I wish to add a very personal note. As I have indicated, it was always much more comfortable to have Mrs. GREEN in your corner than to have her in the opposing one. When I recall my first 2 years as chairman of the Committee on Education and Labor, there were a number of important legislative battles which we faced.

Those battles might very easily have been lost but for the great and untiring efforts of the gentlelady. This period was a particularly important time for me and I want to take this opportunity to say that I shall never forget the help that she gave me.

Mr. NATCHER. Mr. Speaker, my friend, WILLIAM B. WIDNALL of New Jersey is a fine gentleman in every sense of the word and will certainly be missed by the House of Representatives.

It has been a distinct honor for me to serve in the Congress with my distinguished colleague from New Jersey. He has exhibited the courage and wisdom required to make our country great. In every issue placed before him, he has shown assurance and confidence.

My friend, WILLIAM WIDNALL, has established a record that will long be remembered in the history of our Nation.

I have considered it a privilege to work with and to know WILLIAM WIDNALL and want to wish for him and for the members of his fine family, the very best of everything.

Mr. BIAGGI. Mr. Speaker, the departure of BERT PODELL signifies more than the loss of a colleague, it also represents the loss of a good and loyal friend. I am honored to take this time to pay tribute to the outstanding career of BERT PODELL in the House of Representatives.

Since coming to Congress in 1968 BERT has established himself as one of the finest service oriented Congressmen in the Nation. His constituents rewarded him

by returning him to the Congress on three different occasions after he was elected in a special election in 1963.

BERT PODELL served with distinction on the powerful House Administration and Interstate and Foreign Commerce Committee which in recent years has reported out numerous important bills dealing with energy and health, two of this Nation's most important priority concerns.

It has been a privilege for me to have worked with BERT PODELL. I found him to be a warm, oftentimes humorous man, who was steadfast in his loyalty to his friends. His departure is a personal loss to me and to the people of Brooklyn.

Mr. NATCHER. Mr. Speaker, few men in any walk of life have attained such honored distinction and attracted so large a share of public attention as my good friend, CHARLES E. CHAMBERLAIN of Michigan.

As a Member of Congress, he has never lost the common touch.

My friend, CHUCK CHAMBERLAIN has established an outstanding record and one that will go down in history.

Mr. Speaker, the gentleman from Michigan adopted a code early in his tenure of direct expression and had the intelligence and the courage to face every issue placed before him with assurance and confidence.

The Nation, the House of Representatives and the people of Michigan will surely miss CHUCK CHAMBERLAIN.

It has been my pleasure to know and to work with my distinguished colleague and I want to wish for him and for the members of his family, the very best of everything.

Mr. MYERS. Mr. Speaker, I take a few minutes of this body's time today to pay tribute to one of our colleagues who will soon be leaving us.

While I am sorry that we are losing five fellow Hoosiers from the Indiana delegation, all having lost their reelection bids, I think it is appropriate to ponder, for a moment, the loss of my friend, Mr. DENNIS. I have known DAVE for 6 years, and at all times during those years I have found him to be a man of the highest moral and ethical caliber, a high-minded man whose most important objective was not to be a charismatic or a hard-nosed politician, but to be a hard-working and conscientious representative of his people in Indiana's 10th District.

He has followed his philosophy consistently and without apology. He believes in our Republic and in its foundation document—the U.S. Constitution. And he is, among all of us in the House, undoubtedly one of the best students of that document. He believes that its protections are meant for all citizens—rich and poor. Before coming to Congress, he has given of himself as an attorney to represent the poor and the working people of his community. Here in the Congress he has insisted that the constitutional protections be preserved for all—from criminal suspects not yet tried, to a President whose culpability, Mr. DENNIS insisted, must not simply be alleged but must be proven.

I feel a personal loss, Mr. Speaker, because I have been very proud to serve with my friend, DAVE DENNIS. As a fellow

Hoosier, and as a colleague in this historic Chamber, he has honored the best traditions of representative government by exercising fairness and reason, coupled with the self-restraint necessary if we are to survive as a self-governing people.

Back in Richmond, Ind., Mr. Speaker, I understand that Mr. DENNIS' fellow attorneys have mixed emotions about his return to the law practice there. They will have to be a little better prepared with their cases with him on the other side of the courtroom, for it will make no difference there—nor did it here—how big or little the stakes, DAVE DENNIS has been and always will be ready to slug it out for a principle in which he believes. Attorneys in Richmond, Ind., have known that for many years, and while they may dread the preparation required when going up against him, they have a deep and abiding respect and affection for a man they know to be honest, straightforward, and intelligent.

Mr. Speaker, I share this respect and affection for DAVE DENNIS and I regret, more than I can easily express, the fact that we are losing this gentleman from the U.S. Congress.

Mr. FRENZEL. Mr. Speaker, JOHN ZWACH, Minnesota's indomitable voice of the countryside, today terminates a career in public service that spans more than four decades.

JOHN was honored by his peers in the Minnesota State Senate by election as majority leader. His long and distinguished career in the Minnesota Senate was preceded by service in local government, and crowned by 8 years here in the Congress.

JOHN ZWACH was a teacher and a legislator, but above all, he was a man of the soil. Few people could have been more suited to represent the rural Sixth District of Minnesota. He knew agriculture. He knew rural America. He never ceased to speak and effectively to promote, preserve and enhance the countryside.

During his time in Congress, JOHN worked tirelessly on agricultural legislation. Farm bills passed while he was here always carried his imprint. But his major achievement was in convincing his urban and suburban colleagues of the needs, values, and strengths of rural America.

I will miss JOHN, as will the Congress and his constituents. I met him first in the Minnesota Legislature, where no man was more helpful or fatherly to me than JOHN.

He and his lovely wife Agnes will retire to their home in Lucan, Minn., a short distance from the family farm in Walnut Grove. They have earned their rest. I wish them a long and happy retirement.

Mr. NATCHER. Mr. Speaker, JULIA BUTLER HANSEN, the Congresswoman from the western State of Washington, has served with distinction since 1960.

It has been a singular honor to serve with JULIA HANSEN. Her charm is matched only by her intellect and she has inspired those who have had the privilege of working with her to greater efforts, to correct the problems that have troubled the people of our Nation.

The esteem I hold for my friend, JULIA BUTLER, will not diminish and I wish for her and for her family every good thing in life.

Mr. SHUSTER. Mr. Speaker, I rise to pay tribute to GEORGE A. GOODLING of Pennsylvania, a distinguished American, who has chosen to retire from the Congress after a lifetime of service to his country. GEORGE GOODLING is more than a distinguished Congressman; GEORGE GOODLING is a symbol of the basic values upon which our Republic was founded and sustained. Integrity, responsibility, loyalty, decency, character, honor, duty, patriotism, wisdom, faith, dedication, and freedom. These are the values which GEORGE GOODLING symbolizes, indeed epitomizes.

We would not enjoy that blessing called America but for the GEORGE GOODLINGS who have labored to make the dream a reality.

In this "peoples House" today, I express not only my gratitude, but the gratitude of my children and American children yet unborn, for the contributions GEORGE GOODLING has made in their behalf.

Mr. Speaker, I would be remiss if I did not inform this House that GEORGE GOODLING possesses one serious character flaw. When I came to Congress a few years ago, I was pleased to discover the paddle-ball courts in the House gymnasium. Being accustomed to the "more difficult" game of handball, I rather condescendingly agreed to a paddle-ball match with GEORGE GOODLING, silently resolving to go slow on a man old enough to be my father. Midway through the match, I gashed his ear with my paddle; the match was delayed until the bleeding was stopped and the blood was mopped from the floor. At GEORGE GOODLING's insistence, over the objections of the attendant who felt stitches were immediately required, the game was resumed and I was promptly and decisively defeated.

Mr. Speaker, I consider it a great character flaw in any man who would, in cold premeditation, inflict such a humiliating defeat upon an unknowing freshman.

I am further saddened to report that my experience was not an aberration. I have since learned that there are several Members of Congress who can attest to this flaw in the distinguished gentleman from Pennsylvania, for he has humiliated many Members on the paddle-ball court. Together, we hope that the distinguished gentleman from Pennsylvania will have many happy retirement years and in the process will soften, so when he visits his former colleagues we may be able to successfully seek our revenge.

GEORGE GOODLING, Godspeed.

Mr. RHODES. Mr. Speaker, it is my hope that in the rush to return home for Christmas, Members on both sides of the aisle will not lose sight of the fact that a number of distinguished congressional careers will be concluded upon adjournment of this session.

One such career which I would like to bring to the attention of the House today is that of New Jersey's great Congressman, PETER H. B. FRELINGHUYSEN, a man who has given this institution and our

Nation more than two decades of dedicated service.

PETER FRELINGHUYSEN is a member of one of the Nation's most distinguished families, one which has a history of outstanding military and governmental service that began with the founding of the Original Thirteen Colonies. Frelinghuysens have served in the Continental Congress, in the minutemen militia, as decorated generals in the Revolutionary War, and in the Cabinet. Four members of the family have served in the U.S. Senate, and one, Theodore, was Henry Clay's Vice-Presidential running mate on the Whig ticket in the Presidential election of 1844.

Since he was first sworn in as a Member of this body by Speaker Joe Martin in January 1953, PETER FRELINGHUYSEN has lived up to the noble tradition of governmental service which his family has come to symbolize.

For many years he served as the ranking Republican on the House Education and Labor Committee and is the man responsible for bringing minority staffing to that important committee.

PETER FRELINGHUYSEN has also made his mark in the arena of international affairs. Members of the House are familiar with the expertise and dedication he has brought to the House Committee on Foreign Affairs, on which he now serves as the ranking minority member. His profound insight into the intricacies of international politics and his broad knowledge of both the potential and the limitations of American foreign policy will be sorely missed by Members of Congress, regardless of political affiliation.

Congressman FRELINGHUYSEN's diplomatic skills, however, have extended far beyond the foreign policy decisionmaking of the House. During his tenure as a member of the American delegation to the United Nations, he singlehandedly persuaded that body to provide badly needed assistance to refugees from Palestine. And, as anyone who has traveled to foreign capitals will know, Mr. FRELINGHUYSEN commands the highest respect from heads of state all across the globe.

Secretary of State Henry Kissinger has expressed his own high regard for Mr. FRELINGHUYSEN's brand of diplomacy, most recently following the Congressman's trip to the Middle East earlier this year. During this trip, he managed to do what few others have accomplished: win the confidence of both the Arabs and the Israelis. Many nations of the world have had a good friend in PETER FRELINGHUYSEN.

There are, of course, many other accomplishments that have marked this career of 22 years in the House. I shall always recall his remarkable ability for bringing about political compromise on controversial issues facing several Republican national conventions, at which he has chaired important subcommittees of the Committee on Resolutions. New Jersey, the most urban State in the Union, will be eternally grateful to him for personally insuring the preservation of the Great Swamp, which is one of the last and largest spans of totally undisturbed terrains in the Nation.

However, the most important work performed by Mr. FRELINGHUYSEN may well prove to be his efforts to bring about reform of the House of Representatives. His last year in this body largely was devoted to working tirelessly and diligently as a member of the Select Committee on Committees. Many of the internal reforms which have already been adopted and those which this body will hopefully have the courage to institute in the future bear the mark of PETER FRELINGHUYSEN.

Although he is still a relatively young man, PETER FRELINGHUYSEN's decision to retire after 22 years of service in the House is wholly consistent with his desire to revitalize the U.S. Congress.

One would hope that the "new blood" which Congress will receive next year will have as much courage of conviction and spirit of true reform as Mr. FRELINGHUYSEN.

PETER FRELINGHUYSEN is a good friend and a valued colleague. I am confident that neither the Nation nor New Jersey will lose his ability in the future. One large segment of his career may now be at an end. But the avenues for continued participation—in his party, in government, and in foreign affairs—will remain open to him for many years to come. We all should be hopeful that this dedicated and capable public servant maintain the spirit of service and participation that has been the hallmark of his family.

Mr. NATCHER. Mr. Speaker, my friend, WILLIAM R. ROY of Kansas, is a fine gentleman in every sense of the word. As a Member of Congress, he adopted a code, early in his tenure, of simple unpretentious demeanor, plain direct expression and the courage to face every issue placed before him with confidence. He has shown generous understanding and sympathetic consideration.

The Congress of the United States, the Nation and the people of Kansas will miss BILL ROY. He has established a record that will go down in history.

As a member of Congress, he has never lost the common touch. Few men have attained such honored distinction and attracted so large a share of public attention.

It has been my privilege to work with BILL ROY and I want to wish for him and for the members of his family, the best of everything in the future.

Mr. PRICE of Illinois. Mr. Speaker, it is unfortunate that O. C. FISHER of Texas has decided to retire after 32 years of dedicated service to the American people.

A man of strong conviction, high principles and intense loyalty, CLARK FISHER has left an indelible mark on the annals of legislative history. No man has been a more responsible voice for national preparedness than CLARK FISHER. His strong advocacy of a well equipped military force has been his hallmark.

As chairman of Subcommittee No. 2 which has been responsible for military personnel policy, CLARK FISHER has made it his business to see that our military have the necessary wherewithal to do their job and do it well. The men and women in the uniformed services owe CLARK FISHER a debt of gratitude for his efforts.

CLARK FISHER has fought doggedly against rapid demobilization. His efforts to maintain adequate manpower levels has been one of the valiant struggles in recent legislative times. CLARK FISHER has earned his spurs, but I am sorry to see him leave. I have no doubt, however, that CLARK FISHER will not go out to pasture. He will remain a vital force in our national defense efforts.

Mr. FUQUA. Mr. Speaker, when I came to the U.S. House of Representatives 12 years ago one of the first Members I met was JOHN DAVIS of Georgia. I immediately liked him and that friendship has been magnified with the passing years.

He was serving on the Science and Astronautics Committee, and when I was named to that committee, our association grew, particularly when he chaired my subcommittee. I can attest to the fact that there are few members who have served who are as knowledgeable about the impact and importance of our space program as is this great and good Georgian.

A native of Rome, Ga., he was unable to attend college and so enrolled in the University of Georgia from which he received an LL.B. degree. He served in the U.S. Army in the Counter Intelligence Corps in World War II and after the war returned to practice law.

He served as solicitor general of the Rome Circuit from 1950 to 1953 and was judge to the Lookout Mountain Judicial Circuit for 6 years.

First elected to Congress in 1960, he has made his mark in the legislative process, but even more important he has made his mark in the hearts of those with whom he has served. No man who ever had the privilege of serving here leaves with more real friends and he is going to be missed, particularly by me.

He and his lovely wife deserve all the time and happiness they will receive with their family and I know that wherever the Davises go, the world is just a little brighter in that corner.

Any man who can look back on even 1 year of service in this body and know that he made a contribution to the future of this Nation and to his fellow man can feel justifiable pride. Any person who can walk away knowing that he leaves real friends and not just acquaintances has reason to feel proud.

JOHN DAVIS served more than just 1 year, but all the rest describes him perfectly.

Mr. JONES of Oklahoma. Mr. Speaker, I would like to take this opportunity, on the last day of the 93d Congress, to pay tribute to the distinguished Congressman from the Sixth District of Oklahoma, the Honorable HAPPY CAMP.

I have been privileged to serve with HAPPY CAMP on the Interior and Insular Affairs Committee, and I have appreciated his careful, reasoned approach to the difficult legislation before that committee.

HAPPY CAMP is responsible for the Foss Reservoir in western Oklahoma, for many bills benefiting the Indian tribes of western Oklahoma, and for substantive legislation coming out of both the Interior Committee and the Science and Astronautics Committee to accelerate

research and development of our domestic energy resources.

During the 91st, 92d, and 93d Congresses, HAPPY CAMP has served his constituents well. His fiscal responsibility and his watchdog efforts over the Federal budget have consistently earned HAPPY CAMP an "Outstanding Member of Congress" award from the Independent Federation of Businessmen. Always striving to lessen the citizens' tax burdens and to increase Government responsiveness, HAPPY CAMP served the sprawling sixth district energetically and effectively.

HAPPY CAMP brought a strong spirit of bipartisanship to the working of the Oklahoma delegation. Through his continued cooperation, the Oklahoma delegation could work as a united team for the benefit of all the people of Oklahoma.

HAPPY CAMP, fiscal conservative and dedicated public servant, will leave the Congress of the United States knowing that he has in fact made many positive contributions to this great Republic. All of Oklahoma wishes HAPPY CAMP well, and expresses appreciation for his tireless efforts.

Mr. NATCHER. Mr. Speaker, the House of Representatives, the Nation and the people of Louisiana will sorely miss my good friend, JOHN R. RARICK.

As a Member of Congress, he has never lost the common touch.

JOHN RARICK is a fine man in every sense of the word and has shown understanding, consideration, courage, and intelligence in the face of every issue placed before him.

Few men have attained such honored distinction and attracted so great a share of public attention as JOHN RARICK.

It has been my distinct honor and privilege to know and to work with JOHN RARICK and I want to wish for him and for the members of his family, the very best of everything.

Mr. JONES of Oklahoma. Mr. Speaker, the Congress of the United States has been deeply privileged to have had the services of CLEM McSPADDEN, a very special Representative.

CLEM McSPADDEN represents the Second District of Oklahoma, including my boyhood hometown, Muskogee. Having served 18 years in the Oklahoma State Senate, including services on the appropriations committee and as president pro tempore, CLEM brought a strong legislative background to Washington. These years of public service enabled CLEM to assume his assignment as the only freshman appointed to the Rules Committee with ease and expertise. His service on the Rules Committee has been exemplary, indicating a balanced approach to complex issues.

Having come to Congress as a rancher and farmer, CLEM McSPADDEN remembered his heritage. He founded the Rural Caucus, and worked diligently and effectively for rural development. The interests of rural Oklahoma and rural America have seldom seen such commitment and dedication.

Never forgetting the small farmer or the small businessman, CLEM McSPADDEN worked to ease their burdens, to improve

their economic opportunities, and bring due recognition for their role in the American way of life.

As a strong champion of fiscal responsibility and restoring the Federal Government to its proper role, CLEM brought to congressional deliberations a responsible conservative approach that always looked out for the individual and his family.

I am proud to have served with CLEM McSPADDEN, and his goodhearted efforts have contributed to a close-knit, hard-working Oklahoma delegation. The residents of the Second District have been well-served by this man of the people.

Mr. ANDERSON of California. Mr. Speaker, the Congress loss is Connecticut's gain, when ELLA GRASSO leaves this body to become Governor of her home State at the end of this month.

In the Congress, Mrs. GRASSO made her most significant contributions in the field of education, and with her leadership in programs designed to help the mentally ill, retarded, and blind. In addition to her service on the Education and Labor Committee, ELLA was an active member of the Veterans' Affairs Committee, helping to draft measures to aid disabled veterans and to increase job and educational opportunities for those who served this Nation in the armed services.

ELLA GRASSO's eloquent and articulate speeches on behalf of programs were always recognized for their logic and their expertise on the subject matter.

It has been a great privilege working with her in the Congress and the entire House of Representatives will surely miss her.

Mrs. Anderson joins me in wishing her the very best in her future position as Governor of Connecticut.

Mr. NATCHER. Mr. Speaker, it has been my good fortune to serve in the House of Representatives with my friend from the State of New York, HOWARD W. ROBISON.

This distinguished member of the Committee on Appropriations has exhibited down through the years the understanding, consideration, courage and intelligence required to be an outstanding Member of the House of Representatives. He has established a record that will surely be recorded in the history of our great Nation. He has faced each issue placed before him with confidence and assurance.

The House of Representatives, the Nation and the people of New York will surely miss HOWARD ROBISON.

Mr. Speaker, in paying tribute to HOWARD ROBISON, I want to wish for him and for the members of his fine family, the very best of everything in the future.

Mr. STRATTON. Mr. Speaker, I rise to join in paying tribute to my friend and colleague from upstate New York, who is retiring at the end of this year, Representative THADDEUS J. DULSKI.

Ted and I came to Congress together from upstate New York back in January 1959. Since that time, he has won the affection and respect of every Member of this body with his steadfast devotion to duty; and he achieved the distinction

of being the first Member of the 86th Congress group to become the chairman of a Standing Committee of the House.

As chairman of the Committee on the Post Office and Civil Service TED DULSKI presided over the transition of the Postal Service from a Government Department to a semi-public corporation. In all frankness TED DULSKI foresaw, as many other House Members at the time were unable to see, that the new status of the Postal Service could lead, as indeed it has led, to many new problems. For that reason he proposed a more modest change than what had been recommended by the administration.

Unfortunately Congress did not heed Mr. DULSKI's warning. Today, as we continue to be inundated by complaints from our constituents about the inadequacy of the present postal service, many Members must wish we had heeded TED DULSKI's warning at that time.

Mr. Speaker, TED DULSKI, once a Federal Civil Service employee himself before he came to Congress, has been the strongest and wisest friend that the Federal Civil Service employees have ever had. He will be greatly missed in this Chamber, but we are all proud of the fine accomplishments which have been his, and we wish him and Mrs. Dulski a happy and productive retirement in the years ahead.

Mr. SHUSTER. Mr. Speaker, I rise to pay tribute to my distinguished colleague from Pennsylvania, the Honorable JOHN H. WARE.

The public record is clear that JOHN WARE served his State and Nation with distinction. JOHN WARE accumulated an impressive record during three terms in the Pennsylvania State Senate before being sent to the U.S. Congress by his constituents. In this House he has been a persuasive voice for fiscal responsibility and individual freedom. His tireless efforts on the Interstate and Foreign Commerce and House Administration Committees have ensured to the benefit of all Americans. His quiet humor and quick intellect have been a source of satisfaction and strength to all of us.

Perhaps less well known are the personal efforts of JOHN WARE, far beyond any definition of his duties, to work tirelessly to ameliorate the energy crisis. In my own congressional district, we were threatened with massive layoffs due to the natural gas shortage and we turned to JOHN WARE in desperation. He gave us much more than a sympathetic ear.

JOHN WARE went to work. Using his experience and the resources of his own firm, he scoured the world in search of energy supplies. He worked with our local firms to help them in seeking relief. He succeeded in easing the crunch, and today, hundreds of men and women in my district are working and looking forward to a brighter Christmas because of JOHN WARE. His commitment to continued energy efforts is a source of comfort to us all.

My distinguished colleague is one of those uncommon men, who applies his energy, talent and resources to the public interest. His life stands as a hallmark

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in the highest traditions of public service by private men. His ranging capacity in public and private affairs, dedicated always to the public good, makes him kindred to that earlier Pennsylvanian—Benjamin Franklin. My wish for my colleague is that he may continue to enjoy his Franklin-like wit and intellect; coupled with his Franklin-like capacity for public service, for a lifetime as long for even longer than that enjoyed by Ben Franklin.

Although Congress will be made poorer by the retirement of JOHN WARE, his return to Pennsylvania shall enrich that Keystone State for many years to come.

JOHN WARE—you are a great American and I salute you.

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to have this opportunity to pay tribute to CRAIG HOSMER of California, with whom I have had the privilege of serving on the Joint Committee on Atomic Energy for 16 years.

During this time CRAIG HOSMER has demonstrated a capacity for hard work, diligence and leadership in shaping nuclear power policy. He has been instrumental in making certain that our atomic power program has been maintained at a level consistent with our national purpose. As chairman of the committee, I have counted upon CRAIG HOSMER as the ranking minority member to help guide important legislation through the Congress. He has not failed in his responsibilities.

As a member of the Joint Committee, CRAIG HOSMER has served on the Subcommittee on Communities, the Subcommittee on Raw Materials, the Subcommittee on Legislation, the Subcommittee on Energy and the Special Subcommittee on Radiation. In addition, CRAIG HOSMER has served on the Subcommittee on Research, Development and Radiation. In that capacity it has been my privilege to work with him closely as chairman of the subcommittee.

CRAIG HOSMER also serves as ranking member of the House Interior and Insular Affairs Committee. His grasp of the interrelated problems of energy and environmental protection is equaled by few men in the Congress. CRAIG HOSMER has been a forceful and well-informed advocate of balanced growth.

This Congress will be the less for CRAIG HOSMER's departure. His efforts to build a better America should not go unappreciated. He has fought valiantly for what he believes. CRAIG HOSMER always lets you know where he stands. He is a man of his word. The term "honorable" is a most appropriate appellation for CRAIG HOSMER.

Mrs. Price joins me in extending best wishes and happiness to CRAIG and his lovely wife, Marion. We hope we will have the pleasure of keeping in close contact with them.

Mr. NATCHER. Mr. Speaker, it has been a privilege and a distinct honor to serve in the Congress and on the Committee on Appropriations with my good friend, WILLIAM J. SCHERLE of Iowa.

As a Member of Congress, he has never lost the common touch.

Few men in any walk of life have at-

tracted so large a share of public attention and attained such honored distinction.

The House of Representatives and the Nation will miss WILLIAM SCHERLE. He has established a record that will go down in history.

My friend, WILLIAM SCHERLE, is a fine gentleman in every sense of the word. As a Member of Congress, he has shown generous understanding and sympathetic consideration.

It has been my privilege to know and to work with WILLIAM SCHERLE and I want to wish for him and for the members of his family the best of everything in the future.

Mr. ANDERSON of California. Mr. Speaker, I rise at this time to pay tribute to JULIA BUTLER HANSEN who, after 14 years service, is leaving the House of Representatives.

As the chairman of the Appropriations Subcommittee on Interior, Mrs. HANSEN has been a strong and effective advocate of the conservation and preservation of our environment. Her articulate statements on behalf of a cause were well-respected due to her logical, consistent, and persuasive presentation of the facts.

In addition to her able leadership of the Interior Subcommittee, Mrs. HANSEN has been selected by her colleagues to recommend actions which would reform and reorganize the House of Representatives in order to become a more effective and efficient body. She was honored with this position because of her intelligence, her fairness, and her great experience as a legislator. The products of the Hansen Committee on Reform have always led to a more representative and competent House of Representatives.

Mr. Speaker, JULIA BUTLER HANSEN has been a great asset to this Nation and to her State. Her dedicated service on behalf of the people cannot be replaced and should not be forgotten.

I join with my colleagues in the House and with a grateful Nation in wishing her the very best in the years ahead and in thanking her for her many contributions to our society.

Mr. STEIGER of Wisconsin. Mr. Speaker, today marks the close of a distinguished congressional career—that of one of the hardest working and most able Members of this body.

During the past 8 years I have had the privilege of representing the district adjoining that of the Honorable GLENN R. DAVIS. He has set an exemplary pace, he has helped me a great deal, and I miss him already.

The voters of Wisconsin's Second District elected GLENN to Congress in 1947, when I was 9 years old. In the intervening years, whether as a Member of Congress or as private citizen, GLENN has served his country, his constituents, and his party in as selfless a fashion as I have ever seen in public life.

He leaves a proud work record, with years of service on the Appropriations Committee. That this Nation has been unable to live within its budget will never have been the fault of this most conscientious and energetic Member.

Mr. Speaker, I salute an indefatigable legislator, a man who for 20 years in this body set for himself and rigorously maintained to the end the highest of personal standards, a good friend and counselor, and one who has earned the respect of colleagues on both sides of the aisle. Like many others in this Chamber and in my State of Wisconsin, I feel deeply grateful for his example and service.

Farewell, friend GLENN. We will miss you.

Mr. STAGGERS. Mr. Speaker, those of us who have been drawn together by a common interest in the well being of the average citizens of this great Nation find it most distressing when one of our number decides to leave our ranks and transfer his enormous talents to other fields of activity.

We know KEN GRAY as an intensely practical man, schooled in the affairs of everyday life. He knows how things work, and he unfailingly finds the key point in any proposed action. We can count on his complete integrity and his fine judgment. In these days of indecision we need his counsel and his experience. It is with the greatest reluctance that we see him leaving this body in the years when he has still much to contribute to effective legislation.

He has been my cherished friend through many years, and I have learned to appreciate his fine qualities. I have been associated with him in a number of projects, and I want all our friends to know how much I have appreciated his advice and his timely assistance. May all good things come to him in his return to private life, and to his most charming and attractive wife. Life is ennobled by even a casual contact with such fine people.

Mr. NATCHER. Mr. Speaker, I will miss my good friend, JOHN A. BLATNIK from the great State of Minnesota.

As a distinguished Member of the House of Representatives, he has established a record that will surely go down in the history of this country.

In every issue placed before him, my outstanding colleague has exhibited courage, intelligence, confidence, and generous understanding. He has never lost the common touch.

It has been a great privilege and an honor for me to work with and to know JOHN BLATNIK. I wish for him and for those he loves, the very best of everything in the future.

Mr. CONABLE. Mr. Speaker, HOWARD ROBISON of New York, casting his last votes in the House today, is one of the finest human beings I have ever known. I do not know what more I can say except that he will be missed by his friends, and the people of this country will be diminished because his judgment will no longer be influencing our votes here in the House. We wish him nothing but the best, because he is the best.

Mr. GAIAMO. Mr. Speaker, since KEN GRAY first came to Congress in 1955 he has dedicated himself to his constituents and his country.

There are few, indeed, who are so intimately involved with the needs of his constituents. He has always walked the

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extra mile to serve the people of the 24th District of Illinois.

As fifth ranking Democrat on the Public Works Committee, as chairman of its Public Buildings and Grounds Subcommittee, and as a member of its Water Resources, Transportation, and Investigations and Review Subcommittees, KEN GRAY has been a prime mover in developing southern Illinois and obtaining funds for highways, rivers and harbors, flood control, and health facilities in his district.

It is KEN GRAY who has given the people of Washington, D.C., and the country as a whole a National Visitor Center at Union Station to be completed in time for the Bicentennial celebration in 1976. This monumental project not only will give tourists a much-needed reception and orientation center, but also give the people of Washington, D.C., a new rail passenger facility to meet the demands of future train operations.

He has cheerfully and generously given his auctioneering skills at charitable functions in the Capital, and his legislative skills to benefit the people of Illinois and the Nation. It is a pleasure to join my colleagues in tribute to him as he retires from 20 years of distinguished service in the House of Representatives.

Mr. BROOKS. Mr. Speaker, for more than 30 years the people of southwest Texas have been represented in this body by a distinguished gentleman, O. CLARK FISHER.

He has been an eloquent and effective spokesman for them, and it has been a privilege and a pleasure to serve with him.

Since first being elected to the House during World War II, he has been steadfast in his efforts to maintain and improve our national defense. His work on the Armed Services Committee has contributed greatly to our military preparedness.

I can certainly understand why, after more than 40 years of public service, beginning as Tom Green County attorney, he has decided to take a little time for his family and himself. He has earned it.

It is with sincere personal affection and professional respect that I join in honoring CLARK FISHER today. I deeply value his friendship and his wise counsel. His presence in the Congress and in the Texas delegation will be greatly missed.

Mr. NATCHER. Mr. Speaker, the House of Representatives and the Nation will miss KENNETH J. GRAY. He has established a record that will go down in history.

It has been a distinct honor and privilege to serve in the Congress with my friend KENNETH J. GRAY. He is a fine gentleman in every sense of the word and during his tenure as a Member of Congress tenaciously adopted a code early in his tenure of simple, unpretentious demeanor, plain direct expression, and the courage and intelligence to face every issue placed before him with assurance and confidence. As a Member of Congress, he has shown generous understanding and sympathetic consideration.

As a Member of Congress, he has never lost the common touch.

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It has been a privilege for me to know and to work with KEN GRAY and I want to wish for him and for the members of his family the best of everything in the future.

Mr. YOUNG of Illinois. Mr. Speaker, I would like to join with my colleagues in paying tribute to Congressman HAROLD COLLIER. I have personally been acquainted with HAROLD since 1952 and, during this 22-year period, I have always received courteous, thoughtful, and genuinely helpful treatment. Congressman COLLIER is one of the friendliest and ablest Congressmen I know.

Congressman COLLIER has served on the Ways and Means Committee, which requires a great deal of dedication and time-consuming attention to detail.

In recognition of Congressman COLLIER's outstanding legislative ability and his great personal attributes, he has consistently won reelection with increasing majorities.

The House of Representatives will, indeed, miss the services of HAROLD COLLIER. I wish HAROLD a continued long and happy career.

Mr. MCCLORY. Mr. Speaker I join in paying tribute to the gentleman from Massachusetts (Mr. DONOHUE) who is voluntarily retiring at the end of this Congress.

Mr. Speaker, our colleague Mr. DONOHUE has been a most valuable member of the Judiciary Committee and of this House. His contributions to this Nation have been manifold. His qualities of statesmanship, his credentials as a lawyer, and his personal attributes all add to a man of stature and a distinguished Member of the Congress.

These brief remarks are wholly inadequate to describe Congressman HAROLD DONOHUE. Nevertheless, they come from the heart—as we debate H.R. 6668—a measure managed in this Chamber today by this gentleman from Massachusetts (Mr. DONOHUE).

I wish our colleague well in his future endeavors and in his personal enjoyment of an active life and good health.

Mr. PRICE of Illinois. Mr. Speaker, perhaps I should be pleased that there will not be two PRICES in the 94th Congress, at least from the standpoint of less confusion over telephone calls and correspondence. But I regret that BOB PRICE of Texas will not be with us next year.

BOB PRICE has been in the Congress for 8 years. During this time he has been an active Member who has pursued his legislative goals and representational obligations in diligent fashion. It has been my pleasure to serve with BOB PRICE on the House Armed Services Subcommittee No. 1. He has been an avid student and quick learner. His grasp of issues involving research and development problems has been impressive. He has contributed a great deal to the subcommittee.

BOB PRICE also serves on the House Agriculture Committee. While I am not as familiar with his work on that committee, I am certain he has worked as hard on agricultural policy as he has on defense policy.

I wish BOB PRICE well in his future en-

deavors. I am certain we have not heard the last of him. The best wishes of myself and Mrs. Price go with BOB and his lovely wife.

Mr. STEIGER of Wisconsin. Mr. Speaker, Wisconsinites are proud to be from a State which has produced some of the finest, most respected men and women to enter the field of politics since our Nation was founded. The accomplishments of the LaFollettes and of the impact of that family in the realm of national politics are well known.

As a youth, I was also very much aware of the role that a young lawyer from Richland Center was playing in the shaping of legislation in the Wisconsin State Assembly. The career of our distinguished colleague, VERN THOMSON, is one of the fullest, most notable in the history of the State of Wisconsin. An accomplished and inspiring orator, VERN THOMSON was elected speaker of the assembly for the first time in 1939. In 1950, he was elected Wisconsin's attorney general, and he was reelected twice before his election as Governor in 1956. VERN was elected to Congress in 1960, and for the past 14 years, he has served with distinction as a member of the Committee on Foreign Affairs.

Wisconsin politics without VERN THOMSON will not seem the same. The deep sense of loss I feel is shared by many. Few individuals have left as much of a mark as VERN THOMSON has. He has contributed so much in all that he has done. I know he will continue to do so.

Mr. NATCHER. Mr. Speaker, the House will lose a distinguished Member when we adjourn this 93d Congress. GLENN R. DAVIS, my respected friend from across the aisle, will return to his home State of Wisconsin and with him will go the good wishes of all of us who have had the privilege of serving with him.

As members of the Committee on Appropriations, GLENN and I have on many occasions worked together when the welfare of the people required our mutual efforts. I have seen at close range his great ability. I have seen first hand his dedication to principle.

GLENN DAVIS has never been one to shirk responsibility, rather, he sought it, accepted it, and acted according to his conscience. No matter what field he now will enter I have no doubt that my friend from Wisconsin will comport himself as he has during his tenure in our midst—as a man of honor and as a gentleman.

Mr. STUBBLEFIELD. Mr. Speaker, I wish to join my many colleagues in paying tribute to JOHN DAVIS as he prepares to return to his native Georgia after having contributed so greatly to the welfare of his country as a Member of this body.

I feel fortunate to have served with JOHN DAVIS and to be able to number him among the many good friends I have made during my own tenure of service—which is also ending with this Congress. We are all aware of the dedicated efforts of this man on behalf of the people of his district, State, and Nation. As he returns to Georgia, I am confident that he will continue to be alert to the needs of his people and will find many avenues of service to our country.

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My best wishes for his success and happiness in all his future endeavors.

Mr. BURLISON of Texas. Mr. Speaker, our friend and colleague, O. C. FISHER, comes as near as anyone in this body of exemplifying a statesman. His courage, his industry, his dedication, have been examples for all of us and his services in the Congress have contributed greatly to our Nation, our State of Texas, and the people he represents.

CLARK FISHER has never practiced pretense, any unfairness, nor has he been one to take advantage of any given situation. I continue to believe that one of the greatest virtues of any man is that his word is as good as his bond, and this describes this man who leaves a void in this House of Representatives as he retires after 32 years of dedicated service.

I join with all of you in wishing for him health and happiness as he goes into a quieter life and one which he richly deserves.

Mr. NATCHER. Mr. Speaker, my distinguished colleague, CHARLES W. SANDMAN, JR., of New Jersey, will be missed by the House of Representatives and the Nation. He has established a record that will go down in the history of this country.

Few men in any walk of life have attained such honored distinction and have attracted so large a share of public attention.

CHARLES SANDMAN has, through his service, shown great devotion to the House of Representatives and to his country. He has never lost the common touch.

It has been a distinct honor and a privilege to serve in the Congress of the United States with Congressman SANDMAN and I want to wish for him and for the members of his family, the best of everything in the future.

Mr. FRENZEL. Mr. Speaker, today the dean of Minnesota's congressional delegation, JOHN BLATNIK, terminates his long and distinguished career of public service. The people of Minnesota will miss the excellence of his representation.

JOHN BLATNIK chaired the important Public Works Committee through some of its landmark legislation. He was a strong advocate of the Interstate Highway System from its inception, and perhaps no man has had more effect on the successful development of that system. Under his chairmanship, the Clean Water Act was also passed.

As dean of our delegation, JOHN was regularly asked for help and for counsel which was unflinching and helpfully provided.

JOHN BLATNIK, like most Minnesota Congressmen, served with distinction on his State legislature. In addition, for years he served as his party's national committeeman.

JOHN and his lovely wife Gisela will remain in Washington, but as usual, they will be frequent visitors to their friends in the 8th District of Minnesota. An Iron Range boy never leaves home permanently.

I wish JOHN and Gee a long and happy retirement. It has been well earned by solid, successful service.

Mr. PRICE of Illinois. Mr. Speaker, I am especially saddened by the fact that the gentleman from Indiana, the Honorable WILLIAM BRAY will not be returning to the 94th Congress.

BILL BRAY is a man who is not afraid to show his love for this great country. To him patriotism is not an obsolete or unfashionable word or feeling. The ranking member of the House Armed Services Committee, BILL BRAY has been a stalwart defender of our national security. As a battalion tank commander in World War II and possessor of the Silver Star, BILL BRAY knows first hand the horrors of war. This experience has guided him in his efforts to make certain that America is always strong enough to thwart the threat of war and if need be to defend herself in the face of war.

BILL BRAY is one of the experts in the House on the Reserve Forces. At a time when all of us are concerned about increasing costs, it is apparent that our Reserve Forces must play a larger role in meeting our manpower requirements. BILL BRAY's leadership on how best to achieve this objective is going to be missed.

As ranking member of the House Armed Services Committee, BILL BRAY has distinguished himself as a legislator who knows how to get things done. The committee will not be the same without BILL BRAY.

I hope that we will be able to continue to count upon him for advice and counsel.

Mr. FRENZEL. Mr. Speaker, one of Minnesota's most distinguished and beloved citizens, ANCHER NELSEN terminates a long and successful career of public service today. ANCHER's service to the people of Minnesota spans four decades.

Besides service in local government, ANCHER served in the Minnesota State Senate, presided over that senate as the State Lieutenant Governor, was his party's candidate for Governor, and also served in the Federal executive department as Administrator of the REA.

Because of his effective work on the District of Columbia Committee, ANCHER NELSEN was known as one of the first citizens of Washington, D.C. One of his favorite and most satisfying projects was the Washington Technological School.

He was well known in Congress as a man who could reconcile opposing points of view. Because he was held in respect and high regard by all Members, he was sought after as a mediator whenever difficult bills were jammed in controversy.

ANCHER was proud of his Danish heritage and few people could tell more or better, Scandinavian stories. He proudly represented the President at the 1972 funeral of the King of Denmark, and was able to present his statements in Danish.

Congress, and the people of Minnesota's Second District will miss ANCHER NELSEN. I will especially miss his advice, counsel, and warm friendship, but I will be comforted by the fact that his new home in Hutchinson, Minn., will only be an hour's drive from my district.

I wish a long, happy, and successful retirement to ANCHER and his lovely wife Elvern. They have surely earned it.

Mr. NATCHER. Mr. Speaker, GEORGE A. GOODLING has served for 14 years as a Member of the House of Representatives and it is an honor for me to have had the opportunity to know and to work with him.

My friend, the distinguished Mr. GOODLING, has been the third ranking minority member of the House Committee on Agriculture, and the ranking member of its Subcommittee on Forests. He has fulfilled his duties in these capacities and in all the duties required of him as a Member of Congress. GEORGE GOODLING has performed well in every assignment he undertook and willingly offered his experience and expertise to those who asked.

Well liked by his colleagues, I join with them in wishing for him success and happiness in the years ahead.

Mr. O'NEILL. Mr. Speaker, I want to take this opportunity to comment on the retirement of my close friend and colleague, LES ARENDS.

There is very little about LES that has not been said by the countless Members who have risen to express their friendship, warmth, and profound respect for the gentleman from Illinois. All of us feel a sense of loss that we know will be with us for a long time. Personally, I feel a frustration at the difficulty of finding words to convey my deep feelings.

LES ARENDS has devoted over 40 years of his life to public service in this body. In that time he has established an unquestioned reputation for integrity, fairness, ability and conviction. His many talents have proved uniquely suited to his position as whip, and LES' performance during his 30 years in that position is unparalleled. To complete that kind of tenure with such universal popularity and respect is extraordinary.

It is somehow inadequate to say that LES' retirement is well earned. It was well earned many, many years ago. He and Betty have many things they want to do and long hours they want to spend together. But the main consolation for the rest of us is the thought that LES will still be spending a great deal of his time in Washington. We have not seen the last of him by a long shot, and for that I am grateful.

Mr. Speaker, I shall always count it both a pleasure and an honor to have served in the same body with LES. My very best wishes go to Betty and him for a long and happy retirement.

Mr. BROOKS. Mr. Speaker, for the past 16 years it has been a privilege and a pleasure to serve in this body with the distinguished gentleman from New York, THADDEUS J. DULSKI.

Since coming to the House, Congressman DULSKI has been an eloquent and effective Representative of the citizens in his western New York district.

He has been a diligent and dedicated member of the Veterans' Affairs Committee, and as chairman of the Post Office and Civil Service Committee since 1967, he has earned the respect and admiration of all of us here in Congress.

I can certainly understand why after this long and honorable service he has

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decided to take a little time for his family and himself. He has earned it.

It is with sincere personal affection and professional respect that I join in honoring him today. I deeply value his friendship and his wise counsel. His presence in the Congress will be greatly missed.

Mr. DULSKI. Mr. Speaker, since those early days nearly 16 years ago when I first came to Congress, I have had the distinct honor and pleasure to be associated with my genial good friend, the Honorable H. R. GROSS from the State of Iowa.

He had been a member of the Committee on Post Office and Civil Service for several years before I was named in my first term.

For the past 3½ years, we have sat side by side, he as the ranking minority member of the committee and me as chairman.

We have differed on many issues, but we each have respected each other's views. Indeed some of those differences often have resulted in a better end product—and, of course, the final result is really what counts.

We have joined together on numerous occasions and I would cite in particular his strong support for the basics of my pioneering approach to postal reform back in 1969. That was by far the most extensive legislative effort in which I have had a key role, from the drafting of legislation on up the line to public law.

Both Mr. GROSS and I saw the tide of legislative sentiment swing away from our fundamental approach before the postal reform law was enacted. But that is the way the legislative ball bounces, compromise on legislation is the name of the game, as we both have come to know so well over the years.

During this 93d Congress there has been much effort spent on congressional reform. The effort really was not needed so far as our committee is concerned, as I believe the gentleman from Iowa will agree. We already had a fine relationship between the minority and the majority and essentially were meeting the basic reforms that evolved.

Many of my colleagues already have expressed their deep appreciation for the dedicated work of Mr. GROSS in the House over the years.

Mr. GROSS need step aside for no other Member in comparing the solid homework which he put into his every day's work in this House. How he was able to keep such a sharp eye on the intimate details of so many bills, day after day, I will never know.

Mr. GROSS very often was in the minority on issues, but he never let controversy bother him. Indeed, he thrived on it. He never lost sight of his point and, perhaps more important, never did I see him disagreeable.

He has been the exemplification of tenacity and always with deepest respect for the House and his colleagues.

Mr. GROSS tells us he is going back to Iowa to catch up on his fishing. His fellow anglers back home ought to be forewarned that they have got some real competition on the way.

Mrs. Dulski joins me in warmest best wishes to Mr. GROSS and his wonderful helpmate, Hazel, as they head back to enjoy the good things in life in their home State of Iowa.

Mr. NATCHER. Mr. Speaker, I hope to goodness that when our colleague, CLARK FISHER, the gentleman from San Angelo, Tex., leaves us at the end of this Congress he will somehow find the time to write a book about his years in Washington. The stories this man could tell.

As you know, CLARK FISHER is an author as well as a Congressman with 32 years experience. He was elected to the 78th Congress and his people have returned him to each succeeding Congress. As Representative for his district and as a member of the Committee on Armed Forces, CLARK FISHER's record has been an outstanding one. This, Mr. Speaker, is not overstatement. Our colleague came to Washington in January of 1942 while our Nation was still in recoil from the December 7 bombing of Pearl Harbor. It is awesome to think about the decisions he has been called upon to make all down through the years but the gentleman from Texas has taken it in stride.

Calm in his approach, giving counsel when asked, CLARK FISHER has been a friend to old and new Members of the House alike. All of us are in some way indebted to him and wish him good fortune in the years ahead.

Mr. MCCLORY. Mr. Speaker, in rising to pay a farewell tribute to our distinguished colleague from the 36th District of New York, the Honorable HENRY P. SMITH III, I am moved to recall the close personal friendship which has developed between HENRY SMITH and his wife, Helen, and my wife, Doris, and me—in recent years.

Mr. Speaker, in recalling the dramatic production "Mr. Smith Goes to Washington," a most exciting and illuminating drama could be written about Mr. SMITH from New York's 36th District—for HENRY SMITH looks, and thinks, and acts every part the distinguished Congressman which he is—and has been during these past 10 years.

Mr. Speaker, it has been my privilege to sit alongside Congressman SMITH as a member of the House Judiciary Committee and to work with him on an almost daily basis in the intimate and intricate work of this great committee of the House of Representatives.

Mr. Speaker, I think it can be recognized that insofar as the House Judiciary Committee is concerned our work during the 93d Congress has been more historic than that of any comparable period experienced by our great Nation. We have conducted the only in depth impeachment inquiry involving a President of the United States, and we have attended to the confirmation of two Vice Presidents under the 25th amendment to the Constitution. These landmark achievements mark a record which may never again be matched in our Nation's history.

Congressman SMITH has been an active and vital part of these historic proceedings. In addition, let me add that he has exhibited the kind of judicial temperament and thoughtful interpretation of

the Constitution which characterized his earlier service as a county judge of Niagara County of New York. He has adhered to the dictates of his conscience. He has been objective and statesmanlike. He has been thoughtful and articulate. In short, he has displayed those qualities of national leadership which have made him a Congressman of honor and distinction.

Mr. Speaker, our colleague HENRY SMITH and I had the privilege of procuring our education at the same institution of higher learning—Dartmouth College in Hanover, N.H. This bond has helped to promote the close friendship which he and I have enjoyed here on Capitol Hill. In addition Congressman SMITH's wife, Helen, and my wife, Doris, have many interests in common, and have been associated in mutual endeavors to promote the arts and humanities, as well as a better understanding of our political system and of the great issues with which our Nation has been confronted.

Mr. Speaker, as Congressman HENRY SMITH leaves these Halls and enters new fields of interest, I know that Members on both sides of the aisle will join in extending to him, sincere good wishes for useful activities consistent with his exceptional talents and that we may look for HENRY and Helen Smith to enjoy many years of good health and happiness together.

Mr. O'NEILL. Mr. Speaker, I would like to take this opportunity to salute the retiring dean of the Massachusetts delegation, my good friend HAROLD DONOHUE.

HAROLD was a veteran when I came to Congress, and that was not exactly yesterday. He has even been a minority member, an experience which I hope never to share with him. He has served under all types of Presidents and through all sorts of national crises.

But HAROLD's record shows much more than longevity. During his tenure on the Judiciary Committee he has helped pass an extraordinary range of progressive legislation which has helped open up all aspects of American life. HAROLD has used his growing experience to make greater and greater contributions in the House, without ever becoming dulled by routine or inured to the feelings of the people and the need for change. The people of the Third District have time and again honored him with overwhelming majorities. They will be sorry to lose him as their Representative, but glad to have him home full time.

I expect to continue to see HAROLD frequently, but I still cannot help but feel some sadness at his well-deserved retirement. I have never been in a Congress without HAROLD DONOHUE, and it seems a little late to start now. My very best wishes go to HAROLD for many, many more happy years.

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks

at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, as chairman of the Joint Committee on Atomic Energy, I present for the information of my colleagues the annual report on the activities and accomplishments of the Joint Committee. This report covers the activities of this 2d session of the 93d Congress.

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 93D CONGRESS, 2D SESSION (1974)

FOREWORD

It has been the practice of the Joint Committee on Atomic Energy, at the close of each session of the Congress, to submit for the information of the Congress, the executive branch, and the public a report of its activities. (The report for the first session of the 93d Congress was printed in the CONGRESSIONAL RECORD, vol. 119, pt. 33, p. 43296.)

The Joint Committee on Atomic Energy was organized on August 2, 1948. It consists of nine Members from the Senate and nine Members from the House of Representatives. No more than five from each body can be members of the same political party. The chairmanship alternates between the Senate and the House of Representatives with each Congress.

Present membership is:
Melvin Price, Illinois, Chairman.
John O. Pastore, Rhode Island, Vice Chairman.

Chet Hollifield, California.¹
John Young, Texas.
Teno Roncallo, Wyoming.
Mike McCormack, Washington.
Craig Hosmer, California.
John B. Anderson, Illinois.
Orval Hansen, Idaho.
Manuel Lujan, Jr., New Mexico.
Henry M. Jackson, Washington.
Stuart Symington, Missouri.
Alan Bible, Nevada.²
Joseph M. Montoya, New Mexico.
George D. Aiken, Vermont.
Wallace F. Bennett, Utah.
Peter H. Dominick, Colorado.
Howard H. Baker, Jr., Tennessee.

The Joint Committee is one of the few committees established by statute rather than by rule of each House and is unique in several respects. For example, it is the only Joint Committee of the Congress with legislative functions, including the receipt and reporting of legislative proposals. The Committee is also charged by law with legislative responsibility as "watchdog" of the U.S. atomic energy program. As part of its responsibilities, the Committee follows closely the classified activities of the executive agencies including the Atomic Energy Commission and the Departments of Defense and State, concerning the peaceful and military applications of atomic energy. The unclassified activities are closely reviewed as well.

In all of these activities, the Joint Committee on Atomic Energy, representing the Congress and the public, seeks to assure the implementation of the following national policy expressed in the Atomic Energy Act of 1954:

"... the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security. . . ."

¹ Resigned from Committee on Dec. 13, 1974; John E. Moes, California, appointed on December 13, 1974 to fill vacancy.

² Resigned from Congress on December 17, 1974.

During the 93d Congress, second session, the Joint Committee and its subcommittees held a total of 89 meetings, of which 32 (36%) were held in executive session and 57 (64%) were held in public session.

A total of 34 publications consisting of hearings, reports, and committee prints were published by the Joint Committee in this session of the 93d Congress. The publications include testimony taken in executive session with classified material deleted before printing.

A list of the publications follows:

1974 (93d Cong., 2d Sess.)

AEC Authorizing Legislation, Fiscal Year 1975:

Part 1, Hearings, February 19, 1974.
Part 2, Hearings, February 26 and 27, 1974.
Part 3, Hearings, February 28, 1974.

Reports: Authorizing Appropriations for the Atomic Energy Commission for Fiscal Year 1975, H. Rept. 93-969, April 3, 1974. (S. Rept. 93-773, April 8, 1974.)

Reports: Supplemental Authorization of Appropriations for the Atomic Energy Commission for Fiscal Year 1975, H. Rept. 93-1434, October 7, 1974. (S. Rept. 93-1246, October 8, 1974.)

Atomic Energy Legislation through the 93d Cong., 1st Session, Committee Print, July.

Current Membership of the Joint Committee on Atomic Energy, Committee Print, August.

Naval Nuclear Propulsion Program, 1972-73, (declassified), Hearings, February 8, 1972 and March 28, 1973.

Proposed Sale of La Crosse Boiling Water Reactor to Dairyland Power Cooperative, Hearings, August 3, 1973.

Military Applications of Nuclear Technology (Part 2) (declassified), Hearings, May 22, and June 29, 1973.

Future Structure of the Uranium Enrichment Industry (Phase II), Hearings, October 2, 3, and 4, 1973.

Nuclear Reactor Safety (Part 1, Phase I and IIa), Hearings, January 23, 1973. September 25, 26, 27, and October 1, 1973.

To Consider December 1, 1973 AEC Report on Energy Research and Development, Hearing, December 11, 1973.

Selected Materials on Atomic Energy Indemnity and Insurance Legislation, Committee Print, March.

Possible Modification or Extension of the Price-Anderson Act (Phase I), Hearings, January 31, March 27 and 28, 1974.

Reports: Revising and Amending the Price-Anderson Indemnity Provisions of the Atomic Energy Act of 1954, as amended, H. Rept. 93-1115, June 18, 1974. (S. Rept. 93-1027, July 23, 1974.) (Conf. Rept. 93-1308, August 20, 1974.)

AEC Omnibus Legislation: 1974 [see below].

Proposed amendment to section 54 of the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology: S. 3253 and H.R. 13896—to delete the requirements that Congress authorize amounts of special nuclear material which may be distributed to a group or nations. [Subcommittee on Agreement for Cooperation], [hearing held April 30, 1974].

Reports: Amending the Atomic Energy Act of 1954, as Amended, To Enable Congress to Concur in or Disapprove Certain International Agreements for Peaceful Cooperation, H. Rept. 93-1149, June 25, 1974. (S. Rept. 93-964, June 25, 1974.)

Conference Report: International Nuclear Agreement Congressional Review Act, (Conf. Rept. 93-1299, August 19, 1974.)

AEC Omnibus Legislation—1974:

Testimony on H.R. 14849; S. 3502; Foreign distribution of special nuclear materials and S. 3669; H.R. 15416, Atomic weapons and

special nuclear rewards, [hearings held June 18, 1974].

Reports: AEC Omnibus Legislation—1974, H. Rept. 93-1155, June 26, 1974. (S. Rept. 93-989, July 9, 1974.)

(The two preceding legislative hearings were printed in one volume.)

Transportation of Radioactive Material by Passenger Aircraft, Committee Print, September.

Proliferation of Nuclear Weapons, Hearing, September 10, 1974.

Annual Reports to Congress on Nuclear Information, Open Meeting, July 22, 1974.

Reports: Annual Reports to Congress on Nuclear Information, H. Rept. 93-1414, October 2, 1974. (S. Rept. 93-1228, October 4, 1974.)

To Facilitate the Entry Into Foreign Ports of United States Nuclear Warships, H. Rept. 93-1467, October 16, 1974.

(Unclassified hearings held June 14, 1972), (S. Rept. 93-1281, October 16, 1974.)

AEC Nuclear Weapons Testing Program, Hearing, September 23, 1974.

The following publications will be released in the near future:

Proposed Changes in Contract Arrangements for Uranium Services, Hearings, March 7, 8, 26, and April 18, 1973.

Nuclear Reactor Safety (Part 2, Phase IIb and III), Hearings, January 22, 23, 24, and 28, 1974.

AEC Authorizing Legislation, Fiscal Year 1975 (Part 4), Hearings, March 4 and 5, 1974.

(Note: Included in this part is hearing of July 25, 1973, entitled "Current Status of AEC Controlled Thermonuclear Research Program")

Possible Modification or Extension of the Price-Anderson Act (Phase II), Hearings, May 9, 10, 14, 15 and 16, 1974.

Development, Growth, and State of the Nuclear Industry, Hearings, February 5 and 6, 1974.

Nuclear Powerplant Siting and Licensing, Hearings, March 19, 20, 21, 22; April 24, 25, 26, and May 1, 1974.

Uranium Mill Tailings in the State of Utah, Hearing, March 12, 1974.

Naval Nuclear Propulsion Program—1974 (declassified), Hearing, February 25, 1974.

Future Structure of the Uranium Enrichment Industry (Phase III), Hearings, June 25, 26, 27; July 18, 17, 18, 30, 31; August 6; November 26; and December 3, 1974.

AEC Weapons Program Authorization Request, Fiscal Year 1975 (declassified), Hearing, February 19, 1974.

Proposed Modification of Restrictions on Enrichment of Foreign Uranium for Domestic Use, Hearings, September 17 and 18, 1974.

Solar Energy Research and Development, Hearings, May 7 and 8, 1974.

1. LEGISLATIVE ACTIVITIES

A. Atomic Energy Commission Fiscal Year 1975 Authorization Act (Public Law 93-276).

The Atomic Energy Commission's authorization request for fiscal year 1975, as initially submitted to the Congress on February 7, 1974, called for authorization of \$2,469,423,000 for "Operating expenses" and \$1,130,850,000 for "Plant and capital equipment" (including increases in prior-year authorization) making a total requested authorization of \$3,600,273,000.

This request represents an increase of \$1,130,518,000 or about 45.8 percent, above the \$2,469,755,000 authorized for fiscal year 1974.

The Joint Committee's recommended authorization for fiscal year 1975 was \$3,676,833,000 which is \$78,560,000 or about 2 percent more than the amount requested.

Generally, the Commission's authorization request reflects estimated costs in two broad categories of effort, namely, military and civilian applications. Military applications

include primarily the nuclear weapons and naval propulsion reactors programs as well as a portion of the nuclear materials program. Approximately 42 percent of the Commission's fiscal year 1975 estimated program cost, or \$1,531,867,000 is attributable to military applications. The estimated cost for the civilian applications of atomic energy totals \$2,138,036,000 or about 58 percent of the program costs.

The change in the percentage of civilian versus military applications estimated costs from fiscal years 1974 to 1975 is reflected in the priority increases the AEC proposed to give to energy development programs and basic and supporting energy research which would contribute most directly to solving energy related problems and to maintaining the quality of our Nation's environment. These energy programs and related research will receive an aggregate increase of about 32 percent above estimated fiscal year 1974 costs, while all other AEC programs, including the weapons, naval reactor development, space nuclear systems, and high energy physics programs will only receive an aggregate increase of about 4 percent.

The Joint Committee began consideration of the proposed legislation authorizing appropriations to the AEC for fiscal year 1975 with a public hearing on February 19, 1974. At this hearing, Dr. Dixy Lee Ray, Chairman of the AEC, reviewed the overall budget request. Subsequent public hearings occurred on February 26, 27, 28, and March 4. In the course of these hearings the AEC's programs for civilian reactor development and reactor safety research, applied technology, physical research, regulation, biomedical and environmental research, controlled thermonuclear research and radioactive waste management were the subjects considered. The hearing records contain information on the status of and accomplishments under the various programs being carried out under the Atomic Energy Program.

Other hearings were held in executive session on February 20, 21, 25, and March 5. AEC programs reviewed during these hearings were weapons, nuclear materials security, naval reactors, and nuclear materials production.

B. Supplemental Authorization of Appropriations for the Atomic Energy Commission for Fiscal Year 1975.

On September 4, 1974, an executive communication was transmitted to the Congress, requesting the Congress to consider proposed supplemental appropriations to the Atomic Energy Commission of \$54,700,000 for operating expenses and \$18,300,000 for plant and capital equipment.

The full committee held an executive hearing on September 12 and 28, 1974, and an open hearing on September 23, on the request for authorization of supplemental appropriations. The funds requested by AEC are to be used primarily to conduct a minimal underground test program and for the safeguarding of special nuclear material from diversion from its intended uses. The underground nuclear test program was revised as a result of the Threshold Test Ban Treaty signed by the United States and the Soviet Union on July 3, 1974. That Treaty prohibits all nuclear weapons tests in excess of 150 kilotons yield beginning March 31, 1976. The AEC stated that they would need to include several tests over the yield threshold in fiscal year 1975 in order to complete the weaponization of devices already approved for development.

On September 23 and October 7, 1974, the full committee met in executive session for markup of the bill. At the conclusion of these sessions, the committee voted to approve a supplemental authorization of \$62,200,000 for operating expenses and \$18,300,000 for plant and capital equipment.

The bill was passed by the House of Representatives on November 25, and by the Senate on December 10. The Senate amended the bill by reducing the supplemental authorization for plant and capital equipment to \$16,050,000, and specifying that, \$23,000,000 of the total authorization was to be applied to the safeguards program. The House concurred in the Senate amendment on December 16, 1974.

C. Extension and Modification of the Price-Anderson Act.

The Price-Anderson Act was enacted in 1957, and extended and amended in 1965 and 1968. The Act was designed to protect the public and the emerging nuclear industry by assuring the availability of funds for the payment of claims in the unlikely event of a catastrophic nuclear incident. Among other things, the Act provides funds for public liability in the event of a nuclear incident up to a total amount of \$560 million. This amount is provided for by requiring nuclear power plant licensees to maintain financial protection through insurance or other means in the full amount available from private insurance (currently \$110 million) and by providing for government indemnity for the remainder of the \$560 million. Other features included in the Act by the amendments of 1966 are no-fault liability and provisions for accelerated payment of claims immediately upon occurrence of a nuclear incident.

The Act is scheduled to expire on August 1, 1977. Because of the long lead times involved in planning new commitments to nuclear power, the Joint Committee was urged to consider the matter of extension and possible modification of the Act during the 93rd Congress in order to prevent an unwarranted disruption in the planning process for nuclear power plants, such as might result from uncertainty over the future of the Price-Anderson Act. In order to permit early consideration, the Joint Committee, in July 1973, requested the Atomic Energy Commission to submit studies and alternative proposals in the indemnity area. In response to this call, the Commission filed a broad based staff study in January 1974 and the Columbia University Legislative Drafting Fund submitted an independent review sponsored by the Atomic Industrial Forum. Months of informal interchange among members of the Joint Committee, the Atomic Energy Commission, and their staffs, and representatives of private industry and the general public culminated in public hearings beginning on January 31, 1974. On April 22, 1974, the Atomic Energy Commission forwarded to the Congress proposed legislation which was introduced as H.R. 14408 by Chairman Melvin Price of the Joint Committee on Atomic Energy on April 25, 1974, and as S. 3452 by Senator John O. Pastore, Vice-Chairman of the Joint Committee, on May 7, 1974. Additionally, a related bill, S. 3254, was introduced by Senator Mike Gravel on March 27, 1974.

Following public hearings, held on May 9, 10, 14, 15, and 16, 1974, the full committee met in executive session on June 11, 1974, and after careful consideration voted to submit a committee bill in lieu of the above-mentioned measures. The bill was introduced on June 11, 1974, by Chairman Price (for himself and Mr. Hosmer) as H.R. 15323. H.R. 15323 provided for a ten-year extension of the Price-Anderson Act, until 1987, and for a number of changes in the Act. The major change was a provision for replacing the government indemnity with a retrospective premium insurance system over a period of years as more power reactors become licensed. This system would also have allowed an increase in the limit on liability above \$560 million after the government indemnity had been phased out. This was expected to occur in about the 1977-1982 time frame. The bill would also have extended Price-Anderson coverage to offshore nuclear power plants and to shipments of nuclear material between AEC licensees via routes wholly or partially outside U.S. territorial limits.

The Joint Committee met again on June 13, 1974, in open session and voted to report favorably on the bill with amendments by a rollcall vote of 11 to 2 (Cf. H.R. Rept. 93-1115). On July 10, the House of Representatives considered H.R. 15323 and passed the bill with three amendments by a vote of 360-43. The bill was messaged to the Senate and referred to the Joint Committee on July 11.

The Joint Committee met again in open session on July 22 and voted 9 to 1 to report the bill favorably to the Senate with further amendments (Cf. S. Rept. 93-1027).

On August 8, 1974, the Senate passed H.R. 15323 by voice vote with three floor amendments, insisted on its amendments, and asked for a conference. One of these amendments reduced the period of extension of the Act to five years. Another amendment added the provision in Section 12 described below, which resulted in a Presidential veto of the bill. The conferees met on August 14, 1974, and again on August 20, 1974, reaching agreement on the latter date, and agreed to report their recommendations to their respective Houses (H.R. Report 93-1306).

The House of Representatives approved the conference measure on September 24, 1974; the Senate followed on September 30, 1974. The Act was then sent to the President on October 1, 1974. The President vetoed the measure on October 12, 1974, citing his approval of the substantive sections of H.R. 15323, and basing his veto on "the clear constitutional infirmity" of a provision in Section 12 of the bill allowing Congress to prevent it from becoming effective by passing a concurrent resolution within a specified time. The President urged the Congress to reenact the measure without the offending provision.

H.R. 15323 and the veto message were referred to the Joint Committee on Atomic Energy. The Joint Committee met on November 19, 1974 in executive session and agreed not to attempt to override the veto, and to take up the reenactment of this legislation immediately when the 94th Congress convenes.

D. AEC Omnibus Legislation (P.L. 93-377).

On October 30, 1974 the Atomic Energy Commission forwarded to Congress a proposed amendment to Section 54 of the Atomic Energy Act of 1954, as amended. The AEC proposal would have eliminated the ceilings on amounts of special nuclear materials which can be distributed to international agencies, such as the IAEA or Euratom. The legislation was requested in order to permit supply of nuclear fuels through IAEA to certain foreign customers for U.S.-manufactured reactors. This proposal was incorporated in S. 3253, introduced by Senator Joseph Montoya (by request) on March 27, 1974, Representative Melvin Price, Chairman of the Joint Committee on Atomic Energy, introduced an identical bill (by request), H.R. 13896, on April 2, 1974.

On May 18, 1974, following hearings on April 30 before the Subcommittee on Agreements for Cooperation of the JCAE on H.R. 13896 and S. 3253, revised legislation was introduced in lieu of the earlier bills, by Senator Montoya as S. 3502, and by Chairman Price, for himself and Mr. Hosmer, as H.R. 14849. The modified proposal provided for an increase in the IAEA ceiling to accommodate the proposal arrangements for fuel supply, and provided a simplified procedure for future ceiling increases, subject to congressional review.

On May 9, 1974, the Atomic Energy Commission transmitted to Congress a proposed 1974 Omnibus bill containing one amendment to the Atomic Energy Rewards Act of

1955, and five amendments to the Atomic Energy Act of 1954, as amended. The AEC's proposed legislation was introduced on May 20, 1974, by Chairman Price (by request) as H.R. 14901.

This bill clarified and expanded the scope of activities subject to the Atomic Weapons Rewards Act, exempted from regulatory licensing requirements certain classes and quantities of special nuclear materials, allowed export of such exempted items and other specified materials to nations with whom agreements for cooperation have not been executed clarified the status of agreement state licensees with regard to by-product material, and granted express authority for AEC to conduct a program of approval of persons to have access to or control over significant quantities of special nuclear material.

On May 23, 1974 Chairman Melvin Price introduced H.R. 14998, another amendment to the Atomic Energy Act of 1954, as amended. This bill provided for a further five-year extension, to 1979, of AEC's authority to compel the licensing of atomic energy patents. This authority would have expired on September 1, 1974.

Following full discussion in executive session, the Joint Committee combined these various legislative proposals into a single clean bill, introduced on June 17, 1974 by Chairman Price as H.R. 15416, and by Vice Chairman Pastore as S. 3669 on June 19, 1974.

On June 18, 1974, the full Joint Committee conducted a hearing on H.R. 15416. This was followed by an open mark-up session on June 25 during which the Joint Committee voted to approve these bills with an amendment. The legislation was passed without further amendment by the Senate and the House on July 11, 1974 and August 1, 1974 respectively.

E. Annual Reports to Congress on Nuclear Information (Public Law 93-514).

On July 8, 1974, Senator Stuart Symington introduced S. 3728, a bill to assure that adequate nuclear information essential to Senate decisions be provided to that body. This would be accomplished through a report submitted to the Senate twice in each session of Congress by the Senate section of the Joint Committee on Atomic Energy. The report would provide facts and information concerning nuclear energy, nuclear weapons, and nuclear policies, the knowledge of which would contribute to the exercise of informed judgments by all Senators respecting foreign policy, defense, international trade and other related matters.

On July 11, 1974, Chairman Melvin Price introduced H.R. 15891, a companion bill, expanding the scope of S. 3728 to require that the reports provided for in S. 3728 be furnished by the Joint Committee on Atomic Energy to both Houses of Congress.

On July 22, 1974, the Joint Committee on Atomic Energy met in open session and voted unanimously to submit a committee bill in lieu of those measures. The bill was introduced on July 23, 1974 by Chairman Price as H.R. 16074, and on July 24, 1974 by Senator Symington as S. 3802. The Joint Committee met again on September 26, 1974 and voted unanimously to report these bills favorably. This legislation was approved without amendment by the Senate and the House on October 9 and November 25, respectively.

F. Nuclear Warship Liability Resolution (Public Law 93-513).

The Joint Committee has received testimony at various times concerning restrictions on entry of U.S. nuclear warships into ports of foreign countries. Concerns over liability in the event of a reactor accident have been offered by some nations as a reason for restricting access to their ports. Hearings on this matter were held on June 14, 1972, at which time testimony was received from the following individuals:

Admiral Elmo R. Zumwalt, Chief of Naval Operations;

Hon. U. Alexis Johnson, Under Secretary of State for Political Affairs;

Admiral Hyman G. Rickover, Deputy Commander for Nuclear Propulsion, Naval Warships Systems Command, Navy Department; Director, Division of Naval Reactors, AEC; and

Mr. Benjamin Forman, Assistant General Counsel for International Affairs, Department of Defense.

On July 16, 1974, Rep. Craig Hosmer filed a proposed joint resolution (H.J. Res. 1089) which was aimed at removing any question of congressional intent relative to the assumption of liability in the event of a reactor incident in a foreign port. The Joint Committee expressed a desire to receive the views of the Department of State and of Defense concerning this problem before proceeding on the resolution. By letter dated September 4, 1974, the Secretary of Defense expressed his Department's support of the resolution, and suggested minor alterations in language. By letter dated September 17, 1974 over signature of Ambassador-at-Large McCloskey, the Department of State supplied its comments on the resolution. Finally, on September 26, 1974, in testimony before the Joint Committee in executive session, Secretary of Defense Schlesinger and Dr. Dixy Lee Ray, Chairman, AEC, expressed their support of the resolution and termed it necessary and urgent.

On October 9, 1974, "clean" resolutions, incorporating the DOD recommendations, were introduced in the Senate by Vice-Chairman Pastore as S.J. Res. 248, and in the House of Representatives by Mr. Hosmer, as H.J. Res. 1161. These resolutions were referred to the Joint Committee. On October 10, 1974, the Joint Committee met in executive session and voted unanimously to approve these resolutions. S.J. Res. 248 passed the Senate and the House without amendment on November 2 and November 25, 1974 respectively.

G. Nuclear Power Plant Licensing Improvements.

Since 1971, the Joint Committee has been looking intently at the problem of delays in the siting and licensing of nuclear powerplants. Extensive hearings on this issue were conducted in 1971 and again in 1972. On December 13, 1973, Chairman Price introduced H.R. 11957, a bill providing for changes to expedite the licensing process. He called at that time for others to submit similar proposals, and announced that the Joint Committee would hold hearings to develop legislation to deal with this problem. The hearings began in March, continued in April and concluded in May 1974. Witnesses who testified at these hearings included the Chairman, members and staff of the Federal Power Commission, representatives of the nuclear industry, including utility licensing applicants, interested States, environmental associations and professional experts in the field of administrative procedure.

In hearings held on March 19, 20, 21 and 22, 1974, the Joint Committee examined in detail the overall process of planning, siting, designing, constructing, and operating nuclear power plants, and explored in depth the causes of delay. The most frequently identified causes of delay were design changes, poor productivity of labor, changes in regulatory requirements, and prolonged regulatory procedures, including legal challenges involving right-of-way, site, aesthetic or environmental issues.

On April 24, 25, 26 and May 1, 1974, the Joint Committee continued its hearings on the siting and licensing of nuclear powerplants for the purpose of receiving testimony on various legislative proposals which had been referred to the Joint Committee to eliminate delay in the process of licensing of nuclear powerplants. These proposals included the bill sponsored by Chairman Price

(H.R. 11957), a bill proposed by Representative McCormack (H.R. 1223), and the legislative proposal of the AEC (H.R. 13484 and S. 3179). A related bill, S. 3547, introduced by Senator Kennedy on May 29, 1974, after the Joint Committee had concluded its hearings on the siting and licensing of nuclear powerplants, incorporated major portions of a draft bill proposed by an environmental lawyer, Anthony Rolman, which was considered during the hearings.

On September 17, 1974, Chairman Price, joined by all the other House members of the Joint Committee, introduced H.R. 16700, a composite bill incorporating various features of each of the bills mentioned above, along with other provisions suggested by the results of the hearings. The bill was referred to the Joint Committee.

H.R. 16700 provided for a number of changes to the procedures for approving sites and designs for proposed nuclear power plants. It provided for designated sites reviewed in advance a specific application; for standardized plants; for replacement of mandatory hearings with an opportunity for a hearing in certain instances; for discretionary, rather than mandatory ACRS review of applications; for limited work authorizations and interim operating licenses prior to completion of hearings, where need is shown and environmental reviews have been completed; for expedited hearing procedures; for coordination of Federal and State reviews; for a survey of nuclear power park sites (this provision was incorporated into the Energy Reorganization Act of 1974, P.L. 93-438); and for increased participation by intervenors through early notice of intent to file applications and through provision of technical reports and other documents. This legislation is expected to receive early consideration by the committee in the 94th Congress.

II. CERTAIN AGREEMENTS FOR COOPERATION (P.L. 93-485)

A. Section 123 of the Atomic Energy Act of 1954, as amended, as constituted prior to the amendment thereto effected by P.L. 93-485, provided that proposed agreements for cooperation by the United States and other nations, in the peaceful uses of nuclear energy, and amendments thereto, must be submitted to the Joint Committee for a period of up to 30 days while Congress is in session.

In accordance with such requirement, the following proposed civilian agreements for cooperation were submitted to the Joint Committee in 1974:

On April 1, an amendment to the Agreement with AEA.

On April 9, an amendment to the Agreement with the Repub. of China.

On April 9, a superseding Agreement with Spain.

On May 13, an amendment to the Agreement with Sweden.

On May 16, an amendment to the Agreement with the Repub. of Viet-Nam.

On May 16, a superseding Agreement with Thailand.

On May 16, an amendment to the Agreement with South Africa.

On May 17, a superseding Agreement with Portugal.

On May 28, an amendment to the Agreement with Austria.

On June 17, an amendment to the Agreement with Greece.

On July 15, an Agreement with Greece, which was withdrawn on July 26.

Soon after the announcements by President Nixon on June 14 and 17, 1974, that he was taking steps to negotiate a cooperative nuclear power agreement with Egypt and a similar agreement with Israel, the Joint Committee reported out a bill to augment the requirements of Section 123 of the Atomic Energy Act in regard to such proposed cooperative agreements for nuclear power. In the Senate, the bill, S. 3698, was approved in amended form on July 10, 1974.

The House passed a version of the Senate bill on July 31, 1974, and thereafter Senate-House Conferees agreed upon the text of S. 3698 which was approved by both Houses and on October 26, 1974 was signed into law (P.L. 93-485) by President Ford.

As amended, subsection 123 d. now provides that proposed foreign agreements of cooperation involving a reactor that may be capable of producing more than 5 thermal megawatts or special nuclear material for use in connection with such a reactor must be submitted to the Congress in the same manner as proposed foreign agreements entailing military or nuclear weapons information.

Before such agreements may be effective, the following steps must be taken:

First, the Atomic Energy Commission must submit to the President the proposed agreement for cooperation, together with its recommendations. The submitted proposal must include (1) the terms, conditions, duration, nature and scope of the proposed cooperation, (2) a guarantee by the other party that the security safeguards and standards provided for in the agreement will be maintained, and (3) certain other guarantees by such party respecting the use of special materials and their unavailability to unauthorized persons;

Secondly, the President must approve the proposed agreement, following a written determination by him that its implementation would promote, and would not constitute an unreasonable risk to, the common defense and security; and

Thirdly, the proposed agreement for cooperation, together with the President's approval and determination, must be submitted to the Congress.

Pursuant to subsection 123 d., as most recently amended, the submission to the Congress must be for a period of 60 days while Congress is in session. Prior to the lapse of the first 30 days of this period, the Joint Committee is required to submit a report to the Congress of its views and recommendations respecting the proposed agreement together with a proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation. The proposed agreement cannot become effective if during the 60-day period the Congress passes a concurrent resolution stating in substance that it does not favor the contemplated agreement. The amendment to Section 123 effected by P.L. 93-405 applies to both proposed agreements for cooperation within the categories of coverage identified in subsection 123 d. and to proposed amendments to covered agreements for cooperation submitted to the Congress after October 17, 1974, the effective date P.L. 93-485.

B. In addition to the foreign agreements for cooperation in the peaceful uses of nuclear energy mentioned above, the Joint Committee received, on August 15, 1974, a proposed amendment to the July 3, 1958 Agreement, as amended, between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland. The latter agreement is for cooperation in uses of atomic energy for mutual defense purposes. It is a classified agreement providing for the transfer by the United States to the Government of the United Kingdom, and for the transfer from the United Kingdom to the United States, of certain materials and equipment. The new amendment, received by the Joint Committee on August 15, would extend for 5 years, until December 1, 1979, the period during which the basic agreement would remain in force. The President's submission was in furtherance of subsection 91 c. of the Atomic Energy Act of 1954, as amended, and accorded with the provisions of Section 123 of that Act, as constituted prior to the amendment effected by P.L. 93-485.

III—INFORMATIONAL HEARINGS

A. Naval Nuclear Propulsion Program:

The Joint Committee held an executive hearing on the Naval Nuclear Propulsion Program on February 25, 1974. At that time Admiral Rickover presented information on the status of the nuclear navy including detailed information on the nuclear shipbuilding program.

Admiral Rickover reported that as of the time the hearings were held, nuclear power warships had steamed a total of 25 million miles. He pointed out that the navy nuclear propulsion plants now consist of 126 reactors which have operated for a cumulative period of 1150 reactor-years without a reactor accident.

The naval reactor program continues to be one of the developing improved nuclear reactor propulsion systems for both submarines and surface vessels. In large measure the crux of the effort centers on the development and testing of long lifetime nuclear cores for naval reactors.

B. Uranium Mill Tailings:

On March 12, 1974, the Joint Committee's Subcommittee on Raw Materials held a public hearing on the legislation which had been introduced which would authorize the Atomic Energy Commission to enter into a cooperative agreement with the State of Utah to contain and render harmless uranium mill tailings. During the hearing it was pointed out that there were a number of inactive uranium mills in western states which have associated tailings piles which should also be considered for remedial action. As a consequence, the Atomic Energy Commission, the Environmental Protection Agency, and the various States concerned cooperated in a study to assess in each case the need for remedial action. A Phase I report has been furnished to the Joint Committee which identifies the mills where remedial action is recommended. In a second phase of the study, engineering estimates are to be made on detailed plans for removal or other remedial action including cost estimates for each case.

C. Nuclear Power Reactor Safety:

The Joint Committee held public hearings on nuclear power reactor safety on January 22-24 and 28, 1974. The Committee first received testimony from the AEC on the data and rationale underlying the Commission's decision of December 28, 1973, on acceptance criteria for the Emergency Core Cooling Systems (ECCS) for nuclear power plants. After completion of the AEC testimony, the Committee heard from representatives of the nuclear community, organizations opposed to nuclear power, independent scientific and technical experts in the field, and members of the public at large.

These hearings concluded the Committee's special hearings on nuclear reactor safety, which commenced on January 23, 1973, with testimony from outgoing AEC Chairman Dr. James R. Schlesinger. The next phase of these hearings consisted of testimony by the Atomic Energy Commissioners, their principal staff, the Advisory Committee on Reactor Safeguards and the Atomic Safety and Licensing Board Panel. Testimony was heard in public session on September 25, 26 and 27 and October 1, 1973. The safety hearings were recessed at that time to await the AEC's decision on ECCS.

This comprehensive series of hearings provided an opportunity for all sides to be heard on the complex issue of nuclear reactor safety. It provided valuable background information for the Committee's consideration of the proposed Price-Anderson extension and siting-licensing legislation. It is expected that the record of these hearings will be published in the near future. The Committee will, of course, continue to devote major attention to assuring that atomic energy programs are carried out in a safe manner.

D. Solar Energy:

On May 7-8, 1974, the Joint Committee held two days of intensive hearings on the subject of solar energy research and development. The Committee had before it for consideration legislation introduced by Senator Humphrey which would authorize a five-year, \$600 million program of solar energy research. The hearings developed a complete record on the present status and the prospects for solar energy utilization and technology, both Governmental and industrial, in the U.S. and worldwide. The hearings also provided the Committee with an opportunity to receive reports from several AEC laboratories on the solar energy research being carried out under the expanded authority of the AEC to work in non-nuclear areas.

E. Policy on Import of Foreign Uranium:

On September 17-18, 1974, the Committee met to consider the AEC proposal for gradually relaxing and finally removing the restrictions on enrichment of foreign uranium intended for use in domestic power reactors. In accordance with Subsection 161 v. of the Atomic Energy Act, it was required that this proposal lie before the Congress for a review period of 45 days since it involved a modification to the criteria governing the provision of uranium enrichment services. The AEC specifically proposed to permit an enrichment services customer to provide up to 10% of enrichment feed from foreign sources in 1977. The percentage allowable would increase each subsequent year to 15, 20, 30, 40, 60, and 80 percent respectively until 1984, when there would be no further restriction on the source of enrichment feed. The AEC also indicated its intent to closely monitor the uranium situation to assure the maintenance of a viable domestic uranium industry.

After hearing from the AEC, representative views of the proposal were received from the uranium producers and the uranium users as well as other interested parties. Subsequent to the hearing, in response to a Committee request, the AEC provided additional information to clarify its position on several points discussed at the hearing—particularly with respect to the circumstances and manner in which the AEC might act to reimpose the restrictions at some later date. The 45-day review period expired on October 16, and thus the AEC put its previously announced plan into effect on October 26, 1974. The hearings and supplemental information were useful in documenting the diverse views on this subject, and the record should be valuable in the future as the AEC policy is gradually implemented.

F. State of Nuclear Industry:

On February 5-6, 1974, the Committee held hearings on the "Development, Growth, and State of the Nuclear Industry", pursuant to Section 202 of the Atomic Energy Act of 1954. Testimony was received from the AEC, key leaders from the major sectors of the nuclear industry, and the Federal Energy Office. The hearings provided an overall look at the state of the nuclear industry, and an opportunity for the industry to discuss the progress and problems being encountered in the development and application of nuclear energy. They were highly beneficial in terms of providing background information for the Committee's consideration of the FY 1975 budget as well as other legislative matters taken up during the rest of the session.

G. Uranium Enrichment:

As a follow-up to Phase I and Phase II hearings held during 1973, the Committee held extensive Phase III hearings on the Future Structure of the Uranium Enrichment Industry on eleven separate days during June, July, August and November.

In April a Committee Print of draft legislation to establish the United States Enrichment Corporation (USEC) had been prepared and circulated widely in the industry for comment. A somewhat modified form of this

bill was introduced in October and was considered at the November hearings.

Under the proposed legislation, USEC would take over the Atomic Energy Commission's gaseous diffusion and gas centrifuge facilities and programs, contracts and funds, with the mission of operating them in a business-like fashion, free of the strictures and delays of the budgetary-authorization-appropriation cycle. USEC would be empowered and directed to take strong, decisive action to assist in the entry into and eventual complete take-over by private enterprise of the function of enriching uranium for nuclear fuel, and the recapture for the United States of an appropriate share of the foreign enrichment market.

Extensive testimony by commercial and investment bankers and industrial leaders at the Phase III hearings clearly established that without substantial Government assistance private industry would not be able to raise the multi-billion dollar funds to build private enrichment plants, and that assistance beyond the legal authority of the Commission or the Energy Research and Development Administration was needed.

As the Phase III hearings progressed, a virtual consensus emerged as to the urgent need for enactment of strong legislation to assure against the development of a nuclear fuel gap and to remove the contracting gap precipitated during the year.

The Committee also became increasingly aware of the sensitivity of the enrichment effort to a shortfall of uranium feed or of chemical reprocessing capacity, either one of which could cause problems in the nuclear fuel cycle, similar to those caused by a shortage of enrichment capacity.

IV. CLASSIFIED ACTIVITIES

A. Military Applications:

The Joint Committee on Atomic Energy met in executive session on February 19, 1974, to receive testimony from the Supreme Allied Commander Europe on NATO nuclear matters. An unclassified version of this hearing will be published in the near future as a Committee print entitled "To Consider NATO Matters."

The Subcommittee on Military Applications of the Joint Committee on Atomic Energy held an executive session on August 19, 1974, to receive a briefing from the Department of Defense on security of deployed U.S. nuclear weapons.

The Subcommittee on Military Applications held an open session on September 10, 1974, to receive testimony on the proliferation of nuclear weapons. A report of this hearing has been published as a Subcommittee hearing print entitled "Proliferation of Nuclear Weapons."

B. Central Intelligence Agency:

On February 21, 1974, the Director of the CIA briefed the Joint Committee on foreign intelligence matters. From time to time during the year, the CIA has provided the Committee with information concerning foreign intelligence relating to atomic energy.

C. Foreign Trips:

At the request of the Vice Chairman, and with the approval of the Chairman, the Deputy Director of the Joint Committee staff visited certain NATO installations in June and October, 1974. Reference to the June trip concerning the security of U.S. nuclear weapons in Europe was made by Vice Chairman Pastore in the *Congressional Record* of September 25, 1974, page 32522.

D. Disarmament Matters:

On March 15 and June 18, 1974, the Director of the Arms Control and Disarmament Agency briefed the Joint Committee on the status of the Strategic Arms Limitation Talks and the current United States test ban policy, with particular reference to a possible threshold test ban treaty.

On a continuing basis the Joint Committee, through its contacts with the Department of Defense, Department of State, Atomic Energy Commission, and Arms Control and Disarmament Agency, keeps fully and currently informed on matters relating to disarmament.

V. SAFEGUARDS AND SECURITY

On May 17, 1974, the Committee announced the selection of a special panel to study the transportation of nuclear materials. This panel produced its first report on September 17, 1974, on the transportation of radioactive material by passenger aircraft. This report was distributed to the public and is available at the Joint Committee office.

The Joint Committee has always insisted that public health and safety receive prime consideration, including the security and safeguarding of nuclear installations against sabotage and takeover and preventing the diversion or loss of nuclear materials. The Committee has strongly supported and frequently recommended increased funding for the nuclear materials security programs conducted by the Division of Military Applications, and those regulatory programs concerned with the possession, use, and disposal of nuclear materials and installation security.

The weapons program's nuclear materials security budget reached a new high of \$5 million for FY 1975. Research and development efforts, as well as the procurement of new systems are underway. New concepts of material accountability, physical containment, surveillance methods, transportation and communications are being implemented. Additional approaches and concepts are under study.

In the regulatory program, the funding, staff, and a number of published regulations and guides are being increased significantly over FY 1974. Funding is up 21%, guides and regulations by 71%, and staff by 15%. The dollar cost increased by 25% to almost \$68 million. These activities, which apply to commercial and other licensee facilities, are concerned with plant physical protection, material protection in transit, and improved materials accountability practices. To insure compliance by licensees, it is planned to increase the number of inspections by 23%. To assure that the public is kept fully and currently informed on regulatory activities, the LORDS system of monthly reporting has been initiated. LORDS is the acronym for Licensing On-Line Retrieval Data System. Following are listed the areas covered:

Nuclear Power Plants.
Nuclear Fuels.
Nuclear Materials.
Reactor Safety Research.
Additionally, a monthly report is issued which details the results of AEC inspections. Included in this report are the memorandums concerned with the issuing or denial of licenses for activities associated with nuclear materials.

When the FY 1975 AEC supplemental appropriations request was submitted to the Congress, the Joint Committee recommended that the \$18 million requested for safeguards and security be increased to \$23 million. This increased authorization for appropriations was passed by the Congress.

VI. OTHER ACTIVITIES

A. *Nuclear Electric Power in Space:*
Pioneer-10 and Pioneer-11, both of which use nuclear power supplies, are actively transmitting scientific data to Earth. Solar cell systems were not practical because of the distance the spacecraft would be from the sun. Each system employs four nuclear radioisotope electric generators which initially produced about 166 watts for the experiments, the transmitters and the electric heaters which keep mechanical devices from freezing. The solar power output should allow data collection and transmission for at

least 8-10 years. Pioneer-10, launched March 2, 1972, passed around Jupiter in 1973 and is now about 500 million miles from Earth on its way out of our solar system. It is sending data on the radiation flux and magnetic fields it is encountering in space and on meteoroid impacts. In the blackness of space there are no pictures for it to take even if it were possible to send them back to Earth. Pioneer-11 passed 26,000 miles above Jupiter's surface (Pioneer-10 was at 75,000 miles) and it took remarkable color pictures. The electromagnetic field and radiation fluxes were high, as predicted, but the spacecraft camera lenses and experiments survived. A slight amount of damage might have been done to the voltage regulator. Pioneer-11 flipped around Jupiter and is now en route to Saturn, which it should reach in the Spring of 1979 to photograph that planet's rings.

Most of the experiments and transmitters left on the moon surface by the five Apollo crews are still operating satisfactorily. As an example, the Apollo 12 ALSEP (Apollo lunar surface experimental package) launched November 14, 1969, was projected to last 365 days. As of the end of calendar year 1974, it will have been operating 1868 days and gives no indication of imminent failure.

B. Confirmation Hearings:

The Senate Section of the Joint Committee held hearings on December 10 and 18 to consider the nominations of Mr. William A. Anders, Mr. Victor G. Glinisky, Mr. Edward A. Mason, Mr. Marcus A. Rowden and Mr. Richard T. Kennedy to members of the Nuclear Regulatory Commission. A joint hearing was held on December 11, with the Senate Interior and Insular Affairs Committee to consider the nomination of Dr. Robert C. Seamans, Jr., as Administrator, Energy Research & Development Administration.

C. Changes in Committee Membership during 1974:

Chet Holifield, California:
Appointed, August 2, 1946.
Chairman, 97th Congress (1961-62), 98th Congress (1965-66), 91st Congress (1969-70).
Vice Chairman, 88th Congress (1963-64), 90th Congress (1967-68).

Member of the House Military Affairs Committee which considered the original proposed atomic energy legislation, enacted as the Atomic Energy Act of 1946, 1945-46.

Announced retirement from Congress at end of 93rd Congress and resigned from Committee on December 13, 1974. (John E. Moss, California, appointed to fill vacancy effective December 13, 1974).

Craig Hosmer, California:
Appointed, January 18, 1958.
Retiring from Congress effective at end of 93d Congress.

George D. Aiken, Vermont:
Appointed, January 29, 1959.
Retiring from Congress effective at end of 93d Congress.

Wallace F. Bennett, Utah:
Appointed, January 29, 1959.
Retiring from Congress effective at end of 93d Congress.

Alan Bible, Nevada:
Appointed, January 28, 1971.
Resigned from Congress on December 17, 1974.

Peter H. Dominick, Colorado:
Appointed, February 10, 1971.
Leaving Congress effective at end of 93d Congress.

Orval Hansen, Idaho:
Appointed, February 10, 1971.
Leaving Congress effective at end of 93d Congress.

VII. COMMITTEE PLANS FOR 94TH CONGRESS, FIRST SESSION
Included in tentative plans for special attention in connection with the Committee's

legislative and oversight responsibilities in the First Session are the following:

Licensing of Nuclear Power Plants.
Price-Anderson Insurance and Indemnity Protection.

Provision of Uranium Enrichment Services.
Liquid Metal Breeder Reactor Demonstration Plant.

Energy Research and Development Program.
Nuclear Power Reactor Safety—The Rasmussen Study.

Policies Concerning the Supply of Natural Uranium.
Nuclear Power Reliability.

Nuclear Engineering Standards.
As the legislative work load permits, consideration will be given to the conduct of hearings on the Growth, Development and State of the Nuclear Industry as provided under Section 202 of the Atomic Energy Act.

THE 93D CONGRESS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, as Congress draws to a close, I think this is an appropriate time to look back over the accomplishments of the last 2 years and examine the actions which resulted in what I consider to be a job well done.

If there is one word which can adequately express the achievements of the last 2 years, I think that word would be "reform." This Congress convened in 1973 with a feeling that it was time for a change in our Nation's policies and the way our Nation conducts its business. It began what at times became a painful process of restoring the balance between the executive and legislative branches of Government. This process will continue but the 93d Congress laid solid groundwork in its accomplishments.

The work of the 93d Congress falls basically into three large categories: political reform, economic reform, and social welfare. I would like to take a few minutes to briefly review major legislation passed in each of these areas.

POLITICAL REFORM

Possibly the most far-reaching of the political reforms enacted by the 93d Congress are the Federal Election Financing Act Amendments of 1974. This act significantly strengthened campaign finance laws, limiting not only contributions to any candidate from an individual or multi-candidate committee, but also limited campaign spending in primary and general elections for Federal representatives.

The Hansen committee changes realigned the jurisdiction of House committees and created a new Select Committee on Aging in addition to establishing a number of other revisions in committee workings. Rules changes have made House proceedings more open and effective. Revision in the steering and policy committee gives more Members a voice in House leadership decisions, while the rule limiting Members to one subcommittee chairmanship has opened up 35 chairmanships to less senior Members.

The Budget Control Act has done much to restore the constitutional balance between the legislative and executive branches of Government. New House

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and Senate Budget Committees will coordinate all new legislation with the Federal budget, thereby replacing the old piecemeal system with a new comprehensive spending policy. The Budget Office will assist both Houses with technological support, while the entire budget review system will help to keep a tighter rein on spending. Another provision of the act provides for impoundment control which in effect will insure Presidential action on congressional-approved spending.

Finally we have twice had the rare privilege of exercising congressional duties under the 25th amendment by the approval of a President's nomination of a Vice President of the United States.

ECONOMIC REFORM

The most pressing problem which has faced the 93d Congress is the economy. In the midst of a severe recession, Congress has taken decisive steps to help put the country back on its financial feet.

Anti-trust laws have been stiffened and penalties for violation have been increased, while new trade reform legislation will permit presidential reduction of tariff barriers to stimulate trade.

An increasing amount of energy legislation aims at making the Nation less dependent upon foreign energy sources. Price controls have been on crude oil while research will continue to look for feasible alternatives to fossil fuels. Nuclear energy research and development has been given top priority.

Direct aid to citizens who have been caught in the economic crunch has not been forgotten. In an effort to prevent food shortages and increase food production, Congress enacted the Food and Agriculture Act. And most recently the Emergency Jobs and Unemployment Assistance Act has been passed to fund an estimated 300,000 public service jobs throughout the country. Additional amendments will allow up to 13 weeks of federally financed extended unemployment benefits to those who have exhausted regular compensation and to those not covered under existing State unemployment laws. Also, unemployment benefits have been voted for workers not covered by the system.

At the local level, the Congress appropriated \$38,862,000 for seven flood control and navigation projects which are designed to spur the economic growth of our area.

SOCIAL WELFARE

The 93d Congress showed an intense interest in the increasing needs of the people of this Nation. Major legislation passed included the Elementary and Secondary Education Act which extended the act of 1965 and authorized \$29 billion in Federal aid to education over the next 4 years. Included in the act are programs for educational assistance for the handicapped, financial support for libraries, additional funds for Federal student loans and grants and an extension of the authorization for the National Foundation for the Arts and Humanities. Alcohol and drug abuse education, environmental education, and the new Community Schools Act to sponsor adult evening education and other community services were also funded. In addition, the Viet-

nam GI bill provides new education benefits for post-World War II veterans.

A new housing law was passed to benefit lower- and middle-income families with public housing and community development programs and increased FHA mortgage and loan limits. Mass transportation legislation provides for increased Federal aid for transportation operation and construction grants, while separate acts have authorized aid for highway and rail construction, airport development and motor vehicle and schoolbus safety requirements.

A number of new acts will assist the elderly and those on fixed incomes. Social security benefits have been increased 11 percent and a number of programs for older Americans have been instituted. Veterans' pensions have been increased by 10 percent. The Pension Reform Act has guaranteed workers that they will be able to live decently upon retirement, while the minimum wage law provides every worker with a viable wage.

Health and safety were two more concerns of Congress and a number of health and medical services acts were passed authorizing Federal funds for medical care and research. Programs under the disaster relief amendments, the fire prevention and control bill and the law enforcement assistance program were also approved.

Finally, in a series of environmental bills, Congress made certain that Americans would enjoy their Nation's water and clean air for years to come. The Safe Drinking Water Act, Solid Waste Disposal Act, Clean Air Act, and Surface Mining Control Act are of particular note in the field of environmental legislation.

Mr. Speaker, in noting these reforms, I know that I have missed many important pieces of legislation. However, it was not my purpose to read a litany of all that the 93d Congress has done for the Nation, but rather to point out the landmarks which I feel have characterized the mood of this Congress.

The 93d Congress has not solved all the ills of this Nation and I am sure that my colleagues agree that much is left to be done. However, the dedication and concern manifested by the Members of this Congress will not soon be forgotten. I was proud to serve with such a group and I am sure that the efforts of the 93d Congress will serve as a positive example to the Members of the incoming 94th Congress.

PROJECT DA VINCI BALLOON FLIGHT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the Congress and public should be aware of the successful first flight of Project Da Vinci. Considerable valuable scientific data on the nature of the atmosphere, its movement, constituents, and electrical field were generated by this balloon flight of November 1. The 12-hour flight carried the heaviest manned scientific flight ever flown, including some 2,000 pounds

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of meteorological instruments, power supplies, and telemetry.

Although balloons are hardly new, they have not been used in the lower atmosphere for such a complex and integrated set of measurements made while the balloon travels with the air. To mount such a project required scientists able to think outside the beaten path, and who were able to conduct a safe operation with different equipment and in an unfamiliar environment. That such an innovative and different project can be ventured is also a tribute to the organizations involved.

With this in mind, I wish to compliment the Atomic Energy Commission, principal sponsor of the flight, the U.S. Army Materiel Command, the National Geographic Society, and the many other agencies and private corporations that supported the flight. A Project Da Vinci fact sheet and selected news articles are herewith submitted for the RECORD:

PROJECT DA VINCI FACT SHEET

Project da Vinci is a manned, balloon mounted meteorological experiment in the lower atmosphere.

Purpose: To obtain a detailed picture of changes in the behavior of a body of air as it moves across the country. To determine usefulness of manned balloon flight as basic research technique.

Launch Date: November 1, 1974.

Launch Site: Las Cruces, New Mexico Municipal Airport.

Flight Path: 200 miles, northeast.

Flight Duration: 12 hours.

Crew: Jimmie Craig, Pilot; Vera Simons, Co-Pilot; Dr. Rudolf J. Engelmann, On-board scientist, and Otis Imboden, Photographer.

Sponsors: U.S. Atomic Energy Commission, National Geographic Society, and Atmospheric Sciences Laboratory, Department of the Army.

Experiments: Interrelated experiments to obtain detailed picture of changes in an air parcel as it travels across differing terrain, including temperature, humidity, air pressure, gravity waves, ultraviolet radiation, electrical fields, small and large air circulations, particulates, ozone and sulphur dioxide levels.

Total Payload: 4,900 pounds; 800 lbs. ballast; 600 lbs. gondola; 700 lbs. life support, radio and navigation equipment; 700 lbs. crew, and 2,100 lbs. scientific equipment.

Balloon:

Size—70 feet high, 70 feet in diameter.

Construction—vertical gores with reinforced, heat sealed seams.

Material—4 millimeter polyethylene.

Helium—150,000 cubic feet.

Gondola: Designed and constructed by Grumman Houston Corporation.

Size—10 feet in length, width and height.

Weight—600 lbs.

Material—aluminum and fiberglass.

Features—Two levels: top, with tables, platforms and swingout booms; lower, with quarters for crew, batteries, storage. Upper level fiberglass includes flotation core. Designed to absorb 3 G landing shock.

Related Project Dates:

September 3, 1974—Delivery of gondola to Sandia Laboratories for equipment mounting and tests.

September 3-24—Receipt and testing of all scientific equipment at Sandia.

September 24-27—Meeting in Albuquerque of crew with all scientists; crew training in gondola.

September 29—October 11—Crew high altitude conditioning.

[From the Seattle Times, Nov. 12, 1974]

BEEPING BALLOON PROBES LOWER ATMOSPHERE
(By Hill Williams)

It was a wild night. The 70-foot helium balloon floated majestically above the moonlit New Mexico landscape, emitting a loud "beep" every 12 seconds.

And on the ground, the drivers of four "chase vehicles" desperately drove up and down back-country roads trying to keep the balloon in sight.

But the flight, although the balloon stayed aloft only a third of the planned 36 hours, was a highly successful attempt to explore the lower atmosphere which, although we live in it and get our sunshine through it, is surprisingly little understood.

Known as Project da Vinci, the balloon flight was sponsored by the Atomic Energy Commission, the Army's Atmospheric Sciences Laboratory and the National Geographic Society. It lifted off from near Las Cruces, N. M., about 8:30 p. m. November 1 and landed about 200 miles northeast in the face of threatening thunderstorms.

The project, in the opinion of the on-board scientist, Dr. Rudolf J. Engelmann, was "a resounding success" and probably will lead to more.

Much of the automatically acquired measurements, including particle counts and measurements for an experiment planned by Abdul J. Alkeweeny of Battelle-Northwest in Richland, are still to be analyzed.

But there were surprises. For one thing, Engelmann reported that, even though a balloon moves as part of the air mass, there was enough air flow around the gondola to turn the propellers of anemometers, wind-measuring devices.

"This was a welcome surprise because it means there is enough air movement so that our activity in the gondola won't contaminate the air we're trying to study," Engelmann said.

The experiments included releasing smaller balloons to be tracked, dropping aluminum "needles" to see if it affects the atmosphere's electrical field and lowering instruments on 25-foot booms below the gondola.

And, of course, periodically emitting those loud "beeps."

"The sounder was an exciting thing," Engelmann said. (It was designed to find turbulence layers and temperature inversions much as a depth finder seeks them in water.)

"We pointed it down, up and horizontally. And we found we could pick up (atmospheric) structure in the horizontal as well as vertical. It was the first time we'd ever tried that."

Engelmann, a meteorologist, is deputy manager of environmental programs for the A. E. C.

What did the beep sound like?

"Well, it was an almost pleasant sound," Engelmann said. "You wouldn't object to it for a doorbell—if it weren't so loud."

Engelmann had a busy time aloft, but not quite as hectic as those on the ground who were trying to shine laser beams at the balloon's instruments, and release transmitters on balloons.

At one point, the four-vehicle caravan roared through a sleepy town at 2 a.m.—and had to explain to an alarmed constable what they were doing.

Engelmann said balloon-mounted instruments can make measurements far more subtle than those on aircraft, because of the disturbance of the aircraft itself.

One sensitive experiment measured the electrical field in the air itself, something

that might be used to guide automatic pilots of aircraft.

"We managed to get measurements that if they are good, and I think they are, will be revealing whether it is possible to build one particular type of automatic pilot for helicopters," Englemann said.

[From the Science News, Nov. 9, 1974]

FOUR IN A BALLOON: SHORT BUT SWEET

For all the current attention being paid to lighter-than-air craft as future sources of transport, free ballooning (unaided by propellers or other driving forces) remains an uncertain endeavor, ever at the mercy of the fickle winds. Yet it is these same weather-linked responses, plus the lack of vibrating, polluting engines, that make the free balloon in many ways an ideal laboratory for studying the subtleties of the atmosphere. Thus, at 8:45 MST on the night of Nov. 1, a 70-foot plastic balloon carrying 150,000 cubic feet of helium gently lifted four people and more than a ton of scientific instrumentation into the air from Las Cruces Municipal Airport in New Mexico.

Known as Project da Vinci (SN: 9/21/74, p. 182), the flight had been delayed four times from its original Oct. 12 launching date—once for technical reasons and three times due to the vicissitudes of the weather. Aloft, the weather continued to leave no doubt about who was in charge, notably outrunning ground crews with winds of more than 45 miles per hour at the balloon's maximum altitude of 13,100 feet and finally blowing in an ominous thunderhead from the West. With that, safety-conscious officials chose to end the mission (formerly envisioned as lasting up to 36 hours), 11 hours 55 minutes after it began.

Yet, says Harold Ballard of the U.S. Army Electronics Command's Atmospheric Sciences Laboratory, chief ground-based scientist for the project, the flight was largely a scientific success. A longer mission would have given larger data samples, including more daylight observations, but at least 20 of the 25 experiments aboard performed exactly as planned, probing temperature, humidity, wind-shear patterns, electrical fields, atmospheric pollutants, and other phenomena.

A plan to release a score of small, helium-filled "tetroons" was abandoned when it turned out that air blowing through the 85-foot gap between the main balloon and the gondola beneath it would whip the tetroons away too fast for their assigned task of following the diffusion of atmospheric turbulence. There were problems with an infrared radiometer intended to measure the thermal brightness of objects on the ground, and a radar altimeter was muzzled when its frequency interfered with work at nearby White Sands Missile Range. Sensors to monitor the balloon's skin temperature were omitted before launch for fear that they might possibly damage the frail polyethylene fabric, and communications problems eliminated a plan for using ground-based processing of data from the flight to direct the release of ballast.

The other experiments, however, performed just as planned, particularly including a sulfur dioxide pollution sensor sent along by Battelle Pacific Northwest Laboratories in Washington and a group of electrical field detectors provided by Johns Hopkins Applied Physics Laboratory to aid design of remotely piloted aircraft. From the ground, more than 50 radiosondes were released to further probe the atmosphere, as laser beams shone upward to locate temperature inversions.

The da Vinci team will reunite late this month to discuss the mission, while the experimenters begin months of data analysis. Then comes the big decision: whether to do it again.

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perimeters begin months of data analysis. Then comes the big decision: whether to do it again.

[From the Albuquerque Journal, Nov. 4, 1974]

PIONEERING BALLOON TERMED SUCCESSFUL
(By John A. Webster)

The crew of a manned research balloon project Sunday termed their pioneer flight a success and said it would likely be the forerunner of future flights.

"I think it's the beginning of a new era in ballooning," said Vera Simons, the co-pilot and originator of Project da Vinci. "It was the first scientific balloon flight with four people aboard and the first since 1960."

Project da Vinci carried 25 experiments to collect data about the lower atmosphere. The flight was terminated early Saturday after one-third of its planned 36 hours because of bad weather, but officials said the shorter time would not greatly affect its scientific purpose.

"Twenty-three of the 25 experiments were very successful," said Keith Smith of Sandia Laboratories, which designed the scientific payload for the flight. "And we collected 95 per cent of the data" in a mobile van that followed the balloon on the ground.

Smith said it would take scientists several months to analyze the data from Project da Vinci, then final planning could begin for a similar flight proposed for next fall.

Ms. Simons and Jimmie Craig, the pilot of the balloon, also praised the flight as a "beautiful" ballooning experience.

Craig said the most anxious moment for the crew was during the launch period when the balloon was being raised into place above the gondola. There were some cross winds during launch preparations at Las Cruces, he said, and the balloon suffered a "severe jolt" when the crane hoisting it shifted gears.

"The balloon just shot up with all the power it had, then braked suddenly," he said. "It could have burst near the top."

When the balloon encountered an unexpected temperature inversion shortly after takeoff which impeded its rate of ascent, "we had a nagging worry that it (the jolt) might have opened a seam," Craig said.

Aside from that one worry, he said, the "balloon behaved like a lady. It performed consistently well and gave us no surprises. It was a marvelous trip and I'm looking forward to flying another."

He said the landing in a field four miles northeast of Wagon Mound, was a "storybook" landing with no damage to crew members or instruments.

The flight was designed to go east from Las Cruces into western Texas, but it was carried by winds on a northerly path to the northeastern New Mexico plains.

"You're at the mercy of mother nature and we could only do what she would allow us," Craig said.

Ms. Simons said the temperature during the flight never got below 23 degrees and the crew was "never uncomfortable." She said she and Craig each got about two hours sleep as they took turns piloting the balloon.

The project was jointly sponsored by the Atomic Energy Commission, the National Geographic Society and the Army's Atmospheric Sciences Laboratory at White Sands Missile Range.

UNITED STATES SHOULD RECONSIDER ITS U.N. GENERAL ASSEMBLY MEMBERSHIP

(Mr. KOCH asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, with the conclusion of the 29th session of the United Nations General Assembly, it is appropriate that the United States give serious consideration to our continued membership in that world body. During the past year, I have been distressed over many of the United Nations' actions. In my judgment it has exhibited an overwhelming pro-Arab bias and anti-Israel prejudice and perpetrated injustices that have violated the very principles upon which the United Nations was founded. Most reprehensible has been the United Nations' failure to deal with the problem of terrorism and its welcome of Yasir Arafat, head of the Palestine Liberation Organization, as an honored guest. The PLO is a band of international guerrillas whose very existence mocks the principles of world law on which the United Nations was founded.

Next year marks the 30th anniversary of the United Nations. It is noteworthy that one of the last decisions made by the Assembly was to call for a conference next year to consider revisions of the United Nations Charter. At this time, one can only expect that any revisions will make things worse for democratic nations.

In anticipation of this conference and in reflection of the U.N.'s recent record, I think it is appropriate that the United States question whether we will continue our membership in the General Assembly. My own position is that we should at least withdraw from all General Assembly activities and cease funding its special agencies next year to demonstrate our disillusionment with that body and our unwillingness to continue to be a party to its immoral acts.

We should only retain our seat and veto on the Security Council for the practical purpose of protecting ourselves from some wanton action by the General Assembly.

On December 11, I supported the Gross amendment to bar appropriations for any of the United Nations' special agencies. While this motion failed, the House did move to prohibit any aid to UNESCO until that organization refrains from adopting politically oriented resolutions. It is this organization that recently cut off assistance to Israel.

Subsequently, the United States has announced it will not contribute to the special aid fund proposed to help countries hit by escalating commodity prices. I applaud this decision. The very countries that we would be aiding are those that have joined with the Arab block in perpetrating the General Assembly's anti-Israel tyranny. They have bowed to Arab blackmail and dominance and yet are still the victims of extortion by the oil sheiks. The way to reduce commodity prices for everyone is to put food, oil, and other commodities on the same bargaining table and negotiate concomitant worldwide price reductions for all, and eliminate artificially fixed prices.

Mr. Speaker, the United States is the

only major country left in the United Nations willing to resist terrorism and speak out against the injustices perpetrated within the United Nations. We must make it clear that we have had enough of the U.N.'s irresponsibility—and that we are not going to benignly stand by while the right of Israel or any other country simply to exist is placed in question by marauding nations and countries unwilling to oppose terrorism.

CHARTER OF THE DEMOCRATIC PARTY OF THE UNITED STATES

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, on behalf of our Democratic colleagues who helped to shape a constitution for our party, I submit the following:

On December 7, 1974, the Democratic Party of the United States adopted a charter providing for its governance. This action was taken in Kansas City, Mo., by the Conference on Democratic Policy and Organization which had been charged with this responsibility by the 1972 Democratic National Convention. The charter in its final form follows:

CHARTER OF THE DEMOCRATIC PARTY OF THE UNITED STATES

PREAMBLE

We, the Democrats of the United States of America, united in common purpose, hereby rededicate ourselves to the principles which have historically sustained our Party. Recognizing that the vitality of the Nation's political institutions has been the foundation of its enduring strength, we acknowledge that a political party which wishes to lead must listen to those it would lead, a party which asks for the people's trust must prove that it trusts the people and a party which hopes to call forth the best the Nation can achieve must embody the best of the Nation's heritage and traditions.

What we seek for our Nation, we hope for all people: individual freedom in the framework of a just society, political freedom in the framework of meaningful participation by all citizens. Bound by the United States Constitution, aware that a party must be responsive to be worthy of responsibility, we pledge ourselves to open, honest endeavor and to the conduct of public affairs in a manner worthy of a society of free people.

Under God, and for these ends and upon these principles, we do establish and adopt this Charter of the Democratic Party of the United States of America.

ARTICLE ONE

The Democratic Party of the United States of America

The Democratic Party of the United States of America shall:

1. Nominate and assist in the election of Democratic candidates for the offices of President and Vice President of the United States;

2. Adopt and promote statements of policy;

3. Assist state and local Democratic Party organizations in the election of their candidates and the education of their voters;

4. Establish standards and rules of procedure to afford all members of the Democratic Party full, timely and equal opportu-

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nities to participate in decisions concerning the selection of candidates, the formulation of policy, and the conduct of other Party affairs, without prejudice on the basis of sex, race, age (if of voting age), religion, economic status or ethnic origin, and, further, to promote fair campaign practices and the fair adjudication of disputes;

5. Raise and disburse moneys needed for the successful operation of the Democratic Party;

6. Work with Democratic public officials at all levels to achieve the objectives of the Democratic Party; and

7. Encourage and support codes of political ethics that embody substantive rules of ethical guidance for public officials and employees in federal, state and local governments, to assure that public officials shall at all times conduct themselves in a manner that reflects creditably upon the office they serve, shall not use their office to gain special privileges and benefits and shall refrain from acting in their official capacities when their independence of judgment would be adversely affected by personal interests or duties.

ARTICLE TWO

National Convention

Section 1. The Democratic Party shall assemble in National Convention in each year in which an election for the office of President of the United States is held.

Section 2. The National Convention shall be the highest authority of the Democratic Party, subject to the provisions of this Charter. The National Convention shall recognize the state and other Parties entitled to participate in the conduct of the national affairs of the Democratic Party, including its conventions, conferences and committees. State Party rules or state laws relating to the election of delegates to the National Convention shall be observed unless in conflict with this Charter and other provisions adopted pursuant to authority of the Charter, including the resolutions or other actions of the National Convention. In the event of such conflict with state laws, state Parties shall be required to take provable positive steps to bring such laws into conformity and to carry out such other measures as may be required by the National Convention or the Democratic National Committee.

Section 3. The National Convention shall nominate a candidate for the office of President of the United States, nominate a candidate for the office of Vice President of the United States, adopt a platform and act upon such other matters as it deems appropriate.

Section 4. The National Convention shall be composed of delegates who are chosen through processes which (i) assure all Democratic voters full, timely and equal opportunity to participate and include affirmative action programs toward that end, (ii) assure that delegations fairly reflect the division of preferences expressed by those who participate in the Presidential nominating process, (iii) exclude the use of the unit rule at any level, (iv) do not deny participation for failure to pay a cost, fee or poll tax, (v) restrict participation to Democrats only, and (vi) begin within the calendar year of the Convention provided, however, that fairly apportioned and openly selected state Party committees, elected no earlier than January 1st of the preceding mid-term Congressional election year, from states not having state conventions authorized to elect delegates, shall not be precluded from selecting not more than 25% of their respective state delegations according to the standards provided in this Charter and the By-Laws.

Section 5. The delegate vote allocable to each state shall be determined as provided in the By-Laws, consistent with a formula

giving equal weight to population, which may be measured by electoral vote, and to the Democratic vote in elections for the office of President. The apportionment of delegates who are to be elected from units no larger than a Congressional district shall be determined by the state Democratic Party in accordance with the Call to the National Convention.

ARTICLE THREE

Democratic National Committee

Section 1. The Democratic National Committee shall have general responsibility for the affairs of the Democratic Party between National Conventions, subject to the provisions of this Charter and to the resolutions or other actions of the National Convention. This responsibility shall include: (i) Issuing the Call to the National Convention; (ii) conducting the Party's Presidential campaign; (iii) filling vacancies in the nominations for the office of President and Vice President; (iv) formulating and disseminating statements of Party policy; (v) providing for the election or appointment of a Chairperson, an Executive Vice Chairperson of the opposite sex, a Second Executive Vice Chairperson, a Treasurer, a Secretary and other appropriate officers of the National Committee and for the filling of vacancies; and (vi) all other actions necessary or appropriate in order to carry out the provisions of this Charter and the objectives of the Democratic Party.

Section 2. The Democratic National Committee shall be composed of: (i) the Chairperson and the highest ranking officer of the opposite sex of each recognized state Democratic Party; (ii) two hundred additional members apportioned to the states on the same basis as delegates to the National Convention are apportioned, provided that each state shall have at least two such additional members; (iii) the Chairperson of the Democratic Governors' Conference and two additional governors selected by the Conference; (iv) the Democratic Leader in the United States Senate and the Democratic Leader in the United States House of Representatives and one additional member of each body appointed by the respective leaders; (v) the Chairperson, two Executive Vice Chairpersons, the Chairperson of the National Finance Council, the Treasurer and the Secretary of the Democratic National Committee; (vi) the Chairperson of the Conference of Democratic Mayors and two additional mayors selected by the Conference; (vii) the President of the Young Democrats of America and two additional members selected by the organization biennially in convention assembled; and (viii) additional members as provided in Article Eleven of this Charter. No more than twenty-five additional members of the Democratic National Committee may be added by the foregoing members.

Section 3. Members of the Democratic National Committee apportioned to the states and those provided for in Article 11 who are not otherwise members by virtue of Party office, shall be selected by each state Democratic Party in accordance with standards as to participation established in the By-Laws of the Democratic Party for terms commencing on the day the National Convention adjourns and terminating on the day the next Convention adjourns. Such members shall be selected during the calendar year in which a National Convention is held, through processes which assure full, timely and equal opportunity to participate. Vacancies shall be filled by the state party as provided in the By-Laws. The members of the National Committee from each state shall be divided as equally as practicable between committeemen and committeewomen. Mem-

bers of the Democratic National Committee who serve by virtue of holding public or party office shall serve on the Committee only during their terms in such office. Members of the Democratic National Committee added by the other members shall serve for the period designated at the time of their selection, but in no event beyond the day the next Convention adjourns. Members of the Democratic National Committee who serve by virtue of holding state Party office shall be selected by such Parties in accordance with standards as to participation established in the By-Laws.

Section 4. The By-Laws may provide for removal of members of the Democratic National Committee for cause by a two-thirds vote of the National Committee and may also require continued residence in the jurisdiction represented by the member and affirmative support for the Democratic Presidential and Vice Presidential nominees as a condition of continued membership thereon.

Section 5. The Democratic National Committee shall meet at least once each year. Meetings shall be called by the Chairperson, by the Executive Committee of the Democratic National Committee, or by written request of no fewer than one-fourth of the members of the Democratic National Committee.

Section 6. The Democratic National Committee shall submit to each National Convention, prior to the commencement thereof, a written report of the activities and affairs of the Democratic Party since the preceding National Convention.

ARTICLE FOUR

Executive Committee

Section 1. There shall be an Executive Committee of the Democratic National Committee, which shall be responsible for the conduct of the affairs of the Democratic Party subject to this Charter, the National Convention and the Democratic National Committee.

Section 2. The Executive Committee shall be elected by and serve at the pleasure of the members of the Democratic National Committee. The size, composition and term of office shall be determined by the Democratic National Committee, provided that no fewer than one-half of the members shall be elected from regional caucuses of members of the Democratic National Committee.

Section 3. The Executive Committee shall meet at least four times each year. Meetings shall be called by the Chairperson or by written request of no fewer than one-fourth of its members. The Executive Committee shall keep a record of its proceedings which shall be available to the public.

ARTICLE FIVE

National Chairperson

Section 1. The National Chairperson of the Democratic Party shall carry out the programs and policies of the National Convention and the Democratic National Committee.

Section 2. The National Chairperson shall be elected (i) at the first meeting of the Democratic National Committee held after the National Convention, and (ii) at a meeting of the Democratic National Committee held after the succeeding presidential election and prior to March 1 next, and (iii) whenever a vacancy occurs. The National Chairperson shall be elected and may be removed by a majority vote of the Democratic National Committee, and each term shall expire upon the election for the following term.

Section 3. The National Chairperson shall preside over meetings of the Democratic National Committee and of the Executive Committee. In the absence of the National Chairperson, the next highest ranking officer of the

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National Committee present at the meeting shall preside.

Section 4. The National Chairperson shall serve full time and shall receive such compensation as may be determined by agreement between the Chairperson and the Democratic National Committee.

ARTICLE SIX

Party Conference

The Democratic Party may hold a National Party Conference between National Conventions. The nature, agenda, composition, time and place of the Party Conference shall be determined by the Democratic National Committee. At a meeting held during the first calendar year after each Presidential election, the Democratic National Committee shall vote upon the question of whether such Party Conference shall be held.

ARTICLE SEVEN

Judicial Council

Section 1. There shall be a Judicial Council of the Democratic Party appointed by the Democratic National Committee, the function of which shall be to review and approve state plans for the selection of delegates to National Conventions and to decide challenges to such state plans, provided, however, that the right of the Democratic National Convention and Democratic National Committee to settle credential disputes concerning their respective bodies shall not be abridged.

Section 2. The Democratic National Committee shall determine and provide necessary support for the Judicial Council.

ARTICLE EIGHT

National Finance Council

Section 1. The Democratic National Committee shall establish a National Finance Council, which shall have general responsibility for the finances of the Democratic Party. The National Finance Council shall raise funds to support the Democratic Party and shall advise and assist state Democratic Parties and candidates in securing funds for their purposes.

Section 2. Members of the Finance Council shall be selected and approved as provided in the By-Laws, and the Chairman of the Finance Council shall be elected or approved by the Democratic National Committee.

ARTICLE NINE

National Education and Training Council

Section 1. There shall be a National Education and Training Council of the Democratic Party, which shall be responsible for the creation and implementation of education and training programs for the Democratic Party in furtherance of its objectives. The allocation of funds to the National Education and Training Council shall be provided by the Democratic National Committee and shall be budgeted at least one year in advance of anticipated expenditures. In order to encourage a lifetime of meaningful political participation for every Democrat, the National Education and Training Council shall attempt to reach every young citizen as they enter the electorate at eighteen years of age.

Section 2. The National Education and Training Council shall be composed of (i) eight members elected by the Executive Committee and (ii) the National Chairperson.

Section 3. The National Education and Training Council shall operate under the guidance of the Executive Committee.

ARTICLE TEN

Full Participation

Section 1. The Democratic Party of the United States shall be open to all who desire to support the Party and who wish to be known as Democrats.

Section 2. Discrimination in the conduct of Democratic Party affairs on the basis of sex, race, age (if of voting age), religion, economic status or ethnic origin is prohibited, to the end that the Democratic Party at all levels be an open party.

Section 3. In order to encourage full participation by all Democrats, with particular concern for minority groups, native Americans, women and youth, in the delegate selection process and in all Party affairs, as defined in the By-Laws, the national and state Democratic Parties shall adopt and implement affirmative action programs.

Section 4. The goal of such affirmative action shall be to encourage such participation in delegate selection processes and in Party organizations at all levels, as defined in the By-Laws, of the aforementioned groups as indicated by their presence in the Democratic electorate.

Section 5. This goal shall not be accomplished either directly or indirectly by the national or state Democratic Parties' imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs, as defined in the By-Laws.

Section 6. Performance under an approved affirmative action program and composition of the Convention delegation shall be considered relevant evidence in the challenge of any state delegation. If a state Party has adopted and implemented an approved and monitored affirmative action program, the Party shall not be subject to challenge based solely on delegate composition or solely on primary results.

Section 7. Notwithstanding Section 5 above, equal division at any level of delegate or committee positions between delegate men and delegate women or committeemen and committeewomen shall not constitute a violation of any provision thereof.

ARTICLE ELEVEN

General Provisions

Section 1. Democratic Party means the Democratic Party of the United States of America.

Section 2. The By-Laws shall provide for states in which the Democratic nominee for President or electors committed to the nominee did not appear on the ballot in elections used for apportionment formulae.

Section 3. For the purposes of this Charter, the District of Columbia shall be treated as a state containing the appropriate number of Congressional Districts.

Section 4. For the purposes of this Charter, Puerto Rico shall be treated as a state containing the appropriate number of Congressional Districts.

Section 5. Recognized Democratic Party organizations in areas not entitled to vote in Presidential elections may elect such voting delegates to National Conventions as the Democratic National Committee provides in the Call to the Convention.

Section 6. The Canal Zone, Guam and the Virgin Islands shall each have one vote on the Democratic National Committee, which vote shall be divided between two members when both are present, except as may otherwise be provided by the By-Laws.

Section 7. The By-Laws shall provide for regional organizations of the Party.

Section 8. To assure that the Democratic nominee for the office of President of the United States is selected by a fair and equitable process, the Democratic National Committee may adopt such statements of policy as it deems appropriate with respect to the timing of Presidential primaries and shall work with state Parties to accomplish the objectives of such statements, provided, however, that such statements of policy shall not be deemed to be binding upon any states in which the state laws are in conflict with such statements.

Section 9. The Democratic National Committee shall adopt and publish a code of fair campaign practices, which shall be recommended for observance by all candidates campaigning as Democrats.

Section 10. The Democratic Party shall not require a delegate to a Party convention or caucus to cast a vote contrary to his or her expressed preference.

Section 11. Voting by proxy shall not be permitted at the National Convention. Voting by proxy shall otherwise be permitted in Democratic Party affairs only as provided in the By-Laws of the Democratic Party.

Section 12. All meetings of the Democratic National Committee, the Executive Committee, and all other official Party committees, commissions and bodies shall be open to the public, and votes shall not be taken by secret ballot.

Section 13. The Democratic National Committee shall prepare and make available to the public an annual report concerning the financial affairs of the Democratic Party.

Section 14. In the absence of other provisions, Robert's Rules of Order (as most recently revised) shall govern the conduct of all Democratic Party meetings.

Section 15. There shall be authentic texts of this Charter published in all of the official languages of these United States, which include French and Spanish, as well as English. Authentic French and Spanish texts shall be approved by the Democratic National Committee during calendar year 1975.

ARTICLE TWELVE

Amendments, by-laws and rules

Section 1. This Charter may be amended by a vote of a majority of all of the delegates to the National Convention. This Charter may also be amended by a vote of two-thirds of the entire membership of the Democratic National Committee provided that at least thirty days written notice of the meeting and any proposed amendment has been given to all members of the National Committee and has been released to the national news media. This Charter may also be amended by a vote of two-thirds of the entire membership of any Democratic Party Conference called under the authority of this Charter for such purpose.

Section 2. By-Laws of the Democratic Party shall be adopted to provide for the governance of the affairs of the Democratic Party in matters not provided for in this Charter. By-Laws may be adopted or amended by majority vote of (i) the National Convention or (ii) the Democratic National Committee provided that thirty days written notice of any proposed By-Law or amendment has been given to all members of the National Committee. Unless adopted in the form of an amendment to this Charter or otherwise designated, any resolution adopted by the National Convention relating to the governance of the Party shall be considered a By-Law.

Section 3. Each official body of the Democratic Party created under the authority of this Charter shall adopt and conduct its affairs in accordance with written rules, which rules shall be consistent with this Charter, the By-Laws and other provisions adopted pursuant to authority of the Charter, including resolutions or other actions of the National Convention. The Democratic National Committee shall maintain copies of all such rules and shall make them available upon request.

Section 4. Each recognized state Democratic Party shall adopt and conduct its affairs in accordance with written rules. Copies of such rules and of any changes or amendments thereto shall be filed with the Democratic National Committee within thirty days following adoption.

December 20, 1974

RESOLUTION OF ADOPTION AND IMPLEMENTATION

Section 1. The Democratic Party of the United States of America, assembled in a Conference on Democratic Party Organization and Policy pursuant to resolution adopted by the 1972 Democratic National Convention and the Call to the Conference hereby adopts for the governance of the Party the Charter attached hereto.

Section 2. The Preamble and Articles I, III, VIII, IX, X, XI and XII of the Charter shall take effect and be in full force upon and after the adoption of the Charter by this Conference.

Section 3. All other Articles of the Charter shall take effect and be in full force upon and after the adjournment of the Democratic National Convention next succeeding this Conference.

Section 4. Until By-Laws are adopted pursuant to the Charter, the present Rules of the Democratic National Committee, the Delegate Selection Rules adopted by the Democratic National Committee and the National Convention Rules of the O'Hara Commission shall serve as the By-Laws of the Democratic Party, except insofar as they may be inconsistent with the provisions of the Charter.

December 7, 1974.

REPUBLICAN RESEARCH TASK FORCE'S REPORT

(Mr. FREY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FREY. Mr. Speaker, yesterday, the Republican research task force on reform and rule changes presented their recommendations on reform. While this is only a preliminary report—covering the most urgent areas—a more comprehensive report will be issued after the start of the 94th Congress.

I would like to thank BILL FRENZEL and the other members of the task force for responding so quickly and efficiently to this desperate need for congressional reform.

Despite the recent defeat of the Bolling committee report, several reform measures were adopted by the House and I believe the House must stand by these votes.

During the recent debate on congressional reform, the House voted for one-third minority staffing and against proxy voting. We in the minority party must insure the majority party does not evade these issues as they would if the Democrat leadership tries to reinstate proxy voting when the rules are presented in January.

In the task force's report we have called for the elimination of proxy voting and binding caucus instructions—unit rule—and have endorsed increases in minority staffing. There is no better argument for congressional reform than the manner in which the House has proceeded during the last week.

I urge my colleagues to read these recommendations and join us in reforming the House so we may better serve the people.

BILL TIMMONS

(Mr. FREY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FREY. Mr. Speaker, it is with deep regret that we note that William E. Tim-

mons, Assistant to the President for Legislative Affairs, will be leaving the White House at the end of this year. Bill has done a great job over the last 6 difficult years. I do not think there is any individual who has worked harder or who has had more problems thrown at him. Bill has expended every effort to try to solve the problems, and above all, has always kept his word. He lets you know where you stand; if he was unable to succeed in the request, he always let you know why.

I have had the pleasure to know Bill for some years before he took this position and have always had the highest regard for his ability, his integrity, his intelligence. I wish him well in whatever he may do, and know that all of us will miss him. I only hope that the people throughout this country can know how effective he has been in working for the national good. Good luck and best personal wishes.

AMERICAN CANCER SOCIETY OPPOSES PROXIMIRE-HOSMER VITAMIN BILL

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I have great concern, shared by many Members of Congress, over the effect of a provision in the Proxmire-Hosmer vitamin bills (S. 2801 and H.R. 10093) which would have the effect of revoking the Delaney anticancer clause—section 409(c) (3) (a) of the Food, Drug, and Cosmetic Act—as it applies to special dietary foods.

The Delaney anticancer clause presently prohibits the addition to human food of any additive which has been found to induce cancer when ingested by test animals.

A November 21, 1974, letter from the Department of Health, Education, and Welfare's Office of the General Counsel states:

The Proxmire-Hosmer bill overrules this anticancer clause, and would require that food ingredients which have been proved to produce cancer in test animals nevertheless be permitted for use in special dietary food (although not in other food) unless and until the Food and Drug Administration could prove that such ingredients ordinarily render the food injurious to health, i.e., that the ingredient does, in fact, cause cancer in humans.

At the present time, the Food and Drug Administration has no proof that these ingredients do cause cancer when consumed in food. Until now, the Agency has interpreted both the general safety provisions contained in section 402(a) (1) of the Act, and the specific anticancer clause contained in section 409 of the Act, to prohibit any cancer-causing substance from use in food in order to preclude any possibility that these substances may be harmful to consumers. If the Proxmire-Hosmer bill is enacted the Food and Drug Administration will be required to revoke this interpretation of the law with respect to special dietary food (although it will continue to apply to all other food)."

The Kyros vitamin bill (H.R. 16317), which I cosponsored and which has been reported out of the House Subcommittee on Public Health and Environment, would provide for the consumer's right to purchase vitamin and minerals with-

out repealing the Delaney anticancer clause for the protection of persons from carcinogenic substances.

Recently the American Cancer Society has indicated its concern about provisions of the Proxmire-Hosmer amendments relating to the Delaney anticancer clause. These concerns are set forth in the following letter, which I would like to insert in the Record for the information of the Members:

AMERICAN CANCER SOCIETY, INC.,
New York, N.Y., December 17, 1974.
Congressman PAUL G. ROGERS,
Chairman, Subcommittee on Public Health and Environment, Washington, D.C.

DEAR CONGRESSMAN ROGERS: The American Cancer Society shares your concern about provisions of the Proxmire-Hosmer amendments to the Health Manpower Act which would take away from the Food and Drug Administration, the authority to regulate additives to dietary foods. The Society's Board of Directors took action in 1957 in support of the principles embodied in the Delaney Amendment, and is categorically opposed to any legislation which would delete those principles from food and drug control legislation.

The Society's policy regarding the control of food additives is clear, and is expressed in a letter, dated July 22, 1957, from the ACS Legislative Committee Chairman to Congressman John Bell Williams, Chairman, Health and Science Subcommittee of the Interstate and Foreign Commerce Committee:

"We believe that in considering the health problem created by the increasing use of chemical additives in food the adage 'an ounce of prevention is worth a pound of cure' is particularly applicable.

"We strongly urge that your Committee recommend legislation to the Congress to strengthen the Food and Drug Administration and that this legislation embrace the following principles:

"1. That the proponent of any proposed chemical additive be required to conduct tests which will demonstrate that the additive is safe for human consumption in the manner in which it will be used, and that these tests include one to determine whether the additive may be carcinogenic to experimental animals. The adequacy of these tests should be determined by the Food and Drug Administration.

"2. That permission to use the additive be withheld until its safety has been demonstrated to the satisfaction of the Food and Drug Administration by the proponent.

"3. That no substance shall be approved found to induce cancer in man, or after tests provided in No. 1 above, found to induce cancer in animals."

This policy remains unaltered.
Sincerely,
GEORGE P. ROSEMOND, M.D.,
President.

MCPL REPORT ON INTERNATIONAL ENVIRONMENTAL ACTION

(Mr. FRASER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, the past 2 years have made us increasingly aware that food shortages, energy and resource deficits, difficulties in sustaining economic growth, and similar problems are intimately related and global in scope.

Moreover, we have come to know that solutions to these problems are going to put increasing pressures on the planetary environment, which is, after all, the fundamental source of all that makes human survival possible. As we work out

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methods for expanding food, energy, and resource production, as we seek to stimulate lagging economies, it is vital that our efforts take adequate account of the environment, which, if neglected, will cease to provide the wherewithal to sustain life as we know it.

I believe my colleagues will take some encouragement, as I do, from knowing that the 2-year-old environment program of the United Nations has been working on a variety of fronts to protect and conserve our global environment. Though the U.N. has been subject to some criticism recently, its carefully conceived and well-administered environment program, under the leadership of Maurice Strong, is daily working on our behalf and on behalf of our children to preserve the human environment. I know of few international efforts in which our investment is more wisely spent.

Recently, several of us who belong to Members of Congress for Peace Through Law have examined the U.N. environment program in some detail. The results of the MCPL inquiry have been published in a report entitled—"What's Happened Since Stockholm?" In order that the Congress may fully inform itself on this vital and promising program, I include the full text of this study in the CONGRESSIONAL RECORD at the conclusion of my remarks.

WHAT'S HAPPENED SINCE STOCKHOLM?
INTERNATIONAL ENVIRONMENTAL ACTION SINCE THE 1972 STOCKHOLM CONFERENCE ON THE HUMAN ENVIRONMENT

(A report by the World Environment and International Cooperation Committee of Members of Congress for Peace Through Law)

PREFACE

In June, 1972, after more than two years of preparation, 113 national delegations, representatives from international organizations, and a host of nongovernmental observers met in Sweden for the United Nations Conference on the Human Environment. First proposed by the Economic and Social Council and endorsed in a UN General Assembly resolution of 1968, the conference had as its theme the urgent reminder "Only One Earth."

The conference has come to be regarded as perhaps the high-water mark in a sudden tide of ecological awareness that opened the decade. Attended by no little controversy—generated among groups of nations, by different conservation priorities and strategies, and by the multitude of interests implied in the conference title—the effect of this convocation was nevertheless to energize the global community in regard to its total environment.

The questions that remained after the assembly were whether the lofty and at times seemingly contradictory goals of the participants could be made a reality, whether the numerous and pressing tasks of stemming and preventing global pollution could be handled on the broad scale necessary for success, whether the many disputes which arose during debate could be resolved, and, in brief, whether a common front for the preservation and improvement of the world's environment could be developed and sustained.

These questions have assumed an even more dramatic significance in the intervening two years. World-wide shortages of fuels, foodstuffs and other resources, together with regional cases of disastrous drought, desertification, and flooding and mounting evidence of the existence of trans-boundary environmental degradation have thrown into

even sharper relief one of the working postulates of the Stockholm conference—that the problems of the human environment are interwoven on a global scale and must be approached on the same scale. In this sense, the 1972 assembly came none too soon.

Since the conference, what action has resulted from this emerging awareness of the interrelatedness of resources, population, economic development and the natural environment? What is envisioned for the future?

In the months since Stockholm, the original Environment Secretariat in the UN has been transformed into the UN Environment Programme and has developed from the Stockholm resolutions a comprehensive, well-conceived, and practical Action Plan for grappling with the problems of man's habitat. The UNEP promises to become an increasingly effective force for international environmental improvement. It has received widespread support in the global community. As members of MCPL's World Environment and International Cooperation Committee, several of whom attended the Stockholm Conference, we believe that the UNEP strategies described in the following report merit the attention and the support of all Americans concerned with the future of our planet and our home.

GILBERT GUDÉ,
Member of Congress, Chairman, World Environment and International Cooperation Committee.

DONALD M. FRASER,
Member of Congress.

CHARLES A. MOSHER,
Member of Congress.

ADLAI E. STEVENSON III,
U.S. Senate, Vice-Chairman, World Environment and International Cooperation Committee.

CLAIBORNE PELL,
U.S. Senate.

HARRISON A. WILLIAMS, Jr.,
U.S. Senate.

INTRODUCTION

International Environmental Action Since the 1972 Stockholm Conference on the Human Environment

The Conference on the Human Environment was productive in a number of ways. Besides drawing world-wide attention to a complex set of related issues, it passed three resolutions, calling for a World Environment Day (June 5th), for the cessation of nuclear weapons tests, especially in the atmosphere, and for the convening of a second conference on the human environment at some future date.

On an institutional level, the conference adopted resolutions urging the establishment of a Governing Council for Environmental Programmes, a voluntary fund for the promotion of these programmes, and a small secretariat for initiating and administering them. Most significantly, the conference made 109 separate recommendations for environment-related activity.

The following December, at its 27th Session, the UN General Assembly adopted the conference proposals essentially intact. It created a 58-member Governing Council, established the UN Environment Programme and its voluntary fund, set up an Environment Coordination Board among UN agencies, selected environment conference Secretary-General Maurice F. Strong of Canada as UNEP's first Executive Director, and agreed unanimously on Nairobi, Kenya as the site for UNEP headquarters. The 109 conference recommendations were endorsed by the General Assembly and became, in effect, the environmental agenda for UNEP.

In the intervening two years, the UNEP has assumed a concrete form, moving from the general blueprint drawn up at Stockholm to a functioning reality. In his Environmental Message to the Congress in February, 1973, President Nixon proposed an initial expenditure of \$100 million for the first five years

of the UN Environment Fund. He later recommended that the U.S. contribute 40% of this fund.

In June, 1973, the 58-member Governing Council met for ten days in Geneva to begin the process of giving specific shape to the Stockholm resolutions, to agree on procedures for the environmental fund, and to work out the organizational structure, program priorities, and operating philosophy for UNEP.

Early in October, President Jomo Kenyatta of Kenya presided at the opening of UNEP headquarters in the 29-story, circular tower of Nairobi's International Conference Center. Meanwhile, the 28th General Assembly, in New York, approved the plans contained in the report of UNEP's Governing Council, ratified the decision to sponsor a Conference and Exposition on Human Settlements (Vancouver, Canada, May 31–June 11, 1976), and requested a detailed survey from UNEP on the world's living marine resources threatened with depletion.

In an action with important implications for international environmental problems, the General Assembly also approved a resolution on "cooperation in the field of environment concerning natural resources shared by two or more states." The resolution called for "the establishment of adequate international standards for the conservation" of these resources and for regular UNEP reports on "measures taken" to satisfy this directive.

The second meeting of UNEP's Governing Council was held in March 1974, in Nairobi and was described by one observer as "businesslike." In a sense, the Government Council, with 16 African, 12 Asian, 10 Latin American, 6 Eastern European and 13 Western European and other members, is a microcosm of the world, and hence of its environmental problems and approaches. Again, the spirit of cooperation that makes possible the resolution of such problems survived the acid test of international politics.

I. UNEP: SCOPE AND STRATEGY

Confronting the problems of pollution on a planetary basis requires, first of all, a strategic view of purposes and possibilities. Without a conceptual framework, one which is acceptable to a majority of states and practical in terms of its aims, any multilateral efforts would quickly founder in the sheer variety and magnitude of environmental tasks and individual nations' priorities.

Policy aims

The UNEP Governing Council, at its first session, developed three general policy objectives for the program, stating its scope in broad terms:

—to provide improved knowledge for integrated and rational management of the resources of the biosphere and for safeguarding human well-being, as well as ecosystems;

—to encourage and support an integrated approach to the planning and management of development, including that of natural resources, so as to take account of environmental consequences;

—to assist all countries, especially developing countries, to deal with their environmental problems and to help mobilize additional financial resources to this end, with a view to promoting the full participation of developing countries in national and international efforts for the preservation and enhancement of the environment.

UNEP as catalytic agent

The organizational strategy evolved by UNEP under Maurice Strong's leadership rests on the conception of the Environment Programme, not as a large operating bureaucracy or specialized agency, but rather as a catalytic agent. It aims to be a small and efficient vanguard, innovating, stimulating, coordinating, integrating, monitoring, and supplementing activities by other organs at the local, national, regional or international levels.

UNEP will not start anew but will seek to build on, guide, and enhance existing programs. It will sponsor research and action in areas which have hitherto been neglected, overlooked, or lost between jurisdictions. UNEP will not deal with exclusively national problems. Rather, it will concentrate on those which have transnational or regional consequences or which require multilateral solutions.

Nor is it foreseen that UNEP's small staff of some 200 people, including 80 professionals (engineers, environmental scientists, attorneys, economists, and planners) will undertake remedial programs itself. It will, instead, initiate research, pilot programs, consultations, etc., aimed at helping national governments and regional and international institutions to take remedial or preventive measures.

The Environmental Dimension

Maurice Strong, speaking to the UN General Assembly in November, 1974, described the Environmental Programme in these terms:

"UNEP approaches its own role on the premise that environment is not an issue or discipline separate and apart from others, but a new dimension which must be brought to bear on the whole range of activities which affect the health of the environment."

In this role, UNEP operates primarily through existing institutions. It helps the World Meteorological Organization, for example, to identify and fill gaps in its global monitoring system for environmental purposes. It works with the International Atomic Energy Authority on potential nuclear power hazards to the environment, especially in regard to transportation of nuclear materials. It ensures that the programs of the Food and Agriculture Organization do not have an adverse impact on the area of concern of the World Health Organization or vice versa. Where necessary, UNEP is prepared to add funds to existing programs for their environmental dimension.

As an integrating mechanism for issues and solutions, UNEP will play an analogous role among nations, stimulating concerted effort on common environmental problems. One means of doing this job is a network of program activity centers which will enable national institutions in a particular field to cooperate in achieving common aims.

The State of the Environment

A primary responsibility of the UNEP Executive Director is the preparation of a State of the Environment Report, designed, in Strong's words, "to point up the major environmental issues requiring the attention of policy makers and the public." Along with this report, UNEP is to prepare regular reviews of current environmental activities. The first of these reviews is being readied for the third session of the Governing Council. It will cover the subjects of arid and semi-arid lands, tropical forests and woodlands, soil loss and water quality.

These documents form the foundation of UNEP's three-tiered approach to its work. Level One—the State of the Environment Report and the topical reviews—aims at providing information on the principal environmental problems and efforts, in order to identify gaps, frame objectives, and set priorities. Level Two consists of the program of specific actions proposed to satisfy those objectives and priorities. Level Three covers the particular tasks which have been approved for support by the fund of UNEP as a means of facilitating implementation of the overall program set forth in Level Two. Normally, the UNEP fund will serve as "seed money" and will not support more than a portion of the total expenditures relating to any particular program activity.

Marshaling Resources

UNEP is not endeavoring to develop an "in-house" research and problem-solving

capacity adequate to all environmental issues. Instead, a considerable portion of UNEP's effort will be contracted to qualified national and international institutions, private and official. This will strengthen the world-wide research base in the environmental field, capitalize on existing experience and knowledge, and avoid duplicated effort.

Likewise, UNEP is serving a "clearing house" function, which, in Strong's terms, "will facilitate the matching of the needs for technical assistance and training with the facilities available to these needs. UNEP's own rather limited funds will then be directed primarily to filling gaps and meeting special needs."

II. UNEP'S PRIORITIES: THE ACTION PLAN

The refining and assigning of priorities to the 109 recommendations of the Stockholm Conference by the UNEP staff and Governing Council has reflected three primary considerations: (1) the pressing need to increase and exchange knowledge of the biosphere; (2) the need to deal first with the most critical areas of environmental degradation; and (3) the need to carry forward in practical ways the emphasis given by the Stockholm Conference to the quality of human life. At the same time, the staff and council have given considerable attention to avoiding future environmental difficulties by promoting better "foresight" mechanisms, long-range planning with an environmental component, new strategies of development, and greater awareness of the long-term solutions and short-term environmental costs.

Six Priorities

In keeping with its overall policy objectives, the Governing Council has approved these six areas for priority action by UNEP:

1. *Human Settlements: Human Health, Habitat and Well-Being.* In this field, UNEP seeks to raise the general level of human health by attacking endemic, environmentally related health hazards and by preventing threats to human health from food, air, land and water contaminants. Vital to this effort is the development of improved land-use criteria and techniques for the optimum utilization of dwelling space.

UNEP has already made a modest start on translating these priorities into action through the establishment of environmental health standards and the monitoring of pollutants and toxic substances in air, food, soils, and water in conjunction with WHO. In January, 1975, an expert workshop will be conducted in the Netherlands, leading to an international register of potentially toxic chemicals.

On another front, Habitat, the Vancouver Conference-Exposition on Human Settlements in 1976, aims at producing answers to the problems of human environmental degradation resulting from "transitional" or "spontaneous" settlements—the slums, *bidonvilles*, and *favelas* which have proliferated and swollen as a result of mass rural-urban migration. In a related action, the UNEP Governing Council has approved a \$4 million, 4-year allocation to assist in establishing an International Habitat and Human Settlements Foundation following a recommendation to the General Assembly by the UN Economic and Social Council.

2. *Land, Water and Desertification.* Here UNEP is working to control the loss of productive soil from erosion, salination, and desertification. As a beginning, UNEP is developing a world soil map, showing resources and threats to them, in an effort to understand climatic and man-made effects on soil conditions. The urgency of this task is reinforced by the finding that much of the soil lost in the Sahel—scene of widespread drought and famine—may not be recoverable.

As in other priority tasks, UNEP is concentrating on specific but representative target areas; arid and grazing lands in North Africa and West Asia; tropic woodlands and

forests in Latin America, where the impact of timbering on ecosystems is under study; and parks and reserves in Latin America and Africa and their contribution to local ecosystems. Preparations are being made for major UNEP involvement in the UN Water Conference scheduled for 1977 in Buenos Aires.

3. *Trade, Economics, Technology and its Transfer.* Consideration of trade, economics, and technology is fundamental to the overall problem of developing practical environmental management techniques. The charge to UNEP in this area has special significance for the developing world, which has a certain advantage over its more industrialized cousins in that it is not yet totally committed to the high-pollution, high-waste technologies that the developed states have inherited. UNEP thus fosters the discovery and adoption of low-waste or non-waste manufacturing technologies, industrial complexes wherein technologies are grouped so that one's waste output is another's material or energy input, and other methods of avoiding or minimizing industrial pollution.

In this same connection, UNEP is responsible for assisting states in the formulation of environmental guidelines for development projects; for promoting studies that safeguard against the negative aspects of transferring industrial technologies from the developed states; for examining the environmental costs, risks, and benefits of alternatives industry siting plans; for examining the optimum uses of natural products and their role in ameliorating pollution resulting from production of synthetic substitutes; for promoting the training of personnel in techniques which incorporate environmental factors into development planning; and for exploring ways of encouraging development assistance that will offset any increase in costs resulting from the use of environmentally sound technologies.

Whatever their level of development, states are concerned with the differential impact of environmental considerations on their economies. For this reason, UNEP is charged with helping to ensure that environmental measures do not create non-tariff trade barriers, to maximize opportunities and assess risks arising from changes in comparative economic advantage, to seek ways of offsetting negative trends in trade caused by environmental concerns, and to assess the feasibility of a global early-warning system for notifying countries whose health or trade may be affected by the export of environmentally harmful products or by environmental measures.

4. *Maritime Domain.* In the oceans, UNEP's mandate includes assessing problems in the marine environment, surveying the activities of international and regional organs dealing with the management and conservation of living resources, and assisting nations to identify and control land-based sources of ocean pollution. UNEP is also working with the Intergovernmental Maritime Consultative Organization (IMCO) to achieve a deadline for prohibiting ocean oil discharges and to seek measures minimizing accidental spills. Similarly, it is urging the International Whaling Commission to adopt a ten-year commercial whaling moratorium.

In a pilot project aimed at establishing a monitoring mechanism for the marine ecosystem, UNEP will concentrate first on the Mediterranean, which exhibits, often in extreme form, many of the pollution problems found in semi-enclosed bodies of water. Plans for this project are to be developed at a meeting of coastal states and international agencies in Spain early in 1975.

5. *Conservation of Nature, Wildlife and Genetic Resources.* UNEP projects in this field will address not only the obvious need for protecting plants and animals, especially rare or endangered species, but also the need to create regional and national institutions

for collecting, evaluating and conserving gene pools of plants and animals in order to maintain genetic diversity. Without such gene banks, the tendency to narrow genetic resources through neglect or through generations of selective breeding may result in a future inability to develop hardy and resistant strains of flora and fauna.

Under this same program area, UNEP will assist in investigating the impact of human activities on ecosystems. It foresees the identification and protection of unique and representative natural ecosystems and sites and preparation of a catalogue of threatened species of crop-plants, fish, domestic animals and micro-organisms, as well as the compilation of a clean-rivers register.

6. *Energy.* Producing energy involves the conversion of matter into heat, a reversal of nature's general tendency to convert heat into matter. This reversal may have dire thermal consequences for the biosphere. Therefore the Governing Council has invited UNEP to prepare a state-of-the-art report on energy and energy technology as a first step toward understanding the energy cycle, developing environmentally sound energy policies, and formulating specific energy and environment projects for UNEP. A panel of experts will meet early in 1975 to examine the subject of energy and the environment.

Earthwatch

As a separate priority, the Governing Council is seeking the cooperation of the international community in building a worldwide detection mechanism—Global Environmental Monitoring System (GEMS)—to identify pollutants and insect- or wind-borne diseases likely to affect weather, climate, and living organisms. At the same time, the council wishes to develop internationally agreed upon "primary protection standards" as a basis for assessing the significance of pollution levels for human health. UNEP has therefore convened a technical meeting for the purpose of defining and developing monitoring programs and protection standards for submission to the council.

In a related move, the council has authorized UNEP to undertake the pilot phase of the International Referral System (IRS), aimed at drawing upon and exchanging environmental expertise available throughout the world. Information specialists met in Heidelberg in the autumn of 1973 to work out the design for IRS.

Education, Training, Assistance and Information

UNEP activity in this area aims at supporting and encouraging: environmental information collection and dissemination mechanisms; the training of experts in various environmental sciences, especially on the local level; education programs which will increase public awareness of environmental matters; and expanded research capabilities, particularly in developing countries.

III. UNEP: ORGANIZATION AND FUNDING

The UNEP organizational structure is a straightforward one and is depicted in abbreviated form in the accompanying chart. Naturally, this agency is responsible to the UN General Assembly and to the will of its members as expressed in the resolutions of the Assembly. Specific direction of UNEP policy and activities is provided by the 58-member UNEP Governing Council, which meets yearly to review, amend and approve proposals made by UNEP's Executive Director or by member nations.

Although the Fund of the UN Environment Programme is in some measure a separate entity, its Director also functions as the Assistant Executive Director of UNEP for Environment Fund and Management. The distinction between the Fund and the environmental secretariat stems from the dual funding of UN environment efforts through both the regular budget and the

voluntary fund. UNEP also works closely with the UN Environment Coordinating Board to mesh UNEP activities and policies with the environment-related programs of other agencies in the UN family.

Private sector involvement

Additionally, non-governmental organizations play an important role in the Environment Programme, as they do in most other UN functions and agencies. Individual organizations and "peak" groups or coalitions such as the North American Committee of NGOs Concerned with the Environment may make policy and program inputs to the UNEP decision-making process and to their national governments, as well as send representatives with observer status to environment conferences and working sessions. Representatives of non-governmental groups meeting in Nairobi in March, 1974, agreed to set up an NGO Environment Service Center to facilitate cooperation between UNEP and private organizations. Moreover, UNEP has joined with such groups as the Sierra Club and the International Institute for Environment and Development on specific cooperative activities. In November, 1973, the International Chamber of Commerce established in Nairobi an International Center for Industry and the Environment. The Center was welcomed by UNEP Executive Director Maurice Strong as "providing the required link between UNEP and world industry."

Official participation

Revealing the early U.S. awareness of the need for immediate and well-supported remedial and preventive action in the global environment, the U.S. Advisory Committee on the 1972 Stockholm Conference and its Chairman, Senator Howard Baker, recommended in their report to the Secretary of State the establishment of a voluntary fund for the environment with an initial capitalization of \$500 million for five years. This concept was well received in both the House and Senate. The fund was later organized, first as the Environment Fund and later as the Fund of the UN Environment Programme to emphasize its association with UNEP, with a five-year goal of \$100 million.

To date, some 50 countries—26 in the developed world and 24 in the developing category—have pledged firm contributions to the Fund totalling \$96.5 million for the five-year period 1973-1977. It is estimated that, if those nations whose pledges have been made on an annual basis continue their pledges at their current rate, the Fund will achieve its objective of \$100 million for five years with relatively little difficulty.

To this Fund objective, the United States made an initial pledge of \$40 million. In explaining to the Congress President Nixon's 1973 request for 40% U.S. funding of the UNEP Fund, the Secretary of State's Special Assistant for Environmental Affairs, Christian A. Herter, Jr., noted that this amount: "... represents one of the lowest (if not the lowest) initial U.S. contribution made to a new UN voluntary fund in the launching of which the United States has had a substantial national interest."

We also expect that the dollars we spend will be more than compensated for by the benefits to be derived, bearing in mind that some of the activities are economically significant (that is, might harmonize standards, help agriculture, facilitate trade, etc.), are needed to prevent a further degradation in the global environment, and can only be effectively dealt with multilaterally. (Emphasis added.)

In view of dwindling world food reserves, fertilizer scarcity, and other commodity shortages which have become acute in the 18 months since those words were spoken, Mr. Herter's remarks have an element of understated prophecy about them. It has become increasingly evident, for example, that the U.S. can continue to serve as the world's primary reserve granary only at con-

siderable expense in terms of storage costs, rising domestic food prices and the like. Viewed in this light, an annual U.S. investment of \$8 million in UNEP's efforts to improve techniques globally for conserving soil, air, water and other resources vital to food production seems very small indeed. This is but one of the ways in which the American contribution to UNEP will have consequences of direct benefit to the U.S. and its citizens.

Moreover, although the U.S. pledge to the Fund is a large amount of the total, it represents less on a per capita basis than has been pledged by many other nations, including several in the developing world. Pledges per 1,000 of population for countries selected from various geographical regions are shown below in relation to capacity to contribute as represented by Gross National Product per capita (pledges as of 9/15/74).

Country	1971 GNP per capita	1974 UNEP pledge per 1,000 population
Argentina.....	\$1,239	\$1.62
Australia.....	2,870	37.16
Botswana.....	160	2.29
Canada.....	4,140	66.27
Cuba.....	510	2.71
Denmark.....	3,430	78.99
Finland.....	2,550	31.77
France.....	3,360	26.69
Federal Republic of Germany.....	3,210	34.49
Hungary.....	1,200	1.90
Iran.....	450	1.23
Jamaica.....	720	1.01
Japan.....	2,130	13.87
Kenya.....	160	2.34
Mexico.....	700	3.45
Norway.....	3,130	109.53
Philippines.....	240	.24
Saudi Arabia.....	540	1.91
Swaziland.....	190	5.80
Sweden.....	4,240	120.42
United States of America.....	5,160	38.34

Source: Compiled from figures supplied by UNEP and the World Bank.

Uses of the fund

The Fund of the UN Environment Programme is restricted in its use to paying for direct, substantive activities in the field of the global environment, for expenses incurred in supporting these activities, and for the costs of administering the fund itself. The costs of the UNEP secretariat, of providing services to the UNEP Governing Council, and certain other costs of the total UNEP program are borne by the regular UN budget. While this division of funding appears somewhat complicated, it ensures that UNEP Fund monies pledged by individual countries are channeled more toward substantive environmental activities and less toward the overhead of the Environment Programme.

Within the Fund are four major categories or accounts, shown below together with an explanation of the spending category and the 1974 and 1975 funding levels.

(a) *Fund Programme Activities* are the program's constituent projects which the Governing Council has approved for funding. The Fund Programs, which is limited to the resources of the Environment Fund, does not, however, constitute the entire UNEP effort on behalf of the environment: Authorized 1974: \$18,000,000; authorized 1975: \$20,000,000.

(b) *The Fund Programme Reserve* is an amount set aside each year to meet unforeseen needs, finance unanticipated projects or phases of projects, or meet other needs as determined by the Governing Council. The reserve is generally established at 10% of the resources allocated for Fund Programme Activities but was reduced by the Governing Council for 1975: Authorized 1974: \$1,600,000; authorized 1975: \$900,000.

(c) *Programme Support Costs* are those overhead expenses (such as travel, salaries for program management personnel and similar

positions, furniture, equipment, office supplies and common staff services) incurred in carrying out specific Fund Programme Activities: Authorized 1974: \$1,715,000; authorized 1975: \$2,091,000.

(d) *Administrative Costs of the Fund* are, as the account caption suggests, the expenses associated with managing and overseeing the Fund itself: Authorized 1974: \$1,186,000; authorized 1975: \$1,434,000.

Additionally, the Governing Council has established a Financial Reserve account to ensure the financial liquidity and integrity of the Fund, to compensate for uneven cash income and to meet similar requirements. The level of the Financial Reserve is currently maintained at 7.5% of total fund resources for the years 1973 and 1974: \$900,000 was set aside in 1973 and \$750,000 is expected to be credited to this account in 1974.

Distribution of the Fund

In 1974, resources were apportioned by the Governing Council for Fund Programme Activities as follows (as of 1 October):

Priority areas Project Category	U.S. dollars
A. Human settlements, health, habitat and well-being.....	1,996,787
B. Land, water and desertification (ecosystems).....	432,750
C. Education, training, assistance and information.....	710,828
D. Trade, economics and transfer of technology.....	112,300
E. Oceans (marine pollution).....	169,182
F. Conservation of nature, wildlife and genetic resources (including natural reserves).....	552,500
G. Energy and environment.....	242,147
<i>Earthwatch</i>	
A. Global environmental monitoring systems.....	950,300
B. International referral system.....	1,205,850
Other (Integrated planning and management methods, future programs, "outer limits," natural disasters, ecodevelopment).....	549,130
Additional contributions to ongoing 1973 projects.....	125,000
Total	7,046,774

(Figures include only UNEP share of projects undertaken in conjunction with other agencies. Project duration varies from several days to 42 months.)

CUMULATIVE GEOGRAPHICAL DISTRIBUTION OF 1973 AND 1974 FUND PROJECTS

	United States (dollars)	Percent
Regional:		
Africa.....	504,240	4
Asia and Far East.....	679,360	5
Europe.....	93,500	1
Latin America.....	753,450	6
Western Asia.....	335,350	3
Sub-total, regional.....	2,365,900	19
Global.....	9,841,214	81
Grand total.....	12,207,114	100

IV. ENVIRONMENT AND DEVELOPMENT

Conflicting Views

In the period before and after the 1972 Stockholm Conference, a major and often bitter debate centered on the interaction between environmental concerns and economic development programs. On the one hand, developing countries considered that pollution was principally a product and a problem of the developed world. They resisted the notion that they should pay for global clean-up efforts either directly or indirectly, through

non-tariff trade barriers in the form of environmental standards, through environmental constraints on development projects, through losses of commodity markets to recycled goods and similar economic effects. To the developing world, the sudden concern of industrialized nations for the environment was a pretext for curbing or terminating economic growth in the Third World or, at least, for reducing development assistance. Moreover, the way in which the issue was posed—concentrating on industrial effluents, etc.—led underdeveloped countries to believe that the more advanced nations had no appreciation for the impoverishment of the human environment that stems, not from too much industrial growth, but from too little.

For their part, developed nations were alarmed by what they viewed as a cavalier attitude toward environmental degradation. They also felt that the additional costs of industrial pollution safeguards might give a comparative advantage to developing nations, where the relatively higher absorptive capacity of the environment would draw effluent-producing industries into "pollution havens," thus causing a shift of manufacturing firms. They resisted, for a time at least, the concepts of "additionality" and "compensation" (whereby developing countries would be remunerated for the extra costs of pollution control in development projects or for trade losses stemming from environmental codes). They came to see the developing world's approach to the international environment as merely an effort to increase foreign aid.

In the intervening two years, the fears and suspicions of both developed and developing nations, while not wholly eradicated, have diminished substantially, leading to a healthier working atmosphere. There are several reasons for this attenuation of concern. Not all are positive.

LIMITS TO GROWTH

At the outset, the concern of the developing nations was greatly stimulated by the fact that the advent of the environmental movement paralleled the evolution of zero-growth or limits-to-growth models among the advanced countries. Since both approaches address themselves to the condition of world resources, the zero-growth and environmental movements were seen as two sides of the same coin. Environmental rehabilitation seemed to mean restricting economic development.

Further reflection and the marshaling of new or available research have shown that the anticipated antagonisms between environment and development are not so sharp as was first thought. To quote Maurice Strong, "The answer lies not in stopping growth but in a drastic change in our conception of the purpose of growth and a corresponding reorientation of the growth process." Indeed, while both objectives cannot be fully maximized simultaneously, they can be integrated much more harmoniously than some expected. Developing states have discovered that environmental safeguards are less costly than foreseen. They will also eventuate in future savings to the extent that they avoid the pollution clean-up costs now being experienced by industrialized economies. Data collected by the World Bank, for example, show that inclusion of environmental safeguards in developing projects increases costs by an acceptable two to four percent. By contrast, at the time of the Founex Report (a preliminary study of the environment-development issue made by development economists a year before Stockholm), it was estimated that such costs might be increased by 20 to 25%.

Environmental Insurance

As a result of this new recognition, developing states have been more willing to exploit their well-known advantage of relative freedom from industrial pollutants by integrating environmental criteria in their

development planning, thus hopefully purchasing insurance against the predicament now faced by the advanced states.

Similarly, with broader understanding of environmental processes, has come the recognition on both sides that pollution-control efforts may not need to be uniform. If standards are relaxed somewhat, if Philadelphia air quality criteria are not insisted on for Bombay, then the environment may be safeguarded at reasonable cost. This approach, which implies a dual standard, or regional or national standards for environmental quality, is not entirely free from hazard. Presumably, it could still foster pollution havens, foul areas now relatively pollution-free, and lead to greater transnational shifts of manufacturing facilities.

However, variant environmental standards need not necessarily lead in this direction, if they are developed with the understanding that such standards serve essentially different purposes—aiming at preventing excessive pollution in non-industrialized localities and at reversing heavy pollution in industrialized ones. Whether this two-level approach will adequately protect local environments remains to be seen.

Resource pinch

Additionally, fuel and commodity shortages coupled with slowing growth rates, inflation and other economic problems in the advanced states have altered their perspective on the environment, softening their concern as they strive to stimulate their economies and to meet pressing, basic needs. To the extent that environmental and economic goals conflict in the short term, such conflict is one faced by all states. Recognition of this problem has produced a greater identity of views on the issues of economic growth and the environment between the developed and developing worlds than existed at Stockholm. Whether this circumstance implies a halting or a reversal of the environmental movement, as some have suggested, or represents a more pragmatic approach to environment-development questions remains to be seen. Yet it is clear that changes in world economic conditions since Stockholm are forcing a re-evaluation of the permissible tradeoffs between environmental protection and economic growth.

Finally, the work of the UN Environment Programme itself, the Governing Council and UNEP Executive Director Maurice Strong and his staff, have gone a long way toward overcoming antagonisms that grew up among industrialized and non-industrialized states over the issues of growth vs. the environment. In the framing of its strategy and the choice of its programs, UNEP has stressed two crucial points: (1) that economic development and environmental protection aim at the mutual objective of improving the material condition of mankind now and in the future and (2) that the numerous elements which make up the biosphere are ultimately interrelated, so that the long-term individual self-interest of each, as well as the common good of all, depends on the preservation of the whole environment. Degradation of water, air, earth, animal, or plant resources is no respecter of national borders. Worsening conditions in any sector of the biosphere will in time spill over into or impact on others. World food shortages stemming from recurrent flooding or drought provide a tragic illustration of how man's failure to conserve soil resources in some regions can affect food cost and availability continents away.

Declaration of Cocoyoc

The evolution of the environment-development debate is well reflected in the Declaration of Cocoyoc, a statement prepared at the Symposium on Patterns of Resource Use, Environment and Development Strategy held in Mexico in October, 1974, under the chairmanship of Lady Barbara Ward Jackson and

the sponsorship of UNEP and UNCTAD. The declaration states:

We recognize the threats to both the 'inner limits' of basic human needs and the 'outer limits' of the planet's physical resources. But we also believe that a new sense of respect for fundamental human rights and for the preservation of our planet is growing up behind the angry divisions and confrontations of our day.

We have faith in the future of mankind on this planet. We believe that ways of life and social systems can be evolved that are more just, less arrogant in their material demands, more respectful of the whole planetary environment. The road forward does not lie through the despair of doom-watching nor through the easy optimism of successive technological fixes. It lies through a careful and dispassionate assessment of the 'outer limits', through the co-operative search for ways to achieve the 'inner limits' of fundamental human rights, through the building of social structures to express those rights, and through all the patient work of devising techniques, and styles of development which enhance and preserve our planetary inheritance.

Outer Limits

The 'outer limits' mentioned in the Declaration of Cocoyoc refer to the boundaries imposed on human activities by the global environment and by the necessity for preserving it. Violation of these boundaries, as, for example, in the area of climatic change, will alter the conditions essential to the support of life and to the collective survival of mankind.

UNEP hopes to prevent such violations of the biosphere and to aid in the long-range decision-making that is basic to sound environmental planning in both developed and developing countries. It plans to cooperate with such agencies as the International Institute of Applied Systems Analysis (Vienna) to determine where these outer limits to man-made change may lie. This kind of foresight mechanism will help to avert environmental disasters and to guide future development strategies.

The Common Interest

Thus, charges heard in some developed states that contributions to the Environment Fund amount to "back-door" foreign aid are shortsighted in the extreme. This view neglects the fact that the developed countries, and especially the United States, are responsible for much the greatest part of the industrial pollution in the world today. As Secretary Kissinger's Special Assistant for Environmental Affairs, Christian A. Herter, Jr., testified before Congress:

... It should be stressed that, as the world's most industrialized nation, we are the greatest polluter. Thus, we cannot reasonably expect others to bear a disproportionate share of the costs in cleaning up the wastes that we generate.

While it is difficult to express our pollution contribution in quantitative terms, nonetheless, with less than 6 percent of the world's population, we account for the use of more than one-third of the world's energy production.

The leading role of the U.S. in pledging to supply some 40% of the Environment Fund for its first five years is not a payment for past pollution, however. Rather, it represents a sound and self-interested investment in identifying and finding solutions for environmental problems which have had or will have an effect on the U.S. First of all, it is the developed world's need for commodities—foodstuffs, timber, and minerals—which provides both growth opportunities and much of the environmental threat—especially of renewable resources—the continued availability of these commodities to developed and developing nations cannot be

guaranteed. Nor can the capacity of the underdeveloped nations to meet their own food needs be expanded without proper attention to the effect of gross environmental factors. Yet if this capacity is not extended to cover anticipated population increases and hoped-for rises in living standards, there will be ever more serious pressures on world food supplies, with attendant costs to the developed world.

Thus, if contributions to the Environment Fund are to be construed as a form of foreign aid, it is probably one of the most useful programs available. UNEP's work can lead not only to the solving of current pollution problems for which the U.S. bears a major responsibility but also to the prevention or mitigation of future problems which would ultimately affect the U.S. adversely. Indeed, with its comprehensive approach to the human environment, it is not too much to say that UNEP has the promise of reducing the need for certain kinds of foreign aid which addresses only symptoms—such as flood or drought relief—by stimulating a more careful husbanding and use of the earth's resources throughout the international community. To this kind of effort, the developed world is well advised to commit both its relevant technological advantages in pollution control and its financial aid to further the application and the broadening of these technologies.

Finally, as UNEP has been at some pains to point out, the Environmental Fund is neither large enough nor are UNEP projects so constituted that any single nation can draw special advantage from them. UNEP endeavors, by design, aim at increasing the general fund of information, at pilot and demonstration projects and at representative target areas which will have the broadest possible application and impact. In the long term, the benefits of this approach—in aggregating knowledge and in solving environmental problems—will be shared by all states.

Environmental diplomacy

The message that Maurice Strong and his aides have been carrying to numerous capitals is that concern for the environment is not a luxury but an absolutely fundamental prerequisite to preserving and bettering human life on this globe. In a world where the futures of states and individuals are inextricably linked together by the common thread of a shared biosphere, no person and no nation will long be able to stand aside from this concern without courting disaster.

Through their practice of environmental diplomacy, UNEP's representatives have brought home to rich and poor nations alike the fundamental necessity and practical benefits of integrating environmental concern into their economic planning and thinking. They have dramatized the lesson that the environment is indivisible and requires citizens and nations to work together for their individual and common survival and betterment. Although the clash between environmental and development goals will likely continue, although there will be recurring environmental disputes between states and regions, the UNEP and its initial staff are already performing a remarkable service in showing skeptical governments that, in an age of advanced technology, man's environment will best supply his needs when treated with care and respect.

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NB: Draft and final program documents of the UNEP and the Governing Council, UNEP statements and press releases and UN General Assembly publications relating to the Environment Programme are available from UN Information Offices in Geneva, New York and Washington and should be consulted for additional details on UNEP organization and operations.

THE INSTITUTE OF NUCLEAR MATERIALS MANAGEMENT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the critics of nuclear power in the United States, over the past year or so, decided that few in this country were actively concerned with the continual upgrading of the safeguarding and security of nuclear materials and installations. I am certain that many of these critics, particularly the most vocal, are unaware that there has been for over 16 years a professional organization in the United States with international membership from academic institutions, Government laboratories and agencies, utilities, transportation organizations, insurance companies, and all segments of the nuclear industry devoted to the management, safeguards, accountability and control of nuclear materials. The organization is the Institute of Nuclear Materials Management. The basic objectives of the Institute are to further the advancement of nuclear materials management in all its aspects, including:

The application of principles of chemistry, physics, accounting, auditing, statistics, and chemical, nuclear and electronic engineering to the management of these materials.

The promotion of research in the fields of nuclear materials management and safeguards.

The encouragement and development of standards consistent with existing and proposed professional and regulatory requirements.

The improvement of the qualifications and usefulness of those individuals en-

gaged in nuclear materials management as a profession.

The institute is the sponsoring organization for the American National Standards Institute Committee N-15, Standards for the Control of Nuclear Materials. Committee N-15 is divided into seven subcommittees and is actively developing a variety of standards in its assigned area of responsibility.

The institute is actively involved in the development and application of nuclear materials safeguards in a number of ways. The institute's Safeguards Committee has recently issued an evaluation of safeguards during transportation of nuclear materials. A separate Government Relations Committee reviews proposed Government regulatory changes in the field of safeguards and transmits the comments of INMM members to the proposing regulatory agency. The institute, more than any other professional organization, combines the training and experience of persons who are actively involved in the application of safeguards procedures to actual plant operations, and who accordingly can comment knowingly concerning the value of any procedure.

The institute also is represented on several other professional committees in the general field of nuclear industry standards.

The institute offers certification to those whose training and experience have attained an exemplary level of technical or managerial competence. In recognition of individuals who have met these high standards, the institute offers the designation of certified nuclear materials manager. The applicant is examined carefully by the Certification and Ethics Committee, and is expected to demonstrate his competence on a written examination. The distinction is granted by the executive committee on the recommendation of the Committee on Professional Standards and Certification.

The institute was created on May 17, 1958. The first general membership meeting was held in 1959; annual meetings have been held since then. I have been invited to address the 1975 annual meeting of the Institute of Nuclear Materials Management and I consider this a signal honor.

I insert in the RECORD at this point the letter inviting me to address the 16th annual meeting and the institute's call for papers. Note that in addition to the very large scope of interest indicated, the Technical Program Committee will consider papers on additional relevant topics:

INSTITUTE OF NUCLEAR MATERIALS MANAGEMENT,
December 11, 1974.

Congressman MELVIN M. PRICE,
Chairman, Joint Committee on Atomic Energy, Washington, D.C.

DEAR CONGRESSMAN PRICE: Captain Edward Bauser and Colonel Seymour Shwiler of the Joint Committee Staff visited Los Alamos recently for technical briefings and discussions on a number of topics including nuclear materials safeguards and the AEC's safeguards technology program here at LASL. Our interactions with several members of the JCAE and their staff people have afforded us here at LASL an excellent opportunity to gain a better appreciation of the JCAE's direct concern and interest in stringent nuclear safeguards on both the domestic and international levels. It is abundantly clear for example that safeguards technology and instrumentation for inspection and surveillance must play a key role in safeguarding any future international agreements for U.S.-supplied nuclear power reactors and nuclear fuel materials to developing nations.

At a recent meeting of the Executive Committee of the Institute of Nuclear Materials Management (INMM) I discussed the interest which the Joint Committee has in effective safeguards and nuclear materials management. The upshot of all this—and my reason for writing at this time—is that it is our unanimous desire to have you, as the Chairman of the Joint Committee on Atomic Energy, address the 1975 Annual Meeting of the Institute of Nuclear Materials Management to be held next June 18-20 in New Orleans, Louisiana.

As you may already be aware, the INMM is the one professional organization in the United States which is concerned specifically with management, safeguards, accountability, and control of nuclear materials. The institute's unique role and high standards of professionalism in the field of nuclear safeguards and materials management is generally recognized throughout the United States, and its membership includes prominent leaders from both government and private industry sectors of the nuclear community.

The Institute's 1975 Annual Meeting provides the major U.S. professional forum for timely review and updating of national and international policy, programs, and progress in the vital (albeit at times controversial) area of nuclear materials safeguards, NPT inspection, and surveillance. Accordingly, as INMM Program Chairman, it is my honor to invite you, on behalf of the Institute, to address our 1975 Annual Meeting next June in New Orleans. Although details of our technical program have not been worked out, we are considering an evening banquet on Thursday, June 19, or if it should be more convenient for you, a noontime luncheon could be planned for the same day. (Possible second choices might be Wednesday, June 18, or Friday, June 20.) The INMM Executive Committee joins me in expressing our sincere desire to have you address our 1975 meeting on any aspect of the important and timely subject of safeguards (national and/or international) which you may choose to discuss.

Needless to say, your address would be the highlight of our meeting, which we hope to make the best attended and most significant in INMM history!

Very sincerely,
G. ROBERT KEEPIN.

THE INSTITUTE OF NUCLEAR MATERIALS MANAGEMENT CALL FOR PAPERS FOR THE 16TH ANNUAL MEETING

The Sixteenth Annual Meeting of the Institute of Nuclear Materials Management will convene in New Orleans, Louisiana, June 18-19-20, 1975.

The program will consist of sessions of contributed and invited papers and panel discussions and/or workshops covering all aspects of nuclear materials management and safeguards. Papers in all areas of the nuclear industry are solicited on such topics as:

Physical Security:

Transportation and Communication.
Containment, Locks, and Seals.
Surveillance and Verification.
Division Path and Probabilistic Analyses.
Federal vs Private Guards.

In-Plant Materials Control:

Accounting and Audit.
Assay Techniques and Measurements.
Standards and Measurement Controls.

Statistics Error Statements.
Quality Control and Assurance.
Nuclear Energy and Materials Management:
U and Th Supply; Ore, Feed Analysis.
Enrichment Plant Safeguards.
Utilities and Reactor Safeguards.
Recovery, Reprocessing, and Recycle.
Waste Management and Effluent Control.
Government Imposed Regulations.
Indemnity and Risk Assessment.
International Safeguards and Inspection Safeguards, the Press and the Public.

PROCEDURE

Prepare an informative summary appropriate to a 15-20 minute presentation. Length of the summary is not crucial (nominally in the range 200-600 words) but it must furnish sufficient detail to permit an accurate review. Please include:

Title of the paper.
Author(s)—If two or more, indicate speaker.

Company affiliation.

Mailing address.

Telephone number (indicate if FTS).

Suggested classification of paper by topic.

Summaries are to be submitted by March 1, 1975 to:

G. Robert Keepin, Chairman
INMM Technical Program Committee
Los Alamos Scientific Laboratory
P. O. Box 1663
Los Alamos, New Mexico 87544
Tel. (FTS) 505-667-4042

Receipt of your summary will be acknowledged by return mail. All summaries will be reviewed by the INMM Technical Program Committee, and those accepted will be presented at the conference. Notification of accepted papers will be made by April 1, 1975. Accepted papers will be presented at the Annual Meeting and published in full in the INMM Proceedings.

HONORABLE H. R. GROSS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, one of the most, if not the most hard-working Member of the House, the Honorable H. R. Gross of Iowa retires this year after 26 years of conscientious service to the American taxpayer.

I know of no Member in my legislative career who has exhibited greater knowledge about every piece of legislation which has come to the House than H. R. Gross. Sheer doggedness, diligence and persistence mark H. R. Gross' character. At the same time he is one of the most gracious and understanding men with whom I have served.

I am proud to have served in the House with H. R. Gross. He has demonstrated the difference one Member of Congress can make on legislation and national policy. He has been the conscience of the House.

This House will miss H. R. Gross. I am very sorry to see him retire. I sincerely hope he enjoys his retirement. No man has worked harder. My sincere good wishes go with him.

ACHIEVING PRICE STABILITY WITHOUT WIDESPREAD DISTORTIONS TO THE ECONOMY

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASHLEY. Mr. Speaker, legislation

was introduced yesterday by Chairman PATMAN and other members of the House Committee on Banking and Currency which upon enactment would impose an immediate freeze on all prices, wages, rents and interest rates.

While I agree that prompt and concerted action must be taken to curb inflation, perhaps including direct controls, I am opposed to the Patman bill and will offer instead, in the days ahead, a measure which I believe will offer far greater assurance of achieving price stability without widespread distortions to the economy.

The most serious defect in the Patman approach, in my view, is that it mandates an across-the-board freeze on all prices, wages, rents, and interest rates in every sector of the economy at levels prevailing on the date of enactment of the bill.

Rather than place the entire economy in this kind of bureaucratic straight jacket, a preferable approach in my view would be to broaden vastly the monitoring responsibility of the Council on Wage and Price Stability and to authorize and direct the Council to impose controls or constraints in those sectors or particular situations where price, wage, rent and interest rate behavior has been irresponsible and unjustified.

The differences in these two approaches is very important. The Patman bill with the stroke of a pen would substitute total Federal regulation in place of our market economy. My alternative would continue to rely on the market place to make the basic decisions with respect to supply and demand but it would correct past abuses and prevent new ones from occurring.

Mr. Speaker, there are many causes of our current inflation which must be analyzed and understood in order for effective remedies to be applied. We are all aware of surging worldwide demand for food and other commodities. We are painfully aware that the price of imported oil has almost quadrupled in little more than a year. We know that the last effort at controls fostered recurring rounds of price-wage catch-up, and it is clear that wide-scale anticompetitive practices have made their contribution to the cost-of-living increase. Both Federal Reserve monetary policy and Federal fiscal policy have also had inflationary consequences, and the private sector itself has failed to exercise the self-discipline that stable growth and a sound dollar require.

Total control, as proposed in the Patman bill, not only fails to address these causes but would create distortions that actually prevent the fundamental corrections in our economy which are necessary. Worse yet, this approach would deepen recession and mounting unemployment by curbing the investment incentives which the private sector legitimately depends upon.

My approach, on the other hand, recognizes that the economy is beset by both demand-pull and cost-push pressures and that they require very different treatment.

To the extent that rising prices are attributable to a continuing disequilibrium between supply and demand, the obvious cure is greater production in those sectors where this is possible. Clearly controls are not responsive to this kind of inflationary situation. However, to the extent that living costs continue to escalate because of administered prices and/or wages, there may well be ample justification for Federal intervention, either indirect or in the form of actual constraints.

The compelling necessity, in short, is to devise a legislative mechanism which is sufficiently flexible to permit different responses to different situations. The most dangerous, self-defeating course that we could take at this time would be to limit our options and alternatives to a single remedy—massive in its ramifications, as we know from bitter experience—and then to mandate its use.

THE YAKUTSK EXPLORATION

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, in reviewing the debate of the Eximbank conference report yesterday I see in the RECORD on page 41060 the statement by Senator STEVENSON and a colloquy between Senator STEVENSON and Senator SCHWARTZ which suggest that none of the \$40 million which is the limitation on Eximbank credits that may be used for fossil fuel exploration and research in the Soviet Union may be used for the Yakutsk project. There is no such limitation in the law nor any suggestion of such limitation in the conference report for the simple reason that the conferees had no intention whatever of imposing such a limitation.

The Yakutsk exploration project now pending before the Bank requests Eximbank financing of \$49.5 million in support of \$110 million of U.S. exports. The Bank could not, without prior approval of the Congress, participate in the Yakutsk or any other fossil fuel project if the Eximbank loans and guarantees exceed \$40 million. However, it is clear from the discussions of the conferees and the language meticulously agreed upon that Eximbank may loan or guarantee up to \$40 million for research or exploration of fossil fuel resources in the Soviet Union whether it be for Yakutsk or elsewhere. If for example the required financing for the Yakutsk exploration project can be found from other sources so that Eximbank financing of \$40 million or less is required, Eximbank is free, as it was intended by the conferees to be, to use up to \$40 million for this project or any other project.

TOWARD A NATIONAL SUGAR POLICY

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, in the past year we in the United States have

witnessed the price of sugar rise from 12 cents a pound to 75 cents a pound. It was because of this economic reality that I called the Agriculture subcommittee on Domestic Marketing and Consumer Relations to order.

The purpose of these hearings was threefold.

First we of the subcommittee attempted to investigate the correlation between the defeat of the Sugar Act in June, and the rapid rise in the cost of sugar.

Second we intended to exercise the subcommittee's constituted power and duty to conduct legislative oversight over the Department of Agriculture's implementation of the existing Sugar Act and the effect of that implementation on the price of sugar.

Finally, we of the subcommittee sought to explore alternative proposals to reduce or at least stabilize the price of sugar for Americans. We of the subcommittee did accomplish our purposes—now we must proceed further to establish guidelines to achieve market stability. As a result of the knowledge gained from the 5 days of hearings which called upon those representing all aspects of the sugar industry, I seek to impart to my colleagues some of what we have discovered.

What became painfully clear was the Department of Agriculture's hostility toward and ineptness in administering the sugar program over the past year and a half. A review of the Department's testimony delivered by Arthur Calcagnini exposed not only his hostility toward the Sugar Act program but also the Secretary of Agriculture's complete support of that hostility. It is my belief that the 18 month tenure of Mr. Calcagnini as head of the Sugar Division might approach nonfeasance in office due to his failure to comply with his oath of office to faithfully execute the U.S. sugar law.

Let us look beyond the Department's hostility toward the existing sugar program and examine its inept predictions of consumption figures in the United States. Secretary Butz, knowing full well that the world sugar market was tight, released figures of projected domestic consumption that will exceed actual consumption by approximately 800,000 tons of sugar. The implications of this gross misjudgment can only be seen when one realizes that only 10 million tons—or 12 percent—of sugar is traded on the world market. In such a tight and volatile market one can easily see the impact of the massive infusion of American projected needs in forcing the world prices up to dizzying heights.

During the course of the witnesses' testimony it became quite clear that there was a substantial difference of opinion about the viability of the existing sugar law. Several of the witnesses favored the proposed extension of the Sugar Act, which was defeated in June because it would have provided stability of sugar prices for Americans.

In the defeated act, payments to sugar-growers would have been reduced to a maximum of \$9,400 per farmer. There would have been a repeal of the one-half-cent excise tax on all sugar processed in

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our country. A ban would have been placed on the exportation of U.S. grown sugar. The defeated bill would have allowed the Secretary to permit the importation of refined sugar if needed by consumers. But none of these safeguards now exist and American consumers are subject to the vagaries of the international sugar market, this is something short of being a paragon of free enterprise.

Many witnesses were pleased that the Sugar Act was defeated. They felt that it was an archaic and wasteful program which is better left dead. Even though these individuals did not support the Sugar Act, they made it clear that the United States must establish some sort of policy to insure adequate supplies of sugar, but they left unclear what the Government could do in the absence of sugar legislation.

During the course of the hearings it was proposed by some that the U.S. Government in some manner subsidize sugar-using industries. These individuals wanted short-term assistance, but the realities of our system make it clear that once we initiate a subsidy program we would probably never extricate ourselves from the quagmire of subsidy payments.

Where are we now? At the present time, Japan, the world's second largest importer of sugar, has already arranged for its sugar needs for 1975. The United States, the largest importer—6 million tons—has not yet begun to seek its supplies for 1975. On the world sugar market there will be a 2 or 3 million ton shortage in 1975. This shortage will probably be reflected here, because of our lack of preparation, in the first 7 months of next year when our needs will be approximately 3½ million tons. During that period we will probably be able to procure no more than 2½ million tons on the world market. This may be eased by the possible sugar beet crop expansion both here and around the world by July, but this certainly will not erase the entire shortage or its impact. Existing tight market conditions will continue to be reflected here into 1976 and perhaps beyond.

In light of this knowledge garnered from the hearings, I believe it is imperative that the United States develop a national sugar policy. The policy should include:

First. Incentives for U.S. sugar growers to produce as much sugar as possible, as opposed to the uncertainty that exists on the world sugar market.

Second. A system of country-by-country quotas set up to insure the American consumer ample supplies of sugar at reasonable prices.

Third. Action must be taken to remove the 50-cent per hundredweight processing tax and the 62-cent per hundred-weight import duty.

Fourth. The present and projected future demands for sugar eliminate the need for subsidies for sugar.

Finally, I would like to alert my colleagues to the possibility of the establishment of a sugar cartel. On November 28, in Mexico City, 20 Latin American nations including Cuba have agreed to establish a cartel to raise the price of sugar to 75 cents a pound. This sugar

producing group has formulated plans to take further action in the coming months.

Let us pledge ourselves the time, energy and presence of mind to establish a national sugar policy early in 1975, before it is too late.

PERSONAL EXPLANATION

(Mr. DANIELSON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, looking back over the Record of December, I note a missed number of votes. For the Record, I now state how I would have voted on each of these questions had I been present.

MONDAY, DECEMBER 9, 1974

Rollcall No. 658: Motion to suspend the rules and agree to the conference report on S. 425, Surface Mining and Reclamation Act of 1974. I would have voted "yea."

Rollcall No. 659: Motion to suspend the rules and pass S. 2201, to provide for the settlement of damage claims arising out of certain actions by the United States in opening certain spillways to avoid flooding populated areas. I would have voted "nay."

Rollcall No. 660: Motion to suspend the rules and pass S. 4040, the Veterans' and Survivors Pension Adjustment Act of 1974, to provide a 12 percent increase in pension rates for eligible veterans and their survivors. I would have voted "yea."

Rollcall No. 661: Motion to order the previous question on the rule, House Resolution 1485, providing for the consideration of H.R. 5853, the Surface Transportation Act of 1974. I would have voted "yea."

WEDNESDAY, DECEMBER 11, 1974

Rollcall No. 672: An amendment to H.R. 17234, to amend the Foreign Assistance Act of 1961, to end all aid and military credit sales to India. I would have voted "nay."

RECESSION—NOT INFLATION—IS THE NO. 1 ENEMY

(Mr. REES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. REES. Mr. Speaker, last November 5, the Wall Street Journal printed an article by James P. Gannon titled "How To Lose a Battle" with the theme that Congress would probably panic over deteriorating economic conditions and abandon inflation control efforts.

While we must continue to fight inflation, I disagreed with Mr. Gannon's observations as I felt that much of our current inflation was tied to one-shot events such as the horrendous price increase of petroleum and an erratic weather pattern in our farm States. I felt at that time, as I do now, that main enemy is recession and that we had better act immediately if we wanted to prevent the recession from becoming a depression.

Several days later I wrote a reply to Mr. Gannon's article. Unfortunately I

have not heard from the Wall Street Journal. Because I think that my reply might be of interest to Members I offer for the Record my letter concerning our current economic problems:

As a "congressman-politician," just re-elected and about to participate in the lame duck congressional session, I was naturally interested in James Gannon's recent article in the Wall Street Journal, "How to Lose a Battle," with its tag line: "The gathering weakness in the economy is spending into a general recession that is likely to panic the White House and Congress into early actions to pump up the economy, at the expense of inflation control."

The article seems to imply that we in Washington should concentrate all of our energies on the fight against inflation, and only when it's finally knocked down to a respectable 3% should we then wheel our armies around and attack the dragon of recession. I'm afraid that if we did that, we might be fighting a depression instead of a recession. Must we always combat only one while neglecting the other?

We have been using the "old time religion" of tight money to halt inflation, and the result is that the economy has been dampened; demand is down, unemployment is up, and we are in a recession. To continue monetary restraint would only exacerbate the recession. The inflation we have today no longer seems to be one in which too much money is chasing too few goods, but appears to be directly related to major one-shot events that have already occurred: the 400% rise in imported crude oil prices, the adverse weather endured by the world's farmers causing a rise in food prices, and the lifting of wage and price controls.

Once the economy has absorbed the heavy impact of these happenings, there should be a reasonable leveling of prices. If we had an overheated economy at one time that required holding down the money supply to dampen demand, we don't have it now; it seems obvious that the economy is no longer overheated—it's underheated.

Although Mr. Gannon cites the Gallup poll finding that 81% regard the high cost of living as the nation's most important problem, I found in recent campaign visits to my district that, while my constituents are of course deeply concerned about inflation, they are terrified about a recession which might cause the loss of their jobs and destroy their earning power. In my district wage earners are being laid off, builders are going bankrupt, and industry is being starved because of the lack of capital and declining sales.

I think my colleagues are becoming disenchanted with economic experts. At the recent economic summit, a fed-up Senator Mansfield stated: "This conference has had the participation of the foremost economists in the country—in and out of government. They have told us what the inflation and recession are all about—in a hundred versions. The talk has been of micro-economics, macro-economics, econometrics, and what-not."

"Of these things, of importance to economists, the public knows nothing. Of inflation, the public knows a great deal. Of recession the public is learning more and more each day."

I don't feel that Sen. Mansfield's beliefs reflect "panic."

Even non-economists can see that the supply of money, for example, had absolutely nothing to do with those huge increases in crude oil prices, the weather in the world, or the adjustment of wages and prices to the lifting of controls. Pompous reiterations of the "free market allocation of resources" dogma no longer cause me to genuflect, any more than they cause my friends in the building or savings and loan industries to genuflect. I'm tired of seeing the medium- and smaller-sized businesses in my district

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with their backs to the wall because they don't have the ability of Fortune's 500 to market their commercial paper or to obtain a big line of credit with a major bank. I become concerned and frightened when I hear from constituents who have been laid off their jobs and who are now reaching the end of their entitlements to unemployment insurance.

It's fine to talk about budget restraint. All of us are for budget restraint—it's the new "motherhood." But what will happen with the current recession: the budget will go up and tax collections will go down. The majority of our federal budget is for payments to individuals, part of it in the form of unemployment insurance, public service jobs, and welfare payments, all of which go up during a recession. And federal revenues drop when taxpayers become unemployed, business sales decline, or bankruptcies increase; neither unemployed wage earners nor bankrupt firms pay many taxes.

So I expect that Congress will, in Mr. Gannon's words, "panic." We will probably raise Cain over excessive monetary restraint. We will probably continue trying to bring the housing industry out of its deep depression; we will probably appropriate more money for a public jobs program and supplemental unemployment benefits program; and some are even talking about reviving the Reconstruction Finance Corporation to help bail out businesses that are about to go broke because of "free market allocation" trying to operate in an imperfect market.

While we politicians closely follow the economic statistics, we follow our constituencies far more closely. Behind the statistics are human beings and human organizations, and a tenth-of-a-percent increase in the rate of unemployment directly affects individuals and their families whom we personally know and deal with. When we face those who are the innocent victims, we must offer them hope and help. We certainly will not tell them that, by becoming unemployed or going bankrupt they have gallantly aided our country in its fight against inflation. That line won't buy means or pay rent.

The recession is here. Best we deal with it.

THE CASE OF VLADIMIR BUKOVSKY

(Ms. HOLTZMAN asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, the denial of basic human liberty in the Soviet Union is a matter of concern to Americans and all persons of conscience.

When it was revealed, several years ago, that Soviet dissidents were placed in insane asylums as punishment for their views, a worldwide outcry arose. The man who disclosed this practice to the West was Vladimir Bukovsky, and for that crime he has been imprisoned for the past 3½ years.

I would like to read to my colleagues portions of a letter, smuggled out of the Soviet Union by Bukovsky's friends, which gives a vivid picture of his suffering and the infuriating reason for his imprisonment. It makes painfully clear the extent to which dissent is repressed in the U.S.S.R., and illustrates why we must continue to work for the freedom of Soviet political prisoners.

LETTER ON VLADIMIR BUKOVSKY

Vladimir Bukovsky, who on December 31 of last year turned 31, has been imprisoned under conditions of starvation and without qualified medical care for three and a half years. Since October of last year no one was given any opportunity to see him, even once,

and during the entire period of his arrest, was allowed to send him anything; either food, or medication or warm clothing.

What did he do that he should deserve such severe punishment? About four years ago, Bukovsky communicated to Western psychiatrists (including some Americans) the facts about placing in our country of dissidents, psychologically healthy people otherwise, into insane asylums as a punitive measure. For this he was sentenced (including a five-year exile) to 12 years of complete deprivation of all his rights.

The last half year of Bukovsky's existence, first in a concentration camp and later in the town of Vladimir prison, where he finds himself currently, has spent under torture from severe starvation. He has already lost more than 14 kilograms of weight, has reached a stage of extreme exhaustion and, in the beginning of June, began to show signs of edema. Ahead of him are still three years of horrible starvation and then a five-year exile to the northern regions of our country. Bukovsky is a sick man. He has heart trouble along with rheumatism and a liver condition, contracted already while in prison. Everyone has lost all hope of seeing him alive and free if extraordinary measures will not be undertaken to save him.

Vladimir Bukovsky is not a criminal, not an extremist, not a terrorist; he did not break any of the laws of his land as incorporated in the constitution of the Soviet state. All he did was to attempt to draw attention to the inhuman treatment which is being perpetuated upon those like himself. He fought for human rights.

RICE, TRADE DEFICITS, DIPLOMACY, AND CONSUMERS

(Mr. ALEXANDER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, Tuesday, the Rice Act of 1974, H.R. 15263, was soundly defeated by opponents of an expanded and competitive industry.

Today, I am introducing the Rice Act of 1975, as a first order of business for the new year. It is my hope that the small snowball which hardened during the debate on this important issue will gain momentum over the holidays and that it will roll into the 94th Congress with additional size and support.

In introducing this bill I acknowledge the existence of formidable opposition in the Congress. In Washington, I must observe, it is not infrequent that the voices of full pocketbooks scream louder than the groans of hungry stomachs. But, the facts remain.

First, America is a bountiful land which possesses an increased capacity to produce food.

Second, World demand for rice as a staple food is enormous. Evidence is abundant that population is increasing at a much faster rate than food production. Next year I would hope to elicit the support of the international community and would welcome their active participation in this legislation which would change a national food policy in order to achieve international goals. People simply cannot eat conferences, and, active support in specific food legislation is essential to success.

Third, Just this week the United States trade deficit fell another \$1.1 billion into the red in the first 3 months ending in September. The Department of Com-

merce reported the balance was in deficit by \$3.58 billion in the third quarter compared with \$2.48 billion in the second quarter and a surplus of \$1.8 billion in the first quarter.

For the first three quarters of this year the trade deficit is already \$4.26 billion.

In announcing the second largest trade deficit in U.S. history Secretary of Commerce, F. B. Dent, said that this severe deficit "underscores the need for vigorous promotion of U.S. foreign trade."

This urgent need compels me to point out to my colleagues that American dollar export potential for rice alone is about \$1 billion annually which could reduce our current trade deficit by almost 25 percent.

Therefore, I shall again enlist the active support of the business community which, like the international community, must involve itself in the Rice Act of 1975 to change a national food policy in order to respond to a national fiscal emergency.

Lastly, as we have previously pointed out, the current rice program is inherently unfair to American consumers because a minimum domestic price is now established without regard to market or competitive considerations. The current noncompetitive rice industry insures higher consumer prices.

Though some consumer groups actively assisted us in our efforts this year we must sound the alarm for more support from other consumer interests next year in order to attack the inflationary rice industry that exists under the current program.

Protectionism is the product of complacency but the motivation for survival of the current obsolete rice program has been stronger than the determination of business interests, the international community and consumer groups to change a law for a bygone era.

MSGR. STANISLAUS M. GOSPODAREK OF AMSTERDAM, N.Y., OBSERVES THE 60TH ANNIVERSARY OF HIS ORDIINATION TO THE PRIESTHOOD

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, on November 17, 1974, Msgr. Stanislaus M. Gospodarek from Amsterdam, N.Y., celebrated his diamond jubilee of ordination, representing 60 years of service in the priesthood. For nearly 30 of those years, Monsignor Gospodarek served as pastor of St. Stanislaus Church in Amsterdam and is primarily responsible for the physical, educational, and spiritual development of that parish to this day. I am delighted, Mr. Speaker, to join in honoring Monsignor Gospodarek in this momentous year in his life, and insert herewith a recent article from the Amsterdam Evening Recorder which more fully details the accomplishments of this devoted servant of God and the community:

MSGR. GOSPODAREK CELEBRATES 60TH ANNIVERSARY AS A PRIEST
AMSTERDAM.—Msgr. S. M. Gospodarek will celebrate his Diamond Jubilee of ordination

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representing 60 years of service in the priesthood.

He will offer a Mass of Thanksgiving in St. Stanislaus' Church Sunday at 11:15 a.m.

He was born in Poland in the village of Lagiewniki, near Gniezno, on April 7, 1891. He was brought after baptism to New York on May 30, 1891. His parents came to Albany.

He attended the public schools of Albany and later transferred to St. Casimir's parochial school. He went to the high school of the Polish Seminary in Detroit, Michigan from 1904 to 1909 and graduated with honors. He majored in languages, including English, Polish, Latin, Greek, German, French and Hebrew.

Because of the pressing need to have priests familiar with Polish language, his ordination was accelerated to Dec. 19, 1914. He celebrated his first Mass in St. Casimir's Church, Albany, on Christmas Day. Early in February, 1915, he was assigned assistant at St. Mary's Church, Schenectady.

On Oct. 5, 1918 he was transferred to St. Adalbert's Church, Schenectady, and on Oct. 5, 1919 Bishop Gibbons appointed him pastor of Holy Trinity, Troy. He began to make new arrangements for the welfare of the parish and its members, and was able to provide Sisters of the Resurrection to teach religion and Polish.

A home was bought and furnished to house the new sisters comfortably. The old rectory was discarded and a better home acquired for the pastor with better furnishings.

The church was redecorated and painted both internally and externally. The non-active nearby Baptist Church was bought and repaired and converted to a civic center for parish affairs.

During the depression the pastor was able to provide government donated flour, potatoes and some victuals. Some 19 years were spent at that church.

APPOINTED HERE

After the death of Rev. Anton Gorski, the pastor of St. Stanislaus' parish, on Dec. 10, 1937, Bishop Gibbons appointed Msgr. Gospodarek pastor on Jan. 27, 1938. The new pastor was faced with a debt of \$35,000. Since three priests were operating from the old rectory, it became necessary to provide new quarters, hence a new rectory was projected and built in 1941, the present three-story edifice.

The church was redecorated, stained glass windows were installed, new pews and new carpeting were added and a good PA system and new lighting was provided. The parish brought forth about 20 priests by vocations and 30 sisters.

The school was also renovated, painted and a sprinkler system installed in case of fire. New desks for teachers and pupils were provided. The convent was also given a thorough renovating. The parish generously supported the new Bishop Scully High School, donating \$123,000.

For his good work, Bishop Scully made him a monsignor in April 1957. He was also appointed a consultant to the diocese under Bishop Scully. The new cemetery consists of 188 acres at a cost of \$25,000.

The Most Rev. Edwin B. Broderick, D.D., Bishop of Albany, said, "I rejoice with Msgr. Gospodarek on his 60th Anniversary to the priesthood. This anniversary represents years of dedicated service to God and the people of the Albany Diocese. I join with his friends on this joyful occasion in wishing him many years of continued happiness."

RETIREMENT OF GEN. ANDREW J. GOODPASTER, A GREAT AMERICAN LEADER AND SPOKESMAN

(Mr. STRATTON asked and was given permission to extend his remarks at this

point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I would like to take a few moments to acknowledge some of the many great contributions to our country of a very distinguished American, Gen. Andrew J. Goodpaster, retiring Supreme NATO commander in Europe.

General Goodpaster, one of the finest soldiers this country has produced, retired this week after more than 39 years in uniform. His career, which began when he entered West Point from Illinois in 1935, spanned World War II, the Korean War, the war in Vietnam and the Cold War in Europe.

A warm, sensitive and judicious man, as well as a brilliant general, Andrew Goodpaster brought to the profession of arms the very best of human attributes. He dedicated himself selflessly to the service of his country—and his country was most magnificently served.

It is unusual when a man distinguishes himself in more than one field; it is even rarer when he does so in three. General Goodpaster is one of those very exceptional persons who combines all the qualities of the soldier, the scholar, and the statesman.

He commanded a combat engineer battalion in Europe during World War II. He was twice wounded. Among many decorations, he earned the Nation's second-highest award for valor under fire, the Distinguished Service Cross. Later he commanded a division in NATO; and later still, he became Gen. Creighton Abrams' deputy in Vietnam. Andrew Goodpaster is a proven combat soldier.

Andrew Goodpaster gained academic status early when he graduated second in his class at West Point. After World War II he earned a Ph. D. from Princeton University and some years later served as Commandant of the National War College here in Washington. Andrew Goodpaster is an outstanding scholar.

General Goodpaster held sensitive jobs dealing with national security matters in the Joint Staff in the Pentagon and served for 6 years in a key position in the White House under President Eisenhower. He then capped his career with more than 5 years as Supreme Allied Commander in Europe, a position demanding statesmanship as well as generalship. Andrew Goodpaster has proved himself a very effective statesman.

In his most recent and most important assignment—the Supreme Commander in Europe—his mission has been to deter war. He had to be both a general and a statesman—to keep his forces ready to fight and also to convince his allies and countrymen of the need for unity and preparedness. His determination to improve the organization, training and equipping of the diverse forces under his command reinvigorated NATO's military capability and credibility. He constantly sought to balance the requirements of peacetime efficiency with those of wartime effectiveness. As a member of the Special Subcommittee on NATO, I had the good fortune to see General Goodpaster's work closehand on several occasions. The country was lucky indeed

to have had his services at a very crucial time in our history.

Mr. Speaker, I believe I may know better than many Members of this body the extent and the nature of General Goodpaster's most important service to our country and the free world during these past few years. He did a great job in keeping his forces ready, and he did a great job of enlisting the cooperation and support of our NATO allies. But most of all, Mr. Speaker, General Goodpaster did more than any other individual to hold together the support of the American people and the U.S. Congress for the NATO alliance that was first forged together under General Eisenhower back in 1949. He did that in a very direct and nimble way, simply by being able to explain, clearly, forcefully, and persuasively to the Members of the House and the Senate, year after year, as we have periodically addressed ourselves to the question of U.S. military force levels in Europe, the importance of our continuing NATO commitment to the peace of the world.

The fact that over these past few years we have successfully resisted all these efforts to reduce our forces in Europe at a time when Warsaw Pact forces have been steadily increasing their strength in eastern Europe has been due almost entirely to General Goodpaster.

Our only hopes that even though General Goodpaster has now retired we may still be able to call on his expertise and persuasiveness next spring when once again we fight the battle of NATO forces in Europe.

Mr. Speaker, I am sure every Member of the House will join with me in saluting General Goodpaster for his splendid career of public service and in wishing him a long and fruitful retirement.

THE BEST CONGRESSMAN

(Mr. GAYDOS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, in the January issue of Harper's magazine which arrived in my office today, there is an article entitled "The Best Congressman." It is all about our beloved colleague, the Honorable DANIEL J. FLOOD, of Pennsylvania's 11th District. In my opinion DAN FLOOD is the "best Congressman" and my only complaint is that the Harper's article did not say enough about the help given to millions of people by DANIEL J. FLOOD, Member of Congress.

For those of us who sit in this great Chamber when the HEW-Labor appropriations bill is under consideration or for those of us on Appropriations who greet the generals and admirals at the beginning of each year for a friendly interrogation, it is DAN FLOOD who dominates the stage with another audience firmly in his hands. These yearly performances should be demand appearances for every Member for they are exquisitely flawless, executed with style, grace, elegance, wit, eloquence, stamina, brilliance, and discipline. This is the

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show side of DAN FLOOD. But for those of us who know him well, the work side is just as impressive. He really knows how to get the job done.

He has been a true friend during my 8 years here and I leave here this week owing DAN FLOOD more than just another I.O.U. Mr. Speaker, if the honorable gentleman from Pennsylvania will not object, I place at this point in the Record the aforementioned article from Harper's magazine.

THE BEST CONGRESSMAN

(By George Crille)

"There sits a buffoon with the mold of Zeus, the strength of Atlas, and, forgive me, but he is godlike."—Melvin Laird.

Rep. DANIEL J. FLOOD is one of the more bizarre products of the seniority system—an aging, pugacious, Red-baiting eccentric whose vision of the national interest never seems to extend beyond the borders of his constituency.¹ He is one of the thirteen subcommittee chairmen of the House Appropriations Committee—a group of men so powerful that they are known in Congress as the College of Cardinals. Like the other appropriations chiefs, Flood holds a near-veto power over major portions of the annual \$300 billion federal budget, and he wields his power ruthlessly to channel untold millions of federal dollars into his district. Because of his tireless advocacy of military spending and his insatiable appetite for pork-barrel programs, Congressman Flood is one of those politicians who are widely denounced for their distortions of our national priorities. In short, he is a vivid illustration of what liberal reformers feel is wrong with Congress.

There is, however, a different way of looking at this malefactor of great influence; seen through the eyes of his constituents in Wilkes-Barre, Pennsylvania, DAN FLOOD is without doubt the best Congressman in the country. For almost three decades he has served as Wilkes-Barre's guardian angel. A peerless ombudsman, he is a father, a priest, an employment bureau, an entertainer, a miraculous "fixer"; and on two occasions when disaster threatened the very survival of his district, he emerged as its savior.

Flood is the last of the great eccentrics to sit in the House, and, befitting his character, he bears a startling resemblance to the colorful villains of vaudeville melodrama. It's the moustache that first catches the eye, almost surreal with its waxed wings and carefully sharpened points. The clothing has to be considered a bit conservative compared to that of twenty years ago, when Flood sported a raccoon coat and derby and dressed regularly in morning coat and striped pants. Today his Edwardian suits, with their bold stripes and wide lapels, seem almost conventional (at least for men of less than his seventy-one years), though the same can't be said for the red-white-and-blue sneakers that Flood delights in wearing.

"Now hear this!" the Congressman shouts at his noisy colleagues. Flood is presiding over the House of Representatives in place of the Speaker, and he is dressed for the occasion in a white Panama suit with black shirt and matching scarlet handkerchief and tie. "This is important!" he says, pounding the gavel. The noise subsides but two members are still talking. Flood points the gavel at them: "Don't let the moustache fool you, this is Flood talking."

¹ The Eleventh Congressional District of Pennsylvania, consisting of five coal-mining and industrial counties (Carbon, Columbia, Luzerne, Montour, and Sullivan) in the northeastern part of the state. The Eleventh's biggest city is Wilkes-Barre (1970 population 58,856).

The chamber hushes. All eyes focus on the Speaker's chair as Flood launches into his introduction.

"Now, before the curtain rises on scene one, the chairman will set down certain guidelines to be observed during these proceedings." He admonishes the members once again that there will be no conversations in the chamber.

"As the curtain rises," he says, pausing to gesture to the leaders of the coming floor debate, "the *dramatis personae*: at stage right, the gentleman from Texas, Mr. Mahon, has one hour, and at stage left, the gentleman from Michigan, Mr. Cederberg, has one hour. And at stage center, the gentleman from Pennsylvania, Mr. Flood." He gives himself no time limit.

These performances are not the adornments of a politically secure old age: DAN FLOOD was always bizarre. Once in 1946, as a freshman Congressman, he appeared before a group of drunken miners out on a wildcat strike wearing a silk top hat, white tie, and tails. A satin-lined cape was slung over his shoulders, and he carried an ebony sword stick as he mounted the union-hall stage.

"Who is this pansy?" a burly miner belted from the crowd. Flood seemed not to hear the jeers and snickers as he coolly removed his top hat and placed it on a chair. Then, with his cape flying, he leapt from the stage and decked the accusing miner across four rows of chairs. "I used to get into a fight most every night," he recalls nostalgically today. "There was always some joker trying to start things. That was until they found out just who DAN FLOOD was."

Flood has been making dramatic appearances before one kind of audience or another ever since the late 1920s, when he became a Shakespearean actor and performed in fifty productions on the legitimate stage.² Star-struck women would cluster outside the theaters where his picture appeared on giant posters, sighing, "Ah, Dan, ah, Dan" when the dashing Irish matinee idol appeared to sign autographs. For a time it appeared that the theater would be his life. But on the day Rudolph Valentino was buried, Flood, who was appearing at the old opera house in Wheeling, West Virginia, quit the stage to attend Harvard Law School, finally to return to his theatrical calling by performing on what he considers the greatest stage of them all—the floor of the House of Representatives.

FLOOD MEETS FLOOD

The rains from tropical storm Agnes first hit Wilkes-Barre on June 21, 1972. By the morning of June 23 the Susquehanna had risen forty feet and sent Agnes's waters pouring over the dikes protecting the twenty-two communities clustered around Wilkes-Barre. In the early dawn, a few residents were amazed to see what appeared to be a fleet of small boats cruising down the flooded main street of town. They were coffins, pried out of the earth by the raging currents and sent on a macabre voyage through the city.

A day later, Wilkes-Barre and its neighboring cities in the Wyoming Valley were ghost towns with more than 200,000 people evacuated from their homes. Of the estimated \$4 billion in damage caused by the flood—acknowledged by some authorities as the worst civil disaster in this country's history—nearly one quarter of the losses came from the greater Wilkes-Barre area. In Washington, Flood was working in his one-bedroom apartment next to the Capitol at 2:00 a.m. when he learned that the Susquehanna was starting to rise over its banks. For sixteen years

² Flood grew his moustache for a role as a plantation owner in *White Cargo*, a play in which he appeared in New Orleans. One of the ushers at those performances was a young boy named F. Edward Hébert, now chairman of the House Armed Services Committee.

he had served on two subcommittees with Republican Congressman Melvin Laird, Laird, now Secretary of Defense, was fast asleep at 3:00 a.m. when his phone rang: "Stand by!" Flood shouted into the phone after telling Laird that he was on his way to take command of the rescue effort, and that he expected full-scale assistance from his old friend.

"Yes, sir," the Secretary of Defense replied.

Several hours later, Flood stepped into Laird's helicopter at the Pentagon for the trip to Wilkes-Barre. He sat in silence as the chopper flew through the storm. His legislative assistant, Richard Altman, remembers that Flood's anger seemed to flare up as he neared his district. Then, as the chopper landed at the Wilkes-Barre/Scranton airport, Flood turned to Altman and spoke for the first time—much as a sheriff in a Western might have informed a bad man that there wasn't room in his town for the two of them: "This is going to be one Flood against another."

There is no precedent and no legal authority for a Congressman to take control of any part of a disaster relief mission. It is a local and state responsibility that cannot be assumed unless the state asks for federal assistance. The man in charge of the rescue effort in Flood's district was the Luzerne County civil defense director, a retired general named Frank Townsend. At the peak of the flooding, Gov. Milton Shapp called Townsend to ask if the situation warranted seeking federal assistance. Townsend, a stalwart foe of federal intervention in state affairs, insisted that the situation was completely under control. He indicated that Washington's assistance would only complicate matters.

The senior military officer on duty in the area, Lt. Howard Glad, was the first to greet Flood. Without stopping for an introduction, the Congressman announced he would establish his command post in the Naval Reserve Center and that Glad would serve as his "Navy lieutenant two-striper operations officer." "He had no authority to do this," Glad recalls, but Flood was impatient with mere legalisms, and Glad was not about to challenge a man who had just arrived in the Secretary of Defense's helicopter. "What do you need here?" Flood asked.

"Helicopters," Glad replied, and then explained that it wasn't possible to get authorization to have any sent in. "Well," declared Flood, "I'm vice-chairman of defense appropriations." By afternoon Flood's new aide had a good idea of the powers inherent in that title. Forty additional helicopters appeared on the scene, and during the next few days, Glad estimates, they were making around 1,600 sorties a day. "We were yanking people off of rooftops and porches, hilltops and trucks. There were eighteen cardiac arrests, two Caesarean sections, two appendectomies, and two tracheotomies following helicopter evacuations. Without Flood we wouldn't have had any helicopter support in those critical first days. Without the helicopters, at least 1,000 people might have been killed." As it was, there were only four deaths.

As the flood waters poured over the dikes in Wilkes-Barre, they pushed their way throughout most of the city, halting deferentially half a block on either side of DAN FLOOD's small frame house. That night on the television news, Flood, dressed in fatigues, was shown standing on a hill overlooking his flooded district. "Today," he said, "I have ordered the Army Corps of Engineers not to permit the Susquehanna to rise one more inch."

Technically, of course, the Congressman had no authority to order the Corps of Engineers to do anything, much less make the rains go away. Indeed, out in the flooded cities he was forced to battle for his district's survival on two fronts: one with a federal

bureaucracy reluctant to enter a state without authorization and the other with General Townsend.

A typical skirmish in the latter battle broke out when Townsend refused to authorize a request for stethoscopes and other sorely needed medical supplies. According to one person who saw the requisition order, the General scribbled in the margin: "If they have to listen to a heart beat they can darn well go down on their knees and pull their ears to the patient's chest." Flood sent an Army truck to pick up the supplies anyway, only to have the National Guardsmen refuse to release them. The truck came back empty, and an incensed Flood put in a call to Governor Shapp. An observer recalled his words: "If you won't give us the supplies we'll blast the place open." The medical supplies were handed out.

Another skirmish: on Wednesday the General ordered the National Guard troops out of the valley. On Friday Flood not only had them back but had arranged to have several companies of Army reservists reassigned to Wilkes-Barre for their summer training. And another: the General ordered a halt to the emergency federal food shipments that were being distributed to tens of thousands of flood victims at the local airport. A call from Flood, and the Department of Agriculture reinstated the shipments under the pretext of "supporting the federal effort." And so the local battle with Townsend went.

Meanwhile, on the federal level, Flood continued to perform like a circus impresario calling out one more remarkable act after another. On the second night of the flood, a fire started in downtown Wilkes-Barre and threatened to spread throughout the central city. Burning office buildings were surrounded by several feet of water, making it impossible for fire trucks to move in. This was the sort of challenge that seemed to delight Flood.

Reasoning that the nearest analogy to his problem was a fire at sea, Flood located a Coast Guard fireboat in New Jersey and then found a C-130 transport in Boston. An Air Force general was awakened at 2:00 A.M. by a strange, theatrical voice. After cracking several jokes, Flood identified himself as "the vice-chairman of defense appropriations. My spies tell me you have a C-130 on the line there."

When the plane arrived in Wilkes-Barre with the fireboat, two flatbed trucks from the Tobyhanna Army Depot rushed the boat to the flooded city, where it steamed off and put out the fire, just a few hours after it had begun.

Flood was exhilarated. At sixty-eight he was working twenty-two hours a day and seemed to be getting stronger as he went along. Throughout the crisis he continued to dress extravagantly in purple and brown Edwardian suits, his moustache carefully waxed. Harried bureaucrats from assorted federal agencies, summoned to Wilkes-Barre by Flood, waited outside his "command post" to be received.

"Why, you must have crystal balls," Flood snapped at one official who had just given a detailed accounting of the damage. "Those are the very questions I was going to ask you to look into." Flood listened for a moment more as the man launched into a new set of statistics. "Okay, that's enough. Pull the curtain down." The man kept talking. "Curtain down!" Flood shouted. "When an act's good, get out in time."

The Tobyhanna Army Depot was just a shooting range until Flood took an interest in the installation. The Army had decided to shut it down when the vice-chairman of defense appropriations persuaded the Pentagon to transform it into the principal East Coast base for overhauls of communications equipment.

Enter another man from the General Services Administration. When he flubbed his lines, Flood barked, "I'm getting food flown here. I'm getting medicine and personnel. Now I want germicides from you. I want soap tonight!" The tongue-tied GSA man mumbled a commitment as Flood waved him off the stage. "That's it. Good show, enough for one show." The next official opened the door as Flood muttered: "A bureaucrat's a bureaucrat until you do something about it."

ARM-TWISTING

In a sense Flood had been rehearsing for his role in the Great Deluge ever since he entered Congress in 1944. In that year the Eleventh Congressional District was suffering an even greater disaster than the waters that would drown it twenty-eight years later. For decades, coal mining had been the sole industry in northeastern Pennsylvania, an area that holds the only major deposits of anthracite coal in the country. During World War I, more trains came into Wilkes-Barre than into any other city except Chicago. Each year 100,000 men tolled in the mines to produce 100 million tons of coal for a seemingly limitless market. By the end of World War II, however, anthracite was no longer competitive with bituminous coal, which is easier to mine, nor with liquid and gaseous fuels. Today, the demand for anthracite has all but disappeared save one loyal but increasingly reluctant customer, the U.S. Army.

In 1960 Flood discovered that it was technically possible to convert the U.S. Army's 8,000 coke-burning barracks furnaces in West Germany to anthracite use. Granted, anthracite coal was not being used anywhere else in the world: it was expensive to buy, even more expensive to ship across the Atlantic from Wilkes-Barre, and particularly expensive to hire more than 1,000 men needed to stoke the furnaces. Nevertheless, the furnaces were converted.

By the late 1960s, even the Army began to flinch at the annual cost of the favor to Flood. Budget officials estimated that the Army could save over \$20 million a year by reconverting the furnaces to oil. Moreover, there were no longer enough people willing to work in the Wilkes-Barre mines, and the companies were falling behind in their shipments. They had even resorted to lobbying with immigration officials to let them import German miners. Year after year, the Army has attempted to get Congress to appropriate funds for the reconversion, and each year the proposal has died in the Defense Appropriations Subcommittee, of which Dan Flood is vice-chairman.

At lunch in the House dining room, Flood eagerly admitted to his role in the matter: "Hell, yes, I stopped it." Other Congressmen seated at adjoining tables looked up with smiles. "I did it by twisting arms and hammering heads. I'd break a few arms if I had to."

"Why does the Army let you do it?" Flood was asked.

"They can't be blamed," he said sympathetically. "After all, here's Flood, a nice fellow, and he's got a great reputation for being for defense appropriations—bang, bang, bang, and all that. Jesus Christ, suppose you were one of these goddamn generals or secretaries or deputy secretaries. What are you going to do? Jeopardize the Army materiel command with a son of a bitch like that for a couple of million dollars, for a couple of tons of coal?"

Flood is like a barroom civics teacher, de-

"Last year, in the wake of the energy crisis, Flood managed to write into law a measure prohibiting conversion of the furnaces. A despairing Army budget official remarked, 'Now he's made it so we could get put in jail for trying to convert those furnaces.'"

lighting in relating how he pressures the system to respond to his district's needs. "It just so happens that I get along with most of the members of the subcommittee [Defense Appropriations]. I do a lot for them, and I'm also chairman of the Labor Health, Education, and Welfare Subcommittee. For the first time in history the HEW bill is bigger than Defense. Here I am, identified with three-fourths of the whole federal budget. You can imagine what that means. You get to be known, and while you don't threaten anyone—they are very understanding people and very human—it's this sort of thing, you see. It's very technical and I use all of these opportunities, advantages, seniority, and all of this stuff for the purpose of helping whatever is left of the goddamn anthracite coal industry."

Almost every year Jack Anderson devotes a column to "Dapper Dan Flood." He writes of the 100 free flights Flood took on Continental Airlines when his law firm was put on the airline's retainer, or of the time Flood obtained a large defense contract for Medico Industries, which Anderson maintained had connections with the Mafia. One column charged Flood with pressuring HEW to award a \$500,000 contract to an unqualified Wilkes-Barre firm. Flood's approach to answering such charges is generally the same. "That wasn't the first time I've twisted some arms for someone back home," he said. "I've done it hundreds of times. In fact, I did it fifteen times today already."

THE BENEVOLENT DICTATOR

The Wyoming valley had been declared a federal disaster area once before, in the 1950s, when the death of the coal-mining industry had lifted the unemployment rate to 19 percent. There were no major roads into the district, the closest fully equipped hospital was in Philadelphia, and the area was split into twenty-two competing and inefficient municipalities.

Yet by 1972 the valley had achieved a complete recovery. When the floodwaters came in June, unemployment had dropped to the national average as a diversified industrial base offered more and more jobs and a hopeful future. There is no mystery behind the recovery. On every facet of it rests the signature of Dan Flood.

On more than one occasion, truckers driving down Interstate 83 have been startled by the sudden appearance of a white Cadillac convertible bearing down on them. In it are Mr. and Mrs. Dan Flood, on their way to Wilkes-Barre. A parakeet called Tony is in a cage on the floor, Cocoa the dachshund sits on Mrs. Flood's lap, and a goldfish in a bowl rests between the Congressman's legs. "Overtake that truck," Flood orders his aide, and, as the Cadillac accelerates, he leans out the window and shakes his fist at the driver: "You bastard, you're going too fast! [Aside] The bastard doesn't know that I built this highway."

As Flood tells it, he was serving on another appropriations subcommittee, which had jurisdiction over the Bureau of Public Roads, when the planners sought funding for a major north-south interstate highway linking Montreal to New Orleans. "Well, that won't do me any good," Flood said after looking at the plans, which called for the road to pass far to the west of his district. "Why?" one planner asked.

"I'm from Wilkes-Barre," Flood replied. Three weeks later, a new plan called for the highway to pass through Wilkes-Barre. "The chairman of the subcommittee, John Rooney, was an usher at my wedding," Flood explained.

In the decade after World War II, about the only new jobs created in Flood's districts came as a result of his efforts—particularly through a series of federal area redevelopment programs for which he claims primary responsibility.

"The first big thing was the so-called Flood-Douglas bill, which provided federal funds (including long-term, low interest loans for businesses) for depressed areas. You can imagine what kind of funds my district got," Flood crowed. "The bill was too parochial, though, and we couldn't get enough votes to keep it going, so we expanded it into the Appalachian Bill," Flood went on. "I got Robert Kennedy in on that one, and, lo and behold, thirteen counties on the New York-Pennsylvania border turned up in Appalachia. That must have surprised them. But we had to get more votes, so we gave birth to the Economic Development Act, and everybody is included in that." Not by any coincidence, the EDA regional office for the Eastern United States, the Virgin Islands, and Puerto Rico was located in Wilkes-Barre, Pennsylvania.

Flood does not restrict his efforts to the federal bureaucracy. He has also demonstrated a particular talent at persuading defense-oriented businesses to locate factories in his district. "I'm not a genius," he says of this effort. "Little birdies fly by and drop these goodies on my desk. For example, I find out that a company is looking for a site to make shoes or erasers or whatever, and I go to them and say, 'I need you.' Somebody at the company board meeting will say, 'By the way, Flood's on the Defense Appropriations Subcommittee.' Later, you can be sure that company won't be overlooked."

Frank Carlucci, former director of the Office of Economic Opportunity, still recalls his surprise when he informed Flood that some of the OEO programs in his district would have to be cut back in keeping with nationwide reductions. "Gentlemen," Flood said, after listening to the lengthy explanation, "there comes a time when every man must learn to rise above principle." Carlucci duly adjusted the funding in the entire state of Pennsylvania to keep the programs in Flood's district intact.

"There aren't many programs originating from Washington that we haven't participated in," says Edgar Lashford, director of the Wilkes-Barre Chamber of Commerce. "Flood finds them and then he's on the phone telling you to get a committee together to apply for them. From the time he first calls, you better believe you'll get a couple of letters a week asking what you've done and telephone calls at all hours of the night. He'll either have us go to Washington to meet with a representative of the given funding agency, or they'll come up here. They'll even fill in the applications for you if you need the help. I shudder to think of the frustration we'll encounter the first year Dan Flood's no longer in Washington."

After the great disaster of 1972, Flood set off for Washington to mount the major lobbying campaign of his career. He was resolved that the federal government should—at the very least—restore his district to its antediluvian status.

"There has probably never been a Congressman in any district in history where the need for all the skills and powers that I have was so necessary," Flood boasted as he embarked on his campaign. It was no idle boast.

For the last three decades, Flood has operated rather like a Mafia don, viewing a request for help from a fellow Congressman as an opportunity rather than a burden. By 1972 his IOUs were carefully distributed

"The target of the original Model Cities program was to be limited to inner-city ghettos, but when the bill ran into trouble Speaker of the House John McCormack sought Flood's assistance. Flood agreed to cosponsor a modified bill. The bill passed, and Wilkes-Barre became the first city to have its application granted for the Model Cities program."

throughout the power structure of the House, hitting every region and committee, and extending to both parties. "Flood's in a position to accommodate a lot of members," explained Speaker Carl Albert. "It's money that makes the merry-go-round, and HEW is the biggest peacetime committee of all." President—and former House Minority Leader—Ford agreed with Albert's view, adding that Flood possesses the most important quality necessary to acquire influence in the House: "He's a man of his word. He's asked me for some favors, and he's stood up for us on some tough votes."

Joe Waggoner of Louisiana, a spokesman and leader of the Southern delegation, chuckled when asked about Flood: "The old boy is a boy I suppose you don't find too many of in the North. He understands the practical problems of politicians in the South. I'll give you an example: the schools in Otto Passman's district [in Louisiana] were being cut out of Emergency School Assistance money because the district hadn't complied with the court desegregation order. So Otto went to Dan, and Dan forced HEW to change its regulations so that the schools could qualify for funds. He's a Congressman's Congressman. The way we operate around here is, if he wants it and we've got it, it's his."

Rep. Tom Steed of Oklahoma, a fellow member of the College of Cardinals, seemed to summarize the prevailing sentiment of Flood's colleagues: "It's true that I do more for Dan Flood than I do for other members of Congress. It's because Dan Flood can do more for me than other members of Congress."

Steed was the first to answer Flood's appeal for assistance by allowing him to appear before his House Treasury, Postal Service, and General Government Subcommittee to ask for a funding increase in the President's relief bill: "Dan gave a prayer oration, a real tearjerker; it would have melted a heart of stone. Well, he saw to it that the \$100 million was raised to \$200 million."

Flood was not working alone. Scores of other Congressmen also had Agnes's waters to contend with, and they, too, were calling in their IOUs. But none quite like Flood. "Now look goddamn it," Flood could be heard barking at hesitant colleagues. "I've taken care of you before, now you get in line."

In the hall outside the House floor, Flood, wearing dark glasses and dressed in a Panama suit and red-white-and-blue sneakers, greeted Rep. William Barrett of Philadelphia. Barrett, an old-style ward politician who still wears a boiled shirt, proudly reported that an amendment had passed providing direct federal assistance to private and parochial schools affected by the flood.

"It's absolutely unconstitutional," Flood declared, feigning disapproval.

"Unprecedented," Barrett replied with a smile.

"Though considered a liberal on domestic issues, Flood has long been a darling of political conservatives because of his hard-line stands on defense and foreign-policy questions. His lobbying efforts in Congress, employing heated warnings of the 'Red menace' in Panama, are largely responsible for frustrating the efforts of four Presidents to amend the Panama Canal treaty. The Panamanian General Assembly recognized Flood's work several years ago with a resolution declaring him Panama's 'Public Enemy Number One.'"

"According to Barrett, Flood's lobbying campaign was largely responsible for doubling the amount of federal assistance offered to disaster victims. Calling Flood's efforts 'unprecedented,' Speaker Albert observed that Flood had only begun his planned efforts. "I think he will probably be successful and in the process will be setting precedents."

A KIND OF IMMORTALITY

Louis Harris has found that less than 50 percent of the American voting public can identify their Congressman by name. In Pennsylvania's Eleventh Congressional district, which in 1970 reelected its Congressman to a twelfth term with 97 percent of the vote, it's a rare citizen who doesn't know the name of Dan Flood. More often than not, his constituents can also tell you what committees he serves on, what his accomplishments for the district have been, and how his health is. Invariably, someone in their families has been helped by him.

Bill Barnes is a retired coal miner crippled by black-lung disease. He sits day after day in his air-conditioned trailer with an oxygen inhaler next to his chair. The breath of life is slowly, painfully leaving him. "My two brothers and father and all of my cousins and uncles died of black lung," he says. "I'm just waiting my time. There's no work I could do, and you can't collect Social Security until you're sixty-two, and then it's only \$165 a month. How ya goin' to live on that?" Thanks largely to Flood's success in rallying his colleagues to pass the black-lung bill, Barnes and the 25,000 other black-lung victims in Flood's district are receiving \$165 a month in disability payments. "It's because of Dan Flood that we all have a chance of living a little longer," Barnes reflected.

"People are now saying we shouldn't have passed that bill, that it opened the floodgates—well, Flood opened them," Rep. Bob Casey of Texas commented. "You won't find a similar piece of legislation on the books—not for the asbestos workers or the textile workers or steelworkers. Flood convinced the rest of us that he had more of the affected miners in his district than anywhere else. I can assure you that you won't find any black lung in Texas, yet the whole delegation voted for it."

On the day of the vote, Flood discovered that some swing votes were shifting. "These guys from the steel and asbestos plant district wanted to know why they shouldn't be included—'What about us?' they asked. I knew I had to do something goddamn quick."

House Majority Leader Thomas P. ("Tip") O'Neill, Jr., recalls Flood's performance that day. "Ordinarily speeches don't change votes anymore but this one did. It was one of the two or three most impressive speeches I've ever heard. Most of us hadn't even heard of black lung before that day. It completely killed the opposition. He got a standing ovation."

"You can't get away with that kind of speech very often," Flood commented later. "I went pretty far—a very stylized performance, in full costume. Oh yes, I pulled out all the stops. I think it was impromptu, too."

Each year Flood assigns a different branch of the armed services responsibility for putting on an extravaganza at the Wilkes-Barre Veterans' Day Parade, and he always has a platoon of generals and admirals flown in from the Pentagon to walk with him at the head of the procession.

In 1962 it seemed unlikely that the parade would take place—Flood had undergone surgery for advanced cancer of the stomach and esophagus, a dangerous operation requiring a long and painful recuperation. But in Flood's world the show must go on. Defying his doctors and the realities of his physical condition, he took his usual position at the head of the parade. Then, as on every Veterans' Day in Wilkes-Barre for the last two decades, the vice-chairman of defense appropriations led his admirals and generals while jets swooped overhead, Army marching bands blared, and drill teams did their fancy stepping. Flood walked along the four-mile parade route, his expression defiantly concealing his agony, his constituents applauding

as he passed by. The Navy was in charge of entertainment last year as Flood, fortified by an overwhelming election victory, marched gallantly at the head of the greatest parade in Wilkes-Barre's history.

Tears come to the eyes of Catherine Flood when she talks of the man who was once her childhood matinee idol. A onetime actress herself, she met him during a Ferris wheel ride at a church social. The wheel got stuck, and they were suspended in the air together for several hours until a fire truck came with a ladder and brought them down. "He believes that you've always got to give that audience just as much as you did the first night. No matter how big or small the group, he never lets up. He always gives his best performance."

For several years after his operation, Flood resembled a walking corpse and he was given up by his colleagues as moribund. But by the late 1960s he seemed to have miraculously regained his health.

With trusted friends he sometimes accepts an offered arm for support when walking. But this is all somehow concealed from the public eye; and when a crisis such as the Great Deluge arises, he manages to fool even himself.

The lights burn late into the night in Flood's offices in the old Cannon Office Building. He works at his desk six, sometimes seven days a week. Each morning at his apartment next to the Capitol, he waxes his moustache and selects his costume for the day. At 9:00, he takes his wife's arm and walks out into the hall.

"Every night's a first night," Catherine Flood says to her matinee idol as he steps into the elevator. And as the door closes, she adds, as she has each morning for the last twenty years: "Cut 'em deep and let 'em bleed!"

RESOLUTION OF INQUIRY

(Ms. HOLTZMAN asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, on September 30, 1974, I introduced a resolution of inquiry in the House of Representatives, directing President Ford to furnish the House with information relating to certain services, facilities, and payments provided by the United States to Richard Nixon and members of his immediate family.

I delayed calling up this resolution on the floor pending the receipt of information relevant to some of the requests made in my resolution. I received this information today.

I intend to analyze this information and pursue this matter further in the 94th Congress. I remain concerned over the wasteful and unnecessary expenditure of taxpayers' money that has been made for the benefit of a man who brought the highest office of our land into disgrace.

TRIBUTE TO HON. O. C. FISHER

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEED. Mr. Speaker, when this session ends, Congressman O. C. FISHER will be leaving us to go back to the southwest Texas country he has so ably represented for 32 years.

Through his long and steady work on

the Committee on Armed Services he became one of the outstanding authorities on national security. He helped to formulate national policy in this vital field in some of the most critical periods of our history.

CLARK FISHER has been a key figure in the development of extensive water and flood control projects in southwest Texas, and it is fitting that one of them is being named in his honor.

It is good to see that the people of his district have extended so many testimonials showing their appreciation of the consistent service he has given them.

He has already made noteworthy contributions to the history of the area, and I am glad that he anticipates more.

During my entire service here he has been a friend and neighbor. I salute his work.

NUTRITION PROGRAM FOR ELDERLY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, this 93d Congress has recorded many notable achievements for the American people, despite the many problems we as a Nation have faced in these 2 years and continue to face as we prepare to make way for the 94th Congress.

One of our most notable achievements for older Americans has been the renewal of the nutrition program for the elderly for another 3 years—thus making it unmistakably clear that the Congress intends for this highly successful program to continue and to be expanded beyond what was accomplished under the original 2-year authorization.

For many reasons this hot meals program got off to a much slower and more limited start than we originally had envisaged. This shortfall in the use of the funds the Congress has appropriated for this program was recognized in the Conference Report 93-1503, on H.R. 16900, the supplemental appropriations bill, which provides the \$125 million in new funds for the nutrition program for fiscal 1975.

Referring to the nutrition program for the elderly, the report states:

It is the intent of the conferees that the Department of Health, Education and Welfare utilize carryover funds to build the program operating level for the nutrition program authorized by Title VII of the Older Americans Act to at least \$150 million for Fiscal Year 1975.

At the time this language was adopted there was some confusion over the extent of the carryover funds which would be available to expand the nutrition program to the \$150 million level in the current fiscal year. I, therefore, undertook a survey of the State offices actually implementing the program to determine how much of the fiscal 1973 funds had been expended and whether any of the 1974 funds had been spent.

I found that the funds appropriated for fiscal 1973 had actually been spent during this calendar year 1974. Virtually none of the fiscal 1974 money has ac-

tually been translated into meals for our older citizens.

Unless there is a change in the implementation of this program, the money Congress appropriated for fiscal 1974—which ended last June 30—will not reach the intended beneficiaries as daily hot meals until the calendar year 1975.

And the expanded program we have just voted will not become a reality until calendar 1976.

There is no need for this to happen.

I found that there are abundant funds to achieve the level of service mandated by the Congress for the current fiscal year, which ends June 30, 1975. Most of the \$100 million for fiscal 1974 is still unspent and we have added another \$125 million in the supplemental appropriations bill for fiscal 1975.

There is ample money to double the number of hot meals in the next 6 months and thereby fulfill the congressional mandate to build the operating level of the program "to at least \$150 million for fiscal year 1975."

A doubling of the nutrition program in the next 6 months is entirely in line with the authorizations included in the 3-year extension of the program which we voted in this Congress. We authorized a \$150 million level for fiscal 1975, a \$200 million level for fiscal 1976, and a level of \$250 million for fiscal 1977.

Since the program is now operating at the \$100-million-a-year level, only about \$50 million actually will be spent on hot meals for older Americans in the first 6 months of this fiscal year—that is, through December 31, 1974.

Doubling our effort will mean the spending of \$100 million in the next 6 months—raising the operating level to \$200 million a year—for a total expenditure on actual hot meals of \$150 million in fiscal 1975.

An operating level of \$200 million a year is what we have authorized for the fiscal year beginning next July 1, with a further increase in the program to \$250 million in the fiscal year ending June 30, 1977.

Yet—unless the States and the Department of Health, Education, and Welfare respond to the congressional mandate in the conference report more readily than they have to previous expressions of congressional intent with regard to this program—the funds we have appropriated for this fiscal year will not actually reach our needy older citizens as daily hot meals until the calendar year 1976.

There is no need for this long delay in providing nutritious meals for people who desperately need them. The money is available, the need is clear, and my survey has convinced me that the States can expand existing meal programs and establish others awaiting only the availability of the necessary operating funds.

Instead of about 220,000 meals daily—still short of the 250,000-meal level envisaged in the original 2-year authorization—we could be providing more than 400,000 hot meals each day by the end of June 1975.

What must be changed is the concept of forward funding which was developed by the Department of Health, Education, and Welfare and accepted by the States,

despite a legislative record which indicated that the Congress wanted to accelerate the buildup of this program—after delays in implementation caused by two Presidential vetoes of HEW appropriations bills.

I think it would be useful to put this legislative record into the RECORD, and then to contrast it with the implementation as revealed in my survey of the State implementing offices.

The survey conducted by my staff earlier this month covered 38 of the 50 directors of aging programs in the States and the District of Columbia. Not included in the initial survey were Alaska, Arizona, Georgia, Idaho, Indiana, Kansas, Nebraska, New Mexico, Oregon, South Carolina, Tennessee, and Vermont.

Before giving the results of this survey, I would like to review the legislative history.

I drafted in the spring of 1970 the bill to establish title VII which passed both Houses of the Congress by overwhelming votes and was signed into law March 22, 1972, as Public Law 92-258. Senator EDWARD M. KENNEDY sponsored the bill in the Senate and, with very fine bipartisan support, the legislation was first passed in the Senate in November 1971 while the White House Conference on Aging was in session here in Washington. We were not able to complete action in the House in that Congress but we moved quickly in the 92d Congress to authorize this nationwide extension of what previously had been an experimental program in certain areas.

Public Law 92-258 authorized an appropriation of \$100 million in fiscal year 1973 and \$150 million in fiscal year 1974—for distribution to the States on the basis of each State's percentage of the Nation's population age 60 and over. The States, in turn, were to redistribute their allotments to local governmental agencies and private nonprofit groups for the establishment and operation of hot meals programs. The law provided for a 90-10 Federal-State and local matching of funds.

The President recommended the full \$100 million authorized for fiscal 1973, but appropriation of these funds was delayed by two presidential vetoes of fiscal 1973 Labor-HEW appropriations bills. Finally the funds were made available in the fiscal 1973 second supplemental appropriations bill, which became law as Public Law 93-50 on July 1, 1973, the day after the end of fiscal year 1973.

Recognizing this delay in funding, the Congress provided that the fiscal 1973 funds would remain available for commitment through December 31, 1973; that is, during the first half of fiscal year 1974.

The Congress also moved ahead with the fiscal 1974 appropriation—which was set at \$104.8 million in anticipation of the administration exercising the authority given the Executive to reduce by 5 percent appropriations in the Labor-HEW appropriations bill, Public Law 93-192. This appropriation for fiscal year 1974 became law on December 18, 1973, and the 5-percent cut was imposed, reducing the sum to \$99.6 million.

Thus the Congress had appropriated in the space of less than 6 months a total of nearly \$200 million to enable the States to implement as rapidly as possible a program to provide an estimated 250,000 hot meals daily for older Americans.

Instead, HEW developed a concept of forward funding which involved releasing funds to the States during the fiscal years for which they were appropriated, but in the process advising the States that the funds were to be spent only in succeeding years.

In practice this meant that what the Congress intended to be an acceleration of a delayed program became administratively even more delayed.

Thus, although the appropriation for fiscal 1974 became law on December 18, 1973, HEW did not make any of these funds available to the States until April 9, 1974, almost the end of the fiscal year. And the States were informed that these 1974 funds could be obligated to local hot meals sponsors anytime up until June 30, 1975.

My survey of the States shows that the first \$100 million—appropriated July 1, 1973, for fiscal year 1973—was formally obligated to the States during late July, August, and September 1973. Most of the States obligated their fiscal 1973 funds to projects within their States by the end of 1973.

Local projects actually began to deliver meals to the elderly, according to responses from the States, during the first 3 or 4 months of 1974. These local sponsors were told that these funds were to be used over a period of 1 year from the time of funding. Thus fiscal 1973 funds were translated into meals from the first quarter of 1974 into the first quarter of 1975.

To date about 90 percent of the fiscal 1973 funds have been transferred from the U.S. Treasury to the States for payment to operating projects. Some \$180,000 in fiscal 1973 funds were not obligated by the States and were returned to the U.S. Treasury.

With respect to the fiscal 1974 funds, as I noted, they were appropriated on December 18, 1973, and were made available to the States only on April 9, 1974, to be used to refund existing local programs for a second year. My survey indicates that only 9 of the 39 States questioned have already committed all of their fiscal 1974 to local projects, although all but two of the remaining States indicated that their funds would be allocated at the local level shortly.

It is apparent that these fiscal 1974 funds, which we appropriated more than a year ago, will not begin feeding needy senior citizens until the first quarter of next year—and will be spread out over the period ending with the first quarter of 1976.

It is equally apparent that this is not what the Congress intended. Rather it is the result of an administrative withholding of the benefits of this program from the poor elderly Americans for whom it was intended. Any doubt about this is removed by the clear language of the supplemental appropriations conference report.

The Congress intends a significant expansion of the nutrition program. The language of the conference report is in accord with Public Law 93-351, enacted July 12, 1974, under the able leadership of Chairman JOHN BRADEMOS of the Select Education Subcommittee, providing for a 3-year extension of the original program, with authorizations of \$150 million for fiscal 1975, \$200 million for fiscal 1976, and \$250 million for fiscal 1977.

The money to feed 400,000 meals daily is available. And the need is certainly there.

All of the nutrition projects have long waiting lists. Only about 3 or 4 percent of those eligible for these meals are currently being served. In addition, inflation is having a serious effect on the ability of sponsors to continue providing as many meals as they are today—a level still some 12 percent below the target set for last June 30.

During title VII's first operating quarter, those receiving meals contributed \$2.3 million toward the cost. As inflation increases financial pressures on the elderly, they will be increasingly unable to contribute toward the operating costs of the sponsors.

The Department of Agriculture predicts that food prices will rise on a fairly broad front in the first half of 1975. The Wall Street Journal recently reported that the increase in food prices will be another 15 percent in the coming year.

HEW has suggested that the same number of meals will be served in coming months, despite inflation, because funds will not be required for State administration of the program or for the startup costs of local projects. State administration will be paid in the future under title III of the 1973 amendments to the Older Americans Act. But very little money was used for State administration under the original act—only about 1 percent of the State allotments, instead of the 10 percent allowed. Thus the transfer will release few funds for meals.

Very little money for meals is expected from the elimination of startup costs. My survey indicates that most of the meals sponsors incurred only very small capital investment costs and have already been putting virtually all of their allotments into food and personnel costs.

My concern over the future development of this program stems from its remarkable success in the first full year of actual operation. It promises to be one of the best programs we have devised for older Americans.

Group meals, providing nutritious food in a socially supportive setting, have been highly popular with older people. The participants find it a meaningful experience and professionals in the field of aging recognize the meals center as a major means of bringing a variety of services and supportive experiences for the older citizen.

A report submitted to the Senate Committee on Nutrition and Human Needs last June recommended that title VII be expanded so that every community can have a program for its older citizens. A panel of the recent mini-White House Conference on Inflation urged that the title VII budget be increased in

order to meet the nutrition needs of the elderly more adequately, despite the need for economy in other budget areas.

The real test of this program's appeal, however, is visible in any project where you can see the significant role these meal centers play in the lives of our older citizens.

I am proud of the support the Congress has given to this concept. I hope those responsible for the administration of the program will seize the opportunity to take the congressional mandate for their own and make the remainder of fiscal 1975 a period of rapid expansion of the benefits of this program.

IT IS ESSENTIAL TO SIGN INTO LAW S. 426, SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

Mr. PERKINS. Mr. Speaker, it is absolutely essential that the President sign into law S. 426, the Surface Mining Control and Reclamation Act of 1974.

When coal is extracted from the ground it leaves varying degrees of destruction, but nothing to compensate for it. The wealth taken from the ground does not find its way back into the local economy to reclaim lands, to reforest, to restore the purity of streams, and to rebuild the highways and roads.

The mining of coal is a unique type of activity. Mr. Speaker, unlike other commercial enterprises within an area where the economy is actually improved by the enhanced financial ability of a local community to improve its schools, its roads, its parks, and its public services, when coal is extracted from the ground, too often none of its value is available to the community for these improvements.

Many parts of Appalachia are today scarred evidences of our lack of a sound balanced energy and environmental policy.

My concern that a portion of the wealth represented from the extracted coal should be available to the county for reclamation and public improvement has prompted me to advocate for the past 20 years a coal severance tax, the proceeds of which would be directed into the county from which the coal was extracted.

In the current Congress I sought to implement this by the introduction of H.R. 1605, a bill to impose a tax on the severance of oil, gas, and coal, and to return the proceeds of such tax to the counties from which such oil, gas, or coal was taken.

Mr. Speaker, the bill now on the President's desk for his signature, S. 426, in part incorporates this principle by the establishment of an abandoned mine reclamation fund into which 35 cents for each ton of coal obtained from surface mining and 25 cents for each ton of coal recovered by underground methods would be available for reclamation and restoration purposes.

Mr. Speaker, on balance I believe S. 426 is an effective bill, a bill that will not only assure the Nation the coal

supply needed for its economic well-being, but also establishes a sound policy of protecting our environment. In this regard, this bill strikes an appropriate balance.

I am alarmed by hints that the President might be contemplating a veto of this measure. Mr. Speaker, the delay occasioned by a veto will cost the Nation dearly with respect to both its energy needs and its conservation concerns.

PUBLIC LANDS SUBCOMMITTEE RECOMMENDATIONS FOR WILDERNESS AREAS ACCEPTED BY THE HOUSE: MORE WILL BE CONSIDERED NEXT YEAR

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the House has approved and passed over to the Senate during the past 2 days H.R. 12884 and S. 3433. The latter bill is the eastern wilderness bill containing 16 areas to be designated as wilderness and 17 areas to be studied for similar designation all in the national forests in the Eastern United States.

H.R. 12884 designates four areas in western national forests and 14 areas in wildlife refuges as wilderness. The areas are in 24 different States and total 925,000 acres of public lands as wilderness and directs the study on 125,000 acres in 17 eastern areas for possible inclusion in the National Wilderness Preservation System.

Two areas in Colorado, Flat Tops and Eagles Nest, on which the Subcommittee on Public Lands held extensive hearings were not approved. The subcommittee should continue consideration of these two areas promptly next year in the new Congress. Field hearings have been requested by citizens in Colorado and the subcommittee should consider that possibility. Both areas have outstanding qualities for wilderness designation. Drawing the boundaries involve questions of water rights and careful review by the subcommittee next year should make it possible for equitable decisions and inclusion of these areas in the National Wilderness Preservation System.

THE OUTLOOK IF THE PRESIDENT VETOES THE STRIP MINE BILL AS SEEN BY THE KANSAS CITY STAR

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, before President Ford vetoes the strip mine bill, I hope he will read an editorial in the Kansas City Star of Monday, December 16, entitled "The Strip Mine Bill: More Bad Advice for Mr. Ford."

The Star views the bill as the product of 3 years of effort by Congress to provide "a sensible rein on what is clearly America's most destructive industry."

It predicts that if Mr. Ford vetoes the current bill, the next Congress will pass a "bitingly restrictive" measure and that

the new Congress will override any veto of it.

I agree with the Star that we have written a bill which will wisely require the restoration of the land, and make coal mined and consumed in our times pay the full cost of production, which includes restoration of the land, instead of deferring that cost to another generation. I also agree that the coal industry would be wise to accept the measure, to give up its destructive practices now and go ahead and produce coal, rather than fight on to preserve their ability to strip mine land and leave its restoration in doubt. It is time for the coal industry to move into the new world in which the necessity of conservation is recognized.

The new Congress is not going to enact a watered down strip mine bill; it will enact a bill at least equally stringent and I share the Star's view that the new Congress will override any veto sought by coal or utility companies that might encourage lax regulations.

I include the Star editorial in the Record:

THE STRIP MINE BILL: MORE BAD ADVICE FOR MR. FORD

It was with disappointment shading to bitter anger that we received the news of President Gerald Ford's intention to veto the strip mine regulatory bill that will reach his desk in this last week of the 93rd Congress. Once again—and the list of his misjudgments is growing—this appointed President seems determined to fly in the teeth of the public's perception of its own interest.

The White House objects that the bill would cut coal production, raise the cost of energy and contribute to inflation. That is a mixture of half-truth and outright error.

The legislation would not take strip mines out of production. It would simply prevent the establishing of new stripping operations on terrain where the resulting hideousness would be irreparable. It would not raise the cost of stripped coal. It would only include in the per ton cost the price of reclamation—a very real, measurable cost, but one which is now being deferred to the next generation for payment.

By obliging the focus of the coal industry to shift back to deep mining, the larger effect of this legislation would be to provide jobs, to insure prudent use of this country's enormous coal resources, to give further relief over the long term from dependence on imported energy. And all of this in a way that a people with a sane regard for the value and beauty of their national landscape would find acceptable.

The nature of the strip mine industry and the duplicity of those who lobby on its behalf are well known. The record of willful irresponsibility and rapaciousness is written indelibly on the mutilated countryside wherever the power shovels have passed. Anyone who has seen a strip-mined area and then heard the industry's apologists prate about reclamation can measure for himself or herself the distance between the truth and the lie.

The strip operators' logic is the logic of pure public-be-damned greed. But for all its shabby transparency, it has prevailed with Gerald Ford or the men who command his ear. And so the effort of more than three years to impose a sensible rein on what is clearly America's most destructive industry is again delayed.

In the last Congress, the House overwhelmingly voted a stern regulatory bill but sent it to the Senate to late for action. In this Congress, both chambers voted curbs and then arrived at a compromise on a modest

version. What of the next—and very different—Congress that will convene on Capitol Hill?

The White House says that Mr. Ford will offer a strip mine proposal of his own next year, but he will be whistling in the wind. Any reasonable calculation would suggest that his feeble offering will be brushed aside and that a younger, more liberal, more lopsidedly Democratic Congress will write the law to fit the need.

It will be a law more bitingly restrictive in its protection of the public good than the one that the strip mine industry has just fought successfully to thwart. And when Mr. Ford vetoes it, as he assuredly will, the Congress, voting decisively to override, will spare the country the consequences of the President's arbitrariness and error.

HON. GEORGE MAHON

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, it is a real pleasure to call attention to the ceremony which took place in the Sam Rayburn Room of the U.S. Capitol last week on the 10th day of December, 1974.

At that time a portrait of my friend and colleague, Hon. GEORGE MAHON of Texas, was unveiled before a standing-room-only crowd of his colleagues and friends from Texas. This honor is well deserved, for GEORGE MAHON, Chairman of the Committee on Appropriations, has served in that capacity for a longer continuous time than any man in history, and his service has been and is outstanding.

Among those speaking were the Speaker of the House, Hon. CARL ALBERT, the Majority Leader, Hon. T. P. O'NEILL, the Minority Leader, Hon. ELFORD CEDERBERG, and of course, President Ford, a long-time colleague and friend who said:

If I were to describe anyone with whom I served who deserved the accolade of a statesman, I would pin that label on GEORGE MAHON. . . . I cannot think of a single person who is more decent, more honorable, more dedicated, more loyal, more careful, and when the issues are down and the going tough, can be more for the right.

Mr. Speaker, having served with GEORGE MAHON on the Appropriations Committee for 32 years and ranking next to him, it was my privilege to serve as Master of Ceremonies.

A copy of the program follows.

PROGRAM, DECEMBER 10, 1974, 11:00 A.M., THE SAM RAYBURN ROOM, THE U.S. CAPITOL

Master of Ceremonies: Honorable JAMIE L. WHITTEN, Ranking Majority Member, Committee on Appropriations.

Remarks: Honorable CARL ALBERT, Speaker of the House of Representatives; Honorable THOMAS P. O'NEILL, Majority Leader of the House of Representatives; Honorable JOHN J. RHODES, Minority Leader of the House of Representatives; Honorable ELFORD A. CEDERBERG, Ranking Minority Member, Committee on Appropriations.

Unveiling of the Portrait: Mrs. HELEN MAHON, wife of Mr. MAHON, and GEORGE MAHON, grandson of Mr. and Mrs. MAHON.

Remarks: The President of the United States.

Response: Honorable GEORGE H. MAHON, Chairman of the Committee on Appropriations.

Benediction: Dr. Edward G. Latch, Chaplain of the House of Representatives.

Artist: Charles J. Fox. The portrait was donated by people of West Texas; it is being presented to the House of Representatives and will hang in the Appropriations Committee in the Capitol.

REDUCTION OF ADMINISTRATION REQUEST FOR APPROPRIATIONS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, in the last 2 days I have placed material in the CONGRESSIONAL RECORD in summary of action taken during the 93d Congress. I would now like to add one final item.

APPROPRIATIONS

While precise figures are not yet available on all appropriations bills, the estimate is that Congress will have reduced the fiscal year 1975 appropriations requests submitted by the administration by a total of \$5.6 billion.

DEBATE ON ABORTION

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, during the 93d Congress there has been considerable debate, much of it heated, concerning legislation involving the January 22, 1973, decision of the Supreme Court relative to abortion. This debate has not only been heated, but because of the constraints inherent in floor debate, has added a minimum of rational dialog to an understanding of the problems of this most complex area.

Regardless of whether or not one agrees with the Supreme Court decision, the gravity of this issue demands that all individuals or groups who wish to be heard on this vital subject should have the benefit of a governmental forum for objective, rational discussion. Unfortunately, there have been no committee hearings in the House of Representatives on proposals in this area and the House rejected a proposal for a selected committee to study the subject. A Senate Committee has held hearings, and this has contributed to a more thoughtful analysis of the numerous questions surrounding abortion laws. But the complexity of the issues involving abortion are so great and involve such broad segments of legal, medical, social, and religious fields of knowledge and belief that I have strong doubts that legislative committees are fully able to give the attention and time to this subject that justice and equity require.

I believe the most desirable forum to address this vital subject would be a blue ribbon panel or commission composed of professional and lay people with extensive comprehensive knowledge of this field. I believe a commission similar to the Commission on the Ethics of the Use of Human Subjects in Biomedical Research is necessary to adequately address and fully study this area.

Just one illustration of the complexity of the issue has to do with the physiological effects of abortion which is addressed in the paper "Influence of Induced and Spontaneous Abortions on the Outcome of Subsequent Pregnancies" by Stefanos N. Pantelakis, George C. Papadimitriou, and Spyros A. Doxiadis. This paper was supported in part by U.S. Public Health research grant No. 5R01 NBO 6390 01-13 from the National Institute of Neurological Diseases and Blindness. The article is from the Institute of Child Care and the State and University Alexandra Maternity Hospital, Athens, Greece.

As this paper notes, there have been other studies in the same subject area and this facet of the medical aspects of abortion is in itself complex. Certainly final conclusions based on this one study would be unwise.

However, I believe that the thrust of the final comments in this paper raises tremendously profound questions as to the impact of the practice of abortion as far as medical effects are concerned. And as I have stated, equally difficult questions lie in the ethical, social, mental health, and religious aspects.

I insert at this point the final comment from "Influence of Induced and Spontaneous Abortions on the Outcome of Subsequent Pregnancies."

Although the language is somewhat technical I urge my colleagues to read it. I will be glad to make available the full copy of this paper to any office requesting it.

The comment follows:

COMMENT

The large number of induced abortions in Greece, where they are perhaps the most widespread method of birth control, and the subsequent development in a large percentage of women of permanent infertility has already been noted by other authors.

The purpose of our work was the study of the effect of abortion on the outcome of subsequent pregnancies. The incidence, therefore, of abortions found in the various groups of the present study is not representative of the over-all incidence of abortion in the general population, and from this point of view it is not comparable to the incidence assessed in the last few years in Greece by other authors. Since the material of the present study consisted only of women who were admitted into the Maternity Hospital to give birth, all women in whom one or more abortions resulted in permanent infertility were necessarily excluded. According to Louros, this group constitutes about one third of the women subjected to an induced abortion.

It is natural to wonder to what extent information collected about an action forbidden by law and religion could be reliable. It was collected during the stay of the mother in the maternity hospital and was part of the medical and obstetric history which the mother usually gives with honesty since she knows that this information is essential for the proper care of herself and her baby. In our material the percentage of women admitting one or more induced abortions among those whose present pregnancy was not the first is about 29 per cent. Valaoras in his first study performed in 1963 to 1964 regarding the incidence of abortions in a sample of the general population states that, although married women said that they consider abortion to be the most effective method of birth control, only 8.5 per cent admitted that they had one or more abortions during

their married life. Later, in another study done in 1966 to 1967, on a sample of 0.5 per cent of married Greek women aged 20 to 50 years, the same author states that 35 of 100 women admitted a total of 76 induced abortions.

As seen in Fig. 3, with an increasing number of pregnancies there is also a rise in the percentage of abortions while with increasing age the percentage of abortions is decreased. This last finding appears at first strange and contrary to the findings of Valaoras and associates where abortions became more frequent with advancing age within the reproductive period. This difference is easily explained from the different composition of the clinical material. The cases of abortion in our material were collected at the end of pregnancies which should be considered as either desired or else impossible to terminate for various reasons. Thus, it may be assumed that our material includes many young women who because of not practicing contraception had many previous pregnancies terminated by abortions but for whom the present pregnancy was a desired one. It also includes older women at the end of their fertile period who desired children and who for various reasons beyond their control could not have them earlier. Thus, our material does not contain women who, after achieving the number of children desired, obtained an abortion to avoid having more.

Most past studies related to induced abortions have examined the ill effects of this intervention on the health and fertility of women, but the present work shows that both induced and spontaneous abortions have other serious aftereffects as well; both the stillbirth rate and the prematurity rates are doubled in women with previous induced or spontaneous abortions.

Our findings agree with those obtained in Hungary and in Japan. According to those studies, the higher prematurity rate among women who had abortions seems to be unrelated to the age, the number of previous births, the occupation, or other characteristics of the mothers. The rate of prematurity was also noted to increase with the number of previous abortions as observed by us.

In the present work the significantly higher stillbirth and prematurity rate observed among women with one or more previous induced abortions was also found among women with spontaneous abortions.

There is no general agreement as to the interpretation of these findings. Incompetence of the internal cervical os is often a cause of premature labor. This incompetence is often caused by previous induced abortions and can lead to spontaneous interruption of pregnancy.

In an analysis of the causes of stillbirths, Philippe and colleagues found that 40 per cent of the mothers had one or more previous induced abortions, while only 7.5 per cent of the group with previous spontaneous abortions reported previous induced abortions. In some cases of spontaneous abortion a curettage follows but the dilation of the cervix takes place by itself with the contractions of the uterus and not forcibly with some instrument. Therefore, trauma of the cervix could not be responsible in such a case for the increased prematurity rate as happens in induced abortion. It is likely that the explanation of spontaneous abortion is that there may be an anatomic or functional defect (hypoplastic uterus, abnormal position, abnormal shape of the uterus, hormonal deficiency) and the same cause may be responsible for premature birth.

But if we leave aside the possible causes of a high stillbirth and prematurity rate, the two groups have an important difference from a sociomedical point of view. While in many cases of spontaneous abortion interruption of pregnancy cannot be prevented, every induced abortion is a planned medical

intervention and must therefore be decided after a thorough consideration of all likely after-effects.

ROCKEFELLER NOMINATION TROUBLES MANY ON CAPITOL HILL

(Ms. ABZUG asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Ms. ABZUG. Mr. Speaker, notwithstanding the near unanimous approval by the Senate of the nomination of NELSON ROCKEFELLER to be Vice President, and the vote favoring confirmation in the House of Representatives, there are many misgivings among Members of both bodies concerning Rockefeller and his wealth. One of the editors of the Village Voice in New York City, Mary Perot Nichols, has covered the proceedings with respect to ROCKEFELLER's confirmation closely during the past weeks, and I would like to insert at this point in the Record one of her recent columns:

[From the Village Voice, Dec. 23, 1974]

RUNNIN' SCARED

(By Mary Perot Nichols)

WASHINGTON, D.C.—Screw the little man and up with the billionaire! That was the word from Washington's power elite last week. A UPI dispatch in the Washington Star-News last Thursday said it all: "The House Rules Committee today effectively killed a bill which would have given a small tax break to almost 40 million low and moderate income taxpayers and would have ended the oil depletion allowance."

Taxpayers of Queens please note: the Star-News quotes your representative, James J. Delaney (D-New York) as saying "there was not enough time to deal with the bill (the tax relief bill) this session." Thereupon, Delaney, according to the Star-News, "moved that the panel consider no further bills this year except the nomination of Nelson A. Rockefeller to be Vice President."

It was perhaps ironic that the U.S. Senate approved the Rockefeller nomination in a vote of 28-to-12 the very same week that two Senate subcommittees headed by Senators Lee Metcalf and Edmund Muskie issued the fourth volume in a huge study of the concentration of wealth in America, which included the scary note that in many cases the subcommittees couldn't even find out exactly who controlled vast sums of this ever concentrating dough.

For example, there was some information in the reports on Cudd & Company, which if you read Dick Roberts' article in The Voice on September 19, you would know is a "front" or a "nominee" for the Chase Manhattan Bank. As a Muskie-Metcalf aide said to me after this exhaustive study was released, "We still don't even know who votes the stock of Cudd & Company."

As for bank holding companies, the Muskie-Metcalf staff aide said, "We have even less information about who owns them. He noted that when the head of the Joint Chiefs of Staff General George Brown "claimed the Jews owned the banks, he was wrong because nobody knows who owns them." He added, "For all we know, the Arabs do."

So now, unless some snags develop this week, we have the scion of the single largest and as yet unplumbed concentrations of wealth the world has ever seen, on his way into the White House. A big fight is expected to occur on Tuesday (after this is written) in the House Rules Committee as at least some members of the House Judiciary Committee come forward to testify that Nelson Rockefeller still hasn't coughed up a full list

of his gifts and loans to political persons. Brooklyn Congresswoman Liz Holtzman will make that latter point. Others may well talk about how the Judiciary Committee did too limited a study, leaving out the not yet known gifts and loans of brothers Laurance and David to politicians.

There were some pretty unholy alliances forming on the hill last week. A member of the staff of conservative North Carolina Republican Senator Jesse Helms giggled as he said to me, "You'll never believe who we're working with—Ralph Nader!" Others engaged in a last ditch, stop Nelson fight include such liberals as Bella Abzug, Don Edwards (a Democrat and Liberal from California) and John H. Roussetot, a right-wing California Republican. But barring some last-minute revelation about Rockefeller—that is, say, of the magnitude of his gifts to the Wholly Bought Roman—the Rockefeller juggernaut is not likely to be derailed.

It was not just money that was the subject of congressional criticism of Rocky last week. It was also morality. The money issue was sloughed off in the Senate as Rocky supporter after Rocky supporter got up and said it was just plain un-American to keep such a good man out of the second highest office in the land just because he was so rich. But it wasn't a question of rich, it was a question of how rich and the attempt by the Rockefellerers to conceal how they worked in concert using their money to gain power and their power to gain more money—that bothered a lot of people I wouldn't label as anti-capitalist. As Texas Democrat Representative Barbara Jordan noted, even as she voted for him on the Judiciary Committee: Rockefeller was "a man swollen with wealth—so comprehensive that its tentacles reach and nudge and puncture the very fabric of our government."

How big the Rockefeller actually is was outlined to the House Judiciary Committee by two University of California professors, G. William Dornhoff and Charles L. Schwartz Monday last. Would you believe \$640 billion? Testified Professor Schwartz: "The list of corporations contained in this table of multiple interlocking directorates with the Rockefeller family represents an immense portion of the entire economic apparatus of this country."

Brooklyn Democrat Liz Holtzman, hardly a raving radical, noted as she voted against Nelson Rockefeller that the family's chief money factotum tried to purvey the notion under oath that no Rockefeller wants to control any company. "Yet," said Holtzman, "on cross-examination he had to retract his statement and, in fact, admit that the Rockefellerers did, indeed, control certain companies."

Holtzman, like Senators Birch Bayh (D-Indiana), Gaylord Nelson (D-Wisconsin), Representative Jerome Waldie (D-California), Father Robert Drinan (D-Massachusetts) and others were all frightened at the thought of combining this immense and still not fully revealed economic power with the power of the presidency. Said Holtzman: "I share the view that the Founding Fathers reflected when they wrote the Constitution; namely, a profound and abiding skepticism of power. . . . I share the skepticism they would have felt, since I am making a judgment as a surrogate for the people, as to whether a disinterested judgment could be made by somebody whose family and who himself has such vast interests in the oil companies, on decisions made on oil prices or rollback of oil prices, decisions respecting anti-trust policies."

Father Drinan pointed out as he voted against Rocky that "The entire record of the Rockefeller hearings is devoid of any commitment by the nominee to eliminate loopholes and improve the tax structure. . . . At no time did the nominee appear to be sensitive to the fact that there are shocking

inequities in the tax laws which permit the wealthy to pay proportionately less than the working person."

There was evidence to show that Rocky himself had taken every advantage of tax loopholes and Father Drinan pointed out that Rocky paid "virtually no federal tax" in 1970. But the Institute for Policy Studies, in a monograph prepared to assist the Congress, came up with even worse figures on Rockefeller's taxes for a much longer period. In a monograph called "The Disability of Wealth," the Washington-based think tank computed that from 1964 to 1973, "Rockefeller's effective tax paying rate is less than 10 per cent of income." A \$15,000-a-year bloke, they note, pays approximately 24 per cent of taxable income each year.

But it remained for Professor Schwartz to puncture the myth that the Rockefellerers are so bloody rich that they aren't really keen to get richer. Schwartz dug up a speech given by a Rockefeller Family Associates (R.F.A.) as they are known to intimates, emissary to a Boston College audience in May, 1970. Said the R.F.A. representative, Charles B. Smith, "We're a relatively loosely organized group of a few people who attempt to invest some of the personal funds of a wealthy family in high risk and potentially high reward companies ordinarily included within the loose, current meaning of venture capital. We concentrate on advanced technologies, usually in the early life of companies, including start-ups." And, comes the punch line, "Our goal, like everyone else's, is to make wads and wads of money."

So, okay, you say, they want to make "wads and wads of money" and so do you. But do you, like Nelson and Laurance, make your money-making activities sound like you are doing philanthropy? If you listened to Nelson Rockefeller at the hearings you would think his IBEC was just a foundation doing good for the poor people of Latin America.

The House Judiciary Committee hearings showed not only that the family that invests together stays together, but that they even pray for the same political candidates—especially if that candidate is Nelson.

But again, it wasn't just the money that bothered some members of Congress, it was Rockefeller's morality. Said Liz Holtzman, "Mr. Rockefeller said that moral leadership was the highest responsibility of the President of the United States. Mr. Rockefeller himself has had a chance in the past two years to show where he stands on the issues of moral leadership," said Holtzman, "and I think it is rather extraordinary that three days after the Saturday Night Massacre (when Archibald Cox was fired) Nelson Rockefeller, despite the outcry over the honesty with which a President conducts his office, stated that Richard Nixon was doing a great job on the domestic front."

Holtzman was "troubled" by a few other Rockefeller moral lapses, including "his evasiveness before the committee; that he did not firmly deny that he would ever set up a plumbers operation"; and "that it took five times of questioning to get him to respond regarding United States policy toward Chile, and he still did not answer the question."

Pressure on House and Senate members from the Rockefeller forces had, according to my sources on the hill, been unbelievable. I caught Liz Holtzman, usually a very cool cat, commenting angrily on them as she left the House Judiciary hearing room last Thursday for the lunch break. Pressed to say what kinds of pressures they were, Holtzman refused to elaborate except to say that it "scared" her. "I didn't get this kind of pressure on the impeachment hearings or anything else I've been involved in." I had heard that some of the pressures on the New York congressional delegation had come from some strange quarters, including from allegedly liberal Democrats, but Holtzman

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was discreet: "Let's just say he got a lot of friends. And they aren't just Republicans." I had also heard on Capitol Hill that one of the unexpected pressures from New York for Rocky was from the darling of the radicals, City Council President Paul O'Dwyer. Said O'Dwyer on Monday morning: "Yes, I called Liz Holtzman. I didn't tell her how to vote, but I said if we had a choice we'd be better with a Vice President from New York rather than one from Iowa. One thing he knows for sure is what construction is like and he has a great understanding of the inner city." We've all seen the World Trade Center and the Albany Mall, so we know O'Dwyer is right about Rocky understanding construction.

Senator Jesse Helms had the bite put on him from an old hometown, none other than New York Times editor Clifton Daniel. Helms was so annoyed by the pressure that he went on to the Senate floor on October 9 and said: "Mr. Daniel (whom Helms described as the Washington bureau chief of the New York Times) called me this morning to discuss my motivation in raising questions about the governor's use of his power and finances. Mr. Daniel was evidently under the impression that I had doubts about the governor's integrity and he implied concern that I have raised these questions. Let me say that I hope Mr. Rockefeller does not need the New York Times to defend his integrity." Helms and his staff have become so increased by press coverage of the Rockefeller nomination that they have launched a study of who owns the media.

Additional Rocky fighters are the 18 Democratic representatives-elect, led by Tim Worth of Colorado, and including New Yorkers Dick Ottinger and Jim Scheuer, who wrote to House Speaker Carl Albert last week urging him to delay the vote on the Rockefeller confirmation until they are seated in January. Noting that the two men, President Ford and Rocky, are both appointed and not elected, this group said that they, being the most recently elected since Watergate, "are the closest we can come to a direct expression of the people's will. If there is to be a vote on this nomination," they wrote, "it should be theirs."

If Rocky slides in this week, as is expected, there are some who will have taken a big bite out of his leg on his way to the White House. Whether it is big enough to cripple him so he can't run for President in 1976 is another matter. But there is a strong feeling among staff people on the hill that the Democratic senators who voted for Rocky last week have disqualified themselves from ever running against him since most of the dirty dirt that could be dug up on him is out and they voted for him in spite of it. As for Senators Gaylord Nelson and Birch Bayh, who voted against Rockefeller, they might just have built themselves a national constituency.

RETIREMENT OF H. R. GROSS

(Mr. ROUSSELOT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROUSSELOT. Mr. Speaker, as a tribute to our very distinguished retiring colleague, the gentleman from Iowa, H. R. Gross, I am today introducing a resolution calling for this House to retire the bill H.R. 144 from use in future Congresses.

Ever since I first had the privilege to serve with Mr. Gross in the 87th Congress, his legislation, H.R. 144, to restore fiscal responsibility at the Federal level has been introduced with this same number. To me, H.R. 144 is the symbol of Congressman Gross' career in this body—a

career that has for 26 years been devoted to serving as the foremost advocate for the American taxpayer.

The text of the resolution follows:

Whereas, Congressman HAROLD ROYCE Gross of Iowa is retiring from Congress after twenty-six years; and

Whereas the bill numbered H.R. 144, a bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic deduction of the public debt, has been introduced by Mr. Gross for many Congresses; and

Whereas this legislation is symbolic of his efforts to restore fiscal responsibility at the Federal level; and

Whereas Mr. Gross has distinguished his career in Congress by being the foremost advocate for the American taxpayer:

Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that as a tribute to this outstanding legislator, the bill number H.R. 144 be retired from use in future Congresses.

THE NEW YORK TIMES—"ALL THE NEWS THAT FITS"

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, the following speech was prepared for delivery on the floor of this House shortly after we reconvened on November 16, 1970. Shortly after that date and since then I mellowed a bit and intended to let bygones be bygones insofar as all the previous untruths I read about myself in the New York Times are concerned. However, when I read one of their editorials of December 9, 1974, stating:

It (referring to the recent Democratic caucus of the Members of the new Congress convening next month) may serve in the future to prevent such anomalies as Representative (deleted) of (deleted) and ROONEY of Brooklyn acting as tinpot tyrants in their respective subcommittee domains in defiance of Presidents of their own party and out of step with a majority of Democrats in the House.

I cannot find the word "tinpot" in my Webster's New Collegiate Dictionary but I do despise tyrants and have never at any time defied any one of the seven Presidents under whom I have served. Most informed people know that our committee recommendations over the years were adopted at least 95 percent of the time on votes of the House, whether recorded or otherwise.

Since the New York Times knew I was voluntarily retiring for reasons of health in less than a month I decided to dust off my November 1970 remarks. They read as follows:

Mr. Speaker, once again New York City has survived primary and general election days and once again the people of New York have shown that they have little in common with the political bent or endorsements of the New York Times. This is not really surprising, however, as New Yorkers have been ignoring the Times for years. It is sad, but true, that the New York Times has ceased to be a newspaper serving a community.

I think this was well summed up some time ago when a former New York Times reporter, Peter Braestrup, was reviewing a book by yet another Times reporter, Gay Talese. Mr. Braestrup had this to say:

The result of course (speaking of changes in the Times) is no longer a "paper of record" but a kind of New York-flavored daily news magazine, strong on commentary, strong on features, stronger on ideas (since Reston's arrival) but skimpier on the old Times' virtues: broad coverage, specific detail and balanced explanation.

Amen. Mr. Braestrup, however, overlooks two other virtues of the old New York Times which today seem to be lacking in that newspaper—accuracy and integrity. In all fairness, I should add that this failing is not peculiar to the New York Times.

The life and times of the container of all the news that is fit to print came in for other discussion in the public prints about a year or so ago when Newsweek had a look at the New York Times editorial page and the panjandrum thereof, one John B. Oakes. Mr. Oakes has been running the New York Times editorial page since 1961 when Charles R. Merz stepped down after 23 years in that exalted spot. Mr. Oakes, a former Rhodes scholar and alleged one-time reporter was, prior to joining the New York Times some years ago, a political and special writer for the Washington Post for 4 years. The Washington Post is of course the parent company of Newsweek and thus it might be expected that the Newsweek article on Oakes would be a favorable one. Perhaps it was meant to be so, but I could not help but wonder as I read it if there were not a heavy application of tongue to cheek by its author. At one point Newsweek says:

Oakes even shuns the Times' daily news conferences, to avoid any hint that he is trying to influence the paper's news coverage.

This must be accurate, since the editorials certainly read like he does. And unless it seem unfair to hang all the editorials on one mighty Oakes, Newsweek goes on to quote Oakes as modestly saying:

I encourage the writers to come forth with ideas but naturally many of the ideas are mine.

Then with an Orwellian logic Mr. Oakes again modestly explains his modus operandi:

We try to take a point of view that we think is beneficial to the country—broadly called liberal and generally internationalist—and then we go ahead and argue it as vigorously as possible. I rule the expression "on the other hand" off the page.

Which I guess is a very economical way to run a newspaper. You do not have to waste space printing a rebuttal or explanation which might in some way conflict with your preconceived set of facts.

And so it would seem that the motto so proudly unfurled by Adolph S. Ochs when he bought the New York Times in 1896 has been changed from "all the news that's fit to print" to now read "print all the news that fits."

The political meanderings of the New York Times, as it has shifted from the

paper of record to God knows what, are interesting. For instance, election matters in the 14th Congressional District of New York in Brooklyn held little import for the New York Times editorial writers for the first eight elections in which I was involved. In one, I was endorsed by the Times and in the other seven, the Times saw fit to ignore the contest entirely neither making an endorsement nor withholding one. But in 1960 things suddenly changed and the Times supported my Republican opponent. This policy has continued to date—the Times either endorsing my Republican opponent or another Democrat in the primary. This sudden change I believe was not motivated by any change in the policies or beliefs of either the Times or myself, but rather was based on the heart of the newspaper business—money.

Since January 1949—with the exception of the 1953 and 1954 years of the 83d Republican Congress—I have been chairman of the subcommittee on appropriations for the Departments of State, Justice, Commerce, the Federal Judiciary and Related Agencies of the House Committee on Appropriations. During the 1957 appropriations hearings on the U.S. Information Agency requests it was unearthed that the USIA was spending \$244,896 for 7,829 subscriptions to The New York Times. A healthy sum indeed. Some of these went to libraries and reading rooms, but the bulk, we discovered, was being given free to people all around the globe who either could not afford to, or who had no desire to, buy their own subscriptions. The list included over 500 members of the British Parliament who daily received a free copy of The New York Times. The 435 Members of the U.S. House of Representatives get by with two copies in the Speaker's lobby.

To our subcommittee this on the face of it was ridiculous and we moved to curtail the wasteful practice. Thus, we find that in the following year, 1958, The New York Times receipts from USIA subscriptions had dropped to \$100,629 as some 3500 gift subscriptions were lopped off the USIA's free list. If the USIA's New York Times subscription list had continued as it was in 1957 the cost to the taxpayers over the following 10 years would have been \$2,448,960. However, the actual cost to the taxpayer between 1958 and 1967 was \$897,988 representing a "saving" of some \$1,550,972 over those years. In addition, the 1968 actual spending and the 1969 and 1970 budget estimates show that an additional \$692,072 could be added to that \$1,550,972 as the New York Times giveaway subscriptions have dropped to 597 and the cost to the taxpayer declined to \$14,088.

In all then, what can be said is that if our subcommittee had not acted to slice this ridiculous wanton and wasteful spending on New York Times giveaway subscriptions, The New York Times would today be \$2,243,044 richer—and the taxpayers \$2,243,044 poorer.

Now, the loss of almost \$2½ million and thousands of subscriptions is serious business to any newspaper—even the New York Times. So serious indeed that

it can apparently lead the thinkers, such as the sanctimonious Mr. Oakes, to the conclusion that anybody responsible for such a dastardly act must also obviously be tampering with funds vital to our Foreign Service or some other related function of the Department of State. At least such is the only logical conclusion one can draw from reading Mr. Oakes' comments on my candidacy in the years following the cutback in the New York Times subscriptions. Thus I find, according to the Oakes editorials, that I have abused my subcommittee chairmanship powers and harassed the State Department—both lies—and that I am not a liberal notwithstanding—at the time he was writing—my endorsement by the Liberal Party in New York ever since its creation and an 89 and 1 "correct" voting record according to AFL-CIO COPE's 20-year compilation. And so it is that I cannot help but agree with Mr. Braestrup in his review of Mr. Talese's book when he observes that the new Times is short on "specific detail and balanced explanation." This observation is nowhere more accurate than in stories or editorials in the New York Times concerning State Department moneys and activities.

In some cases the stories may be the musings of one James Reston, known to his friends as "Scotty" when he was a working newsman, or in others the expertly misinformed judgment of editorial writer Oakes. Both men should know better, one because for years he was a first-class reporter and the other if for no other reason than he is a member of that group of quasi-experts which calls itself the Council of Foreign Affairs. Both men have been newsmen long enough, Lord knows, to be able to check a source, be it a printed record or one of the parties to a hearing. Neither has deemed it necessary, on so many occasions, to do so preferring not to let the facts get in the way of a good story. It is almost enough to make one agree with André Maurois when he said "there are certain persons for whom pure truth is a poison."

Thus I found that in 1964 I was the "entrenched foe of adequate appropriations for the Foreign Service," as the New York Times endorsed my Republican opponent and in 1966 it did likewise noting that JOHN J. ROONEY "who, notwithstanding his Liberal Party endorsement, is no liberal." By 1968 my "indefensible policies as chairman of the Senate (sic) subcommittee on appropriations for the State, Justice, and Commerce Departments cost him respect everywhere except in his home district, the fourteenth in Brooklyn." As a public official I have been accused of many things in my time, but running an appropriations subcommittee of the other body was not one of them—at least up until 1968. By 1970, the Times had mellowed a little and I found that I was merely "an obstructive force" as the New York Times once again endorsed my losing opponent. I could go on here at great length, Mr. Speaker, about nonpolitical feature articles naturally featuring my opponent which appear just before election day and the like. Or I could refer to the Rooney blackout—the name JOHN J. ROONEY never appears in the New York Times unless it be in some damning story.

But little would be accomplished by continuing in this vein save to point out that integrity is indeed a *passé* virtue at the New York Times. It may seem, as I think back on what I have said here today, that I am either angry with, or seeking the endorsement of, the New York Times. I certainly do not and did not seek such endorsement, nor would I accept it since to do so would be more than just a little cynical and endorsement by the New York Times is no feather in a candidate's cap in my district. There are not two dozen residents of it who read it. And I cannot say that I am angry with the New York Times. I can say, however, that it saddens me. In the past few years in New York we have watched the painful demise of four outstanding newspapers, leaving our vast city with the choice of two papers in the morning and one in the evening. A sad state of affairs indeed. It is, Mr. Speaker, a bad day for all of us when any paper folds for any reason be it for incompetent management, dwindling audience, increasing labor and production costs, or whatever. But it is also painful to watch a onetime great newspaper slowly gag itself to death with a massive dose of intellectual overkill concocted not by Mr. Ochs, but by Mr. Oakes.

Mr. Speaker, we are now in 1974 and I should like at this time to supplement the record with some interesting documents concerning some New York Times published untruths. On November 10, 1969, the New York Times published a front-page story from Paris on the future residence of our Ambassador to France. As usual, I was the villain of the piece. While I had long since become accustomed to bias in the New York Times' reporting of affairs in which my name came up, I was still shocked by their consistent inaccuracies. Apparently I was not the only one so shocked. Four days after the story appeared in print, and not at all to my surprise, I received a letter from the Honorable Frank G. Meyer, Assistant Secretary of State for Administration. Secretary Meyer's two-page letter dated November 14, 1969 refuted just about every statement in the story.

I include at this point the Paris story and Mr. Meyer's letter:

PARIS MANSION A PUZZLE (By John L. Hess)

PARIS, November 9—One of the grandest properties the United States owns abroad seems to have become something of a costly mystery. A substantial appropriation has vanished in it, and no one apparently knows how much more will be needed to make it usable.

The building is the former Rothschild mansion on the Rue du Faubourg St.-Honoré, adjoining the British Embassy and less than 100 yards from the Elysée Palace. Its gardens, like theirs, sweep to the Champs-Élysées.

The building was bought from the French branch of the Rothschild family in 1948 for almost \$2-million and was used to house the United States Information Service and other agencies. But successive American Ambassadors have cast covetous eyes on it because, as a residence, it would enhance the prestige of the United States and cut their commuting down to a stroll across the gardens to the embassy proper.

They also complained that the existing residence, near the Trocadéro, was cramped and subject to traffic noise.

Representative John J. Rooney, the Brooklyn Democrat who holds the State Department pursestrings in the House Appropriations Committee, had long turned a deaf ear to their complaints. Suddenly, in mid-1967, he cleared an \$875,000 appropriation to renovate the mansion as an embassy residence.

According to a Washington dispatch at the time, it was expected that the project would take several months.

Curiously, evacuation of the building had been under way for some time before that, the tenant agencies being assigned to a new embassy annex and other less grand quarters.

The Rothschild building was vacant by mid-1967 and, it now appears, may be vacant for years to come. It appears also that it has swallowed, or is about to swallow, the last of the \$875,000 appropriation and that it would take perhaps twice as much more to permit an American Ambassador to move in with propriety.

Although the mansion is a subject of considerable gossip by the embassy, efforts to obtain authoritative information have run into unusual obstacles. The office of Ambassador Sargent Shriver pleaded ignorance and referred a questioner to the local Foreign Buildings Office, which, although technically part of the embassy, is responsible directly to an office of the same name in Washington that, in turn, is said to be responsive to Representative Rooney.

The office here first referred a reporter to Washington, then advised him through the embassy that the Rothschild project had been suspended. Efforts to reach its director, Leo Riordan, have been unavailing.

Workers at the mansion said, however, that two major contracts—for a new roof and cleaning and for repair of the outer stonework—had been completed. They were just beginning the third big job, a new plumbing and heating system.

The best available information was that those jobs had taken the bulk of appropriated funds. But when they are finished the building will still be a devastated shell, needing major work inside.

No over-all cost estimate could be obtained. At the start, in fact, there was talk of demolishing the building and replacing it with "something modern." This would have offered far more usable space than the present structure, with its 22-foot-high ceilings, but it was vetoed because a modern facade could clash with its elaborately ornamented baroque neighbors.

BUILT DURING THE 1830'S

The architect Louis Visconti, who designed Napoleon's tomb and the newer wings of the Louvre, built the mansion, a mélange of Renaissance and neo-classic styles, in the eighteen-thirties for the Baroness de Pontalba. Maurice de Rothschild, who bought it in 1860, embellished its 27 major rooms, including a 66-foot-long state dining room, with valuable antique woodwork, furniture and paintings.

The site, covering two and a half acres in the heart of the city, is one of the most valuable in Paris.

To restore the Rothschild building to its former grandeur—as West Germany did for its residence here—would be an expensive affair. One reason is that when the building changed hands in 1948 the sellers removed not only the Louis XIV furnishings but also most of the carved woodwork, which adorned walls, ceilings, doors and windows.

Some of the woodwork was recently repurchased by the embassy, but it was found that to reinstall it and supply missing or damaged parts would cost what an informant described as a horrifying sum.

There is no longer any firm plan about restoring the woodwork, nor about restoring the parquet floors removed for the new plumbing, nor about the residence itself. According to the embassy, there is no longer an architect on the job either.

ARCHITECT FINDS STANDSTILL

The Boston architect Pietro Belluschi has reported in a telephone interview that he made drawings for the proposed renovation of the Rothschild mansion. "It turned out that the drawings were all right, but the money wasn't," he added.

Dr. Belluschi, dean emeritus of the School of Architecture of the Massachusetts Institute of Technology, said the renovation project was at a standstill because of a lack of appropriations.

NOVEMBER 14, 1969.

HON. JOHN J. ROONEY,
Chairman, Subcommittee on Appropriations,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I refer to the article in the New York Times of Monday, November 10, 1969, concerning the property presently being renovated for use as the Embassy residence in Paris. Since much of its substance is not factual, I would like to present information to you to correct inaccuracies in the article.

The design cost for rehabilitation of the residence was approved by the Congress for fiscal year 1967. Construction costs in the amount of \$875,000 were approved for fiscal year 1968. The latter costs were to be funded from proceeds from the sale of real property. Authorization for these projects was given by Congress in Public Law 88-94 of August 12, 1963.

Because of the effect of Public Law 90-218, the Department was able to undertake not more than \$100,000 worth of work of the total project in fiscal year 1968. The remaining balance of \$775,000 was approved for obligation during fiscal year 1969.

Contrary to statements in the article that the project is at a standstill and that there is no longer an architect on the job, all the work contemplated in the original estimate submitted to your Committee has now been placed under contract and Mr. Pietro Belluschi continues to function as architect for the project. The roof of the building has been completely renewed. The exterior of the whole building has been cleaned and repainted. There are five contracts now in operation covering the mechanical, electrical, and plumbing work and the general construction items. A balance of \$65,000 still remains for obligation.

The \$875,000 estimate for the work approved by the Congress was based on the proposition that the final interior finishes and items of interior design would be provided through the action of a committee composed of various eminent people. The committee is expected to be established in the near future and begin its task of obtaining the necessary items and donations to achieve the final decoration of the residence. We have already received donations from various estates and individuals and have promise of more from other sources. Ambassador Norman Winston of New York has been most helpful in achieving economies consistent with the scope of the project.

When the renovation nears completion, it is our plan to place the present Embassy residence at Avenue d'Iena on the market for sale. Present indications are that this sale will produce more than double the cost of the renovation of the Rothschild property.

As of possible interest to you, there are enclosed copies of correspondence between Secretary Rusk and Ambassador and Mrs. Bohlen (Tab A), a copy of the original estimate prepared after detailed consultation with Mr. Winston (Tab B), and a tabulation showing all contracts awarded for the project (Tab C). A comparison of Tabs B and C indicates our original estimate has remained valid in the fact of substantial wage, price and tax increases.

I trust this information will serve to clarify some of the misconceptions reflected

In the Times article. Please let me know if further details are desired.

Sincerely,
FRANK G. MEYER,
Assistant Secretary for Administration.

Not one word of Secretary Meyer's letter ever appeared in the New York Times.

There have been many others of a similar vein. On February 20, 1970, according to a Times editorial, I was responsible for the cutback in the educational and cultural affairs of the Department of State. On February 20, the very same day, Assistant Secretary of State for Educational and Cultural Affairs, John Richardson, Jr., wrote a letter to the editor of the Times strongly criticizing the statements it had made in the editorial. Lo and behold, Secretary Richardson's letter with a change in the date finally appeared in the New York Times—on the 28th of April—or some 2 months after the original editorial had been published, leaving the few who read it probably wondering what in the world Secretary Richardson was referring to in the first place. There are many ways of coloring the news and one of the more obvious is withholding corrections or rebuttals until such time as they are meaningless to the reader.

I include herewith the editorial and Secretary Richardson's letter:

[From the New York Times, Feb. 20, 1970]

REVIVING FULBRIGHT PROGRAM

One of the most valuable of this country's postwar ventures in intellectual and cultural exchange has been cut back savagely in the last two years. It is the Fulbright scholarship program, named for the Chairman of the Senate Foreign Relations Committee who conceived it in 1946.

For thousands of young Americans a Fulbright grant for study abroad has provided a timely boost up the academic or cultural ladder. Their counterparts from other countries have been able in even greater numbers to study in the United States. One residue apart from individual accomplishments has been an enhanced respect for American scholarship and intellectual standards.

The hatchet artist from Brooklyn, Representative John J. Rooney, is heavily responsible for slashing the Fulbright appropriation by more than 40 per cent from its modest peak of \$53 million in 1966, but the State Department is far from blameless. Under budget-paring pressure last year it ordered cuts that went far beyond those imposed by Congress. Fulbright grantees now total less than half the 12,000 of 1966 and the number of American recipients has been cut from 3,000 to 1,000.

Belatedly, State has had a change of heart and decided to fight for the program. It has cleared for fiscal 1971 a budget request of \$40 million—modest enough but a great improvement over the \$31.4 million Congress has appropriated for each of the last two years. The hope must be that responsible men in Congress will now heed voices such as that of the American Council on Education, which calls the Fulbright program "a highly effective worldwide infrastructure for educational cooperation."

EXCHANGING SCHOLARS

To the Editor:

I appreciate the positive intent of your recent editorial "Reviving Fulbright Program," and your approval over the years of our educational and cultural exchange efforts.

However, I disagree with the reason you assign for the current reduced level of these educational exchanges, as well as the other people-to-people programs sponsored by the Department of State and included in the appropriation figures the editorial cites. This is due neither to the malevolence you impute to Chairman John J. Rooney nor to any (wholly mythical) cuts "ordered" by the State Department "beyond those imposed by Congress."

The reduction directly reflects a decline from the \$53 million appropriated by the Congress for the 1966 fiscal year to the \$31.4 million appropriated for the current period. This decline was, in my opinion, due (a) to the whole context of government priorities and budgetary pressures in the last several years and (b) to honest doubts in the minds of many members of the House and Senate Appropriations Committees as to the relevance of some of these programs to the national interest.

The Administration's new request to Congress for a substantial increase to \$40 million reflects a conviction that dollars spent on these programs, imaginatively and effectively managed, provide benefits in our relations with other countries greater than can be achieved by dollars spent any other way.

I believe the House appropriations subcommittee which recommended and defended the high 1966 level to the Congress when its members regarded the programs as appropriately justified can be counted on to apply strict but not unfair criteria in considering our request.

JOHN RICHARDSON, JR.,
Assistant Secretary of State for Educational and Cultural Affairs,
WASHINGTON, April 23, 1970.

I also learned through the pages of the Times, via one James Reston, that I alone was responsible for the failure of certain Foreign Service personnel to be able to speak the language of the foreign country to which they were being assigned. Had Mr. Reston made so much as one phone call to my office or read the appropriations subcommittee printed hearings he would have realized that in the period he discussed the foreign language training budget rose from a paltry \$782,515 under a Republican subcommittee to a little over \$5 million under JOHN J. ROONEY, who is, as the Times continually says with an epitaph-like sneer, a Brooklyn Democrat. When Reston found out that he had been given a snow job by someone down in the department he phoned me and invited me to lunch downtown. When I insisted, he joined me for lunch in the House restaurant. He admitted he had been taken for a ride and promised to write a retraction of his story. He has never done so to this day. I include his column published on March 19, 1958, and the letter addressed to me on the same day by then Deputy Under Secretary of State and former career Ambassador Loy W. Henderson:

FOREIGN SERVICE WORKS—A COMMENT ON INABILITY OF U.S. ENVOYS TO TALK LANGUAGE OF NATIONS THEY'RE IN

(By James Reston)

WASHINGTON, March 18—Sometimes a small incident tells more about the problems of United States foreign policy than a month's debate in the Senate. President Eisenhower's luncheon yesterday with the Advisory Committee of the Foreign Service Institute is a case in point. The purpose of the meeting was to discuss the sad state of language training in the Foreign Service, which is primarily responsible for the administration

of United States foreign policy at home and overseas.

Actually, what it turned out to be was a briefing session, primarily by men outside the Government, for the President on just how poorly trained in languages his staff is.

The facts are as follows:

Fifty per cent of the entire Foreign Service officer corps do not have speaking knowledge of any foreign language.

Seventy per cent of the new men coming into the Foreign Service are in the same state.

Llewellyn E. Thompson, United States Ambassador in Moscow, is the only United States Ambassador in a Communist country who speaks the language of the country to which he is assigned.

In the nine Arabic-speaking countries the only United States Ambassadors who speak Arabic are Raymond Hare in Egypt and Parker T. Hart in Jordan.

In the non-English speaking countries of the North Atlantic Treaty nations, the United States Ambassadors do not have a workable knowledge of the language in Belgium, France, Germany, Iceland, the Netherlands, Portugal, Turkey, and Greece.

Vinton Chaplin, the Ambassador in Luxembourg, is fluent in French; Val Peterson, in Copenhagen, claims a fair knowledge of Danish; Frances E. Willis, in Oslo, says she can speak "fair" Norwegian; and James D. Zellerbach in Rome says merely that he is "studying" Italian.

The same state of affairs, or worse, exists in the United States Embassies of Asia, and naturally enough, the President was not only interested but enthusiastic about doing something about it.

Those at the White House luncheon were Gen. Alfred M. Gruenther of the Red Cross; Robert Calkins of the Brookings Institution; Hamilton Fish Armstrong, editor of Foreign Affairs; Dr. Clyde K. Kuckhohn of the Peabody Museum; Charles F. Saltzman, former Assistant Secretary of State, and Henry M. Wriston, former president of Brown University.

Also, for the Administration, Under Secretary of State Christian A. Herter; Deputy Under Secretary of State Loy Henderson; Gen. Robert Cutler, an assistant to the President; Harold B. Hoskins, director of the Foreign Service Institute, and the newly appointed Director of the Bureau of the Budget, Maurice H. Stans.

It is the function of the Foreign Service Institute to provide language training for foreign service officers, but its funds have repeatedly been cut, with little or no effort by the President to do anything about it.

Though he is responsible for the appointment of Ambassadors, and though the Foreign Service officers who head our embassies overseas are his personal representatives, the President's attitude was reported to be: "Why didn't somebody tell me about this?"

He was sincerely disturbed, and even angry, about the difficulty in getting adequate funds to provide the necessary language training. He observed that a former secretary of his was recently given a four-year training course at a university on Air Force funds, and he wondered why it was not possible to get even a few months' training for the men who were involved in one of the most lively periods of diplomatic activity in recent years.

REPRESENTATIVE ROONEY INVOLVED

His visitors told him in plain and simple terms. The reason, as almost everybody familiar with the State Department's problems knows, is Representative John J. Rooney, Democrat of the Fourteenth District of New York (Kings County).

Mr. Rooney is chairman of the House Appropriations subcommittee that presides over the State Department budget. He has been slashing that budget for years, is less than

enthusiastic about giving Ambassadors the necessary language training or representation allowances, and is generally regarded, despite his obscurity, as one of the most powerful men in America, in a negative way, so far as United States foreign policy is concerned.

The President was interested in Mr. Rooney and offered to do something about talking to him. He could not have been more sympathetic to the problems placed before him and his visitors came away convinced that they had had a most useful luncheon.

But at least some of them wondered why the language and training problem had not been discussed and dealt with at the highest level of the Government more than five years ago, or at least in 1956, when the embassies were filled with Presidential appointees who could not speak the language of the countries to which they were assigned.

DEPUTY UNDER SECRETARY OF STATE
FOR ADMINISTRATION
WASHINGTON, March 19, 1958.

Hon. JOHN J. ROONEY,
House of Representatives.

DEAR JOHN: I am writing this note to tell you how distressed I am at the statements contained in a newspaper article this morning indicating that you have been slashing the State Department's budget for years and that in general you have been influencing the foreign policy of the United States in a negative way.

I wish to make it clear that those of us in the State Department who are concerned with budget matters do not share these views. We recognize your unexcelled knowledge of the budgetary problems of the Department and the Foreign Service. It is true that at times there have been differences between the Department and your Committee with regard to various budget requests and to the use to which the Department puts funds appropriated to it. Nevertheless, many of your criticisms have been constructive and helpful. Again and again on the Floor of the House you have ably explained the Department's needs and defended its requests. We in the Department respect you and, although at times we have not seen eye to eye with you, we have never doubted your devotion to the public interest and we have always considered that the Department and the Foreign Service are indebted to you for the interest which you have uniformly displayed in our hearings before your Committee.

Sincerely,

LOY W. HENDERSON.

In conclusion, Mr. Speaker, and to coin a phrase, let me make one thing perfectly clear. This speech is not an attack on the press, or, as it is more fashionably called these days, the media. No indeed. I have too many friends in that business and have seen too many honorable men labor hard and long to bring the truth to the public. I do not want to be associated with those who belabor the press in an effort, I believe, to bring it into line or to discredit it with the public. This is no vendetta. You must grant that the "tinpot tyrant" could refer to the mighty Oakes as a shlemiel but he would not think of doing so. In later years I always signed my wires to him as "your favorite Congressman." I think if a poll were taken of the press galleries right now most of the members would basically agree with what I have just said—and if such a poll is taken, please have someone other than a Times man take it, otherwise this speech will serve no purpose, because the Congress-

man presently delivering this speech will remain unidentified.

It may be interesting to note, Mr. Speaker, that a rival columnist of Reston's, the former distinguished First Lady of our land, the widow of President Franklin D. Roosevelt, possessed a far better sense of fairness and decency than Reston. I include a copy of the column called Eleanor Roosevelt's Day entitled "My Apologies to Representative ROONEY," published in the Washington Daily News on April 4, 1958:

[From the Washington (D.C.) Daily News, April 4, 1958]

ELEANOR ROOSEVELT'S DAY: MY APOLOGIES TO REPRESENTATIVE ROONEY

NEW YORK—A letter from my son, James, who is a congressman from California, tells me I was unfair in what I wrote last week concerning one of his colleagues, Rep. John J. Rooney, of Brooklyn.

(Editor's note: Mrs. Roosevelt's column on Rep. Rooney appeared in The Washington Daily News on Wednesday, March 26.)

I had read a report of a group that had seen the President about the inability of our foreign service employees to speak the languages of the countries to which they are assigned. I gathered that the difficulty lay in insufficient appropriations and that Rep. Rooney, chairman of the appropriations subcommittee, had not been sympathetic to requests in this field.

I also had heard indirectly, Rep. Rooney was not very sympathetic to requests in the field of research of any kind, and I got the feeling that on the Democratic side he perhaps was a little like Rep. John Taber on the Republican side.

I happen to know that we send no young men to our embassy in Russia who do not speak Russian, but I also know that political appointments meant that we often do not get top men in the diplomatic service who speak the language of the country to which they are assigned.

Officers in the regular foreign service, I think, should have the opportunity to learn the language of a foreign country when they are assigned to it, so that they arrive with at least some knowledge of the language and may continue their studies on the spot.

But apparently I was all wrong about Rep. Rooney. I am told he fights valiantly for full State Department appropriations and that he gives that department more than it asks. The trouble is the department does not ask enough, and Mr. Rooney cannot add to the request, altho he fights to appropriate all he can.

I am happy to apologize to Rep. Rooney for my error, and I hope the State Department will take heart and ask for amounts adequate to cover this particular field, which is rather important in diplomacy.

Under the permission heretofore granted me by unanimous consent of the House I shall now include the following documents which have relation to the subject of my oral dissertation:

First. New York Times editorial published on October 20, 1964.

Second. Letter of Hon. William J. Crockett, Deputy Under Secretary of State for Administration, October 22, 1964, to the editor, New York Times, published on October 26, 1964.

Third. Letter of Louis R. Rosenthal, October 27, 1966, to the editor of the New York Times, published on November 3, 1966.

Fourth. Resolution adopted by members of the Foreign Service, both retired

and active, assembled on Foreign Service Day, November 15, 1974.

Fifth. Page of Department of State Newsletter for December 1974.

Sixth. Remarks of Representative SIKES, of Florida, on the House floor on December 11, 1974.

Seventh. Letter of Vincent P. Mazzola, M.D., to Mr. John W. Oakes, chief editorial writer, New York Times, dated December 11, 1974.

The documents follow:

[From the New York Times, Oct. 20, 1964]

CONGRESS: BROOKLYN AND QUEENS

Eleven of New York City's nineteen Congressional districts lie in Brooklyn (Kings County) and Queens. One district partly in Brooklyn also includes all of Staten Island (Richmond County.) Unfortunately, the quality of the Representatives from the Brooklyn-Queens area is not proportionate to their numbers.

This is particularly true in Brooklyn, where the long dominance of the Democratic party machine has resulted in returning party mediocrities in election after election. Some of these have risen through seniority to positions in which they wield considerable power, usually harmfully. Notable are Representative John J. Rooney, and Representative Abraham J. Multer, both of whom should be retired to private life.

Many of their colleagues belong to the Tuesday-through-Thursday club, so-called because they generally spend only those days in Washington. But they have controlled their districts so long that their opponents are often political unknowns. For that reason it is not always possible to make a recommendation in every district.

Our recommendations follow:

Fourteenth District—Victor J. Tirabasso Jr. (Rep.) is a lawyer who would surely be better than Representative John J. Rooney (Dem.-Lib.), entrenched foe of adequate appropriations for the Foreign Service.

Tomorrow we shall review the Congressional districts in the New York suburban counties, followed on succeeding days by Connecticut and New Jersey.

[From the New York Times, Oct. 26, 1964]

ROONEY'S RECORD PRAISED—OFFICIAL CITES REPRESENTATIVE'S SUPPORT OF FOREIGN SERVICE

To the Editor: I was concerned to read on Oct. 20 the adverse editorial comment against Representative John J. Rooney of Brooklyn. I consider your description of Congressman Rooney as an "entrenched foe of adequate appropriations for the Foreign Service" to be both unfair and inaccurate.

For more than six years I have been responsible for determining the budgetary needs of the department and for justifying our appropriation requests before the Congress. I have always found Congressman Rooney willing to discuss our problems and to review objectively our requests for funds. He has placed a premium on good management and economy, but has not failed to be critical of waste and inefficiency whenever he thought it was evidenced.

It is the philosophy of the Department of State not to demand additional people to meet our growing responsibilities, but rather to give more adequate support to the people we already have. This was clearly enunciated by Secretary Dean Rusk before Mr. Rooney's subcommittee on March 7, 1961, when he said:

"More people and more money are not the answer to every new problem. We shall strive for better utilization of available resources."

PERSONNEL AND BUDGET

We have worked hard to implement this philosophy and have found Mr. Rooney un-

derstanding of and responsive to our needs. Thus, although we have not increased our personnel ceiling since 1961, our annual budget has grown by more than 40 per cent during this same period.

These additional funds have been used to provide a more comprehensive security research program, more adequate communications facilities, a language training program designed to give all our officers fluency in at least one foreign language and better schooling for our dependent children overseas.

With Mr. Rooney's assistance we have been able to assign career officers as Ambassadors to Paris and Rome by providing them with adequate allowances, and we have been able to implement automatic data processing programs encompassing all our activities from accounting to visa work.

I mention these examples merely to show the scope of interest and responsiveness we have received from Mr. Rooney with regard to the needs of the Foreign Service.

Mr. Rooney has been a strong advocate of a strengthened Foreign Service and not our "foe." He has worked hard to help achieve a service composed of professionals equipped to cope with the constant crises and complexities of modern diplomacy.

WILLIAM J. CROCKETT,
Deputy Under Secretary of State for
Administration.
WASHINGTON, Oct. 22, 1964.

[From the New York Times, Nov. 3, 1966]
FOR JOHN J. ROONEY

To the Editor: I was quite disappointed to learn that The Times has once again seen fit to withhold its endorsement from one of the most able members of Congress. I refer to Representative John J. Rooney, who has diligently served the members of the Brooklyn community, the state and the nation as a Congressman since 1940. [Editorial Oct. 27.]

If the worst charge that Representative Rooney stands accused of is compelling members of the administrative branch of government to strictly account for the use of the funds they request, I am proud that he stands guilty.

LOUIS R. ROSENTHAL.
BROOKLYN, October 27, 1966.

RESOLUTION: CONGRESSMAN JOHN J. ROONEY
Whereas, Congressman John J. Rooney has served as a member of the Committee on Appropriations of the House of Representatives since 1945, a period of almost thirty years, and

Whereas, Congressman Rooney has served as Chairman of the Subcommittee on State, Justice, Commerce and the Judiciary Appropriations for almost twenty-four years, and
Whereas, Congressman Rooney, throughout his long and illustrious service in the Congress has contributed substantially to the well-being of the country and to the interests of the United States in foreign affairs, and

Whereas, Congressman Rooney has continuously sought to assist in promoting and enhancing the stature and performance of the Department of State and the Foreign Service,

Therefore, be it resolved that we, members of the Foreign Service, both retired and active, assembled on this Foreign Service Day of November 15, 1974, do express our high regard and respect for Congressman Rooney's outstanding service to his country and the promotion of its interests overseas, and do record our deep gratitude to Congressman Rooney for his continuing help and assistance to the Department of State and Foreign Service throughout his service in the Congress.

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA.

REPRESENTATIVE JOHN J. ROONEY HONORED BY PRESIDENT, CONGRESSMEN, DEPARTMENT

Congressman John J. Rooney won the thanks of President Ford for "three decades of very distinguished public service," at a State Department reception, November 26.

The President joined scores of State Department officials, Congressional colleagues and other Government officers and friends in honoring the Brooklyn Democrat who will retire at the end of the current session of Congress after a career spanning 30 years.

Mr. Rooney has been the Chairman or Ranking Minority Member of the House Committee on Appropriations Subcommittee for the Departments of State, Justice and Commerce, the Judiciary, and Related Agencies, since January 1945.

The President and Mr. Rooney served together on the Appropriations Committee for 23 years and Mr. Ford's remarks, a highlight of the reception in the Department's John Quincy Adams and Thomas Jefferson Rooms, were interspersed with humorous references about Mr. Rooney—State Department relations and nostalgic recollections of legislative battles.

Mr. Rooney, the President said, has been a "tight-fisted, penny-pinching guardian of the public money." The Congressman has served "with great dedication and distinction," the President added.

Contrary to some allegations of his animosity to the Department, Congressman Rooney said he always considered State "the number one Department in the Government," and that he always had a great respect for "the competent Foreign Service officers serving us overseas."

Secretary Kissinger, in China on an official visit, sent a message which was read to the reception guests by Ambassador L. Dean Brown, the Department's Deputy Under Secretary for Management.

In the cable, the Secretary expressed the appreciation of the Department for Mr. Rooney's help and support over the years.

"I am sorry I can't personally be with you this evening," the Secretary said. "But on my behalf and your many friends who are with you, please accept our personal and sincere appreciation to you as a colleague and friend of many years."

"During your tenure as Chairman and ranking minority member we have never questioned your keen desire of assuring a strong, vigorous and effective Department of State, an organization that exemplifies our great Nation. Your leadership and guidance have helped us to do our tasks in a professional manner. We hope we can continue to look to you for advice and assistance."

"For all your counsel we say thank you and wish you well for the future."

Former Secretary Dean Rusk, in another message, said he deeply regretted that it was not possible for him to be present to join in saluting "a great Congressman and a strong friend of the Department of State."

"Over the years," Mr. Rusk said, "your tireless energy and understanding have helped immeasurably in the strengthening of the Department to meet its ever-growing responsibilities. You will be sorely missed in Washington but will take home with you the warmest good wishes of all of us who had the privilege of knowing you."

Chief Justice Warren E. Burger of the Supreme Court and Representative George H. Mahon, Chairman of the House Appropriations Committee, also lauded Congressman Rooney's record.

Speaker of the House Carl Albert led the House delegation which included Representative John Slack, who is slated to succeed Mr. Rooney as Chairman of the House Appropriations Subcommittee on the Department, Representative Elford A. Cederberg, the ranking minority member, and Representative Wayne L. Hays, Chairman of the House Foreign Affairs Committee Sub-

committee on State Department Organization and Foreign Operations.

Acting Secretary Robert S. Ingersoll welcomed the President at the reception.

Before the evening was over, Congressman Rooney was presented with a replica of the Department's seal and a gavel from the Subcommittee.

Retired Ambassador Loy W. Henderson, "Mr. Foreign Service," also presented the Congressman with a resolution adopted by members of the Foreign Service, both retired and active, at Foreign Service Day, November 15.

The resolution expressed the "high regard and respect for Congressman Rooney's outstanding service to his country and the promotion of its interests overseas," and "our deep gratitude to Congressman Rooney for his continuing help and assistance to the Department of State and Foreign Service throughout his service in the Congress."

JOHN ROONEY'S GREAT RECORD OF SERVICE DEFIES ATTACK

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, my attention has been called to an editorial in a recent issue of the New York Times which gives a completely distorted view of the work of JOHN ROONEY, the distinguished chairman of the State-Justice-Commerce Subcommittee of the Committee on Appropriations. He has served in this important capacity for many years. It has been my privilege to serve on his subcommittee and I know JOHN ROONEY very well. Knowing Mr. ROONEY and having watched him in action, I find nothing to substantiate the statements made about him in the Times.

The distinguished gentleman from New York (Mr. ROONEY) gives no quarter and asks none when in pursuit of wasteful and extravagant spending of the taxpayers' money. However, he is fair in his treatment of the budget requests. He simply wants the facts which are necessary to justify favorable action on budget requests. He does not tolerate flimsy and empty reasoning as a basis for spending the taxpayers' money.

The writer accuses Representative ROONEY of defying Presidents of the United States, even the Presidents of his own party. Those of us who have served with JOHN ROONEY also know that Chairman ROONEY has enjoyed excellent and cordial relations with the Presidents of both parties over all his years of constructive and valuable service in the House. In fact, all Capitol Hill knows these things about JOHN ROONEY.

The writer of the Times editorial gives free rein to his imagination by stating further that Representative ROONEY has been out of step with the majority of Democrats in the House. This is easily contradicted. It is a well-known fact that during the years of his stewardship, about 98 percent of the recommendations of his subcommittee have been overwhelmingly approved by votes of the full committee, by the great majority of the House of Representatives, and sustained by the Senate. None of his bills were vetoed by any of the seven Presidents under whom he has served.

Therefore, it is suggested that the New York Times editorial writer come down from his Ivory tower by the right stairway. JOHN ROONEY's great record of service defies attack from whatever source, as an unscrupulous attack.

VINCENT P. MAZZOLA, M.D.,
Brooklyn, N.Y., December 11, 1974.

Mr. JOHN W. OAKES,
Chief Editorial Writer,
New York Times,
New York, N.Y. 10036

DEAR MR. OAKES: I was most interested in your column "New Day in the House." Re-

forms within the law reveal progress in the proper direction. As an advocate of youth and a teacher for many years, my students were a source of stimulation and knowledge to me but respectful in spite of the generation gap. With this preamble, I resent your characterization in the article: "It may serve in the future to prevent such anomalies as Representatives Passman of Louisiana and Rooney of Brooklyn acting as tinpot tyrants in the respective subcommittee domains in defiance of Presidents of their own party and out of step with the majority of Democrats in the House." If these gentlemen were watchdogs for the people of our country after serving many years, it seems most unfair to reward them with a slanderous weapon.

As a resident of the 14th Congressional District for over half a century, which district has been represented by the Honorable John J. Rooney for thirty-one years, such penetrating remarks deserve an apology to the Honorable Congressman who served his people with honor and dignity for this period of time. Critical remarks should not be focused on a great American if the system of seniority in the House needs revision.

I have been a student of change but only after proper research has been made. Research means exploration for the truth. The next session, as you wrote, will be a "New Day in the House," but don't let us forget the contributions of our founding fathers and accomplishments of our loyal citizens who have served America.

Very truly yours,
VINCENT P. MAZZOLA.

ACCOMPLISHMENTS OF THE 93D CONGRESS

(Mr. ALBERT (at the request of Mr. BREAU) was granted permission to revise and extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. ALBERT. Mr. Speaker, the 93d Congress, now in its final hours, has been an historic one.

Members may take pride in what they have done here, for the rest of their lives.

In accordance with the letter and the spirit of the Constitution, the House of Representatives and the Senate have shown conclusively, to the American people and to the world, that our system of government is sound, that it is stable, and that it is capable of performing its awesome tasks notwithstanding the extraordinarily severe trauma it suffered by the resignation of its executive branch's two highest officers.

If I may be excused the personal reference, there is no honor as high as the one I have enjoyed during this historic Congress, that of serving as Speaker of this body for a second term. No privilege ever conferred upon me has been one for which I am more deeply grateful. The responsibilities of the office are great, and during the 93d Congress were more profound, I believe, than at any time within recent memory. I particularly commend the Judiciary Committee's members of both parties, and their distinguished chairman, the gentleman from New Jersey (Mr. ROBINO), for their historic labors in the impeachment inquiry.

Throughout, we have all been sustained by the knowledge that ours is a sacred trust granted us by the American people. The problems with which we have dealt here are those which affect the

lives of all of our citizens and of millions all over the world.

We have fulfilled our oaths. We have preserved, protected, and defended the Constitution of the United States. We have fulfilled the mandate of the 25th amendment to the Constitution we swore to uphold. And we have legislated in a vigorous and progressive way for the well-being of our country and its citizens, striving always to preserve the peace and to assure the present and future prosperity of our domestic economy and the viability of its relations with the rest of the world.

We have created new procedures in the internal organization of the Congress, and especially of the House, to permit us to perform our legislative responsibilities more effectively. We have passed a Budget and Impoundment Act that restores our control over Federal expenditures. We have reasserted our rightful prerogatives as to the war-making powers. We have passed rationally designed and humanely motivated legislation affecting the economy, beset as it is by inflation and recession. We have passed bills designed to put people to work, to assist them when they are unemployed, to help them when they are sick, and to assist them when they are elderly. We have passed measures making needed changes in our agriculture-support programs, acted to protect private pension rights, and reformed rules governing campaign expenditures. Many of these measures have had bipartisan support in both bodies of the Congress. We hope that the administration will act constructively and cooperatively with us in the great tasks at hand of resolving our many serious problems.

Our work in the 93d Congress has been the joint endeavor of many minds and many hearts. I recognize and am grateful for the help and cooperation of the leaders, the committee chairmen, the Members on both sides of the aisle, the minority leadership, the officers of the House and its staff members, all of whose efforts have been necessary to what we have achieved.

The distinguished majority leader, "Tip" O'NEILL, has my deepest gratitude. He has been my strong right arm during the past 2 years as we worked together on the extensive and complex legislative duties of this body. He is devoted to the House. He is loyal to his party, but, above all, he is an able and patriotic Member who puts the well-being of his beloved country far above every other consideration.

The leadership owes a debt of gratitude and recognition to majority whip, JOHN McFALL, and to his hard-working chief deputy whip, JOHN BRADEMANS, as well as to all the assistant whips. Their organizational talents, their personal energies and dedication, were essential to what we have done here.

I wish to thank DICK BOLLING and the members of his committee for their splendid work on the internal operations of the House and its committees. The leadership and the House owe much indeed, as well, to Mrs. HANSEN and the members of her committee of the Democratic caucus for their very productive endeavors.

To the Members of the House, both Democrats and Republicans, may I express my deep appreciation for their devotion to the public interest, for their ability and legislative acumen, and for the cooperative help and unending courtesy which I have been accorded by them, on every occasion, and without which I simply could not have fulfilled my responsibilities as Speaker.

The members of my own party have given me splendid support on many important issues. I have enjoyed the aid of steadfast friends of years, and the support of many newer Members who have elated us both by their abilities and their loyalty.

The Republican leadership, too, have shown me many courtesies. I deeply appreciate the assistance of the distinguished minority leader, the gentleman from Arizona (Mr. RHODES), and the very able minority whip, the gentleman from Illinois (Mr. ARENDT). Although viewing legislation from a different frame of reference than mine, they are patriotic Americans dedicated to serving their country, as they have so often demonstrated, particularly in the positions they have taken on national defense and foreign policy measures.

The Members of the House, its officers, and employees, all have bent their every effort to their duties, many driving themselves hard to finish our business, by working long hours, willingly undertaking the myriad tasks which increase with every passing year.

We have, I regret to say, lost the counsel of our distinguished former Parliamentarian, Lou Deschler, who, for 40 years, was noted for the precision and reliability of his rulings and judgment. I have, since Lou's retirement, had the wise advice and counsel of his very able successor, Bill Brown.

A man who was veritably an institution of this body as its Doorkeeper, William "Fishbait" Miller retires now to his beloved Mississippi and to the occasional pursuit and capture of the fish in its rivers and streams, who have learned to fear him over the years. I thank him deeply and sincerely for a lifetime devoted to the internal business of this House, as I greet his successor, Jim Malloy.

To the Members retiring from this body at the close of the 93d Congress, I extend my thanks for your friendship and wish you happiness and success in all your future undertakings.

I include at this point in the RECORD a summary of the legislative accomplishments of the 93d Congress. A far more detailed compilation will be included in the final edition of the RECORD for the 93d Congress.

NATIONAL DEFENSE AND FOREIGN AFFAIRS

Congress reasserted its war powers under the Constitution by placing restraints on the authority of the President to commit U.S. Armed Forces to combat without prior congressional consent. This historic assertion of rightful congressional authority was made after the President, without a congressional declaration of war, conducted massive air bombardment of Cambodia and Laos subsequent to the signing of the Paris

December 20, 1974

accords and the return of U.S. troops and POW's. Despite a clear and convincing record of opposition by both the House and Senate to the bombing, President Nixon vetoed legislation providing for a cutoff of the funds needed to continue it. Congress subsequently gave its final approval to the war powers resolution by overriding the veto. The resolution sets a 60-day limit on commitment of U.S. troops without congressional consent. The power of the President to commit U.S. Armed Forces is defined to include only situations where Congress has declared war or provided other statutory authorizations, or when a national emergency exists because of attack on the United States or its forces.

In a major congressional initiative, Congress voted to halt U.S. bombing in Cambodia, effective August 15, 1973, ending the U.S. combat role in Southeast Asia. The amendment to the Continuing Appropriations Act for fiscal 1973 bars the use, after the deadline date, of any past, present, or future appropriations to support combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam. The act further prohibited the use of any funds appropriated under it, in providing assistance in the reconstruction or rehabilitation of North Vietnam.

In order to assist Israel in replacing military equipment used during the October 1973 War between Israel and the Arab States, Congress voted \$2.2 billion in aid. Congressional action authorized the President to apply the funds to Israel's debt owed to the United States for arms purchased since the October war, allowing him to determine whether aid should be in the form of outright grants, or military sales credits, or both.

Congress also voted to provide itself with veto power over international agreements regarding certain nuclear technology; authorized \$150 million for disaster relief programs in Pakistan, Nicaragua, Ethiopia, and certain other African nations; prohibited funds to South Vietnam for actions designed to assist the Government of Cambodia or Laos; authorized the Secretary of Defense to recommend a denial of exports, to any Soviet-bloc nation, of goods or technology developed as a result of Defense programs; authorized funds for the International Development Association and the Asian Development Bank; approved legislation implementing the International Convention relating to Intervention on the High Seas; and voted to cut off all military assistance to the Turkish Government after February 5, 1975, and until the President determines that substantial progress has been made toward achieving a resolution of the Cyprus situation.

Foreign aid was authorized in the amount of \$2.69 billion for fiscal year 1975. Pending further appropriations, the foreign aid program is to continue as presently constituted at last year's spending level, through February 28, 1975. This measure limited aid to Cambodia, South Vietnam, South Korea, and Chile, subjected the Central Intelligence Agency to greater congressional scrutiny, and denied U.S. support to the United Nations

Educational, Scientific, and Cultural Organization until UNESCO ceases its discriminatory policies against certain nations, particularly Israel. The authorization provided for \$1.1 billion for Middle Eastern countries and the appropriations measure contained the first \$325 million of the Middle East aid package.

THE ECONOMY AND INTERNATIONAL TRADE
Inflation, recession, and international trade problems were major concerns of the 93d Congress.

Faced with a record inflation, Congress extended the Economic Stabilization Act of 1970 which authorized the President broad powers to stabilize prices, rents, wages, and salaries. The act also gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil. Congress also established a Council on Wage and Price Stability authorized to conduct public hearings to help publicize inflation problems and to focus attention on the need to increase productivity in all sectors of the economy.

In other significant actions affecting the well-being of the Nation's economy, Congress:

Authorized the extension of the President's National Commission on Productivity and Work Quality;

Directed the Joint Economic Committee to undertake an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, and to report at the end of the calendar year;

Extended the Public Works and Economic Development Act of 1965 and authorized the Economic Development Administration to guarantee direct loans and working-capital loans made by private institutions to borrowers in "redevelopment areas" or "economic development centers";

Provided the Small Business Administration with authority to continue making loans to small businesses through the remainder of fiscal year 1975;

Provided deposit insurance of \$100,000 per account for public units and raised deposit insurance on other accounts from \$20,000 to \$40,000;

Authorized the President to use export controls to secure the removal of unreasonable restrictions by other countries on U.S. access to vital commodities;

Authorized funds for the Export-Import Bank to continue making loans to finance exports of American products;

Authorized a study of major reform of the antitrust laws;

Extended authority for Federal bank regulatory agencies to set feasible interest rates on time and savings deposits held by commercial banks, savings and loan institutions, and mutual savings banks;

Established a Federal Financing Bank; Extended for 4 years the Council on International Economic Policy;

Authorized the Secretary of the Treasury to raise the price of gold;

Authorized the purchase of gold by Americans;

Extended the Federal Housing Agency's authority to set Government-insured mortgage rates; and

Authorized funds for the FHA's basic Federal housing and urban development programs.

The 93d Congress set Federal standards for product warranties and increased the authority of the Federal Trade Commission by sanctioning its use of court action for the economic relief of consumers affected by unfair or deceptive selling practices. The FTC is also authorized to seek civil penalties for violations of the Federal Trade Commission Act. Companies that offer warranties will now have to state whether these are full or partial warranties, and a full warranty will have to offer a complete replacement or refund for any defective product during the warranty period.

With rapidly growing unemployment in the last half of 1974, the 93d Congress moved swiftly to provide extended benefits to the rapidly increasing number of unemployed American workers. At a 2-year cost of \$2.1 billion, the Emergency Unemployment Act now provides for an additional thirteen weeks of unemployment benefits, guaranteeing most eligible workers 52 weeks of benefits. The hourly minimum wage for most nonfarm-workers has been extended to several new categories of workers, including domestics, and several overtime coverage exemptions have been eliminated.

Earlier legislation of the 93d Congress extended the Emergency Employment Act of 1971 for 4 years, to decentralize manpower training programs and promote public service jobs in areas with an unemployment rate of at least 6.5 percent—the Public Employment Program, for which \$5.5 billion has now been authorized. A \$4 billion appropriation has been passed for jobless benefits and job creation.

Authorized, for 1 year, funds for the Economic Development Administration and for seven regional economic commissions;

Developed a new system under which employers are authorized to contribute to jointly administered trust funds established by unions for the purpose of providing their members with prepaid legal services for tenant, debt, consumer, property, family relations, and other matters;

Allowed States with annual employment rates of 4.5 percent and above to provide the 13 weeks of extended benefits to unemployed workers without regard to existing law specifying that the level of unemployment in States had to increase by 20 percent over 2 years before States could provide additional assistance; and

Implemented an agreement liberalizing eligibility requirements for railroad retirement and extending benefit increases.

Comprehensive legislation on international trade included provisions requiring the Soviet Union, in order to obtain the benefit of U.S. trade concessions, to ease curbs on Jewish emigres. The President was given broad authority to reduce trade barriers in preparation for a round of worldwide trade negotiations next year.

The lending authority of the Export-

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Import Bank was extended by the 93d Congress to \$25 billion, with a ceiling, for the first time, on loans for projects in the Soviet Union.

Another measure of significance in our foreign trade relations, was the requirement set by the 93d Congress that reserves up to 30 percent of our Nation's oil imports for carriage by American-flag tankers, vitally important and needed assistance for our American merchant marine.

ENERGY, NATURAL RESOURCES, AND THE ENVIRONMENT

Because of the extremely severe energy shortage during last winter's months and the prospects of continuing shortages, Congress took several positive steps, not only to conserve energy and its supply sources, but to protect the environment as well. The Emergency Energy Act of 1973 authorized a variety of emergency measures to conserve and allocate available energy resources, including investing the President with authority to institute rationing, and establishing a system of congressional approval for such energy conservation measures as those restricting store hours, setting shorter work weeks, and requiring carpooling. The Economic Stabilization Act Amendments of 1973 gave the President authority to require sensible allocation of available fuel supplies, and the Emergency Petroleum Allocation Act required the President to put into effect a mandatory allocation program, including rules for crude oil and jet diesel fuels.

In other energy-related matters, Congress acted to:

authorize immediate construction across Alaska of a 789-mile oil pipeline; curb discharges of oil from ocean-going vessels and to regulate oil tankers; set uniform maximum speed limits on national highways at 55 miles per hour; establish an independent Federal Energy Administration to coordinate energy programs and evaluate the Nation's energy supplies and needs;

reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration in a Nuclear Energy Commission in order to promote more efficient management of such functions;

Authorize the Federal Energy Administration to prohibit powerplants and fuel installations with coal-burning capabilities from using natural gas or petroleum products as their primary energy sources;

Provide \$60 million for a 5-year program demonstrating the feasibility of using solar energy to heat and cool buildings;

Establish a geothermal energy coordination and management project;

Authorize the construction and operation of ocean ports capable of receiving the largest oil tankers;

Establish a solar energy coordination and management project; and

Include in the Surface Mining Control Act, a program for reclamation of abandoned strip mines.

In other legislation affecting the environment, Congress:

Extended existing protections of fish and wildlife to species that are likely to

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be endangered in the foreseeable future as well as those in immediate danger of extinction;

Provided the Environmental Protection Agency with authority to control the sale and production of potentially harmful chemicals;

Prohibited for 5 years the licensing and construction of all potentially dangerous water resource projects on designated waterways and adjacent land areas included under study for inclusion in the wild and scenic rivers system;

Authorized funds for the saline water conversion program;

Authorized funds for, and extended the Clean Air Act and the Solid Waste Disposal Act;

Extended the National Sea Grant College program;

Provided for the construction, repair, and the preservation of certain public works on rivers, lakes, and harbors for navigation and flood control; and

Prohibited certain ocean-dumping practices, including those affecting oil and mercury.

The 93d Congress passed legislation authorizing the expenditure of approximately \$135 million in impounded funds for rural environmental assistance and conservation.

The 93d Congress energy legislation committed the United States to a \$20 billion, 10-year program of research and development of nonnuclear energy, part of the program of developing domestic sources of coal, oil shale, and solar energy. Separate legislation gave authority for developing a program utilizing the earth's natural heat as an energy source.

Sixteen eastern national forest areas were designated wilderness areas and seventeen other specified areas were named as eligible for such designation in the future.

AN 11-PERCENT SOCIAL SECURITY INCREASE LEADS LIST OF BENEFITS FOR OLDER AMERICANS, AND OTHER SOCIAL LEGISLATION ASSISTS THE DEPRIVED

The 93d has been a thoroughly concerned and productive Congress from the point of view of older Americans. Congressional approval was given to a two-step social security benefit increase. The 11-percent increase, raising benefits for approximately 30 million Americans became fully effective in June 1974. This means that the average monthly benefit for elderly couples will have increased from \$277 to \$310.

On its own initiative, Congress expanded benefits for older Americans, through fiscal year 1975, by extending and increasing funds for Federal grants under programs to assist them authorized by the Older Americans Act of 1965. Amendments to the act do the following:

established a national information clearinghouse on the aging to collect, analyze and distribute information on the needs of older Americans;

provide Federal grants to States and communities for social service programs for the aged; and

authorize grants for training and research in the field of aging;

In other areas of social welfare, Congress passed:

the Child Abuse Prevention and Treatment Act to provide financial assistance for a program for the prevention, identification, and treatment of child abuse and to establish a National Center on Child Abuse and Neglect;

the Domestic Volunteer Service Program Act, to authorize funds for such volunteer programs as VISTA, the program of the University-Year Act, and the retired senior volunteer program, giving, for the first time, statutory authority to the ACTION agency; and

the Supplemental Security Income Act, to boost payments for up to 6 million of the needy blind, disabled, and aged.

The 93d Congress extended a key part of the Federal antipoverty program that the Nixon administration had wanted to eliminate. The legislation extends for 2 years the life of the Office of Economic Opportunity's Community Action programs, in which local groups receive Federal funds for job training activities, welfare counseling, and other help for the poor. The OEO will continue unless the President submits for congressional approval next year a reorganization plan transferring its community action and certain other programs to the Department of Health, Education, and Welfare. The OEO was renamed the Community Services Administration.

HEALTH AND MEDICAL CARE

This Congress passed one of the most significant and innovative health measures of recent years when it approved the development, with Federal funds and on an experimental basis, of health maintenance organizations. Federal aid is to be provided for approximately 100 HMO's, over a 5-year period, which offer comprehensive health services for a set annual or monthly fee. Although the HMO system has operated for some years now, with services to some estimated 7 million people, Congress passed this legislation to assure adequate financial assistance for existing organizations and new ones, so that any person will have the option of choosing the use of such an organization in making a decision about joining various health-benefit plans.

Late in the previous session of the 93d Congress, legislation was approved, despite an earlier Presidential veto, which provides Federal aid to areawide systems of emergency medical care, increasing the Federal share of the cost of expanding and improving emergency care systems, in areas of exceptional need, from 50 to 75 percent.

In passing the Health Programs Extension Act Congress voted to continue a group of health programs that President Nixon had tried to terminate, including programs such as aid to schools of public health, comprehensive health services, the hospital construction program, migrants' health programs, and those for family planning and community health centers. The legislation denies any court, public official, or public authority the right to require individuals or institutions receiving assistance, under the programs just named, to perform abortions or sterilizations contrary to any person's religious beliefs or moral convictions.

The same programs extended by the

Health Programs Extension Act were again extended in the 2d session of the 93d Congress by the Health Revenue-Sharing and Health Services Act, which also provided Federal funds for an Office of Rape Prevention and Control, organized within the Department of Health, Education, and Welfare.

Among other major health-related programs passed during this Congress were:

Establishment, for the first time, of minimum standards for the Nation's drinking water and authorizing appropriations of \$156 million;

Extension of the Lead-Based Paint Poisoning Prevention Act of 1970 and amendment of the Act to ensure a national uniform standard by preempting local and State laws covering allowable lead content; and

Establishment of a National Commission on Diabetes.

VETERANS

Despite a presidential veto in 1972, the 93d Congress approved comprehensive veterans' health care legislation extending outpatient care at VA hospitals to peacetime veterans. Those veterans who are 80 percent or more disabled because of service-connected causes may now obtain outpatient treatment without referral from a hospitalized status. In cases where the VA is not able to provide medical care, veterans will be reimbursed for medical expenses outside the VA hospital system. In addition, VA medical care was extended to certain dependents and survivors of veterans.

Congress also took the following actions to assist veterans and their dependents:

Increased monthly pension payments to single and married veterans by approximately 10 percent;

Increased veterans' funeral and burial allowances and established a national cemetery system to be administered by the Veterans' Administration;

Provided certain tax benefits for former prisoners of war hospitalized as a result of service in a combat zone and for persons known killed or presumed missing while serving in a combat zone;

Provided for a 15-percent increase in benefits to veterans who are 10- to 50-percent disabled, and 18 percent to veterans whose disability is 50 percent or more;

Provided, for the first time, full coverage under the servicemen's group life insurance for certain members of the Reserves and National Guard;

Provided for a 22.7-percent increase in monthly educational allowances for veterans and their dependents, and survivors of veterans; and

Extended vocational rehabilitation programs for disabled veterans.

The 93d Congress approved a measure designed to help veterans obtain home loans and to give veterans eligibility for insured loans used to purchase condominiums. The legislation will also make it easier for a veteran to get a loan guarantee, for a second time, from the Veterans' Administration. The measure also increases the maximum amount of the

Government guarantee for homes purchased by veterans from \$12,500 to \$17,500, the first increase in 6 years. The maximum loan guarantees for mobile home purchases were also increased.

TRANSPORTATION

For the first time ever, Congress approved legislation offering deficit-ridden, urban mass transit systems Federal subsidies for operating expenses to supplement revenues derived from passenger fares. Under the Urban Mass Transportation Act of 1974, a total of \$800 million was authorized, during fiscal years 1974 and 1975, for subsidies to States, municipalities, and transportation agencies, helping to defray costs of operating mass transit systems when passenger fares do not bring in enough revenue to permit the systems to break even. Funds have also been authorized for construction and maintenance expenses of mass transit systems.

Congress authorized the largest authorization yet for the 3-year-old quasi-public corporation created in 1970, the National Rail Passenger Corporation, intended to revitalize the Nation's intercity rail passenger service. The Corporation's authority to manage and expand its existing systems has been expanded.

Other major action included:

Extension of the Airport Development Act of 1970 and an increase in the annual authorization level for airport development grants to \$310 million from the existing level of \$280, with an increase in the Federal share of airport construction costs by 25 percent;

Legislation instructing the Civil Aeronautics Board to set rates that reflect U.S. airlines' cost increases and that give them a reasonable rate of return; the measure also instructs the executive branch to act to eliminate discriminatory practices and user charges by foreign countries against U.S. airlines; and

Authorization of \$20 billion for Federal-aid highway and mass transit projects during fiscal 1974 and 1975, allowing cities, beginning in 1976, to finance urban mass transit projects, including subways, from the highway trust fund.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE

In an effort to reverse the alarming rise in crime, Congress passed several laws to strengthen the efforts of Federal and local law enforcement officials. The Law Enforcement Assistance Act amendments authorized more than \$2 billion to give local law enforcement officials the training and equipment needed to protect our citizens. Amendments to the act also extended the authorizations for the Law Enforcement Assistance Administration, increased the minimum amount for State planning grants to \$200,000 from \$100,000, and authorized the LEAA to assist State and local police training programs and act as a clearinghouse for information relating to the improvement of law enforcement and criminal justice.

Other actions taken by the 93d Congress provided for:

Establishment of an Independent Legal Services Corporation to replace the Office of Economic Opportunity legal services program;

Increased use of furloughs to aid prisoners in adjusting to nonprison community life;

Extension of the Drug Abuse Education Act of 1970 for 3 years, setting priorities for Federal programs, State and local education agencies, and community projects, and the training of secondary and elementary teachers through drug abuse courses; and

Approval of new rules of evidence for the Federal courts.

The 93d Congress enacted privacy legislation that increases people's access to information about them in Federal data banks and includes curbs on the selling of mailing lists and the use of social security numbers in identification systems.

The 93d Congress acted to nullify an agreement made by the administration with the former President concerning his tapes and documents. The measure enacted gives custody of them to the U.S. Government, prohibits their destruction, and assures that they will be made available to the courts and the public, because of the public interest in learning the full details of the Watergate scandal.

AGRICULTURE

In a major effort to encourage food production and eliminate subsidies in times of high market prices, Congress amended the Agricultural Act of 1970 to approve a broadly innovative 4-year farm program guaranteeing farmers a "target-price" return on three basic crops—cotton, wheat, and feed grains. If the market falls to pay those prices, Government payments will make up the difference, while "target-prices" will be adjusted to reflect production cost increases during these years. The new system of price guarantees, calculated on the basis of total production, is a significant change from previous years and gives broader protection than did the old Agriculture Act. Under the new system, it is expected that the cost to taxpayers of payments to farmers will be reduced and in some cases eliminated. Annual payments to individual farmers are limited by a ceiling of \$20,000. In other areas, the new act extends the food-for-peace program for 4 years; suspends the "bread tax" on domestic wheat, a tax that was passed on to the consumer; increases dairy price support to 80 percent of parity for 2 years, dropping it thereafter to 75 percent; and extends food stamps for 4 years while providing for semiannual cost-of-living adjustments. Finally, a major new rural conservation program is authorized, including a pilot forestry incentives program.

Legislation amended the original Rural Electrification Act by making three important changes to expedite and simplify the guaranteed loan program of REA. First, it exempted from registration with the Securities and Exchange Commission loans guaranteed by the REA. Second, it authorized the assignment of REA guarantees with the approval of the Administrator. Third, it clarified REA Act provisions making the Government guarantee incontestable except for fraud of which the holder had actual knowledge.

MISCELLANEOUS

The heading under which legislation described in this section falls must not be taken to signify its lack of importance. These measures were major achievements of the 93d Congress.

A comprehensive campaign reform was approved by amendment of the Federal Election Campaign Act of 1971, thus providing public financing in Presidential primary and general elections, contribution and expenditure limitations in all Federal elections, and the establishment of an independent Federal Elections Commission. All public financing moneys will come from the dollar checkoff fund and will be subject to the congressional appropriation process.

In an effort to increase the efficiency of the legislative process in the House of Representatives, the House approved a resolution reforming the committee system and providing for procedural changes that it is believed will make the legislative process more efficient and more responsive. In order to enhance oversight of the executive branch, each committee was authorized to establish an oversight subcommittee or to require one of its subcommittees to conduct oversight in the area of its full committee's jurisdiction. In addition, the majority leader and minority leader were authorized to call an early organizational caucus of their parties any time between December 1 and December 20 of even-numbered years. Other provisions related to proxy voting, committee jurisdictions, committee staff increases, bill referral procedures, and a requirement that at least four subcommittees be established within every committee.

A major effort to reassert control over vital congressional spending prerogatives was enacted in the Congressional Budget and Impoundment Control Act of 1974. Budget Committees are established in the House and Senate to report current resolutions on the budget, recommend the level of Federal revenues, the appropriate amount of budget surplus or deficit, and the amount by which the statutory debt limit should be increased or decreased. A congressional Office of the Budget is established, and title X of the act places new congressional controls on the impoundment of funds by the President.

The 93d Congress enacted a landmark private pension reform measure. The law will regulate private pension plans that now hold more than \$150 billion in assets and cover an estimated 25 million persons. The law does not require businesses or unions to establish pension funds, but it will govern most such funds that are created, and it will apply to most existing private pension funds.

Provisions of the law set pension fund standards for eligibility, vesting, funding, fiduciary responsibility, and reporting and disclosure. An insurance program is established to protect employee benefits and tax incentives are granted to encourage the establishment of retirement accounts by the self-employed or employees not covered by pension plans. Provisions are included

for transferring pension rights from one employer to another in some instances.

The 93d Congress amended the Immigration and Nationality Act of 1952 by limiting the issuance of U.S. immigration visas to 20,000 annually for each country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MORGAN (at the request of Mr. O'NEILL), from 9 a.m., today, on account of official business.

Mr. FOUNTAIN (at the request of Mr. O'NEILL) from 8 a.m. to 10 a.m., today, for necessary absence.

Mr. ADAMS, for December 20, 1974, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PERKINS, 30 minutes, today, and to revise and extend his remarks and include extraneous matter (on FRANK STUBBLEFIELD).

(The following Members (at the request of Mr. Young of Alaska) to revise and extend their remarks and include extraneous material:)

Mr. CONLAN, for 5 minutes, today.

Mr. HOSMER, for 5 minutes, today.

Mr. KEMP, for 60 minutes, today.

Mr. RAILSBACK, for 10 minutes, today.

Mr. ROBISON of New York, for 30 minutes, today.

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. ASHBROOK, for 30 minutes, today.

Mr. BURGNER, for 5 minutes, today.

Mr. CLEVELAND, for 10 minutes, today.

Mr. WYDLER, for 5 minutes, today.

Mr. BLACKBURN, for 20 minutes, today.

Mr. HANSEN of Idaho, for 20 minutes, today.

(The following Members (at the request of Mr. BREAU) to revise and extend their remarks and include extraneous material:)

Mr. KOCH, for 60 minutes, today.

Mrs. COLLINS of Illinois, for 15 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. HOLTZMAN, for 20 minutes, today.

Mr. WHITTEN, for 20 minutes, today.

Mr. SMITH of Iowa, for 30 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. LEGGETT, for 5 minutes, today.

Mr. ULLMAN, for 60 minutes, today.

Mr. HAMILTON, for 20 minutes, today.

Mr. MEZVINSKY, for 15 minutes, today.

Mr. DULSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. McFALL, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRASER, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CON-

GRESSIONAL RECORD and is estimated by the Public Printer to cost \$625.50.

Mr. ROONEY of New York, and to include extraneous matter, notwithstanding the fact that it exceeds five and one-quarter pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost \$1,529.

Mrs. GREEN of Oregon, and to include extraneous matter, notwithstanding the fact that it exceeds five and one-quarter pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost \$1,460.

Mr. SEIBERLING, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost \$764.50.

Mr. ULLMAN, prior to the vote on the trade bill.

Mr. KOCH, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$973.

Mr. FRASER, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,459.50.

Mr. GAYDOS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$903.50.

Mr. STEED, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$721.50.

Mr. GROSS, immediately following the remarks of Mr. ROUSSELOT on the confirmation of Mr. Rockefeller today.

Mr. SYMMS, immediately following the remarks of Mr. GROSS following the remarks of Mr. ROUSSELOT on the confirmation of Mr. Rockefeller today.

Mr. STEIGER of Wisconsin to revise and extend his remarks on the conference report on the health planning bill.

Mr. BROYHILL of North Carolina.

Mr. WIGGINS, to revise and extend his remarks following the remarks of Mr. COHEN.

Mr. HECHLER of West Virginia to revise and extend his remarks and include extraneous matter.

Mrs. GREEN of Oregon in three instances.

Mr. MAZZOLI preceding vote on Rockefeller nomination.

(The following Members (at the request of Mr. Young of Alaska) and to include extraneous matter:)

Mr. STEIGER of Wisconsin in four instances.

Mr. ANDERSON of Illinois in five instances.

Mr. CRANE in five instances.

Mr. WYDLER.

Mr. BROYHILL of Virginia.

Mr. DERWINSKI in six instances.

Mr. LENT in three instances.

Mr. LAGOMARSINO.

Mr. COLLINS of Texas in two instances.

Mr. O'BRIEN.

Mr. SARASIN.

Mr. HASTINGS.

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Mr. ASHERBROOK in 11 instances.
 Mrs. HOLT.
 Mr. GUYER.
 Mr. FRELINGHUYSEN.
 Mr. SNYDER.
 Mr. MYERS in five instances.
 Mr. DU PONT.
 Mr. KEMP in four instances.
 Mr. MATHIAS of California.
 Mr. BOB WILSON.
 Mr. DELLENBACK in four instances.
 Mr. MARTIN of Nebraska.
 Mr. MYERS in four instances.
 Mr. ERLERBORN.
 Mr. CARTER in two instances.
 Mr. MCCLORY in four instances.
 Mr. RALLSBACK.
 Mr. WALSH.
 Mr. YOUNG of Illinois in two instances.
 Mr. CLEVELAND.
 Mr. SHUSTER in two instances.
 Mr. ABBON in two instances.
 Mr. GILMAN.
 Mr. ESCH.
 Mr. HOSMER in six instances.
 Mr. GOODLING.
 Mr. MILLER of Ohio in six instances.
 Mr. SMITH of New York.
 Mr. DERWINSKI in two instances.
 Mr. MICHEL.
 Mr. SKUBITZ in five instances.
 Mr. KEMP in two instances.
 Mr. RHODES in five instances.
 Mr. HUBER.
 Mr. JOHNSON of Pennsylvania.
 Mr. SYMMS in three instances.
 Mr. TALCOTT in three instances.
 Mr. FRENZEL in 10 instances.
 Mr. BROWN of Ohio in two instances.
 Mr. HANSEN of Idaho in five instances.
 Mr. WHALEN in two instances.
 Mr. MCKINNEY.
 Mr. DON H. CLAUSEN in six instances.
 Mrs. HECKER of Massachusetts.
 Mr. TOWELL of Nevada in two instances.
 Mr. QUIE in two instances.
 Mr. VEYSEY in three instances.
 Mr. ROUSSELOT.
 (The following Members (at the request of Mr. BREAU), and to include extraneous matter:)
 Mr. ASHLEY.
 Mr. FRASER.
 Mr. PHILLIP BURTON in three instances.
 Mr. VANIK in two instances.
 Mr. CAREY of New York in two instances.
 Mr. BIAGGI in 10 instances.
 Mr. ROY.
 Mr. ANDERSON of California in 10 instances.
 Mr. RARICK in six instances.
 Mr. GONZALEZ in six instances.
 Mr. SISK.
 Mr. RANGEL.
 Mr. WON PAT.
 Mr. KOCH in three instances.
 Mr. DINGELL in three instances.
 Ms. HOLTZMAN in seven instances.
 Mr. PATTEN.
 Mr. HAMILTON in two instances.
 Mr. GETTYS.
 Mrs. GRIFFITHS.
 Mr. ROONEY of New York in six instances.
 Mr. EILBERG.
 Mr. EDWARDS of California in six instances.
 Mr. FLOWERS in three instances.
 Mr. MOORHEAD of Pennsylvania.

Mr. LEGGETT in 10 instances.
 Mr. RYAN.
 Mr. COTTER.
 Mr. RUNNELS.
 Mr. PATMAN.
 Mr. NATCHER in 17 instances.
 Mr. GAYDOS.
 Ms. SCHROEDER.
 Mr. ADDABBO.
 Mr. STARK in two instances.
 Mr. CORMAN in two instances.
 Mr. GINN in two instances.
 Mr. FAUNTROY in two instances.
 Mr. CLARK.
 Mr. DULSKI in 10 instances.
 Mr. JOHNSON of California in three instances.
 Mr. UDALL.
 Mr. WALDIE in five instances.
 Mr. DENHOLM.
 Mr. JONES of Oklahoma in two instances.
 Mr. HECHLER of West Virginia.
 Mr. BRECKINRIDGE.
 Mr. DRINAN in three instances.
 Mr. HELSTOSKI in four instances.
 Mr. ROGERS in five instances.
 Ms. ABZUG in five instances.
 Mr. CHAPPELL.
 Mr. ASPIN.
 Mr. PATMAN in two instances.
 Mr. HARRINGTON.

SINE DIE ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.
 The motion was agreed to.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution 697, the Chair declares the second session of the 93d Congress adjourned sine die.

Thereupon (at 7 o'clock and 10 minutes p.m.), pursuant to House Concurrent Resolution 697, the House adjourned sine die.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1045. An act for the relief of Dino Mendoza Pascua; to the Committee on the Judiciary.
 S. 2298. An act for the relief of Robert M. Johnston; to the Committee on the Judiciary.
 S. 2314. An act for the relief of Jiri Emanuel Huebner; to the Committee on the Judiciary.
 S. 2406. An act for the relief of Doctor Jesus Fernandez Tirao and his wife, Benylinda Obiena Tirao; to the Committee on the Judiciary.
 S. 2532. An act to promote conservation, reduce wastage, and attain greater efficiency in the generation, transmission, and distribution of electrical energy and natural gas, encourage improved financial stability of public utilities and natural gas companies, and for other purposes; to the Committee on Interstate and Foreign Commerce.
 S. 2644. An act for the relief of Mr. Jose-Ilto S. Arca and Doctor Corazon I. Arca; to the Committee on the Judiciary.
 S. 3103. An act for the relief of Abram Aguirre-Gonzalez and Hilarlo Aguirre-Martinez; to the Committee on the Judiciary.
 S. 3248. An act for the relief of Miss Rosario

Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano; to the Committee on the Judiciary.

S. 3260. An act for the relief of Doctor Gustavo Scienville; to the Committee on the Judiciary.

S. 3735. An act for the relief of Doctor Benedicto Principe and his wife, Erlinda Madula Principe; to the Committee on the Judiciary.

S. 3922. An act to amend the Coastal Zone Management Act of 1972 to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 3940. An act for the relief of Nestor Manuel Lara-Otoya; to the Committee on the Judiciary.

S. 3977. An act for the relief of Patrick Andre Tasselini and his wife, Fabienne Francoise Tasselini; to the Committee on the Judiciary.

S. 4242. An act to amend the Rail Passenger Service Act; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 125. Concurrent resolution favoring the suspension of deportation of Carlos Marquez de la Plata-Montalvo; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 356. An act to provide minimum disclosure standards for written consumer product warranties; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

S. 521. An act to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma;

S. 1083. An act to amend certain provisions of Federal law relating to explosives;

S. 1283. An act to establish a national program for research and development in non-nuclear energy sources;

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes;

S. 2446. An act for the relief of Charles William Thomas, deceased;

S. 2807. An act to name the Federal building, U.S. post office, U.S. courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building";

S. 2888. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 3358. An act to authorize the conveyance of certain lands to the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma;

S. 3359. An act to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians;

S. 3394. An act to amend the Foreign Assistance Act of 1951, and for other purposes;

S. 3418. An act to amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes;

S. 3481. An act to amend the Federal Aviation Act of 1958 to deal with discriminatory and unfair competitive practices in international air transportation, and for other purposes;

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S. 3548. An act to establish the Harry S Truman memorial scholarships, and for other purposes;

S. 3943. An act to extend the time for using funds appropriated to carry out the 1973 Rural Environmental Assistance Program and the 1974 Rural Environmental Conservation Program;

S. 3976. An act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyright Works, and for other purposes;

S. 4073. An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended, and for other purposes;

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes; and

S.J. Res. 133. A joint resolution to provide for the establishment of the American Indian Policy Review Commission.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 620. An act to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes;

H.R. 1715. An act for the relief of Cpl. Paul C. Amedo, U.S. Marine Corps Reserve;

H.R. 2208. An act for the relief of Raymond W. Suchy, second Lieutenant, U.S. Army (retired);

H.R. 2933. An act to improve the quality of unshelled filberts and shelled filberts for marketing in the United States;

H.R. 3303. An act for the relief of Nepty Masauo Jones;

H.R. 3339. An act for the relief of Deomira DeBow;

H.R. 5264. An act to amend section 2(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands;

H.R. 5463. An act to establish rules of evidence for certain courts and proceedings;

H.R. 5773. An act to establish the Canaveral National Seashore in the State of Florida, and for other purposes;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 776. An act for the relief of Samuel Cabildo Jose;

H.R. 8322. An act for the relief of William L. Cameron, Jr.;

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers;

H.R. 8958. An act to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of certain excess and surplus Federal property to the Secretary of the Interior for the benefit of any group, band, or tribe of Indians;

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees;

H.R. 9182. An act for the relief of Fernando Labrador del Rosario;

H.R. 9199. An act to amend title 35, United States Code, "Patents," and for other purposes;

H.R. 9588. An act for the relief of the city of Aransas Pass, Tex., and the Urban Renewal Agency of the city of Aransas Pass, Tex.;

H.R. 9654. An act for the relief of Mr. Aldo Massara;

H.R. 10212. An act to designate the Veterans' Administration hospital in Columbia, Mo., as the "Harry S Truman Memorial Veterans' Hospital"; to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to certain eligible veterans and persons; and for other purposes.

H.R. 10701. An act to regulate commerce, promote efficiency in transportation, and protect the environment, by establishing procedures for the location, construction, and operation of deepwater ports off the coasts of the United States, and for other purposes;

H.R. 10827. An act for the relief of Kiyonao Okami;

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material;

H.R. 11796. An act to provide for the duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii;

H.R. 11802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake";

H.R. 11897. An act to name the United States Courthouse and Federal Office Building at 110 Michigan Street NW, Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building";

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 128804. An act to designate certain lands as wilderness;

H.R. 13022. An act to amend the Act of September 2, 1950, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations.

H.R. 13869. An act for the relief of Carl C. Strauss and Mary Ann Strauss;

H.R. 14461. An act for the relief of Judith E. Sterling;

H.R. 14600. An act to increase the borrowing authority of the Panama Canal Company and revise the method of computing interest thereon;

H.R. 14718. An act to discontinue or modify certain reporting requirements of law;

H.R. 15173. An act to extend until January 31, 1978 the authority of the National Commission for the Review of Federal and State Laws on Wiretapping and Electronic Surveillance, and for other purposes;

H.R. 15223. An act to regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes;

H.R. 15229. An act to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act;

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake";

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes;

H.R. 16215. An act to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of adminis-

trative grants to coastal States, and for other purposes;

H.R. 16596. An act to provide assistance for unemployed persons;

H.R. 17010. An act to establish a working capital fund in the Department of Justice;

H.R. 17468. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes;

H.R. 17558. An act to amend the Act of May 13, 1954, relating to the Saint Lawrence Seaway Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes;

H.R. 27597. An act to provide a program of emergency unemployment compensation; and

H.R. 17655. An act to extend for 2 years the authorizations for the striking of medals in commemoration of the one hundredth anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 3538. An act for the relief of Selmer Amundson;

H.R. 14401. An act to authorize military band recordings in support of the American Revolution Bicentennial.

H.R. 15912. An act to amend chapter 37 of title 38, United States Code, to improve the basic provisions of the veterans home loan programs and to eliminate those provisions pertaining to the dormant farm and business loans, and for other purposes;

H.R. 16609. An act to amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.A. 16901. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1975, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[December 20, 1974 (legislative day, December 19)]

3108. A letter from the Under Secretary of Health, Education, and Welfare, transmitting notice of proposed rulemaking concerning Right to Read State grants, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3109. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports on deliveries of excess defense articles during the fourth quarter of fiscal year 1974, and for the entire fiscal year, pursuant to 22 U.S.C. 2321b(d); to the Committee on Foreign Affairs.

3110. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate William B. Saxbe, pursuant to section 8 of Public Law 93-126; to the Committee on Foreign Affairs.

3111. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State,

transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

3112. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the annual report of the Department of Defense on its disposal of foreign excess property, pursuant to 40 U.S.C. 514d; to the Committee on Government Operations.

3113. A letter from the Secretary of the Interior, transmitting a proposed amendment to the proposed plan for the use and distribution of Chiricahua Apache judgment funds in consolidated dockets 30 and 48, and 30-A, and 48-A, before the Indian Claims Commission, pursuant to 87 Stat. 466-468; to the Committee on Interior and Insular Affairs.

3114. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Cheyenne River Sioux judgment funds awarded in docket No. 114 before the Indian Claims Commission, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

3115. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Foster-Miller Associates, Inc., Waltham, Mass., for a research project entitled "Design, Fabrication and Demonstration of a Raise/Boring Shotcrete Support System," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

3116. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the National Trails System Act by designating the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, as a component of the National Trails System; to the Committee on Interior and Insular Affairs.

3117. A letter from the Attorney General, transmitting a report on the administration of the Foreign Agents Registration Act for calendar year 1973, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3118. A letter from the Assistant Secretary of Agriculture for Administration, transmitting a negative report regarding professional and scientific positions, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

3119. A letter from the Librarian of Congress, transmitting a report on scientific and professional positions established in the Library of Congress during calendar year 1974, pursuant to 5 U.S.C. 3104(a); to the Committee on Post Office and Civil Service.

3120. A letter from the Federal Highway Administrator transmitting an amended report entitled "An Assessment of the Feasibility of Developing a National Scenic Highway System", pursuant to section 134(a) of the Federal-Aid Highway Act of 1973; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL.
3121. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office for the month of November, pursuant to section 234 of Public Law 91-610; to the Committee on Government Operations.

3122. A letter from the Comptroller General of the United States, transmitting a report on observations on evaluation of the special supplemental food program administered by the Food and Nutrition Service, Department of Agriculture; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

[December 20, 1974 (legislative day December 19)]

Mr. ICHORD: Committee on Internal Security. Report of activities of the Committee on Internal Security during the 93d Congress (Rept. No. 93-1646). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 17507. A bill to amend the Commodity Futures Trading Commission Act of 1974; with amendment (Rept. No. 93-1647). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 17679. A bill to establish improved programs for the benefit of producers and consumers of rice; to the Committee on Agriculture.

By Mr. HOSMER:

H.R. 17680. A bill to amend title 5, United States Code, to provide that officials and employees subject to certain pay limitations, or with respect to whom pay recommendations under section 225 of the Federal Salary Act of 1967 are disapproved, shall be credited, for civil service retirement purposes, with the pay which would be received if such pay limitations were not applicable; to the Committee on Post Office and Civil Service.

By Mr. ASPIN (for himself, Ms. ABZUG, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. FISH, Mr. HARRINGTON, Mr. MITCHELL of Maryland, Mr. REES, Mr. SARASIN, Mrs. SCHROEDER, Mr. THOMPSON of New Jersey, Mr. WINN, Mr. WON PAT, and Mr. YATRON):

H.R. 17681. A bill to protect the public health, safety, and welfare and the natural environment by regulating the production and importation of chlorofluoromethane; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 17682. A bill to limit the Medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 17683. A bill to create a Federal Oil and Gas Corporation; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS:

H.R. 17684. A bill to amend the Securities Investor Protection Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN (for himself, Mr. BAOWN of California, Mr. REES, Mr. TIERNAN, Mr. COTTER, Mr. ASHLEY, and Ms. HOLTZMAN):

H.R. 17685. A bill to modify the effective date of Public Law 93-373 which permits U.S. citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad in order to conform such effective date to the effective date of the Commodity Futures Trading Commission Act of 1974; to the Committee on Banking and Currency.

By Mr. STRATTON:

H.R. 17686. A bill to stabilize prices, rents, wages, salaries, profits, dividends, interest rates, and other economic transfers; to the Committee on Banking and Currency.

H.R. 17687. A bill to amend the Economic Stabilization Act of 1970 to establish an Economic Stabilization Board, to stabilize prices, wages, rents, and interest rates at levels prevailing on the date of enactment of these amendments, and for other purposes; to the Committee on Banking and Currency.

By Mr. VANIK (for himself, Mr. ABZUG, Mr. CONYERS, Mr. DINGELL, Mr. DRINAN, Mr. EDWARDS of California, Mr. FULTON, Mr. GUDK, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. LEGGETT, Mr. LEHMAN, Mr. MITCHELL of New York, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SEIBERLING, Mr. JAMES V. STANTON, Mr. STRATTON, Mr. STUDDS, and Mr. TRAXLER):

H.R. 17688. A bill to amend the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of crude oil produced in the United States from the price of such oil in effect on December 1, 1974; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSSELOT:

H. Res. 1521. Resolution in honor of H.R. Gross; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. GREEN of Oregon:

H.R. 17689. A bill for the relief of Frances Dwane McGill; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 17690. A bill for the relief of Bethani Maria Amble; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

597. By the SPEAKER: Petition of the board of county commissioners, Brevard County, Fla., relative to prohibiting foreign aid to countries levying high taxes on oil utilized by the United States; to the Committee on Foreign Affairs.

598. Also, petition of Leon and Esther Lofton, Inglewood, Calif., relative to redress of grievances; to the Committee on House Administration.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 251. An act for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, F. Clyde Wilkinson, Arthur D. O'Neill, Joseph H. Avery, Jr., Joshua Cosden, Keith Jewell, Bertha Seelmeyer, Thomas Dennis O'Neill, Robert H. Brookhurst, Michael Senko, Salvatore La Capria, C. J. Moore III, and Ann C. Siegal;

S. 544. An act to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes;

S. 863. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission and for other purposes;

S. 754. An act to assist in reducing crime and the danger of recidivism by requiring speedy trials and by strengthening the supervision over persons released pending trial, and for other purposes;

S. 1017. An act to provide maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Fed-

eral Government for Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his service as thirty-first President of the United States, and in commemoration of the one hundredth anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace;

S. 2149. An act to amend title 10, United States Code, to provide certain benefits to members of the Coast Guard Reserve, and for other purposes;

S. 2854. An act to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance a national attack on arthritis;

S. 2994. An act to amend the Public Health Service Act to assure the development of a national health policy and of effective State and area health planning and resources development programs, and for other purposes;

S. 3022. An act to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the national wild and scenic rivers system; to amend the Lower St. Croix River Act of 1972 (86 Stat. 1174), and for other purposes;

S. 3289. An act to amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes;

S. 3433. An act to further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes;

S. 3934. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 4206. An act to provide price support for milk at not less than 85 per centum of the parity price therefor, and for other purposes; and

S.J. Res. 262. A joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of an addition to a building on privately owned property adjacent to the Capitol Grounds.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 421. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needle and upholsterer's pins free of duty;

H.R. 510. An act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Georgia, to the Jasper County Board of Education;

H.R. 1820. An act to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes;

H.R. 7684. An act for the relief of Nicola Lomuscio;

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes;

H.R. 10710. An act to promote the development of an open, nondiscriminatory, and fair and free competition between the United States and foreign nations, to foster the economic growth of, and full employment in, the United States, and for other purposes;

H.R. 11273. An act to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes;

H.R. 11847. An act for the relief of certain fire districts and departments in the State of Missouri to compensate them for expenses relating to a fire on Federal property;

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake";

H.R. 12113. An act to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes;

H.R. 12860. An act to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the Armed Forces whose remains are not recovered;

H.R. 13296. An act to authorize appropriations for the fiscal year 1975 for maritime programs of the Department of Commerce, and for other purposes;

H.R. 14449. An act to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs;

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes;

H.R. 16045. An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal year 1975;

H.R. 16925. An act to make technical amendments to the Act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes;

H.R. 17045. An act to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States;

H.R. 17085. An act to amend title VII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training;

H.R. 17450. An act to provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes;

H.R. 17828. An act to designate a national laboratory as the "Hollifield National Laboratory";

H.J. Res. 1178. Joint resolution making further continuing appropriations for the fiscal year 1976, and for other purposes; and

H.J. Res. 1180. Joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. HAYS, from the Committee on House Administration, reported that that

committee presented to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 421. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needle and upholsterer's pins free of duty;

H.R. 510. An act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education;

H.R. 1715. An act for the relief of Cpl. Paul C. Amedeo, U.S. Marine Corps Reserve;

H.R. 1820. An act to direct the Administrator of General Services to release certain real property conveyed to the State of Arkansas by the United States, and for other purposes;

H.R. 2208. An act for the relief of Raymond W. Suchy, second lieutenant, U.S. Army (retired);

H.R. 2933. An act to improve the quality of unshelled filberts and shelled filberts for marketing in the United States;

H.R. 3203. An act for the relief of Nepty Masauo Jones;

H.R. 3339. An act for the relief of Delmilia DeBow;

H.R. 5264. An act to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands;

H.R. 5463. An act to establish rules of evidence for certain courts and proceedings;

H.R. 5773. An act to establish the Canaveral National Seashore in the State of Florida, and for other purposes;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 7684. An act for the relief of Nicola Lomuscio;

H.R. 7767. An act for the relief of Samuel Cabildo Jose;

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes;

H.R. 8322. An act for the relief of William L. Cameron, Jr.;

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers;

H.R. 8958. An act to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of certain excess and surplus Federal property to the Secretary of the Interior for the benefit of any group, band, or tribe of Indians.

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees;

H.R. 9182. An act for the relief of Fernando Labrador del Rosario.

H.R. 9199. An act to amend title 35, United States Code, "Patents", and for other purposes;

H.R. 9588. An act for the relief of the city of Aransas Pass, Tex., and the Urban Renewal Agency of the city of Aransas Pass, Tex.;

H.R. 9654. An act for the relief of Mr. Aldo Massara.

H.R. 10212. An act to designate the Veterans' Administration hospital in Columbia, Mo., as the "Harry S. Truman Memorial Veterans' Hospital"; to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to certain eligible veterans and persons; and for other purposes;

H.R. 10701. An act to regulate commerce, promote efficiency in transportation, and protect the environment by establishing pro-

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cedures for the location, construction, and operation of deepwater ports off the coasts of the United States, and for other purposes;

H.R. 10710. An act to promote the development of an open, nondiscriminatory, and fair and free competition between the United States and foreign nations, to foster the economic growth of, and full employment in, the United States, and for other purposes;

H.R. 10827. An act for the relief of Kiyonao Okami;

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material;

H.R. 11273. An act to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes;

H.R. 11796. An act to provide for the duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii.

H.R. 11802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake";

H.R. 11847. An act for the relief of certain fire districts and departments in the State of Missouri to compensate them for expenses relating to a fire on Federal property;

H.R. 11897. An act to name the United States Courthouse and Federal Office Building at 110 Michigan Street, N.W., Grand Rapids, Mich., the "President Gerald R. Ford Federal Office Building";

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake";

H.R. 12113. An act to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes;

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 12860. An act to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered;

H.R. 12884. An act to designate certain lands as wilderness;

H.R. 13022. An act to amend the act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations;

H.R. 13298. An act to authorize appropriations for the fiscal year 1975 for maritime programs of the Department of Commerce, and for other purposes;

H.R. 13869. An act for the relief of Carl C. Strauss and Mary Ann Strauss;

H.R. 14449. An act to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs;

H.R. 14461. An act for the relief of Judith E. Sterling;

H.R. 14600. An act to increase the borrowing authority of the Panama Canal Company and revise the method of computing interest thereon;

H.R. 14689. An act to provide for a plan for the preservation, interpretation, development, and use of the historic, cultural, and architectural resources of the Lowell Historic Canal District in Lowell, Mass., and for other purposes;

H.R. 14718. An act to discontinue or modify certain reporting requirements of law;

H.R. 15173. An act to extend until January 31, 1976, the authority of the National Commission for the Review of Federal and

State Laws on Wiretapping and Electronic Surveillance, and for other purposes;

H.R. 15223. An act to regulate commerce by improving the protection afforded the public against risks connected with the transportation of hazardous materials, and for other purposes;

H.R. 15229. An act to expand the authority of the Canal Zone government to settle claims not cognizable under the Tort Claims Act;

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake";

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes;

H.R. 16045. An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal year 1975;

H.R. 16215. An act to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes;

H.R. 16596. An act to provide assistance for unemployed persons;

H.R. 16925. An act to make technical amendments to the Act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes;

H.R. 17010. An act to establish a working capital fund in the Department of Justice;

H.R. 17045. An act to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States;

H.R. 17085. An act to amend title VII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training;

H.R. 17450. An act to provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes;

H.R. 17468. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes;

H.R. 17558. An act to amend the Act of May 13, 1953, relating to the Saint Lawrence Seaway Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes;

H.R. 17597. An act to provide a program of emergency unemployment compensation;

H.R. 17628. An act to designate a national laboratory as the "Hollfield National Laboratory";

H.R. 17655. An act to extend for 2 years the authorizations for the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe, and for other purposes;

H.J. Res. 1178. Joint resolution further continuing appropriations for the fiscal year 1975, and for other purposes; and

H.J. Res. 1180. Joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On December 21, 1974:

H.R. 17505. An act to rescind certain budget authority recommended in the messages of the President of September 20, 1974 (H. Doc. 93-361), October 4, 1974 (H. Doc. 93-

365) and November 13, 1974 (H. Doc. 93-387), transmitted pursuant to section 1012 of the Impoundment Control Act of 1974.

On December 24, 1974:

H.R. 6274. An act to grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund, and for other purposes;

H.R. 6925. An act to authorize the exchange of certain lands between the Pueblo of Acoma and the Forest Service;

H.R. 7072. An act to allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage;

H.R. 7730. An act to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip;

H.R. 8352. An act to establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes;

H.R. 8824. An act to provide for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderventer;

H.R. 10337. An act to provide for final settlement of the conflicting rights and interests of the Hopi and Navajo Tribes to and in lands lying within the joint use area of the reservation established by the Executive order of December 16, 1882, and lands lying within the reservation created by the Act of June 14, 1934, and for other purposes;

H.R. 15818. An act to amend title 44, United States Code, to redesignate the National Historical Publications Commission as the National Historical Publications and Records Commission, to increase the membership of such Commission, and to increase the authorization of appropriations for such Commission; and

H.R. 17026. An act relating to former Speakers of the House of Representatives.

On December 26, 1974:

H.R. 1355. An act to donate certain surplus railway equipment to the Hawaii Chapter of the National Railway Historical Society, Inc.;

H.R. 5056. An act to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code;

H.R. 8864. An act to amend the act to incorporate Little League Baseball to provide that the league shall be open to girls as well as to boys;

H.R. 10834. An act to amend the act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes;

H.R. 11013. An act to designate certain lands in the Farallon National Wildlife Refuge, Calif., as wilderness; to add certain lands to the Point Reyes National Seashore; and for other purposes;

H.R. 14349. An act to amend section 3031 of title 10, United States Code, to increase the number of authorized Deputy Chiefs of Staff for the Army Staff;

H.R. 15067. An act to prevent reductions in pay for any officer or employee who would be adversely affected as a result of implementing Executive Order 11777; and

H.R. 16006. An act to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the armed forces, and to amend chapter 10 of title 37, United States Code, to authorize certain travel and transportation allowances to members of the uniformed services incapacitated by illness.

On December 27, 1974:

H.R. 7077. An act to provide for the establishment of the Cuyahoga Valley National Recreation Area;

H.R. 16136. An act to authorize certain

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construction at military installations, and for other purposes;

H.R. 16424. An act to establish a Commission on Federal Paperwork; and

H.R. 16900. An act making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

On December 30, 1974:

H.R. 7978. An act to declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe of the Hualapai Reservation, Ariz., and for other purposes.

On December 31, 1974:

H.R. 3538. An act for the relief of Selmer Amundson;

H.R. 14401. An act to authorize military band recordings in support of the American Revolution Bicentennial;

H.R. 15912. An act to amend chapter 37 of title 38, United States Code, to improve the basic provisions of the veterans home loan programs and to eliminate those provisions pertaining to the dormant farm and business loans, and for other purposes;

H.R. 16596. An act to provide assistance for unemployed persons.

H.R. 16609. An act to amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 16901. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1975, and for other purposes;

H.R. 17597. An act to provide a program of emergency unemployment compensation; and

H.J. Res. 1178. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

On January 2, 1975:

H.R. 1715. An act for the relief of Corporal Paul C. Amedeo, United States Marine Corps Reserve;

H.R. 1820. An act to direct the Administrator of General Services to release certain conditions with respect to certain real property conveyed to the State of Arkansas by the United States, and for other purposes;

H.R. 2208. An act for the relief of Raymond W. Suchy, second lieutenant, U.S. Army (retired);

H.R. 3203. An act for the relief of Nepty Masau Jones;

H.R. 3339. An act for the relief of Delmira DeBow;

H.R. 5264. An act to amend section 3(f) of the Federal Property and Administrative Services Act of 1949, with respect to American Samoa, Guam, and the Trust Territory of the Pacific Islands;

H.R. 5463. An act to establish rules of evidence for certain courts and proceedings;

H.R. 7599. An act to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office";

H.R. 7684. An act for the relief of Nicola Lomuscio;

H.R. 7767. An act for the relief of Samuel Cabildo Jose;

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes;

H.R. 8322. An act for the relief of William L. Cameron, Jr.;

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers;

H.R. 8958. An act to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of certain excess and surplus Federal property to the

Secretary of the Interior for the benefit of any group, band, or tribe of Indians;

H.R. 8981. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees;

H.R. 9182. An act for relief of Fernando Labrador del Rosario;

H.R. 9199. An act to amend title 35, United States Code, "Patents", and for other purposes;

H.R. 9588. An act for the relief of the city of Aransas Pass, Tex., and the Urban Renewal Agency of the city of Aransas Pass, Tex.;

H.R. 9654. An act for the relief of Mr. Aldo Massara;

H.R. 10212. An act to designate the Veterans' Administration hospital in Columbia, Mo., as the "Harry S. Truman Memorial Veterans' Hospital"; to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to certain eligible veterans and persons; and for other purposes;

H.R. 10827. An act for the relief of Kiyonao Okami;

H.R. 11847. An act for the relief of certain fire districts and departments in the State of Missouri to compensate them for expenses relating to a fire on Federal property;

H.R. 12044. An act designating the lake created by the Hidden Reservoir project, Fresno River, Calif., as "Hensley Lake";

H.R. 12113. An act to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes;

H.R. 12427. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 13022. An act to amend the act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations;

H.R. 13869. An act for the relief of Carl C. Strauss and Mary Ann Strauss;

H.R. 14461. An act for the relief of Judith E. Sterling;

H.R. 14800. An act to increase the borrowing authority of the Panama Canal Company and revise the method of computing interest thereon;

H.R. 14718. An act to discontinue or modify certain reporting requirements of law;

H.R. 15173. An act to extend until January 31, 1976, the authority of the National Commission for the Review of Federal and State Laws on Wiretapping and Electronic Surveillance, and for other purposes;

H.R. 15229. An act to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act;

H.R. 16045. An act to amend the Solid Waste Disposal Act to authorize appropriations for fiscal year 1975.

H.R. 16215. An act to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes;

H.R. 17010. An act to establish a working capital fund in the Department of Justice;

H.R. 17450. An act to provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes;

H.R. 17558. An act to amend the act of May 13, 1954, relating to the St. Lawrence Seaway Development Corporation to provide for a 7-year term of office for the Administrator, and for other purposes.

H.R. 17628. An act to designate a national laboratory as the "Hollfield National Laboratory"; and

H.R. 17655. An act to extend for 2 years the authorizations for the striking of medals

in commemoration of the 100th anniversary of the cable car in San Francisco and in commemoration of Jim Thorpe, and for other purposes.

On January 3, 1975:

H.R. 421. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 5773. An act to establish the Canaveral National Seashore in the State of Florida, and for other purposes;

H.R. 10701. An act to regulate commerce, promote efficiency in transportation, and protect the environment, by establishing procedures for the location, construction, and operation of deepwater ports off the coasts of the United States, and for other purposes;

H.R. 10710. An act to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate fair and free competition between the United States and foreign nations, to foster the economic growth of, and full employment in, the United States, and for other purposes;

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval materials;

H.R. 11273. An act to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes;

H.R. 11796. An act to provide for the duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii.

H.R. 11802. An act designating the Laneport Dam and Lake on the San Gabriel River as the "Granger Dam and Lake";

H.R. 12884. An act to designate certain lands as wilderness;

H.R. 15223. An act to regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes;

H.R. 15322. An act designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake";

H.R. 16925. An act to make technical amendments to the act of September 3, 1974, relating to salary increases for District of Columbia police, firemen, and teachers, and to the District of Columbia Real Property Tax Revision Act of 1974, and for other purposes;

H.R. 17468. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes; and

H.J. Res. 1180. Joint resolution making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

On January 4, 1975:

H.R. 14449. An act to provide for the extension of Headstart, community action, community economic development, and other programs under the Economic Opportunity Act of 1964, to provide for increased involvement of State and local governments in anti-poverty efforts, and for other purposes;

H.R. 14689. An act to provide for a plan for the preservation, interpretation, development, and use of the historic, cultural, and architectural resources of the Lowell Historic Canal District in Lowell, Mass., and for other purposes;

H.R. 15977. An act to amend the Export-Import Bank Act of 1945, and for other purposes; and

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H.R. 17045. An act to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provisions of services by the States. On January 8, 1975:

H.R. 510. An act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education; and

H.R. 12860. An act to amend title 10 of the United States Code in order to clarify when claims must be presented for reimbursement of memorial service expenses in the case of members of the armed forces whose remains are not recovered.

BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The President announced his disapproval of the following bills with memorandums of disapproval as follows:

H.R. 11929

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 11929, "To amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments."

This bill would permit TVA to defer or offset its repayment obligations to the United States Treasury about \$85 million per year for 5 years because of expenditures required to install pollution control equipment—and thereby enable TVA to postpone some rate increases otherwise required.

The people who are provided with electric power by the Tennessee Valley Authority have been subjected to substantial increases in power rates in recent months. I must point out, however, that consumers of electricity throughout the Nation have experienced similar rate increases for essentially the same reasons—the rising prices of fuel and materials, the cost of installing air pollution control equipment, and the rising cost of labor.

Nevertheless, TVA customers still pay among the lowest power rates of any region in the Nation—about 30 percent of rates in New York, 64 percent of Chicago, and 78 percent of Louisville, Kentucky.

No one likes to pay higher electric bills. But we must not allow this simple fact to result in new legislation which violates the fundamental principle that electricity should be priced to reflect its cost of production, including the cost of pollution abatement and control. My environmental advisers as well as my economic advisers agree with me that this principle must be upheld.

I see no basis in equity or in logic for departing from this principle in the case of the TVA, and for asking the general taxpayer to make up the difference in TVA power rates. To do so would be unfair to power consumers elsewhere in the Nation who do not have the benefit of Tennessee Valley Authority power facilities and who are required to bear the costs attributed to pollution control on their power bills.

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 14214, the "Health Revenue Sharing and Health Services Act of 1974."

H.R. 14214 conflicts with my strong commitment to the American taxpayers to hold Federal spending to essential purposes. The bill authorizes appropriations of more than \$1 billion over my recommendations and I cannot, in good conscience, approve it. These appropriation authorizations are almost double the funding levels I have recommended for fiscal year 1975 and almost triple the levels I believe would be appropriate for 1976.

As part of my effort to see that the burden upon our taxpayers does not increase, I requested the Congress last month to exercise restraint in expanding existing Federal responsibilities, and to resist adding new Federal programs to our already overloaded and limited Federal resources. These recommendations reflect my concern with both the need to hold down the Federal budget and the need to limit the Federal role to those activities which can make the most necessary and significant contributions.

In H.R. 14214, the Congress not only excessively increased authorizations for existing programs but also created several new ones that would result in an unjustified expenditure of Federal taxpayers' funds. Although the purposes of many of the programs authorized in this bill are certainly worthy, I just cannot approve this legislation because of its effect upon the economy through increased unwarranted Federal spending.

Finally, it should be pointed out that the Federal Government will spend almost \$20 billion in 1975 through Medicare and Medicaid for the financing of health services for priority recipients—aged and low-income persons. These services are provided on the basis of national eligibility standards in Medicare and State eligibility standards in Medicaid and therefore are available to individuals in a more equitable and less restrictive manner than many of the programs authorized in H.R. 14214.

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 8193, the Energy Transportation Security Act of 1974.

The bill would initially require that 20 percent of the oil imported into the United States be carried on U.S. flag tankers. The percentage would increase to 30 percent after June 30, 1977.

This bill would have the most serious consequences. It would have an adverse impact on the United States economy and on our foreign relations. It would create serious inflationary pressures by increasing the cost of oil and raising the prices of all products and services which depend on oil. It would further stimulate inflation in the ship construction industry and cut into the industry's ability to meet ship construction for the U.S. Navy.

In addition, the bill would serve as a precedent for other countries to increase

protection of their industries, resulting in a serious deterioration in beneficial international competition and trade. This is directly contrary to the objectives of the trade bill which the Congress has just passed. In addition, it would violate a large number of our treaties of Friendship, Commerce, and Navigation.

Although this bill would undoubtedly benefit a limited group of our working population, such benefit would entail disproportionate costs and produce undesirable effects which could extend into other areas and industries. The waiver provisions which the Congress included in an effort to meet a few of my concerns fail to overcome the serious objections I have to the legislation.

Accordingly, I am not approving this bill because of the substantial adverse effect on the Nation's economy and international interest.

I wish to take this opportunity to reiterate my commitment to maintaining a strong U.S. Merchant Marine. I believe we can and will do this under our existing statutes and programs such as those administered by the Maritime Administration in the Department of Commerce.

S. 425

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 425, the Surface Mining Control and Reclamation Act of 1974.

S. 425 would establish Federal standards for the environmental protection and reclamation of surface coal mining operations, including the reclamation of orphaned lands. Under a complex procedural framework, the bill would encourage the States to implement and enforce a program for the regulation of surface coal mining with substitution of a federally administered program if the States do not act.

The Executive Branch submitted to both the 92d and 93d Congresses legislation that would have established reasonable and effective reclamation and environmental protection requirements for mining activities. Throughout this period, the Administration made every effort in working with the Congress to produce a bill that would strike the delicate balance between our desire for reclamation and environmental protection and our need to increase coal production in the United States.

Unfortunately, S. 425, as enrolled, would have an adverse impact on our domestic coal production which is unacceptable. By 1977, the first year after the Act would take full effect, the Federal Energy Administration has estimated that coal production losses would range from a minimum of 48 million tons to a maximum of 141 million tons. In addition, further losses which cannot be quantified could result from ambiguities in the bill, forcing protracted regulatory disputes and litigation. In my judgment, the most significant reasons why such coal losses cannot be accepted are as follows:

1. Coal is the one abundant energy source over which the United States has total control. We should not unduly impair our ability to use it properly.

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2. We are engaged in a major review of national energy policies. Unnecessary restrictions on coal production would limit our Nation's freedom to adopt the best energy options.

3. The United States uses the equivalent of 4 barrels of expensive foreign oil for every ton of unproduced domestic coal—a situation which cannot long be tolerated without continued, serious economic consequences. This bill would exacerbate this problem.

4. Unemployment would increase in both the coal fields and in those industries unable to obtain alternative fuel.

In addition, S. 425 provides for excessive Federal expenditures and would clearly have an inflationary impact on the economy. Moreover, it contains numerous other deficiencies which have recently been addressed in Executive Branch communications to the Congress concerning this legislation.

In sum, I find that the adverse impact of this bill on our domestic coal production is unacceptable at a time when the Nation can ill afford significant losses from this critical energy resource. It would also further complicate our battle against inflation. Accordingly, I am withholding my approval from S. 425.

In doing so, I am truly disappointed and sympathetic with those in Congress who have labored so hard to come up with a good bill. We must continue to strive diligently to ensure that laws and regulations are in effect which establish environmental protection and reclamation requirements appropriately balanced against the Nation's need for increased coal production. This will continue to be my Administration's goal in the new year.

H.R. 17085

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from H.R. 17085, a bill that would amend Title VIII of the Public Health Service Act to provide support for the training of nurses.

This measure would authorize excessive appropriations levels—more than \$650 million over the three fiscal years covered by the bill. Such high Federal spending for nursing education would be intolerable at a time when even high priority activities are being pressed to justify their existence.

I believe nurses have played and will continue to play an invaluable role in the delivery of health services. The Federal taxpayer can and should selectively assist nursing schools to achieve educational reforms and innovations in support of that objective. The Administration's 1976 budget request will include funds for this purpose. Furthermore, I intend to urge the 94th Congress to enact comprehensive health personnel training legislation that will permit support of nurse training initiatives to meet the new problems of the 1970's.

This act inappropriately proposes large amounts of student and construction support for schools of nursing. Without any additional Federal stimulation, we expect that the number of active duty

registered nurses will increase by over 50 percent during this decade.

Such an increase suggests that our incentives for expansion have been successful, and that continuation of the current Federal program is likely to be of less benefit to the Nation than using these scarce resources in other ways. One result of this expansion has been scattered but persistent reports of registered nurse unemployment particularly among graduates of associate degree training programs.

Today's very different outlook is not reflected in this bill. We must concentrate Federal efforts on the shortage of certain nurse specialists, and persistent geographic maldistribution. However, this proposal would allocate less than one-third of its total authorization to these problems. Moreover, it fails to come to grips with the problem of geographic maldistribution.

Support for innovative projects—involving the health professions, nursing, allied health, and public health—should be contained in a single piece of legislation to assure that decisions made in one sector relate to decisions made in another, and to advance the concept of an integrated health service delivery team. By separating out nursing from other health personnel categories, this bill would perpetuate what has in the past been a fragmented approach.

The enrolled bill would also extend various special nursing student assistance provisions of current law. Nursing students are overwhelmingly undergraduates, and as such should be—and are—entitled to the same types of student assistance available generally under the Office of Education's programs for post-secondary education. These include, in particular, guaranteed loans and basic educational opportunity grants for financially hard-pressed students. Categorical nursing student assistance activities are not appropriate and should be phased out, as the Administration has proposed.

S. 4206

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 4206, entitled "an act to provide price support for milk at not less than 85 percent of the parity price therefor, and for other purposes."

This bill would require an immediate increase of \$1.12 per hundredweight in the support price for milk, to a record high \$7.69. Thereafter, through March 31, 1976, further upward adjustments would be required every three months as necessary to reflect changes in the parity index and parity price for milk.

Such large increases in milk prices to producers would be highly inflationary to consumers and unnecessary. The initial increase alone would raise fluid milk prices to consumers by about 6 cents per half gallon of milk and require increasing CCC's purchase price for cheese, and subsequently market prices, 11 or 12 cents per pound. Correspondingly large increases in the support purchase prices for butter and nonfat dry milk also would be required to

carry out the higher support price for milk.

These significantly higher prices would be inconsistent with the Administration's continued and concerted efforts to combat inflation and its serious effects on the Nation's economy. Moreover, such prices would ultimately be damaging to the dairy industry and milk producers.

Consumers are resisting prices they must now pay for milk and other dairy products. To artificially force prices still higher, as this legislation would do, would result in further declines in consumption and be a strong stimulus to excess milk production.

To further reduce the demand for milk and dairy products by the increased prices provided in this legislation would be detrimental to the dairy industry. A dairy farmer cannot be well served by Government action that prices his product out of the market. It also would be detrimental since the Government would be required to buy the large surpluses of manufactured dairy products which this legislation would generate. This would cost taxpayers more than \$400 million during the life of the bill.

It is clearly in the best interests of producers, consumers, taxpayers, and the Government that this legislation not be signed into law.

H.R. 2933

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 2933, a bill which would amend the Agricultural Marketing Agreement Act to make existing grade and quality restrictions on certain imported commodities applicable to imported filberts.

In my judgment, the bill would be unfair to the American consumer and the American farmer, as well as prejudicial to the interests of American trade policy.

H.R. 2933 would be unfair to the consumer because it could unnecessarily increase prices for filbert products. Existing law already requires all imported foodstuffs to meet health standards prescribed under the Food and Drug Act.

The bill could also produce unfair consequences for the farmer by causing the loss of some of his important markets abroad. It could result at best in comparatively limited benefits for domestic producers while risking retaliation from abroad against the larger volume of other products exported by our farmers.

Finally, the bill would be prejudicial to our trade policy because it would be inconsistent with our obligations under the General Agreements on Tariffs and Trade. It would erect a non-tariff trade barrier at a time when we are trying to persuade other nations to dismantle theirs.

Although there are other commodities which are subject to the same statutory restrictions that H.R. 2933 would impose on filberts, no new commodities have been included in that list since January of 1971. I cannot in good conscience support the addition of a new commodity just after signing into law the new Trade

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Act which has a major aim of eliminating non-tariff trade barriers.

For the foregoing reasons, I am compelled to withhold my approval from H.R. 2933.

H.R. 11897

MEMORANDUM OF DISAPPROVAL

I have today vetoed H.R. 11897, a bill which would name the United States Courthouse and Federal Office Building in Grand Rapids, Michigan, the "President Gerald R. Ford Federal Office Building."

Although I appreciate the honor expressed by the Congress in enacting this legislation, I intend to continue the policy of past Administrations that the executive branch not endorse the naming of Federal office buildings. Generally, the executive branch has deferred to the desires of the Congress on such matters.

However, I know of no Federal office buildings that have been named for a President while still in office. This legislation might begin a precedent I believe it best not to establish.

The proposed naming of this facility for me in my home community is a great honor, and one for which I am deeply grateful; however, for the reasons I have assigned above I feel I cannot sign H.R. 11897.

H.R. 13296

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 13296, a bill to authorize appropriations for the Maritime Administration.

This is the annual appropriations authorization bill for certain activities of the Maritime Administration in the Department of Commerce. I would be pleased to approve the measure if it were limited to those authorizations.

Unfortunately, the Congress added an unacceptable amendment which would require the Federal Government to reimburse U.S. flag fishing vessel owners for damage to their equipment by foreign flag ships.

The amendment would require the Secretary of Commerce to provide interest free loans to fishermen to cover the property and the value of produce lost as a result of damage caused by foreign vessels operating in the area of the U.S. Continental Shelf. If an ensuing investigation proved the loss was caused solely by a foreign ship, the loan repayment would be canceled and the United States would attempt to recover claims from the government of the foreign national involved. The program would be retroactive to January 1, 1972, for claims already filed.

This indemnity program would pose serious problems of administration because it would be difficult to establish responsibility for any damage caused. Furthermore, since the bill provides no basis for advance review of the recipient's financial ability to repay a loan the Commerce Department could find itself in the position of holding a group of bad debts. At the same time, claims for damage would be difficult to validate and the result would essentially be a grant program with few effective restraints.

Moreover, this program sets a precedent for the Federal relief of private parties from the actions of foreign nationals. Currently, relief is extended only to fishermen whose vessels are the victims of actions by foreign governments beyond recognized territorial limits. International procedures now exist through which claims against foreign nationals can be asserted and adjudicated and these should be used in preference to a Federal indemnity program.

I urge the Congress to pass once again the appropriations authorizations provisions of the bill early in the next session. Meanwhile, the programs covered by these authorizations and funded by appropriations already enacted can be continued under the continuing resolution which runs through February 28, 1975.

S. 3943

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 3943, a bill "to extend the time for using funds appropriated to carry out the 1973 Rural Environmental Assistance Program and the 1974 Rural Environmental Conservation Program."

The bill would extend from December 31, 1974, to December 31, 1975, the time within which farmers may request and receive approval of cost-sharing assistance under the 1973 Rural Environmental Assistance Program (REAP) and the 1974 Rural Environmental Conservation Program (RECP). In total, this bill would make \$125,000,000 available to farmers for water and soil conservation practices which would otherwise not be available beyond December 31, 1974.

In my judgment, this bill is not necessary because sufficient cost-share funds have been made available for producers to finance sound conservation practices. Those producers interested in these programs have had adequate time to request and receive approval of these cost-share funds by the end of December 1974. I understand that those farmers, who have started approved conservation practices during the allotted time and were unable to complete them because of weather or other uncontrollable circumstances, will be permitted to complete these practices and receive cost-sharing assistance during 1975.

This Administration shares the view that REAP and RECP have made important contributions to conservation and the rural environment. However, the programs have long ago achieved their objectives. These programs were initiated in the 1930's to supplement farmers' incomes and provide incentives to farmers to install soil and water conservation practices. They were successful in demonstrating the value of conservation as a good farming practice. Many of the practices supported by the programs are profitable without Federal assistance and the supplementary income from this source has diminished in importance at a time when net farm income is near an all-time high.

It is, therefore, my earnest opinion that this bill is both unnecessary and unjustified, and on that basis I withhold my approval.

S. 3341

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from S. 3341, the "Travel Expenses Amendments Act of 1974."

This bill would raise the maximum per diem allowance and mileage rates for civilian Government employees traveling on official business. I endorse this proposal. Unfortunately, a provision was added to the bill which would establish a rigid system of mileage reimbursement to the disabled veteran—with no discretionary authority for payment of a lesser amount where justified when the veteran was authorized to travel for treatment.

This provision assumes that there are great similarities in the travel situations of Veterans Administration beneficiaries and Federal employees who are away from home on Government business. This is not the case, however. Generally, a short span of time and distance is involved in VA beneficiary travel to a facility for vocational rehabilitation, counseling and health care, while Government employees may be traveling for days or weeks at a time. The employee per diem is designed to pay for necessary living expenses during this period, including those of lodging and meals.

Under this bill, Government employees using their privately owned vehicles may be reimbursed at the minimum 15¢ per mile, or at a rate comparable to the cost to the Government if the employee used a Government-owned vehicle. This flexibility would be continued for Government employee travel under the bill passed by the Congress. However, such management flexibility would not be applicable to travel of VA beneficiaries. The result would be the required payment of unwarranted mileage rates that would add an estimated \$25 million a year to the VA budget.

The Administration will ask the 94th Congress for a new bill to raise the maximum per diem and mileage rates for Federal employees which have been inadequate for some time. Many Federal employees who are required to travel in connection with their work have suffered considerable out-of-pocket expenses in recent years. This should be rectified as soon as possible.

GERALD R. FORD.

THE WHITE HOUSE.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted Dec. 30, 1974]

Mr. EVINS of Tennessee: Select Committee on Small Business. Energy data requirements of the Federal Government (Rept. No. 93-1648). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Reducing abuses in proprietary vocational education (Rept. No. 93-1649). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Impact of heroin addiction on the criminal justice system (Rept. No.

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93-1650). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Final report for the 93d Congress (Rept. No. 93-1651). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Legislative review by the Committee on Post Office and Civil Service for the 93d Congress (Rept. No. 93-1652). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Joint Economic Committee. Achieving price stability through economic growth (Rept. No. 93-1653). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 2, 1974]

Mr. POAGE: Committee on Agriculture. Report of the Committee on Agriculture on activities during the 93d Congress (Rept. No. 93-1654). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. Legislative review activities of the Committee on Foreign Affairs for the 93d Congress (Rept. No. 93-1655). Referred to the Committee of the Whole House on the State of the Union.

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41999

Mr. DIGGS: Committee on the District of Columbia. Activities and summary report of the Committee on the District of Columbia for the 93d Congress (Rept. No. 93-1656). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. Summary of activities by the Committee on Banking and Currency for the 93d Congress (Rept. No. 93-1657). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. Report on legislative review activity during the 93d Congress of the Committee on Ways and Means (Rept. No. 93-1658). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on the activities of the Committee on Government Operations for the 93d Congress (Rept. No. 93-1659). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. Activities of the Committee on Education and Labor for the 93d Congress (Rept. No. 93-1660). Referred to the Committee of the Whole House on the State of the Union.

Mr. DORN: Committee on Veterans' Affairs. Activities of the Committee on Vet-

erans' Affairs for the 93d Congress (Rept. No. 93-1661). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEBERT: Committee on Armed Services. Activities of the Committee on Armed Services for the 93d Congress (Rept. No. 93-1662). Referred to the Committee of the Whole House on the State of the Union.

Mr. SULLIVAN: Committee on Merchant Marine and Fisheries. Activities of the Committee on Merchant Marine and Fisheries for the 93d Congress (Rept. No. 93-1663). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE: Committee on Science and Astronautics. Activities of the Committee on Science and Astronautics for the 93d Congress (Rept. No. 93-1664). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. Activities of the Committee on Public Works for the 93d Congress (Rept. No. 93-1665). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. Activities of the Committee on Interior and Insular Affairs for the 93d Congress (Rept. No. 93-1666). Referred to the Committee of the Whole House on the State of the Union.

EXTENSIONS OF REMARKS

A TRIBUTE TO EDITH GREEN

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, December 19, 1974

Mr. ROTH. Mr. President, the forthcoming retirement of Congresswoman EDITH STARRETT GREEN marks the end of an historic era in the life of our Nation. She leaves an outstanding record of achievement, particularly in her chosen area of education. It was my privilege, while serving in the House of Representatives, to work with her in pursuit of our common legislative goals for America, and I came to view her with cordial regard and genuine respect. For two decades she has provided able and dedicated leadership in the Congress, leadership based upon the qualities of integrity, independent judgment, and commitment to the public interest.

Born July 17, 1910, in Trend, S. Dak., Mrs. GREEN was brought up in a family deeply involved in politics. Moving to Oregon as a child, she attended public schools and college in that State, and became a schoolteacher acquiring 12 years of practical experience in the work-a-day educational world. Defeated in her bid for Oregon Secretary of State in 1952, while serving as PTA legislative representative, she ran successfully for Congress in 1954 and has been reelected by the people of the Third District—including most of the city of Portland—nine times. During her 20 years of service in the Congress Mrs. GREEN was always a champion vote-getter, winning as much as 74 percent of the vote in Portland.

Mrs. GREEN will always be remembered as "the mother of education" for her tireless support of Federal aid for higher education as well as her keen awareness

of abuses in such programs. She remains a firm believer in the importance of local, regional, and statewide responsibility in educational programs, reflecting her commitment to citizen-participation awareness of problems, and working out of solutions at the grassroots level.

Such concerns as these led Mrs. GREEN, in 1973, after 18 years of distinguished service on the Education and Labor Committee of the House—chairing the special Subcommittee on Education, to seek instead a seat on the Appropriations Committee. At the time she explained:

That's where the action is,

Adding later,

I switched when I realized there was no chance of any major higher education legislation coming out in several years.

Looking back over the years, she has stated:

There have been moments of great satisfaction and moments of great disappointment.

She derived "really tremendous satisfaction" from passage of the first Higher Education Act in 1963. Other issues in which she took a strong interest included student aid and the Equal Pay for Equal Work Act. However, in her own words: Education will always be my first love.

Mrs. GREEN's public service in Congress has always reflected a deep-felt conviction that the quality and availability of education is crucial to our democracy. In words written by President Garfield over 70 years ago:

Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained.

To Mrs. GREEN and to her family I extend my very best wishes for happiness and fulfillment in retirement. She retains the esteem of her many friends and col-

leagues in Washington as she enters upon a new chapter in her life. Wrote the poet Marvell:

So much one man can do that does both act and know.

Had he known Mrs. GREEN, he would surely have written, "and one woman, too!"

HIGHEST RANKING VIETNAM VET DECORATED

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. WON PAT. Mr. Speaker, it is a real pleasure to learn that Maj. Gen. John P. Flynn, the highest ranking American military officer to have been captured, by the North Vietnamese, was the recent recipient of the Distinguished Service Medal and the Bronze Star at services held on December 13 at Lackland Air Force Base, Tex.

I had the unique pleasure of meeting General Flynn and his commander, Lt. Gen. George H. McKee, during an October visit to San Antonio, Tex. General McKee is a former commander of Andersen Air Force Base, Guam, and he was most kind to provide a briefing on the training facilities which he commands at Randolph AFB. Later, I met with General Flynn at Lackland AFB, who graciously arranged for me to meet with a number of Guamanian servicemen stationed under his command. Both of these fine officers are a tribute to their service and gracious exemplary men.

The honors which his fellow countrymen bestowed on General Flynn several days ago were only fitting. He has served his country with honor and with pride.

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He is richly deserving of these decorations and I offer him the congratulations and appreciation of his fellow Americans on Guam for his devotion to duty in times of great stress.

At this time, I insert an article from the Military Service News of December 13, 1974, describing the ceremony honoring General Flynn in the RECORD: LACKLAND COMMANDER TO RECEIVE DECORATIONS AT CEREMONY TODAY

The highest-ranking American held prisoner by the North Vietnamese will be decorated with the Air Force Cross and other medals during a parade ceremony at Lackland AFB today.

Maj. Gen. John P. Flynn, commander of the Air Force Military Training Center, will also receive the Distinguished Service Medal and the Bronze Star. The medals are being presented General Flynn in recognition of "valorous acts or distinguished achievement" while he was incarcerated.

The Air Force Cross ranks second only to the Medal of Honor in importance.

He was a colonel serving as vice commander of the 388th Tactical Fighter Wing, Korat, Thailand, when he was captured by the North Vietnamese. The general was on a combat mission over Hanoi on Oct. 29, 1967, when the F-105 Thunderbird he was piloting was shot down. He remained a prisoner until his release on March 14, 1973.

General Flynn was commandant of the Air Command and Staff College, Maxwell AFB, Ala., before he assumed his position here in August 1974.

The public is invited to view the ceremony, which will occur at the Lackland AFB parade ground. It will begin promptly at 2 p.m., with Lt. Gen. George H. McKee, commander of Air Training Command, presiding.

IS THE U.N.'S LIFE AT STAKE?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. FRASER. Mr. Speaker, Robert J. White associate editorial editor of the Minneapolis Tribune wrote some good sense about the United Nations in the Sunday December 15 edition of his paper.

White does not minimize the problems created this year for the industrialized nations by General Assembly actions. But he thinks it a mistake to predict the imminent end of the United Nations. He is right, of course, and his article explains cogently why he feels this.

The article follows:

IS THE U.N.'S LIFE AT STAKE?

(By Robert J. White)

The 29th U.N. General Assembly was about to wind up its affairs this month with the customary questions about its marginal usefulness and the customary consensus that it is, after all, a unique forum for 138 nations to get together. When something unusual happened.

John Scali, the U.S. ambassador, stood up and told the Assembly that a majority had taken it upon themselves to disregard U.N. rules, violate the charter, pursue sterile objectives and alienate such vital constituencies as the American public and Congress.

There had been notable achievements, he said, but the ability to bring them about still rests largely in the hands of the minority of countries being increasingly outraged by a tyrannical majority.

That and more was said 10 days ago. Why? Interviewed last week on the eve of the rebuttal speeches, Scali gave two reasons, but both seemed to stem from a third, more fundamental concern.

The audience Scali wanted to reach was only partly in the Assembly. Equally important was Congress, now in the final stages of voting on appropriations that include funds for the United Nations and its specialized agencies. Symptomatic of Scali's concern was a wire-service dispatch he held in hand quoting long-time U.N. supporters in the Senate—including Hubert Humphrey—chastising the Assembly.

One purpose of his speech was to assure the House and Senate that U.S. foreign-policy makers share some of the same critical views; that the administration's commitment to continued financial support of the United Nations does not imply indifference to recent U.N. resolutions, and that the time has come to press more forcefully for change in the Assembly.

The second purpose was to "make people here (at the United Nations) aware of the anti-U.N. fever developing in the United States," Scali said. He considers such actions as the ouster of South Africa from the current session of the Assembly and the several votes favorable to the Palestine Liberation Organization ("The issue was whether there should be a Palestine in place of Israel") to have eroded essential U.S. support.

That slide in support, in Scali's view, is the third and underlying reason for giving a speech that he knew would antagonize many of his colleagues from other countries. He puts the warning bluntly: "The life of this organization is at stake."

Yet it seems fair to ask whether the situation is quite that bleak. For one thing, evident in the Assembly is a strong element of the headlines of new found political power. When the small boys on the block realize that, collectively, they are more than a match for the big kid who used to tell them what to do, they find it hard to resist tweaking his nose.

The Kuwait ambassador put it more poetically, referring to the former supremacy "of a certain group that used to roam the building like serene falcons in an uninhabited forest."

The point can also be made that U.S. policy in the United Nations has not been unwaveringly enlightened. A leading example was the years-long U.S. effort to keep China out of the world organization.

Moreover, it would be a mistake to look at the General Assembly as a legislative body. The charter articles defining its powers are filled with verbs like "discuss," "consider" and "recommend." As Scali pointed out in his speech, the real test for the Assembly is not whether a majority can be gathered in support of a given resolution, but "whether those states whose cooperation is vital to implement a decision will support it in fact."

That test becomes more explicit in the Security Council, which the charter gives responsibility for peacekeeping and the settlement of disputes. There, each of the five permanent members, including the United States, has a veto. And the Security Council is responsible for one of the most important U.N. functions taking place today: international peacekeeping in the Middle East.

In contrast to the Assembly, whose penchant for what Scali describes as "one-sided, unrealistic resolutions that cannot be implemented" has caused so much criticism in the United States, the Security Council has performed impressively the past year.

The peacekeeping forces established after the 1973 war were set up through constructive compromise. The Soviet Union had its way on Security Council supervision and the inclusion of troops from a Warsaw Pact coun-

try. The United States prevailed in getting considerable authority for the secretary general in overseeing the forces and in excluding Soviet (or U.S.) troops.

This is not to minimize the problems for the United States and other industrialized countries being created in the General Assembly. And it is sad to see the carry-over of political animosities into once apolitical agencies like the Educational, Scientific and Cultural Organization.

One of the most experienced and perceptive U.N. officials agrees that "this is a historic moment." Undersecretary General Brian Urquhart went on to say last week that it would be a mistake, now that the Cold War is dying, to "produce a new confrontation" between developed countries and the more radical part of the Third World. But Urquhart has become philosophical from experience in the United Nations since its beginning.

"Year after year, governments predict the end of the United Nations," he said, "but most don't really want that to happen." Urquhart's rueful observation of the pendulum of opinion is worth keeping in mind: "Last year the complaint was that the General Assembly was dull. This year everyone complains that it's too lively."

HUGH CAREY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. BINGHAM. Mr. Speaker, in the case of HUGH CAREY, the sadness that we feel in saying goodbye to a Member of the House is mitigated by the fact that our friend has successfully achieved a major goal.

The familiar "hail and farewell" in this case is turned around: "Farewell"—to the Congressman; "hail" to the soon-to-be Governor of the Empire State.

From my earliest days in the Congress—in January 1965—I have enjoyed my contacts with HUGH CAREY. In the 89th Congress we served together on the Interior and Insular Affairs Committee. The meetings of that committee were often enlivened by the perceptive and witty comments of the gentleman from Brooklyn.

All during his service in the Congress, and especially while he was on the Education and Labor Committee, HUGH CAREY demonstrated his concern for the least fortunate in our society, the handicapped, particularly children.

In recent years, while a member of the Ways and Means Committee, HUGH CAREY played a major role in the elaboration and passage of revenue-sharing legislation which was of great help to our States and cities.

HUGH CAREY and his family have suffered more than their share of tragedy. In the face of these events, HUGH CAREY has shown enormous courage, buttressed evidently by a strong religious faith. I personally shall never forget the moving sight of HUGH CAREY and his many children standing beside the casket of his beloved wife, Helen, greeting hour after hour the hundreds of relatives and friends who had come to pay their respects.

In his recent campaign for Governor

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of New York, HUGH CAREY showed a remarkable ability—reminiscent of F. D. R.—to bring hostile and suspicious groups together in an effective coalition.

We shall miss HUGH CAREY—his quick intelligence, his forcefulness, his humor, and his friendliness—in the House. But we shall watch with the greatest of interest and no doubt of admiration as he undertakes the task of administering the affairs of our great State of New York.

Good luck to you, Hugh, and the best of everything to you and your wonderful children.

HOWARD W. ROURKE RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. LAGOMARSINO. Mr. Speaker, I wish to take this opportunity to make a few comments concerning the career of a remarkable man, Mr. Howard W. Rourke, who is retiring next month after 40 years of service to the public. Few people have had more of an impact on the workings of a public agency in our community than has Mr. Rourke. For the past 20 years, he has been director of the Ventura County Welfare Department in a time when the functions and responsibilities of that agency have changed dramatically. Under his stewardship, the department has become one of the most respected in the country, and Howard himself has been the recipient of numerous commendations and unparalleled praise from National, State, and local boards, his peers, coworkers, and employees, and not the least, from the clients his department serves.

His role in effecting welfare reform at the local, State, and National levels has earned him the gratitude and respect of taxpayers and clients alike. His influence has been felt in the statute books of county, State, and Nation.

The State of California is proud to claim him as a native. But the State of Arizona is equally proud to claim him as a public servant of long standing. He was born in Randsburg, in Kern County, and worked in the gold and silver mines as a teenager. He was educated in Lancaster, Calif., and in Flagstaff, Ariz., and holds degrees from the University of Arizona and the University of Southern California. He worked his way up from scratch, serving in virtually every capacity in the Arizona Public Welfare Department from caseworker to State director of public assistance, a position he held for 10 years before returning to his native State 20 years ago. In addition, he spent 18 months overseas as director of operations for the South Pacific theater of war for the American National Red Cross.

A past president of the California County Welfare Directors Association and first vice president of the National Association of County Welfare Directors, he was chosen by his peers in 1970 to help lead the successful drive to reform our welfare structure. He headed the

California Counties Welfare Modernization Task Force and was a principal author of "Time For Change," the welfare reform blueprint published by the County Supervisors Association of California which formed much of the basis for the reform of the California welfare system adopted by the State in 1972. In addition to his regular duties as administrator of the Ventura County Public Social Services Agency, a superagency of 450 employees, with a \$26 million annual budget, serving 21,000 public aid and social service recipients, he has made numerous appearances and presentations on behalf of welfare reform throughout California and before congressional committees here in Washington.

He is a former member of the Governor's Advisory Committee on Children and Youth, an active member of the Lions and Elks, and the father of two sons. Sharing in these honors is his wife, Agnes.

In conclusion, Mr. Speaker, as a public welfare administrator, Howard Rourke has fulfilled his responsibility to the community at large, including the client group, in a way that bespeaks rare vision and conviction about the purpose of his agency—to provide for protection, care and assistance to the people of the State in need thereof, and to promote the welfare and happiness of all the people of the State.

Howard Rourke, we salute you.

TED GIORGETTI HONORED

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. O'BRIEN. Mr. Speaker, I would like to take a few moments today to give special recognition to my good friend, Ted Giorgetti, of the Immigration and Naturalization Service who last week received the Department of Justice Newton-Azrak Award for his part in breaking up a large drug ring in Chicago.

The Newton-Azrak Award is presented annually by the Justice Department to a member of the Immigration Service who has shown outstanding courage, dedication, and competence and who has cooperated with other law enforcement agencies and enhanced the image of the service. It is named for two California agents who were tortured and killed by narcotics smugglers during the course of an investigation.

On April 18 of this year, Ted learned through an informant that large amounts of hard drugs were being smuggled into the Chicago area from Mexico. Working closely with the Drug Enforcement Administration, he organized a series of raids which took place July 28. As a result of his assistance, police were not only able to apprehend the ringleaders but also to seize some 16 pounds of heroin and cocaine. The drugs, worth more than \$10 million on the street, amounted to the largest haul ever seized in the Chicago area according to DEA records.

The outstanding devotion to duty and courage that Ted displayed throughout the operation led to his selection for the Newton-Azrak Award. Attorney General William Saxbe presented the award at the 25th Attorney General's Award Ceremony which I attended December 12.

Although I was delighted and proud to see Ted honored, I was hardly surprised. For as long as I have known him, Ted has impressed me as a man of courage and competence, a man who knows his job and does it well, whatever the danger.

And Ted has known danger. An Iowa native, he served as a staff sergeant in the Air Force during the Korean war. In 1958 he joined the Immigration Service as a border patrol agent in Las Cruces, N. Mex. Later he was transferred to El Paso, Tex., and finally promoted to investigator and sent to Chicago where I first met him.

Throughout his career he has been a credit to the service. While it is an honor for Ted to receive this award, it is an even greater honor for me to know him and know that we can all rest a bit easier for having men of his caliber looking out for us.

TRIBUTE TO LES ARENDS

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. SARASIN. Mr. Speaker, the impending retirement of the Honorable Les ARENDS as a Member of this body is a loss not only to the House of Representatives and the Republican Party, but to the people of the United States. No man in government better exemplifies public service at its best and none is held in higher regard by his colleagues.

While I have only had the privilege of serving 2 years in this Chamber with Mr. ARENDS, that is more than sufficient time to develop an appreciation of why Les is the object of so much affection and respect from his colleagues on both sides of the aisle.

Ability, integrity, courtesy, consideration—virtually any desirable quality one could look for in a colleague and friend—apply in abundant measure to Les ARENDS. The truth of this is borne out by the testimony spread on the RECORD this week by countless friends and admirers of Les ARENDS.

As a first term Congressman and a member of the Republican minority, I have immediate and personal knowledge of the extent to which Les would go out of his way to help the newer Members and to share his vast experience. In spite of the complex and time-consuming duties of minority whip, carried out so ably for more than 30 years, Les always had time to provide advice and assistance to those seeking it.

Many of the tasks which make up the job of party whip could, in less sure hands, result in animosity and ill will. To hold any position of leadership for

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more than three decades while retaining the friendship and affection of the membership on both sides of the aisle calls for a truly outstanding individual.

That LES AREND is such an individual has been proven beyond question and his retirement leaves a void which every Member of the House will feel. I am honored to have been able to serve with LES, even if relatively briefly in comparison to his period of service. His counsel and his example have been invaluable. I join his countless friends in Congress in wishing him a long, happy, and healthy retirement and I am sure he will continue to make a positive and beneficial contribution in whatever he undertakes.

ANTI-INFLATION CAMPAIGN HEAD-
ED BY JOHN HARDIN OF ROCK
HILL, S.C.

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. GETTYS. Mr. Speaker, in the past 2 years many speeches have been made in this Chamber about the acute problem of inflation which confronts our great country. Regrettably the inflationary tide continues to roll on, and the purchasing power of America's citizens continues to be eroded.

I rise today to call the attention of the House to what may be the most comprehensive and perceptive anti-inflation program yet developed by a sector of American business. I refer to the educational campaign devised by the savings and loan business through the joint efforts of the U.S. League of Savings Associations, the national trade association for the savings and loan business, and the Savings and Loan Foundation, the national advertising arm of the industry. The theme of this multifaceted campaign is: "There's no living with inflation."

In discussing this imaginative anti-inflation effort I take particular pleasure in noting that it was developed under the leadership of a distinguished citizen of South Carolina and close personal friend, John A. Hardin. John is president of the First Federal Savings and Loan Association of Rock Hill, S.C. He is also chairman of the United States League's special anti-inflation committee.

Mr. Hardin and his committee early recognized that inflation is at the heart of our current economic difficulties. They understood what daily becomes increasingly evident, that unbridled inflation threatens not only our economic health but also our very way of life.

The league's campaign is a multifaceted effort, including over \$1 million earmarked for television messages. At the heart of the effort, however, is a remarkably complete and well-designed kit of materials distributed to the league member institutions in the United States. Especially helpful are several booklets offering concrete, down-to-earth steps which anyone can take to

cope with inflation. Savings and loan institutions are distributing several million copies of the key pamphlet, entitled "There's No Living With Inflation."

The potential impact of this grassroots campaign can be appreciated when one remembers there are some 14,000 savings and loan offices in the country. These serve 12 million families with savings and loan mortgages and 60 million savings account holders.

As the anti-inflation message reaches the public through the dedicated efforts of the savings and loan industry, we in Government can expect to hear louder and more insistent demands for leadership and positive action to bring inflation to an end. I am proud that John Hardin, an able and personable friend from my own hometown, has played such a key role in this national effort to meet the most serious economic challenge of our day.

LYDIA Y. UCHIDA AND CHRISTOPHER R. CABRERA RECEIVE RED
CROSS CERTIFICATE OF MERIT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. EDWARDS of California. Mr. Speaker, I wish to call to your attention the meritorious action taken by Ms. Lydia Y. Uchida of 860 North Fifth Street, San Jose, Calif., and Mr. Christopher R. Cabrera, of Visalia, Calif. They both have been named to receive the Red Cross Certificate of Merit, which is the highest award given by the American National Red Cross.

This award is given to anyone who saves a life by using skills and knowledge learned in a volunteer training program offered by the Red Cross in first aid, small craft, or water safety.

On August 29, 1974, Ms. Uchida, trained in Red Cross first aid, and Mr. Cabrera, trained in Red Cross lifesaving and first aid, were making evening rounds to close a building at their university. A 16-year-old friend, whom they knew had been treated for a heart condition, was accompanying them. Suddenly the young man fell to the floor, apparently lifeless. Mr. Cabrera asked Ms. Uchida to telephone for assistance while he began to administer life-support first aid to the victim, whose breathing and heart had stopped. After the call for an ambulance was completed, Ms. Uchida participated in the resuscitation efforts by administering mouth-to-mouth respiration. They continued until breathing was resumed, then comforted the victim until ambulance personnel arrived and transported him to a hospital. A few days later corrective open-heart surgery was performed and subsequently the young man made a normal recovery. Without doubt, Mr. Cabrera and Ms. Uchida's use of their emergency first aid skills and knowledge in this joint resuscitation saved the victim's life.

This meritorious action exemplifies the highest ideals of the concern of one human being for another who is in distress.

CYPRUS REFUGEE RELIEF DINNER

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. PATTEN. Mr. Speaker, on November 17, 1974, I attended the Cyprus refugee relief dinner in Edison, N.J., where an estimated 2,500 persons gathered to express support for the people of Cyprus. Proceeds will go to the relief fund.

I was enormously impressed—not only with the large crowd—but by what I heard there. Speaker after speaker expressed in eloquent terms the importance of helping the people of Cyprus and restoring freedom and independence on that island shattered by the ruthless and outrageous invasion by Turkey. I will continue to do all I can in Congress to help the people of Cyprus. The Cypriot problem must be solved—and solved soon.

One of the most eloquent speeches made at the dinner was by George M. Boulegeris, cochairman of the Cyprus refugee relief dinner sponsored by the AHEPA Monroe chapter No. 75 of New Brunswick, N.J. I would like my colleagues to read Mr. Boulegeris' welcome address, because it moved me very much and expressed in clear terms the Cyprus situation and the greatness of the Greek people—especially citing their deep love of freedom.

Also included is the Courier-News story covering the dinner.

WELCOME ADDRESS AT CYPRUS REFUGEE
RELIEF DINNER

(By George M. Boulegeris)

Your Excellency, Ambassador of Cyprus to the United States, Nikos Dimitriou; Distinguished members of the Congress of the United States: Senator from New Jersey—Harrison A. Williams, and Congressman from our own 15th Congressional District—Edward J. Patten; Consul General of Cyprus in New York, The Honorable Constantine Moushoutas; New Jersey State Senator, Bernard Dwyer; Mayor of Edison, New Jersey, Thomas H. Paternity; Mayor of Somerville, New Jersey, Leroy Gunzelman; Past Supreme President of the Order of Ahepa, John G. Thevos; Reverend Father Anthony N. Pappas of the St. George Greek Orthodox Church of New Brunswick, New Jersey; Reverend Doctor Demetrios Constantelos of the Greek Orthodox Archdiocese and Stockton College; honored guests on the dias, friends all.

As we meet for this activity—the Cyprus Refugee Relief Dinner—I extend on behalf of Monroe Chapter No. 75 of New Brunswick, N.J., our warmest gratitude and very best wishes.

For many decades, the Order of Ahepa has championed the rebirth and growth on American soil the democratic traditions of ancient Greece. Our dedication to the ideals and aspiration of our forebearers has enriched our contributions to our nation and enhanced our common legacy as Americans. Let the time tested heritage of our ancestors inspire us to sustained achievement. And, let this gathering be a living reminder of the Glory of Ancient Greece and a lasting tribute to the Glory of Modern America. The activities that you are witnessing here this evening are indeed symbolic of these beliefs and best described by Past Supreme President of the Order of Ahepa, Dean Alfange, who authored, "What America Means to Me." Within his writings are these few lines:

December 20, 1974

"America is not just rich in material things, an industrial giant, a mighty military power.

"America is the country schoolhouse, the village church, the town meeting, the humble farm house, the rhythmic poetry of the peaceful countryside.

"America is the mirth and laughter of its children, the charity, the generosity, the compassion of its people.

"America is the triumph of merit and diligence over family and cast.

"America is the freedom of choice which God intended all men to have—the right to do, to speak, to worship, to dissent, to dream, to build, to fail, and, to succeed.

"America is the marriage of liberty with authority, of individual freedoms with social organizations.

"America is the best discovery yet of a full and honorable way of life.

"We are rich in all these things that decent people yearn for.

"It is our task to live up to these values and to make them known to every nation—friend or foe.

"For, on us has fallen the challenge to lead the free and the truth about ourselves is more powerful than any man-made misdeed."

Our friends, and again on behalf of Ahepa Monroe Chapter No. 75 of New Brunswick, N.J., we are indeed honored and privileged to have all of you here with us tonight. We thank you.

[From the Courier-News, Nov. 18, 1974]

CYPRUS AMBASSADOR SAYS MAKARIOS MAY

GO HOME

(By Karen Bergstedt)

EDISON.—Archbishop Makarios, the exiled president of Cyprus, is likely to return to his island nation within the next few weeks, the Cypriot ambassador to the U.S. said last night.

Filling in for Makarios, who was the scheduled speaker for the Cyprus Refugee Relief Fund dinner at the Pines Manor, Nikos Dimitriou said commitments in London prevented the planned appearance of the Archbishop.

Despite the offer of a dinner organizer to personally fly Makarios from and back to London, the Archbishop felt we couldn't leave his work of keeping abreast of the Cyprus situation for even 24 hours, Dimitriou said.

Noting the decisive win of Premier Constantine Caramanlis in yesterday's elections in Greece, the ambassador said the fate of the military junta—which directed the July overthrow of Makarios on Cyprus—had been sealed.

With a strong government elected in Greece, the Archbishop will soon return to Cyprus, Dimitriou said.

Last night's dinner netted close to \$40,000 which will aid an estimated 200,000 refugees, victims of the Turkish invasion of Cyprus that followed Makarios' overthrow.

Sponsored by the Monroe Chapter No. 75 of the Order of AHEPA, a Greek-American organization, the dinner attracted over 2,000 persons. Organizers said close to 5,000 tickets at \$7.50 each were sold, with all proceeds going to the relief fund.

In addition to his prediction of the Archbishop's return to Cyprus, Dimitriou said his government opposes any plans for a federation government over separate states for Greek and Turkish Cypriots.

A federation would in fact be "concealed partition" and mean that the Greek-Turkish animosity on the island "would remain as a running sore for years and years," he said. He added such a situation would not be in the best interest of the U.S. or the Western Allies.

Claims that the Turkish Cypriots, a minority about one-fifth the size of the Greek population on the island, are persecuted and treated as second-class citizens are distortions of fact, the ambassador said.

He blamed the Cyprus situation on the "chauvinism and bad faith of the Turkish Cypriot leadership" for propagandizing that peaceful coexistence between the Greeks and Turks on Cyprus is impossible.

With good will on both sides, a peaceful settlement can be achieved, but not while Turkish troops remain on Cyprus, he said.

He called on the U.S. "to stand for what is right" and support the United Nations resolution calling for the withdrawal of all Turkish troops from Cyprus.

U.S. Sen. Harrison A. Williams, Jr., D-N.J., also spoke before the gathering. Labeling the Turkish invasion of Cyprus "an affront to the international community and its sense of decency," the senator criticized the executive branch for not moving decisively to reduce military aid to Turkey.

After two presidential vetoes, the Congress approved compromise legislation postponing a cut-off of aid until Dec. 10, Williams said.

The Turks are reducing their forces on Cyprus, but this is "without meaning without a dramatic reversal of Turkish behavior," he said, asking for a redoubling of U.S. diplomatic efforts to alter the "intransigence" of the Turks.

Rep. Edward J. Patten, Dem.—15th Dist., spoke briefly, opposing Turkey's use of U.S. military aid against Cyprus.

The evening's only disruption came when a man, shouting in Greek, tried to disrupt the Cypriot ambassador's speech. Several Edison police officers, part of a contingent of about 18 uniformed men at the dinner, escorted the man from the dining room. The man later left voluntarily, police said.

HON. HUGH CAREY

OF NEW YORK

HON. THADDEUS J. DULSKI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. DULSKI. Mr. Speaker, it is a personal pleasure to join my colleagues today in paying tribute to HUGH CAREY.

HUGH and I have been closely associated on matters affecting our State since he came to Congress, and our friendship dates back many years.

Last February, long before his gubernatorial campaign gathered momentum, I endorsed and supported his candidacy, knowing from firsthand observation his excellent qualifications for our State's highest office. During his 14 years in Congress, HUGH compiled an enviable record of framing progressive legislation not only for his own constituents, but also for all the people of this country.

It was my privilege to be one of his regional coordinators during that campaign, and western New York will long remember his traveling through a blizzard to keep his commitment at a meeting in Buffalo. This determination to surmount overwhelming odds was echoed throughout the State, in his commitment to good government, his faith in the people, and his desire to meet the challenges of State government.

Erie County responded to HUGH CAREY with one of the greatest margins ever tallied in a Governor's race. The rest of the

State responded, too, and a new era begins in the statehouse next month.

Among his better known accomplishments in Congress are his actions resulting in the comprehensive 1965 Federal aid to education law; the landmark revenue-sharing law; neighborhood housing renewal projects, transforming slums into decent housing in his own district, which now serve as national models; the near miraculous revitalization of the Brooklyn Navy Yard into a complex employing over 6,000 people; establishment of a Subcommittee on the Handicapped, and enactment of more legislation to help the handicapped than any other Congressman; and innovative legislation and personal help of all kinds, benefiting everyone in our State.

Although he was involved in a statewide campaign, he did not neglect his congressional responsibilities, taking active part in committee and floor work on national health insurance, tax reform, and the many other proposals to help our troubled economy.

HUGH CAREY's colleagues here know of his leadership abilities and his hard work. His constituents know of his dedication to serving them. New York State voters have recognized these qualities and have selected him to bring his experience and knowledge to bear on the problems facing them.

HUGH CAREY is a team player, and is capable of both giving and receiving cooperation. He will be missed in the House of Representatives, but the great State of New York will benefit from his years as Governor.

THE RICE ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 17, 1974

Mr. MAZZOLI. Mr. Speaker, on December 17 the House voted on H.R. 15263, The Rice Act of 1974.

Prior to the consideration of H.R. 15263, I had announced my support for reform of rice production programs. However, I voted against H.R. 15263 on passage, primarily because of the adoption—somewhat hastily—of the Symms amendment in the nature of a substitute.

The debate on the bill concentrated on its provisions as drafted by Mr. ALEXANDER. Explanation and debate on the successful substitute amendment were minimal, however, and I do not believe that the Members of the House were offered a clear, understandable, and convincing choice on rice production reform.

The lack of time available for consideration of the substitute seems contrary to our need for careful decisions on agricultural policy. Agriculture merits the most judiciously crafted legislation because at stake are our balance of payments situation, the price of food to consumers, and the availability of food to a hungry world.

Even had H.R. 15263 passed the House, the Senate had little time in which to consider the bill.

Mr. Speaker, I continue to support action to increase the production of rice and other food commodities in the United States, and I fully expect the new Congress to reach the necessary conclusions about the Government's rice policy.

FOR A NEW PATRIOTISM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. BROYHILL of Virginia. Mr. Speaker, a constituent, Mr. Elias Van Krugel, is writing a series of articles for the *Scottish Rite* publication, the *New Age*, on our heritage to commemorate our coming Bicentennial celebration. The enclosed article should be of great interest to all and help still some strident cries by our so-called sunshine patriots on the future of our Nation.

I commend Mr. Van Krugel's thoughtful article to all my colleagues in the House.

POSTSCRIPT

(By Elias Van Krugel)

The patriots who signed the Declaration of Independence were aware of the awesome obligations that would accompany independence! That historic document concludes with the following words:

"We mutually pledge to each other our lives, our fortunes, and our sacred honour."

Courageous words! Inspired words! Words conceived by bold, defiant men who were aware of the peril and affliction that lay ahead, as each affixed his signature!

The conceivers of the United States of America understood full well the significance of the terms of our Declaration of Independence! Many died! Many lost their homes! Many lost their fortunes! The architects of our Nation . . . and the builders who followed . . . were strongly inclined to labor . . . to forfeit . . . to strive for the establishment of this "sweet Land of Liberty!"

In 1976 we will celebrate the bicentennial of an experiment that the world once thought could only end in imminent failure! How could a loose Confederation of thirteen indisciplinate States, convulsed by contention, survive its beginnings? How could a strife-torn Confederation of thirteen Colonies successfully wage a war for independence against the greatest empire in the world? Two hundred years ago, it would have been inconceivable that this Nation . . . conceived in Liberty . . . could become the greatest nation in the world today!

Our Nation survived because its architects and builders didn't abandon it! Fair weather flag-wavers could not have insured America's survival in 1776; fair weather flag-wavers cannot insure America's survival in 1976! Doubters, we had; doubters, we have! But those who can talk only about vanishing virtue, about aberrant alienation, about continuous contention in our American way-of-life, are agents of anxiety and peddlers of poppycock!

We must not believe the bombastic banter about the "bitter-end", for such belief will enfeeble us into a state of ennui and impotence that can dilate dangerously! Like the Liberty Bell, our government is not perfect . . . but, it still works! We can stand and must provide for declarations of honest anxiety and justifiable judgments . . .

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predicated on the truth . . . for the truth will keep us free!

Ours is a government of, by and for the people. That makes it a government where it isn't always easy to "grin-and-bear-it"! Every mature inhabitant of a democracy is responsible for the workings of his nation! If an exigency emerges . . . if our democracy doesn't deliver . . . you and I, fellow-Americans, are culpable! We enunciate the right to life, liberty and the pursuit of happiness; in our democracy we cannot evade the responsibility of insuring that our fellow-beings have the same right!

The United States of America was conceived in controversy. We have successfully defied dangerously dark days in our democracy, and we should heed the words of Thomas Paine, never forgetting that:

"Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it."

A MISTAKEN IDEA ON FEED GRAIN USE

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. SNYDER. Mr. Speaker, there are some well-meaning people who have suggested that curtailing grain use by American distillers would free grains to feed people in underdeveloped countries where starvation is a problem, but in fact the distillers use little grain in comparison to other industries and recycle what they do use as highly nutritious, enriched animal food. I have an editorial from the *Louisville Times* which I would like to insert in the *RECORD* accompanied by a news release from the Distilled Spirits Council of the United States.

The information follows:

NEWS RELEASE

WASHINGTON, D.C., December 18, 1974 (Special).—"Distillers are not a contributing factor to the world food shortage. Grain from which distilled spirits are made is actually used twice, first in the production of beverages, and then as high protein vitamin enriched livestock and poultry feeds." Malcolm E. Harris, president of the Distilled Spirits Council of the United States, DISCUS, explained here today.

"The availability of these high protein feeds produced from mash stillage help assure continuing supplies of high quality meat, milk, eggs and butter for the American consumer," Harris said. He pointed out that grain is not "used" by the distillers in the traditional sense of that word. It is actually "passed through" a distillery with only the starch being removed during the fermentation process. What is left according to well-known animal nutritionist, Frank B. Morrison, is "highly digestible and . . . as rich as corn grain in total digestible nutrients."

Harris explained that these feeds are used for a wide range of animals including those commonly produced for the table. The more than 400,000 tons of this supplemental feed produced last year were of great benefit to food production for human consumption. This 400,000 tons is used as a dietary supplement in millions of tons of animal feeds to produce food for human consumption.

"It is actually recovery of the nutritional resources," Harris explained, "but with a more direct impact than taking your waste-paper or empty cans to a recycling plant. We

recover what was at one time considered as waste and use this now to produce good healthy food."

DISCUS' president pointed out that while some people have suggested the grain passed through the distilleries could be used to feed people in underdeveloped countries, the effect of closing down the distilleries would cause severe impact on the nation's economy. The amount passed through U.S. distilleries is minor, less than one-half of 1 per cent of the cereal grain crop according to official Government statistics; but the industry produces \$8.6 billion in federal, state and local revenues, and as a whole the United States alcohol beverage industry employs 1.9 billion who receive \$10.1 billion in wages, salaries and earnings. The consequences would be "massive," he explained.

Curtailment of the legal industry would also give rise to a resurgence of "moonshining" with attendant health problems and increased law enforcement costs, coupled with a major tax loss.

[From the *Louisville Times*, Nov. 13, 1974]

TOO FAR

EDITORIAL—A PROPOSAL KENTUCKY CANNOT LIVE WITH

It is perfectly reasonable to suggest that Americans should use less fertilizer on their lawns and rose bushes so that more fertilizer can be spread on the wheat fields of Bangladesh. No right-thinking citizen can object to fattening cattle on grass so that more grain can be distributed among needy human beings. Any decent person would agree that Americans should consume less so that others can eat.

But Jean Mayer, the Harvard nutritionist and author whose column appears in *The Courier-Journal*, goes way too far when he defends from us a sacrifice that would obliterate civilization as we know it here in Kentucky.

HOW TO SAVE GRAIN

In a statement that must have caused many of his academic colleagues to choke in their cocktail glasses, the learned professor suggested that Americans reduce their consumption of alcoholic beverages. Most liquor, he pointed out, is made from grain. Thus, if Americans would give up going to bed drunk, millions, perhaps tens of millions of people elsewhere in the world, he claimed, could be supplied with grain and not have to go to bed hungry. As a slogan for his campaign he proposed, "Have a drink and starve a child."

Kentuckians must stand united (for divided we fall) against this insidious attack on one of our most hallowed traditions. Let the word go forth, from this time and place, to friend and foe alike, that no mere catastrophe of worldwide proportions will prevent the sipping of Bourbon and brandy water in the cool of a summer evening or the partaking of that life-giving elixir known as the julep in the warmth of early May.

TARC can take our automobiles and Secretary Butz can have our pets. We'll lower the thermostat and throw away the air-conditioner in order to save the mountains of Appalachia. Asians and Africans and Latin Americans are welcome to a fair share of our corn, soybeans and, most important of all, our tobacco.

But let the famine fighters beware of taking unfair advantage of our humanitarian instincts. We must make a stand somewhere, and it is likely to be in the distillery doorway. After all, if we let them restrict Kentuckians' output and intake of Bourbon the next thing you know they'll tell us to plow under the mint and plant cabbage.

December 20, 1974

December 20, 1974

FOREIGN ASSISTANCE ACT OF 1974

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. BADILLO. Mr. Speaker, December 10, 1974, will long be remembered as the day that the House of Representatives by an overwhelming vote of 297 to 98 cut off further military assistance to Turkey. Once again the House affirmed the historic American tradition that America is a country which respects the law that governs all men to a policy put forward by a few men.

The law which authorizes the distribution and use of American military aid is clear and not open to arbitrary interpretations. What are the conditions for foreign countries to receive this assistance? The Library of Congress in a legal memorandum stated:

U.S. military aid is intended for the sole and exclusive purpose of permitting recipients to defend themselves against aggression . . . use of articles and services for other than defensive purposes, i.e. for aggression purposes, is barred by law.

Is there any doubt that Turkey has committed aggression in Cyprus, when Turkey not only invaded Cyprus with 40,000 troops, still occupies 40 percent of Cyprus, and is even importing Turkish citizens to consolidate Turkey's occupation of this invaded Cypriot territory. Clearly, Turkey is guilty of employing American military hardware—in the form of planes, ships, tanks, and napalm—to violate the provisions of our military assistance programs.

Turkey's action which resorted to military aggression to impose its own "solution to the Cyprus question," cannot be termed defensive even under the most expansive use of the term. There is no question of Turkey's violation of the law—it is clear and blatant. Shall the United States support a lawbreaker and thereby make a mockery of its own laws?

In 1964, the then President Johnson sent a vigorous warning to the Prime Minister of Turkey stating that U.S. military equipment "for a Turkish intervention in Cyprus" would violate article V of our July 1947 bilateral agreement with Turkey. This agreement required Turkey:

To obtain the approval of the United States for the use of defense articles and defense services (furnished by the United States) for any purpose other than those for which such articles and services were furnished.

Turkey never asked our permission to use American arms in Cyprus, and yet the administration has escalated arms shipments to Turkey. This bilateral agreement which is still in effect today has been bilaterally violated—by both the executive branch of the American Government and by Turkey.

Mr. Speaker, it is the constitutional responsibility of the U.S. Congress as the people's representatives, to advocate a policy in accordance with American law and reflective of the deep convictions of

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the American people. And it is the administration's responsibility in its constitutional role, to execute the law. In this regard, the administration has failed. Not even the Senate upheld the law when the Secretary of State acted as if he was above the law. Finally, the House of Representatives put the moratorium on military assistance to Turkey. Sections 505b, 505d and 6201 of the 1961 Foreign Assistance Act, and sections 3c and 4 of the Foreign Military Sales Act explicitly delineate the purposes for which military sales are authorized and the penalty for violations.

Since the United States has become the world's leading arms seller—more than \$12 billion in 1973—the potential dangers of this program are self-evident. Congress in recognizing its responsibility to oversee and control this burgeoning military sales program, enacted laws strictly monitoring the use of U.S. military equipment distributed abroad.

Mr. Speaker, Turkey should have been declared "immediately ineligible" for substantial violations in July of 1974. More than 5 months have passed since the Turkish invasion and occupation of Cyprus, and the President still has not decided on the eligibility of Turkey to receive further military assistance, except to say that such a legal determination would hurt Cyprus peace efforts.

Can Turkey's blatant violation of all the conditions set down be termed "internal security," "legitimate self-defense," "maintaining or restoring international peace and security," "activities helpful to the economic and social development" of Cyprus? Has Turkey conformed "to the purposes of the charter of the United Nations" when the Turkish military aggression clearly violated the principles of the U.N. Charter, when Turkish troops deliberately interfered with the U.N. peacekeeping forces and restoration efforts on Cyprus, when Turkey defied two cease-fire resolutions and U.N. Security Council demands that all foreign military forces be withdrawn from Cyprus?

In delaying the cutoff of all military aid to Turkey, the United States has contributed to Turkey's imperialistic actions in Cyprus, helped topple the legitimate government of President Makarios, lost the support of the Greek people, and left Greece with no resource but to withdraw from NATO.

The Secretary of State has stressed the breakoff of military assistance to Turkey would undermine our national security. Has our weakened NATO position in the eastern Mediterranean enhanced or hurt or national security? The Secretary of State appealed for an "evenhanded" approach to the situation. Can it be termed "evenhanded" when the United States has unilaterally and unwisely stocked Turkey with weapons making it militarily much more powerful than Greece and Cyprus separately or combined? During this crisis was it "evenhanded" for a naval vessel of the U.S. 6th Fleet to halt, board and search a Greek passenger vessel in the open seas which was carrying relief supplies to Cyprus? This flagrant violation of inter-

national law was the subject of a verbal protest on the part of the Greek Government.

America has always prided itself in following moral courses and defending small defenseless nations. In effect, our Government has rewarded the aggressors and punished the victims of aggression.

Mr. Speaker, national security and morality can go hand-in-hand. It is not in our national interest to support militarily aggressive regimes. If we continue to do so we will be isolated in the world body of nations and our national security undermined.

By delaying the cutoff of military assistance to December 10, 1974, the administration markedly increased military deliveries to Turkey. Defense Department figures confirm that in the 3 months before the invasion of Cyprus last July 20, U.S. military aid to Turkey totaled \$27.3 million. In the succeeding 3 months the figure sharply climbed to \$40.5 million, mostly in the form of F-4E jet fighters, bombs, missiles, ammunition, and trucks.

Mr. Speaker, the administration states that the cutoff of military weapons to Turkey would jeopardize efforts for peace in Cyprus. Can we say that this military escalation has been "evenhanded" and helpful in the search for a solution to preserve the sovereignty, territorial integrity and independence of Cyprus?

Turkey, in defending its actions, claims that their armed forces were needed to defend Turkish Cypriots and find a solution to the Cyprus problem. History repeats itself as Turkey has perpetuated its typical "solutions" in the following situations. We are all aware that to date, Turkey supplied more than 80 percent of the opium to illicit drug markets in the United States. But how many of us are cognizant that since 1900, Turkey has systematically massacred more than 150,000 Greeks, 450,000 Christian Assyrians, and 1,500,000 Armenians. The Armenian slaughter—wiping out two-thirds of the population of the Turkish occupied Armenia—was the first genocide of the 20th century when the Turkish Government planned, organized and executed the almost total annihilation of these ancient people from their fatherland in which they had lived for over 3,000 years.

The conscience of the world has never been stirred—a cloak of silence has been thrust over the "Armenian Question." Encouraged by the indifference of the "civilized" nations, Hitler in 1939 began his own genocide program by remarking, "Who talks nowadays of the extermination of the Armenians?" By standing mute, we aid and abet aggression and imperialism.

Mr. Speaker, what is the real purpose of Turkish aggression in Cyprus? Are the Turkish Cypriots in danger of being liquidated by Greek Cypriots? On the contrary, those in need of protection are the Greek Cypriots who for many years have lived in constant terror of being invaded by neighboring and militarily powerful Turkey, and now are subjected to naked Turkish aggression.

Turkey's original goal in Cyprus has been and still is the annexation of the entire island. In 1955, at the tripartite conference on security in the eastern Mediterranean, which included Cyprus, Foreign Minister Zorlu of Turkey declared unequivocally that if Great Britain ever gave up its sovereignty over Cyprus, then Turkey had the right to annex Cyprus. From 1956-1958, the Turkish Government demanded that the Turkish Cypriot minority be granted self-determination separate from the rest of the island's population, and the establishment of a Turkish military base on Cyprus which would mean the island's partition. Partition was then shelved and independence adopted in 1958, mainly because of the growing Soviet influence in the Middle East.

In the Zurich-London Agreement of 1959, Turkey, along with Greece and Great Britain, agreed to act as one of the guarantors of the independence and territorial integrity of the new republic. At the same time, it also reserved what it considered its unilateral right to intervene militarily in Cyprus whenever the political agreements of the island were "threatened." Instead of guaranteeing the independence of Cyprus, Turkey undid the international and domestic plans that had achieved Cypriot independence.

Prior to July 1974, Turkey tried twice—1964 and 1967—to invade Cyprus by force, however actions by the American Government, NATO, the United Nations and the U.S.S.R. prevented these abortive attempts. Such has not been the case under the present Republican administration. In contrast to the courageous position of President Johnson in 1964 and 1967, the Ford administration not only has done nothing to discourage or prevent Turkey from militarily invading Cyprus, but has sharply increased military aid to the aggressor. Even at the height of American isolationism in 1932, the Hoover-Stimson doctrine denounced the use of force as an instrument of policy and the United States did not recognize any territorial claims gained by such methods.

Turkish Government statements and actions demonstrate that Turkey intends to partition Cyprus into two separately administered zones within a federation, set up a powerful military base, annex the Turkish area of this federation, establish a rump "federal" state on the rest of Cyprus, and finally annex this rump state at the opportune moment just as the Nazis did in Czechoslovakia.

Mr. Speaker, the extinction of Cyprus as an independent country would establish a very dangerous precedent for the liquidation of other states, as a means for settling international territorial problems, and encourage other U.S. aid recipients to do likewise. If the United States does not meet its moral and constitutional responsibility to preserve the independence and territorial integrity of Cyprus, our failure to do so could encourage extremists in the extremist nations to emulate the present Turkish aggressive policies with regards to other U.S. aid recipients.

During these many months of tragedy, what is the present condition and future

of the beleaguered Cypriot people. Two-fifths or 40 percent of Cyprus—which is equivalent to 70 percent of the whole economic life of the country including agriculture, mining, and tourism—has been and still is occupied by 40,000 Turkish troops.

In executing their plan to occupy and eventually annex Cyprus, Turkey has committed a whole series of international crimes in its efforts to transfer ethnic populations and thereby force the Greek Cypriots into southern Cyprus. Individual and mass executions of innocent civilians—men, women, and children—rape, pillage, looting have been reported by the U.N. peacekeeping forces who with Cypriot civilians have been the object of U.S.-supplied napalm bombs. Whole villages, even hospitals, schools, and hotels have been destroyed by Turkish air raids.

Even though the Turkish Cypriots comprise 110,000 or 17 percent of the total Cypriot population of 635,000—the Greeks 516,000 or 80 percent, Armenians and Maronites 8,000 or 3 percent—only 35,000 of this Turkish minority live in the north, owning 13 percent of the land. Since the July invasion, more than 200,000 Greek Cypriots have been forced out of the north and are living in refugee camps in the south in violation of the Hague Resolutions of 1907, the Geneva Convention of 1949 and the Protocol to the European Convention of Human Rights of 1950. Those returning were killed outright. Their land and homes have been taken over and occupied by 40,000 troops of the Turkish army, Turkish Cypriots who formerly lived in southern Cyprus and Turkish citizens imported from Turkey. This is in direct violation of the charter of the United Nations (1.1 and 2.4) and the rules of Conventional International Law (article 49-1b), and of the Geneva Convention IV, 1949 which states:

The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.

In addition, Turkey is guilty of forcibly transferring and deporting to Turkey Cypriot citizens from the occupied north also stated as a violation in the Geneva Convention of 1949 to which both Turkey and Cyprus were parties.

Individual or mass forcible transfers, as well as deportation of protected persons from occupied territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

While Turkey solidifies its position in northern Cyprus, Turkey's Government is purposely in transition so that peace negotiations can be either delayed or indefinitely postponed on the grounds that there is no political government to take responsibility for negotiations on behalf of Turkey.

Cyprus, once a bustling island of cultural progress, business and agricultural advances, and vibrant tourism, is at a virtual standstill, trying to dig itself out of death and destruction, and coping with a grave and potentially explosive refugee situation.

The Turkish Army has not only committed these heinous crimes with our

military hardware, but it has interfered with and attacked U.N. peace-keeping forces. International organizations, such as the Red Cross and the U.N. relief agencies have been forcibly barred from entering the occupied areas to render humanitarian assistance in total disregard of international law.

Mr. Speaker, we can no longer be a party to these crimes. We can no longer condone the dismemberment of Cyprus on racial, ethnic, cultural or economic grounds and condemn Cyprus to moral, territorial and economic strangulation. We did not tolerate this in our country more than a hundred years ago—let us not contribute to it in independent and sovereign Cyprus.

Twenty five million dollars has been authorized for fiscal 1975 to relieve the suffering of the Cypriot refugees. Is there any logic to providing military aid to destroy and then trying to repair this destruction with relief funds. This is conscience money to relieve guilty feelings and actions.

Mr. Speaker, in summary, the case against continuation of military aid to Turkey is clear. Turkey's aggression is against the conditions for which it received this assistance, and therefore continued military aid violates international and U.N. law, and undermines our relationship with the new democratic government in Greece, NATO and even Turkey. Would Turkey respect us less for violating not only our law but universal law.

As long as Turkey has an almost unlimited supply of arms and ammunition from the United States, it will not come to the conference table and participate in a settlement. Our contribution to this aggression will work against a peaceful and lasting solution to the Cyprus crisis. Our cutoff of assistance is not unilateral or vindictive, but dictated under our law by Turkey's action.

Mr. Speaker, I urge my colleagues to reject the conference committee compromise allowing military aid to flow to Turkey until February 5, 1975. The law is clear and to be observed and enforced. As responsible legislators obligated to serve the will of the people, let us either repeal the law and let Turkey do what it wants, or observe the law and cut off all U.S. military aid to Turkey. We cannot do both.

GOV. HUGH CAREY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. ROBISON of New York. Mr. Speaker, a good deal of our attention is being given, these last days of the session, in saying "Goodbye" to an unusually large number of friends and colleagues who will be leaving the Congress within a few days. In most instances, that is something of a sad occasion—for it is always difficult to end the warm associations that one develops here, over the years, with one's colleagues.

In paying just tribute, however, to Congressman HUGH CAREY for the truly outstanding record he has established as one of the hardest working, most effective, and highly respected Members of this House, his friends can rejoice—even those like myself of opposite political persuasion—that HUGH is going on to new, and even greater, responsibilities.

New York—the Empire State—has been blessed in this century with a remarkable number of outstanding Governors, those readily coming to my mind including, of course, Franklin D. Roosevelt, Thomas E. Dewey and, surely, NELSON ROCKEFELLER. Ours is a great State, as well as being simply a large State. It is also a complex State to govern, due mainly to the up-state, down-state differences that grow out of the inclusion, within our borders, of the city of New York. Those differences are economic, and social, as well as political—and they demand leaders of unusual capacities if they are to be bridged.

I am sure that I shall continue to often disagree with Governor CAREY as he undertakes this special challenge, on top of the enormous challenges posed, in these difficult times, to the Governor of any of our 50 States. But those future disagreements—as with those HUGH and I have had in the past during our tenures in Congress—will be over programs and policies, not principles, for I know HUGH CAREY to be a man of character, integrity, and drive, and I am sure that his one ambition, now, is to be a good Governor and to keep our State ahead, or to move it ahead, after the fashion of those former Governors I have mentioned.

So, Mr. Speaker, I am pleased to again congratulate HUGH CAREY—my friend and colleague—on his election victory, last month, and to wish him well as he begins his new career, and to offer him, even though I, too, am leaving Congress, my full cooperation and support in the months and years ahead.

IMMIGRATION AND NATURALIZATION SERVICE
APPROPRIATIONS HISTORY, FISCAL YEARS 1966-75

Fiscal Year	Estimates considered by House	Reported to House	Passed House	Estimates considered by Senate	Reported to Senate	Passed Senate	Public law
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1966.....	\$73,604,000	\$73,175,000	\$73,175,000	\$73,604,000	\$73,175,000	\$73,175,000	\$73,175,000
2d supplemental, 1966.....	1,782,000	1,782,000	1,782,000	1,782,000	1,782,000	1,782,000	1,782,000
1967.....	75,541,000	75,500,000	75,500,000	75,541,000	75,500,000	75,500,000	75,500,000
2d supplemental, 1967.....	3,654,000	3,335,000	3,335,000	3,654,000	3,335,000	3,335,000	3,335,000
1968.....	80,400,000	79,946,000	79,946,000	80,400,000	79,946,000	79,946,000	79,946,000
2d supplemental, 1968.....	6,138,000	5,738,000	5,738,000	6,138,000	5,738,000	5,738,000	5,738,000
1969.....	86,941,000	86,450,000	86,450,000	86,941,000	86,450,000	86,450,000	86,450,000
2d supplemental, 1969.....	3,276,000	3,276,000	3,276,000	3,276,000	3,276,000	3,276,000	3,276,000
1970.....	94,000,000	93,750,000	93,750,000	94,000,000	93,750,000	93,750,000	93,750,000
Supplemental, 1970.....	869,000	869,000	869,000	869,000	869,000	869,000	869,000
2d supplemental, 1970.....	8,344,000	8,344,000	8,344,000	8,344,000	8,344,000	8,344,000	8,344,000
Subtotal, 1966-70.....	434,549,000	432,165,000	432,165,000	434,549,000	432,165,000	432,165,000	432,165,000
1971.....	111,980,000	111,480,000	111,480,000	111,980,000	111,480,000	111,480,000	111,480,000
2d supplemental, 1971.....	10,460,000	10,460,000	10,460,000	10,460,000	10,460,000	10,460,000	10,460,000
1972.....	130,578,000	130,578,000	130,578,000	130,578,000	130,578,000	130,578,000	130,578,000
2d supplemental, 1972.....	366,000	366,000	366,000	366,000	366,000	366,000	366,000
1973.....	135,084,000	135,084,000	135,084,000	135,084,000	135,084,000	135,084,000	135,084,000
2d supplemental, 1973.....	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000
1974.....	139,698,000	139,698,000	139,698,000	139,698,000	139,698,000	139,698,000	139,698,000
Supplemental, 1974.....	3,600,000	3,600,000	3,600,000	3,600,000	3,600,000	3,600,000	3,600,000
2d supplemental, 1974.....	10,406,000	10,406,000	10,406,000	10,406,000	10,406,000	10,406,000	10,406,000
1975.....	180,400,000	175,350,000	175,350,000	184,100,000	176,350,000	176,350,000	175,850,000
Supplemental, 1975.....						705,000	
Subtotal, 1971-1975.....	724,972,000	719,422,000	719,422,000	728,572,000	720,422,000	721,127,000	721,404,300
Total, 1966-1975.....	1,159,521,000	1,151,587,000	1,151,587,000	1,163,121,000	1,152,587,000	1,153,292,000	1,156,404,709

1 Includes \$2,835,409 resulting from indefinite appropriation to cover certain pay cost increases.
2 Reflects reduction of \$500,000 for border enforcement fence (hearings revealed that fence would cost \$1.14 per inch).

3 Derived by transfer from Law Enforcement Assistance Administration.
4 Includes \$1,482,300 resulting from indefinite appropriation to cover certain pay cost increases
5 Conference report filed November 26, 1974 deletes amount.

JOHN ZWACH: CHAMPION OF U.S. AGRICULTURE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. NELSEN. Mr. Speaker, in years of involvement in government and the legislative process, you meet many people with different backgrounds, different abilities, and different concerns. But one of those who stands out most vividly is my fellow retiree from Congress this year, JOHN ZWACH of Minnesota.

Years ago, I served in the Minnesota Legislature on the senate side. JOHN

served in our legislature's house of representatives, later moving over to the senate side where he rose to the position of majority leader.

His interests were wide and varied, but his love for agriculture and its related problems and challenges stood out in the most memorable way. His leadership in the field of agriculture characterized his activities in our State, coupled with his love for education, having taught school himself in years previous to his service in government.

Then JOHN moved on here to the Congress of the United States where he is regarded as the real agricultural champion for the Midwest, and where he has served brilliantly for the agricultural interest of our Nation as a member of the House Agriculture Committee.

Knowing JOHN as a personal friend, as well as his delightful and devoted wife and family, it is easy to understand how his motivations, ideals, and his personal application to solving public problems have always remained at the highest level.

Much could be said of JOHN's accomplishments in the legislative field. But more importantly, his philosophy is right. His devotion to his country, his State, his family and friends will remain an inspiration to all of us.

I certainly want to take this opportunity to wish JOHN and his wife every happiness in their retirement. I hope that my wife and I will continue to see them after we are all settled down once again in our respective farms back home in Minnesota.

TRIBUTE TO LESLIE ARENDS—
"MR. REPUBLICAN"

HON. MARIO BIAGGI

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. BIAGGI. Mr. Speaker, the hectic last days of any session of Congress oftentimes result in confusion for Members trying to attend to all the business. This year this normal confusion is coupled with the fact that more than 70 Members of the 93d Congress will not be returning for the 94th Congress. However, I will not let the present confusion prevent me from paying my personal respect and tribute to the distinguished minority whip, LESLIE ARENDS, who will be retiring from the House after an exemplary 40 years of continuous service in the House of Representatives.

The people of the 15th Congressional District in Illinois have been blessed by having a man the caliber of LES ARENDS representing them in the U.S. House of Representatives. LES was a man who despite being one of the most powerful Members in the history of Congress never neglected the needs and interests of his constituents, and the fact that he was reelected on 20 different occasions speaks for itself.

Many people have referred to LES ARENDS as being the finest modern-day spokesman for the Republican Party. He has served in the prestigious whip position longer than any other person in the history of the Congress. He has earned respect and affection from his colleagues on both sides of the aisle for the fair and prudent wielding of the great power which he possesses.

Longevity in the House can only be equated with excellence. LESLIE ARENDS retires from the House as the No. 2 ranking Member, an outstanding tribute to the man and his unparalleled record of service to his constituents and the Nation as a whole.

I have had the pleasure of knowing LES ARENDS during my 6 years in the House. I have found him to be both an outstanding public servant and gentleman always willing and able to provide his fellow colleagues with advice or assistance.

LES ARENDS' decision to retire has evoked numerous tributes from his many friends and colleagues who have worked with him during the past four decades. The pages of the CONGRESSIONAL RECORD of recent days have been filled with outpourings of affection from Members on both sides of the aisle who recognize LES ARENDS' departure as being a severe blow to the House as a whole. LES ARENDS has been an inspiration for many of us here today as well as those who preceded us. He has amassed a record of service and achievement which is not likely to be surpassed for years to come.

LESLIE ARENDS now prepares to return to his beloved Melvin, Ill., to live a quiet life on his farm with his lovely wife and daughter. He has earned the rest he

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has coming, he has earned the freedom from the hectic burdens of being the Republican whip. He knows he leaves with the fond blessing of all of us in the 93d Congress who wish him nothing but the best in health and happiness in the coming years.

BAYARD RUSTIN ON THE PLO

HON. EDWARD I. KOCH

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. KOCH. Mr. Speaker, Bayard Rustin, one of our foremost civil rights leaders who has fought in every battle on behalf of the oppressed, whether they be black or white, has written a statement on the PLO which can only be described as magnificent. It is insightful and sets forth in a cogent way the reasons why the PLO must be condemned, and why those who cheered Yasir Arafat at the U.N. must be criticized. His statement follows:

THE PLO: FREEDOM FIGHTERS OR
TERRORISTS?

One of the most distressing reflections of the unhappy state of world politics is the ease with which words can be perverted, stripped of significance, and made to mean their opposite.

Acts of murder and terrorism are transformed into gestures of "liberation." Hijacking and the slaughter of innocent children are carried out in the name of "peace." The word "racism," once so meaningful to the oppressed of the world, has lost all objective value as it is as often applied to democratic, interracial societies as to those which practice the most extreme forms of apartheid.

The distortion of language is, however, but a symbol of a fundamental surrendering of political and humanitarian principles, typified most dramatically by the warm reception accorded Mr. Yasir Arafat and the Palestinian Liberation Organization by the United Nations. For Mr. Arafat to have shot his way into the General Assembly with a machine gun, only to be greeted by an ovation of applause would have been almost as ridiculous—and deplorable—as the cheers which greeted his tirade of misrepresentation.

What is, after all, the "legitimate struggle" Mr. Arafat and the PLO are conducting? It is a struggle being waged with the tactics of calculated violence, where military targets are avoided, but women, children, athletes, diplomats, airline passengers—the defenseless and uninvolved—are sought and struck down.

By embracing the PLO, the U.N. has given a solemn amen to organized brutality, encouraging along the way no one knows how many other extremist organizations with a grudge against society.

It should be noted that the PLO's terrorism is practiced on dissidents within the Palestinian community as well as on Israelis and their supporters. Mr. Arafat likes to talk of the PLO goal of establishing a "democratic" state, but here again we must distinguish between a word's actual meaning and Mr. Arafat's definition. The PLO is certainly no model of democracy: no one elected Arafat to represent the Palestinians; its authority is guaranteed by the "freedom fighter's gun" to which Mr. Arafat referred at the U.N.

What, then, of the PLO's charge that Israel is a "racist" nation. This accusation has been repeated so often—Arafat made numerous references to Israeli "racism" and "colonialism" in his U.N. address—that it has achieved a measure of acceptance worldwide, and in the American black community. The question is what do the Arabs mean by "racism?" The standard definition is the systematic oppression of an ethnic or racial minority, very often justified on the grounds that the minority is inherently less intelligent, less clean, less pure or in some way inferior to the majority.

Applying this measurement, it is apparent that some of the most blatantly "racist" regimes are in Arab lands. In Iraq, Jews were hanged in a public square, while today napalm is employed against the dissident Kurdish minority. Syria rivals Nazi Germany in its brutal treatment of its Jewish citizens, who are confined to a cramped quarter of Damascus, prevented from emigrating, and from time to time murdered with official sanction. And in the Sudan, it was non-Moslem blacks who were the target of a genocidal war in which 500,000 were killed and many thousands more forced to flee their homes.

I would not pretend that the racial situation in Israel, where some 400,000 Arabs live as citizens, is perfect. But given the enormous problems confronting her, this small nation has achieved a level of racial tolerance that is indeed remarkable. The Arabs within Israel enjoy rights and a standard of living unknown to the masses in Moslem nations. They participate politically; elect their own representatives to parliament; receive public education; and belong to Histadrut, the Israeli labor federation. They are, in other words, a part of the progressive institutions of Israeli society.

I believe that the Palestinian people have the right to a homeland, to self-determination, to the resolution of their state of uncertainty. The Jewish people, historically an oppressed people, have the same right. And given the rhetoric and actions of the PLO, there can be little doubt that to accede to the demand of a bi-national state would result in the Jews of Israel being dealt with much like the Jews in Iraq and Syria.

In her brief history, Israel has forged an enviable record of social achievement. At a time when so many appear willing to accept lies as the truth, to reach dishonest conciliation with terrorists, to barter away the most basic ideals of justice and compassion, Israel more than ever deserves the support of people of good will and common decency.

HAROLD COLLIER

HON. OMAR BURLESON

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. BURLESON of Texas. Mr. Speaker, having served on the Ways and Means Committee with HAROLD COLLIER for a number of years, I take this opportunity to join his many friends in wishing him well as he prepares to retire from the U.S. Congress.

It has been a real pleasure to know HAROLD over the years he has been here in the Congress and my good wishes go with him in retirement. He will have other pursuits, of course, and I wish him every continued success in whatever ef-

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fort he may become involved. He has served the Nation and his congressional district well during these years and is most deserving of an enjoyable retirement. Our best to you, HAROLD.

A TRIBUTE TO HAROLD COLLIER

HON. JOHN B. ANDERSON

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. ANDERSON of Illinois. Mr. Speaker, it was with sincere regret that I learned that my distinguished colleague from Illinois, HAROLD COLLIER, was planning to retire at the end of the current term. His unending capacity for conscientious, dedicated public service will be missed in this body.

For 18 years, HAROLD has served the Sixth District of Illinois and the Nation honorably and tirelessly. His almost two decades in the House spanned the most unsettling years in recent American history: The several wars in the Middle East, the Cuban revolution, the conflicts for social and political justice in the New Frontier and the Great Society, the assassination of President Kennedy, the war in Vietnam, the bloody riots of the late 1960's, the campus turmoil following the Cambodian incident, the chaos of Watergate, and the resignations of Vice President Agnew and President Nixon.

How can I describe this unique gentleman? His congeniality is well-known. His wit and good humor are always in good taste. But the quality that impressed me most when I first came to Congress, and has endured over the years, is HAROLD's dedication to his office which can only be described as "earnestness." He has placed special emphasis on serving as a liaison between his constituents and the Federal Government. This responsive attitude led him to personally intervene in over 8,000 constituent cases during his career.

During his service on the Ways and Means Committee he earned a reputation as an expert in tax law and an advocate of fiscal responsibility. In these times of economic confusion, we will miss HAROLD's understanding of the complex issues before us. In addition to his duties as the second ranking minority member of the Ways and Means Committee, HAROLD served on the Joint Committee on Internal Revenue Taxation, the Joint Committee on Reduction of Federal Expenditures, the Joint Study Committee on Budget Control and the Advisory Board on the National Council on Drug Abuse. His performance on these committees added significantly to the reassertion of congressional constitutional power and responsibility which was long overdue.

HAROLD has long worked and believed in limited Government and fiscal responsibility. These ideas, almost lost in the rhetoric of recent years, are again gaining favor with the voters. We can credit HAROLD for his dedication to these

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principles in less popular times—the mark of a truly great man.

He certainly has my very best wishes as he launches into a new phase of life. We are not losing just another Member but a quiet giant.

TRADE REFORM AND THE REPATRIATION OF AMERICAN POW'S AND MIA'S

HON. JOSHUA EILBERG

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. EILBERG. Mr. Speaker, a very important provision was added to the Trade Reform Act of 1974 while it was under consideration in the Senate; a measure which this House is obligated to concur in when it considers the conference report on the bill. Section 403 of H.R. 10710, as it was passed by the Senate, prohibits the extension of most-favored-nation trade status and Government credits to any non-market-economy country that is not cooperating with the United States in efforts to achieve a complete accounting of all U.S. personnel missing in Southeast Asia, to repatriate all such personnel who are alive, and to return the remains to the United States of all those who are dead.

There are still 934 Americans unaccounted for in Southeast Asia. Some have been missing for many years. Thirty-seven of these men are considered prisoners of war by the U.S. Defense Department. Many of their families have heard nothing from them or about them for years. Yet, hope still exists that our Government will find a way to bring about the repatriation of, at least, some of these men.

Article 8 of the Paris Agreement on Ending the War and Restoring Peace in Vietnam requires all parties in the conflict to exchange complete lists of all captured personnel, to help each other obtain information on missing personnel, and to facilitate the exhumation and repatriation of the remains of the dead. But the North Vietnamese and various insurgent groups in Southeast Asia have ignored this agreement. They have refused to cooperate in the exchange of information and have hindered our efforts to locate and retrieve the bodies of our dead servicemen. The Hanoi government has consistently violated the Geneva Convention on the handling of war prisoners and has refused to respond to numerous pleas from international bodies. The North Vietnamese and insurgents have failed to observe even the most basic elements of human rights with regard to these missing men.

The brave Americans, military and civilian, who were captured, killed, or separated from their units in Southeast Asia while serving their country, deserve our best efforts in bringing them back home. Their families expect and deserve the fullest exercise of American power to this end.

One step the Congress can and should

take is to require the Government to exert this country's economic power to encourage the Soviet Union and the People's Republic of China to pressure the North Vietnamese into cooperating in this matter. Both of these Communist powers have considerable influence with the North Vietnamese Government, and both would benefit by receiving most-favored-nation status from the United States. Furthermore, on March 2, 1973, both the Soviet Union and the People's Republic of China pledged "to strictly respect and scrupulously implement" the Paris Agreement on ending the war, and are, therefore, committed to cooperation in resolving the problem of POW's and MIA's.

The United States should not extend most-favored-nation trade treatment and credit support to these countries or other Communist countries until they are fully cooperating with our efforts to retrieve our prisoners, missing, and dead.

Section 403, known as the Gurney-Chiles amendment, will prohibit the President from extending nondiscriminatory treatment, credit, credit guarantees, or investment guarantees to any non-market-economy country which he determines is not cooperating with U.S. efforts to repatriate POW's and MIA's. These benefits could be extended to non-market-economy countries only after the President has submitted to Congress a report indicating that such country is cooperating in these endeavors.

I urge the House conferees to support this provision.

RHODESIAN CHROME

HON. EDWARD J. DERWINSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. DERWINSKI. Mr. Speaker, you and the House leadership are to be commended for your decision to postpone any further consideration of S. 1868.

I am sure most of the Members here know that I oppose S. 1868, which would once again halt the importation of Rhodesian chrome into the United States. My opposition is based on hard-headed consideration of the economics of chrome and its importance to our industrial well-being. I believe access to Rhodesian chrome is a matter of national interest—a phrase that may sound a bit old-fashioned these days.

The effect of this bill would be to put major U.S. industries at the mercy of the Soviet Union. During the sanctions against Rhodesia the Soviet Union was our principal source of high quality chromite. It took advantage of our dependence upon it in two respects: First, the quality of the ore exported to the United States steadily deteriorated; and second, Russian prices dramatically increased. From \$35.78 per ton in 1965 the price steadily increased to \$68.45 in 1972 and then fell back to \$51.73 per ton in 1973 when sanctions were lifted.

The recent Arab oil embargo demonstrated the complications that could be caused by a politically motivated trade embargo. Should we put ourselves in a position where the tyrants of the Soviet Union could use chrome against the United States as the Arabs did oil?

May I also point out to the Members that there is definite progress being made within Rhodesia in negotiations that will, hopefully, produce an orderly transfer of governmental authority. A viable Rhodesia should not be deprived of the U.S. rights to purchase its chrome ore.

CONTROLLING FOREIGN MILITARY SALES

HON. JONATHAN B. BINGHAM
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. BINGHAM. Mr. Speaker, in an editorial published in the December 1, 1974, edition, the Charlotte Observer called upon the Congress of the United States to exert stronger control over the administration's escalating cash and credit sales programs. Congress has recently acted in this area by passing the amendment to the Foreign Assistance Act which I offered in the House and Senator NELSON sponsored in the Senate. Through this amendment, Congress has acquired for the first time the necessary authority to oversee and control cash and credit arms sales.

I commend the Observer editorial to the attention of my colleagues:

ARMS FOR ALL: CONGRESS IGNORES ITS JOB
The United States' growing role as world supersalesman of military hardware will confront Congress as the new year begins. In recent years it has ducked responsibility, and the results are alarming.

The Ford Administration has proposed heavy increases in foreign military aid, as well as changes that would make it even easier for foreign governments to obtain credit for arms purchases. This amounts to a continuation of the Nixon Administration's policy of accelerating the flow of American arms abroad—to scores of non-Communist countries.

A part of this policy is concealment. It is difficult for Americans to keep abreast of developments, so rapidly have the government and arms manufacturers pushed American arms sales around the globe.

It appears that our arms sales abroad will total about \$12 billion in this fiscal year, eight times as much as four years ago. The Soviet Union, even correcting for exchange rate differences, will have foreign arms sales of about \$5 billion this year.

Americans who tend to think of our arms exports in the terms of the 1950s—during the days of the North Atlantic Treaty Organization build-up and other developments that could be related to our defense—are little aware of the nature of this latest trend. Some of the sales may be attributed to defense considerations; but in large part, arms are sold much as we might sell automobiles—simply for cash to be gained.

MAKING TROUBLE SPOTS

The results often contribute to regional arms races apart from the Cold War. For instance, we are selling 18 F-5E fighter aircraft to Chile. The stronger and more modern Chile's military forces are, the more Argentina, Brazil and other countries in that area feel they must have new arms, too. In

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the 1960s, Argentina, Brazil and Chile all decided they must have modern aircraft carriers, submarines and ship-to-air missiles. Each purchase by one of these countries sent the others to market.

More recently, we have loaded the Middle East with arms—by one estimate, \$6.8 billion worth during the past year. If we were looking for a tinderbox in which to throw matches, we could hardly have found a better one.

The Pentagon has pushed these sales by backdoor methods, as well as through means approved directly by Congress. Arms are its business; often that seems the only justification. The Pentagon's close ties with our arms industry make it see arms sales abroad very much the way a steel company would see steel sales abroad. In that situation, American interests are of secondary consideration—unless one thinks that any kind of cash-register action for American companies is in the national interest.

WHAT CONGRESS CAN DO

Congress can assume its proper role—a role it clearly has defaulted on—by reviewing all aspects of a policy that has made us by far the leading arms merchant of the world. It can follow up on efforts by Sen. Gaylord Nelson, D-Wis., and Rep. Jonathan Bingham, D-N.Y., to tighten Congress's control on cash sales of arms. It can cut back direct military giveaways financed by the taxpayers. And it can strengthen requirements that Congress and the public receive reports of all arms sales and commitments—in detail, country by country.

The Senate Foreign Relations Committee, a frequent loser in jousts with the Pentagon, put it this way in reporting on the Foreign Military Sales and Assistance bill for fiscal 1974: "If Congress is to regain its role as the fundamental source of national policy . . . it must have the courage to take the initiative in matters such as foreign aid . . . The Committee hopes that the Senate will demonstrate that on military aid and sales policy it has the will, as well as the desire to chart a new course . . ."

BEING TOGETHER AT CHRISTMAS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. BURKE of Massachusetts. Mr. Speaker, as we approach adjournment sine die and during this season of advent I thought we should stop for a moment and enjoy the words of a Christmas carol written by a young lady who shows great promise in this field. Jayne Ikard in addition to being a very talented writer of national fame put this carol together in a very short time. "Being Together At Christmas" shows great promise.

BEING TOGETHER AT CHRISTMAS

Music: Addy Fleger (ASCAP)

Lyrics: Jayne Ikard

The holly! the bells! the gingerbread smells!
The faces! the places! Confusion! Profusion!
The shopping, No stopping! The hustle, The bustle!

Keep handy the brandy! The giving, that's living.

Chorus: Being together at Christmas.
Oh, what it means to me, when we're together at Christmas.

Singing carols 'round the tree.
Sharing our love and our laughter, joining a Christmas song.

Why can't it stay like Christmas Day the whole year long.

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The ice skates! The snow! The candlelight glow!
The sweet cakes! The headaches! It's busy!
It's dizzy
The cookies with sprinkles, the starlight with twinkles,
The madness! The gladness! The sharing, the caring.

Chorus: Being together at Christmas.
Oh, what it means to me, when we're together at Christmas.

Singing carols 'round the tree.
Just like a rose in December, blooming with warmth and cheer.

Why can't it stay like Christmas Day throughout the year?
Why can't it stay like Christmas Day throughout the year?

REV. GEORGE T. COOK'S POIGNANT EXAMPLE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. LENT. Mr. Speaker, a good friend and constituent, the Reverend George T. Cook, of St. Andrews Church in Ocean-side, N.Y., recently sent me a thoughtful letter expressing his feelings on the Department of Justice antitrust actions against the American Telephone & Telegraph Co. His example of how this suit affects middle Americans prompted me to write personally to the Attorney General. I insert my letter of protest addressed to the Attorney General for the attention of my colleagues. It contains many of Reverend Cook's points:

Congress of the United States,
Washington, D.C., December 19, 1974.

Hon. William B. Saxbe,
Attorney General,
Department of Justice, Washington, D.C.

Dear Mr. Secretary: After lengthy consideration, I feel compelled to write to you in regard to the antitrust action brought against the American Telephone & Telegraph Company.

The Assistant Attorney General of the Antitrust Division, Mr. Thomas E. Kauper, told a House Republican antitrust task force in August that the principal concern of the Department of Justice in its antitrust actions is the protection of the American consumer who has to pay the price of all goods and services. Mr. Kauper further asserted that "only through vigorous free competition can we develop and maintain the economic potential to produce the things we all need at prices we can all afford."

Mr. Kauper's assertions bring many questions to mind when this premise is applied to the antitrust action against AT&T. If AT&T's subsidiary, Western Electric, becomes a separate entity, the necessary supporting organizations, such as a sales office, will certainly add to the cost to the consumer. Not only will the cost of the equipment to AT&T increase, but also the quality control presently exercised will be lost. Likewise, the close relationship with research and development needs will be gone.

I also have some serious reservations concerning the fate of AT&T itself. I fear that the profitable portions of the company will be siphoned off by competitors and leave it with only those portions of its business which are unprofitable. The three million Americans who own stock in the company will find their investment worth nothing.

A good friend and constituent, the Reverend George T. Cook, cited an interesting example of how this action will affect the

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investors in a recent letter to me. Two years ago, a retired member of his church became increasingly infirm and sold part of his telephone company stock, his nest egg, to build a downstairs bathroom in his house in accordance with his doctor's wishes. I think this member of his church is a typical example of the Middle-Americans who own stock in the telephone company. Somewhere in America there are people just like him who have held stock in this company and find that they need to convert this stock to cash to meet an urgent, personal financial crisis. What are they to do?

The United States has the cheapest, most modern, and most efficient telephone service in the world today. It is one of the few "giants" that really works. The role of the Federal government is to regulate public utilities, not kill all incentive to maintain an excellent record of performance.

Thank you for the opportunity to express my views on this situation.

Sincerely,

NORMAN F. LENT,
Member of Congress.

CONGRESSIONAL PUBLICATIONS ON ENERGY R. & D.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. TEAGUE. Mr. Speaker, as the 93d Congress comes to a close I should like to call to the attention of my colleagues the outstanding work done by the Subcommittee on Energy of the Committee on Science and Astronautics. The chairman of the subcommittee is Congressman Mike McCormack from the State of Washington. The ranking Republican is Barry Goldwater, Jr., of California. The other members are: Mr. Fuqua, Mr. Symington, Mr. Hanna, Mr. Roe, Mr. Bergland, Mr. Pickle, Mr. Brown, Mr. Milford, Mr. Thornton, Mr. Gunter, Mr. Wyder, Mr. Esch, Mr. Conlan, Mr. Parris, Mr. Cronin, Mr. Martin, and Mr. Ketchum.

Three major legislative initiatives approved by this Congress in energy research and development originated with this subcommittee. They are:

Public Law 93-409. The Solar Heating and Cooling Demonstration Act of 1974;
Public Law 93-410. The Geothermal Energy Research, Development, and Demonstration Act of 1974; and
Public Law 93-473. The Solar Energy Research, Development, and Demonstration Act of 1974.

These new public laws will help assure this Nation of viable energy research, development, and demonstration programs in solar and geothermal energy through this decade and into the next.

Another tangible product of the subcommittee's activities has been its extensive list of published documents related to energy research, development, and demonstration. Other subcommittees of the Committee on Science and Astronautics—Science, Research, and Development, and Space Science and Applications have also made valuable contributions to the list.

Because of the many inquiries which the members of the committee and its

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staff have received concerning available documents on energy research, development, and demonstration, I should like to insert in the RECORD at this time an up to date list of titles:

ENERGY PUBLICATIONS IN PRINT

June 1973, Individual Action for Energy Conservation, Serial C.

February 1974, H.R. 11864—Solar Heating and Cooling Demonstration Act of 1974, Background and Legislative History, Serial L.

May 1974, Energy Legislation, Serial O.

May 1974, Energy From Geothermal Resources, Serial Q.

July 1974, Energy Policy and Resource Management, Serial R.

October 1974, Secondary and Tertiary Recovery of Oil, Serial Y.

Hearings Before the Subcommittee on Energy:

May 3, 1973 ff, Short Term Energy Shortages, No. 7.

May 7, 1973 ff, Energy Research and Development and Space Technology—Joint Hrgs. with Subcommittee on Space Science and Applications, No. 9.

May 15, 1973, Energy Research and Development—An Overview of our National Effort No. 10.

June 5, 1973, Solar Energy for the Terrestrial Generation of Electricity, No. 12.

July 23, 1973, University Energy Research Centers, No. 11.

Nov. 20, 1973, Research Development and the Energy Crisis, No. 22.

Feb. 5, 1974 ff, H.R. 11212 et al. and H.R. 14172, Geothermal Energy, No. 29.

May 23, 1973, Solar Sea Thermal Energy, No. 41.

June 6, 1974 ff, Solar Photovoltaic Energy, No. 43.

June 13, 1974, Bioconversion, No. 40.

July 30, 1974 ff, H.R. 15612 Solar Energy Research, Development and Demonstration Act, No. 42.

Sept. 25, 1973 ff, Energy and Environmental Standard.

May 8, 1974, Oil Shale Technology.

May 21, 1974, Wind Energy.

Hearings Before the Subcommittee on Space Science and Applications:

Feb. 4, 1974, Research on Ground Propulsion Systems, No. 26.

Feb. 7, 1974, Advanced Nuclear Research, No. 32.

Energy publications available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

December 1972, Energy Research and Development—Report of the Task Force on Energy Price: \$2.35, domestic postpaid; \$2.00, GPO Bookstore, Number Y4.SCI.2-92-2/EE (5270-01775), Serial EE.

January 1974, Energy Facts. Price: \$3.65. Number Y4.SCI.2-93-1/H (564P), Serial H.

January 1974, Inventory of Current Energy Research and Development (Update) Vol. I—5270-020174—\$9.80. Vol. II—5270-020175—\$3.10. Vol. III—5270-020174—\$5.00, Serial J.

ENERGY PUBLICATIONS OUT OF PRINT
(May be available at certain libraries)

October 1971, Energy—The Ultimate Resource, Serial J.

December 1971, Briefing Before the Task Force on Energy (Vol. I), Serial M.

March 1972, Vol. II, Serial Q.

August 1972, Vol. III, Serial U.

March 1972, An Inventory of Energy Research (Vols. I and II), Serial R.

May 9, 1972 ff, Energy Research and Development—Hrgs. before Subcommittee on Science, Research and Development, No. 24.

December 1972, Solar Energy Research: A Multidisciplinary Approach, Serial Z.

March 1973, Federal Government and Energy R&D Historical Background, Serial B.

June 7, 1973 ff, Solar Energy for Heating and Cooling, No. 13.

June 19, 1973, Conservation and Efficient

Use of Energy (Part 1) Joint Hrgs., Subcommittee on Energy and Subcommittee on Conservation and Natural Resources of Government Operations Committee, No. 14.

July 10, 1973, Part 2, No. 18.

July 11, 1973, Part 3, No. 19.

July 12, 1973, Part 4, No. 20.

Sept. 11, 1973 ff, Geothermal Energy, No. 21.

Nov. 13, 1973 ff, H.R. 10952 et al., Solar Heating and Cooling Demonstration Act—Hrgs. before Subcommittee on Energy.

November 1973, Energy from Oil Shale: Technical Environmental, Economic, Legislative, and Policy Aspects of an Undeveloped Energy Source, Serial I.

June 1974, Review of Selected Federal and Private Solar Energy Activities (GAO), Serial S.

COMMITTEE LEGISLATIVE REPORTS

(May be available at certain libraries)

Jan. 28, 1974, Solar Heating and Cooling Demonstration Act of 1973—H.R. 11864, Report No. 93-769.

June 17, 1974, Geothermal Energy Research, Development, and Demonstration Act of 1974, H.R. 14920, Report No. 93-1112.

Sept. 10, 1974, Solar Energy Research, Development, and Demonstration Act of 1974, H.R. 16371, Report No. 93-1346.

ENERGY PUBLICATIONS IN PREPARATION
Hearings before the Subcommittee on Energy:

Dec. 18, 1974, H.R. 17400, Synthetic Liquid Fuel Research and Development Act of 1974.

Reports:

Energy and Minerals from Oil Shale.

Energy from Tar Sands.

Research, Development and Policy for Energy Resources.

Inventory of Energy R&D.

History of Federal Energy R&D.

Hydrogen Economy.

Liquefaction and Gasification of Coal.

Coal Utilization for Electric Power Generation.

CONGRESSMAN DORN LEAVING AFTER SESSION

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. DAVIS of South Carolina. Mr. Speaker, I would like to add my remarks to the many tributes being paid to the dean of our delegation, the Honorable WILLIAM JENNINGS BRYAN DORN. Perhaps there is no higher honor than being held in esteem by the people with whom you work. Such being the case, WILLIAM JENNINGS BRYAN DORN has not only won the esteem of his fellow South Carolina delegation members, but also the Members of this House in which he has served so long. He is revered by the people in his district who returned him to Congress term after term.

He is as skilled at oratory as his namesake and has devoted a lifetime of service to his State and country. He is a leader on the national level because of his work as chairman of the House Veterans' Affairs Committee. He still holds the record for being the youngest State senator ever elected and seated in South Carolina at the age of 24.

WILLIAM JENNINGS BRYAN DORN is headed back to his Greenwood County farm and away from the hustle and bustle of politics. At least he thinks he is.

However, I doubt that people on all

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levels of government, business, and industry will be put off that way. I am sure they will continue to seek his wise counsel and sage advice. There is going to be a vacancy that will be hard to fill and expertise which will be impossible to replace. WILLIAM JENNINGS BRYAN DORN will be missed.

FINANCING FUTURE INDUSTRIAL CAPITAL REQUIREMENTS

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. RUNNELS. Mr. Speaker, I call to the attention of my colleagues an outstanding editorial written by Mr. Robert H. Malott, chairman and president of FMC Corporation.

Mr. Malott presents some significant information on the financing of future industrial capital requirements, which I feel will warrant considerable attention by the new Congress.

Following is Mr. Malott's editorial:

FINANCING FUTURE INDUSTRIAL CAPITAL REQUIREMENTS

(By Mr. Robert H. Malott)

The most insidious impact of inflation is that the capital formation necessary for industry to meet rapidly escalating investment demands is seriously jeopardized. To overcome capacity shortages, to keep American industry competitive with foreign firms, and to avoid the erosion of the value of stockholder investments in the securities of industrial concerns in this country, the seriousness of this problem must be recognized promptly and dealt with directly.

In the last 12 years, U.S. industry has raised and invested \$1.5 trillion dollars. It has been estimated that in the next 12 years industry requirements in this country will be \$4.5 trillion—and this to support no more than a 4% future growth annually in economic activity. Our U.S. tax policy will play a critical role in determining industry's ability to "self-generate" these funds which are necessary to replace worn out plants and provide the investment necessary to expand capacity and thereby overcome the production-limited environment that contributes so significantly to inflation. The challenge is clear!

Current depreciation rates (including accelerated depreciation) and the investment tax credit are dramatically inadequate for funds established in this way to play a major role in capital accumulation requirements of this magnitude. In addition, our U.S. depreciation regulations are substantially less encouraging to industry in this country than overseas regulations affecting our foreign competition.

While we in the United States are permitted to recover 66% of our investment in the first three years, France provides 90% recovery, Sweden 96%, and England and Canada a full 100%.

The rapid change over the last year in the rate of inflation is compounding our problem and compounding it rapidly. In FMC, for example, based upon inflation rates that have already been in existence since our present plant and equipment has been built and installed, our depreciation rates should be increased by 27% if we assume no future inflation until these investments must be replaced. If we assume a 5% future inflation rate—which seems modest in today's environment—the comparable rate at which we should be allowed tax-free accumulation of replacement funds should be increased 87% or if we assume a rate of

EXTENSIONS OF REMARKS

8%, we would need to increase our rate of funds accumulation by 147%! And this is merely to keep our existing plants in good running order. It does not provide for expansion!

"Inadequate capital cost allowance" is a sterile and drab subject, remote from the lives of most. The decisions that need to be made in Washington are as much, if not more, political than economical. The actions needed won't bring short-term, highly visible results but failure to make objective and difficult decisions on the part of those responsible for tax policy will touch the lives of all of us. Insufficient capital will inhibit U.S. industry, including FMC, from the growth justifiably expected by stockholders; it will prevent the expansion necessary to increase employment; and it will guarantee the continuation of a shortage environment that will prevent us from coming to grips with inflation.

Will appropriate tax legislation by itself solve our inflation problem? Of course not! But the significance of depreciation policy is misunderstood by many and under appreciated by others. Capital recapture whether via the mechanism of normal depreciation allowance, accelerated depreciation or the investment tax credit is not a business "boondoggle." In a period of high inflation such as we are experiencing, it is critical to industry survival. I urge you to join with me in redirecting our Federal tax policy toward encouraging appropriate capital formation so critically needed to expand the output of goods and services.

ROBERT H. MALOTT,

Chairman and President FMC Corporation.

HON. THAD DULSKI

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. COLLINS of Texas. Mr. Speaker, we will all miss our committee chairman, THAD DULSKI. He has served most ably as chairman of the Post Office and Civil Service Committee for the past 7 years. It was a privilege to serve under THAD.

He is a gentleman and conducts all sessions with the dignity of a Southern colonel, and the amazing thing is he comes from Buffalo.

One of the things I admired most about THAD was the fact that he always had a close touch with the grassroots. Too many men when they come to Congress lose the feel and the feelings of their local communities. THAD went home every weekend and maintained his home in Buffalo. He worked hard in his district office. He was always talking to his Polish neighbors, his German friends, the plain spoken Irish and all of the good solid Americans that made up his district in the Buffalo area.

Much of his strength as a chairman came from the fact that his leadership was based on common sense. He spoke with an understanding of the ideas of the people. He was not guided by some reports or agenda of bureaucrats.

As a chairman, THAD was always fair. Every member had an equal opportunity to speak up. A member's voice could always be heard.

With all of his energy and spirit, we know that THAD is going to continue to be very active in the years ahead. We look forward to seeing him often in the Halls of Congress.

December 20, 1974

KOCH-GOLDWATER PRIVACY SURVEY OF SELECTED PRIVATE ORGANIZATIONS AND STATE/LOCAL GOVERNMENTS—1975

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. KOCH. Mr. Speaker, Congressman BARRY GOLDWATER, Jr., and I are very proud and gratified to see the Congress finally pass the Privacy Act of 1974. As sponsors of the Koch-Goldwater Comprehensive Right to Privacy Act we, with many other Members of Congress, have worked hard in a bipartisan effort to pass legislation during this Congress which would protect an individual's right to privacy. The Privacy Act of 1974 is a major breakthrough and first step in insuring the right to privacy by having the Federal Government subject itself to privacy safeguards as regards its information systems.

When Congressman GOLDWATER and I first introduced our Comprehensive Right to Privacy Act, which applies to State and local governments and the private sector, as well as to the Federal Government, we sent copies of the legislation to approximately 100 organizations requesting their comments on the bill. We did this for several reasons. We wanted to know how private organizations were handling their information systems and how they could implement privacy safeguards. We needed their comments in order to write a tighter, more workable bill. Second, we felt it was an appropriate way of alerting the private sector to legislation being worked on in the Congress and receiving their reactions to the bill. As a result of the excellent comments we received, we revised H.R. 14163 and introduced H.R. 15524.

We will again introduce this legislation when the Congress reconvenes in January. It is not perfect legislation at this point and we want to get more comments from persons who will be affected by it than we have at the present time. Consequently, we have developed a questionnaire which we intend to send to the State Governors and many mayors, to the 500 largest corporations in the country, to unions, trade associations, and universities in order to ascertain their reactions to implementing privacy safeguards. We want to know more about how such requirements would affect them and would like their recommendations on the impact of privacy legislation. This questionnaire will be sent out in the next few weeks and we intend to revise the legislation as a result of the comments we receive.

We are placing the questionnaire in the Record to encourage any of our colleagues who believe corporations and organizations in their districts, or their governors or mayors would be particularly interested in having input at this stage to alert them of this questionnaire and that we would be pleased to consider their reactions.

As you know, Mr. Speaker, the Privacy Act of 1974 calls for the establishment of a Privacy Protection Study Commission.

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We applaud this effort to study the impact of privacy legislation on the private sector and State and local governments. We feel our effort by sending this questionnaire is compatible with the mandate of the study commission and any information we receive we will make available to DON EDWARD's subcommittee which will consider this legislation. We feel it is of utmost importance to write the best legislation we can with the best information available to us. We look forward to receiving the cooperation of other interested persons.

I would like to take note at this time of the original efforts in the field of privacy by a former Member of Congress, Cornelius Gallagher. Notwithstanding other problems that the gentleman had, he made a great contribution to the field of privacy when he called the attention of the Congress to the prospective greater invasion of privacy by the then effort on the part of some in Gov-

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ernment to establish a national data bank. As a result of his efforts at that time as chairman of the Special House Subcommittee on the Invasion of Privacy, which was a unit of the House Government Operations Committee, the national data bank was not created.

The questionnaire follows:

KOCH-GOLDWATER PRIVACY SURVEY OF SELECTED PRIVATE AND STATE/LOCAL GOVERNMENTS 1975

Organization.

Address. Zip Code.

Organization contact: Name, Title, and Telephone Number.

1. Describe your organization, specify type, function, and major objectives.

2. Indicate the approximate number of employees;

3. Indicate if your organization uses, collects, handles, or disseminates records which contain individually identifiable personal information (manual/automated). If computers are used to handle these records indicate percentage of their use as well as mode of operation;

Type of records	Number of records	Computer operation		ADP supported by—	
		Batch	Online	In-house	Service Bureau
(a) Employee records (includes payroll, health, etc.)					
(b) Client/student records					
(c) Other records: specify (i.e., investigative, sales, credit, mailing list, statistical)					

4. If the enclosed Public Law were to apply to your organization's operations, what problems do you foresee. (If needed, use additional sheets for your comments.)

5. Listed below are the ten principles of privacy. For each check:

Column A—If your organization or firm presently practices the principle.

Column B—If you believe that your organization could easily implement the principle.

Column C—If you believe that your organization could not implement the principle because of cost, time, or operational considerations.

Column D—If there are technical, administrative or legal problems and limitations.

Principles of privacy

A B C D

1. Permit any person to inspect his own file and have copies made at reasonable cost to him

2. Permit any person to supplement the information in his file

3. Permit the removal of erroneous or irrelevant information and provide that agencies [organizations] and persons to whom material had been previously transferred, be notified of its removal

4. Prohibit the disclosure of information in the file to individuals in the [organization] agencies other than those who need to examine the file in connection with the performance of their duties

5. Require the maintenance of a record of all persons inspecting such files, and their identity and their purpose

6. Insure that the information be maintained competently with adequate security safeguards

A B C D

7. Require that when information is collected, the individual must be told if the request is mandatory or voluntary and what penalty or loss of benefit will result from noncompliance

8. Require that the person involved in handling personal information act under a code of fair information practices, know the security procedures, and be subject to penalties for any breaches

9. Permit anyone wishing to stop receiving mail because his name is on a mailing list to have that right

10. Prohibit agencies or organizations from requiring individuals to give their social security number for any purpose not related to their social security account, or not mandated by federal statute

*Recognizing that your organization may handle differently employee, client, or other records, you may wish to make additional copies of this page.

Specify type of record

WILBUR EUGENE AINSWORTH, JR.

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. ARENDS. Mr. Speaker, I have just learned that another highly-respected member of the White House Legislative Liaison is leaving at the end of this Congress to enter private enterprise.

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Wilbur Eugene Ainsworth, Jr., has been Special Assistant to the President for Legislative since 1973. He previously served here on the Hill as administrative assistant to our colleague, G. V. "SONNY" Montgomery, of Mississippi.

Those of us who have had the opportunity to work closely with Gene these past 2 years have nothing but the greatest admiration for his ability and efficiency. He is a gentleman in every sense of the word, and his manner immediately inspires confidence.

The legislative process is one of compromise. Being a Democrat in a Republican administration, Gene has provided excellent liaison with our colleagues on your side of the aisle and has played a key role in many of our legislative endeavors. I am sure all our colleagues join me in expressing our gratitude for the outstanding assistance he has given us.

Let me also extend my best wishes to Gene and his charming wife, Joy, and their two children for success and abundant happiness in the years ahead.

ASPIN STUDY SHOWS HOW TO CUT \$4.6 BILLION FROM THIS YEAR'S BUDGET WITHOUT INJURING DEFENSE OR HUMAN NEEDS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. SEIBERLING. Mr. Speaker, I am sure that as the 93d Congress draws to a close most of my colleagues are already engaged in serious consideration of the momentous issues we will face at the start of the 94th Congress.

Near the top of the agenda of these pressing problems is the need to reduce the Federal budget. To this end our colleague, Mr. ASPIN, has prepared and circulated to all members of Members of Congress for Peace through Law a series of alternative proposals for reductions in the fiscal year 1975 Federal budget.

This study indicates how, through deletions and deferrals in military appropriations, the \$4.6 billion reduction figure recommended by President Ford can be met and surpassed by means that will neither affect our vital defenses nor harm those most hurt by the economic situation. This list of proposals was prompted by the fact that there remain pockets of fat in the defense budget and the fact that the rescissions and deferrals drawn up by the Office of Management and Budget will, if adopted, hit the economically vulnerable the hardest, despite President Ford's assertion in his recent Budget Message to the Congress that they "avoid actions that would unduly add to unemployment or adversely affect those hurt most by inflation."

Mr. Speaker, the text of the study follows:

ALTERNATIVE PROPOSALS FOR REDUCING THE FEDERAL BUDGET

PREFACE

President Ford has announced his intent to reduce fiscal year 1975 expenditures in order to slow inflation. His plan is totally misdirected in its application. It would cut

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spending in those very areas which help the principal victims of inflation—the poor and the elderly—while continuing without change spending on the largest contributor to inflation, the military.

The military budget contains many more questionable items than the two minor programs which Mr. Ford has identified as unnecessary to national defense. He offers to cancel Congress' two gratuitous additions to the Defense Department's 1975 request, \$305.6 million for unneeded A-7D and F-111F aircraft. The Air Force agreed to accept these add-ons to its budget only to satisfy the Texas Congressional delegation. Although Mr. Ford did not say so, he has recognized that the Pentagon is quite capable of padding its own budget without such an assist from the Congress. It is unfortunate, to say the least, that the President is unwilling to apply the same standards of value measurement to Department of Defense programs that are applied to the Texas delegation's add-ons. Furthermore, it is simply not true, as the White House asserts, that the Congress has already cut military spending. It merely reduced the increase that the Defense Department asked for. Yet, though the Executive Branch is unwilling to eliminate non-essential spending, the Congress can no longer ignore its duty to make the military accept economic reality.

Because military spending has such a pronounced inflationary effect, it should be the first category of federal expenditure examined for reduction instead of offering cuts which hit the most vulnerable citizen the hardest. The recommendations for \$4.6 billion in deferrals and rescissions put forward by the Executive Branch are in the wrong place.

To recommend large reductions in other segments of the federal budget while leaving military spending relatively untouched requires three assumptions: (1) that there is a clear and present danger to the safety of the U.S.; (2) that every dollar appropriated to the Department of Defense is used solely to protect vital American interests; and (3) that no dollar spent on military programs is wasted through mismanagement or misdirected efforts.

None of these assumptions can be sustained. The United States continues to be the world's first ranking military power. It faces no threat of attack from abroad. Though alarmists continue to project new challenges, none has materialized in two decades.

Furthermore, a substantial portion of the military budget (in both direct and indirect costs) continues to be committed to foreign

policy initiatives and not vital defense needs. Military aid to foreign countries is the leading example of this kind of spending. While some of this discretionary spending may be justified, there is little or no excuse for using the American taxpayers' dollars to finance the armed forces of regimes whose continued loyalty to the U.S. is questionable, whose strategic significance is marginal and whose ability to support the U.S. militarily is negligible.

Finally, recent experience of military management of weapons procurement should serve to caution us about the return on each dollar invested. Poor management, poor contracting and poor technical forecasting have led to increased costs which far outstrip increases in performance, leaving us with a net loss in defensive might. We would be better off to terminate or curtail many of these wasteful programs now and redirect our energies to building larger numbers of less gold-plated, more trouble-free weapon systems.

The following list of military and related programs identifies \$8.5 billion in doubtful military projects. Several of the reductions have been recommended by Congressional committees already. The program elements shown cannot all be reduced in the amounts listed because of costs of contract terminations and because some of the funds have already been spent. But certainly reductions totaling the President's desired \$4.6 billion can be made.

Procurement

The patterns of military spending which shaped the FY 1975 military budget are a "hang-over" from the period of accelerated economic growth in the 1960s, when expanding GNP made it relatively more possible to have both guns and butter. The Defense Department must learn to live with the current economic reality of resource shortages, rapid inflation, and relatively stabilized GNP.

This requires avoidance of expensive and duplicative systems, such as the F-14 and F-15 fighters slowing of accelerated and costly programs, such as the Trident submarine, and deferral or fewer quantities of lower priority weapons, such as tactical missiles (Dragon, Lance, Sparrow). Certain programs, like the Airborne Warning and Control System and the LD-963 destroyer, should be cancelled outright on the grounds of their inability to find or perform a military mission within tolerable cost limits.

More than \$100 million can be saved merely by agreeing with committee adjustments of certain program quantities—for example, the S-3A, A-10A and F-15A—

which did not survive later conferences. The procurement title also includes several billion for aircraft and missile spares, modifications, ground equipment and upgrading of industrial facilities. Undistributed reductions can be made in these accounts without affecting priority support requirements. (See table.)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Military research and development, which should be a seedbed for new military technology and cost-saving innovation, has instead become the thin edge of the procurement wedge for weapon systems of questionable military merit. Development is pursued, less because of pressing need or intrinsic capability, than because of vested service and contractor interests. Leading examples are the B-1 bomber, SAM-D surface to air missile, the advanced airborne command post (AABNCP), the STOL transport prototype and the Site Defense of Minuteman ABM system.

The B-1 bomber is an especially instructive and expensive case of the 'presumption of production syndrome' whereby service advocates understate the potency of our current large, serviceable and flexible bomber fleet of B-52s and FB-111s and seek to force the production decision by way of numerous prototypes and a large sunk investment.

The momentum of these research efforts can be halted or abated without prejudice to military posture but at considerable savings in the federal budget. The Congress should permit DoD to develop its own priority list of R&D projects by mandating undistributed percentage reductions in the RDT&E accounts, as shown in the tables below, which indicate program elements of less than essential importance to defense readiness. In the future, the Congress should scrutinize new R&D spending proposals much more cautiously. (See table, p. 4)

Synopsis of DoD RDT&E appropriations, fiscal year 1975 (before recommended reductions)

	Million
Army, Navy, USAF.....	\$8,083.20
DARPA, DCA, DMA, DSA.....	255.30
DIA, DNA, & NSA.....	218.00
Technical support to OSD/OJCS.....	17.60
Director, test and evaluation.....	25.00

Grand total, RDT&E..... 8,579.30

Recommended reductions in service RDT&E..... \$614.175

Recommended reductions in RDT&E for defense agencies and test and evaluation..... 25.805

Total RDT&E reductions..... 639.980

PROPOSED REDUCTIONS AND DEFERRALS—DOD FISCAL YEAR 1975 PROCUREMENT BUDGET

Program	Quantity approved	Action	Amount saved (millions)	Program	Quantity approved	Action	Amount saved (millions)
Army Aircraft: UH-1 helicopter.....	48	Delete.....	\$18.5	Navy missiles:			
Navy Aircraft:				AIM 7E (Sparrow III).....	300	do.....	54.9
P-3C ASW.....	12	Delete/defer.....	138.4	Phoenix.....	340	do.....	33.2
S-3A ASW.....	45	Reduce quantity to 40.....	43.6	Standard MR.....	200	do.....	29.1
CT-39 exec. aircraft.....	6	Delete.....	10.5	USAF missiles:			
T-34C trainer.....	18	Delete/defer.....	7.0	LGM-30G Minuteman.....	61	do.....	312.0
KC-130R tanker.....	6	do.....	39.1	AIM-7 (Sparrow).....	300	do.....	43.3
Aircraft mods., spares, ground equipment and industrial facilities.....		Reduce.....	100.0	Missile support.....		Reduce.....	509.0
USAF Aircraft:				USN SCN:			
A-7D attack.....	24	Delete.....	100.1	Trident.....	2	Delete 1 hull.....	500.0
A-10A attack.....	25	Reduce to 20.....	100.0	SSN nuclear submarine.....		Delete.....	239.8
E-3A AWACS.....	6	Delete.....	328.7	DLGM guided missile nuclear frigate.....	3	Delete 1 hull.....	167.5
E-3A advance procurement.....		do.....	42.0	DLGM advance procurement.....		do.....	92.0
F-111F tac fighter.....	12	do.....	205.5	DD 963 destroyer.....	7	Reduce to 3 hulls.....	400.0
F-15A tac fighter.....		Cut 10.....	66.2	Destroyer tender.....	1	Cancel.....	116.7
Aircraft mods., spares, ground equipment and industrial facilities.....		Reduce.....	150.0	SSBN conversion.....	3	Defer.....	104.6
Army missiles:				Army combat vehicles: M-60A1 tank.....	510	Increase procurement by 500 units.....	+200.0
Dragon antitank.....	15,200	Reduce to about 7,000.....	40.0	Navy torpedos:			
Lance.....	194	Cancel.....	64.4	MK-48.....	450	Delete/cancel.....	135.4
				MK-30 mobile target.....	3	Cancel.....	9.8
				Subtotal, potential savings.....			5,213.6

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POSSIBLE CUTS—FISCAL YEAR 1975 DOD R.D.T. & E. BUDGET

(Dollar amounts in millions)

Service and program	Approved	Percent cut	Recommended	Difference	Service and program	Approved	Percent cut	Recommended	Difference
Army: ¹					Ordnance, combat vehicles, and related equipment and other equipment.....	\$551.9	5	\$524.305	\$27.595
Military sciences.....	\$109.7	5	\$104.215	\$5.485	Subtotal, Navy.....				222.865
Aircraft and related equipment.....	234.8	5	223.06	11.74	USAF: ²				
Missiles and related equipment.....	593.2	10	533.88	59.32	Military sciences.....	129.2	5	122.74	6.46
Ordnance, combat vehicles, and related equipment.....	245.7	5	233.415	12.285	Aircraft and related equipment.....	1,089.3	10	980.37	108.93
Other equipment.....	531.8	5	505.21	26.59	Missiles and related equipment.....	378.2	10	340.38	37.82
Subtotal, Army.....				115.42	Military astronautics and related equipment.....	453.3	10	407.97	45.33
Navy: ²					Ordnance, combat vehicles, and related equipment.....	142.3	10	128.07	14.23
Military sciences.....	139.6	5	132.62	6.98	Other equipment.....	631.2	10	568.08	63.12
Aircraft and related equipment.....	286.2	5	271.89	14.31	Subtotal, USAF.....				275.89
Missiles and related equipment.....	1,068.1	10	961.29	106.81	Grand total, all services.....				614.175
Ships, small craft, and related equipment.....	671.7	10	604.53	67.17					

¹ Examples of program elements which can be deleted/deferred: Materials R. & D.; heavy lift helicopter; UTTAS; advanced attack helicopter; safeguard defense system; missile technology; site defense of Minuteman (ABM); SAM-D; missile range support; tank systems; triservice tactical communications system; surveillance, target acquisition, and night observation systems.

² Examples of program elements which can be deleted/deferred: Defense research services; F-401 engine; CH-53E helicopter; fighter prototype; Sanguine; missile propulsion technology; Concorde; advanced cruise missile; missile; Aegis; Trident missile system; antiship weaponry; surface missile guidance; nuclear propulsion technology; surface effect ships; amphibious assault craft; submarine tactical warfare systems; special processes.

MILITARY CONSTRUCTION AND FAMILY HOUSING

Military Construction (NOA) is at \$1.9 billion for fiscal year 1975 and includes such deferrable or cancellable projects as "community facilities" (clubs, gyms, etc.) which have no direct bearing on national defense. Monies appropriated for community facilities by service are as follows:

Army: \$23.5 million.
Navy: \$22.1 million.
USAF: \$28.8 million (inc. \$4.4 million for 3 officers' clubs).

Provisions of these facilities means that servicemen are receiving government subsidized recreational facilities, despite the fact that their pay has recently been raised to the level of civilian counterparts who receive no federally subsidized recreation facilities.

Among other MILCON items which can be deferred or deleted are \$15 million to begin the armed forces medical college in Bethesda, Maryland and the \$30 million contingency construction fund of the Secretary of Defense.

Over and above the \$1.9 billion set aside for military construction, \$1.25 billion has been earmarked for family housing including funding for a total of 10,462 new units at a cost of \$337.4 million. This is \$49 million more than was appropriated in fiscal year 1974. This program provides quarters for military families who forfeit their housing allowances when occupying these quarters, although the housing allowances do not begin to meet the actual cost to the government of providing quarters in kind. Due to military comparability with civilian pay scales, this program should be subjected to a searching review.

In the meantime, while military housing can be justified at many remote posts, it is required at installations adjacent to urban areas. Furthermore, since military pay is now comparable to that of civilian equivalents, occupants of military family housing should be required to pay the full costs of maintenance, operating expenses and debt service for their quarters, thus relinquishing the rent supplement not available to civilians of similar income.

The family housing cost can be reduced either by a straight percentage or by a reduction equivalent to the difference between occupants' allowances and the cost of housing to the Treasury. For existing quarters, current operating expenses are \$380.7 million,

maintenance is \$353.3 million and debt payment and interest are \$167.1 million for FY 1975.

It is recommended that a minimum reduction of \$200 million be achieved in the MILCON and family housing accounts by cancelling non-defense construction such as clubs and bowling alleys, by deferring projects like the military medical college, and by curtailing the family housing program and by recouping some of its costs from the occupants.

OPERATIONS AND MAINTENANCE; MILITARY PERSONNEL

Operations and maintenance costs, including salaries for most DoD civilians, and military personnel costs consume well over half of the Defense Department budget. These costs are flexible, however, and can be brought down by instituting basic economies in travel, flying time, bonus payments, ceremonial functions, permanent change of station transfers, military servants (of which an estimated 500 cost the taxpayers some \$8,000 per serviceman per year) and in other areas of optional or discretionary spending.

There should be no need to curtail military manpower, yet substantial savings could be achieved by reducing overseas units (as in Korea) and by reducing the number of dependents abroad by instituting shorter, unaccompanied tours. This will permit further reductions in military personnel and foreign contract personnel (doctors, dentists, nurses, commissary staff, etc.) whose primary function is serving dependents. It will also reduce the amounts paid for cost of living allowances (COLA) paid to military personnel accompanied by dependents to allow them to meet overseas living costs, as well as cut costs for maintenance of dependent facilities.

As regards civilian manpower, where there is one civilian for every two uniformed personnel, further savings could be achieved by delaying replacement of normal personnel losses. At the same time, the Department of Defense should instigate rigorous fuel-saving measures throughout the military establishment while examining ways of providing readiness and proficiency training without expending fuel and other costly oil products. Flying and steaming time can be reduced to only essential operations; use of government vehicles and aircraft for other than operational uses can be greatly restricted to reduce the ever more costly consumption of fuel.

It is estimated that through measures of the kind described above an undistributed reduction of five percent can readily be absorbed in the \$49.5 billion so far appropriated for O&M and military personnel costs.

OTHER MILITARY AND RELATED EXPENDITURES

Atomic Energy Commission Supplemental Appropriation. The \$80.5 million supplemental A.E.C. appropriation includes \$57.5 million for new underground tests of large nuclear warheads. This test schedule is inconsistent with and calls into question the good faith of the government's efforts to limit strategic arms, to negotiate a comprehensive test ban, and to halt nuclear proliferation throughout the world. Its effect on the nuclear balance will be, at best, marginal and it may well prove counter-productive to other goals; the entire program should be scrapped now at a savings of \$57.5 million.

Military Assistance. A major drain has been imposed on the military budget by assistance programs which deplete U.S. inventories of weapons and ammunition. Many of the costs in the procurement and O&M titles of the defense appropriations bills are associated with the replacement of items actually or virtually given away to military aid recipients. It has been reported that both sides in the Cambodian conflict are armed mainly with American weapons, with the opposition forces capturing, stealing or buying U.S. stocks from the Lon Nol government, which must seek replacements from the U.S. As the Cyprus situation has shown, these arsenals are not always used by their recipients to further American interests but are used even against U.S. allies. Military assistance programs of all kinds should be drastically reduced not only on budgetary but also on politico-military grounds.

Reserves and National Guard. Similar economies are also possible in the various reserve forces accounts. Reduction of staff overhead, in non-essential units (such as Naval Control of Shipping units), and in the excessive numbers of "mobilization assignees" can be readily effected. Active duty training overseas or at points distant from local reserve units can be terminated.

Civil Defense. The \$80 million budget of the Defense Civil Preparedness Agency can be reduced by deleting monies appropriated for yet a new set of civilian population relocation plans and for an "all effects" shelter survey.

MINORITIES AND WOMEN MUST WORK TOGETHER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. RANGEL. Mr. Speaker, affirmative action is a concept which has been in much dispute in recent years. All of a sudden, the middle class white man is feeling the effects of what he calls "reverse discrimination" and has begun to cry out in fear. We blacks, women, and other minorities have lived in fear all of our lives that we might not achieve our goals because of our race or sex. Arbitrary hiring and admissions have always worked against us. Employers are given a great deal of freedom in deciding who they should hire. They speak of such intangible qualities as motivation and enthusiasm. It seems strange that it was always the white male who held these mystical qualities. Affirmative action is certainly a workable answer to the problem.

As a result of affirmative action programs minorities and women have often pitted themselves against each other in competition for the few positions available through affirmative action. In an extremely well written article, Eleanor Holmes Norton, Chairperson of the Commission on Human Rights, says that this should not be so. Minorities and women have much to gain from working together to make affirmative action a viable solution to the problem of our underrepresentation in the work force.

I submit this article for the consideration of my colleagues:

AFFIRMATIVE ACTION FOR BOTH MINORITIES AND WOMEN: THE ROAD TO REAL REFORM
By Eleanor Holmes Norton

Rather than competing with each other, minorities and women can benefit from combined efforts against racism and sexism.

I have been trying to speak openly about an issue that has already taken on a fair degree of troubling mythology. To be sure, it is still only a small undercurrent that one hears occasionally, but it is so erroneous and harmful to equal employment efforts that it ought to be plainly discussed and hopefully discarded. It is the notion that there is some inherent antagonism between minorities and women, as companies are required to design programs to redress historic discrimination against both.

Though I emphasize that it is still a small undercurrent, like so many whispers of distrust it can eventually become loud demagoguery unless met with facts early on. It should be enough that this fallacy has the potential to polarize the two great civil rights movements of the 20th century—the struggle for Black liberation after three centuries of slavery and painful discrimination, and the movement for women's equality after millennia of a sexist caste system. But polarization and discord is not all we would be left with. Such friction, were it to substantially materialize, would destroy affirmative action itself, leaving employers free to revert to the old system of filling jobs that has left every conceivable facet of American life to be run by White males virtually alone.

The argument that either minorities or women, but not both, will profit from affirmative action is one of those easy assumptions that comfort our suspicions while stifling our search for the truth. I have

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heard it from both sides—from an occasional woman who is certain women will lose out because Blacks make the company look good, and from an occasional Black who is convinced that the women's movement has sprung up just in time to capture the jobs that would otherwise go to Blacks.

The New York City Commission has done pioneer technical work in affirmative action for both minorities and women. We received the first Federal grant in the country to develop the affirmative action concept for women, having developed much of the early technology that had given substance to the concept for minorities. But we ultimately decided against a segregated program of working to get women into some companies and minorities into others. Instead, we adopted as policy the inclusion of both women and minorities in every complaint. There are currently 170 patterns and practice cases being processed by the Commission, almost half involving both race and sex; most of the others were initiated before the government authorized the sex inequality component of our program. Most of these cases were initiated by the Commission itself; the majority are against the most important companies in New York City, and therefore in the country. This is considered by the Equal Employment Opportunity Commission, which funds the program, to be an extraordinary caseload, both because so many large companies of 1,000 or more workers are singled out and because we undertake a massive job in each—the total overhaul of the company personnel system down to the smallest details of recruitment, hiring, promotion, testing, credentialism, benefits, assignment, classification and unequal pay, to name some of the major areas.

Because our pattern and practice caseload is so extensive and treats race and sex in every complaint, it provides a good test of how well minorities and women can be integrated into a viable affirmative action program. The fact is that extensive monitoring of each company under compliance with us reveals no appreciable differences or conflicts in meeting standards for bringing in minorities and women.

Some would attribute this result to the fact that a company does not get double credit for Black women, for example. New York City Commission policy disallows the 2-for-1 game that would put a premium on hiring Blacks who happen also to be women. This is just one of several built-in safeguards designed to make certain affirmative action does not become yet another hustle where devices triumph over systemic reform. Another such measure is Commission help in designing outreach procedures tailored to the specific groups sought. In New York City this means pinpointing exact sources of Puerto Ricans, Blacks, and women, and not allowing overdependence on some to the exclusion of others. Still, such safeguards as these could hardly account for the success of Commission policy requiring companies to redress all of the discrimination for which they are responsible, and not part of the loaf.

The fact is that it is precisely the policy of requiring total reform of a personnel system that has eliminated the possibility of conflict among excluded groups. To choose one or the other group is to invite precisely the competition that is feared. We isolate company policies that have an adverse effect on each particular group, while keeping in mind that exclusionary barriers most often affect either several or, in many cases, all excluded groups.

Moreover the point of affirmative action is to objectify personnel systems which have operated with White men in the mind's eye, at least when it came to middle- and upper-level positions. If the antidiscrimination agency does its job well, it will leave the

system free of stereotyping as a mode of position-filling. The effect will be to benefit all the groups who have historically failed to meet the stereotype.

The best way to prove this is to demonstrate briefly how difficult it is to do a competent job of affirmative action limited to any single group. Take, for example, clerical work, one of the most important categories of work for affirmative action, both because of the pervasiveness of stereotyping and because of the extraordinary number of jobs being created. Our increasingly white-collar society has met its expansive needs for clericals of all kinds, largely by bringing in women and minorities, who get stuck and remain as clericals. And dependence on these two groups, excluded from more senior positions, has made it easy to set low wages for the clerical category. Today in New York corporations, both minorities and women are overrepresented in these categories, with minorities often running 25 percent of the clerical work-force and women often 80 percent. The overlap between women and minorities is profound. This category helps remind us that half the minorities are women. Affirmative action here via techniques for promotion automatically helps both groups.

To be sure, job-by-job there will be times when companies will have to make a choice among qualified minority males, minority females and White females. But who can truly decry this new kind of corporate choice. The day may come when we will measure our progress by the degree to which this kind of choice replaces the old company choices where White men met themselves coming and going when vying for any substantial job. No formula can or should decide the new choices in the instances where they are necessary.

In any case, the results of our experience indicate what no example of a Black getting a particular job over a woman, or vice versa, can refute. And that is that the longer-range effect of total personnel reform is to so substantially benefit all excluded groups as to render benign individual instances of minority competition.

The all-inclusive effect of integrated women and minorities' affirmative action is further demonstrated by a look at a sampling of specific personnel reforms. Non-job related criteria account for major strains of discrimination in American business and industry. Once this form of discrimination is investigated, it makes little sense to restrict the investigation to minorities or to women alone. Many non-job related criteria do equal damage to both, such as the pervasive Masters of Business Administration requirement for executive positions. And dual benefit for both minorities and women is apparent in elimination of such criteria as specific school affiliation and military officer experience.

The same sort of effect on both groups is apparent in reforming other vital areas of company policy, such as criteria for promotion. Both minorities and women are pervasively found in stereotyped job classifications bunched at the bottom of business and industry. Critical to any affirmative action program are such reforms as non-discriminatory criteria for training programs and for job banks, both of which help women and minorities.

At the same time I want to stress that measures that seem to eliminate barriers for women also help minorities, and vice versa. A fair maternity benefits policy will help women at every level of the company, and especially Black women who work in disproportionate numbers compared with White women. And the elimination of pen and pencil non-job related tests bars such tests for everybody, not only the minority people whose disadvantage is most obvious.

I could go on with this lexicon of personnel reforms to demonstrate my basic point. But the mutuality of interest between

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minorities and women in affirmative action does not in fact depend upon the benefit each receives from this or that reform. I cannot overemphasize that it is turning the personnel system upside down and totally remaking it that is the key for every group regardless of who the group is. Ultimately, it is inefficient and unfair to do affirmative action on a piecemeal basis.

The fact is that affirmative action amounts to a brand new personnel technology, not only a device for bringing in excluded groups. It seeks to make personnel systems fair and objective. In the long run business and industry will profit from the new objectivity as it finds increasing numbers of motivated workers glad for the opportunities presented by the new chances for inclusion.

HON. H. R. GROSS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. DULSKI. Mr. Speaker, since those early days nearly 16 years ago when I first came to Congress, I have had the pleasure to be associated with my good friend, the Honorable H. R. Gross from the State of Iowa.

He had been a member of the Committee on Post Office and Civil Service for several years before I was named in my first term.

For the past 3½ years, we have sat side by side, he as the ranking minority member of the committee and me as chairman.

We have differed on many issues, but we each have respected each other's views. Indeed some of those differences often have resulted in a better end product—and, of course, the final result is really what counts.

We have joined together on numerous occasions that I would cite in particular his strong support for the basics of my pioneering approach to postal reform back in 1959. That was by far the most extensive legislative effort in which I have had a key role, from the drafting of legislation on up the line to public law.

Both Mr. Gross and I saw the tide of legislative sentiment swing away from our fundamental approach before the postal reform law was enacted. But that is the way the legislative ball bounces, compromise on legislation is the name of the game, as we both have come to know so well over the years.

During this 93d Congress there has been much effort spent on congressional reform. The effort really was not needed so far as our committee is concerned, as I believe the gentleman from Iowa will agree. We already had a fine relationship between the minority and the majority and essentially were meeting the basic reforms that evolved.

Many of my colleagues already have expressed their deep appreciation for the dedicated work of Mr. Gross in the House over the years.

Mr. Gross need step aside for no other Member in comparing the solid home-

work which he put into his everyday's work in this House. How he was able to keep such a sharp eye on the intimate details of so many bills, day after day, I will never know.

Mr. Gross very often was in the minority on issues, but he never let controversy bother him. Indeed, he thrived on it. He never lost sight of his point and, perhaps more important, never did I see him disagreeable.

He has been the exemplification of tenacity and always with deepest respect for the House and his colleagues.

Mr. Gross tells us he is going back to Iowa to catch up on his fishing. His fellow anglers back home ought to be forewarned that they have got some real competition on the way.

Mrs. Dulski joins me in warmest best wishes to Mr. Gross and his wonderful helpmate, Hazel, as they head back to enjoy the good things in life in their home State of Iowa.

WILLIAM E. TIMMONS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ARENDS. Mr. Speaker, we cannot adjourn this 93d Congress without first extending a few words of special appreciation to one of the most dedicated and hard-working public servants I have ever been privileged to know—William E. Timmons.

At the end of this year Bill will be retiring from his assignment of the past 6 years as Assistant to the President for Legislative Affairs to return to private life. I personally regret his departure from Government, and I know his absence will be keenly felt here on Capitol Hill where he is so well known and highly respected. Yet, the demands of his office have been great and his responsibility heavy. It is understandable that he would now want to devote more time to his family.

Perhaps one reason Bill has been such an effective liaison between the Congress and the President is because, in a sense, he himself is a product of Capitol Hill. He is genuinely interested in good, sound legislation and takes pride in the result.

Even while attending college at Georgetown University, Bill served as aide to the late Senator Alexander Wiley, of Wisconsin, from 1955 to 1962. Then from 1963 to 1969 he was administrative assistant to Representative BILL BROCK, of Tennessee, before joining the White House staff. His legislative experience in the Senate and House gave him special insights into the problems we face daily as legislators. He has been a student of the legislative process and parliamentary procedure. Although skillfully and forcefully representing the legislative interests of the President and the administration, he has never lost his sensitivity to our needs as well.

His is a tough job even under the best

of conditions. As minority whip of the House, I have had almost daily contact with Bill and his excellent staff—often during periods of stress and legislative stalemate—and my admiration for their performance has continued to grow. It has been a pleasure to work with them.

It is impossible to measure in any meaningful way Bill's contribution to the hundreds of bills enacted by the Congress during these past 6 years, but it has been substantial. I do not know what plans he has for the future, but I wish him and his lovely wife Mimi and their children every success and happiness in the years ahead.

I know that all my colleagues here as well as countless friends across the country join me in saying, "Thanks, Bill—for a job well done."

SCHEDULE OF CONGRESSIONAL ALLOWANCES AND OUTLAYS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. LONG of Maryland. Mr. Speaker, in May 1974, I presented a statement of my personal financial position together with information on my income and income tax.

Today, I am submitting a schedule of my congressional allowances and outlays for the period January 1, 1974, to December 31, 1974.

With these various reports, I have gone well beyond my legal obligation, in order to present to my constituents a brief record of my net worth, my taxes, and my disposition of congressional allowances.

In general, this statement of congressional allowances and outlays shows that in 1974, \$12,822.59 was received in stationery allowance, office allowance, travel allowance, and telephone reimbursements, that \$10,574.58 was spent on these items, and that the balance of \$2,248.01 remains on deposit in the stationery and office accounts, with scheduled outlays from December 19 to 31, 1974, of \$22.70, leaving a balance on deposit in the stationery and office accounts of \$2,225.31.

I include the following:

Schedule of congressional allowances and outlays	
I. STATIONERY ALLOWANCE	
Outlays:	
For newsletters.....	\$4,031.00
Other outlays—for office supplies, flags, souvenirs, personal items.....	2,800.89
Outlays reimbursed by constituents, staff, and campaign.....	-2,448.03
Total	+352.86
Paid by Congressman Long in 1974	4,383.86
Scheduled balance on deposit in stationery account on December 31.....	+2,116.14
Stationery allowance.....	6,500.00

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II. OFFICE ACCOUNT	
Allowance (\$500 per quarter)-----	\$2,000.00
Outlays for supplies and miscellaneous-----	-1,868.13
Scheduled outlays in the remainder of December-----	-22.70
Scheduled balance on deposit in the office account on December 31-----	109.17
III. TELEPHONE EXPENSES	
Reimbursements (from House of Representatives)-----	2,049.39
Transfer from office account to cover unreimbursed telephone expenses-----	+31.30
Total-----	2,080.69
Telephone bills paid in 1974-----	2,080.69
Balance-----	0

The entire 2-year travel allowance was used up in calendar year 1973 for daily travel from Washington to Baltimore, as follows:

Travel allowance for 1973-----	\$2,273.20
Travel in 1973: 165 round trips at 116 miles per trip equals: 19,140 miles at 12 cents per mile-----	2,296.80
Balance in travel account-----	0

The telephone expense is the only true expense item, in that all expenditures on telephones for the district office are reimbursed dollar-for-dollar and that telephone reimbursements cannot exceed telephone expenses. The remainder of the allowances, for travel, stationery and office, are flat allowances which then become the personal income of the Congressman with all expenditures tax deductible. There is no provision for returning any balance to the Treasury, and the balances on deposit in the stationery and office accounts at year's end are subject to personal income tax.

MISSOURI CREDIT UNION LEAGUE SUPPORTS CREDIT UNION BANK BILL

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. PATMAN. Mr. Speaker, the Missouri Credit Union League adopted at its annual meeting in November a resolution reaffirming its support for legislation to create a national credit union bank.

Such a bank would be formed under H.R. 7, legislation which I introduced in the current Congress and similar bills were introduced by the gentlewoman from Missouri, Mrs. LEONOR K. SULLIVAN and other Members of the House.

Although hearings were held on this legislation, no action was taken because various credit union groups and the National Credit Union Administration could not agree on the best method for establishing the bank.

One of the principal concerns about the bank was the feature in my bill that would require mandatory membership by all Federal credit unions. This feature

was initially opposed by the National Credit Union Administration and other credit union representatives. Now, however, the NCUA has changed its position and favors mandatory membership; and many credit unions who opposed this feature are now embracing it.

Because of the new found support and the reaffirmation of support, such as that shown by the Missouri Credit Union League, it is my plan to reintroduce a national credit union bank bill in the early part of the 94th Congress and to hold hearings on the legislation as quickly as possible. It is my hope that this much needed legislation can be enacted to assist the some 23,000 credit unions in our country.

The resolution follows:

RESOLUTION BY THE MISSOURI CREDIT UNION LEAGUE

Be it resolved: That the Missouri Credit Union League do hereby reaffirm our endorsement and support of legislation to create a national credit union bank, and vigorously urge the passage of legislation similar in its thrust to the national credit union bank measure sponsored by the Honorable Wright Patman, M.C., the Honorable Leonor Sullivan, M.C., and others, since this form of institutional support of credit unions is as critical for the future of credit unions as are federal bank agencies for other financial institutions, cooperatives, agriculture, among others; and we, the credit unions of Missouri, do hereby urge the members of the Missouri delegation to the Congress of the United States, to support and to work for the advancement of this legislation.

(By the 46th Annual Membership Meeting of the Missouri Credit Union League on the 9th day of November 1974.)

HAROLD R. COLLIER

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. ARENDS. Mr. Speaker, one of the ironies of the Congress is that we frequently lose our best men at the very time we need them the most. This is the way I feel about the retirement of my good friend and colleague from Illinois—HAROLD R. COLLIER—after 18 years in the House. With the country in economic difficulty, HAROLD's vast knowledge and expertise in the field of tax and economic policy is needed now more than ever.

Be that as it may, there comes a time when each of us must decide to step down, even though we may feel the Congress cannot operate without us! All levity aside, however, HAROLD is one who leaves some big shoes to fill, although he is far too modest to admit it.

We in the Illinois delegation and in the State of Illinois have been particularly proud of the representation HAROLD has afforded us on the Committee on Ways and Means for so long, and the same may be said for his work on the Joint Committee on Internal Revenue Taxation and the Joint Committee on Reduction of Federal Expenditures. He has always been counted on the side of

sound fiscal management for our Government, just as he has labored long and hard for a fair and just tax policy. These are immensely complicated matters and require special diligence to master. HAROLD's experience is invaluable and I am sure that even in retirement his sound advice and good counsel will continue to be sought by those in authority.

Just as he has always set high standards of excellence for his committee and legislative duties, HAROLD also believed that the people of his district should receive the best possible constituent service—and that is what he gave them. He spared no effort to serve them. His personal attention was the rule, not the exception. His concern for the problems of his district was genuine. He has been a Representative in the finest sense of the word.

I know, too, that his many friends in the Congress will miss his keen wit and his uncanny ability to find humor in any situation.

I personally regret that HAROLD is leaving the Congress, but I wish him good health and abundant happiness in his retirement. He and his lovely wife Carol have a place in Florida, as do Betty and I. We are looking forward to getting together from time to time for a round of golf and perhaps to discuss the state of the Nation.

Who knows? We might even write a few letters to our Congressman!

UNEMPLOYMENT IN 1961

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. MICHEL. Mr. Speaker, the announcement this week that the unemployment rate has reached 6.5 percent has been greeted with a chorus of gloom and doom by the media as well as certain Members of Congress and other public figures.

While it certainly is no cause for celebration, I think we should keep things in their proper perspective and pay heed to the President's admonition that we not talk ourselves into an economic situation that might be far more severe than conditions would actually warrant.

I noticed an editorial in the December 9 edition of the Peoria, Ill., Journal Star wherein the editor, Mr. C. L. DANCEY, made a trip to the library to check out the microfilm of past copies of his own newspaper as well as the New York Times for October of 1961 to determine what the major subjects of national concern were when we had a 6.5-percent unemployment rate then, the same as we do now.

Mr. DANCEY compiled a list of headlines filling up more than one full column, and while these headlines covered every topic from reports on incidents at the Berlin Wall to a story regarding exercises which the late President Kennedy was taking at that time to strengthen his back, nowhere could he find the word

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"recession." The closest one comes in a front page lower-half story wherein an administration spokesman, Kennedy's Commerce Secretary, Luther Hodges, "Says Depressed Areas Should Help Selves." I think another point we should keep in mind is the unemployment figures have been increased as a result of the coal strike which will hopefully be resolved and the miners back to work before too many weeks go by.

I agree wholeheartedly with the editor's view that there is "reason to be concerned about the effect of fear created by the heavy 'jawboning' about recession-depression that has gone on so intensely by politicians and press this time."

I insert the text of the editorial in the Record and close my remarks with an admonition to my colleagues in the Congress and friends in the media that we be careful not to make a bad situation worse by careless exaggeration of the true circumstances.

UNEMPLOYMENT IN 1961

If you want an eye-opener on the matter of the "agenda" or the mood or what is fashionable, politically and as to news and public dialogue, do what I have just done.

Go to the library, check out the microfilm of the Journal Star (or the New York Times) for October, 1961, and see what the major subjects of national concern were when we had 6.5 per cent unemployment then the same as now.

Let me give you a quick day-by-day of the major headlines for starters, as they came along.

"189th, 301st Go On Active Duty."
"Ford Struck by UAW."
"Gromyko, Kennedy Confer on Berlin."
"China Says 'Bullets' May Wreck UN."
"JFK Gets Report on NATO Build-Up."
"U.S. Agrees to Red UN Head Plan."
"War Must Be Prevented Says Gromyko."
"Radio Newsmen Honor Kennedy."
"U.S. Considers Sending Troops to South Vietnam."
"Indict Hoffa."
"U.S. Offers UN Aid Plan."
"Allies Protest Shooting at Berlin Wall."
"Communies May Delay Berlin Showdown."
"Report U.S., U.S.S.R. Agrees on High UN Post."
"New Incidents Flare Along Berlin Border."
"JFK Files to Texas to see Rayburn (who was ill)."
"Laos Factions Pick 'Neutral' Premier."
"10,000 More Troops Go To Europe."
"Assess Red Threat to S. Vietnam."
"East German Police Fire on U.S. W. German Police."
"Report JFK Will Study Mid-Europe Area."
"JFK Sees Airborne Display."
"UN Power Seizure Charged by Russians."
"Warning on Berlin Delivered by U.S. Commander."
"Charge of Red Union Ties Angers Hoffa."
"U.S. Sells Jets to Yugoslavia."
"6,000 Sorties Flown in Huge Mock War."
"U.S. Rejects Red Formulas on UN Chief."
"Western Diplomats Meet this Week on Berlin."
"UAW Harvester OK 3 Year Pact."
"Open Senate Hearings on Drug Patents."
"Nigerians Want Peace Corps Expelled."
"Reconsider Testing Big Bomb, U.S. Asks Russia."
"Red China Chief Raps Nikita for Blast at Albania."
"Bloody Street Riots Worsen in Dominica."
"Adoula Regime Backed in UN-Katanga Treaty."

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"Kennedy Names Randal Head of Volta Dam Team."
"Albania Strikes Back at Khrushchev."
"Kennedy Exercises to Strengthen Back."
"State Anti-Red Band's Arsenal, Leader Seized."
"Russia May Have Fired Super-Bomb."
"Hoffa Sues 25 Leaders of AFL-CIO."
"Ex-Zulu Chief Gets Peace Prize."
"Reds Claim Anti-Missile Defense."
"U.S. Makes New Berlin Crossing Test."
"JFK Urges Spending Economies."
"U.S. Russian Tanks Train Guns on Each in Berlin."
"JFK Unveils Plan to Spur U.S. Exports."
"Super Rocket Successful in First Test."
"Caterpillar on Strike."
"Red's Order Stalin's Body Removed."
"JFK Raises Budget."

That's the way it runs across the top, and its more dramatic to see them all because the same subjects plus crime dominate the lesser headlines, etc., as well, and the columnists are all talking about crisis here and there and strikes and new cars and such.

You can't find the word "recession" anywhere, and the closest one comes in a front page lower half story where an administration spokesman, Kennedy's Commerce Secretary, Luther Hodges "Says Depressed Areas Should Help Selves."

That's the way it really was. That was "Camelot," boys and girls. That was the "good old days." That was when 6.5 per cent unemployment was nothing to worry about and everybody was interested in superhoms, confrontations in Berlin, juggling power in Laos, the UN, South Vietnam and you-name-it, and when we were calling up the reserves and putting the National Guard on active duty from coast to coast.

Times change. And so do attitudes. But, today, when there is a proper concern about a 6.5 unemployment figure, it may help get it into a reasonable focus if we take notice that it was shamefully neglected the last time around.

In fact, researchers are telling us it isn't as bad today as it was in 1961 because, primarily, (1) jobless benefits are much higher and more available, and (2) because current unemployment figures come chiefly from teen-agers and women who were bringing in supplemental funds not the basic "living" of the family.

They also point out that the figures are swelled by people only briefly out of work—a turnover factor more than an enduring human problem.

There is the human problem in any such situation, and also the economic problem as to whether such indicators impact to make things much worse in future or do not.

The research suggests that, at least, the above factors would indicate the financial impact on the economy is not that great. But there is another factor altogether, which the news review of 1961 versus 1974 underlines.

There is a very different atmosphere and there is reason to be concerned about the effect of fear created by the heavy "jawboning" about recession-depression that has gone on so intensely by politicians and press this time.

That can, itself, create worse problems than we need.

What causes that big difference? The skill of the political leaders at beguiling the media into the "right" channels is one factor, of course. The Washington press corps affection or disaffection with a party or personality or style of reporting affects it. But the biggest factor clearly has been, how much other and bigger trouble were we in at the same time.

So, it surely isn't all bad. Indeed, thank God we are not burying

financial difficulties under threats of war, shipping troops overseas, readying for combat in Southeast Asia, calling in the Guard and such! I'll take 1974 rather than back to 1961 any day.

C. L. DANCEY.

FRED OLSSON'S CONTRIBUTION TO THE DAIRY INDUSTRY

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. MATHIAS of California. Mr. Speaker, this year Mr. Fred Olsson retired from a long and fruitful association with the Dairy Industry in California and in the San Joaquin Valley.

For many years when Fred was manager of the Knudson Visalla plant he was an active participant in an informal group known as the "Country Plant Operators" in the Tulare-Fresno-Kings Counties area. The members of this group were managers of the country plants in this area who met regularly over a long period of years to keep informed on what was happening in the production and marketing of milk and dairy products principally in California, and in the United States as a whole. A major function of this group was also to constantly improve the quality of the milk supply produced in the area as well as the dairy products manufactured in the area or shipping out in fluid form as milk, cream, or skim milk to the major consuming centers in California.

It was in the field of quality improvement and control that Fred was a major leader. He gave generously of his time and efforts with the producers shipping to his plant, as well as with competitors in joint industry programs, to constantly raise the quality standards of the milk in the area at the point of production, the dairies.

Since these programs involved the cooperation of the dairymen and the health departments and inspection agencies, he spent many hours personally contacting the individuals involved to convince and induce them to expend the extra efforts needed to produce the highest quality of milk, far above the minimum health standards, so that the shipments from the Southern San Joaquin Valley could best compete in the consuming markets.

Fred offered leadership in the programs to produce the finest manufactured dairy products from the plants in the Southern San Joaquin Valley. He shared with other managers his knowledge and experience in overcoming problems which often arose in manufacturing milk plants that endangered quality and Shelflife of dairy products. While his major efforts were devoted to the constant improvement and maintenance of the highest quality of the dairy products processed for his own company, he recognized that each company supplying milk and dairy products to consumers was his "Brother's Keeper," and low quality dairy products hurt the indus-

try regardless of who sold them to the public. Others in the industry were well aware of Fred's thinking and were always pleased to have the opportunity for open discussion with him of milk processing procedures.

Fred was always conscious of the dairy industry's need of the goodwill and close relationship with other businesses which were essential to the smooth operation of the industry. Therefore, he was very active in community relations and keeping other businesses, such as the banks and feed companies, well informed on what was happening in the milk industry. His close contacts with banks and financial institutions were helpful to producers who needed loans and credit since he constantly emphasized the stability of the industry in California and particularly in the Tulare-Kings-Fresno counties area.

Banks and feed companies were well aware of the efforts the plants would expend to help a dairyman work out his financial and operating problems. Fred's public relations work in the field was a strong factor in building a good image for the dairy industry in the business community generally.

One other field in which Fred has done a great deal of work was that of labor relations, as it affected his own company and that of the entire industry.

When Fred came to the Valley in 1947 labor harmony between companies and union locals was at a low ebb. Through his efforts at his own plant, his patience, understanding, and sense of fair-dealing to both company and employee, a sound basis for working together was established. Fred spent many long hours with industry groups working on labor problems to the mutual advantage of both industry and labor.

TRIBUTE TO THE HONORABLE KENNETH J. GRAY OF ILLINOIS ON HIS RETIREMENT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. ROONEY of New York. Mr. Speaker, recently I had the honor to praise a good, dear, and longtime friend from the State of Illinois, the Honorable LESLIE C. ARENS, upon his upcoming retirement from the House of Representatives following 40 years of service. It is now my honor to rise today, Mr. Speaker, to praise another outstanding Member, also with the Illinois delegation, who is retiring at the end of this session. I speak, of course, of the distinguished gentleman from the Prairie State, the Honorable KENNETH J. GRAY.

Before coming to the House 20 years ago, KEN was very active in many civic affairs and always interested in the betterment of his community and his part of southern Illinois. His membership in many fine civic and patriotic organizations led him eventually to politics and to election to the House of Representatives in November 1954.

EXTENSIONS OF REMARKS

During his 20 years of service here in the House, KEN has become known to all of us as a capable, hard-working, conscientious member of the House Committee on Public Works. His counsel and advice are often sought on a myriad of subjects and problems. Most of us here in this Chamber have, at one time or another, consulted with KEN on a legislative problem. It is the finest tribute to KEN that his fellow Members of the House held him in such esteem that they sought his opinion on many complicated and complex problems concerning public works.

Mrs. Rooney joins me in wishing KEN a long, prosperous, and active retirement and we look forward to maintaining his friendship even after we leave this Chamber.

IMPORTANT SURVEY OF SECRECY IMPACT ON GOVERNMENT CONTRACTORS UNDER EXECUTIVE ORDER 11652

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, since June 1971 the Foreign Operations and Government Information Subcommittee has been conducting various studies, investigations, and has held public hearings on the operation of the Federal Government's security classification system—as it has functioned under Executive Order 10501 during the period 1953-72 and Executive Order 11652 during the 1972 to date era.

Last summer, our Subcommittee held hearings on my bill H.R. 12004, which would replace the Executive order classification system with a statutory system that would provide adequate safeguards for truly legitimate national defense secrets but which would help eliminate current practices of frivolous, illegal, and unnecessary classification markings to hide wrongdoing, corruption, or mistakes in judgment that might jeopardize future promotions. We will be reintroducing such legislation in the next Congress and will hold additional hearings next spring with the intent to report favorably a classification reform measure to the House next year.

Mr. William G. Florence, a former top security expert in the Air Force and one of the subcommittee's first witnesses in 1971 during our hearings on classification abuses, has recently conducted an in-depth study of the impact of the Executive order classification system on the various categories of private firms, institutions, and individual consultants who operate under contract with agencies of the Federal Government. Our subcommittee began initial explorations of this important aspect of the security classification problem last August and heard testimony on this subject from Mr. Albert H. Becker, research security coordinator at the Georgia Institute of Technology.

Mr. Speaker, at this point in the Record, I include a letter from Mr. Florence,

now a consultant on Government Security Policy with the Center for National Security Studies, in which he summarizes the results of his study of the impact of the current Executive Order 11652 classification system of our Nation's private contractors with the Federal Government.

The letter follows:

CENTER FOR NATIONAL SECURITY STUDIES,
Washington, D.C., December 14, 1974.
Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations and Government Information,
Committee on Government Operations,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The President's secrecy system in Executive Order 11652 for classifying information in the name of national security as Confidential, Secret or Top Secret should be a major target for corrective legislation in 1975.

Watergate revelations and a succession of court room disclosures have shown that a real threat to our freedom lies in permitting Executive branch officials to misuse national security as an excuse for secrecy. The many abuses of the Executive branch security classification system include withholding from the American people massive volumes of information which belongs to them, the disclosure of which could not affect our national defense capability.

As you know, on November 21, 1974 when the Senate followed the House in voting to override the President's veto of the bill to amend the Freedom of Information Act, Congress said emphatically that there is far too much secrecy in the Executive branch. The amendments are now Public Law 93-502. One of them permits a Federal court to decide, *in camera*, whether information in a classified document being withheld by a government agency from an individual who requested access to it meets the Executive order classification criteria for secrecy.

Other legislative proposals pending in Congress, including your own bill, would preempt the President's security classification system altogether. A narrowly defined statutory basis would be established for the Executive branch to *strive* to keep secret such information as actually would impair the national defense. The purpose is to limit drastically (a) the type of information that could be included in the secrecy system and (b) the period of time that an item of information could be held in secrecy. I am pleased that hearings on the various bills for security classification reform were held earlier this year by your Subcommittee on Foreign Operations and Government Information and Senator Muskie's Subcommittee on Intergovernmental Relations.

This legislative effort could be of more interest than any other action by Congress on government secrecy. Of course, the proposals for keeping unlawful control measures from being applied and held on information parallels the basic purpose of the Freedom of Information Act. But it is the scope of authority which Congress might give Executive branch agencies to impose *lawful* secrecy measures on information that is of greatest concern.

Congress is abundantly experienced in exploring the effect of legislation, including a secrecy statute, on government agencies and their operations. However, the effect of statutory secrecy on private business firms and individuals that could result from government procurement and contracting operations is another matter.

At present, there are thousands of industrial firms and other organizations with millions of employees doing work subject to secrecy restrictions based upon the existing security classification system. As of July 1974, the Department of Defense was maintaining

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an industrial facility security clearance at 1293 facilities for Top Secret work, 9688 facilities for Secret work, and 122 facilities for Confidential work. Many millions of documents and other items with classification markings are in the custody of these facilities.

There are important questions as to what effect a statutory secrecy system might have on industry that call for thorough examination. For example, would the current unrealistic administrative secrecy rules be eliminated from research and development projects, or would statutory secrecy restrictions be established that could impact on essential interchange of technical information?

One seemingly insurmountable obstacle prevents communication between Congress and most business firms that are affected by secrecy restrictions. Almost no one engaged in classified defense work will discuss publicly the wasteful and illogical aspects of existing security classification practices. Industrial giants as well as small companies with government classified contracts refuse to criticize absurd secrecy requirements for fear that the government contracting department will take its business elsewhere.

I am not working to eliminate that communication gap by conducting a study to obtain facts about the application of the Executive Order 11652 security classification system to industry and academic institutions, and giving the facts to Congress and the public. I am doing this as a consultant to the Center for National Security Studies, and in liaison with your committee's staff director.

To date, visits have been made to selected research and development and manufacturing organizations with over 1200 Secret and Top Secret Department of Defense contracts totaling more than \$550 million. Inquiries have also been made of numerous other companies working on approximately 1300 classified contracts worth over \$680 million.

The visits and other inquiries were made on condition that specific facts given would not be identified publicly with the organization that supplied them. Here is a summary of information and conclusions furnished by representatives of the various companies and non-profit institutions participating in the survey:

1. There is as much secrecy in government contract work under Executive Order 11652 as there was under the previous order, No. 10501, which was superseded June 1, 1972.

2. Security classifications of Top Secret, Secret and Confidential are assigned to technical information by security classification forms and guidance pamphlets routinely prepared by military and civilian personnel who are oriented toward preventing publicity for their defense projects. This is how industry is flooded with security classifications. The widely heralded reduction in numbers of officials with so-called original classification authority under Executive Order 11652 means nothing to industry.

3. Very few individuals in the government who communicate with contractors about the security classifications specified for contract work have any idea of how unrealistic their secrecy requirements are for technical information and technological explorations. Government people do not understand the "damage to national security" classification criteria in Executive Order 11652. The "damage" factor is seldom used by an individual in assigning classifications to documents or in replying to a contractor's request for declassification actions.

4. The preponderance of technological information currently being designed in contracts as Confidential or higher does not qualify for secrecy under the restrictive "damage" standard in Executive Order 11652. In some types of contract work the degree of unnecessary classification approaches 100%.

EXTENSIONS OF REMARKS

5. Because of wholesale unrealistic classification assignments in the past, and the inability of government people to cancel outdated classifications, many individuals engaged in research do their work in a field of knowledge permeated with security classifications. The markings are on general reference data, related technical literature, reports of past studies, and presentations given at professional seminars. This causes newly prepared studies to be marked with a classification solely because some old reference material has a classification.

6. Exemption of classified documents from the Executive Order 11652 declassification schedule of 10, 8, and 6 years for Top Secret, Secret and Confidential, respectively, has resulted in perpetuating classifications once they are imposed. Department of Defense exemption of information from declassification for 15 to 30 years is common practice. Government people simply prefer to prolong secrecy on an item of information rather than permit its declassification after passage of a reasonable period of time. Many contractors reported that from 90% to 100% of their current contract information is exempt from declassification. The average throughout industry is estimated at over 85%.

7. Dissemination of technical knowledge that is needed for national defense projects as well as civilian technological advancement is hampered by unnecessary security classifications.

8. There is tremendous waste of money and manpower resulting from (a) government inspectors periodically visiting contractors to check on the handling of material with security classification markings but which has no qualification for secrecy, and (b) the use of guards and special facilities to account for and protect such material in storage and in transit. (NOTE: If just 5,000 of the 11,000 cleared industrial facilities are spending an average of only \$20,000.00 for handling and guarding material with unnecessary security classifications, that waste alone totals \$100 million of the tax money that is going to contractors as reimbursement for overhead costs.)

9. Almost every contractor representative expressed the belief that legislative action by Congress is needed to correct the secrecy abuses resulting from the Executive Order 11652 security classification system. The objective would be to replace that free-wheeling system with a law stating a limited national defense secrecy criteria that would serve as a common policy or reference for everybody. But legislation should clearly distinguish between secrecy requirements normally applicable to strategic defense information and those that could be applied in comparatively rare instances when a brief period of secrecy might be appropriate for technical information.

I am deeply grateful for the opportunity to carry industry's messages to Congress regarding security classification practices. But this one-man study is not enough. Congress must have advice from business people themselves about proposals for secrecy legislation.

Since a great many people engaged in government classified work actually fear personal monetary loss if they should volunteer advice about secrecy practices and possible improvements, I suggest that the initiative lies with Congress to obtain their assistance. It would seem most appropriate for each member of Congress to make a special effort to communicate with constituents regarding proposals to establish a statutory secrecy system for information relating to the national defense.

Any degree of communication that might result from such effort could be most helpful to you and other committee chairmen in the endeavor to eliminate unjustifiable government secrecy.

Sincerely,

WILLIAM G. FLORENCE,
Consultant on Government Security Policy.

OUR TWIN PROBLEMS: ENERGY AND THE ECONOMY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. LEGGETT. Mr. Speaker, the House Democratic Caucus and the Democratic mini-convention in Kansas City have clearly set forth the critical national requirement for a program of energy independence. I am today filing a bill, offered originally by Senator STEVENSON, to create a Federal Energy Corporation to assist in doing the job.

We passed legislation this week establishing a national research and development program for nonnuclear energy. I personally believe the \$20 billion of Federal energy research investment envisioned by the act over the next decade may not be sufficient. We may need a program of perhaps five times that level to pursue development of the various alternative technologies fully. But this legislation clearly represents a badly needed step in the right direction. Even the Oil Daily has recognized in a recent editorial that a crisis is upon us in the energy field and that governmental action of a comprehensive nature is required immediately.

We need action on our overall economic problems as much as on energy. In his editorial today, Bart Rowen of the Washington Post points up again our continuing condition of economic extremis. He says that inflation may become our No. 2 economic worry, with recession and unemployment becoming No. 1. Arthur M. Okun, former Chairman of the Council of Economic Advisors, sees the economy continuing to go downhill throughout 1975, with "double-digit" unemployment the result, unless the administration takes vigorous action. According to Mr. Rowen, the U.S. economy will be the most depressed of all the 14 nations in the Organization for Economic Cooperation and Development in 1975. He believes there may be a protracted and serious recession, not only here but also in the entire western world, unless the administration comes up with a bold program in January.

The two articles follow at this point in the Record:

[From the Washington Post, Dec. 19, 1974]
THE ECONOMY: "TIME IS GROWING SHORT"

The Ford administration is in the midst of the painful process of trying to shift gears to counteract what appears to be a devastating recession, without abandoning the fight against inflation.

It's a terrible dilemma, and there is no easy solution. The recession has moved along so fast and so deep that a budget deficit of \$25 billion to \$30 billion is now assured for fiscal 1976, and it is difficult to visualize the Ford administration proposing a substantial tax cut, in addition, to stimulate the economy.

Yet, Mr. Ford will have to come up with some kind of anti-recession package, including tax cuts, in his State of the Union and Budget Messages.

The deterioration of economic activity is clearly much worse than Mr. Ford's advisers had anticipated. Many outsiders, at the time

of the economic summit meetings in September, insisted that the administration was mistaken in labeling inflation "the No. 1 economic problem," rather than recession. But even the gloom-and-doomers didn't pinpoint the spectacular collapse of the auto industry and the fast rise in unemployment.

The prospect of the moment is for a fourth consecutive decline in real Gross National Product for the three months ending Dec. 31—perhaps by 6 or 7 per cent. Unemployment is likely to pass 7 per cent early in 1975, and rise to at least 8 per cent by mid-year, according to Arthur M. Okun, former chairman of the Council of Economic Advisers under Lyndon Johnson.

That's scary enough. But unless the President and the Congress come up with a vigorous anti-recession program that consciously tags inflation as the No. 2 economic worry, economists like Okun see the economy continuing to go downhill all through 1975, with "double-digit" unemployment rates. Okun says that such a possibility may be only one in four, but that's enough of a chance to demand insurance against it.

What can be done? A beefed-up public service jobs program, and expanded unemployment insurance package is already being generated on Capitol Hill and will become part of the administration program.

But beyond that, many liberal and conservative economists have come to believe that a hefty tax cut has become an absolute necessity. Former assistant budget director Maurice Mann, now president of the San Francisco Home Loan bank board, has an intriguing idea built around "a negative tax surcharge." This would be a one-time reduction in personal income tax liabilities to be enacted before next April 15. For example, if the "negative tax surcharge" were 10 per cent, a taxpayer owing \$5,000 to Uncle Sam next April would lop \$500 off his bill.

Okun would try to direct a tax cut more specifically to lower income groups. Altogether, he would push for a cut of about \$15 billion in the government tax-take.

Judging from past performance, such a program would be hard for President Ford and conservative advisers like Treasury Secretary William E. Simon and CEA Chairman Alan Greenspan to swallow.

Logically, they would have to abandon their firm position against any kind of direct intervention in wage and price decisions.

But time is growing short. That's the message that thoughtful Europeans—who once devoted all their concern to battling inflation—have been trying to convey to high officials here.

West German Chancellor Helmut Schmidt, on his recent visit here, urged President Ford and Mr. Simon to follow the lead of his country, which is cutting taxes, increasing public expenditure, and supplying a new tax credit to spur private investment. (The normally super-cautious Germans will have a budget deficit of their own in the \$20 billion range next year).

As it looks now, the U.S. economy—the most important in the world—will be the most depressed of all of the 14 nations in the Organization for Economic Cooperation and Development (OECD) in 1975.

There is a question, says a recent OECD report, "whether the rest of the OECD could enjoy a sustained expansion of activity alongside such a weak picture for the United States." Translated, that means that unless Mr. Ford comes up with a bold program next month, there may be not only a protracted and serious recession here, but in the entire Western World.

EXTENSIONS OF REMARKS

[From the Oil Daily, Dec. 4, 1974]
STILL NEEDED BUT LACKING: NATIONAL POLICY
(By Keith Fanshler)

We have talked in these columns so much of a U.S. energy policy and the urgent need to evolve and formulate a comprehensive, cohesive program, that the subject may seem time-worn, but it cannot be allowed to drop.

Looking at the subject in the perspective of what has taken place in key, important industry meetings late this year, the issue is more critical than ever. It is the industry's, and the government's, prime responsibility, and it is the public's imperative need for security and safety in its daily life and living.

The energy crisis persists, despite the unwillingness in many quarters of government and public to concede it. The fact that for the moment it is not immediately pressuring the public is really a fact somewhat unfortunate for working out a wise, appropriate formulation for creating such a policy, and implementing its early working.

Time continues to run, and accomplishment of this front, overall, is slow and sadly halting. True, some things of importance are in process of being worked out, but the broad, over-all, needed entity as a whole of a character required to do the job remains missing.

Increased supply of hydrocarbon energy is the basic needed element in the issue. Unfortunately, it remains a slow process, as the passing of years, since the energy problem began to take shape, testify. Meanwhile, efforts are being made, and they are good ones, to moderate the rates of demand. But this should be regarded for what it is—as a secondary and supplemental phase of the total problem and its solution.

Together, then, the need wise, effective programs of stimulating supply, strengthened and aided by a correlative, simultaneous activity of limiting demand.

If these two facets both prove productive in their progress, the broad, fundamental result will be a most constructive one and they together will set the nation far along the course it must pursue to render it secure against serious danger in this unsettled world.

But a sound policy is the heart and central factor in the whole matter. At this moment, it is unhappy but true that there is no assurance when an appropriate policy, strong and appropriate for the critical need, will be forthcoming. Certainly a look at Washington today is not such as to stimulate encouraging feelings on the subjects.

So the public and the nation are still waiting for a strong, appropriate national energy policy. The industry, too, inasmuch as much of its normal force and strength are now subject to government control, is likewise forced to await determinations which can come only from this same government.

It is unfortunate that many of these legal requirements are of a nature aimed at a viable, workable policy program, but are without the cohesion, the organization, the workability required by the nature of things to do the needed job and attain a momentum of force which would automatically build up added power as it proceeded, and thus achieve efficiency and operating productivity.

Thus under proper, able leadership and executive talent, working on a sound plan, this country could have a real national energy policy for the world to see and admire. When you say we have the worst form of government in the world, you have to add immediately: "—except all the others." Our government with all its faults can organize to do this great and basic job. Oil and gas men generally—the people of all energy industries, should bring every force to bear

upon the public, so that this public in turn, shall demand that government produce a fundamental program and policy that will command respect and begin to get needed results. It will be good for the nation, it will contribute to betterment of world conditions and it will certainly help to sustain the position of our country for world leadership in this difficult national and international situation.

Needed: rational, national energy policy, and soon.

HON. CHET HOLIFIELD

HON. DON EDWARDS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. EDWARDS of California. Mr. Speaker, I speak on this occasion with a great sense of poignancy, because, after many years of service to our country in the House of Representatives, the dean of the California delegation, CHET HOLIFIELD, is retiring. All of us in Congress and indeed all of the people of our country are losing the privilege of having the immense skill and devotion of this fine public servant as a Member of this body in the important years ahead.

Within a few days of my coming to the House in early 1963, I quickly learned to seek the counsel of CHET HOLIFIELD. I readily appreciated the high respect in which he was held by his colleagues, and so I wasted no time in trying to learn from this distinguished man. Mr. HOLIFIELD shared his expertise with me graciously and willingly. There was never a problem I could not take to him for guidance.

I think it accurate to state that the California delegation, the largest in the House, under the leadership of Dean HOLIFIELD has worked harmoniously and enthusiastically for the best interests of our State. Time after time Dean HOLIFIELD would call the delegation into emergency session to find the solution to an acute problem facing California. That we were successful in many instances is a great credit to our dean.

Others will speak of CHET HOLIFIELD's accomplishments. They are major and impressive. He always fought for programs to help the poor and the elderly. His devotion to individual rights, due process, and privacy is a special star in his crown.

It is not possible to talk about CHET HOLIFIELD without paying tribute to his partner of many years, our friend and his beloved wife, Cam. Cam made it possible for CHET to reach the highest pinnacles of achievement with her steady and loving support, with her warm understanding of the huge problems he faced, and her bravery and cheerfulness in times of disappointment and tragedy.

Mr. Speaker, I feel confident that CHET and Cam Holifield are not retiring from public life. I pray that they will return often to Capitol Hill and share again their friendship and wisdom with us. My best wishes go with them.

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THE AMERICAN-ISRAEL FRIENDSHIP LEAGUE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. KOCH. Mr. Speaker, the American-Israel Friendship League, located in my congressional district, is an organization dedicated to the promotion and development of mutual friendship between the people of the United States and the people of the State of Israel through the interchange of cultural, educational, artistic, and scientific knowledge between both democracies. At a time when the only democracy in the Middle East has been effectively excluded from the United Nations Educational, Scientific and Cultural Organization—UNESCO—the avowed purposes and goals of the American-Israel Friendship League take on even greater significance.

Mr. Speaker, I have often voiced my belief that the progress and security of Israel are in the highest national interests of the United States. While on occasion differences may arise between the United States and Israel, they do not affect the basic relationship between the people of both countries—a relationship based on the fundamental commitment to freedom and democracy.

The American-Israel Friendship League is a nonprofit, nonsectarian organization whose membership is open to all who subscribe to its principles, irrespective of their race, creed, or religion. For the interest of our colleagues, many of whom have associated themselves with the league, I am appending a list of the distinguished sponsors of the league:

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Publications—Information, Ernest E. Barabash.

Art, Paul Sharon.

HORACE M. "BUCK" ALEXANDER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. BYRON. Mr. Speaker, recently Frederick County, Md., lost one of her most distinguished citizens, Mr. Horace M. "Buck" Alexander.

Buck Alexander served his county for almost 20 years as sheriff. He had been associated the past 7 years with the M. J. Grove Division of the Flintkote Co. in its sales department. He was one of Frederick County's most popular elected officials having also served 7 years in the Maryland House of Delegates.

Buck Alexander was also a great advocate of the Frederick Fair and he served for 17 years on the Agricultural Society choosing to retire last year as treasurer and financial clerk. A brief quote from the Frederick News sums up Buck's career and his standing with the people of Frederick County:

The name "Buck" Alexander became a real "household word" in Frederick County as this hearty, vigorous man, who enjoyed a rare love of people, engaged in numerous volunteer efforts and jobs that kept him among the people.

Buck Alexander will be greatly missed by his family, his friends, and the entire community in which he worked and engaged his talents for the betterment of all.

CLEAR THINKING ON OIL POLICY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ASPIN. Mr. Speaker, of all the shortages which plague this Nation, the shortage of clear-headed, insightful, nonpartisan analysis of the choices we face is perhaps the most serious.

One of the most reliable suppliers of this scarce resource is the public interest group called tax analysts and advocates.

Their weekly journal, Tax Notes, is a producing well of ideas. An example of the kind of product it supplies appeared in volume 2, No. 49, December 9, 1974.

I commend this estimate essay to the attention of all Members:

OIL AND TAXES OR SNAKE OIL AND ROCK OIL
(By Gerard M. Brannan)

The charade of government dealing with oil and profits is about played out this year but the show has been too successful to end its run for good. Thus, when the much-liberalized Ways and Means Committee gets down to work in the 94th Congress, we will hear again those tough speeches about windfall profits of oil companies and other speeches about the sanctity of profit incentives. However, it is a good bet that little effort will be spent to help the public understand what the policy options really mean.

THE PLOT

This essay is as much a drama review—or preview—as a policy analysis. Drama is an important art form and it may be helpful to view the anticipated debate as a drama.

To enjoy the presentation of "The Perils of Petroleum," you must pay attention to two important counter-plots along with the main story line. In addition, you must avoid getting bogged down with some spurious counterplots or red herrings.

The main story, of course, is whether or not Congress will repeal percentage depletion, that symbol of perfidy to tax reformers Congress came as close this year as it ever has to repealing the 22% percentage depletion allowance for oil and gas. However, the effort fell short as strategists both for and against repeal disagreed among themselves over whether this was the time to get the best deal for their side.

The repealers worked to end percentage depletion in one fell swoop, retroactive to last January 1. However, many of them were more than willing to settle for a three-year phase-out that would begin in 1974. That phaseout formula was contained in the bill (H.R. 17488) reported by the Ways and Means Committee to the House floor November 26. Complete repeal of percentage depletion for oil and gas will mean additional tax revenues of \$2 billion to \$3 billion a year.

COUNTERPLOT NO. 1: PRICE CONTROL

Presently, about 60% of U.S. produced oil is called old oil (i.e. roughly, oil from fields up to 1972 production levels). The price of this oil is controlled at \$5.25. The other 40%, called new oil, sells at the market price, which is about \$11.00. (The delivered price of imported oil is the marginal supply that controls the price.)

The price control authority under which oil prices are regulated is due to expire February 29, 1975. Such guessing as I have heard has been that the price control authority will be extended. The more interesting question is "What will be the price control level?" It is within the power of the Ford Administration to make the oil companies immune

from the bite of repealing percentage depletion on old oil by raising the price ceiling to \$6.25 (which should add about 2¢ to the price of gasoline).

Considering President Ford's pathological hang-up about the price of gasoline, it seems likely that the ceiling price on old oil will not be increased. No price increase, which would be a judgment that oil companies could eat the tax increase, would raise another interesting question: "If profits on old oil are so far that a 50¢ per barrel tax increase can be absorbed, why was the price ceiling raised as high as \$5.25 in the first place?" (The price was about \$3.50 in early 1973.)

The important point is that the Congressional deliberation about taxing oil companies ought to be evaluated in the light of answers to questions about what is going to happen to price control.

I will bet a tank of gas that all we'll get on this subject is some bovine excrement about "considering the matter later."

COUNTERPLOT NO. 2: THE WINDFALL PROFITS TAX

One of the more remarkable goodies in the current Ways and Means oil tax package oil profits tax package is a "windfall profits tax" based on the sale price of oil. This sounds like severe treatment of oil producers. The tax seems to rise to 85% on the part of the oil price above \$6.50. This much follows a Treasury Department proposal but the committee added a wrinkle, one not very subtly suggested by former President Nixon. The wrinkle is that the windfall tax is rebated when the company invests enough in one or more of a long list of energy related activities. In 1975 the plowback credit is limited to about 3% of the windfall tax but thereafter the windfall tax is wiped out.

The point of this tax after 1975 is not clear at all. Possibly it is just a harmless snow job. A high windfall tax sounds tough. Rebate for investments sounds like we are providing incentives. There is some symbolism for liberals and conservatives alike.

There is, however, a more subtle result that deserves checking out. Under the windfall-tax-plowback-credit system, integrated oil companies will be in the position that, for them, new investments in the energy business will be almost free. There will also be the investment credit and accelerated depreciation incentives. Since selling energy resources must be the most profitable business in the country, it is not at all clear why extra investment incentives are necessary. If Congress insists on further subsidizing this investment, it is incomprehensible why the new subsidy should be available only to companies with windfall profits from producing crude oil.

This is just what occurs when the new subsidy is a reduction of the windfall profits tax. An unintegrated oil refiner gets none of this break because he has no crude oil profits. The integrated company will find that a new refinery is cheaper for it than it is for the unintegrated producer or the new company. This is a great system for preventing competition in the energy business.

RED HERRING NO. 1: FOREIGN OPERATIONS

I don't really expect the debate on oil profits taxes to spend much time on price control or this competition reducing nonsense of a plowback. I do expect endless yammering about some relative trivia. One is foreign oil profits. There are some relatively small defects of the present law in this area and the current bill deals with them, not magnificently but adequately. The fact of the matter is that the windfall profits are on domestic production, not foreign production.

RED HERRING NO. 2: SMALL DRILLERS

Another false trail in the debate will be the claims by "small drillers" for generous special treatment. The bill retains 15% per-

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centage depletion for three years for the first 3,000 barrels a day, which is about 1.1 million barrels a year.

In the first place, this is a ridiculous definition of small business. We are talking about receipts of nearly \$10 million a year on the 3,000 barrel exemption.

More important, a small oil driller is better off than almost any other small business group in America. How many businesses have had their prices triple? We could debate the wisdom of extending new small business benefits to small businesses generally but to do it for the most prosperous small businesses of all, and then to define these favored children as having up to \$10 million of income is just a rip-off.

A LOST OPPORTUNITY

What is so sad about the prospective debate on oil profits and tax reform is that there will be so much trivia and so little basics.

The general directions of a sound policy are quite clear as soon as one realizes that price control is a kind of tax. Telling an oil producer that he must sell \$11 oil for \$5.25 is, from the producer standpoint, like letting him sell the oil for \$11.00 and imposing a tax of \$5.75.

When the tax is disguised as price control, the benefit, just like a subsidy is distributed to oil consumers under the rule that the more oil you use the more subsidy you get. There could hardly be a more insane way to deal with an energy crisis than to pay people for using more energy. The rich get more benefit than the poor; the wastrel gets more than the saver.

Among other things this insane policy makes a mockery of our alleged international policy of trying to bring down oil prices. Americans buy oil products that reflect an average price of some new or imported oil costing about \$11 a barrel and some \$5.25 old oil. The oil consumer is then paying prices which reflect an average crude price of around \$6.50 a barrel. This leads to more consumption of oil products than we would have if the OPEC price of about \$11.00 (delivered) were built into product prices. The only thing that will bring oil prices down is inability to sell all the output at high prices. The U.S., by reducing prices to its consumers is protecting the OPEC cartel. Kissinger should sue Ford for non-support.

A final stupidity of the system is that by keeping the average oil price down we are discouraging oil substitutes. Sales of new oil can bring a price of about \$10 but energy from solar or geothermal sources must compete with oil that sells at an average price of about \$8.

RESULT: A TRAGEDY

Finally this price control system with its two prices for crude oil requires a highly complex system of business regulation to let each crude oil purchaser balance shares of high and low price oil.

Why does the Congress put up with this price control system? It sees price control as dealing with two problems:

Windfall profits for oil companies.

Burden on consumers from higher prices. These problems can be solved more intelligently by taxing oil companies (without the plowback nonsense) and distributing the tax proceeds to consumers in some such way, as a refundable income tax credit, that would not increase with consumption. The Ways and Means tax bill merely scratches the surface.

With a President who apparently files into a rage at the mention of higher gasoline prices there does not seem to be any hope for leadership from the Administration.

I started this essay as a drama review. My conclusion is that the show is a tragedy as

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well as a comedy but it is more tragic than comic.

(NOTE.—The views expressed in this article are those of the author and do not represent a position on legislation by Tax Notes or its publisher, Tax Analysts and Advocates.)

LESSONS OF HOOVER ERA APPEAR TO BE FORGOTTEN

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. FLOWERS. Mr. Speaker, many of my constituents have been complaining about the lack of leadership from the Ford administration in solving the problems of inflation and recession, and I agree with them.

President Ford does not seem to recognize the seriousness of our economic problems. Just last week, he said we are not in an economic crisis, and he defined a crisis as something that demands immediate and drastic action.

But there is no doubt in mind that we already have reached a crisis and that immediate and drastic action is overdue. Thousands of Americans are losing jobs each week, more and more plants are shutting down, the stock markets are seriously depressed, businesses are trimming capital spending programs, the auto and housing industries are disaster areas and the cost of living continues to climb sharply.

On top of this, the Ford administration has still not put forth a comprehensive program to conserve the energy resources we have now or to develop new energy resources.

President Ford must level with the American people about the state of the economy. He will find us willing to cooperate and sacrifice to cure our economic ills. We need decisive action, not aimless talk.

We must avoid the kind of Executive impotence which helped plunge this Nation into the depression of the 1930's. That point was made well by Dr. R. M. Havens, professor emeritus of economics at the University of Alabama, in a letter to the editor of the Tuscaloosa News, my hometown newspaper. I would like to share that letter with my colleagues:

LESSONS OF HOOVER ERA APPEAR TO BE FORGOTTEN

I have no desire to try to debate very complex economic problems in letters to the editor, but I feel that I must express my uneasiness when I see economists quoted on the front page of the Sunday Tuscaloosa News giving almost the same advice Herbert Hoover received from his economists in 1929.

Neither am I encouraged when I see President Ford following similar advice and then look at the stock market reports and the unemployment statistics.

Since I have been living on retirement income during the past four years, I do understand the seriousness of our inflation problem. On the other hand, I struggled through the depression years of the 1930s. Unemployment is not a "sacrifice" to belittle from a professor's comfortable office. We should re-

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member that political democracy survived the German, French and other inflations that followed World War I, but began to collapse under the unemployment pressures of the depression decade.

I would be much happier if I could see our national government facing its economic problems and the international ramifications with some of the flexibility and intelligence shown by the New Deal in 1933.

Economic conditions never exactly repeat themselves, so past policies are never completely appropriate. But let us remember the lessons of the past as we face the difficulties of the future.

R. M. HAVENS,
Professor Emeritus of Economics.

SOUTH VIETNAM'S UNSEEN WAR

HON. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FRELINGHUYSEN. Mr. Speaker, I commend to the attention of my colleagues a thoughtful article by Crosby S. Noyes in this evening's Washington Star. Unfortunately too many of us these days give the appearance of disinterest in the fate of a gallant and beleaguered people, the South Vietnamese.

The article follows:

SOUTH VIETNAM'S UNSEEN WAR (By Crosby S. Noyes)

The news from Vietnam—in case anybody notices anymore—is bad again. The military pressure is being stepped up; casualties on both sides in the last few days have numbered close to 3,000—highest since the major offensives of 1968 and 1972.

It is incredible how quickly this war—once a central obsession of all Americans, however they felt about it—has been consigned to oblivion. It is almost as if we really believed "peace with honor" was achieved two years ago. If we think about the war at all these days, it is with irritation that pleas for our support are still being received from Saigon.

Indeed, this is the way that the war in Southeast Asia has always been looked on by most people, including large numbers of Vietnamese. Those who have opposed it saw it as an extension of Western colonialism—first by the French in the wake of World War II, subsequently by the Americans.

It was, in short, a war of the West against the East, of white people against Asians. Once the West pulled out, it was confidently predicted, the whole thing would be over. The South Vietnamese, dragged into fighting for their Western patrons, would quickly collapse and make peace with their fellow Asians. In the general view, the Communists would speedily triumph.

Well, it hasn't worked out that way so far and it may not work out that way for a long time to come. And the question that Americans now have to ask themselves—really for the first time—is how far they are willing to go in helping people defend themselves against aggression, without any direct American involvement.

A good many Americans might have preferred to have it otherwise. A quick collapse of the Saigon government would have borne out the contention that it was tyrannical and unrepresentative of the people of South Vietnam. It would have proved the futility and wrongness of our intervention in Southeast Asia and the inevitability of a Communist

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victory. It also would have relieved us of a number of obligations that, in a time of recession, retrenchment and other preoccupations, are becoming increasingly unpopular.

Certainly, the governments in Hanoi and Peking have counted on collapse. They, too, have consistently presented the war as one of Asians against Western imperialism—the puppets and lackeys in Saigon doomed to the rubbish heap of history. The departure of American forces two years ago was the signal for a huge buildup of Communist forces in South Vietnam. Today that concentration of North Vietnamese power confronts South Vietnam with the greatest military threat it has faced so far.

The North Vietnamese have never doubted the truth of their cause or their propaganda. The old men in Hanoi and Peking have devoted their lives to the single-minded belief that they must prevail in the end and that only the pernicious wickedness of the imperialist powers has so far prevented their success. To achieve it, they are willing to sacrifice as many of their young men as may be needed.

One may admire tenacity, but what of the people of South Vietnam, to say nothing of the rest of Southeast Asia? Is one still to suppose that this has been a phoney Western-inspired war without real substance except for sterile ideological differences—nothing that a sane man would die for if he had the choice?

The evidence is painfully clear—whether Americans like it or not, the South Vietnamese are still supporting their government and still fighting and dying as if they meant it. At some point, they must be recognized—and supported—as a gallant people who have suffered unspeakable brutalities at the hands of their Northern brethren and who have fought back with a tenacity that few Westerners will ever be able to understand.

The American Congress in its wisdom, of course, can do as it pleases. Having washed its hands and its mind of Vietnam, it can withhold its support with entirely predictable consequences. The voters who know nothing of Vietnam or its people will object very little.

But if the Communists win in the end, the evidence is that they will have to do it the hard way over the dead bodies of many thousands of South Vietnamese who were crazy enough to want to live in freedom and who declined to surrender to naked aggression. It is a choice that no one in this flaccid and distraught nation can deny them.

KEN GRAY

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. BURLESON of Texas. Mr. Speaker, I take this opportunity to join with the many friends and colleagues of KEN GRAY to wish him the best as he retires from Congress.

We have known KEN for his energy and dedication to the work of the House of Representatives and will miss him from our midst.

KEN will pursue other activities, I know, which will be challenging and Ruth and I wish for him the best of all good things in the future.

HUMAN RIGHTS IN RUSSIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. DERWINSKI. Mr. Speaker, I have urged the United Nations Commission on Human Rights to speak up in defense of people in the U.S.S.R. who are suffering systematic and indescribable torture because of their religious beliefs.

I call the particular attention of the Members to the plight of Ukrainian Rite Catholics in Western Ukraine and Western Byelorussia, those in union with the Roman Catholic Church.

At this point I wish to insert as part of my remarks excerpts from a story carried by the Religious News Service on the subject of Soviet persecution of religion:

Anatoly (Krasnov) Levitin, a Russian Orthodox layman who was recently allowed to leave the Soviet Union, also mentioned the "persecution" of members of the "Truly Orthodox Church," and several outlawed churches—the Initiativniki unofficial Baptists, the Reformed Seventh-Day Adventists, the Pentecostals and Jehovah's Witnesses.

But the writer said "the most awful thing is the persecution of the . . . Uniates (Ukrainian Catholics) and members of the 'Truly Orthodox Church,' which has become the norm of life, does not evoke the slightest indignation. This unheard of savagery is blatantly committed, yet calls forth no protest."

Tracing the history of the Ukrainian Catholic Church from the time of its unification with Rome in 1596, Levitin noted that restrictions and persecutions have followed the "Uniates" throughout their history, under the Russian Czar and under the communist government.

In 1946, he pointed out, upon the final reunification of the Western Ukraine and Western Byelorussia with the USSR "the Stalin regime undertook the persecution" of the Uniates and arrested the head of Ukrainian Catholic Church, Metropolitan (now Cardinal) Joseph Slipyi of Lvov and six other bishops.

He observed that a resolution of reunification of Ukrainian Catholics with Russian Orthodoxy was formulated and forced upon the Uniates. Priests who refused to comply were arrested, and those clergy who outwardly resisted the resolution were charged with treason and sentenced to 25 years in prison.

"No judicial inquiry was conducted," said Levitin. "All repressions were carried out through a special committee of the KGB, Soviet secret police."

"If we take into account that together with the clergy, students in the Uniate seminaries, parishioners, and the most active lay people were punished, then it is not surprising that the number of victims soon reached . . . 300,000 people," the 59-year-old dissident said.

Despite a series of persecutions over the years and the imprisonment and death of most Uniate bishops (although Cardinal Slipyi was released in 1962 after 17 years in prison and allowed to go to Rome), he said "the campaign to destroy the Uniates failed."

Today, Levitin noted, 80 Uniate priests function almost openly in Lvov alone. "They perform in their homes the Divine Service (liturgy) and, upon request, religious rites (of various kinds). Three Uniate bishops function in the underground. As soon as one

dies or is arrested, another is immediately consecrated."

Levitin said the communist authorities are "obliged to tolerate this situation since they seem to feel that they cannot risk again a policy of mass repressions and the arrest of individuals, fines, and short-term imprisonment (15 days in jail for taking part in a liturgy) do not bring any results."

"All this indicates that the Uniates in the Western Ukraine and Western Byelorussia is a broad national movement," he said. "Its persecution constitutes not only religious repression, but also an infringement of the national rights of Western Ukrainians."

Stating that if commemorating the Pope during a Divine Liturgy and the recognition of him as head of the Church is a crime, Levitin said it becomes "incomprehensible why Latin Rite Catholics are not persecuted."

He said the tragic impact of the situation on thousands of human souls, "beaten and broken by the violation of their consciences," is further aggravating tensions between the Ukrainian and Russian peoples.

"It behooves the U.N. Commission," he asserted, "to come to the defense of the persecuted Uniates. This is a matter of elementary humanity."

Mr. Speaker, I am sure that this is just the tip of the iceberg, but I take this opportunity in commenting on this subject to emphasize the need for foolproof provisions of any agreement made with the Soviet Union. It may also be necessary for us to question the practicality of Secretary Kissinger's pursuit of détente.

Within the last 48 hours we have news stories of the Soviets raising objections to a supposed agreement they had reached with Secretary Kissinger on the question of Soviet Jewish emigration from the U.S.S.R. to Israel.

Many of the Members know of the recent persecution of Ukrainian historian Valentyn Moroz, who has been conducting a hunger strike. May I also remind everyone of the grudging release by the Soviets of Simas Kudirka, which was achieved only after the personal interest expressed by President Ford.

Last but not least, let us keep in mind that in dealing with the Soviet Union, whether it be on political, economic, cultural or even on the athletic competition level, we are dealing with a police state mentality and utter disregard for ethics and principles we take for granted and that we must not jeopardize the security of our Nation by wishful thinking over Soviet intentions or practices.

THAD DULSKI

HON. WILLIAM (BILL) CLAY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. CLAY. Mr. Speaker, I appreciate the opportunity we have today in setting aside time to pay a special tribute to THAD DULSKI.

His many years of distinguished service will not go unnoticed. I am pleased that I had the opportunity to come to know him personally these past 2 years as a member of his committee. As chairman of the Post Office and Civil Service Committee he has provided us with guidance and leadership.

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Federal employees will long be indebted to him. He has laboriously sought to improve their benefits—be it health insurance, wage increases, retirement benefits, or better relations between labor and management.

Members of the committee will deeply miss him but I know we all wish him well in the years ahead.

HENRY LUECK OF KANSAS

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. ROY. Mr. Speaker, a distinguished Kansan, Henry Lueck of Netawaka, has retired after 42 years in the grain business.

As owner and operator of "a country elevator," Henry Lueck earned the respect and friendship of his fellow citizens in the community. I have valued his advice during my service in the Congress.

Any words of mine in deserved praise of Henry Lueck would pale by comparison with those of his friends and neighbors in Jackson County and the surrounding area. And so, I wish to insert in the RECORD, and call to the attention of my colleagues in the House, the following editorial:

HENRY LUECK

The retirement this week of Henry Lueck with the sale of the Lueck Grain Company leaves a great big hole in the Jackson county business community that will not be quickly or easily filled. Hank Lueck has been a man whose interest in his business has been matched by his concern for his town and his country, both of which are rich in the fruits of worthwhile endeavors with which he was associated.

Hank's business career at the Lueck Grain Company has spanned 42 years. When he was only 19, an age when many of his contemporaries were still in school or hanging around the drug store soda fountain, he started the Lueck Grain Company in an old elevator which burned nearly 40 years ago. The growth of the company to the size it was this week when sold testify both to Hank's business acumen and his reputation for fair dealing with his farm customers.

This week in relating that he will be helping out at the elevator through the upcoming harvest season, Hank said he will no longer be coming to work at 7 a.m. and staying at the elevator until 11 p.m. These are the kind of hours he has kept, and one of the reasons is that he has never been too busy to put aside his own affairs for a few minutes or few hours to help in some kind of worthwhile community project.

His activities have been legion and it would be futile to try to recount them all here. He has been a tireless booster for his hometown, Netawaka, and has been involved in many projects for the improvement of the community. He has been a faithful member of his church and a Sunday School teacher for years.

Since his earliest years in business he has been an active member of the Holton Rotary Club which he has served as president and in many other important capacities. Only a year ago, he headed the campaign which raised the funds needed to insure the construction of an extended care nursing home for the county.

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His influence has extended beyond the boundaries of his own county. He has held major offices in both the Kansas and National Grain Dealers Associations. For all of his adult life he has been a tireless worker in the Democrat party. Well known locally for his leadership as county Democrat chairman for years, he is equally recognized for his work for his party in district and state affairs.

It has been said, "Everyone talks about the weather, but no one does anything about it." The world we live in is like that, too. It is easy to find any number of people who can tell us what is wrong with our life and times, but those who are willing to do something to change them are few and far between. Hank Lueck has been such a man. He has always been ready to give his personal effort, and money as well, for anything that would improve Netawaka, Jackson county, the state of Kansas or his country. His host of friends wish him happiness in a well-earned retirement and rejoice that he will spend it among them.

THE LIFEBOAT ETHIC

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. RYAN. Mr. Speaker, for years now, the whole world has been developing an increasing awareness of the potential disaster that will be faced if we continue to grow in population and to deplete the world's natural resources. Malthus spoke of it in the 19th century. Dr. Paul Ehrlich of Stanford has referred to the "population bomb" as more horrible to contemplate than the thermonuclear bomb. The late Gov. Adlai Stevenson referred to our tiny spaceship called Earth, and the whole world has now seen our small and fragile planet from the distance of space because of photographs taken by our astronauts.

We are all the victims already of the energy shortage because there are too many people drawing upon a newly limited resource of Earth called petroleum. We now pay too much for food such as sugar because of world supply imbalances caused by population growth and inadequate world supply and distribution systems. How much worse can it get? And for whom?

The enclosed article is most significant for at least one reason. A name has been given to the moral problem created by this massively complex subject. It is referred to as the lifeboat ethic. Like so many analogies, it is imperfect. But I believe the phrase will become as important in the rest of this decade as the word "ecology" became in the sixties. I commend the subject matter and urge you to consider the contents:

"LIFEBOAT ETHIC" SUGGESTED FOR UNITED STATES

(By Ronald Kotulak)

"I believe that those of us who will make our exists in the next decade or so may say, 'I lived in the most satisfying period in human history—the period from 1900 to the present.'"

Implicit in these words of Dr. Edward G. Rietz, chairman of the Chicago section of the American Chemical Society, is science's grow-

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ing gloom about the years to follow this "most satisfying period."

Despite the horrors of world wars and nuclear weapons, scientists have until recently been generally optimistic about the future. But the voices of doom are being heard with increasing frequency and volume.

They are not coming from wild-eyed, long-haired, robed fanatics carrying placards proclaiming the end of the world tomorrow. The modern doomsayers are sober, respected, responsible scientists who are warning us that the world as we know it is coming to an end. Fairly soon, now.

HUMAN TIDAL WAVE

What they see is a devastating human tidal wave, perhaps some years away but nevertheless approaching at an inexorable pace.

The twofold problem, simply stated, is this: First the population of the world is growing too fast—each year there are 75 million more mouths to feed; second, the demand for food, fuel, and natural resources is outstripping the earth's ability to provide them. We are on a collision course with disaster.

Most experts agree we are in serious trouble. They differ only in their estimates of how severe the problem will be. Some predict catastrophe; others believe the problem is tough but still solvable.

At the very least, it appears, we are in for some profound changes.

"By the 1990s, I suspect, we will be a society almost 180 degrees different from what we are today," says Dr. Glenn T. Seaborg, former chairman of the Atomic Energy Commission.

"I see us in 1994 as a highly disciplined society, with behavior self-modified by social and physical conditions already being generated today. The permissiveness, violence, self-indulgence and material extravagance that seem to be some of the earmarks of today will not be characteristic of that society."

To many experts, one of the most unsettling things is that few ordinary citizens realize we are in a severe bind. The idea generally is dismissed in America because it simply seems preposterous in our affluent culture. And in the underdeveloped countries, where the problem is the most severe, there appears to be a general helplessness, a total inability to cope with it.

Our current oil shortage will be a blessing in disguise if it wakes up Americans to shortages that lie ahead for us in food and natural resources. Because we soon will be faced with some awfully hard choices.

LIFEBOAT ETHIC

Some of these excruciating decisions may now be upon us, says Dr. Garrett Hardin, professor of human ecology at UC Santa Barbara.

In one of the most disturbing suggestions made so far, Dr. Hardin says we must adopt a "lifeboat ethic" in America. The function of a lifeboat, of course, is to save lives in the event of a disaster.

Suppose a ship sinks and there are 1,000 people swimming for their lives—but only one lifeboat. When 50 people climb into the lifeboat, it is filled to capacity. Perhaps it will hold 5 or 10 more people if they are jammed in. But eventually a point is reached at which the lifeboat will sink if one more person struggles to climb aboard.

Hence the lifeboat ethic: Those who have managed to get aboard face the terrible and agonizing task of pushing away the others, who are doomed to drown.

Each country is its own lifeboat, Dr. Hardin says. The question: Is it possible for the more fortunate nations to help the less fortunate? The answer is no, Hardin says, because of the great birth rate of the latter group.

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About 72% of the world's people are poor. The population in impoverished countries increases by more than 2% a year, by only 8% in the U.S. So poverty is increasing. Of the children who will constitute the next generation throughout the world, 88% will be born poor, Dr. Hardin believes.

The humanitarian impulse is for the "have" countries to help the "have nots." But if international granaries were set up and all the grain of the world were deposited in them, the starving countries would simply empty them.

In the end, Hardin says, the rich countries would fall by the wayside as they too became poor. Where there is no control of population, it is not possible to share the wealth; only poverty can be shared.

IMMIGRATION ISSUE

What about unlimited immigration from poor countries to rich countries? Such immigration would only move the ecological load; America, the richest, would become poorer. Our land would be ruined faster and our grandchildren would become "have nots."

Legal immigration to America is about 400,000 a year, with another 600,000 people entering illegally, Hardin notes, wondering if it is not time to ask if we are wise to allow so many to enter each year.

"So long as nations multiply at different rates, survival requires that we adopt the ethics of the lifeboat," he says. "A lifeboat can hold only so many people."

"There are more than 2 billion wretched people in the world—10 times the population of the U.S. It is literally beyond our ability to save them all. And tomorrow there will be more."

"Both international granaries and lax immigration policies must be rejected if we are to save something for our grandchildren."

Dr. Hardin is not alone in his chilling assessment of the world problems. Why are the experts so worried?

NO. 1 PROBLEM

The obvious, overriding problem is population. The earth now supports 3.8 billion people, two thirds of whom are impoverished. By the year 2000 there will be 7 billion people.

There are not enough riches in the earth to bring this many people up to the level of affluence that we now enjoy in America. And at the current rate of increase, the population will swell to 30 billion in 100 years. If all of the earth's wealth was equally distributed, all would live in abject poverty.

Perhaps our troubles are due to man, the planetary disease, says Dr. Ian L. McHarg of the University of Pennsylvania, an expert on ecological planning.

"Man is an epidemic, multiplying at a superexponential rate, destroying the environment upon which he depends and threatening his own extinction. He treats the world as a storehouse existing for his delectation; he plunders, rapes, poisons, and kills this living system, the biosphere, in ignorance of its workings and its fundamental value," McHarg says.

The second big factor is the limited supply of earth's riches—food, fuel, and natural resources.

The world already is walking a famine tightrope, says Dr. J. George Harrar, president emeritus of the Rockefeller Foundation and principal architect of the "green revolution," the research effort that developed grain hybrids exceptionally responsive to fertilizers. The only thing preventing a massive famine now, he notes, is exported food—primarily from America.

Three countries are acting as a buffer between starvation and life for much of the world. The United States exports 65 million tons of grain, Canada 17 million tons and Australia 8 million tons. All other nations

are food importers. Twenty-five years ago, most areas of the world exported food.

"This is a situation of dangerous dependence and one that could result in massive famine if there were one or two major crop failures in North America," says Dr. Harrar. Climatologists anticipate that, based on the cyclic nature of the weather, North America could well have a severe drought in the near future.

"I'm scared," admits Dr. Harrar. "We could have a lot of starvation by 1980. It is unrealistic to think that this could not happen."

COMPOUND INTEREST

We are attempting to deal with finite supplies or resources in the face of what appears to be infinite human potential for procreation. Our numbers are increasing like compound interest, and unless it is possible to stabilize world population through prompt and measurable progress toward zero population growth, the ultimate result can only be chaos, Harrar warns.

Catastrophic levels of population will be reached in the near future in some nations, Dr. Harrar says—those in which hunger, misery and disadvantage are already long established and persistent, with little apparent hope for a better future.

"The facts are that the world, in its present state of technology and with its present resources, cannot hope to support in dignity a population of 10 to 15 billion by the end of the next 50 years," he says.

"If these numbers do occur because we are unsuccessful in stabilizing populations, the least result will be severely reduced standards of living worldwide. But for millions, this will undoubtedly mean chronic malnutrition and starvation."

American food production is running at near capacity. Most Americans already have felt the effects of the squeeze. Idle croplands here have run out, and the price of major food commodities has just about tripled since 1960. The Energy Crisis will further exacerbate the world food crisis by sending the price of fertilizers and gasoline for farm machinery soaring.

GRAIN RESERVES

World reserves of grain, man's most important food source, are down to only 29 days' supply, compared to 69 days in 1970. About 51% of man's energy is derived from the direct consumption of grain, mostly rice and wheat. Add to this 13% from beans, peas, lentils and soybeans, and the total of man's energy derived from seeds of plants amounts to 64%.

As the world food problem gets worse, meat may become a rare item on the menu. Five people can be supported by directly consuming the same grain that would have to be fed to livestock as a source of meat for one.

Besides stopping the world population explosion, maximum efforts are needed to increase crop production, Dr. Harrar says. We cannot afford yields of 5 to 10 bushels of wheat per acre in one country and 40 to 50 in another when both could produce equally.

"An organized, integrated plan of action involving all nations could, through improvements in conventional agriculture, at least double annual world food production within a reasonable period of years," he says.

The United States, still a seller of food, has become a buyer of natural resources. The National Research Council notes that this country is almost completely dependent on foreign sources for 88 of the 74 nonenergy mineral commodities essential for a modern industrial society.

In 1970, the U.S. imported all of its primary requirements for chromite, columbium, mica, rutile, tantalum and tin more than 90% of its aluminum, antimony, cobalt, manganese, and platinum; more than half

of its asbestos, beryl, cadmium, fluorspar, nickel and zinc; and more than a third of its iron ore, lead and mercury.

The cost of the imports is tremendous. The need to import raises serious questions not only in areas of national security (regarding the kind of blackmail the Arabs are using with oil) but in trade deficits as well; it could catapult the U.S. into bankruptcy.

In 1970 the country exported \$5 billion worth of minerals and imported \$9 billion worth for a deficit of \$4 billion. At the present rate, the deficit in the year 2000 could grow to more than \$60 billion, with more than half of the nation's raw materials coming from foreign lands—if we can get them.

LOWER-GRADE ORE

In a little more than 100 years of industrialization, we have arrived at the point where we can see the end of high-grade raw materials. U.S. steel mills, for example, are supplied in large part with materials that 20 years ago wouldn't have been counted as ore.

In the 1920's, copper mines weren't worked unless they had 5 to 30% copper. Today a mine appears attractive with only .5 per cent copper.

Anyone seeking reassurance in worldwide reserves of natural resources and fuels can forget it. Of the 20 minerals most commonly used in industrialized nations, only 11 will still be available in the world by the turn of the century, says Dr. Preston Cloud, the University of California geobiologist who headed the National Academy of Science's study on the national materials policy.

By the year 2042 we can count on only eight of the 20 commodities for the world, maybe three for the U.S. (molybdenum, perhaps iron, and coal).

Of course, there are huge undiscovered mineral and petroleum deposits in the earth. But even if there were five times the known amounts, it wouldn't make any appreciable difference in the long run if the population keeps growing.

For example, the world's iron resources could last 240 years at our present rate of use. But given the population growth and the increased demand for iron, the iron reserves will last only 93 years. Even if there were five times the known reserves, given the increasing population, the iron would last only 173 years.

The world's known petroleum reserves will last 31 years at the rate we used them in 1973. But at our present rate of growth, they will last only 20 years. Five times the known reserves would last but 50 years at our present rate of growth.

What this means is that America, the most affluent, luxurious and materialistic society ever known, may be the last good-time society.

"The American life-style, insofar as it depends upon materials, is changing and will continue to change in the near future as the nation pays the deferred social costs of past consumption and inequities in distribution and begins to calculate the costs of depletion, replacement or nonrenewable resources and environmental restoration and protection," says the National Academy of Science.

After studying the ominous prospects, the academy's national commission on materials policy said we must reexamine these commonly held beliefs: that natural resources can be used in whatever amounts are needed to meet public demand, that increases in production and consumption are measures of progress and the well-being of society, and that this cannibalistic growth should continue.

GUIDED GROWTH

Instead, the commission said, we should develop a new ethical concept of the environment as a finite resource belonging to all; we must guide economic growth, includ-

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ing the redirection of production and consumers' demands, and make laws to ensure these changes.

Because the key issue in the prospects for man's future is population control, Dr. Cloud says, there should be two new fundamental human rights:

1.—The right of the fetus not to be conceived, or if conceived, not born, in a world where its existence is likely to be precarious, threaten the security of its siblings or increase the hazard to the general welfare.

2.—The right of society as a whole, through democratic processes, to influence the size of populations in ways and directions that best assure a continuing flexibility of options—including access to such resources of food, clean air and water, essential raw materials, and space as best assure a meaningful existence.

Should voluntary measures not show good prospects of moving toward balanced populations within another decade, stronger measures should be seriously and democratically considered, Cloud maintains. After all, he adds, it is not such a large step from regulating the number of wives or husbands a person may have to regulating the number of children—and much more is at stake.

The doomsaying goes on. Dr. Kingsley Dunham, director of the Institute of Geological Sciences of Great Britain and one of the world's top authorities on ore deposits, says the world faces the prospect of mass death through famine and pollution within a few decades unless population and economic growth are somehow limited.

"In the past 20 years, we have experienced two global fears: the first, of nuclear and thermonuclear weapons by which mankind could totally destroy itself; and the second, of deterioration of the environment, producing the same result but more slowly and painfully," he says. "We seem likely to be called on to limit personal desires for the general good."

One of the gloomiest pictures of the earth's future was painted by scientists from six other nations and the Massachusetts Institute of Technology who used a computer to figure the relationships between population increase, agricultural production, natural resources depletion, industrial output and pollution generation. At our present rates of economic and population growth, the scientists concluded, the world will collapse around the year 2100.

Besides limiting population and stabilizing economic growth, man is going to have to learn to live in balance with nature.

He will have to learn to reuse his goods so that all essential materials remain in use. Dr. Seaborg says we will have to have a "recycle" society.

"By this I do not mean simply one in which beer cans and Coke bottles are all returned to the supermarket, but one in which virtually all materials used are reused infinitely," he says.

We are perhaps more responsible for the future of mankind than any other generation. The problem is sheer numbers. More than 4,000 years ago, there probably were only about 200 million people on earth. By the end of this year, there will be close to 4 billion.

Some historians have compared our troubled times to those black days in the 14th century when the bubonic plague was rampant, when there were papal schisms and a breakdown of the medieval social and political system.

The end of mankind seemed at hand. Yet the crisis passed and was followed by Columbus and an age of exploration, the invention of the printing press, Copernicus and a new understanding of the universe, Michelangelo and an uplifting of man.

Such an experience tells us that man is adaptable and that his actions cannot be predicted. There could be a dramatic change almost overnight in birth control, with no

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couple having more than two children. There could be new inventions, new discoveries that could make more material goods available for more people without harming the earth.

FAREWELL TO THE HOUSE

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. CAREY of New York. Mr. Speaker, December 31, I shall resign from the House of Representatives where I have tried to serve the people of the United States since January 3, 1961.

Overriding every other feeling I have is a profound sense of gratitude. My appreciation for the opportunity to serve there goes first to the people of New York and the borough of my birth and residence—Brooklyn, N.Y. My neighbors not only gave me a chance to serve them in this legislature but rewarded me and my family constantly. People of all faiths, races, origins, and ages gave us their friendship, and encouragement, and trust. They spoke candidly and kindly of their needs and services and when they did not agree they were considerate of the fact that in a democracy judgments are bound to differ.

It was through their support and inspiration that I was able to be part of this Nation's progress over the last 14 years.

By returning me to the House for seven terms, they gave me the opportunity to join with men and women of this body whom I regard as some of the finest human beings I shall ever know.

In this respect, I am especially grateful to my colleagues in both the House and Senate whose friendship and counsel has enabled me to participate in the making of our laws, to care for our people and to realize our opportunities and limitations.

I value each day that I spent in the Committees on Education and Labor, Interior and Insular Affairs, Ways and Means, and the Joint Economic Committee.

I shall not dwell upon any personal efforts in legislation because whatever we did in education or help for the poor and the aged in the years 1961 to 1970 is a chapter in which credit is due to many joint committee programs.

It was, of course, a memorable opportunity to serve under the leadership of the late Presidents Kennedy and Johnson and my beloved colleague from New York, Senator Robert F. Kennedy.

To have arrived in time to know and serve with Speakers Sam Rayburn and John McCormack and to have the support and friendship of Speaker CARL ALBERT and our majority leader TTP O'NEILL has been my good fortune.

I thank my colleagues who helped me whenever my own efforts were inadequate. There were many who have passed from this life. I particularly want to remember the late Hale Boggs, our majority leader. I was pleased to second his

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nomination and we suffered a tragic loss when he failed to return from a mission to the district of our other departed colleague Nick Begich of Alaska. The late John E. Fogarty was my friend and inspiration in the area of health and legislation for the aging. The chairman who gave me a chance and helped me pass bills for the poor, the handicapped, and those in need as well as in the area of aid to education was Adam Clayton Powell. He has earned his place in the annals. He paid his dues.

And I want to thank all my colleagues of the Committee on Ways and Means for their considerate and effective work on legislation like revenue sharing. Chairman WILBUR MILLS in my estimation must be remembered for his great contribution to the guidance of our committee and his compassionate efforts to improve our system of care for the elderly, the mentally retarded, and those in the welfare system as he tried to lead us in its reform.

I am delighted as I leave that my close friends of the New York delegation are united and more effective than ever. I want each Democrat and Republican of New York, my friends, as allies for our great State.

As I leave this honor to serve New York as its 51st Governor, I hesitate to give advice or counsel to a body which has ample resources of its own. But I say to my colleagues as I depart that I was enriched by the opportunity to serve in the greatest deliberative body in the world and that if we did not do everything right that only proved that as men and women we were fallible. But in trying to do our best I hold that we have made our country strong enough to help the weak and we have will among us to ward off any crisis or challenge.

I wish to also thank all the members of my staff in Brooklyn and in Washington. No compensation could possibly repay those men and women who performed so well despite the frustrations they encountered in dealing with a person with so few redeeming qualities in daily labor.

In the perilous days ahead I shall pray for my country to the God who guards us.

I particularly would recall that when tragedy beset my family I found solace in the sympathy of my friends in the Congress in a very special way.

I look forward to the opportunities to come to Congress on behalf of the Empire State as its Governor.

I know that whenever I view the Capitol of the United States where Congress sits and the people govern, I shall always hold the same feeling I had as a small boy, as a freshman Congressman and as one who worked here for 14 years—that feeling, as one looks at the building which is at the core of our democracy, is that it is after all a shrine, a living testament. It is a place where the love of the law and man's best hopes are joined as in no other place in the world.

God bless our country and our Congress. I have loved my days among you and I leave not with regret but with gratitude that I was here for a time.

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THE FORESIGHT OF MELVIN C. HOLM

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. WALSH. Mr. Speaker, one of this country's most serious problems involves our inability to look into the future, our inability to anticipate future crises and deal with them before they arise. We always seem to govern by crisis. What this Nation needs is political and business leaders with foresight to begin seeking solutions now to the problems that we will encounter in the decades ahead.

I believe I am fortunate enough to know such a man, a man who is the chairman and chief executive officer of one of the United States largest corporations. I speak of Melvin C. Holm of the Carrier Corp., which is headquartered in my home area of Syracuse, N.Y.

An article in this month's edition of *Allegheny Airlines' Flightline* magazine best describes Mr. Holm's foresight and I would like to share that article with my colleagues:

MELVIN C. HOLM

When Melvin C. Holm, the chairman of the board and chief executive officer of the Carrier Corporation was named the 1973 Man of the Year by the National Management Association, he outlined two major challenges for the near future: protecting the environment and coping with the nation's energy problems.

Without sacrificing any comforts, Holm explained in an interview at his Syracuse offices, the energy costs of buildings could be reduced by 40 to 50 percent through such things as architecture and construction material and more energy efficient heating and cooling systems. While these would be initially more expensive, they would save money as energy rates continue to climb.

In the solid waste disposal area, Holm explained that the Carrier Corporation has proposed a massive Syracuse heating and cooling plant that will be self-supporting and fueled by burning most of the 1200 tons of solid waste produced by Onondaga County's (Syracuse) half million residents each day.

Because of the worldwide petroleum problem and the fact that no one expects energy to ever again be as cheap as it was before the Arab oil embargo, Holm stated that now, "we have to do a better job of conserving how we use energy in various forms and in designing products more efficiently."

Holm has seen the tremendous growth in the air conditioning industry in the nearly 40 years since he has joined the Carrier Corporation, especially in the growth of home air conditioning since the 1950's. Central air conditioning, alone, for example, grew from five percent of the American households in 1969 to 15 percent in 1973.

An up-through-the-ranks executive of the old school, Holm is a man who chooses his words carefully. A son of Finnish parents, his father an immigrant, his mother born in the United States, Holm is a stern, squarish man. His face has the old Scandinavian look of a man who makes his living fishing in the cold North seas. His hair is white with a yellowish tint, he has a full lip, closely-cropped mustache and speaks in a soft sometimes gravelly voice.

Born on a farm in the upper Michigan peninsula, the 58-year-old executive joined the Carrier Corporation in 1937 after a two-

week job hunt in New York City. He had traveled east from his home in Iron River, Michigan, selling subscriptions to the now defunct *Deineator* magazine. In Washington, D.C., his Congressman helped find him a job with the Resettlement Administration, one of the New Deal agencies, where he worked at clerical tasks for two years and attended night business school.

Although he was never to earn a college degree, Holm continued his studies on a part-time basis after he joined the Carrier Corporation. "I had the greatest college in the world right here—the Carrier Corporation," he explained.

Holm rose through the ranks of the Corporation—assistant comptroller in 1946; comptroller, 1950; vice president, 1955; treasurer and chief financial officer, 1957; executive vice-president, assistant to the chairman and director, 1960; president, 1965; and board chairman and chief executive officer, 1968—as the firm grew to 25,630 employees in 32 manufacturing facilities in eight states and ten foreign countries.

With 80 percent of the firm's business in the indoor environment field, Holm is convinced that air conditioning is an accepted necessary part of the American standard of living. Equating it with the significance of having indoor plumbing for the first time in Northern Michigan and "not having to go out in the night to the 'John' wading waist deep in snow drifts," Holm said no one would want to again do without air conditioning.

"We already know and have known for some time that we can reduce the energy costs of buildings 40 or 50 percent by such things as careful architecture, design and planning and better construction materials, carefully designed heating and cooling systems and improved efficiency of the heating and cooling equipment itself," Holm said.

Three years ago, for example, one of the lowest cost items in the building operating budget was the energy for the central cooling system—typically 20 cents per square foot per year. This in comparison to a building's janitorial services which were 80 cents per square foot per year.

The only limitation to the corporation's business opportunities, Holm believes, is in the limitation of men, material and money. The business opportunities are growing as the energy costs continue to climb.

Carrier is the world's largest producer of air conditioning. Its products range from those for heavy industrial use to the complex equipment for Chicago's Sears Tower, the tallest building in the world, to small individual units, everything in air conditioning except auto air conditioning.

"Part of the solution to dealing with the energy crisis," Holm emphasized, "is in the very deep interest we have in using solid waste as a source of energy." He cited Carrier's involvement in a solid waste burning system in Nashville, Tennessee, where the clean incineration of unsorted trash and garbage is used to heat and air condition nearly 30 downtown buildings.

The system planned for Syracuse which the Carrier Corporation will equip and install is a much larger operation. More than 1,000 tons of solid waste will be combusted, producing enough energy for nearly 70 public buildings in the downtown area.

"Obviously land-fills are not the long-run answer for solid waste disposal," Holm said. "We will be able to produce steam at a lower cost than produced today with gas or oil and the future savings will be greater as fuel costs go up."

There is also a savings, he further explained, in the every-day growing expenses associated with land fill disposal. In addition to nobody wanting dumps or land fills in their neighborhoods, potential sites where garbage and trash are buried are further

and further away, increasing transportation costs.

With a pound of average composition solid waste releasing about 5,000 BTU's of heat, a ton of such waste, Holm said, is as valuable as one-third of a ton of coal or 65 gallons of No. 2 fuel oil or 10,000 cubic feet of natural gas.

Since the supply of trash is considered to be inexhaustible, the overall fossil fuel expected to be saved by the Syracuse facility is estimated at 15 million gallons of oil a year. Since energy costs are expected to double in five years, the savings is obvious.

Holm said that solid waste burning systems which are used in Canada and Europe will cut disposal costs to half of what they are now in Syracuse. What is noncombustible, sterile ash and ferrous metals (glass is reduced to sand by the intense heat) will be reduced to 15 percent by weight and five percent by volume.

In his Management Man of the Year acceptance speech, Holm said he agreed with Buckminster Fuller's definition of pollution as a "misplaced resource."

Holm's solution to the problems of pollution and energy shortages is to find ways of making pollution harmless and economically useful. In the one year since Holm made that speech, he has led the Carrier Corporation into making environmental consciousness and energy conservation good business practices of lasting benefit to the community and of economic benefit to the corporation.

HON. THADDEUS DULSKI

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. GIAIMO. Mr. Speaker, I have had the pleasure to know THAD DULSKI and his lovely wife, Elizabeth, for many years. We were both elected to the 86th Congress and have served together in each succeeding Congress.

As chairman of the Post Office and Civil Service Committee and in his service on the Veterans' Affairs Committee, THAD DULSKI has led the way in fighting for legislation that had made a better America. As a legislator he dared when boldness was necessary; and he was cautious when caution was essential. He bent when compromise was appropriate, and was resolute when firmness was in order.

Blessed with extraordinary energy and remarkable legislative skills, THAD DULSKI's record of achievement stands as a far greater tribute to anything we can say today. His service to the working man and woman has been recognized by the UAW-AFL-CIO which in 1964 awarded him its Outstanding Service Award, and by the Manhattan-Bronx Postal Union which bestowed upon him its third annual James A. Elardo Memorial Award and Outstanding Service Award. His work on behalf of veterans has been recognized by the American Legion which gave him its Award of Merit, and by the American Veterans of World War II and the Disabled American Veterans which have awarded him Special Achievement Certificates. His efforts on behalf of the elderly is demonstrated by the Franklin Delano Roosevelt Memo-

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rial Award for service to senior citizens which he received from the UAW Retired Workers Council. His devotion to the old and fine American ideals of individual freedom and human dignity have been recognized by the National Captive Nations Committee which bestowed upon him the Taras Shevchenko Freedom Award and its annual Freedom Award.

These are just a few of the tributes that THAD DULSKI has earned during his years in the House of Representatives. I am delighted to join my colleagues as Congress also gives a well-deserved tribute to a fine legislator and friend—THAD DULSKI.

TRIBUTE TO THE HONORABLE THADDEUS DULSKI

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. ALBERT. Mr. Speaker, I shall miss my friend THAD DULSKI who retires at the end of this Congress.

Sixteen productive and vigorous years in the House of Representatives has been the record of achievement on the national scene of this able and conscientious Member of the 37th Congressional District of New York.

The capstone of his House service has been his chairmanship of the Post Office and Civil Service Committee since 1967. When he began to chair that committee, he was the youngest committee chairman in the House of Representatives.

He is a native son of Buffalo, where he attended parochial and public schools, Canisius College, and the University of Buffalo. He is a veteran of World War II and served with distinction in the Internal Revenue Service and the Price Stability Administration.

In 1953 he began his career in elective office, winning terms as a district councilman in Buffalo and as a councilman-at-large. He came to the House at the beginning of the 86th Congress.

Under his chairmanship of the Post Office and Civil Service Committee, the Postal Corporation had its beginnings. It has therefore not since been possible to blame him for late mail deliveries, especially at this time of the year. Many serious and complex issues of Federal personnel policy have been resolved by his committee during his chairmanship.

Many honors have come his way: The Taras Shevchenko Freedom Award of the National Captive Nations Committee; the Outstanding Service Award from the UAW and the AFL-CIO, in 1964; the 1965 Citizen of the Year Award from the Polish Professional Businessmen's Association of Buffalo; the Army and Navy Award from the 77th National Encampment Union of Buffalo; the Franklin Delano Roosevelt Memorial Award from the UAW Retired Council, for service to senior citizens; the Outstanding Legislative Achievement Award from the National Star Route Carriers; the Award of Merit from the American Legion; the Owen J. Kavanaugh Award from the

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Buffalo Joint Council of Longshoremen, ILA-CIO-AFL; the Citizenship Citation from B'nai B'rith; and Special Achievement Certificates from the American Veterans of World War II and the Disabled American Veterans.

I wish him, his lovely wife, and his children many happy days ahead, during what I know will be a fulfilling and productive retirement.

ROBERT M. MENAUGH, SUPERINTENDENT OF THE HOUSE RADIO-TV GALLERY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. HAMILTON. Mr. Speaker, those of us who are Members may often take for granted the efforts of the outstanding people who work in key supportive roles for the Congress.

Bob Menaugh, Superintendent of the House Radio-TV Gallery—later the House Radio-TV Gallery—from its establishment in 1939 through his own retirement earlier this year, is one Capitol Hill professional who deserves our thanks and recognition for his long and distinguished service.

As the dedicated Superintendent of the House Radio-TV Gallery, Bob Menaugh won equal status for broadcast journalism in the House, and directed the first national television broadcast of a state of the Union address—President Harry Truman's 1947 address—along with a number of other electronic media firsts.

A native of Salem, Ind., Bob Menaugh has earned a reputation on Capitol Hill and throughout the broadcasting industry as a patient, fair, and capable professional during his 35 years as Superintendent of the Radio-TV Gallery.

Personally, I have found Bob to be cooperative, loyal, accommodating, and competent. My contacts with him were always favorable, and I have the highest regard for him.

President Ford, Speakers ALBERT and McCormack, other House leaders and officials, leading figures in broadcasting, and many others have honored Bob Menaugh.

Mr. Speaker, I am confident that the following letters they wrote to Bob Menaugh on the occasion of his retirement should be of interest to those of us who would acknowledge his outstanding contribution:

THE WHITE HOUSE,
Washington, September 18, 1974.
Mr. ROBERT MENAUGH,
Radio-Television Correspondents' Galleries,
U.S. House of Representatives, Washington, D.C.

DEAR BOB: Whenever I think back to my days on the Hill, I naturally think of you. I wonder how you are doing in retirement, and I want to wish you the very best. You were, after all, one of my favorite people during those years when I used to trot up to the House Radio-TV Gallery to see the boys and do my bit for the people back home via television and radio.

Whatever you are doing, I hope you are

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very happy. You deserve to be because you are one of the finest persons I have ever known.

Sincerely,

JERRY FORD.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 23, 1974.
Mr. ROBERT M. MENAUGH,
Alexandria, Va.

DEAR BOB: It is with a feeling of great loss, but also with a deep feeling of appreciation that I take this means to thank you for all you have done for the House of Representatives, for the broadcasting industry, and above all, for me personally during your years as Superintendent of the House Radio and Television Gallery.

I want you to know that I have never worked with a more understanding, devoted, levelheaded or cooperative individual. Your friendship and your wise counsel will be missed by everyone in the House and certainly by me. Your selection to receive the John W. McCormack Award is indicative of how everyone around here feels about you. It is well known that your love for the House of Representatives is surpassed only by your love for your fellowman.

Mrs. Albert and all my staff join me in wishing you and your lovely wife every happiness during your retirement. We hope you will come back and see us soon. God speed!

Sincerely,

CARL ALBERT,
The Speaker.

BOSTON, MASS.,
July 5, 1974.

Mr. ROBERT M. MENAUGH,
Alexandria, Va.

DEAR BOB: Recently I received a letter from John Monahan in which he informed me of your recent retirement.

Your service in the Capitol goes back over 40 years during which you served as Superintendent of the House Gallery, the first one for 35 years.

Your years of service to the House have been outstanding and dedicated and have added to the prestige of the House of Representatives.

As Majority Leader and as Speaker, our relationship was far more than official. It was an association based on real understanding, friendship, and profound respect.

I am proud that in 1972 you were selected as the recipient of the John W. McCormack Outstanding Employee Award, created by the House employees in my honor.

With kind regards to you and your loved ones and my deep feelings of friendship and respect, I am,

Sincerely yours,

JOHN W. MCCORMACK.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 3, 1974.
Mr. ROBERT M. MENAUGH,
Alexandria, Va.

DEAR BOB: I just learned that you retired on June 30 as Superintendent of the House Radio-TV Gallery, the post which you have held since 1939. Certainly you have rendered long and faithful service and have witnessed four decades of history being made in what I consider to be one of the most interesting and challenging periods in the life of our Nation.

According to the records, there are only five Members of Congress left who were here when you began your service, and I happen to be one of them. This is a rather exclusive club, and we share a lot of mutual memories. Like you, I am retiring at the end of this year and am looking forward to a less hectic pace also.

Let me take this opportunity to say how much I have enjoyed working with you for so long and express the hope that your retirement brings you the best of every-

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thing. May I also express my deep appreciation for the many courtesies you have extended to me in the past, and I hope you will never hesitate to call on me if I can be of service in any way.

With warm personal regards,
Sincerely,

LES ARENDS.

CBS News,
New York, N.Y., July 1, 1974.
Mr. ROBERT MENAUGH,
Radio-TV Gallery,
House of Representatives,
Washington, D.C.

DEAR BOB: This news of your retirement is disheartening. Oh, I'm confident it is suitable as far as you are concerned—you deserve some days of leisure. But what about the rest of us you are leaving behind?

It is hard to imagine the Gallery without you. It seemed you always were on your feet, standing there in the geographical center of whatever was the Gallery's real estate at the time (and what a great job you did in lobbying for and carving out the office space we so desperately needed) and I know I had the feeling that your position was assumed as a sort of command post from which you could direct the damage control parties whenever anyone dared attack our journalistic prerogatives.

You did that job in perhaps the only way it can be done, but certainly in the most effective way in the political environment in which we all chose to work—with the utmost patience, understanding, compassion and good humor.

Bob, the Gallery and the acceptance of radio and television correspondents as equals on Capitol Hill, was your doing. You leave behind a magnificent memorial, one in which we all hope you continue to play a major part if even as a "visiting professor."

Your friendship from the very beginnings of my career as a broadcast journalist has meant a great deal to me, for, indeed, without your help I never would have made it this far. And there are dozens of others who can say the same.

We are grateful, Bob. Have a great retirement—but don't go too far away or stay too long.

All the best,

WALTER CRONKITE.

NATIONAL BROADCASTING CO., INC.,
New York, N.Y., July 9, 1974.

Mr. ROBERT M. MENAUGH,
House Radio-Television Gallery U.S. Capitol, Washington, D.C.

DEAR BOB: The word I have just received about your retirement strikes me with particular force because of our long personal association, and I want to wish you the best of everything. I guess we all just considered you as much a part of Washington as the Capitol Dome, and never thought about the fact that everybody deserves a chance to put aside his duties and enjoy a well-earned retirement.

From the time Billy Vaughan first led me through the House Radio Gallery nearly thirty years ago, you have been unfailingly helpful, knowledgeable and unflappable—a source of strength and wisdom to me in every job I have held, as well as to the many NBC correspondents who have served in Washington—the David Brinkleys, Frank McGees, the Ray Scherers, Robert McCormicks, and countless others.

I remember how calm you always were during the many occasions of high drama in which you played a part—the great debates like that on the Taft-Hartley Bill, the appearances of Winston Churchill and other world leaders, the MacArthur "old soldiers" speech, and the day a group of assassins opened fire on the floor of the House and wounded several members of Congress. I'm sure you will remember many more of them than I do, and in better detail.

While your retirement leaves an empty place, particularly for all of us who have been so closely associated with you, the high standards of integrity and dependability you have set will serve as a model for those who come after you.

I know that Mr. Sam, Bill McAndrew, Earl Godwin and Bill Henry would want me to "strike a blow for liberty" in your honor, and pay tribute to your many loyal years of devotion to the Congress and to the cause of good broadcast journalism, which you have served so well.

My best to Helen and to you.

With warm good wishes.

Sincerely,

JULIAN GOODMAN.

RADIO-TELEVISION CORRESPONDENTS' GALLERIES

Washington, D.C., November 15, 1974.
DEAR ROBERT: I will attest to the fact that you left voluntarily. You did not have to be swept out of office as did almost all the Indiana Republican delegation.

Further I will attest you left here against my wishes, desires and needs!

There are so many things the industry owes you, but the most important is that you gave us class when we were struggling along in competition with the wires and newspapers. You not only understood all our problems, but you could negotiate for us with a diplomatic skill that would have shamed Kissinger. In fact one time Henry said to me, "Who the Hell, does Menaugh think he is—Benjamin Franklin?" I told him I thought that you thought you were a cross between Vice President Marshall, Beveridge and James Whitcomb Riley, and not a touch of Bill Jenner or Homer Capehart in your blood or your make up. Further more that you viewed Vance Harke as a rookie, although you had to admit he could go to his left and his right, especially if he came up holding greenbacks.

"If you're short," Vance always said, "I'll take your check."

Well, this is neither here nor there. We covered some ground together and I must say you always kept me pointed in the right direction.

I think it is fitting that both parties are now talking about curbing, if not abandoning, the traditional political convention. How can there be a convention of any merit without Robert MacFadden Menaugh?

The best prescription for you in retirement, the one that will guarantee you peace and comfort is not to think about all the characters you had to deal with in the job you handled so well.

Meany—we miss you, God Bless you and Helen.

JOSEPH MCCAFFREY.

HOUSE OF REPRESENTATIVES PRESS GALLERY

Washington, D.C., November 15, 1974.
Mr. ROBERT M. MENAUGH,
Chief, House of Representatives Radio-Television Gallery, U.S. Capitol, Washington, D.C.

DEAR BOB: Your departure automatically bestowed upon me the prestigious title of "Senior Superintendent" of the various media galleries of the Senate and House of Representatives; a role I have coveted for some time. However Bob, what the hell have you done with the car and expense account forms that accompany this post?

After thirty-two years of availing myself of your counsel and wit, the brief absence so far is already a serious void in my daily routine. Clearly, your name stands high among the gallery titans I have been privileged to know and be in association.

My every wish goes to you and Helen for many years of health and plenty.

Sincerely,

BENJAMIN C. WEST.

JOINT COMMITTEE ON PRINTING,
June 27, 1974.

Mr. ROBERT M. MENAUGH,
Superintendent, House Radio and Television
Gallery, U.S. Capitol, Washington, D.C.
DEAR BOB: One of those vagrant breezes
which occasionally wanders through these
hallowed halls wafted its way into my obvi-
ous ears yesterday, "Bob Menaugh's retir-
ing!"

"Hell's Bells," I said to myself, "this place
won't be the same to me without that long,
lanky, red-headed Hoosier refugee from the
land of the paw-paw and the persimmon!"

I have come to look very much askance at
the romantic month of June in recent years,
because it seems to connote a growing exodus
of good friends—and this year obviously is
no exception.

Nevertheless, when I think—with great
appreciation—of our many wonderful visits
over the years; your gentle but lively good
humor; your wise, considerate and kindly
philosophy—so uniquely welcome and rarely
different in the communications media world
of today—I am sincerely gratified to have
known and been privileged to call friend, one
who will always be—to me—"A Gentleman
from Indiana!"

Be sure to come back and pull on my latch-
string occasionally, and meanwhile, all the
best to you and yours.

Ever your friend,

PAUL C. BEACH, Sr.

THE SPEAKER'S ROOMS,
Washington, D.C., June 27, 1974.

BOB MENAUGH,
Radio-TV Press Gallery,
U.S. House of Representatives.

DEAR BOB: I am deeply saddened to learn
of your retirement, which I understand be-
comes effective at the end of this month.

Little over a year ago, I had the pleasure
of standing beside you as you received the
highest honor the House of Representatives
can bestow upon any of its employees, the
John W. McCormack Award for Excellence. I
am proud to share with you that honor.

As you know, I also have found it neces-
sary to relinquish the reins of office, on doc-
tor's orders. It is as hard for me as I know
it is for you to give up a way of life which
we both have shared for these many years,
especially when there is still so much to be
done. Our friendship goes back many years,
and in reflecting on those early years I can
remember only warm and pleasant thoughts.
You have been a pioneer in bringing radio
and then television to the Congress. The
Congress and the industry you have so ably
represented owe you a great deal of grati-
tude. During our association I have found
you to be a gentleman at all times, courteous
to everyone, and a credit to the House of
Representatives which you have served so
faithfully and loyally.

May I wish you happy, healthy days in re-
tirement. You have earned a good rest.

Please keep in touch and give my best to
Helen and your daughter Judy.

Warmly,

LEWIS DESCHLER.

OFFICE OF DOORKEEPER,
Washington, D.C., July 1, 1974.

Mr. ROBERT MENAUGH,
Chief, Radio Television Correspondents' Gal-
lery, House of Representatives, Washing-
ton, D.C.

DEAR BOB: It is an honor and a privilege
for me to be able to add my name to the long
list of your friends and co-workers on Cap-
itol upon the occasion of your retirement.

May the good Lord continue to bless and
keep you in the golden years ahead.

With kind personal regards, I remain

Sincerely yours,

WILLIAM M. MILLER,
Doorkeeper, House of Representatives.

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SOCIAL SECURITY: MY, HOW YOU HAVE GROWN!

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. PICKLE. Mr. Speaker, when the
social security system was established in
1935, it was envisioned as a supplemental
protection for our retired citizens—now
it is the full support of many citizens.
When the first social security tax was
levied it took a nominal 1 percent out of
the paychecks of American workers—
soon it will consume nearly 13 percent.
When the social security system began,
about 95 percent of the work force was
included in the wage base. Now the so-
cial security tax is regressive, falling
most heavily on the poorest. And cries of
financial fiasco fill the air.

People are angry and concerned—angry
over the bite social security takes,
concerned they will never get to enjoy
the full meal themselves, that the sys-
tem will be defunct before they become
eligible.

Social security is not about to fold up,
but clearly it has changed. The Congress
will be faced in the next few years with
deciding what to do about the social se-
curity system and its problems in the
modern world. I hope that we can be-
gin that review with an open discussion
of the system, of what it is, where we
want it to go, and how we can get there
from here.

I tried to take a preliminary look at
these issues in a recent speech in my
district. I would like to share those
thoughts at this time.

Last year it dawned on many Ameri-
cans that they paid more social security
taxes than they did income taxes.

In recent months—for the first time—
American employees and employers are
complaining about the costs, and other
Americans are simultaneously complain-
ing they cannot live on the amount al-
lotted. Social security has now begun to
fret and disturb the little man. Each
year almost we raise the benefits with no
end in sight, and raise the taxes to cover
them; conceivably we could have a total
20-percent social security tax in less than
20 years.

"Social security"—just say those two
words over to yourself a few times and it
gives you a warm, secure feeling. It has
been such a basic part of our lives since
its beginning nearly 40 years ago that
very few of us have paused to look care-
fully at the system and how it functions.

To understand its current problems we
should first take a brief glance at the
history of social security. It began in
controversy near the end of Franklin
Roosevelt's first term after a tough fight
in the Senate Finance Committee. Its
objective was to provide a floor of pro-
tection for the worker after his retire-
ment, not a full support or insurance.
The starting tax was 2 percent—1 per-
cent each on the wage earner and the
employer—on the first \$3,000 of income.
At that time about 95 percent were
making that much or less.

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I remember, and some of you do too,
when this historic legislation was passed
and I remember the collective sign of
relief which greeted it. I was just a
youth in 1935 when it became law.

In 1936, the Republican candidate,
Gov. Alf Landon of Kansas, attacked
social security as a "fraud" on the work-
ingman. Landon won only two States,
Maine and Vermont. This gives you
some gage of social security popularity,
and that favorable attitude has endured
over the years. Probably to often the
social security system has gone unques-
tioned.

I recall in the 1964 Presidential cam-
paign when Senator GOLDWATER hinted
at the abolition of social security. Just
the suggestion frightened people. Cer-
tainly his suggestion contributed some-
what to his dismal showing against Pres-
ident Johnson.

In 1939, coverage was extended to
workers' dependents and survivors. Since
its inception the program has broadened
its base to a very wide degree. Now about
95 percent of the Nation's workforce
pays social security taxes.

Self-employed persons except for pro-
fessionals, State, local, household, and
farm employees were all added during
the 1950's, as were the military and the
men of the cloth.

Disability payments were added in
1956, and a couple of years later de-
pendents of those unable to work be-
cause they were disabled become eligible
for benefits. Medicare was tacked on in
1965.

Social security now reaches almost all
of the people in covered categories. Of
our citizens over 65, 91 percent are re-
ceiving aid or are eligible to receive it.
Of those children under 18 and their
mothers, some 95 percent will get bene-
fits if the family money-earner dies.
About four-fifths of the population in
the range of 21-64 can get disability
benefits in case of a severe or prolonged
injury or illness.

The social security tax to cover these
payments increased very slowly in the
first 15 years of the program. It was not
until 1950 that there was a boost from
2 to 3 percent—with half paid by each
employer and employee. Now the rate
is 11.7 percent—5.85 each—on the first
\$13,200 annual income. Those who are
self-employed pay 7.9 percent.

Next January 1, the wage base will in-
crease to \$14,100. In 1978 the employee
and employer will each chip in at a 6.05
percent rate, and 7 years from now, in
1981, the rate for each fraction will rise
to 6.30 and go to 6.45 by 1986—nearly
13 percent.

Despite these planned tax increases,
the social security system could go into
the red over the long run unless changes
are made. Why is this?

Well, for one thing, the umbrella has
been spread wide to bring under so
many who previously had no protection
against the death of the family bread-
winner or a crippling injury which pre-
vented one from working.

Another very significant factor has
been the declining ratio of the number
of workers for every recipient. In 1950

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there were 12 working taxpayers for
every retired beneficiary. Today there
are only 3.2 workers for every person
getting aid through the social security
system. And with declining birth rates
in each of the last 3 years, this ratio is
very likely to grow smaller. In addition,
the life span for the average American,
through a higher standard of living, the
advent of "wonder drugs" and other ad-
vancements in medicine, has steadily in-
creased since the depression years, and
this puts further pressure on the worker-
recipient ratio.

Besides the extension of coverage and
the decrease in birth rates and death
rates, a third major factor that makes
statisticians predict the social security
trust may falter is the new procedure
passed in 1972 for increasing benefits and
taxes. Under it, if the Consumer Price
Index jumps by 3 percent or more in a
year, benefits will automatically be ele-
vated by a like percentage.

In predicting future social security
costs, the Social Security Administration
has calculated that inflation will halt by
1981, after which the consumer prices
will increase annually by 3 percent and
wages by 5 percent, leaving a "real wage"
margin of 2 percent. Social Security Ad-
ministration officials say that this is
based on the average of 2.25 percent in
real wage increases over the last 20 years.

However, some critics are challenging
these basic assumptions. They say that
our economy has made definite changes,
that from 1966-71, the real wage margin
averaged only 1.4 percent and just 1.1
percent in 1972 and 1973. What will hap-
pen to the automatic increase principle
if the SSA calculations are incorrect? Ob-
viously, social security costs are affected
by changes in the economy and costs
could become astronomical if inflation
continues unabated.

All these factors take on added sig-
nificance when one looks at how the so-
cial security fund operates. Some work-
ers might think their benefits will come
from funds they have personally con-
tributed, but the payments actually come
from current taxes on his fellow workers.
Social security has evolved as a pay-as-
you-go system where one generation
transfers funds to a previous generation
in expectation that their own successors
will do the same. But what will happen if
those active workers rebel against the
rising social security taxes—and there is
some danger of this within the next few
years? This protest is fueled by the argu-
ment that the worker's tax burden is
really twice as heavy as he realizes be-
cause the share of the tax paid by the
employer could go to him in the form of
wages or other fringe benefits.

Some voices have called for a straight
cut in social security payroll taxes. The
Congress should look long and hard at
any such proposal, for the social security
fund could be jeopardized with a
straight-out cut.

What other obstacles does social se-
curity face? First, it faces the same ob-
stacle as the rest of us—rising costs. So
far, social security has done very well ad-
ministratively. Its operating expenses,
partially thanks to the marvels of the

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computer world, are only about 2 cents
on the dollar. This year a little over 30
million recipients will get about \$68 bil-
lion in benefits. More than 98 million
Americans will pay about \$69 billion in
social security taxes.

But social security outlays now equal
about 23 percent of the Federal budget.
Social security taxes raise more money
than do corporate income taxes. For
many, many lower-income workers, so-
cial security taxes are higher than their
Federal income tax. The social security
tax has increased faster than any tax
since World War II. Though the Social
Security Administration has about \$50
billion in accumulated trust funds, which
would not cover a year's benefit pay-
ments, these moneys can only be in-
vested in Federal securities.

There are several reasons why social
security costs might sky-rocket beyond
present levels, including:

First, increased medical care costs;
Second, equalizing benefits for males
and females—at the time the law was
written few women worked outside the
home; and

Third, eliminating the retirement test
for recipients under which a worker loses
half of every dollar over \$2,400 which he
earns annually.

For the most part, the social security
system has done what it was originally
established to do: Provide a supplement,
but not a living wage or a public assist-
ance program, to those who have been
deprived of income. The system was not
conceived or financed as a total pension
system but as insurance against substan-
tial loss of income due to retirement,
death of a spouse, or disability. Many
have come, however, to expect much
more of social security. Instead of a sup-
plement, the system is now largely viewed
as a basic floor which should provide a
minimum but sufficient income for those
who receive its benefits.

Because of its cost and deepening
problems, some critics suggest that the
social security system be eliminated.
Without supplying an adequate substi-
tute, such an action would have an ad-
verse impact. If, beginning today, no new
workers were allowed into the system but
the present numbers and recipients got
the benefits they are due, the system
would end up in arrears by nearly \$2.5
trillion dollars even by conservative esti-
mates. To eliminate the system without
repaying the people who have contrib-
uted is obviously untenable. And abol-
ishing social security would not solve the
problem of supplying an insurance
against the loss of income for the aver-
age American.

So the question comes, where do we
go from here?

Should the Congress reduce the pay-
roll taxes?

Should the Congress reduce social se-
curity benefits?

Should we dip into the general revenue
fund to support needed increases?

Should the system be made voluntary?

Every question broached calls the at-
tention of another. What about the re-
gressive aspects of the tax? The less
money you make, the higher percentage

of social security tax you pay. Governor
Rockefeller pays less in percentage terms
in his social security tax than does his
chauffeur, for instance. Is this right;
should it be continued?

Hopefully the Advisory Council on So-
cial Security, appointed by the Secretary
of HEW every 4 years according to law
to evaluate the whole system, will make
some recommendations when it files its
report around January 1. This body is
composed of representatives of the public
sectors, labor, business, self-employed,
et cetera.

In the meantime, permit me a few ob-
servations:

The social security system is not in the
red—and is not going broke now.

Social security, however, is no longer
really a program to supplement income,
or to give a floor of protection. It has
practically become a needs formula.

If inflation continues or benefits in-
creases continue, the social security tax
alone can be the largest of Federal taxes.
Any juggling of the economy could cause
grave troubles.

It is a current program: money raised
today is spent—literally—tomorrow.

Employer and employees are feeling
the pinch, and perhaps the employee is
feeling it the most. The question lingers
when one sees his deduction today: "Will
I ever really get it all back tomorrow?"

The social security program has been
and is the greatest safeguard against
personal tragedy and deprivation we
have ever known. It is often the only
means that enables a poor person to live.
It was not intended to be this, but we
have made it so. People depend on it
when they are in tragic need. Yet the
affluent draws the same amount whether
it is needed or not. The pitiful cry goes
out from the average recipient to "please
raise our social security benefits." In-
flation has ravaged their meager house-
holds.

We will need to reexamine and re-
evaluate our entire social security pro-
gram. I think it will be started next year,
and it may be extended through a pain-
ful 2- or 3-year period. We are not going
to do away with the social security pro-
gram, and our discussion of the subject
ought not—and must not—give rise to
false rumors of cancellation. Our prob-
lems are, primarily, long range ones.

We must begin to discuss our alterna-
tives, however, and reaffirm what we
want social security to accomplish. The
American people someday will set a
ceiling on payments plus benefits of this
kind. With other possible payroll taxes
on the horizon, such as National Health
Insurance, this will make the decision
more acute.

Add to this the problems embedded in
our welfare program, and we have a
sobering and disturbing development.
Along with our reevaluation of social
security, we must look again at the wel-
fare programs.

Social security cannot be all means to
all people. It is high time we open a na-
tional discussion on social security so we
can keep it responsive and actuarially
sound, and accomplish what we want it
to do.

BAN THE HANDGUN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. BINGHAM. Mr. Speaker, the letter which follows, written by Dr. James L. Luke, chief medical examiner for the District of Columbia, appeared in the Washington Post on November 2. Dr. Luke offers eloquent testimony both as to the necessity of a handgun ban, and as to the reasons why such a ban has not yet been enacted.

I ask my colleagues, what will it take? Will it take the assassination of another President or public leader? Will it take an unprecedented wave of handgun deaths in affluent suburbia? What tragedy or series of tragedies is necessary to stir this Congress to action?

It is my fervent hope that we have suffered enough tragedies to convince us of the need for a ban on handguns. Let us prove to Dr. Luke and to the rest of the public that his pessimistic perspective is uncalled for, that we will not ignore the problem, and that we are strong and wise enough to produce the solution.

I commend this letter to my colleagues' attention:

BAN THE HANDGUN

I have read with the greatest of interest over the past several years your various editorial comments relative to gun control. No compassionate person could possibly dispute the thesis you articulate, a forensic pathologist perhaps least of all, given our responsibilities for the investigation of the medical-legal aspects of some 200 annual firearms fatalities of all types in the District of Columbia.

However, in this communication I speak as a concerned private citizen.

My reaction to the issue has changed somewhat over the years, from one of enthusiastic approval of such wise journalistic support, anticipating the possibility of redress from such an urgent public problem, to one of profound sadness and utter frustration.

Absolutely nothing has been accomplished by all the rhetoric. The toll predictably continues. And in my view, it will continue, given current priorities and our unconscionable acceptance of the status quo.

My reasons for such a pessimistic perspective are varied and, I believe, are worthy of brief comment.

It is human nature to erase, and as expeditiously as possible, both the emotion and the memory of tragedy. Victims of violence and their families have no lobby for a cause which only for a moment might seem to them excruciatingly relevant. In addition, it is literally unthinkable to almost everyone to consider even the possibility of his own violent death. The belief that we are immortal has been impossibly counterproductive of remedy for a whole host of public health issues, ranging from cigarette smoking to automobile safety. Parenthetically, it has been attitudes such as these, more than anything else, that have served to restrict the development of the forensic sciences in this country and elsewhere, possibly the best vehicle whereby understanding of the dynamics and specifics of violence could be achieved.

I am all too familiar with such attitudes. Two inches of daily small-print at the bottom of the page seems to have convinced the

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public that it is always someone else, and thereby effectively to have immunized us to the problem itself. And with no problem, there are no solutions necessary.

A corollary of the above is the fact that violence is, for the most part, an inner-city dilemma, overwhelmingly affecting individuals with only limited access to the national political power base. In this regard, it is interesting to note that widespread agitation for the abolition of handguns is generated only when persons of prominence are assaulted or killed and that editorial citations of illustrative case material continue to refer disproportionately to non-inner-city residents. Those opposed to hand-gun abolition and in a position to alter the situation are relatively unaffected by the problem and view the issue only as a potential infringement on their "right" to bear arms—an anachronism if ever there was one—and as an invasion of their civil rights. As with the recent narcotics epidemic, nothing seemed to get done until suburbia was affected. Here is yet one more example of the inability of our somewhat insulated political structure to respond appropriately—even to respond at all—to a vital life or death issue.

Obviously, hand-guns must be abolished. Nobody who sees the enormous magnitude of this human problem in its totality by dealing with the victims and their families on almost a daily basis could fail to believe otherwise.

In the final analysis our choice is very simple. Which is more important, the freedom to possess a weapon or the value we place on human life? It will take decades at best to remove sufficient numbers of weapons to alter the situation, even if hand-gun abolition were enacted tomorrow. But until meaningful remedy is accomplished, it should be clearly understood that a de facto conscious choice against hand-gun abolition has already been made. It is this choice that I find so difficult to accept.

I suggest that the time has long since past to rearrange our priorities—to consider all the victims, present and future, and to speak out for them.

JAMES L. LUKE, M.D.

TRIBUTE TO THADDEUS DULSKI

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. ICHORD. Mr. Speaker, I am pleased to be able to join with my colleagues in paying tribute to THAD DULSKI, retiring chairman of the House Post Office and Civil Service Committee. THAD DULSKI is one of the most solid Members of this body, solid in both mind and body and positions. He has served as chairman of the House Post Office and Civil Service with great diligence and imagination, performed his duties as chairman of one of the standing committees of the House. I know the long hours and personal attention he devoted to the operations of the committee and to this House; and I know that he will be sorely missed when the 94th Congress reconvenes. THAD DULSKI is a modest unpretentious legislator who has always been willing to do the work that others have often taken credit for. He has always worked tirelessly for his constituents and for the party of his choice,

the Democratic party. He has always said that he was a politician for which he offered no apologies. He is a politician in the old traditional sense: "One who is wise, sagacious, learned in the art of self-government." THAD DULSKI is a man, in my opinion, of whom this body needs more. He will indeed be sorely missed.

REPRESENTATIVE ROBISON INTRODUCES CONSTITUTIONAL AMENDMENT FOR 6-YEAR PRESIDENCY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ROBISON of New York. Mr. Speaker, I have chosen the occasion of the House's exercise of its 95th amendment responsibilities in confirming the Presidential nomination of NELSON ROCKEFELLER as Vice President to introduce a proposed constitutional amendment which would further revise the conditions of service of the U.S. Presidency. As I shall explain in some detail, there is nothing novel in my proposal that we act to institute a 6-year Presidency; yet, as I take stock of my experience in Congress during the administrations of five Presidents, and as I look for the most important and most enduring lessons of the "fallen" Nixon administration, the idea of a 6-year Presidency looms as perhaps the most fitting and most timely response that can be made to better fit the Presidency to our times.

Although my proposal for a 6-year Presidential term comes in the wake of serious abuses of the Presidency, it in no way seeks to be a patch-work solution for all of the evils which have come to define the term, "Watergate." My intentions are nearly the opposite, because discussion of a single Presidential term can be traced back to the first major speech of the Constitutional Convention when it was presented as part of the so-called Virginia plan by Edmund Randolph. Randolph's proposal sparked a lengthy and, in some cases, contradictory set of resolutions which at various times, resulted in convention ratification of a 7-year Presidency, a 6-year Presidency, and even a 6-year Presidential term with provision for reelection. However, it is to be noted that, unlike so many other provisions of the Constitution which grew for a quick consensus of the convention, the decision on the conditions of Presidential service took many twists and turns through a series of 60 resolutions until it reached final form.

It is almost as if that labored debate was never put to rest because, since that time, there have been introduced over 150 proposed amendments to the Constitution which would initiate a Presidential term of 6 years. There have been, as well, a number of Presidents who advocated the idea. Among them, Andrew Jackson used his first two State-of-the-Union addresses to Congress to forward the proposition, and succeeding Presidents Harrison, Buchanan, and Hayes each reiterated the proposal.

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During more recent days, Presidents Eisenhower and Johnson each associated themselves with the proposal for a single Presidential term. Johnson mentions his support for a single 6-year term in his book, "The Vantage Point," and he spoke of the proposal during a filmed interview with television newsmen, Walter Cronkite.

Although these initiatives were raised in varying contexts, and for varying reasons, my quick summary nevertheless serves to illustrate the centuries-long perspective of this proposal, which has been seen as appropriate during almost every era of U.S. history. Obviously, the conditions of Presidential life have changed dramatically since the early years of the 19th century when Andrew Jackson directly recommended to Congress that it institute a 6-year Presidency, yet so have many of the Nation's expectations for conditions and qualities of national leadership remained the same. During his second annual message to Congress, given on December 6, 1830, President Jackson counseled that the agent most likely to contravene the constitutional design of an independent executive and legislature was the Chief Executive. Jackson explained how his concern might be alleviated in this manner:

In order, particularly, that his appointment may as far as possible be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities of this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

Jackson's forebodings over the potential for abuse of Executive power were not unlike the attitudes of those who were responsible for authoring the original constitutional terms of the Presidency. In both cases, a critical eye was turned to history's illustrations of the corrupting influence of power, and solutions were sought through adjustment of the design of the Presidency, itself.

This same, native concern over the abuse of Executive power is reflected time and again in the statements of those who advocate a single 6-year Presidential term, probably because the lesson of the origins of this country had been so thoroughly instilled in each generation of its citizens. From this standpoint, Watergate was merely a reminder of the seminal knowledge we all possess in on way or another that unchecked political power propagates itself until any freedom which stands in the way of the further expansion of that power is extinguished. This may explain the apparent "love-hate" relationship Americans seem to have with their most forceful national leaders. Some of our Presidents have been berated and vilified mercilessly while they served the country, and then raised on pedestals of adulation after their deaths. Others evoked emotional loyalty while they served and were

later subjected to critiques of their conscientiousness and effectiveness.

Each of these tendencies comes from an instinctive national skepticism over the exercise of broad political power. That skepticism has been evident throughout this country's history and is, perhaps, most evident in the recurring call for a 6-year, single term Presidency. Public leaders, and even Presidents themselves, have constantly voiced the concern that we must take active steps to assure that the President does not become too closely associated with the Presidency.

There is another strain of argument that has appeared with some consistency during recent decades and which gains considerable momentum when traced chronologically. Speaking in support of a single, 6-year Presidential term in 1923, Iowa Senator Albert B. Cummins said of the office:

I have always believed that one term is enough. The great responsibility and the tremendous strain of the office are more than any man can stand.

The same sentiment is echoed by then former President Calvin Coolidge who cautioned six years later:

The Presidential office takes a heavy toll of those who occupy it and those who are dear to them. . . . The Presidential office is of such a nature that it is difficult to conceive how one man can successfully serve the country for a term of more than 8 years.

Although those who have some recollection of the Coolidge era would not want to suggest that it was without its problems, still the 1920's stand in today's perspective as a period of only modest activity by the Federal Government. At the end of that decade the country's population stood at 123 million while, today, the Federal Government serves 205 million Americans. During the final days of the 1920's, the Gross National Product stood at \$90 billion, and we now live in the day of the trillion dollar Gross National Product. And—just one more of these comparisons—during the same period of time, the number of Government civilian employees rose from 600,000 to 2.85 million, an increase of about 380 percent.

Comparative statistics of this kind often distorts the story rather than tell it, but these do serve to emphasize the exponential growth of Federal Government—and, thus, Presidential—responsibility. It is perhaps because of the modern, ego-crushing responsibilities of the Presidency that Lyndon Johnson was led to suggest in his memoirs that a 6-year Presidency would better suit the times. And, one of Johnson's close aids, Joseph A. Califano, has emerged as a very forceful proponent of the idea.

When speaking before the Senate Constitutional Amendments Subcommittee in October 1971, which committee was convened to discuss the proposed constitutional amendment establishing a 6-year Presidency jointly introduced by Senators ARKEN and MANSFIELD, Mr. Califano spoke of the modern President as "running against the 4-year clock." His phrase was meant both to elicit the facts of life for today's Presidents and also to

define a concept of the Presidency which strikes me as very pertinent to present-day governmental demands and responsibilities. The idea is best expressed in Califano's own words when he says:

Thus, the President who desires to reorder our national priorities by significantly shifting the expenditure of Federal resources is faced with a dream impossible of achievement in a single four-year term.

This notion takes on some definition when it is pointed out that a new administration does not begin to operate on an Executive budget of its own design until the President has been in office for a year and a half. It is then only a few short months before aspirants to the Executive office begin to publicly attack the President's program, so that it is rare that an incumbent President has more than promise to show the Nation after his first term.

This "race against the 4-year clock" is only half of the argument, however, since all of those who have supported the establishment of a 6-year Presidency have spoken of, or implied a concept of, the Presidency which suggests that a President must be given adequate time to exercise his leadership upon the country, but that he should not be given enough time to like being President too much. To again invoke a distinction often raised during this year's developing move toward impeachment, the President must not be allowed to become too closely identified with the Presidency.

To my mind, a constitutional amendment which establishes a 6-year term directly manifests the healthy skepticism which found its way into the initial design of our Government. We all live in a political environment which takes as its first principle that unrestrained political power can only endanger liberty; and we have witnessed in recent months the acting out of that truth.

There was a brief time during the most darkly clouded days of the Watergate era when I was not sure that the country would survive it intact. Perhaps my pessimism was imprudent or naive; but, still, I am not sure we can expect to live through another Watergate. We have seen in dramatic and painful detail what can happen; and it must now be our resolve to exercise our best abilities and instincts to protect the Nation, however possible, from letting it happen again—at least in the same way.

The concept of a single Presidential term has been with us since the first days of the Constitutional Convention, and the idea of a 6-year tenure has emerged again and again during the two centuries of the Nation's existence. It is not a makeshift solution; it is not a hasty and emotional reaction to all that was detestable in Watergate. It is, however, a long and carefully discussed alternative to the present manner of Presidential service, which offers to inhibit from the very beginning the conditions which lead to a Watergate—because a President who seeks and wins a 6-year Presidency must necessarily constrain his own expectations and ambition. He is chal-

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lenged to consider only how he might most productively conduct his Presidency, so that his mark on history is forceful and beneficial. It is a privilege to associate myself with this proposal today and with those many colleagues who have expressed their support for such an amendment.

I must note that my introduction of this bill is also my final such act, since I am retiring from Congress at the end of this term. I know, therefore, that my act may be considered by some as a meaningless and futile gesture. However, I would like to believe that I addressed myself in a constructive fashion to the Watergate dilemma as it developed, and to the search for its proper solution, and that other, less-critical observers will thus see this initiative as related thereto and as an expression of hope to, thereby, encourage a continuing public and congressional debate in this area of concern.

SEVENTY-FIVE YEARS OF AMERICAN BUDDHISM

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. PHILLIP BURTON. Mr. Speaker, I am pleased to announce to my colleagues in the Congress that early this month, December 2 to be exact, the California State Senate in Sacramento appointed the Reverend Shoko Masunaga to be its chaplain. What is so newsworthy about this particular appointment is that Reverend Masunaga is the head minister of the Buddhist Church of Sacramento, so he will be not only the first American of Japanese ancestry, but also the first Buddhist on the continental mainland to be so honored.

It was particularly appropriate that this appointment came at the close of this year which marked the 75th anniversary of the founding of the Buddhist Churches of America, the largest and oldest of the Buddhist organizations in this country, most of whose members and ministers are Japanese Americans.

By coincidence, 1974 also marked the 750th anniversary of the founding in Japan of Jodo Shinshu, the sect of Buddhism that is exemplified by the BCA, and the 800th anniversary of the birth of Shinran Shonin, the founder of this particular Japanese Buddhist faith.

To celebrate these historic events, a national commemorative conference was held in San Francisco the last week in August, for it was in this city by the Golden Gate that the first Buddhist church was established three quarters of a century ago.

Since more than 5,000 members attended this commemorative conference last summer, representing the 100 temples and branches of the BCA on the continental mainland, it was undoubtedly the largest gathering ever of American Japanese. In addition, some 2,000 more from Hawaii, Japan, Mexico, Canada, and Brazil, among other countries,

joined with their mainland coreligionists in noting this 75th anniversary of American Buddhism.

In conjunction with this celebration, the National Buddhist Women's Federation, organized as a national entity some 22 years ago in San Francisco, hosted the Fifth World Buddhist Women's Convention, the first time that this international federation has met in the Western Hemisphere. Delegates from most of the major Buddhist nations of Earth were present.

In this country where Judeo-Christian concepts often cause us to overlook the many and great contributions of other major world religions, even as we too often neglect to learn of the significant and substantial contributions which those of Asian ancestry have made to the development of our Nation, I am pleased to pay tribute to the BCA on the occasion of their 75th anniversary as an American institution.

THE BEGINNING

To appreciate the full significance of this celebration, we should know something of the early history of Buddhism in the New World, that is the Western Hemisphere.

There is an ancient legend in China that around 485 A.D., about a thousand years before Columbus discovered America, five Chinese Buddhist monks, taking advantage of the winds and currents, sailed eastward across the Pacific and landed on that part of this continent that is now known as Mexico. Advocates who theorize that this old tale is based on fact point to the various artifacts of the Mayan and Aztec cultures which closely resemble Chinese art. Several years ago, archeologists discovered some old pottery on the west coast of Mexico that resembled some prehistoric "rope" ceramics of the Japanese, theorizing that some Japanese might have tried to colonize Baja California long before the Spanish conquerors came to the New World. While there is no scientific evidence to prove these claims as yet, they not only arouse many interesting speculations but also suggest that the founders of the BCA may not have been by far the first Buddhists to establish a temple here in North America.

Of interest, too, may be that about a hundred years ago translations of Buddhist texts and books on Buddhism were imported from England and placed in the bookstalls of New York and other Atlantic coast cities. Probably the most notable American to become interested in the subject of Buddhism in those early days was Henry Steele Olcott, a colonel in the U.S. Army who traveled widely in Ceylon and Japan, born in New York in 1832 and died in 1907. In 1885, he published the first Buddhist catechism in English and was also the first to design the Buddhist flag, which is still in use today. It was flown in San Francisco during the 75th anniversary.

Another scholar who made a great impact on Americans insofar as Buddhism is concerned was an Englishman, an Edwin Arnold, author of the epic poem "The Light of Asia," on the life of the Buddha. His work went into six printings

and more copies were sold in the United States than in Great Britain, according to the historians of that period.

About the same time, history was also being made on the Pacific coast. In the Gold Hill country at Coloma, northeast of Sacramento, the capital of California, is an ordinary field. But in a corner of this field on a gentle hill overlooking a quiet valley is a humble grave. On the stone monument is a crude inscription in both Japanese and English, "In Memory of Okei, died 1871, age 19 years, a Japanese girl."

Okei belonged to the first organized group of Japanese ever to come to the United States. This group was known as the Wakamatsu Colony, which hoped to grow tea and silk in this country, but which disappeared over the years.

In the next quarter of a century after the establishment of the first Japanese community, a small but steady flow of Japanese emigrated to the United States. On the basis of their Japanese birthplaces and the known facts, most of these early immigrants were Buddhists of the Jodo Shinshu tradition.

By 1897, about 3,000 Japanese lived in and around San Francisco. Among them was a young man by the name of Nisaburo Hirano. When two Buddhist priests, Eryu Honda and Ejun Miyamoto, came to America to survey the situation 75 years ago, Hirano immediately called together about 30 young men at the home of Dr. Katsugoro Haida and organized the Young Buddhist Association, the first Buddhist Sangha—Brotherhood—in the United States.

The young people then scraped together enough money to purchase a simple, wooden 3-story, 14-room building at 807 Polk Street. This became the first Buddhist temple in the United States.

The members then petitioned the headquarters of the sect in Kyoto, the ancient capital of Japan and the home of many Japanese Buddhist faiths, to send ministers to serve them in this new land. Finally, on September 1, 1899, two ministers, Revs. Shuei Sonoda and Kakuryo Nishijima, arrived in San Francisco. They were called "kaikyoshi," literally teachers who open the doors of the Dharma—the Teachings of the Buddha. The event justified an article in the San Francisco Chronicle of September 12, 1899.

Sonoda and Nishijima apparently were fluent in English, so they did not confine their activities to the Japanese alone. They also organized a non-Japanese group, called "The Dharma Sangha of America." Their early bulletin, *Light of Dharma*, lists among its contributors and subscribers such names as Dr. Norman C. F. Jones, E. R. Stoddard, and Agnes White.

As more and more Japanese emigrated to the United States, the social climate of relative tolerance developed into hostility, especially against the Buddhists. The racists and the fearmongers on the West coast, who had successfully secured national legislation to exclude the Chinese in the late 1880's, turned their prejudices and persecutions against the Japanese.

They charged that the Japanese could

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never be assimilated into the American cultural pattern, noting that the immigrant Japanese were not becoming naturalized citizens of the United States. They neglected to note that the alien Japanese, though lawfully admitted for permanent residence, could not by operation of Federal law become naturalized citizens of their adopted country.

Buddhists were singled out on the basis that they were adherents of an Oriental, un-Christian religion which could never be adapted to what they described as the American way of life. Even some Japanese had similar feelings and became Christians. So, in many respects the Buddhists in time became a minority within the Japanese minority and the special targets of the bigots and the hatemongers.

Western America historians have emphasized that the immigrant Japanese pioneers faced many more and crueler obstacles than most European immigrants to these shores. They had little education and what education they had was in an Asian, and not European, culture. They could not speak the dominant language of their adopted land and they inherited the half-century old bias and racism that had circumscribed and restricted the lives and fortunes of the earlier Chinese immigrants.

Though periods of violence and vigilantism, and the unique anti-Oriental persecution and prosecution of the Pacific coast, all of Japanese ancestry suffered through the vicissitudes of their lives. And, though the subject of greater attacks, because they could not seek the protection of their Christian brethren, the Buddhists were sustained by their faith and its philosophy.

While individual Japanese could not purchase land, because of the so-called Alien Land Laws of some 16 western States, there was no statute which denied Buddhists the opportunity to buy land for their temples. After all, the constitutional guarantee of religious freedom provided Buddhists with the right to purchase land for their churches. Accordingly temple lands were purchased and churches were erected throughout California and the West. In the short span of 10 years, for instance, churches were established in San Francisco, Sacramento, Fresno, Vacaville, Seattle, San Jose, Oakland, Portland, Los Angeles, White River—Washington, Placer, Watsonville, Stockton, Hanford, Guadalupe, Bakersfield, San Mateo, Marysville, Lodi, and Fowler.

By 1931, in spite of the enactment in the meantime of the Japanese Immigration Exclusion Act of 1924 and the earlier gentlemen's agreement to restrict immigration from Japan, 33 main temples and many branches had been established.

All the while, though retaining the spirit and the symbols of their faith, both ministers and lay leaders put forth their efforts to Americanize, as it were, the Sangha. Buddhist terms and concepts were translated into English. English-language services were encouraged. Materials were published in English and made available to all interested parties. Though Japanese-language schools were developed and Japanese cultural activi-

ties promoted, the BCA deliberately encouraged its members to actively participate as American citizens in various civic, charitable, and educational endeavors. As far as the BCA itself was concerned, it was an American institution, dedicated to helping its members become better citizens through the practice of Buddhism. In this sense, the BCA implemented what we today describe as a multicultural contribution to American life.

WORLD WAR II

December 7, 1941, was a fateful day, not only for all Americans, but more so for all American Japanese and their parents, for the attack by Japanese planes on Pearl Harbor in Hawaii loosened the chain reaction of events for those of Japanese origin in the United States unprecedented in American history.

Overnight, all American Japanese and their alien parents became suspect, especially Buddhists, because of their belief in what so many charged as a Japanese religion, forgetting that Buddhism began in India and spread throughout the world to become a truly international faith.

Unfortunately for the Buddhists, too many—including some in high places of responsibility—equated American Buddhism with the nationalistic Shintoism of militaristic Japan.

Since most Buddhist priests were among the so-called leaders of the Japanese communities in which they served, practically every Buddhist minister was arrested immediately after the Japanese attack on American soil as a precautionary move. Thus, the Buddhists were left virtually without any leaders at the most critical time of their great travail. While Japanese Christians found support in their white counterparts Buddhists could not find help within the larger American society.

In spite of their isolation and tragic situation, however, the then Buddhist Mission of North America released a statement reaffirming the loyalty of its members to the United States:

The suddenness and the unwarranted and inhumane attack upon these United States of America leaves us, the Buddhists in America, with but one decision: the condemnation of that attack. . . . The loyalty to the United States which we have pledged at all times must now be placed into instant action for the defense of the United States of America. . . .

Nevertheless, Executive Order 9066, signed by President Roosevelt on February 19, 1942, authorized the military commander of the Western Defense Command, without trial or hearing or any charges or accusations except that of being of the Japanese race, to evacuate and exclude "all persons to Japanese ancestry, aliens and nonaliens alike," from their homes and associations on the Pacific coast. Approximately half of the 110,000 evacuees who were herded off to what are euphemistically referred to as concentration camps, American style, were Buddhists, two-thirds of whom were American born.

Since the Army allowed the evacuees to carry only what they could in two hands, most of the Buddhist temples were transformed into makeshift warehouses where their members could store

at their own risk whatever property could be moved there on short notice.

The first movement was to the so-called assembly centers, such as Tanforan and Santa Anita racetracks. Here, Buddhist activities were resumed immediately under the direction of such Caucasian Buddhist ministers as the Reverend Julius Goldwater and the Reverend Sunya Pratt in order that the detained Buddhists might be able to accept their fate and to live their religion in the dreary centers.

Subsequently, the evacuees were moved from the temporary quarters in fairgrounds and race tracks to 10 more permanent concentration camps of tar paper barracks in the deserts and river wastelands of the West. In these camps, Buddhists carried on their special activities, knowing that they had few—if any—friends and supporters outside the camps. Regardless, the National Student Relocation Council, largely financed by the Christian churches, provided scholarships for students who wished to continue their disrupted education in colleges and universities in the Midwest and East. And, the War Relocation Authority, charged with the responsibility for the camps after the arbitrary Army evacuation, showed compassion and understanding of the Buddhists not only in their activities within the camps, but also in providing them with opportunities for housing and employment outside the Western Defense Command. In these respects and more, America demonstrated the brotherhood-of-man ideal that is basic to all true religions.

In the century-old history of the Japanese in America, the most courageous act of total commitment was demonstrated by the young men who volunteered from behind these barbed-wire-fenced concentration camps into which their own country had forced them, to fight—and to die as many of them did—in the defense of their homeland.

They volunteered, not just for military service but for combat, against the German and Japanese enemies. Those who volunteered for the 442d Regimental Combat Team made that unique unit. In the words of then Chief of Staff Gen. George Marshall, the most decorated outfit in American history for its size and length of service. They were also known as the Purple Heart Regiment, since the unit suffered 309 percent in casualties, more by far percentage-wise than any other American infantry organization in the European and Mediterranean theaters of operations. And, those young volunteers who could speak Japanese served in the Pacific theaters in combat intelligence, facing far more terrible fates as prisoners if captured than their non-Japanese comrades-in-arms. Gen. Charles Willoughby, Chief of Staff for Intelligence for Gen. Douglas MacArthur, estimated that the use of these Nisei troops in the Pacific saved thousands of American lives and billions of dollars. More than half of those who volunteered and served in both the 442d and Combat Intelligence were of the Buddhist faith.

The first Japanese American to earn the Congressional Medal of Honor was

Pfc. Sadao Munemori, who was evacuated from Long Beach, Calif. A volunteer with the 442d, he smothered a German-thrown hand grenade with his body to save the lives of his buddies. He died, but his fellow GI's lived to fight another day.

A Japanese American who won the Distinguished Service Cross was Sgt. Frank Hachiya, who was evacuated from Hood River, Oreg. A volunteer from the Minidoka Relocation Center in Idaho, he volunteered for intelligence work behind the Japanese lines in Leyte, in the Philippines. When American troops invaded Leyte, Hachiya with maps of the Japanese defenses hidden on his person, was shot by mistake by his own fellow American Marines. He dragged himself across the beach and presented the maps of the Japanese defenses to his own American commander. Though he died, thousands of his fellow Americans were saved.

Both were Buddhists. Both are examples—of which there are thousands—of the heroism and gallantry, not to mention dedicated loyalty, of Buddhist Americans who despite their religious scruples against warfare, volunteered, fought, and so many died, in the defense of their country, even though they—as American soldiers—were denied their Buddhist classification on their identification dogtags and could not have their Buddhist insignia mark their graves should they be killed in action against the common foe.

AFTER THE WAR

When the Pacific coast was reopened to the Japanese on January 31, 1945, both Christian and Buddhist churches became hostels for the returning evacuees.

So reports the documentary "Buddhist Churches in American History":

Classrooms filled with army cots. Community meals were served to all, job placement was organized and arrangements for food and gas ration books were made for all, regardless of religious affiliation. It was a true *vihara* in aiding the weary traveler in his return from wartime relocation centers. It was a meeting for the uncertain and a place to seek solace from the frightening racist reception that so often awaited the early returnees.

On the other hand, many Japanese Americans who resettled in the Midwestern and Eastern States decided to remain where they had been welcomed during World War II. The Buddhist resettlers regrouped themselves in cities like New York, Chicago, Cleveland, and Minneapolis and founded Buddhist temples in their new-found homes.

Of particular note was the help rendered by the Unitarian Church in New York, Chicago, Cleveland, Philadelphia, St. Louis, and Washington, D.C. Both Dr. Preston Bradley and Dr. Homer Jack gave invaluable aid to the Buddhists in the Chicago area, for instance, by their wise counsel and meaningful help, even helping them to locate suitable meeting places.

In Minneapolis, Father Daisuke Kitagawa, an Episcopalian clergyman, encouraged the Buddhists in the Twin Cities to organize their own church. Here

again the Unitarian Church opened their doors to the Buddhists to hold their own services. Even today, the Buddhists of the area are using the facilities of the First Universalist Church, with the generous help of the Reverend John Cummins.

The experiences of World War II and, thereafter, have caused the BCA to understand and cooperate with the Christian and Jewish faiths in the common cause that calls all religions. Today, the BCA is a national association of Buddhist temples and branches, under the general direction of the Reverend Kenryu Tsuji, presiding bishop, with headquarters in San Francisco. Hikoji Karlyu, a nurseryman in Mountain View, Calif., is the lay president of BCA's Board of Directors.

The 75th commemorative conference, as noted earlier, was held in San Francisco August 24 to September 1, 1974. Co-chairmen for the event were Rev. Ejitsu Hojo and Tad Tomita, both of San Jose, Calif. Lord Abbot Kosho Ohtani of the Homba Hongwanji Temple in Kyoto, Japan, the spiritual leader of Jodo Shinshu, was the honored guest at the celebration. A cousin of the Emperor of Japan, the Lord Abbot is the 23d descendant of Shinran Shonin, founder of the sect, and the patriarch of 10,420 temples around the world, with 22,400 ordained priests, and with almost a million family members in Japan and more than 200,000 individual members in the United States. He has served four terms as the president of the Japan Federation of Buddhists.

President Gerald Ford sent the following message to the conference:

I wish to extend greetings to the 75th Anniversary Commemorative Conference of the Buddhist Churches of America and to express my most sincere wish on this historic occasion for the continued flowering of your faith throughout the United States as you seek the Buddhist presence.

It is in the finest American tradition for our citizens to look within their own being for spiritual guidance. Americans of Buddhist faith are a valued element of that heritage. Citizens of all faiths may draw inspiration from your devotion to the Buddha.

May this occasion be a memorable milestone for the Buddhist Churches of America. I wish to assure you of my goodwill and reverent respect.

The Ambassadors of Japan, Sri Lanka, Republic of China, Thailand, and India extended greetings to the conference in another historic gesture.

While the week-long celebration featured many religious and cultural demonstrations and exhibits, lectures and symposiums by leading Buddhist clergy and laymen, it is perhaps significant that it was the BCA, of all churches in this country, that sponsored for probably the first time an interreligion panel of the major religious orders discussing "How Can the Great Religions Cooperate for World Order, Peace, and Social Justice?"

An American Buddhist, Dr. Taitetsu Unno of Smith College, Mass. moderated this unprecedented panel.

The Reverend Bernhard E. Olson, of New York, currently the director of Interreligious Affairs of the National Conference of Christians and Jews, represented the Protestant denominations. Dr. Hammudah Abdal-Atis, now a professor at Utica College of Syracuse University,

N.Y., represented the Islamic faith. A native of Egypt, he is the first graduate of Al-Azhar University in Cairo to receive a scholarship from a non-Egyptian institution of higher education and to pursue graduate studies in the leading universities of the United States and Canada. Rabbi Joseph Asher, of San Francisco, a refugee from Nazi Germany, is now the senior rabbi of the Temple Emanu-El, the largest reform congregation in northern California. A member of the American Jewish Committee's National Interreligious Affairs Commission, among many other responsibilities, he represented the Jewish religion. The Most Reverend Mark J. Hurley, bishop of Santa Rosa, Calif., a noted educator and author, and a member of the Catholic Bishops Committee on Interreligious Affairs, represented the Catholics of America. And Dr. Richard A. Gard of Washington, D.C., represented the Buddhists. A student in leading United States, Canadian, and Japanese universities, he was the Buddhist Affairs Officer for Bureau of East Asian and Pacific Affairs of the U.S. Department of State and the Special Assistant for Buddhist Affairs of the Foreign Service Institute, also of the State Department.

Appropriately enough, the 75th Commemorative Conference concluded with a Buddhist memorial service to honor the Japanese-American war dead of all faiths, which was held at the San Bruno National Cemetery at San Mateo, Calif.

I know that my colleagues in the Congress join me in wishing the BCA another 75 years and more of success and achievement as an American institution whose members have proved anew that peoples of different races, religions, and national origins can come together in these United States and live together in peace and harmony, cooperating with each other in the common interest of all mankind and respecting each other's views as the individual right of every person.

For the information of Members interested in a short explanation of Buddhism in general and the Jodo Shinshu sect in particular through the courtesy of Presiding Bishop Tsuji the following memorandum has been provided:

A SHORT EXPLANATION OF BUDDHISM

Buddhism was founded about 2,500 years ago in India by Sakyamuni Buddha. It rapidly spread throughout Asia to become the predominant Asian religion and eventually was propagated to the Western Hemisphere. Like Christianity, Buddhism has many denominations or sects. It is estimated that there are about 500 million Buddhists throughout the world.

Today, there are about half a million Buddhists of various sects in the United States. The oldest and the largest organization is the Jodo Shinshu, or Shin, Sect. There are over one hundred thousand Shin Buddhists in the continental United States and a like number in the State of Hawaii.

Briefly defined, Buddhism is a religion of compassion and gratitude with the goal being the attainment of Enlightenment or Buddhahood.

The Shin Sect was founded by Shinran Shonin in the thirteenth century. The full name of the Sect is in Japanese Jodo Shinshu or the True Pure Land Sect.

Among the thousands of Buddhist scriptures, there are three sutras or aphorisms which deal primarily with the doctrine of the Shin Sect. Shinran Shonin chose them

as the Sacred Canons of the Shin Sect. Inspired by these sutras and also by the commentaries of the Seven Patriarchs in India, China, and Japan, he became awakened to the essence of the teaching and wrote his famous book, Kyo Gyo Shin Sho (the Teaching, Practice, Faith, and Enlightenment) in which he succeeded in construing and systematizing the doctrine with his unusual spiritual insight.

The Shin Sect teaches: that we are to put our faith in Amida Buddha only; that faith will lead to happiness in this life and after death we will be reborn in the Pure Land of Amida where we will become Enlightened; that after attaining Buddhahood we can freely come back to this world in order to exercise Buddha's Compassion; and that we should strive in the cause of justice and humanity with the idea of thanksgiving for the great benefits we are able to enjoy.

The distinct features of the Shin teaching are:

1. Though practice is believed to be the only way of attaining Enlightenment in all the other sects, faith in Amida Buddha is the most essential in the Shin Sect.

2. While other sects teach that Enlightenment is attainable even in this world, the Shin Sect professes that it is realizable only after death.

3. While other sects keep celibacy and vegetarianism as a means of physical purification, the Shin Sect puts more emphasis on spiritual purity and allows the priests to lead a secular life with their families.

Thus, Shin Buddhism is a practical religion for the mass to follow and has attracted followers throughout the world.

Very appropriately, the 75th Anniversary of the Founding of the Buddhist Churches of America will include the Commemoration of the 800th Anniversary of the Birth of Shinran Shonin and the 750th Anniversary of the Founding of the Shin Sect.

TRIBUTE TO HON. KENNETH GRAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. BIAGGI. Mr. Speaker, the retirement of KEN GRAY from the House is an event which all of us in this body view with deep regret. It is therefore fitting on this occasion for me to pay tribute to the outstanding career of KEN GRAY who served the people of the 24th Congressional District in Illinois for the past 20 years.

KEN GRAY actually represented two constituencies, his friends in Illinois and the people of Washington, D.C. Through his work as chairman of the Subcommittee on Public Works and Grounds he worked hard at improving the city of Washington to make it more accessible for visitors. We were all glad to learn of yesterday's decision of Secretary Morton which will allow for construction to resume on the National Visitors Center at Union Station a project which KEN GRAY felt very strongly about and helped promote among his colleagues in the Congress.

I found KEN GRAY to be an interesting man with a quick wit and great intelligence. He laid claim to being one of the best dressed men in the Congress and his overall warm personality led to his

developing numerous close friendships with his colleagues in the House many which will be continued in the coming years.

We are all saddened by KEN GRAY's retirement. He was a unique and dedicated servant and gentleman and deserves only the best for the future.

BUSING

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mrs. HOLT. Mr. Speaker, while the Nation endures conflict because an arrogant bureaucracy and unwise courts have imposed racial quotas on the schools, this Congress has repeatedly failed to heed the cries of protest from the overwhelming majority of our people.

We often make a mistake of assuming that the opposition to quota systems comes only from the conservative and moderate mainstream of American life.

To counter this assumption, I would offer today an excellent commentary which appeared in the Washington Post December 18, 1974, under the byline of Nicholas von Hoffman, who is not known to be conservative or moderate.

His commentary, you will note, deals with an antibusing article which appeared in the December issue of Ramparts magazine, an eminent organ of the political Left.

Mr. von Hoffman's article follows:

BEYOND BUSING

(By Nicholas von Hoffman)

"Every September, as the opening of school nears, white liberals steel themselves for moral paralysis over whether busing is a good idea or not; conservatives busily prepare speeches on 'quality education'; honest racists start getting nigger fever, and the Left prepares to be confused," writes Malecal Andrews, a black writer and intellectual in a symposium on busing in the December Ramparts, a superior left wing magazine.

Andrews' words may signal the decision by the American Left to leave off that confusion and junk their reluctant support for busing, an activity they never had much taste for anyway. Were it not for the Left's revulsion at the others who oppose busing, radicals might have denounced it years ago as the idiot escapade it has turned out to be.

"Busing is a racist, lazy, selfish decision made by people who don't want to take the time to do the work required to improve the quality of education in all our schools," writes Ericka Huggins, who would have been described a few years ago as a black, radical activist or worse. Today she is the director of a school for poor youth in East Oakland, and if, as an educator, her views on busing were formed long since, for other radicals the black-white scrimmages in South Boston this fall have turned uncertainty into conviction.

The news reports of that city's poorest whites and blacks pitted against each other in battle in which neither side had anything much to win was too reminiscent of interracial battles earlier in this century over jobs. So Noel Day, himself a black man, who took a leading part in the Boston school boycotts of a decade ago, writes:

"... White mothers wearing football helmets and carrying baseball bats to beat black kids may really think that they are keep-

ing their children from being knifed; but underneath it all they must also know that Boston's blacks are their main competition for jobs, for decent housing, for self-respect, and in all those other races that poor and powerless people must run. . . .

"More students go to college, for example, from those high schools with large numbers of black students than from South Boston High School. The white kids in South Boston are as educationally 'deprived' and 'disadvantaged' as the black kids are . . . instead of pushing for better schools, black people and white people are fighting over who will sit next to whom in some of the worst schools in the nation."

By staking out a nonracist, antibusing position, the Left has enabled us to think about education as something other than the contorted transportation logistics of upper middle class, suburban lawyers and judges. Having ruled out any involvement with suburban school districts, these jurists are apparently mad enough to keep on truckin' the children of the poor from one lousy school to another *ad eternam*.

Another contributor to the Ramparts symposium, Miriam Wasserman, says it: "Integration-desegregation-busing has now become a policy of the authorities—courts and federal bureaucrats—with community support mainly from some middle class minorities and liberal whites." A perversion is the name Malecal Andrews fixes to it.

Since the Left is scarcely one voice or organization, it doesn't propose one alternate way of handling education, but the general direction of left wing thought, details aside, is fairly clear. The Left continues to advocate community control of schooling but not of the schools. The consensus seems to be that no system of community control in the present administrative and legal framework can be much better than gangsterism in its effects on the society at large and "a form of involuntary and unpaid servitude" for the children, to quote Edgar Friedenberg, psychologist and educational philosopher.

In the big city school systems, at least, matters have passed the remediable stage. The thing has degenerated into a species of racketeering. Racketeer administrators, racketeer teacher unions and text book publishers, racketeer teachers' colleges, consultants, social workers, equipment manufacturers, all of whom give as little for what they get paid by the local Pentagons of Pedagogy as the armament suppliers give to the big Pentagon of War.

Like the billions spent for foreign aid, of the billions spent on public education only the smallest part gets to the victims, as we might call the pupils whom we compel by force of law to pass their childhood and youth in these places. Unhappily, the job of abolishing the system and building a new one can't begin so long as we're locked into this infinite busing dispute. No matter what happens with it, the only conceivable winner will be General Motors. They sell the buses.

SPECIAL ORDER ON BILL TIMMONS AND GENE AINSWORTH

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. BYRON. Mr. Speaker, with the retirement of Bill Timmons and Gene Ainsworth, the House loses two effective representatives of the administration. Their Government service includes

many years of dedicated work on Capitol Hill and in the White House.

Bill Timmons and Gene Ainsworth have gained the respect of their many friends in the House of Representatives. Bill served 16 years on the Hill in various capacities before joining the administration as chief of the Legislative Liaison Office. Gene served as administrative assistant to Congressman SONNY MONTGOMERY and as chief of House legislative liaison for the past 2 years.

I commend the efforts of both these fine gentlemen, and I wish them success in their new endeavors.

A BILL TO GIVE TOP LEVEL GOVERNMENT EMPLOYEES RETIREMENT PENSIONS COMMENSURATE WITH PAY RAISES WHICH THEY WERE DENIED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. HOSMER. Mr. Speaker earlier this year the President included in his budget message to Congress a strong recommendation for salary increases for government employees, including Members of Congress. Insofar as salaries over \$36,000 are concerned, that pay raise was nullified by action of the Senate.

As a consequence thousands of top public servants are leaving the Government at the end of the year. They will go on the retirement rolls and many will take up second careers. This will result in a net monetary expense to the public and a net loss of very expensive capabilities, all because of a reluctance to pay these people what they can command in employment outside the Government.

Realistically, because the pay of members of Congress is a political hot potato, all this has come about. It keeps coming about year after year and is wholly self-defeating.

Unfortunately, it is likely to continue. As it does, the drainage of top notch people from the Government will continue.

It seems to me something ought to be done.

I do not think most people would fail to see the justice of at least allowing these Government servants in the higher pay brackets to receive the retirement benefits they would get except for the lid on pay. It might encourage them to continue in service until their normal retirement time. Certainly, it would be better than the situation as it now is. It would be a better thing for the Government and a better thing for the employees concerned.

To accomplish the foregoing I am today introducing legislation to amend the Federal Salary Act of 1967. I fully realize that this bill will die later in the day with the adjournment of Congress. However, the idea deserves to live. I hope it becomes a springboard in the next Congress for consideration of and action on this most important matter.

The text of my bill is set forth below. I do not presuppose that it would provide a definitive answer to the issue of what action should be taken when future pay raises for employees in the executive, legislative, and judicial branches are not approved and consequently retirement benefits are adversely affected. But I do believe this measure points toward a step in the direction of solving such a problem. I hope someone will take an interest in it in the 94th Congress of which I will not be a Member due to my own retirement.

H.R. 17680

A bill to amend title 5, United States Code, to provide that officials and employees subject to certain pay limitations, or with respect to whom pay recommendations under section 5307 of the Federal Salary Act of 1967 are disapproved, shall be credited, for civil service retirement purposes, with the pay which would be received if such pay limitations were not applicable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8331 (3) of title 5, United States Code, is amended by inserting immediately before the semicolon at the end thereof a period and the following: "For the purposes of this subsection, 'basic pay' also includes, in the case of an official or employee whose basic pay is limited by section 5308 of this title or section 4(d) or 5(e) of the Federal Pay Comparability Act of 1970 (Public Law 91-656), or with respect to whom pay recommendations under section 225 of the Federal Salary Act of 1967 are disapproved, the amount of additional pay, as determined by the Civil Service Commission for employees in the executive branch and by the appropriate pay-fixing authority concerned referred to in section 5307 of this title, or section 4 or 5 of such Act, for employees in the legislative or judicial branch, or the amount of additional pay proposed by pay recommendations under section 225 of the Federal Salary Act of 1967 disapproved by Congress, which such employee would receive if such pay limitation or congressional disapproval action were not in effect."

Sec. 2. The amendment made by this Act shall take effect on January 1, 1973. The official or employee shall deposit the total amount of additional retirement deductions that would have been deducted from his pay for such period if the pay limitations described in section 8331 (3) of title 5, United States Code, as amended by subsection (a) of this section, or congressional disapproval action, had not been in effect. If the employee fails to make such deposit, his annuity shall be reduced by 10 percent of such unpaid deposit.

MRS. GRIFFITHS REINTRODUCES TAX CREDITS AND ALLOWANCES ACT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mrs. GRIFFITHS. Mr. Speaker, I am pleased to reintroduce the Tax Credits and Allowances Act of 1974 with the following cosponsors: Mr. BENITEZ, Mr. GEORGE BROWN, Mr. DENHOLM, Mr. HARRINGTON, Ms. JORDAN, Mr. LENT, Mr. RIEGLE, Mr. SEIBERLING, and Mr. SYMINGTON. This bill is the result of 3 years of intensive study of the public welfare system by the Subcommittee on Fiscal Policy, which I chair.

I urge my colleagues to examine the bill carefully, and to read the supporting documents prepared for the Subcommittee on Fiscal Policy and available from the Joint Economic Committee: "Income Security for American," and paper No. 16, "A Model Income Supplement Bill." Reform of income maintenance programs and provisions for tax relief should be high priority items for the new Congress. This bill reforms our welfare system and provides badly needed tax relief for modest- and middle-income workers. It would be a giant step forward.

NEEDED REFORM OF UTILITY PRICE STRUCTURES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. UDALL. Mr. Speaker, electricity is our fastest growing energy resource. Over the past few years, electricity use has grown at nearly 7 percent annually, meaning demand doubles in just 10 years. We cannot afford to continue to grow at this rate any longer. The industry has run out of technological improvements and new efficiencies of scale, and as we all know, fuel of all kinds is either scarce or very expensive or both.

Utilities currently use a declining block rate price structure, which stimulates consumption as consumption increases. A recent national test case before the Wisconsin Public Service Commission directed that the declining block rate structure be changed to a flat rate structure. Now the Arizona Corporation Commission is considering a similar change. This is an extremely important step in the direction of making wiser use of our scarce energy resources and will be, I hope, the beginning of a national trend.

The following article appeared in the Tucson Daily Citizen recently, and I commend it to my colleagues' attention:

UDALL PROPOSAL MAKES GOOD SENSE
The Arizona Corporation Commission is expected to approve, possibly in a matter of days, a radical change in rate structure proposed by Tucson Gas & Electric Co.

The change basically provides electricity cost relief to low-use customers at the expense of high-use residential and industrial consumers.

In short, the proposal reverses billing patterns. Traditionally, large consumers of electricity have been paying lower rates than low-use customers. The rationale behind the traditional rate structure is the cost of delivery of electricity. It is less expensive to a utility to supply large amounts of electricity to one customer—a mining company or industrial plant—than to deliver electricity to several residential consumers.

But in recent years, as costs of electricity have increased sharply, the low user proportionately has been hurt the most. Consumer groups pushed for a new rate structure, and some utilities have adopted the so-called "lifeline" structure.

TG&E's modified "lifeline" proposal may not be a new concept, but if the corporation commission approves the proposal as expected, the rate structure will be new to Arizona.

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Under the plan, for example, the bills for residential customers using not more than 300 kilowatt hours of electricity per month would show only a 1.6 per cent increase. That rate generally would apply to consumers living in a small house, apartment or mobile home equipped with an evaporative cooler.

Residential customers using 2,500 kilowatt hours would face a 26.6 per cent rate hike. That rate generally would apply to a three-bedroom house equipped with refrigeration.

Industrial users such as the mines would see their rates go up 20 per cent to 26 per cent.

TG&E has been authorized by the corporation commission to raise \$14.5 million in additional revenues. It now has presented to the commission this plan on how to raise this sum from various categories of users.

Obviously, the energy crisis is forcing everyone to find ways of conserving electricity, which is why the old practice of giving a cheaper rate to the highest consumers no longer makes much sense. In effect, low-use consumers had little incentive to save on electricity.

The rate structure recommended by TG&E is not without its drawbacks. High-use consumers may even test its validity in court, charging that it is discriminatory because it goes contrary to the cost-price formula.

But the plan, a means of helping low-income groups, which mostly are low-use consumers as well, is also a sensible and realistic approach toward providing incentive for high-use residential customers to conserve electricity.

The "lifeline" approach to restructuring rates upward appears to be the answer to the cost crunch for the utility as well as for the conservation of energy.

HILLEL BUTMAN—ONE MAN'S FREEDOM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. LENT. Mr. Speaker, I would like to take this opportunity to report to my colleagues on my efforts to secure one man's freedom. I have been working for many weeks with many very dedicated people around the world to secure permission for Hillel Butman, a Soviet Jew, to emigrate from the Soviet Union. Butman is presently in a prison camp outside Moscow. His crimes: Trying to maintain a Jewish identity, and wanting to join his wife and children in Israel. I have adopted Mr. Butman, as many of my colleagues have done for others, as my "prisoner of conscience."

I have been writing letters to Mr. Butman, his family and friends in Israel, his prison camp commandant, the Procurator General of the U.S.S.R., the Soviet Ambassador to the United States, and even to the Communist Party Chairman, in an effort to secure the least bit of information on his health and well-being. His family and friends have become alarmed over reports of his ill-health and his squalid living conditions. To date, I have not received a single reply, or even the courtesy of an acknowledgment, to any of my letters or telegrams to Soviet officials.

I have been working closely with the Long Island Committee for Soviet Jewry to obtain any possible information from

the Soviet authorities. With the help of this committee, and with information provided by Mr. Butman's wife, Eva, I have received extensive data on his request to emigrate and subsequent events. This information has been invaluable to me in better understanding his plight and serves to reinforce my determination to see that he receives proper treatment and gains his right to emigrate.

I must express my admiration for Mr. Butman's humanity and his dedication to the principles of freedom which are so dear to us all. And I reiterate the pledge I have made to his entire family—I will never cease to do all I can to see that Hillel Butman is reunited with his family. This is one man's freedom.

THE ADMIRABLE 93D

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. WHALEN. Mr. Speaker, this morning the Christian Science Monitor assessed the work of the 93d Congress which adjourns today.

All of us can take pride in the accomplishments mentioned in the editorial. In behalf of my House colleagues, I would like to thank the Monitor's editors for their accolades. These 2 years have been extremely difficult ones. Thus, it is particularly pleasing to end on a positive note. The article follows:

[From the Christian Science Monitor, Dec. 20, 1974]

THE ADMIRABLE 93D

Americans are not in the habit of patting Congress on the back. More often than not, it is the target of criticism and the butt of "do-nothing" jokes. And so, as this historic Congress draws to a close, it warrants observing that the American legislature, when tested to the extreme, can perform vigorously, responsibly, and even with a measure of greatness.

Foremost, the 93d Congress will be remembered for surmounting one of the two greatest constitutional challenges in the nation's history. The Senate Watergate committee took up the crimes of the Nixon administration, and the House of Representatives, with reluctance but with strong conscience, inexorably moved toward impeachment. No one who watched the televised hearings of the House Judiciary Committee could have remained unmoved by the sense of justice and integrity that characterized the proceedings.

That probe forced the resignation of Richard Nixon and led to an unprecedented peaceful transfer of power. It also spawned needed reforms. Congress moved quickly to adopt a new system of financing political campaigns and voted to make Nixon's tapes and documents public property.

Significantly for the workings of political democracy, the 93d Congress reasserted the authority of the legislative branch vis-a-vis the executive, restoring a balance of power. It did so by curbing the presidential war-making ability and setting up a budget mechanism to improve control over federal spending.

Even apart from Watergate, this two-year Congress chalked up some admirable legislation. Countless Americans will benefit by the new minimum standards for private pension plans, the extension of federal aid to public elementary and secondary schools, and

the authorization of funds to develop new sources of energy. And citizens of the District of Columbia can now elect their local officials.

Further, at this writing Congress was moving unflinchingly to enact the crucial foreign trade bill, despite Moscow's last-minute disavowal of any pledge on Jewish emigration. This basic legislation will give the President the power he needs to press for freer world trade.

Accolades are also due the House leadership, which got behind the reforms pushed through the newly constituted Democratic Caucus. The impending reorganization, including that of the powerful House Ways and Means Committee, is the most significant in recent decades.

The overall record is not without flaws of course. The 93d Congress failed to come to grips with such overriding problems as the economy, energy conservation, and tax reform. How the new 94th Congress—more Democratic, more reform-minded and a little more youthful—will tackle these and other issues remains to be seen.

But as the men and women of the 93rd speed homeward for the holidays, they deserve a "well done" from their constituents.

TIME FOR TALK'S OVER: HOW ABOUT SOME ACTION!

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DERWINSKI. Mr. Speaker, a truly commonsense and objective commentary on the approach that should be taken within the Government to combat our economic problems is very effectively presented by Paul D. Coffman, editor of the Star Sentinel Newspapers, in an editorial of December 11.

As we close down this session of Congress to return on January 14, to face major economic headaches, I hope these kinds of commonsense suggestions will be demonstrated in the Congress:

TIME FOR TALK'S OVER: HOW ABOUT SOME ACTION!

(By Paul D. Coffman)

During the past several months we have heard a lot of talk about inflation and recession. The Republican administration has blamed the Democratic Congress for inactivity and the Democrats have in turn blamed all of our woes on the Republicans.

I, personally, think that all of our national government officials, the labor unions, big business and the general public, as well, share a part of the guilt for the conditions that exist today. I might also add the media, both print and electronic, to the list, since they have done an outstanding job of spreading gloom rather than exposing the bright side of the situation.

Our federal government is so busy conducting investigations, appointing expensive study commissions and adding bureaucrats to the payrolls that little time is left to really work on reducing federal expenditures and cutting the fat out of a very wasteful budget.

The labor unions are so interested in keeping ahead of the rising cost of living that they care very little that one of their strikes throws thousands of others out of work and adds new fuel to the fires of inflation.

Big business is so concerned with the profit angle that it, too, keeps raising the prices to such an extent that profits in many instances are so far out of line that the public loses its trust in free enterprise.

And last, but not least, the general public

is showing very little concern for the welfare of others. We are asked to reduce our speed on the highways to conserve fuel and about only half of the motoring public complies. Statistics have proven that we are not only conserving fuel by driving slower on the highways but are reducing traffic accidents and deaths even though only about half of us are cooperating.

Many of us are stocking up on items of food simply because we are told that prices are going higher and as a result we are not only creating scarcities, we are also driving prices to astronomical heights.

To say that we, the American people, are selfish is putting it mildly. We don't mind someone sacrificing as long as it's the "other guy." We must learn that what's good for the "other guy" is good for us too. It's time to stop talking about inflation and recession . . . it's time we start working together to do something about it.

BATTLE AGAINST HCRA

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. SYMMS. Mr. Speaker, certainly the members of the House Interior Committee and a few others in this Chamber are aware of the controversial sessions held this year to discuss the future of Idaho and Oregon's Hells Canyon along the Middle Snake. For those of you who followed the debate on the pages of Western newspapers, the various conservation publications, and even the editorial page of the New York Times, you know that many leading journalists tried to paint a very black and white picture of the decisions at hand.

Either Hells Canyon must be protected now, or be ravaged for all time—they said. As I pointed out to my colleagues innumerable times, Hells Canyon has been with us longer than mankind, and with no appreciable change along the face of the canyon and the riverbed. Faced as we are with increasing shortages of minerals, power, and all manner of natural resources, the additional few years of study needed to make a rational, sane decision on future management seemed like no price at all to pay for wisdom. Nothing, absolutely nothing, will be changing the face of the canyon in the meantime.

At this point in the Record, I would like to insert an editorial of December 9, 1974, from the Burley, Idaho, South Idaho Press, that states better than I am able the concerns of many in our State who appreciate the wisdom of this Congress—no matter how that condition of wisdom may have been reached—in delaying final decisions on Hells Canyon for the time being:

REPRESENTATIVE SYMMS FIGHTS BATTLE AGAINST HCRA

Rep. Steve Symms is waging a long but determined and courageous battle in the House Interior subcommittee to delay passage of legislation which created the Hells Canyon Recreation Area under the Wild and Scenic Rivers Act. This measure went through the Senate just before the election under the sponsorship of Sen. Frank Church on

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a voice vote with a half a dozen senators on the floor. Still there was one negative vote.

Symms is sponsor of a bill that would provide a four-year moratorium for any decision in the Middle Snake. This measure if passed by the House would give time for Idaho and the upstream waterusers to complete the state's resource study. This study was provided in the original 10-year moratorium passed by Congress in 1967 to defer any water diversion studies from the Snake River. The Idaho Water Resources Board will have this report completed on a statewide basis next year. It must be presented to the people and approved by the legislature and that could not possibly come before 1976.

When the Hells Canyon bill failed to win committee approval in the Senate, every water leader in southern Idaho hailed the event. Water authorities see the House as the last stand. Symms is speaking for upstream water users who are still solidly on record in opposition to the bill. Sen. Church and some of his supporters contend that the "protective language" in this bill protects Idaho water.

Attorneys for the irrigators have yet to admit this even though they did provide some of the language at the insistence of Sen. Church. That still did not mean that the irrigators accepted this verbiage in lieu of constitutional rights to beneficial use of Idaho's streams and lakes.

Constant reference is made to the unanimity of Washington and Oregon congressional leaders to the Hells Canyon Recreation Area. These states have always supported legislation that would endanger Idaho water because they have everything to gain and absolutely nothing to lose by such a stance.

Washington and Oregon in this very year will pump Columbia River water on some 180,000 acres of new irrigable lands in the Tri-Cities-Hermiston-Boardman areas of Washington and Oregon where the broad Columbia flows, fed by its largest tributary—Idaho's Snake. And they are looking to another 3 million acres all supplied from the Columbia. Why shouldn't these downstream states be willing to wipe off Idaho's water rights if they can get them through a HCRA area or any other means?

When the hearings were held on this bill last year at Lewiston, the Committee of Nine, historic wateruser agency, sent a stinging resolution in opposition to HCRA. It has yet to receive a line of mention in the Idaho Statesman, Boise daily newspaper which is hysterically pressing for the bill NOW. What's the big hurry? Nothing will happen in the Middle Snake without HCRA. But the environmentalists want to lock it up now and throw the key away for all time.

While we have problems in this area involving the rebuilding of a new dam at American Falls, we must not be oblivious to what's going on downstream at the behest of environmentalists and our friendly neighbors in Washington and Oregon.

THADDEUS J. DULSKI

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. FUQUA. Mr. Speaker, THADDEUS J. DULSKI, of New York, leaves a distinguished mark for us to follow as he leaves these Chambers upon our adjournment.

Since he was elected to the 86th Congress, Congressman DULSKI has been one of the real leaders in the House,

particularly since 1967 when he assumed the chairmanship of the Post Office and Civil Service Committee.

It is in that area that he has made his legislative mark. He has presided over long hours of hearings which resulted in refinement of the laws pertaining to government service, and I can say without fear of contradiction that our Government operates more efficiently and more effectively because of his work.

Those of us who have enjoyed his friendship have particularly appreciated his candor and his grasp of detail.

Now he will take a well deserved rest and have more time to spend with his wife and family. He leaves with the full knowledge that he made his mark in the Halls of Congress and that he leaves a great many friends who will miss his advice and counsel.

To him and to his, we wish long life, good health, and many happy years.

TRIBUTE TO DR. CHAIM WEIZMANN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DRINAN. Mr. Speaker, I would like to bring to the attention of my colleagues the second part of the American Israel Public Affairs Committee statement on Dr. Chaim Weizmann and the development of the State of Israel:

TRIBUTE TO DR. CHAIM WEIZMANN

II. PALESTINE HAS NEVER BEEN AN ARAB STATE
Despite the claims of the PLO, in its demand that a new Arab State should rise on the ashes of Israel's destruction, Palestine has never been an Arab State.

In 1914, when World War I erupted, Palestine was a province of the Ottoman Empire and had been one for 300 years.

In the days of antiquity a Jewish State had existed. But no independent Jewish State had existed since 63 BC, when the Romans invaded the Holy Land and destroyed Jerusalem.

With the fall of Rome, Palestine suffered the changing fortunes of the rest of the Byzantine Empire until, in 638, all of Syria, including Palestine, was conquered by the Moslems and ruled as a province under the Caliphate.

As the result of the Crusades, Christian states, including a Kingdom of Jerusalem, were set up in the area. Palestine was recovered by the Moslems in the Thirteenth Century. In 1518, it was conquered by the Turks and remained a province of the Ottoman Empire for three centuries.

When Turkey collapsed at the end of World War I, the British took over.

III. PALESTINE WAS NOT PROMISED TO ARABS

It was never the intention of those responsible for the Balfour Declaration and the Mandate to establish Palestine as an Arab State, so the historical records confirm.

Arab claims that the British government promised them an independent state in Palestine as well as independence of other areas, repeatedly have been denied by the British government and by Sir Henry McMahon, former British High Commissioner in Egypt. The Arab claim is based on an alleged promise of Sir Henry to the Sherif of Mecca, King Hussein of Hejaz, to do this in exchange for his help in arranging revolts of Arabs against the Turks, during World War I.

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In June, 1922, Winston Churchill denied this, stating, "The territory of Palestine west of the Jordan was excluded from Sir Henry McMahon's pledge."

In 1937 Sir Henry, himself, in a letter to the London Times on July 23, 1937 denied that such a pledge had been made to King Hussein. In this letter he said:

"Many references have been made in the Palestine Royal Commission Report and in the course of the recent debates in both Houses of Parliament to the 'McMahon Pledge,' especially to that portion of the pledge which concerns Palestine and of which one interpretation has been claimed by the Jews and another by the Arabs.

"It has been suggested to me that continued silence on the part of the giver of the pledge may itself be misunderstood.

"I feel, therefore, called upon to make some statement on the subject, but I will confine myself in doing so to the point now at issue—i.e., whether that portion of Syria now known as Palestine was or was not intended to be included in the territories in which the independence of the Arabs was guaranteed in my pledge.

"I feel it my duty to state, and I do so definitely and emphatically, that it was not intended by me in giving this pledge to King Hussein to include Palestine in the area in which Arab independence was promised.

"I also had every reason to believe at the time that the fact that Palestine was not included in my pledge was well understood by King Hussein."

In May 1939, the British White Paper on Palestine, closing Jewish immigration into Palestine, also confirmed that no pledge was made that Palestine should become an Arab State, stating:

"His Majesty's Government regret the misunderstandings which have arisen as regards some of the phrases used. For their part they can only adhere, for the reasons given by their representatives in the Report, to the view that the whole of Palestine west of the Jordan was excluded from Sir Henry McMahon's pledge, and they therefore cannot agree that the McMahon correspondence forms a just basis for the claim that Palestine should be converted into an Arab State."

IV. SEVEN INDEPENDENT ARAB STATES EMERGED AFTER ALLIED VICTORY IN WORLD WAR I

Britain, which issued the Balfour Declaration, and the successful Allied war effort freed the Arab world from the suzerainty of the Ottoman Empire, which for 300 years had occupied the area.

Seven states—Egypt, Syria, Lebanon, Iraq, Saudi Arabia and Yemen—emerged as States at the end of World War I and, with Transjordan, established in 1922, obtained full independence at the end of World War II.

These States occupy an area of more than 1,600,000 miles with rich resources of land, water and oil, some like Syria and Iraq, requiring additional population to develop their countries.

The State of Palestine also emerged at the end of World War I. Under the terms of the Balfour Declaration issued on November 2, 1917, Palestine, in which the Jewish National Homeland was to be established, originally covered 45,000 square miles on both sides of the Jordan River.

In 1922, Britain truncated Palestine and established the State of Transjordan in a territory of 36,000 miles, three and one-half times the size of Palestine. Both Palestine and Transjordan were governed under the British Mandate.

On January 17, 1946, Transjordan became the Hashemite Kingdom of Jordan and unilaterally gave independence by the British government.

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TRIBUTE TO BILL TIMMONS AND GENE AINSWORTH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. KEMP. Mr. Speaker, it is a pleasure to join Mr. MICHEL and my other distinguished colleagues in paying tribute to Bill Timmons and Gene Ainsworth, two of the finest public servants I have had the privilege of working with since coming to the Congress.

The demands upon Bill as Assistant to the President for Legislative Affairs, and upon Gene, in his capacity as Special Assistant to the President, have, we know, been extraordinary. Their performances have, in my judgment, been extraordinary in response to these demands.

In matters of considerable import or of a lesser nature, involving both the White House and the entire executive branch, I have never found them wanting.

It takes a rare and very talented person to cheerfully and sincerely accept, in behalf of a constituent, an urgent problem in your congressional district or simply a personal request for information at any hour of the day or night or any day of the week. Even more remarkable is the ability to expeditiously cut through the labyrinth of the Federal bureaucracy to get the answers or action requested.

Bill, who served under three of our Presidents, and Gene, who benefited from his past Capitol Hill experience, are endowed with these rare, demanding qualities. They epitomize the excellence which public servants, at the highest level of Government in our United States, are expected to possess.

The people I am privileged to represent and I, personally, owe them enduring gratitude for their selfless service. I wish them the very best as they take other paths to new achievements.

Mr. Speaker, I believe it is also appropriate to take this occasion to congratulate a friend, Max Friedersdorf, upon his new appointment as Assistant to the President for Legislative Affairs and another, long-time friend, Jack Calkins, who has moved on from a distinguished career with the Republican Congressional Committee to the White House.

I can think of no person more capable nor more experienced than Max to strengthen the already close ties we, in the Congress, have with our former colleague, President Gerald R. Ford.

As his predecessor, Max has those special skills, talent, and disposition which will assure the American people and their Representatives the most responsive service they expect from the Office of the President. Our long, happy, and mutually beneficial relationship with this distinguished public servant promises a new plateau in the level of White House-congressional relations.

Jack Calkins has an intimacy with the workings of a congressional office and a

relationship with the President which can even further enhance the openness and accessibility desired and proclaimed by our President.

I wish these outstanding appointees the very best.

STANISLAUS COUNTY SHERIFF DAN KELSAY COMPLETES DISTINGUISHED CAREER

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. McFALL. Mr. Speaker, on January 11, the people of Stanislaus County in California will gather to honor Sheriff Dan Kelsay at a retirement dinner sponsored by the County Sheriff's Employees' Foundation.

Since 1951 Sheriff Kelsay has established a fine record of accomplishment and service to the people he has served.

In 1951, when Dan Kelsay was first elected sheriff of Stanislaus County, the department was a 50-man unit. During the following years, his leadership has transformed the department into an efficient and forward-looking organization of 246 well-trained personnel.

Prior to becoming Sheriff, Dan Kelsay established similar records of service in the communities of Oakdale and Patterson, both of which are located in Stanislaus County.

A native of Vale, Oreg., Dan Kelsay moved to California and established deep roots in Stanislaus County. I have come to know him and his lovely wife, Jo, very well.

Through the years, the people who have known Dan Kelsay, the dedicated men and women who have worked with and for him, and especially the people of Stanislaus County, have come to respect and trust this dedicated public servant.

I have said that Sheriff Kelsay has run an efficient department. That is true, but such efficiency has been built upon his deeply held consideration of the humane aspects of law enforcement.

Dan Kelsay is a man of strong character, who speaks softly and acts with a sense of understanding and compassion.

During his years as sheriff, Dan Kelsay has served at one time or another, as president of the Stanislaus County Peace Officers' Association; the California State Peace Officers' Association; and the California State Sheriffs' Association. He holds life memberships in each of these associations.

Sheriff Kelsay attended the 43d session of the Federal Bureau of Investigation National Academy in 1950. He is a member of the California Governor's Commission on Peace Officer Standards and Training. In 1964 he served as chairman of this commission.

An active member of the community, Dan Kelsay has served in directorships of the County Tuberculosis Association, the Crippled Children's Association, the

Heart Association, the National Foundation March of Dimes in Stanislaus County.

For a decade he has served as a director of the local chapter of the American Red Cross and also serves as a director of the Stanislaus County Salvation Army.

His civic endeavors were recognized when in 1967 he was voted Citizen of the Year by the Civitan Club of Modesto.

The Stanislaus County Bar Association awarded him the Liberty Bell Award in 1969 and he received the community's "Good Egg Award" in 1971.

As Dan embarks upon his retirement, those of us who know him and are privileged to count him as a friend, wish him and his wife many wonderful years in which they will have the time and opportunity to do the things that a full career has not permitted.

THE RESPONSIVENESS OF PRESIDENTIAL COMMISSIONS

HON. STEWART B. McKINNEY
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. McKINNEY. Mr. Speaker, one of the key problem solving devices within our framework of Government is the utilization of Presidential and congressionally appointed study commissions.

These bodies, the membership of which generally reflects a broad spectrum of U.S. citizens, are charged with multifaceted responsibilities, not the least of which is problem solving but to identify the root causes of those issues which deeply concern us. In delivering final reports to the President and to the Congress, the commissions attempt to outline a program of corrective action designed to eliminate injustices suffered by our fellow citizens and to propose constructive changes in the conditions which prompted the commissions' creation. With that as background, I would like to speak briefly today on the efforts of the National Commission on Fire Prevention and Control which, as you know, unearthed unjust hiring practices in some of our Nation's fire departments, a practice which did little to quell—and in some instances, served to foster—some of the civil disturbances our country's poorer communities suffered in recent times.

I am pleased to report that one of those who contributed to the Commission's successful product is a constituent of Connecticut's Fourth Congressional District, which I represent, Mr. Clayton Willis of Greenwich.

Mr. Willis, who is currently operating the Willis News Service in Washington, D.C., has long been involved in the field of human relations as well as in the international arena as a journalist, as a staff member of the U.S. Secretariat, on special assignment to U.S. Embassies abroad; as a lecturer at Federal City College in Washington, and he trained

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American Indian, Spanish-speaking American, high school, and college students as journalists when he owned a weekly newspaper on the Southern Ute Indian Reservation at Ignacio, Colo.

In his work over the past 5 years with the Federal Government, Mr. Willis has spoken responsibly as evidenced in two nationally published articles: "Race Discrimination Found in U.S. Fire Departments," in the New York Times of June 5, 1973, by Bill Kovach; and "Blacks, Chicanos Find It Tough to Get Fire Department Jobs," in the Christian Science Monitor of June 18, 1973, by Jack Waugh.

In the Monitor article, Mr. Willis points to some of the bright spots in the hiring policies of our fire departments which have a total work force of more than 1 million firefighters. It is important to mention some of the positive work in this employment and tension-easing area which has taken place. As Mr. Willis said:

"A rare few big cities have turned themselves around and tried to erase such out-of-joint statistics without an order from a judge.

Laredo, Tex., even has a Spanish-speaking American chief of its fire department, Mike Perez, who testified about the ethnic hiring problem in fire departments before a hearing which the National Commission on Fire Prevention and Control conducted in Dallas, Tex. Fire Lieutenant Tommy Arevalo, a member of the National Commission on Fire Prevention and Control, was one of the first three Spanish-speaking Americans to be taken into the fire service in El Paso when he joined it in 1953.

I believe progress is being made, Mr. Speaker, and while much remains to be done, we can be pleased with the start this commission has given us.

PASSAGE OF NATIONAL TRANSPORTATION SAFETY ACT OF 1974, H.R. 15223

HON. JOHN D. DINGELL

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. DINGELL. Mr. Speaker, I am pleased that the Congress has adopted the National Transportation Safety Act of 1974, H.R. 15223, a needed measure for America's transportation industry and the public.

Title 1 of this bill changed the entire scope of the regulatory process controlling the shipment by all transportation modes of hazardous materials. This is a major step forward in implementing a coordinated, effective program to better insure safe transportation of these materials.

Section 108 governs transportation of radioactive materials on passenger carrying aircraft. The conditions for carriage of this material are stringent and will be made more stringent with the adoption of regulations by the Secretary of Transportation as provided in the bill.

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I have noted with interest a resolution of the Airlines Pilot Association which stipulates various demands for more stringent regulatory controls over the shipment of hazardous materials by air.

The ALPA resolution sets a February 1 deadline for regulatory implementations of their suggestion. In view of the fact this Congress has today adopted landmark legislation in this area, I hope that the pilots will recognize that cooperation is a better course of action than confrontation. I suggest that the airlines, the pilots, and the Government work together for speedy implementation of this legislation and keep in mind the needs of the traveling and shipping public.

BILL TIMMONS

HON. TOM BEVILL

OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. BEVILL. Mr. Speaker, I am delighted to have the opportunity to pay tribute to my good friend, Bill Timmons, who has served as Assistant to the President for Legislative Affairs through a most difficult period and has done a remarkable job.

Each time I have called on Bill, he has responded promptly. He has provided my office staff and me with the best possible service, and for this I heartily commend him.

During hectic times when the executive branch and the Congress were working on some of the difficult problems which have confronted our Nation, Bill has remained calm, handling each assignment with competence, fairness, and dispatch.

During the years I have known Bill, I have come to trust his judgment, admire his integrity, and respect his opinion in every situation.

Bill Timmons is knowledgeable and has been an effective liaison for the White House. He exemplifies the very best in dedicated service to one's country. It has been my good fortune to know and work with Bill and I wish the very best for him and his family in future endeavors.

TRIBUTE ON THE RETIREMENT OF LESLIE C. ARENDS, OF ILLINOIS

HON. JOHN J. ROONEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. ROONEY of New York. Mr. Speaker, the end of any Congress brings with it not only the end of a particular legislative session but also the end of some long and distinguished congressional careers. As we all recognize, the end of this particular 93d Congress brings with it more than its share of retiring Members. One of the outstanding Members who will be retiring at the end of this session is my good and longtime

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friend from the Prairie State, the Honorable LESLIE C. ARENDS.

It has been my pleasure and honor to have served with LES ARENDS for many years in the Congress of the United States. I should like to note at this point, Mr. Speaker, that LES is one of the few remaining Members on either side of the aisle who has served longer in this most august body than I have. LES was a wise and wily veteran with 10 years' fine service to his credit when I first came here over 30 years ago.

I well know and greatly respect LES ARENDS. His knowledge of the legislative system and process is unparalleled as is his reputation for honesty and integrity. In a long and distinguished public career and as the Republican whip since 1943 he has always worked for what he thought was best for our country. His talents will be sorely missed not only by the people of the 15th Congressional District of Illinois, but by the State of Illinois and the whole House as well.

Mrs. Rooney joins me in wishing LES and his lovely wife a lengthy, prosperous, and peaceful retirement.

TRIBUTE TO WILLIAM E. TIMMONS

HON. ALBERT H. QUIE

OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. QUIE. Mr. Speaker, a dedicated public servant is leaving the employ of the White House and going into business for himself at the end of this year. I am happy to pay tribute to the outstanding record he has developed in both the executive and legislative branches of our Government.

Bill Timmons has served two Presidents in legislative liaison work. He grasped the myriad issues with great facility and tried to help weave the fabric of a national policy to benefit all of our citizens.

It was my pleasure to work closely with him on a number of issues involving the Education and Labor Committee. Occasionally, he differed with me when the views of the executive and legislative branches differed, but it was always on a high plane and mutual respect was always maintained.

His integrity has been unquestioned; his word has been his bond. His talents have been used to benefit government. They will now be turned to the private sector and I wish him well.

TRIBUTE TO BOB MATHIAS

HON. GLENN M. ANDERSON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. ANDERSON of California. Mr. Speaker, one of the things which makes the House of Representatives such a

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great institution is the varied backgrounds which its Members bring to these Halls.

Along with the lawyers, businessmen, educators, and farmers, we have had an outstanding athlete and winner of the decathlon event in the 1948 and 1952 Olympics—BOB MATHIAS.

Bob brought to Congress the dedication to long hours of hard work required for athletic success. During the past 8 years, he has conscientiously served his constituents in the San Joaquin Valley of California—one of the richest agricultural areas in the United States. He is the third senior Republican on the Agriculture Committee, and the ranking minority member of the Cotton Subcommittee.

His experience as a representative of the United States at the Olympics, and on subsequent good will tours abroad on behalf of educational youth programs, has been put to good use on the Foreign Affairs Committee.

It has been a pleasure working with Bob on matters of particular importance to California. I certainly will miss his warm, down-to-earth personality.

Mrs. Anderson and I both wish Bob, his lovely wife Melba, and their family every best wish for the future.

HON. THADDEUS DULSKI

HON. THOMAS L. ASHLEY

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. ASHLEY. Mr. Speaker, it is a particular pleasure and privilege to join in honoring my friend and colleague, THAD DULSKI, on the occasion of his retirement from the Congress.

THAD DULSKI has led a life of long and dedicated public service at the local, State, and Federal levels during which he has always had the integrity to follow his convictions, the courage to speak out on issues, and the perception to recognize national issues and interests over partisan and parochial concerns. He has brought great distinction to the chairmanship of the House Post Office and Civil Service Committee, and the people of New York's 37th District and indeed the entire Nation are indebted to him for the outstanding, faithful service he has rendered.

On a more personal note, Mr. Speaker, let me say that I am grateful for the warm and close friendship I have shared with THAD, one which I am sure will continue to endure in the years ahead.

HON. LES ARENDS

HON. OMAR BURLESON

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. BURLESON of Texas. Mr. Speaker, As our friend and colleague, LES

ARENDS, plans to retire from the U.S. House of Representatives, after a long and enviable record, I rise to join in tribute to him. He has served the Nation and his constituency in a capable and dedicated manner for 40 years and it will not be the same without him.

While we will miss LES, I am glad to know he will remain in the Washington area and will look forward to seeing him from time to time.

We wish him the best of everything in his well deserved retirement.

TRIBUTE TO CONGRESSMAN OGDEN REID

HON. CHARLES W. WHALEN, JR.

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. WHALEN. Mr. Speaker, through his years of Government service, Congressman OGDEN REID has contributed to the improvement of our Nation in almost every area of domestic concern and in our foreign policy endeavors.

Both in and out of Congress, BROWNIE has fought for programs designed to overcome poverty and secure civil rights. He has consistently supported efforts to achieve decent education, adequate child care, and public access to governmental information. As an outstanding member of the Education and Labor Committee, he successfully translated his concerns into strong and effective legislation. In this Congress, when he joined the Foreign Affairs Committee, his expertise in that field as a former Ambassador to Israel added immensely to our deliberations.

In working with BROWNIE on that committee and on numerous other issues of mutual interest, I have been most impressed by his perseverance, knowledge, and integrity. Thus, I hope that even though he is leaving the legislative branch, he will not deny the Nation the benefit of these qualities in future years.

HON. H. R. GROSS—THE CONSCIENCE OF CONGRESS

HON. WILLIAM A. STEIGER

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. STEIGER of Wisconsin. Mr. Speaker, often when one of our colleagues closes out a career in the House of Representatives, we will speak of the degree to which we and the American people are indebted to that individual for his or her contributions while serving as a Member of Congress.

In the case of one Member, who this week is retiring after 26 illustrious years in this body, nothing could be more literal or appropriate. H. R. GROSS has probably saved the American taxpayer more millions of dollars than anyone else who has

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ever distinguished these Chambers. With his sharp eye and his sharper wit, he has prevented the expenditure of unneeded dollars and the passage of unwise bills.

The 94th Congress will have an unfillable void. The legend of H. R. Gross is likely to be passed on through the years as new faces come into these Chambers. And I hope his concern for the average citizen and his commitment to fiscal responsibility will also be passed on to Members of succeeding Congresses. It is a high goal to shoot for and I hope we are all worthy of it.

HON. THADDEUS DULSKI

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. FREY. Mr. Speaker, it is with a great deal of sadness that we say goodbye to the distinguished chairman of the Committee on Post Office and Civil Service, THAD DULSKI. THAD has served in the Congress for 16 years and has been chairman of the committee since 1967. He has done an admirable job and his dedication and fairness are qualities which those of us in the minority deeply appreciate.

As a young member not on his committee, it soon became apparent that he was a decent man, a man who would take time to talk with you about problems that existed and who was never too busy to sit down and discuss political questions. His knowledge was broad and his interest in this country was great. His desire to reach the right decision and his willingness to work hard at it was obvious from the legislation and accomplishments of his committee.

I must add on a personal note that the only flaw I found in THAD was his inability to understand that the Miami Dolphins were the best team in football and that Buffalo, although good, was second.

We know the people of his district and State are going to miss him. More importantly, his services to this Nation and this Congress will also be missed. We wish him the best in the future. It has been a privilege to serve with the gentleman from New York.

NELSEN COMMISSION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. NELSEN. Mr. Speaker, Mayor Walter Washington has submitted to the Congress the fourth report concerning the status of recommendations—451 in total—contained in the report of the Commission on the Organization of the Government of the District of Columbia—also known as the Nelsen Commission. He states that 201 of the 451 "have been put into effect and definitive action has been initiated on 133 others."

I consider the Commission to have been one of the major accomplishments of my years spent in the Congress. The large number of the recommendations implemented attest to their inherent value and also to the interest of the local government in being responsive to ways that may improve their operations, organization and management.

I commend Mayor Washington, the City Council members and all those in the District government who responded positively to the recommendations of our Commission.

GENE AINSWORTH

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. BEVILL. Mr. Speaker, I would like to take a moment of the House's time to congratulate Gene Ainsworth, Assistant to the President for Legislative Affairs, for a job well done.

Gene, who worked as an assistant to Congressman SONNY MONTGOMERY before joining the White House staff, has contributed much toward developing a good working relationship between the Congress and the White House. During his tenure, Gene has made many friends on the Hill, and I know his services will be greatly missed.

Those of us who have worked closely with Gene during the past few months have come to respect his judgment and seek his counsel on many important legislative matters. In his association with Members from both sides of the aisle, he has always been most helpful and has won the respect of many Members.

The future is bright for Gene Ainsworth, whatever road of endeavor he may follow and I know we will hear of many more accomplishments from this fine young man.

I extend my sincere best wishes to Gene and his family.

LES ARENDS SPECIAL ORDER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Monday, December 16, 1974

Mr. WYLIE. Mr. Speaker, in 1967 when I first came to Congress as a freshman one of the first persons to welcome me was the gracious and genuinely friendly minority whip LES ARENDS. He was generous with his time and expert advice which I really feel helped me to better serve my constituents.

I am only one of many persons this man from Illinois has willingly helped. In his 40 years in Congress LES ARENDS has won the admiration and respect from Members on both sides of the aisle. His statesmanship has transcended partisanship, and his service here has been a bright addition to the pages of American history.

LES ARENDS and his charming wife Betty have earned their years of retirement, but their presence here in Washington will be sorely missed.

It can be truly said that the shoes of LESLIE C. ARENDS will be tough to fill.

TRIBUTE TO DR. CHAIM WEIZMANN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DRINAN. Mr. Speaker, I commend to my colleagues the third part of the American Israel Public Affairs Committee statement on Dr. Chaim Weizmann and the development of the State of Israel:

Part Three:

VII. The Partition of Palestine into a Jewish and an Arab State, joined by an economic union, was voted by the United Nations on November 29, 1947.

VIII. Dr. Weizmann's Plea: Dr. Chaim Weizmann, appearing before the United Nations on October 16, 1947 to plead the cause of Jewish statehood, ended his address thus:

"A world which does not hear us in this moment of our agony would be deaf to the voice of justice and human feeling which must be raised loud and clear if the moral foundations of our society are to survive. If you follow the impartial judgment of your own qualified Committee and admit us to your honored table, we shall enter your company with a sense of the spiritual and intellectual challenge which the idea of the United Nations makes to the conscience of man. In giving us this opportunity you will be faithful to the noblest ideals which have been conceived by our ancestors and transmitted by them to the common heritage of the world."

ARAB STATES TELL U.N. THEY WILL NOT
OBSERVE RESOLUTION

On November 29, 1947, after the vote, representatives of Egypt, Syria, and Iraq came to the U.N. podium to announce that the Arab States would not observe the resolution.

This promise was kept. The Arab States proceeded to make war on the Jews of Palestine, first by the so-called irregular Arab armies. And in May, 1948 after the State of Israel was proclaimed, by the regular armies of the Arab States.

During that war, the Palestine Arabs fled from Palestine at the call of the Mufti of Jerusalem to clear the way for what was to be the victory of the advancing Arab armies—a victory that never came.

Successive efforts to halt the flight of the Arabs were made, first by the Haganah, and later by the Provisional Government of Israel.

The Mufti, it should be recalled was a popular Palestine leader with a long-time record of complicity with terrorism; was an agent of the Nazis, by whom he was financed. He was a party to the Iraqi revolt against the Allies and the Nazi takeover there in 1941. He was a partner of the Axis in helping to bring about the extermination of European Jewry, as captured Nazi documents at the end of World War II confirmed. Four letters from the Mufti to the Foreign Ministers of Hungary, Bulgaria, Roumania and Italy, in May-June, 1943, counselled them against permitting their Jews to leave for Palestine, particularly Jewish children, saying it would be more proper and preferable to send all Jews to Poland—for "more severe control" and "active surveillance." The charnel houses of

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Poland were not mentioned by name, but the certain and horrible death there was.

JORDAN ANNEXES PART OF WESTERN PALESTINE
The Arab State envisaged in the Partition Plan never emerged. Instead, Jordan, on April 24, 1950, annexed 2,800 miles of western Palestine, including the Old City of Jerusalem which it had captured in the 1948 War.

A series of armistice agreements signed in 1949 between Israel and the warring Arab States never advanced beyond that stage.

ARAB WAR ON ISRAEL CONTINUOUS

Instead, the Arab campaign against Israel continued through: closure of the Suez Canal to Israel shipping; continuous incitement of the Arab world for a second round to annihilate Israel; terroristic raids on all Israel's frontiers exposed to Egypt, Syria, Lebanon and Jordan; organized guerilla warfare by Fedayeen—whose new name is Al Fatah; insistence on Arab Refugee repatriation in Israel—in opposition to the recommendation of the experts that repatriation with compensation take place in Arab lands—in order to establish an internal fifth column in Israel to destroy her.

THE TRUE FACE OF ISRAEL

Despite the unremitting attacks on its survival since its establishment, Israel has consistently made progress as a democratic state with a stable government committed to advancing the progress of its people.

It has absorbed the survivors of the holocaust—who had been languishing in DP camps for two years after the end of World War II; the entire Jewish communities of Iraq and Yemen and virtually the entire Jewish population of Iran. It has given refuge and home to hundreds of thousands of Jews from Africa, Egypt, and Libya, made necessary by the organized campaigns against them, including physical violence. Those evacuated were able to leave only by leaving their possessions behind them. More recently, it has become the focus of flight from Soviet oppression.

This record is in striking contrast to that of the Arab States who in 28 years have chosen not to absorb in their own lands Arab refugees—their kin in background, language and culture, preferring to leave them in camps, a charge on international funds, principally those of the United States.

Israel has integrated these disparate communities of different cultural levels; advanced education; made progress to self-sufficiency; shared its know-how with other developing countries. And most striking of all, it has become a science resource for the world—building on the science legacy left to the State by Dr. Chaim Weizmann, through the Weizmann Institute of Science.

No other State in the world which emerged after World War II can claim such a record of commitment to democracy; to the advancement of its people. It is an example for the whole of the developing world.

That is why the United States, including the Congress of the United States has continued to express its friendship in terms of moral, financial and military support.

That is why, in seeking pacification of the Middle East, we are called upon to preserve the existence and integrity of Israel.

A firm, unwavering, unequivocal stand by this country can make this possible. That stand should be made clear without delay in terms of the PLO and its Soviet protectors cannot fail to understand.

THE CURRENT VALIDITY OF CHAIM WEIZMANN'S
WORK

It is a poignant reminder of the starkness of our time that Chaim Weizmann's words, uttered 27 years ago at the United Nations, should continue to have such sharp validity today.

On October 16, 1947 he told the United Nations:

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"The Jews are only claiming in small measure what has been conferred upon the Arabs in abundant degree. There was a time when Arab statesmanship was able to see this equity in its true proportions. That was when the eminent leader and liberator of the Arabs, the Emir Feisal, later King of Iraq, made a treaty with me declaring that if the rest of Arab were free, the Arabs would concede the Jewish right freely to settle and develop in Palestine, which would exist side by side with the Arab states.

"My first thought on coming to Palestine in 1918 was to see the Arab leader and to reach such an agreement with him. This agreement was subsequently embodied in a Treaty. The condition which he then stipulated, the independence of all Arab territories outside Palestine has now been fulfilled.

"The area of Arab independence stretches far and wide. Independence is not the exclusive right of the Arabs. We Jews have an equal claim to it. This Assembly cannot possibly decree that the desire of the Arabs to possess an eighth state must obliterate the right of the Jews to possess a single centre of independent national life."

HERALD E. STRINGER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DORN. Mr. Speaker, at the end of the year, Mr. Herald E. Stringer, National Legislative Director, the American Legion, will retire from that post after 10 years of service. Mr. Stringer has had a long, distinguished career in law, government, politics, and legislation, and he has directed the legislative efforts of the American Legion with a great deal of expertise and dignity.

The American Legion carries on a broad legislative program dealing with many committees of Congress in addition to the Committee on Veterans' Affairs. The organization is interested in matters relating to national defense, Federal employment, housing matters, and many other issues. In our dealings with Mr. Stringer, we have found him to be most knowledgeable and understanding of the legislative process. He has advanced the American Legion legislative program with great skill and I feel that the organization will be sorely pressed to find a replacement who can match his performance.

Mr. Speaker, we wish Mr. Stringer success in any endeavors he may undertake in the future and, of course, we will seek to cooperate with his successor on matters of mutual interest.

THE CHRISTMAS TREE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. FRENZEL. Mr. Speaker, I voted against H.R. 421; the Christmas tree bill, because it was a complete mystery. There are some good things in the bill, such as doubling the deductibility of political

contributions. The trouble is that very few of us know what else is in this bill.

I strongly object to procedures which allow us to vote on multiple matters of importance without having a printed copy of the bill or conference report, or without adequate notice of scheduling or without previous discussion in the House. It is one thing to debate and pass a trade bill which has been before the Congress for over a year. We know the basic issues on the trade bill. It is quite another to note for an unknown series of nongermane amendments not previously debated in this House. It may very well be a good bill, but I can't vote for it.

TRIBUTE TO BILL TIMMONS AND
GENE AINSWORTH

HON. OMAR BURLESON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. BURLESON of Texas. Mr. Speaker, I join other colleagues who have had a number of years of association with Bill Timmons and Gene Ainsworth, as they leave the service of the White House as liaison representatives to the Congress. Both of these fine gentlemen have performed in a way to bring the highest commendation from all of us. In their actions, both have exhibited an integrity and a dedication to be appreciated and long remembered by all of us who have had frequent contact with them on legislative matters.

It is my hope that both will find satisfaction in whatever new endeavors they may enter, and both certainly can be assured that, personally and officially, they are held in high esteem by those of us who have had their long association.

WILLIAM E. TIMMONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. MICHEL. Mr. Speaker, of the changes now going on within the White House staff, one departure in particular will leave me with a sense of loss. I refer to Mr. William E. Timmons, who is leaving government after about 6 years of serving the Nixon and then the Ford administrations.

Bill Timmons, as Assistant to the President for Congressional Relations, has headed up the staff that maintained legislative liaison between the Congress and the Presidency. He has done an outstanding job.

One reason he is so well liked here on Capitol Hill is that he is a very dedicated and hard-working individual. Another is that he is very savvy and perceptive. And a third reason is that he came from a House staff and, therefore, his grounding in the way things operate up here was very good.

In the period 1963 to 1969, he was ad-

ministrative assistant to then Representative, now Senator, Bill Brock of Tennessee. Prior to that he had had about 7 years on the staff of Senator Alexander Wiley of Wisconsin.

Bill has received a number of honors for his work within the Republican Party. He was very active in the Young Republicans. He served in the Air Force from 1951 to 1955.

The position he has held would be a difficult and demanding one under any circumstances. But the most unusual circumstances of 1974—the impeachment hearings in the Judiciary Committee and President Nixon's resignation of last August—made his job a tough one indeed. That he performed it so well is a tribute to his tact, his keen sense of duty and his selflessness.

President Ford, I am sure, will miss him, as will Members from all parts of the country here in the House, on both sides of the aisle.

As he enters private life, I want to wish Bill Timmons good luck in his new career. I am sure I speak for many in thanking him for his unfailing attention to his work and for the countless courtesies he has shown.

He is a great American.

PRESIDENT'S RESCISSION PROPOSAL WILL DEVASTATE HEALTH PROGRAMS FOR POOR MOTHERS AND CHILDREN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. KOCH. Mr. Speaker, it is my understanding that the President intends to take budgetary action in January 1975 which will have very serious implications for maternal and child health and crippled children's services. With his budget message, President Ford will submit to the Congress a rescission proposal to reduce maternal and child health funds by \$23 million. This represents a deletion of the increase over the President's budget. The President is also deferring increases approved by Congress under the fiscal year 1975 appropriations act for the third quarter, that is January-March 1975.

Under Public Law 93-53, the authorizing statute for these maternal and child health programs, the States are to receive funds for maternal and child health programs in fiscal year 1975 for an amount equal to that which they received in 1973. These programs are operating in this time of inflation on funding barely adequate 2 years ago. And now the President wants to reduce that amount by \$23 million.

I will be sending a letter to President Ford informing him that his request for a rescission of the funds approved by the Congress for fiscal year 1975 for health services under title 5 of the Social Security Act in the amount of \$23 million is not acceptable to those of us who have supported the programs and that the full amount appropriated by the Con-

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gress for these health services for mothers and children for fiscal year 1975 must be paid to the States to keep these programs viable.

Although we will shortly be in that time between Congresses, I will be sending to each office the draft of a letter to be sent to the President supporting full and adequate funding for these programs.

Under the new rules established by the Congressional Budget and Impoundment Control Act of 1974, the President will be required to make the budget authority available for obligation if either House of Congress passes an "impoundment resolution" disapproving such proposed deferral. I will be introducing such a disapproval resolution in the 94th Congress.

HERNANDO COURTRIGHT, EL PADRINO DE LOS ANGELES

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROUSSELOT. Mr. Speaker, the State of California is extremely proud of its Spanish heritage and the traditions of our historically rich background are proudly upheld. It is with respect and gratitude that I pay tribute today to Hernando Courtright, a fellow Californian who has made an outstanding contribution to the city of Los Angeles and the State of California in maintaining an appreciation for the colorful customs and culture of early California. Hernando Courtright, proprietor of one of the world's most splendid hotels, the Beverly Wilshire Hotel in Los Angeles, is also El Padrino de Los Angeles.

Recognizing that Hernando Courtright has always represented the ideal of what a true Californian should be, the city of Los Angeles bestowed upon him the honor of "El Padrino Del Pueblo De Nuestra Senora La Reina De Los Angeles." He is the third Padrino, Godfather, of Los Angeles, a paternal, protective role dedicated to preserving the cultural heritage of early California—Harry Chandler was the first Padrino, and actor Leo Carrillo the second. Mr. Speaker, Californians are grateful to Hernando Courtright for his enthusiasm in artfully expressing the beauty, warmth, and hospitality of early California life.

A TRIBUTE TO GENE AINSWORTH

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. CHAPPELL. Mr. Speaker, I rise to offer my appreciation and best wishes to Gene Ainsworth as he leaves his post as Assistant to the President for Legislative Affairs to enter private industry. It has been a privilege to work with Gene

Ainsworth. He has been extremely effective in communicating my views and attitudes to the President and in turn providing me with timely and objective responses to my inquiries. He is a man of great ability and integrity and I am sure his future endeavors will be highly productive. We shall miss him on the Hill.

LES ARENDS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. WYDLER. Mr. Speaker, I will miss LES ARENDS. He has had a distinguished career here in the U.S. Congress and has played an important part in the history of our Nation. I, however, will always think of him as a good friend from whom I learned much.

His service as whip to the Republican Party was a service that benefitted both the Congress and the Nation. He was truly the gentleman whip, and his services will be sorely missed by all.

CONGRESSMAN OTIS G. PIKE PAYS TRIBUTE TO CONGRESSMAN HUGH CAREY

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. PIKE. Mr. Speaker, the privilege and high honor of joining friends and colleagues in paying tribute to HUGH CAREY is not to be passed up, least of all by me. To claim a warm personal friendship with HUGH CAREY gives me no particular distinction, since that makes me only one in that vast army of friends and admirers of HUGH CAREY. To have been named to succeed him on the Ways and Means Committee confers no special distinction on me, either; filling his shoes there is simply one more tough challenge for me to face. The unique claim that I can make is that I have been for many years Congressman CAREY's summertime Congressman.

In the summer, Shelter Island, N.Y., is the residence of the Governor-elect and his lovely family, and that happens to lie in my district. Shelter Island, let it be known, is a bastion of rock-ribbed Republicanism like which there is no other in all the State of New York. Twice during the past year, when the New York Times wished to take samplings of opinion from old line, true-blue, non-deviating Republicans, they sent their reporter to Shelter Island. In an astonishing tribute to him last November, the majority of Shelter Islanders voted for HUGH CAREY for Governor not because they loved their party less, but because they had come to love their friend and neighbor more. While they were as fa-

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miliar as we all are with the outstanding leadership qualities of the public man, they became more familiar than most with the private man, the one wholly at ease with his friends, a ready wit, a proud and adoring father, a man able to survive personal griefs and misfortunes by drawing on seemingly inexhaustible inner strengths, in the end displaying what John F. Kennedy so admired in any person, "grace under pressure."

His departure from this Chamber would be an occasion for regret were it not for the fact that his enormous talents are at least as sorely needed in the Statehouse at Albany as they are here. New York has lost a great Representative; but it has gained a great Governor.

TRIBUTE TO MRS. IRENE NEESE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DULSKI. Mr. Speaker, after serving as Representative of the 37th District of New York for 16 years, I am retiring from Congress with mixed feelings.

On one side of the coin, I am convinced that I made the appropriate decision, and that it is right to leave this career to enjoy more leisure time.

On the other side of the coin, I regret leaving the good friends in Congress, and know I will miss the Members and staffers whose association has been most pleasant and helpful.

At a time when many tributes are being paid, including those so kindly offered to me, I think it is fitting that I pay tribute to my administrative secretary, Mrs. Irene Neese, who is also looking forward to retirement.

Mrs. Neese has been at my right hand since I came to Congress in 1959, having previously worked for my predecessor, among other Members. Her knowledge and experience, as well as her loyalty, dependability, and devotion to duty, were invaluable to me as a freshman Representative, and her assistance became almost indispensable through the years.

Mrs. Neese's energies, skills, and time have been unsparingly given to the great benefit of my constituents, and on their behalf I am pleased to say, "Thank you, Irene, for a great job beautifully done."

NEW CUBA, NEW CUBANS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. WHALEN. Mr. Speaker, John P. Hoover, former U.S. Consul General in Havana, wrote of his impressions of present day Cuba in the November issue of "The Progressive."

Mr. Hoover now is an associate editor of the Latin American Service, and I

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believe his observations will be of interest to all of my colleagues:

NEW CUBA, NEW CUBANS

(By John P. Hoover)

HAVANA.—The squalor of Old Havana is gone—as are the beggars, the loiterers, and the idle; their comrades the bootblacks, car-washers, and lottery ticket hawkers; and the petty vendors who cluttered sidewalks with their pitiful displays of shoelaces, chewing gum, and plastic combs. Gone too are the prostitutes and pimps. Raggedurchins no longer pester passers-by with whining requests for handouts.

For one who, like myself, knew the Havana of old, this is a welcome change. Curiously, it is also a source of grudging satisfaction to that small remnant of the old aristocracy that chose to stay on in Revolutionary Cuba and take its chances with the Castro regime. These remaining well-to-do have been permitted to retain much of their wealth, and have learned to live with an increasingly tolerant and less fanatical Revolution. Though they have lost their erstwhile privileged status, they concede that the mass of their compatriots are better off than before.

My observations lead me to agree with them that the Castro government is doing more material and social good for a higher proportion of the people than any other regime in the island's history. More significant, in my opinion, is the psychological gain: Cubans have finally broken out of the mold of inferiority which Spanish policy and American prejudice pressed upon them. For the first time in four centuries, Cubans are proud to be Cubans.

Giving expression to this pride, Cubans are building a new nation on new bases: a modern society, an economy perforce dependent on the Soviet Union, and a people who have been retrained in Marxist moral and social values. Like other Communist states, Cuba offers none of the freedoms much of the Western world takes for granted—and the vast majority of Cubans in the new Cuba do not seem to care. Their apparent indifference, however, does not hide the fact that the loss of freedom is real and has brought palpable social and personal loss: Their options in making the daily decisions of life are reduced in number, and the spontaneity that used to be one of their most delightful characteristics is impaired. Nor does it disguise the fact that revolutionary fervor, though still a basic motivating force—especially among the growing class of bureaucrats and technocrats—has lost its rough, unhone edge.

Moreover, such institutions as the Committees for the Defense of the Revolution—there is one in every neighborhood—have acquired permanent status and work day and night to make people's lives easier and the Revolution more secure. In the best ward-healing tradition, they provide care for invalids, keep eyes on truant schoolchildren, make sure everyone get polio vaccinations, discourage work absenteeism, and mobilize attendance at political rallies. They also make a point of knowing everyone in their area and what he may be up to. From close-hand and protracted observation, I can confirm that these Committees in fact do some innocent things, but also that they are instruments that could be converted to their original purpose of totalitarian control, sniffing out and snuffing out counterrevolutionary dissidence.

The mellowed forty-seven-year-old Castro is a revered father figure, generally referred to as "our Commander-in-Chief." He clearly rules by consent of the governed—that great majority who, when speaking his name, lower their voices in affectionate respect. This deference they justify by the advances he has brought. His Cuba is so new and changed that it seems unrelated to the old,

and those familiar with the former society can understand the new only at the cost of a radical shift in their preconceptions, interpretation of history, political philosophy, and standard of values. As one who knew pre-Castro Cuba, I felt, on returning recently, like Rip Van Winkle, who went to sleep before the American Revolution and could not comprehend the radical changes he saw on awakening.

Foremost among the changes is the end of unemployment, though the regime has been discovering that in Communist as in capitalist societies a certain proportion of the work force would rather loaf than work. Confronted by such irrefutable evidence of an antisocial attitude, and therefore of the government's failure to eliminate that defect among the people, Castro's officials must be constantly more innovative in devising various persuaders—hidden or open, voluntary or not—to keep workers on the job.

The workers enjoy definite advantages. Medical care, education, welfare benefits, and social security are free; rents cannot exceed 10 per cent of income, and taxes are hidden. (In a system of state-owned enterprises, the government takes its share of the GNP directly from profits at the source.) Since the prices of necessities are relatively low and take-home pay ranges from about \$100 to \$800 per month, even the humblest Cuban father no longer needs to worry about feeding and clothing his family. This is a satisfaction to Castro, fond as he is of proclaiming that his Revolution is of, by, and for the poor.

Education at all levels, from pre school to university post graduate, is another high priority of the Revolution, and it has been energetically promoted and munificently financed. Schools of different levels are within reach of all throughout the island, and all are free. The still dingy streets of Havana swarm with children who, in contrast with former times, are clean, neatly dressed, sturdily shod, and well-fed. While most are on their way to or from the Revolution's revitalized schools, Cuba's leaders worry about the social malaise suggested by the growing visibility of reluctant scholars—hands of school-age boys playing sandlot baseball, fishing along the sea wall, or loitering near tourist hotels.

The educational showpiece is the Lenin Vocational School on the outskirts of Havana, with its 4,500 boarding students of both sexes, rigorously selected on the basis of merit by tough examinations. So excellent are the equipment, the scale, and the work-and-study curriculum offered, that this institution could be a model copied to advantage in some of the world's more developed countries.

The government claims that the emphasis given to education and the nationwide literacy campaign of a dozen years ago have wiped out illiteracy. Allowing generously for exaggeration—for a slippage of, say, 10 or 15 per cent—Cuba would still rank high among the nations of the world.

Perhaps as a reflection of their new well-being, full employment, and better education, Cubans today seem more serious in their attitude toward life. Gone is the shallow gaiety with which they used to meet daily vicissitudes, the sardonic humor that helped them withstand the cruel discipline of hard times, and that, perhaps, shrouded an underlying despair that they or their country could ever be truly free and prosperous. They are sober, not sullen, apparently feeling that a responsible attitude toward the present is at last justified by their firm confidence in the future, their faith that things will keep on getting better. In social views they are egalitarian—no one is "better" than anyone else by sole virtue of heredity. Acquired socialist merit is the only just basis for hierarchical status. This equality frees them from the need to keep proving themselves, permitting them to be truly courteous.

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In its self-extolled socialist idealism, Cuban society gives at least a superficial impression of altruism—the collective good is the greatest good. People do not seem to be motivated by competition for either material possessions or for the worldly position that would make their acquisition possible. The young, especially, ask how much they can do for their fellow man, not for themselves—an exalted attitude my admittedly baser view of human nature leads me to suspect will sooner rather than later be supplanted by old-fashioned selfishness and greed. But for now they contrast socialist ideals with the dog-eat-dog principle they see as the main motive power in capitalistic societies.

The young Communists in day-to-day charge of most of the institutions governing Cuban life are in their twenties and thirties, thoroughly indoctrinated but too young to have taken part in Castro's nation-forming guerrilla campaign, and with only dim childhood memories of bygone times. They are remote from the respected government counselors, the graybeards long in the high bureaucracy of the Communist Party. They hold in awe the veterans of the Sierra Maestra, now in their late thirties, forties, and early fifties, who fill the nation's middle and upper-management and professional slots. But in a few years, today's young will succeed Castro's cronies as decision-makers. Unless future developments change their perceptions of reality and of the national interest, Cuba will keep following the Moscow pattern—striving toward economic autarky, developing its economy in accordance with Communist models, adopting a more rhetorical and less active role in promoting Third World revolutions, banking fires of domestic revolutionary change, and slavishly following Soviet foreign policy leadership. It will remain subservient to—and, in major material respects, dependent on—Moscow, in mirror image of its deprecatd former relationship to the United States.

The former northward dependency is hardly a memory. Most people in Havana today can not even identify the former American embassy, before which, in the old days, visa applicants would swelter in blocks-long queues. Inside—the foreign interests section of the Swiss embassy occupies the building now—there is a besieged feeling. Outside, the atmosphere is relaxed. The military presence so prominent ten years ago has been greatly reduced. There are few uniformed men on Havana's streets, except for a normal complement of police, and there are almost no uniformed women at all on the streets.

Despite the reduction in military force, anti-American propaganda is vitriolic and provocative. All media give prominent play to bad news about the United States and find no room at all for the good. From early morning until late at night, the United States is a whipping boy, indispensable to the government in rallying public support.

A prominent Cuban newsman, for example, told me that the local press is mainly interested in telltale evidence that the U.S. society and economy are about to collapse—reason enough for editors to scrutinize the lurid revelations about Watergate and financial reports of commodity scarcities, inflation, and a plunging stock market. Five directors of the Tourist Promotion Institute told me flatly that Cuba is uninterested in American tourist trade, on the spurious grounds that in the past Americans visited Cuba solely to drink, gamble, and whore.

Official hostility to the United States, though dominant in the media, is not reflected in popular attitudes toward individual Americans, who are usually well received. But there is little room for Americans in Cuba. Tourist facilities are jammed, mostly with Cubans who are overcoming traditional provincialism by getting to know and enjoy some of the good life in their own island, but also with Russians, East Germans, Bulgarians, Romanians, Japanese, and Canadians. The

world-renowned Varadero beach throngs with Russians, but hardly, a Cuban is seen on the satin sand. On the other hand, crowds of Cubans, but no Russians, sit around the Varadero kidney-shaped pool.

The two nationalities do not fraternize. Apart from the almost total language barrier, pasty white Slavs seem somewhat averse to their swarthy hosts. Soviet tourists herd around in organized groups—bulging in bright-patterned frocks and sport shirts, lug-ging bulky cameras, balancing awkward baskets, and wearing silly hats. They elbow through shops, lounge blearily in bars, and sit numbly in dim night clubs—dead to the sexy Cuban dance rhythms. What, one wonders, are these people doing so far away—culturally and geographically—from their home?

But the Soviets are everywhere. Passport restrictions mercifully spare all but a few Americans the crude shock of seeing the overwhelming Soviet presence—the degree to which the geopolitical rival seems to be in control, showing little evidence of any East-West detente in either word or action. Local officials' endless reiterations of eternal Cuban gratitude for Moscow's largesse would sit poorly with Americans, who would fume to see the Abraham Lincoln Institute (formerly the Cuban-North American Cultural Institute) taken over—complete with Lincoln's portrait—as a Soviet cultural indoctrination center.

However, enrollments in the language classes at the Institute show English as the two-to-one favorite over French, with Russian a poor third. And there are other signs that suggest Cubans still vibrate sympathetically toward their northern neighbor. Rock music is the rage, recordings of American singing groups mesmerize their hearers, baseball is the national sport, American movies draw mass attendance, and around the Varadero pool every transistor radio is tuned full blast to Miami. This kind of magnetic pull goes far to explain Castro's apprehension for his regime's stability were relations with the United States "normalized."

Still, Castro recently took some mincing steps toward softening the Cuban image. The utopian dream of building a pure socialist society is being deemphasized, on the practical grounds that it has failed to captivate the nation's youth. There is a generation gap; today's young are not as fervent revolutionaries as their elders, who in their tens of thousands flocked to follow Castro in overthrowing Batista. High officials voice firm confidence that the young will reject "the loathsome influence of capitalist consumer societies," only to find themselves fighting a losing battle against long-haired, denim-clad Cubans, part of the world-wide youth culture, who want cars, cameras, radios, television sets, and other conspicuous accoutrements of affluence as much as Cuban-exile youngsters in the United States. Officials are concerned: They see clearly that the Revolution, if it is to endure, must capture the imagination of the young just as Castro, in the Sierra Maestra, captured the imagination of his generation.

In the meantime, at the Tropicana, Havana's fabulous cabaret, modish young men and women writhe ecstatically to a brassy cacophony. The dance floor is a pulsing mass of bodies, bending and twisting like snakes with stomach cramps. Cuban youth has not so much changed as kept abreast of the times—though the high point of the Tropicana's nightly show is a seemingly endless extravaganza, a supercharged evocation of revolutionary fervor and love of country.

Another softening step is a recently announced reversal of farm policy, slowing down the trend toward large consolidated farms, and improving the status of the small farmers, who produce most of the island's tobacco and coffee as well as much of the grains, fruits, and vegetables, despite fifteen years of agrarian reform. The small farmers

are, no doubt, pleased at the reassurance that their land tenure is secure, and that future modifications of the agricultural structure will be gradual.

Some wisps of change also waft from north of the Straits of Florida. MLW, Ltd., of Montreal, Canadian affiliate of Studebaker-Worthington, Inc., sold railroad locomotives to Cuba last March, without vigorous objection from Washington. In April, at least tacit approval seems to have been given to the sale to Cuba of cars, trucks, and spare parts by Argentine affiliates of General Motors, Ford and Chrysler—things Cuba has not been permitted to purchase directly in the United States. And there are growing signs that Washington is moving toward "normalization."

Sensors Claiborne Pell, Rhode Island Democrat, and Jacob Javits, New York Republican—both members of the Senate Foreign Relations Committee—returned late in September from an unofficial visit to Havana which persuaded them that the time is "propitious" for U.S.-Cuban talks. Such talks might result, at least, in a resumption of trade relations.

If a direct exchange of Cuban sugar for American products were possible, the soaring world sugar price would pay for an increasing volume of exports from the United States, a measurable shot in the arm for our export trade. In consideration of the tight world sugar supply, some Latin American countries holding quota rights in the controlled U.S. market have been covering shortfalls in their own production with open-market purchases of Cuban sugar. Thus, in spite of the U.S. imposed trade embargo, Cuban sugar is already sweetening our coffee and our cornflakes.

A half dozen Latin American and Caribbean countries now have bilateral diplomatic relations with Cuba. With respect to multilateral hemisphere politics, the foreign ministers of two dozen countries agreed at their April conference, following the suggestion of the American Secretary of State, to consult their governments on the tricky question of inviting Cuba to the next foreign ministers' conference, at Buenos Aires in 1975. No firm consensus has developed, but Cuba's revolutionary government seems to think it has been invited.

For the moment, the major obstacle to a normalization of relations is posed by the hundreds of thousands of Cuban exiles in the United States who have not been able to forgive or forget the turn of political fate that sent them to their bitter diaspora. During fifteen years they have organized and funded an effective lobby, which has been at least as influential in preventing any softening of U.S. policy toward Havana as its Cuban counterpart was for so long in blocking any policy change toward Peking.

Meanwhile, in their resolute struggle for independence, Cubans dangle in suspended animation, still beyond reach of the spirit of detente to which the giant rivals for their affection are dedicated. Nationalism remains a powerful driving force; Cubans are more passionately Cuban than Communist. Their present self-respect, from whatever source it has been derived, augurs well for a more open and happier relationship with their neighbors in the future.

THE MAN WHO MADE PEOPLE LAUGH

HON. JOSEPH P. ADDABBO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ADDABBO. Mr. Speaker, one of man's finer qualities is the ability to make people laugh.

December 20, 1974

A few days ago we lost one of the grandest story tellers of all times—Harry Hershfield. We claimed Harry Hershfield as one of ours; however, he belonged to all of mankind and his loss makes the world a little bit poorer.

I believe Rabbi Sholom Klass, in a column in the Jewish Press for the week of December 20, summarized Harry Hershfield's great ability as a humorist and a humanitarian. So that my colleagues may have the opportunity to read the Rabbi's splendid remarks, I would like to insert them in the Record.

HARRY HERSHFIELD—THE MAN WHO MADE PEOPLE LAUGH

(By Rabbi Sholom Klass)

I remember the day, more than ten years ago, when Joe Brovich, my general manager and I first walked into the small office of Harry Hershfield. I had heard that he had retired as a humorist and a raconteur and I had come to ask him to write a weekly column for the Jewish Press.

Tens of thousands of pictures were piled up on the floor and hundreds more occupied every square inch of the walls. Pictures showing Harry Hershfield shaking hands with presidents and kings of nearly every country in the world. Even a shrunken head from the chieftain of an African tribe hung on the wall. One picture from President Franklin D. Roosevelt bore the inscription: "Harry, get well before the country sinks into a depression for lack of laughter."

A sentence of Proverbs 22:29 came to my mind: "Seest thou a man diligent in his work, he shall stand before kings." Harry Hershfield was diligent in the work of making people happy.

Harry Hershfield was on the telephone telling jokes. People were constantly calling him asking for a joke. Public speakers, officials, and writers needed a joke and there was Harry with his encyclopedic mind always willing to oblige.

What was supposed to be a fifteen minute appointment turned out to be a two hour conference with Harry regaling us with jokes and laughter, interspersed with telephone calls and more jokes over the phone. He had a phenomenal memory when it came to repeating jokes.

One of the jokes he told us occurred at a time when the Police were being accused of brutality. A woman was being rushed to the hospital about to give birth when she went into labor in the taxi cab. The cab driver stopped his cab and summoned a nearby policeman who was directing traffic. The policeman ministered to the woman and soon a baby boy was delivered. When the policeman slapped the baby to make him breathe, the infant cried out: "Help! Police brutality!"

Besides writing for The Jewish Press Harry Hershfield was the perfect master of ceremony. There was never a dull moment when he was around and the room would ring with laughter when he began to talk. He gave of himself tirelessly to every worthwhile cause and he raised many millions of dollars for these causes. "Using me to M.C. was like using laughing gas to extract money," he would say.

Nothing could dampen his spirit, not even a protracted stay in the hospital. In recent months he was in and out of hospitals. He must have known that the end was near yet he had a smile and a joke for everyone who came by.

He may not have been religious in the traditional sense, but he will enter into Gan Eden, the World to Come. The Gemara Taanis 22a, tells a story that once Elijah, the Prophet, pointed towards two men in the market place and said to Rabbi Beroka, "these two men have a share in the World to Come."

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Rabbi Beroka approached them and asked them, "what is your occupation?"

They replied: "We are jesters, when we see men depressed we cheer them up, furthermore when we see two people quarrelling we strive hard to make peace between them, so happiness can reign."

Harry Hershfield, if making people happy is the passkey to Heaven, you have now joined our many pious saints of old in Gan Eden.

TAIWAN'S ECONOMIC SUCCESS, A WESTERN WORLD EXAMPLE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. LEGGETT. Mr. Speaker, in the midst of the growing economic difficulties of the Western World, it is interesting to note that one nation in the East, the Republic of China on Taiwan, is doing a pretty good job of dealing with its economic problems. Through the unusual tactics of massive one-time increases in such areas as fuel, electricity, and wheat prices, followed by tight monetary and demand controls, Taiwan has broken its inflationary psychology, according to a Washington Post article. The effect has been striking. While consumer and wholesale prices rose 18 and 16 percent respectively right after last January's big increases in controlled prices, since then the indexes have actually declined.

There have, of course, been costs associated with the anti-inflationary program. Taiwan's balance of trade fell into deficit in the first 8 months of the year, due to higher prices and a shrinkage of the world market. But the Government believes the trend has been reversed and the deficit will decline for the rest of the year. And for the calendar year Taiwan's exports, according to an editorial in the Spokane Chronicle, are expected to top \$12 billion, 20 percent higher than those of the People's Republic of China.

The effects of the anti-inflationary effort have also been felt on economic growth. But while Taiwan's real GNP growth this year is expected to be only about half of last year's, 6 to 7 percent against 12 percent, the 1974 rate is still far higher than we in the Western World have been able to achieve. And Taiwan has continued to press ahead with its nine key development projects, which include a steel mill, petrochemical complex, superhighways, and new ports. These are the economic projects that the Government believes are the key to the island's long-term growth.

I would like to include in the Record at this point four articles which show the sophistication of Taiwan in dealing with her economic problems.

The articles follow:

[From the Washington Post, Oct. 7, 1974]

TAIWAN TACTICS HALT INFLATION AT PRESENT

(By Don Oberdorfer)

Almost alone among the market economies of the world, Taiwan has temporarily checked the spiral of inflation. Nevertheless, the island's crucial export industries remain in trouble.

Unconventional tactics of massive "one-time-only" price hikes followed by tight money and strict demand controls are credited with at least a short-term victory over inflationary psychology.

"Since we took very harsh measures in January, inflationary pressures have been substantially reduced," said the minister of economic affairs, Y. S. Sun. His figures, which are accepted by U.S. Embassy officials as reasonably accurate, show that the wholesale price index has dropped noticeably and the consumer price index has dropped slightly since the big round of increases at the beginning of this year.

With few industrial or energy resources of its own, Taiwan is an island factory processing imported raw materials. Thus, price hikes of petroleum, metals, petrochemicals, imported grains and natural fibers are serious problems for the economy. To make matters worse, residents remember the runaway inflation which marked the Chinese Nationalists' final years on the mainland in the late 1940s. Their fear of a recurrence can cause near panic to buy at almost any cost before prices go even higher.

After secret deliberations, the government late in January ordered whopping increases of controlled prices—an 85 percent hike for gasoline, 94 percent for fuel oil, 80 percent for wheat and 9 to 134 percent for electricity with largest users paying most, and promised stunned consumers and businessmen that no more increases would be permitted.

To back up the words, tight controls were applied to the previously soaring money supply, and the national budget was tightened. Consumer price levels leapt 18 percent in a single month, and wholesale prices jumped 16 percent. "The public believed us when we said that there would be no more adjustments, and soon they settled down to business as usual. The inflationary psychology was sapped. Businessmen said they prefer this way so they could plan their future," Sun recalled.

The sharp price hikes and other stringent measures caused severe problems. Some small factories went bankrupt, while others, including large firms, appealed for special help. According to the vice minister of finance, Chun-Heng Tu, the government arranged about \$40 million in working capital loans to some 100 companies in March. Tu would not confirm reports that the companies used the money to pay their taxes, but said smaller special loans were given for that purpose.

In another special measure, the government has ordered a postponement in loan payment due to commercial banks by the textile, plywood, iron and steel companies. These have been among the industries hardest hit by sagging export sales. Sun concedes that exports are having "a difficult time." A U.S. Embassy economic report pronounced the crucial export sector of the economy, particularly textiles, "in trouble."

Due to high prices and the shrinkage in the world market, Taiwan's exports have fallen behind imports for the first time in four years. Last year's trade surplus was about \$750 million, but a trade deficit of about the same sum was recorded in the first eight months of this year. Sun believes the trend has been reversed and that the deficit will be somewhat smaller by yearend.

Despite a temporarily successful battle against inflation and, to some extent, because of the restrictive tactics employed in the fight, Taiwan's real-term gross national product growth this year is estimated by the economic affairs minister at 6 to 7 percent, about half of last year's level of 11.9 percent. That would be a considerable setback for an island with continental-sized external problems only a few hundred miles away and potentially serious internal problems stemming from minority rule by an exiled Chinese

mainland elite. Still, such an economic performance would be better than most others in today's world.

[From the New Orleans Times-Picayune, June 8, 1974]

TAIWAN OVERCOMES ADVERSITY

If it is still a popular concept that the United States is being flooded by imports from the Far East, revision is in order.

Taiwan—Free China—where industrialization is booming, ran a trade deficit with the United States in March and April. Ambassador James C. H. Shen sees his nation's "Buy American" program inaugurated last year as changing the imbalance which had been favoring Taiwan.

Japan, where wages have been increasing dramatically, will have higher production costs on televisions and radios than the United States by 1975, it was predicted recently.

In reporting the reversal of the trade balance in Taiwan-U.S. trade, Mr. Shen updates the remarkable economic advances for the island republic. Last year, the total of goods and services was up 12.3 per cent over 1972; per capita income was up 8.1 per cent to more than three times that of Communist China and far above individual incomes for the Philippines, Korea and Thailand.

In terms of the United States, Taiwan is the seventh largest supplier of imports and fourteenth on the list of U.S. customers.

Were the Republic of China searching for excuses for a poor record, it could find a more than ample store in its leaving the mainland, its problems of converting from an agricultural economy, its power-play ouster from the United Nations and the other multi-faceted pressures exerted by Peking.

But it chooses to work all the harder to advance its peoples and make its way in the world market place. In so doing it has provided a leavening for the Far East and offered lessons from which the long-industrialized United States too can profit.

[From the New York Times, September 7, 1974]

TAIWAN PRESSES NINE BIG PROJECTS

TAIPEI, TAIWAN, September 7.—At every Cabinet meeting, Premier Chiang Ching-kuo asks for progress reports on what have become known here as "the nine big projects."

Despite steep increases in estimated costs and criticism from some economists and other commentators, the Chinese Nationalist Government appears determined to adhere to an ambitious schedule—completion of all nine before the end of the decade.

The projects—including new ports, a steel mill, a petrochemical complex, electrification of the railway system and construction of a superhighway the length of Taiwan—are expected to cost substantially more than \$5-billion, or about half of Taiwan's current annual gross national product. Some of the construction has already begun; the rest is under advanced planning.

The critics have recently questioned the need to carry out so many projects simultaneously. They have also argued that the scale of the program will present manpower problems.

They contend that the materials and equipment that would have to be imported would aggravate the trade deficit that Taiwan has been accumulating following the worldwide increase in petroleum prices.

But Government officials, backed by other economists, have maintained that Taiwan has little choice but to push ahead with the program.

Without the projects, officials say, Taiwan's overtaxed port and inland transportation facilities will stifle the economy and the country's industrial development will be stunted.

EXTENSIONS OF REMARKS

Implicit in the high priority awarded the projects is their political significance. In the last few years, with the erosion of Taiwan's diplomatic position, Government leaders have become convinced that a strong economic base is Nationalist China's best guarantee of survival.

Three of the projects—the steel mill petrochemical complex and a large shipyard—are designed to speed Taiwan's development of heavier, more technologically advanced industry.

Much of the country's economic growth over the last two decades resulted from concentration on labor-intensive processing industries.

But Taiwan, whose biggest industry is textiles, is now approaching full employment. Her wage rates have risen well above those in such lesser-developed Asian countries as Malaysia and Indonesia.

To remain competitive in export prices and attractiveness to investors, Taiwan considers it necessary to encourage the growth of more sophisticated industry.

Of the total cost of the projects, roughly half is to be met through foreign loans, from both private banks and other institutions, including the United States Government's Export-Import Bank.

The remainder is to come from Government appropriations, contributions from state enterprises and bond issues.

The nine projects are: A 235-mile North-South Freeway, which is to connect the ports of Keelung in the north and Kaohsiung in the south. A first section, less than 40 miles long, was opened last month.

Work on electrifying the west coast mainline railroad, scheduled to start early next year. It is supposed to increase the railway's carrying capacity by one-third, cut running time by one-third and reduce energy consumption by half.

A rail line between the cities of Suao and Hualien on the mountainous east coast, to provide the first connection between the east coast railway and the main trunk in the west. At present, air and highway transportation links with the east coast are often disrupted by bad weather.

A new international airport at Taoyuan, 18 miles south of Taipei. It is to replace the over-crowded terminal and antiquated runway at Sungshan Airport in Taipei. Construction is scheduled to start next year.

A new harbor, now being built at Wuchu on the Taiwan Strait to serve the central Taiwan area near the city of Taichung. The port is scheduled to open in 1976.

The conversion of the fishing port of Suao, on the northern coast, into an auxiliary harbor for Keelung.

A steel mill in Kaohsiung, to be upgraded by the newly formed China Steel Corporation, which includes both Government and private investment. It is to have an initial capacity of 1.5-million metric tons (3,306 pounds) when production begins in 1977.

A shipyard at Kaohsiung. The Government holds 55 per cent of the stock in the China Shipbuilding Corporation, which will run the yard, with the rest owned by the Oswego Corporation of the United States (25 per cent), Camerna Navigation Corporation of Liberia (10 per cent), Associated Maritime Industries of the United States (5 per cent).

[From the Spokane Chronicle, Oct. 9, 1974]

TAIWAN'S TRADE SURPRISES

Recent trade figures released by the Republic of China (Taiwan) tell an interesting story and one that should be reassuring to Americans.

The booming island republic off the coast of Mainland or Red China has only 15.7 million people but its foreign trade this year is expected to top \$12 billion or between

one-fourth and one-fifth larger than the People's Republic of China on the mainland with 800 million people.

This alone is reassuring in showing that the United States would have been very unwise to cut all ties with Taiwan when it resumed diplomatic contact and trade with Red China, as the latter wished.

But the most encouraging thing in figures given out by Free China's Board of Foreign Trade is the growth in trade with this country and the interest in American goods, even when more expensive than others.

As per capita income increased in Taiwan—from \$467 last year to \$672 in mid-1974—people who had been saving to buy a small Japanese black and white television set now want big screen, color American sets, even at double the price.

Everywhere, Chinese officials say, an American brand name is regarded in Taiwan as a guarantee of high quality. U.S. appliances, air-conditioners and washing machines are selling briskly.

Only nine years ago, the Republic of China still was a recipient of U.S. economic aid. Today it ranks 12th among this country's 145 trading partners and Sino-U.S. trade is expected to top \$4 billion this year.

Last year Taiwan sold \$723 million more to the U.S. than it bought in this country, so there are plenty of American dollars there for American manufacturers to get back by sales there.

The Republic of China, which has one of Expo '74's most interesting pavilions, has accomplished its economic miracle, say its officials, by combining free enterprise with hard work.

WILLIAM E. TIMMONS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mrs. HOLT. Mr. Speaker, William E. Timmons, Assistant to the President for Legislative Affairs, is leaving the White House at year's end.

As we all know, he performed a difficult mission with great skill during the recent times of extraordinary tension between the White House and Congress.

Through it all, he remained dedicated to his task of maintaining liaison between the branches of Government, and he is regarded with respect by this House.

He was always cordial and responsive in keeping the Members of Congress informed and in dealing with our multitudinous requests. We owe him our gratitude for a job well done.

Now that he is leaving the White House, we wish him well in his future endeavors.

TRIBUTE TO CONGRESSMAN DULSKI

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ZABLOCKI. Mr. Speaker, it is indeed an honor and a privilege to join my colleagues in paying tribute to my friend and esteemed colleague from New York (Mr. DULSKI) on the occasion of

December 20, 1974

his retirement from the House of Representatives.

Mr. DULSKI has been a conscientious representative from the 37th district of New York and has earned the respect of his colleagues. As chairman of the Post Office and Civil Service Committee since 1967, Mr. DULSKI has demonstrated his expertise in the formation of important legislation affecting our postal and civil service personnel. He has been a dedicated and sincere legislator who has understood the problems of the people and at all times represented their interests.

My wife joins me in wishing Congressman DULSKI and his lovely wife good health, happiness, and success in his future endeavors.

AFSA ELECTIONS DECLARED NULL AND VOID

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ASHBROOK. Mr. Speaker, recently the Director of Labor Management and Welfare Reports of the Department of Labor ruled that the 1973 election of officers of the American Foreign Service Association, the exclusive representative of employees of the Foreign Service of the United States, was null and void because of violations of Executive Order 11636.

In addition to the violations found by the Department of Labor, allegations of other violations have been raised by Mr. John Hemenway, a candidate for office in the election, in a letter addressed to me. Still another opposition candidate, John J. Harter, has filed a protest concerning the conduct of the election.

Because of the apparent seriousness of the findings and allegations made by the Department of Labor agency and by Messrs. Harter and Hemenway, the Hemenway letter is being referred to Secretary of Labor Brennan for his consideration. At this point I insert into the Record the April 25, 1974, letter of Mr. Hemenway to Department of Labor officials specifying 20 complaints alleged to have taken place during the 1973 election.

WASHINGTON, D.C., April 25, 1974.

DIRECTOR, U.S. Department of Labor, Labor-Management Services Administration, Office of Labor-Management and Welfare Pension Reports, Washington, D.C.

DEAR SIR: The purpose of this letter is to file a complaint alleging violations in the Election of Officers of the American Foreign Service Association, as provided for in Title 29 of the Federal Register, Volume 38, No. 130, of July 9, 1973, regulation No. 204.63.

For the past month I have been in Spain, teaching with the College of the Air, University of Plano, Dallas, Texas. This communication is therefore written in some haste, in the belief that it is better to be timely than exhaustive. All of the elements of the complaint will be made, but the submission of evidence will be left for such hearings as the Department of Labor will see fit to order.

EXTENSIONS OF REMARKS

To comply with section 204.63 of the regulations, the following statements are made: (1) I have exhausted the remedies available to me under the By-Laws of the American Foreign Service Association (AFSA); (2) A letter formally protesting the failure of the AFSA to meet democratic norms, as required by EO 11636 was written on 12 March 1974 and hand-delivered on 15 March 1974. (3) During my absence in Spain, a letter bearing the date March 27, 1974, signed by Michael R. Gannett, "Chairman, Elections Committee", AFSA was delivered to my house. In effect, this letter rejects my complaints in an eleven (11) page reply to my five (5) page letter of complaints.

As required by the regulations a copy of Mr. Gannett's ruling or decision is enclosed as is a copy of my original complaint. Mr. Gannett also sent me some enclosures, which weigh about five pounds. Most are not highly pertinent to my complaint, but they are available for the hearing or for the record, as appropriate. They are not enclosed with this letter of complaint.

Reference is also made to my earlier letter to the US Department of Labor complaining about the failure of the AFSA to follow widely-accepted norms and to Mr. Lurie's reply to me of December 4, 1973. Other correspondence of record between myself and AFSA officers and Mr. Gannett and others will be introduced at the appropriate time.

The elements of my complaint are exactly as I listed them in my letter to Mr. Gannett of March 12, 1974 (see enclosure). In fact, the evidence that the Foreign Service Journal (FSJ) has been used unfairly as a house organ to discriminate in favor of the incumbents continues to pile up. For the convenience of the Department of Labor, the elements of my complaint are summarized below:

(1) During the election, management was not neutral, but openly sided with my opponent, despite my telegrams to the Secretary of State to cease and desist.

(2) State Department officials having the responsibility to regulate employee-management relations refused to look into grievances I raised concerning interference in a timely fashion.

(3) Belatedly (16 December, 1973), management issued a directive designed to be ineffective, to constrain management and confidential employees from interference.

(4) Management specifically encouraged officials and confidential employees to vote without any similar encouragement to the rank and file.

(5) No effort was made to exclude voting by CIA and other excluded agencies in this STATE/USIA/AID labor election.

(6) AFSA officials failed to inform the membership properly of the coming election on, in accordance with the By-Laws.

(7) AFSA officials provided unequal facilitation to candidates seeking to inform the membership. This was inequitable and particularly important in an organization in which the only way to reach the membership is via State Department controlled pouch facilities, ordinary mail being both unreliable or extremely slow.

(8) Systematic suppression of announcements, news, and advertising of the election campaign, to the benefit of the incumbents.

(9) Unfair, inequitable, unequal and artificial limitations imposed on AFSA facilitation of materials distributed, to the benefit of the incumbents.

(10) Inequitable, unfair, and unequal use of the FSJ, the organ of the entire AFSA membership.

(11) FSJ hostility that is documented (toward John Hemenway) that carried into the campaign, to the benefit of the incumbents.

(12) Pattern of FSJ boycott of references to Hemenway carried into the campaign which was not, however, applied to other countries.

(13) Undemocratic By-Laws passed by the current incumbents for the sole purpose of making the elections less democratic (and to "qualify" as a "union" under EO 11636). This rigging as conducted by the beneficiaries, the current incumbents.

(14) Deliberate introduction by the FSJ of materials in the December issue calculated to limit the effectiveness of a presentation made by Hemenway. This was not done to other candidates.

(15) Violation by the FSJ of written instructions in the placement of an ad by Hemenway—part of a continued pattern of prejudicial behavior.

(16) Ballot system did not appear to guarantee secrecy, thereby chilling the amount of participation by members which doubtless formed a non-secret vote.

(17) The ballot was not secret, in fact.

(18) No check on the qualifications of the voters who actually voted.

(19) Ballot unduly complicated, with a high percentage of invalid ballots, demonstrating the undemocratic character of the election system used.

(20) Refusal to accept withdrawal of ballots by persons who discovered they had made an error, or voted out of ignorance prior to the counting of ballots.

It will be noted that the above points parallel the complaint made to AFSA (Gannett) on 12 March 1974, which was rejected by Gannett. There is ample evidence to support each complaint, Gannett and the Election Committee's self-serving statement to the contrary notwithstanding.

The net effect of the election was that, by undemocratic means, in an undemocratic environment, without any of the usual and restore democratic norms to the AFSA, who can not be said to be the result of a democratic election. The Executive Order the regulations are supposed to support has therefore been violated.

It is my request that the Department of Labor exercise its responsibility in this area and restore democratic norms to the AFSA, as required by EO 11636 and the pertinent laws and regulations of the United States.

Sincerely yours,

Mr. HEMENWAY.

THE FELICIAN SISTERS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. HELSTOSKI. Mr. Speaker, the Felician Sisters of Lodi, N.J., recently ended the celebration of their 100th anniversary in the United States with a concert dedicated to their friends and benefactors. The concert was a joyous celebration and a fitting tribute to the many contributions the Felician Sisters and their friends have made to mankind.

During a century of growth and 65 years in Lodi, the Felician Sisters have dedicated themselves to such noble endeavors as teaching, taking care of orphans, mission work and social service, and today it is an honor to pay tribute to these selfless and dedicated people.

Mr. Speaker, to commemorate further the celebration of the Felician centennial, I would like to share with my colleagues an article which appeared recently in the Bergen Record. Entitled, "Felicians End Centennial on a High

Note," this article will give further insight into the important work being done by the Felician nuns. The article follows.

FELICIANS END CENTENNIAL ON A HIGH NOTE

Sixty-five years ago a small band of Felician nuns settled on the banks of the Saddle River in Lodi. Today, the order's Felician College serves nearly 600 students, and is also a center for Newark Archdiocese activities.

Last weekend, the Felician Sisters ended their centennial year in the United States with a concert in the college auditorium dedicated to their friends and benefactors. A 50-member chorus of nuns sang, and a narrative history of the Felician community from its founding in Poland to the planting of new roots in America was presented.

The first band of three nuns to come to Lodi in 1909 was branching out from Wisconsin, where the Felician Sisters had arrived 35 years earlier from Europe. They had been invited by an American bishop to open a novitiate and to send teaching sisters to all Polish parishes.

The sprawling New York metropolitan area, with its waves of immigrants and the demands of its missions, drew the sisters to Lodi where they purchased the Hennessey-O'Hare estate and laid the foundations for Felician College, a 595-student institution.

The original building compound consisted of a large stone residence, grist mill, silk factory, and a farmyard with a barn and workers' homes. The stone mansion became the first convent and chapel, while the grist mill was renovated and became the home to the first 13 of hundreds of orphans cared for by the Felicians.

In 1912, a frame house directly across Main Street was acquired to serve as the residence for the pastor of St. Francis de Sales church, who also served as chaplain for the community.

The silk factory's tenant vacated the structure at about the same time, and the building was razed. On the foundation, a red brick building was constructed as an orphanage—later to become known as Founder's Hall. This last remaining original structure serves as a residence for college students.

In 1913, the Province of the Immaculate Conception was founded. This created the need for an expanded convent which was dedicated in July 1916. In these early years, the convent housed the Immaculate Conception High School. The Normal School, started in 1923, evolved into the Immaculate Conception Teacher Training Institute, later authorized as a junior college which became Felician College in 1967.

Today the complex of the 22-acre institution also houses the new Immaculate Conception High School, a health care center for retired and infirm nuns, a Reading Center, the Newark Archdiocesan Office for Divine Worship, greenhouses, and residences for 600 sisters and staff.

In place of the orphanage which cared for dependent children during the past 60 years, the sisters have opened the Felician School for Exceptional Children.

The Saddle River has not been a friend to the Felicians. In the heavy floods of 1971, the river ravaged the new college campus causing more than \$500,000 in damages.

Within the past two years, the college has been active in flood control by widening and dredging the Saddle River and by constructing retaining walls.

5,000 MEMBERS

The Felicians have had much to celebrate. During a century of growth and 65 years in Lodi, the Felician Sisters, now numbering more than 5,000 members, have branched into seven provinces in the United States serving in 31 states as well as in Canada, South America, and Europe.

Their work has multiplied from teaching

EXTENSIONS OF REMARKS

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immigrant children to all levels of primary, special, intermediate, secondary, and higher education. The sisters also engage in hospital work, homes for unwed mothers, orphanages, and care of the aged.

The 570 Felician Sisters of the Lodi province staff more than 50 educational and charitable institutions in New Jersey in addition to work in Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, Oklahoma, Brazil, and Rome.

The centenary closing concert culminated a year of commemorative events which included four concerts, a mass of thanksgiving at the Sacred Heart Cathedral in Newark, a banquet, publications, and various other spiritual, social, and cultural activities.

MORE GOLDEN QUESTIONS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. GONZALEZ. Mr. Speaker, I have now had a chance to review some comments made by the Under Secretary of the Treasury, Mr. Bennett, regarding the discussions between the United States and French Presidents on the island of Martinique.

From Mr. Bennett's comments, I gather that he believes we are on the verge of some important breakthroughs in making fundamental reforms of the international monetary system.

Mr. Bennett wants to remove gold from the International Monetary Fund. He also wants to remove all restrictions on government dealings in gold. Apparently, anybody who wants to use gold as a monetary asset would be free to do so, but those who had no such desire would not have to use gold. In other words, there would no longer be a single basis for valuing national currencies.

As far as this country is concerned, Mr. Bennett says that he would like to propose to Congress next year some legislation that would, among other things, abolish the par value of gold. There would no longer be an official price for gold.

It is evident from Mr. Bennett's remarks that the Government of France expects us to agree next month to let them buy gold, as well as value their holdings at the market price. In other words the last shreds of the 1968 monetary agreements will go out the window.

But I am not at all certain what will replace everything that is being tossed out. Neither is the Treasury—or if it does know what it is up to, it is not saying.

Somehow it seems inconsistent that the Treasury would accede to French demands to make gold a more important part of their monetary system—any by the simplest of logic, thereby make it more important to everyone else—while maintaining that they are doing just the opposite.

If the French objective is to make gold the basis of world money, and we have agreed to their demands—which we have—and our objective is just the opposite, wherein can we say that victory

is ours? The only way that the Treasury has answered is to say that the French are happier now, and that they will be nice to us when negotiations continue next month.

There are many more questions than answers regarding gold and the world monetary system. The actions our Government has taken do not encourage me to think that the Treasury is any less impulsive in its actions than it was last summer, when it endorsed the resumption of private gold hoarding, and reopened the golden can of worms. Nor is the Secretary's track record very reassuring; his predictions and promises have a persistent way of coming back to haunt him—and unfortunately, the rest of us too.

The next Congress is going to be faced with the task of working out some new monetary rules. I am afraid that it will be a most unpleasant task.

SOVIET PRISONERS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. WOLFF. Mr. Speaker, over a year ago, I addressed the House to express my concern over the fate of young Boris Penson, a Soviet artist who was sentenced in the "Leningrad Trial" of December 1970 to 10 years in a Soviet labor camp. Over a year ago, I wrote to Ambassador Anatoly Dobrynin urging that he intercede on behalf of Boris Penson, whose only crime seems to have been applying for a visa to emigrate. Like so many others of the defendants in the tragic 1970 hijacking trial in Leningrad, Boris Penson lost his freedom because he sought greater freedom, because he desired to emigrate from the Soviet Union. Particularly now, with the Soviets seemingly renouncing the agreements that have been made with regard to emigration, I feel it is urgent for the American people to reiterate our concern over the fate of these prisoners. We must let the Soviets know that we have not forgotten the countless men and women, like Boris Penson, who are suffering a harsh form of punishment merely because of their desire to emigrate.

I never did receive a response from Ambassador Dobrynin with regard to Boris Penson. The energies and talents of this gifted young man continue to waste away in a Soviet labor camp. Boris Penson first came to my attention during the summer of 1973 when several of his paintings, which had been smuggled out of the Soviet Union, were exhibited in my own district on Long Island. I was amazed at the high quality of these works and the genuine talent they reflected in such a young artist. Critics far more knowledgeable about the arts than I, who had the opportunity to see Mr. Penson's work either in the United States or Canada, acclaimed his paintings as first rate indeed. Such waste of human resources is truly a tragedy.

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Mr. Speaker, I call upon my colleagues and the American people to voice their concern over Soviet prisoners who suffer daily simply because they desired to emigrate from the Soviet Union. We must enforce upon the Soviet authorities that our country does not compromise its principles where human rights and liberties are in question. We must continue our appeals on behalf of Boris Penson and the hundreds like him who have lost their fundamental rights and freedoms.

KEMP CITES AUTHORITATIVE ARTICLE IN DEFENSE OF CAPITAL PUNISHMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. KEMP. Mr. Speaker, central to the debate over capital punishment is the premise that life is sacred, and should be preserved at all costs.

Both proponents and opponents of the death penalty accept this premise, but differ in the conclusions they draw from it, and the policy proposals they make from it.

Opponents would argue that capital punishment represents the "cruel and unusual" punishment outlawed by our Constitution, and that no crime, however vicious, against humanity justifies the death penalty in retribution. The proponents argue that executing a murderer can never atone for the original crime, and the statistics show that the execution will not deter would-be murderers from carrying out their crimes.

On the other hand, proponents of the death penalty argue that no one who willfully takes the life of an innocent person should go unpunished by society, and that a prison term, usually shortened or commuted, hardly signifies society's resolve to preserve and protect human life. Society is justified in using the death penalty as the ultimate means at its disposal of assuring that convicted murderers do not repeat their crimes, and that would-be murderers are deterred to the fullest extent possible.

In the recent edition of Barrister, the national journal of the Young Lawyers Section of the American Bar Association, Prof. Burton M. Leiser of Drake University offers a highly informative argument in defense of capital punishment. Professor Leiser asserts that precisely because life is sacred, there are situations in which the State is morally justified in taking life to defend and preserve other lives.

In analyzing often-cited arguments in opposition to capital punishment, Mr. Leiser offers some useful insights into the fallacies of these arguments, and why the death penalty should be restored at the earliest possible time. Because Mr. Leiser was formerly against the death penalty, his article in favor of the death penalty is especially balanced and well thought out.

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At this point, Mr. Speaker, I insert Professor Leiser's article for the RECORD:

IN DEFENSE OF CAPITAL PUNISHMENT (By Burton M. Leiser)

Because human life is sacred, the death penalty should be restored with all deliberate speed.

As a former advocate of abolition of capital punishment, I write these words with deep regret, for the humanitarian motives of those who oppose the deliberate execution of any man must find a sympathetic echo in the heart of every person who has an ounce of compassion within him. However, those very humanitarian objectives inevitably lead to the conclusion that some persons must unfortunately be put to death. And anyone who is seized with a sense of compassion for suffering humanity and is not committed to a doctrinaire refusal to allow the taking of human life under any circumstances ought, in my opinion, to agree that the death penalty is an evil that cannot be avoided so long as some men continue to disregard the vital interests of their fellow men.

Everyone would agree that society has an obligation to protect human life. Most people would also agree that as a concomitant of that protection, individuals must be given the right of self-defense, including the right—where necessary—to take the lives of others when their own lives or the lives of their loved ones are threatened.

Further, a corollary of society's duty to protect human life is the duty of its designated officials to use such force as may be necessary—including deadly force—to defend the weak and the innocent against those who come with arms and violence to do harm to them, and to defend the nation's vital interests with instruments of death, where necessary, against those who attack it from without. And finally, most people would agree that some personal liberties, such as the right to speak freely, to write and publish one's views on any subject, to worship in accordance with the dictates of one's conscience, and to be free from unreasonable physical and economic restraints, are so precious as to be on a par with life itself; and when those rights are seriously threatened, they believe that it is right and just that the threat be answered with as much force as may be necessary to overcome it.

From Socrates to Patrick Henry, they have proclaimed their readiness either to sacrifice their own lives or to take the lives of others when no other way could be found to preserve the liberties upon which they placed so high a value.

In short, an essential premise of my argument is the proposition that individuals, acting on their own behalf or as agents of a society, are sometimes morally justified in taking human life in defense of the lives and essential liberties of themselves, their loved ones, or those whom they are sworn to protect, and that the laws of the state ought both to recognize these rights and to give official sanction to them by institutionalizing them.

Although the general consensus of opinion in the United States is undoubtedly in agreement with this proposition and with the wisdom of conferring upon policemen and military men the right to use deadly force in appropriate circumstances, there is considerable conflict and some confusion over whether it is right or just for courts and juries to hand over to the executioner persons convicted of having committed dangerous and even fatal crimes. Splitting 5-4 in *Furman v. Georgia* (92 S. Ct. 2726 (1972)), and writing nine separate opinions, the Justices of the Supreme Court offered a welter of rationales for the positions they took, and some of them shifted radically from stands they had taken only a year or two earlier. It may be useful to summarize the prin-

cipal arguments employed by the majority in *Furman*, for they are virtually identical with those that have been offered over the years by abolitionists. The summary will be followed by a detailed critique of the major arguments.

1. The poor and the underprivileged are executed far more often than the rich, and blacks suffer the death penalty far out of proportion to their numbers in the general population.

2. Juries have been arbitrary, capricious, and discriminatory in their selection of prisoners who have been condemned to death.

3. There is no convincing evidence that the death penalty is an effective deterrent to crime. In any case, it is not necessary as a deterrent to crime in our society.

4. Even if the death penalty were a deterrent to crime, it has ceased to be effective in our society since it is inflicted so seldom and since the time that elapses between the crime and the execution is often measured in years, and may be as long as a decade or more.

5. The death penalty is cruel in that it inflicts an inordinate amount of anguish and psychological torture upon the prisoner who waits in the death cell, it strips him of human dignity and of the most basic and elementary human rights, and it is irrevocable.

THE DISPROPORTION OF BLACKS AND THE POOR

There is no doubt that the poor and blacks are executed far more often than their numbers in the population would warrant. From 1930 to the end of 1970, 2,066 blacks and 1,751 white persons were executed in the United States, though in the total population, black citizens were outnumbered by whites in a ratio of eight to one. This fact constituted the sole ground upon which Justices Douglas, Stewart, and White—three of the five Justices who voted with the majority in *Furman*—rendered their decisions.

Some of them reiterated what had been written in earlier cases: that the Constitution's provision against cruel and unusual punishment does not apply to the death penalty as such. In *Trop v. Dulles*, for example, Chief Justice Warren (356 U.S. 86, 99), was joined by Justices Black, Douglas, and Whittaker in writing that "the death penalty . . . cannot be said to violate the constitutional concept of cruelty." And Justice Black had observed in 1971 that the Eighth Amendment "cannot be read to outlaw capital punishment." (*McGautha v. Calif.*, 402 U.S. 183, 226)

Were it not for the fact that the death penalty is imposed upon blacks and the poor in such disproportionate numbers, these three Justices, at least, might have been on the other side. Unfortunately, their reasoning leaves much to be desired.

If such fallacious logic were consistently carried forward, it would be necessary also to outlaw imprisonment and fines; for even the most cursory study will reveal that the black and the poor and the disadvantaged constitute the vast majority of the populations of virtually every jail and penitentiary in the nation. If the test for cruel and unusual punishment is to be the extent to which a given penalty is imposed upon a representative sample of the population, then it is unlikely that any penalty will stand the test.

If there is a reasonable suspicion that our penal code, or any part of it, is being applied unjustly to a given segment of our population, then the solution is surely not to abolish the penal system or any given penalty. The appropriate solution would be to reform the system that imposed the sentences in a discriminatory way. I shall not attempt to pass judgment upon the extent to which discrimination has operated in the death penalty cases or in any other aspect of the criminal justice system.

It is sufficient to observe that an adequate remedy is at hand for any person who believes that he has been a victim of discrimination at the hands of a jury, regardless of the penalty that is imposed upon him. He may appeal the verdict, and if the courts find that his appeal has any merit, they can order a new trial. In the cases decided in *Furman*, no proof of jury bias was offered.

It may be appropriate to observe that blacks and the poor are no longer systematically excluded from trial juries, and that more and more defendants, black and white, rich and poor—including former Presidential assistants—are having their cases heard by juries composed of significant numbers of various minority groups.

Nor should one forget that certain kinds of criminal behavior—particularly those types that carry the heaviest penalties—may have been committed by members of certain minority groups out of all proportion to their number in the total population. If this is the case—and there is some reason to believe that it is—then it would be well to discover the causes of this phenomenon and to try to root them out. However, when black citizens, the poor, and the dispossessed are the most frequent victims of these very crimes, it is unjust and immoral to deprive them of any protection that the penal system is able to provide.

And if serious crimes are in fact committed more often by members of certain groups, then no one should be at all surprised to find that members of those groups are haled before the bar of justice, are found guilty of the crimes they have committed, and are sentenced appropriately. Under such circumstances, it would be as perverse for the courts to hold that juries were discriminating against these groups as it would be for an Israeli court to hold that because a disproportionate number of Arabs had been found guilty of terrorism, Israel juries were discriminating against a minority group.

THE ALLEGED CAPRICIOUSNESS OF JURIES

The charge by some of the Justices that American juries are capricious in their application of the death penalty is certainly shocking. The conclusion they draw from this supposed fact is more shocking still. For by some strange and unknown rule of logic, they conclude that since juries are arbitrary and discriminatory, the death penalty should be abolished.

Prior to 1830, the death penalty was mandatory and juries had no discretion whatever to set the penalty in capital cases. During the Nineteenth Century, humanitarians and abolitionists succeeded in having the law changed in one state after the other so that juries might be given the opportunity to save from the gallows some persons who had been convicted of what would otherwise have been capital crimes.

One result of this reform was a diminution in "jury nullification," the tendency of juries to acquit defendants when they felt that the death penalty was unwarranted. Now the Supreme Court tells us that this humanitarian reform has led to a state of affairs in which juries are actually exercising the discretion that was given them, and are refusing to send some murderers, rapists, and kidnapers to their deaths. If they were more consistent, and were condemning more men and women to the electric chair and the gas chamber, these Justices would evidently have concluded that the death penalty was not a cruel and unusual punishment. But since they have exercised the prerogative of mercy that the legislatures conferred upon them, their judgments are called "wanton," "capricious," and "freakish" by an Associate Justice of the Supreme Court, who concludes that the death sentences that they do impose are "cruel and unusual in the same way that being struck by lightning is cruel and unusual." The weakness of the

analogy is so evident as to obviate the need for comment.

The paradoxical conclusion with which we are left is this: If the system were more inflexible and if more people were executed, the death penalty would not be cruel and unusual punishment. Interestingly enough, it is as reasonable to decree that the death penalty should be mandatory as it is that it should be abolished, and in fact, some members of the Court have drawn precisely that conclusion.

Unfortunately, however neither solution helps much; for the culprit is not really the death penalty, but the jury. Whether the death penalty is abolished or made mandatory, we are still left with "wanton, capricious, freakish" juries who may lack the power to impose the death sentence, but continue to have the power to find guilt or innocence. The problem is not resolved; it is merely pushed back a step.

Some people insist with such conviction that the death penalty is not a deterrent that one begins to believe that they must have some positive proof. As it happens, they have none, although they can pull out charts comparing the crime rates in adjacent states as evidence for the proposition that those that have abolished capital punishment have crime rates that are comparable to those that have not. Such charts prove nothing, though, for other factors enter into the crime rate, including economic, political, and social conditions. Furthermore, murderers are not always fully aware of the latest legal developments in the states in which they happen to commit their crimes, and in any event, the long-term effects of many centuries of capital punishment undoubtedly continue to influence the conduct of many persons.

Even if there is a significant decline in the homicide rate after the abolition of the death penalty, it does not necessarily follow that the abolition of the penalty was the cause of the decline in homicides. In England, for example, the ten-year average murder rate fell from 4.1 to 3.3 per million from 1910 to 1939—a period during which the hangman was kept quite busy. Suppose the death penalty had been abolished in 1970, and suppose further that this had resulted in 100 additional homicides. The murder rate would still have declined from 4.1 to 3.5 per million and critics would have been drawn to the erroneous conclusion that since the abolition of capital punishment had been followed by a decrease in the murder rate, there must be no connection between the one and the other.

Statistics tell us very little, but common sense can be most helpful. Those who study the deterrent effects of the death penalty go to a variety of prisons, interview inmates there, and write articles in which they draw the astounding conclusion that the people they interviewed had not been deterred by fear of death. Of course not! What other conclusion might one expect from interviews with those who were not deterred? No one has ever contended that the death penalty, or any other, would deter every potential offender. We do argue that just as the threat of a license suspension is sufficient to persuade most drivers not to drive while they are intoxicated, so will the threat of execution be sufficient to deter most citizens from committing certain atrocious crimes which they might on occasion be tempted to commit.

Someday, perhaps, some ingenious researcher will devise a way to find out from those of us who have never committed capital crimes whether we have ever been sorely tempted to do so, and if we were, what deterred us. Many factors must enter into such determinations. One of those factors is undoubtedly fear of the punishment that might follow and its consequences to oneself and one's family. Although some potential

criminals will not be deterred from their nefarious schemes, and some unstable individuals will not be deterred from committing serious crimes in moments of extreme passion by any sanction available to the modern state, most persons—who surely must include among them some potentially dangerous individuals—will be deterred by the instruments of social control that mankind has developed over the past four or five millennia.

In any case, there are some classes of persons, and some kinds of crimes, for which nothing but the death penalty could possibly serve as a deterrent. Empirical evidence is at hand.

During the seven years that have elapsed since the Six Day War, the Israelis have collected quite a number of Arab terrorists in their prisons. Since Israel has no death penalty, these prisoners have been given stiff terms, and they know that nothing they do will bring about a more serious punishment than the interminable years in prison they already face. Some of them have murdered their cellmates, and according to a recent article in the *Jerusalem Post*, "the men responsible admit their crimes, even showing the wardens the instruments they used. They do this quite willingly, knowing that they are already serving maximum terms and that they run no risk of being sentenced to death." (July 9, 1974, p. 8) Where such conditions prevail, human life itself loses all value and becomes a mere trifle that anyone may dispose of at will.

Just as the lifer cannot be deterred from committing the most atrocious crimes by the threat of another life sentence, so it is impossible to deter the potential terrorist, traitor, or revolutionary by the threat of a life in prison. Each of them, after all, expects the present regime to be overthrown and replaced by another, which will not only release him but give him a hero's welcome.

What, then, does he have to fear if he should happen to fall into the enemy's hands? But he might think twice if he hears that terrorists, traitors, and revolutionaries are swiftly tried and, if found guilty, executed. Again, this is not to say that every fanatic will be deterred by the threat of death. No doubt many will not. But others, who might be tempted to join the movement and participate in its most exciting activities, might discover, upon hearing that some of their closest friends had been hanged, that it is more profitable to tend to their tomato plants.

Although there is no proof that hijackers and terrorists would be deterred by the threat of the death penalty, it is surely not unreasonable to suppose that they might be. Now imagine the following situation. A terrorist who is very much afraid of dying dons a bullet-proof vest and, under the pretext of being a mechanic, climbs aboard a 747 airliner that has just been loaded with passengers. After placing a number of charges of plastic explosives in the various cabins, he jumps from the plane and heads for cover. Within a few seconds, three hundred passengers are blown into unrecognizable fragments.

If a few of his comrades had been executed, he might not have gone on this mission. But because of our humanitarian concern for their lives, we risked the lives of the three hundred innocent passengers. Since we do not know whether the death penalty is a deterrent (though we have good reason to believe that it is), we have no alternative but to take a gamble: we either take the lives of a few terrorists, whom we know to be guilty, and hope thereby to reduce the risk to the lives of the innocent passengers on the 747; or we spare the lives of the guilty and increase by some unknown percentage the chances that the innocent passengers will be blown up. On the premises outlined

at the beginning of this article, I would have no hesitation about adopting the former course.

If the gamble turns out to be correct, not only have the passengers been saved; the potential terrorist who was deterred has also been saved from having committed an atrocious crime.

LOSS OF EFFECTIVENESS BECAUSE OF LONG DELAYS IN EXECUTING THE PENALTY

This is a little like arguing that since the little bit of good a starving community is receiving isn't doing them much good, we might as well not send them any at all. Just as the solution to this problem is to get the railroads to move the grain to the famished residents more rapidly, the solution the Court ignored would be to give capital cases top priority on court calendars so that they might be tried expeditiously and so that appeals might be heard and decisions rendered as soon after conviction and sentencing as possible.

THE INHUMANITY OF THE DEATH PENALTY

In a decision written by Justice Reed and concurred in by Chief Justice Vinson and Justices Black and Jackson, the Court once declared that "the cruelty against which the Constitution protects a convicted man is cruelty inherent in the method of punishment, not the necessary suffering involved in any method employed to extinguish life humanely." (67 S. Ct., at 376) No one would attempt to deny the suffering and the anguish that must be the lot of the condemned man. It is appropriate to observe, however, that he had the opportunity to avoid it but chose instead to risk the danger for some other benefit that seemed to him to render the chance worthwhile. His suffering is very real, but so was the suffering of his victims, and so will be the suffering of the victims of those others who might choose to commit similar crimes if they feel that they can do so with relative impunity.

Do we dare put our citizens into the position of the Arab terrorists in the Israeli prison, who know that their fellow inmates can take their lives without fear of punishment, since they are already suffering the greatest punishment that the Israelis can impose.

Can we assure the members of organized crime rings and bands of assassins that no matter what suffering they inflict upon their neighbors, the worst they can expect to suffer—if they are caught, tried, and convicted—is a life sentence which they know is seldom served?

If one has genuine reverence for human life, one must be at least as concerned for the lives of the innocent victims of murderous assaults as one is for those who are convicted of having committed murder. This may entail taking the lives of those who have demonstrated their lack of control where other human beings are concerned.

If any legal or political system loses its capacity to protect its citizens from bodily harm and from loss of personal liberties, it has lost most of its reason for being, and any claim it may have upon the allegiance of its citizens becomes very tenuous indeed. Ordinary men and women should not have to arm themselves against attacks by lawless persons who roam the streets. The imposition of penalties is one way society has of protecting its members from injury. To the extent that any mode of execution is painful or frightening to the victim, it is to be deplored. But despite the lurid stories and the occasional bungled executions, the methods employed during recent years are probably humane.

In any case, as long as there is reason to believe that the death penalty is a deterrent to some persons who might otherwise commit serious crimes leading to death or grave injury to innocent victims, the penalty ought to be retained.

However, before the penalty is reinstated, careful consideration should be given to the question of the extent to which it can reasonably be expected to deter certain crimes, such as domestic murder cases, rape, and the like. We might discover that we would want to reserve the death penalty for such crimes as murder for hire, kidnapping, political assassination, mass murder, airplane hijacking, terrorism, revolution, treason and genocide.

Genuine reverence for life is totally consistent with advocacy of the reinstatement of capital punishment, for it entails the proposition that every reasonable measure be instituted to preserve the lives and liberties of the victims of monstrous criminals.

ALOHA TO FISH BAIT MILLER

HON. SPARK M. MATSUNAGA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. MATSUNAGA. Mr. Speaker, at the close of the session today, we will bid a fond aloha to one of our most beloved staff members—William M. Miller, known to us all as "Fish Bait." For nearly 30 years, Fish Bait has selflessly served his country, the House of Representatives, and each individual Member of the House as "Doorkeeper," an historic title which does not adequately describe the myriad of important details under his supervision.

In spite of his busy schedule, Fish Bait has never failed to find the time to assist Members of Congress and, through them, all the people of our country. I clearly recall that when I came to Congress nearly 12 years ago, he took the time to conduct me on a personal tour of the Capitol, pointing out its historic details. Countless numbers of my constituents have benefited over the years from his thoughtful gesture and they are particularly appreciative because they are citizens of our youngest State.

As I got to know Fish Bait better, I became convinced that he is part Hawaiian because he follows the old Hawaiian custom of greeting pretty girls with a kiss. It would give me great pleasure if he and his equally charming wife, Mabel, would visit the island State and allow me to conduct them on a tour. I know that they would find a second home there.

On behalf of Hawaii's people, I extend to Fish Bait and Mabel best wishes for continued happiness in retirement.

BILL TIMMONS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. LANDGREBE. Mr. Speaker, during my 6 years in Congress, my relationship with the White House has always been extremely satisfactory, contrary to opinions expressed by many of my Republican colleagues.

WILLIAM E. TIMMONS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. QUILLEN. Mr. Speaker, it is an honor for me to join in paying tribute to William E. Timmons, Assistant to the President of the United States. At the same time, I am saddened at his decision to leave the White House.

Bill Timmons is to be commended for his many contributions during his 20 some years in public service. He is an honest and honorable man who has achieved an admirable and outstanding record. He is able, hard-working, and loyal.

He will be greatly missed, because his talents have brought together throughout the years a winning combination in the Congress. His leadership and dedication are certainly shining examples for others to follow.

One of my happiest reflections as Congressman from the First District of Tennessee is working with Bill over the years—it truly has been a most rewarding experience.

I extend my best wishes to Bill, his wife, Mimi, and their family during the months and years ahead.

SALUTE TO WILLIAM E. TIMMONS

SPEECH OF

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. McCLORY. Mr. Speaker, it is a special privilege to join in paying tribute to one of the well-known personalities in the White House, Bill Timmons, who is leaving his post there shortly to enter the consulting and public relations business. Mr. Speaker, even before I had the privilege of meeting Bill Timmons, I became acquainted with his wife, Mimi, whose former career was on a congressional staff on Capitol Hill.

Bill Timmons, in his position as Assistant to the President for Legislative Affairs for the past 5 years, has dis-

played both skill and candor in his contacts with Members of the Congress. Bill Timmons has performed a most difficult function, as tensions in the Nation and between the legislative and executive branches reached a point of national crisis.

Mr. Speaker, Bill Timmons and his wife, Mimi, have provided grace and charm at White House affairs during these past years, and they have served to promote the good relations of our Nation on many occasions where representatives of foreign nations have been guests in our country.

Mr. Speaker, I know that Bill Timmons will experience a successful career in the private sector. I join my other colleagues in wishing him success. My wife, Doris, joins in extending good wishes for happiness and good health to Bill and Mimi Timmons.

SMALL COMMUNITY HURT BY COSTLY ENVIRONMENTAL PROGRAMS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ABDNOR. Mr. Speaker, Mayor Alfred Fischer of Eureka, S. Dak., has asked that I make his thoughts concerning the harassment of small communities to comply with environmental regulations intended for urban America, known to my colleagues. I have made numerous efforts to communicate similar thoughts to those who are responsible for these regulations—without a great deal of success.

Perhaps my colleagues and the interested readers of the RECORD will pay more heed to the thoughts of a small town mayor who must agonize over these regulations in a hopeless effort to comply. Mr. Fischer's letter follows:

OFFICE OF THE MAYOR,
Eureka, S. Dak., December 13, 1974.
Hon. JAMES ABDNOR,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ABDNOR: Why is so much pressure being brought to bear on small communities to participate in Solid Waste, Air Pollution and other costly programs? In a lot of instances, they are very unnecessary, and do not apply to rural communities of our size. Perhaps, area and population could be used as a guide as to which communities would have to participate. Surely, we a town of 1550 persons could hardly be compared with congested urban areas, such as Chicago, New York City or San Francisco. These cities have huge per capita tax rolls to help defray the expenses of controlling their environmental problems.

People in small areas cannot begin to compete with people living in larger cities. Our incomes are far less, but in order to purchase the equipment necessary for these projects our outlay would be as great as theirs. Many of the people in a small town are elderly and living on "fixed" incomes. Where are they supposed to get the money to participate in these programs? Then too, the elderly eat less, and what with inflation have very little garbage. Less garbage would reduce the need, even more, for huge land fill pits.

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Our community is presently trying to find a new water supply, which is a very necessary and costly project. We feel that this project will add an additional money burden on our citizens. Why do all towns across the nation have to be categorized into the same schemes? As in our case, we need a new water system. Whereas, some other town may have need for a better garbage disposal system.

To sum it up, we feel that the citizens of each town should be able to decide which need has priority and can be met by their particular budget; and they should not be forced to participate in any programs for which they have no need.

Therefore, we would appreciate it, if when meeting with your fellow law makers, you would make known our thoughts.

Sincerely yours,

ALFRED FISCHER, Mayor.

LEGISLATION ON SPECIAL FOOD SERVICE PROGRAM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. VANIK. Mr. Speaker, on June 30, 1975, the authorization for section 13 of the School Lunch Act will expire. This section, known as the special food services program, provides needed food for low-income children during the summer months and in preschool nursery programs. For tens of thousands of children, the food provided by section 13 is the only really nutritious, balanced meal of the day.

Section 13 was first enacted in 1968 and has grown from a small pilot program into a major section of the School Lunch Act. In the current fiscal year, it is being funded at a level of approximately \$110 million. The program has always had the enthusiastic support of the House and Senate committees. Chairman PERKINS of the House Education and Labor Committee has been particularly helpful with providing renewals of the authorization legislation. Chairman WHITTEN has been extremely supportive in the appropriations process.

Nevertheless, when the section 13 program is considered this spring, I hope that a number of improvements can be made in the program. It has been a very difficult program to administer. It is often hard to serve food to children in small day care centers or at summer playground sites. By its very nature, the program cannot be as efficient or orderly as the school lunch cafeteria program. I have questioned the good will of the Department of Agriculture hierarchy concerning this program. I believe that they have attempted to hold down their budget for section 13 by denying that hungry children are going unfed. They have attempted to limit sponsors of section 13 programs by making applications as difficult and time-consuming as possible. Program sponsors have been reluctant to participate because of this sea of red tape—and because the Department is often late in reimbursing costs.

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As the original sponsor of section 13, I have been concerned that the program be properly administered. Therefore, a year and a half ago, I requested a full-scale General Accounting Office study of the administration of section 13. My office, and the staff of Senator McGovern's Select Committee on Nutrition, have attempted to follow the progress of this report.

Because of the scope of the report, the GAO has requested that it be made available to the entire Congress and we expect this in-depth study to be available by February 15. I am hopeful that it will provide a solid basis of constructive criticism which will help the authorizing committees improve the quality of this program.

Before the start of the 94th Congress, I hope to obtain the views of State program directors and program participants on how the legislation might best be amended. In 1971 and 1972, I polled the State directors on the need for additional appropriations. These questionnaires resulted in valuable information which helped insure more adequate funding for the section 13 program. I hope that this year's poll will lead to improvements in the structure of the law.

Presently, section 13 funds are divided among the States on a formula basis. I am concerned that the formula may provide too much money to some States—and not enough to others. Perhaps the formula should be revised, or abandoned in favor of a mandate to the Department to fund all eligible programs and insure that no child goes hungry.

In an effort to determine whether appropriation and formula levels are adequate, I am asking each State:

First. What is the State's formula allocation for fiscal year 1975?

Second. How many section 13 applications, both summer and year-round, has the State received? How many children will be served in fiscal year 1975?

Third. How many qualified applications were denied? How many children will go unserved?

There are other areas where the basic section 13 law should, perhaps, be amended. For example, because of extremely tardy USDA reimbursement of program sponsors, a number of sponsors have been forced to drop out of the program. Some out of business because of the Department's callous disdain of these contractors—many of which are small businessmen and minority contractors. Should, therefore, a mandatory reimbursement schedule be established? Should there be some "advance" of payments to help small suppliers participate in the program?

Many of the States have indicated that they need assistance in supervising the program. Should a specific portion of a State's funds be set aside for administration and inspection?

The reimbursement rates for the section 13 program are the lowest in the school lunch program. Should the reimbursement rates be tied to the regular school lunch rates? What level of reimbursement should be established?

What steps can be taken to increase

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the level of family day care participation.

What can be done to improve the variety and attractiveness of the food served in the program?

Should residential summer camps for low-income children be made eligible for section 13 programs?

In general, what changes and improvements should be made in the special food service program to make it more effective and efficient?

I am hopeful of obtaining a wide response to these types of questions. The answers will help ensure that the new section 13 program will be even better than the original.

WILBUR EUGENE AINSWORTH, JR.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. DORN. Mr. Speaker, I will be leaving the Congress at the close of this session. Before doing so, I want to express my appreciation to Gene Ainsworth for the outstanding service he has rendered the House, and to me personally, in his capacity as Assistant to the President for Legislative Affairs. Although his job has been a very difficult one, he has always made himself available whenever the Members of the House needed him, and we could always rely on the information he gave us. He is a man of the highest caliber.

Gene will be leaving the White House effective December 31, 1974. He plans to remain in Washington, where he will become a partner in a private business firm. I wish him much success in his private practice.

Before coming to Washington, Gene was active in the Mississippi State Chamber of Commerce. He served as director of economic resources, Mississippi Economic Council. He came to Washington as administrative assistant to my friend and distinguished colleague from Mississippi, Representative SONNY MONTGOMERY. He moved into the White House in July 1973 and since that time has provided assistance to the Members of the House on numerous problems dealing with legislative matters.

Mr. Speaker, before leaving the House I want to personally thank Gene Ainsworth for the many kindnesses and courtesies extended to all of us in this body. Mrs. Dorn joins me in wishing for him and his family continued success and happiness.

W. EUGENE AINSWORTH, JR.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. MICHEL. Mr. Speaker, one of the youngest and most promising members

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of the White House staff is leaving government for private life. I refer to W. Eugene Ainsworth, Jr., who has been part of the President's congressional relations staff with the House of Representatives.

In 1973, when he was only 30 years old, Gene was tapped for the job he is now leaving. Prior to that he had been head of the staff of my good friend from Mississippi, Congressman G. V. (SONNY) MONTGOMERY.

The year 1974 was obviously not an easy one for Gene, just as it was not for his boss Bill Timmons or any of the rest of the White House's congressional relations staff. Serious attempts to impeach a President have come along only twice in two centuries. The liaison people were caught, and the saying goes, between a rock and a hard place in the series of events that led up to the cataclysm of last August 8.

Of course, much of the work these gentlemen do is just plain mundane—not exciting, not a headline in it anywhere. But it still is vital to the working of our system of government. It demands good people putting in long hours.

President Nixon and President Ford have been well and ably represented, here in the House, by Gene Ainsworth. As he leaves for a new career, I want to thank him for all that he has done and the many courtesies he has extended. I will be among the many who will miss him.

WILLIAM E. TIMMONS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. DORN. Mr. Speaker, before leaving the Congress, I want to pay tribute to my good friend William E. Timmons for the outstanding job he has done in his capacity as Assistant to the President for Legislative Affairs. Bill has served two Presidents and has served them well. He has headed a legislative team at the White House during some very difficult times; however, he has always acted with dispatch whenever I have called him.

Bill Timmons is a man of the highest character and integrity. Prior to going to the White House he headed the staff of my dear friend, the distinguished Senator from Tennessee, BILL BROCK. He moved to the White House and served as Assistant for House Liaison under my good friend, Bryce Harlow. He was subsequently named Assistant to the President for Legislative Affairs and has headed the legislative team for a number of years.

Mr. Speaker, Bill has been extremely effective in his position because he has always been fair. His loyalty to both President Nixon and President Ford was unquestioned; however, he has always been nonpartisan in his dealings with the Congress. He always did the very best job he possibly could for all Members of Congress, both Democrats and Republicans.

I wish Bill well when he leaves the White House and returns to private business at the close of business on December 31. He will certainly be missed by all of us who have served with him during the past 6 years.

J. NORMAN SHADE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. MICHEL. Mr. Speaker, few men command the love and respect of so many people as one of my most well-known constituents and dear friend, J. Norman Shade, of Pekin. Throughout his many years of service to the people of Pekin and the surrounding area, both as a public servant and as a private citizen, Norm Shade has earned the devotion and friendship of the thousands of people he has come in contact with. His public service spanned more than four decades—24 years as mayor of the city of Pekin, 8 years as a member of the Tazewell County Board of Supervisors, and 8 years as a State representative to the general assembly in Springfield. But perhaps more importantly, he has given tirelessly both his time and his money in helping his fellow man. It has been his "people-to-people" campaign that has distinguished Norm Shade as an outstanding public servant and a terrific human being.

It is with great pride that I share with my colleagues, the following articles paying tribute to my friend:
[From the Peoria (Ill.) Journal-Star, Nov. 24, 1974]

A MAN NAMED SHADE

Once upon a time there was a young man, in an age when cars were not really very common, who had access to a motor car.

(He also zipped around a good deal on his own motorcycle, in those times.)

This young man was unusual. Where others might have used that motor car only to exploit popularity with his young peers, this one was unusually conscious and sensitive about the elderly, too, and from time to time could be seen running errands or giving some elderly "friends" the experience of a "spin" in a car.

As he entered young manhood, this habit of what we now call "compassion" broadened into a clear concern, and a host of personal acts of consideration for individuals around the town who were less fortunate or tended to be neglected.

Some years after these habits were formed, the young man ran for a public office—one of the assistant supervisors to serve on the county board from Pekin, and he served on the board four years.

Some serious problems arose in city government, and he ran and ended up serving as almost the perpetual mayor of Pekin. He served 24 years as mayor, and eight in the state legislature.

He did not change his ways. Nobody really knows how many places he gave of his time and goods. He was a benefactor and an active worker for the Union Mission. He visited the hospital frequently, calling on large numbers of sick and injured often with small gifts. He never forgot the people in the Tazewell Nursing home. He constantly performed "small" acts of consideration for the residents of

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"Golden Arms". He was a founder and tireless worker and giver for the Pekin Boy's club. He became beloved of the workers in the Handicapped Workshop through his constant help and personal attention. The list is well-nigh endless.

During those years when he also held public office, inevitably there were those who looked at J. Norman Shade's personal style of philanthropy and direct interest in people, one by one smiled knowingly and said: "Boy, what a great politician!"

Eventually, the years accumulated for Norm Shade as for all of us, and his legs began giving him some trouble, and such things and he retired from public office, semi-retired from his business activities—but never retired nor slackened his personal interest in people and his eternal concern for youth, for the elderly, or for the unlucky.

He is as busy as ever, years after retirement, in remembering, individually the folks at the Golden Arms, at the nursing home, in hospital, at the workshop, or the Union Mission's activities, the Boy's club, etc.

He hasn't changed a bit in that, and gives of his time and worldly goods as freely as ever.

To me, Norm Shade is the ultimate evidence that there is such a thing as a "good heart," a true, simple, straightforward spirit of concern for people as individual human beings.

And I wonder why, so much of the time, many of us seem to insist on treating such a thing as an impossibility in this world?

Why is it that a man can only be fully accepted for what he is in such matters when he is too young—or too old—to have a selfish reason for it?

What a shame that some of us cannot recognize "goodness of spirit" free from suspicion of a cheap ulterior motive until such motives are removed?

In all fairness, a host of Pekin people have always recognized Norm Shade's giant heart for what it was. The town was small enough for many to know his whole history intimately, and know his interest in people was real and not selfishly inspired. Far from it, his life illustrates the very opposite of selfishness—which is generosity right from the heart.

But many of those with less background looked upon these activities with a knowing smile and a cynical attitude.

As is so often the case, the smart guys were wrong.

For every Watergate, one suspects there are several "good hearts" if we would be decent enough to recognize them—instead of suspect the worst.

Yet, it is hard to imagine many as devoted in time and giving as Norm. If he had been a Rockefeller, the massive giving revealed by Nelson Rockefeller would look like stinginess in comparison!

It is nice when such a life is recognized by a mass of ones friends and neighbors, long after such recognition has any benefits other than those of human feelings and "good hearts," too.

Tonight, at the Moose Lodge, people of Pekin are going to honor Norm Shade because he is what he is—not as a political gimmick, and not as a retirement party or any other ritual affair.

The long "retired" former mayor will probably get the biggest "party" in the city's history just because he is what he is as a man and a friend of man.

As for any side benefits of staging the affair?

Just one—the Pekin Boy's club, naturally! That's Norm Shade right down to the ground.

[From the Peoria (Ill.) Journal Star, Nov. 25, 1974]

PEKINITES HONOR J. NORMAN SHADE
PEKIN.—J. Norman Shade was honored last night, five-fold, for his compassionate

concern for his fellow man, and after 38 of his friends extolled his virtues, there wasn't a dry eye in Pekin's Moose Lodge 916.

Shade, who served 24 years as mayor of Pekin, eight years on the Tazewell County Board, and eight years in the state General Assembly, heard among other things, that: The state legislature last Friday unanimously passed a resolution urging the Department of Transportation to name the new bridge carrying I-474 over the Illinois River, the Shade-Lohman Bridge.

The announcement was made at the dinner by Sen. Roger Sommer (R-Morton), who introduced the measure, and Rep. James Von Boeckman (D-Pekin), who handled it in the House.

Lohman is another long-time Tazewell County political figure, who combined with Shade, served a total of 81 years in political office.

Shade received plaques from the Pekin City Council and the Pekin Boys' Club recognizing him for his outstanding and unselfish service to the community and to the underprivileged, the handicapped, the senior citizens and children everywhere.

He also received a plaque from the Moose Lodge itself, where he has been a member for the last 43 years. "In recognition of your outstanding service and dedication to people. You stand as an inspiration to all people everywhere."

Shade, who wiped tears from his eyes several times during the five-hour testimonial, also heard from members of his family and grandchildren and received two standing ovations from the crowd.

Master of ceremonies, James "Chink" Davis, said letters were received from 22 personal friends of the Shade family and political dignitaries, who could not be present for the event.

Lohman was Pekin city clerk for four years, a member of the City Council seven years, and a 10-term member of the General Assembly—five in the House and five in the Senate.

Proceeds from the \$10-a-plate dinner will go to the Pekin's Boys' Club, a favorite of Shade and a club which he had a personal hand in establishing.

[From the Pekin Daily Times, Nov. 25, 1974]
RESOLUTION TO NAME I-474 BRIDGE AFTER SHADE, LOHMAN ANNOUNCED ON SHADE'S DAY
(By Marge Barnard)

A "This Is Your Life, J. Norman Shade" program presented Sunday at Moose Lodge culminated with Senator Roger Sommer announcing that a resolution passed in the house Friday named the Interstate 474 bridge at North Pekin the Shade-Lohman Bridge.

The announcement came as a surprise and gained the apparent approval of all present when the 350 guests present applauded in the standing ovation.

Senator Sommer said the measure was introduced by him and handled in the House of Representatives by James VonBoeckman, where the resolution was unanimously approved.

Martin B. Lohman is the veteran of political figures in the community, and was the statesman who was responsible for the passage of a bill for the construction of the present Pekin Bridge. It was noted.

Shade served as mayor for the city of Pekin for 24 years, eight years as a member of the Tazewell County Board of Supervisors and eight years as a state representative.

Lohman served as Pekin's City Clerk four years, member of the Pekin City Council seven years, and five terms as state representative and five terms as a state senator. Together, Shade and Lohman served a total of 81 years in political office.

Lohman, who was the first speaker of the evening, noted that he remembered when Shade was born on Haines Avenue, where he still lives.

Touching on Shade's notoriety for "betting on the horses" Lohman said, "I used to go to the races with Norm. I bet on the jockey and he bet on the horse that chased the rest of them in."

In a more serious moment, Lohman commended the outstanding work done by Arlene Ruestman, Senator Sommer's secretary, and Delores Rees, Shade's secretary, for getting the honorary dinner program together.

Mrs. Vera Bonk, said she had been maid of honor at the Shade wedding on April 9, 1923. She noted that she received a bouquet of flowers from Norm and Helen on their 50th wedding anniversary. "I had forgotten," Mrs. Bonk said.

Roy "Peach" Preston commented that he had served with Shade in the Elks Club Crippled Children's program.

He remembered also taking a carload of ballplayers from the Salvation Army to St. Louis to a game on one occasion. Peach said they could not find Norm and his carload but Peach had decided it was time to eat supper. Peach said one boy in the back could be heard saying, "No let's wait for Norm. Peach is too tight."

Shade's daughter, Joan Caldwell, had many loving memories of her father. Joan said she recalls her feeling of pride when Pekin's Municipal Band would march by their home on Haines Avenue playing "For He's A Jolly Good Fellow."

City Attorney Alfred W. Black noted that Shade infected him with city government 28 years ago, and commented that he is "still sick with that infection." Black said, "I have been given great responsibilities Norm is responsible for."

"He built many things for the city. Pekin became a better place to live because of what he did."

"The Salvation Army was a hole in the wall on lower Court street. Norm decided they were going to have a new building. Literally, alone he caused the erection of the building on Derby street."

"He would call me and say Joe Bloke is a friend of yours, he is a contractor, and we need a new roof on that building."

"He was very hard to get along with when he was doing things for others but he never used that pressure for his own benefit."

Tazewell County Clerk Roy Lowry noted that he and Shade were elected to the Tazewell County Board of Supervisors in 1935. There were 26 members on the board, 13 Republicans and 13 Democrats.

Lowry (D) said Shade (R) was elected chairman of that board because Lowry crossed the party lines and voted for Shade as board chairman and has never regretted the vote.

Lowry presented Shade with certified copies of his (Shade's) birth certificate and marriage certificate.

In doing so Lowry chided, "Norm did you go to school to learn to write the way you do now?"

Bob Monge, in a more serious vein, noted "There was no generation gap with Norm." Monge recalled the depression in the 1930's and he and his friends being treated to carnival rides by Shade. "We used to go to the Princess Candy Kitchen for cokes after school and Norm would be there to pick up the tab," Monge noted.

Then Monge noted lightly that he later went into the real estate business and had some deals with Norm. "I would tell him that I was paying too much and he would tell me I was getting a bargain," Monge said.

George Leitner recalled working with Norm, a 46-year member of the Pekin Moose Lodge, on Christmas parties for children in 1932.

Former Police Magistrate Julius Janssen was called to the speaker's table to greet Norm, but he was unable to speak in his own behalf.

It was noted by Master of Ceremonies James "Chink" Davis, that Janssen would make mention of one-third of a million dol-

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lars in gambling fines, picked up from taverns weekly by Shade, which was used to build City Hall.

Frank Drury, former member of the Pekin Police Department remembers Norm organizing the first school patrol, furnishing them with raincoats and rainhats. He recalled coaching a basketball team made up of a Sunday School class, taught by Norm, at the Salvation Army. Members of that basketball team were asked to stand, and Sid Parker and Chink Davis rose to their feet.

Joe Berardi, Minier Police Chief and former member of the Pekin Police Department, spoke in behalf of the hundreds of World War II veterans who received letters from Norm and were treated to spaghetti at Minnie's or the Illinois Hotel when home on leave. About 12 veterans in the crowd stood when Berardi asked how many were there that were the recipients of Shade's generosity and thoughtfulness.

Charles Wright, from WBYS Radio, Canton, served on an LST boat with Ed Olt in 1944. Wright said he came from the west coast but became acquainted with Shade thru the letters received by Olt.

Clementine Chapman, Director of the Tazewell County Nursing Home expressed appreciation to Shade for the visits to the elderly at the nursing home. Mrs. Chapman noted that each month a sheet cake is sent to the home by Shade and it bears the name of each birthday person during that month, and a monthly party is held when the cake arrives. Mrs. Chapman noted that Shade also visits the home each Christmas and brings a gift to each patient.

Jim Harris, former manager of Carp's Department Store, noted he remembers being greeted on the street by a gentleman with a wide brim hat saying, "You are a stranger in town." Harris said the greeting came from Shade and he no longer felt that he was a stranger.

Harris recalled Ann Vogelsang, Shade's secretary, coming to the store each Christmas to buy clothing for the needy. It was noted that Harris provided those clothes at half price.

Bob Caldwell, said his father-in-law was shrewd as well as all the other nice things people were talking about. Caldwell remembered his "courting days" and what he had to go thru to get Shade's blessing.

Rev. Hubert Entwistle, of Calvary Baptist Church, told the group that Shade's warmth and generosity has been far-reaching and has been felt in Blackburn, England.

Entwistle recalled it was shortly after World War II when he received a letter from an English editor wanting to know what could be done for the children in Blackburn, who had not tasted candy in many months.

Entwistle recalled that Shade immediately got the ball rolling and due to Shade's influence every child in Blackburn, a city larger than Peoria, received a bag of candy for Christmas.

George Saal, recalled that 20 years ago he and Shade were elected to the General Assembly together; and Ed Pree former Administrative Assistant to Governor William Stratton recalled Norm winning him \$5 on a horse that came in third.

Former State Representative Warren Billhartz, of Collinsville also remembers being the recipient of a dog, "Scamp."

Those who know Norm well, also know that he cared only about clothing that was needed by the underprivileged and cared not what was worn by himself.

Billhartz chided, "I was the only one who ever asked him who his tailor was. He said it was Marcell of Mason City. Now, Marcell has gone on to greater things. He is now designing clothes for the Columbo Show," bringing a rise of laughter from guests.

Ann Vogelsang, former secretary for Shade, remembers Shade and providing an exciting and interesting job, besides laying the

groundwork for the Everett McKinley Dirksen Research Library.

Don Smith, former Pekin Police Chief, presented Shade with two "legal lottery tickets." Smith noted that he and Shade agreed to disagree on a number of things, mostly the enforcement of the gambling ordinance.

Chuck McCord, who managed the Pekin Letters for 26 years expressed appreciation for Shade implementation of that group; Jim Williams, former Director of the Tri-County Community Workshop said there would not have been a vocational center for the handicapped if it had not been for Shade; Attorney Jack Coney, of Peoria, recalled his father's friendship with Norm.

Mayor William Waldmeyer remembers Shade being mayor when Waldmeyer was Finance Commissioner and mayor pro-tem. He recalled Shade wanting an ordinance amended. Waldmeyer said city council convened and Waldmeyer made the motion for the amendment but there was no second. Shade asked Waldmeyer to sit as mayor pro-tem. Shade did not leave the room, but sat in Waldmeyer's chair and seconded the motion. Waldmeyer noted the motion was beat three to two.

Willard Birkmeyer thanked Shade for the wisdom and experience given during 1971 and 1972 when Shade was elected and served as commissioner in the city of Pekin.

Roy Layne presented Shade with a plaque in behalf of Pekin Moose Lodge 916 commending Shade for his service to the community.

In responding to the comments, Shade said, "I feel humble. I have received more compliments than I deserve."

Shade recalled, "Bat Lohman, the senator's brother, got me into politics. He thought I should serve as president of the 'Douglas Dads' where Joan was going to school."

"I remember the Pekin Bridge bill was passed in 1967 after Dean McNaughton sent some fliers to Springfield showing the bridge in an up position and they couldn't get it down."

"Turning to his grandchildren, Shade said, 'Now maybe if my grandchildren don't grow old too soon they may be able to drive across that bridge when they come to Pekin.'"

In finality Shade said, "If I had been an orator like Waldmeyer maybe I could have run for the Senate."

As Shade returned to his chair, his 350 relatives and friends responded in a standing ovation.

GILMAN CONDEMNS PALESTINIAN TERRORISTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. GILMAN. Mr. Speaker, tonight the House of Representatives will adjourn and the Members will go their separate ways. We do this in the confidence that we have no need to fear the darkness, and that our Nation will still be reasonably intact when we return a month hence.

But there is a nation in the world where concerned men and women have no such confidence—where every day is borrowed time, bringing them closer to the possibilities of hostilities and disaster. I am speaking of Israel.

The future has never been darker for this valiant little land, Mr. Speaker. Surrounded by hostile neighbors, under attack in the forms of the world by biased combinations of Communist, Third World and Arab Nations, struggling with

a vast debt and economic hardship, Israel now must live also with the knowledge that any moment can bring the next—and possibly the last—Arab-Israeli war.

Well-meaning nations on both sides of this dispute have made sincere efforts to negotiate a settlement. Our Nation has been striving to mediate the differences between the parties and bring about a lasting peace in the Middle East. But all sincere and well-directed efforts to secure peace have been endangered by the actions of an explosive, irresponsible, and intractable group of murderers and terrorists who call themselves the Palestine Liberation Organization.

Perhaps it is a good sign that the issue of Palestine has come to the forefront of negotiations in the Middle East, because the Palestinian problem has always been, and threatens to remain, the biggest single stumbling block in the path to peace.

But it is not a good sign that the organization claiming to represent the people of Palestine comes to the forum of peace bearing a gun. And it is not a good sign that the U.N. has welcomed this non-nation.

Mr. Speaker, along with many of my colleagues, I was both dismayed and revolted to observe the hero's welcome given Yasser Arafat at the United Nations in November. It was hard to believe that this man, who has publicly claimed responsibility for actions which have resulted in scores of violent deaths—including the murder of women and children—should be allowed to stalk into the General Assembly of the United Nations, carrying a gun, and be accorded so loving a reception. Perhaps it is just a further symptom of the Arab-Communist-Third World axis which is extending its control of the U.N. with every passing month.

Israel was limited to a single speech in the General Assembly session on the Palestinian question, while her enemies paraded, one after another, to the rostrum to denounce her. Israel was deprived of all financial assistance through the United Nations Scientific, Educational and Cultural Organization, UNESCO, despite that body's supposedly nonpolitical mandate.

Israel stands in grave danger of losing her seat on that committee and even in the General Assembly.

With every one of these hostile, narrowminded and offensive actions, the United Nations' ability to act as the sponsor of world peace is further eroded. The words of our General Assembly delegate, John Scali, should be heeded well by this coalition of small states that carry so large a chip on their shoulders. It must be borne in mind that without the support of the major powers, the actions of the United Nations are empty and without effect.

Along with a growing number of our colleagues, I have begun to raise serious questions about the value of the United Nations as "The Tyranny of the Majority" becomes its rule of order. The United States provides a quarter of all the financial assistance needed to keep the United Nations going, yet we are seeing a seemingly endless stream of dogmatic, one-sided and propagandistic

decisions and opinions issuing from a coalition of states—the Communists, the Arabs, and the Third World—who, taken together, make up only a minority of the populations represented in the United Nations. Perhaps these delegates should ask themselves what future the United Nations will have without the support of the United States.

By embracing Yassir Arafat, the pistol-packing murderer of children, the General Assembly has sanctioned world terror. The fruits of this action are horrible to contemplate.

Yet the United Nations is not the only place in the world where men seem to have lost their reason. The entire history and activities of the PLO pose a grave peril to the existence of Israel. The recent Arab summit meeting in Rabat voted to officially recognize the PLO as spokesmen for the Palestinians and allocated \$2 billion to "liberate" Palestinian soil.

Does this action legitimize the PLO? Does this action compel us to sit down at the same table with gun-toting killers as though they were legitimate representatives of a legitimate cause?

The Detroit Free Press, on November 29, described the PLO as "a terrorist organization dedicated to the killing of Jews and the destruction of Israel. It is a root organization of a number of terrorist groups torn by tactical disputes and personal rivalries but united by the common aim of wiping out the state of Israel. Its leaders are self-appointed and they have maintained themselves in power by using terror against their own people—they are responsible for international kidnapping, hijackings, and terror."

The PLO's basic document, the Palestinian National Covenant of 1968, declares that Israel has no right to exist, that the 1947 agreement partitioning Palestine and establishing the State of Israel should be declared null and void and that armed struggle is the only way to liberate Palestine.

Are these the kind of statements we can expect to lead to responsible and sincere negotiation? Or only to more war and bloodshed?

The Richmond Times-Dispatch, on November 16, 1974, reminds us that "this is the same Yassir Arafat who has been accused of giving orders to the Black September thugs who murdered American charge d'affaires George C. Moore and Belgian charge d'affaires Guy Eld in the Saudi Arabian Embassy in Khartoum, the Sudan on March 2, 1973. Do we forget so soon? Does a fresh shave and flowery rhetoric make a statesman of a pistol-packing desert rat?"

Mr. Speaker, only one party in the Middle East has expressly shut the door to negotiation as the road to peace. Only one party has denied the existence of Israel and has denounced any negotiations which permit Israel to remain on the continent. All of the other parties to the Arab-Israeli dispute are willing to talk to each other, are willing to sit down with each other. We do not minimize their differences, for there are vast areas still in dispute and peace often seems far away—but at least none of these other parties has declared its inten-

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tion to participate in no procedure which results in the preservation of Israel. Only the PLO has done this. The manner in which the United States responds to these threats will determine the future of freedom and liberty in the world.

Perhaps the PLO is hoping that a new energy crisis in the United States, combined with a renewal of the Arab oil embargo, will make the American people tire of Israel and want to sell out our principles and our ally for oil. They should not delude themselves. Our Nation did not knuckle under to this kind of blackmail last year and we will not do so this year.

No, Mr. Speaker, as long as the world continues to bow down to terrorists there will only be bleak prospects for any lasting peace in the Middle East. We can hardly expect any nation to negotiate its own existence, and yet this is exactly what Israel would have to do in negotiating with the PLO. How can we expect Israel to sit down at the bargaining table with a group that has publicly declared its commitment to her destruction?

Now more than ever, is the time for our Nation to stand firm beside Israel. We must make clear we will neither tolerate nor be bound by the ridiculous decrees of the Arab puppet coalition in the U.N., and will not flinch from our staunch support of Israel.

Our Nation is the only real friend that Israel has. We must not desert her in this hour of need.

POLITICAL PATRONAGE IN THE CIVIL SERVICE COMMISSION AND THE GSA

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. EAGLETON. Mr. President, on October 17, 1974, I submitted for the Record a series of articles in the St. Louis Post-Dispatch which reported allegations of illegal hiring practices of the Civil Service Commission and the General Services Administration.

This excellent investigative reporting has continued, and in an attempt to bring this serious abuse of political patronage to the attention of Congress, I ask unanimous consent that the latest articles on this subject be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch, Nov. 13, 1974]

GSA SPECIAL TREATMENT FOR REPUBLICAN'S BROTHER

(By Lawrence E. Taylor)

WASHINGTON, Nov. 13.—Two high-level federal officials apparently played roles in giving red-carpet treatment in 1969 to the job-hunting brother of a Republican with influence in the Nixon Administration.

The officials are Robert L. Kunz, former administrator of the General Services Administration, and Daniel T. Kingsley, a for-

mer commissioner of the agency. Kunz is now a judge on the United States Court of Claims. Kingsley's nomination for a seat on the Federal Power Commission is expected to be sent to the Senate soon by President Gerald R. Ford.

The name of a third top government official, Civil Service Commission chairman Robert E. Hampton, has also been raised in connection with the case, but his role has not been determined.

Documents obtained by the Post-Dispatch show that Kunz and Kingsley figured in a 1969 effort by the General Services Administration to find a job for Donald C. J. Gray, brother of Robert K. Gray, who was Cabinet secretary under the late President Dwight D. Eisenhower.

Robert Gray has been the occasional escort of Rose Mary Woods, personal secretary to former President Richard M. Nixon.

In September 1969, Robert Gray, then a vice president in the Washington office of Hill and Knowlton, Inc., a public relations and lobbying firm, wrote Kunz to tell him that Donald had sold his Hastings, Neb., farm and was "looking for non-Nebraska pastures for his future."

Robert Gray noted that his brother, then 49 years old, was "quite a guy" and attached a resume of Donald's business career.

This letter set off a series of events that resulted in General Services Administration officials apparently violating Civil Service rules in their eagerness to find a career job for Donald Gray.

Civil Service rules require that such career Government jobs be filled only after qualified applicants are competitively screened.

In Donald Gray's case, this rule apparently was all but ignored, although his friends have insisted that he was not aware he received special consideration. Gray would not talk with a reporter and did not return telephone calls made to his office.

The red-carpet treatment for Gray included arranging interviews for him with top officials at General Services Administration, obtaining White House political clearance and offering him a job before the Civil Service requirements for the position had been met.

Gray noted with pleasure his reception in an Oct. 8, 1969 letter to administrator Kunz. "The privilege of numerous interviews has provided me a broad view of GSA and I am impressed with the constant high quality of the people you have assembled in your team," he wrote.

At the top of the letter a hand-written notation appears: "Rod, what are we doing on this?"

This was an apparent note to Rod Kreger, assistant administrator at the agency under Kunz. Kreger and his assistant, Donald J. LeMay, had already done quite a bit, records show.

They had scheduled interviews for Gray with the agency's three commissioners in charge of various departments. One of these commissioners, Kingsley, had responded by saying that he would take Gray as a deputy director of the special program division, a post then paying about \$20,000 a year.

In an interview, Kingsley denied any knowledge of special treatment for Gray.

In a long career in private business, Gray had been a design engineer for aircraft and helicopter programs and had moved on to management jobs in the industry. Later, he worked for a Hastings, Neb., grain bin manufacturer before starting his own irrigation business.

Kingsley said he could not remember whether he had interviewed applicants other than Gray for the job.

Kingsley denied offering Gray any job before the necessary Civil Service requirements were met.

LeMay, however, did offer Gray a job 22 days after Kingsley said he had a post open

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and well before the Civil Service acted on the application.

Kingsley said in the interview that "LeMay was not qualified to offer him (Gray) a job."

When LeMay made the job offer, an official at the General Services Administration apparently talked with Civil Service Commissioner Hampton about Gray.

A hand-written note in the file says, "Bob Hampton called about Don Gray." The unsigned note is dated Oct. 24, four days before LeMay made the job offer to Gray.

A Civil Service spokesman said Hampton would not respond to questions about the case because a civil lawsuit was pending on related subject.

Hampton and two other Civil Service commissioners are being sued by GSA employees who face disciplinary action by the commission for allegedly violating rules and giving politically favored job applicants special treatment. The two employees allege that Hampton was aware of the favoritism and took part himself in a political referral system.

Hampton has denied the charge. He has also been implicated in other cases of political job-finding for favored applicants.

His role in the Gray case is less certain, however.

The Civil Service Commission refused at first to certify Gray for the General Services Administration job and twice said he was not qualified, GSA documents show.

Eventually, Gray submitted a more detailed resume of his activities, and in December he was certified by the commission.

In that same month, the Civil Service Commission convened a panel to evaluate all applicants for the job that was to be given to Gray. Whether there were other applicants, or whether any were recommended to GSA along with Gray, could not be learned.

In a Dec. 16 memo to Kunz, Kreger said that the commission would not certify Gray for the job "until the results of our job advertisement is known."

Kreger continued: "This means that we will not be able to put Donald Gray into the position in property management and disposal service until the week of Jan. 12, 1970. We could, however, put him on as a consultant if you so desire."

Kreger informed Kunz that he had taken steps to ensure that similar delays in certifying other chosen job candidates would not occur.

Kunz, through a law clerk in his judge's office, refused to discuss the case. The clerk said the Court of Claims had a policy of not allowing its judges to discuss outside matters.

The abuse of consultant programs by hiring unqualified or politically favored persons for special work has been another area of difficulty alleged at GSA.

In Gray's case, however, there is no indication that he was hired temporarily as a consultant to tide him over until his job appointment came through.

He was officially hired on Jan. 19, 1970, and the formal announcement was made by Kingsley.

Kingsley left the agency about a year later and joined the White House staff as a special assistant to former President Richard M. Nixon.

The Senate Watergate Committee has reported that in his White House job, he engaged in "a program to ensure that political considerations were taken into account in Government staffing long before the 1972 election campaign began."

This personnel operation was part of a system called the "responsiveness program" and labeled by Senate investigators as a violation of Civil Service regulations and some federal laws.

Kingsley has denied that he acted im-

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properly in the program and says he is eager to testify before the Senate Commerce Committee on his nomination to the Federal Power Commission.

The nomination, made by Nixon last summer, expired automatically in the current 30-day congressional recess. Kingsley said he expected President Ford to resubmit the nomination.

An investigator for the Commerce Committee said that Kingsley "was always around where something improper was taking place." The investigator said, "He never initiated anything, but he was always willing to go along."

[From the St. Louis Post-Dispatch, Dec. 5, 1974]

NAMES GSA LEADERS IN ALLEGED JOB PATRONAGE RING
(By Robert Adams)

WASHINGTON, Dec. 5.—Arthur F. Sampson and Robert L. Kunz, the present and former heads of the General Services Administration, were personally involved in an alleged patronage ring at that agency, the man who said he ran the operation has told federal investigators.

Donald J. LeMay, who was in charge of the "special referral unit" at GSA from 1969 to 1971, named both men under oath in a series of affidavits given to the Civil Service Commission.

The affidavits, copies of which have been obtained by the Post-Dispatch, directly implicate Sampson and Kunz in an operation which the commission has said illegally pulled strings to place favored candidates in career federal jobs.

By law, such career jobs are to be filled on merit. Political considerations and preferential treatment are forbidden.

In his sworn statements, LeMay said that Sampson would sometimes give a direct order that action be taken if his subordinates were having trouble placing someone.

LeMay described an incident in which Kunz said he was going to call a General Services Administration official "and tell him to find a job" for a man who had a friend at the White House. The man later got a job at the federal agency. Kunz now is a judge in the U.S. Court of Claims.

LeMay described also a system of "trade-offs" designed to curry favor in the General Services Administration with powerful men on Capitol Hill. "If it was not possible to build a building in a particular Congressman's district, perhaps a friend of his could be hired," LeMay said.

In addition, LeMay charged that pressure from the White House had been applied to get a career job for an applicant who had a friend on the White House staff.

The General Services Agency is the agency that runs buildings and buys supplies for the Federal Government.

LeMay's present title is director of the agency liaison division in the federal agency. During the September 1969-November 1971 period, when LeMay headed the "special referral unit" Kunz was agency administrator and Sampson was commissioner of the agency's federal supply service and its public buildings service. President Richard M. Nixon appointed Sampson to succeed Kunz as administrator in 1972, after Nixon named Kunz a judge.

The Post-Dispatch previously has quoted documents that appear to indicate involvement by both Sampson and Kunz in the alleged patronage ring. Disclosure of LeMay's affidavits marked the first time that a leader of the referral unit had implicated them under oath.

Detailed accounts of LeMay's charges were read to aids of Sampson and Kunz by the Post-Dispatch. Both men, through the aids, refused to comment.

One aid said that Sampson felt constrained

because the question of civil service violations at the General Services Administration is in litigation. He said Sampson believed it would be an abuse of the power of the press if LeMay's accusations were published now.

LeMay was one of eight staff members and officials at the General Services Administration charged by the Civil Service Commission last January with violating civil service laws. The Commission recommended that LeMay be discharged.

Last summer, the commission agreed to reduce the recommended penalty to a 60-day suspension in exchange for his co-operation. Three of the eight persons charged have gone to court to challenge the commission's authority to discipline them.

The commission has charged that the special referral unit engaged in giving illegal preferential treatment to jobseekers referred by political sources.

In his affidavit on Sampson, LeMay said Sampson knew favors were being done, and was involved in doing some himself.

LeMay said that when he told Sampson that certain persons should be given special treatment the reaction was "generally dubious." But LeMay added: "He did not seem to be concerned about the propriety of the decision to accord such preferential treatment, but rather with his desire to favor candidates whose placement would most further his personal advancement. He seemed to be interested only in applicants from Pennsylvania."

Both Sampson and Kunz are Pennsylvania Republicans. The Post-Dispatch has previously reported that Pennsylvanians often seemed to receive favored treatment at the General Services Administration.

LeMay said that Sampson would pass on his instructions to his deputies, Larry F. Roush and John Price. "If Mr. Roush or Mr. Price experienced problems in placing an individual, and if Mr. Sampson wanted a particular action taken, Mr. Sampson would contact the operating official and direct that it be done," the affidavit said.

LeMay said Sampson also was involved in processing "special referral" applications other than LeMay's. "His involvement was with Pennsylvania applicants who were referred to him through his own sources," LeMay said.

LeMay said he would learn about these accidentally, when Roush or Price would report to him on a job-seeker, and LeMay would not know about it. "They would then say that it must be one of the commissioner's," LeMay said.

Price would report to him on a job-seeker, and LeMay would not know about it. "They would then say that it must be one of the commissioner's," LeMay said.

LeMay stated that when Sampson was head of the supply service and building service "he was responsible for ensuring the co-operation of FSS and PBS personnel with my office in the processing of special emphasis cases . . . When Mr. Sampson became administrator, he assumed over-all responsibility for the entire agency-wide program."

With respect to Kunz, LeMay said that he, too, knew that certain persons were getting preferential treatment, and took part in giving such preference.

LeMay said he did not think Kunz was aware of whether other, bona fide candidates were being considered. "In cases in which the political motivation to place a particular candidate was paramount, he would not have cared," LeMay said. "In other cases, if he knew that a better qualified or a minority candidate had been brushed aside, he would have cared."

LeMay said his opinion on this was based on the receipt of "specific instructions regarding special referral cases from Mr. Kunz, through Mr. Corneal. Also, I have been called into the administrator's office on one or two occasions to detail my activities con-

cerning certain cases. He also complimented me on my work."

Bruce Corneal was Kunzig's personal assistant and is one of the eight charged with violations.

LeMay cited three specific cases that he said indicated Kunzig's personal involvement in doing favors for some candidates: The cases of John J. Jaeschke, Lyle E. Hutchison, and Dwight W. Jones.

LeMay said Kunzig called him into his office on Aug. 13, 1971, to ask about Jaeschke. Kunzig told him that Tod Hullin, a White House aide, had called him about Jaeschke, "and that, when we had a controversial case like this he (Kunzig) would like to be informed," LeMay's affidavit said.

According to LeMay, he told Kunzig that Rod Kreger, who was then the No. 2 man at the General Services Administration, had asked the agency's transportation and communications service (TCS) for a decision on Jaeschke that day.

"Mr. Kunzig said he was going to call Bill Foote, deputy commissioner of TCS, and tell him to find a job for Jaeschke," LeMay said.

In another affidavit, LeMay speaks of receiving pressure from the White House to place Jaeschke despite "bad references" on him.

He said that Allan Kaupinen, who was then at the White House, told him that his supervisors "were putting pressures on him to find something" for Jaeschke. "He, in turn, started putting pressure on me," LeMay said of Kaupinen.

"His phone calls were frequent and, when I told him we had received bad references on Jaeschke, Mr. Kaupinen personally escorted me into the inner sanctum of the White House (Mr. Ehrlichman's offices) with Tod Hullin for a pep talk. Mr. Kaupinen also suggested that the Jaeschke case was so 'hot' that Mr. Ehrlichman might want to speak personally to the administrator about him," John D. Ehrlichman was chief domestic adviser to President Richard M. Nixon.

In a telephone interview, Foote acknowledged getting a call from Kunzig. He said it was the only call on a personnel matter he recalled getting from him.

Foote said Kunzig asked him to speed up the reference checks on Jaeschke. Foote said that although Kunzig did not demand that Jaeschke be hired he gathered that this was Kunzig's desire.

He said he had already interviewed Jaeschke and found him qualified and that he told Kunzig this. "When he says 'Speed it up,' you don't need to ask questions twice," Foote commented.

"We knew he (Jaeschke) had a White House connection, and it didn't surprise me that Mr. Kunzig would be interested."

Jaeschke was hired shortly afterward as a traffic management specialist at a GS-12 level under Foote. He is now a GS-13, for which the salary range is \$17,500 to \$23,000 a year.

Hullin, who is still at the White House, acknowledged talking to Kunzig about Jaeschke. "I said: 'I know you don't look on GS-12's, but he's a good guy, and if you can help him get an interview with the right guy, it would be appreciated,'" Hullin told the Post-Dispatch.

Jaeschke said he had not known of any string-pulling on his behalf. Kaupinen, who later went to the General Services Administration and was one of the eight charged in the alleged patronage ring, deemed pressuring LeMay to hire Jaeschke.

On the Hutchison and Jones cases, the Post-Dispatch reported earlier that both Kunzig and Robert Hampton, chairman of the Civil Service Commission, appeared to be involved.

LeMay said that on Nov. 3, 1969, Corneal gave Kunzig a note saying that Hampton and a prominent Republican were recom-

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mending Hutchison. The note said that Michael Norton, who was then an aid to Kunzig, knew Hutchison and "says he's a dog." LeMay said Kunzig wrote back: "Have Norton see me."

On March 25, 1970, LeMay said, Kreger wrote a note to Kunzig telling him that Hutchison was being given a career job after being considered a "must case."

"Mr. Kunzig wrote 'fine' on the memo and returned it," LeMay said.

On the Jones case, LeMay cited a Jan. 15, 1971, memorandum from Kreger to Kunzig saying that Hampton had referred Jones, who was a cousin of Texas Republican Representative. "I told Bob Hampton that I knew you would want to do everything possible to help," the memorandum said. "I gave the papers to Jack LeMay and asked that he give this matter urgent priority."

At another point, LeMay said, Kreger wrote Kunzig a note telling him of the special efforts to place Jones. LeMay said that Kunzig wrote back "Let's do all we can—I agree—Thanks."

Jones was later given a career job in the Kansas City regional office of GSA.

[From the St. Louis Post-Dispatch, Dec. 6, 1974]

TELLS OF HIRING ORDERS BY WHITE HOUSE (By Robert Adams)

WASHINGTON, Dec. 6.—The White House sent some job seekers as "must cases" to the General Services Administration and other federal agencies as part of what apparently was a government-wide patronage system under the Nixon Administration, federal investigators have been told.

The system, which involved a thick manual of instructions and an elaborate reporting procedure, was outlined by Donald J. LeMay, a General Services Administration official, in affidavits given to the United States Civil Service Commission.

LeMay, who ran the "special referral unit" at the agency from 1969 to 1971, gave details about the alleged patronage operation.

The Civil Service Commission has charged the referral unit with doing illegal favors for job candidates.

LeMay alleged that improper checks into whether a job-seeker was a Republican or a Democrat were made by at least five agency staff members. He said that when great interest in a job candidate was shown by a powerful political figure, special efforts were made to get the applicant a job.

LeMay reported also that the agency "was and is especially solicitous" of persons referred by politicians from Pennsylvania. LeMay said in his sworn statements, that each application from that state was marked by a piece of note paper on which Pennsylvania was written in large letters.

Both Arthur F. Sampson, the present head of the General Services Administration, and Robert L. Kunzig, his predecessor, are prominent Republicans from Pennsylvania. LeMay said Kunzig's personal assistant told him in at least two cases that Kunzig "would like to help out" Senator Hugh Scott of Pennsylvania, the Senate Republican leader and a political associate of Kunzig, by placing a job candidate.

Federal law requires that career jobs in the Federal Government must be filled strictly on merit. Civil Service regulations prohibit political patronage or other favoritism in such jobs.

LeMay is director of the General Service Administration's agency liaison division. He headed the special referral unit there from September 1969 to November 1971.

In that time, Kunzig was administrator of the agency and Sampson was commissioner of the agency's federal supply service and public buildings service.

Sampson became administrator in 1972, after Nixon named Kunzig as a judge on the

U.S. Court of Claims. The Post-Dispatch reported yesterday that LeMay swore both Kunzig and Sampson were involved in the alleged patronage ring.

LeMay was one of the eight GSA staff members charged by the Civil Service Commission last January with violating Civil Service laws. LeMay should be dismissed, it reduced its recommendation to a 60-day suspension after LeMay agreed to co-operate with its investigation.

LeMay said the White House used a priority system involving at least three categories. The first was a "must." This meant, LeMay said, that "the agency was required to place the individual."

The second was "high priority." LeMay said this meant that "several job interviews were required and that every effort should be made" to place the individual.

The third category, LeMay said, was "courtesy interview."

"This priority system was used on a government-wide basis," LeMay said. "I know this to be the case because: (1) Acquaintances at the White House and in other agencies so informed me; and (2) the White House representative who introduced the program informed us that it was a Government-wide program."

LeMay said a team of White House officials dropped off a manual to be used in handling job-seekers referred from the White House. He said it was "a fairly thick, unbound document."

Besides the priority system, LeMay said, the manual contained reporting formats and gave reporting deadlines. "As I remember, the deadlines were monthly," LeMay said. "The reports required included names, dates received, date interviewed, etc., status reports, category of referral, home state of the applicant, ethnic background, etc."

Despite the interpretation placed on the "must" designation, however, LeMay said the General Services Administration sometimes told the White House it could not use an individual, and there were no repercussions.

In testimony before the Senate Watergate Committee earlier this year, Frederic V. Malek, the Nixon Administration official who drew up the controversial "Responsiveness Program" for politicizing the bureaucracy, admitted that special referral units existed in most agencies. But Malek contended that the intention was to respond to White House and congressional requests rather than violate the law.

The Civil Service Commission, however, has uncovered evidence indicating that such laws were apparently violated at the General Services Administration the Department of Housing and Urban Development the Department of Health Education and Welfare, and possibly several other agencies through the referral units.

LeMay cited five agency staff members who he said had made political affiliation checks on career job-seekers. The five were Rod Kreger, who was then the No. 2 man at GSA; Michael Norton, now the agency's regional administrator in Denver; F. Bruce Corneal, who was Kunzig's personal assistant; Robert Yock, an assistant general counsel, and Oliver Thurman, now commissioner of the regional federal supply service in San Francisco.

"I have occasionally been present in offices when such checks were made, and I have left files with certain officials so that such checks could be made," LeMay said. He said he was sure others besides the five men he cited were involved.

LeMay described a stairstep progression by which individuals were rated, with the help of the improper political checks.

"If high interest was expressed by a top political figure... and if the applicant was well qualified, we would go all out and generally he would get a job," LeMay said.

"If the applicant was minimally qualified,

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but still enjoyed strong support, we would still refer him out and try to help, regardless of his political affiliation or that of his sponsor.

"If the candidate was a well-qualified Republican but did not have any great degree of support, we would refer him out to see if he could be matched up with a job."

"If the candidate was a well-qualified non-Republican without any great degree of support, we would refer him to personnel to be handled through regular channels."

"If the candidate was minimally qualified and enjoyed no great degree of support, we would return his application," LeMay said.

LeMay gave two examples in which political checks for career jobs—which are against the law—were allegedly made. The first involved Peter T. Glading, who was being considered for the job of director of sales for the property management and disposal service in January 1970.

LeMay said Norton indicated that he had made several calls to the office of Senator Charles M. Mathias, Jr., a Maryland Republican, to find out Glading's political leanings. But Norton indicated that Glading was not a registered voter and Mathias's office had not been able to find out which party he belonged to.

It later developed that Glading had been recommended indirectly by a member of the Nixon Inaugural Committee. He eventually got the job.

A spokesman for Mathias said his office sometimes did make political registration checks at the request of agencies, but assumed it was for non-career jobs. "I think we'd have very little tolerance for being sucked into playing political games, if that's what happened," he said. Glading said he had not known a check had been made on him.

The second case was that of Lawrence A. Davis, who applied for a job as director of the General Services Administration's office of environmental affairs in November 1970. LeMay said Norton told him Kreger thought Davis "sounds good if GOP."

Davis, however, turned out to be a Democrat. "I sent my application in, and that's the last I heard," Davis told the Post-Dispatch.

Norton, Yock and Thurman said they could not recall making or ordering such political checks. Kreger and Corneal refused to comment.

"I was shocked when I saw that," Yock said. Asked about LeMay's allegations in general, Norton declared: "I think it's hogwash."

On the Pennsylvania referrals, LeMay said he was told to keep Corneal, Kunzig's aid, advised of the status of all applications who had Pennsylvania sponsors.

LeMay said Corneal's instructions on Pennsylvania cases usually depended on the urgency of the need to place the individual, on the location and level of the job desired, "and the degree of the administrator's personal interest in the case."

LeMay said he knew that Corneal made political affiliation checks on persons with Pennsylvania backgrounds. He said that whenever an application from Pennsylvania was given him by anyone else, "I was to give the application to Mr. Corneal, who would then advise me if it was 'all right to process' the application."

LeMay said that in two Pennsylvania cases, those of J. Ronald Smith and Harold D. Kitchen, Corneal "told me orally that the administrator would like to place them."

"He said that these two referrals were 'musts' for Senator Scott's office, but not necessarily for GSA," LeMay continued. "In other words, Senator Scott's office felt that it was essential that they place these individuals, but GSA had not accepted these as 'must' cases. Mr. Corneal said, however, that the administrator would like to help out Senator Scott."

Both men got jobs. "The decision to make a strong effort... was not based on merit,

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[From the St. Louis Post-Dispatch, Dec. 11, 1974]

HEAD OF GSA TRIED TO PUSH CAREER OFFICIALS OUT OF JOBS (By Robert Adams)

WASHINGTON, Dec. 11.—Robert L. Kunzig, former head of the General Services Administration, personally tried to maneuver the agency's 10 career regional administrators out of their jobs in 1969 and 1970 in apparent defiance of Civil Service rules, information obtained by the Post-Dispatch indicated today.

A sworn statement given to the Civil Service Commission by Donald J. LeMay, who allegedly ran a patronage operation at GSA for more than two years, said Kunzig, was directly involved in a scheme to oust the agency's top regional officials.

LeMay's affidavit said that Kunzig, who is now a judge in the United States Court of Appeals, had personally visited each regional administrator "to persuade him to vacate his position" after plans were devised to get each one to depart.

In addition, some of the regional administrators who were forced out told the Post-Dispatch that Kunzig had bluntly said his motives were political.

Edward V. Kline, who was administrator for the GSA region with headquarters in New York, said Kunzig told him: "You're one of the best regional administrators we have, but unfortunately you're a Democrat and have to be replaced."

Gerald E. McNamara, who was chief of the Denver regional office, said Kunzig had suggested that he try to get a job with one of the contractors he had dealt with at GSA.

McNamara said Kunzig had told him, in substance: "Certainly, if you have been in this job all these years, you must have done favors for some contractor who will put you on his payroll."

By law, agency officials are forbidden to take politics into account in filling federal career jobs. In addition, Civil Service rules forbid attempts to manipulate a career employee out of his job for reasons other than poor performance.

Today's disclosures marked the latest in a series concerning the purported involvement of Kunzig and others in the patronage scandal at the agency.

The Post-Dispatch reported last week that other affidavits by LeMay had named Kunzig and Arthur F. Sampson, the current administrator of the agency, as being involved in the alleged patronage operation. The Civil Service Commission has charged that special favors were done for some job-seekers at GSA in violation of Civil Service laws.

In his affidavit, LeMay noted that only two of the 10 regional administrators had survived the attempt to oust them—one because of "his exceptional ability," and the other because he was close to retirement.

"I am sure they had also been able to secure some sort of support," LeMay said in an apparent reference to personal or political backing within the agency.

McNamara described his experience with Kunzig in a letter to Representative David N. Henderson (Dem.), North Carolina, chairman of the House subcommittee on manpower and Civil Service. McNamara made the letter available to the Post-Dispatch and elaborated in a telephone interview.

When the Nixon Administration took office in 1969, McNamara said, one of the first visitors to the Denver GSA office was Kunzig.

Kunzig "asked how soon I was leaving my position," McNamara said. "I told him that I was neither eligible for retirement, nor was I ready to give up my position for any other reason."

"He (Kunzig) stated that the Administration considered the regional administrator's

job as a political one—not a Civil Service appointment—and that they wanted it filled with Administration people."

McNamara said Kunzig then made the remark about getting a job with a contractor. "I was insulted by this remark," he said. "Mr. Kunzig was taken aback by my attitude. He made several telephone calls from my office to local politicians inquiring as to their availability for appointment to my position."

McNamara said that several months later he was told a job was being set up for him in Washington as "special assistant to the special assistant to the administrator." He said he believed that the post was a sham and that he would be transferred indefinitely from place to place. He resigned that October.

McNamara had been head of the Denver regional office since 1962. His replacement, a Republican political figure, later resigned after a controversy over a political donation.

LeMay said James Hardgrove, GSA personnel director, had "devised the plan for convincing the regional administrators to vacate their positions. Each situation was different, and the plan was tailored to take advantage of the particular circumstances in each case."

"Once the plan was established, the administrator (Kunzig) personally visited each regional administrator, to persuade him to vacate his position," the affidavit said. He said a follow-up visit was usually made by Hardgrove or Willard L. Johnson, Jr., the former assistant administrator for administration.

Hardgrove and LeMay are among the eight GSA employees who were charged by the commission last January with violating Civil Service laws. LeMay gave the affidavits to the commission last July, and the commission reduced his recommended penalty from dismissal to a 60-day suspension without pay.

The 10 regional administrators at GSA in 1969 were Paul Lazzaro, Boston; Kline, New York; David Phillips, Washington; Wilbur H. Sanders, Atlanta; Robert L. Pendergast, Chicago; Richard W. Austin, Kansas City; John M. McGee, Fort Worth; McNamara, Denver; Thomas E. Hannon, San Francisco, and Eugene R. Thissen, Seattle. Of the 10, only Hannon is still in the same job.

LeMay's affidavit noted that Austin had accepted a transfer to the GSA's Washington office, but at a lower pay grade than he had held in Kansas City. Sanders was transferred to Washington but later left the agency.

LeMay cited several regional heads who were asked to resign or retire. "I remember that Mr. Lazzaro was most unco-operative, and Mr. Hardgrove told me that he really had to work on him," he said.

McNamara told the Post-Dispatch he would be willing to testify under oath at hearings by Henderson's subcommittee on the patronage scandal. The hearings are planned for some time next year.

Thissen described Kunzig as heavyhanded. "He told me the name of the game was politics, and he wanted my job," Thissen said in a telephone interview.

"I was given the choice of being transferred to Washington to a job that was going to be abolished, or retiring." Ultimately, he retired.

Thissen, like some of the other regional administrators, said he talked with Civil Service Commission staff members but was told there was not much they could do: "The local Civil Service people couldn't have done anything about it without the full support of the commission in Washington—and apparently they didn't have it," he said.

Pendergast, who was Chicago regional director, said he reminded Kunzig that his job was a career Civil Service job, not a political job. "That probably was one of my more foolish statements," said Pendergast, who is now retired. "He didn't seem to be

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Civil Service oriented. He was politically oriented."

Austin, who is now deputy assistant commissioner for real property in the GSA's Washington office, said Kunzig "alluded to the fact that it was a new administration, of a different party and a different persuasion."

He said he had accepted the transfer to Washington at a lower-pay grade because it would have been impossible to do an effective job as regional administrator without Kunzig's support in that post.

"I told him, of course, that I had been around for quite a while, and had been loyal in administering the programs of whatever Administration was in office at the time," Austin related. "He said it had absolutely nothing to do with the way the region had been run, but he felt it was essential to have his own selection in the job."

In one of his more unusual visits, Kunzig called on Hannon, of San Francisco, in a hospital where Hannon was recovering from surgery for cancer. He told Hannon he wanted his job, Hannon said.

"He asked me to think about transferring to Washington or to some other agency, or resigning, or something," Hannon said. "At the time, I just was not up to discussing it." Later, however, Kunzig told Hannon he wanted him to stay. Of the hospital visit, Hannon says, "I think there were a fair number of people who didn't think that was the way to handle it."

Joseph B. Scott, assistant general counsel at the Civil Service Commission, said the commission had not had time to investigate since receiving LeMay's affidavits.

When he was told of the comments to the Post-Dispatch, Scott said the charges "raise serious questions and are certainly something the commission would want to look into further. Depending on the facts as they develop, appropriate action would be taken."

Some of the ousted regional administrators were replaced by men on "limited executive assignment," which does not require going through the regular competitive system. The commission has said, however, that such jobs are no less under the merit system than regular career jobs and cannot be filled on the basis of politics.

[From the St. Louis Post-Dispatch, Dec. 12, 1974]
POLITICAL JOB BACKING BY CIVIL SERVICE HEAD
(By Robert Adams)

WASHINGTON, Dec. 12.—Robert E. Hampton, chairman of the Civil Service Commission, personally referred at least 17 job seekers to federal agencies from 1968 to 1974 and passed along political information in at least four of the cases, commission documents showed today.

The great majority of the 17 appeared to be for career jobs, which Civil Service laws say are to be filled strictly on merit without regard to political considerations.

The documents, which were made available by the commission at the request of the Post-Dispatch, could be interpreted as showing that Hampton was himself involved in the kind of patronage activities now being investigated by the commission in several other agencies.

In one case, Hampton forwarded a resume to the Department of Health, Education and Welfare which included the fact that the applicant, Miss Roberta Dorn, had worked for former President Richard M. Nixon in campaigns since 1946. It said also that she had been active in Republican politics in college.

In another case, Hampton passed along to the Department of Housing and Urban Development a letter from a third party saying that the job applicant, George J. Niles, "is a sturdy friend of this Administration."

The documents include papers on Dwight W. Jones and Lyle E. Hutchinson, who later were treated as "must cases" by the General Services Administration and got career jobs there.

The papers show that Hampton sent along to GSA a resume of Hutchinson's stating that he was a registered Republican and had done precinct work. Hampton further told a top GSA official that "if at all possible, he would like to help Representative Robert Price, a Texas Republican, who was a first cousin of Jones."

The documents indicate also that Hampton's office was told by GSA that both Jones and Hutchinson were receiving special attention at that agency, despite civil service rules preventing such favoritism. Hampton, however, apparently did nothing to interfere with the special attention.

In addition, the documents show that Hampton's own staff apparently kept close track of the progress of several of the cases within the commission.

At least 10 separate notations appear on a piece of Hampton's stationery concerning the progress of certification papers on a man named Paul Griffith, who was applying for a career job at the Social Security Administration in 1973.

Hampton was not available for comment. An informed commission source, however, told the Post-Dispatch that Hampton's position has been that he neither did nor intended to do anything improper.

"Mr. Hampton didn't refer anybody with the expectation, or the hope, that he would be treated in a preferential manner," the source told the Post-Dispatch in response to a series of questions about the documents. "He was not playing games with the merit system."

The source acknowledged, however, that a personal referral by the man who is supposed to be the No. 1 watchdog on the merit system could be open to misinterpretation by the receiving agencies.

Some of Hampton's files showed strong personal interest in a case and some showed only nominal interest.

In one case, Hampton noted in a 1968 letter to a Department of Transportation official concerning Col. John G. Dailey that Hampton had worked with Dailey in the Air Force.

"Any consideration you can give him will be appreciated," Hampton said. In a handwritten postscript, he added: "P.S. He's a good man—you may remember him."

The Post-Dispatch first disclosed last September that documents existed linking Hampton to cases in which preferential treatment had allegedly been given to candidates for career federal jobs in violation of the Civil Service laws.

At that time, the Post-Dispatch reported that Hampton had personally referred Dwight Jones, a first cousin of Republican Representative Price, to GSA with the notation: "If at all possible, I would like to help Congressman Price." Jones was treated as a "must" by GSA and got a career job in the agency's Kansas City regional office.

Later, the Post-Dispatch disclosed that Hampton's name was also linked to the case of Hutchinson, who was treated as a "must" despite a highly disparaging reference by a GSA staffer. Hutchinson was given a career job as a specifications writer at GSA.

Questions about Hampton's role in job referrals have also arisen in connection with a lawsuit against the commission filed by

three of the eight GSA staff members charged with operating a "special referral unit" which allegedly did illegal favors for some job candidates.

Court papers filed by the staffers have charged that it is "bureaucratic hypocrisy" for Hampton to sit in judgment on them for their activities on a special referral unit, when Hampton himself was making job referrals.

Hampton, 52 years old, was named as a Republican member of the commission in 1961. He was appointed chairman of the three-member panel by President Nixon in 1969.

In the case of Miss Dorn, the commission documents show that Hampton sent her resume to Robert C. Mardian, who was then an official in the Department of Health, Education and Welfare, on Feb. 4, 1969. Mardian worked for the Nixon re-election committee in 1972. He is one of the five defendants in the current Watergate cover-up trial.

The referral note from Hampton, like many among the 17 cases in Hampton's files, alluded to an earlier conversation with the recipient.

"Bob—as per our conversation, attached is the resume on Miss Dorn," the memo to Mardian said.

The resume in the file indicated, among other things, that Miss Dorn worked for the Nixon-Agnew ticket in 1968, had done volunteer work for Nixon in campaigns since 1948, and "participated in Republican activities" in college. She listed F. Donald Nixon, brother of the former President, as a reference.

Another document in the file indicates that she was discussed earlier with Hampton by Harry S. Flemming, who was then a special assistant to President Nixon.

"A per our conversation of today I am enclosing a resume of Robert Dorn," a memo from Flemming to Hampton dated Jan. 24, 1969, says. "I mentioned to you on the telephone that there are very special circumstances surrounding her case." The memo did not elaborate.

Miss Dorn was considered for jobs at other agencies also, the documents show.

In an interview in September, Hampton told the Post-Dispatch that to the best of his knowledge Jones and Hutchinson were the only persons he referred who actually got government jobs. In discussing the matter today, however, the commission source speaking for Hampton acknowledged that no one had ever checked to see how many of the 17 were actually placed.

Of six that could be readily checked, the Post-Dispatch found that three ultimately received federal jobs, two did not, and one said he was offered a job but turned it down.

Jones and Hutchinson got jobs at GSA, the agency that runs buildings and buys supplies for the Federal Government. Miss Dorn now works in the civil rights division of the Law Enforcement Assistance Administration. Although she declined to discuss the Hampton referral or her current job, another source said her job was a career Civil Service job and not a political appointment.

On the George Niles case, the documents show that on March 10, 1969, Hampton referred his resume to Jack E. Crawford, a HUD official, along with a letter of recommendation from Edward A. McCabe, a Washington attorney. McCabe's letter said of Niles: "He's a good friend, has been active in the field of housing and is a sturdy friend of this (Nixon) Administration."

The letter said Niles was especially interested in a particular job, and that he understood the job could be filled either through Civil Service or through an excepted appointment, which does not fall within the non-political rules. Niles, however, told the Post-Dispatch he felt he was qualified principally for career jobs.

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Hampton got a brief letter of acknowledgment from Crawford at HUD. Later, Hampton wrote Crawford to add that Niles was entitled to a 10-point veteran's preference in seeking a job.

Niles, however, says he didn't get a job. "I went over to HUD and saw people, but I never had anything offered to me," he said.

Title 5, Section 3303 of the United States Code prohibits a person in an agency from acting on, or even receiving, any information on a job-seeker regarding his political party from a Congressman or a Senator. In addition, Civil Service Rule 4.2 provides that all disclosures about political affiliation "shall be ignored" in filling career jobs.

A commission source who declined to be identified defended Hampton's forwarding of the letters on Niles and Miss Dorn which indicated that they were Republicans. The source noted that the job Niles was particularly interested in might have been filled on a non-career basis.

The source defended the inclusion of the information about Miss Dorn's Republican activities in college and her campaign work for Nixon. "That's a legitimate part of her background and experience," the source contended. "The rule says that party affiliation should be ignored, but it doesn't say all references should be expunged from all applications. A prospective employer might want to call the people she worked for in the campaign and find out how well she does her job."

John W. Macy Jr., chairman of the commission from 1961 to 1969, said he was reluctant to criticize Hampton without a detailed knowledge of the specific cases involved, but added:

"The kinds of referrals he apparently made can be misunderstood. It's important to refrain from doing that in any way that would appear to be in conflict with the merit system."

TRIBUTE TO DR. CHAIM WEIZMANN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DRINAN. Mr. Speaker, I would like to share with my colleagues the first part of an excellent statement prepared by the American Israel Public Affairs Committee which pays tribute to "one of the titans" of our times, Dr. Chaim Weizmann.

As November 27 was the 100th anniversary of Dr. Weizmann's birth, this is a fitting moment to trace the development of the State of Israel and the considerable role Dr. Weizmann played in this process.

I highly commend this most informative statement to my colleagues:

Because November 27 is the 100th Anniversary of the birth of Dr. Chaim Weizmann, the first President of the State of Israel, this is a fitting moment to pay a deserved tribute to "one of the titans" of our century, the scientist-statesman who was a Founding Father of the State of Israel, and its first President, whose scientific contributions in two wars and thereafter have placed the civilized world in his debt.

It is also a moment to re-examine the record, to place the problem of the Middle East in perspective, to judge objectively whether the existence of the State of Israel does indeed constitute a historic injustice against the Arabs, as has been charged.

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Such a review is made urgent by the developments of recent weeks. In the course of this month, we have been witness to an extraordinary and insolent attempt to turn the clock backward and to rewrite history in order to destroy the State of Israel.

In the process, the United States has been charged with imperialism; its honor impugned for its support of the State of Israel; the names of George Washington, Abraham Lincoln and Woodrow Wilson invoked to sanction terror and destruction; the Jews of the United States and the world accused of conspiracy against their home countries, of divided loyalties, by reason of their support of Israel; Israel accused of racism and threatened with exclusion from the UN.

The United Nations has lent itself to this insurrection against its *raison d'être*, and its binding decisions by the leader of the Palestine Liberation Organization, according the honors of a head of state to Yasser Arafat, who definitely appeared on the platform of the international agency for peace with a gun on his hip.

Surrender to the PLO effort, if it is underwritten by the United Nations will destroy the meaning of the UN Charter and ultimately, the United Nations itself.

The United States, which has played so large a part in the creation of the Jewish National Homeland in Palestine culminating in the creation of the State of Israel, cannot remain passive in the face of the newest assault designed to place the world in thrall to terror. Obviously, there can be no peace based on terror.

For those of us deeply concerned with achieving a peaceful settlement in the Middle East, it is important that there be no yielding to the blackmail of terror or of oil, both on moral and practical grounds. Blackmail has a voracious appetite—which is never satisfied.

Urgent is a review of the facts in order to give perspective to a policy that can be defined, supported and implemented, to achieve peace.

Let it be noted:

L. THE HISTORIC AMERICAN POSITION ON A JEWISH HOMELAND IN PALESTINE

A. American interest in, and support of the establishment of the Jewish National Homeland dates from the period of World War I.

On November 2, 1917, the British government issued the Balfour Declaration declaring: "His Majesty's government view with favor the establishment in Palestine of a national home for the Jewish people and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in other countries."

The issuance of the Balfour Declaration was obtained by Dr. Chaim Weizmann by many years of intensive effort. It was given to the Jewish people, not to the Jews of Palestine and its intent was the ultimate establishment of a Jewish Commonwealth in Palestine.

In fact, as early as 1922, a Colonial Office White Paper affirmed the Balfour Declaration was "a pledge made by the British government to the Jewish people."

Winston Churchill confirmed this in 1922 and again in 1939, in the course of a Parliamentary debate on the British White Paper, which closed Jewish emigration into Palestine. Winston Churchill, opposing the White Paper, said of the Balfour Declaration:

"It was not made to the Jews of Palestine. It was not made to those who were actually living in Palestine. It was made to world Jewry and in particular, to the Zionist asso-

ciations. It was in consequence of and on the basis of this pledge that we received important help in the war, and that after the war we received from the Allies and Associated Powers the Mandate for Palestine. This pledge of a home, of refuge, of an asylum was not made to the Jews in Palestine, but to the Jews outside Palestine, to that vast, unhappy mass of scattered, persecuted, wandering Jews whose intense, unchanging, unconquerable desire has been a National Home."

On February 13, 1931, the British Prime Minister in a letter to Dr. Chaim Weizmann, then President of the Jewish Agency, said that the undertaking (the Balfour Declaration) and the Mandate "is an undertaking to the Jewish people and not only to the Jewish people of Palestine."

B. Prior to its issuance, the Balfour Declaration had been passed on and approved by President Woodrow Wilson.

On March 3, 1919, President Woodrow Wilson declared: "I am persuaded that the Allied Nations, with the fullest concurrence of our own government and people, are agreed that in Palestine shall be laid the foundation of a Jewish Commonwealth."

On February 19, 1918, the Balfour Declaration was approved by the French government, on May 18, 1918, by the Italian government.

On April 25, 1920, it was approved by the Allied Conference at San Remo, where the Mandate for Palestine was assigned to Great Britain.

Three years later, the Mandate came into force, when it was ratified by the Council of the League of Nations, giving recognition to "the historical connection of the Jewish people with Palestine and to the grounds for constituting their National Home in that country."

Fifty-five countries agreed to the terms of the Balfour Declaration and the Mandate.

C. On December 3, 1924, a convention was signed by the United States and Great Britain, in which the United States reaffirmed the endorsement of the Balfour Declaration, accepted the terms of the Mandate for Palestine as defined by the Council of the League of Nations on September 29, 1923, and set forth the rights of the United States with respect to the decisions on Palestine as equal to those of the Member Nations of the League of Nations.

D. Successive American Presidents of the United States who followed Woodrow Wilson in office, Warren Harding; Calvin Coolidge; Franklin D. Roosevelt; John F. Kennedy; Harry Truman, committed themselves to the support of the creation of a Jewish State.

E. The Congress of the United States, in 1922, 1924, 1942, 1945, by resolution; and by declaration submitted to the President of the United States, called for the United States to expedite the building of the Jewish National Homeland in Palestine.

F. In June 1944 and July, 1944, the Republican and Democratic conventions each adopted resolutions calling for free Jewish emigration into Palestine and the establishment of a Jewish Commonwealth there.

G. At the end of World War II, with the confirmation of six million Jews massacred in the gas chambers and ovens of the Nazis, President Harry S. Truman accepted the challenge to conscience, and opened initiatives for an open-door policy to admit the Jewish survivors to Palestine. Winston Churchill, defeated in the election, following the end of the war was succeeded by Ernest Bevin. He refused to approve President Truman's request, and the effort failed.

H. When the issue came to the United Nations, in 1947, and Britain announced its intention to relinquish the Mandate over Palestine, President Truman's support was de-

clive in the outcome of the vote on the UN Partition Resolution. The United States was the first country in 1948 to recognize the new State of Israel, established under the terms of the November 29, 1947 United Nations Partition Resolution.

LETTERS SHOW CONFIRMING ROCKEFELLER VICE PRESIDENT A WISE ACTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. SMITH. Mr. Speaker, yesterday this House of Representatives confirmed the nomination of Nelson A. Rockefeller to be Vice President of the United States. That this was a wise action is further attested by the following two letters which I am delighted to share with my colleagues.

O. K. ARMSTRONG,
Republic, Mo., December 18, 1974.

HON. HENRY P. SMITH III
Member of Congress from New York,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SMITH: In line with our recent conversation, I appreciate this opportunity to send to you, and for the Record, my hearty endorsement of Hon. Nelson A. Rockefeller to be the next Vice President of the United States.

I am a former member of Congress from Missouri, and since 1944 have been a member of the Editorial Staff of Reader's Digest.

Back in early 1950 I had the pleasure of doing research for an article on the work of Nelson A. Rockefeller in Peru, South America, in assisting the government and private industry of that country to move forward in economic production and growth. The article was first published in the July 1950 issue of NATION'S BUSINESS, with the title "American Partners in Progress."

Since that time I have had the honor to write many articles referring to the tremendous contributions Mr. Rockefeller and his family have made to industrial and social progress, at home and abroad. Governor Rockefeller's almost countless gifts have benefitted humanity in education, in medical and scientific research; in support of religious causes; in assistance to the progress of minorities—especially to black people.

I deeply regret that not more of this aspect of the generosity of Governor Nelson A. Rockefeller and his family was brought out at his hearing on confirmation before your Judiciary Committee. Like millions of other American citizens who know about and appreciate Rockefeller's generous stewardship of his wealth, I am delighted that he is willing to continue to serve the people of this nation as Vice President.

Cordially yours,

O. K. ARMSTRONG.

THE REVEREND

HUBERT C. MATHEWS, D.D.,
Springfield, Mo., December 3, 1974.

TO THE JUDICIARY COMMITTEE,
House of Representatives,
Washington, D.C.

DEAR MEMBERS: After starting out as a boy preacher in 1913 and holding pastorates of churches in Missouri, Nebraska, California and Massachusetts, beginning in 1918 and extending forty-five years, I retired as an active pastor in 1963, and now live in Springfield, Missouri.

Upon my retirement I was accorded a pension under a plan of the Ministers and Mis-

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sionaries Benefit Board of the American Baptist Churches of the U.S.A.

This pension plan was made possible by generous gifts from many people. By far the greatest gifts, however, came from the Rockefeller family to what was then known as the Northern Baptist Convention. The pension greatly assists in providing living expenses for my wife and me.

Many thousands of ministers in many denominations all over the United States have been assisted in a similar manner by the stewardship of the Rockefellers in the use of their wealth.

I send to your committee this letter to call attention to the help the family of former Governor Nelson A. Rockefeller has been, and continues to be, to ministers and religious workers.

Very truly yours,

HUBERT C. MATHEWS.

ROTARY INTERNATIONAL ESTABLISHES GOOD WILL BETWEEN CALIFORNIANS AND PAKISTANIS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. EDWARDS of California. Mr. Speaker, I wish to bring to the attention of my colleagues one of the most impressive programs of good will and international cooperation that has come to my attention in recent months. Through the sponsorship of the Rotary International Foundation, an exchange program between the people of Pakistan and the people of California has been established. As a result, in January a delegation of outstanding young Californians, two of whom I am proud to represent in my congressional district, will have the opportunity to visit Pakistan, meet with their counterparts in business and government, and share ideas which I know will be of mutual benefit and value.

The members of the California delegation include Richard L. Henning of Cupertino, who is assistant dean of students of Foothill Community College; Robert A. Nelson, Sr., of Fremont, city clerk and management services director for the city; Harvey J. Kiekelson of Santa Cruz, who is an executive for Wells Fargo Bank; Robert W. Peters, Sr., of Palo Alto, the supervisor of physical education and athletic programs for Palo Alto Unified School District and football coach for Cubberly High School; Nicholas J. Randall of Hayward, a sales executive for Field Enterprises Education Corp.; and Frederick J. Styles of Saratoga, who works for the deputy director of NASA Ames Research Center.

I regret that time does not allow me to elaborate on the impressive individual accomplishments and achievements of these young men. Each one has excellent credentials, and, as a delegation, I feel they will represent us with great credit.

I wish them well on their exciting and rewarding journey. And I wish to extend my compliments and gratitude to His Excellency President Sulfikar Ali Bhutto and the Government of Pakistan, without whose cooperation this outstanding opportunity would not be possible. We are

all grateful to President Bhutto and the Pakistani Government, as well as the Rotary Foundation, district 517, for fostering this important program of international cooperation and good will.

INDIAN ARBITRATION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FAUNTROY. Mr. Speaker, the trade bill has occupied the Congress intently in recent days. Certain representations were made on the floor of the Senate in the course of debate on the bill concerning a friendly but sensitive government. I speak of the remarks of Senator TAFT, of Ohio, concerning the Government of India, made on December 13 as the Senator introduced amendment No. 2070 to the Senate bill. I believe that our relations with a country such as India should not be prejudiced by the omission of relevant facts. There is another side of the story that I should like to place in the Record.

I make no comments on the merits of the Taft amendment, which would deny certain preferential tariff treatment to any country which "fails to act in good faith" in recognizing arbitration awards in favor of U.S. citizens or companies. I do, however, believe that the amendment should be considered with all the available facts, accurately reported.

First, Senator TAFT stated that:

I am extremely concerned over the apparent refusal by the Indian Government to honor its contracts and to accept arbitral awards rendered in favor of Americans.

If one surveys the balance of the statement, one finds that the target of Senator TAFT's criticism—with the exception, dealt with below—is in reality the Indian corporation with whom American companies deal, not the Government of India. Although there is a vast tendency to identify all Indian corporations with their Government, there is in law and fact all the difference in the world. When one is speaking of Indian corporations, it is not fair to speak of an "apparent refusal by the Indian Government to honor its contract." There has been no such refusal by the Indian Government insofar as I am aware.

Second, Senator TAFT then stated that the "Indian Government has refused to honor arbitration awards made in favor of American parties," but instead has "thrown" these awards to its own courts for redetermination of the issues on the merits, "thus defeating . . . determination by an impartial tribunal."

This is an inaccurate concept of what goes on in these matters. Arbitration awards proceed out of arbitration, which is agreed to by contract—in this case between United States and Indian parties. These awards, in India and in the United States, are binding on the parties, unless the parties agree to review of the award by the courts or the award violates provisions of substantive

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law. Then—in the United States or in India—the parties, by negotiations, choose in their contracts which country courts shall have jurisdiction. In each case in which Indian courts have taken jurisdiction over these matters, this was the choice of the contracting parties. And in each such case, resort to that court was made because the parties had originally agreed to court review of the awards, or because the award violated the law. Again, this type of review is guaranteed by our own law.

Third, Senator TAFT also points out that review of the arbitral awards by Indian courts violates the Arbitral Awards Convention of 1971, to which the United States and India are both signatories. It is hard for me to see why this is so, especially since there has been no contention whatsoever by our own State Department that this convention has been violated in any way. The fact of the matter is that current arbitral procedures in India and in the United States both comply fully with the Convention.

Fourth, Senator TAFT refers to the grievance of an Ohio corporation which contracted to construct a turnkey plant for the production of fertilizer in India. The other contracting party was an Indian corporation. A dispute arose over the contract and the parties went to arbitration. The Indian party then asked for review of the award by an Indian court for the reason that the award itself violated the law.

The essential fact, as I understand it, was that both parties—the American and the India companies—had agreed in their contract that any dispute arising under the contract or in arbitration would be resolved by an Indian court. As were all terms of this contract, this agreement was negotiated and agreed to freely by the American company.

Fifth, it was also contended that the Government of India maintains a policy that all commercial arbitrations must be conducted in India, allegedly at great expense to American contracting companies. The particular Indian company involved in the dispute with the Ohio company was owned by the Government of India, but this is not generally true of Indian companies. It may well have been that the Government of India as a stockholder in that particular case insisted on arbitration in India. But it is misleading to spin from that the conclusion that all Indian companies, publicly or privately owned, insist on this. There simply is no such governmental policy regarding arbitration and if there were, American companies negotiating with their Indian counterparts could simply refuse to agree to it. That is certainly open to them.

Sixth, finally, Senator TAFT stated that:

Indian Courts have been notoriously prejudiced against American parties.

Anyone who has had any contact with Indian courts becomes instantly aware of their tradition of fierce independence, not only from the parties before them, but also independence from any dictates of the executive arm of their own government. The controversy over the nationalization of Indian banks taught the Indian Prime Minister this lesson.

EXTENSIONS OF REMARKS

We should legislate in trade matters with all the facts before us, as accurately reported as possible. The foregoing points are offered in this spirit.

HON. HUGH CAREY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. STRATTON. Mr. Speaker, I am delighted to join today in honoring HUGH CAREY upon his retirement from the House of Representatives, to become, on January 1, 1975, the Governor of the Empire State of New York. His departure is a great loss to the House, but it is indeed a great gain for the people of my State of New York. HUGH CAREY will surely be another in the great line of Democratic Governors of New York State.

In HUGH CAREY we lose a tireless and knowledgeable colleague. During his 14 years of service to his country and his constituents in this body HUGH CAREY served with distinction on several important House committees, including the Committee on Interior and Insular Affairs and the Committee on Education and Labor. In the Education and Labor Committee he authored numerous laws for the benefit of handicapped children, and was a principal author of the first Federal educational assistance bill, the Elementary and Secondary Education Act of 1965. In 1970, HUGH CAREY was unanimously elected to the Ways and Means Committee and his work on that committee for the people of his State and his country is well known to all of us, especially the legislation for Federal revenue sharing.

In addition Mr. CAREY served on the Joint Economic Committee during this Congress.

Mr. Speaker, HUGH CAREY has been a mover and a leader in this House. His leadership capabilities and his dogged determination were dramatically demonstrated in his remarkable campaign for the governorship of New York this past year.

I am sure he will bring these same qualities into the executive chambers of New York when he takes office on January 1.

We of the New York delegation will miss HUGH CAREY in the 94th Congress, but we look forward to working with Governor CAREY in 1975 for the benefit and the best interests of all the people of New York State.

THE VICE PRESIDENT AND THE PRESIDENT

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DENHOLM. Mr. Speaker, this has been truly a historic session of the Congress of the United States of America.

The awesome legislative workload of this Congress has been overshadowed by reports of the news media of unprecedented events by personnel of the executive branch of this Government. The consequence of which failures of men and the fortunes of men have exceeded the productivity of men in the public interest.

The 25th amendment imposed a duty upon this Congress that none of us can escape. Although all of us defend and uphold the Constitution—many of us have reservations as to the merit of provisions of the 25th amendment that preclude the historic practice of the people to decide upon alternative candidates by secret ballot for the highest offices of our land.

Neither the constitutional law nor the facts before us provided an easy alternative. We had to vote against or for a single nominee—a decision wholly contrary to alternatives exercised in the election processes of this system of government for nearly 200 years. Those decisions and the investigations now completed by Members of the 93d Congress have not been easy but in all cases the results have been produced with diligence, due care and a sincere sense of judgment and reason. The expressed will of Congress is not without error in all things but in selecting a Vice President and a President we pray the test of time to prove the judgment of Congress to be right.

The underlying dangers, if dangers they may be, is that free elections can no longer be entrusted to the people as electors at large. The exemplary work of the distinguished gentleman from New Jersey, the Honorable PETER W. RODINO, JR., Chairman of the House Committee on the Judiciary, and the members of that committee, may prove to be of merit superior to the test of manipulated campaigns that distort more than enlighten the minds of multitudes of men in free elections. I am certain that I am not alone in the conclusion—perish the thought. Let us hope that men have learned from the wrongs of the past and that the spirit of "good faith" shall prevail among the elected and equally abide among all of the electors that democracy as we have known her shall never die.

ACCOUNTING OF TOTAL EXPENDITURES

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. MARTIN of Nebraska. Mr. Speaker, the Select Committee on Committees was established in January 1973, with a total authorization of \$1,500,000. I feel that the Members should have an accounting of total expenditures through November 30, 1974. I list these expenditures below and you will note that \$656,409.73 has been spent thus far with an unexpended authorization remaining of \$843,590.27.

The existence of this committee ends with the 93d Congress, so there is still 1 month of expenditures to go before the books are closed:

EXPENDITURES	Cumulative for fiscal period
Stationery and supplies.....	\$4,647.71
Periodicals and publications.....	2,611.28
Telephone and telegraph.....	1,414.00
Equipment.....	9,187.04
Travel.....	3,654.58
Consultants.....	12,100.00
Witness fees.....	5,931.40
Reporting service.....	13,350.00
Miscellaneous.....	27,586.67
Salaries.....	575,927.05
Majority—cumulative.....	315,857.22
Minority—cumulative.....	260,069.83
Total expenses.....	656,409.73

DEPARTURE FROM THE WHITE HOUSE STAFF—WILLIAM E. TIMMONS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. RHODES. Mr. Speaker, it is with considerable personal reluctance that I note the departure from the White House staff of William E. Timmons, my good friend, who did such an exceptional job as head of the congressional liaison staff.

As minority leader, I depended heavily on Bill's assistance and counsel. He was unfailingly helpful and consistently kind in his dealings with me, and other Members of Congress.

It was our good fortune—and the Nation's—to have had a man of such great ability and unquestioned moral fiber serving in the executive branch at a time of low public confidence in Government. Bill Timmons is a prominent member of a large list of men and women who in the face of great difficulties, served the previous administration with honor and distinction. As was written by the highly respected Washington Post journalist, David Broder:

For them, there is special irony in the title of Carl Bernstein's and Bob Woodward's fine best-seller about the Watergate case, "All the President's Men." They know—if no one else does—that it was only a handful of the President's men and none of the President's women who were responsible for the scheme that brought their administration to ruin.

Mr. Broder singled out Bill Timmons as a prime example of those people worthy of the greatest respect and admiration for his work for the country.

Mr. Speaker, we in the Congress similarly owe Bill Timmons a special debt of gratitude for the great work he did on behalf of us all. As he prepares to enter the private sector, we wish him the very best of success and hope that his successor will approach the high standard of professional excellence which he established and maintained throughout a

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very difficult period in our Nation's history.

I wish to thank Bill Timmons for many things, but most of all for the warm personal friendships Betty and I continue to enjoy with him and his wonderful wife, Mimi.

JAMES J. BRADDOCK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. HELSTOSKI. Mr. Speaker, James J. Braddock, the "Cinderella Man of Boxing," and one of North Jersey's leading citizens died November 29 at the age of 68. A resident of North Bergen, Mr. Braddock was best remembered for defeating Max Baer for the heavyweight boxing title as a 10-to-1 underdog.

As heavyweight champion, Mr. Braddock became a symbol and inspiration for men and women everywhere, for through his efforts in the ring he showed the world what one man could accomplish with courage and determination, even in the face of seemingly overwhelming odds.

A former member of the Boxing Hall of Fame, Mr. Braddock fought 85 professional bouts during his 17-year ring career. He compiled an excellent record of 51 victories, including 26 by knockout. He also won 45 amateur bouts in succession before turning pro in 1926.

However, James J. Braddock was more than a fighter; throughout his life he made many important contributions to his neighbors and community. He was active in a variety of fund-raising events including the Max Baer Heart Fund, one of the major projects of the Fraternal Order of Eagles.

Mr. Speaker, an article concerning Mr. Braddock's career appeared recently in the Bergen Record, and in view of the fact that it gives further insight into this remarkable man I would like to take this opportunity to share this material with my colleagues:

JAMES J. BRADDOCK, AT 68, BOXING'S "CINDERELLA MAN"
(By Bob Freeley)

NORTH BERGEN.—James J. Braddock, the "Cinderella Man of Boxing," died in his sleep Friday in his home. He was 68.

The flat-nosed fighter earned his nickname when, as a 10 to 1 underdog, he outpointed Max Baer on June 13, 1935, for the heavyweight title. He lost the title to Joe Louis by a knockout on June 22, 1937.

Braddock, a member of Boxing's Hall of Fame and the last of the Irish heavyweight champions, fought 85 professional bouts during a 17-year ring career. He won 51, including 26 by knockouts.

After his defeat by Louis, he fought and defeated Tommy Farr in the Garden on Jan. 21, 1938, keeping himself among the heavyweight contenders. Ten days later, he announced his retirement.

POLITICAL ASPIRATIONS

The former champ lived in a comfortable home at 7712 Park Ave., which he built

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after his bout with Louis. An active Democrat, at one time he ran unsuccessfully for freeholder. In 1970, the township commissioners made a bipartisan effort to get Gov. William T. Cahill to name Braddock as state boxing commissioner.

Braddock had been active in fund-raising events for combatting heart diseases. One of his projects was the Max Baer Heart Fund, a major project of the Fraternal Order of Eagles, of which he was a member. He frequently assisted community groups in fund-raising drives and spoke at civic functions.

In 1957, Braddock became a construction worker and crane operator, marking a return to the heavy manual work which filled his lean years during the Depression. He was one of 140 men employed by American Bridge Co. to work on the massive steel components of the Verrazano-Narrows Bridge.

BORN ON WEST SIDE

Braddock was one of seven children born to Joseph and Elizabeth Braddock in a tenement flat on New York's West side. He originally was named James Walter Braddock but changed his middle name to the initial "J" in honor of his fistie idol, James J. Jeffries. He won 45 amateur bouts in succession—30 by knockouts—before turning pro in 1926.

Braddock was a parishioner of St. Joseph of the Palisades R. C. Church in West New York and a member of the Knights of Columbus. He also was a member of Local 825, International Union of Operating Engineers, in Newark.

Surviving are his wife, Mae; two sons, Jay of Saddle Brook and Howard of Cliffside Park; a daughter, Rose Marie DeWitt of Teaneck; four brothers: Ralph, Jack, Joseph and Al; two sisters, Nellie Mallon and Julia Klink, and six grandchildren.

REDUCE SALARIES

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FREY. Mr. Speaker, there is a great lack of confidence by the American public in the ability of the Congress and the administration to handle the economy. We all realize the need for concentrated action—partisan politics can only hurt this Nation.

Part of this lack of confidence is based on the perception by the public that Congress and the administration want the individual American to bear the burden, and seem unwilling to take the leadership. Time after time I have constituents ask, Why do you not cut your salary and that of the President and his Cabinet? The cut could be contingent on the balancing of the national budget. The more I have thought about it, the more it makes sense.

We should provide the leadership. By taking this step, we can ask people to follow our example. I hope the President considers such a recommendation for his state of the Union message.

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KEEPING CONSTITUENTS INFORMED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. GAYDOS. Mr. Speaker, over the past several years it has become increasingly important that greater communication between elected officials and the public be established. The news media has done a creditable job in most instances of keeping the Nation informed on issues of national interest, but space and time limitations prevent focusing in on issues relating directly to individual congressional districts.

Recognizing this need, most Members of Congress attempt to inform their constituencies and ascertain public opinion through periodic newsletters and questionnaires. I have used these as well as other written communications such as an Info-Gram and Lightning poll when an item of information or public reaction is more immediate in nature. The cost of paper, printing, and other operational expenses is borne in part by individual contributions to the Gaydos Public Service and Information Committee. During the first session of the 93d Congress, receipts amounted to \$6,007.93; expenditures amounted to \$5,855.69, leaving a closing balance of \$152.24 for the year.

In the second session, receipts plus carryover were \$5,402.24 and expenditures were \$4,646.45 leaving a closing balance of \$755.79, as of December 9, 1974.

Since August of 1969, I have also conducted weekly Saturday morning workshops in my district as well as a home phone poll to further promote a bidirectional flow of information. The exchange of ideas has been most beneficial to me and I am grateful to all of those who give freely of their time, funds, and assistance.

TYPOGRAPHICAL CORRECTIONS TO CORPORATE TAX STUDY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. VANIK. Mr. Speaker, on Wednesday, December 18, 1974, I delivered a special order speech on the effective U.S. corporate tax rates paid by America's leading corporations.

As usual, the GPO printers did a magnificent job in putting this extremely complex speech into type. There were, however, several typographical errors which I would like to have noted for the permanent Record. Because of the extreme interest in this study, I would like

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to list the corrections at this point in the Record:

ERRATA

The following typographical errors should be noted. The correct reading is in quotes: On page two, table C, Commercial banks, adjusted net income before Federal income tax 1973 "802".

On page three, text in the third column, phrase reading, their aggregate adjusted gross income... should read, their aggregate adjusted "net" income...

On page three, in alphabetical order the following companies should read: Shell Oil Co.—1973 effective tax rate "25.4%".

Sun Oil Co.—1972 approximate current Federal income tax "9,044".

Texaco, Inc.—1972 adjusted net income before Federal income tax—"869,711".

On page four, International Telephone & Telegraph Corp. 1973 adjusted net income before Federal income tax: "469,966".

On page five, in alphabetical order the following companies should read:

Genesco, Inc.—1973 effective tax rate "...".

Genesee & Western Industries, Inc.—1971 effective tax rate (percent) "10".

Owens-Illinois, Inc.—1970 effective tax rate (percent) "36.5".

Raytheon Manufacturing Company—1973 adjusted net income before Federal income tax "81,658".

Teledyne, Inc.—1970 effective tax rate (percent) "31.8".

On page six, in alphabetical order the following companies should read:

Transportation Corporation list: Southern Ry Co.—1972 adjusted net income before Federal income tax "100,844".

Retailing Corporation list: Safeway Stores, Inc.—1970 effective tax rate (percent) "49.8".

On page eight, column one, paragraph eight, phrase reading, effective tax rates of 13.4 percent and 97 percent respectively... should read, effective tax rates of 13.4 percent and "9.7" percent respectively...

AMERICANS ARE THE BEST-FED, BEST-CLOTHED PEOPLE IN THE WORLD

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ABDNOR. Mr. Speaker, as we close the 93d Congress, we remain the best-fed, best-clothed people in the world. If we are to remain so, however, my colleagues and the interested readers of the Record will do well to read and carefully consider the thoughts expressed to me in the letter from Mr. and Mrs. Fred Gnirk, Burke, S. Dak., which follows:

BURKE, S. DAK.,
December 5, 1974.

Representative JAMES ABDNOR,
Washington, D.C.

HONORABLE MR. ABDNOR: We supported you in the recent election and ask for your support of our farm products, beef and pork.

We have 4 sons, all college graduates, three of whom are farmers and cattle and hog raisers and feeders. One son, with a Masters in Education and Political Science, and two sons with Bachelors in Mechanical Engineering from the School of Mines & Tech

of Rapid City, S.D., have chosen to be farmers and livestock producers. Our youngest son, David, graduates this month, Dec. 20, 1974, and was chosen "Outstanding College Student of the Year" in the United States.

The boys have borrowed money to buy extra land, machinery and livestock. The 2 older sons farm and raise and feed cattle. Because of the drought, their feed is fed up, and now they are buying feed to winter the cattle and to finish out the calves and heaves. They will lose heavily when the calves and heaves are marketed, which will be soon.

David went into partnership with his father in hogs—500-600 hogs. They are buying all the feed, corn and supplement. David has gone on 5 interview trips to industries in the mid-west.

However, he is still considering to come home and farm and raise hogs, if there is a future in it.

All three boys could have done much better in the industrial world—but all three boys chose to come back to the soil!

Without help and support from us, if we can do it, three more good and true farmers will have to quit, due to the tragic decrease in the selling price of their livestock, purchased to replenish when prices were inflated, plus the increase in the price of feed, and the lowered yields due to the drought. We, ourselves, are ready to retire in 2 years, we can hold on. But who will grow and feed the meat for the nation, if our young farmers go bankrupt?

There are hundreds like our sons, all your future farmers and feeders of the world. We felt revitalized people when the prices went up the early part of the past year, our work and slavery was rewarded. But only for a short time and bang it was done!

The Congress had better think upon this, and act before it is too late. The old farmers cannot go on—the young ones will, but cannot if such conditions continue.

Thank you.
Sincerely,

Mr. and Mrs. FRED GNIRK.

TRIBUTE TO GENE AINSWORTH

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. RHODES. Mr. Speaker, I would like to take the occasion of the final day of session for the 93d Congress to pay a well-earned tribute to Mr. Gene Ainsworth, who will be leaving his position on the White House congressional liaison staff to enter the private sector.

Mr. Ainsworth is well known to many Members of the House of Representatives and is equally well respected for the skill in which he approached his important responsibilities. It was his fate to serve in the executive branch at a time of low public confidence in Government. However, despite many difficulties, he served his administration and country with great distinction and uncommon ability for such a young man.

We wish Gene the very best of luck as he prepares to meet the challenges of the business world and express to him our profound gratitude for a job well done.

WILLIAM E. TIMMONS, "A JOB WELL DONE"

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. CEDERBERG. Mr. Speaker, the true stature and mark of any individual can usually best be judged as to how one serves and reacts under pressure and difficult, demanding situations. For 6 years, William E. Timmons, as Assistant to the President for Legislative Affairs, has literally existed in a "pressure cooker." Even under normal, routine circumstances his was a difficult assignment in maintaining liaison between the Congress and the White House. We all are aware of the tremendous additional burdens of that job in the past several months. But, Bill Timmons performed magnificently—without question, "a job well done."

As Bill now prepares to leave the White House and his service to our country, I am honored to join with so many other Members in expressing appreciation for his outstanding work and to wish him even greater success and happiness in the years ahead.

It has been my distinct pleasure to know Bill personally for the nearly 15 years since he first came to Washington, D.C., as administrative assistant for then newly elected Congressman WILLIAM BROCK, now U.S. Senator Brock, from Tennessee. Bill Timmons was a natural—a great personality and with an extremely keen mind and sharpness.

He joined the White House congressional liaison staff in January 1969, and quickly rose to the top spot in directing the administration's vital contact with the Congress. He was a great spokesman for the White House in his representation of the administration's positions on vital legislative issues.

In my 22 years in Congress and dealing with six different administrations, I can attest that the professionalism of the White House congressional office was never higher or finer than that of Bill Timmons' group.

I do not know Bill's future plans as he leaves this White House leadership role, but I am positive that whatever his endeavors he shall be highly successful. He has proved to be a man of great dedication and integrity. He has given his country the very best and for this, we are grateful.

I wish him the greatest possible future success, happiness and good health in the years ahead.

EQUIPMENT LEASING—THE INVESTMENT TAX CREDIT GONE WILD

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. VANIK. Mr. Speaker, the current issue of Fortune magazine carries an im-

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pressive 27-page advertisement on the rapidly expanding equipment leasing industry. This industry, which is expanding at an annual rate of 15 to 20 percent, is almost entirely a creature of our tax laws.

Presently, we give a 7-percent investment tax credit on the purchase of new industrial equipment. Many companies whose tax payments are already low find that they cannot use the credit to the fullest extent. Through a leasing arrangement, they can convey this tax benefit to a financial institution—such as a commercial bank—in return for favorable financing. The bank buys the equipment, qualifies for the tax credit, and then turns around and leases the equipment to the original company at a cost below that of financing an outright purchase. Everybody's happy except the U.S. Treasury, which suffers a loss.

The Fortune advertisement reveals the absurd extent to which this practice has grown. Among other things, the American taxpayer is subsidizing:

The leasing of two portable \$20,000 handball courts for the largest swim and tennis club in Northern California;

A potato chip cooker for a food company in Utah;

Furniture and fixtures—everything from kitchen sinks and carpeting to beds, bar stools, and chairs—for several national motel chains;

Electric golf cars to country clubs;

Horses and cattle to U.S. investor syndicates; and,

Elephants, zebras, lions, amusement rides and concession stand equipment for a commercial park in Puerto Rico.

Mr. Speaker, this advertisement provides vivid testimony to what happens when a tax subsidy gets out of hand. Congress never envisioned the open market exchange of tax benefits that the practice of equipment leasing represents. It is time we carefully reviewed this area to see how effective the investment tax credit actually has been in stimulating needed investment in our economy. I suspect the answers are not encouraging for the tax avoider.

WAGE-PRICE CONTROLS PLUS JOBS NOW

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. LEGGETT. Mr. Speaker, it is apparent that recession and unemployment may well have moved ahead of inflation as our major economic worry. Unemployment at 6.5 percent in November is projected to reach 7 or 8 percent by mid-1975. Moreover, some economists are saying it may reach double-digit levels if we do not move firmly in the next year. We must face the agonizing dilemma of dealing with a rapidly deepening recession without abandoning the fight against inflation.

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One widely accepted remedy for our unemployment problem is a public or emergency jobs program. This is an approach that finds little opposition, and just yesterday we approved a conference report on a bill that would authorize \$2.5 billion for public service jobs, with the House having originally authorized \$2 billion and the Senate \$4 billion.

We must recognize that programs at these levels, however laudable, may not have much effect on the unemployment picture. According to a recent article in the Los Angeles Times by Robert J. Samuelson, even a \$4 billion annual program would provide only 500,000 jobs, less than 1 percent of employment versus our current 6.5 percent unemployment. Furthermore, many of these jobs may disappear by "displacement" if State and local governments use the money to hire people they would have hired anyway with their own funds. Mr. Samuelson says more than 50 percent of the jobs created may be lost this way.

Economists such as Otto Eckstein believe that jobs programs of 4 or 5 times the level we approved, together with a tax cut of at least \$15 billion, would be necessary to have a real impact on unemployment. This brings us face to face with the fundamental question of whether we can really curb inflation without a lengthy period of relatively high unemployment. Milton Friedman thinks measures like those proposed by Otto Eckstein would, after an initial decline in inflation, push us back up to 15 percent inflation within 2 years.

It is analysis of this sort that leads me to conclude that wage-price controls are inescapable. If we are to continue to fight inflation while at the same time undertaking the jobs and tax measures needed to reduce unemployment, we must have a comprehensive program of wage-price-interest-profit controls. It is for this reason that I am introducing together with Congressmen Moss and PARMAN legislation which would mandate wage-price controls. I think this measure is in line with the decision taken by the Kansas City Democratic mini-convention and the House Democratic Caucus to move forcefully to deal with our economic problems.

Bob Samuelson's thought-provoking article on public jobs programs and the economy follows:

PUBLIC JOBS PROGRAM NO PANACEA FOR ECONOMY

(By Robert J. Samuelson)

As the White House and Congress grapple with the double infirmity of inflation and recession, only one widely-suggested remedy seems to command anything like universal support: public service jobs.

Almost every other proposal—wage-price controls, a tax increase, spending cuts, a tax reduction—has its own powerful camp of critics. But virtually no one is against public service jobs. Even President Ford, cautioning against executive gloom about the economy, may agree to support a larger public service job program than he originally proposed.

This consensus appears to represent little more than common sense.

With the unemployment rate (6.5% in November) at its highest level since 1961, public service job proposals have an irresistible popular appeal. For the last month, the White House and Congress have been struggling less to assure that new legislation passes

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than to see who gets most of the credit. A \$2 to \$4 billion program is almost certain to become law soon, probably before the end of the year.

But how much good will it do?

Well, not as much as the widespread support might indicate. In fact, the available evidence suggests that the results may be rather modest.

Creating new jobs directly may be a slightly more effective way to stimulate the economy than an equally large tax cut or spending increase, but the program isn't big enough to change the employment picture dramatically. At an average salary of \$7,500 to \$8,500 a year, a \$4 billion annual program would create about 500,000 jobs, less than 1% on the unemployment rate.

Moreover, the program's stimulating effect may wear off rapidly as a result of what economists call the "displacement" effect. In plain language, this means that once city and state officials—who do all the hiring—see that the federal government is picking up the tab for local jobs, they will use federal funds to hire people they would have hired anyway. After six months or a year, more than 50% of the "new" jobs may be lost in this way, many economists believe.

Those who hope that public service jobs will aid the poor and the disadvantaged may be disappointed. State and local officials tend to hire the best-qualified job-seekers—who aren't necessarily the poorest and most disadvantaged. As unemployment rises, the dilemma—choosing between people who need jobs most and those who appear best qualified—intensifies, because there are more experienced jobless workers.

Finally, if—as many economists believe—a prolonged period of relatively high unemployment is the unavoidable price of curbing inflation, then a jobs program may simply postpone the inevitable, or cause more inflation. And many economists who believe differently—that is, they favor a strong stimulus to relieve unemployment—think a jobs program will be too small to do much good.

At least the first three of these sobering conclusions qualify as more than mere conjecture. Although most Americans probably associate "public service" employment with the Depression's Works Projects Administration (WPA), a recent experiment—the Public Employment Program (PEP) in 1971—represents a much more reliable indicator of what may happen. And evaluations of PEP suggest the results outlined above.

Against these likely achievements, the overwhelming political support for a jobs program seems strangely out of proportion. The mystifying disparity has a simple explanation: The political consensus is more apparent than real.

Huddled under the common label of "public service" employment are a number of wildly different concepts. The label covers huge permanent programs aimed at cutting into the high unemployment rates of poverty pockets, where heavy joblessness persists even during periods of prosperity. The White House has embraced a far more limited concept. Despite President Ford's recent pledge to back a program significantly larger than he originally proposed, his basic position remains unchanged. The White House program is intended to be a temporary novocaine for the recession, designed as much to avoid the appearance of being callous as to bring down unemployment. Specifically, the Administration opposes any program that might turn into a perpetual source of federal funding for local and state jobs.

And that's precisely what many mayors and city managers, hungry for new money to support their sagging budgets, want. They may get it, too. PEP was a temporary program, but, when it was due to expire, Congress responded to protesting mayors and

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county executives by including a similar (though somewhat more modestly-funded) program in the new Comprehensive Employment and Training Act (CETA).

"I think that public service employment is now locked in," says Robert Anderson, director of manpower for the National League of Cities. "The only question is the extent to which it will be funded. But I don't see any retreat."

Whatever the future, there is little doubt that a large-scale jobs program is eminently feasible now. If the PEP experience is any guide, one non-problem will be creating new jobs quickly. Under PEP, a totally new program, localities hired 100,000 workers (about 55% of peak employment of 182,000) within the first five months.

Now, things may move even faster. The new legislation probably will waive some requirements that local officials disliked (for example, the requirement that only workers who have been unemployed 30 days or more can be hired). More important, many cities are anticipating the legislation by preparing job lists. Chicago, for example, already has selected about 2,500 jobs, and Samuel Bernstein, assistant to the mayor for manpower, estimates that most could be filled a month after a go-ahead from the Labor Department.

Nor should the jobs consist primarily of make-work. To be sure, many of the PEP jobs were deliberately intended to be easily switched on and easily switched off; perhaps a quarter to one-third of the PEP employees were put to work repairing roads, fixing buildings, or caring for parks, where officials usually believe they have a large backlog of undone work. (Indeed, the Ford Administration implicitly favors these kinds of jobs because they would permit a smoother phase-out of the program.)

But many jobs have been spread throughout existing city agencies. In Pittsburgh, the city hired security guards for its schools. San Francisco added to the staff of its parole department. In San Jose, public service workers were used to maintain public library hours when city budget cutbacks threatened reduction. And, in Detroit, the city is now using CETA funds to hire bus drivers.

Unfortunately, the very similarity of new jobs to existing jobs makes it difficult—perhaps impossible—to determine how much the jobs programs fulfill the goal of creating new employment. The deteriorating finances of many cities and counties will now almost certainly compound this confusion. Squeezed simultaneously by inflation (which raised their costs) and recession (which lowers their anticipated revenues), many localities are already considering freeze or cutbacks. At least two major cities, New York and Cleveland, have announced significant layoffs. New York, facing at least a \$430 million deficit in its \$128 billion budget, has cut 7,900 jobs, or about 3% of the city's work force. And Cleveland plans to eliminate 1,100 of its 11,000 workers on Jan. 1.

In this situation, the first, natural, and most logical instinct of local officials is to hold onto existing jobs and workers. But here they collide head-on with government regulations (technically called "maintenance of effort" requirements) that are designed to insure that local officials don't play musical chairs with federal job programs. New York, for example, may be dismissing 7,900 workers, but it's also receiving a federal grant under CETA to hire 2,000 new workers. After a trip to Washington last week, city officials are still puzzling over the legal nuances that will determine how much of that money they can use to rehired the workers they've just fired.

Evaluating the PEP program, manpower specialists Sam Levitan and Robert Taggart concluded that subtle substitutions were widespread.

"At the outset, the level of PEP jobs represented net additions to the total number of public employment opportunities. However, this initial impact declined as the program continued. In planning their budget during the first years of the program, most (localities) were likely to consider the need already being filled by PEP participants. For instance, if a number of social service aides or teachers had been hired, the need to add regular employees for the same jobs had obviously declined."

The sickly state of the economy and local finances also exacerbates another inherent dilemma of a jobs program—whom to hire? Threatened joblessness for experienced government workers puts officials in a peculiar position. "We're not talking about the disadvantaged worker," says Anderson of the League of Cities, "we're talking about Mr. and Mrs. Middle American now. They've had solid attachment to the work force, a mortgage and kids in college." True as this may be, protecting these workers clashes with the widely-held notion that public service jobs should help those most in need of help.

Indeed, PEP faced the same choice and resolved it at the expense of genuinely "disadvantaged" workers.

As a result, perhaps only 17% of those only about one-quarter of the workers had less than a high school degree, against about one-half of all the unemployed. Concluded Levitan and Taggart: "The simple fact is that most (localities) wanted to hire the most educationally qualified..."

Though localities have benefited from PEP and its follow-on, CETA, they are dissatisfied. Many local officials feel abused by the on-again-off-again funding for the programs which causes constant planning problems. "It creates severe political problems," says Ralph Rosenfeld, director of the Mayor's Office of Manpower in Detroit. "We're the ones who have to hire and fire."

In short, PEP, though creating inevitable political pressures for permanent jobs programs, raised serious questions about how far a larger, permanent program could go in achieving the more ambitious goals of "public service" employment: reducing the unemployment and underemployment in poverty neighborhoods (where normal unemployment rates may average at least twice the national average). The usefulness of a jobs program depends both on the number of real new jobs it creates, and on the type of people who fill them—whether they are really hard-pressed, or people who have a good chance of finding a job anyway.

No less certain is the place of a jobs program in the government's arsenal of economic measures. Economists who believe that the nation is suffering from unnecessarily—and dangerously—high unemployment almost unanimously support a jobs program. Indeed, assuming that there's little initial "displacement," a jobs program should give the economy a slightly larger stimulus than any equal tax cut or increase in federal spending.

"With the economy sliding into deep recession, an expansion of public service employment is clearly highly desirable," Otto Eckstein, a member of President Johnson's Council of Economic Advisers, told the Congressional Committee on the Budget last week. "It is better to keep the unemployed working in public service jobs rather than to keep them in an unemployed status with its moral and skill losses."

Having said this, Eckstein also thinks that any public jobs program will not be big enough. "It's really a sop for doing very little. It's not going to be much bigger than \$2 to \$4 billion, and the economy needs a stimulus four to five times that. The economy has gotten so sick so fast that unless things are turned around, unemployment is going to 8% and might go even higher," Eckstein

suggested at least a \$15 billion tax cut; he believes that the inflation rate is slowly declining and will be about 7% at the end of 1975 whether or not the government acts to reduce unemployment.

Precisely the opposite view comes from economist Milton Friedman. He views the entire exercise of public service jobs as a giant economic shell game: If the government creates more public jobs, it will do so, ultimately, at the cost of destroying jobs elsewhere (either because the government spends less elsewhere, or borrows more money—which means that somebody else will be borrowing less) or at the cost of causing more inflation (because the Federal Reserve creates more money to finance new jobs).

Friedman regards with horror proposals like Eckstein's for more stimulus. He sees the nation locked in a vicious circle of self-destructive economic policy: Every time the government tries to halt inflation, there's a premature relaxation—in response to high unemployment rates—that leads to still higher inflation, which leads to another round of restrictive policies and premature relaxation. The vicious circle continues with increasingly high rates of both unemployment and inflation.

Friedman now foresees a temporary abatement of inflation (perhaps to 6 or 7%) next year, and then, with the economy reacting to excessive stimulus, a resumption of inflation rates as high as 15% by 1977. Friedman thinks that more joblessness will be the ultimate cost of public impatience with progress in curbing inflation, impatience he says is fanned by other economists.

What separates Friedman and Eckstein fundamentally is this question: Is a prolonged period of unemployment really necessary to bring down inflation, or isn't it? On the answer to that question lies the ultimate value of public service jobs as either nonsense or common sense.

WILLIAM TIMMONS AND GENE
AINSWORTH

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. SIKES. Mr. Speaker, at the end of this month, two dedicated public servants will leave important positions in our Government to enter private business.

Bill Timmons and Gene Ainsworth, for the past few years, have been the direct link between the White House and Members of the Congress. Bill Timmons has been with the White House for 6 years after having served for 16 years on Capitol Hill. Gene Ainsworth went with the White House 2 years ago after 6 years on the Hill.

These two men served as important and dependable links between the executive and legislative branches of Government during some of the most trying times in our Nation's history.

These two men have served their country extraordinarily well. During the resignation upheaval and prior to it, they continued to be a stabilizing influence in the relations between the administration and Capitol Hill. They are outstanding examples of those public servants who insure that our Government can and will continue to function and that the American system of government still works.

EXTENSIONS OF REMARKS

These two men performed their duties in an outstanding manner. They were always there when we called and they gave Members of Congress straight answers to complex questions. They were honest with us in their relationships and they never shirked the responsibility to deal openly and candidly with the Congress.

I personally am very sorry to see them leave their present positions. They have been invaluable to my office and to other congressional offices in the frequent contacts which are necessary.

These are strong and dependable men. I have enjoyed and I appreciate their friendship. I wish them and their families well in all their endeavors. They are truly among the unsung heroes in the ranks of public servants.

ADDITIONAL HISTORIC PROPERTIES (H.R. 17346)

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. BELL. Mr. Speaker, I rise in strong support of H.R. 17346, which I have cosponsored, which would amend the Land and Water Conservation Fund Act of 1965.

Title 1 of this bill contains important provisions which I introduced in January of last year to increase the maximum eligibility of individual States for allocations under this fund.

In its present form, this legislation reflects what I believe is a fairer interpretation of the critical shortage of recreational facilities in areas of the United States where the most urgent need is felt—in heavily populated urban areas.

In California in the last decade, while population was increasing by 27 percent, attendance at State parks went up more than 56 percent.

The problem is even more severe with regard to national park units located in California.

Attendance at these sites in the last 10 years has increased by 96 percent.

There were 21 million more visitors to State and National park facilities in California last year than there were 10 years ago.

Today in California a ticketron computer system—much like those used in national parks—is needed for the reservation of State camping spaces.

Campers must now make reservations, during peak periods, as much as 90 days in advance of their vacation plans.

And last year alone, more than 237,000 camping families were turned away from State parks.

The shortage of parklands cannot be charged to any negligence on the part of California State government, or on California citizens.

In 1964, a \$150 million State park bond issue was passed by the voters.

A similar \$250 million bond issue for parks and park development was passed just last summer.

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The State has sought and used every available Federal dollar for additional parkland acquisitions.

But with all of its efforts, including full use of available land and water conservation funds under the present formula, California is still able to fund only about one in five local government applications for park funds.

As population increases in our cities, the need for public recreational outlets increases significantly.

In California, the urban population, now constitutes 93 percent of the total population of the State.

This experience is not unique to California.

Population compression is producing vastly accelerated usage of public parks everywhere in the United States, and throughout the world.

The energy crisis and the higher costs of gasoline aggravate the problem, because they intensify the need to bring parks closer to the people where the cost of parklands is always much greater.

Mr. Speaker, what we do now—both in providing money for parklands across the Nation, and in providing for the best and fairest use of these funds—will have a permanent effect on our Nation.

We hear a great deal of talk about the deteriorating quality of life in America today.

This legislation gives us a chance to do something to improve the quality of American life.

GOVERNMENT REGULATION ON BUSINESS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. SYMMS. Mr. Speaker, I have received a remarkable letter from a friend in Idaho which I want to share with my colleagues. It expresses the sense of sheer frustration which most businessmen feel these days in trying to deal with Government rules and regulations. This Government has moved far astray of securing the blessings of liberty to ourselves and our posterity. This Government, with the cooperation and apparent blessing of this Congress, has so severely constricted commerce and denied the rights and liberties of the individual that we are far down the road toward outright socialism. Until these collectivist ideas quit springing from the same rancid intellectual soil, we will have no peace and no freedom. I commend the following letter to my colleagues as a communication to this Congress which should be read with thoughtful reflection and a careful examination of each Member's conscience:

NAMPA CUSTOM CANNERY,
Nampa, Idaho, November 19, 1974.
STEVEN D. SYMMS,
Congressman, First District, Idaho, House of Representatives, Washington, D.C.

DEAR STEVE: I wish to thank you for your letter of September 24, 1974 and tell you that

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I am having a continued harassment from the Department of Sanitation from the Southwest District Health Department with many of their ideas being completely irrelevant to the operation and with many situations being that the equipment which they desire to have installed will not perform through the years without excessive problems. The people in the food processing business, if we had reasonable inspections would be fine, but the people requesting things are completely out of line and creating problems for which excessive costs to be able to process the housewives food, will be required and I see no accomplishments or benefits from any of the points being requested. Besides that most of the processing plants in the area are no cleaner or better than the plant which we have been operating for over 20 years. If we had people who were reasonable and who knew processing problems, we would not have all of this trouble which the State Department seems to be wanting to stir up.

I have just returned from inspection and called upon about 10 plants in the State of Oregon, in the food processing business and they have regulations which are much more strict than anything in the State of Idaho and I have observed that the requests being given to me by our local state people are way beyond what any commercial operation in the State of Oregon is doing or in the State of Idaho. Now if they want to be that way, I do not have to operate the cannery. I have two other businesses which are taking my time and which are more profitable than the cannery, but I felt I had a local public obligation to my community having invested my money into this business to try to help people out, but evidently the thing is who do you give it to and who do you let suffer? I have been attempting to sell the cannery operation so that I can devote more of my time to my more profitable businesses, but I have not found anyone interested. So I guess the thing to do in this community is let the people of Idaho do without, let them starve, let them do it the hard way without a little facility and let these people, who are government employees, find something else to do because I am just through putting up with all this malarkey, that they seem to think is so essential but is nothing better than a miserable mish-mash of poor operating and poor performance standards.

I think all of these Government regulations are excellent for certain type of things but some of the Nit-Picking things that they seem to want to enforce are not worthy of any consideration and with this I am going to say that since they desire me to close in the City of Nampa and in Canyon County I am closing it as of the end of this year, because I see no future with a bunch of Nit-Pickers and this is all we have is a bunch of government Nit-Pickers. If they don't find one thing they will find something else and if they can't find something else they will just pick on something anyway. I don't need them and I don't want them, so I'm closing the cannery at the end of the season, unless I can get some satisfaction that these characters have some knowledge of what they are doing.

The only thing I have been able to learn with regards to the Inspector in our particular area, is that he has very little knowledge of the processing and that he has very little knowledge of how to handle things. Just because I am not buying him off, is why he is harassing me, so I'm just going to let it go and forget it, throw the \$50,000.00. I have invested down the drain and say to hell with it and just let it set there and create a rat problem and a mouse problem and hope they have fun.

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EXTENSIONS OF REMARKS

You know I think that a lot of our congressional people in our federal lawmaking division think they are God given as you have stated, but they are not protecting the people from themselves or the greedy profit makers, they are handing things to the greedy profit makers by requiring some of these asinine requirements. Instead of keeping things simple and uncomplicated they are making things so complicated we can not live with them so the way we get rid of them is to make them go without and then when we do decide we can live with the situation we raise our prices 100% to the place if they want to use our facility it's what ever you want to charge.

There is one way I may be able to get around the situation. I could form the canning operation into a private organization only for members and unless you are a member for which you pay a fee you can do no canning. Membership of course being open to any one paying the fee. This way we would be like a private locker club and then we can tell the law enforcement people, I'm sorry this operation is run for the benefit of those who are members and you will have to take it up with the membership board. Maybe we can get around it this way and tell them to go to grass. But the way I see it what these people want is to take every greedy bit of any profit you can attempt to make and put it into the outsiders pocket for which they can get a cut out of and this seems to be the situation they are doing. These people are forcing the inflation so much higher by their requirements which do not fit or do they apply and if you can slow them down, for goodness sake let's slow them down, because we can not live with this continued inflation that we have created by all of these do-gooders running around the country. I know we have to have regulations because we do have people that are not attempting to provide quality, but the thing is let's have equal fair control. We can not control what the other people think, we have got too many people trying to do this for us and we are paying them a premium and forcing us to get our prices completely out of line with what the items being used are worth.

I just wish that we could return to the times when we were doing many of our things for less money. I look at it from the standpoint of price of labor, and price of hamburger. There is a direct relationship between what labor is getting per hour and the price of hamburger. We are getting no more value today than what we were in 1935 and we have no more today than we had then, because people were paying the same ratio of funds for food, housing and clothing in proportion to the wage as we are today. This is a fact of life but a lot of people don't want to acknowledge this factor so the thing to do is let people do without and let them come to the realization that they created their own situation by electing certain people to supposedly to do a job and they have not.

When we get these things all closed up and the rest of us all go on welfare which is what many people want us to do, then we can find out what it takes to do business because we have too much going to welfare and too much going to foreign aid and too much to frittering deals around the world. We need to correct this situation and I hope that you continue to work towards this end. I know that it is difficult and I know that we just have to keep working at it, but sometimes it gets to the place where we have to let people find out for themselves that this is not all a free gratitude situation.

Sincerely yours,
RAY L. DONLAP, Owner.

ALICE AT THE GLASS PALACE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ASHBROOK. Mr. Speaker, the United Nations is moving along in its own fashion. Its movements just bear little resemblance to the real world.

You ask what I am talking about. The answer is some recent history of the shenanigans at the glass palace on the Hudson River.

First, let us go back 3 years to the expulsion of the Republic of China. That country was expelled even though it had done nothing in violation of the U.N.'s Charter. In addition, the Republic of China had a larger population than half of the countries voting for its expulsion. But, as the argument went, the U.N. could not continue to ignore the existence of 700 million people in Red China while, I guess, it could begin to ignore the existence of the millions of people on Taiwan and their ranking in the top 20 trading nations of the world.

Many Americans who view the United Nations as the last great hope of man were somewhat upset at the expulsion of the Republic of China, but they rationalized this action as an aberration. Recent events though make one wonder.

Contrary to the U.N. Security Council, the General Assembly told the Republic of South Africa's representatives that they could no longer address the General Assembly or participate in its committees.

As U.S. Ambassador John Scall charged, the ouster of South Africa for its racial policies was in clear violation of the U.N. Charter. Only the Security Council can vote to expel a member and only on the grounds of nonadherence to the principles of the Charter. Expulsion of a member because of its internal policies—such as was done by the General Assembly—is prohibited.

Aside from the illegality of the move, the ouster reeks with hypocrisy. How can a nation like Uganda criticize any country when it openly practices tribal genocide? How can the delegates justify expelling South Africa yet retain a totalitarian state like the Soviet Union that has condemned millions of its citizens to slave labor camps and death? Almost none of the nations that voted to expel South Africa could pass the same test if applied to them.

The very next day the General Assembly managed to end the freedom of speech that used to exist in the Assembly. This was done by a ruling that no country's representative could speak more than once during debate. This came after a speech by a leader of the Palestine Liberation Organization—PLO—calling for the liquidation of Israel. This action by the General Assembly effectively barred Israel's spokesman from full participation in Assembly debate.

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It is ironic that one day after expelling South Africa on supposedly moral grounds these same delegates greeted Yasir Arafat, a leader of the PLO, with wild jubilation. This man has played a major role in the death of so many innocent civilians. The PLO has bombed schools, hospitals, and public markets. Yet Arafat, wielding a pistol before the assembled delegates, is hailed as a conquering hero.

I am always amazed that the same liberals and leftists in this country who are so fast to criticize the United States find little to criticize in the United Nations. You heard little outcry from these people when General Amin of Uganda expelled Asians and massacred other African tribesmen. Nor has there ever been any major outcry against Soviet persecution of Christians and minorities even though such actions are inimical to the spirit and Charter of the United Nations.

The United Nations has expelled one country—the Republic of China—which broke none of the rules of the U.N. and tried to help other countries, has effectively denied South Africa its seat, because of dislike for that country's racial policies while ignoring similar policies of other countries such as Uganda, and has denied Israel its full rights to the floor.

Of course, the United Nations is not only concerning itself with other countries, but also the United States as I have previously pointed out. One committee of the U.N. has called for the independence of Puerto Rico from the United States, even though the people of Puerto Rico have rejected this alternative by their own votes in free and open elections.

Alice in Wonderland might understand the United Nations after her other adventures:

"I can't believe that!" said Alice. "Can't you?" the Queen said in a pitying tone. "Try again: draw a long breath, and shut your eyes." Alice laughed. "There's no use trying," she said: "one can't believe impossible things." "I daresay you haven't had much practice," said the Queen. "When I was your age, I always did it for half-an-hour a day. Why, sometimes I've believed as many as six impossible things before breakfast."

Perhaps it is past time that Americans should stop believing impossible things about the U.N., and recognize it for what it is—a body of small nations who with the help of the Soviet Union and Red China like to spit in the eye of the United States and other allied countries.

At this point I include in the RECORD an editorial from the Mansfield, Ohio, News-Journal:

THE DISUNITED NATIONS

South Africa will get along just fine without the United Nations.

In fact, it might even be better off since its expulsion from the world body. It will no longer have to be exposed to hostile haranguing for its policy of apartheid, which even if inexcusable is at least no worse than the actions of some of those countries which voted to take away its rights and privileges in the General Assembly.

And South Africa will save some \$1 million annually in dues.

Eventually, however, the whole world will suffer if such occurrences continue in the UN.

First there was the dismissal of Taiwan to accommodate Communist China. Then came the ouster of South Africa, to the delight of the black African nations. Now there is even talk that Israel may not be seated next year.

The United Nations is becoming a propaganda playground for small Third World countries who now hold a firm majority in the General Assembly. The invitation extended to Arab terrorist Arafat was symptomatic of the situation.

Abba Eban, the eloquent former Israeli foreign minister, quipped recently, "In its present mood and structure, the United Nations would refuse to endorse the Ten Commandments on account of the Israelite origin."

The UN's role as a world peacekeeping body appears to be coming to an end. Instead of being, as intended, a forum for the peaceful resolution of world problems by all nations concerned, it is turning into a mutual admiration society, with a few countries like the United States permitted membership as long as they keep quiet and pay the bills.

SANTA'S LAST JOURNEY?

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. SYMMS. Mr. Speaker, rumors are flying around Washington to the effect that this may have been Santa Claus' last year of operation. Sources within the Federal bureaucracy are privately indicating that the jolly old man is in big, big trouble.

Apparently, from the Federal Government's point of view, Santa has been "getting away with murder" for years now, "breaking every law in the book," as they put it. And indeed, the time has come to crack down on this unconscionable situation.

Here is the inside scoop on Santa's long list of infractions:

First. Operating a flyin sleigh in absence of certification by the CAB, a clear violation of the Civil Aeronautics Act of 1938.

Second. Unlawfully competing with the U.S. Postal Service on air mail deliveries.

Third. Violating EPA requirements for emissions control devices on his reindeer.

Fourth. Breaking the Sherman Antitrust Act by maintaining a strict monopoly in his profession.

Fifth. Violating the Fair Labor Standards Act by failing to pay his elves the minimum wage or proper overtime benefits.

Sixth. Engaging in unfair promotional advertising, designed to prey on the defenseless minds of children, a violation of Federal Trade Commission regulations.

Seventh. Failing to secure an ICC permit and an assignment of certified routes by the Interstate Commerce Commission.

Eighth. Violating numerous Occupational Safety and Health Administration—OSHA—regulations by operating an "unsafe workplace."

Ninth. Passing out candy canes and goodies not approved by the Food and Drug Administration.

Tenth. Ignoring the edicts of the Equal Employment Opportunity Commission and the Civil Rights Act of 1964 by failing to institute a quota system in his workshop based on race, religion, sex, and size—too many elves.

Eleventh. Making toys which were not approved by the Consumer Product Safety Commission.

Twelfth. Failing to declare the cookies and milk which are out for him as taxable income with the IRS.

Thirteenth. Transporting firearms across State lines as Christmas presents.

Fourteenth. Avoiding State and Federal taxes on his sleigh, not to mention licensing, registration, and having an operator's permit.

Fifteenth. Making various infractions of National Labor Relations Board regulations; including the maintenance of a nonunion shop and unfairly competing with the chimney sweeps' union.

Mr. Speaker, it is said that these are but a sampling of Santa's more serious Federal offenses, which taken in total, will almost certainly put the man in red out of business for good. At present, we are told St. Nick is frantically searching for a lawyer, but that no one as yet is even willing to come to his defense. Apparently it is an open, and shut case. Maybe the ACLU will come to his rescue!

Mr. Speaker, meanwhile, there is another Santa Claus of sorts in this country which operates the whole year 'round. It has served us all well for many, many years but is presently in the same predicament as Saint Nick, and as a result, is being pushed to the brink of extinction. It is called the American free enterprise system. Will anyone come to its defense?

CHEER THE LITTLE OLD LADIES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. HUBER. Mr. Speaker, the public at large and the Congress reflecting this feeling, is beginning to express the view that the United Nations is not an organization helpful to the United States or even the cause of world peace. A recent column by Vic Gold that appeared in the Washington Star-News on December 17, 1974, pointed this out very well:

CHEER THE LITTLE OLD LADIES

(By Vic Gold)

The sweetest words you'll ever know are those that say, "I told you so!"

SAN FRANCISCO.—Here where the U.N. was born 30 years ago, let's hear it for the Little Old Ladies in Tennis Shoes who said it would never work. For the Right-Wing Kooks. The Folks Who Had to Be Pulled Kicking and Screaming into the 20th Century.

Think now, are there any liberal terms of ridicule from out of the past that I've forgotten? Oh, yes. Xeno-phobes, Super-Patriots and Flat-Worlders.

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A cheer or some note of recognition is in order for these much-maligned people. They win the Winston Churchill Award for 1974. I call it that because Churchill was the prototype 20th century prophet who, though ridiculed at one time, proved to be right in his warnings about the deteriorating state of world affairs.

Last week, watching the U.S. ambassador serve notice to the U.N. General Assembly, there was no doubt that this year's recipients had to be those doomsayers among us who, back when it was considered slightly ridiculous by their more sophisticated neighbors, (1) wouldn't buy UNICEF cards and, worse yet, (2) slapped bumper stickers on their autos proclaiming, "Get the U.S. out of the U.N. and the U.N. out of the U.S."

Well, few if any of their neighbors are sneering now. The word is that in this season of General Assembly good cheer for Yasir Arafat, even UNICEF card sales are in deep trouble. And John Scall, then whom there was in former years no more sophisticated scoffer at Right-Wing Kooks, has taken to making speeches from the General Assembly rostrum which could have been lifted straight out of Barry Goldwater's 1964 catalogue of foreign policy lectures.

Scall warned his diplomatic colleagues last week that given the current irresponsible drift of General Assembly activities the American people aren't likely to continue to support the U.N. in the style to which its members have become accustomed since the Rockefeller family 30 years ago donated the land for the Tower of Babel on the East River.

Nor was that all that occurred in recent days to bear out the foreign policy clairvoyance of the Little Old Ladies. Following Scall's speech, no fewer than 71 U.S. Senators put on their tennis shoes, picked up the flag and petitioned President Ford to do something, drastic if necessary, that would curb the threat of "political and economic blackmail" by the now-prevailing U.N. majority.

Ford should tell the U.N., insisted the senators, that the General Assembly's "direct threats" to American foreign policy interests could mark "the beginning of the end" for the international organization which many of the petitioners used to call "the world's last, best hope for peace."

Nevertheless, despite the warnings of our U.N. ambassador and the Senate, those who now control the General Assembly have indicated that they intend to continue running roughshod over the interests of the United States and its allies.

Thus, it seems, the handwriting is on the Plaza wall, as clear in its stridency as those bumper stickers. And what was born here in San Francisco, out of this country's post-World War II euphoria, has long since died.

Face it, the Little Old Ladies were right all along; the sooner we ship the remains to Geneva, to be burned alongside the League of Nations, the better.

EXPERIMENTS AND RESEARCH WITH HUMANS: VALUES IN CONFLICT

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROGERS. Mr. Speaker, I would like to bring to the attention of this assembly that on February 18-19, 1975, the National Academy of Sciences will convene in its auditorium one of a series

of public forums intended to illuminate controversial issues of national importance involving the uses of science.

The subject of this Academy forum is one of critical and urgent concern to all of us—"Experiments and Research with Humans: Values in Conflict." It constitutes a major effort on the part of the National Academy of Sciences to bring together the widest possible range of expertise to examine this important ethical problem, which is one of the most complex and far-reaching we have faced as a nation. Each day brings some new realization of the intricacy and magnitude of the problem.

I am attaching a schedule for the forum and call your attention to both the topics, and the speakers and discussants. They cover all the most important facets of the problem and include all of our leading experts on it. This is a crucial subject on which our committee has already acted in this Congress by establishing a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (P.L. 93-348).

In closing, I would like to remind you that the charter of the National Academy of Sciences, which was passed by the U.S. Congress and signed by Abraham Lincoln in 1863, calls upon the Academy to serve as an official adviser to the Federal Government on any question of science or technology. It is my great pleasure to bring its forum on human experimentation to your attention.

The schedule follows:

FEBRUARY 18-19, 1975
EXPERIMENTS AND RESEARCH WITH HUMANS: VALUES IN CONFLICT

DAY 1

8:00-9:00 a.m., registration.
Welcome, Philip Handler.
9:15-12 noon, introduction, Frederick C. Robbins, chairman.

Perspectives of biomedical research
A Cultural and Historical View, Francis D. Moore.

The Benefits of Research, Lewis Thomas.
The Risks of Research, Walsh McDermott.
Inquiry and Commentary by the Forum

LUNCH

1:30-5:00 p.m.: Individual risks vs. societal benefits; What consent is needed?
Introduction to the Cases, Renée Fox.
The Fetus: Charles A. Alford, Frederick C. Battaglia, Robert Jaffe.

Inquiry and Commentary by the Forum
The Child: Leon Eisenberg, Charles R. Halpern, William C. Smith.

Inquiry and Commentary by the Forum
5:00 p.m.: Summary, Frederick C. Robbins.
Discussants: Lawrence Altman, Cleveland Amory, Robert Austrian, Henry K. Beecher, Sissela Bok, Edward L. Buescher, Robert A. Burt, Guido Calabresi, Alexander M. Capron, Fred Carney, D. T. Chalkley, James F. Childress, Robert Coles, Norman Cousins, William J. Curran, William J. Darby, Albert Dorfman, Merlin K. Duval, Arthur Dyck, Sir John Eccles, Joan Goldstein, H. Hugh Fudenberg, Willard Gaylin, Samuel Gorovitz, Andrew M. Greeley, Robert E. Greenberg, Michael Halberstam, André E. Hellegers, John H. Knowles, Saul Krugman, and William Langer.

DAY II

8:00-9:00 a.m., registration.
Welcome, Donald S. Frederickson.
9:15-12 Noon, introduction, Lewis Thomas, Chairman.

Individual risks vs. societal benefits, and how are the risks distributed?

The Military/The Prisoner: Alvin J. Bronstein, William N. Hubbard, Jr., Albert B. Sabin.

Inquiry and Commentary by the Forum
The Poor: Henry W. Foster, Franz Ingelfinger, Jay Katz.

Inquiry and Commentary by the Forum
LUNCH

1:30-5:00 p.m., regulatory judicial and legislative processes.

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Charles Lowe.

The Panel: Judge David L. Bazelon, Charles Fried, Maurice Hilleman, Richard A. Merrill.

Inquiry and Commentary by the Forum
Future policy options and summary

The Panel: Richard E. Behrman, Ivan L. Bennett, Jr., Douglas D. Bond, Howard H. Hiatt, Frederick C. Robbins, Lewis Thomas.

Inquiry and Commentary by the Forum
5:00 p.m. Closing, Philip Handler; Louis C. Lasagna, Brian Little, John G. Loft, Paul A. Marks, Robert Q. Marston, Reverend Richard McCormick, C. Frederick Mosteller, Edmund D. Pellegrino, Gerard Piel, Ralph Potter, Barbara Rosenkrantz, Carl T. Rowan, Lols Schiffer, George E. Schreiner, DeWitt Stetten, Jr., Christine Stevens, Michael W. Uhlmann, Theodore Woodward, James B. Wyngaarden, and Sumner J. Yaffe.

LOCAL CONTROL FOR PUBLIC SCHOOLS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. TEAGUE. Mr. Speaker, two cities in the Sixth District of Texas, which I am privileged to represent, are trying to obtain local control of their public schools to form municipal school systems. The cities of Hutchins and Wilmer consider the lack of municipal systems an undue hardship on their citizens and recently the Dallas County Mayors and Councilmen's Organization resolved to support the efforts by the cities of Hutchins and Wilmer. I present that resolution to you.

The resolution follows:

RESOLUTION

Whereas, the Mayors and Councilmen's Organization of Dallas County was formed to give voice to suburban opinion; and

Whereas, twenty-three cities in Dallas County, representing in excess of 600,000 people, have chosen to join this organization; and

Whereas, the Mayors and Councilmen's Organization of Dallas County desires to present a united front before our county, state, and national governments; and

Whereas, two of our members, the Cities of Hutchins and Wilmer, are engaged in a struggle to acquire local control of their public free schools in order to form municipal school systems; and

Whereas, this organization recognizes the undue hardships the City of Dallas has placed upon these two cities by not considering their needs before acting on matters that would affect them both;

Whereas, it is a tenet of this organization that the voice of the electors in any given

locality shall be heard and respected; now therefore

Be it resolved by the Mayors and Councilmen's Organization of Dallas County that this organization does hereby fully support the Cities of Hutchins and Wilmer in their quest for Municipal School Systems.

GEN. ANDREW J. GOODPASTER

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. RANDALL. Mr. Speaker, I would like to take a moment today to call attention to some of the notable contributions to our country of a most distinguished American soldier, Gen. Andrew J. Goodpaster.

General Goodpaster retired this week from the Army after 35 years of active service in uniform. His active-duty career began when he graduated in 1939 as the No. 2 ranking man in his class. He saw combat during World War II as a battalion commander in Europe, where he was wounded twice and was awarded the Nation's second-highest decoration for valor in the face of the enemy, the Distinguished Service Cross. After the war he earned a Ph. D. from Princeton and served in key staff assignments. Most noteworthy, perhaps, was his work for 6 years as an Assistant to President Eisenhower. Later he commanded an infantry division and, among many other responsible jobs, he served as commandant of the National War College.

In 1968, he became Gen. Creighton Abrams' deputy in Vietnam. His experience and training prepared him well to take on his last great assignment—Supreme Allied Commander in Europe. He assumed that heavy responsibility from 1969 until relieved last week by Gen. Alexander Haig. In a position demanding statesmanship as well as generalship, General Goodpaster was at one and the same time a dedicated diplomat and a thoroughly professional soldier.

The lexicon of warfare lists just two tasks that are more difficult than waging a coalition war. First is forging a strong military alliance in time of peace. Second is keeping that alliance ready in a time of détente.

Those were the supreme challenges General Goodpaster faced and met in Europe over the last 5½ years.

The magnitude of his achievement compels our recognition. General Goodpaster knew that the greatest assurance of peace is to be thoroughly prepared for war. He increasingly labored to improve the balance and strength and readiness of the multinational forces under his command. Today, the military arm of NATO is a stronger and more credible force, due in large measure to General Goodpaster's determination and dedication. Free men everywhere are indebted to him.

As chairman of the subcommittee that had responsibility for reviewing our

EXTENSIONS OF REMARKS

NATO commitments in the last two Congresses, I can attest that General Goodpaster was candid and direct with the Congress.

I would go so far as to say we learned more in a few hours with General Goodpaster than in weeks of arduous questioning of Washington officials. I only wish our country had more men like him. I hope he and his family will enjoy a well-deserved retirement.

MR. HERMAN L. WILKES

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. GINN. Mr. Speaker, the strength of our Nation is the character and strength of our people. All too often the individual stories of that character and strength go untold.

But on occasion a story is brought forward in a forum that brings it to the attention of many. I am proud that this has happened recently to a constituent and friend of mine, Mr. Herman L. Wilkes, of Brunswick, Ga.

I include an article about Mr. Wilkes published recently in Sport magazine in the Record at this point:

PAUL HEMPHILL'S AMERICA

He was born on a farm near a Georgia community named Siloam, just before World War II, under the worst of circumstances. His mother had married when she was 12 years old, that husband dying within their first year of marriage when he was kicked by a mule. She then married a handsome devil with a second-grade education who farmed his land all day, took a nap in the evening and worked all night in a mill. There were 14 children, and when the next-to-last turned out to be a boy, they thanked the Lord because now they had an extra hand to help out with the plowing and the feeding and the fence-mending. They named him Herman Wilkes.

By the time he was 14, Herman had quit school and was doing a man's work on his father's place. He even had his own mule and plow. From sunup to sundown he would hunker down to the backbreaking life of a farmer, suffering under the iron rule of his outrageously stern father, until the wisest of his sisters pulled him aside and told him the only way he would ever amount to anything would be to run away. So he simply walked away from his chores one afternoon, taking only the clothes he had on his back, and hitchhiked to a nearby town where a brother ran the meat department in a Piggly Wiggly supermarket.

Taking a room with board for \$15 a month, Herman plodded along for a year or so as a stock boy and janitor at the market. Then one day the coach of the local high school football team happened by to do some shopping and, his heart jumping at the sight of this stocky young country boy, struck up a conversation. "I don't think I've ever seen you around before," the coach said.

"I don't go to school," said Herman. "How'd you like to play football?" Herman told him, "Well, if it means I got to go to school, I don't know."

The coach and the principal of the school worked on Herman and made it possible for

him to enroll in the ninth grade. Herman lined up some weekend and nighttime jobs (pumping gas, sweeping offices, running a miniature-golf course), and in the fall of his 16th year, he entered high school.

On the first day of practice, they found Herman trying to step into his shoulder pads and had to show him how the straps go under the arms, not the crotch. But in a sense his football career began a few days later when he abruptly hitchhiked up to the furniture country of North Carolina to look for a job in a factory. Confused by football and school, understanding only hard work, he was surprised to learn that the only decent work you can find when you are 16 is on your father's farm or in your brother's meat market. It was a sobering, pivotal moment in his life. Going back to Swainsboro, Ga., he sought out the coach and told him, "I think I'd better go to school and play football."

Herman was the starting fullback on the "B" team his first year. During his sophomore year, as a 180-pound tackle in the single-wing offense, he made honorable mention All-State and was told by a University of Georgia coach that he could play for Georgia someday if he wanted to. That spring his coach, a fatherly sort who had taken a liking to Herman, called him aside and told him to drop all of those courses he was planning to take the next two years—woodworking, agriculture, physical education—and substitute for them algebra and chemistry and the like so he could "be prepared for college."

From that moment on, nothing but good things happened to Herman Wilkes. He became a full-fledged All-State player his last two years in high school, graduated in the upper half of his class and received football scholarship offers from 33 major colleges. Selecting Auburn, where he thought he might study to become a coach, he lettered for three years as the kickoff specialist and general handyman on some great Southeastern Conference teams. He was back in the pack, by no means a star (his greatest moment came when he kicked a 37-yard extra point), but he had come a long way from the farm in Siloam. He rejected an offer to try out as a kicker with the Dallas Cowboys, married a campus beauty and spent four years as a general's aide in Germany with the Army. After that, he coached high-school football for three years, got a master's degree in rehabilitation counseling, did probation work for the state and finally opened his own insurance agency in a town on the coast of Georgia.

Now 35 and the father of two boys (his wife died of cancer last year), Herman Wilkes has reached pinnacles he never knew existed. His agency earns for him around \$40,000 a year. He does radio broadcasts of local high school football games, for no fee, merely because he enjoys it. He has coached midlevel football teams. He and his boys live comfortably in a subdivision home. A stocky, smiling man whose reddish face and country drawl hint at his background, he has made it.

"I quiver to think what would've happened if I hadn't run away that time, and if I hadn't discovered football," he was saying one day this fall, pressing to make it out to the stadium for that night's high-school game. "Of all those brothers and sisters, only myself and the sister who talked me into leaving hold jobs. One sister drank some Raid and killed herself, and almost everybody has suffered from bad nerves. I'm the only one to go past the ninth grade." He shook his head, as though he still didn't believe it. "They can say whatever they want to about football, but I can sum up what it meant to me in one word. Everything. I'm a lucky man."

December 20, 1974

December 20, 1974

HON. KEN GRAY

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. PERKINS. Mr. Speaker, KEN GRAY has been my friend and neighbor for 20 years in Congress, and I regret very much his decision not to seek reelection this year.

He is a hard working, cooperative, and constructive Member of this House. It was my privilege to serve with him on the Committee on House Administration several years ago, and to know firsthand how he applied the sound principles he had learned as a businessman to the business of running the Congress.

KEN GRAY has not been a noisy Member of the House, but he has been an effective one. He knew how to get things done, and Members who have had public works projects in their districts and States have often found that KEN GRAY was a tremendously important ally to have on their side. All around the country, projects have taken form that would never have gotten off the ground.

It is a pleasure to salute KEN GRAY, but it is distinctly no joy to say goodbye—and we will not. I hope he remains nearby, and will be a frequent visitor to his old friends.

ASSEMBLYMAN CARLOS BEE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. EDWARDS of California. Mr. Speaker, it is my privilege today to pay tribute to a fellow legislator from my home State of California and my district in Alameda County, the late Assemblyman Carlos Bee. I was honored to call him my friend. He was a valuable legislator for southern Alameda County and the State of California, and he will be greatly missed.

Carlos spent his life in service to others. As a teacher in Alameda County Schools, his wit and wisdom, as well as his interest in government, will long be remembered by his students. Even after being elected to the State Assembly, Carlos continued to return to Hayward School to teach classes during the recesses of the legislature.

Carlos came to politics naturally and his political career began with his election to the Hayward City Council in 1948. He was named mayor of Hayward in 1950 by his fellow councilmen. In 1954 he was elected to the California State Assembly to represent the 13th District. In January of 1959 Carlos won the post of speaker pro tem of the Assembly and continued to serve in that position throughout his legislative career. Because of his quick wit and leadership ability, he was able to obtain compromises in the assembly that would otherwise have

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been impossible. He won the respect of legislators from the entire State with his political successes.

One of Carlos Bee's greatest accomplishments and one which bears many remembrances of him is the California State University at Hayward. Introducing a bill to establish the university, first in 1954, as a freshman assemblyman, Carlos was dreaming for his constituents. He saw his dream fulfilled. Cal State at Hayward is now a flourishing university. The dormitory on campus, Carlos Bee Hall, commemorates his role in winning legislative sanction for the college.

His dedication to education, witnessed by his fight for a university in Alameda County, never faltered, and it can be said that he gave his life not only for his constituents, whom he served until his death, but for the education of all the children in the State of California.

It was an honor to have known this great man, and it is my hope that the respect and admiration which we all felt for Assemblyman Bee will be a comfort to his family. I hope his wife Jean and family can take consolation in knowing that the people of California share their loss.

THE POINT OF CURE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. SYMMS. Mr. Speaker, I commend the following article written by one of the greatest friends of Liberty to have lived in this century, Mr. Leonard Read of the Foundation of Economic Education, Irvington, N.Y.

Mr. Read is a very prolific author and throughout his prestigious career, he has been turning on the lights for freedom and responsibility.

Mr. Speaker, I commend this article to all those who would like to have a New Year's resolution which could lead each of us as individuals toward real progress which would be the expansion of human conscience through individual effort and individual self improvement:

THE POINT OF CURE

(In the history of man it has been very generally the case, that when evils have grown insufferable, they have touched the point of cure.—E. H. CHAPIN)

It is more apparent each day that the evils of runaway government—authoritarianism by whatever name—with its inevitable inflationary consequence, approach the insufferable stage. People by the millions are becoming concerned; in a word, they are waking up and are now wondering what to do about it. Good! As W. S. Gilbert wrote in *The Mikado*, "Don't let's be down hearted. There's a silver lining to every cloud." The silver lining in our dark cloud is this rising solicitude.

I admire Chapin's "touched the point of cure." For, regardless of any understanding that grows out of it, let us never get the notion that wonder by itself is all there is to it. This large-scale wonderment merely touches the point of cure and unless handled properly can easily prove abortive. The silver lining is indeed in our politico-economic cloud, but will we act intelligently enough ever to see it? That's the question.

The key to any success we may experience rests on proper treatment. The treatment I have seen thus far seems inappropriate; it is doing more harm than good, and turning sweet wonder into bitter skepticism and opposition. Unless there is an aboutface in tactics or methods, that silver lining is but an opportunity lost. True, the anxiety has touched the point of cure—no more; the problem is to find the role that each must play if our concern is to reach the level of understanding needed to effect a cure.

Here is the situation as I see it—in graphic form:

They way they now learn . . . The way they might learn . . . An awakening.

This chart symbolizes adult American society. The segment blocked in at the left represents the very few articulate, persuasive protagonists of socialism. The one at the right represents the small number of free market, private ownership, limited government spokesmen. These on the right are the devotees of the freedom way of life, who partially understand its imperatives and exemplify its essence. At least, most of us believe we do!

Between these two small polar groups are 130,000,000 adult Americans. While members of this segment may display expertise at a thousand and one specializations, they have few if any ideas—good or bad—when it comes to politico-economic affairs; they merely tend to follow one wing or the other—left or right. The wing they follow will get their votes and, thus, these millions render the final decision as to the political system under which the nation will live.

'Tis a puzzling picture! The millions rendering the final decision, yet which way they lean depends on the byplay between the few thousand in each of the opposing camps. The way the million go—the fate of the nation—is, in the final analysis, decided by how cleverly the small block at the left conspires to destroy a free society and how profoundly and wisely the block at the right strives to create such a societal ideal. The difference in tactics? Our ancestors would have phrased it, "As different as going to hell or ascending to Heaven."

During the last few decades, and up until now, the millions have leaned toward socialism. The reason as I see it? We of the freedom persuasion have, for the most part, employed unattractive—even repelling—tactics. The hope? That the new wonderment among the millions has touched the point of cure. Achieve the cure? Yes, provided we sufficiently improve our understanding and set our tactics straight!

Now for some analysis of ourselves—the block at the right. Opposed to socialism, yes. The remedy? Ever so many among us believe it lies in "selling the masses." This is just as far-fetched or unrealistic as selling the multitudes on becoming galactic explorers. Heightened consciousness—knowledge, wisdom, awareness, perception—cannot be sold. Like any other virtue, it is a personal acquisition, a quality sought for. I can no more insinuate an idea into your mind than you can ram a notion into mine. Each individual is in charge of his own doors of perception and he absorbs into his tissues only that which he wishes. If the selling tactic had no other defect than fruitless effort—spinning one's wheels—we could bemoan the fact and let it go at that. As I shall explain later, the "hard sell," as it might well be called, sends the ones who really count away from, not toward, the freedom way of life.

Reflect on the increasing number of people who insist on sending this book or that article to every member of Congress, or who write reams of advice to the President of the United States. In effect, straighten them out!

Not a responsive word is heard if "the sell" is from a stranger, one, whose counsel is not sought.

Such uninvited "wisdom" lands not in the minds of these governmental agents but in their wastebaskets. Further, the freedom way of life is thereby downgraded in the eyes of the besieged.

Add to these incorrect methods the increasing number who are throwing in the sponge, taking a posture exactly the opposite of what it should be. An example in the morning's mail, the concluding sentence to a despondent letter: "I am discouraged, I am angry. But worse, I am becoming apathetic." Comment appears unnecessary.

Before explaining what I believe to be the correct method, let me suggest why so many look upon this as a selling rather than a learning problem. We are market oriented—and selling is a prominent feature of the market. However, there is a marked distinction between goods and services which satisfy desires of the flesh and intellectual, moral, and spiritual ideas which are accomplishments of the intellect. These realms are different and we must employ the tactic appropriate to each. True, we can sell things to others but, so far as others are concerned, we can only learn ideas from them.

Over the years I have witnessed millions of dollars spent on advertisements presenting the case for freedom; much of it well written. Results? Nil! Why? People no more turn to advertising for intellectual enlightenment than to churches for auto advice or to entertainment media for religious counsel or to propagandizers for ideological perfection. For proof, merely reflect on how or where you turn for this or that.

Back to those in political office. Were one of them—the President or a Congressman—to seek your counsel, there would be a listening ear, that is, a wanting-to-knowness coupled with his acknowledgment of you as a fruitful source. If one wishes to be effective, here is a good rule to follow. Wait for the call—the seeking of counsel—but do everything within one's power to qualify for the call.

We must, however, analyze the kind of personal behavior which accounts for such calls. This above all: seek not agreement any more than praise; seek only righteousness, pursue only excellence. If this be one's major aim, and if a modicum of progress is made, some of those few among the Remnant—the ones who really count—will find you out. You couldn't hide your light under a bushel if you tried! Light mysteriously shines through, regardless!

The Remnant: In every society there are persons who have the intelligence to figure out the requirements of liberty and the character to walk in its ways. This is a scattered fellowship of individuals—mostly unknown to you or me—bound together by a love of ideas and a hunger to know the plain truth of things. These persons resist the hard sell, or any other kind of sell; they refuse to be fetched. Any suspicion that they might be the target of someone's efforts and they vanish. There is only one way to go about it: Let each cultivate his own garden—pursue excellence—and if he produces anything worthwhile, he may be sure, as Albert Jay Nock says, "that the Remnant will find him. He may rely on that with absolute assurance. They will find him without his doing anything about it; in fact, he tries to do anything about it, he is pretty sure to put them off. . . ."

In receiving the Parson's Award Governor Peterson in part discussed the role of the scientist in achieving a higher quality of life. The following are extracts from his remarks:

REMARKS OF GOV. RUSSELL W. PETERSON
Now, I would like to discuss the role of science—really, the role of the scientist—in achieving a higher quality of life.

Functionally, the scientist provides the basic data, information and advice, on which the public and the decision makers may act. While basic science, conducted for the sake of science, remains important, there is a growing need both for applied science and for

Why so much emphasis on the pursuit of excellence as the sole formula for the cure we seek? It stems from this observation: The higher grade the objective, the higher grade must the method be. If one's objective be the destruction of a free society, low-grade methods suffice. If, on the other hand, the objective be the creation of a free society, then this is as high grade in the politico-economic hierarchy of values as one can go; it correlates with understanding and wisdom and, by the same token, the method must be commensurately as high.

What is this method? It is as simple to state as it is difficult to achieve: arrive at that excellence in understanding and exposition that will cause others—those who care to know—to seek one's tutelage. Proof that this works? Merely reflect on those to whom you turn for tutelage in any field of endeavor. Obviously, only to those who, in your judgment, are more, not less, enlightened. For example, golfers at my Club do not seek my tutelage on how to play the game; they are aware of my incompetence. But wave a magic wand and make a Jack Nicklaus of me, and every member will sit at my feet, drink at my fountain, seek my tutelage. This is true in any field one wishes to examine, and in none is it more evident than in the rebirth of liberty—the goal of our ambition.

Yes, we have touched the point of cure. A brand new wonderment among 130,000,000 adult Americans awaits only an attracting excellence to effect the cure, namely, an about-face from democratic despotism to human liberty. We have ample demonstration that the "hard sell" does not work. So, let's try the learning and sharing process. As Nock said, "We may rely on that with absolute assurance."

GOVERNOR PETERSON RECEIVES PARSON'S AWARD FOR OUTSTANDING PUBLIC SERVICE

HON. CRAIG HOSMER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. HOSMER. Mr. Speaker, the most prestigious honor awarded by the American Chemical Society for outstanding public service by one of its members is the Parson's Award. This year its winner was Gov. Russell W. Peterson, Chairman of the U.S. Council on Environmental Quality.

Dr. Peterson won his Ph. D. in chemistry and was long a scientist for the du Pont Co. Subsequently he achieved political success, first as Governor of Rhode Island and later as head of CEQ. He has so consistently carried forward his duties with excellence that AMC found in him a man to match the highest honor it bestows.

In receiving the Parson's Award Governor Peterson in part discussed the role of the scientist in achieving a higher quality of life. The following are extracts from his remarks:

REMARKS OF GOV. RUSSELL W. PETERSON
Now, I would like to discuss the role of science—really, the role of the scientist—in achieving a higher quality of life.

Functionally, the scientist provides the basic data, information and advice, on which the public and the decision makers may act. While basic science, conducted for the sake of science, remains important, there is a growing need both for applied science and for

more effective and active communication between the scientist and the decision makers.

A scientist's views are of limited value unless they are brought to the attention of the top decision makers. This is a critical organization problem.

Nearly all decision makers are oriented toward the near term. They are besieged by a multitude of urgent problems. Tomorrow's problems can wait.

But the scientist's business is with tomorrow. And it's increasingly urgent that he get to see the boss today.

Furthermore, most decision makers are resistant to change. It is said that nothing is more certain than change except resistance to change. The scientist's business is change. With today's trends in the world leading toward catastrophe, the decision makers better get close to the practitioners of change.

Too frequently scientists report well down the organization line. Anyone along the line in a tight organization can block an idea. Only those ideas that suit the views of the most conservative person in the chain get through to the top.

Many of you in this room have worked with large organizations in industry and in government and know of what I speak.

Much has been written of late about how the scientific community might best get its input to the President. Now I have no inside dope about what the President may or may not do in this regard. I hope, however, that whatever he does he provides for direct, frequent consultation with his scientific adviser.

There are several other considerations which are basic to an effective role for science in achieving quality of life. The first is the need for a holistic, integrated approach.

Until recently, our perception of the quality of life, like our perception of the environment, and our efforts to achieve environmental quality have not been ecologically based; they have been fragmented. In a sense, our approach to environment has paralleled that of our approach to science in general. Throughout much of scientific history, there has been a thrust to reduce a complex whole to smaller, simpler, more comprehensible components. In the process, we have developed a greater and greater understanding of these components, but it is only relatively recently that we are recognizing that in the process we have failed to perceive the whole. Indeed, that we may have obscured our comprehension of the whole. That is why the holistic science of ecology is so critically important to our human welfare. And nowhere is its effective application more critically needed than in our present environmental endeavors.

As a chemist seeking to learn more about ecology, one of my first surprises was to learn how little we really know about the biosphere, and how great are the gaps in our ecological understanding. Subsequently, as I have become better acquainted with the field, I have come to better appreciate how incredibly complex an ecosystem really is, and, consequently, how difficult it is to obtain adequate ecological understanding.

There is much that a lone ecologist working in the field can contribute, in much the same way as a lone chemist working in his laboratory. But it is clear that the broader understanding we do critically need today can only be obtained through a truly interdisciplinary approach. Since the biosphere does not recognize political divisions and boundaries and since many of the impacts of our actions do not stop at national borders, our search for ecological understanding must be international as well as interdisciplinary. Decision makers are learning that we have to operate within the limits of ecological systems and constraints. But, of course, this does not mean stopping progress or going back to the cave, but rather it means understanding ecological systems and

principles, and using this understanding to remove the limiting factors and enable us to move higher up the hierarchy of needs. It is my belief that developing this understanding, and developing the capability of conveying it to decision makers, provides one of the greatest challenges facing science today.

However, having emphasized the need for a holistic, interdisciplinary approach, and having noted some international progress, I must also emphasize that our traditional academic system is a powerful obstacle to achieving such an approach. Many universities have established interdisciplinary course departments, or curricula, but while the wrapping is different, the product frequently is not much changed.

Our problems of environmental quality and quality of life simply do not lend themselves to resolution via the old traditional fragmented academic route. Consequently, a major challenge to science is first, to develop the holistic training that is required, and second, and possibly more difficult, to adapt the academic system to handle it.

In conclusion, I would like to emphasize the following points: quality of life is determined by a person's success in progressively fulfilling a continuum of needs. Although most of the people on earth are still struggling for the basic necessities of life, many of us in the developed nations are now primarily motivated toward such things as self-fulfillment and self-actualization.

Our institutions need to continuously alter their activities so as to produce what is required to fulfill the changing needs of our people, and scientific knowledge and insight must be basic to that process.

There is a series of potential obstacles to achieving higher quality of life. As in any ecosystem, these obstacles are interrelated, and they constitute limiting factors, which, if unchanged, limit the improvement in quality of life.

We must learn to utilize, not fight, natural ecological systems; in effect, seek to live in equilibrium with them and use them to wisely expand the factors limiting increased quality of life. And we must develop an effective capability for ecological prediction, to provide for assessment of potential environmental impacts of our actions. Both these needs pose fundamental challenges to science.

Science has been a major factor in enabling mankind to reach its present status. However, to realize the progress we now recognize as necessary, there must be some fundamental changes. An integrated, holistic, interdisciplinary approach is required which must be applied with humanistic wisdom—not with the simple application of blind technology. To achieve this goal, basic changes must be made in our teaching of science and in our academic institutions themselves.

I am not an uncritical believer in the doctrine that "science will save us." However, I am convinced that science can respond to these new requirements, in the same way it has responded to challenges of the past; and that science can continue to provide the basic information, as well as some of the guidance we need, to achieve ever higher quality of life.

While I must admit that the problems before us do not exactly fill me with joy, I am optimistic that we will solve them. I have faith in the basic strength and goodness of this country and its people. We are a people who have met past challenges and I firmly believe that we are willing to sacrifice and work to solve our current problems.

It has been said, and I think with justification, that the United States is a Nation adrift—that it is in search of new goals to test its mettle.

Well, the challenges—population growth, food supply, health care, energy, environmental degradation and unemployment—are clear. We will either meet these challenges or become their victims.

This is no time for despair and pessimism. It is a time to renew our self-confidence—to pick goals that are realistic in this age and meaningful to people everywhere and then to challenge all of us to work hard, to innovate, to sacrifice to reach the goals.

And in working to reach these goals, we can obtain the self-fulfillment we all seek.

WALTER HARRISON "MR. RURAL ELECTRIFICATION"

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. GINN. Mr. Speaker, the old saying, a man's actions speak louder than his words, is an appropriate description of a dear friend of mine, Walter Harrison of Millen, Jenkins County, Ga. This outstanding individual was recently honored at the Georgia Electric Membership Corp. annual banquet as "Mr. Rural Electrification."

It would take too much space to adequately describe the many contributions that Walter Harrison has made to his community, State, and Nation in his 75 years, but I want to take this opportunity to call to the attention of my colleagues some of the highlights thus far in his career of service.

Walter Harrison has lived in his hometown since his birth. He has been the editor of the Millen News for 25 years. He has served as mayor of Millen, as a member of the Georgia house and senate, has held every office in the Jenkins County Chamber of Commerce, and is a member of the Millen Rotary Club and the American Legion, Post No. 188. The list goes on and on.

His love of and dedication to God has been demonstrated many times. He is an active member of the Millen Methodist Church where he has been a member of the board of stewards and administrative board for more than 52 consecutive years.

He has passed on this love and dedication to the youth of the area by his work with the Boy Scouts, 4-H Club, Youth, Inc., and the Future Farmers of America.

Walter Harrison is a man who has known honor and recognition before. He is a great man in his own right, and a man who is known and respected by leaders throughout this Nation. But perhaps most significantly, Walter Harrison has always remembered his heritage and home town. He has added to the honor of our area immeasurably, and I count it an honor to call him my friend.

Perhaps his greatest contribution has come through his service toward improving the quality of life in rural Georgia and throughout the Nation. He is known as Mr. Rural Electrification in addition to being known for his decades of service that I have just mentioned. Serving his fellow man has been the hall-

mark of his life and it has been through rural electrification that he has truly left his mark.

He has served in just about every position of responsibility possible in the local, State and national rural electric organizations. In addition to these many positions, he has worked diligently to improve rural telephone service and conserve the land.

Yes, Walter Harrison is a true public servant and a splendid friend to the citizens of Millen, the State of Georgia, and rural America. There is no way to fully measure the extent of his contributions, but millions of Americans live a fuller life because of his dedicated, knowledgeable, and unselfish service.

Never one to compromise his principles or beliefs, his life has been guided by Captain Parker's famous quote:

Stand your ground . . . Don't fire unless fired upon, but if they mean to have a war let it begin here.

Because Walter Harrison won far more battles than he lost, all of America is a better place to live and work.

MICHAEL FROME: ENVIRONMENTALIST

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. HECHLER of West Virginia. Mr. Speaker, the firing of Michael Frome, the noted environmental writer for Field & Stream magazine, by CBS is a sad chapter in recent history, reflecting hysteria against those who fight to protect planet Earth. Mike Frome is a straight shooter who staunchly defends the environment against the many forces working to exploit it. His dismissal is a classic example of how some people will cave in to political pressure from the big energy lobbies. Field & Stream has apparently decided to abandon straight reporting on the critical environmental crises which face us in imagine painting and puff pieces. In the process, we have lost a very able vote for conservation of our natural resources.

Mr. Speaker, I would like to include in the RECORD several articles concerning the firing of Mike Frome:

[From Time magazine, Nov. 4, 1974]

THIS SPORTING LIFE

Field and Stream (circ. 1,860,000), a monthly devoted to duck hunting, fishing and other woodsy pursuits, hardly seems like a cockpit of ideological controversy. Yet in recent weeks its owner, the Columbia Broadcasting System, has been the target of angry letters and calls from the environmental and conservation lobbies. Some of the protests came from members of Congress, including Henry Reuss, chairman of the House Subcommittee on Conservation and Natural Resources. Then 50 irate conservationists waved placards in front of CBS's Washington office. Cause of the wrath: the firing of Field & Stream's widely known conservation writer, Michael Frome.

Frome, 54, is a successful lecturer, magazine writer and author (Rand McNally National Park Guide), whose Stream columns

have crusaded for preservation of wilderness areas since 1968.

This fall, Editor Jack Samson canceled the column, ostensibly because the magazine wanted a "modification in the editorial approach." Says he: "I've already hired someone else with an even more strident and stronger stand on conservation. I just don't think Mike Frome did a very good job." CBS officials say that they knew nothing of the change until Frome's supporters started to sound off, and that the parent company bore the writer no grudge.

Frome and some of his partisans insist that Stream's waters are murkier than that. Frome claims that after Samson was made editor in 1972, he was told not to "name names." Frome says that Samson, for example, refused to publish his criticism of John McGuire, chief of the Forest Service. Frome insists: "They want to play it safe and steady."

Irate Congressmen: Instead, Frome preferred to play it tough and tendentious. He criticized timber companies, highway builders and strip miners. Frequently he used his column to lobby against legislation that might be potentially destructive to the environment. One of his notable victories came in 1970, when he helped defeat a bill which would have given timber cutting priority over recreational and other uses for national forests.

Says Joseph Browder, director of the Environmental Policy Center in Washington: "Frome has raised the consciousness of millions of readers from bag limits and such to the real questions of what's happening to our resources and what can be done to protect them."

In the consciousness-raising process, Frome has made enemies in big business, the gun lobby and on Capitol Hill. Many Congressmen were irate about his controversial 1972 "Rate Your Candidate" article. The story evaluated Senate and Congressmen on their attitudes toward conservation and environment issues.

Says Congressman Reuss: "If Field & Stream has no place for Frome, then we have come to a time when the voice of conservation is, quite literally, a voice crying in the wilderness."

[From the Roanoke Times, Nov. 5, 1974]
FIRING OF CONSERVATIONIST WRITER IS
DISPUTED
(By Bill Cochran)

Someone once asked Michael Frome, the widely-read crusading conservation columnist of Field & Stream Magazine: "Why don't you stick to hunting and fishing? Leave the politics to experts."

Replied Frome, "I wish I could. But without effective political action now, the hunting and fishing is apt to be mighty slim, or nonexistent, a generation hence."

Now Field & Stream apparently has asked Frome much the same question. Although not many of his faithful readers know it, since his column is in the November issue of the magazine, Frome has been fired.

Already, the wrath of this action is coming down on the magazine and its owner, the Columbia Broadcasting System. It's anyone's guess what will happen once the word really gets out.

Frome, a 54-year-old Virginian, has thrived on controversy, because he's not known to back down or soften his punches against those he views as a threat to conservation, be they road builders, strip miners, dam constructors, foresters, polluters, politicians or even the President of the United States.

From the nearly two-million circulation of Field & Stream, he gained his largest platform and rapidly grew to become a widely respected—and hated—conservation writer, at a time when similar magazines seldom informed readers of more than how to hook 'em and bag 'em.

Field & Stream lost some of its manhood when it fired Mike Frome.

Why the firing? Time Magazine—imagine this—devotes two columns to the matter in its current issue. It quotes Jack Samson, Field & Stream editor, as saying he wanted a "modification in the editorial approach."

Said Samson, "I just didn't think Mike Frome did a very good job."

But Time implies, and many must agree, that the matter runs deeper than this. Frome, in his consciousness-raising process, had made countless enemies, from big business to Capitol Hill.

He started his Field & Stream column in 1968, when Clare Conley was editor. Conley, a couple years ago, moved on when he felt the management, namely publisher Michael J. O'Neill, was looking too closely over his shoulder.

For Frome, being fired isn't exactly a new experience. When his writings got too rich for the American Forest Magazine, the mouthpiece of the American Forestry Association, he was fired from that publication, after a six year association as columnist. The issue, largely, was his opposition to clear cutting forestry practices.

As it turned out, this attempt to gag Frome did more to publicize his stand than anything else could have. It will be surprising if the same thing doesn't happen in the wake of the Field & Stream firing.

Shortly after his dismissal from the American Forest Magazine, Frome spoke at Dabney S. Lancaster College in Clifton Forge. Earlier, William E. Towell, executive vice president of the American Forestry Association, had stated that Frome's column was terminated, "only because he became personal and abusive."

Frome, a small, soft-spoken gentleman, stood before the Dabney Lancaster group and said, "Now I ask you, do I look like anybody personal and abusive?"

But like many good writers, he looked one way and wrote another. It is something that has gotten him into trouble, but a conservationist in trouble isn't exactly anything new.

[From the Vancouver (Wash.) Columbian, Nov. 7, 1974]
WHY WRITER MIKE FROME WAS FIRED
(By Jeff Stansbury and Edward Flattau)

Readers of Field & Stream know Mike Frome is one of the ablest conservationists who ever wore out a typewriter. He joined the magazine in 1968, served as its conservation editor for six years, waged a literate war on the despoilers of wild lands and brought Field & Stream rare distinction. Last month Frome was fired.

We asked the magazine's editor, Jack Samson, why he had let Frome go. "We don't wash our linen in public," he said. "It was strictly an editorial decision."

A dozen national environmental groups disagree. So do Reps. Guy Vander Jagt, R-Mich., John Dingell, D-Mich., and Henry Reuss, D-Wis. All have criticized Frome's firing. Most of them consider it a politically motivated act—and they have aimed their protest not only at Samson but at the communications conglomerate, CBS.

Field & Stream was bought by CBS shortly before it hired Frome. The network owns five other magazines, numerous radio and TV stations and nonmedia subsidiaries. It grosses \$1.5 billion a year and for a long time scarcely seemed to notice Field & Stream. "We saw almost nothing of CBS in the early years," says Clare Conley, who preceded Samson as editor. Several developments in 1972 ended this benign neglect and sealed Frome's fate.

First, CBS brought in Michael O'Neill as the new publisher of Field & Stream. Then O'Neill fired Conley and replaced him with

Samson. Finally, Frome wrote a "Rate Your Candidate" column that outraged the anti-conservationists in Congress.

O'Neill's credentials as an outdoorsman are elusive. He has sold ad space for Look and cooked up a gourmet magazine that fell flatter than a soufflé. Why CBS chose him to pilot an outdoor magazine is a mystery, except for the fact that he shares the network's dim view of hunting. He has told some Field & Stream staffers that hunting is on the way out. No doubt this explains why the magazine recently ran a two-page photograph of Phyllis Diller.

O'Neill's most notable act was his firing of Conley, who disliked the slickness that was creeping into the magazine. Conley had sponsored Frome's tough brand of journalism. Together they had exposed the abuse of America's forests by clear-cutters, stockmen, oil men and mining companies.

The new publisher was reportedly miffed by Frome's barbed writing. In 1972 Conley barely prevailed upon O'Neill to schedule the "Rate Your Candidate" column.

Frome's 1972 "Rate Your Candidate" column was indeed a blockbuster. It gave a few lawmakers perfect conservation scores but flunked many more. The column played a major role in the primary election defeat of House Interior Committee Chairman Wayne Aspinall, D-Colo., and it drew many howls of pain. Other legislators complained directly to CBS board chairman William S. Paley.

This tactic was effective because CBS must tirelessly woo congressional backing for its "equal time" and cable TV policies, license renewals and cross-media ownership. These concerns make CBS far more sensitive to the politician's wrath than an independent publisher of Field & Stream would be.

Thus, shortly after the 1972 congressional backlash reached CBS, Field & Stream began restricting Frome's access to his readers. Samson cut the length of his monthly columns and imposed political constraints on them. Last June he refused to print Frome's expose of shady land deals between New Mexico developers and the Bureau of Land Management. Samson also told Frome there would be no 1974 version of "Rate Your Candidate." Effective journalism, he explained, did not require the naming of names.

If Samson and O'Neill thought Frome would pull his punches, they were mistaken. A month ago Frome turned in a typically biting, well-researched critique of the Forest Service's latest public relations campaign. His curt dismissal by Samson came a few days later.

"Mike is one of the great voices of public interest writing," says Conley. "He'll bounce back because he's a fighter, but right now Field & Stream has stripped him of his readers." We thought we'd tell them why.

[From the Lander (Wyo.) High Country News, Nov. 8, 1974.]
(By Tom Bell)

It was a pleasant surprise to see Mike Frome gazing out of a page of Time magazine as big as life (Nov. 4, 1974). But then I read the article and that was not so pleasant. Mike had been sacked again, this time by Field & Stream magazine.

It seems that Mike's deft dissection of so many environmental problems, and his rapier-like pen used against so many politicians and bureaucrats alike involved so much blood-letting that it frightened the hierarchy of Field and Stream. In that cloistered world of egocentrics and egomaniacs called government, Mike Frome is too much of a threat. He likes to name names and lay too many facts openly before the public. And that threatens special interests.

Mike is gentlemanly charming, keeping his cool and manners even when confronting hostile adversaries. He is intelligent, witty, and knowledgeable. And he makes it a point to inform himself on the matters of which he

writes. As a result, he is one of the most effective environmental writers of these pressing times.

When we were having problems in Wyoming, he came not once but several times to see and judge for himself. On one occasion he flew with me over the great Red Desert to see antelope and wild horses and the effects on them of fencing and mining activities. It also happened to be at a time when AT&T was putting in a transcontinental telephone cable—and unknowingly bulldozing out the historic Oregon Trail as a right-of-way. We flew on to see the valley of the Upper Green River and the threats to it of big dams. (The threats today may be more imminent than they were then.) And we ended in Jackson Hole where Mike addressed a group on the threats of clearcutting on the national forests to the famed elk herds of the area.

Along with Dave Brower, he generously lent his prestige to Wyoming's First Environmental Congress. And he just as generously gives of his time and interests to many other environmental efforts.

So it is that the hypocrisy of our system could never be better illustrated than in the case of Mike Frome. We tout our system as being one of freedom for the individual, and we particularly tout our freedom of speech and expression. His experience gives the lie to just how much freedom we really do have.

For years his lucid, penetrating columns appeared in American Forests magazine. But as the powerful special interests in the timber industry began to rape the national forests, his writings became more vehement against them. And he also turned his guns on the Forest Service, accusing it of being a willing accomplice. He was told that his columns must conform to "editorial policy." He refused and was told his columns would no longer be needed.

Now, it is Field and Stream's turn. When he signed on at Field and Stream as environmental editor, his writings were a refreshing change from the traditional "me & Joe" hunting and fishing tales. Mike, and sometimes fellow staffers Richard Starnes and Ted Trueblood, gave readers something more solid to consider than the mere taking or killing of nature's bounty. But, alas, if such mental sustenance was not too much for Field and Stream's readers, it was for the owners. Columbia Broadcasting System, and undoubtedly for many advertisers.

And so a powerful and compelling voice for urgent environmental matters has lost another forum. It would be different if Mike Frome preached destruction of the "system." But he does not—only the changes which are ultimately necessary if the system is not to destroy itself.

[From the Outdoor America (Izaak Walton League publication) December 1974]

MIKE FROME OUSTED BY FIELD AND STREAM

Mike Frome, out-spoken conservationist, author, and member of the IWLA, was released from his post as conservation editor for CBS-owned Field and Stream magazine in October. Frome was ostensibly discharged because the magazine wanted a change in its editorial approach. Field and Stream claims it will now take an even "stronger stand on conservation issues." But Frome insists that "they want to play it safe and steady" and that he was instructed not to "name names" in his hard-hitting comments.

Frome has long been a major asset to conservation, with his straightforward, no-holds-barred approach. He frequently used his column as a platform to denounce legislation which would be harmful to the environment. There are no sacred cows for Frome.

A great deal of controversy surrounded his "Rate Your Congressman" article which appeared in 1972. Senators and Congressmen

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were rated on their stands for or against conservation issues. Many feel Frome's greatest value is that he spoke effectively to people other than conservationists and he educated thousands who would not have been reached otherwise.

Frome's discharge caused a storm of criticism from the conservation community. A letter signed by all the major conservation groups, including the IWLA, was sent to William Paley, Chairman of the Board of CBS.

Frome, who keynoted the 1973 league convention in Duluth, says, "I have been flooded with warm and wonderful messages from all parts of this country, and indeed from other countries as well." One friend noted, "They couldn't stand the heat, so they kicked the stove out of the kitchen."

What does Frome think about his situation? "Personally," he said, "I'm looking forward rather than backward."

[From the Missoulian, Missoula (Mont.), Dec. 8, 1974]

FEDERAL MANAGEMENT OF LAND IS BLASTED
(By Don Schwennesen)

Conservation writer Mike Frome blasted federal administration land and resource management policy Saturday in Missoula, calling on citizen conservationists to mount a broad new environmental offensive.

"I consider (Agriculture Secretary Earl) Butz and (Interior Secretary Rogers) Morton two of the most dangerous men in America," Frome said in a keynote address before some 200 people attending the Montana Wilderness Association annual convention. "They don't tell us the facts—they've created a crisis of truth," he said, listing Forest Service Chief John McGuire as a close third to Morton and Butz.

COAL EXPORTS EYED

Picking up the energy-related coal strip-mining issue raised Friday by West Virginia Rep. Ken Hechler, Frome took note of continuing coal exports from West Virginia, contracts to export Alabama coal and recently revealed plans to export Montana coal—plans that were subsequently dropped.

"On the one hand they tell us we need this coal to sustain our style of living," he said, contrasting the energy crisis claims with a recent Business Week report that Alabama coal exports to Japan are contracted to increase from 60,000 to 10 million tons per year.

When administration and industry officials are confronted with facts on coal export, he said, they slide-step the energy crisis and claim the exports are needed to minimize an unfavorable foreign trade balance.

"We've got to get into the hard, gut issues and challenge growth at all levels," Frome told an audience that included regional conservationists, state legislators and Northern Region Forest Service officials.

LOCAL LEADERSHIP

"The leadership has got to come from out here" at the "grass roots level," he said, "where the resources are that the bankers on Wall Street want."

"If you can develop . . . hard line political policy . . . Wall Street isn't going to get them," he said, pointing to major environmental victories won at the polls last month.

"The politicians are coming with us increasingly," he said. "As far as I'm concerned, the fight to save our earth is just getting under way."

The former conservation editor of Field and Stream magazine also recounted events leading up to his firing, charging that a change in editorial management at the magazine had been followed by editorial censorship of columns he wrote exposing a Bureau of Land Management scandal in New Mexico and attacking the Forest Service's "Environmental Program for the Future."

LAND EXCHANGES

In the former case, Frome said, the BLM had worked out irregular land exchanges with the Crowder Investment Company, a private real estate firm, in which Crowder obtained title to over a half million acres of federal land—including valuable land near El Paso and between Albuquerque and Santa Fe.

But in a separate Missoulian interview, Frome blamed his firing on new and incompetent management at Field and Stream, and he discounted rumors that the targets of his columns had pressured the magazine's parent firm CBS, Inc., into giving him the axe.

Seemingly undaunted by the hassle with Field and Stream, Frome noted that he still writes columns and travel features for other magazines, commented on his latest book entitled "Battle for the Wilderness," revealed plans for new books he hopes to write and said that the "personal satisfaction outweighs the trouble by far" in the environmental battle.

FREE TO TALK

"I feel free to say anything I please," he said, telling the wilderness association that "environmentalism must be a living creed, a personal affair, a way of life . . ."

"Individually and collectively we can work miracles," he said and added, "don't have it on your conscience that you missed the opportunity."

"The core of the issue is growth, unrestricted and uncontrolled," he said. "Growth demands energy in ever-spiraling volumes. We have acted as though land, air, water, forests, coal, petroleum and metals were limitless."

"Now at last we must recognize the finite capacities not only for our country but for the world," Frome said, suggesting that future national needs must be filled more from present affluence and waste.

"If we want to be responsible conservationists, we must not endorse the policy of developing resources to the point of crisis," Frome said.

REMOVING SEX DISCRIMINATION FROM CERTAIN SECTIONS OF THE DISTRICT OF COLUMBIA CODE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FRASER. Mr. Speaker, I am pleased to introduce a bill H.R. 17670 that makes major improvements in the D.C. Code by eliminating certain features that discriminate on the basis of sex.

The bill is a product of a voluntary effort over many months by attorneys and others in Washington who are concerned about sex discrimination. The changes made by this bill remove sex-based criteria in several sections of the code but make no other policy changes.

Because the new City Council has authority to adopt this legislation, I do not propose to pursue this in the next Congress. Instead, I am sending copies to the new Council in the hope that they will give it consideration.

The following summary of the bill shows the logic of its provisions. I hope there will be broad support for this effort and early action.

The summary follows:

SUMMARY OF SECTIONS OF D.C. CODE CONTAINING SEX-DISCRIMINATORY PROVISIONS

§ 4-523(7) deals with the time spent in military service to be included in determining the aggregate period of service upon which an annuity for a member of the police department is based. The section refers repeatedly to the member's "spouse" as his "widow". Since women who serve in the police department may have served in the military and may have husbands entitled to annuities under § 4-531, the word "widow" where used in § 4-523(7) should be changed to "spouse".

§ 6-301 provides that the Director of Public Health shall send an acknowledgment of the report of a new baby's birth in the D.C. to the baby's father and if the father's address is unknown, to the mother. If the report does not contain the given name of the child, the parent is to return a form certifying the name of the child. Since either parent can perform this function, the law should provide that the report be sent to the child's parents or to either parent whose address is known, rather than giving preference to the father.

§ 15-502, dealing with property of a "head of household" which is exempt from creditors liens under § 15-501, provides that a mortgage, deed of trust, etc., upon such property is not binding unless signed by the wife of a debtor who is married and living with his wife.

The "head of household" is defined in § 15-501 as the person who is the principal provider for the family. The language of § 15-502 wrongly assumes that the husband always is the principal provider. The word "spouse" should be substituted for "wife" where used in said section.

§ 16-304(b)(2), paragraphs (C) and (D) require permission for adoption of a child only from the child's mother if the child was born out of wedlock, or if the child was born in wedlock but the child's illegitimacy has been established to the satisfaction of the Court.

These provisions should be eliminated. A father should not automatically lose the right to consent to the proposed adoption of his child because the child is illegitimate or born out of wedlock. (A further section of the present law, paragraph (d) provides that no consent is required from a parent who cannot be found or who has abandoned the child and failed to contribute support for six months. Thus, even if the law is changed as recommended herein, a father who abandons or fails to contribute to the support of his illegitimate child would be deprived of the right to consent to adoption, as would such a mother.)

§ 16-577 provides that the percent limitations on the amount of a debtor's wages which a creditor can attach do not apply when the judgment is being enforced for the payment of support or maintenance for a person's wife, former wife, or children.

Pursuant to the recommendations made with regard to §§ 16-911, 912, 913 and 916 infra the word "wife" should be changed to "spouse."

§ 16-911 dealing with alimony pendente lite provides that where the husband applies for divorce, the court can require him to pay maintenance for his wife and for her legal fees during the pendency of the divorce suit. § 16-912 provides that when divorce is granted to the wife, the court may decree her permanent alimony. § 16-913 provides that the court may grant alimony to the wife when divorce is granted on the husband's application. § 16-916 (a) and (b) allows the court to decree that the husband must pay reasonable sums periodically for the support of a wife or for a former wife, and minor children.

The above statutes do not allow the court to require the wife to pay alimony or support to her husband. Such an option should be

EXTENSIONS OF REMARKS

December 20, 1974

within the court's discretion, depending upon individual circumstances and needs. (For example, *Tibbs v. Tibbs*, D.C. App. 1966, 223 A.2d 279, involved a situation where the wife earned more than the husband.) A statute is necessary to enable the court to award alimony or maintenance to a husband, since there is no basis for holding the wife liable under the common law, and other jurisdictions have enacted statutes for this purpose. See, for example, the annotation at 66 ALR 2d 880 et seq. "Husband's right to alimony, maintenance, suit money, or attorney's fees."

§ 16-2701, which provides a remedy for wrongful death, makes reference to a husband's right to recover for loss of consortium when his wife is injured by referring to a situation which would "if the person is a married woman, entitle her husband, either separately or by joining with the wife, to maintain an action and recover damages". The language should be changed by deleting references to "woman" and "husband" and substituting the word "spouse" where necessary, since women are also entitled to recover for loss of their husband's consortium. See *Hitaffer v. Argonne Co.*, 1950, 87 U.S. App. D.C. 57, 183 F.2d 811, 23 A.L.R.2d 1368.

§ 18-102 provides that a male shall have the capacity to make a valid will at 21 and a female at 18. This statute should be amended so that the age of capacity is the same for males and females. That age should be 18, in conformity with national policy enabling persons aged 18 to vote in national and state elections and to perform military service.

§ 19-316 provides that illegitimate children shall inherit from their mother "in like manner as if born in lawful wedlock." There is no provision allowing them to inherit from their fathers, except that under § 19-318 a child born out of wedlock is capable of inheriting from his father if the father later marries the mother and acknowledges the child.

These statutes should be amended to provide that illegitimate children inherit from their fathers, as well as their mothers, in the same manner as if born in wedlock provided paternity has been established by legal process or acknowledged by the father. Cf. §§ 19-318 and 30-320 discussed elsewhere herein.

In addition, section 19-316 provides that the mother, but not the father, may inherit from the illegitimate child. A father whose paternity has been established by judicial process, or who marries the mother and acknowledges the child as prescribed in section 19-318, should be able to inherit from the illegitimate child.

§ 20-1908 entitles a female to demand and receive a bequest to her of personal property or money when she has arrived at the age of 18 or has married. Under the common law infants do not attain their majority until the age of 21. *Jones v. Jones*, 1934, 72 F.2d 829, 63 App. D.C. 373, 95 A.L.R. 352. If a statute lowers the age for females, it should also lower the age for males.

§ 20-2301 deals with appointment of a receiver for the property of one who has disappeared or absconded from the District of Columbia. The terms of the statute appear to be broad enough to apply to a man or woman who disappears. However, the statute twice mentions the wife of the absentee—as one without sufficient provision for support, and as one entitled to petition for appointment of a receiver—thus appearing to assume that only a man having property will disappear. The word "wife" should be changed to spouse.

§ 20-2310 is a related statute which provides that the property of the absentee may be applied to charges incurred in the support and maintenance of the absentee's "wife and minor children" and to the discharge of debts and claims for alimony proved against the absentee.

Although, as pointed out above under the discussion of § 16-911 et seq. a wife does not now have a duty under D.C. law to support her husband, nor is there a statute providing for alimony for a husband, there are situations where a husband needs support and the courts should be given the discretion to order it. This statute should be amended so as to allow an absentee wife's property to be used for her husband's support where necessary.

§ 21-102 provides that when one parent is dead, the other may by a will appoint the guardian of the person of the infant child, "other than a married female." The exception should be equally applicable to a married male child. A similar change should be made in 21-104 below.

§ 21-104 provides that natural or appointive guardianship of the person of a male ceases when he becomes 21 years of age, and of a female when she becomes 18 years old or marries. The age and circumstances for termination of guardianship should be the same, under the law, for males and females. That age should be, in conformity with national policy enabling persons aged 18 to vote in national and state elections and to perform military service.

§ 21-107 requires that preference for appointment by the Court of a guardian for the estate of an infant under 14 be given first to the infant's father, if he is living; or if he is dead, then to the mother, or if the infant is a married female, to her husband. This statute should be changed to provide that preference in appointment of a guardian should be given to the infant's father, or mother, or to the spouse of a married infant (As is presently the law, if none of the foregoing were suitable in the court's judgment, then the court could look elsewhere for a guardian).

§ 21-109 provides that when a female infant, for whom a guardian of her estate has been appointed, marries, she may select her husband as the guardian of her estate, with the approval of the court. This law should apply equally to both sexes. The statute should be revised so as to provide that when an infant, for whom a guardian of the infant's estate has been appointed, marries, the infant may select his or her spouse as guardian of the infant's estate.

§ 21-113 permits the court to enjoin a parent or husband or testamentary guardian from interfering with an infant's estate without being appointed guardian of the estate. The word "husband" should be changed to "spouse". Otherwise a wife appears to be left free to interfere with her infant husband's estate.

§ 21-181 provides that the Probate Court may appoint guardians to indigent boys for the purpose of securing their enlistment in the naval or marine service of the United States, as provided by law, free of costs on account of the proceeding. § 21-182 states that the Register of Wills shall prepare papers in connection with appointment of such guardians, "without making a charge therefor."

The same opportunity for appointment free of cost should be available to indigent girls; and the law should be changed accordingly.

§ 30-111 requires that consent of a guardian to marry must be obtained for males under 21 and females under 18. The age to marry without a guardian should be the same for males and females. That age should be 18, in conformity with national policy enabling persons aged 18 to vote in national and state elections and to perform military service. This section also provides that the father shall be the guardian, or if there be no father, the mother. This language should be changed to allow either the father or mother to be the guardian.

Special attention in revising these laws should be given to § 30-211 which continues a husband's common law liability for a wife's necessities by providing that nothing in these laws shall be construed to relieve the

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husband from liability for the debts, contracts, or engagements which the wife may incur or enter into upon his credit or as his agent, or for necessities for herself or for his or their children. This statute retains the common law liability of the husband for necessities expended by the wife without extending similar liability to the wife. Both husband and wife should be equally liable as to the expenditures of the other.

§ 30-320 provides that the natural father of an illegitimate child shall have the duty to support such child until the age of 16, provided paternity has been established by judicial process or admitted directly under oath. The natural father should have as much duty to support an illegitimate child (when paternity has been established) as does the mother. Under § 16-916(c) the mother or father has a duty to support "minor" children. "Minor" is defined in §§ 16-2301 and 21-301 of the D.C. Code as being a person under the age of 21. § 30-320, by ending the father's duty to contribute to the support of his illegitimate child when the child reaches the age of 16, discriminates both against the mother and the child. The duties of mother and father toward their children should be equal.

§ 41-324(2)(e) provides that a partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin. This section does not refer to rights of "widowers". Widowers (who like widows are now entitled to dower under section 19-102) are also entitled to "allowances" and should therefore be mentioned. In addition, widowers should be mentioned because, in the case of persons whose spouses died prior to enactment of section 19-102, the "dower" interests acquired by widows was different than the "curtesy" interests acquired by widowers.

§ 47-2111 provides that no licensed employment agent shall send "any female as a servant or performer to enter any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry." There should not be a distinction as to the places where males and females can be sent for jobs. The word "female" should be changed to "person".

Most statutes use the words "he", "his", "him." Section 49-203 provides a general rule of construction for all laws in the D.C. Code that "Words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable." Such a provision is understandable for purposes of avoiding the constant use of "he or she", "him or her", "his or hers" throughout the Code. Some statutes, such as the provisions in Title 2 dealing with cosmetologists and architects, do use the phrase "he or she". However, there are some statutes in Title 2 which use the feminine rather than the masculine gender. These are: Sections 2-401 through 411, dealing with registered nurses, sections 2-421 through 440, dealing with practical nurses, and sections 2-451 through 469, dealing with physical therapists. Although each of the latter three statutes contain definition provisions stating that "she" and the derivatives thereof shall be construed to include "he" and the derivatives thereof (sections 2-411, 2-421(c), and 2-451(b)), it is evident that the statutes were framed on the assumption that the occupations of nurse and physical therapists are for females primarily and only incidentally for males. This is made apparent by the fact that Title 2 uses only the masculine gender in referring to those working in other medically related occupations of presumably higher status, such as dentists, psychologists, optometrists, pharmacists, podiatrists, or professional engineers.

Eliminating this statutory prejudice as

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to what sex should predominate in a given occupation could be done either by (a) changing all statutory references to "he or she", "his or hers", "him or her", or (b) changing the gender of the statutes dealing with nurses and physical therapists so that they are similar to all other statutes, and relying on either the general rule of construction in section 49-203 or the definitions in the particular statutes (revised to define "he"). Since virtually all statutes use the masculine format, it would appear that the easiest way to eliminate the appearance of statutory prejudice with regard to the sex of nurses and physical therapists is to adopt the second method of amendment.

STATEMENT ON THE VICE PRESIDENTIAL NOMINATION OF NELSON ROCKEFELLER

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ZABLOCKI. Mr. Speaker, I look upon my vote on the Vice Presidential nomination of Mr. Nelson Rockefeller not in terms of a routine confirmation, but more in terms of a national election. Through me, as the Federal representative of the Fourth Congressional District of Wisconsin, my constituents are electing a nominee who will become the Vice President, and could become President. Therefore, my vote more than any other vote on a particular issue is a reflection of the views of my constituents.

On the basis of the unsolicited expressions of opinions of my constituents—my mail, telephone calls, meetings, visits to the district—since the announcement of Mr. Rockefeller as the Vice-Presidential nominee last August, a strong majority of the people of the Fourth Congressional District are in opposition to the confirmation of Nelson Rockefeller as their Vice President. This unsolicited expression comes not from a singular philosophical or political viewpoint but rather is reflective of the views of members of both major political parties and from the conservative and liberal factions of each party. This demonstration of a lack of confidence in Mr. Rockefeller is most serious since no national leader, however fine and decent, can effectively govern without the confidence of the American people who elected him to represent their interests.

This judgment is based on a number of factors which viewed individually do not necessarily justify a vote against confirmation, but viewed collectively, raise serious doubts of Mr. Rockefeller's capability of commanding the confidence of a sufficient number of American people if he were to succeed to the Presidency. These factors are:

First, Mr. Rockefeller's great personal and family wealth is viewed as a conflict of interest, or appearance of conflict of interest;

Second, Large gift-giving and significant loans—later to be forgiven—by Mr. Rockefeller to public officials are seriously questioned;

Third, The audit of Mr. Rockefeller's tax returns resulting in his payment of

nearly \$1 million in additional taxes is a most sensitive issue with the people;

Fourth, The lack of candor by Mr. Rockefeller about the derogatory book on Justice Arthur Goldberg financed by his brother Laurance Rockefeller at the time Justice Goldberg was running against Nelson Rockefeller for the governorship of New York was disturbing;

Fifth, A very serious question as to an individual of enormous wealth being able to adequately divorce himself from the corporation constituency and be totally immune from the monopolistic economic infrastructure of that system; and

Sixth, The complete opposition to Mr. Rockefeller's nomination by the Right-to-Life constituents in my district based on his policy and past record on the issue of abortion.

Accordingly, Mr. Speaker, I shall vote against the confirmation of the nominee and thereby reflect the desire of the majority of my constituents.

JUSTICE IN MEXICO VI

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. STARK. Mr. Speaker, Saturday, December 16 the Los Angeles Times concluded a six part series on what has happened to Americans arrested and incarcerated in Mexico, on charges of drug possession. As a member of the House Special Subcommittee on International Narcotics Traffic, I have a firm commitment to reducing the flow of narcotics throughout the world. Yet as the series of articles make clear, the issue is not drugs but justice for these Americans. Over and above the use and sale of drugs is the right to just legal proceedings, bodily protection in Mexican jails and open and speedy trials for these people. Beyond the question of guilt or innocence is the question as to the role of the U.S. Embassy in assisting and insuring that Americans in Mexico or any other foreign country receive fair treatment.

I have written Secretary Kissinger and asked that the Department of State institute an immediate and thorough investigation into this situation and come up with a corrective policy decision by Christmas. I have also been in touch with chairmen of the House committees appropriate to this matter. I would be very glad to share my files with the committees to aid further investigation.

Finally, I would like to take this opportunity to thank the Los Angeles Times. The courageous, well documented, timely and coordinated efforts of Jack Nelson, Paul Houston, Stanley Meisler, and Frank Del Olmo may well be the first step in insuring justice for hundreds of Americans. Their contribution deserves our thanks and appreciation.

I submit the article as follows:

[From the Los Angeles Times, Dec. 14, 1974]

GLUE-SNIFFING No. 1 MEXICAN DRUG PROBLEM

(By Stanley Meisler)

MEXICO CITY.—Mexico's internal drug problems are far different from those in the United States, where law enforcement agents

have been trying with little success to stamp out the suppliers of heroin addicts.

According to Dr. Guido Belsasso, the director general of the Mexican Center for the Study of Drug Dependence, a government agency, the main drug problem of Mexico is the sniffing of glue, paint thinner and other solvents.

"For one peso (8 cents)," said Dr. Belsasso in an interview, "you can buy enough sniffer to last you a whole day."

The use of marijuana and the use of amphetamines and barbiturates are the next problem. "Way down the scale," Dr. Belsasso said, is the use of cocaine and substances like LSD that create hallucinations. "Even further down the scale," he said, is the use of heroin and other substances made from opium.

But although Mexicans rarely use heroin, they supply heroin to addicts in the United States.

Strict law enforcement in the United States has driven the price of heroin up to fantastic heights but has failed to prevent the spread of addiction. These prices have lured foreigners, like the Mexicans, into the business.

Mexicans grow opium poppies, mostly in the states of Sinaloa, Durango, Sonora, Nayarit and Chihuahua. The opium is then turned into heroin either at laboratories near the poppy fields or in the cities of Guadalajara and Culiacan.

On top of this, a good deal of heroin manufactured in Europe is smuggled into Mexico for shipment to the United States. The U.S. Drug Enforcement Administration (DEA) has estimated that 60% of the heroin used in the United States is now produced or transhipped in Mexico. In addition, almost all the marijuana comes from Mexico.

The problem has been complicated by the evident involvement of local politicians, police and businessmen in the lucrative trade. Some U.S. officials say, in private, that the community leaders of Culiacan, the capital of Sinaloa, live off the proceeds from heroin. Added to this is the problem of the border. It is so long that American police agents cannot stop heroin from crossing. "We can't stop bodies from moving across the border," said a U.S. official. "How can we stop a kilo of heroin?"

For years, American drug enforcement officials have believed that the problem could be solved if the Mexican government moved with more energy against the source of the heroin. This feeling has generated continual U.S. pressures against Mexico.

In turn, these pressures—diplomatic notes and border crackdowns—have long irritated Mexican officials.

"Your government," said an important Mexican official recently, "is paying too much attention to the growing and not enough to distribution in the United States. If you dealt with the distribution you would have no problem."

Dr. Belsasso, who is a Harvard-educated psychiatrist, put similar sentiments this way: "When an American official says Mexico is not doing enough, my reply is: 'What are you doing to stop the demand in the United States?'"

"The key question for us to know is how can the United States reduce its market, this would in turn have a salutary effect, both in the United States and abroad."

Nevertheless, the Mexicans have accepted the need to help the United States fight heroin traffickers, partly because the pressure has been overwhelming.

In 1969, for example, the U.S. government instituted Operation Intercept and for 10 days its agents thoroughly checked persons and cars crossing the border for drugs. The interminable delays disrupted Mexican commerce and tourism and the Mexican govern-

ment agreed to follow the American lead on drugs and to accept American equipment and training.

It would be wrong, however, to assume that the Mexican drug campaigns now are only a cynical response to U.S. pressure. Many Mexican officials have become persuaded that the campaign against drug traffickers helps Mexico as well as the United States.

"Our fear," said Dr. Belsasso, "is that we are being contaminated by your problem. Five years ago, the heroin problem in the border towns was nonexistent. A recent estimate shows that we now have about 1,000 heroin users just in Tijuana alone."

Dr. Belsasso explained that "some traffickers who cannot get all their heroin across the border sell it in Mexico. This contaminates Mexico by creating new addicts."

"My preventive priority," Dr. Belsasso went on, "is to prevent heroin spread."

Mexican officials also have become concerned lately over reports that the Mafia-like organizations that sell drugs to the United States are also importing sophisticated weapons from the United States. In shootouts with gangsters, Mexican officials say, police often find themselves out-gunned.

U.S. Treasury sources recently told the Associated Press that the Mexican government had pledged to intensify its campaign against drug traffickers if the Treasury Department would do the same against gun smugglers in the United States.

There is another reason for Mexican cooperation. The Mexican administration of President Luis Echeverria has been far more concerned with its international image than most previous administrations. Echeverria does not want Mexico to become known as a country that feeds heroin addiction in the United States.

U.S. officials often praise Mexican Atty. Gen. Pedro Ojeda Paullada, the official in charge of drug enforcement here, as a man who sincerely wants to stop the traffic. His cooperation is so great that he has allowed U.S. DEA agents to join Mexican federal agents in drug raids within Mexico.

Humberto Moreno, project coordinator of the DEA's Mexican program in Washington, told The Times recently that six of the 276 Mexican agents trained by the DEA had been killed in the line of duty. This statistic obviously reflects a commitment on the part of the Mexican government.

Other statistics do the same. From 1971 to November, 1974, according to Gen. Edmundo Arriaga Lopez, the chief of the federal judicial police, Mexico destroyed almost 6,000 acres of opium poppy fields and 8,500 acres of marijuana fields; seized 1,050 pounds of cocaine, 850 pounds of heroin, and 1,250 tons of marijuana; and arrested 8,729 Mexicans and 1,021 foreigners on narcotics charges.

Yet, despite all these statistics, the percentage of heroin reaching the United States from Mexico has increased steadily.

In a report issued in March, 1973, Reps. Morgan F. Murphy (D-Ill.) and Robert H. Steele (R-Conn.) concluded that, despite Mexican police efforts, "the smuggling of heroin and marijuana produced in Mexico continues unabated."

Atty. Gen. Paullada promises that Mexico will act even more effectively against heroin.

In an interview in the latest edition of Drug Enforcement, the DEA magazine, he said, "I am confident that the next campaign against the poppy (scheduled this month) will result in a decrease in the production of crude opium, a decrease in the amount that traffickers manage to obtain a sizable increase in the amount seized in Mexico, whether in the form of opium or heroin."

"So it is possible," he went on, "to anticipate with absolute certainty that less heroin will reach the American market from Mexico."

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GASOLINE EXCISE TAX

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. BROYHILL of North Carolina. Mr. Speaker, recent reports seem to indicate that the administration is again considering the possibility of imposing a Federal excise tax on gasoline.

I am very much concerned that such a proposal would work a hardship on the many citizens of our country who are dependent upon their cars for transportation to and from work. This tax would only serve to worsen the inflationary burden on low- and middle-income families.

I do agree that there is a need for a national program of energy conservation. As a nation, we cannot continue our wasteful consumption of limited energy resources. It is vital that the Congress consider other alternatives to a gas tax for conserving gasoline. A gasoline tax is not the solution. It is a regressive tax. It will fall heaviest on those least able to pay.

Consider for a minute the impact of a gas tax on the price of food. The farmer would pay more for gas to plow his fields and harvest his crops, which in turn would require an increase in his prices to wholesalers. Wholesalers would have to increase their prices to retailers, in order to pay for the increased cost of getting the food to market. Ultimately, the consumer would bear the heaviest burden by paying higher prices at the supermarket. This same pattern can be applied to almost every other industry in our country, all with the same result: the consumer paying higher prices.

President Ford, in a speech on the economy to the Congress, firmly rejected the gas tax proposal. However, Cabinet officials and energy advisers continue to raise the idea of the excise tax. Several weeks ago, Secretary of the Interior Morton stated that the gasoline excise tax was a viable alternative in the plan to conserve energy. And yet, last week President Ford again publicly rejected this plan, stating that there would definitely not be a gas tax.

It would appear that this is a case of noncommunication between the President and his advisers. These conflicting statements merely confuse the public and threaten the credibility of the administration.

In advocating the gas tax as a fuel conservation measure, I do not believe the President's advisers have given sufficient consideration to the impact of such a tax on all segments of our economy.

The public needs to understand that such a proposal cannot be put into effect by Presidential action. Such a tax would have to be approved first by the House and then by the Senate. I personally see no groundswell of support for a gas tax in either House. I hope there will not be, because this is an inequitable tax, which penalizes those who live in areas without mass transportation. It penalizes those whose livelihood depends on the

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automobile. It penalizes those who can least afford to pay.

Certainly, I am aware that if the President should recommend such a proposal to the Congress it may gain support. I urge the President to lay this issue to rest once and for all and to firmly reject this proposal.

I would urge the President and his advisers to come up with a long-range energy program, and in particular, an energy conservation program. I am confident the President's advisers can suggest measures for conservation which will be more equitable than a gas tax and will not have the potential for fueling inflation, that I believe a gas tax would.

I urge the White House to submit these suggestions as soon as possible. I would urge the Congress to stand ready to consider and act on the President's proposals, as expeditiously as possible.

REFORM OF TARIFF ACT

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. STEED. Mr. Speaker, as a member and chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations during the past 18 years, I have been particularly interested in the administration of our customs laws, many of which are relics of the horse and buggy days of international trade.

On September 10, the Honorable David R. Macdonald, Assistant Secretary of the Treasury—Enforcement, Operations, and Tariff Affairs—spoke before The American Importers Association stating "... customs laws and procedures are antiquated relics ..." and asked for suggestions for improvement.

The American Bar Association, under the leadership of a distinguished Oklahoman, President Jimmy Fellers, has taken on an increasing role in legislative reform. On December 13, the chairman of the Standing Committee on Customs Law of the American Bar Association, David Busby, responded to Mr. Macdonald in remarks to the Customs Lawyers Association, a distinguished group of Government lawyers in the Customs Service. Mr. Busby states that the American Bar Association wishes to help modernize the Tariff laws and suggests specific areas of needed reform.

I think this dialog is healthy. It presents an opportunity for cooperation and coordination between Government and industry, with the help of the American Bar Association, to effect long-overdue reforms in the public interest.

Following are the texts of the two speeches:

ADDRESSES BY THE HONORABLE DAVID R. MACDONALD, ASSISTANT SECRETARY OF THE TREASURY

IT'S HIGH NOON AT THE CUSTOMS CORRAL (OR HOW FAST CAN YOU DRAW BACK?)

It is both an honor and a pleasure to be with your Association today for my first

major speech as Assistant Secretary of the Treasury. I had a profitable exchange of views with your President, Mr. Katz, and Messrs. O'Brien, Gitkin, and Casey during their recent trip to Washington, and I look forward to similar exchanges in the future.

As a lawyer before joining the Government, I specialized principally in public offerings, private corporate financing, mergers and acquisitions, and other corporate legal problems. It probably is not obvious to you, therefore, why I was appointed Assistant Secretary in charge, among other things, of tariff affairs and of the 185-year old Customs Service. I can only say that having Customs, Secret Service, Alcohol, Tobacco and Firearms, the Mint, the Bureau of Engraving and Printing, not to speak of Foreign Assets Control and the Consolidated Federal Law Enforcement Training Center, George Shultz thought I would make a good utility infielder. When I took office, my income dropped in the same proportion as the size of my office increased—which Secretary Simon advised me was a fair exchange, considering that I was also being granted the privilege of working for the Treasury Department. Having been here for five months, I must say that I agree with him.

There is, however, one way in which my being unfamiliar with the Customs Service, its procedures and policies, may be helpful. The lack of any preconception regarding Customs operations brings into immediate and sharp relief those facets of the Customs Service which are unique. The sight of a missionary boiling in a pot may be old hat to the cannibals, but it will probably leave a sharp impression on first-time visiting missionaries. In the same way, those who deal daily with Customs may have become inured to its unique statutory procedures. To a newcomer like myself, however, the entire process, governed by a statute originally enacted in 1789 and revised only in piecemeal fashion since that time, resembles a scene from the Western frontier in the nineteenth century.

Perhaps the best way I can convey this is by way of metaphorical scenario—as you may know, we government employees are prone to talk in terms of scenarios—and that scenario, if I were writing it, would go as follows:

It's approaching high noon at the old Customs saloon. "Doc" Customs, the owner and general law-and-order man in the territory is lounging at the bar. Doc is a little ill-at-ease—rumors have been flying that Sam Importer, from the dreaded Importer gang, is in town and looking for trouble. A confrontation is at hand.

Common belief is that the Importer gang rustled some cattle from Doc Customs' corral last year, but no one knows exactly how much, because the Customs hands have such a large spread that it's difficult to keep track of the total herd.

In any event, a head of sweat breaks out on Doc's forehead as he tosses down his drink and starts checking his weapons. Doc has a lot of weapons, but he knows that Sam Importer laughs at the ineffectiveness of all of them except one—Doc's gun. This unique firearm is known as the Section .592 Magnum. It has the combined qualities of a gatling gun and a 10-pound smooth bore cannon. It's not too good at long distances but it's deadly at close range. The only problem with the Section .592 Magnum is that sometimes it's difficult to identify the victim afterwards.

As the sun approaches its zenith in the sky overhead, the townsfolk draw their shades and lock their doors—all except a small boy loitering near the swinging doors of the Customs saloon.

"Get away boy," murmurs Doc. "I've gotta have a clear line of fire in order to nail Sam Importer the second he comes through the swinging doors."

"Why don't you wait until he gets inside the room and then fire?" asks the kid innocently.

"You don't understand, boy," replies Doc. "If I don't blast Sam Importer just at the moment he comes through those swinging doors, I'll never get another chance."

The clock ticked on toward twelve. Doc's muscles tighten. His hand creeps toward his holster.

The whinnying of a horse outside breaks the silence. Doc realizes that this is it—only one man can be outside and that man is coming in.

The swinging double doors burst open—there, big as life is Sam Importer. "I've got an itchy trigger finger and I'm looking for the Doc," he roars.

The remainder of the scenario is strangely missing. Some people, mostly from the Importer gang, speculate that Doc emptied his .592 into Sam as he came through the door, only to find that Sam really did have an itch in his trigger finger which he wanted the Doc to treat with Cornhusker's Lotion for Men. Doc, according to this version, promised to remove the .592 bullets at his first opportunity.

Others, principally the hands on the Customs ranch, allowed that Sam Importer not only did not get shot, but that he made off with several bottles of unmetrified liquor before Doc could get his gun out of his holster.

Whichever way the story really came out, this allegory does have a moral. That moral is that the Customs laws and procedures are antiquated relics from another era—the era of the California gold rush, the three-masted square rigger, and the pony express. This is not to say that the ancient Customs practices have never produced anything worthwhile. Nathaniel Hawthorne was inspired to write *The Scarlet Letter* as a result of working as a Customs weigher and grader in Salem, Massachusetts. The experience of Chester Alan Arthur as Chief of the New York Customs Port undoubtedly stood him in good political stead when he later became President. Despite these intangible benefits, something has to be done in order to bring the Customs entry and clearance procedures out of the rigging and into the air-conditioned business offices of the twentieth century.

This is not to criticize the people at Customs who are involved in the process of clearing merchandise for entry. The fact that the process works as well as it does under existing primitive ground rules is a compliment both to the thousands of dedicated Customs officers and to the importers and customs brokers with whom they deal. It is conventional wisdom that the personal element is always able to botch up the most artfully and accurately designed program. The fact that the present Customs entry and clearance procedure works as well as it does, in my opinion, is proof that the reverse is also true—that people can make things work in spite of design deficiencies.

I am here today to discuss possible remedies for these design deficiencies, and to solicit your help in bringing them to fruition. The remedies presently contemplated are two-pronged. First, there is involved the controls over the physical entering of the goods. The incredibly complex entry procedures must be simplified without threatening the revenue or sacrificing the administration of the two hundred odd laws, in addition to the Tariff Act, that Customs must administer at ports-of-entry and along land and sea borders. Second, the legislatively mandated procedure for reporting, paying duties and enforcing duty payments must be brought into line with the automated practices presently utilized by most businesses. The modernization of the entry procedure, as many of you know, has already been commenced under

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the leadership of the present Commissioner of Customs, Mike Acree. Briefly, the streamlining of the entry procedure involves three main functional Customs areas: *immediate delivery control, automated entry screening, and collection processing.*

The *immediate delivery control* portion of the program involves the creation and maintenance of an automated inventory of all merchandise released under current Customs' bonding procedures. This procedure allows expeditious entry of the goods while tracking and reporting to Customs any subsequent failure to file the required entry documentation. It relieves the Customs import specialist of many clerical functions, permitting him to concentrate on more complex and difficult entries, thereby improving Customs' efficiency. The system provides the capability for prompt final action regarding entry transactions, which is accomplished by producing daily bulletin notices of liquidation rather than weekly postings that currently are experiencing a three-week delay. We believe that the daily bulletin notices of liquidation will give a more timely notification of trade community financial liability to Customs, in addition to removing the red tape that surrounds the physical movement of goods at the docks.

This system was inaugurated at Philadelphia, with the immediate delivery control successfully installed and operational since April 1974. Present plans are to implement the system in New York in 1976.

The *automated entry screening* procedures verify, and perform calculations on, data obtained from formal entries filed by customs brokers and importers. Many of the procedures of entry processing currently performed clerically will upon adoption of the system, be automatically performed. Duty computations will be made and merchandise subject to quota provisions or Internal Revenue taxes will be identified. Additionally, methods will be used to identify merchandise which, by past experience, may require extensive review by import specialist teams.

The *collection processing* subsystem, the third function, will automate the billing and cashier functions and establish an accountability for all collected funds.

Thus, under the proposed system, assuming that an appropriate bond is on file with his merchandise after Customs examination without the payment of duty, Customs will produce a monthly statement that will allow the importer to make one payment for transactions performed at various U.S. ports. Paperwork which presently prevents entries from being liquidated for four weeks or more will be completed in a matter of days.

Perhaps the most significant result of the program will be that importers will be able to deal with Customs as a single service instead of dealing separately with separate ports, with the concomitant variation in requirements and procedures.

From our standpoint at Treasury, we believe this system will remove many of the routine clerical tasks from our inspectors and import specialists and will, therefore, allow them greater time to perform their professional judgment functions. It will simplify Customs' relations with the many other government agencies that they serve. Almost an incidental result is the faster and more accurate management information which is generated in order to make better decisions for improved service. Of great importance to us, of course, is that Customs can develop this system within their current capabilities. It does not require massive reorganization or the appropriation of huge amounts of additional funds.

There are many details of this system which remain to be worked out. Customs must and will work with importers, brokers, bonding companies, common carriers and others. In this connection, I note that a gen-

eral briefing between Customs and the AIA regarding this entire concept was held last month.

Just as important to the people in this room as the modernized physical entry procedures is a related legislative program which we presently contemplate proposing to Congress. The substantive details of this program have not been worked out, and will not be worked out without an opportunity for importers, brokers, freight forwarders and other interested parties to be heard. The essence of the program as now envisaged, however, would be the replacement of the entry-by-entry payment system with a procedure whereby Customs duties would be reported and paid on a periodic basis by those importers, and only those importers, who qualify for such treatment. In order to adopt this procedure without threatening the revenue, a statutory basis which enables Customs to audit the declared tax liability of the importer is necessary. Thus, the proposed legislation would require the maintenance of books and records by the importer relating to his business; would grant the Secretary of the Treasury or his delegate the right to audit those books; and would empower the Secretary or his delegate to require their production as well as the appearance of the importer himself for the purpose of giving testimony regarding his import activities.

I would like to emphasize here and now that any existing bookkeeping system maintained by an importer which is sufficient to reveal his financial condition and results of operations should also satisfy the proposed legislative requirement to maintain books and records. We have enough paper and forms in the Government now to satisfy the most discerning bureaucrat. No duplicate bookkeeping system should be required and, in fact, all those who presently pay income tax must meet similar legal requirements under the Internal Revenue laws. Our experience, however, has led us to conclude that existing civil enforcement powers are so truncated and that existing discovery procedures are so inadequate that the ability of Customs to find out the facts in an orderly manner is severely hampered. The result has been to turn the process into an adversary contest with, as you know, extremely high stakes. We anticipate creating effective methods of proceeding to collect the correct duty by the civil administration of the laws without resorting to procedures which are more nearly akin to criminal procedures.

At the same time, we propose, without endangering the revenue, to reduce the myriad of procedures and documentation required by filing repetitive entry documents and duty payments. As business practices become more and more technologically oriented, the retention of these green eye shade procedures becomes not only an anomaly, but also an unnecessary obstacle to further modernization. The Internal Revenue Service, along with countless private businesses, long ago recognized that benefits in terms of efficiency and economy, without weakening verification controls, could be obtained from a system of periodic account reporting. This system is equally suitable to the processing of repetitive, large-volume imports. However, without the recordkeeping and verification authority proposed in the legislation, any change from entry-by-entry reporting to a periodic return system would, in our view, endanger the revenue. In addition, the proposed alternative method of reporting and paying Customs duty would be entirely voluntary with the importer. We do not expect to require the importer to bypass the entry-by-entry method of importing unless he believes it to be advantageous to himself. In this way both we at Treasury and the importing community can experiment, with a view to ascertaining whether the new procedures will be beneficial to each of us.

Philosophically speaking, I do not personally believe that the proposed periodic re-

porting and payment concept can be successfully inaugurated unless the system of reporting is geared to existing business reporting methods of the importer. The success of the voluntary filing system of the Internal Revenue Service is in my view, based upon the fact that income tax reporting is built around an existing business bookkeeping and financial reporting system which is normally audited and utilized for shareholder reporting and internal management use. This is why we feel confident that we can assure you that no new bookkeeping requirements will be instituted. To do so would, in and of itself, defeat the system. In fact, the ultimate purpose of the new system would be to work toward a single set of records which businessmen can maintain that will be adequate for all governmental reporting and taxpaying functions. You should be aware that transactions between related importers and exporters as reported to Customs will be examined on an integral basis with the same transactions as reported, for example, to the Internal Revenue Service.

The question may have occurred to you by now whether the penalty provisions of Section 592 would be retained for those imports brought in under the new procedures. I can only say at this time that we would listen to any suggestion that would result in more sophisticated enforcement procedures which are equally effective in protecting the revenue. I underline that condition.

Speaking of Section 592, I should mention that we intend to publish major portions of the Treasury guidelines governing mitigation procedures in the relatively near future. At the same time, while we are always willing to listen to suggestions for procedural improvements, I would not anticipate any change in the manner of use of Section 592 beyond those changes which were suggested by the AIA and others and were subsequently adopted by Treasury. Until adequate medical help is available, the *in terrore* effect of exercising duty violations by Customs with doctors will have to remain in place.

We also look forward to seeing your representatives in Washington. We at Treasury and Customs desire to work with you who are closely involved in the importing process to improve that process. Having worked in what I now call the "private sector" for many years, I am well aware that a continuing dialog must be maintained between industry and government in order to promote a clearer perspective of importing activities by Customs and of Customs' activities by the importing community.

I have only one recommendation to make regarding your visit. Don't come in with an itchy trigger finger—just belly up to the bar and the verbal libations will be on the house! Thank you.

REMARKS BY DAVID BUSBY AT LUNCHEON MEETING OF THE CUSTOMS LAWYERS ASSOCIATION, FRIDAY, DECEMBER 13, 1974

IT'S HIGH NOON AT THE CUSTOMS CORRAL (OR CONSTRUCTION NOT CONFRONTATION)

Recently the Honorable David R. Macdonald, Assistant Secretary of the Treasury, fascinated customs lawyers with a speech he made to the American Importers Association in New York. He conjured up a scenario about high noon at the old customs saloon in which "Doc" Customs stood waiting at the bar to blast "Sam Importer" just at the moment he came through the swinging doors. Mr. Macdonald then speculated as to what happened next—

Whether Doc emptied his Magnum into Sam as he came through the door;

Whether Sam really only had an itchy finger which he wanted Doc to treat with Corn Huskers Lotion; or

Whether Sam got away unscathed with several bottles of liquor before Doc could get his gun out of his holster.

Secretary Macdonald then states the

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moral: "... that the Customs laws and procedures are antiquated relics from another era, the era of the California gold rush, the three-masted square rigger, and the pony express ... something has to be done in order to bring the Customs entry and clearance procedures out of the rigging and into the air-conditioned business offices of the twentieth century."

Almost unnoticed in this colorful metaphor was the following—and I quote:

"As the sun approaches its zenith in the sky overhead, the townsfolk draw their shades and lock their doors—all except a small boy loitering near the swinging doors of the Customs saloon."

"Get away boy," murmurs Doc. "I've gotta have a clear line of fire in order to nail Sam Importer the second he comes through the swinging doors."

"Why don't you wait until he gets inside the room and then fire?" asks the kid innocently.

"You don't understand, boy," replies Doc. "If I don't blast Sam Importer just at the moment he comes through those swinging doors, I'll never get another chance."

With some trepidation, I will now presume to complete Mr. Macdonald's scenario as follows: As the clock ticks on toward 12 noon the young fellow asks Doc to sit down with Sam and try to work things out. Over a glass of sarsaparilla they talk about how well Maw IRIS has done with her honor system, collecting her rents quarterly from the townsfolk. Finally they agree on the Rules of the Range and even set up a charge account for Sam at the saloon on condition that Sam will put his magnum up for security.

The question I would like to discuss today is—who is that young fellow who asked such a basic and reasonable question and who gets Sam and Doc to agree on new rules? Who stands between Sam Importer and Doc Customs, between the fearsome power of the Multinational Corporations and that of the U.S. Government—usually in the direct line of fire? Perhaps Mr. Macdonald was referring to himself. But I suspect that as a lawyer, he was referring to the legal profession, the customs lawyers—both in and out of government—who so often find themselves in the middle of the shootout and who seek to conciliate between the sometimes almost paranoid suspicions each side has of the other. Who besides a lawyer would ask such a simple question which is at the same time precisely relevant and yet irreverent in that it challenges the basic assumption that has grown up around customs law and practice since that historic day the first Customs Act was passed on the Fourth of July 1789?

That basic assumption was—and in large part continues to be—that Sam Importer is a fly-by-night character, not to be trusted. Probably the genesis of this was the first Congress' concern over the cotton-rum-slave traders of that era. A reading of the report of that debate of April 20, 1789 makes clear the Congress' distrust of the slave traders.

The reason this attitude has persisted is in large part the real and vital concern Customs has had with the entry of individuals—many of whom really do smuggle in goods, which, if not discovered upon entry cannot thereafter be dealt with according to law. This has diverted the attention of all of us from the reform of laws affecting the commercial importation of goods—now far outweighing and overshadowing personal entry.

Another reason customs reform has been so long neglected is that customs lawyers have not fulfilled their public responsibility to speak out. Perhaps—to continue the metaphor—they have been too busy dodging bullets or even, as some would suggest, watching the cash register. But I would suggest that a principal reason for their failure to

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speak out is that they have no voice—at least no coordinated voice.

The customs bar has been split into various elements, some of which are your Customs Lawyers Association; the Association of the Customs Bar; and the various American Bar Association groups—subcommittees of the Administrative Law Section, the International Law Section, the Tax Law Section, the Antitrust Section—and, finally, the seven man ABA Standing Committee on Customs Law, on which your Leonard Lehman so ably serves and which I chair. This Committee has recently committed itself to sponsor a dialogue among customs lawyers' groups to promote a professional cohesiveness among customs lawyers.

Commissioner Acree was the first to point out the present fragmentation in a talk to the customs lawyers at the First Judicial Conference of the U.S. Court of Customs and Patent Appeals last May. He noted that in his experience with the Internal Revenue Service there was a rather well defined and active group of lawyers in and out of government comprising the "tax bar." He felt that the interests of both the government and the taxpayer were well served by the open channels of communications existing in the tax bar and that he hoped the same could be accomplished under the auspices of the American Bar Association in the field of customs law. Needless to say, I agree with him, and I am here today to urge you to help our Committee to provide a forum for customs lawyers to exercise their right and to assume their duty to speak out. If the customs laws and procedures need to be overhauled, who can do it better than the men in this room—lawyers whose whole professional lives are devoted to the Customs Service.

Lawyers are taught to ask the simple basic question and to challenge the premises, to define workable, sensible, and fair rules. Our time in law school will have been wasted if we spend our professional lives merely putting each problem into its proper slot and cranking out the answer. We should, and must, render a higher service to the public.

Furthermore, this really is High Noon at the Customs Corral. We may never again have a moment in history that lends itself so well to the reconstruction of the customs law. Today we have a new President and a new Congress both of which most observers feel have accepted in good faith a popular mandate to take a new look at many of our institutions and their behavior. More important, we have an avowed desire on the part of the Assistant Secretary of the Treasury in charge of customs to revise and modernize customs laws. We have a Commissioner of Customs who feels from past experience that cooperation and communications between the government and private customs bars should be expanded. Finally, I submit to you that we have an American Bar Association that in the last two years—under the leadership of Presidents Chesterfield Smith and Jimmy Fellers—has become a lively and active force in the United States, willing to grasp a nettle of problems that confront us.

The American Bar Association appeals to you who are in this room—lawyers whose professional lives are devoted to customs—to seize this opportunity to fulfill the expressed hopes of Secretary Macdonald and Commissioner Acree and to serve the public interest in the finest sense by joining—actually by leading—the reformation of customs laws and administration in the United States.

To that fine rhetoric you may well respond to me: enough generalities—what are the problem areas that should be dealt with and what are the priorities? I once had the privilege of visiting with the late Senator Kerr of North Carolina. I asked him whether he considered himself a conservative or a

liberal. He said, "Son, I'm a liberal, and I'll tell you what a liberal is. A liberal is somebody who wants to do what should have been done by common consent 20 years ago." Under that definition, I think that all of us are liberals. I think a few of these changes that should enjoy broad agreement are on the tip of all our tongues.

Should we really have 9 different methods of valuation and continue to use the old law valuation, which was supposed to be thrown out by the Customs Simplification Act of 1956?

Are the column 2 duties the best way to safeguard our economy against political enemies?

Can't we find streamlined ways of assessing and collecting duties on the billions of dollars of imports without dealing with each entry separately?

Should we find better ways to encourage the businesslike compromise of classification and appraisal disputes?

Can't we come up with a better way to handle the 592 problem for the benefit of both the government and the importer?

Can't drawback be simplified and expedited?

However, it would be presumptuous of me, or any other lawyer outside government, to assume that I can prepare your household's laundry list. You must be the ones to step forward and identify the problem areas and assign priorities. I would like to call on you today—now—to help identify areas of the customs laws and regulations that should be renovated. I ask you now to tell me what changes should have been made by common consent 20 years ago. In that way, we will have construction and not confrontation at the Customs Corral.

FRIENDS MEETING HOUSE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. GOODLING. Mr. Speaker, the Friends Meeting House of York, Pa., stands as a precious colonial artifact, a symbol of the beginning of an independent America. It is a 208-year-old house of worship that stands at 135 West Philadelphia Street in York, Pa.

Its beginning was in 1766, when a small group of York citizens, members of the Society of Friends, Quakers, subscribed their pounds and shillings toward the construction of their own meeting house.

Mr. William Willis, a Friend, laid the bricks for the Friends Meeting House, and a testimonial to Willis' study handiwork is the realization that the eastern half of this still-standing Friends Meeting House is the work of his hand.

But even the sturdy handiwork of William Willis cannot withstand the ravages of time and vandals, and today there is a need for a comprehensive restoration effort. A new roof is needed, probably of hard split cedar shakes, and there is a need for extensive painting and repointing of all the brickwork.

A conservative estimate of the total restoration cost is \$25,000, and here is a very interesting fact: No Federal or State of Pennsylvania funds are being sought to carry this restoration work forward. This is indeed unusual in this day and age of extensive Federal and

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State financial contributions for all types of projects. Here we find a dramatic demonstration of the independent spirit that has characterized and identified Americans.

An appeal is going out to private citizens for donations to finance the needed restoration of this 208-year-old meeting house in York, Pa. Contributions are being solicited, with contributors being asked to make their checks payable to the York Meeting House restoration fund. They are being asked to send these checks to Mr. Eldon Leech, treasurer, York Meeting House restoration fund, 1600 Monroe Street, York, Pa. 17404.

In the meantime the restoration work is going forward because of the generous contributions of skilled craftsmen and tradesmen. Building trade unions have volunteered the labor of masons, carpenters, and electricians. Construction firms have volunteered building materials in the form of bricks, lime, sand, cement, and iron railings. A retaining wall at the entrance, previously destroyed by vandals, has been rebuilt. In addition, new railings will soon be installed in various sections of the building.

Mr. Speaker, I am indeed proud to represent the congressional district where this remarkable independent effort to restore the York Friends Meeting House is now in process. If contributors will lend their enthusiastic support to this restoration project, York County's oldest house of worship, the York Friends Meeting House, should be in good order for the 1976 Bicentennial.

LEVONE A. YARDUM

HON. JAMES C. CORMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. CORMAN. Mr. Speaker, it is a pleasure for me to bring to the attention of my colleagues the dedicated and ambitious service of LeVone A. Yardum, retiring president of the San Fernando Valley Bar Association.

Mr. Yardum has contributed his enthusiasm, dedication, and skills in an effort to make our community more responsive to the needs of our people. During the last year as president of the San Fernando Valley Bar Association he has been instrumental in inspiring high professional standards for the legal community and extending the life of our invaluable legal aid program. He has continued to exercise good judgment and leadership in the effort to obtain badly needed court facilities for the Northwest Valley.

Beyond his many efforts to help the legal community, LeVone has been an active participant in civic and ethnic organizations including past president of the Sherman Oaks Kiwanis Club, Board Member of the Sherman Oaks Chamber of Commerce, chairman of the Legal Aid Board of SFVBA, and past State president of the California Division of the Armenian American Citizens League.

His service has been longstanding, his contributions many. LeVone's successor will have a difficult act to follow.

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TRIBUTE TO JEROME ZEIFMAN

HON. ROBERT MCCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. MCCLORY. Mr. Speaker, after more than 13 years of exceptional service to the Committee on the Judiciary, Jerry Zeifman is leaving Washington to teach law at the University of Santa Clara. Although we all regret this decision, I must note that he has chosen a new career for which he is very well qualified—for, as general counsel of the committee, he has done an excellent job in preparing the members to deal with the extremely complex legal and constitutional issues which have been considered during this Congress.

Mr. Speaker, Jerry Zeifman commands the respect of his colleagues with a soft-spoken intelligence that informs his listeners without the kind of flamboyance that grabs media attention in these chaotic days. Before Jerry departs, however, I want to set the record straight so that the House and the American people will understand and appreciate the tremendous services he has performed and the seminal role which he has played in the most crucial matters to have been before the Judiciary Committee in this century.

Jerry Zeifman's dedication to the Constitution and to the rule of law in this society have served the Congress and the country well during his tenure as chief counsel of the committee. As Chairman ROBINO's right hand during the crises which have engulfed this Congress, he shares a large portion of the credit for the nonpartisan and impartial way in which the affairs of the committee have been conducted. He has been a solid and trusted adviser to members of the minority as well as members of the majority. He has made a tremendous contribution to the achievements of the Judiciary Committee in this Congress. In particular, Jerry Zeifman's actions and recommendations have reflected a profound love and respect for this House. During the impeachment inquiry, he was second to none in his efforts to preserve and protect the prerogatives of the legislature under our constitutional system.

Mr. Speaker, I am sure that I speak for many of my colleagues on the Judiciary Committee as well as myself in saying that Jerry will be sorely missed when the 94th Congress convenes. My wife, Doris, and I join in wishing him and his family our fondest regards as they leave our midst.

MADNESS OF WAR IN PHNOM PENH

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mrs. SCHROEDER. Mr. Speaker, Congress has recently approved the Foreign Assistance Act of 1974. Included in the legislation is an authorized ceiling of \$377 million for military and economic

aid to Cambodia and, in addition, an extra \$75 million is provided for military assistance through drawdown authority of Defense Department stocks. Although these funds are less than the administration sought, they will be used to fuel a long and tragic war.

Sydney H. Schanberg has filed a report to the New York Times which captures the tragedy, inhumanity, suffering, doubletalk, corruption, and madness of war in Cambodia. His article, which follows, dramatically illustrates how funds from outside powers are transformed into human suffering in Cambodia.

[From the New York Times, Dec. 17, 1974]
REPORTER'S NOTEBOOK: MADNESS OF WAR IN PHNOM PENH

(By Sydney H. Schanberg)

PHNOM PENH, CAMBODIA.—Events in Cambodia have become misshapen in the image of the madness of this war—like the time when, at an evening reception, the armed forces commander, Lieut. Gen. Sosthene Fernandez, was asked by an acquaintance what he planned to do if the United States Congress went ahead with its plans to cut aid to Cambodia sharply. The general smiled impishly, strode to the other end of the room, threw his arms into the air in the posture of surrender and declared in French: "I'll do this."

Was he at all serious? No one at the reception really thought so. But then, a large cut in aid could really bring about the collapse of this corrupt and ineffective Government. Beyond that the war against the Communist-led Cambodian insurgents, now nearly five years old, has warped human behavior here out of any normal, predictable patterns. UP is sometimes one's old schoolmate or, often enough, an uncle or cousin. Perhaps General Fernandez was merely disguising the truth with buffoonery.

BLACK HUMOR IS AN OUTLET

Indeed, black humor is one way of living with the grotesqueness of conditions here—with the Government printing money as fast as it can to keep up with a 300 percent a year inflation rate reminiscent of Kuomintang China, and with Cambodia's population of seven million being mangled at a daily rate of at least 300 killed and wounded.

The insurgents hold the countryside and have cut most of the roads. The Government holds the fairly isolated cities and towns, including this capital city, now bursting with refugees. Both armies are Cambodian, but their ability to go on destroying their country and each other is controlled by the outside powers that provide their weapons while failing to provide peace talks. To participate in such a situation is to be slightly insane.

What follows is a compilation of some of the slightly insane things—odd and aberrant and sad—that happened during a three-week visit.

An American economic consultant on contract to the United States Embassy was having a pre-dinner drink with his wife and some acquaintances beside the pool at the charmingly seedy Hotel Le Phnom. One of the acquaintances, a reporter, who had taken a trip up a battle-scarred road that day, commented that the Cambodians were tired and worn out with the war. The consultant vigorously disagreed.

"They're not tired," he said. "They're not tired at all. That's nonsense. All they need is some good leadership. A hundred Israeli commando officers could turn this thing around, or any hundred good officers."

The reporter asked where such leaders could be found in the present Cambodian Government.

"It's not hopeless," the consultant insisted. "This war can be won."

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"Oh, come on, John," interjected his wife, who had been silent until then. "You know you're just as discouraged as everyone else. You're just saying that because he's a newsman."

He said nothing, she rose, and they went to dinner.

"It's hopeless, just hopeless," said a candid American diplomat at lunch one day. "The only thing they could possibly do to save things here is to take out the whole palace entourage and shoot them. Get rid of this corrupt leadership and try someone new—anyone. It's probably too late for it to work, but it's the only thing that has any chance at all."

There are beggars everywhere in Phnom Penh. A blind one sits on the sidewalk every day outside La Taverne, a restaurant opposite the post office, playing a Cambodian-style zither. As the dominant clientele has changed with the progress of the war from the old colonial French to the new Americans, so have the blind beggar's songs. These days he makes a fairly good living playing "In the Mood" and "Alexander's Ragtime Band."

Downtown Phnom Penh is a montage of unhappiness. So Leang, a 33-year-old teacher cannot feed his family on his salary, equivalent to \$9 a month, so he pedals a bicycle rickshaw in his free hours, earning 30 cents on a good day. He says that he is hungry all the time, that he is eating the kind of lotus-pond greens that Cambodians used to feed to their ducks. "I'm miserable," he keeps repeating.

Twenty yards away, at a sidewalk foodstall, ragged, begrimed refugee children hunker near the tables, snatching at the chicken bones cast off by the customers, and sucking and chewing on them until nothing is left.

On the other side of the street, three soldiers—two of them missing a leg and the other apparently uninjured—stand in shop doorways, silent, waiting, their faces contorted in the professional beggar's half smiling grimace. Sometimes the shopkeepers give them 10 riels—about six-tenths of a cent.

Down the block, at Mekong River port, workmen are unloading bags of rice and corn from barges. They are paid next to nothing, so they try to hide some of the grain droppings in special pockets and sacks they have sewn on the inside of their scarecrow clothes. As they leave work through a narrow opening in the steel gate, the military policemen whap at the workers' pregnant bulges with their hands and nightsticks, until the corn and rice spills on the ground.

An American Embassy official, during an interview, brought up the old controversy over whether the approximately 100 American military men at the embassy ever break the Congressional ban against acting as military advisers to the Cambodians or whether they stick to their stated jobs of gathering battle information and supervising the delivery and use of American arms. The official said the embassy was being extremely careful not to give military advice.

Then his telephone rang. He spoke in urgent tones for a few minutes and came back to explain that the insurgents had just badly shot up a river supply convoy and that two barges carrying 1,000 tons of rice were floating free and about to fall into insurgent hands. The Cambodian high command wanted to know what to do, he said.

"They asked our advice," he went on without thinking. Then he thought—and broke into an embarrassed grin.

As it turned out, the Cambodians, who asked permission to sink the barges by bombing them, to keep the insurgents from getting the rice, were "advised" not to do that because the barges themselves were costly and worth saving. In the end, however, the Cambodian Navy was unable to save the barges, the rice went to the insurgents and the operation was a total loss.

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Some people here have made a lot of money on the war, for nothing is corruption-proof any more in Cambodia. For example, there is something called the Exchange Support Fund, a \$35-million-a-year fund consisting largely of American dollars for the use of the Cambodian Government to help pay for crucial foreign goods needed for the war effort. Luxury items are expressly forbidden.

About three months ago, the Government gave a local merchant \$50,000 from the fund to import foreign beer, and more recently it released \$175,000 for the import of cigarette lighters.

With morale low, draft evasion has become more the rule than the exception. Young men pay bribes for all kinds of exemption papers. One of the more bizarre exemptions is known as the "lop-lop" certificate. "Lop-lop," in translation, is equivalent to "crazy." One healthy Cambodian was asked what his lop-lop certificate said. "It says I'm out of my mind and I don't have to serve," he replied. He got the certificate fairly cheaply at—only 50,000 riels, or about \$31.

Bribes for other things are much higher. Teachers—badly underpaid and in a mutinous mood for a long time—have been demanding and getting 500,000 riels from students for the school diploma necessary to enter the university.

The Pentagon is still specializing in double talk about Cambodia. When a Wisconsin member of Congress charged last month that American pilots flying supplies to Cambodia were receiving combat pay, even though the Administration contends that no American troops are engaged in combat here, the Pentagon replied that the term "combat pay" was incorrect—it was "hostile-fire pay."

At about the same time, a newspaper report said that American military analysts in Thailand were making bombing recommendations to the Cambodians on the basis of American reconnaissance flights over insurgent territory.

The Pentagon acted to clear up the confusion immediately. Targets are not being recommended, it said, for this would be a violation of the Congressional ban on advisory and combat activities. What is actually happening, the Pentagon explained, is that "items of intelligence interest" are "identified" and "passed on" to the Cambodians, but "the judgment of what should be done" is left entirely to them.

Tor Keu is one of the thousands of child soldiers in the Cambodian Army. They join for many reasons, but mostly because it is a way to make a little money to live and eat on.

Tor Keu says he is 18 because that is the legal age for enlistment, but his is a frightened 12 at most. He has been in the army for a month.

It is dusk and he is walking along Route five northwest of Phnom Penh, on his way to meet his soldier father—his mother is dead—at an outpost a few miles ahead.

Tor Keu is carrying a carbine of World War II vintage and his uniform is double his size: his shirt-front is held together by a safety pin and his trousers are so pitifully baggy and clownlike that they drag on the ground until he trips. Asked what he has had to eat during the day, he stares wanly at the ground and mumbles: "Nothing. Only a little fish paste."

On Nov. 28, the United States' Thanksgiving Day, a large group of top Cambodian officials—mostly generals—gathered nervously at Marshal Lon Nol's Presidential palace to await the outcome of the United Nations vote on the Cambodian issue. The outcome could have brought a collapse of this Government had the United Nations seat for Cambodia been awarded to the insurgents, whose nominal leader is Prince Norodom Sihanouk.

When news of the narrow two-vote victory

came, jubilation erupted. The generals, led by General Fernandez their commander, began jiggling around the room, singing an old French children's ditty, "Tout Va Très Bien"—"Everything's All Right."

The generals, however, were singing only the title line and had apparently forgotten, or had never known, the rest of the song, in which things are anything but all right.

As the song goes on, stanza after stanza, the butler explains to the Marquise, who is telephoning from her Paris town house to find how things are going on her country estate, "Everything is all right, Madame Marquise," except that the kitchen is on fire, the barn has burned down, her husband, the Marquis, has died and, finally, "Your favorite horse has died as well."

Cambodians are proud and independent people, and though the war has forced many of them to accept charity and even to beg, the shame lies deep.

In a village on the western edge of Phnom Penh, a family of five was slowly starving. Neither the husband nor the wife nor any of the children, could find a job. Next door lived a widower who raised pigs and was reasonably well off. He began to notice that the food he was leaving out for the pigs was disappearing, and suddenly realized that his desperate neighbors were sneaking over at night and taking the pig food to sustain themselves.

The widower felt bad about their condition, but he did not want to embarrass them. After carefully rehearsing what he was going to say, he went over to their house one day when the husband was out and said to the wife that everyone was suffering in Cambodia these days, but that he was fortunate enough to have a little extra, so would she please accept 10,000 riels to buy some food.

The wife wept in shame as she took the money. Then she went out and bought some rice and fish—but her sense of disgrace overcame her. So she bought some poison, too. That night she put the poison in the food and killed herself and all her family.

KMS INDUSTRIES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ESCH. Mr. Speaker, I would like to share with my colleagues an article in Fortune magazine concerning KMS Industries and their work on laser fusion. Although a relatively small company, KMS Industries has made significant progress in the area of laser fusion, progress that has seemed to elude the more expensive efforts of the Federal Government. I think my colleagues will find their work very exciting and innovative, and I would urge they take the time to read the article:

KMS INDUSTRIES BETS ITS LIFE ON LASER FUSION

(By Gene Bylinsky)

In the world of thermonuclear-fusion research, a certain bigness prevails—immense potentialities for the future, grand-scale efforts to overcome the technical obstacles, huge costs that only governments can afford. Yet a small company in Ann Arbor, Michigan, has been agitating that world with some seemingly audacious claims of success. KMS Fusion, Inc., says its scientists have mastered the key mechanism of laser-driven fusion—a feat that has so far eluded

the big teams of government researchers in both the U.S. and the Soviet Union, as well as smaller groups in Great Britain, France, Japan, and West Germany.

What's more, the brash little company attained its results with exceedingly low laser energy. This raises questions about the soundness of U.S. and Soviet plans to build mammoth lasers, which many scientists in both countries think are needed to attain success.

Experimental proof that laser fusion can be made to work would strengthen hopes that this new approach will leapfrog the older, more ponderous schemes to achieve fusion through magnetic confinement. (See "Lasers Blast a Shortcut to the Ultimate Energy Solution," *FORTUNE*, May.) Trying to kindle on earth the fusion that powers the stars, scientists have attempted to confine ionized gas, called plasma, inside magnetic fields, or "magnetic bottles," in the innards of big and expensive apparatus. In the interior of the sun and other stars, fusion takes place because of enormous gravitational pressure. Inside the experimental devices on earth, the plasma has to be compressed and heated electromagnetically to ignition. (Fusion scientists use terms such as "ignition" even though fusion, in which nuclei of light elements merge, is a different kind of process from chemical combustion.) There has been encouraging progress in magnetic confinement lately, but after nearly a quarter century of research and expenditures of more than \$500 million in the U.S. alone, that approach hasn't lit the magic fire. A major difficulty is leakage from the magnetic bottles.

THREATENING TO UPSET THE SCENARIO

Laser fusion greatly simplifies the confinement scheme. Converging laser beams would hold a tiny ball of fuel for a brilliant moment, compressing it to a density 100 times that of lead and thus starting ignition. The resultant flux of neutrons would be captured as heat and transformed into electricity or made to do other useful work.

In the U.S., large-scale work on laser fusion began only about five years ago. The Soviet Union started earlier and now runs an impressive effort. The U.S. has been building up a similar enterprise, with \$64 million in federal funds going into laser fusion in fiscal 1975. As part of the expanding federal program, a huge \$25-million laser will be built at the AEC's Lawrence Livermore Laboratory near San Francisco to become operational in 1977. The Soviet Union is building a similar laser. Official U.S. plans do not call for possible commercial use of laser fusion until about the end of this century.

When KMS Fusion barged in, threatening to upset this leisurely scenario, the not unreasonable question arose how a small company, the only private company working directly in the field, could have outdone the government projects of the superpowers. Some skeptics suggested that KMS Fusion had made up the story to raise funds so that it could continue research in laser fusion. But the doubts faded considerably as the company kept reporting further advances. At a meeting of the American Physical Society in Albuquerque in October, 500 scientists listening to a KMS scientist reporting on the latest tests burst into applause when he finished.

What KMS Fusion has done so far, to be sure, is a very early step toward eventual construction of laser-fusion reactors. The company's scientists succeeded at the end of 1973 in using laser light to produce a slight compression of tiny glass pellets filled with deuterium and tritium (isotopes of hydrogen). Last May, they compressed the pellets further and started getting some energy output in the form of neutrons from the pellets—the first time anyone had obtained

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compression neutrons. In late October, by turning up the laser power a little, they got much greater compressions and a lot more neutrons. The company thus appears to be on the right course toward the next step, ignition inside the barely visible pellet. This would be equivalent to the first successful chain reaction in fission.

A FIREFLY 100 MILES AWAY

There is a great difference, of course, between the tiny sizzle in the microscopic pellet that KMS has achieved so far and the brilliant intensity of a full-fledged fusion burn that must precede net energy production. In the words of one scientist, it is "the difference between a firefly 100 miles away and a lightning stroke." Still, KMS has overcome what many scientists in the field considered to be the critical challenge in laser fusion: compressing the fuel pellet symmetrically so as to avoid producing instabilities that would prematurely break it apart.

In a reactor, laser energy would implode perhaps dozens of such pellets each second, one after another. Before KMS conducted its pathfinding experiments there was a question whether the basic process that underlies the concept of laser fusion could be made to work. The company's experiments showed that it could. Scientists at the Atomic Energy Commission and their Soviet counterparts now call the KMS feat "a significant first step" toward attainment of controlled laser fusion.

That a small private company has outdone huge governmental research efforts is no surprise to the energetic man behind it, mathematician-businessman Keeve M. Siegel, fifty-one, who endowed his company with his own initials. Siegel believes in "the lesson of the Cavendish Laboratory," the famous British research establishment "where a few bright people outinvented the world for a long period of time. And they did this literally with wires and chewing gum. There, the people motivated each other. In a small company, there is that same kind of drive for success. Whether the drive is motivated by the scientific people like it was at Cavendish, or by the desire to make a buck, I think that's all incidental."

Siegel's own motivation includes but also transcends the desire to make money. He is already a millionaire from a previous venture in high technology, so he can afford to indulge in some philosophy, too. A noted physicist says that Siegel "has developed a Jehovah complex over laser fusion." Siegel speaks intensely and persuasively about laser fusion as a new source of unlimited energy, at once freeing the U.S. from its dependence on imported oil and cooling the inflationary fever too.

USING NEUTRONS TO FILL PIPELINES

A boldly innovative aspect of the KMS approach is the idea of utilizing fusion neutrons not to produce electricity, as almost everyone else in fusion research wants to do, but to produce methane, the principal ingredient in natural gas. The neutrons would be used to break down water molecules into their constituent elements, hydrogen and oxygen. The hydrogen would be converted into methane, which would be put straight into pipelines.

This novel idea evokes admiration on the part of some of the experts who have talked about a "hydrogen economy," in which hydrogen (produced by electrolysis) would be substituted for natural gas. Because hydrogen is so volatile, that transformation would be complex and costly, requiring extensive changeover in distribution lines, storage facilities, pumping stations, household appliances, and other hardware. The alternative "methane economy" that Siegel is preaching would supplement our supplies of natural gas (which is more than 80 percent methane) while leaving pipelines, pumps, and appliances intact. To prove out the process, KMS

Fusion is already producing hydrogen "by the thimbleful and bucketful," as Siegel puts it, with neutrons from conventional generators.

Since fusion can generate more energy per pound of fuel than any other reaction, the use of fusion neutrons to produce hydrogen could be an inexpensive and highly efficient process. The lack of cheap hydrogen has been an impediment to economic coal gasification. With cheap fusion-generated hydrogen, it would be possible to produce methane cheaply and abundantly by making hydrogen react with coal or with carbon derived from limestone. "If it works," says the chairman of a pipeline company that supports research at KMS Fusion, "it will be like the invention of the electric light."

Siegel and his associates figure that by taking the shortcut from pellet to pipeline, their company could cut years from the development of economic fusion power. The design of a methane generator would be simpler than that of an electricity-generating fusion plant. Scientists at KMS Fusion talk about having a pilot methane generator operating about five years from now if the company gets enough financial and technical help from the government and from larger companies.

Most researchers at the AEC and at universities consider such optimism nothing short of reckless. Although they admire the technical achievements at KMS Fusion, these experts, almost to a man, don't see a demonstration power reactor until the mid-1990's.

STEEP HEIGHTS TO BE SCALED

Crucial tests to settle the issue may be performed in the next few months, or at the most in the next few years. Ignition will be a critical step. After that must come "scientific breakeven," where the flux of energetic neutrons and alpha particles from the fusion process equals the energy in the laser beam applied on the pellet. Another steep height to be scaled will be "total breakeven," or "engineering breakeven," where the energy produced by the pellet exceeds the energy put into the overall system that powers the laser. After that comes the tough engineering task of developing the fusion reactor.

So far, KMS Fusion has invested \$19 million in laser fusion. Some outsiders doubt the company's ability to last out what they view as a long and arduous race. Siegel, who puts the cost of a methane pilot plant at about \$85 million, readily concedes the possibility of having to drop out. "You are not talking to a corporation whose future is assured," he says, "and as chief executive I have told that to my shareholders."

A TOUCH OF THE GAMBLER

The answer to the question of what such a small company is doing in such an expensive and demanding field involves the ambitions and dreams of "Kip" Siegel. He is a man of huge girth and huge ego, energized by a pressing need to be liked, praised, and appreciated. An expert on electromagnetic theory and a former University of Michigan professor, Siegel has long cherished the dream of building a major corporation. He made at least \$4 million from his previous venture, Conductron Corp. He has faced skepticism before. While running Conductron, he proposed a technique to make U.S. missile nose cones less vulnerable to enemy radar. Some scientists said it couldn't be done, but Siegel went ahead and proved it could.

Siegel is something of a gambler. He is part owner of a stable of trotters and likes to watch his horses run. What gamble, if it pays off, would pay more than a bet on a solution to the energy predicament? His bet on laser fusion is a big one. He has been selling off divisions of KMS Industries, the parent company, to keep KMS Fusion going,

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and has put in about \$3 million of his own as well.

Siegel had no intention of getting into laser fusion when he started KMS Industries in 1967. Conductron, a profitable electronics company, had been absorbed into McDonnell Aircraft Corp., and Siegel had resigned after a disagreement with Chairman James S. McDonnell. Rebounding with amazing speed, Siegel took only a week to found KMS Industries. He assembled a pool of scientists—many followed him from Conductron—and began installing them in old, experienced, but technically backward companies that he acquired with KMS stock. His idea was to invigorate these companies with new technological skills and new products to be marketed through their established sales channels.

KMS Industries reached sales of \$12.2 million in its first year, and leaped to \$51.7 million in its second, partly thanks to acquisitions. During 1967-69, KMS Industries acquired no less than forty-six companies. Then, in late 1969, Siegel discovered laser fusion.

NEEDED: A NEW IDEA

The concept that KMS Fusion has used so successfully was worked out by Keith A. Brueckner, an imaginative theoretical physicist. Starting in 1968, Brueckner divided his time between the University of California at San Diego and a KMS subsidiary in southern California. He also spent about eight days a year as a consultant to the AEC's magnetic-confinement program.

In the course of his work for the AEC, Brueckner could observe the high interest in laser fusion in the Soviet Union and elsewhere. He tried to prod the AEC into starting an active program and even presided over a meeting to discuss the subject. But laser fusion got a cool reception because the AEC scientists at the meeting believed, among other things, that very large and much more efficient lasers would be needed to achieve success.

Brueckner then asked Siegel what it would take for KMS to underwrite a fusion project. "A new idea," Siegel said. Not long afterward, Brueckner came up with one. He worked out a compression and implosion scheme that by his calculations would require far less laser power than the AEC calculations suggested.

Siegel and Brueckner approached the AEC. From their understanding of the Atomic Energy Act, they assumed that Brueckner's results would not be patentable. Accordingly, they were surprised when the AEC's research director urged them to file patents.

It turned out, however, that a number of AEC scientists had secretly worked on implosion schemes on and off since the late 1950's. The news of KMS's entry into laser fusion therefore raised a lot of eyebrows in Livermore and other AEC labs. The AEC had no patents in the field because it had considered laser fusion to be related to weapons development. Yet here was a private company applying for patents that touched on the AEC's own secret work aimed at a potential use of the laser as an H-bomb trigger. (Even today, that concept remains impractical. A laser big enough to trigger an H-bomb would cost perhaps \$10 million, and it would have to be transported by ship. Says Brueckner, "You could do more damage by dropping the laser than by dropping the bomb.")

BATTLING ATOMIC BUREAUCRATS

Brueckner and KMS got caught in the whirlwind. The commission got tough and directed KMS to stop its laser-fusion research, on the ground that the work related to nuclear weapons. The AEC conceded that it couldn't stop Brueckner from thinking, but instructed him to stop discussing the ideas with his co-workers. He was also pro-

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CANNIBALIZING A COMPANY

hibited from doing any calculations relating to laser fusion, except in his head.

The AEC tried to talk KMS into quitting the field, but Siegel decided to fight. He hired lawyers and even wrote a letter to President Nixon. Slowly, the AEC eased its restrictions. In February, 1971, the commission gave KMS a contract that allowed the company to work in laser fusion without government funds, without access to government information, but under government control. The AEC also reserved the right to contest any patents issued to KMS.

The toughest provision prohibited KMS from hiring any scientist, technician, or engineer who had ever worked in federal laser or nuclear-weapons programs. The AEC interpreted this provision literally. KMS officials recall that once when they submitted a list of fifteen proposed employees, the agency turned down thirteen; it approved only the two secretaries on the list. This kind of thing effectively limited hiring to people with no experience in the field.

To provide leadership for Siegel's scientists, Brueckner took a leave of absence from his teaching post. Late in 1971, he and five other scientists from the KMS subsidiary in California moved to Ann Arbor. To further strengthen newly organized KMS Fusion, Inc., Siegel had brought in Henry J. Gomberg, an experienced nuclear scientist, as president of the enterprise. Toward the end of 1971, Gomberg succeeded in convincing James Schlesinger, who had just become AEC chairman, to make a new interpretation of the contract with KMS so that the company could hire scientists and technicians who had left AEC or defense jobs at least two years earlier. That greatly eased the recruiting difficulties.

Delayed in its schedule for about two years, KMS was able to begin large-scale work only in 1971. For about \$1 million it bought from Compagnie Générale d'Electricité in France the biggest and most powerful laser system that was commercially available. Made of glass containing a touch of the element neodymium, the laser was so large it could be flown to New York only in a Boeing 747 cargo plane. It was then shipped to Ann Arbor in specially equipped vans.

TRICKS WITH MIRRORS

In efforts to achieve symmetrical compression of the fuel pellet, most laser-fusion projects split the laser beam into a large number of sub-beams and have them converge on the target from many directions. But this approach introduces the difficult problem of synchronizing and focusing the beams so that they will all hit a target the size of a grain of dust in the same billionth or trillionth of a second.

Under pressure to minimize costs, KMS took a quite different approach: splitting the laser beam only once, and using mirrors and lenses to illuminate the pellet from many directions. This was a much more elegant solution than the multiple-beam approach.

Another important advance was the "pulse stacker." With this instrument, the ultra-short laser pulse can be stretched, accordion-like, so that when the pulse hits the pellet the pressure is applied in a graduated way. Without a "pulse stacker," the laser's short blast would hit the pellet like a hammer.

KMS also started developing new types of fuel pellets and learning how to mass-produce them. This was no easy task since it involves extremely close tolerances and the use of radioactive tritium gas. The deuterium and tritium are diffused into the tiny glass spheres by heating under pressure; the gas becomes trapped inside when the pellets are cooled. KMS has mastered the process to such an extent that it can mass-produce the pellets for less than a hundredth of a cent apiece.

Even with innovative and successful efforts to hold down on costs, fusion research is very expensive. What's more, Siegel moved into fusion at a time when KMS Industries was already facing financial stress. The trouble came in an avalanche. First, the 1969 recession. KMS stock plunged from 73 a share to 12½. Then, early in 1970, the company was suddenly asked to repay \$16.7 million to Detroit's Bank of the Commonwealth, which found itself in trouble, and a year later another \$5 million to John Hancock Mutual Life Insurance Co., which had purchased a twenty-year debenture but now, wary of the fusion venture, wanted its money back.

To pay off the debts and get money for the fusion project, Siegel started selling off divisions. In many cases he tried to sell to previous owners, and often he succeeded. Graphic Services went back to its original owners for \$1.7 million. So did the lens division, for \$896,000. A few months later, Vail-Ballou, a book-manufacturing company, was sold to Maple Press for \$4.8 million. The divisions went fast after that: two more in 1970, eight in 1971, five in 1972, two in 1973.

Today KMS Industries has only six divisions left, including fusion, and is seeking to dispose of most of the remaining nonfusion work. With most divisions gone, total sales have fallen from a high of \$59 million in 1969 to \$6 million in 1973; the stock declined to an all-time low of 1½ this year.

From the "cannibalizing," as Siegel calls it, the company took in \$33 million. To get more funds for fusion research, Siegel tried to attract big companies as partners. In 1972, Texas Gas Transmission Corp., concerned over the possibility that its natural-gas pipelines would be only half full in 1980, decided to support KMS research into fusion-produced hydrogen. It has so far contributed about \$1.6 million.

TOWARD THE MOST FOR THE BUCK

To help finance the fusion side of the work, Siegel succeeded in late 1973 in signing on Burmah Oil Co. Ltd., the huge British petroleum concern. Burmah has so far guaranteed bank loans of \$12.5 million and has options to buy up to 20 percent of the company for up to \$27.9 million.

With its own money and Burmah's guarantees, KMS Fusion constructed and equipped a "shooting gallery," where the rifle-like cracks of laser firings resound as the tiny pellets are blasted in a vacuum chamber at the rate of about ten shots a day.

Brueckner's calculations had looked so good that Siegel had expansively predicted that KMS would achieve scientific breakeven by December 31, 1973. But the technical problems turned out tougher than expected. By the end of 1973, KMS Fusion was still far from that goal, although it could report some slight compressions of the pellets, without generation of "true" fusion neutrons. (It is relatively easy to obtain "false" neutrons from the corona that forms around the fuel pellet.) The Russians were reporting similar results.

A major milestone in KMS Fusion's drive for what Siegel calls "the most neutrons for the buck" was reached at 4:30 p.m. last May 1. The pop of pellet shot No. 1036 had just echoed through the "shooting gallery" when Roy Johnson, a young physicist who supervises the experiments, tore off a Polaroid print from a recording camera and shouted somewhat hysterically: "We've got neutrons!"

CHAMPAGNE AND INCREDULITY

Other instruments were also indicating that the pellet had been compressed and imploded. If they were right, KMS scientists were the first in the world to see laser fusion taking place, though only on a tiny scale.

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Brueckner went out and returned with a case of champagne for the scientific crew.

Siegel telephoned the scientist he had recruited to be KMS Fusion's "test monitor": Nobel Prize-winning physicist Robert Hofstadter of Stanford University. (He was then director of Stanford's big high-energy laboratory.) Hofstadter flew in to observe additional tests. The experiment was successfully repeated four times before KMS reported the facts to the AEC, which reviews the company's progress and all its public statements about laser fusion.

The news, as released, met with a lot of incredulity. Part of the problem was that KMS was caught between the SEC, which requires immediate disclosure of important developments, and the AEC, which censored some important facts because of concern about security. Both criteria conflict with the scientific procedure of first presenting papers at meetings and publishing them in journals. Not until August did the AEC declassify the fact that KMS had been using a new kind of pellet, a glass sphere filled with hydrogen isotopes. One newspaper, not familiar with the AEC's role in the disclosures, even claimed that the AEC had questioned the use of the word "unambiguously"—which in fact the AEC had suggested—in the KMS news release press reports.

The skepticism generally faded after a large contingent of AEC scientists came to KMS for a briefing and after KMS scientists showed they could repeat the compressions easily. Says John Nuckolls of Livermore Lab, a leading theoretician, "These are the best laser-implosion experiments so far."

Continuing to scale up compressions and neutron yields, KMS recently achieved compressions of 250 times by volume and obtained seven million neutrons per shot. The company hopes to achieve ignition and scientific break-even in the next year and a half.

In sunny Livermore, they proudly point to a big hole in the ground where a three-story building will rise to house that huge laser. AEC scientists there express doubt that KMS can move as fast as it says it can. "KMS," says Nuckolls, "has come out of the starting gate with a quarter horse in a mile race. The race has gone about a quarter of a mile so far and just watch the next quarter. I think they have about run their horse out. Now the longer-running horses can take over."

Nuckolls means that the KMS laser is not powerful enough for KMS to get much further, but he admits that he doesn't really know whether scientific break-even can be achieved with a laser that size. It's a difficult time to be a theoretician in this fast-moving field, and KMS Fusion appears to be rewriting the theory. The AEC badly underestimated KMS when it blandly stated in 1971: "We do not foresee KMS proceeding at a pace in advances of our laboratories. We do not believe it will be possible for such a firm to compete with the vast experience and resources of our laboratories."

LIVING FROM MONTH TO MONTH

So far, KMS Fusion has proved the AEC wrong. But even if the company soon attains a net energy gain with its present laser, a number of tough engineering barriers stand in the way of a laser-fusion reactor. The laser would have to fire at pellets at a rate of as many as 6,000 times a minute. No such laser exists today, although there are prospects under development.

Another difficult task is designing reactor chamber walls that would withstand the constant battering by neutrons and alpha particles, and the mechanical strains of millions of consecutive pellet explosions, each amounting to several pounds of TNT. Siegel insists, however, that KMS has made significant progress in designing reactor walls for hydrogen production. He dismisses other sci-

entists' doubts with an optimistic "What they think are hard problems aren't." In his view, the problems KMS faces are no longer scientific. "The major obstacle is me and my ability to raise money. I don't think it's science anymore. It's financial break-even," Adds a KMS executive: "Everything is a cliff-hanger. We practically live from month to month."

Much more is at stake, of course, than the personal triumph or defeat of Keesee M. Siegel or any other scientist. It is entirely possible that KMS Fusion will fail for lack of funds before it has had a chance to prove its concepts. "If Siegel and his scientists are right in the parameters they've set," says a friend, "then everybody will be the loser if the project is not pursued to a successful conclusion."

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 402(k)

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. CLARK. Mr. Speaker, on June 26, 1974, the Subcommittee on Investigations and Review of the House Public Works Committee held an oversight hearing on the implementation of the Federal Water Pollution Control Act, as amended, at which the Environmental Protection Agency and the electric utility industry presented testimony. At that hearing the EPA was asked:

If a discharger has not been issued an NPDES permit by 12/31/74, even though he has applied for one, can the discharger be found in violation of the FWPCA?

The EPA responded that—

We (EPA) . . . interpret the section (FWPCA section 402(k)) not to create a change in the legal status of dischargers, and subsequent to that date (12/31/74) a discharger should not be considered in violation of the Act while his application is pending for permit to perform the action, which would otherwise be a violation . . .

This legal opinion was reaffirmed by a letter to the House Public Works Committee from Alan G. Kirk III, Assistant Administrator for Enforcement and General Counsel, EPA, dated July 23, 1974.

If a different interpretation of section 402(k) should be rendered, all industries would be exposed to the civil and criminal enforcement provisions of section 309 and section 505 of the act, including injunctions, fines, and imprisonment. For some industries, there would be problems in financing because of disclosure requirements and bondable property addition requirements under their mortgages. Under the act, citizen suits may force EPA to act against these industries.

In order to carry forth the express intent of Congress to provide protection from suit to dischargers during this initial permitting process, and to preserve the financial integrity of our Nation's industry affected by the FWPCA, it is essential that EPA formally publish this legal opinion. In the Federal Register, and amend its regulations to indicate that EPA adopts the policy set forth in that opinion.

Mr. Speaker, I include the legal

opinion and Mr. Kirk's letter of July 23, 1974, at this point in the RECORD.

EPA LEGAL OPINION ON SECTION 402(k), FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

Question: If a discharger has not been issued an NPDES permit by December 31, 1974, even though he has applied for one, can the discharger be found in violation of the Federal Water Pollution Control Act? (Transcript June 26, Page 149.)

Answer: Section 301(a) states that "except as in compliance with this section and sections 302, 306, 307, 318, 402, 404 of this Act, the discharge of any pollutant by any person shall be unlawful." Section 402(a) provides that where a discharger is in compliance with the applicable requirements of various sections of the Act, the Administrator may issue a permit for such discharge. Section 402(k) then provides that compliance with any such permit is deemed to be compliance. "for purposes of sections 309 and 505", with sections 301, 303, 306, 307, and 403. It further states that "until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition for such application has not been made, such discharge shall not be a violation of (1) section 301, 306, 402 of this Act. . . ."

It is becoming apparent that there will be a substantial number of permits which, even though sources have filed applications, will not be issued by the end of this year. Sources are naturally concerned as to the impact of the "expiration" of this provision providing them "immunity" from suit. EPA has stated that where a permit is being processed, it will not, pursuant to section 309, take any enforcement action merely because a source is discharging without a permit. However, this does not prevent the filing of a section 505 citizen suit against the discharger. The question, then, is whether the sources are in serious danger of having a judgment rendered against them for violation of the Act. In our view, they are not.

Although the issue has not been often litigated and there is no clear precedent on the point, it can generally be expected that a court will not find a person in violation of a statutory provision where the violation occurs because of the inability of the individual to secure a license or permit from an administrative agency which would authorize that activity. Should a suit be brought in such circumstances, we expect that the court would either dismiss the action or stay the action pending completion of the administrative proceeding. In *United States v. Pennsylvania Industrial Chemical Corp.*, 329 F. Supp. 1118 (W. D. Pa. 1971), a United States District Court held that a source could be prosecuted under the 1899 Rivers and Harbors Act (the Refuse Act) for discharging without a permit even though there was no administrative procedure set up for a discharger to secure a permit. The Court of Appeals for the Third Circuit reversed that decision, holding that, since a regulatory program which would have permitted the discharge had not been established by the Secretary of the Army, the discharger could not be held in violation for failure to comply with the nonexistent regulatory program. 461 F.2d 468 (3rd Cir. 1972). That decision was consistent with an earlier United States Supreme Court holding that an "applicant, who has done everything on his part required by the law, cannot be regarded as violating the law if, without the formality of a license wrongfully withheld from him, he pursues the business of his calling, which is not unlawful itself. . . ." *Royal v. Virginia*, 116 U.S. 502, 583 (1886).

The United States Supreme Court reversed the Third Circuit decision, but in doing so it indicated that its reasoning was based on the

fact that the Refuse Act did not require the establishment of a formal regulatory permit program. 411 U.S. 655, 662; 93 S.Ct. 1804, 1811 (1973). The FWPCA does in fact establish a regulatory program in section 402, which would sanction the otherwise unlawful discharge and it is thus arguable that the Supreme Court would not reach a similar decision regarding a violation of the FWPCA where the regulatory program was being implemented and the failure of the discharger to comply with the Act was due to the failure of the regulatory program to be fully implemented. See also *State v. Gisch*, 150 N.W. 37 (1914). It is therefore our opinion that the present state of the law is that, if a discharger has submitted a timely application for a permit, a court would not find a discharger in violation of the Act even after December 31, 1974, for failing to have a permit when the administering agency had failed to take action on the permit application. One result, of course, might be an order directing the administrative agency to issue the permit.

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That being the applicable principle of the law, how is it affected by section 402(k)? While that section is generally viewed as identifying the time by which the Agency is to have all permits issued, it is obviously not a mandatory deadline imposed upon the Administrator. First, the language itself clearly does not impose any such obligation. Second, there was a provision in the Senate Bill which did impose time restrictions on the Agency but this was not enacted in the final version. Moreover, if that were the purpose of the section it is inconsistent to place the burden on the applicant rather than on the issuing authority. Unfortunately, however, there is no legislative history which explains in fact what the exact purpose or impact of this section is.

We view section 402(k) as merely being a recognition by Congress of the general principle of law discussed above and an effort to avoid unnecessary litigation by emphasizing it in the statute. The addition of the date presumably indicates when Congress expected (an expectation which was overly optimistic) the task of issuing permits to be concluded but should not, in our view, be interpreted to indicate a Congressional intent that the state of the law change after December 31, 1974, and a discharger be vulnerable to a suit for violation of the Act when it is operating under circumstances no different from those which, from October 18, 1972 to December 31, 1974, were not considered to be a violation of the Act. One would certainly expect such a substantial legislative action to be accompanied by a more explicit statement both in the Act and the legislative history. We therefore interpret the section not to create a change in the legal status of dischargers, and subsequent to that date a discharger still should not be considered in violation of the Act while his application is pending for a permit to perform the action, which would otherwise be a violation.

We recognize that this is an interpretation of rather sparse and confused case law and an ambiguous section of the statute. However, it is a reasonable conclusion to which we expect a court would be receptive. There are additional arguments which presumably can be made. For example, section 301 requires that a discharger comply with section 402; it is arguable that the discharger is in compliance with that section, as it has been implemented by EPA, through his applying, pursuant to EPA regulations, for a permit and following through on the permit issuance process. Under such a theory, the source would not be in violation of the Act and thus not subject to suit under sections 309 or 505. We do believe, however, that the analysis set forth above is sufficient to indicate that it is highly improbable that the "expiration"

of this "immunity clause" will in fact result in a source being judicially found to be in violation of the FWPCA. For these reasons, we do not believe that any statutory change is necessary.

Mr. Gordon E. Wood,
Assistant Minority Counsel, House Public Works Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. WOOD: Following the discussion last week at the Oversight Hearings, we have again reviewed the question of whether dischargers can be successfully sued by citizens after December 31, 1974, where a permit has been applied for but not issued. We continue to believe, as outlined in the legal analysis previously supplied to the Committee (copy attached), that such a suit would not succeed. We recognize, of course, that the point is not at all clear and that arguments can be made on either side. For that reason, we have also stated that in the event of such a citizen suit, we would expedite processing of the permit involved, so that the discharger would not continue to face penalties as a result of our delay. The problem is not an easy one; we would welcome the opportunity for any further discussion you may wish.

Sincerely yours,
ALAN G. KIRK III,
Assistant Administrator for Enforcement and General Counsel (33-329).

MASSACHUSETTS DIVISION OF EMPLOYMENT SECURITY REVIEW BY HERALD-AMERICAN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. HARRINGTON. Mr. Speaker, recently at my request the General Accounting Office completed and released an audit of the Massachusetts Division of Employment Security.

This led, in turn, to considerable attention at the State level to the failures and successes of the agency; on the failure side, for example, ranking 51st out of 50 States and the District of Columbia in terms of job openings actually filled.

Most recently, in this regard, Joe Heaney and Ed Corsetti of the Boston Herald-American have written a three-part series on the placement agency. This review, although containing a few ambiguities with regard to the original of my study and the ignorance of people of the State level in that regard, deserves the attention not only of people in Massachusetts but of all Members of this body.

The placement program was originally established by Congress, and given the degree of its failure, not only in Massachusetts but in other States, Congress should undertake a whole review of this program and related programs in the next Congress as unemployment continues to mount.

The text of the articles follows:

JOB-FINDING AGENCY, CALLED INEPT, LOSES \$100,000 EACH MONTH

Depending on whom you talk to, the Massachusetts Division of Employment Security (DES) is:

The kind of agency that will send "some character with long hair and no shoes to apply for a job as a bank teller."

An underfunded and understaffed division that has "minimized the ripoff" of fraudulent unemployment benefits in a state with the third highest unemployment rate in the nation.

A sprawling 2,610-employee agency with three directors in four years . . . declining and ignored for the last decade and now hobbled by inefficiency and patronage.

A department subject to the dictates of shifting federal priorities that have favored the disadvantaged.

An agency that has turned the corner on ineptness and low morale and is on the road back to productivity despite indifference and sagging confidence from the business community that supports it.

A federally-funded (Department of Labor) job placement and unemployment benefit agency, DES is administered through the state office of Manpower Affairs Secretary Mrs. Mary Newman.

DES has a two-fold purpose. Finding jobs for people and people for jobs; and providing financial benefits for qualifying unemployed workers. There are 42 local employment service offices in the six districts of the Commonwealth.

The State currently has the third highest unemployment rate in the country (8.4 percent), accounting for 189,000 unemployed workers.

Massachusetts also has one of the most liberal unemployment benefit laws in the nation.

To qualify, a worker must have at least \$1,200 in earnings during the previous year. Depending on what the salary was, individual benefits range from a maximum of \$95 weekly to a minimum of \$14. In addition there are dependent payments of \$6 weekly to a maximum of \$48.

The maximum individual and dependent weekly benefit is \$143 weekly for a total of 39 weeks before a \$1,200 earning base must be reestablished.

The state's current claim load numbers more than 160,000 and dispenses \$7 million in weekly benefit checks.

Morton E. Morin, who heads the agency's claims investigation section, says there are "at least \$100,000 a month in overpayments (illegal claims)."

"Some people abuse the system . . . it's like anything else," says Morin. "But all told, only two percent of our claims are fraudulent."

Still, there are dozens of angles.

"The most common one, of course," says Morin, "is working and collecting benefits from an employer who pays under the table as a sort of fringe benefit so the employee can keep collecting."

"Then, you've got people collecting who are also on workmen's compensation, and people collecting for dependents they don't have."

"Six hundred suspected fraud claim cases have been turned over to the attorney general's office," says Morin. "They involve about half a million dollars over a five-year period."

Some of the unemployed prefer collecting unemployment benefits to finding a steady job. Many times these are seasonal workers, who only intend to work part of the year anyway. They often regard unemployment benefits as a right . . . something they are entitled to collect, even though they do not intend to find work.

"You just can't screen everyone," says Morin, "but we have ways of catching up with them."

Mostly, the fraud is uncovered through anonymous tips.

There is the story of the girl friend who called DES after a fight with her boyfriend to report him for collecting benefit checks illegally. A few days later the couple made up and the woman called back to say that what she had reported previously was untrue.

"Divorcees report on their ex-husbands, too. Then, there are guys who sit around a

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bar all day and can't resist telling how smart they are by collecting illegally," said Morin. Mrs. Newman became the lone woman in Gov. Sargent's cabinet in July, 1971, and will be out of a job when the incoming Dukakis administration takes over next month.

"I just took one look at DES and found the department was a pile of sawdust," said Mrs. Newman, "and not very good sawdust, either."

"After I used the word 'soggy' to describe DES, I was really disliked by some people down there. They became Newman-haters, but that doesn't bother me."

"Basically, the boat needed to be rocked. That's all there was to it."

To do the rocking, Mrs. Newman called on Richard C. Gilliland, 38, who was deputy assistant to Lawrence W. Rogers, assistant director of the New England regional manpower office (Department of Labor).

Soon after his arrival in March of 1972, Gilliland added seven high-paying jobs to DES at a cost of more than \$140,000 annually. Civil service was bypassed.

Career employees sent up a chorus of howls that were eventually heard in Washington and touched off a Federal investigation.

The result was a report by the Federal Accounting Office (GAO) that became a major issue in the Sargent-Dukakis battle for governor. The report said Massachusetts had the worst DES record in the nation for job placement.

Disgruntled career employees, who felt Gilliland was wrecking the division and their chances for advancement, had prevailed on Congressman Michael J. Harrington, D-Mass., to launch the DES probe . . . but the report went too far and reflected on their own competence.

Harrington fed the report to fellow-Democrat Dukakis and during a televised debate a few days before last month's election, Dukakis announced the results to a surprised Governor Sargent.

Dukakis also pledged a whole new ball game at DES if he was elected.

The report also took everyone else by surprise.

"I don't think Mike Harrington was part of any sinister plot to get anyone," said Mrs. Newman, "but we had no idea the report had been circulated to anyone else."

"It's fun to be fooled . . . but it's more fun to know. It would have been nice to know."

Gilliland, who last March became director of the challenging regional manpower office in Chicago, still defends his performance at DES here.

"Certain areas of expertise just didn't exist in that agency and it was structured so there wouldn't be any produced in the future," he explained recently.

"I believe in promoting from within whenever you can, but you can't always do it. That's why I had to bring in those people."

(The jobs: two deputy directors, an ombudsman, an assistant director, an equal employment officer, an executive assistant, a project director.)

Gilliland said he didn't "think the report was too bad. You have to look at the whole report. You can't pick out bits and pieces and make a judgment."

"A lot of progress has been made since the study was made. I think the agency is slowly regaining the faith of the business community."

"If I would have done anything different, it probably would have been to accelerate the effort to regain public confidence and widespread use of the agency again."

Mrs. Newman strenuously defends her appointment of Gilliland and denies he was "borrowed" from the regional manpower of-

fice here solely to prepare for the high paying Chicago job.

"I give you my word," she explained, "there is not a political appointment in the whole shebang (DES)."

"The GAO report was a byproduct of what had been happening at DES. We just were not giving a total service."

"You don't come into anything bureaucratic without bringing a few staff people. At the beginning there was a great deal of anger and rage. The changes went over like a skunk at a lawn party."

"But the division had just gone down hill. Herman LaMark (Gilliland's predecessor; appointed by former Gov. Volpe and serving from 1968 to 1972) had no background in employment security," Mrs. Newman continued.

"Public interest in the agency was a flat zero and there was no legislative concern. The agency had become an advocate for the disadvantaged, rather than referral."

"But you can't serve the disadvantaged if you can't serve business, because it is the businesses that create the job opportunities."

"I was criticized for bringing Dick Gilliland in, but what the hell? If the people doing the criticizing were doing such a good job for the last 30 years . . . why weren't things better."

"Look at Dick, now. He has taken on the toughest manpower job in the country out there in Chicago. I think that suggests he is no schnook."

VICTIM OF SHIFTING U.S. MANPOWER PRIORITIES

(By Joe Heaney and Ed Corsetti)

Governor-elect Michael J. Dukakis got a major campaign boost last October when a timely federal report found Massachusetts trailing the nation in finding jobs for its unemployed.

Officials at the state's long-troubled Division of Employment Security (DES) called the report exaggerated and inaccurate.

They said the U.S. General Accounting Office (GAO) findings failed to recognize some special Massachusetts problems . . . like an 8.4 percent unemployment ratio and limited job listings from employers.

DES Director John D. Crosier, who has held the Sargent-administration job only six months, argued that his agency has turned a corner on past inefficiencies and is making steady progress since the GAO report was made last year.

Here are some of the 49-page report's findings:

Little attempt is made to match an applicant to a job or a job opening to an applicant, even though in most cases there were a number of applicants available for each opening and a number of openings for each applicant.

DES files were found outdated and disorganized.

A majority of employers and applicants did not receive any referrals within two weeks after applying.

The placement rate for persons not receiving unemployment benefit checks was four times greater than for those receiving benefits.

Director Crosier is a Holden resident with an extensive background in private business. Responding to the GAO, he stressed DES has been the victim of shifting federal manpower priorities for the last decade . . . usually favoring the disadvantaged and unskilled, who are the hardest to employ.

"The new programs of the 60s have presented an immense administrative burden. Each new program usually meant changed priorities; staff adjustments; additional reports; new state and federal pressures; more meetings, conferences, etc."

At the same time, Crosier noted that "no Congressional hearings on employment serv-

ice effectiveness have been held for many years and, according to project staff, no GAO evaluation has been performed within recent times."

The Massachusetts study was initiated by Congressman Michael J. Harrington, at the request of disgruntled DES employees who were trying to oust Crosier's predecessor, Richard C. Gilliland, currently director of the federal regional manpower office in Chicago.

Crosier, in defending the rehabilitation of the agency, stressed that in fiscal 1974 there were 104,755 placements.

Regarded by some as the director who can get DES going again, Crosier replied to GAO:

"Since I assumed the position of director on May 20, 1974, I have been concerned that we in the division do everything possible with our limited resources to match employers' and workers' needs."

"I believe the facts indicate we have already made substantial improvement toward recommendations of the GAO report." The report recommended:

That DES applicant files be purged of outdated information and be made current with accurate information.

Increase efforts to match applicants with available job openings and increase the number of applicant referrals to unfilled jobs. Be sure the referrals are timely.

Improve management activities by using employment-service representatives and local office personnel.

Consider specialization of local office personnel in specific occupational areas and require this personnel to work closely with employers to promptly fill job orders.

Improve management efforts to place persons receiving unemployment insurance benefits.

The report contained a case study of seasonal employment at the Internal Revenue Service Center in Andover that showed the availability of unemployment benefits can create a disincentive for experienced seasonal workers to seek work.

"The high benefits being paid in Massachusetts, compared to other states, further complicate the situation," the report said, adding:

"In cases such as those identified in the IRS case study, substantial benefits may be obtained by unemployed seasonal federal workers, and these benefits hamper DES' ability to place these workers in alternative jobs."

"We believe this situation may be indicative of a much broader problem and intend to review the matter further."

Director Crosier concedes that morale is a problem among DES employees.

"In certain local offices, the physical environment is not conducive to good morale," he explained.

"Certain working conditions are unacceptable and need to be addressed. You've got people trying to be public servants who shouldn't be treated like public slaves."

"There are World War II desks in offices that are cold, uncomfortable and not very professional." (Crosier cited DES offices in Waltham and Northampton as ones that could be improved.)

The director explained that there are DES jobs paying less than comparable positions in other state employment "and we hope to correct these shortcomings through reclassification."

Crosier's attitude toward promotion will endear him to employees who feel they were passed over by his predecessor, Richard Gilliland.

"All promotions will be from within unless there is a specialty we don't have inhouse. All jobs will be posted and there will be open examinations."

"I want to create an environment that is not luxurious, but adequate and a pay scale

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that is compatible with local conditions and one that provides for upward mobility."

"I would have an organizational structure," Crosier continued, "that would permit decisions to be made at the lowest level where the information is available."

Crosier said he intends to apply sound, proven business techniques to all areas of DES "and then operate on management by exception. That means I don't intend to hear about anything unless there are problems."

The director said that among his most difficult tasks is to regain the confidence of the business community.

"Because of the quality of the referrals, employers have been reluctant to list their better jobs with us. Frequently the job openings have gone to private employment agencies."

"We have been dealing with fewer than 20 percent of the openings in the economy. And without the jobs there can be no placements."

To gain a wider share of the state's job openings, Crosier has been journeying throughout the state explaining to business gatherings the advantages of a reorganized DES.

Crosier says his biggest complaint with the GAO report is that "it completely failed to address external factors."

"Things like national directives insisting that minorities and disadvantaged get the job breaks; economic conditions in the state and the improvements we have made."

LAMARK DEFENDS TENURE AS DES DIRECTOR

(By Joe Heaney and Ed Corsetti)

Herman V. Lamark, a Volpe administration memory, refuses to be the fall guy for any of the proclaimed deficiencies at the stormy Massachusetts Department of Employment Security.

The former DES director (1968-72) has had a series of critical fingers pointed at him since a federal General Accounting Office report surfaced last month blaming Massachusetts DES for the worst job-placement record in the nation.

Lamark not only defends his tenure as one of the most productive and difficult in DES history, he says he is willing to counsel Governor-elect Michael J. Dukakis on DES policy without returning to the agency.

"It is essential that the business community be educated to the idea that DES does have qualified people to place in jobs," says Lamark.

"We must tear down the image that only derelicts and bums are available for jobs at DES. Businessmen in and out of the state must be convinced there is an adequate labor force in Massachusetts."

Lamark is currently on the staff of Lowell Technical Institute as director of development and job placement.

The former DES official established the Professional Center on Route 128 for the scores of unemployed engineers produced by the space and defense cutback of the late '60s.

Lamark says that under his administration state unemployment hit 8.1 percent, but was cut back to 6 percent. He said his techniques and policies have been adopted by DES officials in 21 other states.

The former director said he is now assisting DES Director John D. Crosier in trying to find jobs for 10,000 unemployed Massachusetts teachers.

Outgoing Secretary of Manpower Affairs, Mrs. Mary B. Newman, has been critical of Lamark. And so has Lawrence W. Rogers, assistant director for the New England Regional Manpower Office.

"The division began its decline in late 1968 when unemployment started going up," Rogers recalls.

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"There was trouble getting information out of that agency. They didn't know how many people they had employed or how much money they had spent."

"It was bad administration," says Rogers, "money was badly handled and at the end of the fiscal year they didn't know where the reports were."

Rogers said the agency has improved "but DES in the rest of the country has improved much faster."

He said he agreed with most of the GAO report that was almost entirely critical of DES.

"The accuracy is there," he said of the report, "but there is a question of scope." All in all, said Rogers: "I would give the report an A minus."

Lamark charges that "the DES decline began with Mary Newman."

"She immediately doled out jobs to political hacks, campaign workers, etc., until civil service was practically nonexistent as far as top jobs went. The unfortunate thing is that all of the appointments were for key jobs."

Lamark says Rogers was opposed to some of his best ideas and cool to the plan for a Professional Center to place unemployed engineers.

Thomas L. McGrath, director of research and development for the Greater Boston Chamber of Commerce, believes the Route 128 Professional Center was a big plus for DES.

"In 1970-71 there were about 10,000 engineers and technical people out of work. That figure has shrunk to about 3,800, which means 6,200 must have been aided in some way."

Still, says McGrath, "DES for the last 10 years has had a poor reputation for producing candidates for employers who place jobs with them."

"Some of the jobs listed have been pretty bad," he conceded, "like working in a Brockton factory for \$1.55 an hour."

And part of the DES problem has been "the unusually high number of unemployed in Massachusetts . . . 8.4 percent, about two percent above the national average."

"If the economy can't generate jobs, is it DES's fault?"

McGrath said DES is currently conducting a campaign to regain the confidence of the business community and the Chamber is co-operating.

"Unless the employer has confidence in DES, he isn't going to play ball. Businessmen tend to endorse those things operating with some degree of efficiency, or it's hands off."

"The last thing they want is a bad experience."

Raytheon, one of the state's largest employers, has these opinions of DES:

"Our experience with the DES has been very good in some instances and not so good in others. Cooperation and performance of the division were outstanding in our opinion with respect to the Route 128 Professional Center."

"On the other hand, Raytheon employees who interface with the division feel computer-output problems and a shortage of trained personnel have caused claims-service activities not to be quite as effective as in previous years."

"And some of our recruiting people say they are not able to get as many qualified people referred by the division as they would like to see."

In Lynn, General Electric Co., says the local DES office "has been cooperative and offered a satisfactory performance."

Regardless of what anyone says about DES, the agency's most powerful critic today is Governor-elect Dukakis.

He said he was "dismayed" to read the

GAO report placing the state last in job placement.

"That record would be distressing even if we had a low unemployment rate. But it is particularly distressing in light of the fact that Massachusetts has the worst unemployment rate of any industrial state."

Dukakis called the placement problem "very serious," adding:

"Beginning in January, turning that record around is among our first priorities. We can do it and we must. No state government can tolerate a dismal job placement record."

The incoming governor breaks the problems down this way:

1. DES is finding jobs for an extremely small percentage of unemployed people.

2. Business and industry are notifying DES of only a small percentage of openings, most of which are low-paying.

3. As unemployment rises, increasing numbers of DES staff of people are taken from the placement section and told to help with the clerical task of paying unemployment compensation.

4. As a result, the unemployed do not expect help from DES; employers do not expect help from DES, and the morale and expectations of the unsuccessful overburdened and frustrated staff continue to sink lower.

Dukakis has these suggestions:

"Despite an economic turnaround, there are still good-paying jobs available and going unfilled. DES must ask industry to advise it of a wider range of openings."

"It must have a better profile of the unemployed so they may more effectively try to place them in appropriate jobs."

"The lack of coordination between our training program and the present and prospective needs of good-paying industries is another problem that must be solved."

"We must refine our methods of projecting employment needs so we can begin training people for jobs that will be there when they graduate. This can be done by getting information directly from business and making a combination of hiring and training agreements."

"To succeed in this training effort, I shall oversee the coordination which will be required between the Secretary of Economic Development and Manpower and the Secretary of Education."

"Underlying all of this will be the administration's high priority undertaking to end this state's economic slide," Dukakis said.

"It will not be easy, but in final analysis, we must do this if we are to provide jobs for our people."

DES employees are "dying for leadership, cooperation, understanding and good public relations," says Morton E. Morin, an 18-year veteran of the agency, who heads the claims investigation section and hopes to become an assistant director.

He lists these things as what the agency needs most:

"Leadership. Someone with an extensive knowledge of Massachusetts and its problems."

"A realistic budget and someone who will fight for our share. Our budget has been cut despite the rising unemployment rate."

"There must be greater understanding of the needs of the public, employers, employees and recipients."

Morin said DES also needs cooperation from the legislature, state agencies and other public and private groups.

"And we also need one helluva good public relations program."

Morin, who helped bring about the GAO investigation with a steady stream of criticism of former director Gilliland, calls the federal agency's final report:

"A piece of garbage that whitewashed the Department of Labor."

NELSON A. ROCKEFELLER

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. DOMINICK V. DANIELS. Mr. Speaker, it is my intention today to vote to approve the selection of Nelson A. Rockefeller as Vice President of the United States. However, I do so with some reservation.

The House and Senate hearings on Mr. Rockefeller has utilized his own and his family's massive wealth to further his political ambitions. His political campaigns for Governor of New York and for the Presidency have to an unprecedented extent been financed from Rockefeller family coffers. Considering that his margin of victory in his last campaign was only 1 percent over former Justice Goldberg, and that Rockefeller wealth financed what can only be termed a scurrilous book about a decent man and a great American, it seems doubtful that Mr. Rockefeller would have won that election without the last minute infusion of family funds. Indeed, Mr. Rockefeller outspent Justice Goldberg by almost 7 to 1 with much of the Rockefeller funds coming into the campaign at the last minute.

Mr. Rockefeller's record also evidences mistaken judgment concerning loans and gifts to various officials.

It has been said that Mr. Rockefeller's gifts were innocent attempts to keep good men in government; that while other men in government were stealing, Mr. Rockefeller was giving money away to attract men of intelligence and talent. This argument simply misses the point.

The gift to Dr. William J. Ronan, chairman of the New York-New Jersey Port Authority of almost two-thirds of a million dollars is an example. Dr. Ronan was Mr. Rockefeller's personal choice for the chairmanship of the Port Authority and admittedly gave him two-thirds of a million dollars as a gift in order to make Dr. Ronan's unique talents available to the Port Authority.

First, Dr. Ronan's efforts, while talented are not so unique that they should be so deserving. There are others in New York and New Jersey who would just as ably perform the services Dr. Ronan has performed without so great a reward.

Second, I am disturbed that the Rockefeller family owns a considerable amount of port authority bonds. The port authority was created to serve the transportation needs of New Jersey and New York. One of the major issues facing the port authority has been whether it would take over the administration of mass transit facilities in and between New York and in New Jersey. For many years the port authority has fought tooth and nail against accepting responsibility for mass transit because it argued that it could not afford to do so. Yet it invested heavily in major construction projects such as the World Trade Center in New York which has a very tenuous connection with transportation problems.

In spite of the enormous profits of non-transportation investments, the port authority continues to drag its feet on mass transit in spite of the fact that the New York-New Jersey area is choking on auto fumes and paralyzed by traffic. We are faced with the specter of personal funds used to retain Dr. Ronan who coincidentally maintained a hard line antimass transit position which also protected Rockefeller investments. That policy is to the detriment of public transportation. I find the coincidence too great not to question whether Dr. Ronan himself believed he had some obligation to the Rockefellers even if Governor Rockefeller never expressed such an obligation.

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Third, even if Dr. Ronan did not protect the bonds of the port authority as a favor to the Rockefellers, he was an employee of the State of New Jersey as well as New York. Yet, again, he was the recipient of the personal largess of the Governor of New York leaving New Jersey to suspect whether Dr. Ronan's allegiance was to both New York and New Jersey or exclusively to New York.

Even wholly agreeing with Mr. Rockefeller's contention that he merely desired to insure that good men would remain in government, the appearance remains that these men were to protect Mr. Rockefeller's personal interests in return for his patronage. Certainly they would feel a very human temptation to do so. Regardless of Mr. Rockefeller's motive, the inherent evil of his largess is its tendency to corrupt those who accept it, the appearance of corruption, and its effect on the public, which learning of it, might well assume that it was for favors granted and thus becomes distrustful of its public officials.

My reservations, Mr. Speaker, are not based therefore on any real evidence of any unlawful acts either by Mr. Rockefeller or the recipients of his patronage. Mr. Rockefeller has been subjected to intense scrutiny by two congressional committees neither of which has turned up any unlawful act. It is my conclusion, therefore, that he acted in good faith. My reservations are based on the misgiving that so much could not be given for so little in return. But we do not legislate on the basis of misgivings. We do not make important policy on the basis of intuition.

There has been no evidence that Mr. Rockefeller has intentionally tried to influence any individual for his personal gain or that of his family. My reservations are based rather on my belief that the gifts themselves regardless of good motives, are detrimental to public confidence in government.

No doubt a gift of \$50,000, or \$25,000 or even two-thirds of a million dollars does not have the same connotation to a man whose family fortune is greater than the total worth of many nations of the world. Nevertheless it must, in my opinion, have an effect on the decisions of the recipients of that largess. In addition, it causes otherwise legitimate actions by a recipient to appear to be unethical. Thus Dr. Ronan's staunch protection of Port Authority bonds may well be legitimate. But the Rockefeller gift casts a long shadow over his action and clouds the public's confidence in government.

Mr. Rockefeller's record as Governor of New York is one of accomplishment, of imagination and innovation. State government has for decades become moribund. Governor Rockefeller, with much intelligence, great energy and no small amount of grace and charm, has overcome the inertia which held his State government static and he has created an effective working government.

The creation of a State university system which is a model for other States to follow, the Metropolitan Transportation Authority, State revenue sharing, and an efficient highway system are products of his years in office. They make a record of achievement which hopefully will be prologue to achievements in national Government.

Mr. Rockefeller has shown, moreover, that he possesses an honest character. With no small amount of courage he subjected himself to the harshest of public scrutiny. He did not seek to hide what other men might have designed to cover up. He was honest and forthright in disclosing his and his family's wealth and at the same time stood fast not to breach the privacy of members of his family who had a right not to become involved in his personal desire to become Vice President. It was a thin line to tread between the right of the public to know and his family's personal right to privacy. In my opinion he managed well to accede to the requirements of both.

Mr. Rockefeller is a highly competent, imaginative man with great experience in government. He understands government and how it operates. Such men are rare and not to be lightly regarded.

In voting to approve his nomination, Mr. Speaker, I do not wish that my vote be interpreted in any way as approval of Mr. Rockefeller's gifts and that they may continue. I firmly believe that such gifts, regardless of good motive, would corrupt the allegiance to the public interest of those who enjoy Mr. Rockefeller's patronage.

ROCKEFELLER CONFIRMATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. LEHMAN. Mr. Speaker, I would like to take this opportunity to give my reasoning behind my vote to confirm Nelson A. Rockefeller as Vice President.

Mr. Speaker, until an hour before the vote was taken, I was not certain which way I would vote. I had, and still do have, reservations about Mr. Rockefeller. Mr. Rockefeller's vast wealth and large investments could create serious conflicts of interest in the position of Vice President. His unwise, insensitive and perhaps unethical loans and gifts disturbed me. I was disappointed by his ambivalent statements on the Palestine Liberation Organization when questioned by the Judiciary Committee.

This latter concern was diminished by a letter which my colleague from New York (Mr. Koch) received from the Vice President designate clarifying his position on the PLO.

As to possible conflicts of interests, the

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sensitivity to this issue which he and the other members of his family displayed during the hearings persuaded me that our new Vice President will be exceptionally careful to be above reproach in this area.

Mr. Rockefeller's executive experience as Governor of New York and his business world background will be a valuable asset to the administration in dealing with our ailing economy.

Although Mr. Rockefeller would not have been my choice for Vice President, I believe it was imperative that the office be filled without further delay. Further, under the provisions of the 25th amendment, there was no legal reason to refuse President Ford the mechanism provided by that amendment.

We are now in what I believe is the unfortunate position of having both a nonelected President and Vice President. I hope that I can join in an effort by the 94th Congress to modify the 25th amendment so as to remove the possibility of this situation arising again.

THE OZONE LAYER—PART 4, CONTROLLING FREON RELEASE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ASPIN. Mr. Speaker, today I am introducing along with 13 cosponsors, a bill to regulate the production of freon—chlorofluoromethane.

Members will, by now, be aware of the possibility that the ozone layer, which protects us from the deadly force of the Sun's radiation, may be weakened by the release of freon into the atmosphere.

Scientific knowledge of stratospheric chemistry, upon which the warnings about freon's dangers rest, remains sketchy. Right now we lack the knowledge which would allow us to decide how much freon release is safe. But, if some scientists' predictions are correct, we also lack the leisure which would allow action to wait for perfect knowledge.

We must learn more; and it is to be hoped that the agencies responsible for funding scientific research will have money available for this high-priority problem. But while we learn, we must prepare to act.

The bill introduced today would provide for a two-step decision regarding freon production: An EPA determination of how much additional ultraviolet radiation the ecosystem can stand, and a NASA determination of how much freon can be produced each year without causing more than that amount of additional ultraviolet radiation to reach the surface.

The result of these two determinations would be an upper limit to the allowable annual freon production. This limit, once determined, would not be set in concrete, but subject to variation as our knowledge of the physics, chemistry, and biology involved improves.

EXTENSIONS OF REMARKS

Cosponsors of the bill and the text of the bill follow:

LIST OF COSPONSORS

Rep. Bella Abzug, D-N.Y., Rep. George Brown, D-Calif., Rep. Cardiss Collins, D-Ill., Rep. Hamilton Fish, R-N.Y., Rep. Michael Harrington, D-Mass., Rep. Parren J. Mitchell, D-Md., Rep. Thomas Rees, D-Calif., Rep. Ronald A. Sarasin, R-Conn., Rep. Patricia Schroeder, D-Colo., Rep. Frank Thompson, D-N.J., Rep. Larry Winn, R-Kans., Rep. Antonio Borja Won Pat, Guam, Rep. Gus Yatron, D-Pa.

H.R.—

A bill to protect the public health, safety, and welfare and the natural environment by regulating the production and importation of chlorofluoromethane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) discharge of chlorofluoromethane into the ambient air threatens to reduce the concentration of ozone in the stratosphere;

(2) ozone reduction will lead to increased incidence of solar ultraviolet radiation at the surface of the earth;

(3) increased incident of solar ultraviolet radiation may cause increased rates of disease in humans (including increased rates of skin cancer), threaten important food crops, and otherwise damage the natural environment; and

(4) the release of chlorofluoromethane may pose a danger to the public health, safety, and welfare and requires prompt study and regulatory authority.

Sec. 2. For purposes of this Act—

(1) the term "chlorofluoromethane" means the chemical compounds, CFC₁ and CFC₂;

(2) the term "ozone concentration" means the mean concentration of ozone (O₃) in the stratosphere over the United States;

(3) the term "ozone reduction" means reduction in ozone concentration;

(4) the term "ozone reduction due to chlorofluoromethane" means ozone reduction caused by chlorofluoromethane manufactured or released in the United States;

(5) the term "steady-state ozone reduction due to chlorofluoromethane" means the ozone reduction due to chlorofluoromethane which would result from any given annual rate of chlorofluoromethane release if that rate were continued indefinitely;

(6) the term "target level" means the maximum steady-state ozone reduction due to chlorofluoromethane found to be consistent with the public health, safety, and welfare, pursuant to section 4; and

(7) the term "control level" means the maximum annual rate of chlorofluoromethane release found to be consistent with the target level, pursuant to section 5.

Sec. 3. (a) Effective beginning fifteen months after the date of the enactment of this Act, it shall be unlawful for any person to manufacture or import chlorofluoromethane, except under a license issued pursuant to section 6.

(b) Any person who manufactures or imports chlorofluoromethane in violation of subsection (a) shall be fined not more than \$10,000, or imprisoned for not more than six months, or both, for each day of violation.

(c) The Administrator of the Environmental Protection Agency may apply to any United States District Court to obtain a temporary restraining order, an injunction, and other appropriate equitable relief from any violation of subsection (a).

Sec. 4. (a) The Administrator of the Environmental Protection Agency shall have the power, after public hearing and consultation with appropriate Federal agencies and scientific entities, to make rules prescribing the maximum steady-state ozone reduction due to chlorofluoromethane which is con-

sistent with protection of the public health, safety, and welfare.

(b) Until the Administrator of the Environmental Protection Agency has exercised his rulemaking power under subsection (a), the target level shall be one percent.

Sec. 5. (a) Within twelve months of the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration shall report to the Congress and to the Administrator of the Environmental Protection Agency his best estimate, based on the evidence then available, of the maximum annual rate of chlorofluoromethane release consistent with the target level.

(b) Within three months of any change in the target level pursuant to section 4, the Administrator of the National Aeronautics and Space Administration shall report to the Congress and to the Administrator of the Environmental Protection Agency his best estimate, based on the evidence then available, of the maximum annual rate of chlorofluoromethane release consistent with the revised target level.

(c) At any time after an initial report is made pursuant to subsection (a) or (b), the Administrator of the National Aeronautics and Space Administration shall have the power to amend such report if, in his judgment, additional evidence warrants a revision of his previous estimate.

Sec. 6. (a) Within two months after receiving the initial report of the Administrator of the National Aeronautics and Space Administration pursuant to section 5, and every twelve months thereafter, the Administrator of the Environmental Protection Agency shall arrange for the issue by sale, at public auction, of licenses to manufacture or import a quantity of chlorofluoromethane equivalent to the control level thereby established.

(b) Such licenses shall be valid for a period of five years from the date of sale, and shall be transferable.

ECONOMIC CRISIS: A POINT OF VIEW

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. HELSTOSKI. Mr. Speaker, virtually every American is well acquainted with the problems of inflation, and in some way we all have personally experienced the effects of sharply rising prices. Yet the factors behind inflation and the state of the economy are extremely complex, and only through careful analysis of these factors will we be able to solve this problem.

As a result, today I would like to take a few minutes to share with my colleagues some material which recently came to my attention. It is a paper entitled "Economic Crisis: A Point of View," and it was prepared by Howard Kaye of Teaneck, N.J. Throughout the years, Mr. Kaye has demonstrated a keen understanding of the variables and relationships which influence our economy and I believe my colleagues will find his arguments extremely perceptive and highly interesting. Mr. Kaye's remarks follow:

ECONOMIC CRISIS—A POINT OF VIEW

(By Howard Kaye)

While driving over the Triborough Bridge just the other day I thought to myself,

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"Maybe this depression will get us another Public Works project as good as this one."

In order for one to focus on this economic crisis within the United States, one has to decide for himself what forces are at work that could have caused such a catastrophe to happen. After identifying these underlying causes, one should be able to develop a series of logical, consistent steps that could lead to economic solutions to economic problems.

I submit for consideration an identification of the problem, and some small, positive steps to lead us in the direction of coping. The economic system that brought such great power to the United States evolved in the seventeenth and eighteenth centuries in a land abundant with natural resources, a populace of rugged individualists and a new Industrial Revolution.

In such an environment it was only natural that Capitalism became the economic way of life. This Capitalism nurtured itself and was characterized by four separate but interwoven principles. The absence of any one of these would have made the system stagnant and, probably, self-destructive. The underlying strength of American Capitalism in its first stages were:

1. An open market.—In a people marked by their own drive for individuality it was imperative to have an economic system which allowed such people easy access to business proprietorship. And in a growing country, these people were unafraid to go anywhere in order to set up "shop."

2. Strong, efficient management class.—The combination of the geography, resources, open market and rugged individualism combined to develop a class of managers (on the premises managers) that was to become the backbone of great economic strength.

3. Profit motive.—In this period the drive of the management class was to make a profit from their business; to maintain one's family and his employees' well being.

4. Competition.—Competition was the check and balance of the system itself. Every system needs a safety lever to maintain its stability. If some entrepreneur would take advantage of any aspect of the marketplace there was always someone available and able to go into that business and compete for customers and profits. It was the consumers' protector and the motivation for maintaining strong, efficient management. In a competitive economic system the strong who survive service the market best.

By World War I the economic character of the United States had changed. All four of the principles upon which Capitalism had evolved and developed were dissipating; cracks were appearing in the underlying strength of the system. And so, the beginnings of the present economic crisis were at hand.

WHAT WAS HAPPENING?

1. The Open Market.—The open market, the opportunity to go into business was greatly reduced by the large amounts of money and technical know-how required. The industrial revolution had progressed at an ever-increasing rate. Small, on the premises management business was giving way to the new, inexact science of absentee management.

2. Management.—By World War I the strong, efficient management class was now involved in managing other people's businesses. As the United States became a stronger and more important political entity, Americas' industrial capacity became more involved in producing material for that political entity. The advent of World War I was the first huge demand on that productive capacity. In order to win that war production itself became more important than the management of that production. The American economy's efficient manage-

ment class was awarded "cost plus" and "over run" guarantees, and a whole new attitude by the economy's management class was spawned. It developed geometrically through the period of World War 2 to the present so that we now have a most inefficient management class.

3. Profit motive.—By World War 1 the most rugged of the rugged individualists discovered economic power through the growth of their businesses. From that beginning evolved power for power's sake. Economic power reached into the field of politics and became the end in itself. Profits could come at one's discretion if one had enough power. And so there dawned, in this period, a new motive for management to achieve. And this contributed to the aforementioned lessening of efficiency of that management.

4. Competition.—By World War 1 large, powerful business entities had evolved in almost every segment of the industrial production sector of the economy. Industry after industry succumbed to the concentration of interlocking ownerships by banks and boards. And the effect of this concentration was to reduce competition. Congress passed legislation such as the Sherman Anti-Trust Act to deal with this problem, but despite certain actions, in the long run the legislation proved ineffective in maintaining the check and balance of the system itself. Concentration led to a lessening of competition.

This country was in economic trouble by World War 1, but the reality of the situation was shunted aside by the prosperity of War.

It proved to be a fool's paradise; deterioration set in by 1922 in the form of an agricultural depression and eventually complete collapse in the world-wide depression of 1929 to World War 2.

By the end of World War 2 the factors that spawned and nurtured the great American system were destroyed by the circumstances that caused its success.

At the end of World War 2 this country would have faced economic disaster again if there had not developed a new set of economic circumstances to artificially prop up the economic system.

These were:

1. Reconstruction of the war torn production capacity of the leading industrialized countries of the world.

2. An increasing population in the industrialized countries of the world.

3. Lack of competition from the other leading industrial powers of the world.

4. War.

Because World War 2 was fought in Europe and Asia the industrial productive capacity, the homes and transportation routes of all of the other industrial nations of the world were destroyed completely or badly damaged. The United States experienced no such destruction at all.

It was inevitable that the United States would supply the goods and equipment to fill the needs of all of these nations. This was temporary prosperity based on temporary markets.

Because there was little or no foreign competition for these orders efficient management of American companies was no factor in the American manufacturers receiving these orders and shipping goods all over the world.

The American balance of payments in these post-war years were all in the plus column. But the money to pay for these goods came from the United States in the form of Marshall Plan dollars.

At the same time countries were being rebuilt, populations were also being rebuilt. War ravaged peoples set about rebuilding their families and post World War 2 saw a tremendous world-wide population explosion, creating a floor for the world's economies.

And since 1941 this country has almost constantly been at war.

What historian in 1939 would have predicted that this country would be a principal combatant in 3 major wars in the Far East in the next 30 years?

But war has been a prop under the American economy—either a shooting war, or the threat of a shooting war—since World War 2.

In this past decade the world has evolved into a new stage, and the American economy has not kept pace.

The basic principles that have supported this economy since World War 2 have once again been chopped out from under us, and this depression is the direct result.

1. Reconstruction.—There is no longer any reconstruction of war torn countries. We've rebuilt them all.

2. Population.—By 1960 the major industrial countries of the world had rebuilt its family and social structures. By 1970 these countries were groping for zero population growth. Only the most underdeveloped countries were increasing their population at the rate experienced in the years immediately after World War 2.

3. Foreign Competition.—During the reconstruction period new management styles were developed in the countries that were either our allies or our enemies in World War 2. Their management became more efficient than American management in plants newer and more efficient than American plants and equipment.

A new competition for world markets developed after 1960. It was now the United States versus all of the other industrialized countries of the world, and there were many new countries joining the Industrial Revolution after 1960.

Markets went to those producers with the most efficiently produced goods.

The United States itself became the prime market for the competitors of its own producers. By 1970 the United States became a debtor nation.

4. War.—The time-tested bulwark sure to provide a resurgence of economic health—is death: war.

Surely the people of the United States are not seeking to solve this economic crisis at such a devastating price.

And they should let their elected representatives (Congressmen, Senators and the President) know it in no uncertain terms.

The obvious alternative to war, a political solution, is to find economic solutions to economic problems.

The executive and legislative branches of the government have the responsibility to determine these solutions.

There is general agreement among the people of the United States that the economic system best suited to the social environment and personality of this country is Capitalism. Let those with leadership responsibility strengthen the four basic principles upon which American capitalism is built and under which it has prospered.

1. Open Market.—The government must make it possible for many people to go into business.

And once there are new people in business, government, through its regulatory agencies, must oversee the market place to make certain that old, established companies do not use unfair business practices in order to eliminate these new entrepreneurs.

There are laws that have been passed by previous Congresses that make provisions for these things to happen. But the laws have not been implemented.

There has been a Small Business Administration that in the past decade has made it possible for certain new businesses to be established.

But the Small Business Administration has been racked with dissension and con-

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trovery, and is now, in effect, unable to operate.

Congress and the Executive must devise techniques and provide the wherewithal so that citizens of this country regain the "rugged individualism" psychology that drives people to perform way beyond their present capacity. There must be a national feeling that hard work and a willingness to gamble time and effort can be rewarded by personal achievement at a new higher level. Such a climate will breed a new generation of super-achievers, and, hopefully, contribute to a change in the negative work ethic so common in this country today.

2. Management.—The federal and state governments must set standards which reward good management. Because the federal and state and local governments expend such huge amounts of money they have a tremendous impact on the market place, and the caliber of the companies that exist in that market place.

All contracts awarded by these governments must be based on management's ability to perform in a competitive system. There can be no "cost plus," no "over run" rewards for management not able to project and then achieve those projections.

The federal government can no longer reward inefficient management by providing money not normally available from well managed banking institutions.

In another area of positive approach there can be government sponsored research and experimentation in new techniques and efficiencies in dealing with the ever advancing Industrial Revolution.

3. Profit motive.—The role of top management in business is to efficiently run its business, not the business of government. Although it has become common for businessmen to become highly placed, policy making cogs in the political wheel, it is not in the best interests of American capitalism for this to perpetuate itself.

As this practice continues our business community suffers because some of its most productive managers are removed from their area of expertise.

Our entire economy suffers because political power replaces economic efficiency. And the history of business management people in political policy making positions records that the people involved almost always come from the largest and most complex companies in the segment of the economy in which they operate. The result is that power then belongs to the largest, perpetuating less competition in the economy.

Power becomes an end in itself among businesses and men. It behooves the Executive branch of the government to be very careful about its appointments, and its proclivity for accumulating large numbers of businessmen of high management caliber.

Government will have less problems if the economic sector is well managed.

And economic entities will compete more efficiently with its international competition if its best people are managing on the premises.

In the Capitalistic system the only measure of a business enterprise is its ability to make a profit in a competitive market place.

4. Competition.—The role of government in this American capitalistic system is to maintain the existence of the very heart of capitalism: competition.

There are other functions of government that are all encompassing over the system that provide the mechanisms which allow the component parts of the system to function from day to day; such as creating currency. But in this crisis all branches of government must concern itself with the basic principle of providing competitive system.

There are laws available to the executive concerning concentration of economic power and absence of competition that can be en-

forced by that executive branch of the government.

There are standards and definitions concerning competition within industries and segments of industries that must be written into law by the legislative branch of the government.

There are cases in courts concerning concentration of economic power that have been in courts too long without decision and action. Courts hearing such major cases must work overtime in this emergency so that decisions may be reached and actions taken based on those decisions.

Because of the depth of this economic crisis several short term actions will be necessary, actions by both the legislative and executive branches of the government, actions to deal with the immediate results of the crisis.

1. To combat the rising cost of food, which has a devastating effect on the poor and contributes so much to the higher and higher cost of living, Congress should set limits and standards concerning the export of our agricultural production.

Instead of exporting our food production Congress can pass legislation that will, in essence, subsidize our industrial production industries on a temporary basis. This will allow our goods to be competitive with those produced in other industrial production countries.

It will be no more costly to the country than exporting food products, and probably a good deal less. We, as a nation, are paying for the exporting of our food supply twice: first, in the form of inflated domestic food prices and second, in the form of specific amounts of subsidy payments to producers of specific farm products such as sugar and beef cattle.

2. To provide incentive to numbers of unemployed youth, junior colleges and state colleges and Universities should be subsidized with federal funds. In this period of crisis it is essential that a maximum number of people be productively occupied.

3. This crisis will exert a terrible human toll in the form of unemployment. National pride and morale is inherent in personal achievement; people able to work must work. Congress will provide for public works projects similar to the building of the Triborough Bridge in New York City in the 1930's.

The most positive project of this nature could be the rebuilding of the slum sections of our largest cities. It would have the positive effect of putting people to work in many different skilled and unskilled jobs, and result in a positive social result by providing decent housing wherever achieved.

4. To stimulate the purchase of goods and services immediately Congress can pass an across the board tax cut; a tax cut just big enough so that millions of people will have \$100 or \$200 extra every six months with which to buy things. This might mean a tax cut divided into two separate steps, each providing a stimulus to the economy.

As the largest number of jobs are in the retail and service sectors of the economy this stimulus will save people from being laid off, and could even provide some new jobs.

5. Congress should accept the recent arms agreement negotiated between the United States and the U.S.S.R. limiting the stock piling of certain armaments. In the spirit of that agreement Congress should reduce the budget of the Defense Department to the same dollars appropriated in 1972.

There will be disagreement concerning such an action from people who will not be satisfied that this country has enough war power. There will be dislocation for certain companies and certain industries that depend upon defense budget money to sustain them. Such a new budget will, hopefully, prod Defense Department management to set

higher standards of performance in its dealings with contractors. And to set new standards of performance within the Department itself.

6. Congress should look askance at any executive edict that encourages higher consumer prices as the incentive to management to produce, or find, more.

This contradictory incentive is indigenous to industries with no real competition, and is no solution to any phase of this economic crisis. It is instead a reward for a violation of a basic principle of the capitalistic system.

7. Wage and price controls may seem appealing as a way of halting inflation; especially to each of us in his, or her, role as a consumer.

But controls do no good in motivating efficient management, do not provide new competition, do not provide for an open market or do not encourage the profit motive. In the short term controls will have a negative effect on labor. In the longer term controls will destroy supply.

8. The energy problem, although it is contributing in a major way to the economic crisis, has become a political problem. Congress and the executive branch are devoting too much of their efforts to seeking solutions in non-economic terms.

Congress, as well as state governments, will have to look into the entire public utility concept as it has evolved in this country. The non-competitive nature of this segment of our economy may be contributing, by its very nature, to an inefficiency and subsequent higher cost of goods produced in all other sectors of the economy. Oil companies should be restricted to one segment of the total industry: either producers or refiners or marketers, not all three. This has been done in other industries such as meat via the Stockyards Act. Competition at each level, and the need to produce profit in its area of "specialization" will induce companies to find economic solutions to the energy problems.

Some, or even all, of these proposals may truly be painful. They may very well cause more temporary hardships to certain people and industries, but they will be no more painful than the economic crisis hardships all 200 million plus Americans are experiencing. The alternative to a little pain—is war.

Congress and the President have the opportunity to help the American people make a choice.

DECISION ON CONFIRMATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. MAZZOLI. Mr. Speaker, the matter now pending before the House of Representatives—the confirmation of Nelson A. Rockefeller to be Vice President of the United States—raises a multitude of constitutional, political, and moral questions in my mind.

I have wrestled with these troubling questions. I have mulled over them. I have studied them thoroughly.

I have felt a special urgency in all this because of the profound implications of what we do here tonight. Hopefully our action on the confirmation, as evaluated by future historians, will prove to have been wise and proper and right.

Mr. Speaker, this is a particularly critical matter for the Congress. This is the first time in the history of our great Republic that the Congress has been called

upon to confirm as Vice President a man who has been selected for the office by a President who himself was not elected by the people but, rather, who ascended to it by way of the congressional confirmation process established under the 25th amendment.

Our responsibilities in this situation are grave. We cannot afford to be wrong. And, it is this special sense of urgency—this need to be right—Mr. Speaker, which has made resolutions of the questions raised by this nomination all the more difficult for me.

One of the most fundamental, and most disquieting, of these questions is whether, in the discharge of my duties under the 25th amendment, I am acting purely as a surrogate or as a stand-in for the people I am privileged to represent in the Congress.

Some of my colleagues take the position that the procedure set forth by the 25th amendment for confirming a Vice President is one of those very rare instances where we as Members of Congress are not supposed to exercise our judgment.

These same colleagues hold that our role here is simply and solely to reflect the opinion of the electorate as that opinion can best be discerned and evaluated.

Admittedly, a vote on confirmation is somewhat different than a regular vote. This vote was meant by the architects of the 25th amendment to be a more representative vote than one usually casts in the Congress.

Usually we accept or reject a legislative measure on the basis of how well or poorly it coincides with our personal conviction, conscience, or political philosophy.

But, under the 25th amendment, we do not accept or reject the nominee on how well or poorly that person measures up against our own principles and standards.

The real question is whether the nominee has the requisite experience, the emotional stability, the intelligence, the stamina, the dedication, and the national/international stature to discharge the duties of Vice President now and, maybe, the duties of the Presidency later. In making these determinations, we must, of course, exercise some independent judgment.

However, even if we accept the fact that the drafters of the 25th amendment had in mind that a vote on confirmation was to be a purely stand-in vote for the constituents whom a Member represented, one might ask how the view of that constituency can be determined accurately?

Is this evaluation to be done by polling, by counting newsletter responses, by weighing the mail?

I am not satisfied, Mr. Speaker, that there exists a method of ascertaining the attitude of a constituency with unerring accuracy. Nothing short of the ballot box itself seems to offer a reliable and dependable measure of the sentiments of the people.

And even at the ballot box there are problems. Low voter turnout could distort the results. Furthermore, the views

of our constituents expressed in an election might be very different than expected or predicted.

An election adds an important new element. The voters evaluate the nominee in comparison with an opponent. And, by this comparison a nominee might fare better or worse than when evaluated in a vacuum, so to speak, as is the situation in a confirmation proceeding where the nominee is measured against standards of fitness and competency which tend to be the ideal standard rather than the normal standards.

Furthermore, an election is a kind of crucible or pressure cooker. The applications of stress and heat to a candidate in an election will demonstrate one man's strength and resiliency but another's weakness and brittleness.

Who, therefore, can say with confidence that Mr. Rockefeller would not be selected Vice President by the people of this country in an election? I cannot.

Another item of real concern to me in arriving at my decision on Mr. Rockefeller, Mr. Speaker, is that the nominee and I disagree on many political issues. Premier among these is the question of abortion.

Yet, I recognize that a vote against this confirmation because of our differing political philosophies would frustrate the undeniable right of President Ford to have a person of his own choice and of compatible political viewpoint as his Vice President.

Reasonable men of good faith, intelligence, and high moral standards may disagree on issues. I accept this type of disagreement as a necessary and inescapable part of democratic government.

And, I do not believe that my disagreement with Mr. Rockefeller, on even so transcendent an issue as abortion, disqualifies him from receiving my vote on confirmation.

Also, Mr. Speaker, we cannot overlook the fact that people change physically as well as philosophically during life. Who is to say with absolute assurance that a "Vice President" Rockefeller—with a national constituency—will not have a different view on abortion than "Governor" Rockefeller—who had a much narrower constituency.

Mr. Speaker, I worried a lot about another matter involved here before reaching my decision on confirmation. It is the wedding—in the event of confirmation—of vast economic power and vast public-governmental power in one man.

Such a merger would produce conflicts of interest of such magnitude, goes the argument against his confirmation, that it would be humanly impossible for the nominee to objectively discharge his duties of office which include casting all tie-breaking votes in the United States Senate.

On the other hand, Mr. Speaker, former Governor Rockefeller's record of over 30 years of public service, examined in painstaking detail by the Judiciary Committee, reveals no documented examples where he used his political power to enhance his personal or his family's wealth.

Neither was the committee able to document a situation where he used his

economic power to enhance or enlarge or strengthen his political power. It is largely conceded that Rockefeller's is a record of worthy public service over the years.

Additionally, Mr. Rockefeller has assured the committee, the Congress and the American people, that he will place his extensive financial holdings in a blind trust.

This is not a totally satisfactory situation. But, under the unique circumstances here obtaining, it indicates that he appreciates the potential for real and apparent conflicts of interest which exist in his economic wealth. And, it is clear that he wants to avoid such conflicts.

It must be remembered, Mr. Speaker, that Members of Congress do not have to place their holdings into blind trusts, even though some Members have extensive ownings. Nor, do Members have to make a full and complete financial disclosure of their possessions, something the former Governor has done willingly.

If Members of Congress are presumed to vote the merits or demerits of a measure before us, notwithstanding financial holdings, it would seem that the Vice President Designate is entitled to the same presumption. It must also be remembered that the long history of this Nation—from Washington, to Clay, to Franklin Roosevelt, to Kennedy—proves that men of great wealth can render high and distinguished public service in disregard of personal wealth and personal gain.

Although the extent of Mr. Rockefeller's wealth makes his an extreme and an unusual case, the principle is clear: wealth should not, in and of itself, bar one from entering public service nor from rendering service in the public interest.

One of the most difficult barriers for me to surmount in reaching this point in the confirmation proceedings is the nominee's record of making financial gifts, in large sums, to people occupying public office or occupying influential private positions.

At best these episodes bring Mr. Rockefeller's judgment into question. At worst they might amount to criminal acts. Though, it should be added here, that no one argues seriously that Rockefeller's gifts were intended to influence the recipients or were made in conscious violation of the law.

He has now, however, pledged never to make gifts—or to forgive loans—while Vice President. This does not make up for past errors and indiscretions, but it is a reasonably satisfactory way to solve the conflict between what one can do as a private person—make gifts to friends—and what one must refrain from doing as a public person—make gifts to friends.

Mr. Speaker, the upcoming vote on the Rockefeller nomination has been one of the more difficult votes I have confronted since coming to this distinguished body. I have devoted a lot of time and thought in preparing for this vote.

The American people are entitled to have this question disposed of without further delay provided the nominee possesses the essential qualifications for the office for which he has been nominated.

My study and my thought persuades me that Nelson A. Rockefeller is possessed of the essential qualifications for the office of Vice President of the United States. I have no other choice, Mr. Speaker, except to cast my vote tonight for confirmation.

H.R. 16994

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mrs. HECKLER. Mr. Speaker, it is most unfortunate that the 93d Congress did not enact H.R. 16994, which would have provided a tax incentive for people to put money into savings accounts. The first \$500 of interest earned from savings accounts would have been excluded from the definition of taxable income.

Earlier in this session I introduced similar legislation, H.R. 16463, and I have argued strongly in favor of its passage. At one point, H.R. 16994 was scheduled for House action under the Suspense Calendar, but subsequently diverted to the Rules Committee, with the result that American taxpayers will not have the benefits of this income exclusion.

Indeed, the significance of this legislation goes far beyond the advantages to savers. My analysis of this proposal, done with the help of my very experienced consultant, Robert Pyle, who has long experience in banking and housing legislation, over the past few months, has resulted in the identification of a number of advantages that would attend this income exclusion. The net result would, in my judgment be a significant improvement in the housing finance sector, which is the key to solving the current depression in housing construction and sales.

The most immediate effect would be to improve the competitive position of savings banks in trying to lure the investment dollars. Disintermediation has severely depleted the loanable funds in savings banks. In Massachusetts, for example, the outflow from savings accounts into other investments has occurred at rates comparable to those in the 1930's. In August alone, the 167 mutual savings banks in Massachusetts lost \$143 million in deposits.

This tremendous disintermediation has had a devastating effect on housing production, savings institutions cannot adequately finance new home building, which in turn has produced a 12 percent unemployment rate in the construction trades.

A second benefit of the tax exclusion would be to reduce the current liquidations of mortgage-backed securities by savings banks, which has caused major capital losses and thus reduced bank reserves. Although in Massachusetts savings banks have maintained unusually high cash reserves, and therefore have not had to liquidate as many of their securities as in other areas, nationally this has become a major problem, both

for the savings institutions and the security markets.

I am aware that the U.S. Treasury has opposed this legislation, but I feel their position reflects a very narrowly drawn point of view. The \$2 billion in Federal tax revenue which the Treasury claims will be "lost" is not lost at all. Its placement in savings accounts, and the multiple benefits derived from this inflow have never been adequately recognized by the Treasury.

By stimulating savings, the availability of mortgage funds is increased, and not through any stopgap measures such as Government-run tandem plans. Savings institutions could better fulfill their traditional role of providing financial support for housing. Construction unemployment would be reduced, thereby reducing the drain on federally sponsored unemployment compensation program. Housing finance would once again be undertaken primarily by the locally based thrift institutions, and would reduce the need for Federal programs, which in 1974 has accounted for 25 percent of all private borrowings in U.S. money markets.

It should be noted at this point that while deposits in savings accounts have increased in the late months of 1974, a significant portion of these funds are "Keough plan" deposits, which normally come at the end of the year. They will not be repeated in the next quarter.

Opponents to the savings interest exclusion have not proposed any workable alternatives, other than the two federally run tandem plans. Not only are these short-run measures, but the funds committed to the programs have come nowhere close to meeting the needs of housing.

I believe stronger initiatives are needed, such as the interest exclusion, and others. My assistant, Bob Pyle, and I have undertaken extensive discussions with experts in housing finance, to develop new proposals to lead us closer to an end to feast-or-famine cycles in housing. During the next session I will work for passage of measures that will truly address the housing depression in its full magnitude.

SECRETARY OF AGRICULTURE,
EARL L. BUTZ

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. VEYSEY. Mr. Speaker, throughout history those who have advocated change in public institutions and public policies have been subjected to severe criticism. More often than not, an immediate evaluation of their contribution and leadership is clouded by debate and controversy.

This is certainly the case with Secretary of Agriculture Earl L. Butz. When Secretary Butz joined the Cabinet in 1971, we were on the threshold of a tremendous upheaval in the agricultural-economic world. The scene was set for a

dramatic change in U.S. farm policy as we responded to the demands of a newly awakened and hungry world.

For over 40 years, American agriculture had functioned under the protective umbrella of Government supervision concerning production, farm prices and income, and under strict limitations on production. Programs which were initiated during the dark days of the depression quickly became entrenched. Government programs have emphasized price supports which were designed to hold farm prices above free market levels, building of surpluses as farmers utilized science and technology to maximize production, and restrictions on acres planted.

Two conditions affecting the American farmer were noteworthy. First, an increasing share of the farmer's net income came from Government payments instead of the marketplace, and second, the costs to the consumer and the taxpayer had risen to high levels. For example, prior to 1960, direct Government payments to farmers rarely exceeded \$1 billion, but since 1966, payments have exceeded \$3 billion, with outlays reaching almost \$4 billion in 1972. In other words, about 20 percent of net farm income in 1972 originated from Government payments as opposed to only 6 percent in 1960.

A series of devaluations of the dollar and a worldwide change in the demand for agricultural products as well as a siege of inclement weather were decisive factors as Secretary Butz assumed his duties in the Department of Agriculture in the fall of 1971. He quickly recognized a unique opportunity to remove Government controls from agriculture and return to an economy regulated by the law of supply and demand. In an agricultural market dominated by overproduction, the target price concept had been debated and rejected numerous times since it was proposed in 1949. However, now that national policy has shifted to all-out production in the face of the world food shortage, the target price concept has been adopted. As a result, payments to farmers have declined from a high of \$4 billion in 1972 to \$2.6 billion in 1973, and projections for 1974 indicate this down trend will continue. These reductions, of course, are due to higher market prices that exceed the level of target prices.

In the face of the world food crisis, this policy advocated by Secretary Butz is designed to maximize production. By combining all-out production with the concept of commodity target prices, not only can the farmer expand output but farm income is protected from severe drops in event production is excessive and commodity prices fall.

For many Americans the food supply chain begins and ends at the corner supermarket. There is precious little understanding of the complex factors that affect the supply and distribution of food. Also, in recent years, the primary concern of public policy has gradually shifted from the producer to the consumer, reflecting the growth of consumerism in the economy. In the face of his many critics who have reacted angrily to rising

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food prices, Secretary Butz has shown a resolute determination to pursue policies that will insure maximum and efficient use of America's agricultural capacity. He has indeed been a Secretary for Agriculture.

Secretary Earl Butz has demonstrated a keen understanding of the agricultural marketplace balanced with a concern for the welfare of the farm family and for an adequate supply of food for the consumer.

Food prices are indeed higher as a result of worldwide inflation, increased marketing costs, and the ever-increasing demand for American farm products to feed a hungry world. But American farm productivity is the envy of the world and this is possible because Secretary Butz has moved our farm economy to a free market basis.

TRIBUTE TO W. EUGENE AINSWORTH, JR., SPECIAL ASSISTANT TO THE PRESIDENT

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 16, 1974

Mr. LOTT. Mr. Speaker, along life's journey one meets and gets to know only a few genuine friends. There are times when we all seek the refuge and counsel of a special friendship in which we have total confidence and trust. In my more than 6 years in Washington Gene Ainsworth has been my closest confidant and special friend. I take real pleasure in having this opportunity to express my gratitude for this relationship and for the outstanding service he has rendered the State of Mississippi and the country.

The list of adjectives that could be used to describe Gene's capabilities would be endless, but certainly his dedication to his tasks and his conviction of philosophy cannot go unmentioned. His 8 years of Government service as administrative assistant to Congressman G. V. Montgomery and as Special Assistant to the President have earned him the title "public servant." We are all better off because Gene was here.

I join his many other friends in wishing him continued successes in the private sector and look forward to working with him in the future for the betterment of our country.

NELSON ROCKEFELLER FOR VICE PRESIDENT

HON. JOHN N. ERLBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. ERLBORN. Mr. Speaker, during much of our Nation's life under the Constitution, we have agonized over what to do in the event of a vacancy in the Vice Presidency. We have experi-

mented with a number of solutions, none of them satisfactory.

Seven years ago, the nation passed the 25th amendment. It is not the ideal solution to our problem, but it is the most agreeable answer we have found.

It requires the President to nominate a citizen who shall become the Vice President if confirmed by the two Houses of Congress. Soon after his succession to the Presidency, Gerald R. Ford nominated Nelson Rockefeller and we were called upon yesterday to accept or reject him.

Many persons opposed Mr. Rockefeller, but I doubt that they are a majority. First the Senate and then the House investigated him and no basis was found for rejecting him.

He has been in public life many years. He has been elected four times to the governorship of one of our great and diverse states. He has been a good and sincere citizen.

Mr. Speaker, I was prevented by illness from taking part in the debate and the decision to confirm Nelson Rockefeller as Vice President. My statement today is that I approve the House's confirmation. Had I been in attendance yesterday, I would have voted "yes."

THADDEUS J. DULSKI

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise to add my voice to those who have already extolled the many virtues of my good friend and very distinguished colleague, and since 1967, the able chairman of the House Post Office and Civil Service Committee, THADDEUS J. DULSKI.

I have a special kinship with the chairman because we were elected to the Congress for the first time on the same day, November 4, 1958, and took the oath of office together for the first time at the bar of the House on January 3, 1959. Indeed had I been as thoughtful then as I might have been, and gotten myself appointed to the Post Office Committee, I would be the chairman today and might have been chairman as long as 8 years ago. Thinking ahead has always marked the character of THAD DULSKI. Careful and meticulous, he was a man who always had his ducks in a line. Under his excellent leadership the Federal civil service was vastly improved, and time will not permit me to list all of the good things that he accomplished within his sphere of legislative expertise.

Mr. Speaker, THAD DULSKI has been far more than an excellent chairman of the House Post Office and Civil Service Committee. He has been an eloquent voice for the veteran, for the working men and women, and for those behind the Iron Curtain who would have no hope except for legislators like THAD who have not forgotten the cause of eastern European

nationalities whose national identity has been suppressed by the Soviet Union. I know that in my own district a great many constituents of eastern and central European heritage have looked favorably upon me because they knew I was a close personal friend of THAD DULSKI.

Speaking for all my colleagues in New Jersey, I know that we all miss THAD DULSKI, but we are all the better for his 16 years of distinguished service.

BILL TIMMONS AND GENE AINSWORTH

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. WHITEHURST. Mr. Speaker, the departure of Bill Timmons and Gene Ainsworth from the White House staff leaves me with mixed feelings. While I am pleased that both of these men will go on to new career achievement, I personally am going to miss their friendly cooperation in facilitating the periodic requests which I have had to make of the White House.

Bill and Gene have the reputation of being able to deliver, and they manifest the kind of personality which is particularly important for liaison work in that when someone calls them he is never made to feel that he is imposing.

Mr. Speaker, I take this opportunity to wish both of these gentlemen well and also to say that we will miss them during the 94th Congress.

THE FIRST CHRISTMAS CELEBRATION IN AMERICA

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FUQUA. Mr. Speaker. It is with some justifiable pride that I lay claim to having the site of the first Christmas celebration in America in my congressional district.

On Sunday, December 22, the Apalache Spanish Heritage Association of Tallahassee, Fla., will re-enact that first American celebration of Christmas.

After the Spanish explorer, Hernando DeSoto, landed in the Tampa Bay area of Florida in 1539, he and his men made their way up the State of Florida, turning west in the area where the city of Live Oak is now located and traveled to the shores of Lake Jackson near Tallahassee to spend the winter of 1539-40.

Twelve priests accompanied DeSoto on that historic exploration.

Here on the outskirts of what is now the State Capital of Florida, they celebrated the first Christmas service in North America.

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MAJOR LEGISLATIVE ACCOMPLISHMENTS FOR THE 1ST AND 2D SESSIONS OF THE 93D CONGRESS

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ALBERT. Mr. Speaker, the 93d Congress labored throughout its existence in a period of traumatic challenge to the Nation. The Congress began at the end of a war which was perhaps more divisive among our people than anything that had happened since the War Between the States. No sooner had it terminated than the Nation was confronted with an unprecedented crisis of confidence in Government followed by the worst fuel crisis in the history of Western civilization. This was followed by a drought in the Middle West and in many of the important agricultural areas of the world, which resulted in a simultaneous food and a fuel crisis. At the same time inflation was rapidly rising and recession was becoming more severe.

The House of Representatives and the Senate proved to the American people and to the world that our system of government is sound, that it is stable and that it is capable of performing well in a troublesome and even perilous context.

The 93d Congress squarely faced the basic constitutional issue of separation of powers by challenging the ever-increasing encroachment upon its prerogatives by the executive branch. This sets it apart from all other Congresses of modern history.

In my opinion, the 93d Congress would have been of historic significance had it done nothing more than enact two landmark statutes, the War Powers Act and the Budget and Impoundment Control Act. Both were accomplished through congressional initiative, without Presidential input, in open congressional hearings and in full public view. In the case of the War Powers Act, the initiative was carried to the point of overriding a Presidential veto.

The assertion of congressional prerogatives as it relates to war powers will be considered a first giant step on the long road back to the constitutional balance between the executive and legislative branches of the Federal Government contemplated by the Framers of the Constitution.

The Budget and Impoundment Control Act reaffirms the principle of congressional control of Government spending by equipping Congress with the tools and technology to devise its own policy statement so that the two branches of the Government, negotiating as equals, can work out effective courses of action for the benefit of the Nation.

The other problems with which this Congress has dealt are those which affect the lives of all of our citizens and of millions all over the world. We have strived to preserve the peace and to assure the present and future prosperity of our domestic economy and the viability of its relations with the rest of the world. We have passed bills designed to put

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people to work, to assist them when they are unemployed, to help them when they are sick and to assist them when they are elderly. We have passed measures to stimulate food production, protect the private pension rights of millions of Americans, develop new sources of domestic energy, reform rules governing campaign expenditures, increase support for elementary and secondary education, reform trade laws, and aid mass transit. We began to heal our economic troubles—a task which will be completed in the 94th Congress.

We have reaffirmed our form of constitutional government. We have demonstrated that the balance of powers still works and is still relevant to the solution of our problems. In meeting a continuing series of crises, we acted always in good faith, in the tradition of the Founding Fathers before us, and within the broad guidelines of constitutional government that they bequeathed to us.

The record of the 93d Congress is one of which every Member and every citizen of this Nation can be proud.

At this point in the RECORD I include a detailed summary of the many accomplishments of this historic Congress:

MAJOR LEGISLATIVE ACCOMPLISHMENTS FOR THE FIRST AND SECOND SESSIONS OF THE 93D CONGRESS

AGRICULTURE

Omnibus Farm Bill.
Commodity Futures Trading Act of 1974.
Emergency Loan Program.
Rural Electrification Act Amendments.
Domestic Food Assistance Act.
Emergency Livestock Credit Act of 1974.
Price Support for Milk.
Egg Research and Consumer Information Act.
Extension of Certain Agricultural Programs to Guam.
Noxious Weed Control.
Forest and Rangeland Renewable Resources Planning Act.
Rural Electrification Guaranteed Loan Act.

CONSTITUTIONAL ISSUES

War Powers Resolution.
Congressional Budget and Impoundment Control Act of 1974.
Ford Confirmation as Vice President.
Presidential Impeachment.
Rockefeller Confirmation as Vice President.
Confirmation of OMB Director and Deputy Director.
Executive Privilege.

CONSUMER AFFAIRS

Consumer Product Warranty.
Consumer Credit.
Motor Vehicle and Schoolbus Safety Amendments.
Perishable Agricultural Commodities Act.
Consumer Protection Agency.

DISTRICT OF COLUMBIA

District of Columbia Home Rule.
Campaign Finance and Political Ethics.
Hatch Act Exception.
Indigent Representation in Criminal Cases.
Law Review Commission.
People's Counsel for the District of Columbia.
University of the District of Columbia.
District of Columbia Rent Control.
National Visitor Center Facilities Act Amendments.
Subsidy Payment for Child Adoption.

ECONOMY

Economic Stabilization Act of 1970 Extension.

Council on Wage and Price Stability.
Productivity Commission.
Inflation Research.
Antitrust Law Amendments.
Public Works and Economic Development Act.
Economic Development.
Disaster Relief.
Small Business Administration.
Deposit Insurance.
Interest Rate Control.
Interest Equalization Tax Extension Act.
Regulation of Interest Rates Payable on Obligations of Federal Depository Institutions.
Federal Financing Bank.
Fraudulent Checking Relief Act.
Public Debt Limit Extension.
Second Public Debt Limit Extension.
Par Value Modification Act.
Increase of Temporary Limit on Public Debt.

EDUCATION

Elementary and Secondary Education Act of 1965 Amendments.
Educational Funding and Guaranteed Student Loans.
School Lunch Programs.
National School Lunch Amendments of 1974.
Child Nutrition Programs.
White House Conference on Libraries.
National Foundation for the Arts and Humanities.
Basic Educational Opportunity Grants.
Professional Education Fellowship Program.
Alcohol and Drug Abuse Education Act Amendments of 1974.
Environmental Education Extension.

ENERGY

National Emergency Energy Act.
Emergency Petroleum Allocation Act.
Extension of the Emergency Petroleum Allocation Act of 1973.
Federal Energy Administration.
Energy Supply and Environmental Coordination.
Energy Research and Development Administration.
Special Energy Research and Development Appropriation.
Solar Heating and Cooling Demonstration Act.
Solar Energy Research, Development and Demonstration Act.
Geothermal Energy Research, Development and Demonstration Act.
Alaska Pipeline.
Emergency National Maximum Highway Speed Limit.
Natural Gas Pipeline Safety Act Amendments of 1974.
Daylight Savings Time.
Daylight Savings Time (second).
Federal Nonnuclear Research and Development Act.
Nuclear Energy Information Reports to Congress.
Atomic Energy Commission Authorization, FY 1974.
Atomic Energy Commission Authorization, FY 1975.
Supplemental AEC Authorizations, FY 1975.
Deepwater Port Act of 1974.
Energy Transportation Security Act of 1974.

ENVIRONMENT AND NATURAL RESOURCES

Surface Mining Control Act.
Toxic Substances Control Act.
Safe Drinking Water Act.
Ocean Pollution Control.
Certain Ocean Dumping Prohibited.
Marine Protection, Research and Sanctuaries Act Authorizations.
Coastal Zone Management Act Amendment.

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Saline Water Program Authorization.
Saline Water Conversion Extension.
Water Resources Development Act.
Extension of Certain Authorizations of the Federal Water Pollution Control Act.
Water Resources Development Act.
National Sea Grant College Extension Act.
Waste Treatment Fund Allocations.
Clean Air Act Extension.
Clean Air Act Extension (Second).
Solid Waste Disposal Act Extension.
Solid Waste Disposal Authorizations.
TVA Pollution Prevention Facilities.
Expansion of Conservation and Rehabilitation Programs on Certain Lands.
Appropriations Ceiling Increases for National Park System.
Wild and Scenic Rivers Amendment.
National Wildlife Refuge System Administration.
Forest and Rangeland Renewal Resources Planning Act of 1974.
User Fees in Recreational Facilities.
Youth Conservation Corps Act.
National Flood Insurance.
Endangered Species.
Anadromous Fish Conservation Act Amendments.
Northwest Atlantic Fisheries Act Amendment.
Colorado Basin Bill.
Wild and Scenic Rivers System Act.

FEDERAL EMPLOYEES
Federal Employees Annuity Increase.
Federal Employees Health Programs.
Federal Employee Leave.
Minimum Federal Annuity.
Postal Service Retirement Contributions.
Elimination of Survivor Annuity Reductions.
Mandatory Retirement Age.
Employee Retirement Contributions Adjusted.
Federal Employees Compensation Act Amendments.
Federal Employees' Per Diem.
Federal Employee and Executive Pay Increases.

FOREIGN AFFAIRS AND NATIONAL DEFENSE
Vietnam Bombing Halt.
Foreign Aid Authorization for Fiscal Year 1974.
Foreign Aid Authorization for Fiscal Year 1975.
Cut-Off of Military Aid to Turkey.
Nuclear Agreement Controls.
Liability for Nuclear Incidents Involving U.S. Warships.
Military Procurement Authorization for Fiscal 1974.
Military Procurement Authorization for Fiscal 1975.
Military Construction Authorization for Fiscal 1974.
Military Construction Authorization for Fiscal 1975.
State Department Authorization.
USIA Authorization.
State Department—United States Information Agency Fiscal 1975 Authorization.
Israel Emergency Assistance.
Radio Free Europe and Radio Liberty.
Coastguard Authorizations, Fiscal 1974.
Coastguard Authorizations, Fiscal 1975.
International Development Association.
Asian Development Bank Authorizations.
United Nations Peacekeeping Forces.
Foreign Disaster Assistance.
Intervention on the High Seas Act.
United Nations Environment Programs.
Urging U.S. Ratification of Geneva Protocol of 1925.
Turkish Opium Ban Negotiations.

GENERAL GOVERNMENT
Campaign Financing Amendments.
Freedom of Information Act Amendments.
Franking Privilege.
Political Contributions.

Preservation of Presidential Recordings and Materials.
Authority for Employment of White House Office and Executive Residence Personnel.
Office of Federal Procurement Policy.
General Accounting Office Act.
Federal Reserve Board Audits By GAO.
Reorganization Plan No. 2 of 1973 Amended.
Simplified Purchase Procedures.
Commission on Federal Paperwork.
Committee Reform Amendments of 1974.
Attorney General's Pay.
Modification of Certain Reports to Congress.
Joint Funding Simplification Act of 1974.
Procedures for Certain Protective Services Provided by the U.S. Secret Service.
Transmittal to States of Certain Census Tabulations.

HEALTH AND MEDICAL CARE
Health Maintenance Organizations.
Health Revenue Sharing and Health Services Act.
Emergency Medical Services.
Vocational Rehabilitation.
Rehabilitation Act Amendments.
Health Services Research, Health Statistics, and Medical Libraries Act.
National Research Act.
Health Programs Extension Act.
Lead-Based Paint Poisoning Prevention.
Scholarship and Loan Programs for Health Professions.
Sudden Infant Death Syndrome Act.
National Cancer Act.
Limitation on Federal Funds for Abortions.
Drug Abuse Education Act.
Developmental Disabilities and Facilities Construction Act Amendments.
Diabetes Mellitus Research Act.
Narcotics Treatment Programs.
Fire Prevention and Control Act.
Public Health Services Act Amendment.

HOUSING
Housing and Community Development Act of 1974.
Real Estate Settlement Procedures Act of 1974.
Emergency Home Purchase Assistance Act.
Home Loan Insurance.
Housing and Mortgage Laws.
Inclusion of Interest and Legal Fees in Judgments of Subcontractors.

INDIANS
Indian Financing Act.
Indian Self-Determination and Education Assistance Act.
American Indian Policy Review Commission.
Indian Judgment Funds Distribution Act.
Indian Claims Commission Authorization, FY 1974.
Indian Claims Commission Authorization, FY 1975.
Disposal of Federal Property On Indian Reservations.
Menominee Restoration Act.
Navajo-Hopi Land Dispute.

LABOR AND IMMIGRATION
Minimum Wage Increase and Expansion.
Special Employment Assistance Act.
Emergency Unemployment Act.
Comprehensive Manpower Act.
National Labor Relations Act Amendments.

LABOR AND IMMIGRATION
Extended Unemployment Benefits.
Railroad Retirement Amendments.
Jointly Administered Trust Funds for Legal Services.
Immigration Limits.
Enforcement of Customs and Immigration Laws, Increase Funds.
Repeal of the "Cooly Trade" Laws.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE
Law Enforcement Assistance Amendments.
Juvenile Justice and Delinquency Prevention Act of 1974.

Narcotic Treatment Programs.
Judicial Disqualification.
Federal Rules of Evidence.
Federal Rules of Criminal Procedure.
Controlled Substances Act Extension (No-Knock Repeal).
Legal Education Fellowship Program for the Disadvantaged.
Commission on the Revision of the Federal Court Appellate System.
Jurisdiction of Civil Actions by Senate Select Committee on Presidential Campaign Activities.
Watergate Grand Jury Extension.
Federal Prisoners, Limits of Confinement.
Speedy Trial Act of 1974.
Copyright in Sound Recordings.

SCIENCE AND ASTRONAUTICS
NASA Authorization, Fiscal 1974.
National Science Foundation Authorization, Fiscal 1974.
National Science Foundation Authorization, Fiscal 1975.
NASA Authorization, Fiscal 1975.

SOCIAL WELFARE
Employee Retirement Income Security Act.
Legal Services Corporation Act of 1974.
Community Services Act of 1974.
Food Stamp Eligibility.
Child Abuse Prevention and Treatment Act.
Runaway Youth Act.
Research on Aging Act of 1974.
Authorization for the Nutrition Program for the Elderly.
Older Americans Service Amendments.
Disability Benefits.
Social Security Benefit Increases.
Social Security Consolidation of Federal Assistance.
Supplemental Security Income.
Domestic Volunteer Service Programs.

TRADE
Trade Act of 1974.
Export-Import Bank.
Export Administration.
International Economic Policy, Extension.
International Economic Policy, Council Funds.
Foreign Investment Study.

TRANSPORTATION AND COMMUNICATIONS
Federal Aid Highway Act.
Federal Aid Highway of 1974.
Urban Mass Transportation.
Surface Transportation Act of 1974.
Antihijacking Act of 1974.
Federal Railroad Safety and Hazardous Materials Transportation Amendments.
Motor Vehicle Defect Remedy Act.
Amtrak Authorization.
Amtrak Improvement Act.
Airport Development Acceleration Act.
Regional Railroad Reorganization.
Hazardous Materials Transport.
International Air Transportation Fair Competitive Practices Act of 1974.
International Travel Act Appropriation.
Federal Mass Transportation Act.
Corporation for Public Broadcasting Authorizations.
Professional Sports-TV Blackouts.
Broadcast License Renewal Act.

VETERANS
Veterans' Health Care Extension Act.
Veterans' Disability Benefits Increase.
Veterans' National Cemetery Act.
Veterans' Education and Rehabilitation Amendments.
Veterans' Housing Act.
Military Dependents Assistance Act Amendments.
Veterans' Administration, Flexibility in Loans.
Veterans' Disability Compensation and Survivor Benefits Act of 1974.
Servicemen's Group Life Insurance Coverage Extension.

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Medical Care for Certain Members of Allied Wartime Forces.
Veterans' Adaptive Auto Equipment.
Tax Treatment for Prisoners of War.

WOMEN'S RIGHTS AND CIVIL LIBERTIES
Privacy Act of 1974.
Family Educational Rights and Privacy Act of 1974.
Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance.
Equal Credit Opportunity Act.
Rape Prevention and Control.
Extension of Minimum Wage Coverage to Domestic Workers.
Uniform Age Qualifications for Men and Women Enlisting in the Armed Services.
Women's Educational Equity Act.
Prohibition of Sex Discrimination in Housing.
Women's Equality Day.
Equal Spouse Benefits for Male and Female Federal Employees.
Elimination of Sex Discrimination in Programs of the Naval Sea Cadets Corps.
Elimination of Sex Discrimination in Little League Baseball.

OTHER
Bicentennial Administration.
Authorizations for Cabinet Committee on Opportunities for Spanish-Speaking People.
Weather Modification Activity Authorization.
Hobby Protection Act.
Postal Service Annual Authorizations.

VETOES IN THE FIRST SESSION, 93D CONGRESS
Vocational Rehabilitation.
Rural Water and Sewer Grants.
Confirmation of Director and Deputy Director of the Office of Management and Budget.
Second Supplemental Appropriation Act of 1973.
Emergency Medical Services Systems Act of 1973.
Minimum Wage Act.
Disaster Loan Act.
Small Business Amendments.
USIA Authorizations.
War Powers Resolution.
Mass Transit Act Amendments.

VETOES IN THE 2D SESSION, 93D CONGRESS
Emergency Energy Act.
Department of Agriculture, Environmental Protection Agency and Certain Related Agencies Appropriations, Fiscal Year 1975.
Pay of U.S. Deputy Marshals.
Animal Health Research.
Directing the Secretary of the Interior to Sell Certain Reserve Phosphate Interests.
Atomic Energy Act Amendment.
Railroad Retirement.
Cut-off of Military Aid to Turkey.
Cut-off of Military Aid to Turkey (Second).
Freedom of Information Act Amendments of 1974.
National Wildlife Refuge System Administration Act Amendments.
Relief of Alvin V. Burt, Jr., and the Survivors of Douglas E. Kennedy.
Relief of Nolan Sharp.
Farm Labor Contractor Registration Act Amendments.
Rehabilitation Act and Randolph-Sheppard Act Amendments.
Veterans' Educational Benefits Act.
Zinc Tariff Bill.
Flood Control Act of 1965 Amendments.
Tennessee Valley Authority Act of 1933 Amendments.
Health Revenue Sharing and Health Services Act of 1974.
Surface Mining Control and Reclamation Act of 1974.
Energy Transportation Security Act of 1974.
Per Diem and Mileage Expense Bill.
Nurse Training Act of 1974.
Adjustment of Price Supports for Milk.

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AGRICULTURE
Omnibus Farm Bill (P.L. 93-86, approved August 10, 1973)—In an effort to encourage food production and eliminate subsidies in times of high market prices, Congress amended the Agricultural Act of 1970 to approve a widely innovative four-year farm program guaranteeing farmers a "target-price" return on three basic crops (cotton, wheat, feed). If the market fails to pay those prices, government payments make up the difference, while "target-price" will be adjusted to reflect production cost increases during these years. The new system of price guarantees calculated on the basis of total production, is a significant change from previous years and gives broader protection than that of the old Agriculture Act. Under the new system, it is expected that the cost to the taxpayer of payments to farmers will be reduced and in some cases eliminated. Annual payment to individual farmers, for example, are limited by a ceiling of \$20,000. In other areas the new Act extends the Food For Peace Program for four years; suspends the "bread tax" on domestic wheat that was passed on to the consumer; increases dairy price support to 80 percent of parity for two years, then drops it to 75 percent; and extends food stamps for four years while providing for semi-annual cost-of-living adjustments. Finally, a major new rural conservation program is authorized to succeed REAP including a pilot forestry incentives program.

Commodity Futures Trading Act of 1974 (P.L. 93-463, approved October 23, 1974)—Provisions of this legislation call for the replacement of the 38 year old Commodity Exchange Authority of the Agriculture Department with a new and more powerful five member regulatory commission. Membership will be full-time, appointed by the President, and approved by the Senate for staggered five year terms. The legislation which has been termed "the most sweeping overhaul of commodity market regulation in half a century," includes the following provisions: (1) authorizes the Commission to intercede in contract markets in order to restore orderly trading under emergency situations. Such situations have been defined as a market manipulation, either real or threatened, and any act of the United States or a foreign government which would affect the commodity, or any other major disturbance which would prevent the market from reflecting the forces of supply and demand with any degree of accuracy; (2) authorizes the Commission to assess fines of up to \$100,000 for violations of the act; (3) directs the Commission to require the markets to submit daily trading reports if this is deemed necessary for an effective regulation of futures trading; (4) gives the Commission six months to decide whether to preserve dual trading—trading by a broker for his own account as well as for outside customers; (5) directs the Commission, in its issuance of orders and regulations, to take into consideration the public interest to be protected by the antitrust laws. The Commission is further directed to reach these goals by using "the least anticompetitive means and; (6) authorizes the Commission to define "bona fide" hedging practices.

Public Law 93-463 also breaks ground in another area as the Commission is directed to establish and maintain, as part of its operations, a research and information program to determine the feasibility of trading by computer and to study the application of other information systems technology to various aspects of the Commission's activities.

Emergency Loan Program (P.L. 93-24, approved April 20, 1973)—This year Congress helped the farmer faced with natural disaster by providing a modification and extension of the emergency rural loan program, which authorizes the Farmers Home Administration (FHA) five percent loans to farmers for loss of crops and other property due to natural causes. The measure provides for an 18-day extension under which rural residents might file with the FHA for the one-percent, \$55,000 forgiveness loans available under the Hurricane Agnes program. Rural residents are eligible to obtain one-percent, \$55,000 forgiveness disaster loans for loss only of dwellings and household contents between December 27, 1972 and April 20, 1973. Congress also established a new disaster relief program under which the Small Business Administration and the FHA may grant five-percent, no forgiveness loans to persons not able to obtain loans elsewhere.

Rural Electrification Act Amendments (P.L. 93-32, approved May 11, 1973)—Congress took action to assure the continuation of the low-cost loans made by the Rural Electrification Administration (REA) which had been terminated by the Nixon Administration in December, 1972. Congress approved legislation restructuring REA and converting the program into an insured and guaranteed loan program, permitting two percent loans for electric and telephone systems in sparsely populated areas, and creating a revolving fund with unlimited borrowing authority for making insured electric and telephone loans. Loans will be made from the large REA revolving fund, using the current assets of REA, estimated at more than \$4 billion. The Administration had promised that REA would make loans each of the next three years at levels at least as high as those budgeted for fiscal 1974, which means a total REA loan level of \$758 million, with at least \$105 million for the two percent loans for sparsely populated areas.

Domestic Food Assistance Act (P.L. 93-347, approved July 18, 1974)—Under the Domestic Food Assistance Act, the authority of the Secretary of Agriculture to purchase agricultural commodities and their products necessary to maintain the level of assistance for food assistance programs was extended three years. These programs as are authorized by law serve needy families, institutions, disaster victims, summer camps, some Indian reservations and supplemental feeding programs for needy women, infants and children.

The law also specifies that Indian reservations are to continue receiving commodities instead of food stamps until June 30, 1977. The Federal government will pay 50 percent of all State administrative costs for the food stamp programs. In addition, minimum Federal reimbursements under the Federal school milk program were increased to five cents per half-pint of milk served. Annual adjustments were required in the reimbursement level to account for inflation.

Emergency Livestock Credit Act of 1974 (P.L. 93-357 approved July 25, 1974)—As a measure of relief for hard pressed livestock producers, who have been caught between fixed costs and falling prices almost all year, the Congress enacted a temporary emergency livestock financing program. As enacted, eighty percent of a loan may be guaranteed to bona fide farmers, up to \$250,000 per borrower and \$2 billion for the entire program. Guarantees are limited to bona fide farmers. Under terms of the law, "livestock" includes beef cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys.

The Agriculture Department's authority to guarantee the loans will last for one year, but the program could be extended for another six months should the Department decide a continuation was necessary.

Egg Research and Consumer Information Act (P.L. 93-428, approved October 1, 1974)—This year Congress helped a flagging egg industry combat declining consumption and market uncertainties by allowing egg producers in the United States to establish and finance a program of research and promotion of their product. A report of the House Agriculture Committee, issued this session, revealed that egg consumption had dropped from 389 per person in 1950 to 292 in 1973.

Egg producers now have the opportunity to approve or reject the proposed research and promotion in a referendum. The Act establishes an Egg Board consisting of not more than eight members and composed of egg producers or representatives which will assess egg producers up to five cents per case of commercial eggs. This is estimated to amount to seven and a half million dollars a year. Egg producers have the option of requesting a refund if they do not desire to participate in the program. The egg program has been termed a form of "self-help legislation" by the House Agriculture Committee and government participation and expense are considered minimal.

Price Support for Milk (S. 4206 pocket vetoed by the President January 4, 1975). Both Houses sought to aid the dairy farmer faced with financial difficulty by voting in the Second Session to provide price support for milk at not less than 85 percent of the parity price through March 31, 1978 and by providing for a quarterly adjustment in the support level so that it would be maintained at this minimum level throughout the year. The price support level is now set on April 1 each year, and the present price support level was determined at 80 percent of parity on April 1, 1974. However, because of rapidly escalating production costs, the support level, in terms of prices received by farmers, has decreased, and is now estimated at around 75 percent of parity.

Extension of Certain Agricultural Programs to Guam (P.L. 93-421, approved September 19, 1974)—Since World War II, the Government of Guam has been trying to establish a substantial type of agriculture on the island so that the population could once again be relatively self-sufficient in food production. Although in 1964 the 88th Congress approved legislation which authorized the Department of Agriculture to establish and maintain agricultural programs in Guam similar to those administered in the continental United States, that authority expired in 1969—five years after the date of enactment. Approval of H.R. 13267 reinstates a portion of the earlier assistance by authorizing the Secretary of Agriculture to assist the residents of Guam by providing financial and technical assistance for improving fire control, watershed protection and reforestation programs.

Noxious Weed Control (P.L. 93-829, approved January 3, 1975)—The House approved legislation in the First Session to fill a gap in the United States Government's statutory authority to prohibit and/or regulate the introduction of noxious weeds into this country. Such authority does not currently exist. This bill authorizes the Secretary of Agriculture to issue quarantines and other regulations requiring the inspection of products and articles of any character and all means of conveyance in order to keep noxious weeds from entering the United States. It is hoped that this legislation will safeguard American crops against the more than one thousand four hundred types of weeds not found in this country which might, by their presence, add to the already enormous costs of weed control—estimated currently at five billion dollars per year. The estimated cost of this program should not exceed five hundred thousand dollars per year during the next six fiscal years.

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Forest and Rangeland Renewable Resources Planning Act (P.L. 93-378, approved August 17, 1974)—Recognizing the need for long range planning both physical and fiscal for renewable resources, Congress approved legislation requiring the Secretary of Agriculture to prepare a Renewable Resource Assessment not later than December 31, 1975, and an updated report during 1979 and each tenth year thereafter. This assessment must include an analysis of the present and anticipated uses, the demand for and the supply of forest and related resources, with consideration for the international forest resource situation, and an analysis of pertinent supply and demand and price relationship trends. In addition the Secretary is required to make an inventory of present and potential forest and related resources and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government.

Rural Electrification Guaranteed Loan Act (H.R. 12526 passed the House May 21, 1974)—This legislation amends the original Rural Electrification Act by making three important changes to expedite and simplify the guaranteed loan program of the REA. First, it exempts from registration with the Securities and Exchange Commission loans guaranteed by the REA. Second, it authorizes the assignment of REA guarantees with the approval of the Administrator. Third, it clarifies the REA Act provisions making the government guarantee incontestable except for fraud of which the holder has actual knowledge. It is estimated that \$1 billion in loans will be guaranteed in fiscal year 1974.

CONSTITUTIONAL ISSUES

War Powers Resolution (P.L. 93-148, without approval November 7, 1973)—Congress reasserted its constitutional role in the war-making area by placing restraints on the authority of the President to commit U.S. forces to hostilities without congressional consent. Both Houses gave final approval to the War Powers Resolution, which requires consultation with Congress if at all possible in advance of any introduction of U.S. forces to hostilities, and a full report to Congress within 48 hours after taking such action. If Congress does not expressly authorize the commitment, the President must withdraw troops within 60 days (a 30 day extension is permitted if the safety of troops so requires). Anytime after the commitment of forces, the Congress could mandate immediate withdrawal through passage of a concurrent resolution—which is not subject to veto. In addition, the resolution stipulates that none of its provisions are to be construed as granting any authority to the President that he would not have had in the absence of the resolution. The power of the President to commit forces is defined to include only situations where Congress has declared war or provided other statutory authorization, or when a national emergency exists because of attack on the U.S. or its forces.

Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344, approved July 12, 1974)—This Act constitutes a major effort by Congress to reassert control over its vital spending prerogative. Title I of the Act establishes Budget Committees in each House to report concurrent resolutions on the budget, recommending appropriate levels of total outlays and total budget authority, the recommended level of Federal revenues, the appropriate amount of budget surplus or deficit, and the amount by which the statutory debt limit should be increased or decreased. The totals for outlays and budget authority will also be broken down by functional categories. The purpose of the budget resolutions is to permit Congress to coordi-

nate appropriations with revenues, instead of the present process of acting independently on separate appropriation bills without full knowledge of available receipts, the debt ceiling, and other factors. Moreover, the budget resolution will give Congress an opportunity to consider the budget in terms of overall priorities, choosing between the various programs that compete for available dollars.

Action on these budget resolutions will take place within the discipline of a new timetable. First, the fiscal year has been changed to begin on October 1 rather than July 1. This will provide additional time to complete the steps of the new congressional budget process. Also, the President will submit a "current services" budget on November 10 (more than two months in advance of his regular budget). In order to give Congress advance notice of the existing cost of budget services without policy changes, the regular budget will be transmitted by the President on or before the 15th day after Congress meets. By March 15 the Budget Committees are scheduled to receive reports from committees and joint committees, after which they shall report the first concurrent resolution on the budget by April 15. Congress shall complete action on that resolution by May 15, which is also the deadline for other committees to report all bills and resolutions authorizing new budget authority.

By the 7th day after Labor Day, Congress is to have completed action on all bills and resolutions authorizing new budget authority. A second concurrent resolution, taking into account congressional action up to that point, is subject to a September 15 deadline. Any disparities between the second concurrent resolution and any spending, revenue, and debt legislation are to be resolved by a reconciliation process to be completed by September 25. Professional assistance throughout this process will be available from a new joint congressional staff agency called the Congressional Budget Office.

Title X of the Act places new controls on the impoundment of funds. The language of the Antideficiency Act is tightened to permit budgetary reserves solely to provide for contingencies or to effect savings. Whenever the President determines that all or part of any budget authority will not be required to carry out the full objectives or scope of programs, or that such budget authority should be rescinded for fiscal policy or other reasons, including the termination of authorized projects, or whenever all or part of budget authority provided for only one fiscal year (one-year money) is to be reserved from obligation, he shall transmit a special message requiring a rescission of budget authority. Unless both Houses complete action on a rescission bill within 45 days, the budget authority shall be made available for obligation.

A second type of special message concerns deferrals. This category includes any delay in obligating budget authority, or any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority. The President will be required to make the budget authority available if either House of Congress passes an "impoundment resolution" disapproving such proposed deferral.

Ford Confirmation as Vice President—On December 6, 1973, by a vote of 387 to 35, the House of Representatives confirmed Gerald R. Ford as the fortieth Vice President of the United States. Mr. Ford was the first person ever to be confirmed by the House of Representatives and the first person to be confirmed by either House under provisions of the 25th Amendment. Adopted in 1967, section 2 of the 25th Amendment provides that "whenever there is a vacancy in the office of the Vice President, the President shall

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nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress." The Senate approved the nomination on November 27, 1973 by a vote of 92 to 3. The Office of Vice President became vacant on October 10, 1973 when Spiro Agnew submitted his resignation.

Presidential Impeachment (H. Res. 803, approved February 6, 1974)—For the first time since the administration of Andrew Johnson, and the second time in the history of the Republic, the House, on February 6, 1974, adopted by a vote of 410-4 a resolution authorizing and directing the Committee on the Judiciary "to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America" and to report "such resolutions, articles of impeachment, or other recommendations as it deems proper."

Efforts on the impeachment question had begun in the autumn of 1973 in response to the first resolutions offered on impeaching the Chief Executive. On November 15, 1973, the House adopted H. Res. 702 by a vote of 367-51 providing \$1 million for the Judiciary Committee staff investigation into the existence of grounds for presidential impeachment. An additional \$733,750 was provided for the Committee's inquiry with the adoption of H. Res. 1027 on April 29.

On May 9 the Judiciary Committee was convened to review the results of the impeachment inquiry staff's investigation. On June 21 the inquiry staff concluded its initial presentation and on June 25 the Committee voted to make the initial presentation finding public together with substantially all of the supporting material assembled by the staff. The President's response, presented on June 27 and 28, was also designated for release to the public.

On July 24, for the first time in history, the formal deliberations of a congressional committee considering arguments for and against the impeachment of an American President were broadcast over the nation's television and radio networks. By a vote of 27-11 the Committee on July 27, adopted the first article of nine specifications charging the President with obstruction of justice in the investigation of the Watergate break-in. The second article of impeachment, adopted two days later by a vote of 28-10, charged that the President had repeatedly failed to carry out his constitutional oath of office and duty to uphold the nation's laws. The next day, July 30, by a margin of 21-17, the Committee voted to charge the Chief Executive in a third article with unconstitutional defiance of the panel's subpoenas for documents and tape recordings.

On August 8, 1974, President Nixon took the unprecedented step of announcing his intention to resign his office effective the following day. Vice President Gerald Ford took the presidential oath shortly after noon on August 9 to become the 38th President of the United States.

Without debate, the House formally concluded its impeachment inquiry on August 20 and, by a vote of 412-3, accepted the 200,000-word report of the Judiciary Committee recommending the impeachment of Richard M. Nixon (H. Rept. 93-1305).

Rockefeller Confirmation as Vice President—Shortly after assuming the office of the Chief Executive, President Gerald R. Ford, on August 20, formally nominated Nelson A. Rockefeller, the recent governor of New York, to be the Vice President of the United States. The President's action was in accordance with the Twenty-fifth Amendment to the United States Constitution, effective February 23, 1967, establishing procedures whereby a vacancy in the office of

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president and/or Vice President shall be filled. Mr. Ford had himself assumed the position of Vice President in accordance with these same procedures, taking the oath of office on December 8, 1973.

Foremost among congressional concerns in assessing the qualifications of nominee Rockefeller were his uses of personal wealth for political purposes. The Senate Rules and Administration Committee was sufficiently satisfied with Mr. Rockefeller's responses to their inquiries that its membership voted unanimous approval (S. Ex. Rept. 93-34) of him. The full Senate followed suit and, on December 10, indicated a 90-7 favor for confirmation. In the House, the political use of personal wealth continued to be a subject of close questioning. On December 13, the Judiciary Committee approved (H. Rept. 93-1609) the nomination by a 26-12 vote. The final phase of the proceedings occurred on December 19 when the House, by a vote of 287-128, gave its approval to the nomination. Later that evening the oath of office was administered by the Chief Justice in the Senate chamber with the President in attendance. Mr. Rockefeller became the 41st Vice President of the United States, the second to hold the position through the procedures of the Twenty-fifth Amendment to the U.S. Constitution. The occasion also marks the first instance in the history of the Republic when neither the President nor the Vice President held their offices by means of a popular election.

Confirmation of OMB Director and Deputy Director (P.L. 93-250, approved March 2, 1974)—Although a prior effort to statutorily require Senate confirmation of the appointments of the Director and Deputy Director of the Office of Management and Budget had met with a presidential veto on May 18, 1973, which was sustained in the House on May 23, another proposal, now Public Law 93-250, was approved by both Houses the Second Session.

Executive Privilege (Hearings conducted)—At a time when the Congress voted to open its operations and procedures to public scrutiny, the Nixon Administration used executive privilege to withhold vital information from the Congress and block even Federal law enforcement officials and the courts from access to materials which in their judgment bears on possible criminal activity. Executive privilege, even though practiced by past Presidents, is mentioned neither in law nor the Constitution, and has never been tested in the courts. Previous Presidents, however, have made only limited use of executive privilege, and then only to protect legitimate national security interests. On the other hand, President Nixon's interpretation of executive privilege, as expressed by his former Attorney General Richard Kleindienst, was that it may be invoked to prevent any one of the millions of executive agency employees from testifying before a congressional committee. Both Houses have held extensive hearings in the area of executive privilege and the House Committee on Government Operations began drafting legislation to establish criteria governing and restricting the use of executive privilege and to require that all information be made available to the Congress by executive agencies—except when the President himself invokes executive privilege.

CONSUMER AFFAIRS

Consumer Product Warranty (P.L. 93-637, approved January 4, 1975)—Both Houses approved one of the most important pieces of consumer-oriented legislation considered by the Congress since the Federal Trade Commission Act was passed in 1914. The Federal Trade Commission Improvement Act of 1974 effects a comprehensive reform of warranties on all consumer products and implements a number of changes in the Federal Trade

Commission Act that are designed to improve the Commission's consumer protection abilities. By making warranties of consumer products clear and understandable through creating a uniform terminology of warranty coverage, consumers will for the first time have a clear and concise understanding of the terms of warranties of products they are considering purchasing. The legislation spells out specifically what rights and duties will flow from warranties and provides a number of public and private means of consumer redress for breach of warranty obligations.

The Act codifies the Commission's power to issue trade regulation rules prohibiting conduct which is unfair or deceptive and gives an important new direction to the Commission in order to prohibit unfair or deceptive practices. The procedures to be used in promulgating trade regulation rules are set forth in detail.

Consumer Credit (P.L. 93-495, approved October 28, 1974)—In an amendment to banking regulations legislation, Congress provided for new protection for the consumer buying on credit by prohibiting sex discrimination in granting credit, protecting consumers against unfair billing practices, and providing protection against credit card fraud. In amending the Truth in Lending Act of 1968, the act requires customers to inform creditors in writing of alleged billing errors within sixty days after receiving the bill. Creditors then are required to respond to the disputed billing within thirty days and to resolve the dispute within ninety days by correcting the billing error or explaining why the bill was correct.

Motor Vehicle and Schoolbus Safety Amendments (P.L. 93-492, approved October 27, 1974)—In amendments to the Motor Vehicle and School Bus Safety Act, Congress now requires motor vehicle and tire manufacturers to remedy safety defects or failures either through repair, replacement, or refund procedures. The Department of Transportation is authorized to conduct inspections, testing, and research necessary for the enforcement of safety standards. The Department is also specifically directed to promulgate a fuel system integrity standard within 90 days following the effective date of the act, to protect occupants of vehicles from fuel-fed fires.

In addition, the law prohibits the ignition key interlock system keyed to seat belt use, and also requires that only a warning light be used to indicate that safety belts are not fastened.

Perishable Agricultural Commodities Act (P.L. 93-369, approved August 10, 1974)—Congress passed House-initiated legislation designed to protect consumers from misbranding of perishable agriculture commodities. The Perishable Agricultural Commodities Act gives the Department of Agriculture the option of imposing a monetary penalty, not to exceed \$2,000, for violations of the Act, or the option to institute formal proceedings for suspension or revocation of the license of an offending individual or corporation to trade in the fruit and vegetable industry.

Consumer Protection Agency (H.R. 13163 passed the House April 3, 1974)—Consumers would have a powerful representative before government agencies under provisions of Consumer Protection Agency bill passed by the House in 1974. The bill establishes an independent agency within the executive branch which would have the power to intervene in a wide range of Federal administrative proceedings on behalf of consumers. If vital consumer information was unavailable elsewhere, the agency could request other Federal agencies with jurisdiction in the field, to obtain, by subpoena, the information which would then be made public.

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The agency also would have the power to appeal to the courts administrative rulings made by other Federal agencies which might be adverse to consumer interests.

In addition to this representative role, the agency would be empowered to: (1) encourage and support research, studies, and testing which would lead to a better understanding of consumer products and improved products, services, and consumer information; (2) submit recommendations annually to both the Congress and the President on measures to improve the operation of the Federal government in the protection and promotion of the interests of consumers; (3) direct the agency to act as a clearing house for consumer complaints and transmit them to the appropriate Federal or non-Federal entities for action; (4) require that the agency maintain a public document room containing a usefully arranged and catalogued collection of significant consumer complaints, and; (5) direct the agency to investigate the feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information gathering program.

DISTRICT OF COLUMBIA

District of Columbia Home Rule (P.L. 93-198, approved December 24, 1973)—Congress has enacted a home rule charter providing the residents of the District of Columbia with the first elected local government in one hundred years. Passage of this legislation represents the most recent effort on the part of Congress to restore and expand the restricted political rights of the 756,000 resident United States citizens in the District of Columbia by permitting the residents to elect a major and a thirteen member council with legislative powers similar to those of a state legislature. The charter had previously been approved by D.C. residents in a May 1974 referendum.

The Charter Act retains the authority of Congress to review and appropriate the District's budget and there is provision for a congressional review and veto of any act of the elected council. While judges of the local courts will continue to be appointed by the President as has been the law since 1801, there is provision for a new judicial nomination system which guarantees local participation. The Act also authorizes the council to set all tax rates in the District (disallowing, however, the taxing by the council of Federal and State property or the incomes of commuters) and authorizes a Federal payment to the District of \$230 million for fiscal 1975, increasing gradually to \$300 million by fiscal 1978. Elections are scheduled for November 1974 and the new government is scheduled to take office on January 2, 1975.

Campaign Finance and Political Ethics—(P.L. 93-376, approved August 14, 1974)—Congress, in an effort to keep big money, special interest influence, and conflict of interest out of local politics in the District of Columbia, enacted legislation limiting campaign spending and contributions within the District. Individual contributions are limited in the act to \$2,000 and overall spending by mayoral candidates to \$200,000. The candidates for chairman of the city council are limited to \$150,000 in spending and council candidates to \$90,000. The figures are aggregated for primary and general election spending.

The Act also provides that candidates make personal financial disclosures. This provision, in addition, applies to all policy-making employees of the District government. Additionally, lobbyists working in the District government must register and report their activities and expenditures. All reports are to be submitted to a Board of Elections and Ethics with assistance for legal advice and oversight to be provided by the U.S. General Accounting Office.

Hatch Act Exception (P.L. 93-268, approved April 17, 1974)—To assure greater op-

portunity for residents to participate as candidates in the first partisan local elections in the District of Columbia in over one hundred years, Congress enacted legislation exempting certain public employees in the District covered by the Hatch "No Politics" Act. This congressional action enabled the currently appointed District officials to run for office and others who would otherwise have been excluded as candidates. The exemption expires on January 2, 1975 at which time the U.S. Civil Service Commission is to report to Congress on the overall effects of the exemption on District political affairs for the purpose of providing information for further congressional consideration of Hatch Act amendment legislation.

Indigent Representation in Criminal Cases—(P.L. 93-412, approved September 3, 1974)—Responding to a crisis in the judicial system of the District of Columbia, Congress amended the District of Columbia Criminal Justice Act (88 Stat. 1089) to authorize the District of Columbia to provide a plan for the provision of legal counsel to defendants financially unable to obtain an adequate defense in criminal cases. Congress directed that representation under the plan include counsel and investigative expertise and other services necessary for an adequate defense. The amendment further specifies that legal assistance can be obtained from private attorneys, attorneys from the Public Defender Service, as well as attorneys and qualified students participating in specially supervised programs.

In the enactment of this amendment, Congress has assured counsel to all indigent defendants involved in District of Columbia criminal proceedings as so guaranteed by the Constitution.

Law Review Commission—(P.L. 93-379, approved August 21, 1974)—Congress has acted to authorize the first major examination since 1901 of the laws of the District of Columbia. By establishing a 15-member Law Review Commission composed of local and federal officials, Congress has provided a model mechanism to examine the entire body of common law, case law, and federal law currently in effect in the District of Columbia. The Commission is directed by the legislation to recommend needed reforms in the District Code. For example, currently it is necessary in any case controversy not governed by some provision of the District Code for the courts of this jurisdiction to apply the common law of Maryland, as modified by acts by the British Parliament and its own legislature prior to February 1801. Hence, trial and appellate judges in the District of Columbia, in the present absence of any relevant section of the District Code, frequently must rely on principles of law set forth by the judges of the King's Bench and the House of Lords in the centuries antedating the establishment of federal authority in 1801 over the territory ceded by Maryland to Congress for the establishment of the permanent seat of the national government. Therefore, as the United States begins to observe the bicentennial of its independence, Congress has provided that the Nation's Capital be governed by a modern code of law.

People's Counsel of the District of Columbia (P.L. 93-614, approved January 2, 1974)—Congress has acted to protect the Federal Government and residents of the District of Columbia from excessive, unequal, and unjustifiable utility rate increases. In amending the District of Columbia Self-Government Charter (P.L. 93-198) to provide for a "People's Counsel," Congress has assured District residents of competent advocacy before the Public Service Commission of the District of Columbia in all utility rate increase requests. The legislation further authorizes to be appropriated \$100,000 for the first year of operation of the People's Counsel Office.

University of the District of Columbia—(P.L. 93-471, approved October 28, 1974)—Since 1790 Congress has discussed the establishment of a publicly supported university in the Nation's Capital. Such a university was proposed by Presidents Washington, Adams, Jefferson and numerous of their successors. By authorizing the merger of Federal City College, Washington Technical Institute, and D.C. Teachers College into a unified University of the District of Columbia, Congress has recognized the need for a major land-grant university at the national seat of government.

The University of the District of Columbia, to be governed by a 15-member board of trustees, is authorized under this legislation to begin operations in 1976—the Nation's Independence Bicentennial.

District of Columbia Rent Control (P.L. 93-157, approved November 21, 1974)—This Act represents another manifestation of the long-standing concern of Congress to assure adequate, reasonably priced housing for all residents of the District of Columbia. Under this legislation Congress authorized the City Council of the District of Columbia to promulgate rules and regulations to control residential rates and to establish a Housing Rent Commission to enforce these rules and regulations. The City Council acted with dispatch on these matters after receiving the authorized authority provided by this Act. At a time of rising unemployment and inflation, uncontrolled prices, this congressional action was particularly welcomed by the high percentage of District residents who rent their housing.

National Visitor Center Facilities Act Amendments (P.L. 93-478, approved October 28, 1974)—Congress in approving this Act has demonstrated its continuing concern that the 40 million visitors expected in the Nation's Capital during the Independence Bicentennial Commemoration period have a conveniently located, adequate facility to make surface transit connections. These amendments authorize an additional \$13 million to complete the National Visitor Center construction improvements under way at Union Station in the District of Columbia and further provide for the construction of appropriate parking, taxi, and bus facilities at Union Station.

Subsidy Payment for Child Adoption (P.L. 93-241, approved January 2, 1974)—Congress provided for an improved system of adoption of children in the District of Columbia by authorizing the Commission of the District of Columbia to make adoption subsidy payments on behalf of children with special needs, where such children otherwise would in all likelihood go without adoption, and where the adoptive family is deemed appropriate in all respects but for its economic inability to meet the child's needs. Currently it is estimated that in the District there are between 2,500 and 2,700 children who are wards of the District Government. Of these it is estimated that between 200 and 300 could be placed in permanent families with the assistance of an adoption subsidy program. Approximately 150 such placements are expected within the first year alone.

ECONOMY

Economic Stabilization Act of 1970 Extension (P.L. 93-28, approved April 30, 1973)—Faced with the pressing concern of a record inflation severely ravaging our economy, Congress extended the Economic Stabilization Act of 1970 which authorizes the President broad powers to stabilize prices, rents, wages and salaries. It also gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil, in order to equitably meet needs in various sections of the country and to prevent anticompetitive effects which could develop from shortages of petroleum products.

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Council on Wage and Price Stability (P.L. 93-387, approved August 24, 1974)—In his address to the Congress and the Nation on August 12, 1974, the President urged the Congress to act quickly on a proposal which had been sent to the Congress by the Administration to create a task force on inflation. P.L. 93-387 was passed in response to that request by the President. The Council on Wage and Price Stability established under this bill has power to monitor the economy generally. This legislation grants no mandatory or standby control authority over the economy but, rather, works with labor and management in an effort to improve the structure of collective bargaining and encourage price restraint. The Council is authorized to conduct public hearings to help publicize the inflationary problems and to focus attention on the need to increase productivity in all sectors of our economy.

The Council is to be composed of members appointed by the President and is to be established within the Executive Office of the President. It is expected that the membership of the Council will be composed of senior Government officials closely associated with economic matters, although the President may also appoint four advisers from outside the executive branch.

Productivity Commission (P.L. 93-311, approved June 8, 1974)—This legislation authorizes the extension of the President's National Commission on Productivity and Work Quality. The legislation mandates that the Commission strive for improvements in the morale and quality of work of the American worker, concentrating its efforts where such efforts are likely to make the most substantial impact on the international competitive position of the United States, the efficiency of Government, the cost of goods and services generally considered to fulfill the most basic needs of Americans, and the morale and quality of work of American workers.

Three primary means are provided to implement these objectives: the authority to (1) create labor-management productivity councils; (2) conduct research necessary to achieve its objectives; and (3) promote objectives through public information work.

In addition, the Commission will advise the President and Congress on Government policies affecting productivity and quality of work, coordinate and promote research work by other Government agencies, and provide technical and consulting assistance to labor, industry, and Government in order to help them increase productivity and improve the quality of working life.

Inflation Research (S. Con. Res. 93 passed the House July 31, 1974)—This resolution directs the Joint Economic Committee to undertake an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including but not limited to the causes of the current inflation and such inflation-related problems as Federal spending, tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy. The sum of \$100,000 was appropriated to the Joint Committee for the above purposes; a report of its findings and recommendations was to be made to the Congress by December 31, 1974.

Antitrust Law Amendments (P.L. 93-528, approved December 21, 1974)—This legislation, the first major reform of antitrust laws in nearly twenty years, makes three basic changes in antitrust legislation. The first provides that district courts are to make an independent determination as to whether or not the entry of a proposed consent judgment is in the public interest as expressed by the antitrust laws. The legislation seeks to ac-

complish this end by encouraging additional comment by interested parties, requiring that the Department of Justice file a public impact statement, and requiring the defendants to disclose all communications made on behalf of the firm relating to the consent decree other than those made exclusively by counsel of record.

The second change in the antitrust laws effected by this legislation is an increase in the maximum criminal fine for violation of the Sherman Act to \$1 million if a corporation, or \$100,000 if any other person. The legislation also provides that antitrust violations be redefined as felonies rather than misdemeanors, and further provides for maximum three-year jail terms for violators.

A third change is the amendment of the Expedited Act so as to require that final judgments and interlocutory orders in certain civil antitrust cases, if appealed, be heard by the circuit courts of appeals, except in cases where a district court judge agrees to certify that an appeal of his ruling on an antitrust case should go directly to the Supreme Court because of its public impact.

Public Works and Economic Development Act (P.L. 93-46, approved June 18, 1973)—Congress voted to continue the Economic Development Administration for one year and to continue important direct Federal support for the seven regional economic commissions. To further continue support for economically depressed areas and achieve minimum unemployment, Congress extended the Public Works and Economic Development Act through fiscal year 1974. For this Congress authorized funds for public facility grant programs, business development programs, technical assistance in alleviating unemployment in certain of our Nation's areas, and for economic development centers. The Public Works and Economic Development Act, originally enacted in 1965, provides Federal assistance to areas that lag behind the growth of the rest of the Nation and suffer from high unemployment and underemployment. With the Act's extension, Congress continues to provide Federal assistance, in cooperation with States and localities, to enable areas and regions suffering economic distress to help themselves to develop the planning and financing capability for long lasting economic improvement and for the creation of permanent jobs. It is estimated that the public facilities grant program alone has made possible some 330,000 permanent jobs in over 1,460 communities across the country. A conservative estimate for the entire program would bring the figure to over half a million jobs located by these programs since enactment of this legislation in 1965.

Economic Development (P.L. 93-423, approved September 27, 1974)—In approving this legislation, Congress decided against an Administration proposal to phase out the existing economic development program and replace it with a block grant assistance program. Instead, the Public Works and Economic Development Act of 1965 was extended through fiscal 1976, with \$680 million and \$795 million being authorized for fiscal 1975 and 1976, respectively. This legislation also authorized the Economic Development Administration to guarantee direct loans and working capital loans made by private lending institutions to borrowers in "redevelopment areas" or "economic development centers." This assistance is designed to increase the business development opportunities in distressed areas of our large cities, particularly in special impact areas where vacant buildings are available for the occupation of new business ventures. It is expected that working capital loans will be made to businesses which have experienced, or may be reasonably foreseen to be about to experience, temporary but severe problems involving actual or potential job loss, for reasons including but not limited to the closing of

Federal installations, environmental orders resulting in plant shutdowns, and Federal energy allocations.

The legislation also authorized a demonstration program to evaluate and test new approaches to economic development and to assist in meeting special needs arising from actual or threatened severe unemployment from existing or expected economic dislocation.

Disaster Relief (P.L. 93-288, approved May 22, 1974)—Congress passed amendments to the 1970 Disaster Relief Act which were designed to streamline and improve Federal disaster relief programs. Among the changes implemented by these amendments was authority for the President to distinguish between emergencies and major disasters; also, States were authorized to receive a one-time grant of \$250,000 to assist in developing a comprehensive disaster relief program and made eligible for Federal assistance to offset damage to parks and recreation facilities. The legislation also extends more comprehensive Federal assistance to victims of disasters and includes authority for the President to grant States funds to provide direct financial aid of up to \$5000 to persons sustaining extraordinary disaster-related damage not otherwise covered by law. The President was also empowered to provide unemployment assistance up to the maximum weekly benefits prescribed by law to persons losing their jobs because of disasters; for such persons, the benefit eligibility period was extended from 26 weeks to one year. The legislation also provides for financial assistance to local governments suffering financial loss because of disasters. The law further authorizes funds for Recovery Planning Councils, to be established by State governors, which would draft five-year recovery investment plans and make grants to governmental and nonprofit corporations to improve public works, public services, or public facilities, including parks and recreational areas.

Small Business Administration (P.L. 93-386, approved August 23, 1974)—With the approval of this legislation, action was completed giving the Small Business Administration authority to continue making loans to small businesses for the duration of fiscal 1975. The overall ceiling on outstanding loans was increased from \$4.875 billion to \$6 billion; various lending subceilings were also increased. The SBA was also directed to make \$400 million in direct loans during fiscal 1975, a reversal of SBA policy stressing Federally guaranteed loans by private banks rather than direct loans of Federal funds. This legislation also established within the SBA a chief counsel for advocacy to act as ombudsman for small businessmen affected by SBA decisions and formally transferred to SBA the minority business programs that had been operated under authority granted by the Economic Opportunity Act of 1964. Also provided for was the appointment of an associate SBA administrator for minority business.

Deposit Insurance (P.L. 93-495, approved October 28, 1974)—This legislation provides deposit insurance of \$100,000 per account for public units and raise deposit insurance on other accounts from \$20,000 to \$40,000. It is hoped that the enactment of this provision, while not offered as a total solution, will further help relieve the present credit crisis by providing wider selection, higher yield, and greater convenience for public officials who have custody of public funds and will provide a significant incentive for individual depositors to utilize those financial institutions concerned with making available home mortgage funds at reasonable interest rates.

An increase in deposit insurance from \$20,000 to \$40,000 for accounts in commercial banks, mutual savings banks, savings and loan associations, and credit unions can be justified on the basis of the effects of inflation alone. The increase will insure 75% of

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all insured bank deposits and over 95% of savings and loan associations deposits with negligible impact on the respective insurance funds. Savings accounts in many instances represent an individual's entire life savings. The increase to \$40,000 permits the average saver to have absolute security.

The legislation also includes the establishment of a National Commission on Electronic Fund Transfers and provisions which make it unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.

Interest Rate Control (P.L. 93-100, approved August 16, 1973)—Congress extended until December 31, 1974 authority for Federal bank regulatory agencies authority to set feasible interest rates on time and savings deposits held by commercial banks, savings and loan institutions, and mutual savings banks. The law limited NOW, or interest bearing, checking accounts, to two states, Massachusetts and New Hampshire, on an experimental basis under Federal supervision. In addition, the law permits national banks and savings and loan associations chartered by the Federal Home Loan Bank Board to invest in State housing corporations in the States where their headquarters are located, and it creates a new procedure for payment by savings and loan associations of premiums into the Federal Deposit Insurance Corporation's Reserve Fund.

Interest Equalization Tax Extension Act (P.L. 93-17, approved April 10, 1973)—Another major congressional initiative extended the application of the interest equalization tax for 15 months, to June 30, 1974, and provided for certain exclusions from the tax. It is the interest equalization tax which equalizes the differential in interest costs as between domestic and foreign securities, thus assisting to stem our outflow of dollars.

Regulation of Interest Rates Payable on Obligations of Federal Depository Institutions (P.L. 93-501, approved October 20, 1974)—This Act amends Section 19(a) of the Federal Reserve Act to authorize the Federal Reserve Board to regulate debt obligations of a parent holding company or an affiliate of a member bank, regardless of the use of the proceeds within the holding company. Similar authority was granted to the Board of Directors of the Federal Deposit Insurance Corporation with respect to parent holding companies and affiliates of insured non-member banks. The Act exempts from its provisions any bank holding company which has filed, prior to the date of enactment, an irrevocable declaration with the Board of Governors of the Federal Reserve System to divest itself of all its banks under Section 4 of the Bank Holding Company Act.

Action on this legislation reflects the concern of the Congress that financial institutions be able to attract and retain deposits in periods of high interest rates and strong competition for funds in the capital markets. Thus, Congress has provided the Federal Reserve Board with discretionary authority to regulate bank holding company notes, regardless of the use of the proceeds, taking into account the benefits which small savers could derive from such an innovative approach, and balancing them with the objective of promoting an adequate supply of mortgage money through financial intermediaries. It was felt that the particular ineligibility of thrift institutions, as presently structured, to compete adequately for funds in a climate of high interest rates might justify the grant of authority in this act, but it was also felt that such legislation may be unnecessary if appropriate comprehensive financial reform legislation is enacted.

Federal Financing Bank (P.L. 93-224, approved December 29, 1973)—This Act establishes a Federal Financing Bank under the general supervision of the Secretary of the Treasury through which the marketing of

Federal and federally-assisted borrowing activities will be centralized. The Bank is authorized to purchase and sell any obligation issued, sold, or guaranteed by a Federal agency, with a minimum interest rate set by the Treasury. Advance submission of financing plans to the Treasury will be required for approval of the financing methods, timing, interest rates, maturities, and other terms and conditions of issues or sales of obligations. An initial capitalization is set with a specified ceiling to be set on obligations outstanding at any one time.

Fraudulent Checking Relief Act (P.L. 93-539, approved December 22, 1974)—Under terms of this Act, the responsibility of the United States Treasury to provide payment from the check forgery insurance fund to payees and special indorsees whose names are forged on U.S. checks is extended to permit such payment for checks drawn abroad from depositories designated by the United States Treasury. These checks may be drawn in U.S. dollars or in foreign currency. The legislation was proposed as a means of equalizing the practice with regard to checks drawn abroad.

Consistent with the original provisions of this law as enacted in 1941, four conditions must be met before payment is authorized: (1) if the check has been lost or stolen, the payee or holder must be without fault; (2) the check must have been paid by the Treasurer based on a forged endorsement; (3) the payee did not participate in these proceedings; and (4) reclamation of the check may not be prompt or successful, thus necessitating payment.

Public Debt Limit Extension (P.L. 93-53, approved July 1, 1973)—Congress continued the debt limitation level at \$465 billion through November 30, 1973. This measure in addition extended unemployment insurance benefits in States whose rates of insured unemployment are at least 4.5 percent; extended for one year the authorization for project grants under the maternal and child health program which was scheduled to expire June 30, 1973; and provided for a transition in funding to a state-coordinated program of maternal and child health programs. Congress also requires the presidential campaign checkoff provisions on the income tax return form to be placed either on the front page of the return or where signature is required. Congress also eliminated separate funds for the two major parties, consolidating all money into a general fund.

Second Public Debt Limit Extension (P.L. 93-173, approved December 3, 1973)—Congress approved for a second time this session an extension of the temporary Federal debt limit through the end of fiscal 1974, increasing the ceiling to \$475.7 billion. The previously existing \$465 billion temporary debt limit expired on November 30 allowing the ceiling to fall to its permanent \$400 billion level. During the course of debate, the House deleted \$2.3 billion from the committee's recommended debt ceiling.

Par Value Modification Act (P.L. 93-110, approved September 21, 1973)—This Act authorizes the Secretary of the Treasury to raise the price of gold to \$422.2 an ounce from \$38 (a devaluation of ten percent) and repeals a prohibition on ownership of gold by private citizens when the President determines that repeal would not affect adversely the international monetary position to the United States. The law ratifies the Administration's 1971 agreement to international monetary reform, precipitated by inflation and by the worst trade imbalance in U.S. history.

Increase of Temporary Limit on Public Debt (P.L. 93-325, approved June 30, 1974)—The permanent debt limitation under present law is \$400 billion; this legislation provides for an increase in the temporary debt limit-

tation from \$475.7 billion to \$495 billion through March 31, 1975. No change is made in the permanent debt limit. The Administration had requested an increase in the debt limitation to \$505 billion through June 30, 1975. However, Congress enacted a lower limit, believing that the lower figure would provide a restraint on spending in the coming year and further believing that it is desirable to use the debt limitation as a means for providing at least some overall congressional control over the budget until the Congress implements fully a legislative system for examining and controlling budget totals and budget components.

EDUCATION

Elementary and Secondary Education Act of 1965 Amendments (P.L. 93-380, approved August 21, 1974)—Considered by many as one of the most important and comprehensive elementary and secondary education bills in many years, the House reaffirmed its commitment to excellence in the Nation's schools by amending and extending the Elementary and Secondary Education Act of 1965 and other education programs. The measure extends through 1978 such activities as the School Library Program, Programs for Supplemental Educational Centers for Guidance, Counseling and Testing, Bilingual Education Programs, and Programs of Assistance to Local Educational Agencies for the Education of Indian Children. The Act provides for a continuation of the special incentive grant program which gave bonuses to States that exceeded the national average for financing public education under Title I, the plan for distributing federal compensatory education funds for disadvantaged children. \$50-million will be set aside for the grant program from regular Title I funds. Grants for State-run programs for handicapped, migratory, neglected and delinquent children will continue on a level that assures that no State will receive less for such programs in fiscal 1975-78 than it did in fiscal 1974.

Conferees on the bill agreed to the House provision consolidating seven categorical grant programs into two new ones, a library and instructional resources program and an innovation and support services program. Conferees agreed to the House authorization level of \$745-million for the two consolidations for fiscal 1975 and open-ended authorizations for fiscal 1976-77. The issue of busing students to achieve racial balance in the public schools was resolved by a compromise agreement with the Senate version of the measure and prohibits any student from being bused beyond the school next closest to his home. On the matter of impact aid, the measure will extend relief through fiscal 1978 providing subsidization to school districts on behalf of students whose parents live and/or work on Federal property. The Adult Education Act, extended through 1978, received authorized funding of \$725-million. A newly created Bureau for the Education and Training of the Handicapped within the Office of Education will provide handicapped Americans with continued programs and aids. The Bilingual Education Act has been expanded and authorized a total of \$585 million through fiscal 1978. More money than ever before will become available for teacher language training.

The Act establishes a new reading program that will provide special emphasis projects to determine the effectiveness of intensive instruction, for reading training on public television and for the establishment of reading academies to assist youths and adults who would not otherwise receive assistance. Another provision of the Act deals with the issue of student privacy. Federal funds will be denied to any educational institution that refuses parents access to a student file or grants access to a student file without parental consent to anyone but another school official. In another area, grants ranging from \$100,000 to \$1-million will be provided to as-

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sist the states in evolving plans, following certain federal guidelines, to equalize state education expenditures among their school districts.

Educational Funding and Guaranteed Student Loans (P.L. 93-269, approved April 18, 1974)—Congress extended provisions of the General Education Provisions Act which permit school districts and State educational agencies to carry over funds appropriated in one fiscal year for expenditure in the following fiscal year. The provisions, in addition, allow districts and agencies to carry over unexpended fiscal 1973 funds, made available in fiscal 1974, for expenditure in fiscal 1975. Forward funding and permission to carry funds from one fiscal year to the next are intended to insure that school officials are able to make the wisest use of the funds without pressures to spend quickly following late availability of the funds. This Act also amends the provisions of Title IV of the Higher Education Act, concerning interest subsidy payments on guaranteed student loans, to eliminate a "needs" test for students whose families have an adjusted gross income of less than \$15,000 and who borrow more than \$2,000 in any academic year.

School Lunch Programs (P.L. 93-150, approved November 7, 1973)—Congress increased Federal aid to school nutrition programs hard hit by rising food costs in order to more adequately meet the nutrition requirements of needy children in our public school systems. The Federal payment per school lunch served was increased to ten cents, from the existing level of eight cents. The Act also increases Federal payments for free and reduced-price lunches served to needy students and for school breakfasts. The Federal payment for free lunches is increased to 45 cents, from 40 cents, and the minimum payment per reduced-price lunch to 35 cents, from 30 cents. Although President Nixon opposed the two-cent increase and threatened to veto the measure Congress sought to reduce the financial burden to the States and the approximately 28,000,000 students participating in the programs. The Act guarantees to the States cash payments instead of school food commodities in situations in which the Federal Government could not deliver food during a school year. The eligibility requirements were broadened for fiscal 1974 for the reduced price lunch program to children of families whose income was as much as 75 percent over the applicable poverty guidelines prescribed by the Secretary of Agriculture. The Act requires that school lunch funds be allocated to the States by a formula based on the number of free and reduced-price lunches served, rather than on the number of children classified as coming from low-income families. A special provision authorizes semiannual cost-of-living adjustments beginning January 1, 1974 to reflect automatically changes in the consumer price index for food served away from home. Congress also assured that children who qualify for free lunches shall also be eligible for free milk.

National School Lunch Amendments of 1974 (P.L. 93-326, approved June 30, 1974)—Action taken by both Houses during the Second Session assures that school lunch programs will continue to receive the normal level of agricultural commodities which for many years have been purchased and distributed to schools by the Department of Agriculture. This action was considered necessary in order to assure that the nutritional quality of the lunches served to children in the Nation's schools will be maintained. The Act further authorizes the Secretary of Agriculture, on a permissive basis, to utilize certain Federal funds to maintain the annually programmed level of direct food assistance to the school lunch program. Such provision was required because the Secretary of Agriculture's author-

ity to purchase commodities at market prices when crop surpluses were not available expired June 30, 1974.

Child Nutrition Programs (P.L. 93-13, approved March 30, 1973)—Because of a delay in purchases of food commodities for child nutrition programs by the Department of Agriculture, Congress was prompted early in the first session to pass legislation requiring that Federal commodity purchases for the school lunch and breakfast programs remain at the level budgeted by Congress for fiscal year 1973. The Secretary of Agriculture was required to determine by March 15 the total value of commodities the Department would be able to deliver to the States in the remaining four months of fiscal 1973 and to pay the difference by April 15 to State education agencies if the total value of those commodities was less than 90 percent of the value of commodities originally programmed. At the time this Act was passed, donations of beef, pork, cheese, fruits and vegetables were running behind, threatening the nutritional content of school meals and the continuation of free lunches for needy youngsters. Most States were receiving half as much in commodities as they received last year, and some States were even receiving as little as 30 percent of last year's level.

White House Conference on Libraries (P.L. 93-568, approved December 31, 1974)—This legislation authorizes a White House Conference on Library and Information Services no later than 1978, to be composed of representatives of Federal, State, and local governments, professional and lay people, and other members of the general public. It also establishes an Advisory Committee to be made up of (1) five persons designated by the Speaker of the House, not more than three of whom may be Members of the House; (2) five persons designated by the President pro tem of the Senate, not more than three of whom may be Members of the Senate; and (3) not more than fifteen persons appointed by the President. A total of \$3,500,000 is authorized for expenses.

Amendments to the measure alter the scope and terms of the Federal Student Privacy Act of 1974, by (1) applying the law, providing for student access to records on themselves, to educational agencies and institutions which receive funds from the Office of Education, (2) defining records to which they may have access, (3) making "directory information" available to the public without special consent if public notice is given and a parent if given the opportunity to object to its release, by exempting certain records from review by students in institutions of postsecondary education, and providing for waiver of access to certain confidential recommendations, but providing that such a waiver cannot be required as a precondition of admission, employment, or receipt of awards.

Other amendments require that hearings by educational agencies and institutions be conducted in accordance with regulations issued by the Secretary of Health, Education and Welfare, permit students and parents to insert written explanations into their education records, define a "student", broaden the access to education records, prohibit regionalization of the funds of the Secretary of HEW, and clarify third party access to education records.

Finally, this legislation also amends Title IX of the Education Amendments of 1972 by providing that the prohibition on sex discrimination shall not apply to membership practices of (1) certain social fraternities and social sororities, consisting primarily of students in attendance at an institution of higher education; and (2) voluntary youth service organizations, including the YMCA, the YWCA, Girl Scouts, Campfire Girls, and Boy Scouts, the membership of which traditionally has been limited to persons of one sex and to persons of 19 years of age or less.

National Foundation for the Arts and Humanities (P.L. 93-133, approved October 19, 1973)—Congress has approved legislation substantially increasing authorizations for the National Foundation for the Arts and Humanities which has advanced Federal and local encouragement and support for the arts and humanities. Congress authorized a total of \$145 million for fiscal 1974, \$200 million for fiscal 1975, and \$252 million for fiscal 1976. The minimum allotment for Federal arts grants to the States was increased to \$200,000 from \$65,000, and Federal art funds were authorized to be used for payment of up to 50 percent of the total cost of an approved project. Should the total allotment of the project exceed \$125,000, excess funds could be used to finance the entire cost of project so long as the total amount of full Federal funding did not exceed 20 percent of the total State allotment. For the humanities endowment, the new law provides equal funding with the arts and a requirement that the chairman correlate humanities programs with the States. The law increases to \$17,500 the limit on grants made by the chairman without consent of the respective councils.

Basic Educational Opportunity Grants (P.L. 93-35, approved May 16, 1973)—Congress determined that for the first time grants under the new Basic Educational Opportunity Grants program should be limited to first year full-time college students, thereby increasing individual grants to an average \$250 and a maximum \$600. Had Congress not limited the funds to first year students, the average grant under the program, it is estimated, would have only been a total of \$80, costing \$10 to administer per student. Funds for the grant program totaled \$122 million in fiscal 1973. The Act also extends the National Commission on the Financing of Postsecondary Education to June 30, 1974.

Professional Education Fellowship Program (P.L. 93-343, approved August 21, 1974)—This measure provides that fellowships for disadvantaged students to attend law school may be granted without regard to the limitations imposed by the Higher Education Act of 1965, as amended by P.L. 92-318, the Education Amendments of 1972. Essentially, this Act permits the Commissioner of Education to continue the program of grants operated by the Council of Legal Educational Opportunity on the same terms under which it had previously been operated by the Office of Economic Opportunity.

Alcohol and Drug Abuse Education Act Amendments of 1974 (P.L. 93-422, approved September 21, 1974)—With passage of this Act, Congress reaffirmed its clear intent to wage all-out war on the ravages of drug abuse and alcoholism. The measure extends the Drug Abuse Education Act of 1970 grant and contract authorities for another three years, through fiscal 1977, adds alcoholism to its authority, and makes the Commissioner of Education responsible for over-all administration. It authorizes a total of \$90 million over the next three years and requires that not less than 60% of this money be used for programs and projects in elementary and secondary schools. Activities that will be funded under the Act will include development, testing, evaluation and dissemination of curricular materials; development of comprehensive schools and community programs that focus on the causes of youthful drug and alcohol abuse; pre-service and in-service training for school personnel, law enforcement officers, and other public service and community leaders; and public education programs for parents and other interested persons in the community. Up to 10% of the sums appropriated will be available to State education agencies for the costs of assisting local education agencies in developing and carrying out drug and alcohol education programs. Not more than 1% of sums appropriated will be used for independent

analysis and evaluation of programs, and an annual evaluation report will be submitted to the congressional authorizing and appropriating committees.

Environmental Education Extension (H.R. 3927) passed the House October 24, 1973.—This legislation extends the Environmental Education Act (P.L. 91-516) for three years, authorizing appropriations of \$5 million in fiscal 1974, \$15 million in fiscal 1975 and \$25 million in fiscal 1976. First approved by Congress in 1970, the Act supports environmental education in elementary and secondary schools and in communities through curriculum development, teacher training, aid to State and local education agencies, preparation and distribution of materials for the mass media, planning of outdoor ecological study centers, and establishment of community education programs.

ENERGY

National Emergency Energy Act (S. 2589) vetoed by the President on March 6, 1974.—In an attempt to face immediately the problems of energy shortages, Congress approved the Emergency Energy Act which authorizes a variety of emergency measures to conserve and allocate available energy resources, including investing the President the exclusive right to declare rationing. The act establishes a system of congressional approval for such energy conservation measures as restricting store hours, setting shorter workweeks and requiring car pooling. Any conservation measures proposed by the President or his staff between now and March 1 can go into effect immediately. Either House of Congress, however, can repeal them by a majority vote within 15 legislative days of their taking effect until Congress has had 15 legislative days to study them. Either House could veto a conservation measure by a majority vote. After June 30, any presidential proposal to conserve energy will require approval by both Houses of Congress as a part of the regular legislative process, that is, through introduction and passage of a bill. The Act also provides general guidelines for granting priorities for scarce fuel, such as for moving men and farmers, and it provides for strict antitrust provisions. Any inclusion of fees or taxes in presidential rationing plans, without the express consent of Congress, is banned.

Emergency Petroleum Allocation Act (P.L. 93-159), approved November 27, 1973.—Although Congress gave the President authority to require sensible allocation of available fuel supplies nearly a year ago under the Economic Stabilization Act Amendments (P.L. 93-28), Congress was compelled because of President Nixon's delay in taking action to require the President to put into effect a mandatory allocation program within 30 days of enactment of P.L. 93-159. Additional time was granted for the allocation of gasoline and products already being allocated under the President's current plan, including propane, home heating oils and jet diesel fuels. The measure also covers the allocation of crude oil and refined petroleum products and permits retailers to pass on to consumers increases in wholesale prices while banning most oil exports and offering protection for independent retailers and refiners. Congress specified objectives to be considered by the President in drafting Federal regulations to establish guidelines for the use of fuels taking into consideration priorities such as maintenance of residential heating, operation of refineries at full capacity, protection of small refineries and maintenance of fuel production.

Extension of the Emergency Petroleum Allocation Act of 1973 (P.L. 93-511), approved December 5, 1974.—Recognizing the continuing need for petroleum allocation and pricing oversight by the Federal Government, Congress passed this bill to extend the

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life of the Emergency Petroleum Allocation Act of 1973 to August 31, 1975. The original act (P.L. 93-159) was passed in November 1973 in response to that summer's gasoline shortages and the Arab embargo on oil shipments to the United States following the Middle East war. This legislation puts priority in maintaining an adequate supply of home heating fuel, a priority which many House Members felt was responsible for the gasoline shortages of the winter of 1973-74. It is expected that full oversight hearings of the administration of this act will be conducted early in the next Congress to determine if the act should be continued and whether substantive amendments should be considered.

Federal Energy Administration (P.L. 93-275), approved May 7, 1974.—In light of an independent Federal Energy Administration to coordinate energy programs and evaluate our energy supplies and needs. The main purposes of this Act are to establish an integrated federal policy for conserving our scarce energy supplies, expanding our usable energy sources, and assuring a fair and equitable distribution of energy at reasonable consumer prices. To these ends, the Administrator of the Federal Energy Administration, appointed by the President with the advice and consent of the Senate, is responsible for directing programs concerning the production, conservation, use, control, distribution, rationing and allocation of all forms of energy.

The Administrator is to develop a comprehensive national energy policy designed to alleviate the energy shortage. Public reports on the nature, extent, and projected duration of the shortage, its economic impact, and governmental action being taken, are required. Special studies of petrochemicals, foreign ownership of domestic energy sources and supplies, our hydroelectric generating facilities, and the exportation of coal and petroleum projects are also to be undertaken.

Congress has appropriated \$75 million for fiscal year 1974 and \$200 million each for fiscal years 1975 and 1976 to the Federal Energy Administration for the purpose of implementing these goals and programs.

Energy Supply and Environmental Coordination (P.L. 93-319), approved June 22, 1974.—In order to promote the use of coal, one of our indigenous and cheaper fuels, Congress passed legislation authorizing the Federal Energy Administration to prohibit powerplants and fuel burning installations with coal burning capabilities from using natural gas or petroleum products as their primary energy source. The Administrator may also require that proposed powerplants be designed and constructed with coal use capabilities. Although pollution standards are temporarily relaxed, a timetable for the commercial utilization of emission control technology is established.

A number of studies and public reports are required under this Act. The Secretary of Transportation, in consultation with the Federal Energy Administrator, is to develop an emergency mass transportation assistance program which may include legislative recommendations for federal grants and tax incentives. An appropriation of \$3.5 million is authorized for a study on the chronic effects of exposure to sulfur oxide emissions. The Federal Energy Administration is directed to conduct an energy conservation study, including the possibilities of reducing energy demands, and the methods for increasing efficiency in the industrial use of energy. The Department of Transportation and the Federal Energy Administration are to conduct a joint study on the feasibility of increasing gas mileage through the establishment of fuel economy standards.

The Federal Energy Administration is also responsible for issuing quarterly reports on our domestic reserves and production of crude oil, natural gas and coal, the quantity

and distribution of fuel imports, refinery activities, and inventories. If necessary, the Federal Energy Administrator may subpoena information for inclusion in the report.

Energy Research and Development Administration (P.L. 93-348), approved October 11, 1974.—Congress approved H.R. 11510, a reorganization and consolidation of certain functions of the Federal government in a new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions. The new Energy Research Administration will be headed by an Administrator who would be appointed by the President with the advice and consent of the Senate. Serving under the Administrator will be five Assistant Administrators, who, respectively, will head the following five major areas: first, fossil energy development; second, nuclear energy development; third, research and advanced energy systems; fourth, environment safety and conservation; and fifth, national security. The authority of the Administration includes nonregulatory functions of the Atomic Energy Commission, in addition to energy research and development programs from other agencies. The Atomic Energy Commission, renamed the Nuclear Energy Commission, is to continue as a smaller organization to administer nuclear licensing and related functions. The Energy Administration is to serve as a central agency to develop energy policies and programs while exercising the central responsibility for planning, managing, supporting and conducting research and development programs and projects involving all energy sources and energy utilization techniques. Its range of programs will be broad, encompassing but not limited to, solar, tidal, wind, hydrogen, fossil fuel, synthetic fuel, nuclear and geothermal sources and processes. It will seek to exploit all promising energy potentials based on present knowledge and to take new directions pointed to by future research results. The Administration's overall responsibilities also will include the encouragement and conduct of research and development for the conservation of energy, for increasing the efficiency and reliability of energy sources and energy-utilizing devices, and for safeguarding the quality of our environment.

Special Energy Research and Development Appropriation (P.L. 93-322), approved June 30, 1974.—Recognizing the urgent need to expand research in the area of developing new energy resources, Congress appropriated for the first time in a regular appropriation bill \$2.2 billion for energy research and development in the 1974 fiscal year. Under this Act, \$1.5 billion is appropriated for atomic energy research, \$571 million for coal research, \$102 million for solar and geothermal energy research and \$54 million for pollution control. The development of low cost, non-polluting, indigenous energy sources is a primary aim of a comprehensive program to combat inflation, protect the environment and achieve independence from foreign energy sources.

Solar Heating and Cooling Demonstration Act (P.L. 93-409), approved September 3, 1974.—As part of a continuing effort to develop new sources of energy, Congress passed legislation providing \$60 million for a 5-year program demonstrating the feasibility of using solar energy to heat and cool buildings. Recognizing that solar energy offers a low cost, non-polluting alternative to fuel oil use, Congress acted to stimulate the commercial adaptation of solar energy technology. This program authorizes federal grants and loans to homeowners who agree to use solar energy in their homes, to business which produce solar energy use equipment, and for applied research in the solar energy field. At least 1,000 residential demonstration units in different geographic areas are contemplated. Federally owned and commer-

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cial buildings will also serve as demonstration projects. Under this program, different types of solar energy systems can be evaluated and their costs projected so that American homeowners may be made aware of the benefits, costs and potential of solar energy use. It has been estimated that over 25% of all energy consumed in the United States is used for heating and cooling buildings. If a third of that power is saved by the practical application of solar energy, it could save \$6 billion a year, while preserving our diminishing fossil fuel resources.

Solar Energy Research, Development and Demonstration Act (P.L. 93-473), approved October 26, 1974.—Recognizing the need for the United States to develop independent sources of energy and the fact that solar energy offers the most abundant potential energy source, the Congress passed H.R. 16371 ensuring this energy source would be fully utilized. The Act establishes a Solar Energy Coordination and Management Project composed of five members representing those Federal agencies currently involved in solar energy research—the National Science Foundation, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Housing and Urban Development, and the Federal Power Commission. An additional member will be appointed, and the chairman designated, by the President.

The Project has three essential responsibilities: (1) to determine and evaluate the resource base by developing better methods for predicting availability, measuring the quality and quantity of solar resources, collecting, evaluating and assessing information gleaned from inventories, regional surveys and the exchange of data with other nations, and formulating legislative recommendations for a Federal leasing policy; (2) research and development of solar energy technology including the practical application of such technology and its environmental impact; and (3) the demonstration of the technical and economic feasibility of solar energy utilization through the design and construction of power plants using direct conversion of solar energy, windpower, ocean thermal gradients and organic waste materials. The Project will coordinate and approve all solar energy programs, a function which will be transferred to the Federal Energy Research and Development Administration when it is established.

The Chairman of the Project is also directed to establish a Solar Energy Information Data Bank, a Solar Energy Research Institute and a Solar Energy Incentives Task Force empowered to make legislative recommendations designed to accelerate the commercial application and consumer utilization of solar energy. The National Science Foundation is responsible for developing and supporting scientific and technical education in the solar energy field.

Geothermal Energy Research, Development and Demonstration Act (P.L. 93-410), approved September 3, 1974.—Recognizing that the generation of electrical energy from geothermal resources is potentially economically and environmentally desirable, Congress enacted legislation providing for the utilization of these existing resources through the establishment of a Geothermal Energy Coordination and Management Project. The Project will include five members representing Federal agencies currently involved in geothermal research and development—the National Science Foundation, the Department of Interior, the National Aeronautics and Space Administration, the Atomic Energy Commission and the Federal Energy Administration—and one member appointed by the President. The primary responsibilities of the Project are (1) resource inventory and assessment, including the improvement of techniques for locating and

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evaluating geothermal resources, developing better methods for projecting their power potential, and formulating legislative recommendations for a Federal leasing policy; (2) research and development, particularly in the areas of improving existing drilling methods, other extraction techniques and emission control, developing processes for the conversion of by-products to useful purposes, and identifying the social, legal, economic, and environmental consequences of geothermal energy utilization; (3) demonstration of geothermal energy potential through the construction and design of pilot plants and test facilities for component evaluation; and (4) loan guarantees up to \$50 million annually for the commercial development of geothermal energy technology. The National Science Foundation is also directed to support scientific education programs to assure sufficient personnel for the implementation of this program.

Geothermal energy offers a major alternative energy source, which, if fully developed, is capable of producing 395 billion watts of geothermal electricity by the year 2000, according to a 1972 RAND study. Geothermal resources include steam, brine, hot water and hot rocks which also produce valuable by-products such as potable water and mineral compounds when processed.

Alaska Pipeline (P.L. 93-153), approved November 16, 1973.—The Congress cleared the way for immediate construction across Alaska of a 789-mile oil pipeline, to be built by a consortium of seven oil companies at a cost now estimated at \$4.5 billion. The pipeline will carry oil from Alaska's rich North Slope fields at Prudhoe Bay nearly 800 miles through the permafrost and tundra to the southern port of Valdez. From there, the oil will be shipped by tankers to the West Coast. It is estimated that by 1980 these fields can supply 2 million barrels a day of the total anticipated U.S. daily need of 22 million barrels. The Act imposes strict damage liability of up to \$50 million without regard to fault on the owners of the pipeline for any polluting incident on land. Strict liability on the owners of tankers carrying oil from the pipeline without regard to fault is set at \$100 million for any one oil spill, with the owner or operator liable for the first \$14 million and a liability fund, set up in the bill, liable for the balance. Congress also authorized the Secretary of the Interior to issue a permit granting a right-of-way across Federal lands for construction of the pipeline and barred further judicial review of the pipeline's impact under the National Environmental Policy Act. Congress included two unrelated provisions one of which allows the Federal Trade Commission to seek preliminary injunctions to stop deceptive or unfair practices and to represent itself in court if the Justice Department fails to take action within ten days. The second provision allows independent regulatory agencies to seek data from businesses without the approval of the Office of Management and Budget, if the General Accounting Office certifies that the information is not available elsewhere and no major burden is placed on the businesses.

Emergency National Maximum Highway Speed Limit (P.L. 93-239), approved January 2, 1974.—To effect an immediate decrease in gasoline fuel consumption, Congress passed legislation seeking to create uniformity throughout the United States in reduced speed limits by permitting States to lower their speed limits below 55 miles per hour, and setting a mandatory 55-mile-per-hour limit on multiple-lane highways which were divided by medial barriers. The Secretary of Transportation is directed to cut off Federal highway funds to States which failed to establish a maximum speed of 55 miles per hour within 60 days of enactment. The Act also authorizes the use of up to \$1 million in Federal highway funds for each State

which establishes a one-year demonstration program to encourage the use of car pools and sets an expiration date for the legislation of June 30, 1975.

The primary thrust of the bill is to conserve energy. It was also necessary, however, to come up with the proper speeds which would not only present an optimum of fuel savings, but at the same time preserve the economic, safety and public-acceptance considerations which would make such a provision most effective. It serves as an action which can be done now without any cost to the Federal Government and can be a major step forward in conserving energy.

Natural Gas Pipeline Safety Act Amendments of 1974 (P.L. 93-403), approved August 30, 1974.—Since 1969, fatalities resulting from natural gas pipeline accidents have nearly tripled in number. Through the enactment of the National Pipeline Safety Act Amendments of 1974 Congress has provided for an extension of Public Law 90-480 which created, for the first time, comprehensive, complete, and enforceable safety procedures regulating the pipeline transportation of flammable, toxic, and corrosive gases. Specifically the Act (1) directs the Secretary of Transportation to establish standards for collection, transmission and distribution of natural gas; (2) sets civil penalties for violations of the Act; (3) provides authorized appropriations for fiscal years 1969-1971; (4) authorizes the Secretary to pay up to 50 percent of the costs of State programs to bring pipeline safety up to Federal standards; and (5) directs the Secretary to set up a 15-member Technical Pipeline Safety Standards Committee.

The amendments to the Natural Gas Pipeline Safety Act passed by the 93d Congress provide grants-in-aid of \$1,800,000 for fiscal year 1975 and \$2,500,000 for fiscal 1976 to aid in the pipeline safety programs in the several states. An additional appropriation of \$2,000,000 for fiscal year 1975 and \$2,850,000 for fiscal year 1976 was approved to carry out the provisions of the Act other than Federal grants-in-aid.

Daylight Savings Time (P.L. 93-182), approved December 15, 1973.—In order to save an estimated two percent of the fuel used for the generation of electricity, Congress placed the Nation on year-round daylight savings time until the last Sunday in April 1975. The switchover is to take place on January 6, 1974. It is estimated that the action will save an estimated equivalent of 150,000 barrels of oil a day during the winter months. Am radio stations allowed to operate only during daylight hours will be allowed to come on the air one hour in advance of local sunrise. The Act further provides for the Department of Transportation to study the energy conserved as a result of the move to daylight savings and to determine whether daylight savings should be extended after April 1975.

Daylight Savings Time (P.L. 93-434), approved October 5, 1974.—In response to the energy crisis experienced by the Nation in the winter months of 1973/1974, Congress adopted legislation creating year-round daylight savings time (PL 93-182) to save an estimated two percent of the fuel used for the generation of electricity. Congress passed a new measure which would exempt the months of November, December, January, and February from year-round daylight savings time. The Act also extends by one month, until July 31, 1975, the time given to the Secretary of Transportation to submit his final report to Congress on the effects of daylight savings time on energy consumption.

Federal Nonnuclear Research and Development Act (P.L. 93-577), approved December 31, 1974.—In order to harness energy sources not yet tapped, legislation was passed to provide for a concentrated nonnuclear research and development program emphasizing the exploitation of non-polluting en-

ergy sources such as oil shale, solar and geothermal energy, wind and tidal power, and hydrogen. Recycling solid wastes and developing more energy-efficient transportation systems are important aims of this program. Grants, loans and other incentives will be provided to business and academic institutions for development of programs and projects providing more efficient energy use and reducing waste in energy production. The Council on Environmental Quality and the Water Resources Council will bear the responsibility of analyzing the effect these programs will have on our existing resources and the environment. A total of \$20 billion may be appropriated over a 10 year period for the implementation of this program.

Nuclear Energy Information Reports to Congress (P.L. 93-514, approved December 8, 1974)—Congress provided for the availability of additional nuclear energy information by passage of S. 3802 which amends the Atomic Energy Act of 1954 by requiring the Joint Committee on Atomic Energy to make annual reports to the Congress no later than June 30 of each year on the development, use, and control of nuclear energy for both defense and peaceful purposes. The reports will insure that all Members are adequately informed as to the developments in the field of nuclear energy, and they will assist the appropriate committees of Congress in the exercise of informed judgment on matters of weaponry, foreign policy, defense, international trade, and in respect to the expenditure and appropriation of Government revenues.

Atomic Energy Commission Authorizations, FY 1974 (P.L. 93-60, approved July 6, 1973)—Congress authorized a total of \$2,469,755,000 for the Atomic Energy Commission for fiscal year 1974. The amount was \$103,495,000 less than the Administration request. Increases over budget requests were authorized in the areas of uranium enrichment, civilian reactor programs, nuclear fusion and underground stimulation of nuclear gas. Major decreases were approved in the weapons program and in capital and equipment funding. The Atomic Energy Commission has the responsibility to protect the health and safety of the public, and to regulate the control and use of sources, by-products, and special nuclear materials. In addition, the Commission is charged with the responsibility to consider whether major actions in the development and conduct of AEC programs and in its licensing activities would be likely to result in a significant, adverse impact on the environment.

Atomic Energy Commission Authorizations, FY 1975 (P.L. 93-276, approved May 10, 1974)—For Fiscal Year 1975, Congress increased authorized appropriations for the Atomic Energy Commission by 45 percent over the Fiscal 1974 budget, from \$2,469,755,000 to \$3,677,433,000. Although part of this increase reflects the expanding budget for energy research, almost half of it is attributable to the growing costs of new and continuing construction projects. One amendment to the recommendations of the Joint Committee on Atomic Energy was approved, authorizing an additional \$600,000 to construct a solar heating and cooling demonstration project at the AEC laboratory in Los Alamos, New Mexico. In addition to the funds for solar energy research, the legislation provides \$654.8 million for nuclear materials; \$875.2 million for weapons research and testing; \$371.5 million for civilian reactor research and development; \$52.9 million for reactor safety research; \$166.5 million for environmental and biomedical research and safety; \$286.8 for physical research; \$32.3 million for applied energy technology; and \$161.5 million for naval reactor development. The separate authorization for plant and capital equipment was increased from \$718.3 million in fiscal 1974 to \$1,130,900 for Fiscal 1975.

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Supplemental AEC Authorizations, FY 1975 (P.L. 93-576, approved December 31, 1974)—With the passage of H.R. 16609 providing supplemental appropriations for the Atomic Energy Commission, the House provided additional funds for weapons testing to accommodate the higher yield tests deemed necessary by the AEC before implementation of the Threshold Test Ban Treaty, scheduled to become effective March 31, 1976, and assured that there would be adequate funds for research and development programs aimed at developing safeguard techniques for the numerous processes involving the handling of special nuclear material. The House voted to authorize additional appropriations of \$62,200,000 for operating expenses and \$18,300,000 for plant and capital equipment.

The supplemental funds for the nuclear weapons program will support efforts by the AEC to initiate a significantly modified series of testing programs, and to help alleviate the effects which could result from the reduction to the weapons laboratories' advanced testing programs. Particularly strengthened will be weapons laboratories' efforts in such areas as materials and high explosives research.

Specifically regarding the supplemental funds for safeguards, the AEC had indicated that many of the studies of this area have concluded that the safeguards area of transportation, including related communications aspects, needed to be strengthened. These funds will upgrade the AEC's capability to protect nuclear materials in transit.

Deepwater Port Act of 1974 (P.L. 93-627, approved January 3, 1975)—Although Congress has enacted legislation establishing several programs aimed at making the United States energy independent, it also has recognized that the importation of crude oil will continue to be an important means of satisfying our country's energy needs. This legislation makes possible the construction of urgently needed deepwater port facilities, while at the same time protecting the public interest and the environment. It will enable our Nation to take full advantage of the savings available through the use of the very large supertankers for the transport of oil. Under the provisions of this act, deepwater port facilities will be licensed for construction and operation by the Secretary of Transportation with the approval of the Governor of the adjacent coastal State or States. There are procedures for evaluation and consideration of license applications, including environmental impact statements and public hearings. In addition, environmental review criteria are to be established for the evaluation of applications and such applications for licenses must be reviewed for their anti-trust implications. The Act also contains comprehensive provisions relating to the prevention and cleanup of oil spills and compensation for any pollution damage which might be caused by oil spills.

Energy Transportation Security Act of 1974 (H.R. 8193 pocket vetoed by the President, December 20, 1974)—In an effort to reduce the nearly complete dependence of the United States on foreign-flag vessels for its oil imports, the Congress approved a measure requiring that a percentage of certain liquid petroleum products be imported on U.S.-flag vessels. This action will assist in relieving the American dual dependence on foreign interests for both petroleum and the shipping thereof; obviously this is a measure which will increase our independence in meeting our energy needs and further protect our environment by requiring that a certain percentage of our oil be shipped in American flag vessels.

Specifically this Act will require that 20 percent of our petroleum imports go on U.S. flag vessels. This percentage would escalate to 25 percent after June 30, 1975 and to 30 percent after June 30, 1977. This legislation,

in addition to maintaining the tanker capability of the U.S. to move our petroleum requirements will also result in a substantial balance of payments benefits to the United States at a time when this is of utmost importance. The bill excludes by specific provision in law those refineries whose total refinery capacity does not exceed 30,000 barrels per day. Such provision protects the small refiner in those contracts for foreign oil in which the supplier nation requires that the oil be shipped in vessels of its own flag. One important provision of this legislation designed to protect the environment of our shores establishes an antipollution construction standard of general applicability to all self-propelled vessels in excess of 70,000 deadweight tons, designed for the carriage of oil in bulk and documented under the laws of the United States, including vessels qualifying for cargo under this Act. All U.S. vessels of this category, if contracted for after December 31, 1975, must be constructed using the best available pollution prevention technology.

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Surface Mining Control Act (S. 425 vetoed by the President December 30, 1974)—Surface mining surpassed deep mining in 1971 as the Nation's leading method of coal production. Since 1970, 850 deep mines have been closed. Strip mining is less costly, but without site reclamation, land is destroyed and surrounding bodies of water polluted. In an attempt to cope with the problem of the Nation's increasing need for coal for fuel and also with the obvious need to stabilize the environment, the Congress after careful consideration adopted this legislation to establish a nationwide program to prevent adverse effects to society and the environment from strip mining.

This legislation provides the basic standard that lands may not be surface mined unless they can be reclaimed and give the principal responsibility for surface mining regulation to the States, allowing them 30 months to prepare adequate regulatory programs to meet the minimum standards of the Act. Federal funding is available to help the States prepare and enforce such programs. In addition the legislation establishes a reclamation program to repair past damages from both surface and underground coal mines in all regions of the country. In order to pay for this program of reclamation for the next 10 years a fee of 35 cents per ton for surface mined coal and 25 cents per ton for underground mined coal or 10 percent of the value of such coal, whichever is less, will be assessed. The Act stipulates that one-half of this money must be spent in the State in which it is collected.

The Act also authorizes the Secretary of the Interior to establish State mining and mineral resources research institutes at State or other eligible universities with the hope that this will help avoid future materials and personnel shortages. In order to protect the surface owner of land where coal deposits have been reserved by the Federal Government, this legislation establishes as Federal coal leasing policy a requirement that the Secretary of the Interior not lease for surface mining without the consent of the surface owner. Federal coal deposits underlying land owned by a person who has his principal place of residence on the land, or personally farms or ranches the land affected by the mining operation, or receives directly a "significant portion" of his income from such farming.

The Act also provides for generous compensation to the surface owner, based not only upon the market value of the property of the land, but also the costs of dislocation and relocation, loss of income, and other values and damages. The procedure for obtaining surface owner consent is intended to assure that the surface owner will

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be dealing solely with the Secretary of the Interior.

Toxic Substances Control Act of 1973 (S. 426 passed the House July 23, 1973)—The House and Senate passed legislation giving the Environmental Protection Agency the power to control the sale and production of potentially harmful chemicals. Both bills contain provisions for citizen suits against alleged violators of the Toxic Substances Control Act. The House version authorizes the administrator of the EPA to require testing of certain chemical substances if necessary to protect health or the environment; directs the EPA administrator to identify and publish in the Federal Register a list of chemical substances which he finds could pose substantial danger to human health or the environment; prohibits the manufacture, for new use, of any existing chemical listed by the administrator as potentially dangerous unless at least 90 days prior to production the manufacturer submits test data to the administration showing the new use does not pose a danger to health or the environment; prohibits the manufacture and distribution of any new chemical listed by the administrator as potentially dangerous unless at least 90 days prior to production the manufacturer submits test data showing the substance poses no unreasonable risk to health or the environment; authorizes the administrator to require chemical producers to submit reports to him on manufactured chemicals; and establishes a 12-member Chemical Substances Board in the EPA to advise the administrator in carrying out provisions in the bill. The House version authorizes funds for fiscal 1974 through fiscal 1976.

Safe Drinking Water Act (P.L. 93-523, approved December 16, 1974)—Congress for the first time ever authorized the Federal government to establish minimum standards for the Nation's drinking water, authorizing appropriations of \$156 million. Although the effective date for the development of final standards by the Environmental Protection Agency is four years after the bill's enactment, the standards 180 days after the bill becomes law. Agency is required to promulgate primary standards which will take effect eighteen months after enactment.

Furthermore the Agency is directed to contract with the National Academy of Science (NAS) for a study to determine the maximum allowable level of contaminants in drinking water. The NAS is required to report to Congress within two years after the bill becomes law. Pursuant to receiving this report, the Environmental Protection Agency is to develop appropriate standards.

Primary enforcement of the standards rests with State governments, and the Agency is empowered to bring suit against States not complying with the appropriate regulations. Furthermore, twenty-seven months after enactment, citizens can bring suit against the Agency and/or water systems operators in order to secure enforcement of the Act. The delay is designed to give local systems time to put the new standards into effect. Water systems operators too are required to notify their users of any violation of Agency regulations.

The Environmental Protection Agency is also authorized to act in time of drinking water emergencies by allocating treatment chemicals. In addition, the Agency is authorized to act as the grantor of loans of up to \$50,000 to small public water systems. Finally, the Agency is directed to conduct a survey of chemicals that might cause cancer when used as treatment in drinking water.

Ocean Pollution Control (P.L. 93-119, approved October 4, 1973)—This Act seeks to curb discharges of oil from ocean-going vessels and to regulate oil tankers by implementing the 1969 and 1971 amendments to the 1954 Convention on the Prevention of

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Pollution of the Seas by Oil. The 1969 amendments to the convention deal with the routine discharge of oil from tankers and other ships arising principally from tank cleaning operations while at sea. The 1971 amendments were a first step at the international level toward developing tanker construction standards that will minimize the impact of spillage by limiting the volume of oil that may be carried in each cargo cell of the ship. Under present conditions, it is estimated that a total of almost one million metric tons of oil are discharged into the oceans each year from tank washings and oil blast discharges. Of this amount, U.S. registered tankers are estimated to contribute approximately 53,000 or about six percent of the total. This Act increases the penalties to provide a more realistic sanction for violators. The new penalties for oil spillage provide for a maximum fine of \$10,000 and imprisonment for not more than one year for willful discharges in violation of the Act, a civil penalty of not more than \$10,000 for either a willful or negligent discharge in violation of the Act and a civil penalty of not more than \$5,000 for any other violation of the Act or regulation not amounting to a discharge. Under the present provisions, the maximum fine is \$2,500 and no civil penalties are provided for. This legislation is an important step forward in our effort to reduce and eventually eliminate all intentional discharges.

Certain Ocean Dumping Prohibited (P.L. 93-254, approved March 22, 1974)—For many years this Nation and others have been almost completely indifferent to their treatment of one of the earth's primary resources, the oceans. In the last Congress, the 92nd, the House and Senate passed the Marine Protection, Research, and Sanctuaries Act in response to the growing concern over damage to the marine life of our coastal waters and an awareness of the problems in other countries relating to the dumping of deadly mercury compounds in coastal waters. This legislation brings conformity between the legislation of the 92nd Congress and the provisions of the Marine Pollution Convention, adopted in London in November 1972.

In addition to providing technical and conforming language between the earlier legislation and the Convention, the Act expands the definition of materials to be controlled to include oil which is taken on board for the purpose of dumping. It further imposes a duty upon the Administrator of the Environmental Protection Agency in carrying out his permit responsibility under the former act to include within his criteria those provisions of the Convention. However, he may not in any manner weaken the existing national requirements.

Marine Protection, Research and Sanctuaries Act Authorizations (P.L. 93-472, approved October 26, 1974)—This Act extends for one year, through fiscal year 1975, the appropriations authorized to implement title I of the Marine Protection, Research, and Sanctuaries Act of 1972, the so-called Ocean Dumping Act, controlling disposal of land-generated waste at sea. The extension makes it possible for the 94th Congress to conduct oversight hearings into the whole problem of ocean waste disposal while continuing the present program. It reflects a commitment both to America and to the international community for further protection of ocean waters and extends protective regulatory activities to U.S. ocean waters.

Coastal Zone Management Act Amendment (P.L. 93-612, approved January 2, 1975)—In order to improve administration of coastal zone management grants by the Department of Commerce, Congress amended the Act of 1972 to increase the authorization for program development grants from \$9 million to \$12 million in order to clear the way for an expected administration request for an

additional \$3 million in planning funds for this fiscal year. The Act also provides for removing the present 10-percent limitation on the amount an individual State can receive for administering a completed coastal zone program and replaces it with specific per year dollar limitations of \$2 million for fiscal year 1975, \$2.5 million for fiscal year 1976, and \$3 million for fiscal year 1977.

Saline Water Program Authorization (P.L. 93-51, approved July 1, 1973)—Congress authorized \$9.1 million to be spent on research development, construction and operation of saline water conversion test beds and facilities, construction and operation of saline water conversion modules, and administration and coordination of the program. Authorized by Congress in 1952 the saline water program is responsible for research into the conversion of brackish water and seawater into fresh water at costs that would be comparable to that of supplying natural fresh water.

Saline Water Conversion Extension (P.L. 93-342, approved July 10, 1974)—This Act extends the Saline Water Program Authorization Act of 1973 for fiscal 1975, and provides \$14 million for research during that period, a substantial increase over earlier funding.

Water Resources Development Act (P.L. 93-251, approved March 7, 1974)—This bill replaces previous legislation that had been vetoed by the President in 1972, by providing for new ways of ensuring efficiency and economy in the construction of public works projects as well as innovative approaches to flood control and environmental problems. A total of \$1.3 billion was authorized over fiscal 1974-79 for construction, repair, design, and development of navigation, flood control and other water resources projects.

Among innovative procedures included in the legislation are the institution of a new two-step authorization process for most types of water works projects. Under the process, after a project had been fully designed and studies for environmental impact, it must be reapproved by Congress for construction funding. In addition, projects authorized for longer than eight years, but never funded, would be automatically cancelled unless Congress objected. The measure also prohibits implementation of the Administration's interest rate formula for approving or disapproving all future water resources projects, without congressional approval. Instead, the bill gives the force of law to the formula established by the Water Resources Council in 1968. H.R. 10203 also includes an authorization for new pilot programs to control erosion along coastal and lake shorelines and streambanks and a provision providing for testing of flood control methods not requiring the use of physical structures.

Extension of Certain Authorizations of the Federal Water Pollution Control Act (P.L. 93-592, approved January 2, 1975)—This legislation extends the authority for four sections of the Federal Water Pollution Control Act which expired on June 30, 1974. These sections have been covered since the expiration date by a continuing resolution which would have expired when the 93rd Congress adjourned sine die. These four provisions authorize programs of research, training, and information, grants to State and interstate water pollution control agencies, and scholarships and training grants to colleges and universities. Also this Act provides for an additional authorization for the study being conducted by the National Commission on Water Quality. The Commission is charged with making a full and complete investigation and study of all of the technological aspects, and all aspects of the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals of the Federal Water Pollution Control Act.

Water Resources Development Act (P.L. 93-251, approved March 7, 1974)—As an omnibus bill, incorporating the bulk of water resources development legislation, this Act effects several major policy changes and authorizes or modifies various Corps of Engineers projects, with provision (under the phase I design memorandum stage) for congressional review of several prior to the initiation of actual construction. Major demonstration programs for protection against streambank and shoreline erosion, for deauthorization of projects not receiving appropriations for an 8 year period, and for non-structural alternatives (flood proofing, evacuation, flood plain management, etc.) which may be utilized as all or part of flood control projects are among the provisions. Further, the interest rate for evaluating water resources is specified to be determined in the manner it had been previously (until changed by act of Congress). The interest rate had been raised administratively, making it more difficult to determine whether projects are economically feasible. A similar provision in a previous bill had resulted in a Presidential veto. The Water Resources Development Act of 1974 strengthens and extends an overall concern for the protection of a vital environmental resource.

National Sea Grant College Extension Act (P.L. 93-73, approved July 10, 1973)—In extending the National Sea Grant College in the Department of Commerce, Congress provided authorizations of \$30 million, \$40 million, and \$50 million for fiscal years 1974, 1975, and 1976 respectively. Congress also authorized \$200,000 for a study of the means of sharing, through cooperative programs with other nations, the results of marine research and provided the Secretary of Commerce with authority to make contracts and grants to participants for this purpose without matching share requirements.

Waste Treatment Fund Allocations (P.L. 93-243, approved January 2, 1974)—Acting in response to suggestions by States and the allocation formula for waste treatment funds under the Federal Water Pollution Control Act of 1972 be amended, Congress enacted a new formula in 1973. Prior to the passage of the Federal Water Pollution Control Act Amendments of 1972, water treatment funds were distributed to States on the basis of population. This formula was modified in 1972 in response to criticism that a population measure for allocation was not necessarily a good reflection of the actual "needs" of a State. The 1972 Act provided that funds be allocated based upon a "needs" survey which was conducted by the Environmental Protection Agency and required that a new survey be conducted every two years.

The Waste Treatment Fund Allocation Act of 1973 is designed to meet the criticisms of many States that the "needs" survey was not necessarily accurate, and that the allocation formula needed to be changed. The new formula provided in the Act will be used only for FY 1975 allotments, and requires that 50 percent of each State's share of the total allotment be based on the ratio of the individual State's total construction needs (based on the EPA survey) to the total of all States. The other 50 percent is to be based on the ratio of the costs of three specific categories of pollution control facilities (secondary treatment, tertiary treatment, and new interceptor sewers, force mains and pumping stations). In addition, the new formula stipulates that no State receive less than it received in FY 1972.

Clean Air Act Extension (P.L. 93-15, approved April 9, 1973)—In extending the Clean Air Act of 1970, Congress authorized \$475 million for fiscal 1974 for air pollution and automobile emission control programs established under the Act. Included in the authorizations are \$150 million for research

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on fuels and vehicles and \$25 million for development of low-emission vehicles.

Clean Air Act Extension (P.L. 93-319, approved June 22, 1974)—The continuing effects of the petroleum shortages and the pre-eminent energy need have aggravated the problem of implementing the provisions of the Clean Air Act of 1970. Earlier proposals seeking to amend that Act were considered in extensive hearings affecting automobile emission control standards, allowable air quality deterioration, transportation control plans, and the impact on air quality of conversion to coal and of short-term suspensions of stationary source emission limitations. A bill including temporary suspension of emission and fuel limitations for power plants converting to coal, delays of statutory emission standards until 1978, and extension of auto emission standards to 1976 was vetoed by the President; nevertheless most of its provisions were embodied in the legislation finally passed, the Energy Supply and Environmental Coordination Act, permitting a temporary easing of environmental control standards during the present period of critical energy need. While thus recognizing the necessity for flexibility imposed by the Nation's industrial priorities, the new law also provides for reassessment of the situation by Congress in extending the \$475 million funding-level to June of 1975. There will be careful scrutiny of the law's effects upon the level of air pollution and the development of control technology. Appropriations for fiscal 1974 totaled \$172.8 million.

Solid Waste Disposal Act Extension (P.L. 93-14, approved April 9, 1973)—Congress also extended the Solid Waste Disposal Act of 1970, authorizing \$238.5 million for fiscal 1974 for waste recycling programs funded under the 1970 Act. Included in the authorizations are \$76 million for development of recycling and waste-disposal techniques, \$140 million in grants for demonstration of resource-recovery systems and construction of waste-disposal facilities, and \$22.5 million for research on disposal of mining wastes.

Solid Waste Disposal Authorizations (P.L. 93-611, approved January 2, 1975)—Under this legislation, the House extended for two years appropriations authorized by the Solid Waste Disposal Act for 1975 and 1976 at the levels provided for fiscal years 1973 and 1974. Refuse and solid waste disposal continues to be a major and urgent problem in the Nation's cities and towns. This extension makes it possible for the present program to continue its operations to help reduce municipal expenses, increase resource recovery, and improve solid waste practices. The problem of solid waste disposal represents a National expenditure second only to education and welfare in its magnitude and vitally important to the Nation's environmental health.

TVA Pollution Prevention Facilities (H.R. 11929 pocket vetoed by the President December 23, 1974)—This Act reflects the fact that the growing cost of environmental controls is detracting from the ability of the Tennessee Valley Authority to meet the goals and objectives set for TVA by Congress. The Authority was established by the Congress in 1933 as a multipurpose resource agency to work on conservation development, land use, and other conservation-related programs. Under terms of Federal legislation the Authority's power program is to be self supporting and a portion of the original Federal outlay is to be repaid by the Authority to the Federal government. However, the Tennessee Valley Authority, like other power producing systems, must comply with all of the environmental controls applicable to any other power system set forth in the Federal Water Pollution Control Act and the Clean Air Act. These programs require the expenditures of vast sums of money for expensive environmental controls equipment. The purpose of this legislation is to give the TVA credits

against its Federal debt for a certain percentage of its expenditures relating to pollution control devices.

Expansion of Conservation and Rehabilitation Programs on Certain Lands (P.L. 93-452, approved October 18, 1974)—With the passage of H.R. 11537, the House and Senate acted affirmatively to extend the game conservation and rehabilitation programs presently carried out only on military reservations and to provide for the carrying out of such programs on certain other federally owned lands, namely, Bureau of Land Management lands within the Department of the Interior, National Forest Lands within the Department of Agriculture, Atomic Energy Commission lands, and National Aeronautics and Space Administration lands.

Much of the land covered by this Act has tremendous wildlife enhancement potential while other areas are important in the preservation of endangered and threatened species of fish and wildlife. Additionally, these areas throughout the United States provide our citizenry with a variety of recreational activities. Use of these is made by pleasure boaters, nature photographers, birdwatchers, amateur naturalists, and others in pursuit of high quality outdoor recreation.

Title I of H.R. 11537 authorized \$1.5 million to carry out expanded recreational programs on military reservations. In addition, in order to assist the Secretary of the Interior in carrying out his functions and responsibilities under any cooperative agreements to which he is a party affecting these lands, this act authorized to be appropriated to him the sum of \$2 million per year for a five-year period.

Title II of this act provides for the carrying out of the highly successful Sikes Act game conservation and rehabilitation program, formerly authorized only for military reservations, on other Federal lands throughout the United States. Title II of the act covers \$450 million acres of Bureau of Land Management lands, 187 million acres of national forest lands, 2 million acres of Atomic Energy Commission lands, and many thousands of acres of NASA lands.

Appropriations Ceiling Increases for National Park System (P.L. 93-477, approved October 26, 1974)—Congress provided for increases in the appropriation ceilings for and boundary changes in certain units of the national park system, as well as authorizing appropriations for land acquisition in that system. It represents a step forward toward the objectives of the National Park System. As an omnibus bill, it was the product of 19 separate proposals, many of which involved full legislative hearings. Appropriations for selected land acquisition will be made from the land and water conservation fund set aside by the Congress to serve the Nation's recreational needs. The additional funding and boundary changes affecting 15 units in the national park system reflect continuing National concern with improvement and expansion of that system for the benefit of all our people.

Wild and Scenic Rivers Amendment (P.L. 93-261, approved January 3, 1975)—This proposed amendment to the Wild and Scenic Rivers Act of 1968 authorizes a study of thirteen rivers or river segments for their potential value as wild, scenic, or recreational areas. Recommendations regarding them will be submitted to the Congress within approximately four years of the bill's enactment. The purpose of this legislation is to further the goals of the wild and scenic rivers system, preserving some of the Nation's most beautiful heritage for further generations. A proper course of action can be determined once adequate and serious study is given the river areas covered by the bill.

National Wildlife Refuge System Administration (P.L. 93-509, approved December 3, 1974)—The National Wildlife Refuge Sys-

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tem Administration Act Amendment of 1974 amends the 1956 law by requiring payment of a fair market value for right-of-way or other interests granted in connection with the purpose of the Wildlife Refuge System. Vetoed by the President in its original form (H.R. 11541), it was rewritten and subsequently passed in both houses. In providing for the replacement of lands used for roads, canals, pipelines, and the like, this amendment seeks to preserve wildlife refuge lands during this period of intensified energy development. Receipts from the right-of-way grants will be used for continuing land acquisition in wildlife refuges.

Forest and Rangeland Renewal Resources Planning Act of 1974 (P.L. 93-378, approved August 17, 1974)—This Act establishes more long-range planning for the National Forest System, and congressional control over management of the National Forest System lands. Under its provisions, the Administration is required to prepare a national renewable resource assessment of all such lands and resources and a Forest service renewable resource program. Both the assessment and the program must be submitted to Congress for review. The estimated cost over the next five years for implementing this Act is \$4.9 million.

The legislation provides purposeful direction for development and management of the National Forest System, promoting coordination of both the commodity and amenity resources and uses of that system. The renewable resources program, to be prepared under the terms of the Act, will be the most comprehensive and coordinated situation review and action programs ever prepared for either the national forests or the associated work of the Forest Service in cooperative programs and research. Provisions have been made for alternative programs. Development of the renewable resources program will be in accordance with the principles set forth in the Multiple Use-Sustained Yield Act of 1960 and the National Environmental Policy Act of 1969.

User Fees in Recreational Facilities (P.L. 93-81, approved August 1, 1973)—This Act specifies those kinds of outdoor recreational facilities at which Federal agencies may charge user fees. It amends the Flood Control Act of 1968 to allow for the collection of fees for the use of highly developed Federal outdoor recreation facilities. The Act does not allow for fees to be charged for daily use of water areas, lightly developed shoreland or boat-launching ramps where no mechanical or hydraulic equipment is provided.

Youth Conservation Corps Act (P.L. 93-408, approved September 3, 1974)—In the Second Session, Congress passed S. 1871, amending the Youth Conservation Corps Act of 1972 by expanding the Youth Conservation Corps (YCC) and by establishing it as a permanent agency in the Department of the Interior and the Department of Agriculture. The Corps serves two purposes. First, it enables young people to benefit by the experience of doing work—hard, outdoor work—that offers a sense of accomplishment, and of doing work for which they are paid. Second, the work done by YCC members has, in the words of the Act, "developed, enhanced, and maintained the natural resources of the United States" and may be expected to do so in the future. The Act establishes the Youth Conservation Corps in the Department of the Interior and the Department of Agriculture. The YCC is to be composed of young men and women from all socio-economic backgrounds and races who are 15 to 18 years old and are permanent residents of the United States, its territories and possessions, or Puerto Rico. They are to receive fair compensation and no member is to work more than ninety days in any year.

The Secretaries of the Interior and Agriculture are to determine areas within their own jurisdictions—and, in consultation with

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other Federal agencies, areas under the jurisdiction of these agencies—which are appropriate for Corps projects and are to plan work and education programs in such areas. The two Secretaries have authority to determine pay, hours, and other conditions of work for YCC members, who are not covered by Civil Service laws and regulations.

The Secretaries of the Interior and of Agriculture may make grants amounting to a maximum of 90 percent of the cost of any project to States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands and American Samoa for programs similar to those of the Youth Conservation Corps designed to develop and maintain non-Federal public lands and waters. The Act sets an appropriation ceiling of \$60 million for each fiscal year, with the proviso that any unspent funds shall remain available until the end of the following fiscal year.

National Flood Insurance (P.L. 93-234, approved December 31, 1973)—As passed by Congress, P.L. 93-234 increases coverage limits under the Federal insurance program and requires communities designated as flood-prone areas to participate in the program. The Act amends the National Flood Insurance Act of 1968 to raise the limit on the amount of Federal flood insurance coverage that could be outstanding at any one time to \$10 billion, from the existing \$6 billion level, and greatly increases coverage available for residential and non-residential structures and their contents. Communities identified by the Secretary of Housing and Urban Development as flood-prone areas are required to participate in the flood insurance program or face withholding of certain Federal funding. Priority consideration is to be given to the establishment and maintenance of conservation areas in the formulation of land use and control measures under the flood insurance program. In addition, the Secretary of HUD is required to establish procedures for consultation with elected community officials in notifying and identifying flood-prone areas and applying criteria for land management and use. The governing body of any community which is adversely affected by a final determination by the Secretary under the bill or the 1968 Act may appeal the determination to a U.S. District Court within 60 days after receipt of notice of the determination.

Endangered Species (P.L. 93-205, approved December 28, 1973)—Both Houses have passed legislation to extend existing protections of fish and wildlife to species that were likely to become endangered in the foreseeable future as well as those in immediate danger of extinction. The Act extends protection to animals which were having trouble surviving in any significant portion of their habitat, rather than only those facing extinction; make it a Federal offense to import or export endangered species, to transport such species within the United States, upon its territorial waters or upon the high seas, to possess, sell transport or receive species in violation of the Act, to deliver, sell, receive, or transport endangered species or products made from them in interstate or foreign commerce, or to trade or possess specimens contrary to the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed on March 3, 1973. In addition, the act also provides civil penalties for each violation of the Act and a fine or imprisonment or both for willful violation of the Act. It permits States to enact laws which are more restrictive than the provisions of the Act. Funds were authorized to implement the Act for fiscal 1974 through fiscal 1976.

Anadromous Fish Conservation Act Amendments (P.L. 93-362, approved July 30, 1974)—In mid 1974, Congress reaffirmed and extended its commitment to support a Fed-

eral-State program designed to provide for the conservation, development, and enhancement of our Nation's supply of salt water and Great Lakes fish who ascend streams and rivers to spawn. The Anadromous Fish Conservation Act was first passed in 1966 to provide assistance to States for the construction of fish passages around dams, and programs to insure clean water for spawning and rearing young fish. Congress extended the termination date of the program from June 30, 1974 to June 30, 1979 and increased the appropriations authorized in the act from \$10,000,000 per year to \$20,000,000 per year. The Federal matching contribution percentage was increased from 60% to 66 2/3% of the total Federal-State allotment, and authority was also given in the act to use funds for the control of the sea lamprey.

Northwest Atlantic Fisheries Act Amendment (P.L. 93-339, approved July 10, 1974)—P.L. 93-339 amends the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographical areas, pursuant to the International Convention for the Northwest Atlantic Fisheries. Extending the ICNAF's zone for fish conservation southward from Rhode Island to Cape Hatteras, North Carolina to take into account the migratory movement of certain species of fish is intended to enable better conservation of fish stocks along the Atlantic coast.

Colorado Basin Bill (P.L. 93-320, approved June 20, 1974)—In order to settle a troublesome issue in our relations with Mexico, this Congress passed provisions to regulate the salinity content of water flowing into Mexico in the Colorado River. Water pledged to Mexico under a 1944 treaty had been becoming increasingly saline due to its use and reuse in the 1400 miles it travels through seven States before reaching Mexico. Since 1961, the increase in the saline levels had prompted the Mexican government to press for a revised agreement to cover the quality of the water in the lower river which affects almost 10 million persons and 1 million acres of irrigated land. President Nixon and President Luis Echeverria of Mexico approved an agreement on water quality on August 30, 1973, which would limit salinity of the water going into Mexico to not more than 115 parts per million parts. This bill implements this pledge made by the President by authorizing the construction of a desalting plant near the Mexican-American border and the lining of about 49 miles of the Coachella Canal to reduce water losses.

Wild and Scenic Rivers System Act (S. 921 passed the House December 3, 1973)—The House passed legislation amending the Wild and Scenic Rivers Act of 1968 to prohibit, for an additional five years (until 1978), the licensing and construction of all potentially dangerous water resource projects on designated waterways and adjacent land areas, which have been included or are under study for inclusion in the wild and scenic rivers system. The House version would authorize a maximum funding ceiling for land acquisition at existing units in the system and set an expiration date at the end of fiscal year 1978. The bill would require the Secretary of the Interior and the Secretary of Agriculture (when national forest land is involved) to notify Congress 180 days prior to publication in the Federal Register of a decision that a river is unsuitable for inclusion in the system. This provision allows Congress sufficient time to review such findings before any activities which might carry adverse effects to the water are initiated. The bill would also broaden the definition of scenic easements to include lands which contribute to the wild and scenic quality of the designated river. The 1968 Act was enacted to save the few remaining free-flowing rivers and their immediate environment from pollution and commercialism. The Act designated segments of eight rivers as initial components of the system, and also named twenty-seven addi-

tional rivers for study for possible inclusion. These rivers are a part of the national wild and scenic rivers system and are maintained and administered by appropriate Federal and State agencies, in such a manner that enhances and protects their scenic, historic, and recreational values. The Act also placed a five year moratorium on all Federal agencies with regard to the licensing and construction of any water resource project which might adversely affect the water or immediate environment of the selected rivers.

FEDERAL EMPLOYEES

Federal Employees Annuity Increase (P.L. 93-136, approved October 24, 1973)—Retired Federal Government workers and postal employees will receive a 5.5 percent annuity increase effective January 1, 1974 to be reflected in their February annuity checks due on the .8 percent increase in October's consumer price index. The new CPI base figure is 136.6. In order to trigger the next annuity increase, it would have to rise to 140.7, the minimum 3 percent increase required by law. For the first time Federal and postal employees will no longer be required to retire before the date of the increase to get the raise. Under the recently enacted deferred annuity law, employees who retire after the date of an annuity raise will receive at least as great an annuity as if they had retired before the date of the increase.

Federal Employees Health Programs (P.L. 93-246, approved January 31, 1974)—Congress approved a compromise health insurance bill for Government workers that increases the Government contribution to employees' health care plans from the present 40 percent contribution to 50 percent in 1974 and 60 percent in 1975. The legislation requires the health insurance companies to comply with Civil Service Commission rulings in case of disputed claims filed by Federal and postal workers. Previously, employees who were dissatisfied with the way their health insurance claims had been settled had little chance of getting the matter adjudicated.

Federal Employees Leave (P.L. 93-181, approved December 14, 1973)—Congress gave final approval to legislation liberalizing Federal employee use of annual leave. The Act gives employees cash for the unused leave they earn during the year they leave the Government, and protects their annual leave against loss as a result of administrative error or because work exigencies prevent their using it.

Minimum Federal Annuity (P.L. 92-273, approved April 26, 1974)—Congress acted to equalize the Federal annuity payments with those provided to persons who receive pensions under the social security system. The new minimum rate will be coupled with automatic cost of living increases. It also provides for an extra \$240 per year to the pensions of Federal retirees who left the Federal Service prior to October 1, 1969. As passed, however, the Act does not apply to retirees from the Federal Civil Service who currently receive Social Security or Veterans' pensions.

Postal Service Retirement Contributions (P.L. 93-349, approved July 12, 1974)—Under the Postal Reorganization Act of 1970, postal employees negotiate for increases in salaries and benefits. It was determined that the Postal Service was not required by that law to contribute to the Civil Service Retirement Fund sums of money which would reflect the agency's contribution correspondent with increased benefits. This act provides for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees.

Elimination of Survivor Annuity Reductions (P.L. 93-474, approved October 28, 1974)—As S. 628 cleared the Congress, a Federal retiree would not have his annuity

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reduced for survivor benefits during months in which he was not married. At the present time there is an annuity reduction for a retiree, if he so elects, in order to provide an annuity to his spouse upon his death. However, if the spouse pre-deceases the annuitant the reduced annuity is maintained.

Mandatory Retirement Age (H.R. 3798 passed the House April 16, 1973)—The bill would amend 5 U.S.C. §335 to require mandatory separation from the Federal Service at the time an employee reaches 70 years of age and has completed five years of service. At the present time the age requirement is 70 years, but the service time requirement is fifteen years.

Employee Retirement Contributions Adjusted (H.R. 9257 passed the House October 1, 1973)—Studies have revealed that employees are contributing more into the Civil Service Retirement Fund than is required to meet the current demands on the fund. The bill, as passed by the House, would allow for fund and for a further adjustment in the rate dependent on demands on the fund.

Federal Employees' Compensation Act Amendments (P.L. 93-416, approved September 7, 1974)—This Act provides workers' compensation benefits for Federal employees injured or killed in the course of performing their jobs. Eight years had passed since the previous major amendments to the Federal Employees Compensation Act had been enacted. Congress felt that the social and economic changes which had developed during that time demanded a careful study of the provisions for Federal workmen's compensation. The amendments provide for improved protection against rising medical and living costs for Federal employees and their survivors who receive benefits. The amendments guarantee reemployment rights, within certain time limitations, at the same or an equivalent position upon recovery. The amendments also increase the compensation benefits for survivors.

Federal Employees' Per Diem (S. 3341 vetoed by President January 2, 1975)—Hearings on the issue of travel allowances and per diem rates for Federal employees demonstrated that many employees are required to pay for some food and housing from personal funds while in a travel status because the current per diem and mileage allowances are not adequate. The Congress, therefore, acted to increase those allowances. The Act provides that the General Services Administration, the agency charged with promulgating travel regulations, be authorized to issue regulations which allow expenditures of government funds for travel up to certain maximums. The domestic per diem rate may be set at a maximum of \$35 as opposed to the current maximum of \$25. For travel outside the continental United States, the per diem allowance will be established for each locality where an employee is assigned temporary duty. Under special circumstances the domestic maximum may be set at \$50 per diem and non-domestic travel be allowed \$21 per diem in addition to the amount set according to locality.

The mileage allowances may be set with minimum and maximum ranges of from \$.08 to \$.11 a mile for use of privately owned motor cycles; from \$.15 to \$.20 a mile for use of privately owned automobiles; and from \$.18 to \$.24 a mile for use of privately owned airplanes. The employees may also be reimbursed for parking fees, ferry fees, bridge, road, and tunnel costs and airplane landing and tie-down fees. The law previously did not allow payment of airplane landing and tie-down fees.

The General Services Administration is required to confer with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense and representatives of employee organizations to make periodic studies of travel costs and to report annually to Congress.

The Act provides that per diem and mileage reimbursements for disabled veterans, entitled to such, be at the same rates as those set for Government employees.

Federal Employee and Executive Pay Increases—During the course of the 93rd Congress, Members were required to consider three important salary proposals for Federal employees and executives. In February 1974 (under the provisions of P.L. 90-207, approved December 16, 1967) the President submitted his recommendations for salary increases for top officials in the Executive, Legislative and Judicial branches. These increases would have affected all positions on the Executive Salary Schedule, all Federal judges and Members of Congress. The increases would have gone into effect unless either chamber of Congress acted to disapprove them. Hearings were held and resolutions of disapproval were introduced in both Houses. The Senate passed a resolution of disapproval (S. Res. 293, passed March 6, 1974) and the proposal was killed.

Under the provisions of P.L. 91-656 (approved January 8, 1971) there will be an adjustment in Federal General Schedule and related salaries each October 1st, unless the President submits an alternate plan in which he sets forth a proposal to eliminate or delay the adjustment due to national economic exigencies. In 1973 and in 1974 alternate plans were submitted to the Congress which would have delayed the adjustments by several months. If either house disapproved the plans, the adjustments would go into effect as scheduled in the law. In both instances enough members of Congress were of the opinion that inflation must be fought on broader ground than just Federal employees' salaries and that those salaries must be kept at a level where the employees would not suffer unduly because of increases in the cost of living. Both plans were disapproved (S. Res. 171 passed the Senate September 28, 1973. S. Res. 394 passed the Senate September 19, 1974).

FOREIGN AFFAIRS AND NATIONAL DEFENSE

Vietnam Bombing Halt (P.L. 93-52, approved July 1, 1973)—In a major congressional initiative, Congress voted to halt United States bombing in Cambodia, effective August 15, ending the U.S. combat role in Southeast Asia. The amendment to the Continuing Appropriations Act for fiscal year 1973 bars the use of any past, present or future appropriations to support combat activities in or over not only Cambodia, but Laos, North Vietnam and South Vietnam after the deadline date. The Act prohibits any funds appropriated under it to be used to provide assistance in the reconstruction or rehabilitation of North Vietnam. Similar provisions were approved by Congress as an amendment to the Second Supplemental Appropriations Act for fiscal 1973 (P.L. 93-50). Earlier this year, the President vetoed the original Second Supplemental Appropriations Act for fiscal 1973 (H.R. 7447) which contained a provision cutting off immediately all funds for combat activity in Cambodia and Laos.

Foreign Aid Authorization for Fiscal Year 1974 (P.L. 93-189, approved December 17, 1973)—For foreign military aid for fiscal 1974, Congress approved an authorization of \$962.5 million for military assistance and \$1,429.7 million for economic assistance, including \$504 million in postwar aid to South Vietnam, Laos and Cambodia. The Act authorizes \$300 million in military sales credits for Israel and grants the Department of Defense authority to borrow up to \$200 million worth of munitions from its stockpile for aid to Cambodia. The total figure for foreign aid of \$2,392,234,000 represents an amount nearly \$400 million less than the Administration's request. The largest cut was in the Administration's military aid request. Conferees approved provisions which bar aid to countries expropriating U.S. property until

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U.S. claims are settled (but giving authority for a presidential waiver) and which cut aid to Portugal, if such aid is used for Portuguese military operations in Africa.

Foreign Aid Authorization for Fiscal Year 1975 (P.L. 93-559, approved December 30, 1974)—Congress passed a foreign aid bill for fiscal year 1975 authorizing the expenditure of \$2.89 billion. This represented a cut of almost \$555 million from the amount requested by the Ford Administration. The bill was composed of numerous provisions and amendments restricting U.S. aid for certain purposes, thereby reflecting policy views of the Congress. A chief provision orders an immediate military aid cutoff to Turkey until substantial progress is made toward resolving the Cyprus question, but the President is permitted to delay the cutoff until February 5, 1975 if he considers it to be in the interest of the negotiations. Turkey may receive aid until the date provided that it obeys the Cyprus ceasefire and refrains from sending more troops or armaments to that island. The foreign aid package reflected much interest in the Middle East situation, with over one billion dollars authorized for that region. Israel receives the bulk of the assistance, \$325 million in economic aid and \$300 million in military sales. Egypt would receive \$250 million in economic aid, and a special fund of \$100 million was established with aid to Syria possible if it removes barriers to the emigration of Jews. In response to the recent expulsion of Israel from UNESCO, the United States would be prohibited from making further contributions to that organization until it takes action to correct recent political decisions. In another world trouble spot, Indochina, \$617 million was authorized for postwar reconstruction of which \$449.9 million was allocated for South Vietnam, \$100 million for Cambodia, and \$40 million for Laos. These funds are prohibited from being transferred to military programs. A total aid ceiling of \$377 million was established for Cambodia with a subceiling of \$200 million for military aid, and a ceiling of \$70 million was created for all aid to Laos with a subceiling of \$30 million for military aid. Assistance to South Korea was limited to \$145 million, with the provision that it could be increased by \$20 million if the President certified to Congress that human rights were being expanded there. This was a reaction to the authoritarian practices which have recently come to light under President Park Chung Hee's regime. Other provisions of the foreign aid package include a \$25 million limit on aid to Chile, none of which can be used for military purposes, a limit on funds which can be used by the Central Intelligence Agency, and an allocation of \$25 million to aid refugees from Cyprus. The bill includes \$600 for the military assistance program, a cut of \$385 million from the Administration request, and \$500 million for food and nutrition programs.

Cut-off of Military Aid to Turkey (P.L. 93-448, approved October 17, 1974)—Congress reached agreement with the President on H.J. Res. 1167 on a restriction of U.S. Military aid to Turkey, following two Presidential vetoes of similar measures. The House and Senate both passed the continuing appropriations resolution for fiscal year 1975, with the Turkey provision included therein. Under the language agreed to, all military assistance to the Turkish Government is to be halted after December 10, 1974 until the President determines that substantial progress has been made toward achieving a resolution of the Cyprus situation and that Turkey is in compliance with the Foreign Military Sales Act of 1961 and the Foreign Military Sales Act. All such aid would stop immediately if Turkey violates the cease-fire on Cyprus, increases its forces on Cyprus, or ships any U.S. armaments to the island. The President was given the authority to suspend the aid cut-off if he determines that such a suspension would

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further the chances for a negotiated settlement. The ban resulted from charges that Turkey had violated the Foreign Assistance Act of 1961 and the Foreign Military Sales Act which prohibit the use of any U.S. military equipment in offensive actions. It was also maintained that the continued supply of U.S. armaments was detrimental to the ultimate goal of bringing about a negotiated settlement over Cyprus.

Nuclear Agreement Controls (P.L. 93-485, approved October 26, 1974)—Congress passed legislation this session to provide itself with veto power over international agreements regarding certain nuclear technology. Under this Act, as signed by the President, any international agreement on peaceful uses of nuclear technology involving reactors producing more than five thermal megawatts must be submitted to the Congress and referred to the Joint Committee on Atomic Energy. The Joint Committee would have thirty days in which to submit a report to Congress and to propose a concurrent resolution approving or disapproving the agreement in question. Following the initial thirty days, the concurrent resolution would have thirty days in which to be approved or disapproved, and if a concurrent resolution disfavoring the agreement is passed, the agreement would be nullified. This legislation was prompted by President Nixon's offer in June to sell nuclear reactors to Israel and Egypt for peaceful purposes.

Upon examining existing laws, the Joint Committee determined that there is no law currently prohibiting such agreements, and the legislation under consideration was seen as another indication of Congress' insistence on a voice in foreign affairs.

Liability for Nuclear Incidents Involving U.S. Warships (P.L. 93-513, approved December 6, 1974)—Congress gave final clearance in the Second Session to a bill assuming liability by the United States for nuclear incidents involving U.S. nuclear warships. The legislation authorizes the President to make reparations for bodily injury or death and property damage in the event that such an accident occurs, provided that it not be the result of armed combat or civil insurrection. Money for reparations would come from Defense Department contingency funds or, if necessary, from specific congressional authorization. The intent of this action was to facilitate the entry of U.S. nuclear warships into foreign ports by alleviating the concerns of the host nations for the possible effects of a nuclear accident. Although there has never been an accident involving naval reactors, of which 127 are in existence today, the assumption of absolute liability by the U.S. was seen as consistent with our policy in related matters. The Atomic Energy Act already contains provisions for strict or absolute liability for accidents involving commercial reactors, as in the case of the Savannah, the first nuclear powered merchant ship. The measure was expected to make it easier for the U.S. to negotiate visits by nuclear warships to foreign ports, such as in the ongoing renegotiation of the Spanish Base Agreement.

Military Procurement Authorization for Fiscal 1974 (P.L. 93-155, approved November 16, 1973)—For military weapons procurement and research and development of weapons systems, Congress authorized \$21,299,520,000 for fiscal year 1974, \$660 million less than the Administration requested. Included in the authorizations were funds for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons. For research and development a total of \$8,194,885,000 was authorized. The Act also authorized an active duty force of 2,232,902 persons, a reduction of 43,000 from the present level of 2,289,000. A reserve force of 924,065 persons was authorized. A prohibition was placed on the spending of any

funds for deployment or construction of any anti-ballistic missile system other than at Grand Forks, North Dakota. The Act contains a provision directing the Secretary of Health, Education and Welfare to take all necessary steps to ensure continued inpatient services at eight public health service hospitals throughout the country which the Administration had attempted to phase out. The President vetoed legislation containing funds for the hospitals on August 1 of this year.

Military Procurement Authorization for Fiscal 1975 (P.L. 93-365, approved August 6, 1974)—During the Second Session, Congress authorized a total of \$22,159,364,000 for military procurement, research and development for fiscal year 1975, a cut of \$970,775,000 from the amount requested by the Nixon Administration. Almost \$13 billion was allocated for weapons procurement, and the remaining \$9 billion for research and development. The Act includes a ceiling of \$1 billion on military aid to the forces of South Vietnam, \$600,000,000 less than the amount requested by the Defense Department. Furthermore, a prohibition was placed on any funds to the South Vietnamese for actions designed to assist the Governments of Cambodia or Laos. Another major component of the military procurement package was the authorization for the Secretary of Defense to recommend a denial of exports to any Soviet-bloc nation of goods or technology developed as a result of Defense programs. This provision would affect the Soviet Union, Poland, Romania, Hungary, Bulgaria, Czechoslovakia, and East Germany and is designed to insure that none of these nations will improve its own military capabilities as a result of America's defense programs. Under the procedures outlined, the Secretary of Defense can request of the President a denial of certain applications for exports. If the President disagrees with the Secretary, he is required to submit both of their views to the Congress, which can, within sixty days, adopt a concurrent resolution disapproving the export application.

Military Construction Authorization for Fiscal 1974 (P.L. 93-168, approved November 29, 1973)—Congress cleared an authorization of \$2,773,584,000 for military construction projects in the United States and overseas for fiscal 1974. The amount approved was \$218,929,999 below the Defense Department request of \$2,992,513,000. The largest single program authorization was for military family housing with an authorization of \$1,179,039,000. The average ceiling cost of a family housing unit was increased by Congress from \$24,000 to \$27,500 in the United States and \$33,500 to \$38,000 outside the country. In addition to family housing authorizations, the Act contains construction authorizations for the Army, Navy, Air Force, Defense Agencies and Reserve Forces for fiscal 1974. Congress also approved a \$12 million authorization for transfer of the Navy's weapons testing range from the Puerto Rican island of Culebra to two uninhabited islands nearby.

Military Construction Authorization for Fiscal 1975 (P.L. 93-552, approved December 27, 1974)—Congress passed a military construction bill which authorizes the expenditure of \$2,984,378 during fiscal year 1975, a cut of \$347,400,000 from the amount requested by the Administration. The most controversial issue in the legislation was the inclusion of funds for the expansion of the Navy's communication station on Diego Garcia, a British-owned island in the Indian Ocean. Supporters of the Diego Garcia funding saw it as an important indication of the U.S. presence in that region, whereas critics feared that increased activity there could be misinterpreted by the Soviet Union as a threat to its sphere of influence. A total of \$14,802,000 was authorized for expansion of the Diego Garcia Facility, about half of the Administration's request. However, a provi-

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sion was included to prohibit these funds from being allocated until the President certified in writing that the expansion was in the vital interests of the United States. Within 60 days following such a certification, either house of Congress could nullify the authorization by voting its disapproval. The funds authorized for Diego Garcia were later deleted from the military construction appropriations bill, but the President was given the option of seeking a new authorization in the next Congress if he deemed it in the U.S. national interest.

State Department Authorization (P.L. 93-126, approved October 18, 1973)—Another congressional protest over the manner in which this Administration handled U.S. involvement in the Indochina War is embodied in P.L. 93-126. It requires prior congressional authorization for use on or after August 15, 1973, of any funds "heretofore or hereafter appropriated" to finance the involvement of U.S. armed forces in hostilities in, over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia. Congress also barred the use of funds "heretofore or hereafter appropriated" for aid to North Vietnam unless specifically authorized by Congress. The two prohibitions were approved as amendments to this year's State Department Authorization Act which authorizes \$682 million for fiscal 1974. In an attempt to curb the practice of rewarding campaign contributors with top diplomatic posts in other countries, Congress required in this legislation that any person nominated by the President for ambassador or minister must disclose at the time of his nomination all political contributions and those of his immediate family for the period from the first day of the fourth calendar year preceding the year of the nomination and ending on the date of his nomination.

USIA Authorization (P.L. 93-188, approved November 29, 1973)—Congress cleared an authorization of \$215,614,000 for the U.S. Information Agency in fiscal 1974 after a Presidential veto of a similar bill (S. 1317) on October 23. The original bill contained an access-to-information clause, directed at expanding congressional access to USIA documents. The provision would have required a cutoff of funds for the USIA if the agency failed to respond within 35 days to a written request of either the House Foreign Affairs or the Senate Foreign Relations Committees for documents or other information relating to the agency. In vetoing this bill the President claimed that the access-to-information provision was an unconstitutional encroachment on executive prerogatives. The new bill bars the use of any appropriation for programs not yet authorized or any appropriations above the amount authorized, but makes this provision non-applicable to funds subsequently authorized or to funds made available through the fiscal 1974 continuing funding resolution.

State Department—United States Information Agency Fiscal 1975 Authorization (P.L. 93-475, approved October 26, 1974)—For Fiscal Year 1975, Congress authorized an expenditure of \$741,901,000 for the State Department's operations and programs and \$239,538,000 for the United States Information Agency. The figure for the State Department is \$62,123,000 less than the Administration requested. In response to increased terrorist activities against foreign service personnel, Congress authorized the payment of a gratuity to the surviving dependent of any Foreign Service employee killed in the line of duty in the amount of one year's salary of the deceased. This provision was made retroactive to January 1, 1973 and would be applicable to the six persons who died under those circumstances between January 1, 1973 and August 1974. Included in this legislation is \$40,000,000 to aid in the resettlement of Jews emigrating from the Soviet Union. This ac-

represents a continuation of U.S. policy during the past two years, when \$86,500,000 was appropriated for this purpose.

The authorization Act also repeals the Formosa Resolution of 1955 which authorized the President to send U.S. Forces to the defense of Formosa, the Pescadores and related territory in the area. This provision was seen as an indication of congressional efforts to place limits on U.S. commitments abroad. Another provision requires that nominees for ambassadorial posts must have listed in the Congressional Record reports on political contributions they have made, in order to try to separate political considerations from such appointments. Finally, it was declared the sense of Congress that U.S. civilian and military personnel overseas be reduced and that a five-year plan on future U.S. aid to South Vietnam be submitted to Congress for consideration.

Israel Emergency Assistance (P.L. 93-199, approved December 26, 1973)—In order to assist Israel to replace military equipment used during the recent Mideast war between Israel and the Arab states, Congress voted \$2.2 billion in aid. The assistance authorization was attached to the Foreign Aid Appropriations Act for fiscal 1974, and agreed to after the House rejected an effort to cut from the bill \$20 million in military credit sales for Saudi Arabia. The purpose of the emergency assistance measure is to help maintain a military balance necessary for the achievement of peace in the Middle East through authorizing funds in emergency security assistance to Israel. The legislation places certain restrictions on the use of assistance in excess of \$1.5 billion. Prior to the obligation or expenditure of such assistance the President will be required to make a determination that the aid is needed, and he must report to the Congress at least 20 days prior to the date on which funds are obligated. Congress also authorized the President to use such sums as may be necessary from the amounts authorized in the bill, for payment of the U.S. share of the expense of the United Nations Emergency Force in the Middle East. The legislation directs the Secretary of Defense to conduct a study of the 1973 Arab-Israeli conflict to ascertain the effectiveness of the foreign military assistance program as it related to the Mideast conflict and to report to Congress no later than December 31, 1974. The President is authorized, at any time prior to June 30, 1974, to release Israel from its contractual liability to pay for defense articles and services purchased or financed under the Foreign Military Sales Act during the period from October 6, 1973 through June 30, 1974 and to apply the funds approved in this Act to those contracts.

Radio Free Europe and Radio Liberty (P.L. 93-129, approved October 1, 1973)—For fiscal 1974, Congress authorized appropriations of \$50,209,000 for operation of Radio Free Europe and Radio Liberty. The Act creates a new seven-member Board for International Broadcasting to make grants to the stations and to oversee their operations, a duty previously performed by the Department of State. The Board had been recommended by a presidential commission set up to study alternative methods of financing the two radio systems.

Coast Guard Authorizations, Fiscal 1974 (P.L. 93-65, approved July 9, 1973)—For Fiscal Year 1974 Congress authorized appropriations for the Coast Guard totaling \$109,239,000 for procurement and renovation of vessels, for aircraft, and for construction. A maximum number of active duty personnel was set at 37,607. The authorization provides \$23,979,000 for the procurement and renovation of vessels and \$75,260,000 for construction. In addition, there are special authorizations of \$3,000,000 for the procurement of a long range search and rescue heli-

copter and \$7,000,000 for payments to bridge owners for alteration of railroad and public highway bridges to permit navigation.

Coast Guard Authorizations, Fiscal 1975 (P.L. 93-430, approved October 1, 1974)—Fiscal Year 1975 authorizations for the Coast Guard include \$22,676,000 for the procurement and renovation of vessels, including pollution control equipment for Coast Guard vessels; \$17,793,000 for procurement of eight medium-range search aircraft; and \$74,731,000 for construction and development of installations and facilities. Maximum active duty strength was raised from 37,607 to 37,748. The Act also directs the Secretary of the Coast Guard to cooperate with the Secretaries of Commerce, State, Defense, and Treasury, and with the Attorney General in conducting a study of methods of enforcing fishery management jurisdiction in U.S. waters, including the possible extension of U.S. jurisdiction. The methods to be studied include, but are not limited to, the use of satellites, remote sensing, vessels, aircraft, radar, and devices implanted on the seafloor.

International Development Association (P.L. 93-373, approved August 14, 1974)—An expenditure of \$1.5 billion over a four year period was approved by Congress as the United States' fourth contribution to the International Development Association. The agency is a branch of the World Bank that makes long-term loans with little or no interest to the poorest developing nations for programs in transportation, education, agriculture, and industrial areas. In a formula worked out in 1973, the United States contribution was reduced from 40 percent to 33 1/3 percent of the entire fund. In addition to the general authorization, the legislation instructs the U.S. Governor to the Association to vote against loans to countries developing nuclear devices unless they are parties to the Non-Proliferation of Nuclear Weapons Treaty. This provision was included as a response to a nuclear explosion by India in June, 1974.

Asian Development Bank Authorizations (P.L. 93-537, approved December 22, 1974)—Congress passed legislation authorizing \$362 million over a three year period for the capital replenishment of the Asian Development Bank. The purpose of the Bank is to invest funds contributed by wealthy nations in Asia and the West in the economic development of the poorer nations of Asia. Forty-one nations are official members of the Bank, 17 of which are donors to the capital pool—now totaling \$2.8 billion. The funds authorized by the House are part of the replenishment effort underway by donor nations since 1972. Unlike the practice in other lending institutions, the United States is not the principal contributor. To date, the most money has been contributed by Japan, followed by India and Australia, and then the U.S. The largest recipient nations have been, in order, South Korea, Philippines, Pakistan, Malaysia, and Thailand. The types of projects in which funds have been invested include electric power, industry, transportation and communications, and agriculture. This legislation restores the U.S. voting power to seventeen percent, the same as Japan's, and represents the first U.S. contribution since the Bank was founded in 1966.

United Nations Peacekeeping Forces (H.R. 16982 passed the House November 18, 1974)—The House passed and sent to the Senate legislation authorizing funds for the United Nations peacekeeping forces in the Middle East and Cyprus for fiscal 1975. A total of \$4.8 million was allocated for the United Nations Force in Cyprus, and a total of not more than 28.89 percent of the cost of the United Nations Disengagement Observer Force and the Emergency Force in the Middle East was authorized for the operations in that area. This represents the same percentage the United States paid during the

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past year. The total was expected to reach about \$24 million for the current fiscal year. The Middle Eastern forces include 5,527 troops along the Israeli-Egyptian border and 1,191 troops separating the Syrians from the Israelis. They are authorized by the U.N. General Assembly to serve as a buffer between the Middle Eastern adversaries, while the process of disengagement of opposing forces and the search for a permanent settlement are pursued. The United States contribution to the forces, the highest of any U.N. member nation, was seen as an integral part of the U.S. efforts to bring about peace in that region.

Foreign Disaster Assistance (P.L. 93-333, approved July 8, 1974)—In order to assist in foreign disaster relief Congress authorized an expenditure of \$150 million for disaster relief programs in Pakistan, Nicaragua, Ethiopia, and the Sahelian nations of Africa. Of the total amount, \$65 million is for rehabilitation and reconstruction activities in Nicaragua, in response to the 1972 earthquake, and in Pakistan, following the floods of 1973. The remainder, \$85 million, is to be allocated to the drought- and famine-stricken nations of Sahelian Africa (encompassing Mauritania, Senegal, Mali, Niger, Chad, and Upper Volta) and to Ethiopia, which is limited to not more than \$10 million of the total authorization. The \$85 million for Africa could be expended notwithstanding any prohibitions or restrictions contained in the Foreign Assistance Act of 1961. This legislation also incorporates a provision directing the Secretary of State to keep appropriate committees of Congress informed of any negotiations with foreign powers on the cancellation, renegotiation, rescheduling, or settlement of any debt owed to the United States. Furthermore, the text of any such agreement must be submitted to the Speaker of the House and to the appropriate Senate committee within thirty days before it is to take effect.

Intervention on the High Seas Act (P.L. 93-248, approved February 5, 1974)—The purpose of the Act is to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The Convention was signed on November 29, 1969, at Brussels by the representatives of the United States Government. On September 20, 1971 the Senate gave its advice and consent to ratification of the Convention. The Convention will come into force following the date on which the Governments of fifteen States have either signed it without reservation or have deposited instruments of ratification, acceptance, approval, or accession. As of January 1974 eleven countries had either signed without reservation, ratified, or acceded to the Convention. The purpose of P.L. 93-248 is to enforce the provisions of the Convention.

The Act authorizes the necessary measures on the high seas to prevent, mitigate or eliminate grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil which may reasonably be expected to result in major harmful consequences. The interests protected include fish, shellfish and other living marine resources, wildlife, coastal zone and estuarine activities, and public and private shorelines and beaches.

When the Secretary (of the department in which the Coast Guard is operating) determines that a grave and imminent danger exists, he may coordinate and direct efforts to remove or eliminate the threatened pollution damage; he may undertake salvage or other action to remove or eliminate the threatened pollution; and he may remove and, if necessary, destroy the ship and cargo which is the source of the danger. The Secretary must review, through extensive consultation, what would likely happen if the measures were not

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taken and what good and what harm could result from the proposed measures.

The United States is financially liable for damages in the event intervention action is excessive. In that event, actions are authorized against the United States in Federal court.

United Nations Environment Programs (P.L. 93-188, approved December 15, 1973)—Congress provided authorization for participation by the United States in the United Nations environment program, including authorization to contribute funds to the U.N. Environment Fund which was created largely as a result of U.S. efforts. The purpose of the Fund is to coordinate and support international environment activities under the United Nations Environment Programs, and provide assistance to programs in the fields of identification and control of pollutants, monitoring, conservation, human settlements, information exchange, education, training and research. The total amount authorized to be appropriated under the Act is \$40 million, out of a total of \$100 million for the entire United Nations Environment Fund, including contributions of other Nations. Not more than \$10 million is authorized to be appropriated during fiscal year 1974.

Urging U.S. Ratification of Geneva Protocol of 1925 (H. Res. 1258 passed the House August 5, 1974)—The resolution expressed the sense of the House that the Geneva Protocol of 1925, banning the use of gas and bacteriological warfare, be ratified by the Senate. Ratification has been delayed since 1970 by a controversy as to whether tear gas and herbicides were included in the ban. The resolution urged the President and the Congress to reach agreement on the future use of these substances so that ratification could proceed. The House expressed its view that prompt ratification would give force to President Nixon's stated policy of November 25, 1969 that the United States would never be the first nation to use deadly chemical or biological weapons during wartime. Furthermore, it is hoped that a comprehensive review of U.S. policies on chemical warfare will be prompted by renewed consideration of the Geneva Protocol.

Turkish Opium Ban Negotiation (H. Con. Res. 507 passed the House August 5, 1974)—Acting in response to the Turkish Government's declaration of July 1 that it was lifting a ban on poppy cultivation, the House passed and sent to the Senate a resolution urging the President to conduct negotiations with Turkey to prevent the renewed production of opium. Should such negotiations fail, the resolution urged the President to suspend all foreign assistance to Turkey, as provided in the Foreign Assistance Act Amendments of 1971 (P.L. 92-266) which directs an aid cutoff to any nation not taking adequate measures to prevent the flow of illegal drugs to the U.S. In 1972 the Turkish Government had agreed to ban the growing of the poppy in exchange for \$35,700,000 as restitution to farmers for losses suffered and for developing alternative crops. Until then, it was estimated that as much as 80 percent of illicit heroin entering the United States had been produced from a Turkish opium base. The 1973 ban was credited with a sharp decline in the availability of heroin in this country.

GENERAL GOVERNMENT

Campaign Financing Amendments (P.L. 93-443, approved October 15, 1974)—This session both Houses approved a comprehensive campaign reform bill (S. 3044) amending the Federal Election Campaign Act of 1971, which provides for public financing in presidential primary and general elections, contribution and expenditure limitations in all Federal elections, and establishes an independent Federal Elections Commission.

The bill, as reported by the conference committee, is closer to the House-passed measure than the Senate version. It does not

include public financing for congressional campaigns as had been contained in the Senate-passed measure. Included in the measure is full, optional public financing for presidential general elections, financed through funds accumulated by the tax "check-off" (Revenue Act of 1971), providing each major party candidate with \$20 million apiece. Minor party presidential candidates will receive proportional funding.

Provision is also made for public financing of presidential primary elections. Under the Act's provisions, candidates must demonstrate widespread support by raising \$100,000 as a "threshold" figure, with only the first \$250 of any contribution counting toward that goal. The money must be raised in amounts of at least \$5,000 in 20 states or more. Upon meeting these requirements, candidates are eligible for matching funds on a one-to-one basis for this \$100,000 and for every additional dollar raised, but again, only the first \$250 of any contribution in excess of \$250 is eligible to be matched.

In addition to public financing, the Act imposes strict spending limits on all candidates in Federal elections. These are as follows: presidential primaries—\$10 million per candidate for all primaries; presidential general—\$20 million per candidate which can be financed totally with public funds; Senate primary—\$100,000 or 8 cents per eligible voter, whichever is greater; Senate general—\$150,000 or 12 cents per eligible voter, whichever is greater; House primary and general—\$70,000 per candidate per election.

Contributions are also limited. An individual will be allowed to contribute up to \$1,000 per candidate per election, and up to an aggregate of \$25,000 for all candidates for Federal election per year. Organizations are limited to \$5,000 per candidate per election, and cash contributions of over \$100 are barred.

Family contributions are limited to \$25,000, \$35,000 and \$50,000 for House, Senate, and presidential candidates respectively. Exempted from expenditure limits are amounts, up to 20 percent of the spending limit, for fundraising costs. Also exempted from contribution and expenditure limitations are various independent expenditures made by individuals for food and beverage, invitations, and use of personal property (up to \$500 per person per election); various expenditures made by state or local party committees for "state cards," sample ballots and other similarly printed listings are also exempted.

A bi-partisan eight member, fulltime enforcement board is established, with two public members appointed by the Speaker of the House, two by the President pro tempore of the Senate, and two by the President; the Clerk of the House and Secretary of the Senate will sit as non-voting members. The board possesses civil enforcement powers and is authorized to seek court injunctions.

Candidates for Federal election will be required to establish a central campaign committee. Filing dates for disclosure reports are quarterly, 10 days before an election, and 30 days after an election.

In addition, political parties are limited to spending no more than \$2 million for their presidential nominating convention. A major party may receive the total sum in public money, or it may choose to fund its convention privately. Parties are also limited to spending \$10,000 per candidate in House elections, \$20,000 or two cents per eligible voter (the greater) in Senate elections, and two cents per eligible voter in presidential general elections. These expenditures are not included in a candidate's individual spending limit.

All public financing moneys will come from the dollar "check-off" fund and will be subject to congressional appropriation.

Freedom of Information Act Amendments—(Public Law 93-502, approved November 21, 1974)—The Senate joined the House in overriding the President's veto of

October 17, 1974 of H.R. 12471, the Freedom of Information Act Amendments. Congressional action on this legislation represents the first amendments to the Freedom of Information Act (FOIA) since its original enactment in 1966. That milestone law guarantees the right of persons to know about the business of their government, subject to nine categories of exemptions whose invocation is, in most cases, optional.

Public Law 93-502 is the result of over two years of investigative and legislative hearings by the Foreign Operations and Government Information Subcommittee. At the time the original Freedom of Information Act was passed by the Congress, it was recognized that continual oversight by the Committee on Government Operations would result in eventual amendments to the Act.

The FOIA amendments require Federal agencies to adhere to improved administrative procedures designed to enhance responsiveness to FOIA requests. P.L. 93-502 requires agencies to publish and distribute indexes identifying information for the public concerning any agency matter issued or adopted after July 4, 1967. Agencies will also have to furnish their records to any person who reasonably describes and requests such records. Technicalities pertaining to the costs of recovery and duplicating of agency records are also dealt with.

Under the provisions of this legislation, the burden of proof will be on the Government in judicial review to show why requested records should be exempt from mandatory disclosure. Prompt agency response to FOIA suits are mandatory as well as the awarding of attorney fees to plaintiffs who prevail in freedom of information litigation. Federal government agencies must adhere to rigid time limits for responding to information requests and each agency will submit to Congress an annual report evaluating its own performance in administering the Act. The Executive Office of the President is included in the definition of "agency." Exempted from these amendments is information authorized by Executive order to be kept secret in the interest of the national defense or foreign policy.

Franking Privilege (P.L. 93-191, approved December 18, 1973)—Congress passed legislation to clarify the proper use of the franking privilege by Members of Congress. The Act provides that mass mailings (defined as newsletters and similar mailings of more than 500 substantially identical pieces) may not be mailed less than 28 days before any election in which a Member is a candidate for public office, except for mailings—(1) in direct response to inquiries of requests; (2) to colleagues in Congress or to Federal, State, or local officials; and (3) of news releases to the communications media. The Act also allows postal patron mailings by Members of the House in the same manner as is presently utilized today, and prohibits consideration of the cost for franked mail, notwithstanding any Federal, State or local law to the contrary, as a contribution to or expenditure with respect to any limitation on campaign expenditures. In addition, a provision allows costs due to the Postal Service for the sending of Mailgrams to be paid for under the frank.

Political Contributions (P.L. 93-625, approved January 3, 1975)—In passing legislation providing for the duty free importation of various upholstery items, Congress approved amendments to H.R. 421 providing for new tax regulations for political contributions. Under the provisions, newsletter committees of Members of Congress are to be treated for tax purposes as political committees. Funds received for newsletter purposes and so used are not taxable. However, investment income—from newsletter committees and other political committees—is taxable. Funds withdrawn from a newsletter committee for personal use also are taxable.

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Furthermore, the maximum allowable Federal income tax credits and deductions are increased from a credit of \$12.50 to \$25 (\$25 to \$50 for a joint return) and a deduction of \$50 to \$100 (\$100 to \$200 for a joint return). In addition, credits and deductions claimed for contributions made to candidates the year before candidacy is officially announced are also allowable. The Act also provides that: (1) property transferred by a taxpayer to a political committee is now taxable at the time of transfer and (2) gift taxes are not applicable to contributions made to political parties or committees.

Preservation of Presidential Recordings and Materials (P.L. 93-526 approved December 19, 1974)—Congress moved decisively to assert authority over the tapes and documents produced by the Nixon administration in 1974, negating an agreement which would have allowed former President Richard Nixon to control and destroy material produced in his Administration. The provisions of the Presidential Recordings and Materials Preservation Act were framed in response to the post-resignation agreement between President Ford and Richard Nixon, against the backdrop of the entire Watergate affair.

The Act represents a fundamental reevaluation by Congress of the theory of ownership of material produced for public officials. With respect to the Nixon material, the General Services Administration would retain custody of the tapes and documents, and its Administrator would be responsible for promulgating regulations which would allow public access to the material (after providing safeguards for individual legal, and national security interests). Regulations issued under the law would be subject to approval of both Houses of Congress. Richard Nixon would retain the right of unlimited access to the papers, and would be allowed to litigate the matter of ownership of the material. If the courts were to determine that Richard Nixon owned the material, just compensation would be paid, and the government would retain ownership and control.

In addition to the Nixon matter, Congress authorized the establishment of a seventeen member National Study Commission on Records and Documents of Federal Officials to study the problems of control, disposition and preservation of records produced on behalf of Federal officials. In addition to examining the question of ownership of Presidential papers and documents, the Commission is charged with reviewing White House record keeping procedures, rules for the disposition of material of presidential commission, task forces, and boards, and ownership of records of Members of Congress—always keeping in mind the privacy interests of individuals in their deliberations.

Authority for Employment of White House Office and Executive Residence Personnel (H.R. 14715 passed the House June 25, 1974)—Congressional action was taken for the first time to authorize and limit staff support and administrative expenses for operation of the White House Office and Executive Residence and for implementation of the executive duties and responsibilities of the Vice President. The House-passed bill limits the number of upper level positions created by the President in the White House Office by specifying the number of employees that could be placed in Executive Levels II through V. Limitations, too, are placed on the number of employees at each executive level employed by the Vice President in the discharge of executive duties and responsibilities.

Under the provisions of this legislation, experts and consultants engaged by the President could not receive more than the daily equivalent of the rate of pay for Executive Level II, and not more than the daily rate of GS-18, if employed in the serv-

ices of the Vice President. The President is also authorized to detail employees from other agencies to the White House for a period not to exceed one year.

To increase accountability of a Presidential staff, provisions of the House bill require a presidential report to Congress including the names and job descriptions of every White House employee and the amounts of appropriated funds paid for salaries. Any reimbursements made by the White House Office for detailees from other executive departments and agencies must also be noted. The President is authorized to procure goods and services which he deems necessary for the maintenance and preservation of the Executive Residence.

Appropriations are authorized for official reception and representation expenses within the Executive Office of the President and \$100,000 per annum is allowed for traveling expenses of the President. Access to records pertaining to executive entertainment, reception and travel expenditures are granted to the Comptroller General of the General Accounting Office.

Office of Federal Procurement Policy (P.L. 93-400, approved August 30, 1974)—As passed by Congress this legislation establishes an Office of Federal Procurement (OFFP), within the Office of Management and Budget, to function as a central procurement policy unit addressing itself to Federal procurement policies and problems on a Government-wide basis. Under the measure's provisions a system of coordinated procurement regulations is established for the executive agencies, as will a system to monitor business interactions between the Government and private industry. The measure also provides for an Associate Director for Federal Procurement Policy appointed by the President and with the advice and consent of the Senate.

General Accounting Office Act (P.L. 93-604, approved January 2, 1975)—Acting in response to a request of the Comptroller General, Congress moved to revise certain audit functions of the Government Accounting Office and make other administrative changes in order to update the authority of the Comptroller General. Included among the changes authorized under H.R. 12113, is the transfer of the initial travel audit function from GAO to the General Services Administration (involving some 400 GAO employees); authorization to the Comptroller General to audit non-appropriated funds such as military post exchanges and commissaries; and the transfer of control of the GAO building from GSA to the GAO.

Other provisions of the Act shorten from ten to six years the length of time from accrual, during which any claim may be made against the United States; provided that Government Corporations be audited by GAO once every three years rather than annually; and require the Comptroller General to make audits of the General Supply Fund.

Federal Reserve Board Audits by GAO (H.R. 10265 passed the House May 30, 1974)—In an attempt to further the principle of public oversight of governmental operations, the House passed legislation to permit an audit of the Federal Reserve Board by the General Accounting Office. The audit would ensure that administrative funds would be accounted for as well as encourage efficiency and economy within the Federal Reserve System. A total of \$80 million is authorized for the construction of Federal Reserve Bank branch buildings.

Reorganization Plan No. 2 of 1973 Amended (P.L. 93-253, approved March 16, 1974)—Congress gave final approval to legislation repealing section 2 of Reorganization Plan No. 2 of 1973. Reorganization Plan No. 2 was proposed to improve the Federal Government's drug enforcement effort by consolidating drug investigative and intelligence efforts within a new agency at the Department of Justice. The

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legislation repeals the provisions under which inspection functions at ports of entry of persons and documents leaving the United States would be transferred to the Bureau of Customs.

Simplified Purchase Procedures (P.L. 93-356, approved July 25, 1974)—In order to achieve more economy and efficiency in the Federal procurement of goods and services, Congress passed legislation to raise to \$10,000 the statutory ceiling for the use of simplified purchase procedures. Prior to this legislation, the limitation on the use of such procedures was \$2500 for agencies and \$500 for the Tennessee Valley Authority.

The Act was strongly endorsed by the departments and agencies which have procurement responsibilities and carries out a recommendation in the Report of the Commission on Government Procurement that the \$10,000 ceiling would result in annual savings of up to \$100 million in the Department of Defense alone. The benefits of simplified procedures for small purchases take the form of savings in administrative costs through reduction in paperwork, personnel, procurement leadtime and inventories.

Commission on Federal Paperwork (P.L. 93-556, approved December 27, 1974)—It is estimated that more than \$8 billion each year is spent on the management of Federal paperwork totaling 2 billion pieces of paper. Congress passed legislation creating a temporary Commission on Federal Paperwork to conduct a study of the Federal paperwork burden and make recommendations that would hopefully ameliorate the situation.

Under the provision of H.R. 16424, the 14-member, bipartisan Commission is given a broad mandate to look into all aspects of Federal information activities and all issues which impact upon Federal information activities. The Commission is authorized to make a final report to the Congress and the President within 2 years after the initial Commission meeting. The final report is to include a review of the Commission's findings and its recommendations for change. One hundred and twenty days after submission of the report, the Commission on Federal Paperwork will be terminated. Upon submission of the Commission's final report, the Office of Management and Budget is required to regularly report to the Congress on the implementation of administrative changes recommended by the Commission as well as suggesting needed legislation to enact statutory changes.

Committee Reform Amendments of 1974 (H. Res. 988 agreed to October 8, 1974)—The committee reform measure is designed to increase the efficiency of the legislative process in the House of Representatives. The resolution provided for the establishment of a Select Committee on Aging and for the upgrading of the Permanent Select Committee on Small Business to standing committee status with authority to report legislation as well as investigate the problems of the small business community.

In the area of committee jurisdiction, several changes were accomplished. The Committee on Banking and Currency, to be renamed Banking, Currency and Housing, gains jurisdiction over renegotiation and international monetary financial organizations. Jurisdiction over urban mass transit, export controls, the Commodity Credit Corporation, international trade, and nursing home construction is transferred from Banking and Currency to other House committees.

The Committee on Commerce and Health, formerly the Committee on Interstate and Foreign Commerce, gains jurisdiction over biomedical research, nursing construction, and health care programs except those financed through payroll taxes. It lost jurisdiction over aviation, weather, and trading with the enemy.

The Committee on Foreign Affairs gained authority over some international trade matters, the Food for Peace Program (P.L. 480)

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except domestic production, international commodity agreements, and export controls. The Committee also received special oversight responsibility for international financial and monetary institutions, customs administration, and intelligence activities relating to foreign policy. Jurisdiction for international fishing agreements and international financial monetary organizations was shifted to other committees.

The Committee on Government Operations gained jurisdiction over the National Archives and general revenue sharing. The Committee on Public Works; renamed Public Works and Transportation, gained most jurisdiction over transportation. In addition to its jurisdiction over highways, the Committee gained urban mass transit, civil aviation, and surface transit except railroads. The Committee lost jurisdiction over parks in the District of Columbia.

The Committee on Science and Astronautics, renamed Science and Technology, gained jurisdiction over civil aviation research and development, environmental R&D, and all energy R&D except for nuclear energy R&D.

The most extensive changes produced by the committee reform package were in the procedural area. The Speaker is granted latitude in referring legislation to committees. Referral can be made by him to more than one committee for concurrent or sequential consideration, matters could be divided for consideration, or referral could be made to a special ad hoc committee appointed by the Speaker with the approval of the House. Organization of the House is permitted prior to the start of each new Congress with the House to meet in election years between December 1 and 20 for this purpose. A 100-word description of each bill introduced must be prepared for publication in the *Congressional Record* and the *Digest of Public Bills* as soon after introduction as possible.

Several provisions were made to assist the House in improving its operations. A House Commission on Information and Facilities is established to carry out studies of House needs for information and for administrative services and facilities. A Legislative Classification Office is created to develop a cross-reference system linking authorizations, appropriations, committee jurisdiction, and agency programs to basic statutes. An Office of Law Revision Counsel is established to codify the laws of the United States.

The House Members of the Joint Committee on Congressional Operations are required to make continuing studies of committee jurisdictions and workloads and to submit periodic reports to the Rules Committee, including recommendations for needed changes. In addition, House Members of the Joint Committee are asked to work with their Senate counterparts to rationalize the legislative jurisdictions of House and Senate Committees.

In reference to committee organization and operations, the resolution makes several changes. All standing committees with more than 15 Members are required to establish 4 subcommittees. Proxy voting in committees is prohibited. All standing committees are granted standing power to issue subpoenas by majority vote of the Committee. In appointing Members to conference committees, the Speaker is required to appoint a majority of Members who supported the House position generally, as determined by the Speaker. Resident Commissioners and Delegates also may be appointed as conferees. Staff size of standing committees is increased from 12 (6 professional and 6 clericals) to a total of 30 (18 professional and 12 clericals) with the minority allowed to appoint 10 of these staffers. In addition, the minority also gains control of one-third of the investigative funds committees use to supplement their staffs. The ranking minor-

ity Member of each subcommittee (up to 6) is permitted to appoint one professional using such funds.

To fulfill its oversight function committees may establish a separate subcommittee on oversight or require each subcommittee to perform this function in its area of jurisdiction. Committees may include summaries of findings of oversight subcommittees or the Committee on Government Operations in reports on legislation.

Other provisions require all committees to include a statement of the bill's impact on inflation in all reports on legislation. All reports on appropriations bills must include a concise statement of the effects of any provisions that would change existing law.

Attorney General's Pay (P.L. 93-178, approved December 10, 1973)—Congress took action to lower the salary of the Attorney General to pre-1969 levels to eliminate the constitutional ineligibility of the nominee by the President for that office, Senator William Saxbe. The Constitution states that "No Senator or Representative shall, during the Term for which he was elected, be appointed to any civil office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased, during such time." Since Congress had voted to increase the salary of the Attorney General during the tenure of Mr. Saxbe as Senator, Congress cleared the way for eligibility of the President's nominee by reducing the salary from its present level of \$60,000 to the pre-1969 level of \$35,000.

Modification of Certain Reports to Congress (P.L. 93-608, approved January 2, 1975)—In the second session of the 93d Congress the House passed legislation designed to reduce the volume of reporting on the part of Federal departments and agencies to committees of Congress.

In 1972 the House Committee on Government Operations asked the General Accounting Office to make a study of the laws which require such reports. GAO compiled a list of 747 reports which Federal departments, agencies, councils and commissions submit to Congress. Of these, 544 reports are requested by law and 203 are prepared either by request of Congressional committees or voluntarily. Out of this list of reports GAO selected a number which could possibly be eliminated or modified in some way. GAO next checked with the congressional committees which receive the reports which might be eliminated or modified, and came up with a list of 79 such reports. With the agreement of the recipient committees, GAO suggested that 54 of these reports be eliminated and 25 be modified. Of the 79 reports, 51 are required by statute and 28 are not. H.R. 14718 deals with 39 of the 51 reports that are required by statute.

H.R. 14718 provides for elimination of 26 of the 39 reports, for reduction in the frequency with which six others are submitted, and for elimination of parts of seven other reports that are of little or no use. It is estimated that the saving to the Government of reducing the volume of reporting to Congress is approximately \$173,000 per annum.

Joint Funding Simplification Act of 1974 (P.L. 93-510, approved December 5, 1974)—The Congress approved legislation in the Second Session designed to improve the operation of grants-in-aid to States and localities by simplifying procedures for the approval and operation of projects drawing upon more than one Federal assistance program. The Joint Funding Simplification Act of 1974 provides a basis for: meeting inter-related needs with one comprehensive plan for receiving grants from several Federal agencies through one Federal funding source; establishing work plans and priorities geared to the needs of the grantees, rather than conforming to Washington-imposed plans;

receiving Federal funds in synchronization with the grantee's own planning and funding cycles; simplifying and standardizing administrative requirements; simplifying paperwork and recordkeeping; reporting progress to one Federal center rather than several; and replacing separate Federal agency audits with a single audit by only one agency.

The law does not affect the substantive provisions of existing grant programs, and the identity, purpose, and criteria for eligibility of each program will remain untouched.

Procedures for Certain Protective Services Provided by the U.S. Secret Service (H.R. 17311 passed the House December 16, 1974).—During hearings held in 1973 before the House Government Activities Subcommittee, there was demonstrated a need for some sort of statutory definition concerning the expenditure of Federal funds in support of Presidential properties. As passed by the House, H.R. 17311 provides for the specific statutory basis and definition of the circumstances under which protection may be furnished to the President and other persons entitled to protection under title 18, U.S. Code and Public Law 90-331. The bill provides specific limitations with respect to security expenditures on property which is not owned by the Government. Permanent security for each person entitled to protection would be limited to one non-Government property. This legislation establishes a system by which the Secret Service would be required to reimburse other Federal agencies for any protective assistance they provide. As a result, Secret Service budgets would reflect the actual cost of protecting the President and his family, the Vice President, former Presidents, and others entitled to protection.

Transmittal to States of Certain Census Tabulations (H.R. 13340 passed the House November 18, 1974).—This measure is designed to improve Census Bureau support of future State legislative districting. It authorizes State authorities to submit, not later than two years prior to the Decennial Census date, a plan identifying those geographic areas for which population tabulations are desired for State legislative redistricting purposes. The Secretary of Commerce is required to produce population counts for the areas identified in the approved State plans within one year following the census date. The bill would save the State taxpayers millions of dollars, while at the same time giving the States and local governments considerable help, probably at very little, if any, costs to the Federal Government.

HEALTH AND MEDICAL CARE

Health Maintenance Organizations (P.L. 93-222, approved December 29, 1973).—Faced with increasing problems in the delivery of health care in this Nation and the spiraling expenses of adequate health care, Congress passed one of the most significant, innovative health bills in recent years by approving development on an experimental basis of health maintenance organizations with Federal assistance. Health maintenance organizations are to deliver medical care to enrollees who, for a prepaid amount, have a right to contract for care by the health organizations. Health maintenance organizations differ from insurance companies in that for a prepaid premium they deliver actual health care services to the enrollee rather than pay for health care delivered by others. Congress recognized the obvious advantages which health maintenance organizations offer. An HMO can take advantage of efficient management and more productive use of health manpower. Since an HMO may be responsible for an individual over a period of time, it can provide more preventive medicine, and thus correct some problems before they require expensive hospitalization. HMO's can also provide physicians' pay which is competitive with what physicians

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make in fee-for-service practice. In addition, a physician can plan his working hours while being assured other physicians will cover for himself while he is off duty. Most of the Health Maintenance Organizations have been financed without Federal assistance.

Federal aid, however, is essential in many cases to groups serving inner-city or rural or other now under-served areas, or groups, started by doctors lacking working capital. Although the system has operated for some years now, with services to some estimated seven million people, Congress has passed this legislation to assure that adequate financial assistance will be provided to the existing organizations and to new organizations so that any person will have the option of such an organization from among health benefit plans. The Act will provide funds for feasibility studies, planning, development and initial operating expenses of the Health Organizations.

Health Revenue Sharing and Health Services Act (H.R. 14214 pocket vetoed by the President December 23, 1974).—Both Houses agreed to provisions of H.R. 14214 which authorize \$1,858.5 billion for 2-year extensions on five health service delivery programs which expired on June 30, 1974. The programs funded are health revenue sharing, family planning, community mental health centers, migrant health, and community health centers. A total amount of \$320 million is authorized for comprehensive public health services, \$472.5 million for family planning, \$303 million for community mental health centers, \$155 million for migrant health, and \$540 million for community health centers. In addition, health programs are authorized for specific disease control and community health problems.

The Act authorizes \$20 million for an Office of Rape Prevention and Control, within the Department of Health, Education, Welfare, \$18 million for a two-year extension for hemophilia control and prevention, a two-year extension for the study and prevention of hypertension, a one-year study of Epilepsy and Huntington's Disease, \$15 million for a one-year demonstration project to provide home health services, and \$15 million for rat-control projects to prevent diseases borne by rodents. The Act also directs the Secretary of HEW to appoint a commission to report on the mental health problems of the elderly within one year.

The basic thrust of the Act is to insure the continuation and improvement of health-service and disease-control programs that affect the health and welfare of literally millions of Americans, many of whom are either acutely deprived individuals, or who live in areas of the United States which have historically been lacking in medical facilities and accessibility to adequate health care protection. The revenue sharing provisions of this legislation insure that this community-based Federal-State private partnership for delivering health care will continue, and will in fact be a preface to a national health insurance program.

Perhaps the most promising aspect of the Act is the flexibility it affords the States in using the monies authorized. Under the terms of the bill, the States and localities will now have an opportunity to initiate new and different methods of providing health service where innovation is needed, particularly where existing State or local funds are inadequate to support new health services.

Emergency Medical Services (P.L. 93-154, approved November 16, 1973).—Although initially vetoed by President Nixon, legislation was approved by Congress that provides Federal aid to area-wide systems of emergency medical care. In this second version of the emergency services bill Congress dropped provisions to block Administration ef-

forts to end inpatient services at seven of eight Public Health Service hospitals. Congress authorized \$185 million for fiscal years 1974, 1975, and 1976 for grants and contracts to plan, establish, initially operate and expand area emergency care systems, to train personnel and to conduct research in emergency medicine. It is estimated conservatively that 175,000 people die needlessly each year.

Experts estimate that each year 15 to 20 percent of all highway victims could be saved if prompt and effective emergency care were available, with approximately 8,000 to 11,000 highway deaths prevented each year. In addition, ten percent of the 275,000 heart attack fatalities, they say, could be saved by proper emergency care. In just these two areas alone, auto accidents and heart attacks, each year as many as 35,000 Americans could be saved from tragic, unnecessary deaths. Hearings uncovered that each year more than 20,000 Americans are permanently injured or disabled by untrained ambulance attendants.

Although Congress finally voted to drop the provision prohibiting the hospital closings, Congress attached the prohibition to the defense procurement bill, cleared November 5. P.L. 93-154 increases grants to rural areas to 20 percent from 15 percent. The maximum Federal share of the cost of expanding and improving emergency care systems in areas of exceptional need will be increased from 50 percent to 75 percent. Substantial emphasis has been placed on the development of emergency medical services to rural areas.

Vocational Rehabilitation (P.L. 93-112, approved September 26, 1973).—The training of handicapped Americans for productive jobs has also been a top priority of this Congress. This Act authorizes \$1.65 billion in fiscal years 1974 and 1975, an amount substantially lower than those authorized in the vetoed bills—\$3.5 billion and \$2.6 billion respectively. The 1973 Act requires State rehabilitation agencies to serve the most severely handicapped first, with each State to receive a basic allotment of at least \$2 million or one quarter of one percent of funds appropriated the basic program, whichever was greater.

Congress also required that personal guidance services be established, that an Architectural and Transportation Barriers Compliance Board be created to enforce existing requirements that public buildings and transportation be accessible to the handicapped, and that Federal mortgage insurance be available for construction of rehabilitation facilities. The Secretary of HEW may authorize research and training grants and contracts for work in the rehabilitation field. Congress authorized such sums as necessary for construction of rehabilitation facilities and for grants to provide vocational training services for the handicapped.

Rehabilitation Act Amendments (P.L. 93-516, approved December 7, 1974).—Congress extended all programs authorized by the Rehabilitation Act of 1973 for one year, through fiscal 1976. Under this Act, in fiscal 1973, State vocational rehabilitation agencies served almost 1.2 million handicapped individuals and successfully rehabilitated over 360,000 of them for employment. The Act also makes available funds for research on handicapping conditions, training of personnel to work with the handicapped, and the planning, staffing, and construction of rehabilitation facilities.

The amendments authorize a total of \$851.5 million for fiscal 1976, of which \$720 million is allotted to the basic State grant program. Two million dollars has been authorized for a national White House Conference on the Handicapped to be held within three years, and an additional \$10,000-\$25,000 per State for State conferences on the handicapped.

The Act provides for the transfer of the Rehabilitation Services Administration from

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the Social and Rehabilitation Service (SRS) to the Department of Health, Administration, and Welfare. This transfer to the Office of the Secretary of HEW should give rehabilitation service programs greater visibility and emphasize their importance to millions of American citizens. Also included in the Act are amendments to the Randolph-Sheppard Act of 1936 which strengthen the blind vendors program by giving priority to blind persons in establishing and operating vending stands on Federal property, and by stipulating that, where feasible, new and renovated Federal buildings are to make provision for blind vending stands. In addition, a formula has been established for distributing income to blind vendors from competing vending machines on Federal property.

Health Services Research, Health Statistics, and Medical Libraries Act (P.L. 93-353, approved July 23, 1974).—Congress amended the Public Health Service Act to revise the programs of health services research, and to extend the program of assistance for medical libraries. To meet the expenses for these programs the Act provides authorizations as follows: for health services research—\$65.2 million for fiscal year 1975 and \$80 million for fiscal year 1976; for health statistical activities—\$30 million each for fiscal years 1975 and 1976; and for the medical libraries program—\$17.5 million for fiscal year 1975, \$20 million for fiscal year 1976, with provision for an automatic 1-year extension for fiscal 1977 at \$20 million.

Both Houses voted to give statutory authority to both the National Center for Health Services Research (NCHSR) and to the National Center for Health Statistics within the Department of HEW, in addition to giving broad legislative authority to NCHSR to design and conduct research. Provisions of the Act require the consolidation and expansion of present authorities for the collection, analysis, and publication of health statistics on a broad range of contemporary health topics.

The Act also requires the establishment and operation of at least six independent health services research centers, one of which is to be designated a Health Care Technology Center to focus on a wide spectrum of technology. This is to include computers, and other electronic devices, and the development of health care delivery systems. A Health Care Management Center is also authorized to focus on the improvement of management in the health field, the training of health administrators, and the development of leaders, planners, and policy analysts in the area of public health.

National Research Act (P.L. 93-348, approved July 12, 1974).—To assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects in such research, Congress amended the Public Health Services Act to provide for the establishment of a program of National Research Service Awards. The Act also provides for biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration, and provision is made for grants for similar research at public and nonprofit private institutions.

Individuals receiving awards are required to engage in health research or training, or in the National Health Services Corps, for specified periods of time. Physicians, nurses and other specialists who receive such awards may be authorized to serve in geographical areas requiring their given specialties, or else in health maintenance organizations, or the National Health Service Corps. Individuals who receive awards and who default in required service repayment are required to reimburse the Federal government. A total of \$207,947,000 was appropriated for fiscal year 1975 for the National Research Service Awards.

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The Act establishes a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, with membership to consist of individuals in medicine, law, ethics, theology, the physical and social sciences, philosophy, the humanities, health administration, government, and public affairs. Members will serve for the life of the Commission and be compensated for their services. The Commission will be responsible for identifying basic ethical principles which should underlie the conduct of such research and to develop guidelines to be followed to insure that such research is conducted in accordance with these principles. The Commission is required to establish set requirements for informed consent to participation by participants—children, prisoners and the institutionalized mentally infirm—in biomedical and behavioral research, and is to determine whether a special mechanism is needed to protect subjects in this type of research.

The Commission is also directed (1) to determine the nature and extent of research involving living fetuses, the purpose for the research, and alternative means of achieving this purpose; (2) to undertake a study to determine the extent of psychosurgery as a medical procedure in the U.S. for a five year period terminating in 1972, evaluate its appropriateness, and make recommendations about its continuance as a procedure; (3) to make recommendations to Congress regarding the functions and authority of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research—to be established under the Public Health Service Act; (4) to undertake a comprehensive study of the ethical, social and legal implications of advances in biomedical and behavioral research and technology.

Health Programs Extension Act (P.L. 93-45, approved June 18, 1973).—Congress early in 1973 voted to continue a group of health programs the Administration sought to terminate, including programs such as aid to schools of public health, comprehensive health services, Hill-Burton hospital construction, migrant health programs, family planning and community health centers. Congress believes these and other programs are absolutely necessary if we are to continue to deliver quality health care to all Americans. With this one-year extension, Congress will have an opportunity for orderly consideration of proposed revision in these health programs. Congress authorized \$1.27 billion for one year to extend the twelve existing health authorities under the Public Health Service Act, the Community Mental Health Centers Act, and the Development Disabilities Services and Facilities Construction Act. The legislation denies any court, public official or public authority the right to require individuals or institutions receiving assistance under the above acts to perform abortions or sterilization contrary to any person's religious beliefs or moral convictions.

Lead-Based Paint Poisoning Prevention (P.L. 93-151, approved November 9, 1973).—In an effort to hasten Federal efforts against lead-based paint poisoning, Congress approved legislation amending and extending the Lead-Based Paint Poisoning Act of 1970. Congress authorized \$63 million in each of fiscal years 1974 and 1975 to detect and treat the disease, to eliminate lead-based paint hazards in older dwellings and to conduct further research to determine allowable lead content in household paints. To assure that paint manufacturers meet a national uniform standard, local and State laws covering allowable lead content are pre-empted. The maximum Federal share of local government agency treatment and detection programs is increased to 90 percent from 75 percent.

Scholarship and Loan Programs for Health Professions (P.L. 93-385, approved August 23, 1974).—Legislation was approved this

session to amend the Public Health Service Act by extending through fiscal year 1975 the scholarship program for the National Health Service Corps, and the loan program for health professions students.

To accomplish this, Congress authorized the following appropriations: \$40 million for the Public Health and National Health Service Corps Scholarship Training Program; \$60 million for loans to health professional students other than nurses; and \$35 million for loans to nursing students.

This emergency one-year extension of the National Health Service Corps Scholarship and Loan Program will provide financial assistance to over half of the 14,500 men and women who will enter medical schools in 1975. It will also assist approximately 20% of the 96,000 nursing students who will enter nursing schools in 1975.

One of the most important features of these loans to needy students is the repayment mechanism. Students receiving such aid must reimburse the government by serving, after graduation, in those sections of the country where a chronic shortage of professional health personnel exist.

Sudden Infant Death Syndrome Act (P.L. 93-270, approved April 22, 1974).—Final action was taken this session on legislation requiring the Secretary of Health, Education, and Welfare to undertake a program of information about sudden infant death syndrome and to disseminate such information to health professionals, public safety officials, and the general public. The Secretary may also make grants and award contracts to public and nonprofit private entities for research and information gathering about the causes of sudden infant death syndrome, and to provide information and counseling to families victimized by this problem. Applications for contracts or grants must be approved by the Secretary and Funds appropriated for these purposes are as follows: \$2 million for fiscal year 1975; \$3 million for fiscal year 1976; and \$4 million for fiscal year 1977.

National Cancer Act (P.L. 93-352, approved July 23, 1974).—During this session, the National Cancer Act of 1971 was extended and funding increased for the research program at \$750 million, \$830 million, and \$885 million for fiscal years 1976, 1976, and 1977 respectively. Requirement was set forth that the national cancer program collect, analyze, and disseminate information useful to cancer patients, with emphasis on nutrition programs for these patients. The Act further requires that cancer programs provide routine tests for the diagnosis of uterine cancer, authorizing \$3.5 million for that purpose for each of the three fiscal years. The Director of the National Cancer Institute (NCI) is required to let contracts for information programs which will interpret and disseminate new and existing information regarding the cause, prevention, diagnosis, and treatment of cancer and other related health problems. Scientific peer review is required of the research grants and contracts let by each institute within the National Institutes of Health. The Act requires the establishment of a President's Biomedical Research Panel to review and make recommendations on the organization and operation of biomedical and behavioral research conducted and supported under the programs of the various Institutes of NIH, and to submit a report of its findings to the President and Congress.

Limitation on Federal Funds for Abortions (P.L. 93-355, approved July 25, 1974).—On January 22, 1973, the United States Supreme Court announced a decision in two cases regarding abortion, and removed most legal barriers to abortion during the early months of pregnancy. During the second session of the 93rd Congress, as in the first session, action was taken on several bills to limit the use of federal funds for abortion.

P.L. 93-355, the Legal Services Corporation Act, passed the House of Representatives during the first session but received final ap-

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proval during the second session of the 93rd Congress. Both the House and Senate versions of the bill included floor amendments to limit the use of funds under the Act for legal services with respect to abortion. The conference version, as enacted, provides in Section 1007(b) (8) that no funds may be used "to provide legal assistance with respect to any proceeding which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution."

During the Second Session, the House also passed H.R. 14449, the Community Services Act, on May 29, 1974 to which a floor amendment was added which provides, "No financial assistance shall be extended under this section for medical assistance and supplies in cases of abortion or sterilization."

Drug Abuse Education Act (P.L. 93-422, approved September 21, 1974)—Congress extended the Drug Abuse Education Act of 1970 (P.L. 91-527) for three years, authorizing \$90 million for fiscal year 1977 for school-based and community-based programs of drug abuse and alcohol education and training programs. This legislation sets priorities and allots specific amounts for Federal programs, State and local education agencies and community projects. The 1970 Act was designed to train elementary and secondary teachers in drug abuse courses and to meet the lack of scientifically accurate teaching materials on the subjects.

Developmental Disabilities and Facilities Construction Act Amendments (H.R. 14215 passed the House July 11, 1974)—During the Second Session, the House provided for a two-year extension, through fiscal year 1976, of programs for individuals with developmental disabilities, authorizing a total of \$192 million for the two years. Grants would be authorized to university-affiliated facilities for the developmentally disabled. Establishment of a new special project authority is authorized, and in place of the existing 10% allocation of state allotments for projects of special national significance, a new 30% allocation for such projects is substituted. States would be required under the legislation to spend certain amounts for de-institutionalization of persons with developmental disabilities, inappropriately placed in institutions. The bill further would eliminate the requirement of Federal approval for individual construction projects funded with State grant funds.

The Department of Health, Education, and Welfare is required to determine the neurological diseases to be considered as developmental disabilities and to determine the adequacy of services for persons with diseases not covered under the Developmental Disabilities Services and Facilities Construction Act. Autism, however, is included as a disease covered by special projects and State allotment programs.

Diabetes Mellitus Research Act (P.L. 93-354, approved July 23, 1974)—Recognizing that diabetes mellitus is a serious health problem in the United States, the Congress passed legislation which establishes a National Commission on Diabetes, and authorizes funding for that purpose and for other measures designed to treat and control this disease. A total of one million dollars has been allocated for long-range planning in connection with diabetes control programs. Intensive biomedical and drug therapy research programs are mandated by the Act and are supported by allocations of \$9, \$12, and \$20 million dollars for Fiscal Years 1975, 1976 and 1977, respectively. One principal focus of this research will be a study of insulin, the principal diabetic control drug, to determine how it is produced and released in the body and how it does its vital work.

The Act also provides for the inclusion of diabetes on the list of diseases covered by the Public Health Services Act, and establishes a Diabetic Coordinating Committee to exercise oversight of research activity at NIH and other Federal agencies with respect to diabetes. In addition, a special new position, Associate Director for Diabetes, is authorized at the National Institute of Arthritis, Metabolism and Digestive Disease, in order to implement diabetes control programs.

The importance of this legislation is best supported by a look at American health statistics. These reveal that diabetes afflicts over 5 million Americans, is the 5th leading cause of death from disease, and attacks 325,000 Americans each year. It is the second leading cause of new blindness, and produces blindness 20 years earlier than the leading cause of blindness.

Diabetes has a devastating effect on life expectancy. During the 1950's the average life expectancy of a teenager who developed the disease was 22 years. Since that time the life expectancy rate for diabetics has increased only five years because of the inability of American medicine to prevent or treat the degenerative physical and biological complications triggered by this disease. Medical science shows that diabetes is linked directly to heart attack, blindness, kidney failure, amputations and obstetrical mishaps, and thus is one of the most insidious diseases to afflict mankind. Measured in economic terms, diabetes costs the American economy at least \$2 billion annually in terms of premature deaths, lifetime disability, and sickness absenteeism.

Narcotics Treatment Programs (P.L. 93-281, approved May 14, 1974)—In order to more effectively control the illegal use of methadone and other narcotics used in drug treatment programs, both Houses gave approval to this Act which requires those individuals dispensing such drugs to register with the Attorney General. Those who register are required to comply with Justice Department standards for security of such drugs and regulations of the Department of Health, Education and Welfare governing unsupervised use of narcotics.

Fire Prevention and Control Act (P.L. 93-498, approved October 29, 1974)—In an effort to reduce the Nation's losses caused by fire, and to supplement existing programs of fire-prevention by State and local governments, the Congress approved legislation which establishes a National Fire Prevention and Control Administration and a Fire Research Center within the Department of Commerce, and an intensified program of research relating to burn injuries, smoke injuries, and fire victim rehabilitation within the National Institute of Health. The Act further provides for the establishment of a National Academy for Fire Prevention and Control and a National Fire Data Center, both under the Fire Prevention and Control Administration, in order to train fire service personnel in skills designed to prevent and control fires and to develop professional knowledge and curricula in fire engineering, and fire prevention technology. For these purposes \$10 million was appropriated for fiscal year 1975 and \$15 million for fiscal year 1976.

Public Law 93-498 is based in large part on findings by the National Commission on Fire Prevention and Control. An exhaustive study undertaken by that organization shows that the U.S. today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world. The devastating scope and dimensions of this public health and safety problem is best shown by statistics gathered by the Commission. These reveal that fire kills 12,000 Americans annually, injures 300,000, and that 50,000 of these victims require extended hospitalization. In economic terms, almost \$3 billion worth of property is destroyed by fire.

The total economic cost of destructive fire in the U.S. estimated conservatively to be \$11 billion per year.

Public Health Services Act Amendment (H.R. 10957 passed the House January 21, 1974)—In order to promote maximum health for each individual as a national goal, the House authorized the creation of advisory councils, or committees to advise the Secretary of Health, Education, and Welfare on national health and medical care. To do so, the Act authorizes certain functions of the National Advisory Health Council—such as research and training grants—to be transferred to other areas, if the advisory councils and the Secretary concur. Further, the Act (1) requires that the Public Health Service be composed of a Regular and Reserve Corps, both to be administered by the Surgeon General; (2) authorizes the Secretary to accept aid from State and local authorities in the enforcement of warranty regulations; (3) requires the Secretary to determine the necessary quantities of certain drugs which are required for medical and scientific research, but which are subject to this Act and to the Controlled Substances Import and Export Act; (4) directs the Secretary to assist States in drug problems and to advise authorized representatives of the States about the care, treatment and rehabilitation of drug addicts, and (5) authorizes United States participation in international cooperative research in connection with biomedical health and health services.

The general research authority of the Secretary of HEW regarding physical and mental diseases is also set forth, and the confidentiality and privacy of subjects involved in research activities relating to the use and effects of drugs is insured.

Limits are set on the Federal share of financing for Public Health Service facilities for persons with developmental disabilities at 66 2/3%, and provision made for judicial review if the Secretary refuses to approve any such project. Provision too is made for the Federal share of costs in connection with construction of community mental health centers. Grants to medical schools and other health training facilities, however, are prohibited unless they can provide satisfactory assurance of non-discrimination on the basis of sex in their admissions policy.

HOUSING

Housing and Community Development Act of 1974 (P.L. 93-383, approved August 22, 1974)—Congress completed action on what has been called the most significant piece of housing and community development legislation in thirty-five years. The provisions of this legislation are the result of four years of work, study, and debate by the Congress, and they affect virtually every aspect of housing and community development activity. The law provides \$11.9 billion in new authorizations for programs designed to create more liveable communities and better housing for all Americans.

The Housing and Community Development Act of 1974 establishes a new system of Federal assistance for community development programs through block grants rather than categorical grants. This legislation terminates the following categorical grant programs: Open space—urban beautification—historic preservation grants; Public facility loans; Water and sewer neighborhood facility grants; Urban renewal and neighborhood development program grants; Model Cities supplement grants; and Rehabilitation loans (programs to be ended one year from enactment). These grants are replaced by a single block grant for community development which may be used for a number of eligible activities similar to those carried on under the more narrow categorical programs. The responsibility for assessing community development needs, allocating community development funds within the

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community, and developing programs will be placed on locally elected officials rather than on Federal bureaucrats in Washington.

The law authorizes appropriations of \$8.4 billion in contract authority for three years, which is to be allocated according to an objective "needs" formula taking into account poverty, population, and housing needs. Eighty percent of the total allocation is to be distributed among the Nation's Standard Metropolitan Statistical Areas, and the remaining twenty percent is reserved for non-metropolitan areas.

In the first three years of the new program, the new formula allocation system will be gradually phased in alongside provisions designed to hold certain communities at the level of assistance they received under the terminated categorical programs. In the second three years, these "hold harmless" provisions will be reduced gradually until all jurisdictions receive Federal community development assistance on the basis of their needs as determined by the formula system. No local matching contributions are required by the Act.

In order to deal with the problem of decent housing for lower-income persons and families, the Act creates a new housing assistance program which authorizes the leasing of new and existing housing accommodations for families with incomes below the median income in the area. In order to induce private owners and developers to participate in this program, the Secretary will set "fair market" rentals in each area for units of various size. Assisted families or individuals will pay from 15 to 25 percent of their income (depending on the size of family, extent of medical and unusual expenses, and other factors), and the Federal government will pay the owner the difference between these amounts and the approved rent for the units.

In addition to creating the Housing Assistance Payments programs, the Act makes a number of changes designed to extend and strengthen existing public housing programs, and provides a system for allocating housing subsidy funds, since there are likely to be far more applications for subsidized housing developments than can be funded in any one year. Funds are to be allocated on the basis of objective criteria (e.g., population, poverty, housing conditions and vacancies). At least 20 but not more than 25 percent of the total funds are to be distributed to nonmetropolitan areas.

A number of revisions are made by the Act in the various mortgage credit assistance programs operated by the Federal Housing Administration which will make it easier for all Americans to achieve the goal of homeownership. The mortgage ceiling for single-family homes, which had been \$30,000, was raised to \$45,000. This increase was intended to reactivate FHA mortgage lending in many areas in which it is no longer feasible to build under the old limits. For the same reason, overall maximum project mortgage dollar limits previously applicable under FHA multifamily, group practice, hospital, nursing home, and land development programs are removed. The Act also amends Title V of the National Housing Act to prohibit discrimination on the basis of sex in the making of Federally-related mortgage loans, insurance guaranty, or related assistance; lenders are required to consider combined incomes of husband and wife in extending mortgage credit.

Several new provisions are designed to encourage construction of housing which utilizes modern energy conservation techniques. The Secretary is required to promote the use of energy saving techniques through minimum property standards established for newly constructed residential housing subject to mortgages insured under the National Housing Act. In addi-

tion, property improvement loans will now be available to finance the provision of energy conserving improvements or solar energy systems in existing housing. The Secretary is authorized, after consulting with the National Science Foundation, to undertake a demonstration program to determine the economic and technical feasibility of utilizing solar energy for heating or cooling residential housing (including demonstrations of new housing design or structure that makes use of solar energy).

The Act authorizes \$130 million in fiscal 1975 and \$150 million in fiscal 1974 for grants to States and communities to use in developing the plans required in this Act, and for other planning purposes. It also authorizes \$7 million for training housing and urban specialists.

In order to improve housing conditions in rural areas, authorizations for various existing programs were increased and extended. Rehabilitation loans and grants and farm labor housing programs each were provided increased authorizations of \$30 million. Research grants were increased from \$250,000 per year to \$1 million per year, and the research program will be extended to include small rural towns with a serious lack of mortgage credit. Previously, it had applied only to farm housing. A new program of technical and supervisory assistance for low-income families was added in order to help those families to benefit from Federal, State or local housing programs in rural areas.

The legislation includes a new National Mobile Home Construction and Safety Standards Act designed "to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from mobile home accidents and to authorize mobile home safety research and development." This new law requires the Secretary, after consultation with the Consumer Product Safety Commission, to issue Federal mobile home construction and safety standards, taking into consideration existing State and local laws. If a mobile home does not conform to a Federal safety standard, the manufacturer will have to repurchase the home or bring it up to standard.

The new law also provides for Federal encouragement of and participation in the "urban homesteading" programs which are underway in a number of communities. The Secretary is authorized to transfer, without payment, certain Secretary-held unoccupied one-to-four family dwellings to State or units of general local government for use in such a program. HUD Regional Offices are required to keep an inventory of property available for urban homesteading purposes. An acceptable urban homesteading will provide for: (1) conditional conveyance of unoccupied residential property to an individual or family without substantial consideration; (2) an equitable procedure for selecting recipients of property; (3) an agreement under which the recipient agrees to occupy the property for a minimum of three years, make necessary repairs, and permit periodic inspections; (4) an agreement of revocation of conveyance upon any material breach of the agreement and full conveyance upon compliance; and (5) a coordinated approach toward neighborhood improvement and upgrading of community facilities.

A new National Institute of Building Sciences is established to develop, promulgate and evaluate criteria for housing and building regulations. The Institute is to function as a source of technical findings and as an advisor to public agencies and private groups in the use of building science and technology.

The Housing and Community Development Act of 1974 includes provisions that will encourage, through the guarantee of obligations, the formation and effective operation of State housing finance agencies and State

development agencies. These agencies are to be encouraged to carry out activities designed to (1) provide housing and related facilities for the low and moderate income group, (2) promote sound growth and development through revitalizing poor areas, (3) increase and improve employment opportunities through industrial and commercial development, or (4) implement the development of State land use and preservation policies.

Real Estate Settlement Procedures Act of 1974 (P.L. 93-533, approved December 22, 1974)—This legislation is designed to reform the real estate settlement process in order to insure that consumers throughout the Nation are provided with greater and more timely information on the nature and costs of the settlement process and are protected from unnecessarily high settlement charges incurred by certain abusive practices that have developed in some areas of the country. The Act is expected to result in more effective advance disclosure to home buyers and sellers of settlement costs; in the elimination of kickbacks or referral fees that tend to increase unnecessarily the costs of certain settlement services; in a reduction in the amounts home buyers are required to place in escrow accounts established to insure the payments of real estate taxes and insurance; and in significant reform and modernization of local recordkeeping of land title information.

Emergency Home Purchase Assistance Act (P.L. 93-449, approved October 18, 1974)—Both Houses in the Second Session acted on S. 3979 which is designed to help revive the depressed housing industry and put construction workers back on the job. The Act will make available during the coming year \$7.75 billion for the Department of Housing and Urban Development (HUD) to buy mortgages financing housing for hard-pressed middle-income families. Of this amount, \$3 billion—enough to finance 100,000 homes—will be made available immediately. The bill authorizes HUD to purchase conventional mortgages from building and loan associations and other lending institutions, in addition to the currently permitted VA and FHA mortgages. The Department may purchase mortgages up to \$42,000 per home at interest ceilings equal to the going rate on 6 to 12 year Treasury bonds plus one-half percentage point.

Home Loan Insurance (P.L. 93-117, approved October 2, 1973)—With the Federal Housing Agency's insuring authority expiring a second time this year (October 1), Congress authorized an extension of the FHA's authority to set government-insured mortgage interest rates and authorized funds for its basic Federal housing and urban development programs until October 1, 1974. Congress increased by \$140 million the authority of the Secretary of HUD to enter into annual contracts with local housing authorities and extended the Secretary's authority to set maximum interest rates for FHA mortgages and Veterans Administration guaranteed loans. Authority for new community development guarantees was increased and various rural housing authorizations under the 1949 Housing Act (P.L. 81-171) were extended until October 1, 1974. Also extended until the October date were the authority of the Government National Mortgage Association to purchase mortgages, necessary to permit continuation of HUD's special tandem plan for low-income housing financing and the period in which the HUD Secretary is authorized to make rehabilitation loans. A total of \$110 million for fiscal 1974 was authorized for comprehensive planning grants, \$664 million for urban renewal, \$63 million for open space, and \$40 million for neighborhood facilities.

Housing and Mortgage Laws (H.J. Res. 512 reported from conference July 31, 1973. Conference report recommitment September 5, 1973)—Faced with a moratorium on low-

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income and middle-income housing imposed by the Administration in January 1973, Congress attempted to take action to terminate the moratorium and extend programs suspended on urban renewal, model cities, water and sewer and other community development projects. The bill also would have renewed the authority of the Secretary of HUD, to set mortgage rates for the FHA scheduled to expire June 30, 1973. When the President assured Congress of a veto, Congress passed an emergency measure (P.L. 93-85) extending the FHA insuring authority until Congress could approve a compromise bill, later to become P.L. 93-117 (above).

Inclusion of Interest and Legal Fees in Judgments of Subcontractors (H.R. 11691) passed the House May 20, 1974.—The House amended the "Miller Act" of 1935 in order to provide greater protection to certain subcontractors, particularly small businessmen, who might otherwise suffer from unnecessary financial losses when performing as subcontractors and material suppliers on Government contracts. The bill provides that interest and reasonable attorneys' fees are to be included in judgments in favor of subcontractors who bring actions to enforce their rights under payment bonds required by the Miller Act. Under the existing law, there is a lack of uniformity with regard to attorneys' fees and interest in Miller cases in the various States. As a result, in certain States a subcontractor suing under the Miller Act may receive attorneys' fees and interest but in another jurisdiction he would not. This bill would provide a desirable uniformity as to this subject. H.R. 11691 would also render unenforceable any provision in a contract between the prime contractor and the subcontractor, whereby the subcontractor purports to waive his rights under the Miller Act, including arbitration clauses. This provision aims at protecting the unknown subcontractor or the one who falls victim to the inequality of bargaining power.

INDIANS

Indian Financing Act (P.L. 93-262, approved April 12, 1974)—This Act comprises part of an Indian self-determination package to give Indians a greater degree of control in the administration of Federal programs for their benefit and economic independence based on the development and utilization of Indian resources. Under the Act, an Indian Revolving Loan Fund is established to be available for loans to Indians having a form of organization that is satisfactory to the Secretary of the Interior, and to other eligible Indians. Loans may be made for any purpose which will promote the economic development of the individual Indian borrower, including loans for educational purposes and the economic development of the Indian organizations. The Secretary of the Interior is authorized to guarantee up to 90 percent of the unpaid principal and interest due on any loan made to any organization of Indians or to individual Indians, or, in lieu of such guaranty, to insure such loans. The Secretary is also authorized to pay interest subsidies on loans which are guaranteed or insured under the provisions of Title II.

An Indian Business Development Program is established within the Department of the Interior for the purpose of stimulating and increasing Indian entrepreneurship and employment by providing equity capital to aid in establishing and expanding Indian-owned economic enterprises on or near reservations. Finally, the Act requires the Secretary to insure that any loan or grant applicant be provided with competent management and technical assistance consistent with the nature of the enterprise being funded. For the purpose of providing this assistance, the Secretary is authorized to cooperate with other Federal agencies in the use of existing programs of this character in those agencies, and to contract with private organizations for providing such services and assistance.

Indian Self-Determination and Education Assistance Act (P.L. 93-638, approved January 4, 1975)—The concept of "Indian Self-Determination" means, in effect, a greater degree of Indian control in the administration of Bureau of Indian Affairs and Department of Health, Education and Welfare programs designed for the benefit of Indians, together with the encouragement of Indian economic self-sufficiency based on the development and full utilization of Indian resources.

P.L. 93-638 embodies the concept of Indian control of the administration of Federal programs, together with that of assistance in the area of Indian education. Title I of P.L. 93-638 clarifies and expands the authority of the Secretary of the Interior and the Secretary of Health, Education and Welfare (in the matter of Indian health service) to contract with Indian tribes and tribal organizations to operate Federally-funded programs on reservations. Title II of P.L. 93-638 further clarifies this authority, and provides, in addition, for increased Indian authority at the local level in approving or disapproving programs conducted under such contracts. Title II also authorizes the Secretary of the Interior to contract with State education agencies or school districts for the purpose of constructing or renovating facilities in school districts on, adjacent to, or near to, Indian reservations or other lands held in trust by the U.S. for Indians, when such facilities are necessary for the education of Indians living on such reservations or lands.

American Indian Policy Review Commission (P.L. 93-580, approved January 2, 1975)—Congress established an American Indian Policy Review Commission which is empowered with certain specific duties in regard to analyzing Federal Indian policy. Included in these duties is appointment of investigative task forces each to be composed of three persons, a majority of whom must be of Indian descent, to make preliminary investigations and studies in various specified areas of Indian affairs. The resolution directs that each task force must submit, within one year from the date of the appropriation of funds authorized therein, a report to the Commission. The Commission must then submit a report to the President of the Senate and the Speaker of the House within six months following completion of the reports submitted by the task forces.

Indian Judgment Funds Distribution Act (P.L. 93-134, approved October 19, 1973)—As approved by Congress, the Judgment Funds Distribution Act provides that all distributions of funds appropriated by Congress to pay judgments of the Indian Claims Commission and the Court of Claims to Indian tribes, bands, groups, pueblos, or communities shall be made pursuant to this Act. Accordingly, within six months after the vote of the appropriation of funds by the Congress to pay each Indian judgment, unless an extension is granted, the Secretary of the Interior is directed to prepare and submit to the Congress a recommended plan for the distribution of such funds. The Act further provides that such a plan shall become effective, and the distribution of judgment funds provided, upon expiration of a 60-day review period by Congress. Otherwise, should a committee resolution of either House disapprove the plan, the Secretary is required to propose legislation embodying such a plan.

Indians Claims Commission Authorization, FY 1974 (P.L. 93-37, approved May 24, 1973)—Congress authorized \$1.2 million for the operation of the Indian Claims Commission increasing by \$900,000, to \$2.7 million the Expert Assistance Revolving Loan Fund, which enables Indian plaintiffs to borrow money at 5 percent interest to hire experts in the preparation of claims. Established in 1946, the Commission is to be terminated

in 1977 at which time pending cases are to be transferred to the U.S. Court of Appeals.

Indian Claims Commission Authorization, FY 1975 (P.L. 93-494, approved October 27, 1974)—P.L. 93-494 authorized appropriations for the Indian Claims Commission for fiscal year 1975, not to exceed \$1,450,000, to carry out the provisions of the Indian Claims Commission Act during fiscal year 1975. P.L. 93-494 also amends the Indian Claims Commission Act by adding the proviso that expenditures for food, rations or provisions may not be deemed payments on any claim.

Disposal Of Federal Property on Indian Reservations (P.L. 93-599, approved January 3, 1975)—This Act amends the Federal Property and Administrative Services Act of 1949 to provide for the disposal of excess or surplus Federal property located within Indian reservations to the Secretary of the Interior for the benefit of any group, band or tribe of Indians which is eligible for services of the Bureau of Indian Affairs, and who reside within those reservations on which the excess property is located. At the present time Federal property laws give no preferential rights to Indian tribes in obtaining Federal excess or surplus property located within the reservation. This bill would rectify that situation.

Menominee Restoration Act (P.L. 93-197, approved December 22, 1973)—Termination by Congress of Federal supervision over Federally-recognized Indian tribes in the 1950's and early 1960's was a policy which generated considerable controversy. Although the U.S. has since repudiated "termination" as a National Indian policy, six termination Acts (including the Menominee Termination Act) were enacted in 1954 and several more thereafter. Termination resulted in great economic hardship for some tribes, like the Menominee, and a general fear among Indians that the U.S. would abandon its responsibilities to them.

Thus the Menominee Restoration Act is landmark legislation in that it repeals the Menominee Termination Act of 1954 and reinstates all rights and privileges of the Menominee Tribe or its members under Federal treaty, statute, or otherwise—including Federal recognition and the right to all Federal services furnished American Indians because of their status as Indians.

This Act further provides that the Secretary of the Interior shall establish a membership roll of the tribe which is to include all members listed on the final 1954 roll who are still living and all descendants of persons listed on the 1954 roll if such descendants have at least one-quarter Menominee Indian blood; that the tribe shall organize a governing body for its common welfare and shall adopt an appropriate constitution and by-laws; that, subject to the approval of the shareholders as required by the laws of Wisconsin, the Board of Directors of Menominee Enterprises, Inc., shall transfer to the Secretary all assets held by such corporation; and that such assets shall be held in trust by the Secretary on behalf of the United States for the Menominee Tribe.

Navajo-Hopi Land Dispute (P.L. 93-531, approved December 22, 1974)—This Act effects a legislative solution to a land dispute between the Navajo and Hopi Indians which began more than a century ago. The land involved is that withdrawn from the public domain under an 1882 Executive Order for the use and occupancy of the Hopi and "such other Indians as the Secretary of the Interior may see fit to settle thereon." The area is now surrounded by the Navajo Reservation as established by Act of Congress in 1934.

The fact that the Executive Order set aside the area both for the Hopis and for "such other Indians as the Secretary of the Interior may see fit to settle thereon" gives rise to the conflicting claims of the two tribes.

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In 1891 the Interior Department drew a boundary line reflecting the location of most of the Hopis within the 1882 Executive Order area, and the Navajos were forbidden to cross this line. The Navajos have conceded that the Hopis have exclusive rights to the land within this boundary. The dispute, therefore, is primarily in regard to the remainder of the 1882 Executive Order area.

In 1958 Congress authorized each tribe to institute or defend an action against the other "for the purpose of determining the rights and interests of such parties in and to said lands and quieting title in the tribes or Indians establishing such claims" pursuant to the 1882 Executive Order.

The result of this authorization was a 1962 decision (*Healing v. Jones*) of the District Court of Arizona which rules (1) that the Navajo and Hopi have joint, undivided and equal rights and interests in that portion of the 1882 Executive Order Area which lies outside the exclusive Hopi area ("Joint Use Area"); and (2) that the court did not have jurisdiction to partition this area jointly.

Further controversy stems from the fact that there are Hopi Indians living within the boundaries of the 1934 Navajo Reservation, which was established for the benefit of the Navajos and "such other Indians" as were already located thereon.

Thus this measure resolves this dispute by providing for a mediator and negotiating teams representing each tribe to settle the conflict. If these fail to find a solution, the Act authorizes the District Court of Arizona to make a final adjudication, which includes the possibility of partition of the Joint Use Area. The Act also provides for a judicial resolution of the dispute concerning the Moencopie area of the Navajo Reservation. The Act seeks, through various guidelines, to minimize the amount of population relocation which partition would require, as well as for partition in equal acreage and quality so far as is practicable. The Act directs that the subsurface rights in the Joint Use Area not be partitioned but continue under joint ownership.

LABOR AND IMMIGRATION

Minimum Wage Increase and Expansion (P.L. 93-259, approved April 8, 1974)—The enactment of the Fair Labor Standards Amendments of 1974 culminates a four-year effort to increase the minimum wage and to expand coverage under the Fair Labor Standards Act (FLSA). The Act provides a minimum wage level of \$2.30 per hour for all covered workers. However, the schedule for reaching that level varies according to when the workers were first covered by the FLSA: (a) Workers covered prior to the 1966 FLSA amendments were set at \$2.00 per hour effective May 1, 1974, at \$2.10 per hour to begin January 1, 1975 and at \$2.30 per hour to begin January 1, 1976; (b) Workers covered since the 1966 amendments received \$1.90 per hour on May 1, 1974 and will receive \$2.00 per hour on January 1, 1975, \$2.20 per hour on January 1, 1976 and \$2.30 per hour on January 1, 1977; (c) Farm workers, regardless of when they were covered, received \$1.60 per hour on May 1, 1974, \$1.80 per hour on January 1, 1975, \$2.00 per hour on January 1, 1976, \$2.20 per hour on January 1, 1977, and \$2.30 per hour on January 1, 1978; and (d) Most workers in Puerto Rico and the Virgin Islands will receive increases, in stages, in the minimum wage of either \$1.15 per hour, if their wage order rates are at or above \$1.40 per hour, or \$1.12 per hour, if their wage order rates are below \$1.40 per hour, until parity with the mainland rates is achieved.

Coverage of the Fair Labor Standards Act is broadened in three categories. First, the 1974 amendments cover all non-supervisory employees of Federal, state and local governments. The primary impact for these em-

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ployees comes with regard to overtime provisions in which it is required that overtime pay be the compensation for every hour of overtime worked, whether previously authorized or not. The second category to be included are all private household domestic service workers who qualify for social security (earn wages from any employer amounting to more than \$50.00 in any calendar quarter) or who, in any workweek are employed by one or more employers for more than eight hours in the aggregate. The amendments also broaden the coverage of farm laborers by including within the calculations for determining whether a farm meets the "500 man-day" test for coverage, work by local seasonal hand harvest laborers and children.

The 1974 amendments repeal or modify some minimum wage and overtime exemptions and create new ones. The minimum wage and overtime exemptions are repealed for employees of retail or service establishments which are part of enterprises which gross \$250,000 or more annually in sales and employees of retail or service establishments who handle telegraph messages. The repealing section takes effect in stages. Minimum wage exemptions are repealed for motion picture theater employees, some logging employees, some agricultural employees engaged in tobacco processing, and employees of retail or service establishments or agricultural establishments which are part of so-called conglomerate employers. Overtime exemptions are repealed for some seasonal industry and agricultural processing employees, seafood canning and processing employees, oil pipeline employees, local transit employees, bowling establishment employees, food service and catering employees, certain partsmen and mechanics, and hotel and motel employees performing maid or custodial services. Overtime exemptions are modified for nursing home employees and certain hotel, motel and restaurant employees. New overtime exemptions are created for boat salesmen, certain houseparents for children residing in educational institutions, certain private household domestic service workers, and certain firefighting and law enforcement personnel.

Included in the Act also are provisions relating to students, to tip credit, to child labor and to prevention of age discrimination. **Special Employment Assistance Act (P.L. 93-567, approved December 31, 1974)**—Demonstrating its ability to react swiftly in a crisis situation, Congress passed the Special Employment Assistance Act authorizing 2.5 billion dollars to create 330,000 new jobs eleven days after it was first reported to the House floor. The Act rounds out a congressional emergency program designed to aid the Nation's growing unemployed which also includes an emergency extension of unemployment insurance giving up to fifty two weeks of benefits.

The Special Employment Assistance Act includes three different programs to provide benefits, the approximately 330,000 one year public service jobs authorized under Title I, an extension of unemployment benefits to workers not covered by State law in Title II, and a special job opportunities program for high unemployment areas in Title III.

The 2.5 billion dollars to create approximately 330,000 jobs will be used to hire jobless workers to perform community services in fields such as health, education, recreation and sanitation. The average annual wages for jobs created under the program would be about \$7,800 for jobs running during calendar year 1975.

The extension of unemployment benefits to workers not covered by State law, will provide up to twenty-six weeks of benefits to unemployed workers at a rate equal to what they would receive if they were eligible under existing law. It was estimated that this pro-

gram would cost 2.5 billion dollars at a 6.5% unemployment rate.

Title III of the new law attempts to create new jobs without creating another Federal agency to administer the program. The title authorizes the Secretaries of Commerce and Labor to monitor existing programs of the Federal Government to determine which have the most direct and immediate impact upon the creation of jobs and authorizes the Secretary of Commerce to provide up to 500 million dollars of assistance to programs which will contribute significantly to unemployment, and which can be initiated promptly and largely completed within twelve months.

Emergency Unemployment Act (P.L. 93-572, approved December 31, 1974)—Congress moved swiftly at the end of 1974 to provide extended benefits to the rapidly growing number of unemployed American workers. The Emergency Unemployment Act, passed in response to an unemployment rate which was climbing from a base of 6.5 percent of the work force, provides up to 52 weeks of unemployment benefits to affected workers.

The law accomplishes its goal of extending unemployment benefits by two major methods. First, it provides an extended thirteen weeks of unemployment benefits to workers who have exhausted their 26 weeks of regular benefits, and thirteen weeks of additional emergency benefits, making a possible total of 52 weeks of eligibility to workers who are particularly hard hit. Second, the law makes it easier for States to qualify for the program by lowering the "trigger" unemployment percentage to a level (4 percent of "insured" labor force) which would allow all 50 States to take advantage of the program beginning in January of 1975.

The legislation is essentially a modification of existing unemployment law. Under the provisions of the new law (which will be in effect until the end of 1976) the system requiring the States to provide the first 26 weeks of unemployment compensation will remain the same. The additional thirteen weeks of extended benefits will be paid for entirely by the Federal government if the "insured" unemployment rate falls within the range 4 to 4.5 percent for any three month period. If there is an "insured" unemployment rate of 4.5 percent or greater for any three month period, the provisions of other unemployment laws will come into effect where the States pay half the cost of extended benefits for the 13 weeks of additional compensation.

The new law provides for an additional "emergency" extension for another 13 week period for States with extended benefits programs. This program will be paid entirely from Federal funds.

The Emergency Unemployment Act also continues the suspension of the "120 percent trigger" mechanism which prevented Federal unemployment relief programs from coming into effect unless unemployment was rapidly rising. Proponents of this provision successfully argued that a high plateau of unemployment was as much a problem as rapidly rising unemployment. The new law also allows individual States to participate in the program even if the national "trigger" is not reached, if the individual States' unemployment percentages exceed the "trigger" percentages.

Under the previous guidelines less than a dozen States qualified for Federal unemployment aid. Under the new law all fifty States can qualify.

Comprehensive Manpower Act (P.L. 93-203, approved December 28, 1973)—To ease the rising unemployment threatened by the energy crisis, Congress approved a job training bill which develops a comprehensive national manpower policy and establishes a decentralized and decategorized manpower program responsive to local needs while maintaining necessary Federal direction and supervision. The Act establishes a program of

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financial assistance to State and local prime sponsors, enabling them to provide manpower services. Local prime sponsors are to include units of general local government with a population of 100,000 or more, combinations of such units which exceed 100,000, and certain rural areas without population requirements.

Included among the authorized manpower services are all programs and activities authorized under existing law. The Act provides a program of assistance to qualified prime sponsors and to Indian tribes or transitional public service employment in areas with a rate of 7 percent or more unemployment. Manpower services are also provided to segments of the population in particular need, including programs for Indians, migrant and seasonal workers, and youth. The Job Corps would be continued under the Secretary of Labor, who would be authorized to conduct programs of research, training, evaluation, labor market information and a computerized job bank. An open authorization was approved for fiscal 1974 through fiscal 1977.

National Labor Relations Act Amendments (P.L. 93-360, approved July 26, 1974)—Congress extended coverage and protection under the National Labor Relations Act to employees of nonprofit hospitals by providing new procedures governing labor relations in health care institutions. Through a more comprehensive definition of "health care" coverage includes hospitals, nursing homes, health maintenance organizations, extended care facilities, health and medical clinics and other similar institutions designed to care for the sick, infirm or aged.

Two significant changes provided by this Act are that it recognizes the need for uninterrupted patient care during a labor dispute, providing that a labor organization, before engaging in any strike, picketing, or other concerted refusal to work at any health care institution is to notify the institution and the Federal Mediation and Conciliation Service of that intention in writing not less than ten days prior to such action. Second, the Act insures that no one may be coerced against her or his religious convictions into joining or financially supporting labor organizations, if such convictions are of a bona fide religious sect.

Farm-Labor Contractor Registration Act Amendments (H.R. 13342 vetoed by the President, October 29, 1974)—In an effort to protect migrant laborers from potential abuses by crew leaders and other contractors, Congress approved legislation (H.R. 13342) which extends coverage of the Farm Labor Contractor Registration Act to inter- and intra-State farm workers. The Act's provisions, directed to provide protections and remedies to workers subjected to farm labor contractor recruitment, contain revisions in penalty provisions to provide that criminal penalties are to apply to violations of the Act itself. Civil money penalties, imposed through the Secretary of Agriculture, are to apply to violations of regulations promulgated under the Act. The Act provides that a contractor who knowingly employs illegal aliens is to be fined a maximum of \$10,000 or sentenced to a prison term not to exceed three years, or both, wherever the contractor is not duly registered under the Act. The use by another person of an unregistered farm labor contractor may result in the denial to that person of employment service facilities under the Wagner-Peyser Act. A private Federal remedy is created for violations of the Act or regulations.

Farm-Labor Contractor Registration Act Amendments (P.L. 93-518, approved December 7, 1974)—In a second effort to pass amendments to the Farm-Labor Contractor Registration Act, Congress deleted a provision contained in the original legislation that would have raised the position of certain hearing examiners to the level of administrative law judge. Because of inclusion

of this provision in H.R. 13342 the President vetoed the bill. The Act, with all other provisions of H.R. 13342 (see above) also requires that farm labor contractors, in order to receive certification, prove that all housing and vehicles provided to farm laborers meet Federal and state health and safety laws.

Extended Unemployment Benefits (P.L. 93-53, approved July 1, 1973)—As an amendment to the first debt ceiling limitation bill, Congress passed provisions allowing States with annual unemployment rates of 4.5 percent and above to provide 13 weeks of extended benefits to unemployed workers during 1973 (to be financed by matching Federal and State funds) without regard to an existing law specifying that the level of unemployment in States had to increase by 20 percent over two years before States could provide the additional assistance. The provision, expected to affect six States, will provide extended benefits to an estimated 176,500 workers at a cost of \$60.6 million to the Federal Government and \$55.1 million to the States. As a part of the same debt ceiling bill, Congress approved an extension through fiscal 1974 of Federal project grants for maternal and child health programs. Direct grants had been scheduled to expire with the end of fiscal 1973 on June 30, 1973.

Railroad Retirement Amendments (P.L. 93-69, approved July 10, 1973)—While Congress made clear its intent to place the railroad retirement system on a permanent and sound financial basis before January 1, 1975, Congress passed a temporary solution to the retirement system's problems by implementing an agreement liberalizing eligibility requirements for railroad retirement and by extending benefit increases. Congress extended the three benefit increases enacted since 1970 to about one million railroad workers and their dependents through December 31, 1974, allowing employees to receive their full retirement benefits at age 60 after 30 years of service. Almost one half of the tax burden will be shifted from employees to employers to finance the retirement system, resulting in an increase in employer taxes from 10.6 percent to 15.35 percent of wages.

Jointly Administered Trust Funds for Legal Services (P.L. 93-95, approved August 15, 1973)—A far greater number of Americans will have access to legal services for a fixed fee as a result of legislation passed this year by Congress. Under a new system employers in business are authorized to contribute to jointly administered trust funds established by unions for the purpose of providing their members with prepaid legal services for tenant, debt, consumer, property, family relations and other matters. Previously, a legal services plan through collective bargaining could have been established only if the employer or a third party served as administrator. This legislation now makes legal services available to a large portion of the estimated 150 million American working people with moderate incomes who presently cannot afford the cost of adequate legal assistance. It is aimed at making legal services available to the blue-collar, middle-income working American, at a time when a great many Americans are not receiving adequate legal services. The Act also contains safeguards to prevent abuses by prohibiting suits against employers, except in workman's compensation cases, and by prohibiting suits against unions.

Immigration Limits (H.R. 981 passed House September 27, 1973)—The House voted to amend the Immigration and Nationality Act of 1952 by imposing a worldwide limit on immigration visas of 20,000 annually per country. Priority would be given to those persons desiring to reunite with other members of their families and to persons with skills needed in the United States. A limit on immigration from Mexico and Canada would be established for the first time in

U.S. history in an effort to establish a uniform treatment for all countries.

Enforcement of Customs and Immigration Laws, Increase Funds (P.L. 93-396, approved August 29, 1974)—The Act increases from \$100,000 to \$200,000 the limitation on the amount of funds that may be expended to provide for facilities for the enforcement of the customs and immigration laws along the land borders of the United States. The activities under the Act include the acquisition of land, and the construction of buildings, sheds, office quarters, and living facilities which are otherwise unavailable. During the House debate, it was pointed out that border facilities usually are erected in remote areas. Costs are increasing for these facilities due to the great distances that personnel and material must be transported to the job site. Also, along the Canadian border extreme weather conditions increase cost due to the short construction time during the limited summer season. The authorization had not been increased since 1962.

Repeal of the "Cooly Trade" Laws (P.L. 93-461, approved October 20, 1974)—This legislation repeals the "cool trade" laws, which prohibit the procuring, transportation, disposition, sale, or transfer of Oriental persons as servants or apprentices, or to be held to service or labor. These laws were enacted in 1862 and 1875 to correct the increasingly prevalent practice of exploitation of Oriental persons, particularly Chinese and Japanese, involving their procurement abroad for importation into the United States under contracts of servitude. These practices resulted not only in the violation of the individual rights of the persons so recruited, but also were disruptive to the working conditions in the areas into which they were imported.

The circumstances which prompted the "cool trade" legislation have long since ceased to be prevalent in the face of changes in the social, economic, and political conditions in the United States and abroad. The continued existence of the "cool trade" laws is also inconsistent with the later policies of the Congress under which other statutes singling out Oriental peoples have been repealed or modified by progressive amendments to the immigration laws.

The "cool trade" legislation currently serves no useful purpose in view of general civil rights legislation. It also presents an unnecessary and disparaging reminder of a past historical period which potentially could be the cause of misunderstanding as to the present relationships between the people of the United States and the people of Oriental countries.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE

Law Enforcement Assistance Amendments (P.L. 93-83, approved August 6, 1973)—In an effort to reverse the alarming rise in crime, Congress authorized more than \$2 billion to give local law enforcement officials in our neighborhoods the training and equipment they need to protect citizens against criminal acts. Congress quickly acted this session to extend the authorizations for the Law Enforcement Assistance Administration through fiscal year 1976, along with an extension of the Federal grant-giving authority of the LEAA for these three years. The Act provides for an expansion of the LEAA's mandate to include the improvement of criminal justice as well as law enforcement; increases the minimum state planning grants to \$200,000 from \$100,000, allowing planning grants to interstate metropolitan regional planning units; reduces all matching requirements to a single requirement that ten percent of the cost of an LEAA-funded project be met by State or local funds; establishes requirements for acceptable State programs; authorizes the LEAA to assist State and local police training programs and to act as a clearing-house for information relating to the improvement of law enforcement and criminal justice; and provides for termina-

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tion of funds to any State discriminating in recruiting on the basis of color, national origin or sex. States are required to provide for the development and operation of alcoholism prevention and treatment programs as well as narcotic treatment programs in correctional facilities.

Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, approved September 15, 1974)—In order to provide a more efficiently coordinated Federal approach to the problems of juvenile delinquency in the United States, Congress established within the Law Enforcement Assistance Administration an Office of Juvenile Justice and Delinquency Prevention, charged with the development and implementation of policy objectives for all Federal juvenile delinquency programs. Also established by the legislation is a Coordinating Council on Juvenile Justice and Delinquency Prevention to coordinate all Federal programs in the area and a National Advisory Committee for Juvenile Justice and Delinquency Prevention.

Congress authorized Federal grants covering up to ninety percent of the costs of approved state and local programs of education, training, treatment, prevention, research and rehabilitation of juvenile delinquency. Other provisions encourage the use of Federal funds in the development of new facilities and approaches by states, localities, and private agencies. The total amount authorized for these and related programs is \$381 million through fiscal year 1977.

Narcotic Treatment Programs (P.L. 93-281, approved May 14, 1974)—Congress completed action this session on provisions designed to improve Federal control over methadone treatment programs by requiring annual registration with the Attorney General of anyone dispensing drugs with narcotics treatment programs. The registrants are required to comply with standards of record-keeping and security established by the Justice Department and with Department of Health, Education, and Welfare regulations concerning unsupervised use of narcotics in treatment programs. Failure to comply will result in suspension or revocation of authorizations by the Attorney General.

Judicial Disqualification (P.L. 93-512, approved December 5, 1974)—Congress for the first time has dealt with the problem of judicial disqualification in a comprehensive manner. Among the provisions of the new law is a general requirement that any referee in bankruptcy cases, magistrate, judge or justice disqualify him or herself in proceedings wherein his or her impartiality is open to question. Certain specific cases in which disqualification would pertain are enumerated. These include cases in which there was established a personal prejudice, a previous relationship with one of the lawyers, or a case in which the official had served as a counsel, adviser or material witness, or expressed an opinion while an employee of the United States Government. Other cases include those in which the judge is related to any of the parties or has financial interests which may be substantially affected by his or her ruling. The act also prohibits the waiving of any of these specific grounds for disqualification, and provides for a limited waiver for the general statement on disqualification.

Federal Rules of Evidence (P.L. 93-595, approved January 2, 1975)—Early in the Second Session, Congress approved legislation providing for a comprehensive codification of the rules on the admissibility of evidence in the Federal court system. The legislation was an outgrowth of the rules drafted by an advisory committee appointed twelve years ago by then Chief Justice Earl Warren. The original rules were released by the Supreme Court in November of 1972, and shortly thereafter Congress acted to secure its rights to revise them, as it deemed necessary, before they were to become effective.

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The act thus produced retains a substantial number of the advisory committee's suggested rules but, among other changes, provides that questions of testimonial privileges and witness competency are to be governed by state law in civil cases, where such law supplies the rule of decision. It omits the rules providing for summing up and comment by the trial judge and presumptions in criminal cases, and contains a special provision for amendment of the rules by the Supreme Court.

Federal Rules of Criminal Procedure (P.L. 93-361, approved July 30, 1974)—This Act postpones for one year, until August 1, 1975, the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure which were promulgated by the Supreme Court and transmitted to Congress under an order of the Supreme Court dated April 22, 1974, to allow Congress sufficient time to study these proposed amendments.

Controlled Substances Act Extension (No-Knock Repeal) (P.L. 93-481, approved October 26, 1974)—During the second session, Congress extended authorizations for appropriations for the Drug Enforcement Administration (DEA), a new agency designated by Reorganization Plan No. 2 of 1973 to carry out all Federal drug law enforcement. The Act provides authorizations in the following amounts: \$105 million for fiscal year 1975; \$175 million for fiscal year 1976; and \$200 million for fiscal year 1977. In amending section 509 of the Controlled Substances Act, the Act repeals authority of a judge or magistrate to issue search warrants relating to offenses involving controlled substances which authorize, under certain circumstances a police officer to break and enter a building in the execution of the search warrant without giving notice of his authority and purpose. It also amends title 23 of the District of Columbia Code to repeal the statutory authority of that title for an officer to break and enter in the execution of a search warrant or in making an arrest and to make, under certain specified circumstances, such break and entry without announcing his identity and purpose. Finally, the conference version extends the protection of title 18 U.S.C., making it a Federal offense to assault a Federal officer, to agents of the DEA acting within the lawful course of their duties.

Legal Education Fellowship Program for the Disadvantaged (P.L. 93-343, approved July 10, 1974)—Under this Act Congress provided that certain funds appropriated under the Higher Education Act of 1965 are to be used by the Department of Health, Education and Welfare for the purpose of supporting a program which will assist persons from disadvantaged backgrounds to prepare and receive education for the legal profession.

Commission on the Revision of the Federal Court Appellate System (P.L. 93-420, approved September 19, 1974)—Additional authorization of funds were provided in P.L. 93-420 for the already existing Commission on Revision of the Federal Court Appellate system. In addition, the deadline was extended for completion of its study on changes in structure and procedures of the Federal Courts of Appeal, from September 21, 1974, to June 21, 1975.

Jurisdiction of Civil Actions by Senate Select Committee on Presidential Campaign Activities (P.L. 93-190, approved December 18, 1973)—Congress conferred jurisdiction on the U.S. District Court for the District of Columbia with respect to certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities in order to enforce—or secure a declaration concerning the validity of—any subpoena or order issued by the Select Committee to the President, Vice President or other Federal officer for the production of information relevant to the Committee's function. The Select Committee was given

authorization to prosecute such actions to enforce such subpoenas and orders issued by it, and to be represented by such attorneys as it may designate in any action under this Act. The legislation was needed because of a ruling in October by Judge John J. Sirica of the U.S. District Court that dismissed an action brought by the Select Committee to enforce its subpoenas requesting certain tape recordings which were in the possession of the President. The dismissal followed a finding that there was no statute upon which the suit could be based. This Act provided the necessary jurisdiction for the district court.

Watergate Grand Jury Extension (P.L. 93-172, approved November 30, 1973)—The Congress provided for two six-month extensions of the Watergate grand jury of the District of Columbia, which is hearing evidence concerning the break-in at the Democratic National Committee and related matters. Under current law, which limits grand juries to 18 months, the term of the Watergate grand jury was scheduled to expire on December 4, 1973. This measure made the first six-month extension mandatory but left the second extension to the discretion of the District Court if it determined that the business of the grand jury would not be completed at the end of the legislatively authorized time.

Federal Prisoners, Limits of Confinement (P.L. 93-209, approved December 28, 1973)—Both Houses passed legislation expanding existing law to permit more use of furloughs to aid prisoners in adjusting to non-prison community life. Existing law allows 30-day furloughs for work, training, or emergency circumstances. The Act allows furloughs for inmates to establish or re-establish family or community ties or for any other significant reason consistent with the public interest. Individuals would be carefully selected for the furloughs, and only non-dangerous inmates would be considered. The Senate passed the measure with an amendment authorizing a program of compensation for innocent victims of crime.

Speedy Trial Act of 1974 (P.L. 93-619, approved January 3, 1975)—This Act, representing over four years of study by the House and Senate, gives effect to the Sixth Amendment right to a speedy trial for persons charged with criminal offenses and reduces the danger of recidivism by strengthening the supervision over persons released pending trial. Under this legislation, time limit requirements are engaged for the initial stages in the criminal process. These limits are to be enforced by judges empowered to sanction prosecutors for delay by dismissing the indictment if trial does not occur within the limits and are empowered to sanction prosecutors for delay by dismissing deliberate dilatory tactics. The time limit, in addition to the sanctions system, is related to the appropriations process in the Congress so that each court can count on sufficient resources to achieve the goals set forth in the time limits by Congress.

Each Federal district court is required, in cooperation with the U.S. attorney and attorneys active in the defense of criminal cases in that district, to establish a plan for trying criminal cases within 100 days of arrest or receipt of summons. The Act is to take effect over a five year period so that the goals of the 30-day limit on the period between arrest and indictments and a 70-day limit on the period between indictment and commencement of trial will not be in force until the fifth year after enactment.

Starting the fifth year after enactment the 30-day arrest to indictment and 70-day indictment to trial time limits will be enforced by mandatory dismissal. In the first four years after enactment, the time limits are phased in beginning with a 60-day arrest to indictment and 180 days indictment to trial limit in the second year after enactment.

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Every few years the time limits will be shortened and the sanctions for failure to meet the time limits will increase.

Copyright in Sound Recordings (P.L. 93-573, approved December 31, 1974)—This legislation establishes a National Commission on New Technological Uses of Copyrighted Works to study certain copyright issues which are not resolved in the general revision legislation. In addition, the new Act removes the expiration date for a limited copyright in sound recordings, increases the criminal penalties for piracy and counterfeiting of sound recordings, and extends the duration of copyright protection in certain cases.

SCIENCE AND ASTRONAUTICS

NASA Authorization, Fiscal 1974 (P.L. 93-74, approved July 23, 1973)—Congress reinstated several terminated and postponed space programs in the NASA Authorization Act for fiscal 1973. Among the space programs reinstated are the second Earth Resources Technology Satellite, postponed in January from late 1973 to 1976, to survey earth resources with cameras and sensors; an increase in programs of solar energy research; development of a quiet aircraft engine; development of a quiet, experimental short take-off and landing aircraft; and continuation of a program in space nuclear propulsion. The total authorization Congress approved was \$288,650,000, an amount less than that authorized for NASA in fiscal 1973. Although it represents the lowest funding level for NASA since fiscal 1962, it is \$48.5 million more than the amount requested by the Administration for fiscal 1974.

National Science Foundation Authorization, Fiscal 1974 (P.L. 93-96, approved August 16, 1973)—Congress authorized \$635.6 million for the National Science Foundation in fiscal 1974, an amount \$53 million more than the Administration requested. The main increases were approved for energy research, for other basic research programs, and for applied research science education and training. The measure requires the NSF to spend not less than \$25 million for energy research programs, and authorizes additional amounts for earthquake prevention engineering, oceanography programs, institutional improvement of science, graduate student support, and for science education improvement. The Act also prohibits the Foundation from supporting research on live human fetuses outside the womb in the United States or abroad.

National Science Foundation Authorization, Fiscal 1975 (P.L. 93-43, approved September 14, 1974)—Recognizing the crucial importance of expanded scientific research and development programs to the Nation's advancement and well-being, the Congress approved legislation which authorizes \$807,500,000 to the National Science Foundation for Fiscal Year 1975, along with an additional \$5 million in foreign currencies which the Treasury Department considered surplus to the normal requirements of the United States.

Funds authorized will enable the NSF to continue its research programs covering a broad spectrum of scientific disciplines including atmospheric sciences, research science, oceanography, biological sciences, physics, chemistry, astronomy, mathematical sciences and the social sciences. Advanced scientific and technological projects of national and international significance and renown will also be continued. These include: The Global Atmospheric Research Program (GARP); the International Decade of Ocean Exploration Program; the Ocean Sediment Coring Program; the U.S. Antarctic Research Program; and the Energy Research and Development Policy Program.

The NSF will continue to fund programs of crucial national importance in the fields of education, information and energy research. In education, NSF will continue to

support graduate student programs and fellowships awarded on the basis of national competitions in an effort to maintain standards of excellence in scientific research. NSF also provides support for the most outstanding research proposals submitted from universities, colleges and other research oriented institutions and makes grants on an annual basis for discretionary use by U.S. colleges and universities.

At the international level, NSF engages in cooperative scientific studies and undertakings with many foreign countries, and has an exchange program for scientists with 18 countries. The objective of this international scientific cooperation is to exchange information, provide U.S. scientists with opportunities to work on unique problems, and to reduce the cost to the U.S. of attacking global scientific problems.

NASA Authorization, Fiscal 1975 (P.L. 93-316, approved June 22, 1974)—The Congress authorized \$3,266,929,000 for NASA operations for Fiscal Year 1975. Funding was allocated as follows: \$2,372,815,000 for research and development, including funding for the space shuttle and space station programs; \$144,490,000 for construction of facilities; and \$749,624,000 for research and program management.

These levels of funding were approved in order to insure the continuance of high-level scientific and technical competence by retaining that agency's distinguished cadre of scientific personnel and its extensive network of sophisticated facilities and equipment required for space technology and other scientific areas critical to the Nation's needs.

Funding is provided for NASA's extraordinarily complex and far-ranging operations in space. These operations include important research undertakings in space life sciences, astronomy, weather and climate studies, pollution monitoring, and earth and ocean physics, among others.

NASA's research efforts have expanded greatly and have taken on promising new dimensions in recent years. Several of these new directions are in direct response to critical national needs. One such program is NASA's Meteorological Satellite Program which undertakes research on tornadoes and other violent short-term weather phenomena. Another is NASA's work on the development of turbine engines for automobiles and hydrogen injection in conventional automobile engines. This project is expected to yield major dividends in energy conservation, and in the development of effective ground propulsion systems with clean emission characteristics. A third program involves NASA's coal-related research programs which seek more efficient ways to mine coal, improve mine safety, achieve greater equipment reliability, and insure efficient non-polluting conversion of coal energy to electric power.

SOCIAL WELFARE

Employee Retirement Income Security Act (P.L. 93-406, approved September 2, 1974)—Congress enacted a landmark pension reform measure with the passage of H.R. 2. The law will regulate private pension plans that now hold more than \$150 billion in assets and cover an estimated 25 million persons. The law does not require businesses or unions to establish pension funds, but it will govern most such funds that are created, and it will apply to most existing private pension funds.

Provisions of the law set pension fund standards for eligibility, vesting, funding, fiduciary responsibility, and reporting and disclosure. An insurance program is established to protect employee benefits and tax incentives are granted to encourage the establishment of retirement accounts by the self-employed or employees not covered by pension plans. Certain provisions for portability are outlined.

In general, employees must be allowed to

participate if they are 25 years old and have at least one year of service. However, if the plan provides full and immediate vesting for all participants, it may require employees to be age 25 with 3 years of service in order to participate.

Pension plans must provide full and immediate vesting in benefits derived from employee contributions. With respect to employer contributions, the plan must meet one of three standards: (a) full 100 percent vesting after 10 years of service; (b) graded vesting with 25 percent vesting attained after 5 years of covered service, increasing by 5 percent for each of the next 5 years, and 10 percent for each year thereafter so that 100 percent vesting is attained in 15 years; (c) graded vesting with 60 percent vesting attained when the age and years of service of the employee total 45, increasing by 10 percent over each of the next 5 years except that employees with 10 years service must be 50 percent vested and be granted an additional 10 percent vesting for each year thereafter.

Participation and vesting requirements must be met immediately for any plan set up after January 1, 1975. Plans in existence before January 1, 1974, must comply by their first anniversary date after December 31, 1975.

The minimum funding requirements of the law are designed to assure the solvency of private pension plans. These requirements do not apply, however, to profit-sharing or stock bonus plans which do not specify the amount of benefits participants are to receive.

Plan sponsors must fund all normal costs currently with past service liabilities amortized over 30 years in most instances. Plans already in existence may amortize unfunded past service liabilities over 40 years. In general, experience deficiencies are to be amortized over no more than 15 years. Multi-employer plans may amortize past service liabilities over 40 years and experience deficiencies over 20 years. Funding requirements may be waived, however, if an employer demonstrates a substantial "business hardship."

The effective dates of the funding requirements are the same as for participation and vesting except that collectively bargained plans created prior to January 1, 1974 are not included until the expiration of the last of the governing contracts or December 31, 1980.

The law tightens existing laws regarding fiduciary responsibility to prevent the misuse of pension funds. Standards and remedies similar to those of traditional trust law are provided. Transactions which are likely to endanger the interests of plan participants are strictly prohibited. Plan investments must meet a diversification requirement with no more than 10 percent of a fund's assets invested in an employer's securities.

P.L. 93-406 establishes a mandatory system of plan termination insurance which is to be administered by a Pension Benefit Guaranty Corporation within the Department of Labor and which will be financed by premiums paid by covered plans. For the first year, single employer plans will pay \$1 into the insurance fund for each participant and multi-employer plans 50 cents per participant. Thereafter premiums are to be based on a formula. The insurance covers participant's benefits to a maximum of \$750 a month. Solvent employers are liable to the insurance corporation for any loss incurred due to plan termination up to 30 percent of the employer's net worth.

Each pension plan, unless specifically exempted, is to report detailed financial and actuarial data annually to the Secretary of Labor. Annual reports detailing assets, liabilities, and certain transactions are required. Plan sponsors also are required to supply enrolling participants with a summary of all provisions and benefits with summaries updated at least every 10 years. However, if

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the plan is modified materially, a new summary must be distributed within 210 days after the end of the plan year in which the change is made. Plan sponsors also are required to give each participant a statement of his vested rights and, effective in 1976, a summary of his pension benefits when he withdraws from the plan.

The law also makes provisions for retirement accounts for persons not covered by pension plans. Beginning in 1975, these taxpayers may deduct for income tax purposes the amount of their contributions to a qualified individual retirement account up to 15 percent of their earnings or \$1,500. Self-employed persons may deduct up to 15 percent or \$7,500 of earnings from taxable income for retirement plans. At present, self-employed individuals can deduct only 10 percent or \$2,500 a year. A special provision designed to meet the needs of small business taxpayers allows self-employed individuals to deduct up to \$750 regardless of percentage limitations.

Portability provisions of the law provide that an employee leaving a job may transfer his vested pension benefits to an individual retirement account within 60 days. If his next employer agrees, he may then transfer the funds in the account to the employer's pension fund.

Legal Services Corporation Act of 1974 (P.L. 93-355, approved July 25, 1974)—Congressional approval of the Legal Services Corporation Act of 1974 ended a three-year legislative struggle to transfer the legal services program from the Office of Economic Opportunity to an independent corporation. This Act establishes an independent Legal Services Corporation in the District of Columbia to provide legal assistance to the poor in non-criminal proceedings. The Corporation will be governed by an 11-member board of directors appointed by the President and confirmed by the Senate. At least six of the directors must be lawyers, and no more than six may be members of the same political party. The Act authorizes the President to select the first chairman of the corporation, who will serve a three year term. Thereafter, the chairman will be elected by the members of the Board from among their members.

Within six months of its first meeting, the Board must request each governor to appoint a nine-member advisory council for his State. A majority of the advisory council members in each State must be members of the appropriate State bar association, and the governors are required to solicit the recommendations of State bar associations for council membership.

The President of the Corporation, who is appointed by the Board and also serves on the Board as a non-voting member, is authorized to hire employees for the corporation, who are exempted from laws and executive orders affecting agencies of the federal government, and are not considered employees of the Federal Government except for pension and other benefits. They are protected by a provision forbidding the use of any political test or political qualification in selection, hiring, promotion, and other personnel actions. Political tests or qualifications are also barred in the selection and monitoring of recipients, grantees, and contractors. Members of the Board are barred from participating in any decision affecting a law firm or organization with which they have been associated within the previous two-year period.

Under the law, the corporation is authorized to make grants and contracts to individuals, law firms and other organizations in order to provide legal services to the poor. It can make grants and contracts to local and State governments if the Board determines that legal services could not be provided through non-governmental arrangements. The Corporation itself can undertake research, training and information programs

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related to poverty law, but it is barred from making grants or contracts to outside groups such as universities for the same type of activities. To the extent possible, the Corporation is required to use lawyers speaking appropriate languages for clients who do not speak English, and is also required to establish income guidelines for eligible clients in consultation with State governors and the director of the Office of Management and Budget.

Community Services Act of 1974 (P.L. 93-644, approved January 4, 1975)—The Community Services Act of 1974 would resolve the continuing controversy surrounding the fate of the Office of Economic Opportunity by repealing the Economic Opportunity Act of 1964 and providing for the continuation of most of the programs authorized under that Act, including the Community Action Program, by a new Community Action Administration. The Administration, to be established in the Department of Health, Education, and Welfare, would be headed by a Director to be appointed by the President, with the advice and consent of the Senate.

The level of Federal support for Community Action programs would be changed to 80 percent for fiscal year 1975, 70 percent for fiscal year 1976, and 60 percent for fiscal year 1977. A total of \$330 million is authorized for fiscal year 1975. In addition, the Act establishes a new Incentive Grant program, with an authorization of \$50 million for fiscal 1975, that is designed to encourage Community Action Agencies to secure new local dollars. The local incentive grants will provide Federal matching funds on a dollar-for-dollar basis. Separate authorizations of \$500 million, \$525 million and \$550 million for fiscal years 1975, 1976, and 1977 are provided for the Headstart program, and an additional \$60 million each year for the Follow Through program.

The formula by which Community Action funds are allocated among the States would be changed. Previously, the formula was based on 1) the number of public assistance recipients in each State; 2) the average number of unemployed persons in each State; and 3) the relative number of related children living with families with incomes of less than \$1,000 in each State. The bill changes the third portion of that allocation formula by substituting the Orshansky poverty index criteria for the \$1,000 income level. The Orshansky poverty index is a fluctuating level based on the latest census data and reflects size of family, farm or non-farm location, and sex of the head of the household. To prevent the change in formula from resulting in a drastic shift of funds among the States, the Act limits any State's loss to one-half of one percent of its share of the total allocation in fiscal 1974.

The Community Services Act makes official the transfer of authority for the Headstart and Follow Through programs from the Office of Economic Opportunity to the Department of Health, Education, and Welfare, a transfer that was accomplished administratively in 1969. Also transferred to HEW are the Comprehensive Health Services program and a three-year authorization of Human Services Policy Research, which provides broad policy research on questions of employment, income maintenance, etc. and basic research on the extent and causes of poverty.

Under the Act, the Community Economic Development program is transferred to the Department of Commerce, and Migrant programs under Title II (B) are transferred to the Department of Labor.

Other programs authorized by the Community Services Act of 1974 include: the *Community Food and Nutrition Program*; *Environmental Action*; *Rural Housing Development and Rehabilitation*; *Senior Opportunities and Services*; *Design and Planning Assistance*; *Youth Recreation and*

Sports Program; *Consumer Action and Cooperative Program*; *Technical Assistance and Training*; *State Agency Assistance*; *Rural Loan Program*; and *Native American Program*.

Food Stamp Eligibility (P.L. 93-335, approved July 9, 1974)—Congress extended food stamp eligibility of supplemental security income (SSI) recipients for 12 months until July 1, 1975, ensuring that millions of needy blind, disabled, and aged persons in 45 States would continue to receive food stamps. This action also assured persons in the five states which had chosen to substitute cash for food stamps under the provisions of the SSI program that they would receive the full cash equivalent of the food stamp bonus.

Child Abuse Prevention and Treatment Act (P.L. 93-247), approved January 31, 1974)—In the past, Federal activity in the area of child abuse prevention has been largely confined to financial assistance to the States for child welfare and social service and for research grants under the Social Security Act. The Child Abuse Prevention and Treatment Act provides for the establishment of a National Center on Child Abuse and Neglect in the Department of Health, Education and Welfare, which will publish an annual summary of research on child abuse and neglect; maintain an information clearinghouse on successful public and private programs for the prevention and treatment of child abuse; compile and publish training materials for personnel involved in child abuse prevention and treatment; provide technical assistance to public and nonprofit private agencies in planning, improving, developing and conducting child abuse prevention and treatment programs; conduct research into the causes, and prevention and treatment of child abuse, and make a complete study of the national incidence of child abuse and neglect.

Under the Act, at least 50 percent of the funds authorized are to be used in a program of grants and contracts to public and nonprofit private agencies for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. These grants or contracts can be made for the development and establishment of training programs, for the establishment and maintenance of centers to provide a broad range of services related to child abuse and neglect, for furnishing teams of trained personnel on a consulting basis to small communities where child abuse prevention and treatment facilities and services are not available, and for other innovative programs and projects.

At least 5 percent and not more than 20 percent of the funds authorized are to be distributed in grants to the States to assist the States in developing, strengthening and carrying out child abuse and neglect prevention and treatment programs. In order to qualify for such grants, the States must have functioning laws, programs, facilities, services, and personnel in the field of child abuse prevention and treatment.

The Act authorizes an appropriation of \$20 million for the fiscal year ending June 30, 1975 and \$25 million for fiscal 1976 and 1977.

Runaway Youth Act (P.L. 93-415, approved September 7, 1974)—Recognizing the responsibility of the Federal Government to develop accurate reporting of the national problem of runaway youth and to develop an effective system of temporary care for runaway youth outside the law enforcement structure, Congress included the Runaway Youth Act as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974.

The Act authorizes the Secretary of Health, Education, and Welfare to make matching grants (of 90 percent) and provide technical assistance to localities and nonprofit agencies for the purpose of developing local facilities to handle the immediate needs of runaway

youth in a manner outside the juvenile justice system. For each of the next three fiscal years, \$10,000 is to be appropriated for these grants.

The size of each grant will be determined by the number of runaway youth that has been shown to frequent a community and the existing availability of services. Each runaway facility will provide temporary shelter and counseling services to juveniles who have left home without permission of their parents or guardians; have plans for contacting a youth's parents or guardians (if such action is required by State law) and assuring the safe return of the youth according to his best interests; for contacting local government officials pursuant to informal arrangements with such officials; for providing other appropriate alternative living arrangements; for assuring proper relations with law enforcement personnel and the return of runaway youth from correctional institutions; and keep statistical records on the youths, which will not be disclosed without parental consent to anyone other than another runaway agency or government agency compiling statistical records.

Research on Aging of 1974. (P.L. 93-296, approved May 31, 1974)—In spite of Administration opposition, Congress created a National Institute on Aging, within the National Institutes of Health, for the conduct and support of biomedical, social, and behavioral research and training relating to the aging process, diseases, and other special problems and needs of the aged.

The Act, which amends the Public Health Services Act of 1944, establishes a National Advisory Council on Aging to consult with and make recommendations to the Secretary of Health, Education and Welfare on programs related to the aged; authorizes scientific studies through the Institute to determine the impact on aging of programs conducted or assisted by the Department of Health, Education and Welfare; authorizes preparation (within one year) of a comprehensive aging research plan for presentation to Congress and the President; and calls for public information and education programs to disseminate the findings of the Institute and other information in order to assist all Americans in understanding the problems and processes associated with aging.

In October 1972 a similar measure was pocket vetoed by the President who contended that such an institute would duplicate current research efforts in the field of aging. P.L. 93-296 directs the Secretary of HEW to allocate aging research functions in cases where the activities of several health institutes overlap.

Authorization for the Nutrition Program for the Elderly (P.L. 93-351, approved July 12, 1974)—In amending the Older Americans Act of 1965, Congress voted to continue nutrition programs for the elderly, first authorized in 1972. The Act authorizes \$600-million over the next three fiscal years to provide persons age 60 or older with one hot meal a day, five days a week. It is estimated that by fiscal 1977, the funds will pay for 532,000 meals a day—more than doubling the number of meals served in fiscal 1974.

The Act also requires all programs under the Older Americans Act to be carried out only by the Commissioner on Aging within the Department of Health, Education, and Welfare or officials directly responsible to him; authorizes \$35-million in fiscal 1975 in formula grants to the States for transportation programs for the elderly, with emphasis on transportation needed in connection with nutrition programs and those areas with inadequate or no public transportation; amends the Domestic Volunteer Service Programs Act (P.L. 93-113) by imposing restrictions on the establishment of local share requirements for the Retired Senior Volunteer Programs (RSVP) conducted by the

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ACTION agency; and requires the Secretary of Agriculture to provide food commodity assistance to the nutrition programs with a value of at least ten cents per meal (adjusted annually for inflation).

The Administration supported a continuation of the nutrition programs, but recommended an open-ended authorization and a one-year extension.

Older Americans Service Amendments (P.L. 93-29, approved May 3, 1973)—On its own initiative Congress greatly expanded benefits for our older Americans although President Nixon had pocket vetoed similar legislation in October 1972. In enacting P.L. 93-29, Congress extended and expanded Federal grants for programs to assist the elderly, authorized under the Older Americans Act of 1965, through fiscal 1975. The compromise legislation removes the Administration on Aging from HEW's Social and Rehabilitation Service and places it directly under the Secretary of HEW. It establishes a national information clearinghouse on the aging to collect, analyze and distribute information on the needs of older Americans. The Act also provides Federal grants to States and communities for social service programs for the aged and authorizations for grants for training and research in the field of aging, and for acquisition and staffing of multi-purpose senior citizen centers. Funds are also authorized for the National Older Americans Volunteer Program, Foster Grandparents, and other senior volunteer programs.

Disability Benefits (P.L. 93-256, approved March 28, 1974)—In passing P.L. 93-256, Congress ensured the continued payment of Federal supplemental security income (SSI) benefits to all disabled persons transferred from state welfare programs that were replaced by the SSI program in January, 1974. The act extended the deadline for establishing eligibility under the new SSI program from March 31 to December of 1974. An amendment to the original bill also provided for a three-month extension (to July 1, 1974) of the provisions of P.L. 93-233, which permits states to participate in the extended unemployment compensation program if the rate of insured unemployment in the state is at least 4 percent, without regard to the requirement of permanent law that the insured unemployment rate also must have increased by 20 percent over the prior two years.

Social Security Benefit Increases (P.L. 93-233, approved December 31, 1973)—To help senior citizens to keep up with the cost of living and face the impact of a record-breaking inflation in 1973, Congress approved a two-step social security increase which will raise benefits for 29 million Americans by eleven percent by June 1974, rising by seven percent in April and by an additional four percent in July. To finance this increase the social security wage base will go from this year's \$10,800 to \$13,200 on January 1, but the social security tax rate, which is 5.85 percent for both employee and employer, will not change. The average monthly benefit for elderly couples will increase from the present \$277 to \$310.

Social Security Consolidation of Federal Assistance (P.L. 93-647, approved January 4, 1975)—The Social Services Amendments of 1974 amends the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by States, and clearly define State and Federal responsibilities with respect to social services. This measure attempts to provide States with a basis on which they can make continuing program plans. It does not increase the Federal expenditure limits which were established for social services as part of the general revenue sharing legislation of 1972; and it does not affect the allocation of this money to States or the share of expenditures which the Federal Government will provide.

It sets broad goals for social services and provides that at least half of the funds expended shall be for recipients or persons eligible for Aid to Families with Dependent Children, supplemental security, income, or medical. Maximum income limitations are set for both free services and services for which a fee is imposed related to the individual's ability to pay. No State is required to go to any of these levels. State plans to be approved by the Department of Health, Education and Welfare would deal with such items of program structure as fair hearings, confidentiality of information, designation of the administering agency, the absence of durational residence or citizenship requirements and minimum standards for institutions and facilities.

The bill relies heavily on a State planning process in which the State will determine what services to provide and to whom. Although the Secretary of HEW would approve the process, he would not be authorized to deny Federal funds on the basis that a program was not a service or was not directed to one of the general goals. Each State would be required to conduct advance planning for each service program year, conduct evaluations, and provide reports of the effectiveness of this program to the Department of Health, Education and Welfare and the public. An annual program report would be issued at the close of each program year, and States would be required to make provisions for audits.

In order to protect against Federal funds supplanting State funds, provisions are contained requiring a non-Federal share of expenditures in a State to be at least equal to that in fiscal year 1973 or 1974—which ever is lower.

Supplemental Security Income (P.L. 93-66, approved July 9, 1973)—Amendments enacted earlier in the First Session by Congress provide for a boost in payments for up to six million needy blind, disabled and aged persons. The effective date in P.L. 93-66 is stated as July, 1974. However in subsequent legislation Congress set January, 1974 as the effective date which is when the Federal Government takes over the State welfare programs assisting these persons. This Act protects current beneficiaries from any loss of payments as a result of the changeover.

Domestic Volunteer Service Programs (P.L. 93-113, approved October 1, 1973)—In keeping with the American spirit of assistance to those less fortunate in our society, Congress authorized funds for our domestic volunteer programs including VISTA, the university year action, the retired senior volunteer program, the service corps of retired executives, and the foster grandparent program. For the first time, Congress has given legislative authority to ACTION, created through an executive reorganization plan in 1971 to coordinate the Peace Corps and all other domestic volunteer programs sponsored by the Federal Government, and has consolidated all domestic volunteer programs sponsored by the Federal Government under one Act. Congress also has provided for several new voluntary activities designed to place special emphasis on the problems of poverty and other human social and environmental problems. Among these are the senior companions program and a program for senior health aides. Emphasis is placed on encouraging minority group participation in all of the programs administered under the Act.

Trade Act of 1974 (P.L. 93-618, approved January 3, 1975)—The Congress completed action on a major overhaul of trade legislation which President Ford had termed "essential to the future of the United States' trade policy and that of the world as well." He expressed his belief that "The health of our domestic economy and the strength, the very structure, of our international economic relations are involved."

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The legislation makes possible American participation in worldwide trade negotiations, scheduled to begin in February 1975, by providing broad authority for the President to act on trade matters.

Among the powers granted to the President by the legislation is authority to conclude trade agreements, adjust tariffs, renegotiate the General Agreement on Tariffs and Trade, grant most-favored-nation status to Communist countries not restricting emigration, and respond to import restrictions imposed by other countries. The act provides, however, for congressional oversight of certain kinds of negotiated agreements or presidential trade decisions. For example, no more than \$300 million in U.S. loans, guarantees, and insurance can be committed without prior congressional approval. The legislation also makes it easier for American industries to receive relief from foreign competition and further provides for assistance to companies, workers, and communities adversely affected by imports.

The Act contains restrictions on the authority of the President to grant most-favored-nation status to nations not permitting free emigration, denying such status unless the President waives such provision on the basis of assurances from a nation that it was moving in the direction of free emigration policies. The President was also authorized to deny most-favored-nation status to Communist countries not cooperating in locating and returning American personnel missing in Southeast Asia.

Export-Import Bank (P.L. 93-646, approved January 4, 1975)—Congress approved an authorization for the Export-Import Bank to continue, through June 30, 1978, making loans to finance exports of American products. One provision of the legislation requires congressional notification in advance of loans of more than \$60 million to any nation. Further, a limit of \$300 million was placed on financing for exports to the Soviet Union, and, within that limit, only \$40 million could be expended on research and exploration of Soviet fossil fuels. The bank's overall loan, guarantee, and insurance authority was increased from \$20 billion to \$25 billion.

Export Administration (P.L. 93-500, approved October 29, 1974)—Among the major changes in U.S. export policies which S. 3792 accomplishes are the following:

First, it authorizes the President to use export controls to secure the removal of unreasonable restrictions by other countries on access to vital commodities. This will enable the President in cooperation with other nations, to stand up to the international oil cartel which is threatening to destroy the international monetary system and is a major cause of worldwide inflation. It will permit the President to stand up to other cartels. It will give the President power to bargain with countries which band together to set artificially high prices for essential resources. It will give him power to respond effectively to countries which use their control over essential resources to attempt to change U.S. foreign policy. It will help stop the dangerous drift toward cartels and artificially rigged prices and helps restore competition to the international marketplace.

Second, the legislation provides for an early warning system for dealing with shortages. It requires the Secretary of Commerce to establish a systematic export monitoring system. Monitoring will start when export levels of essential commodities—such as fertilizer for our farmers—cause serious adverse economic effects at home. Monitoring of export levels will be accompanied by periodic public analysis of worldwide supply, prices, and demand for commodities in short supply.

This will permit the Government to identify shortages before they materialize, and devise measures to alleviate such shortages

EXTENSIONS OF REMARKS

without disruption in the marketplace or hardship to the American producer and consumer.

Third, the bill authorizes a new tool for administering export controls—the use of export fees.

This is not new control authority; it is a tool for administering controls when and if they become necessary. When used, it will avoid the need for export quotas and permit a higher export price to allocate U.S. commodities in short supply in foreign markets. It will also provide a means of dealing with artificial price rigging by other nations. The threat of fees on exports to countries which have imposed embargoes or unreasonably increased prices on exports to the United States may be an effective bargaining tool.

Fourth, the bill establishes procedures for granting hardship relief to those at home and abroad who suffer a unique hardship as a result of export controls.

Fifth, the bill establishes speeded-up procedures for processing export license applications.

International Economic Policy Extension (P.L. 93-121, approved October 4, 1973)—Congress extended for four years—until June 30, 1977—the Council on International Economic Policy whose statutory authority expired June 30. The Council coordinates the efforts of more than 60 Federal agencies or other units involved in some aspect of foreign economic affairs. It focuses on international economic policy issues and recommends policies consistent with domestic economic policy and basic foreign policy objectives. P.L. 93-121 requires Senate confirmation of any future Executive Directors of the Council, exempting the present Director, Peter Flanigan. The measure also removes the President from the Council, while allowing him to appoint a chairman from among its members, and adds the Secretary of Transportation as a new member. A total of \$1.4 million was authorized for fiscal 1974 for the Council's operations.

International Economic Policy, Council Funds (P.L. 93-315, approved June 22, 1974)—For economic policy formation in the international field, the President relies upon a specialized cabinet level group, the Council on International Economic Policy (CIEP). The President and the Council are served by a staff under an executive director who is also an assistant to the President.

CIEP was created by presidential memorandum in January, 1971, on the recommendation of the Advisory Council on Executive Organization, to improve the coordination of U.S. Government agencies with responsibilities in the field of foreign economic affairs. The Congress first authorized the CIEP in the International Economic Policy Act of 1972 in P.L. 92-412 of August 29, 1972, and granted further authorization in P.L. 93-121.

The Council and its staff are formed to achieve a clear, top-level focus on the broad range of international economic policy issues. It is the function of CIEP to help assure that all factors affecting international economic policy are more fully considered and that policy decisions are based on realistic assessments of U.S. foreign economic interests. Another objective of CIEP is consideration of these policy choices in the context of both domestic economic development and our broad foreign policy objectives. The CIEP staff is used by the Council and its executive director to coordinate the efforts of individual agencies and to synthesize the sometimes divergent policy recommendations forwarded by them.

Among the important issues in which the Council was involved during 1973 were negotiations on trade and monetary reform; new international agreements on the treatment of foreign investment; the impact of U.S. banking and securities regulations on international investment patterns; U.S. policy on

expropriations of U.S. investments by foreign governments; problems associated with the transfer of U.S. technology abroad; export controls on agricultural and industrial commodities in short supply, and East-West trade policy.

P.L. 93-315 authorizes to be appropriated such sums as may be necessary until the expiration of the provisions of the International Economic Policy Act of 1972, as amended, to June 30, 1977.

These, and other reforms in this legislation, will provide increased flexibility in U.S. export policy, strengthen U.S. export potential, permit the U.S. to respond effectively to rapidly changing international economic conditions, and help assure the access of all nations to scarce resources.

Foreign Investment Study (P.L. 93-479, approved October 26, 1974)—This legislation (S. 2840) authorizes and directs the Secretaries of Commerce and the Treasury to undertake a comprehensive study of foreign direct and portfolio investments in the United States and to report to the Congress on the results of their study. The Secretaries shall identify and collect information necessary to the study, consult with and secure information from representatives of non-governmental agencies and organizations. Not more than \$3 million is authorized to carry out the purposes of the act.

TRANSPORTATION AND COMMUNICATIONS

Federal Aid Highway Act (P.L. 93-87, approved August 13, 1973)—Congress has approved a precedent-setting highway construction bill which, for the first time since the Federal highway program was established in 1956, allocates funds for urban mass transit. Cities will be permitted by 1976 to finance a portion of their urban mass transit projects, including subways, from the Highway Fund. The Act extends highway programs, including the interstate system, for three years (1974-1976) and includes authorizations to be drawn from the trust fund, totaling \$6,049,000 for fiscal 1974, \$6,851,000 for fiscal 1975 and \$7,010,000 for fiscal 1976. Also for the first time, the urban share of Highway Trust Fund authorizations match authorizations for rural highway needs for the three-year period of the bill, at a level of \$10.7 million in fiscal 1974 and \$11 million for each of fiscal 1975 and 1976. Along with the trust funds authorized for mass transit, Congress approved additional contract authority for the Urban Mass Transportation Administration in the Transportation Department for grants and loans to States and local public bodies for mass transit projects.

Federal-Aid Highway Act of 1974 (P.L. 93-643, approved January 4, 1975)—At the height of the 1973 fuel shortage Congress temporarily lowered the maximum speed limit in the United States to 55 miles per hour until June 30, 1975. As anticipated the rate of fuel consumption has been reduced in the year which has followed. Of far greater significance, however, is the 20 per cent decline in traffic fatalities on the Nation's highways during the first half of 1974 which in a large part have been attributed to slower driving habits. Against this positive background the 2nd session of the 93rd Congress has with the passage of the Federal-Aid Highway Act of 1974 made the 55 miles per hour speed limit a permanent law.

Other provisions of this Federal-Aid Highway Act of 1974 provide for an increase in the permissible weight of trucks from 73,280 pounds (which was established in 1956) to 80,000 pounds, and repeals the Federal regulation requiring that new cars beginning with the 1974 model year be equipped with a seat belt ignition interlock system. The bill also places further restrictions on billboards, provides funds for school bus driver training programs, and permits wider buses on interstate highways.

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Urban Mass Transportation (P.L. 93-503, approved November 26, 1974)—For the first time ever, both Houses of Congress approved legislation offering deficit-ridden, urban mass transit Federal subsidies for operating expenses to supplement revenues derived from passenger fares. This legislation provides authorizations of \$11.9-billion over six years. The assistance under the legislation is to be made on a formula based upon the following three factors: population of the area served by the mass transportation system; total number of revenue population carried by the system; and total revenue vehicle miles traveled by the system. The three factors for each eligible applicant are to be weighed against all eligible applicants. Mass transportation systems receiving benefits under the operating subsidy provision must provide half fare for the elderly and handicapped during non-peak hours. House and Senate conferees agreed to provide \$11.8 billion to carry out the intent of the legislation. This authorization includes \$7.8 billion to assist in purchasing buses and building rail transit systems, and nearly \$4 billion to subsidize the upward-spiraling deficits of existing programs. The measure endorsed by the conferees would require that the \$7.8 billion capital fund be spent for physical improvements and would allow the cities to decide whether to use the \$4 billion for either capital or operating subsidies. In no instance can the subsidy money be used to pay more than half of any transit system's deficits.

Surface Transportation Act of 1974 (H.R. 5385 passed the House December 10, 1974)—Freight car shortages have long plagued users of railroad transportation. Since as early as 1987 shippers have frequently turned to Congress for solutions to the freight car problem. Although Congress, the Interstate Commerce Commission and the railroad industry have tried many cures over the years, poor freight car availability continues to disrupt the flow of the Nation's commerce. Since neither strictly voluntary action by the industry nor additional regulation have brought about effective solutions in the past the 93rd Congress in approving the far reaching Surface Transportation Act of 1974 has sought a legislative middleground.

The Act makes available up to \$2 billion in government guaranteed loans for capital improvements, prohibits discriminatory taxation of transportation by the States, provides a greater flexibility in the rate structure of carriers, abolishes the practice whereby government agencies are permitted to ship goods at a lower price, and prohibits a railroad from refusing to carry a privately owned refrigerator car if they do not have a sufficient refrigerator car to haul the goods themselves. With the enactment of this bill the Interstate Commerce Commission is required to submit its budget directly to Congress rather than through the Office of Management and Budget, and the ICC is required to consider the impact of rail abandonments on the communities and industries served as well as the financial impact on the railroad. In an attempt to avoid in the future the fraud which surrounded the Penn Central bankruptcy, the securities of railroads and large truckers will be subject to SEC laws.

Anti hijacking Act of 1974 (P.L. 93-366, approved August 5, 1974)—Through the provisions of the Anti hijacking Act of 1974 the President of the United States is authorized to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the convention for the suppression of unlawful seizure of aircraft. The Secretary of Transportation is authorized to suspend the operating authority of foreign air carriers under certain circumstances. The Act fur-

ther provides for the death penalty in air piracy cases, increased security measures at U.S. airports, and financing for airport security guards.

Federal Railroad Safety and Hazardous Materials Transportation Amendments (P.L. 93-633, approved January 3, 1975)—Congress authorized a total of \$35 million for fiscal year 1975 to carry out the purposes of the Federal Railroad Safety Act of 1970. Under the Act, the Secretary of the Department of Transportation is required to report on Federal railroad safety standards and State railroad programs planned or underway. Increased penalties are provided for common carriers' failure to make accident reports within the time required by law.

An authorization of \$3 million was made to enforce provisions of the Hazardous Materials Transportation Control Act of 1970. To insure safe transportation of hazardous materials, the Secretary is authorized to prescribe regulations for the production, maintenance, and repair of specialized containers for such transport, and may prescribe penalties for violations of these regulations.

The Act also increases the civil and criminal penalties for violations of the Federal Aviation Act of 1958 regarding the transportation of hazardous materials, and provides for the delegation by the Secretary of enforcement powers regarding transport of hazardous materials to the Federal Railroads Administrator and the Federal Highway Administrator. The Secretary is further required to issue regulations governing the rail transportation of explosives as soon as practicable after enactment of the Act.

Motor Vehicle Defect Remedy Act (P.L. 93-492, approved October 27, 1974)—Since the enactment of the National Traffic and Motor Vehicle Safety Act of 1966, over 36,000,000 motor vehicles have been recalled due to the presence of a safety related defect. The Motor Vehicle Act currently empowers the Secretary of Transportation to declare that a safety related defect exists and requires that a notification be sent to the owners of the defective vehicles. However, repair at no cost is discretionary with the manufacturer. This Motor Vehicle Defect Remedy Act (S. 355) would amend the National Traffic and Motor Vehicle Safety Act of 1966 so as to provide that defects and failures to comply with motor vehicle safety standards shall be remedied without charge to the owner within eight years.

The legislation, S. 355, as enacted, also forbids seatbelt interlock systems and continuous buzzer systems which prevent starting an automobile until the belts are fastened, so that the only device required now to notify a driver that his seat belt is not locked is a dashboard light. While air bags and other passive restraint systems are not specifically prohibited, any requirement by the Department of Transportation will be subject to congressional approval. The Secretary of Transportation must hold public hearings before requiring installation of any new occupant-restraining system. Congress then would have sixty days to disapprove the requirement by a resolution of both Houses. In addition, the Act requires the Department of Transportation to set new standards for school bus safety. A total of \$115 million is authorized over two years.

Amtrak Authorization (P.L. 93-496, approved October 28, 1974)—Both Houses of Congress overwhelmingly approved H.R. 15427, the largest authorization yet for the three-year-old quasi-public corporation created by Congress in 1970 to revitalize the Nation's intercity rail passenger service. Although Congress intended the National Rail Passenger Corporation (Amtrak) to be a profit-making agency, increased costs and deteriorating equipment have necessitated continual congressional appropriations. The assistance under the proposed Act would provide \$200 million in fiscal 1975, and in-

crease Amtrak's guaranteed loan authority to \$900 million.

Amtrak Improvement Act (P.L. 93-146, approved November 3, 1973)—Amid controversy over operation of the National Railroad Passenger Corporation (Amtrak), the Congress voted to give increased authority to the Corporation to manage the Nation's passenger rail system while seeking to strengthen Amtrak's bargaining position with the railroads which operate passenger trains. The measure also limits executive branch control over the corporation's budget. Congress approved an authorization of \$154.3 million in fiscal 1974 for Amtrak, and agreed to a loan guarantee authority increase to \$500 million from \$200 million. Amtrak is required to continue operating service along its basic route system through fiscal 1974.

Airport Development Acceleration Act (P.L. 93-44, approved June 18, 1973)—In 1973 Congress increased the annual authorization level for airport development grants from \$280 million to \$310 million and raised from 50 to 75 percent the Federal share of construction costs, except at the largest airports in the country. The bill bans the use of airline passenger fees (head taxes) collected previously at 44 of the Nation's airports, and increases the Federal share for airport safety and security equipment assistance to 82 percent from 50 percent. A similar measure was pocket vetoed in 1972. The development grants in the measure would come from the Airport and Airway Trust Fund and therefore would not drain the general tax revenues.

Regional Railroad Reorganization (P.L. 93-236, approved January 2, 1973)—With six of our Nation's railroads in the Northeast bankrupt, Congress approved legislation establishing a new railroad corporation to replace the region's six companies. To do so, Congress authorized funds to design the new system from existing lines of the six companies. The Act provides that a new profit corporation with federally guaranteed loans will buy out the creditors of the companies, repair tracks and operate the system. A new government agency will supply the loan guarantees to both the new corporation and to non-bankrupt railroads in that region. Funds are also authorized for labor settlements which guarantee existing salary levels for every railroad employee.

Hazardous Materials Transport (P.L. 93-90, approved August 14, 1973)—Congress for the first time in P.L. 93-90 earmarked funds authorized to enforce rail safety regulations for the hazardous materials control program authorized in the Railroad Safety Act of 1970. In addition, Congress authorized the Federal Railroad Administration to add 95 new employees to enforce Federal railroad safety laws and regulations and required the Secretary of Transportation to submit to Congress a report evaluating the hazardous materials control program and offering suggestions for alternative routes to avoid transporting hazardous materials through densely populated areas of the country.

International Air Transportation Fair Competitive Practices Act of 1974 (P.L. 93-579, approved December 31, 1974)—Since October of 1973 U.S. air carriers have experienced ever increasing financial problems in their overseas operations. Although the cause of these problems seemingly stem from the threefold increases in the cost of jet fuel since late 1973 there are a number of other reasons for the economic crisis currently facing international carriers.

The purpose of the International Air Transportation Fair Competitive Practices Act of 1974 passed by the 93rd Congress is to deal directly with the major problems (other than fuel costs) that U.S. air carriers operating in foreign countries are encountering in their competition with foreign carriers. With the enactment of this legisla-

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tion the Secretary of State becomes responsible for negotiating reduced charges for the use of foreign airport property or airway property in those cases where the Secretary of Transportation determines the initial charges for such services are excessive. The Civil Aeronautics Board is required to act expeditiously on any proposed changes in rates for the aircraft transportation of mail to and from foreign countries. Henceforth, Government financed passengers and property must be transported on U.S. carriers in travel to and from the U.S. The Act precludes any ticket agent from charging or collecting a compensation for air transportation which is different than the currently effective tariff for such transportation.

International Travel Act Appropriation (P.L. 93-193, approved December 19, 1973)—In 1961 Congress authorized a Federal program within the Department of Commerce specifically designed to encourage foreign travelers to visit the United States. The initial appropriation for the United States Travel Service was \$3 million. From 1963 through 1970 the authorization level of the Travel Service was maintained at \$4.7 million a year. In the 1970 amendments to the International Travel Act, the Travel Service received an increased authorization of \$15 million for fiscal years 1971, 1972, and 1973.

The legislation approved by the 93rd Congress provides an appropriation not to exceed (1) \$15,000,000 for fiscal year 1974, (2) \$20,000,000 for fiscal year 1975, and (3) \$25,000,000 for fiscal year 1976. The International Travel Act signed by President Nixon on December 19, 1973 amends the initial Act of 1961 to provide for the consolidation of and authority over both the international and domestic travel (previously administered by the National Park Service) in the Department of Commerce.

Federal Mass Transportation Act (H.R. 12859 passed House August 20, 1974)—In the ten years since Congress passed its first major mass transit legislation, the Urban Mass Transit Act of 1964 (P.L. 88-365), there has been a \$3 billion total Federal outlay for mass transit. Enactment of the Unified Transportation Assistance Act (Federal Mass Transportation Act) by the 93rd Congress establishes, however, the first comprehensive, multi-billion-dollar mass transit program and provides Federal grants for day-to-day operating subsidies as well as for construction and maintenance facilities.

The \$11.4 billion in appropriations for mass transit capital grants and subsidies within the act are divided among four categories. Of the four categories in the bill, Category A receives over half the mass transit grants authorized in the legislation. Category A includes six cities with existing "fixed rail" transit systems—Boston, Chicago, Cleveland, New York, Philadelphia and San Francisco—and three other cities that have such systems under construction—Atlanta, Baltimore, and Pittsburgh. These nine cities would receive \$5.9 billion, of the \$11.4 billion authorized for mass transit grants 1975-1980. The second two Categories B and C were designated as "urban areas" of the country with populations of 50,000 or more. The \$1.7 billion in Category B funds are to be distributed to these cities by the Secretary of Transportation according to population. Category C funds—\$2.9 billion—are to be made available for capital construction grants in Category B cities. The last Category D provides \$874 million for grants to cities with populations under 50,000 and rural areas.

Corporation for Public Broadcasting Authorizations (P.L. 93-84, approved August 6, 1973)—Both Houses approved amendments to the Communications Act of 1934 by extending certain appropriations for the Corporation for Public Broadcasting and providing for a two-year funding extension designed to give educational and public broadcasting media an opportunity for realistic

planning to implement those public service goals which are at the heart of public broadcasting: diversity, localism, and quality programming in the public interest. A total of \$80 million was authorized for fiscal year 1974, and a total of \$95 million for fiscal year 1975. Included are authorizations for matching-facilities construction grants for non-commercial educational television and radio broadcasting, as well as grants for the Corporation for Public Broadcasting pursuant to the purposes of the Public Broadcasting Act of 1967. As amended and passed, it represents a compromise and a commitment—a compromise between the need for broadcast stations to be free of Federal coercion and the right of congressional control of Federal funds, and a commitment by the Congress to assure the independent growth and vitality of public broadcasting.

Professional Sports-TV Blackouts (P.L. 93-107, approved September 14, 1973)—This Act amends the Communications Act of 1934 to provide that if any game of a professional sports club is to be televised pursuant to a league television contract and all tickets for seats made available 120 hours (5 days) or more before the scheduled beginning time of the game have been purchased 72 hours (3 days) or more before such time, no agreement preventing the televising of such game at the same time and in the area in which the game is being played would be valid. The person or persons having the rights to telecast the game locally would be required to make those rights available to a television broadcast licensee on reasonable terms and conditions.

Broadcast License Renewal Act—(H.R. 12993 passed the House May 1, 1974)—The House moved to stabilize the broadcast industry's licensing procedures and to clarify the criteria upon which a licensee is judged by passing the Broadcast License Renewal Act. The bill establishes a 4-year term for broadcast licenses rather than the 3-year term that has been in existence since 1927. The bill also provides that the FCC may not, in a proceeding for the renewal of a broadcast license, consider the ownership interests or official connections of the renewal applicant in other stations, other communications media or other businesses, or consider the participation or ownership in the management of the station unless the FCC has adopted rules thereon and given the renewal applicant a reasonable opportunity to conform to those rules.

Section 5 of the bill provides that appeals from decisions and orders of the FCC relating to broadcast authorization must be taken to U.S. Court of Appeals for the circuit in which the broadcast station is located. At present such appeals must be taken to the Circuit Court of Appeals for the District of Columbia. Also, the measure requires the FCC to prescribe and abide by time limits for filing petitions to deny broadcast authorizations; it is the intent of the House that any party in interest have a reasonable opportunity to file a petition to deny against an application, but that dilatory devices such as filings out of time which have the effect of delaying proceedings be prevented. Section 4 of the bill would require the Commission to prescribe procedures to encourage licensees and persons raising significant issues regarding the licensees' broadcast operations to conduct negotiations to resolve such issues. Compliance with issues would be voluntary. Also, under section 6(a), the FCC is required to carry out a continuing study to determine how it can eliminate regulations applicable to broadcast licensees which are required by the Communications Act but which do not serve the public interest.

VETERANS

Veterans' Health Care Extension Act (P.L. 93-82, approved August 2, 1973)—Despite a presidential veto in 1972 of similar legislation, Congress quickly approved comprehen-

sive veterans' health care legislation, a significant step forward on behalf of the health care of all veterans. The Act extends outpatient care privileges to veterans currently eligible for hospital care, to peacetime veterans and to those 80 percent or more disabled because of a service-related cause. It also extends VA medical care to certain dependents and survivors of veterans. In addition, Congress directed the VA to develop a health manpower training program and to study the staffing needs of VA hospitals; to set up a VA program for treatment of sickle cell anemia; to require the VA to staff and maintain enough hospital beds to admit all eligible veterans in need of care and to double the number of VA nursing home beds to 8,000.

Veterans' Disability Benefits Increase (P.L. 93-117, approved December 6, 1973)—Concern over the effects of domestic inflation on veterans' pensions prompted Congress to approve an increase in the monthly payments to single and married veterans. The approximate ten percent increase would also raise the pensions received by widows and children of deceased veterans, surviving parents of veterans, and veterans under hospital care.

Veterans' National Cemetery Act (P.L. 93-43, approved June 18, 1973)—After a presidential veto of similar legislation in the 92nd Congress, a second effort proved successful. In enacting P.L. 93-43 Congress increased veteran funeral and burial allowances and established a national cemetery system to be administered by the Veterans Administration. A special plot allowance of \$150—in addition to the existing VA allowance for burial and funeral expenses of \$250—for veterans not buried in a national or other Federal cemetery was authorized, with additional benefits of up to \$800 provided for veterans who die of service-connected disabilities. Finally, the Act directs the VA to conduct a comprehensive study of the U.S. national cemetery system and burial policy.

Veterans' Education and Rehabilitation Amendments (P.L. 93-508, effective December 3, 1974. Both Houses voted to override a Presidential veto December 3, 1974)—Congress overrode President Ford's veto of November 26, 1974 of legislation to increase educational benefits for veterans of the Korean war and the Vietnam era by 22.7 percent, retroactive to September 1, 1974. The increase will be reflected in increases in monthly educational allowances for approximately two million veterans, in addition to dependents and survivors of veterans.

For an unmarried veteran attending college on the GI Bill, the Act means an increase in benefits from the present \$220 a month to \$270. For a married veteran with one child the monthly benefit will increase from \$298 to \$366 for each month the child is attending school. Entitlement for GI Bill benefits for undergraduates is extended by the Act to 45 months.

In addition, the Act provides for direct loans of low-interest loans of \$600 a year for student veterans and extends vocational rehabilitation programs for disabled veterans, increasing by 18.2 percent benefits for veterans in rehabilitation or job training programs.

Veterans' Housing Act (P.L. 93-569, approved December 31, 1974)—As a result of hearings held on GI housing problems, Congress passed legislation to improve the basic provisions of the veterans' home loan programs. Under the bill, the maximum amount of a loan guaranty increases from \$12,500 to \$15,000, and the Administrator of the Veterans' Administration is allowed to grant authority to process GI home loans on an automatic guaranty basis. In addition, H.R. 15912 improves provisions for mobile home purchases by increasing the maximum guarantee from 30 to 50 per cent. To meet the specific housing needs of disabled veterans, the maxi-

num grant for specially adapted housing is increased to \$20,000.

Military Dependents Assistance Act Amendments (P.L. 93-64, approved July 9, 1973)—The Act is amended to make permanent certain provisions relating to the definition of dependents of veterans. Formerly Section 401 of title 37, U.S. Code contained the word "legitimate" in the definition of child as a dependent. That definition is expanded to cover a child who is illegitimate and whose alleged member-father has been judicially decreed to be the father of the child, or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member. Section 401(a) of that title is also amended to eliminate the requirement that the dependent parent reside in the member's household. The dependency of the parent is now determined on the basis of an affidavit submitted by the parent, along with any other evidence required under the regulations prescribed by the Secretary concerned. Those sections of title 37 relating to quartering allowances were amended to provide different rates for certain ranks.

The miscellaneous provisions of P.L. 93-64 extended, for two years, until June 30, 1975, the payment of a bonus of up to \$3,000 for an initial enlistment or an extension of an initial period of active duty. The Act limits the career fields eligible for the bonus so as to insure that only individuals who enlist in skills in the infantry, armor, and artillery would be eligible for such a bonus.

Veterans' Administration, Flexibility in Loans (P.L. 93-75, approved July 26, 1973)—The purpose of this legislation was passed by Congress eliminates the existing statutory requirement of title 38, United States Code, that the interest rate on Veterans' Administration loans should not exceed the rate in effect under the National Housing Act. The effect of this amendment is to give the Administrator of Veterans' Affairs independent authority to adjust the rate of interest on guaranteed loans commensurate with changing loan market demands. This flexible authority to adjust home loan interest rates will prevent a substantial cutback in available funds for VA home loans.

Veterans' Disability Compensation and Survivor Benefits Act of 1974—(P.L. 93-295, approved May 31, 1974)—Congress approved a \$566.8 million cost-of-living increase in benefits to the Nation's 2.2 million veterans with service-connected disabilities and to their dependents and survivors. The Act provides for a 15 percent increase in benefits to veterans who are 10 to 50 percent disabled, and 18 percent to veterans whose disability is 50 percent or more. In addition, it provides a 15 percent raise in benefits to dependents of veterans who are 50 percent or more disabled, and a 17 percent cost-of-living increase for widows and other dependent survivors.

Other provisions of the Act: 1) Equalize the payments to widows and survivors of veterans of peacetime and wartime service where death occurred prior to January 1, 1957 (Previously, survivors of veterans who served during "peacetime" periods were entitled to death compensation at the rate of only 80 percent of that received by survivors of veterans who served during a "war-time" period); 2) Authorize a study by the Veterans Administration of applications for dependency and indemnity compensation by widows of veterans who had a disability total and permanent at the time of death; and 3) Authorize the Administrator to pay beneficiaries directly when he determines it is in the interest of the beneficiary, regardless of legal disability of the beneficiary or the appointment of a fiduciary.

Servicemen's Group Life Insurance Coverage Extension (P.L. 93-289, approved May

24, 1974)—As an added incentive for persons to join and remain in our standby military forces, Congress enacted legislation which for the first time provides full coverage under Servicemen's Group Life Insurance (SGLI) for certain members of the Reserves and National Guard. Members of the Ready Reserves presently granted full time coverage under the Act have until now only been covered during limited duty periods and travel time to and from such duties. Members of the Retired Reserve granted full coverage under the Act were previously not eligible for SGLI. The Act further authorizes the conversion of such insurance to five year term, low-cost Veterans Group Life Insurance, and authorizes allotments from the pay of members of the National Guard of the United States for group life insurance premiums.

Medical Care for Certain Members of Allied Wartime Forces (H.R. 18377 passed the House August 5, 1974)—The House passed legislation to amend title 38, United States Code, to provide hospital and medical care to veterans of Poland and Czechoslovakia who served in combat during World Wars I and II against enemies of the United States. The veterans would have to show that they have been U.S. citizens for at least 10 years and as a prerequisite to entitlement to medical care produce a certification from either the British War Office or the French Ministry of Defense as evidence of subsequent service in the French or British armed forces during the war concerned. Under existing law, the Veterans' Administration is authorized to grant such benefits to discharged members of the Armed Forces of nations allied with the U.S. during the world wars. However, this is only in consideration of reciprocal services extended to U.S. veterans, and due to the change of governments in Poland and Czechoslovakia, recourse to the reciprocal services authority is not available.

Veterans' Adaptive Auto Equipment (P.L. 93-538, approved December 22, 1974)—This legislation amends title 38 of the United States Code relating to the provision of adaptive equipment for automobiles used by disabled veterans and servicemen. As amended, the law requires the Administrator of the Veterans' Administration to provide and repair adaptive equipment for any automobile or other vehicle which an eligible person may previously or subsequently have acquired.

Tax Treatment for Prisoners of War (H.R. 8214 passed the House August 3, 1973)—To assist our prisoners of war and the families of those missing in action, the House amended present law to provide certain relief for military and civilian personnel returning from the Vietnam conflict and the families of those individuals who are listed as missing in action and are subsequently determined to have died at an earlier time.

First, the bill extends the provision under present law which permits military personnel who are hospitalized as a result of service in a combat zone to exclude military pay they receive during the period of hospitalization to cover for a period of time the pay they receive while hospitalized after all combatant activities have terminated. Since the exclusion under present law only applies during the period in which they are in combatant activities in a combat zone, the bill extends this exclusion for a period of time to cover a member of the Armed Forces who was hospitalized for an injury incurred in a combat zone in the waning days of the Vietnam War.

Second, the bill extends the provision which forgives another provision, in the case of a member of the Armed Forces who dies while serving in a combat zone to cover the period he is in a missing status even though

it is subsequently determined that he actually died at an earlier time. The House felt it appropriate to prevent any additional hardship to his family which could result from the collection of taxes for years following his actual death, and therefore extends this forgiveness to cover the years a serviceman is in missing status until his status is changed. The measure provides that the widow be eligible for surviving spouse tax treatment for the two years following the year in which her husband's missing status is changed rather than the two years following the year of actual death.

WOMEN'S RIGHTS AND CIVIL LIBERTIES

Privacy Act of 1974 (P.L. 93-579, approved by the President December 31, 1974)—Disturbed by documented reports about the misuse of Federal records, both Houses of Congress approved overwhelmingly the Privacy Act of 1974. The President signed the measure on January 1, 1975, marking the first major privacy legislation since acceptance of the Bill of Rights in the eighteenth century. A number of significant subjects are covered but the most important provision may be the establishment of the Privacy Protection Study Commission with responsibilities for exploring areas concerned with individual privacy, whether in the private or governmental sectors. In addition, the Commission may provide technical assistance, on request, for preparing model state privacy legislation.

The Act gives a right of access to records maintained by any Federal agency as well as the right to require correction of incomplete or erroneous information. Agencies are required to maintain an accounting of all record disclosures for five years or the life of the disclosure, whichever is longer.

A moratorium is placed on the use of the social security number by prohibiting state and local governments from conditioning a right, benefit, or privilege upon an individual's disclosure of his number. In addition, a provision in the Act requires that an individual being asked for his account number must also be given notice of the nature, authority, and purpose of the request. The growing use of the number as a universal identifier has increasingly been regarded as dehumanizing and threatening to the freedom and privacy of citizens. Thus this clause alone provides substantial protection to a right of privacy.

Under the Act, notice of all proposals to establish or change a system of records must be sent to Congress and to the Office of Management and Budget for assessment of the privacy impact of the proposal. Proposals must also consider the potential repercussions which the new data-collection system may have on federal relations and on separation of powers. The thrust of this requirement is to restrain agencies from creating a national data bank which would store all information about an individual in a single location.

Of particular annoyance to citizens has been the sale or rental of mailing lists by government agencies to commercial concerns. The Act deals with this problem by prohibiting such sale or rental by an agency and a person may also request to have his name removed from such lists.

After years of study by several committees of Congress on the many facets of privacy, the current legislation appears to have resolved several of the more glaring threats and to have set the stage for dealing with more difficult issues.

Family Educational Rights and Privacy Act of 1974 (P.L. 380, approved August 21, 1974)—Catalyzed by numerous reports about the abuse of personal data by schools and Government agencies, Congress amended the Education and Secondary Education Act to deny Federal funds to any educational insti-

tution which prevented parental access to a child's school records or permitted the release of the records except to personnel specifically authorized to receive them. In addition, the Secretary of Health, Education, and Welfare is required to develop and adopt regulations controlling the use, dissemination, and protection of data about individual students.

If implementation is successful, the privacy concept embedded in this Act may well become the prototype for similar provisions in other types of welfare legislation. Congress will thus have taken a significant and dramatic step toward ensuring the dignity of the individual in a time when government is rapidly increasing its data-gathering activities about its citizens.

Protection of the Rights and Privacy of Parents and Students (P.L. 93-568, approved December 31, 1974)—This Act amends the language of the Family Educational Rights and Privacy Act of 1974 (P.L. 93-380) by maintaining the confidential nature of certain materials which may be in a student's school file. These include the financial records of the parents, letters of recommendation that were placed in the files prior to January 1, 1975, and allows the student to sign a waiver of his right of access to his file.

The Act further requires that no funds be allocated to any educational institution unless the parents of students at the institution have the opportunity to challenge the content of the student's education records for purposes of correcting inaccurate data or deleting inappropriate data. However, a student's records may be released to appropriate school officials, to certain educational research organizations, and to auditors or evaluators of Federally supported education programs. In addition, the Secretary of Health, Education, and Welfare is required to adopt regulations to protect the rights of privacy of students and their families in connection with data-gathering activities conducted by an education agency.

Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (P.L. 93-609, approved January 2, 1975)—Congress acted affirmatively to safeguard the rights of privacy of the individual by extending the authority for one year of the National Commission for the Review of Federal and State Laws on Wiretapping and Electronic Surveillance. In addition to extending the Commission's life, this measure exempts the Commission from the Federal Advisory Committee Act thus allowing it to hold closed-door meetings with majority vote. The Committee will therefore be able to examine the transcripts and logs of wiretaps while maintaining the privacy of those whose conversations have been recorded. Confidentiality of national security wiretaps will also be maintained by this action. The bill allows the Commission to review and listen to tapes produced by illegal wiretaps. Title 18, U.S.C. 2515 presently prohibits any agency of the Government from receiving in evidence material obtained from an illegal wiretap. The purpose of this prohibition is to prevent the substance of such evidence being used against the subject of the wiretap. However, the Commission's interest does not lie in obtaining information regarding the subject of an illegal wiretap, but in examining the nature of the law itself. It was the intent of the House that the Commission be authorized to review such material if it is to adequately study the abuses of wiretapping and electronic surveillance. Finally, the bill restates the legislative intent expressed in the Omnibus Crime Control Act of 1970 which revived the Commission.

Equal Credit Opportunity Act (P.L. 93-495, approved October 28, 1974)—One of the major women's rights issues to receive legislative attention by the 93rd Congress was that of sex discrimination in credit transactions. Hearings before the National Commission on Consumer Finance in 1972 revealed that it was often more difficult for a woman than for a man of equal creditworthiness to obtain credit. In particular, testimony indicated that single women had more trouble obtaining credit than single men, especially mortgage credit; creditors generally required a woman who already had credit to reapply for credit when she married, although similar reapplication was not required for men when they married; creditors were often unwilling to extend credit to a married woman in her own name; women who are divorced or widowed had trouble reestablishing credit; and creditors were often unwilling to count the wife's income when a married couple applied for credit. The Equal Credit Opportunity Act was passed as an amendment to the Depository Institutions Act of 1974, and amends the Consumer Credit Protection Act to forbid discrimination based on sex or marital status in all aspects of credit transactions. Passage of this legislation is a significant step forward in the effort to assure full economic rights to women.

Rape Prevention and Control (H.R. 14214 pocket vetoed by the President December 22, 1974)—The 93rd Congress passed the Health Revenue Sharing and Health Services Act of 1974, including provisions which would have required the establishment of an administrative unit within the Department of Health, Education and Welfare for rape prevention and control programs. The incidence of forcible rape had risen 70 percent between 1967 and 1972, and this increase in incidence of the crime as well as the influence of the feminist movement had resulted in a heightened public awareness of the problems of rape prevention and criminal prosecution.

Extension of Minimum Wage Coverage to Domestic Workers (P.L. 93-259, approved April 8, 1974)—This Congress amended the Fair Labor Standards Act to increase the minimum wage, extending its coverage to seven million workers, including state, county and municipal employees and domestic workers, most of whom are women. The minimum wage and overtime coverage now apply to domestic workers who earn more than \$50.00 in a calendar quarter, or who work more than eight hours a week for one or more employers.

Uniform Age Qualifications for Men and Women Enlisting in the Armed Services (P.L. 93-290, approved May 24, 1974)—The House had acted last December 17, 1973, to approve this measure, which establishes the same minimum age qualifications for both males and females who wish to enlist in the armed services. The bill was approved by the Senate during the second session and signed into law.

Women's Educational Equity Act (P.L. 93-380, approved August 21, 1974)—Among the provisions of the Education Amendments Act of 1974 (P.L. 93-380), which was enacted during the second session, are those of the "Women's Educational Equity Act," contained in Section 408, the purpose of which is to provide educational equity for women in the United States. This section establishes, in the Office of Education, an Advisory Council on Women's Educational Programs to advise on policy matters related to women's educational equity; make recommendations; develop criteria for the establishment of program priorities; and review the results of a national, comprehensive study of sex discrimination in education, which the Commissioner of Education is authorized and directed to conduct. It authorizes the Commissioner to make grants and enter into contracts in order to support activities designed to insure educational equity for women. These projects are to deal with

issues such as the development of non-sexist curricula; training for educational personnel; guidance and counseling activities; continuing education programs for adults; and the expansion and improvement of educational programs for women in vocational education, career education, physical education, and educational administration—all toward the end of achieving educational equity in this country. The Commissioner is authorized to spend up to \$30 million annually in this effort for fiscal years 1976 and 1977.

Prohibition of Sex Discrimination in Housing (P.L. 93-385, approved August 22, 1974)—Housing and Community Development Act of 1974 includes provisions which relate to sex discrimination in housing. Retained from the House bill were provisions prohibiting discrimination on the basis of race, color, national origin, or sex in carrying out community development programs; and providing for a procedure to terminate or reduce grant payments in the case of noncompliance (Sec. 109). House provisions were also retained which amend the National Housing Act to prohibit discrimination based on sex in federally-related mortgage loans, insurance, guarantee, or related assistance; and require lenders to consider the combined incomes of husbands and wives in extending mortgage credit (Sec. 808). Other provisions amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in the financing, sale, or rental of housing or the provision of brokerage services.

Women's Equality Day (P.L. 93-382, approved August 22, 1974)—Once again this year, the Congress recognized the importance of the anniversary of women's suffrage and passed a bill to authorize and request the President to designate August 26, 1974, to be "Women's Equality Day."

Equal Spouse Benefits for Male and Female Federal Employees (P.L. 93-416, approved September 7, 1974)—During the second session of the 93rd Congress, continued efforts were made to provide equality of treatment of male and female employees of the Federal Government. Provisions of the Federal Employee's Compensation Act provide equality of treatment for federal employees, regardless of sex, in terms of benefits to spouses in cases of death or work injury.

Elimination of Sex Discrimination in Programs of the Naval Sea Cadets Corps (P.L. 93-504, approved November 29, 1974)—In order to offer girls as well as boys an opportunity to participate in the programs of the Naval Sea Cadets, the 93rd Congress enacted legislation to amend the act to incorporate the Naval Sea Cadets Corps in order to eliminate sex discrimination in its programs.

Elimination of Sex Discrimination in Little League Baseball (P.L. 93-551, approved December 26, 1974)—The 93rd Congress, in an effort to open the youth programs of Little League Baseball, Inc., to girls, passed a bill to amend the act to incorporate that organization in order to eliminate discrimination based on sex. The Act provides girls as well as boys the opportunity to try out for positions on Little League baseball teams.

OTHER

Bicentennial Administration (P.L. 93-179, approved December 11, 1973)—In an effort to better coordinate the activities of State, local and private groups in preparation for the American bicentennial, Congress changed the American Bicentennial Commission to the American Bicentennial Administration. The new Administration will have an eleven member advisory board and a 25 member policy council to replace the Commission's 50 member board, with Senate confirmation of a presidentially appointed administrator. The board is to elect a director from its membership. The Act provides a \$20 million

matching grant program that would allocate approximately \$200,000 to States and territories for bicentennial activities, and authorizes \$410 million annually for administration of the programs. By this action Congress can be better assured that our 200th birthday as a Nation will be appropriately celebrated.

Authorizations for Cabinet Committee on Opportunities for Spanish-Speaking People (H.R. 10397 passed the House October 18, 1973)—In the Second Session, Congress extended the authorizations of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People through December 30, 1974. The Act provides a ceiling of \$1.5 million in appropriations with \$750,000 of this amount to be available in fiscal year 1975. The Committee, which was established during the 91st Congress for a period of five years, is to aid Spanish-speaking and Spanish-surnamed Americans in coping with problems relating to housing, employment, education, and health care, as well as to insure that Federal programs are responsive to their needs. This Act not only extends funding for the remaining one and one-half years of its tenure, but also requires that regional offices be established and assigns the Cabinet Committee the added function of assisting Spanish-speaking groups and individuals in securing their participation in various benefits and assistance programs.

Weather Modification Activity Authorization (P.L. 93-436, approved October 5, 1974)—Recognizing the continuing need for detailed knowledge and record-keeping of attempts to modify weather patterns in the United States, the Congress passed legislation which provides for the reporting of all such activities to the Federal government for an additional three years, or through Fiscal Year 1977. The Act extends the provisions of P.L. 92-205, by authorizing \$200,000 for this purpose. The reporting and record-keeping of weather modification activities throughout the United States is under the jurisdiction and control of the National Oceanic and Atmospheric Administration (NOAA), under the Department of Commerce.

Weather modification activities in the U.S. include projects to increase precipitation for purposes of irrigation, power generation, and other water use; to decrease hail in order to lessen crop damage; and to achieve fog dispersal at airports in order to insure maximum utilization of air transport. Since weather control is not an exact science, it is necessary to have complete data on weather modification operations. NOAA provides the only source of factual and complete information on such activities—both federal and nonfederal—and the reported information is available to the public as well as to all Federal agencies. One of the most important aspects of maintaining detailed records of weather modification activities is to insure that duplicative operations do not take place, and that concurrent operations do not interfere with each other.

Hobby Protection Act (P.L. 93-167, approved November 29, 1973)—This legislation is designed to offer protection to millions of American hobbyists from imitation items purported to be authentic. The Act specifically applies to imitation political and numismatic items. Imitation political items, manufactured domestically or imported into the U.S., must be permanently marked with the year of manufacture. Imitation numismatic items, again of domestic or foreign origin, must be marked "copy." The Act's provisions do not supersede any State statutes, but act in addition to other Federal or State law.

Postal Service Annual Authorizations (H.R. 2990 passed the House July 12, 1973)—As passed, the bill requires annual authoriza-

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tions for appropriations to the Postal Service for revenue foregone and public service costs. The Postal Reorganization Act of 1970 contained one permanent appropriation for all postal revenues and three permanent authorizations for appropriations for public service costs, revenue foregone and transitional costs. Public service costs are incurred by the Postal Service in providing a maximum degree of effective and regular postal service nationwide and in communities where post offices may not be deemed self-sustaining. Revenue foregone is that revenue lost by reason of carrying the mails free or at reduced rates of postage as required by specific provisions of law. The bill requires the Postal Service to secure annual authorizations for these two significant appropriations it must receive from the Federal Treasury in order to bridge the gap between total postal revenues and total postal costs. It would not affect the other permanent appropriations authorizations. The bill also requires that the Postal Service keep the appropriate committees of Congress fully informed as to its activities and requires any Federal agency to furnish requested information to such committees relating to the Postal Service.

VETOES IN THE FIRST SESSION, 93D CONGRESS

Vocational Rehabilitation (S. 7 vetoed by the President March 27, 1973)—Both Houses gave final approval to the Vocational Rehabilitation Act of 1973 which would have extended the appropriations authority for programs for fiscal 1973, 1974 and for some programs for 1975. The total expenditures for the three years would have been \$2.6 billion. Seven new categorical grant programs would have been established.

Rural Water and Sewer Grants (H.R. 3298 vetoed by the President April 5, 1973)—This legislation would have restored the rural water and sewer grant program, discontinued by the Administration on January 10, 1973, under the Consolidated Farm and Rural Development Act.

Confirmation of Director and Deputy Director of the Office of Management and Budget (S. 518 vetoed by the President May 18, 1973)—This bill would have abolished the offices of Director and Deputy Director of the Office of Management and Budget and then recreated these offices, making them subject to Senate confirmation.

Second Supplemental Appropriations Act of 1973 (H.R. 7447 vetoed by the President June 27, 1973)—Both Houses approved in a fiscal 1973 supplementary appropriation of \$3,362,845,279, an amendment prohibiting immediately funds in the bill and in previously enacted legislation from being used to support U.S. combat activities in or over Cambodia or Laos. It was the first time since the United States became involved in the Indochina War that both chambers had approved a bombing restriction provision.

Emergency Medical Services Systems Act of 1973 (S. 504 vetoed by the President August 1, 1973)—This vetoed bill would have authorized the expenditure of \$185 million over the next three fiscal years to help State and local jurisdictions establish emergency medical systems. Funds would have been used for training of ambulance attendants and other emergency personnel, improved transportation for emergency victims, expansion and upgrading of emergency rooms. The closing of eight PHS hospitals, previously announced by the Administration, would have been prohibited, because HEW failed to show that patients would receive equal or better medical care at other facilities.

Minimum Wage Act (H.R. 7935 vetoed by the President September 6, 1973)—H.R. 7935 would have required wage increases for four million of the nation's worst paid workers—some five percent of the work force—and would have extended minimum wage cover-

age to seven million additional employees, including domestic employees, government employees, certain employees of conglomerates, retail and service employees of chain stores, and others. The vetoed bill would have raised the minimum wage from its present level of \$1.60 an hour to \$2 on November 1, 1973 and to \$2.20 by July 1, 1974 for workers covered before 1966; non-farm workers covered after 1966 would have risen in four steps to \$2.20 by July 1, 1976; farm workers would have risen in four steps to \$2.20 by July 1, 1976. The bill would have covered 935,000 domestic workers for the first time with a \$1.80 minimum in November and \$2.20 by July 1975. A major point of contention was the subminimum wage for youth, which the Administration strongly backed for broad categories of young workers. The Congress rejected this in favor of a limited subminimum for full-time students working in certain occupations.

Disaster Loan Act (S. 1672 vetoed by the President September 22, 1973)—This bill would have provided an amendment to the Small Business Act which would have increased the authority of the Small Business Administration to provide loans to small firms in the event of natural disasters.

Small Business Amendments (S. 1672 vetoed by the President September 24, 1973)—Congress amended the Small Business Act to increase to \$6.6 billion from the existing \$4.3 billion ceiling the authority of the Small Business Administration to provide loans to small firms in the event of natural disasters. Effective April 20, 1973 to July 1, 1975, disaster relief loans would have been available to victims of disasters from the Small Business Administration and the Farmers Home Administration. The proposed Act would have authorized a uniform program of disaster loans at three percent with \$2,500 forgiveness, or one percent of the total amount and would have prohibited sex discrimination by the Small Business Administration. Special consideration would have been given to veterans and survivors.

USIA Authorizations (S. 1317 vetoed by the President October 23, 1973) Congress authorized \$216,775,000 for the U.S. Information Agency for fiscal 1974 in a bill vetoed by the President because of an amendment claimed to be an unconstitutional encroachment of executive authority. The provision would have required a cutoff of funds for the USIA if the Agency failed to respond within 35 days to a written request of either the House Foreign Affairs or the Senate Foreign Relations Committees for documents or other information relating to the Agency. Subsequently, Congress approved USIA authorization of \$215,614,000 for fiscal 1974 and barred the use of any appropriation for programs that had not been authorized or any appropriation that was above the amount authorized for fiscal 1974, excluding continued funding resolutions.

War Powers Resolution (H.J. Res. 542 vetoed by the President October 24, 1973. Attempts to override succeeded in the House (November 7, 1973) and in the Senate (November 7, 1973). H.J. Res. 542 became Public Law 93-148 without the President's signature)—Congress reasserted its constitutional role in the war-making area by placing restraints on the authority of the President to commit U.S. forces to hostilities without congressional consent. Both Houses gave final approval to the War Powers Resolution, which requires consultation with Congress if at all possible in advance of any introduction of U.S. forces to hostilities, and a full report to Congress within 48 hours after taking such action. If Congress does not expressly authorize the commitment, the President must withdraw troops within 60 days (a 30 day extension is permitted if the safety of troops so requires). Anytime after the

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commitment of forces, the Congress could mandate immediate withdrawal through passage of a concurrent resolution—which is not subject to veto. In addition, the resolution stipulates that none of its provisions are to be construed as granting any authority to the President that he would not have had in the absence of the resolution. The power of the President to commit forces is defined to include only situations where Congress has declared war or provided other statutory authorization, or when a national emergency exists because of attack on the U.S. or its forces.

Mass Transit Act Amendments (H.R. 10511 pocket vetoed by the President January 3, 1974)—This bill would have amended the Urban Mass Transportation Act of 1964 to provide that Urban Mass Transportation Administration money could be used for the purchase of buses by public transportation agencies and that such equipment could be used for charter services.

VETOES IN SECOND SESSION, 93D CONGRESS (AS OF JANUARY 7, 1974)

Emergency Energy Act (S. 2589 vetoed by the President March 5, 1974)—This bill gave the President authority to ration gasoline, order energy conservation measures, and to modify environmental standards if such action was necessary to conserve oil. Among the additional provisions of the legislation were those which would give Congress a veto power over presidential energy conservation measures, make available to homeowners low interest loans for installing storm windows and more efficient heating units, and the establishment of a ceiling on the price of domestically produced crude oil. Attempt to override the veto in the Senate failed, 3/6/74, by a vote of 58-40.

Department of Agriculture, Environmental Protection Agency and Certain Related Agencies Appropriations, Fiscal Year 1975 (H.R. 15472 vetoed by the President August 8, 1974)—Congress in July cleared appropriations of \$13,571,395,000 for the Agriculture, Environment and Consumer Appropriations. A total of \$6,282,815,000 was approved for agricultural programs including research, scientific activities overseas, cooperative state research service, and for the agricultural extension service. The legislation would have limited concessional sales under the Food for Peace program to ten percent per country. For rural development programs, a sum of \$831,341,000 was appropriated, while a total of \$1,311,191,000 was approved for environmental programs. For consumer protection programs administered by the Department of Health, Education, and Welfare, General Services Administration, Agricultural Department, Consumer Product Safety Commission, and the Federal Trade Commission a sum of \$5,146,048,000 was appropriated. At the Administration's request, both Houses approved \$100 million for child nutrition and school lunch funding administered by the Department of Agriculture.

Pay of U.S. Deputy Marshals (H.R. 5094 vetoed by the President August 12, 1974)—This bill required the reclassification and upgrading of deputy United States marshals.

Animal Health Research (H.R. 11873 vetoed by the President August 14, 1974)—Both Houses approved provisions authorizing the Secretary of Agriculture to encourage and assist States in carrying out programs of animal health research, and creating a new categorical grant program that would authorize an expenditure of \$47 million above funds presently appropriated.

Directing the Secretary of the Interior to Sell Certain Reserve Phosphate Interests (H.R. 10626 vetoed by the President September 30, 1974)—This private bill authorized and directed the Secretary of the Interior to sell to John and Martha Carter all phosphate

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interests now owned by the United States in the described lands located in Polk County, Florida.

Atomic Energy Act Amendment (H.R. 15323 vetoed by the President October 12, 1974)—This congressional action would have amended the Atomic Energy Act of 1954 to revise the method of providing public remuneration in the event of a nuclear incident. The proposed Act would have broadened the indemnity provisions to include damages resulting from nuclear thefts as well as accidents, and would have provided that the Act become effective thirty days after the date on which the Joint Committee on Atomic Energy submitted to Congress an evaluation of the Reactor Study, entitled "An Assessment of Accident Risks in the U.S. Commercial Nuclear Power Plants." However, the Act provided that its provisions would not take effect if Congress disapproved the extension after the Joint Committee submitted its evaluation.

Railroad Retirement (H.R. 15301 vetoed by the President October 12, 1974. Attempts to override succeeded in the House (October 15, 1974) and in the Senate (October 16, 1974). H.R. 15301 became Public Law 93-445 without the President's signature)—Congress overrode a presidential veto of a measure restructuring the railroad retirement system and authorizing \$285 million annually for the next twenty-five years from general treasury funds. The new Act strengthens the retirement system at a time when the railroads have been troubled by finances and a decreased employment. Under its provisions, the Act establishes a pension system, similar to the social security system, but ending the dual benefits system which allows railroad workers to collect social security and railroad retirement benefits. Members of the retirement system, however, who received the dual benefits before December 31, and those with vested rights under each, will continue to be allowed dual benefits.

The Act also will allow the "30 and out" retirement programs—meaning that an employee could retire after 30 years' service regardless of age. Senate voted to override by a vote of 72 to 1 on October 16, 1974. House voted to override by a vote of 360 to 12 on October 15, 1974.

Cut-off of Military Aid to Turkey (H.J. Res. 1131, vetoed by the President October 14, 1974)—The House gave final approval to a continuing appropriations resolution for fiscal year 1975 and added an amendment prohibiting all military aid to Turkey until the President certified that substantial progress had been made in arriving at a negotiated settlement of the Cyprus conflict. On October 9, the Senate gave its approval of the resolution as amended by the House, thus readying the bill for the President. The amendment was a substitute for milder language suggested by a House-Senate conference committee with White House support which would have halted military aid to Turkey unless and until the President determines that the Turkish Government was making good faith efforts to reach a settlement. Supporters of the stricter amendment contended that the use of American weapons by the Turks during the recent Cyprus conflagration was in violation of the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, which prohibit the use of American weapons for offensive purposes. Furthermore they saw the continued flow of military aid, which is currently provided at an annual rate of \$173.7 million a year, as a hindrance to negotiations of the Cyprus situation.

Cut-Off of Military Aid to Turkey (H.J. Res. 1163 vetoed by the President October 17, 1974)—In response to the President's veto of the continuing appropriations resolution with the Turkey aid cutoff, the House and

Senate approved on October 16 the same resolution as passed and vetoed earlier (H.J. Res. 1131) with a milder restriction on aid to Turkey. The new restriction provided for a halt to military assistance to Turkey as of December 10, 1974 unless there is substantial progress toward a settlement of the Cyprus question. However, U.S. military aid would be ceased immediately if equipment provided to Turkey is sent to Cyprus. The language in this resolution was intended to be a compromise, by allowing the President and Secretary of State two months in which to seek a settlement in Cyprus or to bring about progress toward that end.

Freedom of Information Act Amendments of 1974 (H.R. 12471 vetoed by the President October 17, 1974. Attempts to override succeeded in the House (November 20, 1974) and in the Senate (November 21, 1974). H.R. 12471 became Public Law 93-502 without the President's signature)—

Congressional action on this legislation represents the first amendments to the Freedom of Information Act (FOIA) since its original enactment in 1966. The amendments would have required Federal agencies to adhere to improved administrative procedures designed to enhance responsiveness to FOIA requests. They require agencies to publish and distribute indexes identifying information for the public concerning any agency matter issued or adopted after July 4, 1967. Agencies would have been required to furnish their records to any person who reasonably described and requested such records. Technicalities pertaining to the costs of recovery and duplicating of agency records were also dealt with. Under the provisions of this legislation, the burden of proof would have been on the Government in judicial review to show why requested records should be exempt from mandatory disclosure.

National Wildlife Refuge System Administration Act Amendments (H.R. 11541 vetoed by the President October 24, 1974)—This Act amended section 4(d) of the Act of October 15, 1966, by adding a new standard in determining the authority of the Secretary of the Interior to allow certain rights-of-way across lands of the National Wildlife Refuge System. The new standard would require the Secretary to review all reasonable alternatives to the use of such area, and then make a determination that the proposed right-of-way use is the most feasible and prudent alternative for such purpose.

Relief of Alvin V. Burt, Jr., and the Survivors of Douglas E. Kennedy (H.R. 6624 vetoed by the President October 29, 1974)—This private bill provided for a payment to the above for injuries suffered as a result of wounds inflicted by U.S. Forces in the Dominican Republic in 1965.

Relief of Nolan Sharp (H.R. 7768 vetoed by the President October 29, 1974)—A bill authorizing retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962.

Farm Labor Contractor Registration Act Amendments (H.R. 13342 vetoed by the President October 29, 1974)—The intent of the bill was to strengthen protection for migrant farm workers. The objections of the President to this bill were not related to its principal provisions, but rather to a "rider" which would have reclassified hearing officer positions in the Department of Labor, and made existing hearing officers Administrative Law Judges.

Rehabilitation Act and Randolph-Sheppard Act Amendments (H.R. 14225 vetoed by the President October 29, 1974. Attempts to override the veto succeeded in the House

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(November 20, 1974) and in the Senate (November 21, 1974). A clean bill, H.R. 17503, was passed by both chambers and allowed by the President to become Public Law 93-516.—This Act provided for extending the authorization of appropriations in the Rehabilitation Act of 1973 for 1 year, the transfer of the Rehabilitation Service Administration to the Office of the Secretary of Health, Education and Welfare, the amendment of the Randolph-Sheppard Act for the Blind, and the convening of a White House Conference on Handicapped Individuals.

Veterans' Educational Benefits Act (H.R. 12628) vetoed by the President November 26, 1974. Override attempt in the Senate succeeded (December 3, 1974). H.R. 12628 became Public Law 93-508.—The Veterans' Educational Benefits Act provided for increased educational benefits for veterans including those who served in the post-Korean War and Vietnam War periods. The bill increased educational allowance by 22.7 percent, boosted on-the-job training funds and vocational aid for the disabled by 18.2 percent, created a new \$600 a year educational loan program and extended the existing 36 month entitlement period for veterans working on undergraduate degrees to 45 months.

Zinc Tariff Bill (H.R. 6191) vetoed by the President November 26, 1974.—The bill amended the Tariff Schedules of the United States to provide that certain forms of zinc be admitted free of duty until June 30, 1977. The bill also included tax provisions which allow certain taxpayers who have already deducted their casualty losses from disasters to also exclude from taxable income any amounts received from tort compensation or Federal loan cancellations based on those losses.

Flood Control Act of 1965 Amendments (S. 3537) vetoed by the President December 17, 1974.—Section 204 of the Flood Control Act of 1965 was modified by this bill thereby authorizing a revision of the Willow Creek Dam Project in Oregon. The purpose of the bill was to emphasize flood control and to provide for advance payment of the Federal share of the cost to relocate the water system of the town of Heppner.

Tennessee Valley Authority Act of 1933 Amendments (H.R. 11929) pocket vetoed by the President December 23, 1974.—Section 15d of the Tennessee Valley Authority Act of 1933 was amended by this bill to provide that expenditures for pollution control facilities would be credited against required power investment return payments and repayments.

Health Revenue Sharing and Health Services Act of 1974 (H.R. 14214) pocket vetoed by the President December 23, 1974.—This

omnibus bill provided for, among other things: 1) authorization of appropriations for grants to States for family planning service project grants and contracts; 2) expanded the services of Community Mental Health Centers; 3) Migrant Health Centers; 4) changes in grant procedures; 5) new programs for the control of disease borne by rodents; and 6) establishment of temporary commissions and/or programs related to epilepsy, Huntington's disease, hemophilia, and rape prevention and control.

Surface Mining Control and Reclamation Act of 1974 (S. 425) pocket vetoed by the President December 30, 1974.—The purpose of S. 425 was to prevent the adverse effects to society and the environment resulting from surface coal mining operations and surface impacts of underground coal mining operations.

Energy Transportation Security Act of 1974 (H.R. 8193) pocket vetoed by the President December 30, 1974.—This bill required that 20 percent of the gross tonnage of all oil transported in bulk on ocean vessels (whether transported directly from the original point of production or indirectly from such point to and from any intermediate points used for storage, refining, processing, packaging, unloading or reloading of oil) for import into the United States shall be transported on privately owned United States flag commercial vessels. This figure would rise to 25 percent after June 30, 1975 and 30 percent after June 30, 1977.

Per Diem and Mileage Expense Bill (S. 3341) pocket vetoed by the President December 31, 1974.—This bill sought to increase various allowances authorized Federal employees while in travel status. Under this act the General Services Administration would be authorized to issue regulations allowing expenditures of government funds for travel up to certain maximums. Among the maximums which could be set would be a per diem rate of \$35 as opposed to the current maximum of \$25 and a mileage allowance of from \$.15 to \$.20 a mile for use of privately owned automobiles.

Nurse Training Act of 1974 (H.R. 17085) pocket vetoed by the President January 4, 1975.—This bill amended Title VIII of the Public Health Service Act to revise and extend the programs of assistance for nurse training. Specifically, the bill provided for \$25 million for extension of grants and loan guarantees and interest subsidies; an extension and revision of capitation grants; and extension of financial distress grants; grants for special projects; grants for Nurse Practitioner Programs; and various forms of assistance, e.g., traineeships, for nursing students.

Adjustment of Price Supports for Milk (S. 4206) pocket vetoed by the President January 4, 1975.—This bill required that from this date of enactment of this legislation to March 31, 1976, that the support price of manufactured milk be established at not less than 85 percent of the parity price therefor. Also, the bill required the Secretary of Agriculture—beginning with the second quarter of 1975—thereafter adjust the support price for milk at the beginning of each quarter to reflect any change during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and wage rates.

Agricultural Conservation Time Extension Act (S. 3943) pocket vetoed by the President January 4, 1975.—The purpose of this bill was to extend the time for using funds appropriated to carry out the 1973 rural environmental assistance program and the 1974 rural environmental conservation program. Specifically, the time within which producers may request and receive approval for cost-sharing assistance under the two programs noted above was extended to December 31, 1975, and funds appropriated for such programs to remain available for making payments to eligible producers until December 31, 1976, for practices carried out during the period July 1, 1972, to December 31, 1975.

Improve Quality of Filberts Act (H.R. 2933) pocket vetoed by the President January 4, 1975.—The intent of H.R. 2933 was to include filberts as one of the commodities which enjoy the benefits of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended. The 1937 Act, as amended, which now includes some 16 commodities states, in essence, that if a domestic marketing order establishes certain grade and quality standards then imports of that same commodity must meet equivalent standards.

Authorizing Appropriations for Fiscal 1975 Maritime Program (H.R. 13296) pocket vetoed by the President January 4, 1975.—This bill authorized the appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce. Provided for the acquisition, construction, and reconditioning of ships, ship operating-differential subsidies, research and development, reserve fleet expenses, and financial assistance for maritime training.

Ford Federal Office Building (H.R. 11897) pocket vetoed by the President January 4, 1975.—This bill provided that the United States Courthouse and Federal Office Building in Grand Rapids, Michigan, be designated the "President Gerald R. Ford Federal Office Building."

APPROPRIATIONS ACTIVITY, 93D CONG., 1ST SESS.—BUDGET AUTHORITY IN FISCAL YEAR 1974 APPROPRIATION ACTS

(In millions)

Appropriation bill	Budget request	House	Senate	Enacted	Increase—Decrease	Public Law
Legislative Branch.....	677.2	660.2	640.6	605.2	-72.0	93-145
Public Works and Atomic Energy.....	4,775.5	4,676.4	4,773.0	4,749.4	-8.1	93-97
State, Justice, Commerce, the Judiciary, and Related Agencies.....	4,522.9	4,440.7	4,459.5	4,466.0	-56.9	93-162
Transportation and Related Agencies.....	2,920.4	2,780.9	2,869.0	2,808.1	-112.3	93-98
Agriculture, Environmental and Consumer Protection.....	9,519.6	9,385.7	10,176.9	9,927.7	+408.1	93-135
Treasury, Postal Service and General Government.....	5,373.3	5,144.7	5,123.4	5,233.2	-140.2	93-143
Housing and Urban Development, Space, Science, Veterans.....	18,617.5	19,071.0	19,118.4	19,056.5	+439.0	93-137
District of Columbia.....	433.0	427.7	417.7	417.7	-15.3	93-91
Labor, Health, Education, and Welfare.....	32,978.3	34,249.8	34,824.7	34,355.1	+1,376.8	93-192
Interior and Related Agencies.....	2,370.4	2,365.5	2,438.8	2,443.1	+72.8	93-120
Defense.....	77,250.7	74,101.3	73,264.6	73,714.9	-3,535.8	93-238
Military Construction.....	2,980.3	2,644.5	2,706.4	2,694.3	-286.0	93-194
Foreign Assistance.....	6,992.9	5,960.3	5,593.4	5,780.4	-1,212.5	93-240
1974 Supplemental.....	1,533.3	1,537.5	1,887.6	1,702.3	+168.9	93-245
Per Value Modification.....	2,250.0	2,203.0	2,203.0	2,203.0	+47.0	93-142
Net decrease.....					-3,020.2	

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APPROPRIATIONS ACTIVITY, 93D CONG., 2D SESS.—BUDGET AUTHORITY IN FISCAL YEAR 1975 APPROPRIATION ACTS

(In millions)

Appropriation bill	Budget request	House	Senate	Enacted	Increase—Decrease	Public Law
Legislative Branch.....	738.0	732.0	733.9	723.8	-14.2	93-371
Special Energy Research and Development.....	2,203.7	2,269.8	2,219.7	2,236.1	+32.4	93-322
Public Works and Atomic Energy.....	4,526.8	4,590.0	4,568.2	4,505.5	-21.3	93-393
State, Justice, Commerce, the Judiciary, and Related Agencies.....	5,492.3	5,391.9	5,300.0	5,329.7	-162.6	93-433
Transportation and Related Agencies.....	3,477.0	3,135.6	3,238.1	3,237.6	-239.4	93-391
Agriculture, Environmental and Consumer Protection.....	13,448.5	13,379.2	13,394.9	13,389.9	-58.7	93-563
Treasury, Postal Service and General Government.....	5,618.2	5,503.8	5,565.5	5,561.2	-57.0	93-381
Housing and Urban Development, Space, Science, Veterans.....	21,436.8	21,395.3	21,210.7	21,215.8	-221.0	93-414
District of Columbia.....	407.5	390.9	390.9	380.9	-26.6	93-405
Labor, Health, Education, and Welfare.....	34,896.2	34,789.7	34,476.2	34,410.0	-486.2	93-517
Interior and Related Agencies.....	3,154.0	3,172.9	3,170.4	3,169.2	-15.2	93-404
Defense.....	87,057.5	82,938.6	81,584.3	82,096.3	-4,961.2	93-437
Military Construction.....	3,383.0	3,062.1	3,082.5	3,072.8	-310.2	93-636
Foreign Assistance.....	5,197.3	8,359.7	8,753.7	8,658.4	+380.7	93-554
1975 Supplemental.....	8,278.6	4,824.9	5,074.9	4,824.9	-1.5	93-624
1975 Urgent Supplemental.....	4,826.4					
Net decrease.....					-6,161.0	

¹ Enactment of the foreign assistance authorization was greatly delayed by a number of controversies. This prevented any action from being taken on the appropriations bill.

² Late enactment of authorizations prevented Congress from including a number of programs in the regular appropriations bills which normally encompass them. Instead these amounts were appropriated in the Supplemental for fiscal 1975. However, to preserve comparability with Administration requests, the requested amounts for such programs are included in the sums for the regular appropriations bills. This is the procedure used by the Joint Committee on Reduction of Federal Expenditures, which issues scorekeeping reports on appropriations actions. Because the Supplemental was passed late in the session, the Joint Committee has yet to subtract from the total for the Supplemental those amounts distributed among the regular appropriations. Accordingly, the supplemental figure in this table is higher than the final supplemental total to be reported by the Joint Committee.

THE RELATIONSHIP BETWEEN THE ANACONDA CO. AND MAJOR BANKS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. METCALF. Mr. President, on September 18, 1974, I submitted a statement to the Senate Commerce Committee in support of S. 3955, the Foreign Investment Review Act of 1974, whose principal author was the junior Senator from Ohio (Mr. METZENBAUM). In my statement I stressed the importance—if Congress wants to inform itself regarding foreign ownership—of obtaining information regarding corporate debtholders. As I stated to the Commerce Committee:

No reporting system intended to measure and illustrate the impact of foreign investment on American corporations can be effective unless it encompasses the creditors of corporations.

To illustrate the important role of debtholders in corporate affairs I described the manner in which Chase Manhattan and other major creditors of the Anaconda Co. exercised control over that corporation following the Chilean takeover of Anaconda properties. I ask unanimous consent to insert as exhibit A my statement to the Commerce Committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXHIBIT A

STATEMENT BY SENATOR LEE METCALF, SEPTEMBER 18, 1974, SENATE COMMERCE COMMITTEE, SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM ON S. 3955, FOREIGN INVESTMENT REVIEW OF 1974

I welcome the opportunity to comment on S. 3955, just as I welcome the opportunity to cosponsor the legislation with the distinguished junior Senator from Ohio (Mr. Metzenbaum). He has focused the attention of the Senate, and that of a good part of the nation's financial leadership as well, on the

increasing acquisition of interests in U.S. firms by foreign investors.

The studies and hearings regarding corporate ownership and control conducted during this Congress by two Government Operations Subcommittees—my Subcommittee on Budgeting, Management and Expenditures and Senator Muskie's Subcommittee on Intergovernmental Relations—provide abundant evidence of the need for improvements in collection and publication of data regarding corporate ownership and control, domestic as well as foreign.

Congress has already provided seven independent regulatory commissions with sweeping authority to collect such information, and to make it available to other agencies and the public. (The pertinent statutes are cited or reprinted in Appendix A of Senate Document 93-62, Disclosure of Corporate Ownership, and Appendix B of Part two of the "Corporate Disclosure" hearings conducted this year by the two Government Operations Subcommittees.)

In hearings at which the various commission chairmen testified, and in follow up meetings between their and our staffs, and the General Accounting Office, we are developing uniform reporting requirements dealing with corporate ownership and control. These requirements will necessarily deal with both foreign and domestic investments in U.S. firms. S. 3955 wisely provides, in Section 4(b), that the Secretary of Commerce may receive from other agencies information relating to foreign investment. Use of independent commissions, for the collection of data, is preferable to establishing a new and duplicating system within the Department of Commerce.

In the event that additional information is needed by Commerce which the commissions do not have, S. 3955 provides in Section 7(d) that questionnaires to firms be coordinated by the General Accounting Office with those of independent Federal regulatory agencies. This provision should reduce burden on business and help obtain maximum information for the Commerce Department to use in carrying out other sections of the act.

Our study, "Disclosure of Corporate Ownership" (Senate Document 93-62) dealt primarily with stock holdings and voting rights to that stock. S. 3955 likewise deals primarily with stock ownership. Our hearings and subsequent studies have brought home the importance of debtholdings as

levers of control. Therefore, I would strongly suggest that S. 3955 be amended to provide for consideration of debtholdings in corporations as a factor in achieving control.

The proposed bill should include a provision requiring disclosure of major debt holdings in corporations covered by the bill. The levers of control over corporate activities possessed by creditors are more easily identified and more readily enforced than the control influence represented by substantial equity holdings. Major corporate creditors are not only able to influence the policies and operations of a corporation through representation on the board of directors like equity holders, but are also able to limit normal corporate activities through contractual restrictions contained in loan indentures.

Violations of indenture restrictions—examples of which shall follow—activate the default provisions of the loan indenture. This may either lead to use of specific self-help remedies written into the agreement or a general legal cause of action for breach of contract. There is no requirement—that creditors first seek redress from corporate management or through the corporate elective process before pursuing their contractual and legal remedies—as there is for shareholders in derivative suits. Furthermore, control exercised by creditors under a loan indenture can be quite specific and as restrictive as desired so long as it is legal. Finally, most indentures contain a provision allowing for waiver or amendment of the original agreement by vote of a specified majority of that class of debt holders, thus leaving the majority in a position to extract conditions from management in return for their cooperation. No reporting system intended to measure and illustrate the impact of foreign investment on American corporations can be effective unless it encompasses the creditors of corporations.

An example of the dominating influence creditors can have on a major corporation is found in the recent history of the Anaconda Company, the third largest producer of primary copper and among the ten largest aluminum producers in the United States. A consortium of banks led by the Chase Manhattan Bank, was able to gain actual operational control of this corporation through their position as the primary creditors of Anaconda. Information detailing the identity of Anaconda's major debt holders is not completely available, and the data which is available can only be retrieved by a time-

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consuming search of the company's file at the Securities and Exchange Commission. The public reports issued by the company only disclose the amount of long and short term debt outstanding and do not identify the primary creditors by name or describe the restrictions contained in the loan indentures. Such information is basically available in the 8K and 10K reports required to be filed with the SEC, but it is not compiled in a readily usable format. Interested persons must arduously dig through voluminous files. There is no present system for reporting the identity of those holding publicly traded debt securities, and thus there is no way of identifying the persons, institutions or governments who may vote to enforce or waive provisions of trust indentures in return for special considerations.

The influence of major creditors on the operations of Anaconda dates back at least to 1961 when three of the ten members on the board of directors represented financial institutions with which Anaconda had a debtor relationship. To those three—Brown Brothers Harriman, Citibank and Metropolitan Life—a fourth was added in 1966 when an officer of Chase Manhattan Bank joined the board. The next year, 1967, Anaconda reported a \$125 million revolving line of credit with a group of New York banks, and approximately \$73 million had been borrowed under that line by the end of the year.

On April 1, 1968, the company announced a new credit agreement for \$75 million with Chase Manhattan, Chemical Bank, Citibank, Morgan Guaranty, and several smaller banks. The agreement provided for modification of the lending terms by vote of those holding 60% of the total amount committed or outstanding—60% being the exact percentage held by the four largest banks participating in the loan.

Anaconda made its first public debt sale with a \$150 million debenture offering on December 1, 1968. A substantial portion of the proceeds was used to retire the amount outstanding on the original \$125 million revolving credit and the bulk of the remainder was used to pay off other debt. Chase Manhattan was named trustee under the trust indenture and thus was placed in the position of exercising the discretionary enforcement provisions of the indenture.

The indenture provides that the trustee shall initiate action in event of default and even prohibits individual suits by holders unless written notice is given to the trustee, reasonable indemnity for costs related to the suit is offered, 25% of the holders have requested the trustee to act, and he has failed to act.

The trustee is also granted a preference in the repayment of short-term loans made to the company within four months of a major default. No approval of the holders is needed for the trustee to make the indenture more restrictive for their benefit or for him to interpret ambiguities in the indenture. The indenture specifically allows for Chase to continue to have one representative on the Anaconda board of directors.

Debenture holders are also granted substantial powers by the indenture. Those holding the majority of the principal amount outstanding can waive past defaults not affecting payments of principal or interest. They can also direct the trustee to pursue remedies under the indenture in a specified manner and can actually remove the trustee if they are not satisfied with him. A two-thirds majority of the holders may execute supplemental indentures in league with the company and all holders are bound by such agreements.

The trust indenture restricts certain corporate activities much like the credit agree-

ment executed with the banks. There are prohibitions against Anaconda permitting prior mortgages and liens, sales or leasebacks of property, and certain mergers. The company also is pledged not to take advantage of any stay or extension law which affects the trust indenture covenants.

The \$75 million bank credit agreement was increased to \$100 million on July 1, 1969, and more banks were added to the consortium. Five days earlier, on June 26, Anaconda had announced that most of its Chilean operations were to be nationalized under a plan providing immediate compensation for 51% of the properties and a future negotiated settlement for the remainder.

A new \$250 million revolving credit agreement was signed on May 1, 1970, replacing the existing \$100 million line. Eighteen banks participated in the agreement, but five large New York banks, including Chase Manhattan, Chemical Bank, Manufacturers Hanover, Morgan Guaranty and Citibank, accounted for 60% of the amount to be loaned. Once again, the specified majority needed to alter the terms of the agreement was 60%.

One restriction on corporate activities which was written into the agreement, and subject to waiver by the five principal banks at their discretion was that current assets must exceed current liabilities by \$225 million or 20% of sales. Another was that the company could not obtain any other debt by permitting a prior lien on its assets. Anaconda was also restricted as to the sale and leaseback of its assets and the sale of more than 25% of the stock in any major subsidiary. Violation of those and other restrictions was included as one of the specific conditions of default.

Events in Chile during 1971 had a profound effect on Anaconda's credit relationships. On July 16, 1971, the President of Chile issued a decree nationalizing all major copper-producing properties which nullified the company's previous formal compensation agreement with the Chilean government. In October, Chile announced that Anaconda would not receive compensation for most of its nationalized properties because the company had taken the fair value of those properties in "excessive profits" during earlier years.

In February 1972, Anaconda filed claims aggregating \$174.4 million with the Overseas Private Investment Corporation, a Federal government corporation which had assumed the responsibility for expropriation insurance from the Agency for International Development in 1971. OPIC admitted liability for only \$12 million and the dispute over the rest has been in the courts ever since.

The political problems faced by Anaconda's management in Chile were matched by their credit problems with major bank lenders in New York. The company was forced to report a loss of \$358 million for 1971 in contrast to the \$64 million profit reported in 1970. The dividend per share decreased from \$1.90 in 1970 to \$.50 in 1971 and no dividends at all were declared for the last two quarters of the year. During the midst of this financial turmoil, Anaconda announced that John B. M. Place had been elected chairman of the board, president and chief executive officer. Mr. Place had been on Anaconda's board since 1969 representing Chase Manhattan Bank, the trustee for Anaconda's \$150 million of public debentures and one of the lead banks in the company's May 1, 1970 revolving credit agreement for \$250 million. Several existing officers and directors resigned or gave notice of retirement during this period.

After the ascendancy of Mr. Place to chief operating officer, Anaconda's pattern of debt relations changed dramatically. On April 19, 1971, before President Allende announced his nationalization plan, the company had borrowed \$160 million under the \$250 mil-

lion bank credit agreement. The loan balance was reduced to \$110 million by the end of 1971, and was paid off entirely and the credit agreement terminated on July 31, 1972.

The effect on Anaconda of giving priority to satisfying its major bank creditors is reflected in the percentage of the company's total financial resources which was devoted to reducing long term debt. In 1970, Anaconda used 2.2% of its total financial resources for the reduction of long term debt. That figure rose to 28% for 1971 due to the reductions occurring after the Chilean nationalization announcement. In 1972, more than 47% of total resources was used to reduce long term debt. The amount of long term debt outstanding declined 28% from the end of 1971 to the end of 1972.

Money devoted to reducing long term debt cannot be used to purchase productive plant and equipment, so Anaconda was forced to cut back its expansion and modernization program. The company was able to obtain alternate financing for some of its activities. A \$30 million credit agreement was arranged with a consortium of smaller banks during the fall of 1971, and a \$20 million loan was obtained from Security Pacific National Bank in March of this year. An arrangement involving a direct \$28 million loan to the company and Anaconda's guarantee of a \$72 million loan as part of a leaseback was worked out with three large insurance companies and some banks in June 1972. The major New York banks have not given Anaconda a major extension of credit since being paid off in July 1972.

Anaconda's rapid repayment to major bank lenders under the direction of Mr. Place, a former Chase representative, illustrates the fundamental advantages of the creditor over the shareholder. Shareholders generally have no right to redeem their stock with a corporation and thus remove their capital from the use of the corporation, especially when adversity arises and the company needs all of its financial resources. Influential creditors, however, can reclaim their capital at the very time when it is most needed. The possibility of a substantial and rapid cash drain is not lost on corporate managements, and major creditors are treated accordingly. The power and influence of major lenders cannot be underestimated.

The Anaconda experience illustrates very well the power of major creditors to influence corporate policy through participation on the board of directors and to actually achieve operational control in some cases. The threat of losing credit and the resulting effect on financing present and future operations is much more real to most corporate managements than the threat of a shareholder takeover. Managements have great control over the terms of the corporate charter and by-laws governing the rights of shareholders. But loan indentures are designed by creditors to protect their interests and the terms remain fixed for the length of the contractual agreement. The ability of creditors to exact stringent limitations on corporate activity and to influence managements by the offering or withholding of credit is even greater during times of tight money such as the present.

The potential influence of commercial loan creditors can be readily assessed by identifying the financial institution, the amount of the loan, the terms of the indenture, and the representatives from the institution who are actively involved in the affairs of the corporation. Major corporations already file such data with the SEC. However, it is very difficult and time consuming to sort it out. It should present no greater burden to report it in a relevant format consistent with the provisions of this bill.

In regard to public debt offerings, there is

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urgent need to establish a reliable reporting system for the purpose of identifying significant holders of a corporation's debt. Holders of bonds and debentures have powers similar to those of banks under a credit agreement, in that specified numbers of the holders may petition the trustee for enforcement or waiver of indenture provisions and can even replace the trustee if they desire. Trading of these debt securities can very easily lead to concentration of ownership in a person or institution representing a foreign interest.

The amount and terms of the trust indenture as well as the identity of the trustee can presently be retrieved from SEC reports, even though the process is difficult. But there is currently no way of determining who has the power to exert the levers of control represented by substantial public debt holdings.

The potential for substantial foreign influence through debt holdings is perhaps even greater than through equity holdings, due to the nature of the debtor-creditor relationship. The example of Anaconda vividly demonstrates that it would be a serious oversight not to require timely and periodic reporting of major corporate debt holdings.

Mr. Chairman, I appreciate the opportunity to comment, and would be pleased to provide such additional information from our studies as your members may desire. With your permission, I shall include for the hearing record a pertinent excerpt from the article, "Corporate Ownership and Control: The Large Corporation and the Capitalist Class," by Professor Maurice Zeitlin of the University of Wisconsin. His article appeared in the March, 1974 issue of *The American Journal of Sociology*.

"We know, for instance, that the largest corporations in the United States are now typically 'multinational' or 'transnational' in the sense that the 'sheer size of their foreign commitment,' as *Fortune* puts it (Rose 1968, p. 101), and the 'extent of their involvements' is such that, to some degree, these companies now regard the world rather than the nation state as their natural and logical operating area. Is it the 'management' of these corporations that determine their broad policies? Or do the individuals, families, and other principal proprietary interests with the greatest material stake in these corporations impose their conceptions of the issues and demand that their objectives are pursued in order to maintain the 'world... as their natural and logical operating area'? Here, clearly, we verge, once again, on the class questions raised at the outset of this article. To take a more limited issue, however: many of the multinational corporations face increasing risk of nationalization of their foreign properties. 'Management' may plan for such contingencies, exercise their 'discretion,' and decide on the tactics to be adopted. When their planning goes awry or proves ineffective, however, must the management answer to their corporation's principal shareholders and other proprietary interests (such as banks) or not? Having left management in charge of the everyday operations of the corporations abroad, with little or no interference, do the principal proprietary interests have the power to interfere when deemed necessary?"

"Without an analysis of concrete situations and the specific control structure of the corporations involved, we cannot answer such questions—though occasionally particular events momentarily illuminate the actual relationships involved (though they may still remain largely in the shadows). Thus, for example, the Chilean properties of Kennecott Copper Corporation and Anaconda Company were recently (1971) nationalized in Chile. These two corporations, which owned the major copper mines of Chile, had

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adopted different longrange strategies to deal with the rising probability of nationalization. We cannot explore the details here, but suffice it to say that Kennecott's strategy was reportedly aimed at insuring, as Robert Haldeman, executive vice-president of Kennecott's Chilean operations explained, 'that nobody expropriates Kennecott without upsetting customers, creditors, and governments on three continents' (Moran 1973, pp. 279-80). Kennecott was able to 'expand very profitably in the late 1960's with no new risk to itself and to leave, after the nationalization in 1971, with compensation greater than the net worth of its holdings had been in 1964. In contrast, Anaconda, which had not spread its risk or protected itself through a strategy of building transnational alliances, lost its old holdings, lost the new capital it committed during the Frei regime [preceding Allende's socialist administration], and was nationalized in 1971 without any hope of compensation' (Moran 1973, pp. 280-81).

"Now, according to Berle and Means (1967, p. 104) and Lerner (1970, pp. 74-79), both Kennecott and Anaconda have long been under 'management control.' In Kennecott's case, there is relatively persuasive evidence that it is, in fact, probably controlled by the Guggenheim family and associated interests rather than by 'management.' Whether this is so or not, Kennecott's 'successful tactics' in Chile did not test the reality of its alleged control by management. However, Anaconda's 'management' was submitted to a rather clear test of the extent to which it had control. Within two months after the Chilean government 'intervened' in Anaconda's properties and a month after it took over Anaconda Sales Corporation's control of copper sales, it was announced in the New York Times (May 14, 1971, p. 55) that Mr. John B. Place, a director of Anaconda, and a vice-chairman of the Chase Manhattan Bank (one of its four top officers, along with David Rockefeller, chairman, and the president and another vice-chairman) was to become the new chief executive officer of the Anaconda Company. (Other Anaconda directors who were bankers included James D. Farley, an executive vice-president of First National City Bank, and Robert V. Roosa, a partner in Brown Brothers, Harriman and Company.)

As the New York Times reporter (Walker 1971) explained, Mr. Place had no mining expertise ('It is assumed he would not know a head frame from a drag line'), and though he had been an Anaconda director since 1969, he 'lives in the East and has never attended the annual [stockholders] meeting held regularly in Butte, Montana,' where Anaconda's most important American copper mines are located. In the wake of this Chase Manhattan officer's installation as Anaconda's chief executive officer, at least 50% of the corporate staff, including John G. Hall, Anaconda's former president, 'were fired. Chairman [C. Jay] Parkinson took early retirement' (Business Week, February 19, 1972, p. 55). The declination of Anaconda's allegedly controlling management illustrates the general proposition that those who really have control can decide when, where, and with respect to what issues and corporate policies they will intervene to exercise their power."

Mr. METCALF. On October 29, Mr. John B. M. Place, chairman, president, and chief executive officer of Anaconda, sent me a letter taking exception to some of my statements to the Commerce Committee. His letter also appeared in a number of newspapers as an Anaconda Co. advertisement. I ask unanimous con-

sent to insert Mr. Place's letter at this point in the Record as exhibit B.

There being no objection, the letter was ordered to be printed in the Record, as follows:

EXHIBIT B

ANACONDA,
October 29, 1974.

HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I was deeply disappointed and dismayed to read the statement you presented September 18, 1974 to the Senate Commerce Committee on S. 3955, the Foreign Investment Review Act of 1974. The statement only came to my attention in the last week.

Many of the comments in the statement about myself and The Anaconda Company are untrue and incorrect inferences are drawn. Unfortunately, the statement is being widely quoted in the press to our detriment and harm. You know, Senator, we are always available to you and your staff and will cooperate in any way to give you correct information. By failing to contact us or to adequately research the matter, damaging untruths have been perpetrated through the statement.

The statement says that "a consortium of banks, led by the Chase Manhattan Bank, was able to gain actual operational control of this corporation (Anaconda) through their position as the primary creditors of Anaconda." That statement is not true. No bank, group of banks, or any other creditor has, in my memory, controlled Anaconda or dictated in any way the events you refer to or played any part in my joining Anaconda.

The statement also refers to our steps in reducing long-term indebtedness in 1972 and states, "Money devoted to reducing long-term debt cannot be used to purchase productive plant and equipment, so Anaconda was forced to cut back its expansion and modernization program." That allegation is incorrect. During this period (1972), we were able to reduce our medium-term bank loans. This step gave us the flexibility we required to restructure our finances. We entered into a long-term lease, insurance company loan, and public pollution control financing arrangements. We then were able to accelerate our capital spending programs. Since 1972, in our own state, Montana, we completed the new flue program at Anaconda, spent \$34 million in phase I of our smelter pollution control program, embarked on phase II of the program (\$33 million), constructed the revolutionary new Arbuter Hydrometallurgical plant at Anaconda (\$40 million), developed the East Continental Pit, re-opened the Anaconda concentrator, expanded the Butte concentrator, and are now expanding the Great Falls refinery. Never has one company done so much in such a short period of time in Montana to "purchase productive plant and equipment." During this period we have had major capital programs throughout the company at total costs of \$90 million in 1971, \$122 million in 1972 and \$80 million in 1973.

Here is what really happened. At the request of the internal management of Anaconda, I was elected to the board of directors of Anaconda in 1969. At the time I was Vice Chairman of Chase Manhattan Bank. Chase was one of the many banks that do business with Anaconda and one of a number of major lenders and was and still is Trustee under the 1968 indenture for the bonds sold by Anaconda in the public market. Anaconda was not in default on any of its loan agreements and there was no bank, including Chase, in a position to call its loans. No loans have ever been repaid to

particular creditors, including Chase, that in any way discriminated against any other creditors or equity owners. The enforcement provisions of the indenture or loan agreements come into play only in the event of default. That situation has not occurred.

In 1971 the management of Anaconda invited me to join the company as president and chief executive officer. The Chase bank had nothing to do with that selection. No other creditor had anything to do with that selection. After other members of the board approved my employment, I joined Anaconda on June 1, 1971. I resigned from my office and directorship at the Chase bank, thus severing all connections at that time.

In 1970 our principal revolving credit line with a number of major banks was increased from \$100 million to \$250 million. In 1971 our Chilean properties were, as you know, expropriated without payment of compensation, and we had a three-month strike in our Western mines. In this extremely dark period we temporarily drew down on our revolving credit to see us through pending establishment of long term credit and other financing arrangements. By late 1971, we had taken down approximately \$160 million of the available \$250 million.

Contrary to the inference that repayments were for the benefit of the banks, it was for the benefit of the company. The burden of heavy medium-term debt necessarily incurred was imposing. To expand our operation, modernize and replace our lost Chilean production, it was essential that we reduce and readjust our short-term debt load. We were successful in achieving that goal. The proceeds from the sale of our Montana forest lands (\$117 million) were used in that debt reduction program. Timber and lumber production was not our principal line of business and the sale to a major forest products company was beneficial for both parties. Our major financing was the leasing arrangement for our Seabee, Kentucky aluminum plant (\$110 million) in 1972. We also arranged for smelter pollution control bonds in Montana and insurance company and other long term financing.

The banks did not request or choose to have our loans repaid. They would have preferred a continuance of credit to a sound credit risk company like Anaconda because banks generate their income by interest on loans. You state, "the major New York banks have not given Anaconda a major extension of credit since being paid off in July, 1972." The point is we haven't needed or asked for major bank credit since July, 1972. We have open and unused credit lines and you can be sure that bank credit is available to us as we need it.

You state that, "shareholders generally have no right to redeem their stock with a corporation and thus remove their capital from the company needs all of its financial resources. Influential creditors, however, can reclaim their capital at the very time when it is most needed." That quotation reflects a basic misconception of the nature of equity capital as compared to debt. Shareholders are the owners and so long as they retain their shares (which, incidentally, they can sell at any time), they share the risks and the rewards of the business. Lenders have the right of repayment of principal plus interest and usually do not share in the profits of the business. Of necessity, creditors have priority over shareholders. This does not, however, mean that the creditors have operational control of the business. The relationship of shareholders and creditors is not a matter of priorities but a matter of completely different positions.

Because the unfortunate and incorrect use of Anaconda as an example of creditor con-

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trol of business has had so much publicity, I would appreciate a clarification in the hearing record on S. 3955. Because of the wide exposure given to the statement and the reactions we have received from shareholders and employees, you will understand why we feel obliged to send copies of this letter to publications that quoted from the statement, especially newspapers in Montana.

Respectfully,

JOHN B. M. PLACE.

Mr. METCALF. Every observation and factual assertion in my statement to the Senate Commerce Committee was abundantly supported by reports prepared by the Anaconda Co. itself or reputable business publications. Mr. Place's criticism in every instance involved interpretation of events rather than the factual accuracy of the events themselves.

As a primary participant, Mr. Place undoubtedly has a unique vantage point from which to evaluate the stated chain of events. However, his very role as participant necessarily makes his evaluation subjective. Not only is his view subject to personal judgments of his own motives, but also to the well-known inability of most people to see themselves as others see them.

My evaluation was based on observation of the facts on public record. This is truly an example of the facts speaking for themselves. It is an undeniable fact that John Place represented Chase Manhattan Bank on the Anaconda board of directors beginning in 1969, that he subsequently became Anaconda's chief executive in 1971, and that under his direction the company voluntarily and promptly repaid \$160 million to a consortium of banks during a period when Anaconda reported the largest single loss in history.

Chase was one of the lead banks benefitting from that policy. The motives of Mr. Place and other participants do not alter the final result of the chain of events related in my statement.

The purpose of my statement to the Senate Commerce Committee was to use the Anaconda experience as an example of what might result from a debtor-creditor relationship in order to show the need for proper reporting of corporate debt arrangements. The statement did not attempt to make a judgment as to the propriety or impropriety of the management changes at Anaconda. My concern was the result reached and the extent to which proper reporting might have indicated that result. For my purposes, it was not necessary to find impropriety in the sequence of events that occurred.

In fact, the thrust of the statement was to relate the normal and presently accepted types of relations which exist between corporate creditors and debtors. Mr. Place may not feel that he came to head Anaconda through his position on its board representing one of Anaconda's major creditors, but Business Week, the New York Times, Professor Zeitlin, and others have drawn that inference from their sources and the facts on record.

My own research and that of my staff did not disclose any significant holdings

of Anaconda common stock by Chase Manhattan. Mr. Place owned only 100 shares of stock in Anaconda. I believe it is fair to infer that Mr. Place became chief operating officer by means of the debt relationship then existing between Anaconda and Chase.

A detailed analysis of the inconsistent statements in Mr. Place's letter follows.

REBUTTAL TO 29 OCTOBER LETTER FROM ANACONDA CO. PRESIDENT JOHN B. M. PLACE

The best way to rebut the inconsistent and misleading statements in Mr. Place's letter is to set forth in sequence the paragraphs containing his allegations with a documented response to each charge. Except for the noted magazine and newspaper articles, all of the rebuttal materials were copied from Anaconda's annual reports distributed to the public and from the 10K annual reports available for public inspection at the SEC. The letter excerpts are inserted as follows:

The Metcalf statement says that "a consortium of banks, led by the Chase Manhattan Bank, was able to gain actual operational control of this corporation (Anaconda) through their position as the primary creditors of Anaconda." That statement is not true. No bank, groups of banks, or any other creditor has, in my memory, controlled Anaconda or dictated in any way the events you refer to or played any part in my joining Anaconda.

I ask unanimous consent to have exhibits C and D inserted at this point in the Record.

Please refer to the italicized portions of exhibits C and D appearing at the end of this rebuttal. The first is from the February 19, 1972, issue of Business Week, a McGraw-Hill publication with a general probusiness viewpoint. It notes that Anaconda's lenders wanted someone with their view to head the company and that half of the existing management was either fired or early retired.

Exhibit D is from the May 23, 1971, edition of the New York Times. It points out the role of the major lenders as well as the fact that Mr. Place had no geographical ties or experience in mining to qualify him for the chief executive position. His banking background was the obvious reason for his selection.

Also note the view of Professor Zeitlin printed at the end of the Metzenbaum bill statement.

There being no objection, the exhibits were ordered to be printed in the Record, as follows:

EXHIBIT C

[From Business Week, Feb. 19, 1972]

BELEATED SOUL-SEARCHING

... Anaconda had plenty of time and certainly ample capital to take steps to offset the loss of its nationalized Chilean mines. An early warning to U.S. companies that their properties would be nationalized was sounded in 1964 by the election of Eduardo Frei, who called for "Chileanization" of copper, which supplied the country with nearly 80% of its export trade.

Kennecott took the warning seriously and bent with the winds of nationalization in the hope that it would not be whirled away. It sold a 51% interest in its huge El Teniente mine to Chile in 1967, and had a good deal—

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as long as it lasted. The \$80-million it got for the 51% interest was loaned to its Chilean government partner, which used the money to expand the mine.

While Chile nationalized the copper mines in July, without compensation for the U.S. owners, Kennecott lost the source of what was then 15% of its total earnings. It has still to take a writeoff on its Chilean losses.

As it continued to hope that its mines would escape nationalization, Anaconda kept pouring more capital into Chile—some \$200-million in the three years ended in 1969. Late that year, under direct threat of expropriation, Anaconda finally agreed to sell 51% of its Chuquibambilla and El Salvador-Potrerillos mining properties to Chile. A third and newer mine, the Exotica, was from the start owned 75% by Anaconda and 25% by Chile.

Just six months before the 1970 elections that brought Marxist Salvador Allende to power, Anaconda encountered serious production problems. To escape suits over nondelivery, it invoked a disaster clause in its contract, releasing it from its production schedule obligations. Anaconda's action did not sit well, particularly in an emotionally charged election year.

That error simply compounded the problems created by the fight against Chileanization. Interestingly, Anaconda had apparently enjoyed better relations than Kennecott in Chile. Former Chairman Charles M. Brinckerhoff spoke fluent Spanish and was a personal friend of Frei. "This kept alive the illusion," says one industry executive, "that Anaconda would always be welcome in Chile."

In 1968, C. Jay Parkinson, who had been running the company's U.S. operations as president, succeeded Brinckerhoff as chief executive. Both men refused to sell an interest in the Chuquibambilla and El Salvador mines. The reason was obvious: A former Anaconda employee says that production costs at these mines amounted to about 18¢ per lb. for copper that was bringing 60¢ on the London Metal Exchange. In the U.S., copper costing 30¢ per lb. to produce sold at that time for 35¢.

"Anaconda was told Chileanization or else," says a man who was a top mining executive in Chile prior to the 1970 election. "They wound up with the 'or else,' which was nationalization, because they could not read the handwriting on the wall."

Moreover, the U.S. government is claiming that Anaconda's \$175-million in expropriation insurance was voided when the company sold the 51% interest in its mines.

THE IMPACT OF A NEW BROOM

The deteriorating situation in Chile precipitated a search in New York for a new chief executive to replace Parkinson. Says an Anaconda director: "The company was big in metallurgical, geological, and scientific skills, but somewhat weaker in the financial and business judgment end." Parkinson was a lawyer; the president, John G. Hall, was a mining engineer. The company's board, probably prodded by its bankers, which included Chase Manhattan, concluded that the company needed a new man steeped in finance.

Place, who got the job, was already an Anaconda director. He joined the board in 1969 and quickly made his presence felt. He played a hand, for example, in selecting Charles H. Kraft, a financial specialist at U.S. Steel, to be Anaconda's treasurer in 1970.

A native New Yorker, Place attended St. Paul's School in Concord, N.H., the Citadel, and New York University, served in the Army for two years, and never finished college. He joined Chase Manhattan in 1946 as a member of the credit department, and within 10 years was a vice-president. In 1969, he made a hard run for the presidency of the bank, but lost

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out to Herbert Patterson. The opening at Anaconda created an opportunity for him to run his own show.

He has a reputation for thoroughly researching a project before making a move, which has led some former associates to say he is slow to make decisions. "He is a hard-driving person," says a former Anaconda director, "who felt the company was a real challenge, who accepts it, and wants to lick it. It takes a person of that sort to rebuild Anaconda."

One of the first things Place did was to conduct a corporate salary review. It opened up a Pandora's box. Place was shocked to find that there were neither job descriptions for some 80 top Anaconda posts, nor formal procedures to evaluate executive performance.

Place called in Edward N. Hay & Associates, a Philadelphia management consulting firm, which had developed an executive compensation plan at Chase Manhattan. The firm was directed to set up a similar plan for Anaconda and make a complete study of its management structure.

As John Hall, the former president, recalls: "It was obvious that there would be cutbacks, at least in proportion to the Chilean situation. The company had some 7,000 salaried employees, and maybe some 700 or less were directly involved in the Chile operation. Going strictly by the numbers, that meant a 10% cutback, and then a look at what else was necessary."

The Hay report cut much deeper than that. "It came as a surprise to everyone," says Hall, who never did see the report. "Apparently it indicated no slot for me." Nor for at least 50% of the rest of Anaconda's corporate staff, who along with Hall—who had been initially moved to a newly created post as vice-chairman—were fired. Chairman Parkinson took early retirement.

Place's reorganization has had a major impact on Anaconda's fabricating facilities. In the brass division, which has been in the red, four plants, representing about 5% of capacity, have been shut down. In the wire and cable division, whose earnings declined badly last year after a profitable performance in 1970, the president has taken early retirement.

Place says that he now wants to move Anaconda into "any growing and profitable area" that is related to the company's capabilities. The company's primary diversification effort—into aluminum, which accounts for about 15% of sales—has been a lackluster venture. Anaconda sidled into aluminum, starting as a fabricator, and then integrated backward when it saw it had to be a primary producer to make significant profits. To become wholly self-sufficient in ingot, Anaconda is building a \$100-million reduction plant in Kentucky. Now the seventh-largest aluminum producer, Anaconda will become No. 4 when the new plant becomes operational in 1973.

HOW U.S. PRODUCERS ARE HURTING

	1971 sales (millions)	Percent change from 1970	1971 net income (millions)	Percent change from 1970
Kennecott.....	\$1,067	-9	\$87.2	-42
Anaconda.....	946	-3	357.3	-----
Phelps Dodge....	715	-2	75.8	-33
American Smelting & Refining.....	1,650	-1-8	46.0	-58
Newmont Mining..	1,205	-1-5	54.6	-27

¹ Estimated.

With the Chilean mines lost, Anaconda now relies on its U.S. mines for virtually all its copper. (The company also has mines in Mexico.) Its Butte (Mont.) and smaller

Yerington (Nev.) mines are both profitable. But the company miscalculated in planning for its newer, \$200-million Twin Buttes (Ariz.) mine and is producing at economically marginal levels. Anaconda's U.S. mines now produce about 250,000 tons of copper a year; Place aims to hit 300,000 tons by 1975. Kennecott can now produce over 500,000 tons.

Neither company has immediate plans to develop new copper mines. Development expenses have gone so high that it now costs some \$3,000 per ton of installed ore concentrate capacity. That is an increase of 50% in five years.

THE AIR POLLUTION SPECTER

A new factor in copper's equation is ecology, which has already deterred exploration operations in the western states. But the most crucial problem is the restrictive air pollution control laws slapped on smelters. Montana now requires that Anaconda's big 1-million-ton-capacity smelter near Butte be equipped by July, 1973, to capture 90% of the sulfur dioxide generated in the smelting process.

Place argues that his company is already spending some \$30-million to control pollution, and that meeting the state emission requirements would cost another \$22-million in what amounts to "environmental overkill." Other copper companies, including Kennecott, have been making similar arguments in Arizona. The copper companies say that it will cost over \$500-million to meet federal pollution standards, or roughly some 4¢ per lb. of copper. The federal Environmental Protection Agency says it would only cost \$110-million.

Citing pollution control costs, Magma Copper Co. last August shut its aged smelter in Superior, Ariz. Now Phelps Dodge says flatly that it will have to close one of its three Arizona smelters if the state sticks to its present standards.

Although the issue is still being hotly debated, pollution control problems are already slowing down smelting operations. For example, Asarco says that output of its smelters was cut 30,000 tons last year because of steps taken to conform to pollution control standards. In recent months, Kennecott, Anaconda, Phelps Dodge, and Pennzoil United's Duval subsidiary have curtailed concentrate production to work off inventories that have been backed up at smelters.

No copper company is eager to add smelting capacity in the face of costly pollution control requirements, which are still in a state of flux. Ironically, a bottleneck at the smelters could wind up cutting down the copper glut.

But regardless of how the copper market goes, Anaconda will continue to be in a financial pinch to offset mounting production costs and to find new sources of income to make up for the Chilean losses. "Raising money at Anaconda is a difficult test," says Ronald Shorr, copper analyst for Dean Witter. "But that's why John Place is there."

EXHIBIT D

[From the New York Times, May 23, 1971]

A BANKER FOR ANACONDA—PRESIDENTIAL CHOICE SURPRISES BUTTE

(By Robert Walker)

BUTTE, MONT.—If Central Park were not a park, if the middle of Manhattan were an open-pit copper mine more than 1,000 feet deep, and if the city itself were more than a mile above sea level, in a valley between the mountain snows, a New Yorker might begin to get some hint of the favor of Butte.

This flavor helps explain why an announcement the other day that a New York

banker without mining expertise would be installed at the end of this month as chief executive officer of the Anaconda Company, which was a mild surprise to the mining industry, came as the shock of 1971—so far—in this city.

It was not necessarily an unpleasant shock—maybe even good news—but it was a profound and sudden change.

Butte probably is as close as a place can get to being the definitive mining town. It is the birthplace and still the spiritual home of Anaconda. The company is the biggest employer, taxpayer and charitable institution, the entity that springs to mind when the residents—about 45,000 rugged individualists—hear phrases like "big business" or "corporate power."

Distant considerations—the sharp rise in New York-based Anaconda's long-term debt or the moves by the Chilean Government that have slashed recent sales, earnings and dividends—have not gone unnoticed but have done little to change the townspeople's ingrained awe of the company.

They tend to think of it as a Rocky Mountain copper-mining concern, although they are aware that it has mines in Mexico, Canada, South America and Australia. They also know it makes refrigerator tubing in Connecticut, aluminum foil in Georgia and electronics equipment in California.

According to veterans of the mining business here, there was no immediate hostility toward the newly-designated chief executive, John B. M. Place, a 44-year-old vice chairman of the Chase Manhattan Bank. Anaconda has a chief executive, C. Jay Parkinson, who is 61 years old and well known in Butte.

But this city rarely is hostile toward a man of whom few of the residents have ever heard. Mr. Place has been an Anaconda director since 1969, but he lives in the East and has never attended the annual meeting, held every year since 1895 in the nearby copper-smelting town of Anaconda.

Even after the announcement of his imminent appointment as president and chief executive—Mr. Parkinson will remain as chairman of the board—Mr. Place did not appear at the 1971 meeting, held last week. But the Montana residents—as opposed to shareholders who had driven or flown from distant states—seemed to accept the explanation that the man was busy winding things up at the bank.

Thus, while he remained something of an unknown quantity here, except to a handful of senior Anaconda supervisors in the Butte operations, and while it is assumed he would not know a head frame from a drag line, there still seems to be a feeling that a financial man might be what the company needs.

Perhaps the views of industry analysts and executives in New York travel fast. Several sources in New York said last week they had little doubt that Anaconda's lenders had wanted a new hand—preferably that of a financial executive—at the helm, although this was denied by Mr. Parkinson.

In any case, while union spokesmen in Montana insist that Anaconda's financial troubles are being exaggerated for effect in a contract-renewal year, its employees and the local residents who depend indirectly on the company for a living are aware that trouble is evident to anyone who can read.

The net income of Anaconda reached a peak in 1966, when the company earned \$131.2-million after taxes, or \$5.99 a share. The price of the shares on the New York Stock Exchange peaked two years later, rising to more than \$66 after a major copper strike was settled in the spring of 1968.

Last year, on revenues of \$977-million, net income was down to \$63.8-million, or \$2.91 a share, and the price of the stock ranged from a high of \$32 to a low of \$19. In the first

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quarter of this year, in extremely depressed conditions that were not expected to persist, profit was less than \$4-million, or an annual rate of about \$16-million.

The stock trading recently at about \$22 a share suffered a sharp decline in yield in the latest three months, when the quarterly dividend was slashed to 25 cents a share from the previous level of 47.5 cents.

Recent revenues and earnings, including those for all of 1970, have been reported so that they exclude anything from the partly nationalized Chilean properties except dividends actually received in cash. The exclusion of Chilean dividends accrued but not paid, together with similar difficulties in Peru, cut Anaconda's reported profit last year alone by about \$21-million, or \$1 a share.

President Salvador Allende Gossens of Chile has repeatedly pledged that compensation will be paid after American-owned mining properties are fully expropriated. Mr. Parkinson told the annual meeting. The chairman added, however, that Chile would, in effect, assign any value it chose to the holdings of Anaconda, the Kennecott Copper Corporation and other United States investors.

Anaconda has expropriation insurance on the Chilean assets, written by the Agency for International Development, but there are two problems—the \$260-million of insurance covers perhaps a quarter of the value placed by Anaconda on these assets, while A.I.D. has nothing like the billions of dollars the Chilean moves could cost insured United States investors. The agency probably would have to ask Congress for a staggering hand-out if all the claims were upheld. Mr. Parkinson indicated to the meeting last week.

While all this was happening overseas, one long-term development and one short-term development were squeezing the domestic earnings of Anaconda and other copper producers. The long-run change was that copper became much more capital-intensive than it used to be, partly because it became imperative to move and process bigger quantities of lower grades of ore. The ton of ore that used to yield 4 per cent copper gave way to a ton yielding 0.5 per cent.

In the Butte open-pit operations alone, for instance, Anaconda works around the clock with more than 100 trucks that carry 100 tons of ore each and cost about \$200,000 apiece. The company has ordered some 150-ton vehicles that will cost \$300,000 each. One tire for these new trucks would cost more than the average Chevrolet.

As a result of these and other capital costs, including rising pollution-control outlays, Anaconda's long-term debt, which was less than \$100-million five years ago, exceeded \$350-million by the end of 1970.

The short-run development was a series of declines late last year and early this year in the American producer price of copper, the price at which newly mined metal from domestic sources is sold to American industrial consumers.

This decline—which happened to accompany market weakness and price discounting in aluminum as well—recently has been halted, and the producer price of copper has turned slightly upward. The domestic industry is hoping for continued rise in American and world quotations.

This, in outline, is the situation Mr. Place will inherit when he takes over in less than two weeks as chief executive. Analysts have said that Anaconda is fundamentally in good condition, with proven copper reserves in politically safe locations sufficient for 25 years. The company is exploring other discoveries that probably are good for an additional 40 years of production at the projected rates of demand.

But can Anaconda—under Mr. Place or under anyone—develop these reserves, keep its fabricating facilities up to date, pay for the \$100-million aluminum plant under construction at Sebré, Ky., and service and retire its debt while earning enough after taxes to maintain an attractive dividend rate?

"Maybe not," an officer of a competing producer remarked last week, "but then again maybe so. I think what the lenders wanted was mainly a change for the better in the morale at Anaconda's headquarters in New York. The morale in Butte is always great."

December 20, 1974

Mr. METCALF. The fact is that Mr. Place was elected to the chief executive spot from his position representing Chase Manhattan on the Anaconda board of directors. At the time of his election, the 10-member board had 4 outside directors representing financial institutions with which Anaconda had a debt relationship.

Of those institutions, two—Chase and Citibank—were lead banks in the \$250 million revolving credit agreement under which Anaconda had borrowed \$160 million at the time Mr. Place took office.

No one suggests that any bank or creditor ordered Anaconda to install someone with Mr. Place's background and connections in the chief operating position. The vagaries of corporate power and influence are much more subtle than that. Still, one can appreciate that well-timed suggestions or the unspoken realization of major creditors'—and fellow board members'—desires would be a dominant factor in a board decision to dramatically change corporate management. It seems implausible that C. J. Parkinson, chairman of the board, would seek early retirement and that John G. Hall, president, would be fired unless there was ample pressure to take such drastic measures.

Since that sort of pressure seems very unlikely from old line officer-directors who do not wind up in power, and top management harikari is likewise rare, it seems logical to infer that the outside directors representing major creditors may have provided the necessary pressure.

The statement also refers to our steps in reducing long-term indebtedness in 1972 and states, "Money devoted to reducing long-term debt cannot be used to purchase productive plant and equipment, so Anaconda was forced to cut back its expansion and modernization program." That allegation is incorrect. During this period (1972), we were able to reduce our medium-term bank loans.

This step gave us the flexibility we required to restructure our finances. We entered into a long-term lease, insurance company loan, and public pollution control financing arrangements. We then were able to accelerate our capital spending programs. Since 1972, in your own state, Montana, we completed the new flue program at Anaconda, spent \$34 million in phase I of our smelter pollution control program, embarked on Phase II of the program (\$33 million), constructed the revolutionary new Arbuter Hydrometallurgical plant at Anaconda (\$40 million), developed the East Continental Pit, re-opened the Anaconda concentrator, expanded the Butte concentrator, and are now expanding the Great Falls refinery. Never has one company done so much in such a short period of time

in Montana to "purchase productive plant and equipment." During this period we have had major capital programs throughout the company at total costs of \$90 million in 1974, \$122 million in 1972 and \$80 million in 1973.

This is an example of the old numbers game—large numbers standing alone seem impressive. A comparison of capital expenditures in earlier years clearly shows a significant reduction in capital spending.

Capital expenditures for plant and equipment

1966	\$117,050,000
1967	202,767,000
1968	153,843,000
1969	127,016,000
1970	90,491,000
1971	89,885,000
1972	122,599,000
1973	79,074,000

Source: Anaconda Co. Annual Reports.

Not only is the actual amount of reduced spending significant, but inflationary pressures decreased real expenditures even further.

Mr. Place's objection to the statement that Anaconda cut back its expansion program is surprising in view of his personal remarks to shareholders in Anaconda's 1971 annual report. On page four, he listed as "achievements" the following: Anaconda was restructured into a small company; 50 percent of the corporate staff was fired; several production facilities were closed down including one which had only just opened in 1970; the scope of geological, mining, and metallurgical research was reduced; and 3,000 employees lost their jobs. These "achievements" were described again on page 8 as "extraordinary measures" and "retrenchment programs."

Page 19 of the 1972 annual report also speaks of the events in terms of "extraordinary measures" and "significant programs of corporate reorganization and retrenchment." G. Webster defines retrenchment as "to cut short" or "to cut down." Mr. President, I ask unanimous consent to insert at this point supporting exhibits E, F, and G.

There being no objection, the material was ordered to be printed in the Record, as follows:

December 20, 1974

EXHIBIT E
ANACONDA ANNUAL REPORT
[Excerpt from Opening Message signed personally by John Place]

... Turning to the achievements of the year, we have:

Restructured the company into a smaller, streamlined industrial organization. Lines of responsibility have been simplified, with operating units grouped into five profit centers. All primary metals operations with the exception of aluminum have been centralized into a new division with headquarters in Tucson, Arizona. The company's aluminum, brass, wire and cable, and forest products operations are organized into four other divisions.

Reduced the size of the corporate staff by more than 50 percent, simplifying its organization and eliminating activities which are no longer appropriate or necessary.

Closed several unprofitable production facilities, including the Caribou mine in New Brunswick; the Tooele, Utah, lead smelter; and four brass manufacturing plants. By

mid-1972, we will complete closing of the Montana zinc operations which were facing unprofitability in the near future.

Reduced the scope of the geological, mining and metallurgical research operations and upgraded their efficiency. We are concentrating on improving the profitability of our existing mines in the United States, but we are still exploring.

Reduced the number of Anaconda's supervisory and operating personnel. The net reduction of the work force, due to the reorganization, was approximately 3,000 employees.

Set new corporate goals to develop fully our new management organization, to implement a strategy to increase our participation in free world markets, to institute a new capital expenditures control program designed to maximize return on shareholder's equity, and to operate each division so that it will be among the most profitable in its industry.

EXHIBIT F
ANACONDA 1971 ANNUAL REPORT

In addition, Anaconda filed early in February 1972, claims aggregating \$171.4 million with Overseas Private Investment Corporation (OPIC), a corporation of the U.S. Government which early in 1971 assumed from the Agency for International Development (AID) the latter's portfolio of outstanding insurance against political risks issued by AID to U.S. foreign investors. The claims seek recovery of losses covered under contracts of guaranty issued by AID to Anaconda against expropriation risks. OPIC is considering the claims, but had previously announced that it disputes liability for all but approximately \$12 million of Anaconda's claims, because of the transactions by which Chile obtained a 51 percent interest in, and contracted to buy the remainder of, the Chuquibambilla and El Salvador properties at the end of 1969. As for the disputed claims, Anaconda strongly disagrees with OPIC's position that the 1969 transactions impaired coverage under the contracts of guaranty. The transactions were negotiated by Anaconda, with the full knowledge, support and encouragement of the U.S. State Department, in order to avert the threatened expropriation of all of its investments in Chile. The transactions did not contravene any express or implied term of the contracts of guaranty, nor in any way alter the substance of Anaconda's insured interest in those of its investments in Chile which it had undertaken only after having negotiated in good faith with an agency of the U.S. Government (AID) for contractual insurance protection against expropriation risks.

If the parties fail to reach agreement, the contracts of guaranty provide that any dispute between OPIC and Anaconda is to be resolved by binding arbitration.

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Set new corporate goals to develop fully our new management organization, to implement a strategy to increase our participation in free world markets, to institute a new capital expenditures control program designed to maximize return on shareholder's equity, and to operate each division so that it will be among the most profitable in its industry.

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EXTENSIONS OF REMARKS

December 20, 1974

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States. The organizational structure of the administrative and staff functions remaining in New York was streamlined to establish more positive lines of responsibility and greater efficiency.

Facing the loss of funds formerly generated by Chilean investments, the company was also required to institute retrenchment programs so as to direct the remaining funds into projects with the maximum potential for immediate or short-term returns. Several properties not meeting that criterion were or are being closed down, including the Caribou mine in New Brunswick, the unprofitable Tooele, Utah, lead smelter, and four brass manufacturing plants. Montana zinc operations, which had become only marginally profitable and are facing a severe reduction in the material available for treatment, will be closed by mid-1972. Retrenchments have also been effected in geological exploration and research, and in mining and metallurgical research programs.

The retrenchment programs have involved additional reductions in the number of Anaconda's supervisory and operating personnel. All told, the total work force, which averaged 30,800 in 1970, has been reduced to 27,000 in early 1972.

EXHIBIT G
ANACONDA 1972 ANNUAL REPORT

The expropriation of the company's investments in Chile, which in the past constituted a major source of its funds and profits, required management to take extraordinary measures so as to minimize the effects of the expropriation on the company's future profitability. Accordingly, in 1971 the company embarked upon significant programs of corporate reorganization and retrenchment, and provision for the costs of these programs was recorded in that year as an extraordinary charge against income. The provision comprised the costs incurred, or expected to be incurred, in connection with the severance or early retirement of terminated employees and in connection with facilities which were or are to be closed, including the write-down to estimated salvage value of investments in these facilities and in certain non-operating properties and projects.

On November 15, 1971 the company consummated the sale of a 51 percent interest in its copper producing property at Cananea, Mexico in accordance with the terms of an agreement with the Mexican Government. Net proceeds from the sale amounted to \$21.6 million of which \$16.2 million was received in cash. The accounts of Compania Minera de Cananea, S.A. are included in the consolidated financial statements through November 15, 1971. Subsequently, Anaconda's 49 percent investment in this company has been accounted for on an equity basis.

Mr. METCALF. Whether one uses the term "cutback" or "retrenchment," the simple facts are that capital spending was sharply reduced from earlier levels, several operations were closed down or curtailed, and employees were terminated. The Metzbaum bill statement did not say that all capital spending was halted, but only that expansion plans were cut back from previous expectations. The facts substantiate that assessment as do the statements of Anaconda and Mr. Place himself. As stated on page 8 of the 1971 annual report, the company switched from long range expansion plans "to direct the remaining funds into projects with the maximum potential for immediate or short-term returns." (See exhibit F.)

EXHIBIT E
ANACONDA ANNUAL REPORT
[Excerpt from Opening Message signed personally by John Place]

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If the parties fail to reach agreement, the contracts of guaranty provide that any dispute between OPIC and Anaconda is to be resolved by binding arbitration.

Here is what really happened. At the request of the internal management of Anaconda, I was elected to the board of directors of Anaconda in 1969. At the time I was Vice Chairman of Chase Manhattan Bank. Chase was one of the many banks that do business with Anaconda and one of a number of major lenders and was and still is Trustee under the 1968 indenture for the bonds sold by Anaconda in the public market. Anaconda was not in default on any of its loan agreements and there was no bank, including Chase, in a position to call its loans. No loans have ever been repaid to particular creditors, including Chase, that in any way discriminated against any other creditors or equity owners. The enforcement provisions of the indenture or loan agreements come into play only in the event of default. That situation had not occurred.

Mr. Place actually underscores one of the primary points raised in the Metzbaum bill statement. Creditor influence goes far beyond the technical restrictions of loan indentures. In the case of Anaconda, the four outside directors representing institutional creditors constituted 40 percent of the board and had the same voting power and control over corporate activities as other directors. They were equal participants in determining the operations and future plans of the company. Even without direct representation on the board of directors, creditors have enormous impact on corporate policies through their power to provide or withhold financing for various projects. One of my major points was that Mr. Place became chief operating officer even though Anaconda had not violated any loan restrictions.

As Mr. Place correctly notes, no bank was in a position to call Anaconda's loans; however, the company could voluntarily prepay its loans. Cooperation from Anaconda management was therefore necessary to accomplish any prepayment of Anaconda's \$160 million revolving credit loan in which Chase and Citibank were lead banks. The simple facts are that Mr. Place was elected chief executive from his position on the board representing Chase. Within 1 year Anaconda voluntarily prepaid the entire \$160 million loan.

In 1971 the management of Anaconda invited me to join the company as president and chief executive officer. The Chase bank had nothing to do with that selection. No other creditor had anything to do with that selection. After other members of the board approved my employment, I joined Anaconda on June 1, 1971. I resigned from my office and directorship at the Chase bank, thus severing all connections at that time.

The companies on which Mr. Place serves as director were reported to the Federal Reserve Board in 1973 as follows:

Chemical Bank.—Chemical was another of the major banks participating in Anaconda's previous \$250 million revolving credit.

Metropolitan Life.—Metropolitan is represented on Anaconda's board. It is now and has for several years been a major creditor of Anaconda.

Union Pacific.

Lever Brothers.

Celanese Corp.—Celanese is also represented on Anaconda's board.

Comsat.

EXTENSIONS OF REMARKS

I quote again from Mr. Place's letter:

In 1970 our principal revolving credit line with a number of major banks was increased from \$100 million to \$250 million. In 1971 our Chilean properties were, as you know, expropriated without payment of compensation, and we had a three-month strike in our Western mines. In this extremely dark period we temporarily drew down on our revolving credit to see us through pending establishment of long term credit and other financing arrangements. By late 1971, we had taken down approximately \$160 million of the available \$250 million.

Contrary to the inference that repayments were for the benefit of the banks, it was for the benefit of the company. The burden of heavy medium-term debt necessarily incurred was imposing. To expand our operation, modernize and replace our lost Chilean production, it was essential that we reduce and readjust our short-term debt load. We were successful in achieving that goal. The proceeds from the sale of our Montana forest lands (\$117 million) were used in that debt reduction program. Timber and lumber production was not our principal line of business and the sale to a major forest products company was beneficial for both parties. Our major financing was the leasing arrangement for our Sebree, Kentucky, aluminum plant (\$110 million) in 1972. We also arranged for smelter pollution control bonds in Montana and insurance company and other long term financing.

Mr. President, I ask unanimous consent to insert at this point in the RECORD exhibits H, I, and J.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT H

ANACONDA 1972 ANNUAL REPORT

To The Shareholders:

We are pleased to report that 1972 saw the return of Anaconda to a position of profitability, to which all of the divisions contributed. We have strengthened the financial position of the company to gain flexibility for future growth, and we have resumed the payment of dividends on the common stock.

Anaconda had net earnings from operations for the year 1972 of \$44,068,000 or \$2.00 per share, compared with a loss of \$6,205,000, or 28¢ a share for the year 1971. Total net earnings in 1972 were \$133,037,000 or \$6.03 a share, including extraordinary income of \$88,969,000 or \$4.03 a share. In 1971 the company reported a total loss of \$353,844,000 or \$16.16 a share, largely resulting from the expropriation of its investments in Chile.

The extraordinary gain in 1972 resulted principally from disposition of the assets of the Forest Products division.

Sales and other operating revenue were \$1,012 billion in the year 1972, compared with \$946.5 billion reported for 1971.

The company paid dividends of 12½ cents per share on its common stock on December 5, 1972 and March 5, 1973. Dividends had been suspended in the third quarter of 1971. The resumption continues Anaconda's record of paying dividends every year since 1936.

Shareholders' equity was increased by \$130.6 million to \$971.4 million.

The improved earnings in all divisions of the company in 1972 resulted from increased productivity, higher earnings of affiliated companies, a strengthening of the general economy, lower interest costs due to net reductions in long-term debt of \$113.4 million, and a year relatively free of work stoppages.

December 20, 1974

Contributing also to the return to profitable operations were the significant cost reductions effected as part of the reorganization of the company in 1971. Continuing efforts to reduce costs in 1972 included the closing of the lead smelter at Tooele, Utah, and the consolidation of certain manufacturing operations in the Anaconda American Brass and the Anaconda Wire and Cable divisions.

In June the company sold the timberlands and mill of the Forest Products division in Montana to Champion International Corporation for \$117 million. The forest lands were originally acquired to assure a supply of timber for the then extensive underground mining operations, and not in an effort to enter the forest products industry. Proceeds of the sale were applied to the reduction of long-term indebtedness and to increase working capital, materially strengthening the company's financial position.

EXHIBIT I

ANACONDA 1972 ANNUAL REPORT

FINANCIAL POSITION

Working capital increased \$25.0 million to \$291.0 million. An analysis of changes in working capital is summarized below:

	1972	1971
Increase (decrease) in current assets:		
Cash and short-term securities	\$11,277	\$19,871
Receivables	35,639	36,924
Inventories and supplies	4,272	34,573
Prepaid expenses	60	2,208
Total	42,584	53,834
Decrease (increase) in current liabilities:		
Long-term debt due within 1 year	3,316	19,982
Accounts payable and accrued expenses	13,553	44,292
Accrued taxes	7,306	3,628
Total	17,543	27,938
Increase (decrease) in working capital	25,041	25,896
Working capital at beginning of year	265,989	291,885
Working capital at end of year	291,030	265,989

Current receivables increased during the year by \$35.6 million to \$142.8 million at year end, including \$21.1 million of reimbursable construction expenditures collected in January 1973. The balance of the increase in receivables relates to the higher volume of sales, and in particular to the 14.1% increase in sales and other operating revenue in the fourth quarter of 1972 over the comparable period of 1971.

To conserve working capital, it is one of the company's objectives to maintain inventories at levels consistent with its manufacturing and marketing programs. As a result of an improved control program, inventories of metals, manufactured products and supplies were reduced by \$4.3 million in 1972. The sale of low-cost LIFO inventories had the effect of improving operating results after related tax effect by approximately \$3.2 million.

Working capital provided by operations (excluding extraordinary items) amounted to \$92.9 million for the year 1972, compared with \$37.8 million in 1971.

Proceeds from the sale of timberlands and certain other assets of the Forest Products division, together with funds provided from operations, were used to retire indebtedness outstanding under revolving credit agreements with United States and foreign lenders. Long-term debt was reduced by \$113.4 million in 1972. Interest expense for 1972 was reduced to \$21.7 million, compared to \$25.2 million in 1971.

Shareholders' equity increased \$130.6 million, or \$5.63 a share, to \$971.4 million, or \$44.04 a share.

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Expenditures for plant and equipment aggregated \$122.6 million during 1972, compared with \$89.9 million in 1971. The major portion of expenditures in both years were for the construction of the new primary aluminum plant at Sebree, Kentucky, and air pollution control equipment at the Anaconda copper smelter.

ACCOUNTING CHANGES

To conform to opinions of the Accounting Principles Board, the company has retroactively adopted the equity method of accounting for investments in certain affiliated companies. Under this method, the equity in the net income of these affiliates is reflected currently in earnings rather than when realized through dividends. The effect of this accounting change was to increase income before extraordinary items for 1972 by \$4.9 million (22¢ per share), and as previously reported for 1971, by \$2.5 million (12¢ per share).

The continuing weakening of the U.S. dollar in relation to other currencies prompted the company in 1972 to reevaluate its previous practice for translating foreign currency accounts into U.S. dollars. In order to reflect its foreign currency obligations on a conservative basis, the company has changed its practice so that such obligations are now translated to U.S. dollars on the basis of current rather than historical exchange rates. The effect of this change was to recognize in 1972 exchange losses of \$6.7 million. After taking into consideration the related income tax effect of \$1.5 million, net income per common share was reduced by 24¢. Results reported for prior years would not have been materially affected by earlier adoption of this translation practice.

Effective in 1971, the company adopted the policy of capitalizing as a property cost the applicable interest costs incurred during the construction periods of major operating facilities. The net effect of this change was to increase income before extraordinary items in 1972 by \$2.7 million (12¢ per share) and in 1971 by \$8.8 million (4¢ per share). The interest capitalized related primarily to the new aluminum reduction plant being built in Sebree, Kentucky.

EXTRAORDINARY ITEMS

The extraordinary items included in the Statement of Consolidated Income comprise the following:

	1972	1971
Net gain on sale of assets of forest products division	\$80,136	
Provision for exchange losses on foreign currency loans	5,218	
Income tax benefit from utilization of expropriation loss carryforward	14,051	
Loss relating to expropriation of Chilean investments		3302,600
Costs relating to corporate reorganization and retrenchment programs		52,000
Gain on sale of majority interest in Cananea property		6,961
Total	88,969	347,639

During 1972, the company sold the principal assets, primary timberlands, of its Forest Products division in Montana to Champion International Corporation for \$117 million. Included in the basic sales price was the assumption by the purchaser of certain obligations relating to the assets sold, including the unliquidated balance of a \$15 million timber production payment sold in 1971. The gain realized from the sale has been reduced by personnel and other costs relating to the curtailment of the division's operations, including local taxes and a \$12.6 mil-

EXTENSIONS OF REMARKS

lion charge equivalent to the United States income taxes.

EXHIBIT J

ANACONDA 1971 10-K REPORT TO THE SEC FOREST PRODUCTS

The Registrant owns more than a half-million acres of timberlands in western Montana, where it carries on an extensive lumbering operation, and operates a sawmill, planing and specialty manufacturing plant at Bonner, Montana. Total production during 1971 was 117 million board feet.

Mr. METCALF. Mr. Place admits that under his direction Anaconda sold a major asset and used the proceeds to pay off the balance of the revolving credit loan rather than devote the money to operations. The transaction is more fully described in exhibits H and I. Although Mr. Place states that the forest products operation was not a principal line of business, the company's 1971 10K annual report filed with the SEC describes it as an "extensive lumbering operation." (See exhibit J.)

In 1968, Anaconda refinanced its revolving credit loan with a \$150 million sale of debentures rather than a sale of assets. Perhaps another, more favorable, method of financing could have been arranged during the years before the bank loan matured.

Much of Anaconda's recent financing has taken the form of leases backed by the company's guarantee of the underlying loans. The Sebree aluminum plant and Montana pollution control bonds are examples. This has the effect of reducing the amount of debt directly shown on Anaconda's balance sheet.

The banks did not request or choose to have our loans repaid. They would have preferred a continuance of credit to a sound credit risk company like Anaconda because banks generate their income by interest on loans. You state, the major New York banks have not given Anaconda a major extension of credit since being paid off in July, 1972. The point is we haven't needed or asked for major bank credit since July, 1972. We have open and unused credit lines and you can be sure that bank credit is available to us as we need it.

Mr. President, I ask unanimous consent to insert at this point in the RECORD exhibits K and L.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT K

1971 ANNUAL REPORT CORPORATE FINANCING

During 1971, the company successfully extended its near-term debt maturities through revisions to its major revolving credit agreement, which is presently being renegotiated to provide for still greater flexibility in the administration of financial planning. Revisions to the revolving credit, new financing agreements negotiated during the year covering equipment loans and the extension of Eurodollar revolving credits, and other changes in long-term debt are described in Note E to the financial statements. Financing is now being negotiated to provide funds for the Sebree aluminum reduction plant and for pollution-control facilities at the Anaconda smelter, the only major scheduled projects not fully financed.

EXHIBIT L

ANACONDA 1972 ANNUAL REPORT INSURANCE CLAIMS FOR RECOVERY OF CHILEAN EXPROPRIATION LOSSES

Included in the Consolidated Balance Sheet at December 31, 1971 were the total claims filed against Overseas Private Investment Corporation (OPIC) under the contracts of guaranty insuring certain investments of the company in Chile.

In September 1972, the company received from OPIC \$11.9 million, the amount claimed as compensation for the expropriation of its investments relating to the Exotica copper property. At the same time OPIC formally rejected the balance of the claims for compensation for Anaconda's expropriated Chuquibambilla and El Salvador properties. The company continues to believe that it is entitled to payment of the rejected claims and the matter is being submitted to binding arbitration, as provided in the contracts of guaranty.

FOREIGN INVESTMENTS AND MINING JOINT VENTURES

Foreign affiliated companies in which Anaconda has significant investments are located principally in Mexico and Brazil. The carrying value of these investments as listed on page 15, Schedule A, was \$42.3 million at the end of 1972 and \$36.7 million in 1971.

Anaconda's equity in the net earnings of companies operating in Mexico and Brazil amounted to \$5.5 million in 1972 and \$5.4 million in 1971.

A consolidated subsidiary's interest in a Jamaican alumina joint venture was \$33.5 million at December 31, 1972 and \$34.4 million at the end of 1971.

UNITED STATES AND FOREIGN INCOME TAXES

The provision for income taxes in 1972 includes foreign deferred taxes of \$1.0 million (negligible in 1971) and a \$3 million charge equivalent to the benefit from utilization of the expropriation loss carryforward.

The remaining portion of the ten-year consolidated tax loss carryforward as of December 31, 1972, resulting from the expropriation loss claimed on the company's 1971 return, is presently estimated at \$315 million (exclusive of any amounts relating to the contracts of guaranty with OPIC). The amount of the loss carryforward is subject to audit by the Internal Revenue Service.

The company has unused United States investment tax credits amounting to approximately \$18.1 million, the major portion of which will be available through 1978. For financial accounting purposes, the portion thereof recognized as a reduction of the charge in lieu of income taxes in 1972 amounted to \$15.1 million, including \$13.5 million allocated to the extraordinary gain from the sale of Forest Products division assets. Accordingly, at December 31, 1972 unused investment tax credits determined on a financial accounting basis approximated \$3 million.

LONG-TERM DEBT

Amounts payable on long-term debt outstanding at December 31, 1972 during the next five years are (in millions) as follows: 1973, \$21.3; 1974, \$18.7; 1975, \$11.8; 1976, \$43.4; 1977, \$0.8. The debentures are to be redeemed through annual sinking fund payments of not less than \$9.25 million or more than \$18.5 million principal amount, beginning in 1978.

In connection with a \$110.8 million financing program relating to the construction of a 120,000 ton per year aluminum reduction plant at Sebree, Kentucky, the company issued \$28 million of 8½% notes payable 1979-1992, in July 1972. These note agreements restrict the company in the payment of dividends and, in certain respects, in its

ability to incur additional long-term debt. As a result, at December 31, 1972, \$61.2 million of retained earnings were available for the payment of dividends and \$155.1 million of additional long-term debt could be incurred without restrictions.

The company's indebtedness of \$110 million at December 31, 1971 under a revolving credit agreement with a group of banks was repaid during 1972 and the agreement terminated. Eurodollar loans aggregating \$25 million were also repaid during the year and the related lending commitments were reduced from \$80 to \$40 million.

Mr. METCALF. Banks generate income from interest on loans, but they are also vitally concerned about the safety of the principal amount outstanding.

On page 18 of the 1971 annual report, Anaconda stated that it was renegotiating its major revolving credit agreement to provide for "still greater flexibility in the administration of financial planning." Page 20 of the 1972 annual report shows that the result was the repayment of \$110 million in the first 7 months of 1972 and the termination of the revolving credit agreement on July 31, 1972. Negotiating such an arrangement should not be too difficult. See exhibits K and L.

The concern in the Metzenbaum bill statement was over creditor-debtor relations during Anaconda's period of adversity. It is immaterial whether major lenders would now be willing to extend credit to a revived, healthy company.

Note on exhibit L that the \$28 million issue of notes in July 1972 contains certain restrictions on the payment of dividends and the ability to incur additional long-term debt.

Again, I quote from Mr. Place's letter: You state that, "shareholders generally have no right to redeem their stock with a corporation and thus remove their capital from the use of the corporation, especially when adversity arises and the company needs all of its financial resources. Influential creditors, however, can reclaim their capital at the very time when it is most needed." That quotation reflects a basic misconception of the nature of equity capital as compared to debt. Shareholders are the owners and so long as they retain their shares (which, incidentally, they can sell at any time), they share the risks and the rewards of the business. Lenders have the right of repayment of principal plus interest and usually do not share in the profits of the business. Of necessity, creditors have priority over shareholders. This does not, however, mean that the creditors have operational control of the business. The relationship of shareholders and creditors is not a matter of priorities but a matter of completely different positions.

Mr. Place has misunderstood the point of the Metzenbaum bill statement. The levers of debt control discussed in that statement are not confined to the legal priority of creditors over shareholders or their right to repayment of principal at the time of maturity. Other levers of control include direct participation on the debtor's board, the influence to accomplish the prepayment of principal, and the myriad of contractual restrictions on corporate activities which large lenders may extract in return for credit. Short-term lenders have great influence deriving from the type of credit they provide. To finance inven-

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tory over the next 6 months, \$2 million can be more crucial to the continuance of corporate operations than \$50 million in long-term credit. Long-term institutional lenders have current influence because they may be sought as a credit source for new long-term debt issues in addition to the ones they presently hold. This influence is increasing as institutional lending power becomes more concentrated through mergers, loan consortiums, and correspondent bank relationships.

Mr. Place's comment on the ability of shareholders to sell their stock also misses the issue. Once issued, the sale of stock in the secondary market by a shareholder to someone else does not affect the capital account of a corporation. The corporation still has the use of the amount of capital for which the share was originally sold. Selling stock to someone else and redeeming stock with the corporation are entirely different matters. In contrast, the very nature of debt is the temporary infusion of capital into a corporation. Thus, levers of debt control directly relate to the effects of removing capital from a going business. The power to grant or withhold credit is indeed a mighty lever of control, and corporate managements are well aware of its importance.

TRIBUTE TO CHET HOLIFIELD ON HIS RETIREMENT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, during my long career here in the House of Representatives, it has been my great pleasure and honor to have known and worked with stalwarts of the highest caliber and competence. Men of foresight and vision who held what was best for our country above everything else. Such a man is my good and longtime friend from California, the Honorable CHET HOLIFIELD.

For the past 32 years the people of the 19th Congressional District of California have had the good sense and good fortune to have had CHET as their Representative in Congress. His courage, insight, and knowledge of many of the most complex problems made him a most valuable Member of the House.

Most certainly CHET HOLIFIELD always typified the best in politics. He is an honest, courageous man, and a decent and hardworking Congressman.

Mr. Speaker, I would indeed be remiss if I did not at this time extend a word of praise to CHET's lovely wife Vernice for her many important and valuable contributions to CHET's success over the many years.

I am confident that I bespeak the thoughts of all the Members of this Congress when I say that we are going to miss CHET and Vernice—also called Cam—very, very much. Even though Mrs. Rooney and I are also retiring from the House of Representatives and has

continuing our longstanding friendship with CHET and Vernice. In the meantime, Mrs. Rooney joins me in wishing the Holifields a long, healthy, and peaceful retirement for a great many years to come.

TRIBUTE TO SENATOR MARLOW COOK

HON. LAWTON CHILES

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. CHILES. Mr. President, it is with considerable sorrow that I offer these words of tribute to Senator MARLOW COOK as he leaves the Senate, for in the past several years I have come to know him with great respect and affection. I will very much miss him and his wonderful wife, Nancy.

On arriving in the Senate in 1971, I first came to know MARLOW COOK for his kindness, guidance, and cooperation. Since then, I have had the opportunity to broaden my knowledge and understanding of the man and the Senator, and I have great admiration and respect for his abilities, his conviction, his conscience, and his dedication to the well-being of his State and our Nation.

Senator COOK has devoted the past 17 years to public life and service, performing outstandingly in his home State of Kentucky prior to being elected to the Senate 6 years ago.

While in the Senate, he has served as ranking minority member on the Commerce Committee's Subcommittees on Consumer and Environment, ranking minority member on the Committee on Rules and Administration, and ranking minority member of the Judiciary Committee's subcommittees dealing with juvenile delinquency, national penitentiaries, and citizen interests, among others.

He left his mark on legislation involving product safety standards, automobile insurance reform, consumer protection, and major transportation issues, including Amtrak. He played an important role in the confirmation of both Gerald Ford and NELSON ROCKEFELLER as Vice Presidents. In all his assignments and on the floor of the Senate we have all benefited from his good counsel, courtesy, and good humor.

I salute him, I thank him, and I wish him the best of success in the future.

HON. LESLIE C. ARENDS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, it is my understanding that our beloved colleague LES ARENDS has served as whip of his party longer than any other man in history. He has been "Mr. Republican" in the House, we are looking forward to

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rendered to the Nation and to the Congress unsurpassed dedicated service. His parliamentary skill and his understanding of the legislative process have contributed tremendously to the legislative history of the past 40 years. No one has worked more diligently or more effectively for a strong America and for national defense. LES has always represented the position of his party with vigor, statesmanship, and with overriding concern for the national interest. His friends and admirers are on both sides of the aisle, and are throughout Washington, the Nation, and indeed the world.

Mr. Speaker, I am happy to count LES ARENDS among my personal friends and I wish for him and the lovely Mrs. Arends every happiness and the best always.

PETER DOMINICK BROUGHT LOGIC AND BALANCE IN HIS SENATE SERVICE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. RANDOLPH. Mr. President, as the Senate counts the array of faces which newly grace the Senate, and as we remember those whose careers in this body have so recently ended, I add to those of others my fond farewell to PETER DOMINICK.

I have had an opportunity to know the Senator from Colorado in our common membership on the Committee on Labor and Public Welfare. He was a vigorous and active member on it since he was assigned to the committee in 1965.

PETER DOMINICK has made an enduring impression. As ranking minority member of the Education Subcommittee and as an active participant in the development of health legislation, PETE has been recognized as a man of logic, reason, and even temperament. He frequently provided balance and alternative viewpoints in the consideration of legislation, and he was keenly interested in the panoply of social and human needs addressed by our full committee.

I shall miss PETER DOMINICK in the Senate. Mary and I offer him and his lovely wife, Nancy, our best wishes for a happy future.

ADDRESS BY SENATOR HENRY M. JACKSON, LONDON, NOVEMBER 11, 1974

HON. JOHN BRADEMAs

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. BRADEMAs. Mr. Speaker, I believe Members of the House will read with great interest the address of the distinguished Senator from Washington, the Honorable HENRY M. JACKSON, delivered on November 11, 1974, in London to the Pilgrims of Great Britain.

EXTENSIONS OF REMARKS

I insert the text of Senator JACKSON's address at this point in the RECORD:

TO THE PILGRIMS OF GREAT BRITAIN

(By Senator HENRY M. JACKSON)

Americans invariably do two things when they are in London; they visit Westminster Abbey and—if they do any speechmaking—they quote Churchill. Having been to Westminster Abbey let me recall Churchill's words at a Pilgrims dinner in July 1932. He said: "Our troubles are by no means ended. The economic crisis, the monetary crisis in which the world is gripped, still holds its full intensity. Baffling problems confront the Statesmen and afflict the peoples of both our countries, but I believe there is one grand, valiant conviction shared on both sides of the Atlantic. It is this: together, there is no problem we cannot solve."

My remarks tonight are directed to this central theme—that together there is no problem we cannot solve—but with this addition: apart, we will find neither solutions nor sanctuary from our common perils.

When the Pilgrims gathered a year ago to hear Secretary of State Kissinger, the Western Alliance, darkened by the embargo of Middle Eastern oil, was still reeling from the trauma of the Yom Kippur War. The Atlantic Alliance, having assembled itself on the parade ground of common purpose, proceeded to march off in as many directions as there were marchers.

However great the historical and cultural affinity of our two peoples, however richly we, on both sides of the Atlantic, share in the tradition of Western civilization, it has become painfully clear that a dangerous fragmentation has impaired our capacity to act in concert, diffusing our common strength and defeating our common cause.

There has been growing concern in the United States that the foreign policies of some European countries evidence lack of faith in cooperative action. On the other hand, the foreign policy of the United States, while certainly no worse, has often been no better than many European foreign policies in that regard. Too often, for example, my government managed greater forbearance in dealing with its adversaries than in working with its allies. On occasion we asked for your support without disclosing the facts as we knew them; or we asked you to share our risks when we were unwilling to share our reasons or our resources. My government has been slow to appreciate and to grapple with the common economic dangers. On both sides of the Atlantic this much is certain: the divisions that were inefficient in the Year of Europe have become, in this year of crisis, inexcusable.

OUR COMMON ECONOMIC PERIL

The economic stability of the Atlantic community is more precarious today than at any time since the Second World War. Our economies are seized by unprecedented rates of inflation coupled with economic stagnation and decline. The gross national product of OECD countries will grow at only 1.3% this year. Meanwhile, the index of international prices has risen at an annual rate of nearly 10% in the past five years; and 14% in 1974 alone. Unemployment and interest rates are up. Standards of living are down and falling. Economic growth has all but ceased.

Today even nations are in danger of default. The Eurocurrency market, on which governments as well as businesses have come to depend, cannot alone provide the necessary financing for deficit-ridden oil-consuming nations. The world's financial system is endangered by the spectacular growth of short-term bank borrowing, with the proceeds tied up in long-term loans—some of which may never be repaid. Bank losses and bank failures have reached alarming levels, prompting major concern on the part of central bankers everywhere. The outlook

ahead is even more disturbing. It is estimated that in the next three months as many petrodollars will inundate private money markets as have flowed in during the last nine months.

We have witnessed a rapid and unprecedented transfer of monetary reserves. The International Monetary Fund reports that monetary reserves held by oil-producing nations have jumped from \$13 billion to \$38 billion in the last year. The oil producers now have monetary reserves equalling the combined reserves of industrial Europe in 1970.

These bleak indicators—and there are many others—confront us in a period of increased financial, as well as economic, interdependence. Inflation and recession, acknowledging no national boundaries, spread a disease which cannot be easily quarantined.

THE PRICE OF OIL AND ECONOMIC POLICY

No matter what remedy a single nation adopts, decisions made far from her borders limit both options and opportunities.

It is the price of oil that has dimmed not only our lights, but also our hopes for a measured and orderly economic recovery. Oil-consuming nations will collectively bear a staggering current account deficit this year in excess of \$50 billion. The quadrupling of the price of oil is a problem not only for Europe, Japan and the United States: if our economies have been crippled by the fourfold increase in world oil prices, those of the developing nations have been strangled. The cost of oil imports to these nations has increased by nearly \$10 billion in less than a year. This increase entirely offsets the amount of official development assistance these countries now receive. Consequently, those least able to finance rising oil costs have been forced to curtail desperately needed human and resource development programs.

The direct relationship between the price of oil and the price of fertilizer dramatically illustrates the immediate crisis confronting the third world. The aggregate "fertilizer bill" for developing countries has increased fourfold in only two years; yet even at exorbitant prices, fertilizer is in critically short supply. Mass starvation is no longer a distant threat, but a grim fact for many of these countries.

In the developed nations of the West, the acute shortage of oil and the arbitrary price increases brought on by last year's embargo have given way to a mounting financial crisis. We lack both adequate theories and appropriate mechanisms—to say nothing of the self-interested cooperation of the producing states—in dealing with the complex problems facing the world. For example, surplus revenues accruing to the producing states are expected to reach \$60 to \$70 billion by the end of this year, \$170 billion by the end of 1975. The World Bank estimates that OPEC surpluses will amount to \$650 billion by 1980, and an incomprehensible \$1.2 trillion by 1985—surely the largest and most precipitous shift in wealth the world has ever seen.

A SPECIAL MINISTERIAL COUNCIL

The nations of the Atlantic community have waited too long to respond to this "gathering storm." Thus far in dealing with the oil-producing states my country has alternately cajoled and blustered without effect. Instead of expecting the producer nations to solve our financial and economic problems—not all of which were created by escalating oil prices—it is time that the consumer nations did something for themselves.

I believe we must join together in an international effort with the urgency, confidence and intelligence that, in an earlier crisis, accompanied and sustained the Marshall Plan for the postwar reconstruction of Europe. The oil-consuming nations of Europe, along with our friends in Japan and elsewhere, must hammer out a cohesive economic and financial strategy capable of

promoting their interests, and the world's interest, in realistic oil prices and a stable world economy.

I propose the establishment of a Special Council of Economic and Financial Ministers—initially comprised of the oil-consuming nations—to devise and implement a new strategy for economic survival. This ministerial-level council should be constituted so that it can respond effectively and realistically to the hazards and opportunities ahead. Much of the administrative machinery to support this effort—the OECD, the Energy Working Group and other multilateral and international organizations—already exists. It is the absence not of institutions, but of meaningful initiatives and coordinated leadership, that impedes our progress and clouds our future.

A COMMON AGENDA

I offer the following agenda for the Special Council of Economic and Financial Ministers.

First: The paramount and immediate objective is to develop and coordinate efforts to bring world oil prices down to levels that will give all nations a fighting chance to contain inflation, to preserve the world economy, and to maintain the international financial system.

An essential step is to insulate the price of oil produced by consuming nations from the control of the producers cartel. The present policy of allowing the cartel arbitrarily to establish price levels for all oil—not just the oil they produce and export—should not be legitimized by the inaction of the United States and other consuming nations which are also important oil producers.

Second: We must develop the capacity to withstand curtailment in our sources of imported oil. We have made an important start in the Energy Working Group and in the negotiation of arrangements for burden-sharing and cooperative action in meeting emergency supply situations.

When the American Congress reconvenes a week from today, I will seek early approval in the Senate of legislation to implement the major features of this agreement.

Third: Essential to any overall plan to bring down the price of oil is a tough program to limit demand through mandatory energy conservation. All consuming nations need to fashion comprehensive and concerted plans to limit consumption by eliminating waste while maintaining economic viability. The establishment of dollar or volume limits on oil imports is one initiative that deserves serious consideration. France has endorsed such a program; I have urged a similar "peril point" concept for my own country.

Fourth: Bringing down the price of oil will require an immediate no-nonsense, expansion in the development of the existing and potential energy sources of consuming nations. This means the rapid development of my nation's Outer Continental Shelf, our Alaska fields, and our Naval Petroleum Reserves. It also requires that you and the Norwegians get on with the development of the North Sea fields—without delay. And it means increased efforts by our allies in Canada and elsewhere to exploit their own rich potential.

For the longer term, we must make a massive and cost-effective investment in research and development that will lead to new technologies both for developing new energy sources and for lowering the environmental and other costs of extracting conventional energy sources. In this task, we need to mobilize our abundant intellectual talents, as well as our combined capital resources.

Fifth: Each of our countries must get on with the job of setting its own economic affairs in order. In this effort, the Special Council can be a regular forum for the exchange of plans for stabilizing our respective economies.

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For example, the renewed interest in public investment institutions to stimulate sluggish productivity merits wider consideration. Canada has already chartered a national investment corporation; your government is likewise considering proposals to infuse new government capital into depressed sectors. We can and must prevent domestic commercial failures from precipitating an international economic collapse.

Whatever our differing interests, we must not resort to the destructive "beggar-thy-neighbor" policies of the 1930's. Attempts to shift disquieting trade deficits from one country to another—whether through import barriers or currency devaluation—can only bring on worldwide depression. We must promote an orderly economic recovery for the benefit of the whole family of nations.

Sixth: Restoring health to our financial institutions is an urgent objective in the months ahead. The orderly evolution of Euromarkets will require concerted action on the part of central bankers in several areas: more reliable information on the market's operations; the development of liquidity standards to bolster confidence in its institutions; and continued cooperation toward establishing some international "lender of last resort."

Seventh: There is a compelling need for new policies to promote stable, safe and diversified investment of oil producer funds. To dispel present uncertainty we must devise uniform guidelines which will apply to investments by the producing states in our respective national economies. These guidelines must provide consuming nations with the assurance of continued control over their own essential financial infrastructures, and, at the same time, recognize the legitimate concerns of producing nations in guarding against the real risks of inflation and currency fluctuations.

Eighth: The Special Council must explore means of assisting those nations facing serious liquidity problems as a result of concentrated oil producer investment in a handful of countries and markets. A major effort—preferably international, but if necessary on a more limited basis—must be made to encourage direct investment in the economies of those nations which are increasingly threatened by their inability to attract funds in private markets.

Ninth: We cannot overlook the plight of the developing countries. The international dialogue now underway in Rome on the critical issue of food is a first step; rapid implementation of cooperative projects to prevent famine and restore hope must be the next.

Joint efforts to build fertilizer plants in the Persian Gulf deserve careful consideration. The producing nations could commit natural gas—which is now being flared and wasted—as the feed-stock. Industrialized nations could commit the necessary manpower, technology and equipment.

Tenth: We should initiate a review of the changing role of the multinational corporation, especially the international oil companies, and prepare standards of conduct which will prevent private gain at public expense, promote orderly world commerce, and better identify the appropriate regulatory spheres of the respective countries in which these corporations are based and operate.

The initiatives presented in this agenda are made in the tradition of bipartisan foreign policy which my nation has historically observed and to which I personally subscribe.

Throughout all aspects of our cooperative endeavor, we need to maintain a continuing dialogue with oil-producing nations and less-developed countries on the critical issues of fuel, finance, and food. The goal of this dialogue should be a new set of arrangements which merit mutual support. In ef-

orts to accommodate conflicting views, however, we will not submit to the dictates of any group of nations which threaten the security of individual countries, or undermine the stability of the international financial system and the world economy.

The oil-producing nations cannot achieve their own varied objectives without the cooperation and assistance of the major consuming nations. This gives us both leverage and opportunity to influence the policies and conduct of the oil producers if we choose to do so—and if we act together.

The agenda I have proposed—our common agenda—offers us the opportunity to promote the economic well-being of all peoples. Let us not succumb to the paralysis of pessimism. Let us use our combined assets and ingenuity to shape a future in which all nations may flourish.

CONCLUSION

In conclusion, let me add these words: There is, above all, one abiding faith that joins our two peoples. It is the commitment to individual liberty that time and time again has brought us together in the cause of human rights.

Freedom imposes great obligations on those fortunate enough to have it.

If we care only for ourselves, what are we? If we do not speak for freedom, who will? And if not now, when?

If new relations between East and West are to mature into long-term peaceful cooperation, there must be progress toward the freer movement of people and ideas across international borders. In Geneva, at the European Security Conference, your government and mine must join together, along with the free nations of Europe, to press for lowering the artificial barriers that now divide East and West. In this enterprise we, together, are privileged to represent what is most noble in our traditions.

Having begun with our Winston Churchill, I shall close with our Harry Truman. I believe that both men would have approved. On November 11, 1949, twenty-five years ago today, President Truman had this to say:

"The task of achieving greater justice and freedom will be long and it will be difficult. In various parts of the world today, human rights and freedom are being deliberately violated and suppressed. These threats are not only morally wrong—they threaten to undo the slow and hard-won achievements of civilization. There can be no higher challenge than to build a world of freedom and justice, a world in which all men are brothers. That is the goal toward which we must strive with all our strength."

In 1945 a truck driver named Bevin entrusted the security of Europe to a haberdasher named Truman with the words, "Over to you." Now, nearly thirty years later, the watchword among Pilgrims must be: over to us.

RETIREMENT OF HERALD STRINGER AS NATIONAL LEGISLATIVE DIRECTOR, THE AMERICAN LEGION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. THURMOND. Mr. President, on December 31, 1974, Herald Stringer will retire as the National Legislative Director of the American Legion. I want to take this opportunity to commend him for a job well done during his 10-year service in this important position.

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When Mr. Stringer was named to this difficult job on January 1, 1965, he came to that office with an excellent background to serve the veterans of America. He had been the department commander for the State of Alaska in 1951, and the national executive committeeman from that State for 9 years. As an attorney and a former State legislator, he had been involved in the governmental process for many years.

Mr. President, he has held many positions of confidence and brought great honor to the Legion and to the Nation. A native of Arkansas, he is a great American patriot, and an outstanding leader in the field of veterans' affairs.

Although he is retiring from his official position as national legislative director of the American Legion, he will continue to be a strong and respected spokesman for our veterans. He has fulfilled well the trust reposed in him.

I deeply appreciate the great dedication and ability with which he has worked with me and other Members of both the Senate and House on veterans matters.

Mr. President, as Herald Stringer relinquishes his official duties with the Legion, I shall continue to hold him in the highest esteem, and wish him and his family every success in their future endeavors.

HON. H. R. GROSS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, may I take this opportunity to wish every happiness and all life's blessings to our colleague H. R. Gross. His perseverance and his dedication to principle are a standard that could well be emulated in the years to come. There is no way to calculate the number of unwise expenditures the Nation has been spared as a result of his keen eye and his attention to every parliamentary detail. One could perhaps disagree with Congressman Gross on specifics and yet still appreciate tremendously his commitment to fiscal stability and his tireless vigilance on the floor of the House of Representatives. Without H. R. Gross the House of Representatives will truly never be the same.

DR. FLOYD M. RIDDICK

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. HRUSKA. Mr. President, after nearly 30 years of Senate service, Dr. Floyd M. Riddick, the Parliamentarian of the U.S. Senate, will retire at the close of the 93d Congress.

I want to take this opportunity to pay tribute to Dr. Riddick for his long and distinguished service. Few men have

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worked more diligently and conscientiously in a position that demands fairness and patience. We have all benefited by his wisdom and foresight in approaching the daily business of this body.

The Senate is particularly indebted to Dr. Riddick for the volume entitled "Senate Procedure" which he first coauthored with Mr. Charles L. Watkins in 1958 and revised in 1964. Earlier this year Dr. Riddick published a new volume of "Senate Procedure."

I am very pleased to learn that Dr. Riddick has agreed to continue to serve the Senate as a consultant and as Parliamentarian emeritus.

I wish him many happy years in retirement.

TRIBUTE TO THE HONORABLE FRANK ALBERT STUBBLEFIELD

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. WHITTEN. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to the outstanding services of my friend and colleague FRANK ALBERT STUBBLEFIELD. It is with regret we see this dedicated Member of long standing with 16 years service representing Kentucky's First District, leaving the Congress.

As a member of the Agriculture Committee and chairman of its Subcommittee on Tobacco, FRANK STUBBLEFIELD has made a great contribution not only to his beloved district and State, but to the entire Nation, and his service will long be remembered. His knowledge and understanding, along with a sense of balance and great efforts in behalf of agriculture and the problems of rural areas serve as an exemplary guide. It would certainly behoove those of us in future Congresses to keep in mind the efforts, wisdom, and record of FRANK STUBBLEFIELD as we face local, national, and world problems. He shall be missed in the position that he filled so ably.

I join my colleagues in wishing FRANK and Odessa the very best for many active and happy years.

MONTANA'S COUNTIES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. METCALF. Mr. President, today, as never before, Montana's counties are on the move. Montana's 1972 constitution requires a review of the operations and development of recommendations for change for Montana's local government. With the help of the resources available through the Intergovernmental Personnel Act of 1970, Montana's counties are meeting this mandate.

Mr. President, I ask unanimous consent that an article on Montana's coun-

ties which recently appeared in the National Association of Counties' newspaper, County News, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MONTANA REEXAMINES FORM OF GOVERNMENT

The spirit of peaceful revolution is alive in Montana as study commissions in all 56 counties begin work on a study of each county's structure and services.

Montana's 1972 constitution is the only one in the nation which requires each county (and each city) to elect study commissions every 10 years beginning in 1974 for the purpose of submitting a plan of government to the voters.

These 56 county studies present a real opportunity for citizen involvement in local government. They also present a challenge to county and state officials who must try to help the commissions in their work.

Montana Assn. of Counties Director Dean Zinnecker assigned IPA Project Director Ed Mares to organize a two-day workshop for all study commission members, including city commissions.

The purpose of the workshop, held two weeks after the commission elections in November 1974, in conjunction with the Montana Commission on Local Government, was the proposed state implementing legislation for the 1972 constitution's local government article, and to provide an overview of the different forms of government around the nation.

Starting off the two-day session, state commission Deputy Director Richard Reese noted that the study commission's most valuable resources are the county and city officials themselves, because "it is they, after all, who have had to work under the limitations of scarce resources, the pressure of great demands, and with inadequate government structures and powers."

Panels during the rest of the workshop left most of the time open for questions from the study commissioners. Panel participants discussing "problem areas in county government" were Montana County Commissioners Ray Stoner, Sheridan; Lud Broman, Missoula; Joe DeLong, Flathead; Walt Sales, Gallatin; and Missoula Administrator Chuck Painter.

Leading discussion on forms of government were Orange County (N.Y.) Executive Louis V. Mills, Rock County (Wisc.) Administrator Larry Brown and Richard Reese of the State Commission on Local Government. NACo staff members Florence Zeller and Terry Schutten answered questions on forms of government in other parts of the country.

Counties in Montana may choose from the alternative forms outlined by the proposed state legislation, but can also write a charter providing (within certain broad mandates) for any form of government they choose.

Such a charter county would have more "home rule" authority than counties which opt for simply a structural change through one of the alternative forms. Mike Sehesedt, from the Montana Commission on Local Government, answered questions about this alternative.

From the state's Bureau of Government Research at the University of Montana, Dr. James Lopach discussed city-county consolidation and the concept of confederation. At the end of the program, Dr. Lopach noted that the local government review process was really the "spirit of 1976" and that the enthusiasm with which the study commissioners were beginning their work reflects this spirit. Hal Stearns, director of the Montana Bicentennial Administration, outlined the state's Bicentennial programs and urged participants to tie their review process to celebration of our country's birth.

MICHAEL FROME: ENVIRONMENTALIST

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. HECHLER of West Virginia. Mr. Speaker, the firing of Michael Frome, the noted environmental writer for Field & Stream magazine, by CBS is a sad chapter in recent history, reflecting hysteria against those who fight to protect planet Earth. Mike Frome is a straight shooter who staunchly defends the environment against the many forces working to exploit it. His dismissal is a classic example of how some people will cave in to political pressure from the big energy lobbies.

Mr. Speaker, I would like to include in the RECORD several articles concerning the firing of Mike Frome:

[From Time magazine, Nov. 4, 1974]

THIS SPORTING LIFE

Field and Stream (circ. 1,860,000), a monthly devoted to duck hunting, fishing and other woodsy pursuits, hardly seems like a cockpit of ideological controversy. Yet in recent weeks its owner, the Columbia Broadcasting System, has been the target of angry letters and calls from the environmental and conservation lobbies. Some of the protests came from members of Congress, including Henry Reuss, chairman of the House Subcommittee on Conservation and Natural Resources. Then 50 irate conservationists waved placards in front of CBS's Washington office. Cause of the wrath: the firing of Field & Stream's widely known conservation writer, Michael Frome.

Frome, 64, is a successful lecturer, magazine writer and author (Rand McNally National Park Guide), whose Stream columns have crusaded for preservation of wilderness areas since 1968.

This fall, Editor Jack Samson canceled the column, ostensibly because the magazine wanted a "modification in the editorial approach." Says he: "I've already hired someone else with an even more strident and stronger stand on conservation. I just don't think Mike Frome did a very good job." CBS officials say that they knew nothing of the change until Frome's supporters started to sound off, and that the parent company bore the writer no grudge.

Frome and some of his partisans insist that Stream's waters are murkier than that. Frome claims that after Samson was made editor in 1972, he was told not to "name names." Frome says that Samson, for example, refused to publish his criticism of John McGuire, chief of the Forest Service. Frome insists: "They want to play it safe and steady."

Irate Congressmen: Instead, Frome preferred to play it tough and tendentious. He criticized timber companies, highway builders and strip miners. Frequently he used his column to lobby against legislation that might be potentially destructive to the environment. One of his notable victories came in 1970, when he helped defeat a bill which would have given timber cutting priority over recreational and other uses for national forests.

Says Joseph Browder, director of the Environmental Policy Center in Washington: "Frome has raised the consciousness of millions of readers from bag limits and such to the real questions of what's happening to our resources and what can be done to protect them."

In the consciousness-raising process, Frome has made enemies in big business, the gun lobby and on Capitol Hill. Many Congressmen

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were irate about his controversial 1972 "Rate Your Candidate" article. The story evaluated Senate and Congressmen on their attitudes toward conservation and environment issues. Says Congressman Reuss: "If Field & Stream has no place for Frome, then we have come to a time when the voice of conservation is, quite literally, a voice crying in the wilderness."

[From the Roanoke Times, Nov. 5, 1974]
FIRING OF CONSERVATIONIST WRITER IS
DISPUTED

(By Bill Cochran)

Someone once asked Michael Frome, the widely-read crusading conservation columnist of Field & Stream Magazine: "Why don't you stick to hunting and fishing? Leave the politics to experts."

Replied Frome, "I wish I could. But without effective political action now, the hunting and fishing is apt to be mighty slim, or nonexistent, a generation hence."

Now Field & Stream apparently has asked Frome much the same question. Although not many of his faithful readers know it, since his column is in the November issue of the magazine, Frome has been fired.

Already, the wrath of this action is coming down on the magazine and its owner, the Columbia Broadcasting System. It's anyone's guess what will happen once the word really gets out.

Frome, a 64-year-old Virginian, has thrived on controversy, because he's not known to back down or soften his punches against those he views as a threat to conservation, be they road builders, strip miners, dam constructors, foresters, polluters, politicians or even the President of the United States.

From the nearly two-million circulation of Field & Stream, he gained his largest platform and rapidly grew to become a widely respected—and hated—conservation writer, at a time when similar magazines seldom informed readers of more than how to hook 'em and bag 'em.

Field & Stream lost some of its manhood when it fired Mike Frome.

Why the firing?

Time Magazine—imagine this—devotes two columns to the matter in its current issue. It quotes Jack Samson, Field & Stream editor, as saying he wanted a "modification in the editorial approach."

Said Samson, "I just didn't think Mike Frome did a very good job."

But Time implies, and many must agree, that the matter runs deeper than this. Frome, in his consciousness-raising process, had made countless enemies, from big business to Capitol Hill.

He started his Field & Stream column in 1968, when Clare Conley was editor, Conley, a couple years ago, moved on when he left the management, namely publisher Michael J. O'Neill, was looking too closely over his shoulder.

For Frome, being fired isn't exactly a new experience. When his writings got too rich for the American Forest Magazine, the mouthpiece of the American Forestry Association, he was fired from that publication, after a six year association as columnist. The issue, largely, was his opposition to clear cutting forestry practices.

As it turned out, this attempt to gag Frome did more to publicize his stand than anything else could have. It will be surprising if the same thing doesn't happen in the wake of the Field & Stream firing.

Shortly after his dismissal from the American Forest Magazine, Frome spoke at Dabney S. Lancaster College in Clifton Forge. Earlier, William E. Towell, executive vice president of the American Forestry Association, had stated that Frome's column was terminated, "only because he became personal and abusive."

Frome, a small, soft-spoken gentleman, stood before the Dabney Lancaster group and

said, "Now I ask you, do I look like anybody personal and abusive?"

But like many good writers, he looked one way and wrote another. It is something that has gotten him into trouble, but a conservationist in trouble isn't exactly anything new.

[From the Vancouver (Wash.) Columbian, Nov. 7, 1974]

WHY WRITER MIKE FROME WAS FIRED

(By Jeff Stansbury and Edward Flattau)

Readers of Field & Stream know Mike Frome is one of the ablest conservationists who ever wore out a typewriter. He joined the magazine in 1968, served as its conservation editor for six years, waged a literate war on the despoilers of wild lands and brought Field & Stream rare distinction. Last month Frome was fired.

We asked the magazine's editor, Jack Samson, why he had let Frome go. "We don't wash our linen in public," he said. "It was strictly an editorial decision."

A dozen national environmental groups disagree. So do Reps. Guy Vander Jagt, R-Mich., John Dingell, D-Mich., and Henry Reuss, D-Wis. All have criticized Frome's firing. Most of them consider it a politically motivated act—and they have aimed their protest not only at Samson but at the communications conglomerate, CBS.

Field & Stream was bought by CBS shortly before it hired Frome. The network owns five other magazines, numerous radio and TV stations and nonmedia subsidiaries. It grosses \$1.5 billion a year and for a long time scarcely seemed to notice Field & Stream. "We saw almost nothing of CBS in the early years," says Clare Conley, who preceded Samson as editor. Several developments in 1972 ended this benign neglect and sealed Frome's fate.

First, CBS brought in Michael O'Neill as the new publisher of Field & Stream. Then O'Neill fired Conley and replaced him with Samson. Finally, Frome wrote a "Rate Your Candidate" column that outraged the anti-conservationists in Congress.

O'Neill's credentials as an outdoorsman are elusive. He has sold ad space for Look and cooked up a gourmet magazine that fell flatter than a soufflé. Why CBS chose him to pilot an outdoor magazine is a mystery, except for the fact that he shares the network's dim view of hunting. He has told some Field & Stream staffers that hunting is on the way out. No doubt this explains why the magazine recently ran a two-page photograph of Phyllis Diller.

O'Neill's most notable act was his firing of Conley, who disliked the slickness that was creeping into the magazine. Conley had sponsored Frome's tough brand of journalism. Together they had exposed the abuse of America's forests by clear-cutters, stockmen, oil men and mining companies.

The new publisher was reportedly miffed by Frome's barber writing. In 1972 Conley barely prevailed upon O'Neill to schedule the "Rate Your Candidate" column.

Frome's 1972 "Rate Your Candidate" column was indeed a blockbuster. It gave a few lawmakers perfect conservation scores but flunked many more. The column played a major role in the primary election defeat of House Interior Committee Chairman Wayne Aspinall, D-Colo., and it drew many howls of pain. Other legislators complained directly to CBS board chairman William S. Paley.

This tactic was effective because CBS must tirelessly woo congressional backing for its "equal time" and cable TV policies, license renewals and cross-media ownership. These concerns make CBS far more sensitive to the politician's wrath than an independent publisher of Field & Stream would be.

Thus, shortly after the 1972 congressional backlash reached CBS, Field & Stream began restricting Frome's access to his readers. Samson cut the length of his monthly col-

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umns and imposed political constraints on them. Last June he refused to print Frome's exposé of shady land deals between New Mexico developers and the Bureau of Land Management. Samson also told Frome there would be no 1974 version of "Rate Your Candidate." Effective journalism, he explained, did not require the naming of names.

If Samson and O'Neill thought Frome would pull his punches, they were mistaken. A month ago Frome turned in a typically biting, well-researched critique of the Forest Service's latest public relations campaign. His curt dismissal by Samson came a few days later.

"Mike is one of the great voices of public interest writing," says Conley: "He'll bounce back because he's a fighter, but right now Field & Stream has stripped him of his readers." We thought we'd tell them why.

[From the Lander (Wyo.) High Country News, Nov. 8, 1974.]

MIKE FROME RELEASED BY FIELD AND STREAM
(By Tom Bell)

It was a pleasant surprise to see Mike Frome gazing out of a page of Time magazine as big as life (Nov. 4, 1974). But then I read the article and that was not so pleasant. Mike had been sacked again, this time by Field and Stream magazine.

It seems that Mike's deft dissection of so many environmental problems, and his rapier-like pen used against so many politicians and bureaucrats alike involved so much blood-letting that it frightened the hierarchy of Field and Stream. In that cloistered world of egocentrics and egomaniacs called government, Mike Frome is too much of a threat. He likes to name names and lay too many facts openly before the public. And that threatens special interests.

Mike is gentlemanly charming, keeping his cool and manners even when confronting hostile adversaries. He is intelligent, witty, and knowledgeable. And he makes it a point to inform himself on the matters of which he writes. As a result, he is one of the most effective environmental writers of these pressing times.

When we were having problems in Wyoming, he came not once but several times to see and judge for himself. On one occasion he flew with me over the great Red Desert to see antelope and wild horses and the effects on them of fencing and mining activities. It also happened to be at a time when AT&T was putting in a transcontinental telephone cable—and unknowingly bulldozing out the historic Oregon Trail as a right-of-way. We flew on to see the valley of the Upper Green River and the threats to it of big dams. (The threats today may be more imminent than they were then.) And we ended in Jackson Hole where Mike addressed a group on the threats of clearcutting on the national forests to the famed elk herds of the area.

Along with Dave Bower, he generously lent his prestige to Wyoming's First Environmental Congress. And he just as generously gives of his time and interest to many other environmental efforts.

So it is that the hypocrisy of our system could never be better illustrated than in the case of Mike Frome. We tout our system as being one of freedom for the individual, and we particularly tout our freedom of speech and expression. His experience gives the lie to just how much freedom we really do have.

For years his lucid, penetrating columns appeared in American Forests magazine. But as the powerful special interests in the timber industry began to rape the national forests, his writings became more vehement against them. And he also turned his guns on the Forest Service, accusing it of being a willing accomplice. He was told that his columns must conform to "editorial policy." He refused and was told his columns would no longer be needed.

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Now, it is Field and Stream's turn. When he signed on at Field and Stream as environmental editor, his writings were a refreshing change from the traditional "me & Joe" hunting and fishing tales. Mike, and sometimes fellow staffers Richard Starnes and Ted Trueblood, gave readers something more solid to consider than the mere taking or killing of nature's bounty. But, alas, if such mental sustenance was not too much for Field and Stream's readers, it was for the owners, Columbia Broadcasting System, and undoubtedly for many advertisers.

And so a powerful and competing voice for urgent environmental matters has lost another forum. It would be different if Mike Frome preached destruction of the "system." But he does not—only the changes which are ultimately necessary if the system is not to destroy itself.

[From the Outdoor America (Izaak Walton League's publication) December 1974]

MIKE FROME OUSTED BY FIELD AND STREAM

Mike Frome, out-spoken conservationist, author, and member of the IWLA, was released from his post as conservation editor for CBS-owned Field and Stream magazine in October. Frome was ostensibly discharged because the magazine wanted a change in its editorial approach. Field and Stream claims it will now take an even "stronger stand on conservation issues." But Frome insists that "they want to play it safe and steady" and that he was instructed not to "name names" in his hard-hitting comments.

Frome has long been a major asset to conservation, with his straightforward, no-holds-barred approach. He frequently used his column as a platform to denounce legislation which would be harmful to the environment. There are no sacred cows for Frome.

A great deal of controversy surrounded his "Rate Your Congressman" article which appeared in 1972. Senators and Congressmen were rated on their stands for or against conservation issues. Many feel Frome's greatest value is that he spoke effectively to people other than conservationists and he educated thousands who would not have been reached otherwise.

Frome's discharge caused a storm of criticism from the conservation community. A letter signed by all the major conservation groups, including the IWLA, was sent to William Paley, Chairman of the Board of CBS. Frome, who keynoted the 1973 league convention in Duluth, says, "I have been flooded with warm and wonderful messages from all parts of this country, and indeed from other countries as well." One friend noted, "They couldn't stand the heat so they kicked the stove out of the kitchen."

What does Frome think about his situation? "Personally," he said, "I'm looking forward rather than backward."

[From the Missoulian, Missoula (Mont.), Dec. 8, 1974]

FEDERAL MANAGEMENT OF LAND IS BLASTED
(By Don Schwennesen)

Conservation writer Mike Frome blasted federal administration land and resource management policy Saturday in Missoula, calling on citizen conservationists to mount a broad new environmental offensive.

"I consider (Agriculture Secretary Earl) Butz and (Interior Secretary Rogers) Morton two of the most dangerous men in America," Frome said in a keynote address before some 200 people attending the Montana Wilderness Association annual convention. "They don't tell us the facts—they've created a crisis of truth," he said, listing Forest Service Chief John McGuire as a close third to Morton and Butz.

COAL EXPORTS EYED

Picking up the energy-related coal strip-mining issue raised Friday by West Virginia

Rep. Ken Hechler, Frome took note of continuing coal exports from West Virginia, contracts to export Alabama coal and recently revealed plans to export Montana coal—plans that were subsequently dropped.

"On the one hand they tell us we need this coal to sustain our style of living," he said, contrasting the energy crisis claims with a recent Business Week report that Alabama coal exports to Japan are contracted to increase from 60,000 to 10 million tons per year.

When administration and industry officials are confronted with facts on coal export, he said, they side-step the energy crisis and claim the exports are needed to minimize an unfavorable foreign trade balance.

"We've got to get into the hard, gut issues and challenge growth at all levels," Frome told an audience that included regional conservationists, state legislators and Northern Region Forest Service officials.

LOCAL LEADERSHIP

"The leadership has got to come from out here" at the "grass roots level," he said, "where the resources are that the bankers on Wall Street want."

"If you can develop . . . hard line political policy . . . Wall Street isn't going to get them," he said, pointing to major environmental victories won at the polls last month.

"The politicians are coming with us increasingly," he said. "As far as I'm concerned, the fight to save our earth is just getting under way."

The former conservation editor of Field and Stream magazine also recounted events leading up to his firing, charging that a change in editorial management at the magazine had been followed by editorial censorship of columns he wrote exposing a Bureau of Land Management scandal in New Mexico and attacking the Forest Service's "Environmental Program for the Future."

LAND EXCHANGES

In the former case, Frome said, the BLM had worked out irregular land exchanges with the Crowder Investment Company, a private real estate firm, in which Crowder obtained title to over a half million acres of federal land—including valuable land near El Paso and between Albuquerque and Santa Fe.

But in a separate Missoulian interview, Frome blamed his firing on new and incompetent management at Field and Stream, and he discounted rumors that the targets of his columns had pressured the magazine's parent firm CBS, Inc., into giving him the axe.

Seemingly undaunted by the hassle with Field and Stream, Frome noted that he still writes columns and travel features for other magazines, commented on his latest book entitled "Battle for the Wilderness," revealed plans for new books he hopes to write and said that the "personal satisfaction outweighs the trouble by far" in the environmental battle.

FREE TO TALK

"I feel free to say anything I please," he said, telling the wilderness association that "environmentalism must be a living creed, a personal affair, a way of life . . ."

"Individually and collectively we can work miracles," he said and added, "don't have it on your conscience that you missed the opportunity."

"The core of the issue is growth, unrestricted and uncontrolled," he said. "Growth demands energy in ever-spiraling volumes. We have acted as though land, air, water, forests, coal, petroleum and metals were limitless."

"Now at last we must recognize the finite capacities not only for our country but for the world," Frome said, suggesting that future national needs must be filled more from present affluence and waste.

"If we want to be responsible conserva-

tionists, we must not endorse the policy of developing resources to the point of crisis," Frome said.

TRIBUTE TO SENATOR ERVIN

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. METCALF. Mr. President, it would be repetitious to add to the accolades that my colleagues have expressed for my friend and colleague, Senator ERVIN. Since we both served on appellate courts, he will understand when I say that I concur.

Nevertheless, I must comment on his leadership in the passage of the budget control bill. This statute, which may be the most significant legislation to be enacted by Congress in my 22 years of service could not have passed had it not been for the presence of Senator ERVIN as chairman of the Committee on Government Operations. Even though he was concerned with the Watergate investigation and with passage of such legislation as the privacy bills and the right to a speedy trial, he recognized the importance of the budget bill and spent long hours presiding over the discussion of the bill in full committee and the markup.

Senator ERVIN will be long recognized as the hero of the Watergate investigation—fair and impartial and tenacious in the pursuit of corruption. He will be remembered as the champion of constitutional government. He will be fondly recalled for his homespun stories in debate. But when the history of this century is written, I predict he will be most praised for his activities in restoring to Congress control over the finances of the Government of the United States.

JOHN ZWACH

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DORN. Mr. Speaker, as I leave the Congress, I want to pay tribute to my good friend, JOHN ZWACH, who is also leaving this body.

Some of my colleagues have pointed out JOHN's love for rural America and his efforts in the Congress to effectively preserve and enhance the countryside. But I shall always remember him for his love of country and its people.

I have served with JOHN for a number of years on the Veterans' Affairs Committee. His position is always one of reason and his commitment to veterans and their dependents is widely known by his colleagues in the Congress and everyone knowledgeable in veterans' affairs. He loves his country and he has helped mold a program to provide benefits for those who have served our country in time of war.

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I shall miss JOHN, and Mrs. Dorn joins me in wishing for him and his family continued good health and happiness.

FOOD COMMISSION FINDINGS NOT SQUELCHED

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. HRUSKA. Mr. President, on Friday, December 13, the distinguished Senator from South Dakota, who has been a candidate for the highest office in the land, inserted an article into the CONGRESSIONAL RECORD which discussed the plight of the cattlemen.

There were many excellent points made by the author, Mr. Homer Ayres. He correctly pointed out that the conditions facing both the cattle rancher and feeder continue to be very grim. Neither the feeder nor the rancher are able to sell their cattle at prices that even cover their direct costs. Mr. Ayres goes on to state that he feels that the major reason for low cattle prices is the collusive actions of the chain stores that conspire to keep prices down by acting as one single buyer. He further states that this fact of collusion was discovered by the National Commission on Food Marketing—of which I was but one of 15 members appointed by President Lyndon Johnson—but that the findings of this Commission were "squelched from within by a minority reported headed by Senator Hruska."

Mr. President, I am shocked and appalled by this reckless accusation. Allow me to correct the record.

First, I was but one of six individuals who filed the minority report. The others were respectively: William M. Batten, chairman of the J. C. Penney Co., Catherine May, Congresswoman from Washington, Albert K. Mitchell, a rancher from New Mexico, Thurston B. Morton, Senator from Kentucky, and Graham Purcell, Congressman from Texas.

By implication, Mr. Ayres has impugned the honor of these people as well. Second, when has a study or report been "squelched" by the minority report? Where was the majority report? Did we simultaneously bury it when we filed our statement?

Clearly, this is not true. The report states the majority's views first, whereas our minority views were relegated to the last 50 pages of a 200-page report.

Does anyone seriously believe that the minority's views would prevail over our distinguished colleagues Senator WARREN MAGNUSON, GALE MCGEE, PHILIP HART, and six other Commission members?

Third, this report was filed in June of 1966. It is my recollection that Lyndon Baines Johnson, a Democrat, was then President. Both the House and the Senate were dominated by Democratic majorities. Yet, this report was "squelched."

If any improprieties were revealed by this study, it was clearly the responsibility

of the executive branch to investigate further. If this was done and it might have been, no major antitrust cases were successfully prosecuted, by the antitrust division of the Justice Department or the Federal Trade Commission.

Parenthetically, let me add that about the time the report came out the FTC dropped its supermarket investigation involving the District of Columbia area for lack of sufficient evidence. Who squelched that investigation?

Fourth, the minority report did not and I repeat, did not, state categorically that there were no anticompetitive abuses occurring in food retailing for that was not its congressional charter. Rather, it systematically indicated that the evidence presented by the majority to prove collusion was wholly inadequate and therefore could not support their policy prescriptions.

It would appear, without once again repeating our original analysis, that we were correct because no antitrust litigation was ever brought by the Johnson administration based on the compiled evidence. In short, any suggestion that Senator Hruska "squelched" the investigation is totally untrue. It is unfair and shows gross, unjustified bias of the author.

Finally, let me emphatically indicate that I am in no position to conclusively judge, one way or another, whether there has been, or currently exists, any anticompetitive abuses in food retailing whether they involve beef or any other product.

As we all know, antitrust cases are extremely complex and involve intensive investigation of all segments of a market.

However, let me present evidence, which by no means is conclusive, but does shed some doubt on the presumption or contention that supermarket chains are colluding when they purchase beef. If this were true, we would certainly expect a greater percentage increase over time in the carcass-retail spread than we would in the farm-to-carcass spread since chainstores allegedly hold down the price they pay for wholesale beef and then market it at monopoly prices.

Yet, the most recent evidence compiled by USDA—Livestock and Meat Situation, October 1974—indicates that since 1970, the farm-carcass spread has risen more than 70 percent, whereas the carcass-retail spread has risen approximately 35 percent or less than half of the farm-carcass spread.

This would imply that supermarkets might well be losing money selling fresh meat as opposed to earning monopoly profits.

This was confirmed for at least one chain, Jewel Food Stores, in testimony before the Council on Wage and Price Stability in which Mr. Perkins presented the internal accounting records for Jewel for 1974 and invited their audit by USDA.

I ask unanimous consent that the entire statement by Mr. Donald Perkins, board chairman of Jewel, be inserted in the RECORD at this time.

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In conclusion, Mr. President, let me state that I have been and will continually be intensely concerned with the problems of our Nation's cattle ranchers. However, we are never going to arrive at meaningful solutions by making flagrant, unsubstantiated charges about the activities of individuals, producer groups, or retailers.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESENTATION BY DONALD S. PERKINS

Because the food store is every family's weekly inflation reminder, ours is a highly visible industry in times like these and is easily maligned if for no more logical reason than that we are the last link in the food cycle from farm to consumer. While I accept that as an element of the environment in which we operate, I am anxious today to

present certain data which, while not easing one iota the pressure on the personal budgets with which most American families struggle, will suggest that time could be better spent than to further pursue a retail scapegoat on which to blame high food prices.

I find nothing helpful whatsoever in the conduct of those who choose to single out business or labor or government or politicians or the Arabs or the weather as the sole villain in the relatively higher cost of living we have recently experienced. Rather, I think, the more we understand about each sector of the economy the sooner will President Ford's WIN button be a symbol of success rather than a sign of hope. It is in that spirit that I will try to present to you facts about food retailing that cover a meaningful time span and do not represent short-term aberrations.

My overall message will startle some and will probably be misbelieved by others, but it is that:

TABLE 1.—PERCENT OF NET PROFIT RETURN ON SALES

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1st half 1973	1974
Fortune 500 industrials.....	5.0	5.5	5.5	5.0	4.8	4.6	3.9	3.8	4.1	4.5	NA	NA
Food retailing.....	1.3	1.3	1.2	1.1	1.1	1.1	1.1	1.0	.65	.75	NA	NA
Jewel companies.....	1.6	1.7	1.6	1.4	1.5	1.5	1.5	1.5	1.4	1.3	1.1	1.1

29 major publicly owned supermarket companies (in Fortune).

As you can see, the food retailing industry which has always been lower than the 500 industrials was at a high point in 1964 and 1965 when it earned 1.3% on sales. For each dollar of sales the industry earned 1.3 cents. This declined to a low of less than 1/2 of a penny in 1972 for each dollar of sales when 4 of the 29 food retailers operated at a loss totaling \$56 million and less than 1/2 of a penny in 1973 when 4 of the 29 food retailers also operated at a loss totaling over \$50 million. As you can also see, during this decade Jewel's earnings as a percent to sales have been declining and during the first half of 1974 have been flat.

To put food retail profits in another perspective, the 29 major food retailing companies had aggregate sales totaling \$41.3 billion in 1973. The industry earned \$310 mil-

lion on those sales. The 11 largest general merchandise retailers in the United States had 1973 sales of \$42.2 billion, about the same as the 29 food retailers. The general merchandise retailers' income, however, was \$1.4 billion whereas the 29 food retailers earned \$310 million. Thus, with approximately similar sales, the 11 largest general merchandise retailers' profits were over 4 1/2 times those of the 29 major food retailers.

Food consumed at home in the United States takes about 12% of the disposable income of consumers. If you eliminated all of the retail profit currently being "enjoyed" by the food retailing industry, that 12% would decline to about 11.9%... hardly a significant drop!

Now many will quickly point out that re-

TABLE 2.—PERCENT OF NET PROFIT RETURN ON NET WORTH

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1st half 1973	1974
Fortune 500 industrials.....	10.5	11.8	12.7	11.3	11.7	11.3	9.5	9.1	10.3	12.4	NA	NA
Food retailing.....	11.4	11.4	11.5	10.5	10.9	11.0	10.7	8.8	6.9	8.3	NA	NA
Jewel companies.....	12.1	12.9	12.3	12.3	13.1	13.1	11.9	12.2	12.0	11.3	9.3	9.7

29 major publicly owned supermarket companies.

Return on net worth or return on investment is not such a mysterious subject when we relate it to the cost of obtaining money for investment. We wouldn't expect individuals to borrow money on their bank credit cards at 18% interest only to re-invest it in savings accounts at 5.5% interest. Similarly, we can't expect to use borrowed or equity funds and invest them at a rate lower than our cost of money, particularly at a time when money costs have been so high.

Many might agree that retail profits and return on net worth have been declining, but would still ask why the industry needs profit. What is it used for? I would like to use Jewel Companies data to answer this question. A simplified cash flow statement for Jewel in 1973 is shown in Table 3.

TABLE 3. JEWEL COMPANIES, INC., 1973

[In millions]	
Cash used:	
Working Capital (Inventories and Cash)	\$22.4
Land, Buildings, Equipment, Trucks	77.9
Dividends to Shareholders	12.5
Repayment of Debt	4.7
Total	117.5
Cash generated:	
Profit	\$29.6
Depreciation & Deferred Items	36.6
Sale of Stock	.8
New Debt	50.5
Total	117.5

food retail profits have recently been at a post-World War II record low and are still too low for most supermarket companies to adequately maintain their stores to operate most efficiently in today's competitive climate.

and contrary to what you have read in the press, the retail price spreads or margins in total and particularly for beef and other meat have been relatively flat in spite of dramatically increasing expenses for supermarket operations!

Any thoughtful American shares your concern and all consumers' concerns about rising food prices, and I will be relieved when food supplies increase so that prices can moderate. My hope today is to present to you data which illustrates that the food retailer is not the perpetrator but simply another victim of current inflation.

Table 1 shows the return on sales, for the Fortune 500 industrial companies, 29 major food retailers and for Jewel Companies.

turn on sales is not the best measure of retail profitability—and we agree. However, the decline in earnings as a percent of sales in recent years is readily apparent... all of which should assure anyone that food retailers operate in an extremely competitive environment.

Another measure of profitability is return on net worth or stockholders' equity. Table 2 shows the return on net worth for the Fortune 500 industrials, the 29 food retailers and Jewel Companies. In this particular case food retailing companies compared favorably to the Fortune 500 industrials until 1972 and 1973. Jewel has a modest increase in the first half of 1974 over the price control and freeze period of 1973, but the results are still at historically low levels.

We needed \$22.4 million for increased working capital—primarily for inventories, supplies and cash. We needed the additional inventory capital not only because we opened new stores, but also because we paid more for the merchandise we bought for existing stores. This latter need for working capital has been most significant.

In 1972 we had 966 grocery item cost increases, in 1973 we had 7,583 and so far this year we have already had an unbelievable 14,671 grocery item cost increases and the year isn't over. These increases relate to approximately 5,000 grocery items, thus we have had an average of almost three cost increases on each item already this year!

Jewel also spent \$77.9 million for new stores and the replacement of existing stores and equipment. The cost of building

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new stores has increased dramatically over the last ten years. A 25,000 sq. ft. store could be constructed for \$233,000 in 1964, \$444,000 in 1973. However, it now takes \$553,000, a 137% increase in 10 years and a 25% increase in the last year alone and that cost does not include land.

All the money, however, did not go for new stores. A substantial portion went for replacement and remodeling of existing stores. Every homeowner knows that her home furnishings won't last forever and when they are replaced they typically cost more. Jewel experience is the same. For instance, one 8 foot freezer today costs 65% more than it did in 1964 when we installed many we are now replacing.

We also used \$12 million of cash for dividends to our stockholders. At the current dividend rate and even considering the depressed state of the stock market, this represents a return of less than 6% to our shareholders.

Last year, Jewel also used \$4.7 million to repay money borrowed in the past. So, as you can see, Jewel spent \$117.5 million last year and now, where did we get that money?

First, \$29.6 million, or only one-quarter of it, came from profits. Another \$36.6 million came from depreciation and deferred items. In an inflationary economy the cash flow which comes from depreciation charges is woefully inadequate to replace older equipment at new higher prices. Our best current estimate is that on average it costs us \$1.40 today to replace each \$1.00 of depreciated equipment.

Jewel received an additional \$800,000 from the sale of its stock to new and existing stockholders. I'm sure if our profits and/or the stock market had been more favorable, we could have raised more money from this source.

This left \$50.5 million that we needed and there was no other choice but to borrow it.

TABLE 4.—FOOD RETAILING INDUSTRY¹

	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
Gross margin (percent).....	19.78	20.00	20.11	20.09	20.60	20.60	20.39	20.31	19.97	20.03
Store, office, warehouse, transportation, interest expense (percent).....	17.40	17.73	17.94	18.12	18.47	18.50	18.41	18.62	19.00	18.74

¹ 29 major publicly owned supermarket companies.

As you can see, industry gross margins reached a high point of 20.6% in 1968 and 1969 and a low of 19.97% in 1972.

As you know, gross margins are the difference between what we pay for a product and what we receive for it. With gross margin we pay our expenses. What has happened to food retailing expenses in the past decade? A review of the total expenses of our industry as a percent of sales shows that they have been increasing faster than margins. And, these expenses do not include State and Federal Income Taxes. The spread between these numbers was 2.38% in 1964. In 1972 it was .97% and in 1973, 1.29%.

One of a retailers least understood gross margin challenges is the difficulty of predicting the influence of changes in the consumer's mix of purchases. And changes in purchasing habits have been occurring often and dramatically.

Last year, for instance, our meat tonnage was off 6% while our customers purchased 30% more pasta products. In a fragile, low profit margin business, such a change can have great significance.

For purposes of illustrating the influence of a change in consumer purchase mix, let me assume that we have a six item store rather than an 8,000 item store. There are no other changes except the assumption that customers change some of their purchasing pattern from steak and potato salad to soup and spaghetti. Here's what happens as shown in Table 5.

TABLE 5.—THE SUPERMARKET MIX PROBLEM

	Unit cost	Unit retail	Product mix I sales	Product mix II sales
Campbells Tomato soup.....	0.15	0.19	10	12
Prepared potato salad 1 lb.....	.38	.69	1	0
G/W sugar 4 lbs.....	1.68	1.88	5	5
Hamburger 1 lb.....	.70	.98	5	5
Sirloin Steak 1 lb.....	1.12	1.59	1	0
Red Cross Spaghetti 1 lb.....	.30	.48	5	7
Total units.....			27	29
Total sales.....			\$20.88	\$19.94
Total cost.....	16.40			15.80
Gross margin (dollars).....	4.48			4.14
Gross margin (percent).....	21.46			20.76

Of course, I realize that a 6 item market basket may seem inadequate or contrived, but let me assure you that the point of this illustration is absolutely as true for a full market basket or for a total store's sales as it is for this illustrative example. We can have a seemingly small change in margin percent (21.46% to 20.76%) without changing one retail price and that only costs us 34 cents of gross margin in this illustration. But that small margin difference if extended to our total food store business would equal the total net profit of Jewel Companies last year! And remember not a price was changed.

Of course the margins or spreads you want most to hear about are those for meat and particularly beef. Cattle supply and demand imbalances have been great and have resulted in much publicity in search of profiteering. The USDA seems to feel that the retailer may be that culprit. I quote from an August Special Task Force Report to Secretary Buttz:

"... The changes in meat price spreads and general marketing costs suggest that profits for retailing meat increased sharply during the first half of 1974. Based on this circumstantial evidence, it appears that the recent increase in meat price spreads was caused partially by food retailers changing their pricing policies to increase profits in their meat departments."

Of course, I don't have current profit information for other companies because each operator normally regards such information as confidential. But the misinformation on this subject has reached such extremes that I'm going to show you actual results of the Jewel Food Stores this year, and I invite the USDA to come audit these numbers if they doubt my word.

Had the Task Force sought out this type of real rather than circumstantial evidence they would have realized that their statistics are incorrect and their conclusion is wrong!

Our accountants generate income statements for our various store departments. Perhaps you will be surprised to learn that we lost money selling fresh meat thus far in 1974. In the first half of 1974 on sales of \$95 million of fresh meat, the Jewel Food Stores lost over \$5 million before charges for interest and taxes. Obviously we have not found a way to operate a supermarket without fresh meat and consumer price resist-

\$14.8 million of this was borrowed through mortgages on our stores. However, \$35.6 million was lent to us not secured by a mortgage but by general credit. Is this important? Ask Penn Central, Pan Am and other service companies who are not profitable, if they can borrow enough money to continue to provide outstanding service efficiently.

We are not asking you to feel sorry for us. It is our responsibility to make sure that we don't spend more cash than we can generate from profit and the prudent use of additional debt. We only ask that you understand that in the tough competitive climate in which we're operating we too are concerned about inflation's impact. In fact, we are rethinking our entire new store program and the replacement program for existing equipment. We certainly can't reinvest cash we don't have. Let's now talk about margins and expenses and their trends over the last ten years as shown in Table 4.

ance and competitive pressures dictate that we can't charge more for fresh meat.

However, you're probably not concerned with whether we make money or lose money selling beef. What you are concerned about is the spread. Let's look at the actual costs and percent and cents per pound price spreads in recent years in the Jewel Food Stores. These numbers in Table 6 come directly from our accounting records.

TABLE 6.—BEEF STATISTICS—JEWEL FOOD STORES

	Cost per pound	Retail per pound	Gross margin per pound	Gross margin (percent)
Annual average:				
1971.....	.5781	.7297	.1516	20.78
1972.....	.6057	.7781	.1724	22.16
1973.....	.7455	.9164	.1709	18.65
1974, period (4 weeks):				
1.....	.8045	.9957	.1912	19.20
2.....	.7309	.9064	.1755	19.36
3.....	.6772	.8492	.1720	20.25
4.....	.7523	.9076	.1553	17.11
5.....	.7072	.8696	.1624	18.67
6.....	.7479	.9328	.1849	19.82
7.....	.7501	.9327	.1826	19.58
8.....	.7540	.9291	.1751	18.85
Weighted average 1st 32 weeks of 1974.....	.7419	.9161	.1742	19.01

Note the interesting correlation between cost and retail. When cost goes up or down, so does the retail price with very minor exceptions.

If the average retail prices per pound look low to you, you probably are overlooking the fact that out of a 1,000 lb. live steer or heifer we end up with a 600 lb. carcass and from that we sell about 180 lbs. of bone and fat for about 10c per lb. Of course we'd rather not bring that bone and fat into our stores, but our union contracts do not permit central processing.

During the first 32 weeks of 1974, when margins per pound actually ranged from 15.5c to 19.1c we were being... and still are being... accused of raising our margin or spread to 40c or more. We'd have a good

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profit instead of a fresh meat department loss if we had a spread anywhere near what the USDA says we have. The USDA statistics in this area are simply not accurate.

To show you that the story is essentially the same if you look at the entire meat department, look at Table 7. And I think that Jewel's experience is fairly typical. Our

percent and our cents per pound margins were actually lower in our meat departments in the first 32 weeks of 1974 than they were in 1973.

TABLE 7.—TOTAL MEAT DEPARTMENT JEWEL FOOD STORES

	Average cost per pound	Average retail per pound	Dollars per pound margin	Gross margin (percent)
Year or period:				
1971.....	\$0.5470	\$0.7136	\$0.1666	23.35
1972.....	.6082	.7922	.1840	23.23
1973.....	.7567	.9621	.2054	21.35
1974 period (4 weeks):				
1.....	.7410	.9398	.1988	21.15
2.....	.7477	.9482	.2005	21.15
3.....	.7109	.8677	.1568	18.07
Weighted average, (1st 32 weeks of 1974).....	.7370	.9253	.1883	20.35

Throughout my comments today I've mentioned expenses. Unfortunately, we do not have current industry-wide data for individual expense items, but we do have Jewel

Food Store expense information which I think you'll find of interest. In an attempt to give you the facts without revealing confidential data, Table 8 traces

important operating information using 1964 as the base year.

TABLE 8.—JEWEL COMPANIES PER WEEK PER STORE INDEX

	1964 (base year)	1965	1970	1971	1972	1973	1973 (1st 32 weeks)	1974
Sales.....	100	161	187	202	218	254	240	309
Gross margin.....	100	155	180	200	218	250	235	304
Key expenses:								
Payroll and supplies.....	100	169	196	218	239	273	261	331
Advertising.....	100	122	128	147	148	180	154	285
Rent.....	100	139	169	190	207	237	227	286
Utilities.....	100	120	163	183	222	235	256	326
Health insurance.....	100	161	193	280	286	384	411	480
Taxes (nonincome).....	100	187	265	313	383	479	470	665
Transportation/warehousing.....	100	170	220	232	252	290	269	349

As you can see, sales have more than doubled by 1973 to 254 over the base of 100. Perhaps more important than sales is gross margin. Margins have lagged sales in all years except 1972 when they were equal and the lag is identical in the first 32 weeks of 1974 to what it was in the same period of 1973.

Since our margins exist to cover our expenses, let's review them starting with payroll and supply expense. As you can see, in every year payroll and supply expense is increasing at a faster rate than our gross margin. Although we have instituted many productivity improvement programs and are proud of our leadership in this regard, it has been impossible for us to be sufficiently productive to overcome rising payroll costs.

Advertising and rent have not risen as fast as either gross margin or sales through 1973. In the years 1968, 1970, and 1971 utility costs did not go up as fast as margin dollars and we would normally expect utilities to be a somewhat fixed expense. However, beginning in 1972 and into 1973 and 1974 you can see dramatic changes in utility costs in relation to the past. And Jewel in Chicago has not been impacted as heavily as our stores in New England, because Chicago generates a greater percentage of its energy from nuclear power. In New England, even after cost savings of \$220,000 through reduced usage, our utility costs are up by over \$1 million in the first 32 weeks of this year, and that increase occurred in only 57 stores.

Health Insurance for our people reached 480, almost five times it's level 10 years ago. I do not need to tell you about the inflationary trends in hospital and health care, which have impacted our company significantly. As you can see, each and every year, health costs are rising faster than margins and the spread is widening.

But the award for fastest growth goes to various taxes other than taxes on income. This expense has increased at the fastest rate

on the chart. In 1964 taxes other than income taxes were \$6,500 per store. This year the comparable number is \$26,800 per store.

Finally, transportation and warehousing, the truck fleet, drivers, maintenance, gas and oil and warehouse operations are also increasing faster, than gross margins in spite of new mechanical equipment, larger trucks and considerable investment to make productivity improvements possible.

I could go on about other expenses, especially interest expense, but the trends are obvious and the reasons for decreasing returns on investment in food retailing are apparent. Most importantly, you can see that food retailing margins must increase and not decrease if an efficient food distribution system is to continue to operate in the United States.

We are living in a difficult period of time. We are all frustrated by inflation and are looking around to see who's at fault. Food retailers are frustrated too! We have not increased our margins enough to cover rising expenses much less to achieve exorbitant profits.

The challenge for all of us is:

1. To encourage all out farm production.
2. To encourage changes in business, labor and government practices which inhibit food industry productivity, and
3. To encourage new investment which will provide the tools for food industry productivity improvement and which will enable ancillary industries such as transportation companies and utilities to maintain their service at a level needed to support continued efficient food distribution.

We have previously submitted these ideas in more detail to the recent summit conferences organized by President Ford. My comments may not be what you had hoped to hear as you search for an available culprit on which to blame higher prices... but to the best of my ability to tell it, it's the story of food retailing in 1974.

HON. KENNETH J. GRAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, our colleague KEN GRAY can point to tangible manifestations of his public service that are unsurpassed in America today. As the dynamic, creative, and diligent chairman of the Public Buildings and Grounds Subcommittee KEN GRAY has played an incalculable role in enhancing the efficiency of the Federal Government's operations as well as the physical appearance of its buildings.

Through his diligence and his persuasiveness KEN GRAY has succeeded in developing a Federal public buildings program that combines architectural excellence with efficient use of taxpayers' money. It is largely due to KEN's tenacious efforts that a National Visitors Center is now under construction at Union Station, a center that will properly introduce millions of Bicentennial visitors to the splendors of the Nation's Capital.

The Kennedy Center for the Performing Arts, JFK Stadium, and countless other magnificent projects in Washington and throughout the Nation are evidence of his vision and dedication.

To name but one other, I personally know of his efforts in securing a magnificent new Federal building for our State's Capital City Columbia.

Mr. Speaker it has been my great personal pleasure to serve with Congressman GRAY on the great Committee on Public Works. We appreciate his outstanding work for the committee and for the Nation and wish for KEN every happiness and continued success in the years ahead.

SENATOR NORRIS COTTON OF NEW HAMPSHIRE

HON. JAMES O. EASTLAND

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. EASTLAND. Mr. President, it has been my privilege to know NORRIS COTTON as a fellow Member of the Senate throughout all the years since he was first elected to the Senate in 1954 to fill the vacancy caused by the death of Senator Charles W. Tobey. I feel keenly the loss to the Senate which will result from his decision to retire.

His distinguished 20 years in the Senate has been only the most recent part of his service to his native State which goes back half a century. He was first elected to the New Hampshire House of Representatives in 1928 when he was a young man still in his twenties. He had then already seen service in Washington as secretary to Senator George H. Moses in the years 1924-28.

He served as speaker of the New Hampshire House of Representatives and served four terms as a Member of the U.S. House of Representatives from New Hampshire before he came to the Senate.

I shall miss NORRIS COTTON and while I know that he looks forward to his retirement in his native New Hampshire, I hope that he will from time to time visit Washington and the floor of the Senate where he has so many friends and where he has rendered such distinguished service.

RABBI SAMUEL KORFF

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mrs. HECKLER of Massachusetts. Mr. Speaker, The recent and untimely death of Rabbi Samuel Korff brings deep sorrow to all those who have admired and respected his outstanding work. The Rabbi's long list of commendable accomplishments include his service as Rabbinic Administrator of the Associated Synagogues of Massachusetts and his leadership for 35 years of Congregation Kehillath Jacob. Additionally, Rabbi Korff was the driving force behind the Rabbinical Court of Justice and served as Jewish chaplain to the Boston Fire Department and the Deer Island House of Correction. His program to certify packaged foods as kosher has received national recognition. Rabbi Korff's extensive efforts on behalf of the entire community will be greatly missed, but his

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vital accomplishments will stand as a lasting tribute to this dedicated American.

THE RETIREMENT OF DR. FLOYD M. RIDDICK

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. HATHAWAY. Mr. President, there are 100 Senators who work in this Chamber for improvement in the quality of life for all Americans and for the Nation. It is important work, and necessary work, and at times it is visible work, for the Nation and its press watches us carefully. Occasionally credit is given, flashbulbs pop, and a Senator is recognized for this achievement or that. But, Mr. President, there is a force that guides this body other than that of a Senator or elected officials.

When this 93d Congress adjourns in the near future, our Senate Parliamentarian, Dr. Floyd M. Riddick, will retire. He is not an elected official, his name never appears on a piece of legislation, and he never makes the front pages of our national press. But he is as much responsible for the good that comes out of this Chamber as any Senator, for it is his guidance and his unique knowledge of parliamentary procedure that permits the hundreds of bills and resolutions to flow through this Chamber and into the laws of our society.

It would be inappropriate to call him an unsung hero, for all of us here do recognize the valuable role he plays in our deliberations. But there are few opportunities for him to take the credit he so richly deserves, and I am especially proud today to publicly thank him for his expertise and patience. The former has been invaluable in making it possible for this body to function in an efficient manner; the latter is for his understanding of those of us whose zeal to deal with an issue sometimes clashes with established rules and procedures.

Those qualities are rare, and will be sorely missed. Dr. Riddick has served his Nation well during his many years of service here, and I wish him and his wife Marguerite the very best of success and happiness in the future.

BUDDHIST CHURCHES OF AMERICA

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. PHILLIP BURTON. Mr. Speaker, on the closing day of the 93d Congress, I placed in the CONGRESSIONAL RECORD remarks relating to the 75th anniversary of the founding of the Buddhist Churches of America. I would like to place some additional material in the RECORD at this time relating to the same subject. The text follows:

BUDDHIST CHURCHES OF AMERICA

The Buddhist Churches of America is an incorporated religious organization of Buddhist Churches of the Jodo Shinshu faith on the mainland of the United States. The organization consists of 60 churches and 40 branches located throughout the nation with 80 ministers actively serving the spiritual needs of over 100,000 Buddhists of Shinshu faith.

NATIONAL HEADQUARTERS

The administrative offices of the National Headquarters for the Buddhist Churches of America are located at 1710 Octavia Street, San Francisco, California 94109. The administrative duties are conducted by the Office of the Presiding Bishop, the Executive Secretary, the Youth Department, the Sunday School Department, English Secretary, Japanese Secretary, and Bookstore Personnel.

The 60 independent churches and 40 branches are located throughout the continental United States from the west to the east coast. They are divided geographically into eight districts:

Southern District: Los Angeles area, Southern California, Arizona.
Central District: Fresno area.
Coast District: Monterey area.
Bay District: San Francisco Bay area.
Northern District: Sacramento area.
Northwest District: Washington, Idaho, Oregon.
Mountain States District: Utah, Colorado, Wyoming, Nebraska.
Eastern District: Illinois, Ohio, New Jersey, New York, Washington, D.C.

MINISTERS

The 80 ministers actively serving the spiritual needs of the Buddhists of Jodo Shinshu faith constitute the BCA Ministerial Association. The Association meets biennially and elects the Chairman of the Ministerial Association every two years. The Chairman of the Ministerial Association presides over the affairs of the Ministerial Association and represents the voice of the ministers at the BCA Board of Directors Meetings.

AFFILIATED ORGANIZATIONS

Affiliated organizations are maintained by each church in order to meet the spiritual, social, and educational needs of all age group members. The principal organizations are The Buddhist Women's Association, Adult Buddhist Association, Young Buddhist Association, and Sunday School Teachers Association. These affiliated organizations are organized into larger leagues and federations. One representative from each league or federation represents the voice of their respective organizations at the BCA Board of Directors Meetings.

EDUCATIONAL CENTERS

There are two educational centers in the United States; the Institute of Buddhist Studies located at 2717 Haste Street, Berkeley, California 94704, and the American Buddhist Academy located at 332 Riverside Drive, New York, New York 10025.

BUREAU OF BUDDHIST EDUCATION

Sunday School Department:
The Sunday School Department coordinates the activities of and gives guidance to all Sunday schools under the jurisdiction of the Buddhist Churches of America.

Youth Department:

The Youth Department coordinates the activities and offers guidance to all young Buddhist organizations under the jurisdiction of the Buddhist Churches of America.

Adult Department:

The Adult Department is concerned with adult education.

Music Department:

The Music Department is concerned with the promulgation of Buddhist music among the Buddhist congregation.

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PUBLICATIONS

The BCA publishes a monthly newspaper "Wheel of Dharma" in English and Japanese which is distributed to all member families, as well as universities and overseas organizations.

The BCA Publishing house publishes Buddhist books in English.

BUDDHIST BOOKSTORE

The BCA operates the world's largest bookstore on Buddhist books in English.

AUDIO-VISUAL LIBRARY

The BCA possesses the world's best selection of Buddhist films and slides and tapes for loan to member churches and colleges.

BOARD OF DIRECTORS, 1974

The Board of Directors is composed of the following:

Presiding Bishop Kenryu T. Tsuji, Honorary Chairman.

Officers

Hiroji Kariya, President, Mt. View, California.

Tosh Nishimura, President-Elect, Morton Grove, Illinois.

Hiroshi Mayeda, Vice President, Dinuba, California.

Yoshio Kosal, Vice President, Tacoma, Washington.

Fred Furuichi, Secretary, San Rafael, California.

Noboru Hanyu, Treasurer, San Francisco, California.

Tsukasa Saneto, Auditor, Los Angeles, California.

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Fred Yasukochi, Ventura, California.

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Albert Nakai, East Palo Alto, California.

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Dr. James Ikemiyu, Reedley, California.
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Jack Tsuchida, Sacramento, California.
Hiroshi Takemoto, Loomis, California.

Northwest—District 7

Yoshio Kosal, Tacoma, Washington.
Jack Ouchida, Gresham, Oregon.
Tsuyoshi Horike, Seattle, Washington.

Southern—District 8

Dr. Ryo Munekata, Los Angeles, California.
Henry Miwa, Torrance, California.
James Yoshimura, Gardena, California.

Members-At-Large

Noboru Hanyu, San Francisco, California (1977).

Tsukasa Saneto, Los Angeles, California (1977).

Dr. Sumio Kubo, Kerman, California (1977).

Hiroji Kariya, Mt. View, California (1976).

Dick Matsui, Camarillo, California (1976).

Hiroshi Mayeda, Dinuba, California (1976).

George Fujino, Oakland, California (1975).

Dr. Tom Taketa, San Jose, California (1975).

Kazumi Tokunaga, Campbell, California (1975).

EXTENSIONS OF REMARKS

Affiliated organizations

Kei Hayame, Federation of Western Buddhist Sunday School Teachers League, Sunnyvale, California.

Craig Sakaguchi, National Young Buddhist Association, Fresno, California.

Tom Matsuda, Western Adult Buddhist League, Gardena, California.

Mrs. Mary Yamamoto, National Federation of Buddhist Women's Association, Sacramento, California.

Ministerial Association

Rev. Kosho Yukawa, Chairmen, Union City, California.

District Ministerial Association Chairmen
Rev. Toshio Murakami (District 1), Berkeley, California.

Rev. Shintatsu Sanada (District 2), Parlier, California.

Rev. Kyoshiro Tokunaga (District 3), San Jose, California.

Rev. Kyogyo Miura (District 4), Cleveland, Ohio.

Rev. Masanori Ohata (District 5), Ogden, Utah.

Rev. Akira Hata (District 6), Penryn, California.

Rev. Shoki Mohri (District 7), Tacoma, Washington.

Rev. Ryuel Masuoka (District 8), Los Angeles, California.

Bishop's Advisory Council

Rev. Giko Abiko, Sebastopol, California.

Rev. Satoshi Hirata, Anaheim, California.

Rev. Ejitsu Hojo, San Jose, California.

Rev. Keisho Motoyama, Palo Alto, California.

Rev. Teshin Shibata, Stockton, California.

Lay advisers

Harry Kurotori (District 1), Hayward, California.

Dr. Kikuo Taira (District 2), Fresno, California.

Hideo Ito (District 3), Monterey, California.

Noby Yamakoshi (District 4), Chicago, Illinois.

Jack Oda (District 5), Clearfield, Utah.

George Miyao (District 6), Sacramento, California.

Yoshito Fujii (District 7), Seattle, Washington.

Elju Sasajima (District 8), Los Angeles, California.

FINNISH AMERICANS: A PROUD HERITAGE

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. GRIFFIN. Mr. President, as this Nation approaches its 200th anniversary of the Declaration of Independence, it is well to recognize the fact that America today is the result of the contributions of many different groups of people.

One ethnic group with a proud heritage is the Finnish American, whose toll and talent helped carve the mines and clear the wilderness of the northern Midwest.

Perhaps nowhere is the presence of the Finn more evident than the Upper Peninsula of Michigan, where the climate and the striking natural beauty reminds one of Finland. As a result thousands of Finns chose upper Michigan as their new homeland.

Northern Michigan University, located in Marquette on the shores of Lake Superior, chose to focus upon the manifold

contributions of the Finn, in its sponsorship of Finnish Culture Week, December 16-21. It was part of the university's yearlong 75th anniversary observance.

One of the features of the week was an address by Dr. John I. Kolehmainen, professor of political science at Heidelberg University, Ohio, a noted scholar and authority on Finnish immigrant culture.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FROM UNDERGROUND MINES TO BACKWOODS FARMS

(By John I. Kolehmainen)

To most Finns, coming as they did from the Old Country largely unskilled, impecunious, and rural in background, a job—in the mines and quarries, logging camps and sawmills, railroads and ore docks, factories and fishing fleets—was a life-and-death necessity.

Many thousands of Finns, it was said, descended directly from emigrant trains into the flickering darkness of Upper Michigan copper and iron mines. Their first experiences remained indelibly etched in their memories. About a quarter after six in the evening, the underground night shift began to congregate in the change house, where they dressed in heavy, ore-stained clothing and boots, and put on metal helmets equipped with small open torches. The miners, old-timers and novices, walked slowly to a tall and eerily-looking shafthouse. Inside a bell was clanging as a giant drum wound up a huge cable running out from a steep and ugly shaft opening. As the men waited for the cage to reach the surface, they stopped their idle banter, becoming strangely quiet and serious, as if awed by what lay below.

The miners piled into the cage, thirty at a time, three abreast, each of them holding a tin lunch pail firmly in his lap. The cage jerked clumsily upward a few inches, like a startled colt whose bit had been seized. Then suddenly, the earth opened up and the workers plunged swiftly into a black watery hole sometimes a distance of nearly a mile. The newcomers had never seen such blackness: a subservient realm of night, broken only by the dim illumination of a few electric lights and the bobbing, seemingly off-and-on torches on the men's helmets, which looked like the leering eyes of shadowy monsters.

Nearly 300 men were working the night shift. Cousin Jack and Irish miners—the aristocrats of the underground world—sounded a steady rat-tat-tat with their heavy two-man drills as they bore deep holes into the rock, which were later packed with dynamite. The trammers, largely the more recently arrived Finns, Italians, and South Slavs, did the backbreaking work. In front of every two trammers stood an empty, squat trammer, weighing more than a ton. The trammer's first task was to fill the trammer with rock that had been more or less loosened by the previous shift's blasting. They puffed and sweated and sometimes cursed as they smashed their sledges against the larger chunks and lifted and shoveled the heavy rock. The bottom of the car was soon covered; more slowly, ever more slowly it seemed, the contents rose to the quarter, the half, and finally, the full mark. "Not yet," warned an old-timer as the novice was about to put his shovel down. "It has to be heaping full, at least two and a half tons, otherwise the boss will complain." Their clothes had become rust-stained with ore and perspiration. "Come on," a greenhorn was advised by his companion, who had stripped to the waist, "you'd better shed your lordly skin too."

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At last the trammer was loaded, but their work was not finished. This three and one-half mountain had to be pushed by hand and shoulder down the drift a distance of several thousand feet to the shaft. A slight downgrade helped somewhat, but the tracks were uneven and the curves sharp; the wheels of the car, wobbling around seldom-greased axles, wedged tight against the rails as the two miners inched around the turn.

At the shaft they dumped the ore into a skip, and then started back up the grade toward the stope, grunting hard every foot of the way.

There was no rest for the trammers. Paid on a contract or piecework basis, they had to load at least twenty tons of rock and to make from eight to ten trips from the stope to the shaft if they wanted to earn a daily wage of about two and a half dollars. The wheels of the underground mill turned swiftly indeed. Faster—faster—faster! More ore! More ore!

One Finn has recorded for posterity the agonizing initiation process by which a tender neophyte was hardened into an underground denizen. "My first days were a foretaste of hell," he wrote. "After making several trips from the diggings to the shaft, pushing the heavy tramcar, I was wretchedly tired. My thirst was unquenchable; sweat flowed in rivulets from my pores. My legs threatened to give way, and my body became limp. But I had to go on—my pride insisted on that. My partner saw that I was exhausted. But instead of slowing his pace, he speeded it; apparently he wanted to show me what America was like, and to exhibit the strength of an old-time trammer. When lunch-time came, I was well-nigh prostrate; my food did not go down; my eyes saw dimly; my ears rang; my heart pounded violently. But I couldn't give up—everyone would have laughed at me. As we rode the cage to the surface after the shift was over, my partner showed me his gnarled, rust-eaten hands, and then remarked, 'When your paws are like these, then you'll be able to stand the pace.'"

In such toil passed the nights, the days. Some Finns became well-adjusted to the mole-like way of life. "In the mines we are at home," one often heard them argue over their lunch. "It never rains down here; we don't suffer from the scorching heat of the summer sun or the biting winter winds that sweep across Lake Superior. We are free from the worries of the upper world."

Indeed, many Finns began to take uncommon pride in their occupation, and looked upon themselves as a band of Herculean heroes, who pitted their brawn against a tenacious Mother Earth, compelling her to yield her treasures. They laughed at the ever-present dangers of accidental death or injury, or more often, put their lives, in a sort of fatalistic way, in the safekeeping of Jesus. The ordinary butcher-baker-candlestick maker functions performed in broad daylight were, of course, the objects of undisguised scorn. "If there were more women in this world to do those jobs," bragged these underground dwellers, "then perhaps we could make trammers of even so-called men."

Talk of mining filled the streets of the mining towns, the saloons, boardinghouses, and saunas. Greenhorns and greybeards trammed and drilled, timbered, sunk shafts and dynamited—even in their dreams.

There was, however, a more ominous side to the mining saga. To begin with, the industry before the First World War was fraught with the dangers of accidents. Reported in the cold print of newspapers and periodicals, they did not often evoke strong emotions. The *Aamurisko* of New York Mills, Minnesota, reported that twelve Finns had perished in the Ishpeming, Michigan, mines during 1887, and added, "Most fortunate is he who can work on his own land." In Marquette County, Michigan, "ghastly and agonizing"

whistles blew a dirge for twenty-nine miners, twelve of them Finnish, who during the year ending September 30, 1902, failed to return from the pits.

Of thirty-eight burial aids paid by a Finnish fraternal organization in Michigan during the year ending June 30, 1900, twenty-five were for accidental deaths. In the years 1900-1903, 146 fatal accidents occurred in seventeen Houghton County mines.

These data became far more alarming when verbalized in purple prose by amateur writers in the Finnish-American press. Herewith some samples:

"Accidents are always happening. The ceiling tumbles down, the side walls collapse, the timber supports snap, or the dynamite goes off unexpectedly."

"The everlasting, gnawing fear, the anxious upward glances at the large chunks of rock and ore hanging over their heads, which seemed to warm, 'Beware! Some day we'll fall and bury you!' Then one day, a sudden crash, the walls heave and quiver, then fall apart. Men shriek in terror, run down the drift toward the shaft, their only road of escape. But it's too late: a black, suffocating blanket envelopes everything. A rough curse is heard, and the faint, pitiful cries of distress, then the awful silence of death."

Fatal and maiming injuries were not the only evils of mining. "My rubber boots filled with sweat, it was like wading in water," recalled a Finn of his unpleasant experiences in a hot Ironwood mine. From the Mesabi Range came the charge that open-pit work too was "wet, dirty, and thoroughly disagreeable." Complaints of personal disabilities were heard: "My back began to give way, rheumatism grumbled in my knees, my ruddy cheeks were changing into the color of the vaulted Republican 'dinner pail.'" The portrait etched from these materials was not inspiring:

"For many a year he'd toiled in the mine, And for wages he had pocketed An ailing body besides his bread, A caved-in chest and a crooked spine."

"Health and vigor," warned a Calumet, Michigan, daily, "are worth more than any other treasure." The neighboring Hancock, Michigan, newspaper prophesied: "Back to the land! Back to the land! This will be the motto of those who have lost their health in the mines."

The exodus to the cutover lands of northern Michigan, Minnesota, and Wisconsin was speeded by unsuccessful strikes and blacklists, and the honeyed words of glitzy land agents. By 1914, the region, well described as "a desert of stumps and tree tops and brush," was dotted with Finnish settlers, whose first beginning was "a tiny, rough-lumber, tarpapered shanty."

The wasteland was not easily won. Every opened furrow, glistening in the sun with sweat and tears, was eloquent evidence that "in this life, bread does not come through play." Work days were long, providing no time for the newcomer to "observe the rising or the setting of the sun. He noted only that the days were too short in his kingdom." The ugly countenances of stones and boulders leered from beneath the mulch. Imperishable pine stumps sweated resin in the heat of summer, as though shedding tears at the graves of the fallen giants.

The former miner (or factory hand, or fisherman, or seaman, or railroad worker) confidently tested his sharp axe-blade against the nearest stump. "The wound grinned at him like a resinous mouth. He swung the axe a second time, and he now felt how deep the roots really were. The earth shook, but the pitch-filled tentacles clung fast to the sand and the stones. He swung again, and again, in a frenzy, but the stump won the battle—it did not budge." After hours of

maddening toil, the intruder "realized for the first time that his quest for fortune in the wilderness would not be as easy as he had imagined." Like Willa Cather's pioneer, he came face to face with the truth that "this land wanted to be let alone, to preserve its own fierce strength, its peculiar savage kind of beauty, its uninterrupted mournfulness."

Such a formidable and hostile foe merited a worthy antagonist, and the wilderness found its match in the Finnish immigrants. "They seem to thrive," reported a writer in 1912, "where the hardships are most severe."

What assets, what attributes of body and mind, did the Finn possess that made triumph possible, more often than not, in this mighty, desperate, silent struggle?

First of all, he generally brought into the fray arms of steel, and a body which, although not always gargantuan in outside dimensions, was wiry, resilient like the juniper tree, driven by a well-nigh inexhaustible fund of power. The Finns were, in the words of one of their number, "healthy, stiff-necked, endowed with the strength of a bear and the endurance of a mule."

A second, highly important advantage was found in the Finns' conception of their unique nature and their mission in life. To them, a wilderness blazer's role was no fortuitous adventure, no passing episode, but a charge pregnant with meaning and inner satisfaction. Many immigrants believed that God had commanded men to seek their happiness from the soil, and were reassured by the words, "When God wanted to make man completely happy, He put him on a piece of land." It was widely held that the special obligation of the Finns, in whom it was said dwelled an irresistible "land spirit," was to conquer the wasteland, to carve "little holdings out of forest and rock-strewn soil." In addition, a backwood's existence meant the opportunity to satisfy the old deep-rooted craving of the impoverished landless to own land. "The Finn is singular," affirmed one of them, "in that sooner or later he is conquered by an unreasoning, mad passion to own his own place, which means that he has to get a small plot of land, on which he can stand legs apart and say, 'This is mine and others have no right to trespass here.' He has to have something, if only a birch tree, a spruce, or a pine, a goat or a cow, around which he can fling his arms and exclaim, 'This no one, not even the richest lord, can take away from me. For this is mine!'" A house of his own, thus, was the dream of every Finn. Here he could exult:

"Here I am lord and give commands Free from the bosses' bad intent. My toll's rewarded by my lands, Which once to the extortioner went. A third asset was the willingness to sacrifice present comforts for the promise of future rewards. As a rule, the Finns "worked harder, saved more, and lived with fewer of the material comforts" than their American neighbors, who, as the immigrants observed, frequently "had too many ornaments in the front room . . . too many paintings in the guest room." The Spartan standard of the immigrant demanded: "Be content with the sternest simplicity. Deny every pleasure and luxury. Avoid day dreams and high hopes." Often enough, Finnish thrift was regarded by outsiders as an excellent trait. "If the Finns' frugality would be contagious," complimented one, "it would become one of our most valuable national assets." Sometimes, be it admitted, self-denial and carried to extremes, the immigrants emulating "the ways of the bees and the ants too earnestly."

Let no man underestimate the significance of the fourth asset: the Finnish farm wife. "Never attempt to sell a farm or cutover Farm land to a man whose wife objects to moving to the country," was the sound advice given to the American Railway Development

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Association in 1922 by a foremost Finnish-American colonizer. In truth, the wilderness would not have been tamed without the pioneer woman, working on an 8-hour schedule: 8 hours in the morning, 8 hours in the afternoon and evening. Three quotations serve to reveal the extent of her activity. "It was back-breaking, grubbing, lugging, tauging work with stumps and brush and roots so that her body ached with weariness, sheer and utter," was a native American's picture of the immigrant woman. A second writer pointed out that the hardy, yet soft-spoken Martha "plowed and sowed, hoed and harrowed, dug ditches, cut hay, and gathered the harvest better than her spouse." "Farming and cattle-raising," read a third description, "were left in the hands of the wife, who in addition acted as the dairymaid, stableman, veterinarian, doctor, bookkeeper, tailor, shoemaker, carpenter, midwife, trapper, poultry specialist, and so on." With justification did the Finnish immigrant farm wife ask: "When did I begin my work today? At what hour of the night did I find rest? What is my recreation?" And surely she had every right to bite her tongue in suppressed anger when concealed or blind males described wilderness-breaking as a "man's job."

The Finns' fifth asset was *sisu*, a quality that defies simple translation, that is a rare combination of courage, persistence, doggedness, the ability to take the bad with the good, the unexpected with the calculated. The Americanism "guts" is part of it, as is the saying, "The Finn doesn't know enough to quit." It is vividly described in Finland's national poet's, Johan Ludwig Runeberg's *The Peasant Paavo*, which must be known to many of you.

"A courage and a hardihood almost heroic," an abiding faith in the rural way of life, a patient and plodding wife, and stern austerity—these have been the essential ingredients for success in the cutover regions of the Middle West. The immigrants' achievements have elicited generous praise and recognition. The Finn, testified the agricultural agent of Houghton County, Michigan, "took over that cutover land when nobody else in the world had the courage to tackle the proposition. . . . He turned that worthless stumpage into mighty valuable farm land." Minnesota's able historian, Grace Lee Nute, expressed the view that "probably no other group could take over stump land, perhaps also burned over, and make successful farming country of it." Extravagant was the eulogium bestowed by a book reviewer in *The New York Times*: "In a land of charred stumps, the Finns are creating a paradise."

Of course, it was not heaven. But who will deny that the neat, substantial frame dwellings, the sunlit fields and wind-touched meadows, the barns and grazing cows, the garden plots of turnips and potatoes, represented a noteworthy advance, within the span of less than a generation, over the ragged wasteland where the Finnish immigrants had begun.

HON. HUGH L. CAREY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, in my judgment one of the most significant elections this past fall was the election of our good friend and beloved colleague HUGH CAREY as Governor of the Empire State of New York. HUGH CAREY has been an outstanding Congressman and

will be a superb Governor. He will, I predict, be a national leader. HUGH CAREY has the ability, the personality, the dedication, and the energy to be one of the greatest Governors in the Nation's history. He is ready for the assignment and I believe his administration of the Empire State will point the way to solution of some of our most pressing national problems. To "Governor" CAREY and to his wonderful family we wish the best always and every continued success in the future.

EDWARD GURNEY LABORED DILIGENTLY FOR VITAL PROGRAMS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. RANDOLPH. Mr. President, the senior Senator from Florida (Mr. GURNEY) is one of the Members of this body who will not be with us when the Congress reconvenes on January 14. I express appreciation to Senator GURNEY for his contributions to the work of the Senate on vital issues and programs.

The Senator from Florida was elected by a constituency that is composed of significant numbers of senior citizens. As a member of the Special Committee on Aging, Senator GURNEY has worked to develop legislation to aid the elderly of our Nation. We have served together on this committee.

Additionally, I have had the opportunity to work with the Senator from Florida when he was a member of the Public Works Committee during the 91st Congress. As chairman of the committee, I know of the diligent labor of Senator GURNEY in the important matters coming before our panel. His counsel and cooperation were noteworthy in the areas of road improvements, water resources development, and pollution abatement programs.

It is my hope that Senator GURNEY will have opportunities for further service during future years.

TRIBUTE UPON RETIREMENT OF REPRESENTATIVE JOHN A. BLATNIK

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, one of the great strengths of this Nation during its long and glorious 200-year history has been its ability to produce great leaders from rural America. Such a man is my dear friend the Honorable JOHN A. BLATNIK of Minnesota.

JOHN BLATNIK has had a long and distinguished career of public service that he can justly be proud of. Whether it was his 8 years as a teacher and administrator, his 4 years as a Minnesota State Senator, his 3½ years of dangerous mili-

tary espionage service during World War II or his 28 years here in the House of Representatives, JOHN always had the public welfare and service to his constituents and his State in his heart and brain. During the nearly three decades that I have known JOHN here in the Congress, I have always been greatly impressed by his grasp of the facts and problems that have faced our great country.

Mr. Speaker, if I may I would like to take the remaining minute to congratulate the people of the Eighth District of Minnesota for their high intelligence in originally electing and then many times reelecting JOHN BLATNIK to the Congress of the United States. I know that both they and the Members of the House of Representatives will miss JOHN BLATNIK and his many strengths and talents very much.

Mrs. Rooney joins me in wishing JOHN and Gisela and their family many, many years of good health and happiness.

THE RETIREMENT OF WILLIAM E. TIMMONS

HON. GALE W. MCGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. MCGEE. Mr. President, William E. Timmons, chief of the White House's congressional liaison operation, has retired. The Nation is losing a very valuable public servant who personally fashioned a White House liaison effort second to none.

It is particularly noteworthy that so many Members of this body have joined in paying special tribute to Bill Timmons. It is a mark of respect and admiration for an individual who, although serving in the executive branch of government, conducted his duties in a manner responsive to the legislative branch of government and its particular needs.

I take pride in the friendship and personal working relationship I have had with Bill over these many years. He set a high standard of honesty and integrity which proved to be an invaluable strength during one of the most difficult times in our history as a Nation. It is the mark of an exceptional man to have gained the trust and admiration of so many under the most difficult of circumstances.

Bill Timmons' shoes will be difficult to fill. I personally regret that he will not be directing the White House liaison effort when the 94th Congress convenes on January 14. Nevertheless, I want to wish Bill the best, and I am confident that he will also excel in his new endeavor.

EDITH GREEN—OREGON'S DISTINGUISHED FIRST LADY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. LEGGETT. Mr. Speaker, I take this time to pay tribute and to recog-

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nize the work and dedication of EDITH GREEN, the First Lady of the State of Oregon.

Superlatives are the order of the day for describing the attributes of public servants, but they are particularly easily come by in referring to Oregon's only lady Congresswoman.

EDITH worked at the committee and House level on education and poverty problems for nearly two decades innovating, funding, amending, and polishing programs on elementary and higher education and in the poverty area. She co-authored most of the major education bills accepted since the early 1960's by most Americans as a birthright.

Congresswoman GREEN not only had the aggressiveness to develop and organize education legislation according to her best judgment, but she had the courage to condemn part of her own work when she unfortunately determined that money uncontrolled was not accomplishing the required objectives.

Courage it took to condemn bills and parts of bills designed to help the poor and deprived when many times that condemnation forced her into alliances with folks who traditionally had small brief for the original purposes of the legislation.

It is still perhaps too early to judge Congresswoman GREEN's effectiveness. She has certainly sounded the alarm that money alone, whether it be in the poverty or education field, may not resolve the unfulfilled aspirations of the multitudes.

She has caused many bureaucrats and legislators considerable unrest respecting the programs and direction of many popular Federal social programs.

Thoughtful, persevering, courageous people like EDITH GREEN of Oregon are all too uncommon in Washington's legislative halls.

Fortunately from a new position away from Capitol Hill, we will undoubtedly continue to hear distinguished critique of public issues from the marvelous gentle-lady from Oregon.

SENATOR SAM J. ERVIN, JR.

HON. ROMAN L. HRUSKA
OF NEBRASKA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. HRUSKA. Mr. President, I would like to take this opportunity to salute a distinguished colleague, the senior Senator from North Carolina. There are only a few days left in this session of the Congress. When it ends, with it will end the Senate career of a fine man and a good friend, Senator SAM ERVIN.

I have had the privilege of knowing and working with Senator ERVIN for many years. We have shared many rewarding experiences as members of the Judiciary Committee. We have not agreed on every issue to come before us, but I have the utmost respect for Senator ERVIN's integrity, dedication to principle and knowledge of the law.

Senator ERVIN has earned a deserved reputation as an expert on the Constitu-

tion of the United States and he is renowned for his defense of first amendment rights for citizens of our country.

Senator ERVIN will be sorely missed in the U.S. Senate. His leadership, energy, and initiative have been an example to us all.

His many honors, awards, and tributes stand as testimony to his greatness. He has left a lasting mark on this body and the entire country. He has served well the people of his home State of North Carolina. I know they are proud of his record and grateful for his devotion to them.

I join with my colleagues today in paying tribute to Senator ERVIN. And I want to thank him for the counsel, wisdom, and friendship he has shared with me through the years.

TRIBUTE TO THE HONORABLE
TOM GETTYS

HON. JAMIE L. WHITTEN

OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. WHITTEN. Mr. Speaker, as this Congress comes to a close, I do not recall a period when we have lost so many of our friends through voluntary retirement. Our colleague, Tom Gettys of South Carolina, has had a long service here on Capitol Hill, first as assistant to my good friend Hon. Dick Richards, and then as Congressman from the same district.

Possessed of a remarkable memory and wit, experienced and understanding in public affairs, truly Tom has made for a better Congress and for a better country. His sense of humor has been a comfort to all of us and I only regret that the majority of the Congress has not followed his excellent advice and sound judgment to a greater degree than it has.

It is with genuine regret that we bid Tom goodbye so far as his service here is concerned, but we do hope that he will be back with us and that he and his family will enjoy many happy and successful years as they return to South Carolina, our beloved neighboring State.

HOWARD METZENBAUM WAS FAIR
AND FAITHFUL IN HIS SENATE
SERVICE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. RANDOLPH. Mr. President, we have all been at gatherings where a guest or a speaker long overstayed his welcome. We may recall other occasions at which a speaker is so commanding of our attention that we are sorry to see him leave the podium.

HOWARD METZENBAUM is one of those in the second category. His stay has been short, yet he has captured our attention.

He ran for the Senate in 1970, but lost in a strenuously contested race to our colleague Bob TAFT. Then, last year, HOWARD was appointed to fill the unexpired term of William Saxbe, who had been named by the President to be Attorney General of the United States.

In the short period—less than a year—that he has been here, Senator METZENBAUM has attended faithfully and vigorously to his duties, and has admirably represented his State and people. When he lost the primary contest to JOHN GLENN there was no malice in HOWARD's heart. The day after his defeat he mingled in the Senate Chamber with colleagues in a relaxed and affable manner.

HOWARD is a charming, personable, articulate gentleman. He leaves the Senate just as we were getting to know him—it is too brief a relationship. I wish him continued success and a happy return to private labors. He knows how to live and people will look to him for aid and counsel.

TRIBUTE TO EDITH R. GREEN

HON. EDWARD R. ROYBAL

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ROYBAL. Mr. Speaker, it is indeed a privilege to join in paying tribute to our esteemed colleague, Mrs. EDITH GREEN, the gentlewoman from Oregon, who will be retiring at the end of this session after 20 years of service in the U.S. Congress.

EDITH has made a significant contribution to the legislative process; she is noted for her zeal for hard work, her thoroughness, and eloquence in public speaking. Her skills as a floor manager are legendary.

She came to the Hill with 12 years of classroom teaching experience and quickly established a reputation for herself as "Mrs. Education." She is considered responsible for the passage of the much heralded Higher Education Act of 1965 which supported Government aid to students and for the creation of the Interagency Council on Education. Her considerable efforts brought about the Juvenile Delinquency Act.

In addition, she was one of the original sponsors of medicare legislation, and has continually supported programs providing benefits for the elderly. An ardent feminist, EDITH's lobbying efforts over a period of 8 years were instrumental in bringing about the Equal Pay for Equal Work Act of 1963. Her overriding quest for peace was manifested in her stand against the war in Vietnam.

Mrs. GREEN's role in Democratic Party politics has been an impressive one. She has given her support and encouragement to Presidential candidates from Adlai Stevenson to Robert Kennedy and her commitment to political work at the community level has been a full one.

It has been both a pleasure and an honor for me to serve with her on the

December 20, 1974

House Appropriations Committee during the 93d Congress. I am pleased to hear that EDITH plans to continue in her career of public service, but I shall miss her leadership and legislative expertise here in Washington.

TRIBUTE TO ALAN BIBLE

HON. LEE METCALF

OF MONTANA
IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. METCALF. Mr. President, there is not now nor has there ever been a Member of this body who is a better friend of the American Indian than the distinguished Senator from Nevada, the Honorable ALAN BIBLE.

As a member of the Senate Interior Committee for 18 years, and since 1969 as chairman of the Subcommittee for Interior Appropriations, Senator BIBLE played an important role in the significant strides made in recent years by Indian people.

Congress first included Indians as eligible recipients of economic development assistance enacted in the middle sixties, but since then it has become a commonplace for such authority to be incorporated in education, housing, economic opportunity, law enforcement assistance, revenue sharing and other legislation.

Long before we heard the phrase self-determination, the distinguished Senator from Nevada was doing his utmost to assure Indian people an equal opportunity with other Americans by supporting improved education and economic development funds for them. A table comparing the appropriations enacted in 1969 and in the last year of his chairmanship of the Interior Subcommittee tells of ALAN BIBLE's faithful stewardship of Bureau of Indian Affairs programs and the treble increase in money devoted to them. Mr. President, I ask unanimous consent that the table be printed in the CONGRESSIONAL RECORD following my remarks.

We have special cause to be grateful for Senator BIBLE's determination that continued progress in Indian education not be jeopardized for want of trained Indian professionals. He persuaded the Senate to increase training funds from \$6 to \$15 million in 1971. In such programs next year, close to 15,000 Indian students will receive college scholarship assistance.

Indian people residing on Montana's seven reservations have cause to remember Senator BIBLE. At Busby, the Northern Cheyenne rejoice in the 20-percent increase in enrollment and the 93-percent attendance rate since tribal assumption of school operations under a BIA contract; Senator BIBLE saw to it that the agency was given enough money to cover the additional costs of running a well-attended school.

At the Rocky Boy's Reservation, the Chippewa and Cree Tribes have written

hums with the activity of energetic people who have transformed education on their reservation into a model that is the constant object of study by others with similar aspirations.

Their beautiful school was built with funds appropriated by Congress while Senator BIBLE was chairman of the Subcommittee on Interior Appropriations. Engineering and architecture is under way for three other badly needed new schools on Montana's reservations.

A new jail was built at Browning, a dental clinic was constructed on the Flathead and a dental clinic at Crow Agency will be equipped with additional funds provided by Congress. There is to be a new health clinic at Lame Deer.

For these and many other improvements in the lives of Montana's Indians, I am grateful to my friend and colleague from Nevada who saw such expenditures as an investment in people an investment that would be returned many times over. Education, employment training, improved health could be the passports out of poverty. Senator BIBLE's confidence was not misplaced, for life for Indian people has improved.

During the period 1969 to 1975 over \$290 million was appropriated for BIA irrigation, building and utilities construction. Approximately \$100 million was for irrigation projects, while the balance of approximately \$190 million has been for building and utilities, largely for school construction.

One of these is Stewart Indian School in Carson City, Nev., which has been remodelled into a safe facility. Dormitories and classrooms have been rebuilt and the gymnasium replaced.

Of the irrigation construction funds, approximately \$64 million has been appropriated since 1969 for the Navajo Indian irrigation project, authorized in 1962. The project, located in the Rio and San Juan counties in northwestern New Mexico, is expected to be completed in 1980. It will place a total of 110,630 acres under irrigation and will provide livelihood for an estimated 6,550 Navajo families.

Senator BIBLE has aided in other programs, such as the Colorado River and the San Carlos projects in Arizona, the Fort Peck in my own State of Montana and the Duck Valley project in Nevada. On many Indian reservations, irrigated farming is the basic economic industry and in some areas the only industry available to the Indian residents. Because of the acute competition for water on and adjacent to Indian reservations, particularly in the arid and semiarid west, there is greater danger of the loss of water unless it is put to beneficial use.

Mr. President, I have a friend, whose name is Teddy Rising Sun, a Northern Cheyenne Indian from Lame Deer, Mont. In a recent address, Teddy spoke of the old Northern Cheyenne way of choosing leaders. He said:

A man didn't become a Chief by putting on a war bonnet. It takes a lot of living, a lifetime of living, to be a Chief.

Senator BIBLE earned the war bonnet in a lifetime of work, not talk, in behalf of Indian people.

I ask unanimous consent to insert a table in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS			
[In millions of dollars]			
Appropriation title	1969 appropriation	1975 appropriation	
Education and welfare services.....	147.8	339.0	
Resources management.....	52.9	109.0	
General administrative expenses.....	5.0	5.8	
Total (operation of Indian programs).....	205.7	467.0	
Construction.....	25.3	61.8	
Road construction.....	18.0	59.0	
Alaska Native fund.....		70.0	
Miscellaneous permanent.....	8.0	8.4	
Revolving loan fund.....	.5	58.0	
Total, general funds.....	257.5	724.2	
Trust funds.....	106.0	176.0	
Total, Bureau of Indian Affairs.....	363.5	900.2	

HON. ELLA T. GRASSO

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DORN. Mr. Speaker, I am delighted to join our colleagues in wishing every continued success to the new Governor of the great State of Connecticut, Hon. ELLA T. GRASSO. She will be an outstanding Governor. Here in the Congress it has been my great pleasure to serve with Mrs. GRASSO on our Veterans' Affairs Committee. I have been impressed by her great concern for the welfare of our veterans, and by her outstanding ability. Mr. Speaker, the gentle-lady from Connecticut already has achieved a magnificent record of accomplishment in the academic world and in the crucible of public service. I predict, however, that this is merely the beginning, and that even greater triumphs lie ahead for Governor-elect GRASSO.

TRIBUTE TO THE HONORABLE
ROBERT O. TIERNAN

HON. JOHN J. ROONEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, my friend the Honorable ROBERT O. TIERNAN of Rhode Island will retire from this House of Representatives at the end of this 93d Congress. Before the impending sine die adjournment catches up with all of us I should like to take a moment to refer to BOB TIERNAN's almost 8 eight years of fine service to his constituents, his State of Rhode Island, and his country and to tell him how much we shall all miss him.

Bob first came here on March 28, 1967, to fill a vacancy caused by the sudden passing of one of my dearest and closest friends, the respected gentleman from Rhode Island, the Honorable John E. Fogarty, who did so much for public health and medical research as a fellow subcommittee chairman of the House Committee on Appropriations, beginning with the 81st Congress on January 3, 1949.

I know that the people of the Second Congressional District of Rhode Island will dearly miss Bob TIERNAN's advice and counsel on the myriad of difficult and complex problems he solved for them. The Members of this 93d Congress will long remember Bob's record for ability and integrity.

Mrs. Rooney and I would like to join in wishing Bob TIERNAN Godspeed, good health, and unbounded success in his coming years.

HON. WAYNE OWENS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 19, 1974

Mr. RODINO. Mr. Speaker, it is with great pleasure that I join with my colleagues in paying tribute to WAYNE OWENS. As you know, when WAYNE was elected to the House in November 1972, he came to us with an extensive background in the workings of the Congress. In 1969-70, WAYNE served as administrative assistant to Senator EDWARD KENNEDY while the Senator was majority whip. And from 1971-72 WAYNE served as administrative assistant to Senator FRANK MOSS.

To his constituents over these 2 years, WAYNE has been an open, candid and able leader. The citizens of Utah's Second District were indeed fortunate to have had so dedicated and conscientious a representative serving their needs.

WAYNE's contribution to the Judiciary Committee has been recognized, I am sure, by the entire Nation. He showed deep understanding of the great constitutional issues confronting each of our members; and, he demonstrated the courage of his convictions. WAYNE left a stamp upon the committee for his initiative relating to television coverage. For, it was WAYNE OWENS who first suggested we apply to the Rules Committee to request a change in the Rules of the House to allow unprecedented television coverage of meetings as well as hearings.

I will certainly miss WAYNE's wise counsel. His ability to work alongside all members of the Judiciary Committee under the most difficult times of stress contributed to our collective strength and fortitude. And, I look forward, as I am sure we all do, to working with WAYNE in the many years of public service I am certain he has ahead.

EXTENSIONS OF REMARKS

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES URGING SUPPORT OF THE DAIRY BILL

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. SHUSTER. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully urge you to sign the Dairy Bill (S. 4206). The evidence is overwhelming that:

- (a) Dairy farmers are receiving a lower price in 1974 than in 1973;
- (b) Their costs of production have increased approximately 20 percent;
- (c) They cannot survive for many more months. Their plight is desperate!

As many as 30 percent of America's dairy farmers may go out of business and if that happens a severe milk shortage is inevitable. The consumer will suffer and properly blame the Government for short-sighted policies.

As important as the above reasons are, there is an even more important reason for approving the Dairy Bill:

The dairy farmers and their rural neighbors are losing faith in the essential fairness of our Government.

They feel betrayed by a Government which has been knee-deep in regulating agriculture but now says "sink or swim in the marketplace" as it watches them sink.

These farm families, who work seven days a week through sun up and sun down, are among the most decent and dedicated citizens of our nation.

They stare in stunned disbelief at a Government which will not permit them a price increase of 67 cents/cw or one cent per quart (the effect of increasing parity to 85 percent) when the evidence vividly portrays their plight.

They watch throughout 1974 as:

- Federal workers get 5.4 percent increase;
- Construction workers get 10.8 percent increase;
- Manufacturing workers get 8.5 percent increase;

- Service employees get 10.2 percent increase;
- Mine workers get 64 percent increase;
- Workers displaced by the Trade Bill get 70 percent of wages;

Over \$2 billion is provided to make work for 300,000 unemployed, while a small fraction of that amount is not provided to help 300,000 dairy farmers produce a vital commodity;

U.S. Steel gets 23 percent in price increases (per the Council on Wage and Price Stability);

Oil Company profits skyrocket;
Etc., etc., etc.;

and they are deeply and profoundly shaken. Mr. President, we must not turn our backs on these solid Americans. When their faith is gone, whose will be left? I beg you to see the merit of their case and act in the long term best interests of America.

Respectfully,

BUD SHUSTER,
Member of Congress.

December 20, 1974

TRIBUTE TO SENATOR SAM ERVIN

HON. LAWTON CHILES

OF FLORIDA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. CHILES. Mr. President, the departure of Senator SAM ERVIN leaves a great void in our Senate body. It is a loss that will be felt keenly by all who have known and worked with him but, more than that, a loss to the people of our Nation of unqualified experience, ability, style, and stewardship.

At age 77 Senator SAM has decided he wants to go back home to Morganton, N.C., where he and Mrs. Ervin will have more time to share the love of their hometown community and to pursue the quiet pleasures that the stress and demands of senatorial duties have not allowed them. I know of no one who has more earned it, for SAM ERVIN and his wife have given of themselves so much for so many more years than we have had a right to ask.

Senator ERVIN will no doubt be best remembered by the people of this country for his role as chairman of the Senate Watergate Committee, presiding over the televised public hearings. This was indeed an outstanding contribution, based on results achieved by the committee in reform legislation.

But his greatest gift to his country has been his diligence in guarding our Constitution, utilizing to the fullest his knowledge and wisdom.

Well known and enjoyed for his own quotable quotes, Senator SAM nevertheless frequently quoted others of note, and one of his favorites was Thomas Wolfe who offered this some time ago:

I do not believe that the ideas represented by "freedom of thought," "freedom of the press," and "free assembly" are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed, men will again fight to have them.

SAM ERVIN did not wait for these freedoms to be destroyed before he fought for them, but rather was in the vanguard of preservation, especially when Government seemed about to infringe and usurp power that belonged to the people.

This man has proven over and over again that he has the sensitivity and ability to relate the issues and events of the present to the basic rights guaranteed by the Constitution. The circumstances of recent times, and the efforts of Senator ERVIN have, I believe, clarified public understanding and strengthened our Nation's commitment to preserve those rights.

Senator SAM's 20 years in the Senate leave a challenge to all of us—in terms of integrity, dedication, consistency, strength of character, kindness. I have had the privilege to learn and benefit from those qualities as a member of the Government Operations Committee chaired by Senator ERVIN, and I will sorely miss him.

December 20, 1974

HON. JOHN DELLENBACK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DORN. Mr. Speaker, no Member of Congress is more highly respected as a man of the highest character than our dear friend, Congressman JOHN DELLENBACK of Oregon. He is a distinguished attorney, a veteran of active duty military service to the Nation, and a leader in the affairs of his church. Mr. Speaker, I have been privileged to enjoy a meaningful association with JOHN through our congressional prayer breakfast group. No one has been more faithful to the group or more important to its fellowship. Mr. Speaker, I predict for JOHN DELLENBACK many more years of public service to his State and Nation. That is certainly our hope, as we extend best wishes for his every continued success.

TRIBUTE TO WILLIAM JENNINGS BRYAN DORN

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. BLATNIK. Mr. Speaker, I certainly wish to associate myself with my colleagues in their expressions of admiration and tribute to WILLIAM JENNINGS BRYAN DORN, one of my dearest friends and closest associates for almost three decades.

BRYAN has been one of the great strengths of the Public Works Committee, giving every ounce of energy and drive, every bit of expertise, to such vital national programs as community development, and area redevelopment, which have helped cities and towns across this Nation achieve self-sustained growth and a better life for their citizens.

More than once, these programs have gotten through Congress by the skin of BRYAN's patience, perseverance, and dedication to assuring Americans in every part of the country a chance to earn a decent living and reach personal fulfillment through rewarding occupations in the location of their choice.

He has served with equal distinction as member and chairman of the Veterans' Affairs Committee, working to assure justice for American service men and women who gave so much to their country in time of need.

Mr. Speaker, in my 28 years in the House I have seen perhaps 2,000 men and women pass through the halls of Congress. Many of them are only shadows in my memory; some I will remember as outstanding legislators, or as close personal friends.

BRYAN has been both to me, as we fought side by side for programs we believe in. I know he will be greatly missed by his colleagues in the House, and espe-

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EXTENSIONS OF REMARKS

cially on the committees he has served and led so well.

BRYAN, you and your lovely wife have all my wishes for health, happiness, and great personal satisfaction in the years ahead.

THE RETIREMENT OF TOM KOROLOGOS

HON. GALE W. MCGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. MCGEE. Mr. President, it was with a deep sense of regret that I learned of the retirement of Tom Korologos as Deputy Assistant to the President for Legislative Affairs.

In my estimation, there has never been a finer or more capable individual to hold this position than Tom.

Tom Korologos demonstrated a special sensitivity in his working relationship with all Members of the Senate. This was due, I believe, to the fact that he served for so many years as administrative assistant and press secretary to the distinguished senior Senator from Utah (Mr. BENNETT), before assuming his White House duties in 1971. Although our friend and colleague (Mr. BENNETT) also retired at the end of the 93d Congress, I want to pay particular tribute to his foresight in bringing Tom into Government service. Many of us in the legislative and executive branches of Government have benefited greatly from that decision.

As many of my colleagues have already noted, as is oftentimes the case, a close working relationship also gives rise to close friendships. In this regard, I consider Tom a friend for whom I have a deep and abiding respect. He has always been an individual characterized by his unceasing energy, humor, and intellect, wise in the ways of the legislative process.

One of my most enjoyable associations with Tom came in the summer of 1973, when we traveled together as a part of a congressional study mission to the People's Republic of China. That trip afforded me the opportunity to converse with Tom at great length. I shall always recall that exceptional moment in my life with a certain fondness for Tom.

Tom was always straightforward in his dealings with the Senate. Not once did he ever mislead me or any other Member of this body. He served the White House during one of the most difficult times in the history of our Nation. Yet, he served with integrity and honesty, and served so very effectively in keeping the legislative program on track. This effort required an individual of highly exceptional capabilities, and Tom was more than equal to the task.

Before closing my remarks, I must mention the work Tom performed on an issue very important to me over the past 3 years. I refer to congressional action which allowed the United States to import Rhodesian chrome in violation of United Nations' sanctions against that

illegal British colony. During the closing days of Congress in 1973, it was through the personal and effective efforts of Tom Korologos that a filibuster against legislation to place the United States back into compliance with sanctions was broken and the Senate was able to vote in support of the measure sponsored by my friend and distinguished colleague, the junior Senator from Minnesota (Mr. HUMPHREY). Had it not been for Tom, that filibuster would never have been stopped. I give him credit for achieving what I considered a most important victory.

Tom Korologos leaves us, but he will not be forgotten. We all lose a very valuable and highly talented public servant. Although I will personally miss him in his role as Deputy Assistant to the President for Legislative Affairs, I want to wish him nothing but the best, for Tom Korologos deserves nothing less.

I ask unanimous consent that an article written by William Chapman for the January 2 edition of the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NIXON LOBBYISTS SAY HIS WOES DIDN'T AFFECT LEGISLATION
(By William Chapman)

The men who lobbied Congress in behalf of a collapsing presidency left the White House yesterday convinced that former President Nixon's impeachment troubles had very little effect on the course of legislation. "Impeachment really didn't interfere very much with what we were doing elsewhere on the Hill," recalled William E. Timmons, the former White House congressional liaison chief.

"A lot of reporters were wrong I remember [in 1973] when we lost the war powers override [President Nixon's veto of the bill restricting presidential powers], everyone was saying it was Watergate and they tried to link the two. Actually, there was no relationship at all. That was just an institutional fight between two great bodies of the government."

Timmons, who remained on President Ford's staff after Nixon resigned, officially left the office in mid-December. He and two other congressional aides who are also departing—Tom C. Korologos and Gene Ainsworth—will set up a lobbying firm for business clients in an office building a block from the White House.

The three men were President Nixon's emissaries to Capitol Hill in the turbulent times of the Watergate hearings and the House Judiciary Committee's impeachment inquiry. While those stormy events were underway, they said in interviews yesterday, routine legislation went its own routine way.

It had its funny moments, Korologos recalls, with humor now, that with Nixon's popularity sinking rapidly in the polls, there wasn't much happening on Capitol Hill that could inflict any more harm.

"People used to laugh at me. A senator would come up to me and say about some bill they'd just passed, 'You are not going to veto that one, are you?'"

"I'd say, 'You don't think it could hurt our image, do you?' When you're down to 25 percent in the polls, there's not a lot you can worry about, is there? You don't stop and worry about what the Greeks or the blacks are going to think. Actually, a lot of good government was going on in those days."

Korologos and Timmons are convinced that votes on legislation were not lost because of

EXTENSIONS OF REMARKS

HON. FRANK M. CLARK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

President Nixon's entanglement in the Watergate proceedings.

"It was tough for a while, but our problem was in keeping the legislation separate from impeachment," said Korologos. "But there weren't any votes lost because of impeachment. Everyone voted his district anyway. A military appropriations bill had nothing to do with impeachment."

Both agreed that Nixon's relationship with Congress never was exactly cozy. He never much liked making telephone calls to key congressmen, those acts of duty that President Ford actually seems to relish.

"If you put in a suggestion for Ford to call up someone, a conferee or a ranking committee member, he'll do it," said Timmons.

"Nixon was not comfortable doing that. He did some of it, of course, but it wasn't often, and when he did he really wouldn't like it. It was awkward for him. It was not his nature. Ford is comfortable doing it and he's pretty persuasive in personal negotiations."

Timmons had been in the Nixon administration from the start, one of those 1968 aides chosen to join the "transition team" at meetings in the Hotel Pierre in New York after the election.

Korologos came on the congressional liaison staff in April, 1971, and for two years was in charge of White House relations with the Senate.

The new lobbying firm will include the three former White House lobbyists and Stanley Ebner, former general counsel to the Office of Management and Budget. It will be a general Washington representational firm handling an assortment of clients from the business world.

OUR BEST WISHES TO RETIRING REPRESENTATIVE FRANK J. BRASCO

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, with this 93d Congress coming to a rapid conclusion, I would, indeed, be remiss if I did not take time out from a busy and hectic schedule, hampered by my illness, to pay tribute to a good and loyal friend, a man who has been of great assistance to me in reelection campaigns.

The people of the 11th Congressional District in Brooklyn, N.Y., and many Members in this Chamber, will miss FRANK's ability to help on many complicated and complex matters affecting the good and welfare of the average citizen. This body and the entire country at this time can ill afford to lose the abilities of a man like FRANK BRASCO.

Please forgive me if I am so brash as to predict and to feel that FRANK BRASCO will be fully vindicated of the charges brought against him in our system of laws. I earnestly hope and pray that his appeal will be successful and, if he so desires, that he be subsequently returned to his seat here in the House.

Mrs. Rooney joins me in extending to FRANK, his lovely wife, Linda, and their four fine children many, many years of good health, happiness, and success, God speed to you.

TRIBUTE TO THADDEUS DULSKI

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. MURPHY of New York. Mr. Speaker, I join with my colleagues to pay tribute to THADDEUS DULSKI, a leader of men and women, and a man who has left his indelible mark upon the Government of the United States.

There are many things that could be said of THAD DULSKI in summing up his fine career. He served his constituents and his district in the highest tradition. He served his State and was ever mindful of New York's unique needs. And he served his country—as an individual Member of Congress, and as chairman of the Post Office and Civil Service Committee.

The Federal workers of America have much for which to thank THAD DULSKI. He reorganized the antiquated Post Office into the improved and streamlined postal service. He has improved the retirement and health benefits systems for civil servants. He has completely reformed the salary and pay raise mechanism of the civil service. His improvements to the civil service and postal service have benefited every American. Through his achievements, the most qualified employees are attracted to the Federal service and through his organization of the system, the taxpayers have been saved millions of dollars.

Until his chairmanship of the Post Office and Civil Service Committee, THAD-

December 20, 1974

DEUS DULSKI served with distinction on the Veterans' Affairs Committee where his actions on behalf of this Nation's veterans are well known. And finally, we must not forget THAD DULSKI's comments to those brave people living in the captive nations of Central and Eastern Europe. His devotion to the freedom of all people has served as a beacon to those who still must fight for personal and political freedom.

To my friend and colleague, THADDEUS DULSKI, your leadership and guidance will be sorely missed. May your future be as bright as your past.

WILLIAM M. "FISHBAIT" MILLER

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. WHITTEN. Mr. Speaker, I do not want the Congress to come to an end without calling attention to the services of William M. "Fishbait" Miller, who has served this Congress for more than 40 years, beginning as a youngster so skinny it is said that being from the gulf coast he was given the name of "Fishbait," a name which stuck through the years, though he has changed in appearance.

His unfailing courtesy and attention to the needs of the Members earned him steady promotion until he became Doorkeeper of the House, a title which in no way reflects the importance of his office, and where he supervised more than 300 employees with an annual payroll of more than \$1.3 million per year.

He has presented to the Congress Presidents, kings, and potentates and his voice, saying, "Mr. Speaker, the President of the United States," will be remembered by the thousands he served, among them President Ford who graciously wrote "Fishbait" that in his retirement—

Pascagoula is fortunate in gaining a senior statesman of stature, and the House of Representatives is losing a friend of renown and a Doorkeeper who has given many years of dedicated service to this position.

I want to join with your many friends in wishing you well in any new endeavors you may choose to pursue. Also, I want you to know I will miss an associate and friend who has extended to me many gracious and thoughtful courtesies for almost a quarter of a century.

With warmest personal regards,

Sincerely,

JERRY FORD.

Fishbait is being succeeded in the new Congress by James T. Molloy, who though well qualified will have his work cut out for him in attaining the level of accommodation and service left by our friend, William M. Miller.

To my friend, "Fishbait," his wife, Mabel, and his fine daughter, Sarah Patsy, we extend on behalf of the Mississippi delegation, our colleagues, and his fellow employees our very best wishes for health and happiness in the years to come.

December 20, 1974

THE 93D CONGRESS WILL BE REMEMBERED FOR MAJOR ACHIEVEMENTS AND HISTORIC DECISIONS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. JOHNSON of California. Mr. Speaker, the 93d Congress will be remembered primarily as the Congress which gained back much of the power and delegated authority which the executive branch had assumed over the last 35 years. At its outset, the Congress and the executive branch faced a historic confrontation caused by the efforts of the President to curtail or eliminate programs and agencies which had been established legally and funded by the Congress.

Congress developed the muscle needed to regain lost power and establish for itself a greater role in the policy and decisionmaking functions of Government. Some of the most notable actions taken were the enactment of budget reform and impoundment control legislation, the war powers measure curtailing the President's authority to commit U.S. troops to war, and the reform of the committee structure in the House of Representatives.

93D CONG., 1ST SESS. (1973)

My stand	Issue	Status
For.....	To elect Carl Albert Speaker of the House.....	Elected.
For.....	To adopt the rules of the House.....	Approved.
For.....	To create a Select Committee to study improving the House rules.....	Do.
For.....	To continue the Highway Beautification program.....	Public Law 93-6.
Against.....	To cut REAP by \$85,000,000.....	Rejected.
Against.....	To restrict REAP participation to low-income farmers.....	Do.
For.....	To require the Secretary of Agriculture to carry out the REAP.....	In conference.
For.....	To improve the American Revolution Bicentennial Commission.....	Public Law 93-11.
For.....	To provide emergency loans for farmers hit by natural disasters.....	Approved.
For.....	To extend the interest equalization tax.....	Public Law 93-17.
For.....	To continue the Select Committee on Crime.....	Approved.
For.....	To authorize the District of Columbia to make various investigations.....	Rejected.
For.....	To restore the rural water and sewer grant program.....	Vetoed.
For.....	To permit the child nutrition program.....	Public Law 93-13.
For.....	To extend the National Commission on the Financing of Postsecondary Education.....	Public Law 93-35.
Against.....	To permit executive agency personnel to attend closed meetings of House committees.....	Approved.
For.....	To open up committee sessions to the public.....	Do.
Against.....	To reduce the vocational rehabilitation participation.....	Rejected.
For.....	To extend the Vocational Rehabilitation Act.....	Vetoed.
For.....	To extend the Older Americans Act.....	Public Law 93-29.
For.....	To promote the separation of constitutional powers.....	Public Law 93-12.
For.....	To extend the Economic Development Act.....	Public Law 93-46.
For.....	To authorize funds for the Public Works Committee.....	Approved.
For.....	To extend the Solid Waste Disposal Act.....	Public Law 93-14.
For.....	To authorize funds for the Committee on Internal Security.....	Approved.
For.....	To extend the Clean Air Act.....	Public Law 93-15.
Against.....	To reduce the Peace Corps program.....	Rejected.
For.....	To extend the Peace Corps.....	Public Law 93-49.
For.....	To make technical changes in the Social Security Act.....	In conference.
For.....	To approve a national policy on the Law of the Sea Conference.....	Approved.
For.....	To give final approval to the interest equalization tax.....	Public Law 93-17.
Against.....	To weaken the Rural Electrification program.....	Rejected.
For.....	To extend the Rural Electrification program.....	Public Law 93-32.
For.....	To give the Committee on Interior and Insular Affairs investigative authority.....	Approved.
For.....	To incorporate the National Inconvenienced Sportsmen's Association.....	Passed House.
For.....	To permit District of Columbia to enter into the interstate agreements on teacher qualifications.....	Public Law 93-515.
For.....	To override the veto of rural water and sewer grants funds.....	Sustained.
For.....	To permit debate on the Atlantic Union.....	Rejected.
For.....	To clarify the use of the frank by Members of Congress.....	Public Law 93-191.
For.....	To freeze prices at Apr. 16, 1973, levels.....	Rejected.
For.....	To require hearings before Federal agencies to reduce wages or salaries.....	Approved.
For.....	To require the President to stabilize prices and wages by May 15, 1973.....	Rejected.
For.....	To stabilize rents at Jan. 10, 1973, levels.....	Do.
Against.....	To impose a ceiling on food prices as of Mar. 16, 1973, levels.....	Do.
For.....	To recommit the Economic Stabilization Act for further study.....	Do.
Against.....	To pass the Economic Stabilization Act.....	Public Law 93-28.
Against.....	To prevent the repair and extension of the West Front of the Capitol.....	Rejected.
For.....	Agreed to Senate amendments to the Older Americans Act.....	Public Law 93-29.
Against.....	To permit the Highway Trust Funds to be used for nonhighway purposes.....	Rejected.
Against.....	To exempt incumbent Budget officials from Senate confirmation.....	Do.
For.....	To require the Director of the Budget to be confirmed by the Senate.....	Vetoed.
For.....	To extend and broaden the Airport Development Act.....	Public Law 93-44.
For.....	To prohibit employment of aliens illegally in the country.....	Passed House.
For.....	To extend Indian Claims Commission through fiscal year 1974.....	Public Law 93-37.
For.....	To provide servicemen's group life insurance for reserves and National Guard.....	Public Law 93-289.
For.....	To establish a National Cemetery system under the Veterans' Administration.....	Public Law 93-43.
For.....	To meet civil service retirement and liability for Postal Service workers.....	Public Law 93-349.
For.....	To extend the National Sea Grant College.....	Public Law 93-73.
For.....	To approve the Oil Pollution Act of 1973.....	Public Law 93-119.
For.....	To extend the Renegotiation Act.....	Public Law 93-66.
Against.....	To prohibit NOW savings accounts.....	Rejected.
For.....	To control interest payments on time and savings deposits.....	Public Law 93-100.
For.....	To extend the Rural Electrification Act.....	Public Law 93-32.

EXTENSIONS OF REMARKS

The Watergate affair forced upon the 93d Congress one of the most difficult responsibilities to face any Congress in the history of the Nation—consideration of the impeachment of the President. This Congress also was called upon to confirm two nominations to the office of Vice President under the provisions of the 25th amendment of the Constitution.

In addition to these major votes, the 93d Congress established an outstanding record of achievement in many other fields. So that my record is available to all who are interested, I have again, as I do at the conclusion of each Congress, listed a recap of my voting record on each of the issues which came before the 93d Congress:

My stand	Issue	Status
Against.....	To cut off debate on the Second Supplemental Appropriations Act.....	Rejected.
For.....	To prevent transfer of \$430,000,000 of Cambodia air operations.....	Approved.
For.....	To prohibit appropriations for combat operations in Cambodia.....	Do.
For.....	To prevent transfer of \$430,000,000 for Cambodia air operations.....	Do.
For.....	To increase Office of Education aid to local school districts.....	Do.
For.....	To approve an appropriations bill containing Cambodia bombing restrictions.....	Vetoed.
Against.....	To reduce United States participation in United Nations environmental programs.....	Rejected.
For.....	To authorize participation in United Nations environmental programs.....	Public Law 93-188.
For.....	To protect hobbyists and collectors against imitation items.....	Public Law 93-167.
For.....	To extend housing insurance and mortgage programs.....	In conference.
For.....	To extend the Flood Control Act of 1968.....	Public Law 93-81.
For.....	To revise and improve the Railroad Retirement Act.....	Public Law 93-69.
For.....	To override the veto of a bill requiring Senate confirmation of Budget officials.....	Sustained.
For.....	To continue the NASA research and development program.....	Public Law 93-74.
For.....	To permit citizens to own gold.....	Rejected.
For.....	To deny the President the determination as to who should own gold.....	Do.
For.....	To extend the Par Value Modification Act.....	Public Law 93-110.
For.....	To extend the National Visitors Center Facilities Act.....	Public Law 93-62.
For.....	To authorize services for the Kennedy Center in District of Columbia.....	Public Law 93-67.
For.....	To extend the public health services and other community health programs.....	Public Law 93-45.
For.....	To prevent research on live fetuses.....	Approved.
For.....	To establish a biomedical research and training program.....	Public Law 93-348.
For.....	To provide training for emergency health care services.....	Public Law 93-348.
For.....	To continue vocational rehabilitation services.....	Public Law 93-112.
Against.....	To increase minimum wage rates for agricultural employees.....	Rejected.
Against.....	To weaken minimum wage laws.....	Do.
Against.....	To strike out extended minimum wage coverage for Federal employees.....	Do.
Against.....	To strike out minimum wage coverage for local and State government employees.....	Do.
Against.....	To delete minimum wage requirements for seasonal industry employees.....	Approved.
Against.....	To establish a sub-minimum wage for teenagers.....	Rejected.
For.....	To increase minimum wages and expand coverage.....	Vetoed.
For.....	To authorize Department of State programs.....	Public Law 93-126.
For.....	To establish American Revolution Bicentennial Administration.....	Public Law 93-179.
For.....	To extend the Economic Development programs.....	Public Law 93-46.
For.....	To authorize maritime functions within the Department of Commerce.....	Public Law 93-70.
For.....	To improve insurance regulations in the District of Columbia.....	Public Law 93-92.
For.....	To regulate rents in the District of Columbia.....	Public Law 93-157.
For.....	To continue the Peace Corps.....	Public Law 93-49.
Against.....	To leave some narcotics jurisdiction in the Customs Bureau.....	Rejected.
Against.....	To grant union employees freedom of choice in selecting attorneys.....	Approved.
Against.....	To permit modification or termination of legal services trust fund agreements.....	Rejected.
Against.....	To weaken collective bargaining process relative to legal services.....	Do.
For.....	To permit employee contributions to union legal services trust fund.....	Public Law 93-95.
Against.....	To permit the appointment of Budget officials without the confirmation of the Senate.....	Approved.
For.....	To continue temporary public debt limit through November 30th.....	Public Law 93-53.
Against.....	To reduce the National Foundation on the Arts and Humanities programs.....	Rejected.
For.....	To extend the National Foundation on the Arts and Humanities programs.....	Public Law 93-133.
Against.....	To forbid payment of salaries for the cotton research and promotion programs.....	Approved.
Against.....	To reduce farm subsidy limits by restricting appropriations.....	Do.
For.....	To appropriate funds for agricultural programs.....	Public Law 93-135.
For.....	To appropriate funds for the District of Columbia government.....	Public Law 93-91.
Against.....	To change representation requirements on planning agencies.....	Approved.
Against.....	To weaken state planning requirements as it relates to minorities.....	Do.
For.....	To improve law enforcement and criminal justice programs.....	Public Law 93-83.
For.....	To prohibit false use of Federal agencies' names in collection of debts.....	Public Law 93-147.
For.....	To continue civil government for the Pacific Trust Territories.....	Public Law 93-111.

My stand	Issue	Status	My stand	Issue	Status
For.....	To preserve additional historical properties throughout the Nation.	Public Law 93-54.	Against.....	To authorize Presidential impoundment of funds under certain conditions.	Rejected.
For.....	To step up the saline water research programs.	Approved.	Against.....	To cut debate on a bill restricting President impoundment authority.	Do.
For.....	To extend the saline water program.	Public Law 93-51.	For.....	To restrict the President's authority to impound funds.	In conference.
For.....	To reclassify deputy United States marshal positions.	Rejected.	Against.....	To reduce health planning funds.	Rejected.
Against.....	To eliminate funds for adequate Coast Guard moorings on the Great Lakes.	Do.	Against.....	To eliminate assistance to certain countries under the Foreign Assistance Act.	Do.
Against.....	To add unsought funds for research on transportation and the handicapped.	Do.	Against.....	To eliminate development programs under Foreign Assistance Act.	Do.
Against.....	To add unsought research funds for personal transit systems.	Do.	For.....	To prohibit foreign aid to any nation seizing United States property.	Approved.
Against.....	To eliminate all funding for mass transit research.	Do.	For.....	To eliminate proposed export development credit fund.	Do.
Against.....	To appropriate funds for the Department of Transportation.	Public Law 93-98.	Against.....	To reduce foreign aid programs by \$68,000,000.	Do.
Against.....	To prohibit legal services corporations from accepting certain grants.	Approved.	For.....	To extend the Foreign Assistance Act.	Public Law 93-189.
Against.....	To allow reimbursement for suits against the Legal Services Corporation.	Rejected.	For.....	To appropriate funds for water development projects.	Public Law 93-97.
Against.....	To prohibit administrative advocacy by Legal Services Corporation.	Approved.	For.....	To authorize amendments to Federal Salary Act.	Rejected.
For.....	To prohibit full-time Legal Service Corporation lawyers from political activity.	Do.	For.....	To authorize reconvening Congress during the August recess if necessary.	Approved.
Against.....	To prohibit Legal Services Corporation's involvement in desegregation cases.	Do.	For.....	To increase veterans disability and death benefits.	Public Law 93-177.
For.....	To prohibit LSC litigation contrary to one's religious beliefs.	Do.	Against.....	To prevent development of a nuclear aircraft carrier.	Rejected.
For.....	To establish a Legal Services Corporation.	Public Law 93-355.	Against.....	To prevent the development of the B-1 bomber.	Do.
For.....	To prohibit research on human fetuses.	Approved.	Against.....	To review the level of U.S. forces.	Do.
For.....	To continue the National Science Foundation program.	Do.	Against.....	To place ceilings on troops overseas after next June 30.	Do.
For.....	To expand comprehensive community planning programs.	Do.	For.....	To require a comprehensive study on United States military commitment on Europe.	Approved.
Against.....	To increase funds for urban renewal programs.	Do.	For.....	To reduce military spending by \$950,000,000.	Do.
For.....	To appropriate funds for the Department of HUD, Space, Science and Veterans.	Do.	For.....	To authorize procurement of military equipment.	Public Law 93-155.
For.....	To stop the bombing in Southeast Asia immediately.	Rejected.	For.....	To appropriate funds for the Departments of HUD, veterans, and other agencies.	Public Law 93-137.
Against.....	To permit States to set standards contrary to AEC standards.	Public Law 93-60.	Against.....	To cut funds for Office of Management and Budget.	Rejected.
For.....	To continue the Atomic Energy Commission programs.	Public Law 93-52.	Against.....	To cut funds for Office of Telecommunications Policy.	Do.
For.....	To broaden the immediate bombing prohibitions in all of Southeast Asia.	Approved.	Against.....	To start debate on Alaska Pipeline.	Approved.
For.....	To prohibit all military activities in Southeast Asia without prior consent of Congress.	Do.	Against.....	To start rights-of-way provisions of mineral leasing act not applicable in some cases.	Rejected.
Against.....	To reduce Office of Economic Opportunity funds.	Do.	Against.....	To say the Alaska Pipeline does not meet environmental standards.	Do.
Against.....	To reduce Health, Education, and Welfare funds.	Do.	Against.....	To control by law regional allocations of fuel.	Do.
For.....	To expand bilingual education programs.	Do.	For.....	To require United States materials to be used in pipeline construction.	Approved.
Against.....	To require increased local or state participation in educational grants.	Do.	Against.....	To direct Secretary of Interior to grant all pipeline rights-of-way requests.	Rejected.
For.....	To appropriate funds for the Departments of Labor and HEW.	Public Law 93-192.	For.....	To authorize construction of Alaska pipeline.	Public Law 93-153.
For.....	To suspend duty on certain shoe lathes.	Public Law 93-310.	For.....	To extend International Economic Policy Act.	Public Law 93-121.
For.....	To amend the Internal Revenue Code.	In conference.	Against.....	To provide open and financing of Eisenhower College.	Rejected.
For.....	To sustain the President's veto of an appropriations bill.	Sustained.	For.....	To extend the Highway program and fund mass transit in final year.	Public Law 93-87.
For.....	To appropriate funds for the Department of Interior and the Forest Service.	Public Law 93-120.	For.....	To increase minimum wage under Fair Labor Standards Act.	Vetoed.
Against.....	To refuse to make permanent provisions of the military dependents act.	Public Law 93-64.	For.....	To extend the Farm program.	Public Law 93-86.
Against.....	To reduce operating expenses of the Atomic Energy Commission.	Rejected.	For.....	To appropriate funds for the District of Columbia.	Public Law 93-91.
Against.....	To increase AEC geothermal research at the expense of other programs.	Approved.	For.....	To appropriate funds for the Department of Transportation.	Public Law 93-98.
For.....	To appropriate funds for public works and AEC programs.	Public Law 93-97.	For.....	To combat lead based paint poisoning.	In conference.
For.....	To change the membership of the Council on International Economic Policy.	Public Law 93-121.	For.....	To extend National Flood Insurance programs.	Public Law 93-234.
For.....	To prohibit American combat activities without prior Congressional approval.	Rejected.	For.....	To approve Par Value Modification Act.	Public Law 93-110.
For.....	To immediately cut off funds for combat in Cambodia and Laos.	Do.	For.....	To continue assistance to National Railroad Corp.	Public Law 93-146.
Against.....	To set a cut off date for the Vietnam war in lieu of an immediate end.	Public Law 93-50.	Against.....	To begin debate on Export Administration Act.	Approved.
For.....	To increase the number of Federal probation officers.	Approved.	Against.....	To restrict the authority to establish export embargoes.	Rejected.
For.....	To appropriate funds for Departments of State, Justice, and Commerce.	Public Law 93-162.	For.....	To extend Export Administration Act extension.	Passed House.
For.....	To agree to Senate Social Security amendments to the debt ceiling bill.	Rejected.	For.....	To issue a contempt citation to Gordon Liddy.	Approved.
For.....	To extend unemployment compensation and child health programs.	Public Law 93-53.	Against.....	To extend cigarette labeling regulations to "little cigars".	Public Law 93-109.
For.....	To continue funding of Federal agencies.	Public Law 93-66.	For.....	To cut off funds to agencies dealing with foreign affairs under certain conditions.	Public Law 93-126.
For.....	To give final approval to renegotiation act amendments.	Public Law 93-66.	For.....	To prohibit discriminatory State taxes on California wine.	Passed House.
Against.....	To reduce farm subsidy limits.	Approved.	For.....	To consider Federal predisaster assistance to Alameda and Contra Costa counties.	Rejected.
Against.....	To eliminate cotton research and promotion.	Approved.	For.....	To encourage establishment of health maintenance organizations.	Sustained.
Against.....	To remove escalator clause on farm parity prices.	Rejected.	For.....	To coin American Revolution Bicentennial coins.	Public Law 93-127.
Against.....	To prohibit farm loans to certain grain and cotton growers.	Do.	Against.....	To maintain \$20,000 farm subsidy level.	Public Law 93-135.
Against.....	To change farm program from a set-aside to a crop program.	Do.	Against.....	To authorize water resource development studies.	Public Law 93-122.
Against.....	To eliminate small business disaster programs.	Do.	Against.....	To reduce Federal participation in school lunch program.	Rejected.
For.....	To continue the Postal Service.	Passed House.	For.....	To extend and expand school lunch assistance.	Public Law 93-107.
For.....	To give the Labor Department charge of protecting workers from dangerous pesticides.	Public Law 93-86.	For.....	To open up broadcasting of professional sports.	Public Law 93-112.
For.....	To encourage development of comprehensive area emergency medical systems.	Vetoed.	For.....	To give final approval to vocational rehabilitation programs.	Public Law 93-112.
For.....	To include customs officials under hazardous occupation retirement programs.	Passed House.	For.....	To purchase San Carlos mineral strip property.	Rejected.
For.....	To extend GI loan program.	Public Law 93-75.	For.....	To protect endangered species of fish and wildlife.	Public Law 93-205.
For.....	To improve medical care to veterans.	Public Law 93-82.	For.....	To establish an intern program for teachers.	Approved.
For.....	To extend Federal railroad safety programs.	Public Law 93-90.	For.....	To override President's veto of minimum wage increase.	Sustained.
For.....	To establish objectives for a National Commission on Productivity.	Public Law 93-193.	For.....	To withhold funds from USA if it refuses to provide information to Congress.	Approved.
Against.....	To give the President war powers without a declaration by Congress.	Rejected.	For.....	To authorize appropriation for USA.	Vetoed.
Against.....	To give the President discretionary war powers.	Do.	For.....	To debate increasing the Federal contribution to health benefits program.	Approved.
Against.....	To amend the war powers act to broaden Presidential authority.	Do.	For.....	To appropriate funds for Department of Interior and Forest Service.	Public Law 93-120.
Against.....	To restrict the use of food stamps.	Approved.	For.....	To improve retirement program for Federal law enforcement and fire personnel.	Public Law 93-350.
Against.....	To deny food stamps to families of those involved in labor disputes.	Do.	For.....	To increase Federal health benefits contribution.	Public Law 93-246.
Against.....	To permit purchase of imported foods with food stamps.	Do.	Against.....	To weaken hold harmless funding provisions for school districts.	Rejected.
Against.....	To restrict producers involved in farm labor disputes.	Public Law 93-86.	For.....	To insure school districts receive 85 percent of funds authorized to them.	Approved.
For.....	To extend Federal agricultural programs.	Public Law 93-84.	For.....	To prevent Cost of Living Council discrimination against retail petroleum dealers.	Do.
For.....	To continue public broadcasting programs.	Public Law 93-84.	For.....	To make continuing appropriations for fiscal year 1974.	Public Law 93-124.
For.....	To bar EPA from using Clean Water or Air Acts to regulate chemical substances.	Rejected.	For.....	To limit issuance of visas to Canada, Mexico and other countries.	Rejected.
For.....	To protect health and environment from hazardous chemical substances.	In conference.	For.....	To distribute Indian Claims Commission judgments.	Public Law 93-134.
Against.....	To consider expanded Federal financing of matter mail at reduced rates.	Rejected.	For.....	To fund the Cabinet Committee on Spanish Speaking Americans.	In conference.
For.....	To permit employer contributions to joint labor management trust funds.	Public Law 93-95.	For.....	To extend the National Foundation for the Arts and Humanities Act.	Public Law 93-133.
			For.....	To continue assistance for Radio Free Europe and Radio Liberty.	Public Law 93-129.

My stand	Issue	Status	My stand	Issue	Status
For.....	To prohibit the use of Federal mass transit aid for operating expenses.	Rejected.	For.....	To authorize funds for the International Travel Act.	Public Law 93-193.
Against.....	To pass the Urban Mass Transportation Act.	Public Law 93-503.	For.....	To adopt the Conference Report on the Military Sales and Assistance Act.	Public Law 93-189.
For.....	To establish Big Cypress National Preserve in Florida.	Public Law 93-440.	For.....	To express Congressional support for the U.S. fishing industry.	Approved.
Against.....	To reduce United States participation in International Monetary Fund.	Rejected.	For.....	To establish year-round daylight saving time.	Public Law 93-182.
For.....	To fund United States participation in international financial institutions.	Public Law 93-142.	For.....	To fund operations of the Departments of Labor and HEW.	Public Law 93-192.
Against.....	To permit the President to continue appointing District of Columbia judges.	Approved.	For.....	To fund Presidential impoundment of Labor and HEW funds.	Approved.
Against.....	To retain Congressional veto over all actions of the District of Columbia city government.	Rejected.	Against.....	To limit Congressional program authorizations to 3 years.	Rejected.
Against.....	To create a Federal enclave not under jurisdiction of the District of Columbia city government.	Approved.	Against.....	To require that all appropriations bills be presented to the President at once.	Do.
Against.....	To enact a weakened form of home rule for the District of Columbia.	Rejected.	Against.....	To require that both Houses disapprove a Presidential impoundment.	Rejected.
For.....	To pass the District of Columbia home rule bill.	Public Law 93-198.	Against.....	To delay effective date of anti-impoundment legislation.	Do.
For.....	To approve continued appropriations for fiscal year 1974.	Public Law 93-124.	For.....	To prohibit the export of oil products to Southeast Asia.	Approved.
For.....	To pass the military construction authorization bill.	Public Law 93-166.	Against.....	To prohibit the export of oil products to Israel.	Rejected.
For.....	To limit the war powers of the President.	Public Law 93-148.	For.....	To pass the Energy Emergency Act.	Vetoed.
For.....	To fund rivers, harbors, navigation, and flood control projects.	Public Law 93-251.	For.....	To provide home rule for the District of Columbia.	Public Law 93-198.
For.....	To provide funds for the Arctic winter games.	Public Law 93-144.	For.....	To extend the loan authority for the Small Business Administration.	Public Law 93-237.
Against.....	To adopt a National Building Standards Act (23s required).	Rejected.	For.....	To increase the Government contribution to health insurance for Federal employees.	Public Law 93-246.
For.....	To fund the Treasury Department, the Postal Service, and the Office of the President.	Public Law 93-381.	Against.....	To authorize the disposal of opium from the national stockpile.	Public Law 93-218.
For.....	To fund the Legislative Branch of Government.	Public Law 93-145.	Against.....	To dispose of copper from national stockpile.	Public Law 93-214.
For.....	To make the Menominee Tribe an officially recognized Indian tribe.	Public Law 93-197.	For.....	To improve Congressional control over the budget.	Public Law 93-344.
For.....	To end debate on the Mandatory Fuel Allocation Act.	Rejected.	For.....	To confirm Gerald R. Ford as Vice President of the United States.	Approved.
Against.....	To have the General Accounting Office monitor the fuel allocation.	Do.	For.....	To fund military construction for the coming year.	Public Law 93-194.
For.....	To pass the Mandatory Fuel Allocation Act.	Public Law 93-159.	For.....	To increase annuities for Federal employees.	Public Law 93-273.
For.....	To authorize financial assistance to Amtrak.	Public Law 93-146.	For.....	To deny special trade status for Russia until it permits full emigration.	Approved.
For.....	To limit funding for the School Lunch and Breakfast program.	Public Law 93-150.	Against.....	To reform the trading policies of the United States.	Signed.
For.....	To authorize health maintenance organizations.	Passed House.	Against.....	To provide military aid to Israel in accordance with a U.N. proposal.	Rejected.
Against.....	To limit the extension of the Environmental Education Act to 1 year.	Rejected.	For.....	To provide emergency security assistance to foreign nations.	Public Law 93-199.
For.....	To extend the Environmental Education Act.	Passed House.	Against.....	To prohibit foreign aid to Chile.	Rejected.
For.....	To consider the Emergency Medical Services Systems Act.	Approved.	For.....	To reduce foreign aid to Cambodia by \$100,000,000.	Do.
For.....	To pass the Emergency Medical Services Systems Act.	Public Law 93-154.	Against.....	To provide foreign aid to nations of the world on hours.	Public Law 93-240.
For.....	To consider the Drug Abuse Education Act.	Approved.	Against.....	To require Congress to disapprove any Presidential energy plan within 15 days.	Rejected.
For.....	To pass the Drug Abuse Education Act.	Public Law 93-422.	For.....	To permit the Justice Department and the FTC to participate in forming energy plans.	Approved.
Against.....	To authorize funds for military supplies, but not for public health hospitals.	Rejected.	For.....	To exclude coal companies from "windfall profits" provisions.	Do.
For.....	To permit 2 students from Iran to attend the Naval Academy.	Public Law 93-164.	Against.....	To prohibit the reallocation of fuel for school transportation.	Do.
For.....	To establish a Federal financing bank.	Public Law 93-224.	Against.....	To redefine "windfall profits" in the energy bill.	Rejected.
For.....	To extend privileges and immunities to the Organization of Africa Unity.	Public Law 93-161.	For.....	To relax emission controls during the energy crisis.	Approved.
For.....	To extend the life of the Watergate Grand Jury.	Public Law 93-172.	Against.....	To exempt from anti-trust action agreements between stores on hours.	Rejected.
For.....	To override the President's veto of the war powers bill.	Public Law 93-148.	Against.....	To delay effective date of emission controls for 3 years.	Do.
Against.....	To consider a temporary increase in the national debt ceiling.	Approved.	Against.....	To permit fuel allocation for student busing only when approved by school authorities.	Do.
For.....	To reduce the proposed increase in the national debt by \$2,300,000,000.	Do.	For.....	To limit the Government purchase of cars with low gasoline mileage performance.	Approved.
For.....	To pass the temporary increase in the national debt ceiling as amended.	Public Law 93-173.	Against.....	To exempt certain producers from the "windfall profits" tax.	Rejected.
Against.....	To stop all Federal payments to railroad workers after 6 years.	Rejected.	For.....	To provide Federal incentives for use of mass transit.	Approved.
Against.....	To stop after 6 years all payments to transferred railroad workers.	Do.	For.....	To provide unemployment aid to those who lose their jobs because of energy measures.	Do.
For.....	To pass the Northeast Railroad Reorganization Act.	Public Law 93-236.	For.....	To direct the FED to give special consideration to businesses with odd hours.	Do.
Against.....	To delete sections of the Alaska Pipeline bill relating to FTC, OMB, and GAO.	Rejected.	For.....	To include the fishing industry among priority fuel users.	Do.
For.....	To agree to the Conference Report on the Alaska Pipeline.	Public Law 93-153.	For.....	To prohibit the export of oil or coal if it produces unemployment in the United States.	Do.
For.....	To fund the Departments of State, Justice, Commerce, and the Judiciary.	Public Law 93-162.	Against.....	To exempt the Naval petroleum reserves from the provisions of the energy bill.	Rejected.
For.....	To fund the Departments of Labor and Health, Education and Welfare.	Public Law 93-192.	For.....	To direct the ICC to stop rate discrimination against recycled materials.	Approved.
For.....	To agree to the Conference Report on the Mandatory Fuel Allocation Act.	Public Law 93-159.	Against.....	To permit the export of oil when it will not hurt the domestic supply.	Rejected.
For.....	To express the sense of the House regarding Members of Congress convicted of crimes.	Approved.	Against.....	To suspend auto emission controls until January 1976.	Do.
For.....	To fund construction of military facilities.	Public Law 93-194.	Against.....	To exempt certain producers from the "windfall profits" provisions.	Rejected.
For.....	To increase funding for the impeachment proceedings by \$1,000,000.	Approved.	For.....	To encourage indoor energy conservation through improve building design.	Do.
For.....	To provide additional funds to carry on impeachment proceedings.	Do.	For.....	To provide a bus terminal at the National Visitors Center in Washington, D.C.	Passed House.
For.....	To provide an 11 percent increase in social security benefits.	Public Law 93-233.	Against.....	To recommit an appropriation bill.	Public Law 93-245.
For.....	To provide subsidies to foster parents who adopt hard-to-place children in the District of Columbia.	Public Law 93-241.	Against.....	To add an Administrator for the Energy Research and Development Administration.	Rejected.
For.....	To establish the American Revolution Bicentennial Administration.	Public Law 93-179.	For.....	To create an Energy Research and Development Administration.	Public Law 93-438.
For.....	To adopt daylight saving time on a year-round basis.	Public Law 93-182.	For.....	To provide funds for local governments for job training and community service programs.	Public Law 93-203.
Against.....	To require a minimum 50,000 population for manpower training sponsors.	Approved.	For.....	To fund the operations of the Department of Defense.	Public Law 93-238.
For.....	To permit groups of cities to sponsor a manpower training program.	Do.	For.....	To provide foreign financial assistance.	Public Law 93-240.
For.....	To increase funds for training unemployed persons.	Rejected.	For.....	To protect endangered species of fish and wildlife.	Public Law 93-205.
For.....	To pass the Comprehensive Manpower Act.	Public Law 93-203.	For.....	To permit United States and District of Columbia employees to run for office in District of Columbia.	Approved.
For.....	To disapprove a temporary increase in the National Debt.	Approved.	For.....	To reorganize 6 bankrupt railroads in the Northeast United States.	Public Law 93-236.
Against.....	To fund special armed services programs.	Rejected.	For.....	To provide additional funds for the operation of the Federal Government.	Public Law 93-245.
For.....	To keep civilian shipyard pay scales equal to those of the military.	Do.	For.....	To increase Social Security benefits by 7 percent in April and by 4 percent in July of 1974.	Public Law 93-233.
For.....	To bring home troops not needed overseas.	Do.	Against.....	To add the provisions of the Energy Emergency Act to the Wild and Scenic Rivers Act.	Rejected.
For.....	To fund the operations of the Department of Defense.	Public Law 93-238.	Against.....	To adjourn the 93d Congress before action was completed on the Energy Emergency Act.	Do.
For.....	To create a Federal program to stop child abuse.	Public Law 93-247.			
For.....	To reduce the salary of the Attorney General paid to William Saxbe.	Public Law 93-178.			

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93D CONG., 2D SESS. (1974)—Continued

My stand	Issue	Status	My stand	Issue	Status
For.....	To provide incentive pay for military aviation career personnel.	Public Law 93-294.	For.....	To pass broadcast license renewal legislation.	In conference.
Against.....	To strike the price rollback provision of the energy bill.	Rejected.	Against.....	To suspend vehicle emission standards for heavily polluted areas.	Rejected.
Against.....	To strike energy conservation provisions of the energy bill.	Do.	For.....	To institute programs to deal with energy resources and shortages.	Public Law 93-319.
Against.....	To strike certain end-use rationing provisions of the energy bill.	Do.	For.....	To authorize the national cancer program.	Public Law 93-352.
Against.....	To pass a comprehensive energy bill.	Vetoed.	For.....	To establish a National Institute on Aging.	Public Law 93-296.
Against.....	To create a Federal private pension corporation.	Rejected.	For.....	To protect archeological and historical data at construction sites.	Public Law 93-291.
Against.....	To allow fluctuations in self-employed payments to pension plans.	Do.	For.....	To establish a program for alcohol abuse prevention and treatment.	Public Law 93-282.
Against.....	To allow only \$6,000 in contributions to self-employed pension plans.	Do.	Against.....	To convert our system of measurement to the metric system without full debate.	Rejected.
For.....	To establish Federal regulations governing private pension plans.	Public Law 93-406.	For.....	To increase veterans disability compensation.	Public Law 93-352.
For.....	To fund a program of product purchase for the handicapped.	Public Law 93-358.	For.....	To provide commodity foods for the school lunch program.	Re
For.....	To permit suits against the United States for wrongful acts of Federal policemen.	Public Law 93-253.	For.....	To exempt small refineries from having to import some oil on U.S. ships.	Ap
For.....	To limit the authority of a Federal Energy Administration.	Approved.	For.....	To require that a percentage of U.S. oil imports be carried on U.S. vessels.	Vet
Against.....	To give the Federal Energy Administration authority to ration gas.	Rejected.	For.....	To authorize the National Commission on Productivity and Work Quality.	Public Law 93-311.
For.....	To roll back the price of domestic crude oil.	Approved.	Against.....	To require that Federal advertising of egg products be funded from egg receipts.	Approved.
For.....	To exempt small producers from future rollbacks.	Rejected.	For.....	To create an egg research and consumer information program.	Public Law 93-428.
For.....	To establish a Federal Energy Administration.	Public Law 93-275.	For.....	To extend the Overseas Private Investment Corporation.	Public Law 93-288.
For.....	To provide funds for the House Armed Services Committee.	Approved.	For.....	To establish a Legal Services Corporation.	Public Law 93-390.
For.....	To sell Federal property in Venice to Wake Forest University.	Public Law 93-264.	For.....	To extend the rural electrification program.	Public Law 93-355.
For.....	To authorize funds for the Department of State.	Public Law 93-312.	For.....	To create a standby emergency energy program.	Passed House.
Against.....	To make the death penalty in hijacking cases discretionary.	Approved.	For.....	To extend the vocational rehabilitation program.	Public Law 93-516.
For.....	To enact antihijacking legislation.	Public Law 93-366.	For.....	To fund the water program.	Public Law 93-342.
For.....	To make information from the Federal Government more accessible.	Public Law 93-502.	Against.....	To delete B-1 bomber funds before tests are complete.	Rejected.
For.....	To exempt certain aliens from the language requirement for citizenship.	In conference.	Against.....	To place an artificial ceiling on the number of troops overseas.	Do.
Against.....	To split between them land owned jointly by the Hopi and Navajo Indian tribes.	Public Law 93-531.	Against.....	To cut aid to South Vietnam by \$400,000,000.	Do.
For.....	To provide a new reenlistment bonus system for the armed services.	Public Law 93-277.	For.....	To authorize the military budget at the same level as last year.	Do.
For.....	To register persons conducting narcotic treatment programs.	Public Law 93-281.	For.....	To temporarily increase the national debt.	Public Law 93-365.
For.....	To increase Federal research on diabetes.	Public Law 93-354.	Against.....	To limit an audit of the Federal Reserve System.	Public Law 93-325.
For.....	To extend and improve the nutrition programs for the elderly.	Public Law 93-351.	For.....	To audit the Federal Reserve System.	Approved.
Against.....	To exempt newspaper delivery from the minimum wage law.	Rejected.	Against.....	To give States jurisdiction over nonprofit hospital's labor problems.	Rejected.
For.....	To establish a minimum wage of \$2.30 per hour.	Public Law 93-259.	For.....	To require a 60-day cooling off in hospital's labor problems.	Approved.
For.....	To provide pollution control facilities for TVA.	Vetoed.	For.....	To give hospitals protection under the National Labor Relations Act.	Public Law 93-360.
For.....	To fund the Peace Corps.	Public Law 93-302.	For.....	To insist on North Vietnamese help in locating our missing-in-action.	In conference.
For.....	To repeat compulsory smallpox vaccination for children in the District of Columbia.	Public Law 93-334.	For.....	To extend the Renegotiation Act.	Public Law 93-329.
For.....	To establish neighborhood advisory councils in Washington, D.C.	Public Law 93-272.	For.....	To authorize a White House Conference on Libraries (2 3/4's required).	Rejected.
For.....	To create a Law Revision Commission in the District of Columbia.	Public Law 93-379.	For.....	To fund the U.S. Coast Guard for another year.	Public Law 93-430.
Against.....	To distribute education funds according to parents' income.	Rejected.	For.....	To revise the fee system for campgrounds on Federal land.	Public Law 93-303.
Against.....	To change the distribution formula for education funds.	Do.	For.....	To provide additional funds for the Defense Department.	Public Law 93-307.
For.....	To provide for equal education opportunities.	Approved.	For.....	To provide additional funds for the Federal Government.	Public Law 93-305.
For.....	To provide additional funds for veterans programs.	Approved.	Against.....	To delete the sugar import quota for South Africa.	Rejected.
For.....	To extend the impact aid program for 3 years, instead of 1.	Approved.	For.....	To revise the minimum wage for sugar workers.	Approved.
Against.....	To prevent the use of Federal education funds for busing.	Do.	For.....	To require the minimum wage for piece rate sugar workers.	Approved.
For.....	To extend Federal education programs for 3 years.	Public Law 93-380.	Against.....	To extend the Federal sugar program.	Rejected.
For.....	To adopt a new minimum wage law.	Public Law 93-351.	For.....	To prohibit use of Federal funds for school busing.	Approved.
For.....	To provide disaster aid to other countries.	Public Law 93-333.	For.....	To delete funds for the Dickey Lincoln School Lakes project.	Rejected.
For.....	To fund the House Internal Security Committee.	Approved.	For.....	To establish a liability fund for deep water ports.	Public Law 93-393.
For.....	To permit early retirement of the Librarian of Congress.	Rejected.	Against.....	To accept a revised version of the deep water ports bill.	Do.
For.....	To amend the District of Columbia Revenue Act.	Public Law 93-268.	For.....	To limit deep water ports bill.	At White House.
Against.....	To prevent unauthorized use of the character "Woody Owl".	Public Law 93-316.	For.....	To limit expenditures by candidates for Mayor of the District of Columbia to \$100,000.	Approved.
Against.....	To delete certain professionals from the medical officers pay bill.	Rejected.	For.....	To pass the District of Columbia Campaign Finance Reform Act.	Public Law 93-376.
For.....	To provide a pay increase for military medical officers.	Public Law 93-274.	For.....	To establish a program of salinity control on the Colorado River.	Public Law 93-320.
Against.....	To limit the life of a Consumer Protection Agency to 3 years.	Approved.	Against.....	To consider the land use bill.	Rejected.
Against.....	To create a weakened Consumer Protection Agency.	Rejected.	For.....	To permit a Laotian citizen to attend West Point.	Public Law 93-317.
Against.....	To prohibit a Consumer agency from seeking judicial review.	Do.	For.....	To provide the Vice President with an official residence.	Public Law 93-346.
Against.....	To put the burden of proof in judicial cases on the Consumer agency.	Approved.	For.....	To provide funds under the International Economic Policy Act.	Public Law 93-315.
For.....	To create a Consumer Protection Agency.	In conference.	For.....	To provide legal training for persons from low-income families.	Public Law 93-343.
For.....	To permit schools to use Federal funds not spent in the past year.	Public Law 93-269.	For.....	To adopt a new system of budget and impoundment control.	Public Law 93-344.
Against.....	To cut Navy funds by \$29,000,000.	Rejected.	Against.....	To increase funds for the Justice Department Anti-Trust Division.	Approved.
Against.....	To increase aid to South Vietnam by \$274,000,000.	Do.	For.....	To fund the Departments of State, Justice, and Commerce.	Public Law 93-433.
Against.....	To have a referendum in the District of Columbia on the construction of civic center.	Approved.	For.....	To phase in new postage rates for non-first class mail.	Rejected.
For.....	To cut funds for the Eisenhower Civic Center by \$14,000,000.	Rejected.	For.....	To delay the effective date of postage rates for non-first class mail.	Public Law 93-328.
For.....	To finance construction of the Eisenhower Civic Center in Washington, D.C.	Do.	For.....	To prohibit the closing of FAA flight service stations.	Approved.
For.....	To preserve the present system of requesting a vote in the House.	Approved.	For.....	To fund the Department of Transportation and related agencies.	Public Law 93-391.
For.....	To change the Rules of the House to assure greater efficiency.	Do.	For.....	To provide funds for the continuing operation of the Government.	Public Law 93-324.
For.....	To fund the legislative branch of the Federal Government.	Public Law 93-371.	For.....	To exempt social security increases as income on elderly housing.	Approved.
For.....	To increase funds for manpower training programs.	Approved.	For.....	To continue the direct housing loans to the elderly.	Do.
For.....	To increase funds for child abuse prevention programs.	Approved.	Against.....	To strike funds for community fine arts programs.	Rejected.
Against.....	To decrease Postal Service funds.	Rejected.	For.....	To create a new housing and community development program.	Public Law 93-383.
For.....	To provide additional appropriations by 5 percent.	Do.	Against.....	To delete funds for the Cotton, Inc. program.	Rejected.
For.....	To provide full-time commissioners for the Commodity Futures Commission.	Public Law 93-305.	For.....	To protect the privacy of statistics gathered by the FTC.	Do.
For.....	To create a Commodity Futures Trading Commission.	Public Law 93-463.	Against.....	To deny food stamps to strikers.	Do.
For.....	To increase the pay of military physicians.	Public Law 93-274.	Against.....	To deny food stamps to students supported by their parents.	Approved.
Against.....	To authorize \$21,000,000 for thermoelectric research.	Approved.	For.....	To provide funds to rural fire departments.	Do.
Against.....	To require arms control impact statements.	Do.	For.....	To provide funds for agricultural, environmental, and consumer programs.	Vetoed.
For.....	To restore full annuities to formerly married pensioners.	Public Law 93-474.	For.....	To provide funds for the recent increases in veterans benefits.	Public Law 93-321.
Against.....	To delay the effective date of the public safety officers benefits bill.	Rejected.	Against.....	To cut arbitrarily the White House staff level.	Rejected.
For.....	To pay benefits to survivors of policemen killed on duty.	In conference.	For.....	To cut funds for the Office of Management and Budget by \$5,000,000.	Do.
For.....	To fund the National Aeronautic and Space Administration.	Public Law 93-316.	For.....	To cut funds for the Office of Management and Budget by \$2,500,000.	Approved.
For.....	To prohibit research on live fetuses.	Approved.			
For.....	To fund the National Science Foundation.	Public Law 93-413.			
For.....	To create a Federal Energy Administration.	Public Law 93-275.			
For.....	To establish a program of fire prevention and control.	Public Law 93-498.			
Against.....	To reduce funds for the Atomic Energy Commission.	Rejected.			
For.....	To fund special energy research and development programs.	Public Law 93-322.			
For.....	To extend the term of broadcast licenses from 4 to 5 years.	Approved.			

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My stand	Issue	Status	My stand	Issue	Status
For.....	To prohibit the transfer of border control duties from the Bureau of Customs.	Do.	For.....	To authorize funds for the U.S. Information Agency.	Public Law 93-475.
For.....	To fund the Treasury, Postal Service, and Office of the President.	Public Law 93-381.	Against.....	To set a low ceiling on defense appropriations.	Rejected.
For.....	To fund the Department of HUD, NASA, and the Veterans' Administration.	Public Law 93-414.	For.....	To provide funds for the national defense.	Public Law 93-437.
For.....	To extend the public works and economic development program for 2 years.	Public Law 93-423.	Against.....	To set campaign expenditure limits at \$42,500.	Rejected.
For.....	To require the Rules Committee to permit immediate consideration of committee reform.	Approved.	For.....	To permit television coverage of the impeachment debate.	Approved.
Against.....	To restrict the use of Federal funds for school busing.	Do.	Against.....	To allow State campaign expenditure ceilings to preempt the Federal limit.	Rejected.
Against.....	To increase funds for comprehensive manpower training.	Do.	Against.....	To set campaign expenditure limits at \$60,000.	Approved.
Against.....	To reduce funds for OSHA.	Rejected.	For.....	To provide a board of supervisors for the Federal election campaign law.	Do.
Against.....	To provide funds for OSHA on-site consultations.	Approved.	Against.....	To strike provisions of the bill permitting Presidential primary matching funds.	Rejected.
Against.....	To exempt from OSHA inspections firms employing fewer than 25 persons.	Do.	For.....	To provide partial public financing of congressional campaigns.	Do.
Against.....	To delete all funds for OSHA.	Rejected.	Against.....	To strike provisions for public financing of Presidential nominating conventions.	Do.
Against.....	To reduce funds for the National Education Institute.	Approved.	Against.....	To restrict campaign donations to individuals and party organizations.	Do.
Against.....	To prohibit Federal funds being used for racial desegregation.	Approved.	For.....	To enact a Federal Elections Campaign Act to reform campaign practices.	Public Law 93-443.
Against.....	To prohibit use of Federal funds for abortions.	Rejected.	For.....	To authorize military construction for the coming year.	Signed.
For.....	To fund the Department of HEW and the Department of Labor.	Public Law 93-517.	For.....	To extend congressional best wishes to President Ford.	Approved.
For.....	To retain the present impact aid program for education.	Rejected.	For.....	To create a health revenue sharing and health services program.	Vetoed.
For.....	To continue the domestic food assistance program.	Public Law 93-347.	For.....	To prohibit mandatory safety standards on seat belts after Aug. 15, 1976.	Approved.
For.....	To establish a program for biomedical research.	Public Law 93-348.	For.....	To enact the War Claims Act amendments.	In conference.
For.....	To provide funds for the District of Columbia.	Public Law 93-405.	For.....	To fund public works programs and the Atomic Energy Commission.	Public Law 93-393.
For.....	To permit the Judiciary Committee to televise its hearings (2/3rds required).	Rejected.	For.....	To fund transportation programs for the coming year.	Public Law 93-391.
For.....	To extend the Export-Import Bank for 60 days.	Public Law 93-331.	Against.....	To allow Congress to oversee exports of technology.	Rejected.
Against.....	To transfer the juvenile delinquency programs from the LEAA to HEW.	Approved.	For.....	To permit allocation of export licenses on a different basis.	Approved.
For.....	To extend the Juvenile Delinquency Act.	Passed House.	For.....	To extend the Export-Import Bank for 2 years.	Public Law 93-500.
Against.....	To recommit the International Development Association Act.	Rejected.	For.....	To establish a new Federal procurement policy.	Public Law 93-400.
For.....	To permit citizens to own gold.	Public Law 93-373.	For.....	To retain sec. 701 of the Emergency Home Finance Act.	Rejected.
For.....	To remove lawyers for indigents in the District of Columbia.	Public Law 93-412.	Against.....	To require the recommendation of new legislation on real estate.	Approved.
For.....	To continue the diabetes mellitus program.	Public Law 93-354.	For.....	To change real estate settlement procedures.	Public Law 93-533.
For.....	To establish a program of research and development of geothermal energy.	Public Law 93-410.	For.....	To create new housing and community development programs.	Public Law 93-393.
Against.....	To prohibit indemnification coverage for nuclear accidents in foreign nations.	Approved.	Against.....	To eliminate "operating subsidies" under the Federal Mass Transportation Act.	Rejected.
Against.....	To limit the atomic energy insurance program for only 18 months.	Rejected.	Against.....	To make urban areas with 2,000,000 people eligible for category A programs.	Approved.
For.....	To extend the atomic energy insurance program to 1984.	Vetoed.	Against.....	To evaluate urban programs designed to discourage use of automobiles.	Do.
For.....	To extend coverage under National Labor Relations Act to nonprofit hospital employees.	Public Law 93-360.	For.....	To set up a cost of living task force to monitor the economy.	Public Law 93-387.
For.....	To establish a construction program for developmental disabilities services.	In conference.	For.....	To return to standard time from the end of October to the end of February.	Public Law 93-434.
For.....	To extend Amtrak.	Public Law 93-496.	For.....	To expand and make permanent the Youth Conservation Corps.	Public Law 93-408.
For.....	To amend the Federal purchasing procedures.	Public Law 93-356.	For.....	To fund the programs of the Department of the Interior.	Public Law 93-404.
For.....	To print the Judiciary Committee's hearings on impeachment (2/3rds required).	Approved.	For.....	To adopt the pension reform bill.	Public Law 93-406.
For.....	To limit individual loans to beef producers to \$250,000.	Do.	For.....	To print the House Judiciary Committee's impeachment report.	Approved.
For.....	To provide temporary guaranteed loans to beef producers.	Public Law 93-357.	For.....	To fund the District of Columbia government.	Public Law 93-405.
For.....	To provide for a Legal Services Corporation.	Approved.	Against.....	To reduce authorized funds for mass transit to \$11,000,000.	Approved.
For.....	To adopt the Hosmer version of the surface mining bill.	Rejected.	Against.....	To prevent States from increasing the weight limits on interstate mass transit aid to 75 percent of construction and 50 percent of operating costs.	Rejected.
Against.....	To change sec. 102 of the surface mining bill.	Do.	For.....	To create a program of Federal aid for mass transit.	Passed House.
Against.....	To delete the impact proceedings.	Do.	For.....	To establish a Council on Wage and Price Stability.	Public Law 93-387.
Against.....	To restrict the use of Federal funds for school busing.	Approved.	For.....	To enact a program of solar heating and cooling demonstration.	Public Law 93-409.
Against.....	To revise sec. 201 of the surface mining bill.	Do.	For.....	To authorize continuation of programs of the Department of Energy.	Public Law 93-475.
For.....	To allow mining permits for more than 2 years.	Do.	Against.....	To bring the Export-Import Bank under the Federal budget process.	Rejected.
Against.....	To exempt agricultural and recreation facilities from reclamation requirements.	Do.	Against.....	To require congressional approval of Export-Import Bank contacts.	Do.
Against.....	To reduce funds for the National Foundation for the Arts and Humanities.	Rejected.	For.....	To amend the Export-Import Bank Act.	At White House.
For.....	To fund the Department of the Interior and related agencies.	Public Law 93-404.	For.....	To authorize the Commerce and Treasury to study foreign investments in United States.	Public Law 93-479.
Against.....	To fund the surface mining bill for committee revision.	Rejected.	For.....	To provide funds for housing, space, science, and veterans programs.	Public Law 93-414.
Against.....	To impose strict controls on surface mining.	Vetoed.	For.....	To improve education and rehabilitation benefits for veterans.	Public Law 93-508.
For.....	To authorize funds for military procurement.	Public Law 93-365.	Against.....	To require the Federal Energy Administrator to recommend bills on energy patent policies.	Approved.
For.....	To fill vacancies on the District of Columbia School Board by election.	Public Law 93-935.	For.....	To create a program of research and development of non-nuclear sources of energy.	Signed.
For.....	To combine 3 colleges in the District of Columbia into the District of Columbia University.	Public Law 93-471.	For.....	To provide for the regulation of issuance of debt obligations.	Public Law 93-501.
For.....	To increase the salaries of firemen and policemen in the District of Columbia.	Public Law 93-407.	For.....	To reform the Railroad Retirement System.	Public Law 93-445.
For.....	To extend the subsidies to medical and dental schools in the District of Columbia.	Public Law 93-389.	For.....	To create a program of research and development of solar energy.	Public Law 93-473.
For.....	To fund the Department of Agriculture and related agencies.	Vetoed.	For.....	To permit the FTC to act on behalf of consumers against deceptive practices.	Rejected.
Against.....	To extend welfare program eligibility for 13 weeks.	Rejected.	For.....	To establish a consumer product warranties program.	At White House.
For.....	To set up a conference to study our inflation policy.	Approved.	For.....	To fund the national defense programs.	Public Law 93-437.
Against.....	To require congressional approval of nuclear aid to foreign nations.	Do.	For.....	To improve the program of remuneration in cases of nuclear accident.	Vetoed.
For.....	To extend and change the Elementary and Secondary Education Act.	Public Law 93-380.	For.....	To withhold foreign aid from Turkey until the Cyprus situation improves.	Approved.
For.....	To fund the legislative branch of the Federal Government.	Public Law 93-371.	Against.....	To limit the activities of the CIA.	Rejected.
Against.....	To extend west front of the U.S. Capitol Building.	Rejected.	For.....	To provide funds for the continued operation of the Government.	Vetoed.
Against.....	To require absolute congressional approval of nuclear aid to foreign nations.	Do.	For.....	To provide funds for the Departments of State, Commerce, Justice, and the Judiciary.	Public Law 93-433.
For.....	To require congressional approval of major nuclear aid projects.	Public Law 93-377.	For.....	To reject a program of grants to Eisenhower College and Sam Rayburn Library.	Rejected.
For.....	To extend the International Broadcasting Act.	Public Law 93-493.	For.....	To change the metal content of the penny.	Public Law 93-441.
For.....	To invite the 1980 Winter Olympic Games to Lake Placid, N.Y.	Approved.	For.....	To require that 1/3 of the staff of any committee be appointed by minority members.	Approved.
For.....	To provide continuation pay to military physicians during infirmity residency.	Public Law 93-394.	For.....	To add \$198,600,000 for Federal education including \$62,600,000 for impact aid.	Do.
For.....	To increase the number of officers in the Air Force, for 2 years.	Public Law 93-397.	Against.....	To prohibit the withholding of funds to compel schools to racially integrate.	Do.
For.....	To provide medical and hospital care for soldiers from allied nations.	Passed House.	For.....	To increase funds for library programs by \$5,000,000.	Do.
For.....	To improve the veterans home loan program.	Signed.	For.....	To increase funds for nutrition programs for the elderly.	Do.
For.....	To provide assistance to the Territory of Guam.	Public Law 93-421.	Against.....	To retain jurisdiction over surface and air transportation in the Commerce Committee.	Rejected.
For.....	To extend the National Health Service Corps.	Public Law 93-385.	Against.....	To establish a Select Committee on Aging.	Approved.
For.....	To improve the fee process for passport applications.	Public Law 93-417.			
For.....	To extend the Export-Import Bank for 60 days.	Public Law 93-374.			
For.....	To express the concern of the House on chemical warfare.	Approved.			
Against.....	To drastically reduce funds for the Safeguard ABM system.	Rejected.			
Against.....	To strike funds for binary nerve gas.	Approved.			
Against.....	To strike funds for research and development of counterforce technology.	Rejected.			
For.....	To cut funds for South Vietnam by \$300,000,000.	Approved.			

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My stand	Issue	Status	My stand	Issue	Status
Against.....	To retain the House Internal Security Committee.....	Do.	For.....	To override the veto of the Freedom of Information Act amend-ments.....	Public Law 93-502.
For.....	To cut all transition funds for former President Nixon to \$100,000.....	Rejected.	For.....	To override the veto of a private bill (2/3rds required).....	Sustained.
For.....	To reduce transition funds for former President Nixon to \$55,000.....	Approved.	Against.....	To allow exceptions to individual privacy of Government records.....	Signed.
Against.....	To cut all staff allowances for former President Nixon.....	Rejected.	Against.....	To fund a mass transit program.....	Public Law 93-503.
Against.....	To reduce staff allowances for former President Nixon to \$55,000.....	Do.	For.....	To safeguard the privacy of individual Government records.....	Signed.
For.....	To cut allowances for ex-President Nixon to \$100,000; \$55,000 for pensions.....	Approved.	For.....	To provide a people's counsel for the District of Columbia Public Service Commission.....	At White House.
For.....	To provide supplemental funds for the operation of the Government.....	Signed.	For.....	To authorize additional funds for the Atomic Energy Commission.....	Signed.
For.....	To require a bill to go through the Rules Committee.....	Approved.	For.....	To provide funds for the Departments of Labor and HEW.....	Public Law 93-517.
For.....	To provide funds for the Visitors Center in the District of Columbia (2/3rds required).....	Rejected.	For.....	To provide funds for military construction.....	At White House.
For.....	To provide funds for the continued operation of the Govern-ment.....	Vetoed.	For.....	To provide the veto of the veterans education bill (2/3rds re-quired).....	Public Law 93-508.
Against.....	To prohibit all military assistance funds for Turkey.....	Rejected.	For.....	To override the veto of a tariff bill on lead and zinc (2/3rds re-quired).....	Sustained.
For.....	To provide greater access to Government documents.....	Approved.	For.....	To create a Harry S. Truman Memorial Scholarship program (3/4rds required).....	Rejected.
For.....	To limit debate on House committee reform.....	Approved.	For.....	To provide supplemental funds for the Federal Government.....	Signed.
For.....	To place the Panama Canal under the Merchant Marine Com-mittee.....	Do.	Against.....	To agree to Senate modification of a school busing amendment.....	Approved.
For.....	To continue to allow the Speaker to refer bills.....	Do.	Against.....	To enact a surface mining control bill (2/3rds required).....	Vetoed.
Against.....	To establish a Select Committee on Aging.....	Do.	For.....	To pay certain flood damage claims.....	Rejected.
For.....	To prohibit foreign travel by retiring or defeated Congressmen.....	Do.	For.....	To increase veterans pensions and income limitations.....	Public Law 93-527.
Against.....	To accept the Martin proposal for House committee reform.....	Rejected.	For.....	To continue United States participation in the Asian Develop-ment Bank.....	Public Law 93-537.
Against.....	To establish a select committee to study problems on abortion.....	Do.	For.....	To provide health revenue sharing and health services (3/4rds required).....	Vetoed.
Against.....	To prohibit voting by proxy in House committee meetings.....	Approved.	Against.....	To tax transportation companies as utilities.....	Rejected.
Against.....	To establish a select committee to study implementation of laws.....	Rejected.	For.....	To improve surface transportation.....	At White House.
For.....	To accept the Hansen proposal for House committee reform.....	Approved.	For.....	To cut \$55,000,000 in funds for fertilizer for South Vietnam.....	Approved.
For.....	To provide funds for the Department of Agriculture and EPA.....	Signed.	For.....	To cut off aid to international organizations.....	Do.
For.....	To create a Federal program of fire prevention and control.....	Public Law 93-498.	Against.....	To cut funds for international organizations.....	Do.
For.....	To establish a Commodity Futures Trading Commission.....	Public Law 93-453.	For.....	To provide foreign aid only if the receiving country agrees to barter raw materials.....	Approved.
For.....	To initiate a program of energy research and development.....	Public Law 93-438.	Against.....	To pass the foreign aid program.....	Signed.
For.....	To revise regulation of the depository institutions.....	Public Law 93-495.	For.....	To provide funds for the Department of Agriculture.....	Do.
For.....	To provide for reform of campaign finance laws and practices.....	Public Law 93-443.	For.....	To permit ASCS employees to work temporarily for FmHA.....	Approved.
For.....	To provide liberalized education benefits for veterans.....	Public Law 93-508.	For.....	To provide emergency unemployment compensation.....	Signed.
Against.....	To require congressional approval of certain nuclear agree-ments.....	Public Law 93-485.	For.....	To create an emergency jobs program.....	Do.
For.....	To amend the Export Administration Act.....	Public Law 93-500.	For.....	To expand the health manpower programs.....	In conference.
For.....	To provide funds for the Visitors Center in Washington, D.C.....	Public Law 93-478.	For.....	To expand the ceiling of a White House Conference on Libraries.....	Signed.
Against.....	To strike language requiring double hulls on certain cargo vessels.....	Rejected.	For.....	To pay the same mail rates on all international flights.....	At White House.
For.....	To increase participation of U.S. vessels in oil imports.....	Vetoed.	For.....	To eliminate unfair restrictions on certain airlines.....	Approved.
For.....	To convey lands in Grand Canyon Park to the Havasupai Indians.....	At White House.	For.....	To modify school busing provisions in an appropriation bill.....	Approved.
Against.....	To permit the District of Columbia Development Corporation to restore capital reserve funds.....	Rejected.	For.....	To establish a Federal non-nuclear energy development pro-gram.....	Signed.
For.....	To create a District of Columbia Development and Finance Corporation.....	Do.	For.....	To make the American Film Institute an independent agency.....	Rejected.
For.....	To authorize the President to suspend aid to Turkey.....	Do.	For.....	To create an American Folklife Center in the Library of Con-gress (3/4rds required).....	Do.
For.....	To establish a \$300,000,000 target level for Federal spend-ing in 1975.....	Passed House.	For.....	To construct new mint buildings (3/4rds required).....	Do.
For.....	To override the veto of bill banning aid to Turkey (2/3rds re-quired).....	Sustained.	Against.....	To expand the rice support program.....	Do.
For.....	To override the President's veto of the railroad retirement bill.....	Public Law 93-445.	For.....	To create a Harry S. Truman Memorial Scholarship program.....	At White House.
For.....	To consider an increase in the availability of mortgage credit.....	Public Law 93-449.	Against.....	To provide foreign aid to other nations.....	Signed.
For.....	To authorize funds for Amtrak.....	Public Law 93-496.	For.....	To provide funds for continued operation of the Government.....	Do.
For.....	To extend the rehabilitation programs for 1 year.....	Public Law 93-516.	For.....	To create an emergency jobs program.....	Do.
For.....	To cut off all funds for Turkey.....	Approved.	For.....	To provide urgent supplemental appropriations.....	At White House.
Against.....	To cut off all funds for Greece as well as Turkey.....	Rejected.	For.....	To establish new rules of evidence for the Federal Courts.....	Do.
For.....	To provide funds for the continued operation of the Govern-ment.....	Vetoed.	For.....	To authorize continuance of the Federal Highway program.....	Do.
For.....	To override the veto of bill banning aid to Turkey (2/3rds re-quired).....	Sustained.	For.....	To extend the Export-Import Bank.....	Do.
For.....	To provide funds for the continued operation of the Govern-ment.....	Public Law 93-448.	Against.....	To study the New River as a wild and scenic river (3/4rds re-quired).....	Rejected.
For.....	To contribute to U.N. Mid-East peacekeeping operations.....	At White House.	For.....	To extend copyrights on sound recordings.....	Signed.
For.....	To allow Judicial disqualification in certain cases.....	Public Law 93-512.	For.....	To confirm Nelson Rockefeller as Vice President.....	Approved.
For.....	To extend the Emergency Petroleum Allocation Act.....	Public Law 93-511.	For.....	To reform our international trade program.....	Signed.
For.....	To improve the program for safe drinking water.....	Public Law 93-523.	For.....	To permit the importing of upholstery needles.....	At White House.
For.....	To override the veto of the Rehabilitation Act amendments.....	Public Law 93-516.	For.....	To authorize State lotteries.....	Do.
			For.....	To continue Office of Economic Opportunity.....	Do.
			For.....	To increase the milk price support to 85 percent of parity.....	Do.
			For.....	To have an Assistant Secretary of Interior for Indian Affairs.....	Rejected.

SUGGESTIONS ON MEETING THE
CURRENT ECONOMIC CRISIS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. SCHWEIKER. Mr. President, in conjunction with President Ford's call for Americans to make suggestions on how best to meet the current economic crisis, the staff of WWSF Radio at St. Francis College in Loretto, Pa., has written to Mr. Ford with a number of suggestions. Those associated with WWSF are to be commended for taking the initiative to share their views on this vital situation, and I ask unanimous consent that the text of their letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

WWSF RADIO, ST. FRANCIS COLLEGE,
Loretto, Pa.THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am Host of a daily talk show that discusses just about everything, including the present economic situation. My audience has made numerous suggestions and comments on alleviating our problem which they felt also would be helpful if passed along to you.

It is rather difficult for a housewife to understand a breakdown of prices when a side of beef is used as an example. We would suggest that a six pound beef roast (eye of round, or bottom round, etc.) be used instead. You could then show how much of the cost of this beef roast goes to the grocer, the middleman, and the farmer—this would give a more accurate picture as

to who may be making unnecessary profits on meat. Following this same line of thought—there are rumors in our area of grocers being forced to buy from certain warehouse owners. The middleman should be investigated to clear the picture.

Many citizens, in an effort to conserve energy and reduce their heating costs, are purchasing storm windows, insulation, new heating units, etc. They save nothing, however, when they receive heavily padded bills for these items and their installation. We also hear and are appalled by the tremendous profits the oil companies are making at our expense. Now there's talk about lifting the controls on domestic natural gas with talk of frightening increases in its cost. Many people literally must choose between starving or freezing to death. How much longer can the rape of the American public be overlooked?

Cutting the federal budget seems to get more response from our listeners than does an increase in their taxes. It's time to stop such useless allocations of government

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funds for; a study on the impact of rural road construction in Poland, \$85,000; a dictionary of witchcraft, \$46,089; a study of lizards in Yugoslavia, \$15,000, etc. We also hear of the gross misuse of equipment and funds by the military. This must not be allowed to continue.

Many of our listeners believe that wage and price controls should be reconsidered. The millions of Americans earning minimum wage or a little more just can't compete with those earning \$12 an hour and more. Those living on fixed incomes cannot live in a world in which only those earning \$15,000 or more can live comfortably. The biggest tax burden is borne by the \$15,000 or under wage earner.

Economic advisers in fairly high income brackets cannot possibly understand the family pocketbook as middle income housewives daily making ends meet can. There should be a place on the economic committees for a middle class homemaker representative and careful consideration should be given to what she or he has to say.

The majority of our listeners are not happy with the 5% surtax. There are many differing opinions on why and how it should actually be done, but there is a consensus of opinion that those who can least afford it are again being asked to bear the burden.

Other suggestions include: Those 65 to 72 should be permitted to earn as much as they can without losing their Social Security benefits or paying income tax. Permit men and women at age 62 to retire on full pension to open the job market to younger persons.

Increase the quality of our manufactured goods. It seems they last only as long as it takes to pay them off.

Cut government bureaucracy. Strict patrol of our territorial fishing waters. Investigate the kickback of big moneys to big business.

Strict enforcement of anti-trust laws. More competition would increase quality and lower prices.

Prohibit Congress from attaching riders to major funding bills. Funds are being spent unnecessarily on government programs passed merely as riders.

I'm sure this letter is not what you had in mind when you asked the American people for help. The attitude is negative, but please understand that our listeners feel they have done all they can, and now it's up to you.

TRIBUTE TO THE HONORABLE
JAMES R. GROVER, JR.

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, the aisle down the center of this Chamber divides the House of Representatives between the Democrats and Republicans but it cannot divide friends. My friend on the other side of the aisle and my fellow New Yorker is the Honorable JAMES R. GROVER, JR.

JIM GROVER was long active in many civil and community organizations following his graduation from Columbia Law School, including the Lions Club, the Knights of Columbus, the Veterans of Foreign Wars, and other veterans organizations.

The people of his part of Suffolk County, N.Y., obviously recognized his ability and talents for in 1957 they

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elected him to the New York State Assembly and subsequently in 1962 elected him to the Congress of the United States.

Here in this Chamber, JIM has made his mark as a conscientious, articulate, hard-working Congressman who holds at the center of his attention the best interests of his constituency. The people of the Second District of New York have responded to his effective leadership by electing him to six Congresses.

Mrs. Rooney joins me in wishing JIM and his lovely wife Mary and their family many years of happiness, good health, and success.

CLARK FISHER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, my distinguished colleague from Texas, CLARK FISHER, will be leaving the Congress this year, having served in the House for 32 years. He is a highly respected Member of this body and we all hate to see him leave.

CLARK has served as a member of the powerful Armed Services Committee with distinction for many years, heading one of its most influential subcommittees. He has consistently voted for a strong national defense and has played a major role in formulating our defense posture during the past quarter century.

CLARK FISHER is a great American and this body will miss him. I join my colleagues in wishing for him continued good health and happiness.

DR. FLOYD M. RIDDICK

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. METCALF. Mr. President, when Tennyson talked about parliaments of man, he equated it with the end of the throbbing of war drums and the beginning of the era of law. The field of parliamentary law is therefore most significant in any organized society. In the Senate we rely on the Parliamentarian to guide us and instruct us in the law of our regular procedure.

Dr. Floyd M. Riddick has been our Parliamentarian and given us his expert guidance and counsel on our deliberative proceedings. He has been fair and impartial, the rulings he has made were based on a long line of precedents and the rules of the institution we represent. On our desks in the Senate and in our offices is the most authoritative text for procedure and usage in the Senate: "U.S. Congress; Organization and Procedure," by Doc Riddick. I hope in his semiretirement he will have time to annotate and include precedents that have arisen since he published the last volume.

I make the last comment because, while

I understand that Doc Riddick has retired as Parliamentarian with the adjournment of the 93d Congress, he will continue to make his services and his background and knowledge available to the Senate Committee on Rules and Administration.

Doc Riddick has always been a supporter of the concept of thorough information for the Members of Congress and those who follow congressional activities. Hence, it was Doc Riddick who thought that there should be a Daily Digest of the CONGRESSIONAL RECORD. It was his idea in the 1940's that a capsule comment on proceedings in Congress would be useful in reading the CONGRESSIONAL RECORD. The first Digest appeared in the Record of March 17, 1947. Today it is the first item to which we turn.

Doc Riddick, a scholar, an innovator, a lawgiver, has made a tremendous contribution to the Senate and thus to parliamentary bodies everywhere. I wish him well on his partial retirement, and I am pleased that he will still be around for counsel and advice on the complex procedures of the Senate.

TRIBUTE TO EDITH GREEN
OF OREGON

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. NELSEN. Mr. Speaker, in the years that I have been involved in Government and the legislative process, I have never known a more effective, courageous and fair person than EDITH GREEN of Oregon.

Her influence in the House of Representatives has been very great, and it has been a thrill for me to work with her on several bills where we felt agreement was important.

In my mind, EDITH has made a finer contribution in the field of educational law than any other Member of Congress, past or present. Her record here in many other respects is worthy of greatest praise and emulation.

It has been a real pleasure for me to serve with EDITH, and I want to wish her every happiness in her well-deserved retirement.

THE NEED FOR REFORM OF THE
REGRESSIVE SOCIAL SECURITY
TAX

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ZABLOCKI. Mr. Speaker, I would like to call the following editorial from the December 15 issue of the Milwaukee Journal on the social security system, entitled "The Social Security Squeeze" to the attention of our colleagues.

For many of the same reasons mentioned in the editorial, I decided this past March to cosponsor H.R. 13384, legislation which would ease the financial

hardship experienced by low- and middle-income taxpayers, in the form of the regressive social security tax. This legislative proposal would redistribute the impact of the present tax on the income scale, thereby putting more money in the pockets of the working people during this time of severe inflation, while at the same time lowering the cost of doing business for employers. Specifically, this bill would cut the payroll tax from its present employer-matched 5.85 percent to 3.9 percent and increase the wage base subject to the tax from the current \$13,200 to \$25,000.

Mr. Speaker, this legislation represents a reasonable compromise between those who fear or oppose any change in the social security system and those who would finance it entirely from general funds.

Finally and most important, Mr. Speaker, this proposal reflects an effective and responsible way for Congress to ease the financial burden of the average workingman while continuing to assure minimum financial security for our senior citizens and thereby should receive serious consideration during the 94th Congress.

The editorial follows:

THE SOCIAL SECURITY SQUEEZE—I

Tax reform is dead for this session of Congress. Perhaps, it is a blessing in disguise, because the bill that died in the House Rules Committee was a quickie measure designed more to score political points than to achieve comprehensive reform.

In fact, the patchwork bill completely ignored one of the greatest tax inequities: the Social Security payroll tax. Its reform should be a prime goal of the new Congress, convening next month.

The Social Security tax, paid in equal amounts by the worker and his employer, usually is not considered in tax reform discussions. Yet it grossly violates the principle of progressivity that supposedly governs our tax structure.

Because the tax is a flat rate on a given initial portion of a worker's income, it is a regressive levy. Increasingly burdensome for low and middle income workers. Wisconsin's Sen. Nelson pointed out last year that "recent increases in the payroll tax—at a compound annual growth rate of more than 17% since 1949—have largely eliminated the tax relief Congress attempted to extend to these groups in 1964, 1969, and 1971." It is estimated that 50% of today's workers pay more in Social Security taxes than income taxes.

Next year a worker will pay \$824.85, or 5.85%, of his first \$14,100 of income. It can be argued that, in effect, the worker is paying close to double that percentage because his employer's contribution is made at the expense of wages or fringe benefits that might otherwise go to the worker, or is reflected in higher consumer prices that the worker must pay. Yet for incomes over \$14,100 the effective percentage of the tax drops as income rises.

Unless some steps are taken to alter the current manner of financing Social Security or the amount of benefits the system pays, this regressive burden will grow. Social Security is a pay-as-you-go fund. Workers' contributions today pay the benefits of those now retired. Persistent inflation automatically triggers increases in benefits, increasing the cost to be borne by the work force. Moreover, if births continue at their current low rate, the ratio of retired to working population will increase suddenly and dramatically after the year 2000—and so will the cost of Social Security. By 2025 the combined

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percentage tax levied on employer and employee could almost double (see chart).

On the other side of the coin, the Washington Post pointed out in September that Social Security benefits have increased over the last five years at a much higher rate than the consumer price index. And there is little indication that Congress has lost its penchant for viewing a Social Security benefit boost as a golden goose in an election year.

There is an urgent need to look now—not later—at alternatives to the present financing and payment structure.

SENATOR STEVENSON HONORED AS ISRAEL BOND "MAN OF THE YEAR"

HON. ADLAI E. STEVENSON III

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. STEVENSON. Mr. President, on Sunday, December 15, 1974, I was honored as the Israel Bond "Man of the Year" in Chicago. I ask unanimous consent that the text of my speech be included in the RECORD.

There being no objection, the speech was ordered to be included in the RECORD, as follows:

REMARKS BY SENATOR STEVENSON

I am honored by the generous recognition you have accorded me and glad for an opportunity to express some thoughts about the future of Israel.

This is the final night of the Festival of Hanukkah—a season of hope. I want my remarks to be in keeping with the spirit of the season. I want also to be thoroughly candid with you about what we read in the headlines from the Middle East—and what we read between the lines.

So, tonight I sound three notes: a note of sober, even somber, realism; a note of earnest caution; and a note of genuine hope—even confidence—that Israel, which has endured many storms, will survive another, and soon prosper in peace.

This gathering is a testament to the inspiration Israel holds, not just for those of the Jewish faith, but for millions of others in the world.

Israel is a testament to the power of the human will to triumph over adversity and cruelty.

Israel symbolizes the righting of terrible wrongs—and so, it touches our memories and the conscience of us all.

The flowering of modern Israel is a testament to man's persevering genius—his economic, technological, scientific and democratic genius. Israel has made the desert bloom and the human spirit flourish.

So, in Israel more is at stake than the future of one small nation; more is at stake than the pride of its friends and supporters. In Israel the honor of a generation is at stake. History will not deal kindly with a world that fails to help this small, free and courageous nation to prosper and to live in peace.

It would be foolish tonight to ignore the storm clouds that hover over Israel.

At a time when the United States should be speaking with one voice in support of Israel, the highest ranking officer of the United States armed forces, General Brown, has sounded a discordant note. In one interview, he questioned the loyalty of American Jews to the United States. In another, he saw fit to question the judgments at Nuremberg.

For these lapses, the President thinks General Brown should merely be reprimanded.

I think he should have been reprimanded—and then removed.

Even more seriously, we see tonight an eclipse of principled leadership in the world—most tragically in the United Nations.

The U.N. in recent days has passed resolutions that defy both realism and justice.

Humanitarian relief programs have been perverted into cynical tools of political reprisal.

And we have seen the saddest spectacle of all: the General Assembly, which once was a council of peace, sounding an ovation for a terrorist.

In 1961 my father, speaking from his seat in the United Nations, warned against the day when the actions of the United Nations might be meaningless—because no one would take them seriously: a day when raw power might overwhelm international morality. If that day came, he warned, the true victims would almost certainly be the small and developing nations newly coming to independence.

Now his words seem sadly prophetic. For these dismal events in the United Nations do not so much threaten Israel as they threaten the United Nations itself. Already the United States Senate has voted to withhold funds from UNESCO until it ceases its politically motivated behavior.

It would be tragic if the United Nations, still the fragile vessel of our hopes for international cooperation and world peace, should sink still lower in the esteem of civilized humanity.

So, let those nations who, having sought an international forum and then abused it, show some restraint—or finally destroy the frail vehicle upon which rides much of mankind's hope.

Still other, more immediate, dangers are on our minds tonight.

The people of Israel find that some battlefield victories bring, not elation, in their wake, but trouble: bitterness and recrimination, now inflation; burdensome taxes and economic recession.

The friends of Israel watch with growing anxiety as Russia rearms her Arab clients—and as the Arabs, the P.L.O. and Iran included, unite within a fortress built of oil.

Israel's fate hangs upon the thread of supplies and support from the United States. And now the resupply of Israel is complicated by logistical uncertainties in the Azores and elsewhere.

The patient efforts of Secretary Kissinger to approach a settlement step by step have been threatened, if not doomed, by the recent Arab summit in Rabat.

All these somber facts point to the danger in the Middle East that war will erupt anew. Some say that Israel cannot countenance the growing unity and continuing rearmament of the Arab states or the new status of the Palestine Liberation Organization.

Some say that with the Syrian disengagement agreement less than six months from expiring; with the Arabs gaining unity and strength, the Arabs may be reaching a point where they will not show restraint—and so Israel is reaching a point where it cannot show restraint.

Some are counseling war in the name of peace. In short, some who call themselves friends of Israel are counseling a preemptive strike: arguing that Israel must attack upon some provocation to buy time and—perhaps with support from the United States—invade Arab oil fields and break the back of the oil cartel.

So here I strike my note of earnest warning: There may be appeal in such bold and simple ideas—in such forceful notions about ordering human affairs. But there is also great danger.

The great danger is that things will give way and the center will not hold. The wise will lack strength and the passionate intensity of the extremists will carry.

Already the statesmanship of Prime Min-

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ister Rabin is under assault from more militant citizens in Israel.

Arab moderates are beleaguered and living under the threat of assassination.

Yasir Arafat, ringed by zealots even more extreme than he, feels compelled by an Israeli reprisal in Beirut to applaud murder in Tel Aviv. The danger is great that the voices of moderation may be silenced by zealots—and the patient work of peace obliterated by war. This past week the spiral of terrorism took another tragic turn in Tel Aviv and Beirut.

This is a time to sustain and support the leadership of Prime Minister Rabin. He is guided not by dreams of conquest or revenge, but by a clearer perception of reality.

A preemptive strike by Israel, he knows, would be followed by an oil embargo against all the major oil consuming nations. Such a strike, however much disguised, would forfeit U.S. support for Israel, and cause world depression.

The Prime Minister is wisely speaking of flexibility: of talks rather than war; of the political process rather than preemptive strike. He needs and deserves our support against those immoderate who, like Samson, would bring down the temple upon our heads. And now, real hope.

For I see light beyond the clouds on the horizon.

There is, in the air of both Israel and the Arab states, also in Moscow and Washington, a new breath of realism, born of the horror war can bring, a new willingness to conciliate opposing views.

Israel has bravely and forthrightly accepted a new austerity so that it can carry both the burdens of its people's needs and the national defense.

Despite the new status conferred upon the Palestine Liberation Organization at the Arab summit in Rabat, Arab moderates still have the upper hand. There is some hope that the P.L.O. may now be subjected to new restraints and moderating influences. Now the P.L.O. has status to lose, as well as to gain, by irresponsible demands and violent tactics. The Soviets appear to be exercising a chastening influence—and we should bear in mind that Arab moderates are by no means enthusiastic about the prospect of a Palestinian state ruled by Yasir Arafat.

Secretary Kissinger's efforts may have been set back—but that does not mean that war is imminent, or that continued conflict is the unending destiny of the Middle East.

No, I believe the future holds more hope than that.

I do not believe that the United States should accept the P.L.O. as spokesman or agent for the Palestinians.

I do not believe that the U.S. should pressure Israel to do so.

For until the P.L.O. renounces terrorism and acknowledges Israel's right to exist, Israel has nothing to negotiate with the P.L.O.

But history—even recent history—has taught us that today's impossibilities can become tomorrow's possibilities.

Our hope tonight—a hope which deserves our prayers and our tireless efforts—is that a more promising future can be built in the Middle East out of a process of negotiation that includes all parties who are willing to renounce violence and accept the right of Israel to exist. Such a process is possible and could lead to a settlement of all the tangled issues that plague the Middle East; a settlement that would be guaranteed by the great powers—and finally, a settlement that would justify restraint and concession by Israel and its neighbors.

I am hopeful because I am confident of the continuing support of the United States for the State of Israel, the people of Israel—and the idea that is Israel.

The U.S. will remain Israel's steadfast friend and supporter. Israel will justify and guarantee U.S. support by its reason and its

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commitment to a peaceful settlement of its disputes.

We are not about to sell Israel for a barrel of oil.

Any relaxation of the U.S. commitment to Israel's security and integrity would encourage the Soviets and the Arab states to believe that their ends could be achieved by force. I do not expect that relaxation to come because I do not expect Israel to invite it.

Adversity is not new for Israel and for people of the Jewish faith. They have overcome much in the past and must overcome much again. But I believe more deserts will bloom in the Middle East. And this time, in peace.

The times are dangerous. But they are also hopeful. You can hear, amid the uproar of men and nations, the flutter of wings, the gentle stirrings of life and hope. In the heat of fear and conflict new ideas and a new spirit may come into this world, as gently as doves.

Let us look at Israel's achievements—and take heart for her future. Let us look—and work—toward the day when peace comes, and then we will gather to look back to this time as the time when the process of peace was started; when the walls began to fall; when men learned once again to esteem reason and brotherhood.

For that to happen will require high statesmanship. It will take the understanding and the humility of which the prophets spoke. It will take preparedness and firmness. It will take your continued support and mine—and the support of all the American people. It will take leadership in America which acts from a clear recognition of our moral obligation and true self-interest in the Middle East—leadership that is not deflected by weariness or the whims of private interests or the fitful currents of opinion. But given that support, the elements of a settlement are there to be put together by wise and persevering and moderate men.

So let us work to make it happen. And as we do so, let us pray, in the words of the young Solomon, "Lord, give Thy servant an understanding heart."

Shalom.

THE PASSING OF FORMER REPRESENTATIVE EUGENE WORLEY OF TEXAS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, it is with a heavy heart that I mourn the passing of not only a distinguished former colleague, a brilliant Federal judge, but a very good friend, the Honorable Eugene Worley of Texas. Gene's departure after a long illness brought to a close a career of great accomplishments by one of the ablest Texans I have known.

From 1935 until 1940 Eugene Worley was a member of the Texas Legislature, at which time he resigned, having been elected to the U.S. House of Representatives for the 77th Congress. Gene and I worked together here in the House from June of 1944, when I became a Member, until President Harry S. Truman appointed him in 1950 an associate judge of the U.S. Court of Customs and Patent Appeals. The great caliber of the man is dramatized by a story told about Gene

regarding his appointment to the court. President Truman wanted to appoint him to the U.S. District Court for the District of Columbia, which is a trial court. Gene did not feel that he was qualified to be a judge in a trial court. As the result President Truman did not appoint him to that court but to the Court of Customs and Patent Appeals because Gene felt he was qualified for such a court. It was reported that President Truman was both amused and delighted by Gene's honesty and frankness.

Judge Worley's abilities were further recognized when in April 1959 President Dwight D. Eisenhower appointed him Chief Judge of the Court of Customs and Patent Appeals. During his tenure as Chief Judge Gene made many improvements in the court's procedures. Our association did not at all end with Gene's appointment to the bench for in the ensuing years our subcommittee of the House Appropriations Committee had the responsibility to consider and decide the budget requests for the Federal Judiciary.

In June of 1972, Judge Worley assumed senior judge status and on last Tuesday passed away. Long after our words take their place in the permanent CONGRESSIONAL RECORD, the memories of our association with Gene Worley will remain. We shall indeed miss him. Mrs. Rooney and I extend our deepest sympathy and condolences to his lovely wife, Ann, to his sons and daughter, and to all his family.

VICE PRESIDENT'S LONG SUPPORT FOR ATLANTIC UNION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FINDLEY. Mr. Speaker, the day the House confirmed the nomination of Nelson Rockefeller to be Vice President of the United States, I stated how I first became aware of his long support for Atlantic Union when I read his book, "The Future of Federalism" in the early 1960's.

Actually, the Vice President's support for Atlantic Union predates the publication of this book by almost a quarter of a century. In 1964, then Governor Rockefeller was awarded the Atlantic Union Pioneer Award, together with William Clayton and the Earl of Avon. In his introductory remarks, Clarence Streit, the author of "Union Now" and president of Federal Union, recited Governor Rockefeller's long support for Atlantic Union. The following is the text of Mr. Streit's comments followed by those of Governor Rockefeller:

COMMENTS BY MR. STREIT AND GOVERNOR ROCKEFELLER

Mr. STREIT. We are honored indeed to have with us the third of our Atlantic Union Pioneers. To my personal knowledge, Governor Rockefeller's interest in Union of the Free goes back at least 25 years. I well remember when I first met him. The time was a few months after Union Now appeared in early 1939; the occasion was a small luncheon of

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15 or 20 persons arranged by one of our supporters—as I recall, the hostess was the late Mrs. Thomas W. Lamont Sr., the mother of Dr. Austin Lamont of Philadelphia, who is in the audience, a member of our Board who has done much to make our Convocation a success. The place was, appropriately, at the Rainbow Room level of Rockefeller Center.

The first fruits of that luncheon were not long in coming. It happened in this way: Soon after our organization was set up on a nation-wide basis in July, 1939, it was torn by a dispute, of a kind which I feel sure the Atlantic Union will face in its formative period, namely, where shall the capital be? The two strongest "states"—I mean chapters—in our organization were New York City and Washington, D.C. Each sought to have our national headquarters in their city. Both were highly important to us, the former as the publicity and financial capital of the country, the latter as its political and diplomatic capital. I wanted to have our capital in both—but we lacked funds to pay the rent.

EARLY ROCKEFELLER HELP RECALLED

This dispute was settled by Nelson Rockefeller, without his knowing the danger we ran of being split in two by this issue. Governor Rockefeller was then in charge of filling Rockefeller Center with tenants, and in the process took up a number of unexpired leases in other buildings. One of our supporters told him of our need for office space, without my knowledge, and then informed me that Nelson Rockefeller offered us a whole floor at 10 East 40th Street, rent-free until a paying tenant could be found. That settled the question of where our capital would be—and in a way that gave our movement new confidence and courage, and a good midtown address.

Governor, you have doubtless long forgotten this good deed. I have never mentioned it to you since, or made it public before—although I have mentioned it off-the-record to some friends in mass media who, after your Harvard lectures on "The Future of Federalism," expressed doubt as to the depth of your interest in the subject. But I think the time has come for the public to have this proof that your Federal Union thinking and action go back at least 25 years. I should add that you showed no haste in seeking a paying tenant for that floor; we occupied it from January 1940 for more than two years before it was leased.

In the years that followed we had several talks in which you affirmed, ever-more strongly, your belief in our basic principles, although you could not make this public because of the official positions you then held. Let me mention but one of these encounters. It was in 1945, at the Charter Conference in San Francisco. You were then Assistant Secretary of State for Latin American Affairs. In company with our then Pacific Coast director, Edgar Bissantz, I called on you in your offices in the St. Francis hotel. At that time, when official U.S. policy and public hope were centered on the United Nations as adequate for preserving peace, you were among the few who understood that the U.N., to succeed in this mission, needed to be supplemented with an Atlantic Federal Union. We were both heartened to hear how forcefully you set forth to us our own views on this point.

I jump now to February 1962 and your Harvard Lectures. These came to me as a very happy surprise for two reasons. First, I had no inkling of them until I read the press reports; we had fallen out of touch and I had assumed that you were all absorbed with state and national politics since becoming Governor. Secondly, your three lectures on "The Future of Federalism" came at a time when other U.S. political leaders and many of our best friends in Congress were afraid even to mention such words as "federal" or "union" in connection

with Atlantica, lest they arouse controversy and opposition from misguided "patrioteers."

This led some of the ablest and most influential leaders in the Atlantic Union Committee to persuade its Board that the only way to get Congress to authorize the proposed Atlantic Convention was to eliminate the words, "federal" and "union," from the earlier resolution, and otherwise water it down. I opposed this view as strongly as I could, but was in a small minority, and this strategy was followed.

Congress approved the weakened resolution in 1960 and in January 1962 the Atlantic Convention had met in Paris. The upholders of this strategy had hoped that, by thus avoiding coming to grips with the basic issue in Congress, the battle could be fought in more favorable conditions in the Convention. But instead of its tackling the matter in depth for at least several months, as they had planned, the Convention was affected by the fears that had fattered the resolution's weakness. It ended, after sitting only 10 days, with a Declaration that recommended leaving the task to another body, a "Special Governmental Commission"—and avoided such words as "federal" and "union" as the plague.

In these conditions, Governor, you can imagine how happy we Federal Unionists were to find you, only three weeks after the Atlantic Convention adjourned, devoting three statesmanlike lectures to "The Future of Federalism," and boldly beginning the final one, on its international future, with these words:

"The federal idea, which our Founding Fathers applied in their historic act of political creation in the 18th Century, can be applied in this 20th Century in the larger context of the world of free nations—if we will but match our forefathers in courage and vision."

We were still happier at the response that followed—we who had always maintained that the best way to win support for Atlantic Union from the American people was for statesmen of your stature to present it to the public in the tested, trusted terms of American history. You told me later, when I came to express our appreciation, that some of your advisers had shared the fears that ruled so many then in Washington and had expected the heavens to fall—but that you could not recall receiving any criticism, only warm support from all over the country in letters and editorials. Let me quote two of the latter. The San Francisco Chronicle wrote:

"When the leading prospect for Republican nomination to the Presidency urges that the U.S. join the nations of Western Europe in a 'union of freedom,' something of far-reaching significance has evidently happened. . . . It is heartening that a Republican who wants to lead his party and his fellow citizens does not fear or hesitate to express these thoughts."

The Washington Post ended its lead editorial on your third lecture thus:

"This is a very powerful appeal to the American people as well as to our friends abroad. Presumably Mr. Rockefeller is staking his political future on a 'grand design' that reaches far beyond what is customarily heard from candidates for political office. . . . He has eloquently challenged free peoples everywhere to arise to a new concept of their destiny."

More significant still were the fruits that your pioneering soon bore. On the 4th of July of that same year you had the satisfaction of hearing President Kennedy speaking to the Governors Conference from the entry of the historic shrine, Independence Hall, which adjoins this very building—make his famous call for a "Declaration of Interdependence" with our Atlantic allies. Almost a year later, speaking in Frankfurt, Germany, he was sufficiently emboldened by the response to your

lectures and to his own 4th of July speech, to say, "In the far future there may be a new great union of us all." That was the first time any President of our great Union had used the word, *union*, in relation to Atlantica.

HARVARD LECTURES BORE AMPLE FRUIT

A few months before, in April, 1963, former Vice President Nixon had proposed "expanding NATO from a purely military alliance to a political confederation" as the "only" solution. On July 10, 1963, former President Eisenhower in answering Lord Avon's question on Telstar, as I pointed out earlier, made his first public commitment to Atlantic federation as the "final objective."

Last Autumn your party formed its "House Task Force on NATO Unity" under the inspiration of Congressman Paul Findley of Illinois—who is seated now in this House where the First Congress met, and who made at our luncheon today a forthright, eloquent plea for immediate action to federate Atlantica. In May this Task Force's chairman, Congressman Albert Quile of Minnesota, sent President Johnson its proposal that he name a "blue-ribbon" delegation, headed by former Presidents Eisenhower and Truman, to meet in a convention with similar groups from other NATO nations to recommend measures to make NATO "more durable and effective . . . economically and politically, as well as militarily."

In July the substance of this proposal was endorsed by your party's platform which declared it to be "a keystone of Republican foreign policy to revitalize the Alliance." Earlier, in January, Senator Goldwater had taken his plunge in favor of Atlantic unification. In his acceptance speech he evoked "the flowering of an Atlantic civilization" as "a truly inspiring goal for all free men to set for themselves." And on Oct. 2, speaking in Peoria—where Federal Union held its third Convention in 1943—the Senator declared that, if elected, "one of my first acts will be to initiate a call for a North Atlantic conclave . . . to create a North Atlantic Community united in spirit, purpose and action." All this without any audible outcry, by my knowledge, from even his most nationalistic supporters.

Such has been the avalanche, of ever-accumulating force, set off by the stand you alone among political leaders had the courage to take in February 1962. It was the more courageous since, as many of us here today remember well, the Senators of your party voted in 1960 two to one against even that watered-down Atlantic resolution I mentioned. Here was pioneering that was not only very courageous but very effective.

What you have already done, Governor Rockefeller, gives us Federal Unionists more than hope for the future; it gives us great confidence. In the words of Ralph Waldo Emerson to Walt Whitman on first reading his *Leaves of Grass*, "I salute you at the outset of a great career!" I rejoice to present our Atlantic Union Pioneer Award to:

Nelson A. Rockefeller, dauntless trail blazer of union of the free, forceful upholder of the faith that we can bridge the Atlantic now with "the Federal idea," if we "but match our forefathers in courage and vision."

Governor Rockefeller, Clarence and Mrs. Streit, Dr. and Mrs. Baker, Ambassador Allen and Mrs. Rockefeller, I feel that in this historic legislative chamber I should address you as Your Honorable Body.

Ambassador Allen has really brought to light in the most dramatic way the tremendous historical significance of this Hall in terms of the constitutional and legislative life of our great nation.

And as I have sat here and shared with you the moments and the images and the glimpses of the past which he recreated, one cannot help but see in perspective the significance of what Clarence Streit has been doing; the significance of the goal to which he has dedicated his life.

I feel very strongly that we should have

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been giving him the award tonight, rather than having been one of the beneficiaries of your generosity. However, I am deeply honored by the company—the Earl of Avon (formerly Sir Anthony Eden) and a man whom I admire deeply, Will Clayton—in receiving this award. I think, perhaps, it is more an evidence of the responsibility which we hold to help contribute to achievement of the reality of this goal to which Clarence has dedicated his life.

I couldn't help think, though, as we recreated the days of the original Constitution, that in my office in Albany I sit facing a picture of the first Governor of the State of New York, a predecessor, Governor Clinton, who at the Constitutional Convention in New York State fought for six weeks to oppose the ratification of the Constitution.

The Constitution might never have become a reality had it not been for Alexander Hamilton and his efforts, dedication and brilliance, who started with a two-thirds majority against him in the New York Convention, but who, with this complete dedication, with this vision and understanding of the portent of things that lay ahead, and with the Federalist Papers which had such a tremendous impact, was able to swing that Convention and bring New York in line.

So perhaps our start in New York State belies a little of the generosity of today. But perhaps we can make up for lost time.

I can't help thinking of the early days before the war when Will Clayton came to Washington in 1940, motivated by this same devotion, this same dedication to which Clarence was referring. He came down because he was worried about what was happening in the world. And as a man of initiative and imagination and leadership, he wanted to see what he could do to help. This is where I had the pleasure of meeting him first.

We joined together and worked for four years in the Office of Coordinator of Inter-American Affairs. We then went together to the State Department where he was Secretary for Inter-American Affairs.

Then, at the Conference in San Francisco, as you mentioned, Clarence, of course Anthony Eden was representing his country. I had the privilege of working with him there.

In those five years, working with the western hemisphere, trying to pull together and bring about the requisite understanding and ability to face the potential dangers in this hemisphere, as well as in Europe, it became very clear to me the tremendous capacity that people across national frontiers have to work together, if they can only find the way of creating a framework within which their common objectives and aspirations can be achieved.

I feel very deeply that after the war we missed an opportunity, which we took strong hold of in Europe—that of carrying forward the possibilities of common effort of free men, working together.

But today in many respects we face in the Atlantic Community—and in the free world as a whole—the circumstances which the newly free colonies had met—in this environment right here.

Much can and must be done.

I would like to thank Clarence for the award, but far more importantly thank him for what he has done, the way he has held together this concept in America and Europe during this 25-year period. And now perhaps, with the forces of disintegration which are seen on all sides—I say "perhaps," but I have confidence that it will come about—we in this country and the nations in Europe will take the steps leading to the federation of the Atlantic Community as a first step to the federation or union of free people for the realization of those goals for which our Founding Fathers gave their lives.

Mr. STREET. To close this ceremony, let

me read the opening of a favorite poem of mine, which expresses the feeling that has inspired our Awards tonight. The poem is by Walt Whitman, who once lived across the river from here, in Camden, New Jersey. To me he is the world's greatest poet of individual freedom, of union too in all its varied forms, and of the pioneering spirit which made the American people politically, socially, industrially and in other ways.

Come my tan-faced children . . .
For we cannot tarry here,
We must march, my darlings, we must bear
the brunt of danger,
We the youthful sinewy races, all the rest
on us depend,
Pioneers! O pioneers!

THE POCKET VETO OF THE SURFACE MINING BILL

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

(The following statement is printed by unanimous consent of the Senate obtained on December 20, 1974.)

Mr. METCALF. Mr. President, I regret that President Ford has seen fit to pocket veto the surface mining bill. He chose the most unjust and unfair way to perform his constitutional duty on this subject.

The Senate bill, S. 425, was passed by the Senate more than a year ago in the 1st session of the 93d Congress. The House bill was passed comparatively early in the 2d session. Almost 100 hours of meetings between the representatives of the two Houses in conference took place before the election recess in mid-October. At that time, all provisions of the bill were resolved except for the question of the surface owners rights against the Federal Government in cases where there was divided ownership of the surface and subsurface rights. Therefore, since mid-October President Ford and his advisers have known the specific provisions of the legislation. Had he been forthright with the Congress, he could have fired the bill right back with his veto before adjournment and given Congress a chance to override and permit the industry to get on with the business of mining coal.

Instead, President Ford delayed and delayed until time ran out, and from the press accounts, made some vague statements about inflationary impact and increase of Federal spending.

Mr. President, the problem of control and regulation of strip mining is a varied one. The geographical and geological differences between the various areas of the United States are tremendous. Congress must pass legislation that is the minimum, the floor, the least common denominator for this Nation. The arid lands of the West, the rich topsoil country of the Middle West, the steep hills of Appalachia are only examples of the variations. We are blessed with coal seams as much as 150 feet thick in Wyoming.

In other areas the coal seams are but 2 or 3 feet thick and the coal miner must crawl on his stomach to recover the

coal. We have coal of varying degrees of sulfur content and equally varying degrees of energy generated—Btu content.

I have suggested only some of the problems presented. Areas of low rainfall and spare soil raise questions of adequate reclamation; in other areas reclamation is feasible with application of technology presently existent.

I mention these questions because they are only illustrative of the tremendous national problems incurred in the consideration of strip or surface mining legislation. These and other related problems were considered during long hours of hearings, discussions in mark-ups, and after floor debate in both Houses and the marathon conference under the leadership of the conference, Chairman MORRIS UDALL.

President Ford hesitated about sending his veto message to Congress before adjournment because obviously he knows so little about strip mining. When he says that the bill will increase Federal spending and contribute to inflation he is flying counter to an independent estimate of the Library of Congress upon the economic impact of the bill. The Library of Congress concluded that the Federal spending for the administration, enforcement, and research under the bill reported by the conference and passed by both Houses of Congress would have an "essentially negligible" impact on the Federal budget.

Of course, the utilities are building a case for themselves when they allege that the environmental costs will increase the cost of electricity to consumers all over America. This is just not true. There are dozens of studies that demonstrate the reclamation costs are infinitesimal when considered in the overall production costs. The huge increased profits of the coal companies presently engaged in strip mining prove this. The coal companies can easily pay for increased environmental costs out of their exorbitant profits and their utility customers need not increase the cost of electricity one-tenth of 1 cent per kilowatt.

During the course of working out the surface mining legislation, I have tried to keep in touch with the desires of the executive department and with representatives of the coal industry. The industry representatives were helpful in working out the original legislation and in the compromise version of the conference bill. But there were industrial representatives who were completely dishonest about the impact of the bill and the amount of coal affected. The National Coal Association has been especially guilty in this regard.

For example, the National Coal Association alleges that the passage of the Surface Mining Act would prevent the mining of 119 million tons of coal per year. This was similar to a figure issued by the Department of Interior earlier last year. Upon challenge Interior modified its estimate to suggest that 14 to 38 million tons of production might be curtailed. Even this estimate is suspect in view of the administration's own Bureau of Mines estimate of much more limited impact. But the National Coal Associa-

tion continues to release false and misleading figures.

The American Mining Congress claims that the bill would result in an unintended moratorium of as much as 30 months upon the opening of new mines. As a practical matter, this objection ignores the provision for a Federal regulatory program where a State does not submit satisfactory provisions for licensing, regulation and reclamation. Moreover, Senator JACKSON and Congressman UDALL both pledged early corrective action if the fears of the American Mining Congress were realized.

Actually, President Ford's veto will result in delay of coal production. Had he signed the bill, the Secretary of Interior could have gone forward with plans for leasing of Federal lands for coal production. If, during the interval between now and the time Congress can act on surface mining legislation in the next session, there is widespread leasing of Federal lands without provisions for restoration or reclamation, without licensing or supervision, or set aside of lands that cannot be reclaimed and preservation of essential lands for higher uses than coal production—then President Ford will have bowed to the wishes of greedy men, the despoilers and profiteers, without consideration of the results of such mining upon the forests and mountains and prairies and streams of America. How a President who has viewed the ravishment of Appalachia can permit it for the rest of America is beyond me.

On the other hand, if Federal leasing is deferred until Congress can act in the next session—and that is now to be preferred—then the delay upon coal production that the President and the industry has deplored will be further extended.

In the meantime, it is incumbent upon State legislatures in coal-producing States to pass legislation regulating surface mining for State and private property in the upcoming sessions early in 1975. It will be a matter of high priority and great urgency for the 94th Congress to send to President Ford as soon as possible strong and effective legislation governing Federal leasing and permit the coal mining industry to proceed with the development of our great national coal resources with a minimum of damage to our other natural resources.

HON. JOEL T. BROYHILL

HON. WM. JENNINGS BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DORN. Mr. Speaker, JOEL BROYHILL has rendered superb service to the Nation and to the entire National Capital region. Through more than two decades of service in the Congress, JOEL BROYHILL became known as a Congressman's Congressman. As a member of the District of Columbia Committee for many years he has had a highly significant role in the development of Washington as one of the world's most impressive

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capital cities. And as a senior member of the Ways and Means Committee.

JOEL BROYHILL brought tremendous business expertise and commonsense to this crucial committee's deliberations. For many years, Mr. Speaker, JOEL was my Congressman, as he has been for countless other Members of Congress who establish homes away from home in his district. Mr. Speaker, we wish for JOEL BROYHILL the very best always and every happiness in the future.

TRIBUTE TO JOHN BLATNIK

HON. ANCHER NELSEN

OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. NELSEN. Mr. Speaker, one of those retiring from the House of Representatives this year about whom I want to say a particular word of praise is JOHN BLATNIK of Minnesota's Eighth Congressional District.

JOHN and I served together in the Minnesota State Senate many years ago, and were good friends at that time. Our friendship has extended on through our service here in the Congress of the United States.

During JOHN's service in the Minnesota Legislature and in Congress, his attention to the problems of his district has been so extensive and excellent, he has commanded support not only from the people of his party but from many Republicans as well. All have recognized JOHN's dedication to the area he has represented. Certainly, JOHN has been a great congressional leader, particularly in his conduct of the business of the House Public Works Committee.

It is a pleasure to have shared JOHN's friendship over these years, and to have worked with him in trying to resolve problems affecting our State. I hope to see JOHN back home from time to time now that we are both retiring. And I want to take this opportunity to wish him and his delightful family every happiness in the years lying ahead.

HON. TOM GETTYS

HON. WM. JENNINGS BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. DORN. Mr. Speaker, today it is a special privilege to pay tribute to my colleague from South Carolina, TOM GETTYS. TOM has devoted his entire life to public service. For more than 40 years TOM GETTYS has been helping others. He started serving his fellowman as a school teacher in the Depression years following graduation from our great ARP institution, Erskine College, in my congressional district. He was himself an accomplished athlete and coached football and molded character and sportsmanship among his beloved youth in that and other athletic activities. He served as a

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school principal and emphasized education in the basic fundamentals with particular emphasis on discipline and love of country.

TOM served our Nation with distinction and honor in time of war. Following World War II he was administrative assistant to Congressman James P. Richards. You will recall that Congressman Richards became chairman of the Foreign Affairs Committee during a critical era in American history. Later, Mr. Richards was appointed roving ambassador to the Middle East by President Eisenhower. Congressman Richards' rise in power and esteem in this Congress was largely due to the devotion, skill, and energy of TOM GETTYS.

TOM GETTYS was postmaster of his hometown of Rock Hill, studied law at night, passed the bar exam and became a renowned and able attorney at law. In the years before becoming the Congressman from the Fifth South Carolina District, TOM GETTYS was active in his church, veterans' organizations, Rotary, YMCA, United Fund, and served his great community at every opportunity. He was president of Rock Hill Chamber of Commerce and chairman of the board of trustees, Rock Hill School District No. 3.

In my 26 years in the Congress I know of no Member more genuinely loved than TOM GETTYS. His personality and sense of humor were contagious. We loved to see him around and felt better when "TOM was there." As a member of the Banking and Currency Committee he made a significant contribution to national fiscal responsibility. He was extremely dedicated to sound money and our private enterprise system. Our banking and lending institutions are better because of the outstanding service of TOM GETTYS.

TOM is a congressman's congressman. On the House Administration Committee he helped to make Congress a greater, more responsible institution as it served the American people. On that great committee TOM GETTYS was not for reform just for reform's sake, but he worked diligently to make Congress more responsive to the needs of the people during a period of change.

TOM GETTYS had no superior in Congress for exceptional service, dedication, and devotion to the people of his own congressional district and they in turn loved him. He looked after his people with compassion, affection, and diligent concern. He made his hometown a model city. As a result, Rock Hill is rapidly becoming one of the most beautiful and progressive cities in the United States. His entire district is indeed "blossoming and blooming like a rose" with watersheds, water projects, highways, conservation, and new industry.

TOM married a wonderful lady, Mary Phillips White, of Chester, S.C. She is due much of the credit for the remarkable success of her accomplished husband. Mary Phillips is from a distinguished South Carolina family which includes the greatest football player South Carolina ever produced, the late Dode Phillips. Congressman (and Mrs. Gettys) have two lovely daughters, Julie Martin

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and Sara Elizabeth. This close knit and wonderful family has cooperated beautifully as a team in serving the people of the Fifth District.

Mr. Speaker, this is a better Congress, ours is a greater Nation, and the cause of freedom around the world more secure, because of the leadership, dedication, and devoted service of our great statesman, TOM GETTYS. Mrs. Dorn and my children join me in wishing for TOM and his charming family every continued success, much happiness, and the best always.

HON. THADDEUS J. DULSKI

SPEECH OF
HON. BARBER B. CONABLE, JR.
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. CONABLE. Mr. Speaker, I wish to join in paying tribute to our good friend and colleague, THADDEUS J. DULSKI of western New York, on the eve of his retirement from Congress. TED DULSKI has met his responsibilities in Congress with good sense and good humor, both highly desirable attributes in this environment, and I regret that he is not remaining here with us longer.

TED has been in Congress 16 years, much of that time as chairman of the Post Office and Civil Service Committee. There has been much concern about reform of our institutions during that period. As chairman, TED DULSKI presided over one of the major reforms of a Government institution: That was the dissolution of the Post Office Department and establishment of the U.S. Postal Service as an independent Government agency to provide the Nation's mail service. The verdict on the success of this reform remains undecided at this point, but this does not diminish the responsible and effective leadership that TED gave to this significant effort to revitalize the Nation's postal service. It remains for others to follow his lead and to implement successfully this new direction for Government service.

I know TED DULSKI will continue his interest in Government, will continue to contribute to his community. We all appreciate his contributions here, his friendly personality, his realistic perspectives. I join in wishing him continued success, enjoyment, and good health.

GENE AINSWORTH

HON. L. H. FOUNTAIN
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 18, 1974

Mr. FOUNTAIN. Mr. Speaker, I was sorry to learn that Gene Ainsworth is planning to leave the White House Congressional staff at the end of this year. Gene has done an outstanding job at the White House and those of us in the Congress, who have had occasion to be in touch with him from time to time, fully

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realize what an able man he is. We will miss his cheerful willingness to help.

Knowledgeable about Capitol Hill long before he went to the White House, Gene's dedication to duty, ability, integrity and and experience combined together to make him exceptionally useful and successful in his work for the executive branch.

I want to wish Gene well in whatever he may undertake in the days to come. Well done.

DAVID T. WILENTZ: AN OUTSTANDING NEW JERSEYITE MARKS HIS 80TH BIRTHDAY

HON. HARRISON A. WILLIAMS
OF NEW JERSEY
IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. WILLIAMS. Mr. President, this month an outstanding and beloved citizen of my State, David T. Wilentz, marked a great milestone in his life when he celebrated his 80th birthday. I want to join with a veritable legion of friends and admirers in congratulating Dave and wishing him well.

Dave Wilentz has been a leading figure in government and politics in New Jersey, and in the Nation, for four decades. He served as attorney general of New Jersey for 10 years, longer than any other individual. It was at the beginning of his tenure, in 1934, that he became a national figure as prosecutor in the trial of Bruno Richard Hauptmann, the man ultimately found guilty in the Lindbergh kidnapping case.

As leader of the Democratic organization in Middlesex County, and as chairman of the New Jersey State Democratic Committee, Dave had a profound influence on the political and governmental life of our State. There was never any mystery about the secret of his political success: Dave believed that the best politics was doing a good job in government. He always inspired worthy and talented people to run for public office, and he insisted that, once elected, they truly serve the people. The county government in his own Middlesex County has always been among the best I have ever encountered in providing all of those services that a government is created to provide.

Mr. President, I have known Dave Wilentz throughout my political life, and I have counted his friendship as one of life's greatest fortunes. My feeling of respect for him is profound, and Mr. Williams and I treasure very greatly the friendship we have with Dave and his entire, wonderful family.

Mr. President, an editorial congratulating Dave Wilentz on his 80th birthday was published in the News Tribune of Woodbridge, N.J., and I ask that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WILENTZ AT 80

A legend in his own time, David T. Wilentz today marks his 80th birthday.

Born humbly, his life has been the literal translation of another legend—the American dream.

His career took him into law and thence into politics, in the process making him sometimes by chance but always by ability, a national figure and a major power in the Democratic party.

David T. Wilentz established and guided the future of untold numbers of rising politicians and other public servants without once in his life ever running for any elective office.

His career centered into the vortex of a tornado around the Lindbergh kidnapping case at a time when the Nazis were flexing their muscle. Bruno Richard Hauptmann, who was convicted of the crime, was a German and Wilentz a Jew.

Under his desk for years he kept a sackful of the hate mail he received from German sympathizers while he was prosecuting Hauptmann and while a governor of the state made every effort possible to have Hauptmann's death sentence commuted.

In his 80th year he remains a man of incredible acumen and activity. He has not retired and probably has given little thought to such a prospect.

He has never lost the common touch, has never stopped giving of his time, talent and energy to community projects beyond the scope or capacity of many men half his age.

At 80, as an example, he is actively involved in the administration of the Middlesex County Blue Badge Association No. 1, serving as its chairman.

Those who have known his respect and appreciate his friendship and guidance.

Expressing the sentiment of himself and others, Sen. Harrison Williams said that he has known David T. Wilentz throughout his political life and "no person has had greater good fortune in life than to have the friendship of that man. Beyond political associations, that friendship has been one of the most personally rewarding that I have known, treasured most completely by my wife and me alike."

On behalf of all his friends, this newspaper extends its best wishes.

THE 100TH ANNIVERSARY OF THE FELICIAN SISTERS IN AMERICA

HON. FRANK ANNUNZIO

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ANNUNZIO. Mr. Speaker, the year 1974 marks the completion of 100 years of service in America by the congregation of the Sisters of St. Felix, a Franciscan community of women devoted to teaching, health care, social work, missions, and para-apostolic work.

The work of the Felician Sisters in America began with a small band of five Sisters who came from Cracow, Poland, in 1874, and settled in Polonia, Wis., to begin the task of setting up facilities to help the new immigrants to America make the difficult transition to life in a new land and a new culture. The Sisters began their service by devoting themselves to teaching and caring for orphans.

In the century of dedicated service to the communities in which they lived and to humanity in need the Sisters expanded their work and their membership from that original group of 5 to almost 5,000 American Sisters. The Felician Sisters are

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now engaged in education from preschool through university and are active in the medical care field, in homes for senior citizens, and in day care centers. Their ministry extends to the aged, the poor, and the disadvantaged in the inner city as well as in underdeveloped countries. They direct houses of prayer, novitiates, and work with diocesan and parish organizations for liturgy, catechetics, vocations, and mass media.

The 604 Sisters of the Chicago province alone, which includes the States of Illinois, Wisconsin, Minnesota, and Alabama, staff 52 institutions which include 2 hospitals, 2 homes for senior citizens, 1 day care center, 3 high schools, 2 of which are in Chicago, 43 elementary schools, 25 of which are located in the Chicagoland area, and one 2-year college. Felician College and Good Counsel High School are located in the 11th Congressional District on Chicago's northwest side, which I am honored to represent.

The Sisters of St. Felix's splendid and brilliant record of achievement is one of dedicated and devoted service, full of love for humanity—a record of excellence combined with compassion for the rejected, the disadvantaged, the disabled, and the helpless.

I send my congratulations to the Sisters of St. Felix in the Chicago area and all over this Nation on their centennial anniversary of outstanding achievement and extend to them my warmest best wishes for their efforts as they continue their ministry and expand their work for the betterment of all mankind.

TRIBUTE TO SENATOR AIKEN

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. METCALF. Mr. President, Senator AIKEN's last days in the Senate were typical of his distinguished career. He achieved his legislative objective of an Eastern wilderness bill. He went out as he came in, a devoted and dedicated advocate of the use of the people's land and forests and lakes for the benefit of all America, and his last accomplishment was extension of concern for the land of America.

Senator AIKEN was an agricultural philosopher in the tradition of the great leaders from New England and the Middle West from the beginning of our history to the turn of the 20th century. He was a champion of the small farmer. Probably more than any member of the Agriculture Committee over his long period of service he was aware of the dangers of corporate agricultural growth. This awareness gave him insight into the complexities of the western range and the western farms, vastly different from the agriculture of his native New England but alike in basic principle.

His interest in the problems of the individual farmer coupled with his dedication to improvement of agricultural methods made him the ally of modern agencies of agricultural progress.

He was a lineal as well as a philosophical descendant of his predecessor from Vermont, Senator Justin B. Morrill who authored the Land Grant College Act when he was a Member of the House of Representatives. Senator AIKEN was a longtime friend of the Agriculture Extension Service. He worked in behalf of agricultural research; he led in promotion of the introduction of new plants, of new species, of innovative programs. Yet in the field of foreign affairs the Yankee homespun philosophy of Senator AIKEN was a welcome contrast to some of the members of the striped pants school. His pragmatic and commonsense approach has been invaluable to the people of America.

Senator AIKEN was a nationally known nurseryman before he came to Congress. He was especially proficient in the cultivation of wild flowers, a sophisticated specialty that is beyond the reach of all but the most skilled horticulturists.

Now that he is retiring I know that he will return to tilling the soil. The inflationary trend will force him to use his skills in growing potatoes and turnips and other vegetables to help the family budget but I hope he will find a spot on his farm in Vermont for a few wild flowers and he may even again be one of the few nurseries in America from which one may obtain the bitter root, Montana's State flower.

All good wishes to Senator AIKEN and to Lola in their retirement. They have earned the gratitude of all Americans.

CONGRESSWOMAN EDITH GREEN

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. CEDERBERG. Mr. Speaker, I consider it a great personal honor to add my very best wishes and thanks to Congresswoman EDITH GREEN on the eve of her retirement from the U.S. House of Representatives. Perhaps the highest honor we can pay is to state that EDITH will be sorely missed from this great body.

At a time when we read and hear more about the need of candor and openness in our political system, I say that Congresswoman GREEN has set that example for years here in this Chamber. She was and remains very candid; you knew exactly how she stood on the issues; and one could have great faith in her legislative presentations on very complicated and complex subjects.

EDITH, during her 20 years in Congress representing the Third District of Oregon, became the foremost expert on education matters. She has been appropriately called the "mother of education." Yet, while in support of Federal assistance for education, she always stressed the need for local, regional, and statewide authority over the programs.

For 18 years, EDITH was a moving force on the House Committee on Education and Labor, serving as the chairperson of the Special Subcommittee on Education. But in this Congress, she felt that power-

ful and important committee to join our House Committee on Appropriations.

For a so-called "newcomer" on the majority side, no one performed better than EDITH. As the ranking minority member of Appropriations, I quickly found out how effective and great EDITH GREEN was in dealing with complicated legislative matters. My respect and admiration for her became even greater.

I shall miss her fine contributions to our committee work in the next Congress as well as her straight-forward and understandable presentations during debate on the floor of the House.

We shall all miss EDITH. But, the biggest loser will be our country. EDITH GREEN was a great Congresswoman and a wonderful lady who cared about her country's people and their educational needs. And, because of her dedication and work, our country's educational accomplishments are assured in the years to come in making this a better place to learn and live.

I thank you EDITH for our friendship over the past 20 years. I wish you the greatest possible happiness and good health in the years ahead.

HAROLD E. HUGHES—A MAN FOR HUMANITY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. RANDOLPH. Mr. President, there is one common failing among the Members of this body. It is a tendency to routinely apply to ordinary beings the descriptive adjectives of "distinguished," "devoted," and "dedicated."

Yet, I can think of no words that more aptly describe my friend from Iowa, Senator HAROLD E. HUGHES. Last September our colleague announced his personal decision to retire from the Senate and to devote his life for religious service. This decision was received by those who know him with regret and admiration. In his tenure as a three-term Governor of his State, and one Senate term, HAROLD HUGHES has compiled a record of accomplishment and understanding that surpasses the normal concept of duty and public service.

When he came to the Senate, some columnists jokingly confused his name with that of a billionaire recluse. But through his booming voice and bold initiatives, HAROLD HUGHES quickly established his own identity as a pillar of integrity and a tireless toiler in the cause of humanitarianism. It has been my privilege to have served these past 6 years with the Senator on the Committee on Labor and Public Welfare.

He has provided reasoned leadership in formulating much important social welfare legislation. As chairman of the Senate Subcommittee on Alcohol and Drug Abuse, Senator HUGHES was the driving force behind the Comprehensive Alcohol and Drug Abuse Act of 1970 and its subsequent amendments. This humane legislation recognizes that prob-

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lems of drug abuse can best be solved through health service rather than through law enforcement. Today, thousands of troubled humans are receiving proper medical treatment and counseling to overcome their abuse of alcohol, instead of receiving repeated sentences to jail cells and the clogging of court calendars.

Senator HUGHES has been a powerful and persuasive voice in the issues of world peace and humanitarianism. As a member of the Armed Forces Committee, he revealed and righted excesses of military power. He has a genuine concern for human values and the desire to serve mankind. His ability to sway others on a righteous course has been demonstrated.

I recall when we traveled together to my home State of West Virginia for three meetings in Clarksburg and Elkins, where he held the hearts of the audiences. There are constituents who continue to comment on his inspiring appearances.

Now he has left us. HAROLD HUGHES has gone from this Hill. He has chosen to follow the call that he is convinced will move him to greater service for humanity. We will continue to benefit from his dynamic presence in this Chamber. I believe the Nation is the better for his Senate career.

THE MORTALITY RATE OF ABORTIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. KOCH. Mr. Speaker, an often used argument used by persons opposed to granting the right of abortion to women has been that the operation is a dangerous one, and for this reason should not be performed. Experts have consistently reported that this is not so, and that when performed under medically sound circumstances, the mortality rates are lower than for most other operations. The Center for Disease Control, in an April 1974 report shows a .32 per 10,000 mortality rate for legal, medically performed abortions. Below is a table from the September 1973 Scientific American article, "Surgical Intervention," listing postoperative mortality statistics for 1969:

Operation	Number of operations	Number of deaths	Deaths per 10,000 operations
Tonsillectomy without adenoidectomy	68,127	2	0.3
Ligation and division of Fallopian tubes	18,195	1	.5
Partial mastectomy	70,692	52	7.4
Abdominal hysterectomy	107,860	220	20.4
Appendectomy	100,846	355	35.2
Radical mastectomy	15,119	61	40.3
Prostatectomy, transurethral	54,413	893	164.1
Open reduction of fracture	56,343	2,672	474.2
Partial gastrectomy	16,834	975	579.2
Resection of colon	18,975	1,607	846.9
Exploratory laparotomy or celiotomy	19,139	2,542	1,328.2

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When abortions are performed as a routine medical procedure during the first trimester, maternal mortality is reduced approximately 50 percent, to 0.17 deaths per 10,000.

In sharp contrast to this, Mr. Speaker, mortality and complication rates are high when abortions are nonmedical or self-induced. After the passage of the 1970 New York statute legalizing abortion, maternal mortality in New York City sharply declined. The New York City Department of Health contrasted maternal deaths from abortion prior to legalization with the rate following availability of legal abortion. This chart follows:

Year:	Deaths per 10,000 procedures
1969 (prior to legalization)	5.3
1970 (abortion legal in July)	4.6
1971	2.9
1972 (lowest ever recorded)	2.6

Mr. Speaker, these statistics are impressive.

FEA AND INDEPENDENT REFINERS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. METCALF. Mr. President, on November 18, the Subcommittee on Budgeting, Management, and Expenditures heard testimony from independent refiners who uniformly urged immediate adoption of a plan to give independents a fair share of price-frozen crude oil. The Federal Energy Administration, after months of inaction finally adopted a sharing plan on December 4, 1974. The regulations appear in the Federal Register of that date.

Our subcommittee will continue to monitor the FEA and its management of this important program. We will be particularly concerned with any steps taken by the FEA or the Energy Resources Council, which oversees the work of FEA, to change the program to the detriment of independent refiners. We will also examine closely steps being taken by the administration to assist independents in the northern tier of States which have traditionally relied on Canadian crude oil. The Canadian Government continues to impose a heavy tax on exports of crude oil shipped to these northern tier refiners and has recently announced plans to phase out exports of crude oil altogether in the next several years.

The hearing record shows that the newly established FEA failed to address the serious problems of independents for many months and thereby provided inefficient and ineffective management. While we are pleased that, following our hearings, FEA did finally adopt the sharing plan, although belatedly, we earnestly hope that the compelling testimony at these hearings will act as a continuing spur to the FEA to take all necessary action on a more speedy and efficient basis to assist the vitally important independent segment of the petroleum industry.

Mr. President, I ask unanimous consent that a copy of an FEA press release relating to this matter, and a statement by the Honorable Donald S. MacDonald, Minister of Energy of Canada, be printed in the RECORD following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEA ADOPTS REGULATIONS DESIGNED TO EQUALIZE CRUDE, FUEL OIL COSTS

The Federal Energy Administration has adopted final regulations on its "Old Crude Oil" Entitlements Program, designed to substantially equalize costs of crude oil for U.S. refiners and to bring the costs of the principal imported fuel oils more into line with those of domestic products. The regulations will appear in the Federal Register on Dec. 4.

The regulations are substantially the same as the regulations proposed by FEA on Nov. 7. They are intended to enable independent refiners and marketers who depend heavily upon high cost crude to remain competitive with those having lower crude costs.

The entitlements program will allocate low-priced "old" oil proportionately among all refiners, thus significantly reducing cost disparities that have existed between refiners with access to "old" oil, and those who have had to depend on more costly domestic (new) and foreign oil.

The regulations also cover imported distillate (home heating and diesel) oil and residual (industrial heating) oil, and will lower the price of imported fuel oil to make it competitive with lower-priced domestic products. Refiners and marketers who depend on imported products for their supply have had difficulty selling their higher-priced imported fuels. This is a particular problem on the East Coast, where over 75% of the country's refined-product imports are used.

Under the program, cost differentials will be reduced through the issuance of "entitlements" to refiners and importers which grant them access to price-controlled "old" crude oil. "Old" crude represents about 40% of the total national supply, and the average price ceiling for old oil is approximately \$5.25, compared with over \$10 for domestic and imported oil not subject to price controls.

Each month, FEA will establish a national average ratio of "old" crude supplies to crude runs to stills and imported products. All refiners will be issued entitlements equal to the national average ratio with additional entitlements being issuable to small refiners. Refiners with less than the national average ratio will then sell entitlements to "old" crude and refiners with more "old" crude than the national average will have to buy entitlements in order to process the "old" crude they have.

Refiners and other importers of distillate and residual fuel oil will also be issued entitlements to "old" crude, which they may sell. The only substantial change in the final regulations from those proposed Nov. 7 involves the value assigned to a barrel of imported fuel oil.

In the November 7 program, the value was placed at the difference between the average imported price and the average domestic price. It was determined, however, that due to the complexity of the market, the average prices would be too difficult to compute. Also, the imported and domestic prices for residual fuel were nearly equal, so entitlements to residual fuel would be virtually worthless. FEA determined, however, that the East Coast's heavy dependence on higher-priced imported residual oil had resulted in the price of domestic residual oil being raised to imported levels, thus causing the East Coast to bear a disproportionate share of the higher world prices for petroleum products.

In order to reduce cost differentials, FEA has assigned a fixed value to the entitlements

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for both distillate and residual fuel oils. They will be worth 30% of the per barrel of crude runs to stills entitlements value. Thus, if the value of an entitlement is set at \$6 and old oil represents 40% of the total national supply, the entitlement value of each barrel of crude runs to stills would be \$2.40. Each barrel of imported distillate or residual fuel oil would receive 30% of this entitlement value or about 72%.

Crude oil entitlements will be based on a refiner's actual crude runs, rather than refinery capacity.

If, for example, 70% of a major refiner's runs for a month were old crude, and the national old oil supply ratio was 40%, the refiner will have to buy oil entitlements equivalent to 30% of its total refinery runs for the month from refiners who had under 40% old oil, and who therefore had access entitlements.

Every month, FEA will determine the national old oil supply average and publish a listing showing the number of entitlements issued to each refiner and eligible importer.

FEA would also establish a price or price range at which the entitlements must be sold, with reference to the difference between the price ceiling for old oil and free-market prices for new and imported oil.

FEA will publish its first crude oil entitlements list on January 10, covering the month of November. All required entitlements must be bought by January 31, and the transactions reported to FEA by February 10, 1975. The program will follow the same time schedule for each succeeding month.

Small refiners, under 175,000 b/d capacity, will receive a proportionately greater number of entitlements than larger refiners. The smaller the refiner, the larger the number of extra entitlements. This is intended to compensate small refiners for their higher operating costs and proportionately greater capacity expenditure requirements.

STATEMENT BY THE HONORABLE DONALD S. MACDONALD

In February 1973, I announced that the National Energy Board would hold a public hearing "in order to provide opportunity for interested parties to be heard as to the appropriate methods for protecting the public interest in respect of oil exports over the longer term." After preparatory work, notice of the Board's hearings with respect to this matter was given on July 5, 1973, and companies and interested groups were asked to file briefs with the Board by October 15. Subsequently, the Board held hearings in Calgary, Vancouver and Ottawa, terminating on May 2, 1974. The Board, after carefully considering all submissions, testimony and argument presented, set out its findings in a report to me in the matter of the exportation of oil which it submitted under Section 22 of the National Energy Board Act. Under Section 23 of the Act, reports of the Board made under Part II may be made public with the approval of the Minister and having regard to the importance of this report, I decided that it should be made public so that all Canadians may be aware of the oil supply and demand outlook in Canada and of the need to take further action with respect to oil exports.

The Government accepts the Board's finding that steps should be taken to reduce exports of oil with a view to providing additional protection for Canadian requirements. To this end, the Board intends to modify immediately its licensing procedure.

The Government accepts the Board's recommendation for a new export control system. However, in view of the impending requirements for the Montreal market, I intend to seek early consultation with the producing provinces with a view to reducing exports more sharply than under the Board's recommended formula. The Board allocated

250,000 barrels per day (BPD) for the Montreal market from 1975 onward, but proposed that these supplies be declared surplus to Canadian requirements—and therefore eligible for export—until the Montreal line comes onstream in 1976. I intend to discuss with the provinces the advisability of "shutting in" these supplies beginning in mid-1975, rather than considering them surplus to Canadian requirements for export purposes until the line is completed in 1976. This would result in a reduction of exports to a level of about 650,000 BPD for the latter part of 1975, compared to an export level of some 800,000 BPD that would otherwise be in effect.

Evidence produced before the National Energy Board during its hearing and its appraisal of this evidence indicated an inevitable decline in producibility of indigenous crude oil commencing next year and continuing in the 1980's when frontier oil and larger quantities of oil sands output are expected to become available. Based on present supply and demand trends, there is a forecast deficiency in supply to the domestic market served by Canadian oil in early 1982, which would grow to 200,000 barrels a day by late 1983. In the face of this prospect, the Board decided to adopt a new procedure to determine the level of oil exports based on a formula by which the volume of crude oil available for export licensing during a given year will be related to oil producibility, demand for Canadian use, and a conservation expectation as estimated for that year. The volume of oil exports thus computed would be reduced by a factor which would become more severe as the estimated period of self-sufficiency decreased.

The Government decided against an immediate and complete discontinuance of oil exports because cessation of exports would provide for sufficient producibility for only a few months additional to that provided by the phased reduction of exports approved by the Cabinet. That is an immediate halt to export would extend sufficient deliverability for about two and a half years while the Government's decision to phase down exports in line with the Board's recommendations will extend the period for about one and a half years.

As I stated, it is my intention to seek consultation with the producing provinces with an aim to extending this period to two years by beginning the phase-down of exports next year and in 1976.

An immediate halt to exports would be disruptive to Canadian-United States trade relations. It would deprive certain northern U.S. refineries and their communities of the Canadian crude oil that they have traditionally relied upon.

In Canada, a sudden and complete reduction of current exports would deprive industry of a major source of cash flow required to find the higher cost reserves of the frontier areas. It would also idle a portion of the capacity of producing facilities which have been financed over the past few years. There would be a major impact on the income of the oil-producing provinces, on the oil-service industries, and a major effect on Canada's foreign exchange.

In adopting its new procedure, the Board will identify the volume of allowable oil exports for a period of at least one year, but annual average levels will be adjusted to account for immediate supply and demand factors by issuing monthly export licenses, as at present. Hearings will be held periodically to receive evidence with respect to the potential producibility of Canadian oil, the domestic demand for indigenous feed stocks, and the effects of conservation on Canadian consumption and surplus.

While the Board is forecasting that by 1982 there will not be enough crude oil production in Canada to meet the Canadian market demands which are now served by

Canadian oil production, plus 250,000 barrels a day for Montreal, this outlook can be altered not only by the Board's proposed export control formula, but also by greater attention by all levels of government and by all citizens to conservation measures in the use of energy. The federal government will announce this winter a series of programs designed to conserve all forms of energy.

In 1960, when the federal government launched the national oil policy, the export level was about 100,000 barrels a day. By 1970, exports had risen to 670,000 barrels a day. The rapidly growing deficiency in the United States in the early years of this decade created a sharply increased demand for Canadian crude and exports rose to the 1.1 million barrel a day level by 1973 when the Government instituted export controls. This control system has enabled the Government to reduce exports, which for 1974 have averaged 900,000 BPD.

By the 1980's, we can expect a resurgence in production as the frontier areas and the oil sands are opened up. At the same time, our capability in nuclear energy production will also become very significant. Thus the energy supply outlook for the long term is promising. The challenge before us is to maintain a high degree of self-sufficiency in the intervening years. The new regime of oil export control that I have announced today is designed to attain that objective.

THADDEUS J. DULSKI

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, I want to join my colleagues in paying tribute to a great Member of the House, my good friend, the distinguished gentleman from New York, THAD DULSKI.

THAD has been chairman of the Post Office and Civil Service Committee since 1967. He has done an outstanding job, and without question, is one of the most knowledgeable people in the country concerning the Federal Establishment.

The veterans of our country are proud of this great man. He is a man of compassion and has received numerous awards from veterans' organizations and others in recognition of his great work on the House Veterans' Affairs Committee. As a member of the Veterans' Affairs Committee, I have personally witnessed his outstanding service to our veterans, and the service he has rendered will be greatly missed.

Everyone admires THAD DULSKI because he is a good man. I have been privileged to know him, and am proud he is my friend. Mrs. Dorn joins me in wishing for THAD continued good health and happiness.

REDUCE THE FISCAL YEAR 1975
BUDGET

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. MAZZOLI. Mr. Speaker, the President has proposed that the fiscal year

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1975 budget be reduced by about \$4.6 billion.

Despite the proposed cuts, the Federal deficit is expected to reach \$9 billion due to the worsening problem of recession.

I do not question the wisdom of reducing Federal spending. However, there seems to be room enough to cut wasteful and unnecessary spending without slashing our vital efforts in health, food assistance, and medical care.

The President's proposals would also result in the loss of about 50,000 jobs in the private and public sectors.

These suggested cuts would hit hardest at those most burdened by inflation and unemployment. For example, the President has directed that the purchase price of food stamps be increased to the limit allowed by law, 30 percent of monthly household income.

He has requested that the Congress permit Federal contributions to medicare inpatient hospital services be cut by \$465 million this year, and by \$1.3 billion in the coming fiscal year.

Mr. Speaker, I submit that the ends do not always justify the means.

BILL TIMMONS AND GENE
AINSWORTH

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. EDWARDS of Alabama. Mr. Speaker, I join my colleagues in paying tribute to two gentlemen who we will surely miss in Government service, I am, of course, speaking of my good friends, Bill Timmons and Gene Ainsworth.

Bill, in his capacity as the President's Assistant for Congressional Relations, and Gene, as Bill's associate have made numerous contributions toward a harmonious interrelationship between the legislative and executive branches of Government. They were well schooled by their service in the Congress, and they made use of their great knowledge as they moved to the White House.

I appreciate very much their outstanding service in their respective capacities and I know I am among many who will miss them in Government service.

I wish them well in whatever they do. They have much to offer in the private sector.

TRIBUTE TO THE HONORABLE
ELLA GRASSO

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, it is my pleasure today to praise a lady who very shortly will be making history when she takes her oath of office as the first woman Governor of the State of Connecticut and as the first woman in the 200-year history of the United States to acquire a State House on her own. The

EXTENSIONS OF REMARKS

lady I speak of is, of course, the distinguished gentlewoman from Connecticut, the Honorable ELLA GRASSO.

The term "gentlewoman" I use to refer to ELLA GRASSO is required under our parliamentary rules. During the time we have served together in this body I have found ELLA to be not only a capable and effective legislator but also a lovely and charming lady of the House blessed with a keen mind and ready wit.

The coming loss to the House of Representatives, which will be significant, is the tremendous gain for the people of the State of Connecticut. The real gain, however, is the American political system because it has the integrity and courage of ELLA GRASSO working within its framework. The American political system sorely needs the lady-like vitality and spirit that ELLA brings to public life.

ELLA, her husband Dr. Thomas A. Grasso, and their children, have the sincere wishes of Mrs. Rooney and myself for many years of happiness, good health, and success.

PRIVATE POWER PROVIDES TAX
REVENUES

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, the nuclear generation of power at Duke's Keowee-Toxaway project in my congressional district came in just the nick of time. With national fuel shortages, mining problems, and mounting consumer concern it is a relief to know that the third nuclear unit of this mammoth development will be in operation in January 1975.

In fighting for this great project several years ago, I emphasized the future need for power. Also, Mr. Speaker, I emphasized the tax advantages to our people from this great private power complex.

Oconee County, at one time one of the poorest counties in the United States, will receive in excess of \$3 million in tax revenues from this project in 1975. This money will go into the county treasury. A substantial amount will also go to Pickens County. Additional tax revenues will go to the State as well as the Federal Treasury.

To those in the Congress and throughout the country who fought for this great project, I submit the following article by Mr. Jerry Alexander which was published in the Anderson Independent, a great daily newspaper located in my congressional district:

GOLD POURS ON OCONEE
(By Jerry Alexander)

Oconee County found its pot of gold this past week—the arrival of a check for over \$2.6 million dollars in tax revenues from Duke Power. The \$2,670,614.27 amount is staggering to the imagination of this country boy.

The big moment has been anticipated for several years. In fact, ever since the first word was given that something approaching 700 million dollars were to be invested in the hillsides of rural Oconee

and Pickens counties. The announcement captivated the imagination of thousands, some who had never even heard of the concept of nuclear-powered electricity. Ocooh, look at the tax money it will mean.

So, now that the construction phase of the project is approaching its end, and production has begun, Oconee's coffers are at last beginning to swell with the tremendous amount of tax dollars.

Although the actual sum received is not as much as some people predicted several years ago, it's still a lot of "moolah" by any standard.

Ever since the initial announcement, Oconee officials have been planning what to do with this windfall—and rightly so in most cases.

There were a lot of needs in Oconee and still are.

To name a few would be to point out the educational and medical needs, a new county jail, debts to erase, better pay for law enforcement officers and a lot more bonafide ones. Better roads form still another need.

But let's face it, folks, we're talking about a big hunk of money when we say \$2.6 million skins.

Especially when you realize we were doing pretty good, or thought we were, before we ever even heard of this possible windfall.

The point is that if a fellow is already making a fairly good living, getting along as happy as a dead pig in the sunshine under the circumstances, why can't he save at least a little of a sudden inheritance.

I say again, I know there are needs in Oconee that should be met, and it's going to be the decision of the new county council how these will be met. But I don't see why some of this money cannot be stored away for a bad winter like even a lowly squirrel plainly knows to do.

This is something that the people of Oconee County will want to keep in mind over the next few years.

In all fairness, it should be pointed out that the incoming county council had no hand in the present budget which runs through June. They will be, however, responsible for the budget beginning in July of 1975. The present budget was drawn by the last legislative delegation.

And another thing. Even if it does take all this additional money which dropped into the county treasury Tuesday, we've still got more money promised over and above that. It's the tax money from the third nuclear generator that will probably be on the tax books in 1975. The taxes could be in the treasurer's office the last day of 1975.

One estimate is that the third generator could bring in from a half million to three-quarters of a million more dollars. Added conservatively to the expected \$2.6 million in 1975 from Duke, that would make at least \$3 million or more.

And, folks, barring hell or high water, Oconee can count on about that much or more every year from here on out.

This is not to even mention other federal monies such as Revenue Sharing, Better Communities Act funds, or Appalachian grants that may come our way over the years.

This column is not to criticize at this point but is intended to remind the citizens of Oconee that we are beginning to reap the "bonanza." With this harvest will come the responsibility, to all the people and not just the leaders, to see that it is used wisely.

And if I may dream a little, I'd hope to see some of this money put away, like the squirrel keeps his acorns from the cold chills of the winter snow. Wouldn't it be great if we could save and invest, say half a million of these dollars every year for the next 10 or 20 years . . . I hesitate to even think what benefits we could eventually reap.

TRIBUTE TO REPRESENTATIVE
BERTRAM L. PODELL

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, at the impending sine die adjournment of this 93d Congress the New York State delegation will lose one of its most effective Members with the retirement of Representative BERTRAM L. PODELL.

BERT PODELL served his State of New York and his country long and well in a number of important positions in the New York State Legislature. He held important chairmanships of the Joint Legislative Committee on Corporation Law and the Assembly Committee on Local Finance. He came here in the 90th Congress on February 20, 1968, in a special election to fill a vacancy caused by the resignation of my friend, the Honorable Abraham J. Multer to become a learned justice of the supreme court of the State of New York. He was then overwhelmingly elected to the next three Congresses.

BERT has been my friend during his service here. He has always been in the forefront of the programs for the benefit of the average citizen, including the old folks, those suffering from illness and the dread diseases and those who earn a living for themselves and their families by the sweat of their brow. He will be sorely missed.

Mrs. Rooney joins me in wishing BERT, his lovely wife Bernice, and their three fine children peace, happiness, and success in the many years to come.

REVIEW OF THE 93D CONGRESS—
REPORT TO THE PEOPLE OF OHIO

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES
Friday, December 20, 1974

Mr. TAFT. Mr. President, the record of the 93d Congress, while disappointing in certain respects, was on balance constructive.

For the first time in the history of the Nation the 25th amendment was invoked culminating in congressional approval of GERALD FORD to fill the vacancy of the office of Vice President. Subsequently with the succession of Mr. Ford to the Presidency, the 25th amendment was again invoked with the 93d Congress approving NELSON ROCKEFELLER to be the 41st Vice President of the United States.

The constitutional review and investigatory duties of the legislative branch were decisively exercised in responding to allegations of unethical and illegal activities connected with the 1972 Presidential election campaign. The Senate established a Select Committee on Presidential Campaign Activities, the Watergate Committee, to investigate these charges. Their findings ultimately led to the House Committee on the Ju-

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diary reporting articles of impeachment seeking the removal of Richard Nixon from the Presidency. The former President resigned, thus avoiding almost certain impeachment.

Undoubtedly, the debate surrounding impeachment and campaign activities divided the country and placed great strains on the process of government at all levels. The actions of the 93d Congress, however, in responding to its constitutional obligations in these areas illustrated the stability of our governmental process and hopefully will serve as a deterrent to any similar abuses of power by the Executive in the future.

In addition to responsibly fulfilling its constitutional oversight duties in the functioning of the executive branch, important legislative accomplishments of the 93d Congress included:

Passage of a pension reform-guarantee bill;

Enactment of trade reform measures greatly expanding international trade opportunities;

Increased veterans benefits;

Adoption of a permanent new job training and public employment program designed to be more responsive to local manpower needs;

Extensive reform of the Nation's agricultural policy with elimination of unproductive subsidy programs;

A comprehensive education bill;

Creation of a new agency to centralize and direct energy research and development;

Establishment of conservation standards for the strip mining of coal;

Enactment of the Budget Reform Act establishing a review and planning process for the Congress to regulate the expenditure of our Nation's tax resources;

A minimum wage bill broadly extending the coverage of the Fair Labor Standards Act;

Comprehensive campaign reform measures;

Creation of the Cuyahoga Valley National Recreation Area;

Improvement in the delivery of health care through improved medical training programs and creation of health maintenance organizations;

Mass transportation funding;

Extension of National Labor Relations Act protections to employees of our Nation's health care institutions;

Community development housing reform;

Increased social security benefits;

Adoption of a war powers resolution limiting the authority of the President to unilaterally deploy American Armed Forces; and

Creation of new programs to improve the delivery of legal aid to the economically disadvantaged including authorization to establish joint labor-management legal services trust funds.

Despite enactment of these, and other important measures, however, the 93d Congress failed to take action in a number of important areas—meaningful welfare reform, no-fault insurance, respiratory disease employment protection, tax reform, national health insurance, Federal agency restructuring, and, most important, economic policy.

The state of the economy is extremely discouraging and the country can ill afford to have a Congress that continues to react in a partisan nature in this crucial area. Despite limited action in expanding public service employment programs and extension of unemployment insurance coverage, the 93d Congress failed dismally to fashion any constructive economic program for the Nation, or respond authoritatively and expeditiously to programs submitted by the President. Undoubtedly tax reform, energy conservation, budgetary reductions, and other economic measures are politically sensitive, but neither this country, nor ultimately the economies of the free world can survive by a continual abdication of congressional responsibility and constructive involvement in this area.

Failure of the Congress, particularly the Senate, to initiate reforms of its own procedures and practices is also quite disturbing. Congress as an institution must be able to respond in a more thorough and expeditious manner to the increasingly complex problems of society. Not only must the most modern technology be implemented, but substantive procedural reforms must also be adopted. During the 93d Congress the Senate passed a total of 1,564 measures, approved 29 treaties, and confirmed 131,254 Executive appointments. In submitting my report to the people of Ohio, I believe the following areas to be of particular significance meriting further development:

I. THE ECONOMY

The 93d Congress was faced with the most difficult economic situation in decades. Policymakers were forced to grapple with stratospheric levels of inflation and a deepening recession at the same time.

Energy costs.—The fourfold increase in the fixed world price of crude oil in December 1973 quickly placed the stability of the world economic system in jeopardy. From America's standpoint, it became apparent that continued reliance on excessive levels of imported crude oil would be economically crippling and politically dangerous. It is apparent to me that strong mandatory energy conservation measures are necessary if the United States is to minimize its dependence on this energy source, but neither the 93d Congress nor the President were ready to move in this direction.

Congress did initiate limited programs to expand domestic energy production. However, it notoriously failed to enact legislation to tax the windfall profits of oil companies resulting from higher international oil prices. The 94th Congress should place a high priority on this issue and legislate a program whereby such revenues that are not used to increase domestic oil production are subjected to an excess profits tax.

Food.—Inflation also ravaged the food sector of the economy during the 93d Congress. There is little that the Government can do about some of the principal causes of this problem, such as poor world food crops in 1972, the Midwest drought in the summer of 1974 and the spurt upward in both domestic and foreign demand. The best long-run policy is to

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continue efforts to eliminate Government policies which restrict domestic production and imports. In that connection, the Agriculture Consumer Protection Act of 1973 was a major step forward.

The 93d Congress enacted legislation to provide for better monitoring of food exports. In view of the underestimated domestic effects of the Russian wheat deal in 1972, the need for this legislation is obvious. Another new law empowers a Commodity Futures Trading Commission to regulate commodities futures markets. Implementation of this legislation should help to prevent speculators from increasing food prices by manipulating aspects of this \$500 billion market to the detriment of both farmers and consumers.

Federal budget.—There is no question that the excessive budget deficits of the late 1960's and early 1970's have helped to fuel inflation. In early 1973, the Senate passed my amendment to set a strict limit on governmental expenditures at a noninflationary level for fiscal 1974. The House of Representatives rejected that proposal.

However, Congress later passed the Budget Control and Impoundment Procedures Act of 1974 which I have described elsewhere. By assuring that each spending item be considered in relation to other spending demands and total revenues available, rather than piecemeal as is the present case, this law should foster sounder congressional budget decisions. However, this new measure will require thoughtful application by Congress since it will only work to the extent that individual Members consider budget matters intelligently and responsibly.

Wage-price controls.—The shortages, distortions, inequities, and redtape that resulted from wage and price controls in late 1973 and early 1974 underscored the great difficulties with policies designed to excessively plan and control the economy. Certainly there are merits for imposing certain control procedures, but I could not continue to support an inequitable and unworkable system, and accordingly voted against an extension of mandatory wage and price controls during the 93d Congress. However, I could see no justification for the Government's refusal to undertake even the relatively minor role of promoting voluntary price restraint in the private sector or to review its own policies to eliminate those which contributed to inflation. Further, I thought the commitments to price restraint which the Cost of Living Council had obtained during the price decontrol process should have been enforced. I introduced the Inflation Restraint Act of 1974 to accomplish those goals. A somewhat weakened version of that legislation later became law, in response to a request from President Ford for an agency to monitor the wage and price performance of management and labor.

A review of the Nation's economic statistics at the end of 1974, however, emphasizes the need for Congress to rethink the entire subject of controls. Perhaps as part of a comprehensive economic package, including selected tax cuts to curb the country's recessionary state, a mechanism of controls could be

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considered for certain key areas of the economy.

Material shortages.—For the first time since World War II, in 1973 and 1974, the American economy was plagued by shortages of both raw materials and manufactured products. Although the Congress passed legislation which created a commission to study the problem, I was convinced it should have gone further. The Congress should have designated an entity in the Government to monitor shortages, recommend preventive actions and help industries to cope with such shortages. One potential solution the 94th Congress should consider in this area is the implementation of investment tax credits and accelerated depreciation schedules to modernize and expand industrial capacity.

Productivity.—Increases in the productivity, or efficiency, of our workers and industries is another subject that should be given considerable attention by the next Congress. It is essential that constructive efforts be undertaken in this area to fight both inflation and foreign economic competition. Productivity increases allow our standard of living to be raised by permitting wage and salary increases which do not cause inflation. The Government should act as a catalyst to stimulate increased productivity in the private sector and review its own policies to determine changes which could result in productivity increases. Legislation I authored to create a National Commission on Productivity and Work Quality which can serve this function became law in 1974, although the Commission's funding level is presently insufficient.

Unemployment.—By the end of 1974, the U.S. unemployment was reaching disastrous levels. I have described elsewhere efforts to alleviate the problem through manpower training, public service employment, and housing legislation I have offered. I also urged the Federal Reserve Board throughout much of 1974 to ease its unduly harsh monetary policy, which was adversely affecting housing, small businesses, and other credit-related concerns.

The Economic Development Act was extended for 1 year during the 93d Congress to assist States in undertaking overall State economic development planning. This legislation also includes planning assistance for cities and sub-state planning and development organizations. A new title IX will assist States and communities experiencing or about to experience economic dislocations due to severe economic changes.

International trade.—The 93d Congress last major economic action was to pass the Trade Reform Act of 1974. The main purpose of this legislation is to authorize the President to negotiate reductions in worldwide trade barriers and establish more equitable treatment for American concerns in the international economic system.

I supported this legislation. I believe that the authority to negotiate such reforms will help expand export-related job opportunities for America. Three million Americans already have export-related jobs and in 1972, Ohio ranked first in the importance of export em-

ployment in manufacturing. The bill would also do a better job of protecting domestic American jobs than present law, by providing more extensive and effective relief to industries and workers troubled by increased imports and by providing better procedures for the Government to deal with unfair trade practices.

To the extent that the trade negotiations result in reduced U.S. import barriers such as import quotas or tariffs, the trade bill will also contribute to reduced United States inflation. In 1974, U.S. import barriers cost American consumers about \$10 billion per year. In that regard, the Senate accepted my amendment to require a report on the effects of each such import barrier on American jobs and prices, so that workers, consumers and Government officials will know who is benefiting from import relief at the expense of higher prices to our consumers and what the relief is doing for American jobs.

The trade bill also contained the Jackson amendment, which is expected to result in the emigration of about 60,000 Soviet Jews and other oppressed Soviet citizens in 1975. I do, however, have certain apprehensions regarding recent Soviet statements on this issue. These concerns are expressed in section XVIII of this report.

In addition, enactment of the trade legislation averted a difficult situation in which the United States would be pressing for crucial and difficult international cooperation on matters such as energy conservation and development, while its hands would be tied in the tremendously important area of international trade negotiations.

II. ENERGY CONSERVATION AND DEVELOPMENT

The concern of the 93d Congress with the energy crisis and the need for increased conservation and development of our natural resources led to the enactment of a number of measures. At the very start of the 93d Congress, amendments to the Economic and Stabilization Act of 1970 were introduced to promote competition in the petroleum industry and to assure equitable energy distribution. This legislation became public law in April 1973.

With increasing awareness of the magnitude of energy-related programs, Congress enacted legislation authorizing construction of the Alaskan pipeline to tap the tremendous oil resources in the North Slope region. The Federal Energy Administration was established to coordinate our efforts in conserving energy and utilizing new resources. A new energy research agency was created, the Energy Research and Development Administration, to oversee our Nation's exploration and development of alternative sources of energy, such as, geothermal, solar, coal liquefaction, coal gasification, advanced power cycles, and nuclear energy. I supported and worked for the passage of all these measures.

Natural gas.—Deregulation of the price of new natural gas at the wellhead was considered. Past regulation of natural gas prices has stifled production and exploration necessary to meet the ever-increasing demand for this resource.

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The immediate problem in this area is how to permit adequate prices to encourage exploration, but still maintain a structure that does not permit windfall profits for the industry.

Surface mining.—Surface mining legislation passed the 93d Congress but unfortunately was not signed into law by the President. Coal is our most abundant source of energy, but we must learn to adapt it to many uses and in a way that will not damage the land and the air. Surface mining is both the most economical and the most environmentally destructive method of extracting coal. The damage caused by strip mining, however, can be repaired and this legislation would have provided a reasonable reclamation program for such mining. Undoubtedly, legislation in this area will be a priority item of the next Congress.

Vehicle regulation.—The Federal Aid Highway Act amendments were enacted by the Congress to respond to issues raised by the energy crisis. Among the provisions of this legislation was a section making the 55-m.p.h. speed limit permanent. Another part of this bill permits modest increases in the allowable weights of trucks on interstate highways. While I did not support the truck weight increase because of safety factors and the added wear that would be caused to highways, I supported final passage of this legislation with its provisions for highway beautification and for outlawing the seatbelt interlock systems in automobiles.

In 1974, the Congress enacted legislation to amend the Clean Air Act to provide for temporary suspension of certain air pollution requirements, by extending 1975 model year auto emission standards through the 1976 model year. This bill, which was signed into law, also provides for some power plants which now use electricity to convert to coal in recognition of the need to continue our energy conservation efforts. I supported this measure since I believe it represents a constructive balance between environmental goals and the long-term energy needs of the country.

The Nation has experienced hardships and inconveniences of energy shortages; high gas prices, increased heating oil prices, shorter store hours, cooler buildings, and winter daylight saving time. Through voluntary cooperation, Americans have contributed to reducing the impact of the energy crisis. More must be accomplished however, both from volunteerism and from governmental initiatives. Hopefully the 94th Congress will make a significant contribution in this area and provide leadership in achieving greater energy independence for the United States.

III. CONGRESSIONAL REFORM

In the aftermath of Watergate, the 93d Congress passed sweeping campaign reform legislation. The major purpose of this legislation was to eliminate big money from politics.

Campaign financing.—Basic reforms in campaign financing were essential. Citizens must have the legal basis for believing that their Government is not being operated to satisfy the interests of a few large contributors, rather than the Nation as a whole. Strict limitations

were needed on the amounts which individuals or organizations could contribute to any single candidate.

Although the Senate bill contained such limits, it also provided full public funding for political candidates' general election campaigns. I felt that this would allow more public funding than necessary, foster a mushrooming of wasteful campaign expenditures at taxpayers' expense and unnecessarily eliminate a meaningful role for small private contributions and related grassroots fundraising efforts. Several other Senators and I offered a substitute proposal which would have provided partial rather than complete public financing. Our proposal was defeated by a key Senate vote of 46 to 45.

To emphasize to the House of Representatives that these problems and others were contained in the Senate bill, I voted against it.

I did vote for the final version of the legislation, which did not contain full public funding for congressional elections. Its most important advances included limitations on the amount of contributions which any individual or organization could contribute to any single candidate, and a much stronger enforcement mechanism for Federal campaign laws. However, I still have some qualms about provisions in the new law including: sections which permit special interest organizations to contribute five times as much to any candidate as individuals; authorizations for organizations to contribute up to \$10,000 per candidate for primary and general elections combined; and set ceilings on overall campaign spending which may be so low that they increase well-known incumbents' advantage over unknown challengers, particularly in House races.

There is uncertainty as to whether this new law will be upheld by the courts, however, since a number of constitutional challenges have surfaced and it may be that the 94th Congress will again be presented with substantial questions in the campaign reform area.

Congressional spending.—In another comprehensive reform, the 93d Congress passed the Budget Control and Impoundment Procedures Act of 1974. This historic legislation completely reorganizes Congress procedures for considering the budget. At present, each proposed spending item is analyzed piecemeal, rather than in relation to other spending needs and the Government funds available. The new law, which I strongly supported, contains some of my specific suggestions. It would require Congress to consider overall spending demands and revenues available and then review various categories of programs in relation to each other, as well as spending levels for each program. Federal revenues lost and gained through various aspects of the tax system would also come under increased and much-needed scrutiny.

Although this legislation could help to bring about intelligent budget decisions, its success depends on the "budget-consciousness" of each Congressman and Senator.

Along those lines, late in the 93d Congress I introduced the Inflation Impact Statement Act of 1974. This legislation would require all bills reported from congressional committees to contain, to the extent possible, an estimate of their impact on the price of goods and services over the coming 5 years. I feel strongly about the need for such legislation because too often, Congress neither looks at the Federal budget cost nor examines the impact of its enactments. It has been estimated, for example, that paperwork required by the Federal Government costs the private sector approximately \$50 billion per year, yet this cost is not reflected anywhere in the Federal budget, and thus is not considered carefully enough by Congress.

I am hopeful that the 94th Congress will adopt my inflation impact proposal since this procedure would greatly improve the Federal budgetary process.

Open government.—In furtherance of open government, the Senate of the 93d Congress decided to open to the public committee sessions at which legislation is actually being decided upon. I strongly supported this change and I participated in a successful effort to open appropriate sessions of the Banking, Housing and Urban Affairs Committee for the first time.

As a ranking Senate member of the Joint Committee on Congressional Operations, I have been involved in a number of congressional reform areas including: change in the seniority system, establishment of a hearing examiner process to improve the information gathering process of the Congress, refinement and definition of the doctrine of legislative immunity, and improvement of the information resources available to the Congress through the use of computer data banks.

Consistent with the objective of opening up the process of government, I have also been extensively involved in the joint committee's efforts to provide broadcast coverage of Senate Chamber proceedings. I coauthored a proposal that would permit continuous radio and television coverage of Senate proceedings on an experimental basis. This proposal has been endorsed by majority and minority leaders in the Congress and chances are excellent that it will be adopted by the 94th Congress.

As I have mentioned in the following section, I also introduced legislation which would require Congress to vote directly on any salary increases it proposes for itself, rather than receiving these increases through backdoor legislation as is presently the case. Unfortunately, the 93d Congress did not enact this proposal.

IV. CONGRESSIONAL PAY RAISE

An area of concern and discontent among many constituents has been the proposed congressional pay raise. I opposed the President's recommendation for a congressional pay raise in March 1974.

Current procedure requires that congressional salaries be considered along with those of career Government employees in the GS-16, -17, and -18 pay levels, and Federal judges, sub-Cabinet

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officials, and other top Government jobs. These employees have not had a salary increase—not even a cost-of-living raise—in over 5 years. This has caused many problems including the inability to attract and retain qualified people in public service.

When the President's recommendation for a pay raise for Federal employees in top pay grades was considered in the Senate, it became apparent that the relationship between congressional salaries and those of career civil servants jeopardized the recommendation for all Government employee pay raises. I have long felt that congressional salaries should be debated separately from other legislation and I have introduced legislation to remove the congressional salaries from the authority of the Wage Commission, which recommends salary increases. Congressional salaries would then be increased only by separate legislation, to be debated openly on the floor. Consideration of pay increases for the Congress would have to be decided in the open, permitting complete public scrutiny. I am convinced that only by proceeding in such a manner, on this and other subjects, can confidence of the Nation be restored in the process of Government.

V. CONSUMER AFFAIRS

There were a number of significant advancements for consumers during the 93d Congress.

Consumer Product Safety Commission.—Early in the first session, the Consumer Product Safety Commission was formally established. This new Federal agency was enacted into law with my support during the 92d Congress and already has made an important impact in establishing safety standards in areas ranging from combustible material to toys.

Consumer Food Act.—The Senate passed the Consumer Food Act to provide greater insurance that food is safe and wholesome. This measure, which passed the Senate in July of 1974, amends the Federal Food, Drug, and Cosmetic Act to require the development of a comprehensive Food and Drug Administration (FDA) safety plan, including a mandate for at least annual inspections of food processing establishments. This measure also confirms FDA authority to: order that food be date labeled; require nutritional information for certain foods in a specified format; and require certain ingredients to be quantitatively listed by percentage of the ingredient in the food. Unfortunately, the House took no action on this measure.

Motor vehicle safety.—Amendments to the National Traffic and Motor Vehicle Safety Act did become law, however, during the 93d Congress. These enactments empower the Secretary of Transportation to require manufacturers of motor vehicles, motor vehicle equipment, and tires which contain safety-related defects or which fail to comply with motor vehicle safety standards, to remedy such defects without charge to the consumer. This new measure also requires the Secretary of Transportation to set mandatory safety standards for schoolbuses and contains provisions re-

quiring motor vehicles to have safer types of fuel tanks. Enforcement authority is included with maximum fines up to \$400,000 for violations of this law.

Warranties.—Legislation was passed by this Congress setting disclosure and designation standards for written warranties on products that cost the consumer more than \$10. This measure also codifies the authority of the Federal Trade Commission to make substantive rules for unfair or deceptive practices in or affecting commerce. This bill was signed into law at the conclusion of the 93d Congress.

Pyramid sales.—The Pyramid Sales Act was passed by the Senate in August of 1974 making a known sale, offer or attempt to sell, or to participate in a pyramid sales scheme a criminal offense.

Antitrust enforcement.—Antitrust procedures and penalties were reviewed, with increases in the fines for violations of the Sherman Act from \$50,000 to \$100,000 for individuals and to \$1 million for corporations. This measure, which is now public law, also requires that any proposal for a consent decree judgment be published in the Federal Register 60 days prior to the proposed date of judgment and be accompanied by a competitive impact statement prepared by the Department of Justice. Further, provisions also require that comments by interested parties shall be published with the district court to consider such statements in determining whether the proposed judgment is in the public interest. Defendants are required by the new law to disclose all communications made in their behalf other than those of counsel of record to officials of the Justice Department.

Congress was also active in exercising its oversight-investigative authority regarding antitrust questions. Oil companies, sugar producers, and other food processors were questioned regarding competitive practices and a number of resolutions were enacted to specifically authorize further investigation by executive branch agencies. As an example, in August, the Senate passed a resolution requesting the FTC to investigate the margins that exist between farm and retail prices of livestock, dairy products, poultry, and eggs. I supported this, and other similar resolutions, and believe the 94th Congress must continue to actively review business structures and procedures to insure that competitive practices and antitrust laws are followed.

No-fault insurance.—Failure to pass a no-fault insurance bill during the 93d Congress has to be one of the more disappointing developments in the consumer area. Although the Senate did pass legislation with my support that would set Federal minimum standards for States, the House refused to take any action in this area.

Statistics indicate that a great percent of automobile insurance premium dollars never go to pay people who are hurt and suffer economic loss. Many courts are congested with automobile accident cases and frequently judicial processes are used as a bargaining weapon by parties. I believe it is time for a change of such a system.

Agency for Consumer Advocacy.—Substantial disagreement continued in the 93d Congress regarding the creation of a new Government agency to intervene in actions affecting consumer interests by executive branch agencies. Legislation was considered to establish an Agency for Consumer Advocacy (ACA). While the objective of this proposal was to protect the interests of consumers, and one which I fully support, I questioned the advisability of creating another layer of Federal bureaucracy to duplicate the functions and duties of existing agencies. As reviewed in section XXII of this report, extensive reform and restructuring of executive branch agencies is long overdue. Many agencies have become captives of the industries they are to regulate. I have long advocated that the noncompetitive practices and wasteful policies that result from some agency decisions, such as certain ICC rulings, must be eliminated.

Congress has the responsibility to see that Federal agencies do operate efficiently and fairly, and the changes that are needed should be accomplished through regulatory reform. I authored a legislative proposal as a substitute amendment to the Agency for Consumer Advocacy which would have accomplished this objective. I do not believe it is wise for Congress to try to sidestep this responsibility by passing the buck to a new superagency duplicating existing agency duties, especially at a time when Government spending should be curtailed. There is no guarantee that such a new agency will not fall into the same type of control by special interest groups that now occurs with existing agencies.

There are also great difficulties in determining precisely which "consumer interest" is to be represented as quite often there are numerous competing interests. The proposal before the Senate during this Congress provided no guidance on this question.

The 94th Congress must take effective action to better protect the rights of consumers before Government regulatory agencies. Abdication of legislative branch oversight in this area to another layer of executive bureaucracy such as the ACA is not the answer. Congress must assume this responsibility.

VI. HEALTH

National health insurance.—Although national health insurance became a major issue in the 93d Congress, no action was taken. I cosponsored legislation which would free American families from the worry of serious debt or bankruptcy resulting from an extended or catastrophic illness in the family, by providing a national catastrophic insurance program. I am convinced that this is necessary because the average American family simply cannot afford the cost of care for an extended or catastrophic illness of one of its members.

The 94th Congress may move beyond catastrophic coverage in the direction of national health insurance, and it is certainly true that other reforms in the Federal medical insurance programs are needed. The possible Federal budget costs and effects on inflation in the health care industry will be major considera-

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tions as Congress debates what the scope of Federal involvement in health care financing and delivery should be.

Other health issues did receive considerable attention of the Congress, and as a member of the Senate Health Subcommittee, I had an opportunity to participate quite extensively in this area.

Emergency medical services.—One of the more important proposals enacted was the establishment of important emergency medical services programs. I was pleased to cosponsor this legislation which will provide Federal aid to area-wide systems of emergency medical care. Under this new program, grants and contracts are to be provided to plan, establish, initially operate, and expand area emergency care systems and to train personnel to conduct research in emergency medicine. Through this legislation it is estimated that as many as 35,000 Americans can be saved from tragic, unnecessary deaths caused by heart attacks and auto deaths.

Health services.—Another important health measure passed by the 93d Congress was the Health Revenue Sharing and Health Services Act of 1974. This legislation extends and revises several important health services programs including: Authority for family planning and population research programs which I cosponsored; financial assistance to community mental health centers—to provide a full range of preventive and therapeutic mental health services to patients, thus increasing the accessibility, quantity, and range of mental health services available at the community level; development of migrant health centers; and specific authority for community health centers—commonly known as neighborhood health centers.

New programs in this legislation also include a National Center for the Prevention and Control of Rape; home health services and the appointment of a Committee on Mental Health and Illness of the Elderly, referred to under legislation for the aging; and finally, authority for Federal assistance to aid in the establishment of comprehensive hemophilia diagnostic and treatment centers; commission for control of epilepsy; and a commission for control of Huntington's disease—all of which I cosponsored.

Health manpower.—Health manpower legislation enacted by the Senate would have improved the professional training and availability of physicians. Under the bill which I coauthored, medical schools would reserve 25 percent of their first year class for individuals who voluntarily agreed to practice in medically underserved areas. These students would be entitled to a Federal scholarship in return for primary care service in such shortage areas. If an individual refused to carry out his commitment, he would be required to pay back twice the cost of his assistance plus interest.

As for the licensing of doctors and dentists, the proposal continued to rely on present methods of examination, such as the so-called federation's licensing exam. Foreign medical graduates, as a condition of admission to the United States, would be required to take the same examinations as U.S. medical grad-

uates. In addition, the foreign medical graduate would have to be proficient in oral and written English. Unfortunately, no action was taken by the House on this proposal.

Health maintenance.—Improvement in the delivery of health care to the country was also achieved with the enactment of legislation to establish health maintenance organizations—H.M.O.'s. Under this new public law, funding is provided for establishment of centers specializing in group preventive medicine and comprehensive health care. Although further experimentation is necessary to achieve maximum results from such programs, I believe the potential of H.M.O.'s to provide Americans with better medical care is considerable.

Physical and mental handicapped legislation.—Legislation was considered by the 93d Congress to improve our Nation's programs to help physically and mentally handicapped individuals to work, earn, and live independently in their communities. The Vocational Rehabilitation Act was amended to extend and improve vocational and other rehabilitation services for the handicapped. The Developmentally Disabled Assistance Bill of Rights Act received my enthusiastic endorsement to assist the approximately 9 million persons in the United States who are developmentally disabled, become productive members of society.

Lead-based paint.—I was pleased to cosponsor and support the Lead-Based Paint Poisoning Prevention Act amendments which provide for the continuation of a very important program enacted in 1970, for the detection and elimination of a serious manmade childhood disease, lead paint poisoning.

While lead-based paint poisoning is preventable, there are many things about the present situation that we do not know. Acceptable levels of lead content in paint must be determined and procedures for removing concentrations of lead contaminants found. A direct and fully coordinated Federal effort is clearly essential and I believe the Lead-Based Paint Poisoning Prevention Act is a step in that direction.

Sudden infant death.—Among the mysteries of American health care, few are persistently as complex as the disease known as sudden infant death syndrome—SIDS. The mortality rate from SIDS is about 3 per 1,000 live births. In this country, it is estimated that some 7,000 to 10,000 infants die each year as a result of this syndrome. No one yet knows what causes this tragic killer. I supported the Sudden Infant Death Syndrome Act of 1974 because I believe it is essential to expand the research program into the causes of this disease. The bill calls upon the National Institute of Child Health and Human Development to carry out this research program. In addition, it authorizes a program for the development of public information and professional education materials relating to SIDS.

Cancer research.—I have been deeply committed to the expanding cancer research program which was augmented in December 1971, with my support. This program made possible intensified cancer research efforts and brought major

achievements in the Nation's efforts against this dread disease. In the 93d Congress I supported and cosponsored the National Cancer Act of 1974, which extends for another 3 years those programs being conducted by the National Cancer Institute and the National Institutes of Health, and also provides necessary tools for this program's continued progress.

I supported and cosponsored legislation to expand the authority of the National Institute of Arthritis, Metabolic and Digestive Diseases in order to advance a national attack on arthritis. This legislation is very important since such efforts may indeed soon determine the cause or causes of this crippling disease from which so many of our citizens suffer.

VII. PENSION PROTECTION

After spending over 3 years working for enactment of a pension reform bill, I am pleased to report that the Congress approved by a large margin the Employee Retirement Income Security Act of which I was a coauthor and cosponsor. On Labor Day of 1974, President Ford signed this historic measure into law.

After listening to extensive testimony, including extremely enlightening information obtained from field hearings in Cleveland, I became convinced that basic protections were necessary to insure that American workers were not left with financial insecurity in their senior years. The statistics were startling. For example, studies revealed that 1 of every 10 workers covered by pension plans in several low-wage industries would never receive the pension benefits which they had been counting on all their lives.

While this new public law is not perfect or complete, it is one of the most significant enactments in the labor field in years. I am proud to have taken a major role in its creation and passage. Provisions of the act include:

Minimum vesting formulas whereby participants in pension plans would be covered under one of three optional plans:

First. Twenty-five percent vesting within 5 years and 5-percent vesting for the next 5 years. The following 5 years vesting increases at the rate of 10 percent per year with 100-percent vesting achieved at 15 years;

Second. Full vesting within 10 years;

Third. "Rule of 45" plan providing that an employee is 50 percent vested when his age plus years of service equal 45 or more. Thereafter vesting is increased by 10 percent per year;

Termination insurance program to insure payment of pension benefits to participants in pension plans that are cancelled;

Minimum funding requirements; and Strong fiduciary standards establishing statutory investment guidelines and operating procedures for trustees of pension plans.

VIII. LABOR AND MANPOWER TRAINING

The record of the 93d Congress in the labor and manpower training area was quite positive. In addition to passage of the landmark pension reform bill referred to in the previous section, the Senate Labor and Public Welfare Com-

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mittee was active in reporting a number of important legislative proposals.

Prepaid legal services.—During the 1st session of the 93d Congress, the Committee on Labor and Public Welfare, of which I am a member, recommended passage of a bill to amend the Labor-Management Relations Act to add prepaid legal services as an eligible fringe benefit that joint labor-management trust funds could administer. The need for this legislation was underscored by the increasing costs of obtaining legal advice and representation by our Nation's wage earners. As mentioned in section XVI of this report pertaining to the new Legal Services Corporation, often the primary factor determining the quantity and quality of legal representation an individual receives in our society has not been the person's need, but rather his or her ability to pay.

This simply is not an acceptable way to provide legal assistance in a country that is committed to the principle of equal justice under the law. In authorizing provisions of this bill, which is now public law, my objective was to provide a procedure whereby necessary legal advice could be as accessible for employees as is medical care under joint labor-management health benefit plans. Results of this new law, including programs in Ohio, would seem to indicate such an objective is attainable.

NLRA coverage of health care employees.—Another important labor measure that I authored also became law during the 93d Congress. This measure, reported out of the Senate Labor Committee, extends the National Labor Relations Act (NLRA) to our Nation's nonprofit health care institutions and their employees. It implements the procedures and protections of the NLRA to resolve jurisdictional and recognition disputes that have been particularly prevalent in the health care field. Protections are also included in this new public law to minimize the disruption of health care delivery through precontract expiration bargaining procedures and mandatory involvement of the Federal Mediation and Conciliation Service when impasse situations develop. With this important balance of concerns for patient care and collective bargaining, I am quite hopeful that greater labor relations stability will result thereby reducing the bitter and wasteful labor-management confrontations which have plagued the health care industry.

Minimum wage.—For the first time since 1966, Congress enacted increases in the Federal minimum wage and greatly extended coverage of the Fair Labor Standards Act (FLSA). This new public law increases the old minimum wage level for nonagricultural employees from \$1.60 to \$2.30 an hour. Agricultural workers' minimum wage level is raised from the old rate of \$1.30 also to \$2.30 an hour through a series of step increases. Such an increase for agricultural workers under FLSA marks the first time that parity has been achieved with other covered employees. The enacted amendments extend the minimum wage and overtime provisions of the FLSA to Federal, State, county, and local public employees, do-

mestics, babysitters, and certain previously exempt agricultural employees.

While I supported the final conference version of the bill, I objected to a number of provisions contained in the Senate measure. I felt the proposed increases were too rapid and would result in the curtailment of job opportunities, especially in nonmetropolitan regions of the country. Statistics also indicated that such quick increases reduce youth employment, especially for black and minority youth. Further constitutional questions existed regarding the extended scope of coverage of the legislation. It is questionable if domestics and babysitters come under the Interstate Commerce clause jurisdiction of the FLSA. Constitutional questions also are involved regarding Federal regulation and coverage of State, county, and local governmental public employees. As I write this report, the U.S. Supreme Court has issued a temporary injunction against implementation of part of the public employee section of the new law, pending a final constitutional review of such coverage.

I would have preferred a minimum wage bill that did not extend the scope of coverage of the FLSA so drastically and a proposal that would have achieved a slightly higher wage rate over a graduated time frame, thus lessening inflationary and disemployment effects. My efforts to achieve this objective, unfortunately, were rejected by the Congress.

Farm labor.—Reforms of farm labor recruitment and supervision policies were enacted by this Congress. The new Farm Labor Contract Act increases reporting and certification requirements for farm labor contractors, requires minimum safety standards for vehicles used to transport workers, and creates a Federal civil remedy for individuals aggrieved by violations of the act, among other provisions.

Railroad retirement.—Restructuring of the railroad retirement system was another important contribution of the Labor Committee during the 93d Congress. The railroad retirement fund was in serious jeopardy of going into bankruptcy since more rail workers were retiring than coming into this industry. Although I believe railroads have an extremely important role to play in our country's future as I mentioned in another part of this report, some immediate action was necessary. After receiving recommendations from rail management and labor, the Labor Committee drafted a proposal that streamlined the fund's operation and prevented payment of future windfall dual benefits from both the social security fund and the railroad retirement fund. This approach, which is now public law, will insure that our Nation's retired railroad workers, including approximately 100,000 employees in Ohio, will receive their much deserved benefits.

Manpower training.—Manpower training and related job benefit programs were major issues of concentration in the 93d Congress.

At the conclusion of the first session of this Congress, a completely new Federal job training and public service employ-

ment program was adopted. This measure, the Comprehensive Employment and Training Act of 1973 (CETA) was a result of extensive research and study, including very productive field hearings I chaired in Dayton and Akron.

The act, which has been signed into law, institutes a number of affirmative changes from old programs and is designed to make training and employment opportunities more responsive to the needs of local and regional job markets.

Emergency employment provisions were included to permit funding for transitional public service jobs in regions experiencing 6.5 percent unemployment or more for 3 consecutive months.

These provisions, while adequate at the time of passage in 1973, were not flexible enough to respond to unemployment problems in certain parts of the country, nor did this procedure permit automatic funding for additional public service jobs to coincide with potential increases in unemployment. To correct these deficiencies, I offered a substitute proposal that would have lowered the unemployment trigger to 6 percent and included a flexible funding procedure that would have increased funding authorization for each increment of one-half percent that the average rate of national unemployment exceeded 6 percent for 3 consecutive months.

While the Senate rejected my substitute, Congress did enact an emergency public service job program at the end of the 93d Congress in light of rising unemployment. This measure which is now law, authorizes funding for 333,000 new public service jobs of 1-year duration to supplement the 170,000 positions that were already available under CETA. Another part of this measure creates temporary unemployment insurance for employees not now covered by jobless benefits, including State and local government employees, farmworkers, and domestic workers.

The final important manpower related bill enacted by the 93d Congress was the Emergency Unemployment Compensation Act. This legislation, which I cosponsored, provides an additional 13 weeks of assistance to individuals who are now covered by unemployment insurance. President Ford signed this measure into law after the conclusion of the 93d Congress.

While the above record of this Congress in the labor area can, in many respects, be labeled impressive, there are a great number of challenges ahead. I was particularly disappointed that more attention was not given to respiratory diseases. It is becoming more obvious with each new set of scientific and medical findings that there are great health problems connected with certain industrial employment positions in this country. As many as 100,000 Americans, it has been estimated, may die each year from conditions they are exposed to in their jobs. The 92d Congress made some progress in this area by passing the Black Lung Benefits Act to help our Nation's coal miners. Workers in other industries must also be assisted, however, to combat such diseases as asbestosis, silicosis, and

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berylliosis. I introduced legislation during the 93d Congress to deal with this problem, the Respiratory Disease Benefits Act, S. 1029. Unfortunately no action was taken on my proposal.

Other labor areas on the agenda for the 94th Congress include: bargaining impasse settlement procedures, especially for agricultural and public employees; review of the Occupational Health and Safety Act of 1970; productivity and work-environment problems, and funding and operating procedures for the National Institute of Occupational Safety and Health (NIOSH), the Federal agency charged with responsibility of recommending standards to OSHA to improve our Nation's working men and women's job environment in health and safety areas.

IX. HOUSING AND COMMUNITY DEVELOPMENT

After more than 3 years of debate, the 93d Congress passed the Housing and Community Development Act of 1974.

I believe that the community development provisions of this legislation will prove to be a milestone in our efforts to attack difficult urban problems such as deteriorating housing and slum conditions. This legislation replaces 10 narrowly defined but sometimes overlapping Federal programs, including urban renewal and model cities, with one block grant program. The result will be more program flexibility at the local level, less red tape and less bureaucratic second-guessing of local needs.

Of the provisions of the legislation which I authored, the most important would direct communities to give the maximum feasible priority under the program to activities which will aid persons with low- and moderate-incomes to prevent or eliminate slums and urban blight. This provision is necessary so that the program will not become a virtual duplicate of general revenue sharing, which dictates no Federal priorities between expenditures for slum clearance, municipal golf courses, preservation of existing housing, monuments to local heroes, and all the other diverse types of expenditures. I support general revenue sharing, but the new program should specifically address difficult community development problems rather than duplicate it.

Because over 10 million Americans are still illhoused, the Housing and Community Development Act of 1974 continued the federally subsidized housing program in somewhat revised form. I support that continuation, although I believe that many further improvements can be made in these programs.

I offered several amendments included in the new law which would direct further efforts toward the preservation of neighborhoods and the existing housing stock. This approach recognizes that the new construction approach of past low-income housing programs is troubled by tremendous costs to the taxpayer, frequent neighborhood opposition, environmental concerns, the increasing scarcity of land, and the fact that the middle- or moderate-income citizens are not helped by such programs to find housing. Furthermore, Federal efforts to preserve existing housing and neighborhoods in

their early stages of decline can stave off the need for an expensive and disruptive comprehensive urban renewal-type approach. Some of my amendments changed our national housing goal to: Reflect the importance of housing preservation, continue the Federal housing rehabilitation loan program, guarantee extensions of FHA mortgages so that landlords and homeowners can obtain additional money for rehabilitation without assuming greater monthly housing expenses, expand FHA loan guarantee programs for the repair of small apartments and improve Federal cost control procedures in the new urban homesteading program of donating abandoned housing units to those who will repair them and live in them for a specified time.

The new housing law places special emphasis on housing for the elderly and handicapped. It includes my amendment to expand the use of rent supplements in elderly and handicapped housing projects, so that more of the poorest of those citizens can be served in a project.

I am proud that the new law also contains legislation I cosponsored which requires the Federal Government to institute and enforce mobile home safety standards. The need for this action is clearly illustrated by a study indicating that because so many mobile homes have had serious defects, insurance premiums are 70 percent higher for a \$7,000 mobile home than for a \$25,000 house.

Near the end of the 93d Congress, the Emergency Home Purchase Assistance Act was passed to provide a much-needed boost in housing construction. I cosponsored this legislation because the additional mortgage credit to be provided was expected to boost housing starts by at least 100,000, thus alleviating the housing squeeze somewhat and providing more work for the construction industry. However, I felt that the legislation should have covered apartments and condominiums rather than just expensive, land-consuming and energy-consuming single family housing. I introduced legislation to achieve that objective and will continue to pursue this modification in the 94th Congress.

Most Americans' housing will continue to be supplied without Federal subsidies or programs. Unfortunately, Congress did not support my effort to trim housing costs by providing for elimination of unnecessary building codes and unproductive work rules. Congress also failed to pass my bill to provide a \$500 tax exemption for interest on savings accounts, which would vastly increase the funds that savings associations would have available to make mortgage loans. Hopefully, action will be forthcoming on both of these issues in the next Congress.

X. ENVIRONMENT

A number of very important environmental measures passed the Senate during the 93d Congress. Unfortunately, two of the most significant Senate enactments, however, did not become public law—the Land-Use Policy and Planning Act, S. 268, and the Surface Mining Reclamation Act, S. 425, also referred to elsewhere in this report.

Land use.—The House failed to act on

land use policy legislation after the Senate had given strong support to a land-use measure. The Senate bill which I supported and cosponsored, would establish an Office of Land-Use Policy Administration in the Department of Interior to administer a grant program designated to encourage and assist States in developing land-use programs. The proposal would have been particularly helpful in planning for projects such as powerplants and airports that have severe environmental impact. The act would also have helped to coordinate all Federal and State land-use programs. Hopefully, legislation in this area will be a priority item of the 94th Congress.

Strip mining.—Due to a Presidential pocket veto, surface mining legislation also unfortunately failed to become law during the 93d Congress. Strong support exists for legislation in this area, both in the Senate and House, and this undoubtedly is another area that will receive the attention of the new Congress.

The Surface Mining Reclamation Act, which passed the Senate with my support, would have established a nationwide program to protect against adverse effects to the environment from strip mining. It would have provided authority for the Secretary of Interior to administer State grant-in-aid programs to: First, develop State regulatory programs for surface mining and reclamation; second, purchase and reclaim abandoned and unreclaimed mined lands; third, develop State land-use planning processes with provisions for designating certain areas unsuitable for mining; and, fourth, administer general research and demonstration programs. The measure would also have established an office in the Interior Department to administer and enforce the act.

A number of environmental measures did become law, however, during the 93d Congress. Legislation was enacted into law to protect endangered species—Public Law 93-205. The Water Resources Development Act of 1974, designed to check streambank and shoreline erosion and providing provisions for improved flood control, became law—Public Law 93-251. The National Forest and Rangeland Environmental Management Act, improving national forest system management, was adopted—Public Law 93-378. Solid waste disposal project funding was continued. The Clean Air Act of 1970 was extended—Public Law 93-15. An international convention for preventing the pollution of the seas by oil was implemented by the Oil Pollution Act Amendments of 1973—Public Law 93-119. A safe drinking water program was enacted within the Environmental Protection Agency to regulate drinking water and to set standards to protect public water supplies from contamination—Public Law 93-523. Finally, after the adjournment of the Congress, President Ford signed into law legislation to regulate the development of offshore deep-water ports for the use of tankers transporting oil and natural gas.

XI. SENIOR CITIZENS

This Nation has a high stake in providing a better life for its senior citizens. There is no group more deserving of

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assistance or more willing to help themselves than our senior citizens.

Older Americans Act.—I cosponsored and strongly supported the Older Americans Comprehensive Services Amendments of 1973. This landmark legislation provides effective means for delivering vitally needed social services to the aged so that they may live independently in their homes, rather than being prematurely and unnecessarily institutionalized.

I also cosponsored legislation to extend for 3 years title VII of the Older Americans Act relating to the nutrition program for the elderly. Hunger and malnutrition in America generally result from an inadequate income or limited knowledge of nutrition. The elderly have a high level of malnutrition relative to other age groups because older persons face problems of physical immobility making it difficult to shop for or prepare food. This legislation should correct a number of these problems.

Social security.—In late 1973, the Senate passed a major bill dealing with social security, medicare and medicaid, but no major legislation of this type became law. That bill contained some extremely important provisions, such as a liberalization of the earnings limitation which now penalizes elderly Americans trying to earn a living, coverage under medicare of prescription drugs, reforms in the social security tax structure which would have taken some of the disproportionate burden off the shoulders of the working poor, and my amendment to extend medicare coverage to certain disabled citizens who should have had it years ago. I am hopeful that the 94th Congress will address both these problems and the financing of the social security system, which has become an important issue in view of the ever-expanding social security tax burden.

Supplemental security income (SSI).—Congress did take a major step forward in 1972 when it standardized the welfare program for the aged, blind, and disabled segment of our population. Unfortunately, many problems have developed in this new supplemental security income program—SSI. I introduced legislation to deal with many of these problems by eliminating a bizarre rule which forces some recipients who live in institutions which cost more than the maximum benefit level either to forfeit SSI entirely or to leave the institution. My proposal would also eliminate the disincentives for private persons and charities to help support SSI recipients and thus take some of the burden of support off the Government. This bill additionally would: provide fairer and more easily administrable rules for determining the food stamp eligibility of SSI recipients, improve in several ways the legal rights of recipients, and provide for more rational treatment of thousands of individuals who have been dropped from the rolls solely because they reside in public, nonmedical institutions. The latter provision is of extreme importance to Ohio, because the prohibition of present law against SSI payments to inmates of public nonmedical institutions eliminated thousands of Ohioans from the program unnecessarily.

Most of these problems were not resolved by the 93d Congress. However, Congress did pass my bill to clear up legal problems that had prevented SSI recipients from receiving assistance during the weeks or months these recipients were waiting for determinations of SSI eligibility.

Aging research.—There are still many unanswered questions about growing old. Therefore, I was pleased to support legislation to improve the quality of our progress of aging research. Through enactment of a bill to establish a National Institute on Aging, biomedical, social, and behavioral research can be conducted relating to the aging process as well as the diseases and other special problems and needs of the elderly. The major problem of the aged is the maintenance of functional capabilities, both mental and physical to the maximum extent so as to make life worth living for as long as possible. An important function of the new Institute will be to actively expand current and future research to the accomplishment of this goal.

XII. EDUCATION

The educational problems in America will never be resolved until the quality of education for all children, regardless of their social or economic status, attains a level commensurate with the demands of life in our complex society and offers the opportunity for the fulfillment of the potential individual abilities. In a step to achieve such a goal, I supported the educational amendments of 1974 which expanded and extended Federal programs in elementary and secondary education.

The provisions of the new public law combine Federal assistance for elementary and secondary education into a smaller, more manageable number of grant categories, and thus provide larger financial grants for education problems of the highest priority.

An answer to the problem of structural unemployment begins with an increased national dedication to strong basic education, so that every child will have the requisite skills in comprehension, communication, and simple mathematics to qualify for more advanced training. I cosponsored an amendment to authorize Federal assistance for a program called Project SEED—special elementary education for the disadvantaged. Under this program, professional mathematicians and scientists are brought into the classroom to teach mathematics to disadvantaged children. Programs such as these will not only raise the achievement level of such children, but will also improve self-confidence of the disadvantaged child in the school environment.

The Environmental Education Act was passed by the 93d Congress with my support. This legislation is designed to promote among citizens an awareness and understanding of the environment, our relationship to it, and the concern and responsible action necessary to improve the quality of life.

XIII. VETERANS

The record of the 93d Congress in helping our Nation's deserving veterans was very constructive. Recognizing the

adverse effects of inflation on veterans' compensation, Congress enacted the Disability Compensation and Survivor Benefits Act, which I actively supported and cosponsored. This bill was signed into law in May 1974, and provides cost-of-living increases in the rates of disability compensation for service-oriented, disabled veterans ranging from 15 to 18 percent. Provisions of the new law also provide a cost-of-living increase in dependency and indemnity compensation of 17 percent for widows and children of deceased veterans.

In May 1974, the 93d Congress passed another important veterans bill which I cosponsored. This legislation extended from 8 to 10 years the period a veteran or eligible wife or widow may use their GI educational benefits. This bill was signed into law on May 31, 1974—Public Law 93-293.

The Veterans and Survivors Pension Adjustment Act was approved in the latter stages of the 93d Congress. This significant enactment, which became law over the veto of the President, increases veterans' educational benefits by 22.7 percent and extends the entitlement period for undergraduates from 36 to 45 months, among other provisions. I was a cosponsor of this legislation and voted to override the President's veto.

Other significant veterans legislation that became law during the 93d Congress included: Increased coverage under servicemen's group life insurance, adjustment in veterans' and survivors' death pensions benefits, increased benefits for the purchase of specially equipped automobiles for disabled veterans, and modifications in the veterans' home loan program.

XIV. AGRICULTURE

During the 93d Congress a number of laws were enacted that will have a considerable impact on the agricultural sector of our economy.

One of the major bills enacted was the omnibus farm bill. This proposal, which is now public law, extended certain aspects of the present farm program and initiated the target price concept to replace Government subsidy payments. I supported these initiatives and amendments to repeal the wheat certificate program or bread tax, and procedures to limit the total payment to an individual producer under cotton, feed grains, and wheat programs to \$20,000.

The 93d Congress also passed the emergency livestock credit bill to assist the livestock industry. This new law permits Government guarantees up to 80 percent of losses on loans made by private lending institutions to farmers and ranchers who breed, raise, fatten, or market beef and dairy cattle, hogs, sheep, goats, chickens, and turkeys. These loans, at full market interest rates, have already had a positive impact in stabilizing this important sector of our agricultural economy.

An independent Commodity Futures Trading Commission was created by enactment of Public Law 93-463, which I supported in the Senate. This new Commission regulation of commodity futures markets trading, which I referred to in section I of this report, will protect our

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farmers, industrial commodity users, and investors. The Commodity Exchange Authority also will be an important watchdog in curbing speculation which drives prices up for consumers.

The food stamp program was extended in the 93d Congress, and legislation was enacted to provide Federal payment of 50 percent of State administrative costs of the program. However, if States are to receive additional assistance for administrative costs, they must insure that the money is used to hire competent personnel to effectively manage this program. In the past year, the State of Ohio wasted money at a rate of \$13 to \$20 million annually in misadministration of the food stamp program alone. Under an amendment I offered to this legislation, if the Secretary of Agriculture determines that a State is not making an effort to manage its program effectively by hiring an adequate number of personnel and controlling administrative expenditures, funds for administration assistance and the food stamp program will be withheld. In addition, each State must report at least annually to the Secretary on the effectiveness of the program's administration. These requirements should insure that the food stamp program is managed effectively and that further abuses are prevented.

The World Food Conference focused much-needed attention on the world hunger problems and the ever-increasing world population. Inflation, coupled with the shortage of fertilizer and farmland, and high population growth rates, has contributed to the world food supply problems. The Green Revolution in 1967 helped to avert famine for a few years, but now inflation and world population are again growing faster than food production. As a member of the Senate Select Committee on Nutrition and Human Needs, I have been made quite aware of the proportions of the major world hunger crisis.

Unfortunately, the unfavorable weather this year cut short our expectation of record harvest of grains in the United States, but we still have the fourth largest crop in our Nation's history. We have continued to export wheat and feed and grains, contingent on the availability of the grain here at home. Closer monitoring of exports is necessary, however, so that we are not caught by another Russian grain deal. As I mentioned in the section on the economy, steps have been taken to establish such safeguards.

Achieving world food security will require large-scale cooperation between food exporting and importing countries to bring population growth and food production into better balance.

In our own country, the Select Committee on Nutrition has focused attention on the need for nutrition education, both in schools, in food labeling, and through better communication to the public. The National Nutrition Conference, sponsored by the select committee, concentrated on the areas of nutrition and food availability, government, health, the consumer and special groups.

The select committee will have to play an important role in the 94th Congress in developing our national nutrition pol-

icy and in educating Americans about the possible solutions critical to this problem.

XV. CIVIL RIGHTS AND LIBERTIES

New heads of the Equal Employment Opportunity Commission—EEOC—and U.S. Commission on Civil Rights were confirmed by the Senate during the 93d Congress with particular attention given to the EEOC. Besides conducting a very thorough confirmation hearing process regarding the new EEOC appointee, the Senate Labor Committee requested a General Accounting Office—GAO—review of procedures of the Commission. Instructions were also given to the GAO to suggest alternatives to certain current policies and methods of operation of the Commission. This review was completed by the GAO during the second session of the 93d Congress and hopefully will serve as a basis for improved performance by the EEOC, especially in alleviating their massive case backlog.

Congressional employment practices.—The question of employment discrimination in the Congress was an issue that surfaced during the 93d Congress. Information appeared in the media that certain congressional offices were deliberately excluding minority applicants and women from employment positions through discriminatory screening use of the Congressional Placement Office. I was shocked by such disclosures and requested that an investigation be conducted into the allegations. As a result of my request and that of a number of my colleagues, such an investigation was conducted. Its findings revealed that a number of discriminatory actions had in fact occurred. Placement Office regulations were subsequently changed to prohibit job placement discrimination and steps are being considered to institute internal procedures within the Congress to insure that all job applicants are presented with equal employment opportunities. Such initiatives, I believe, are absolutely crucial as the Congress must provide leadership and live by the same standards that have been set for the rest of the country.

Busing.—School desegregation and the busing continued to be a very difficult civil rights and liberties problem for this Congress and the country. Since the Supreme Court decision in *Brown v. Board of Education* (347 U.S. 483) in 1954, there have been numerous conflicting lower court decisions interpreting *Brown*—many of these decisions have caused great confusion and bitterness. The new comprehensive education bill adopted by this Congress became involved in these misunderstandings and confusion over the law. A deadlock developed between the House and Senate with regard to a prohibition on cross district busing. Fortunately during the second session of the 93d Congress the Supreme Court clarified many of the conflicting lower court decisions on this issue when it decided the Detroit case, *Milliken v. Bradley* (No. 73-434). The Court held that interdistrict busing was inappropriate where there is no showing of violation by districts that are sought to be drawn into a busing plan to remedy segregation in a particular district. A metropolitan area remedy will not be required

the Court concluded, unless there is metropolitan area-wide discrimination.

The Congress modified the education busing bill provision to include this holding by the Court, and subsequently passed the Education Act legislation. I supported this compromise.

Right to privacy.—Citizens' right to privacy was also a major issue before this Congress. Upon learning of the abuses of Watergate, especially the use of IRS tax information, President Ford responded to congressional concerns and signed an Executive order to strictly limit access to income tax returns. While this was a constructive start, statutory protections are necessary in that Executive orders can be withdrawn or modified without congressional consent. I cosponsored a bill that would impose such statutory protections, but unfortunately the Congress did not approve this measure. I am hopeful that action will be taken in this area by the 94th Congress.

Privacy issues were also reflected in the new comprehensive education bill mentioned elsewhere in this report. Provisions of this new law, modified at the end of the Congress, deny Federal funds to any educational institution that prevents parental access to a child's school records or permits unauthorized release of the records. These provisions also apply to colleges and universities with students permitted to review their files excluding certain information such as letters of recommendation that were included before the effective date of this new law.

Restrictions and guideline procedures were established regarding Federal agency compilation of information and records on citizens. This new public law provides that individuals must be told by agencies on request whether or not there is a Government record on them, and if so, permit the individual access to any information not of a law enforcement nature.

Concern over possible misuse of criminal records led to the enactment of amendments to the Crime Control Act of 1973. These new public law provisions limit the use of criminal records and permit correction of erroneous data.

XVI. LEGAL SERVICES CORPORATION

The words "equal justice under law" inscribed on the face of the U.S. Supreme Court building are not just a catchy judicial phrase, they indicate an underlying principle upon which this country was founded. Equal access to the procedural system that considers an individual's rights and obligations is essential for all Americans regardless of their financial plight. Historically, however, such access has been provided for primarily by private lawyer-client relationships with the financial ability of the client to secure such an arrangement often the determining factor of the type, or even the existence, of such a relationship. This procedure presents serious obstacles to economically disadvantaged members of our society and is repugnant to the requirements of the Constitution. Attempts to correct this imbalance by the legal community have been advanced through the implementation of

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numerous legal aid and public defender programs since the early 1900's. These programs, developed internally within the legal profession, however, proved not numerous or broad enough in scope to adequately respond to the legal needs of the economically disadvantaged.

Recognizing these difficulties, I and many of my colleagues in the Congress sought creation of a nonpolitical independent legal services corporation. Finally, after over 4 years of research and work this Congress enacted a Legal Services Corporation proposal that was signed into law.

The act, which relieves the Office of Economic Opportunity of legal aid responsibilities, contains safeguards to prevent politicization of the corporation and contains a number of restrictions including prohibitions on lobbying and use of corporation funds, facilities, or personnel in partisan and nonpartisan political campaigns or elections. Through State advisory boards and corporation attorney selection procedures, bar organization are provided opportunities to participate in this program. Further, provisions are also included to permit experimentation with alternative delivery systems of legal services to the economically disadvantaged—such as voucher plans, and prepaid legal service arrangements.

This new corporation is scheduled to become operational early in 1975 after the members of the board of directors have been confirmed by the Senate. As a coauthor of this new law I am quite hopeful that it will significantly advance the ideal of equal justice under law for all Americans.

XVII. WAR POWERS

The framers of our Constitution granted Congress the power to declare war and charged the President with the responsibility for conducting hostilities once they have lawfully commenced.

Despite that constitutional mandate, there have been at least 165 instances during the history of this Nation when American Armed Forces have been committed abroad. On only five occasions, however, has war been declared by the United States. The last 20 years have witnessed a continued loss of the congressional war powers. At the same time, the Executive has taken an increasingly broad view of its prerogatives in this area. Under modern conditions, the irreversibility and the danger of Executive action without congressional authorization have accelerated to an unprecedented extent and therefore the concern for a constitutional check by Congress is enormously enlarged.

In responding to this problem, I joined in introducing legislation to define the situations in which the President could engage the Armed Forces of the United States without a declaration of war. Even within these defined situations the measure requires congressional review to install the necessary constitutional balance between the legislative and executive branches.

This proposal passed the Senate and House with overwhelming support, but was vetoed by the former President. The Congress voted to override his veto. I

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joined in voting for such an override based on my strong conviction that this legislation is vital in the formulation of American foreign policy. I consider it one of the most important public laws of the 93d Congress.

XVIII. INTERNATIONAL RELATIONS

Southeast Asia.—The 93d Congress began with considerable attention continuing to be directed toward Southeast Asia. Even with the negotiation of the Paris Peace Agreement in January of 1973, substantial questions remained as to U.S. involvement in this area of the world, especially in Laos and Cambodia. Finally, after protracted debate in the Senate and House, a compromise agreement was reached with the Executive regarding future levels of funding and prohibitions on U.S. military operations in Southeast Asia. I supported this compromise.

Unanswered questions still remain, however, regarding many of our men who are missing in action in this area of the world and I am greatly troubled by the lack of North Vietnamese cooperation on this issue. The 94th Congress must continue to be aware of this problem and press for better results.

Middle East.—The Middle East was a major concern of this Congress. With the outbreak of another war between Israel and her Arab neighbors in the fall of 1973, this country was placed in a very difficult position. Because the Arab States were the aggressors in this war and because massive Soviet arms deliveries to Egypt and Syria upset the balance of forces, I supported arms shipments to Israel. It was my position then, and it is my position now, that Israel must be assisted in her struggle to maintain her existence.

Partly as a result of U.S. arms shipments to Israel, the Arab countries imposed an oil boycott on the United States and any other so-called allies of Israel. The effects of Arab actions, still plague the world in the form of artificially high oil prices. Such coercive economic actions constitute international blackmail and cannot be permitted to interfere with legitimate U.S. foreign policy actions, whether it is Israel or any other country that is involved. The United States must develop a policy of greater resource independence, and every effort must be made to persuade consuming countries to formulate a unified policy to deal with such action. A counter cartel international organization should be considered by consuming countries to reduce consumption and take other necessary economic measures to deal with the tactics of the Organization of Petroleum Exporting Countries—OPEC.

I am optimistic that greater stability will be brought to the Mideast through the negotiations undertaken by President Ford and Secretary of State Kissinger. In pursuing such negotiations it is important that the United States continue to support Israel's legitimate right to exist, and that this country also recognize and support the important efforts of President Sadat of Egypt in attempting to seek a permanent peaceful settlement of differences between Israel and her Arab neighbors.

Soviet Union-China.—The process of

détente with the U.S.S.R. and the Peoples' Republic of China was also an important international issue in the 93d Congress. Liberalization of trade with both countries was significantly advanced through various treaties approved by the Senate.

The Trade Reform Act and its relationship to the Soviet policy toward the right of minority citizens, especially Russian Jews, to freely emigrate was a particularly significant advancement. As I mentioned in the section on the economy, I was a cosponsor and a strong supporter of this provision in the new trade bill. It appears, however, that the policy of the Soviet Government may not have been completely conveyed to the United States when this act was adopted. If it develops that the U.S.S.R. does not honor its pledge on emigration as understood by the Congress, reconsideration will be necessary regarding extension of foreign trade credits to the U.S.S.R. I hope that will not be necessary as increased trade benefits both parties.

The United States must not neglect its improved ties with the People's Republic of China by shifting too much attention to the Soviet Union. As I noted in an article in the New York Times editorial section during the summer of 1974, this country must be fully aware of the important role in the policy of détente to be played by China. This country must recognize the importance of the maintenance of Chinese security from Soviet attack and should not preclude the possibility of supplying defensive arms to the Peoples' Republic of China for such purpose.

NATO.—The record of the 93d Congress lack of participation in assisting the Executive in strengthening NATO and bringing about a peace settlement in Cyprus was deplorable. Unquestionably, Turkey and Greece both were wrong in certain respects in the Cyprus situation, but both nations are NATO members and important allies. To unfairly impose inflexible, harsh restrictions on one country, as the Congress did to Turkey, not only lessens considerably the chance for a negotiated peace settlement, but also works to destroy NATO. I hope that the new Congress will not continue to follow such an ill-advised policy on this issue.

CIA.—At the close of the 93d Congress, numerous allegations surfaced with respect to illegal activities on the part of the CIA. I was quite concerned by these allegations and I questioned the effectiveness of current congressional oversight procedures. Accordingly, I cosponsored legislation to establish a joint House-Senate committee to oversee CIA activities. Although this Congress did not enact this measure I am hopeful that action consistent with this proposal will occur during the 94th Congress.

World hunger.—The problem of world hunger was another major international problem considered by the 93d Congress. I supported the convening of the World Food Conference, referred to elsewhere in this report, and I hope more countries will join the United States in providing much-needed relief to the millions of

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people in need of food in northern Africa and the Indian subcontinent. The oil-producing nations in particular must be encouraged to assist in this effort through aid and low-cost loans.

Of the many specific measures that were adopted in the international area by the Senate during the 93d Congress, I believe the following merit brief mention:

Enactment of a foreign disaster assistance bill providing emergency relief to Pakistan, Nicaragua, Ethiopia, and other African nations;

Authorization of funding for operation of the Arms Control and Disarmament Agency to seek further limitations and agreements on the nuclear and conventional arms race; and

Approval of International Court of Justice Resolutions, which I coauthored, strengthening the role of the World Court in settling international disputes through peaceful legal procedures.

XIX. MASS TRANSIT—TRANSPORTATION SERVICES

Viable mass transportation systems are essential to the country. Such systems not only minimize pollution and conserve energy, but also provide needed transportation for the young, the elderly, the handicapped, and the economically disadvantaged who cannot afford to own and operate an automobile. I have consistently supported legislation to provide the funds necessary to improve local mass transportation systems, and to eliminate the bias in Federal programs toward unnecessary highway construction.

Mass transit funds.—The 93d Congress took a major step forward in this area by passing a 6-year bill to help pay for both capital investments and operating expenditures of urban mass transportation systems. However, as I pointed out with an amendment on the Senate floor, it is our responsibility to monitor the use of this program carefully to prevent communities from wasting available funds.

Rail service.—I have been quite active in urging expansion and increased use of our Nation's rail passenger system. My proposal to link Cleveland and Toledo with Amtrak service from Chicago to Boston was approved after almost a year of study and research. I have also proposed a number of other improvements in Ohio rail service. They are mentioned in section xxv of this report.

I authored legislation to amend the Rail Passenger Act to permit rail transportation of recreational vehicles such as motorized campers. This proposal, patterned after the highly successful auto-train, would both conserve fuel and permit extensive vacation travel for many Americans.

The serious lack of rail passenger equipment was the basis of another bill I authored. This legislative proposal would amend section 402 of the Rail Passenger Act so that under circumstances of urgent need, participating railroads must sell or lease to Amtrak any equipment which is necessary for rail passenger service.

The financial situation of our Nation's railroads definitely is quite serious as evidenced by the bankruptcy of the Penn Central and other major rail systems. The 93d Congress reacted to this crisis by enacting the Regional Rail

Reorganization Act to create a new private corporation, Conrail, to operate the rail systems in the East and Midwest. While this legislation certainly is preferable to nationalization, it still leaves a number of unanswered questions. I would have much preferred adoption of my bill, the Modern Rail Transportation Act, which would have concentrated on elimination of discriminatory freight rates, termination of unproductive work rules through joint labor-management attrition agreements, and abandonment of uneconomical rail lines.

Maritime service.—Greater use of our Nation's inland waterways is not only quite desirable economically, but also beneficial from an energy conservation and environmental viewpoint. The St. Lawrence Seaway system connecting with the Great Lakes is particularly attractive and should be utilized to a greater extent in our Nation's commerce. Consistent with this objective, I introduced legislation in the 93d Congress to establish a Great Lakes Regional Office of the Maritime Administration. I also worked for the elimination of discriminatory Interstate Commerce Commission rate structures that favor east coast ports rather than closer, more economical ports on the Great Lakes.

The 93d Congress left many challenges in the mass transit area, especially in the utilization of rail service. I have proposed a number of specific programs for Ohio, referred to elsewhere, and will continue to pursue these proposals in the new Congress. I also am examining a number of transit and rail alternatives such as Light Rail and hope to make specific proposals in this area during the 94th Congress.

XX. WELFARE REFORM

I am extremely disappointed that Congress has not agreed upon how to deal with our welfare problems in a meaningful and economic way. Americans have had enough of the aid for dependent children program, which is governed by exhaustive administrative rules of over 1,000 local agencies and departments. Until recently, the present system was increasing in total cost to the States at a rate of over 100 percent every 3 years. The current system still does provide, however, such fluctuations as \$403 per month for a family of four receiving welfare in some States, and \$60 per month in other States. Legislation to standardize welfare benefits at a responsible level and to provide incentives to encourage working rather than reliance on welfare definitely should be considered by the new Congress.

Close scrutinization also is necessary to ensure that the other individual assistance programs work well. My amendment to the Food Stamp Act, now law, should encourage closer Federal review of State food stamp programs. I have also called on the Government to take the stern actions needed to assure that medicare and medicaid nursing home facilities meet fire protection standards.

The 93d Congress did take action to restructure the Office of Economic Opportunity by combining a number of

overlapping programs and by placing former OEO programs within the Department of Health, Education, and Welfare.

A great deal more needs to be accomplished in the welfare reform area. Programs such as supplementary security income—SSI—referred to in section VI of this report, must be reviewed and restructured. Greater efforts must be undertaken to eliminate the fraud and cheating from our Nation's welfare programs that each cost taxpayers millions of dollars.

These problems must receive highest priority for review in the 94th Congress.

XXI. CRIME—JUDICIARY

The increasing problems of crime and respect for the law were frequent subjects mentioned in correspondence I received from constituents during the 93d Congress. The record of the 93d Congress in responding to these concerns I believe was excellent.

Watergate.—As the disclosures in the media continued to develop the serious questions arising out of the trial of the individuals who broke into the Watergate, it became quite evident that a thorough investigation into many of these allegations was necessary. The Senate responded by creating a select committee to investigate the matter. The Watergate Committee on balance performed extremely well in revealing to the Nation the extent of illegal activities that were involved in the 1972 Presidential campaign and related activities. Unquestionably, the research and record developed by the Watergate Committee served as the foundation of the House Judiciary Committee's excellent work in the impeachment area. The committee also provided the Special Prosecutor with helpful information regarding subsequent trials. I supported the resolution creating the select committee and the subsequent resolutions adopted for its extension.

Some commentators already are labeling the 93d Congress as the "Watergate Congress." I am not certain I necessarily like that label, but I do believe this Congress, without question, fulfilled its constitutional duties of checking the abuse of power by the Executive, and in fact, may be recorded by history as reestablishing constitutional balance in the relationship between the President and the Congress.

Special Prosecutor legislation.—Not all congressional attention was directed toward the Watergate Committee. After the dismissal of the first Special Prosecutor, considerable debate developed regarding implementation of a statutory procedure to guarantee the independence of the office of Special Prosecutor. A sizeable number of my colleagues thought the best approach was to adopt legislation permitting members of the Judicial branch to appoint a Special Prosecutor. I disagreed, arguing that while I certainly thought statutory protections were necessary, basic separation of powers provisions of the Constitution that place appointment power in the executive branch could not be disregarded.

I proposed an alternative approach authorizing the Attorney General instead of the President to appoint a Special

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Prosecutor with strict statutory provisions protecting the independence of the Prosecutor and prohibiting his arbitrary removal from office.

The Senate Judiciary Committee reported both my bill and the judicial appointment measure. Fortunately, with the subsequent appointment of a new Special Prosecutor, a situation never developed which necessitated a constitutional confrontation with the Executive on this issue.

Significant non-Watergate measures were also considered by the 93d Congress in the judicial area. The more important include:

Enactment of comprehensive reform of copyright laws;

Extension of the Drug Enforcement Administration funding;

Establishment of uniform rules of evidence for the Federal courts; and

Senate enactment of legislation providing for application of a mandatory death penalty for certain Federal crimes involving murder.

XXII. GOVERNMENT ORGANIZATION AND OPERATION

Regulatory reform.—The record of the 93d Congress could be considerably improved regarding the efficiency and operation of the Federal Government. As I stated in the "Consumer Affairs" section of this report, extensive restructuring is necessary in the operation of our governmental agencies.

Consider the recent example of the Interstate Commerce Commission's regulation of the transportation of fresh dressed poultry in interstate commerce. After the Supreme Court ruled the ICC had no jurisdiction over this agricultural commodity, shipping prices dropped by 33 percent.

The Federal Trade Commission's Carter's Little Liver Pill case took 16 years for disposition.

I could proceed with pages of similar examples. There is no question that consumers of America should be outraged by such regulatory procedures.

In response to this problem I supported a comprehensive regulatory reform bill to achieve a thorough review of these agencies and testified before the Government Operations Committee to stress the need for enactment of such a proposal. Since the 93d Congress did not act in this area, such reforms must be a priority for the new Congress.

Postal Service.—Problems continued to plague the operation of the new Postal Service with delivery in many respects very poor. I believe it is extremely difficult to justify contemplated further increases in first-class mail rates in light of such inadequate delivery service. The 94th Congress should consider holding oversight hearings as this is the most effective way to check such abuses since increases in postal rates are no longer subject to congressional approval.

Two important positive developments did occur, however, in the Government reorganization and operation area during the 93d Congress:

FBI.—A one time 10-year term was established for appointments to the directorship of the FBI with the Federal mandatory retirement age of 70 made

applicable to such a position. This new restructuring should help to insure that no one individual in the future uses this extremely important Government agency post in any improper manner; and

D.C. home rule.—The other important positive development in this area was the passage of legislation providing for self-government of the District of Columbia, and the election of the mayor and city council. This fall, in fulfillment of this law—Public Law 93-198—the citizens of Washington, D.C., elected their first mayor in almost 100 years. The residents of the Federal City are deeply concerned about their city's condition and future. It is time they had a voice in the election of its government officials.

XXIII. DAYLIGHT SAVING TIME

Reacting to the energy crisis, the first session of the 93d Congress enacted year-round daylight saving time. This law, the Emergency Daylight Saving Time Energy Conservation Act of 1973, I argued, would place sections of Ohio on the western edge of the Eastern Time Zone in the dark well into the morning hours and thus create safety risks to children going to school. Further, I questioned the energy savings of such proposals. Accordingly, I voted against the bill.

Experience proved that there were indeed problems with this plan. Shortly after its inception in January of 1974, a number of tragedies involving schoolchildren on their way to school in the dark occurred. Substantial inconvenience was experienced by people throughout the country. A poll in Ohio indicated citizens by a 2 to 1 margin favored repeal of winter DST. Additionally, reports from the U.S. Department of Transportation failed to reveal that any substantial saving of electrical energy had occurred. The minimal conservation results that were obtained were predominantly savings of coal—of which there is no shortage. In fact, the study found that gasoline consumption actually increased since many parents drove their children to school instead of letting them walk to school or wait for buses in the dark.

Responding to these problems, I introduced legislation to exempt Ohio from winter DST. In March of 1974, I introduced an amendment in the Senate seeking repeal of winter DST. This amendment was defeated by a vote of 48 to 43.

Finally in September of 1974, the 93d Congress acted. The new measure, which has been signed into law, repeals winter DST from the last Sunday in October of 1974 through the last Sunday in February 1975.

XXIV. DISASTER RELIEF

The Ohio tornadoes of 1974 tragically reminded all of us that one of our citizens' times of greatest need is in the aftermath of a natural disaster. Unfortunately, the Federal disaster relief program has not always met these needs very rationally.

Until April 1973, the Government was willing to pay \$5,000 grants and 1 percent loans to disaster victims regardless of need. An elderly person with a low fixed income whose home had been washed

away was eligible for funds to undertake repairs or find new housing on the same basis as a millionaire whose tennis courts had been damaged. I authored legislation to apportion the available assistance based on the needs of the disaster victims. My proposal passed the Senate, but was rejected by the House of Representatives.

Then, in an overreaction to program deficiencies, in April 1973, Congress abolished all assistance for disaster victims other than 5-percent loans. This was done despite the generous authorizations made for aid to victims of disasters overseas, such as the Nicaraguan earthquake. Thus, when the devastating tornadoes hit Ohio and eight other States in April 1974, there was no effective Federal disaster relief program. With the unfortunate experiences of these tornado victims before the Congress, I renewed my efforts for adoption of my Emergency Disaster Recovery Act.

Finally, a program similar to my proposal, was adopted by the 93d Congress. Although there were administrative rules at first which made the program too restrictive, this new public law is a step in the right direction.

The same new law, the Disaster Relief Act Amendments of 1974, contained other important provisions such as expanded authority to make loans and grants to communities whose tax base has been destroyed, authority for psychological counseling of disaster victims, more local flexibility in the expenditure of Federal funds for rebuilding, and a new, long-term disaster recovery program. Unfortunately, however, passage of the law was not the same as delivering immediate assistance to Xenia, the flooded areas along the Great Lakes and other areas suffering from disasters.

In terms of avoiding both human suffering and Federal expense, the best answer to natural disasters is preparedness, rather than disaster relief. The new disaster relief law beefs up programs along these lines, such as tornado warning programs. The 93d Congress, however, left a great number of questions unanswered in this area and I am hopeful the new Congress will address them.

XXV. HELPING OHIO

During the 93d Congress I added a new district office in Toledo. The new Toledo office joined my previously existing State offices in Cleveland, Columbus, and Cincinnati, and will serve as a full-time extension of my Washington office.

Beginning in early 1975, I intend to transfer most of my constituent case-work functions back to my State offices to maximize the effectiveness of this effort. Such a constituent oriented system will permit me and my staff to have greater personal contact with the people of Ohio and better assist them in participating in Federal programs. This staff arrangement will also provide improved liaison between Federal departments and agencies and units of State and local government.

With regard to obtaining Federal assistance and grants for Ohio, I have been extensively involved in seeing that the interests and needs of the citizens of the State are represented. Although there

EXTENSIONS OF REMARKS

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were hundreds of grants and programs which I helped obtain for Ohio during the 93d Congress, some of the more important developments included:

Disaster relief assistance.—In the aftermath of the devastating tornadoes which destroyed homes and businesses throughout southwest Ohio, including a large part of the city of Xenia, my activities increased in the area of disaster relief. Calls for help ranged from problems with Small Business Administration loans to long-term recovery needs in the area of urban renewal and economic redevelopment. Recovery efforts are still taking place in Xenia where I am continuing to cooperate with city officials whenever needed to insure maximum Federal participation.

Rail passenger service.—The improvement of Amtrak service to Ohio has been one of my major concerns throughout this Congress. Together with tremendous support of people from northern Ohio, and the cooperation of 65 Members of Congress, I was successful in obtaining a firm promise of rail service for Cleveland and Toledo in 1975.

I have also been active in urging the State of Ohio to cooperate with Amtrak in establishing fast, modern rail service in the Cleveland-Columbus-Dayton-Cincinnati corridor and the Cleveland-Youngstown-Pittsburgh corridor. I hope that, through joint Federal-State cooperation, such a proposal will become operative in the near future.

National park.—I sponsored and the Congress approved legislation to establish the Cuyahoga Valley National Recreation Area. Notwithstanding the great need for this park, considerable doubt existed whether the President would sign this congressional enactment into law. A number of his advisers were prepared to recommend that this measure be vetoed on the basis that it may set a precedent requiring every State to have such a national park. I discussed this legislation thoroughly with President Ford and as I was writing this report I was extremely pleased to learn that the President had signed this proposal into law.

The new park, when completed, will comprise 20,000 acres along the Cuyahoga River and the Old Ohio Canal between Akron and Cleveland. Historic in setting and near to a major population center, this park has long been needed in a State that previously had no national park. With the ever-present need for gasoline fuel economy this new park will become even more significant to the residents of Ohio.

Education and research.—Ohio has long been recognized as an educational trendsetter. Growing in excellence have been the multidisciplinary universities and research centers. Of significance to Ohioans has been the active response of the medical research communities to the need for better cancer care. In the past few years I have supported and encouraged cancer research in Ohio and have helped in obtaining much needed Federal grants to its major universities from the National Cancer Institute. I have stressed the need for Ohio to be designated as the location of the next

comprehensive cancer center, and will continue to support expanded Federal participation in the fight against cancer.

THE AGENDA AHEAD

The 94th Congress will face an agenda of critical importance to the country. Immediate attention will be required in the area of economic policy. If recessionary trends continue, strong and effective action will be necessary to stimulate production and employment. Consideration of tax reforms and incentives for increased capital investment certainly would be constructive starting points. Even though the uncomfortable problem of inflation may remain at too high a level, employment and gross national product statistics must not be permitted to plunge at their current rate. Under no circumstances can the country's economy be permitted to fall into a depression.

Continued congressional emphasis must be directed to energy conservation and development. Comprehensive efforts must continue to be undertaken to find alternative sources of energy from coal gasification, geothermal heat conversion, harnessing of ocean wave power and solar energy. Further action must be taken regarding the utilization of new methods of mass transit with particular attention directed to increased use of rail service. Existing sources of energy such as Alaskan oil fields, offshore ocean oil shelves, and coal deposits, must be developed within realistic environmental-conservation constraints. The objective of reducing excessive dependence on foreign supply of energy must be pursued concurrently with the goal of persuading producing nations to take a more responsible approach to the price levels placed on oil.

The ever increasing financial and social difficulties of welfare assistance must be addressed. The working men and women of the country cannot continually be asked to contribute their earnings to our current poorly structured programs.

The 94th Congress must constructively participate in reducing military expenditures for nuclear weapons consistent with continuing strategic arms limitation talks with the Soviet Union and other nations of nuclear capability. The process of détente must continue to be pursued with the U.S.S.R., the People's Republic of China, and Third World nations pursuant to realistic constraints and national interests of the United States. Responsible cooperation by the Congress with the Executive will be necessary to maintain a strong NATO, particularly with respect to solving the differences between member countries Greece and Turkey, and also to achieve a permanent peace in the Mideast.

The unanswered problems and issues before the 93d Congress must become the challenges of the 94th. Action will be directed to: Federal agency restructuring, no-fault insurance, prison reform, national health legislation, continuation of Federal revenue sharing, tax reform, public employee bargaining rights, workmen's compensation standards, land use planning, and, an issue perhaps crucial to obtaining meaningful action in any of

the above areas, reform of the internal procedures of the Congress.

The responsibilities of the 94th Congress will be considerable and, if recent history is an accurate guide, the performance of the legislative branch will be deficient in many crucial areas. To the extent my vote and moral influence can be exercised, however, I pledge to the people of Ohio to do my utmost to achieve constructive solutions to the many problems facing this great country.

TRIBUTE TO TOM GETTYS ON HIS RETIREMENT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, this 93d Congress that is rapidly drawing to a close has more than its share of retiring Members. One of these is the distinguished gentleman from South Carolina, my friend the Honorable THOMAS SMITHWICK GETTYS.

Long active in the civic, educational, and governmental affairs of South Carolina, Tom GETTYS has provided his people in South Carolina with the kind of representation that they deserve and have a right to expect. Tom's advice and counsel will be sorely missed in this House.

Tom, you know that you have the Rooney clan's best wishes for a long, healthy, and peaceful retirement. Godspeed to you and yours.

HON. EDITH GREEN

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, I am delighted to pay tribute to my dear friend and distinguished colleague the gentle lady from Oregon, EDITH GREEN. Mr. Speaker, any definitive account of Federal aid to education will describe in detail Mrs. GREEN's herculean efforts in this field. She has been the pioneer, a national leader in education. Mrs. GREEN has brought to the all important Appropriations Committee the same dedication and legislative creativity for which she became known in the field of education. Mr. Speaker, it has been my pleasure to serve in this body with EDITH GREEN for 20 years. No member of the Congress is held in higher regard for careful and conscientious analysis of legislation. Countless times I have requested her wise counsel and advice.

Mr. Speaker, I have said many times that education is the Nation's No. 1 priority. With this in mind, I am hopeful that Mrs. GREEN will remain active in public service so that we can continue to benefit from her judgment and expertise. We wish for our good friend EDITH GREEN every happiness in the future and the best always.

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TRIBUTE TO THE HONORABLE EDITH GREEN

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. WHITTEN. Mr. Speaker, I am glad to join with my colleagues in paying tribute to one of the outstanding Members of Congress in the Nation's history, EDITH GREEN, Congresswoman from the State of Oregon. Many people have served in the Congress, but I do not believe we have had any who possessed more ability than my friend, EDITH GREEN. Her knowledge, talent for expression, and her ability and success in her undertakings have not been excelled during my experience here.

The untiring efforts, backed by an astute comprehension of the field of education gained through 12 years of practical experience, and an innate wisdom and profound interest earned EDITH GREEN the esteem of her colleagues. Great benefit has been brought to education by her strong commitment and good judgment.

I agree with the wonderful statements made by my friends and colleagues and join with them in wishing for EDITH GREEN and her family many years of good health and happiness.

A FAREWELL WORD FOR A FRIEND—TOM GETTYS

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 19, 1974

Mr. SLACK. Mr. Speaker, the end of each Congress brings a parting of friends, and the final days of the 93d Congress means a fond farewell for my friend, Tom GETTYS of South Carolina.

There are all too few of us who have the natural capacity to develop and maintain friendships even in the stress of disagreement, an invaluable asset to calm deliberations. We will look far to find another such ambassador of good will as Tom GETTYS.

During his 10 years of service in the House it was frequently noted that Tom had not an enemy. His high principle, devotion to his country, and its traditions, and readiness to serve his people without reservation were all recognized by his colleagues. Yet, while holding to good humor at all times, he established himself as an energetic, determined Member of the House, unfailing in his commitments to his responsibilities.

Tom enjoyed his work and enjoyed the company of his colleagues, so his own presence was always enjoyable. My best wishes go with him in his retirement, and may this coming time of relaxation and reflection afford him every satisfaction in recalling the great fund of friendship and respect he is leaving behind.

EXTENSIONS OF REMARKS

THE NIXON PARDON—THE UNANSWERED QUESTIONS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Ms. HOLTZMAN. Mr. Speaker, although 1974 is drawing to an end, many unanswered questions remain about one of the central events of this year—President Ford's shameful pardoning of Richard Nixon.

The hearing held by the Judiciary Committee's Subcommittee on Criminal Justice, of which I am a member, did not resolve the matter. I enclose for the Record a list of unanswered questions together with a letter I wrote to Representative WILLIAM HUNGATE, chairman of the Subcommittee on Criminal Justice, outlining the issues which remain.

Let me also note for the Record that a number of these unanswered questions have appeared in the press from time to time since the date our subcommittee held its pardon hearing. Others were posed at or before the hearing. President Ford has had ample opportunity to address himself to these questions. I hope that he will make it his business to do so promptly; otherwise suspicion and doubt will fester in the public's mind for many years to come. The chapter on the pardon can only be closed if the Congress is willing to pursue the truth relentlessly and if the President is willing to be truly forthcoming.

The articles follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 21, 1974.
Hon. WILLIAM HUNGATE,
Chairman, Subcommittee on Criminal Justice, Committee on the Judiciary, Washington, D.C.

DEAR MR. CHAIRMAN: I had planned to send you, at the first lull in the Rockefeller hearings, my complete analysis of President Ford's testimony before the Subcommittee on Criminal Justice. Because of your intention to dispose of the resolutions of inquiry tomorrow, I would like to advise you of the conclusions which I have reached at this time.

President Ford volunteered to appear before the Subcommittee to answer questions contained in resolutions of inquiry which sought in essence to learn the facts surrounding the issuance of a pardon to Richard Nixon. A careful analysis of the transcript indicates that President Ford's testimony was inadequate for the purposes of our hearing. First, President Ford did not answer all the questions contained in both resolutions of inquiry. Second, questions that I posed to President Ford during the hearing still remain unanswered. Third, President Ford's testimony before the Subcommittee raised important additional questions, including the substance of reports received about Richard Nixon's health and whether any commitment was made that President Ford would issue a pardon to Richard Nixon in the event he resigned. Fourth, many, if not most, of the questions that were raised by the pardon but were not posed during the hearing—including those contained in Committee staff memoranda—remain unanswered today.

I have attached for your review a memorandum which analyzes this matter in further detail. Because of time pressures it is not complete.

In my judgment to decide at this time that the pardon of Richard Nixon is a closed chapter in the history of this country lies in the face of the record of our hearing itself and the awareness of the American public which knows that the major questions surrounding the pardon are still unanswered. A hearing of less than two hours on its face seems barely capable of disposing of this serious matter.

Sincerely,

ELIZABETH HOLTZMAN,
Member of Congress.

MEMORANDUM ANALYZING THE TESTIMONY OF PRESIDENT FORD BEFORE THE SUBCOMMITTEE ON CRIMINAL JUSTICE OF THE HOUSE JUDICIARY COMMITTEE

I. PRESIDENT FORD'S FAILURE TO ANSWER QUESTIONS CONTAINED IN RESOLUTIONS OF INQUIRY (H. RES. 1367 AND H. RES. 1370)

A. Question 2 (H. Res. 1367) calls for information regarding whether Alexander Haig discussed a pardon with Richard Nixon or his representatives during the week of August 4, and, if so, the nature of any promises or conditions made, and further to provide any tapes or transcripts of such conversations. President Ford answered the question only in terms of his personal knowledge. The Resolution, however, calls for him to provide information respecting conversations of Mr. Haig, whether or not President Ford was present at any such conversations. The question is thus unanswered.

B. Question 4 (H. Res. 1367) calls in essence for a list of all subsequent discussions or negotiations with Richard Nixon or his representatives respecting a pardon and the times and locations of such conversations. No such complete catalogue was supplied to the Committee. The question remains unanswered.

C. Question 7 (H. Res. 1367) calls on the President to supply the facts or legal authorities given to President Ford by attorneys before making his decision to pardon Richard Nixon. Although President Ford admitted having consulted with Phillip Buchen, Benton Becker and Jonathan Marsh, President Ford failed to provide the Committee with the facts or legal authorities (if any) that they gave to him.

D. Question 8 (H. Res. 1367) calls on the President to provide the suggested language of any statement requested from Mr. Nixon in exchange for the pardon. Although President Ford admitted that a statement was received from Mr. Nixon and that Phillip Buchen had requested a statement of contrition, President Ford failed to provide "the suggested or requested language" called for in the question.

E. Question 2 (H. Res. 1370) calls for information or facts given to President Ford respecting the mental or physical health of Richard Nixon. Although acknowledging that he had received information or facts respecting the mental or physical health of Richard Nixon, President Ford failed to describe the nature of the information or facts given to him. This question is thus unanswered.

II. THE QUESTIONS POSED TO PRESIDENT FORD BY REPRESENTATIVE HOLTZMAN DURING THE COURSE OF HIS EXAMINATION WHICH REMAIN UNANSWERED

A. How can you explain having pardoned Richard Nixon without specifying any of the crimes for which he was pardoned?

B. How can you explain pardoning Richard Nixon without obtaining any acknowledgment of guilt from him?

*Shortly after the hearing, President Ford advised the press that he would be willing to make public any tape recordings of conversations he had with Richard Nixon. To date, he has not done so.

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C. How do you explain the failure to consult the Attorney General of the United States with respect to the issuance of the pardon even though in your confirmation hearings you had indicated that the Attorney General's opinion would be critical in any decision to pardon the former President?

D. How can this extraordinary haste in which the pardon was decided on and the secrecy with which it was carried out be explained?

E. How can you explain the fact that the pardon of Richard Nixon was accompanied by an agreement with respect to the tapes which in essence, in the public mind, hampered the Special Prosecutor's access to these materials and was done, also in the public's mind, in disregard of the public's right to know the full story about Richard Nixon's misconduct in office?

F. Why was Benton Becker used to represent the interests of the United States in negotiating a tapes agreement when at that very time he was under investigation by the United States for possible criminal charges?

G. How can you explain not having consulted Leon Jaworski, the Special Prosecutor, before approving the tapes agreement?

H. To alleviate the suspicions that the reason for the pardon and the simultaneous tapes agreement was to insure that the tape recordings between yourself and Richard Nixon never came out in public, would you be willing to turn over to this Subcommittee all tape recordings of conversations between yourself and Richard Nixon?

III. QUESTIONS ARISING FROM PRESIDENT FORD'S TESTIMONY

A. You testified that on August 1 "you had a meeting in the afternoon with General Alexander Haig which 'include[d]' references to a possible pardon from Mr. Nixon." Please state everything that Alexander Haig said to you with respect to any pardon for Mr. Nixon and state everything that you said to Alexander Haig respecting that pardon.

B. Did you tell Alexander Haig at that meeting that you could make no commitment to pardon Richard Nixon? Did you tell Alexander Haig at that meeting that you thought it was inadvisable for Richard Nixon to pardon himself or others associated with the Watergate matter?

C. At that meeting did you ask Alexander Haig what kind of pardon was contemplated by option No. 6—was it to be a pardon issued before indictment? Was it to be a full, free and absolute pardon? Within what time period was it contemplated that that pardon would be issued? What was General Haig's response?

D. You testified that you met with Mr. St. Clair on August 2, 1974, and "pointed out to him the various options mentioned" by General Haig on the preceding day. What did you say about these options and what did he say about these options? What did you say and what did he say about the likelihood or desirability of Mr. Nixon's resigning? What did you say and what did he say about the likelihood or desirability of your pardoning Mr. Nixon if he resigned?

E. Did you state in words or substance to Mr. St. Clair that you could make no commitment to giving Richard Nixon a pardon if he were to resign? Did Mr. St. Clair discuss with you any legal questions concerning the validity of a pardon for Richard Nixon, including the validity of a pardon issued before indictment and the validity of a blanket pardon? If so, what did he say?

F. In discussing the options with Mr. St. Clair, what advice did he give you and what recommendations did he make to you with respect to pardoning Richard Nixon after he resigned? What recommendations and advice did Mr. St. Clair give to you respecting the disposition of Presidential tapes or papers in this conversation on August 2?

G. What did you tell Mr. St. Clair your intentions were with respect to issuing the pardon for Richard Nixon? Did you state to Mr. St. Clair that you thought it would not be in the national interest if Mr. Nixon pardoned himself or any of the Watergate defendants before resigning?

H. What was said about the possibility that Mr. Nixon would resign in the absence of any pardon? What was said about the likelihood or desirability of Mr. Nixon's pardoning himself and/or any of the Watergate defendants?

I. What did Mr. St. Clair say about the need for a pardon for Richard Nixon? What did Mr. St. Clair say about the likelihood that Mr. Nixon would be prosecuted or convicted? What did Mr. St. Clair say about the nature of any criminal acts that Mr. Nixon might be prosecuted for? Did Mr. St. Clair express a view as to the criminal guilt of Mr. Nixon and, if so, what did he say and what did you say?

J. What was said about the disposition of tape recordings and the documents and papers of the Nixon presidency, transition financing and legal representation for Mr. Nixon after his resignation?

K. Between the time of your meeting with Alexander Haig on the afternoon of August 1, 1974, and your telephone conversation with him the next day, did you have conversations with any persons about the pardon other than those about which you testified (those with your wife and Mr. St. Clair)? If so, with whom? When? What was the substance of each conversation?

L. What did you mean when you told General Haig in an August 2nd telephone conversation that "nothing we had talked about the previous afternoon should be given any consideration in whatever decision the President might make?" What had you said the previous afternoon that could have been given consideration in any decision that President Nixon might make?

M. You testified that in that same telephone conversation with General Haig, you told him you "had no intention of recommending what President Nixon should do about resigning or not resigning." Did you give him your views on the desirability or lack of desirability of any of the six options? Did you tell General Haig in words or substance that if President Nixon exercised option No. 6, he could not count on your issuing a pardon?

N. Set forth everything else that was said in your August 2nd telephone conversation with Alexander Haig.

O. Aside from the conversations you testified to with Alexander Haig on the 1st and 2nd of August, did you or any member of your staff have any other conversations with Alexander Haig or at which Alexander Haig was present respecting a pardon for Richard Nixon, at any time before September 8, 1974? If so, please state the dates, persons present and the substance of each conversation.

P. Did you at any time prior to Mr. Nixon's resignation have any conversation with him respecting any pardons for himself or any of the Watergate defendants?

Q. From your testimony it is apparent that you had been advised, as early as August 1, 1974, that a pardon could legally be granted before indictment. Mr. Buchen, however, in his press conference of September 10, explained your August 28th statement—that you would not take any action "until legal process has been undertaken"—as stemming from your lack of awareness that a pardon could be granted before indictment. Since Mr. Buchen's explanation was wrong, what were the reasons for your August 28th statement? Why did you furnish this Subcommittee with copies of Mr. Buchen's incorrect explanation as "additional background informa-

tion"? Why did you wait until after August 28th to ask your lawyers to explore the legalities further?

R. You testified that you received no reports "by people qualified to evaluate medically" Mr. Nixon's health. What, then, is the factual basis for your opinion that the prosecution and trial of Mr. Nixon would have "proved a serious threat to his health?"

SENATOR RANDOLPH OUTLINES ACTIVITIES OF THE SENATE SUBCOMMITTEE ON THE HANDICAPPED DURING THE 93D CONGRESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. RANDOLPH. Mr. President, as we review the work of the 93d Congress, I reaffirm the commitment of our Subcommittee on the Handicapped to the goal of equal rights for handicapped Americans. I am joined in this commitment by the members of the subcommittee, Senators ALAN CRANSTON of California; HARRISON A. WILLIAMS of New Jersey; CLAYBORNE PELL of Rhode Island; EDWARD KENNEDY of Massachusetts; WALTER MONDALE of Minnesota; WILLIAM HATHAWAY of Maine; ROBERT STAFFORD of Vermont; ROBERT TAFT of Ohio; RICHARD SCHWEIKER of Pennsylvania; and J. GLENN BEALL of Maryland. It is gratifying to outline results of activities of our subcommittee during the 93d Congress. It is appropriate at this time of the year to share with others our feeling of accomplishment.

To this end, during the 93d Congress, the subcommittee directly considered legislation on the following issues:

VOCATIONAL REHABILITATION

During the first session, as chairman of the subcommittee, it was my privilege to introduce two bills—S. 7 and S. 1875—to extend and improve the Vocational Rehabilitation Act. All members of the subcommittee participated in developing these proposals. S. 7 was vetoed by President Nixon, and the Senate failed to override the veto. Following intensive meetings of the subcommittee with administration officials, a compromise bill (S. 1875) was introduced which, along with H.R. 8070, was the basis of a final bill enacted into law as Public Law 93-112. This legislation provides priority for vocational rehabilitation services to those with the most severe handicaps, expands special Federal responsibilities, and establishes special responsibilities of the Secretary of Health, Education, and Welfare for the coordination of all programs in the Department with respect to handicapped citizens.

During the second session, the staff of the subcommittee met many times with the staff of the Rehabilitation Services Administration to oversee the promulgation of the regulations developed pursuant to Public Law 93-112. The proposed regulations were published May 28, 1974; final regulations were published Decem-

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ber 5, 1974. We made clear our intent to the Department of Health, Education, and Welfare and the Department of Labor—which is writing the regulations for section 503 of Public Law 93-112—that the regulations must clearly and carefully carry out congressional intent in the implementation of the rehabilitation program.

The members of the subcommittee were not satisfied with the placement of the administration of the vocational rehabilitation program within the Social and Rehabilitation Service—an administrative unit which implements welfare programs. Senator STAFFORD of Vermont, ranking minority member of the subcommittee, introduced S. 3108, which moved the administration of the rehabilitation program out of SRS and into the Office of the Secretary. S. 3108 was cosponsored by all members of the subcommittee and amended in committee to extend the authorization of appropriations in the Rehabilitation Act of 1973 for 2 years—with the exception of the basic State grant services program which was extended for 1 year only; to make technical and clarifying amendments to provide more effective expressions of the original congressional intent and understandings underlying certain provisions in Public Law 93-112; to make various amendments to the Randolph-Sheppard Act by incorporating the provisions of S. 2581 as passed by the Senate; and to authorize the President to convene a White House Conference on Handicapped Individuals by incorporating with technical changes, the provisions of Senate Joint Resolution 118 as passed by the Senate. This legislation was vetoed by President Ford, but the veto was overridden in the Senate by 90 to 1 and in the House by 398 to 7.

The administration was unclear as to whether it could implement this program; the problem was whether or not the veto was a pocket veto. Therefore, to enable this important program to continue, the Senate passed a bill identical to H.R. 14225—originally S. 3108 in the Senate—which is now Public Law 93-516.

EDUCATION

During the first session, the Senate passed S. 896, the Education of the Handicapped Amendments of 1973, which I introduced, jointly by all of the members of our subcommittee. The purpose of S. 896 was to extend the provisions of the Education of the Handicapped Act (Public Law 91-230) for 3 years beginning July 1, 1973, to insure the continued targeting of funds and resources to handicapped individuals as well as continued program coordination. S. 896 further insured that the record of leadership and professionalism in the Bureau of Education for the Handicapped be maintained and that the Bureau itself remain a strong, identifiable, administrative organization within the U.S. Office of Education.

Because the House companion bill to S. 896 was made part of the Elementary and Secondary Education Amendments of 1974 in the House Education and Labor Committee, the Subcommittee took the text of S. 896 and made it title VI of S. 1539, the Senate Elementary and

Secondary Education Amendments of 1974 legislation. Subsequently, this legislation was further amended on the floor by Senator MATHIAS. This amendment greatly increased the authorizations under part B (Aid to the States) in order that the States could meet the new congressional mandate set forth in this legislation to provide full educational opportunity for all handicapped children. Another provision of national significance was the inclusion of a requirement that each State set forth a detailed plan of the policies and procedures it will undertake in order to assure that all handicapped children residing within the State are identified, located, and evaluated, as well as to assure that the State has established a goal of providing full training and educational opportunities for all handicapped children together with a timetable for accomplishing this goal and a description of additional facilities, personnel, and services necessary through the State to meet such a goal.

The Elementary and Secondary Education Amendments of 1974 were signed into law as Public Law 93-380. The subcommittee is now in the process of performing its oversight functions with regard to the promulgation of regulations concerning title VI—the extension of the Education of the Handicapped Act—and the earmark of funds under titles I—funds for State-supported and State-operated institutions for handicapped persons—and title IV—innovative programs and career education.

RANDOLPH-SHEPPARD PROGRAM

The subcommittee held 3 days of hearings during the first session on S. 2581, a bill to amend the Randolph-Sheppard Act. More than 37 years after the enactment of the original measure, action was urgently needed to protect blind vendors and improve the program by an expansion of opportunities for meaningful employment of blind individuals. According to the Rehabilitation Services Administration, the number of licensed blind vendors could be doubled within 5 years if the proper conditions existed and if training limitations and the restraints of undue competition were lifted.

The staff of the subcommittee met several times with representatives of the American Postal Workers Union, which opposed major provisions in S. 2581. It was thought that a compromise agreement had been reached, and the committee then reported and the Senate passed this legislation. Because of continued union opposition, however, the legislation did not move in the House. Thus, the Senate attached as an amendment the text of S. 2581 to the extension of the Rehabilitation Act of 1973 (S. 3108 and H.R. 14225) as title II of that legislation; it was accepted in conference and by both the House and Senate as part of the conference report on H.R. 14225. As stated before, President Ford vetoed this measure; but the veto was overridden. New legislation was introduced, passed, and sent to the President, and signed into law.

DEVELOPMENTAL DISABILITIES

During the first session, the Developmental Disabilities Act was given a 1-

year extension—to June 30, 1974—as part of an omnibus health bill because the Senate was awaiting the results of a General Accounting Office report evaluating the developmental disabilities program. The Senate received the report in January 1974, and wrote legislation (S. 3378) which was targeted at correcting the inequities in and improving the program. New approaches in our legislation include: the development of an outreach program of satellite centers by University-Affiliated Facilities; the establishment of a new, more cooperative relationship between the State Developmental Disabilities Councils, the administering State agency, and the University-Affiliated Facilities; the development of an evaluation model which the State may use in setting up individual State evaluation systems; the strengthening of the State Developmental Disabilities Councils and the National Advisory Council; the broadening of the definition of a developmental disability; and the placement of the Division of Developmental Disabilities in the Office of the Secretary of the Department of Health, Education, and Welfare. S. 3378 also incorporated the provisions of S. 458, Senator JAVITS' bill of rights for the mentally retarded, as well as new language for alternative procedures and criteria which institutions and community facilities could meet in lieu of the criteria originally set forth in S. 458. S. 3378 passed the Senate on October 1.

I regret it was not possible to complete action on this important legislation during the year. It is our intention to make this the first order of business in the 94th Congress.

JAVITS-WAGNER-O'DAY

The subcommittee has considered two bills amending the Javits-Wagner-O'Day Act. During the first session, the Senate passed H.R. 1413—now Public Law 93-76—which increased the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. The original Wagner-O'Day Act, which authorizes this committee, had been amended in two major respects: first, the special priority for the blind in selling certain products to the Federal Government was extended to other handicapped persons; second, the category of contracts under the act was expanded to include services. The original cost estimates for operating the committee were set in law; thus, the authorizations were increased.

The second amendment, S. 2687, provided the authorization for fiscal year 1975, made technical amendments, and added a 15th member to the statutory committee's membership. The House agreed to the Senate amendments, and this legislation is now Public Law 93-358.

WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

On June 18, 1973, the Senate passed a resolution directing that a White House Conference on the Handicapped be called by the President. When the House did not act on this or similar legislation, the Senate attached the text of this resolution—with amendments—to H.R. 14225, the extension of the Reha-

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bilitation Amendments of 1973. Again, President Ford vetoed this measure, but an identical bill is now Public Law 93-516. This provision authorizes the President to convene a White House Conference on Handicapped Individuals to develop recommendations for further action based on the assessment of national problems facing individuals with handicaps and solutions to these problems.

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

The subcommittee held a series of hearings on S. 6, the Education for All Handicapped Children Act. Three days of hearings were held in Washington, and field hearings were held in Newark, N.J.; Columbia, S.C.; Boston, Mass.; Minneapolis-St. Paul, Minn.; and Harrisburg, Pa. This legislation would greatly amend part B of the Education of the Handicapped Act by requiring the States to educate all handicapped children—after identification, location, and evaluation—and by providing for a funding mechanism different from that in use in many States. This legislation, which would be far-reaching in its results, is still under consideration by the subcommittee as more information is being gathered.

The subcommittee has also been involved in legislation pending before other committees and over which it does not have jurisdiction, but which touches on the lives of handicapped citizens. It acted with the Senate Banking Committee on a bill amending the Small Business Act to insure that the interest rate of the Small Business Administration's share of loans to handicapped persons remained at the subsidized rate of 3 percent per annum. This bill is now Public Law 93-386. We have worked with the Senate Public Works Committee, which I have the privilege to chair, to insure that any mass transportation system receiving funds from the Federal Aid Highway Act be planned and designed to be accessible to all handicapped persons, including those in wheelchairs. Public Law 93-383, the Housing and Community Development Act of 1974, contains an amendment I advocated which directs the Secretary of Housing and Urban Development to take into account the needs of handicapped and elderly persons in administering housing programs and insure that mentally impaired persons may take advantage of the housing programs at HUD. Finally, efforts were continued to insure that handicapped citizens be given special consideration in any energy rationing system. I have introduced an amendment to the Standby Energy Authorities Act outlining specific steps which provide for the special needs of disabled persons in any fuel allocation program. In recent letters, this proposal has been outlined to President Ford, the Honorable Rogers C. B. Morton, Secretary of the Interior, and the Honorable Frank G. Zarb, Administrator of the Federal Energy Administration.

The Subcommittee on the Handicapped has also been active in issues which have not directly involved legislation, but which still touch the lives of handicapped citizens. At the urging of the subcommittee, the Architect of the Capitol has

initiated work aimed at making all Federal buildings on Capitol Hill accessible to the physically disabled. A consultant to the Architect has been hired for this purpose, and work has been started.

With the support of the members of our subcommittee, we have been active in promoting the right of handicapped persons to air transportation. Unfortunately, many instances have recently come to light of mobility-impaired individuals being refused transportation by commercial air carriers on the grounds that a disabled person would pose a threat to the safety of flight should an emergency occur. I prepared a statement which was included in the record on the hearings sponsored by the Federal Aviation Administration concerning the promulgation of regulations on the air transportation of handicapped citizens. When the proposed regulations were published and found totally inadequate, we were joined by three members of the Special Committee on Aging in our protest to the Administrator of the FAA. The subcommittee is watching closely any further developments on this issue and is committed to the right of handicapped persons to air transportation.

Another activity has been a series of meetings with Mrs. Virginia Knauer, of the White House Office on Consumer Affairs, and her staff. The meetings were organized to resolve the issue of hearing aid users' inability to use the new Trimline telephone. Some constructive action has resulted from those meetings: for every bank of telephones there will be a phone which can be used by persons wearing a hearing aid and which will be identified as such. In addition, the telephone companies will continue to provide to hearing aid users the present model telephones which are compatible. I have corresponded with Lewis Engman of the Federal Trade Commission, and with Dean Burch of the Federal Communications Commission, indicating that my belief that these agencies have a responsibility to the consumer, that is, the hearing aid user, to help resolve not only the problem which the Trimline telephone presents, but also other telecommunications.

I have requested that the subcommittee work on several proposals regarding the possibility of serving the hearing-impaired through the activities supported by the Corporation for Public Broadcasting. It is my belief that since one of the most indispensable avenues of information for our society has been provided by technological advancement in telecommunications, we should explore possibilities for programing targeted toward handicapped individuals. There have been several meetings at the staff level to research and discuss these ideas.

We have worked to see that the intent of the Congress in matters affecting handicapped persons have not been ignored. On August 1, 1973, I submitted a resolution objecting to the administration's abolishing two statutory advisory committees which are necessary to the welfare of handicapped citizens: The National Advisory Committees on Education of the Deaf, and on Handicapped

Children. In response to the submission of the resolution, HEW Under Secretary Carlucci contacted me and, following several discussions with the members of the subcommittee, it was agreed that HEW would not abolish the committees but create a new statutory committee combining the functions of the two advisory committees. The resolution was withdrawn after the subcommittee received assurances that the statutory base and the functions of these important committees would be continued.

The subcommittee also is deeply involved in oversight of regulations promulgated pursuant to enacted legislation. It is just beginning its oversight of regulations developed on title VI of Public Law 93-380—concerning education of handicapped children. However, for the entire second session of the 93d Congress, there have been many meetings with the staff of the Rehabilitation Services Administration, the Office of Civil Rights at the Department of Health, Education, and Welfare, and the Department of Labor on the regulations accompanying the Rehabilitation Act of 1973. I believe that the great amount of time spent on the regulations will ultimately benefit all handicapped citizens.

I must call your attention to the fact that the support of handicapped individuals and organizations serving handicapped persons has been invaluable in achieving the results from our joint efforts. While we note these endeavors, much remains to be done. With the continued cooperation of handicapped Americans and their organizations, our subcommittee will proceed in the 94th Congress toward our mutual goal of equal rights for everyone.

LES ARENDS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. WYDLER. Mr. Speaker, I will miss LES ARENDS. He has had a distinguished career here in the U.S. Congress and has played an important part in the history of our Nation. I, however, will always think of him as a good friend from whom I learned much.

His service as whip to the Republican Party was a service that benefited both the Congress and the Nation. He was truly the gentleman whip, and his services will be sorely missed by all.

TRIBUTE TO THE HONORABLE JOHN M. ZWACH

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, during my more than three decades here in this Chamber I have gotten to

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know, admire, and work with many fine and outstanding men from all over this great country of ours. Eleven of them I have known from the time I first arrived while most of the others were met later on in my career in this body. The man I praise today upon his retirement is the Honorable JOHN M. ZWACH of Minnesota. He is one of the distinguished Members I have gotten to know in the latter stages of my tenure here. JOHN was elected to the U.S. House of Representatives in the 1966 elections after a long and distinguished career in State government in his home State of Minnesota. From 1937 to 1946 he served in the Minnesota House of Representatives and from 1946 until his election to this body 20 years later, in the Minnesota State Senate. From 1959 to 1966 he was the majority leader of the Minnesota Senate.

The people of his district in Minnesota obviously recognized his great talent and dedication to their service for they elected him to this body in the fall of 1966 and to each succeeding Congress.

Here in the House, JOHN has been known for his concern and hard work on the House Committees on Agriculture and on Veterans' Affairs. The American farmer and the American voter will have lost a good and trusted friend with the retirement of JOHN ZWACH.

Mrs. Rooney joins me in wishing JOHN, his fine wife and family many happy, healthy, and peaceful years to come.

CHET HOLIFIELD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, it is indeed a privilege and honor for me to rise and pay tribute to one of the greatest Congressmen of all time—the Honorable CHET HOLIFIELD of the great State of California. I remember CHET from the first day I came here in the 80th Congress. I recognized him as a leader and one from whom to seek counsel and guidance.

I was fortunate to be assigned to the Government Operations Committee which wrote the act unifying our armed services. In working out the details of that act, CHET HOLIFIELD was outstanding. CHET is largely responsible for the creation of a U.S. Air Force, the CIA, and here in Congress of the House and Senate Armed Services Committees. Because of CHET HOLIFIELD's foresight, America became stronger and I believe avoided world war III. America is stronger and the cause of freedom more secure because of the leadership of this great all-American statesman.

In the field of atomic energy, CHET has had no equal. He has spent days, weeks, months, and many years making this Nation No. 1 in the world in atomic energy. He has used atomic energy to preserve the peace of the world. Without his knowledge of this science and his dedication to U.S. strength in this field, I

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believe the world would have been destroyed in a nuclear holocaust.

Less spectacular perhaps, but just as important, has been his painstaking but sure success in developing the peaceful uses of atomic energy. The United States today leads the world in the generation of electricity from nuclear energy. This has been a fantastic and often unrecognized accomplishment. With the present fuel crises it would have been a national disaster had we not gone ahead with the nuclear generation of electricity. CHET HOLIFIELD deserves every honor for his courageous fight to move this program along over misguided but fanatic opposition. CHET HOLIFIELD is recognized and appreciated the world over for his leadership in the field of atomic energy. He has participated in world conferences as adviser and consultant. He is respected and admired by world leaders, both political and scientific.

As a committee chairman and Joint Committee chairman, he is superior in every respect. He is always polite, gentlemanly, and dignified. He has courage tempered with knowledge and understanding. This is a better Congress, ours is a better Nation and the world is better because of the dedication and devotion of this great and good man. I value and cherish his personal friendship and wise counsel over the years.

CHET has been fortunate in having by his side over the years one of the most devoted and lovely wives in the history of Congress. Mrs. Holifield is a truly great lady who understands and loves the political world. They have 4 charming daughters, 15 grandchildren, and 2 great-grandchildren. CHET HOLIFIELD's service to country and his wonderful family are an example to be emulated for the youth of today. I wish for my dear friend and his lovely family much happiness and continued success. Mrs. Dorn joins me in love and best wishes to them always.

TRIBUTE TO GENE AINSWORTH, SPECIAL ASSISTANT TO THE PRESIDENT

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 18, 1974

Mr. WHITTEN. Mr. Speaker, my friend, Congressman BOB MICHEL, has called to our attention the fact that our good friend, Gene Ainsworth, is resigning his position at the White House as a representative for the President. I know the President will miss him and will personally suffer a real loss; however, Gene wishes to enter private business and in this venture, we certainly wish him the greatest success.

Not only does he carry with him a wonderful experience here where he has shown outstanding ability at a very difficult time, but he took on what is probably the hardest job in the world and handled it well. He handled it with integrity, ability, and again with that pleasing smile he has.

He has served in an area which we

all know has been very controversial, with the press and the Congress, and yet he handled his problems in a way which was a credit to himself and his home State, Mississippi.

Those of us who know him are not surprised with his decision. We shall miss him in the position he has filled so ably. We can only say that now we wish for him and his family the greatest success as he tries his hand in the business world, and too, many years of happiness.

FRANK ALBERT STUBBLEFIELD

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FISHER. Mr. Speaker, I am pleased to take this opportunity to commend my good friend, FRANK STUBBLEFIELD, who will retire from Congress at the end of 1974. FRANK has made a truly distinguished record while serving in the House. I believe it is fair to say he has as many or more friends as any other one Member of this body. He is universally admired and respected.

FRANK STUBBLEFIELD is a true patriot. He gives strong support to worthy legislation and always votes in a way that helps to protect our hard-pressed taxpayers. He is economy-minded, supports national defense, and has been one of the most valuable Members who has served in the House for many years.

In his retirement, I extend to FRANK and his family my very best wishes in his future endeavors.

THE AREA AGENCY ON AGING CONCEPT

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. BEALL. Mr. President, on November 13, 1974, the Labor and Public Welfare Committee's Subcommittee on Aging held hearings in Salisbury, Md. These hearings were preparatory to legislation we will be considering early in the 94th Congress that will extend and strengthen the Older American Act of 1965.

Mr. President, I ask unanimous consent that my opening statement be printed in the Record at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

OPENING STATEMENT OF THE HONORABLE J. GLENN BEALL, JR.

As the Ranking Minority Member on the Labor and Public Welfare Committee's Subcommittee on Aging, it is my pleasure to chair today's hearing which is designed to examine, in depth, the Area Agency on Aging Concept which is embodied in the Older Americans Act of 1965, as amended.

I am especially pleased that the Subcom-

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mittee has agreed to convene in Salisbury, the site of one of the early demonstration projects developed to test the feasibility of the area wide approach to service delivery.

Since the first White House Conference on Aging was held in 1961, the Federal Government has gradually increased its commitment to the objective of improving the quality of life for older Americans. State and local governments have also shown a greater concern for the problems of the elderly.

On May 4, 1973, the President signed into law the Older Americans Comprehensive Services Amendments which significantly increase the federal commitment in the field of aging. Public Law 93-29 is the basis for federal law designed to provide social and nutritional services to senior citizens. Since this legislation expires on June 30, 1975, it is imperative that the Subcommittee on Aging begin immediately the task of compiling the data it needs to shape the 1975 amendments to the Older Americans Act, and that is why we are here in Salisbury today.

Public Law 93-29, constitutes a major departure from the preceding approach to state and community programs on aging. Under this legislation the Administration on Aging is actively encouraging state and local aging agencies to develop a coordinated system of service delivery. The objective of this approach is to improve the delivery of services to senior citizens, make other federal, state, local and private resources available to senior citizens, and maximize efforts to avoid the premature institutionalization of older persons.

Under the provisions of Title III, most of the states are called upon to establish Area Agencies on Aging. The Area Agencies must establish a comprehensive and coordinated system for the delivery of social services within the area they encompass. In addition, the Area Agency on Aging is required to maintain an information and referral system which will help to bring together senior citizens and the existing services in each community.

The Maintenance of the Aged in the Community Project, (M.A.C.), which was founded in 1972 as an area-wide model project, is of special interest to the Subcommittee because it has been in existence for such a relatively long period of time. Most of the Area Agencies on Aging have been funded within the last year and it is extremely difficult for the Congress to adequately evaluate the validity of a concept whose implementation is so recent. The initial success of the area-wide model projects, such as M.A.C., helped to shape Title III of the Older Americans Comprehensive Services Act of 1973. The information we obtain today will make a significant contribution to shaping the legislation which will be pending before the 94th Congress early next year. We have designed today's hearing so as to place maximum attention on the way the Area Agency on Aging concept is operating on the four lower eastern shore counties, of Maryland. Our witnesses today will give us a perspective of the Maintenance of the Aged in the Community Project from the federal level, the state level, the county level, as well as the views of those who participate in its various programs.

Mr. BEALL. Mr. President, I believe that my opening statement outlines the subcommittee's objectives in going to Salisbury to examine, in depth, the maintenance of the aged in the community project—MAC. Because of the importance of the Older Americans Act and the programs it establishes, I wish to present a summary of the testimony each of the witnesses gave during this hearing. Each witness provided a somewhat different point of view and I thought it would be of interest to my col-

leagues to have a summary of this material.

Mr. President, I, therefore, ask that the agenda be printed in the RECORD at this point in my remarks.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

WITNESS LIST FOR AN OVERSIGHT HEARING ON THE AREA AGENCY ON AGING CONCEPT

(Title III—Public Law 93-29, the Older Americans Comprehensive Services Act of 1973)

I. Opening Statement—The Honorable J. Glenn Beall, Jr.

II. Mr. John A. Price—Program Director on Aging, Region III, Administration on Aging.

III. Ms. Joan Tadeo—Title III Coordinator, Maryland Commission on Aging.

IV. Panel—

Mr. Joseph P. Eberly, Executive Director—Maintenance of the Aged in the Community, Inc.

Ms. Octavane H. Saunders, Nutrition Aide—University of Maryland Cooperative Extension Service.

Ms. Helen L. Johnson, Nutrition Coordinator—Title VII Program.

Ms. Jean C. Crockett, R.N.—Director, Homemakers/Home Health Care Program.

Ms. Jean R. Monroe, Director—Multi-Service Senior Citizen Center.

V. Panel—

Honorable Helen S. Ward, Commissioner-elect—Somerset County.

Honorable Philip G. D'Adamo, Board of Commissioners—Dorchester County.

Honorable Lewis R. Riley, President—Wicomico County Council.

Honorable Willis W. Hudson, Board of Commissioners—Worcester County.

VI. Panel of Senior Citizens—

Lorenzo Marshall—Salisbury (Wicomico County).

Nellie Purnell—Salisbury (Wicomico County).

Ella Dedmond—Princess Ann (Somerset County).

Irene Holland—Fairmount (Somerset County).

Lenora Robins—Snow Hill (Worcester County).

Myrtle Bowen—Snow Hill (Worcester County).

Viola McClain—Cambridge (Dorchester County).

Viola Comegys—Cambridge (Dorchester County).

Inez Abbott—Church Creek (Dorchester County).

John B. Griffin—Salisbury (Wicomico County).

Bernice Dougherty—Crisfield (Somerset County).

Walter Brice—Crisfield (Somerset County).

Alberta Graves—Crisfield (Somerset County).

Mr. BEALL. Mr. President, a summary of the testimony presented to the Subcommittee on Aging, Labor, and Public Welfare, in Salisbury, Md., on November 13, 1974, is as follows:

SUMMARY OF TESTIMONY

(By John A. Price, Program Director on Aging, Region III, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare)

The Regional Program Director on Aging for Region III is responsible for aging services authorized under the Older Americans Act in the Middle Atlantic States, including Maryland. The State of Maryland's application for an Area-Wide Model Project for Wicomico, Dorchester, Worcester, and Somerset was approved on December 23, 1971 to begin February 1, 1972. It has been supported out of area-wide model funds, or model funds, in the amount of \$26,000 planning grant from February to June 1972. The first

operational year grant was \$261,000 for 1972-73. The second operational grant was \$281,500; and the third year was \$112,000, for a total of \$681,533 Federal dollars. During the third year the MAC Project is being phased into this State aging agency strategy.

The MAC Area-Wide Model Project was designed to help senior citizens overcome either direct or indirect barriers which might otherwise prevent them from living independently in the community and to enable them to participate in a full and meaningful way in the life of their community.

The 1973 amendments to the Older Americans Act incorporated the area wide strategy into the overall state plan and those projects which were started under the Area-Wide Model Program authorized in the 1969 amendments were expected to be phased into the state strategy in 1974. Eleven issues have evolved in the implementation of these area agencies during the past year which have also affected the transition of the MAC Project into the Maryland Area Agency Strategy. These issues are as follows:

One. To what extent do the requirements for the Area Agency on Aging exceed their capacity?

There are fourteen functions and responsibilities described in the model regulations for state and area planning. Many area agencies have two or three full-time employees; some report that they are overwhelmed by these requirements, especially in light of their resources.

Two. To what extent do area agencies need more latitude to provide direct services?

The experience expressed by many area agencies is that—the dearth of public and private agencies that are capable and willing to provide needed services to older Americans.

To what extent has the multi-county concept added an administrative layer which doesn't have direct access to local revenue? County Commissioners in most counties in the State of Pennsylvania want an Office of Aging in their counties.

Four. Under what circumstances should an area agency contract out its planning?

Five. How much authority does the state need to effectively implement the Title III program at the—at some state levels?

Some state area agencies are reporting that state policies are too restrictive, while other area agencies are reporting that the state policies are inadequate.

Six. What happens to the state responsibility, authority and role when local planning and program decisions are decentralized to area agencies?

Seven. Should a state be allowed to develop the capacity for statewide information referral sources for planning and service areas, or should it be totally the responsibility and authority of the area agency?

Eight. What is the responsibility and authority of the area agency for the nutrition programs in Title VII of the Older Americans Act?

Nine. To what extent should the area agency plan for services under Title VI of the Social Security Act, for Adult Social Services, as it is called?

Ten. To what extent can Title III funds be used to generate other services in poor and rural areas where there are weak or non-existent service agencies?

Eleven. How long should direct services be supported?

The Older Americans Act of 1965 limited Title III projects to three years. It was discovered by 1969 that few communities had the capacity to fully support the services that had been initiated.

TESTIMONY

(By Harry F. Walker, Executive Director, Maryland Commission on Aging)

During the first two years of the MAC Project, this program was funded at a ratio of 75% federal funds and 25% non-federal

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funds. It was administered by the State Commission on Aging with a project director at the state level assisted by local staff and a local advisory body made up of representatives of the County Commission on Aging, county governments, and other interested service organizations, etc.

During the second year of this project the Older Americans Act Amendments of 1973 called for the termination of the Area-Wide Model Project and the establishment of an Area Agency on Aging Concept in its place. One of the immediate problems affecting the MAC Program was that Federal funds can no longer come directly into the state as a discretionary grant for this Area-Wide Model Project. Thus the state has the option of either reducing services or providing an additional share of its Title III funds to continue the program. In order not to reduce services, the Maryland Commission on Aging earmarks sufficient funds out of the special grants for model projects to supplement the allocation that would have gone to the four counties of the lower shore as their share of the Title III money. It is our intention to do everything possible to enable the MAC project to continue at its current level of operation, despite the change in federal strategy from a 5 year federal program that is funded directly from Washington to the Area Agency on Aging Concept. What this change means is that the State must now divide the money that it has among all the area agencies on the basis of the number of elderly people in that area.

I think that the area agencies can be effective and useful in providing local coordination, pooling of local resources, providing local planning, and subcontracting for services with local agencies. However, it is possible that this may be done as well and perhaps better in certain instances by the state agency creating the local advisory body and supervising the planning at the local level. Under the present federal regulations, the state does not have this option but is instead required to create sub-state planning units covering all older people.

As Congress studies the effectiveness of area agencies in preparation for the enactment of the Older Americans Amendments in 1975, it should give consideration to whether or not the states should be given an additional flexibility and options in the provisions of services to senior citizens. It might be desirable to follow the pattern established in the Area-Wide Model Project of having a state person supervising the overall program supported with local staff and local planning personnel.

TESTIMONY

(By Joan Tadeo, Title III Coordinator, Maryland Commission on Aging)

The program goals of the MAC Area-Wide Model Project were to provide alternative services to avoid unnecessary institutional care to at-risk elders, age 60 and over, to insure independence within the community, and to bring about a comprehensive system of care for older adults thus alleviating isolation and dependency as much as possible.

Ms. Tadeo outlined in considerable detail the steps which were taken to plan and implement the MAC Project. Existing services such as the Geriatric Evaluation Service, Meals on Wheels, Adult Education, and so forth were expanded so as to better meet the needs of the at-risk elderly on the Lower Eastern Shore. Special training programs were established in order to provide the necessary trained personnel to administer and coordinate services for the elderly.

The Model Project also sought to identify and alleviate health care and nutritional needs of the at-risk population. Follow-up services were provided so as to insure that the needed services were actually received by the elderly.

TESTIMONY

(By Joseph P. Eberly, Executive Director, Maintenance of the Aged in the Community Project, Inc.)

MAC is a private, non-profit corporation recently formed and recognized by the Maryland Commission on Aging as the official Area Agency on Aging on the Lower Eastern Shore. MAC is responsible for the planning, coordination, and pooling of resources as well as the development of new services needed to support the elderly in their homes and communities. In addition, MAC is presently seeking to identify and assist the elderly population that is most in jeopardy of having to leave their homes for a life in an institution. We find that the majority of elderly here, and I am sure elsewhere, are fiercely independent and have struggled long and hard to maintain themselves in their own homes, however humble. Many of the elderly poor have demonstrated that they would prefer to remain in their frontier-style homes with wood burning stoves and perhaps an outside toilet to being sent to a brand new nursing home or a geriatric ward in the state hospital.

So as to provide the Subcommittee with an in depth review of the activities of the MAC Project, Mr. Eberly called upon each of the four Professional Staff Members who accompanied him on his panel to testify about their area of specialization.

TESTIMONY

(By Ms. Jean R. Monroe, Director, Multi-Service Senior Citizen Center)

There is a Multi-Service Senior Citizen Center in each of the four counties encompassing the MAC Project. Each center provides information and referral services, outreach services, transportation services and socialization. Each center is backed up by two or three satellite centers in outlying areas. These satellite centers also participate in the Title VII Nutrition Program as well as providing the services listed above.

The center staff consists of a director, outreach workers, a satellite coordinator, senior aides, a part time meal hostess, a secretary, and numerous community volunteers. Each center has two minibuses which are used in the outreach effort. The center operates five days a week with the various satellite centers operating from one to three days a week. The average daily attendance at the center and the satellite centers is between 30 and 40 people.

Each center provides a variety of social activities for the participants as well as providing necessary nutritional and social services.

A constant outreach effort is maintained in order to locate and help the at-risk elderly.

Because of the ruralness of the Lower Eastern Shore region, special emphasis is placed on transportation services. It was noted that this is one of the special needs in this area and one which needs expanding.

TESTIMONY

(By Mrs. Helen L. Johnson, Nutrition Coordinator, Title VII Program)

The Title VII project officially began on the lower shore on October of 1973. Prior to that some nutritional services were provided through the Title III funds. The program serves one hot meal each day, five days a week. In 1973 Worcester, Somerset, and Wicomico counties together served only 75 meals each day. At the present time between 250 and 300 meals are served each day in these three counties. An additional 60 meals are served each day in Dorchester County. There are 14 meal sites in the four counties covered by the MAC Project. 90% of the meals are consumed in congregate sites and the remaining 10% are delivered to homebound at-risk senior citizens.

TESTIMONY

The average cost per meal is \$1.25. The meals are designed by a dietitian which insures that they are nutritionally well-balanced and adhere to the guidelines regulating the Title VII Program.

TESTIMONY

Although no specific charge is asked of the senior citizens who participate in this program, approximately 95% of the participants do contribute about 25c per meal. The income from these donations is used to continue and expand the program.

Many individuals volunteer their time to this program and local industries have donated soup, milk, bread, and other food items on a regular basis.

The Title VII Nutrition Program relies heavily upon the support services provided by Title III. Outreach, information and referral, shopping, counseling, recreation, and transportation services are all provided by the Title III Program. Without the support of Title III, the Title VII Nutrition Program would not be able to provide one half of the services that are currently being given.

TESTIMONY

(By Ms. Jean C. Crockett, R.N., Director, Homemakers/Home Health Care Program)

Homemakers/Home Health Services provide families with the ability to remain together in their own homes when health or social problems occur. In some cases an individual is able to return to his or her home after specialized care in either an acute or long-term care facilities. The main objective of the home care coordinator is to prevent unnecessary institutionalization and to assist institutionalized persons to return to their home and community if possible.

To achieve this objective the Home Health Care Program draws upon the resources of the Department of Social Services, the Social Security Administration, the local Health Department, and any other health related community resources. The home care coordinator develops a program of health care to meet the needs of each individual recipient. Every effort is made to utilize all existing community services and to maximize the quality of care.

Specialized training is provided for home-health aides, the staff of the senior citizen centers, and the families of the elderly ill.

During the current fiscal year the Home-maker/Home Health aides are serving 46 elderly patients for a total of 649 visits. The total cost per hour is projected to be \$4.58. This lies well within the limits of the National League of Nursing and the National Council of Homemakers-Home Health Aide Services. This is far less costly than inpatient care received in nursing homes or state hospitals. The care is more personalized at the place of residence and it actively involves the entire family. The patient benefits by being allowed to continue his or her right role as a member of the family and the community.

TESTIMONY

(By Ms. Octavane H. Saunders, Nutrition Aide, University of Maryland Cooperative Extension Service)

One of the main objectives of the Cooperative Extension Service in the University of Maryland is to provide nutrition education for senior citizens. This is done, not because they do not have the expertise or experience in food preparation or food shopping, but be-

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Emphasis was placed on the need to strengthen the coordinating authority so as to insure a better pooling of resources for the benefit of needy senior citizens. This would include more closely integrating the Title VII Nutrition Program with the Title III Community Services Programs so as to make more efficient delivery of both nutritional and social services.

The need for stabilizing the availability of federal program funds was stressed so as to allow the project to concentrate its efforts on implementing programs rather than worrying about locating funds on a year to year basis.

TESTIMONY

(By Joseph P. Eberly, Executive Director, Maintenance of the Aged in the Community Project, Inc.)

MAC is a private, non-profit corporation recently formed and recognized by the Maryland Commission on Aging as the official Area Agency on Aging on the Lower Eastern Shore. MAC is responsible for the planning, coordination, and pooling of resources as well as the development of new services needed to support the elderly in their homes and communities. In addition, MAC is presently seeking to identify and assist the elderly population that is most in jeopardy of having to leave their homes for a life in an institution. We find that the majority of elderly here, and I am sure elsewhere, are fiercely independent and have struggled long and hard to maintain themselves in their own homes, however humble. Many of the elderly poor have demonstrated that they would prefer to remain in their frontier-style homes with wood burning stoves and perhaps an outside toilet to being sent to a brand new nursing home or a geriatric ward in the state hospital.

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cause a senior citizen, living alone, does not always realize the importance of proper nutrition. Many at-risk senior citizens are also reluctant to participate in the Title VII and/or Food Stamp Programs.

The average nutrition aide carries a case load of not less than 50 families. When a family no longer needs the assistance of the nutrition aide, the aides moves on to other cases.

The University of Maryland provides the necessary training for the nutrition aide including periodic inservice training to keep the staff abreast of current developments in the field.

As with the other senior citizen programs, volunteers assist the nutrition aides in the delivery of this important service.

TESTIMONY

(By Joseph P. Eberly)

In his conclusion, Mr. Eberly the Executive Director of the MAC Project advised the Committee of the current budget situation confronting this program. To ease the transition from Area Wide Model Project to Area Agency on Aging, the State Director on Aging has submitted a budget proposal that would provide \$200,000 to the MAC Project in Fiscal Year 1976. Under the current Title III Area Agency formula approximately \$390,000 of federal funds would flow into the project. Even with the \$200,000 state grant the MAC Program will probably have to curtail some of its existing services. If the additional State funds are not made available the out-reach and transportation services would be severely restricted and the program would necessarily retreat into the main centers. The principal remaining service would then be the Title VII Nutrition Program.

SECOND PANEL—LOCAL GOVERNMENT OFFICIALS

Hon. Helen S. Ward, Commissioner-elect, Somerset County—Mrs. Ward commented briefly on her services as a MAC volunteer and expressed her desire to see that this program continues to receive high priority on the Federal, state, and local levels.

Hon. Philip G. D'Adamo, Board of County Commissioners, Dorchester County—From the point of view of a local elected official, one of the problems in any of the programs such as this is the stability of federal funding. Changes in formula, levels of appropriation, etc. often caused the federal support to erode leaving the county holding the bag with the decision to either continue the funding or else drop the program.

In addition, county governments are confronted with a tremendous amount of paper work in a federal program such as this. The forms could be streamlined so as to expedite their processing.

Hon. Willis W. Hudson, Board of County Commissioners, Worcester County—Commissioner Hudson commented on the usefulness of having congressional field hearings so that federal, state and local officials can derive a benefit from them.

The MAC Project has been received with great enthusiasm by the people in Worcester County and the local government, in cooperation with the federal government, will seek to do everything it can to maintain the existing level of services. Special emphasis was placed on the need for additional transportation services in rural areas.

Hon. Lewis R. Riley, President, Wilcomico County Council—Emphasis was placed on the limited resources available to local general purpose governments. Thus programs such as this must rely heavily upon federal revenue resources. Since the MAC Project was established the wrinkles have been ironed out in the working relationship between the county governments and the regional program. Now, however, the county governments are somewhat disturbed by the possibility of a significant reduction in federal support for this project. Since the operating problems have been resolved now is the time

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to continue federal funding rather than reducing it.

Councilman Riley also proposed greater flexibility for the local governments to utilize federal funding. This would allow the programs to reflect the needs of each specific area.

In conclusion, each of the four local officials expressed their support for a continuation of revenue sharing as well as federal funding for the MAC Program.

PANEL OF SENIOR CITIZENS

A number of senior citizens who participate in the various aspects of the MAC Project testified before the Subcommittee. Each addressed themselves to how the specific MAC Programs have affected them.

Ms. Viola Comegys from Cambridge discussed the various activities of the Multi-Service Senior Citizen Center in Dorchester County and the important role it has played in her life since her retirement.

Ms. Inez Abbott from south Dorchester County joined the senior citizen center following a severe personal tragedy. As a result of various activities at the center, Ms. Abbott has become very active in her community once again and now serves as a senior aide.

Mrs. Viola McClain of Cambridge discussed the transportation services provided by the Senior Citizen Center in Dorchester County.

Mrs. Myrtle Bowen of Snow Hill described the field trips and other social activities conducted by the Worcester County Senior Citizen Center.

Mrs. Lenora Robins of Snow Hill described how the Homemaker/Home Health Care Program has helped her care for her husband who is suffering from diabetes and 2 strokes.

Mrs. Irene Holland of Fairmount discussed the activities of the Somerset County Senior Citizen Center and commented favorably on the racial harmony that exists among the senior citizens who participate in this program.

Mrs. Ella Dedmond of Princess Anne described how the Somerset County MAC Center helped her resume an active life following the death of her husband in 1972.

Ms. Bessie Miles from Salisbury discussed the social activities of the Wilcomico Senior Citizen Center and some of the additional projects, such as gardening, carpentry, etc., which they have undertaken.

Mr. Lorenzo Marshall of Salisbury discussed how many of the senior citizens who are able to drive organize carpools to help bring others to the center where they can participate in the various activities.

Mr. John B. Griffin discussed the activities of the FISH Volunteer Organization which seeks to assist senior citizens on the Lower Eastern Shore.

Mrs. Bernice Dougherty of Crisfield described the benefits she had received from a senior aide connected with the MAC Project.

Mr. Walter Brice of Crisfield described various activities of the MAC Center in Somerset County.

Alberta Graves described the general fellowship and good feeling that exists among the participants in the Somerset County Senior Citizen Center.

RETIREMENT OF THADDEUS J. DULSKI

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, during this past summer when my good and long time respected friend

from Buffalo the Honorable THADDEUS J. DULSKI announced his retirement, it was my pleasure to insert in the RECORD of August 30, 1974, some remarks that were wholly sincere and true. If I may, Mr. Speaker, I would like to expand on those remarks at this time.

It is only fair to say that the distinguished gentleman who will succeed Ted DULSKI will find a very large pair of boots to fill. The achievements of Ted DULSKI are difficult to measure for they cannot be gaged by the simple and expedient method of counting the number of bills he passed or votes he cast. His real worth was his honesty and integrity and his genuine care for the people of New York's 37th Congressional District and their needs. That is the finest legacy a Representative in the U.S. Congress can leave.

Mrs. Rooney joins me in wishing Ted DULSKI, his lovely wife and his fine family Godspeed on his well-earned retirement.

HON. CRAIG HOSMER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, it is a pleasure to pay tribute to one of the most dedicated and knowledgeable Members of the Congress, Hon. CRAIG HOSMER. Long before the present energy crisis gripped the Nation CRAIG HOSMER was leading the fight for long-range development of our energy resources. He is one of the Nation's leading experts on nuclear energy policy, and a real pioneer in the field. CRAIG HOSMER served the Nation with great distinction during active naval service in World War II; our country has continued to benefit from his keen understanding of national security matters.

Mr. Speaker, CRAIG HOSMER is leaving the Congress, but I am hopeful that he will remain active in public service. During this time of crisis in our energy situation we need his wise counsel more than ever.

CONGRESSWOMAN EDITH GREEN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mrs. MINK. Mr. Speaker, I want to add my warm Aloha and best wishes to our colleague EDITH GREEN as she takes leave of the Congress after a long distinguished career of service to her constituents and to the country as a whole.

Her contribution toward equality for women in education and in the workaday world came long before the movement for equality gained popular momentum.

EDITH is certainly one of the most respected and highly regarded Members of the House, and her presence will be missed. I certainly join with all her many

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friends and longtime associates in wishing her the very best of happiness and good health in her retirement years.

J. WILLIAM FULBRIGHT'S SENATE CAREER COVERED NOTABLE ACHIEVEMENTS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. RANDOLPH. Mr. President, the close of the 93d Congress marked the end of one of the most illustrious careers in the history of the U.S. Senate. Senator J. WILLIAM FULBRIGHT of Arkansas is best known for his activities to promote and protect world peace as former chairman of the Senate Foreign Relations Committee. His prominence in this field overshadowed his service on behalf of the education, health, and welfare of our Nation's citizens.

It is not generally known that the Senator from Arkansas was one of the early proponents of Federal aid to education. The legislation that is most closely associated with Senator FULBRIGHT is the international educational exchange program which came to bear his name—the Fulbright Scholarships, which I voted for as a House Member in 1946. Over the past two decades, more than 140,000 persons from several countries have participated. The cost has been a relatively small amount for one of the most successful efforts to improve international understanding.

As a member of the Senate Subcommittee on Education, I can attest that Senator FULBRIGHT's support for education has been strong and continuous. He was a sponsor of the landmark Elementary and Secondary Education Act of 1965, the National Defense Education Act, the school lunch program, and the 1972 Comprehensive Child Development Act. He also was a supporter of occupational, vocational, and adult education programs, and many other education bills.

The sense of loss at the departure of Senator FULBRIGHT should be accompanied by a sense of challenge. He has served this country well as one of its foremost spokesmen over the past 30 years in Congress. It is our responsibility to accept the challenge he fostered of advancing the interests of world peace and domestic well-being. Mary and I wish the best of good living to BILL and ELIZABETH and their family in the years ahead.

EXPLANATION OF VOTE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ANNUNZIO. Mr. Speaker, I was recorded as not voting on December 20 on roll No. 727 on the conference report on H.R. 620 to establish within the De-

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partment of the Interior an additional Assistant Secretary of the Interior for Indian Affairs. I was present and did vote "aye"—and apparently, the recording machine did not record my vote. I want the RECORD to show my position and my vote on the conference report on H.R. 620, which was an "aye" vote.

AFTER 32 YEARS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FISHER. Mr. Speaker, the 93d Congress has adjourned. More than a year ago I announced my retirement at the end of this year, completing a total of three decades and 2 years in the Congress.

This has been an historic period. Three wars have been fought; much tragedy has been suffered; seven different Presidents have occupied the White House; we have witnessed moon landings; television and jet propelled aircraft have appeared; and many other magnificent scientific and technological breakthroughs have occurred.

Perhaps this is a good time to briefly review some of the highlights of the various administrations. This calls for objectivity, the laying aside of partisanship and emotionalism.

SEVEN PRESIDENTS

Franklin D. Roosevelt was in the White House when I was sworn in back in 1943. The war was then at its peak, and I think history recognized FDR as a wartime President who performed well in rallying the American people behind the war effort and in his relationship with Winston Churchill and other allied heads of state. He provided strong wartime leadership.

On the domestic front history records some question marks, although during the depression Roosevelt did impose some wise and necessary emergency measures. Elected on a balance-the-budget platform, he lost no time in scrapping that design and proceeded to inaugurate a number of new programs, many of them unrelated to relief for the unemployed.

Favored by a rubber stamp Congress, FDR pushed through pet measures drafted by braintrusts at the White House, including the National Recovery Act—NRA—which the Supreme Court held unconstitutional. That triggered the abortive attempt to pack the Supreme Court by adding more members to that tribunal. The Senate blocked that effort, but vacancies soon occurred which were filled by vocal and dedicated New Dealers.

That marked the first undisguised move by a President to choose judges who would be disposed to place philosophical commitments ahead of constitutional mandates.

While the Roosevelt years produced some worthwhile legislative enactments, it also witnessed the surfacing of the socialist-minded and the liberals, many

of whom were taken into the Government and left their marks. In a way, it inaugurated a new era, some changes in the American way of life; tampered with the free enterprise system, and played havoc with some cherished American traditions.

As a politician, FDR capitalized on the depression to court favor with America's blacks. With Eleanor's help, vast numbers of Negroes were enticed to leave the Republican Party, the party of Lincoln and emancipation, and most of them have been aboard the Democratic bandwagon ever since.

HOOVER, A PATRIOT

Incidentally, speaking of the depression, I think history confirms the fact that Herbert Hoover had absolutely nothing to do with bringing on the depression in the 1930's, although he got much blame for it. The depression was worldwide and would have occurred regardless of who was in the White House. Hoover was a man of great compassion. As a patriot and statesman he was preeminent.

Few people know that President Hoover never accepted pay for his services while in the White House. His monthly checks were all returned to the Treasury.

FDR AND STALIN

I recall the last time I ever saw President Roosevelt. It was on March 1, 1945, when he addressed a joint session of the Congress to report on the Yalta conference. He sat in a wheel chair and was obviously a sick man.

The American press had been critical about some reported concessions at Yalta, and FDR gave his personal assurance that we could trust Stalin and that all was well. Among other things, Stalin had given assurance there would be post-war free elections in all the Russian-occupied Balkan States—elections that have not yet been held, 30 years later.

Six weeks following his last appearance in Congress, Roosevelt was dead.

HARRY TRUMAN

Then came Harry Truman of Missouri, a product of the Pendergast machine, who gained prominence as a Senator and Vice President, and possessed many admirable qualities.

I would say, from my viewpoint, Truman will rate fairly high in history, due largely to three or four major historic actions. He ended World War II by ordering use of the atomic bomb, after first calling in vain for Japanese surrender. He provided aid for the Greeks against Yugoslav-based guerrillas; he approved the Marshall Plan, and he ordered the Russians to keep their word and get their troops out of Iran, which they proceeded to do.

Like Roosevelt, on the domestic front Truman, in my judgment, left much to be desired. Like Roosevelt, he was unduly beholden to labor leaders, vetoed the Taft-Hartley Act and the Hobbs Act at the behest of Bill Green and Phil Murray, and virtually allowed Murray to dictate the terms of his veto of a tax bill, which inspired an impassioned Senate speech by Senator Barkley.

Near the end of his regime Truman

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was so pro-labor that he stubbornly refused to invoke the Taft-Hartley Act to stop a devastating long-drawn-out steel strike that brought the Nation to its knees. Finally, when the situation became intolerable and his hand was forced, instead of invoking the law Truman ordered the Government to take over the steel plants—an unprecedented action which was promptly held unconstitutional by the Supreme Court.

To his credit, however, when a nationwide railroad strike was imminent, Truman asked Congress to put all railroad workers in the Army, to be subject to courts martial and under his control as Commander in Chief. The request was promptly approved by the House, and the strike was then called off before the Senate could act.

DWIGHT EISENHOWER

Then came Dwight Eisenhower, a national hero, who for 8 years served the Nation well. He was not a crusader, and he came along at a time when Americans were ready for some tranquility at the White House. They were weary of New Deals and Fair Deals. He soon brought the Korean war to an end, and he bolstered our moves against Communist threats, both at home and abroad.

Ike was economy minded, and although spending was high the budget was balanced on at least two occasions, as I recall, during his tenure. He followed policies of good will and conciliation, rather than force and compulsion, in coping with racial and labor problems.

Two unfortunate mistakes made by Eisenhower, which he later regretted, was a veto of a natural gas bill and the appointment of Earl Warren to be Chief Justice of the Supreme Court.

Of the Presidents who preceded Gerald Ford, Eisenhower was the only one, with the exception of Nixon, who did not kowtow to labor leaders. He treated them fairly, but he was tough and forthright when the occasion required it. For example, on the night before the Landrum-Griffin Act was voted upon and approved in the House, Ike went on a national TV hookup to urge support of the legislation to deal with secondary boycotts and other needed reforms. The unions, with no valid reason, fought that bill bitterly, but the President took the issue to the American people, and he got the job done.

Texas, of course, will never forget the debt they owe Eisenhower for signing the bill which confirmed title to their tidelands, which was in accord with the terms of the admission of Texas to the Union—legislation which during the preceding campaign Adlai Stevenson had promised if elected he would veto.

Incidentally, it was my honor and privilege to be named by the Speaker as one of the two Members to represent the House of Representatives at the Eisenhower funeral at Abilene, Kan.

JOHN KENNEDY

The Kennedy New Frontier days were too brief for us to form very much of an appraisal. Had he listened more to his father Joe and less to his brother Bobby, I personally think John Kennedy would have been much better off.

In terms of history Kennedy faltered, I think, by refusing to provide essential air support for the Bay of Pigs operation, after the CIA, with administration knowledge, had helped plan and direct the attempted invasion of Cuba. Had there been air support at the critical time, military experts believe the Castro regime would have fallen, the Monroe Doctrine would have been upheld, and there would have been a different ball game.

As is well known, Kennedy was extremely pro-labor, pro-minority blocs, pro-liberal, and was socialistically oriented. He was a crusader and, whether intended or not, his policies fomented a great deal of racial unrest throughout the country.

LYNDON B. JOHNSON

It is too early for a proper perspective to evaluate the Lyndon Johnson record. He was a dynamic leader, often described as a wheeler-dealer who had a habit of counting the total number of bills enacted each year as an indicator of the success of his administration.

In the name of Great Society he initiated many antipoverty and an array of multibillion-dollar social measures, the mounting costs of which, since that time, have burdened the annual budgets. That can be good, or otherwise—depending on the way you look at it. Personally, I took a dim view of most of the budget-busting Great Society ventures and voted against them. Maybe that makes me an old fogey, but that was the way I saw it then—and still see it.

Although hampered by unfortunate miscalculations in military strategy, such as giving sanctuary status to the enemy's big port of Haiphong and the Hanoi area, Lyndon Johnson is entitled to much credit for his determination to defeat the Communists in the south and bring peace to Southeast Asia. For this patriotic move, he was mercilessly vilified by pro-Communists at home and, of course, by the Communist warlords in Hanoi.

A multitude of civil rights and welfare measures, some of them ill considered and counterproductive, sailed through the Congress, particularly the notorious rubberstamp 89th Congress, with L. B. J. pressing the movement.

Johnson's tenure in the White House was plagued by antiwar demonstrations, campus revolts, and a succession of Negro riots which struck in California at Watts, in New Jersey, in Detroit, in Washington, and elsewhere, with total property damage exceeding \$1 billion.

These outbreaks cannot be charged to the White House, but some of the emotional outbursts are traceable to excessive civil rights legislation, and the accompanying agitation and utopian promises from political opportunists and radical leaders in the crusade. The Congress must share a major part of any guilt associated with that legislation.

RICHARD NIXON

Following Johnson came Richard Nixon. If we can lay aside the tragedy of Watergate for a moment, we can better appraise the overall Nixon record.

History will record that Nixon's courageous and timely policies brought the

Vietnam war to a halt, obtained release of prisoners of war, and brought 500,000 American troops home.

I thought Nixon performed right well in helping bring the October 1973 Middle East conflict to an end, with some hope for a permanent settlement. And, not to be overlooked, was his four appointments to fill vacancies on the Supreme Court, which changed the complexion of that previously discredited tribunal. For this, history will undoubtedly give Nixon some high marks.

Only the future can appraise the dialog Nixon established with the Chinese and the Soviets. It was, in any event, a breakthrough which was widely acclaimed throughout the Western World.

GERALD FORD

It is, of course, far too early to make a responsible judgment about the present incumbent, Gerald Ford. His attitude on many issues and his general philosophy were well established during his 25 years in Congress, the last few as Republican leader in the House.

In general terms, the voting record reveals that Ford ordinarily takes the conservative approach, and he has always shown much awareness for our national defense and its importance.

As I see it, it behooves all Americans to support any President, regardless of party affiliation, so long as he moves in the right direction.

THE FUTURE

That concludes a very sketchy discussion of the various Presidents who have served during the last third of a century. As we turn our attention to the future, there are many imponderables.

When I came to Congress the public debt was \$43 billion. Today it approaches \$400 billion. Interest alone on that debt exceeds \$30 billion annually at this time.

It follows that the future of this country is linked very closely to the management of the public debt, to our fiscal policies, to our ability to spend no more than is taken in, and to hopefully begin a planned reduction on what the Nation owes. Control of inflation is closely related to the success of that policy.

We know that mismanagement of fiscal affairs, and a continuation of deficit spending, may very well lead to repudiation of debts, devaluation of the dollar, or other disastrous consequences.

BIG GOVERNMENT

Only recently I received a package, weighing nearly 4 pounds, which contains a listing of a multitude of Federal programs for assistance to the States. During the past two or three decades we have witnessed a frightening diminution of rights and responsibilities traditionally and properly belonging to the States and local governments.

The irony of much of this burgeoning practice, of getting checks from Washington, is that the only money the Federal Government has or can have is through the process of taxation. There cannot be much net gain from sending tax dollars to Washington, pay for the bookkeeping and overhead, and then returning what is left—or a portion of it—back to where it originated.

To process and administer these pro-

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grams, big government has become bigger and bigger. American people have become captive of a sprawling bureaucracy over which they have little if any control. The Congress, through endless open-ended and often blank-check delegations of power, must bear most of the blame for this deplorable condition of government by bureaucracy.

Along with and as a part of this unhealthy development, has come power to issue arbitrary and often ill-considered controls and directives, many of which baffle and strangle normal business operations and local governmental functions. Think, for example, of the Occupational Safety and Health Act—OSHA—Office of Economic Opportunity—OEO—Equal Employment Opportunities Commission—EEOC—Environmental Protection Agency—EPA—and literally scores of others, too numerous to list here.

This trend has created an anomalous situation, where in reality the American people are getting far more Government than they need and more Government than they really want. But somehow Federal dollars have a magic appeal, and the stampede to Washington continues.

SUPER LOBBYISTS

This Federal growth has been goaded along by the presence of an array of what we will call super lobbyists. I am referring in particular to such power lobbyists as the Naders with their Raiders, the John Gardners with their Common Cause, the environmental and consumer extremists, and scores of others who make it their business to expolit popular issues—and get paid for it. It goes without saying that every sensible person wants pure water, clean air, a pleasant environment and good government. But I am speaking of the extremists in these movements.

Well heeled financially, and flexing their muscles, these ultraliberals would go further and change the structure of the Congress and the entire Government, subjects about which they so often know so little in practical terms.

What is needed in Washington these days is less Common Cause and more common sense.

All sorts of definitions are given those who participate in the tug-of-war over the productive energies of our people. Here is a definition of an extremist: He is one who when he attempts to look through a window and cannot see, chooses to break it instead of cleaning it.

A modern day liberal, not a genuine Jefferson-type liberal, is one who suffers from high-level feeling, low-level thinking, and has a constant urge to spend other people's money.

The country is plagued with this crop of pressure lobbyists. They are super salesmen when it comes to playing on emotions, viewing with alarm, and appealing for funds to carry on in pursuing their grand strategy for more power and control over governmental processes. Unfortunately, the rank-and-file so often get a distorted side of the picture that is cleverly presented to them.

NEWS MEDIA POSE DANGER

Again referring to the pressure groups and the trends—these people are often

aided and abetted by like-minded segments of the news media. There are, of course, both responsible and irresponsible segments. I am speaking of the latter.

Freedom of the press is great, but abuse of that freedom may be worse than no freedom at all. It has been said that treason cannot be justified on the grounds of "freedom of the press" any more than rape can be justified on the grounds of "pursuit of happiness." In recent years we have seen a good many abuses in this regard, where news and documentaries are tainted with self-serving propaganda.

In this electronic age of television and radio, along with the printed word, a new dimension has been added to the responsibility of the media—a dimension never contemplated by the founding fathers who wrote the Constitution. At a time of instant communication, when a small farm house in a remote area gets the news the moment it is put on the air, and relies upon that source, the awesomeness of modern day media becomes self evident.

Thus, coordinated broadcasts, or advancement of a cause, can wield tremendous influence in the molding of public opinion. They possess the potential power to make or break an issue, or make or destroy an individual they like or dislike. To use an old adage, is this not more power than good men should have and more power than bad men should want?

Abuse and better control of this cherished freedom needs to be reexamined, in the light of what is best for the people who are, in a manner of speaking, at the mercy of the newscasters.

THE OUTLOOK

While the outlook for improvement is by no means hopeless, it is, to say the least, discouraging. It is a known fact that the general quality of the Congress has deteriorated in recent years. We all know that. Since every Member of the Congress is elected by the people, it follows that the public must assume responsibility in this respect.

The recent election scares me because it offers little likelihood for improvement. A total of 92 new Members were elected to the House in November. While I am sure some good men and women are among them, the press reports they are predominantly liberal, with an antimilitary mixture. The press reports many of them are committed to more welfare, more social services, bigger Government in Washington, less national defense.

Already ominous developments have taken place in caucuses held by House Democrats, including the 75 new Members who will be in the 94th Congress. The traditional and time-tested seniority system, which recognizes experience and assures a measure of stability in the all-important committee system, came under attack. Drastic changes were ordered in the committee selection process, designed to allow packing of certain key committees with inexperienced and often poorly qualified liberals.

Thus, instead of being realistic and progressive, it appears likely the next Congress will be moving backward in

those respects. This so-called "reform" coincided with heavy lobby pressure which plugs for more social legislation, more Federal spending, a weaker national defense, and more Federal involvement in the lives of American people. To achieve these objectives, it is well known that lobbyists, like Common Cause, have for some time been demanding more liberal control of the congressional committee system. And it now appears they have achieved a resounding victory, at least for the present.

PARTY REALIGNMENT?

Mr. Speaker, has the evolution of the two-party system reached the point where in national elections the average voter is befuddled by lack of clear-cut ideological choices? Is it time for a realignment of political parties in order to better accommodate the electorate along broad philosophical lines?

A reading of platforms of the two major parties provides little comfort for those who seek an ideological preference.

In the Congress there is a mixture of conservatives and liberals in both parties, with liberals being more predominant among the Democrats. Republican Governors recently called for the GOP to move leftward in order to better compete with Democrats. The Republicans' affluent Ripon Society is notoriously liberal.

The National Democratic Party has evolved into a conglomerate, providing a shelter of convenience for scores of factions and shades of thinking, many of them poles apart in terms of ideology.

Many people have told me they would like to be able to vote "conservative," while others have said they would like their vote to be counted on the "liberal" side. Therefore, taking a page from the British, would it not be desirable to consider a realignment which would make such a choice available?

To argue that the modern-day Democratic Party is "the party of the people," and the Republican Party is "the party of entrenched wealth," and the like, is to beg the question and ignore reality. There are admittedly extremes in both parties. The question is: Does the present system really lend itself to meaningful choices on the part of average voters who, above factionalism, entertain overriding ideological preferences?

Perhaps such a realignment will eventually come, as necessity itself may dictate.

POWER OF THE PEOPLE

Despite the distressing picture, as related to big Government and the trends, I am optimistic. There will be other elections. Our Nation is not falling apart. It is still strong and viable.

Our strength essentially lies in the people and their capacity to discern and perform, at the ballot box and elsewhere, even in the face of adversity. Surely a Nation that has the capacity to land men on the moon has the ingenuity and the resources to learn the truth and find acceptable solutions for our problems, however difficult they may appear to be.

But it will take some doing, and the hour is growing late.

ED YOUNG

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, Ed Young, though here a short time, made a record in this Congress that I am proud of. As his dean and colleague from South Carolina, I admired and respected him as much as any new Member who came here during the last quarter century. He was always affable, outgoing, and was good therapy just to be around.

Ed Young served our country with great honor and distinction during World War II. He was an outstanding combat pilot who helped turn back the tide of ruthless aggression in the Southwest Pacific. As a result of this experience, Ed Young has been determined to keep America strong to avoid war. He believes that the best way to preserve peace is through strength. Therefore, he supported every measure to strengthen our military for peace. Ed supported our veterans at every opportunity. He believes that a veteran who wore the uniform of our country in time of war is a special individual and that he, his widow and orphan are entitled to veterans preference. I shall always be grateful for his splendid cooperation in supporting our veterans and our peace forces deployed the world over.

Ed Young is truly a "son of the soil." Like Washington and Jefferson his first love is agriculture. He has devoted much of his time in and out of Congress to helping the American farmer. Ed Young knows better than anyone I know the necessity of keeping agriculture strong. Agriculture is the foundation of our economy and Ed Young has devoted much of his life to improving the lot of the farmer.

Ed Young is a Christian gentleman upholding always the highest standards of morality and ethics. He was a faithful member of the House Prayer Breakfast. When serving as an official in this group I could always depend on Ed Young to help in every possible way.

Ed Young's service here in the Congress was outstanding. He is a true statesman, a patriotic American and fearless fighter for noble causes. Mrs. Dorn joins me in wishing for Ed, his lovely wife Harriet, and wonderful and charming daughters every continued success and happiness always. They have my respect, admiration, and highest esteem.

RETIREMENT OF FRANK A. STUBBLEFIELD**HON. JOHN J. ROONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, during my 30-plus years here in this Chamber it has been my pleasure to come to know and to serve with many fine men of extraordinary talent and

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abilities, men who have placed service to their country over and above their own desires and private lives. Such a man is my friend, the Honorable FRANK A. STUBBLEFIELD of Kentucky.

During FRANK's 16 years here in this body he has set a personal standard of dedication and devotion to duty that will stand for many years. He has greatly contributed to the betterment of both this legislative body and his beloved country.

I should like to advise the incoming new Members of this House, Mr. Speaker, that they use the record of FRANK STUBBLEFIELD of Kentucky as their yardstick and guide for their own careers while they are here in the House.

The people of the First District of Kentucky will greatly miss the able leadership and representation that FRANK has supplied them with over these past 16 years. Mrs. Rooney joins me in wishing FRANK STUBBLEFIELD a long, healthy, peaceful, and prosperous retirement in the many, many years to come.

TRIBUTE TO HON. WILLIAM JENNINGS BRYAN DORN**HON. JAMIE L. WHITTEN**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. WHITTEN. Mr. Speaker, it is with sincere regret that at the end of this present session, we will lose the services of our good friend, Congressman WILLIAM JENNINGS BRYAN DORN. He and I have served together for many years here, and our friendship has always been close.

An outstanding Member of Congress, chairman of the Veterans Committee, a most talented speaker and a tireless worker, BRYAN DORN will leave his mark on the annals of the Congress, a credit to him and to his family and one that we all could well emulate.

I join in the expressions made by his many friends here and wish for him and his family many happy and prosperous years.

HON. WILEY MAYNE**HON. WM. JENNINGS BRYAN DORN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, our friend and colleague from Iowa, Hon. WILEY MAYNE, has rendered superb service to the Nation and will be greatly missed here. I am personally aware of his great efforts in behalf of the Nation's beef industry. And, of course, the Nation is appreciative of his legal statesmanship and his dedicated and conscientious treatment of one of the most difficult proceedings in the history of the Congress.

Mr. Speaker, WILEY MAYNE is one of the Nation's most distinguished at-

torneys and we predict for him a bright future in public service. He is a gentleman, one whom we were pleased to call a friend. To Congressman and Mrs. Mayne we wish much happiness and the best always.

RETIREMENT OF EDITH GREEN**HON. JOHN J. ROONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, I rise again to pay tribute to my highly capable, distinguished colleague and friend from Oregon, the Honorable EDITH GREEN, as she, like myself, prepares to retire from this most august body.

The career of EDITH GREEN has been as diverse as it has been great. She has won numerous awards as a teacher, as a director of public relations for the Oregon Education Association, in commercial radio work, as well as a Member of this body. She has been awarded 29 honorary doctorate degrees including doctor of laws, humanities, humane letters, public affairs, and public administration.

The people of the third district of Oregon as well as all the rest of the American people will sorely miss the effective and capable leadership that has marked the long career of EDITH GREEN.

Her outstanding career in public service here in the House of Representatives may be used as a model of excellence and dedication by those who would follow in her footsteps.

Mrs. Rooney joins me in wishing EDITH GREEN and her sons Godspeed, glowing health, and happiness in her forthcoming retirement.

ACCOMPLISHMENTS OF THE 93D CONGRESS—REPORT TO THE PEOPLE OF THE 4TH DISTRICT OF WISCONSIN**HON. CLEMENT J. ZABLOCKI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ZABLOCKI. Mr. Speaker, with the 93d Congress having just completed, as has been my practice ever since being elected as the Federal Representative of the Fourth District of Wisconsin, I submit a report of the major actions of the 93d Congress to my constituents. Obviously, this summary will not completely satisfy each and every one of them. There should be no doubt, however, that in representing the people of my district I have in good faith and conscience always tried to work in their best interests.

The last 2 years in our country, as well as in the world, have been a period of tension, uncertainty, and difficulty.

From severe food and energy shortages, to prolonged paralysis and instability in the executive branch, to double-digit inflation and deepening recession

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at the same time, to mass starvation in Africa and armed conflict in the Middle East, and other developments during the past 2 years have shaken the stability of the Western World. Without exaggeration, the confidence of the American people and the will of the 93d Congress to respond to these and other complex and serious problems had been under most severe strain.

Accordingly the 93d Congress has been particularly demanding and even, at times, exhausting. The 93d Congress was productive and responsive to many of the domestic and international problems facing our country. Significantly, the 93d Congress demonstrated its value as a stabilizing institution in our National Government, especially during the Watergate affair. Two Vice Presidents were confirmed under the new 25th amendment. The painful but necessary impeachment proceedings against former President Nixon were carried out in a responsible and constructive manner.

While the impeachment proceedings and subsequent resignation were undoubtedly dramatic and historic, they should not overshadow the legislative achievements of the 93d Congress which are of great importance to the American people, and which affect how our governmental system operates presently and for many years in the future.

The two major examples of legislation having tremendous implications on how our constitutional system will operate over a long term are the war powers resolution, of which I was proud to be the chief sponsor, and the Budget Impoundment Control Act. While impeachment has received most of the headlines during the 93d Congress, these two pieces of legislation will have far more impact in the years to come on how our Nation is governed.

As you have stated yourself, Mr. Speaker, the War Powers Resolution is a "historical" legislation returning to the Congress the constitutionality mandated power to declare war. Unfortunately, in the face of the complexity of the modern world, there had occurred a gradual erosion of the congressional war-making authority in the 20th century.

In enacting this landmark piece of legislation over a Presidential veto, the 93d Congress reasserted its constitutional right and responsibility to determine whether this Nation shall go to war.

Just as the War Powers Resolution returns to the Congress its proper role in foreign affairs, the Budget and Impoundment Control Act has given the legislative branch renewed vigor to act in domestic economic affairs. This reform measure gives the Congress both greater ability to exercise its power over the purse more effectively, as well as greater strength in dealing with impoundments of appropriations by the President.

The 93d Congress has also initiated, developed, and enacted major significant legislation protecting the security of a vast segment of the American people in passage of the pension reform bill. This legislation corrects many of the flaws in the private pension plans controlling the annuity rights of more than 30 million Americans. The law also assures workers their rights to their pensions, provides

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for pension reinsurance, and assists pension programs to be solvent.

Recognizing the need to restore public confidence and trust in our political system, the 93d Congress enacted the Campaign Finance Reform Act of 1974 to restrict the influence of big money in Federal elections. The new law sets limits on campaign expenditures and contributions and strengthens the dollar checkoff laws with respect to Presidential elections.

ECONOMY AND ENERGY

Our Nation is currently facing an unusually severe economic dilemma of continued double-digit inflation and a deepening recession at the same time. Compounding this situation has been the continuation of our domestic energy problems as seen in major price increases over the past 2 years and continued shortages of gas and oil.

In an attempt to put the country back on its financial feet, Congress stiffened antitrust laws including increased penalties for violations, and passed new trade reform legislation which will permit Presidential reduction of tariff barriers to stimulate trade.

In addition, legislation assisting those who have been most hurt by the economic crunch has been initiated. The Emergency Jobs and Unemployment Assistance Act was passed to fund an additional 300,000 public service jobs throughout the country. Additional provisions allow up to 13 weeks of federally financed extended unemployment benefits to those who have exhausted regular compensation and to those not covered under existing State unemployment laws.

Finally, in an effort to prevent food shortages and increase food production, Congress enacted the Food and Agriculture Act which is aimed at increasing farm production and thereby reducing pressures for higher food prices.

Long overdue legislation making the Nation less dependent upon foreign energy sources was completed by the 93d Congress. We authorized the immediate construction of the Alaskan pipeline; established maximum speed limits on national highways at 55 miles per hour; initiated programs to demonstrate the feasibility of using solar energy to heat and cool; and established an independent Federal Energy Administration to coordinate energy programs and to evaluate future energy supplies and needs.

SENIOR CITIZENS AND VETERANS

During the 93d Congress, approval was given to an 11-percent social security increase. In addition, benefits for our senior citizens were expanded under the Older Americans Act of 1965 and the Supplemental Security Income Act was enacted establishing minimum payments for the needy, blind, disabled, and aged.

Despite Presidential vetoes, the 93d Congress took effective action to assist veterans and their dependents. Education benefits were increased by 22.7 percent, monthly pension payments by 12 percent, and vocational rehabilitation benefits for veterans were extended. Approval was also given to a measure designed to help veterans obtain home loans and to extend veterans' eligibility for insured loans used to purchase condominiums.

INTERNATIONAL AFFAIRS

The 93d Congress has been most constructive and innovative in the area of international affairs. During the first session, Congress adopted the already-mentioned war powers resolution. In addition, following the leadership of the House Foreign Affairs Committee, Congress initiated major foreign assistance legislation directing U.S. aid to the poorest peoples in the less-developed countries.

During the second session, Congress strengthened its oversight of U.S. overseas operations and approved a revised Foreign Assistance Act vitally important to the future conduct of U.S. foreign policy.

For the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, which it is my privilege to chair, the 93d Congress was a particularly active and in many ways successful 2 years. First among its accomplishments was the already-mentioned War Powers Act of 1973.

In addition, the subcommittee held extensive hearings on U.S. chemical warfare policy. The new understanding generated in these hearings is credited with the Senate's recent and unanimous ratification of the Geneva Protocol and the Biological Convention both of which represent significant restraints against chemical warfare. The hearings were also instrumental in deleting the appropriation of \$5.8 million in funds for a new binary nerve gas weapons system.

Finally, as a result of the subcommittee's study and hearings on the Arms Control and Disarmament Agency, proposed legislation will be presented early in the 94th Congress to strengthen the role of the agency in furthering U.S. arms control policies and enhancing the prospects of reducing defense expenditures by successfully negotiating additional reductions of nuclear and non-nuclear armaments.

THE 94TH CONGRESS

Mr. Speaker, in citing these accomplishments I realize that I have not mentioned all the activities but rather to highlight some of the major actions which characterize the responsible and effective performance of this Congress.

Notwithstanding the many accomplishments of the 93d Congress, there is important business for the 94th Congress to consider and act upon over the next 2 years. As we approach the next 2 years, Mr. Speaker, I would like to take this opportunity to congratulate our fellow colleagues who, under your fine leadership, manifested the necessary dedication and courage to respond to the admittedly difficult and turbulent past 2 years. Indeed, I am most proud to have served in the 93d Congress and strongly feel that it can serve as a positive example to the Members of the 94th Congress.

Mr. Speaker, let us look forward to the challenges of the 94th Congress and, on my part, I pledge to continue to do my utmost on behalf of the people of the Fourth Congressional District of Wisconsin and the Nation.

The following is a summary of my attendance record, position, and voting record on some of the major issues considered during the 93d Congress:

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VOTING RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, 93D CONG.

Position	Issue	Status	Position	Issue	Status
NATIONAL ECONOMY			SOCIAL SECURITY AND HEALTH		
Voted for.....	Extension of President's authority to control prices, rents, wages and salaries, and other provisions to combat unemployment and inflation.	Became law.	Cosponsored.....	Eleven percent in social security benefits rising by 7 percent in March 1974 and an additional 4 percent in June 1974	Became law.
Voted for.....	Legislation encouraging domestic food production and eliminating subsidies in times of high market prices.	Became law.	Supported.....	Reforms in social security medicare, medicaid, and welfare programs.	Pending.
Voted for.....	Extension of interest equalization tax to stem outflow of dollars.	Became law.	Sponsored.....	Reduced social security benefits for retirees at age 60.	Pending.
Voted for.....	Federal assistance to areas suffering from high unemployment and underemployment.	Became law.	Supported.....	National health insurance program.	Pending.
Voted for.....	Extension of unemployment insurance benefits.	Became law.	Cosponsored.....	Establishment of a House Select Committee on Aging	Became law.
Supported.....	Legislation to develop flood control programs and demonstration projects to prevent shoreline erosion.	Became law.	Voted for.....	Extension and expansion of programs to assist the elderly.	Became law.
Voted for.....	Limits on interest rates for FHA mortgages and VA guaranteed loans.	Became law.	Voted for.....	Establishment of a National Center on Child Abuse and Neglect.	Became law.
Supported.....	Extension of programs of urban housing, water and sewers, and other community developments.	Became law.	Voted for.....	Assistance to domestic volunteer programs including senior volunteers and foster grandparents.	Became law.
Cosponsored.....	Tax reform legislation to close tax loopholes and provide additional Federal revenues.	Pending in House.	Voted for.....	Increase in minimum payments for the needy, blind, disabled, and aged.	Became law.
Voted for.....	Extension of Federal assistance to improve local economies suffering from inflation and to create permanent jobs in areas suffering from recession.	Became law.	Voted for.....	Legislation to establish an independent corporation to replace the OEO's legal services program to assist the poor.	Became law.
Voted for.....	Modification to export legislation enabling the Federal Government to impose temporary export controls in situations of short domestic supply.	Became law.	Voted for.....	Establishment of health maintenance organizations and providing for more preventative medicine.	Became law.
Voted for.....	Legislation increasing Federal deposit insurance from \$20,000 to \$40,000.	Became law.	Voted for.....	Legislation providing Federal aid to area-wide systems of emergency medical care.	Became law.
Voted for.....	Establishment of a Council on Wage and Price Stability to monitor the economy and review Government programs with regard to inflation.	Became law.	Cosponsored.....	1-year extension of public health programs, comprehensive health services, migrants' health programs, and community health centers.	Became law.
Supported.....	Imposition of an excess profits tax and reduction of the oil depletion allowance.	Pending in House.	Voted for.....	Increased Federal assistance against lead-based paint poisoning.	Became law.
Voted for.....	Legislation authorizing up to 13 additional weeks of benefits for covered workers who have exhausted regular benefits.	Became law.	Voted for.....	Legislation authorizing educational and preventive programs dealing with drug and alcohol abuses.	Became law.
Voted for.....	Emergency creation of public service jobs and unemployment assistance for those not previously covered.	Became law.	Voted for.....	Legislation authorizing an attack on diseases such as arthritis and cancer.	Became law.
Voted for.....	Legislation releasing authorized and appropriated rural water and sewer funds.	Vetoed.	Voted for.....	Extension for three additional years of nutritional programs for the elderly.	Became law.
			Voted for.....	Legislation providing social services such as day care for children and feeding of indigent elderly.	Became law.
CONSTITUTIONAL ISSUES			EDUCATION AND LABOR		
Sponsored.....	Legislation reasserting Congress' constitutional role in the war-making areas.	Became law over President's veto.	Voted for.....	Legislation increasing minimum wage and extension of minimum wage coverage.	Became law.
Cosponsored.....	Legislation prohibiting impoundments unless approved by congressional action.	Became law.	Voted for.....	Educational rehabilitation for the handicapped.	Became law.
Cosponsored.....	Legislation improving congressional control over the Federal budget including reform of budgetary process.	Became law.	Voted for.....	Increased aid to school nutrition programs to offset rising food costs.	Became law.
Voted for.....	Confirmation of Gerald R. Ford as the 40th Vice President of the United States.	Became law.	Voted for.....	Increased individual grants to 1st year, fulltime college students.	Became law.
Supported.....	Investigative hearings into the activities of the President to determine whether or no grounds exist for impeachment.	President Nixon resigned.	Voted for.....	Legislation approving job training bill and developing comprehensive manpower training policy.	Became law.
Supported.....	Legislation to establish criteria covering and restricting the use of executive privilege.	Pending in House.	Voted for.....	Legislation expanding legal services to a greater number of blue collar and middle-income working Americans.	Became law.
Voted against.....	Confirmation of Nelson A. Rockefeller as the 41st Vice President of the United States.	Became law.	Voted for.....	Liberalizing eligibility requirements for railroad retirement and extending benefit increases.	Became law.
Voted for.....	Legislation prohibiting the destruction of former President Nixon's official tapes and papers assuring public availability.	Became law.	Sponsored.....	Provision for tax credit up to \$400 for tuition paid for nonpublic elementary and secondary education.	Pending.
Voted for.....	Amendments strengthening and clarifying the Freedom of Information Act.	Became law over President's veto.	Voted for.....	Legislation revising and extending elementary and secondary education programs including special projects for education to deprived children.	Became law.
Voted for.....	Increased penalties for violation of antitrust laws.	Became law.	Voted for.....	Legislation improving programs to protect the rights of the mentally retarded and other disabled persons.	Became law.
Voted for.....	Legislation requiring that certain executive branch agencies release information concerning the agencies' activities.	Vetoed.	Voted for.....	Pension reform legislation which assures some 30,000-000 Americans of their rights to their pensions, provides for pension reinsurance, and assists pension programs to be solvent.	Became law.
Voted for.....	Confirmation of the Director of the Office of Management and Budget (OMB) by the Senate.	Vetoed.			
ENERGY, NATURAL RESOURCES AND ENVIRONMENT			VETERANS AND NATIONAL DEFENSE		
Voted for.....	Legislation authorizing a variety of emergency measures to conserve and allocate available energy resources and to implement energy conservation measures.	Became law.	Voted for.....	Comprehensive veterans' health care legislation and health manpower training programs for veterans.	Became law.
Voted for.....	Construction of the Alaska pipeline.	Became law.	Supported.....	12-percent increase in the monthly pension payments to single and married veterans.	Became law.
Voted for.....	Reorganization and consolidation of national energy research development projects.	Became law.	Voted for.....	Increase in veterans' funeral and burial allowances and the establishment of a national cemetery system.	Became law.
Voted for.....	Legislation to curb discharges of oil from ocean-going vessels and to regulate oil tankers.	Became law.	Voted for.....	Tax relief for military and civilian POW's returning from Vietnam.	Became law.
Voted for.....	Legislation to reduce gasoline fuel consumption by reducing national speed limit to 55 miles per hour.	Became law.	Voted against.....	Excess cuts in manpower, research and development and construction funds affecting our national security.	Became law.
Voted for.....	Increased coverage of national flood insurance for communities designated as flood-prone areas.	Became law.	Cosponsored.....	\$750,000,000 cut in the military weapons procurement and research development systems.	Became law.
Voted for.....	Extension of solid waste disposal systems and waste recycling programs.	Became law.	Voted for.....	22.7 percent increase in veterans' benefits and extension of veterans' rehabilitation benefits.	Became law over President's veto.
Voted for.....	Reimbursement to communities for full amount of Federal assistance authorized for sewerage control treatment between 1965 and 1972.	Became law.	Voted for.....	Increased maximum annual income limitations for eligible veterans and their survivors receiving pension.	Became law.
Voted for.....	Legislation to further the development of testing for large scale commercial use of solar systems in heating and cooling homes and offices.	Became law.			
Voted for.....	Establishment of procedures for the location, construction and operation of deepwater ports off the United States coast.	Became law.	TRANSPORTATION, HOUSING, CONSUMERS		
Voted for.....	Reasonable controls providing for the environmentally acceptable strip mining of coal and for reclamation of mined-out areas.	Pocket vetoed.	Supported.....	Three year extension of interstate highway system and allocation of funds for urban mass transit by 1976 from the highway fund.	Became law.
Voted for.....	Establishment of national drinking water standards with States to have primary enforcement responsibility.	Became law.	Voted for.....	Legislation authorizing purchase of private bus systems and offering public mass transit companies Federal subsidies for operating expenses.	Became law.
Voted for.....	Legislation providing victims of natural disasters with governmental loans and assistance.	Vetoed.	Voted for.....	Increased airport development grants and construction moneys.	Became law.
			Voted for.....	Increased Federal assistance to local law-enforcement officials including training and equipment.	Became law.
			Voted for.....	Legislation promoting increased usage and modernization of rail passenger service.	Became law.

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Position	Issue	Status	Position	Issue	Status
TRANSPORTATION, HOUSING, CONSUMERS—Continued			INTERNATIONAL AFFAIRS		
Voted for.....	Establishment of federal standards for product warranties and improve FTC consumer protection.	Became law.	Sponsored.....	Legislation to establish Joint Committee on National Security.	Pending in House.
Voted for.....	Legislation providing for disclosure of real estate closing costs and other protection for homebuyers.	Became law.	Sponsored.....	Restrictions on the use of emergency military assistance to Israel in excess of \$1,500,000,000.	Became law.
Voted for.....	Increased availability of mortgage credit for federally guaranteed mortgages.	Became law.	Supported.....	Resolution calling for complete and full accounting of our MIA's in Vietnam.	Became law.
Voted for.....	Legislation consolidating housing and community development programs including low-rent public housing and neighborhood facilities.	Became law.			
Voted for.....	Increasing Federal milk price supports to encourage greater domestic supply of milk.	Vetoed.			
INTERNATIONAL AFFAIRS			ROLLCALL RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, 93D CONG.		
Voted for.....	Continued operation to Radio Free Europe and Radio Free Liberty.	Became law.			
Sponsored.....	Legislation reforming and restructuring U.S. economic assistance to developing countries.	Became law.			
Voted for.....	Extension and revision of U.S. economic and military aid programs.	Became law.			
Sponsored.....	Resolution calling for collection of overdue debts to the United States.	Pending in House.			
Voted for.....	Legislation granting the President new flexibility to control exports of scarce materials and commodities.	Became law.			
Sponsored.....	Resolution on U.S.-oceans policy at the Law of the Sea Conference.	Passed by House.			
Cosponsored.....	Resolution calling for increased U.S. aid for the poor countries to increase agricultural production to alleviate the world food shortage.	Became law.			
Cosponsored.....	Legislation authorizing international security and economic and military programs in fiscal year 1975.	Became law.			
Sponsored.....	Resolution urging U.S. ratification of the Geneva Protocol and Biological Convention.	Ratified by Senate.			
Conducted.....	Hearings on proposals strengthening the Arms Control and Disarmament Agency and enhancing the prospects of reduced defense spending through negotiations.	Pending.			

	Yeas/nays	Quorum calls	Recorded tellers	Grand totals
Number of calls or votes.....	632	375	446	1,453
Present responses: (Yea, nay, present, present-paired for or against).....	617	358	435	1,410
Absences: (Absent, not voting, not voting-paired for or against).....	15	17	11	43
Voting percentage (presence).....	97.6	95.4	97.3	97.0

"FISHBAIT" MILLER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FISHER. Mr. Speaker, tributes are in order for William M. "Fishbait" Miller, who is retiring as Doorkeeper of the House. He is a product of the great State of Mississippi. It is my understanding he has been identified with the House of Representatives for more than 40 years, assigned to a variety of duties. Because he performed so well some 25 years ago, he was chosen for one of the most important "housekeeping" positions in this body, a job that requires him to oversee several hundred employees. It is a highly responsible position.

"Fishbait" is all business. His job has been his life. No one could be more devoted and attentive to duty. He has given an excellent account of his stewardship, and I commend him for a job well done and extend my best wishes for him and his family.

THE PARDON OF THE PRESIDENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Ms. ABZUG. Mr. Speaker, Dan Crystal, a fine lawyer and writer, and a good friend, has written what I consider to be one of the definitive pieces on the legal questions surrounding the pardon. The article appeared in the Reporter, the journal of the Passaic County Bar Association and I commend it to the attention of my colleagues:

DID PRESIDENT FORD ABUSE HIS PARDON POWERS?—MR. FORD, MR. JAWORSKI, AND THE PARDON

(By Daniel Crystal)

The unprecedented appearance of President Gerald Ford before a House Judiciary Subcommittee to answer Resolutions of Inquiry propounded by Representatives Bella S. Abzug of Manhattan and John Conyers, Jr., of Michigan as to the facts surrounding his precipitous pardon of former President Richard M. Nixon came during the same week in October in which Special Prosecutor Leon Jaworski resigned saying that in his legal judgment the pardon was legal, proper, and timely.

A long time ago Ira Gershwin wrote sardonically in Porgy and Bess, "It Ain't Necessarily So." The statements by the President and by the Special Prosecutor are most impressive. One can fully accept them as made in utter good faith. Yet inescapable, deeply troubling questions remain as to the wisdom and judgment involved in the separate, but closely interlinked, actions in the continuing Watergate drama of the grant of the pardon, the approach taken by the Special Prosecutor toward the pardon and his own sweeping powers of investigation and approving an indictment, and the legal basis in which the President justified the pardon and its possible conflict with the charter granted Mr. Jaworski as Special Prosecutor.

Whether or not there was a previous "deal" between the then President Nixon and Gerald Ford, the man waiting in the wings to become President, is not really the key issue in this current act in the Watergate melodrama, but instead whether there has been perhaps irreparable damage done to the fundamental concept that ours is a system of law where all men stand equal at the bar of justice, and there are not two scales of justice, one for the powerful and the other for the ordinary citizen without powerful friends in high office.

As Representative Elizabeth Holtzman (D. N.Y.) pointed out during the historic first time appearance of a sitting President of the United States before a Congressional committee, there are "dark suspicions that have been created in the public mind" as to this

hasty and premature pardon of a former President who hasn't even been charged with any "offense" or crime. Her sharp questioning of President Ford (objectable to some as "accusatory", but realistically dealing with questions the country has a right to know, and which the President ignored) included how he explained the failure to consult with the Attorney General of the United States with respect to the issuance of the pardon, even though in his confirmation hearing he had indicated that the Attorney General's opinion would be critical in any decision to pardon the former President. She asked the valid, and entirely pertinent question, as to how President Ford "can explain not having consulted Leon Jaworski, the special prosecutor, before approving the tape agreement." And she properly asked, "How can the extraordinary haste in which the pardon was decided on, and the secrecy with which it was carried out, be explained?"

These, and the other relevant questions which she and a few other members of the subcommittee asked pose important issues going far beyond the question of whether long-time political friends and allies, Richard M. Nixon and Gerald Ford, made a "deal" as to Presidential succession and pardon.

As the New York Times said in an editorial on Oct. 18 following Mr. Ford's appearance before the Judiciary subcommittee, "It was the secrecy and the lack of consultation, as well as basic evidence of peer judgment that raises questions about Mr. Ford's capacity to govern and about whether the President's mode of making great decisions was really any more open or satisfactory than that of his predecessor."

And this penetrating Times editorial added:

"The hearing skipped blithely past the fundamental question whether the pardon itself was valid. Despite the certitude expressed by the President, by some of his questioners, and by Special Prosecutor Leon Jaworski, there is a respectable body of scholarly legal opinion that this precipitate use of the pardoning power covering all crimes known and unknown and unjustifiable. It is also arguable that granting a pardon to a President who aborted the impeach-

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ment process by resigning violates at least the spirit of the Constitution which excepts cases of impeachment alone from the President's pardoning power."

Moreover, the legal issues involved here go even deeper. The unanimous decision of the Supreme Court this summer dealing with President Nixon's tapes held that the charter establishing the Office of the Special Prosecutor, and the accompanying enforcement regulation promulgated by the Department of Justice, constituted a waiver of the President's power to claim executive privilege. What legal scholars are insistently asking is whether there was not an identical and parallel waiver by the President of his pardoning powers in the area in which the Special Prosecutor was given sweeping jurisdiction both to investigate fully the acts of President Nixon and all others involved in what is generically known as Watergate, and to take criminal action following full investigation.

Viewed from this light, a concomitant question arises as to whether Mr. Jaworski's consent to the exercise by President Ford of allegedly broad and unlimited powers to pardon, coupled with his resignation and public statements supporting President Ford's action, do not constitute "deserting the ship" and dereliction of duty on his part, amounting to abdication of his solemnly assumed duties to the detriment of justice itself.

It is clear that there are a number of grounds on which the sweeping advance pardon of Mr. Nixon could have been challenged in court by Mr. Jaworski. Indeed, it appears that a number of Congressional leaders continue to have independent standing, even without the concurrence of the Special Prosecutor, to challenge the validity of the pardon. This is because the regulation establishing Mr. Jaworski's office specifies that "the jurisdiction of the special prosecutor will not be limited without the presidents first consulting with" the majority and minority leaders of Congress and the chairmen and ranking minority members of the House and Senate Judiciary committees. As a practical matter, it may well be that there has been a tacit understanding between the President, the Congressional leadership, and Mr. Jaworski to close the books on the presidential pardon and on indictment of Mr. Nixon on any criminal charges growing out of Watergate. Any such political decision has little relevancy, however, to whether there is a valid basis to judicial challenge of the pardon. It is merely the age-old distinction between the existence of power and the question whether to exercise the power. And what may well be an unspoken agreement at the highest levels of immunize Mr. Nixon from further investigation and criminal sanctions on the ground that his resignation is punishment enough should lead to searching reexamination of both the impeachment article of the Constitution and the Twenty-fifth Amendment pursuant to which President Gerald Ford took office, to determine whether they both need modification, perhaps by adoption of a new constitutional provision calling for new national elections where a President or Vice President has been impeached or has resigned to avoid impeachment.

1. Was Mr. Nixon pardoned for an "offense"? Among the questions asked at the Judiciary subcommittee hearing on October 17 by Rep. Holtzman was how he could explain having pardoned Richard Nixon without specifying any of the crimes for which he was pardoned, and, further, how he could explain pardoning the former President without obtaining any acknowledgment of guilt from him.

Concededly, a President has the right to pardon for what the Constitution calls an "offense." But is there an "offense" before there is specification of what the governmental official facing criminal indictment is charged with? And since, of necessity, the

undefined "offense" for which the pardon power must be exercised may not be on which is a "case of impeachment", there is a profound constitutional question here calling for judicial review as to whether the unnamed and unspecified "offense" or offenses" for which President Ford pardoned Mr. Nixon are in actuality impeachable offenses as to which his pardon power simply does not apply. This is because Article II, Section 2 provides that a President can pardon only in certain kinds of offenses—"Offenses against the United States except in cases of impeachment."

The history of Mr. Ford's shifting position, particularly as demonstrated at the committee hearing, is most instructive on this point.

Clearly, the President was pardoning any federal offenses with which Mr. Nixon was charged—except for the uncomfortable fact that he hasn't yet been charged with any, let alone convicted. He first tried to solve this dilemma by speaking of a pardon for all such crimes as Mr. Nixon "may have committed." However, there is a self-evident absurdity in giving an undefined pardon for undefined crimes. This led Mr. Ford later to say he thought Mr. Nixon had admitted guilt by accepting the pardon. On this reasoning, the pardon was for crimes Mr. Nixon had committed (not may have committed). Nevertheless, the question persists: What crimes, exactly, particularly in the light of the presumption of innocence?

Questioned prior to the hearing as to whether he still maintained Mr. Nixon's innocence, Mr. Ford said "No," and gave as his grounds the unanimous vote of the House Judiciary Committee to impeach Nixon for obstruction of justice in the first count of its bill of particulars.

Yet, if this is so, it is saying that Mr. Nixon was de facto guilty of the "high crimes and misdemeanors" charged in that count. These were the only legal charges outstanding at the time of the pardon. It was clearly on this charge that Mr. Ford found Mr. Nixon guilty, yet nevertheless pardoned him. But in that case, it is equally plain that there is a "Catch 22" involved in the pardon. Mr. Ford was exercising a pardon "in cases of impeachment"—which is expressly forbidden by the Constitution.

This analysis is clearly supported by Mr. Ford's own statement at the subcommittee hearing. He was questioned by a friendly member of the subcommittee, Rep. Lawrence J. Hogan (R. Md.), who asked: "So those who say you should have waited until there were formalized charges, really are overlooking the fact that there was a very formalized charged and indictment, if you will, by this committee."

The President's response to this helpful questioning implicitly concedes that his stated ground for exercising his pardon power flouted the impeachment exception to those broad powers:

"PRESIDENT. Well, the unanimous vote of the House Committee on the Judiciary—all 35 members—certainly is very substantial evidence that the former President was guilty of an impeachable offense."

"There's no doubt in my mind that that recommendation of this full committee would have been carried in the House, which would have been even more formal as an indication of criminal activity or certainly, to be more specific, an impeachable offense. And of course, the prospect in the Senate with such a formidable vote in the committee and in the House would have been even more persuasive."

2. Was the "impeachment exception" to the pardon-power clause violated? It seems irrefutable that Mr. Ford has violated the whole spirit of the pardoning clause by basing his exercise of those powers upon a determination that Mr. Nixon had committed (in Mr. Ford's own words) "an impeachable offense." He probably violated the latter as well. He sought by forensic logic to close the

book on one case of executive wrong-doing. Acting in secret, without consulting the pardon attorney of the Department of Justice, the Attorney General given broad independent powers under the enabling legislation that established the Office of Special Prosecutor, the Cabinet, or any one other than his own appointed legal counsel, he committed another instance of executive wrong-doing. His actions make a mockery of the impeachment except to Article II, Section 2.

And that exception, as legal scholars and others have been increasingly pointing out, is firmly rooted in English legal history. I. F. Stone, the well-known investigative reporter, pointed out for example in an Op-Ed article in the New York Times on October 9:

"That exception goes back to 17th century England. In two cases that read like a preview of Watergate, the Crown was subjected to parliamentary control. The impeachment of the Duke of Buckingham under Charles I established the principle that, although the King could do no wrong, miscreant ministers could not avoid impeachment by pleading that they were merely carrying out his orders."

"There still remained a loophole, and a second case closed it. The Earl of Derby tried to block his own impeachment with a pardon granted in advance by Charles II. The Commons refused to honor the pardon. It ruled that to permit a pardon to be a bar to an impeachment would defeat its purpose and thereby the chief institution for the preservation of the Government would be destroyed. The King could pardon after, but not before, an impeachment had been completed."

"Our Federal Constitution, and most constitutions, go further and do not permit a pardon even after an impeachment. Did not Mr. Ford's pardon of Richard M. Nixon in advance of full investigation violate the spirit and purpose, if not the letter, of this ancient constitutional exception to the pardoning power?"

3. Does a Supreme Court Dictum Justify the Pardon? Presumably, the answer of President Ford to this challenge to the pardon will be reliance upon a dictum in *Ex Parte Garland*, 71 U.S. 33 (1867) declaring that the President may pardon before an indictment. The dictum does not, of course, meet head-on the separate issue of whether a President may pardon for what is actually an impeachable offense, as he himself justified it to the Judiciary subcommittee.

The dictum in *Ex Parte Garland* was carefully analyzed by Rep. Bella S. Abzug in the October issue of *The Reporter*. She concluded that it does not support the pardon.

Moreover, the unanimous decision of the Supreme Court this past summer in *United States v. Nixon* presents a firm adjudication that the limitations placed upon the President in interfering with the independence of the Office of Special Prosecutor are binding upon the President. If the pardon power is one of the "constitutional powers" covered by the terms of the regulation establishing the Office of the Special Prosecutor, then the President could not use that, or any other claimed constitutional power, to encroach on the territory reserved for the special prosecutor." This holding clearly supersedes a dictum without force of an actual holding set forth in the last century under totally different factual and legal circumstances.

Concededly, Mr. Jaworski stated in his letter of resignation that he did not regard his mandate as limiting the President's pardoning powers. This is but one specific indication of the limited views he took of his mandate, which demand objective assessment as to whether he measured up to the responsibilities of the high office he assumed, and, further, whether the interpretation of his mandate was his responsibility alone, or should have been made by our courts in the normal adversary process.

4. Did President Ford Interfere With the

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Special Prosecutor's Mandate? The resignation of Mr. Jaworski with bland statement that the work of the Special Prosecutor had been largely completed, coupled with his repeated declaration that he fully accepted Mr. Ford's pardon of Mr. Nixon, raises serious questions as to the manner in which Mr. Jaworski read his mandate.

Dispassionate analysis of that mandate confirms the view of an increasing number of legal scholars that the strongest basis for a valid legal attack upon the pardon may not be the Constitution, which expressly vests in the President the power to pardon, "except in cases of impeachment," but instead in the regulation establishing the Office of the Special Prosecutor.

This regulation vests in the special prosecutor "full authority for investigating and prosecuting" the Watergate affair, and other allegations involving the 1972 election, the President, his assistants, and his appointees. The regulation was the basis of the reversal of the Archibald Cox dismissal by Federal District Court Judge, Gerhard Gesell.

The regulation provided, "In accordance with assurances given by the President to the Attorney General . . . the President will not exercise his constitutional powers to limit the independence the (Special Prosecutor) is hereby given." And, as earlier noted, it specifies further that this jurisdiction will not be limited without the President first consulting with designated senior members of Congress.

The regulation was issued as a regulation of the Justice Department. It is still on the books. President Ford was required to comply with all its terms. *United States v. Nixon* drives home this point sharply. The Supreme Court there held unanimously that, "So long as this regulation remains in force, the executive branch is bound to it."

On Sunday, October 6, in an Op-Ed article in the New York Times, Richard A. Sprague, first assistant district attorney of Philadelphia, who was Special Prosecutor in the famous Yablonski murder case, concluded that the pardon of Mr. Nixon was illegal in view of the binding commitment given by the President that he would not interfere with the work of Special Prosecutor Jaworski.

Mr. Sprague there emphasized that, "for his own integrity, his own oath of office, and his obligation to the American public to uphold the independence and integrity of his office," Mr. Jaworski was under an inescapable duty to challenge in court the Nixon pardon. In his words:

"Neither former President Nixon nor President Ford could have directed the Special Prosecutor to stop his investigation and prosecution of Mr. Nixon or any alleged Watergate conspirator."

"If, as the Supreme Court has held, there has been a Presidential waiver of constitutional power to interfere with the independence and jurisdiction of the special prosecutor, it can logically be concluded that there has been a similar waiver of Presidential pardoning power that would interfere with these same investigations, prosecutions, and jurisdiction."

"Indirect interference should not be permitted any more than direct interference."

5. Has Mr. Jaworski Been Guilty of Dereliction of Duty? The resignation of Mr. Jaworski coupled with his publicly stated support of the President's pardon unavoidably raises the question as to whether he is guilty of abdication of his legal responsibilities under his mandate. Special Prosecutor Archibald Cox will be judged by history to have measured up fully to his heavy responsibilities. It seems clear that the parallel verdict with respect to Mr. Jaworski will be largely to the contrary. Wholly apart from whether he was entirely too lenient in plea bargaining resulting, for example, in surprisingly mild disposition of what appears to have been admitted perjury by former Attorney General

Richard Kleindienst, it appears unanswerable that he deprived the country of the full truth by meekly accepting a pardon which is highly suspect, as running foul of Article II, Section 2, of the Constitution prohibiting pardons "in cases of impeachment." And he has timidly shrunk from grasping the nettle of confrontation with President Ford as to the latter's blatant interference with the broad investigative powers expressly given to the Special Prosecutor by the charter and Department of Justice regulation establishing that office.

In a scathing Op-Ed article, Jaworski's Record: A Dissent Anthony E. Davis, Assistant Dean of New York Law School, wrote on October 16, that "the full and unconditional pardon of Mr. Nixon, followed at the earliest moment decency would allow, by Mr. Jaworski's resignation" is the mark of the third of his great failures as Special Prosecutor.

Mr. Davis listed as the "first of the prosecutorial challenges Mr. Jaworski ducked" the issue of whether to seek the indictment of Richard M. Nixon while Mr. Nixon was President. His second criticism of Mr. Jaworski's work as Special Prosecutor was failure to seek an indictment of Mr. Nixon once he ceased to be President. And with respect to the failure to challenge the pardon, he wrote: "President Ford's pardon is no more sacrosanct than any other executive action, in that it is as subject to challenge in the courts as any other executive act."

Mr. Davis' criticism of Mr. Jaworski on this point is eminently worthy quoting:

"Once again, Mr. Jaworski was in a position to have the issue determined in the courts by indicting Mr. Nixon, waiting for the pardon to be raised in defense, and leaving to the courts the final decision as to its constitutionality."

"Once again, he failed to test a legal uncertainty that it was his clear office to do. Once again, he allowed his own view of the legality of an issue to preclude its determination by the courts."

"It is hard to see how Mr. Jaworski could have done less during his tenure. Accordingly, the question we must ask—and if we do not, the historians assuredly will—is, Why did he do no more?"

Constitutional Weaknesses Made Manifest: It may well be that the politicians in Congress and whoever succeeds to the position of Special Prosecutor will fail to have the political courage to deal with these issues. There may well be that there is now tacit agreement in governmental leadership to try to sweep Watergate under the rug once and for all.

The inescapable responsibility of attorneys who value the Constitution is to establish the record plain beyond dispute.

And in that analysis of how the Constitution impinges on Watergate, it is abundantly clear that the constitutional scheme has been aborted by the process of Presidential resignation in the face of virtually certain impeachment and conviction, followed by an unlimited pardon for unspecified "offenses" by a successor President, who is a political ally and long-time crony, hand-picked to be Vice President by that same President already facing investigation that might lead to impeachment charges. It may be that the letter of Article II, Section 2, of the Constitution has not been violated. However, the spirit of that article has clearly been flouted.

The entire country watched with admiration while the individual members of the House Judiciary Committee wrestled with their consciences, and, in most cases, showed themselves to be dedicated to the Constitution, regardless of the possible consequences to their own political careers.

Now that the penultimate moves have been taken in the Watergate drama, and

further investigation into the crimes and "offenses" of Richard M. Nixon has apparently been closed off by exercise of Presidential pardon power in a gray area of dubious constitutionality, it is mandatory for the same members of the House Judiciary Committee, and their colleagues on the Senate Judiciary Committee, to rise again to their perhaps uncomfortable rendezvous with destiny. This time their inescapable duty is to review Article II, Section 2, of the Constitution, together with the Twenty-Fifth Amendment, in the light of the lessons of Watergate to determine whether there is a demonstrable need to propose a new amendment to the Constitution that will fairly and completely close off the escape hatches of the Constitution which have made it possible for a President of the United States to escape both impeachment and prosecution.

The issue is not in the slightest whether Mr. Ford made an overt deal with Mr. Nixon, General Alexander Haig, or some other intermediary. It is instead whether as Representative James Mann (D. S.C.) and Representative Don Edwards (D. Cal.) each independently asked President Ford at the Judiciary Subcommittee hearings, this country should remain dedicated to the concept of equal justice under law, and whether there should be different treatment for a former President of the United States who has violated the law than there should be for any other criminal. Political timidity now will not prevent history from demanding an answer to that question.

NORTH KOREA BRAGS ON POLITICAL CONTRADICTIONS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. LEGGETT. Mr. Speaker, would you believe that a Communist government seething with hatred of the United States, would take two full-page ads in some America's lending dailies extolling the virtues of independence under a Communist system?

That is exactly what Kim Il Sung and the North Korean Government are doing.

Can you imagine what would happen if the United States attempted to spell out its foreign and domestic policies in North Korea?

The irony of the situation is that the North Koreans, experiencing slightly improved support in the United Nations would jump to the conclusion that the people of the United States would buy their whole crock of crackers.

Kim Il Sung talks of "independence" as keeping man alive on the one hand as opposed to "the critical need to remold man's ideology by the state in a revolutionary manner lest he be a moral degenerate."

He talks of peaceful unification of Korea on the one hand, but on the other that the immediate task of the people of Korea is to fight for the forceful struggle to reunify the Korean peoples.

It is truly sad that the Communist myopia has so consumed the north of Korea in this crazy fanaticism that the freedom of the other peoples of Asia is continuously jeopardized.

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Many times we too in the United States become too myopic with respect to conditions in South Korea. We have criticized President Park's decrees and convictions; he has set aside two of the decrees and some of the convictions of violators. I believe he can do more and for that reason I supported the restrictions in the 1975 foreign aid bill. Communist Jack Anderson has indicated that he has some appreciation of the South Korean motivation and apprehension. I do not believe any American can read Kim Il Sung's two newspaper page diatribe and not get the feeling that the East is once again meeting the West with a maximum degree of misunderstanding.

Portions of Kim Il Sung's admitted self-evident contradictions follow:

... Proceeding from the Marxist-Leninist proposition that cooperation, even based on primitive techniques, is far superior to private farming and considering the actual fact that our peasants badly needed to work together to free themselves from the difficult situation, we adopted an original method—boldly pushing ahead with the socialist transformation of agriculture before industrialization. As regards the small and medium entrepreneurs and rich peasants we also chose a unique way—embracing them in the cooperatives and remoulding them on socialist lines because there was no necessity to expropriate them.

... Independence is what keeps man alive. If he loses independence in society, he cannot be called a man; he differs little from an animal. We can say that sociopolitical life is more valuable than physical life to a man, a social being. If he is forsaken by society and deprived of political independence, though he is alive, he is virtually dead as social human being. That is why the revolutionaries deem it far more honourable to die in the fight for freedom than to keep themselves alive in slavery.

... The principle of independence in politics demands complete equality and mutual respect among all nations. It opposes being subjugated by others and subjugating others. A nation that subjugates others can never be free itself.

... Our people have fought to get rid of the yoke of imperialism for a long time, but our national sovereignty is still being trampled underfoot by foreign aggressors in one-half of our territory. For our people today there is no more pressing matter than to drive out foreign aggressors and establish national sovereignty throughout our country.

... Our immediate task is to see that all the people in north and south Korea fight against outside forces in the spirit of independence and self-reliance and rise in the forceful struggle for the independent, peaceful reunification of the country.

... Only when people have ideological and cultural developments which they should possess as social beings, can they participate in all aspects of social life as masters and energetically accelerate the revolution and construction. This is why our Party always places greater emphasis on education than on any other work.

We regard as the central matter in education the implementation of the principles of socialist pedagogy. The master principle of socialist pedagogy lies in training people to be reliable revolutionary workers equipped with the ideology, knowledge and strong physique that will enable them to take part in the revolution and construction as masters.

The most important thing in training and educating people is to remould their ideology in a revolutionary way. All activities of people are determined by their ideology. If a

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RETIREMENT OF EDITH GREEN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FISHER. Mr. Speaker, it is a pleasure to join with my colleagues in paying tribute to EDITH GREEN of Oregon, who is retiring at the end of the 93d Congress.

Mrs. GREEN has for years been one of the most valuable and most effective members of the House. Able and eloquent, her patriotic devotion and sound judgment have made of her a leader of prominence.

At a time when according to polls the country can ill afford to lose the services of such outstanding members as the gentlewoman from Oregon. She has served the country well and her presence will be sorely missed.

To Mrs. GREEN I extend my commendation for her services in the Congress, and my very best wishes for her future endeavors.

ON H. R. GROSS' RETIREMENT

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ICHORD. Mr. Speaker, I wish to join today in this tribute to Congressman H. R. Gross who has announced his retirement after 13 terms of distinguished service in this body. It is with a profound sense of regret that I learned of H. R.'s retirement and am deeply sorry that the 94th Congress will be bereft of his farsighted and dedicated fight to restore fiscal and monetary responsibility to the Federal Government.

For 25 years H. R. Gross has led a determined, and often lonely, battle to reduce Federal expenditures, balance the budget, and retire the national debt. Each year, the Members of this body have heard H. R. rise in opposition to spending bills or point out rational and orderly ways to reduce the annual budget. Each year, H. R. introduced a resolution requiring Congress to undertake concerted action to pay off the national debt. Each year, H. R. framed legislation to restore fiscal integrity to Federal budgeting. And yet each year, his efforts have met with failure and I know that there were many of us who shared his anger and frustration as we watched the Federal budget soar over \$300 billion, the national debt approach the \$500 billion mark, and the economy relentlessly de-

teriorate in the absence of any responsible action.

H. R. Gross has become to many Americans the symbol of congressional integrity and independence. Since his announced retirement, many of my own constituents from Missouri have written in expressing their concern and regret that Congress is losing a man whom the Almanac of American Politics once referred to as "the House's reigning curmudgeon... a man who personifies American Gothic virtues—thriftiness, attention to detail, orneriness." H. R.'s "ornerness," however, has resulted since 1949 in better Congresses and better Congressmen. Any bill that reached the House floor was sure to have had the thorough perusal of HAROLD ROYCE Gross, and I know of many Members who took extra care in justifying their proposals and expenditures because of their knowledge of H. R.'s unfailing search for some new abuse of American taxpayers.

H. R. also never allowed the buck to be passed—he never succumbed to scapegoating. When the economy fell apart or when some new outcry was raised on Congress about usurpation of congressional authority, H. R. Gross would throw the problem right back on Congress where the budget priorities and levels were set up and where the executive received its delegated authorities.

H. R. Gross never let up, and by his own admission, he is now tired of the enormous workload he constantly shouldered and tired of the frustrations his dedicated efforts constantly met. He says that it is time for him to now retire, to go fishing, and to spend more time with his family. And there is no one who will deny that H. R. Gross has certainly done more than his share in serving his Nation. But it is my sincere hope that in his retirement this body will see fit to pay him one final farewell tribute. In the beginning months of the 94th session, I would hope that the new Congress will pass Mr. Gross' resolution to pay off the national debt, pass legislation or a constitutional amendment which would require a mandatory balanced budget, and act in a concerted manner to hold down Federal spending.

Mr. Speaker, H. R.'s proven leadership qualities and legislative talents have made him one of the most respected and effective Members of this body, and it was a great and distinct privilege to have had the opportunity to serve with him in this body. His presence will be missed by his colleagues in the House, by his Iowa constituents in the Third District, and by the American people.

RETIREMENT OF WILLIAM JENNINGS BRYAN DORN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ROONEY of New York. Mr. Speaker, I should like to compliment the distinguished gentleman from South

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Carolina, the Honorable WILLIAM BRYAN DORN upon his completion of 26 years of outstanding service here in the House of Representatives.

WILLIAM JENNINGS BRYAN DORN, as was his namesake, was a boy wonder of politics. He was first elected to the South Carolina House in 1939 at the age of 23 years and elected to the South Carolina State Senate and seated by a special vote at the age of 24 years. After 3½ years in the Army Air Force during World War II BRYAN returned to South Carolina and was elected to the U.S. House of Representatives at the age of 30 years. His is a great record of public service and one that will stand for a long time in the State of South Carolina before it will be matched.

JOHN BLATNIK

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, JOHN BLATNIK is one of the truly great committee chairmen of modern times. During the time of his superb leadership of the House Public Works Committee, legislation has become law which will improve the quality of life for every American. Water quality and even water shortages are problems for billions of people the world over. But for the American people, due to the untiring efforts of JOHN BLATNIK they can look forward to the best water standards known to man. Under his able leadership our country now has not only water quality, but adequate water supplies through a public works and water conservation program second to none in the entire world. Our rivers, harbors, reservoirs, watersheds, and the most insignificant streams and water sources have had his constant attention and concern.

JOHN BLATNIK led the fight for undeveloped areas, providing opportunity for the unemployed and underemployed. He will go down in history as one of the great architects of the policy for a better environment, beautification, forestry, and conservation. He has been equally devoted to improving life in our great cities and in the most isolated, rural community. He helped launch the greatest public works project in world history—our fabulous Interstate Highway System. He presided over our committee when the completion of that great highway program was assured. These are only a few of the great programs for America that JOHN BLATNIK fought for and inaugurated. As a committee chairman, he always presided with dignity, fairness, and understanding. I never saw him excited, ruffled, or emotional. He was always our cool, calm, dedicated chairman.

JOHN BLATNIK is an all-American Congressman serving every section of our country with equal honor and distinction. He has devoted his entire life to public service. First as a teacher and administrator and then as State senator and as a soldier during World War II. In our Armed Forces he served with great honor

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as an accomplished officer on foreign soil. He thus became sympathetic to those who went from our native shores to save the free world from ruthless aggression. He supported every single bit of legislation to help our returning veterans of World War II, Korea, and Vietnam.

JOHN BLATNIK came to Congress in the famous 80th Congress and has served continuously now for 28 years. His record is one of accomplishment and achievement, a record that new Members can emulate and look to for guidance. As a result of JOHN BLATNIK's outstanding service, America is a better place to live and the cause of freedom more secure around the world.

His wife, the former Gisela Hager, is a charming and lovely lady who stood by JOHN in his dedication to public service. JOHN and his wonderful wife and family will always have my admiration, respect, and highest esteem. We formed a strong friendship over the years which I will always value and cherish. We are glad that JOHN BLATNIK came this way. We wish for him much happiness and every continued success.

THE NURSING HOME SCANDAL

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. KOCH. Mr. Speaker, on January 21, Senator FRANK MOSS' Subcommittee on Long Term Care will hold a hearing in New York City on Medicaid and Medicare abuses perpetrated by nursing home operators. I will join Senator MOSS in conducting this hearing along with Assemblyman Andrew Stein, chairman of the temporary State commission on Living Costs, also investigating this scandal. In preparing for this hearing, Senator MOSS has issued 40 subpoenas to persons involved in the nursing home industry in New York State and has requested that the Internal Revenue Service and General Accounting Office commence their investigation into these areas as well.

The Senate subcommittee's hearing is in response to my request to Senator MOSS on December 12 that a nationwide examination be commenced of the fraudulent practices in the Medicaid and Medicare programs. In 1973, we spent some \$8.7 billion on Medicaid and \$9.5 billion on Medicare. What is so tragic is that we are spending these enormous sums for care that is inadequate and for living conditions for the elderly that are often inhumane. In the instance of Medicaid in particular, the "cost plus" basis for charging for care has opened the program to extensive and costly fraud. It is time that this form of white-collar crime come under close scrutiny and be rooted out.

I also have urged that investigations be commenced at the State level. On December 12, 17 members of the New York congressional delegation joined me in requesting that Governor HUGH CAREY set up a Moreland commission to investigate the Medicaid/Medicare scandal.

In response, he asked Mario Cuomo, a close adviser, to make a preliminary investigation of the alleged fraud for review in early January.

I know that Mario Cuomo will provide a valuable preliminary investigation. But it is important that it be only the beginning for a comprehensive Moreland Commission investigation, having the power to issue subpoenas and the power to initiate proceedings before a grand jury is also needed. One of the problems we face in New York State is that there has been too cozy a relationship among the nursing home proprietors, the directors, State public officeholders and law enforcement agencies. Indeed, the State welfare inspector general's office which has audited a number of the State's nursing homes has found that the department of health, responsible for administering Medicaid funds, has known about many of the irregularities but failed to do anything about them and failed to provide adequate supervision of nursing home expenditures and Medicaid and Medicare receipts.

In one instance, that of the Towers Nursing Home, the welfare inspector general's office found that the books do not balance and that millions of dollars in unaccounted disbursements have been made. Towers Nursing Home, located in Manhattan, has had an average annual income of \$2,369,833 from Medicaid alone during the past 3 years.

The revelations in New York State are alarming; but what is more important is that this is not simply a New York scandal. It is one which undoubtedly is duplicated in other States as well and runs into billions of dollars. We have waited too long to examine into these fraudulent practices whose impact is not only on the Federal Treasury, but also on the lives of the elderly citizens of the country. In some cases people are effectively condemned to die in squalid nursing homes, friendless with a feeling that their Government has deserted them.

In preparation for the hearing on January 21, I am gathering information on individuals' experience with nursing homes. I also am preparing legislation to provide alternative care for those who really do not need nursing homes. Many people now in such long-term care facilities do not need 24-hour-a-day medical attention and would be better off at home assisted by homemaking services. But, today Medicaid does not pay for this type of care, despite the fact that home care would be less costly than the average \$1,800 a month paid for nursing home care and would provide a much happier life for the elderly person involved. This must be changed.

WILLIAM JENNINGS BRYAN DORN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. FISHER. Mr. Speaker, the retirement of BRYAN DORN reminds all of us that the Congress is losing one of its most

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valuable Members. He has been recognized for years as one of the most able and respected Members of this body. His contribution to legislation and his devotion to national defense, are all widely recognized. He has indeed made a most commendable record in Congress.

I extend to BRYAN and his family my felicitations and very best wishes for the future.

TRIBUTE TO THE HONORABLE CHET HOLIFIELD BY THE HONORABLE JOHN E. MOSS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. MOSS. Mr. Speaker, CHET HOLIFIELD, dean of California's congressional delegation, is, to the regret of his colleagues and the public, retiring from Congress after 32 years of outstanding public service; a term never exceeded by any California member since our State was admitted to the Union in 1850. It is a well-earned retirement for an outstanding, much respected, and much loved man.

During his tenure in this House, particularly as chairman of the Government Operations Committee, he has made immensely significant contributions to American Government. As a result of his successful labors, our Government has become more effective, and efficient in innumerable ways.

Having served with him for 22 years, I know, admire, and respect him far beyond the limited powers of words to describe.

Under his direction, legislation was developed and enacted into law creating several new Federal energy organizations. These include the Federal Energy Administration, Energy Research and Development Administration, a Nuclear Regulatory Commission, and an Energy Resources Council. He authored the Federal Property and Administrative Services Act, which created the General Services Administration, to give central direction to Government procurement and property management. Later, he developed legislation for a comprehensive, systematic review of Government procurement practices; the Commission on Government Procurement.

As a result of his initiatives, procedures have been simplified to expedite smaller Federal purchases, saving taxpayers \$100 million annually. He is responsible for establishing the Office of Federal Procurement Policy, carrying with it potential savings to taxpayers of billions of dollars.

Without his efforts, we would have not obtained improved amendments to the Freedom of Information Act. Under his chairmanship, the Federal Advisory Committee Act was enacted, requiring Federal advisory committees to be publicly identified and minutes of their proceedings be made publicly available. As a result the public is entitled to know who advises Government and how much advice is given. CHET's work on legisla-

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tion to insure an individual's rights of privacy in handling Government records is another landmark in civil liberties legislation. This alone is a monument to his legislative record.

His work on the Joint Committee on Atomic Energy on which he has served since its inception in 1946, is an outstanding accomplishment in and of itself. He has always insisted on civilian control of the atom, vigorous research into its peaceful uses and international agreements aimed at bringing benefits to all mankind.

In addition to serving on the Hoover Commission, he managed legislation creating two Cabinet-level departments; Transportation and Housing and Urban Development.

CHET's awards are as numerous as his accomplishments. These include three honorary degrees; the coveted Congressional Distinguished Service Awards of the American Political Science Association and the Henry DeWolf Smyth Nuclear Statesman Award.

Throughout his career he has battled for civil liberties and civil rights with courage, consistency, and energy. Among his many successful endeavors in this field was authorship of the bill establishing the Cabinet Committee on Opportunities for the Spanish-speaking people within the Office of the President.

It would be a simple matter to list more such accomplishments on behalf of our country, and to continue indefinitely without exhausting his credits.

Yet, it is CHET's personal qualities which have enabled him to do so much on behalf of us all. We all are aware of his warmth, compassion and dedication to public service. His personal character has been noted by everyone in this House. His private life has always been exemplary; we all know him to be an ideal husband, father, grandfather, and great-grandfather.

I know that as he and his lovely wife, Cam, leave us for what I know will be a long and fruitful retirement, they will know they carry with them the deepest affection and respect of every Member of this House and of every American. We are all the richer for his efforts and all the poorer for his retirement.

ANDREY AVINOFF, ARTIST

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. ARENDS. Mr. Speaker, in the last decade we have seen greater official recognition of art and art forms and the individual contributions of native born and naturalized American artists.

A good friend and a patron of the arts in Pittsburgh, George R. Hann, has called my attention to the credo of one such artist—the late Dr. Andrey Avinoff—who came to the United States from the Soviet Union in 1917 and whose work has been widely acclaimed. For the benefit of those who admired Dr. Avinoff's painting, as well as others in the art world, I am glad to include his credo herewith:

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ANDREY AVINOFF: HIS ARTISTIC CREDO

Ever since I can remember I have loved drawing and painting. At the age of four years I drew a mountainous landscape, the like of which I have not since equalled, if the satisfaction and pride which I felt at that time are to be accepted as criterions. The quite startling understanding of distance and significance which those receding mountain peaks, each topped by a fine eagle, gave to me was one of the important experiences in my, until then, level existence. This proved to be but a first happening, in a chain of adventures, which seem to have put me in direct contact with an unexpected variety of artistic sources. Many of the unaccountable incidents and vicissitudes, which came to me in subsequent years, had no apparent connection with art, and yet from them I have been permitted to build a deliberate and not unfounded point of view, which, taken together with a conscientious attempt to secure technical freedom, have resulted in my present attitude towards aesthetics and towards art. It is the contact with many cycles and sources which leads me to believe in the desirability of a diversity of style, by which the artist may more fully reflect his own impulse and his understanding of the tendencies characterizing various artistic traditions.

I always consider butterflies as my main instructors in Art. Since childhood I have made paintings of them, endeavoring to reproduce every shade of their color, and every minute detail of pattern. Naturally, my eye has been trained to notice the slightest variations in this respect. The question of ornamental value of the butterfly's wings attracted me as one of the most fascinating problems connected with my favorite branch of entomology. Together with systematic and biological investigations, I regard as most instructive the study of the laws of color and the pattern variations and interconnections exhibited by the butterfly wings, which after all, represent the unique phenomenon in nature of a rigid, flat and ornamented surface, stretched onto veins. This surface is devoid of any marked structural irregularity. The study of each pattern infinitely varies though manifestly subject to certain laws of balance, symmetry, ornamental repetitions in the very intricate striation, peculiar ocellation and elaborate border designs—and discloses wonderfully illuminating material on decoration as pure crystallization of natural ornament, independent of any epoch or national taste. Perhaps one of the most instructive features of the coloring of butterflies' and moths' wings, is not so much how the colors are matched, as in what proportion of relative areas, equal or interrupted, they are combined. The elements of quality and quantity are here equally significant. One can find, on these winged jewels, examples of dynamic symmetries, "constructivisms," "suprematism," so much spoken about now-a-days, and a great deal more besides, never dreamed by any modernist-prophet.

I decidedly consider a close and thoroughly systematic study of color rotations and pattern variations of lepidoptera, most valuable guide for developing a sense of color composition and a feeling for harmonious and natural ornamentation.

Besides the scientific interest and gratification which I derived from entomology, I feel myself immeasurably indebted in my work as an artist, to the winged creatures that received from the ancient Greeks the fitting name of Psyche.

Voyaging about the world brought me in contact again, at a mature age, with the magic and charm of Asiatic art. It was a true inspiration to admire the glories of India—Buddhist, Hindu and Mahometan—the phantasmagorical temples of South India, the grace and abstract perfection of Mogul art, the fascinating mystery and pro-

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found symbolism of Tibetan banners in remote lamaseries. I am inclined equally to treasure the enigmatic, terse laconism of the early Chinese portrait painters, the calligraphic refinement of a court painter of a Shah-Takmasp or a Shah-Jehan, or the devout pictorial prayer of a nameless monk in a forgotten monastery.

The tropical lands in the Old and New Worlds—Ceylon; later, the West Indies, have disclosed the wonders of colors in exuberant vegetation that transcend all regular limits of landscape composition in temperate zones.

The primitive art of modern natives presents an interesting tribute of naive interpretation of the luxury and overwhelming power of surrounding Nature.

Having come in touch with a great variety of artistic traditions, during my travels around the World, I always experience a delight in plunging into different cycles of beauty conception, and now I feel that my inclinations are decidedly divided between different schools, even different cultures.

Perhaps these tendencies may seem paradoxical, but for me they preserve the intimate interconnection, like different sounds forming one chord. It would be difficult to express, briefly and explicitly, my artistic credo from the point of view of my sympathies with accepted and known schools, but its closest formula would include early Italian and Flemish Renaissance of scarcely later than the Quattro Cento, ancient Russian Ikon Paintings and Indo-Persian miniatures. The early Tibetan art also commands, in a way, my very great admiration. The Archaic Greek art conception has a great fascination for me. In the modern schools, which leave me cold in comparison with the magnificent achievement of a more spiritual past, I am interested naively in some novel ways of treating luminosities, spectral problems, transparencies and superimposed prismatic reflections, so frequent on the iridescent butterfly wings.

A loyalty to artistic traditions, a feeling of appropriateness of various forms and style to particular subjects, and a knowledge of draftsmanship are the best assets, in my opinion, to a free personal expression. Moods, prompted by certain pictorial problems, should freely and easily dictate the corresponding form of expression, blending them out of their sympathetic components and molding them into one indivisible entity.

It is like the perfect knowledge of all the shades of meanings of words, the understanding of rules of correct phrase construction and the feeling for character in language, that permits us to use it to the best advantage in expressing our innermost personality. An artist, in order to be free, should worship craftsmanship and should lovingly cultivate the vehicle of his expression in all the varied forms of his fancy.

With all due respect to the correctness of drawing in cases of realistic painting, I feel more and more a call toward symbolical, allegorical paintings. The grand visions, contained in many sacred scriptures, are a source of the most inspiring admiration, and, if I will be able to dedicate myself to the pictorial interpretation of some of these in the modest limits of my ability, I would consider my vocation fulfilled.

Art is an aesthetic conception or emotion expressed by creative imagination in terms of intelligible, competent and appropriate forms. Speaking of visual and representative arts only, one may say that art is essentially transfiguration. The magic wand of imagination may barely touch the world of realities or transmute it into a dreamlike vision, but it remains the core of the creative process nevertheless. No closer formula could readily be given, except, that one thing remains intolerable—that blend of arrogance and ignorance which parades so often as "art" in our confused days.

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The image, as reflected in the Icon, is a demonstration of an immutable order and a spiritual hierarchy of ideas. . . . The brilliancy of the colors signifies blissful emancipation, a supreme freedom associated with restrained tonalities and lines of suffering and grief—indeed, suffering and joy are not far apart in the Icon, as in the fabulous twin birds of Mirth and Lamentation in the popular Russian imagery. One of the aspects of the immobility of the figures is expounding a state religious exaltation with the intensity of a glow concentrated merely in the expression of the eyes. The translation to a higher plane is completely fulfilled in the gaze, while the body remains motionless, as if it were gripped by an ecstatic trance. . . . As a general rule, obvious signs of excitement and of violent emotions are relegated to the representation of a state of mankind that has not reached ultimate illumination and which is still incapable of beholding a surpassing vision. . . . To obtain a proper evaluation of this ideology and meaning, the peculiarities and aims of the Icon should be understood as a visual reverberation of transcendental realm. The Icon was never concerned with a record of reality but always strove to reflect a transfigured world.

Art is altogether a species of inspired elimination. An etching is a cobweb of black lines precariously projected over the vacuity of blank white paper, a graphic gossamer spread over a predominating negation. What would music sound like if there were neither pauses nor intervals, no beneficial moments of silence and recuperation. . . . Modern music is often grown over-efficient, filling all inter-spaces, promulgating a disquieting and deafening "horror of the void".

Painting in watercolor is "food control". It is the art of turning an inundation into chromatic form, an accident into achievement. The aquarellist, like a fairy godfather, presides with his brush over the birth of a juicy splash which may or should turn into a constricted ramification of pigment—mechanical in its two-dimensional crystallization but still mysterious and yet controlled: A demonstrable truth of the work of the accidental principle in our relatively orderly but essentially unpredictable universe! Like a phrase is built of a concatenation and parallel superposition of ideas of varying volume as expressed in words, so also an articulate watercolor painting is a concatenation and superposition of chromatic semantics. Water, like a true catalyst, binds and marries the tints and then disappears altogether—a marrying person who effects the union and does not count any more in the subsequent life of the couple; all important at the start and "spurious" at the end. . . .

Born under the Zodiacal sign of Aquarius, the aquarellist is predestined to a career of sensitiveness. Never reaching the orchestral "Tutti" of oil paintings, it possesses all the inimitable charm of chamber music. Symphonic storming of the heavens may not be its lot, but the mystery of pigmental confluences and translucencies is fully in its domain. But in order not to be submerged by the hazards of water, the aquarellist should rely on the life belt of his experience and the fancy strokes of his intuition. Watercolor and legitimate spontaneity are almost synonymous, but a life-long experience should be behind it.

Painting should remain a sign—it is by its very nature a symbol. It should be, in its true achievement, a relation of significances—an apocalypse in colors and forms. Mathematical harmonies and musical laws are akin to it. The metaphysical is within its reach. The styles are part of the form and thus are an intrinsic element of the subject, since to disclose it in a visual, graphical or chromatic form is the purpose of painting.

Our ecstasies, before the multifarious

glories of the beautiful, are anchored in an intuitive consciousness of a supreme unity. The work of an artist should be a sacrifice of devotion and a tribute of admiration to the Creator, as a dewdrop reflects the Sun and shines with a small spark of a heavenly rainbow.

HAROLD D. DONOHUE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN. Mr. Speaker, HAROLD DONOHUE and I came to the Congress together in January 1947 as freshman Members of the 80th Congress. Since then I have countless times relied on his friendship and wise counsel. As the ranking member of the House Judiciary Committee the Nation owes HAROLD DONOHUE a debt of gratitude for the dignified and effective manner in which he served. He will be greatly missed here in the Congress by countless friends. Mr. Speaker, as HAROLD DONOHUE leaves the Congress we want to extend to him our very best wishes for health and happiness and the best always.

REPROCESSING OF NUCLEAR FUELS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. HANSEN of Idaho. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent address delivered by Mr. James A. Buckham, assistant general manager of the Idaho Chemical Programs Office of the Allied Chemical Corp., on the occasion of his receiving the Robert E. Wilson Award in Nuclear Chemical Engineering from the American Institute of Chemical Engineers.

In the continuing dialog on the use of nuclear energy to bridge the U.S. energy gap, much attention has been focused on the disposal of radioactive material resulting from the operation of nuclear reactors, including spent nuclear reactor fuel. Mr. Buckham has thoughtfully analyzed the economic and environmental advantages of reprocessing nuclear fuels. I am sure his assessment on the feasibility, and indeed, the necessity, of nuclear fuel recycling will be of great value—both to the Nation's scientific community and to those charged with formulating policies regarding spent nuclear fuel. The text of Mr. Buckham's address follows:

WHY REPROCESS NUCLEAR FUELS?

(By James A. Buckham)

Recycling of unused fissionable material through reprocessing of spent nuclear reactor fuel has been planned since nuclear power was first conceived. Yet, today we ask why. I will cover why we must do it, rather than why bother to do it. Today, some are questioning this step in the fuel cycle, sug-

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gesting that entire spent fuel elements be regarded as high-level waste and placed in a Federal Repository without reprocessing. However, my overall analysis shows that fuel reprocessing remains, today, superior to direct disposal of spent fuel in terms of economics, material conservation, and environmental protection, and that this step must be retained and the fuel "cycle" must be completed.

There are seven basic reasons why spent fuel reprocessing should be performed. Two of these relate primarily to the superiority of fuel reprocessing as a waste management step, and five of them relate primarily to energy and resource recovery. These reasons are discussed in the following paragraphs, in that order.

1. **Better Waste Management:** Ignoring, for the moment, any economic or conservation advantages stemming from recovery and recycle of fissionable and other materials, a fuel reprocessing plant can be regarded as a solid waste treatment facility in which the large volume of spent reactor fuel is converted to smaller volumes of high-level solid waste having superior characteristics for long-term storage and disposal.

First, considering the conversion in a fuel reprocessing facility of over 99 percent of the fission products to a compact solid waste such as calcine, ceramic, or glass, a considerable volume reduction is achieved. Based on pilot-plant data from current tests sponsored by the AEC's Division of Waste Management and Transportation at the Idaho Chemical Processing Plant, the volume of high-level calcined waste from a typical LWR fuel is about one cubic foot per tonne of fuel. If this high-level waste is then converted to a ceramic or a glass, the volume will probably remain under two cubic feet per tonne. These figures should be compared to the core volume of some 14 cubic feet per tonne for a typical LWR. Thus, the high-level waste is converted, through reprocessing, to some 1/7 to 1/14 the volume of the core. If the core were to be sent directly to a Federal Waste Repository, undoubtedly additional volume would be added through canning or other treatment.

The expected high costs of disposal of these high-level wastes have not yet been announced; but, in all likelihood, they will be highly dependent on volume and unit heat generation, and as a first approximation one should be able to assume that these costs are reduced by at least a factor of ten through reprocessing. The cost savings in Federal Repository costs alone, together with the environmental advantages of having placed the fission products in a more durable form, should justify the fuel reprocessing step.

There are, of course, other solid wastes stemming from a fuel reprocessing operation. These include cladding hulls; adsorbed iodine; ash from incineration of paper, rags, and plastic; and miscellaneous partly contaminated equipment and materials. Taken together, the volume of these wastes will exceed several-fold that of the high-level wastes, but the unit cost of ultimate disposal should be much lower since these wastes do not require external cooling, and most require only minimal shielding for transport and handling. Therefore, it is extremely unlikely that the total cost of permanent management of wastes from a fuel reprocessing plant would even approach that of direct disposal of spent cores as waste, even if we restrict our thinking to currently developed technology.

2. **Possibility for Improved Waste Management:** If one were to dispose of entire spent cores as waste, little or no option for safer or lower-cost practices would be available. Only by proceeding with fuel reprocessing are improvements in the safety and cost of waste management possible. The par-

ticular aspect of improved waste management practice that appeals to me is segregation of wastes according to their relative hazard. It is especially appealing to recycle all plutonium and other transuranic elements to reactors where they are fissioned or transmuted to shorter-lived elements. This would reduce the duration of hazard to a thousand years instead of hundreds of thousands of years and eliminate geological uncertainties from concern in waste management.

Admittedly, studies to date indicate a high cost for total removal of transuranic elements from wastes, but additional research may lead to significant advances in technology and significant cost reduction. As an example, research undertaken a little over a year ago at the Idaho Chemical Processing Plant is showing considerable promise for reducing, at modest cost, the transuranic element content of calcined high-level wastes from that facility to below the currently defined transuranic-free level of 10 nanocuries per gram. It is possible that further studies may make such an achievement generally applicable; but, without fuel reprocessing, the plutonium would have to remain entirely in the spent fuel placed in the Federal Repository.

Other improvements in high-level waste management are also possible. These include isolation and special treatment of the two biologically most significant fission product hazards, strontium-90 and cesium-137. Some efforts have been made in this direction, and certainly more progress is possible; but fuel reprocessing is a necessary prerequisite.

Optimum forms of other wastes from fuel reprocessing operations have undoubtedly not yet been identified. Based on current technology, front-runners are: canned immobilized ash from combustibles; compacted and canned hulls, equipment, and other non-combustible solids; and iodine sorbed on lead and silver zeolites. By continuing to perform fuel reprocessing, it is very likely that less costly, safe methods of managing each of these types of wastes can be developed, which would improve even further the advantages of a fuel reprocessing plant as a waste treatment facility.

Thus far, the fuel reprocessing operation has been discussed as a waste treatment facility, and its superiority over direct disposal of spent fuel has been addressed. Next, let us examine the five resource-oriented advantages of fuel reprocessing. For this discussion I would like to take as a unit of measure, the current "standard sized" fuel reprocessing plant of 1500 tonnes per year.

3. **Recycle of Plutonium:** This advantage has already been treated briefly from the waste management standpoint, in that the clearly superior treatment of plutonium in spent fuel is to place it back in a nuclear reactor where it is eventually destroyed, thus avoiding a 250,000-year potential hazard. Much has been said about plutonium recycle, but it is not yet being done, except on a limited experimental basis. A draft of a generic environmental statement on this subject has been issued by the AEC which shows the overall desirability of recycle. A prompt favorable decision is needed to permit this step to proceed without further delay.

Contrary to some statements, the hazards from recycled plutonium in LWRs are not significantly different from those in current operations of LWRs. Today, just before fuel discharge, most of the fissions occurring in LWRs are coming from plutonium which was converted from uranium-238 in the fuel. The final plutonium loading in LWRs with plutonium recycle will be less than twice those present in today's operations. Such a small change would not be significant in the safety analysis of reactor operation, spent fuel handling, or fuel reprocessing. The only places where the environmental protection

aspects are clearly changed are in the fuel fabrication, new fuel shipping, and fuel loading operations. These operations, however, can clearly cope with the presence of plutonium in a safe manner as described in the AEC's generic environmental statement.

What of the resource conservation achieved by this recycle? In a typical reprocessing plant for LWR fuels, some 6 kilograms of fissionable plutonium are recovered per tonne of fuel. At \$15 per gram, a conservative value, the value of this material is \$135 million per year for each 1500-tonne-per-year plant. In other terms, this recycle will extend the uranium ore reserves and uranium enrichment capability of the nation by some 15 to 20 percent, saving the mining of over a million tons of ore annually. This is indeed a very meaningful fiscal and resource conservation benefit accompanying the most prudent waste management practice possible for plutonium.

4. **Recovery of Unused Uranium:** The other primary product of fuel reprocessing, uranium, is also of significant resource value. Typically, the uranium-235 content of the residual uranium in spent LWR fuel is over 0.8%—somewhat above that of natural uranium. The return of this uranium to enrichment and fuel fabrication channels has an added value of some \$100 million per year for a 1500-tonne-per-year plant and extends the enrichment capacity and uranium ore reserves of the country approximately another 15 percent. Again, nearly a million tons of ore mining are saved annually by this recycle.

5. **Permits Development of Breeder Reactors:** The nuclear industry has for years been aiming at the development of breeder reactors in which more fissionable material is created than is burned up. This development, when fully implemented, will extend the usage of known supplies of nuclear fuel into the thousands years, virtually assuring the country of adequate energy for a sufficient length of time to develop alternate sources. Plutonium recycled from reprocessing of LWR fuels is needed to start a viable breeder reactor industry. More importantly, in the long term, it serves no purpose to breed fissionable materials that cannot be used, and spent fuel reprocessing is a mandatory step in recovery of the bred material.

6. **Permits Use of Thorium Ore:** Thorium is much more abundant in nature than uranium, and thorium can be converted to fissionable uranium-233 in a nuclear power reactor. One type of reactor currently using thorium fuel for conversion to uranium-233 is the High Temperature Gas-Cooled Reactor (HTGR). This reactor system shows considerable promise, but, again, the whole concept hinges on reprocessing spent fuel for recovery and recycle of the uranium-233.

7. **Makes Fission Product Utilization Possible:** Throughout the nuclear age, beneficial usage of fission products has been a dream of many. I am not an advocate of widespread usage of radioactive fission products as heat or power sources; this is contrary to sound waste management practice. However, special uses of radioactive fission products under license with adequate controls are certainly proper, and, in many cases, this provides the only satisfactory solution to a special need.

There is another aspect to this subject that could well be of far greater significance—namely, the recovery of nonradioactive rare substances from the fission product and daughter mixtures. Two such substances are xenon and rhodium, both of which are available from a mature nuclear power industry in quantities greatly in excess of those available naturally. Xenon could be used as the gas in truly long-lived light bulbs and has been under study as an anesthetic. Rhodium is a rare platinum metal with at least ornamental, catalytic, and corrosion-resistant uses similar to those of its sister elements. Probably the most important uses of these

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or other rare elements in the fission product mixtures have yet to be discovered. In any event, spent fuel reprocessing is a necessary prerequisite in any future beneficial usage of these rare elements.

For the preceding seven reasons, spent fuel reprocessing is believed to be a vital and necessary part of the nuclear power industry, serving not only as a needed radioactive waste treatment facility, but also to recycle valuable materials that will greatly extend the world's supply of nuclear fuels, or conserve other fuels. In this latter context, it is interesting to note that the products of a single 1500-tonne-per-year fuel reprocessing plant are equivalent to about 300 million barrels of crude oil annually and, in today's situation, represent a saving in our balance-of-payments deficit of about three billion dollars a year. Under these circumstances, one would expect that such a vital industry would be well established, healthy, and fully prepared to meet future needs. Unfortunately, this is not the case. In fact, due to the slow establishment by the U.S. Government of all the licensing requirements for this industry and to the high capital cost requirements, this industry is dangerously close to being unable to meet future demands. Let's look briefly at the current situation.

Production reactor fuels, research and test reactor fuels, and Naval propulsion fuels have been satisfactorily reprocessed at AEC plants at Hanford, Savannah River, and Idaho for over 20 years, as well as in several overseas plants, although the final proper disposition of radioactive wastes from these operations is not yet completed. But, very little reprocessing of commercial light-water power reactor fuels has been accomplished. In fact, in the free world, only three plants have done any such reprocessing, and all three are currently shut down. These are the Eurochemic Plant in Belgium, the Windscale Plant in the United Kingdom, and the Nuclear Fuels Services Plant in western New York state. The total throughput of commercial fuel at these three plants, however, has been less than 600 tonnes—over half of which was processed overseas. This is the equivalent of only four months of operation of a "standard" 1500-tonne-per-year plant.

But, what of our capability for future commercial nuclear fuel reprocessing? The Nuclear Fuels Services Plant was shut down in 1972 to improve its environmental protection features and to expand its capacity from 300 to 750 tonnes per year. Assuming that present plans materialize, this facility could be back in operation in 1979 and able to handle, thereafter, the spent fuel from some 30 nuclear reactors.

The General Electric Company built and started testing a 300-tonne-per-year plant at Morris, Illinois, of unique and semi-experimental design. However, in July 1974, General Electric advised the AEC that, having spent some \$64 million, it would cost an additional \$90 to \$130 million and take an additional four years to make the substantial modifications needed to make this plant operable. In effect, General Electric has withdrawn from the nuclear fuel reprocessing market, at least for the present.

The only hope for near-term reprocessing of spent commercial power reactor fuels in the United States is at the 1500-tonne-per-year plant being constructed near Barnwell, South Carolina, by Allied-General Nuclear Services (AGNS), a partnership of Allied Chemical and General Atomic Company. This plant is now some 80 percent complete and is scheduled for startup in July, 1978. The Barnwell plant could serve the needs of some 60 nuclear reactors when fully operational.

While successful operation of the Barnwell plant on a timely basis is necessary to prevent a serious bottleneck in the nuclear power industry, this plant alone will not be able to keep up with even the lowest

forecasts of power reactor fuel unloadings. The possibility of having no place to put such spent fuel is becoming very real.

Only one other company, Exxon Nuclear, has even announced its interest in building a nuclear fuel reprocessing plant for spent commercial power reactor fuels. It is estimated that some 9 to 10 years would be required to build such a plant, so the earliest availability date for the Exxon plant or any other new plant would appear to be 1984. Yet, by 1980, the most optimistic estimate of commercial fuel processing cumulative capacity in this country will be 8000 tonnes, whereas the estimated cumulative requirements by that date will be about 10,000 tonnes—a shortfall of some 2000 tonnes. Unless additional new plant construction is started soon, this shortfall will increase rapidly in the succeeding decade.

With a clear demand for their services and with such a vital role to play in the nuclear industry, for the foreseeable future, why aren't many companies scrambling to start building new plants? There are two identifiable reasons: First, policies and licensing requirements for such plants in the areas of waste management and plutonium recycle have not yet been established. Second, a substantial corporate investment is required with a very delayed recovery of such an investment. The AGNS plant is expected to cost some \$500 million by the time it is completed, and future similarly sized plants will likely incur capital costs approaching a billion dollars due to recent and predicted cost increases for this type of equipment and facility.

Prompt and satisfactory resolution of the problems in both of these areas is needed so that nuclear power can fulfill its promise of providing substantial relief from the energy shortage during the balance of this century. Then, we will not have to ask again, "Why Reprocess Nuclear Fuels?", but instead can ask the more meaningful questions: "Who Will Reprocess Nuclear Fuels?" and "Where and When Will They Do It?"

"A PROGRAM OF ACTION FOR PEOPLE"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Ms. ABZUG. Mr. Speaker, a very significant Program of Action for People was unanimously approved by the leadership of Region 9, United Auto Workers at a meeting in Rochester, N.Y., November 10, 1974.

Pointing out that "we are drifting from a serious recession toward a dreaded depression," the New York State UAW outlined a series of legislative remedies with which I am in agreement.

If the proposals made by the UAW are enacted by the 94th Congress, as I hope they will be, we will as a nation have taken the essential steps in reordering our priorities to make our distribution of the Nation's resources more equitable and to improve the living conditions of all the American people.

The UAW statement follows:

A PROGRAM OF ACTION FOR PEOPLE

To: Labor union, municipal representatives, State and Federal representatives, and concerned citizens.

Unemployment in October 1974, is variously at 6½ to 12% of the labor force. But millions are not counted. Persons over forty-

five, women, young blacks, members of other minority groups and others who have become discouraged in their search for work are no longer counted as being unemployed. Nor does the official statistic include thousands of others who work less than full time, but would like full time jobs. The actual number of the unemployed may be double the official figure.

All indications are that the situation will get worse. Each day brings reports of new layoffs in auto, glass, rubber, steel, electrical, and the soft goods industries. Almost half the workers in the construction industry are now unemployed. And now, we learn that many governmental bodies, faced with inflation and declining tax revenues, are imposing job freezes and making layoffs of civil service workers whose employment was presumably guaranteed.

Most public employees are not covered by unemployment insurance and the loss of their jobs frequently means an immediate transfer to the welfare rolls. Statistics reveal that a majority of all unemployed workers do not collect unemployment insurance during layoff and those who collect, receive on the average, less than half their normal pay. UAW members, generally believed to be better protected, are finding that "S.U.B. Funds" intended to supplement unemployment insurance checks are being rapidly depleted and will not long provide protection against the massive layoffs now taking place.

As layoffs mount and the recession deepens, the cost of living continues to skyrocket. The last twelve months have showed a 12.2% jump in the Consumer Price Index. The prices for automobiles, homes, appliances and food are out of sight. But not all Americans are suffering from inflation.

Most large companies are making more money than ever before. The oil companies are enjoying windfall profits. These same companies are now involved in a major campaign to deregulate natural gas. This campaign, if successful, will transfer billions more from the pockets of consumers to the pockets of the oil producers.

Banks are lending less but making more. New car loans are being offered for four years at rates of 12 to 20%. Home loans of \$30,000 at 12% for a thirty year period finally return to the bank a total of \$111,080.

A handful of agri-business companies now dominate the food growing, processing and marketing industry. As a result, prices increase daily at the supermarkets, profits skyrocket for the food companies, farmers' income goes down and old people are forced to eat pet food.

The groups affected most adversely by the economic crisis are the young and the old. Older persons operating on fixed incomes stretch their meager incomes still further. One third of all cat and dog food is now reportedly sold to older people. Job opportunities for the young also vanish and, frequently, so do educational opportunities. Educational institutions are generally among the first to feel the crush of inflation and reduced incomes.

Inflation has been most visible in the provision of health care services. Doctors' fees, hospital costs, and rates for nursing homes and auxiliary services have risen more rapidly in more recent years than in any other sector of the economy. Despite the fact that Americans are spending more on health care, a larger percentage of the total population is unable to obtain adequate health care than ever before.

This is the crisis of America in the year 1974. In January a new Congress will convene. Many members of that Congress have indicated a concern with the economic crisis confronting the nation. Congress must be encouraged to act quickly and decisively.

Labor unions, governmental bodies, and concerned citizens should join in memorializing Congress to:

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1. Implement the Full Employment Act of 1946 by providing public service employment at decent wages for every able-bodied citizen wanting work on projects that will make improvements in the communities and areas where they work and live.
2. Provide for increased unemployment benefits for not less than one year and not less than 75% of the average weekly wage, and provide also national eligibility standards for all states so that workers made idle by the recession do not end up hungry or on welfare rolls.
3. Take action to bring about a reduction in interest rates through low interest loans that will make possible the purchase of homes, automobiles, appliances, etc., and assure the re-employment of millions of American workers. Sponsor a broad national housing program aimed at making good housing at reasonable costs available to all American families.
4. Pass legislation to curb run-away plants to low wage southern and rural areas or to foreign countries, and protect the jobs of American workers from unfair competition to the maximum extent possible.
5. Roll back the prices of gasoline, fuel oil, sugar and other commodities where price gains and profiteering have been responsible for outlandish prices, and enact legislation to provide for effective governmental regulation of mammoth domestic and multinational corporations so as to prevent manipulation of the economy through contrived shortages and fantastic price increases.
6. Enact a national program of aid to education that will keep students in school, teachers at work and relieve states, municipalities and educational institutions of some of the enormous burdens with which they are now confronted.
7. Enact a national program of health insurance that will guarantee good health care to every American as a matter of right.
8. Improve Social Security benefits to allow for the enormous increase in the cost of living in recent months, and increase the ceiling of permissible earnings before loss of benefits to at least \$5,000 per year.
9. Close the tax loopholes which have enabled U.S. Corporations and multi-nationals to escape their fair share of taxation. Provide further for a minimum income tax that must be paid by the millionaires of the country regardless of whether their income derives from dividends, capital gains, stock market speculation, or any other source.
10. Finally, Congress must act to cut all the fat and waste out of the \$91 billion Pentagon budget, establish effective and meaningful Congressional control over the Pentagon, and to terminate aid to the corrupt President Thieu in Viet Nam, and to other military dictatorships we have been supporting around the world.

Passed unanimously by the New York State Leadership of the U.A.W. in session Tuesday, December 10, 1974, Rochester, New York.

INDIANS CLAIMS COMMISSION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES
Friday, December 20, 1974

Mr. HANSEN of Idaho, Mr. Speaker, Congress has been long aware of the many injustices that occurred during the acquisition of Indian lands, and acted to correct these inequities by establishing an Indian Claims Commission in 1946

and voting in subsequent years to rectify inadequate treaty payments.

While many historical abuses have been ameliorated by the Indian Claims Commission, the claim of the Boise and Bruneau Shoshone Indians of Idaho has suffered from benign neglect for over a century.

A review of the historical record in this case indicates that corrective action is long overdue. The original treaty negotiated between the Boise Shoshone Indian Nation and the Governor of Idaho, representing the United States of America, was signed on October 10, 1864, and on April 10, 1866, the Governor of Idaho and the Bruneau Shoshone signed a similar treaty. However, after more than a century, the U.S. Senate has still not ratified these treaties. And, to add insult to injury, the Boise and Bruneau Shoshone have never been compensated for the lands they relinquished in southwestern Idaho. I hope that the 94th Congress will address this matter and settle this longstanding obligation to the people of the Boise and Bruneau Shoshone Indian Nation.

For the benefit of my colleagues, I include at this point in my remarks a joint memorial of the Boise and Bruneau Bands of the Shoshone Indians to the U.S. Congress, and a background paper on this matter prepared by the Idaho Historical Society:

JOINT MEMORIAL OF THE BOISE AND BRUNEAU BANDS OF THE SHOSHONE INDIANS TO THE U.S. CONGRESS

Assembled in council at Boise, Idaho, October 25, 1974, the Boise and Bruneau Shoshone respectfully represent that—

1. On October 10, 1864, the governor of Idaho, representing the United States of America as superintendent of Indian affairs for Idaho, and the Boise Shoshone Indian Nation signed the Treaty of Fort Boise, providing for cession to the United States of Boise valley and surrounding lands thirty miles on each side of the river.
2. On April 10, 1866, the governor of Idaho and the Bruneau Shoshone Nation concluded and signed a similar treaty providing for cession of the Owyhee mines and certain Snake and Bruneau river valley lands to the United States.
3. After more than a century, the United States Senate has not gotten around to ratifying these treaties.
4. The United States of America still has not obtained Indian title to the Boise and Bruneau lands of southwestern Idaho, although Caleb Lyon of Lyonsdale, governor and superintendent of Indian affairs for Idaho, solemnly promised us that this matter would be attended to.

Therefore, we urge that the Idaho congressional delegation take whatever action may be necessary to correct this long standing injustice.

THE BOISE CLAIM

In a belated effort to correct injustices arising during the acquisition of Indian lands, Congress established an Indian claims commission in 1946. This agency has been reviewing cases involving Indian lands for more than a quarter century. Complaints that the Indians had been dealt with unfairly had reached Congress for many years. Treaty payments for Indian lands often had failed to approach values normally paid by whites. Since the Indians generally did not buy or sell land at all, until they were forced to sell to the whites, bargaining over

land values had made little or no sense to them. While they generally might have preferred to have their lands back, the Indians have been busy since 1946 in bringing actions to recover the amounts they should have been paid a century or more ago when their lands were taken from them. The entire operation has been decidedly unusual. But to satisfy awards determined by the Indian Claims Commission, Congress has voted millions of dollars to rectify inadequate treaty payments made long ago.

In the case of the Boise and the Bruneau Shoshoni, the United States never got around to paying anything at all for the Indian lands of southwestern Idaho. In the treaty of Fort Boise, October 10, 1864, the Boise Shoshoni agreed to relinquish Boise valley, Boise Basin, and some adjacent lands for an undetermined sum. Governor Caleb Lyon of Lyonsdale, a newcomer to Idaho who did not pretend to know how much Congress might be willing to pay, signed the treaty with the understanding that some knowledgeable official in Washington, D.C. would fill in an appropriate amount. So far, no one has bothered to figure out the amount, and the United States Senate never has managed to ratify the treaty. Because of these delinquencies, no payment has been made on some of the most valuable of Idaho's Indian lands. So far as the record shows, they still belong to the Indians.

Caleb Lyon also signed a treaty with the Bruneau Shoshoni, April 10, 1866, in order to obtain the important Owyhee mining region around Silver City. Much of the extensive Bruneau holdings were designated for a reservation. But some of their lands near Snake river also were to be ceded to the whites. When Governor Lyon returned to Boise with his Bruneau treaty, he found that he had been dismissed from office because of his unpopular Indian policy. His successor, David W. Ballard, had no way of finding out the terms of Lyon's treaties, and the Senate never considered ratifying the Bruneau treaty either.

Under substantial pressure to get the Boise Shoshoni removed to a reservation—hopefully as far away as possible—Governor Ballard did not attempt to negotiate any more treaties. He arranged instead to have President Andrew Johnson establish a reservation at Fort Hall for the Boise Shoshoni, July 14, 1867. A large area there was set aside as the Fort Hall reservation, and in a conference at Long Tom, August 26, 1867, Governor Ballard reached a formal agreement with Tagi and the Bannock (and presumably the Fort Hall Shoshoni) that they would settle on the new Fort Hall reservation by June 1, 1868.

An independent effort on the part of the Indian Peace Commission to deal with the Eastern Shoshoni, as well as with the Fort Hall Shoshoni and Bannock, threatened to upset Ballard's arrangement with Tagi and his associates. Responding to a request from the Peace Commission, Tagi and 800 of his people assembled at Fort Bridger on May 15, 1868, for another conference. After a long delay, representatives from the United States discussed the reservation issue with the Indians. The eastern Shoshoni, quite reasonably, wanted their reservation on Wind river east of the continental divide. At this point, the Bannock and Fort Hall Shoshoni were asked to settle on Wind river also. Since a perfectly good reservation already had been established for the Boise Shoshoni around Fort Hall—the homeland of the Bannock and Fort Hall Shoshoni—Tagi refused this stupid suggestion. He already had agreed to remain at Fort Hall on a reservation where he belonged. Sending the Boise Shoshoni to Fort Hall and the Fort Hall Shoshoni and Bannock to Wind river made no sense at all. Finally Tagi and his people were allowed, by the treaty of Fort Bridger, July 3, 1868, to

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FUTURE POWER NEEDS OF THE CONSUMER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. DORN, Mr. Speaker, it is in the interest of the electric power consumer that adequate power be available 10 years from now, 20 years, even the year 2000. The only way to assure electricity for the future consumer is for the utility companies to plan and build generating capacity now. The electric power industry cannot expand to meet that future need unless capital is available.

The answer, Mr. Speaker, is not nationalization of the power industry. Socialism is not the answer. This would only lead to poor service for the consumer, blackouts, and higher rates. This is the story of nationalization and excessive government regulation the world over. The private power industry must be permitted a reasonable profit in order to expand and provide power for the consumer of tomorrow.

During recent months most utility companies have had to increase their rates and a number of customers have expressed dissatisfaction that their electric bills have gone up so much during a relatively short period of time. Mr. Carl Horn, the dynamic, progressive, and able president of Duke Power Co., has brought to my attention some extremely important facts related to the overall problem that will be of interest to my colleagues and the American people. According to Mr. Horn, these are the principal reasons for his company's recent rate increases:

First. The company's largest single item of operating expense is cost of fuel used to generate electricity, mostly coal. In 1970 the company's fuel expense was \$140,526,000, with coal costing an average of \$9.69 per ton. For the 12 months ended September 30, 1974, the annual fuel expense was \$284,816,000—an increase of 103 percent. Current cost of coal is about \$24 per ton.

Second. Another major item of expense is the interest Duke Power must pay on borrowed money. In 1970 interest expense was \$51,422,000. For the 12 months ended September 30, 1974, \$116,210,000—an increase of 126 percent.

Third. At the end of 1970, the depreciated original cost of Duke Power's electric plant in service was \$1,618,297,000. As of September 30, 1974, electric plant in service was \$3,028,510,000—up 87 percent.

This dramatic increase in plant to meet the company's customers' needs represents new investment of bondholders and preferred and common stockholders. In order to attract this large amount of their savings, the company simply must earn for them a reasonable return on their investment.

Fourth. Until 1970, the electric utility industry was a declining cost industry with each new addition to plant being installed at a cost per kilowatt—KW—less than the preceding one. Thus, in the

early 1960's Duke Power was able to reduce electric rates six times. The increases which Duke Power's customers began to experience in 1970 were the company's first increases since 1952, according to Mr. Horn. The 1952 increase was a small one and the first general increase in the company's history.

Since 1970, each new addition to electric plant has cost more than the preceding one and this trend continues to accelerate with the rate of inflation and interest rates. In 1970 the construction cost of the company's newest steam electric generating unit, the coal-fired Marshall No. 4, was \$97 per KW. In 1974 the company completed Belevs Creek No. 1 generating unit at \$145 per KW—probably an industry record for economy of construction at this time, but still an increase of 49 percent over the newest coal-fired generating unit completed in 1970. Also in 1974 the company completed Oconee No. 2 nuclear unit at a cost of \$191 per KW—again an industry record for economy of construction in 1974, but still a 97-percent increase over the newest unit installed in 1970. Nuclear units have higher capital costs than coal-fired units, but are considerably more economical to operate.

According to Mr. Horn, a number of Duke Power customers seem to think the company's rate increases are going to its stockholders in the form of dividends. He says this is not the case. In 1970 the annual dividend on Duke Power Co. common stock was \$1.40 per share. In 1974 it is still \$1.40 per share—no change.

Fifth. The fact that the company has been unable to increase its common stock dividend for 4 years has had an adverse effect on the market price of the company's stock. On December 31, 1970, the closing price of Duke Power common stock on the New York Stock Exchange was \$24.75 per share, or 15.7 times 1970 earnings of \$1.57 per share and 140 percent of 1970 book value per share of \$17.64. On September 30, 1974, the stock closed at \$10.50 per share, or 5½ times annual earnings of \$1.89 per share, and only 51 percent of its book value of \$20.41 per share.

Sixth. At the beginning of 1970 the credit rating on Duke Power Co.'s first mortgage bonds—the most economical source of long-term capital—was the very highest—AAA. Since then, it has declined to AA and then declined further to A.

The decline in market price in the common stock and credit ratings of the bonds has an adverse effect on the electric customer because it increases the company's financing costs. When the company has to sell additional stock at a price below its book value, it obviously has to sell more shares to raise the same amount of capital and costs the company more dollars at the same dividend rate. Decreasing the dividend rate would drive the market price down still further as graphically demonstrated by Consolidated Edison Co. of New York when it did so last April.

The annual interest rate demanded by purchasers of utility first mortgage bonds rated A is from 0.5 to 1½ percent more than the interest rate

on AAA bonds, depending upon market conditions; 1½ percent of \$100 million each year for 30 years amounts to \$45 million more than the customers of an A utility may have to pay than the customers of an AAA company over that period. The importance to Duke Power's customers of a high bond rating is, therefore, quite apparent. A high bond rating only comes with satisfactory earnings by the company.

In 1970 the average Duke Power Co. residential customer used 9,864 kilowatt hours—kWh—at a cost to him of 1.73 cents per kWh. As of September 30, 1974, he used 10,656 kWh at a cost of 2.47 cents per kWh. This rate is well below the national average and is below the average for the 30 investor-owned electric utilities serving in the Southeast, where electric rates are generally well below the national average.

Every electric customer has two vital stakes in his electric service—one short-range and one long-range: The short-range stake is to have the lowest possible bill next month. The long-range stake is to have reliable electric service which will prevent brownouts, blackouts, and power interruptions—not just at home, but where he works and earns his livelihood. Many organized consumer groups consider only their short-range stake and completely ignore the long-range one, saying "It can't happen here."

But it can happen here. It has already begun to happen in some parts of our country where the electric utilities have been unable to attract new capital because they cannot raise their rates sufficiently to cover rising costs.

According to Mr. Horn, Duke Power Co. has done everything that it can to reduce expenses and capital expenditures. On August 19, 1974, the company announced a \$1.3 billion reduction in its construction program and postponed construction at four generating plants, principally because it could not attract sufficient capital to pay for the plants on the original schedule. This action resulted in loss of jobs for 1,000 of Duke's employees. I understand the company has drastically reduced its maintenance expense, has ceased trading in its motor vehicles, discontinued operation of its employee training center, discontinued radio, TV, and newspaper advertising and reduced travel expense.

Any further cuts in Duke's plant construction program could seriously jeopardize the reliability of electric service in the Piedmont Carolinas to the extent of impairing not just its customers' comfort and convenience at home, but the reliability of their incomes from their jobs. So long as interest rates and the annual rate of inflation in the Nation's economy remain above 10 percent, reliable electric service can be provided only at increasingly higher costs.

Mr. Speaker, I am sure Duke Power Co. and other private utility companies do not like the present economic conditions any better than their customers do. Rate increases require thousands of man-hours of very hard work and cause increasing customer dissatisfaction and complaints. Unfortunately, however, the

utility companies are no more immune to the averages of inflation than their customers are when they have to pay for the other necessities of life besides electricity. The public utility laws of North and South Carolina require power companies to furnish adequate and reliable electric service to all people in their service area who request it.

I believe most of those people still prefer adequate and reliable service even at higher prices to inadequate or unreliable service at a constant price. It really has become a matter of choice between these two alternatives.

NELSON ROCKEFELLER EMINENTLY QUALIFIED FOR VICE PRESIDENT

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 20, 1974

Mr. BLATNIK. Mr. Speaker, I join my colleagues in unqualified endorsement of NELSON ROCKEFELLER for Vice President of the United States. His national and international positions of leadership and responsibility over a lifetime of service, as well as my own personal working experience with him, convince me that he is eminently qualified for this high national office.

My association with NELSON ROCKEFELLER goes back many years, almost to the birth of the Federal water pollution control program, when we were attempting to create a real, working partnership between the States and the Federal Government to clean up America's waters, and keep them clean.

New York, under Governor ROCKEFELLER, became the first State to join that partnership, when ROCKEFELLER personally led the effort to pass a billion-dollar State bond issue to finance pollution control in the most populous State.

In the ensuing years, as we attempted to improve on the basic groundwork of that law, and especially during the hard, gruelling work of hammering out the monumental Water Pollution Control Act Amendments of 1972, his counsel, his experience, and expertise were invaluable to the formulation and implementation of the national water pollution abatement program.

The National Commission on Water Quality was created by that 1972 act. Governor ROCKEFELLER was appointed to that Commission, along with Representatives and Senators from both sides of the political aisle; and he was unanimously elected its chairman.

The work of that Commission—projecting the impact of the sweeping 1972 legislation on every aspect of American life—bears the unmistakable impact of his distinguished leadership and commitment to a better environment.

His deep, personal commitment to the people of this country was nowhere better demonstrated than in his resignation from the governorship of New York, where he had served four terms, to head

up the Commission on Critical Choices for America's Future which, under his guidance and broad vision, is probing every national issue, pulling together the diverse strands and strains of American life, to enable us to meet the challenges and opportunities of our third century.

ROCKEFELLER has proved himself a worker, a doer, an accomplisher; a man of broad experience, knowledge of domestic and international issues, and tremendous prestige here and abroad.

He is one of the finest leaders contemporary America has produced, and I am proud to cast my vote for NELSON ROCKEFELLER for Vice President of the United States.

TRIBUTES TO RETIRING PARLIAMENTARIAN AND SENATORS

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Friday, December 20, 1974

Mr. FULBRIGHT. Mr. President, I am delighted to be able to join Senators who today are honoring Dr. Floyd M. Riddick on the occasion of his retirement as Parliamentarian of the Senate. Through many turbulent years Dr. Riddick has handled with dexterity his most important task of keeping the proceedings on the Senate on track. He has, through endlessly long and late sessions, analyzed and interpreted the rules of the Senate with consummate skill, and moreover he has discharged this responsibility with fairness and with cordiality.

I must say that I would be remiss if I did not note the fact that in our 27-year association in the Senate neither I nor my staff has ever called on Dr. Riddick and received anything but prompt and sound advice. And for this I am particularly grateful to him.

Throughout my Senate career I have followed the activity of the Parliamentarian's office, for as some of my colleagues will recall, Dr. Riddick's predecessor was Charles Watkins, a fellow Arkansan and the Senate's first Parliamentarian. When his time came Floyd Riddick certainly handled the challenge and I commend him for continuing in the same high distinction which has been characteristic of the office of Parliamentarian of the Senate.

The Senate is fortunate that Dr. Riddick has chosen to continue to serve the Senate in a consulting capacity, and I wish him well in his new and different responsibilities.

To his successor, Murray Zweben, who also has been most helpful to me over the year, I offer my thanks and my very best wishes for his future.

SENATOR ERVIN

Mr. FULBRIGHT. Mr. President, I am honored to be able to join Senators in bidding farewell to SAM ERVIN on the occasion of his retirement from the Senate. Since his first election to the Senate in 1954 he has been the constitutional con-

science of this Chamber and he leaves a legacy which, if nurtured, will be of immense value to succeeding Congresses.

SAM ERVIN's strength, in addition to his eminent scholarship of the Constitution, has been his unerring sense of constitutional perspective—his understanding of how and where this document should protect and relate to the American people in their daily lives. In an era which had seen Congress abdicate its proper responsibilities under the Constitution to the executive branch, the arrival of SAM ERVIN in Washington could not have been more timely. He reminded us of the role that we in Congress must fill for our system to be viable and of the danger which would result from the unchecked abuse of executive power—particularly in the areas of impoundment and executive privilege. SAM ERVIN has been instrumental in reversing our course to one of more constitutional balance, and we are all in his debt for the lesson he has taught us.

His courage was evident from his very first year in the Senate when he stood firmly against a powerful man who was using high office to plunder the spirit of our Bill of Rights. SAM ERVIN has shown the courage of those convictions consistently since that time.

It was during the widely followed Watergate hearings in 1973 that the entire country was allowed to focus on the Ervin wisdom through the medium of television. For our people this was a fortunate occurrence because it allowed them to become familiar with the sound logic with which SAM ERVIN has been persuading his colleagues for many years.

Judge ERVIN has been philosophically consistent in opposing the intrusion of Government where it is not necessary to better the lives of our people.

To SAM ERVIN, a fond farewell, and best wishes for the future.

SENATOR BIBLE

Mr. FULBRIGHT. Mr. President, ALAN BIBLE's decision to retire from the Senate will deprive this institution of one of its hardest working and most respected members. His diligence and his integrity have caused him to command the highest regard of every Member of the Senate, and I must say that his seriousness of purpose will be sorely missed when he leaves this Chamber.

The people of this country owe gratitude to ALAN BIBLE for many things, but there are a couple of areas of his endeavors which have been particularly beneficial to my constituents. So I be-

lieve I can speak for the citizens of Arkansas in giving a special thanks to ALAN BIBLE for his attentive consideration of the needs of my State. I refer specifically to his sympathetic handling of our requests before his Appropriations Subcommittee on Interior Matters. Chairman BIBLE could always be counted on to listen patiently and respond generously toward the solutions of our problems. Moreover, as chairman of the Senate Select Committee on Small Business, he has done much to alleviate the burden of the small businessman in Arkansas, and indeed in the entire country.

The Senator from Nevada has worked tirelessly to improve our national park system and perhaps this will be the legacy for which he will be most remembered.

Mr. President, the University of Nevada will be enriched by ALAN BIBLE's decision to serve on its faculty, and as a former academician myself I believe that I can assure him that this task will be gratifying. Mrs. Fulbright and I wish the Bibles a very happy future.

SENATOR HUGHES

Mr. FULBRIGHT. Mr. President, I am privileged to be able to join Senators today to honor HAROLD HUGHES on the occasion of his retirement from the Senate. I believe the word courageous most aptly describes this man. In his service in the Senate, HAROLD HUGHES has taken no easy roads. He has met the larger and more controversial issues and confronted them squarely. In so doing he has earned a special affection and respect which will be long remembered by the people who have benefited from his courage.

The Senator from Iowa saw the folly of the policies which our Government pursued in Southeast Asia, and I as one who shared his conviction on this question must say that I found the character and conviction of HAROLD HUGHES a source of strength to me.

He will also be remembered for his untiring efforts to improve the lot of the downtrodden and disadvantaged; and in this area his contributions were significant. Mrs. Fulbright and I offer our fondest wishes to the Hughes family.

SENATOR BENNETT

Mr. FULBRIGHT. Mr. President, when the 93d Congress adjourns the Senate will lose one of its most conscientious and honest men—WALLACE F. BENNETT, of Utah.

WALLACE BENNETT was first elected to

the Senate in 1950 and since that time I have had many occasions to be witness to his industry and his integrity. We have served together on the Banking Committee as well as the Finance Committee and the Senator from Utah was certainly a healthy influence on both. I can recall several areas where WALLACE BENNETT has left a contribution to our people. Improving our health delivery system has always been of special concern to him and he is perhaps more than anyone else, responsible for the PSRO legislation which is helping assure our citizens of improved health care at more reasonable costs.

His mastery of our tax system was another of WALLACE BENNETT's accomplishments, and this enabled him greatly to contribute to the work of the Finance Committee, where his resourcefulness will be missed.

Given his impeccable character the Senator from Utah was a perfect choice for service on the Senate Ethics Committee, and the Senate will be challenged to find one of his integrity to replace him on that panel.

Mrs. Fulbright joins me in wishing WALLACE BENNETT and his family a very happy future.

SENATOR COTTON

Mr. FULBRIGHT. Mr. President, I am pleased to be able to join Senators in paying tribute to NORRIS COTTON on the occasion of his retirement from the Senate. My colleague from New Hampshire this month will complete a distinguished career in both Houses of Congress spanning nearly 30 years. The trust of his people was well placed for he has served his constituents faithfully and well. He was a champion of fiscal conservatism and perhaps in reflecting on these times of economic uncertainty it would have been perhaps the wiser course for the Senate to have given greater heed to the Senator's continued call for more fiscal responsibility.

To be sure, NORRIS COTTON and I have disagreed on many major issues, but I believe that our differences were honest and were in the highest spirit of the forum where they occurred. In contrast with our differences we had as a common bond the fact that we both represented small States and I must say that I have always admired the manner in which NORRIS COTTON attentively looked after the special problems of the people who sent him to Washington.

So, Mr. President, I offer to the Senator from New Hampshire my good will and many good wishes for much happiness in the days ahead.

